

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

JUL 20 11 30 AM '99

OFFICE OF THE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE  
AND  
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

**AGENCY:** Bureau of Commerce, Division of Natural Resources **TITLE NUMBER:** 58

**CITE AUTHORITY:** 20-1-7(30)

**AMENDMENT TO AN EXISTING RULE:** YES  X  NO

**IF YES, SERIES NUMBER OF RULE BEING AMENDED:** 53

**TITLE OF RULE BEING AMENDED:** General Trapping Rule

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

**TITLE OF RULE BEING PROPOSED:** \_\_\_\_\_

**THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.**



JOHN B. RADER, DIRECTOR

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

**SERIES 53  
GENERAL TRAPPING RULE**

**SUMMARY**

Series 53 outlines the means by which trapping in West Virginia should be conducted.

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

**SERIES 53  
GENERAL TRAPPING RULE**

**CIRCUMSTANCE**

Series 53 is being amended to revise the general trapping rule to remove the restriction for land set traps during the month of February for beaver, mink and muskrat.

# FISCAL NOTE FOR PROPOSED RULE

**Rule Title:** Series 53, General Trapping Rule

**Type of Rule**      X      **Legislative**    \_\_\_\_\_    **Interpretive**    \_\_\_\_\_    **Procedural**

**Agency**    Division of Natural Resources, Wildlife Resources Section

**Address**    Capitol Complex

Building 3, Room 842

Charleston, WV 25305

## 1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSE	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

**2. Explanation of above estimates:** None

**3. Objectives of these rules:** To outline the means by which trapping in West Virginia should be conducted.

**4. Explanation of overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government:** None

**Rule Title:** Series 53, General Trapping Rule

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**B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:** None

**C. Economic Impact on Citizens/Public at Large:** None.

**Date:** \_\_\_\_\_

**Signature of Agency or  
Authorized Representative:**



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JOHN B. RADER, DIRECTOR

DATE: 7/16/99

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: BOC, DNR - WILDLIFE RESOURCES SECTION

LEGISLATIVE RULE TITLE: 53, General Trapping Rule

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

2. a. Date filed in State Register with Notice of Hearing N/A

b. What other notice, including advertising, did you give of the hearing

No public hearing was held but there was a 30-day comment period which was  
advertised in the State Register.

c. Date of Hearing(s) N/A

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached \_\_\_\_\_ No comments received None

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

N/A

f. Name and phone number(s) of agency persons(s) to contact for additional information:

Gordon Robertson - 304-558-2771

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.

N/A

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b. Date of hearing: N/A

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

N/A

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d. Attach findings and determinations and reasons:

Attached N/A

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TITLE 58  
LEGISLATIVE RULE  
DIVISION OF NATURAL RESOURCES

SERIES 53  
GENERAL TRAPPING RULE

FILED  
JUL 20 11 30 AM '99  
OFFICE OF THE SECRETARY OF STATE

**§58-53-1. General.**

- 1.1. Scope. -- The purpose of this rule is to establish standards that must be complied with when trapping wildlife or furbearing animals within the boundaries of this State.
- 1.2. Authority. -- W. Va. Code §20-1-7(30).
- 1.3. Filing Date. --
- 1.4. Effective Date. --

**§58-53-2. Definitions.**

2.1. All terms have the meaning prescribed to them 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).

**§58-53-3. General Trapping Rules.**

3.1. Trapping 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 trapping in Harpers Ferry National Historical Park and on federally-owned land within the boundaries of the New River Gorge National River.

3.2. A trapping permit is required for State Wildlife Management Areas. This permit may be obtained from the district game biologist in the district in which the State Wildlife Management Area is situated.

~~3.3. All traps set during the month of February shall be water sets only for the taking of beaver, mink, or muskrat.~~

3.43. A trapper shall check and tend all traps each calendar day.

3.54. Foot snares are legal when the snare loop is at and horizontal to ground level and does not exceed six and one-half (6 1/2) inches in diameter.

3.65. It is illegal to use or set deadfalls for taking wildlife.

3.76. It is illegal to set or maintain any trap or trapping device on human foot trails or livestock paths.

3.87. It is illegal to set or use traps with an open jaw spread of more than six and one half (6 1/2) inches unless the trap is used under water for beaver.

3.98. It is illegal to use conibear or mohawk type traps for terrestrial trapping. Trappers may use conibear or mohawk type traps in water sets.

3.109. It is illegal to set or maintain spring pole snares.

3.110. It is illegal to use steel jaw traps with any teeth on or attached to them.

3.121. It is illegal to set or maintain any trap, trap set, or snare upon any tree, post, or other natural or man-made object at any point more than three (3) lineal feet from the surface of the earth (whether the surface is water, soil, or rock) measured at a right angle from the surface to the trap or trap set, except as provided in Subsection 3.132 of this rule.

3.132. The provisions of Subsection 3.121 of this rule do not apply to traps or trap sets that are set or maintained on natural earthen mounds, such as ant hills or muskrat houses, that were constructed without human assistance.

3.143. It is illegal to set traps or snares within 50 feet of animal or bird carcasses, or parts thereof, unless the carcasses, or parts of the carcasses, are completely covered and concealed from sight.

3.154. It is illegal to take beaver, fisher, mink, or muskrat by any means other than by trap.

3.165. It is illegal for a person to have in his or her possession an untagged bobcat, or fisher hide, or parts thereof, longer than thirty (30) days following the close of the respective trapping season.

3.176. If any person unintentionally traps and kills more than the limit fixed by the Division of Natural Resources rule, The Hunting and Trapping Regulations (Exempt Rule) (58 C.S.R.45), as a season possession limit, he or she shall (within twenty-four (24) hours after the trapping or killing) deliver the excess animals to a conservation officer.

3.187. Each trapper shall present bobcat or fisher pelts to an official game checking station or a representative of the Division within thirty (30) days after the close of the trapping season for that animal. The trapper shall affix a tag provided by the division to each bobcat or fisher pelt and keep the tag attached to the skin until the skin has been sold, tanned, or mounted.

3.198. It is legal to use snares for the purpose of taking furbearing animals and coyotes. A snare is defined as a trap and all rules pertaining to traps and trap sets apply to snares. All snares shall be made of multiple strand twisted steel cable.

3.2019. Terrestrial snares shall be equipped with a relaxing type lock system with a breaking point of not greater than 350 pounds or a stop with a minimum loop diameter greater than or equal to 2 ½ inches. Set snares shall not have a loop diameter average greater than 15 inches. A trapper shall not use drags with terrestrial snares. He or she shall anchor them at the trap site.