



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/26/2016 3:12:49 PM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- 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-Series: 58-49



Rule Id: 10255



Document: 28910



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

PRIMARY CONTACT

Billie Shearer
324 4th Avenue

So. Charleston, STATE ZIP

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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-49

RULE NAME General Hunting

CITE AUTHORITY W.Va. Code §20-1-7(30).

AUTHORIZING STATUTE(S) CITATION

W.Va. Code §20-1-7(30).

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD

Monday, July 25, 2016

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

News Release

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

Thursday, August 25, 2016

Patricia J White -- 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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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

**ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.**

No comments received

**DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)**

Monday, August 29, 2016

**Patricia J White -- 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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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)

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RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. 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.

Patricia J White -- 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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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-49

RULE NAME General Hunting

CITE AUTHORITY W.Va. Code §20-1-7(30).

DATE OF HEARING OR COMMENT PERIOD

**ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?**

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Patricia J White -- 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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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

PRIMARY CONTACT

Billie Shearer
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RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 58-49

RULE NAME General Hunting

CITE AUTHORITY W.Va. Code §20-1-7(30).

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

There is no change anticipated to the administrative expenditures as a result of this rule.

Patricia J White -- 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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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Natural Resources**

RULE TYPE **Legislative** **AMENDMENT TO EXISTING RULE** **Yes** **TITLE-SERIES** **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **W.Va. Code §20-1-7(30).**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

None anticipated

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-49

RULE NAME General Hunting

CITE AUTHORITY W.Va. Code §20-1-7(30).

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

Revisions to this rule include: No person shall, for the purposes of taking or attempting to take, attracting, or scouting any wild animal in West Virginia, possess or use any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Patricia J White -- 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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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY Natural Resources

RULE TYPE Legislative **AMENDMENT TO EXISTING RULE** Yes **TITLE-SERIES** 58-49

RULE NAME General Hunting

CITE AUTHORITY W.Va. Code §20-1-7(30).

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Series 49 revises the current General Hunting Rule. Revisions to this rule include language which prohibits the possession or use of any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid, while taking or attempting to take, attracting, or scouting any wild animal in West Virginia.

CIRCUMSTANCES:The purpose of this rule is to establish general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this state.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Patricia J White -- 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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58CSR49

**TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 49
GENERAL HUNTING**

§58-49-1. General.

1.1. Scope. -- The purpose of this rule is to establish general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

1.2. Authority. -- W.Va. Code §20-1-7(30).

1.3. Filing Date. — ~~April 20, 2016.~~

1.4. Effective Date. — ~~April 20, 2016.~~

1.5. Sunset Date. — This rule will sunset 5 years after the rule becomes effective.

§58-49-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Division of Natural Resources Rule, Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Rules (58 C.S.R. 46).

§58-49-3. General Hunting Rules.

3.1. A hunter may use a long bow or compound bow instead of a firearm during any season for which firearms are legal except during the muzzle-loading firearms deer season.

3.2. Each person killing a bear or wild boar found in a wild state shall immediately after removing its entrails, but in any event within one hour and before transporting or removing the carcass in any manner from where it was killed, complete and attach a game tag. The tag shall bear, in plain English, the name and address of the hunter, the date and county where the game was killed, and, unless he or she is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.3. A person who kills a bear shall submit a first premolar tooth to the Division of Natural Resources by January 31 of the year following the kill. The tooth should be secured to a card along with a label with the name and address of the hunter, date of kill, weapon used, whether dogs were used to kill the bear, county of kill and the game tag number and either mailed or delivered to a DNR District Office or the DNR Elkins Operation Center.

3.4. Any person under fifteen (15) years of age who participates in a special youth season approved by the Commission and published annually by the director shall be accompanied by a licensed adult hunter. The accompanying adult may not hunt or possess implements for the taking of wildlife.

3.5. A person under the age of fifteen (15) years may not hunt or chase wild animals or wild birds on the lands of another unless he or she is accompanied by a licensed adult who remains in a position near enough to him or her to render advice and assistance.

3.6. A hunter may only use bows, crossbows, single-shot muzzle-loading firearms, or shotguns loaded with T or smaller shot to hunt wildlife within the boundaries of the Green Bottom and Fox Forest Wildlife Management Areas.

3.7. A hunter shall electronically register each deer or wild turkey within 72 hours of the time of kill or within 24 hours of the close of the respective hunting season, whichever comes first.

3.8. A hunter shall wear at least 400 square inches of blaze orange over his or her outer clothing during any deer firearms season. A person engaged in agricultural activities and waterfowl hunters are exempt from this requirement.

3.9. Any hunter who, while hunting, shoots another person, shall render immediate aid and assistance to the victim.

3.10. No person shall, for the purposes of taking or attempting to take, attracting, or scouting any wild animal in West Virginia, possess or use any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid.