



Public Employees for Environmental Responsibility

962 Wayne Avenue, Suite 610 • Silver Spring, MD 20910

Phone: (202) 265-PEER • Fax: (202) 265-4192

Email: info@peer.org • Web: <http://www.peer.org>

August 24, 2018

Connie Williams, Chief, Planning Evaluation and Decision Support
Policy and Program Development
USDA Animal and Plant Health Inspection Service
4700 River Road, Unit 120
Riverdale, MD 20737
Connie.M.Williams@aphis.usda.gov
(301) 851-3087

RE: Request for Reconsideration – Complaint About Information Quality

Ms. Williams:

On December 20, 2017, Public Employees for Environmental Responsibility (“PEER”), alongside a coalition of many of the largest wildlife organizations and most knowledgeable wildlife and carnivore experts in North America (“Coalition”), filed an information quality complaint with U.S. Dep’t of Agriculture, Animal and Plant Health Inspection Service (“APHIS”) alleging significant flaws in the scientific material employed and disseminated by the agency concerning lethal control of coyotes (*Canis latrans*). After several months, PEER received a 3-page response letter denying retraction of University of California, Coop. Ext. Serv. Bulletin 1872 publication, Connolly, G.E. and W.M. Longhurst, 1975, *The Effects of Control on Coyote Populations: A Simulation Model* (“Connolly and Longhurst”).

The response’s brevity, delay, and abject failure to consider the overwhelming body of evidence demonstrating the ineffectiveness of lethal control programs shows clearly that APHIS is obstinately clinging to faulty research to justify programmatic desires rather than employing modern wildlife science to direct the most effective means of minimizing potential agricultural damage, ensuring ecological stability, and heeding public concern against overly aggressive unjustified predator policies . Given recent adverse court precedent against APHIS’s Wildlife Services for use of inadequate science, the agency’s incomplete reasoning and failure to sufficiently address several of the points raised by the Coalition in its December 2017 request for retraction, PEER respectfully submits this Request for Reconsideration.

1. Wildlife Services Has Faced Judicial Scrutiny for Inadequate Scientific Review

Despite the assurances of APHIS that it relies upon sound scientific evidence to support its coyote predator damage programs, Wildlife Services has recently faced severe judicial criticism of their blatant disregard for informed concerns raised by wildlife experts, outside organizations, and other government agencies.¹ The judge in this case held that the agency willfully ignored science showing that killing predators does not decrease conflicts with livestock and that controversial policies, such as the slaughter of native predator populations, warrant a much more thorough level of analysis than Wildlife Services had engaged in.²

This is pertinent as APHIS states in their dismissal of the Coalition's request that "APHIS National Environmental Policy Act (NEPA) documents rely upon an extensive body of scientific evidence in the decision making process. Coyote damage management is undertaken after completion of an Environmental Assessment, which includes a public comment period and, if appropriate, issuance of a subsequent Finding of No Significant Impact." However, the federal judiciary has found otherwise, particularly as it pertains to the agency's use of predator control science, requiring the agency to undertake a full Environmental Impact Statement ("EIS") analysis. Not only is the veracity of this statement by APHIS brought into question given the scathing rebuke by the court, but "[t]he lack of reliable data infects all the agency's conclusions."³

Much in the same way that Idaho Wildlife Service's Environmental Assessment "does not so much convince the reader of the agency's position as cry out for a more objective review", the brief and scarcely supported dismissal of the Coalition's information quality complaint appears to be the flailing of an agency digging its heels in rather than objectively assessing the research before them – all while being fully cognizant of the chastisement for such behavior by the federal judiciary. APHIS argues that they need not remove the challenged study from use since they prepare EAs or other NEPA actions in a fair and critical manner however, the federal judiciary disagrees with the Agency's assessment; declaring that they have acted arbitrarily and capriciously in how they assess harm to native carnivore populations in designing their predator control schemes. This pattern of behavior has led multiple counties to cancel their contracts with Wildlife Services this year alone due to the agency's use of deficient data and science.⁴ It stands to reason that the institutional momentum that caused Wildlife Services to ignore critical current wildlife science in Idaho is also present within this clearly deficient information quality review.

2. Connolly and Longhurst is Inaccurate and Unreliable

APHIS has failed to sufficiently address the allegations concerning the accuracy and reliability of Connolly and Longhurst raised by the Coalition within its December 2017 request for retraction; instead it chose to cite a non-peer reviewed self-review of the study by its main

¹ See [Western Watersheds, et al., v. USDA APHIS, Case No. 17-cv-206-BLW, \(D. Idaho June 22, 2018\)](#).

