



Eastern Cougar Foundation

Newsletter



ECF Newsletter

Summer 2000

Newsletter Delayed

By Todd Lester

This issue of the Eastern Cougar Foundation Newsletter has been delayed awaiting a reply from the Secretary of the Interior-Bruce Babbitt, and the U.S. Fish & Wildlife Service. We apologize for this delay. Enclosed in this newsletter is a copy of the letter we sent to them, and also their reply.

Its not the answer we had hoped for, but at least we know where cougars in the east now stand with these agencies. It appears that nothing short of proving the existence of a breeding population in the east will change things. We will now shift our focus towards documenting all the evidence that has already been collected throughout the eastern U.S., and following up on new reports. A more intensive effort in the woods to collect tracks, hair, scat etc. is being planned.

Call for Confirmations

By Chris Bolgiano

Whatcha Got?

An Invitation for Field Confirmations:

Verified field evidence of cougar presence in the east is beginning to accumulate. One of the missions of the Eastern Cougar Foundation (ECF) is to compile such evidence, screened by the following criterion; Is there physical documentation that has been verified by a reputable scientist? Below are instances that fit the bill.

Anyone with physical evidence (hair, scats, video, and track casts, but no photos, please, unless they include uncontestable size references) believed to be from a cougar is invited to send to the ECF a portion or a copy of it (never send the whole specimen or the original to anyone). The ECF Board of Directors includes several distinguished scientists linked with appropriate laboratories.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

In Reply Refer To:
FWS/TE/CCU00-00726

MAR 21 2000

Todd Lester, President
Eastern Cougar Foundation
P.O. Box 74
North Spring, West Virginia 24869

Dear Mr. Lester:

Thank you for your March 20, 2000, letter to Secretary Babbitt and the Fish and Wildlife Service requesting protection for the eastern cougar (*Felis concolor cougar*) under the Endangered Species Act throughout the eastern United States. You base your request on reports that cougars are living in the wild in several eastern States.

The Service has been reviewing information on this matter for decades. We acknowledge that occasional sightings of cougars have been reported and that some animals have been recovered, but none of these animals has shown any evidence of belonging to a remnant, wild, breeding population of the eastern cougar. Therefore, the Service's position remains that the eastern cougar is extirpated.

As you noted in your letter, the wild breeding population of cougars in Florida, listed as the subspecies *Felis concolor coryii*, is further protected through listing all free-living cougars in Florida under the Similarity of Appearance provision of the Act. We believe that use of the Similarity of Appearance provision in Florida is appropriate because of the presence of a wild, breeding population there. Use of the Similarity of Appearance provision for the eastern cougar in the remaining eastern States is neither biologically nor administratively justified at this time.

We appreciate your concern for protecting the eastern cougar and would be glad to consider any information you may have that scientifically documents the presence of a wild, breeding population of this subspecies.

Sincerely,



DIRECTOR



Eastern Cougar Foundation

P.O. Box 74, North Spring, WV 24869

A 501(c)(3) non-profit organization dedicated to scientific study
and education of cougars in the East and advocacy for their protection

March 20, 2000

Mr. Bruce Babbitt, Secretary
Department of Interior
1849 C Street, NW
#6156
Washington, D.C. 20240

Dear Mr. Babbitt:

I am writing to you on behalf of a large and growing constituency of citizens concerned with the emerging situation of the eastern cougar. This animal is the same species as the western mountain lion and puma, and is commonly called panther, painter, and catamount in the east. Numerous historical sources confirm that cougars were native throughout the east when European settlers arrived. But by the early twentieth century, the cats had been driven to the remotest reaches of the Appalachian Mountains.

Since then, state and federal wildlife officials have considered the cougar extirpated from the east, and pointed to a lack of field evidence that would prove their presence. In the 1990s, however, more than half a dozen instances of field confirmation, including scat in Vermont and Massachusetts, tracks in Virginia and West Virginia, and videos in Maryland and North Carolina, have been reliably documented by reputable scientists (such as one at the U.S. Fish & Wildlife Service's own Forensics Laboratory in Ashland, OR). Several of these cases include indications that cougars are reproducing. I would be happy to share the details of these confirmations with you and your staff.

