

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

FILED
1990 AUG 13 9 21 AM

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

Department of Commerce, Labor
and Environmental Resources,
AGENCY: Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: West Virginia Code §§20-1-7(30), 20-1-17(7)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

West Virginia Code §20-1-17(7)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

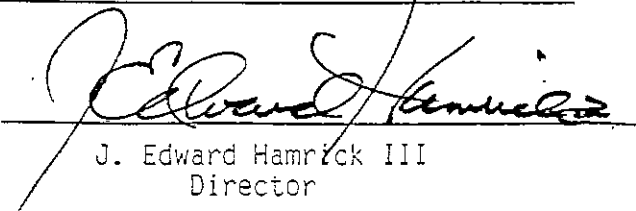
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11

TITLE OF RULE BEING AMENDED: "Hunting and Trapping Regulations"

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

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August 13, 1990


J. Edward Hamrick III
Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Hunting and Trapping Regulations.

Type of Rule: X Legislative ___ Interpretive ___ Procedural

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

Address: Building 3, State Capitol Complex, Charleston, West Virginia 25305

1. Effect of Proposed Rule	ANNUAL			FISCAL YEAR	
	Increase \$	Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

NO CHANGE

2. Explanation of Above Estimates:

This rule will revise an existing rule for the purpose of clarifying the the definition of "bow" and to allow the use of .38 caliber muzzle-loading rifles during the muzzle-loading season. No new administrative expenses are expected.

3. Objectives of These Rules: See statement under Item 2.

4. Explanation of Overall Economic Impact of Proposed Rule.

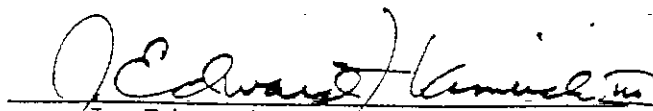
A. Economic Impact on State Government: No impact

B. 1. Economic Impact on Political Subdivisions: No impact

2. Economic Impact on Specific Industries: No impact

3. Economic Impact on Specific Groups of Citizens: No impact

C. Economic Impact on Citizens/Public at Large: No impact


 J. Edward Hamrick III
 Director

Date: July 5, 1990

PREAMBLE TO A REVISED LEGISLATIVE RULE CONCERNING
THE HUNTING AND TRAPPING REGULATIONS

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

REGULATIONS: Title 47, Series 11, "Hunting and Trapping Regulations".

AUTHORITY: West Virginia Code §§20-1-7(30) and 20-1-17(7).

ACTION: Filing of Legislative Review Exempted Rule.

SUMMARY: The revisions to the existing Hunting and Trapping Regulations being filed today add the definition of "bow" and allow the use of .38 caliber muzzle-loading rifles during the muzzle-loading hunting season. During the 1990 legislative session, a bill was passed (HB 4354) to change the allowable caliber of muzzle-loading rifles from .44 caliber to .38 caliber. Today's filing reflects that change.

MEMORANDUM OF CONSENT

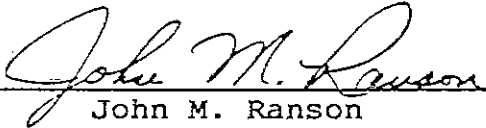
TO: J. Edward Hamrick III, Director
Division of Natural Resources

FROM: John M. Ranson, Secretary
Department of Commerce, Labor,
and Environmental Resources

SUBJECT: Approval of Regulatory Proposal

RE: "Hunting and Trapping Regulations"

I have reviewed the proposed rule and authorize its filing in accordance with the provisions of the West Virginia Administrative Procedures Act.



John M. Ranson
Secretary

7/5/90
Date

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

SERIES 11
HUNTING AND TRAPPING REGULATIONS

§47-11-1. General.

1.1. Scope and Purpose. -- These regulations establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting and trapping of wildlife in West Virginia.

1.2. Authority. -- West Virginia Code §§20-1-7(30) and 20-1-17(7).

1.3. Filing Date. -- August 13, 1990

1.4. Effective Date. -- August 13, 1990

1.5. Repeal of Former Rule. -- These regulations repeal and replace 47 C.S.R. 11 "Hunting and Trapping Regulations" that were filed on October 3, 1989 and became effective on October 3, 1989.

1.6. Seasons in General. -- All seasons, unless otherwise noted, are statewide and subject to change under the provisions of W. Va. Code §20-1-7(7). Opening and closing dates are inclusive and time periods are prevailing time unless otherwise noted in these regulations. Should an opening date fall on a Sunday, the season will open on the following Monday. If the last day of a season fall on a Sunday, the season will close on the preceding Saturday.

§47-11-2. Definitions.

2.1. "Aggregate" means the total bag or possession limit of similar kinds of game animals or game birds. For example, the possession limit for squirrels is twenty-four (24) after the third day of the open season. This could be ten (10) gray squirrels and fourteen (14) fox squirrels, or fourteen (14) gray squirrels and ten (10) fox squirrels, or any combination of twenty-four (24) squirrels, but not more than a total of six (6) per day nor more than a total of twenty-four (24) in possession.

2.2. "Antlered Deer" means deer having at least one antler that is over three (3) inches in length, as measured from the hairline.

2.3. "Antlerless Deer" means deer having no antler that is over three (3) inches in length, as measured from the hairline.

2.4. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement.

2.5. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of bait so as to constitute for wildlife a lure, attraction, or enticement to or on any areas where hunters are attempting to take them.

2.6. "Bow" means a longbow, recurved bow, or compound bow that is hand-held and hand-drawn.

2.7. "Cub Bear" means a bear less than one year old and is identified by its having upper canine teeth of less than five-eighths (5/8) inch in length when measured from the gum.

2.8. "Legal Small Game Hunting Season" means the period commencing on the Saturday prior to the Saturday nearest to October 15 and ending on the last day of February of the following year.

2.9. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

2.10. "Permanently Disabled in the Lower Extremities" means an individual who is paraplegic, who is missing both legs, or who has a disability affecting both legs which requires permanent use of a wheelchair or crutches.

2.11. "Possession Limit" means game taken in this State which is in any way under the control of the hunter (i.e., the total of all game in a vehicle, home freezer, commercial food locker, or other storage place).

2.12. "Prevailing Time" means either Eastern Standard Time or Eastern Daylight Time as established by the United States Congress.

2.13. "Protected" means no open season (i.e., hunting protected wildlife is illegal at all times).

2.13.1. Protected mammals include: elk, mountain lion, and otter.

2.13.2. Protected birds include: eagles, falcons, hawks, insectivorous birds, owls, and song birds.

2.14. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

§47-11-3. General Hunting Rules.

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State public hunting and fishing areas.

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

3.2. Except as provided in Section 3.2.1 of these regulations, it is illegal to dig out, cut out, smoke out, or in any manner take or attempt to take any wild animal or wild bird from its den or place of refuge.

3.2.1. 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.

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 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. Except as provided in Section 3.4.1 of these regulations, it is illegal to hunt for, take, kill, wound, or shoot at wild animals or wild birds from an airplane or other airborne conveyance, from a motor vehicle or other land conveyance, or from a motor-driven water conveyance.

3.4.1. A person who is permanently disabled in the lower extremities and who holds a valid Class Q special resident hunting permit may hunt for furbearing animals, game animals, and game birds from a stationary motor vehicle provided that he is the only occupant of that vehicle, that the engine of the vehicle is not operating, and that the vehicle is not parked on the right-of-way of any public road or highway. Provided it shall not be unlawful to hunt from, or by means of, a motorized watercraft if the motor has been completely shut off and its progress therefrom has ceased.

