



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources TITLE-SERIES: 58-60

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 Exempt

RULE NAME: FISHING REGULATIONS

CITE STATUTORY AUTHORITY: §§20-1-7(31) AND 20-1-17(7)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/09/2019 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WENDY GREENE

ADDRESS: 324 4th Avenue

324 4th Avenue

EMAIL: dnrcomments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF THE RULE:

Rule establishes the open seasons, size and creel limits with respect to taking of fish in West Virginia.

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

As per approved changes by the Natural Resources Commission, the rule change extends the catch and release season on the Bluestone River Catch and Release Area

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

none anticipated

B. ECONOMIC IMPACT OF THE RULE ON THE STATE OR ITS RESIDENTS:

none anticipated

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2019 Increase/Decrease (use "-")	2020 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

No anticipated changes in cost or revenue for the agency.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H 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 58
LEGISLATIVE EXEMPT RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 60
FISHING REGULATIONS

§58-60-1. General.

1.1. Scope and Purpose. -- These regulations establish the open seasons and the size and creel limits with respect to the taking of fish and other aquatic species in West Virginia.

1.2. Authority. -- W. Va. Code §§20-1-7(31) and 20-1-17(7).

1.3. Filing Date. -- ~~December 27, 2018.~~

1.4. Effective Date. -- ~~January 1, 2019.~~

§58-60-2. Definitions.

2.1. "Aggregate" means the total creel or possession limit of similar kinds of game fish. For example, the daily creel limit for trout is six (6). This could be two (2) brown trout, two (2) brook trout, and two (2) rainbow trout, or any combination of six (6) trout, but not more than a total of six (6) per day nor more than a total of twelve (12) in possession.

2.2. "Impoundment" means any natural or artificial impoundment, lake, pond, or reservoir that is partially or wholly within the territorial limits of West Virginia and is owned and administered by the federal government or by the State or any political subdivision thereof.

2.3. "Possession Limit" means fish that are in any way under the control of the fisherman (i.e., the total of all fish of a single species in a vehicle, home freezer, commercial food locker, or other storage place).

2.4. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

§58-60-3. General Fishing Rules.

3.1. It is illegal to catch, take, kill, or attempt to catch, take, or kill any fish at any time by any means other than by rod, line, and hooks with natural or artificial lures unless otherwise authorized by Section 11 of these regulations.

3.2. It is illegal to use a firearm, a crossbow, dynamite or any like explosive, or a poisonous mixture placed in the water for the purpose of killing or taking fish, frogs, aquatic turtles, or other forms of aquatic life.

3.3. It is illegal to take fish, frogs, aquatic turtles, or other forms of aquatic life from a State fish hatchery.

3.3.a. Federal regulations prohibit the taking of fish or other forms of aquatic life from a federal fish hatchery.

3.4. To catch, take, kill, or attempt to catch, take, or kill a paddlefish (*Polyodon spathula*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), or lake sturgeon (*Acipenser fulvescens*) at any time by any means shall be prohibited.

§58-60-4. Opening and Closing Dates.

4.1. Black Bass Season (Largemouth, Smallmouth, and Spotted Bass). -- The black bass season is open year-round, except as provided in Sections 4.1.a and 4.1.b of these regulations.

4.1.a. The black bass season is closed from March 1 through June 15 on the following:

4.1.a.1. The North Branch of the Potomac River between the States of Maryland and West Virginia.

4.1.a.2. The Potomac River between the states of Maryland and West Virginia.

4.1.b. However, these areas are open during that period for catch-and-release fishing only.

4.2. Trout Season (Brook, Brown, Rainbow, and Golden Rainbow Trout). -- The trout season is open year-round, except as provided in Sections 4.2.a through 4.2.c of these regulations.

4.2.a. The North Branch of the Potomac River Catch-and-Release Trout Fishing Area described in Section 9.1.k.3. -- The trout season in this area is open year-round; however, from October 1 through June 15, the calendar year following, this area is open for catch-and-release trout fishing only.

4.2.b. The Middle Wheeling Creek Catch-and-Release Trout Fishing Area described in Section 9.1.p -- The trout season in this area is open year-round; however, from October 1 through May 31, this area is open for catch-and-release trout fishing only.

4.2.c. The Clear Fork of Guyandotte River Catch-and-Release Trout Fishing Area described in Section 9.1.q -- The trout season in this area is open year-round; however, from October 1 through May 31, this area is open for catch-and-release trout fishing only.

~~4.2.d. The Bluestone River Catch and Release Trout Fishing Area described in section 9.1.r -- The trout season in this area is open year round; however, from October 1 through May 31, this area is open for catch and release trout fishing only.~~

4.3. Muskellunge Season. -- Open year-round.

4.4. Tiger Musky Season. -- Open year-round.

4.5. Northern Pike Season. -- Open year-round.

4.6. Hybrid Striped Bass Season. -- Open year-round.

4.7. Walleye Season. -- Open year-round.

4.8. Sauger Season. -- Open year-round.

4.9. Saugeye Season. -- Open year-round.

4.10. Channel Catfish Season. -- Open year-round, except as provided in Section 11.

4.11. Other Game and Nongame Fish Seasons. -- The seasons for game and nongame fish species not listed in Section 4 of these regulations are open year-round, except as provided in Section 11 of these regulations.

4.12. Frog Season (Bullfrogs and Green Frogs). -- This season opens at nine o'clock postmeridian (9:00 p.m.) on the Saturday nearest to June 15 and closes at midnight on July 31, except as provided in Section 4.12.a of these regulations.

4.12.a. Big Sandy River (Wayne County) and Tug Fork River (Mingo and Wayne counties). The frog season on portions of these rivers between the states of Kentucky and West Virginia opens at noon, eastern standard time, on the third Friday in May and closes at midnight on October 31.

§58-60-5. Daily Creel Limits and Possession Limits.

