

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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1989 AUG -9 PM 3: 22

SECRETARY OF STATE

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

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: W. Va. Code §§20-1-7(30) and 20-1-17(7)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11

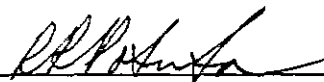
TITLE OF RULE BEING AMENDED: _____

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 September 1, 1988



FILED

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES

1988 AUG -9 PM 3: 22

SERIES 11
HUNTING AND TRAPPING REGULATIONS

SECRETARY OF STATE

§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 this State.

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

1.3. Filing Date. -- August 9, 1988.

1.4. Effective Date. -- September 1, 1988.

~~1.5.---Promulgation-History.----These-regulations-replace West--Virginia--Administrative--Regulations,--Department--of Natural-Resources,--Series--11,--filed-on-November-5,--1987--that became-effective-upon-filing.~~

1.5. Replacement of Former Rule. -- These regulations replace 47 C.S.R. 11 "Hunting and Trapping Regulations" that were filed on December 29, 1987 and became effective on March 1, 1988.

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 noted otherwise 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 falls on a Sunday, the season will close on the preceding Saturday.

1.7. Migratory Game Birds. -- Regulations concerning the hunting of migratory game birds appear in ~~West-Virginia Administrative-Regulations,--Department-of-Natural-Resources, Series--11,--Migratory-Bird-Hunting-Regulations~~ 47 C.S.R. 12.

§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. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement but does not include scent lures.

2.3. "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.

2.4. "Big Game" means the following game animals and game birds: black bear, white-tailed deer, wild boar, and wild turkey.

2.5. "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.

2.6. "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 in February of the following year.

2.7. "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).

~~2.8. "Prevailing Time" means either eastern standard time or daylight saving time and shall be that time proclaimed by the governor of the State.~~

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

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

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

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

2.10. 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 game 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 from trees, rocks, or other places of refuge~~ 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. 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, unless specifically authorized to do so under the provisions of these regulations or under ~~West--Virginia--Administrative Regulations,--Department--of--Natural--Resources,--Series--127~~ Migratory-Bird-Hunting-Regulations 47 C.S.R. 12.

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 rifle 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.

§47-11-4. Deer Hunting Seasons.

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

4.1.1. There is a bucks-only deer season in the following counties: Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Marion, Marshall, Mason, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzell, Wirt, and Wood.

4.1.2. There is no bucks-only deer season in the following counties: Logan, McDowell, Mingo, and Wyoming.

~~4.2. Antlerless Deer Season. -- This season is the Friday and Saturday following the close of the bucks-only deer season.~~

~~4.2.1. Counties, or portions thereof, open to antlerless deer hunting will be determined by the director and published annually.~~

4.2. Antlerless Deer Season. -- This season opens after the close of the bucks-only deer 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 Natural Resources Commission and published annually by the director.

4.3. Archery Deer Season. -- This season opens on the Saturday nearest to October 15 and closes on December 31. Deer of either sex may be hunted statewide with a bow, except that only bucks may be hunted statewide with a bow during the bucks-only deer season.

4.4. Muzzle-Loading Rifle Deer Season. -- This season opens on the Saturday following the last day of the antlerless deer season.

§47-11-5. Deer Hunting Rules.

5.1. No person may legally take more than five (5) deer per calendar year, unless he holds a valid permit to kill deer causing crop damage as provided under West Virginia Administrative Regulations, Department of Natural Resources, Series 15A and 15B, Permits to Kill Deer and Other Wildlife Causing Crop Damage 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 season;

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

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

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

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

5.1.1.f. One deer by muzzle-loading rifle, if not more than one deer has been taken prior to the muzzle-loading rifle 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 deer with an antler of less than three (3) inches in length, as measured from the hairline, may be legally taken during the bucks-only deer season.~~

5.3. Only deer having at least one antler over three (3) inches in length, as measured from the hairline, may be legally taken during the bucks-only deer season.

5.4. No deer with an antler over three (3) inches in length, as measured from the hairline, may be legally taken during the antlerless deer season.

5.5. 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.

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

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

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

§47-11-6. Hunting Other Species 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 then open is permitted during the muzzle-loading rifle 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 possesses ~~a valid Class--R--er-Class-RR--license-or~~ 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 counties not open to bucks-only deer hunting.

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

7.1. Deer of either sex may be taken during the muzzle-loading rifle deer season in counties, or portions thereof, open for the taking of antlerless deer.

7.2. Only antlered deer may be taken in counties having a bucks-only deer season.

7.3. Only single shot muzzle-loading rifles with iron sights and a minimum caliber of .44 may be used during the muzzle-loading rifle deer season.

7.3.1. A single shot weapon that has been converted to a muzzle-loading rifle by use of a plug may not be used.

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

7.3.3. Telescopic sights may not be used.

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

7.5. No person may use a bow to hunt deer during the muzzle-loading rifle deer season except in those counties, or portions thereof, closed to muzzle-loading rifle deer hunting.

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

8.1. Only West Virginia residents holding a valid Class A, Class AB, or Class Q hunting license, or those legally exempt from obtaining a license or permit to hunt, are eligible to purchase a Class N License.

8.2. 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.

8.3. No person may use a bow to hunt deer during the antlerless deer season in those counties, or portions thereof, that are open to antlerless deer hunting unless that person has a Class N license or is otherwise exempt from having a Class N license.

~~8.4. All applications for a Class N license must:~~

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

8.5. 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-~~ 8.5.1. 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.

~~8.4-2-~~ 8.5.2. Be filled out completely and signed;

incomplete applications will be voided.

