



December 21, 2016

Kimberlee Foster  
Field Manager, Rock Springs Office  
280 Highway 191 North  
Rock Springs, WY 82901

CC: Mary Jo Rugwell, Larry Claypool, Tim Wakefield, Buddy Green & Noelle Glines-Bovio

Re: Rock Springs Coyote Hunting Contests

Dear Ms. Foster:

We, the undersigned organizations, are writing regarding several upcoming coyote-hunting contests to be held in the Rock Springs area. First up, the “Wyoming Coyote Classic,” is scheduled to take place on January 7, 2017, in and around Rock Springs. This event is the third in a three-contest series operating under the same name. The other upcoming Rock Springs event is on February 4, a local installment of the “Wyoming Best of the Best” Coyote Hunting Tournament. This contest is one of eight in the “Wyoming Best of the Best” series, which spans from November to February in various locations across the state.

The relevant details of the “Wyoming Coyote Classic” are:

Proposed Activity: “Wyoming Coyote Classic” Coyote Hunting Contest  
Registration/HQ for Event: Firehole Archery, 108 Community Park Drive, Rock Springs  
Promoters/Sponsors: Brad Heath (307) 371-6201 and Eric Adams (307) 705-5662  
Entry Fee: \$100 for two man teams, \$150 for three man teams, \$20 Big dog/Little dog side bet, Calcutta held after check-in  
Date of Event: January 7, 2017

The relevant details of the “Best of the Best” contest are:

Proposed Activity: “Wyoming Best of the Best” Coyote Hunting Tournament  
Registration/HQ for Event: Buddha Bob’s Bar at the Sands, 1549 9<sup>th</sup> Street, Rock Springs  
Promoters/Sponsors: Wyoming Best of the Best  
Promoter Contacts: Mark Gillespie work (307) 352-4228 / cell (307) 389-2591  
Ron Cheese (307) 922-1853; Ray Pecolar (307) 705-5393  
Entry Fee: \$50 per person, \$20 Big dog/Little dog per team, Calcutta held immediately after registration  
Date of Event: February 4, 2017

wyominguntrapped.org  
P. O. Box 9004  
Jackson, Wyoming 83002

We are concerned about the lack of federal oversight of these events and believe that contestants will be using, in part, federal public lands managed by the Bureau of Land Management while participating in the above-referenced contests. Given the checkerboard pattern of BLM and private lands in the area, it is inevitable that part of these contests will occur on BLM land. Indeed, the contest sponsors have not restricted the event to private land, the contests will be in close proximity to BLM lands, and we believe BLM lands have been used for these contests in the past. Moreover, contest rules for the Best of the Best state that teams must follow BLM and Forest Service rules, indicating the anticipated use of federal lands. (See Exhibits A and B.)

### **Special Recreation Permits**

Despite the anticipated use of BLM-managed lands, the sponsors have not applied for, and the BLM has not granted, a Special Recreation Permit (“SRP”), as would be required for these types of events taking place on federal lands.

BLM regulations require that a person or sponsor apply for a SRP for “commercial use” or “competitive use” on BLM lands. 43 C.F.R. § 2932.11(a)(1) & (2). The above-referenced contests fall into both categories.

First, both the Wyoming Coyote Classic and the Best of the Best meet the definition of “commercial use” because participants have to pay to enter the event. There is betting and a Calcutta as part of each contest. We also believe that the sponsors are using paid advertising to seek participants. BLM defines “commercial use” as “recreational use of the public lands and related waters for business or financial gain.” 43 C.F.R. § 2932.5. The regulations make clear that “commercial use” includes trying to make a profit as compensation from participants in recreational activities occurring on public lands, collecting fees related to the organized activity, and the use of paid public advertising to seek participants. Id. Moreover, a recent Instruction Memorandum by BLM states that charging an entry fee, making profits from participants, and the awarding of cash prizes are “commercial use” requiring a SRP. See BLM’s Instruction Memorandum No. 2014-119 (July 29, 2014) (hereinafter “IM 2014-119”). Under these regulations, both contests clearly constitute commercial use and thus require an SRP to lawfully take place.

