

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #3

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1992 SEP -9 AM 10:15

OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE

AND

FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY §0-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

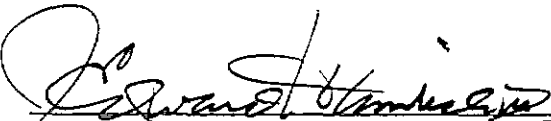
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 11A

TITLE OF RULE BEING PROPOSED: Regulations Defining The Terms To Be Used Concerning
All Hunting and Trapping Regulations

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



J. Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Regulations Defining the Terms to be Used Concerning All Hunting and Trapping Regulations, 47 C.S.R. 11A

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources

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

| 1. Effect of Proposed Rule | ANNUAL | | FISCAL YEAR | | |
|----------------------------|----------|-----------|-------------|------|------------|
| | Increase | Decrease | Current | Next | Thereafter |
| Estimated Total Cost | \$ | | | | |
| Personal Services | \$ | | | | |
| Current Expenses | \$ | | | | |
| Repairs & Alterations | \$ | No Change | | | |
| Equipment | \$ | | | | |
| Other | \$ | | | | |

2. Explanation of above estimates: There is no change anticipated to administrative expenses as a result of this rule.

3. Objectives of this rule: This rule defines the terms that are applicable to all other rules related to hunting and trapping.

4. Explanation of Overall Economic Impact of Proposed Rule.

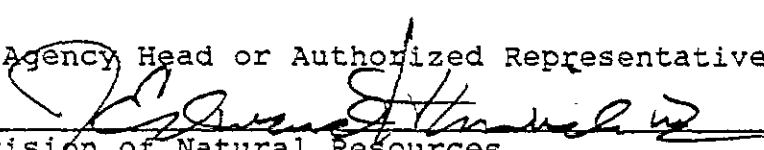
A. Economic Impact on State Government. No impact

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact.

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

Date: July 27, 1992

Signature of Agency Head or Authorized Representative


Director, Division of Natural Resources

DATE:

TO: Legislative Rule-Making Review Committee

FROM: Department of Commerce, Labor and Environmental Resources,
Division of Natural Resources

LEGISLATIVE RULE TITLE: Regulations Defining The Terms To Be Used
Concerning All Hunting and Trapping Regulations

1. Authorizing statute (s) citation: 20-1-7(30)
- 2.a. Date filed in State Register with Notice of Hearing: July 28, 1992 (Written Comments Only)
- 2.b. What other notice, including advertizing, did you give of the hearing?
None
- 2.c. Date of hearing (s): N/A
- 2.d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments:
Attached: _____ No comments received X
- 2.e. Date agency approved proposed Legislative Rule filed in State Register following public hearing:
- 2.f. Name and telephone of agency contact: Jim Ruckel, 558-2771
3. If the statute under which the rule was promulgated and submitted requires certain finding and determinations to be made as a condition precedent to their promulgation:
 - 3.a. Date on which a notice of the time and place of hearing for the taking of evidence and a general description of the issues to be decided was filed in the State Register:
N/A
 - 3.b. Date of hearing: N/A
 - 3.c. Date the required findings and determinations together with reasons therefor were filed in the State Register: N/A
 - 3.d. Findings and determinations, and reasons (attached).

PREAMBLE TO A PROPOSED RULE

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CONCERNING

1992 SEP -9 AM 10:15

REGULATIONS DEFINING THE TERMS TO BE USED CONCERNING ALL

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HUNTING AND TRAPPING REGULATIONS

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

REGULATION: Title 47, Series 11A, "Regulations Defining the Terms to be Used Concerning All Hunting and Trapping Regulations."

SUMMARY: The proposed rule received no written comments prior to 4:00 p.m., August 31, 1992.

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

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SERIES 11A
REGULATIONS DEFINING THE TERMS TO BE USED CONCERNING ALL HUNTING
AND TRAPPING REGULATIONS

OFFICE OF WEST VIRGINIA

§ 47-11A-1. General.

1.1. Scope and Purpose. -- This regulation defines the terms to be applied to all rules concerning the regulation of hunting and trapping within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§ 47-11A-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 and mountain lion and those mammals covered by federal regulations under the Endangered Species Act of 1973, as amended.

2.14. "Concurrent Hunting" means hunting of the same and/or other species during legally prescribed season.

2.15. "Public Lands" means lands owned, leased, licensed to or under the control of the State of West Virginia or Federal government.

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