California Endangered Species Act Update

As reported in the MLF Review for Spring/Summer, there were four bills this year in the state legislature dealing with the California Endangered Species Act (CESA):

- Environmentalists had worked with state Senator Gary Hart (D-Santa Barbara) to propose improvements in the workings of the CESA (SB 1549).
- Senator Dan McCorquodale (D-Modesto) had a modest proposal to allow farmers to till fallow land without coming into conflict with the CESA (SB 1621).
- Governor Pete Wilson had the California Department of Fish and Game draw up his version of reform, proposing to delegate endangered species authority to local governments, a dubious prospect (SB 2091).
- And business interests, led by the conservative Building Industry Association, had their own proposal, which required dozens of arcane studies of a species before it could qualify for endangered status (AB 3052).

Everyone in the State Capitol in Sacramento this year felt that something needed to be done to resolve the impasse of protecting endangered wildlife while still allowing legitimate building projects and agriculture to continue. California's ESA closely parallels the federal ESA, so many hoped that an agreement in California could translate into resolving problems on the national level, as Congress contemplates renewal of the federal ESA in Washington, DC.

CESA Compromise Sought:

Given the real interest, the state legislature adopted a negotiating stance. Instead of fighting over four different legislative bills in committees, participants set up negotiating meetings with all parties to see if a consensus could be reached between the environmentalists, business interests, agriculture, and legislators. Early on in the session, meetings were convened to discuss the volatile issue of endangered species.

This year, however, the California Department of Fish and Game played a new role. In past years, the Department has, logically, represented the interests of wildlife. No longer. Under Governor Pete Wilson, the Department has become one of the most vociferous denouncers of the state Endangered Species Act, our strongest wildlife law. Time after time, environmentalists found, the De-

Continued on page 2
At the moment, CESA remains intact. But the same group of business interests who opposed the compromise package will be back in January 1995 when the new legislative session convenes. In addition to the Metropolitan Water District, which had already introduced new language to “grandfather” past agreements made with the Department of Fish and Game, Manson endorsed the new language, announcing that only three or four of their CESA agreements would be affected by this language.

Manson was not telling the truth, environmentalists learned. Internal Fish and Game employees admitted that as many as sixty CESA agreements, not three or four, would be affected by the language. In essence, the proposed language sought to prevent lawsuits against past agreements that may, in fact, be illegal. In Riverside County, one lawsuit was already in progress against the Department of Fish and Game for allowing the county to locate a massive subdivision next door to an important wildlife reserve, the San Jacinto Wildlife Area. The proposed language, endorsed by the Department’s head lawyer, would have legislatively killed the lawsuit!

The Mountain Lion Foundation, working with the environmental negotiating group led by the Planning and Conservation League, National Audubon Society, California Native Plant Society, and the Sierra Club, helped defeat the proposed language by bringing copies of the Riverside lawsuit to the legislature.

The next blow came from southern California business groups and timber companies. They objected to the need to “conserve” endangered species when applying for permits to destroy wildlife habitat. Business should not be responsible, they argued, for the improvement of wildlife populations beyond a very limited scope. Environmentalists disagreed — if present development trends continue, the business beneficiaries would wipe out California’s wildlife.

In his Senate floor speech, Senator McCorquodale, trying to keep the fragile compromise alive, railed against the “expensive, $1,000-an-hour lobbyists and greedy southern California developers” for their opposition to the compromise.

In the end, the compromise failed. There were not enough Senate votes to get the package off the floor on the day of adjournment. All Senate Republicans lined up against the package.

Blocks to the Compromise:

Lawyer Craig Manson, chief negotiator for the California Department of Fish and Game and the Wilson Administration, was the first to go back on his endorsement. He appeared in Committee before the legislature to argue that the citizens’ lawsuit provision was too broad. Environmental negotiators were shocked. Another round of meetings led to modified language, and Manson publicly expressed himself satisfied with the package.

