

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #2

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2007 JUN -5 AM 10: 03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DOC, Division of Natural Resources, Wildlife Resources Section TITLE NUMBER: 58

RULE TYPE: Legislative CITE AUTHORITY: 20-1-7(30) and 20-2-50

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 42

TITLE OF RULE BEING AMENDED: Wildlife Scientific Collection Permit

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 July 5, 2007 AT 3:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor, Chief

Division of Natural Resources
Wildlife Resources Section

1900 Kanawha Blvd., E.
Capitol Complex, Bldg. 3, Room 842

Charleston, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

**TITLE 58
LEGISLATIVE RULES
DIVISION OF NATURAL RESOURCES**

**SERIES 42
WILDLIFE SCIENTIFIC COLLECTING PERMIT**

CIRCUMSTANCE

Series 42, Wildlife Scientific Collecting Permit is being amended so that a fee can be assessed for the processing of the permits.

**TITLE 58
LEGISLATIVE RULES
DIVISION OF NATURAL RESOURCES**

**SERIES 42
WILDLIFE SCIENTIFIC COLLECTING PERMIT**

SUMMARY

Scientific Collecting Permits are required by individuals wishing to collect or handle wildlife in West Virginia for scientific purposes. This legislation allows the WVDNR to monitor what wildlife is being affected by collecting, and to stipulate methodologies to be used by the permit holder to prevent over-collection of or unnecessary harm to wildlife in the state. An annual fee will be charged to consultants and out-of-state researchers in order to off-set the cost of issuing the permits.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 58CSR42 Wildlife Scientific Collecting Permit

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources

Address: 1900 Kanawha Boulevard, East
Capital Complex, Bldg. 3
Charleston, WV 25305

Phone Number: 304-558-2754 Email: stevebrown@wvdnr.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

Scientific Collecting Permits are required by individuals wishing to collect or handle wildlife in West Virginia for scientific purposes. This legislation allows the WVDNR to monitor what wildlife is being affected by collecting, and to stipulate methodologies to be used by the permit holder to prevent over-collection of or unnecessary harm to wildlife in the state. An annual fee will be charged to consultants and out-of-state researchers in order to off-set the \$11,278 annual cost of issuing the permits. The impact of implementation of the rule will be to increase the gross revenues of state government by \$23,100 annually, thus offsetting current and projected future costs of permit issuance.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	11,278.00	11,616.00	11,964.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	23,100.00	23,100.00

Rule Title: 58CSR42 Wildlife Scientific Collecting Permit

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

Currently, no fee is assessed for a Scientific Collecting Permit. The purpose of the rule is to assess a fee to generate revenues offsetting the cost of issuance.

Cost of issuing Scientific Collecting Permits to the WVDNR:

Average cost per hour for Permit Coordinator = \$18.16

Average cost per hour for clerical staff = \$10.69

Approximate hours required by Permit Coordinator per year = 400

Approximate hours required by clerical staff per year = 14

Postage (average of 270 permits @ \$0.39) = \$105.30

Average total cost to WVDNR = $(\$18.16 \times 400) + (\$10.69 \times 14) + \$105.30 = \7518.96

Annual cost including overhead = $(\$7518.96 + 50\%) = \$11,278.44$

Costs in subsequent fiscal years are expected to rise due to inflation

Revenue Calculations (based on permits issued during 2006)

Consultants (111 permits @ \$200.00) = \$22,200.00

Out-of-state researchers (36 permits @ \$25.00) = \$900.00

In-state academics, non profits (126 permits @ no cost)

Total revenue = \$23,100.00

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 6/4/07

Signature of Agency Head or Authorized Representative



TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

FILED

2007 JUN -5 AM 10: 03

SERIES 42
WILDLIFE SCIENTIFIC COLLECTING PERMIT

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§58-42-1. General

1.1. Scope and Purpose. -- This legislative rule establishes procedures and requirements for the application and issuance of scientific collecting permits.

