

Predator Defense  
PO Box 5446  
Eugene, OR 97405  
541.937.4261

October 31, 2005

Dear Oregon Department of Fish and Wildlife:

Thank you for the opportunity to express our organization's opinion of your Revised Cougar Management Plan. We appreciate the chance to respond to issues that affect our wildlife.

In addition to our comments, Predator Defense is also represented by ecologists Dr. Rick Hopkins, ecologist and co-founder of Live Oak Associates, Inc. of San Jose, California, and Dr. Barry Noon, professor of wildlife ecology at Colorado State University, Fort Collins, Colorado. Dr. Hopkins and Dr. Noon, working in conjunction with The Cougar Fund in Wyoming, will send their comments under separate cover.

Thank you again for the chance to address the revised Cougar Plan.

Sincerely,

Brooks Fahy  
Executive Director  
Predator Defense

## **INTRODUCTION**

Ignoring that voters have expressed their desire for greater protection of Oregon's cougars by twice rejecting hound hunting, the Oregon Department of Fish and Wildlife (ODFW) has unveiled a draft of its newly revised Cougar Management Plan, calling for the slaughter of nearly half of the state's cougars.

Predator Defense (PD) is extremely concerned by the ODFW's claim that for the first time in the department's history, it is revising its cougar management policies based on an increase in public sightings and complaints. According to Ron Anglin, the ODFW's Wildlife Division administrator, "Oregonians' 'perception' that they are in danger from a cougar is 'our reality.' All we can do is take at face value when someone says they see a cougar, that they feel threatened by that and that they want us to take some action." [1]

But balancing public sentiment is not ODFW's job. Predator Defense questions the setting aside of sound ecological principles of biological science, in favor of a rumor of public support for the killing of more cougars. Predator Defense believes the department is intentionally inflating population figures for political purpose and recording as incident reports what they know to be questionable sightings and complaints. Their motive is simple. They are in the business of selling hunting licenses, tags, etc.. To increase the harvest quota of

cougars in an attempt to placate deer and elk hunters may be smart business, but the ODFW is required to protect wildlife for all of Oregon's citizens, not just hunters, outfitters, and ranchers.

## **COUGAR POPULATIONS**

It is Predator Defense's position that the Oregon Department of Fish and Wildlife (ODFW) began a campaign of fear in 1994, claiming that the department was helpless to do anything about a skyrocketing cougar population following passage of Measure 18, and that hunting was necessary to control it. Predator Defense believes that the premise upon which the revised Cougar Management Plan is based, that of an exploding cougar population, is faulty.

Every year since 1994, the department reported higher cougar numbers, despite objections by leading cougar biologists who were critical of population models which failed to properly assess age, sex ratio and seasonal distribution of cougars, as well as drastic change of habitat. Dr. Rick Hopkins, who has studied cougars in the West for over 25 years recently stated that "a reliance on unsubstantiated population estimates still exists in Oregon," and that "Recent studies conducted to experimentally measure population response to increased mortality or perturbations (e.g. sport harvest) confirm that it would be remarkable for anyone to seriously argue that a population of cougars would or could simply increase for 30 to 40 years." [2]

The department has confirmed that there are no exact figures, but routinely claims to reporters that there are between as many as 5,000 and 6,000 cougars in Oregon; the revised Cougar Management Plan reiterates this figure. PD believes the misinformation fed to the media from the ODFW is not just rampant but intentional.

ODFW's latest and almost mantra-like phrase: "the cougar population is becoming socially unacceptable," has been repeated to reporters for weeks leading up to the revised Plan's release. "(The 1994 levels) were more tolerable or socially acceptable," said ODFW biologist Bill Castillo. "We feel the conflict levels we are dealing with have gone beyond what is socially acceptable." [3] The agency not only uses the media to promote its hidden agenda of frightening the public, but also to solicit complaints.

People often see what they want to see, or what they are encouraged by local agencies to report. What used to be a non-event, the observation of a wild animal, (misidentified, real, or imagined) now elicits fear and a phone-call to state officials. In other words, public hysteria is encouraged by the ODFW because it creates a problem whose only apparent solution is the harvesting of more cougars.