Second, the contests also constitute “competitive use” of BLM lands. BLM regulations define “competitive use” as “any organized, sanctioned, or structured use, event, or activity on public land in which 2 or more contestants compete and either or both of the following elements apply: (i) Participants register, enter, or complete an application for the event; or (ii) A predetermined course or area is designated.” 43 C.F.R. 2932.5. Both elements are present in the Rock Springs contests: (1) Participants are required to register and pay an entrance fee, and (2) The event organizers anticipate participants will use BLM land to compete. Thus, both contests constitute competitive use, for which an SRP is required.

The purpose of requiring SRPs is “to manage visitor use, protect natural and cultural resources, achieve the goals and objectives of the field office recreation program as outlined

in a land use plan, minimize recreational use conflicts and to provide for the health and safety of visitors.” IM 2014-119, at 2. Additionally, “[t]he SRPs are issued as a mechanism to provide a fair return to the government for the permitted recreational use of public lands.” Id.

In this instance, there is a great risk of harm to natural resources, where contestants are freely using public lands to shoot as many coyotes as possible. Moreover, there is a real risk of recreational use conflicts, which could result in safety concerns for visitors not aware of or not participating in the contest. Cross-country skiers, snowshoers, wildlife watchers, photographers, and others not taking part in the contest may be offended by watching participants indiscriminately kill coyotes. Moreover, where participants are competing to kill as many coyotes as possible in a short time frame, there is an increased risk that participants will act carelessly, possibly injuring other recreational users or even killing pet dogs on public lands. Thus, we believe that the purposes of the SRP regulations are at play here, and BLM should require the applicants to seek an SRP before using public lands for this event.

### **BLM Erroneously Determined No SRP Is Required**

In a conversation with BLM Wildland Firefighter Gavin Lovell from the Rock Springs Field Office on December 5, 2016, the signatories to this letter were informed that no SRP would be necessary for either of the upcoming Rock Springs contests. Mr. Lovell indicated this was because contests that do not originate or end on BLM property do not require a SRP. Unfortunately, Mr. Lovell’s understanding of the law is incomplete.

While BLM does have the ability to waive the SRP requirement if the use or event begins and ends on non-public lands, this factor by itself is not a sufficient basis for waiver under the law. The SRP requirement may be waived only if participants use less than one mile of public lands, and only if the event poses no threat of appreciable damage to public land or water resource values. See 43 C.F.R. § 2932.12(a). The participants in these contests, however, are not limited to the use of one mile of public land, and the contests will harm wildlife, a public land value.<sup>2</sup> Thus, BLM’s waiver requirements do not apply to these contests.<sup>3</sup> Without an SRP, neither contest may lawfully operate on public lands.

Indeed, BLM has required SRPs for other similar wildlife-killing contests where participants were seeking to use public lands. In Idaho, sponsors of a predator killing contest were made to apply for an SRP to use BLM-managed lands for the event. The SRP was granted but later

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<sup>2</sup> See Gary W. Roemer, Matthew E. Gompper, & Blaire Van Valkenburgh, The Ecological Role of the Mammalian Mesocarnivore, 59 BIOSCIENCE 165-173 (2009); Brian R. Mitchell, Michael M. Jaeger, & Reginald H. Barrett, Coyote Depredation Management: Current Methods and Research Needs, 32 WILDLIFE SOC’Y BULLETIN 1209-1218 (2004); Frederick F. Knowlton, Eric M. Gese, & Michael M. Jaeger, Coyote Depredation Control: An Interface Between Biology and Management, 52 J. RANGE MGMT. 398-412 (1999); Scott E. Henke & Fred C. Bryant, Effects of Coyote Removal on the Faunal Community in Western Texas, 63 J. WILDLIFE MGMT. 1066-1081 (1999); Kevin R. Crooks & Michael E. Soulé, Mesopredator Release and Avifaunal Extinctions in a Fragmented System, 400 NATURE 563-566 (1999).

<sup>3</sup> There are other instances in which the BLM may waive permit requirements that are not applicable to the contests, and BLM has not asserted that these exceptions apply. See 43 C.F.R. § 2932.12(b) & (c).

rescinded, and BLM informed the participants that, due to its decision to rescind the SRP, participants could not use BLM lands for the contest. (See Exhibit C.)

Similarly, the BLM told sponsors of a predator hunt in New Mexico that participants would not be permitted to use BLM lands unless the sponsors obtained a SRP. Given the short timeframe between BLM learning of the event and the scheduled event, BLM told the sponsors it would not be able to process an application for a SRP for the event. Moreover, the BLM noted that use of BLM lands without the required SRP could result in penalties pursuant to 43 C.F.R. § 2932.57. (See Exhibit D.)

