

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2009 AUG 14 AM 9:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Dept. of Commerce, Div. of Natural Resources, 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 Rule

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE

EFFECTIVE DATE OF THIS RULE IS September 1, 2009


Authorized Signature

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

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

SUMMARY: Series 55 revises the current Migratory Bird Hunting Rule. This rule prescribes the open seasons and the bag, size, age, weight and sex limits with respect to the hunting migratory birds in West Virginia. Revisions to this rule changes the opening and closing dates for 2009.

CIRCUMSTANCE: This rule establishes the opening and closing dates for migratory bird hunting as directed by the U.S. Fish and Wildlife Service.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Series 55, Migratory Bird Hunting Rule

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Natural Resources, Wildlife Resources Section

Address: 324 Fourth Avenue, So. Charleston, WV 25303

Phone Number: 304-558-2771 Email: billieshearer@wvdnr.gov

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

There is no change anticipated to the administrative expenditures as a result of this rule.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: Series 55, Migratory Bird Hunting Rule

- 3. Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

No impact.

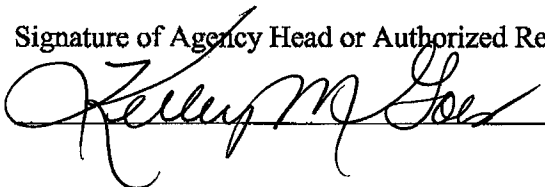
MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

This rule makes minor changes to the migratory bird hunting season dates for 2009.

Date: 8/14/09

Signature of Agency Head or Authorized Representative



**TITLE 58
LEGISLATIVE EXEMPT
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 55
MIGRATORY BIRD HUNTING RULE**

FILED

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OFFICE 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 14, 2009

1.4. Effective Date. -- September 1, 2009

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 legal under the provisions of W. Va. Code §20-2-5.

§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" (58CSR56).

§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, ~~2008~~ 2009 and closes on October 4 10, ~~2008~~ 2009.

4.1.2. The second segment of this season opens on October ~~20~~ 26, ~~2008~~ 2009 and closes on November 8 11, ~~2008~~ 2009.

4.1.3. The third segment of this season opens on December ~~19~~ 21, ~~2008~~ 2009 and closes on January ~~3~~ 2, ~~2009~~ 2010.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, ~~2008~~ 2009 and closes on November 8 7, ~~2008~~ 2009.

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, ~~2008~~ 2009 and closes on December ~~13~~ 12, ~~2008~~ 2009.

4.4. Woodcock Season.

4.4.1. This season opens on October ~~24~~ 23, ~~2008~~ 2009 and closes on November ~~22~~ 21, ~~2008~~ 2009.

4.5. Special Canada Goose Season.

4.5.1. This season opens on September 1, ~~2008~~ 2009 and closes on September ~~20~~ 19, ~~2008~~ 2009.

§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 fifteen (15) doves per day.

6.1.2. The possession limit is thirty (30) 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 five (5) Canada geese per day.

6.5.2. The possession limit is ten (10) 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.