



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25305  
August 5, 1980

JOHN D. ROCKEFELLER IV  
Governor

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE

8/6/80

DAVID C. CALLAGHAN  
Director

WILLIS H. HERTIG, JR.  
Deputy Director

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

Dear Secretary Manchin:

Enclosed are two copies of the West Virginia Administrative Regulations covering the 1980-81 Hunting Seasons for Waterfowl and Other Migratory Game Birds, designated Series IX of Chapter 20-1, superseding those currently on file for 1979-80. Federal Guidelines have not been established for waterfowl at this time, and we will file an addendum to these regulations as soon as the Federal Guidelines are received.

In order to meet the opening date of September 1, as set by the Federal Government, in accordance with the provisions of 29A-3-14, these regulations are being filed on an emergency basis, to be effective September 1, 1980.

It has been determined that it is not necessary to place a legal advertisement concerning these regulations, since the Department has this date released a newsletter to all news media in the State (copy enclosed). Such information shall be available to all interested individuals in West Virginia prior to the opening of the migratory season. Also, such regulations have been submitted to your office for filing in the State Register, to be permanent after the thirty-day period.

Sincerely,

David C. Callaghan  
Director

DCC:jrm  
Enclosures



STATE OF WEST VIRGINIA

OFFICE OF THE SECRETARY OF STATE

CHARLESTON 25305

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

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

West Virginia Department of Natural Resources, hereby submit to record in  
Department or Division

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

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

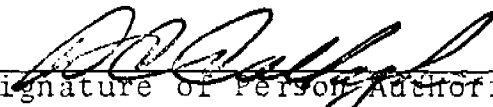
This filing pertains to

Chapter 20  
 Article 1  
 Series IX  
 Section 1-3  
 Page No. 1-4

- ( ) proposed rules and regulations are required to go to Legislative Rule Making Committee;
- ( ) proposed rules and regulations are excluded from Legislative Rule Making Committee;

August 5, 1980

Date Submitted

  
 Signature of Person Authorizing  
 this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources  
Chapter 20-1  
Series IX  
(~~1979~~) (1980)

Subject: ~~1979-80~~; 1980-81 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, 1979~~; September 1, 1980, and shall expire at sunset on ~~January 1, 1980~~; January 31, 1981, 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, 1979~~;  
September 1 - October 31, 1980 and ~~December 24 - January 1, 1980~~;  
December 22 - December 30, 1980.

1.02. Sora and Virginia Rails - ~~September 10 - November 17, 1979~~; September 8 - November 16, 1980.

1.03. Woodcock - ~~October-13 --December-15,-1979;~~

October 18 - December 21, 1980.

1.04. Common Snipe - ~~September-10 -- December-25,-1979;~~

September 8 - December 23, 1980.

## 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 IX  
(1979) (1980)

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SECTION 1. OPENING AND CLOSING DATES

1.01. Mourning Doves - ~~September 1 - October 31, 1979~~;  
September 1 - October 31, 1980 and ~~December 24 - January 1, 1980~~;  
December 22 - December 30, 1980.

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(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.

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

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(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.

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

1980 Season Dates Established for  
Dove, Woodcock, Rail, and Snipe

West Virginia season dates and bag limits for mourning doves, rails, woodcock, and snipe have been established for 1980, according to James M. Ruckel, assistant chief in charge of game management. These regulations were established under guidelines established by the U.S. Fish and Wildlife Service.

A summary of seasons and bag limits is provided in the following table:

	Open Season (All Dates Inclusive)	Daily Bag Limit	Possession Limit
Mourning Doves (Split Season)	Sept. 1 - Oct. 31		
	Dec. 22 - Dec. 30	12	24
Sora and Virginia Rails	Sept. 8 - Nov. 16	25	25
Woodcock	Oct. 18 - Dec. 21	5	10
Common Snipe	Sept. 8 - Dec. 23	8	16

There is a major change in the shooting hours for the 1980 dove season. Dove hunting will be permitted from one-half hour before sunrise to sunset. Traditionally, dove hunting has not been permitted until after 12 noon. The shooting hours for rail, woodcock, and snipe are the same as for dove.

Persons interested in hunting the migratory birds noted above should obtain a copy of the 1980-81 West Virginia Migratory Bird Hunting Regulations. These publications will be available at DNR district offices prior to September 1, 1980. They may also be obtained by writing West Virginia Department of Natural Resources, Wildlife Division, 1800 Washington Street, East, Charleston, West Virginia 25305.

Approved by: *J* Date: 8/12/80  
 Approved by: *BM* Date: 8/14/80

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources  
Chapter 20-1  
(Series IXa)  
1980

Subject: Addendum to the 1980 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 1, 1980, and shall expire at midnight on January 17, 1981, 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. ZONE 1 - Ducks, Mergansers, Coots, Gallinules, Canada Geese, Snow Geese and Blue Geese - Split season - October 1 - October 18, 1980; December 17, 1980 - January 17, 1981.

1.07. ZONE 2 - Ducks, Mergansers, Coots, Gallinules, Canada Geese, Snow Geese and Blue Geese - Split season - October 1 - October 18, 1980; November 5 - December 6, 1980.

1.08. ZONE 1 - Entire state except Zone 2.

ZONE 2 - Beginning at the West Virginia state line, the eastern boundary extends south along U.S. Route 220 through Keyser, West Virginia to the intersection of U.S. Route 50, and follows U.S. Route 50 west to the intersection with State Route 93. The boundary follows State Route 93 south to the intersection with State Route 42 and continues south on State Route 42 to Petersburg. At Petersburg, the boundary follows State Route 28 south to Minnehaha Springs and then follows State Route 39 west to U.S. Route 219 and follows 219 south to the intersection of Interstate 64. The southern boundary follows I-64 west to the intersection with U.S. Route 60, and follows Route 60 west to the intersection of U.S. Route 19. The western boundary follows Route 19 north to the intersection of I-79, and follows I-79 north to the Pennsylvania State Line.