And in California, BLM concluded that sponsors of a coyote hunt in Modoc County would be required to obtain a SRP if contestants planned to use BLM lands for the contest. The BLM field office reminded the organizers that hunting could not take place on public lands because no SRP was obtained. BLM personnel noted that although individuals are generally allowed to hunt on public lands, they could not do so “as part of an organized event unless permitted through a special recreation permit.” (See Exhibit E.)

The upcoming Rock Springs contests are nearly identical to the contests in these three examples. Because use of BLM lands for these contests would constitute “commercial” and “competitive” use of public lands without a SRP, we believe that BLM’s conclusion that no SRP is required violates BLM’s own regulations.

### **Liability Insurance**

Further, as per 43 C.F.R. § 2932.43, “All commercial and competitive applicants for Special Recreation Permits ... must obtain a property damage, personal injury, and public liability insurance policy that BLM judges sufficient to protect the public and the United States.” BLM’s Recreation Permit and Fee Administration Handbook (hereinafter “BLM Handbook”) further explains: “An insurance policy covering property damage—including third-party damage (damage to property other than that owned by the permittee or the United States)—personal injury, or loss of life that arises in any way from activities connected with the authorized use and occupancy is required of all commercial and competitive use permittees.” H-2930-1 Recreation Permit and Fee Administration Handbook 1-49 (hereinafter “BLM Handbook”) (Nov. 17, 2014) (emphasis in original). BLM may waive liability insurance only in limited circumstances (“e.g., as with self-insured federal and state government agencies”). Id.

A coyote-hunting contest that is open to any person with a gun, regardless of age or skill level, surely falls within the category uses that requires liability insurance under 43 C.F.R. § 2932.43. Both Wyoming Coyote Classic and the Best of the Best have no age restrictions, and contestants may enter without prior firearm experience. BLM must not underestimate the risk inherent in these events; serious hunting injuries are especially common among younger and inexperienced participants. See Charles H. Tator, CATASTROPHIC INJURIES IN SPORTS AND RECREATION: CAUSES AND PREVENTION 638 (2008). Given the use of lethal ammunition, including by children, these coyote-hunting contests on BLM land carry a moderate to high risk, as defined in the BLM Handbook at 1-50 to 1-51, and must therefore be insured.

Allowing these contests to operate without the requisite liability insurance would be a dereliction of BLM's duty under federal law.

## Conclusion

We therefore ask that BLM contact the promoters of the Wyoming Coyote Classic and the Best of the Best, and inform them of the need to apply for an SRP and liability insurance. If the promoter of either contest applies for a permit, we would appreciate receiving a copy of the application. These contests and their impact on public resources will be significant and should be reviewed fully by the agency and the public prior to granting a permit. If the promoters do not obtain an SRP or liability insurance, BLM should inform the sponsors that participants may not use BLM-managed lands, and BLM should provide increased personnel to enforce this directive.

If you have any questions, please contact Kristin Combs by telephone at (307) 201-2422 or by email at [kristin.combs@wyominguntrapped.org](mailto:kristin.combs@wyominguntrapped.org). We are happy to discuss this matter further with your office.

Sincerely,



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## EXHIBITS

### A. Contest Rules From Last January's Wyoming Coyote Classic



**WYOMING COYOTE CLASSIC**



**PRESENTS**

**1 Day Hunt January hunt**

- Registration is Friday night, January 8th @ Firehole Archery at 7:00pm.
- Hunt is Saturday, January 9th. Check in is at 7pm on Saturday.
- \$100 for two man team \$150 for a three man team
- \$20 Big dog/little dog side bet
- Calcutta after check-in, no buyouts
- We are serving dinner (something simple) for the Saturday night.
- Contest pays 5 places plus money for the "biggest loser" (team with the smallest single coyote)
- Questions call Brad 307-371-6201 or Eric 307-705-5662

