

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2006 JUN 22 A 9 36

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Natural Resources

AGENCY: BOC, DNR, Wildlife Resources Section TITLE NUMBER: 58

RULE TYPE: Legislative CITE AUTHORITY: 20-1-7

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 50

TITLE OF RULE BEING AMENDED: Deer Hunting Rule

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 21, 2006 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief
DNR, Wildlife Resources Section
1900 Kanawha Blvd., E.
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

#3.60

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

**SERIES 50
DEER HUNTING RULE**

CIRCUMSTANCES

This rule corrects language to comply with Chapter 20; provides consistency in the purchase of additional muzzleloader stamps; and prohibits feeding and baiting wildlife on four wildlife management areas and one state forest being managed for older age deer.

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

**SERIES 50
DEER HUNTING RULE**

SUMMARY

Series 50 revises the current Deer Hunting Rule. This rule establishes provisions when pursuing and taking deer within the boundaries of this State. The rule became effective on April 9, 2003. Revisions to this rule changes the Class N/NN, RB/RRB, RG/RRG licenses to stamps, establishes time frame when the RM/RRM stamps can be purchased and prohibits feeding and baiting wildlife on four wildlife management areas and one state forest that are being managed for older aged deer.

FISCAL NOTE FOR PROPOSED RULES

Rule Title: DEER HUNTING RULE

Type of Rule: Legislative Interpretive Procedural

Agency: Bureau of Commerce, Division of Natural Resources

Address: Wildlife Resources Section
Capitol Complex, Bldg. 3, Room 842
Charleston, West Virginia 25305

Phone Number: 304-558-2771 Email: billieshearer@wvdnr.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No impact on cost or revenues to state government

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: DEER HUNTING RULE

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

None

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

None

Date: 6-21-06

Signature of Agency Head or Authorized Representative

L. Anne Bell

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 50
DEER HUNTING RULE

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-50-1. General.

1.1. Scope and Purpose. -- The purpose of this rule 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. --

1.4. Effective Date. --

§58-50-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Division of Natural Resources' Rules Defining The Terms To Be Used Concerning All Hunting and Trapping Rules 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 Division of Natural Resources' Hunting and Trapping Rules, 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, that: a person may pursue additional legal deer, in accordance with the provisions of the Hunting and Trapping Rules 58 C.S.R. 45, after all previously taken deer 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 solid ball ammunition and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.5. In those counties, or portions of counties, open to antlerless deer hunting, the

hunting of deer with bow, the hunting of bear, the hunting of small game and the hunting of waterfowl is permitted during the antlerless deer-season provided that no hunter, except a hunter having a valid Class N license or a hunter legally participating in 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 solid ball ammunition and Number 4 or smaller shot with a shotgun prior to killing a deer.

3.5.1. In those counties, or portions of counties open to antlerless deer hunting, the hunting of waterfowl is permitted. Persons legally hunting waterfowl during the antlerless deer seasons may possess nontoxic shotshells containing shot larger than Number 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 Rules 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 Sub-Section 3.1 of this rule.

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 it is 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 or Class NN license stamp or is otherwise exempt from having a Class N or Class NN license stamp.

3.11. Applications as prescribed by the director for a Class N and Class NN license stamp to hunt in a county in which a limited number of Class N and Class NN licenses stamps 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 shall choose a license for either archery deer hunting or firearms deer hunting but may purchase both types of license.~~

~~3.13.~~ 3.12. A Class R RB archery and Class RR RRB archery license stamps shall be purchased prior to the opening day of the archery season. A Class R RG gun and Class RR RRG gun license stamp shall be purchased prior to the opening day of the buck gun season. A Class RM muzzleloader and Class RRM muzzleloader stamp shall be purchased prior to the opening day of the muzzleloader season. A Class R RB, RG, RM or Class RR RRB, RRG, RRM license stamp must be signed to be valid.

~~3.13.1.~~ 3.12.1. The Class RB and RRB archery ~~licenses~~ stamps are valid in those counties open to bucks-only firearms hunting and in those counties closed to bucks-only firearms hunting; Provided that, if two deer are taken in counties closed to bucks-only firearm hunting, one of the deer must be antlerless.

~~3.14.~~ 3.13. A Class N license stamp is non-transferable.

3.14. Except as provided for in 58CSR53, it is illegal to feed or bait wildlife on Beech Fork WMA, Burnsville WMA, Bluestone WMA, McClintic WMA and Coopers Rock State Forest.