

**WILDLIFE (COYOTE) KILLING CONTEST PETITION: TO BE
PRESENTED TO THE NEVADA BOARD OF WILDLIFE
COMMISSIONERS:**

NOVEMBER 13-14, 2015

RENO, NEVADA

RESPONSES TO ITEMS 1-10 OF THE PETITION FORM

1. State the need for and purpose of the proposed regulation:

OUR REQUEST

We request a regulation(s) which prohibits wildlife killing contests involving mammals. While recent contests which have caught the public's attention involve coyotes, historically, many other species have also been targeted (e.g. prairie dogs, rabbits, buffalo, wolves and others).

We believe such a regulation(s) is warranted for the following reasons:

- Such contests violate ethics and standards that the public and many sportsmen expect of themselves: respect for the lives of animals killed, a prohibition against gratuitous slaughter of any species (wanton waste), the "fair chase" principle, the expectation of use of best available science in modern day wildlife management and the recognition that all species have a place in our environment.
- Such contests are a violation of the North American Model of Wildlife Conservation, specifically (1) the prohibition against frivolous use, (2) the requirement for use of best science in wildlife management, and (3) the recognition that all wildlife is included in the Public Trust Doctrine and should be managed according to the public interest.
- Such contests are not supported by best available science regarding coyote population dynamics. Local concentrated killing of the animal may, in fact, have unwanted adverse consequences including increased litter sizes, more juveniles and males appearing in the population with less discipline than coyotes raised on a home range.
- Such contests are objectionable to the general public which is becoming concerned about abuses of its wildlife resources through social media and other outlets. Recent national public concern regarding the killing of Cecil the Lion, an act which the general public appears to view as

unnecessary and gratuitous, provides additional evidence of the public's growing awareness and interest in wildlife management issues and practices.

BACKGROUND

Around the country, over 200 coyote killing contests have occurred in the past few years. (Personal correspondence from Elisabeth Dicharry, who monitors nation-wide occurrences.) In Nevada, coyote killing contests have occurred in several locations.

Should coyotes be removed as a target species by regulatory change, event organizers could easily target other species (e.g. fox, badger, skunk, raccoon, bobcat, beaver, muskrat, rabbit) not protected by quotas. Any regulation(s) should, therefore, be constructed in a broad manner.

Wildlife killing contests occur without apparent recognition or appreciation by the organizers or participants of ethical considerations which sportsmen have embraced for decades. Public displays of piled up carcasses, internet postings of photographs and objectionable commentary by participants about the animals killed, suggests the opposite motivation by participants and event organizers. This contradiction between what sportsmen claim to stand for and what the general public views on its computer screens or in newspapers has not gone unnoticed.

So far, event organizers or participants have expressed no interest in terminating such events, arguing that social interaction among event participants "trumps" any biological or public objections, that the coyote population is not placed in jeopardy, and by randomly killing coyotes an unspecified and unsubstantiated benefit to livestock producers and wildlife occurs.

We are requesting the commission in its capacity as the regulatory body, responsible for rules and regulations regarding wildlife management on behalf of the public, to take action on behalf of the citizens of Nevada to eliminate these events and, by doing so, to express its support for proper and traditional values and practices which most sportsmen have observed in the past and will continue to practice into the future.

DEFINITION OF WILDLIFE KILLING CONTEST

We are unaware of any formal definition. Our view is that wildlife killing contests are events which may include but are not limited to such things as: advertising/promoting of an animal killing event (via internet/posters/emails); specifying a date/time/place for the event to begin and end; may/may not ask for registration fees or offer prizes for animals killed with specific characteristics (e.g. biggest, most killed); offer gambling opportunities; have a social event planned for participants before or afterwards; have a sponsor/sponsoring organization or business; provide post-contest displays of carcasses of killed animals with photos of the carcasses posted by participants/sponsors and where human consumption of the animal is unlikely.

We have not included photographs showing the end results of such contests since we did so with our previous petition. This is not a "slippery slope". These events are easily identified by their characteristics and photographs.