### B. Wyoming Best of the Best Contest Rules



QUALIFYING HUNTS ▾ STATE CHAMPIONSHIP POINTS STANDINGS PAST WINNERS ▾ **RULES** GUN RAFFLES DONATE HOME

**Wyoming Best of the Best Rules 2016-2017**

- 1: No hunting from any aircraft, snow machine, motor cycle or any tracked vehicle. The use of any ATV to include side by sides are allowed in WBOTB tournaments for the purpose of travelling between stands. A four wheeler for use with two man teams and a side by side for three man teams must follow all Game & Fish and Federal BLM/USFS rules.
- 2: No baiting or hunting coyotes over "known" dead piles. It is against WBOTB rules to call or take coyotes over dead carcasses that have been placed at a site either by the hunter or by another person that contributes to attracting coyotes for the purpose of increasing their harvest during a WBOTB contest.
- 3: No hunting with dogs (leave them at home during the day of the hunt). If you have a dog with you in your vehicle at any time, you will be disqualified.
- 4: No trapped, snared, poisoned, road killed or penned coyotes.
- 5: Only coyotes shot by your team will count. No combined tallies.
- 6: Teams must stay within the same vehicle at all times, including ATVs.
- 7: At least one member of your team must be present at Friday night registration with all paperwork signed for other team member(s) if they are not present including release for accidents, injury, or death while participating in a WBOTB hunt.
- 8: Remote registration is allowed at all qualifiers. Remote registration can only be completed by contacting the specific hunt coordinator at least one week



## C. Record of Decision and Environmental Assessment from BLM Idaho Falls, ID Office



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Idaho Falls District Office  
1405 Hollipark Drive  
Idaho Falls, Idaho 83401  
(208) 524-7500



UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT  
Idaho Falls District  
RESCISION OF DECISION RECORD AND ENVIRONMENTAL ASSESSMENT FOR  
PREDATOR HUNT DERBY SPECIAL RECREATION PERMIT  
DOI-BLM-1000-2014-0002-EA

On November 13, 2014, I signed a Decision Record authorizing the issuance of a Special Recreation Permit ("SRP") to Idaho for Wildlife ("IFW") to conduct a predator hunt derby ("Derby") on probationary status January 2-4, 2015, including approval, if IFW met all requirements in 2015, for subsequent derbies over the succeeding four years.

BLM has a statutory obligation to regulate the use and occupancy of the public lands (43 U.S.C. §1732(b)). BLM's regulations and policy require that all organized commercial and competitive events and contests to be held on public lands managed by the BLM be evaluated to determine whether a Special Recreation Permit ("SRP") is required, and if so, what terms and conditions should be included in the SRP. See 43 C.F.R. Subpart 2932; IM 2014-119 (June 29, 2014). SRPs are issued after compliance with all applicable laws and their implementing regulations, including National Environmental Policy Act (NEPA) (42 U.S.C. §§4321-4345).

BLM Salmon Field Office received an application submitted by IFW on June 27, 2014. The BLM worked diligently to understand and process the IFW SRP application first proposed on June 27 and amended on August 7 and September 18. BLM worked with IFW to resolve ambiguities identified in the permit application and its proposed operating plan to develop the Environmental Assessment. BLM completed an Environmental Assessment ("EA") on October 9, 2014, and a Finding of No Significant Impact ("FONSI") and circulated them for a 15-day public comment period with an additional seven-day extension. After completion of the public comment period and consideration of the comments received, on November 13, 2014, I signed a decision record ("Decision Record") authorizing issuance of a SRP to IFW.

On November 20, 2014, IFW contacted the BLM's Salmon Field Office notifying BLM of additional modifications to Derby rules and participation criteria. These changes include, eliminating the participation fee for contestants and how certain prizes are awarded to various Derby categories. These material and substantive informal modifications to the IFW proposal are examples of the sorts of factual uncertainties that prevent BLM from being able to determine whether to issue an SRP, and if so, what terms and conditions would be appropriate for an event scheduled to begin in less than 50 days. At this time, despite the foregoing good faith efforts by all involved, the details of the Derby operation are too unfocused to justify issuance of a SRP in this case. As IFW plans have more fully developed over time, our analyses did not fully appreciate and capture important aspects of how IFW envisions or ultimately intends the Derby to actually take place. Ambiguity about details of the Derby

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operation make it difficult to conclusively determine whether an SRP is appropriate under our regulations, and if so, what terms and conditions would allow BLM to effectively manage and protect public lands and resources. No SRP has been issued for the Derby.

As allowed by 43 C.F.R. §2932.25, I am notifying IFW within 30 days of their November 20, 2014, modification that I am rescinding my November 13, 2014, decision due to the informal and substantive modifications of its proposal.