His satisfaction did not last long. The powerful Metropolitan Water District weighed in with new language to “grandfather” in past agreements made with the Department of Fish and Game. Manson endorsed the new language, announcing that only three or four of their CESA agreements would be affected by this language.

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dition, on the same day the compromise failed, the Department of Fish and Game announced that they intend to ignore the law and impose their own brand of "reform" administratively. As the Mountain Lion Foundation has documented over the past two years, the Department of Fish and Game is blocking the enforcement of CESA and other important wildlife laws to benefit the business community at the expense of our wildlife heritage.

The fight over California's wildlife continues. The Mountain Lion Foundation is in the forefront of efforts to block weakening legislation and bureaucratic actions. With your support, we will continue to fight to protect wildlife and their habitat!

MLF Anti-Poaching Campaign

Anti Poaching Campaign: Wins and Losses

Bear poachers will face higher fines and jail sentences next year, thanks to legislation sponsored by Senator Milton Marks (D-San Francisco) and the Mountain Lion Foundation. However, legislation increasing penalties for commercial poaching of wildlife failed in the final days of the legislature.

Senator Mike Thompson's (D-Napa) important anti-poaching bill, SB 1270, would have made commercial poaching a felony in California. It failed because of opposition from extremist hunting groups and infighting over application of the "Three Strikes" law to non-violent felonies. We plan to reintroduce the bill next year, when the "Three Strikes" infighting will have died down.

One very good piece of legislation did pass, with the support of the Mountain Lion Foundation and the District Attorney's office of Shasta County. SB 1597 by Senator Marks increases the penalties for illegal possession of black bear gallbladders. Gallbladder products are marketed throughout Asia for many things, ranging from curatives to toiletry commodities. On the black market, ounce for ounce, powdered bear gall costs more than cocaine or gold!

SB 1597 sets a mandatory 30-day sentence for persons convicted of illegal possession of two or more bear gallbladders. It also raises the maximum fine to $15,000. The bill was recently signed into law by the Governor. Increased fines and penalties are crucial to better law enforcement.

The Mountain Lion Foundation's Anti-Poaching Campaign is working to prevent illegal killing of wildlife through better public education, research, and enforcement of our wildlife laws.
Regarding Mountain Lions

by Assemblymember Dominic L. Cortese,
Chairman, Assembly Water, Parks and Wildlife Committee

Assemblymember Cortese (D-San Jose) has been a good friend of wildlife as chairman of the policy committee that considers wildlife issues. The Mountain Lion Foundation worked with Assemblymember Cortese to address concerns about mountain lions and safety.

The Assembly Water, Parks and Wildlife Committee recently conducted a three-hour hearing on the subject of mountain lions and public safety. Extensive testimony was given by wildlife biologists, ranchers, public interest groups, and concerned citizens. Expert witnesses testified that the sport hunting of mountain lions will not increase public safety. In fact, statistics show that in some states that allow sport hunting of mountain lions, incidents of attacks on humans is greater than in California, which has the highest density of mountain lions among all states. Thus, there appears to be no correlation between trophy hunting of mountain lions and public safety.

There were a number of legitimate public safety issues raised in the committee hearing. Based on the testimony received, I have drafted legislation, AB 2110, to address the identified need for a more immediate response to public safety issues related to mountain lions.

AB 2110 is opposed by sportsmen’s groups that refuse to cooperate in addressing legitimate public safety issues. Those groups are gambling with the public’s safety in order to increase the pressure for trophy hunting.

I am a sportsman and a rancher. I have mountain lions on my property, along with cattle, deer, wild boar, and other species of animals. My personal experience is that humans have done a tremendous amount of damage to my property, including shooting my cattle. However, the mountain lions have caused no damage.

The provisions of my AB 2110 are in keeping with the will of the voters to prohibit trophy hunting of mountain lions while addressing public health and safety issues.

