

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 _____

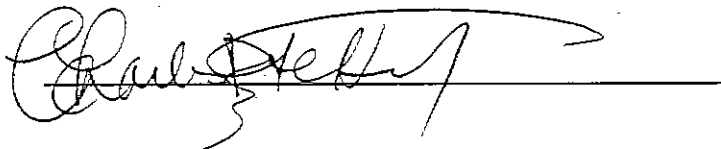
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 57

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, 1996



FISCAL NOTE FOR PROPOSED RULE

Rule Title: Waterfowl Hunting Regulations, 58 C.S.R. 57

Type of Rule: Exempt Legislative Interpretive Procedural

Agency: Division of Natural Resources

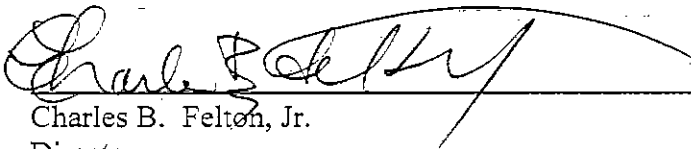
Address: State Capitol Complex
Building 3, Room 842
1900 Kanawha Blvd.
Charleston, WV 25305

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 regulation establishes the open seasons and the bag, size, age, weight and sex limits for hunting of waterfowl in West Virginia. No new administrative expenditures are anticipated.
3. Objectives of these rules: This legislative exempt rule which repeals and replaces the current Waterfowl 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
WATERFOWL HUNTING REGULATIONS**

AGENCY: Bureau of Commerce, Division of Natural Resources

REGULATION: Title 58, Series 57, "Waterfowl 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 Waterfowl 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 waterfowl in West Virginia. The rule will become effective upon filing.

CIRCUMSTANCE

SERIES 57

Regulations changes are in compliance with federal guidelines on waterfowl seasons, dates, and bag limits.

**TITLE 58
LEGISLATIVE RULE
BUREAU OF COMMERCE
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 29, 1996

1.4. Effective Date. -- September 1, 1996

1.5. Repeal of Former Rule. -- This regulation repeals and replaces 58 C.S.R. 13 "Waterfowl 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 §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 Hours - No person may take waterfowl except during the hours open to shooting or hawking 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 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, 1996 and closes on October 12, 1996.

4.1.1.b. The second segment of this season opens on December 12, 1996 and closes on January 18, 1997.

4.1.2. Zone 2 Duck Season.

4.1.2.a. The first segment of this season opens on October 1, 1996 and closes on October 12, 1996.

4.1.2.b. The second segment of this season opens on November 21, 1996 and closes on December 28, 1996.

4.1.3. There is no open season for harlequin 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, 1996 and closes on October 12, 1996.

4.2.1.b. The second segment of this season opens on December 12, 1996 and closes on January 18, 1997.

4.2.2. Zone 2 Merganser Season.

4.2.2.a. The first segment of this season opens on October 1, 1996 and closes on October 12, 1996.

4.2.2.b. The second segment of this season opens on November 21, 1996 and closes on December 28, 1996.

4.3. Coot Seasons.

4.3.1. Zone 1 Coot Season.

4.3.1.a. The first segment of this season opens October 1, 1996 and closes on October 12, 1996.

4.3.1.b. The second segment of this season opens on December 12, 1996 and closes on January 18, 1997.

4.3.2. Zone 2 Coot Season.

4.3.2.a. The first segment of this season opens on October 1, 1996 and closes on October 12, 1996.

4.3.2.b. The second segment of this season opens on November 21, 1996 and closes December 28, 1996.

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, 1996 and closes on October 12, 1996.

4.4.1.b. The second segment of this season opens on December 12, 1996 and closes on January 18, 1997.

4.4.2. Zone 2 Gallinule Season.

4.4.2.a. The first segment of this season opens on October 1, 1996 and closes on October 12, 1996.

4.4.2.b. The second segment of this season opens on November 21, 1996 and closes December 28, 1996.

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, 1996 and closes on October 12, 1996.

4.5.1.b. The second segment of this season opens on November 22, 1996 and closes on January 18, 1997.

4.5.2. Zone 2 Canada Goose Season.

4.5.2.a. The first segment of this season opens on October 1, 1996 and closes on November 2, 1996.

4.5.2.b. The second segment of this season opens on December 13, 1996 and closes on January 18, 1997.

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, 1996 and closes on October 12, 1996.

4.6.1.b. The second segment of this season opens on November 22, 1996 and closes on January 18, 1997.

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, 1996 and closes on November 2, 1996.

4.6.2.b. The second segment of this season opens on December 13, 1996 and closes on January 18, 1997.

4.7. Brant Season.

4.7.1. This season opens on December 20, 1996 and closes on January 18, 1997.

4.8. Swan Season.

4.8.1. There is no open season for swans.

§58-57-5. Shooting Hours.

5.1. Ducks.

5.1.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.2. Mergansers.

5.2.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.3. Coots.

5.3.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.4. Gallinules.

5.4.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.5. Canada Geese.

5.5.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.6. Snow Geese and Blue Geese.

5.6.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

5.7. Brant.

5.7.1. Shooting hours are from thirty (30) minutes before sunrise until sunset.

§58-57-6. Bag and Possession Limits.

6.1. Ducks.

6.1.1. The bag limit is five (5) ducks in aggregate per day and may include:

6.1.1.a. Only one (1) black duck;

6.1.1.b. Only one (1) fulvous whistling duck;

6.1.1.c. Only one (1) hen mallard;

6.1.1.d. Only one (1) mottled duck;

- 6.1.1.e. Only one (1) pintail;
- 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 ten (10) ducks in aggregate and may include:

- 6.1.2.a. No more than two (2) black ducks;
- 6.1.2.b. No more than two (2) fulvous tree ducks;
- 6.1.2.c. No more than two (2) hen mallards;
- 6.1.2.d. No more than two (2) mottled ducks;
- 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.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

STEPHEN N. REED
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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Chief of Staff

OCT 17 1 50 PM '96

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

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: 57 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

* 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.