

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2002 JUN 14 P 3:01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DIVISION OF NATURAL RESOURCES 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: 50

TITLE OF RULE BEING AMENDED: DEER HUNTING REGULATIONS

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 15, 2002 AT 4:30 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

Division of Natural Resources

Wildlife Resources Section

Capitol Complex, Bldg. 3, Room 842

Charleston, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

SCANNED

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

**SERIES 50
DEER HUNTING REGULATIONS**

SUMMARY OF THE RULE

Title 58, Series 50, Deer Hunting Regulations establishes rules that are to be complied with when pursuing and taking deer within the boundaries of this State.

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

**SERIES 50
DEER HUNTING REGULATIONS**

CIRCUMSTANCES REQUIRING THE PROPOSED RULE

The Division of Natural Resources proposes to modify in 3.1. that it is legal to take more than one deer per day provided the first deer taken is checked with a conservation officer or at an official game checking station.

The Division of Natural Resources proposes to clarify in 3.5., and 3.5.1. that waterfowl hunters may use nontoxic shot larger than number 4.

The Division of Natural Resources proposes to modify in 3.13.1. that if two deer are taken in counties closed to bucks only firearm hunting, one of the deer must be antlerless.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 50, Deer 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: Establishes rules that are to be complied with when pursuing and taking deer within the boundaries of this State.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No impact.

Rule Title: Series 50, Deer Hunting Regulations

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: 6-14-02

**Signature of Agency or
Authorized Representative:**



ED HAMRICK, DIRECTOR

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

FILED

SERIES 50
DEER HUNTING REGULATIONS

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SECRETARY OF STATE

§58-50-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish rules that are to be complied with when pursuing and taking deer within the boundaries of this State.

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

1.3. Filing Date. -- ~~June 24, 1993.~~

1.4. Effective Date. -- ~~July 1, 1993.~~

§58-50-2. Definitions.

2.1. All terms shall 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).

§58-50-3. Deer Hunting Rules.

3.1. After a person has killed a deer during any of the open seasons established in The Hunting and Trapping Regulations (Exempt Rule) (58 C.S.R. 45), he or she may not participate further in deer hunting (e.g., driving deer) with a bow or a firearm in his or her possession for the remainder of the day of the kill. Provided however, A ~~a~~ person may pursue ~~his or her second additional~~ legal deer, in accordance with the provisions of The Hunting and Trapping Regulations (Exempt Rule) (58 C.S.R. 45), ~~on any following day which falls within an open deer season; provided after all previously taken~~ the first deer has ~~have~~ been legally checked with a conservation officer or an official game checking station.

3.2. No person may hunt deer with a shotgun using ammunition loaded with more than one solid ball nor with any rifle of less than twenty-five (.25) caliber using rimfire ammunition.

3.3. No person may kill or wound a deer while the deer is in any stream, lake, or pond.

3.4. The hunting of small game is permitted beginning on the fourth day after the opening date of the bucks-only deer season. During this period, a hunter may carry slugs and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.5. In those counties, or portions thereof, open to antlerless deer hunting, the hunting of deer with bow, the hunting of bear, or the hunting of small game and the hunting of waterfowl is permitted during the antlerless deer season provided that no hunter, except those having a valid Class N license or those legally participating in ~~bow deer hunting or bear hunting~~, may be afield

with any firearm with solid ball ammunition or shells containing larger than Number 4 shot or, if using a combination rifle-shotgun, with rifle ammunition in his or her possession. During this period, a hunter may carry ~~slugs~~ solid ball ammunition and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.5.1. Persons legally hunting waterfowl during the antlerless deer season may possess nontoxic shotshells containing shot larger than No. 4 but may not possess solid ball ammunition.

3.6. After killing a deer during any of the open seasons established in the Hunting and Trapping Regulations (Exempt Rule) (58 C.S.R. 45), a hunter may not be afield for the remainder of the day of the kill with a firearm with solid ball ammunition or, if using a combination rifle-shotgun, he or she may not have rifle ammunition in his or her possession unless he or she is legally participating in bear hunting or pursuing another legal deer in compliance with Section 3.1 of these rules.

3.7. It is illegal to hunt small game during the bucks-only deer season with any centerfire rifle, with any rifle of larger than twenty-two (.22) caliber using rimfire ammunition, or with a shotgun using solid ball ammunition in a county that is not open to bucks-only deer hunting.

3.8. A firearm that has been converted into a muzzle-loader by use of a plug may not be used during muzzle-loading firearms deer season.

3.9. When being transported in or on a vehicle, a muzzle-loading firearm is considered to be unloaded when uncapped or the priming charge is removed from the pan.

3.10. No person may actively participate in the hunting of antlerless deer (e.g., driving deer) unless that person has a Class N license or is otherwise exempt from having a Class N license.

3.11. Applications as prescribed by the director for a Class N license to hunt in a county in which a limited number of Class N licenses are issued must be completed and mailed prior to the deadline date on the application. Only one application may be submitted per individual.

3.12. Purchasers of a Class R or Class RR license must choose a license for either archery deer hunting or firearms deer hunting but may purchase both types of license.

3.13. A Class R archery and Class RR archery license must be purchased prior to the opening day of the archery season. A Class R gun and Class RR gun license must be purchased prior to the opening day of the buck gun season. A Class R or Class RR license must be signed to be valid.

3.13.1. The Class R and RR archery licenses are valid in those counties open to bucks-only firearms hunting and in those counties not open to bucks-only firearms hunting provided the first archery deer was taken in a county open to firearms deer hunting; that, if two deer are taken in counties closed to bucks only firearm hunting, one of the deer must be antlerless.

3.14. A Class N license is non-transferable.