

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**  
Form #2

Do Not Mark In This Box

FILED

1992 JUL 28 AM 11:43

OFFICE OF THE SECRETARY OF STATE

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

AGENCY: DCL&ER, Division of Natural Resources

TITLE NUMBER: 47

RULE TYPE: Legislative;

CITE AUTHORITY § 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: \_\_\_\_\_

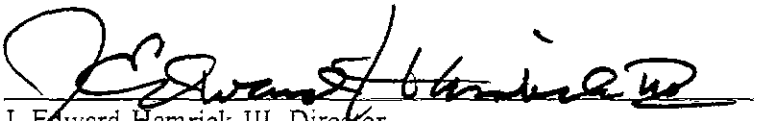
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 11H

TITLE OF RULE BEING PROPOSED: General Trapping Regulations

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 31, 1992 AT 4:00 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS Bob Miles, Chief, Division of Natural Resources, Wildlife Resources Section, Capitol Complex, Building 3, Room 812, Charleston, West Virginia 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

  
J. Edward Hamrick III, Director  
Division of Natural Resources

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL.

2-70



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES  
OFFICE OF THE SECRETARY

State Capitol, Room R-151  
Charleston, West Virginia 25305-0310  
Telephone: (304) 558-3255  
Fax No.: (304) 558-4983

GASTON CAPERTON  
Governor

JOHN M. RANSON  
Cabinet Secretary

July 22, 1992

RECEIVED  
JUL 23 1992

J. Edward Hamrick III, Director  
Division of Natural Resources  
Building 3, Room 669  
Charleston, West Virginia 25305

WATER RESOURCE SECTION

RE: Proposed Rules - Title 47, Series 11A, 11B, 11C, 11D,  
11E, 11F, 11G, 11H, 11I, 12A & 13A (Regulations relating  
to Wildlife Resources)

Dear Ed:

Pursuant to West Virginia Code §5F-2-2(a)(12), I hereby  
consent to the proposal of the rules specified above.

You may attach a copy of this letter to your filing with the  
Secretary of State as evidence of my consent.

Sincerely yours,

*John M. Ranson*  
John M. Ranson  
Cabinet Secretary

JMR:cjb  
B:RULDNR-W.RUL

FISCAL NOTE FOR PROPOSED RULE

Rule Title: General Trapping Regulations, 47 C.S.R. 11H

Type of Rule:  X  Legislative      \_\_\_ Interpretive      \_\_\_ Procedural

Agency: Division of Natural Resources

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

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$				
Personal Services	\$				
Current Expenses	\$				
Repairs & Alterations	\$		No Change		
Equipment	\$				
Other	\$				

2. Explanation of above estimates: There is no change anticipated to administrative expenses as a result of this rule.

3. Objectives of this rule: The purpose of this regulation is to establish standards that must be complied with when trapping wildlife or furbearing animals within the boundaries of this State.

4. Explanation of Overall Economic Impact of Proposed Rule.

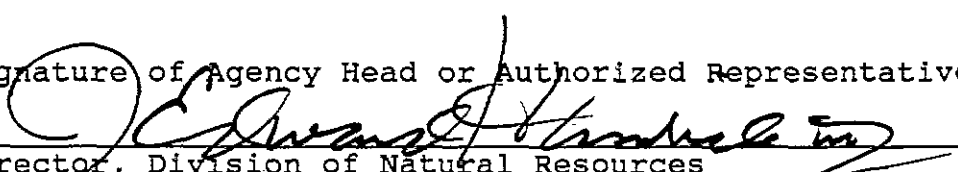
A. Economic Impact on State Government. No impact.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact

C. Economic Impact on Citizens/ Public at Large. No impact.

Date: July 27, 1992

Signature of Agency Head or Authorized Representative

  
Director, Division of Natural Resources

PREAMBLE TO A PROPOSED RULE  
CONCERNING  
GENERAL TRAPPING REGULATIONS

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

**REGULATION:** Title 47, Series 11H, "General Trapping Regulations."

**ACTION:** Filing of a thirty day Public Comment Period Notice for the proposed rule.

**SUMMARY:** The purpose of this regulation is to establish standards that must be complied with when trapping wildlife or furbearing animals within the boundaries of this State.

Written comments received prior to 4:00 pm August 31, 1992 will be accepted. Written comments should be sent to:

Bob Miles, Chief  
Division of Natural Resources  
Wildlife Resources Section  
Capitol Complex  
Building 3, Room 812  
Charleston, West Virginia 25305

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

SERIES 11H  
GENERAL TRAPPING REGULATIONS

§ 47-11H-1. General.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish standards that must be complied with when trapping wildlife or furbearing animals within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. --

§ 47-11H-2. Definitions.

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

§ 47-11H-3. General Trapping Rules.

3.1. Trapping is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

3.1.1. Federal regulations prohibit trapping in Harpers Ferry National Historical Park and on federally-owned land within the boundaries of the New River Gorge National River.

3.2. A trapping permit is required for State Wildlife Management Areas. This permit may be obtained from the district game biologist in the district in which the State Wildlife Management Area is situated.

3.3. All traps set during the month of February must be water sets only for the taking of beaver, mink, or muskrat.

3.4. All traps must be checked and tended each calendar day.

3.5. Foot snares are legal when the snare loop is at and horizontal to ground level and does not exceed six and one-half (6-1/2) inches in diameter.

3.6. It is illegal to use or set deadfalls for taking

wildlife.

3.7. It is illegal to set or maintain any trap or trapping device on human foot trails or livestock paths.

3.8. It is illegal to set or use traps with an open jaw spread of more than six and one half (6-1/2) inches unless such trap is used under water for beaver.

3.9. It is illegal to use conibear or mohawk type traps for terrestrial trapping. Conibear or mohawk type traps may be used in water sets.

3.10. It is illegal to set or maintain neck or body gripping snares or spring pole snares for terrestrial trapping. Neck or body-gripping snares may be used in water sets.

3.11. It is illegal to use steel jaw traps with any teeth on or attached to them.

3.12. It is illegal to set or maintain any trap, trap set, or snare upon any tree, post, or other natural or man-made object at any point more than three (3) lineal feet from the surface of the earth (whether such surface is water, soil, or rock) measured at a right angle from the surface to the trap or trap set, except as provided in Section 3.13 of these regulations.

3.13. The provisions of Section 3.12 of these regulations do not apply to traps or trap sets that are set or maintained on natural earthen mounds, such as ant hills or muskrat houses, that were constructed without human assistance.

3.14. It is illegal to use animal or bird carcasses, or parts thereof, to lure an animal to a trap set unless such carcasses, or parts thereof, are completely covered and concealed from sight.

3.15. It is illegal to take beaver, fisher, mink, or muskrat by any means other than by trap.

3.16. It is illegal to have in one's possession an untagged bobcat, or fisher hide, or parts thereof, longer than thirty (30) days following the close of the respective trapping season.

3.17. Should any person unintentionally trap and kill more than the limit fixed by Title 47, Series 11 of the Code of State Regulations, "Hunting and Trapping Regulations" (47 C.S.R. 11), as a season possession limit, he must within twenty-four (24) hours thereafter deliver the excess animals to a conservation officer.

3.18. Each trapper must present bobcat or fisher pelts to an official game checking station or a representative of the Department within thirty (30) days after the close of the trapping

season for that animal. A tag provided by the division must be affixed to each bobcat or fisher pelt and remain attached to the skin until such skin has been sold, tanned, or mounted.