

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

Form #3

Do Not Mark In This Box

FILED

2006 JUL 28 P 4: 30

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 <sup>Natural Resources</sup> 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

**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.

**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.

**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.

<b>FISCAL YEAR</b>			
<b>Effect of Proposal</b>	<b>Current Increase/Decrease (use "-")</b>	<b>Next Increase/Decrease (use "-")</b>	<b>Fiscal Year (Upon Full Implementation)</b>
<b>1. Estimated Total Cost</b>	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
<b>2. Estimated Total Revenues</b>	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: 7/28/06

Signature of Agency Head or Authorized Representative

*Seamus M. Gow*

**QUESTIONNAIRE**

*(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)*

DATE: July 28, 2006

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No ) BOC, DNR - Wildlife Resources Section  
1900 Kanawha Blvd., E.  
Capitol Complex, Bldg. 3, Room 812  
Charleston, WV 25305

LEGISLATIVE RULE TITLE: Deer Hunting Regulations

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

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:  
June 22, 2006

b. What other notice, including advertising, did you give of the hearing?  
No public hearing was held. There was a 30 day comment period which was also advertised in a statewide News Release distributed June 30, 2006.

c. Date of Public Hearing(s) *or* Public Comment Period ended:  
July 21, 2006

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

Attached \_\_\_\_\_ No comments received X

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

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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 I. Taylor, Chief  
DNR Wildlife Resources Section  
1900 Kanawha Blvd., E.  
Capitol Complex, Bldg. 3, Room 812  
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.

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b. Date of hearing or comment period:

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

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d. Attach findings and determinations and reasons:

Attached 

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TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

FILED

2006 JUL 28 P 4: 30

SERIES 50  
DEER HUNTING RULE

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.