

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

Form #3

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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: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY § 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

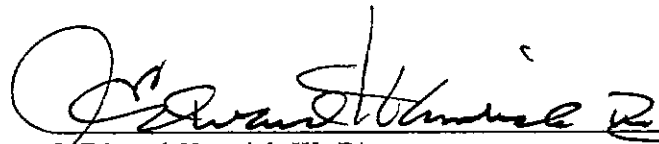
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

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

TITLE OF RULE BEING PROPOSED: General Trapping Regulations

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.


Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

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

Type of Rule: Legislative Interpretive Procedural

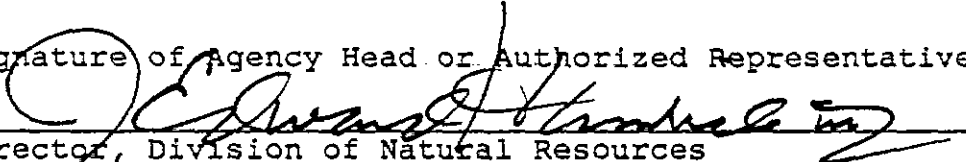
Agency: Division of Natural Resources

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

DATE:

TO: Legislative Rule-Making Review Committee

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

LEGISLATIVE RULE TITLE: General Trapping Regulations

1. Authorizing statute (s) citation: 20-1-7(30)
- 2.a. Date filed in State Register with Notice of Hearing: July 28, 1992 (Written Comments Only)
- 2.b. What other notice, including advertizing, did you give of the hearing?
None
- 2.c. Date of hearing (s): N/A
- 2.d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments:
Attached: _____ No comments received X
- 2.e. Date agency approved proposed Legislative Rule filed in State Register following public hearing:
- 2.f. Name and telephone of agency contact: Jim Ruckel, 558-2771
3. If the statute under which the rule was promulgated and submitted requires certain finding and determinations to be made as a condition precedent to their promulgation:
 - 3.a. Date on which a notice of the time and place of hearing for the taking of evidence and a general description of the issues to be decided was filed in the State Register:
N/A
 - 3.b. Date of hearing: N/A
 - 3.c. Date the required findings and determinations together with reasons therefor were filed in the State Register: N/A
 - 3.d. Findings and determinations, and reasons (attached).

PREAMBLE TO A PROPOSED RULE

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CONCERNING

1992 SEP -9 AM 10:17

GENERAL TRAPPING REGULATIONS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

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

SUMMARY: The proposed rule received no written comments prior to 4:00 p.m., August 31, 1992.

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

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SERIES 11H
GENERAL TRAPPING REGULATIONS

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§ 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.