COMMISSION AUTHORITY TO REGULATE WILDLIFE KILLING CONTESTS

It is our opinion that NRS 501.100, NRS 501.105, NRS 501.181, NRS 503.050, NRS 503.090, NRS 503.450, NAC 503.005, NAC 503.015, NAC 503.090, along with AGO opinion 85-13, separately or in combination, constitute sufficient authority to create the necessary regulation(s) to implement this petition. Petitioners also believe the commission knows it has the authority so further elaboration of this point is unnecessary.

DOES THE COYOTE'S STATUS NEED TO BE CHANGED FROM "UNPROTECTED" TO ENACT THE REQUESTED REGULATION?

Since this question was raised at the March 20, 2015 petition hearing, our response is NO. NAC 503.090 defines an unprotected wild mammal as one for which there is no closed season for its pursuit. We see nothing in that definition that speaks to the commission's authority to regulate contests. The two items are unrelated in our judgment.

SCIENCE ISSUES

While we believe the compelling reasons to ban wildlife killing contests are ethical in nature, information about the population dynamics of animals being targeted should be considered. In the case of coyotes, much is known and agreed upon.

There is no documentation that random killing of coyotes provides benefits to agriculture or wildlife. In fact, such killing may allow for greater activity by lesser carnivores/omnivores such as foxes, badgers, skunks and the like with unintended adverse consequences for wildlife and agriculture.

Coyotes respond to killing, particularly under intense conditions, by increasing their reproduction with larger litter sizes, more juveniles in the population, more females breeding if the social structure is disrupted (i.e. no intact alpha male/alpha female pack structure) and other changes thought to be undesirable by wildlife managers and agricultural interests.

Event organizers and participants have no clue as to the dynamics of the coyote population in areas where events are held. If that population is already intensively being killed (e.g. Wildlife Services is active in the area), or if Wildlife Services or others, by random killing of coyotes in the area, have disrupted an otherwise stable, self-limiting pack structure, coyote killing contests could contribute to increased coyote reproduction in the impacted area with adverse consequences.

U.S. Department of Agriculture/APHIS/Wildlife Services, in a NEPA update for Nevada a few years ago, estimated the coyote population in Nevada at 100,000 animals. We agree that coyote killing contests will not place Nevada's coyote population in jeopardy. It is the population dynamics that should receive the focus of attention.

THREE EXAMPLES OF COMMENTARY REGARDING COYOTE POPULATION DYNAMICS

Patrick Jackson, an employee of the Nevada Department of Wildlife, had this study published recently:

Human–Wildlife Interactions 8(2):180–194, Fall 2014

EFFECTS OF REMOVAL ON A LIGHTLY EXPLOITED COYOTE POPULATION IN EASTERN NEVADA

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These two statements contained in his study speak to the ability of the coyote to respond with increased reproduction under certain conditions:

“Removal efforts not only can change the population dynamics, but also can modify coyote behavior and movement (Knowlton and Gese 1995). Coyote populations respond to a decrease in population by increasing their productivity and the proportion of females breeding (Jeanand Bergeron 1984, Andelt 1987, Knowlton and Gese 1995, Knowlton et al. 1999). For example, Knowlton (1972) found that as coyote removal efforts intensified, the average litter size increased from 4.3 to 6.9.

Crabtree and Sheldon (1999) have one of the most detailed descriptions of human-exploited coyote populations. They cite the amount of human-related mortality, pup survival, average adult age, and proportions of pups in the populations as factors that vary in direct response to exploitation (Table 1).”

