

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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SEP 27 10 36 AM '96

Form #4

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: BOC - DNR Wildlife Resources TITLE NUMBER: 58

CITE AUTHORITY: §20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES , NO

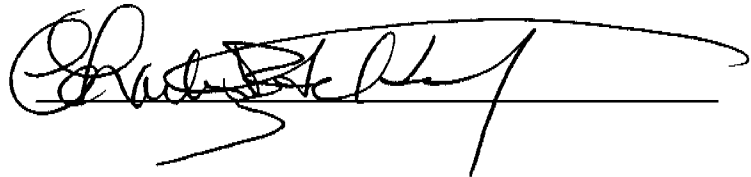
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 47

TITLE OF RULE BEING AMENDED: Prohibitions When Hunting and Trapping

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: \_\_\_\_\_

TITLE OF RULE BEING ADOPTED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



TITLE 58  
LEGISLATIVE RULE  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

SERIES 47  
PROHIBITIONS WHEN HUNTING AND TRAPPING

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**§58-47-1. General.**

- 1.1. Scope and Purpose. -- This rule establishes prohibitions in the pursuit or taking of wildlife within the boundaries of this State.
- 1.2. Authority. -- West Virginia Code §20-1-7(30).
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**§58-47-2. Definitions.**

2.1. All terms in this rule have the meaning prescribed in the Division of Natural Resources rule, Regulations Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (58 C.S.R. 46).

**§58-47-3. Prohibitions.**

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

3.1.1. Federal regulations prohibit hunting in Harpers Ferry National Historical Park.

3.2. Notwithstanding the provisions of W. Va. Code §20-2-5(2), woodchucks may be controlled by digging them out, cutting them out or smoking them out on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant.

3.3. Except as provided in Subdivisions 3.3.1 and 3.3.2 of this rule, it is illegal to use poisons, chemicals, or explosives in taking any furbearing animal, game animal, game bird, protected bird, or protected mammal.

3.3.1. Woodchucks may be controlled by poison, chemicals or explosives on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant during the period commencing each year on April 1 and ending on September 30.

3.3.2. Redwing blackbirds, grackles, pigeons, starlings, brownheaded cowbirds and English sparrows may be controlled by chemicals registered with the West Virginia Department of Agriculture and the United States Environmental Protection Agency when prescribed and authorized by the director in writing. Authorized users must follow avicide label instructions and take all possible precautions in order to protect nontarget species of wildlife.

3.4. It is illegal to hunt from, or by means of, a motorized watercraft unless the motor has been completely shutoff and the watercraft's progress from the motor has ceased.

~~3.5. It is illegal to hunt, catch, take, kill, injure, or pursue a wild animal or wild bird by means of falconry or hawking.~~

3.65. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.76. It is illegal to catch, capture, take, or kill, or attempt to do so, by seine, net, bait, trap, deadfall, snare, or like device of any kind, any bear, migratory bird, protected bird, protected mammal, or wild boar.

3.76.1. No person may take, or attempt to take, the species listed under Subsection 3.7 of this rule, by the aid of baiting. The Director considers an area to be baited for 10 days after the removal of the bait.

3.87. It is illegal for a person to have in his or her possession solid ball ammunition and lead or steel shot larger than No. 4 during the muzzleloading season, except for those persons legally hunting bear or legally hunting deer with a muzzleloader firearm. The use of .22 caliber rimfire for small game hunting is legal during the muzzleloading season.

3.98. No person may use tree stands, except for portable tree stands, on public lands.

3.109. No person may transport wildlife or parts thereof of wildlife, which were killed by another hunter unless the wildlife is accompanied by a paper or tag filled out in plain English bearing the following information from the hunter killing the wildlife:

3.109.1. The hunter's signature, address, hunting license number (if required), official game checking tag number (if required), the date of kill, the species, and the number, and/or quantity of wildlife.

~~3.110.~~ It is illegal for any person to feed bears.

