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## Hunting Contests In New York State

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## **Hunting Contests In NYS**

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Presentation Date: December 9th, 2020

Expected Graduation: Fall 2020

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## **General Problem Statement**

The world is currently in a biodiversity crisis and hunting contests cannot continue. Hunting contests are not legitimate wildlife management tools, but exist for entertainment and killing for a prize. Many of the species targeted can be killed without bag limits. Additionally, many wildlife management practices are retroactive, meaning they are in response to an issue. Within New York State, these contests are not regulated by the NYSDEC beyond adhering to hunting regulations. With these factors together, animals targeted by these contests can be hunted to a detrimental point, and then management agencies would step in. These contests face significant public opposition, even within the hunting community. Hunting contests must be addressed to put an end to an unnecessary and excessive practice.

## **Biodiversity Loss**

Biodiversity loss is being experienced globally. There are 5 direct drivers of biodiversity loss including pollution, climate change, land use, invasive species, and exploitation (IPBES, n.d.). According to the United Nations, one million species are threatened with extinction (Einhorn, 2020). These rates of extinction are greater than rates found in the fossil record. If trends continue Earth will likely face a sixth mass extinction caused by anthropogenic practices (Hooper, 2012). Biodiversity very broadly is the number, composition, and abundance of different species in an ecosystem. However, it is not only concerned with the number of different species but also the genetic diversity, the different genotypes, and phenotypes within a given population, as well as the different interactions between populations and species.

Humans derive benefits from healthy ecosystems. The properties and health of an ecosystem are directly affected by biodiversity, therefore humans will be impacted if there is a loss in biodiversity. (Diaz, 2006). Biodiversity does not only provide natural resources like food,

medicine, and building materials. It also allows for ecological services to be performed. Forest ecosystems create oxygen through photosynthesis and sequester carbon dioxide from the air. Wetland ecosystems reduce flooding from storm surge and help filter pollutants. Pollinators like the honeybee fertilize flowers which leads to crop production. Biodiversity creates tangible economic benefits. Logging and commercial fishing support thousands of jobs and generate billions of dollars. However, there is an intrinsic and aesthetic value to biodiversity as well (Batcher et. al, 2006).

In contrast to what many believe to preserve ecosystem functions and services, it is not about maximizing the number of species but preserving the biotic integrity of an ecosystem. This is done by focusing on species composition, functional organization and relationships within a system, and the relative abundance of species. Also, there is a misconception of biodiversity loss as meaning a decrease in the population of all species which is not the case. The organisms that are suffering the most are those with longer lifespans, poor dispersal capacities, low reproductive rates, bigger bodies, and need specialized resources. These species are more susceptible to human activities that decrease the available habitat they need to survive. However, some species are seeing increases in populations because they have opposite life histories: they don't need a specialized habitat and have very high reproductive traits (Diaz, 2006). What will cause the most significant changes will come from the alteration of functional compositions within ecosystems and the loss of locally abundant species. The loss of a species that is already rare in a system will not have as much of an impact (Diaz, 2006).

Also, illustrated by several different studies on plant biodiversity, some of the impacts of species loss are known. Reduced biodiversity will reduce plant production and decomposition processes will be altered, but there are many unknowns. There are uncertainties around how

some of these effects of biodiversity loss will compare to the effects of climate change. Will there be changes to the composition of the atmosphere? Will there be further impacts on climate warming and nutrient pollution? (Hooper, 2012) anthropogenic caused climate change will likely have an impact of further causing biodiversity loss and biodiversity loss can likely have the effect of exacerbating climate change (Hooper, 2012).

### ***New York's Biodiversity Status***

As of the early 2000s, 2.5-5% of mammals, 5-10% of fish, 15-20% of reptiles in New York State were at risk of extinction. Over 50% of native vegetation in New York State had been lost or dramatically altered. 60% of wetlands, 90% of coastal plain Atlantic Cedar Swamps, and approximately 70% of the Long Island Pine Barrens have been lost since the 1780s. Most of this loss in biodiversity is due to development and poor land management (Environmental Law Institute, 2001).

### **Methodology**

This project is focused on the issues surrounding hunting contests in New York State. Policy analysis is being applied to better understand the issue, its stakeholders, and their perspectives. Recommendations are made in a manner that will balance the interests of stakeholders while protecting NYS biodiversity.

Research was conducted through a standard literature search using Google Scholar, website materials of stakeholders, and personal communication. Data and information was organized into sections and subsections. An IRB was not necessary for these conversations because each interviewee was answering questions in their official capacity of representing their employer, whether it was the NYSDEC or the Humane Society of the United States. One of these conversations was over email with a wildlife biologist that works for the New York State

Department of Environmental Conservation (DEC). I asked her the question, “I am looking to understand the DEC's main standpoint on wildlife killing contests. Specifically, I am interested in better understanding DEC rules and regulations regarding hunting contests, DEC’s role in regulating hunting contests, and details about the hunting contests held throughout the state.” (T. Caffrey, personal communication, September 8, 2020). Similarly, I spoke with the legislative directors of NYS Assemblywoman Deborah Glick and NYS Senator Monica Martinez. I had an informal constituent conversation and asked general questions about the memorandum in support or opposition of Glick’s and Martinez’s proposed bills. I have also spoken with Brian Shapiro, NYS Director of the Humane Society of the United States, and Anne Muller who is affiliated with the NYS League of Humane Voters. I contacted several others with less significant outcomes in terms of information. With the legislators and the DEC contact, Amanda Bailey, the conversation was not as structured. In the conversations with Brian Shapiro and Anne Muller, I asked them the questions below.

1. What is your organization’s position on hunting contests?
  - a. What are the primary reasons for this position?
2. Has your organization conducted any related research that could be shared with me?
3. Have you met with legislators or government agencies about this issue?
  - a. If yes, what has been the response thus far?
  - b. What sources are your organization using when you speak with legislators?
4. Which bill does your organization prefer?
5. What are the likely hurdles we’ll face to move this legislation?
  - a. Are you aware of any specific groups in opposition? NYS? National?
6. Have you partnered with other organizations on the issue of hunting contests?
  - a. Is there anyone specific you recommend I speak with about it?

In some cases, I did not get exact answers for each question but overall they were helpful to guide the conversation. Brian Shapiro also gave me many helpful documents after the conversation that greatly informed this paper. I reviewed the legislation and regulations from all of the states that successfully passed any relevant policies. After collecting this data from the



various sources, analyzing it, and synthesizing the data, I will make policy recommendations and draft legislative findings for the preferred bill that has been proposed in the New York State legislature.

It is important to point out that some species like coyotes are mentioned more than others within this paper. It is not a choice made by myself. I found that many papers focused on coyotes. Additionally, I chose to include a case study of crows.

This paper also had the purpose of collecting research for the spring Environmental Policy Clinic at Pace University. In the clinic, Pace students research, draft, and advocate for policies. In the spring, the students will be able to use my work as a springboard and act on my recommendations when the state legislative session resumes.

### **Context of Hunting Contests**

Many species involved in hunting contests have been targeted for their perceived threat to livestock and or crops. Often, hunting contests are promoted under the guise of being an important wildlife management tool, because the animals hunted are undesirable and their removal will benefit humans as well as other species and ecosystems. More recently, contests are emerging as fundraiser events held by local gun clubs or sportsmen clubs and there is usually a prize, whether it be monetary or in some cases weapons (guns) are given as a reward (Bird, 1993). Another source cited rewards as being often guns or predator calling equipment as well (HSUS, 2018). Even though these contests have become more organized over time they still have the same traditional roots of “removing pests” and being hailed as “wildlife management.” Organizers of the recent Federation of Sportsmen’s Clubs of Sullivan County, Inc. coyote killing contest, justified their activities by claiming they are performing a wildlife management service. At this event, the winner of the heaviest coyote received 2,000 dollars (HSUS, 2020). Many

hunters have denounced wildlife contests calling it a subculture and that it is not representative of all hunters. Also, the organizers of these contests often try to keep a low profile to not spark public outcry (HSUS, n.d.). A participant at the coyote contest in Sullivan County states that “I gotta say, it’s a good time whether you do or don’t get ‘em...it’s a good time” (HSUS, 2018). So there is not only a monetary reward that drives people to participate in these contests but also a cultural perception of these contests being fun.