NDOW PROJECTS 14 & 15

Projects 14&15, a coyote killing/mule deer enhancement project in Southeastern Nevada found similar results. Here is a summary regarding coyote reproduction in response to concentrated killing of the animal:

Projects 14 &15

Coyote Removal For Deer Enhancement

C. Schroeder and Kevin Lansford
2/9/2009

Abstract

We quantified the effects of 5 years of coyote removal in Game Management Units 222 and 231, Lincoln Co., NV during fiscal years (FY) 2003-2008. We summarized trends in coyote age and population structure using data obtained from tooth-age analysis (cementum) of teeth taken from harvested coyotes by

Wildlife Services. Mean age of coyotes declined throughout the experimental period in GMU 231 as a result of additively removing coyotes by aerial gunning and ground removals each year. Also, juvenile to adult ratios significantly increased by the end of the experimental period as well as the number of adult males to adult females in the population.

Coyote Age Structure

The results of 5 years of coyote removal in Game Management Unit (GMU) 231 and the northern portion of GMU 222 in Eastern Nevada appear to have had significant effects on the population dynamics of coyotes in those respective areas. Mean age of coyotes harvested through ground control measures (trapping, calling, and shooting) decreased in each subsequent year in GMU 231 starting in fiscal year (FY) 2004 and ending in FY 2008 for which the most recent data is available (Table 1, Figure 1).

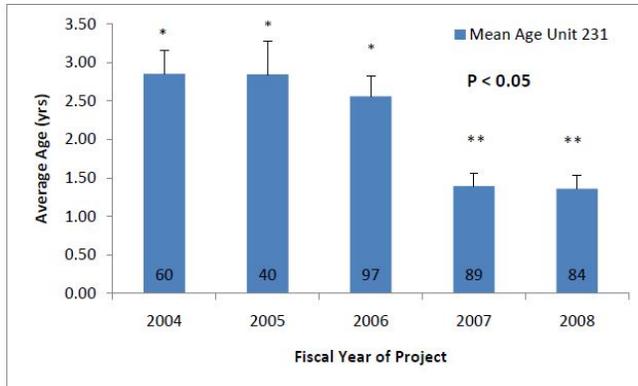
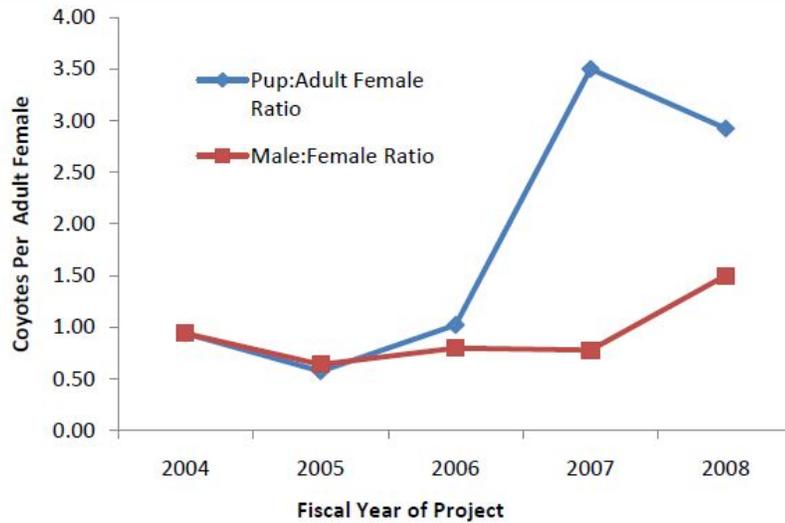


Figure 1. Mean age (+ SE) of coyotes harvested from predator removal experiment in Game Management Unit 231, Nevada for fiscal years (2004-2008). Sample sizes are displayed inside bars and stars above bars indicate significant differences in mean age of treatment year compared using ANOVA and Tukey’s HSD for multiple comparisons ($\alpha = 0.05$).

Furthermore the pup: adult ratio was also impacted by the removal of coyotes in the experimental area with the average number of pups to adult females FY 2004 (0.94) to 2.92 by the end of FY 2008 (Table 1, Figure 2).



