



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

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;
- (X) rules and regulations; or
- () other - specify ()

This filing pertains to

Chapter 20
 Article 5E
 Series XV
 Section _____
 Page No. _____

FILED IN THE OFFICE OF
 A. JAMES MANCHIN
 SECRETARY OF STATE
 THIS DATE 3/24/82

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

March 24, 1982
 Date Submitted

David C. Callaghan
 Signature of Person Authorizing
 this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1

Series IX

1982

Subject: 1982-83 Hunting Seasons for Migratory Game Birds

Section 1. General

1.01. Scope. These procedural rules are promulgated to regulate the hunting of migratory waterfowl in West Virginia.

1.02. Authority. These regulations are issued under authority of the West Virginia Code, Chapter 20, Article 1, Section 17 and are exempt from provisions of Chapter 29A-1-2(c).

1.03. Filing Date. These regulations were promulgated on the 24th day of August 1982, and filed on the 24th day of August 1982, in the Secretary of State's Office and are hereby refiled on December 30, 1982. These regulations become effective on the 1st day of September 1982, at 12:01 a.m., and shall expire at midnight on the 15th day of January 1983, unless otherwise amended or new regulations are issued by the Director. 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 2. General Purpose

2.01. To establish opening and closing dates and bag limits for the hunting of migratory game birds in West Virginia. All seasons are subject to change.

Section 3. Opening and Closing Dates

3.01. Mourning Doves - September 1 - October 30, 1982 and

December 22 - December 31, 1982.

3.02. Sora and Virginia Rails - September 6 - November 13,
1982.

3.03. Woodcock - October 16 - December 18, 1982.

3.04. Common Snipe - September 6 - December 21, 1982.

3.05. King and Clapper Rails - No open season.

Section 4. Bag and Possession Limits

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

4.02. Sora and Virginia Rails - (in combination) - 25 per day,
25 possession limit.

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

4.04. Common (Wilson's Snipe) - 8 per day, 16 possession limit.

Section 5. Federal Regulations

5.01. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol,
swivel gun, shotgun larger than 10-gauge, punt gun, battery gun, machine
gun, fishhook, poison, drug, explosive, or stupefying substance.

(b) With a shotgun capable of holding more than three
shells, unless it is plugged with a one-piece filler which is incapable of
removal without disassembling the gun.

(c) From a sink box (a low floating device, having a
depression affording the hunter a means of concealment beneath the surface

of the water).

(d) From or with the aid or use of a car or other motor-driven land conveyance, or any aircraft, except that paraplegics and single or double amputees of the legs may take from any stationary motor vehicle or stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

(e) From or by means of any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled, and its progress therefrom has ceased.

(d) By the use or aid of live decoys. All live, tame or captive ducks and geese shall be removed for a period of 10 consecutive days prior to hunting, and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such tame birds from the sight of migratory waterfowl.

(e) Using records or tapes of migratory bird calls or sounds, or electrically amplified imitations of bird calls.

(f) By driving, rallying, or chasing birds with any motorized conveyance or any sail boat to put them in the range of the hunters.

(g) By the aid of baiting (placing feed such as corn, wheat,

salt, or other feed to constitute a lure or enticement), or on or over any baited area. Hunters should be aware that a baited area is considered to be baited for 10 days after the removal of the bait, and it is not necessary for the hunter to know an area is baited to be in violation.

5.02. Closed Season. No person shall take migratory game birds during the closed season.

5.03. Shooting or Hawking Hours. No person shall take migratory game birds except during the hours open to shooting and hawking as prescribed.

5.04. Daily Bag Limit. No person shall take in any one day more than one daily bag limit.

5.05. Field Possession Limit. No person shall possess more than one daily bag limit while in the field or while returning from the field to ones' car, hunting camp, home, etc.

5.06. Wanton Waste. All migratory game birds killed or crippled shall be retrieved, if possible, and retained in the custody of the hunter in the field.

5.07. Tagging. No person shall give, put or leave any migratory game birds at any place or in the custody of another person unless the birds are tagged by the hunter with the following information:

1. The hunter's signature.
2. The hunter's address.

3. The total number of birds involved, by species.
4. The dates such birds were killed.

No person or business shall receive or have in custody any migratory game birds belonging to another person unless such birds are properly tagged.

5.08. Possession of Live Birds. Wounded birds reduced to possession shall be immediately killed and included in the daily bag limit.

5.09. Dressing. No person shall completely field dress any migratory game bird (except doves and band-tailed pigeons) and then transport the birds from the field. The head or one fully feathered wing must remain attached to all such birds while being transported from the field to one's home or to a migratory bird preservation facility.

5.10. Shipment. No person shall ship migratory game birds unless the package is marked on the outside with: (a) the name and address of the person sending the birds, (b) the name and address of the person to whom the birds are being sent, and (c) the number of birds, by species, contained in the package.

