



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

ARCH A. MOORE, JR.  
Governor

August 7, 1986

RONALD R. POTESTA  
Director

MICHAEL A. FOTOS  
Deputy Director

NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Procedures for Transporting and Dealing in Furbearing Animals, West Virginia Administrative Regulations, Chapter 20, Article 2, Series IV-D

The attached legislative rule constitutes the official rule approved by the West Virginia Department of Natural Resources on the 7th day of August, 1986 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rulemaking Review Committee.

Ronald R. Potesta  
Director

OFFICE OF THE SECRETARY OF STATE

AUG 7 1986 7 PM 1:56

FILED



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CHARLESTON 25306

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The Honorable Ken Hechler  
Secretary of State  
Capitol Complex, Suite 157-K  
Charleston, West Virginia 25305

Re: Filing of Approved Rules  
(Procedures for Transporting  
and Dealing in Furbearing  
Animals, Series IV-D) and  
Response to Comments

Dear Mr. Hechler:

Enclosed please find for your filing a copy of approved amendments to the legislative rules of the Department of Natural Resources and a Response to Comments.

If you have any questions concerning this filing, please contact Mr. Jeffrey E. Herrold, Director's Office of Regulatory Affairs, at 348-2761.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Potesta".

Ronald R. Potesta  
Director

RRP/jhb

Enclosures

cc: Legislative Rulemaking Review Committee

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedures for Transporting and Dealing  
in Furbearing Animals

Type of Rule:  X  Legislative            Interpretive            Procedural

Agency: Department of Natural Resources

Address: 1800 Washington Street East, Building 3, Charleston, WV 25305

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL		Current \$	FISCAL YEAR	
	Increase \$	Decrease \$		Next \$	Thereafter \$
Personal Services					
Current Expense					
Repairs and Alterations					NO CHANGE
Equipment					
Other					

2. Explanation of Above Estimates:

All expenditures related to the approved rule are covered under the existing Department budget and staffing.

3. Objectives of These Rules:

The approved rule will (a) provide a more accurate measurement of the annual take of furbearing animals trapped in the State; (b) prevent overkill of furbearing species; and (c) assure that non-resident trapping does not adversely impact upon the trapping take of West Virginia residents.

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:

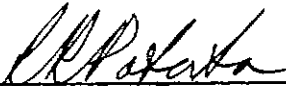
(1) Positive impact upon West Virginia trappers due to increased Department ability to prevent species overkill and monitor nonresident trapping take

(2) Minor impact upon individuals who ship raw furs, pelts, or skins

(3) No new impact upon fur dealers

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

Date: August 7, 1986



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Ronald R. Potesta  
Director

DATE: August 7, 1986  
TO: LEGISLATIVE RULEMAKING REVIEW COMMITTEE  
FROM: Ronald R. Potesta, Director, Department of Natural Resources  
LEGISLATIVE RULE TITLE: Procedures for Transporting and Dealing  
in Furbearing Animals

1. Authorizing statute(s) citation:

Section 20-2-12 of the West Virginia Code

2. a. Date filed in State Register with Notice of Hearing:

June 11, 1986

b. What other notice, including advertising, did you give of the hearing?

An official Department News Release was sent to all West Virginia newspapers, radio stations, and television stations as well as to outdoor sportswriters in West Virginia and surrounding states.

c. Date of hearing(s): July 14, 1986

d. Attach list of persons who appeared at hearing, comments received, amendments, and reasons for amendments.

Attached \_\_\_\_\_ No comments received X

e. Date you filed in State Register the agency approved proposed Legislative Rule following the public hearing(s): (be exact)

August 7, 1986

f. Name and phone number of agency person to contact for additional information:

Mr. Jeffrey E. Herrold  
Director's Office of 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:

NOT APPLICABLE

- 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.

- b. Date of hearing: \_\_\_\_\_

- c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

- d. Attach findings and determinations and reasons:

Attached \_\_\_\_\_

PREAMBLE FOR A LEGISLATIVE RULE  
RELATING TO TRANSPORTING AND  
DEALING IN FURBEARING ANIMALS

PROGRAM: Trapping.

REGULATIONS: West Virginia Code, Chapter 20, Article 2,  
Procedures for Transporting and Dealing in Furbearing Animals  
(Series IV-D).

AUTHORITY: West Virginia Code, Chapter 20, Article 2,  
Section 12 and Chapter 29A, Article 3.

ACTION: Approved Rule

TOPIC: Regulation of the shipping of raw furs, pelts, and  
skins of furbearing animals taken in the State of West  
Virginia.

SUMMARY: The Department is approving a rule concerning the  
procedures that must be followed by individuals who transport  
or receive raw furs, pelts, or skins of furbearing animals  
taken in the State. The information gained from the shipping  
tags and fur dealer transaction reports mandated by this rule  
is vital to the Department in order to:

- (1) provide a more accurate measurement of the annual take of  
furbearing animals trapped in the State;
- (2) prevent an overkill of any furbearing species; and
- (3) assure that nonresident trapping does not adversely  
impact upon the trapping take of West Virginia residents.

PROMULGATION HISTORY: A proposed and an emergency rule were  
filed on June 11, 1986 with the Secretary of State. Public  
hearings were held on July 14, 1986 at the following  
locations: Charleston, Elkins, Fairmont, French Creek,  
MacArthur, Parkersburg, Point Pleasant, and Romney. The  
comment period ended on July 14, 1986 at 5:00 p.m.

RESPONSE TO COMMENTS: No substantive comments, either oral or written, were received regarding the wording or content of the proposed rule. No one voiced opposition to the adoption of this rule at any of the eight public hearings held by the Department. Several individuals and one county trappers association did express support for rule adoption.

Minor changes have been made in the proposed rule for increased clarity, as indicated on page 3, and rule sections have been subdivided to conform to the format stipulated by the Secretary of State.

WEST VIRGINIA LEGISLATIVE RULE  
DEPARTMENT OF NATURAL RESOURCES  
CHAPTER 20-2  
SERIES IV-D

FILED  
1986 AUG -7 PM 1:56  
OFFICE OF THE SECRETARY OF STATE

Title: Procedures for Transporting and Dealing  
in Furbearing Animals

Section 1. General

1.1 Scope and Purpose

The purpose of this rule is to regulate the shipping of raw furs, pelts, and skins of furbearing animals taken in the State of West Virginia.

1.2 Authority

This rule is approved under the authority of Chapter 20, Article 2, Section 12 of the West Virginia Code.

1.3 Filing Date

This rule was filed in the Office of the Secretary of State on August 7, 1986.

Section 2. Procedures

2.1 Shipping Tags

A person may not ship, transport, or carry by any means any raw furs, pelts, or skins of any wild furbearing animal taken within the State to a point outside of the State unless such shipment has a special free shipping tag visibly attached. Shipping tags must be obtained from the Department of Natural Resources. One part of the tag shall be attached to the outside of the package or container and the other part completed and returned to the Department of Natural Resources within 24 hours of shipping the shipment of the furs, pelts, or skins out of the state.

2.2 Fur Dealer Reporting

The dealer or buyer of raw furs, pelts, or skins of furbearing animals in this State shall prepare and send to the Director of the Department of Natural Resources a completed fur dealer transaction report as provided by and--required--by--the ~~Director, the Department of Natural Resources.~~