



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Natural Resources TITLE-SERIES: 58-59
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: SPECIAL WATERFOWL AND MIGRATORY
BIRD HUNTING AREAS
CITE STATUTORY AUTHORITY: §§20-1-17(b)(7), and 29A-1-3(c)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 1, 2022

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

Yes

James Bailey -- 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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TITLE 58
LEGISLATIVE EXEMPT RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 59
SPECIAL WATERFOWL AND MIGRATORY BIRD HUNTING AREAS

§58-59-1. General.

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

1.2. Authority. -- W. Va. Code §§20-1-17(b)(7) and 29A-1-3(c).

1.3. Filing Date. -- August 31, 2022.

1.4. Effective Date. -- September 1, 2022.

§58-59-2. Definitions.

2.1. All terms shall have the meaning prescribed in the W. Va. Code of State Rules, Title 58 Series 56, Special Migratory Bird Hunting, and Title 58 Series 58, Special Waterfowl Hunting.

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

3.1. The provisions of the W. Va. Code of State Rules, Title 58 Series 57, Special Migratory Game Bird Hunting, and Title 58 Series 58, Special Waterfowl Hunting, 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 or shooting stations during the period commencing on October 1, 2022 and ending on October 14, 2022 even if other hunting seasons run concurrently. The controlled waterfowl hunting area is marked by signs in the field which are outlined on maps provided by the Division to the successful applicant.

3.3. Shooting and falconry hours in the controlled waterfowl hunting area are from 30 minutes before sunrise until noon during the period commencing on October 1, 2022 and ending on October 14, 2022.

3.4. Concurrent hunting is prohibited in the controlled waterfowl hunting area during the period commencing on October 1, 2022 and ending on October 14, 2022.

3.4.1. Hunters must register in the new electronic license system and apply online at www.wvhunt.com. Electronic applications must be submitted by midnight, August 15, 2022 to be eligible for the permit lottery drawing.

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3.4.2. Hunting permits outlining the date of hunt and the assigned shooting station 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 6:00 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 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, 2022 and ending on October 14, 2022 must obey the following rules:

3.5.1. Hunters in the controlled area 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 or shooting station area.

3.5.3. Alcoholic beverages are prohibited in the blind or shooting station area.

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

3.5.5. Hunters may not travel more than 75 yards from the blind or shooting station in pursuit of crippled waterfowl.

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

4.1. The provisions of the W. Va. Code of State Rules, Title 58 Series 57, Special Migratory Game Bird Hunting, and Title 58 Series 58, Special Waterfowl Hunting, are in effect at the Green Bottom Wildlife Management Area, except as provided in Section 4.2. through 4.5. of these regulations.

4.2. Hunting on the Green Bottom WMA is restricted to waterfowl hunting only during the period commencing on October 1, 2022 and ending on October 3, 2022 even if other hunting seasons run concurrently.

4.3. Shooting and falconry hours for waterfowl are from 30 minutes before sunrise until noon during the period commencing on October 1, 2022 and ending on October 3, 2022.

§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.

§58-59-6. South Branch Wildlife Management Area.

6.1. The provisions of the W. Va. Code of State Rules, Title 58 Series 55, Migratory Bird Hunting Rule, and Title 58 Series 56, Special Migratory Game Bird Hunting, are in effect at the South Branch Wildlife Management Area, except as provided in Sections 6.2. through 6.5. of these regulations.

6.2. Hunting in the controlled mourning dove hunting area is restricted to dove hunting from State-controlled hunting posts on September 1 and 2, 2022 even if other hunting seasons run concurrently. The controlled dove hunting area is marked by signs and includes marked hunting posts.

6.3. Shooting hours in the controlled dove hunting area are from noon until sunset on September 1, 2022 and from 30 minutes before sunrise until sunset during the remainder of the season.

6.4. All hunting in the controlled dove hunting area is by permit only during the period commencing on September 1 and 2, 2022.

6.4.1. Hunters may register by contacting the DNR District II Office. Applications must be submitted by midnight, July 31, 2022 to be eligible for the permit lottery drawing.

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

6.4.3. Controlled area hunting permits are not transferable.

6.4.4. Hunters in controlled area who violate the provisions of these regulations or conduct themselves in an unsportsmanlike manner at the South Branch Wildlife Management Area will be ineligible to receive future permits.

6.5. All hunters in the controlled dove hunting area during September 1 and 2, 2022 must obey the following rules:

6.5.1. Permit holders in the controlled area must have a valid controlled hunting permit in their possession while hunting in the controlled area. The permit holder may be accompanied by two guests during the hunt who are also required to have a copy of the permit in their possession.

6.5.2. Guns must be cased and unloaded except when at assigned post.

6.5.3. Alcoholic beverages are prohibited at assigned posts.

6.5.4. Hunters must confine shooting to within five yards of assigned post.

§58-59-7. Pleasant Creek Wildlife Management Area.

7.1. The provisions of the W. Va. Code of State Rules, Title 58 Series 57, Waterfowl Hunting Rule, and Title 58 Series 58, Special Waterfowl Hunting, are in effect at the Pleasant Creek Wildlife Management Area, except as provided in Section 7.2. of these regulations.

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7.2. Waterfowl Hunting on the Pleasant Creek WMA is restricted to the Mondays, Wednesdays, Fridays, and Saturdays during the period commencing on October 1, 2022 and ending on October 14, 2022.