

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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OFFICE OF W. VA. SECRETARY OF STATE

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

Department of Commerce, Labor, and Environmental
Resources; Division of Natural Resources

AGENCY: _____ TITLE NUMBER: 47

CITE AUTHORITY West Virginia Code §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES___ NO X

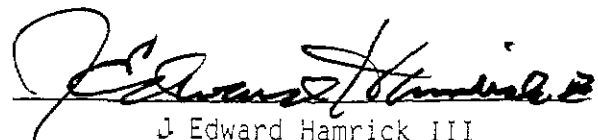
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 110

TITLE OF RULE BEING PROPOSED: Special Bear Hunting Regulations

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.



J. Edward Hamrick III
Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Special Bear Hunting Regulations

Type of Rule: XX Legislative Interpretive Procedural

Agency: Department of Commerce, Labor and Environmental
Resources Division of Natural Resources.

Address: Building 3, State Capitol Complex, Charleston, West
Virginia 25305

| 1. Effect of Proposed Rule | Increase \$ | ANNUAL Decrease \$ | Current \$ | FISCAL YEAR | |
|----------------------------------|----------------|--------------------------|---------------|-------------|------------------|
| | | | | Next \$ | Thereafter \$ |
| Personal Services | | | | | |
| Current Expense | | | | | |
| Repairs and Alterations | | | | | |
| Equipment | | | | | |
| Other | | | | | |

2. Explanation of Above Estimates: The purpose of these regulations is to control the use of dogs when hunting bear with the boundaries of this State. No new administrative expenditures are anticipated.

3. Objectives of These Rules: The objectives of this rule are to provide standards for the safety of the public and proper management of the Black Bear.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No impact.

B. 1. Economic Impact on Political Subdivisions: No impact.

2. Economic Impact on Specific Industries: No impact.

3. Economic Impact on Specific Groups of Citizens: No impact.
- C. Economic Impact on Citizens/Public at Large: No impact.

Date: August 12, 1991


J. Edward Hamrick III
Director

DATE: October 15, 1991.

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Commerce, Labor, and
Environmental Resources, Division of Natural Resources

LEGISLATIVE RULE TITLE: "Special Bear Hunting Regulations."

1. Authorizing statute(s) citation:

West Virginia Code §20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing:

Notice of Comment period was filed
August 20, 1991.

b. What other notice, including advertising, did you give of
the public hearing?

None

c. Date(s) of hearing(s): Comment period ended on September
20, 1991.

d. Attach list of persons who appeared at the hearing,
comments received, amendments to the proposed rule, and
the reasons for those amendments.

Attached

No comments received XX

e. Date you filed in the State Register the agency-approved
proposed Legislative Rule following public hearing:

October 15, 1991

f. Name and phone number of agency person to contact for
additional information:

Michael E. Comer, Regulatory Analyst
Office of Environmental and Regulatory Affairs
348-2761

3. If the statute under which you promulgated the submitted
rules requires certain findings and determinations to be made

as a condition precedent to their promulgation: NA

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided: NA
- b. Date of hearing: NA
- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor? NA
- d. Attach findings and determinations and reasons: NA

PREAMBLE TO A PROPOSED RULE CONCERNING
SPECIAL BEAR HUNTING REGULATIONS

STATE AGENCY: Department of Commerce, Labor and Environmental
Resources, Division of Natural Resources.

REGULATIONS: Title 47, Series 11C "Special Bear Hunting
Regulations"

AUTHORITY: West Virginia Code §20-1-7(30).

ACTION: Filing an Agency-Approved Rule.

SUMMARY: Today's filing proposes a new rule that will control
the use of dogs when hunting bear within the boundaries of this
State. This rule incorporates the provisions of Title 47, Series 11
"Hunting and Trapping Regulations" that were filed legislative
exempt on August 13, 1990.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 11C
SPECIAL BEAR HUNTING REGULATIONS

§47-11C-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to control the taking of bear within the boundaries of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. --

1.4. Effective Date. --

§47-11C-2. Definitions.

2.1. All terms shall have the meaning prescribed to them in Title 47, Series 11A (47 C.S.R. 11A).

§47-11C-3. The Use of Dogs.

3.1. The use of dogs while hunting for bear during the firearms bear season is illegal in the following counties: Boone, Fayette, Kanawha, Nicholas, and Raleigh.

3.2. Except as provided in Title 47, Series 11 (47 C.S.R. 11), the use of dogs while bow hunting for bear is legal during any portion of the archery bear season which may coincide with an open firearms bear season.

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MEMORANDUM OF CONSENT

OFFICE OF NATURAL RESOURCES
SECRETARY OF STATE


MEMORANDUM TO: J. Edward Hamrick III, Director
Division of Natural Resources

FROM: John M. Ranson, Secretary
Department of Commerce, Labor,
and Environmental Resources

SUBJECT: Consent to File Agency Proposed Regulations

The following regulations concerning hunting, trapping, and fishing have my approval to be proposed pursuant to the Administrative Procedures Act set forth under Chapter 29A of the West Virginia Code [W. Va. Code §29A et seq.].

| <u>Title</u> | <u>Series</u> | <u>Name</u> |
|--------------|---------------|---|
| 47 | 11A | Terms To Be Used Concerning All Hunting and Trapping Regulations. |
| 47 | 11B | Prohibitions When Hunting and Trapping. |
| 47 | 11C | Special Bear Hunting Regulations. |
| 47 | 11D | General Hunting Regulations. |
| 47 | 11E | Deer Hunting Regulations. |
| 47 | 11F | Wild Turkey Hunting Regulations. |
| 47 | 11G | Wild Boar Hunting Regulations. |
| 47 | 11H | General Trapping Regulations. |
| 47 | 11I | Dog Training Regulations. |
| 47 | 12A | Special Migratory Bird Hunting Regulations. |
| 47 | 13A | Special Waterfowl Hunting Regulations. |
| 47 | 14A | Special Regulations for Waterfowl Hunting Areas. |
| 47 | 21 | Special Fishing Regulations. |


John M. Ranson
Secretary

12/3/91
Date

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DEPT. OF NATURAL RESOURCES
OFFICE OF THE DIRECTOR