

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

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SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: DOC, DNR, Wildlife Resources Section TITLE NUMBER: 58

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 42

TITLE OF RULE BEING AMENDED: Wildlife Scientific Collecting Permit

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4255

SECTION 64-10-3(e), PASSED ON March 7, 2008

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: March 27, 2008


Authorized Signature

\$3.00

**TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 42
WILDLIFE SCIENTIFIC COLLECTING PERMIT**

Filed June 5, 2007 -- Form 2 -- Notice of a Comment Period on a Proposed Rule

Filed July 19, 2007 -- Form 3 -- Notice of Agency Approval of a Proposed Rule
And Filing with the Legislative Rule-Making Review Committee

Filed November 5, 2007 -- Form 4 -- Notice of Rule Modification of a Proposed Rule

TITLE 58
LEGISLATIVE RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES

MAR 25 AM 9:46

SERIES 42
WILDLIFE SCIENTIFIC COLLECTING PERMIT

MAR 25 AM 9:46

§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. -- March 25, 2008

1.4. Effective Date. -- March 25, 2008

§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 forms 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 specimens; and

3.2.7. A listing of the 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. The Director shall not issue permits 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 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 of state or federal laws or rules or regulations by the permittee; or

4.5.3. For good cause.

4.6. The permittee shall 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 shall 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 permittee shall notify the Division - Wildlife Resources Section contact listed on the permit 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 permittee shall notify the Division of Natural Resources - Wildlife Resources Section contact listed on the permit 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 may not issue a permit which extends beyond the end of the calendar year.

§58-42-6. Record Keeping and Reporting

6.1. The permittee shall 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; and
- 8.1.5. State agencies (in- or out-of-state), federal government, non-profit groups – No fee

8.2. Fees shall accompany the application.