

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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AUG 12 10 12 AM '97

Form #5

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A  
LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: BOC - DNR Wildlife Resources TITLE NUMBER: 58

CITE AUTHORITY: §20-1-17(7) and §29A-1-3(c)

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE X  
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES X, NO \_\_\_\_\_

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 45

TITLE OF RULE BEING AMENDED: Hunting and Trapping Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF  
STATE. THE EFFECTIVE DATE OF THIS RULE IS August 12, 1997

  
ROBERT A. REINSTEMA, COMMISSIONER

\$4.80

## **Circumstances Requiring the Rule**

This rule makes changes in the seasons and bag limits of species hunted or trapped. The Natural Resources Commission revises these rules annually to reflect management measures for different species and to provide optimal recreational opportunity.

## Summary of the Proposed Rule

Each year the Natural Resources Commission approves the necessary changes to hunting and trapping seasons and bag limits. These season and bag limit changes are made to better conserve the resource while providing maximum recreational opportunity. This rule reflects the Commission's revisions for the 1998 Hunting and Trapping Seasons. They are (per section revised):

- 3.4 creating an early and late muzzle-loading season by designating the Wilson Cove deer study area of Hardy County as an early muzzle-loader season beginning the Monday preceding Thanksgiving and the late season being a six day season beginning the third Monday in December and open in all counties where firearms hunting for deer is permitted; and
  - 3.4.1 making the Wilson Cove Deer Study area open to antlered deer hunting with muzzle-loaders only during the 13 day firearm season beginning the Monday preceding Thanksgiving; and
    - 3.4.1.a defining the Wilson Cove Study area; and
  - 3.4.2 clarifying the six day muzzle-loading season as the "late" muzzle-loading season; and
- 4.1.3 opening new portions of Hampshire, Hardy and Mineral County to bear firearms bear hunting for three days; and
- 4.1.4 expanding the length of the firearms bear season by three days in Boone, Kanawha, Fayette, Nicholas and Raleigh counties; and
- 4.2.1 removes Hampshire, Hardy and Mineral counties from the list of counties open only to archery bear hunting; and
- 5.3 increases by one the number of open days for the spring wild turkey season; and
- 6.1 changes the opening date and season period for the early firearms wild boar season; and
- 6.2 changes the opening date and period of the late firearms wild boar season; and
- 10.1 removes the daily and season limits for beaver.

## FISCAL NOTE FOR PROPOSED RULE

**Rule Title:** Series 45, Hunting and Trapping Regulations

**Type of Rule**    **Exempt**    **Legislative**    **Interpretive**    **Procedural**

**Agency**   Division of Natural Resources, Wildlife Resources Section

**Address**   Capitol Complex

Building 3, Room 842

Charleston, WV 25305

### 1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:** This regulation establishes the open seasons and the bag, size, age, weight and sex limits applicable to the hunting and trapping of wildlife in West Virginia. No new administrative expenditures are anticipated.

**3. Objectives of these rules:** To provide for the proper management of the State's wildlife resources.

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

**A. Economic Impact on State Government:** No impact.


Rule Title: Series 45, Hunting and Trapping Regulations

**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:** No impact

**C. Economic Impact on Citizens/Public at Large:** Hunting has a positive economic impact of \$271 million on the economy of West Virginia each year.

Date: 8/11/97

Signature of Agency or  
Authorized Representative:



ROBERT A. REINTSEMA  
COMMISSIONER

FILED

TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

AUG 12 10 12 AM '97

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 45  
HUNTING AND TRAPPING REGULATIONS  
(EXEMPT RULE)

**§58-45-1. General.**

1.1. Scope. -- These regulations establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting and trapping of wildlife in West Virginia.

