

# Litigating Public Nuisance & prospects for Wildlife Trust Cases

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# A Tale of Two Tenants

## Public Nuisance and Public Trust



# Tenant 1: Public Nuisance

- **Definition:** “Anything which is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood . . . is a public nuisance.” Cal. Crim. Code § 320.
- **Common Examples:**
  - *Gambling*
  - *Drug or criminal gang activity*
  - *Any repeated violation of a duly enacted law*
  - *Animal cruelty*

# How can we use Public Nuisance to protect wildlife?



# Nuisance Per Se: New Mexico's Unicorn

- A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either:
  - *A. injurious to public health, safety, morals or welfare; or*
  - *B. interferes with the exercise and enjoyment of public rights, **including the right to use public property.***
- Whoever commits a public nuisance for which the act or penalty is not otherwise prescribed by law is guilty of a petty misdemeanor.
- A civil action to abate a public nuisance may be brought, by verified complaint in the name of the state without cost, by any public officer **or private citizen**, in the district court of the county where the public nuisance exists, against any person, corporation or association of persons who shall create, perform or maintain a public nuisance.

# Oregon Predator Derbies



**JMK Coyote Hunt**

November 24, 2013

Hey everyone, welcome to our new page for the annual JMK Coyote Hunt, we are proud to announce our 8th annual JMK Coyote Hunt. Every year it grows and we are hoping to have a big crowd and a lot of fun. If you've hunted our hunt, you know it's no pumpkin rollin'. Last year we gave away over \$10K in cash and prizes. Here are the rules for this year. No rule changes but the dates have been updated.



**JMK Coyote Hunt**

December 22, 2013

Just got the prize rifle, here's a little sneak peak!!



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👍 Weasel Chaplin and JMK Coyote Hunt like this.

# Pennsylvania Roadside Zoos

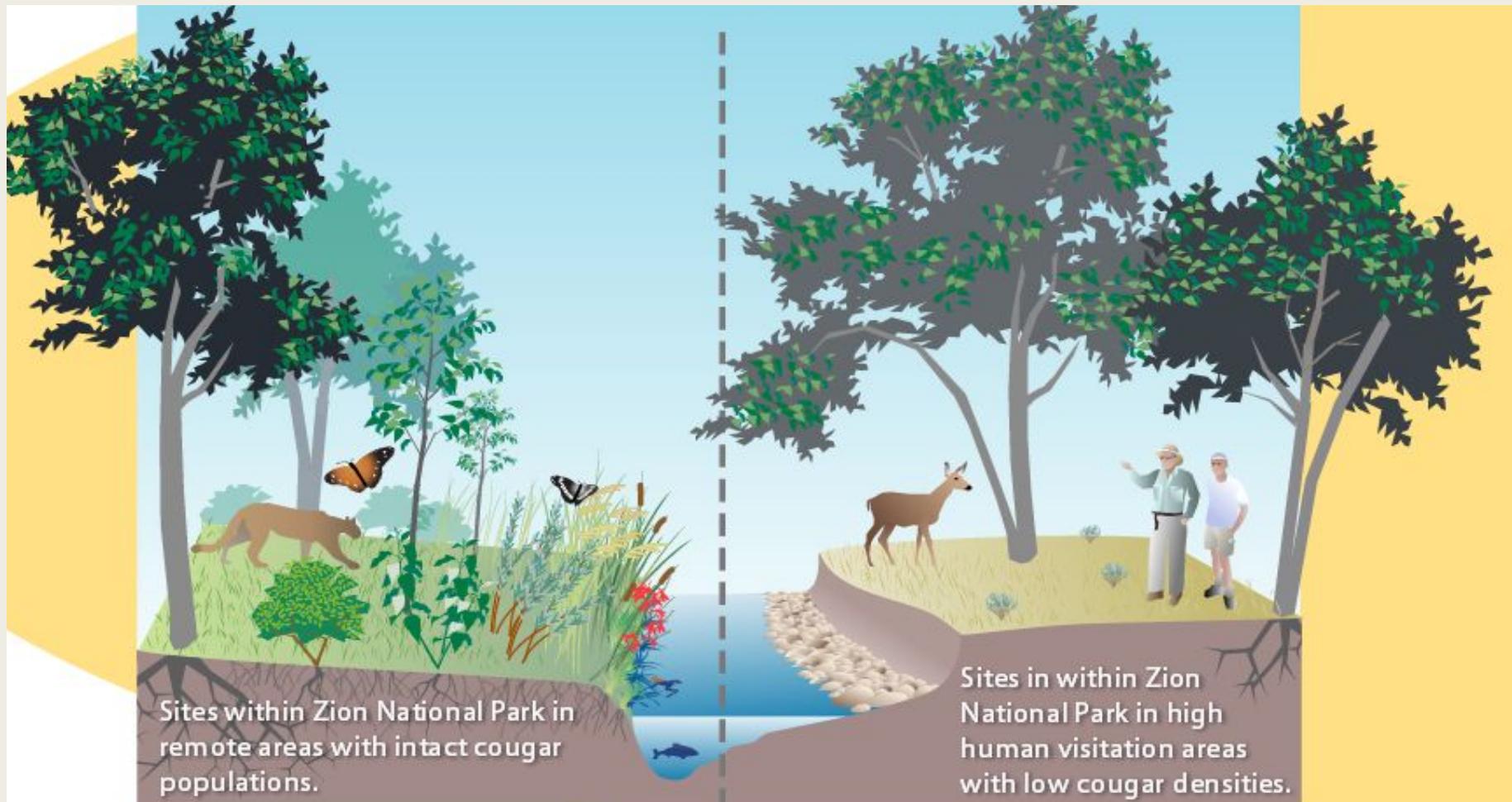


# Tenant 2: The Public Trust Doctrine

- The state holds public trust wild resources as a trustee for the general public, and as trustee, the state has a duty to act in the interest of current and future generations.



# How can we use the Public Trust Doctrine to protect wildlife?



# California Wildlife

- California law expressly states that “fish and wildlife resources are held in trust for the people of the state.”
  - *Cal. Fish & Game Code A7 § 711.7.*



# Our Children's Trust



# What can you do?

1. Immediately document your observations AND feelings in a journal
2. Be specific about what upset you and why
3. Make specific notations of the time, place, and exact location of your injury
4. Write letters of complaint directly to authorities
5. Contact a wildlife protection organization



**Speak out!**

# Contact Information

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