(Note: AB 2110 was defeated on procedural grounds on the Senate Floor due to opposition by Senator Tim Leslie (R-Carnelian Bay), author of legislation to overturn the California Wildlife Protection Act, Proposition 117.)

Update on Legislation

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proposition 117, the California Wildlife Protection Act, survived despite concerted efforts to repeal it this year. All three bills to repeal parts or all of Proposition 117 were defeated in policy committees, due to opposition led by the Mountain Lion Foundation. Public opposition to overturning Prop. 117 was substantial. Assemblymember David Knowles (R-Placerville) did try a last minute maneuver to pull his bill (AB 3835) directly from committee onto the Assembly floor; he was overwhelmingly defeated.

We urge people to write their state legislators in support of Proposition 117 - The California Wildlife Protection Act.
California Desert Protection Act Approved!

After eight years of consideration by Congress, the California Desert Protection Act has finally been approved. While many compromises were made along the way, including a controversial hunting provision for the new Mojave National Preserve, conservationists were elated that the Act finally made it!

The Desert Protection Act, authored by California Senators Dianne Feinstein and Barbara Boxer, is the largest land preservation law to pass Congress since the 1980 Alaska parks bill. Desert areas totaling 7.3 million acres are now protected as Wilderness Areas, doubling the size of the protected wilderness system in California. Death Valley National Monument, now renamed Death Valley National Park, has been enlarged to 3.3 million acres, making it the largest National Park in the nation outside of Alaska. Joshua Tree National Monument was also enlarged substantially and renamed as a National Park.

The Act further establishes a new Mojave National Preserve. Originally, environmentalists had pushed for the Mojave to become a National Park, but the National Rifle Association proved stronger, insisting that the “park” remain open to sport hunting. Cattle grazing is also to continue in the Mojave National Preserve, unlike the original intent to phase cattle grazing out of these fragile lands. These compromises may cause more trouble down the line for wildlife in particular.

But for now, Senators Barbara Boxer and Dianne Feinstein deserve a round of thanks for their efforts to make the California Desert Protection Act a reality. You can write a “Thank You!” letter to them at: Senate Office Building, Washington, D.C. 20510. California Congressmembers George Miller (D-Martinez/Contra Costa) and Richard Lehman (D-Fresno) also helped shepherd the bill through the House of Representatives. Their address: House Office Building, Washington, D.C. 20515.

Also, a warm thank you to all members of the Mountain Lion Foundation who wrote their own letters to Congress in support of our Desert!

The Mountain Lion Foundation once again led efforts to protect the Endangered Species Tax Check-off, which raises voluntary donations through the state income tax form for endangered species programs in California. $650,000 to $1 million in revenue is raised each year for protection of wildlife. Opponents tried to remove all of the tax check-offs from the tax form. Working with senior groups, the Mountain Lion Foundation opposed this measure, which was defeated in the Senate Revenue and Taxation Committee.
The California Wildlife Protection Act (Proposition 117) is now four years old, with over 149,000 acres protected so far! Proposition 117 protects mountain lions from trophy hunting and also provides $30 million annually of special environmental funds through the year 2020 for the protection and enhancement of wildlife habitat. The annual report was recently released on Proposition 117 for its fourth year, FY 1993-94.

Funding from Proposition 117 goes to the state Wildlife Conservation Board, Santa Monica Mountains Conservancy, Coastal Conservancy, Tahoe Conservancy, and the California Department of Parks and Recreation. Two-thirds of the funds are to be used for protection and enhancement of habitat for endangered and threatened animals and plants, wetlands, streams and rivers, and wildlife corridors. One-third of the funds are earmarked to protect critical deer and mountain lion habitat.

A total of 20,734 acres of wildlife habitat was protected this past year. In addition, another 143,000 acres have been reviewed for watershed enhancement plans. An additional 430 square miles of streams and rivers have been assessed for enhancement projects. Proposition 117 and subsequent legislation places emphasis on protecting wetlands and enhancing streams and other riparian areas. About two-thirds of California's endangered species are dependent on water habitats!