1.2. Authority. -- W. Va. Code §§20-1-17(7) and 29A-1-3(c).

1.3. Filing Date. -- August 12, 1997

1.4. Effective Date. -- August 12, 1997

~~1.5. Repeal of Former Rule. -- These regulations repeal and replace 58 C.S.R. 11 "Hunting and Trapping Regulations" that were filed on August 16, 1996 and became effective on August 16, 1996.~~

1.6. Seasons in General. -- All seasons, unless otherwise noted, are statewide and subject to change under the provisions of W. Va. Code §20-1-7(7). Opening and closing dates are inclusive and time periods are prevailing time unless otherwise noted in these regulations. Should an opening date fall on a Sunday, the season will open on the following Monday. If the last day of a season falls on a Sunday, the season will close on the preceding Saturday.

**§58-45-2. Definitions.**

2.1. All terms shall have the meaning prescribed in W. Va. Code §20-1-2 and Title 58, Series 46 (58 C.S.R. 46).

**§58-45-3. Deer Hunting Seasons.**

3.1. Bucks-Only Deer Season. This season, for the firearms hunting of antlered deer, runs for thirteen (13) consecutive days commencing on the first Monday preceding Thanksgiving.

3.1.1. The bucks-only deer season is open in all counties except the following: Logan, McDowell, Mingo and , Wyoming and Wilson Cove Study Area in Hardy.

3.2. Class N Antlerless Deer Season. This season, for the firearms hunting of antlerless deer, opens after the close of the bucks-only season and runs for the number of days and in counties or

portions thereof designated by the Natural Resources Commission and published annually by the Director.

3.3. Archery Deer Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

3.3.1. During the archery deer season, both antlered and antlerless deer may be hunted statewide with a bow, except that only antlered deer may be hunted statewide with a bow during the bucks-only deer season.

3.3.2. Special urban deer archery season. This season, which may be implemented within incorporated city limits, opens 14 days prior to the opening of the statewide deer archery season and runs for 14 consecutive days. This special deer season will in no way supersede local regulations or community prohibitions on hunting.

3.3.2.a. During this special season, two deer may be taken which shall not apply to the regular archery deer season bag limit under Section 3.5. of these regulations.

3.4. Muzzle-loading Firearms Deer Seasons. ~~This season runs for six (6) consecutive days commencing on the third Monday in December. The early season runs for thirteen (13) consecutive days commencing on the Monday preceding Thanksgiving in the Wilson Cove Study Area in Hardy County and the late season runs for six (6) consecutive days commencing on the third Monday in December in all counties open to firearm deer hunting.~~

3.4.1. Wilson Cove Study Area. Antlered deer only may be taken within boundaries of the study area during the early thirteen (13) day muzzle-loading firearm season.

3.4.1.a. The Wilson Cove Study Area is approximately 5,200 acres located on the Wardenville Wildlife Management Area of the George Washington National Forest in Hardy County.

3.4.1.2. Deer of either-sex may be taken during the six (6) day muzzle-loading firearms season in those counties or portions thereof, having a Class N antlerless season as designated by the Natural Resources Commission and published annually by the Director and antlered deer only may be taken in those counties having a bucks-only deer season.

3.5. No person may take more than seven (7) deer in this State during a calendar year unless he holds a valid permit to kill deer causing damage to crops as provided under 58 C.S.R. 15.

3.5.1. Deer taken during the open seasons established in Section 3 of these regulations may be a combination of the following:

3.5.1.a. One deer by bow during the archery deer season;

3.5.1.b. One antlered deer by either bow or firearm during the bucks-only deer season;

3.5.1.c. One antlerless deer by either bow or firearm during the Class N antlerless deer season; except that two antlerless deer may be taken by bow or firearm in selected counties designated by the Natural Resources Commission and published annually by the Director. Only residents may hunt during the Class N antlerless deer season on Wildlife Management Areas designated by the Natural Resources Commission and published annually by the Director. Only one antlerless deer may be taken per Class N license.

3.5.1.d. One deer by bow on a Class R or RR license during the archery deer season;

3.5.1.e. One antlered deer by either bow or firearm on a Class R or RR license during the bucks-only deer season; or one antlerless deer during the antlerless Class N season in counties, or portions thereof as designated by the Natural Resources Commission; or one deer of either-sex during the muzzle-loading firearms season in counties, or portions thereof, as designated by the Natural Resources Commission except as provided in Section 3.4.1 of these regulations. A Class R or Class RR license is valid only on the day after the licensee has checked his or her first deer with a conservation officer or an official game checking station.

