

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

Form #3

Do Not Mark In This Box

2015 JUL 30 A 11:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

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

CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 49

TITLE OF RULE BEING AMENDED: General Hunting

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

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: 7/30/2015

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) DOC, DNR, Wildlife Resources Section
324 4th Avenue
So. Charleston, WV 25303

LEGISLATIVE RULE TITLE: General Hunting

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 23, 2015

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 the State Journal and a statewide News Release.

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 22, 2015

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)

n/a

f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Paul R. Johansen, Chief
DNR Wildlife Resources Section
324 4th Avenue
So. Charleston, WV 25303

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)

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.

n/a

b. Date of hearing or comment period:

n/a

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

n/a

d. Attach findings and determinations and reasons:

Attached n/a

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

**SERIES 49
GENERAL HUNTING RULES**

SUMMARY:

Series 49 revises the current General Hunting Rule. Revisions to this rule include modifying the language relating to the electronic registration of deer and turkey; the addition of crossbows to the weapons permitted at Green Bottom and Fox Forest Wildlife Management Areas; and the requirement of mandatory bear tooth submission by successful bear hunters.

CIRCUMSTANCES:

This rule establishes general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

58CSR49. General Hunting

Rule Title: _____

Type of Rule: Legislative Interpretive Procedural

Agency: Dept. of Commerce, Division of Natural Resources, Wildlife Resources Section

Address: 324 Fourth Avenue
South Charleston, WV 25303

Phone Number: 304-558-2771 Email: Billie.J.Shearer@wv.gov

Fiscal Note Summary

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

There is no change anticipated to the administrative expenditures as a result of this rule.

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			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

58CSR49. General Hunting

Rule Title: _____

Rule Title: _____

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

No impact.


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.

Revisions to this rule include modifying the language relating to the electronic registration of deer and turkey; the addition of crossbows to the weapons permitted at Green Bottom and Fox Forest Wildlife Management Areas; and the requirement of mandatory bear tooth submission by successful bear hunters.

Date: 7/29/15

Signature of Agency Head or Authorized Representative

 _____

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES
SERIES 49
GENERAL HUNTING

FILED

2015 JUL 30 A 11:48
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-49-1. General.

1.1. Scope. -- The purpose of this rule is to establish general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

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

1.3. Filing Date. - ~~April 25, 2011~~

1.4. Effective Date. - ~~April 25, 2011~~

§58-49-2. Definitions.

2.1. All terms have the meaning prescribed to them in the Division of Natural Resources Rule, Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Rules (58 C.S.R. 46).

§58-49-3. General Hunting Rules.

3.1. A hunter may use a long bow or compound bow instead of a firearm during any season for which firearms are legal except during the muzzle-loading firearms deer season.

3.2. Each person killing a bear or wild boar found in a wild state shall immediately after removing its entrails, but in any event within one hour and before transporting or removing the carcass in any manner from where it was killed, complete and attach a game tag. The tag shall bear, in plain English, the name and address of the hunter, the date and county where the game was killed, and, unless he or she is legally exempted from the licensing requirements of this State, the license number of the hunter.

3.3. A person who kills a bear shall submit a first premolar tooth to the Division of Natural Resources by January 31 of the year following the kill. The tooth should be secured to a card along with a label with the name and address of the hunter, date of kill, weapon used, whether dogs were used to kill the bear, county of kill and the game tag number and either mailed or delivered to a DNR District Office or the DNR Elkins Operation Center.

~~3.3.~~ 3.4. Any person under fifteen (15) years of age who participates in a special youth season approved by the Commission and published annually by the director shall be accompanied by a licensed adult hunter. The accompanying adult may not hunt or possess

implements for the taking of wildlife.

~~3.4.~~ 3.5. A person under the age of fifteen (15) years may not hunt or chase wild animals or wild birds on the lands of another unless he or she is accompanied by a licensed adult who remains in a position near enough to him or her to render advice and assistance.

~~3.5.~~ 3.6. A hunter may only use bows, crossbows, single-shot muzzle-loading firearms, or shotguns loaded with T or smaller shot to hunt wildlife within the boundaries of the Green Bottom and Fox Forest Wildlife Management Areas.

~~3.6.~~ 3.7. A hunter shall electronically register each deer or wild turkey ~~in accordance with 58 C.S.R. 72 "Electronic Registration of Wildlife"~~ within 72 hours of the time of kill or within 24 hours of the close of the respective hunting season, whichever comes first.

~~3.7.~~ 3.8. A hunter shall wear at least 400 square inches of blaze orange over his or her outer clothing during any deer firearms season. A person engaged in agricultural activities and waterfowl hunters are exempt from this requirement.

~~3.8.~~ 3.9. Any hunter who, while hunting, shoots another person, shall render immediate aid and assistance to the victim.