**ANALYSIS OF PROPOSED LEGISLATIVE RULES**

**Agency:** Division of Natural Resources

**Subject:** Prohibitions When Hunting and Trapping

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**PERTINENT DATES**

Filed for public comment: June 28, 1996  
Public comment period ended: July 29, 1996  
Filed following public comment period: August 16, 1996  
Filed LRMRC: August 16, 1996  
Filed as emergency:

Fiscal Impact: None

**ABSTRACT**

The proposed rule amends a current legislative rule. It deletes Subsection 3.5 which makes it illegal to hunt, catch, take, kill, injure or pursue a wild animal or a wild bird by the means of falconry or hawking.

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**AUTHORITY**

Statutory authority: W.Va. Code, §20-1-7, which provides, in part, as follows:

In addition to all other powers, duties and responsibilities granted and assigned to the director in this chapter and elsewhere by law, the director is hereby authorized and empowered to:

...(30) Promulgate rules, in accordance with the provisions of chapter twenty-nine-a of this code, to implement and make effective the powers and duties vested in him or her by the provisions of this chapter and take such other steps as may be necessary in his or her discretion for the proper and effective enforcement of the provisions of this chapter.

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## ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISION OF THE CODE?

Yes.

VIII. OTHER.

Counsel has one or two minor technical modifications to suggest.



FILED

SEP 19 10 17 AM '96

**West Virginia Legislature  
Legislative Rule-Making Review Committee**

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**Room MB47-State Capitol  
Charleston, West Virginia 25305  
(304) 347-4840**

**Senator Mike Ross, Co-Chair  
Delegate Vicki Douglas, Co-Chair**

**Debra A. Graham, Counsel  
Joe Altizer, Associate Counsel  
Marie Nickerson, Admr. Assistant**  
September 17, 1996

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register  
TO: Gordon Robertson  
Division of Natural Resources  
Bldg. 3, Room 842  
Charleston, WV 25305  
FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Prohibitions When Hunting and Trapping

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed
  - (b) as modified by the agency   X
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

**Senate Bill No. 198**

(By Senator(s) Ross, Anderson, Macnaughtan,  
Boley and Buckalew)

[Introduced March 3, 1997; referred to the  
Committee on Natural Resources; and then to the  
Committee on the Judiciary.]

10 A BILL to amend and reenact section two, article ten,  
11 chapter sixty-four of the code of West Virginia, one  
12 thousand nine hundred thirty-one, as amended, relating  
13 to authorizing the division of natural resources to  
14 promulgate a legislative rule relating to prohibitions  
15 when hunting and trapping.

16 *Be it enacted by the Legislature of West Virginia:*

17 That section two, article ten, chapter sixty-four of  
18 the code of West Virginia, one thousand nine hundred  
19 thirty-one, as amended, be amended and reenacted, to read  
20 as follows:

21 **ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO**

22 **PROMULGATE LEGISLATIVE RULES.**

23 **§64-10-2. Division of natural resources.**

1           (a) The legislative ~~rules~~ rule filed in the state  
2 register on the twenty-second day of December, one thousand  
3 nine hundred ninety-four, authorized under the authority of  
4 section eleven, article two, chapter twenty of this code,  
5 modified by the division of natural resources to meet the  
6 objections of the legislative rule-making review committee  
7 and refiled in the state register on the twentieth day of  
8 July, one thousand nine hundred ninety-five, relating to  
9 the division of natural resources (commercial sale of  
10 wildlife, 58 CSR 63), ~~are~~ is authorized.

11           (b) The legislative ~~rules~~ rule filed in the state  
12 register on the twenty-second day of December, one thousand  
13 nine hundred ninety-four, authorized under the authority of  
14 section eleven, article two, chapter twenty of this code,  
15 modified by the division of natural resources to meet the  
16 objections of the legislative rule-making review committee  
17 and refiled in the state register on the twentieth day of  
18 September, one thousand nine hundred ninety-five, relating  
19 to the division of natural resources (miscellaneous permits  
20 and licenses, 58 CSR 64), ~~are~~ is authorized.