3.5.1.f. One deer by single-shot muzzle-loading rifle or pistol during the muzzle-loading firearms deer season.

3.6. No person may hunt deer between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

3.7. The hunting of all game species for which a legal hunting season is open is permitted during the muzzle-loading firearms deer season.

#### **§58-45-4. Bear Hunting Seasons.**

4.1. Firearms Bear Season. This season opens on the first Monday following the close of the bucks-only deer season and closes on the last day in December.

4.1.1. Except as provided in Section 4.3 of these regulations, the firearms bear season is open in the following counties: Grant, Greenbrier, Monroe, Pendleton, Pocahontas, Randolph, Tucker, and Webster.

4.1.2. Except as provided in Section 4.3 of these regulations, the firearms bear season is open in the following portions of counties:

4.1.2.a. That portion of Hampshire County lying south of U.S. Route 50.

4.1.2.b. That portion of Hardy County lying east of U.S. Route 220.

4.1.2.c. That portion of Mineral County lying west of New Creek.

4.1.3. Except as provided in Section 4.3 of these regulations, the firearm bear season is open for three days beginning on the first Monday following the close of the bucks-only deer season in the following counties: Barbour east of State Route 92, ~~Boone, Kanawha, Fayette, Preston, Raleigh and Nicholas~~ Hampshire (North of U.S. Rt. 50), Hardy (west of U.S. 220) and Mineral (East of New Creek).

4.1.4. Except as provided in Section 4.1.3 of these regulations, the firearm bear season is open for six (6) days beginning on the first Monday following the close of the bucks-only deer season in the following counties: Boone, Kanawha, Fayette, Nicholas and Raleigh.

4.2. Archery Bear Season. This season opens on the Saturday nearest to October 15 and closes on the Saturday preceding the opening of the bucks-only deer season.

4.2.1. Except as provided in Section 4.3 of these regulations, the archery bear season is open in those counties, or portions thereof, open to firearms bear hunting, and Barbour, Braxton, ~~Hardy, Hampshire,~~ Lewis, Lincoln, Logan, Mercer, ~~Mineral,~~ Wayne, Summers, Upshur, Clay, Wyoming, McDowell and Mingo Counties.

4.3. The Cranberry Closed Area (known as Back Country) lying in Pocahontas, Greenbrier and Webster Counties is closed to all bear hunting.

4.3.1. The Cranberry Closed Area is bounded as follows: Starting at Dyer, the northern boundary proceeds along Forest Service Route 86 east to Forest Service Route 76 (the Black Mountain Road); then follows Forest Service Route 76 south to its intersection with Highland Scenic Highway (State Route 150); and then follows State Route 150 to State Route 39. The southern boundary of the Closed Area follows State Route 39 to the Nicholas County line; then proceeds north following the Nicholas County line to Forest Service Route 76; then follows Forest Service Route 76 north to Forest Service Route 101; and then follows Forest Service Route 101 north to Dyer.

4.4. No person may hunt bear between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day, except that hunting dogs may be trained on bear during these hours in accordance with the provisions of W. Va. Code §20-2-5(26).

#### **§58-45-5. Wild Turkey Hunting Seasons.**

5.1. Early Fall Wild Turkey Season. This season runs for twenty-two (22) consecutive days commencing on the second Saturday after the opening of squirrel season, except as provided in Section 5.1.2 and 5.1.3 of these regulations.

5.1.1. The early fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Randolph, Tucker and Webster.

5.1.2. In Preston County, the early fall wild turkey season runs for fifteen (15) consecutive days commencing on the second Saturday after the start of squirrel season.

5.1.3. Special Fall Wild Turkey Permit Season. This season, by permit only, opens on the second Saturday after the opening of squirrel season and runs for the number of days and in the counties or portions thereof designated by the Natural Resources Commissioners and published annually by the Director.

