



# United States Department of the Interior

FISH AND WILDLIFE SERVICE

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Albuquerque, New Mexico 87103

In Reply Refer To:  
FWS/R2/ES-TE/045121

JUN 11 2010

Tony Povilitis, Ph.D.  
Jaguar Habitat Campaign  
6423 South Bascom Trail  
Willcox, Arizona 85642

Dear Dr. Povilitis:

We appreciate your continued concern regarding the conservation and recovery of the jaguar. In your correspondence dated June 4, 2010, you voiced further concerns and issues related to the draft amendment to the Arizona Game and Fish Department's (AGFD) section 10(a)(1)(A) Research and Recovery permit, TE-821577 (75 FR 1810), and to our response letter dated June 3, 2010. There are several issues you have raised that may be due to misunderstandings or misconceptions concerning the Macho B capture and death and the legal application the Endangered Species Act.

You raised four specific issues in your most recent letter:

- The draft permit may not prevent another "Macho B" tragedy.
- The draft permits large carnivore snares in areas where jaguars occur or may occur.
- The draft permit grants the AGFD conditional authority to intentionally capture jaguar.
- What the position of the U.S. Fish and Wildlife Service (USFWS) is on jaguar recovery in the United States.

In response to your first issue, the short-term use of lures is an important tool for collecting data in a non-intrusive manner. It is one way to further increase the likelihood of a positive confirmation of the presence of an animal. Therefore, it is important to provide for the use of lures.

In terms of the second issue, state and Federal law allow the use of snares for the study of large carnivores. The potential for accidental capture of a jaguar is very small due to the rarity of the animal in Arizona. In addition, Macho B was captured in association with female jaguar scat, not mountain lion scent or meat. The study of mountain lions and bears across the international border is a reasonable surrogate for studying how any large carnivores move through or around the border barriers. This study can therefore inform the jaguar recovery planning process by

providing information on conductivity and corridors through the border barriers. The approach in the draft permit language aims to gather important scientific data while minimizing the risk of capturing a jaguar.

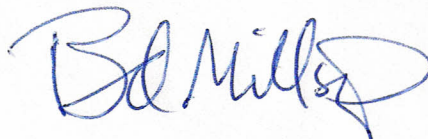
Regarding the third issue, USFWS agrees that the death of Macho B was a tragedy. However, the evidence from a criminal and a Department of Interior Office of the Inspectors General's investigation has not to date shown that the AGFD approved or planned to capture a jaguar through the bear and lion movement study. If ongoing investigations bring evidence to light to the contrary, the USFWS may then revoke or suspend any and all Federal research and recovery permits held by the AGFD, as appropriate. However, short of such evidence coming to light, the issuance criteria for research and recovery permits shall apply to the AGFD's permit amendment, 50 CFR 13.21. In addition, the reference to "project description" in draft term and condition HH.1.a. is a research proposal.

Finally, in our previous response we did not state that no evaluation was needed, but rather that the focusing of an evaluation that looks solely to Arizona or the United States is too narrow for an analysis of the impacts to the species or its recovery, both from a legal and biological view point. The evaluation of impacts and recovery needs to address the listed entity, the jaguar throughout its range, not just within the United States. The designation of critical habitat and the development of a recovery plan are tools that will assist in jaguar recovery throughout the species range, and USFWS remains committed to these efforts.

Once again, we do appreciate your concern and support for conservation of this species. However, we must process the AGFD research and recovery permit in accordance with the law, regulation, and science. The AGFD is an important partner in conservation of threatened and endangered species in the desert southwest. They are an integral part of the recovery actions for black-footed ferrets, California condors, Mount Graham red squirrel, Sonoran tiger salamander, and Kanab ambersnail, to name a few. The tragedy surrounding Macho B appears to have overshadowed the other important work that AGFD does to manage native species in the desert southwest.

Should you require further assistance or if you have any questions, please contact Marty Tuegel, Section 10 Coordinator, Ecological Services, Region 2, at 505-248-6651. Thank you for providing your comments and your continued efforts to conserve endangered species.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. A. Miller". The signature is stylized and cursive.

Assistant Regional Director  
Ecological Services

Tony Povilitis, Ph.D.

3

cc: Marty Tuegel, Section 10 Coordinator, Ecological Services, Region 2, Albuquerque, NM  
Wendy Brown, Recovery Coordinator, Ecological Services, Region 2, Albuquerque, NM  
Tom Buckley, External Affairs, Region 2, Albuquerque, NM  
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