



**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #7

Do not mark in this box
Filing Date

Nov 4 2 30 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Effective Date

Dec. 15, 1995

NOTICE OF AN EMERGENCY RULE

AGENCY: Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY: §§ 20-1-7(20), 20-1-7(30)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 48A

TITLE OF RULE BEING AMENDED: Miscellaneous Permits and Licenses

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: _____

TITLE OF RULE BEING FILED AS AN EMERGENCY: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER
APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

See Attached


Signature

12-60
Use additional sheets if necessary

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Miscellaneous Permits and License

Type of Rule: X Legislative Interpretive Procedural

Agency: Division of Natural Resources

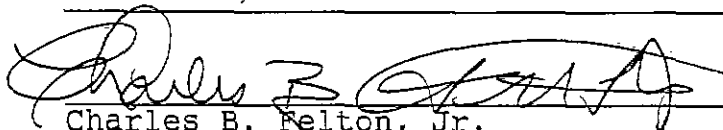
Address: State Capitol Complex
Building 3, Room 812
1900 Kanawha Blvd.
Charleston, WV 25305-6087

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$	\$	\$	\$ 0
PERSONAL SERVICES	0				0
CURRENT EXPENSE	0				0
REPAIRS & ALTERATIONS	0				0
EQUIPMENT	0				0
OTHER (LICENSE FEES)	\$1,000				0

2. Explanation of above estimates:
Estimated to generate 100 additional license at \$10 each.
3. Objectives of these rules:
Reduce the spread of wildlife diseases, (i.e. rabies) to native wildlife populations.
4. Explanation of Overall Economic Impact of Proposed Rule.
- A. Economic Impacts on State government.
None
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.
None
- C. Economic Impact on Citizens/Public at Large.
Requires Incorporated Sportsmens Clubs and Hound Coursing/Training Pens to obtain a permit to purchase live foxes from West Virginia trappers during the legal trapping season.

Date: November 4, 1994


 Charles B. Felton, Jr.
 Director

SUMMARY OF PROPOSED RULE
CONCERNING
MISCELLANEOUS PERMITS AND LICENSES

The purpose of the legislative rule is to implement Senate Bill 337 by allowing the sale, within the state, of live red and gray foxes and raccoons taken during the legal trapping season and to reduce the spread of rabies to native wildlife population.

PREAMBLE TO A PROPOSED RULE
CONCERNING
MISCELLANEOUS PERMITS AND LICENSES

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 48A, "Miscellaneous Permits and Licenses".

ACTION: Filing of an proposed legislative rule.

SUMMARY: Amends current rule to allow for the sale within the state of live red and gray foxes and raccoons taken during the legal trapping season. Establishes new game farm license for hound coursing/training pens and incorporated sportsman club to allow for the purchase of legally trapped foxes and raccoons taken from the wild.

Circumstance Statements For Rules

§ 58-48A-1. General

-Changes Department to Division as per past reorganization of State agencies and adds the words "other terms and conditions" to better define the scope and purpose of these rules.

§ 58-48A-2. Definitions

-Separates the current license to operate a private game preserve into three categories; 1) The current commercial game farm license for buying, selling, and propagating wildlife not taken directly from the wild, 2) A new category for hound coursing\training pens for the purchase and transfer of live foxes and raccoons from the wild during trapping season for use in pen facilities, and 3) A new category for incorporated sportsmen clubs to purchase and transfer live foxes and raccoons from the wild for restocking purposes.

-Adds definitions of hound coursing\training pen, incorporated sportsmen club, legal trapper, and commercial dealer as these words relate to these regulations.

-Changes Department to Division and Division to Section as per past reorganization of State agencies.

-Adds the words "taken by the applicant" to better define the source of animals that can be acquired and maintain as pets and limit the risk of disease, especially rabies, to those person taking animals from the wild as pets.

§ 58-48A-3. Application Submission and Review

-Change Department to Division and Division to Section to reflect current State agency organization.

-Add a copy of the applicant's WV Business Registration Certificate to the items submitted with the license application necessary to sell wildlife.

§ 58-48A-4. Renewal of Issued Permits and Licenses

-Change Department to Division to reflect current State agency organization.

§ 58-48A-7. Penalties

-Change Department to Division to reflect current State agency organization.

Series 48A

DATE: November 4, 1994

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Charles B. Felton, Jr., Director

EMERGENCY RULE TITLE: Miscellaneous Permits and License

1. Date of Filing November 4, 1994
2. Statutory authority for promulgating emergency rule:
20-1-7 (20) and 20-1-7 (30)
3. Date of filing of proposed legislative rule: November 4, 1994
4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
Adopts new language.
5. Has the same or similar emergency rule previously been filed?
No
6. State, with particularity, those facts and circumstances which make the emergency rule necessary from the immediate preservation of public peace, health, safety or welfare.
Passage of Senate Bill 337 by the 1994 Legislature adds live foxes and raccoons taken during the established trapping season to wildlife items that can be sold. Prior to the legislation, only the pelts of these animals could be sold. Without the proposed emergency rule the welfare of these animals is not assured through any established regulations and the potential for commingling and transmission of disease, especially through contact with wild foxes, raccoons and game farm animals is great. The proposed emergency rule separates the current licenses to operate a private game preserve into three categories to govern the use, care and disposition of live foxes and raccoons now available for commercial sale as a result of Senate Bill 337. The 1994-95 trapping season for foxes and raccoon opens November 5, 1994 and closes January 31, 1995.
7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.
No

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

The uncontrolled possession, transfer, translocation, holding and release of wild trapped foxes and raccoons will increase exposure of human and domestic livestock to rabies, parvovirus, distemper and other highly contagious diseases. In addition, the uncontrolled sale of these animals will increase the geographic dislocation of rabies in nature.

FILED

TITLE 47 58
PROCEDURAL LEGISLATIVE RULES
BUREAU OF COMMERCE
DEPARTMENT DIVISION OF NATURAL RESOURCES

Nov 4 2 30 PM '94

EMERGENCY RULE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 48A
MISCELLANEOUS PERMITS AND LICENSES

\$47 58-48A-1. General.

1.1. Scope and Purpose. -- This emergency rule establishes procedures concerning the application for and renewal of certain permits and licenses issued by the Department Division and the keeping of records, and submission of reports and other terms and conditions associated with such permits and licenses.

1.2. Authority. -- W. Va. Code §§20-1-7(20) and 20-1-7 (30).

1.3. Filing Date. -- November 4, 1994

1.4. Effective Date. -- November 4, 1994

\$47 58-48A-2. Definitions.

2.1. "Applicant" means a person of at least eighteen (18) years of age who is applying for any one of the following permits and licenses issued by the Department Division under the provisions of Article 2 of Chapter 20 of the W. Va. Code:

2.1.1. A license for the operation of a private game preserve for the propagation of wild animals or wild birds for commercial purposes (W. Va. Code §20-2-47). Three categories of this license will be issued by the Division:

2.1.1.a. Commercial game farm license. This license authorizes the holder to breed or raise such animals and birds as specified by the license, to sell the same dead or alive, or to sell the eggs of birds in accordance with the provisions of Department Division regulations governing the commercial sale of wildlife (47 58 C.S.R. 23). This license does not include the acquisition or holding of foxes or raccoons trapped from the wild by a legal trapper under provisions of W. Va. Code 20-2-11.

2.1.1.b. Hound coursing/training pen game farm license. This license authorizes the holder to purchase, hold, and release into hound coursing/training pens in accordance with the provisions of these regulations and under terms and conditions of the license, live foxes and raccoons obtained from the wild by a legal trapper under provisions of W. Va.

Code 20-2-11 or live wildlife obtained by means specified under 58 CSR 23 Section 3.

2.1.1.c. Incorporated sportsmen club restocking game farm license. This license authorizes incorporated sportsmen clubs in West Virginia to purchase, hold, and release in accordance with the provisions of these regulations and under terms and conditions of the license, live foxes and raccoons obtained from the wild by a legal trapper under provisions of W. Va. Code 20-2-11 or other means specified under 58 CSR 23 Section 3 for the purpose of restocking.

