STATE AGENCY RESPONSE TO NUISANCE WILDLIFE CONTROL OPERATOR OVERSIGHT

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ABSTRACT: An 18-question survey was sent to all state wildlife agency directors in an attempt to evaluate state wildlife agencies' response to administrative oversight of nuisance wildlife control operators (NWCO). Forty-four (88%) of the state wildlife agencies responded to the survey. Almost every state agency responding believes they should promote the growth and privatization of the NWCO industry. They also believe that their agency should provide administrative oversight. There were descrepancies in what agency personnel believe constitute oversight versus what policies are actually implemented. Although most agencies believe NWCO should be licensed, only 56% of states actually require licensing. Most agencies responding believe NWCO should be required to complete an educational program and a written examination prior to receiving a license, currently only 22% require some form of education prior to obtaining a license, and 15% require an examination prior to obtaining a license. Sixty percent of agencies believe NWCO should show evidence of financial responsibility and only 5% of states actually require NWCO to have liability insurance or post a surety bond. Fifty-six percent of the states require NWCO to submit written reports that document the number of each animal species captured (51%), disposition of animals (44%), location of capture animals (34%), release site information (22%), condition of captured animal (7%), and euthanization method (5%). Most states allow nuisance wildlife to be released on both private (90%) and public land (71%). Approximately one-third of agencies have changed laws, policies, or regulations regarding NWCO and 47% of these changes are perceived to be more restrictive of NWCO activities. Most state agencies (78%) allow relocation of nuisance wildlife, but 17% of the states have restrictions on what species can be relocated. The primary reason for not allowing relocation of nuisance wildlife are disease (100%), impacts to resident wildlife populations (45%), humane reasons (18%) and a lack of suitable release sites (9%). These results show that state agencies believe they should encourage the growth and privatization of NWCO industry and that they should maintain administrative oversight.

KEY WORDS: nuisance wildlife, education, licensing, policy, euthanization, raccoons, squirrels.

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INTRODUCTION

There has been rapid growth and privatization of the nuisance wildlife control field. With this increased expansion are concerns about the role of state wildlife agencies in ensuring nuisance wildlife control operators (NWCO) competency and professionalism, impacts of relocation on translocated and resident wildlife populations, and animal and human welfare and safety issues. Furthermore, state wildlife agencies have frequently demonstrated a reluctance to work with wildlife related industries (e.g., aquaculture) and many NWCO perceive the state agency to be oppressive to growth (Messmer, pers. comm.). Brammer et al. (1994) called for policies that would allow for the continued development of the NWCO industry while maintaining state wildlife agency oversight. There appears to be a need and interest on the part of state agencies in developing rules to guide and oversee NWCO (LaVine et al. 1996), especially because there is variation in how states administer NWCO programs (Craven and Nosek 1992; Brammer et al. 1994; LaVine et al. 1996). In response to this expressed need, Barnes (1997) proposed a model program designed to allow for the growth of NWCO and state agencies to monitor and guide this growth. He proposed that state agencies encourage the privatization of NWCO by formalizing it as a legitimate business and requiring all individuals, companies, or other entities to complete an educational program with testing prior to obtaining a license. He also recommended the formation of an advisory group to help the agency provide oversight, educational requirements, continuing education requirements, and other pertinent topics. The purpose of this study was to evaluate state wildlife agency response to Barnes' (1997) proposed NWCO oversight model.

METHODS

An introductory letter, 18-question survey, and postage paid envelope was mailed to all 50 state wildlife division directors on August 20, 1997. Survey questions were designed to identify actual policies related to NWCO activities and to agency beliefs, attitudes, or opinions regarding components of the proposed oversight model (Barnes 1997). Because most NWCO desire to live-capture and release nuisance wildlife (Clark 1992; Barnes 1995a, b), a subset of questions was asked regarding agency policy on the translocation of wildlife. Most questions required a yes/no answer. There were a series of questions designed to evaluate what an agency "perceived" as an appropriate NWCO policy versus the actual policy administered by the agency. The author tabulated frequency or percentage for all questions.

