

## PERSPECTIVES OF THE PRIVATE WILDLIFE CONTROL INDUSTRY

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**Abstract:** As urban and suburban areas have grown, a new industry has developed to provide service in dealing with wildlife-caused problems. State agencies have been faced with pressure to provide effective oversight to the persons providing wildlife damage services, or Wildlife Control Operators (WCOs). The National Wildlife Control Operators Association (NWCOA) can offer discussion and assistance on drafting administrative rules and can offer industry insight on the effects of these rules. This manuscript provides sample wording for a general administrative rule that can be used by state wildlife agencies to provide oversight to the WCO industry.

**Key words:** regulation, wildlife control operators, wildlife damage

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### INTRODUCTION

State agencies have been faced with a great deal of pressure to provide effective oversight to private persons providing wildlife damage services. These persons have become known as Wildlife Control Operators (WCOs). It is important to remember that the services provided by WCOs are often conducted within the authority of the property owners/managers as their agents. Lack of knowledge on the part of these property owners, or unwillingness to manage wildlife problems themselves, has created an industry of service providers. These service providers have been criticized by many different groups, and as a consequence state agencies have received pressure to provide oversight of the wildlife damage control industry. Many agencies have addressed these criticisms by rewriting wildlife rules to allow the taking of certain animals outside the normal hunting seasons. Other agencies have added new rules to address the company or agency providing services to the

public or have altered recreational rules. For most fish and wildlife agencies, the concept of regulating businesses is a new challenge. Wildlife Control Operators can offer a perspective that has proved invaluable to some state agencies facing the challenge of creating oversight regulation for managing wildlife damage. The WCO industry can provide a unique perspective of regulatory needs, public acceptance and effectiveness of methods, administration of permits, restrictions and disposition of wildlife.

Before oversight can be provided, state agencies and the public must understand the activities that are being regulated. The activities are relatively simple but are often overshadowed by efforts to be politically correct during the public involvement process. The program must focus on wildlife damage and on effectively managing the animals or the situation causing that damage. The damage is being done to, or is affecting, property or human health and safety. In all cases,

someone or some entity is responsible for the property or affected issue. The first questions state agencies wishing to regulate WCOs should ask are: What authority or actions will you permit a person or persons responsible for the property being damaged to take? Does your state provide for protection of personal property and will you allow a person to act within reason to protect their property without breaking existing wildlife laws?

Generally, state wildlife managers regulate the taking, possessing and transportation of wildlife within a given state. State statutes may already address wildlife damage in a simple law that allows a property owner to take a wild animal that is causing or about to cause damage to property or that is causing health and safety risk to humans or domestic animals. This law will usually state how and by which agency the law will be implemented. With the authority granted, an administrative rule should be established separate from other activities, such as trapping, fishing and hunting, to administer the program. The National Wildlife Control Operator's Association (NWCOA) can offer discussion and assistance on drafting administrative rules and offer industry insight on the effects of these rules. The first line of any rule should clearly state that this rule replaces and allows for wildlife control without regard to established seasons and methods. If some of the same rules are to be used, they can be restated. It is imperative to separate the authority to control wildlife causing damage from other types of wildlife management.

#### **SAMPLE WORDING OF GENERAL ADMINISTRATIVE RULE**

*1. The director may issue a permit to control a wild animal that is causing or threatening to cause damage to property or posing a health or safety threat to persons or*

*domestic animals. The permit shall authorize the control of wild animals without regard to other regulations concerning methods or seasons for the taking, possessing and transportation of wild animals. A permit is not required for control methods that do not involve the physical handling of wild animals. \*Permits are not required for the control of moles, rats, mice, starlings, sparrows, pigeons, or groundhogs.*

*(a) No permit shall be issued under this section for the control of animals that have been identified as state or federal endangered or threatened species;*

*(b) or if granting the permit would violate a federal law.*

\*This statement can include animals that are not included in the authority of the permit or can include only those animals that are included in the authority of the permit. It is important to clearly state what animals or actions are covered by the permits.

#### **Permits**

*a. Property owners or managers may request a permit to conduct control activities on property they own or manage and must comply with the instructions and limitations on the permit. The permit is free and must be returned within ten days after completion of control activity.*

Simple permits or authorizations can be issued to individual property owners for purposes of recording the action taken and may be in the form of telephone approval and after-action report filing. Authority to control a problem animal on private property should not be infringed or delayed by formal permits if the situation does not warrant delay; however, information and data on the control action are important to collect in

understanding the extent of wildlife conflicts for wildlife management purposes.