3.5. It is illegal to hunt, catch, take, kill, injure, or

pursue a wild animal or wild bird by means of falconry or hawking.

3.6. It is illegal to catch, capture, take, or kill by seine, net, bait, trap, deadfall, snare, or like device of any kind any bear, grouse, migratory bird, pheasant, protected bird, protected mammal, quail, wild boar, or wild turkey.

3.6.1. No person may take these game species by the aid of baiting. An area is considered to be baited for ten (10) days after the removal of the bait.

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

3.7.1. All mechanical devices built into or attached to the bow that will lock the bow at full or partial draw are prohibited, with the exception of hand-held releasing devices.

3.8. Each person killing a bear, deer, wild boar, or wild turkey found in a wild state must 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 must bear, in plain English, the name and address of the hunter, the date and county where the game was killed, and, unless he is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.9. No person under the age of fifteen (15) years may hunt or chase wild animals or wild birds on the lands of another unless he is accompanied by a licensed adult who remains in a position near enough to him to render advice and assistance.

3.10. Only bows, single-shot muzzle-loading firearms, or shotguns loaded with T or smaller shot may be used to hunt wildlife within the boundaries of the Green Bottom Wildlife Management Area.

§47-11-4. Deer Hunting Seasons.

4.1. Bucks-Only Deer Season. This season, for the firearms hunting of antlered deer, runs for thirteen (13) consecutive days commencing on the first Monday preceding Thanksgiving.

4.1.1. The bucks-only deer season is open in all counties except the following: Logan, McDowell, Mingo, and Wyoming.

4.2. Antlerless Deer Season. This season, for the firearms hunting of antlerless deer, opens after the close of the bucks-only season and runs for the number of days designated by the

Natural Resources Commission and published annually by the director.

4.2.1. The antlerless deer season is open in those counties, or portions thereof, designated by the director and published annually.

4.3. Archery Deer Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

4.3.1. During the archery deer season, both antlered and antlerless deer may be hunted statewide with a bow, except that antlered deer may be hunted statewide with a bow during the bucks-only deer season.

4.4. Muzzle-Loading Firearms Deer Season. This season runs for six (6) consecutive days commencing on the third Monday in December.

4.4.1. During the first four (4) days of the muzzle-loading firearms deer season, only antlered deer may be taken and hunting is restricted to those counties having a bucks-only deer season.

4.4.2. During the last two (2) days of the muzzle-loading firearms deer season, antlerless deer may be taken in those counties, or portions thereof, designated by the director and published annually and antlered deer may be taken in those counties having a bucks-only deer season.

§47-11-5. Deer Hunting Rules.

5.1. No person may take more than six (6) deer in this State during a calendar year unless he holds a valid permit to kill deer causing damage to crops as provided under 47 C.S.R. 15A and 15B.

5.1.1. Deer taken during the open seasons established in Section 4 of these regulations may be a combination of the following:

5.1.1.a. One deer by bow during the archery deer season;

5.1.1.b. One antlered deer by either bow or firearm during the bucks-only deer season;

5.1.1.c. One antlerless deer by either bow or firearm during the antlerless deer season;

5.1.1.d. One antlered deer by bow on a Class R or RR license during the archery deer season;

5.1.1.e. One antlered deer by either bow or firearm on a Class R or RR license during the bucks-only deer season;

5.1.1.f. One deer by single-shot muzzle-loading rifle or pistol during the muzzle-loading firearms deer season.

5.2. After a person has killed a deer during any of the open seasons established in Section 4 of these regulations, he may not participate further in deer hunting (e.g., driving deer) with a bow or a firearm in his possession for the remainder of the day of the kill. A person may pursue his second legal deer, in accordance with the provisions of Section 5.1 of these regulations, on any following day which falls within an open deer season, provided the first deer has been legally checked with a conservation officer or an official game checking station.

5.3. No person may hunt deer with a shotgun using ammunition loaded with more than one solid ball nor with any rifle of less than twenty-five (.25) caliber using rimfire ammunition.

5.4. No person may hunt deer between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

5.5. No person may kill or wound a deer while the deer is in any stream, lake, or pond.

5.6. Any person who hunts deer on public lands or on the lands of another during the bucks-only, antlerless, or muzzle-loading firearms deer season must wear a daylight fluorescent orange outer garment over at least four hundred (400) square inches of his person.

§47-11-6. Hunting Other Game During Deer Hunting Seasons.

6.1. The hunting of small game is permitted beginning on the fourth day after the opening date of the bucks-only deer season. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

6.2. In those counties, or portions thereof, open to antlerless deer hunting, the hunting of bear or small game is permitted during the antlerless deer season provided that no hunter, except those having a valid Class N license or those legally participating in bear hunting, may be afield with any firearm with solid ball ammunition or shells containing larger than Number 4 shot or, if using a combination rifle-shotgun, with rifle ammunition in his possession. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

6.3. The hunting of all game species for which a legal

hunting season is open is permitted during the muzzle-loading firearms deer season.

6.4. After killing a deer during any of the open seasons established in Section 4 of these regulations, a hunter may not be afield for the remainder of the day of the kill with a firearm with solid ball ammunition or, if using a combination rifle-shotgun, he may not have rifle ammunition in his possession unless he is legally participating in bear hunting.

6.5. It is illegal to hunt small game during the bucks-only deer season with any centerfire rifle, with any rifle of larger than twenty-two (.22) caliber using rimfire ammunition, or with a shotgun using solid ball ammunition in a county that is not open to bucks-only deer hunting.

§47-11-7. Muzzle-Loading Firearms Deer Hunting Rules.

7.1. Only single-shot muzzle-loading firearms with iron sights and a caliber of thirty-eight (.38) or greater may be used during the muzzle-loading firearms deer season.

7.1.1. A firearm that has been converted into a muzzle-loader by use of a plug may not be used.

7.1.2. Double-barreled or swivel-barreled muzzle-loading rifles may not be used.

7.1.3. Telescopic sights may not be used.

7.2. When being transported in or on a vehicle, a muzzle loading firearm will be considered to be unloaded when uncapped or when the priming charge is removed from the pan.

§47-11-8. Class N Special Deer Hunting License.

8.1. No person may actively participate in the hunting of antlerless deer (e.g., driving deer) unless that person has a Class N license or is otherwise exempt from having a Class N license.

8.2. No person may use a bow to hunt antlered or antlerless deer during the antlerless deer season in those counties, or portions thereof, designated by the director and published annually unless that person has a Class N license or is otherwise exempt from having a Class N license.

8.3. The director will publish annually a list of those counties in which a limited number of Class N licenses will be issued.

8.4. Applications for a Class N license to hunt in a county

in which a limited number of Class N licenses are issued must:

8.4.1. Be on the form prescribed by the director. Only one application may be submitted per individual; receipt of more than one application per individual will void all applications for that individual.

8.4.2. Be filled out completely and signed; incomplete applications will be voided.

8.4.3. Be received by the Natural Resources Operations Center in Elkins, West Virginia, by no later than June 30th of the year for which the individual is applying. Applications submitted by mail and postmarked on or before June 30th will be accepted.

8.5. Class N licenses are nontransferable.

8.6. Bona fide resident landowners and their resident children, bona fide resident tenants, and any bona fide resident stockholder of a resident corporation formed for the primary purpose of hunting or fishing and which is the fee simple owner of no less than one thousand (1,000) acres of land upon which antlerless deer may legally be hunted are not required to have a Class N license to hunt antlerless deer on their own land during the antlerless deer season if that land is in a county, or portion thereof, that is open to antlerless deer hunting.

