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The Cougar Fund  
125 N. Cache St. Upstairs  
Box 122  
Jackson, WY 83001-0122

Please accept the comments of The Cougar Fund on the Draft CCP/EA for the National Elk Refuge (NER), Jackson, Wyoming.

The Cougar Fund is dedicated to the protection of cougars and other large carnivores through education, advocacy and policy monitoring. We have grave reservations concerning United States Fish and Wildlife Service (USFWS) references to the possibility of expanding hunting opportunities on the National Elk Refuge to include sport hunting of predators (CCP Draft hardcopy, pg. 76; *Table 4*). While the initial consideration in the 'actions' proposal is vague, predators are specifically mentioned in the consequences and further identified to include wolves and mountain lions in the expanded analysis on page 171. Since wolves were delisted at the time the CCP was written, we wonder if the grizzly bear might also have been included were it not for the current protection of being a threatened species.

**Predator hunting is an inappropriate use of the NER for the following reasons:**

- The NER has already identified the risks of large concentrations of ungulates in the Bison and Elk Management Plan (BEMP) of 2007 (pg. 9; *Purpose and Need*) and also identified wolves and cougars as “mainly killing the most vulnerable prey, the young, old and poorly conditioned,” (BEMP, pg. 142; *Affected Environment*). This pattern of predation is a tool for you to mitigate, “increased risk of potentially major outbreaks of exotic diseases,” (BEMP, pg. 9; *Purpose and Need*).
- Predators are also known to reduce densities by dispersing prey, which also ties in with the statement, “Some precautionary measures such as reducing densities and number of elk and increasing dispersion could reduce the chance of major adverse impacts if the disease (CWD) becomes established,” (BEMP, pg. 140; *Affected Environment*).
- FWS also displays the short film “How Wolves Change Rivers” on it’s website, <http://www.fws.gov/angered/about/vp-145-2014.html> The film showcases improvements not unlike your goal to improve, “damage to and loss of habitat due to browsing of willow, cottonwood, and aspen stands, with resultant reductions in wildlife associated with



healthy stands.” This indicates how beneficial the presence of wolves is to habitat of the NER.

- The very logistics of mountain lion hunting involve the use of packs of dogs, which are most effective during the time when snow cover allows the hunters to identify cougar tracks for the dogs to follow. Snow covered ground on the refuge is synonymous with large accumulations of elk. It is not hard to imagine the controversy that would ensue if packs of dogs were running around among the elk simply for the purpose of providing a ‘recreational opportunity’.
- The population of cougars in this area is (<0.5 adults/100 km<sup>2</sup>), about half of the lowest average when compared with mountain lion populations across North America (1-1.5 adults/100 km<sup>2</sup> in Quigley and Hornocker, 2010). We feel that you are ignoring the fact that the population is already greatly diminished, further supported by the reduction in harvest as well.

**The Cougar Fund would like to express our strong opposition to the possibility of predator hunting on the National Elk Refuge. It is evident that references to predators in the Bison and Elk Management Plan (2007) indicate they have the most value in aiding your management objectives ALIVE. We respectfully request that you remove all references to the hunting of predators from your final plan.**

Comments about other aspects of the CCP are as follows:

**Identify, Examine and Maximize Existing Natural Habitat:**

- The CCP addresses many partnerships (CCP Draft, pg. 93). Each of these are important, especially jumpstarting the work of the J.I.H.I. whose goal was to, *“Maximize effectiveness of native winter and transitional range for ungulates and a diversity of species indigenous to the region through identification and implementation of habitat enhancement opportunities”*
- Identifying and possibly improving (by burns that DO NOT threaten the return and nesting of migratory birds or calving of ungulates) transitional and winter habitat is imperative **but must be followed by also identifying how to get the elk on to the natural forage.**



- The transitional range is free natural capital and the ways in which current hunting seasons manipulate how elk travel through the landscape must be examined and adapted to utilize the full potential of the habitat that many groups are trying so hard to enhance.
- Maximization of natural habitat is also made possible by construction of wildlife crossings (CCP Draft, pg. 93) that will improve public safety, reduce economic loss, reduce insurance compensation, prevent fragmentation and improve connectivity for many species of wildlife. The Cougar Fund fully supports including wildlife crossings in the final plan.

### **Mandatory Use of Bear Spray and Lead-free Bullets:**

- We concur and congratulate FWS on including this in Option C (CCP Draft, pg. 74).
- The evidence that bear spray is more effective and results in less injury to humans AND bears (98% vs. <50% firearms) is widely promoted by local managers (Steve Cain, 2013 & 2014; from GTNP presentations). While the NER may have admirable voluntary compliance, the recent tragic example near Dubois, when one person with no bear spray was killed and another WITH bear spray received only minor injuries, sadly supports mandatory carry. This occurred within a short timeframe in the same region and is evidence that 100% compliance is necessary. This will only be met by regulation. The alienation of hunters (because of the added expense of having to carry bear spray) would be mitigated by requiring bear spray for ANY NER constituent whose recreational activities elevate the chance of negative encounters with predators.
- The same is true of lead-free ammunition. Anecdotally, compliance on the NER appears to be encouraging (from conversation with USFWS Cris Dipple), but the minority still using lead could be responsible for serious consequences to raptors, scavengers and threatened omnivores alike. If compliance is already good then the number of hunters being alienated by your commitment to ecological best practices will be minimal! There is frequent travel by many species between the NER and GRTE, where lead-free is mandatory. Therefore, failing to regulate the use of lead-free on the NER prevents other federal land managers from maximizing their efforts to remove harmful lead from the diets of scavengers, carnivores and raptors within their boundaries.



