

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

Form #3

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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 NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 49

TITLE OF RULE BEING AMENDED: GENERAL HUNTING REGULATIONS

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.



ROBERT A. REINTSEMA, COMMISSIONER

\$4.60

DATE: July 16, 1997

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: BOC, DNR - WILDLIFE RESOURCES SECTION

LEGISLATIVE RULE TITLE: GENERAL HUNTING REGULATIONS

1. Authorizing statute(s) citation 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing May 30, 1997

b. What other notice, including advertising, did you give of the hearing

Statewide DNR News Release

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received

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

N/A

f. Name and phone number(s) of agency persons(s) to contact for additional information:

Gordon Robertson - 304-558-2771

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: 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

CIRCUMSTANCES REQUIRING THE PROPOSED RULE

The Division of Natural Resources proposes one day special youth hunts to be held statewide. The youth must be under fifteen (15) years of age and accompanied by an adult twenty-one (21) years or older. Special youth hunts provide the opportunity for young hunters to hunt on specially designated days or areas under the supervision of an adult.

The Division requires each deer and wild turkey be delivered 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 season or whichever comes first. The management of wildlife depends on maintaining a timely game check system that provides the division with the necessary data.

The Division proposes to require all hunters to 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 would be exempt. Wearing blaze orange has proven to be an effective hunter safety tool. This rule extends the blaze orange requirement to most hunters during firearms deer season.

The Division proposes to require any person who, while in the act of hunting, shoots another person, shall render immediate aid and assistance to the victim. Currently there is no requirement for a person to render aid to a hunting accident victim.

SUMMARY OF THE RULE

Title 58, Series 49, General Hunting Regulations establishes general hunting regulations that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 47, General Hunting Regulations

Type of Rule X Legislative _____ Interpretive _____ Procedural

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

1. Effect of Proposed Rule

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

2. Explanation of above estimates: No cost to enact and enforce this rule.

3. Objectives of these rules: To allow youth under fifteen (15) to participate in special youth hunts while accompanied by an adult twenty-one (21) years or older; to require a hunter to check deer and turkey within 72 hours of the time of kill or within 24 hours of the close of the season or whichever comes first; to require all hunters to wear at least 400 square inches of blaze orange on their outer clothing during any deer firearms season, excluding waterfowl hunters and persons engaged in agricultural activities; and to require any person who shoots another person while hunting to render immediate aid and assistance to the victim.

4. Explanation of overall Economic Impact of Proposed Rule.

Rule Title: Series 47, General Hunting Regulations

A. Economic Impact on State Government: No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: No impact.

C. Economic Impact on Citizens/Public at Large: No impact.

Date: 5/27/97

**Signature of Agency or
Authorized Representative:**



ROBERT A. REINTSEMA, COMMISSIONER

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

**SERIES 49
GENERAL HUNTING REGULATIONS**

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-49-1. General.

1.1. Scope. -- The purpose of these regulations 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 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 long bow or compound bow may be substituted for 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.

3.34. 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.

3.45. A person 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.

3.56. Each deer or wild turkey must be delivered 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 season, whichever comes first.

3.7. All hunters must wear at least 400 square inches of blaze orange over their outer clothing during any deer firearms season; provided, that persons engaged in agricultural activities and waterfowl hunters shall be exempt from this provision.

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

June 3, 1997

Gordon:

Regarding rules change in: General Hunting Rules

The current system of requiring a hunter to check in his deer within 24 hours of the close of each season is sufficient and should not be changed again. Good grief, this rule has been changed several times in the last decade. What difference does it make when a deer gets checked in, as long it gets checked?

In fact, if the agency is set on seeking a change to this rule, why not do something smart for a change and go with a system similar to that used in Pennsylvania -- where hunters simply mail their game tags in after the season closes.

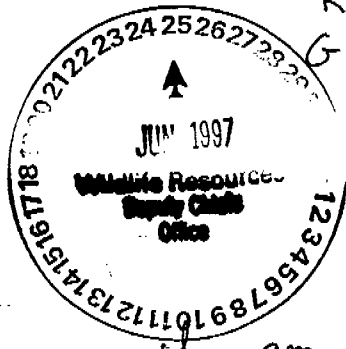
That system eliminates every game checking station hassle in the book. It makes it easier on hunters, easier on game checkers and simplifies the whole deal. It works. So why does everything with West Virginia's DNR always have to be so complicated?

If the agency seeks to change a rule, it ought to change it for the better, not create another way to add confusion to an already overly confusing system of rules and regulations. Make it simple and the DNR might actually get some applause instead of so much criticism.

Andy Hansroth
Charleston



June 25, 1997
Rt 81, Box 44
Greenville, WV
24945



Gordon C. Robertson,

Dear Mr Robertson, I am writing this letter in regard to a proposed change in the general hunting rules that gives a person 72 hours to check their game in at a game checking station. We are 100% opposed to this change - 24 hrs is plenty long enough for anyone to check in game. We hunt in one of the remotest sections of WV and we can still get our deer out of the field and to a checking station. We do not need more laws which protect poachers - We already allow people to drive around with unceased guns in their vehicles even though it only takes a poacher 3 seconds to slip a bullet into the chamber. How lenient are we willing to get with people who are intent on destroying our wildlife?

If you give them 72 hrs to check in game they'll have the animal butchered and in the freezer by then and it will never get checked in at all. We need tougher rules on Poachers not more lenient ones.

Sincerely
Hermit & Cindy
Stover →