

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**

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**FILED**

2015 MAY 11 A 10:33

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: DOC, DNR Wildlife Resources Section TITLE NUMBER: 58

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 46

TITLE OF RULE BEING AMENDED: Defining the Terms Used in all Hunting and Trapping

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) SB 170

SECTION 64-10-2(a), PASSED ON March 14, 2015

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE

FOLLOWING DATE: May 11, 2015

  
Authorized Signature

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

**FILED**

**SERIES 46  
DEFINING THE TERMS USED IN  
ALL HUNTING AND TRAPPING**

2015 MAY 11 A 10:33

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§58-46-1. General.**

1.1. Scope. -- This rule defines terms to be applied to all rules concerning the regulation of hunting and trapping within the boundaries of this State.

1.2. Authority. -- W. Va. Code § 20-1-7(30).

1.3. Filing Date. -- May 11, 2015

1.4. Effective Date. -- May 11, 2015

**§58-46-2. Definitions.**

2.1. "Aggregate" means the total bag or possession limit of similar kinds of game animals or game birds. For example, the possession limit for squirrels is twenty-four (24) after the third day of the open season. This could be ten (10) gray squirrels and fourteen (14) fox squirrels, or fourteen (14) gray squirrels and ten (10) fox squirrels, or any combination of twenty-four (24) squirrels, but not more than a total of six (6) per day nor more than a total of twenty-four (24) in possession.

2.2. "Antlered Deer" means deer having at least one antler that is over three (3) inches in length, as measured from the hairline.

2.3. "Antlerless Deer" means deer having no antler that is over three (3) inches in length, as measured from the hairline.

2.4. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement.

2.5. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of bait so as to constitute for wildlife a lure, attraction, or enticement to or on any areas where hunters are attempting to take them. An area is considered baited for 10 days after the removal of the bait.

2.6. "Concurrent Hunting" means hunting of the same and/or other species during a legally prescribed season.

2.7. "Individual Permanently Disabled in the Lower Extremities" means an individual who is permanently and totally disabled due to paralysis or disease in the lower half of the body, which makes it impossible to ambulate successfully more than two hundred feet without assistance.

2.8. "Licensed Adult" is an individual who has attained the age of 18 years, and possesses a valid West Virginia hunting and trapping license or is exempt from having to purchase a West Virginia hunting and trapping license.

2.9. "Muzzle-loader", for the purpose of deer hunting, means a single shot muzzle-loading firearm having a bore diameter of not less than thirty-eight one-hundredths of an inch.

2.10. "Possession" means game taken in this State which is in any way under the control of the hunter (i.e., the total of all game in a vehicle, home freezer, commercial food locker, or other storage place).

2.11. "Prevailing Time" means either Eastern Standard Time or Eastern Daylight Time as established by the United States Congress.

2.12. "Protected" means no open season (i.e., hunting protected wildlife is illegal at all times).

2.12.a. Protected mammals include those mammals covered by federal regulations under the Endangered Species Act of 1973, as amended.

2.13. "Public Lands" means lands owned, leased, licensed, managed under cooperative agreement with or under the control of the Division for wildlife management purposes.

2.14. "Trap" is a device that is used to catch and hold animals. A trap may be legally used during the trapping season to catch fur-bearing animals and coyotes. The term includes leg foot hold traps, killer type or body gripping traps, box traps, encapsulating traps and snares. Legal and illegal traps are further defined in the Division's Rule, General Trapping Rule 58 C.S.R. 53.

2.15. All other terms have the meaning prescribed in W. Va. Code § 20-1-2.