

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE OF THE 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: 13

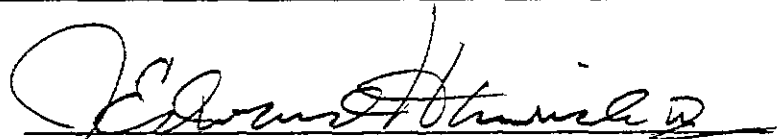
TITLE OF RULE BEING AMENDED: Waterfowl Hunting Regulations

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE

DATE OF THE RULE IS: September 4, 1992



J. Edward Hamrick III, Director
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Waterfowl Hunting Regulations, 47 C.S.R. 13

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		
	Increase	Decrease	Current	Next	Thereafter
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 Waterfowl Hunting Regulations which were made effective September 5, 1989. This rule sets the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of waterfowl in West Virginia. The rule will become effective upon filing.

4. Explanation of Overall Economic Impact of Proposed Rule.

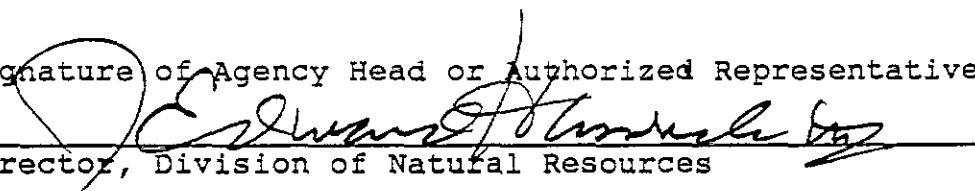
A. Economic Impact on State Government. No impact.

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: July 27, 1992

Signature of Agency Head or Authorized Representative


Director, Division of Natural Resources

PREAMBLE TO A PROPOSED EXEMPT RULE
CONCERNING
WATERFOWL HUNTING REGULATIONS

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

REGULATION: Title 47, Series 13, "Waterfowl 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 Waterfowl Hunting Regulations which were made effective September 5, 1989. This rule sets the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of waterfowl 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 13
WATERFOWL HUNTING REGULATIONS
(EXEMPT RULE)

§ 47-13-1. General.

1.1. Scope and Purpose. -- This regulation establishes the open seasons and the bag, size, age, weight, and sex limits for the hunting of waterfowl in West Virginia.

1.2. Authority. -- West Virginia Code §§ 29A-1-3(c) and 20-1-17(7).

1.3. Filing Date. -- September 4, 1992

1.4. Effective Date. -- September 4, 1992

1.5. Repeal of Former Rule. -- This regulation repeals and replaces 47 C.S.R. 13 "Waterfowl Hunting Regulations" which was filed on September 5, 1989 and became effective on the same date.

1.6. Seasons in General -- All seasons are subject to change under the provisions of W. Va. Code § 20-1-7(7). Opening and closing dates are inclusive and the time periods are prevailing time unless otherwise noted in these regulations. Sunday hunting is illegal.

§ 47-13-2. Definitions.

2.1. All terms shall have the meanings prescribed in the Code of State Regulations, Title 47, Series 13A "Special Waterfowl Hunting Regulations" (47 C.S.R. 13A).

§ 47-13-3. General Provisions.

3.1. Closed Season - No person may take waterfowl during the closed season.

3.2. Shooting or Hawking Hours - No person may take waterfowl except during the hours open to shooting or hawking as prescribed in these regulations.

3.3. Daily Bag Limit - No person may take more than the daily bag limit of any waterfowl.

3.4. Field Possession Limit - No person may possess more than the daily bag limit of any waterfowl while in the field or while

returning from the field to one's car, hunting camp, home, or other place.

3.5. Wanton Waste - All waterfowl killed or crippled must be retrieved if possible and retained in the custody of the hunter in the field.

3.6. Custody of Birds of Another - No person may receive or have in his custody waterfowl belonging to another person unless such birds are properly tagged.

3.7. Possession of Live Birds - No person may at any time, or by any means, possess or transport live waterfowl 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.

§ 47-13-4. Open Seasons.

4.1. Duck Seasons.

4.1.1. Zone 1 Duck Season.

4.1.1.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.1.1.b. The second segment of this season opens on December 30, 1992 and closes on January 20, 1993.

4.1.2. Zone 2 Duck Season.

4.1.2.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.1.2.b. The second segment of this season opens on October 24, 1992 and closes on November 14, 1992.

4.1.3. There is no open season for either canvasbacks or harlequin ducks.

4.2. Merganser Seasons.

4.2.1. Zone 1 Merganser Season.

4.2.1.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.2.1.b. The second segment of this season opens on December 30, 1992 and closes on January 20, 1993.

