

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Department of Commerce, Division of Natural Resources TITLE NUMBER: 58

CITE AUTHORITY: 20-2-4

AMENDMENT TO AN EXISTING RULE: YES NO

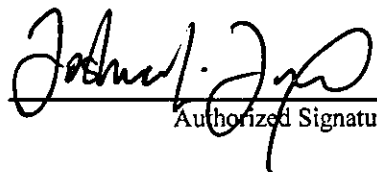
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 72

TITLE OF RULE BEING PROPOSED: Electronic Registration of Wildlife

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

FILED

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

2013 OCT -8 PM 2: 37

SERIES 72
ELECTRONIC REGISTRATION OF WILDLIFE

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE**§58-72-1. General.**

- 1.1. Scope and Purpose. -- This legislative rule establishes the procedures for the electronic registration and checking of wildlife.
- 1.2. Authority. -- W. Va. Code §20-2-4.
- 1.3. Filing Date. --
- 1.4. Effective Date. --

§58-72-2. Definitions.

- 2.1. "Director" means the Director of the West Virginia Division of Natural Resources.
- 2.2. "Division" means the West Virginia Division of Natural Resources.
- 2.3. "Electronically Register" or "Electronic Registration" means the submission of all required data via any electronic method made available by the Division to complete the game checking process and obtain a game tag number in lieu of the delivery of wildlife to a Natural Resources Police Officer or official game checking station.
- 2.4. "Game Tag Number" means the number provided by the Division or its representatives that verifies a hunter or trapper has successfully electronically registered their animal.

§58-72-3. Electronic Registration Requirements.

- 3.1. Hunters and trappers in compliance with all other applicable requirements of law and the rules promulgated thereunder may electronically register wildlife in lieu of delivery to a Natural Resources Police Officer or official game checking station, except under the circumstances set forth in subsection 3.6. of this section.
- 3.2. Hunters and trappers shall provide all requested information via any electronic method made available by the Division.
- 3.3. Upon completion of providing the requested data, the Division or its representatives shall issue a game tag number.
- 3.4. The game tag number must be recorded on the hunter or trapper's field tag or recorded on a separate sheet of paper that displays the hunter or trapper's name and address. This information is the equivalent to that which would have been issued by a Natural Resources Police Officer or an official game checking station.
- 3.5. The game tag number, hunter or trapper's name and address shall be affixed to the animal or parts thereof and remain affixed until it is dressed for consumption or processed into commercial fur.

3.6. ~~As deemed necessary to manage the wildlife resources of the state, the director may suspend all or a part of the requirements to electronically register wildlife and require the physical inspection and checking of wildlife. Any such suspension of the requirements to electronically register wildlife shall be published annually by the Division. Upon public notice in every affected area, the director may require the physical inspection and checking of wildlife under any of the following circumstances:~~

3.6.a. Epizootic disease among wildlife;

3.6.b. Biological necessity requiring physical inspection of wildlife;

3.6.c. Circumstances determined necessary to protect the State's wildlife resources; or

3.6.d. Any other emergency that may require physical inspection of wildlife.

3.7. The physical inspection and checking of wildlife shall continue during the circumstance outlined in subsection 3.6. or until rescinded by the director.