



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Natural Resources TITLE-SERIES: 58-55
RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: MIGRATORY BIRD HUNTING RULE
CITE STATUTORY AUTHORITY: §§ 20-1-17(B)(7), 29A-1-3(C)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

September 1, 2018

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wendy L Greene -- 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 58
LEGISLATIVE EXEMPT RULE
DEPARTMENT OF COMMERCE
DIVISION OF NATURAL RESOURCES**

**SERIES 55
MIGRATORY BIRD HUNTING RULE**

§58-55-1. General.

1.1 Scope. -- These regulations establish the open seasons and the bag, size, age, weight, and sex limits with respect to the hunting of migratory game birds in West Virginia.

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

1.3. Filing Date. -- June 5, 2018.

1.4. Effective Date. -- September 1, 2018.

§58-55-2. Definitions.

2.1. All terms shall have the meaning prescribed under the Code of State Rules, "Special Migratory Bird Hunting Regulations" (58CSR56).

§58-55-3. General Migratory Bird Hunting Rules.

3.1. Closed Season. -- No person may take migratory game birds during the closed season.

3.2. Shooting and Falconry Hours. -- No person may take migratory game birds except during the hours open for shooting and falconry as prescribed in these regulations.

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

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

3.5. Custody of Birds of Another. -- No person may receive or have in his/her custody migratory game birds belonging to another person unless such birds are properly tagged.

3.6. Possession of Live Birds. -- No person may at any time, or by any means, possess or transport live migratory game birds 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.

3.7. 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 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.

§58-55-4. Open Shooting and Falconry Seasons.

4.1. Mourning Dove Season.

4.1.a. The first segment of this season opens on September 1, 2018 and closes on October 13, 2018.

4.1.b. The second segment of this season opens on October 29, 2018 and closes on November 17, 2018.

4.1.c. The third segment of this season opens on December 17, 2018 and closes on January 12, 2019.

4.2. Rail Season (Sora and Virginia Rails).

4.2.a. This season opens on September 1, 2018 and closes on November 9, 2018.

4.2.b. There is no open season for king rails or clapper rails.

4.3. Common Snipe Season.

4.3.a. This season opens on September 1, 2018 and closes on December 16, 2018.

4.4. Woodcock Season.

4.4.a. The first segment of this season opens on October 13, 2018 and closes on November 17, 2018.

4.4.b. The second segment of this season opens on November 26, 2018 and closes on December 4, 2018.

§58-55-5. Shooting and Falconry Hours.

5.1. Mourning Doves.

5.1.a. Shooting and falconry hours in the first segment of the mourning dove season are from thirty (30) minutes before sunrise until sunset except on opening day when shooting and falconry hours are from noon until sunset.

5.1.b. Shooting and falconry hours in all other segments of the mourning dove season are from thirty (30) minutes before sunrise until sunset.

5.2. Sora and Virginia Rails.

5.2.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.3. Common Snipe.

5.3.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

5.4. Woodcock.

5.4.a. Shooting and falconry hours are from thirty (30) minutes before sunrise until sunset.

§58-55-6. Shooting Bag and Possession Limits.

6.1. Mourning Doves.

6.1.a. The bag limit is fifteen (15) doves per day.

6.1.b. The possession limit is forty-five (45) doves.

6.2. Sora and Virginia Rails.

6.2.a. The bag limit is twenty-five (25) rails in aggregate per day.

6.2.b. The possession limit is twenty-five (25) rails in aggregate.

6.3. Common Snipe.

6.3.a. The bag limit is eight (8) snipe per day.

6.3.b. The possession limit is sixteen (16) snipe.

6.4. Woodcock.

6.4.a. The bag limit is three (3) woodcock per day.

6.4.b. The possession limit is nine (9) woodcock.

§58-55-7. 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.