

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

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FILED

2004 AUG 23 P 2:34

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #5

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: BOC DNR Wildlife Resources TITLE NUMBER: 58

CITE AUTHORITY: 20-1-17(7) and 29A-1-3(c)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES X NO _____

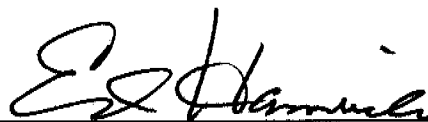
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 59

TITLE OF RULE BEING AMENDED: Special Waterfowl Hunting Areas

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 1, 2004



Authorized Signature

**CIRCUMSTANCE AND SUMMARY FOR EXEMPT RULE
CONCERNING SPECIAL WATERFOWL HUNTING AREAS**

- AGENCY:** Bureau of Commerce, Division of Natural Resources
- REGULATION:** Title 58, Series 59, Special Waterfowl Hunting Areas
- SUMMARY:** Series 59 revises the current Special Waterfowl Hunting Areas rule. This rule prescribes the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of waterfowl in West Virginia in specially designated areas. The rule will become effective September 1, 2004.
- CIRCUMSTANCE:** Regulation changes are in compliance with federal guidelines on waterfowl seasons, dates and bag limits and control the number of waterfowl taken and the density of waterfowl hunters in certain areas.

■
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 59, Special Waterfowl Hunting Areas

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources, Wildlife Resources Section

Address: 1900 Kanawha Blvd., E.

Capitol Complex, Bldg. 3, Room 842

Charleston, WV 25301

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

There is no change anticipated to administrative expenditures as a result of this rule.

3. Objectives of These Rules:

This rule establishes provisions for hunting waterfowl in specified areas in West Virginia.

Rule Title: Series 59, Special Waterfowl Hunting Areas

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: No impact.

C. Economic Impact on Citizens/Public at Large.

Hunting and fishing in West Virginia generates approximately \$707 million annually for the state's economy.

Date: _____

Signature of Agency Head or Authorized Representative:

FILED

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

2004 AUG 23 P 2: 34

SERIES 59
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-59-1. General.

1.1. Scope. -- This regulation establishes provisions for hunting waterfowl in specified areas of this State.

1.2. Authority. -- W. Va. Code §§20-1-7(30) and 29A-1-3(c).

1.3. Filing Date. --

1.4. Effective Date. --

§58-59-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 58 Series 58 "Special Waterfowl Hunting Regulations" (58CSR58).

§58-59-3. McClintic Wildlife Management Area.

3.1. The provisions of the Code of State Regulations, Title 58 Series 57 and Title 58 Series 58 are in effect at the McClintic Wildlife Management Area, except as provided in Sections 3.2 through 3.5 of these regulations.

3.2. Hunting in the controlled waterfowl hunting area is restricted to waterfowl hunting from State-controlled blinds during the period commencing on October 1, ~~2003~~ 2004 and ending on October ~~11, 2003~~ 16, 2004 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #3, #4, #5 #6, #7, #8, #9, #11, #12, #13, #14, #17, #18, #19, #20, #23, #36, #39, and #40.

3.3. Shooting and falconry hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, ~~2003~~ 2004 and ending on October ~~11, 2003~~ 16, 2004.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 1, ~~2003~~ 2004 and ending on October ~~11, 2003~~ 16, 2004.

3.4.1. Applications for controlled area hunting permits must be received at the

DNR by September 6, ~~2003~~ 10, 2004.

3.4.2. Letters of notification granting controlled area hunting permits will be sent to successful applicants.

3.4.3. Controlled area hunting permits are not transferable.

3.4.4. Hunters with valid controlled area hunting permits must report to the McClintic WMA Office prior to six o'clock antemeridian (6:00 a.m.) on the morning of the hunt. Failure to report by that time forfeits the hunter's reservation and the reserved blind will then be filled on a first-come, first-served basis.

3.4.5. Hunters must present the day's bag for inspection and return their controlled area hunting permits to the McClintic WMA Office prior to one o'clock postmeridian (1:00 p.m.) on the day of the hunt.

3.4.6. Hunters in the controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the McClintic Wildlife Management Area will not receive any further permits.

3.5. All hunters in the controlled waterfowl hunting area during the period commencing on October 1, ~~2003~~ 2004 and ending on October ~~11, 2003~~ 16, 2004 must obey the following rules:

3.5.1. Hunters in the controlled area are restricted to fifteen (15) shells per hunter per day per hunt and must have a valid controlled hunting permit in possession while hunting in the controlled area.

3.5.2. Guns must be cased and unloaded except when in the blind area.

3.5.3. Alcoholic beverages are prohibited in the blind area.

3.5.4. Dogs must be kept on a leash except when in the blind area.

3.5.5. Hunters may not travel more than seventy-five (75) yards from the blind in pursuit of cripples.

§58-59-4. Green Bottom Wildlife Management Area.

4.1. The provisions of the Code of State Regulations, Title 58 Series 57 and Title 58 Series 58 are in effect at the Green Bottom Wildlife Management Area, except as provided in Section 4.2 through 4.3 of these regulations.

4.2. Shooting and falconry hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, ~~2003~~ 2004 and ending on October ~~11, 2003~~ 16, 2004.

4.3. Waterfowl hunting is by permit only.

4.3.1. A permit shall be obtained at the Green Bottom Wildlife Management Area Headquarters prior to each day's hunt. Permits will be issued between the hours of five o'clock and seven o'clock antemeridian (5:00 a.m. through 7:00 a.m.) during the open waterfowl seasons.

§58-59-5. Warden Lake Wildlife Management Area.

5.1. Waterfowl hunting is prohibited on Warden Lake Wildlife Management Area in accordance with deed restrictions.