

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

Do Not Mark In This Box

FILED
JUL 28 1992

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: _____

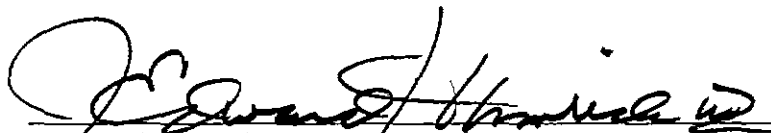
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 11E

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 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 25311

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

2.70



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: Deer Hunting Regulations, 47 C.S.R. 11E

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: To establish provisions applicable to deer hunting.

4. Explanation of Overall Economic Impact of Proposed Rule.

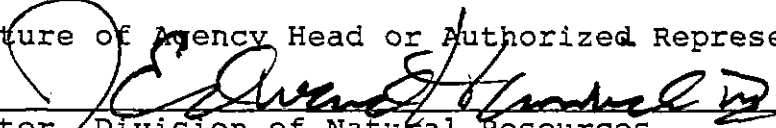
A. Economic Impact on State Government. No impact.

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
DEER HUNTING REGULATIONS

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

REGULATION: Title 47, Series 11E, "Deer Hunting Regulations."

ACTION: Filing of a thirty day Public Comment Period Notice for the proposed rule.

SUMMARY: To establish provisions applicable to deer hunting.

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 11E
DEER HUNTING REGULATIONS

§ 47-11E-1. General.

1.1. Scope and Purpose. -- The purpose of this regulation 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 the Code of State Regulations, 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 the Code of State Regulations, Title 47, Series 11 (47 C.S.R. 11), he or she 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 the Code of State Regulations, 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, hunting of bear or hunting of 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 the Code of State Regulations, 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. A Class N license is non-transferable.