

NEVADA BOARD OF WILDLIFE COMMISSIONERS
PETITION FOR ADOPTION, AMENDMENT, FILING OR REPEAL OF REGULATION
(Submit to: Secretary, Board of Wildlife Commissioners, 6980 Sierra Center Parkway, Reno, NV 89511)

Petitioner's Full Name: Rebecca Goff
(Please Print)

Type of Petitioner: (Individual, Partnership, Corporation, Government Agency, Other): Non-profit organization

Petitioner's Mailing Address: PO Box 33034 Reno, NV 89533

Petitioner, please complete the following (attach additional sheets if necessary):

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

In wildlife killing contests that take place across Nevada, participants vie for cash and prizes for killing the most, the heaviest, or the smallest animals within a certain time period, usually one day or over the course of a weekend. Prizes may also be awarded for certain features such as "mangiest mutt," "biggest ears," or "prettiest female," or by a point allocation by species, such as 10 points per coyote, 5 points per bobcat, and 3 points per fox. These contests often include raffles or drawings for prizes, and "Calcutta" sports betting may even be encouraged on the contest participants themselves. Species targeted in Nevada contests often include coyotes, bobcats, and red, gray, and kit foxes, among others. Contest participants have been documented dumping the bodies of the animals after the prizes are awarded.¹

Nevada killing contests held in recent years, and the species targeted, include:

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| 1. Cheeney's Signature Scents 19 Hr Oddball Hunt (Pioche) – Jan. 2023; bobcat, badger, ringtail, raccoon, beaver, fox, coyote | 11. Wildhorse 2nd Annual Coyote Calling Contest (Elko) – Nov. 2022; coyote |
| 2. Annual Coyote Ball/Wayside Coyote Hunt (Reno) – Jan. 2023; coyote | 12. First Annual Coyote Hunt Triple Crown (Stagecoach) – Feb. 2022; coyote |
| 3. Overnight Coyote Derby (Fallon) – Jan. 2023; coyote | 13. 6th Annual Pack Team 6 Coyote Calling Challenge (McGill) – Jan. 2022; coyote |
| 4. 2nd Wild West Coyote Calling Contest (Tonopah) – Jan. 2023; coyote | 14. 2nd Annual Coyote Hunt (Midas) – Jan. 2022; coyote |
| 5. Searchlight Predator Calling Contest (Searchlight) – Dec. 2022; bobcat, coyote, fox | 15. McGill VFD Coyote Competition (McGill) – Jan. 2022; coyote |
| 6. Annual World Championship Coyote Calling Contest (Elko) – Dec. 2022; coyote | 16. Overnight Coyote Hunt - Carvers Cafe & Bar (Carvers) – Jan. 2020; coyote |
| 7. Mike Wood Memorial Predator Calling Contest (Panaca) – Dec. 2022; bobcat, coyote, fox, raccoon | 17. Grand Slam Coyote Series (Elko) – Aug. 2019; coyote |
| 8. Annual Save the Chukar Coyote Tournament (Battle Mountain) – Nov. 2022; coyote, rabbit, chukar | 18. Coyote Hunt - FirearmOwnersToday.com (Fish Lake Valley) – Mar. 2019; coyote |
| 9. 10 th Annual Nevada Coyote Calling Championship (Las Vegas) – Nov. 2022; coyote | 19. 40 Hr. Calling Contest (Pioche) – Dec. 2018; bobcat, coyote, fox |
| 10. 5th Annual Coyote Calling Contest (Winnemucca) – Nov. 2022; coyote | 20. CTM Northern Nevada Coyote Calling Championship (Winnemucca) – Nov. 2018; coyote |
| | 21. Coyote Derby - Silver State Saloon (Austin) – Oct. 2018; coyote |

¹ HSUS investigation in Sullivan County, New York 2020 at <https://blog.humanesociety.org/wp-content/uploads/2020/03/NY-Wildlife-Killing-Contest-Report.pdf>

22. Varmint Hunt - Carvers Cafe & Bar (Carvers) – Oct. 2018; coyote
23. 11th Annual Coyote Callin' Contest (Battle Mountain) – Feb. 2018; coyote
24. SuperBowl Shootout (Battle Mountain) – Feb. 2018; coyote
25. Annual Roy Townsend Jr. Memorial "Song Dog" Calling Contest (Hawthorne) – Dec. 2017; coyote
26. High Desert Shootout (Elko) – Dec. 2016; coyote
27. Annual Nevada Coyote Classic (Las Vegas) – Jan. 2016; coyote
28. Annual Olympic Arms Youth Predator Hunt (Henderson) – Dec. 2014; bobcat, coyote, fox
29. 4th Annual Dave McGarr Memorial Coyote Hunt (Elko)
30. First Annual Round Robin Coyote Hunt (Caliente)
31. Moonlight Shootout (Battle Mountain)
32. Watering Hole Coyote Calling Contest (Spring Creek)
33. Howl at the Moon Coyote Tournament (Battle Mountain)
34. Beat the Best Put Up or Shut Up Coyote Hunt (Battle Mountain)
35. Overnight Coyote Hunt (Round Mountain)

- **Wildlife killing contests are inconsistent with the reputation Nevada is trying to maintain as the leader in the gaming industry and outdoor recreation opportunities.**

The gaming industry is the primary driver of Nevada's economy. In addition, outdoor recreation is becoming an increasingly important economic driver in various portions of the state. Wildlife killing contests create difficulty on both fronts. First, these contests almost always have a gaming component to them. Fair gaming is a concept that is deeply rooted in Nevada's history. Practices such as these go against that concept and are counterproductive to the reputation we have built and seek to preserve as the world's gaming capital. Secondly, as Nevada works to position itself as a premier outdoor destination for visitors from around the world, allowing killing contests sends a troubling message to families wishing to take advantage of our outdoor offerings.

In March of 2023, the Humane Society of the United States released the results of an investigation into two wildlife killing contests in Nevada.² Participants in the Cold Springs Station Overnight Coyote Derby in Fallon on January 28 competed in categories for the greatest weight of four animals killed, biggest coyote, smallest coyote and for the "lucky loser" prize, given to a team with no kills. At the weigh-in, the HSUS investigator witnessed participants cutting slits in the approximately 60 dead coyotes' legs to hang them upside down on the scale before they were piled onto a truck bed. When a contestant was asked why he participates in killing contests, he told the investigator: "Being able to shoot as many as I f***** want. And kill s***. The itch to kill something. Better than people." Two other competitors described how they had to leave three dead coyotes in the field because the bodies were too deep in mud to bother retrieving.³

At the weigh-in of the 9th Annual Coyote Ball at the Wayside Bar in Reno on January 14, 2023, an attendee stood by blood running along a gutter. He exclaimed, "The blood will flow!" The 32 teams competed to kill the most, the largest, and the smallest coyotes and purchased raffle tickets for two guns. Roughly 60 coyotes were killed, with the winning team alone killing 11 of them. A participant also admitted to killing on Bureau of Land Management land despite the fact that the contest organizer did not have a BLM Special Recreation Permit for the event.

These findings shed a light on the disturbing practices and attitudes associated with these events, raising concerns about their impact on Nevada's reputation. As a premier outdoor recreation and gaming destination, there is no place for wildlife killing contests that serve only to erode Nevada's positive, worldwide reputation for both.

² Full investigation report at https://www.humanesociety.org/sites/default/files/docs/HSUS_NV-Wildlife-Killing-Contest-Investigation-2023.pdf.

³ Audio transcript and recording of this investigation available upon request, contact rgoff@humanesociety.org.

- **Wildlife killing contests fly in the face of the North American Model of Wildlife Conservation.**

Many state wildlife management agency professionals, wildlife commissioners, and hunters adhere to the tenets of the North American Model of Wildlife Conservation as a set of guiding principles for ethical hunting and wildlife conservation. Wildlife killing contests contravene at least four of these seven tenets.

