



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

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OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR  
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Natural Resources**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **58-57**

RULE NAME **Waterfowl Hunting Rule**

CITE AUTHORITY **29A-1-3(c) and 20-1-17(b)(7)**

RULE IS LEGISLATIVE EXEMPT

**Yes**

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

**29A-1-3(c) and 20-1-17(b)(7)**

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

**Friday, October 10, 2014**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Joshua L Jarrell -- By my signature, I certify that I am the person authorized to file legislative rules, in  
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 58-57



Rule Id: 9616



Document: 26283

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

SERIES 57  
WATERFOWL HUNTING 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(b)(7).

1.3. Filing Date. -- September 3, 2014.

1.4. Effective Date. -- October 10, 2014.

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

**§58-57-2. Definitions.**

2.1. All terms shall have the meanings prescribed in the Code of State Rules, Title 58, Series 58 "Special Waterfowl Hunting Regulations" (58CSR58).

**§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.a. Except as provided in 4.1.d. the first segment of this season opens on October 1, 2014 and closes on October 11, 2014.

4.1.b. Except as provided in 4.1.d. the second segment of this season opens on November 10, 2014 and closes on November 15, 2014.

4.1.c. Except as provided in 4.1.d. the third segment of this season opens on December 13, 2014 and closes on January 24, 2015.

4.1.d. There is no open season for harlequin ducks, eiders, whistling ducks, or mottled ducks.

4.2. Merganser Seasons. -- Merganser seasons are the same as the duck seasons established in Section 4.1 of this rule.

4.3. Coot Seasons. -- Coot seasons are the same as the duck seasons established in Section 4.1 of this rule.

4.4. Gallinule Seasons.

4.4.a. Except as provided in 4.1.d. the first segment of this season opens October 1, 2014 and closes on October 11, 2014.

4.4.b. Except as provided in 4.1.d. the second segment of this season opens December 13, 2014 and closes on January 24, 2015.

4.5. Canada Goose Seasons.

4.5.a. The special September Canada Goose season opens on September 1, 2014 and closes on September 13, 2014.

4.5.b. The first segment of the regular season opens on October 1, 2014 and closes on October 18, 2014.

4.5.c. The second segment of the regular season opens on November 10, 2014 and closes on November 15, 2014.

4.5.d. The third segment of the regular season opens on December 8, 2014 and closes on January 31, 2015.

4.6. Snow Goose and Blue Goose Seasons. -- Snow goose and blue goose seasons are open on the same days as the regular Canada goose seasons established in Section 4.5 of this rule.

4.7. Brant Season. -- This season opens on December 26, 2014 and closes on January 24, 2015.

4.8. Swan Season.

4.8.a. There is no open season for swans.

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

5.1. Ducks, Mergansers, Coots, Gallinules, Canada Geese, Snow and Blue Geese, and Brant.

5.1.a. 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.a. The bag limit is six (6) ducks in aggregate per day and may include:

- 6.1.a.1. Only one (1) black duck;
- 6.1.a.2. No more than four (4) long tailed ducks (old squaw);
- 6.1.a.3. No more than four (4) mallards only two (2) of which may be hens;
- 6.1.a.4. No more than two (2) scaup;
- 6.1.a.5. No more than two (2) pintails;
- 6.1.a.6. No more than two (2) redheads;
- 6.1.a.7. No more than three (3) wood ducks;
- 6.1.a.8. No more than four (4) scoters; and
- 6.1.a.9. No more than one (1) canvasback.

6.1.b. The possession limit is eighteen (18) ducks in aggregate and may include:

- 6.1.b.1. No more than three (3) black ducks;
- 6.1.b.2. No more than twelve (12) long tailed ducks (old squaw);
- 6.1.b.3. No more than twelve (12) mallards only six (6) of which may be hen mallards;
- 6.1.b.4. No more than six (6) scaup;
- 6.1.b.5. No more than six (6) pintails;
- 6.1.b.6. No more than six (6) redheads;
- 6.1.b.7. No more than nine (9) wood ducks;
- 6.1.b.8. No more than twelve (12) scoters; and
- 6.1.b.9. No more than three (3) canvasback.

6.2. Mergansers.

6.2.a. The bag limit is five (5) mergansers in aggregate per day and may include only two (2) hooded mergansers.

6.2.b. The possession limit is fifteen (15) mergansers in aggregate and may include no more than six (6) hooded mergansers.

6.3. Coots.

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

6.3.b. The possession limit is thirty (30) coots.

6.4. Gallinules.

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

6.4.b. The possession limit is thirty (30) gallinules.

6.5. Canada Goose.

6.5.a. The bag limit is five (5) Canada geese per day.

6.5.b. The possession limit is fifteen (15) Canada geese.

6.6. Snow Geese and Blue Geese.

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

6.6.b. The possession limit is fifteen (15) snow and blue geese in aggregate.

6.7. Brant.

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

6.7.b. The possession limit is six (6) 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 nine (9) 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 on September 20, 2014 and on November 8, 2014.

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.