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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: Bureau of Commerce, Div. of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

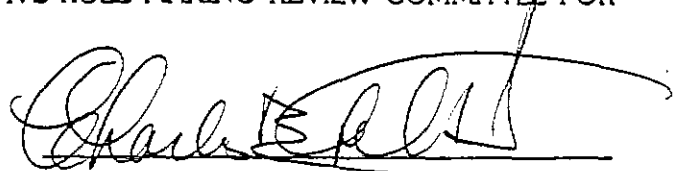
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11B

TITLE OF RULE BEING AMENDED: Prohibitions When Hunting and Trapping

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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.



Circumstances Concerning Changes to
PROHIBITIONS WHEN HUNTING AND TRAPPING

Agency: Department of Commerce, Division of Natural Resources

Rule: Title 58, Series 11B, Prohibitions When Hunting and Trapping

Circumstance: Due to an inadvertent deletion the rule does not specify when an area is considered to be baited, therefore the definition of baiting is incomplete.

Removes prohibitions against hunting with certain firearms between one-half hour after sunset and one-half hour before sunrise.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Prohibitions When Hunting and Trapping
 Type of Rule: X Legislative Interpretive Procedural
 Agency: Division of Natural Resources
 Address: State Capitol Complex
Building 3, Room 812
1900 Kanawha Blvd.
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER (LICENSE FEES)					

2. Explanation of above estimates:
N/A

3. Objectives of these rules:
Establishes the general provisions applicable to hunting and trapping

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impacts on State government.
None

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.
None

C. Economic Impact on citizens/Public at Large.
None

Date: 6/5/95

Charles B. Felton, Jr.
 Director

DATE: July 31, 1995.

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Charles B. Felton, Jr.

LEGISLATIVE RULE TITLE: Prohibitions When Hunting and Trapping

1. Authorizing statute(s) citation 20-1-7(30)

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

June 6, 1995

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

Statewide news release explaining rule and availability for review

c. Date of Hearing(s) N/A

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

Attached _____ No comments received X

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

July 31, 1995

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

Gordon C. Robertson, Deputy Chief

Wildlife Resources, Division of Natural Resources

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:

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.

N/A

b. Date of hearing: N/A

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

N/A

d. Attach findings and determinations and reasons:

Attached N/A

Summary of a Proposed Rule Concerning
PROHIBITIONS WHEN HUNTING AND TRAPPING

The proposed rule the establishes the general provisions applicable to hunting and trapping. Changes in the proposal establish: the species that may not be taken by the aid of baiting and describes when an area is considered to be baited; and removes prohibitions against hunting with certain firearms between one-half hour after sunset and one-half hour before sunrise.

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 11B
PROHIBITIONS WHEN HUNTING AND TRAPPING

§58-11B-1. General.

1.1. Scope and Purpose. -- This rule establishes prohibitions in the pursuit or taking of wildlife within the boundaries of this State.

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

1.3. Filing Date. --

1.4. Effective Date. -- -

§58-11B-2. Definitions.

2.1. All terms have the meaning prescribed in the rule defining the terms to be used concerning all Hunting and Trapping Regulations (47 C.S.R.11A).

§58-11B-3. Prohibitions.

3.1. Hunting 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 hunting in Harpers Ferry National Historical Park.

3.2. Notwithstanding the provisions of W. Va. Code §20-2-5(2), woodchucks may be controlled by digging them out, cutting them out or smoking them out on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant.

3.3. Except as provided in Subdivisions 3.3.1 and 3.3.2 of this rule, it is illegal to use poisons, chemicals, or explosives in

taking any furbearing animal, game animal, game bird, protected bird, or protected mammal.

3.3.1. Woodchucks may be controlled by poison, chemical or explosives on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant during the period commencing each year on April 1 and ending on September 30.

3.3.2. Redwing blackbirds, grackles, pigeons, starlings, brownheaded cowbirds and English sparrows may be controlled by chemicals registered with the West Virginia Department of Agriculture and the United States Environmental Protection Agency when prescribed and authorized by the director in writing. Authorized users must follow avicide label instructions and take all possible precautions in order to protect nontarget species of wildlife.

3.4. It is illegal to hunt from, or by means of, a motorized watercraft unless the motor has been completely shutoff and the watercraft's progress from the motor has ceased.

3.5. It is illegal to hunt, catch, take, kill, injure, or pursue a wild animal or wild bird by means of falconry or hawking.

3.6. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.7. It is illegal to catch, capture, take, or kill, or attempt to do so, by seine, net, bait, trap, deadfall, snare, or like device of any kind, any ~~deer~~ bear, migratory bird, protected bird, protected mammal, or wild boar.