There has also been a more recent type of hunting contest targeting invasive species, for which the expressed purpose is exterminating non-native species because they are threats to native wildlife. One such contest is the Florida Python Bowl. In 2013, 63 pythons were killed, by May 2018 there was a cumulative total of 1000 killed, and by October 2018 there were 1,711. Wild boar is another invasive species that have been targeted by hunting contests (Clifton, 2019). A comprehensive list of the species targeted in contests historically and currently in the US includes: Coyotes, foxes, bobcats, wolves, woodchucks, marmots, prairie dogs, rabbits, squirrels, raccoons, crows, pigeons, rattlesnakes, sharks, cownose rays, pythons, boar.

## **Wildlife Management**

### ***Governance of Wildlife Management***

Governance of wildlife management in the U.S. is divided between the federal government and the states. States are the trustees of wildlife due to the Public Trust Doctrine. The Public Trust Doctrine means that a governing body, the states in this case, holds resources in trust for public use even if it is on private property. However, three clauses of the Constitution allow for federal oversight: the Commerce Clause, the Supremacy Clause, and the Property Clause. The responsibilities are assigned to agencies within the departments of the Interior, Agriculture, Commerce, Defense, and the Environmental Protection Agency. At the state level,

there are two models of governance. One is boards or commissions that make policy decisions and oversee an agency. The other is political appointees that make policy decisions and oversee an agency.

In terms of funding, at the state level, much of the funding comes from wildlife users through excise tax programs. These sportsmen-derived funds make up 60 - 90% of a typical wildlife agency budget. To secure wildlife funding for wildlife diversity, attention has turned towards excise taxes on activities like camping, birding, and hiking. The USFWS has a state wildlife grants program to provide money to wildlife agencies for species of greatest conservation need. At the federal level, funding is determined annually through appropriations (Organ et. al, 2012). Also, as required by Congress, State Wildlife Action Plans (SWAP) are submitted to the US Fish and Wildlife Service for approval to receive funding from the State and Tribal Wildlife Grants program (State Wildlife Action Plans, n.d.). A state's SWAP is intended to serve as a guidance document for conserving and managing species before they become too rare or costly to restore. In New York, the State Wildlife Action Plan was most recently updated in 2015 and is updated every 10 years. In this updated version, assessments for 597 species were completed (DEC, n.d.).

To manage wildlife and fish species, regulated hunting, trapping, and fishing is used. Regulations for hunting, trapping, and fishing seasons and bag limits are set by each state and federal wildlife agency. In some cases when data collected through the harvest or other observation indicates a population decline it may be necessary to decrease harvesting. However, declining populations are not usually caused solely by hunting. It is often poor habitat quality. If there is a lack of food, water, adequate cover, and space then populations may decline. Disease and predation could cause decline as well.

There are also cases where a management plan may call for the increased harvest of a certain species. This will happen if the species are showing signs of overpopulation and their habitat is being negatively affected by overgrazing for example. Overpopulation can cause low reproductive rates and the prevalence of diseases as well. Hunting is a means to remove animals and, theoretically, can be used to keep populations balanced (University of Arkansas Division of Agriculture Research and Extension, n.d.).

### ***North American Model of Wildlife of Management***

A study by Shalynn Pack, analyzed three distinct “models” of wildlife management found worldwide: the North American Model, the Southern African Model, and the No-Hunting Model. A model was considered successful if it sustains and/or increases wildlife populations, generates high revenues compared to costs, and provides benefits to local people living near conservation areas.

Focusing on the North American model, it was deemed successful in achieving ecological, economic, and social goals. In the US, a majority of wildlife management costs are covered by excise taxes paid by hunters and anglers. In the US the public trust doctrine provides all Americans with the opportunity to participate in nature-related activities. The North American model is successful due to participation in hunting, access to wildlife, and enforcing regulations. However, participation in hunting is on the decline, and if the decline is to continue, funding may have to come from non-consumptive wildlife users as well (Pack et al., 2013).

The “North American Model of Wildlife Conservation” states that science plays a central role in shaping management policy. Furthermore, there are four hallmarks that are integral to science-based resource management: 1. measurable objectives for a management plan, 2.

evidence, 3. transparency, and 4. independent review. To indicate these hallmarks there are eleven criteria to be met. Among the criteria are providing measurable objectives, reporting quantitative information about populations, and explaining how realized hunting rates are estimated (Artelle, K et al., 2018). In an analysis of 667 management systems across the United States and Canada, within 62 states and provinces, most management systems lacked basic elements of a scientific approach to management. On average there were 4.6 criteria met per management system. In 26% of the systems, there were measurable objectives. This deficiency in measurable objectives means in many management plans there is no means to measure performance, and the efficacy of that management plan cannot be assessed by the public or outside agencies. Evidence was absent from most systems as well. In 79% of systems, they had data on hunting rates but only roughly half had quantitative data on the species populations present. This lack of data creates issues establishing reliable baselines to assess population dynamics and management outcomes. In the case of transparency, most management systems had some publicly available information but there were deficits in transparency in how population parameters and hunting quotas are set. In general, email queries sent to management agencies received responses less than half of the time. Deficits in transparency reduce the opportunity for constructive criticism that could have the potential to lead to improvements. Lastly, only 9% of management systems had any form of review, and 6% involved external review. Outside of the statistics of hallmarks achieved, it was found that management agencies focus on the species that are most valued by hunters (Artelle, K et al., 2018).

Much of the science involved in management systems is to set baselines and objectives based on the data to achieve management goals, and by having strong foundations backed by data, the management practitioners can assess and revise. Also, the study stressed that it is

important for the public to have access to the data, and it is essential for these systems to undergo internal and external review (Artelle, K et al., 2018). This study speaks to the idea that at its core, management systems must undergo iterative processes in which they are being evaluated and tweaked to reach optimal outcomes. In addition to the importance that science has in management practices, it is also important to stress that management systems should contain social dimensions as well.

Wildlife management to some degree has been based on insights from biological sciences and in most cases, wildlife management decisions have been made by wildlife biologists. Also, input from stakeholders has been used, but stakeholders are rarely involved in the decision-making process. More recently, stakeholders are becoming more integral to wildlife management (Riley et. al, 2002). This shift is not less effective than previous methods. If anything it is more beneficial because it takes more voices and perspectives into account and is more likely to be adhered to. Since stakeholders are a part of the process in this type of management, the issues that are most affecting stakeholders are being addressed. These are most often wildlife-related interactions, such as wildlife-livestock interactions. In this type of management human values play more of a role. Citizen participation processes created through cooperation between wildlife management agencies and local communities demonstrate that agreements can better suit the needs of the community. These agreements can simultaneously achieve acceptable objectives for management as well as clearer roles in management implementation (Riley et. al, 2002).

A more streamlined definition of this type of management system is called adaptive impact management (AIM), characterized by value-based decision making. Through focusing on impacts and stakeholder impact, management can be directed towards what matters most to

society (Riley et. al, 2002). The gap between the human community and plant/animal community can be bridged through stakeholder involvement in management processes.

Overall, wildlife management systems do have some basis in science and biological findings, and they often take stakeholder input into account. For management systems to be more effective and sound there needs to be a greater emphasis on science and stakeholder involvement. Science should be used to establish foundations from which the management plan can undergo iterative processes to assess its performance and make changes to achieve optimal outcomes. Also, there must be transparency to allow for outside review. Moreover, stakeholders should be involved in decision-making processes so that management can be directed towards what matters in society while simultaneously achieving management goals.

### ***Attitudes Towards Hunting as Management***

In a study conducted in Manitoba, Canada, a mail survey on public attitudes on hunting was regionally stratified and distributed to 3,000 households in Manitoba. The survey intended to measure attitude and subjective norms, as well as underlying beliefs. 1,367 surveys were completed and the majority of respondents were male. The theory of reasoned action was used to identify beliefs about wildlife management that influence people's support for hunting.

According to this model, there are two determinants of a behavior of interest: attitude toward the behavior and the subjective norm. An example of a behavior of interest would be voting in support of hunting. Subjective norms are linked to behavior of interest because subjective norms are formed by perceived societal pressure to behave a certain way.

The overall attitudes towards supporting hunting were slightly positive. When hunting was characterized as a wildlife management activity even those that were unlikely to support

hunting had slightly positive attitudes. The strongest positive belief came from those in support of hunting. Non-supporters believed that hunting fees to support wildlife management was a positive thing. It was also found that subjective norms had a weaker influence than attitudes (Campbell et al., 2003). The findings of this study are important to the analysis of hunting as a form of management and hunting contests because it shows the attitudes towards hunting. It also shows how when hunting is characterized as wildlife management it has a more positive perception from both hunting supporters and non-supporters. Which connects to my recommendations in that it needs to be made clear that hunting contests are not wildlife management.

