

WEST VIRGINIA LAWS

UAPPEAL

DANGEROUS WILD ANIMALS (Agriculture)

- Dangerous wild animals – dangerous mammal, bird, reptile, amphibian, aquatic animal, hybrids

BANS possession of dangerous wild animals.

- EXEMPT:
 - Wildlife
 - Livestock (cattle, horses, swine, sheep, goats or other bovine, equine, porcine, ovine or caprine specie, and domestic poultry)
 - Domestic animals
 - AZA or AZA certified facility
 - animal control or law enforcement
 - veterinary hospital or clinics
 - research medical institution
 - research facility
 - Class C circus
 - USDA exhibitor at a fair or festival
 - transporting one through the state less than 48 hours
 - USDA exhibitors and dealers on 1/1/2014 IF NO repeated and uncorrected USDA citations or an animal cruelty or neglect conviction
- GRANDFATHERS: owners on 6/1/15 and those on date animal is later added through rules with PERMIT if:
 - DO NOT breed, receive or replace an animal
 - immediately notify the county sheriff or humane officer of escapes
 - NO physical contact except for permittee, designated handler, law enforcement, or vet
 - NO animal abuse or neglect conviction
 - NO revoked or suspended permit involving care, possession, exhibition, breeding or sale of DWA
 - Permanently mark with unique identifier
 - Maintain records to prove prior ownership
 - Proof of \$300,000 liability insurance with up to \$250 deductible
 - Notify Board at least 3 days before transfer to another person out of state
 - Obtain written Board consent before transfer within state
 - Obtain written Board consent to move the animal except to a vet for a medical emergency
 - Comply with all Board rules

LIST (Effective 6/5/22):

- Hyenas
- Gray wolves (excludes hybrids)
- Lions
- Tigers
- Jaguars
- Leopards (includes clouded leopards, Sunda clouded leopards, snow leopards)
- Cheetahs and domestic hybrids
- Lynxes and domestic hybrids
- Cougars and domestic hybrids
- Caracals and domestic hybrids
- Bears (except black bears)
- Elephants
- Rhinos
- Hippos
- Cape buffalo
- African wild dogs
- Komodo dragons
- Nonhuman primates except
 - Lemurs
 - Tamarins (golden lion, black faced lion, golden-rumped lion, cotton top, emperor, saddlebacked, blackmantled, Geoffroys)
 - Night monkeys
 - Titi monkeys (dusty and masked)
 - Muriquis
 - Goeldi's monkeys
 - Sakis (white-faced, black-bearded, white-nose bearded, monk)
 - Uakaris (bald and black)
 - Spider monkeys (black-handed, white-bellied, browned-headed, black)
 - Common wooly monkeys
 - Howler monkeys (red, black, mantled)

REQUIREMENTS:

- Requires ZAA caging standards
- Permit fees annually are \$10 registration application fee and \$150 per animal permit fees
- Board must meet annually by June 1 to review list and by December 1 to review current permits and determine animal list changes

(West Virginia Code § 19-34 – Added 2014; West Virginia Admin Code 74 - **Rule extended to 4/5/2032**)

NATIVE WILDLIFE

DEFINITIONS

Wildlife - wild birds, wild animals, game and fur-bearing animals, fish, reptiles, amphibians, mollusks, crustaceans and aquatic life used as fish bait

Wild birds – all birds except domestic poultry (chickens, ducks, geese, guinea fowl, peafowls and turkeys), Psittacidae, foreign cage birds

Wild animals – native mammals except house rats and mice

Fur-bearing animals - includes mink; weasel; muskrat; beaver; opossum; skunk and civet cat; otter; red fox; gray fox; wildcat, bobcat or bay lynx; raccoon; fisher; and coyote

Game - game animals, game birds and game fish

Game animals - includes elk; deer; cottontail rabbits and hares; red squirrels, gray squirrels and color phases - red, gray, black or albino; raccoon; black bear; wild boar; and woodchuck

Game birds - includes: swan, geese, brants and river and sea ducks (Anatidae); rails, sora, coots, mudhens and gallinule (Rallidae); shorebirds, plover, snipe, woodcock, sandpipers, yellow legs and curlews (Limicolae); native and foreign wild turkey, grouse, pheasants, quails and partridges (Galliformes); doves (Columbidae); blackbirds, redwings and grackle (Icteridae); and crows (Corvidae)

Game fish – includes brook, brown, rainbow and golden rainbow trout; largemouth, smallmouth, spotted, striped, rock, white bass; chain pickerel; muskellunge; walleye; northern pike; white and black crappie; all sunfish species; channel, flathead and blue catfish; sauger; and all hybrids

GENERALLY

BANS take, obtainment, purchase, possession and maintaining in captivity any live wildlife, wild animals, wild birds, game or fur-bearing animals.

