

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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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: §20-1-7(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 \_\_\_\_\_

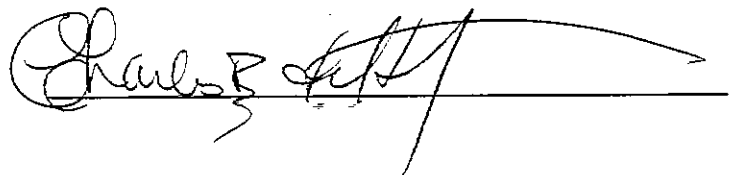
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 59

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 September 1, 1996



3,20

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Special Waterfowl Hunting Areas, 58 C.S.R. 59  
 Type of Rule:  Exempt  Legislative  Interpretive  Procedural  
 Agency: Division of Natural Resources  
 Address: State Capitol Complex  
Building 3, Room 842  
1900 Kanawha Blvd.  
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER (LICENSE FEES)					

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.

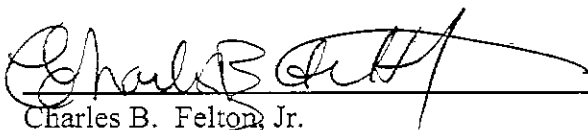
4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impacts 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. No impact.

Date: August 28, 1996



Charles B. Felton, Jr.  
 Director

## CIRCUMSTANCE

### **SERIES 59**

Regulations changes are in compliance with federal guidelines on waterfowl seasons, dates, and bag limits.

TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 59  
SPECIAL WATERFOWL HUNTING AREAS  
(EXEMPT RULE)

**§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. -- August 29, 1996

1.4. Effective Date. -- September 1, 1996

**§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 ~~21~~, 1995~~6~~ and ending on October ~~14~~12, 1995~~6~~ even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs and includes Ponds #3, #6, #7, #8, #9, #11, #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 ~~21~~, 1995~~6~~ and ending on October ~~14~~12, 1995~~6~~.

3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October ~~21~~, 1995 and ending on October ~~14~~12, 1995~~6~~.

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 ~~19~~, 1995~~6~~.

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 ~~21~~, 199~~5~~6 and ending on October ~~14~~12, 199~~5~~6 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 ~~21~~, 199~~5~~6 and ending on October ~~14~~12, 199~~5~~6.

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

STEPHEN N. REED  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

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**STATE OF WEST VIRGINIA**  
**SECRETARY OF STATE**  
Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

**FILED** WILLIAM F. HARRINGTON  
Chief of Staff

Oct 17 1996 JUDY COOPER  
Director, Administrative Law

PENNEY BARKER  
Supervisor, Corporations

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE  
(Plus all the volunteer help we can get)

TO: ~~BILL DANIEL~~ Gordon C Robertson

AGENCY: NATURAL RESOURCES -- Wildlife Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October 3, 1996

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: Gordon C. Robertson

TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources

DATE: 10/17/96

\*\*\*\*\*

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

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

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