

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #4

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

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

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


J. Edward Hamrick III, Director
Division of Natural Resources

2.80

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 the Regulations Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (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 Hunting and Trapping Regulations (Exempt Rule) (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 or her possession for the remainder of the day of the kill. A person may pursue his or her second legal deer, in accordance with the provisions of The Hunting and Trapping Regulations (Exempt Rule) (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, the hunting of bear or the 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 or her 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 Hunting and Trapping Regulations (Exempt Rule) (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 or she may not have rifle ammunition in his or her possession unless he or she 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 is 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.



WEST VIRGINIA LEGISLATURE
 LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
 Room M-152, State Capitol
 Charleston, West Virginia 25305
 (304) 340-3286

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OFFICE OF WEST VIRGINIA
 SECRETARY OF STATE

Senator William R. Wooton, Co-Chair
 Delegate David Grubb, Co-Chair

Debra A. Graham, Counsel
~~Michael McThomas, Associate Counsel~~
 Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

November 9, 1992

TO: Ken Hechler, Secretary of State, State Register

TO: J. Edward Hamrick, Director
 Division of Natural Resources
 Building 3, State Capitol Complex
 Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Deer Hunting Regulations

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Jim Ruckel