More importantly, the state agencies were able to use the funding from Proposition 117 to leverage another $40 million in additional matching revenue for wildlife habitat projects.

The California Wildlife Protection Act is proving to be the most important wildlife habitat protection program in the Golden State.

New Mountain Lion Foundation Project

What is big and brown and used to call California home?

It is found in California today only on our state flag?

Native Americans revered it; settlers and ranchers hated it?

The last one was shot and killed in 1922?

If you guessed the California grizzly, go to the head of the class. The California grizzly was found throughout California, except in the drier parts of the desert and Central Valley. Unlike Wyoming and Montana, where the grizzly was saved by the establishment of national parks, the California grizzly was virtually extinct by the turn of the century, although the last one was shot in 1922. It remains today on our state seal and state flag, monument to a vanished species.

But that may change.

The Mountain Lion Foundation is launching a new project to investigate the feasibility of reintroducing the California grizzly to remote wilderness areas in our state. It is not clear if the grizzly can be re-established — there are many practical problems to overcome. Opponents of any and all predators are still numerous.

But grizzly habitat is shrinking. Remnant populations still hold on in the Yellowstone and Glacier Park regions of Montana and Wyoming, while even smaller populations survive just over the Canadian border in Idaho and Washington. Even in Canada and Alaska, where they are still relatively numerous, pressures are building against them, such as poaching, habitat loss, hunting, and predator prejudice.

Can the grizzly be brought back to California? The Mountain Lion Foundation is seeking funding to conduct a feasibility study to answer that question. It is the first step in bringing back the great bear!

Copies of the Mountain Lion Foundation's proposal for a feasibility study, Bring Back the California Grizzly, are available from our office for $5.
California Wildlife Heroes

The Mountain Lion Foundation works with many of the 120 men and women who are elected to the California state legislature. The following are some of our California Wildlife Heroes, who have taken a leadership role in preserving our wildlife heritage! They and all legislators in the California legislature who support wildlife deserve our thanks! You can write them a thank-you note: Senator ___ or Assemblymember ___, State Capitol, Sacramento, CA 95814.

Assemblymember Dominic Cortese (D-San Jose), chairman of the Assembly Water, Parks and Wildlife Committee, and a strong supporter of the California Endangered Species Act and mountain lion protection.

Assemblymember Richard Katz (D-Panorama City), our most effective defender of the California Wildlife Protection Act (Prop. 117) and the California Endangered Species Act.

Senator Tom Hayden (D-Santa Monica), our champion for bobcat protection and a strong supporter of good wildlife laws.

Senator Milton Marks (D-San Francisco), who authored legislation to fight bear poachers and voted for wildlife consistently.

Senator Nicholas Petris (D-Oakland), author of legislation to ban hunting black bears with dog packs.

Senator Mike Thompson (D-Napa), who led the effort to resolve problems of the California Endangered Species Act without sacrificing this most important law.

California & Its Lions Lose A Good Friend

Tributes to Susan de Treville

When Susan de Treville died of cancer in October, California's mountain lions lost a powerful ally, effective advocate and devoted friend.

Susan was a Mountain Lion Foundation board member who lent her strength to our cause. She was a skilled biologist with a passion and love of animals that made her an uncommonly effective advocate for the protection of California's cougars. From 1972-1976, Susan and Larry Sitton conducted lion telemetry research in Hunter Liggett, a rugged, mountainous range in Big Sur, and were the first in California to study range sizes and male/female lion interactions.

In the early '70s, after completing her research and fieldwork, Susan joined with Margaret Owings, and other crusaders seeking protection for lions. To this end, she not only helped found

Continued on page 8
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the Mountain Lion Foundation but served on its board as an active member until her untimely death. Margaret Owings remembers her as “a truly great woman with a highly sensitive courage and a constant inner directive that told herself and those around her what should be done to guard wild regions...she became a leader.”