21           (c) The legislative ~~rules~~ rule filed in the state  
22 register on the thirty-first day of July, one thousand nine  
23 hundred ninety-five, authorized under the authority of

1 section twenty-two, article seven, chapter twenty of this  
2 code, modified by the division of natural resources to meet  
3 the objections of the legislative rule-making review  
4 committee and refiled in the state register on the  
5 twentieth day of September, one thousand nine hundred  
6 ninety-five, relating to the division of natural resources  
7 (boating, 58 CSR 25), ~~are~~ is authorized.

8 (d) The legislative ~~rules~~ rule filed in the state  
9 register on the thirty-first day of July, one thousand nine  
10 hundred ninety-five, authorized under the authority of  
11 section twenty-two, article seven, chapter twenty of this  
12 code, modified by the division of natural resources to meet  
13 the objections of the legislative rule-making review  
14 committee and refiled in the state register on the twenty-  
15 eighth day of October, one thousand nine hundred  
16 ninety-five, relating to the division of natural resources  
17 (special boating, 58 CSR 26), ~~are~~ is authorized, with the  
18 following amendments:

19 On page two, six, eight and nine, sections 3.6, 3.65,  
20 3.71, 3.87 3.102 and 3.109, following the words "must have  
21 the propeller removed", by inserting the words "or have the  
22 motor withdrawn to the maximum trailorable limit".

23 (e) The legislative ~~rules~~ rule filed in the state

1 register on the thirty-first day of July, one thousand nine  
2 hundred ninety-five, authorized under the authority of  
3 section fifty-a, article two, chapter twenty of this code,  
4 modified by the division of natural resources to meet the  
5 objections of the legislative rule-making review committee  
6 and refiled in the state register on the twentieth day of  
7 September, one thousand nine hundred ninety-five, relating  
8 to the division of natural resources (wildlife damage  
9 control agents, 58 CSR 41), ~~are~~ is authorized.

10 (f) The legislative ~~rules~~ rule filed in the state  
11 register on the thirty-first day of July, one thousand nine  
12 hundred ninety-five, authorized under the authority of  
13 section seven, article one, chapter twenty of this code,  
14 modified by the division of natural resources to meet the  
15 objections of the legislative rule-making review committee  
16 and refiled in the state register on the twentieth day of  
17 September, one thousand nine hundred ninety-five, relating  
18 to the division of natural resources (wildlife scientific  
19 collecting permits, 58 CSR 42), ~~are~~ is authorized.

20 (g) The legislative ~~rules~~ rule filed in the state  
21 register on the ~~thirty-first~~ sixteenth day of ~~July~~ August,  
22 one thousand nine hundred ~~ninety-five~~ ninety-six,  
23 authorized under the authority of section seven, article

1 one, chapter twenty of this code, modified by the division  
2 of natural resources to meet the objections of the  
3 legislative rule-making review committee and refiled in the  
4 state register on the ~~twentieth~~ twenty-seventh day of  
5 September, one thousand nine hundred ~~ninety-five~~ ninety-  
6 six, relating to the division of natural resources  
7 (prohibitions when hunting and trapping, 58 CSR 47) ~~are~~ is  
8 authorized.

9 (h) The legislative ~~rules~~ rule filed in the state  
10 register on the thirty-first day of July, one thousand nine  
11 hundred ninety-five, authorized under the authority of  
12 section seven, article one, chapter twenty of this code,  
13 modified by the division of natural resources to meet the  
14 objections of the legislative rule-making review committee  
15 and refiled in the state register on the twentieth day of  
16 September, one thousand nine hundred ninety-five, relating  
17 to the division of natural resources (special waterfowl  
18 hunting, 58 CSR 58), ~~are~~ is authorized.

