

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

Form #2

Do Not Mark In this Box

**FILED**

**JUN 25 2 20 PM '93**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

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

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

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11B

TITLE OF RULE BEING AMENDED: Regulations Concerning Prohibitions  
When Hunting and Trapping

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

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 August 2, 1993 AT 4:00 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Bob Miles, Chief  
Division of Natural Resources  
Wildlife Resources  
Capitol Complex, Bldg. 3, Room 812  
Charleston, West Virginia 25305

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

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.60



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES  
OFFICE OF THE SECRETARY

State Capitol, Room M-146  
Charleston, West Virginia 25305-0310  
Telephone: (304) 558-0400  
Fax No.: (304) 558-4983

GASTON CAPERTON  
Governor

JOHN M. RANSON  
Cabinet Secretary

June 24, 1993

J. Edward Hamrick, III  
Director  
Division of Natural Resources  
Building 3, Room 812  
State Capitol Complex  
Charleston, West Virginia 25305-0664

Re: Title 47, Series 11B - Regulations Concerning  
Prohibitions When Hunting and Trapping

Dear Director Hamrick:

Pursuant to West Virginia Code Section 5F-2-2(a)(12), I hereby consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the Secretary of State as evidence of my consent.

Sincerely yours,  
*John M. Ranson*

John M. Ranson  
Cabinet Secretary

JMR\lab

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STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

State Capitol Complex  
Building 3, Room 812  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0664  
TDD 558-1439 TDD 1-800-354-6087  
Telephone (304) 558-2771 Fax (304) 558-3147

GASTON CAPERTON  
Governor

J. EDWARD HAMRICK III  
Director

JOHN M. RANSON  
Cabinet Secretary

Memorandum

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

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

**Date:** June 11, 1993

**Subject:** Division Approval of Proposed Rules and Request for  
Department Consent to File.

The proposed rule(s) listed on the enclosed "MEMORANDUM OF CONSENT" have my approval to be proposed pursuant to the West Virginia Administrative Procedures Act. Your approval is requested.

A handwritten signature in black ink, appearing to read "J. Edward Hamrick III".

J. Edward Hamrick III, Director  
Division of Natural Resources



STATE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

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GASTON CAPERTON  
Governor

J. EDWARD HAMRICK III  
Director

JOHN M. RANSON  
Cabinet Secretary

Memorandum

To: Bob Miles, Chief, Wildlife Resources  
Col. Richard Hall, Chief, Law Enforcement

From: James M. Ruckel, Asst. Chief  
Major William Daniel

Date: June 11, 1993

Subject: Approval of proposed legislative rules

Enclosed for your approval are proposed modifications to the following legislative rule.

Series 11B

If these changes are acceptable please sign below and return.

Bob Miles                      6/11/93  
Bob Miles                      Date

Richard M. Hall                      6/16/93  
Richard Hall                      Date

JMR:sm

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Regulations Concerning Prohibitions When Hunting and Trapping,  
47 C.S.R. 11B

Type of Rule:  Legislative       Interpretive       Procedural

Agency: Division of Natural Resources

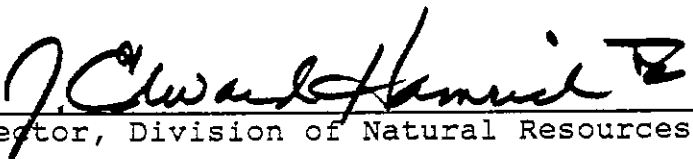
Address: Building 3, State Capitol Complex, Charleston, West Virginia

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: The proposed rule establishes the general provisions applicable 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: June 24, 1993

Signature of Agency Head or Authorized Representative

  
 Director, Division of Natural Resources

PREAMBLE TO A PROPOSED EXEMPT RULE  
CONCERNING  
PROHIBITIONS WHEN HUNTING AND TRAPPING

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

**REGULATION:** Title 47, Series 11B, "Regulations Concerning Prohibitions When Hunting and Trapping."

**ACTION:** Filing of a thirty day Public Comment Notice for the proposed rule.

**SUMMARY:** The proposed rule establishes the general provisions applicable to hunting and trapping.

Written comments received prior to 4:00 pm August 2, 1993 will be accepted. Written comments should be sent to:

Bob Miles, Chief  
Division of Natural Resources  
Wildlife Resources Section  
Capitol Complex  
Building 3, Room 812  
Charleston, West Virginia 25305

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

SERIES 11B  
REGULATIONS CONCERNING PROHIBITIONS WHEN HUNTING AND TRAPPING

§47-11B-1. General.

1.1. Scope and Purpose. -- These regulations establish prohibitions in the pursuit or taking of wildlife within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§47-11B-2. Definitions.

2.1. All terms have the meaning prescribed in the regulations defining the terms to be used concerning all Hunting and Trapping Regulations (47 C.S.R.11A).

§47-11B-3. Prohibitions.

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

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

3.2. Notwithstanding the provisions of W. Va. Code §20-2-5(2), woodchucks may be controlled by digging out, cutting out or smoking out on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant.

3.3. Except as provided in Subdivisions 3.3.1 and 3.3.2 of this regulation, 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 or her resident children or resident parents, or a bona fide resident tenant during the period commencing each year on April 1 and ending on September 30.

3.3.2. Redwing blackbirds, grackles, pigeons, and English 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 from, or by means of, a motorized watercraft unless the motor has been completely shutoff and its progress from the motor 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. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.7. It is illegal to catch, capture, take, or kill, or attempt to do so, by seine, net, bait, trap, deadfall, snare, or like device of any kind, any bear, migratory bird, protected bird, protected mammal, or wild boar.

3.7.1. No person may take, or attempt to do so, the species under Subsection ~~3-8~~ 3.7 of these regulations, by the aid of baiting. The Director considers an area to be baited for ten days (10) after the removal of bait.

3.8. It is illegal for a person to have in his or her possession solid ball ammunition and lead or steel shot larger than No. 4 during the muzzleloading season, except for those persons legally hunting bear. The use of .22 caliber rimfire for small game hunting is legal during the muzzleloading season.

3.9. No person may use portable tree stands on public lands.

3.10. No person may transport wildlife or parts thereof, which were killed by another hunter unless the wildlife is accompanied by a paper or tag filled out in plain English bearing the following information from the hunter killing the wildlife:

3.10.1. The hunter's signature, address, hunting license number (if required), official game checking tag number (if required), date of kill, species, number, and/or quantity of wildlife.

3.11. It is illegal for any person to feed bears.

3.12. It is illegal for any person to hunt raccoon, skunk, or opossum with solid ball ammunition larger than .22 caliber rimfire or shot shells larger than Number 4 shot.