

*obsolete
v4/c Sept 1, 1986
to Aug 31, 1987*

**TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF NATURAL RESOURCES**

**SERIES 12
HUNTING SEASONS FOR WATERFOWL AND
OTHER MIGRATORY GAME BIRDS**

§47-12-1. General.

1.1. Scope. -- These regulations replace West Virginia administrative Regulations, Department of Natural Resources, Chapter twenty, section one, Series nine as amended August 26, 1985.

1.2. Authority. -- W. Va. Code §20-1-17

1.3. Filing Date. -- August 29, 1986.

1.4. Effective Date. -- September 1, 1986, at 12:01 a.m.

§47-12-2. Purpose.

2.1. The purpose of these regulations is to establish opening and closing dates, shooting hours, and bag limits for the hunting of waterfowl and other migratory game birds in West Virginia.

§47-12-3. Opening and Closing Dates.

3.1. Mourning doves: September 1 - November 1, 1986. Shooting hours in first segment are from twelve (12:00) noon to sunset. Second segment December 24 - December 31. Shooting hours are from one-half (1/2) hour before sunrise to sunset.

3.2. Sora and Virginia rails: September 1 - November 8, 1986. Shooting hours are from one-half (1/2) hour before sunrise to sunset.

3.3. Woodcock: October 18 - December 1, 1986. shooting hours are from one-half (1/2) hour before sunrise to sunset.

3.4. Common snipe: September 1 - December 16, 1986. Shooting hours are from one-half (1/2) hour before sunrise to sunset.

3.5. King and clapper rails: No open season.

3.6. Ducks, mergansers, coots, and gallinules: Zone 1 split season, October 4 - October 18, 1986, and December 24, 1986 - January 17, 1987.

3.7. Ducks, mergansers, coots, and gallinules: Zone 2 split season, October 4 - October 18, 1986, and November 1, 1986 - November 25, 1986.

3.8. Canada geese, snow geese, and blue geese: Zone 1 October 4 - October 18, 1986 and November 24 - January 17, 1987.

3.9. Canada geese, snow geese, and blue geese - Zone 2 October 4 - October 18, 1986 and October 20 - December 13, 1986.

3.10 Brant - Zone 1 December 24, 1986 - January 17, 1987 and Zone 2 November 1, 1986 - November 25, 1986.

§47-12-4. Bag and Possession Limits.

4.1. Mourning doves: bag limit twelve (12) per day, twenty-four (24) possession limit.

4.2. Sora and Virginia rails (in combination): twenty-five (25) per day, twenty-five (25) possession limit.

4.3. Woodcock: three (3) per day, six (6) possession limit.

4.4. Common (Wilson's) Snipe: eight (8) per day, sixteen (16) possession limit.

4.5. Ducks: four (4) per day, eight (8) possession limit. The daily duck bag limit of four (4) can include only three (3) mallards of which only one (1) may be a hen, two (2) pintails, two (2) redheads, one (1) black

duck and two (2) wood ducks. The duck possession limit of eight (8) can include only six (6) mallards of which only two (2) may be hens, four (4) pintails, four (4) redheads, two (2) black ducks, and four (4) wood ducks. The season is closed to the taking of canvasbacks.

4.6. Mergansers: five (5) per day, ten (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).

4.7. Coots: fifteen (15) per day, thirty (30) in possession.

4.8. Gallinules: fifteen (15) per day, thirty (30) in possession.

4.9. Canada geese: three (3) per day, six (6) in possession.

4.10. Snow and blue geese: four (4) per day, eight (8) in possession.

4.11. Brant: two (2) per day, four (4) in possession

4.12. Teal: extra two (2) per day, four (4) in possession for the period October 4 - October 12, 1986. This extra limit is in addition to the regular duck bag and possession limits in Section 4.5.

4.13. Scaup: extra two (2) per day, four (4) in possession in addition to the regular duck bag and possession limits in Section 4.5.

§47-12-5. Federal Regulations.

5.1. No persons 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).

cealment 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.

(f) By the use or aid of live decoys. All live, tame or captive ducks and geese shall be removed for a period of ten (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.

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

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

(i) 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 ten (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.

5.2. Closed Season - no person shall take migratory game birds during the closed season.

5.3. Shooting or hawking hours - no person shall take migratory game birds except during the hours open to shooting and hawking as prescribed.

5.4. Daily bag limit - no person shall take in any one day more than one daily bag limit.

5.5. Field possession limit - no person shall possess more than one daily bag limit while in the field or while returning from the field to one's car, hunting camp, home, etc.

5.6. 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.

5.7. 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.

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

5.9. 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 (1) 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 sixteen (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.

§47-12-6. Special State Regulations.

6.1. Zones defined.

(a) Zone 1 - Entire state except Zone 2.

(b) 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 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 intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to the Maryland state line.

6.2. McClintic wildlife station.

Waterfowl regulations are the same as those in effect statewide with the following exceptions:

1. Waterfowl hunting is prohibited on ponds one

(1), two (2), twelve (12), thirteen (13) and sixteen (16)

2. Regulations for the controlled waterfowl hunting area of McClintic Wildlife station are:

(a) Hunting hours for waterfowl will be from legal shooting time (one-half (1/2) hour before sunrise) until twelve (12:00) noon (prevailing time), October 4 - October 18, 1986 in the controlled waterfowl hunting area. This area is marked by signs and includes ponds three (3), six (6), seven (7), eight (8), nine (9), eleven (11), seventeen (17), eighteen (18), nineteen (19), thirty-six (36), thirty nine (39) and forty (40), and that portion of Old Town Creek which borders the controlled waterfowl hunting area. Waterfowl hunting in the controlled hunt area will be by permit only.