4.2.2. Zone 2 Merganser Season.

4.2.2.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.2.2.b. The second segment of this season opens on October 24, 1992 and closes on November 14, 1992.

4.3. Coot Seasons.

4.3.1. Zone 1 Coot Season.

4.3.1.a. The first segment of this season opens October 3, 1992 and closes on October 10, 1992.

4.3.1.b. The second segment of this season opens on December 30, 1992 and closes on January 20, 1993.

4.3.2. Zone 2 Coot Season.

4.3.2.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.3.2.b. The second segment of this season opens on October 24, 1992 and closes November 14, 1992.

4.4. Gallinule Seasons.

4.4.1. Zone 1 Gallinule Season.

4.4.1.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.4.1.b. The second segment of this season opens on December 30, 1992 and closes on January 20, 1993.

4.4.2. Zone 2 Gallinule Season.

4.4.2.a. The first segment of this season opens on October 3, 1992 and closes on October 10, 1992.

4.4.2.b. The second segment of this season opens on October 24, 1992 and closes November 14, 1992.

4.5. Canada Goose Seasons.

4.5.1. Zone 1 Canada Goose Season.

4.5.1.a. The first segment of this season opens on October 1, 1992 and closes on October 10, 1992.

4.5.1.b. The second segment of this season opens on November 23, 1992 and closes on January 20, 1993.

4.5.2. Zone 2 Canada Goose Season.

4.5.2.a. The first segment of this season opens on October 1, 1992 and closes on November 16, 1992.

4.5.2.b. The second segment of this season opens on December 29, 1992 and closes on January 20, 1993.

4.6. Snow Goose and Blue Goose Seasons.

4.6.1. Zone 1 Snow Goose and Blue Goose Seasons.

4.6.1.a. The first segment of this season opens on October 1, 1992 and closes on October 10, 1992.

4.6.1.b. The second segment of this season opens on November 23, 1992 and closes on January 20, 1993.

4.6.2. Zone 2 Snow Goose and Blue Goose Season.

4.6.2.a. The first segment of this season opens on October 1, 1992 and closes on November 16, 1992.

4.6.2.b. The second segment of this season opens on December 29, 1992 and closes on January 20, 1993.

4.7. Brant Season.

4.7.1. This season opens on December 2, 1992 and closes on January 20, 1993.

4.8. Swan Season.

4.8.1. There is no open season for swans.

§ 47-13-5. Shooting Hours.

5.1. Ducks.

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

5.2. Mergansers.

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

5.3. Coots.

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

5.4. Gallinules.

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

5.5. Canada Geese.

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

5.6. Snow Geese and Blue Geese.

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

5.7. Brant.

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

§ 47-13-6. Bag and Possession Limits.

6.1. Ducks.

6.1.1. The bag limit is three (3) ducks in aggregate per day and may include:

- 6.1.1.a. Only one (1) black duck;
- 6.1.1.b. Only one (1) fulvous tree duck;
- 6.1.1.c. Only one (1) hen mallard;
- 6.1.1.d. Only one (1) mottled duck;
- 6.1.1.e. Only one (1) pintail;
- 6.1.1.f. No more than two (2) redheads; and
- 6.1.1.g. No more than two (2) wood ducks.

6.1.2. The possession limit is six (6) ducks in aggregate and may include:

- 6.1.2.a. No more than two (2) black ducks;
- 6.1.2.b. No more than two (2) fulvous tree ducks;
- 6.1.2.c. No more than two (2) hen mallards;
- 6.1.2.d. No more than two (2) mottled ducks;

- 6.1.2.e. No more than two (2) pintails;
- 6.1.2.f. No more than four (4) redheads; and
- 6.1.2.g. No more than four (4) wood ducks.

6.2. Mergansers.

6.2.1. The bag limit is five (5) mergansers in aggregate per day and may include only one (1) hooded merganser.

6.2.2. The possession limit is ten (10) mergansers in aggregate and may include no more than two (2) hooded mergansers.

6.3. Coots.

6.3.1. The bag limit is fifteen (15) coots per day.

6.3.2. The possession limit is thirty (30) coots.

6.4. Gallinules.

6.4.1. The bag limit is fifteen (15) gallinules per day.

6.4.2. The possession limit is thirty (30) gallinules.

6.5. Canada Goose.

6.5.1. The bag limit is three (3) Canada geese per day.

6.5.2. The possession limit is six (6) Canada geese.

6.6. Snow Geese and Blue Geese.

6.6.1. The bag limit is five (5) snow and blue geese in aggregate per day.

6.6.2. The possession limit is ten (10) snow and blue geese in aggregate.

6.7. Brant.

6.7.1. The bag limit is two (2) brant per day.

6.7.2. The possession limit is four (4) brant.