



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

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
Monday, July 24, 2017 5:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Wendy L. Greene
WV Division of Natural Resources
324 4th Avenue, Room 343
South Charleston, WV 25303
You may email written comments to Wendy.L.Greene@wv.gov

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

Yes
Patricia J White -- 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: 16495



Document: 49498



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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 58-49 revises the current General Hunting Rule. Revisions to this rule include language which prohibits the use of bows and crossbows on the Bright McCausland Homestead WMA as required in the property deed to the Division of Natural Resources.

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

Yes

Patricia J White -- 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

Wendy L. Greene

324 4th Avenue

Room 343

South Charleston, WV 25303

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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 revision.

Patricia J White -- 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: 16495



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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

Patricia J White -- 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 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.

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

Patricia J White -- 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: 16495



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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.

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

Revisions to this rule include: Prohibition on bows and crossbows on the Bright McCausland Homestead Wildlife Management Area as required in the deed conveyance to the State.

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

Patricia J White -- 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 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. Series 58-49 revises the current General Hunting Rule. Revisions to this rule include language which prohibits the use of bows and crossbows on the Bright McCausland Homestead WMA as required in the property deed to the Division of Natural Resources.

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

Yes

Patricia J White -- 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: 16495



Document: 49498

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 Provision. -- This rule shall terminate and have no further force or effect upon the expiration of 5 years from its effective date

§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.

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. The use of bows and crossbows is prohibited on the Bright McCausland Homestead WMA.