



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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1/3/2023 3:19 PM

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: 58-60

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

RULE NAME: FISHING REGULATIONS

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

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

January 3, 2023

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.

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. -- January 3, 2023.

1.4. Effective Date. -- January 3, 2023.

§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. This could be two brown trout, two brook trout, and two rainbow trout, or any combination of six trout, but not more than a total of six per day nor more than a total of twelve 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.

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

3.5. It is illegal 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.

3.6. The possession of any darter species within the State of West Virginia is prohibited.

3.7. Fishing regulations relating to opening and closing dates, creel and possession limits, and size limits on the Potomac and North Branch of the Potomac, including Jennings Randolph Lake, and enforced by West Virginia Division of Natural Resources will correspond with the same regulations published by the State of Maryland.

§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.

4.2. Trout Season (Brook, Brown, Rainbow, Golden Rainbow, and Tiger Trout). -- The trout season is open year-round, except as provided in Sections 4.2.1. through 4.2.5. of these regulations.

4.2.1. From November 1 through May 15, a 1.2-mile section of Middle Wheeling Creek in Ohio County beginning just above the upper limit of Middle Wheeling Creek Lake and extending downstream to the mouth of Gillespie Run is open for catch and release trout fishing only.

4.2.2. From November 1 through May 15, a 1-mile section of the Clear Fork of Guyandotte River in Wyoming County beginning at the state Route 6 bridge and extending upstream to the R.D. Bailey Wildlife Management Area manager's residence is open for catch and release trout fishing only.

4.2.3. From November 1 through May 15, Paint Creek from Ash Branch upstream 12.5 miles to the mouth of Milburn Creek in Kanawha and Fayette Counties is open for catch and release trout fishing only.

4.2.4. From November 1 through May 15, William's River from a signed location approximately two miles downstream of Tea Creek extending two miles downstream in Pocahontas County is open for catch and release trout fishing only.

4.2.5. From November 1 through May 15, Shavers Fork River extending from the mouth of Whitmeadow Run downstream 5.5 miles to the mouth of McGee Run in Randolph County 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 9:00 p.m. on the Saturday nearest to June 15 and closes at midnight on July 31, except as provided in Section 4.12.1. of these regulations.

4.12.1. 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 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 black bass in aggregate and the possession limit is 12 black bass in aggregate, except as provided in Section 5.1.1.

5.1.1. The daily creel limit is zero black bass and the possession limit is zero black bass on Catch-and-Release Black Bass Fishing Areas.

5.2. Trout (Brook, Brown, Rainbow, Tiger, and Golden Rainbow Trout). -- The daily creel limit is six trout in aggregate and the possession limit is 12 trout in aggregate, except as provided in Sections 5.2.1. through 5.2.3. of these regulations.

5.2.1. The daily creel limit is zero trout and the possession limit is zero trout on Catch-and-Release Trout Fishing Areas.

5.2.2. The daily creel limit is zero fish and the possession limit is zero fish on Fly-Fishing-Only Areas.

5.2.3. The daily creel limit is two trout in aggregate and the possession limit is 12 in aggregate for Stephens Lake (Raleigh County).

5.3. Muskellunge. -- The daily creel limit is one muskellunge and the possession limit is two muskellunge, except as provided in 5.3.1. of these regulations.

5.3.1. The daily creel limit is zero muskellunge and the possession limit is zero muskellunge on Catch-and-Release Muskellunge Fishing Areas as provided in Section 8 of these regulations.

5.4. Tiger Musky. -- The daily creel limit is one tiger musky and the possession limit is two tiger musky.

5.5. Northern Pike. -- The daily creel limit is one northern pike and the possession limit is two northern pike.

5.6. Hybrid Striped Bass, Striped Bass and White Bass. -- Except as provided in Section 5.6.1. and 5.6.2. of these regulations, the daily creel limit is 30 hybrid striped bass, striped bass, and white bass with no more than four fish in aggregate larger than 15 inches.

5.6.1. The daily creel limit for hybrid striped bass, striped bass, and white bass is four in aggregate with a 15 inch minimum size on Mount Storm (Grant County), Bluestone (Summers County), Beech Fork (Wayne County), R. D. Bailey (Mingo and Wyoming Counties) lake, and the Kanawha River from the confluence of the Gauley and New Rivers to the Buffalo Bridge.

