

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

Form #2

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FILED

2005 JUN 28 A 10:16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

Natural Resources

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

RULE TYPE: Legislative CITE AUTHORITY: 20-1-7(30)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 52

TITLE OF RULE BEING AMENDED: Wild Boar Hunting Rule


IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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 28, 2005 AT 4:30 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

Curtis I. Taylor
Division of Natural Resources
Wildlife Resources Section
1900 Kanawha Blvd., E.
Capitol Complex, Bldg. 3, Room 842
Charleston, WV 25305

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

#3.40

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

**SERIES 52
WILD BOAR HUNTING RULE**

SUMMARY

Title 58, Series 52, Wild Boar Hunting Rule establishes requirements which a person must comply with when in pursuit or taking of wild boar within the boundaries of this State.

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

**SERIES 52
WILD BOAR HUNTING RULE**

CIRCUMSTANCES

The Division of Natural Resources proposes to add Subsection 3.1 allowing only resident hunters who possess a valid hunting license or are exempt from purchasing a license may hunt wild boar and deleting Section 4 relating to license requirements.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 58-52 Wild Boar Hunting Rule

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources, Wildlife Resources Section

Address: 1900 Kanawha Blvd., E. Capitol Complex, Bldg. 3, Room 842, Charleston, WV
25305

Phone Number: 304-558-2771 Email: _____

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The 2005 Legislature eliminated the Class P resident Wild Boar License and incorporate the opportunity for resident hunters to hunt wild boar in the Class BG Resident Big Game Stamp and the Class X Resident Hunting, Fishing and Trapping license. Only resident hunters may hunt wild boar.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	2005 Increase/Decrease (use "-")	2006 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Equipment			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: 58-52 Wild Boar Hunting Rule

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

No costs will be incurred to implement this rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

The incorporation of the opportunity for resident hunters to hunt wild boar in the Class BG stamp and Class X license requires the deletion of Section 4 of this rule. Due to the limited resource, only resident hunters may hunt wild boar.

Date: June 22, 2005

Signature of Agency Head or Authorized Representative

Frank J. Jozia

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 52
WILD BOAR HUNTING RULE

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SECRETARY OF STATE

§58-52-1. General.

1.1. Scope and Purpose. -- The purpose of this rule is to establish requirements which a person must comply with when in pursuit or taking of wild boar within the boundaries of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. -- ~~April 5, 2002~~

1.4. Effective Date. -- ~~July 1, 2002~~

§58-52-2. Definitions.

2.1. All terms have the meanings prescribed to them in the Rule Defining The Terms To Be Used Concerning All Hunting and Trapping Regulations (58 C.S.R. 46).

§58-52-3. Wild Boar Hunting Rules.

3.1. Only resident hunters who possess a valid hunting license or are exempt from purchasing a license may hunt wild boar.

~~3.1.~~ 3.2. During wild boar season a person may hunt for any species for which a season is open.

~~3.2.~~ 3.3. A hunter may legally take boar during the firearms wild boar season with a bow or with a firearm using ammunition legal in West Virginia for the taking of deer.

~~3.3.~~ 3.4. No person may kill or wound a boar while the boar is in any stream, lake, or pond.

~~3.4.~~ 3.5. The use of dogs to hunt wild boar is prohibited.

~~3.5.~~ 3.6. A person killing a wild boar shall, within twenty-four (24) hours, transport the boar to a conservation officer or an official game checking station in the County where it was killed for retagging.

58-52-4. License Requirements.

~~4.1. An applicant for a Class P license shall be at least twelve (12) years of age.~~

~~4.2. An applicant for a Class P license for firearms wild boar hunting shall choose a license for either the early firearms wild boar season or the late firearms wild boar season and may not apply for both.~~

~~4.3. An application as prescribed by the director for a Class P firearms license shall be completed and mailed prior to the deadline date on the application by the applicant. Only one application may be submitted per person.~~