

TITLE 47
PROCEDURAL RULES
DEPARTMENT OF NATURAL RESOURCES

SERIES 15A
PERMITS TO KILL DEER AND OTHER WILDLIFE CAUSING
CROP DAMAGE

§47-15A-1. Scope and Authority

1.1. **Scope and Purpose.** -- The purpose of these regulations is to establish the procedures for obtaining permits to kill deer or other wildlife causing damage to cultivated crops, fruit trees or commercial nurseries.

1.2. **Authority.** -- W. Va. Code §20-2-15(a), §29A-

1.3. **Filing Date.** -- August 4, 1986

1.4. **Effective Date.** September ³⁰ 31, 1986

§47-15A-2. Procedure.

2.1. **Notification.** At the occurrence of damage, the landowner, lessee or tenant shall, in person or by telephone, notify the local conservation officer or district law enforcement office and report his name, address, specific location where the damage is occurring, type of damage and species causing such damage.

2.2. **Conservation Officer Investigation.** The conservation officer or his wildlife designee shall investigate the alleged damage according to the following procedures, complete the necessary wildlife damage forms and permits, and submit completed forms quarterly to the district game biologist.

2.3. **Determination of Substantial Damage.**

2.3.1. **Cultivated Crops.** The conservation officer or his wildlife designee shall select a starting point in the area the crop owner indicates damage has occurred and follow along the crop row or a straight line in the case of grain or forage crops. After every five (5) steps he shall record if damage is occurring within a one-step radius of that point. If damage can be found at twenty percent (20%) of the sample points, then there is substantial damage.

2.3.2. **Fruit Trees and Commercial Nurseries.**
-- Damage must occur on twenty percent (20%) of the trees in the portion of the orchard or nursery receiving damage. To be included in the calculation browse damage must occur on at least ten percent (10%) of the ends of branches at a height of five (5) feet and lower.

§47-15A-3. Issuance of Permits.

3.1. Upon making a determination of substantial damage pursuant to Section 2.3 of these regulations, the conservation officer or his wildlife designee shall issue a permit for the number of animals as follows:

3.1.1. For estimates of five (5) or less animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to one hundred percent (100%) of the estimated animals.

3.1.2. For estimates of six (6) to ten (10) animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to eighty percent (80%) of the estimated animals.

3.1.3. For estimates of more than ten (10) animals determined to be the causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to fifty percent (50%) of the estimated animals.

3.2. The permittee may not kill more than the number of animals specified on the permit. No permit will be issued for greater than twenty-five (25) animals.

§47-15A-4. Duties of Permittees.

4.1. All animals taken must be immediately

TITLE 47
PROCEDURAL RULES
DIVISION OF NATURAL RESOURCES

SERIES 15A
PERMITS TO KILL DEER AND OTHER WILDLIFE CAUSING DAMAGE
TO CULTIVATED CROPS, FRUIT TREES, OR COMMERCIAL NURSERIES

§47-15A-1. Scope and Authority.

1.1. Scope and Purpose. -- The purpose of these regulations is to establish the procedures for obtaining permits to kill deer or other wildlife causing damage to cultivated crops, fruit trees or commercial nurseries.

1.2. Authority. -- W. Va. Code 20-2-15(a), §29A

1.3. Filing Date. -- August 4, 1986.

1.4. Effective Date. -- September 3, 1986.

§47-15A-2. Procedure.

2.1. Notification. At the occurrence of damage, the landowner, lessee, or tenant shall, in person or by telephone, notify the local conservation officer or district law enforcement office and report his name, address, specific location where the damage is occurring, type of damage, and species causing such damage.

2.2. Conservation Officer Investigation. The conservation officer or his wildlife designee shall investigate the alleged damage according to the following procedure, complete the necessary wildlife damage forms and permits, and submit completed forms quarterly to the district game biologist.

2.3. Determination of Substantial Damage.

2.3.1. Cultivated Crops. The conservation officer or his wildlife designee shall select a starting point in the area the crop owner indicates damage has occurred and follow along the crop row or a straight line in the case of grain or forage crops. After every five (5) steps he shall record if damage is occurring within a one-step radius of that point. If damage can be found at twenty percent (20%) of the sample points, then there is substantial damage.

2.3.2. Fruit Trees and Commercial Nurseries. Damage must occur on twenty percent (20%) of the trees in the portion of the orchard or nursery receiving damage. To be included in the calculation, browse damage must occur on at least ten percent (10%) of the ends of branches at a height of five (5) feet and lower.

§47-15A-3. Issuance of Permits.

3.1. Upon making a determination of substantial damage pursuant to Section 2.3 of these regulations, the conservation officer or his wildlife designee shall issue a permit for the number of animals as follows:

3.1.1. For estimates of five (5) or less animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to one hundred percent (100%) of the estimated animals.

3.1.2. For estimates of six (6) to ten (10) animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to eighty percent (80%) of the estimated animals.

3.1.3. For estimates of more than ten (10) animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to fifty percent (50%) of the estimated animals.

3.2. The permittee may not kill more than the number of animals specified on the permit. No permit will be issued for greater than twenty-five (25) animals.

§47-15A-4. Duties of Permittees.

4.1. All animals taken must be immediately tagged with a non-hunting tag supplied by the Department of Natural Resources. Part of the tag shall be affixed to the carcass and the remaining portion returned to the Department of Natural Resources within forty-eight hours (48 hours) following the date of the kill.

