



ANIMAL WELFARE INSTITUTE

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June 23, 2008

BY ELECTRONIC AND REGULAR MAIL

Mr. Mitch Ellis, Complex Manager
U.S. Fish and Wildlife Service
Southwest Arizona National Wildlife Refuge Complex
356 West 1st Street
Yuma, AZ 85364

Dear Mr. Ellis:

On behalf of the Animal Welfare Institute (AWI) and the Animal Defense League of Arizona (ADLA), I submit the following scoping comments on the pending draft environmental assessment of alternatives for the management of mountain lions on the Kofa National Wildlife Refuge (Kofa). AWI and ADLA previously submitted substantive comments on a proposal to amend the U.S. Fish and Wildlife Service refuge-specific hunting regulations to permit the hunting of lions on the Kofa (see Attachment 1). That letter is hereby incorporated by reference in its entirety and AWI and ADLA expect that letter to both become a part of the official record of this project and for the issues raised in that letter to be considered during the scoping process.

AWI and ADLA appreciate the opportunity to submit these scoping comments though we strongly oppose the proposed project as described in the April 23, 2008 letter soliciting comments on the scope of the Draft EA. Indeed, the U.S. Fish and Wildlife Service has already violated the National Environmental Policy Act by describing the proposed project or action in its scoping letter. The purpose of scoping is to obtain public input into the various issues and concerns associated with a particular proposal of concern or relevance to a federal agency. In this case, the issue of concern should have been described as the development of a mountain lion management plan for the Kofa. After obtaining public comments on the scope of such a plan then, and only then, should the FWS have developed its alternatives, including its proposed action, for analysis in the Draft EA. In this case the FWS jumped the gun disclosing, at the outset of the scoping period, that it had already decided what its proposed action would be (i.e., the limited removal, by government agents, of individual lions identified as regularly preying on sheep) without the benefit of first reviewing the public's issues and concerns.

AWI and ADLA are strongly opposed to the proposed action, as described in the scoping letter, as we believe it reflects an anti-predator bias that has hindered the responsible and ethical management of predatory animals for far too long. While such bias is expected among state wildlife agencies given their unequal representation of wildlife constituency groups, the FWS should not adopt a similar mindset. Indeed, it is discouraging that the FWS would articulate such an antiquated proposal considering all that has been learned, particularly in the past few decades, about the importance of predators in determining the health of any ecosystem and the public's changing attitudes about predators and their conservation. AWI and ADLA trust that the FWS is, in fact, taking the lead in developing the Draft EA and that it has not, officially or unofficially, provided the Arizona Game and Fish Department with any leadership or cooperating role in the development of the Draft EA.

Mountain lions are not a "bad" species and bighorn sheep are not a good "species." While there are interest groups that advocate for each species individually and though said groups may believe that their species is more important economically, ecologically, or aesthetically than the other, lions and bighorn sheep are nothing more than native American wildlife who have evolved together in the Kofa and many other areas in the West. They are part of the ecosystem and must be managed together in a holistic sense and not as individual species. There is a management plan for the Kofa that was developed jointly by the AGFD and FWS. Whether this plan has been subject to required NEPA compliance is unclear. Nevertheless, as bighorn sheep and lions have evolved together, live together on the Kofa, and affect the ecology of the refuge, the FWS should ideally terminate the pending EA process and send out a new scoping letter on a proposed multi-species management plan. Such a plan would not only generate a final product that will be of greater value and impact to the future of both species on the Kofa but it will allow the public to participate in a more holistic process whereby management of both species (and other species that may also be ecologically connected to lions and sheep) can be considered simultaneously.

Whether the FWS elects to proceed with a multi-species approach or not, AWI and ADLA request that the FWS consider the following issues and concerns as it develops the Draft EA.

1. The FWS must disclose and discuss the role of the AGFD or any other state or federal agency, if any, in the development of the scoping notice, Draft EA, or any other management issue pertaining to bighorn sheep and/or mountain lions on the Kofa. This disclosure must include a discussion of what role AGFD agency officials, biologists, game wardens, or other persons employed by or under contract to the AGFD have participated in the development or implementation of management strategies for bighorn sheep and mountain lions on the Kofa. The FWS must also disclose and discuss its relationship with any local, regional, or national so-called user groups (i.e., Arizona Desert Bighorn Sheep Society, Safari Club International) in regard to any aspect of the management of sheep and/or lions on the Kofa including the construction or maintenance of artificial water catchments.
2. The FWS must provide a detailed discussion of the biology, ecology, and behavior of bighorn sheep on the Kofa and, more broadly, in the desert southwest. This must include a description

of the bighorn sheep habitat on the Kofa, how the habitat and elements affecting the habitat have changed over time, and what human-influences have affected and/or continue to affect sheep habitat (i.e., fires, fire suppression, and construction of artificial water catchments). This discussion must also include a detailed history of bighorn sheep management within the Game Management Units in which the Kofa resides including documentation of the number of bighorn sheep killed by hunters by year, their sex, their known or estimated age, and their condition (i.e., weight, parasite load, body condition). In addition, the FWS must disclose the number of sheep removed from the refuge for the purpose of translocation to begin a new sheep population or augment an existing population including the age, sex, and capture location for those animals. All such data should be reported for all years for which such information exists.

