



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25305
July 31, 1979

DAVID C. CALLAGHAN
Director

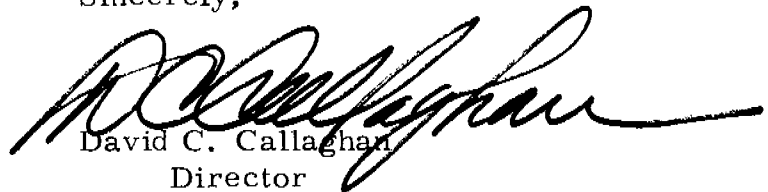
The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary Manchin:

Enclosed are two copies of the proposed West Virginia Administrative Regulations covering the Hunting and Trapping Regulations, designated Series IV of Chapter 20-1. The enclosed hunting-trapping regulations are to become effective at 12:01 a. m. on March 1, 1980.

The Department of Natural Resources Commissioners and the Director plan to hold a public hearing on September 4, 1979 between 8:30 a. m. and 4:00 p. m. in Room 811, Motor Vehicles Building, 1800 Washington Street East, to solicit public comments concerning the above-cited regulations.

Sincerely,


David C. Callaghan
Director

DCC:jrm
Enclosures

7/31/79 2 P2:47

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources
Chapter 20-1
Series IV
(1980)

Subject: Hunting and Trapping Regulations

By virtue of the authority granted to the Director and Commissioners of the Department of Natural Resources by Article 1, Chapter 20 of the Code of West Virginia, the following hunting and trapping regulations are hereby promulgated and shall become effective at 12:01 a.m. on March 1, 1980 and shall remain in effect unless otherwise amended or new regulations are issued.

All seasons, unless otherwise noted, are statewide and subject to change. The opening and closing dates shall be inclusive, except as noted under exceptions. All time periods shall be prevailing time except as otherwise noted. All seasons shall close on previous Saturday if last day falls on Sunday. Sunday hunting is illegal with the exception of raccoon as noted. Should opening dates fall on Sunday the season will open on the following Monday.

1.01. Possession limit--means game which is in any way under the control of the hunter after the second day of the season except raccoon. The daily bag limit of raccoon may be possessed

for each day the season is open until the season limit is reached.
Example, the total of all game in a car, trunk, home freezer,
commercial food locker, or any other storage method or place.

1.02. Aggregate--means the total bag or possession limit of any similar kind of game animals or birds. Example: the possession limit for squirrels is 24 after the third day. This could be eight gray squirrels, eight fox squirrels, and eight black squirrels; or any combination of 24 squirrels, but not more than a total of six per day, nor more than a total of 24 in possession.

1.03. Protected--no open season. Hunting at any time shall be illegal for protected wildlife.

1.04. Prevailing Time--prevailing time shall be either Eastern Standard Time or Daylight Saving Time and shall be that time proclaimed by the Governor of the State.

1.05. Concurrent Hunting--hunting of other species during deer gun season.

1.06. Big Game--shall be black bear, deer, elk, wild turkey and wild boar.

SECTION 2. GENERAL HUNTING RULES

2.01. Hunting with a gun or bow is limited to open fields during the closed season on game birds and game animals.

2.02. Hunting and trapping are forbidden on: (1) All State Parks and Game Refuges; (2) Harpers Ferry National Mounument;

(3) All safety zones on State Forests and Public Hunting and Fishing Areas. All refuges are appropriately marked with official Department signs.

2.03. It shall be unlawful to use any poisons, chemicals, or explosives in taking any furbearing animal, game animal, game bird or protected song and insectivorous bird, provided that woodchuck or groundhogs may be controlled on private land by the landowner, his children or a bonafide resident tenant during the period of April 1 through September 30, provided further, that whenever protected birds are committing serious depredation of crops, property, or other interest, the director may authorize the killing of the offending bird.

2.04. No warming or other fires permitted on lands belonging to others without written permission of owners.

2.05. It is illegal to smoke any wildlife from dens, trees, rocks, or any other cover except as otherwise provided by law or regulation. Groundhogs may be controlled on private lands by the landowner.

2.06. Redwinged blackbirds, grackles and pigeons may be controlled by chemicals registered with the West Virginia Department of Agriculture and the Environmental Protection Agency when prescribed and authorized by the director.

