

**April 10, 2008**

***URGENT***

Mr. Mitch Ellis, SW Arizona NWR Complex Manager  
Kofa National Wildlife Refuge  
356 W. 1st Street  
Yuma, Arizona 85364  
Fax: (928) 783-8611

**VIA EMAIL, FAX and FIRST CLASS MAIL**

***Re: Request for Immediate Halt to Mountain Lion Trapping and Collaring***

Dear Mr. Ellis:

Public Employees for Environmental Responsibility (“PEER”) formally requests that the U.S. Fish and Wildlife Service (“FWS”) immediately halt any and all mountain lion (“lion”) capture and collaring activities on the Kofa National Wildlife Refuge (“Kofa”) until such time as FWS fully complies with National Environmental Policy Act (“NEPA”), 42 U.S.C. § 4321 *et seq.*, requirements. PEER also requests that FWS immediately stop sharing collar tracking information with the Arizona Game and Fish Department (“AGFD”) for extermination purposes for any lions that have been collared but not yet killed per the lion management plan suggested in the April 17, 2007 report titled “Investigative Report and Recommendations for the Kofa Bighorn Sheep Herd” (“Report”) and apparently adopted by FWS. To be clear, these requests encompass all lion capture and collaring activities performed on Kofa, by either FWS or AGFD, where the resulting information may be used to locate a lion for the purpose of killing it. Should you refuse this request, PEER and additional conservation plaintiffs, including The Cougar Fund, will move quickly to file a complaint for emergency declaratory and injunctive relief in the U.S. District Court for the District of Arizona.

As you are no doubt aware, NEPA requires a review of all major federal actions to determine if they will significantly affect the quality of the human environment. *See* 42 U.S.C. § 4332(2)(C). This is typically accomplished by completing an Environmental Assessment (“EA”) and related public comment process per NEPA implementing regulations. *See* 40 CFR 1501.4. To date, FWS has not completed an EA or performed any other review to determine whether and to what extent the capture and collaring of lions on Kofa, and their subsequent extermination by AGFD off-refuge using information transmitted from the collars, will have on the quality of the human environment. This situation does not qualify for a NEPA categorical exclusion.

Mr. Ellis, PEER hopes that as Complex Manager you will see the importance of granting our request. A federal agency that implements/approves a lion capture, collar and termination plan – a plan that takes place in large part on a National Wildlife Refuge – without reviewing the environmental consequences of its actions plainly violates both the language and purpose of NEPA. Moreover, FWS’ own goal of management for biodiversity dictates that FWS truly consider and evaluate the marked impact on biodiversity at Kofa caused by the removal of the area’s lions. Lions are apex predators and occupy an essential natural role in the Kofa ecosystem, including maintaining healthy, viable populations of bighorn sheep and mule deer that are less prone to disease and drought.

The current situation at Kofa meets legal standards for issuing a preliminary injunction because 1) there is a strong likelihood that PEER will succeed in the underlying NEPA action given that FWS has not performed the required environmental review, and 2) irreversible harm has already resulted from the FWS implemented/approved lion management plan given that at least three lions have been captured and collared on Kofa and two of them have ended up dead at the hands of AGFD – with FWS’ help via the GPS tracking collar – within a few months of collaring (FWS states that the other lion’s collar came off and the lion is now unaccounted for). *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1124 (9th Cir. 2002).

Based on FWS’ own accounts, this leaves at most three lions remaining on Kofa. If previous collaring consequences are any indication, the same deadly fate will befall any remaining lions that are captured and collared on Kofa. Moreover, because only one of the remaining lions is a female, extirpation of the Kofa-area lion population is likely should collaring continue. Given the already drastic impacts to the tiny lion population at Kofa, it is essential that no further capture and collaring take place, and that any currently collared lions are not tracked for extermination purposes, without the required NEPA review. We could go straight to court, but PEER makes this request out of respect for you and your position at Kofa. We are confident of success if legal action proves necessary, but that should be an unnecessary last resort. It is up to you.

Please respond with your written grant or denial of PEER’s request by April 17. Please also confirm your receipt of this letter by response to the email address listed below.

Feel free to contact Daniel Patterson, Ecologist and Southwest Director of PEER, at 520.906.2159 or [swpeer@peer.org](mailto:swpeer@peer.org) if you want to discuss.

Cordially,

Adam Draper  
PEER Staff Attorney  
[adraper@peer.org](mailto:adraper@peer.org)