19 (i) The legislative ~~rules~~ rule filed in the state  
20 register on the thirty-first day of July, one thousand nine  
21 hundred ninety-five, authorized under the authority of  
22 section seventeen-a, article one, chapter five-b of this  
23 code, modified by the division of natural resources to meet

1 the objections of the legislative rule-making review  
2 committee and refiled in the state register on the  
3 twenty-fifth day of October, one thousand nine hundred  
4 ninety-five, relating to the division of natural resources  
5 (public use of West Virginia state parks, state forests,  
6 and state wildlife management areas under the division of  
7 natural resources, 58 CSR 31), ~~are~~ is authorized,

8 "with the following amendment:

9 On page 4 section 2.22 by striking out section 2.22 in  
10 its entirety and inserting in lieu thereof the following:

11 2.22. The Director of the Division of Natural  
12 Resources is authorized to issue special use permits and  
13 enter into written agreements with persons who demonstrate  
14 to the satisfaction of the Director that they have good  
15 cause to utilize a motor driven vehicle on the Greenbrier  
16 River Trail or the North Bend Rail Trail. The Director may  
17 also authorize persons with legitimate need to utilize  
18 motorized vehicles on the trails as authorized in  
19 subdivision 2.22.3.

20 2.22.1. The director may, upon application in writing  
21 and for good cause shown, issue a written special use  
22 permit authorizing limited use of motorized vehicles on  
23 either the North Bend Rail Trail or Greenbrier River Trail.

1 A separate permit is required for each use. Each permit  
2 shall specify the limitation on access, including such  
3 things as the date, time not to exceed three days, place,  
4 method and distance the applicant will be allowed to have  
5 access to the trail. As part of the permit process, the  
6 Director shall enter into a written agreement to allow the  
7 use of motorized vehicles on the trails. The agreement  
8 shall specify the limitations of the use and require, in  
9 exchange for such use, that the persons allowed to use  
10 motorized vehicles on the trails shall maintain a specified  
11 area of the trail for a specified length of time. The  
12 terms of the maintenance portion of the agreement shall  
13 depend on the length and nature of the use.

14       2.22.2. Good cause may be shown by (a) those persons  
15 in need of limited access to adjacent land that the  
16 applicant owns or leases for agriculture purposes and who  
17 have demonstrated no other reasonable means to gain entry  
18 to the adjacent land; (b) those persons who have a vested  
19 right of ingress to and egress from the trail and (c) those  
20 persons required by law to plug or reclaim oil or gas  
21 wells.

22       2.22.3. Persons with a legitimate need to use  
23 motorized vehicles on the trails are exempt from the permit

1 requirements. A legitimate need is limited to (a) those  
2 persons who are authorized by the Director to use motorized  
3 vehicles in the management, construction, maintenance and  
4 operation of the trails and facilities and (b) persons and  
5 equipment to fight forest fires and handle other  
6 emergencies."

7 (j) The legislative ~~rules~~ rule filed in the state  
8 register on the thirty-first day of July, one thousand nine  
9 hundred ninety-five, authorized under the authority of  
10 section seven, article one, chapter twenty of this code,  
11 modified by the division of natural resources to meet the  
12 objections of the legislative rule-making review committee  
13 and refiled in the state register on the twenty-fifth day  
14 of October, one thousand nine hundred ninety-five, relating  
15 to the division of natural resources (rules governing  
16 public use of campgrounds in West Virginia state parks,  
17 state forests and state wildlife management areas under the  
18 division of natural resources, 58 CSR 32), ~~are~~ is  
19 authorized.

