

**GUIDELINES FOR RESPONDING TO BLACK BEAR,
COUGAR, AND GRAY WOLF REPORTS**

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

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1. Overview

Black bears (*Ursus americanus*), cougars (*Puma concolor*), and gray wolves (*Canis lupus*) have increased in number and distribution in the United States in recent years. Multiple Midwestern states have experienced a reoccurrence of individuals of one or several of these species in recent times after many decades of absence. No free-ranging individuals or populations of these species are currently known to exist in Kansas, but their immigration into Kansas is a possibility that should not be discounted. Should wild individuals or populations reoccur in Kansas, they would fall under the management jurisdiction of the Kansas Department of Wildlife and Parks (KDWP).

Debate by the public over the presence of these species has evoked a great deal of controversy in the state of Kansas for many years. Failure to address these issues in a consistent manner by KDWP has contributed to the controversy and the confusion surrounding the issue, and in many cases, has led to varying levels of animosity towards KDWP and its staff. Corrective action in this regard is needed.

The purpose of this document is to establish KDWP guidelines relative to the potential presence of several species of large carnivores in Kansas. The possible situations that could involve these species are too varied for a specific plan of action to be applicable. Rather, this document is meant to provide guidelines for dealing with broadly-described situations that may occur. Specifics will be addressed on a case-by-case basis as necessary. There are three primary goals of this document.

First, this document will standardize procedures for reporting observations. Currently, investigations are being conducted, but not compiled and quantified. Standardized reporting procedures will provide for this with almost no additional effort by field staff, since the information requested is likely already being collected during any KDWP investigation. And by quantifying the frequency and outcome of investigations by KDWP, response by KDWP to reports of the species listed above can be validated and defended.

Second, this document provides general guidelines for responding to unverified reports of large carnivores. These guidelines are meant to ensure that cases are handled in a consistent and professional manner. In particular, the potential legitimacy of all reports should be initially recognized. We must also remember that it is of social and biological interest to KDWP to monitor these species if and when they do occur in Kansas – and we should avoid the tendency to place the burden of proof entirely upon the public in lieu of conducting field investigations.

Finally, this document provides general guidelines for responding to verified reports of large carnivores. By providing general response procedures for various situations, field staff will have some guidance as to how to respond to an unexpected situation that requires immediate action by investigating field staff. In cases where time permits, the chain of command may still be utilized.

2. Species Background

KDWP recognizes the possibility that wolves and especially black bears and cougars may naturally immigrate into Kansas on occasion, and that individuals of these species may exist in the state at any given time, including the present. However, despite numerous investigations of reports of these species (primarily cougar) over many years, only wild black bears have sporadically been verified in recent times. The paragraphs below generally provide an explanation of why these species might reoccur in Kansas, and are meant to provide justification for such a document to be implemented prior to these species becoming established in Kansas. Whether or not Kansans will tolerate the presence of these species remains to be seen, but the potential for their at least occasional reoccurrence does exist.

Black bears historically were primarily found in the woodlands of Eastern Kansas and in the rugged terrain of the Red Hills in the Southcentral and Southwestern portions of the state, and were probably rare or absent from open grasslands. They are thought to have been extirpated from the state by the 1880's, though specimens have been documented from Kansas on occasion since that time. Today, established populations of black bears occur within short distances of Kansas. The Eastern border of a Colorado-New Mexico black bear population occurs within about 100 miles or so of Southwest Kansas, and an expanding Oklahoma-Missouri-Arkansas population occurs even closer to Southeast Kansas. Both populations are within potential travel distances for dispersing or transient black bears, and in fact, black bears suspected to have originated from each population have been documented in Kansas. No wild black bears are currently known to exist in Kansas.