### ***Implications of Hunting as Management***

In the book Animal Behavior and Wildlife Conservation, Marco Festa-Bianchet analyzed wildlife management practices and it was found that most management-oriented research has focused on population dynamics. Hunting regulations often direct hunting towards certain a sex or age group. In North America, there are often minimum horn sizes for male pronghorn, mountain sheep, and mountain goats, and antler point regulations as well.

Hunters' preferences also impact harvest. Many hunters avoid shooting females with young and many try to take the largest animals or the one with the largest horns/antlers. These selective pressures from hunting have caused an artificial positive correlation between reproductive effort and survival in relation to the higher mortality of non-lactating females. In the case of the selection of large horned males, it has the potential to lead to a selective advantage for smaller horned males. Even though there is a defense of trophy hunting as a means of conservation in that money can be generated by sacrificing a few of a species to benefit the



whole, it does not take into account the effects of the selective pressures of hunting (Festa-Bianchet, 2003).

### ***Ethics and Trophy Hunting***

Connections between trophy hunting and hunting contests have been made. Although they are different hunting subcultures they bring to light similar questions of ethics. In defense of hunting, there are often differences pointed out between sport hunting and hunting just for the sake of killing. One of the key distinguishing features is that the “hunter” exercises emotional discipline and patience, which is not the case in trophy hunting and can be extended to hunting contests as well. Another distinction is that trophy hunters kill for the sake of acquiring prestige, as well as evidence they have killed an animal. This mirrors hunting contests in that the participants kill for a reward as well as a level of prestige. Those that participate in this type of hunting kill to have a sense of power, to control, to reduce animals to targets, and then brag and receive praise (Gunn, 2001). This connects to the statement of hunting contests being a subculture of hunting, with which many traditional hunters do not agree. Both trophy hunting and hunting contests are viewed by hunters as subcultures because they both have unethical qualities related to killing for prestige and deficits in discipline and patience.

### ***Hunting Contests as Wildlife Management***

Hunting contests are defended by their proponents by stating that hunting is a way to maintain a healthy balance in a habitat (Wolters, 2019) and that hunting contests are a form of wildlife management. However, from my analysis of wildlife management practices, it can be stated that hunting contests are not sound wildlife management. There is no scientific evidence to suggest that hunting contests are an effective means of management. In comparison to the North American Model of Wildlife Conservation (Artelle, K et al., 2018), these contests do not have

measurable objectives, in that for many species their numbers are not reported because there is no bag limit. There is hardly any quantitative data generated by these contests either from research conducted by the DEC or contest organizers, there is little transparency as the contests do not need to report the number of animals killed for certain species. Due to the lack of scientific evidence, oversight, and access to records of the number of animals taken these contests are not wildlife management.

### **History of NYSDEC and Hunting in NYS**

By the end of the 19th-century, unregulated hunting and habitat destruction were widespread throughout the country. This level of habitat destruction led to local extinctions of many large predator species as well as near extinction of others (DEC, n.d.). Moose had been eradicated from the New York landscape, white-tailed deer were at their lowest historic record, and wild turkeys were a rarity. Landscapes were stripped of natural resources such as timber that was used for paper and lumber. Due to the degradation of the environment, runoff led to soils being washed into rivers, choking them with particulate matter. Factories also polluted various water bodies. For those familiar with the outdoors, the changes were noticeable and raised awareness for what they witnessed. Public outcry led to the conservation movement that propelled the creation of regulations, laws, and game protectors empowered to enforce them. In the 1960s the title changed to conservation officer and by the time the New York State Department of Environmental Conservation (DEC) was formed, the conservation officers had to enforce public health laws and agricultural laws, especially those related to waste disposal. In 1971, conservation officers were elevated from peace officer to police officer status. Conservation officers can enforce all NYS laws but have the special focus of protecting the environment (DEC, n.d.)

As of the year 2000, the DEC had 4,000 employees that worked in eighteen divisions in Albany and nine regional offices. The main focuses of the DEC are to manage natural resources, promote public health, recreation and safety, and to protect environmental quality. The Fish and Wildlife divisions as well as the Marine Resources division are tasked with protecting fish and wildlife. These divisions issue hunting and fishing licenses as well as provide access for hunting and fishing, stock ponds, educate the public through hunting safety courses, and restore habitats. The other divisions of the DEC are tasked with many other things; they maintain land for public use, monitor air quality, remediate hazardous waste sites, educate the public about reducing air pollution to name a few. Interestingly, many local laws are stricter than state laws administered by the DEC. Political pressure from citizen groups and businesses has led to the creation of some DEC programs as well (Edmonson, 2001). In short, it has primary responsibility for regulating and enforcing all state laws in regards to air and water pollution, waste management, and pesticide use as well as all duties of its predecessor the Conservation Department except state park administration (DEC, n.d).

Concerning wildlife management, New York State passed its first endangered animal protection law in July 1971. In 1974, plants were added to the list. Large sections of New York state had smaller populations in 2000 than they had in 1970, which has led to former farm areas becoming forest again. Also, in these areas, it has been easier to protect ecosystems because there are fewer people and less public opposition. The DEC used its funds to reintroduce various species. Fishers were reintroduced in the Catskills in 1976, wild turkeys were reintroduced across New York state in 1979. In 1989, a 13-year bald eagle reintroduction program was established. Due to that program, by 1994 the number of nesting pairs increased from 10 to 23. Lake sturgeon were reintroduced into the Grass River and the Oswegatchie River, and osprey

nests were placed in the Tonawanda Wildlife Management Area in 1992. In 1992 the DEC submitted its first annual Open Space Plans to the governor. These plans list lands that the state will acquire if they become available, with funds from the Bonds Acts. Through this, many forests and wetlands were saved (Edmonson, 2001).

The New York State legislature passed the New York State Fish and Wildlife management act in 1957. This act served the purpose of establishing the NYS Fish and Wildlife Management Board (FWMB), stimulating the preservation of wildlife on privately owned lands and waters, and enhancing public access to wildlife on private lands. There are regional FWMB in every DEC region. These boards are composed of county representatives, sportsmen, and landowners. At the state level, the NYS FWMB consists of three representatives from each regional board. Additionally, the State FWMB consists of members from other organizations like the NY Farm Bureau, the NYS Conservation Council, and the College of Environmental Science and Forestry at Syracuse University to name a few. The State FWMB meets biannually and discusses issues brought forward by the regional boards. Since its inception, the State FWMB has become a forum for issues to be examined by citizens from many different groups, and the board can advocate for issues to be resolved. (DEC, n.d.)

The Department of Environmental Conservation has established multiple wildlife management areas (WMA). There are lands owned by New York State and managed by the DEC Bureau of Wildlife. These areas were established as places to fish, hunt, trap, and watch wildlife. There are over 115 WMAs in New York State, this amounts to approximately 197,000 acres including various ecosystem types, such as forests, grasslands, and wetlands. Each WMA has allowable activities listed, and all state hunting and fishing regulations apply. Generally, the use

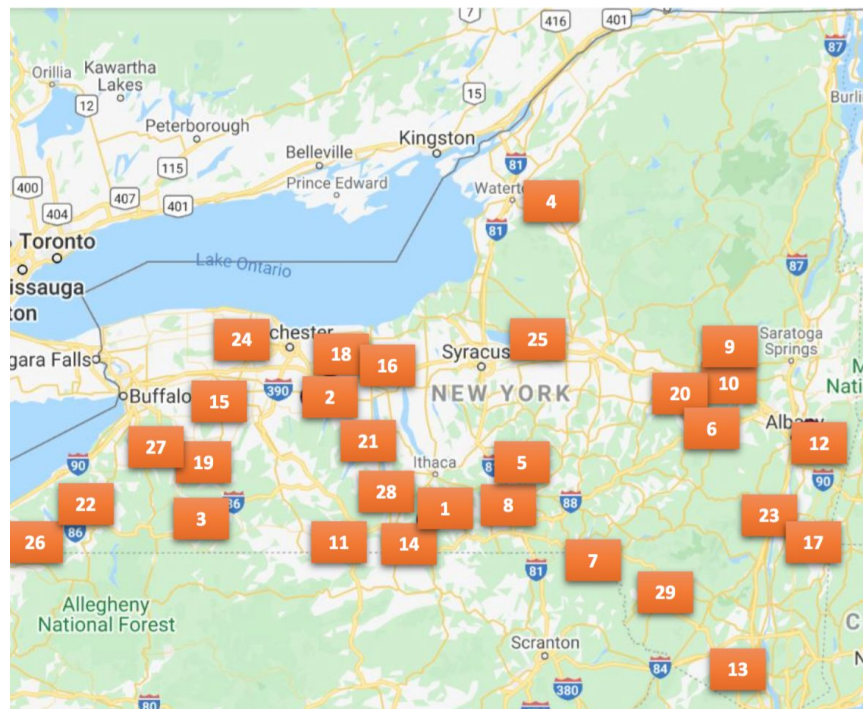
of motorized vehicles, overnight mooring, and fires (except when used for warmth, cooking, or smudge) are not allowed. (DEC, n.d.)

