

Legally Speaking

Woodland Defense

By Karen MacNutt,
Contributing Editor

Being an East Coast city girl who likes horses and the outdoors, I had, for some time, thought camping by horseback in the Rocky Mountains would be a great adventure. When a friend said she was going camping in Montana with a group called BOW, I signed on. BOW (Becoming an Outdoor Woman, Inc.), is dedicated to teaching women outdoor skills

ber of courses on different topics and can be found online.

The Montana camping trip was no small affair. There were eleven women campers from all over the country ranging in age from about 30 to 60. Only two had significant horseback riding experience. Wildlife experts briefed us on the animals we might meet and what to do if we had an encounter with a bear. An outfitter provided the horses, pack animals, tents, guide, cook, packers and wranglers.

A four hour, up hill, horseback ride deep into the hills took us well

clear mountain brook provided us with the most delicious water I ever tasted. We pitched our tents among the wild flowers. About a hundred yards above us, a small herd of equally wild mountain goats gave us a wary eye. They were not sure if we were predator, to be feared or prey animals such as themselves. As long as we kept our distance, they would allow us to use the lower meadow. We were, after all, guests in their home. The coyote and grizzly bear felt the same way. We saw them. They saw us. We did not bother them and they did not bother us.

Shortly after the National Park Service began allowing people to have guns for self-defense in Na-



such as shooting, hunting, survival in the woods, camping, kayaking, and the like. It is an international organization with chapters in most of our states. They run a great num-

beyond any road passable to a motor vehicle. Our campsite, a remote alpine type meadow about 6,000 feet above sea level, was just below the snow line on the mountain. A

tional Parks, a reader asked me under what conditions may someone use a gun in a National Park for defense against an animal? This is a multi-part question. First, when

does the law *allow* someone to use a gun for self defense against a wild animal? And, second, when *should* someone use a gun for self defense against an animal?

If you go into a wilderness area, such as a national park, you are the intruder. If you are timid about animals, do not go into the woods. Seeing a wild animal, even a scary one, does not give you the right to kill it.

The law allows you to kill wild animals in hunting season if you have the proper hunting license. Most states allow farmers to kill animals stalking or attacking farm animals. Some animals are considered pests and can be killed at any time. I know of no state that has a season for rats. You do not, however, have the right to kill any animal that annoys you in a park or

turkeys, skunks and coyotes that have become urbanized. They live in our parks, our graveyards, empty lots, abandoned buildings, and the like. I cannot kill these critters no matter how annoying they are. I have to contact someone with a special wildlife removal license to do the job. The exact requirements for the removal of wild animals from urban areas vary from state to state. Shooting one yourself, except in an emergency, may violate laws relating to the discharge of firearms in built up areas or the game laws. What is an emergency? A person is being attacked or a domesticated animal is being attacked or threatened with imminent attack which can not be avoided. Unlike the situation with people, you can not shoot at a person once the attack is over, in most areas you may

In some instances, the possession of a dead wild animal without the proper paperwork is a crime regardless of whether the animal died of old age or was run over by a truck.

The rules of self defense relating to attacks by people or animals are similar. The question is: Did you have to use force to stop a violent attack capable of causing death or serious bodily injury? Self defense is a defense of necessity. If you can avoid a situation, you should. If an animal is a hundred feet away, you might not be justified in killing it. The defense of "necessity" basically allows you to commit an act which would be a crime except that by committing the act you prevent a greater harm. The point is that you had no other option to prevent the greater harm. If an animal is attacking a person, do what you have to



Legally Speaking columnist Karen MacNutt, an Eastern city girl, was thrilled to take part in a Becoming an Outdoorswoman event in Montana this spring—and, naturally, she got a column out of it.

other place.

Not all wild animals are in the woods. Many have made homes in our cities. Boston, for example, has a population of racoons, possums,

kill the animal that just ate your last chicken or is running away from the crime scene. If you have a problem or question, consult your local game warden.

do to save a life.

The problem of urban wild animals will increase as hunting decreases and competition among wild animals for territory increases.

The coyote is a case in point. Twenty years ago, you never heard of a coyote in the northeast. Today, their population has expanded not only into the east but also into urban or densely populated areas. As predators, they look at all other animals as potential food. Studies on coyotes usually focus on their life in the wilds. Such studies may not be valid as to those that have moved into cities and become accustomed to humans. A coyote trotting down a city street as bold as a household pet is a problem because it clearly has no fear of humans. Although an adult person is a little large for a coyote, a small child is not. Nor is an adult beyond the ability of two or more coyotes to attack and kill. Attacks against people, although not common, do occur. Sometimes one coyote will get the attention of the intended prey while other members of the pack will circle and attack from behind. If you are accosted by a coyote (as opposed to seeing one run across an open area), be careful of what might be behind you. It is not the intent of this article to take a stand on the re-introduction of wolves into the wild, but to think such animals will not move into densely populated areas as their population expands, is naive. Such animals in the woods, except in packs, will probably avoid humans. Animals who learn to live in urban areas or who travel in packs, may be a different story.

In some areas feral hogs are a problem. Hogs can be large, vicious and move faster than you might think. It is important to know the potential dangers where you live or plan to hike. In some states alligators in excess of twelve feet long frequent, lakes, ponds, rivers, and golf courses. They can move very fast on land in short bursts. Fortu-

nately people are not their favorite food. Alligators are unlikely to come after you so long as you keep a good distance away from them. They do, however, like dogs. The killing of alligators is strictly controlled. Avoid getting close to them. If one lunges at you on land, try changing your direction of movement suddenly. Large alligators are not easy to kill. If you are in alligator country, you may want to look into how heavy a gun you would need and where the shot should be placed if you find a need to defend yourself.

