**TITLE 58**

**LEGISLATIVE EXEMPT RULE**

**DEPARTMENT OF COMMERCE**

**DIVISION OF NATURAL RESOURCES**

**SERIES 55**

**MIGRATORY BIRD HUNTING RULE**

**58-55-1. General.**

1.1. Scope. -- These regulations establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting of migratory game birds in West Virginia.

1.2. Authority. -- W. Va. Code 20-1-17(b)(7) and 29A-1-3(c).

1.3. Filing Date. -- August 31, 2012.

1.4. Effective Date. -- September 1, 2012.

1.5. Seasons in General. -- All seasons are subject to change under the provisions of W. Va. Code 29-1-3(c). Opening and closing dates are inclusive and time periods are prevailing time unless otherwise noted in these regulations. Sunday hunting is legal under the provisions of W. Va. Code 20-2-5.

**58-55-2. Definitions.**

2.1. All terms shall have the meaning prescribed under the Code of State Rules, Title 58, Series 56, "Special Migratory Bird Hunting Regulations" (58CSR56).

**58-55-3. General Migratory Bird Hunting Rules.**

3.1. Closed Season. -- No person may take migratory game birds during the closed season.

3.2. Shooting and Falconry Hours. -- No person may take migratory game birds except during the hours open for shooting and falconry as prescribed in these regulations.

3.3. Daily Bag Limit. -- No person may take more than the daily bag limit of any migratory game bird.

3.4. Field Possession Limit. -- No person may possess more than the daily bag limit of any migratory game bird while in the field or while returning from the field to one's car, hunting camp, home, or other place.

3.5. Custody of Birds of Another. -- No person may receive or have in his/her custody migratory game birds belonging to another person unless such birds are properly tagged.

3.6. Possession of Live Birds. -- No person may at any time, or by any means, possess or transport live migratory game birds taken under 50 C.F.R. Part 20 or under these regulations. Wounded birds reduced to possession must be immediately killed and included in the daily bag limit.

**58-55-4. Open Shooting and Falconry Seasons.**

4.1. Mourning Dove Season.

4.1.a. The first segment of this season opens on September 1, 2012 and closes on October 6, 2012.

4.1.b. The second segment of this season opens on October 22, 2012 and closes on November 10, 2012.

4.1.c. The third segment of this season opens on December 24, 2012 and closes on January 5, 2013.

4.2. Rail Season (Sora and Virginia Rails).

4.2.a. This season opens on September 1, 2012 and closes on November 3, 2012.

4.2.b. There is no open season for king rails or clapper rails.

4.3. Common Snipe Season.

4.3.a. This season opens on September 1, 2012 and closes on December 8, 2012.

4.4. Woodcock Season.

4.4.a. This season opens on October 13, 2012 and closes on November 26, 2012.

4.5. Special Canada Goose Season.

4.5.a. This season opens on September 1, 2012 and closes on September 15, 2012.

**58-55-5. Shooting and Falconry Hours.**

5.1. Mourning Doves.

5.1.a. Shooting and falconry hours in the first segment of the mourning dove season are from thirty (30) minutes before sunrise until sunset except on opening day when shooting and falconry hours are from noon until sunset.

5.1.b. Shooting and falconry hours in all other segments of the mourning dove season are from thirty (30) minutes before sunrise until sunset.

5.2. Sora and Virginia Rails.

5.2.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.3. Common Snipe.

5.3.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.4. Woodcock.

5.4.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.5. Special Canada Goose Season.

5.5.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

**58-55-6. Shooting Bag and Possession Limits.**

6.1. Mourning Doves.

6.1.a. The bag limit is fifteen (15) doves per day.

6.1.b. The possession limit is thirty (30) doves.

6.2. Sora and Virginia Rails.

6.2.a. The bag limit is twenty-five (25) rails in aggregate per day.

6.2.b. The possession limit is twenty-five (25) rails in aggregate.

6.3. Common Snipe.

6.3.a. The bag limit is eight (8) snipe per day.

6.3.b. The possession limit is sixteen (16) snipe.

6.4. Woodcock.

6.4.a. The bag limit is three (3) woodcock per day.

6.4.b. The possession limit is six (6) woodcock.

6.5. Special Canada Goose Season.

6.5.a. The bag limit is five (5) Canada geese per day.

6.5.b. The possession limit is ten (10) Canada geese.

**58-55-7. Falconry Bag and Possession Limits.**

7.1. The bag limit for falconry hunting is three (3) migratory game birds in the aggregate per day.

7.2. The possession limit for falconry hunting is six (6) migratory game birds in the aggregate.