Cougars were historically found nearly transcontinentally, including throughout Kansas. The last documented wild cougar (also referred to as puma, panther, painter, catamount, or mountain lion) in Kansas was shot in Ellis County in 1904. The current distribution of cougars in the Midwest is not well understood. After many decades of absence, cougars have reappeared, even relatively frequently, in several nearby states. Seven cougars have been confirmed in Missouri since 1994, including one that was killed just miles from Kansas. Nebraska has had 14 confirmed cougars since 1991, including multiple animals that most likely originated from the Black Hills population in South Dakota. Oklahoma has confirmed suspected wild individuals in and near the Panhandle, most likely from the recognized Colorado-New Mexico population – which occurs within 75 miles of Southwest Kansas. But more recently (May, 2004), a cougar that had been radio-collared in South Dakota and had dispersed from the Black Hills population, was killed by a train in Oklahoma 40 miles south of Arkansas City, KS. Iowa, Arkansas, and Illinois have also had recent confirmations. When animals have been obtained in many of the instances mentioned above, they have most often been young males – indicating dispersing individuals but not necessarily reproducing populations within those states. The susceptibility of these young animals to roadkill or other forms of mortality indicates that when cougars do first reappear in a state, these animals will be documented prior to the establishment of a reproducing population. Despite numerous reports of cougars in Kansas, a suspected wild specimen has not been documented in recent times.

Gray wolves, or timber wolves as they are often recognized, historically ranged throughout Kansas with the possible exception of the Southeast corner, and were considered common in the state. They were the first of these three species to be extirpated from Kansas (in the mid-1800's) and have the most distant established wild populations. They appear the least likely of these three species to reinhabit the state. In fact, the subspecies of wolf that inhabited Kansas (*canis lupus nubilus*) is considered extinct. However, gray wolf populations have exceeded their numerical recovery goals as set forth by the U.S. Fish and Wildlife Service (USFWS) for both the Eastern (Minnesota, Michigan, Wisconsin, etc) and Western (Montana, Wyoming, Idaho, etc) Distinct Population Segments (DPSs), and were reclassified from endangered to threatened under the Federal Endangered Species Act in April, 2003. At that time, the USFWS announced plans to begin work on proposals to delist both populations, and expects to actually make these proposals in the "foreseeable future." With gray wolf recovery efforts in the Northern states having been so successful, the possibility of occasional immigration of individual animals into Kansas should not be completely dismissed. In fact, in at least four incidences since October 2001, dispersing individuals have shown up far from recognized gray wolf range, including once each in Missouri, Illinois, Nebraska and Indiana. In each of these cases, the wolves were known to have dispersed hundreds of miles from packs in Michigan, Wisconsin, or Minnesota.

3. Statutory and Regulatory Background

Wolves, black bears and cougars are not identified within any specific classification of Kansas wildlife (such as furbearer, game animal (big or small), or threatened or endangered species), but are encompassed under the broad definition of “wildlife” (K.S.A. 32-701(u)). Furthermore, given the aforementioned lack of specific classification, they are defined as “nongame species” (K.S.A. 32-958(d)). As nongame wildlife species, they are encompassed under the statutory authority of the Kansas Department of Wildlife and Parks (K.S.A. 32-702).

However, federal regulatory oversight precludes state oversight. There are two subspecies of cougars (eastern cougar - *P.c. cougar*; and Florida panther - *P.c. coryi*) and one subspecies of black bear (Louisiana black bear - *U.a. luteolus*) that are federally protected under the Endangered Species Act (ESA) of 1973 (50 CFR Part 17), but the subspecies of cougar and black bear that are found nearest to Kansas and may be reasonably expected to occur in Kansas are not federally classified in a manner that precludes state management. Conversely, the gray wolf is classified federally under Endangered Species Act. Specifically, Kansas is within the Eastern Distinct Population Segment (DPS) of the gray wolf, within which gray wolves are classified as “threatened.” This classification applies to all wild gray wolves found in Kansas and all captive gray wolves of Eastern DPS origination or ancestry (classification and management of captives of other DPS origination or ancestry is governed by the regulations applicable to the appropriate DPS). Wolf-dog hybrids are provided no protection under this regulation. The regulation pertaining to gray wolf (50 CFR Part 17) does allow for the take or control of gray wolves under some specific circumstances. Any person may take a wolf in defense of human life ((o)(2)(i)), or KDWP or an agent designated in writing may remove any wolf considered a demonstrable but nonimmediate threat to human life or safety ((o)(2)(ii)). KDWP may also take to aid a sick, injured or orphaned specimen, or to salvage or dispose of a dead specimen ((o)(2)(Iii)), and under certain specifications, KDWP or an agent designated in writing may take wolves that are verified as having attacked or killed lawfully present domestic animals ((o)(2)(iv)). (Note that this does not specifically provide for an owner to take a wolf in defense of animals.) For the full regulation, see <http://midwest.fws.gov/wolf/>.

