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Peter DeFazio  
151 W. 7<sup>th</sup>, Suite 400  
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Dear Congressman DeFazio:

The events of April 2, 2006 are seared permanently into my memory. On this day my beloved German shepherd, Max, was lured to a USDA APHIS Wildlife Services M-44 cyanide trap set on public lands. He instinctively pulled on the bait, activating the spring loaded ejector device. A lethal dose of cyanide fired forcefully into his mouth. The poison was delivered flawlessly. Max suffered, then died.

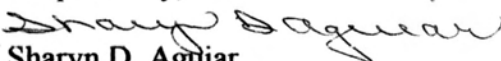
This was the catalyst that brought me to an association with Brooks Fahy, executive director of Predator Defense. Mr. Fahy is actively seeking a ban of M-44 cyanide traps. I would like to express my support of his organization's efforts to have these devices banned. I can personally attest to the horrific results produced by the use of M-44 cyanide traps on our public lands by the USDA APHIS Wildlife Services.

Max was my companion and work partner. As a stone quarrier, I often work alone in remote areas. Max kept me safe from harm. It was my responsibility to keep him safe as well. I failed in that task because I had no warning of the presence of cyanide traps on the public lands in the area where we were working. Before Max died, I had never heard of the USDA APHIS Wildlife Services program that uses poison to control coyote populations. I learned the hard way – through the death of Max. I don't want any other animal to succumb to the same inhumane death that Max endured. I don't want another pet owner to suffer the same type of loss that I now feel. I don't want children or adults falling victim to the effects of cyanide released from an M-44 device.

This brings me to why I am writing to you today. I am asking that you please take a few minutes of your time to read the attached detailed account of Max's death, the help I have received from Brooks Fahy and Predator Defense, and the apparent lack of concern from the USDA Wildlife Services. After you do, I believe that you will find that Max's story vividly portrays actual, devastating results of M-44 use on our public lands. His story fortifies the battle waged by Predator Defense against these devices. My hopes are that you will support this battle and submit a bill to Congress seeking a ban on all M-44 devices used on our public lands.

I thank you for your time and applaud your past efforts in preventing the use of other poisons on our lands. Please continue your efforts and work to ban this poison.

Respectively,

  
Sharyn D. Aguiar

cc: Brooks Fahy, Predator Defense

## THE SAGA OF MAX'S DEATH

I was at the Bureau of Land Management community pit quarry in the Lawson Cove area, Millard County, Utah on April 1, 2006 and April 2, 2006 with my German Shepherd companion, Max. It was 4:00 p.m. on April 2, 2006 when Max and I walked back to my pickup which was parked parallel to the dirt road at the entrance to the pit. We both went to the truck for a drink of water and a brief rest.

I went back into the pit at about 4:10 p.m. and Max lingered on the road, looking south of the pit into the wind that had just started blowing briskly. At 4:20 p.m., I noticed he wasn't back with me in the pit. It was unusual for him to be away from me for any length of time, so I started calling him. The wind was blowing hard now, so I thought maybe he was having trouble hearing me since I was down wind of where I last saw him. I continued yelling loudly for Max until 4:25 p.m. I became very concerned at this time, so I went to look for him. I scanned the horizon in all directions and could see or hear nothing. I started to walk south to look for him since that was the last direction he was looking in when I last saw him. I went about 150 feet down the road from the pit when I saw what I believed to be him lying on his side, very still, in the tall grasses. I ran about another 50 feet to where he was, when, to my horror, I realized he was dead. His lifeless body was only about 200 feet from the community pit and fifteen feet from the road.

I kneeled at the top of his head, bending over him, crying and trying to figure out what happened to him. I remember crying out "I don't understand, I don't understand" as I looked at his mouth. His mouth had a pinkish/salmonish colored foam coming from it. I was having a hard time with my eyes, I couldn't focus clearly on his mouth and the foam. At the time, I thought it was because I was crying so much, but I now believe the M-44 cyanide trap Max had found and pulled added to my vision difficulties. I was still having trouble focusing my vision, but I didn't find any other marks on his body as I cried and searched his body for clues as to what had just happened.

I was at the community pit alone, so I decided to leave Max there until the next day so I would have some help getting his body. I covered Max with his rug so scavengers wouldn't pick at his body. I always took his rug with us so when we had rest breaks at the truck, he could lay on it instead of the hard ground.

