



# New Hampshire Fish and Game Department

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## To any Wildlife Control Operator who will be working with bats:

The little brown bat is one of two species that prefers to set up summer colonies in buildings. Due to drastic population losses from White-nose Syndrome the little brown bat is now endangered in New Hampshire. If you perform bat exclusion work, you may encounter this bat.

The rules for conducting and reporting bat exclusions have changed. Here are excerpts from the rules (a full set of the rules may be found here: [http://www.gencourt.state.nh.us/rules/state\\_agencies/fis.html](http://www.gencourt.state.nh.us/rules/state_agencies/fis.html))

### Fis 308.02 Licensing Requirements.

- (f) Bats shall be controlled by exclusion techniques as described in Fis 1001.05 (d) and (e).
- (g) Wildlife control operators may remove individual bats from portions of structures occupied by humans or livestock at any time of year.

### Fis 1001.01 Endangered.

- (a) Under the authority of RSA 212-A:6, IV(a), the following species, listed by common and scientific names, shall be considered endangered throughout its entire range within the state:

#### Table 1000.1 Endangered Species

<u>Common Name</u>	<u>Scientific Name</u>
Eastern small-footed bat	<i>Myotis leibii</i>
Little brown bat	<i>Myotis lucifugus</i>
Northern long-eared bat	<i>Myotis septentrionalis</i>
Tri-colored bat	<i>Perimyotis subflavus</i>

### Fis 1001.05 Bats in Structures.

- (a) Except as set forth in this section, no person shall take a bat listed in Fis 1001.01 or Fis 1001.02.
- (b) Between the dates of May 15 and August 15, inclusive, in any year, no bat listed in Fis 1001.01 or Fis 1001.02 shall be removed or excluded from any structure occupied by humans or livestock unless:
  - (1) Action is taken pursuant to (c) below;
  - (2) Between the dates of May 15 and August 15, inclusive, in any year a licensed wildlife control operator reports in writing to the department that no bat pups were present in the structure at the time removal or exclusion techniques were employed; or

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(3) Between the dates of August 1 and August 15, inclusive, in any year a licensed wildlife control operator reports in writing to the department that bat pups were observed flying for two weeks or more prior to the time removal or exclusion techniques were employed.

(c) Pursuant to RSA 212-A:7, II and 50 C.F.R. Part 17.40(o), individual bats, including those listed in Fis 1001.01 and Fis 1001.02 above, may be removed or excluded at any time from any man-made structure in order to:

(1) Protect the health and safety of the occupant(s);

(2) Prevent the transmission of disease; or

(3) To comply with the requirements of 21 U.S.C. Section 331, et. seq. and regulations at 21 C.F.R. Part 507.17 and 507.19 designed to prevent the contamination of food or agricultural products meant for human or animal

(d) Unless acting pursuant to Fis 1001.05 (c), bats shall be controlled exclusively by exclusion techniques.

(e) All persons acting to exclude bats shall do so in accordance with the publication "Acceptable Management Practices for Bat Control Activities in Structures - A Guide for Nuisance Wildlife Control Operators", dated April 1, 2015, available as noted in Appendix A.

(f) Any action taken by a wildlife control operator licensed pursuant to Fis 308 on a bat shall be reported to the department as required by Fis 308.06, including information as to whether the specimen was transmitted to the Department of Health and Human Services for testing, and the result of the test.

Please remember that information regarding bat exclusions shall be included in your wildlife control operator report. For your convenience, you will find a place on the WCO reporting form to provide this information.

We also recommend the installation of a bat house before the completion of exclusions to increase the survival of displaced bats.

If you want more information about bats, please see the New Hampshire Fish and Game website at <http://wildlife.state.nh.us/Wildlife/Nongame/bats.html> and <http://www.vtfishandwildlife.com/common/pages/DisplayFile.aspx?itemId=110670>

The Acceptable Management Practices for Bat Control Activities in Structures - A Guide for Nuisance Wildlife Control Operators can be found here: <https://www.whitenosesyndrome.org/node/1147>.