§47-11-9. Class R and Class RR Special Deer Hunting Licenses.

9.1. Purchasers of a Class R or Class RR license must choose a license for either archery deer hunting or firearms deer hunting but may purchase both types of license.

9.2. A Class R or Class RR license must be purchased prior to the opening day of the season for which the license is issued and must be signed to be valid.

9.3. A Class R or RR license is valid only in those counties that are open to bucks-only deer hunting.

9.4. A Class R or Class RR license is valid only on the day after the licensee has checked his first deer kill with a conservation officer or an official game checking station.

9.5. Bona fide resident landowners, their resident children or resident parents, and bona fide resident tenants are not required to have a Class R license to hunt antlered deer with a bow or a firearm on their own land during the archery and bucks-only deer seasons if that land is in a county that is open to bucks-only deer hunting.

§47-11-10. Bear Hunting Seasons.

10.1. Firearms Bear Season. This season opens on the first Monday following the close of the bucks-only deer season and closes on the last day in December.

10.1.1. Except as provided in Section 10.3 of these regulations, the firearms bear season is open in the following counties: Grant, Pendleton, Pocahontas, Randolph, and Tucker.

10.1.2. Except as provided in Section 10.3 of these regulations, the firearms bear season is open in the following portions of counties:

10.1.2.a. That portion of Greenbrier County lying north of U.S. Route 60 from the Fayette County line to County Route 9, north of county route 9 from U.S. Route 60 to U.S. Route 219, and east of U.S. Route 219 from County Route 9 to the Monroe County line.

10.1.2.b. That portion of Hampshire County lying south of U.S. Route 50.

10.1.2.c. That portion of Hardy County lying east of U.S. Route 220.

10.1.2.d. That portion of Monroe County lying east of U.S. Route 219.

10.1.2.e. That portion of Webster County lying east of County Route 20 from the Nicholas County line to Webster Springs and South of County Route 15 from Webster Springs to the Randolph County line.

10.1.3. Except as provided in Section 10.3 of these regulations, the firearm bear season is open for one day beginning on the first Monday following the close of the bucks only deer season in the following counties: Boone, Kanawha, Fayette, Raleigh, and Nicholas.

10.2. Traditional Archery Bear Season. This season opens on the Saturday nearest to October 15 and closes on the Saturday preceding the opening of the bucks-only deer season.

10.2.1. Except as provided in Section 10.3 of these regulations, the traditional archery bear season is open in those counties, or portions thereof, open to firearms bear hunting.

10.3. The Cranberry Closed Area (known as Back Country) lying in Pocahontas, Greenbrier, and Webster Counties is closed to all bear hunting.

10.3.1. The Cranberry Closed Area is bounded as follows: Starting at Dyer, the northern boundary proceeds along Forrest Service Route 86 east to Forest Service Route 76 (the Black Mountain Road); then follows Forest Service Route 76 south to its intersection with Highland Scenic Highway (State Route 150); and then follows State Route 150 to State Route 39. The southern boundary of the Closed Area follows State Route 39 to the Nicholas County line; then proceeds north following the Nicholas County line to Forest Service Route 76; then follows Forest Service Route 76 north to Forest Service Route 101; and then follows Forest Service Route 101 north to Dyer.

§47-11-11. Bear Hunting Rules.

11.1. No person may hunt bear between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day, except that hunting dogs may be trained on bear during these hours in accordance with the provisions of Section 22 of these regulations.

11.2. The use of dogs while hunting for bear during the early firearms bear season is illegal in the following counties: Boone, Fayette, Kanawha, Nicholas, and Raleigh.

11.3. Except as provided in Section 11.2 of these regulations, the use of dogs while bow hunting for bear is legal during that portion of the archery bear season which coincides with an open firearms bear season.

§47-11-12. Wild Turkey Hunting Seasons.

12.1. Early Fall Wild Turkey Season. This season runs for twenty-two (22) consecutive days commencing on the second Saturday after the opening of squirrel season, except as provided in Section 12.1.2 of these regulations.

12.1.1. The early fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster.

12.1.2. In Preston County, the early fall wild turkey season runs for fifteen (15) consecutive days commencing on the second Saturday after the start of squirrel season.

12.2. Late Fall Wild Turkey Season. This season runs for six (6) consecutive days commencing on the Monday following the second Saturday in December.

12.2.1. The late fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas,

Randolph, Tucker, and Webster.

12.3. Spring Wild Turkey Season. This season opens on the fourth Monday in April and runs for twenty-six (26) consecutive days thereafter and is open for the hunting of bearded turkeys only.

§47-11-13. Wild Turkey Hunting Rules.

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

13.2. No person may hunt wild turkey between one o'clock postmeridian (1:00 p.m.) and thirty (30) minutes before sunrise on the following day during the spring wild turkey season.

13.3. No person have a firearm or a bow in his possession in the woods of this State after one o'clock postmeridian (1:00 p.m.) during spring wild turkey season.

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

§47-11-14. Wild Boar Hunting Seasons.

14.1. Early Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the first Thursday in November.

14.1.1. The early firearms wild boar season is open in those counties, or portions thereof, designated by the director and published annually.

14.2. Late Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the last Thursday in December.

14.2.1. The late firearms wild boar season is open in those counties, or portions thereof, designated by the director and published annually.

14.3. Archery Wild Boar Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

14.3.1. The archery wild boar season is open in those counties, or portions thereof, open to firearms wild boar hunting.

§47-11-15. Wild Boar Hunting Rules.

15.1. Boar may be legally taken during the firearms wild boar

season with a bow or with a firearm using ammunition legal in West Virginia for the taking of deer.

15.2. No person may hunt boar between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

15.3. No person may kill or wound a boar while the boar is in any stream, lake, or pond.

15.4. The use of dogs to hunt wild boar is prohibited.

15.5. Provided that the hunter uses either a shotgun or a bow, the hunter of small game is permitted during the wild boar seasons in those counties, or portions thereof, designated by the director as boar hunting areas. During this period a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a boar.

15.6. Provided that a hunter uses a bow, the hunting of deer is permitted during the wild boar seasons in those counties, or portions thereof, designated by the director as boar hunting areas.

§47-11-16. Class P Special Resident Boar Hunting License.

16.1. All persons participating, in any manner, in wild boar hunting must possess a valid Class P license.

16.2. Applicants for a Class P license must be West Virginia Residents and at least twelve (12) years of age.

16.3. Applicants for a Class P license must choose a license for either archery wild boar hunting or firearms wild boar hunting and may not apply for both.

16.4. Applicants for a Class P license for firearms wild boar hunting must choose a license for either the early firearms wild boar season or the late firearms wild boar season and may not apply for both.

16.5. All applications for a Class P license must:

16.5.1. Be on the form prescribed by the director. Only one application may be submitted per individual; receipt of more than one application per individual will void all applications for that individual.

16.5.2. Be filled out completely and signed; incomplete applications will be voided.

16.5.3. Be received at the Natural Resources Operations

Center in Elkins, West Virginia, by no later than June 30th of the year for which the individual is applying. Applications submitted by mail and postmarked on or before June 30th will be accepted.

16.6. Class P licenses are nontransferable.

16.7. Bona fide resident landowners, their resident children or resident parents, and bona fide resident tenants are not required to have a Class P license to hunt wild boar on their own land during the archery and firearms wild boar seasons if that land is within a boar hunting area designated by the director.

\$47-11-17. Other Hunting Seasons.

