

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

FILED

AUG 9 10 19 AM '94

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: Natural Resources  
Bureau of Commerce TITLE NUMBER: 58

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, 1994

  
Director, Division of Natural Resources

## CIRCUMSTANCE

Series 12 is being amended for the purpose of reviewing the Migratory Bird hunting dates, shooting hours, and bag and possession limits to comply with U.S. Fish and Wildlife framework and to establish a special September Canada goose season as authorized by the U.S. Fish and Wildlife guidelines.

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FISCAL NOTE FOR PROPOSED RULE


Rule Title: Migratory Bird Hunting Regulations, 58 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 expenditures 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, 1993. 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 9, 1994

Signature of Agency Head or Authorized Representative

  
 Director, Division of Natural Resources

FILED

TITLE 58  
LEGISLATIVE RULES  
~~DEPARTMENT OF COMMERCE, LABOR, AND ENVIRONMENTAL RESOURCES~~ 10 19 AM '94  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES 12  
MIGRATORY BIRD HUNTING REGULATIONS  
(EXEMPT RULE)

§ 58-12-1. 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 9, 1994

1.4. Effective Date. -- September 1, 1994

1.5. Repeal of Former Rule. -- This regulation repeals and replaces 58 C.S.R. 12 "Migratory Bird Hunting Regulations" which was filed on August 31, 1993 and became effective on September 1, 1993.

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.

§ 58-12-2. 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" (58 C.S.R. 12A).

§ 58-12-3. 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.

#### § 58-12-4. Open Seasons.

##### 4.1. Mourning Dove Season.

4.1.1. The first segment of this season opens on September 1, 1994 and closes on October 8, 1994.

4.1.2. The second segment of this season opens on October 24, 1994 and closes on November 5, 1994.

4.1.3. The third segment of this season opens on December 20, 1994 and closes on January 7, 1995.

##### 4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, 1994 and closes on November 9, 1994.

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, 1994 and closes on December 16, 1994.

##### 4.4. Woodcock Season.

4.4.1. This season opens on October 15, 1994 and closes on November 28, 1994.

##### 4.5. Special Canada Goose Season.

4.5.1. This season by permit only opens on September 1, 1994 and closes on September 10, 1994.

§ 58-12-5. 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.

5.5. Special Canada Goose Season.

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

§ 58-12-6. 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.
- 6.5. Special Canada Goose Season.
  - 6.5.1. The bag limit is three (3) Canada geese per day.
  - 6.5.2. The possession limit is six (6) Canada geese.



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: Bernard Dowler

AGENCY: Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 26, 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: 58 Natural Resources

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

SIGNED: Gordon C. Robertson

TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources

DATE: October 7, 1994

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\* 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.