5.1. Black Bass (Largemouth, Smallmouth, and Spotted Bass). -- The daily creel limit is six (6) black bass in aggregate and the possession limit is twelve (12) black bass in aggregate, except as provided in Sections 5.1.a through 5.1.c of these regulations.

5.1.a. The daily creel limit is zero (0) black bass and the possession limit is zero (0) black bass on Catch-and-Release Black Bass Fishing Areas.

5.1.b. The daily creel limit is five (5) black bass in aggregate and the possession limit is ten (10) black bass in aggregate on the following:

5.1.b.1. Jennings Randolph Lake (Mineral County).

5.1.b.2. That section of the North Branch of the Potomac River between the states of Maryland and West Virginia that lies outside the boundaries of the North Branch of the Potomac River Catch-and-Release Black Bass Fishing Area.

5.1.b.3. The Potomac River between the states of Maryland and West Virginia excluding the section between Dam #3 and Dam #4.

5.1.c. The daily creel limit is five (5) black bass in aggregate, of which one may be fifteen inches (15") or larger, and the possession limit is ten (10) black bass in aggregate on the Potomac River between the states of Maryland and West Virginia on the section between Dam #3 and Dam #4.

5.2. Trout (Brook, Brown, Rainbow and Golden Rainbow Trout). -- The daily creel limit is six (6) trout in aggregate and the possession limit is twelve (12) trout in aggregate, except as provided in Sections 5.2.a through 5.2.d of these regulations.

5.2.a. The daily creel limit is zero (0) trout and the possession limit is zero (0) trout on Catch-and-Release Trout Fishing Areas.

5.2.b. The daily creel limit is zero (0) fish and the possession limit is zero (0) fish on Fly-Fishing-Only Areas.

5.2.c. The daily creel limit is five (5) trout in aggregate and the possession limit is five (5) trout in aggregate on the following:

5.2.c.1. Jennings Randolph Lake (Mineral County).

5.2.c.2. The North Branch of the Potomac River between the states of Maryland and West Virginia, except as provided in Sections 5.2.a and 5.2.d of these regulations.

5.2.c.3. The Potomac River between the states of Maryland and West Virginia.

5.2.d. The daily creel limit is two (2) trout in aggregate and the possession limit is two (2) trout in aggregate on the following:

5.2.d.1. That section of the North Branch of the Potomac River in Garrett County, Maryland bordering Grant County, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending upstream to the Preston County West Virginia line.

5.2.d.2. A seven (7) mile long section of the North Branch of the Potomac River in Garrett County, Maryland bordering Grant and Mineral counties, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending downstream to the lowermost boundary of Maryland's Potomac State Forest near Lostland Run, except that the daily creel limit is zero and the possession limit is zero during the period October 1 through June 15, the calendar year following.

5.3. Muskellunge. -- The daily creel limit is two (2) muskellunge and the possession limit is four (4) muskellunge, except as provided in Sections 5.3.a through 5.3.d of these regulations.

5.3.a. The daily creel limit is zero (0) muskellunge and the possession limit is zero (0) muskellunge on Catch-and-Release Muskellunge Fishing Areas.

5.3.b. The daily creel limit is one (1) muskellunge or tiger musky in aggregate and the possession limit is one (1) muskellunge or tiger musky in aggregate on the following:

5.3.b.1. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.3.b.2. The Potomac River between the states of Maryland and West Virginia.

5.3.c. The daily creel limit is one (1) muskellunge on a 1.3-mile section of the North Fork Hughes River extending from North Bend Lake Dam downstream to the CR 809 bridge near the North Bend State Park Campground (Ritchie County).

5.3.d. The daily creel limit is one (1) muskellunge on Stonewall Jackson Lake (Lewis County).

5.4. Tiger Musky. -- The daily creel limit is two (2) tiger musky and the possession limit is four (4) tiger musky, except as provided in Section 5.3.b of these regulations.

5.5. Northern Pike. -- The daily creel limit is two (2) northern pike and the possession limit is four (4) northern pike, except as provided in Section 5.5.a of these regulations.

5.5.a. The possession limit is two (2) northern pike on the following:

5.5.a.1. Jennings Randolph Lake (Mineral County).

5.5.a.2. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.5.a.3. The Potomac River between the states of Maryland and West Virginia.

5.6. Hybrid Striped Bass, Striped Bass and White Bass. -- Except as provided in Section 5.6.a and 5.6.b of these regulations, the daily creel limit is thirty (30) hybrid striped bass, striped bass and white bass with no more than four (4) fish in aggregate larger than 15 inches.

5.6.a. The daily creel limit for hybrid striped bass, striped bass and white bass is four (4) in aggregate with a fifteen (15) inch minimum size on Mount Storm (Grant County) and East Lynn (Wayne County) lakes.

5.6.b. The daily creel limit is zero (0) and the possession limit is zero (0) for hybrid striped bass, striped bass and white bass on Rollins Lake (Jackson County).

5.7. Walleye, Sauger and Saugeye. -- The daily creel and possession limits for walleye, sauger and saugeye are as follows:

5.7.a. The daily creel limit for walleye is eight (8) and the possession limit is sixteen (16) all waters except as provided in Sections 5.7.a.1 and 5.7.a.2.

5.7.a.1. The daily creel limit is five (5) walleye and the possession limit is five (5) walleye on the North Branch of the Potomac and Potomac Rivers between the states of Maryland and West Virginia.

5.7.a.2. The daily creel limit is two (2) walleye and the possession limit is four (4) on the Ohio River between the states of Ohio and West Virginia, the New River extending from the mouth of the Gauley River upstream to the West Virginia and Virginia state border in Summers County except as provided in Section 5.7.a.3, the Coal River extending from the mouth of the Coal River upstream to the confluence of the Little Coal and Big Coal rivers in Lincoln County, the Elk River extending from the mouth of the Elk River upstream to Sutton Dam in Braxton County, the Gauley River extending from the mouth of the Gauley upstream to Summersville Dam, the Greenbrier River extending from the mouth of the

Greenbrier River upstream to the confluence of the East Fork and West Fork of the Greenbrier River in Pocahontas County, the Kanawha River extending from the Winfield Dam upstream to the confluence of the New and Gauley rivers in Fayette County.