17.1. Bobcat Season. This season opens on the first Saturday in November and closes on the last day in January.

17.2. Fox Season. This season opens on the first Saturday in November and closes on the last day in January.

17.3. Grouse Season. This season opens on the Saturday nearest to October 15 and closes on the last day in February.

17.4. Hare Season. This season opens on the first Saturday in November and closes on the last day in February.

17.5. Opossum Season. This season is open year-round.

17.6. Pheasant Season. This season opens on the first Saturday in November and closes on the first Saturday in January and is open for the hunting of cock birds only.

17.7. Quail Season. This season opens on the first Saturday in November and closes on the last day of February.

17.8. Rabbit Season. This season opens on the first Saturday November and closes on the last day of February.

17.9. Raccoon Season. This season opens on the Saturday nearest to October 15 and closes on the last day of January.

17.9.1. Raccoon hunting is legal only during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day.

17.10. Skunk Season. This season is open year-round.

17.11. Squirrel Season. This season opens on the Saturday prior to the Saturday nearest to October 15 and closes on the first Saturday in January.

17.12. Weasel Season. This season is open year-round.

17.13. Woodchuck Season. This season is open year-round.

§47-11-18. Hunting Bag and Possession Limits.

18.1. Bear. The bag and possession limit is one (1) bear per calendar year.

18.2. Deer. The bag and possession limit is one (1) deer per day and six (6) deer per calendar year, as specified in Section 5.1 of these regulations.

18.3. Wild Boar. The bag and possession limit is one (1) boar per calendar year.

18.4. Wild Turkey. The bag and possession limit is two (2) turkeys per calendar year, only one of which may be taken during the fall wild turkey season. Two (2) bearded turkeys may be taken in the spring or one (1) bearded turkey may be taken in the spring and one (1) turkey of either sex may be taken in the fall. During the spring wild turkey season, only one (1) turkey may be taken per day.

18.5. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

18.6. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

18.7. Grouse. The bag limit is four (4) grouse per day. The possession limit is sixteen (16) grouse after the third day of the season.

18.8. Hare. The bag limit is two (2) hares per day. The possession limit is eight (8) after the third day of the season.

18.9. Opossum. There are no daily or season limits for opossum.

18.10. Pheasant. The bag and possession limit is two (2) pheasants per day and two (2) pheasants per season.

18.11. Quail. The bag limit is seven (7) quail per day. The possession limit is twenty-one (21) quail after the second day of the season.

18.12. Rabbit. The bag limit is five (5) rabbits per day. The possession limit is twenty (20) rabbits after the third day of the season.

18.13. Raccoon. The bag limit during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day is two (2) raccoons for one person or two (2) raccoons for a group of persons hunting as a party. The possession limit is twenty (2) raccoons per season. The daily bag limit of raccoon may be possessed for each day the season is open until the season limit is reached.

18.14. Skunk. There are no daily or season limits for skunk.

18.15. Squirrel (Fox and Gray Squirrels, including black and albino color phases). The bag limit is six (6) squirrels in aggregate per day. The possession limit is twenty-four squirrels in aggregate after the third day of the season.

18.16. Weasel. There are no daily or season limits for weasel.

18.17. Woodchuck. There are no daily or season limits for woodchuck.

§47-11-19. General Trapping Rules.

19.1. Trapping is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State public hunting and fishing areas.

19.1.1. Federal regulations prohibit trapping in Harpers Ferry National Historical Park and on federally-owned land within the boundaries of the New River Gorge National River.

19.2. A trapping permit is required in public hunting and fishing areas. This permit may be obtained from the district game biologist in the district in which the public hunting and fishing area is situated.

19.3. No traps may be set before eight o'clock antemeridian (8:00 a.m.) on the first day of a trapping season or either set or left set after noon on the last day of a trapping season.

19.4. All traps set during the month of February must be water sets only for the taking of beaver, mink, or muskrat.

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

19.6. Foot snares are legal when the snare loop is at and horizontal to ground level and does not exceed six and one-half (6-1/2) inches in diameter.

19.7. It is illegal to use or set deadfalls for taking wildlife.

19.8. It is illegal to set or maintain any trap or trapping device on human foot trails or livestock paths.

19.9. It is illegal to set or use traps with an open jaw spread of more than six and one half (6-1/2) inches unless such trap is used under water for beaver.

19.10. It is illegal to use conibear or mohawk type traps for terrestrial trapping. Conibear or mohawk type traps may be used in water sets.

19.11. It is illegal to set or maintain neck or body gripping snares or spring pole snares for terrestrial trapping. Neck or body-gripping snares may be used in water sets.

19.12. It is illegal to use steel jaw traps with any teeth on or attached to them.

19.13. It is illegal 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 three (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, except as provided in Section 19.14 of these regulations.

19.14. The provisions of Section 19.13 of these regulations do not apply to traps or trap sets that are set or maintained on natural earthen mounds, such as ant hills or muskrat houses, that were constructed without human assistance.

19.15. It is illegal to use animal or bird carcasses, or parts thereof, to lure an animal to a trap set unless such carcasses, or parts thereof, are completely covered and concealed from sight.

19.16. It is illegal to take beaver, fisher, mink, or muskrat by any means other than by trap.

19.17. It is illegal to have in one's possession an untagged beaver, bobcat, or fisher hide, or parts thereof, longer than thirty (30) days following the close of the respective trapping season.

19.18. Should any person unintentionally trap and kill more than the limit fixed by these regulations as a season possession limit, he must within twenty-four (24) hours thereafter deliver the excess animals to a conservation officer.

19.19. Each trapper must present beaver, bobcat, or fisher pelts to an official game checking station or a representative of the Department within thirty (30) days after the close of the trapping season for that animal. A tag provided by the Department

must be affixed to each beaver, bobcat, or fisher pelt and remain attached to the skin until such skin has been sold, tanned, or mounted.

§47-11-20. Trapping Seasons.

20.1. Beaver Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.2. Bobcat Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

20.3. Fisher Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

20.4. Fox Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

20.5. Mink Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.6. muskrat Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.7. Raccoon Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

§47-11-21. Trapping Bag and Possession Limits.

21.1. Beaver. The bag and possession limit is twenty-five (25) beavers per day and twenty-five (25) beavers per season.

21.2. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

21.3. Fisher. The bag and possession limit is one (1) fisher per day and one (1) fisher per season.

21.4. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

21.5. Mink. There are no daily or season limits for mink.

21.6. Muskrat. There are no daily or season limits for muskrat.

21.7. Raccoon. The bag limit during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day is two (2) raccoons for one person or two (2) raccoons for a group of persons hunting as a party. The possession limit is twenty (20)

raccoons per season. The daily bag limit of raccoon may be possessed for each day the season is open until the season limit is reached.

§47-11-22. Training of Hunting Dogs.

22.1. It is illegal for a person engaged in the training of hunting dogs to have in his possession a firearm or any other implement or device suitable for taking, killing, or trapping a wild animal or wild bird during the closed season on such wild animal or wild bird.

22.2. It is illegal for a person to allow a dog that he owns or a dog that is under his control to chase, pursue, or hunt deer at any time.

22.3. It is illegal for a person to allow a dog that he owns or a dog that is under his control to chase, pursue, hunt, or follow upon the track of any wild animal or wild bird, either day or night, during the period commencing on May 1 and ending on August 15 of each year, except as provided in Section 22.3.1 of these regulations.

22.3.1. Dogs may be trained on wild animals and wild birds, except deer and wild turkeys, on one's own land by the landowner or by his bona fide resident tenant, or on the lands of another person with his written permission, or on public lands.

