



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

7/10/2018 10:04 AM

Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Natural Resources TITLE-SERIES: 58-45

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: HUNTING AND TRAPPING RULES

CITE STATUTORY AUTHORITY: §§20-1-17(b)(7), 20-2-5g(a), 29A-1-3(c)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 1, 2018

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wendy L Greene -- 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.

58CSR45

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

SERIES 45
HUNTING AND TRAPPING RULES

§58-45-1. General.

1.1. Scope. -- These rules establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting and trapping of wildlife in West Virginia.

1.2. Authority. -- W. Va. Code §§20-1-17(b)(7), 20-2-5g(a) and 29A-1-3(c).

1.3. Filing Date. -- July 10, 2018.

1.4. Effective Date. -- September 1, 2018.

1.5. Seasons in General. -- All seasons, unless otherwise noted, are statewide and subject to change under the provisions of W. Va. Code §20-1-7(7). Opening and closing dates are inclusive and time periods are prevailing time unless otherwise noted in these rules.

§58-45-2. Definitions.

2.1. All terms shall have the meaning prescribed in W. Va. Code §20-1-2 and Title 58, Series 46 "Defining the Terms Used in All Hunting and Trapping" (58CSR46).

§58-45-3. Deer Hunting Seasons.

3.1. Buck Firearms Season. -- This season, for the firearms hunting of antlered deer, runs for thirteen (13) consecutive days commencing on the Monday preceding Thanksgiving with the following exceptions:

3.1.1. The buck firearms deer season is closed in the following: Logan, McDowell, Mingo, and Wyoming counties; and the Hillcrest WMA and the Wilson Cove Study Area.

3.2. Class N Antlerless Deer Season. -- This season, for the firearms hunting of antlerless deer, runs for the number of days and in counties or portions thereof designated by the Natural Resources Commission and published annually by the Director.

3.3. Archery Deer Season. -- This season opens on the last Saturday in September and closes on the last day in December.

3.3.1. During the archery deer season, both antlered and antlerless deer may be hunted statewide with a bow.

3.3.2. Special Urban Deer Archery/Crossbow Season. -- This season, which may be implemented within incorporated limits of a city, town, or village will be a split season. The initial season opens 21 days

prior to the opening of the statewide deer archery season and closes on the last day in December. The second split opens on the second Monday in January and runs through January 31. This special deer season will in no way supersede local regulations or community prohibitions on hunting. The governing entity shall notify the Director by August 1 of their intentions to participate in the special urban deer archery/crossbow season during that year. All participating hunters are required to have a valid base hunting license or be exempt from having to purchase a base hunting license.

3.3.2.a. This season may also be implemented within incorporated homeowners' associations that have defined boundaries. The governing entity of these associations shall submit a letter to the Director prior to March 1 of the year that the hunt is requested. Based on a field review, the Director may or may not grant the request. This special deer season will in no way supersede local regulations or community prohibitions on hunting.

3.3.2.b. Deer taken during this special season, shall not apply to the regular archery or crossbow deer season bag limits under Section 3.11 of these rules.

3.3.2.c. The bag limit for all incorporated cities, towns, villages and homeowners' associations is seven (7) deer which may include no more than two (2) antlered deer and the first deer must be antlerless.

3.4. Crossbow Deer Season. -- This season opens on the last Saturday in September and closes on the last day in December.

3.4.1. During the crossbow deer season, both antlered and antlerless deer may be hunted statewide with a crossbow with the following exception:

3.4.1.a. The crossbow deer season is closed in the following counties: Logan, McDowell, Mingo, and Wyoming counties; except that a person with a valid Class Y permit may hunt with a crossbow during established archery seasons within these counties.

3.5. Muzzleloader Firearms Deer Season. -- This season runs for six (6) consecutive days commencing on the second Monday following the close of the buck firearms deer season, in all counties open to firearm deer hunting.

3.5.1. Deer of either sex may be taken during the muzzleloader firearms season in those counties, or portions thereof, having a Class N antlerless season as designated by the Natural Resources Commission and published annually by the Director, and antlered deer only may be taken in those counties having a buck firearms deer season but no antlerless season.

3.5.2. A special muzzleloader season running for thirteen (13) consecutive days commencing on the Monday preceding Thanksgiving will be held on the Wilson Cove Study Area and Hillcrest WMA. Antlered deer only may be taken within boundaries of these areas during the early thirteen (13) day muzzleloader firearms season.