PROJECT COYOTE CRABTREE MONOGRAPH (PAPER IS ATTACHED)

Here is the question Dr. Crabtree addressed in his Project Coyote monograph and a few of his comments regarding coyote population dynamics:

"This letter outlines a response to the general question "What effect does reduction of coyotes (older than 6 months) have on the remaining population?" This question is central to the repeated claim that reduction (mortality) of adult coyotes from human control practices lessens predation on domestic sheep or game animals such as mule deer or antelope.

It cannot be over-emphasized how powerfully coyote populations compensate for population reductions. Such density dependent responses to exploitation (human-caused mortality) are common in mammals and present in all territorial populations at or near habitat saturation.

Human control resulting in density reduction results in a smaller social group size which increases the food per coyote ratio within the territory. The food or prey surplus is biologically transformed into somewhat larger litter sizes and almost always much higher litter survival rates (which are low in unexploited populations).

Reductions (non-selective, indiscriminate killing of adults) cause an increase in the percentage of females breeding. Coyote populations are distinctly structured in non-overlapping but contiguous territorial packs. About 95% of the time, only one female (the dominant or alpha) in a pack breeds. Other females, physiologically capable of breeding, are "behaviorally sterile recruited to become an alpha or breeding female."

WHAT SCIENTISTS SAY ABOUT WILDLIFE KILLING CONTESTS? (LETTER IS ATTACHED)

Mr. Jackson credited Robert Crabtree, Ph.D. (Crabtree and Sheldon above) with “one of the most detailed descriptions of human-exploited coyote populations.” Dr. Crabtree, a respected wildlife researcher and coyote expert, helped author a letter on behalf of Project Coyote, dated April 16, 2014, detailing the scientific reasons why he and more than three dozen of his academic colleagues oppose wildlife killing contests.

ETHICAL REASONS TO BAN WILDLIFE KILLING CONTESTS

In perusing statements of Hunter Ethics around the internet (e.g. NRA, Boone and Crockett, National Shooting Sports Foundation,)), one finds little that is specific to our issue. The Boone and Crockett Fair Chase Statement, for example, lists only six items which a fair reader would likely conclude favors our petition:

FAIR CHASE STATEMENT

FAIR CHASE, as defined by the Boone and Crockett Club, is the ethical, sportsmanlike, and lawful pursuit and taking of any free-ranging wild, native North American big game animal in a manner that does not give the hunter an improper advantage over such animals.

HUNTER ETHICS

Fundamental to all hunting is the concept of conservation of natural resources. Hunting in today's world involves the regulated harvest of individual animals in a manner that conserves, protects, and perpetuates the hunted population. The hunter engages in a one-to-one relationship with the quarry and his or her hunting should be guided by a hierarchy of ethics related to hunting, which includes the following tenets:

- 1. Obey all applicable laws and regulations.***
- 2. Respect the customs of the locale where the hunting occurs.***
- 3. Exercise a personal code of behavior that reflects favorably on your abilities and sensibilities as a hunter.***
- 4. Attain and maintain the skills necessary to make the kill as certain and quick as possible.***
- 5. Behave in a way that will bring no dishonor to either the hunter, the hunted, or the environment.***
- 6. Recognize that these tenets are intended to enhance the hunter's experience of the relationship between predator and prey, which is one of the most fundamental relationships of humans and their environment.***

WHAT ABOUT THE NORTH AMERICAN MODEL OF WILDLIFE CONSERVATION?

The North American Model of Wildlife Conservation (NAMWC) is often mentioned in commission meetings and in the literature as a modern day statement of principles to guide and shape wildlife management. At least three of the principles apply to our petition. Here is what **Boone and Crockett Club** says regarding those three “Sisters”:

“In the Public Trust – *Wildlife belongs to the people and managed in trust for the people by government agencies. Who owns wildlife was determined by a Supreme Court decision at the time the New World was flexing its new independence from European rule. The Public Trust Doctrine is the pillar of North American conservation, but it took time for citizens to fully understand the responsibilities that came with this ownership. Many of the Boone and Crockett Club’s early efforts were focused on awakening the people to the plight of their wildlife resources, and that these resources did indeed belong to them, and were in their care. These efforts were in concert with the conservation laws the Club and its members were proposing to aid in the recovery and protection of wildlife. Once the public realized it was their wildlife being irresponsibly eliminated their outcry was so great that conservation legislation passed with ease.*

