

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

Form #5

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FILED

2005 JUL -6 A 9:23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: DIVISION OF NATURAL RESOURCES TITLE NUMBER: 58

CITE AUTHORITY: 20-1-7(30)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-3-4

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS August 6, 2005


Authorized Signature

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. -- June 6, 2005

AUGUST 6, 2005

1.4. Effective Date. -- 2005

§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.