RESULTS AND DISCUSSION

Forty-four (88%) of the state wildlife agencies returned the survey. This response rate is similar to past NWCO surveys of state agenices (Branner et al. 1994; LaVine et al. 1996). States from every region of the country responded to the survey, and the majority of states not responding to the survey were in the Great Plains region. One possible explanation for this might be

the lack of NWCOs in this area because there are few large metropolitan areas, and rural landowners or homeowners solve their own problems (Curtis et al. 1995). Hence, these state agencies may be insulated from many of the issues surrounding this topic.

Most state wildlife agencies believe that they should promote the growth and privatization of the NWCO industry (93%) and that their agency should provide administrative oversight (95%) in concurrence with recommendations of Barnes (1997). When asked specific questions regarding licensing, education, and financial rsponsibility, there was a large difference between what agencies perceive to be good policy versus existing policy (Table 1). Most agencies believe they should require NWCO to have a license to operate and that they should have some form of educational requirement and examination prior to licensing. However, only 56% require a license which is a 10% increase in states that require a NWCO license during the past three years (LaVine et al. 1996). Few agencies (less than 25%) require any form of education, training, or examination prior to licensing (Table 1). LaVine et al. (1996) reported that 47% of states do not have any prerequisites for becoming a NWCO. This difference may be a result of the questioning because they asked if a state had any prerequisites that could include a trapper training course, NWCO examination, education or experience, investigation by agency personnel, or application review process. The results concerning continuing education and proof of financial responsibility (liability insurance or surety bond) indicated that approximately two-thirds of the state agencies believed they should require these of NWCO (Table 1). Less than 5% of agencies actually require continuing education or proof of financial responsibility which is comparable to data presented by LaVine et al. (1996). The small number of agencies that require proof of financial responsibility is surprising because by licensing a NWCO, they become an agent or representative of the state (S. Shupe, KDFWR lawyer, pers. comm.) and both the NWCO and the state then assume a liability risk. This risk could be greatly reduced by requiring NWCO to have liability insurance or a surety bond (S. Shupe, pers. comm.).

Fifty-six percent of the states require NWCO to provide written reports to their agency. The types of information required on these reports include: number of each animal species captured (91%), disposition of captured animals (78%), location of captured species (61%), the release site of captured species (39%), animal condition (13%), euthanization method (9%), and other (capture method, number of complaints serviced, date of capture, and summary).

Fifteen states have altered or changed policies, laws, or regulations regarding the issue of nuisance wildlife control in the past two years. Of these states, 47% indicated the changes were more restrictive of NWCO activities, 27% were less restrictive of NWCO activities, 27% required euthanization of certain species, and 20% altered requirements for obtaining a NWCO license. These results indicate many state agencies are struggling with the issue of training, certification, and licensing as are NWCO.

These results show agencies support the principles and concepts promoted by Barnes (1997) but the political, social, and economic realities of managing these activities dictate this condition is not achievable at the present time. Furthermore, little change has occurred in how state agencies regulate NWCO during the past three years. While state agencies and NWCO support the concept of licensing, certification, and continuing education (Clark 1992; Barnes 1995a, b) there appear to numerous obstacles and challenges that must be overcome prior to implementing mandatory licensing, education, continuing education, and requiring financial responsibility. What are some of these obstacles that are preventing states from implementing the principles suggested by Barnes (1997)? A number of agencies responded with written comments that they currently do not have the resources (either financial or human) to implement a NWCO administrative oversight program. Other states indicated they no longer had statutory authority to regulate nuisance wildlife, except big game and migratory birds. Several states indicated they believed the regulatory oversight should be maintained by state regulatory or licensing agencies currently in place that regulate the structural pest control industry. A question that must be addressed if this option

Table 1. Perceived attitudes or beliefs and actual policies of state wildlife agencies with respect to administrative oversight of private nuisance wildlife control operators (N = 44) during 1997.