3.7.1. No person may take, or attempt to do so, the species under Subsection 3.7 of these regulations, by the aid of baiting. The Director considers an area to be baited for 10 days after the removal of the bait.

3.8. It is illegal for a person to have in his or her possession solid ball ammunition and lead or steel shot larger than No. 4 during the muzzleloading season, except for those persons legally hunting bear or legally hunting deer with a muzzleloader

firearm. The use of .22 caliber rimfire for small game hunting is legal during the muzzleloading season.

3.9. No person may use tree stands, except for portable tree stands, on public lands.

3.10. No person may transport wildlife or parts thereof, which were killed by another hunter unless the wildlife is accompanied by a paper or tag filled out in plain English bearing the following information from the hunter killing the wildlife:

3.10.1. The hunter's signature, address, hunting license number (if required), official game checking tag number (if required), date of kill, species, number, and/or quantity of wildlife.

3.11. It is illegal for any person to feed bears.

~~3.12. It is illegal to hunt between ½ hour after sunset to ½ hour before sunrise with a bow or centerfire firearm or any firearm using larger than .22 caliber rimfire ammunition or shotguns using solid ball ammunition or shot shell containing larger than No. 4 shot.~~

DNR

West Virginia
Division of
Natural Resources

CHARLES B. FELTON, JR.
Director

WILDLIFE RESOURCES
State Capitol Complex
Building 3, Room 812
1900 Kanawha Boulevard, E.
Charleston, West Virginia 25305-0664

Equal Opportunity Employer



GASTON CAPERTON
Governor

Administration
(304) 558-3315
FAX (304) 558-2768

Law Enforcement
(304) 558-2783
FAX (304) 558-1170

Parks and Recreation
(304) 558-2764
FAX (304) 558-0077

Wildlife Resources
(304) 558-2771
FAX (304) 558-3147

Conservation Education and Litter Control
(304) 558-3370
FAX (304) 558-2768

Public Information
(304) 558-3380
FAX (304) 558-2768

Real Estate Management
(304) 558-3225
FAX (304) 558-3680

Wonderful West Virginia Magazine
(304) 558-9152
FAX (304) 558-2768

July 17, 1995

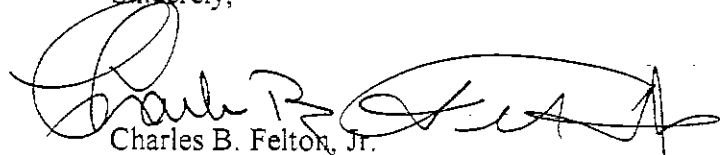
Ms. Judy Cooper, Director
Administrative Law Division
Building 1 Suite 157K
Charleston, WV 25305-0771

Dear Ms. Cooper:

The Division of Natural Resources wishes to withdraw the Emergency Rule for Title 58, Series 11B, entitled Prohibitions When Hunting and Trapping. This Emergency Rule was filed June 6, 1995.

Your approval of this request is appreciated.

Sincerely,


Charles B. Felton, Jr.
Director

CBF:grm

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

JUL 17 2 13 PM '95

FILED

 **West Virginia
Make It Shine**



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

FILED

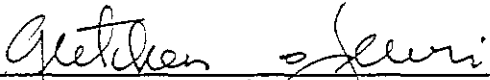
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Gaston Caperton
Governor

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
Gretchen O. Lewis
Secretary

O R D E R

According to the provisions of Section 9.8 of Fees for Services, 64 CSR 51, the Division of Health hereby approves and files with the Secretary of State the attached schedule of fees for services to be charged by the Brooke County Board of Health. These fees should be incorporated as Appendix §64-51-5.6 of the rule.



Gretchen O. Lewis, Secretary
Department of Health and Human Resources

FILED

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PERMITS AND FEES
Effective July 1, 1995

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FOOD

Food Service Establishment Permit		
Food Service Workers Card (By local rule) -		
1 year card	\$	5.00
3 year card		15.00
Mobile Food Unit Permit - potentially hazardous food only		50.00
Retail Food Store Permit -		
\$25.00 per checkout (maximum of \$150.00)		
Temporary Food Service Permit (per unit)		10.00
Vending Machine Permit - potentially hazardous food only		25.00

See Chart A

HOUSING

Child Care Center Permit		25.00
Home Loan Water or Sewer Evaluation		35.00
Hotel/Motel Permit		See Chart A
Mobile Home Park Permit		See Chart A
Tattoo Parlor		200.00

RECREATION

Organized Camp Permit		75.00
Swimming Pool and Bathing Beach Permit		50.00
Tent and Travel Trailer Camp		See Chart A