5.7.a.3. The daily creel limit is zero (0) walleye on a five (5) mile section of the New River from Meadow Creek public access to the base of Sandstone Falls in Raleigh and Summers counties.

5.7.a.4. The daily creel limit is zero (0) for walleye on Charles Fork Lake (Roane County) and Dog Run Lake in Harrison County.

5.7.b. The daily creel limit for sauger and saugeye is eight (8) and the possession limit is 16 on all lakes and ten (10) and twenty (20) on all rivers.

5.7.b.1. The daily creel limit is five (5) walleye and the possession limit is five (5) walleye on Jennings Randolph Lake (Mineral County).

5.8. Channel Catfish. -- Except as provided in Section 11, the daily creel and possession limit for channel catfish are as follows:

5.8.a. The daily creel limit is four (4) channel catfish and the possession limit is sixteen (16) channel catfish on impoundments designated by the director and published annually.

5.8.b. The daily creel limit is five (5) channel catfish and the possession limit is ten (10) channel catfish on the Potomac River between the states of Maryland and West Virginia.

5.9. Other Game and Nongame Fish. -- There are no daily creel or possession limits on game and nongame fish species not listed in Section 4 of these regulations, except as provided in 5.9.a of these regulations.

5.9.a. The daily creel limit is five (5) chain pickerel on the following:

5.9.a.1. Jennings Randolph Lake (Mineral County).

5.9.a.2. The North Branch of the Potomac River between the states of Maryland and West Virginia.

5.9.a.3. The Potomac River between the states of Maryland and West Virginia.

5.10. Bullfrogs and Green Frogs. -- The daily (noon to noon) creel limit is ten (10) frogs and the possession limit is twenty (20) frogs.

5.11. Mussels. -- Possession of mussels or any parts thereof is prohibited.

5.12. Minnows and other Aquatic Life. -- A person may have in his possession no more than fifty (50) minnows nor more than a total of one hundred (100) aquatic animal life unless obtained from a licensed dealer and accompanied by a bill of sale.

5.13. Blue Catfish. -- The daily creel limit is two (2) blue catfish, except as provided in Section 11.

5.14. Yellow Perch. -- The daily creel limit is fifteen (15) yellow perch on Cheat Lake (Monongalia County).

5.15. The daily creel limit is zero (0) and the possession limit is zero (0) for all fish on Dixon Lake (Monongalia County).

5.16. The daily creel limit is four (4), of which only one (1) may be thirty-five inches (35") or longer and the possession limit is eight (8) for flathead catfish on the Kanawha River from the mouth (Mason County) extending upstream to the confluence of the New and Gauley rivers Fayette County).

5.17. The daily creel limit is four (4), of which only one (1) may be thirty-five inches (35") or longer and the possession limit is eight (8) for flathead catfish on the Ohio River from the mouth of the Big Sandy River (Wayne County) extending upstream to the mouth of Mill Creek (Hancock County), including all waters within West Virginia covered by the Ohio River Reciprocal Agreement with the State of Ohio.

§58-60-6. Size Limits.

6.1. Black Bass (Largemouth, Smallmouth, and Spotted Bass). -- There are no size limits for black bass, except as provided in Sections 6.1.a through 6.1.f of these regulations.

6.1.a. There is a twelve inch (12") minimum size limit for black bass on the following:

6.1.a.1. Barboursville Lake (Cabell County).

6.1.a.2. Beech Fork Lake (Wayne County).

6.1.a.3. Chief Logan Lake (Logan County).

6.1.a.4. Conaway Run Lake (Tyler County).

6.1.a.5. South Mill Creek Lake (Grant County).

6.1.a.6. Wallback Lake (Clay and Roane counties).

6.1.a.7. Jennings Randolph Lake (Mineral County).

6.1.a.8. That section of the North Branch of the Potomac River between the states of Maryland and West Virginia that lies outside the boundaries of the North Branch of the Potomac River Catch-and-Release Black Bass Fishing Area.

6.1.a.9. The Potomac River between the states of Maryland and West Virginia excluding the section between Dam #3 and Dam #4.

6.1.a.10. Wheeling Creek (Marshall and Ohio counties).

6.1.a.11. The section of the Ohio River from the mouth of Mill Creek (Hancock County) downstream to the mouth of the Big Sandy River (Wayne County), including all waters within West Virginia covered by the Ohio River Reciprocal Agreement with the State of Ohio.

6.1.b. There is a twelve to sixteen-inch (12" to 16") slot limit in effect at South Mill Creek Lake (Grant County) (i.e., all black bass twelve to sixteen inches in length that are caught at South Mill Creek Lake must be released immediately).

6.1.c. There is a twelve to sixteen-inch (12" to 16") slot limit in effect at Parker Hollow Lake (Hardy County) (i.e., all black bass twelve to sixteen inches in length that are caught at Parker Hollow Lake must be released immediately)

6.1.d. There is an eleven to fifteen-inch (11" to 15") slot limit in effect on the Potomac River between the states of Maryland and West Virginia on the section between Dam #3 and Dam #4 (i.e., all black bass eleven to fifteen inches in length that are caught on the Potomac River between Dam #3 and Dam #4 must be released immediately).

6.1.e. There is a twelve to twenty-inch (12" to 20") slot limit on black bass in effect on the Greenbrier River on the section between the Route 60 bridge near Caldwell and the Route 219 bridge at Ronceverte. Only one black bass over 20 inches may be part of the daily creel limit within the slot limit area. The remainder of the creel limit must be less than 12 inches in length. All black bass twelve to twenty inches in length that are caught on the Greenbrier in this designated area must be released immediately.

6.1.f. Only one black bass 18 inches or longer may be part of the daily creel limit on Stonewall Jackson Lake. The remainder of the creel limit must be less than 18 inches in length.