➤ ***Tenet 1: Wildlife resources are conserved and held in trust for all citizens.***

Allowing wildlife killing contests to continue is an abdication of the State’s solemn duty to protect the public’s wildlife for all residents. Under the Public Trust Doctrine, wildlife must be held in the public trust for all citizens; wild animals cannot be “owned” by any one person. Yet during killing contests, the public’s wildlife is pilfered for private profit.

Most people do not support wildlife killing contests. A national poll taken by the bipartisan firm Remington Research Group in January 2022 found that 80% of Americans oppose wildlife killing contests.⁴ Motivation for hunting affects public support for it. The *American Attitudes Towards Hunting, Fishing, Sport Shooting, and Trapping 2019* report by the National Shooting Sports Foundation found that while 84% of survey respondents supported hunting for meat, only 29% supported hunting for a trophy.⁵ It is likely that support for killing contests is even less than it is for trophy hunting. Very few Nevadans engage in hunting (only 3.4% of Nevada residents were paid hunting license holders in 2023)⁶ and the portion of those hunters who participate in contests is miniscule. Wildlife belongs to, and is important to, all Nevada citizens—not just the very small percentage of people who participate in this activity.

Americans, including Nevadans, increasingly care about wildlife. A keystone study, the *America’s Wildlife Values* project, has documented a substantial shift in public attitudes—especially in Western States—away from a traditional view of wildlife (a view of human mastery over wildlife and that wildlife should be managed for human benefit) and toward a mutualist view of wildlife (or the belief that humans and wildlife should coexist and that the welfare of animals is important).⁷ Nevada has among the lowest number of traditionalists of any state in the country: only 22% of survey respondents expressed traditionalist views of wildlife, while 44% were mutualists.⁸ The Association of Fish & Wildlife Agencies and the Wildlife Management Institute have noted these studies and underscored the need for state wildlife management agencies to appeal to a broader constituency to ensure that the agencies remain influential in the future.⁹

Coyotes, foxes and other wildlife species targeted in these contests are often vilified in order to justify killing them en masse, but current social science studies show that the majority of

⁴ National Public Opinion, January 2022, Remington Research Group,

<https://www.humanesociety.org/sites/default/files/docs/National-Public-Opinion-011022-condensed.pdf>

⁵ “American Attitudes Towards Hunting, Fishing, Sport Shooting, and Trapping,” Responsive Management and the National Shooting Sports Foundation (2019), p. 14,

https://www.fishwildlife.org/application/files/7715/5733/7920/NSSF_2019_Attitudes_Survey_Report.pdf

⁶ The U.S. Fish and Wildlife Service: “Hunting Licenses, Holders, and Costs by Apportionment Year” at <https://us-east-1.quicksight.aws.amazon.com/sn/accounts/329180516311/dashboards/48b2aa9c-43a9-4ea6-887e-5465bd70140b>

⁷ Manfredo, M.J., Sullivan, L., Don Carlos, A.A., Dietsch, A.M., Teel, T.L., Bright, A.D., & Bruskotter, J. (2018). *America’s Wildlife Values: The Social Context of Wildlife Management in the U.S.* National report from the research project entitled “America’s Wildlife Values.” Fort Collins, CO: Colorado State University, Department of Human Dimensions of Natural Resources. <https://sites.warnercnr.colostate.edu/wildlifevalues/wp-content/uploads/sites/124/2019/01/AWV-National-Final-Report.pdf>

⁸ Dietsch, A.M., Don Carlos, A.W., Manfredo, M. J., Teel, T. L., & Sullivan, L. (2018). State report for Nevada from the research project entitled “America’s Wildlife Values.” Fort Collins, CO: Colorado State University, Department of Human Dimensions of Natural Resources.

⁹ The Association of Fish & Wildlife Agencies and the Wildlife Management Institute: *The Fish and Wildlife Agency Relevance Roadmap (v1.0); Enhanced Conservation Through Broader Engagement*. September 2019 at https://www.fishwildlife.org/application/files/2515/7547/9977/Fish_Wildlife_Relevancy_Roadmap_Final_12-04-19-lowres.pdf

the public does not share these views about wildlife, including historically persecuted species. A recent study by researchers at the Ohio State University found that between 1978 and 2014, the public's positive attitudes toward coyotes, the most frequent target of killing contests, grew by 47 percent, with the majority of respondents expressing positive attitudes toward coyotes.¹⁰ The researchers theorized that this increase in positive attitudes toward coyotes may indicate that Americans are growing more concerned for their welfare.¹¹ Other studies, including the *Nature of Americans Report*, have found that Americans express broad interest in nature, believe connecting with nature is important, and want to conserve wildlife species and their habitats.¹²

Some falsely claim that this is a culture war on rural Nevada but this claim is a red herring and appears to be designed to divide us. When it comes to wildlife, Nevadans—whether they live in urban, suburban or rural areas—do not support practices that they view as pointless, unsporting or wasteful. This is simply a matter of ethics and how we value and treat the public's wildlife. It is not an issue about the differences in values between urban and rural residents. We can support hunting as a tradition and establish restrictions on irresponsible practices.

➤ ***Tenet 2: Commerce in dead wildlife is eliminated.***

In the late 1800s, commerce in dead wildlife led to the destruction of countless wildlife species. This tenet is aimed at eliminating markets and commercial traffic in dead wildlife to promote sustainable wildlife populations. During any given wildlife killing contest, hundreds of animals may be slaughtered for private profit. This mass killing of wild animals is detrimental to healthy ecosystems.

➤ ***Tenet 4: Wildlife may only be killed for a legitimate, non-frivolous purpose.***

Wildlife killing contests—during which animals are killed for cash, prizes, and bragging rights—are the very definition of “frivolous.” Killing for food, self defense, and property protection are generally cited as “legitimate uses” under the NAM. But these animals are not killed for their meat, and even their fur is often rendered useless for sale by the high-powered rifles. They are also not killed for any genuine wildlife management purpose, as detailed below, and they are killed without regard for the important role each animal plays in healthy ecosystems. The animals are typically dumped like trash after the event is over. It's a wanton waste of life.

The very nature of these events—in which participants are motivated by financial rewards to kill as many animals as allowed over a designated time period—increases the likelihood that participants will fail to abide by the rules and values embraced by responsible hunters. As a result, targeted animals may suffer injuries that can take days or weeks to succumb to, even indirectly due to starvation, predation or exposure. During springtime contests, dependent young may be orphaned, putting their survival in jeopardy.

Furthermore, killing contest photos posted on social media show contestants grinning next to piles of bloodied animals and showing off their prizes. The animals are carelessly thrown into heaps, with their guts often spilling out and the ground covered in a thick layer of blood, piled into trucks, and hung upside down from railings and barn walls. Such behavior

¹⁰George, Kelly A., Kristina M. Slagle, Robyn S. Wilson, Steven J. Moeller and Jeremy T. Bruskotter. 2016. Changes in attitudes toward animals in the United States from 1978 to 2014. *Biological Conservation* 201:237-242. <http://www.sciencedirect.com/science/article/pii/S0006320716302774>

¹¹ Ibid.

¹² Kellert, S.R., Case, D.J., Escher, D., Witter, D.J., Mikels-Carrasco, J., Seng, P.T. April 2017. The Nature of Americans: National Report. https://natureofamericans.org/sites/default/files/reports/Nature-of-Americans_National_Report_1.3_4-26-17.pdf

demonstrate a lack of respect for wildlife and serves to undermine the reputation of responsible hunters.

➤ ***Tenet 7: Scientific management is the proper means for wildlife conservation.***

Science should be the underpinning of any good wildlife management policy. Wildlife killing contests do not serve any legitimate wildlife management purpose and are an affront to science-based wildlife management principles. They do not reduce coyote populations, prevent livestock conflicts, or increase game species numbers. In fact, killing contests are counterproductive—the best available science shows that indiscriminate killing of coyotes can increase coyote numbers and increase conflicts. The scientific rationale for eliminating killing contests is explained in comprehensive detail in the next section.