*b. Persons who provide or offer to provide wild animal control services to the public must obtain a permit under this subsection. The following testing requirements must be met by applicants.*

*(1) A permit applicant must correctly answer at least seventy percent (70%) of the questions on a written examination of basic knowledge that is supervised and administered by the state fish and wildlife agency.*

*(2) A permit holder who has satisfied (1) must, within (4) years, retake the written examination or complete thirty-two (32) hours of continuing education as approved by the department or division.*

*(3) An applicant who fails an examination under this section may retake the examination one (1) additional time within forty-five (45) days, but not again within one hundred eighty (180) days after a second failure.*

This section is comprehensive of the responsibility of the oversight authority in that it allows the agency a means of ensuring an applicant has the minimum basic knowledge of laws, policy, wildlife, and control methods. It also encourages the permit holders to continue educating themselves about current and ever changing methodologies. When using the testing approach of oversight, the agency will also have to inform the applicant on the subject matter and information that is being tested for. NWCOA recommends providing referenced study materials versus providing formal training. It is recommended that nationally available, objective materials such as the University of Nebraska

Cooperative Extension's handbook (Prevention and Control of Wildlife Damage) be used as the basis for testing, with emphasis on problem animals common to the specific region and testing for knowledge of local laws and regulations. It should be stressed that the agency is not regulating business; they are regulating the control and disposition of wildlife causing damage. The state agency should only be testing for knowledge that is of that nature and under the authority of the agency.

*c. A person who does not hold a permit under subsection (a) or (b) may assist a permittee, but only if the permittee supervises the unpermitted person. A copy of the permit must be on the person when conducting any authorized activities.*

This paragraph allows for the property owner to have informal assistance from others without the formal permit process delaying problem resolution and also gives flexibility to the formal permit holders to hire helpers as needed for special situations.

#### **Administrative Permit Requirements**

*a. Permit holders shall keep copies of records for at least two years after control activities are completed. Records must be available to department law enforcement personnel upon request. Records must include the following information:*

*(1) Name and address of property owner assisted.*

*(2) Number and species of animals affected.*

*(3) Disposition of animals.*

*(4) Date services provided.*

*b. Annual permits shall expire on the 31st of January, or on a date assigned by the state agency.*

*c. Renewal applications must be submitted by the 15th of January, or on a date assigned by the state agency.*

*d. Renewal applications must include a summary report of control activities from the previous year. Summary reports will include control activity from the 1st of January to 31 December of the reporting year, or from the dates assigned by the state agency. Reports will include the following:*

- (1) Number of animals taken, by species.*
- (2) Disposition of each animal taken.*
- (3) County where control activity occurred.*

This reporting requirement can be of great value to the oversight agency for collecting trend data. It can also cause difficulties for the agency if not managed correctly. It is important to only require and collect data that the agency will actually use. It has been a current practice for the public to request information under the Freedom of Information Act (FOIA), and this information is sometimes misused. With few exceptions it is normally only important to know where, when and what type of animal problems are occurring. Disposition of animals should be reported only to the extent of whether they were released or destroyed.

*d. Revocation of Permits: A permit may be suspended or revoked if the permittee:*

- (1) Fails to comply with the terms of the permit.*
- (2) Provides false information to obtain a permit.*

#### **Restrictions of Permit**

*a. Wild animals taken under authority of this permit may not be held captive for more*

*than 48 hours unless an exception is given by the agency on a case-by-case basis.*

This rule emphasizes that the permit is not intended to serve as a rehabilitation permit to provide care and shelter to wild animals.

*b. This permit does not authorize the sale, trade, gift or barter of any wild animal.*

This rule is to separate this permit from harvest permits such as hunting or trapping permits and is not intended to replace those permits or substitute authority of other permits. This rule should not prevent the selling of wildlife by holders of other permits that allow those activities if the selling meets the requirements of the other permits, i.e., if a person captures a raccoon causing damage during the open season for the animal it could be sold under authority of the trapping permit.