22.4. Except as provided in Section 22.7 and 22.8 of these regulations, residents may train their dogs in those counties, or portions thereof, which have a legal bear hunting season during the period commencing on August 25 and ending on the last day in February of the following year.

22.5. Except as provided in Sections 22.6 through 22.8 of these regulations, nonresidents may train their dogs in this State only during the legal small game season.

22.6. Except as provided in Sections 22.7 and 22.8 of these regulations, Ohio residents may train their dogs in this State in accordance with the provisions of Sections 22.1 through 22.3 of these regulations but may not train a dog in any county, or portion thereof, in which there is a legal bear hunting season except during the legal small game hunting season.

TO BE REPEALED

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

SERIES 11
HUNTING AND TRAPPING REGULATIONS

§47-11-1. General.

1.1. Scope and Purpose. -- These regulations establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting and trapping of wildlife in West Virginia.

1.2. Authority. -- West Virginia Code §§20-1-7(30) and 20-1-17(7).

1.3. Filing Date. -- October 3, 1989

1.4. Effective Date. -- October 3, 1989

1.5. Repeal of Former Rule. -- These regulations repeal and replace 47 C.S.R. 11 "Hunting and Trapping Regulations" that were filed on March 31, 1989 and became effective on April 1, 1989.

1.6. Seasons in General. -- All seasons, unless otherwise noted, are statewide and subject to change under the provisions of W. Va. Code §20-1-7(7). Opening and closing dates are inclusive and time periods are prevailing time unless otherwise noted in these regulations. Should an opening date fall on a Sunday, the season will open on the following Monday. If the last day of a season fall on a Sunday, the season will close on the preceding Saturday.

§47-11-2. Definitions.

2.1. "Aggregate" means the total bag or possession limit of similar kinds of game animals or game birds. For example, the possession limit for squirrels is twenty-four (24) after the third day of the open season. This could be ten (10) gray squirrels and fourteen (14) fox squirrels, or fourteen (14) gray squirrels and ten (10) fox squirrels, or any combination of twenty-four (24) squirrels, but not more than a total of six (6) per day nor more than a total of twenty-four (24) in possession.

2.2. "Antlered Deer" means deer having at least one antler that is over three (3) inches in length, as measured from the hairline.

TO BE REPEALED

2.3. "Antlerless Deer" means deer having no antler that is over three (3) inches in length, as measured from the hairline.

2.4. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement.

2.5. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of bait so as to constitute for wildlife a lure, attraction, or enticement to or on any areas where hunters are attempting to take them.

2.6. "Cub Bear" means a bear less than one year old and is identified by its having upper canine teeth of less than five-eighths (5/8) inch in length when measured from the gum.

2.7. "Legal Small Game Hunting Season" means the period commencing on the Saturday prior to the Saturday nearest to October 15 and ending on the last day of February of the following year.

2.8. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

2.9. "Permanently Disabled in the Lower Extremities" means an individual who is paraplegic, who is missing both legs, or who has a disability affecting both legs which requires permanent use of a wheelchair or crutches.

2.10. "Possession Limit" means game taken in this State which is in any way under the control of the hunter (i.e., the total of all game in a vehicle, home freezer, commercial food locker, or other storage place).

2.11. "Prevailing Time" means either Eastern Standard Time or Eastern Daylight Time as established by the United States Congress.

2.12. "Protected" means no open season (i.e., hunting protected wildlife is illegal at all times).

2.12.1. Protected mammals include: elk, mountain lion, and otter.

2.12.2. Protected birds include: eagles, falcons, hawks, insectivorous birds, owls, and song birds.

2.13. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

TO BE REPEALED

§47-11-3. General Hunting Rules.

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State public hunting and fishing areas.

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

3.2. Except as provided in Section 3.2.1 of these regulations, it is illegal to dig out, cut out, smoke out, or in any manner take or attempt to take any wild animal or wild bird from its den or place of refuge.

3.2.1. 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.

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 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. Except as provided in Section 3.4.1 of these regulations, it is illegal to hunt for, take, kill, wound, or shoot at wild animals or wild birds from an airplane or other airborne conveyance, from a motor vehicle or other land conveyance, or from a motor-driven water conveyance.

3.4.1. A person who is permanently disabled in the lower extremities and who holds a valid Class Q special resident hunting permit may hunt for furbearing animals, game animals, and game birds from a stationary motor vehicle provided that he is the only occupant of that vehicle, that the engine of the vehicle is not operating, and that the vehicle is not parked on the right-of-way of any public road or highway.

TO BE REPEALED

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

3.6. It is illegal to catch, capture, take, or kill by seine, net, bait, trap, deadfall, snare, or like device of any kind any bear, grouse, migratory bird, pheasant, protected bird, protected mammal, quail, wild boar, or wild turkey.

3.6.1. No person may take these game species by the aid of baiting. An area is considered to be baited for ten (10) days after the removal of the bait.

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

3.8. Each person killing a bear, deer, wild boar, or wild turkey found in a wild state must 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 must bear, in plain English, the name and address of the hunter, the date and county where the game was killed, and, unless he is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.9. No person under the age of fifteen (15) years may hunt or chase wild animals or wild birds on the lands of another unless he is accompanied by a licensed adult who remains in a position near enough to him to render advice and assistance.

3.10. Only bows, single-shot muzzle-loading firearms, or shotguns loaded with 00 or smaller shot may be used to hunt wildlife within the boundaries of the Green Bottom Wildlife Management Area.

§47-11-4. Deer Hunting Seasons.

4.1. Bucks-Only Deer Season. This season, for the firearms hunting of antlered deer, runs for thirteen (13) consecutive days commencing on the first Monday preceding Thanksgiving.

4.1.1. The bucks-only deer season is open in all counties except the following: Logan, McDowell, Mingo, and Wyoming.

4.2. Antlerless Deer Season. This season, for the firearms hunting of antlerless deer, opens after the close of the bucks-only season and runs for the number of days designated by the Natural Resources Commission and published annually by the

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director.

4.2.1. The antlerless deer season is open in those counties, or portions thereof, designated by the director and published annually.

4.3. Archery Deer Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

4.3.1. During the archery deer season, both antlered and antlerless deer may be hunted statewide with a bow, except that antlered deer may be hunted statewide with a bow during the bucks-only deer season.

4.4. Muzzle-Loading Firearms Deer Season. This season runs for six (6) consecutive days commencing on the third Monday in December.

4.4.1. During the first four (4) days of the muzzle-loading firearms deer season, only antlered deer may be taken and hunting is restricted to those counties having a bucks-only deer season.

4.4.2. During the last two (2) days of the muzzle-loading firearms deer season, antlerless deer may be taken in those counties, or portions thereof, designated by the director and published annually and antlered deer may be taken in those counties having a bucks-only deer season.

\$47-11-5. Deer Hunting Rules.

5.1. No person may take more than six (6) deer in this State during a calendar year unless he holds a valid permit to kill deer causing damage to crops as provided under 47 C.S.R. 15A and 15B.

5.1.1. Deer taken during the open seasons established in Section 4 of these regulations may be a combination of the following:

5.1.1.a. One deer by bow during the archery deer season;

5.1.1.b. One antlered deer by either bow or firearm during the bucks-only deer season;

5.1.1.c. One antlerless deer by either bow or firearm during the antlerless deer season;

5.1.1.d. One antlered deer by bow on a Class R or RR

TO BE REPEALED

license during the archery deer season;

5.1.1.e. One antlered deer by either bow or firearm on a Class R or RR license during the bucks-only deer season;

5.1.1.f. One deer by single-shot muzzle-loading rifle or pistol during the muzzle-loading firearms deer season.

