

# California grants temporary endangered species status to Southern California cougars

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The state Fish and Game Commission on Thursday set the stage for a fierce environmental battle by granting temporary endangered species status to the several hundred cougars still roaming Southern California and the Central Coast.

The protection came with the 5-member panel's unanimous decision to consider a petition filed by environmentalists to list as threatened or

endangered six, isolated clans of cougars hemmed in by sprawl and freeways.

The move is considered preliminary under terms of the state Endangered Species Act. Next, the commission will hold public hearings. A permanent decision could go into force in 2022.

If the big cats are permanently listed, the law requires state wildlife managers to devise a recovery plan for them, raising the prospect of constraints on development and highway construction from Santa Cruz to the U.S.-Mexico border, according to the petition submitted by the Center for Biological Diversity and the nonprofit Mountain Lion Foundation.

Before the panel voted, California Department of Fish and Wildlife Director Charlton Bonham urged them to overlook objections from critics including the California Farm Bureau Federation and the California Cattlemen's Association and accept the petition filed by the Center for Biological Diversity and the nonprofit Mountain Lion Foundation.

"We can do this," Bonham said. "The department knows how to collaborate. Ecological objectives and housing development are both doable objectives."

Brendan Cummings, the center's conservation director, agrees.

"This is an important step that commits the state to ensure that these magnificent animals can continue to exist at edges of our cities as well as deep in our wildlands," he said. "We know what the threats are and what to do to address them. "

Critics unsuccessfully lobbied to persuade the commission to postpone

the hearing on the petition until the coronavirus lockdown was lifted, to ensure as much participation as possible, and to avoid a decision that might compound economic woes currently afflicting the state because of the pandemic.

Beyond that, critics feared that offering the estimated 500 [mountain lions](#) protection under the California Endangered Species Act would make it more difficult to obtain a depredation permit to remove a [lion](#) that threatened the safety of humans and livestock.

"The big question raised by ranchers right now," said Damien Schiff, senior attorney at the Pacific Legal Foundation, a nonprofit established to protect individual rights and private property, "is this: "If mountain lions are listed, will they still have a right to remove a lion, if necessary?"

"The chances of litigation will be substantially increased," he added, "if the commission says the endangered species act supersedes existing law when it comes to depredation."

Other opponents warned a listing could put a drag on the economy by limiting commercial and residential development in areas deemed critical to the lions' survival. In addition, the California Department of Transportation would not be able to build highways in core mountain lion habitat without implementing adequate measures to ensure linkages and safe passage under and over them.

Another concern is that protections offered mountain lions under the state endangered species act may supersede existing regulations governing the circumstances under which one or more big cats can be legally killed for threatening humans or livestock.

"My chief concern with a candidate listing is how the commission would reconcile the protections afforded candidate species under the California

Endangered Species Act with the rules already applicable to the mountain lion under Proposition 117," said Damien Schiff, senior attorney at the Pacific Legal Foundation, a nonprofit established to represent individual liberty and property rights.

"Under Prop 117, a farmer or rancher whose livestock has been attacked by a mountain lion has the right to obtain from the Department of Fish and Wildlife a permit to 'take' the depredating mountain lion," he said.

"In contrast, there is no parallel authorization under the state endangered species act to take depredating animals that have been designated as endangered species.

"My own view is that Prop 117 should control," he added. "As codified, Prop 117 provides: "Neither the commission nor the department shall adopt any regulation that conflicts with or supersedes a provision of this chapter.""

Others, however, believe the government is acting too timidly in the face of a mountain lion crisis that virtually no one denies.

"If mountain lions are listed," said Fred Hull, a staff attorney with the nonprofit Mountain Lion Foundation. "It won't be harder to get a depredation permit to deal with a troublesome lion with nonlethal methods. But it will be much more difficult to get a permit to kill a lion."

Mountain lions are not listed as threatened statewide. But the petition cites recent scientific studies showing that the lions roaming the Santa Ana, San Gabriel, Santa Monica, Santa Cruz and Tehachapi ranges make up a genetically distinct subspecies that is approaching what some experts call an "extinction vortex."

There's an almost 1 in 4 chance, scientists say, that mountain lions could become extinct in the Santa Monica and Santa Ana mountains within 50

years.

That's because they continue to be poisoned by rodenticides, hit by cars, legally shot with depredation permits and illegally slain by poachers as human and cougar lives become more entangled. An even greater concern, scientists say, is loss of landscape connectivity between ranges and large blocks of open space on private land.

But the commission's action comes amid a severe housing crunch that has caused rents to rise dramatically in cities such as Los Angeles and made the undeveloped foothills and desert scrublands of Northern L.A. County among the fastest growing and affordable parts of Southern California.

The Los Angeles County Board of Supervisors recently approved a proposal to develop 1,330 acres along the 5 Freeway corridor near the community of Castaic. That came over the objections of the Santa Monica Mountains Conservancy that it would degrade a wildlife linkage between Angeles National Forest and Los Padres National Forest.

Similarly, the board has approved the proposed 12,000-acre Centennial development on the unincorporated northern fringe of the county, despite concerns that it would sever a habitat linkage between Highway 14 and Interstate 5.

The massive Newhall Ranch project in Santa Clarita Valley is expected to accelerate commercial and residential growth in remnant mountain lion habitat even more.

There is no reliable estimate of the total number of mountain lions in California today. But a rough estimate of between 1,500 and 5,000 big cats statewide are currently classified as a "specially protected species" by state wildlife officials.

An ongoing multi-agency survey led by state wildlife biologists is expected to provide better regional and statewide lion population estimates in 2022.

Recent genetic analysis of tissue and blood samples from nearly 1,000 pumas captured alive, found dead or legally killed by authorized agencies for livestock depredation or public safety identified nine distinct puma populations in California.

Lions in northern California and the western and eastern Sierra Nevada ranges, the study found, are among the healthiest in the state. Some populations in Southern California, however, had levels of genetic diversity nearly as low as the federally endangered Florida panther.

But until their fate is known for certain, the petition is asking state wildlife authorities to devise a plan to save it.

California voters banned mountain lion hunting in 1990. But sport hunting of pumas is used as a management tool in several western states where the rationale is that it provides recreational opportunities and reduces the risk of attacks on humans and livestock. The Washington state Fish and Wildlife Commission a week ago voted in favor of expanding cougar hunting season and the number that can be killed.

Now, researchers from Western Oregon University and California State University, Sacramento are reporting that their analysis of records from wildlife agencies in 10 Western states found no evidence that sport hunting of pumas has produced desired outcomes aside from providing a recreational opportunity. The findings were formally presented in February in the online scientific journal *PLOS ONE*.

In California, listing cougars as threatened would likely constrain the issuance of depredation permits to kill mountain lions in protected

populations, said J.P. Rose, an attorney with the Center for Biological Diversity.

The ecological effects of such a designation could be far reaching. The presence of mountain lions helps support the overall health of California ecosystems. The carcasses of their kills provide an important food source for a host of wild animals including California condors, gray foxes, myriad species of insects and songbirds that eat them.

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