- Grants are available (The Packard Foundation supported Craighead Beringia South with their bullet exchange initiative). Reach out to a partner organization to help with co-writing a grant to subsidize lead-free bullets.

### **Provision for Unique Wildlife Watching Events:**

The 2007 BEMP has a record of the presence of a female cougar and her three kittens that made the cave on the south end of Miller Butte their home for forty-two days. The mountain lion family arrived on Valentine's Day 1999, and it is no surprise that over 15,000 people (per NER staff estimates) visited and quite possibly fell in love with them during this time.

This is the type of experience that can influence members of the public for the rest of their lives. It is not only a beneficial economic boost for local communities but it is also a publicity boost for the federal agency upon whose land the event takes place. In a time of short budgets, negative media coverage of the role of federal land managers, and the state of Wyoming's reluctance to accept federal jurisdiction, an event like the presence of this cougar can infuse more interest, support, and good will for the NER than any Madison Ave advertising ever could!

The Cougar Fund sincerely requests that you include a detailed contingency plan for future unique viewing opportunities that could be adapted to the presence of any animal that inspires public interest. Locations that allow for the safe approach of motor vehicles on existing roadways on the NER should be identified together with ways that a scene could be managed to allow the greatest number of people the greatest amount of time to enjoy THEIR wildlife. A proactive plan would include:

- **Above all, protection of the animal**
- Identification of suitable parking
- Methods of transportation to allow people to get to the viewing area (Start bus?)
- Liberal opportunities to photograph
- Information about the animal
- Location and availability of extra personnel to help with scene management (including other federal and state agencies as well as local NGO's who would be willing to help)



It is especially important for the public to receive positive and credible education about the contributions of predators and large carnivores to the habitat of the NER. **The appearance of one of these animals should not be seen as a 'problem', but as an opportunity for outreach and affirmation of the role of the NER.**

## Climate Change

Climate change receives minimal attention (CCP Draft, pg. 62), which is surprising given the extent of the effects of climate change both on a landscape and planetary scale. Alternative B refers to focusing on bison, elk and federal trust species. We encourage you to take a more proactive approach to the issue of climate change. There is nothing about climate change that can be classified as final, so instead of basically ignoring it, please acknowledge that it will be an adaptive process. The NER needs to plan for the inclusion of implementation of the Department of Interior's directive on climate change policy from December 20<sup>th</sup> 2012 (DOI Department Manual, 2012: Part 523, Chapter 1).

Review of the entire CCP must be scheduled to occur at regular intervals. The intended life of the plan is 15 years, the equivalent of two elk generations, an entire bison generation, and the time it takes for the slow reproducing grizzly bear to mature. Too much can happen in this timeframe to not make preparations for adapting to unpredicted environmental changes or events, especially those originating from climate change.

## Non-Consumptive Use:

The draft CCP illustrates a consistent underlying concern about expenses related to public access and amenities for the NER. There seems to be a bias towards the advantage of consumptive use not only as a management tool, but also as a revenue source. It appears that there is no revenue from any of the hunting activities, yet the concessions that provide sleigh rides for 20,000 non-consumptive visitors per year provides a percentage return to the NER. Additionally, non-consumptive users also contribute revenue through the annual Boy Scouts of America elk antler pick-up and auction, which partially subsidizes feeding on the NER.

There are two possible conclusions to draw from this:

- Since higher equipment and labor costs are associated with expanding hunting opportunities (Draft CCP, pg. 62), then it can be assumed that the NER will no longer hold an annual elk hunt when the management goal has been reached.



- The second is that non-consumptive users are greater financial contributors, yet there is concern about higher costs to provide programming (Draft CCP, pg. 81).

The contributions of non-consumptive users must be addressed when offering wildlife-based recreation on the NER. Programming and access for non-consumptive users must be at least equal to the opportunities available to consumptive users.

The NER accepts the presence of WGFD staff to adjudicate the hunt. Cooperation with partners and NGO's could be explored to provide programming and environmental education.

### **Temporal Scales and Planning of Multiple Management Documents:**

There is a notable discrepancy between the longevity of the NER CCP and the BEMP (2007). We observe that the CCP is written to complement the BEMP, yet only half of the CCP's projected lifetime corresponds with the current BEMP. We request that you address this discrepancy and provide an explanation and a plan for your intentions to rectify this inconsistency.

In conclusion, The Cougar Fund thanks you for the opportunity to comment. We appreciate your public service and we trust that you will review and consider all comments with the same respect with which they have been submitted.

Sincerely,

Penelope Maldonado  
Managing Director