2.07. It shall be illegal to discharge a firearm or shoot an

arrow from aircraft, motor-driven watercraft, motor vehicle, any land conveyance or from or across any public road.

SECTION 3. HUNTING SEASONS

3.01. Deer - Bucks Only - First Monday preceding Thanksgiving for 13 consecutive days in counties designated by the Director in the regulations brochure.

(A) No person may legally take under any condition more than 3 deer per calendar year: One by bow during the archery season; one by gun or bow during the bucks only season or one by muzzleloader if not taken by gun during the regular firearms season; and one by either bow or gun during the special antlerless season.

(B) After a person has killed a legal deer by either bow or firearm during the regular bow or firearms seasons, he may not participate further in hunting with either a bow or firearm in his possession the remainder of the day. Such a person may, however, pursue his second legal deer any day following, provided it falls within the regular bow or gun season and the established season for the weapon in possession or use, and provided the first deer has been legally checked at an official checking station or by a conservation officer.

(C) Only deer having one or both antlers 3 inches or more in length above the hair will be legal game during bucks-only and

muzzle-loading hunting seasons.

(D) No person shall hunt deer with a shotgun using ammunition loaded with more than one solid ball, nor with any rifle using rimfire ammunition of less than .25 caliber. However, this section shall not prohibit any person legally licensed to hunt with a .22 caliber pistol or revolver from humanely killing any deer that has been lawfully wounded or downed by a firearm.

(E) Any rifle using center-fire ammunition or muzzle-loading rifle .44 caliber or larger is legal for deer hunting.

(F) No person shall hunt deer between $\frac{1}{2}$ hour after sunset and $\frac{1}{2}$ hour before sunrise, or kill or wound any deer while the deer is in any stream, lake or pond.

3.02. Concurrent Hunting During Deer Firearms Season:

(A) All hunting, except for deer, shall be prohibited during the first 3 days of bucks-only deer season in all counties having a bucks-only deer season, provided that hunting for waterfowl shall be permitted on lakes, rivers, and waterways during the open waterfowl season.

(B) Small game hunting permitted beginning the fourth day after the opening date of the bucks-only season.

(C) Shot smaller than #4 and slugs may be carried with a shotgun prior to killing a deer during the concurrent hunting period.

(D) A combination rifle-shotgun (over-under, etc.) is legal for deer hunting and during the concurrent small game period.

(E) After killing a legal deer, a successful hunter shall not be afield with any type shotgun with a solid ball ammunition or, if using a combination rifle-shotgun he shall not have rifle ammunition in his possession.

(F) It shall be unlawful to hunt small game with any center-fire rifle or rifle larger than .22 caliber rimfire, or shotguns using solid ball ammunition in counties not open to firearm deer hunting.

(G) No small game hunting during antlerless deer season in counties or parts of counties having an antlerless deer season.

3.03. Black Bear - (Adult Animals Only) - Firearms season - First Monday following the bucks firearms hunting season and 20 consecutive days thereafter. Bear season is open (county-wide) only in the following counties: Grant, Pendleton, Pocahontas, Randolph, Tucker and that portion of Webster east of Route 20 from Webster Springs southwest to the Nicholas County line and that section east and south of State Route 15 from Webster Springs to the Randolph County line, that portion of Hardy County lying east of U. S. Route 220, that portion of Monroe County lying east of U. S. Route 219, and that portion of Hampshire County lying south of U. S. Route 50. Bear season is also open in that portion of Greenbrier County lying north of U. S. 60 from the Fayette County line to its intersection with County Route 9, north of County Route 9 between

U.S. 60 and U.S. 219, and east of U.S. 219 from County Route 9 to its intersection with the Monroe County line.

Two exceptions to this are: Cranberry Closed Area (known as the Back Country) lying in Pocahontas, Greenbrier and Webster Counties and the Spruce Knob Closed Area lying in Pendleton and Randolph Counties are closed to all bear hunting.

The Cranberry Closed Area is bounded as follows: Starting at Dyer on Forest Service Route #86, the boundary proceeds along Forest Service Route #86 east to the intersection with Forest Service Route #216; then the boundary follows Forest Service Route #216 to its intersection with Mountain Lick Run. The line then follows Mountain Lick Run to its intersection with the U.S.F.S. boundary and then follows the U.S.F.S. boundary to its intersection with State Route #29/4; then along State Route #29/4 and #39/4 to Forest Service Trail #236. The boundary follows Forest Service Trail #236 northwestward to the Nicholas County line and then proceeds north following the Nicholas County line to Forest Service Route #76; it then follows Forest Service Route #76 north to Forest Service Route #101. The boundary then follows Forest Service Route #101 north to Dyer.