5.6.2. The daily creel limit is zero and the possession limit is zero 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:

5.7.1. The daily creel limit for walleye is eight and the possession limit is 16 on all waters except as provided in subdivisions 5.7.1.a. through 5.7.1.d.

5.7.1.a. The daily creel limit is two walleye and the possession limit is four on the Ohio River between the states of Ohio and West Virginia, the Bluestone River extending downstream from the Virginia state line to its confluence with the New River, including all tributaries, the New River extending from the mouth of the Gauley River upstream to the West Virginia and Virginia state border in Summers County including all tributaries except as provided in Section 5.7.1.b., 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 including all tributaries, the Elk River extending from the mouth of the Elk River upstream including Sutton Lake and all tributaries, the Gauley River extending from the mouth of the Gauley upstream including all tributaries, excluding the area between Summersville Dam and Persinger Creek, the Greenbrier River extending from the mouth of the Greenbrier River upstream, including the East Fork and West Fork of the Greenbrier River in Pocahontas County and all tributaries, the Kanawha River extending from the Winfield Dam upstream to the confluence of the New and Gauley rivers in Fayette County, including all tributaries.

5.7.1.b. The daily creel limit is zero walleye and the possession limit is zero walleye on a five-mile section of the New River from Meadow Creek public access to the base of Sandstone Falls in Raleigh and Summers counties.

5.7.1.c. The daily creel limit and possession limit is zero for walleye on Charles Fork Lake (Roane County) and Dog Run Lake in Harrison County.

5.7.1.d. The daily creel limit in aggregate for walleye, sauger, and saugeye is six and the possession limit is 12, four of which may be walleye, on the Ohio River between the states of Ohio and West Virginia and from the mouth of the Kanawha River in Mason County upstream to the Winfield Lock and Dam, provided only two of the six may be walleye.

5.7.2. The daily creel limit for sauger and saugeye is eight and the possession limit is 16 in any combination on all lakes. The daily creel limit for sauger and saugeye is 10 and the possession limit is 20 in any combination on all rivers, except as provided in 5.7.1.d.

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

5.8.1. The daily creel limit is 30 for channel catfish and the possession limit is 60, except as provided in 5.8.2.

5.8.2. The daily creel limit is four channel catfish and the possession limit is 16 channel catfish on impoundments designated by the director and published annually.

5.9. Crappie, black and white. -- The daily creel limit for black crappie and white crappie is 30 in aggregate and the possession limit for black crappie and white crappie is 60 in aggregate.

5.10. Sunfish, all species. -- The daily creel limit for all species of sunfish is 30 in aggregate and the possession limit for all species of sunfish is 60 in aggregate, except as provided in 5.10.1.

5.10.1. The daily creel limit for bluegill and all other sunfish species is 10 in aggregate, only five of which may be eight inches or longer, on Mason Lake (Monongahela County) and Teter Creek Lake (Barbour County).

5.11. Chain pickerel. -- The daily creel limit for chain pickerel is one and the possession limit is two

5.12. Other Game Fish. -- The daily creel limit is 30 and the possession limit is 60 for all game fish species not listed in Section 5.

5.13. Other Nongame Fish. -- There are no daily creel or possession limits on nongame fish species not listed in Section 4 of these regulations, except as provided in 5.13.1. and 5.13.2. of these regulations.

5.13.1. The daily creel limit is 30 for yellow perch with a possession limit of 60, except as provided in 5.18.

5.13.2. The daily creel limit is zero for all nongame fish species and using any fish as bait is prohibited on the following:

5.13.2.a. Confluence of the East and West Forks of the Greenbrier River upstream including all tributaries.

5.13.2.b. Gauley River upstream of the Route 55/20 Bridge (Curtain, WV) which includes the Cherry, Williams, Cranberry, and Upper Gauley rivers and all tributaries of each river.

5.13.2.c. Camp Creek and Manns Creek including all tributaries of each stream, including Glade Creek in Babcock State Park.