5.2. After a person has killed a deer during any of the open seasons established in Section 4 of these regulations, he may not participate further in deer hunting (e.g., driving deer) with a bow or a firearm in his possession for the remainder of the day of the kill. A person may pursue his second legal deer, in accordance with the provisions of Section 5.1 of these regulations, on any following day which falls within an open deer season, provided the first deer has been legally checked with a conservation officer or an official game checking station.

5.3. No person may hunt deer with a shotgun using ammunition loaded with more than one solid ball nor with any rifle of less than twenty-five (.25) caliber using rimfire ammunition.

5.4. No person may hunt deer between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

5.5. No person may kill or wound a deer while the deer is in any stream, lake, or pond.

5.6. Any person who hunts deer on public lands or on the lands of another during the bucks-only, antlerless, or muzzle-loading firearms deer season must wear a daylight fluorescent orange outer garment over at least four hundred (400) square inches of his person.

§47-11-6. Hunting Other Game During Deer Hunting Seasons.

6.1. The hunting of small game is permitted beginning on the fourth day after the opening date of the bucks-only deer season. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

6.2. In those counties, or portions thereof, open to antlerless deer hunting, the hunting of bear or small game is permitted during the antlerless deer season provided that no hunter, except those having a valid Class N license or those legally participating in bear hunting, may be afield with any firearm with solid ball ammunition or shells containing larger than Number 4 shot or, if using a combination rifle-shotgun, with rifle ammunition in his possession. During this period, a hunter

TO BE REPEALED

may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

6.3. The hunting of all game species for which a legal hunting season is open is permitted during the muzzle-loading firearms deer season.

6.4. After killing a deer during any of the open seasons established in Section 4 of these regulations, a hunter may not be afield for the remainder of the day of the kill with a firearm with solid ball ammunition or, if using a combination rifle-shotgun, he may not have rifle ammunition in his possession unless he is legally participating in bear hunting.

6.5. It is illegal to hunt small game during the bucks-only deer season with any centerfire rifle, with any rifle of larger than twenty-two (.22) caliber using rimfire ammunition, or with a shotgun using solid ball ammunition in a county that is not open to bucks-only deer hunting.

§47-11-7. Muzzle-Loading Firearms Deer Hunting Rules.

7.1. Only single-shot muzzle-loading firearms with iron sights and a caliber of forty-four (.44) or greater may be used during the muzzle-loading firearms deer season.

7.1.1. A firearm that has been converted into a muzzle-loader by use of a plug may not be used.

7.1.2. Double-barreled or swivel-barreled muzzle-loading rifles may not be used.

7.1.3. Telescopic sights may not be used.

7.2. When being transported in or on a vehicle, a muzzle loading firearm will be considered to be unloaded when uncapped or when the priming charge is removed from the pan.

7.3. A person who has killed more than one deer prior to the start of the muzzle-loading firearms deer season may hunt for and take only antlered deer during the muzzle-loading firearms deer season.

§47-11-8. Class N Special Deer Hunting License.

8.1. No person may actively participate in the hunting of antlerless deer (e.g., driving deer) unless that person has a Class N license or is otherwise exempt from having a Class N license.

TO BE REPEALED

8.2. No person may use a bow to hunt antlered or antlerless deer during the antlerless deer season in those counties, or portions thereof, designated by the director and published annually unless that person has a Class N license or is otherwise exempt from having a Class N license.

8.3. The director will publish annually a list of those counties in which a limited number of Class N licenses will be issued.

8.4. Applications for a Class N license to hunt in a county in which a limited number of Class N licenses are issued must:

8.4.1. Be on the form prescribed by the director. Only one application may be submitted per individual; receipt of more than one application per individual will void all applications for that individual.

8.4.2. Be filled out completely and signed; incomplete applications will be voided.

8.4.3. Be received by the Natural Resources Operations Center in Elkins, West Virginia, by no later than June 30th of the year for which the individual is applying. Applications submitted by mail and postmarked on or before June 30th will be accepted.

8.5. Class N licenses are nontransferable.

8.6. Bona fide resident landowners and their resident children, bona fide resident tenants, and any bona fide resident stockholder of a resident corporation formed for the primary purpose of hunting or fishing and which is the fee simple owner of no less than one thousand (1,000) acres of land upon which antlerless deer may legally be hunted are not required to have a Class N license to hunt antlerless deer on their own land during the antlerless deer season if that land is in a county, or portion thereof, that is open to antlerless deer hunting.

§47-11-9. Class R and Class RR Special Deer Hunting Licenses.

9.1. Purchasers of a Class R or Class RR license must choose a license for either archery deer hunting or firearms deer hunting but may purchase both types of license.

9.2. A Class R or Class RR license must be purchased prior to the opening day of the season for which the license is issued and must be signed to be valid.

9.3. A Class R or RR license is valid only in those counties

TO BE REPEALED

that are open to bucks-only deer hunting.

9.4. A Class R or Class RR license is valid only on the day after the licensee has checked his first deer kill with a conservation officer or an official game checking station.

9.5. Bona fide resident landowners, their resident children or resident parents, and bona fide resident tenants are not required to have a Class R license to hunt antlered deer with a bow or a firearm on their own land during the archery and bucks-only deer seasons if that land is in a county that is open to bucks-only deer hunting.

§47-11-10. Bear Hunting Seasons.

10.1. Early Firearms Bear Season. This season runs for two (2) consecutive days commencing on the second Friday in November.

10.1.1. Except as provided in Section 10.5 of these regulations, the early firearms bear season is open in the following counties: Boone, Fayette, Grant, Kanawha, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Tucker, and Webster.

10.1.2. Except as provided in Section 10.5 of these regulations, the early firearms bear season is open in the following portions of counties:

10.1.2.a. That portion of Greenbrier County lying north of U.S. Route 60 from the Fayette County line to County Route 9, north of County Route 9 from U.S. Route 60 to U.S. Route 219, and east of U.S. Route 219 from County Route 9 to Monroe County line.

10.1.2.b. That portion of Hampshire County lying south of U.S. Route 50.

10.1.2.c. That portion of Hardy County lying east of U.S. Route 220.

10.1.2.d. That portion of Monroe County lying east of U.S. Route 219.

10.2. Late Firearms Bear Season. This season opens on the first Monday following the close of the bucks-only deer season and closes on the last day in December.

10.2.1. Except as provided in Section 10.5 of these regulations, the late firearms bear season is open in the following counties: Grant, Pendleton, Pocahontas, Randolph, and Tucker.

TO BE REPEALED

10.2.2. Except as provided in Section 10.5 of these regulations, the late firearms bear season is open in the following portions of counties:

10.2.2.a. That portion of Greenbrier County lying north of U.S. Route 60 from the Fayette County line to County Route 9, north of county route 9 from U.S. Route 60 to U.S. Route 219, and east of U.S. Route 219 from County Route 9 to the Monroe County line.

10.2.2.b. That portion of Hampshire County lying south of U.S. Route 50.

10.2.2.c. That portion of Hardy County lying east of U.S. Route 220.

10.2.2.d. That portion of Monroe County lying east of U.S. Route 219.

10.2.2.e. That portion of Webster County lying east of County Route 20 from the Nicholas County line to Webster Springs and South of County Route 15 from Webster Springs to the Randolph County line.

10.3. Traditional Archery Bear Season. This season opens on the Saturday nearest to October 15 and closes on the Saturday preceding the opening of the bucks-only deer season.