(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 during the period October 4 - October 18, 1986.

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

(d) Failure to report by six (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 fifteen (15) shells per hunter, per day, per hunt.

(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 must be in possession while hunting in the controlled area.

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

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

(k) The "Blind Area" is defined as the area within seventy-five (75) yards of the hunter's assigned blind.

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

(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.

(o) Letters of notification to successful applicants are not transferable.

6.3. 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.

Title 47
Legis. Rule

~~WEST VIRGINIA EXEMPT RULE~~
DEPARTMENT OF NATURAL RESOURCES
~~CHAPTER 20-1~~
SERIES ~~IX~~ 12

FILED
1986 AUG 29 AM 9:30
SECRETARY OF STATE

Title: Hunting Seasons for Waterfowl and Other Migratory Game Birds

Section 1. General

1.1 Scope. These regulations replace West Virginia Administrative Regulations, Department of Natural Resources, Chapter 20-1, Series IX as amended August 26, 1985.

1.2 Authority. These regulations are issued under authority of the West Virginia Code, Chapter 20, Article 1, Section 17.

1.3 Filing Date. These regulations were filed on August 29, 1986.

1.4 Effective Date. These regulations become effective on the 1st day of September 1986, at 12:01 a.m.

Section 2. Purpose

2.1 The purpose of these regulations is to establish opening and closing dates, shooting hours, and bag limits for the hunting of waterfowl and other migratory game birds in West Virginia.

Section 3. Opening and Closing Dates

3.1 Mourning Doves: September 1 - November 1, 1986. Shooting hours in first segment are from 12:00 noon to sunset. Second segment December 24 - December 31. Shooting hours are from one-half hour before sunrise to sunset.

3.2 Sora and Virginia Rails: September 1 - November 8, 1986. Shooting hours are from one-half hour before sunrise to sunset.

3.3 Woodcock: October 18 - December 1, 1986. Shooting hours are from one-half hour before sunrise to sunset.

3.4 Common Snipe: September 1 - December 16, 1986. Shooting hours are from one-half hour before sunrise to sunset.

3.5 King and Clapper Rails: No open season.

3.6 Ducks, Mergansers, Coots, and Gallinules: Zone 1
Split Season, October 4 - October 18, 1986, and December 24, 1986 - January 17, 1987.

3.7 Ducks, Mergansers, Coots, and Gallinules: Zone 2
Split Season, October 4 - October 18, 1986, and November 1, 1986 - November 25, 1986.

3.8 Canada Geese, Snow Geese, and Blue Geese - Zone 1
October 4 - October 18, 1986 and November 24, - January 17, 1987.

3.9 Canada Geese, Snow Geese, and Blue Geese - Zone 2
October 4 - October 18, 1986 and October 20 - December 13, 1986.

3.10 Brant - Zone 1 December 24, 1986 - January 17, 1987 and
Zone 2 November 1, 1986 - November 25, 1986.

Section 4. Bag and Possession Limits

4.1 Mourning Doves: bag limit 12 per day, 24 possession limit.

4.2 Sora and Virginia Rails (in combination): 25 per day,
25 possession limit.

4.3 Woodcock: 3 per day, 6 possession limit.

4.4 Common (Wilson's) Snipe: 8 per day, 16 possession limit.

4.5 Ducks: 4 per day, 8 possession limit. The daily duck bag limit of four (4) can include only three (3) mallards of which only one (1) may be a hen, two (2) pintails, two (2) redheads, one (1) black duck and two (2) wood ducks. The duck possession limit of eight (8) can include only six (6) mallards of which only two (2) may be hens, four (4) pintails, four (4) redheads, two (2) black ducks, and four (4) wood ducks. The season is closed to the taking of canvasbacks.

4.6 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).

4.7 Coots: 15 per day, 30 in possession.

4.8 Gallinules: 15 per day, 30 in possession.

4.9 Canada Geese: 3 per day, 6 in possession.

4.10 Snow and Blue Geese: 4 per day, 8 in possession.

4.11 Brant: 2 per day, 4 in possession.

4.12 Teal: extra 2 per day, 4 in possession for the period October 4 - October 12, 1986. This extra limit is in addition to the regular duck bag and possession limits in Section 4.5.

4.13 Scaup: extra 2 per day, 4 in possession in addition to the regular duck bag and possession limits in Section 4.5.

Section 5. Federal Regulations

5.1 No persons 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 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.

(f) 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.

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

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

(i) 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.

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

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

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

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

5.6 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.

5.7 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.

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

5.9 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

6.1 Zones Defined.

(a) Zone 1 - Entire state except Zone 2.

(b) 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 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 intersection of U.S. Route 48. The northern boundary follows U.S. Route 48 east to the Maryland state line.

6.2 McClintic Wildlife Station.

Waterfowl regulations are the same as those in effect statewide with the following exceptions:

1. Waterfowl hunting is prohibited on ponds 1, 2, 12, 13, and 16.

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

(a) Hunting hours for waterfowl will be from legal shooting time (one-half hour before sunrise) until 12:00 noon (prevailing time), October 4 - October 18, 1986 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, and 40, and that portion of Old Town Creek which borders the controlled waterfowl hunting area. Waterfowl hunting in the controlled hunt area will be by permit only.

(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 during the period October 4 - October 18, 1986.

(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 per hunter, per day, per hunt.

(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 must be in possession while hunting in the controlled area.

(i) Hunters must check out at the McClintic Wildlife Station Office, present the day's bag for inspection and return 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) The "blind area" is defined as the area within 75 yards of the hunter's assigned blind.

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

(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.

(o) Letters of notification to successful applicants are not transferable.

6.3 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.