3. The FWS must provide a detailed discussion of the biology, ecology, and behavior of mountain lions on the Kofa and, more broadly, in desert ecosystems. This must include an examination of historical records to document the presence/absence and lion population sizes (estimates or known) over time both on the Kofa and within surrounding GMUs. Lion survival, productivity, mortality data must be provided at an age-specific level and for each sex. While such data may not be available for lions inhabiting the Kofa, the FWS must use the relevant literature to identify those characteristics in desert-adapted mountain lion populations that also may be applicable to the lions inhabiting the Kofa. Data on the number of lions killed by hunters, by state or federal agency officials, by local ranchers, and any non-human caused lion mortality data must also be disclosed for both the Kofa and for the surrounding state, federal, and private lands. This data must include the sex, estimated or known age of the lion, his/her condition, and, if possible, the location of the kill site. The amount and quality of lion habitat on and adjacent to the Kofa must also be disclosed and analyzed along with the criteria used by the FWS to determine how lion habitat is graded. Any factors, natural or anthropogenic (i.e., human-caused fires, invasive species introduced as a result of human disruption to the ecosystem) that may have historically affected or continues to affect the quality or quantity of lion habitat on and adjacent to the Kofa must also be disclosed and discussed.
4. The FWS must disclose all historical and modern day data pertaining to public use of the Kofa, the types of uses permitted, the frequency of use, the areas where is concentrated on the refuge, and the number of recreational users by type of use and season. This analysis must also contain information from the relevant literature pertaining to the impact of human recreational use activities on bighorn sheep, mountain lions, and their respective habitats.
5. The FWS must provide a detailed description of the affected environment on and adjacent to the Kofa. This must include an analysis of the quality and quantity of bighorn sheep habitat; the vegetation characteristics of such habitat (i.e., forage composition, diversity, productivity) for each year or season such data is available; how such characteristics have changed over time; climatic patterns (i.e., rainfall amounts by month and year for as long as such records have been kept for the region, average monthly ambient temperatures); the historical and modern role of natural, human-caused, or management fires; the policy and procedures utilized by the FWS for the management or use of fire including any policy of fire suppression and/or the use of fire as a management tool; the presence and management (historically and presently) of any livestock

including the type of livestock (if any) permitted, and documented diseases of said stock; evidence of any non-permitted livestock documented on the refuge; and the presence and management policies, if any, of invasive species on and adjacent to the Kofa.

6. The FWS must disclose and discuss its management of any Congressionally designated wilderness on and adjacent to the Kofa. This discussion must include an analysis of how FWS management of Congressionally-designated wilderness differs from its management of non-wilderness lands in regard to vegetation, wildlife, recreation, and domestic livestock management.
7. The FWS must disclose and discuss all relevant data and information pertaining to the predator-prey dynamics between bighorn sheep, lions, and other wildlife on and adjacent to the Kofa. This must include an exhaustive analysis of the relevant literature on predator-prey dynamics particularly those studies conducted in desert ecosystems, documented interactions between lion and sheep on the Kofa, the location of such interactions, the criteria used to determine if a deceased bighorn sheep had been depredated by a lion, and studies that substantiate the use of such criteria, a description of the kill site (if known) of any bighorn sheep kill site where the kill was attributable to a lion including information about the slope, forage composition and cover, and location in relation to available water and escape habitat, and data documenting the other prey species available to and potentially consumed by mountain lions and the status of their populations on and adjacent to the Kofa.
8. The FWS must disclose the location of all artificial water development and discuss, relying on the best available scientific evidence, the impact of such developments on wildlife including bighorn sheep, mountain lions, and any potential lion prey species on and adjacent to the Kofa. In addition, the FWS must disclose its policies pertaining to the construction and maintenance of such water developments on the refuge, document the location of each water development in relationship to known bighorn sheep and mountain lion habitat on the refuge, and disclose and document the impact of such developments on refuge wildlife and ecology. If available, the FWS should cite to and make available for public review any NEPA documents it has prepared evaluating the direct, indirect, and cumulative impacts of such artificial water developments on refuge wildlife including sheep and lions.
9. The FWS must disclose all past and present management actions implemented to address concerns pertaining to the presence and/or recover of mountain lions on and adjacent to the Kofa. For example, it must disclose how many lions have been killed in recent years, who killed said lion, why they were killed, the role of the AGFD in determining when or if lions would be killed, and whether the FWS participated, directly or indirectly, in such killing. Moreover, since the past two lions who were killed adjacent to the Kofa allegedly for killing one or more bighorn sheep within a specified period of time were radio-collared animals being used in a scientific research program, the FWS must disclose any policy it has regarding lion research, the use of radio-collars on research animals, and whether collar signals can be used to track research animals for the purpose of killing them and removing them from the ecosystem.

AWI and ADLA look forward to the opportunity to review the Draft EA prepared by the FWS on this important management issue. It is hoped that the FWS will, as it is mandated to do, fully comply with all provisions of NEPA and subject this issue to a full, fair, and objective analysis. To aid the public in reviewing the Draft EA and to ensure that the FWS is provided with the most informed and substantive comments possible, it should consider establishing a specific internet site for this project where the interested public can obtain regular updates on the status of the project, access any studies or other data referenced in the Draft EA, and to learn more about Kofa, lions, and bighorn sheep.

At this time AWI and ADLA withhold any judgment on whether this issue should be subject to a more detailed analysis in the form of an Environmental Impact Statement though, given the management issues involved and the inherent controversy associated with this project, an EIS may very well be required.

Thank you in advance for considering these scoping comments.

Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Schubert". The signature is written in a cursive style with a large, looped initial "D".

D.J. Schubert
Wildlife Biologist

Attachment (sent by regular mail)