10.3.1. Except as provided in Section 10.5 of these regulations, the traditional archery bear season is open in those counties, or portions thereof, open to late firearms bear hunting.

10.4. Experimental Archery Bear Season,. This season opens on October 14, 1989 and closes November 11, 1989.

10.4.1. The experimental archery bear season is open in the following counties: Boone, Fayette, Kanawha, Nicholas, and Raleigh.

10.4.2. The experimental archery bear season is open in that portion of Webster County lying west of County Route 20 from the Nicholas County line to Webster Springs and north of County Route 15 from Webster Springs to the Randolph County line.

10.5. The Cranberry Closed Area (known as 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.

TO BE REPEALED

10.5.1. The Cranberry Closed Area is bounded as follows: Starting at Dyer, the northern boundary proceeds along Forrest Service Route 86 east to Forest Service Route 76 (the Black Mountain Road); then follows Forest Service Route 76 south to its intersection with Highland Scenic Highway (State Route 150); and then follows State Route 150 to State Route 39. The southern boundary of the Closed Area follows State Route 39 to the Nicholas County line; then proceeds north following the Nicholas County line to Forest Service Route 76; then follows Forest Service Route 76 north to Forest Service Route 101; and then follows Forest Service Route 101 north to Dyer.

10.5.2. The Spruce Knob Closed Area is bounded as follows: Started at the intersection of U.S. Route 33 and the Spruce Knob National Recreation Area boundary (approximately eight miles west of Mouth of Seneca), the boundary follows U.S. Route 33 east to its intersection with County Route 33/3; then follows the Spruce Knob Recreation Area boundary south and then northwest to Forest Service Route 1; then proceeds west on Forest Service Route 1 to County Route 29; then follows County Route 29 north to County Route 29/4 north to Spruce Knob National Recreation boundary; and then follows the Spruce Knob National Recreation boundary; and then follows the Spruce Knob National Recreation boundary north to U.S. Route 33.

§47-11-11. Bear Hunting Rules.

11.1. No person may hunt bear between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day, except that hunting dogs may be trained on bear during these hours in accordance with the provisions of Section 22 of these regulations.

11.2. The use of dogs while hunting for bear during the early firearms bear season is illegal in the following counties: Boone, Fayette, Kanawha, Nicholas, and Raleigh.

11.3. The use of dogs while hunting for bear during the early firearms bear season is illegal in the following portions of counties:

11.3.1. That portion of Webster County lying west of County Route 20 from the Nicholas County line to Webster Springs and north of County Route 15 from Webster Springs to the Randolph County line.

11.4. Except as provided in Sections 11.2 and 11.3 of these regulations, the use of dogs while bow hunting for bear is legal during that portion of the archery bear season which coincides with an open firearms bear season.

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§47-11-12. Wild Turkey Hunting Seasons.

12.1. Early Fall Wild Turkey Season. This season runs for twenty-two (22) consecutive days commencing on the second Saturday after the opening of squirrel season, except as provided in Section 12.1.2 of these regulations.

12.1.1. The early fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker, and Webster.

12.1.2. In Preston County, the early fall wild turkey season runs for fifteen (15) consecutive days commencing on the second Saturday after the start of squirrel season.

12.2. Late Fall Wild Turkey Season. This season runs for six (6) consecutive days commencing on the Monday following the second Saturday in December.

12.2.1. The late fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Randolph, Tucker, and Webster.

12.3. Spring Wild Turkey Season. This season opens on the fourth Monday in April and runs for twenty-six (26) consecutive days thereafter and is open for the hunting of bearded turkeys only.

§47-11-13. Wild Turkey Hunting Rules.

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

13.2. No person may hunt wild turkey between one o'clock postmeridian (1:00 p.m.) and thirty (30) minutes before sunrise on the following day during the spring wild turkey season.

13.3. No person have a firearm or a bow in his possession in the woods of this State after one o'clock postmeridian (1:00 p.m.) during spring wild turkey season.

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

§47-11-14. Wild Boar Hunting Seasons.

14.1. Early Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the first Thursday in

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November.

14.1.1. The early firearms wild boar season is open in those counties, or portions thereof, designated by the director and published annually.

14.2. Late Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the last Thursday in December.

14.2.1. The late firearms wild boar season is open in those counties, or portions thereof, designated by the director and published annually.

14.3. Archery Wild Boar Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

14.3.1. The archery wild boar season is open in those counties, or portions thereof, open to firearms wild boar hunting.

§47-11-15. Wild Boar Hunting Rules.

15.1. Boar may be legally taken during the firearms wild boar season with a bow or with a firearm using ammunition legal in West Virginia for the taking of deer.

15.2. No person may hunt boar between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

15.3. No person may kill or wound a boar while the boar is in any stream, lake, or pond.

15.4. The use of dogs to hunt wild boar is prohibited.

15.5. Provided that the hunter uses either a shotgun or a bow, the hunter of small game is permitted during the wild boar seasons in those counties, or portions thereof, designated by the director as boar hunting areas. During this period a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a boar.

15.6. Provided that a hunter uses a bow, the hunting of deer is permitted during the wild boar seasons in those counties, or portions thereof, designated by the director as boar hunting areas.

§47-11-16. Class P Special Resident Boar Hunting License.

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16.1. All persons participating, in any manner, in wild boar hunting must possess a valid Class P license.

16.2. Applicants for a Class P license must be West Virginia Residents and at least twelve (12) years of age.

16.3. Applicants for a Class P license must choose a license for either archery wild boar hunting or firearms wild boar hunting and may not apply for both.

16.4. Applicants for a Class P license for firearms wild boar hunting must choose a license for either the early firearms wild boar season or the late firearms wild boar season and may not apply for both.

16.5. All applications for a Class P license must:

16.5.1. Be on the form prescribed by the director. Only one application may be submitted per individual; receipt of more than one application per individual will void all applications for that individual.

16.5.2. Be filled out completely and signed; incomplete applications will be voided.

16.5.3. Be received at the Natural Resources Operations Center in Elkins, West Virginia, by no later than June 30th of the year for which the individual is applying. Applications submitted by mail and postmarked on or before June 30th will be accepted.

16.6. Class P licenses are nontransferable.

16.7. Bona fide resident landowners, their resident children or resident parents, and bona fide resident tenants are not required to have a Class P license to hunt wild boar on their own land during the archery and firearms wild boar seasons if that land is within a boar hunting area designated by the director.

§47-11-17. Other Hunting Seasons.

17.1. Bobcat Season. This season opens on the first Saturday in November and closes on the last day in January.

17.2. Fox Season. This season opens on the first Saturday in November and closes on the last day in January.

17.3. Grouse Season. This season opens on the Saturday nearest to October 15 and closes on the last day in February.

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17.4. Hare Season. This season opens on the first Saturday in November and closes on the last day in February.

17.5. Opossum Season. This season is open year-round.

17.6. Pheasant Season. This season opens on the first Saturday in November and closes on the first Saturday in January and is open for the hunting of cock birds only.

17.7. Quail Season. This season opens on the first Saturday in November and closes on the last day of February.

17.8. Rabbit Season. This season opens on the first Saturday November and closes on the last day of February.

17.9. Raccoon Season. This season opens on the Saturday nearest to October 15 and closes on the last day of January.

17.9.1. Raccoon hunting is legal only during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day.

17.10. Skunk Season. This season is open year-round.

17.11. Squirrel Season. This season opens on the Saturday prior to the Saturday nearest to October 15 and closes on the first Saturday in January.