Many people going into the wilderness fear bears and, in some areas, mountain lions. Mountain lions are quite rare. The chance you will run into one is not high. Being stalked by a mountain lion, however, is a serious matter. He is clearly looking at you as lunch. Lions like to sneak up on their prey and attack from behind. Wildlife experts suggest you yell, waive your arms, try to look as big as possible, and throw things at the lion. Make him understand that you are not a prey animal and that he will have to fight you. Predators will sometimes make a feint at an adult animal and then go after the young. Keep a close eye on any children. The motherly instinct of picking a child up is good as it makes the child seem more formidable.

Bears are a different story. They are quite common throughout the United States. Most bears are not aggressive towards humans. That is, we do not look like their normal food source. People get in trouble with bears when they get near the bears' young, or something the bear looks at as a food, or if they startle a bear. Bears are hard to kill unless you have the proper equipment and know where to shoot them. Shooting a bear with most hand-

guns is apt to only make it angry. Wildlife experts suggest the use of "bear spray" which is a "bear sized" can of pepper spray (not mace). Many animals find pepper spray offensive and will back away.

Just as with being mugged on the street, it is much better to avoid a situation than to have to defend yourself from an attack or explain your actions to a judge. There are a number of things to remember when going into a wilderness area or dealing with wildlife.

1. Wild animals are wild. Leave them alone. Some animals eat other animals. Do not interfere with nature no matter how violent it may seem. Mother animals will sometimes hide their young so they can go and hunt or eat. These babies are not abandoned. Stay away from them. Mom may come home and be very angry that you are near her baby. While in Montana I watched one very angry doe chase a coyote several hundred yards across a field. I have no doubt she would have stomped him to death if she could have caught up with him. Even cute little deer have sharp little feet and very hard heads (some with antlers) that can really hurt.

2. Healthy wild animals are afraid of people. If a wild animal approaches you in a "friendly manner," it is probably sick with rabies. Rabies is a non-curable, fatal disease spread by contact with the saliva of an infected animal. It is carried by small furry animals such as raccoons and the various canines. If you are bitten, seek immediate medical attention.

3. Do not feed wild animals. Canadian geese are a big problem in New England because people feed them. Many no longer migrate. They pollute ponds, kill fish, and make a mess of parks and lawns. Raccoons are very adept at

getting into garbage. They can open lids and get into coolers. You will never know they were there except the food is missing and there is a trail of food wrappings headed into the woods. Once they become accustomed to humans, they can be very aggressive. They have sharp teeth and will not hesitate to move in on your tent, trailer or home.

Bears also like garbage and are good at getting into containers. Once they locate an area with food, they will go back to that area. They can be very demanding if they do not get what they want. *Never feed a bear* unless you want them to think of you as food.

Coyotes are a growing problem in New England. They will eat the food you leave out for your dog or cat. Then they will eat your cat and, if small, your dog.

Whether you are at home or camping, do not leave food, garbage, or wrappers that contained food in areas accessible to animals. Keep all trash in covered containers. If you are tenting, do not keep food in the tent or you might wake up to a raccoon sitting on your chest or a bear standing over you nibbling at your lunch.

Keep the food in your car, or in a strong container with a stout latch. Plastic storage containers are not sufficient. In bear country or when back packing, food should be stored away from your camp area unless there is a large party and the camp will be occupied 24/7. Food, to be secure from bears, needs to be suspended at least 10 feet above the ground and at least 4 feet from any pole, or tree branch. Bears climb trees with great ease. Grease should be canned and packed out. Burning grease leaves a food smell that will attract bears to your campsite.

Do not use that “honey and

cream” shampoo before you go camping. Try to use soaps and cosmetics that have no scent. Do not keep candy in your pockets where it can leave a smell.

In short, do nothing that would encourage a wild animal to think of you as a food source.

4. Be noisy. Most animals in the wild want nothing to do with you. Given the chance, they will avoid you. Some experienced woodsmen use walking sticks with which they literally beat the brush ahead of them as they go. This is particularly so in snake country. I am not a fan of wearing bells. After all, sheep wear bells.

5. Be alert to your surroundings. Watch for animals or sounds of animals. You do not want to corner an animal, come between it and its young, or it and its food source. Some animals have a distinctive odor. Listen to your inner self. If something feels wrong, it probably is. If you have any question, make a lot of noise and give whatever is there a chance to get away. Clap your hands. Call out, but not in a challenging or threatening way. “Anyone there?” “Hey bear?” If you get a response, slowly back out of the area.

6. So you do all that and you still find yourself too close to something scary.

Do not run or turn your back on the thing. Running or turning your back on an animal is the sign that you are prey. Many animals are incited to attack if you run. Move slowly away from the animal. Do not stare at it. That might be interpreted as a challenge. Look at it from the side. Talk calmly. Back away slowly. Bears and lions climb trees with great ease. Hogs and canines do not, but can be very patient waiting for you to come down. There are a number of pub-

lications that talk about what to do if you are attacked by a bear or other wild animal. If you are going to be in bear country, you should familiarize yourself with them.

Generally speaking, you do not have the right to use deadly force against another unless you or the person you are defending are in immediate danger of serious bodily harm and you have no safe way of avoiding the confrontation. The Park Service change on carrying guns came from a concern over crimes being committed by people against people camping or hiking in areas not under close supervision. When in parks, leave the animals alone if you can.

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