

Fran Mainella
Director, National Park Service
1849 C Street, NW
Washington, D.C. 20240

April 10, 2006

Dear Ms. Mainella:

We are writing to object to the reported decision by the National Park Service (NPS) to allow Arizona game officials to kill as many as ten mountain lions at Lake Mead National Recreation Area (NRA) this spring without any study of the need for, or the effects of, the action. On behalf of Public Employees for Environmental Responsibility (PEER), I am writing to ask you to block the killing of mountain lions in Lake Mead until the NPS conducts basic biological review with public involvement.

Lake Mead is a unit of the national park system. The Act of August 25, 1916 mandates that the NPS "conserve" the wildlife of the parks and reservations under its charge.

We call upon you to make clear that the NPS is obliged by the Organic Act to conserve the wildlife in parks, including in those 50+ parks where Congress authorized recreational hunting. As a matter of law and policy, the NPS must permit hunting in units like Lake Mead but must do so in concert with the overarching mandate of conservation. Admittedly, this is not an easy task. NPS Management Policies state that "The National Park Service will maintain as parts of the natural ecosystems of parks all native plants and animals." (Management Policies 4.4.1.) PEER believes that this statement includes Lake Mead.

The State of Arizona is not governed by the Organic Act and the State manages wildlife under a very different standard. The State's reason for killing lions is to protect a large herd of desert bighorn sheep, a herd for which the Arizona Game and Fish Department issues hunting tags and consistently uses as a source of transplant stock. We are not talking about an endangered population of sheep here.

The NPS is not even sure that ten mountain lions live in the Arizona portion of the NRA. If the NPS possesses data about how many lions inhabit this area, please provide it. In the absence of available data, removing ten lions from Lake Mead's Arizona lands could have serious and unknown consequences. More importantly, science tells us that predation by lions on mule deer, bighorn sheep and other species is both natural and

essential to healthy ecosystems. There is, as yet, no sound science that compels the severe reduction of lions at Lake Mead.

The NPS recognized decades ago that the Organic Act mandates the conservation of all park wildlife – including predators. This incident elicits memories of the very worst days of NPS wildlife management, when park rangers routinely and systematically eliminated predators, large and small, including lions and wolves and even white pelicans that ate fish in Yellowstone Lake. Now, the NPS will stand by apparently mute while State-hired predator hunters will accomplish this task.

We all agree that Section 5 of the Lake Mead enabling act requires the Secretary to allow hunting under applicable laws of the respective states. We also hope you agree with PEER that Section 5 did not remove from the NPS its responsibility to conserve the wildlife of the NRA. First, with regard to recreational hunting, the plain words of Section 5 reserve to the NPS the authority to restrict hunting more rigorously than do the states. Second, wholesale predator killing by state hired stalkers hardly qualifies as “recreational hunting.” Such conduct is “wildlife management,” in its crudest sense. Deciding whether such conduct is permissible, let alone scientifically justified, falls under the NPS’ clear authority to “conserve” wildlife in the parks.

The Secretary has the power to destroy animals as may be “detrimental to the use of any said park, monument, or reservation...” 16 USC 3. The NPS must use this power with utmost caution. Still, this narrow authorization for the Secretary to destroy detrimental animals implies that the Secretary possesses no broad power to destroy park wildlife except under the terms of 16 U.S.C. 3 or another applicable law. We find no evidence that Congress transferred this power from the Secretary to Arizona, so that Arizona may destroy animals that it alone judges “detrimental” without even the consent of the NPS officials at Lake Mead. The NPS at Lake Mead is pretending it has no power over the lions, or their destruction, so as to avoid the obligation to review agency actions under the National Environmental Policy Act (NEPA). We request that the NPS initiate NEPA review for lion killing at Lake Mead.

The NPS, at Lake Mead, is wrong to cite section 5 as the basis for its lack of any authority over the management of park wildlife and of recreational hunting. If this interpretation were correct, then the NPS ability to “conserve” wildlife would no longer exist at the more than fifty areas where Congress authorized hunting with words similar or identical to section 5. Thus, the issues at Lake Mead are most grave. Your response to it will determine whether the Organic Act’s fundamental purpose of conserving wildlife continues to endure within Lake Mead, and all park areas where hunting is authorized in law.

Sincerely,

Jeff Ruch
Executive Director