

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

FILED
1991 AUG 20 AM 9:30
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Department of Commerce, Labor
and Environmental Resources,
AGENCY: Division of Natural Resources TITLE NUMBER: 47
RULE TYPE: Legislative; CITE AUTHORITY West Virginia Code §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 NEW RULE BEING PROPOSED: 11H

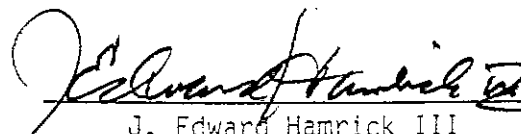
TITLE OF RULE BEING PROPOSED: General Trapping Regulations

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 September 20, 1991 AT 4:30 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING
ADDRESS.

DNR Rule Comments
State Capitol Complex
Building 3 Room 712
Charleston, West Virginia 25305

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



J. Edward Hamrick III
Director

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: General Trapping Regulations.

1991 AUG 20 AM 9 39

Type of Rule: XX Legislative Interpretive Procedural
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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					
Equipment					
Other					

NO CHANGE

2. Explanation of Above Estimates: The purpose of these regulations is to establish standards that must be complied with when trapping wild game 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 for the safety of the public and the proper management of the State's wildlife resources.

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

PREAMBLE TO A PROPOSED RULE CONCERNING
GENERAL TRAPPING REGULATIONS

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

REGULATIONS: Title 47, Series 11H "General Trapping Regulations"

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

ACTION: Notice of thirty-day comment period on a proposed rule.

SUMMARY: Today's filing proposes a new rule that establishes rules that must be followed when trapping wild game within the boundaries of this State. This Rule incorporates the provisions of Title 47, Series 11 "Hunting and Trapping Regulations" that were filed on August, 13, 1990. Comments on this Rule can be sent to: DNR Rule Comments, State Capitol Complex, Building 3, Room 712, Charleston, West Virginia 25305. The comment period will end on September 20, 1991 at 4:30 p.m.

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

FILED

AM 9 39

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 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 "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.