3.5.2.a. The Wilson Cove Study Area is approximately 5,200 acres located on the Wardensville Wildlife Management Area of the George Washington National Forest in Hardy County.

3.5.2.b. Hillcrest WMA is a 2,212-acre area located in Hancock County.

3.6. Special Deer Season. -- This season may be implemented within the boundaries of lands owned, operated, or controlled by the Federal or State government, during the period from October 1 to December 31. This special deer season will only be implemented when the resident deer population cannot be managed by general public hunting during the regular deer seasons for reasons of safety, security, or other special circumstances, as recommended by the Wildlife Resources Section. All participating hunters are required to have a valid base hunting license or be exempt from having to purchase a base hunting license.

3.6.1. During this special deer season, two (2) deer may be taken which shall not apply to the regular annual archery, crossbow, or firearms deer seasons bag limits under Section 3.11 of these rules.

3.7. Special Youth Deer Season. -- There will be a special split youth deer season for youth hunters, ages 8 to less than 18, to be held on the third Saturday in October, and on the first two (2) days (excluding Sunday) after Christmas Day on private land in counties open to firearms deer hunting and on selected wildlife management areas and state forests designated by the Natural Resources Commission and published annually by the Director.

3.7.1. During this special season, one (1) antlerless deer may be taken per day which will not apply to the regular deer firearms bag limit under Section 3.11 of these rules.

3.8. Special State Park Deer Season. -- This season, for the hunting of deer with archery, crossbows and/or firearms as designated by the Director, will be a permit hunt implemented within the boundaries of designated State Parks. The season runs for the number of days designated by the Natural Resources Commission and published annually by the Director. All participating hunters are required to have a valid base hunting license or be exempt from having to purchase a base hunting license.

3.8.1. During this season, two (2) deer may be taken by each hunter as designated by the Director, one (1) deer per day which shall not apply to the regular annual firearms, crossbow, muzzleloader, or archery deer season bag limits under Section 3.11 of these rules. The deer type (i.e., antlered, antlerless) which may be taken during this season will be designated by the Director.

3.9. Special Class Q/QQ and XS Deer Season. -- There will be a special split deer season for Class Q/QQ permit holders and Class XS license holders to be held on the third Saturday in October, and on the first two (2) days (excluding Sundays) after Christmas Day on private land in counties open to firearms deer hunting and on the public lands within those counties as designated by the Natural Resources Commission and published annually by the Director.

3.9.1. During this special season, one (1) antlerless deer may be taken per day which will not apply to the regular deer firearms bag limit under Section 3.11 of these rules.

3.10. Mountaineer Heritage Season. This season runs for four (4) consecutive days commencing on the second Thursday of January and closing on the following Sunday. One (1) deer of either sex and one (1) bear of either sex may be taken during this season.

3.10.1. This is a special primitive weapons season and only single-shot side-lock percussion and flintlock muzzleloader rifles (without scopes) and long and recurve bows are permitted during this season.

58CSR45

3.10.2. This season is open statewide except that Logan, McDowell, Mingo, and Wyoming counties are limited to long and recurve bows only.

3.11. No person may take more than three (3) antlered deer or more than a total of eleven (11) deer in this State during the period from July 1 to June 30 of the following year unless otherwise provided for in this series or he or she holds a valid permit to kill deer causing damage to crops as provided under 58CSR15.

3.11.1. Deer taken during the open seasons established in Section 3 of this rule may be a combination of the following:

3.11.1.a. One (1) deer by bow during the archery deer season or one (1) deer by crossbow during the crossbow deer season.

3.11.1.b. One (1) antlered deer by either bow, crossbow, or firearm during the buck firearms deer season.

3.11.1.c. One (1) antlerless deer by either bow, crossbow, or firearm during the Class N antlerless deer season; except that three (3) antlerless deer may be taken by bow, crossbow, or firearm in selected counties or portions thereof designated by the Natural Resources Commission and published annually by the Director. Only one (1) antlerless deer may be taken per Class N or NN stamp.

3.11.1.d. Two (2) deer by bow or crossbow on Class RB or RRB stamps during the archery and crossbow deer seasons; provided that one (1) of the deer must be an antlerless deer. No more than one (1) antlered deer and no more than two (2) total deer may be taken in counties closed to buck firearms hunting. No more than one (1) deer may be taken by bow on Class RB or RRB stamps in counties closed to antlerless firearms hunting.

