

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #3

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1992 SEP -9 AM 10:10

OFFICE OF WEST VIRGINIA

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE**

**AND**

**FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES  NO


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

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

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

TITLE OF RULE BEING PROPOSED: Wild Turkey 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  
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Wild Turkey Regulations, 47 C.S.R. 11F

Type of Rule:  Legislative  Interpretive  Procedural

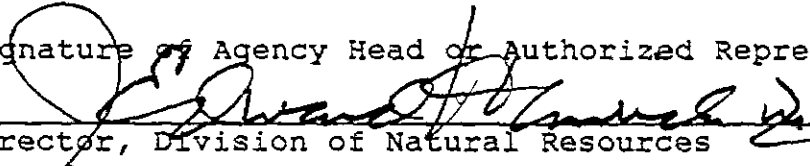
Agency: Division of Natural Resources

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: This rule provides for the management of wild turkey within West Virginia.
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

DATE:

RECEIVED

TO: Legislative Rule-Making Review Committee

1992 SEP -9 AM 10: 16

FROM: Department of Commerce, Labor and Environmental Resources, OFFICE OF LEGISLATIVE SERVICES, STATE  
Division of Natural Resources

LEGISLATIVE RULE TITLE: Wild Turkey Regulations

1. Authorizing statute (s) citation: 20-1-7(30)
- 2.a. Date filed in State Register with Notice of Hearing: July 28, 1992 (Written Comments Only)
- 2.b. What other notice, including advertizing, did you give of the hearing?  
None
- 2.c. Date of hearing (s): N/A
- 2.d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments:  
Attached: \_\_\_\_\_ No comments received X
- 2.e. Date agency approved proposed Legislative Rule filed in State Register following public hearing:
- 2.f. Name and telephone of agency contact: Jim Ruckel, 558-2771
3. If the statute under which the rule was promulgated and submitted requires certain finding and determinations to be made as a condition precedent to their promulgation:
  - 3.a. Date on which a notice of the time and place of hearing for the taking of evidence and a general description of the issues to be decided was filed in the State Register:  
N/A
  - 3.b. Date of hearing: N/A
  - 3.c. Date the required findings and determinations together with reasons therefor were filed in the State Register: N/A
  - 3.d. Findings and determinations, and reasons (attached).

PREAMBLE TO A PROPOSED RULE  
CONCERNING  
WILD TURKEY REGULATIONS

RECEIVED  
1992 SEP -9 AM 10:16  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

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

REGULATION: Title 47, Series 11F, "Wild Turkey Regulations."

SUMMARY: The proposed rule received no written comments prior to 4:00 p.m., August 31, 1992.

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

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 11F  
WILD TURKEY REGULATIONS

§ 47-11F-1. General.

1.1. Scope and Purpose. -- The purpose of this regulation is to establish the rules necessary for the management of wild turkey within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§ 47-11F-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).

2.2. Game farm or pen-raised turkeys -- Game farm or pen raised turkeys are those birds or their offspring hatched from eggs taken by humans from a wild turkey nest or wild hen turkey raised under human control, and therefore imprinted to humans or other poultry under human control instead of a wild hen.

2.3. Domestic turkey -- A domestic turkey is considered a turkey that normally lives in and about the residences of West Virginians and depends upon humans for habitation, husbandry and/or as their sole source of year round sustenance.

2.4. Wild turkey -- A wild turkey is a turkey from wild native genetic stock living under the control of the laws of nature.

2.5. Release into the wild -- Release into the wild shall mean a release into any area not enclosed by a fence or bounded by other like structure from which under normal circumstances a bird does not escape.

§ 47-11F-3. Wild Turkey Hunting Rules.

3.1. The use of electronic turkey calling devices is prohibited during the wild turkey seasons.

3.2. The use of dogs to hunt wild turkeys is prohibited during the spring wild turkey season.

§ 47-11F-4. Possession, Propagation and Release of Pen-raised Turkeys.

4.1. It shall be unlawful to possess, propagate, or release into the wild, game farm or pen-raised turkeys: Provided, That such existing stock may be possessed until December 31, 1993, but during this period such turkeys shall not be propagated or released into the wild,

4.2. It shall be unlawful to release domestic turkeys into the wild.