### **Current Contests and Hunting Regulations in NYS**

To give some perspective as to the number of animals that have been killed in hunting contests, in the coyote killing contest in Sullivan County 118 coyotes were killed (HSUS, 2020). An older statistic that speaks to the sheer number of animals taken in contests nationwide, had a cumulative count of animals killed by the early 1990s in 3 different contests since their inception. In Nucla, Colorado 3,000-4,000 prairie dogs were killed in the Top Dog World Championship Prairie Dog Contest. In Hegins, Pennsylvania around 13,000 pigeons were killed in the Labor Day pigeon shooting contest. In Sweetwater, Texas approximately 18,000 rattlesnakes were killed in the Rattlesnake Roundup (Bird, 1993).

In New York State, hunting contests have taken place in multiple counties in northern and western New York. The rules of each contest are set by the organizers, but hunting regulations set by the DEC must be adhered to. Out of state residents are allowed to participate in contests (T. Caffrey, personal communication, October 13, 2020). There are various species targeted by hunting contests. Coyote, fox, bobcat, squirrel, woodchuck, raccoon, rabbit, and crow have been targeted in contests that have taken place in the past few years (The Humane Society of the United States, 2020).

## Hunting Contests in NYS



(The Humane Society of the United States, 2020)

1. **Danby Pirates Club Annual Coyote Hunt-** Spencer (coyote, fox)
2. **New York State Predator Hunt-** East Bloomfield (coyote)
3. **Cuba Rod & Gun Club Squirrel Slam-** Cuba
4. **Northern New York Hound Club's Annual Coyote Hunt-** Carthage
5. **Annual Solon Sportsmen's Club Coyote Hunt-** Cincinnatus
6. **Coyote Hunt-** Canajoharie
7. **Annual Coyote Hunting Tournament-** Hancock
8. **Whitney Point Coon Hunters Annual Coyote Contest-** Whitney Point
9. **Smoke-N-Yote's Early Season Yote Hunt-** Fultonville (Coyote)
10. **Coyote Hunt-** Fultonville
11. **One Wiley Weekend: Dobbers vs. Callers Shootout-** Addison (coyote)
12. **Hunter Fuz's Predator Pool Annual Predator Harvest Contest-** Wynantskill (bobcat, coyote, fox)
13. **Independent Fur Harvesters of CNY's Bob Evan's Memorial Predator Hunt-** Monroe (Coyote, Fox)
14. **Last Call Coyote Hunt-** Van Etten
15. **End of the Road Inn Coyote Contest-** Pavilion
16. **New York State Predator Hunt-** Macedon (coyote, fox)
17. **Crow Down-** Palenville (crow)
18. **"Final Fling" for Fox: A Fox Calling Contest-** Macedon
19. **The Fox Bowl-** Arcade (Coyote, Fox)
20. **Rabbit Hunt-** Canajoharie
21. **Annual Cal Dewitt Memorial Rabbit Hunt-** Penn Yan
22. **Big Coon Contest-** Sinclairville (raccoon)
23. **Squirrel Skramble-** Palenville (squirrel)
24. **Hazzard County Squirrel Slam-** Brockport
25. **Squirrel Derby-** Verona Beach
26. **Fat Chuck Two-Man Team Hunt-** Clymer (Woodchuck)
27. **D&H Transport/ Savage Arms Woodchuck Derby-** Chaffee
28. **Rabbit Hunt-** Montour Falls
29. **Federation of Sportsmen's Clubs of Sullivan County Annual Federation 3 Day Coyote Contest-** White Sulphur Springs

## **Hunting Contest Rules and Scope**

In my discussion with Amanda Bailey, a wildlife biologist for the DEC, about hunting contests, I was trying to determine the scope of the contests. I asked questions such as, “Do hunting contests happen within a specific area? Is the transportation of animals across states regulated? How are the animals disposed of? What is best practice? Are the coyotes from Pennsylvania disposed of in New York? How will you determine if these contests are having a negative impact, hypothetically if these contests were to become popular how would you make the determination of a negative impact?” (T. Caffrey, personal communication, October 27, 2020).

I was able to gain the understanding that many contests are regional and some do have participants from out of state. With coyotes, they can be transported between states, there is no reporting, and they don’t need to be sealed. Some species like bobcats need to be tagged and sealed. When disposing of carcasses, burial is the preferred disposal method. Incineration was also mentioned as a means of disposal. Nuisance species are often buried, some are disposed of in landfills, some are used as bait. Besides deer, transport and disposal of carcasses isn’t regulated. In regards to the coyote hunting contest in Sullivan county, there were out of state participants that brought dead coyotes from Pennsylvania to New York, and their bodies were likely disposed of in New York. I also learned that the DEC keeps track of estimated harvest and if there were several seasons of declining harvests then they would look into it. However, declining harvests can be attributed to the declining effort as the popularity of hunting is in decline. They also collect data through surveys, and if there are declines then a non-harvest based study is used (T. Caffrey, personal communication, October 27, 2020).

Brian Shapiro, the Humane Society of the United States New York State director, echoed Amanda Bailey's response. In an email, I asked about whether or not there is a regional scope to hunting contests and he said that there is not. The coyote killing contest in Sullivan County, NY had participants from Pennsylvania. In addition to that information which confirmed Amanda Bailey's response, I also learned some new information about contests. Hunting contests have no standard rules. The rules are determined by each club or host, but the participants do have to comply with DEC regulations on hunting (T. Caffrey, personal communication, October 13, 2020).

### ***Allowable Species***

In New York State, hunting contests must adhere to all hunting regulations. Most of the species targeted in hunting contests fall under the categories of furbearers and small game. As per the DEC, there are 10 species of furbearers that can be hunted: coyote, raccoon, gray fox, red fox, bobcat, skunk, opossum, mink, muskrat, and weasel. Several species such as coyote, bobcat, raccoon, both fox species, opossum, and skunk can be hunted any time of day from the sunrise on the first day of the season to midnight on the last day. Muskrat and mink have special conditions under which they can be hunted<sup>1</sup>.

### ***Firearms***

All firearm laws apply; rifles, handguns, bows, crossbows, and shotguns can be used. With the crossbow, there are limitations when using a crossbow while hunting with a dog for small game. Airguns may also be used to hunt furbearers. The use of calls and electronic calls is permitted (DEC, 2020).

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<sup>1</sup> In most of New York State's wildlife management units, mink cannot be hunted with a firearm larger than a .22 caliber, with the exception of the northern zone in which they cannot be hunted with a firearm. Only in the Lake Champlain region muskrat cannot be hunted with a firearm larger than a .22 caliber. However, both can be hunted without a bag limit within season (DEC, n.d.).



### ***Harvest Reporting***

The only species targeted in contests where there is mandatory harvest reporting is for bobcat (DEC, 2020). With martin, fisher, bobcat, and otter the furbearer possession tag, on which a hunter can record up to 12 harvested animals, can be downloaded and printed (DEC, 2020). Tags need to be completed once a hunter has arrived at their home, camp, or mode of travel. The hunter's identification number from their hunting or trapping license needs to be recorded on the tag and this tag must accompany the unskinned animal or pelt at all times. Otter, marten, fisher, and bobcat have to be sealed for a few different purposes, one being to record biological and population information. It is also necessary to allow for the pelt to be exported from NYS.

### ***Bag Limits***

There are no bag limits for bobcat, coyote, weasel, opossum, skunk, raccoon, fox, and crow. There are daily bag limits for cottontail rabbits, varying hare, and gray, black, and fox squirrels. Woodchuck, red squirrel, porcupine, chipmunk, starling, english sparrow, monk parakeet, and rock pigeon can be taken without limit (DEC, 2020).