5.2. Late Fall Wild Turkey Season. This season runs for six (6) consecutive days commencing on the Monday following the third Saturday in December.

5.2.1. The late fall wild turkey season is open in the following counties: Berkeley, Grant, Greenbrier, Hampshire, Hardy, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Randolph, Tucker and Webster.

5.3. Spring Wild Turkey Season. This season opens on the fourth Monday in April and runs for ~~twenty-six (26)~~ twenty-seven (27) consecutive days thereafter and is open statewide for the hunting of bearded turkeys only.

5.4. No person may hunt wild turkey between one o'clock postmeridian (1:00 p.m.) and thirty (30) minutes before sunrise during the spring wild turkey season.

#### **§58-45-6. Wild Boar Hunting Seasons.**

6.1. Early Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the ~~fifth~~ first Thursday in ~~October~~ November.

6.1.1. The early firearms wild boar season is open in those counties, or portions thereof, designated by the Natural Resources Commission and published annually by the Director.

6.2. Late Firearms Wild Boar Season. This season runs for three (3) consecutive days commencing on the ~~Thursday prior to the last Saturday~~ fifth Monday in December.

6.2.1. The late firearms wild boar season is open in those counties, or portions thereof, designated by the Natural Resources Commission and published annually by the Director.

6.3. Archery Wild Boar Season. This season opens on the Saturday nearest to October 15 and closes on the last day in December.

6.3.1. The archery wild boar season is open in those counties, or portions thereof, open to firearms wild boar hunting.

6.4. No person may hunt boar between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

6.5. Provided that a hunter uses a bow, the hunting of deer is permitted during the wild boar seasons in those counties, or portions thereof, designated by the Natural Resources Commission as boar hunting areas.

**§58-45-7. Other Hunting Seasons.**

7.1. Bobcat Season. This season opens on the first Saturday in November and closes on the last day in January.

7.2. Fox Season. This season opens on the first Saturday in November and closes on the last day in January.

7.3. Grouse Season. This season opens on the Saturday nearest to October 15 and closes on the last day in February.

7.4. Hare Season. This season opens on the first Saturday in November and closes on the last day in February.

7.5. Opossum, Skunk, Weasel, Coyote and Woodchuck Seasons. These seasons are open year-round.

7.6. Pheasant Season. This season opens on the first Saturday in November and closes on the first Saturday in January and is open for the hunting of cock birds only.

7.7. Quail Season. This season opens on the first Saturday in November and closes on the last day of February.

7.8. Rabbit Season. This season opens on the first Saturday in November and closes on the last day of February.

7.9. Raccoon Season. This season opens on the Saturday nearest to October 15 and closes on the last day of January.

7.9.1. Raccoon hunting is legal only during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day.

7.10. Otter Season. Closed.

7.11. Squirrel Season. This season opens on the Saturday prior to the Saturday nearest to October 15 and closes on the first Saturday in January.

**§58-45-8. Hunting Bag and Possession Limits.**

8.1. Bear. The bag and possession limit is one (1) bear per calendar year.

8.2. Deer. The bag and possession limit is one (1) deer per day and seven (7) deer per calendar year, as specified in Section 3.5 of these regulations.

8.3. Wild Boar. The bag and possession limit is one (1) boar per calendar year.

8.4. Wild Turkey. The bag and possession limit is two (2) turkeys per calendar year, only one of which may be taken during the fall wild turkey season. Two (2) bearded turkeys may be taken in the spring or one (1) bearded turkey may be taken in the spring and one (1) turkey of either sex may be taken in the fall. During the spring wild turkey season, only one (1) turkey may be taken per day.

8.5. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

8.6. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

8.7. Grouse. The bag limit is four (4) grouse per day. The possession limit is sixteen (16) grouse after the third day of the season.

