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National Model: Nuisance Wildlife Control Operators' Regulations, DRAFT - Version 3.0

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National Model

Nuisance Wildlife Control Operators' Regulations

Authority: State Code
Definition: Nuisance wildlife control operator -- herein called 'operator.'

A wildlife control (*permit, license*) is required for private operators to take, transport, release, or euthanize designated wildlife that is causing damage to property or is a risk to human health or safety. A person seeking to become an operator must be at least 18 years of age, complete a written application on proper forms, and satisfactorily complete a Trapper Education Course, a Hunter Safety Course, and pass a Nuisance Wildlife Control written test.

Each commercial operator engaged in nuisance wildlife control must have a currently valid (*permit, license*). A wildlife control (*permit, license*) shall be valid for a period of one calendar year and must be renewed annually. The (*permit, license*) is not transferable. An annual fee of ($__) will be charged for issuance of the (*permit, license*) for an operator who charges for services. The annual fee shall be waived for employees of a municipal or other government agency when such an employee is acting solely as an agent for the agency.

A background check may be conducted to determine if the applicant has within the past 5 years been convicted of a violation of any federal or state statute or regulation which is related to the activity for which the (*permit, license*) is sought. Such a violation shall preclude issuance of a wildlife control (*permit, license*) for a period of 5 years after the violation.

Issuance of a wildlife control (*permit, license*) shall not exempt the operator from compliance with the provisions of state, county, local, or federal laws. In addition, under no circumstances shall a (*permit, license*) be used in lieu of a scientific collectors permit, banding permit, or a sport hunting or trapping license. The (*permit, license*) must be available at all times and be presented upon request to any authorized employee of the Department (Natural Resources) or any peace officer.

The operator shall identify the offending wildlife, where possible, and recommend to the client methods of prevention or control, the estimated costs, and advantages and disadvantages of each method. The operator shall explain to the client how much of the problem will be resolved by the recommended techniques.

While engaged in wildlife control, the operator must obey all hunting and trapping laws and regulations with the following exceptions:

a. traps may be set at any time
b. woodchucks may be controlled by burrow fumigation
c.

The operator may be authorized, by the district wildlife biologist or the district conservation officer, to use other methods as needed. The operator who is also a certified pesticide applicator may take vertebrate species with pesticides registered, with the state's pesticide regulatory agency, for that purpose.

The use of leghold traps in municipalities, where permitted, shall be of the padded-jaw type and shall be set as to avoid capture of free-roaming pets. If pets are captured, they shall be released to the owners when the owners can be identified, released at the site of capture, or transported to the appropriate municipal authorities. Wild species not responsible for nuisance or damage shall be immediately released. The operator must visit all active traps and remove all animals at least once each calendar day. The operator cannot contract with the client to check the active traps on the client's property. All trapping devices must have the operator's or operator's employee's name and address on a durable plate or tag attached to the trapping device.

A wildlife control (*permit, license*) shall authorize the operator to control problem animals of the following species or group of species: pigeons (rock doves), house sparrows, European starlings, red-winged blackbirds, brown headed cowbirds, grackles, opossum, etc..... Grackles, red-winged blackbirds, and brown headed cowbirds may be controlled under state and federal regulations.

The following species or group of species may be controlled only with prior approval of the district wildlife biologist or the district conservation officer: _____ deer, black bear, and all other protected game and fur animals.

The operator shall not control migratory birds (except those listed above) unless the operator has a U.S. Fish & Wildlife Service depredation permit, and shall not control any species listed as endangered or threatened by the federal or state government, as follows: .....

Nuisance wildlife which are captured alive shall be euthanized in a humane manner or liberated at the site of capture. Prior approval from the district wildlife biologist is required before wildlife are relocated and released.

The sale, trade, barter, or give away of any live or dead wildlife or parts thereof taken under the (*permit, license*) is prohibited, except when the trapping or hunting season for the particular species is open, the operator has the appropriate hunting or trapping license, and such actions are not in conflict with state wildlife statutes. In such situations, the operator may retain the carcass or parts thereof up to the legal season limit. Carcasses which are not used must be disposed of by burning, incineration, or in an approved landfill in a manner consistent with the solid waste laws of the state or locality.

The operator shall coordinate with the district wildlife biologist concerning disposition and handling of sick or diseased animals. In the event that any person has been bitten or exposed to a sick or diseased animal the State or local Department of Health shall be notified immediately.

The operator shall maintain records. All operators shall keep daily records on all investigated wildlife damage complaints. Records shall include date of investigation, name and address of the complainant, type of damage, number of animals captured, species involved, condition of the animals, disposition of the animals, release sites and number released, and such other information as the Director of the Department (Natural Resources) may require. Such records shall be available for inspection by the district conservation office or authorized employees of the Department (Natural Resources).

An annual report shall be filed with the Law Enforcement Section of the Department (Natural Resources) at the end of each calendar year. Such report shall be on forms supplied by the Department and shall be filed no later than (*date*). The wildlife damage control (*permit, license*) shall not be renewed until such time as a satisfactory report is filed. The report shall include such information as required by the Director of the Department and shall be complete and legible.

