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February 1, 2006

Governor Ted Kulongoski  
160 State Capitol  
900 Court Street  
Salem, Oregon 97301-4047

Dear Governor Kulongoski:

When a 17-year USFWS (US Fish and Wildlife Service) biologist filed a complaint in early 2004 against the USFWS for knowingly using flawed science to access habitat and population of the endangered Florida panther, he was fired.<sup>1</sup> The whistle-blower, Andrew Eller, Jr., was eventually reinstated, following a complaint he and PEER (Public Employees for Environmental Responsibility) filed under the Data Quality Act, a law enacted in 2000 to ensure that federal agencies use and disseminate accurate information. A blue ribbon panel of scientists appointed by the USFWS later vindicated Mr. Ellen when they wrote a scathing review of the remarkably poor science the agency was continuing to rely on for issuing “take” authorizations (as allowed for under the Federal Endangered Species Act).

Predator Defense, a national wildlife advocacy group based in Eugene for 16 years, believes that our own ODFW (Oregon Department of Fish and Wildlife) is knowingly using faulty data as well to promote its newly revised Cougar Management Plan.

Since passage of Measure 18 in 1994, which prohibited hunting of bears and cougars with dogs, the ODFW has solicited reports of cougar incidents and then used them to fuel public hysteria with claims of dramatic increases in complaints and sightings. The department has continued to assert that Oregon’s cougar population is exploding despite the research of expert scientists who refute the figures, and insist that the majority of so-called cougar sightings are false.<sup>2</sup>

The ODFW has ruthlessly used the media, this past year especially, to promote a fear campaign, with agents (namely Lindsay Ball, Ron Anglin, and Bill Castillo) quoted in article after article that “The number of cougars has become socially unacceptable.” In essence, ODFW has manufactured a problem that doesn’t exist, in order to reduce cougar numbers on behalf of hunting, ranching, and outfitting interests. According to Dr. Rick Hopkins, one of our country’s leading cougar ecologists: “Science has not informed the process, but has been the quiet victim of this calculated campaign.”<sup>3</sup>

Consider the following comments submitted to the ODFW (including those from scientists selected by ODFW for peer-review), all of which highlight the questionable validity of ODFW’s data.

**1) The rationale for the 3,000 cougar figure in Objective 1 is not clearly supported....**

Gail S. Olson, Ph.D., Research Assistant Professor, Dept. of Fisheries and Wildlife Biology, Oregon State University, on behalf of the Oregon Chapter of the Wildlife Society.

**2) It is my opinion that in its current form, the population model (Keister and Van Dyke (2002; A predictive population model for cougars in Oregon, Northwest Science 76: 15-25) is inadequate to meet the needs of a reliable management tool. ...the critical value of the indicator variables is associated with a much greater degree of uncertainty than is admitted to in the Plan.**

Barry Noon, Ph.D., Professor, Dept. of Fish, Wildlife, and Conservation Biology, Colorado State University, Fort Collins, Colorado

**3) It is amazing that ODFW feel compelled to concern themselves with cougar/human incidents that affect two to three people per year in all of North America. ...the risk of attack is probably in the order of 1:100 million or more.**

Rick Hopkins, Ph.D., Principal and Senior Wildlife Ecologist, Live Oak Associates, Inc., San Jose, California

**4) The Cougar Management Plan is deeply flawed....The Cougar Management plan is built around an insufficient population model. The kill recommendations are...unsupported, because they are based on a model that could have easily overestimated population size by several thousand cougars.**

Travis Longcore, Ph.D. and Catherine Rich, J.D., M.A., Land Protection Partners, Los Angeles, California

**5) The effectiveness of hunting to improve performance of wild ungulate populations, increase human safety and even reduce livestock losses in any but very small areas has not been documented.**

Fred Lindzey, Ph.D., Professor Emeritus, University of Wyoming, and co-author of the 2005 Cougar Management Guidelines

**6) Throughout this chapter (Chapter VI), you refer to cougar density estimates derived from a cougar population model. I am not familiar with the model referred to, but I am skeptical of density estimates derived in this manner.**