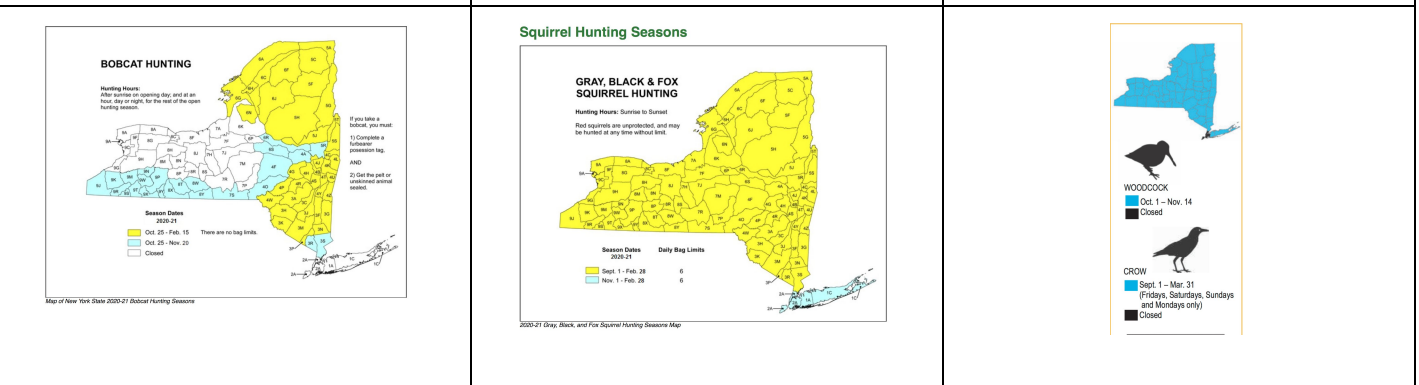
### ***Disposition of Carcasses***

Another important piece to explore is how carcasses are disposed of and what is considered best practice in the hunting community. There are 4 main ways to dispose of animal carcasses, landfills, burial, composting, and burning. It is not best practice, and illegal in most cases, to dump animal remains on the side of the road or in bodies of water (Jackson, 2008). In regards to deer and chronic wasting disease, the DEC stated, "Disposing of your carcass waste in a landfill is a best practice now, and will be a critical practice if CWD [chronic wasting disease] is found in New York"(DEC, n.d). Even though this is addressing deer, it does cite disposing carcass waste in landfills as best practice.

## Hunting seasons

This table contains the hunting seasons of many of the animals that are currently targeted by hunting contests in New York State.

(DEC, 2020), (DEC, 2020), (DEC, 2020), (DEC, 2020),(DEC, 2020)



This table illustrates the regulations of bird species including crows which have been targeted in contests (DEC, 2020).

Woodcock, Crow, Snipe, Rail and Gallinule Hunting Season Dates, Bag Limits, and Regulations for 2020–2021						
Regulations	Woodcock	Crow	Snipe	Virginia & Sora Rails	Gallinules	Clapper & King Rails
Upstate New York <sup>1,3</sup>	Oct. 1 – Nov. 14	Sept. 1 – Mar. 31	Sept. 1 – Nov. 9	Sept. 1 – Nov. 9	Sept. 1 – Nov. 9	Closed
Long Island <sup>2,3</sup>	Oct. 1 – Nov. 14	Sept. 1 – Mar. 31	Closed	Closed	Closed	Closed
Bag Limit	3/day 9 in possession	None	8/day 24 in possession	8/day 24 in possession	8/day 24 in possession	n/a
Shooting Hours	Sunrise to Sunset	Sunrise to Sunset	1/2-Hr Before Sunrise to Sunset	1/2-Hr Before Sunrise to Sunset	1/2-Hr Before Sunrise to Sunset	n/a
Non-Toxic Shot	NOT Required	NOT Required	Required	Required	Required	n/a
HIP Registration	Required	NOT Required	Required	Required	Required	n/a
Other	Fed Migratory Bird Stamp NOT Required	Hunting on Fri., Sat., Sun. & Mon. ONLY; Fed Migratory Bird Stamp NOT Required; Rifles and electronically amplified bird calls or sounds permitted	Fed Migratory Bird Stamp NOT Required	Fed Migratory Bird Stamp NOT Required	Fed Migratory Bird Stamp NOT Required	n/a

<sup>1</sup> Upstate New York includes all of New York State north of the Bronx-Westchester County boundary

<sup>2</sup> Long Island includes all of WMU 1A and 1C (Nassau and Suffolk counties)

<sup>3</sup> Hunting season closed in New York City for all species listed in table; New York City includes all of WMU 2A (Bronx, Kings, Queens, New York, and Richmond counties)

## Nuisance Species

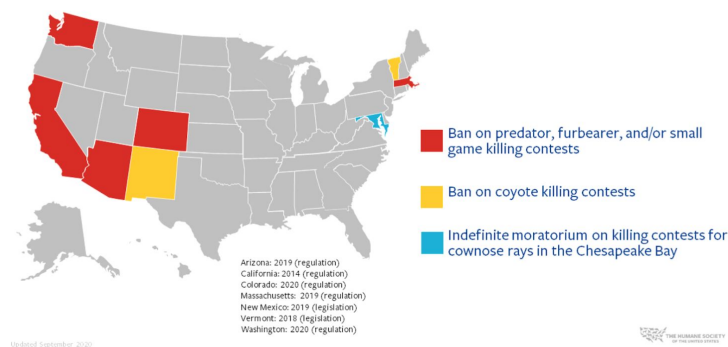
In another conversation, I asked Amanda Bailey (DEC) about nuisance species. More specifically, how are they defined by the DEC, what evidence is used to make that

determination? Is it location specific? Who makes the nuisance species determination? (T. Caffrey, personal communication, November 3, 2020).

I learned that the phrase “nuisance wildlife species” is not accurate because the DEC does not categorize species as nuisances. The nuisance designation is based on an individual animal’s behavior and thus could be any species. However, there are some species with more reported human-wildlife conflicts, like coyotes, bears, and beavers. The DEC defines nuisance species as a wild animal that is a perceived threat to human health or safety and may cause property damage. In most circumstances, a member of the general public calls, and the DEC wildlife staff will listen to the complaint and determine whether or not the animal is actually a nuisance. From that point, they will determine the best course of action whether it be the removal of the animal or non-lethal means (T. Caffrey, personal communication, November 3, 2020).

## Current Legislation/Regulations

The map below shows the states that have regulation/legislation as well as the nature of the bans in place.



(The Humane Society of the United States, 2020)

Currently, there are various bans on wildlife killing contests, also referred to as hunting contests, in 7 states, Arizona, California, Colorado, Massachusetts, New Mexico, Vermont, and Washington. New Mexico and Vermont were the only two states to pass legislation; all others were through regulation (The Humane Society of the United States, 2020).

California passed a law (FGC § 2003) in 2014 stating, “Except as specified in subdivisions (b), (c), (d), and (e), it is unlawful to offer a prize or other inducement as a reward for the taking of a game bird, mammal, fish, reptile, or amphibian in an individual contest, tournament, or derby.” (Clifton, 2019) The law makes a distinction that contests with a prize or reward are banned.

Massachusetts also passed a law (321 CMR 2.16) in 2019 stating, “It shall be unlawful for any person to organize, sponsor, promote, conduct or participate in a contest in which participants compete for prizes or other inducements that results in the capture, take or waste of those predatory or fur-bearing animals regulated by the Division pursuant to 321 CMR 3.02(3) or 3.02(5)(b)(2.) and (5.-11.)” (321 CMR, n.d). Under this law, the animals protected are coyote, red fox, bobcat, gray fox, mink, weasels, river otter, skunk, fisher, beaver, opossum, and raccoon (Molidor, 2015).

In Arizona, a law similar to California's law was passed. This law (r12-4-303) states:

“[It is illegal to] Participate 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. For the purposes of this subsection, ‘contest’ means a competition among participants where participants must register or record entry and pay a fee, and prizes or cash are awarded to winning or successful participants” (Arizona Administrative CODE, 2020).

The Arizona law became effective on November 3rd, 2019, and does not apply to fishing tournaments.

In New Mexico, law SB 76 was passed declaring that “ It is unlawful for a person to organize, cause, sponsor, arrange, hold or participate in a coyote-killing contest” (New Mexico Legislature, 2019). This law became effective in 2019.

Vermont passed, 10 V.S.A. § 4716, stating that “A ‘coyote-hunting competition’, as used in this statute, means a contest in which people compete in the capturing or taking of coyotes for a prize. A person shall not hold or conduct a coyote-hunting competition in the State. A person shall not participate in a coyote-hunting competition in the State.” (Vermont General Assembly, 2018). This law went into effect on January 1st, 2019.

