



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

DAVID C. CALLAGHAN
Director

December 8, 1977

The Honorable A. James Manchin
Secretary of State of West Virginia
State Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

Enclosed are two copies of the West Virginia Administrative Regulations covering the 1977-78 hunting seasons for waterfowl and other migratory game birds, designated Series IX and IXa, Chapter 20-1, superseding those currently on file for 1976-77. These regulations are to be effective immediately on an emergency basis.

This emergency action is necessary because hunting seasons for waterfowl and other migratory game birds are controlled by the Federal Government, and federal guidelines are not received until a few days before the start of the season, and there is not adequate time to present the rules and regulations to the Legislative Rule Making Review Committee in the usual manner. In order to enforce wildlife laws during the seasons set by the Federal Government, these regulations must be filed on an emergency basis - 29A-3-14 provides for such emergency filing.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Callaghan", is written over the typed name and title.

David C. Callaghan
Director

DCC/clh

Enclosures - 3



STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

JAMES R. MCCARTNEY
SECRETARY OF STATE

STATE REGISTER FILING

I, David C. Callaghan, Director
Name Title or Position

Department of Natural Resources hereby submit to record
Department or Division

in the State Register on 8 1/2" x 11" paper two (2) copies of

- () proposed rules and regulations concerning topics or
material not covered by existing rules and regulations;
- (x) proposed rules and regulations superseding rules and
regulations already on file;
- () a notice of hearing;
- () findings and determinations;
- () rules and regulations; or
- () other - specify ().

This filing pertains to

Chapter 20

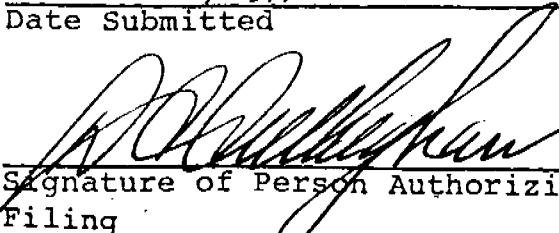
Article 1

Series IX, IXa

Section 1 - 4

Page No.

December 8, 1977
Date Submitted


Signature of Person Authorizing this
Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources

Chapter 20-1
Series IX
(1977)

Subject: 1977-78 Hunting Seasons for Migratory Game Birds

By virtue of the authority granted to the Natural Resources Commission of the Department of Natural Resources by Article 1, Section 17, Chapter 20 of the Code of West Virginia, the following hunting seasons and regulations for migratory game birds are hereby promulgated and shall become effective at 12:00 noon on September 1, 1977, and shall expire at sunset on January 3, 1978, unless otherwise amended or new regulations are issued by the director. All seasons, unless otherwise noted, are statewide and subject to change. The opening and closing dates shall be inclusive, except as noted under exceptions. All time periods shall be prevailing time except as otherwise noted.

Section 1 - Opening and Closing Dates

1.01. Mourning doves - September 1 - October 31, 1977 and December 26 - January 3, 1978.

1.02. Sora and Virginia rails - October 15 - December 23, 1977.

1.03. Woodcock - October 15 - December 17, 1977.

1.04. Common snipe - September 12 - December 27, 1977.

Section 2 - Bag and Possession Limits

2.01. Mourning Doves - bag limit 12 per day, 24 possession limit.

2.02. Sora and Virginia rails - (in combination) - 25 per day, 25 possession limit.

2.03. Woodcock - 5 per day, 10 possession limit.

2.04. Common (Wilson's) snipe - 8 per day, 16 possession limit.

2.05. King and Clapper rails - No open season.

2.06. Shooting hours are one-half ($\frac{1}{2}$) hour before sunrise to sunset for all migratory birds except mourning doves which may only be hunted from noon (12:00 p.m. prevailing time) to sunset.

Section 3 - General Regulations

3.01. Everyone who has attained the age of 16 years must have an unexpired Federal Migratory Bird Hunting Stamp (commonly called a "Duck Stamp") on his person validated by his signature in ink across the face of the stamp to hunt ducks and geese.

3.02. A "Duck Stamp" is not needed to hunt doves, coots, rails, gallinules, snipe, or woodcock.

3.03. It is lawful to hunt waterfowl on open lakes, rivers and waterways of the State during the antlered deer season should the waterfowl season be open at that time.

3.04. One fully-feathered wing or head must remain

attached to all migratory game birds, except doves, at all times while being transported from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility. Any package or container in which birds are being transported by common carrier must have the name and address of the shipper and consignee, and an accurate statement of the numbers and kinds of birds contained therein conspicuously marked on the outside.

3.05. When hunting migratory birds you can use:

(a) A motorboat as a shooting site if it is beached, resting at anchor, or tied to a hunting blind or other fixed object. However, rails may be taken from a boat with the motor attached when the motor is shut off, forward progress from power has ceased, and the boat is immobile or being propelled by paddle, oars, or pole.

(b) Motor-driven boats to retrieve injured or dead birds, if you do not shoot.

(c) A motorboat from which to shoot cripples after motor is shut off, anchor dropped, and forward motion has ceased.

(d) Dogs for both flushing and retrieving waterfowl.

(e) Long bow and arrow, or a shotgun not larger than 10-gauge and limited to three-shell capacity by construction or by plugging, as described in the following paragraph.

