



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/31/2025 3:04:41 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Natural Resources TITLE-SERIES: 58-50
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 58-50 Deer Hunting Rule

PRIMARY CONTACT

NAME: Wendy L Greene
ADDRESS: 324 4th Avenue
Room 343
South Charleston, WV 25303
EMAIL: wendy.l.greene@wv.gov
PHONE NUMBER: 304-558-2754

CITE STATUTORY AUTHORITY: §20-1-7(31)

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(31) provides agency rulemaking authority for Chapter 20 powers and duties.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? Yes

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? Yes

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD:

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED:

COMMENTS RECEIVED:

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

PUBLIC HEARING:

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

RELEVANT FEDERAL STATUTES OR REGULATIONS:

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

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

The purpose of this rule is to establish regulations for the pursuit of take of deer within the boundaries of the state. There are no proposed changes to this rule.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

This rule remains necessary to effectively regulate the hunting of deer in the state. The rule addresses ammunition and caliber specifications, the interaction of concurrent hunting and trapping for other species, specific prohibitions for deer hunting, the purchase and application of some additional deer hunting stamps.

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 anticipated impact on revenues of state government.

B. ECONOMIC IMPACT ON SPECIAL REVENUE ACCOUNTS:

There is no anticipated impact on special revenue accounts of state government.

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

There is no anticipated economic impact on the state or its residents.

D. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2025 Increase/Decrease (use "-")	2026 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 are no proposed changes to this rule so there are no anticipated fiscal impacts from extending the sunset date.

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

Yes
Emily Rector -- 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~~ 2031.

§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.