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

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

5.16. Minnows and other Aquatic Life. -- A person may have in his possession no more than 50 minnows nor more than a total of 100 aquatic animal life not regulated by W. Va. Code of State Rules, Title 58 Series 73, Reptiles and Amphibian Rule, unless obtained from a licensed dealer and accompanied by a bill of sale.

5.17. Blue Catfish. -- The daily creel limit is two blue catfish, except as provided in 5.17.1. and Section 11.

5.17.1. The daily creel limit is four blue catfish, only one of which may be 35 inches or longer and the possession limit for blue catfish is eight, only two of which may be 35 inches or longer on the following waters:

5.17.1.a. Kanawha River from the mouth (Mason County) extending upstream to the confluence of the New and Gauley Rivers (Fayette County).

5.17.1.b. The entire length of the Ohio River within the state's boundaries including all West Virginia tributaries within the reciprocal agreement boundaries.

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

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

5.20. The daily creel limit is four, of which only one may be 35 inches or longer and the possession limit is eight for flathead catfish on the following waters:

5.20.1. Kanawha River from the mouth (Mason County) extending upstream to the confluence of the New and Gauley rivers (Fayette County).

5.20.2. The entire length of the Monongahela River within the state's boundaries.

5.20.3. 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 6.1.1. through 6.1.6. of these regulations.

6.1.1. There is a 12-inch minimum size limit for black bass on the following:

6.1.1.a. Barboursville Lake (Cabell County).

6.1.1.b. Beech Fork Lake (Wayne County).

6.1.1.c. Chief Logan Lake (Logan County).

6.1.1.d. Conaway Run Lake (Tyler County).

6.1.1.e. Wheeling Creek (Marshall and Ohio counties).

6.1.1.f. 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.

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

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

6.1.4. There is a 12 to 20-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 12 to 20 inches in length that are caught on the Greenbrier in this designated area must be released immediately.

6.1.5. 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.

6.1.5.a. 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 6.1.5. are released following the tournament weight in.

6.1.6. There is a 14 to 22-inch slot limit for black bass in effect on the New River from the confluence of the New and Gauley Rivers upstream to the West Virginia/Virginia state line, excluding Bluestone Lake (from the dam upstream to the mouth of Indian Creek. Only one black bass over 22 inches may be part of the daily creel limit within the slot limit area.

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

6.3. Muskellunge. -- There is a 30-inch minimum size limit for muskellunge except as provided in Section 6.3.1. through 6.3.3. of these regulations.

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

6.3.2. There is a 40-inch 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 River Run campground.

6.3.3. There is a 52-inch minimum size limit on Stonewall Jackson Lake, including all tributaries (Lewis County).

6.4. Tiger Musky. -- There is a 30-inch minimum size limit for tiger musky.

6.5. Northern Pike. -- There is a 30-inch minimum size limit for northern pike.

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

6.6.1. Beech Fork Lake (Wayne County).

6.6.2. Bluestone Lake (Summers County).

6.6.3. Mount Storm Lake (Grant County).

6.6.4. R. D. Bailey Lake (Mingo and Wyoming Counties).

6.6.5. Kanawha River from the confluence of the Gauley and New Rivers downstream to the Buffalo Bridge.

6.7. Walleye. -- There are no size limits for walleye, except as provided in Sections 6.7.1 through 6.7.3. of these regulations.

6.7.1. There is a 15-inch minimum size limit for walleye on the following:

6.7.1.a. 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.

6.7.1.b. Tygart River extending from the mouth of the Tygart in Marion County upstream to Valley Falls.

6.7.1.c. West Fork River extending from the mouth of the West Fork River in Marion County upstream to Stonewall Jackson Lake Dam in Lewis County.

6.7.1.d. Burnsville Lake (Braxton County).

6.7.1.e. Stephens Lake (Raleigh County).

6.7.1.f. Stonecoal Lake (Upshur County).

6.7.2. There is an 18-inch minimum size limit for walleye on the Ohio River between the states of Ohio and West Virginia and the Kanawha River extending from the mouth in Mason County upstream to the Winfield Lock and Dam.

6.7.3. There is a 20 to 30-inch 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 5.7.1. The remainder of the creel limit must be less than 20 inches in length. All walleye 20 to 30-inches in length that are caught in these designated areas must be released immediately.

6.7.3.a. Bluestone River extending downstream the Virginia state line to its confluence with the New River, including all tributaries.