Chuck Anderson, Ph.D., Trophy Game Management & Research, Wyoming Game and Fish Department

**7) How can you elevate "spot and shoot" in certain hunting zones without consideration for the reproductive status of the cougar? It seems to me that without the use of hounds you run a very high rate of orphaning, particularly during the first 3 months of the kittens life when the female does a lot of hunting without the kittens-at-heel.**

Jim Akenson, Biologist/Manager of University of Idaho's Taylor Ranch Field Station, Cascade, Idaho

**8) Calve:cow ratios are repeatedly stated to be a reliable index to the cougar population. This is a false assumption. ...It is stated in the document that population is the best indication of herd health. This is false. ...Models are used to determine population numbers, trends and densities. Those models are of questionable reliability. ...The density estimates provided are surprisingly high. ...There is little evidence that sport hunting decreases human/cougar interactions and it is unlikely that the management strategy outlined in the document will lead to the stated management goals.**

Becky Pierce, Associate Wildlife Biologist, California Department of Fish and Game, and co-author of the 2005 Cougar Management Guidelines

Predator Defense is clearly not alone in condemning ODFW's new Cougar Management Plan. 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.

Predator Defense believes that at best, the department is demonstrating incompetency in its use of inappropriate analytical methods and outdated models, at worst, fraud.

ODFW's proposed plan to slaughter half the state's cougars calls on federal hunters and trappers from the USDA's Animal and Plant Health Inspection Service (APHIS) Wildlife Service (WS) program to do the killing, a program that has been condemned by our nation's leading scientists for over 50 years.<sup>4</sup> Congressman Peter DeFazio has introduced several appropriation amendments in recent years to abolish Wildlife Service's lethal predator control program. Wildlife Services, formerly known as Animal Damage Control (ADC), is renowned for its archaic approach to wildlife management and its indiscriminate and inhumane killing of millions of animals annually. ODFW's plan to encourage additional counties to contract with such a wasteful and unnecessary program as WS is an alarming development.

In summary, it is Predator Defense's opinion that ODFW intentionally ignores the best science available in support of hunting and ranching interests. Cougar experts have repeatedly stated that killing of cougars does not effect predation, cougar population or public safety. In California, there has been a ban on cougar hunting for 33 years, and only about 120 are killed annually for predation and rare encounters with humans.

We strongly urge the governor to appoint an Independent Scientific Review Team to investigate ODFW's management policy. Oregonians deserve an agency that protects wildlife for *all* its citizens, not just hunters, an agency that relies on peer-reviewed scientific literature and sound ecological principles in its policy-making. The Commission has delayed its vote on proposed Cougar Management plan from February 9 to April 13; we welcome the opportunity to meet with the governor during this extension to discuss the serious problems with ODFW's management policy.

Sincerely,

Brooks Fahy  
Executive Director  
Predator Defense

**Enclosed:**

- "Cougar Hysteria and not a Football in Sight," Ron Judd, Seattle Times, August 11, 2005
- Letter from Paul Beier, Ph.D., Flagstaff, Arizona, August 27, 1996
- Comments on ODFW's proposed Cougar Management Plan from Predator Defense, Eugene, Oregon, ecologists Dr. Rick Hopkins of San Jose, California, and Dr. Barry Noon of Fort Collins, Colorado
- "Cougar Plan is Knee-Jerk Call for Slaughter," Dennis Roler, Grants Pass Daily Courier, August 30, 2005

<sup>1</sup> "Agency Admits Using Faulty Data on Endangered Florida Panthers," John Heilprin, Associated Press, March 22, 2005

<sup>2</sup> Paul Beier, Ph.D., letter to Predator Defense, August 27, 1996 (see enclosed)

<sup>3</sup> Rick Hopkins, Ph.D., personal communication, December 18, 2005

<sup>4</sup> Starker Leopold, "Predator and Rodent Control in the United States." A report to Congress. March 9, 1964.