

Addressing the Consequences of Predator Damage to Livestock and Poultry

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Livestock and poultry injured or killed by dogs and other predators often lead to serious economic consequences for producers. To prevent uninformed decisions that could further exacerbate losses, it is important to understand the regulations and procedures affecting compensation for damages and the deterrent strategies for offending animals.

A majority of livestock and poultry damage in Virginia is caused by dogs and coyotes. Isolated cases of damage by vultures, foxes, and bears also have been reported. Dogs are the only offending animal specifically addressed by Virginia law as it relates to compensation for damage to livestock and poultry. In some counties, compensation, funded through the wildlife damage stamp, may be available for damage caused by bears. In the case of wildlife, Federal and State wildlife regulations must be followed when trying to prevent damage. Indiscriminate killing of certain species of wildlife, even when they're doing damage, may result in a significant fine and jail sentence.

Within reason, producers should make every effort to prevent or minimize livestock and poultry losses from predation through good husbandry and the strategic use of deterrent strategies such as electric fence, guard animals, and housing. Because physical, economic, and animal management limitations may prevent complete deterrence of predators, it is important that producers fully understand their options.

The following sections depict differences in compensation and deterrent strategies that may be used for animals killing or injuring livestock and poultry.

Dogs

Livestock and poultry are protected under Virginia law against dog attacks. Accordingly, producers are entitled to economic compensation as a result of damages. Three key provisions of Virginia law dealing with livestock and poultry damages by dogs appear below.

Code of Virginia § 3.1-796.116. *Dogs killing, injuring or chasing livestock or poultry.*

It shall be the duty of any animal warden or other officer who may find a dog in the act of killing or injuring livestock or poultry to kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal warden or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

Any animal warden or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate of the county, city or town wherein such dog may be, who shall issue a warrant requiring

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the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be (i) killed immediately by the animal warden or other officer designated by the court or (ii) removed to another state which does not border the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth which is later found in the Commonwealth shall be ordered by a court to be killed immediately.

Code of Virginia § 3.1-796.118. *Compensation for livestock and poultry killed by dogs.* Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (i) the claimant has furnished evidence within sixty days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (ii) the animal warden or other officer shall have been notified of the incident within seventy-two hours of its discovery; and (iii) the claimant first has exhausted his legal remedies against the owner, if known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.

Local jurisdictions may by ordinance waive the requirements of (ii) or (iii) or both provided that the ordinance adopted requires that the animal warden has conducted an investigation and that his investigation supports the claim. Upon payment under this section the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.

Code of Virginia § 3.1-796.101. *Disposition of funds.* Unless otherwise provided by ordinance of the local governing body, the treasurer of each local jurisdiction shall keep all money collected by him for dog license taxes in a separate account from all other funds collected

by him. The local jurisdiction shall use the funds for the following purposes:

1. The salary and expenses of the animal warden and necessary staff;
2. The care and maintenance of a dog pound;
3. The maintenance of a rabies control program;
4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of the license tax as provided by ordinance;
- 5. Payments for compensation as provided in § 3.1-796.118;** and
6. Efforts to promote sterilization of dogs and cats.

Any part or all of any surplus remaining in such account on December 31 of any year may be transferred by the governing body of such county or city into the general fund of such county or city.

County Boards of Supervisors have used a variety of methods and resources to determine fair market value of animals killed or injured by dogs, including auction market operators, county animal damage committees, and qualified representatives of the Virginia Department of Agriculture and Consumer Services. In the case of purebred breeding stock, breeders should furnish purchase receipts for the animals damaged, or if raised on the farm, sale receipts for animals of similar age, weight, and breeding value. Factors that should be considered when determining fair market value include: 1) class and weight of animals; 2) stage of production for breeding animals; and 3) age. Above all else, producers must remember to contact their county animal control officer within the first 72 hours after the damage has occurred to confirm and determine the cause of damage. Animal control officers are able to explain the necessary procedures for filing damage claims. County payment for livestock damage is not optional. Attempts by County Boards of Supervisors to avoid paying livestock claims for dog damages have failed whenever challenged in court. Other approaches, including the use of creative bookkeeping to delay damage payments indefinitely, have failed in the courts as well. Accordingly, producers filing claims should be fair and reasonable in their assessments of livestock damage.

