

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

Do Not Mark In This Box

FILED

2007 APR -9 PM 3:58

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Natural Resources
DOC - DNR - Wildlife Resources Section TITLE NUMBER: 58

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: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2670

SECTION 64-10-4(c), PASSED ON March 10, 2007

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: April 9, 2007


Authorized Signature

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

**SERIES 50
DEER HUNTING RULE**

Promulgation History

Filed June 22, 2006 -- Form 2 Notice of a Comment Period on a Proposed Rule

Filed July 28, 2006 -- Form 3 Notice of Agency Approval of a Proposed Rule and
Filing with the Legislative Rule-Making Committee

Filed December 18, 2006 - Form 4 Notice of Rule Modification of a Proposed Rule

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

FILED

2007 APR -9 PM 3: 58

**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. -- April 9, 2007

1.4. Effective Date. -- April 9, 2007

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

3.11. Applications as prescribed by the director for a Class N and Class NN stamp to hunt in a county in which a limited number of Class N and Class NN 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. Class RB archery and Class RRB archery stamps shall be purchased prior to the opening day of the archery season. A Class RG gun and Class RRG gun 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 RB, RG, RM or Class RRB, RRG, RRM stamp must be signed to be valid.

3.12.1. The Class RB and RRB archery 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.

3.13. A Class N stamp is non-transferable.

3.14. Except as provided for in the Division of Natural Resources Rule, General Trapping Rule (58 CSR 53), it is illegal to feed or bait wildlife on Beech Fork Wildlife Management Area, Burnsville Wildlife Management Area, Bluestone Wildlife Management Area, McClintic Wildlife Management Area and Coopers Rock State Forest.