In the face of this incontrovertible field evidence that at least a few cougars are living wild in the east, F&W Service officials in Regions 4 and 5 are taking the position that these cats cannot be remnant eastern cougar natives, but must be released or escaped pets born elsewhere. Therefore, these cats are not entitled to the protections of the Endangered Species Act, which lists only the Florida panther (*Felis concolor coryii*) and eastern panther (*Felis concolor cougar*). Taking their cue from the F&W Service, which bears responsibility for administering the Endangered Species Act, state officials are also adopting this same stance.

This position is untenable. There is little evidence to support the theory that the cougars currently living wild in the east are not eastern cougars. On the contrary, there is a large body of evidence, including some field proof, for the survival of native eastern cougars in remote areas. Furthermore, studies have found that neither

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morphological nor genetic analyses are capable of positively identifying a cougar of the eastern subspecies in distinction from other subspecies.

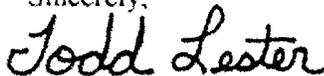
Similar findings from studies conducted on red and gray wolves in recent decades have prompted anti-predator interests to sue for delisting and thus remove the protection afforded those animals under the Endangered Species Act. In another situation, in court proceedings in Florida in 1987, a man who admitted killing a wild cougar was acquitted when the prosecution could not prove that the panther he killed belonged to the Florida subspecies.

We are concerned that the position that F&W personnel have developed toward cougars living wild in the East will leave these animals without protection from harm and harassment such as has been exhibited toward red and gray wolves and Florida panthers. Therefore, we request that you make it the explicit policy of U.S. Fish and Wildlife Service staff to clearly state that all cougars living wild in the east are protected under the Endangered Species Act regardless of origins. In so far as this may be an enforcement problem as occurred in the case of the Florida panther cited above, we request that you apply to cougars living wild in the East the precedent set by the F&W Service in Florida, that is, the Similarity of Appearances rule. As stated in 50 CFR 17.40 (h) (1), "Except as allowed in paragraphs (h)(2), (h)(3), and (h)(4) of this section, no person shall take any free-living mountain lion (*Felis concolor*) in Florida."

This ruling, extended to all states east of the Mississippi River, will clarify the legal status of wild cougars in the East and allow us all to turn our attention to more important matters, such as education and involvement of the public with cougar habitat and management issues. If, aided by the protection of the Endangered Species Act, cougars in the east are able to recolonize on their own, we may not need to pursue an expensive reintroduction program.

Thank you for your consideration, and I look forward to hearing from you.

Sincerely,



Todd Lester, President

Cc: Jamie R. Clark, Director, US F&W Service; Nancy Gloman, Chief, Div. of End Species; Cynthia Dohner, Chief, Div. of End. Species Region 4; Paul Nickerson, Chief, Div. of End. Species, Region 5.

Endorsing Organizations (partial list): The Wilderness Society, Southern Environmental Law Center, Southern Appalachian Biodiversity Project, Heartwood, Natl. Park Trust, Southern Appalachian Forest Coalition, Wild Earth, Forest Watch, Virginia Wilderness Committee, Natl. Assn. of Environmental Professionals, Alabama Environmental Council, Superior Wilderness Action Network, Northwoods Wilderness Recovery, Appalachian Voices, Wildlife Center of VA, Active Students for a Healthy Environment, Potomac Appalachian Audubon Society, Northeastern Forest Campaign, Greater Laurentian Wildlands Project, MD Native Plant Society, RESTORE: The North Woods, MD Alliance for Greenway Improvement & Conservation, American Lands Alliance, Paul Rezendes Photo and Nature Programs, Allegheny Defense Project, Foresters, Inc., Shenandoah Ecosystems Defense Group.

5 Year Statistical Review

By Todd Lester

The following data was taken from the files of the Eastern Cougar Foundation. The information was recorded from 1995 thru 1999. The data came from individuals who had allegedly seen cougars, Mountain Lions or panthers in the wild, in the Eastern U.S.

