



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: 58-57

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: WATERFOWL HUNTING RULE

CITE STATUTORY AUTHORITY: §§20-1-17(B)(7) and 29A-1-3(c)

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

September 1, 2021

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

Yes

Jack M Rife -- 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 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 31, 2021.

1.4. Effective Date. -- September 1, 2021.

§58-57-2. Definitions.

2.1. All terms shall have the meanings prescribed in the W. Va. Code of State Rules, Title 58 Series 58, Special Waterfowl Hunting Regulations.

§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 Migratory Bird Hunting, 50 C.F.R. §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.

4.1.1. Except as provided in subsection 4.1.4. the first segment of this season opens on October 1, 2021 and closes on October 14, 2021.

4.1.2. Except as provided in subsection 4.1.4. the second segment of this season opens on November 8, 2021 and closes on November 13, 2021.

4.1.3. Except as provided in subsection 4.1.4. the third segment of this season opens on December 23, 2021 and closes on January 31, 2022.

4.1.4. 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.

4.4.1. The first segment of this season opens October 1, 2021 and closes on October 14, 2021.

4.4.2. The second segment of this season opens December 7, 2021 and closes on January 31, 2022.

4.5. Canada Goose and White-fronted Goose Seasons.

4.5.1. The special September Canada Goose season opens on September 1, 2021 and closes on September 12, 2021.

4.5.2. The first segment of the regular Canada Goose and White-fronted Goose season opens on October 1, 2021 and closes on October 16, 2021.

4.5.3. The second segment of the regular Canada Goose and White-fronted Goose season opens on November 8, 2021 and closes on November 13, 2021.

4.5.4. The third segment of the regular Canada Goose and White-fronted Goose season opens on December 5, 2021 and closes on January 31, 2022.

4.6. Snow Goose and Blue Goose Seasons.

4.6.1. The first segment of the Snow goose and blue goose season opens on October 1, 2021 and closes on October 16, 2021.

4.6.2. The second segment of the Snow goose and blue goose season opens on November 8, 2021 and closes on November 13, 2021.

4.6.3. The third segment of the Snow goose and blue goose season opens on December 5, 2021 and closes on January 31, 2022.

4.7. Brant Season. -- This season opens on December 13, 2021 and closes on January 31, 2022.

4.8. Swan Season.

4.8.1. 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.

5.1.1. Shooting and falconry hours are from 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 ducks in aggregate per day and may include:

6.1.1.a. No more than two black ducks;

6.1.1.b. No more than four long tailed ducks (old squaw);

6.1.1.c. No more than two mallards only one of which may be a hen;

6.1.1.d. No more than one scaup during the segments of the duck season as outlined in section 4.1.1. and 4.1.2. and for that portion as outlined in section 4.1.3. between December 23, 2021 and January 11, 2022; and no more than two scaup during the period from January 12, 2022 through January 31, 2022 of the segment of the duck season as outlined in section 4.1.3.

6.1.1.e. No more than one pintail;

6.1.1.f. No more than two redheads;

6.1.1.g. No more than three wood ducks;

6.1.1.h. No more than four scoters; and

6.1.1.i. No more than two canvasbacks.

6.1.2. The possession limit is 18 ducks in aggregate and may include:

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- 6.1.2.a. No more than six black ducks;
- 6.1.2.b. No more than 12 long tailed ducks (old squaw);
- 6.1.2.c. No more than six mallards only three of which may be hen mallards;
- 6.1.2.d. No more than six scaup;
- 6.1.2.e. No more than three pintails;
- 6.1.2.f. No more than six redheads;
- 6.1.2.g. No more than nine wood ducks;
- 6.1.2.h. No more than 12 scoters; and
- 6.1.2.i. No more than six canvasbacks.

6.2. Mergansers.

6.2.1. The bag limit is five mergansers in aggregate per day and may include only two hooded mergansers.

6.2.2. The possession limit is 15 mergansers in aggregate and may include no more than six hooded mergansers.

6.3. Coots.

6.3.1. The bag limit is 15 coots per day.

6.3.2. The possession limit is 45 coots.

6.4. Gallinules.

6.4.1. The bag limit is 15 gallinules per day.

6.4.2. The possession limit is 45 gallinules.

6.5. Canada and White-fronted geese.

6.5.1. The bag limit is five Canada and White-fronted geese in aggregate per day.

6.5.2. The possession limit is 15 Canada and White-fronted geese in aggregate.

6.6. Snow and Blue geese.

6.6.1. The bag limit is five snow and blue geese in aggregate per day.

6.6.2. The possession limit is 15 snow and blue geese in aggregate.

6.7. Brant.

6.7.1. The bag limit is two brant per day.

6.7.2. The possession limit is six brant.

§58-57-7. Falconry Bag and Possession Limits.

7.1. The bag limit for falconry hunting is three migratory game birds and waterfowl in the aggregate per day.

7.2. The possession limit for falconry hunting is nine migratory game birds and waterfowl 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 18, 2021 and on November 6, 2021.

8.2. The bag and possession limit for the youth waterfowl season is the same as the regular season daily bag limits listed in Section 6 of this rule.