6.1.f.1. There are no size limits for black bass on Stonewall Jackson Lake for bass tournament anglers registered and participating in a division permitted bass tournament, provided black bass exceeding the creel limit in 6.1.f. are released following the tournament weight in.

6.2. Trout (Brook, Brown, Rainbow, and Golden Rainbow Trout). -- There are no size limits for trout.

6.3. Muskellunge. -- There is a thirty inch (30") minimum size limit for muskellunge except as provided in Section 6.3.a through 6.3.d of these regulations.

6.3.a. There is a thirty-six inch (36") minimum size limit for muskellunge on the following:

6.3.a.1. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.3.a.2. The Potomac River between the states of Maryland and West Virginia.

6.3.b. There is a 40-inch (40") minimum size limit for muskellunge on North Bend Lake (Ritchie County).

6.3.c. There is a 40-inch (40") minimum size limit for muskellunge on North Fork Hughes River (Ritchie County) on a 1.3-mile section extending from North Bend Lake Dam downstream to the CR 809 bridge near the North Bend State Park campground.

6.3.d. There is a fifty-two-inch (52") minimum size limit on Stonewall Jackson Lake (Lewis County).

6.4. Tiger Musky. -- There is a twenty-eight inch (28") minimum size limit for tiger musky except as provided in Section 6.4.a of these regulations.

6.4.a. There is a thirty-six inch (36") minimum size limit for tiger musky on the following:

6.4.a.1. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.4.a.2. The Potomac River between the states of Maryland and West Virginia.

6.5. Northern Pike. -- There is a thirty inch (30") minimum size limit for northern pike, except as provided in Section 6.5.a of these regulations.

6.5.a. There is a twenty-four inch (24") minimum size limit for northern pike on the following:

6.5.a.1. Jennings Randolph Lake (Mineral County).

6.5.a.2. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.5.a.3. The Potomac River between the states of Maryland and West Virginia.

6.6. Hybrid Striped Bass, Striped Bass and White Bass. -- There is a fifteen inch (15") minimum size limit for hybrid striped bass, striped bass and white bass on the following:

6.6.a. East Lynn Lake (Wayne County).

6.6.b. Mount Storm Lake (Grant County).

6.7. Walleye. -- There are no size limits for walleye, except as provided in Sections 6.7.a, 6.7.b, 6.7.c and 6.7.d of these regulations.

6.7.a. There is a fifteen inch (15") minimum size limit for walleye on the following:

6.7.a.1. Jennings Randolph Lake (Mineral County).

6.7.a.2. The North Branch of the Potomac River between the states of Maryland and West Virginia.

6.7.a.3. The Potomac River between the states of Maryland and West Virginia.

6.7.a.4. Cheat River extending from the West Virginia and Pennsylvania state border upstream to the Holly Meadow Bridge (County Route 1) in Tucker County.

6.7.a.5. Elk River extending from Sutton Lake Dam in Braxton County upstream to Whitaker Falls in Randolph County.

6.7.a.6. Monongahela River extending from the West Virginia and Pennsylvania state border in Monongalia County upstream to the confluence of the West Fork and Tygart rivers in Marion County.

6.7.a.7. Tygart River extending from the mouth of the Tygart in Marion County upstream to the Rt. 15 bridge in Randolph County.

6.7.a.8. West Fork River extending from the mouth of the West Fork River in Marion County upstream to Stonewall Jackson Lake Dam in Lewis County.

6.7.a.9. Burnsville Lake (Braxton County).

6.7.a.10 Cheat Lake (Monongalia County).

6.7.a.11. Stephens Lake (Raleigh County).

6.7.a.12. Stonecoal Lake (Upshur County).

6.7.a.13. Tygart Lake (Taylor County).

6.7.b. There is a twenty inch (20") maximum size limit for walleye on the Potomac River between the states of Maryland and West Virginia from January 1 through April 15.

6.7.c. There is an eighteen inch (18") minimum size limit for walleye on the Ohio River between the states of Ohio and West Virginia, the Kanawha River extending from the mouth in Mason County upstream to the confluence of the Gauley and New rivers in Fayette County, and the New River extending from the mouth in Fayette County upstream to the Hawks Nest Dam in Fayette County.

6.7.d. There is a twenty to thirty-inch (20" to 30") slot limit on walleye in effect on the following waters. Only one walleye over 30 inches may be part of the daily creel limit within the slot limit area as provided in Sections 5.7.a. The remainder of the creel limit must be less than 20 inches in length. All walleye twenty to thirty inches in length that are caught in these designated areas must be released immediately.

6.7.d.1. Coal River extending from the mouth of the Coal River upstream to the confluence of the Little Coal and Big Coal rivers in Lincoln County.

6.7.d.2. Elk River extending from the mouth of the Elk River upstream to Sutton Dam in Braxton County.

6.7.d.3. Gauley River extending from Summersville Dam, including Summersville Lake, upstream to the County Route 42 bridge near Jerryville in Webster County.

6.7.d.4. Greenbrier River extending from the mouth of the Greenbrier River upstream to the confluence of the East Fork and West Fork of the Greenbrier River in Pocahontas County.

6.7.d.5. Kanawha River extending from the Winfield Dam upstream to the confluence of the New and Gauley rivers in Fayette County.

6.7.d.6. New River extending from the confluence of the New and Gauley rivers upstream to the West Virginia/Virginia state line in Summers County.

6.8. Sauger. -- There are no size limits for sauger.

6.9. Saugeye. -- There are no size limits for saugeye.

6.10. Channel Catfish. -- There are no size limits for channel catfish, except as provided in Section 11.

6.11. Striped Bass and White Bass. -- Except as provided in Section 5.9.a of these regulations, there are no size limits for striped bass or white bass.

6.12. Other Game and Nongame Fish. -- There are no size limits for game and nongame fish species not listed in Section 4 of these regulations, except as provided in Section 6.12.a of these regulations.

6.12.a. There is a fourteen inch (14") minimum size limit for chain pickerel on the following:

6.12.a.1. Jennings Randolph Lake (Mineral County).