Concept	Perceived/Should Require (% positive response)	Actual Policy Required (% positive response)
Require License	90	56
Require Education Prior to Licensing	95	22
Require Continuing Education to Maintain License	68	4
Require Examination to Obtain License	95	15
Show Evidence of Financial Responsibility	60	5

is pursued is, "Who has legal authority with respect to resident wildlife?" State agencies must be willing to change policies to allow state agriculture departments the regulatory authority over resident species that cause problems. Are states willing to give up this regulatory control? Finally, several states indicated adoption of an oversight program would place a financial burden on small or part-time NWCO.

Some states view prerequisites or educational requirements as burdensome, time consuming, expensive, and exclusive (particularly for NWCO servicing rural areas). Several agencies believed this type of activity should be initiated by the NWCO themselves and one agency responded that ethics and morality cannot be legislated or regulated. Most states favor attacking this issue in the form of national guidelines that are general in nature and allow for variations due to local conditions (LaVine et al. 1996). LaVine et al. (1996) also reported that states believe the International Association of Fish and Wildlife Agencies, The Wildlife Society's Wildlife Damage Working Group, USDA-APHIS-Wildlife Services, or the National Animal Damage Control Association should take the lead in developing these guidelines.

Several state agencies were strongly opposed to providing any administrative oversight of NWCO. For instance, one state responded that nuisance wildlife control is "not a resource problem, per se, in that these species are abundant and are not in immediate need of protection." They went on to state that certification programs exist for wildlife biologists and foresters and that certification was not required to practice in either profession and the certification process was not administered by the state wildlife agency.

Seventy-eight percent of the states allow for the live-capture and release of nuisance wildlife. Most states allow nuisance wildlife to be released onto public land (71%) and private land (90%). Most states do require landowner permission (69%) prior to releasing nuisance wildlife onto private land. LaVine et al. (1996) reported 68% of states allowed relocation of nuisance wildlife. Comparing their data to this study would indicate there has been no increase in policies that restrict relocation of nuisance wildlife in the past several years. However, 17% of the survey respondents indicated they have implemented restrictions on what species may be translocated (primarily rabies vector species). This information suggests that state agencies are tightening policies regarding the translocation of nuisance wildlife. All of the states reported that disease concerns are the primary reason they do not allow translocation of nuisance wildlife. Other secondary reasons were the impact of nuisance wildlife on resident wildlife populations (45%), humane reasons (18%), and other (9%) which included issues related to public safety and a lack of suitable release sites. The results of this study also indicate the views of the state agency and NWCO are similar with respect to why animals should be euthanized (Barnes 1995a, b).

LITERATURE CITED

BARNES, T. G. 1995a. A survey comparison of pest control and nuisance wildlife control operators in Kentucky. Proc. East. Wildl. Damage Control Conf. 6:39-48.

BARNES, T. G. 1995b. Survey of the nuisance wildlife control industry with notes on their attitudes and opinions. Proc. Great Plains Wildl. Damage Control Conf. 12:104-108.

BARNES, T. G. 1997. State agency oversight of the nuisance wildlife control industry. Wildl. Soc. Bull. 25:185-188.

BRAMMER, T. J., P. T. BROMLEY, and R. C. WILSON. 1994. The status of nuisance wildlife policy in the United States. Proc. Conf. Southeast. Assoc. Fish Wildl. Agencies 48:331-335.

CLARK, K. D. 1992. NWCO survey. Urban Wildl. News 1:8.

CRAVEN, S. R., and NOSEK. 1992. Final report to the NPCA: summary of a survey of translocation of urban wildlife. Mimeo, Univ. Wisconsin, Dept. Wildl. Ecol., Madison. 34 pp.

CURTIS, P. D., M. E. RICHMOND, and P. A. WELLNER. 1995. Characteristics of the private nuisance wildlife control industry in New York. Proc. Eastern Wildl. Damage Conf. 6:49-57.

LAVINE, K. P., G. S. KANIA, J. A. DICAMILLO, and M. J. REFF. 1996. The status of nuisance wildlife damage control in the states. Proc. Vert. Pest Conf. 17:8-12.