

Community **IPM**

Dealing With Wildlife and the New York Laws That Protect Them

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When we think about pests, bugs and mice are the first things that typically come to mind. But what if larger critters such as squirrels, bats, woodchucks, deer, or pigeons become troublesome? IPM works for them too. You must, however, be aware of laws that apply to nuisance wildlife and how they might affect your IPM plan.

In New York, the regulatory players involved are the New York Department of Environmental Conservation (DEC) and the U.S. Fish and Wildlife Service (migratory birds and federally endangered and threatened species). Through these agencies, every wildlife species in the state has a legal classification. What is of upmost concern is determining whether your nuisance is classified as “unprotected” or “protected.”

Legal Classification: Unprotected

Unprotected mammals include shrews, moles, bats (except Indiana bats, which are federally protected), chipmunks, woodchucks, red squirrels, flying squirrels, voles, mice, and Norway rats. Unprotected bird species include rock doves (feral pigeons) without legbands, house sparrows, and European starlings.

An unprotected species can legally be taken by the property owner at any time of year and by any means as long as other laws (i.e., pesticide regulations, firearm discharge ordinances, trespassing laws, etc.) are not violated. The DEC defines taking as pursuing, shooting, hunting, killing, capturing, trapping, snaring or netting wildlife and game, or performing acts that disturb or worry wildlife.

Some might consider it too cruel to take an animal and decide that capturing your nuisance pest with a live trap is best. Before heading to the hardware store, however, recognize that you cannot release an animal off your property without a permit. An unprotected animal can be released on the same property where it was captured or must be killed and buried or cremated.

Legal Classification: Protected

For some protected species, if an individual animal is causing damage (not merely being a nuisance), it can be taken by the property owner. Mammals that fall under this category include opossums, raccoons, weasels, and gray squirrels. (Skunks may legally be taken if they are only a nuisance, even if they are not causing damage.) But the animal, dead or alive, cannot be transported off the landowner’s property without a nuisance wildlife control permit obtained from the DEC.



Unprotected bird species, such as house sparrows, can be taken under any circumstances as long as other regulations are followed. These invasive species can be a nuisance as well as outcompete native bird species, such as Eastern bluebirds. Photo: D.Fletcher



Canada geese are protected by the Migratory Bird Treaty Act, but there are still things you can do to manage them. Harassing them (such as with dogs or lasers) does not need a permit. Interfering with their nest — such as oiling their eggs — does need a permit. When in doubt, contact the DEC. Photo: J. Lampman, NYSIPM

A few mammals (including bear, beaver, deer, mink, and muskrat), most birds, and (currently) all reptiles and amphibians are not only protected but cannot be captured or removed from the property without special case-by-case permits.

Animals with a legal hunting or fur trapping season can be taken as long as the proper hunting or trapping license has been obtained.

Nuisance Wildlife Control Permits

Nuisance wildlife control permits are issued to people who have gone through the prescribed application process. Details on what type of permit you need can be found at on the DEC website. These permits allow protected species to be taken in any number, at any time, and from any location — with permission of the landowner — within the state. Permits must be renewed annually. Private nuisance wildlife control operators, pest control operators dealing with nuisance wildlife, municipal animal control officers, and some wildlife rehabilitators must obtain the proper permits.

NOTE: This document is for information only. If you have a question concerning the legal status of a species or contemplated action, contact the Wildlife section of the regional office of the DEC. For more information, visit the [DEC's webpage on nuisance wildlife](http://www.dec.ny.gov/animals/7005.html) (<http://www.dec.ny.gov/animals/7005.html>).



Voles are an example of a non-protected wildlife species. They chew the bark off woody plants and their above ground tunnels can be seen in turfgrass after snow melt. Photo: © cyric



All reptiles and amphibians are not only protected, but cannot be captured or removed from the property without special case-by-case permits. Photo: J. Lampman, NYSIPM

Helpful Links

[Beasts Begone! A Practitioner's Guide to IPM in Buildings](#)

[Best practices for nuisance wildlife control operators in New York State](#)

[Identify If You Need a Permit or License](#)

nysipm.cornell.edu/publications/beasts/

nwco.net/default.asp

dec.ny.gov/animals/81531.html



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