

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

Form #5

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FILED

AUG 24 3 25 PM '99

OFFICE OF THE SECRETARY OF STATE
SECRET

**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: 57

TITLE OF RULE BEING AMENDED: Waterfowl 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, 1999



John B. Rader, Director

**CIRCUMSTANCE AND SUMMARY FOR EXEMPT RULE
CONCERNING WATERFOWL HUNTING**

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 57, Waterfowl Hunting Rule

SUMMARY: Series 57 revises the current Waterfowl Hunting Regulations which were made effective September 19, 1998. This rule prescribes the open seasons and the bag, size, age, weight and sex limits with respect to the hunting of waterfowl in West Virginia. The rule will become effective September 1, 1999.

CIRCUMSTANCE: Regulation changes are in compliance with federal guidelines on waterfowl seasons, dates and bag limits and control the number of waterfowl taken and the density of waterfowl hunters in certain areas.

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Series 57, Waterfowl 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: There is no change anticipated to administrative expenditures as a result of this rule.

3. Objectives of these rules: This regulation establishes the open seasons and the bag, size, age, weight, and sex limits for the hunting of waterfowl in West Virginia.

4. Explanation of overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government: No impact.

Rule Title: Series 57, Waterfowl Hunting Regulations

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

C. Economic Impact on Citizens/Public at Large: Hunting and fishing in West Virginia generates approximately \$707 million annually for the state's economy.

Date: _____

**Signature of Agency or
Authorized Representative:**



JOHN B. RADER, DIRECTOR

OFFICE OF THE REGISTER
DIVISION OF NATURAL RESOURCES
Aug 24 3 26 PM '99

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

OFFICE OF THE REGISTER
DIVISION OF NATURAL RESOURCES

SERIES 57
WATERFOWL HUNTING REGULATIONS
(EXEMPT RULE)

§58-57-1. General.

1.1. Scope. -- This regulation establishes the open seasons and the bag, size, age, weight, and sex limits for the hunting of waterfowl in West Virginia.

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

1.3. Filing Date. -- August 24, 1999

1.4. Effective Date. -- ~~September 19, 1998~~ September 1, 1999

1.5. Seasons in General. -- All seasons are subject to change under the provisions of W. Va. Code §20-1-7(7). Opening and closing dates are inclusive and the time periods are prevailing time unless otherwise noted in these regulations. Sunday hunting is illegal.

§58-57-2. Definitions.

2.1. All terms shall have the meanings prescribed in the Code of State Regulations, Title 58, Series 58 "Special Waterfowl Hunting Regulations" (58 C.S.R. 58).

§58-57-3. General Provisions.

3.1. Closed Season - No person may take waterfowl during the closed season.

3.2. Shooting or Falconry Hours - No person may take waterfowl except during the hours open to shooting or falconry as prescribed in these regulations.

3.3. Daily Bag Limit - No person may take more than the daily bag limit of any waterfowl.

3.4. Field Possession Limit - No person may possess more than the daily bag limit of any waterfowl while in the field or while returning from the field to one's car, hunting camp, home, or other place.

3.5. Wanton Waste - All waterfowl killed or crippled must be retrieved if possible and retained in the custody of the hunter in the field.

3.6. Custody of Birds of Another - No person may receive or have in his/her custody

waterfowl belonging to another person unless such birds are properly tagged.

3.7. Possession of Live Birds - No person may at any time, or by any means, possess or transport live waterfowl 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.

§58-57-4. Open Shooting and Falconry Seasons.

4.1. Duck Seasons.

4.1.1. Zone 1 Duck Season.

4.1.1.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.1.1.b. The second segment of this season opens on November 30~~29~~, 1998~~9~~ and closes on January 20, 1999~~2000~~.

4.1.2. Zone 2 Duck Season.

4.1.2.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.1.2.b. The second segment of this season opens on November 12~~7~~, 1998~~9~~ and closes on January 28, 1999~~2000~~.

4.1.3. There is no open season for harlequin ducks., scoters, eiders, whistling ducks, or mottled ducks.

4.2. Merganser Seasons.

4.2.1. Zone 1 Merganser Season.

4.2.1.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.2.1.b. The second segment of this season opens on November 30~~29~~, 1998~~9~~ and closes on January 20, 1999~~2000~~.

4.2.2. Zone 2 Merganser Season.

4.2.2.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.2.2.b. The second segment of this season opens on November ~~127,~~
1998~~9~~ and closes on January ~~28,~~ 19992000.

4.3. Coot Seasons.

4.3.1. Zone 1 Coot Season.

4.3.1.a. The first segment of this season opens October 1, 1998~~9~~ and
closes on October ~~176,~~ 1998~~9~~.

4.3.1.b. The second segment of this season opens on November ~~3029,~~
1998~~9~~ and closes on January 20, 19992000.

4.3.2. Zone 2 Coot Season.

4.3.2.a. The first segment of this season opens on October 1, 1998~~9~~ and
closes on October ~~176,~~ 1998~~9~~.

4.3.2.b. The second segment of this season opens on November ~~127,~~
1998~~9~~ and closes January ~~28,~~ 19992000.