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 1 - October 9, 1980, a hunter may take an extra bag limit of two (2) blue-winged teal and/or green-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) daily and four (4) in possession 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. Gallinules - 15 per day, 30 in possession.

2.11. Canada Geese - 1 per day, 1 in possession.

2.12. Snow and Blue Geese - 4 per day, 8 in possession.

#### SECTION 4. SPECIAL STATE REGULATIONS

4.01. McClintic Wildlife Station - Waterfowl regulations are the same as those in effect statewide with the following exceptions:

- (i) Waterfowl hunting prohibited on ponds 1, 2, and 16.
- (ii) Geese may be taken only on that portion of McClintic located outside of the goose refuge.

4.02. Regulations for the controlled waterfowl hunting area of McClintic Wildlife Station:

(a) Hunting hours for waterfowl will be from legal shooting time until 12:00 noon (prevailing time); October 1 - October 18, 1980 in the controlled waterfowl hunting area. This area is marked by signs and includes ponds 3, 6, 7, 8, 9, 11, 17, 18, 19, 36, 39, 40, and that portion of Old Town Creek which borders the controlled waterfowl hunting area.

(b) 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.

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

(d) 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.

(e) Hunters in the controlled area are restricted to 15 shells.

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

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

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

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

(j) 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.

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

(l) The "blind area" is defined as the area within 75 yards of the hunter's assigned blind.

(m) Geese may be taken only on that portion of the controlled waterfowl hunting area that is not within the goose refuge.

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

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

(p) 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.

Adm. Reg. 20-1  
Series IXa

Sec. 4.02

(q) Letters of notification to successful applicants are not transferrable.



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25305  
August 5, 1980

DAVID C. CALLAGHAN  
Director  
WILLIS H. HERTIG, JR.  
Deputy Director

F. LE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA  
JOHN D. ROCKEFELLER  
Governor

THIS DATE 8/6/80

The Honorable A. James Manchin  
Secretary of State of West Virginia  
Building 1, Room W-157  
State Capitol  
Charleston, West Virginia 25305

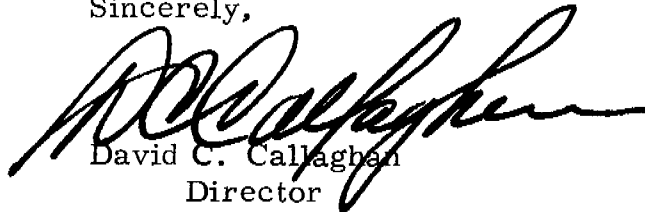
Dear Secretary Manchin:

Enclosed are proposed rule changes to the West Virginia Administrative Regulations covering the Hunting and Trapping Regulations 20-1, Series IV, Section 3, Paragraphs 3.03 (E) and 3.05 to be filed in the State Register.

At this time we wish to file notice that the Department of Natural Resources will hold a public hearing on September 8, 1980 7:00 p. m. to 8:00 p. m., in Room 674, 1800 Washington Street, East, Charleston, West Virginia, for the purpose of taking written and oral submissions and evidence regarding these proposed amendments.

We trust that you will notify all interested parties who have filed requests with your office, and the Department of Natural Resources will publish a statewide news release announcing this public hearing so that all interested parties will have the opportunity to comment.

Sincerely,



David C. Callaghan  
Director

DCC:jrm  
cc: Charles W. Lewis  
Robert L. Miles





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

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

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

West Virginia Department of Natural Resources, hereby submit to record in  
Department or Division

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- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
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- findings and determinations;
- rules and regulations; or
- other - specify ( \_\_\_\_\_ ) .

This filing pertains to

Chapter 20  
 Article 1  
 Series IV  
 Section 3  
 Page No. 9 & 10

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SECRETARY OF STATE OF  
WEST VIRGINIA

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August 5, 1980

Date Submitted

David C. Callaghan  
Signature of Person Authorizing  
this Filing

Adm. Reg. 20-1  
Series IV

3.03. (E) No person shall hunt bear during the established bear firearms hunting season between  $\frac{1}{2}$  hour after sunset and  $\frac{1}{2}$  hour before sunrise.

3.05. Raccoon hunting - ~~First Saturday in November through last day of January at 5:00 a.m. - prevailing time; Saturday nearest October 15 through the last day in January.~~

Adm. Reg. 20-1  
Series IV

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3.05. Raccoon hunting - ~~First-Saturday in November through last day of January at 5:00 a.m. - prevailing time; Saturday nearest October 15 through the last day in January.~~

News Release

DNR Seeks Comments on New Hunting, Trapping and Fishing Regulations

The Department of Natural Resources will conduct a public hearing to discuss the 1981 fishing and 1981-82 hunting and trapping regulations on September 8, 1980 from 7:00 p.m. to 8:00 p.m. in Room 674, in the Motor Vehicles Building of the Capitol Complex.

Wildlife Resources Division chief, Robert L. Miles said, "All interested persons are urged to participate in this important regulations hearing. Hunting and trapping regulations discussed at this meeting will become effective March 1, 1981. Fishing regulations will become effective January 1, 1981."

Approved *James M. Rudel* August 5, 1980

Approved *B Miles* August 5, 1980