In light of the modifications proposed by IFW, I hereby rescind my original decision and withdraw the EA number DOI-BLM-1000-2014-0002-EA, FONSI, and Decision Record. No actions may be taken under the EA, FONSI, and Decision Record, and they have no further force or effect. BLM requests that IFW advise Derby participants not to utilize BLM-managed land for any competitive or organizational activities and that the Derby not offer competitive credit for wildlife taken on BLM-managed lands.

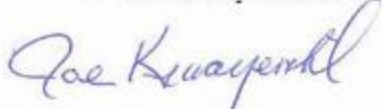
#### AUTHORITY

43 CFR § 2932.26

#### APPEALS INFORMATION—

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals in accordance with 43 CFR Part 4. If an appeal is taken, your notice of appeal must be filed in the Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401, within 30 days of receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. If you wish to file a petition for stay pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. Copies of the notice of appeal and petition for stay (if any) must also be served on each party named in this decision and to the Interior Board of Land Appeal and the Office of the Field Solicitor at 960 Broadway Avenue, Ste. 400, Boise, Idaho, 83706 at the same time the original document are filed with the Idaho Falls District Office. If a petition for stay is filed, it shall show sufficient justification based on the following standards:

- A. The relative harm to the parties if the stay is granted or denied,
- B. The likelihood of the appellant's success on the merits,
- C. The likelihood of immediate and irreparable harm if the stay is not granted, and
- D. Whether the public interest favors granting the stay



Joe Kraayenbrink  
Idaho Falls District Manager  
Date: November 25, 2014

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**UNITED STATES DEPARTMENT OF THE INTERIOR**  
**BUREAU OF LAND MANAGEMENT**  
**Idaho Falls District**  
**Decision Record**  
**For the**  
**Predator Hunt Derby Environmental Assessment**  
**DOI-BLM-ID-1000-2014-0002-EA**

**Background**

During the first week of December 2013, the Bureau of Land Management (BLM), Salmon Field Office received an application from Idaho for Wildlife to hold a predator hunt derby on private, state, U.S. Forest Service and BLM-managed lands within the Salmon area. This event was scheduled to take place the last week of December 2013. Given the short time frame between the request and the event, the BLM was unable to process a special recreation permit, and therefore the BLM denied the application. At that time, the BLM recommended that Idaho for Wildlife submit an application 180 days in advance (43 CFR 2932.22 (a)) for any events they would like considered in subsequent years. Consequently, the 2013 derby was held on private, state and U.S. Forest Service managed lands. Participants were advised that animals harvested from BLM-managed lands would not be eligible for prizes.

In June 2014, Idaho for Wildlife submitted a special recreation permit application for a five-year permit to hold an annual predator derby, with the first event to be held January 2-4, 2015. The BLM's purpose is to respond to an application submitted by Idaho for Wildlife to host a competitive event on public lands administered by the Idaho Falls District Office. The BLM needs to consider the Special Recreation Permit application from Idaho for Wildlife as the agency is responsible, under the Federal Land Management and Policy Act (FLPMA), to manage public lands for multiple uses in a manner which recognizes the nation's need for recreation opportunities on public land.

The public was notified of the proposed action on July 31, 2014, by a scoping letter. In addition, as is required by regulation, a Notice of Proposed Action in Wilderness Study Area (WSA) was mailed on August 1, 2014, to inform the interested public of the proposed action. On August 4, 2014, the BLM initiated a 15-day public scoping period. Approximately 56,500 comments were received during the scoping period. Roughly 56,490 commenters opposed the event; the majority of these letters were copies of nine different form letters that expressed general disapproval regarding the concept of a hunting derby in addition to the proposed hunting derby itself.

Approximately 500 unique/personalized comments were received as a result of scoping. The scoping comments, coupled with internal reviews by the BLM, led to the development of the two alternatives that were analyzed in detail in an environmental assessment (EA). EA DOI-BLM-ID-1000-2014-0002-EA was prepared to analyze the potential environmental impacts that could result from authorizing the application received by Idaho for Wildlife to host a predator hunt derby on BLM managed public lands as described in the proposed action. The EA assists the

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BLM in project planning, ensures compliance with the National Environmental Policy Act (NEPA), and provides the analysis for making a determination of significance based on the consideration of context and intensity of the impacts.

