



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), and 29A-1-3(c)

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

September 1, 2022

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

Yes

James Bailey -- 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. -- August 31, 2022.

1.4. Effective Date. -- September 1, 2022.

§58-55-2. Definitions.

2.1. All terms shall have the meaning prescribed in W. Va. Code of State Rules, Title 58 Series 56, Special Migratory Bird Hunting Regulations.

§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 or 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 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.

3.7. 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.

4.1.1. The first segment of this season opens on September 1, 2022 and closes on October 9, 2022.

4.1.2. The second segment of this season opens on October 31, 2022 and closes on November 13, 2022.

4.1.3. The third segment of this season opens on December 19, 2022 and closes on January 24, 2023.

4.2. Rail Season (Sora and Virginia Rails).

4.2.1. This season opens on September 1, 2022 and closes on November 9, 2022.

4.2.2. There is no open season for king rails or clapper rails.

4.3. Common Snipe Season.

4.3.1. This season opens on September 1, 2022 and closes on December 16, 2022.

4.4. Woodcock Season.

4.4.1. The first segment of this season opens on October 15, 2022 and closes on November 19, 2022.

4.4.2. The second segment of this season opens on November 28, 2022 and closes on December 6, 2022.

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

5.1. Mourning Doves.

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

5.1.2. Shooting and falconry hours in all other segments of the mourning dove season are from 30 minutes before sunrise until sunset.

5.2. Sora and Virginia Rails.

5.2.1. Shooting and falconry hours are from 30 minutes before sunrise until sunset.

5.3. Common Snipe.

5.3.1. Shooting and falconry hours are from 30 minutes before sunrise until sunset.

5.4. Woodcock.

5.4.1. Shooting and falconry hours are from 30 minutes before sunrise until sunset.

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

6.1. Mourning Doves.

6.1.1. The bag limit is 15 doves per day.

6.1.2. The possession limit is 45 doves.

6.2. Sora and Virginia Rails.

6.2.1. The bag limit is 10 rails in aggregate per day.

6.2.2. The possession limit is 30 rails in aggregate.

6.3. Common Snipe.

6.3.1. The bag limit is eight snipe per day.

6.3.2. The possession limit is 24 snipe.

6.4. Woodcock.

6.4.1. The bag limit is three woodcock per day.

6.4.2. The possession limit is nine woodcock.

§58-55-7. 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.