

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #4

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WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dept. of Commerce, Div. of Natural Resources, Wildlife Resources Section TITLE NUMBER: 58

CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 46

TITLE OF RULE BEING AMENDED: Terms Defining the Terms Used In all Hunting and Trapping

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULES, 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.

Angel R. Moore
Authorized Signature

FILED

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TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

OFFICE OF THE CLERK
SECRETARY OF STATE

SERIES 46
DEFINING THE TERMS TO BE USED IN
CONCERNING ALL HUNTING AND TRAPPING RULES

§58-46-1. General.

1.1. Scope. -- This rule defines terms to be applied to all rules concerning the regulation of hunting and trapping within the boundaries of this State.

1.2. Authority. -- W. Va. Code §20-1-7(30).

1.3. Filing Date. -- ~~April 18, 2006.~~

1.4. Effective Date. -- ~~April 21, 2006.~~

1.5. Repeal and Replace -- This legislative rule repeals and replaces Defining The Terms To Be Used Concerning All Hunting And Trapping Rules, Title 58, Series 46, effective July 16, 2001.

§58-46-2. Definitions.

2.1. "Aggregate" means the total bag or possession limit of similar kinds of game animals or game birds. For example, the possession limit for squirrels is twenty-four (24) after the third day of the open season. This could be ten (10) gray squirrels and fourteen (14) fox squirrels, or fourteen (14) gray squirrels and ten (10) fox squirrels, or any combination of twenty-four (24) squirrels, but not more than a total of six (6) per day nor more than a total of twenty-four (24) in possession.

2.2. "Amber, and red or green lights" means artificial lights which are amber, and red or green in color. These lights are legally used to hunt coyotes at night during the established season.

2.3. "Antlered Deer" means deer having at least one antler that is over three (3) inches in

length, as measured from the hairline.

2.4. "Antlerless Deer" means deer having no antler that is over three (3) inches in length, as measured from the hairline.

2.5. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement.

2.6. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of bait so as to constitute for wildlife a lure, attraction, or enticement to or on any areas where hunters are attempting to take them.

~~2.7. "Bow" means a longbow, recurved bow, or compound bow that is hand held and hand drawn and held at full draw without the aid of any mechanical device. Triggering devices or release aids are legal.~~

2.87. "Concurrent Hunting" means hunting of the same and/or other species during a legally prescribed season.

~~2.9. "Cub Bear" means a bear less than one year old which has upper canine teeth of less than five eighths (5/8) inch in length when measured from the gum.~~

2.108. "Individual Permanently Disabled in the Lower Extremities" means an individual who is permanently and totally disabled due to paralysis or disease in the lower half of the body, which makes it impossible to ambulate successfully more than two hundred feet without assistance.

2.9. "Licensed Adult" is an individual who has attained the age of 18 years, and possesses a valid West Virginia hunting and

trapping license or is exempt from having to purchase a West Virginia hunting and trapping license.

2.4110. "Muzzle-loader", for the purpose of deer hunting, means a single shot muzzle-loading firearm having a bore diameter of not less than thirty-eight one-hundredths of an inch.

2.4211. "Possession" means game taken in this State which is in any way under the control of the hunter (i.e., the total of all game in a vehicle, home freezer, commercial food locker, or other storage place).

2.4312. "Prevailing Time" means either Eastern Standard Time or Eastern Daylight Time as established by the United States Congress.

2.4413. "Protected" means no open season (i.e., hunting protected wildlife is illegal at all times).

2.4413.a. Protected mammals include: mountain lion and those mammals covered by federal regulations under the Endangered Species Act of 1973, as amended.

2.4514. "Public Lands" means lands owned, leased, licensed, managed under cooperative agreement with or under the control of the Division for wildlife management purposes.

2.4615. "Trap" is a device that is used to catch and hold animals. A trap may be legally used during the trapping season to catch furbearing animals and coyotes. The term includes leg foot hold traps, killer type or body gripping traps, box traps, encapsulating traps and snares. Legal and illegal traps are further defined in the Division's Rule, General Trapping Rule 58CSR53.

2.4716. All other terms have the meaning prescribed in W. Va. Code §20-1-2.