(F) A blind or other type of concealment except a sinkbox or livestock.

3.06. When hunting migratory birds you cannot use:

(a) A shotgun larger than 10-gauge, or one capable of holding more than three shells unless plugged with a one-piece filler which cannot be removed without disassembling the gun.

(b) A trap, snare, net, crossbow, rifle, pistol, swivel or machine gun.

(c) Live birds as decoys.

(d) Bait (shelled, shucked, or unshucked corn, wheat or other grain, salt, or other food) to lure or attract birds.

(e) Electronic recordings or electrically amplified imitation of bird calls.

(f) Livestock as a blind or means of concealment.

(g) Any motor-driven land, water, or air conveyance or a sailboat to concentrate, drive, rally, or stir up waterfowl.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Department of Natural Resources
Chapter 20-1
Series IXa
(1977)

Subject: Addendum to the 1977-78 Hunting Seasons for Waterfowl
and Other Migratory Game Birds

By virtue of the authority granted to the Natural Resources Commission of the Department of Natural Resources by Article 1, Section 17, Chapter 20 of the Code of West Virginia, the following hunting seasons and regulations for waterfowl are hereby promulgated and shall become effective at 12:01 a.m. on October 5, 1977, and shall expire at midnight on January 14, 1978, unless otherwise amended or new regulations are issued by the director. All seasons, unless otherwise noted, are statewide and subject to change. The opening and closing dates shall be inclusive, except as noted under exceptions. All time periods shall be prevailing time except as otherwise noted.

Section 1 - Opening and Closing Dates

- 1.06. Ducks - Split season - October 5 - October 22;
December 14 - January 14, 1978.
- 1.07.. Mergansers - Split season - October 5 - October 22;
December 14 - January 14, 1978.
- 1.08. Coots - Split season - October 5 - October 22;
December 14 - January 14, 1978.
- 1.09. Gallinules - Split season - October 5 - October 22;
December 14 - January 14, 1978.

1.10. Canada Geese - Split season - October 5 - October 22; December 14 - January 14, 1978.

1.11. Snow and Blue Geese - Split season - October 5 - October 22; December 14 - January, 1978.

Section 2 - Bag and Possession Limits

2.07. Ducks - 4 per day, 8 possession limit. The daily duck bag limit of 4 can include only one (1) canvasback; one (1) redhead; two (2) black ducks and two (2) wood ducks. The duck possession limit of eight (8) can include only one (1) canvasback, one (1) redhead, four (4) black ducks and four (4) wood ducks. During the period October 7 - October 15 a hunter may take an extra bag limit of two (2) blue-winged teal daily and four (4) in possession. This extra limit is in addition to the regular duck bag and possession limits. Also, hunters may take two (2) additional scaup (bluebills) statewide. This extra limit is in addition to the regular duck bag limits.

2.08. Mergansers - 5 per day, 10 possession limit. The daily merganser bag limit can include only one (1) hooded merganser, and the possession limit for hooded mergansers is two (2).

2.09. Coots - 15 per day, 30 in possession.

2.10. On opening days October 5 and December 14 waterfowl cannot be hunted until 12:00 noon prevailing time to sunset.

Section 4 - Special State Regulations

4.01. That portion of Mason County to the north of the Kanawha River shall be closed to hunting Canada Geese.

4.02. McClintic Wildlife Station - (a) Hunting hours for waterfowl will be from legal shooting time until 12:00 noon (prevailing time) October 6 - October 22, 1977 in the migratory game bird area. This area is so marked by signs. This includes ponds 3, 6, 7, 8, 9, 11, 17, 18, 19, 36, 39, 40, and the area known as the Igloo Section.

4.03. Regulations for the controlled hunt area of McClintic Wildlife Station:

(a) Hunting on the controlled area shown on the map, including that portion of Old Town Creek, is restricted to waterfowl hunting only from state-controlled blinds.

(b) Successful applicants must report to the McClintic Wildlife Station Office prior to 6:00 a.m. on the morning of the hunt.

(c) Failure to report by 6:00 a.m. forfeits the successful applicant's reservation. That blind will then be filled on a first come, first served basis.

(d) Hunters in the controlled area are restricted to 15 shells with shot size no larger than #4.

(e) Guns must be cased and unloaded except when in the blind area.

(f) Dogs must be on leash except when in the blind area.

(g) A controlled hunting permit and a blind tag must be in possession while hunting in the controlled area.

(h) Hunting is from legal shooting hours for waterfowl until 12:00 noon local time.

(i) Hunters must check out at the McClintic Wildlife Station Office, present the day's bag for inspection and return blind tags and permit, prior to 1:00 p.m. on the day of the hunt.

(j) Hunters may not travel more than 75 yards from the blind in the pursuit of cripples.

(k) Hunters must furnish their own decoys and other hunting gear.

(l) Bag limits are the same as those in effect statewide with the following exceptions:

(i) The taking of geese is illegal on McClintic Wildlife Station.

(ii) Only waterfowl may be taken during the first phase of waterfowl season in the controlled hunt area even if other seasons run concurrently.

(iii) No more than one hen mallard may be taken daily.

(m) No alcoholic beverages will be permitted in the blind area.

(n) A hunter in the controlled area who violates regulations or conducts himself in an unsportsman-like manner at the McClintic Wildlife Station will be denied a permit.

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