§ 11-0521. Destructive wildlife; taking pursuant to permit.

1. The department may direct any environmental conservation officer, or issue a permit to any person, to take any wildlife at any time whenever it becomes a nuisance, destructive to public or private property or a threat to public health or welfare, provided, however, that where such wildlife is a bear, no such permit shall be issued except upon proof of damage to such property or threat to public health or safety presented to the department. Upon presentation of such proof, the department may issue a permit authorizing the use of trained tracking dogs pursuant to section 11-0928 of this article, and, if the department has determined that no other alternative is feasible, a separate permit to take the bear. Wildlife so taken shall be disposed of as the department may direct. Any person, agency, corporation or municipality who obtains a migratory bird depredation permit or order issued by the federal department of the interior pursuant to 50 C.F.R. 13 and 50 C.F.R. 21, as may be amended from time to time, shall not be required to obtain a permit from the department to conduct the authorized activities.

2. The department may, by permit issued to a landowner, permit such landowner, and any person he may designate in writing as his agent, to take beaver on lands owned by the permittee, during any specified period, in any specified number, and by any specified means, notwithstanding the provision contained in paragraph d of subdivision 3 of section 11-0901 or any other provision of the Fish and Wildlife Law. Beaver so taken shall be disposed of as the department may direct.

3. Nothing in this section shall be construed as requiring or obligating the department to issue a permit to take wildlife or to direct the taking of any wildlife when in its opinion the nuisance, destruction of property or threat to public health and welfare will not be effectively abated thereby.