5.11. Importation. For information regarding the importation of migratory birds killed in another country hunters should consult 50 CFR 20.61 through 20.66. One fully-feathered wing must remain attached to all migratory game birds being transported between the port

of entry and one's home or to a migratory bird preservation facility. No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in 20.63), drawn, and the head and feet are removed. No person shall import migratory game birds belonging to another person.

5.12. Migratory Bird Hunting and Conservation Stamp. The law requires that each waterfowl hunter 16 years of age and over must carry on his person a valid Migratory Bird Hunting and Conservation Stamp, or duck stamp, signed in ink across the face. A "duck stamp" is not needed to hunt doves, coots, rails, gallinules, snipe, or woodcock.

5.13. Dual Violation. Violation of State Migratory Bird Regulations is also a violation of Federal Regulations.

5.14. Reference. Federal regulations related to migratory game birds are located in Title 50, Code of Federal Regulations, Part 20.

Section 6. Special State Regulations

6.01. McClintic Wildlife Station Regulations:

(a) Hunting hours for waterfowl within the controlled waterfowl hunting area will be from legal shooting time until 12:00 noon (prevailing time), October 1 - October 16, 1982.

(b) Waterfowl hunting in the controlled hunt area will be by permit only. This area is designated by signs and includes Ponds 3, 6, 7, 8, 9, 11, 18, 19, 36, 39, and 40. Applications for a permit must

Dept. of Natural Resources
Adm. Reg. 20-1
Series IX

Sec. 6.01

be submitted to the Department of Natural Resources, Route 1, Box 125,
Pt. Pleasant, West Virginia 25550, prior to September 17, 1982.

(c) Ponds 1, 2, 12, 13, 16, and 17 will be closed to
waterfowl hunting.

6.02. It is lawful to hunt waterfowl on major waterways, lakes, and
reservoirs of the state during the gun season for deer should the waterfowl
season be open.

NEWS

STATE OF WEST VIRGINIA • DEPARTMENT OF NATURAL RESOURCES • CHARLESTON 25305

David C. Callaghan, Director

FOR RELEASE: August 10, 1982

PHONE: 304/348-3381

1982 SEASON DATES ESTABLISHED FOR DOVE, WOODCOCK, RAILS, AND SNIPE

West Virginia hunting season dates and bag limits for mourning doves, rails, woodcock, and snipe have been established for 1982 according to the Wildlife Resources Division. These regulations were developed within guidelines provided by the U. S. Fish and Wildlife Service.

The 1982 seasons and bag limits are:

	<u>Open Season</u> <u>(All Dates Inclusive)</u>	<u>Daily Bag</u> <u>Limit</u>	<u>Possession</u> <u>Limit</u>
Mourning Doves	Sept. 1 - Oct. 30	12	24
(Split Season)	Dec. 22 - Dec. 31		
Sora & Virginia Rails	Sept. 6 - Nov. 13	25	25
Woodcock	Oct. 16 - Dec. 18	5	10
Common Snipe	Sept. 6 - Dec. 21	8	16

The shooting hours for dove, rail, woodcock, and snipe are from one-half hour before sunrise to sunset.

Persons interested in hunting these migratory birds should obtain a copy of the 1982-83 West Virginia Migratory Bird Hunting Regulations. This publication will soon be available at DNR district offices. They may also be obtained by writing to the West Virginia Department of Natural Resources, Wildlife Resources Division, 1800 Washington Street East, Charleston, West Virginia 25305.

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STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25305

JOHN D. ROCKEFELLER IV
Governor

August 24, 1982

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 Mr. Secretary:

Enclosed are two copies of the West Virginia Administrative Regulations covering the 1982-83 Hunting Seasons for Migratory Game Birds, designated Series IX of Chapter 20-1, superseding those currently on file for 1981-82. 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. These regulations are to be effective September 1, 1982, in accordance with the opening date as set by the federal government.

These regulations are exempt from the provisions of chapter 29-A (see 29A-1-3(c)).

Sincerely,


David C. Callaghan
Director

DCC/cia

Enclosures

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 8/24/82
Administrative Law Division



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

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Administrative Law/Division

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Chapter 20
Article 1
Series IX
Section 1-5
Page No. 1-6

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August 16, 1982

Date Submitted

David C. Callaghan
Signature of Person Authorizing
this Filing

FILING OF ADMINISTRATIVE REGULATIONS

Department of Natural Resources

Chapter 20-1
Series IX

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 8/24/82
Administrative Law Division

Hunting Seasons for Waterfowl and Other Migratory Game Birds

- Section 1. General
- Section 2. General Purpose
- Section 3. Opening and Closing Dates
- Section 4. Bag and Possession Limits
- Section 5. Federal Regulations
- Section 6. Special State Regulations

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources

Chapter 20-1
Series IX
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