If you have any questions regarding these new rules please contact Sandra Houghton at 603-271-2461.



**New Hampshire Fish and Game Wildlife Control Operator License**  
RSA 210:24-b, FIS 308

When applying for a Wildlife Control Operator License the attached application must be completed.

***Proof of completion must be included with application for the following:***

**-All Wildlife Control Operators must meet the Trapper Education Requirements (Trapper Ed. Cert. or Previous Trapping License).  
-Snares shall be only be used by wildlife control operators after completing a training course for the use of snares.**

**-Wildlife Control Operators may trap, in the performance of their licensed activities, nuisance wildlife outside the regular trapping seasons.  
-Wildlife Control Operator Licenses shall expire on June 30 each year.**

There are two types of Wildlife Control Operator Licenses:

**Level I Wildlife Control Operator License is \$15.00.** A Level I Wildlife Control Operator is a person who is a licensed trapper and who is also engaged in the practice of trapping nuisance animals.

A Level I Operator must hold a current New Hampshire Trapping License.

All Furbearing animals killed during the open trapping season are to be reported on their Trapping Report.

All nuisance furbearing animals killed outside the open trapping season are to be reported on the Wildlife Control Operator Report.

May only charge for furbearers, woodchuck, coyote, opossums and porcupine.

**A Level II Wildlife Control Operator License is \$135.00 for Residents of NH and \$400.00 for Non Residents.** A Level II is a person who is engaged in the commercial practice of trapping nuisance animals.

A Level II Operator must show proof of completion of a 6-hour workshop or maintain national certification through National Wildlife Control Operators Association (NWCOA).

A Level II Operator may have qualified helpers under their supervision; helpers must carry a copy of their supervisor's Level II license.

A Level II Wildlife Control Operator must report all nuisance furbearing animals killed on a Wildlife Control Operator Report. If a level II operator also holds a valid trapping license, any non-nuisance furbearing animals taken during the regular trapping season will be reported on the Trapper Report.

***Wildlife Control Operator Report is due no later than June 30. Any licensee failing to report shall be refused a license until the complete information has been filed.***

## PART Fis 308 WILDLIFE CONTROL OPERATORS

Fis 308.01 Definitions.

(a) "Level I wildlife control operator" means a person who is a licensed trapper and who is also engaged in the practice of trapping nuisance animals under RSA 210:24-b.

(b) "Level II wildlife control operator" means a person who is engaged in the commercial practice of trapping nuisance animals under RSA 210:24-b.

(c) "Nuisance animal" means wildlife that a landowner wants excluded or removed to protect their family or their property from injury or destruction by the animal specified in Fis 308.02(e).

Source. #7801, eff 6-1-03; ss by #8385, eff 6-25-05; ss by #10142, eff 6-5-12

Fis 308.02 Licensing Requirements.

(a) A wildlife control operator shall obtain a level I or level II wildlife control operator's license.

(b) All wildlife control operators shall meet the requirements of RSA 214:11-b relative to education.

(c) Wildlife control operators may trap, in the performance of their licensed activities, nuisance wildlife outside the regular trapping seasons.

(d) Wildlife control operators shall not trap endangered or threatened species, protected birds, deer, moose, bear, or turkey.

(e) Wildlife control operators may only trap the following:

(1) Beaver;

(2) Otter;

- (3) Mink;
- (4) Fisher;
- (5) Porcupine;
- (6) Raccoon;
- (7) Bobcat;
- (8) Grey and red fox;
- (9) Weasel;
- (10) Skunk;
- (11) Muskrat;
- (12) Grey, red and flying squirrel;
- (13) Rabbit and hare;
- (14) Coyote;
- (15) Opossum;
- (16) Woodchuck;
- (17) Chipmunks;
- (18) Mice, rats, voles, moles, and shrews; and

(19) Snakes.

(f) Bats shall be controlled by exclusion techniques as described in Fis 1001.05 (d) and (e).