6.12.a.2. The North Branch of the Potomac River between the States of Maryland and West Virginia.

6.12.a.3. The Potomac River between the states of Maryland and West Virginia.

6.13. Bullfrogs and Green Frogs. -- There are no size limits for frogs.

6.14. Blue Catfish. -- There is a twenty-four (24") minimum size limit for blue catfish.

§58-60-7. Catch and Release Black Bass Fishing Regulations.

7.1. Catch-and-Release Black Bass Fishing Areas.

7.1.a. Dunkard Fork Lake (Marshall County).

7.1.b. Edwards Run Pond (Hampshire County).

7.1.c. Elk Fork Lake (Jackson County).

7.1.d. Kimsey Run Lake (Hardy County).

7.1.e. Millers Fork Pond (Wayne County).

7.1.f. North Bend Lake (Ritchie County).

7.1.g. O'Brien Lake (Jackson County).

7.1.h. Rockhouse Lake (Logan County).

7.1.i. Tuckahoe Lake (Greenbrier County).

7.1.j. Upper Mud River Lake (Lincoln County).

7.1.k. Woodrum Lake (Jackson County).

7.1.l. The South Branch of the Potomac River (Hampshire County): -- A nine and one half (9.5) mile section in Hampshire County beginning at the Romney Bridge (U.S. Route 50 and State Route 28) and extending downstream to the Blue Beach Bridge (State Route 28) at Grace.

7.1.m. The South Branch of the Potomac River (Hardy County): -- An eight (8) mile section in Hardy County beginning three (3) miles east of Petersburg at the Petersburg Gap Bridge (U.S. Route 220 and State Route 28) and extending downstream to the Fisher Bridge (County Route 13).

7.1.n. The North Branch of the Potomac River (Mineral County): -- A twenty-five (25) mile section beginning at the U.S. Route 220 bridge at Keyser and extending downstream to the spillway in Cumberland, Maryland.

7.1.o. The New River (Raleigh, Summers and Fayette counties): -- A twelve (12) mile section beginning at the I-64 bridge near Sandstone and extending downstream to the NPS Grandview Sandbar Public Access Site near Quinnimont.

7.2. All black bass caught on Catch-and-Release Black Bass Fishing Areas must be returned to the water at once. To release a deeply hooked or gill-hooked bass, the line should be cut.

§58-60-8. Catch and Release Muskellunge Fishing Regulations.

8.1. Catch and Release Muskellunge Fishing Areas.

8.1.a. Middle Island Creek (Tyler County): -- A six (6) mile section beginning at the State Route 18 bridge near Centerville and continuing downstream to the low water bridge near the Jug. Included in this area are sections of Indian Creek and McElroy Creek from the mouth to the first riffle.

8.1.b. Buckhannon River (Upshur County): -- A six and one-half (6.5) mile section beginning at the city of Buckhannon's water supply dam upstream to the first riffle. Included in this area is the section of French Creek, from its mouth to the first riffle.

8.2. All muskellunge caught on Catch-and-Release Muskellunge Fishing Areas must be returned to the water at once.

§58-60-9. Catch and Release Trout Fishing Regulations.

9.1. Catch-and-Release Trout Fishing Areas.

9.1.a. The Back Fork of the Elk River Catch-and-Release Trout Fishing Area: -- A four (4) mile section in Webster County beginning two (2) miles upstream from Webster Springs near County Route 24/3 and extending upstream along County Route 24 to a point near Breece.

9.1.b. The Shavers Fork Catch-and-Release Trout Fishing Areas.

9.1.b.1. A five and one-half (5.5) mile section in Monongahela National Forest, Randolph County that extends from the mouth of Whitmeadow Run downstream to the mouth of McGee Run. This area can be reached from Forest Service Route 92, which intersects U.S. Route 250 four (4) miles west of Cheat Bridge.

9.1.b.2. A 0.9-mile section in Monongahela National Forest, Randolph County within the Stuart Recreation Area. This area can be reached from county route 6 or Forest Service Route 91.

9.1.c. The North Fork of the South Branch of the Potomac River Catch-and-Release Trout Fishing Area: -- A three-quarter (.75) mile section in Pendleton County at the mouth of Seneca Creek near the Seneca Rocks Visitors Center. This area can be reached from County Route 28/3.

9.1.d. The Williams River Catch-and-Release Trout Fishing Area: -- A two (2) mile section in Pocahontas County beginning two (2) miles below Tea Creek extending downstream. This area can be reached by Forest Service Route 86.

9.1.e. The South Branch of the Potomac River Catch-and-Release Trout Fishing Area: -- A one (1) mile section in Pendleton County beginning one (1) mile below U.S. Route 220 at Eagle Rock and extending downstream.

9.1.f. The Cranberry River Catch-and-Release Trout Fishing Area: -- A four and three tenths (4.3) mile section in Webster and Pocahontas counties beginning at the junction of the North and South Forks and extending downstream to the low water bridge at Dogway Fork. Access is by foot on Forest Service Route 76 from the Cranberry Glades parking area.

9.1.g. The North Fork of Cranberry River Catch-and-Release Trout Fishing Area: -- A one-quarter (.25) mile section in Pocahontas County beginning at the mouth and extending upstream to the dam. Access is by foot on Forest Service Route 76.

9.1.h. The Woodbine Catch-and-Release Trout Fishing Area: -- A one and two tenths (1.2) mile section of Cranberry River in Nicholas County beginning at the Woodbine Recreation Area and extending downstream to the mouth of Jakeman Run. Access is by Forest Service Routes 76 and 83.

9.1.i. The Elk River Catch-and-Release Trout Fishing Area: -- A two (2) mile section in Randolph County beginning at Elk Springs and extending downstream to the Rose Run bridge. Access is by secondary route 49.

9.1.j. The Blackwater River Catch-and-Release Trout Fishing Area: -- A three and one-half (3.5) mile section in Tucker County that extends from the secondary route 28 bridge downstream to the mouth of the North Fork.

