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WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

FILED
1991 OCT 15 PM 1:52
OFFICE OF WEST VIRGINIA
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: 11G

TITLE OF RULE BEING PROPOSED: Wild Boar 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: Wild Boar 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		FISCAL YEAR	
		Decrease \$	Current \$	Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations			NO CHANGE		
Equipment					
Other					

2. Explanation of Above Estimates: The purpose of these regulations is to establish provisions to be complied with when in the pursuit or taking of wild boar within 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 hunter and the public and provide proper management of wild boar within the boundaries of this State.

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.



J. Edward Hamrick III
Director

Date: August 12, 1991

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: "Wild Boar 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

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
WILD BOAR HUNTING REGULATIONS

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

REGULATIONS: Title 47, Series 11G "Wild Boar 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 establishes provisions to be complied with when hunting wild boar 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 11G
WILD BOAR HUNTING REGULATIONS

§47-11G-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is establish provisions to be complied with when in the pursuit or taking of wild boar within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§47-11G-2. Definitions.

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

§47-11G-3. Wild Boar Hunting Rules.

3.1. Provided that the hunter uses either a shotgun or a bow, the hunting of small game is permitted during the wild boar seasons in those counties, or portions thereof, designated by the commission as boar hunting areas. During this period a hunter may carry slugs and number 4 or smaller shot with a shotgun prior to killing a boar.

3.2. Boar may be legally taken during the firearms wild boar season with a bow or with a firearm using ammunition legal in West Virginia for the taking of deer.

3.3. No person may kill or wound a boar while the boar is in any stream, lake, or pond.

3.4. The use of dogs to hunt wild boar is prohibited.

3.5. Applicants for a Class P license must be at least twelve (12) years of age.

3.6. Applicants for a Class P license must choose a license for either archery wild boar hunting or firearms wild boar hunting and may not apply for both.

3.7. Applicants for a Class P license for firearms wild boar

hunting must choose a license for either the early firearms wild boar season or the late firearms wild boar season and may not apply for both.

3.8. Applications as prescribed by the director for a Class P firearms license must be complete and mailed prior to the deadline date on the application. Only one application may be submitted per individual.

3.9. A person killing a wild boar must, within twenty-four (24) hours, transport the boar to a conservation officer or an official game checking station in the County of kill for retagging.

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MEMORANDUM OF CONSENT
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA
SECRETARY OF STATE

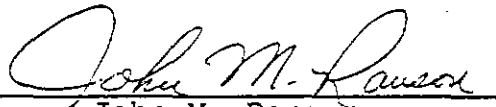
MEMORANDUM TO: J. Edward Hamrick III, Director
Division of Natural Resources

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