

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Department of Commerce, Labor, and Environmental  
Resources, Division of Natural Resources

AGENCY: \_\_\_\_\_ TITLE NUMBER: 47

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

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO X

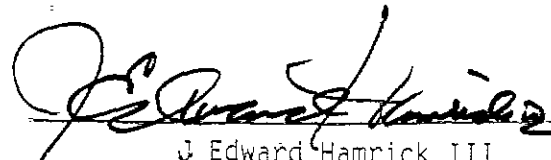
IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

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

TITLE OF RULE BEING PROPOSED: Deer Hunting Regulations

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

  
J. Edward Hamrick III  
Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Deer Hunting Regulations.

Type of Rule: XX Legislative      Interpretive      Procedural

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	ANNUAL		Current	FISCAL YEAR	
	Increase	Decrease		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

DATE: October 15, 1991.

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Commerce, Labor, and  
Environmental Resources, Division of Natural Resources

LEGISLATIVE RULE TITLE: "Deer Hunting Regulations."

1. Authorizing statute(s) citation:

West Virginia Code §20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing:

Notice of Comment period was filed  
August 20, 1991.

b. What other notice, including advertising, did you give of  
the public hearing?

None

c. Date(s) of hearing(s): Comment period ended on September  
20, 1991.

d. Attach list of persons who appeared at the hearing,  
comments received, amendments to the proposed rule, and  
the reasons for those amendments.

Attached  No comments received

e. Date you filed in the State Register the agency-approved  
proposed Legislative Rule following public hearing:

October 15, 1991

f. Name and phone number of agency person to contact for  
additional information:

Michael E. Comer, Regulatory Analyst  
Office of Environmental and Regulatory Affairs  
348-2761

3. If the statute under which you promulgated the submitted  
rules requires certain findings and determinations to be made

as a condition precedent to their promulgation: NA

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided: NA

b. Date of hearing: NA

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor? NA

d. Attach findings and determinations and reasons: NA

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: Filing an Agency-Approved 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.

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

SERIES 11E  
DEER HUNTING REGULATIONS

§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. Each legally killed deer must be checked by a conservation officer or an official game checking station and retagged within twenty-four (24) hours of the close of the respective season.

3.17. A Class N license is non-transferable.

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MEMORANDUM OF CONSENT

OFFICE OF THE SECRETARY OF STATE

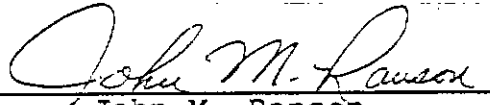
MEMORANDUM TO: J. Edward Hamrick III, Director  
Division of Natural Resources

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

SUBJECT: Consent to File Agency Proposed Regulations

The following regulations concerning hunting, trapping, and fishing have my approval to be proposed pursuant to the Administrative Procedures Act set forth under Chapter 29A of the West Virginia Code [W. Va. Code §29A et seq.].

<u>Title</u>	<u>Series</u>	<u>Name</u>
47	11A	Terms To Be Used Concerning All Hunting and Trapping Regulations.
47	11B	Prohibitions When Hunting and Trapping.
47	11C	Special Bear Hunting Regulations.
47	11D	General Hunting Regulations.
47	11E	Deer Hunting Regulations.
47	11F	Wild Turkey Hunting Regulations.
47	11G	Wild Boar Hunting Regulations.
47	11H	General Trapping Regulations.
47	11I	Dog Training Regulations.
47	12A	Special Migratory Bird Hunting Regulations.
47	13A	Special Waterfowl Hunting Regulations.
47	14A	Special Regulations for Waterfowl Hunting Areas.
47	21	Special Fishing Regulations.

  
John M. Ranson  
Secretary

12/3/91  
Date

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DEC - 4 - 1991

DEPT. OF NATURAL RESOURCES  
OFFICE OF THE DIRECTOR