At approximately 5:30 p.m., I reached my husband by cell phone. I told him Max was dead and I didn't know what happened to him. The only thing I could find was a pinkish tinged foam coming from his mouth. I said I wasn't sure what the foam was, or if there was any blood in the foam, because I was having trouble seeing clearly.

The next day, April 3, 2006, my husband and I returned to the site to retrieve Max's body for burial. My husband couldn't find any blood or other marks on his body. We still had no idea what happened to him.

On April 4, 2006, my husband, my son, and I returned to the same BLM community pit to finish our work at this quarry site.

After speaking to several different people over the next couple days, we realized Max had been a victim of an M-44 cyanide trap. On April 10, 2006, my son and I returned once more to the site of Max's death to video tape the area, documenting that there were no visible warning signs anywhere in the area - just as there were no visible warnings posted on April 1, April 2 - the day of Max's death, April 3, or April 4, 2006. I also photographed a small white wrapper with red writing I found in a wash, under a sage brush, about 100 feet from the site of Max's death and about 4 feet from the dirt road. It was imprinted with the words "do not touch", "contains cyanide", and "United States Department of Agriculture - APHIS". I video taped us placing a rock on the wrapper so it would not blow away. I was afraid to touch it, so we left the wrapper there. Also photographed was a dead coyote, lying about 100 feet south of where Max died.

After searching the Internet, we found the proper department to contact in regards to Max's death. On April 11, my husband called the USDA Wildlife Services, Salt Lake City, UT office and informed them of the situation, the video, the photos, the wrapper, the lack of warning signs, and the proximity of Max's place of death to the road and a BLM community pit.

I waited a month and a half for the results of the Wildlife Services investigation into Max's death, and no results came. I felt as though Max's death was not being taken very seriously and I worried about the fate of other dogs due to inadequate warnings and the placement of M-44s so close to public use areas, such as the community pit, and roads. On May 22, 2006, I found Predator Defense, an organization dedicated to helping families whose pets have fallen victim to M-44 cyanide traps, on the Internet. My husband called Brooks Fahy, executive director, and related the story of Max's death. Mr. Fahy encouraged us to file a tort claim so Max's death would not be ignored.

On May 24, 2006, I filed a tort claim in the amount of \$1,500.00 to force an investigation into the lack of warning signs and the placement of the M-44 cyanide traps in such close proximity to a community area and a public road.

I received a letter from the USDA APHIS Minneapolis Financial Services Branch Claims Team on June 29, 2006 requesting that I prove Max was a purebred German shepherd and explain how he was my work partner. I responded to their request immediately. On July 21, 2006 I was informed that my claim was adjudicated and denied by one individual on the claims team. I was informed that I had six months to appeal the decision of this one individual in an appropriate United States District Court.

On July 21, 2006 my husband called the USDA Wildlife Services Salt Lake City, UT office to request the results of their investigation into Max's death. He was told we could not have any information unless we filed for it under the Freedom of Information Act. I have sent three certified letters petitioning USDA Wildlife Services, under the Freedom of Information Act, for copies of the documents submitted by Wildlife Services concerning my claim. I also asked if an EPA investigation had been conducted. To

date, I have not received any responses to my information requests. I am still waiting for the documents and the results of their investigation. I will not be able to appeal the decision if I do not receive the documents and reports used in my case before the six month appeal deadline. Since I cannot afford an attorney, and it doesn't appear that my information request will be honored in time, the USDA Wildlife Services will win by default. They will win and Max's death will not be counted as an M-44 death on any government records.

But, thanks to Brooks Fahy, Max's death is not being publicly ignored. He arranged a meeting for me with Joe Baird of *The Salt Lake Tribune*. That meeting resulted in an article about Max's death. The article, titled "Traps kills pet; owner seeks ban" appeared on the front page of the Utah section on Sunday, August 20, 2006. After the article ran, other victims of M-44s have been discovered and letters to the editor in support of banning the traps have appeared in print and on the Internet.

Predator Defense continues to be supportive in my quest to warn other pet owners about the presence of M-44 cyanide traps on our public lands. Without the help of Brooks Fahy, Max's story would have never been made public. No one would have ever heard how an ineffective, indiscriminate death trap program administered by the USDA APHIS Wildlife Services caused the cruel death of my best friend, Max. No one would have been alerted to the presence of M-44 cyanide traps on our public lands and the hazards they pose.



Sharyn D. Aguiar

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