2.1.2. A license for the operation of a private plant, pond, or business for the propagation, sale, or purchase of fish, frogs, turtles, or other forms of aquatic life for commercial purposes (W. Va. Code §20-2-48). This license authorizes the holder to breed or raise such species as specified by the license and to buy and sell the same dead or alive or the eggs thereof in accordance with the provisions of ~~Department Division~~ regulations governing the commercial sale of wildlife (47 58 C.S.R. 23). Two categories of this license will be issued by the ~~Department Division~~:

2.1.2.a. A fish pond license to raise and sell fish, frogs, turtles, or other forms of aquatic life.

2.1.2.b. A fish sales license to buy and resell fish, frogs, turtles, or other forms of aquatic life.

2.1.3. A permit to keep and maintain in captivity as a pet a wild animal or wild bird that has been acquired from a commercial dealer or taken by the applicant during the legal open hunting or trapping season established under 47 58 C.S.R. 11 (W. Va. Code §20-2-51).

2.1.4. A permit to keep and maintain in captivity as a roadside menagerie wild animals, wild birds, amphibians, or reptiles (W. Va. Code §20-2-52).

2.1.5. A license for the operation of a privately-owned pond or impoundment to be used as a commercial fishing preserve (W. Va. Code §20-2-53).

2.1.6. A license for the operation of a privately-owned commercial shooting preserve (W. Va. Code §20-2-54).

2.1.7. A license to catch and sell minnows or other bait fish (W. Va. Code §20-2-55).

2.1.8. A permit to any person, group of persons, club, or organization to hold or conduct a field trial, shoot-

to-retrieve field trial, water race, or wild hunt (W. Va. Code §20-2-56).

2.2. "Chief" means the chief of the ~~Division of~~ Law Enforcement Section of the West Virginia ~~Department~~ Division of Natural Resources.

2.3. "Department" means the West Virginia ~~Department~~ Division of Natural Resources.

2.4. "Director" means the director of the West Virginia ~~Department~~ Division of Natural Resources.

2.5. "District Office" means the office of the West Virginia ~~Department~~ Division of Natural Resources that houses Division personnel in a district delineated in appendix A of these regulations.

2.6. "~~Division~~" "Section" means the ~~Division of~~ Law Enforcement Section of the West Virginia ~~Department~~ Division of Natural Resources.

2.7. "Facility" means the property on which a person engages in an activity of which one of the permits and licenses listed in Section 2.1 of these regulations is required by statute and includes, but is not limited to, buildings, enclosures, grounds, impoundments, and ponds.

2.8. "Fiscal Year" means July 1 of one year through June 30 of the following year.

2.9. "Licensee" means a person who has been issued one of the permits and licenses listed in Section 2.1 of these regulations.

2.10. "Wild Animals" means all mammals native to West Virginia, except house mice and rats.

2.11. "Wild Birds" means all birds except domestic poultry (chickens, ducks, geese, guinea fowl, peafowls, and turkeys), members of the family Psittacidae (parrots and parakeets), and other foreign cage birds such as the common canary, exotic finches, and ring doves. The term "wild birds" includes both birds that occur in a natural state in West Virginia and imported foreign game birds such as grouse, partridges, pheasants, quail, and waterfowl.

2.12. "Commercial dealer" means a licensee holding a license as defined in Section 2.2.1.a. or an out-of-state person/business licensed to sell and export wildlife.

2.13. "Legal Trapper" means a trapper possessing a valid

West Virginia trapping license or equivalent (W. Va. Code 20-2-27, 20-2-28).

2.14. "Hound Coursing/Training Pen" means a permanent enclosure of no less than forty (40) acres from which there is no reasonable expectation of escape of the animals placed within, except that fox hound coursing/training pen must be a minimum of 100 acres.

2.15. "Incorporated Sportsmen Club" means a club, organization, or group formed for a common purpose to further the tradition of hunting, fishing, or trapping and registered with West Virginia Secretary of State for such purpose.

2.16. All other terms shall have the meaning prescribed in W. Va. Code §20-1-2.

#47 58-48A-3. Application Submission and Review.

3.1. Except as provided in Section 3.1.1 of these regulations, an applicant must submit the appropriate and completed application form found in Appendix B of these regulations to the district office which serves the county in which the applicant's facility is located.

3.1.1. An applicant for a commercial shooting preserve license issued under W. Va. Code §20-2-54 must submit the appropriate and completed application form found in Appendix B of these regulations to the address supplied on that form.

3.2. Application forms may be obtained at any district office or from the West Virginia ~~Department~~ Division of Natural Resources, ~~Division of Law Enforcement Section~~, Building 3, State Capitol Complex, Charleston, West Virginia 25305.

3.3. An application will not be considered to be complete unless the specified licensing fee and a copy of the applicant's West Virginia Business Registration Certificate (if applicable) ~~is~~ are attached to the submitted application form.

3.4. Licensing fee payments must be made by personal check or money order payable to the West Virginia ~~Department~~ Division of Natural Resources.

3.5. Any inspection of an applicant's facility and wildlife will be made in accordance with the provisions of Section 6 of these regulations.

3.6. Upon the completion of application review, Division personnel will recommend to the chief that the permit or license sought by the applicant be either granted or denied.

3.6.1. If the chief accepts a recommendation to deny the granting of a permit or license, he must notify the applicant of the denial and the reasons therefor.

3.7. All permits and licenses listed in Section 2.1 of these regulations will be issued by the chief.

3.8. All licensees must comply with the Temporary or Permanent Cage/Pen/Housing Requirements as set forth in Appendix C.

\$47 58-48A-4. Renewal of Issued Permits and Licenses.

4.1. Except as provided in Section 4.1.1 of these regulations, all permits and licenses issued under these regulations will expire on December 31 of the year of issue.

4.1.1. A commercial shooting preserve license issued under W. Va. Code §20-2-54 will expire on June 30 of the fiscal year of issue.

4.2. A licensee may seek to renew an issued permit or license by submitting an updated application to the ~~Department~~ Division no later than one (1) month prior to the date upon which his permit or license expires.

4.2.1. A renewal application will be submitted by the licensee and processed by the ~~Department~~ Division in accordance with the provisions of Section 3 of these regulations.

4.2.2. A one-month extension for an issued permit or license may be granted by Division personnel in order to facilitate the review and processing of a licensee's renewal application. No fee will be charged for an extension.

4.3. A permit or license issued under these regulations may not be sold or transferred.

\$47 58-48A-5. Record Keeping and Reporting.

5.1. Records must be maintained by the licensee in accordance with the terms and conditions of the issued permit or license.

5.2. Reports must be submitted by the licensee to the chief in accordance with the terms and conditions of the issued permit or license.

\$47 58-48A-6. Inspections.

6.1. An applicant's facility and wildlife may be inspected by Division personnel, on a case by case basis, prior to the granting of the desired permit or license, except as provided in Section 6.2 of these regulations.

6.2. Division personnel will inspect an applicant's facility and wildlife prior to the granting of a game farm license under W. Va. Code §20-2-47, a fish pond license under W. Va. Code §20-2-48, or a roadside menagerie permit under W. Va. Code §20-2-52 to assure compliance with all requirements mandated by statute.

6.2.1. Prior to the issuance of a game farm license, Division personnel will determine that the game farm is properly enclosed, that the provisions for housing and sanitation are proper and adequate, and that the safety of the public is protected.

6.2.2. Prior to the issuance of a fish pond license, Division personnel will determine that the fish plant or pond will not interfere with the free passage of fish, that any water diverted to such plant or pond does not violate the riparian rights of other landowners, and that such plant, pond, or diversion will not interfere with the public stocking or propagation of fish frequenting such waters.

6.2.3. Prior to the issuance of a roadside menagerie permit, Division personnel will determine that the provisions for housing and care of wildlife to be kept in captivity at the menagerie are proper and adequate and that the safety of the public is protected.

6.3. A licensee's facility, records, or wildlife may be inspected by an authorized representative of the director, on a case by case basis, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions of the licensee's permit or license.

\$47 58-48A-7. Penalties.

7.1. Penalty for Failure to Obtain a Permit or License. A person who engages in an activity for which one of the permits and licenses listed in Section 2.1 of these regulations is required by statute, but fails to obtain the necessary permit or license from the Department Division, is subject under W. Va. Code §20-2-2 to the penalties prescribed in W. Va. Code §20-7-9.