In Kansas, it is unlawful to take or possess any wildlife in this state by any means or manner “unless and except as permitted by law or rules and regulations adopted by the secretary” (K.S.A. 32-1002). In other words, if there is not an established open season for the taking of a given species, or a statutory or regulatory exemption that allows for the taking of that species - it may not be taken. In Kansas, there is no established open season for the taking of wolves, bears or cougars. However, there are several exemptions that permit these species to be taken. As indicated above, the take or control of a gray wolf must be federally permitted prior to state statute or regulation being applicable for the take or control of that species.

K.S.A. 32-1002 continues to state that the statute shall not be construed to prevent “owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property,” except that this regulation is subject to all federal laws and regulations (i.e. - landowners may only take wolves in defense of human life (50 CFR Part 17 (o)(2)), animals taken under such circumstances shall not be used or possessed with intent to use, and owners must make reasonable efforts to alleviate their problems with nonlethal methods before killing any such animals. Animals that appear within urban areas may be controlled under

this regulation, as per the “in or near buildings” clause, by the city mayor, city manager, city council, or other responsible city authority.

K.A.R. 115-16-5 provides wildlife control permit holders the authority to take, transport, release, and euthanize certain wildlife if found in or near buildings, destroying or about to destroy property, or creating a public health or safety hazard or other nuisance. Specifically identified amongst those species that may be controlled is “nongame mammals.” Black bears, wolves and cougars are nongame mammals in Kansas, and therefore may be controlled according to the specifications of this regulation by licensed individuals – subject to applicable federal, state, and local laws and regulations (i.e.- agents of KDWP may only take gray wolves that represent a demonstrable but nonimmediate threat to human life or safety (50 CFR Part 17 (o)(2)(ii)) or have been verified as having attacked or killed lawfully present domestic animals (50 CFR Part 17 (o)(2)(iv))).

4. Guidelines and Procedures for responding to unverified reports of large carnivores

Upon initial receipt of a report of a cougar, bear, or wolf, the following set of guidelines should be followed. It is imperative to remember that this is an issue about which the public is highly sensitive, and that every effort should be made to provide a professional, courteous, and prompt response.

4.1 Collecting Occurrence Reports: All reports received by non-Law Enforcement (L.E.) or non-Wildlife Division staff should be referred to the appropriate local L.E. or Wildlife Division staff within one business day. L.E. and Wildlife Division staff will conduct the follow-up and investigation as provided below. **An observation report form (Appendix 1) should be completed for every report received.** Only first-hand accounts will be accepted.

4.2 Investigating Occurrence Reports: The reporting individual will be asked to describe the observation - as provided in Appendix 1. If the description of the observation excludes the possibility of the large carnivore species reported, the reporting party shall be informed of this, and a report form shall be completed and turned in. If the description does not exclude the possibility of the species reported, the presence or absence of suspected physical evidence will be the next consideration as to whether a field visit is warranted.

4.2.1 Report with no physical evidence: If the reporting individual indicates no physical evidence has been located, whether to conduct a field investigation will at the discretion of the responding KDWP employee, depending on the details of the report. If it seems unlikely that the observation was of the species being reported or that any evidence would be observable at the scene, the reporting party may be asked to locate some form of physical evidence prior to a field evaluation by KDWP. Reporting parties who are unable or unwilling to locate physical evidence will be informed that KDWP recognizes the potential presence of large carnivores and will be asked to attempt to secure physical evidence at the scene of future encounters. Such investigations shall end with the completion of the report form. A field evaluation is warranted without prior physical evidence in unique circumstances, such as if an inordinate threat has been reported but not yet verified, or in some cases of alleged livestock depredation.

4.2.2 Report with unconfirmed physical evidence: If a reporting party has located some form of physical evidence that is believed to be from the animal in question, further evaluation is warranted. Physical evidence could be photos or video of the animal, tracks, depredation (livestock, pets, or wildlife) or feeding sites (bears feed on beehives, trees, corn, etc), scat, hair, or claw markings on trees or the ground. In some cases, it may be desirable to have the reporting individual secure the evidence through photos, collection, or casting and present it to KDWP for evaluation prior to a field visit. If this is not possible or desirable, a field visit should be conducted.

