

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 7/29/05

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Curtis I. Taylor
Division of Natural Resources
Wildlife Resources Section
1900 Kanawha Blvd., E.
Charleston, WV 25305

LEGISLATIVE RULE TITLE: Wild Boar Hunting Rule

1. Authorizing statute(s) citation 20-1-7(30)

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
June 28, 2005

b. What other notice, including advertising, did you give of the hearing?
News Release to state papers, web site, public meetings and outdoor writers columns

c. Date of Public Hearing(s) *or* Public Comment Period ended:
July 28, 2005

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 29, 2005

- f. Name, title, address and phone/fax/e-mail numbers of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

Curtis I. Taylor

Division of Natural Resources

Wildlife Resources Section

1900 Kanawha Blvd., E.

Capitol Complex, Bldg. 3, Room 842

Charleston, WV 25305

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

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.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

**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 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: 558-2771 Email: billieshearer@wvdnr.gov

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 incorporated 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 | <i>2006</i> Increase/Decrease (use "-") | <i>2007</i> 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: 7-29-05

Signature of Agency Head or Authorized Representative

Brian Helmick

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

FILED

2005 JUL 29 P 3:33

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 52
WILD BOAR HUNTING RULE

§58-52-1. General.

1.1. Scope and Purpose. -- The purpose of this rule is to establish requirements which a person must comply with 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.~~