3.11.1.e. One (1) deer on Class RG or RRG stamp as follows: one (1) antlered deer by either bow, crossbow, or firearm during the buck firearms deer season.

3.11.1.f. One (1) deer with a muzzleloader or crossbow during the muzzleloader season on a Class RM or RRM stamp as follows: One (1) deer of either sex in counties or parts thereof having a Class N season with a bag limit of one (1) or more antlerless deer with unlimited licenses; or one (1) antlered deer in all other counties or parts thereof having a firearms deer season as designated by the Natural Resources Commission and published annually by the Director.

3.11.1.g. One (1) deer by single-shot muzzleloader rifle or pistol, or crossbow during the muzzleloader firearms deer season. Only antlered deer may be taken during the muzzleloader firearms deer season in counties or parts thereof closed to a Class N season.

3.11.1.h. One (1) deer by single-shot side-lock percussion and flintlock muzzleloader rifles (without scopes), or long and recurve bows during the Mountaineer Heritage Season.

3.11.2. In selected counties designated by the Natural Resources Commission and published annually by the Director, deer hunters are required to take an antlerless deer within the county, which may be taken during any regular deer season open to antlerless deer hunting, prior to harvesting a second

antlered deer within the county. This regulation applies across all the combined regular deer seasons and the Mountaineer Heritage Season.

3.12. No person may hunt deer between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day.

3.13. The hunting of all game species for which a legal hunting season is open is permitted during the muzzleloader firearms deer season.

3.14. Antler restrictions on McClintic WMA, Beech Fork WMA, Burnsville WMA, Bluestone WMA, Calvin Price State Forest, and Coopers Rock State Forest. All antlered bucks taken on McClintic WMA, Beech Fork WMA, Burnsville WMA, Bluestone WMA, and Coopers Rock State Forest during the archery, crossbow, buck firearms, muzzleloader firearms seasons, and the Mountaineer Heritage Season must have an outside antler spread of fourteen (14) inches or greater. Only one (1) antlered deer may be taken on each area for all seasons combined.

§58-45-4. Bear Hunting Seasons.

4.1. Firearms Dog Bear Season. -- Except as provided in subsection 4.1.1. of this rule, the firearms dog bear season opens on the first Monday following the close of the buck firearms deer season and runs for the number of days and in the counties or portion of counties designated by the Natural Resources Commission and published annually by the Director.

4.1.1. The firearms dog bear season is also open for the number of days and in counties or portions of counties designated by the Natural Resources Commission and published annually by the Director.

4.2. Firearms/No Dogs Bear Season. -- The firearms/no dogs bear season opens on the first Monday following the close of the buck firearms deer season and runs for the number of days and in the counties or portions of counties designated by the Natural Resources Commission and published annually by the Director.

4.2.1. The firearms/no dogs bear season is also open for the number of days and in counties or portion of counties designated by the Natural Resources Commission and published annually by the Director.

4.2.2. Portions of the firearms/no dog season established in 4.2.1. of this rule may be by permit only.

4.2.3. Persons lawfully allowed to hunt during the bear firearms season are entitled to hunt with a crossbow during this season.

4.3. Archery/No Dogs Bear Season. -- The archery/no dogs bear season opens statewide on the last Saturday in September and runs through the last day of December.

4.4. Crossbow/No Dogs Bear Season. -- The crossbow/no dogs bear season opens statewide on the last Saturday in September and runs through the last day of December.

58CSR45

4.5. Mountaineer Heritage Season. This season runs for four (4) consecutive days commencing on the second Thursday of January and closing on the following Sunday. One bear may be taken during this season. Sections 3.10.1. and 3.10.2. of this rule apply to bear hunting during this season.

4.5.1. The use of dogs is prohibited during the Mountaineer Heritage Season.

4.6. No person may hunt bear between thirty (30) minutes after sunset and thirty (30) minutes before sunrise on the following day, except that hunting dogs may be trained on bear during these hours in accordance with the provisions of W. Va. Code §20-2-5(24).

4.7. A person shall comply with permit procedures and deadlines established by the Director to apply for limited bear permits established in Section 4.2.2. of this rule. Only one (1) application may be submitted per person.

§58-45-5. Wild Turkey Hunting Seasons.

5.1. Fall Wild Turkey Season. -- This season opens on the second Saturday in October and runs for eight (8) consecutive days. In select counties [two (2) and four (4) week fall season counties], the season reopens on the second Monday following the close of the first split and runs for the number of days and in the counties designated by the Natural Resources Commission and published annually by the Director.

