

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

Form #3

Do Not Mark In This Box

FILED

2002 JUL 26 P 2:02

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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

AGENCY: BOC, DNR - 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: 50

TITLE OF RULE BEING AMENDED: Deer Hunting Regulations

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

**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
<b>ESTIMATED TOTAL COST</b>	0	0	0	0	0
<b>PERSONAL SERVICES</b>					
<b>CURRENT EXPENSE</b>					
<b>REPAIRS &amp; ALTERATIONS</b>					
<b>EQUIPMENT</b>					
<b>OTHER</b>					

**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:** 7-24-02

**Signature of Agency or  
Authorized Representative:**

  
\_\_\_\_\_  
ED HAMRICK, DIRECTOR



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

N/A

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- 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 Taylor, Chief

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DNR Wildlife Resources Section

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Capitol Complex, Bldg. 3, Room 842

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Charleston, WV 25305

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- 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)

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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

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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



**DIVISION OF NATURAL RESOURCES**  
Wildlife Resources Section  
Capitol Complex, Building 3, Room 812  
1900 Kanawha Boulevard, East  
Charleston WV 25305-0664  
Telephone (304) 558-2771  
Fax (304) 558-3147  
TDD 1-800-354-6087

**Bob Wise**  
Governor

**Ed Hamrick**  
Director

July 18, 2002

Mr. Joe Ballard  
P.O. Box 1078  
Ceredo, West Virginia 25507

Dear Mr. Ballard:

Thank you for taking the time to provide written comment on the proposed Division of Natural Resources' rule to increase the daily bag limit for antlerless deer from one (1) antlerless deer per day to two (2) antlerless deer per day on private lands only, provided that the first deer taken is checked with a conservation officer or at an official game checking station.

This proposed regulation change was presented to sportsmen, landowners and other interested members of the public during the Division of Natural Resources' Sectional Meetings which were held last March. This proposal received strong support from the public, with 79% of the individuals and 81% of the clubs voting to support this proposed rule change. As a result, the Division of Natural Resources filed Legislative Rule 58CSR50 on June 14, 2002 to allow for the implementation of this proposal. Based on the strong support for this proposal, it is the Division of Natural Resources' intention to file the rule with the Legislative Rule Making Committee as submitted.

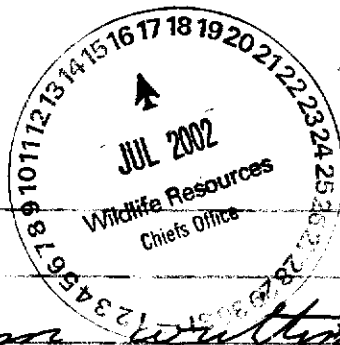
Once again, thank you for providing written comment on this proposed rule. Should you have any questions or require additional information in this regard, please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis I. Taylor".

Curtis I. Taylor, Chief  
Wildlife Resources Section

cc: Billie Shearer (with attachments)



X  
13 July 2002

Dear Sir,

I am writing in reference to one of the legislative rule changes.

This past March I attended the annual sportsman meeting at Huntington.

At this meeting I proposed verbally and in writing that in counties where two deer may be taken that a hunter should be allowed to take the second deer without first having to take that deer to a Conservation Officer or checking station for checking & tagging. However the first deer should be properly field tagged before taking the second deer. Then the hunter could take both deer for checking & tagging according to the present regulation pertaining to checking & tagging beyond the boundary of the County where the deer were taken, etc.

Every hunter & sportsman that I have talked to about this regulation agree that it is a regulation that needs to be amended to make

The regulations were used fairly  
as to speak & to make the  
great forest hunter to help  
reduce the size of the deer  
herd without placing undue  
restrictions such as checking  
the great deer in by a  
C.P. or checking station.  
As a result C.P.'s have  
greatly checked the great deer  
population much thought and have  
talked with some utility &  
DNR has personnel & many  
members of the public including  
at this time one legislator. All  
agree that the regulation only makes  
it more difficult for the hunter  
to take the and deer in the  
countries where this is allowed.  
For change of our asking you &  
those who meet with the DNR  
Commissioners to consider & to change  
the regulation as I have stated above.

Joe Ballard  
Joe

Joe Ballard  
P.O. Box 1378  
Ceredo, WV 25507  
453-2525

TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

FILED

SERIES 50  
DEER HUNTING REGULATIONS

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OFFICE WEST VIRGINIA  
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**§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.