PERMITS issued for:

- Private Game Preserve License (propagate wild animals or birds for commercial use)

- Commercial Game Farm License (breed and sell including eggs)
 - BANS capture from woods or fields of state AND raccoon or fox from trappers

- Hound Coursing/Training Pen Game Farm License (release into training pens)
 - BANS capture from woods or fields of state AND transfer possession or resale
 - Fox and raccoon must be from trappers or commercial dealers

- Incorporated Sportsmen Club Game Farm License (purchase and release for restocking)
 - BANS transfer possession or resale

- Private Plant, Pond or Business License (propagate or sell fish, frogs, turtles or aquatics)

- Fish Pond License (raise and sell fish, frogs, turtles, aquatic)
- Fish Sales License (buy and resell fish, frogs, turtles, aquatic)

- Pet Permit (pets from commercial dealers or the wild during open season) - \$2
 - ALSO NEED: game farm license to breed or sell
 - BANS: fox, skunk and raccoon after 2006
 - BANS cervids
 - Wild-caught must be checked by NR police officer and purchase need bill of sale

- Roadside Menagerie Permit (display wild animals or birds, amphibians, reptiles from commercial dealers or the wild) - \$25
 - ALSO NEED: game farm license to breed or sell
 - BANS cervids and excludes nonnative mammals
 - BANS removal from enclosure except display AND direct exposure to public except buffalos under 6 months
 - Wild-caught must be checked by NR police officer and purchase need bill of sale

- Commercial Fishing Preserve License (private pond or impoundment)
 - Must import or obtain from dealer

- Commercial Shooting Preserve License (private owned)
 - ALSO NEED:
 - game farm license to breed/sell
 - Wildlife Importation Permit to import
 - hunting license to take

- LEGAL SPECIES: game birds excluding turkey, nonnative game birds, rabbits, hoofstock – swine and bovids
- BANS capture from woods or fields of state
- Catch and Sell Bait Fish License (catch and sell minnows and bait fish) - \$1
 - See Bait License section
- Field Trial Permit (hold field trial, shoot-to-retrieve field trial, water race, wild hunt)
 - LIMIT 3 days in 2 counties
 - BANS wild-take except shoot-to-retrieve

REQUIREMENTS:

- Migratory birds must comply with Migratory Bird Treaty Act
- BANS possession and transport of live migratory birds captured in the state
- Comply with commercial sale of wildlife law for game preserve, pond license
- Meet caging and care and record requirements

(West Virginia Code §20-2-4, 20-2-47 to 20-2-48, 20-2-51 to 20-2-56; West Virginia CSR 58-55-3, 58-57-3, 58-62, 58-64; DNR Newsroom Article 2007)

BAIT LICENSE

LEGAL SPECIES:

- Crayfish
- Gizzard shad
- Hellgrammites
- Madtoms (Noturus)
- Minnows (Cyprinidae) except carp and goldfish
- Salamanders legal under reptile and amphibian law
- Suckers (Castostomidae)

POSSESSION LIMIT:

- crayfish, hellgrammites, salamanders - 250 combined
- gizzard shad – no limit
- madtoms, minnows, suckers – 10 pounds combined

SALE LIMIT:

- crayfish, hellgrammites, salamanders – 50 combined per purchaser
- gizzard shad – no limit
- madtoms, minnows, suckers – 50 combined per purchaser

SIZE LIMITS: NONE

LEGAL METHODS:

- cast nets up to 12' radius with mesh ¼" to 1"
- dip nets up to 36 square feet area with mesh at least ¼"
- minnow traps with opening up to 1" diameter
- seines up to 4' deep and 8' long with mesh at least ¼"

(West Virginia CSR § 58-62)

COMMERCIAL SALE OF WILDLIFE

BANS cervids in captivity.

BANS take, purchase, sale, trade and barter of game species, fur-bearing animals, song or insectivorous birds, and other native wildlife for commercial use.