Non-frivolous Use – *In North America we can legally kill certain wildlife for legitimate purposes under strict guidelines for food and fur, in self-defense, or property protection. Laws are in place to restrict casual killing, killing for commercial purposes, wasting of game, and mistreating wildlife. The rules of proper use, both in written law and personal ethics, did not exist in commercial market and sustenance hunting cultures. As these activities faded, what remained was recreational, sport hunting. What separated a true sportsman from market gunners was an ethical code of personal conduct that was defined and promoted by the Boone and Crockett Club. These same tenets of Fair Chase were used as the cornerstone of modern-day game laws. Club member, Aldo Leopold is credited with framing the concept of a land ethic and managing entire biotic communities. Combined, the foundations for the proper use of the intricate nature of ecosystems and biotic communities, of which all wildlife and man belong, will be managed under the knowledge of science rather than opinion, or conjecture.*

Managed by Science – *The best science available will be used as a base for informed decision making in wildlife management. The intricate nature of ecosystems and biotic communities, of which all wildlife and man belong, will be managed under the knowledge of science rather than opinion, or conjecture. Boone and Crockett Club founder, Theodore Roosevelt was a strong advocate of science, and that only the best science available was to be used to make critical decisions on natural resource management. The Club began by providing seed money for some of the first wildlife research projects. Under the leadership of member, Aldo Leopold the Club began formulating flexible scientific management policies for wildlife and natural resources to achieve an ecological balance. The Club also called for the first President’s Conference on Outdoor Recreation, which led to the establishment of the National Recreation Policy, which coordinated resource management at federal, state, and local levels.”*

Clearly, these three core values of NAMWC as expressed by Boone and Crockett Club support our petition.

PUBLIC SUPPORT

There is no question about the concern of the general public and even among some sportsmen regarding these events. The public turnout for the March 20, 2015 hearing, the press coverage before and after, and the email traffic received by commission members confirms that wildlife killing contests are controversial and in need of review by the proper regulatory body.

DO COYOTE KILLING CONTESTS “HELP CONTROL” COYOTE POPULATIONS AND BENEFIT LIVESTOCK PRODUCERS?

In our view, the answer is NO. These empty claims are provided by proponents of wildlife killing contests as partial justification for the events. (Social interaction among participants seems to be viewed as most important.)

In order for wildlife killing contest participants to exert a “control” function, there would need to be a management plan which provided an analysis of coyote population levels, areas in need of “control” (a euphemism for killing), when/where/ how many/which animals were in need of “control”, a stop/start schedule, projected goals, objectives and the like.

There is no such document. There never has been such a document. Therefore, there is no “control” function exerted by participants. The participants randomly kill animals and claim an unsubstantiated benefit.

Similarly, claims by ranchers that livestock interests will be jeopardized if wildlife killing contests are prohibited ignores the fact that the U.S. Department of Agriculture/APHIS/Wildlife Services serves as the designated protector of agricultural and livestock interests in Nevada. Ad hoc wildlife killing contests, randomly killing coyotes in unpredictable locations, offer no protection to livestock interests.

PUBLIC LAND VERSUS PRIVATE PROPERTY

Petitioners believe the commission has the authority to create regulations prohibiting these events on public land. Since Nevada is comprised of 80% public land, most of the state would be affected. Petitioners also believe that, should the commission express disapproval of these events via creation of such regulations, private land owners may show restraint as well.

QUESTIONS AND CONFLICTS

At the March 20, 2015 petition hearing, a number of (hypothetical) “what ifs” were raised by some commission members that may or may not be important to the creation of our requested regulation(s). The questioners seemed to imply that all such “what ifs” needed to be anticipated by the petitioners and resolved before the petition could be considered for adoption.

