



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

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§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

Thursday, September 01, 2016

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

Yes

**Patricia J White -- 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: 10274



Document: 28812

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 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. -- August 16, 2016

1.4. Effective Date. -- September 1, 2016.

§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.

3.8. 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.

§58-57-4. 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, 2016 and closes on October 8, 2016.

4.1.b. Except as provided in 4.1.d. the second segment of this season opens on November 7, 2016 and closes on November 12, 2016.

4.1.c. Except as provided in 4.1.d. the third segment of this season opens on December 14, 2016 and closes on January 28, 2017.

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, 2016 and closes on October 8, 2016.

4.4.b. Except as provided in 4.1.d. the second segment of this season opens November 28, 2016 and closes on January 28, 2017.

4.5. Canada Goose and White-fronted Goose Seasons.

4.5.a. The special September Canada Goose season opens on September 1, 2016 and closes on September 10, 2016.

4.5.b. The first segment of the regular Canada Goose and White-fronted Goose season opens on October 1, 2016 and closes on October 15, 2016.

4.5.c. The second segment of the regular Canada Goose and White-fronted Goose season opens on November 7, 2016 and closes on November 12, 2016.

4.5.d. The third segment of the regular Canada Goose and White-fronted Goose season opens on December 1, 2016 and closes on January 28, 2017.

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 and White-fronted goose seasons established in Section 4.5 of this rule.

4.7. Brant Season. -- This season opens on November 30, 2016 and closes on January 28, 2017.

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, White-fronted 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 two (2) canvasbacks.

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 six (6) canvasbacks.

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 and White-fronted geese.

6.5.a. The bag limit is five (5) Canada and White-fronted geese in aggregate per day.

6.5.b. The possession limit is fifteen (15) Canada and White-fronted geese in aggregate.

6.6. Snow 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 one (1) brant per day.

6.7.b. The possession limit is three (3) 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 17, 2016 and on November 5, 2016.

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.