



## State agency: Feds' account full of errors G&F rebuts jaguar report

By Tony Davis

The Arizona Game and Fish Department has issued a point-by-point rebuttal to a federal report critical of the 2009 capture of the last known wild jaguar in the United States.

In a response released last week, Game and Fish said there was “a plethora of material factual and legal errors and omissions of fact” in the scathing Jan. 21 report by the Inspector General’s Office of the U.S. Interior Department.

The jaguar, known as Macho B, was captured in Southern Arizona on Feb. 18, 2009, radio-collared and released, then recaptured 12 days later and euthanized because of health problems.

Game and Fish originally said the capture of the endangered predator was accidental, in a trap meant for a mountain lion/bear study.

But a criminal investigation was launched by the U.S. Fish and Wildlife Service’s law enforcement arm after a research technician said Macho B was intentionally lured by the scent of female jaguar scat placed at the trap site. The technician said she was told to put the scat there by a biologist working on the lion-bear study as a Game and Fish subcontractor.

The biologist denies that allegation, and Game and Fish now says the biologist wasn’t a department subcontractor at the time. However, another biologist, this one a Game and Fish employee, was fired this year for lying to federal investigators about his knowledge of jaguar scat he said was placed near, but not at, the trap site.

In its April 20 response, Game and Fish said the inspector general drew conclusions after interviewing low-level Fish and Wildlife Service officials, but not senior service officials or anyone from Game and Fish. As a result the inspector general published unsubstantiated “findings” involving the capture and death of Macho B before the Fish and Wildlife Service law enforcement staff had finished its criminal investigation and determined whether to file charges, Game and Fish said.

Here are some key issues raised in the Game and Fish response to the inspector general’s report:

### Legality of the capture

The inspector general said Game and Fish lacked the permit required under the Endangered Species Act to intentionally or inadvertently capture a jaguar. That was although evidence suggests Game and Fish employees knew Macho B had been

in the area of the lion-bear study, the inspector general said.

Game and Fish’s response said its agreement with the U.S. Fish and Wildlife Service covering endangered species authorized the department to capture endangered species as part of its conservation work. The Arizona department has a broad endangered species permit that authorized capture of endangered species identified in annual work plans, and its work plans mention the jaguar, Game and Fish said.

### Blame for the capture

The inspector general wrote that evidence indicates Macho B’s first capture was intentional.

But later in the report, Game and Fish said, the inspector general “diluted” that conclusion to say it saw evidence linking a Game and Fish subcontractor and possibly a Game and Fish employee to criminal wrongdoing in Macho B’s capture.

### Adequacy of the necropsy

The inspector general found that a wildlife service supervisor incorrectly approved a less-than-complete review of Macho B’s corpse called a cosmetic necropsy that left the cause of the jaguar’s death unclear.

The supervisor, Steve Spangle, didn't understand the difference between the two and didn't know what a necropsy was, the report said.

The inspector general also said its office was asked to examine why a more thorough necropsy wasn't performed. That statement implies, incorrectly, that Game and Fish sought a cosmetic necropsy for purposes of a coverup, the Arizona department said.

Game and Fish said it had always sought a thorough necropsy, and that its request to Spangle to ask the Phoenix Zoo - where the jaguar corpse was kept - to preserve its skin didn't prevent a thorough necropsy. The zoo's supervising veterinarian told Game and Fish the necropsy was a thorough, post-mortem analysis, the department said.

The Arizona department said it can't comment on the inspector general's statement that the necropsy left doubt as to the cause of death because that office denied its Freedom of Information Act

request for copies of the necropsy and tissue analysis reports.

The zoo's necropsy report, obtained by the Arizona Daily Star last year, said the central nervous system, sensory organs and skeleton were not examined because of the cosmetic necropsy. Veterinarians at the University of Arizona Veterinary Diagnostic Laboratory, which analyzed Macho B's tissue and reviewed the necropsy, said last year the zoo was wrong not to analyze those organs. Without a complete necropsy, there is no way to determine what actually happened, said Sharon Dial, a UA vet.

The inspector general's report and Game and Fish's response did not say who made the decision not to look at those areas or why they weren't examined.

### **The U.S. Fish and Wildlife Service's role**

The Inspector General's Office said "all information to date" indicates service employees weren't involved

in the jaguar's capture or recapture or the planning of the lion-bear study.

But service personnel were well aware of the study and the presence of a jaguar in the study area, Game and Fish said. In 2008, the service approved money for the study, and service employees were involved in discussions to coordinate it with other studies. In addition, service staff discussed the study with Game and Fish and others via e-mail, Game and Fish said.

As for the March 1 recapture, the day before it occurred, Fish and Wildlife Service Regional Director Benjamin Tuggle and Game and Fish Director Larry Voyles agreed the jaguar should be recaptured, Game and Fish said.

Nicholas Chavez, who heads the Fish and Wildlife criminal investigation, said the wildlife service was part of the bear-lion study, but that he otherwise can't comment on what Game and Fish said about the inspector general's report.