

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

Form #3

Do Not Mark In This Box

RECEIVED

00 SEP -1 PM 1:30

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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

CITE AUTHORITY: §20-1-7-(30)

AMENDMENT TO AN EXISTING RULE: YES XX 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:

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.



JOHN B. RADER, DIRECTOR

**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.

**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: August 30, 2000

**Signature of Agency or
Authorized Representative:**



JOHN B. RADER, DIRECTOR

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 31, 2000

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

Lt. Colonel W. B. Daniel, Deputy Chief, Division of Natural Resources, Law Enforcement

Section, Bldg. 3, Room 840, State Capitol Complex

Charleston, WV. 25305

- 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)
-

same

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.

July 31, 2000 for 30 day comment period

- b. Date of hearing: NA
-

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

NA

- d. Attach findings and determinations and reasons:

Attached NA

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

RECEIVED
SEP -1 PM 1: 30
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.