

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

Form #5

Do Not Mark In This Box

FILED

AUG 28 1 19 PM '98

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: BOC - DNR Wildlife Resources Section 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: 55


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, 1998



John B. Rader, Director

\$3.80

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 55, Migratory Bird Hunting Regulations

Type of Rule X **Exempt** **Legislative** **Interpretive** **Procedural**

Agency Division of Natural Resources, Wildlife Resources Section

Address Capitol Complex

Building 3, Room 842

Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: This regulations establishes the open seasons and the bag, size, age, weight ad sex limits for hunting migratory game birds in West Virginia. No new administrative expenditures are anticipated.

3. Objectives of these rules: This legislative exempt rule which revises the current Migratory Bird Hunting Regulations which were made effective September 1, 1997.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No impact.

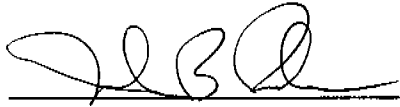
Rule Title: Series 55, Migratory Bird Hunting Regulations

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: No impact

C. Economic Impact on Citizens/Public at Large: Migratory bird hunting generates approximately \$5 million to the state's economy each year.

Date: 8-28-98

Signature of Agency or
Authorized Representative:



JOHN B. RADER, DIRECTOR

**SUMMARY TO A PROPOSED EXEMPT RULE
CONCERNING
MIGRATORY BIRD HUNTING REGULATIONS**

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 55, Migratory Bird Hunting Regulations

ACTION: Filing of a revised legislative exempt rule

SUMMARY: This is a legislative exempt rule which revises the current Migratory Bird Hunting Regulations which were made effective September 1, 1997. This rule sets the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of migratory game birds in West Virginia. The rule will become effective upon filing.

CIRCUMSTANCE

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 55, Migratory Bird Hunting Regulations

CIRCUMSTANCE: Series 55 is being amended for the purpose of revising the Migratory Bird hunting dates, shooting hours, and bag and possession limits to comply with U.S. Fish and Wildlife Service frameworks and to continue a special September Canada goose season as authorized by U.S. Fish and Wildlife Service guidelines.

**TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES**

FILED

AUG 28 | 19 PM '98

**SERIES 55
MIGRATORY BIRD HUNTING REGULATIONS
(EXEMPT RULE)**

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§58-55-1. General.

1.1. Scope. -- 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. -- W. Va. Code §§20-1-17(7) and 29A-1-3(c).

1.3. Filing Date. --

1.4. Effective Date. -- September 1, 1997~~8~~

1.5. 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.

§58-55-2. Definitions.

2.1. All terms shall have the meaning prescribed under the Code of State Regulations, Title 58, Series 56 "Special Migratory Bird Hunting Regulations" (58 C.S.R. 56).

§58-55-3. General Migratory Bird Hunting Rules.

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

3.2. Shooting and Falconry Hours - No person may take migratory game birds except during the hours open for shooting and falconry 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/her 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.

§58-55-4. Open Shooting and Falconry Seasons.

4.1. Mourning Dove Season.

4.1.1. The first segment of this season opens on September 1, 19978 and closes on October 43, 19978.

4.1.2. The second segment of this season opens on October 276, 19978 and closes on November 87, 19978.

4.1.3. The third segment of this season opens on December 197, 19978 and closes on January 109, 19989.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, 19978 and closes on November 89, 19978.

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, 19978 and closes on December 16, 19978.

4.4. Woodcock Season.

4.4.1. This season opens on October 2019, 19978 and closes on November 187, 19978.

4.5. Special Canada Goose Season.

4.5.1. This season by ~~permit only~~ opens on September 41, 19978 and closes on September 132, 19978.

§58-55-5. Shooting and Falconry Hours.

5.1. Mourning Doves.

5.1.1. Shooting and falconry 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 and falconry hours are from noon until sunset.

5.1.2. Shooting and falconry 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 and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.3. Common Snipe.

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

5.4. Woodcock.

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

5.5. Special Canada Goose Season.

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

§58-55-6. Shooting 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.

§58-55-7. Falconry Bag and Possession Limits.

7.1. The bag limit for falconry hunting is three (3) migratory game birds in the aggregate per day.

7.2. The possession limit for falconry hunting is six (6) migratory game birds in the aggregate.