9.1.k. The North Branch of the Potomac River Catch and Release Trout Fishing Areas.

9.1.k.1. A three-quarter (.75) mile section in Garrett County, Maryland bordering Mineral County, West Virginia from the mouth of an unnamed tributary at Bench Mark 1218 on the Westernport U.S.G.S. Quadrangle and extending downstream to a red post located 100 yards above the upstream concrete abutments at Barnum, West Virginia.

9.1.k.2. A four (4) mile section in Garrett County, Maryland from a red post just below a pool known as Blue Hole, approximately 1/3 mile upstream of Bench Mark 1110 on the Westernport U.S.G.S. Quadrangle and extending downstream to the confluence of Piney Swamp Run.

9.1.k.3. A seven (7) mile section in Garrett County, Maryland bordering Grant and Mineral counties, West Virginia from the uppermost boundary of Maryland's Potomac State Forest near Wallman and extending downstream to the lowermost boundary of Maryland's Potomac State Forest near Lostland Run. This section is approximately six (6) miles above Jennings Randolph Lake.

9.1.l. The Glade Creek of New River Catch-and-Release Trout Fishing Area: -- A three (3) mile section in Raleigh County that extends from the mouth of Glade Creek upstream to the National Park Service footbridge.

9.1.m. The Slaty Fork section of Elk River Catch and Release Trout Fishing Area: -- A four and six-tenths (4.6) mile section in Pocahontas County beginning at the junction of Old Field Fork and Big Spring Fork and extending downstream to the mouth of Dry Branch, including Props Run and Big Run. Access is by foot from County Route 219/12 on the south and 219/2 on the north.

9.1.n. The North Fork of Cherry River Catch-and-Release Trout Fishing Area: -- A one and eight-tenths (1.8) mile section in Nicholas County that extends from the Richwood water supply dam upstream to the first State Route 39 bridge. Access is by State Route 39.

9.1.o. The Paint Creek Catch-and-Release Trout Fishing Area: -- A two (2) mile section in Fayette County beginning near the mouth of Skitter Creek and extending upstream. Access is by County Route 15.

9.1.p. The Middle Wheeling Creek Catch-and-Release Trout Fishing Area: -- A one and two-tenths (1.2) mile section in Ohio County beginning just above the upper limit of Middle Wheeling Creek Lake and extending upstream to the mouth of Gillespie Run. Access is by County Route 39/6.

9.1.q. The Clear Fork of Guyandotte River Catch-and-Release Trout Fishing Area: -- A one (1) mile section in Wyoming County beginning at the County Route 6 bridge and extending upstream to the R.D. Bailey Wildlife Management Area manager's residence.

9.1.r. The Bluestone River Catch-and-Release Trout Fishing Area: -- A one (1) mile section in Summers County beginning at a stream gauge station within Pipestem State Park extending upstream to the mouth of Mountain Creek.

9.1.s. The Seneca Creek Catch-and-Release Trout Fishing Area: -- A two-tenths (0.20) mile section in Pendleton County beginning at the mouth extending upstream to the Rt. 28 bridge.

9.1.t. The Mill Creek Catch-and-Release Brook Trout Fishing Area: -- Entire length of Mill Creek and its tributaries with Kumbrabow State Forest in Randolph County.

9.1.u. The Middle Fork of Williams River Catch-and-Release Trout Fishing Area: -- Entire length of Middle Fork of Williams River beginning at its junction with Williams River and including all of its tributaries within Webster and Pocahontas Counties.

9.1.v. The Tea Creek Catch-and-Release Trout Fishing Area: -- Entire length of Tea Creek beginning at its junction with Williams River upstream of Tea Creek Campground and including all of its tributaries within Pocahontas Counties.

9.1.w. The Red Creek Catch-and-Release Trout Fishing Area: -- Entire length of Red Creek upstream of County Route 45 bridge and including all its tributaries within Tucker County.

9.1.x. The Otter Creek Catch-and-Release Trout Fishing Area: -- Entire length of Otter Creek and including all of its tributaries within Randolph and Tucker Counties.

9.2. Fishing on Catch-and-Release Trout Fishing Areas is permitted during daylight hours only, except that on the three (3) North Branch of the Potomac River Catch-and-Release Trout Fishing Areas fishing is permitted between the hours of 5:30 a.m. and 10:00 p.m. only.

9.3. Only artificial flies and lures made of metal, wood, feathers, hair, or synthetic material may be used or in one's possession on Catch-and-Release Trout Fishing Areas. No lure or fly with any scent, oil, or edible enticement added onto, or impregnated into, may be used or possessed on Catch-and-Release Trout Fishing Areas. This restriction applies regardless if scent is added in the manufacturing process or applied afterward.

9.3.a. Multiple-hook lures must have barbless hooks, except on the three (3) North Branch of the Potomac River Catch-and-Release Trout Fishing Areas.

9.3.b. Single-hook lures may have barbed hooks.

9.4. All trout caught on Catch-and-Release Trout Fishing Areas must be returned to the water at once. To release a deeply hooked or gill-hooked trout, the line should be cut.

§58-60-10. Fly-Fishing-Only Fishing Regulations.

10.1. Fly-Fishing-Only Areas.

10.1.a. Second Creek Fly-Fishing-Only Area: -- A one and one-half (1.5) mile section on the Monroe County - Greenbrier County line at Rodgers Mill.

10.1.b. Milligan Creek Fly Fishing Only Area: -- A one-third mile (.33) mile section beginning one (1) mile north of U.S. Route 60 from the County Route 60/15 bridge and extending downstream to a fence crossing.

10.1.c. Dogway Fork Fly Fishing Only Area: -- Includes the mainstem from its junction with Cranberry and all tributaries in Webster, Pocahontas and Greenbrier counties. Access is by foot on Forest Service Route 78.