Following the scoping period, and development of the EA, it was circulated for a 15-day public comment period beginning October 2, 2014. Due to interest from the public, the comment period was extended through October 23, 2014. Approximately 39,000 comments were received during the public comment period. The majority of these were copies of nine different form letters opposing the event. Approximately 500 unique comments were received and a portion of them were determined to be substantive comments using the criteria outlined in BLM Handbook H-1790-1. All of the comments received were considered and the BLM response to these comments can be found in Appendix C of the EA located on the BLM ePlanning site at <https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=39720&decId=0b0003e8807414d5> and are incorporated by reference in this decision record.

### **Decision**

It is my decision is to authorize a Special Recreation Permit to Idaho for Wildlife as described in the Proposed Action of the Environmental Assessment DOI-BLM-ID-1000-2014-0002-EA.

The BLM will issue a five year special recreation permit (SRP) to Idaho for Wildlife to hold an annual competitive derby on public lands managed by the Challis, Salmon, and Upper Snake Field Offices of the Idaho Falls District, totaling approximately 3,100,000 acres. The permit is to allow an initial probationary event in January 2015, and if that event is successfully managed, Idaho for Wildlife will be able to hold a two-to-three day event each year through 2019. For the purposes of the competition, predators include a variety of species, including, wolves, coyotes, weasels, skunks, jackrabbits, raccoons, and starlings. Harvests of all the above-listed animals, including gray wolves are regulated within Idaho by the Idaho Department of Fish and Game (IDFG), not by the BLM. All rules and hunting regulations associated with a purchased wolf tag can be found at <http://fishandgame.idaho.gov/public/docs/rules/bgWolf.pdf>. Other than wolves, there is no limit on the number of predator species hunters can harvest. Predatory wildlife may be taken in any number year-round and at any time by holders of the appropriate valid Idaho hunting or trapping licenses, provided such taking is not in violation of state, county or city laws, ordinances, rules or regulations.

Idaho for Wildlife, will be responsible for registering participants and coordinating the event. Registration will occur online or in person at a private business in Salmon, Idaho. Up to 500 hunters may participate. Online registration will allow some competitors the opportunity to hunt from distant locations within the project area. No trapping for any species will be allowed as part of this event. Participants will bring their harvested predators to a location on private property within Salmon, where they will compete on a point system based on the number and types of predators harvested. Legal predators, as classified by Idaho Fish and Game that may be harvested as part of this event include wolves, coyotes, skunks, weasels, jackrabbits, raccoons and starlings. Idaho Fish and Game manages the populations of these species listed as predatory wildlife.

Idaho for Wildlife will be permitted to host a competitive event on public lands, and participants will be required to comply with all regulations associated with public lands, including travel designations, game retrieval laws, and shooting restrictions (i.e. campgrounds, buildings). In addition, the following design features/stipulations must be met:

1. All Idaho Fish and Game hunting rules will apply.
2. This event will occur on January 2-4, 2015. In subsequent years, this event may be scheduled for up to three days for any period between December 15 and January 15 inclusive. The SRP will be valid for 5 years, inclusive of a successful initial 1-year probation period. The permittee will complete the required annual permit maintenance and follow all applicable laws, regulations, and stipulations.
3. Up to 500 competitors may participate in the event.
4. Prior to each derby, the permittee must provide information to the competitors regarding regulations associated with the public lands which will include travel designations, game retrieval laws, and shooting restrictions in addition to providing information regarding state hunting laws.
5. A BLM representative will be present at the pre-meet and registration to ensure that the applicable rules and regulations are clearly communicated to the contestants. BLM will conduct random monitoring to ensure the permittee is implementing the stipulations and design features identified.
6. In the event any of the WSAs located within the action area are designated as wilderness, the permit will be amended to exclude the wilderness areas.
7. If the permit is extended for the full five-year period, the permittee will notify the Salmon Field Office of the intended derby 180 days in advance in subsequent years.
8. Hunters will be required to disclose the location of where they harvested their animals entered into the contest during the nightly check-in.
9. All vehicles and equipment associated with the event must be washed clean of mud and debris to reduce the spread of weed seed.