Coyotes

Since the mid-1980's, coyotes have become a significant cause of livestock damage in Virginia. Although cattle damage is increasing, most of the damage has

occurred with sheep and goats. Livestock producers are not compensated for losses sustained from coyote predation. Coyotes are classified as nuisance animals in Virginia and, as such, are not afforded any special protection by State and Federal agencies. Therefore, coyotes may be taken at any time and electronic calling devices may be used to hunt coyotes. In 1990, the Virginia Department of Agriculture and Consumer Services entered into a cooperative agreement with Animal Damage Control, which is an agency of the United States Department of Agriculture-Animal and Plant Health Inspection Service, to provide producers with the necessary technical and operational assistance to identify, control, and abate coyote damage to livestock. Representatives of Animal Damage Control are available to work directly with livestock producers experiencing losses from coyote predation.

Distinguishing Between Dog and Coyote Damage

Because economic compensation is only available for damages to livestock caused by dogs, and because deterrent strategies used with dogs and coyotes will likely differ, it is important that producers and animal control officers be able to differentiate between dog and coyote damage. Some dogs and coyotes attack their prey similarly, but, as a rule, there are distinguishing characteristics in their killing behavior.

Domestic dogs do not normally kill for food. Some individual dogs, including pets, have the instinctive ability to kill effectively, whether or not they feed. True feral dogs are more likely to kill for food. Dog attacks usually lead to indiscriminate mutilation of their prey. Damage to the hindquarters and fore and rear flanks is typical. Both domestic dogs and feral dogs often range in packs and do extensive damage once they begin to attack livestock. Dog packs often harass livestock and persist in chasing injured animals for as long as several hours. Fences damaged by livestock attempting to escape, exhaustion, injuries, weight loss, loss of young, and abortion are common consequences of such attacks.

Coyotes typically bite adult sheep and goats on the throat just behind the jaw and below the ear. Death commonly results from suffocation and shock; blood loss is usually a secondary cause of death. Careful removal of the skin from around the neck will reveal the tooth puncture marks. On small prey, such as young lambs and kids, coyotes may kill by biting the head, neck or back, causing massive tissue and bone damage. Some coyotes kill by attacking the flanks or hindquarters, causing shock and loss of blood. This is quite common with calves, but less common with sheep and goats. Young coyotes are more likely to kill in a

manner similar to dogs, and some coyotes may kill in an atypical fashion throughout their adult life. Coyotes normally begin feeding in the flank or just behind the ribs. Feeding on the hindquarters is also common, and small animals may be entirely consumed.

The shape of tracks, the length of stride, the prominence of nail marks, and the pattern of travel are all used to differentiate between dogs and coyotes. Dog tracks are typically round, whereas coyote tracks are oblong and narrower than dog tracks (Figure 1). The coyotes' hind tracks tend to follow directly in line with or on top of their front tracks. In contrast, a dog's rear tracks are slightly to one side of the front tracks.

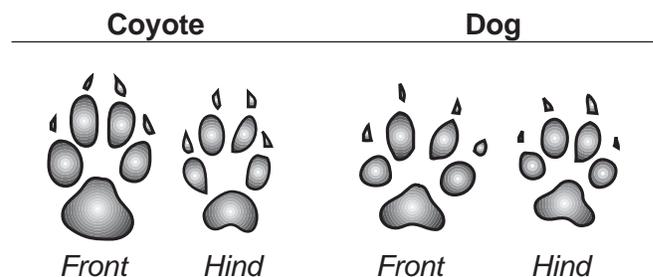


Figure 1. Coyote tracks are generally longer and narrower than dog tracks.