4.4. Gallinule Seasons.

4.4.1. Zone 1 Gallinule Season.

4.4.1.a. The first segment of this season opens on October 1, 1998~~9~~ and
closes on October ~~176,~~ 1998~~9~~.

4.4.1.b. The second segment of this season opens on November ~~3029,~~
1998~~9~~ and closes on January 20, 19992000.

4.4.2. Zone 2 Gallinule Season.

4.4.2.a. The first segment of this season opens on October 1, 1998~~9~~ and
closes on October ~~176,~~ 1998~~9~~.

4.4.2.b. The second segment of this season opens on November ~~127,~~
1998~~9~~ and closes January ~~28,~~ 19992000.

4.5. Canada Goose Seasons.

4.5.1. Zone 1 Canada Goose Season.

4.5.1.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.5.1.b. The second segment of this season opens on November 28~~7~~, 1998~~9~~ and closes on January 30~~1~~, 1999~~2000~~.

4.5.2. Zone 2 Canada Goose Season.

4.5.2.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 31~~0~~, 1998~~9~~.

4.5.2.b. The second segment of this season opens on December 12~~1~~, 1998~~9~~ and closes on January 30~~1~~, 1999~~2000~~.

4.6. Snow Goose and Blue Goose Seasons.

4.6.1. Zone 1 Snow Goose and Blue Goose Seasons.

4.6.1.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 17~~6~~, 1998~~9~~.

4.6.1.b. The second segment of this season opens on November 28~~7~~, 1998~~9~~ and closes on January 30~~1~~, 1999~~2000~~.

4.6.2. Zone 2 Snow Goose and Blue Goose Season.

4.6.2.a. The first segment of this season opens on October 1, 1998~~9~~ and closes on October 31~~0~~, 1998~~9~~.

4.6.2.b. The second segment of this season opens on December 12~~1~~, 1998~~9~~ and closes on January 30~~1~~, 1999~~2000~~.

4.7. Brant Season.

4.7.1. This season opens on November 24~~7~~, 1998~~9~~ and closes on January 20, 1999~~2000~~.

4.8. Swan Season.

4.8.1. There is no open season for swans.

§58-57-5. Shooting and Falconry Hours.

- 5.1. Ducks.
 - 5.1.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.2. Mergansers.
 - 5.2.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.3. Coots.
 - 5.3.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.4. Gallinules.
 - 5.4.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.5. Canada Geese.
 - 5.5.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.6. Snow Geese and Blue Geese.
 - 5.6.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.
- 5.7. Brant.
 - 5.7.1. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

§58-57-6. Shooting Bag and Possession Limits.

- 6.1. Ducks.
 - 6.1.1. The bag limit is six (6) ducks in aggregate per day and may include:

- 6.1.1.a. Only one (1) black duck;
- 6.1.1.b. No more than four (4) old squaw;
- 6.1.1.c. No more than four (4) mallards only two (2) of which may be hens;
- 6.1.1.d. No more than ~~four (4)~~three (3) scaup;
- 6.1.1.e. ~~No more than two (2)~~ Only one (1) pintails;
- 6.1.1.f. No more than two (2) redheads;
- 6.1.1.g. No more than two (2) wood ducks; and
- 6.1.1.h. Only one (1) canvasback.

6.1.2. The possession limit is twelve (12) ducks in aggregate and may include:

- 6.1.2.a. No more than two (2) black ducks;
- 6.1.2.b. No more than eight (8) old squaw;
- 6.1.2.c. No more than eight (8) mallards only four (4) of which may be hen mallards;
- 6.1.2.d. No more than ~~eight (8)~~six (6) scaup;
- 6.1.2.e. No more than two (2) pintails;
- 6.1.2.f. No more than four (4) redheads;
- 6.1.2.g. No more than four (4) wood ducks; and
- 6.1.2.h. No more than two (2) canvasbacks.

6.2. Mergansers.

6.2.1. The bag limit is five (5) mergansers in aggregate per day and may include only one (1) hooded merganser.

6.2.2. The possession limit is ten (10) mergansers in aggregate and may include no more than two (2) hooded mergansers.

6.3. Coots.

6.3.1. The bag limit is fifteen (15) coots per day.

6.3.2. The possession limit is thirty (30) coots.

6.4. Gallinules.

6.4.1. The bag limit is fifteen (15) gallinules per day.

6.4.2. The possession limit is thirty (30) gallinules.

6.5. Canada Goose.

6.5.1. The bag limit is three (3) Canada geese per day.

6.5.2. The possession limit is six (6) Canada geese.

6.6. Snow Geese and Blue Geese.

6.6.1. The bag limit is five (5) snow and blue geese in aggregate per day.

6.6.2. The possession limit is ten (10) snow and blue geese in aggregate.

6.7. Brant.

6.7.1. The bag limit is two (2) brant per day.

6.7.2. The possession limit is four (4) brant.

§58-57-7. 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.

§58-57-8. Youth Waterfowl Hunting Season.

8.1. The youth waterfowl hunting season for taking ducks, geese, coots, mergansers and gallinules is open September 198, 1998 only.

8.2. The bag and possession limit for the youth waterfowl season is the same as the regular season daily bag limits listed in §58-57-6.