

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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Aug 12 1 58 PM '94

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: Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11F

TITLE OF RULE BEING AMENDED: Wild Turkey Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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.



CIRCUMSTANCES
CONCERNING CHANGES TO
WILD TURKEY REGULATIONS

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

REGULATION: Title 58, Series 11F, "Wild Turkey Regulations".

CIRCUMSTANCES: This revision is to improve hunter safety during
spring wild turkey season.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Wild Turkey Regulations, 58 C.S.R. 11F

Type of Rule: XX 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		Thereafter
	Increase	Decrease	Current	Next	
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 expenditures as a result of this rule.

3. Objectives of this rule: The rule provides for the management of wild turkey within West Virginia.

4. Explanation of Overall Economic Impact of Proposed Rule.

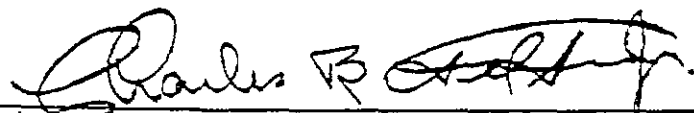
A. Economic Impact on State Government. No impact.

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 5, 1994

Signature of Agency Head or Authorized Representative



Director, Division of Natural Resources

DATE:

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:

LEGISLATIVE RULE TITLE: Wild Turkey Regulations

1. Authorizing statute(s) citation § 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing

July 5, 1994 - Comment Period

b. What other notice, including advertising, did you give of the hearing?

NONE

c. Date of Hearing(s) Comment period ended August 5, 1994

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached NONE No comments received 0

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 12, 1994

f. Name and phone number(s) of agency person(s) to contact for additional information:

Robert L. Miles, Chief

Wildlife Resources DNR

Rm 812, Bldg #3, Capitol Complex

Charleston, WV 25305
558-2771

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

PREAMBLE TO A PROPOSED RULE
CONCERNING
WILD TURKEY REGULATIONS

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

REGULATION: Title 58, Series 11F "Wild Turkey Regulations".

ACTION: Filing of a thirty day Public Comment Notice for
the proposed rule.

SUMMARY: The proposed provides for the management of wild
turkey within West Virginia.

Written comments received prior to 4:00 pm August
5, 1994 will be accepted. Written comments should
be sent to:

Bob Miles, Chief
Division of Natural Resources
Wildlife Resources Section
Capitol Complex
Building 3, Room 812
Charleston, West Virginia 25305

TITLE 58
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 11F
WILD TURKEY REGULATIONS

§ 58-11F-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish rules to manage the wild turkey within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§ 58-11F-2. Definitions.

2.1. All terms have the meaning prescribed to them in The Regulations Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (47 C.S.R. 11A). In addition, for the purposes of this regulation, the following terms have the meaning set forth in this section.

2.2. Game farm or pen-raised turkeys -- Game farm or pen raised turkeys are those birds or their offspring hatched from eggs taken by humans from a wild turkey nest or wild hen turkey raised under human control, and therefore imprinted to humans or other poultry under human control instead of a wild hen.

2.3. Domestic turkey -- A domestic turkey is a turkey that normally lives in and about the residences of West Virginians and depends upon humans for habitation, husbandry and/or as their sole source of year round sustenance.

2.4. Wild turkey -- A wild turkey is a turkey from wild native genetic stock living under the control of the laws of nature.

2.5. Release into the wild -- Release into the wild means a release into any area not enclosed by a fence or bounded by other like structure from which under normal circumstances a bird does not escape.

§ 58-11F-3. Wild Turkey Hunting Rules.

3.1. The use of electronic turkey calling devices is prohibited during the wild turkey seasons.

3.2. The use of dogs to hunt wild turkeys is prohibited during the spring wild turkey season.

3.3. Only bow or shotgun with lead shot size no greater than No. 4 or steel shot size no greater than No. 2 may be used during the spring wild turkey season.

§ 58-11F-4. Possession, Propagation and Release of Pen-raised Turkeys.

4.1. It is unlawful to possess, propagate, or release into the wild, game farm or pen-raised turkeys: Provided, That existing stock may be possessed until December 31, 1993, but during this period the turkeys shall not be propagated or released into the wild,

4.2. It is unlawful to release domestic turkeys into the wild.