7.2. Penalty for Permit or License Violation. A licensee who violates any term or condition of his permit or license is subject to the penalties prescribed in W. Va. Code §20-7-9.

§47 58-48A-8. Appeals to the Director.

8.1. Any condition set forth in a permit or license may be appealed to the director for reconsideration.

8.1.1. A licensee may submit a written request to the director for an informal hearing to consider the modification of any condition of an issued permit or license. Such request must be submitted to the director within thirty (30) days of the date of permit or license issuance.

8.1.2. The condition being appealed will remain in effect until the director decides to grant the requested modification and so informs the licensee.

8.1.3. If, after considering the licensee's appeal, the director decides not to grant the requested modification, he will issue and furnish to the licensee a written decision, and the reasons therefor, concerning the denial.

WEST VIRGINIA DEPARTMENT DIVISION OF NATURAL RESOURCES
GAME FARM LICENSE
(COMMERCIAL)

(West Virginia Code §20-2-47)

Title 58.48A.2.1.1.a.

-- LICENSE TERMS AND CONDITIONS --

1. Wildlife enclosures must meet the minimum requirements set forth ~~below~~ in Appendix C. In addition, all enclosures must be strong enough to both prevent escape of the captive wildlife and protect them from injury. All enclosures must be equipped with a safety barrier which adequately prevents any physical contact between the captive wildlife and visitors or customers. Cages considered unsafe by Division personnel must be repaired or reconstructed as directed within sixty (60) days.

2. Each enclosure must be provided with a shelter that is appropriate for the wildlife held captive. Shelters must contain bedding or nesting material as may be required for the comfort of the wildlife and be constructed in a manner that protects them from inclement weather.

3. Fresh drinking water must be provided daily. Swimming or wading pools must be cleaned as needed to ensure good water quality. Wildlife enclosures must be adequately drained.

4. Food must be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet must be prepared with consideration for age, species, condition, size and type of animal. Wildlife must be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally-accepted practice.

5. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be kept clean. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.

6. All wildlife must be kept free from parasites, sickness or disease. If sick, wildlife must be given immediate professional medical attention or be humanely destroyed.

7. Any damage or injury resulting from escape of wildlife held under the authority of this license shall be the sole responsibility of the licensee.

a. Wildlife which escapes and poses no threat to the public shall become the property of the State.

b. Wildlife which escapes and poses a potential threat to the public safety may be disposed of by the ~~Department~~ Division personnel.

8. Any condition which results in wildlife escaping from its enclosure, cage, housing, leash or other constraint shall be prima-facie evidence that the escaped wildlife was held in an unsafe manner and shall be a violation of the license.

9. This license does not authorize the holder to capture ~~game animals or game birds~~ wildlife from the woods or fields of this State, or to acquire live trapped raccoons and foxes from trappers in West Virginia to be used as stock at the game farm.

10. The licensee must obey ~~Department~~ Division regulations governing the commercial sale of wildlife (47 58 C.S.R. 23).

11. The licensee must display his license in plain view in the vicinity of his wildlife enclosure(s).

12. Accurate and current records of all wildlife acquisitions and sales or possession transfer shall be maintained by the licensee. Records on all wildlife born at the licensee's facility shall also be maintained. All records shall be either typed or written in plain and legible English and shall include the full name, address and telephone number of each person with whom a wildlife transaction has been conducted. All records shall be maintained by the licensee at the facility for a minimum period of three (3) years. In addition the licensee shall provide a bill of sale or document to each person who purchases or receives the licensee's wildlife. The bill of sale or document shall, at a minimum, contain the following information.

- a. The seller's name and address.
- b. The seller's commercial game farm license number.
- c. The date of the sale.
- d. The purchaser's name and address.
- e. A description of the wildlife sold or transferred, including the number of each species sold or transferred.

13. A licensee's facility, records, or wildlife may be inspected by an authorized representative of the director, on a case by case basis, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions in this license.

West Virginia Department Division of Natural Resources
Game Farm License
(Hound Coursing/Training Pens)
West Virginia Code 20-2-47
Title 58.48A.2.1.1.b.

-- LICENSE TERMS AND CONDITIONS --

1. Hound coursing/training pens and wildlife enclosures must meet the minimum requirements set forth below in Appendix C. In addition, all wildlife enclosures and hound coursing/training pens must be strong enough to both prevent escape of the captive wildlife and protect them from injury. All enclosures must be equipped with a safety barrier which adequately prevents any physical contact between the captive wildlife and visitors or customers. Cages considered unsafe by Division personnel must be repaired or reconstructed as directed within sixty (60) days.

2. Each enclosure must be provided with a shelter that is appropriate for the wildlife held captive. Shelters must contain bedding or nesting material as may be required for the comfort of the wildlife and be constructed in a manner that protects them from inclement weather.

3. Fresh drinking water must be provided daily. Swimming or wading pools must be cleaned as needed to ensure good water quality. Wildlife enclosures must be adequately drained.

4. Food must be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet must be prepared with consideration for age, species, condition, size and type of animal. Wildlife must be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally-accepted practice.

5. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be kept clean. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.

6. All wildlife must be kept free from parasites, sickness or disease. If sick, wildlife must be given immediate professional medical attention or be humanely destroyed.

7. Any damage or injury resulting from escape of wildlife held under the authority of this license shall be the sole responsibility of the licensee.

a. Wildlife which escapes and poses no threat to the public shall become the property of the State.

b. Wildlife which escapes and poses a potential threat to the public safety may be disposed of by the ~~Department~~ Division personnel.

8. Any condition which results in wildlife escaping from its enclosure, cage, housing, leash or other constraint shall be prima-facie evidence that the escaped wildlife was held in an unsafe manner and shall be a violation of the license.

9. This license does not authorize the holder to capture ~~game animals or game birds~~ wildlife from the woods or fields of this State to be used as stock at the game farm or for release into hound coursing/training pens. This license is intended only to allow the licensee to acquire live foxes and raccoons from legal trappers and/or commercial dealers for the purpose of stocking hound coursing/training pens.

10. The licensee must obey Department regulations governing the commercial sale of wildlife (47 58 C.S.R. 23).

11. The licensee must display his license in plain view in the vicinity of his wildlife enclosure(s).

12. Under this license, hound coursing/training pens means a permanent enclosure of no less than forty (40) acres from which there is no reasonable expectation of escape of the animals placed within. In the case of foxes and raccoons, the licensee must meet the requirements of paragraph 19 below.

13. This license authorizes the holder to purchase, hold, and release into hound coursing/training pens, under terms and conditions of the license, live foxes and raccoons obtained from the wild by a legal trapper (WV Code 20-2-11) or wildlife obtained by means specified under 58 C.S.R. 23 Section 3 for this purpose.

14. Live raccoons and foxes obtained from a legal trapper under provision of WV Code 20-2-11 must be obtained within the county in which the licensed facility is located or from the counties specified by the Director.

15. In October of each year the Director of the DNR will publish a list of counties from which the holder of this license may obtain live foxes or raccoons. In order to protect public health and the welfare of native wildlife, the Director may further suspend and limit the sale and transfer of live raccoons and foxes

in any county or portions thereof upon public notice.

16. Live foxes and raccoons obtained under this license for the purpose of releasing into hound coursing/training pens must be ear tagged by the licensee with a tag supplied by the DNR within three (3) days of acquisition and before releasing into hound coursing/training pens.

17. A record must be kept by the licensee listing all wildlife acquisitions and dispositions. The animal ear tag number, date, county of origin, name address and telephone number of person from which the animal is acquired, and the date of release of all raccoons and foxes must be recorded. The bill of sale or document received at the time of the wildlife possession transfer must be kept as part of the record. All records must be either typed or written in plain and legible English and must be maintained for a period of three (3) years.

18. This license does not authorize the licensee to transfer possession or resell wildlife.

19. Fox hound coursing/training pens must have a minimum of one hundred (100) acres. Raccoon hound coursing/training pens must have a minimum of forty (40) acres, at least fifty percent (50%) of which is wooded.

20. Stocking rates of raccoon and fox shall not exceed one (1) animal per ten (10) acres in hound coursing/training pens.

21. A maximum of one (1) dog per fifteen (15) acres is permitted in raccoon and fox hound coursing/training pens.

22. Supplemental food and water must be supplied for wildlife released into hound coursing/training pens if these items are not adequate within the pen.

