



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Natural Resources**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **58-
13B**
RULE NAME **Special Waterfowl Hunting Areas**

CITE AUTHORITY **§20-1-7(30)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, July 24, 2017 05:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
**Wendy L. Greene
WV Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303
You may email written comments to Wendy.L.Greene@wv.gov**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
**Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 58-13B



Rule Id: 16525



Document: 49493



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Natural Resources**
RULE TYPE **Legislative Exempt** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **58-13B**
RULE NAME **Special Waterfowl Hunting Areas**

CITE AUTHORITY §20-1-7(30)

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Series 58-13B has been superseded by Series 58-59. As Series 58-59 now includes this information 58-13B should be repealed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY	Natural Resources				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	58-
RULE NAME	Special Waterfowl Hunting Areas				13B

CITE AUTHORITY §20-1-7(30)

PRIMARY CONTACT

Wendy L. Greene
324 4th Avenue
Room 343
South Charleston, WV 25303

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 58-**

RULE NAME **Special Waterfowl Hunting Areas 13B**

CITE AUTHORITY **§20-1-7(30)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no change anticipated to expenditures or revenue as a result of this rule repeal.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-13B



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Natural Resources**
RULE TYPE **Legislative Exempt AMENDMENT TO EXISTING RULE Yes** TITLE-SERIES **58-13B**
RULE NAME **Special Waterfowl Hunting Areas**

CITE AUTHORITY **§20-1-7(30)**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-13B



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY	Natural Resources				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	58-13B
RULE NAME	Special Waterfowl Hunting Areas				

CITE AUTHORITY §20-1-7(30)

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

There is no change anticipated to expenditures or revenue as a result of this rule repeal

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-13B



Rule Id: 16525



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Natural Resources**

RULE TYPE **Legislative Exempt** **AMENDMENT TO EXISTING RULE** **Yes** TITLE-SERIES **58-**

RULE NAME **Special Waterfowl Hunting Areas** **13B**

CITE AUTHORITY **§20-1-7(30)**

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

There is no change anticipated to expenditures or revenue as a result of this rule repeal

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-13B



Rule Id: 16525



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY	Natural Resources				
RULE TYPE	Legislative Exempt	AMENDMENT TO EXISTING RULE	Yes	TITLE-SERIES	58-
RULE NAME	Special Waterfowl Hunting Areas				13B

CITE AUTHORITY §20-1-7(30)

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Series 58-13B established provisions for hunting waterfowl in specified areas of this State but has been superseded by Series 58-59. As Series 58-59 now includes this information 58-13B should be repealed.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Patricia J White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-13B



Rule Id: 16525



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TITLE 58
LEGISLATIVE RULES
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 13B
SPECIAL WATERFOWL HUNTING AREAS
(EXEMPT RULE)

~~§58-13B-1. General.~~

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

~~1.2. Authority. West Virginia Code §20-1-7(30).~~

~~1.3. Filing Date. August 28, 1995~~

~~1.4. Effective Date. September 1, 1995~~

~~§58-13B-2. Definitions.~~

~~2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 47 Series 13A "Special Waterfowl Hunting Regulations" (47 C.S.R. 13A).~~

~~§58-13B-3. McClintic Wildlife Management Area.~~

~~3.1. The provisions of the Code of State Regulations, Title 58 Series 13 and Title 47 Series 13A 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 2, 1995 and ending on October 14, 1995 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 2, 1995 and ending on October 14, 1995.~~

~~3.4. All hunting in the controlled waterfowl hunting area is by permit only during the period commencing on October 2, 1995 and ending on October 14, 1995.~~

~~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 11, 1995.~~

~~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 6 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 2, 1995 and ending on October 14, 1995 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.~~

~~**§ 58-13B-4. Green Bottom Wildlife Management Area.**~~

~~4.1. The provisions of the Code of State Regulations, Title 58 Series 13 and Title 47 Series 13A 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 2, 1995 and ending on October 14, 1995.~~

~~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.~~

~~**§ 58-13B-5. Warden Lake Wildlife Management Area**~~

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