While scat provides a genetically verifiable specimen, be aware that it will usually be too cost-prohibitive to have scat analyzed. However, potential scats should be collected and will be cataloged for potential future analysis.

5. Verification of Evidence: Upon receipt or discovery of likely physical evidence of large carnivore presence, the investigating KDWP employee shall secure permanent evidence (photos, collection, casts, etc), and notify the KDWP Response Team (see 5.1 below).

The KDWP Response Team shall evaluate the evidence collected. KDWP will continue to take a scientific approach to verifying the presence of these species. Evidence shall only be verified if there is agreement by the Response Team that the source of the evidence confirms the presence of a large carnivore. If necessary, the KDWP Response Team may consult other individuals competent in large carnivore identification prior to making a final determination. No individual KDWP employee shall issue a statement of verification or an official statement of assumption prior to this review process. Without conclusive and indisputable physical evidence of large carnivore, no verification will be made.

KDWP receives numerous sighting reports of these species (primarily cougar) annually, often from individuals who would be deemed by the public to be a “reliable source,” yet investigations most often show conclusive evidence of some other species, such as dog, coyote, bobcat, or even domestic cat. Undeniably, eye witness accounts are often inaccurate, and shall be classified as “inconclusive” evidence (Appendix 1) if not accompanied by physical evidence that either disputes or verifies the observation report (in which case they shall be classified accordingly).

It should also be noted that attempts to verify the presence of naturally occurring wild individuals of these species in Kansas is complicated significantly by the presence of privately-owned captive individuals. An unknown number of captives of these species exist in Kansas, and cases of escapes have been documented. They may be legally possessed in the state (K.A.R. 115-12-3; K.A.R. 115-20-4); over 100 individuals possess permits to do so. Illegal possession of these species has also been documented. There is no requirement for legally possessed animals to have an identification mark such as a tattoo, ear tag or passive integrated transponder (PIT), so some evidence, such as tracks alone, or even visual proof, do not confirm the presence of a “wild” animal. In fact, “wild” individuals of these species will often not be able to be positively differentiated from captive escapees or descendants of captive stock. If a positive determination cannot be made, an assumption of the status of the animal will be made by the Team if evidence indicating such exists.

If a report is verified, guidelines and procedures for responding to verified reports of large carnivores (6.) shall be followed. A news release shall be issued by the KDWP Response Team to publicly verify the report, and KDWP L.E. and Wildlife Division staff shall be notified of the finding.

5.1 KDWP Large Carnivore Response Team: The following group of individuals shall be responsible for evaluating large carnivore evidence, verifying reports, issuing news releases, responding to media inquiries, providing further guidance in specific circumstances involving large carnivores, and coordinating activities related to large carnivore presence in Kansas. In addition to these individuals, regional L.E. and Wildlife Division supervisors shall be included in situations involving large carnivores within their respective regions.

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6. Guidelines and Procedures for responding to verified reports of large carnivores

The following guidelines should be followed when dealing with situations that involve verified cases of large carnivore presence. These guidelines also apply to situations in which the presence of the animal is conclusive, such as in the presence of a dead or captured animal, but not yet verified by the KDWP Response Team.

6.1 Presence verified without conflict: If a report is verified and the animal has not caused documented or verifiable depredation and does not present an inordinate threat (see definition in section 6.3 below) to people, it will be left undisturbed. KDWP will attempt to monitor the movements and activities of any such animal.

6.2 Verified predation of livestock or pets: Upon verification of any depredation event by a large carnivore, the K-State Research and Extension Wildlife Specialist will conduct a field investigation to assess the situation. The reporting party shall be informed of the regulations pertaining to depredation, and as per the landowner or property owner's wishes, either lethal or nonlethal control techniques may be implemented. If the preference is lethal control, an attempt will be made to destroy the animal. Control measures shall be coordinated by the Wildlife Specialist, with the assistance of the local Conservation Officer or Wildlife division staff. As with all wildlife damage in Kansas, KDWP will take an extension-type approach where information and assistance will be provided, and the landowner will ultimately be responsible for resolving the problem.