6.7.3.b. 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, including all tributaries.

6.7.3.c. Elk River extending from the mouth of the Elk River upstream, including Sutton Lake and all tributaries.

6.7.3.d. Gauley River extending from the mouth of the Gauley upstream, including all tributaries, including the area between Summersville Dam and Persinger Creek.

6.7.3.e. Greenbrier River extending from the mouth of the Greenbrier River upstream including the East Fork and West Fork of the Greenbrier River in Pocahontas County, and all tributaries.

6.7.3.f. Kanawha River extending from the Winfield Dam upstream to the confluence of the New and Gauley rivers in Fayette County, including all tributaries.

6.7.3.g. New River extending from the confluence of the New and Gauley rivers upstream to the West Virginia/Virginia state line in Summers County, including all tributaries, excluding the catch-and-release area from Meadow Creek upstream to the base of Sandstone Falls.

6.7.3.h. Cheat River extending from the mouth of the Cheat River upstream, including Cheat Lake and all tributaries.

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 6.6. 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.

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

6.14. Blue Catfish. -- Except as provided in 6.14.1 and 6.14.2., there is a 24" minimum size limit for blue catfish.

6.14.1. There is a 25" minimum size limit for blue catfish on the Kanawha River from the mouth (Mason County) extending upstream to the confluence of the New and Gauley Rivers (Fayette County).

6.14.2. There is a 25" minimum size limit for blue catfish the entire length of the Ohio River within the state's boundaries including all West Virginia tributaries within the reciprocal agreement boundaries.

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

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

7.1.1. Dunkard Fork Lake (Marshall County).

7.1.2. Edwards Run Pond (Hampshire County).

7.1.3. Elk Fork Lake (Jackson County).

7.1.4. Kimsey Run Lake (Hardy County).

7.1.5. Millers Fork Pond (Wayne County).

7.1.6. North Bend Lake (Ritchie County).

7.1.7. O'Brien Lake (Jackson County).

7.1.8. Rockhouse Lake (Logan County).

7.1.9. Tuckahoe Lake (Greenbrier County).

7.1.10. Upper Mud River Lake (Lincoln County).

7.1.11. Woodrum Lake (Jackson County).

7.1.12. The South Branch of the Potomac River (Hampshire County): -- A nine and one half 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.

7.1.13. The South Branch of the Potomac River (Hardy County): -- An eight mile section in Hardy County beginning three 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).

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

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.

8.1.1. Middle Island Creek (Tyler County): -- A six 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.

8.1.2. Buckhannon River (Upshur County): -- A six and one-half 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.

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

9.1.2. The Shavers Fork Catch-and-Release Trout Fishing Areas.

9.1.3. The North Fork of the South Branch of the Potomac River Catch-and-Release Trout Fishing Area: -- A three-quarter 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.

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

9.1.5. The Cranberry River Catch-and-Release Trout Fishing Area: -- A four and three tenths 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.

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

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

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

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

9.1.10. The Slaty Fork section of Elk River Catch and Release Trout Fishing Area: -- A four and six-tenths 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.

9.1.11. The North Fork of Cherry River Catch-and-Release Trout Fishing Area: -- A one and eight-tenths 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.

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

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

9.1.14. 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.

9.1.15. 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.

9.1.16. 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.

9.1.17. 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.

9.1.18. 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.

9.1.19. The Guyandotte River Catch-and-Release Trout Fishing Area: -- Entire length of the Guyandotte River upstream of the railroad bridge in Mullens including all tributaries totaling 101 miles. (Wyoming and Raleigh Counties).

9.1.20. The Barkers Creek of Guyandotte River Catch-and-Release Trout Fishing Area: -- From the mouth of Barkers Creek upstream to include the entire drainage area for a total of 88 stream miles. (Wyoming County).

9.1.21. The Elkhorn Creek Catch-and-Release Trout Fishing Area: -- From the mouth of Elkhorn Creek upstream to include the entire drainage area for a total of 171 stream miles. (McDowell County).

9.2. Fishing on Catch-and-Release Trout Fishing Areas is permitted during daylight hours 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.

9.3.1. Multiple-hook lures must have barbless hooks.

9.3.2. 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.