In 2021, during a meeting of the Nevada Board of Wildlife Commissioners, **Tony Wasley, hunter and then-director of the Nevada Department of Wildlife**, summed up how killing contests defy the North American Model of Wildlife Conservation. He said: “I just want to clarify that contests are not threatening coyote populations, nor are they in and of themselves saving mule deer or other game populations . . . nor do they save the agency any appreciable amount of money.” Discussing NDOW’s proposed regulation to ban contests, Wasley explained, “It proposes no change on an individual’s right or ability to gather, call or kill coyotes.” He went on to say, “Killing contests are ethically upsetting by virtue for most members of society. Hunting should not be a competition as such behavior ultimately degrades the value of life and undermines respect for the animals being hunted. . . . The North American Model that we often prop up as the anchor of modern wildlife management disapproves of, I quote, ‘frivolous killing.’ . . . In my ethics as a hunter I hope to defend a deeper and more profound sense of hunting than what I fear coyote contests say to the general public about hunters and our ethics. Hunters need to be conscious of the public image we project and the way in which the public perceives us.” Pointing out that “hunters are in the extreme minority of citizens,” Wasley stated, “our actions must be with the awareness of our broader societal irrelevance.” He concluded, “Really what my biggest fear around this issue is for the future, for the future of conservation, for the way that we as ethical sportsmen and women are viewed by a changing society and the consequences on a whole host of other activities. . . . [M]y fear as a sportsman and my fear as the director of the Department of Wildlife is an unwillingness to consider what society at large feels about a certain activity will hasten the erosion of privileges that I hold near and dear.”¹³

– **Wildlife killing contests will not reduce coyote numbers and may increase them.**

The science is clear: Randomly killing coyotes in contests does not reduce their populations. In fact, since 1850 when mass killings of coyotes began, the range of coyotes has tripled in the United States.¹⁴ The Nevada Department of Wildlife has recognized, “Though many efforts have been made to reduce its numbers and even to eradicate it, the resilient coyote is as plentiful today as it ever has been.”¹⁵

The best available science demonstrates that indiscriminate killing of coyotes disrupts their social structure, which, ironically, encourages more breeding and migration, and ultimately results in more coyotes.¹⁶ The alpha pair, often the parents of different aged offspring, are typically the pack’s only reproducers. When one or both members of the alpha pair are killed, the survivor will find a new mate, and the remaining members of the pack, who had been behaviorally sterile, will now also mate,

¹³ 2021 Nevada Department of Wildlife November Wildlife Commission Meeting, Nov. 5, 2021, https://www.youtube.com/watch?v=ELXWyYlr_f8

¹⁴ Robert Crabtree and Jennifer Sheldon, “Coyotes and Canid Coexistence in Yellowstone,” in *Carnivores in Ecosystems: The Yellowstone Experience*, ed. T. Clark et al. (New Haven [Conn.]: Yale University Press, 1999)

¹⁵ Nevada Department of Wildlife: Coyote at <http://www.ndow.org/Species/Furbearer/Coyote/>

¹⁶ F. F. Knowlton, E. M. Gese, and M. M. Jaeger, “Coyote Depredation Control: An Interface between Biology and Management,” *Journal of Range Management* 52, no. 5 (1999); Robert Crabtree and Jennifer Sheldon, “Coyotes and Canid Coexistence in Yellowstone,” in *Carnivores in Ecosystems: The Yellowstone Experience*, ed. T. Clark et al. (New Haven [Conn.]: Yale University Press, 1999); J. M. Goodrich and S. W. Buskirk, “Control of Abundant Native Vertebrates for Conservation of Endangered Species,” *Conservation Biology* 9, no. 6 (1995).

increasing the number of breeding pairs. At the same time, lone coyotes will move in to mate, young coyotes will start having offspring sooner, and litter sizes will grow.¹⁷

In 2018, the North Carolina Wildlife Resources Commission (“North Carolina Commission”) published its Coyote Management Plan (“Plan”). The Plan, which was developed using a large body of scientific and peer-reviewed literature, concluded that indiscriminate, lethal methods of controlling coyotes—including bounty programs, which are similar in effect to wildlife killing contests—are ineffective and counterproductive, that coyotes provide benefits to humans and ecosystems (even outside of their historic range), and that non-lethal measures are the best way to address conflicts with coyotes.¹⁸ The North Carolina Commission stated that, “numerous bounty program case studies have led to conclusions that bounties are ineffective in achieving real declines of predators (including coyotes), at addressing livestock depredation, or at positively affecting populations of species targeted for protection.”¹⁹ It further noted that killing predators in bounty programs may have undesirable effects, such as increasing prey species viewed as pests and killing non-offending coyotes, which creates a niche vacancy for coyotes that have learned to prey on livestock.²⁰ The North Carolina Commission reached the following conclusions:

- a) Intensive removal of coyotes is time-consuming and expensive, and research has yet to show it to be effective.²¹
- b) Coyotes rapidly increase their populations when large numbers of coyotes are removed from an area.²²
- c) A review of 34 studies that undertook intensive coyote removal found no reduction of coyote numbers over the long term.²³
- d) Intensive hunting and trapping efforts aimed at lowering coyote numbers either maintained or increased coyote populations.²⁴
- e) A coyote population can rebound in less than five years even when 90 percent of the population is eliminated from an area.²⁵

All species—especially top carnivores—play a vital role in healthy ecosystems. Coyotes, for example, are native to Nevada and help to control disease transmission, keep rodent populations in check, increase biodiversity, remove sick animals from the gene pool and protect crops. And by preying on mice and other rodents that harbor disease-carrying ticks, they are important for controlling tick-borne diseases such as Lyme.²⁶

– **Wildlife killing contests will not reduce livestock conflicts—and may increase them.**

Exploited coyote populations tend to have younger, less experienced coyotes, increased numbers of yearlings who are reproducing, and larger litters. Feeding pups is a significant motivation for coyotes to switch from killing small and medium-sized prey to killing sheep.²⁷ An article published by the Oregon

¹⁷ Knowlton, F.F. 1972. Preliminary interpretations of coyote population mechanics with some management implications. *J. Wildl. Manage.* 36:369-382.

¹⁸ Coyote Management Plan. (Mar. 1, 2018). North Carolina Wildlife Resources Commission: 11, 21-28, at: https://www.ncwildlife.org/Portals/0/Learning/documents/Species/Coyote%20Management%20Plan_FINAL_030118.pdf.

¹⁹ *Id.* 11-17.

²⁰ *Id.*

²¹ *Id.* at 20.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ S. E. Henke and F. C. Bryant, “Effects of Coyote Removal on the Faunal Community in Western Texas,” *Journal of Wildlife Management* 63, no. 4 (1999); K. R. Crooks and M. E. Soule, “Mesopredator Release and Avifaunal Extinctions in a Fragmented System,” *Nature* 400, no. 6744 (1999); E. T. Mezquida, S. J. Slater, and C. W. Benkman, “Sage-Grouse and Indirect Interactions: Potential Implications of Coyote Control on Sage-Grouse Populations,” *Condor* 108, no. 4 (2006); N. M. Waser et al., “Coyotes, Deer, and Wildflowers: Diverse Evidence Points to a Trophic Cascade,” *Naturwissenschaften* 101, no. 5 (2014).