23. Artificial cover, in the form of dog proof escape pens, shall be provided if natural escape cover is not adequate.

24. Raccoons and foxes obtained from a trapper cannot be housed or held in the same facility, or housed or held in the same cage as animals obtained by other means.

25. Raccoons and foxes held under this license prior to release into a hound coursing/training pen may not be used for the training of hunting dogs or in dog field trials.

26. A licensee's facility, records, or wildlife may be inspected by an authorized representative of the director, on a case by case basis, to assure compliance with all requirements mandated by statute or regulation or by the terms and conditions in this license.

West Virginia ~~Department~~ Division of Natural Resources
Game Farm License
(Incorporated Sportsmens Club)
West Virginia Code 20-2-47
Title 58.48A.2.1.1.c.

-- LICENSE TERMS AND CONDITIONS --

1. Wildlife enclosures must meet the minimum requirements set forth ~~below~~ in Appendix C. In addition, all enclosures must be strong enough to both prevent escape of the captive wildlife and protect them from injury. All enclosures must be equipped with a safety barrier which adequately prevents any physical contact between the captive wildlife and the public visitors or customers. Cages considered unsafe by Division personnel must be repaired or reconstructed as directed within sixty (60) days.

2. Each enclosure must be provided with a shelter that is appropriate for the wildlife held captive. Shelters must contain bedding or nesting material as may be required for the comfort of the wildlife and be constructed in a manner that protects them from inclement weather.

3. Fresh drinking water must be provided daily. Swimming or wading pools must be cleaned as needed to ensure good water quality. Wildlife enclosures must be adequately drained.

4. Food must be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet must be prepared with consideration for age, species, condition, size and type of animal. Wildlife must be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally-accepted practice.

5. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be kept clean. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.

6. All wildlife must be kept free from parasites, sickness or disease. If sick, wildlife must be given immediate professional medical attention or be humanely destroyed.

7. Any damage or injury resulting from the possession, escape or release into the wild of wildlife held under the

authority of this license shall be the sole responsibility of the licensee.

a. Wildlife which escapes or is released into the wild and poses no threat to the public shall become the property of the State.

b. Wildlife which escapes or is released into the wild and poses a potential threat to the public safety may be disposed of by the Department Division personnel.

8. Any condition which results in wildlife escaping from its enclosure, cage, housing, leash or other constraint shall be prima-facie evidence that the escaped wildlife was held in an unsafe manner and shall be a violation of the license.

9. This license does not authorize the holder to capture ~~game animals or game birds~~ wildlife from the woods or fields of this State to be used as stock at the game farm or any other use.

10. The licensee must obey Department regulations governing the commercial sale of wildlife (47 58 C.S.R. 23).

11. The licensee must display his license in plain view in the vicinity of his wildlife enclosure(s) and a copy on their person at the site of release of the wildlife covered under this license.

12.. Under this license an incorporated sportsmen club means a club, organization, or group formed for a common purpose to further the tradition of hunting, fishing or trapping and registered with the West Virginia Secretary of State for such purpose.

13. This license authorizes incorporated sportsmens clubs in West Virginia to purchase, hold, and release under terms and conditions of the license, live foxes and raccoons obtained from the wild by a legal trapper (W. Va. Code 20-2-11) or wildlife obtained by means specified under 58 CSR 23 Section 3 for the purpose of restocking.

14. Raccoons and foxes obtained from a legal trapper under provision of W. Va. Code 20-2-11 must be obtained within the county in which the licensed facility is located or from the counties specified by the Director.

15. In October of each year the Director of the DNR will publish a list of counties from which the holder of this license may obtain live foxes or raccoons. In order to protect public health and the welfare of native wildlife, the Director may further suspend and limit the sale and transfer of live raccoons and foxes in any county or portions thereof upon public notice.

16. Raccoons and foxes obtained from legal trappers under provision of W. Va. Code 20-2-11 can be held by the licensee for no more than thirty (30) days. Raccoons and foxes obtained from commercial dealers can be held by the licensee for no more than three (3) days. All raccoons and foxes obtained under this license must be held or transported under conditions specified in temporary cage/pen/housing requirements or better.

17. Live foxes and raccoons obtained under this license for the purpose of restocking must be ear tagged by the licensee with a tag supplied by the DNR within three (3) days of acquisition and before releasing into the wild.

18. A record must be kept by the licensee listing all wildlife acquisitions and dispositions. The animal ear tag number, date, county of origin, name address and telephone number of person from which the animal is acquired, and the date and place of release of all raccoons and foxes must be recorded. The bill of sale or document received at the time of the wildlife possession transfer must be kept as part of the record. All records must be either typed or written in plain and legible English and must be maintained for a period of three (3) years.

19. This license does not authorize the licensee to transfer possession or resell wildlife.

20. This license is intended only to allow Incorporated Sportsmen Clubs to acquire live trapped foxes and raccoons from legal trappers and/or commercial dealers for the purpose of restocking.

21. Raccoon and foxes held under this license prior to release for restocking may not be used for the training of hunting dogs or in dog field trials.

22. Raccoons and foxes obtained from a trapper cannot be housed or held in the same facility, or housed or held in the same cage as animals obtained by other means.

23. Foxes and raccoons acquired under this license shall not be released on public lands or the lands of another without written permission of the landowner.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
FISH POND LICENSE
(West Virginia Code §20-2-48)
Title 58.48A.2.1.2.a.

-- LICENSE TERMS AND CONDITIONS --

1. The licensee must assure that his plant or pond does not interfere with the free passage of fish.

2. The licensee must assure that any water diverted to his plant or pond does not violate the riparian rights of other landowners.

3. The licensee must assure that his plant, pond, or diversion will not interfere with the public stocking or propagation of fish frequenting neighboring waters.

4. If the licensee's plant or pond is supplied by waters diverted from a natural stream, the diverted waters must be adequately screened in order to prevent the movement of fish to or from public waters.

5. The licensee must obey Division regulations governing the commercial sale of wildlife (47 C.S.R. 23).

6. The licensee must display his license in plain view in the vicinity of his fish pond(s).

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
FISH SALES LICENSE
(West Virginia Code §20-2-48)
Title 58.48A.2.1.2.b.

-- LICENSE TERMS AND CONDITIONS --

1. The licensee must obey Division regulations governing the commercial sale of wildlife (47 C.S.R. 23).

2. The licensee must display his license in plain view at his place of business.

WEST VIRGINIA ~~DEPARTMENT~~ DIVISION OF NATURAL RESOURCES
WILD PET PERMIT
(West Virginia Code §20-2-51)
Title 58.48A.2.1.3

-- PERMIT TERMS AND CONDITIONS --

1. Cages, pens, or other enclosures housing wild pets must meet the minimum requirements set forth in Appendix C.
2. Food of sufficient quantity and nutritional value must be provided daily to maintain the wild pet in a healthy state. Fresh drinking water must be provided daily.
3. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be washed weekly. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.
4. Pets must be kept free from parasites, sickness, or disease. If sick, pets must be given immediate professional medical attention or be humanely destroyed.
5. The permittee shall be responsible for insuring his wild pet is maintained in a manner that insures the safety of the public as well as the safety of other wildlife.
6. Pets must not be tortured, molested, or abused in any manner.
7. Pets must not be used in the training of hunting dogs.
8. Pets must have been either lawfully taken by the applicant in this State during an open hunting or trapping season or purchased from a commercial dealer licensed by the Department under Section 20-2-47 of the West Virginia Code.
 - a. Pets lawfully taken by the applicant in West Virginia during an open hunting or trapping season must be checked and recorded by a conservation officer.
 - b. If the pet was purchased, the permittee must have in his possession a bill of sale showing that the pet was legally obtained from a licensed commercial dealer.
9. This permit does not convey the right to trade, barter, sell, or offer to trade, barter, or sell any wildlife. Wildlife acquired under this permit may not be sold or bred without first obtaining a license from the Department under Section 20-2-47 of the West Virginia Code.