(g) Wildlife control operators may remove individual bats from portions of structures occupied by humans or livestock at any time of year.

(h) Any person trapping under a wildlife control operator license shall be exempt from the written landowner permission required under RSA 210:11, but shall be restricted to the property of that landowner for whom they are working.

(i) Wildlife control operator licenses shall expire on June 30 each year.

Source. #7801, eff 6-1-03; ss by #8385, eff 6-25-05; ss by #10142, eff 6-5-12; ss by #12161, eff 4-18-17

Fis 308.03 Trapping Restrictions.

(a) Traps shall be checked at least once in a calendar day pursuant to RSA 210:13 and the landowner or their agent may check box traps only for the wildlife control operator.

(b) Snares shall only be used by wildlife control operators after completing a training course in the use of snares.

(c) Trappers or wildlife control operators shall have held a trapping or wildlife control operator license for at least 3 years since 2000 before enrolling in the snaring course.

(d) A training course for the use of snares shall be approved by the executive director and include legal requirements, equipment review, methods and techniques for use, target selection, and humane considerations.

(e) Snares shall be non-locking relaxing snares equipped with a deer stop and a durable tag with the name of the person setting them stamped or engraved in a legible manner.

(f) Any domestic dog killed in a trap or a snare shall be reported to the department within 24 hours.

(g) Body gripping traps shall be set in accordance with Fis 303.12.

(h) Any non-targeted wildlife, incidentally killed, that has no open season shall be reported to the department within 72 hours.

(i) Fisher and otter taken by wildlife control operators shall be sealed within 10 days and may be sold.

(j) During the open season for fisher and otter the limit for fisher and otter shall be in accordance with the season limits specified in Fis 303.02(c) and Fis 303.04(c).

(k) Nuisance bobcat shall only be captured in live traps and released unharmed.

(l) The wildlife control operator may relocate and release wildlife only after the wildlife control operator has obtained written permission of the landowner where the wildlife is to be released.

(m) Wildlife control operators may release wildlife on state owned or managed lands for which they hold a valid trapping permit issued pursuant to Fis 303.13.

Source. #7801, eff 6-1-03; ss by #8385, eff 6-25-05; amd by #8644, eff 6-1-06; ss by #10142, eff 6-5-12; amd by #10619, eff 6-2-14

Fis 308.04 Level I Wildlife Control Operator.

(a) Any licensed trapper who holds a level I wildlife control operators license may trap nuisance animals outside the regular trapping seasons.

(b) Level I wildlife control operator licensees may only charge for services for trapping furbearers, woodchucks, coyote, opossums, and porcupines but shall not charge for services for trapping other nuisance wildlife.

(c) Level I wildlife control operators may keep and sell the hide of any furbearer currently permitted under the trapping license.

(d) Level I wildlife control operator shall report as follows:

(1) Report all furbearing animals killed during the open season for trapping wildlife on their trapping report as specified in Fis 303.08; and

(2) Report all nuisance furbearing animals killed outside the open trapping season on a wildlife control operator report as specified in Fis 308.07(c).

(e) The license fee shall be \$10. However, as of July 1, 2016, the license fee shall be \$15.00.

Source. #7801, eff 6-1-03; ss and moved by #8385, eff 6-25-05 (from Fis 308.03); ss by #10142, eff 6-5-12; amd by #10981, eff 1-1-16

Fis 308.05 Level II Wildlife Control Operator.

(a) Applicants for a level II wildlife control operators license shall have completed a 6-hour workshop, or be certified by the National Wildlife Control Operators Association (NWCOA) or have held a previous level II wildlife control operators license.

(b) A workshop shall include the following topics:

- (1) Laws and rules;
- (2) Wildlife biology and ecology;
- (3) Best management practices;
- (4) Exclusionary methods, to include training on devices such as repellants, one-way doors, habitat modification and live traps;
- (5) Consideration of humane issues of wildlife;
- (6) Site evaluation;
- (7) Non-lethal or lethal resolutions to wildlife problems;
- (8) Techniques to prevent reoccurrence of the problem;
- (9) Capture, transport and handling of wildlife;



- (10) Euthanasia;
- (11) Landowner relations; and
- (12) Disease, hazards and risks.

