

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**
Form #2

Do Not Mark In This Box

FILED
1992 JUL 28 AM 11:41

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DCL&ER, Division of Natural Resources

TITLE NUMBER: 47

RULE TYPE: Legislative

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

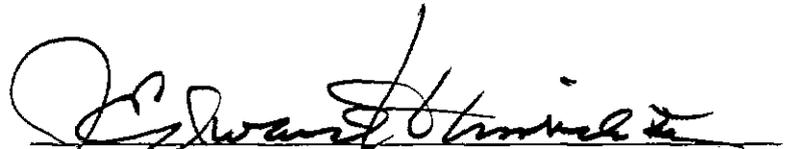
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 11B

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

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 31, 1992 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 Section, Capitol Complex, Building 3, Room 812, Charleston, West Virginia 25305.

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


J. Edward Hamrick III, Director
Division of Natural Resources

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.60



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

State Capitol, Room R-151
Charleston, West Virginia 25305-0310
Telephone: (304) 558-3255
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

July 22, 1992

RECEIVED
JUL 23 1992

J. Edward Hamrick III, Director
Division of Natural Resources
Building 3, Room 669
Charleston, West Virginia 25305

WATER RESOURCE SECTION

RE: Proposed Rules - Title 47, Series 11A, 11B, 11C, 11D,
11E, 11F, 11G, 11H, 11I, 12A & 13A (Regulations relating
to Wildlife Resources)

Dear Ed:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby
consent to the proposal of the rules 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:cjb
B:RULDNR-W.RUL

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: July 27, 1992

Signature of Agency Head or Authorized Representative

Director, Division of Natural Resources

PREAMBLE TO A PROPOSED RULE
CONCERNING
GROUNDWATER PROTECTION ACT FEE SCHEDULE

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 Period 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 31, 1992 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 shall have the meaning prescribed in the Code of State Regulations, Title 47, Series 11A (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 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 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 shall be illegal to hunt from, or by means of, a motorized watercraft unless the motor has been completely shutoff and its progress therefrom has ceased.

3.5. It shall be illegal to hunt, catch, take, kill, injure, or pursue a wild animal or wild bird by means of falconry or hawking.

3.6. With the exception of hand-held releasing devices, all mechanical devices built into or attached to a bow that will lock the bow at full or partial draw are prohibited, unless otherwise specified by the director.

3.7. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.8. 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.

3.8.1. No person may take, or attempt to do so, the species under Section 3.8 of these regulations, by the aid of baiting. An area is considered to be baited for ten (10) days after the removal of bait.

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

3.10. Only portable tree stands may be used on public lands.

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

3.11.1. 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.