5.2. Spring Wild Turkey Season. -- This season opens on the third Monday in April and runs for twenty-seven (27) consecutive days thereafter and is open statewide for the hunting of bearded turkeys only.

5.3. Youth Spring Wild Turkey Season. -- There will be a special youth spring wild turkey season, bearded turkey only, for youth hunters, ages 8 to less than 18, to be held on the Saturday prior to the third Monday of April using shotguns and shot sizes no larger than #4, or smaller than #7 1/2.

5.4. No person may hunt wild turkey between one o'clock postmeridian (1:00 p.m.) and thirty (30) minutes before sunrise during the spring wild turkey seasons. No person may hunt wild turkey between thirty (30) minutes after sunset and thirty (30) minutes before sunrise during the fall turkey season.

§58-45-6. Wild Boar Hunting Seasons.

6.1. Firearms Wild Boar Season. -- This season will be a split season. The first split runs for eight (8) consecutive days commencing on the fourth Saturday in October. The second split runs for three (3) consecutive days commencing on the first Friday in February.

6.2. Archery Wild Boar Season. -- This season will be a split season. The first split opens on the last Saturday in September and closes on the last day in December. The second split runs for three (3) consecutive days commencing on the first Friday in February and closing on the following Sunday.

6.3. Crossbow Wild Boar Season. -- This season will be a split season. The first split opens on the last Saturday in September and closes on the last day in December. The second split runs for three (3) consecutive days commencing on the first Friday in February and closing on the following Sunday.

6.4. No person may hunt boar between thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

6.5. Provided that if a hunter uses a bow the hunting of deer is permitted during the wild boar seasons in those counties, or portions thereof, designated by the Natural Resources Commission as boar hunting areas.

6.6. The firearms, archery, and crossbow wild boar seasons are open in those counties, or portions thereof, designated by the Natural Resources Commission and published annually by the Director.

§58-45-7. Elk Hunting Seasons.

7.1. All elk hunting seasons are closed.

§58-45-8. Other Hunting Seasons.

8.1. Crossbows are legal for use during that portion of the hunting seasons as described in sections 8.2 through 8.13, which occur between the last Saturday in September and the last day of December.

8.2. Bobcat Season. -- This season opens on the first Saturday in November and closes on the last day in February.

8.3. Fox Season. -- This season opens on the first Saturday in November and closes on the last day in February.

8.3.1. Fox Hunting with Artificial Lights Season. -- Fox may be hunted at night using a hand held artificial light from the first day in January through the last day in February.

8.4. Grouse Season. -- This season opens on the Saturday nearest to October 15 and closes on the last day in February.

8.5. Hare Season. -- This season opens on the first Saturday in November and closes on the last day in February.

8.6. Opossum, Skunk, Weasel, Coyote, Pigeon, and Woodchuck Seasons. -- These seasons are open year-round.

8.6.1. Coyote Hunting with Artificial Lights Season. -- Coyotes may be hunted at night using a hand held artificial light from the first day in January through the last day in July.

8.7. Pheasant Season. -- This season opens on the first Saturday in November and closes on the first Saturday in January and is open for the hunting of cock birds only, except as outlined in subsection 8.7.1. of this rule.

8.7.1. Pheasant season on Hillcrest WMA. -- This season opens on the second Saturday in November and closes on the first Saturday in December and is open for the hunting of cock birds only.

8.8. Quail Season. -- This season opens on the first Saturday in November and closes on the first Saturday in January except as outlined in section 8.8.1. of this rule.

8.8.1. The quail season is closed on the Tomblin Wildlife Management Area.

8.9. Rabbit Season. -- This season opens on the first Saturday in November and closes on the last day of February.

8.10. Raccoon Season. -- This season opens on the Saturday nearest to October 15 and closes on the last day of February.

8.11. Squirrel Season. -- This season opens on the second Saturday of September and closes on the last day of February.

8.12. Crow Season. -- This season is open from the first day of January through the first Saturday in March and the first day of October through the Saturday preceding the buck firearms deer season.

8.13. Youth Squirrel Season. -- This one (1) day season for youth hunters under the age of 18 will be held on the first Saturday of September.

§58-45-9. Hunting Bag and Possession Limits.