10.1.d. Red Run of Dry Fork Fly Fishing Only Area: -- Includes the mainstem from its junction with Dry Fork and all tributaries in Tucker County. Access is by foot from Secondary Route 72.

10.1.e. Buffalo Creek of New River Fly Fishing Only Area: -- Includes the mainstem from its junction with New River and all tributaries in Fayette County. Access is by foot from County Route 25.

10.1.f. Thorn Creek Fly Fishing Only Area: -- A one-half (.5) mile marked section beginning three (3) miles above the mouth. Access is by County Route 20.

10.1.g. Spring Run Fly Fishing Only Area: -- A one (1) mile marked section beginning three-fifths (0.60) mile above the mouth at its confluence on South Mill Creek. Access is by County Route 9/2 (Spring Run Road).

10.1.h. Edward Run Fly Fishing Only Area: -- A one and one-quarter (1.25) mile section beginning at the Edwards Run Pond and extending upstream to the boundary of the Edwards Run Wildlife Management Area in Hampshire County.

10.2. Fishing on Fly-Fishing-Only Areas is permitted during daylight hours only.

10.3. Only artificial flies and streamers may be used or in one's possession on Fly-Fishing-Only Areas.

10.4. Only conventional fly fishing tackle may be used on Fly-Fishing-Only Areas (i.e., open-faced and closed-face spinning or spin cast reels are prohibited).

10.5. All fish caught on Fly-Fishing-Only Areas must be returned to the water at once. To release a deeply hooked or gill-hooked fish, the line should be cut.

§58-60-11. Other Fishing Methods.

11.1. Dipping.

11.1.a. Dipping for nongame fish is legal from February 1 through midnight on April 30.

11.2. Bow Fishing.

11.2.a. Carp may be taken by bow year-round; other nongame fish may be taken by bow during all months except May and June.

11.3. Giggling, Snagging, and Snaring.

11.3.a. Nongame fish, turtles, and eels may be taken by giggling, snagging, or snaring from January 1 through May 15 and from July 15 through December 31, except as provided in Section 11.3.c of these regulations: Provided, however, that snagging and giggling shall be prohibited within one hundred (100) feet of all U.S. Army Corps of Engineers Locks and Dams and their appurtenances.

11.3.b. Suckers, carp, fallfish, and creek chubs may be taken by snaring year-round.

11.4. Trotlines and Droplines.

11.4.a. Trotlines.

11.4.a.1. Trotlines are prohibited on impoundments designated by the director and published annually.

11.4.a.2. Trotlines may be used at the following impoundments:

11.4.a.2.A. Beech Fork (Wayne County).

11.4.a.2.B. Bluestone (Summers County).

11.4.a.2.C. Burnsville (Braxton County).

11.4.a.2.D. East Lynn (Wayne County).

11.4.a.2.E. Hawks Nest (Fayette County).

11.4.a.2.F. Jennings Randolph (Mineral County).

11.4.a.2.G. Mt. Storm Lake (Grant County).

11.4.a.2.H. R. D. Bailey (Mingo and Wyoming counties).

11.4.a.2.I. Stonecoal (Lewis and Upshur counties).

11.4.a.2.J. Stonewall Jackson (Lewis County).

11.4.a.2.K. Summersville (Nicholas County).

11.4.a.2.L. Sutton (Braxton County).

11.4.a.2.M. Tygart (Taylor County).

11.4.b. Droplines.

11.4.b.1. Droplines are prohibited on the following:

11.4.b.1.A. Impoundments designated by the director and published annually.

11.4.b.1.B. Elk River (Randolph, Webster, Braxton, Clay, and Kanawha counties).

11.4.b.1.C. Hughes River (Wirt County).

11.4.b.1.D. Little Kanawha River (Braxton, Gilmer, Calhoun, Wirt, and Wood counties).

11.4.b.1.E. Middle Island Creek (Tyler and Pleasants counties).

11.4.b.1.F. South Fork of Hughes River (Doddridge, Ritchie, and Wirt counties).

11.4.b.2. Droplines may be used at the following impoundments:

11.4.b.2.A. Beech Fork (Wayne County).

11.4.b.2.B. Bluestone (Summers County).

11.4.b.2.C. Burnsville (Braxton County).

11.4.b.2.D. East Lynn (Wayne County).

11.4.b.2.E. Hawks Nest (Fayette County).

11.4.b.2.F. Jennings Randolph (Mineral County).

11.4.b.2.G. R. D. Bailey (Mingo and Wyoming counties).

11.4.b.2.H. Stonecoal (Lewis and Upshur counties).

11.4.b.2.I. Stonewall Jackson (Lewis County).

11.4.b.2.J. Summersville (Nicholas County).

11.4.b.2.K. Sutton (Braxton County).

11.4.b.2.L. Tygart (Taylor County).

11.5. Underwater Spearfishing.

11.5.a. Nongame fish, except catfish, may be taken by underwater spearfishing from July 1 through September 30 during daylight hours only.

11.5.b. Spearfishing is prohibited on the following:

11.5.b.1. Elk River, from Sutton Dam downstream to the U.S. Route 19 bridge at Sutton.

11.5.b.2. New River, from Bluestone Dam downstream to the lower bridge at Hinton.

11.6. Hand-fishing (“noodling”).

11.6.a. Only channel catfish, flathead catfish, and blue catfish species are permitted to be taken by hand-fishing from June 15 through August 31 during daylight hours only.

11.6.b. Hand-fishing is prohibited on all state-managed impoundments, with the following exceptions:

11.6.b.1. Stonecoal Lake(Lewis and Upshur counties).

11.6.b.2. Hawks Nest Lake (Fayette County).

11.6.b.3. Mt. Storm Lake (Grant County).

11.6.b.4. Cheat Lake, (Monongalia County).

11.6.b.5. All U.S. Army Corps of Engineers lakes.

11.6.c. The daily creel limit for all combined catfish species taken by hand-fishing is four (4), of which only one (1) may be thirty-five (35”) or longer and only two (2) of which may be blue catfish. All additional prohibitions and restrictions related to location, size limits, creel limits and possession limits for catfish in this rule are applicable.