10.1.1. Second Creek Fly-Fishing-Only Area: -- A two and three-tenths mile section on the Monroe County - Greenbrier County line at Rodgers Mill.

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

10.1.3. 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.

10.1.4. 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.

10.1.5. Thorn Creek Fly Fishing Only Area: -- A one-half mile marked section beginning three miles above the mouth. Access is by County Route 20.

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

10.1.7. Edward Run Fly Fishing Only Area: -- A one and one-quarter 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.

11.1.1. Dipping for nongame fish is legal year-round.

11.2. Bow Fishing.

11.2.1. 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. Gigging, Snagging, and Snaring.

11.3.1. Nongame fish, turtles, and eels may be taken by gigging, snagging, or snaring from January 1 through May 15 and from July 15 through December 31, except as provided in Section 11.3.2. of these regulations: Provided, however, that snagging and gigging shall be prohibited within 100 feet of all U.S. Army Corps of Engineers Locks and Dams and their appurtenances.

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

11.4. Trotlines and Droplines.

11.4.1. Trotlines.

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

11.4.1.b. Trotlines may be used at the following impoundments:

11.4.1.b.1. Beech Fork (Wayne County).

11.4.1.b.2. Bluestone (Summers County).

11.4.1.b.3. Burnsville (Braxton County).

11.4.1.b.4. Cheat Lake (Monongalia County).

11.4.1.b.5. East Lynn (Wayne County).

11.4.1.b.6. Hawks Nest (Fayette County).

- 11.4.1.b.7. Jennings Randolph (Mineral County).
- 11.4.1.b.8. Mt. Storm Lake (Grant County).
- 11.4.1.b.9. R. D. Bailey (Mingo and Wyoming counties).
- 11.4.1.b.10. Stonecoal (Lewis and Upshur counties).
- 11.4.1.b.11. Stonewall Jackson (Lewis County).
- 11.4.1.b.12. Summersville (Nicholas County).
- 11.4.1.b.13. Sutton (Braxton County).
- 11.4.1.b.14. Tygart (Taylor County).

11.4.2. Droplines.

11.4.2.a. Droplines are prohibited on the following:

- 11.4.2.a.1. Impoundments designated by the director and published annually.
- 11.4.2.a.2. Elk River (Randolph, Webster, Braxton, Clay, and Kanawha counties).
- 11.4.2.a.3. Hughes River (Wirt County).
- 11.4.2.a.4. Little Kanawha River (Braxton, Gilmer, Calhoun, Wirt, and Wood counties).
- 11.4.2.a.5. Middle Island Creek (Tyler and Pleasants counties).
- 11.4.2.a.6. South Fork of Hughes River (Doddridge, Ritchie, and Wirt counties).

11.4.2.b. Droplines may be used at the following impoundments:

- 11.4.2.b.1. Beech Fork (Wayne County).
- 11.4.2.b.2. Bluestone (Summers County).
- 11.4.2.b.3. Burnsville (Braxton County).
- 11.4.2.b.4. Cheat Lake (Monongalia County).
- 11.4.2.b.5. East Lynn (Wayne County).
- 11.4.2.b.6. Hawks Nest (Fayette County).
- 11.4.2.b.7. Jennings Randolph (Mineral County).

11.4.2.b.8. Mt. Storm Lake (Grant County).

11.4.2.b.9. R. D. Bailey (Mingo and Wyoming counties).

11.4.2.b.10. Stonecoal (Lewis and Upshur counties).

11.4.2.b.11. Stonewall Jackson (Lewis County).

11.4.2.b.12. Summersville (Nicholas County).

11.4.2.b.13. Sutton (Braxton County).

11.4.2.b.14. Tygart (Taylor County).

11.5. Underwater Spearfishing.

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

11.5.2. Spearfishing is prohibited on the following:

11.5.2.a. Elk River, from Sutton Dam downstream to the U.S. Route 19 bridge at Sutton.

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

11.6. Hand-fishing (“noodling”).

11.6.1. 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.

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

11.6.2.a. Stonecoal Lake (Lewis and Upshur counties).

11.6.2.b. Hawks Nest Lake (Fayette County).

11.6.2.c. Mt. Storm Lake (Grant County).

