

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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: 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 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 Concerning Prohibitions When Hunting and Trapping

1991 AUG 20 PM 9

Type of Rule: XX Legislative Interpretive Procedural

OFFICE OF 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 establish prohibitions in the pursuit or taking of game within the boundaries of this State. No new administrative expenditures are anticipated.

3. Objectives of These Rules: The objectives of this rule is to provide standards when hunting and trapping for the safety of the public and proper management of the State's wildlife resources.

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 CONCERNING PROHIBITIONS WHEN HUNTING AND TRAPPING

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

REGULATIONS: Title 47, Series 11B "Regulations Concerning Prohibitions When Hunting and Trapping"

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 establish prohibitions when hunting and trapping wildlife within the boundaries of this State. This rule incorporates provisions that were filed as an exempt regulation under Title 47, Series 11 "Hunting and Trapping Regulations." 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 pm.

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

FILED
1991 AUG 20 AM 9:41

SERIES 11B
REGULATIONS CONCERNING PROHIBITIONS WHEN HUNTING AND TRAPPING

DEPT. OF WEST VIRGINIA
SECRETARY OF STATE

§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 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) after the removal of bait.