While big cats were her first love, Susan also published two children’s coloring books, worked on coastal and water quality issues with the Environmental Defense Fund and the Coastal Conservancy, and managed her own consulting business.

Susan’s two daughters have scattered her ashes in mountain lion terrain in the Hunter Liggett study area of Big Sur.

I and everyone at the Mountain Lion Foundation will miss Susan, and yet we will take comfort in the knowledge that her spirit is now free and at peace and at one with the lions she devoted so much of her life to.

by Bill Yeates
President, Mountain Lion Foundation

My wife Carol Fulton and I remember Susan for the many times she stood up for the needs of our wildlife heritage. She did it with great passion and commitment, which was supported by sound scientific principles and logic — not mere emotion. Because she was a field biologist and a scientist, she could stand among her peers and question their assumptions. Thus, she was powerful and persuasive.

I met Susan for the first time in the Fall of 1984, when she was interviewing me to determine whether I was interested in being the lobbyist for the Mountain Lion Coalition. Susan and the Coalition wanted to extend the trophy hunting ban on mountain lions. I knew nothing about wildlife policy, mountain lions, or mountain lion hunting. After Susan described the “sport” of hunting lions to me, I offered my services for whatever the Coalition could afford.

During the effort to pass legislation extending the trophy hunting ban, I never had to know very much about wildlife “management.” Whenever I became inundated with anecdotal or “scientific” analysis supporting the need to “manage” (kill) mountain lions, I just asked Susan for a translation. I would have never survived that year without Susan. She was the glue that kept the Coalition together.

Later she was there when we formed the Mountain Lion Preservation Foundation at Margaret Owings’ home in Big Sur. She was there when we drafted Proposition 117, which ultimately banned the killing of mountain lions for sport. As a Mountain Lion Foundation Board Member, she was always ahead of the rest of us on issues that we needed to address, like poaching and funding for habitat protection, research, and public education. Susan was always the first person to call me and question a Board policy driven more by politics or emotion than good science.

While Susan de Treville passionately cared about California’s mountain lions and opposed senseless trophy hunting of lions, she always demanded decisions be based upon good science or policy. She rejected decisions based solely on emotion or “good politics.”

Susan was stricken far too early in her life for she had so much to offer us. It is hard to reconcile what she accomplished and what more she would have done with her untimely illness and now her death. Since I cannot reconcile this unfairness, I can only look back at Susan’s accomplishments and be most grateful that she was there when it mattered — that she cared to make a difference. Her contribution is forever lasting.

Please consider these words written by Aldo Leopold several decades ago:

“By learning how some small part of the biota ticks, we can guess how the whole mechanism ticks. The ability to perceive these deeper meanings, and to appraise them critically, is the woodcraft of the future.”

Susan always saw the “big picture.” Therefore, she was able to accomplish so much. May her spirit live on and remain with us in order to guide us in the future.

To Susan de Treville’s family on behalf of my family and Susan’s colleagues on the Board of the Mountain Lion Foundation.
by Mark J. Palmer, Executive Director

We were saddened to learn of the passing of Susan de Treville, one of the best friends the California mountain lion ever had! Susan was an active member of the Board of Directors of the Mountain Lion Foundation. She conducted research on mountain lions in the mid-1970s, radio tracking the cats in the Big Sur/Hunter Liggett region of California. She further helped found and run the California Wildlife Conservancy, a precursor to the work of the Mountain Lion Foundation.

Susan fought with a brain tumor through many years of operations and physical disabilities. But she was active and strong, keeping in touch with us at the Mountain Lion Foundation right up to the week before her untimely death.

We have a long way to go to protect California's wildlife and wildlands heritage. And while it will be harder to make that journey without Susan, I am glad she was there to point the way!