² *Id.* at 16-22.

³ *Id.* at 19.

⁴ Center for Biological Diversity, *Press Release: Another California County Suspends Contract With Federal Wildlife-killing Program*, https://www.biologicaldiversity.org/news/press_releases/2018/wildlife-services-08-21-2018.php.

author himself, parsed semantics concerning the nature of Wildlife Services' programmatic policies, failed to address the internal inconsistency of the agency's application of this study, and refused to acknowledge the more recent conflicting research supplied by the Coalition. Considering these issues, it stands to reason, that despite taking seven months to review this information quality challenge – though USDA guidelines state that such a review should be completed within 60 days – the agency has failed to seriously look at the merits of this information quality complaint, the attached studies, or to even pause for a half second of self-reflection.

In defense of Connolly and Longhurst, the agency does little to explain how this study is accurate and valid, aside from stating that this study was important at the time it was published (43 years ago) and citing a study that reaches a statistically significant different conclusion on how much annual lethal removal coyote populations can withstand before a population collapse. APHIS does little to explain how this study is still valid or falls within the definition of the best available science necessary for implementing lethal control programs.

Moreover, through even a quick internet search there are dozens of scientific articles on how modeling for animal populations can be vastly improved upon by looking at a variety of factors ignored by Connolly and Longhurst, including: looking at individuals and their habitats; habitat fragmentation; predator-prey relationships; social dynamics including territoriality and demographic patterns; the health of individuals; the dynamic relationships between individuals; etc. None of these metrics were employed by the Connolly and Longhurst studies, nor does APHIS address the structural issues of the 1975 study, other than to note the authors themselves recognized significant methodological shortcomings to their own study – which APHIS uses as justification for its continued use and not, as it should be, grounds for its removal from governmental use.

It is perplexing that APHIS would use another non-peer reviewed study by the same author to justify the veracity of the original Connolly and Longhurst study while completely ignoring the plethora of research provided by the Coalition. This tactic reeks of intellectual dishonesty, an intractable anti-predator bias, and hesitancy to address legitimate issues with the science employed by the agency; something that the court system has recently found the agency guilty of during the review period of the Coalition's complaint.

3. Inconsistency in Application and Supporting Studies

APHIS has replied to the Coalition's concerns about the challenged study by erroneously stating that the conclusions of Pitt., et al. (2001) are consistent with Connolly and Longhurst, as this model "found that the removal of at least 60% of the population each year for 50 years would be necessary to affect a population level change." However, this is an inadequate justification in the face of a significant body of modern research presented by the Coalition as (1) Pitt, et al. (2001) is significantly lacking in its methodology and is not published in a primary journal, as should be the case for population research employed in making significant agency decisions requiring the best available science, and (2) the mortality percentages differ significantly between Connolly and Longhurst and Pitt, et al.

Moreover, in relying upon Pitt, et al. (2001), the agency neglects to mention another Pitt study with an even higher level of peer-review⁵ which, while it does not directly discuss the coyote mortality threshold for population collapse, specifically states that other older models (*i.e.*, Connolly and Longhurst) do not discuss territorialism and social structure like their study. The same body of research that APHIS relies upon to justify its continued dissemination of the outdated and non-peer reviewed Connolly and Longhurst study argues the structure of such a study was inadequate to accurately assess population resiliency.

The scant reasoning employed by APHIS in dismissing the Coalition’s information quality complaint appears to put the cart before the horse; the agency has decided that it will not change its approach to predator damage management despite new evidence with better developed methodologies clearly demonstrating the shortcomings and ineffectiveness of the agency’s current policies. It is clear from this half-hearted response that APHIS has not applied the necessary heightened level of review on the dissemination of this still-influential 43-year-old study nor has it even stopped to analyze the material provided to it by an influential coalition of the world’s foremost wildlife and carnivore experts. This clearly violates the USDA’s information guidelines and undermines the effective management of public trust resources – as influential non-peer-reviewed studies are not presumed to be objective and require a heightened level of scrutiny upon review.⁶

4. Misapplication of Study by Wildlife Services

Another issue that APHIS fails to address, but continues to perpetuate, is the glaring misapplication of Connolly and Longhurst and the cherry-picking of scientific excerpts that progress their policy initiatives despite clear evidence of those policies’ inefficacy. More specifically, APHIS fails to address the glaring issue within Connolly and Longhurst whereby, despite determining that a significant portion of the coyote population could be euphemistically “removed” by Wildlife Services on an annual basis without a long-term population crash, the study itself concludes that lethal control programs are ineffective at controlling coyote populations or reducing agricultural loss.⁷ The agency has conveniently ignored the policy conclusions of this study for over 40 years now, continuing a practice of slaughtering around 75,000 coyotes annually in a largely indiscriminate manner at the behest of livestock producers, despite the Agency’s own research and a continually growing body of evidence demonstrating that such action is neither a prudent use of public resources nor an effective solution to the problem posed.⁸

⁵ Pitt, W.C.; Box, P.W.; and Knowlton, F.F., *An individual-based model of canid populations: modelling territoriality and social structure* (2003). USDA National Wildlife Research Center - Staff Publications. 267.