²⁷ F. F. Knowlton, E. M. Gese, and M. M. Jaeger, “Coyote Depredation Control: An Interface between Biology and Management,”

State University College of Agricultural Sciences further described that USDA data shows a paradoxical relationship between coyotes and livestock—kill more coyotes, lose more livestock.²⁸ Haphazardly removing non-offending coyotes leaves voids that may be filled by coyotes who are more likely to prey on livestock.²⁹ Most coyotes can even serve as “guard coyotes” for ranchers, keeping other carnivores at bay.³⁰ As the Washington Department of Fish and Wildlife has noted, “If your property is the home territory of coyotes that don’t harm livestock, they will keep away other coyotes that are potential livestock killers. Coyotes also benefit ranchers and other property owners by helping to control populations of mice, rats, voles, moles, gophers, rabbits, and hares.”³¹

Killing contests do not target specific, problem-causing coyotes. Instead, they kill coyotes in woodlands and grasslands who are keeping to themselves—not those who have become habituated to human food sources such as unsecured garbage, pet food, or livestock carcasses (left by humans).

Furthermore, arguments regarding the impact of carnivore-livestock conflict are exaggerated. According to U.S. Department of Agriculture (“USDA”) data, livestock losses to wild carnivores are minuscule. In 2015, U.S. cattle and sheep inventories (including calves and lambs) numbered approximately 118.8 million animals.³² Of that total, 474,965 cattle and sheep (including lambs and calves) were lost *to all carnivores combined* (including coyotes, wolves, cougars, foxes, unknown predators, and dogs), or 0.39 percent of the inventory.³³ The predominant sources of mortality to livestock, by far, are non-predator causes including disease, illness, birthing problems, and weather.³⁴ The North Carolina Commission has noted that, based on USDA data, dogs are an equal or greater risk to sheep, goats, and cattle as compared to coyotes.³⁵

Prevention—not lethal control—is the best method for minimizing conflicts with coyotes.³⁶ Eliminating access to easy food sources, such as pet food and garbage, supervising pets while outside, and keeping cats indoors reduces conflicts with pets and humans. Practicing good animal husbandry and using strategic nonlethal predator control methods to protect livestock (such as birthing cattle and sheep in barns or sheds and employing electric fences, guard animals, and removing dead livestock) are more effective.³⁷

Journal of Range Management 52, no. 5 (1999); B. R. Mitchell, M. M. Jaeger, and R. H. Barrett, “Coyote Depredation Management: Current Methods and Research Needs,” *Wildlife Society Bulletin* 32, no. 4 (2004).

²⁸ Randy Comeleo, “Using Coyotes to Protect Livestock. Wait. What?” *Oregon Small Farm News* (Spring 2018), <https://smallfarms.oregonstate.edu/using-coyotes-protect-livestock-wait-what>

²⁹ *Id.*

³⁰ *Id.*

³¹ “Living with Wildlife,” Washington Department of Fish and Wildlife, available at <http://wdfw.wa.gov/living/coyotes.html>.

³² See USDA. 2015. “Cattle and Calves Death Loss in the United States Due to Predator and Nonpredator Causes, 2015.” USDA–APHIS–VS–CEAH, available at:

https://www.aphis.usda.gov/animal_health/nahms/general/downloads/cattle_calves_deathloss_2015.pdf; USDA. 2015. “Sheep and Lamb Predator and Nonpredator Death Loss in the United States, 2015.” USDA–APHIS–VS–CEAH–NAHMS, available at https://www.aphis.usda.gov/animal_health/nahms/sheep/downloads/sheepdeath/SheepDeathLoss2015.pdf.

³³ *Id.*

³⁴ For an in-depth discussion, see: Wendy Keefover, “Northern Rocky Mountain Wolves: A Public Policy Process Failure: How Two Special Interest Groups Hijacked Wolf Conservation in America,” *WildEarth Guardians* www.wildearthguardians.org/site/DocServer/Wolf_Report_20120503.pdf 1, no. 1 (2012).

³⁵ Coyote Management Plan. (Mar. 1, 2018). North Carolina Wildlife Resources Commission: 10.

³⁶ Gehrt, S.D., Anchor, C., and White, L.A.: “Home Range and Landscape Use of Coyotes in a Metropolitan Landscape: Conflict or Coexistence?” *Journal of Mammalogy* 90(5):1045-1057. 2009, and Poessel, S.A., Breck, S.W., Gese, E.M.: “Spatial ecology of coyotes in the Denver metropolitan area: influence of the urban matrix,” *Journal of Mammalogy* 97 (5): 1414-1427, 2016.

³⁷ Adrian Treves et al., “Forecasting Environmental Hazards and the Application of Risk Maps to Predator Attacks on Livestock,” *BioScience* 61, no. 6 (2011); Philip J. Baker et al., “Terrestrial Carnivores and Human Food Production: Impact and Management,” *Mammal Review* 38, (2008); A. Treves and K. U. Karanth, “Human-Carnivore Conflict and Perspectives on Carnivore Management Worldwide,” *Conservation Biology* 17, no. 6 (2003); J. A. Shivik, A. Treves, and P. Callahan, “Nonlethal Techniques for Managing Predation: Primary and Secondary Repellents,” *Conservation Biology* 17, no. 6 (2003); N. J. Lance et al., “Biological, Technical, and Social Aspects of Applying Electrified Fladry for Livestock Protection from Wolves (*Canis Lupus*),” *Wildlife Research* 37, no. 8 (2010); Andrea Morehouse and Mark Boyce, “From Venison to Beef: Seasonal Changes in Wolf Diet Composition in a Livestock Grazing Environment,” *Frontiers in Ecology and the Environment* 9, no. 8 (2011).

As the Nevada Department of Wildlife has noted, “Most coyote management is limited to removal of chronic problem animals. In areas where coyotes prey on domestic livestock, animals are removed to prevent further losses.”³⁸

– **Wildlife killing contests will not boost populations of game species.**

The best available science demonstrates that killing native carnivores with the goal of increasing game species abundance, including populations of ungulates, small game animals, and game birds is ineffective. With regard to coyote killing contests, the Vermont Fish & Wildlife Department has stated, “we do not believe such short-term hunts will have any measurable impact on regulating coyote populations, nor will they bolster populations of deer or other game species.”³⁹

Killing carnivores to grow ungulate populations, such as deer or elk, is unlikely to produce positive results because the key to ungulate survival is protecting breeding females and ensuring herds have access to adequate nutrition, not preventing predation.⁴⁰ Comprehensive studies, including those conducted in Colorado⁴¹ and Idaho,⁴² show that killing native carnivores fails to grow deer herds. In recent studies that involved predator removal, those removals had no beneficial effect for mule deer.⁴³ In recommending against a year-round hunting season on coyotes, the New York State Department of Environmental Conservation based its decision in part on the fact that “random removal of coyotes resulting from a year-round hunting season will not: (a) control or reduce coyote populations; (b) reduce or eliminate predation on livestock; or (c) result in an increase in deer densities.”⁴⁴

In response to hunters’ concerns about the effect of coyotes on small game species, the Pennsylvania Game Commission stated during a 2016 meeting, “After decades of using predator control (such as paying bounties) with no effect, and the emergence of wildlife management as a science, the agency finally accepted the reality that predator control does not work.”⁴⁵ Regarding the impact of coyotes specifically on small game populations, the North Carolina Commission, citing a long list of studies, found that coyotes are beneficial to a wide array of game bird species, including ducks and quail, because they suppress populations of smaller mammals, including feral cats, opossums, raccoons, red foxes, and skunks, and lessen their effects on other species, including birds. The North Carolina Commission also found that “most coyote diet studies document low to no prevalence of wild turkey or other gamebirds in diets.”⁴⁶

The respected hunting organization the Izaak Walton League of America states, “The League recognizes the intrinsic value of predatory species and their important ecological roles. ... There is no justification

³⁸ “Coyote,” Nevada Department of Wildlife, available at <http://www.ndow.org/Species/Furbearer/Coyote/>.

³⁹ “Eastern Coyote Issues – A Closer Look,” Vermont Fish & Wildlife, January 2017 at www.vtfishandwildlife.com/UserFiles/Servers/Server_73079/File/Hunt/trapping/Easter-Coyote-Position-Statement.pdf.