According to our leading predator ecologists, the large majority of cougar sightings are false. Workers in other wildlife-related fields understand as well, the public's ignorance in identifying wildlife species, and the ensuing confusion this creates. A website in Washington, established this spring to document all cougar incidents statewide, is already recording one-third of the sightings to be false, with as least as many reports unverified. Seattle Times writer Ron Judd recently reported that only 3 of the last 49 cougar incidents submit-

ted to the Washington Fish and Game were verified[4] (See enclosed article). Dr. Paul Beier, renowned for his study of a population of cougars in Southern California, determined also that 70-90% of reports of cougars along urban/rural interfaces are false sightings<sup>5</sup> (See enclosed letter).

Predator Defense's own comprehensive analysis of ODFW's cougar incident reports filed between January 1994 and May 1996, revealed that 96.7% of the sightings and 91.7% of the damage complaints were unconfirmed.

Cougar expert Paul Beier has questioned Oregon's use of unconfirmed sightings as evidence of an increasing population. "Reports of sightings are worthless (or worse) as an indicator of cougar presence," writes Beier.[5] And yet, the reports of questionable sightings continue to be recorded as cougar incidents, and then used to artificially inflate cougar numbers. Consider the recent case in Clackamas County where a child was attacked by an exotic pet lynx, and yet the mother called 911 and reported it was a cougar, or the cougar sighting reported last spring at Prairie Mountain School in Lane County, which prompted school officials to send warning letters to parents but which proved to be metal cutouts of coyotes installed in the area to scare away geese.

## **PUBLIC SAFETY**

Increasing the cougar harvest in Oregon has nothing to do with public safety. The current law already allows for the killing of any cougar posing a threat to humans.

Predator Defense finds it particularly objectionable that the ODFW uses public conjecture to identify a safety issue, rather than its own investigation of incoming reports. "The public will tell you there's a public safety risk," said ODFW's Ron Anglin. "Because the public feels that way, we have to take that very seriously." [6]

Not one fatal attack on humans has been reported in Oregon, and in the past 100 years, there have been only 17 fatal injuries nationwide. Dr. Rick Hopkins has stated that there is simply no science to support the micro-managing of cougar populations to reduce the rare events of attacks on humans, claiming "The risk of an attack is probably in the order of 1:100 million or more." [7]

## **DAMAGE COMPLAINTS**

In 1992, Oregon logged only 151 damage complaints. By 1999, 943 complaints were reported, though the vast numbers of complaints are uninvestigated and therefore unverified. Predator Defense believes the increase in complaints is due not only to the heightened attention given to cougars in a highly charged political climate, but in large part attributable to Measure 18 which eased rules allowing for the killing of cougars for damage and human-safety concerns. In addition, for those individuals and organizations that would prefer that there be no predators at all, the ODFW has created an opportunity for malicious and retaliatory false reporting. (While those guilty of false reporting have been prosecuted in California, there has been no such enforcement of reporting violations in Oregon.)

Figures gathered by the National Agricultural Statistics Service refute ODFW's claim that all predation damage is on the rise. For example, sheep and lambs killed by cougars state-wide in Oregon in 1994 numbered 2075, while last year, only 1200 sheep were killed.[8]

ODFW's revised Plan does not deal as specifically with cougar predation of sheep and cattle, as with elk and deer herds. Vague predictions are included which may well lead to an even higher cougar harvest quota in the near future...."Elk populations could decline over the next several decades in some WMU's in the zone if the forest base disappears because of forest management, and at some point cougar predation could be a limiting factor." (See P. 59, revised Plan) Nearly all predator studies demonstrate that predation is seldom the dominant factor in deer and elk population decline, rather other factors like climatic factors (drought or harsh winters), habitat changes, increased hunter access and so on, are far more important. Indirectly, ODFW's Plan acknowledges these factors – by stating that changes in forest management have begun to limit elk and deer populations. Predators make a convenient scapegoat for herbivore declines for agencies like ODFW who are unwilling to address more difficult issues like the effects of livestock grazing, the proliferation of logging roads, and development on elk and deer populations.

## **KILLING FEMALES**

When determining that cougars be harvested until 45% of them are females, the department has ignored the fact that females usually leave kittens behind while hunting; in effect, more than the targeted female population will die. According to Appendix B in the Plan, when lactating females are killed, the department will try to find the surviving kittens and destroy them too. This is a preposterous claim, since kittens are rarely found; mothers hide them well in thick, dense cover, often miles away from where they are hunting. The revised Plan spells certain slow starvation for these neonates, and for juveniles who aren't old enough to survive on their own.