17.12. Weasel Season. This season is open year-round.

17.13. Woodchuck Season. This season is open year-round.

§47-11-18. Hunting Bag and Possession Limits.

18.1. Bear. The bag and possession limit is one (1) bear per calendar year.

18.2. Deer. The bag and possession limit is one (1) deer per day and six (6) deer per calendar year, as specified in Section 5.1 of these regulations.

18.3. Wild Boar. The bag and possession limit is one (1) boar per calendar year.

18.4. Wild Turkey. The bag and possession limit is two (2) turkeys per calendar year, only one of which may be taken during the fall wild turkey season. Two (2) bearded turkeys may be taken in the spring or one (1) bearded turkey may be taken in the spring and one (1) turkey of either sex may be taken in the fall.

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During the spring wild turkey season, only one (1) turkey may be taken per day.

18.5. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

18.6. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

18.7. Grouse. The bag limit is four (4) grouse per day. The possession limit is sixteen (16) grouse after the third day of the season.

18.8. Hare. The bag limit is two (2) hares per day. The possession limit is eight (8) after the third day of the season.

18.9. Opossum. There are no daily or season limits for opossum.

18.10. Pheasant. The bag and possession limit is two (2) pheasants per day and two (2) pheasants per season.

18.11. Quail. The bag limit is seven (7) quail per day. The possession limit is twenty-one (21) quail after the second day of the season.

18.12. Rabbit. The bag limit is five (5) rabbits per day. The possession limit is twenty (20) rabbits after the third day of the season.

18.13. Raccoon. The bag limit during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day is two (2) raccoons for one person or two (2) raccoons for a group of persons hunting as a party. The possession limit is twenty (2) raccoons per season. The daily bag limit of raccoon may be possessed for each day the season is open until the season limit is reached.

18.14. Skunk. There are no daily or season limits for skunk.

18.15. Squirrel (Fox and Gray Squirrels, including black and albino color phases). The bag limit is six (6) squirrels in aggregate per day. The possession limit is twenty-four squirrels in aggregate after the third day of the season.

18.16. Weasel. There are no daily or season limits for weasel.

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18.17. Woodchuck. There are no daily or season limits for woodchuck.

§47-11-19. General Trapping Rules.

19.1. Trapping is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State public hunting and fishing areas.

19.1.1. Federal regulations prohibit trapping in Harpers Ferry National Historical Park and on federally-owned land within the boundaries of the New River Gorge National River.

19.2. A trapping permit is required in public hunting and fishing areas. This permit may be obtained from the district game biologist in the district in which the public hunting and fishing area is situated.

19.3. No traps may be set before eight o'clock antemeridian (8:00 a.m.) on the first day of a trapping season or either set or left set after noon on the last day of a trapping season.

19.4. All traps set during the month of February must be water sets only for the taking of beaver, mink, or muskrat.

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

19.6. Foot snares are legal when the snare loop is at and horizontal to ground level and does not exceed six and one-half (6-1/2) inches in diameter.

19.7. It is illegal to use or set deadfalls for taking wildlife.

19.8. It is illegal to set or maintain any trap or trapping device on human foot trails or livestock paths.

19.9. It is illegal to set or use traps with an open jaw spread of more than six and one half (6-1/2) inches unless such trap is used under water for beaver.

19.10. It is illegal to use conibear or mohawk type traps for terrestrial trapping. Conibear or mohawk type traps may be used in water sets.

19.11. It is illegal to set or maintain neck or body gripping snares or spring pole snares for terrestrial trapping. Neck or body-gripping snares may be used in water sets.

19.12. It is illegal to use steel jaw traps with any teeth on

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or attached to them.

19.13. It is illegal 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 three (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, except as provided in Section 19.14 of these regulations.

19.14. The provisions of Section 19.13 of these regulations do not apply to traps or trap sets that are set or maintained on natural earthen mounds, such as ant hills or muskrat houses, that were constructed without human assistance.

19.15. It is illegal to use animal or bird carcasses, or parts thereof, to lure an animal to a trap set unless such carcasses, or parts thereof, are completely covered and concealed from sight.

19.16. It is illegal to take beaver, fisher, mink, or muskrat by any means other than by trap.

19.17. It is illegal to have in one's possession an untagged beaver, bobcat, or fisher hide, or parts thereof, longer than thirty (30) days following the close of the respective trapping season.

19.18. Should any person unintentionally trap and kill more than the limit fixed by these regulations as a season possession limit, he must within twenty-four (24) hours thereafter deliver the excess animals to a conservation officer.

19.19. Each trapper must present beaver, bobcat, or fisher pelts to an official game checking station or a representative of the Department within thirty (30) days after the close of the trapping season for that animal. A tag provided by the Department must be affixed to each beaver, bobcat, or fisher pelt and remain attached to the skin until such skin has been sold, tanned, or mounted.

§47-11-20. Trapping Seasons.

20.1. Beaver Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.2. Bobcat Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

20.3. Fisher Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

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20.4. Fox Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

20.5. Mink Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.6. muskrat Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

20.7. Raccoon Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

§47-11-21. Trapping Bag and Possession Limits.

21.1. Beaver. The bag and possession limit is twenty-five (25) beavers per day and twenty-five (25) beavers per season.

21.2. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

21.3. Fisher. The bag and possession limit is one (1) fisher per day and one (1) fisher per season.

21.4. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

21.5. Mink. There are no daily or season limits for mink.

21.6. Muskrat. There are no daily or season limits for muskrat.

21.7. Raccoon. The bag limit during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day is two (2) raccoons for one person or two (2) raccoons for a group of persons hunting as a party. The possession limit is twenty (20) raccoons per season. The daily bag limit of raccoon may be possessed for each day the season is open until the season limit is reached.

§47-11-22. Training of Hunting Dogs.

22.1. It is illegal for a person engaged in the training of hunting dogs to have in his possession a firearm or any other implement or device suitable for taking, killing, or trapping a wild animal or wild bird during the closed season on such wild animal or wild bird.

22.2. It is illegal for a person to allow a dog that he owns

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or a dog that is under his control to chase, pursue, or hunt deer at any time.

22.3. It is illegal for a person to allow a dog that he owns or a dog that is under his control to chase, pursue, hunt, or follow upon the track of any wild animal or wild bird, either day or night, during the period commencing on May 1 and ending on August 15 of each year, except as provided in Section 22.3.1 of these regulations.

22.3.1. Dogs may be trained on wild animals and wild birds, except deer and wild turkeys, on one's own land by the landowner or by his bona fide resident tenant, or on the lands of another person with his written permission, or on public lands.

22.4. Except as provided in Section 22.7 and 22.8 of these regulations, residents may train their dogs in those counties, or portions thereof, which have a legal bear hunting season during the period commencing on August 25 and ending on the last day in February of the following year.

22.5. Except as provided in Sections 22.6 through 22.8 of these regulations, nonresidents may train their dogs in this State only during the legal small game season.

22.6. Except as provided in Sections 22.7 and 22.8 of these regulations, Ohio residents may train their dogs in this State in accordance with the provisions of Sections 22.1 through 22.3 of these regulations but may not train a dog in any county, or portion thereof, in which there is a legal bear hunting season except during the legal small game hunting season.

22.7. The training of dogs on bear is illegal during the early firearms bear season in the following counties: Boone, Fayette, Kanawha, Nicholas, and Raleigh.

22.8. The training of dogs on bear is illegal during the early firearms bear season in the following portions of counties:

22.8.1. That portion of Webster County lying west of County Route 20 from the Nicholas County line to Webster Springs and north of County Route 15 from Webster Springs to the Randolph County line.