~~8-4-3-~~ 8.5.3. Be received at the Department of Natural Resources Operations Center in Elkins, West Virginia, by no later than June 30 of year for which individual is applying. Applications submitted by mail and postmarked on or before June 30th will be accepted.

~~8-5-~~ 8.6. Class N licenses are nontransferable.

~~8-6-~~ 8.7. 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 the portion thereof, that is open to antlerless deer hunting.

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

9.1. A Class R or Class RR license purchased for the archery deer season is not valid for the bucks-only deer season and a Class R or Class RR license purchased for the bucks-only deer season is not valid for the archery deer season.

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

9.3. A Class R or Class RR license must be signed to be valid.

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

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

9.6. 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 10.1.3 of these regulations, the firearms bear season is open county-wide in the following counties: Grant, Pendleton, Pocahontas, Randolph, and Tucker.

10.1.2. Except as provided in Section 10.1.3 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 its intersection with County Route 9, north of County Route 9 between U.S. Route 219, and east of U.S. Route 219 from County Route 9 between U.S. Route 60 and U.S. Route 219, and east of U.S. Route 219 from County Route 9 to its intersection with 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 east of State Route 20 from Webster Springs southwest to the Nicholas County line.

10.1.2.f. That portion of Webster County east and south of State Route 15 from Webster Springs to the Randolph County line.

10.1.3. The 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.

10.1.3.a. The Cranberry Closed Area is bounded as follows: Starting at Dyer, the northern boundary proceeds along Forest Service Route 86 east to Forest Service Route 76 (the Black Mountain Road); then follows Forest Service Route 76 south to its intersection with the 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.

10.1.3.b. 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 eight miles west of the Mouth of Seneca, the boundary follows U.S. Route 33 east to its intersection with State Route 33/3; then follows the Spruce Knob Recreation Area boundary south to Forest Service Route 55; then follows Forest Service Route 55 north to Forest Service Route 1; then proceeds west on Forest Service Route 1 to State Route 29; then follows State Route 29 north to State Route 29/4 north to the Spruce Knob National Recreation boundary; and then follows the Spruce Knob National Recreation boundary north to U.S. Route 33.

10.2. 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. The archery bear season is open in those counties, or portions thereof, open to firearms bear hunting.

§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 bow hunting for bear is illegal except during the firearms bear season.

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

12.1. Fall Wild Turkey Season. -- This season runs for twenty-two (22) consecutive days commencing on the second Saturday after the opening of squirrel season, and reopens for six (6) consecutive days commencing on the Monday following the second Saturday in December, except as provided in Section 12.1.2 of these regulations.

12.1.1. The 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 fall wild turkey season runs for fifteen (15) consecutive days commencing on the second Saturday after the start of squirrel season.

12.2. 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 both wild turkey seasons.

13.2. No person may hunt wild turkey between eleven o'clock antemeridian (11:00 a.m.), eastern standard time, and thirty (30) minutes before sunrise on the following day during the spring wild turkey season.

13.3. No person may have a firearm or a bow in his possession in the woods of this State after noon, eastern standard time, during spring wild turkey season.

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

§47-11-14. Wild Boar Hunting Seasons.

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

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

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

14.2.1. 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 hunting of small game is permitted during the wild boar seasons in 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 the hunter uses a bow, the hunting of deer is permitted during the wild boar seasons in 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 the archery wild boar season or the firearms wild boar season and may not apply for both.

16.4. All applications for a Class P license must:

16.4.1. 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.

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

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

16.5. Class P licenses are nontransferable.

16.6. 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. -- 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 in February.

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

17.9. Raccoon Season. -- This season opens on the Saturday nearest to October 15 and closes on the last day in 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. -- 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. -- Open year-round.

17.13. Woodchuck Season. -- 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 five (5) 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 eight (8) after the third day of the season.

18.9. Opossum. -- No daily or season limits.

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 (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.

18.14. Skunk. -- No daily or season limits.

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 (24) squirrels in aggregate after the third day of the season.

18.16. Weasel. -- No daily or season limits.

18.17. Woodchuck. -- No daily or season limits.

§47-11-19. General Trapping Regulations Rules.

19.1. Trapping is prohibited in State parks and game 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. -- No limit.

21.6. Muskrat. -- No limit.

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. Residents may train their dogs in 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. Nonresidents may train their dogs in this State only during the legal small game hunting season, except as provided in Section 22.6 of these regulations.

22.6. 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.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

BARBARA STARCHER
Deputy Secretary of State

RICHARD S. STEPHENSON
Deputy Secretary of State

Telephone: (304) 345-4000
Corporations: 342-8000



STATE OF WEST VIRGINIA
SECRETARY OF STATE

Charleston 25305

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DEPT. OF NATURAL RESOURCES
ENVIRONMENTAL ANALYSIS

WILLIAM H. HARRINGTON
Chief of Staff

RICH O. HARTMAN
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

VIRGINIA SKEEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Jeff Harold, DNIP

FROM: RICH O. HARTMAN, DIR. ADMIN. LAW DIV.

DATE: Aug 19, 1988

THE ATTACHED RULE(S) RECENTLY FILED BY YOUR AGENCY HAVE BEEN ENTERED INTO THE COMPUTER. PLEASE REVIEW AND PROOF AND RETURN WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS PLEASE SIGN THIS MEMO AND RETURN TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF YOUR RULE(S) FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

Serial 11

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND ARE CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

(see pg. 1)

THE ATTACHED RULE(S) HAVE BEEN REVIEWED AND NEEDS CORRECTED. THESE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jeffrey E. Herold

TITLE OF PERSON SIGNING: Regulatory Analyst

DATE: August 22, 1988