

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Write In This Box

FILED

JUL 31 2 45 PM '00

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BUREAU OF COMMERCE, DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

RULE TYPE: Legislative CITE AUTHORITY: §20-1-7(3)

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 49

TITLE OF RULE BEING AMENDED: General Hunting

IF NO, SERIES NUMBER OF NEW 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 August 31, 2000 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

LIEUTENANT COLONEL W. B. DANIEL, DEPUTY CHIEF

DIVISION OF NATURAL RESOURCES

LAW ENFORCEMENT SECTION

ROOM 840, BLDG. 3, CAPITOL COMPLEX

CHARLESTON, WEST VIRGINIA 25305

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



JOHN B RADER, DIRECTOR

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.40

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

SERIES 49

SUMMARY

Series 49 established general hunting regulations 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
DIVISION OF NATURAL RESOURCES

SERIES 49

CIRCUMSTANCES

The Division of Natural Resources seeks to provide for a different manner of checking and retagging deer that are killed in the special management area of Logan, McDowell, Mingo or Wyoming Counties.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: General Hunting

Type of Rule XXX Legislative _____ Interpretive _____ Procedural

Agency Division of Natural Resources

Address Building 3, Captitol Complex

Charleston, West Virginia 25305

1. Effect of Proposed Rule

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

2. Explanation of above estimates: This change will have no fiscal impact on this agency or the State of West Virginia

3. Objective of these rules: This change will increase the ability to get correct demographic information regarding the deer management in the four county area where the Bucks Only season is closed. The Counties affected are Logan, McDowell, Mingo and Wyoming.

Rule Title: General Hunting

4. Explanation of overall Economic Impact of Proposed Rule.

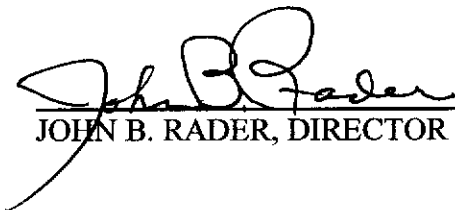
A. Economic Impact on State Government: None

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

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

Date: July 31, 2000

**Signature of Agency or
Authorized Representative:**


JOHN B. RADER, DIRECTOR

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

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**SERIES 49
GENERAL HUNTING**

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

§58-49-1. General.

1.1. Scope. -- The purpose of this rule is to establish general hunting regulations 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. --

1.4. Effective Date. --

§58-49-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Division of Natural Resources Rule, Regulations Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (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 must 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 must 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 youth under fifteen (15) years of age who participates in a special youth hunt approved by the Commission and published annually by the director must be accompanied by an adult licensed hunter twenty-one (21) years or older. The accompanying adult shall not hunt or possess implements for the taking of wildlife.

3.4. No person under the age of fifteen (15) years may 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 must 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 must not be checked within this four-county area.

3.7. All hunters must wear at least 400 square inches of blaze orange over their outer clothing during any deer firearms season. Persons engaged in agricultural activities and waterfowl hunters are exempt from this requirement.

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