### **Rationale**

I have determined the proposed action to issue a special recreation permit (SRP) to Idaho for Wildlife for a predator hunt derby on public lands managed by the Challis, Salmon, and Upper Snake Field Offices of the Idaho Falls District meets the factors associated with the issuance of a special recreation permit (43 CFR 2932.26) as described in the Environmental Assessment DOI-BLM-ID-1000-2014-0002-EA. The BLM needs to respond to the proposed action as the agency is responsible, under the Federal Land Management and Policy Act (FLPMA), to manage public lands for multiple uses in a manner which recognizes the nation's need for recreation opportunities on public land.

The proposed action is in conformance with the pertinent BLM land use plans as identified in the EA. Issuing special recreation permits is authorized within the land use plans covering the proposed permit area. Hunting is legal in Idaho and is a protected right under the Idaho Constitution. Competitive hunts are allowed by the state and there is no federal law that forbids this type of activity. Furthermore, FLPMA itself provides that hunting and fishing shall be allowed on public lands, consistent with state law. See 43 U.S.C. 1732(b) ("Nothing in

[FLPMA] shall be construed as authorizing the Secretary concerned to require Federal permits to hunt and fish on public lands or on lands”, although the BLM may temporarily close public lands to hunting and fishing if public health and welfare warrants.)

The public can generally hunt anywhere on public lands and the BLM issues a multitude of outfitter and guide permits for hunting throughout Idaho. As participants disperse across state and federal land for the event, there is unlikely to be a concentration of hunters in any one area that might be a safety concern to the public.

As analyzed in the environmental assessment, there will be no conflicts with other environmental resources as a result of authorizing the special recreation permit. Resources such as vegetation, air, water and soil will be not be significantly impacted by participants of this event as described in the EA, Table 1, page 10. I have considered public health and safety and as documented in the environmental analysis under the Recreation section in Chapter 3, no major effects on public health and safety will occur. The BLM received many comments from individuals who prefer hunters did not target predators and are opposed to the BLM issuing this permit. The EA described the potential for user created conflicts between participants in the predator derby and other recreationists in the area. User conflicts are not expected to be any greater than those associated with the normal recreational hunting that occurs in the project area during the same time of year.

The BLM coordinated with the Idaho Department of Fish & Game (IDFG) during the processing of the application and environmental analysis and IDFG is not opposed to authorization of the SRP. The IDFG acknowledges individual animals will be harvested and determined the numbers harvested as a result of the derby will not affect the viability of the overall species’ populations.

The area potentially affected by the proposed action is governed by six land use plans: the Lemhi Resource Management Plan, as amended (April 1987); the Challis Resource Management Plan, as amended (July 1999), the Medicine Lodge Resource Management Plan (April 1985); the Little Lost/Birch Creek Management Plan (1981); the Big Desert Management Framework Plan (1981); and the Big Lost Management Framework Plan (1982). I have determined the proposed action to be in conformance the above land use plans. The section titled *Conformance with the applicable land use plan* of the EA DOI-BLM-ID-1000-2014-0002-EA outlines the conformance of the proposed action to the above land use plans.

The BLM has prepared a Finding of No Significant Impact (FONSI) for the proposed action. Based on the environmental analysis contained in DOI-BLM-ID-1000-2014-0002-EA it has been determined that the proposed action, along with the design features and terms and conditions described, does not constitute a major federal action significantly affecting the quality of the human environment or causing unnecessary or undue degradation of the natural environment. Therefore, an Environmental Impact Statement has not been prepared.



**Authority**

Authority for this decision is found in 43 CFR 2932.26.

**Appeals Information:**

Individuals who believe they are adversely affected by a BLM decision to issue or deny and SRP may appeal the decision. Appeals are made to the Interior Board of Land Appeals (IBLA) under Title 43 CFR, Part 4. The appellant's notice of appeal must be received by the authorized officer at the Bureau of Land Management, Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, Idaho, 83401, within 30 days of receipt of the final decision or within 30 days of publishing the final decision in the Federal Register or a newspaper of general circulation. The authorized officer has 10 days to forward the Notice of Appeal along with the decision appealed and case file to the IBLA and provide a copy to the Office of the Solicitor.

Decisions to issue a permit take effect immediately upon execution if the BLM determines that the proposed use is in conformance with BLM plans, policies and programs, local zoning ordinances and any other requirements, and will not cause appreciable damage or disturbance to the public lands, resources or improvements. All final decisions of the authorized officer shall remain in effect pending the appeal unless the Secretary rules otherwise. Petitions for a stay of decisions may be made to the Secretary through the Director, Office of Hearings and Appeals (43 CFR 2931.8). The provisions of 43 CFR 4.21 (b) define the standards and procedure for filing a petition to obtain a stay pending appeal.

