

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: Bureau of Commerce, Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES X NO

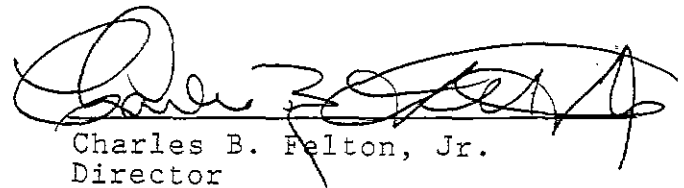
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11F

TITLE OF RULE BEING AMENDED: Wild Turkey Rule

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

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.


Charles B. Felton, Jr.
Director

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TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 11F
WILD TURKEY RULE

§ 58-11F-1. General.

1.1. Scope and Purpose. -- The purpose of this rule 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. --

1.5. Repeal of Former Rule. -- These rules repeal and replace 58 C.S.R. 11F "Wild Turkey Rule" that were filed on June 24, 1993 and became effective June 24, 1993.

§ 58-11F-2. Definitions.

2.1. All terms have the meaning prescribed to them in The Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (47 C.S.R. 11A). In addition, for the purposes of this rule, 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 its 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 of a bird 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.

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 a bow or a 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.

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



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OCT 11 10 40 AM '94

West Virginia Legislature

Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Joe Manchin, III, Co-Chair
Delegate Brian A. Gallagher, Co-Chair

October 2, 1994

Debra A. Graham, Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Charles B. Felton, Jr.
Division of Natural Resources
Capitol Complex, Building 3
1900 Kanawha Blvd., E.
Charleston, WV 25305-0668

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Wild Turkey 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: Robert L. Miles, Chief
Wildlife Resources, DNR

58-11P

Bill-DNR, Wild Turkey

HB 12

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H. B. 2184

(By Delegates Gallagher, Douglas, Compton,
Linch, Faircloth and Riggs)

(Introduced January 23, 1995 ; referred to the
Committee on Agriculture and Natural Resources then
the Judiciary)

A BILL to amend chapter sixty-four of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, by adding
thereto a new article, designated article three-a, relating
to authorizing the division of natural resources to
promulgate legislative rules relating to wild turkey.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-four of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, be amended by
adding thereto a new article, designated article three-a, to read
as follows:

ARTICLE 3A. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE
LEGISLATIVE RULES.

§64-3A-1. Division of natural resources.

The legislative rules filed in the state register on the
twelfth day of August, one thousand nine hundred ninety-four,

1 modified by the division of natural resources to meet the
2 objections of the legislative rule-making review committee and
3 refilled in the state register on the fourteenth day of October,
4 one thousand nine hundred ninety-four, relating to the division
5 of natural resources (wild turkey regulations), are authorized.

6

7 NOTE: The purpose of this bill is to authorize the Division
8 of Natural Resources to promulgate legislative rules relating to
9 wild turkey.

10

11 This section is new; therefore, strike-throughs and
12 underscoring have been omitted.

SENATE BILL NO. 115

(By Senators Manchin, Anderson, Boley, Grubb and
McNaughtan)

[Introduced January 20, 1995; referred to the
Committee on Natural Resources; and then to
the Judiciary]

58-11F

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9

10 A BILL to amend chapter sixty-four of the code of West Virginia,
11 one thousand nine hundred thirty-one, as amended, by adding
12 thereto a new article, designated article three-a, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to wild turkey.

15 Be it enacted by the Legislature of West Virginia:

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20 ARTICLE 3A. AUTHORIZATION FOR BUREAU OF COMMERCE TO PROMULGATE
21 LEGISLATIVE RULES.

22 §64-3A-1. Division of natural resources.

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