



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Natural Resources

TITLE-SERIES: 58-46

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

RULE NAME: DEFINING THE TERMS USED IN ALL HUNTING
AND TRAPPING

CITE STATUTORY AUTHORITY: §20-1-7(31)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill SB449
number)

Section §64-10-5(h) Passed On 2/12/2020 12:00:00 AM

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

March 28, 2020

This rule shall terminate and have no further force or effect from the following date:

March 28, 2025

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

Yes

**Wesley H 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 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 46
DEFINING THE TERMS USED IN ALL HUNTING AND TRAPPING**

§58-46-1. General.

1.1. Scope. -- This rule defines terms to be applied to all rules concerning the regulation of hunting and trapping within the boundaries of this State.

1.2. Authority. -- W. Va. Code § 20-1-7(31).

1.3. Filing Date. -- March 27, 2020.

1.4. Effective Date. -- March 28, 2020.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on March 28, 2025.

§58-46-2. Definitions.

2.1. "Aggregate" means the total bag or possession limit of similar kinds of game animals or game birds. For example, the possession limit for squirrels is 24 after the third day of the open season. This could be 10 gray squirrels and 14 fox squirrels, or 14 gray squirrels and 10 fox squirrels, or any combination of 24 squirrels, but not more than a total of six per day nor more than a total of 24 in possession.

2.2. "Antlered Deer" means deer having at least one antler that is over three inches in length, as measured from the hairline.

2.3. "Antlerless Deer" means deer having no antler that is over three inches in length, as measured from the hairline.

2.4. "Bait" means shelled, shucked, or unshucked corn, wheat or other grain, or any other feed or edible enticement.

2.5. "Baiting" means the direct or indirect placing, exposing, depositing, distributing, or scattering of bait so as to constitute for wildlife a lure, attraction, or enticement to or on any areas where hunters are attempting to take them. An area is considered baited for 10 days after the removal of the bait.

2.6. "Concurrent Hunting" means hunting of the same and/or other species during a legally prescribed season.

2.7. "Crossbow" means a device consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism and propels a bolt.

2.8. "Licensed Adult" is an individual who has attained the age of 18 years and possesses a valid West Virginia hunting and trapping license or is exempt from having to purchase a West Virginia hunting and trapping license.

2.9. "Muzzle-loader", for the purpose of deer hunting, means a single shot muzzle-loading firearm having a bore diameter of not less than thirty-eight one-hundredths of an inch.

2.10. "Possession" means game taken in this State which is in any way under the control of the hunter (i.e., the total of all game in a vehicle, home freezer, commercial food locker, or other storage place).

2.11. "Prevailing Time" means either Eastern Standard Time or Eastern Daylight Time as established by the United States Congress.

2.12. "Protected" means no open season (i.e., hunting protected wildlife is illegal at all times).

2.12.1. Protected mammals include those mammals covered by federal regulations under the Endangered Species Act of 1973, as amended.

2.13. "Public Lands" means lands owned, leased, licensed, managed under cooperative agreement with or under the control of the Division for wildlife management purposes.

2.14. "Trap" is a device that is used to catch and hold animals. A trap may be legally used during the trapping season to catch fur-bearing animals and coyotes. The term includes leg foot hold traps, killer type or body gripping traps, box traps, encapsulating traps and snares. Legal and illegal traps are further defined in W. Va. Code of State Rules, Series 58 Title 53, General Trapping Rule.

2.15. All other terms have the meaning prescribed in W. Va. Code § 20-1-2.