


Memo

To: Ms. Barbara Knotz
From: Michael J. Bodenchuk, State Director 
CC: Jeff Green, WS RD
Date: June 21, 2006
Re: Tort Claim

Enclosed is a SF 95 which was sent directly to my office by Ms Sharyn Aguiar of Fillmore, UT for the death of her dog. I have also enclosed copies of statements from Darren Roach, the Specialist who works in the area and from Kevin Dustin, the District Supervisor who had conducted a trapline inspection with Darren before we were informed of the incident. A map of the area is also enclosed.

Allegations in the narrative are not all correct. WS did have signs in the area (the "wrapper" she refers to is actually the device sign). The "road" she refers to is a two-track, non-maintained trail. I was personally contacted by her husband one week following the alleged incident and he specifically stated that they were not seeking compensation. Ms. Aguiar received the form from the Bureau of Land Management (BLM), not from WS. It is also important to note that WS did not see the dog or have evidence to show a dog had pulled an M-44, rather we found a device which had been pulled and no coyote for our effort. While it is possible we killed the dog inadvertently, I cannot confirm that.

The area in question is BLM administered land. The BLM policy is that they do not allow nor disallow the use of toxicants on their land. The BLM does have a National level Memorandum of Understanding with WS over activities on BLM land and a work plan with the Fillmore Field Office is executed annually. This specific area has not been identified as a recreation area under that work plan. Accordingly, the use of the M-44 device in this area is left up to the judgment of the WS Specialist.

After investigation use of the M-44 device in this case followed all applicable laws, regulations and policies and no negligence occurred on our part. It is unfortunate that a dog was killed in this area. I have concerns about the government settling cases with dog owners because it is all too easy for someone to intentionally take a dog into an area posted with signs with the intention of getting the dog killed. I recommend against settling this claim.

Please feel free to contact me directly if you have additional questions and please keep me posted on your deliberations on this matter.