The Spruce Knob Closed Area is bounded as follows:

Starting at the intersection of U.S. Route #33 and the Spruce Knob National Recreation Area boundary about 3 miles west of the Mouth of Seneca, the boundary follows U.S. Route #33 east to

the intersection of U.S. Route #33 and State Route #33/3 and then follows the Spruce Knob Recreation Area boundary south to Forest Service Route #55; the line then follows Forest Service Route #55 north to Forest Service Route #1; then proceeds west on Forest Service Route #1 to State Route #29. The boundary then follows State Route #29 north to State Route #29/4 north to the Spruce Knob National Recreation boundary; then follows the Spruce Knob National Recreation boundary north to U.S. Route #33.

(A) No person may legally take more than one bear per calendar year.

(B) Nonresidents shall not train dogs in the state at any time except during the legal small game hunting season.

(C) Residents in counties which have a legal bear hunting season may train their bear hunting dogs between August 24 and February 28, only, provided that except during the firearms bear season, they have no firearms, bow or implement with which the bear could be taken in their possession or under their control.

(D) Bear season will be closed in counties having an antlerless deer season while that season is open.

3.04. Fall Wild Turkey - Season shall be for twenty-nine consecutive days starting with the Saturday nearest October 15 and for six consecutive days commencing on Monday following the second Saturday in December.

(A) Hunting permitted only in those counties designated

by the Director of the Department of Natural Resources as shown in the regulations brochure.

(B) Electronic calling devices prohibited during fall turkey season.

(C) Spring Turkey Regulations (Bearded Turkeys Only) - Fourth Monday in April and twenty consecutive days thereafter.

(a) Shooting hours--One-half hour before sunrise to 11:00 a. m.

(b) No hunters allowed in the woods after 12:00 noon.

(c) Electronic calling devices prohibited during spring turkey season.

(d) Dogs prohibited during spring season.

3.05. Raccoon hunting - Open 6:00 p. m. - First Saturday in November through last day of January at 5:00 a. m. prevailing time.

(a) Legal only from 6:00 p. m. to 5:00 a. m. daily.

(b) Raccoon hunting may be continued until 5:00 a. m. on Sunday morning.

3.06. Squirrels - Gray, Black, Albino and Fox - Saturday nearest October 15 through first Saturday in January.

3.07. Ruffed Grouse (native pheasant) - Saturday nearest October 15 through last day in February.

3.08. Bobwhite Quail - First Saturday in November through last day in February.

3.09. Ring-necked Pheasant (Cocks Only) - First Saturday in November through first Saturday in January.

3.10. Cottontail Rabbit - First Saturday in November through last day of February.

3.11. Snowshoe or Varying Hare - First Saturday in November through last day of February.

3.12. Red Fox, Gray Fox - First Saturday in November through last day of January.

3.13. Bobcat - First Saturday in November through last day of January.

3.14. Skunk, Opossum, Woodchuck or Groundhog, Weasel - Continuous open season.

3.15. Mountain Lion, Elk, and Otter - No open season. These species are totally protected.

3.16. Song and Insectivorous Birds, Hawks, and Owls - No open season, protected. (English sparrow, European starling, crow - open season year-round).

3.17. Gallinules, Sora, Virginia Rails, Mourning Doves, Woodcock, Snipe, Ducks and Geese - to be filed separately.

3.18. Wild Boar - First Monday in November for three consecutive days in those areas designated by the director.

(A) All persons participating, in any manner, in the special boar season must possess a valid Class P license.

- (B) Applicants applying for this license must be West Virginia residents and at least 12 years of age.
- (C) Class P licenses are nontransferrable.
- (D) Bonafied Resident West Virginia landowners, their resident children and bonafied resident tenants may hunt on their own land within the boar hunting area without a Class P License.
- (E) Wild boar may be legally taken with bow and arrow or any weapon using ammunition legal for the taking of deer.
- (F) A field tag must be completed and attached to the animal within one (1) hour or in any case prior to its removal from the site where it was killed.
- (G) All boar killed must be taken to one of the official boar checking stations within 24 hours. Only personnel from the Wildlife Resources Division will be permitted to examine and tag the boar.
- (H) The use of dogs during any phase of hunting is prohibited.
- (I) No person shall hunt wild boar between $\frac{1}{2}$ hour after sunset and $\frac{1}{2}$ hour before sunrise.
- (J) The use of baits is prohibited.