The most recent regulations that have gone into effect were in Washington. In WAC 220-413-060 it states that “It is unlawful to participate in a hunting contest for which no permit has been issued by the department. A violation of this subsection is punishable as an infraction under RCW 77.15.160 (6)(b)” (Washington State Legislature, 2020). This law applies to all contests and is not specific to those with rewards. However, it does make the stipulation that some contests can be conducted with a permit.

### ***Proposed New York Bills***

Two bills have been proposed by state Assemblywoman Deborah Glick. The A00722B bill states that “it shall be unlawful for any person to organize, sponsor, conduct, promote, or participate in any animal killing contest, competition, tournament or derby where the objective of such contest or competition is to take the largest number of small game, wild birds, other than wild turkeys, and domestic game birds” (New York State Assembly, 2020). This bill is the same as S07542, a bill proposed by NYS senator Monica Martinez. The provisions of these bills do not include field trials and special dog training areas as well as fishing derbies. The bill memo states that “each such misdemeanor shall be punished by imprisonment for not more than one year or

by a fine of not less than five hundred dollars nor more than two thousand dollars, or by both such imprisonment and fine.”

There are two other bills A09775 and S.4253B. The A09775 bill sponsored by Assemblywoman Glick is more general, it states that “it shall be unlawful for any person to organize, sponsor, conduct, promote, or participate in any contest, competition, tournament or derby where the objective of such contest or competition is to take wildlife” (New York State Assembly, 2020). The S.4253B bill, proposed by state senator Martinez states that it will make it “unlawful for any person to organize, sponsor, conduct, promote or participate in any contest, competition, tournament, or derby with the objective of taking or hunting wildlife for prizes for other inducement, or for entertainment. This does not include fish” (New York State Senate Bill S425B, 2020).

Overall, California, Massachusetts, and Arizona place the ban on contests that offer prizes or other rewards, and in the New York Bills (A00722 and A09775) prizes are not mentioned. The Washington law applies to contests that are conducted without a permit. The Massachusetts law is more specific to predatory and fur-bearing animals. Two of the NY bills are just concerned with competitions/contests where the objective is the taking of wildlife. Martinez’s bill (S.4253B) is worded most similarly to the California, Massachusetts, and Arizona legislation. Similar to Arizona, there is a component that states that it does not apply to fish. The New Mexico and Vermont Laws are specific to coyote killing contests. An issue with making the ban specific to contests with rewards is that there is technically a loophole. The loophole allows for contests to be held that do not offer prizes or rewards and it has already been exploited. In 2015, a year after hunting contests with prizes were banned in California, it was confirmed that a Coyote killing contest called the “Big Valley Coyote Drive” was held (Molidor, 2015). Despite

the ban on hunting contests with prizes/rewards, hunting contests are still technically legal, but there is less incentive because they can not legally give rewards or prizes to winners.

Justification for the proposed New York bills was provided in the form of memoranda. The ban on contests that provide rewards/prizes is justified on the grounds that these types of competitions are inhumane and create prize incentives for killing. These competitions are unsportsmanlike because they are often held in a party-like atmosphere and can be more akin to massacres than hunting. Many hunters consider these competitions to be cruel (New York State Assembly, 2020). The NYC bar association also stated that the proposed legislation is consistent with other states' legislation as well as some regulations that already exist in New York. There are already bag limits for some species, as well as restrictions on seasons and hunting methods. The NYC Bar Association also pointed out that minors can participate in these hunting contests, which is troubling. (Support for legislation..., 2020)

## **Stakeholders**

### ***New York State Department of Environmental Conservation***

In order to gain an understanding of the DEC's standpoint on hunting contests, I contacted the DEC. I had several conversations with Amanda Bailey, a wildlife biologist that works for the DEC Bureau of Wildlife. In my first email, I asked about the DEC's main standpoint on these contests, DEC rules, and regulations regarding hunting contests, the DEC's role in regulating hunting contests, and general details about the hunting contests held in New York state. In response, I learned that all hunting contests must follow DEC regulations and that the DEC closely regulates hunting. Also, she made it clear that the DEC does not endorse or sponsor these events (T. Caffrey, personal communication, September 8, 2020).

In my second exchange over email, I asked more questions for clarification in regards to whether or not there is a specific permit required, if there are any records kept of the number of animals taken at these contests, and if there are any population studies and studies of ecosystem roles of these species being done. From this, I learned that there are no special permits required to either participate in or hold these contests. Beyond following regulations and tag requirements for certain species like bobcat, otter, and fisher, for other species after the season is over a large sample of small game hunters are surveyed and asked to record their take (T. Caffrey, personal communication, September 17, 2020). From this data estimates of the number of animals harvested can be made.

The DEC is currently conducting population studies for certain species. There is a statewide occupancy survey for fisher and statewide surveys for snowshoe hare. A mammal distribution survey is also currently in the works. This included population estimation and sampling for squirrels. The DEC has collaborated with Cornell University and SUNY ESF to investigate coyotes in New York.

In regards to coyotes, this research has yielded findings from which the DEC thinks these contests are not significantly harming the coyote population. However, it was also found that the presence of coyotes does not significantly impact deer species. This directly refutes the claims these contests are making that they serve the purpose of helping game species. Also, short term hunts cause no significant impact, the coyotes are replaced by others who move into the area or through the increased reproduction rates in response to the decrease in population (T. Caffrey, personal communication, September 17, 2020). Again, disproving the claims of contest organizers.



Much of the information that Amanda Bailey discussed is connected to a 1991 study specific to coyotes that was conducted by the NYS DEC. The findings of this study are relevant to refute the statements that organizers are making the contests serving the purpose of wildlife management. The study found that “Coyote Densities rarely are reduced enough through hunting and trapping. In fact, studies have shown an increase in reproductive rates in areas where coyotes were intensely removed.” (Bureau of wildlife et al., 1991) This piece of evidence disputes the argument that these contests use to justify their actions. Though hunting coyote populations are not reduced enough to make an impact if anything there are signs of increases in population in areas where they are removed most intensely. So, hunting practices in which there are areas of intense removal like hunting contests, there is no significant decrease in population that would warrant the title of being an effective method of wildlife management. It was also found that “because coyotes are territorial, those that are removed soon will be replaced by their neighbors”. (Bureau of wildlife et al., 1991, pg 14) This further supports the statement that hunting contests are not wildlife management. Lastly, the study made the statement that “Random removal of coyotes will not: (a) control or reduce coyote populations; (b) reduce or eliminate predation on livestock; or (c) result in an increase in deer densities” (Bureau of wildlife et al., 1991, executive statement). This study refutes any justifications of hunting contests serving the purpose of managing wildlife, especially coyotes, to serve the purpose of protecting livestock and or increasing deer populations. The research conducted by the DEC does not support any of those justifications.

### ***Humane Society of the United States***

On September 25, 2020, I spoke with Brian Shapiro from the Humane Society and asked the 6 questions and follow up questions stated in the methodology. These questions were along

the lines of, “what is your organization’s position?”, “Has your organization conducted any research?”, “Has your organization met with government agencies?”, “What bill does your organization prefer?”, “What hurdles are in the way of moving this legislation?”, “Are you aware of any groups in opposition?”, and “Is there anyone you recommend that I speak to?”.

From this conversation, I learned that the bill is a product of the Humane Society. From the standpoint of the Humane Society, hunting contests are not traditional hunting. They have the goal of killing the most, heaviest, or biggest. Various species are targeted with no scientific basis. Brian Shapiro echoed the DEC in that the science shows that there is an opposite effect. It is not sound wildlife management. Hunting contests are counterproductive, indiscriminate killing may reduce populations temporarily but many species will increase in numbers. These contests are a wanton waste of resources that belong to everyone. The competitive killing of animals for cash and prizes does not respect the wild animals and their habitat, and it is against the principles of traditional hunting ethics. These contests give hunting a bad image and help already existing negative views along (personal communication).

The A9775 bill is preferred because it addresses any competition to take wildlife and the other bill is applied to the greatest number not heaviest and other kinds. The bill is going to be reintroduced in January. The Humane Society does conduct its own investigations with its most recent being in February of 2020. Also, they have spoken with the sponsors of the bill as well as the DEC. Brian Shapiro contradicted the DEC and stated that the DEC has no oversight but can put a law into effect (T. Caffrey, personal communication, September 25, 2020).

