

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

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Form #5

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 \_\_\_\_\_

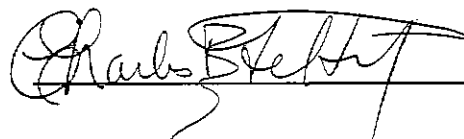
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 55

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, 1996



FISCAL NOTE FOR PROPOSED RULE

Rule Title: Migratory Bird Hunting Regulations, 58 C.S.R. 55

Type of Rule:  Exempt  Legislative  Interpretive  Procedural

Agency: Division of Natural Resources

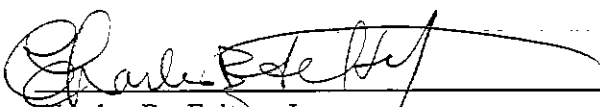
Address: State Capitol Complex  
Building 3, Room 842  
1900 Kanawha Blvd.  
Charleston, WV 25305

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER	
ESTIMATED TOTAL COST	\$	\$	\$	\$	\$	
PERSONAL SERVICES						
CURRENT EXPENSE						
REPAIRS & ALTERATIONS						
EQUIPMENT						
OTHER (LICENSE FEES)						

2. Explanation of above estimates: This regulations establishes the open seasons and the bag, size, age, weight and sex limits for hunting of migratory game birds in West Virginia. No new administrative expenditures are anticipated.
3. Objectives of these rules: This legislative exempt rule which repeals and replaces the current Migratory Bird Hunting Regulations which were made effective September 1, 1995.
4. Explanation of Overall Economic Impact of Proposed Rule.
- A. Economic Impacts 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 28, 1996

  
 \_\_\_\_\_  
 Charles B. Felton, Jr.  
 Director

**PREAMBLE 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 repealed and replaced legislative exempt rule.

**SUMMARY:** This is a legislative exempt rule which repeals and replaces the current Migratory Bird Hunting Regulations which were made effective September 1, 1995. 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

### **SERIES 55**

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  
BUREAU OF COMMERCE  
DIVISION OF NATURAL RESOURCES**

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

**§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 29, 1996

1.4. Effective Date. -- September 1, 1996

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 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 2, 1996 and closes on October 5, 1996.

4.1.2. The second segment of this season opens on October 28, 1996 and closes on November 9, 1996.

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

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

4.2.1. This season opens on September 2, 1996 and closes on November 9, 1996.

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 2, 1996 and closes on December 17, 1996.

##### 4.4. Woodcock Season.

4.4.1. This season opens on October 12, 1996 and closes on November 23, 1996.

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

4.5.1. This season by permit only opens on September 2, 1996 and closes on September 11, 1996.

#### **§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.



FILED

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OCT 17 1 59 PM '96

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

(Plus all the volunteer  
help we can get)

TO: ~~BILL DANIEL~~ Gordon C. Robertson  
  
AGENCY: NATURAL RESOURCES -- Wildlife Resources  
  
FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION  
  
DATE: October 3, 1996

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: Gordon C. Robertson  
TITLE OF PERSON SIGNING: Deputy Chief, Wildlife Resources  
DATE: 10/17/96

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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.