

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

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2005 JUN -2 P 2:20

Form #2

**NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

AGENCY: DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

RULE TYPE: INTERPRETIVE CITE AUTHORITY: 20-1-7(30) & 29A-3-4

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 RULE BEING PROPOSED: 45A

TITLE OF RULE BEING PROPOSED: HUNTING, TRAPPING AND FISHING PROVISIONS

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, 2005 AT 5:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

MAJOR DAVID E. MURPHY  
DIVISION OF NATURAL  
RESOURCES LAW ENFORCEMENT  
SECTION  
BLDG. 3, CAPITOL COMPLEX  
CHARLESTON, WV. 25305  
(304) 558-2784

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

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$2.60

**TITLE 58  
INTERPRETIVE RULE  
DIVISION OF NATURAL RESOURCES**

**SERIES 45A**

**CIRCUMSTANCE**

The purpose of this rule is to clarify two of the terms used in Chapter 20 and Legislative rules promulgated thereunder. The term "amber and red lights" is defined and the term "trap" is defined. Legislative rules are also being filed for Legislative review. This interpretive rule will give guidance to Conservation Officers in the interim period until the Legislature approves the Legislative Rule.

**58CSR45A**

**TITLE 58  
INTERPRETIVE RULE  
DEPARTMENT OF NATURAL RESOURCES**

**SERIES 45A  
HUNTING, TRAPPING AND FISHING PROVISIONS**

**¶58-45A-1. General.**

1.1. Scope. The purpose of this rule is to provide interpretation and guidance, where needed, of current natural resource statutes and rules.

1.2. Authority. -- W. Va. Code §20-1-7(30) and §29A-3-4.

1.3. Filing Date. --

1.4. Effective Date. --

**¶58-45A-2. General**

2.1. The West Virginia Legislature, during the 2005 regular session, passed House Bill 2890. Included in this bill is the term "amber and red lights" which is found in §20-2-5(3). For purposes of interpretation, "amber and red lights" means artificial lights which are amber and red in color. These lights are legally used to hunt coyotes at night during the established season. This provision does not allow the use of laser lights or any telescopic sight that emits a laser light.

2.2. For purposes of interpretation, a "trap" is a device that is used to catch and hold animals. A trap may be legally used during the trapping season to catch fur-bearing animals and coyotes and includes leg hold traps, killer type traps, box traps, and snares. Legal and illegal traps are further defined in the General Trapping Rule 58CSR53.

**¶58-45A-3. Applicability.**

3.1. The above interpretations will be used unless otherwise specified in the West Virginia Code or Legislative Rules promulgated by the Division of Natural Resources.