⁴⁰ Bishop, C. J., G. C. White, D. J. Freddy, B. E. Watkins, and T. R. Stephenson. 2009. Effect of Enhanced Nutrition on Mule Deer Population Rate of Change. *Wildlife Monographs*:1-28; Hurley, M. A., J. W. Unsworth, P. Zager, M. Hebblewhite, E. O. Garton, D. M. Montgomery, J. R. Skalski, and C. L. Maycock. 2011. Demographic Response of Mule Deer to Experimental Reduction of Coyotes and Mountain Lions in Southeastern Idaho. *Wildlife Monographs*:1-33; Forrester, T. D. and H. U. Wittmer. 2013. A review of the population dynamics of mule deer and black-tailed deer *Odocoileus hemionus* in North America. *Mammal Review* 43:292-308.; Monteith, K. L., V. C. Bleich, T. R. Stephenson, B. M. Pierce, M. M. Conner, J. G. Kie, and R. T. Bowyer. 2014. Life-history characteristics of mule deer: Effects of nutrition in a variable environment. *Wildlife Monographs* 186:1-62.

⁴¹ Bishop, C. J., G. C. White, D. J. Freddy, B. E. Watkins, and T. R. Stephenson. 2009. Effect of Enhanced Nutrition on Mule Deer Population Rate of Change. *Wildlife Monographs*:1-28.

⁴² Hurley, M. A., J. W. Unsworth, P. Zager, M. Hebblewhite, E. O. Garton, D. M. Montgomery, J. R. Skalski, and C. L. Maycock. 2011. Demographic Response of Mule Deer to Experimental Reduction of Coyotes and Mountain Lions in Southeastern Idaho. *Wildlife Monographs*:1-33.

⁴³ Forrester, T. D. and H. U. Wittmer. 2013. A review of the population dynamics of mule deer and black-tailed deer *Odocoileus hemionus* in North America. *Mammal Review* 43:292-308

⁴⁴ New York State Department of Environmental Conservation. (June 1991). *The Status and Impact of Eastern Coyotes in Northern New York*, http://www.dec.ny.gov/docs/wildlife_pdf/coystatnny91.pdf.

⁴⁵ Frye, Bob. (July 25, 2016). “Habitat, not predators, seen as key to wildlife populations,” *Trib Live*, <http://triblive.com/sports/outdoors/10756490-74/game-predator-predators>.

⁴⁶ Coyote Management Plan. (Mar. 1, 2018). North Carolina Wildlife Resources Commission: 16.

for widespread destruction of animals classified as predators ... The League opposes payment of bounties on predators or varmints.”⁴⁷ A Ducks Unlimited magazine article adds, “Predator control cannot result in meaningful increases in duck numbers or birds in the bag and threatens to undermine the broad coalition of public support on which modern waterfowl conservation depends.”⁴⁸

The Mississippi Flyway Council, established in 1952 to coordinate the management of migratory game birds in that region, says, “The Mississippi Flyway Council (MFC) does not support the practice of predator removal as a viable management practice to improve waterfowl recruitment over the long-term or over large geographic areas. The MFC believes that the highest conservation priorities for improving waterfowl recruitment are the landscape-scale wetland and grassland habitat restoration strategies advocated by the North American Waterfowl Management Plan.”⁴⁹ And the National Wild Turkey Federation asserts, “Ultimately, the long-term solution to wild turkey populations is not dependent on predator control, but on man’s activities and good habitat management.”⁵⁰

- **Peer commission members and wildlife management professionals have called for an end to wildlife killing contests.**

Many wildlife commission members and state wildlife agency professionals have stated that these contests in particular, in which a high quantity of animals are killed with no consumptive use intent or scientific backing, harm the image of the consumptive use community. That was the prevailing rationale driving killing contest bans by wildlife commissions in Arizona, California, Colorado, Massachusetts, Oregon, Vermont, and Washington.

Tony Wasley, former director of the Nevada Department of Wildlife, made a convincing statement at a Nevada Board of Wildlife Commissioners meeting in 2021 about why the Board should abolish killing contests. We included that statement on page 5. Statements by others include:

- During an August 1, 2020, **Washington Fish and Wildlife Commission** hearing on a proposed ban, Washington Department of Fish and Wildlife director Kelly Susewind said, “...part of my job, and frankly part of my soul, is to promote hunting, to get our youth hunting, to really have this be a core piece of what our society supports. And frankly, that job is a lot harder if we’re condoning these types of contests, and for that reason, I personally support this language.”⁵¹ One month later, Washington became the seventh U.S. state to prohibit wildlife killing contests.
- On April 30, 2020, when the **Colorado Parks and Wildlife Commission** voted to become the sixth U.S. state to ban killing contests, Colorado DNR director Dan Gibbs added, “For me, hunting contests don’t sit well. As a sportsman, I’d never participate in one personally. Hunting is an important reverent tradition in Colorado and powerful management tool but I also think wildlife killing contests give sportsmen and sportswomen a bad name and damage our reputation.”⁵²
- In 2019, prior to passing its ban, the **Arizona Game and Fish Commission** stated, “To the extent these contests reflect on the overall hunting community, public outrage with these events has the potential to threaten hunting as a legitimate wildlife management function.”⁵³ Jim Zieler,

⁴⁷ The Izaak Walton League of America: “Conservation Policies 2022,” pg. 54 <https://www.iwla.org/docs/default-source/about-iwla/2022-policy-book-final.pdf>

⁴⁸ Chuck Petrie: “Prairies Under Siege Part 1: Ducks, Habitat & Predators,” *Ducks Unlimited*, November/December 2003 issue. <https://duckscdn.blob.core.windows.net/imagescontainer/landing-pages/conservation/conservation-facts/ducks-and-predators-lowres.pdf>

⁴⁹ Resolution by the Technical Section of the Mississippi Flyway Council, February 21, 2003.

⁵⁰ Kenamer, James Earl, Ph.D. Wild Turkeys and Predators: What’s the real problem facing wild turkeys?” The National Wild Turkey Federation, August 25, 2021. <https://www.nwtf.org/content-hub/wild-turkeys-and-predators>

⁵¹ Transcript from Washington Fish and Wildlife Commission meeting on August 1, 2020.

⁵² Colorado Parks and Wildlife Commission Meeting, April 30, 2020 https://www.youtube.com/watch?v=5Vk7x_gx5PY

⁵³ The Arizona Game and Fish Commission: Notice of Proposed Rulemaking, Title 12. Natural Resources Chapter 4. <https://s3.amazonaws.com/azgfd-portal-wordpress/azgfd.wp/wp-content/uploads/2019/03/25093742/R12-4-303-NPRM.pdf>

hunter and then-chair of the Arizona Game & Fish Commission, said, “There has been a lot of social outcry against this, and you can kind of understand why. It’s difficult to stand up and defend a practice like this.”⁵⁴

- **The Massachusetts Division of Fisheries & Wildlife** also passed its ban in 2019, explaining that it was doing so in “...recognizing that public controversy over this issue has the potential to threaten predator hunting and undermine public support for hunting in general...”⁵⁵ The agency, after it “examined the best available science and consulted with wildlife professionals from other state agencies,” also passed the ban to address “public concerns that these hunting contests are unethical, contribute to the waste of animals, and incentivize indiscriminate killing of wildlife, inconsistent with the North American Model of Wildlife Conservation.”⁵⁶
- In 2017, **Vermont Fish and Wildlife** stated, “Coyote hunting contests are not only ineffective at controlling coyote populations, but these kinds of competitive coyote hunts are raising concerns on the part of the public and could possibly jeopardize the future of hunting and affect access to private lands for all hunters.”⁵⁷ A year later, the Vermont legislature enacted a statewide ban on the practice.
- In 2014, after the **California Fish and Game Commission** passed the first prohibition on wildlife killing contests in the U.S., then-president of the Commission Mike Sutton said, “Awarding prizes for wildlife killing contests is both unethical and inconsistent with our current understanding of natural systems. Such contests are an anachronism and have no place in modern wildlife management.”⁵⁸
- In 2019, then-chair of the **Oregon Fish and Wildlife Commission Mike Finley** testified in support of legislation to prohibit such contests, stating, “Killing large numbers of predators as part of an organized contest or competition is inconsistent with sound, science-based wildlife management and antithetical to the concepts of sportsmanship and fair chase.”⁵⁹

