

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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JUL 5 2 27 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 58

RULE TYPE: Legislative; CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11F

TITLE OF RULE BEING AMENDED: Wild Turkey Regulations


IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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 5, 1994 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, Bldg. 3, Room 812
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Director, Division of Natural Resources

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.20

CIRCUMSTANCES
CONCERNING CHANGES TO
WILD TURKEY REGULATIONS

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

REGULATION: Title 58, Series 11F, "Wild Turkey Regulations".

CIRCUMSTANCES: This revision is to improve hunter safety during
spring wild turkey season.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Wild Turkey Regulations, 58 C.S.R. 11F

Type of Rule: XX Legislative ___ Interpretive ___ Procedural

Agency: Division of Natural Resources

Address: Building 3, State Capitol Complex, Charleston, West Virginia

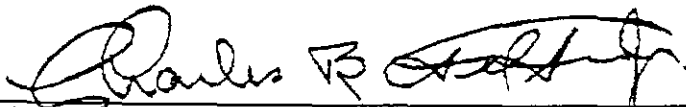
1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		Thereafter
	Increase	Decrease	Current	Next	

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 expenditures as a result of this rule.
3. Objectives of this rule: The 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 5, 1994

Signature of Agency Head or Authorized Representative



 Director, Division of Natural Resources

PREAMBLE TO A PROPOSED RULE
CONCERNING
WILD TURKEY REGULATIONS

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

REGULATION: Title 58, Series 11F "Wild Turkey Regulations".

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

SUMMARY: The proposed provides for the management of wild turkey within West Virginia.

Written comments received prior to 4:00 pm August 5, 1994 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

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TITLE 58
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 11F
WILD TURKEY REGULATIONS

§ 58-11F-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish rules to manage the 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. --

§ 58-11F-2. Definitions.

2.1. All terms 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). In addition, for the purposes of this regulation, the following terms have the meaning set forth in this section.

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 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 means 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.

§ 58-11F-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.

3.3. Only bow or shotgun with lead shot size no greater than No. 4 or steel shot size no greater than No. 2 may be used during the spring wild turkey season.

§ 58-11F-4. Possession, Propagation and Release of Pen-raised Turkeys.

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

4.2. It is unlawful to release domestic turkeys into the wild.