WEST VIRGINIA DEPARTMENT DIVISION OF NATURAL RESOURCES
ROADSIDE MENAGERIE PERMIT
(West Virginia Code §20-2-52)
Title 58.48A.2.1.4

-- PERMIT TERMS AND CONDITIONS --

1. Wildlife enclosures must meet the minimum requirements set forth in Appendix C. In addition, all enclosures must be strong enough to both prevent escape of the captive wildlife and protect them from injury. All enclosures must be equipped with a safety barrier which adequately prevents any physical contact between the captive wildlife and visitors or customers. Cages considered unsafe by Division personnel must be repaired or reconstructed as directed within sixty (60) days.

2. Each enclosure must be provided with a shelter that is appropriate for the wildlife held captive. Shelters must contain bedding or nesting material as may be required for the comfort of the wildlife and be constructed in a manner that protects them from inclement weather.

3. Fresh drinking water must be provided daily. Swimming or wading pools must be cleaned as needed to ensure good water quality. Wildlife enclosures must be adequately drained.

4. Food must be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet must be prepared with consideration for age, species, condition, size, and type of animal. Wildlife must be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally-accepted practice.

5. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be kept clean. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.

6. All wildlife must be kept free from parasites, sickness, or disease. If sick, wildlife must be given immediate professional medical attention or be humanely destroyed.

7. Any damage or injury resulting from escape of wildlife held under the authority of this permit shall be the sole responsibility of the permittee.

a. Wildlife which escapes and poses no threat to the

public shall become the property of the State.

b. Wildlife which escapes and poses a potential threat to the public safety may be disposed of by Department personnel.

8. Any condition which results in wildlife escaping from its enclosure, cage, housing, leash, or other constraint shall be prima-facie evidence that the escaped wildlife was held in an unsafe manner and shall be a violation of the permit.

9. The permittee must place signs on wildlife enclosures as specified in the requirements outlined below. Additional signs must be conspicuously posted on all enclosures prohibiting the public from feeding or annoying the wildlife. Each enclosure must also have a sign labeled in English with the proper common name of species confined therein.

10. Except as provided in Condition 11, wildlife must not be removed from their enclosures or directly exposed to the public. Safety barriers such as walls, fences, moats, retaining rails, and other necessary devices must be in place to prevent the public from approaching near enough to the enclosures or areas to make physical contact with wildlife. All enclosures must be key-locked or padlocked.

11. - Visitor contact with the following designated animals may be permitted under the conditions specified:

a. Visitor contact with buffalo, deer, or elk may be allowed until the animal is six (6) months of age.

b. Wildlife may be removed from cages for exhibition provided the exhibitor displays the wildlife in a manner that precludes any danger to the public.

c. Any damage or injury resulting from contact with any wildlife held under authority of this permit shall be the sole responsibility of the permittee.

12. All wildlife held at a menagerie must have been either lawfully taken by the applicant in this State during an open hunting or trapping season or purchased from a commercial dealer licensed by the Department under Section 20-2-47 of the West Virginia Code.

a. The acquisition of wildlife shall be for the sole purpose of maintaining stock for the menagerie.

b. Wildlife lawfully taken by the applicant in West Virginia during an open hunting or trapping season must be checked and recorded by a conservation officer.

c. If wildlife was purchased, the permittee must have in his possession a bill of sale showing that the wildlife was legally obtained from a licensed commercial dealer. The bill of sale must contain the name, address, and license number of the seller, the date of the sale, the purchaser's name and address, and a description of the wildlife sold, including the number of each species sold.

13. The Department must be notified in writing within fifteen (15) days after receipt of new wildlife that had not been listed on the permittee's application.

14. The Department must be notified in writing within fifteen (15) days after disposal or death of any wildlife held at the menagerie.

15. Accurate and current records must be maintained concerning all wildlife acquisitions and disposals. All records must be either typed or written in plain and legible English and must be maintained for a minimum period of three (3) years.

16. This permit does not convey the right to trade, barter, sell, or offer to trade, barter, or sell any wildlife. Wildlife acquired under this permit may not be sold or bred without first obtaining a license from the Department under Section 202-2-47 of the West Virginia Code.

17. This permit does not authorize the holder to keep mammals that are not native to West Virginia.

18. The permittee must display his permit in plain view at the entrance to the menagerie.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
COMMERCIAL FISHING PRESERVE LICENSE
(West Virginia Code §20-2-53)
Title 58.48A.2.1.5.

-- LICENSE TERMS AND CONDITIONS --

1. If a commercial fishing preserve pond or impoundment is supplied by waters diverted from a natural stream, the diverted waters must be adequately screened in order to prevent the movement of fish to or from public waters. The riparian rights of other landowners must not be adversely affected as a result of such a diversion.

2. All fish to be stocked in a fishing preserve must be either obtained from a commercial dealer licensed by the Division under Section 20-2-48 of the West Virginia Code, imported under a permit issued by the Division under Section 20-2-12 of the West Virginia Code or lawfully caught from the waters of this State during a legal open fishing season.

3. If fish are purchased for stocking, the licensee must have in his possession a bill of sale showing that the fish were legally obtained from a licensed commercial dealer. The bill of sale must contain the name, address, and license number of the supplier, the date of the sale, the purchaser's name and address, and a description of the fish sold, including the number and pounds sold for each species.

4. Accurate and current records pertaining to the acquisition of fish to be stocked at the fishing preserve and the removal of fish from the preserve must be maintained by the licensee. All records must be either typed or written in plain and legible English and must be maintained for a minimum period of three (3) years.

5. A bill of sale must be given to each person removing fish from the fishing preserve. Each bill of sale must contain the following information:

- a. The name and license number of the preserve owner.
- b. The address of the fishing preserve.
- c. The number and species of fish taken.
- d. The date the fish were taken.
- e. The name and address of the customer.

6. The licensee must display his license in plain view at the entrance to the fishing preserve.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
COMMERCIAL SHOOTING PRESERVE LICENSE
(West Virginia Code §20-2-54)
Title 58.48A.2.1.6.

-- LICENSE TERMS AND CONDITIONS --

1. Preserve Size and Boundaries.

a. The commercial shooting preserve must contain a minimum of three hundred (300) acres in one tract of leased or owned land (including water area, if any), except that a preserve confined to the releasing of ducks only may operate with a minimum of fifty contiguous acres (including water area). The shooting preserve may be no larger than three thousand (3,000) contiguous acres (including water area, if any).

b. The exterior boundaries of the shooting preserve shall be clearly defined and posted with signs erected around the extremity at intervals of one hundred fifty (150) yards or less. The signs must have the words "LICENSED SHOOTING PRESERVE" on them and must be signed by the licensee.

c. Unless operated solely for the releasing of wild birds, the shooting preserve must be enclosed by fencing to prevent the ingress of native wildlife or egress of stocked wildlife species. The fencing must be of sufficient strength and height to prevent the escape of the stocked wildlife.

d. The licensee must display his license in plain view at the entrance to the shooting preserve.

2. Preserve Wildlife.

a. Native wildlife means game animals and game birds found in a wild and natural state within the boundaries of the shooting preserve.

b. Stocked wildlife means those animals and birds that were either obtained from a licensed commercial dealer and released at the shooting preserve, imported into this State under a valid wildlife importation permit and released at the shooting preserve, or raised at the shooting preserve under a valid game farm license and released.

c. Stocked wildlife may include any of the following: game birds, non-native game birds (such as chukar partridges), rabbits, or the hooved stock of the families Cervidae (deer and elk), Suidae (boar), and Bovidae (buffalo).

d. This license does not authorize the holder to capture game animals or game birds from the woods or fields of this State to be used as stock at the shooting preserve.

e. This license does not authorize the holder to breed or raise wild animals or wild birds to be used as stock at the shooting preserve. In order to raise wild animals or wild birds, the licensee must first obtain a game farm license issued by the Division under Section 20-2-47 of the West Virginia Code.

f. This license does not authorize the holder to import wildlife into this State to be used as stock at the shooting preserve. In order to import wildlife, the licensee must first obtain a wildlife importation permit issued by the Division under Section 20-2-12 of the West Virginia Code.

3. Hunting License Requirements.

a. A West Virginia resident must possess a valid Class A, Class AB, Class A-L, or Class AB-L license while hunting on the shooting preserve unless he is exempt from licensing requirements under Section 20-2-27, 20-2-28, or 20-2-62 of the West Virginia Code.

b. A nonresident must possess a valid Class E license to hunt native wildlife on the shooting preserve and a valid Class M shooting preserve license to hunt stocked wildlife.

