

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

Form #5

Do Not Mark In This Box

FILED

AUG 23 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: 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 19, 1998



John B. Rader, Director

\$4.40

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

**AGENCY:** Bureau of Commerce, Division of Natural Resources

**REGULATION:** Title 58, Series 57, Waterfowl Hunting Regulations

**SUMMARY:** Series 57 revises the current Waterfowl Hunting Regulations which were made effective October 1, 1997. This rule sets 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 upon filing.

**CIRCUMSTANCE:** Regulation changes are in compliance with federal guidelines on waterfowl seasons, dates and bag limits.

## 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:** This rule establishes the open seasons and the bag, size, age, weight and sex limits for hunting waterfowl in West Virginia. No new administrative expenditures are anticipated.

**3. Objectives of these rules:** This legislative exempt rule which revises the current Waterfowl Hunting Regulations which were made effective October 1, 1997.

**4. Explanation of overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government:** No impact.

**Rule Title:** Series 57, Waterfowl Hunting Regulations


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**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:**



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JOHN B. RADER, DIRECTOR

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

**SERIES 57  
WATERFOWL HUNTING REGULATIONS  
(EXEMPT RULE)**

FILED

Aug 28 1 20 PM '98

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**§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. --

1.4. Effective Date. -- September 19, 1998

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 Hawking Falconry Hours - No person may take waterfowl except during the hours open to shooting or hawking 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, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.1.1.b. The second segment of this season opens on November 28~~30~~, 1997~~8~~ and closes on January 17~~20~~, 1998~~9~~.

4.1.2. Zone 2 Duck Season.

4.1.2.a. The first segment of this season opens on October 1, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.1.2.b. The second segment of this season opens on November 14~~2~~, 1997~~8~~ and closes on January 3~~2~~, 1998~~9~~.

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, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.2.1.b. The second segment of this season opens on November 28~~30~~, 1997~~8~~ and closes on January 17~~20~~, 1998~~9~~.

4.2.2. Zone 2 Merganser Season.

4.2.2.a. The first segment of this season opens on October 1, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.2.2.b. The second segment of this season opens on November 14~~2~~, 1997~~8~~ and closes on January 3~~2~~, 1998~~9~~.

#### 4.3. Coot Seasons.

##### 4.3.1. Zone 1 Coot Season.

4.3.1.a. The first segment of this season opens October 1, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.3.1.b. The second segment of this season opens on November 28~~30~~, 1997~~8~~ and closes on January 17~~20~~, 1998~~9~~.

##### 4.3.2. Zone 2 Coot Season.

4.3.2.a. The first segment of this season opens on October 1, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.3.2.b. The second segment of this season opens on November 14~~2~~, 1997~~8~~ and closes January 3~~2~~, 1998~~9~~.

#### 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, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.4.1.b. The second segment of this season opens on November 28~~30~~, 1997~~8~~ and closes on January 17~~20~~, 1998~~9~~.

##### 4.4.2. Zone 2 Gallinule Season.

4.4.2.a. The first segment of this season opens on October 1, 1997~~8~~ and closes on October 18~~7~~, 1997~~8~~.

4.4.2.b. The second segment of this season opens on November 14~~2~~, 1997~~8~~ and closes January 3~~2~~, 1998~~9~~.

#### 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, 19978 and closes on October 187, 19978.

4.5.1.b. The second segment of this season opens on November 1728, 19978 and closes on January 1730, 19989.

4.5.2. Zone 2 Canada Goose Season.

4.5.2.a. The first segment of this season opens on October 1, 19978 and closes on ~~November 1~~ October 31, 19978.

4.5.2.b. The second segment of this season opens on December 12, 19978 and closes on January 1730, 19989.

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, 19978 and closes on October 187, 19978.

4.6.1.b. The second segment of this season opens on November 1728, 19978 and closes on January 1730, 19989.

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, 19978 and closes on ~~November 1~~ October 31, 19978.

4.6.2.b. The second segment of this season opens on December 12, 19978 and closes on January 1730, 19989.

4.7. Brant Season.

4.7.1. This season opens on November 214, 19978 and closes on January 1720, 19989.

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:

- hens;
- 6.1.1.a. Only one (1) black duck;
  - 6.1.1.b. ~~Only one (1) fulvous whistling duck;~~  
No more than four (4) old squaw;
  - 6.1.1.c. No more than four (4) mallards only two (2) of which may be
  - 6.1.1.d. ~~Only one (1) mottled duck;~~  
No more than four (4) 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:

- ducks;
- be hen mallards;
- 6.1.2.a. No more than two (2) black ducks;
  - 6.1.2.b. No more than eight (8) old squaw ~~two (2) fulvous whistling~~
  - 6.1.2.c. No more than eight (8) mallards only ~~2~~ four (4) of which may
  - 6.1.2.d. No more than eight (8) scaup ~~two (2) mottled ducks;~~
  - 6.1.2.e. No more than ~~four (4)~~ 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 19, 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.