

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**  
Form #7

Do Not Mark In This Box, Filing Date

Effective Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: DCL&ER, Division of Natural Resources

TITLE NUMBER: 47

CITE AUTHORITY: § 20-1-7(30)

EMERGENCY 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 FILED AS AN EMERGENCY: 11D

TITLE OF RULE BEING FILED AS AN EMERGENCY: General Hunting Regulations

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS (Use Additional Sheets If Necessary) : See attached.

  
J. Edward Hamrick III, Director  
Division of Natural Resources

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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

## **Hunting and Trapping Regulations 47 C.S.R. 11**

### **Background of Problem Rule Currently in Effect**

The existing 47 C.S.R. 11 is a legislative exempt rule which was last placed in effect September 18, 1990. This rule contains the agency's complete Hunting and Trapping regulations, both exempt and non-exempt provisions.

### **Agency Attempt to Correct Improper Filing of Hunting and Trapping Regulations**

To correct this problem the current 47 C.S.R. 11 is being repealed and replaced by a purely exempt 47 C.S.R. 11 and the following non-exempt rules 47 C.S.R. 11A through 11I. Therefore, to have all the hunting and trapping regulations in place for the 1992-1993 seasons, it is necessary for 47 C.S.R. 11A through 11I to be filed as emergency rules and for 47 C.S.R. 11 to be repealed and replaced on the date the emergency 47 C.S.R. 11A through 11I rules become effective.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: General Hunting Regulations, 47 C.S.R. 11D

Type of Rule: X 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 hunting provisions necessary for the safety of the public and other hunters and for the proper management of the State's wildlife.

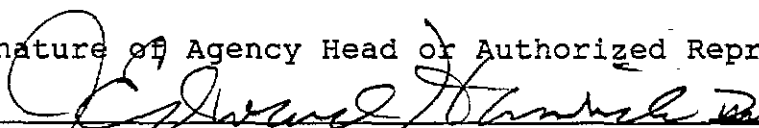
4. Explanation of Overall Economic Impact of Proposed Rule.

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

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DUPONT .7	6,671 04-21-92 11:53a	EQUITGAS.12	16,796 05-05-92 02:20p
EQUABLE.12	17,804 05-05-92 03:20p	GHOSH .12	18,330 05-08-92 10:11a
HNW26CER.T	11,732 04-20-92 09:13a	KENNEY .14	14,721 05-13-92 09:20a
NATION .	2,570 03-20-92 08:57a	NATWIDES.H	22,937 03-02-92 02:57p
NW .LOG	68,812 05-14-92 10:05a	NW12 .	4,256 03-20-92 08:32a
NW12 .LET	15,658 04-14-92 02:26p	NW13 .	4,978 05-13-92 11:32a
NW14 .	2,173 04-20-92 02:13p	NW21 .	2,706 03-20-92 09:06a
NW26SAMP.LE	9,030 05-13-92 02:25p	NW26SAMP.LEB	10,068 05-13-92 03:22p
NW7 .	2,117 03-20-92 09:03a	NWCERT12.P	16,444 04-22-92 12:34p
NWGENCON.S	12,128 05-13-92 03:18p	NWRECONS.DER	3,033 03-12-92 02:23p
OLDNWCND.TNS	5,782 03-18-92 02:07p	PENTREE .12	17,839 05-05-92 03:14p
POOLE .12	16,806 05-05-92 02:27p	TABET .14	16,299 05-13-92 11:31a
THRIFT .12	18,587 05-13-92 10:37a		

**Date:** July 24, 1992

**To:** Legislative Rule-Making Review Committee

**From:** Department of Commerce Labor and Environmental Resources, Division of Natural Resources

**Emergency Rule Title:** General Hunting Regulations, 47 C.S.R. 11D

1. Date of filing: July 28, 1992
2. Statutory authority for promulgating the emergency rule: § 20-1-7(30)
3. Date of filing the proposed legislative rule: July 31, 1992 (notice of 30 day comment period.)
4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule: The emergency rule adopts language that was previously filed incorrectly as an exempt rule.
5. Has the same or similar emergency rule previously been filed and expired: No.
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare: N.A.
7. If the emergency rule was promulgated in order to comply with a time limit established by the code or federal statute or regulation, cite the code provision, federal statute or regulation and time limit established therein: N.A.
8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest: To correctly file the exempt rule the existing exempt series 11 rule containing both exempt and non-exempt provisions must be repealed and replaced. Therefore to have in place for the 92-93 Hunting and Trapping season a complete set of Hunting and Trapping Regulations (exempt and non-exempt rules) it is necessary to file the non-exempt rules as emergency rules.

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

SERIES 11D  
GENERAL HUNTING REGULATIONS  
(EMERGENCY RULE)

§ 47-11D-1.      General.

1.1.      Scope and Purpose. -- The purpose of this regulation is to establish general hunting regulations that will provide for the safety of the hunter and the proper management 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. --

§ 47-11D-2.      Definitions.

2.1.      All terms shall have the meanings prescribed to them in the Code of State Regulations, Title 47. Series 11A (47 C.S.R. 11A).

§ 47-11D-3.      General Hunting Rules.

3.1.      A long bow or compound bow may be substituted for a firearm during any season for which firearms are legal except during the muzzle-loading firearms deer season.

3.2.      Each person killing a bear or wild boar found in a wild state must immediately after removing its entrails, but in any event within one hour and before transporting or removing the carcass in any manner from where it was killed, complete and attach a game tag. The tag must bear, in plain English, the name and address of the hunter, the date and county where the game was killed, and, unless he is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.3.      No person under the age of fifteen (15) years may hunt or chase wild animals or wild birds on the lands of another unless he is accompanied by a licensed adult who remains in a position near enough to him to render advice and assistance.

3.4.      Only bows, single-shot muzzle-loading firearms, or shotguns loaded with T or smaller shot may be used to hunt wildlife within the boundaries of the Green Bottom Wildlife Management Area.