4. Hunting Seasons and Bag Limits.

a. Native wildlife may be hunted only during the season set therefor and in the manner and numbers authorized by Division regulations governing hunting and trapping in West Virginia (47 C.S.R. 11). There shall be no open season for wild waterfowl.

b. The licensee may establish a liberal hunting season for any species of stocked wildlife. Such season may begin no earlier than September 1 and end no later than April 30 of the following year. There shall be no hunting or shooting on a Sunday.

c. Bag limits for each species of stocked wildlife may be set by the licensee provided that the licensee and his guests or customers may recover not more than eighty percent (80%) of the total number of each species of game bird released on the premises each year, except that a one-hundred percent (100%) recovery may be allowed on mallard, black duck, ringnecked pheasant, chukar partridge, and other non-native game species.

d. Except for the required compliance with the restriction on the maximum number of released birds that may be recovered from each preserve each year, the licensee may establish shooting limitations and restrictions on the age, sex, and number of stocked wildlife that each person may take.

5. Tagging of Harvested Game.

a. All harvested game, including native wildlife, must be tagged prior to being either consumed* on the premises or removed therefrom, such tags to remain affixed until the game is actually delivered to the point of consumption.

b. The numbered tagging system approved by the Director must be used by the licensee.

6. Care of Stocked Wildlife.

a. Wildlife enclosures must meet the minimum requirements set forth below. In addition, all enclosures must be strong enough to both prevent escape of the captive wildlife and protect them from injury. All enclosures must be equipped with a safety barrier which adequately prevents any physical contact between the captive wildlife and visitors or customers. Cages considered unsafe by Division personnel must be repaired or reconstructed as directed within sixty (60) days.

b. Each enclosure must be provided with a shelter that is appropriate for the wildlife held captive. Shelters must contain bedding or nesting material as may be required for the comfort of the wildlife and be constructed in a manner that protects them from inclement weather.

c. Fresh drinking water must be provided daily. Swimming or wading pools must be cleaned as needed to ensure good water quality. Wildlife enclosures must be adequately drained.

d. Food must be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet must be prepared with consideration for age, species, condition, size, and type of animal. Wildlife must be fed at least once a day, except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally-accepted practice.

e. Fecal and food waste must be removed from cages daily and stored or disposed of in a manner which prevents noxious odors or insect pests. Food and water containers must be kept clean. Hay, straw, or other bedding or nesting material must be replaced as needed. All waste must be disposed of in a legal manner.

f. All wildlife must be kept free from parasites, sickness, or disease. If sick, wildlife must be given immediate professional medical attention or be humanely destroyed.

g. Any damage or injury resulting from escape of wildlife from the preserve shall be the sole responsibility of the licensee.

- i. Wildlife which escapes and poses no threat to the public shall become the property of the State.
- ii. Wildlife which escapes and poses a potential threat to the public safety may be disposed of by Division personnel.

7. Record Keeping.

a. The licensee must maintain accurate and current records of all wildlife purchased for, imported to, or raised at the shooting preserve.

- i. Records of wildlife purchased for the shooting preserve must include a bill of sale for all wildlife acquired.
- ii. Records of wildlife imported for the shooting preserve must include the importation permit issued by the Division, the date of importation, the number of each species that were imported, and the sex of each animal that is imported.
- iii. Records of wildlife raised at the shooting preserve must include the game farm license issued by the Division, the date of birth and the number born or hatched for each species, and the sex of each animal that is born.

b. The licensee must also maintain accurate and current records of all wildlife releases made at the shooting preserve. Records of wildlife released at the preserve must include the date of release, the number of each species released, and the sex of each animal released.

c. The licensee must also maintain a registration book listing the name, address, and hunting license numbers of each customer or guest, the date on which he hunted, the number and species of game taken, and the number of the tag affixed to each carcass.

d. All records must be either typed or written in plain and legible English and must be maintained by the licensee for a minimum period of three (3) years.

8. Shooting Preserve Reports.

a. Within ten (10) days of the close of each fiscal year (i.e., by July 10), the licensee must submit a shooting preserve report to the Chief on the form provided by the Division.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
LICENSE TO CATCH AND SELL BAIT FISH
(West Virginia Code §20-2-55)
Title 58.48A.2.1.7.

-- LICENSE TERMS AND CONDITIONS --

1. The licensee must obey Division regulations governing the catching and selling of bait fish (47 C.S.R. 22).

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
FIELD TRIAL PERMIT
(West Virginia Code §20-2-56)
Title 58.48A.2.1.8.

-- PERMIT TERMS AND CONDITIONS --

1. Wildlife may not be taken under this permit.
2. The permit conveys no right to trespass.
3. The permit shall be valid in no more than two counties and for no more than three (3) days.
4. The permit shall not be valid in areas set aside as bear sanctuaries.
5. A field trial or a wild hunt may be held on a Sunday; a water race may be held on a Sunday.
6. No person participating in the trial, race, or hunt may have a firearm or bow in his possession.
7. Each person participating must be registered for the trial, race, or hunt. The register must include the name, address, and telephone number of each participant and must be maintained for a minimum period of one (1) year. The register must be posted during the trial, race, or hunt at the address given on the permit application for inspection by Division personnel.

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
FIELD TRIAL PERMIT
(West Virginia Code §20-2-56)
Title 58.48A.2.1.8.

-- SPECIAL PERMIT TERMS AND CONDITIONS --

(For Shoot-To-Retrieve Field Trials)

1. Only stocked game birds may be pursued and taken during the trial.
2. The permit conveys no right to trespass.
3. The permit shall be valid in one county only and for no more than three (3) days.
4. The permit is not valid in areas set aside as bear sanctuaries.
5. A shoot-to-retrieve field trial may not be held on a Sunday.
6. Each person participating must be registered for the trial. The register must include the name, address, and telephone number of each participant and must be maintained for a minimum period of one (1) year. The register must be posted during the trial at the address given on the permit application for inspection by Division personnel.

APPENDIX A

Department Division of Natural Resources District Offices

District I -- 1304 Goose Run Road
 Fairmont, WV 26554
 Telephone: 304/367-2720

Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia,
Ohio, Preston, Taylor, Tucker and Wetzel Counties.

District II -- 1 Depot Street
 Romney, WV 26757
 Telephone: 304/822-3551

Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan and
Pendleton Counties

District III -- Box 38
 French Creek, WV 26218
 Telephone: 304/924-6211

Braxton, Clay, Lewis, Nicholas, Pocahontas, Randolph, Upshur and
Webster Counties.

District IV -- ~~General Delivery~~ 2006 Robert C. Byrd Drive
 ~~MacArthur Beckley~~, WV ~~25783~~ 25801-8320
 Telephone: 304/256-6947

Boone, Fayette, Greenbrier, Lincoln, Logan, McDowell, Mercer,
Mingo, Monroe, Summers, Raleigh, Wayne and Wyoming Counties.

~~District V -- 694 Winfield Avenue~~
~~St. Albans, WV 25177~~

~~Boone, Cabell, Kanawha, Lincoln, Logan, Mason, Mingo, Putnam and~~
~~Wayne Counties.~~

District VI -- ~~6321 Emerson Avenue~~ 2311 Ohio Avenue
 Parkersburg, WV 26101
 Telephone: 304/420-4550

Cabell, Calhoun, Doddridge, Gilmer, Jackson, Kanawha, Mason,
Pleasants, Putnam, Ritchie, Roane, Tyler, Wirt and Wood Counties.

