

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #5

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FILED

SEP 29 4 12 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: BOC - DNR Wildlife Resources Section TITLE NUMBER: 58

CITE AUTHORITY: §20-1-7(30) 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 NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS October 1, 1997


John B. Rader, Director

53-400

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 59, Special Waterfowl Hunting Areas

Type of Rule **Exempt** **Legislative** **Interpretive** **Procedural**

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

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 legislative exempt rule establishes provisions for hunting waterfowl on specified areas of this state.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No impact.

Rule Title: Series 59, Special Waterfowl Hunting Areas

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

C. Economic Impact on Citizens/Public at Large: No impact.

Date: 9/29/07

Signature of Agency or Authorized Representative:



JOHN B. RADER, DIRECTOR

**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 Waterfowl Hunting Regulations which were made effective September 1, 1996. 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 on specially designated areas. The rule will become effective upon filing.

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.

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

FILED

SEP 29 4 12 PM '97

SERIES 59
SPECIAL WATERFOWL HUNTING AREAS

OFFICE OF 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. -- September 29, 1997.

1.4. Effective Date. -- October 1, 1997.

§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" (58 C.S.R. 58).

§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 and 3.4 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, 1996~~7~~ and ending on October 1~~28~~, 1996~~7~~ 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, #36, #39, and #40.

3.3. Shooting hours in the controlled waterfowl hunting area are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, 1996~~7~~ and ending on October 1~~28~~, 1996~~7~~.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 1, 1995~~7~~ and ending on October 1~~28~~, 1996~~7~~.

3.4.1. Applications for controlled area hunting permits must be received at the DNR Point Pleasant Office, Route 1, Box 484, Point Pleasant, West Virginia 25550, by September 9~~12~~, 1996~~7~~.

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, 1996~~7~~ and ending on October 12~~8~~, 1996~~7~~ 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 hours for waterfowl are from thirty (30) minutes before sunrise until noon during the period commencing on October 1, 1996~~7~~ and ending on October 1~~2~~~~8~~, 1996~~7~~.

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.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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STATE OF WEST VIRGINIA

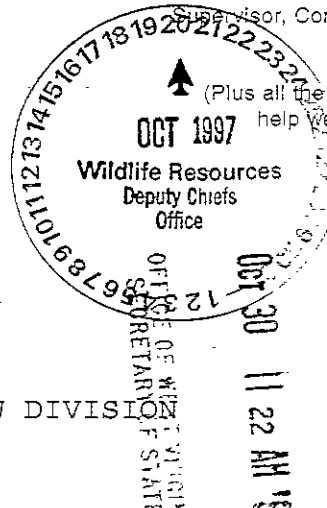
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Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Advisor, Corporations



TO: ~~BILL DANIELS~~ *Gordon Robertson*

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 8, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 59 TITLE: 58 NATURAL RESOURCES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: *Gordon C. Robertson*

TITLE OF PERSON SIGNING: *Deputy Chief*

DATE: *10/28/97*

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

