

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1991 AUG 20 AM 9:30
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 X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 11E

TITLE OF RULE BEING PROPOSED: Deer Hunting Regulations

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 Mamrick III
Director

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Deer Hunting Regulations.

Type of Rule: XX Legislative Interpretive Procedural

AUG 20 AM 9:40

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

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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: The purpose of these regulations are to establish rules that must be complied with when pursuing and taking deer within the boundaries of this State. No new administrative expenditures are anticipated.

3. Objectives of These Rules: The objectives of these rules is to provide for the safety of the hunter and the public and for the proper management of the wildlife resources of this State.

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
DEER HUNTING REGULATIONS

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

REGULATIONS: Title 47, Series 11E "Deer Hunting Regulations"

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

ACTION: Notice of thirty-day comment period on a proposed rule.

SUMMARY: Today's filing proposes a new rule that will establish rules that will be complied with when hunting deer within the boundaries of this State. This rule incorporates the provisions of Title 47, Series 11 "Hunting and Trapping Regulations" that were filed legislative exempt on August 13, 1990. 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 p.m.

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

FILED

NOV 10 AM 9:40

SERIES 11E
DEER HUNTING REGULATIONS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§47-11E-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish rules that are to be complied with when pursuing and taking deer within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§47-11E-2. Definitions.

2.1. All terms shall have the meaning prescribed to them in Title 47, Series 11A (47 C.S.R. 11A).

§47-11E-3. Deer Hunting Rules.

3.1. After a person has killed a deer during any of the open seasons established in Title 47, Series 11 (47 C.S.R. 11), he may not participate further in deer hunting (e.g., driving deer) with a bow or a firearm in his possession for the remainder of the day of the kill. A person may pursue his second legal deer, in accordance with the provisions of Title 47, Series 11 (47 C.S.R. 11), on any following day which falls within an open deer season, provided the first deer has been legally checked with a conservation officer or an official game checking station.

3.2. No person may hunt deer with a shotgun using ammunition loaded with more than one solid ball nor with any rifle of less than twenty-five (.25) caliber using rimfire ammunition.

3.3. No person may kill or wound a deer while the deer is in any stream, lake, or pond.

3.4. The hunting of small game is permitted beginning on the fourth day after the opening date of the bucks-only deer season. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.5. In those counties, or portions thereof, open to antlerless deer hunting, the hunting of deer with bow, bear or small game is

permitted during the antlerless deer season provided that no hunter, except those having a valid Class N license or those legally participating in bow deer hunting or bear hunting, may be afield with any firearm with solid ball ammunition or shells containing larger than Number 4 shot or, if using a combination rifle-shotgun, with rifle ammunition in his possession. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.6. After killing a deer during any of the open seasons established in Title 47, Series 11 (47 C.S.R. 11), a hunter may not be afield for the remainder of the day of the kill with a firearm with solid ball ammunition or, if using a combination rifle-shotgun, he may not have rifle ammunition in his possession unless he is legally participating in bear hunting.

3.7. It is illegal to hunt small game during the bucks-only deer season with any centerfire rifle, with any rifle of larger than twenty-two (.22) caliber using rimfire ammunition, or with a shotgun using solid ball ammunition in a county that is not open to bucks-only deer hunting.

3.8. A firearm that has been converted into a muzzle-loader by use of a plug may not be used during muzzle-loading firearms deer season.

3.9. When being transported in or on a vehicle, a muzzle-loading firearm will be considered to be unloaded when uncapped or the priming charge is removed from the pan.

3.10. No person may actively participate in the hunting of antlerless deer (e.g., driving deer) unless that person has a Class N license or is otherwise exempt from having a Class N license.

3.11. Applications as prescribed by the director for a Class N license to hunt in a county in which a limited number of Class N licenses are issued must be completed and mailed prior to the deadline date on the application. Only one application may be submitted per individual.

3.12. Purchasers of a Class R or Class RR license must choose a license for either archery deer hunting or firearms deer hunting but may purchase both types of license.

3.13. A Class R archery and Class RR archery license must be purchased prior to the opening day of the archery season. A Class R gun and Class RR gun license must be purchased prior to the opening day of the buck gun season. A Class R or Class RR license must be signed to be valid.

3.13.1. The Class R and RR archery licenses are valid in those counties open to bucks-only firearms hunting and in those

counties not open to bucks-only firearms hunting provided the first archery deer was taken in a county open to firearms deer hunting.

3.14. During a calendar year a hunter may purchase only one Class R or Class RR license for taking a second deer with a firearm. This license entitles the holder to take a second deer in only one of the following seasons:

3.14.1. A second buck may be taken during the bucks-only deer firearm season in counties having a bucks only firearms season the day after legally checking a buck.

3.14.2. If unsuccessful under Section 3.14.1 of these regulations, a second antlerless deer may be taken during the Class N Antlerless deer season, in counties or portions thereof designated by the commission, the day after the first deer taken during the Class N season is legally checked. Counties, or portions thereof, open are published annually by the director.

3.14.3. If unsuccessful under Section 3.14.1 or 3.14.2 of these regulations, a second deer of either sex may be taken during the Muzzle-loading deer season, in counties or portions thereof designated by the commission, the day after the first deer taken during the Muzzle-loading deer season is legally checked. Counties, or portions thereof, open are published annually by the Director.

3.15. A Class R or Class RR license is valid only on the day after the licensee has checked his first deer with a conservation officer or an official game checking station.

3.16. A Class N license is non-transferable.