



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

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 Office of West Virginia
 Secretary Of State

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-
 MAKING REVIEW COMMITTEE**

AGENCY: Natural Resources TITLE-SERIES: 58-38
 RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: 58-38 Public Shooting Ranges

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §§20-3-2 and 20-1-7(31)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-3-2 provides authority for the Director to purchase lands for the purposes set for in in Article 2 of Chapter 20 of the West Virginia Code. This section also requires the Director to protect, preserve and maintain lands so acquired. §20-1-7(31) provides the Director legislative rule-making authority for the proper and effective enforcement of the provisions of Chapter 20.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING:

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This legislative rule establishes regulations to govern use of public shooting ranges located on state wildlife management areas, state forests, and on other private or governmental entities in which the Division holds a cooperative management agreement.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This legislative rule establishes regulations to govern use of public shooting ranges located on state wildlife management areas, state forests, and on other private or governmental entities in which the Division holds a cooperative management agreement.

This rule is necessary to continue addressing issues that were experienced on the wildlife management areas and public shooting ranges, including target shooting in non-designated areas, use of explosive targets and inappropriate ammunition which have created public safety issues.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

There is no anticipated economic impact on the revenue of the state.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no anticipated economic impact on special revenue accounts.

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

There is no anticipated economic impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2026 Increase/Decrease (use "-")	2027 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

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

There is no anticipated change to administrative costs or revenues.

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

Yes

Garner Marks -- 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 RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 38
PUBLIC SHOOTING RANGES

§58-38-1. General.

1.1. Scope and Purpose. -- This legislative rule establishes regulations to govern use of public shooting ranges located on state wildlife management areas, state forests and on other private or governmental entities in which the Division holds a cooperative management agreement.

1.2. Authority. -- W. Va. Code §§20-1-7(31) and 20-3-2.

1.3. Filing Date. – ~~May 9, 2022~~.

1.4. Effective Date. – ~~May 9, 2022~~.

1.5. This rule shall terminate and have no further force or effect on August 1, ~~2027~~ 2032.

§58-38-2. Definitions.

2.1. "Division" means the West Virginia Division of Natural Resources.

2.2. "Firing Line" means the line directly in front of and parallel to the shooting benches from which gunfire is directed at targets.

2.3. "Public Shooting Range" means any range on a property owned or administered by the Division which is open to the general public for the practice of archery, air bow shooting, air gun shooting, firearm and muzzleloader shooting, trapshooting (skeet), or a combination of such sports.

2.4. "Target Shooting" means the discharge of a firearm, muzzleloader, bow, air bow, air gun or crossbow for purposes other than hunting, trapping, and self-defense.

2.5. "Weapon" for the purpose of this rule means a firearm, muzzleloader, bow, air bow, air gun or crossbow.

2.6. "Wildlife Management Area" or "WMA" means any public hunting area, public fishing area, or public hunting and fishing area administered by the Division.

2.7. All other terms have the meaning prescribed to them in W. Va. Code of State Rules, Title 58 Series 46 Defining the Terms Used In All Hunting and Trapping.

§58-38-3. General Regulations.

3.1. Property Damage. It is illegal to shoot, cut, damage, deface, or destroy any building, structure, rock, shrub, sign, tree, or other property on public shooting ranges.

3.2. Safety Zones. It is illegal to discharge a weapon within an established safety zone on WMAs, with the exception that users of a public shooting range are permitted to discharge a weapon as prescribed in section 4 of this rule.

§58-38-4. Public Shooting Ranges.

4.1. Hours of Operation. Hours of operation will be posted at the entrance to each public shooting range and no person may utilize the range except during the posted hours. The range may be temporarily closed at the discretion of the responsible District Wildlife Biologist or Wildlife Manager, or other authorized party at a private or local governmental entity in which there is a cooperative management agreement in place with the Division.

4.2. Range Safety. All range visitors using a public shooting range must observe all posted range safety rules.

4.2.1. All recreational activities (e.g., hunting, trapping, fishing, etc.), except for permitted uses of the public shooting range, are prohibited within the boundaries of the posted and delineated safety zone of a public shooting range.

4.2.2. Target shooting on WMAs and state forests is prohibited except at a designated public shooting range.

4.3. Shooting Range Targets.

4.3.1. Only paper, clay, polymer, plastic, and metal silhouette targets may be used on public shooting ranges on WMAs without prior approval of the District Wildlife Biologist or WMA Wildlife Manager. Glass, plastic, or metal containers or any other items not manufactured for the purpose of being used as a target may not be used as targets on public shooting ranges.

4.3.2. After use targets, silhouettes, ammunition casings, shells, and other items brought to a public shooting range must be removed from the range by the shooter and taken with them upon leaving the public shooting range or items may be disposed of in containers provided at the range.

4.3.3. The shooting of flying clay targets (e.g., trapshooting, skeet, sporting clays, etc.) is prohibited on public shooting ranges unless the range has been constructed to accommodate clay target shooting and is appropriately signed for that use.

4.3.4. The use of explosive and incendiary targets is prohibited on public shooting ranges.

4.4. Other Prohibitions.

4.4.1. Alcoholic beverages are prohibited within the boundaries of all public shooting ranges.

4.4.2. No person who is an impaired state by use of alcohol, a controlled substance, or other drug may handle a weapon at a public shooting range.

4.4.3. Except for persons who are under 16 years of age and who have a valid West Virginia hunting license or who are a member of a shooting sports team or club, no person under 16 years of age may use the public shooting range unless directly supervised by an individual 18 years of age or older.

4.4.4. The use of incendiary, explosive, and tracer ammunition is prohibited on public shooting ranges: *Provided*, That tracer ammunition may be utilized at certain ranges that the Director determines do not create a substantial risk of fire.

4.4.5. Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited on public shooting ranges without the written permission of the Director of the Division of Natural Resources.

4.4.6. Loitering at public shooting ranges including the associated parking area is prohibited.

4.5. Use of Weapons at Public Shooting Ranges.

4.5.1. All weapons must be unloaded, and weapon handling must cease while any person is forward of the firing line. Weapons may be loaded and discharged only at established shooting stations.

4.5.2. No person may move forward of the firing line until all firing has ceased, all users acknowledge an "All Clear" command and all weapons have been unloaded and placed on the shooting benches.

4.5.3. Weapons must always be pointed downrange or in a safe direction.

4.5.4. Use of fully automatic weapons is permitted only by an individual authorized to possess the weapon in accordance with the National Firearms Safety Act of 1934.

4.5.5. No person may use a weapon in a manner that causes damage or destruction of any shooting range infrastructure or facility beyond that expected from reasonable use. Weapons utilizing a cartridge of .50 caliber and larger are permitted unless otherwise deemed inappropriate for use at a range designated unsuitable for large caliber ammunition. This prohibition does not apply to muzzleloaders.

§58-38-5. Penalties

5.1. Any person violating the provisions of this rule is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.