In regards to groups in opposition, the farm bureau was noted as a major source of opposition. They believe that the passage of this law will lead to a slippery slope in which their guns will be taken and all hunting will be stopped. Also, the DEC claims they already regulate

these contests. There is some opposition from the Trappers Association. Interestingly there was some opposition from fishing groups on Long Island but the legislation will not be applied to fish. It was found that they didn't read the bill in its entirety (T. Caffrey, personal communication, September 25, 2020).

I had a second conversation with Brian Shapiro for some clarification. I asked questions related to the coyote killing contest in Sullivan county as well as unrelated questions that serve the purpose of informing the policy recommendations of this paper. In relation to the coyote contest, I asked for clarification in regards to whether or not participants from the state of Pennsylvania took coyotes in Pennsylvania for their contest entry or did they take coyotes in New York? If they took coyotes from PA, they then brought them across state lines for the weigh-in for confirmation? I then asked, "Have you considered a bill that regulates rather than bans hunting contests with rewards?", "What are the consequences of not having this legislation?", "What would you think about legislative findings that stated the importance of hunting in NYS being attached to the bill?" (T. Caffrey, personal communication, October 26, 2020).

From these questions, I confirmed that contests are open to out of state residents. Coyotes were taken out of state and brought to the weigh-in. From Brian Shapiro's viewpoint, there is not a way to effectively regulate hunting contests. He used wanton waste regulations as an example— these regulations make it that you have to use what you kill, but how would this be enforced and how would it apply to animals like the crow. He also pointed out that the DEC does not want to regulate it; they don't want laws that they'll have to enforce. They already have a deficit of environmental conservation officers. Without action, the contests will continue, and it is very likely that there will be a decrease in hunting due to these contests creating a bad

reputation. Hunting contests use wildlife as a means to rewards, like bingo chips. He pointed out the state already regulates bag limits and weapons that can be used. Also, he felt that legislative findings would be a good idea and he noted that the NYC Bar Association Animal Law Committee has findings on wildlife killing contests (T. Caffrey, personal communication, October 26, 2020).

### ***New York League of Humane Voters***

I had an exchange with Anne Muller of the League of Humane Voters on September 29th, 2020. From the 6 questions and follow up questions, I learned that the bill is on their legislative agenda. She also echoed the DEC and Brian Shapiro in stating that there is usually an increase in populations of the species targeted by hunting contests. This phenomenon is called compensatory rebound. She also made it clear that from her standpoint and from the standpoint of the League of Humane voters that the response of legislators outside of the sponsors and cosponsors has been lukewarm since it is controversial. She took the unique standpoint that the DEC is antagonistic to this legislation and any legislation that can be seen as a slippery slope. That this bill will be a starting point for more laws and will reduce revenue from ammunition and firearms. The League of Humane Voters, similar to the Humane Society, also prefers the A9775/S4253 bill because it is the “stronger” bill. The bureau of wildlife, sportsmen's alliance, and farm bureau were all noted as sources of opposition (T. Caffrey, personal communication, September 29, 2020).

On November 2nd, I contacted Anne Muller and asked questions in regards to policy alternatives and legislative findings. I asked her about using regulation vs. legislation. I also asked about the consequences of regulation as well as the use of legislative findings (T. Caffrey, personal communication, November 2, 2020). From her understanding, most laws that have been

passed have been regulatory, so she thinks that it is likely that it will have to be regulatory in New York as well. In her discussions with an attorney, he felt that legislative findings are useful if the law is challenged in court (T. Caffrey, personal communication, November 5, 2020).

### ***New York Farm Bureau***

In a formal memo of opposition, the Farm Bureau stated that the DEC already has rules and regulations in place. That these contests are used to recruit new hunters and raise money for rifle, hunting and outdoorsman clubs in rural areas. Also, that hunting is a way to maintain balance in a habitat, connecting back to the wildlife management justification. From their viewpoint, if this bill were to become law it would hurt hunters in rural communities and wildlife in NYS (Wolters, 2019).

### ***Rip Van Winkle Rod & Gun Club***

My communication with the Rip Van Winkle Rod & Gun Club, organizers of the Crow Down, was limited to a Facebook message exchange. From their response to my initial introduction, I was able to get an idea of their views. They stated how the political climate has changed and “upstate traditions are under attack.” The representative made it clear that there had been protests and threats in the past due to their views (T. Caffrey, Personal Communication, November 1, 2020). On November 6th, I asked fairly simple questions, “Are you going to resume the Crow Down Contest, If not why?”, “Is there a limit on the number of people that are allowed to participate?”, “Is the contest only open to people that live in New York State or is it open to out of state residents as well?” (T. Caffrey, Personal Communication, November 6, 2020). The questions received the response, “We are not continuing the contest. The number of contestants entered did not make it feasible for us.” (T. Caffrey, Personal Communication, November 11, 2020). I then followed up with a question about why they think there was a lower

turnout, “Was it due to controversy generated by the media?” and received no response. From my brief conversations with the representative of the Rip Van Winkle Rod and Gun Club, it appears they are perceiving changes in people’s views of hunting and they are trying to preserve hunting. It is likely they feel their traditions are under attack. And, to be fair, they have been attacked in the form of protests and threats in the past, so their fears come from actual past experiences. It is unclear what stopped them from holding another Crow Down contest; it could have been just a lack of participants but what role does the public attitude have on whether or not these contests will be held? The answer is not known in this case, but there seems to be a connection between past public outcry and the contest not taking place this past year.

### ***Sportsmen’s Alliance***

On the Sportsmen’s Alliance website it stated that legislation like AB 722 will be extended to ending all hunting contests nationwide and that it will be extended to banning field trials. The website used the terminology, “They are attacking management tools like coyote contests, as well as silently trying to kill field trials.”(New York bill..., 2019). The sportsmen’s alliance is using the management angle for their defense of hunting contests as well as the slippery slope argument mentioned by Brian Shapiro and Anne Muller.

### ***Property Owners***

HAMS is a system to monitor and regulate hunting that can be used by private landowners. On their website a blog post was written that expresses a general view of wildlife management and its relationship to hunting. The post defines wildlife management and its components but expresses that hunting is crucial to wildlife management. From their point of view taking away hunting would lead to uncontrolled populations and damage to the

environment. They also acknowledge that the human aspect of management is the most difficult and that people need to be reminded of the importance of hunting and wildlife management. It is clear that the proponents of this property management system believe that hunting is key to wildlife management, this may not be a belief of all landowners, but it speaks to the fact that within the sphere of landowners and property owners there are those that believe hunting is key to managing wildlife on privately owned land (Bijl et al., 2019).

## **Crows**

### ***Description of Crows***

Except for the deserts of the southwest United States, American Crows are fairly common in the lower 48 states. Crows are all black, have hoarse cawing voices, and are highly intelligent. They eat almost anything and typically feed on the ground. They eat insects and other small animals, fruits, seeds, carrion, garbage, and sometimes chicks from other birds' nests. American Crows do not have beaks specialized to eat carrion. Their beaks are large but cannot break through an animal's skin so they have to wait for something else to open a carcass or wait for it to decompose. Speaking to their intelligence, they have been known to follow other birds to their nests to find chicks. They have been also known to steal food from other animals. Crows have been observed making and using tools. A captive crow shaped a piece of wood to stick into a hole in the fencepost of its enclosure in search of food (Cornell Lab of Ornithology, n.d.).

Young crows do not breed until at least 2 years of age and many do not until they are 4 or older. It is common for the young to help raise the young within their family group. Families can sometimes include 15 individuals from multiple generations. The oldest wild American Crow ever recorded was approximately 16 years and 4 months old, and the oldest in captivity lived to be 59 (Cornell Lab of Ornithology, n.d.).

### ***Effect of West Nile Virus on Crows***

The West Nile Virus had a severe effect on American Crows. In 1999, the virus spread from New York and made its way to California by 2003. In laboratory studies, nearly 100% of American Crows died of experimental infections.

American crows have complex social systems, slow maturation and reproduction rates, and relatively low mortality rates. There is usually a single breeding pair within a group, dependent offspring and “auxiliaries” that are either older offspring or other crows. The West Nile Virus did more damage than just reducing population growth. It reduced breeding pairs, auxiliaries that normally helped raise the young and increased juvenile mortality. The social system was disrupted that left long occupied territories vacant and social traditions were disrupted for a time. As the years passed the social systems of the crows were rebuilt but for several years the crow population suffered not only disruptions in numbers but also in social systems (Clark et al., 2006).

