



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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7/28/2017 2:03:13 PM

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

AGENCY: Natural Resources TITLE-SERIES: 58-49
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 58-49 General Hunting

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: §20-1-7(30)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

§20-1-7(30) provides for promulgation of general hunting rules that will provide for the safety of the hunter and the proper management of wildlife within the boundaries of this State.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/23/2017

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/24/2017

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

No public hearing was held. There was a 30 day comment period.

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

Series 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. 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.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE 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 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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

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

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

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

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2017 Increase/Decrease (use "-")	2018 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs and Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

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

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

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.