4.2. No animals taken under this provision may be transported beyond the boundaries of the State of West Virginia.

§47-15A-5. Reoccurrence.

5.1. If substantial damage continues or reoccurs after removing deer or other wildlife, then the conservation officer or his wildlife designee may repeat issuing permits provided that the procedures of Sections 2 and 3 of these regulations are followed, until successive substantial damage ceases.

Title 47

~~West Virginia~~ Procedural Rules
Department of Natural Resources
~~Chapter 20-2c~~
Series IV-EC ~~42~~ 15A

Permits to Kill Deer and other wildlife causing crop damage

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FILED
SECRETARY OF STATE

Section 1. Scope and Authority

1.1 Scope and Purpose. The purpose of these regulations is to establish the procedures for obtaining permits to kill deer or other wildlife causing damage to cultivated crops, fruit trees or commercial nurseries.

1.2 Authority. These regulations are promulgated under the authority of the West Virginia Code Chapter 20, Article 2, Section 15(a) and Chapter 29A, Article 3.

1.3 Effective Date. These regulations will be effective 30 days after filing. *Sept 3, 1986*

1.4 Filing Date. These regulations were filed on August 4, 1986.

Section 2. Procedure

2.1 Notification. At the occurrence of damage, the landowner, lessee or tenant shall, in person or by telephone, notify the local conservation officer or district law enforcement office and report his name, address, specific location where damage is occurring, type of damage and species causing such damage.

2.2 Conservation Officer Investigation. The conservation officer or his wildlife designee shall investigate the alleged damage according to the following procedures, complete the necessary wildlife damage forms and permits, and submit completed forms quarterly to the district game biologist.

2.3 Determination of Substantial Damage.

2.3.1 Cultivated crops. The conservation officer or his wildlife designee shall select a starting point in the area the crop owner indicates damage has occurred and follow along the crop row or a straight line in the case of grain or forage crops. After every five steps he shall record if damage is occurring within a one-step radius of that point. If damage can be found at 20% of the sample points, then there is substantial damage.

2.3.2 Fruit Trees and Commercial Nurseries. Damage must occur on 20% of the trees in the portion of the orchard or nursery receiving damage. To be included in the calculation, browse damage must occur on at least 10% of the ends of branches at a height of 5 feet and lower.

Section 3. Issuance of Permits

3.1 Upon making a determination of substantial damage pursuant to Section 2.3, the conservation officer or his wildlife designee shall issue a permit for the number of animals as follows:

3.1.1 For estimates of 5 or less animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to 100% of the estimated animals.

3.1.2 For estimates of 6-10 animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to 80% of the estimated animals.

3.1.3 For estimates of more than 10 animals determined to be causing damage, the conservation officer or his wildlife designee may allow the permittee to kill up to 50% of the estimated animals.

3.2 The permittee may not kill more than the number of animals specified on the permit. No permit will be issued for greater than 25 animals.

Section 4. Duties of Permittees

4.1 All animals taken must be immediately tagged with a non-hunting tag supplied by the Department of Natural Resources. Part of the tag shall be affixed to the carcass and the remaining portion returned to the Department of Natural Resources within 48 hours following the date of kill.

4.2 No animals taken under this provision may be transported beyond the boundaries of the State of West Virginia.

Section 5. Reoccurrence

5.1 If substantial damage continues or reoccurs after removing deer or other wildlife, then the conservation officer or his wildlife designee may repeat issuing permits provided that the procedures of Sections 2 and 3 are followed, until successive substantial damage ceases.

West Virginia Interpretive Rules
Department of Natural Resources
Chapter 20-2
Series D-15B

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DEPARTMENT OF NATURAL RESOURCES
SECRETARY OF STATE

Section 1. Scope and Authority

1.1 Scope and Purpose. The purpose of these regulations is to provide interpretations of the Director's authority governing the issuance of permits to kill deer or other wildlife causing damage to cultivated crops, fruit trees or commercial nurseries.

1.2 Authority. These regulations are promulgated under the authority of the West Virginia Code Chapter 20, Article 2, Section 15(a) and Chapter 29A, Article 3.

1.3 Effective Date. These regulations will be effective 30 days after filing. *Sept 3, 1986*

1.4 Filing Date. These regulations were filed on August 4, 1986.

Section 2. Applicability

2.1 Landowners, lessees or tenants may protect their cultivated crops, fruit trees or commercial nurseries from destruction, damage or loss from the direct or indirect feeding, nesting, burrowing, building, trampling or other damage-causing activities of deer or other wildlife as provided by Section 20-2-15(a) of the West Virginia Code.

2.2. Cultivated crops shall include any crop for which the mechanical removal of weeds is required.

Section 3. Exceptions

3.1 Damage caused by bears or migratory birds is not covered by these provisions.

Section 4. Authorized Persons

4.1 Persons authorized to kill deer or other wildlife under these provisions shall include only the landowner, lessee, tenants or persons previously designated by the owner and approved by the conservation officer or his wildlife designee. Permittees may kill animals only in the immediate vicinity of the permittees' damaged crops. "Immediate vicinity" shall be determined by the conservation officer or his wildlife designee based upon the species in question, neighboring habitat, and other relevant factors and shall be specified in the permit issued.

Section 5. Disposition of Animals.

5.1 Landowners, lessees or tenants may retain all animals taken.

5.2 All other animals may be picked up by the conservation officer or his wildlife designee or, with the prior approval of the conservation officer or his wildlife designee, be given away or buried by the permittee.