

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #1

Do Not Mark In this Box

**NOTICE OF PUBLIC HEARING ON A PROPOSED RULE**

AGENCY: WV Department of Natural Resources TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code §§20-2-11,

AMENDMENT TO AN EXISTING RULE: YES NO X 20-2-47, and  
20-2-48

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 23

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

Commercial Sale of Wildlife

DATE OF PUBLIC HEARING: Monday, March 7, 1988 TIME: 2:00 p.m.

LOCATION OF PUBLIC HEARING: Director's Conference Room 674  
Department of Motor Vehicles Building  
1800 Washington Street, East  
Charleston, West Virginia 25305

COMMENTS LIMITED TO: ORAL WRITTEN, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: WV DNR

Room 842

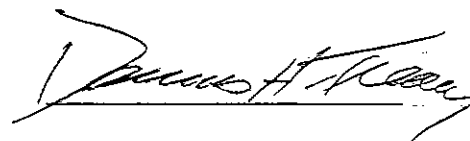
The Department requests that persons wishing to make  
comments at the hearing make an effort to submit written  
comments in order to facilitate the review of these comments.

1800 Washington St., E.

Charleston, WV 25305

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



## Form #2

13

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

# FISCAL NOTE FOR PROPOSED RULES

Rule Title: Commercial Sale of Wildlife

Type of Rule:   X   Legislative        Interpretive        Procedural

Agency: West Virginia Department of Natural Resources

Address: 1800 Washington Street East, Charleston, West Virginia 25305

| 1. Effect of Proposed Rule<br>(Estimated Total Cost) | Increase<br>\$ | ANNUAL         |               | FISCAL YEAR |                  |
|--|----------------|----------------|---------------|-------------|------------------|
|  |                | Decrease<br>\$ | Current<br>\$ | Next<br>\$  | Thereafter<br>\$ |

Personal Services

Current Expense

Repairs and Alterations

NO CHANGE

Equipment

Other

## 2. Explanation of Above Estimates:

This proposal formalizes existing licensing requirements; no new administrative expenditures are anticipated.

## 3. Objectives of These Rules:

This proposal establishes sale documentation and record keeping procedures for commercial wildlife dealers who are licensed by the Department pursuant to W. Va. Code §§20-2-47 and 20-2-48.

## 4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: NO IMPACT

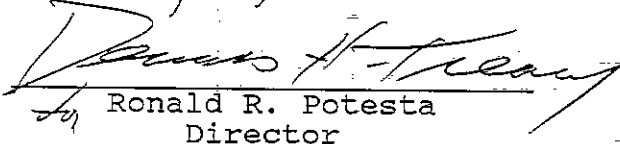
B. Economic Impact on Political Subdivisions: NO IMPACT

Economic Impact on Specific Industries: NO IMPACT

Economic Impact on Specific Groups of Citizens: NO IMPACT

C. Economic Impact on Citizens/Public at Large: NO IMPACT

Date: 2/5/88

  
 Ronald R. Potesta  
 Director

**PREAMBLE TO PROPOSED LEGISLATIVE RULE CONCERNING  
COMMERCIAL SALE OF WILDLIFE**

**REGULATIONS:** Department of Natural Resources, Series 23,  
Commercial Sale of Wildlife

**AUTHORITY:** W. Va. Code §§20-2-11, 20-2-47, and 20-2-48

**ACTION:** Proposed Rule; Notice of Hearing and Comment Period

**DATES:** A public hearing on this proposal will be held on March 7, 1988 at 2:00 p.m. in the Director's Conference Room 674, Department of Motor Vehicles Building, 1800 Washington Street, East, Charleston and written comments will be received by the Department until 4:30 p.m. on that day.

**SUMMARY:** The Department is proposing a new legislative rule to govern the sale of wildlife raised under licenses issued by the Department pursuant to Sections 20-2-47 and 20-2-48 of the West Virginia Code. This rule would establish sale documentation and record keeping procedures to be followed by persons licensed to operate private commercial game farms or private commercial fish plants, ponds, and businesses.

