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Lawsuit to be filed to protect big cats

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In an attempt to protect jaguars and ocelots, the Tucson-based Center for Biological Diversity has formally notified U.S. Wildlife Services that it will file suit over its use of traps, snares and poisons.

Michael J. Robinson, a conservation advocate for the center, explained Monday that Wildlife Services, the predator-control branch of the U.S. Department of Agriculture, conducts the “animal-killing” activities on behalf of the livestock industry throughout much of southern and central Arizona and New Mexico.

“Jaguars have pitifully poor protection, both in areas where they’ve recently lived and in their historical range,” Robinson said. “And in Arizona, ocelots have no protection whatsoever from government predator control.

“Both these beautiful wildcat species became highly imperiled in the first place partly because of government persecution, and risking the lives of the last remnants of these species in the course of killing cougars, bears, coyotes or bobcats perpetuates a cruel and illegal policy.”

According to Robinson, Wildlife Services is required by the Endangered Species Act to consult with the U.S. Fish and Wildlife Service, within the Department of the Interior, on any of its activities that may affect endangered species.

Jaguars, he said, have been protected as an endangered species since 1997.

A 1999 consultation on predator-control effects on jaguars resulted in a formal biological opinion document that authorized the inadvertent killing of a jaguar, so long as Wildlife Services tried to avoid the killing and adhered to mandatory terms and conditions intended to minimize the risk.

Those terms and conditions, Robinson said, included not using poisons and minimizing use of traps and snares within “occupied habitat,” as delineated on maps.

Robinson contends that “official occupied habitat” is also now only a small part of the landscape that jaguars may actually roam.

“Today’s notice of intent to sue points out that the 1999 biological opinion, which delineates occupied habitat in only a few mountain ranges constituting of a small proportion of the Sky Islands region, is woefully out of date,” Robinson said.

“Nine studies and reports in the intervening decade suggest, and in several instances explicitly map out, a much broader region where jaguars may live. But any jaguars in these areas receive only lip service and no effective safeguards against federal predator killing.”

While there are no confirmed sightings of a jaguar or ocelot in the Yuma County area, Robinson said the Kofa

National Wildlife Refuge is a area that causes his organization some concern.

“It is not the the most likely place for a jaguar to show up, but it is very possible,” Robinson said. “We are not aware that the Wildlife Services has any activities taking place in that part of the region.”

The concern with the Kofa National Wildlife Refuge, Robinson said, is that the Arizona Game and Fish Department has in the past trapped mountain lions there — it has since voluntarily suspended those activities — and it is an area that could attract jaguars. In 1928 or 1929, a jaguar was killed in the Sand Tank Mountains, and in 1933 one was killed in the foothills of the Sierra Estrella Mountains - both approximately 40 to 50 miles from the boundaries of the Kofa National Wildlife Refuge.

Robinson said the formal notification gives the Wildlife Services notice of the center’s intent to file a lawsuit, which seeks to stop the agency from taking actions that it says are likely to injure or kill other jaguars or ocelots in the future.

“Now that formal notification has been given, the federal agency has the opportunity (60 days) to cease all actions and take corrective measures,” Robinson said.

“We would be happy if that was the case, but the Wildlife Services’ actions in the past don’t indicate they will come into compliance.”

In recent years, jaguars have been making a comeback, with male jaguars repeatedly sighted over the past four decades. Wildlife biologists still say the animals must have significant protection before they can make any sort of comeback.

That being said, two jaguars were spotted earlier this year, one known as Macho B that Game and Fish collared and another that was photographed by an automatic camera in central Mexico.

Jaguars are the world's third-largest feline, after the tiger and the lion, and the largest in the Western Hemisphere. It's historical habitat has been the Sonoran Desert of northern Mexico and the southern United States. They are thought to have evolved in North America then roamed down to Central and South America regions.

While the once-common animal has become a rare sight in this country, there has still been periodic spottings of jaguars throughout the years.

Ocelots, Robinson said, have not received the benefit of any consultation between Wildlife Services and Fish and Wildlife regarding the former's traps, snares and poisons in Arizona. For that reason, ocelots are unprotected on the ground, though the law requires their protection.

In November 2009, an ocelot was photographed in Cochise County, Arizona. And an ocelot recently was run over by a vehicle near Globe, Ariz. – the first two of the secretive animals to be confirmed in Arizona since 1964.