Agency Name: Department of Natural Resources

Statutory Authority: 50-11-525 and 50-11-1090

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Subject: Rules and Regulations Governing the Issuance of Deer Depredation Permits

History: 5250

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- 10/27/2023 Proposed Reg Published in SR

- 01/09/2024 Received President of the Senate & Speaker 05/08/2024

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Document No. 5250

**DEPARTMENT OF NATURAL RESOURCES**

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-525 and 50‑11‑1090

123‑46. Rules and Regulations Governing the Issuance of Deer Depredation Permits.

**Synopsis:**

The South Carolina Department of Natural Resources is proposing to amend Regulation 123‑46 pertaining to Issuance of Deer Depredation Permits as specified in 50‑11‑1090, SC Code of Laws. The following is a section‑by‑section discussion of proposed changes.

The Notice of Drafting was published in Volume 47, Issue No. 9 of the South Carolina *State Register* on September 22, 2023.

**Instructions:**

Strike and insert new text as shown below. Renumber sections appropriately for additions and deletions as shown below.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

123‑46. Rules and Regulations Governing the Issuance of Deer Depredation Permits.

 1. Any person suffering excessive damage to crops and property caused by deer may apply to the Department ~~Director of Wildlife and Freshwater Fisheries~~ for a deer depredation permit as prescribed in Section 50‑11‑~~330~~1090, 1976 South Carolina Code of Laws.

 2. Applications for deer depredation permits shall be made to the Department ~~Director~~ in writing signed by the applicant and contain the following information:

 a. a concise statement specifically describing damage or destruction being suffered by the applicant;

 b. a specific description of the property or crop ~~being farmed or cultivated by the applicant and~~ which is suffering the damage or destruction;

 c. if the applicant is not the landowner of the property for which the deer depredation permit application is being made, the applicant, by signing the application, affirms that he has the landowner’s permission to execute a deer depredation permit on the specified property; ~~must attach documentation signed by the landowner authorizing the applicant to make such application;~~

 d. if the applicant does not intend to remove the deer himself, he must give the complete names and Department customer identification numbers or drivers license numbers of the persons whom the applicant has designated to take the deer which are causing damage to the subject property.

 ~~3. It is the policy of the Department to restrict the persons allowed to take deer under a deer depredation permit to the permittee, permittee’s employees, or permittee’s immediate family. And if the permittee desires any other person to take deer under authorization of said permit an explanation for same should be attached to the application.~~

 ~~4~~3. The Department ~~Director~~ shall give immediate consideration to applications for deer depredation permits and within seven (7) ~~fourteen (14)~~ days of receipt of same shall either issue the permit or deny the application. Immediate notification of the denial may be given orally by the Department. ~~provided the Director give written notification of the denial to the applicant within twenty‑one (21) days of receipt of the application together with the Director’s reason for denial.~~

 ~~5~~4. Deer depredation permits will be issued for each specific parcel of property denoting the names of the individuals designated to take deer thereunder and the hours of the day in which deer may be taken.

 ~~6~~5. The applicant or landowner shall allow a Department representative to enter the property for which the application is made for the purpose of inspecting the property to determine the necessity or exigency for issuance of the permit.

 6. The applicant must report all deer taken as prescribed by the Department within 30 days of expiration of the permit.

 7. No deer depredation permit will be issued to any applicant who has been convicted of a game law violation within the year ~~next~~ preceding the date of application for said permit. No person convicted of a game law violation within the year ~~next~~ preceding the application can be designated to take deer under a deer depredation permit. The applicant shall certify in the application that the applicant and the persons designated to take deer under the permit have not been convicted of a game law violation within the year ~~next~~ preceding the application.

 8. Any application containing false information therein shall subject the applicant to the penalties as prescribed herein.

 ~~9. Any person who takes a deer under a duly authorized deer depredation permit shall notify a conservation officer immediately thereafter.~~

 ~~10. Any deer taken under a duly authorized depredation permit shall be delivered to an eleemosynary institution by Department personnel.~~

 ~~11~~9. The penalty for any person violating any provisions of the within regulation shall be as prescribed in Section 50‑1‑130, 1976 South Carolina Code of Laws. In addition to said penalty any deer depredation permit issued to the person convicted hereunder must be surrendered to the Department ~~Director~~ immediately and said person would not be eligible for a deer depredation permit within twelve (12) months of said conviction.

**Fiscal Impact Statement:**

The amendment of Regulation 123‑46 will result in a more efficient and effective process for applicants to apply for deer depredation permits to reduce crop damage or property damage. There will be no negative fiscal impacts to the public or the Department. Effective delivery of the program can help to minimize financial losses by farmers experiencing crop damage by deer.

**Statement of Rationale:**

Rationale for the formulation of these regulations is based on over 70 years of experience by SCDNR in managing wildlife populations and assisting the public with wildlife conflicts. Management goals are ever changing, requiring periodic amendments to regulations and processes.