SEWAGE

Sewage System Permit -		
New, modify, home aeration unit or alternative system		100.00
Septic Tank Only		50.00
Sewage Tank Cleaning Truck Permit (5 yr)		50.00
Subdivisions		See Chart B

WATER

Water Well Permit (new/repair or abandon)		50.00
Water Well Sampling		10.00

CHART A

Seats, rooms, lots or spaces	
0-35	\$ 50.00
36-75	100.00
76-over	150.00

CHART B

Subdivision Lots	
1-5	\$ 50.00
6-10	100.00
11-14	150.00

64 CSR 51

Appendix 64-51-5-6. Brooke County Board of Health

ENVIRONMENTAL HEALTH PROGRAM FEE FOR SERVICE SCHEDULE

Effective July 1, 1995 (As Necessary)

SERVICE - \$25 per hour (minimum of 1 hour)

Plan Review
Talks
Animal Bite Investigation/Follow-up
Complaint Investigation/Follow-up
Indoor Air Pollution Investigation
Solid Waste Investigation
Vector Control Investigation
Food Service Inspections
Mobile/Vending Inspection/Follow-up
Retail Food Inspections
Temporary Food Inspection
Care Facility Inspection
Child Care Inspection
Institution Inspection
Mobile Home Park Inspection
Hotel/Motel Inspections
School Physical Inspection
Campground Inspection
Organized Camp Inspection
Pool/Bathing Beach Inspection
Alternative Sewage System Presite/Inspection
Home Aeration System Presite/Inspection
Package Treatment Plant/Pond (Subdivisions, Mobile Home Park, Public or Private Facilities)
Septic Tank System Presite/Inspection
Septic Tank Cleaning Truck/Inspection

SAMPLE/SPECIMEN - \$10 per sample/specimen

Animal Bite - Specimen
Pool/Bathing Beach Water Sample
Water Samples Taken From Permitted Establishments

OTHER

Field Visit - \$25 per hour (minimum of 1 hour)
Lead Testing - \$25 per hour (minimum of 6 hours or by contract)
Travel - \$.285 per mile

Appendix 64-51-5. Local Board of Health Fees

- Appendix 5.1. Barbour County Board of Health [Reserved]
- 5.2. Beckley-Raleigh Board of Health
- 5.3. Berkeley County Board of Health [Reserved]
- 5.4. Boone County Board of Health [Reserved]
- 5.5. Braxton County Board of Health [Reserved]
- 5.6. Brooke County Board of Health
- 5.7. Cabell-Huntington Board of Health [Reserved]
- 5.8. Clay County Board of Health
- 5.9. Doddridge County Board of Health [Reserved]
- 5.10. Fayette County Board of Health [Reserved]
- 5.11. Gilmer County Board of Health [Reserved]
- 5.12. Grant County Board of Health
- 5.13. Greenbrier County Board of Health
- 5.14. Hampshire County Board of Health [Reserved]
- 5.15. Hancock County Board of Health [Reserved]
- 5.16. Hardy County Board of Health [Reserved]
- 5.17. Harrison-Clarksburg Board of Health [Reserved]
- 5.18. Jackson County Board of Health
- 5.19. Jefferson County Board of Health [Reserved]
- 5.20. Kanawha-Charleston Board of Health
- 5.21. Lewis County Board of Health [Reserved]
- 5.22. Lincoln County Board of Health
- 5.23. Logan County Board of Health [Reserved]
- 5.24. Marion-Fairmont Board of Health [Reserved]
- 5.25. Marshall County Board of Health
- 5.26. Mason County Board of Health
- 5.27. McDowell County Board of Health
- 5.28. Mercer County Board of Health
- 5.29. Mid-Ohio Valley Board of Health
- 5.30. Mineral County Board of Health
- 5.31. Mingo County Board of Health
- 5.32. Monongalia County Board of Health
- 5.33. Monroe County Board of Health
- 5.34. Morgan County Board of Health [Reserved]
- 5.35. Nicholas County Board of Health
- 5.36. Pendleton County Board of Health
- 5.37. Pocahontas County Board of Health [Reserved]
- 5.38. Preston County Board of Health
- 5.39. Putnam County Board of Health [Reserved]
- 5.40. Randolph-Elkins Board of Health
- 5.41. Summers County Board of Health
- 5.42. Taylor-Grafton Board of Health [Reserved]
- 5.43. Tucker County Board of Health [Reserved]
- 5.44. Upshur-Buckhannon Board of Health [Reserved]
- 5.45. Wayne County Board of Health [Reserved]
- 5.46. Webster County Board of Health [Reserved]
- 5.47. Wetzel-Tyler Board of Health
- 5.48. Wheeling-Ohio Board of Health [Reserved]
- 5.49. Wyoming County Board of Health [Reserved]