*c. Live animals taken under this permit may be euthanized, released within ten miles of capture, or transferred to persons with appropriate permits authorizing possession of specific species of wild animal.*

This rule gives restrictions for the disposition of wildlife and allows for options to the extent possible for dealing with problem animals in a responsible manner. There is not enough solid information nor is it practical to list detailed instructions for disposition of each species during each season of the year. The release option is needed to allow persons that find it impossible or undesirable to kill any animal another alternative. A neutral effect is achieved by not removing the animal from its normal home range, as most species that are encountered have a home range of less than ten miles. Also, releasing the animal within ten miles lessens the risk of exposing new populations of wildlife to unknown



disease or causing stress to the animal by releasing it in a new environment during unfavorable seasonal situations. State agency regulations may affect the distance of release or the ability to release a nuisance wild animal.

*d. When it is necessary to use lethal methods or when the animal will be killed after capture, the method employed to capture or kill the animal should be the safest to the operator and general public, and the quickest and most painless available method.*

This rule acknowledges and encourages the use of methods that will cause the least amount of stress to the animal regardless of burdensome rules that only serve to make the person involved feel better at the expense of the animal. For example, one state agency requires that beavers be captured in live traps and removed from the site of capture and then be euthanized by AVMA approved methods. This process causes a great deal of unnecessary stress to the animal and to the public. If the beaver will be killed after capture, it may be better to use a lethal trap and kill it quickly.

*e. Dead animals taken under this permit must be disposed of in a safe manner so as not to create a health risk to humans or other animals.*

This rule puts the responsibility on the person doing the disposing. In many states wildlife disposal is not regulated as per domestic livestock or pets. There may not be rules regulating disposal of wildlife carcasses.

*f. All live capture devices must be checked at least once during every twenty-four hour period.*

This rule requires the checking of traps and still allows for persons other than the permit holder to do the checking. It makes the permit holder responsible for checking the traps but doesn't restrict who shall check the traps, a restriction which could cause unnecessary cost to be placed on the property owner.

*g. All methods and types of equipment may be used on private property, except those that are otherwise restricted by state or federal statute.*

This rule states that types of equipment that are illegal by state or federal statute are still illegal for this purpose; however, it may allow the use of equipment that is prohibited for sport use by administrative rule to be used in a restricted or specific situation on private property.

*h. Use of firearms must be in compliance with all applicable state, local and federal firearms laws.*

This rule clarifies that this permit does not grant authority that is not under the issuing agency control and that other rules and laws apply to the use of firearms. It also makes it clear that firearms may be used if the permit holder is in compliance with the other laws.

*i. Control of wildlife conducted on public or private lands at the direction of landowners or managers may be further restricted to address public use safety issues.*

This rule makes it clear that even if the wildlife agency authorizes the control of an animal the property owner and/or manager has the ability to further restrict this authority. For example, the manager of a public use area may have a need for control of coyotes; however, the land is used by the public for dog training and trap selection

must be considered that will provide protection from harm to domestic dogs that might use the property.

*j. The agency grants the permit holder the authority to control wildlife as to the policies of the agency; however, the permit holder must comply with all other local, state and federal laws related to providing services, conducting business, advertising and consumer protection.*

This rule clarifies the responsibility of the agency in regards to business. The state wildlife agency should limit its oversight to the agency's area of responsibility in regards to managing wildlife and purposely avoid any areas not related to the managing of wildlife.

## CONCLUSIONS

The sample regulatory language provided in this paper is not complete; however, it includes most areas that have proven to be the most difficult to administer. NWCOA hopes that all agencies involved with oversight responsibilities thoroughly consider the rules they propagate and the effects of such rules on the effective resolution of wildlife damage issues. The emotional considerations of regulating activities concerning wildlife are real concerns and must be addressed. However, these concerns cannot be allowed to overshadow the main issue of resolving conflict. Animal welfare is important and the wildlife damage control industry is sensitive to this issue as it directly relates to the perceptions that clients have of our services. The fact that demand for wildlife damage control services has grown in every state in the country proves that the public accepts the industry as viable and needed. The industry is at the forefront of meeting the demands of the public in regards to balancing the public's animal welfare

concerns with their desire to control damage by animals to their property. The growth of the industry is testament to the public's demands being met. The statements of self-proclaimed animal welfare groups rarely reflect the actual perception and beliefs of the general public. NWCOA is involved in funding support of a survey that is currently measuring the public's perception of wildlife damage and will be most willing to share the information as it becomes available.