

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN, III**

**ADMINISTRATIVE LAW DIVISION**

Form #3 □

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2008 JUL 27 P 1:46

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY: WV Code 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: 14

TITLE OF RULE BEING PROPOSED: Rules Governing Small Arms Hunting

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.



Authorized Signature

**QUESTIONNAIRE**

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: July 27, 2001

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Division of Natural Resources  
Building 3, Capitol Complex  
Charleston, West Virginia 25305  
Telephone Number: (304) 558-2784

LEGISLATIVE RULE TITLE: Rules Governing Small Arms Hunting

1. Authorizing statute(s) citation 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 27, 2001

b. What other notice, including advertising, did you give of the hearing  
None

c. Date of Hearing(s) or Public Comment Period ended:  
July 27, 2001

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

No hearing - Comment period ended on July 27, 2001 and rules filed on same day

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- f. Name, title, address and phone/fax/e-mail numbers of agency persons(s) to receive all written correspondence regarding this rule: (Please type)

Lt. Colonel W. B. Daniel, Deputy Chief, Law Enforcement Section

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Bldg. 3, Capitol Complex

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Charleston, WV. 25305

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- g. ***IF DIFFERENT FROM ITEM 'f'***, please give Name, title, address and phone number(s) of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)
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Same

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3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

NA

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- b. Date of hearing: NA
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- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

NA

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- d. Attach findings and determinations and reasons:

Attached NA

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**TITLE 58  
LEGISLATIVE RULE  
DIVISION OF NATURAL RESOURCES**

**SERIES 14**

**SUMMARY**

Series 14 outlines the rules governing small arms hunting in the state.

**TITLE 58  
LEGISLATIVE RULE  
DIVISION OF NATURAL RESOURCES**

**SERIES 14**

**CIRCUMSTANCE**

Series 14 is a rule that will govern small arms hunting in West Virginia. This rule was previously in place but was inadvertently overlooked during the renumbering process that took place several years ago.

## FISCAL NOTE FOR PROPOSED RULE

Rule Title: Title 58, Series 14, Rules Governing Small Arms Hunting

Type of Rule      X   Legislative               Interpretive               Procedural

Agency    Division of Natural Resources

Address    Building 3, Room 840

Capitol Complex

Charleston, WV 25305

### 1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<b>ESTIMATED TOTAL COST</b>	0	0	0	0	0
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>					
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

### 2. Explanation of above estimates:

n/a

### 3. Objective of these rules:

The objective of this rule is to outline certain prohibitions and permitted uses of small arms while hunting.

**Rule Title:** Title 58, Series 14, Rules Governing Small Arms Hunting

**4. Explanation of overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government: None**

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: None**

**C. Economic Impact on Citizens/Public at Large: None**

**Date:** June 27, 2001

**Signature of Agency or  
Authorized Representative:**

  
Ed Hamrick, Director

**TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES**

**FILED**

2001 JUL 27 P 1:47

**SERIES 14  
RULES GOVERNING SMALL ARMS HUNTING**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§58-14-1. General.**

1.1. Scope. – This rule establishes regulations for hunting with small arms (pistol or revolver) in West Virginia.

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

1.3. Filing Date. –

1.4. Effective Date. –

**§58-14-2. General Small Arms Hunting Rules.**

2.1. No person shall hunt deer, bear or wild boar with any pistol or revolver using a straight-walled case of less than .357 magnum cartridge, a bottle-necked case of less than .24 caliber, or a muzzle-loading pistol of less than .38 caliber.

2.2. It is lawful to hunt woodchuck in the open fields with a pistol or revolver.

2.3. It is unlawful to hunt between one half (½) hour after sunset and one-half (½) hour before sunrise with any pistol or revolver larger than .22 caliber.

**§58-14-3. Penalties.**

3.1. Any person violating the provisions of this rule will be subject to the penalties outlined in §20-7-9 of the West Virginia Code.