



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Natural Resources

TITLE-SERIES: 58-49

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

RULE NAME: General Hunting

CITE STATUTORY AUTHORITY: §20-1-7(31)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 08/30/2024 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Wendy L. Greene

ADDRESS: 324 4th Avenue

South Charleston, WV 25303

EMAIL: dnrcomments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

PROVIDE A BRIEF SUMMARY OF THE CONTENT OF 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.

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN THE RULE AND A STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE:

The change to this rule clarifies an adult may assist a youth hunter with safe handling of a firearm during youth season; the adult remains prohibited from hunting during youth season. This is a clarification that has been requested by the public.

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

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None anticipated.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

None anticipated.

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

None anticipated.

D. FISCAL NOTE DETAIL:

| Effect of Proposal | Fiscal Year | | |
|------------------------------------|---|---|--|
| | 2024 Increase/Decrease (use "-") | 2025 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 |

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

There is no anticipated impact on revenue of the state.

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

Yes

Garner Marks -- 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 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(31).

1.3. Filing Date. – ~~May 9, 2022.~~

1.4. Effective Date. – ~~May 9, 2022.~~

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect on August 1, ~~2027~~ 2030.

§58-49-2. Definitions.

2.1. All terms have the meaning prescribed to them in W. Va. Code of State Rules, Title 58 Series 46 Defining the Terms Used In All Hunting and Trapping and W.Va. Code §20-1-2.

§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 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 of their own for the taking of wildlife, provided, the accompanying adult may assist the youth in the handling of the youth hunter's firearm in order to provide safe handling advice and assistance.

3.5. A person under the age of 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 firearm or muzzleloader 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.