Janice Clark, courtesy of PAWS
MLF Library Upgrade

The Mountain Lion Foundation has one of the best libraries in the nation on... mountain lions! It is also increasingly important in our work on other wildlife issues, such as endangered species, wildlife management and other policy issues. We need the information in our files on a daily basis to talk with newspaper and TV reporters, legislators and Congress members, officials of many government agencies, students of all grades, etc. etc.

Katherine Bertolucci is working with the staff of the Mountain Lion Foundation to reorganize and upgrade our library holdings. Our library now contains the papers of founder and President Emeritus Margaret Owings from the 1960's and 70's, President Bill Yeates' lobbying files from the 1980's, and wildlife information compiled by the late Susan de Treville and our executive Director Mark J. Palmer. The complete history of the California mountain lion is available for study and comment.

Additional information is being compiled on other important wildlife issues. Thanks to Katherine’s work, the information will be available up front for staff members and the interested public. General donations to the Mountain Lion Foundation help fund our library and information systems.

"Endangered" t-shirt

This t-shirt is not endangered, but the cats of the world are. Available in Natural and Ash, with a full color image of our endangered feline friends. 100% cotton.

$12.95 plus tax (7.25% CA residents) and shipping ($2).

Cougar: The American Lion

by Kevin Hansen

Written by Kevin Hansen in association with the Mountain Lion Foundation, Cougar: The American Lion is the most definitive book to date on the mountain lion in North America.

This beautiful and informative book is accented with stunning color photos and a forward by Robert Redford.

$19.95 plus tax (7.25% CA residents) and shipping ($3).
We have two greeting cards available for the holidays. The first card is a lovely, hand-painted image, printed on recycled paper. The other is a beautiful color photo of a lion in the snow. (Photograph by Tom Brakefield.)

Greeting: "May peace and hope be with you through this joyous season." 12/box.

Greeting: "May the peace of the holidays and the spirit of the season be shared with all living things now and throughout the year." 12/box. $5.95 plus tax (7.25% CA resident) & shipping ($2).

"Adoption" Opportunities
This makes a great birthday gift! For $25.00, you can adopt-a-lion and receive a packet that includes the following:
- Welcome Scroll
- Personalized Certificate for Framing
- Fact Sheets
- Survival Tips
- Color Photo of a Cougar

This is a symbolic adoption. Call for more information.

1995 "Wild Cats of North America" Calendar
Text by the Mountain Lion Foundation, with quotes from Robert Redford and Michael Blake. 12 Brilliant, full-color photographs of North American wildcats by noted photographer Tom Brakefield.

A Great Gift!
$10.95 plus tax (7.25% CA residents) and shipping ($2).

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Subtotal
Res. of Calif add 7.25% Sales tax
Shipping (see item for cost)
Additional Donation to MLF (tax deductible)
$25.00 Adopt-a-Lion
Total Payment Enclosed
Long Term Protection

An excellent way of assuring the protection of California's wildlife and their habitat in the future is to include the Mountain Lion Foundation in your Will. By so doing, you will be supporting the environment for the generations that follow—it's a legacy for wildlife. To leave a bequest, simply add a paragraph to your Will stating, "I bequeath to the Mountain Lion Foundation the sum of (or ___ %) ____ dollars." If you would like to further discuss leaving a bequest to the foundation, please don't hesitate to call development director Shannon Eddy at (916) 442-2666. All information is held in full confidence.

Thanks to our Supporters

The Mountain Lion Foundation wishes to thank all of our financial supporters for their help in protecting wildlife and their habitat.

Two recent foundations have supported the Mountain Lion Foundation with generous grants. The Vanguard Foundation has given us a grant in support of our Anti-Poaching Campaign, with particular attention to preventing losses of black bears to poachers. The Nathan Cummings Foundation has granted us funding for general support of our wildlife conservation program, including public education on mountain lions. The Board, volunteers and staff of the Mountain Lion Foundation extends to them our appreciation for their support.