9.1. Bear. -- The bag and possession limit is one (1) bear per day and three (3) bears for the period from July 1 to June 30 of the following year. Provided that a second bear per calendar year may only be taken in counties designated by the Natural Resources Commission and published annually by the Director and a third bear may only be taken during the Mountaineer Heritage Season.

9.2. Deer. -- The bag and possession limit is two (2) deer per day (of which only one may be an antlered deer) for all combined seasons and eleven (11) deer for the period from July 1 to June 30 of the following year, as specified in Section 3.11 of these rules.

9.3. Wild Boar. -- The bag and possession limit is one (1) boar during the period from July 1 to June 30 of the following year.

9.4. Wild Turkey. -- The bag and possession limit is three (3) turkeys per calendar year, only one (1) of which may be taken during the fall wild turkey season. Two (2) bearded turkeys may be taken in the spring and one (1) turkey of either sex may be taken in the fall. During the spring wild turkey season, only one (1) turkey may be taken per day.

9.4.1. Youth Spring Wild Turkey. -- The bag and possession limit for the youth spring wild turkey season is one (1) bearded turkey which does count as part of the annual turkey bag limit established in section 9.4 of this rule.

9.5. Bobcat. -- The bag and possession limit is three (3) bobcats per day and three (3) bobcats per season for hunting and trapping seasons combined.

9.6. Fox (Gray and Red Foxes). -- There are no daily or season bag limits for fox.

58CSR45

- 9.7. Grouse. -- The bag limit is four (4) grouse per day and the possession limit is sixteen (16) grouse.
- 9.8. Hare. -- The bag limit is two (2) hares per day and the possession limit is eight (8) hares.
- 9.9. Opossum, Skunk, Weasel, Coyote, Crow, Pigeon and Woodchuck. -- There are no daily or season limits for opossum, skunk, weasel, coyote, crow, pigeon and woodchuck.
- 9.10. Pheasant. -- The bag limit is two (2) pheasants per day and the possession limit is two (2) pheasants.
- 9.10.1. The bag limit on Hillcrest WMA is one (1) pheasant per day and the possession limit is one (1) pheasant.
- 9.11. Quail. -- The bag limit is three (3) quail per day and the possession limit is nine (9) quail.
- 9.12. Rabbit. -- The bag limit is five (5) rabbits per day and the possession limit is twenty (20) rabbits.
- 9.13. Raccoon. -- The bag limit, based on the 24 hour period beginning at six o'clock antemeridian (6:00 a.m.) and ending at six o'clock antemeridian (6:00 a.m.) on the following day, is four (4) raccoons for one person or four (4) raccoons for a group of persons hunting as a party. The possession limit is unlimited.
- 9.14. Squirrel (Fox and Gray Squirrels, including black and albino color phases). -- The bag limit is six (6) squirrels in aggregate per day. The possession limit is twenty-four (24) squirrels in aggregate.
- 9.15. Youth Squirrel. -- The bag and possession limit is six (6) squirrels in aggregate.

§58-45-10. Trapping Seasons.

- 10.1. No traps may be set before eight o'clock antemeridian (8:00 a.m.) on the first day of a trapping season or either set or left set after noon on the last day of a trapping season.
- 10.2. Beaver Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in March.
- 10.3. Bobcat Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.
- 10.4. Fisher Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in January.
- 10.5. Fox Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.
- 10.6. Mink Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.

10.7. Muskrat Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.

10.8. Raccoon Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.

10.9. Otter Trapping Season. -- This season opens on the first Saturday in November and closes on the last day in February.

10.10. Skunk, opossum, coyote and weasel trapping season. -- This season opens on the first Saturday in November and closes on the last day in February.

§58-45-11. Trapping Bag and Possession Limits.

11.1. Beaver. -- There are no daily or season limits for beaver.

11.2. Bobcat. -- The bag and possession limit is three (3) bobcats per day and three (3) bobcats per season for hunting and trapping seasons combined.

11.3. Fisher. -- The bag and possession limit is one (1) fisher per day and one (1) fisher per season.

11.4. Fox (Gray and Red Foxes). -- There are no daily or season limits for fox.

11.5. Mink. -- There are no daily or season limits for mink.

11.6. Muskrat. -- There are no daily or season limits for muskrat.

11.7. Raccoon. -- There is no daily or season bag limit for raccoons.

11.8. Otter. -- The bag limit and possession limit is one (1) otter per day and one (1) otter per season.

11.9. Skunk, opossum, coyote, and weasel. -- There are no daily or season limits for these species.