SECTION 4. HUNTING BAG AND POSSESSION LIMITS

- 4.01. Deer - One per day, 3 per calendar year. One deer

may be taken by bow during archery season; one by bow or gun during the bucks-only season (or one by muzzleloader if one has not already been taken during the bucks-only season); and one by either bow or gun during the special antlerless season.

4.02. Black Bear - Only one adult bear by means of gun or bow.

4.03. Wild Turkey - Two turkeys per year only one of which may be taken in fall season. No person may legally take more than two turkeys per calendar year. Two bearded turkeys may be taken in the spring or one bearded turkey in the spring and one of either sex in the fall. In the spring only one bird may be taken per day.

4.04. Raccoon - the bag limit during any 11-hour period beginning at 6:00 p.m. and ending at 5:00 a.m. is two raccoons for one person or group of persons as a party and 20 per season.

4.05. Squirrels - Gray, Black, Albino, and Fox - Six in aggregate of all species per day. Possession limit is 24 after third day.

4.06. Ruffed Grouse (Native Pheasant) - Four per day. Possession limit is 16 after third day.

4.07. Bobwhite Quail - Seven per day, 21 in possession after second day.

4.08. Ring-necked Pheasant - Two per day, two per season.

4.09. Cottontail Rabbit - Five per day, possession limit 20 after third day.

4.10. Snowshoe or Varying Hare - Two per day, possession limit 8 after third day.

4.11. Red or Gray Fox (Combined) - Twenty-five per day and 25 per season.

4.12. Bobcat - Two per day and two per season.

4.13. Skunk, Opossum, Woodchuck or Groundhog, Weasel - No daily or season limit.

4.14. Mourning Doves, Ducks, Geese, Woodcock, Snipe, Gallinules, Virginia and Sora Rails - to be filed separately.

4.15. Wild Boar - One per day, one per season.

SECTION 5. GENERAL BOW AND ARROW HUNTING REGULATIONS

5.01. A long bow or compound bow may be substituted for a gun during any season for which firearms are legal except during the muzzle-loading season.

5.02. Unlawful to hunt on Sunday with a bow except for legal aquatic life.

5.03. For bow and arrow fishing, a resident is required to have a fishing license; a nonresident is required to have a nonresident bow or gun hunting license or nonresident bow-only hunting license.

5.04. Unlawful to have bow in woods during closed season on game animals and non-migratory game birds.

SECTION 6. BOW AND ARROW HUNTING SEASONS

6.01. Deer - Bow and Arrow - Saturday nearest October 15 until December 31. Deer of either sex may be hunted statewide with a bow, except that bucks only may be hunted statewide with a bow during the bucks only season.

6.02. Bear - Bow and Arrow - Saturday nearest October 15 until December 31.

(A) Adult Bear Only.

(B) Bow hunting for black bear is restricted to those counties and parts of counties open to gun hunting.

(C) The use of dogs while bow hunting for black bear shall be unlawful except during the legal firearms season.

6.03. Small game and turkey - Bow seasons coincide with small game firearms season and turkey firearms season respectively.

SECTION 7. GENERAL TRAPPING REGULATIONS

7.01. No traps shall be set before 8:00 a.m. on first day of season or either set or left set after 12:00 noon on last day of season.

7.02. All traps must be checked and tended each calendar day.

7.03. No nonresident may trap in West Virginia.

7.04. Should any person unintentionally trap and kill more than the limit fixed by regulation as a season bag limit, he shall

within 24 hours thereafter deliver said animals to a conservation officer.

7.05. Each trapper shall present beaver, bobcat, and fisher pelts to a game checking station or representative of the Department of Natural Resources within 30 days after the close of trapping season. A tag provided by the department shall be affixed to each beaver, bobcat, and fisher pelt and remain attached to the skin until such skin has been sold, tanned, or mounted.

7.06. Foot snares are legal when (a) the snare loop does not exceed $6\frac{1}{2}$ inches in diameter and (b) the snare loop is at ground level and horizontal to ground level.

7.07. All traps used for taking wildlife shall be marked with a durable plate or tag attached to the trap, trap chain or set bearing the owner's name and address.

