

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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1995 JUL 31 PM 4:09

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), & 20-2-50

AMENDMENT TO AN EXISTING RULE: YES NO

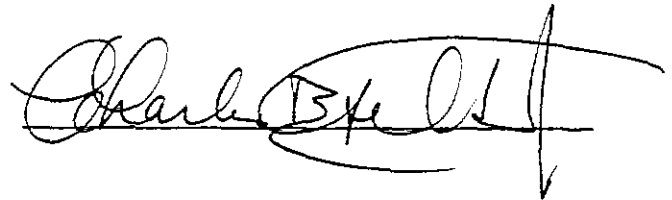
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Wildlife Scientific Collecting Permit

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
Wildlife Scientific Collecting Permits

Agency: Bureau of Commerce, Division of Natural Resources

Rule: Title 58, Series 2, "Wildlife Scientific Collecting Permit"

Circumstances: Pursuant to Senate Bill 434, the proposed rule establishes the requirements under which researchers may collect and/or hold fish and wildlife.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Wildlife Scientific Collecting Permit
 Type of Rule: 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:
To establish procedures for applying for and maintaining a permit to collect Wildlife for purposes of research.

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: Wildlife Scientific Collecting Permit

1. Authorizing statute(s) citation 20-1-7(30), & 20-2-50

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
Wildlife Scientific Collecting Permit

The proposed rule establishes the application requirements and procedures for receiving and maintaining a scientific collecting permit to collect fish and wildlife for research purposes.

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TITLE 58
LEGISLATIVE RULE 1995 JUL 31 PM 4: 09
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
WILDLIFE SCIENTIFIC COLLECTING PERMIT

§58-2-1. 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 - West Virginia Code 20-1-7(30) and 20-2-50
- 1.3. Filing Date -
- 1.4. Effective Date -

§58-2-2. Definitions

- 2.1 Division -- means the West Virginia Division of Natural Resources
- 2.2 All terms have the meaning prescribed in W.V. Code 20-1-2.

§58-2-3. Application

- 3.1. Applications for a wildlife scientific collecting permit shall be submitted to the Director or designated representative on the form(s) prescribed by the Director.
- 3.2. Required information on the application form shall consist of:
 - 3.2.1. Name, address and telephone number of applicant,
 - 3.2.2. Institutional affiliation, if any,
 - 3.2.3. Applicants profession,
 - 3.2.4. Specific manner of collection, collection dates and collection locations,
 - 3.2.5. Purpose for which specimens are to be collected,
 - 3.2.6. Disposition of collected specimens
 - 3.2.7. A listing of species and numbers to be collected.

§58-2-4. Conditions of Issuance, Denial, and Revocation

4.1. Applicants must possess appropriate experience and demonstrated ability to collect and handle wildlife designated on the permit.

4.2. Restrictive provisions may be placed on the permit to minimize the unnecessary loss of the State's wildlife. These may include:

- 4.2.1. Limitations on species and/or number of individuals to be taken.
- 4.2.2. Limitations on the manner and/or equipment used to take wildlife.
- 4.2.3. Limitations on the locations and/or time of year of collections.
- 4.2.4. No permit shall be issued for the purpose of killing deer or bear.

4.3. The Director may deny a permit based on:

4.3.1. Inappropriate conduct of applicant including but not limited to past or current violations of federal or state wildlife laws or regulations.

4.3.2. Past noncompliance with permit revisions.

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

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

- 4.4.1. Noncompliance with permit provisions.
- 4.4.2. Violation(s) of state or federal laws or regulations.
- 4.4.3. For good cause.

4.5. The applicant must contact the Division - Law Enforcement Section prior to initiating the taking of wildlife within the time period shown on the permit if so required as a condition of the permit.

4.6. The applicant must contact the Division - Wildlife Resources personnel within the time period shown on the permit, if so required as a condition of the permit.

4.6.1. The Division - Wildlife Resources Section contact listed on the permit shall

be notified by permittee within 24 hours of the occurrence of any unexplained deaths occurring in wildlife captured or held under this permit.

4.6.2. The Division of Natural Resources - Wildlife Resources Section contact listed on the permit shall be notified by permittee within 24 hours of the occurrence of any diseased, wildlife captured or held under this permit.

§58-2-5. Record Keeping and Reporting

5.1. The applicant must submit an annual report on forms prescribed by the Director to the Wildlife Resources Section no later than 45 days after the termination date of the permit.

§58-2-6. Failure to obtain a scientific wildlife collecting permit and/or any of the provisions of the permit are punishable as prescribed in West Virginia Code 20-7-9.

APPLICATION FOR WEST VIRGINIA SCIENTIFIC COLLECTING PERMIT

Name: _____

Institution/Affiliation: _____

Street: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Profession: _____

Major professor (if a graduate student): _____

Specific manner of collection _____

Purpose for which specimens are to be collected _____

How will specimens be disposed? _____

Date on which collecting is to be: _____
(Commence) (Terminate)

Location(s) where collections are to be taken (be specific):

County(s) _____ If aquatic, indicate:

Stream: _____ Locations (distance to nearest town, miles from the mouth) _____

Attach separate pages if additional space is required.

(Over)

