

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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Form #5

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 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, 1997



ROBERT A. REINSTEMA, COMMISSIONER

\$3.60

TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
DIVISION OF NATURAL RESOURCES

SERIES 55
MIGRATORY BIRD HUNTING REGULATIONS
(EXEMPT RULE)

FILED
AUG 21 9 27 AM '97
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. -- August 21, 1997

1.4. Effective Date. -- September 1, 1997

~~1.5. Repeal of Former Rule. -- This regulation repeals and replaces 58 C.S.R. 12-55 "Migratory Bird Hunting Regulations" which was filed on August 28, 1995 and became effective on September 1, 1995.~~

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.

§58-55-2. 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 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/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 Seasons.

4.1. Mourning Dove Season.

4.1.1. The first segment of this season opens on September ~~21~~, 1996~~7~~ and closes on October ~~54~~, 1996~~7~~.

4.1.2. The second segment of this season opens on October ~~28~~, 1996~~7~~ and closes on November ~~98~~, 1996~~7~~.

4.1.3. The third segment of this season opens on December ~~16~~, 1996~~7~~ and closes on January ~~7~~~~10~~, 1997~~8~~.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September ~~21~~, 1996~~7~~ and closes on November ~~98~~, 1996~~7~~.

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 ~~21~~, 1996~~7~~ and closes on December ~~17~~~~6~~, 1996~~7~~.

4.4. Woodcock Season.

4.4.1. This season opens on October ~~12~~~~20~~, 1996~~7~~ and closes on November ~~23~~~~18~~, 1996~~7~~.

4.5. Special Canada Goose Season.

4.5.1. This season by permit only opens on September ~~24~~, 1996~~7~~ and closes on September ~~14~~~~3~~, 1996~~7~~.

§58-55-5. 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.

§58-55-6. 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.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 55, Migratory Bird Hunting Regulations

Type of Rule **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 regulation establishes the open seasons and the bag, size, age, weight and 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, 1996.

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: No impact.

Date: 8-20-97

Signature of Agency or
Authorized Representative: ✓



ROBERT A. REINTSEMA, COMMISSIONER

**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, 1996. 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.

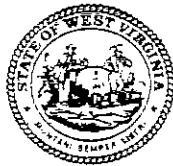
KEN HECKLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
Corporations: (304) 558-8000
FAX: (304) 558-0900



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WILLIAM H. HARRINGTON
Chief of Staff

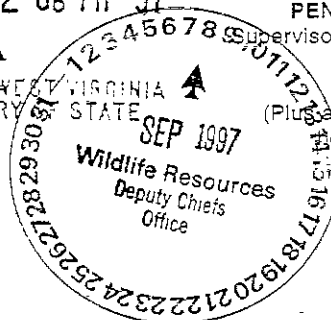
JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

STATE OF WEST VIRGINIA

SECRETARY OF STATE

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



(Plus all the volunteer help we can get)

TO: GORDON ROBERTSON

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: September 5, 1997

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: 55 TITLE: 58 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: Gordon C. Robertson

TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources

DATE: September 26, 1997

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

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 55
MIGRATORY BIRD HUNTING REGULATIONS
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§58-55-4. Open Seasons.

4.1. Mourning Dove Season.

4.1.1. The first segment of this season opens on September 1, 1997 and closes on October 4, 1997.

4.1.2. The second segment of this season opens on October 27, 1997 and closes on November 8, 1997.

4.1.3. The third segment of this season opens on December 19, 1997 and closes on January 10, 1998.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, 1997 and closes on November 8, 1997.

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, 1997 and closes on December 16, 1997.

4.4. Woodcock Season.

4.4.1. This season opens on October 20, 1997 and closes on November 18, 1997.

4.5. Special Canada Goose Season.

4.5.1. This season by permit only opens on September 4, 1997 and closes on September 8, 1997. B ✓

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5.1. Mourning Doves.

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