

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

Form #2

Do Not Mark In This Box

2010 JUN 15 AM 11:45

OFFICE OF THE SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

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

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

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 49

TITLE OF RULE BEING AMENDED: General Hunting

IF NO, SERIES NUMBER OF 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 July 16, 2010 AT 10:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

DNR Wildlife Resources Section
324 Fourth Avenue

So. Charleston, WV 25303

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Series 49. General Hunting

Rule Title: _____
 Type of Rule: Legislative Interpretive Procedural
 Agency: Division of Natural Resources, Wildlife Resources Section
 Address: 324 Fourth Avenue, South Charleston, WV 25303

 Phone Number: 304-558-2771 Email: Billie.J.Shearer@wv.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There is no change anticipated to the administrative expenditures as a result of this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "--")	Next Increase/Decrease (use "--")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

No Impact

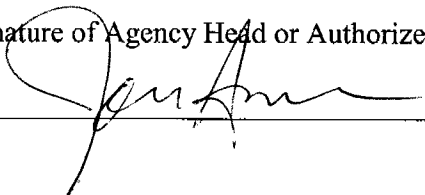
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule includes modifying the language which states that a youth hunter participating in a youth hunting season must be accompanied by a "licensed hunter 21 years of age or older" to a "licensed adult hunter". The modification of the language will make this rule consistent with the remainder of the hunting seasons in which youth under the age of 15 must be accompanied by a licensed adult hunter.

Date: _____

Signature of Agency Head or Authorized Representative



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

**SERIES 49
GENERAL HUNTING**

- SUMMARY:** Series 49 revises the current General Hunting Rule. Revisions to this rule include modifying the language which states that a youth hunter participating in a youth hunting season must be accompanied by a "licensed hunter 21 years of age or older" to a "licensed adult hunter". The modification of the language will make this rule consistent with the remainder of the hunting seasons in which youth under the age of 15 must be accompanied by a licensed adult hunter.
- CIRCUMSTANCE:** This rule establishes general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

FILED
2010 JUN 15 AM 11:45
STEPHEN L. WILSON
SECRETARY OF STATE

SERIES 49
GENERAL HUNTING

§58-49-1. General.

1.1. Scope. -- The purpose of this rule is to establish general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

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

1.3. Filing Date. -- ~~June 1, 2001~~

1.4. Effective Date. -- ~~July 16, 2001~~

§58-49-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Division of Natural Resources Rule, Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Rules (58 C.S.R. 46).

§58-49-3. General Hunting Rules.

3.1. A hunter may use a long bow or compound bow instead of a firearm during any season for which firearms are legal except during the muzzle-loading firearms deer season.

3.2. Each person killing a bear or wild boar found in a wild state shall immediately after removing its entrails, but in any event within one hour and before transporting or removing the carcass in any manner from where it was killed, complete and attach a game tag. The tag shall bear, in plain English, the name and address of

the hunter, the date and county where the game was killed, and, unless he or she is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.3. Any person under fifteen (15) years of age who participates in a special youth hunt season approved by the Commission and published annually by the director shall be accompanied by ~~a~~ an adult licensed adult hunter ~~twenty-one (21) years or older~~. The accompanying adult shall not hunt or possess implements for the taking of wildlife.

3.4. A person under the age of fifteen (15) years may not hunt or chase wild animals or wild birds on the lands of another unless he or she is accompanied by a licensed adult who remains in a position near enough to him or her to render advice and assistance.

3.5. A hunter may only use bows, single-shot muzzle-loading firearms, or shotguns loaded with T or smaller shot to hunt wildlife within the boundaries of the Green Bottom Wildlife Management Area.

3.6. A hunter shall deliver each deer or wild turkey to a conservation officer or an official game checking station for checking and retagging within 72 hours of the time of kill or within 24 hours of the close of the respective hunting season, whichever comes first: Provided that all deer killed in Logan, McDowell, Mingo, or Wyoming Counties shall be checked and retagged at an official game checking station in the four-county area within 24 hours of the time of kill. Deer killed outside Logan, McDowell, Mingo or Wyoming Counties shall not be checked within this four-county area.

3.7. A hunter shall wear at least 400 square inches of blaze orange over his or

her outer clothing during any deer firearms season. A person engaged in agricultural activities and waterfowl hunters is exempt from this requirement.

3.8. Any hunter who, while hunting, shoots another person, shall render immediate aid and assistance to the victim.