1.2. Authority. -- W. Va. Code "20-1-7(30) and 20-2-50.

1.3. Filing Date. -- ~~May 10, 1996.~~

1.4. Effective Date. -- ~~May 10, 1996.~~

§58-42-2. Definitions

2.1. "Director" means the Director of the Division of Natural Resources.

2.2. "Division" means the West Virginia Division of Natural Resources.

2.3. All other terms have the meaning prescribed in W.Va. Code §20-1-2.

§58-42-3. Application

3.1. An applicant for a wildlife scientific collecting permit shall submit an application to the Director or his or her designated representative on the form(s) prescribed by the Director.

3.2. The application form shall contain the following information:

3.2.1. The name, address and telephone number of the applicant;

3.2.2. The applicant's institutional affiliation, if any;

3.2.3. The applicant's profession;

3.2.4. The specific manner of collection, collection dates and collection locations;

3.2.5. The purpose for which specimens are to be collected;

3.2.6. The disposition of collected specimen; and

3.2.7. A listing of species and numbers of species to be collected.

§58-42-4. Conditions of Issuance, Denial, and Revocation

4.1. The Director shall determine if an applicant possess the appropriate educational and professional experience to collect and handle wildlife designated on the permit.

4.2. Permits shall not be issued for the purpose of killing deer or bear.

4.3. The Director may place restrictive provisions on the permit to minimize the unnecessary loss of the State=s wildlife. These restrictions may include.

4.3.1. Limitations on species and/or the number of individuals to be taken;

4.3.2. Limitations on the manner and/or equipment used to take wildlife; and

4.3.3. Limitations on the locations and/or time of year of collections;

4.4. The Director may deny a permit based on:

4.4.1. Inappropriate conduct of the applicant including but not limited to past or current violations of federal or state wildlife laws or rules or regulations;

4.4.2. Past noncompliance of the applicant with permit provisions; and

4.4.3. The current population status of wildlife to be collected, such as federally threatened or endangered species, or other conditions which necessitate a ban or limitation of any taking.

4.5. The Director may revoke any permit for the following reasons:

4.5.1. A permittee's noncompliance with permit provisions;

4.5.2. Violation(s) of state or federal laws or rules or regulations by the permittee; or

4.5.3. For good cause.

4.6. The permittee must contact the Division - Law Enforcement Section prior to initiating the taking of wildlife within the time period shown on the permit if notice is required as a condition of the permit.

4.7. The permittee must contact the Division - Wildlife Resources personnel within the time period shown on the permit, if contact is required as a condition of the permit.

4.7.1. The Division - Wildlife Resources Section contact listed on the permit shall be notified by the permittee within twenty-four (24) hours of the occurrence of any unexplained deaths occurring in wildlife captured or held under his or her permit.

4.7.2. The Division of Natural Resources - Wildlife Resources Section contact listed on the permit shall be notified by the permittee within twenty-four (24) hours of the occurrence of any diseased wildlife captured or held under his or her permit.

§58-42-5. Permit Length

5.1. The Director shall determine the length of the permit, but no permit will be issued which extends beyond the end of the calendar year.

§58-42-6. Record Keeping and Reporting

6.1. The permittee must submit a report on forms prescribed by the Director to the Wildlife Resources Section no later than forty-five (45) days after the termination date of the permit.

§58-42-7. Penalties

7.1. Any person who fails to obtain a scientific wildlife collecting permit or to comply with any of the provisions of the permit is subject to the penalties as prescribed in W. Va. Code '20-7-9.

§58-42-8. Fees

8.1. The annual fees for scientific collecting permits are as follows:

8.1.1. Consultants - \$200.00

8.1.2. Out-of-state academics or students - \$25.00

8.1.3. In-state academics or students – No fee

8.1.4. Falconers - \$25.00

8.1.5. State agencies (in- or out-of-state), federal government, non-profit groups –
No fee

8.2. Fees shall accompany the application.