

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

SEP 24 1993

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

AGENCY: CL&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 \_\_\_\_\_

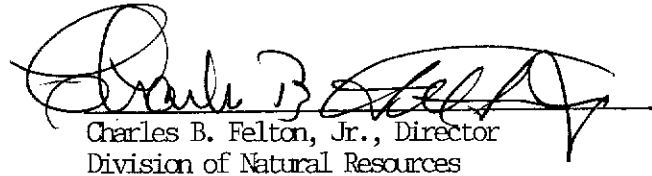
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 13

TITLE OF RULE BEING AMENDED: Waterfowl Hunting Regulations

IF NO, SERIES NUMBER OF 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 24, 1993

  
Charles B. Felton, Jr., Director  
Division of Natural Resources

FISCAL NOTE FOR PROPOSED RULE

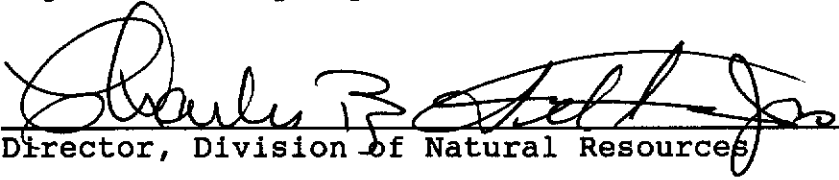
Rule Title: Waterfowl Hunting Regulations, 47 C.S.R. 13  
Type of Rule: EXEMPT Legislative \_\_\_ Interpretive \_\_\_ Procedural \_\_\_  
Agency: Division of Natural Resources  
Address: Building 3, State Capitol Complex, Charleston, West Virginia

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 4, 1992. 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: September 24, 1993

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 4, 1992. This rule sets the open season 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)

OFFICE  
SEC

**§ 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 24, 1993

1.4. Effective Date. -- September 24, 1993

1.5. Repeal of Former Rule. -- This regulation repeals and replaces 47 C.S.R. 13 "Waterfowl Hunting Regulations" which was filed on September 4, 1992 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 2, 1993 and closes on October 9, 1993.

4.1.1.b. The second segment of this season opens on December 25, 1993 and closes on January 15, 1994.

4.1.2. Zone 2 Duck Season.

4.1.2.a. The first segment of this season opens on October 2, 1993 and closes on October 9, 1993.

4.1.2.b. The second segment of this season opens on October 23, 1993 and closes on November 13, 1993.

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 2, 1993 and closes on October 9, 1993.

4.2.1.b. The second segment of this season opens on December 25, 1993 and closes on January 15, 1994.

4.2.2. Zone 2 Merganser Season.

4.2.2.a. The first segment of this season opens on October 2 , 1993 and closes on October 9, 1993.

4.2.2.b. The second segment of this season opens on October 23, 1993 and closes on November 13, 1993.

4.3. Coot Seasons.

4.3.1. Zone 1 Coot Season.

4.3.1.a. The first segment of this season opens October 2, 1993 and closes on October 9, 1993.

4.3.1.b. The second segment of this season opens on December 25, 1993 and closes on January 15 , 1994.

4.3.2. Zone 2 Coot Season.

4.3.2.a. The first segment of this season opens on October 2, 1993 and closes on October 9, 1993.

4.3.2.b. The second segment of this season opens on October 23, 1993 and closes November 13, 1993.

4.4. Gallinule Seasons.

4.4.1. Zone 1 Gallinule Season.

4.4.1.a. The first segment of this season opens on October 2, 1993 and closes on October 9, 1993.

4.4.1.b. The second segment of this season opens on December 25, 1993 and closes on January 15, 1994.

4.4.2. Zone 2 Gallinule Season.

4.4.2.a. The first segment of this season opens on October 2, 1993 and closes on October 9, 1993.

4.4.2.b. The second segment of this season opens on October 23, 1993 and closes November 13, 1993.

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 2, 1993 and closes on October 9, 1993.

4.5.1.b. The second segment of this season opens on November 15, 1993 and closes on January 15, 1994.

4.5.2. Zone 2 Canada Goose Season.

4.5.2.a. The first segment of this season opens on October 2, 1993 and closes on November 13, 1993.

4.5.2.b. The second segment of this season opens on December 20, 1993 and closes on January 15, 1994.

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 2, 1993 and closes on October 9, 1993.

4.6.1.b. The second segment of this season opens on November 15, 1993 and closes on January 15, 1994.

4.6.2. Zone 2 Snow Goose and Blue Goose Season.

4.6.2.a. The first segment of this season opens on October 2, 1993 and closes on November 13, 1993.

4.6.2.b. The second segment of this season opens on December 20, 1993 and closes on January 15, 1994.

4.7. Brant Season.

4.7.1. This season opens on December 17, 1993 and closes on January 15, 1994.

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 fifteen (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.

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000



**STATE OF WEST VIRGINIA**

**SECRETARY OF STATE**

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

WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

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: 13 TITLE: 47 Natural Resources

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

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

SIGNED: James M. Ruckle

TITLE OF PERSON SIGNING: ERM 1

DATE: 4-8-94

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