In its policy on wildlife killing contests, **The Wildlife Society**, whose stated mission is “To inspire, empower, and enable wildlife professionals to sustain wildlife populations and habitats through science-based management and conservation,” has recognized “that while species killed in contests can be legally killed in most states, making a contest of it may undermine the public’s view of ethical hunting.”⁶⁰ Its policy goes on to explain the difference between killing contests and deer hunting-related competitions: “Killing contests differ from typical regulated hunting by the very nature of the organized public competition and prizes being given specifically for killing the largest, smallest, or most animals. ‘Big Buck’ pools or organized record books differ from killing contests because the animals recognized in these competitions are harvested consistent with ordinary and generally accepted hunting practices and then introduced to the competition.”⁶¹

⁵⁴ “Coyote-killing contests face growing outrage, state bans,” Washington Post, May 17, 2019,

<https://www.washingtonpost.com/science/2019/05/17/predator-hunting-contests-face-bans-amid-backlash-several-states/>

⁵⁵ Massachusetts Division of Fisheries & Wildlife, “Proposed Regulations to Ban Predator Contests and Prohibit Wanton Waste,” July 25, 2019 <https://www.mass.gov/news/masswildlife-proposes-regulations-to-ban-predator-contests-and-prohibit-wanton-waste>

⁵⁶ *Id.*

⁵⁷ “Eastern Coyote Issues – A Closer Look,” Vermont Fish & Wildlife, January 2017 at

<https://vtfishandwildlife.com/sites/fishandwildlife/files/documents/Hunt/trapping/Eastern-Coyote-Position-Statement.pdf>

⁵⁸ Ted Williams, “Coyote Carnage: The Gruesome Truth about Wildlife Killing Contests,” *Yale Environment* 360, May 22, 2018 <https://e360.yale.edu/features/coyote-carnage-the-gruesome-truth-about-wildlife-killing-contests>

⁵⁹ Testimony by Mike Finley to the Oregon Senate Judiciary Committee, March 18, 2019

<https://olis.leg.state.or.us/liz/2019R1/Downloads/CommitteeMeetingDocument/200547>

⁶⁰ The Wildlife Society: “Issue Statement: Wildlife Killing Contests,” March 7, 2019 at https://wildlife.org/wp-content/uploads/2018/05/TWS_IS_WildlifeKillingContest_ApprovedMarch2019.pdf.

⁶¹ The Wildlife Society: “Issue Statement: Wildlife Killing Contests,” March 7, 2019 at https://wildlife.org/wp-content/uploads/2018/05/TWS_IS_WildlifeKillingContest_ApprovedMarch2019.pdf.

We therefore propose that the Nevada Board of Wildlife Commissioners initiate the rulemaking process to prohibit wildlife killing contests.

It is time for Nevada to join the ten U.S. states that have now put a stop to wildlife killing contests.

1. In 2014 the **California** Game and Fish Commission prohibited the offering of prizes for contests that target furbearer and nongame species by a vote of 4 to 1.
2. In 2018, a bill to ban coyote killing contests passed the **Vermont** legislature and became law.
3. In 2019, a bill to ban coyote killing contests passed the **New Mexico** legislature and became law.
4. In 2019, the **Arizona** Game and Fish Commission voted unanimously to prohibit killing contests for furbearer and predator species.
5. In 2019 the **Massachusetts** Fisheries and Wildlife Board voted 6-1 to prohibit killing contests for furbearer species.
6. In 2020 the **Colorado** Parks and Wildlife Commission voted 8-3 to prohibit killing contests for small game and furbearer species such as coyotes and prairie dogs.
7. In 2020, the **Washington** Fish and Wildlife Commission voted 7-2 to prohibit wildlife killing contests for species including bobcats, foxes, coyotes, crows and raccoons.
8. In 2021, a bill to prohibit killing contests for coyotes, foxes and raccoons passed the **Maryland** legislature and became law.
9. In 2023, the **Oregon** Fish & Wildlife Commission voted 6-0 to end wildlife killing contests for unprotected mammals in the state.
10. In 2023, the **New York** state legislature banned wildlife killing contests for coyotes, foxes, bobcats, squirrels, raccoons, crows, and other species (except deer, bear, turkey and fish). The law goes into effect in November 2024.

As stated above, it is well-established that wildlife killing contests in Nevada do not achieve any science-based wildlife management objective. Instead, they are held for the sole purpose of killing animals for entertainment and the chance at cash and prizes. During a June 13, 2016 meeting of the Nevada Board of Wildlife Commissioners' Administrative Procedures, Regulations, and Policy Committee, the Commission acknowledged this by saying, "...the wildlife management profession does not generally recognize the use of contests as a tool with substantial wildlife management effect," and, instead, wildlife killing contests "...traditionally are used to encourage participation, recruit new participants, and provide a social contest in wildlife recreation."⁶² However, growing public outrage over these contests, recent actions to prohibit them by states across the U.S., and the scientific evidence provided herein all suggest that the state of Nevada can no longer justify the continuation of this activity simply to recruit hunting participation and provide an opportunity for social interaction.

To be clear, this rule would not in any way: (1) reduce opportunities to hunt coyotes or other wildlife species or affect seasons or bag limits; (2) prevent anyone from protecting livestock, property or people using lethal control; (3) prohibit the shooting of coyotes in the name of predator control; (4) ban "big buck" competitions, fishing derbies, chukar contests, or field dog trials; or (5) prevent anyone from donating to any charitable organization directly, patronizing a local bar or restaurant to support the establishment economically, or gathering with a few friends to shoot coyotes as part of a "tradition."

- **The Commission has the statutory authority to prohibit wildlife killing contests.**

The Commission has multiple, independent sources of statutory authority to prohibit wildlife killing contests for fur-bearing and unprotected mammals: its general power to adopt regulations necessary to the preservation, protection, and management of wildlife in the state, and its specific power to adopt regulations governing the manner of taking wildlife. Either would suffice, standing alone, to support a killing contest regulation. Taken together, they present a clear and compelling source of authority for

⁶² Draft meeting minutes of the Nevada Board of Wildlife Commissioners Administrative Procedures, Regulations, and Policy Committee on June 13, 2016.

the Commission to act without further legislation, as other state commissions in analogous contexts have successfully done.

A state agency's powers are generally limited to the powers set forth by statute, or those implied powers necessary to carrying out the agency's duties pursuant to statute. *Stockmeier v. State Bd of Parole Com'rs*, 255 P.3d 209, 213 (Nev. 2011). See also *Clark Cty v. State Equal Rights Com'n*, 813 P.2d 1006, 1007 (Nev. 1991) ("Administrative agencies have only those powers which the legislature expressly or implicitly delegates."). State statute vests the board with multiple, independent sources of authority to prohibit wildlife killing contests via regulation.

A. The Commission's Broad Authority to Adopt Regulations Governing the Protection and Management of Wildlife

First, the Nevada Legislature has given the Commission a broad grant of authority to regulate wildlife⁶³ in the state. State statute directs the Commission to "establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat," NRS 501.105; see also NRS 501.181(4)(a) (the Commission shall "[e]stablish regulations necessary to carry out the provisions of this title"). In turn, state law empowers the Board to establish "broad policies" for "the protection . . . and management of wildlife in the state," NRS 501.181(1)(a), including "[t]he management of . . . fur-bearing mammals . . . and unprotected mammals, birds, fish, reptiles, and amphibians" and "the management and control of predatory wildlife." NRS 501.181 (3)(a)-(b). In sum, these provisions vest the Board with wide latitude to establish regulations it deems necessary to carry out wildlife management and protection policy, including for fur-bearing and unprotected mammals. Indeed, in construing these provisions the Nevada Attorney General noted "the *expansive* powers and responsibilities delegated to the commission by statute. . ." 1985 Nev. Op. Att'y Gen. 58, at 4 (1985) (emphasis added).

