

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

FILED

AUG 31 2 54 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: DCL&ER, Division of Natural Resources TITLE NUMBER: 47

CITE AUTHORITY: § 20-1-17(7) and 29A-1-3(c)

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

29A-1-3(c)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

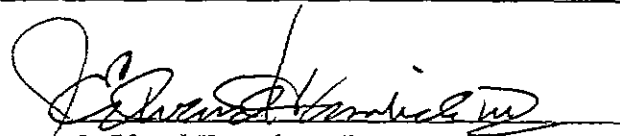
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Migratory Bird Hunting Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS September 1, 1993


J. Edward Hamrick, III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE


Rule Title: Migratory Bird Hunting Regulations, 47 C.S.R. 12
 Type of Rule: EXEMPT Legislative ___ Interpretive ___ Procedural ___
 Agency: Division of Natural Resources
 Address: Building 3, State Capitol Complex, Charleston, West Virginia

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		Thereafter
	Increase	Decrease	Current	Next	
Estimated Total Cost	\$				
Personal Services	\$				
Current Expenses	\$				
Repairs & Alterations	\$			No Change	
Equipment	\$				
Other	\$				

2. Explanation of above estimates: There is no change anticipated to administrative expenses as a result of this rule.
3. Objectives of this rule: This is a legislative exempt rule which repeals and replaces the current Migratory Bird Hunting Regulations which were made effective September 1, 1992. This rule sets the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of Migratory Birds in West Virginia. The rule will become effective upon filing.
4. Explanation of Overall Economic Impact of Proposed Rule.
 - A. Economic Impact on State Government. No impact.
 - B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. No impact
 - C. Economic Impact on Citizens/ Public at Large. No impact.

Date: August 31, 1993

Signature of Agency Head or Authorized Representative


 Director, Division of Natural Resources

PREAMBLE TO A PROPOSED EXEMPT RULE
CONCERNING
MIGRATORY BIRD HUNTING REGULATIONS

AGENCY: Department of Commerce, Labor, and Environmental Resources; Division of Natural Resources.

REGULATION: Title 47, Series 12, "Migratory Bird Hunting Regulations.

ACTION: Filing of a repealed and replaced legislative exempt rule.

SUMMARY: This is a legislative exempt rule which repeals and replaces the current Migratory Bird Hunting Regulations which were made effective September 1, 1992. This rule sets the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of Migratory Birds in West Virginia. The rule will become effective upon filing.

TITLE 47
LEGISLATIVE RULES
DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES
DIVISION OF NATURAL RESOURCES

SERIES 12
MIGRATORY BIRD HUNTING REGULATIONS
(EXEMPT RULE)

§ 47-12-1. General.

1.1. Scope and Purpose. -- 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. -- West Virginia Code §§ 20-1-17(7) and 29A-1-3(c).

1.3. Filing Date. -- August 31, 1993

1.4. Effective Date. -- September 1, 1993

1.5. Repeal of Former Rule. -- This regulation repeals and replaces 47 C.S.R. 12 "Migratory Bird Hunting Regulations" which was filed on August 19, 1992 and became effective on September 1, 1992.

1.6. 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 illegal.

§ 47-12-2. Definitions.

2.1. All terms shall have the meaning prescribed under the Code of State Regulations, Title 47, Series 12A "Special Migratory Bird Hunting Regulations" (47 C.S.R. 12A).

§ 47-12-3. General Migratory Bird Hunting Rules.

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

3.2. Shooting Hours - No person may take migratory game birds except during the hours open for shooting 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 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.

§ 47-12-4. Open Seasons.

4.1. Mourning Dove Season.

4.1.1. The first segment of this season opens on September 1, 1993 and closes on October 9, 1993.

4.1.2. The second segment of this season opens on October 25, 1993 and closes on November 26, 1993.

4.1.3. The third segment of this season opens on December 22, 1993 and closes on January 8, 1994.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, 1993 and closes on November 9, 1993.

4.2.2. There is no open season for king rails or clapper rails.

4.3. Common Snipe Season.

4.3.1. This season opens on September 1, 1993 and closes on December 16, 1993.

4.4. Woodcock Season.

4.4.1. This season opens on October 16, 1993 and closes on November 29, 1993.

§ 47-12-5. Shooting Hours.

5.1. Mourning Doves.

5.1.1. Shooting 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 hours are from noon until sunset.

5.1.2. Shooting 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.

5.2.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.3. Common Snipe.

5.3.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.4. Woodcock.

5.4.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

§ 47-12-6. Bag and Possession Limits.

6.1. Mourning Doves.

6.1.1. The bag limit is twelve (12) doves per day.

6.1.2. The possession limit is twenty-four (24) doves.

6.2. Sora and Virginia Rails.

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

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

6.3. Common Snipe.

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

6.3.2. The possession limit is sixteen (16) snipe.

6.4. Woodcock.

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

6.4.2. The possession limit is six (6) woodcock.



KEN HECHLER
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help we can get)

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Jim Ruckle

AGENCY: Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 14, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 12 TITLE: 47 Natural Resources

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *James M. Ruckle*

TITLE OF PERSON SIGNING: ERM

DATE: 4-8-94

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.