

Ruling: Feds must rethink reasons for not helping jaguars

Fish & Wildlife Service was sued by 'green' groups

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A federal judge Tuesday ordered the U.S. Fish & Wildlife Service to revisit its decisions not to designate habitat and create a recovery plan for jaguars in the United States.

The decision in a lawsuit filed by Defenders of Wildlife and the Tucson-based Center for Biological Diversity comes just weeks after the agency killed what many believe was the last jaguar in Arizona.

U.S. District Judge John M. Roll ruled Fish & Wildlife did not "articulate a rational basis" for the decision not to designate critical habitat for the Western Hemisphere's largest cat. That decision must be revisited, Roll said in the 32-page ruling.

The agency also must go back to the drawing board and decide whether to draft a recovery plan, the judge ordered, setting Jan. 8 as the deadline.

Michael Robinson, a conservation advocate with the Center for Biological Diversity, was elated at the news.

"This is a lifeboat that has been extended to the jaguar, and it's a much needed lifeboat," Robinson said.

The court's decision does not mean a recovery plan and habitat designation are a foregone conclusion, said Fish & Wildlife spokesman Jeff Humphrey.

"They didn't order us to designate critical habitat or write a recovery plan," Humphrey said.

The ruling only requires that the agency decide again whether to do those things, he

said.

This is the third time Fish & Wildlife will decide on critical habitat, Robinson said.

Fish & Wildlife declined to designate habitat the first time because it determined that the process would harm the jaguars by highlighting their location.

After that was struck down, the service found the U.S. habitat was not critical to the species. That decision was shot down Tuesday, he said.

Robinson believes the service will now be forced to designate critical habitat.

"There is no other conceivable excuse under the law not to designate critical habitat," he said.

Brian Segee, a Defenders of Wildlife attorney who argued for a jaguar recovery plan before the federal district court, also was buoyed by the decision.

"The United States is the jaguar's home, and we should take the actions necessary for it to recover here. We are thrilled with the court's decision and hope the Fish & Wildlife Service will now move quickly to initiate recovery planning and provide the jaguar with the full Endangered Species Act protections," he said in a news release.

Species with recovery plans and designated critical habitat recover much faster than species without them, the center said in its news release.

The center had sponsored a "memorial service" protest March 5 in honor of the euthanized cat, Macho B.

The nearly 20-year-old jaguar had been photographed in Arizona since 1996, but was euthanized earlier this month after a veterinarian determined Macho B's kidneys were failing.

The big cat was accidentally captured in February by an Arizona Game & Fish Department snare, then released with a radio collar. He was recaptured 12 days later after his movements abruptly changed, hinting he was sick.

Jaguars used to roam across much of the United States from the San Francisco Bay area to Appalachia. Sightings have been rare for decades in Arizona.

Robinson believes Tuesday's ruling will lead to broad habitat designation for the cats, perhaps as far east as Louisiana and Mississippi. He is confident there will eventually

be breeding pairs here.

Even if the agency decides to designate habitat and write a recovery plan, those things are likely years away, Humphrey said.