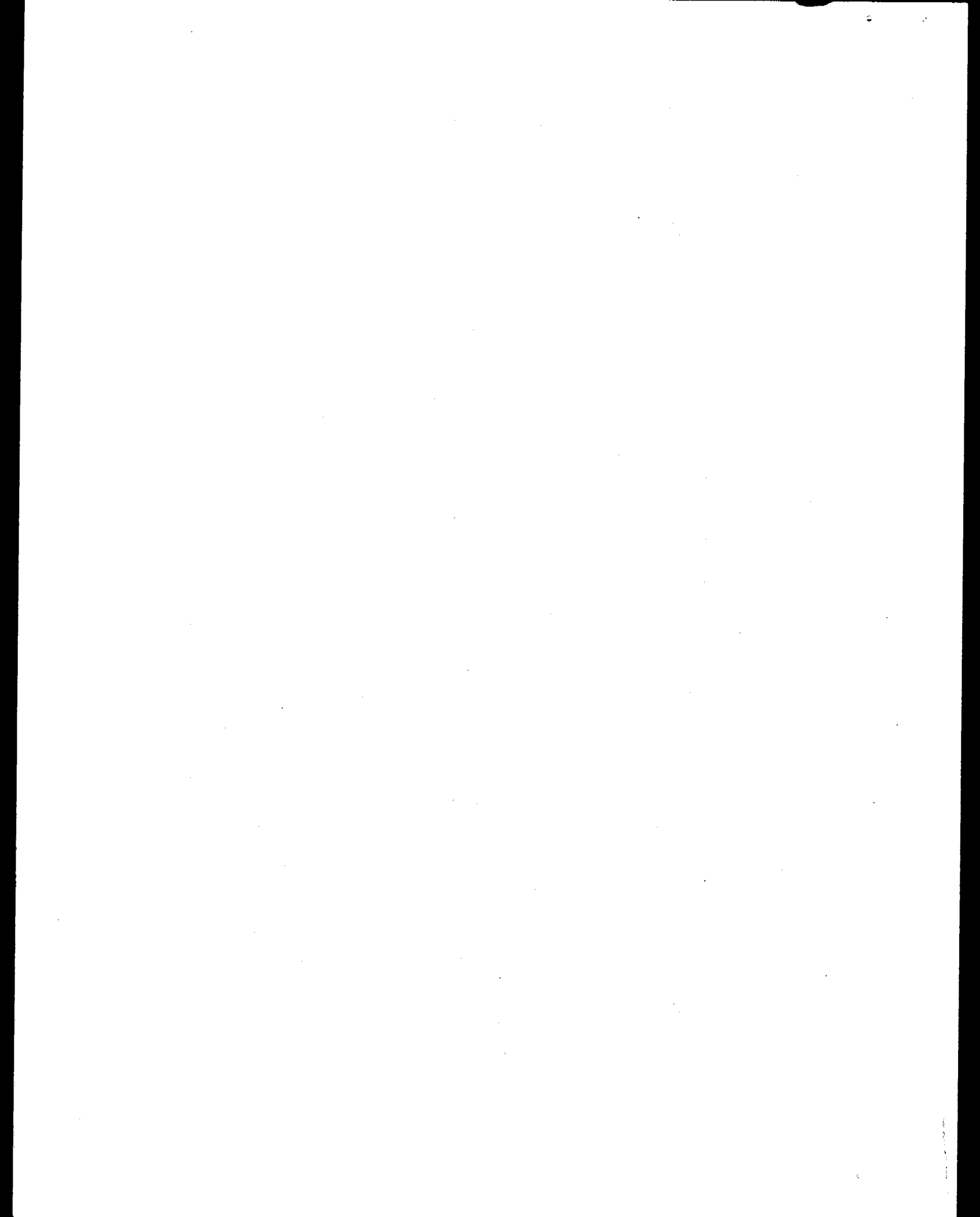
20 (k) The legislative ~~rules~~ rule filed in the state  
21 register on the thirty-first day of July, one thousand nine  
22 hundred ninety-five, authorized under the authority of  
23 section seven, article one, chapter twenty of this code,

1 modified by the division of natural resources to meet the  
2 objections of the legislative rule-making review committee  
3 and refiled in the state register on the twenty-fifth day  
4 of October, one thousand nine hundred ninety-five, relating  
5 to the division of natural resources (rules governing  
6 public use of swimming areas in West Virginia state parks,  
7 state forests and state wildlife management areas under the  
8 division of natural resources, 58 CSR 33), ~~are~~ is  
9 authorized.