### ***NYS Regulations on Crows***

In New York State the regulations for migratory game birds do not apply to crows. They are a species of least concern. In Upstate New York and Long Island, the hunting season for crow is from September 1st to March 31st. There is no bag limit on crows and shooting hours are from sunrise to sunset. The use of non-toxic shot is not required. Hunting is allowed Friday through Monday. Also, rifles and electronic bird calls are permitted (DEC, 2020-21).

According to the DEC, crows can be taken for reasons other than being a nuisance. They can be taken without a permit if they’re destroying crops. They may be taken when they cause structural damage or cause health hazards. They can also be taken when they threaten



endangered or threatened species. However, the person experiencing damage must attempt to use nonlethal methods such as netting or flagging. (DEC, n.d.)

### ***Managing Urban Crow Roosts in Pennsylvania and the Northeast***

In the winter, crows can roost in groups with hundreds to hundreds of thousands of birds. Crow roosts can cause property damage as well as noise issues. Crow roosts can be relocated through various means; the most used is harassment. Harassment can include the use of pyrotechnics, distress calls, low powered lasers, and methyl-anthranalite. USDA wildlife services can be directly involved in the crow management plan or it could be done independently. There needs to be beforehand planning and harassment will need to be conducted more than once most likely. It is important to inform the public of what is being done, why, and where. Also, it is good to involve the public in planning and keep them updated on the efforts. It is also important to educate the public on the benefits of crows, why they roost, and that the roost will break up in the spring. The new location needs to be assessed to make sure that it is not problematic. Also, the original roost site needs to be monitored to make sure that the crows do not return (Brittingham, 2011).

### ***Rip Van Winkle Rod and Gun Club Crow Down***

The Rip Van Winkle Rod and Gun Club held a Crow Hunting contest annually but did not hold one this past March. The goal of this contest was to kill the greatest amount of crows possible in two days. For each dead crow turned in, participants were awarded tickets that they could apply towards prizes (Figura, 2019). This contest is not wildlife management, it only serves the purpose of killing to receive a prize. In 2014, this contest drew negative media attention. There were multiple articles written in several different sources including in the New

York Times Opinion pages (Revkin, 2014). I was able to have an exchange with a representative of the Rip Van Winkle Rod and Gun Club and they referenced the negative attention and threats that they have received in the past. However, they did not confirm the reason that the contest has not been continued, other than there being not enough participants entered (T. Caffrey, personal communication, November 11, 2020). Despite this, there is evidence of a constituency against the Crow Down. Hunting contests are seen as being a “gratuitous slaughter” (Revkin, 2014). This further supports the passage of legislation banning hunting contests because there is an established record of public opposition to hunting contests like the Crow Down contests.

### **Policy Recommendations**

It is my recommendation to support the A9775/S4253 bill over and try to ban contests with rewards through legislation. I also recommend attaching legislative findings to those bills.

I made these recommendations based on information taken from conversations with representatives from various stakeholder groups as well as research on various groups. Firstly, from the DEC, Amanda Bailey did speak to the fact that participants in hunting contests have to follow New York State hunting regulations, but she also made it clear that the DEC does not endorse or sponsor hunting contests (T. Caffrey, personal communication, September 8, 2020). From the various stakeholders in support of a ban on hunting contests, it has been made clear that the A9775/S4253 bill is preferred (T. Caffrey, personal communication, September 25, 2020), (T. Caffrey, personal communication, September 29, 2020) because it addresses any competition to take wildlife that there is a reward and the other bill only applies to contests in which the goal is to take the greatest number. This leaves a loophole that contests can easily change their contests to reward for the heaviest or largest animal. It was also made clear that even though many states have gone through regulation, Brian Shapiro of the Humane society feels that

regulations will be hard to enforce (T. Caffrey, personal communication, October 26, 2020). It would be my recommendation to support the A9775/S4253 bill over the other, and try to ban contests with rewards through legislation.

This decision follows along with the Humane Society's beliefs as well as the beliefs of the League of Humane Voters. However, there are several groups in opposition whose voices must be included. The Farm Bureau raised the argument that these contests are a means of wildlife management and maintaining balance (Wolters, 2019), which has been disproven by DEC studies. The sportsmen's alliance specifically cited that bills like AB 722, which is the same as the S7542 bill and is perceived as the weaker bill, will lead to ending hunting contests nationwide and that they will be extended to banning other types of hunting like field trials (New York bill..., 2019). From the Rip Van Winkle Rod and Gun club, there was not a discussion of specific bills but the representative felt it important to state that they felt that "upstate traditions are under attack" (T. Caffrey, Personal Communication, November 1, 2020). From the responses of these stakeholders, it is clear that there needs to be clarification that hunting contests are not wildlife management, and that this legislation will not lead to other types of hunting being banned in New York.

With the current biodiversity loss crisis occurring globally, protecting native wildlife and biodiversity is extremely important. Hunting contests are not being regulated beyond adherence to DEC hunting regulations. Despite the supporters of these contests claiming that they are a form of wildlife management, there is no scientific data to support that claim. The DEC has not conducted research on these contests or their outcomes. There is also evidence of a constituency against hunting contests as evidenced by the public reaction to the Crow Down contest. We are in a crisis and a scientifically invalid hunting practice being justified as wildlife management

cannot continue. These factors led me to make the recommendation of supporting the A9775/S4253 bill and incorporating legislative findings into the bill.

### ***Legislative Findings***

In order to resolve the issues raised by opposition to the proposed hunting contest prohibition bills, I recommend legislative findings to be drafted as part of the A9775/S4253 bill. Legislative findings show the thought process and analysis behind the legislation. This can give a court or legislative body a context behind the legislation and will help them reach an understanding as to why this legislation was or should be passed. Also, legislative findings can help clarify inaccurate assumptions of opposing stakeholders (Fox et al., 2013). Legislative findings do not have a set structure but should be like a story. The findings should go from evidence to conclusions, and show the “analytic route”(Fox et al., 2013).

Legislative findings have been attached to New York State legislation previously. An example is the New York State Elephant Protection Act. The legislative findings within the bill stated the main purpose behind the legislation and gave a clear picture of the abuse that entertainment elephants face (NY State Senate, 2018).

### ***Draft Legislative Findings***

- a. Hunting is an important recreational activity that plays a vital role in New York state history and culture.
- b. Wildlife management programs and practices are implemented in response to species-specific scientific research regarding such factors as populations, habitat, and prevalence of disease, and similar factors, and in the case of coyotes, removal of a large number of coyotes from an area has been proven by DEC studies to cause increases in population.

- c. Hunting competitions that encourage the killing or taking of the largest number of individuals pose a threat to proper wildlife management and the ethical practice of the sport of hunting.
- d. Hunting contests have become a matter of national concern, and the state should play a leading role in their proper regulation.
- e. Hunting contests are controversial and have been met with significant public opposition, bringing understandable criticisms.

These legislative findings address several viewpoints from groups in opposition to the A9775/S4253 bill. They clarify what wildlife management is, which would dispel contest organizers' justification of contests as wildlife management tools. The legislative findings also address the slippery slope argument, by clarifying the importance of hunting. These findings would provide legislators with a deeper understanding of the issue and why this issue must be addressed.

### **Further Research**

In my research, I found some information in my discussions with Amanda Bailey from the DEC and Brian Shapiro from the HSUS. Currently, the transportation of deer across state lines is highly regulated because of chronic wasting disease. However, animals like coyotes can be transported across state lines without being reported as well as without reporting, where and how their bodies have been disposed of (T. Caffrey, personal communication, October 27, 2020). This seems like a significant gap in regulation. Coyotes can carry diseases like distemper and canine hepatitis (USDA Wildlife Services, n.d.). The safety of unregulated transportation of coyote carcasses across state borders needs to be researched and may need to be addressed

through legislation or regulation. This issue can be further researched in the spring Environmental Policy Clinic at Pace University. The information within this paper will serve as a catalyst for further action in the spring.

## **Conclusion**

With the world in a biodiversity crisis, hunting contests cannot continue. After analyzing hunting contests, other state legislation and regulations, the history of hunting, wildlife management practices, and engaging stakeholders, it is clear that the A9775/ S4253 bill is the best course of action. It is the stronger bill and seeks to ban hunting contests with the objective of taking for prizes. I determined that it would be beneficial to add legislative findings of the bill that will affirm hunting as a right and that hunting contests are not wildlife management. Also, they elucidate on the fact that hunting contests are controversial and are a matter of national concern, and New York State should pass legislation to prohibit such activity.

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