APPENDIX B

PERMITS AND LICENSE APPLICATION FEE

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A LICENSE TO CATCH AND SELL BAIT FISH
(West Virginia Code §20-2-55)

INITIAL APPLICATION (____) RENEWAL APPLICATION (____)

NAME: _____ (Telephone) _____

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

NAME OF BUSINESS: _____

ADDRESS OF BUSINESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

BUSINESS TELEPHONE: _____

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

INITIAL LICENSE FEE: \$10.00

LICENSE RENEWAL FEE: \$ 1.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A FISH POND LICENSE
(West Virginia Code §20-2-48)

INITIAL APPLICATION ()

RENEWAL APPLICATION ()

NAME: _____
(Telephone)

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

NAME OF BUSINESS: _____

ADDRESS OF BUSINESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

BUSINESS TELEPHONE: _____

LOCATION OF FISH POND (Attach a map of the pond and surrounding area):

(General Location of the Property)

(Acres)

(County)

SPECIES RAISED: _____

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

ANNUAL LICENSE FEE: \$10.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A FISH SALES LICENSE
(West Virginia Code §20-2-48)

INITIAL APPLICATION (____) RENEWAL APPLICATION (____)

NAME: _____ (Telephone)

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

NAME OF BUSINESS: _____
(Street, Box, or Rural Route)

ADDRESS OF BUSINESS: _____
(City, County, State, Zip Code)

BUSINESS TELEPHONE: _____

SPECIES SOLD: _____

NAME OF SUPPLIER: _____
OF YOUR FISH

ADDRESS OF SUPPLIER: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

SUPPLIER TELEPHONE: _____

SUPPLIER LICENSE NUMBER: _____

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

ANNUAL LICENSE FEE: \$10.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A ROADSIDE MENAGERIE PERMIT
(West Virginia Code §20-2-52)

INITIAL APPLICATION (____)

RENEWAL APPLICATION (____)

NAME: _____
(Telephone)

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

NAME OF BUSINESS: _____

ADDRESS OF BUSINESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

ANIMALS CURRENTLY AT THE MENAGERIE:

Species of Animal	Sex	Number	Cage Area Provided	Date Acquired
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I agree to abide by the terms and conditions of my permit:

DATE: _____
(Signature of Applicant)

ANNUAL PERMIT FEE: \$10.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A FIELD TRIAL PERMIT
(West Virginia Code §20-2-56)

NAME OF GROUP: _____

ADDRESS OF GROUP: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

NAME OF GROUP'S PRESIDENT: _____
OR VICE PRESIDENT

TELEPHONE: _____

NAME OF ANOTHER OFFICER: _____
OF THE GROUP

TITLE: _____ TELEPHONE: _____

TYPE OF HUNT: () Field Trial () Shoot-To Retrieve Field Trial
() Water Race () Wild Hunt

LOCATION OF: _____
(General Area) (County)

ANIMAL TO BE PURSUED: _____

DATE OF THE HUNT: _____

We agree to abide by the terms and conditions of our permit:

DATE: _____
(Signature of President
or Vice-President)

(Signature of Other Officer)

PERMIT FEE: \$5.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A COMMERCIAL FISHING PRESERVE LICENSE
(West Virginia Code §20-2-53)

INITIAL APPLICATION ()

RENEWAL APPLICATION ()

NAME: _____
(Telephone)

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

LOCATION OF PRESERVE (Attach a map of all ponds and surrounding area):

(General Location of the Property)

(Acres)

(County)

SPECIES OF FISH STOCKED AT THE PRESERVE:

Species Number

Species Number

Species Number

Species Number

Species Number

Species Number

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

ANNUAL LICENSE FEE: \$25.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A WILD PET PERMIT
(West Virginia Code §20-2-51)

INITIAL APPLICATION (____) RENEWAL APPLICATION (____)

NAME: _____ (Telephone) _____

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

Species of Wild Pet	Sex	Age	Date Acquired
---------------------	-----	-----	---------------

If you purchased your pet:

NAME OF SUPPLIER: _____
OF YOUR PET

ADDRESS OF SUPPLIER: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

SUPPLIER TELEPHONE: _____

SUPPLIER LICENSE NUMBER: _____

If you acquired your pet during a legal hunting or trapping season:

NAME OF OFFICER WHO: _____
CHECKED YOUR PET

LOCATION WHERE TAKEN: _____

I agree to abide by the terms and conditions of my permit:

DATE: _____
(Signature of Applicant)

ANNUAL PERMIT FEE: \$2.00

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A COMMERCIAL SHOOTING PRESERVE LICENSE
(West Virginia Code §20-2-54)

INITIAL APPLICATION ()

RENEWAL APPLICATION ()

NAME: _____ (Telephone) _____

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

LOCATION (Attach a map of the preserve grounds and surrounding area):

(General Location of the Property)

(Acres Owned) (Acres Leased) (Total Acres) (County)

(Date Lease Expires) (Name of the Lessor)

(Address of the Lessor)

SPECIES OF GAME STOCKED AT THE PRESERVE:

<u>Species</u>	<u>Bag Limit</u>	<u>Proposed Season</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I agree to abide by the terms and conditions of my license:

DATE: _____ (Signature of Applicant) _____

ANNUAL LICENSE FEE: \$50.00 for the first 300 acres plus \$25.00 for
each additional 300 acres or portion thereof

RETURN TO: WV Division of Natural Resources
Division of Law Enforcement
Building 3, State Capitol Complex
Charleston, WV 25305

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A GAME FARM LICENSE
(West Virginia Code 20-2-47)

INITIAL APPLICATION ()

RENEWAL APPLICATION ()

NAME: _____ (Telephone) _____

ADDRESS: _____
(Street, Box, or Rural Route)

(City, County, State, Zip Code)

LOCATION OF GAME FARM (Attach a map of game farm and surrounding area):

(General Location of the Property)

(Acres)

(County)

NAME, SEX, AND NUMBER OF THE SPECIES CURRENTLY AT THE GAME FARM:

Species	Sex	Number
Species	Sex	Number
Species	Sex	Number
Species	Sex	Number
Species	Sex	Number

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

ATTACH TO THIS APPLICATION ANNUAL LICENSE FEE: of \$ 10.00 AND A COPY OF WV BUSINESS
REGISTRATION CERTIFICATE

RETURN TO: (Address of District Office Stamped Here)

WEST VIRGINIA DIVISION OF NATURAL RESOURCES
APPLICATION FOR A GAME FARM LICENSE
(Hound Coursing/Training Pen or Incorporated Sportsmen Club)
(West Virginia Code 20-2-47)

INITIAL APPLICATION ()

RENEWAL APPLICATION ()

NAME: _____ (Telephone) _____

ADDRESS: _____
(Street, Box, or Rural Route) (WV Business Registration
Number if Applicable)

(City, County, State, Zip Code)

CATEGORY: Hound Coursing/Training Pen() Incorporated Sportsmen Club()

LOCATION OF FACILITY OR AREA (Attach a map of facility or area of restocking):

(Specific Location of the Facility or Area to be restocked)

Acres
(Pen Size or approximate
Area Size to be restocked)

County

NAME, SEX, AND NUMBER OF ANIMALS, CURRENTLY OR INTENDED, TO BE HELD AND RELEASED:

Species

Sex

Number

Species

Sex

Number

I agree to abide by the terms and conditions of my license:

DATE: _____
(Signature of Applicant)

ANNUAL LICENSE FEE: \$ 10.00

RETURN TO: (Address of District Office Stamped Here)

APPENDIX C

PERMANENT CAGE/PEN/HOUSING REQUIREMENTS
TEMPORARY CAGE/PEN/HOUSING REQUIREMENTS

PERMANENT CAGE/PEN/HOUSING REQUIREMENTS

When wildlife is kept for more than thirty (30) consecutive days at the same location, such wildlife shall be placed in enclosures meeting, at a minimum, the requirements below:

1. White-Tailed Deer
 - a. Cage size for one deer
 - 1) 500 square foot paddock with 8'H fence
 - b. Cage size for each additional deer
 - 1) Increase enclosure area by 25%
 - c. Accessories
 - 1) Roofed shelter
2. Black Bears
 - a. Cage size for one bear
 - 1) 25'L by 12'W by 8'H
 - b. Cage size for pair
 - 1) 30'L by 15'W by 8'H
 - c. Accessories
 - 1) Roofed shelter
 - 2) EXTREMELY DANGEROUS - DO NOT MOLEST signs
3. Elk or Buffalo
 - a. Cage size for one animal
 - 1) 1,000 square foot paddock or corral
 - b. Cage size for each additional animal
 - 1) Increase enclosure area by 25%
 - c. Accessories
 - 1) Roofed shelter
 - 2) DANGEROUS - DO NOT MOLEST signs

4. Bobcats

a. Cage size for one bobcat

- 1) 8'L by 4'W by 6'H

b. Cage size for each additional animal

- 1) Add 2'L

c. Accessories

- 1) Roofed shelter
- 2) 4'L by 14"W by 36"h resting shelf
- 3) At least two claw logs
- 4) EXTREMELY DANGEROUS - DO NOT MOLEST signs