West Virginia:
Tan: 274
Black: 122
White: 02
Cubs: 29

Virginia:
Tan: 61
Black: 16
White: 01
Cubs: 08

North Carolina
Tan: 49
Black: 17
Cubs: 06

Kentucky:
Tan: 07
Black: 06
Cubs: 00

Pennsylvania:
Tan: 09
Black: 05
Cubs: 00

Maryland:
Tan: 06
Black: 01
Cubs: 00

Ohio:
Tan: 05
Black: 02
Cubs: 00

Tennessee:
Tan: 05
Black: 01
Cubs: 00

Vermont:
Tan: 05
Black: 00
Cubs: 00

New York:
Tan: 05
Black: 00
Cubs: 00

Kansas:
Tan: 01
Black: 01
Cubs: 03

Conneticut:
Tan: 04
Black: 00
Cubs: 00

South Carolina:
Tan: 04
Black: 00
Cubs: 00

Georgia:
Tan: 02
Black: 02
Cubs: 00

New Hampshire:
Tan: 01
Black: 00
Cubs: 00

New Brunswick, Canada:
Tan: 01
Black: 01
Cubs: 00

Quebec, Canada:
Tan: 01
Black: 00
Cubs: 00

Mississippi:
Tan: 01
Black: 00
Cubs: 00

Florida:
Tan: 01
Black: 01
Cubs: 00

New Jersey:
Tan: 02
Black: 00
Cubs: 00

Louisiana:
Tan: 00
Black: 01
Cubs: 00

Maine:
Tan: 00
Black: 01
Cubs: 00

Michigan:
Tan: 01
Black: 00
Cubs: 00

Alabama:
Tan: 01
Black: 00
Cubs: 00

Rhode Island:
Tan: 01
Black: 00
Cubs: 00

****Total****
Tan: 447
Black: 177
White: 03
Cubs: 46

Recent Confirmations

By Chris Bolgiano

***Florida:** For the first time in the history of the Florida Panther program, 3 panthers have traveled north across the Caloosahatchee River into areas where panthers haven't been seen in many years. It was a great surprise to biologist that cats could navigate through the intense human development in the area. If the cats had not been collared, biologists probably wouldn't have believed it.

***Missouri:** Raccoon hunters treed and killed a cougar in 1994, confirmed by the MO Dept. of Conservation, which fined them. A pelt found along a road in Texas County in 1997 or '98 is believed to be from this cougar, and determined by DNA analysis to come from a North American cat. Another clue that this may have been a native wild cougar was the fact that eye witnesses remarked on the cougar's long sharp claws (pets are almost always declawed).

***Ontario, Canada:** Scat found northeast of Kenora in 1999 was analyzed by thin layer chromatography (separating bile salts) by the Alberta Natural Resources Service and determined to be cougar. The last cougar shot in Ontario was in 1884.

***New Brunswick, Canada:** Scat collected in the 1990s was analyzed by the Canadian Museum of Nature in Ottawa and found to contain foot and leg hairs of a cougar, presumed to have been ingested during self-grooming.

***Vermont:** Scat found near Craftsbury in 1994 after a report of three

cougars was called in, has been confirmed by the U.S. Fish & Wildlife Forensics Lab in Oregon as having cougar foot hair in it. This is a case where cougar reproduction is indicated, because cougars are generally solitary except for mothers with young.

***Massachusetts:** A scat found in 1997 in the Quabbin Reservoir was confirmed by DNA testing by the Wildlife Conservation Society. That area has a history of cougar sightings and more scat has been found and sent for testing.

***Maryland:** Home video shown many times on MD public TV and at biologists' meetings.

***West Virginia:** In 1976, one cougar was killed and a second was captured in Pocahontas County, WV, as pictured in newspaper reports. There is no paper trail as to what happened to the captured cougar, who was pregnant at the time. Also, in 1996, in Wyoming County, ECF President Todd Lester made a plaster cast of a track that was confirmed by Dr. Lee Fitzhugh, a cougar specialist in CA.

***North Carolina:** A video and a track verified by Dr. Don Linzey, prominent Virginia biologist and member of the ECF Board.



Study Finds habitat for Eastern Cougar in Central Appalachia:

Elevates debate over "Mystery Cat"

A study completed by the Appalachian Restoration Campaign (ARC) has been released. It details potential habitat for the federally endangered Eastern Cougar (*Puma concolor cougar*) in the Central Appalachians. The study is available on the world wide web at www.heartwood.org/arc. Or write to Appalachian Restoration Campaign

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