If you have any questions, feel free to contact Linda Price at (208) 756-5410 or myself at (208) 524-7540.

/s/ Joe Kraayenbrink, Idaho Falls District Manager

Date: November 13, 2014



## D. Record of Decision from BLM Las Cruces, NM Office

Case 4:14-cv-00488-REB Document 30-5 Filed 06/01/15 Page 44 of 209



### United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Las Cruces District Office  
1801 Marquis Street  
Las Cruces, New Mexico 88005  
www.blm.gov/nm



In Reply Refer to  
8372 (L0310)

JAN 9 2013

Mr. Randy Black  
Predator Masters, Inc.  
2505 Bennion Pines Court,  
Taylorsville, UT 84118

Dear Mr. Black:

Our office was recently informed that you intend to hold a commercial and/or competitive event for a predator hunt on or about February 7-9, 2013. The online advertising for this event identifies the use of public land managed by the Bureau of Land Management (BLM) and, therefore, requires a Special Recreation Permit (SRP) for commercial and/or competitive use (see 43 C.F.R. § 2932.5). Please be aware that the State of New Mexico and other Federal or local regulations may apply depending upon where your planned event occurs.

Whether or not to issue a BLM SRP is at the discretion of the BLM. SRPs are used as a means to provide for public safety, control visitor use, and protect recreational and natural resources. The BLM requires that applications for SRPs be submitted at least 180 days before the date of the intended event, although under special circumstances we can authorize shorter application times. Given the short timeframe for the coming dates for your planned event, our office would be unable to process an application for your event in a timely manner. An application for a SRP includes, at a minimum, the submission of a plan of operations, a safety plan, and purchase and proof of liability insurance for the named event. Failure to obtain a SRP where one is required can result in penalties as described under 43 CFR § 2932.57.

Where planned commercial and competitive events prohibit the use of BLM-managed land, our permit requirements and regulations would not apply. For more details on the BLM's permitting program, see the enclosed document titled "Special Recreation Permit Application Procedures and Information."

Should you have any questions regarding the details of the BLM's Special Recreation Program, please contact John V. Thacker, Outdoor Recreation Planner, at (575) 525-4306.

Sincerely,

Bill Childress  
District Manager

1 Enclosure

Pl. Suppl. AR BLM 000044

## E. Record of Decision from BLM Redding, CA Office

**Adin Coyote Hunt** Case 4:14-cv-00488-REB Document 30-5 Filed 06/01/15 Page 53 of 209

Haug, Nancy  
Sent: Monday, January 28, 2013 2:29 PM  
To: cfox@projectcoyote.org  
Cc: James Kenna

You forwarded this message on 1/28/13 3:43 PM. [Show Forward](#)  
You replied to this message on 1/28/13 10:31 PM. [Show Reply](#)

Dear Ms. Fox,

Mr. Kenna asked me to respond to your email regarding the upcoming coyote hunt in Modoc County. This is **not** a BLM-sponsored nor permitted event on public land this year, and BLM has not issued a special recreation permit for the hunt in previous years.

The Pit River Gun and Rod Club and Adin Supply Outfitters sponsor this (their seventh annual) coyote hunt in the Big Valley area of Modoc County. The hunt is centered on private land, however public lands are adjacent to the private land. The Alturas Field Office has reminded event organizers that hunting can not take place on public lands as part of the event. Organizers have agreed that hunters associated with the event will stay off public land. Public land maps and information on public land exclusion will be included in the hunters' packets distributed at the event.

In general, individuals are allowed to hunt on public lands consistent with California Department of Fish and Wildlife regulations, but not as part of an organized event unless permitted through a special recreation permit.

I hope this answers your questions and addresses your concerns. If not, please contact me at either of the numbers below.

Nancy

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Nancy K. Haug, District Manager  
Northern California District  
355 Hemsted Drive  
Redding, California 96002  
Work: 530.224.2160  
Mobile: 530.227.3846  
Email: [nhaug@blm.gov](mailto:nhaug@blm.gov)

Pl. Suppl. AR BLM 000053