A regulation prohibiting wildlife killing contests would constitute a valid exercise of this broad regulatory authority. As described above, the best available science shows that the indiscriminate killing that occurs in the course of killing contests is counterproductive as a means of wildlife population management⁶⁴, undermines the integral role that predatory animals play in healthy ecosystems⁶⁵, fails to increase game species populations, and may even increase conflicts with livestock.⁶⁶ This provides a sound scientific basis for the Board to conclude that killing contests should be prohibited as a matter of wildlife management and protection policy, and to implement that policy through regulation pursuant to its authority under NRS 501.105 and NRS 501.181(4).

B. The Commission's Specific Authority to Adopt Regulations Governing the Manner of Taking Wildlife

Second, state statute separately directs the Commission to establish regulations governing hunting, including seasons, bag limits, and "the manner and means of taking wildlife . . ." NRS 501.181(4)(a). While this authority is often invoked by the Commission to regulate the types of firearms and other devices that may be used to kill animals while hunting (i.e. the "means" of taking), it also extends to regulation of other elements related to take of wildlife. For example, the Board has used this authority

⁶³ "Wildlife" means "any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not." NRS 501.097.

⁶⁴ F. F. Knowlton, E. M. Gese, and M. M. Jaeger, "Coyote Depredation Control: An Interface between Biology and Management," *Journal of Range Management* 52, no. 5 (1999); Robert Crabtree and Jennifer Sheldon, "Coyotes and Canid Coexistence in Yellowstone," in *Carnivores in Ecosystems: The Yellowstone Experience*, ed. T. Clark et al. (New Haven [Conn.]: Yale University Press, 1999); J. M. Goodrich and S. W. Buskirk, "Control of Abundant Native Vertebrates for Conservation of Endangered Species," *Conservation Biology* 9, no. 6 (1995).

⁶⁵ Fox, C.H. and C.M. Papouchis. 2005. Coyotes in Our Midst: Coexisting with an Adaptable and Resilient Carnivore. Animal Protection Institute, Sacramento, California.

⁶⁶ F. F. Knowlton, E. M. Gese, and M. M. Jaeger, "Coyote Depredation Control: An Interface between Biology and Management," *Journal of Range Management* 52, no. 5 (1999); B. R. Mitchell, M. M. Jaeger, and R. H. Barrett, "Coyote Depredation Management: Current Methods and Research Needs," *Wildlife Society Bulletin* 32, no. 4 (2004).

to: require hunters to make a reasonable effort to track wounded animals while hunting, prohibit the use of bait to attract animals in order to hunt them, and prohibit the use of trail cameras and drones during hunting seasons .NAC 503.191, 503.149, 503.148, 503.1485. This is consistent with case law holding that the “plain meaning of the ‘manner of taking’ encompasses more than just the method used for killing wildlife.” *Armstrong v. State*, 958 P.2d 1010, 1012-13, 1016 (Wash. App. 1998) (concluding that Washington regulation requiring hunters to wear fluorescent orange clothing while hunting was valid exercise of agency authority to regulate “manner of taking”).

Prohibiting killing contests would be a valid exercise of the Commission’s authority to regulate the “manner... of taking” fur-bearing and unprotected mammals. Taking furbearers in the course of a killing contest constitutes a “manner” of take that is, like hunting with the aid of trail cameras or unmanned aerial vehicles, distinct from other forms of hunting in terms of ecological impact and sportsmanship. And the goal of participants in a killing contest – taking as many animals as possible in a specified time frame to earn prizes – directly and concretely affects where and how many animals are taken. It would therefore be well-within the Commission’s authority to prohibit killing contests pursuant to its authority to regulate the manner of taking fur-bearing and unprotected species.

C. Regulations Prohibiting Killing Contests in Other States Support the Commission’s Authority

Further support for the Commission’s authority can be found by looking to other states that have banned wildlife killing contests through agency regulation. State wildlife commissions in California (2014), Arizona (2019), Colorado (2020), Washington (2020), and Oregon (2023) have prohibited killing contests for predatory and/or fur-bearing species in this way. Each of these regulations remain in effect today and have not faced legal challenges. Notably, the wildlife commissions in most of these states adopted their regulatory prohibitions using statutory authority that is substantially very similar to the Commission’s:

- In 2019, the **Arizona Game and Fish Commission** adopted a regulation making it unlawful to “[p]articipate in, organize, promote, sponsor, or solicit participation in a contest where a participant uses or intends to use any device or implement to capture or kill predatory animals or fur-bearing animals.” 12 Ariz. Admin Code. 4-303(4)(i).⁶⁷ The Commission did so pursuant to its statutory authorities to “[e]stablish broad policies and long-range programs for the management, preservation and harvest of wildlife” and “[e]stablish hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife.” Ariz. Rev. Stat. § 17-231(A)(1), (3).
- In 2020, the **Colorado Parks and Wildlife Commission** amended its “Manner of Take” regulation to add a prohibition on small game and furbearer killing contests. 2 Code Colo. Regs. 406-3 #303(A)(1).⁶⁸ In doing so, the Commission cited⁶⁹ both its specific authority to “by appropriate rules and regulations...[d]etermine under what circumstances, when, in which localities, by what means, what sex of, and in what amounts and numbers the wildlife of this state may be taken” and its general authority to adopt rules deemed necessary to implement state wildlife policy. Colo. Rev. Stat. §§ 33-1-106(1)(a), 33-9-102(2), 33-1-101(1).
- In 2020, the **Washington Fish and Wildlife Commission** adopted regulations prohibiting killing contests involving species without a bag limit (such as coyotes). WAC 220-412-110(5), 220-413-060(3).⁷⁰ The Commission “determined that hunting contests that encourage and reward killing

⁶⁷ Available at https://apps.azsos.gov/public_services/Title_12/12-04.pdf.

⁶⁸ Available at <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=7043>.

⁶⁹ See Colorado Parks and Wildlife, Summary re: final regulatory changes, <https://cpw.state.co.us/Documents/Commission/2020/April/Item.7-W-3-Final.pdf>, at 5 (Apr. 17, 2020).

⁷⁰ Available at <https://app.leg.wa.gov/WAC/default.aspx?cite=220-412-110> and <https://app.leg.wa.gov/WAC/default.aspx?cite=220-413-060>.

large numbers of native wildlife are not consistent with sound wildlife management principles”⁷¹ and cited its statutory authorities to “establish[] policies to preserve, protect, and perpetuate wildlife,” “prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife,” and adopt rules “specifying the times, places, and manner” where hunting equipment may be used. RCW 77.04.055, 77.12.047.

- In September 2023, the **Oregon Fish and Wildlife Commission** adopted a rule prohibiting killing contests for unprotected species. OAR 635-050-0300. The Commission did so pursuant to its specific authority to restrict the “manner” of taking wildlife, as well as its broad regulatory authority to regulate take in furtherance of state wildlife policy.⁷² ORS 496.162(1)-(2).

Each of these four states invoked similar authority to those delegated to the Commission under Nevada statute and discussed above: the general power to adopt regulations necessary to enact wildlife management policy, and the specific power to regulate the manner and/or method of taking wildlife. NRS 501.105, 501.181(4), 501.181(4)(a). The successful adoption and enforcement of regulatory prohibitions in Arizona, Colorado, Washington, and Oregon therefore strongly supports the Commission’s authority to enact a similar prohibition in Nevada.