11.6.d. The daily creel limit for hand-fishing is included as part of daily creel limit and possession limits for hook and line fishing for catfish.

11.6.e. The use of SCUBA gear or any other artificial breathing apparatus to hand-fish is prohibited.

11.6.f. The placement or use of artificial cavities and nesting boxes for hand-fishing is prohibited. Only naturally occurring cavities and naturally occurring habitats are permitted for hand-fishing.

11.6.g. Use or possession of hooks, gaffs, spears, or any fishing tackle other than hands, including use of bait or fish attractors, is prohibited.

§58-60-12. Night Fishing Regulations.

12.1. Fishing at night is prohibited or restricted at the following impoundments:

12.1.a. Barboursville (Cabell County): -- No night fishing allowed.

12.1.b. Coonskin (Kanawha County): -- No night fishing allowed.

12.1.c. Dixon Lake (Monongalia County): -- No night fishing allowed.

12.1.d. Dog Run (Harrison County): -- No night fishing allowed.

12.1.e. Edwards Run (Hampshire County): -- No night fishing allowed.

12.1.f. Elk Two Mile (Site 12) (Kanawha County): -- No night fishing allowed.

12.1.g. Elk Two Mile (Site 13) (Kanawha County): -- No night fishing allowed.

- 12.1.h. Elk Two Mile (Site 14) (Kanawha County): -- No night fishing allowed.
- 12.1.i. French Creek (Upshur County): -- No night fishing allowed.
- 12.1.j. James P. Bailey (Mercer County): -- No night fishing allowed.
- 12.1.k. Jonathan Larck (Putnam County): -- No night fishing allowed.
- 12.1.l. Krodel (Mason County): -- No night fishing allowed.
- 12.1.m. Larenim (Mineral County): -- No night fishing allowed.
- 12.1.n. Logan County Airport Pond (Logan County): -- No night fishing allowed.
- 12.1.o. Lumberport (Harrison County): -- No night fishing allowed.
- 12.1.p. Mill Creek (Barbour County): -- No night fishing allowed.
- 12.1.q. Millers Fork (Wayne County): -- No night fishing allowed.
- 12.1.r. North Bend (Ritchie County): -- Night fishing by registered campers only.
- 12.1.s. Poor House (Berkeley County): -- No night fishing allowed.
- 12.1.t. Raleigh County Airport Pond (Raleigh County): -- No night fishing allowed.
- 12.1.u. Rock Cliff (Hardy County): -- Night fishing by registered campers only.
- 12.1.v. Sherwood (Greenbrier County): -- Night fishing by permit only.
- 12.1.w. Stephens (Raleigh County): -- Night fishing by permit only.
- 12.1.x. Underwood (Cabell County): -- No night fishing allowed.
- 12.1.y. Wallback (Clay and Roane counties): -- No night fishing allowed.
- 12.1.z. Westover Park (Monongalia County): -- No night fishing allowed.

§58-60-13. McClintic Wildlife Management Area.

13.1. The applicable provisions of Sections 3, 4, 5, 6, and 10 of these regulations are in effect at the McClintic Wildlife Management Area, except as provided in Sections 14.2 through 14.5 of these regulations.

13.2. The use of live minnows as bait is prohibited at the McClintic Wildlife Management Area.

13.3. The following ponds are closed to fishing year-round: Ponds #12, and #13.

13.4. The following ponds are open for fishing year-round: Ponds #4, #5, #10, #14, #15, #23, #24, #26, #27, #28, #29, #30, #31, #32, #33, #37, and #38.

13.5. The following ponds are open for fishing during the period commencing at thirty minutes past four o'clock postmeridian (4:30 p.m.) on the Friday prior to Memorial Day (Observed) and closing on December 31: Ponds #3, #6, #7, #8, #9, #11, #16, #17, #18, #19, #20, #34, #36, #39, and #40.

§58-60-14. Pedlar Wildlife Management Area.

14.1. Catch and Release Fishing Area.

14.1.a. Dixon Lake (Monongalia County).

14.1.b. All fish caught must be returned to the water at once. To release a deeply hooked or gill-hooked fish, the line should be cut.

14.1.c. The use of live minnows as bait is prohibited at Dixon Lake.

14.1.d. All hooks must be barbless.

14.1.e. No night fishing allowed.

§58-60-15. Class Q and Children Special Fishing Areas.

15.1. Special fishing areas for children and persons possessing a valid Class Q license established in 58CSR61 are open at the following locations:

15.1.a. Handley Pond -- A 5-acre pond in Pocahontas County;

15.1.b. Baker Lake -- A 3-acre pond on the Bear Rock Wildlife Management Area in Ohio County;

15.1.c. Coonskin Park Pond -- A 2.7-acre pond on Coonskin Park in Kanawha County;

15.1.d. Westover Park Pond -- A 1.0-acre pond in Monongalia County;

15.1.e. Raleigh County Airport Pond -- A 1.0-acre pond at the entrance to Raleigh County Airport;

15.1.f. Woodbine Area of Cranberry River -- A 300-yard-long section of Cranberry River at the Woodbine Recreation Area in Nicholas County;

15.1.g. Millers Fork Pond -- A 5-acre pond in Wayne County;

15.1.h. Lake Underwood -- A 1.0-acre pond at YMCA Kennedy Center in Cabell County;

15.1.i. Logan County Airport Pond -- A 1.0-acre pond at the Logan County Airport;

15.1.j. Kanawha State Forest Pond -- A 1.0-acre pond on the Kanawha State Forest in Kanawha County; and

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15.1.k. Mash Fork of Camp Creek -- A 100-yard section of Mash Fork in Camp Creek State Park/Forest.

15.1.l. Clear Fork -- A 300-yard section of Clear Fork in Gilliland Park, Oceana, Wyoming County.

15.2. Season. -- March 1 through May 31.

15.3. The daily creel limit is four (4) trout in aggregate.