



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)**

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-49**
RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, August 26, 2016 10:00 AM

WRITTEN COMMENTS MAY BE MAILED TO
**Paul R. Johansen
DNR Wildlife Resources Section
324 4th Avenue
So. Charleston, WV 25303**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-49



Rule Id: 10255



Document: 27769



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**FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 2)**

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-49**
RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

PROVIDE A BRIEF SUMMARY OF YOUR PROPOSAL

Series 49 revises the current General Hunting Rule. Revisions to this rule include language which prohibits the possession or use of any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid, while taking or attempting to take, attracting, or scouting any wild animal in West Virginia.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative**

AMENDMENT TO EXISTING RULE

Yes

TITLE-SERIES

58-49

RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

PRIMARY CONTACT

Paul R. Johansen

DNR Wildlife Resources Section

324 4th Avenue

So. Charleston, STATE ZIP

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

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.

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-49



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY **Natural Resources**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-49**

RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0.00	0.00	0.00
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0.00	0.00	0.00

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY **Natural Resources**

RULE TYPE **Legislative**

AMENDMENT TO EXISTING RULE

Yes

TITLE-SERIES

58-49

RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

None anticipated

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 4)

AGENCY **Natural Resources**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-49**
RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

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: **No person shall, for the purposes of taking or attempting to take, attracting, or scouting any wild animal in West Virginia, possess or use any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid.**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-49



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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Natural Resources**

RULE TYPE **Legislative**

AMENDMENT TO EXISTING RULE

Yes

TITLE-SERIES

58-49

RULE NAME **General Hunting**

CITE AUTHORITY **20-1-7(30)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 58-49



Rule Id: 10255



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58CSR49

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 49
GENERAL HUNTING

§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 20, 2016.~~

1.4. Effective Date. — ~~April 20, 2016.~~

1.5. Sunset Date. — This rule will sunset 5 years after the rule becomes effective.

§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.

3.4. 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.

58CSR49

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.

3.6. 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.

3.7. A hunter shall electronically register each deer or wild turkey within 72 hours of the time of kill or within 24 hours of the close of the respective hunting season, whichever comes first.

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.

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

3.10. No person shall, for the purposes of taking or attempting to take, attracting, or scouting any wild animal in West Virginia, possess or use any substance or material that contains or purports to contain any excretion collected from a cervid, including feces, urine, blood, gland oil, or other bodily fluid.