A wildlife damage control (*permit, license*) may be revoked at any time by the Director of the Department (Natural Resources) for failure to comply with the conditions of the (*permit, license*). Upon receiving three or more complaints about services rendered by the operator, the Department shall review the allegations and shall immediately suspend, if justified, the (*permit, license*) of said operator for a period not to exceed (__) days pending an investigation. The operator whose (*permit, license*) has been suspended may request, within (__) days, a formal hearing before a review board to show cause why said (*permit, license*) should not be suspended. The review board shall be composed of 3 people-- one appointed by the Director of the Department (Natural Resources), one appointed by the Chief of the Wildlife Resource Agency, and one appointed by the Chief of the Law Enforcement (Natural Resources). The decision of the review board will be final.

The Department (Natural Resources) is not liable for any action, lack of action, damage, or injuries caused or suffered by the wildlife control operator or the landowner or client.

Attachments: (State) hunting, trapping laws and regulations

Note: This *draft* document was developed by a committee of NADCA members, chaired by Clarence "Ki" Faulkner, over the past year. It is distributed as an enclosure in the March 1998 issue of *The Probe* for the purpose of soliciting comments and recommendations from the NADCA's membership (see text in *The Probe*).

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National Model

Nuisance Wildlife Control Operators' Certification Program

Some people who want to become involved in nuisance wildlife control activities may not have the appropriate education or training for such endeavors. Therefore there is a need to establish a training program that will include most of the situations that control operators may encounter. This national certification model is submitted as a guide to help ensure that such training will be reasonably standardized and embrace most of the nuisance and urban problems commonly encountered.

Complete a Trapper Education Course. Such a course could be conducted by the Department (Natural Resources) or the State Trappers Association.

Complete a Hunter Safety Course. Such a course could be conducted by the Department (Natural Resources) or the applicant must provide proof of equivalent training. Such is required if firearms are used to take or euthanize animals.

Pass a closed-book written test on nuisance wildlife control in a satisfactory manner (80%). Preparation for the written test could be provided in an 8-hour training course. Such a course could be given by the Department (Natural Resources) or under contract with a University wildlife department or a private individual with appropriate professional credentials.

Note: The University program person or private individual would develop a less on plan for the 8-hour course and could prepare the test questions. Information for the less on plan could be obtained from listed reference books and the following agencies and industries: U.S. Department of Agriculture-Wildlife Services, State Animal Damage Control, State Cooperative Extension Service, State Department of (Natural Resources), State Department of Health, and the Pest Control and Nuisance Wildlife Control Industry.

The 8-hour training course could be developed to include subject matter within the following time frame:

1. **Life History**	3 hours	3. **Laws and Regulations**	1 hour
2. **Control Methods**	3 hours	4. **Diseases and Parasites**	1 hour

1. **Life History** would include the following: common species of mammals and birds found in the state, plus listed State and Federal threatened and endangered species found in the state.

A. Identification
B. Life History
  a. Breeding season, gestation length, etc.
  b. Litter size
  c. Home range
  d. Type of damage
  e. Signs of presence

References: *Field Guide to the North American Mammals*, National Audubon Society, Alfred A. Knopf, Inc.
Field Guild to the North American Birds (Eastern, Western), National Audubon Society, Alfred A, Knopf, Inc.

2. **Control Methods** would include the following:
   A. Trapping - land and water
      a. Box, cage
      b. Body gripping
      c. Leghold
   B. Lethal control
   C. Shooting
   D. Repellents
   E. Habitat modification
   F. Exclusion and prevention

References: *Prevention and Control of Wildlife Damage* (S.E. Hygnstrom, R.M. Timm, and G. E. Larson, eds.). 1994. Nebraska Cooperative Extension Service.

Mallis Handbook of Pest Control, 8th Edition. 1997. Pest Control Technology Books, Cleveland, OH.

Vertebrate Pest Control Handbook. 1995. Calif. Dept. of Food & Agriculture, Sacramento.

Bird Management Manual. 1982. National Pest Control Association, Dunn Loring, VA.

Vertebrate Pest Management. 1996. National Pest Control Association, Dunn Loring, VA.

3. State and Federal **Laws and Regulations** would include the following:
   A. Hunting
   B. Trapping
   C. Protected and nonprotected state and federal wildlife
   D. State laws pertaining to nuisance/damage wildlife
   E. Humane handling, care, treatment and transportation
   F. Relocation
   G. Legal methods of euthanization
   H. Dead animal disposal

References: State and Federal laws and regulations

4. **Diseases and Parasites** of Wildlife found in the state and their symptoms would include the following:
   A. Common diseases and their symptoms
   B. Common parasites and their symptoms

References: *Introduction to Parasitology*. C. Chandler. John Wiley and Sons, Inc.

Animal Diseases. 1956. Year Book of Agriculture. U.S.D.A., Washington D.C.

Animal Health. 1984. Year Book of Agriculture. U.S.D.A., Washington D.C.

Field Guide to Wildlife Diseases. M. Friend and L. Locke. National Wildlife Health Research Center, Madison, WI.

Field Manual of Wildlife Diseases in the Southeastern United States. W.P. Davidson and V.F. Nettles. Southeastern Wildlife Disease Study, Athens, GA.

To ensure that operators keep up with changes in the practice of nuisance wildlife control, the operators would be required to periodically participate in some form of continuing education.