10

11 NOTE: The purpose of this bill is to authorize the  
12 Division of Natural Resources to promulgate a legislative  
13 rule relating to Prohibitions When Hunting and Trapping.

14  
15 Strike-throughs indicate language that would be  
16 stricken from the present law, and underscoring indicates  
17 new language that would be added.



1 Bill-DNR, Prohibitions

(By Delegate(s) Douglas, Hunt, Compton,  
Faircloth, Linch and Riggs)

2

3

4

[Introduced March 3, 1997; referred to the  
Committee on Agriculture and Natural Resources  
then the Judiciary.]

5

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9

10 A BILL to amend and reenact section two, article ten,  
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12 thousand nine hundred thirty-one, as amended, relating  
13 to authorizing the division of natural resources to  
14 promulgate a legislative rule relating to prohibitions  
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16 *Be it enacted by the Legislature of West Virginia:*

17 That section two, article ten, chapter sixty-four of  
18 the code of West Virginia, one thousand nine hundred  
19 thirty-one, as amended, be amended and reenacted, to read  
20 as follows:

21 ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO  
22 PROMULGATE LEGISLATIVE RULES.

23 §64-10-2. Division of natural resources.

1           (a) The legislative ~~rules~~ rule filed in the state  
2 register on the twenty-second day of December, one thousand  
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5 modified by the division of natural resources to meet the  
6 objections of the legislative rule-making review committee  
7 and refiled in the state register on the twentieth day of  
8 July, one thousand nine hundred ninety-five, relating to  
9 the division of natural resources (commercial sale of  
10 wildlife, 58 CSR 63), ~~are~~ is authorized.

11           (b) The legislative ~~rules~~ rule filed in the state  
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16 objections of the legislative rule-making review committee  
17 and refiled in the state register on the twentieth day of  
18 September, one thousand nine hundred ninety-five, relating  
19 to the division of natural resources (miscellaneous permits  
20 and licenses, 58 CSR 64), ~~are~~ is authorized.

21           (c) The legislative ~~rules~~ rule filed in the state  
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7 (boating, 58 CSR 25), ~~are~~ is authorized.

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19 On page two, six, eight and nine, sections 3.6, 3.65,  
20 3.71, 3.87 3.102 and 3.109, following the words "must have  
21 the propeller removed", by inserting the words "or have the  
22 motor withdrawn to the maximum trailorable limit".

23 (e) The legislative ~~rules~~ rule filed in the state

1 register on the thirty-first day of July, one thousand nine  
2 hundred ninety-five, authorized under the authority of  
3 section fifty-a, article two, chapter twenty of this code,  
4 modified by the division of natural resources to meet the  
5 objections of the legislative rule-making review committee  
6 and refiled in the state register on the twentieth day of  
7 September, one thousand nine hundred ninety-five, relating  
8 to the division of natural resources (wildlife damage  
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11 register on the thirty-first day of July, one thousand nine  
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17 September, one thousand nine hundred ninety-five, relating  
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20 (g) The legislative ~~rules~~ rule filed in the state  
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22 one thousand nine hundred ~~ninety-five~~ ninety-six,  
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1 one, chapter twenty of this code, modified by the division  
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4 state register on the ~~twentieth~~ twenty-seventh day of  
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14 objections of the legislative rule-making review committee  
15 and refiled in the state register on the twentieth day of  
16 September, one thousand nine hundred ninety-five, relating  
17 to the division of natural resources (special waterfowl  
18 hunting, 58 CSR 58), ~~are~~ is authorized.