Biologists are just beginning to understand the effects of disruption on the social systems of cougars. Killing females as well as dominant males may exacerbate predation problems, as young cougars unable to fend for themselves are attracted to easy targets such as livestock. Or conversely, in the case of the killing of a dominant male, the opening up of a new territory previously occupied by the older male, which is an experienced hunter, may now be occupied by an inexperienced younger cougar, which is again more likely to attack livestock.

## **WILDLIFE SERVICES**

The newly revised Cougar Management Plan calls for hiring of Wildlife Service (WS) agents, to snare, trap, and/ or use hounds to track and shoot cougars in 6 so-called management zones in urban-fringe areas where encounters are considered most likely to occur. How exactly the harvest will be conducted is side-stepped, as is the cost of such a program. While ODFW can identify the average net economic value of elk hunting (at \$76/day in 2001), it claims "it is not possible to provide the costs of control that are solely attributable to cougar." (See P. 78, revised Plan) Predator Defense is greatly concerned about this obvious oversight.

This spring after a decade-long campaign, Predator Defense was instrumental in driving Wildlife Services out of Lane County, after commissioners were convinced that WS functioned almost exclusively as a subsidized program for ranchers to kill coyotes. Wildlife Services, a part of the USDA's APHIS program (Animal and Plant Health Inspection Service) was condemned in 1964 in what is now renowned among environmental groups as "The Leopold Report." The study was sharply critical of predator control as being indiscriminate, nonselective, and excessive. A later study, "The Cain Report," was presented to Congress in 1972, demanding that WS's poison programs be abolished. Almost since its inception, Wildlife Services has been under attack by countless wildlife ecologists and environmental groups as an out-of-control agency that has no place in today's approach to wildlife management.

Wildlife Services and the ODFW have joined forces in an attempt to legitimize each other's activities. It's no accident that the union of these agencies comes after a decade of collaborative efforts between Congressman Peter DeFazio and Predator Defense to decrease funding of the Western Livestock Protection Program, considered to be an archaic remnant from the early wolf-killing days of the 1900's.

## **CALIFORNIA'S STRATEGY**

California's approach to cougar management, in strong contrast to the political extremism reflected in ODFW decision-making, serves an excellent model. Hunting of cougars has been banned in California for over 30 years, and only about 120 cougars are killed each year for predation and human safety concerns, despite a 10-fold higher human population and development that provides greater opportunity for conflict between cougars and humans. If California is able to co-exist with cougars without indiscriminately slaughtering them, then certainly Oregon can do the same.

## **ETHICS**

A serious lack of credibility exists within the ODFW. Over 30 high-ranking ODFW officials, including the deputy director and the top big-game biologist were reprimanded in 1999 for ethics violations regarding use of inside information to personally obtain hunting tags during a lottery. The cases were documented by the Oregon State Police, and yet no one was fired.

Someone needs to hold our state agencies accountable. What will it take to bring ethics to the department, to bring science to the table, to bring conscientious, knowledgeable, reputable, and dedicated workers to the ODFW? Predator Defense will work to ensure that environmental, ecological ethics are established and adhered to in the ODFW.

Biologists often work in the crossfire between knowing better but "going along," "knuckling under," or leaving. Too often, when agents object to questionable management strategies, they are fired, as in the case of Dr. Andrew Eller, Jr., a 17-year USFWS biologist who was let go after complaining of a faulty Florida Panther habitat assessment by the department. (Eller was later re-instated.)

## **SCIENCE, NOT POLITICS**

Biology doesn't support the killing of wildlife, politics does. ODFW's revised Plan is dressed up like science, but it isn't. In fact, one of Predator Defense's greatest concerns is that the ODFW is failing to consider the large body of published peer-reviewed scientific literature in cougar population, behavior and the effect of sport hunting on cougar population.

Our nation's leading cougar ecologists have repeatedly stated that hunting of cougars does not affect cougar population, predation, or human safety. But science is ignored or used to justify management policies which scientists have said are unnecessary and ineffective. It is increasingly clear to Predator Defense that it's the misinformation about predator-prey relationships that needs to be managed, not predators.

ODFW's cougar management policy is based in politics and economics, not science. Never has the department been so reckless in its policy-making. Never have sound ecological principles been so ruthlessly ignored.

## **TELL THE TRUTH**

ODFW clearly considers Oregon's wildlife only as a commodity. The department's close ties to groups like Safari Club International and the Oregon Hunters Association reflect its commitment to hunters.

