June 13, 2017

Mr. Jason Suckow
Director, Western Region
USDA-APHIS-Wildlife Services
2150 Centre Avenue, Bldg. B
Mail Stop 3W9
Fort Collins, CO 80526-8117

Doug Miyamoto
Director
Wyoming Department of Agriculture
2219 Carey Avenue
Cheyenne, WY 82002

Dear Mr. Suckow & Mr. Miyamoto:

Pursuant to 5 U.S.C. § 555(e) and W.S. 16-3-106, the Animal Welfare Institute, the Animal Legal Defense Fund, the Center for Biological Diversity, Happy Endings Animal Rescue, PAWS of Jackson Hole, Predator Defense, Project Coyote, Trap Free Montana Public Lands, Inc., Western Watersheds Project, WildEarth Guardians, Wyoming Untrapped, and Wyoming Wildlife Advocates hereby petition U.S. Department of Agriculture ("USDA") Animal and Plant Health Inspection Service ("APHIS") Wildlife Services and the Wyoming Department of Agriculture ("WDA") to:

1. Cease all use and authorization by all parties of M-44 explosive cyanide devices, also known as "coyote getters" or "cyanide bombs," on all lands in Wyoming, and

2. Immediately remove any and all M-44s currently deployed on all lands in Wyoming.

As the recent tragedy involving the killing of two beloved family dogs near Casper, Wyoming, and the death of a pet dog and the injury of a minor child near Pocatello, Idaho, have shown, these devices are indiscriminate in their lethal effects, and cannot be rendered safe for nontarget wildlife, domestic pets, and local residents. Federal and state agencies should not turn lands—public or private—into potentially deadly minefields for any reason.

M-44s are indiscriminate, often killing nontarget wildlife such as hawks and eagles, wolverines, lynx, and other species.[1] Since 2000, Wildlife Services has killed more than 50,000 individuals of more than 150 nontarget species, including federally protected and/or state-protected animals such as Mexican gray wolves, grizzly bears, kangaroo rats, eagles, falcons, California condors, red-tailed hawks, great horned owls, and others.[2] Although Wildlife Services restricts the use of M-44s in areas known to be inhabited by sensitive species such as wolves or grizzly bears,[3] the expansion of both wolf and grizzly bear territory makes it increasingly likely that these species will come in contact with, and be killed by, M-44s on both public and private lands. In fact, APHIS has reported 246,985 animals killed by M-44s from 2000 through 2016, including at least 1,182 dogs.[4]

In Wyoming alone, APHIS reported 5,973 target animals, 112 nontarget animals (including 8 dogs), and 447 unclassified animals killed by M-44s from 2000 through 2016.[5] In addition, at least two dogs have been killed so far in 2017. The number of dogs that have been inadvertently killed during this timeframe is completely unacceptable given the ineffectiveness of this form of predator control.

Still, it is important to note that the APHIS reports are incomplete, notably missing data concerning deaths of domestic animals, pets and livestock known to have occurred during the reporting period. For example, while at least 1,200 pet dogs were killed by M-44s between 2000 and 2012,[6] the APHIS program data reports reflect no deaths to domestic animals, pets and livestock during those years. In addition, during the past 20 years, at least 18 employees and several private citizens have been injured by M-44 cyanide cartridges.[7]

M-44 applicators are also not required to report the location of the devices to Wildlife Services or the WDA. The use restrictions mandate only that one other person in addition to the applicator know where the M-44s are placed and do not require the

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[1]Marks, C.A., and R. Wilson. 2005. Predicting mammalian target-specificity of the M-44 ejector in south-eastern Australia. Wildl. Res. 32: 151-156.

[2] Tom Knudson, *Suggestions in Changing Wildlife Services Range from New Practices to Outright Bans,* SACRAMENTO BEE (May 6, 2012).

[3] Wyoming Department of Agriculture. 2014. *Using the M-44 in coyote damage control*. Cheyenne, WY: Department of Agriculture, pp. 18-19.

[4] USDA, Animal and Plant Health Inspection Service, "Wildlife Damage, Program Data Reports," https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/SA_Reports/SA_PDRs.