8.8. Hare. The bag limit is two (2) hares per day. The possession limit is eight (8) after the third day of the season.

8.9. Opossum, Skunk, Weasel, Coyote and Woodchuck. There are no daily or season limits for opossum, skunk, weasel, coyote and woodchuck.

8.10. Pheasant. The bag limit is two (2) pheasants per day and possession limit is two (2) pheasants.

8.11. Quail. The bag limit is seven (7) quail per day. The possession limit is twenty-one (21) quail after the second day of the season.

8.12. Rabbit. The bag limit is five (5) rabbits per day. The possession limit is twenty (20) rabbits after the third day of the season.

8.13. Raccoon. The bag limit during the eleven hour period beginning at six o'clock postmeridian (6:00 p.m.) and ending at five o'clock antemeridian (5:00 a.m.) on the following day is two (2) raccoons for one person or two (2) raccoons for a group of persons hunting as a party except the daily bag limit for hunting is three (3) raccoons for one person or three (3) raccoons for a group of persons hunting as a party in Barbour, Brooke, Hancock, Harrison, Jackson, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Tyler, Wood and Wetzel counties. The possession limit is twenty (20) raccoons per season except in Barbour, Brooke, Hancock, Harrison, Jackson, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Tyler, Wood and Wetzel counties where the possession limit is thirty (30) raccoons per season (combined hunting and

trapping). The daily bag limit of raccoon may be possessed for each day the season is open until the season limit is reached.

8.14. Squirrel (Fox and Gray Squirrels, including black and albino color phases). The bag limit is six (6) squirrels in aggregate per day. The possession limit is twenty-four squirrels in aggregate after the third day of the season.

#### **§58-45-9. Trapping Seasons.**

9.1. No traps may be set before eight o'clock antemeridian (8:00 a.m.) on the first day of a trapping season or either set or left set after noon on the last day of a trapping season.

9.2. Beaver Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

9.3. Bobcat Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

9.4. Fisher Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

9.5. Fox Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

9.6. Mink Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

9.7. Muskrat Trapping Season. This season opens on the first Saturday in November and closes on the last day in February.

9.8. Raccoon Trapping Season. This season opens on the first Saturday in November and closes on the last day in January.

9.9. Otter trapping season. Closed.

9.10. Skunk, opossum, coyote and weasel trapping season. This season opens on the first Saturday in November and closes on the last day in January.

#### **§58-45-10. Trapping Bag and Possession Limits.**

10.1. Beaver. ~~The bag and possession limit is twenty-five (25) beavers per day and twenty-five (25) beavers per season. There are no daily or season limits for beaver.~~

10.2. Bobcat. The bag and possession limit is two (2) bobcats per day and two (2) bobcats per season.

10.3. Fisher. The bag and possession limit is one (1) fisher per day and one (1) fisher per season.

10.4. Fox (Gray and Red Foxes). The bag and possession limit is twenty-five (25) foxes in aggregate per day and twenty-five (25) foxes in aggregate per season.

10.5. Mink. There are no daily or season limits for mink.

10.6. Muskrat. There are no daily or season limits for muskrat.

10.7. Raccoon. There is no daily bag limit for raccoons. The possession limit is twenty (20) raccoons per season except in Barbour, Brooke, Hancock, Harrison, Jackson, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Taylor, Tyler, Wood and Wetzel counties where the possession limit is thirty (30) per season (combined hunting and trapping).

10.8. Skunk, opossum, coyote, and weasel. There are no daily or season limits for these species.

KEN HECHLER  
Secretary of State

FILED



WILLIAM H. HARRINGTON  
Chief of Staff

MARY P. RATLIFF  
Deputy Secretary of State

SEP 26 2 08 PM '97

JUDY COOPER  
Director, Administrative Law

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Supervisor, Corporations

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Executive Assistant

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

STATE OF WEST VIRGINIA  
SECRETARY OF STATE

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(Plus all the volunteer help we can get)

TO: GORDON ROBERTSON

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 5, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 45 TITLE: 58 NATURAL RESOURCES

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Gordon C. Robertson

TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources

DATE: Sept. 26, 1997

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.