

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

Form #6

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MAY 7 3 24 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Division of Natural Resources TITLE NUMBER: 58

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 66

TITLE OF RULE BEING PROPOSED: Fertility Control of Free Roaming Wildlife

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 192

SECTION §64-10-1(a), **PASSED ON** April 10, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS BILL BECOME EFFECTIVE ON THE

FOLLOWING DATE: May 7, 1997

Robert A. Reintsema

ROBERT A. REINTSEMA, COMMISSIONER

FILED

MAY 7 3 25 PM '97

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 66
FERTILITY CONTROL OF FREE ROAMING WILDLIFE

§58-66-1. General.

1.1. Scope. -- The purpose of this rule is to establish standards governing the use of fertility control or contraceptive compounds on free roaming or noncaptive wildlife within the boundaries of this State.

1.2. Authority. -- W. Va. Code §20-1-5d.

1.3. Filing Date. -- May 7, 1997

1.4. Effective Date. -- April 22, 1997

§58-66-2. 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).

2.2. Contraceptive compounds are any biological substances, animal tissues, drugs, vaccines, steroids, or other chemicals that, when administered to individuals within a target species' population, produce a state of infertility or prevent the production of progeny, either temporarily or permanently.

§58-66-3. General Application Requirements.

3.1. A person may not use fertility control or contraceptive compounds without a permit issued by the Division. The Division may only issue permits to federal, state, or local government agencies, universities, or colleges, or their agents.

3.2. An applicant shall submit a written application requesting a permit prior to the planned application of the contraceptive treatment. The application must be accompanied by a proposed management plan or research proposal that:

3.2.1. Includes the objectives of the management or research project, including population objectives for management projects;

3.2.2. Is approved by the landowner or land manager responsible for the site;

3.2.3. For research proposals, is approved by the federal, state, or local government agency, university, or college responsible for the actions of the research investigator;

3.2.4. Includes an assessment of the anticipated effect of the contraceptive treatment on each target species' population at each site and on individual animals within each target population;

3.2.5. Documents potential impacts to non-target wild animal populations;

3.2.6. Documents potential threats to human health and safety;

3.2.7. Includes a description of all planned or completed management actions and an evaluation of the costs, efficiency, effectiveness, and safety of alternative methods for managing each target species' population on each site;

3.2.8. Includes a plan for monitoring short- and long- term effects of the contraceptive treatments on treated individual wild animals and each target species' population on each site;

3.2.9. Includes a certification that the contraceptive compound is approved by the federal Food and Drug Agency or a copy of a federal Food and Drug Agency "Investigative New Animal Drug" permit; and

3.2.10. Includes the name, address and phone number of the contraceptive compound's manufacturer; the generic name of the contraceptive compound and its chemical/biological composition.

3.3. The Director may request additional information if needed to determine the applicant's qualifications or to evaluate the proposed management plan or research proposal.

§58-66-4. Chemical Registration/Licensing.

4.1. Contraceptive compounds used in the State must have all required federal and state licensing, registration, or approvals for use on each wild animal species for each site requested.

§58-66-5. Permit Conditions.

5.1. As conditions of the permit, the Director will specify authorized contraceptives, treatment methods, application devices and equipment, individual and population monitoring requirements, reporting requirements, and other applicable restrictions.

§58-66-6. Public Notice

6.1. The Director may require a 30 day public notice and comment period on any application for the use of contraceptives in free roaming wildlife within the boundaries of West Virginia.

KEN HECHLER
Secretary of State

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Deputy Secretary of State

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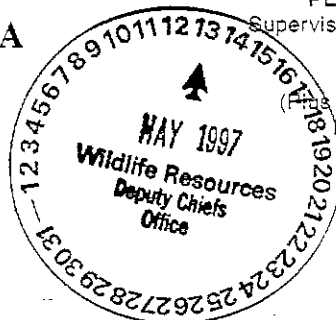
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STATE OF WEST VIRGINIA
SECRETARY OF STATE

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(Please all the volunteer help we can get)

TO: GORDON ROBERTSON

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 12, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 66 TITLE: 58 NATURAL RESOURCES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Gordon C. Robertson

TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources - DNR

DATE: May 20, 1997

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
MAY 23 9 28 AM '97
FILED