

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

Form #3

Do Not Mark In This Box

FILED

2010 JUL 22 PM 4: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

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: 49

TITLE OF RULE BEING AMENDED: General Hunting

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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

**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.

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.

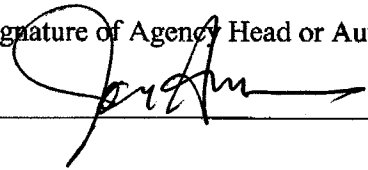
No Impact

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: 7/22/10

Signature of Agency Head or Authorized Representative


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: 7/20/10

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DOC- DNR - Wildlife Resources Section
324 Fourth Avenue
So. Charleston, WV 25303

LEGISLATIVE RULE TITLE: General 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 15, 2010

b. What other notice, including advertising, did you give of the hearing?
No public hearing was held. There was a 30 day comment period which was also advertised in a statewide News Release.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 16, 2010

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)

n/a

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

Curtis I. Taylor, Chief
DNR Wildlife Resources Section
324 Fourth Avenue
So. Charleston, WV 25303

- 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)

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.

n/a

b. Date of hearing or comment period:

n/a

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

n/a

d. Attach findings and determinations and reasons:

Attached n/a

FILED

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

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OFFICE WEST VIRGINIA
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.