(c) The level II wildlife control operators may utilize persons employed by them, and under their supervision to assist in carrying out their business.

(d) The wildlife control operator shall not use assistants who do not have the ability, knowledge and training to capably perform the tasks assigned to them.

(e) Each assistant shall carry a copy of their supervisor's level II wildlife control operator license.

(f) Level II wildlife control operators shall report the following on a wildlife control operator report as specified in Fis 308.07(c):

- (1) All nuisance furbearing animals killed;
- (2) For all bats that are excluded, the following information shall be reported:
  - a. Date of exclusion;
  - b. Species of bat excluded;
  - c. Estimated number of bats in the colony;
  - d. Type of structure bats were excluded from; and
  - e. Town where exclusion was done.

(g) In addition to (f), a level II wildlife control operator who also holds a regular trapping license for the purpose of trapping furbearers during the regular trapping seasons shall report all furbearing animals taken during the open season for trapping on the annual trappers report as described in Fis 303.08.

(h) The level II license fee shall be \$100 for residents and \$300 for nonresidents. However, as of July 1, 2016, the license fee shall be \$135 for residents and \$400 for nonresidents.

Source. #7801, eff 6-1-03; ss and moved by #8385, eff 6-25-05 (from Fis 308.04); ss by #10142, eff 6-5-12; amd by #10981, eff 1-1-16

Fis 308.06 Reports.

(a) Report information required in Fis 308.04(d)(2) and Fis 308.05(f) shall be submitted for the period June 1 through May 31 the previous year.

(b) Wildlife control operators shall submit the wildlife control operator report no later than June 30.

(c) Any licensee failing to report shall be refused a license until the complete information has been filed.

Source. #7801, eff 6-1-03; ss and moved by #8385, eff 6-25-05 (from Fis 308.05); ss by #10142, eff 6-5-12

Fis 308.07 Wildlife Control Operator Forms.

(a) A person requesting a wildlife control operator's license shall provide:

(1) Name and address;

(2) Date of birth;

(3) Height and weight;

(4) Telephone number;

(5) Business name and address, if operating a business;

(6) Level of license;

(7) A current NH trapping license number, if applying for a level I license;

(8) Proof of completion of a trapper education course if the applicant does not possess a trapping license and the applicant is applying for a level II license;

(9) Previous level II wildlife control operator's license or proof, as specified in (b) below, that the requirements of Fis 308.05(b) have been met if the applicant is applying for a level II license;

(10) If the applicant wishes to use snares, proof of completion of a snaring workshop as required in Fis 308.03(b);

(11) An indication as to whether the licensee would like his or her name and contact information provided on a list of wildlife control operators provided by the department; and

(12) Signature of the applicant subject to the penalties for making unsworn false statements under RSA 641:3.

(b) Proof that the requirements of Fis 308.05(b) have been met shall include a certificate or letter from NWCOA or certificate or letter from NH, Massachusetts, Connecticut, or any other state or province or organization conducting a similar workshop stating that the individual has completed the workshop.

(c) The wildlife control operator annual report shall include:

(1) The licensee's name and address;

(2) The level of license and license number held;

(3) The time period covered by report;

(4) The number of nuisance furbearing animals by species killed in each town and wildlife management unit that year;

(5) For all bats that are excluded, the following information:

a. Date of exclusion;

b. Species of bat excluded;

c. Estimated number of bats in the colony;

- d. Type of structure bats were excluded from; and
  - e. Town where exclusion was done; and
- (6) Licensee's signature subject to the penalties for making unsworn false statements under RSA 641:3.

Source. #8385, eff 6-25-05 (from Fis 308.06); amd by #9163, eff 5-28-08; ss by #10142, eff 6-5-12