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

We propose the following amendment to add a new section to Chapter 503 of the Nevada Administrative Code (HUNTING, FISHING AND TRAPPING; MISCELLANEOUS PROTECTIVE MEASURES):

NAC 503.196. Wildlife Killing Contests.

1. Notwithstanding any other provision of law, a person may not conduct or participate in a contest, competition, tournament, or derby that has the objective of taking unprotected mammals as defined in NAC 503.035, or fur-bearing mammals as defined in NAC 503.025, for prizes or other inducement.
2. The remains of any unprotected mammal or fur-bearing mammal killed during the course of a contest or competition conducted in violation of this regulation shall be forfeited, and the remains of such wildlife shall become the property of the department.
3. This section does not affect competitive field trials for hunting dogs as authorized under NRS 503.200, or the taking of fur-bearing mammals causing damage to property as authorized by NRS 503.470.

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:

This petition does not seek to regulate or limit the practices of Nevada businesses, but rather to prohibit the conducting of or participating in contests that offer cash and prizes for the killing of wildlife.

However, a prohibition on wildlife killing contests may prove beneficial to Nevada businesses that serve wildlife watching, ecotourism, and other non-consumptive users of the state’s wildlife and wild places, as

⁷¹ Washington Department of Fish and Wildlife, Notice of Proposed Rule Making #20-13-088, at 8 (June 16, 2020) (available at https://wdfw.wa.gov/sites/default/files/2020-09/5_huntingcontests.pdf).

⁷² See Oregon Department of Fish and Wildlife, Agenda Item Summary (Sept. 15, 2023) (“[T]he Commission likely has the authority to adopt rules prohibiting the take of unprotected mammals through contests in Oregon as a manner of take and as a restriction that will carry out the provisions of wildlife law. This includes furtherance of the wildlife policy in ORS 496.012, and implementing the goal in ORS 496.012(7) of making decisions that affect wildlife resources for the benefit of the wildlife resources and to make decisions that allow for the best social, economic, and recreational utilization of wildlife resources by all user groups.”) available at https://www.dfw.state.or.us/agency/commission/minutes/23/09_Sep/E/Exhibit%20E%20Attachment%201%20Agenda%20Item%20Summary.pdf

well as hotels, restaurants, and travel and transportation providers. Non-consumptive wildlife recreation contributes significantly to Nevada's economy. The National Park Service reports:

In 2022, 4.4 million park visitors spent an estimated \$224 million in local gateway regions while visiting National Park Service lands in Nevada. These expenditures supported a total of 2,360 jobs, \$102 million in labor income, \$176 million in value added, and \$283 million in economic output in the Nevada economy.⁷³

And according to the U.S. Bureau of Economic Analysis, more than \$6 billion was spent on all outdoor recreation activities in Nevada in 2022 (the most recent data available). Only 0.5% of that amount was spent on hunting and trapping.⁷⁴

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

The immediate effect of a prohibition on wildlife killing contests will be positive media coverage of the state's wildlife commission for reaffirming their commitment to science and ethics in guiding their wildlife management policy. Non-consumptive users may be more likely to support the agency financially and otherwise if they believe the commission is listening to the concerns and interests of non-consumptive users in addition to hunting, trapping and ranching interests.

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:

Beneficial effects include increased revenue from tourism and wildlife watching by visitors who may have been unwilling to patronize the state because of its wildlife killing contests. Tourists who visited other western states that have banned killing contests, including California, Arizona, New Mexico, Colorado, Oregon and Washington, may now be more willing to spend their dollars in Nevada as well.

As stated above, the science is clear that wildlife killing contests provide no demonstrable benefits to livestock farmers or to hunters, and, in fact, can be more costly to farmers because the indiscriminate killing of coyotes can increase conflicts with livestock. The establishments that host these activities may experience a slight loss of profits, but we expect the impact to be minimal as most establishments only host these events once per year.

It's important to note that only a small minority of Nevada residents engage in hunting (only 3.4% of Nevadans were paid hunting license holders in 2023),⁷⁵ and the portion of those hunters who participate in wildlife killing contests is minuscule.

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

Immediate and long-term effects will include an improvement of Nevada's image as pro-science, pro-conservation, and wildlife- and ecotourist-friendly.

⁷³ National Park Service: "Economic Contributions to the Nevada Economy." <https://www.nps.gov/subjects/socialscience/vse.htm>

⁷⁴ U.S. Bureau of Economic Analysis: Outdoor Recreation Satellite Account, U.S. and States, 2022. <https://www.bea.gov/data/special-topics/outdoor-recreation>

⁷⁵ The U.S. Fish and Wildlife Service: Hunting Licenses, Holders, and Costs by Apportionment Year. <https://us-east-1.quicksight.aws.amazon.com/sn/accounts/329180516311/dashboards/48b2aa9c-43a9-4ea6-887e-5465bd70140b>

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

There is no projected cost for enforcement of the proposed regulation, and no projected decrease in the sale of hunting licenses because coyotes can be hunted without a hunting license in Nevada. Wildlife killing contests do not bring any revenue to NDOW.

The top prizes in most wildlife killing contests are the distribution of the cash pot accumulated from the contest registration fees, along with hunting equipment donated by manufacturers who are also sponsors of the contests. The proposed regulatory language would prohibit organizers from offering cash or other prizes for contests, and would prohibit participants from competing in a contest. This would eliminate the charging of registration fees that would become the cash pot for prizes, as well as the donation of prizes such as hunting equipment by potential sponsors. In turn, without the chance to win cash and prizes, few are likely to attend or participate in such contests, and, without participants, organizers no longer have a contest. These factors work together to serve as a *preemptive enforcement mechanism* that does not rely heavily on law enforcement resources.

Additionally, in order to accumulate a cash pot and items to award as prizes, a killing contest organizer must charge a registration fee, solicit corporate or business sponsorships, and advertise the event well in advance. Any combination of these activities would likely put the event on the radar of law enforcement, or of individuals who might report the planned event to law enforcement—which would then alert the organizers that they cannot hold the event because it is prohibited by regulation.

Therefore, most of the enforcement of this proposed ban would be in advance of any planned contest, rather than the policing of those who are lawfully hunting in Nevada.

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

If “Yes,” list the agency and explain why the duplication or overlapping is necessary:

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

If “Yes,” list the name of the regulating federal agency?

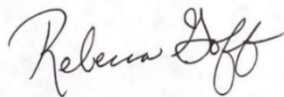
8. Is the requested change required by federal law? No Yes

If “Yes,” please cite or describe the federal law as best you can:

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

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

Petitioner’s Signature _____



Date: February 12, 2024

PETITION PROCESS FLOWCHART

(Refer to [NAC 501.195](#) for detailed process)

Note: The petition process is used to request a change to existing regulation or create a new regulation. Current regulations remain in effect until any proposed changes are fully adopted. A petition for changes to adopt, file, amend or repeal a permanent regulation does not affect the present, only the future. The process takes at least 4 months.

Petitioner will fill out the petition form explaining the reason and legal authority. They will also include the proposed language change to a pertinent NAC. Legal authority must be based on NRS.

Commission will refer the petition to the Department to obtain a recommendation.

The Department and Office of the Attorney General will review the petition to verify legal authority. Not later than 20 days after receiving the petition, the Department will forward their recommendation to the Commission whether to deny the petition or initiate rulemaking based on legal authority.

The Executive Assistant to the Secretary of the Commission will work with the petitioner to schedule the petition to be heard at a Nevada Board of Wildlife Commissioners meeting. The petitioner must appear at the meeting to support their petition, and answer any questions.

The Commission will hold the meeting: At the meeting, the petitioner will present their petition and answer questions. Department staff will be prepared to address any questions the Commission may have. The Commission will decide to accept or deny petition.

Within 30 days after a petition is presented to the Commission, the Secretary of the Commission will notify the petitioner in writing of the Commission's decision to deny the petition or initiate rulemaking. If accepted by Commission, the Department initiates the rule-making procedures set forth in Chapter 233B of NRS.