

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series IXa  
1984

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 9-7-84  
Administrative Law Division

Subject: Addendum to the 1984 Hunting Seasons for Waterfowl and  
Other Migratory Game Birds

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Section 1. General

1.01. Scope. 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.

1.03. Filing Date. These regulations are promulgated on the 28th day of August 1984, and filed on the 28th day of August 1984, in the Secretary of State's Office.

1.04. Effective Date. These regulations become effective on the 1st day of October 1984 at 12:01 a.m., and shall expire at midnight on the 19th day of January 1985, 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 waterfowl in West Virginia. All seasons are subject

to change.

Section 3. Opening and Closing Dates

3.01. Zone 1 - Ducks, Mergansers, Coots, Gallinules, Canada Geese, Snow Geese, Blue Geese, and Brant - Split season - October 1 - October 16, 1984 and December 17, 1984 - January 19, 1985.

3.02. Zone 2 - Ducks, Mergansers, Coots, Gallinules, Canada Geese, Snow Geese, Blue Geese, and Brant - Split season - October 1 - October 16, 1984 and November 1, 1984 - December 4, 1984.

3.03. 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.

#### Section 4. Bag and Possession Limits

4.01. Ducks. 5 per day, 10 possession limit. The daily duck bag limit of 5 can include only one (1) canvasback and one (1) redhead, or two redheads, one (1) black duck, and two (2) wood ducks. The duck possession limit of ten (10) can include only one (1) canvasback, four (4) redheads, two (2) black ducks, and four (4) wood ducks. During the period October 1 - October 8, 1984, 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.

4.02. 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).

4.03. Coots. 15 per day, 30 in possession.

4.04. Gallinules. 15 per day, 30 in possession.

4.05. Canada Geese. 1 per day, 2 in possession during the first segment, 2 per day and 4 in possession during the second segment.

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

4.07. Brant. 4 per day, 8 in possession.

THIS DATE 9-7-84  
Administrative Law Division

Section 5. Special State Regulations

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

- (a) Waterfowl hunting is prohibited on ponds 1, 2, 12, 13, and 16.

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

- (a) Hunting hours for waterfowl will be from legal shooting time (one-half hour before sunrise) until 12:00 noon (prevailing time), October 1 - October 16, 1984 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.

- (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 1 - October 16, 1984.

- (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

THIS DATE 9-7-84

Administrative Law Division

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 water-fowl 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.

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources

Chapter 20-1

Series IX

1984

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 8-7-84

Administrative Law Division

Subject: 1984-85 Hunting Seasons for Migratory Game Birds

Section 1. General

1.01. Scope. To regulate the hunting of migratory game birds in West Virginia.

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

1.03. Filing Date. These regulations become effective on the 1st day of September 1984, at 12:01 a.m., and shall expire at midnight on the 31st day of January 1985, 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, shooting hours, 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 - November 1, 1984. 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.

3.02. Sora and Virginia Rails - September 3 - November 10,  
1984. Shooting hours are from one-half hour before sunrise to sunset.

3.03. Woodcock - October 13 - December 15, 1984. Shooting  
hours are from one-half hour before sunrise to sunset.

3.04. Common Snipe - September 3 - December 18, 1984.  
Shooting hours are from one-half hour before sunrise to sunset.

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 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



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25306  
August 28, 1984

JOHN D. ROCKEFELLER IV  
Governor

WILLIS H. HERTIG, JR.  
Director

RONALD R. POTESTA  
Deputy Director

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

Dear Mr. Secretary:

Your attention is invited to my letter of August 1, 1984 transmitting the West Virginia Administrative Regulations covering the 1984-85 Hunting Seasons for Waterfowl and Other Migratory Game Birds, designated Series IX of Chapter 20-1. Federal Guidelines have now been established for waterfowl, and we are enclosing two copies of the addendum, designated Series IXa. These regulations are to be effective October 1, 1984, in accordance with the opening date as set by the Federal Government. The index presently on file remains unchanged.

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

Sincerely,

A handwritten signature in cursive script, reading "W. H. Hertig, Jr.", written over a circular embossed seal.

Willis H. Hertig, Jr.  
Director

WHH:jrm  
Enclosures  
cc: Charles W. Lewis

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE Sept. 7, 1984  
Administrative Law Division





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

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

I, Willis H. Hertig, Jr., 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 1  
Series IXa  
Section 1 - 5  
Page No. 1 - 5

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 9-7-84  
Administrative Law Division

- ( ) 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 28, 1984  
Date Submitted

Willis H. Hertig Jr.  
Signature of Person Authorizing  
this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

DEPARTMENT OF NATURAL RESOURCES

Chapter 20-1  
Series IXa  
1984

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A. JAMES MANCHIN  
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to change.

Section 3. Opening and Closing Dates

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Section 5. Special State Regulations Administrative Law Division

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- (a) Hunting hours for waterfowl will be from legal shooting time (one-half hour before sunrise) until 12:00 noon (prevailing time), October 1 - October 16, 1984 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.

- (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 1 - October 16, 1984.

- (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.

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

WEST VIRGINIA ADMINISTRATIVE REGULATIONS  
Department of Natural Resources  
Chapter 20-1  
Series IX

Hunting Seasons for Waterfowl and Other Migratory Game Birds  
1982

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SECTION 4. BAG AND POSSESSION LIMITS

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- 4.02. Sora and Virginia Rails
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SECTION 5. FEDERAL REGULATIONS

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SECTION 6. Special State Regulations

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- 6.02. Waterways, Lakes and Reservoirs



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES

CHARLESTON 25305  
August 1, 1984

JOHN D. ROCKEFELLER IV  
Governor

WILLIS H. HERTIG, JR.  
Director  
RONALD R. POTESTA  
Deputy Director

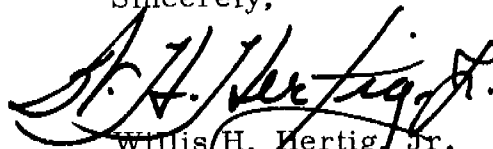
The Honorable A. James Manchin  
Secretary of State of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Mr. Secretary:

Enclosed are two copies of Pages 1 and 2 of the West Virginia Administrative Regulations covering the 1984-85 Hunting Seasons for Migratory Game Birds, designated Series IX of Chapter 20-1, superseding those currently on file for 1983-84. Pages 3-7 remain unchanged. 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, 1984, 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,



Willis H. Hertig, Jr.  
Director

WHH/jrm  
Enclosures

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE Aug. 7, 1984  
Administrative Law Division





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

A. JAMES MANCHIN  
SECRETARY OF STATE

STATE REGISTER FILING

I, Willis H. Hertig, Jr., 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;
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This filing pertains to

Chapter 20  
Article 1  
Series IX  
Section 1-5  
Page No. 1-2

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 8-7-84  
Administrative Law Division

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August 1, 1984

Date Submitted

Willis H. Hertig, Jr.  
Signature of Person Authorizing  
this Filing

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Department of Natural Resources

Chapter 20-1

Series IX

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(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, 13, 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.