**CONTACT:** For further information regarding this filing, please contact Mr. Jeffrey E. Herrold, WV Department of Natural Resources, 1800 Washington Street, East, Charleston, West Virginia 25305, telephone (304) 348-2761.

\*10 TITLE 47  
LEGISLATIVE RULES  
DEPARTMENT OF NATURAL RESOURCES

SERIES 23  
COMMERCIAL SALE OF WILDLIFE

\*09 §47-23-1. General.

1.1. Scope. -- This legislative rule establishes regulations to govern the sale of wildlife raised under licenses issued by the Department pursuant to W. Va. Code §§20-2-47 and 20-2-48.

1.2. Authority. -- W. Va. Code §§20-2-11, 20-2-47, and 20-2-48.

1.3. Filing Date. --

1.4. Effective Date. --

\*09 §47-23-2. Definitions.

2.1. "Facility" means the property on which a person engages in an activity for which one of the licenses listed in Section 2.2 of these regulations is required by statute and includes, but is not limited to, buildings, enclosures, grounds, impoundments, and ponds.

2.2. "Licensee" means a person who has been granted one of the following permits and licenses issued by the Department:

2.2.1. A license for the operation of a private game preserve for the propagation of wild animals or wild birds for commercial purposes (W. Va. Code §20-2-47). This license authorizes the holder to breed or raise such animals and birds as specified by the license, to sell the same dead or alive, or to sell the eggs of birds in accordance with the provisions of these regulations.

2.2.2. A license for the operation of a private plant, pond, or business for the propagation, sale, or purchase of fish, frogs, turtles, or other forms of aquatic life for commercial purposes (W. Va. Code §20-2-48). This license authorizes the holder to breed or raise such species as specified by the license and to buy and sell the same dead or alive or the eggs thereof in accordance with the provisions of these regulations.

2.3. "Wildlife" means wild animals, wild birds, fish, frogs and other amphibians, turtles, and all forms of aquatic life used as fish bait.

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

**\*09 §47-23-3. Wildlife Acquisition.**

3.1. Wildlife held by a licensee shall have been:

3.1.1. Obtained from a person licensed by the Department to sell wildlife in this State;

3.1.2. Imported into this State under the provisions of W. Va. Code §20-2-13; or

3.1.3. Be the offspring of wildlife legally held by the licensee.

3.2. If a licensee acquires wildlife in the manner specified in Section 3.1.1 of these regulations, a bill of sale from the supplying vendor must be retained by the licensee as proof of legal acquisition.

3.3. If a licensee acquires wildlife in the manner specified in Section 3.1.2 of these regulations, the importation permit issued by the Department must be retained by the licensee as proof of legal acquisition.

3.4. If a licensee acquires wildlife in the manner specified in Section 3.1.3 of these regulations, a record must be kept by the licensee in accordance with the provisions of Section 5 of these regulations.

**\*09 §47-23-4. Wildlife Sales.**

4.1. The licensee shall provide a bill of sale to each person who purchases the licensee's wildlife. The bill of sale shall, at a minimum, contain the following information:

4.1.1. The seller's name and address;

4.1.2. The seller's license number;

4.1.3. The date of the sale;

4.1.4. The purchaser's name and address; and

4.1.5. A description of the wildlife sold, including the number of each species sold.

4.1.5.a. For sales of fish, this description shall include the number of pounds of each species sold.

**\*09 §47-23-5. Record Keeping.**

5.1. Accurate and current records of all wildlife acquisitions and sales shall be maintained by the licensee. Records on all wildlife born on the licensee's premises shall also be maintained. All records shall be either typed or written in plain and legible English and shall include the full name, address, and telephone number of each person with whom a wildlife transaction has been conducted. All records shall be maintained by the licensee at the premises housing his wildlife for a minimum period of three (3) years.

**\*09 §47-23-6. Inspections.**

6.1. A licensee's facility, records, or wildlife may be inspected by an authorized representative of the director, on a case by case basis, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions of the licensee's permit or license.