Vultures

Two species of vultures, also referred to as buzzards, are common to the southeastern United States. Turkey vultures are large, dark brown birds with wing spans up to 6 feet. Distinguishing characteristics include the bright red head and long tail on adults. Black vultures are noticeably smaller than turkey vultures with a wing span of less than 5 feet. Adults and juveniles have dark gray to blackish heads and all black bodies. When in the air, a whitish band on the underside of the wings can be observed on black vultures. Both species of vulture eat carrion. However, black vultures can kill or injure lambs, calves, cows giving birth, or other incapacitated livestock. Turkey vultures rarely attack livestock; such reports often represent a misidentification of a black vulture attack. Initial damage by black vultures is usually at the eyes and nose, navel, and anal area of newborn and sick livestock. They blind the animals by pecking out the eyes even if they do not kill them.

Vultures are protected by the Migratory Bird Treaty Act, which is administered by the U.S. Fish and Wildlife Service. Vultures may be harassed without federal permits, but they can only be killed after obtaining a Migratory Bird Depredation Permit from the U.S. Fish and Wildlife Service. Harassment (nonlethal scaring tactics) is considered to be anything except trying to kill, injure, trap, or capture the animals. Producers must document their attempts to deter damage through

harassment as a prerequisite of the permitting process. The Virginia Department of Agriculture and Consumer Services and Animal Damage Control are able to provide assistance to producers applying for federal permits for vulture control.

Foxes

Although poultry are their more common domestic prey, foxes may prey on livestock. They typically limit their attacks to young or small animals, particularly lambs and kids. Foxes usually attack the throat of their prey. They generally prefer the viscera and begin feeding through an entry behind the ribs. In instances where livestock or fowl are being destroyed, foxes can be taken at any time by the owner or tenant of the property. Electronic calling devices may be used to hunt foxes.

Bears

Black bears will attack adult cattle and horses but seem to prefer sheep, goats, and calves. They may break the neck or back of their prey with blows of the fore paws, but normally kill by biting the neck and shoulders. Multiple kills of sheep and goats may occur. Black bears prefer to feed in seclusion and often drag their prey to cover. They frequently begin feeding on the udder of lactating females, but generally prefer meat to viscera. Some begin feeding at the neck or shoulders where the initial attack occurs. Quite frequently, the hide is left attached to the carcass and hangs across the flanks or rump of the animal. Outside of hunting season, producers must apply for a permit to kill bears. To do so, contact the local State Game Warden. In many cases, the Department of Game and Inland Fisheries will provide personnel to trap and relocate offending animals.

Contact Agencies

Dog Damage

County Animal Control Officer

Coyote Damage

USDA/APHIS Animal Damage Control
1999 South Main Street
Colony Park, Suite 403
Blacksburg, VA 24060
Phone: (540) 552-8792
FAX: (540) 552-8836

Local Virginia Cooperative Extension Office

Damage by Scavenging Birds

Office of Plant and Pest Services
Virginia Department of Agriculture and Consumer Services
P.O. Box 1163
Richmond, VA 23218
Phone: (804) 786-3515
FAX: (804) 371-7793

USDA/APHIS Animal Damage Control
21403 Hull Street Road
Moseley, VA 23120
Phone: (804) 739-7739
FAX: (804) 739-7738

Damage by Foxes, Bears, and Other Wildlife

State Game Warden (Through County Sheriff's Office)
Contact one of the following offices of the Virginia Department of Game and Inland Fisheries:

Region 1 - Williamsburg (804) 253-4180 Region 2 - Lynchburg (804) 525-7522

Region 3 - Marion (540) 782-9051 Region 4 - Verona (540) 248-9360

Region 5 - Fredericksburg (504) 899-4169

Virginia Department of Game and Inland Fisheries
P.O. Box 11104
Richmond, VA 23230-1104
Phone: (804) 367-1000
FAX: (804) 367-9147

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