11.6.2.d. Cheat Lake, (Monongalia County).

11.6.2.e. All U.S. Army Corps of Engineers lakes.

11.6.3. The daily creel limit for all combined catfish species taken by hand-fishing is four, of which only one may be 35-inches or longer and only two 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.

11.6.4. 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.

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

11.6.6. 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.

11.6.7. 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:

- 12.1.1. Anderson Lake (Kanawha County): -- No night fishing allowed.
- 12.1.2. Barboursville (Cabell County): -- No night fishing allowed.
- 12.1.3. Coonskin (Kanawha County): -- No night fishing allowed.
- 12.1.4. Dent's Run (Marion County): -- No night fishing allowed.
- 12.1.5. Dixon Lake (Monongalia County): -- No night fishing allowed.
- 12.1.6. Dog Run (Harrison County): -- No night fishing allowed.
- 12.1.7. Edwards Run (Hampshire County): -- No night fishing allowed.
- 12.1.8. Elk Two Mile (Site 12) (Kanawha County): -- No night fishing allowed.
- 12.1.9. Elk Two Mile (Site 13) (Kanawha County): -- No night fishing allowed.
- 12.1.10. Elk Two Mile (Site 14) (Kanawha County): -- No night fishing allowed.
- 12.1.11. French Creek (Upshur County): -- No night fishing allowed.
- 12.1.12. Indian Rock (Nicholas County): -- No night fishing allowed.
- 12.1.13. James P. Bailey (Mercer County): -- No night fishing allowed.
- 12.1.14. Krodel (Mason County): -- No night fishing allowed.
- 12.1.15. Larenim (Mineral County): -- No night fishing allowed.
- 12.1.16. Logan County Airport Pond (Logan County): -- No night fishing allowed.

- 12.1.17. Mill Creek (Barbour County): -- No night fishing allowed.
- 12.1.18. Millers Fork (Wayne County): -- No night fishing allowed.
- 12.1.19. North Bend Pond (Ritchie County): -- Night fishing by registered campers only.
- 12.1.20. Pettigrew (Kanawha County): No night fishing permitted.
- 12.1.21. Poor House (Berkeley County): -- No night fishing allowed.
- 12.1.22. Raleigh County Airport Pond (Raleigh County): -- No night fishing allowed.
- 12.1.23. Rock Cliff (Hardy County): -- Night fishing by registered campers only.
- 12.1.24. Sherwood (Greenbrier County): -- Night fishing by permit only.
- 12.1.25. Stephens (Raleigh County): -- Night fishing by permit only.
- 12.1.26. Underwood (Cabell County): -- No night fishing allowed.
- 12.1.27. Wallback (Clay and Roane counties): -- No night fishing allowed.
- 12.1.28. 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 beginning at 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.

14.1.1. Dixon Lake (Monongalia County).

14.1.2. 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.

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

14.1.4. All hooks must be barbless.

14.1.5. 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:

15.1.1. Handley Pond -- A five-acre pond in Pocahontas County.

15.1.2. Baker Lake -- A three-acre pond on the Bear Rock Wildlife Management Area in Ohio County.

15.1.3. Coonskin Park Pond -- A two and seven-tenths-acre pond on Coonskin Park in Kanawha County.

15.1.4. Westover Park Pond -- A one-acre pond in Monongalia County.

15.1.5. Raleigh County Airport Pond -- A one-acre pond at the entrance to Raleigh County Airport.

15.1.6. Bishops Knob pond -- A two-acre lake between Cranberry and Williams rivers in Webster County, accessible by Forest Road 101.

15.1.7. Millers Fork Pond -- A five-acre pond in Wayne County.

15.1.8. Lake Underwood -- A one-acre pond at YMCA Kennedy Center in Cabell County.

15.1.9. Logan County Airport Pond -- A one-acre pond at the Logan County Airport.

15.1.10. Kanawha State Forest -- A 17.2 mile section of Davis Creek in Kanawha State Forest from the Rt. 23 bridge near the entrance of Kanawha State Forest upstream, including all tributaries; and

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

15.1.12. Laurel Fork -- A 300-yard section of Laurel Fork in Gilliland Park, Oceana, Wyoming County.

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

15.3. The daily creel limit is four trout in aggregate.