5. Foxes

a. Cage size for one fox

- 1) 5'L by 30"W by 30"H
- 2) 18" above ground level
- 3) A wire cage bottom with openings of a size which allows droppings, but not the fox's feet, to fall through

b. Accessories

- 1) 2'L by 30"W by 30"H roofed shelter
- 2) DANGEROUS - DO NOT MOLEST signs

6. Raccoons

a. Cage size for one raccoon

- 1) 6'L by 5'W by 6'H

b. Cage size for two or three raccoons

- 1) 8'L by 5'W by 6'H

c. Cage size for each additional animal

- 1) Add 2'L

d. Accessories

- 1) Roofed shelter or nest box
- 2) One resting shelf per animal
- 3) At least two limbs for climbing

7. Opossum or Skunks

- a. Cage size for one animal
 - 1) 4'L by 4'W by 6'H
 - b. Cage size for pair
 - 1) 6'L by 4'W by 6'H
 - c. Cage size for each additional animal
 - 1) Add 1'L
 - d. Accessories
 - 1) Roofed shelter or nest box
 - 2) At least three limbs for climbing
8. Woodchucks
- a. Cage size for one animal
 - 1) 8'L by 6'W by 4'H
 - b. Cage size for each additional animal
 - 1) Add 3'L
 - c. Accessories
 - 1) Roofed shelter or nest box
9. River Otters, Fishers, Minks or Weasels
- a. Cage size for one pair
 - 1) 10'L by 6'W by 6'H
 - b. Cage size for each additional animal
 - 1) Increase cage and pool size by 25%
 - c. Accessories
 - 1) Dry sleeping retreat
 - 2) 6'L by 4'W pool 3'D at one end
 - 3) EXTREMELY DANGEROUS - DO NOT MOLEST signs
10. Beavers and Muskrats
- a. Cage size for one to three animals
 - 1) 8'L by 4'W by 5'H
 - b. Cage size for each additional animal

- 1) Add 2'L
- c. Accessories
 - 1) Roofed shelter or nest box
 - 2) 4'L by 4'W by 24"D pool
 - 3) Two or more gnawing logs
- 11. Squirrels and Chipmunks
 - a. Cage size for one to two animals
 - 1) 3'L by 2'W by 4'H
 - b. Cage size for each additional animal
 - 1) Add 6"L
 - c. Accessories
 - 1) Nest box
 - 2) At least three limbs for climbing
- 12. Rabbits and Hares
 - a. Cage size for one animal
 - 1) 6'L by 3'W by 3'H
 - b. Cage size for each additional animal
 - 1) Add 1'L
 - c. Accessories
 - 1) Nest box
 - 2) Gnawing log
- 13. Wild Turkey
 - a. Cage size for one to three birds
 - 1) 144 square foot enclosure
 - b. Cage size for each additional bird
 - 1) Increase enclosure area by 50%
 - c. Accessories
 - 1) 4'H roosting perch large enough for all birds
 - 2) Dusting area
- 14. Grouse, Pheasants, Quail or Doves

- a. Cage size for one to five birds
 - 1) 100 square foot enclosure with 6'H fence
 - b. Cage size for each additional bird
 - 1) Increase enclosure area by 20 square feet
 - c. Accessories
 - 1) Dusting area
15. Waterfowl
- a. Cage size for two pairs or one pair with off-springs of the year
 - 1) 100 square foot area
 - 2) Water area = 25% of total area
 - b. Cage size for each additional bird
 - 1) Increase cage/water area by 20%
16. Other Flying Birds
- a. Enclosures for flying birds must either be small enough to inhibit flying altogether or large enough to permit aerial maneuvering within the enclosure.
17. Reptiles
- a. Indoor diorama-type cages
 - 1) Cages must be fronted with one-quarter inch mesh hardware cloth or plate glass of at least one-quarter inch in thickness.
 - 2) Cages may be built of waterproof plywood of at least one-quarter inch in thickness, concrete plastered-over wire, sheet metal, one-quarter inch mesh hardware cloth, or interlocking lumber of at least three-quarter inch in thickness.
 - 3) Cages are to be tightly closed at the top and all doors are to be tight fitting. The doors of all cages must be key-locked.
 - b. Outdoor cages or pits
 - 1) The floors of outdoor cages or pits must be of concrete or masonry construction that is at least two inches in thickness. Cage sides must be of similar construction and at least six

inches in thickness, with a minimum eight of four feet above the floor of the enclosures unless completely roofed over by close-meshed wire. The corners of all open-topped pits must be designed or guarded so as to prevent the escape of reptiles by climbing. Entrance doors must be key-locked.

Enclosures for wildlife not listed above must be approved by the Chief or his authorized representative prior to its construction.

TEMPORARY CAGE/PEN/HOUSING REQUIREMENTS

When wildlife is transported or is kept for less than thirty (30) consecutive days at the same location, such wildlife must be placed in cages meeting, at a minimum, the requirements outlined below:

1. Cage requirements for each animal or bird
 - a. Cage length must be at least double the animal or bird's body length (excluding its tail).
 - b. Cage width must at least equal body length.
 - c. Cage height must be at least 1' higher than the animal or bird's head when standing.
2. Cage requirements for each additional animal or bird
 - a. Cage length must be increased by 33%.

3. Animals and birds should be transported in air-conditioned or well-ventilated vehicles that can be adjusted to weather conditions. All animals must be provided with fresh water twice and fed at least once in any twenty-four (24) hour period while in transit.

Wildlife may not be housed for a period of more than thirty (30) consecutive days at the same location in cages meeting these temporary cage requirements.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000



STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

December 15, 1994

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Natural Resources

RULE: Amendments, Series 48A, Miscellaneous Permits and Licenses

DATE FILED AS AN EMERGENCY RULE: November 4, 1994

DECISION NO. 21-94

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.

A handwritten signature of Ken Hechler in cursive script.

KEN HECHLER
Secretary of State

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Dec 15 4 42 PM 1994

FILED

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
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CATHERINE FREROTTE
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EMERGENCY RULE DECISION (ERD 21-94)

AGENCY: Natural Resources

RULE: Amendments, Series 48A, Miscellaneous Permits and Licenses

FILED AS AN EMERGENCY RULE: November 4, 1994

- par. 1 The Division of Natural Resources (DNR) has filed the above amendments to an existing rule as an emergency.
- par. 2 West Virginia Code 29A-3-15a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-15a(b))].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the thirty-five day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6 The DNR filed this emergency rule with supporting documents with the Secretary of State November 4, 1994 and with the LRMRC November 4, 1994.

- par. 7 It is the determination of the Secretary of State that the DNR has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.
- par. 8 (B) Statutory Authority -- WV Code §20-1-7(30) reads:
- Promulgate rules, in accordance with the provisions of §29A-1-1 et seq. 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.*
- par. 9 It is the determination of the Secretary of State that the DNR has not exceeded its statutory authority in promulgating this emergency rule.
- par. 10 (C) Emergency -- WV Code 29A-3-15(g) defines "emergency" as follows:
- (g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.*
- par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.
- par. 12 The facts and circumstances as presented by the DNR are as follows:
- Passage of SB 337 by the 1994 Legislature adds live foxes and raccoons taken during the established trapping season to wildlife items that can be sold. Prior to the legislation, only the pelts of these animals could be sold. Without the proposed emergency rule the welfare of these animals is not assured through any established regulations and the potential for commingling and transmission of disease, especially through contact with wild foxes, raccoons and game farm animals is great. The proposed emergency rule separates the current licenses to operate a private game preserve into three categories to govern the use, care and disposition of live foxes and raccoons now available for commercial sale as a result of SB 337. The 1994-95 trapping season for foxes and raccoon opens November 5, 1994 and closes January 31, 1995.
- par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(g). . . "immediate preservation of public peace, health, safety and welfare."

par. 14

This decision shall be cited as Emergency Rule Decision 21-94 or ERD 21-94 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the Division of Natural Resources, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER
Secretary of State

Entered _____

FILED

DEC 15 4 42 PM 1994

OFFICE OF THE SECRETARY OF STATE