- PERMITS issued for:
 - Private Game Preserve License (propagate wild animals or birds for commercial use)
 - Commercial Game Farm License (breed and sell including eggs)
 - EXCLUDES: wild-trapped foxes or raccoons
- Hound Coursing/Training Pen Game Farm License (release into training pens)
 - INCLUDES: wild-trapped foxes and raccoons by trappers and wildlife allowed by other means
- Incorporated Sportsmen Club Game Farm License (purchase and release for restocking)
 - INCLUDES: wild-trapped foxes and raccoons by trappers and wildlife allowed by other means
- Private Plant, Pond or Business License (propagate or sell fish, frogs, turtles or aquatics)

REQUIREMENTS:

- LEGAL acquisitions and required documents: licensee (bill of sale), import (Importation Permit, health certificate, bill of sale), breeding parents (inventory record), or legal trapper during season or 60 days after (ear tag fox or raccoon before release)
- Bill of sale for all sales
- Trappers with raccoon or fox sale limited to training pen or sportsmen club who may not transfer possession or resell

(West Virginia Code §20-2-11, 20-2-14, 20-2-47 to 20-2-48, 20-2-59; West Virginia CSR § 58-63)

OTHER NATIVE PERMITS

- Fur Dealer License (deal in furs)
- Scientific Collecting Permit (take/keep wildlife for scientific purposes)
 - BANS killing deer or bear
- Wildlife Damage Control Agent Permit (take/dispose of nuisance wildlife)
 - LEGAL SPECIES: unlisted pigeon, house sparrow, European starling, red-winged blackbird, brown-headed cowbird, grackle, opossum, mole, bats, cottontail rabbit, snapping turtle, snakes, chipmunk, gray/red/southern flying squirrel, woodchuck, muskrat, rats, mice, voles, raccoon, weasel, red and gray fox, coyote, mink, striped skunk
 - LEGAL WITH PERMISSION: white-tailed deer, black bear, bobcat, fisher, beaver, otter, wild turkey, wild boar, elk and unlisted species
 - BANNED: unlisted migratory birds, salamanders, frogs, toads, unlisted turtles, skinks, eastern ribbon snake, mountain earth snake, corn snake, Northern pine snake, eastern king snake, long-tailed shrew, pygmy shrew, northern water shrew, eastern small-footed myotis, northern long-eared bat, Indiana bat, Rafinesque's big-eared bat, Virginia big-eared bat, northern flying squirrel, Allegheny woodrat, rock vole, prairie vole, golden mouse, eastern harvest mouse, meadow jumping mouse, least weasel, eastern spotted skunk, or threatened/endangered/candidate ESA species
- Bird Dog Training Permit (train with quail and pigeons)

- Stocking Permit (release aquatic organisms into waters of state)
 - BANS take, give away or receipt of wild-caught aquatic organisms for commercial game preserve and private ponds for commercial use
 - BANS prohibited fish
 - EXEMPT:
 - Release into waters caught
 - Release of native fish into privately owned ponds for noncommercial use
 - Trout in waters of state if from within state or imported with disease-free certification
 - Black bass if department notified before and disease-free certification

- Falconry License

(West Virginia Code § 20-2-49 to 20-2-50A, 20-2-56A, 20-2-64; West Virginia CSR 58-16 to 58-17, 58-41 to 58-42, 58-54, 58-65)

EXPORT OF WILD-CAUGHT WILDLIFE

BANS export of wild-caught wildlife.

- EXEMPT:
 - those legally hunted or fished by the hunter or fisher
 - pelts and parts of game and fur-bearing animals by hunters, trappers or fur dealers
 - certain parts of killed deer and black bear
 - private game preserves and licensees to propagate or sell fish, amphibians or aquatics

(West Virginia Code §20-2-12)

BALD AND GOLDEN EAGLES

BANS take, possession, transport, import, export or processing, sale or offer for sale, buying, barter or trade of bald and golden eagles.

- EXEMPT: as allowed under federal Eagle Protection Act

(West Virginia Code §20-2-5c)

BULLFROG, GREEN FROG, EASTERN SPINY SOFTSHELL, SNAPPING TURTLES

BANS take of frogs or aquatic turtles from federal and state fish hatchery.

PERMIT (Fishing License) required to take bullfrogs and green frogs.

LEGAL METHODS:

- Turtles - Snagging, gigging snaring from Jan 1 to May 15 and Jul 15 to Dec 31

ILLEGAL METHODS:

- firearm, crossbow, explosive, or poison for frogs or aquatic turtles

SEASON:

- Bullfrog/green frog – Sat nearest Jun 15 to Jul 31
 - 3rd Fri May to Oct 31 in Big Sandy River and Tug Fork River

LIMITS:

- Bullfrog/green frog – Take 10/day and possess 20
- Eastern spiny softshell/snapping turtles - Take 10/day and possess 20 combined

SIZE LIMITS:

- Bullfrog/green frog - NONE

(West Virginia CSR § 58-60-3, 58-60-4.12, 58-60-5.14, 58-60-6.13, 58-60-11.3)

REPTILES AND AMPHIBIANS (REST)

BANS take and possession of snake, lizard, skink, turtle and amphibian eggs, tadpoles and larvae.