19 (i) The legislative ~~rules~~ rule filed in the state  
20 register on the thirty-first day of July, one thousand nine  
21 hundred ninety-five, authorized under the authority of  
22 section seventeen-a, article one, chapter five-b of this  
23 code, modified by the division of natural resources to meet

1 the objections of the legislative rule-making review  
2 committee and refiled in the state register on the  
3 twenty-fifth day of October, one thousand nine hundred  
4 ninety-five, relating to the division of natural resources  
5 (public use of West Virginia state parks, state forests,  
6 and state wildlife management areas under the division of  
7 natural resources, 58 CSR 31), ~~are~~ is authorized,

8 "with the following amendment:

9 On page 4 section 2.22 by striking out section 2.22 in  
10 its entirety and inserting in lieu thereof the following:

11 2.22. The Director of the Division of Natural  
12 Resources is authorized to issue special use permits and  
13 enter into written agreements with persons who demonstrate  
14 to the satisfaction of the Director that they have good  
15 cause to utilize a motor driven vehicle on the Greenbrier  
16 River Trail or the North Bend Rail Trail. The Director may  
17 also authorize persons with legitimate need to utilize  
18 motorized vehicles on the trails as authorized in  
19 subdivision 2.22.3.

20 2.22.1. The director may, upon application in writing  
21 and for good cause shown, issue a written special use  
22 permit authorizing limited use of motorized vehicles on  
23 either the North Bend Rail Trail or Greenbrier River Trail.

1 A separate permit is required for each use. Each permit  
2 shall specify the limitation on access, including such  
3 things as the date, time not to exceed three days, place,  
4 method and distance the applicant will be allowed to have  
5 access to the trail. As part of the permit process, the  
6 Director shall enter into a written agreement to allow the  
7 use of motorized vehicles on the trails. The agreement  
8 shall specify the limitations of the use and require, in  
9 exchange for such use, that the persons allowed to use  
10 motorized vehicles on the trails shall maintain a specified  
11 area of the trail for a specified length of time. The  
12 terms of the maintenance portion of the agreement shall  
13 depend on the length and nature of the use.

14       2.22.2. Good cause may be shown by (a) those persons  
15 in need of limited access to adjacent land that the  
16 applicant owns or leases for agriculture purposes and who  
17 have demonstrated no other reasonable means to gain entry  
18 to the adjacent land; (b) those persons who have a vested  
19 right of ingress to and egress from the trail and (c) those  
20 persons required by law to plug or reclaim oil or gas  
21 wells.

22       2.22.3. Persons with a legitimate need to use  
23 motorized vehicles on the trails are exempt from the permit

1 requirements. A legitimate need is limited to (a) those  
2 persons who are authorized by the Director to use motorized  
3 vehicles in the management, construction, maintenance and  
4 operation of the trails and facilities and (b) persons and  
5 equipment to fight forest fires and handle other  
6 emergencies."

7 (j) The legislative ~~rules~~ rule filed in the state  
8 register on the thirty-first day of July, one thousand nine  
9 hundred ninety-five, authorized under the authority of  
10 section seven, article one, chapter twenty of this code,  
11 modified by the division of natural resources to meet the  
12 objections of the legislative rule-making review committee  
13 and refiled in the state register on the twenty-fifth day  
14 of October, one thousand nine hundred ninety-five, relating  
15 to the division of natural resources (rules governing  
16 public use of campgrounds in West Virginia state parks,  
17 state forests and state wildlife management areas under the  
18 division of natural resources, 58 CSR 32), ~~are~~ is  
19 authorized.

20 (k) The legislative ~~rules~~ rule filed in the state  
21 register on the thirty-first day of July, one thousand nine  
22 hundred ninety-five, authorized under the authority of  
23 section seven, article one, chapter twenty of this code,

1 modified by the division of natural resources to meet the  
2 objections of the legislative rule-making review committee  
3 and refiled in the state register on the twenty-fifth day  
4 of October, one thousand nine hundred ninety-five, relating  
5 to the division of natural resources (rules governing  
6 public use of swimming areas in West Virginia state parks,  
7 state forests and state wildlife management areas under the  
8 division of natural resources, 58 CSR 33), ~~are~~ is  
9 authorized.

10

11 NOTE: The purpose of this bill is to authorize the  
12 Division of Natural Resources to promulgate a legislative  
13 rule relating to Prohibitions When Hunting and Trapping.

14

15 Strike-throughs indicate language that would be  
16 stricken from the present law, and underscoring indicates  
17 new language that would be added.