6.3 Animal considered an inordinate threat to humans: An animal shall be deemed an inordinate threat to humans if it is sick, physically debilitated (injured or declawed) or subnormal (i.e. - emaciated), or shows lack of fear or unprovoked aggression towards humans. In such a case, an immediate field response by local L.E. and Wildlife Division staff is required and an attempt will be made to destroy the offending animal. The K-State Research and Extension Wildlife Specialist and local law enforcement personnel may be enlisted as well.

6.4 Animal incidentally captured: If an animal has been incidentally captured, an immediate field response by local L.E. and/or Wildlife Division staff will be conducted, and the animal will be euthanized (except for potential wolves, in which case the situation shall be turned over to the USFWS).

6.5 Animal shows signs of captivity: Animals that are tagged, collared, or otherwise marked indicating they have been captive will not be differentiated from suspected wild animals in terms of treatment. If possible, an effort should be made to differentiate collars and tags that may be indicative of research animals from other states from those of private individuals.

6.6 Animal mortalities: In any case above where an animal has been killed, the investigating employee should take possession of the carcass. In the case of a potential wolf (wolves cannot be visually differentiated from some wolf-dog hybrids), the incident should be immediately reported to the appropriate USFWS agent, and they will ultimately be responsible for the genetic analyses that will determine the status of the animal. Care should be taken to protect the carcass of the animal from damage or decomposition. Animals that will be maintained by KDWP will be relinquished to the KDWP Furbearer Research Biologist (upon completion of appropriate law enforcement investigations if necessary).

Appendix 1

KDWP Large Carnivore Observation Report Form

KDWP Large Carnivore Observation Report Form

Section 1: This section should be completed with information provided by the reporting party.

Name of observer: _____ **Phone Number:** _____
Mailing Address: _____ **E-mail Address:** _____
City, State, Zip: _____

Species Reported: Black Bear Cougar Gray Wolf

Observation Date: _____ **Time:** _____ am pm **County:** _____

Exact location (legal description or GPS Coordinates) **and any notable habitat characteristics:**

Type of Observation (check all that apply):

The animal itself

Number observed: _____ Distance from animal: _____
Duration of observation: _____ Color: _____
Total length: _____ Weight: _____
Tail length (if observed): _____

Did you know immediately what the animal was? Yes No

How did you identify it? _____

Describe what the animal was doing and any other notable markings or behaviors not described above: _____

Prey animal that had been attacked

Species: _____ Number wounded: _____ dead: _____
Age and/or weight (i.e.-adult deer, week-old calf, 1200 lb adult horse, etc.): _____

Disposition of animal (i.e. buried under sticks, up a tree, in pasture, etc.), and any notable wounds, drag marks, etc: _____

Tracks Describe the size and shape of tracks and/or scat and how they differ from those

Scat of dog or coyote: _____

Scrapes, hair, or other evidence (Describe here): _____

Has evidence been secured by the observer? Yes No

Describe evidence secured (i.e.-photos of deer carcass, casts of tracks, scat collected): _____

Section 2: This section pertains to information acquired through KDWP investigations.

Name of investigating KDWP employee: _____

Date KDWP initially contacted by observer: _____ Date of investigation: _____

Was a field investigation conducted? Yes No

If no, check the one box below that best describes why:

- Observer had secured evidence (photos, casts, etc) for KDWP to view.
- Report received by KDWP too long after the observation was made.
- The description of the observation or evidence does not match that of the animal reported (explain below).
- Observer had not located any evidence at the scene, and field investigation seems futile for reasons other than above (explain below).
- Some other reason (explain below).

Describe your investigation (include findings, potential evidence observed, evidence collected by you, etc) or elaborate on why no field investigation was conducted: _____

Check the box below that best describes this observation:

- Not a large carnivore - physical evidence and/or the description of the observation conclusively exclude large carnivore and/or identify some other animal. (List species: _____)
- Inconclusive – Physical evidence is either not present or unidentifiable; no definitive evidence indicates whether the species reported was or was not present.
- Possible – Evidence is present that may be indicative of the species reported, but the evidence does not appear conclusive or indisputable.
- Probable – I believe the evidence present is conclusively that of the species reported.

Total time spent on the investigation: _____ hours

Return both pages of this completed form to: **Matt Peek, KDWP**
P.O. Box 1525
Emporia, KS 66801