BANS take and possession of reptiles and amphibians from DNR area.

- EXEMPT:
 - With permission
 - American bullfrogs, green frogs, snapping turtles, Eastern spiny softshell turtles

BANS take and possession of native reptiles and amphibians.

- PERMIT (Scientific Collecting Permit) issued for scientific or educational purposes
- EXEMPT:
 - Salamanders taken year-round for fishing bait – possess 10 combined
 - Northern dusky salamander
 - seal salamander
 - Allegheny mountain dusky salamander
 - black-bellied salamander
 - Black Mountain salamander
 - northern spring salamander
 - Kentucky spring salamander
 - northern two-lined salamander
 - southern two-lined salamander
 - eastern long-tailed salamander
 - 50 salamanders from Catch and Sell Bait Fish License with bill of sale
 - Destroy or relocate snakes in buildings, outbuildings, gardens or fields
 - Snake skins
 - Take 10 eastern spiny softshell or snapping turtles and possess 20 combined

BANS release if held in captivity more than 30 days or with other species.

(West Virginia CSR § 58-73)

MUSSELS

BANS possession of mussels.

(West Virginia CSR § 58-60-5.15)

AQUATIC LIFE OTHER THAN FISH/HERPTILES

BANS take of aquatic life from federal and state fish hatchery.

ILLEGAL METHODS:

- firearm, crossbow, explosive, or poison for frogs or aquatic turtles

POSSESSION LIMIT: 100

- EXCLUDES: those from dealer with bill of sale

(West Virginia CSR § 58-60-3, 58-60-5.16)

PROHIBITED FISH

BANS possession, sale, import and released of certain prohibited fish.

- EXEMPT: scientific research with written authorization

LIST:

- bighead carp
- silver carp
- black carp
- largescale silver carp
- diploid white amur
- snakehead (Channa)
- Hybrids and eggs of above

(West Virginia Code §20-2-64(d))

AQUACULTURE (Agriculture)

PERMIT (Importation Permit) required to import aquatic species for aquaculture.

- EXEMPT: freely traded list (native species not restricted, protected, genetically engineered)

- DISEASE CATEGORIES:
 - Category I (not present in state) – requires testing and allows permit denial if detected in animal or farm
 - Category II (not present in state) – requires test if from state or zone where found and allows denial if detected
 - Category III (present in state) – requires test, import still allowed if detected
 - Category IV (special cases) – permit issued at discretion of department
- ALSO NEED: owner-shipper statement and health certification of being tested for diseases above in last 12 months

(West Virginia Code §19-32; CSR 61-35)

LIVE FERAL SWINE (Agriculture)

BANS transport and possession of live feral swine along with intentional release of domestic swine to create feral swine and feeding of feral swine.

(West Virginia Code of State Rules § 61-1-5)

CAPTIVE CERVID FACILITY LICENSE (Agriculture)

PERMIT (Captive Cervid Facility License) required for captive cervid farms.

- Class I – breed and create byproducts for sale, slaughter for personal use
- Class II – breed, harvest or slaughter, create byproducts, allow hunting, sell venison

(West Virginia Code §19-2H; CSR 61-34)

RELEASE OF DOMESTIC ANIMALS AND CAPTIVE WILDLIFE (Agriculture)

BANS release of domestic pets and livestock, captive wildlife for agriculture farming, and nonnative captive wildlife.

(West Virginia CSR § 61-1-5)

IMPORT (Agriculture)

- Animal – bird, fish, reptile, mammal

BANS import of animals in violation of Agriculture laws in the West Virginia Code.

Certificate of Veterinary Inspection within 1 month prior required to import wildlife (native mammals and birds and foreign game birds) along with the required Wildlife Importation Permit by DNR.

- EXCLUDES: those exempt from permit under that law
- Cervids need CVI, special permit, from herd with no TB reactors within last 12 months, negative TB test within 2 months prior, negative Brucellosis within 1 month prior

CVI required for import of other animals.

- Birds and camelids have special requirements.

(West Virginia Code §19-9-20; West Virginia CSR § 61-1-1, 61-1-8)

IMPORT (DNR)

BANS import of coyotes, fox, skunks, and raccoons since 2001.

PERMIT (Importation Permit) required to import wildlife.

- Salmonidae must be free of whirling disease, infectious pancreatic necrosis, viral hemorrhagic septicemia or other diseases

(West Virginia Code 20-2-13; DNR Newsroom Article 2007)