Our view is that petitioners have no such duty under NRS, NAC or Commission Policy P-4. Nor do petitioners have necessary authority to create regulations or resolve conflicts with existing law. The latter responsibility rests with the Legislative Counsel Bureau once agency-drafted proposed regulations are submitted to LCB for review.

Furthermore, this petition does not challenge or seek to change existing regulation(s). We are asking for a new regulation(s). Until our request is adopted and sent to agency staff for preparation

of draft regulatory language, it is not possible, in our view, for all contingencies or conflicts to be foreseen by petitioners or by the commission itself.

Petitioners believe the correct course of action by the commission is to accept the petition at face value, initiate the process for creation of proposed regulatory language and resolve any conflicts or uncertainties in the usual bureaucratic manner as is done routinely by the agency. Petitioners would be happy to participate in that process once regulatory language has been proposed.

2. Provide (or attach) the wording for the change you are proposing:

Since there is no existing regulation for which to propose a change, new regulatory language would be required. We did offer suggestions with our last petition, based upon what the California Fish and Game Commission did in December, 2014. Other suggestions were offered based on NRS/NAC.

The New Mexico legislature considered a bill banning such contests last session that passed the Senate but not the House. That proposed language might be useful in Nevada should our petition be adopted.

Our view is that, should our petition be adopted, department staff would draft proposed regulatory language which would work its way through the CABs and commission in usual fashion. LCB would have its turn as well. If all goes well, workable regulations will be the result of that process.

3. What is the estimated “economic” effect of the regulation on the business which it is to regulate?

(a) Include both adverse and beneficial effects:

(b) Include both immediate and long-term effects:

This petition does not seek to regulate/financially impact any business or businesses, immediate or long-term.

Wildlife killing contests are organized in an ad hoc manner in various locations and at various times depending on the preferences and choices of the event organizers. Should wildlife killing contests be prohibited, event organizers could still host such events using cameras and award prizes on the basis of best photographs. No loss of revenue need occur.

4. What is the estimated “economic” effect of the regulation on the public which it is to regulate?

(a) Include both adverse and beneficial effects:

(b) Include both immediate and long-term effects:

There would be no large scale regulatory impact on the general public should our petition be adopted. Our petition would impose regulatory restrictions on a virtual handful of Nevadans.

Since organizers claim that, in some cases, participants receive no financial benefit because pelt sale proceeds are donated to charitable causes, there may be some loss of income to certain charitable organizations. That income loss would be small (100 dead coyotes at \$25/pelt would produce \$2500; 10 dead coyotes would be \$250).

The Public Trust would benefit by every animal not killed by event participants. Though killing contest participants claim an economic benefit to charitable organizations by virtue of their activity, the same economic value is lost to the Public Trust. The question is which economic value is preferred by the general public.

5. What is the estimated cost to the Department of Wildlife for enforcement of the proposed regulation?

The costs should be minimal. The agency creates/modifies and publicizes regulatory changes as a matter of routine business. Alerting the BLM regarding the enactment of the new regulation would provide that agency with additional impetus to monitor and enforce its current prohibition of such events on public lands without a Special Recreational Permit, thereby lessening the likelihood of illegal events.

Enforcement of the new regulation, as with all regulations, depends mostly on voluntary compliance by those who seek to partake of the privilege of having a hunting, trapping or fishing license in Nevada. Failure to follow the rules should result in loss of the privilege of licensure for the offender.

6. Does the proposed change overlap or duplicate any regulations of other state or local government agencies? NO.

7. Does the requested change overlap or duplicate a federal regulation? NO.

8. Is the requested change required by federal law? NO.

Does the requested change include provisions which are more stringent than a federal regulation that regulates the same activity? NO.

9. Does the requested change establish a new fee or increase an existing fee? NO.

10. Does the requested change establish a new fee or increase an existing fee? NO.

Revised 10/08/2015

Prepared: Don Molde, with help from Stewart White, Fred Voltz and others