

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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FILED

1991 AUG 20 AM 9:29

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources,

AGENCY: Division of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY West Virginia Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: Regulations Defining the Terms to be

Used Concerning All Hunting and Trapping Regulations.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON September 20, 1991 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

DNR Rule Comments

State Capitol Complex

Building 3 Room 712

Charleston, West Virginia 25305

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.



J. Edward Hamrick III
Director

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Regulations Defining the Terms to be Used Concerning All Hunting and Trapping Regulations.

1991 AUG 20 AM 9:42

Type of Rule: XX Legislative Interpretive Procedural

WEST VIRGINIA SECRETARY OF STATE

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	Increase \$	ANNUAL		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

NO CHANGE

2. Explanation of Above Estimates: These regulations define terms to be applied to all rules concerning the regulation of hunting and fishing within the boundaries of this State. No new administrative expenses are anticipated.

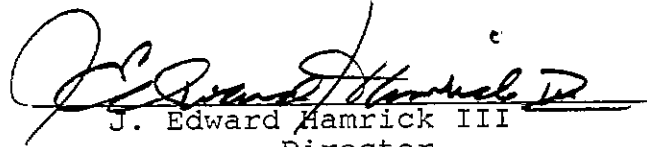
3. Objectives of These Rules: The objective of this rule is to define terms that are commonly used when drafting, revising, or reading regulations that concern hunting and trapping.

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: August 12, 1991

PREAMBLE TO A PROPOSED RULE CONCERNING
REGULATIONS DEFINING THE TERMS TO BE USED CONCERNING ALL HUNTING
AND TRAPPING REGULATIONS

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

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

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

ACTION: Filing notice of a thirty-day comment period on a
proposed rule.

SUMMARY: Today's filing proposes a new rule that will include
definitions of terms that will be used throughout all regulations
concerning hunting and trapping wildlife within the boundaries of
this State. Comments on this proposed rule can be sent to: DNR Rule
Comments, State Capitol Complex, Building 3, Room 712, Charleston,
West Virginia 25305. The comment period will end on September 20,
1991 at 4:30 p.m.

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

FILED

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

§47-11A-1. General.

1.1. Scope and Purpose. -- These regulations define 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-

eights (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.

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