

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

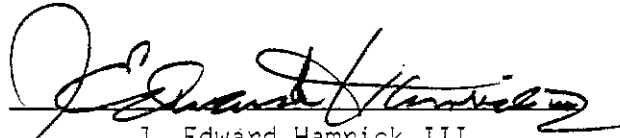
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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.

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

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule: XX 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	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

DATE: October 15, 1991.

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia 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:

West Virginia Code §20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing:

Notice of Comment period was filed
August 20, 1991.

b. What other notice, including advertising, did you give of
the public hearing?

None

c. Date(s) of hearing(s): Comment period ended on September
20, 1991.

d. Attach list of persons who appeared at the hearing,
comments received, amendments to the proposed rule, and
the reasons for those amendments.

Attached No comments received

e. Date you filed in the State Register the agency-approved
proposed Legislative Rule following public hearing:

October 15, 1991

f. Name and phone number of agency person to contact for
additional information:

Michael E. Comer, Regulatory Analyst
Office of Environmental and Regulatory Affairs
348-2761

3. If the statute under which you promulgated the submitted

rules requires certain findings and determinations to be made as a condition precedent to their promulgation: NA

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided: NA

b. Date of hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor? NA

d. Attach findings and determinations and reasons: NA

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 an Agency-Approved 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.

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

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 ^ûshelled, 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.

FILED

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MEMORANDUM OF CONSENT
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

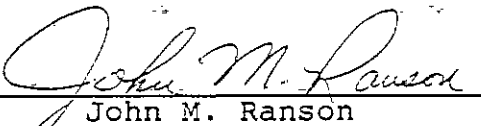
MEMORANDUM TO: J. Edward Hamrick III, Director.
Division of Natural Resources

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

SUBJECT: Consent to File Agency Proposed Regulations

The following regulations concerning hunting, trapping, and fishing have my approval to be proposed pursuant to the Administrative Procedures Act set forth under Chapter 29A of the West Virginia Code [W. Va. Code §29A et seq.].

<u>Title</u>	<u>Series</u>	<u>Name</u>
47	11A	Terms To Be Used Concerning All Hunting and Trapping Regulations.
47	11B	Prohibitions When Hunting and Trapping.
47	11C	Special Bear Hunting Regulations.
47	11D	General Hunting Regulations.
47	11E	Deer Hunting Regulations.
47	11F	Wild Turkey Hunting Regulations.
47	11G	Wild Boar Hunting Regulations.
47	11H	General Trapping Regulations.
47	11I	Dog Training Regulations.
47	12A	Special Migratory Bird Hunting Regulations.
47	13A	Special Waterfowl Hunting Regulations.
47	14A	Special Regulations for Waterfowl Hunting Areas.
47	21	Special Fishing Regulations.


John M. Ranson
Secretary

12/3/91
Date

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DEC - 4 1991

DEPT. OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR