

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
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: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

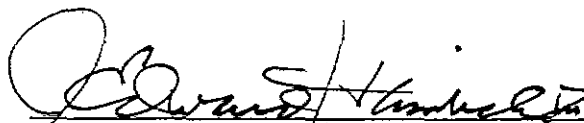
TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 11B

TITLE OF RULE BEING PROPOSED: Regulations Concerning Prohibitions When Hunting And

Trapping

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



J. Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Regulations Concerning Prohibitions When Hunting and Trapping,
47 C.S.R. 11B

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources

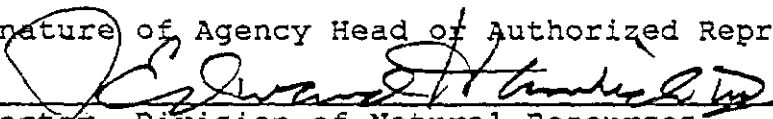
Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$				
Personal Services	\$				
Current Expenses	\$				
Repairs & Alterations	\$		No Change		
Equipment	\$				
Other	\$				

2. Explanation of above estimates: There is no change anticipated to administrative expenses as a result of this rule.
3. Objectives of this rule: The proposed rule establishes the general provisions applicable to hunting and trapping.
4. Explanation of Overall Economic Impact of Proposed Rule.
 - A. Economic Impact on State Government. No impact.
 - B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact.
 - C. Economic Impact on Citizens/ Public at Large. No impact.

Date: July 27, 1992

Signature of Agency Head or Authorized Representative


Director, Division of Natural Resources

DATE: _____

TO: Legislative Rule-Making Review Committee

FROM: Department of Commerce, Labor and Environmental Resources,
Division of Natural Resources

LEGISLATIVE RULE TITLE: Regulations Concerning Prohibitions When Hunting And Trapping

1. Authorizing statute (s) citation: 20-1-7(30)
- 2.a. Date filed in State Register with Notice of Hearing: July 28, 1992 (Written Comments Only)
- 2.b. What other notice, including advertizing, did you give of the hearing?
None
- 2.c. Date of hearing (s): N/A
- 2.d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments:
Attached: _____ No comments received X
- 2.e. Date agency approved proposed Legislative Rule filed in State Register following public hearing:
- 2.f. Name and telephone of agency contact: Jim Ruckel, 558-2771
3. If the statute under which the rule was promulgated and submitted requires certain finding and determinations to be made as a condition precedent to their promulgation:
 - 3.a. Date on which a notice of the time and place of hearing for the taking of evidence and a general description of the issues to be decided was filed in the State Register:
N/A
 - 3.b. Date of hearing: N/A
 - 3.c. Date the required findings and determinations together with reasons therefor were filed in the State Register: N/A
 - 3.d. Findings and determinations, and reasons (attached).

PREAMBLE TO A PROPOSED RULE
CONCERNING
REGULATIONS CONCERNING PROHIBITIONS WHEN
HUNTING AND TRAPPING

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

AGENCY: Department of Commerce, Labor and Environmental Resources; Division of Natural Resources.

REGULATION: Title 47, Series 11B, "Regulations Concerning Prohibitions When Hunting and Trapping."

SUMMARY: The proposed rule received no written comments prior to 4:00 p.m., August 31, 1992.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

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OFFICE OF THE SECRETARY OF STATE

SERIES 11B
REGULATIONS CONCERNING PROHIBITIONS WHEN HUNTING AND TRAPPING

§ 47-11B-1. General.

1.1. Scope and Purpose. -- These regulations establish prohibitions in the pursuit or taking of wildlife within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§ 47-11B-2. Definitions.

2.1. All terms shall have the meaning prescribed in the Code of State Regulations, Title 47, Series 11A (47 C.S.R. 11A).

§ 47-11B-3. Prohibitions.

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

3.1.1. Federal regulations prohibit hunting in Harpers Ferry National Historical Park.

3.2. Notwithstanding the provisions of W. Va. Code § 20-2-5(2), woodchucks may be controlled by such means on private land by the landowner, his resident children or resident parents, or a bona fide resident tenant.

3.3. Except as provided in Sections 3.3.1 and 3.3.2 of these regulations, it is illegal to use poisons, chemicals, or explosives in taking any furbearing animal, game animal, game bird, protected bird, or protected mammal.

3.3.1. Woodchucks may be controlled by such means on private land by the landowner, his resident children or resident parents, or a bona fide resident tenant during the period commencing on April 1 and ending on September 30.

3.3.2. Redwing blackbirds, grackles, pigeons, and English sparrows may be controlled by chemicals registered with the West Virginia Department of Agriculture and the United States

Environmental Protection Agency when prescribed and authorized by the director in writing. Authorized users must follow avicide label instructions and take all possible precautions in order to protect nontarget species of wildlife.

3.4. It shall be illegal to hunt from, or by means of, a motorized watercraft unless the motor has been completely shutoff and its progress therefrom has ceased.

3.5. It shall be illegal to hunt, catch, take, kill, injure, or pursue a wild animal or wild bird by means of falconry or hawking.

3.6. With the exception of hand-held releasing devices, all mechanical devices built into or attached to a bow that will lock the bow at full or partial draw are prohibited, unless otherwise specified by the director.

3.7. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.8. It is illegal to catch, capture, take, or kill, or attempt to do so, by seine, net, bait, trap, deadfall, snare, or like device of any kind any bear, migratory bird, protected bird, protected mammal, or wild boar.

3.8.1. No person may take, or attempt to do so, the species under Section 3.8 of these regulations, by the aid of baiting. An area is considered to be baited for ten (10) days after the removal of bait.

3.9. It shall be illegal to have in ones possession solid ball ammunition and lead or steel shot larger than No. 4 during the muzzleloading season, except for those legally hunting bear. The use of .22 caliber rimfire for small game hunting is legal during the muzzleloading season.

3.10. Only portable tree stands may be used on public lands.

3.11. No person may transport wildlife or parts thereof, which were killed by another hunter unless said wildlife is accompanied by a paper or tag filled out in plain English bearing the following information from the hunter killing said wildlife:

3.11.1. The hunter's signature, address, hunting license number (if required), official game checking tag number (if required), date of kill, species, number, and/or quantity of wildlife.