

**TITLE 47
INTERPRETIVE RULES
DEPARTMENT OF NATURAL RESOURCES**

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

§47-15B-1. General.

1.1. Scope. -- 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. -- W. Va. Code §20-2-15(a) and §29A-3

1.3. Filing Date. -- August 4, 1986

1.4. Effective Date. -- September 3, 1986

§47-15B-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 subsection (a), section fifteen, article two, chapter twenty of the West Virginia Code.

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

§47-15B-3. Exceptions.

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

§47-15B-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.

§47-15B-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.

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