⁶ USDA, Office of the Chief Information Officer, USDA’s Peer Review Guidelines, available at <https://www.ocio.usda.gov/document/usdas-peer-review-guidelines>; see also USDA, Office of the Chief Information Officer, *Information Quality Guidelines: Correction of Information*, available at <https://www.ocio.usda.gov/policy-directives-records-forms/guidelines-quality-information/correction-information>.

⁷ The authors “emphatically do not recommend eradication as the preferred coyote management strategy . . . Killing coyotes unselectively . . . is not a very feasible means of reducing populations over broad geographical areas.” Connolly and Longhurst, at 32-33.

⁸ Connolly and Longhurst finished their paper by concluding that they “emphatically *do not* recommend eradication as the preferred coyote management strategy . . . Killing coyotes unselectively . . . is not a very feasible means of reducing populations over broad geographical areas.” Connolly and Longhurst at 32-33 (emphasis added).

APHIS spends a third of their response parsing semantics about whether it is the policy of Wildlife Services to “eradicate” coyotes or to “provide Federal leadership for science-based wildlife-human conflict management” in an “accountable” and “transparent” fashion. However, it is apparent that Wildlife Services operates in a manner that is far from being 1) science-based, 2) transparent, or 3) accountable. Given that as Judge Lynn Winmill has stated, Wildlife Services “has not given [leading wildlife experts’] studies the full attention they deserve,”⁹ it is clear that the agency has a penchant for not basing their decisions on the best available science. Moreover, as Congressman for Oregon’s 4th District and ranking member of the House Committee on Transportation and Infrastructure, Rep. Peter DeFazio, has stated, Wildlife Services is “one of the most opaque and least accountable agencies that I know of within the federal government... Their expenditures and utilization of taxpayers’ dollars is even more opaque than the Pentagon, except for highly classified programs.”¹⁰ This utter lack of transparency and accountability cannot be over-stated, as numerous investigations have shown Wildlife Services to lack even basic record keeping capacities, to have engaged in a pattern of purposeful suppression of data, and to support the practice of “shoot, shovel, and shut up” when it comes to predator killing.¹¹

APHIS further settles into the unsubstantiated position that they do “not rely on Connolly and Longhurst to justify maximum allowable take levels, but rather to demonstrate that APHIS’s targeted removal is dramatically below levels that could be expected to impact coyote populations.” Such a claim is dubious at best and outright false at worst. It is evident that the shortcomings found by the District Court of Idaho in Wildlife Service’s predator damage management plan were foreseen by Connolly and Longhurst but were blatantly ignored by the Government. This is seen where the challenged study itself states that “[s]ince reliable estimates of coyote numbers are notoriously difficult to obtain, the information needed to plan intelligent predator management programs is not usually available. In most areas we simply do not know how the control kill relates to the size of the population, or even whether coyote numbers are increasing or decreasing.”¹² This is still the case, 43 years later, as the judiciary has found that “the lack of reliable data infects all the agency’s conclusions.”¹³

Furthermore, it remains Wildlife Services policy in much of the country to employ M-44 sodium cyanide devices, leghold traps, and neck snares - which indiscriminately endanger all coyotes regardless of depredation tendencies,¹⁴ non-target wildlife including domestic dogs, and human children.¹⁵ Moreover, Wildlife Services’ “lack of crucial data is exacerbated by the

⁹ *Id.* at 22.

¹⁰ Predator Defense, EXPOSED: USDA’s Secret War on Wildlife.

<http://www.predatordefense.org/exposed/index.htm>

¹¹ See, e.g., Knudson, T. 2012. *Suggestions in changing Wildlife Services range from new practices to outright bans.* Sacramento Bee, May 6, p. 1A; Knudson, T. 2012. *Wildlife Services’ deadly force opens Pandora’s box of environmental problems.* Sacramento Bee, April 30, p. 1A; Knudson, T. 2012. *The killing agency: Wildlife Services’ brutal methods leave a trail of animal death.* Sacramento Bee, April 29, p. 1A.