7.08. IT SHALL BE UNLAWFUL:

(1) To have in possession an untagged beaver, bobcat, or fisher hide or parts thereof, between the last day of March and the first Saturday in November.

(2) To use or set deadfalls for taking wildlife.

(3) To set or use traps with an open jaw spread of more than $6\frac{1}{2}$ inches: Except traps with an open jaw spread of more than $6\frac{1}{2}$ inches may be used underwater for beaver.

(4) To set or maintain any trap or trapping device

in human foot trails and/or livestock paths.

(5) To use conibear or mohawk type traps for terrestrial trapping: Provided that conibear or mohawk type traps may be used in underwater sets.

(6) To set or maintain neck or body-gripping snares or spring pole snares: Provided that neck and body-gripping snares can be used in underwater sets.

(7) To use exposed baits in the form of animal or bird carcasses or part thereof to lure an animal to a trap set: Provided that animal or bird carcasses or parts thereof that are completely covered and concealed from sight, may be used as a lure.

(8) To trap except on one's own lands without first having obtained the written permission of the landowner as required by law.

(9) To use steel jaw traps with any teeth on or attached to them.

(10) To set or maintain any trap, trap set or snare upon any tree, post or other natural or man-made object at any point more than 3 lineal feet from the surface of the earth (whether such surface is water, soil or rock) measured at a right angle from the surface to the trap or trap set: Provided that nothing herein shall apply to traps or trap sets set or maintained on natural earthen mounds, such as ant hills or muskrat houses constructed without human assistance.

8.01. Raccoon Trapping - First Saturday in November until last day of January.

8.02. Mink Trapping - First Saturday in November until last day of February.

8.03. Muskrat Trapping - First Saturday in November until last day of February.

8.04. Fisher Trapping - First Saturday in November until last day of January.

8.05. Beaver Trapping - First Saturday in November until last day of February.

8.06. Red Fox and Gray Fox - First Saturday in November until last day of January.

8.07. Bobcat - First Saturday in November until last day of January.

SECTION 9. TRAPPING AND POSSESSION LIMITS

9.01. Raccoon - Daily (any 24-hour period) and seasonal bag limits for raccoon trapping shall be the same as for hunting.

9.02. Mink - No limit.

9.03. Muskrat - No limit.

9.04. Fisher - Daily limit one; season limit one.

9.05. Beaver - Daily limit (15); season limit (15).

9.06. Bobcat - Daily limit (2); season limit (2).

9.07. Gray Fox and Red Fox (Combined) - Daily limit (25); season limit (25).

SECTION 10. PUBLIC HUNTING AND FISHING AREAS AND STATE FORESTS

10.01. Rules and regulations governing hunting and trapping on state-owned and leased lands shall be as follows:

(A) Public Hunting and Fishing Areas - Hunting and trapping as on adjacent lands except as follows:

(1) Trapping permit required on all areas. Permit is available from District Game Biologist.

(2) McClintic Wildlife Station - Waterfowl hunting only in accordance with the special rules set up for the area.

(3) A camping permit and fee are required on all public hunting and fishing areas. (See regulations posted on each area.)

(4) Camping is lawful only in designated areas.

(B) State Forests - Appropriate legal hunting and trapping licenses are the only license requirements for hunting in State Forests.

SECTION 11. SPECIAL MUZZLE LOADING DEER HUNTING SEASON

11.01. Season - That Monday following the last Saturday in deer gun season until the following Wednesday.

11.02. Bag limit and possession limit - one legal antlered deer per season, provided that the hunter has not killed a deer during the immediately preceding bucks-only season.

11.03. General

(a) Only deer having one or both antlers 3 inches

- or more in length above the hairline will be legal game.
- (b) Only flintlock rifles with a minimum caliber of .44 may be used. Only iron sights may be used.
 - (c) Weapons may be either rifled or smooth bore.
 - (d) A single shot weapon that has been converted to a muzzle-loader using a plug shall not be used.
 - (e) Any person who has previously killed a deer during the immediately preceding bucks-only season will not be permitted to hunt.
 - (f) Only state-owned or leased public hunting and fishing areas and state forests will be open for the muzzle-loading deer season.
 - (g) Flintlock, and other weapons employing obsolete ignition systems will be considered unloaded when uncapped or when the priming charge is removed from the pan.