

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #2

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**NOTICE OF COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: BUREAU OF COMMERCE, 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: 51

TITLE OF RULE BEING AMENDED: WILD TURKEY REGULATIONS

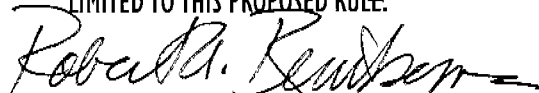
IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

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 1, 1997 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

GORDON ROBERTSON, DEPUTY CHIEF  
DIVISION OF NATURAL RESOURCES  
WILDLIFE RESOURCES SECTION  
ROOM 842, BLDG. 3, CAPITOL COMPLEX  
CHARLESTON, WEST VIRGINIA 25305

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



ROBERT A. REINTSEMA, COMMISSIONER

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.40

## **CIRCUMSTANCES REQUIRING THE PROPOSED RULE**

Information from the limited fall season turkey hunting survey is required to determine hunting success and hunter participation. Hunter success and hunter participation data are necessary to protect the resource from being overharvested and to maximize hunter participation in counties where a fall turkey permit season is held. During 1996, only 58% of the selected applicants returned a completed survey although they were instructed that they may be disqualified from future drawings. It is projected that survey participation will decline as successful applicants realize they will not be penalized. When response declines to the point reliability of results are questioned, second and perhaps third mailings will be required to increase response to levels that can be used to produce reliable results. The number of copies of the survey ad outgoing and return postage amount to in excess of \$1.00 per additional response generated. The turkey permits are free so any increase in effort to obtain reliable data will increase the costs to the Section.

## **SUMMARY OF THE RULE**

To provide for a limited fall turkey hunting season in selected counties, the Division of Natural Resources must determine with some reason of accuracy the participation and success rate of those hunters who apply for a permit to hunt. This rule requires the hunter to return a hunter survey form at the close of the season this is the most effective method of obtaining the desired data.

# FISCAL NOTE FOR PROPOSED RULE

**Rule Title:** Series 51, Wild Turkey 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>      | 4467     | 0        | 0       | 4500        | 4500       |
| <b>PERSONAL SERVICES</b>         |          |          |         |             |            |
| <b>CURRENT EXPENSE</b>           |          |          |         |             |            |
| <b>REPAIRS &amp; ALTERATIONS</b> |          |          |         |             |            |
| <b>EQUIPMENT</b>                 |          |          |         |             |            |
| <b>OTHER</b>                     |          |          |         |             |            |

**2. Explanation of above estimates:** Cost includes printing surveys, postage for initial and return mailings. No new staff is required.

**3. Objectives of these rules:** To require certain fall turkey hunters to return a hunting survey in order to be eligible to receive a permit to hunt in certain counties the following year.

**4. Explanation of overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government:** Some additional license revenue will accrue to the Division of Natural Resources from the additional sale of licenses.

**Rule Title:** Series 51, Wild Turkey Regulations

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**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:** Some positive additional economic impact will occur in rural areas of the state from the initiation of new fall wild turkey hunting seasons.

**C. Economic Impact on Citizens/Public at Large:** Positive. Producing additional hunting opportunity expands the positive economic impact of hunting.

**Date:** 5/27/97

**Signature of Agency or  
Authorized Representative:**



ROBERT A. REINTSEMA, COMMISSIONER

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

**SERIES 51  
WILD TURKEY REGULATIONS**

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OFFICE OF THE CLERK  
STATE OF WEST VIRGINIA

**§58-51-1. General.**

- 1.1. Scope. -- The purpose of these regulations is to establish rules to manage the wild turkey within the boundaries of this State.
- 1.2. Authority. -- W. Va. Code §20-1-7(30).
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**§58-51-2. Definitions.**

- 2.1. All terms 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). In addition, for the purposes of this regulation, the following terms have the meaning set forth in this section.
- 2.2. Game farm or pen-raised turkeys -- Game farm or pen raised turkeys are those birds or their offspring hatched from eggs taken by humans from a wild turkey nest or wild hen turkey raised under human control, and therefore imprinted to humans or other poultry under human control instead of a wild hen.
- 2.3. Domestic turkey -- A domestic turkey is a turkey that normally lives in and about the residences of West Virginians and depends upon humans for habitation, husbandry and/or as their sole source of year round sustenance.
- 2.4. Wild turkey -- A wild turkey is a turkey from wild native genetic stock living under the control of the laws of nature.
- 2.5. Release into the wild -- Release into the wild means a release into any area not enclosed by a fence or bounded by other like structure from which under normal circumstances a bird does not escape.

**§58-51-3. Wild Turkey Hunting Rules.**

- 3.1. The use of electronic turkey calling devices is prohibited during the wild turkey

seasons.

3.2. The use of dogs to hunt wild turkeys is prohibited during the spring wild turkey season.

3.3. Each person receiving a limited fall turkey hunting permit as provided under C.S.R. §58-45-5.1.3 shall return a completed survey form as prescribed by the Director.

3.3.1. Failure to return completed survey form shall disqualify the person from receiving a permit the following year.

**§58-51-4. Possession, Propagation and Release of Pen-raised Turkeys.**

4.1. It is unlawful to possess, propagate, or release into the wild, game farm or pen-raised turkeys: Provided, That existing stock may be possessed until December 31, 1993, but during this period the turkeys shall not be propagated or released into the wild,

4.2. It is unlawful to release domestic turkeys into the wild.