¹² Connolly and Longhurst at 27.

¹³ *Western Watershed v. USDA APHIS*, at 19.

¹⁴ Wildlife Services killed roughly 30,000 coyotes in 2017 alone via these three indiscriminate removal methods – nearly half of all coyotes killed. See APHIS, Wildlife services, *Program Data Report G – 2017, Animals Killed or Euthanized.* https://www.aphis.usda.gov/wildlife_damage/pdr/PDR-G_Report.php?fy=2017&fld=KILLED_EUTH&fld_val=0

¹⁵ CBS News, *Idaho family says cyanide trap injured their son, killed their dog.* Aug. 24, 2018, <https://www.cbsnews.com/news/idaho-family-sues-government-m44-cyanide-trap-near-home/>

unreliability of the data that [it] does possess.”¹⁶ Therefore, it is a blatantly fraudulent claim that Wildlife Services is engaging in anything more than relatively indiscriminate removal and that its reliance upon Connolly and Longhurst to show that they are removing coyotes under a maximum sustained yield figure has little to no statistical data to support such claims.

Moreover, APHIS has failed to address how Wildlife Services has consistently misapplied metrics of this study to a wholly different subspecies of coyotes, the eastern coyote (*Canis latrans x. lycaon*), in predator damage management plans for east coast states. Even though this subspecies reaches sexual maturity at two years of age, significantly later than the western coyote,¹⁷ Wildlife Services has consistently used and disseminated this study as justifications for lethal control programs, as well as for state hunting regulations, as if the reproductive capabilities of the eastern coyote were identical to that of the western coyote.¹⁸ The failure of APHIS to address this misapplication within its rebuttal more than demonstrates not only the intellectual dishonesty that APHIS has employed in the review of this request, but also the obstinance of the agency to admit when the facts and research run counter to programmatic wishes and the desires of Wildlife Services’ clientele.

5. APHIS Ignores Modern Research Without Adequate Justification

APHIS willfully ignores, without explanation, all modern research provided by the Coalition and instead refers to an additional non-peer reviewed study by the challenged study’s primary author and only one other study that reached a significantly different statistical conclusion than Connolly and Longhurst. Furthermore, this is not an isolated incident by APHIS, as the federal judiciary has held that “Wildlife Services has serious disagreements with leading experts, and has not given their studies the full attention they deserve” when designing predator damage management plans.¹⁹

Moreover, Wildlife Services lacks sufficient statistical data in many instances to adequately employ the modeling systems it seeks to defend; as population modeling lacking actual data or where data is unused has proven to be very problematic for other species, it is no different for coyotes. Given the agency’s utter opacity and condemnation for faulty data collection by the federal judiciary, it is egregious that APHIS would so flippantly and lackadaisically address a sincere and thoroughly researched information quality complaint by such a large coalition of experts in the field of wildlife and carnivore biology. This is not the behavior of a science-based government agency that seeks to operate with accountability and transparency.

Given that USDA guidelines state that information disseminated must be accurate, reliable, and unbiased, and that it will “treat information quality as integral to every step in their development of information, including creation, collection, maintenance, and dissemination”, the response by APHIS dismissing the Coalition’s information quality complaint was clearly reviewed and responded to improperly. As such, we respectfully request and implore that

¹⁶ *Western Watersheds v. USDA APHIS*, at 18.

¹⁷ Way J.G.; Rutledge L.; Wheeldon T.; White B.N. (2010). [“Genetic characterization of Eastern ‘Coyotes’ in eastern Massachusetts”](#). *Northeastern Naturalist*. **17** (2): 189–204. doi:10.1656/045.017.0202.

¹⁸ See e.g., *Decision and Finding of No Significant Impact: Reducing Mammal Damage through an Integrated Wildlife Damage Management Program in the State of New Jersey* (2004).

¹⁹ *Western Watersheds v. USDA APHIS*, at 22.

APHIS reconsider their dismissal as non-peer reviewed studies, like Connolly and Longhurst, are not considered to be presumptively objective.

Please contact myself or PEER's Science Policy Director, Kyla Bennett, at nepeer@peer.org or 202.265.7337(PEER). I look forward to receiving the agency's response as soon as possible.

Best Regards,

A handwritten signature in black ink, appearing to read 'A. Carlesco'.

Adam Carlesco, Staff Counsel
Public Employees for Environmental Responsibility (PEER)
962 Wayne Ave., Suite 610
Silver Spring, Maryland 20910
Main Office: 202.265.PEER (7337)
Fax: 202.265.4192
acarlesco@peer.org

Cc: Rep. Peter DeFazio
Sen. Corey Booker