



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: 58-50

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

RULE NAME: DEER HUNTING RULE

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 number) SB 216

Section §64-10-4 Passed On 3/11/2021 12:00:00 AM

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

July 1, 2021

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

August 01, 2026

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

Yes

Jack M Rife -- 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 50
DEER HUNTING RULE**

§58-50-1. General.

1.1. Scope and Purpose. -- The purpose of this rule is to establish rules that are to be complied with when pursuing and taking deer within the boundaries of this State.

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

1.3. Filing Date. -- April 15, 2021.

1.4. Effective Date. -- July 1, 2021.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, 2026.

§58-50-2. Definitions.

2.1. All terms have the meaning prescribed to them in W. Va. Code of State Rules, Series 58 Title 46, Defining the Terms Used in All Hunting and Trapping.

§58-50-3. Deer Hunting Rules.

3.1. No person who has met the daily or season bag limit during any of the open deer seasons established in W. Va. Code of State Rules, Series 58 Title 45, Hunting and Trapping Rules may participate further in deer hunting with a bow, crossbow, or a firearm in his or her possession for that day of the season in which he or she has met the daily bag limit. No person who has met the season bag limit during any of the open deer seasons established in W. Va. Code of State Rules, Series 58 Title 45, Hunting and Trapping Rules, may participate further in deer hunting with a bow, crossbow, or firearm in his or her possession for the remainder of that season in which he or she has met the season bag limit. In the event that a hunter kills a deer and wishes to pursue an additional deer on the same day, the hunter is not required to electronically register the deer prior to pursuing an additional deer during the remainder of that day. However, all deer must be electronically registered prior to hunting during the remainder of the season.

3.2. A person may not hunt deer with a shotgun using ammunition loaded with more than one solid ball nor with any rifle of less than twenty-five (.25) caliber using rimfire ammunition.

3.3. A person may not kill or wound a deer while the deer is in any river, stream, lake, or pond.

3.4. The hunting of small game is permitted beginning on the fourth day after the opening date of the buck firearms deer season, with the exception that the hunting of coyotes is permitted during the entire buck firearms season. While hunting for small game during buck firearms season, a hunter may carry solid ball ammunition and Number 4 or smaller shot with a shotgun prior to killing the legal limit of deer.

58CSR50

3.5. In those counties, or portions of counties, open to antlerless deer hunting, the following conditions and restrictions apply for concurrent hunting seasons during the antlerless deer season:

3.5.1. The hunting of deer with a bow or crossbow is permitted.

3.5.2. The hunting of bear is permitted.

3.5.3. The hunting of small game is permitted, except during that portion of antlerless season running concurrent with the first three days of buck firearms season.

3.5.4. The hunting of waterfowl is permitted.

3.5.5. Except a hunter having a valid Class N or Class NN stamp or a hunter legally participating in bear hunting, no hunter may:

3.5.5.a. Be afield with any firearm with solid ball ammunition or shot shells containing larger than Number 4 shot.

3.5.5.b. Have rifle ammunition in his or her possession if using a combination rifle-shotgun.

3.5.6. While hunting small game during antlerless season, a hunter may carry solid ball ammunition and Number 4 or smaller shot with a shotgun prior to killing the legal limit of deer.

3.5.7. In those counties, or portions of counties open to antlerless deer hunting, the hunting of waterfowl is permitted. Persons legally hunting waterfowl during the antlerless deer seasons may possess nontoxic shotshells containing shot larger than Number 4 but may not possess solid ball ammunition.

3.6. After a person has met the daily or season bag limit during any of the open deer seasons established in W. Va. Code of State Rules, Series 58 Title 45, Hunting and Trapping Rules, a hunter may not be afield for the remainder of the day of the kill with a firearm with solid ball ammunition or, if using a combination rifle-shotgun, he or she may not have rifle ammunition in his or her possession unless he or she is legally participating in bear hunting or pursuing another legal deer in compliance with section 3.1 of this rule.

3.7. It is illegal to hunt small game during the buck firearms deer season with any centerfire rifle, with any rifle of larger than twenty-two (.22) caliber using rimfire ammunition, or with a shotgun using solid ball ammunition in a county that is not open to bucks-only deer hunting.

3.8. A hunter may not use a firearm that has been converted into a muzzleloader by use of a plug during muzzleloading firearms deer season.

3.9. When being transported in or on a vehicle, a muzzleloading firearm is considered to be unloaded when the powder charge and projectile are removed from the barrel; it is uncapped, or the priming charge is removed from the pan; or any other ignition source of a muzzleloader is removed.

3.10. The trapping of fur-bearing animals and coyotes is permitted the first three days of buck firearms season.

58CSR50

3.11. A person shall comply with permit procedures and deadlines established by the Director to apply for limited antlerless deer permits (Class N/NN) in designated counties, wildlife management areas, and state forests as established in W. Va. Code of State Rules, Series 58 Title 45 3.2, Hunting and Trapping Rules, as well as for state park deer season permits as established in W. Va. Code of State Rules, Series 58 Title 45 3.8. Hunting and Trapping Rules.

3.12. A person shall purchase Class RB archery and Class RRB archery stamps prior to the opening day of the deer archery and crossbow seasons; Class RG gun and Class RRG gun stamp prior to the opening day of the buck firearms season; and Class RM muzzleloader and Class RRM muzzleloader stamp prior to the opening day of the muzzleloader season. All stamps must be signed to be valid.

3.12.1. The Class RB and RRB archery stamps are valid in those counties open to bucks-only firearms hunting and in those counties closed to bucks-only firearms hunting; Provided that, if two deer are taken in counties closed to bucks-only firearm hunting, one of the deer must be antlerless.

3.13. A Class N stamp is non-transferable.