



California

Public Employees for Environmental Responsibility

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May 21, 2010

John McCamman, Director
Department of Fish and Game
1416 9th Street, 12th Floor
Sacramento, CA 95814

Re: Sierra Nevada Bighorn Sheep Recovery Program/Predator Management

Dear Mr. McCamman:

It has come to our attention that the Department's Bishop office has adopted a predator control protocol for the Sierra Nevada Bighorn Sheep Recovery Program (SNBSRP) that is not only inhumane and excessive, but also violates the State Fish and Game Code. It is also inconsistent with the SNBS Recovery Plan, which clearly intended that recovery of the Bighorn Sheep be accomplished while protecting an intact ecosystem. It is also clear the program's Director is violating the State's Whistleblower Protection Act, by punishing an employee who has objected to portions of the predator control protocol. We are writing to ask you to investigate the program and to intervene to ensure that the unnecessary and illegal killing of lions, and retaliation towards this employee, immediately ceases.

Our concerns stem from the attached memorandum from SNBSRP Program Leader Thomas Stephenson, as well as verbal direction by Dr. Stephenson regarding the snaring of lions. The protocol includes the "removal" of mountain lions in the Northern Recovery Unit, even though "the likelihood of predation remains low." The protocol directs the removal of any mountain lion observed using occupied bighorn winter ranges.

This protocol violates the Recovery Plan, which recognizes individual mountain lions can vary in behavior, including whether they prey on bighorn sheep and whether immigrating lions become potential threats for each herd when resident lions are removed. The Recovery Plan established criteria to remove only lions that are a threat, using radio-collaring and careful monitoring of mountain lions near bighorn sheep winter ranges to help with selective removal (see Recovery Plan Task 5.2 and Appendix E). Additionally, it intended that the need to protect

bighorn sheep should be carefully balanced with concerns for the viability of the mountain lion population. (Recovery Plan, p. 49)

The criteria in the Recovery Plan is consistent with Fish and Game Code 4801, which limits the killing of mountain lions to when a lion poses an imminent threat to the survival of the sheep. The new protocol is a coarse tool that considers all lions a threat, clearly not what the Recovery Plan anticipated.

We are also concerned that Dr. Stephenson has marginalized the lion biologist who has been the lead for the predator control program since it's inception, resulting in a protocol that essentially ignores mountain lion behavior, including the likelihood that destroyed mountain lions will be replaced by immigrants. Since lions that are killed are not necessarily preying on sheep, it is entirely possible non-preying lions could be replaced by predator lions.

We see nothing in the protocol that includes adverse conditioning, to discourage lions from preying on sheep. The Recover Plan intended that adverse conditioning be a part of the program: *"If aversive conditioning is successful, the maintenance of home ranges by conditioned resident lions may discourage immigration of unconditioned lions and thereby reduce the number of lions that need to be removed."* (Recovery plan. P. 50)

Dr. Stephenson has also directed houndsmen to use snares to kill lions, a violation of Fish and Game Code 4809, which prohibits the use of poison, leg-hold or metal-jawed traps, and snares to remove or take any mountain lion.

Clearly the intent of the legislature was the humane treatment of mountain lions, even when the need to remove a predator lion had been determined. Last summer, it was widely reported that a lactating female lion had been killed. Minimal effort was made to find her kittens, which are presumed to have starved. In the past, female lions were allowed to live until their kittens were determined to be old enough to at least have a chance to survive on their own.

Dr. Stephenson has punished the mountain lion biologist, who objected to the inhumane portions of the new protocol and violations of the Fish and Game Code. As a result, she has been marginalized and her Duty Statement changed been changed. These actions constitute a violation of the State's Whistleblower Protection Act.

We are asking you to investigate the above and to require the Director of the Recovery Program to comply with the Fish and Game Code, the Recovery Plan and the State Whistleblower Protection Act, by immediately ceasing the practices that violate the Fish and Game Code and allowing the program's mountain lion expert to resume her full duties, to ensure that the recovery of Sierra Nevada Bighorn Sheep, a program which has our full support, is accomplished in a humane and legal and biologically defensible manner.

PEER is working with our associates, Kenyon/Yeates, in Sacramento, to address violations of the State Fish and Game Code. If you have any questions regarding the above, please call me at 530-333-2545, or Bill Yeates at 916-609-5000.

We look forward to your prompt reply and hope this situation can be quickly resolved.

Sincerely,

Karen Schambach
California Field Director

Attachment: Thomas Stephenson Memorandum, 2-15-10

Cc: J. William Yeates, Kenyon Yeates
Jeff Ruch, PEER
Paula Dinerstein, PEER