Predator Defense asks the ODFW to tell the truth; if the department wants to promote cougar hunting, then it should state the reasons for it honestly. Make it clear in the revised Plan that hunting is unnecessary, and that ODFW's interest in cougars is solely economic. Cougar hunting is trophy hunting, period. State wildlife officials have stated that revenue from hunting tags sales is not the motive for an increase in cougar hunting, but do the math. 588 tags were sold in 1994 at \$50 each; last year 34,071 tags were sold at \$10 each. In ten years, the revenue has increased from \$29,400 to \$340,710.

Even Bill Monroe, outdoor writer for The Oregonian agrees that the cougar, like every other animal is funded by hunting license and tag fees and federal excise taxes on equipment hunters buy. He spells out the simple truth, that because the ODFW gets virtually no money from them, "animal-rights activists, fair or unfair and by virtue of our democracy, have a voice but are not players in the game." [9] And yet the department is charged with managing the state's wildlife for all of its citizens.

## **SUMMARY**

In summary, Predator Defense condemns ODFW's exaggeration of the numbers of cougars and risk of cougar attacks, which it uses to produce political support for expanding the hunting of cougars. There is simply no biological or statistical data to support the raising of the harvest quota.

ODFW'S solicitation and collection of information from the public about cougars has been strongly denounced by cougar experts; its claims about population figures, sightings and cougar/human interactions are based on faulty data and are in direct contradiction to the published and credible scientific theories on the subjects.

It is Predator Defense's opinion that ODFW intentionally ignores the best science available in order to support the interests of hunters, outfitting services, and ranchers. Oregon's revised Cougar Management Plan should make it clear that it is not necessary to hunt cougars, and that the real reason for cougar hunting is economic.

## **RECOMMENDATIONS**

PD would like Oregon's revised Cougar Management Plan:

1) to be modeled after California's plan.

2) to disallow all lethal control for predation occurring on public lands, except in the rare event of a threatening encounter with a human.

3) to use lethal control only in documented cases of predation, public safety issues, and threatened and endangered species protection.

4) to highlight economic advantages in protecting cougars. (In the winter of 1999, an estimated 15,000 photographers visited Jackson, Wyoming for 42 days, to witness the longest continuous observation of cougars in the wild, a cougar and 3 cubs visible in a rock outcropping on the National Elk Refuge.) Predator Defense hopes the ODFW will consider the potential revenue stream for ecotourism through preservation and conservation of predator species.

---

In conclusion, Predator Defense will continue to work towards a total ban on cougar hunting, and the establishment of a new conservation ethic by the ODFW. Oregon needs an agency that strongly enforces what minimal rules are in place to protect wildlife, a department which embraces the principles of science-based ecosystem management and conservation—not an out-of-control agency that micromanages species solely on behalf of hunting and ranching interests.

Predator Defense will no longer function in reaction to policy after policy which allows for deer and elk populations to flourish at the expense of predator species. Oregonians deserve a wildlife agency that represents the views of all its citizens, and which requires peer-review of all policies by independent scientists. PD's goals are long-term. Changing public perception towards cougars through intensive outreach educational programs requires education and the best scientists we have.

Predator Defense will work to bring science to ODFW's table. Oregon's cougars are not the problem; ODFW's mismanagement of them is.

## Footnotes

- [1] "Proposal Increases Cougar Hunting," Mark Freeman, The Mail Tribune, Aug. 12, 2005
- [2] from a letter to Brooks Fahy, Predator Defense, from Dr. Rick Hopkins
- [3] "State's Cougar-Management Proposal Drawing Criticism from Both Sides," Beth Casper, Statesman Journal, Aug. 18, 2005
- [4] "Cougar Hysteria, and Not a Football in Sight," Ron Judd, Seattle Times, Aug. 11, 2005
- [5] from a letter to Brooks Fahy, Predator Defense, from Dr. Paul Beier, Aug. 27, 1996
- [6] "Success Could Be Cougars' Undoing," Michael Milstein, The Oregonian, Sept. 4, 2005
- [7] from a letter to Brooks Fahy, Predator Defense from Dr. Rick Hopkins, May 6, 2003
- [8] "As Rural Leaders try to Lift a Ban on Using Dogs to Track Cougars, Debate Grows Over Their Numbers," Michael Milstein, The Oregonian, June 5, 2005
- [9] "Cougars a Problem for Hunters, Animal-Right Activists Alike," Bill Monroe, The Oregonian, Aug. 28, 2005