[5] USDA, Animal and Plant Health Inspection Service. 2000 to 2016. Wildlife Damage, Program Data Report G. https://www.aphis.usda.gov/aphis/ourfocus/wildlifedamage/SA_Reports/SA_PDRs.

[6] Todd Wilkinson, *Dog's Death Spotlights Use of Cyanide 'Bombs' to Kill Predators,* NATIONAL GEOGRAPHIC (Apr. 20, 2017), *available at* http://news.nationalgeographic.com/2017/04/wildlife-watch-wildlife-services-cyanide-idaho-predator-control/.

[7] Tom Knudson, *Wildlife Services' methods leave a trail of animal death*, SACRAMENTO BEE (Apr. 30, 2012), *available at* http://www.idahostatesman.com/news/local/environment/article40733442.html.

applicator to take, keep or report GPS coordinates of the location. This adds to the risks faced by people and their pets.

In addition, the public is unable to obtain current information about where M-44s are located because the WDA does not receive a report on the number of devices, locations, dates of placement, discharges of the devices, species killed, or accidental injuries and deaths to humans and domestic animals until the month following use of M-44s. In those reports, the location of M-44s may be described by pasture name or another location identifier, instead of GPS coordinates, making the devices difficult to track.

Furthermore, Wildlife Services' and WDA's predator-killing programs are arguably counterproductive. Wildlife Services has never demonstrated conclusively that the killing of native carnivores results in any reduction in livestock losses or impacts to other wildlife species. Nonselective predator killing methods (such as M-44s) do not reduce losses of domestic sheep to predators.[8] In some cases, predator killing programs actually result in *increased* livestock losses.[9] The Wyoming Game and Fish Department states on their predator control fact sheet that "more often, predator control programs … reduce non-target bird and mammal populations and upset the ecological balance of the area, leading to compounded problems." The fact sheet also states that the use of M-44s "has obvious dangers and a questionable history of effectiveness."[10]

Wildlife Services is responsible for approving all orders for M-44s. Non-Wildlife Services applicators order M-44s through the WDA, which then forwards the order to Wildlife Services. There are no regulations governing how many M-44s an applicator can receive at one time.

Only applicators employed by Wildlife Services can legally place M-44s on federal land, with private and commercial applicators permitted to place M-44s on private and state land in Wyoming. The WDA licenses all applicators, including those employed by Wildlife Services. However, Wildlife Services applicators do not require approval from the WDA once the WDA issues their licenses. Conversely, the USDA only oversees purchases of the M-44 by non-Wildlife Services private and commercial applicators, after which the WDA becomes solely responsible for oversight of the non-Wildlife Services applicators' use of the M-44s. These dual roles necessitate immediate action by both entities to ban the use of M-44s in Wyoming.

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[8] Conner, M.M., M.M. Jaeger, T.J. Weller, and D.R. McCullough. 1998. Effect of coyote removal on sheep depredation in northern California. J. Wildl. Manage. 62: 690-699.

[9] Current methods and research needs. Wildl. Soc. Bull. 32: 1209-1218.
Peebles, K.A., R.B. Wielgus, B.T. Maletzke, and M.E. Swanson. 2013. Effects of remedial sport hunting on cougar complaints and livestock depredations. PLOSone, *available at* http://dx.doi.org/10.1371/journal.pone.0079713.

[10] Wyoming Game and Fish Department. 1995. Predator control and wildlife. Habitat Extension Bulletin 57.

Given the serious negative impacts of M-44s on native wildlife and the clear and present danger that M-44 devices pose to people and their pets, the use of M-44s on public or private lands in Wyoming is unjustifiable and counter to the public interest. We call upon USDA APHIS Wildlife Services and the Wyoming Department of Agriculture to clear all lands in Wyoming of these dangerous devices as expeditiously as possible, and to prohibit the future placement of such chemical weapons on any public or private lands.

Respectfully,

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Stephen Wells
Executive Director
Animal Legal Defense Fund

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Brooks Fahy
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Erik Molvar
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