

Another legal battle brews over jaguar protections

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A conservation group is threatening to go another round in court over whether the federal government is doing enough to keep the endangered jaguar safe in the Southwest.

The Center for Biological Diversity is targeting the U.S. Department of Agriculture's Wildlife Services division, alleging that the traps, snares and poisons used by the agency to deal with unwanted predators and invasive species could injure or kill jaguars and smaller endangered cats known as ocelots.

"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," said Michael Robinson, a representative of the conservation group.

The group claims Wildlife Services and the U.S. Fish and Wildlife Service have violated the Endangered Species Act by failing to consult with each other on activities that might affect the jaguar and ocelot.

The group sent a notice of intent to sue to the agencies on Friday. The 18-page notice points to

a 1999 biological opinion that authorizes predator-control efforts in the Southwest as long as Wildlife Services minimizes the use of traps and snares in occupied jaguar habitat.

Robinson argues that the opinion is outdated and data collected in recent years shows jaguar habitat stretches beyond the areas highlighted on the decade-old maps and the measures outlined in the opinion for minimizing the take of jaguars are no long enough to avoid risk to the cats.

Wildlife Services had not received the group's notice by late Friday, but spokeswoman Carol Bannerman said the agency always takes precautions whenever conducting projects in areas where there are threatened or endangered species.

She said Wildlife Services has consulted with the Fish and Wildlife Service about impacts to jaguars and that neither a jaguar nor ocelot has been inadvertently killed by the agency in many years.

Fish and Wildlife Service spokesman Tom Buckley acknowledged that the two agencies have not consulted about potential impacts to ocelots because there have been no confirmed sightings of the small cats in Arizona in more than 40 years.

An animal resembling an ocelot was killed by a car on a highway near Globe, Ariz., earlier this month, but

forensic testing has yet to determine whether it was one of the rare cats.

As for jaguars, the Fish and Wildlife Service is evaluating what the cats need to survive and areas in Arizona and New Mexico that could be set aside as critical habitat for the elusive animals. The Southwest represents only a fraction of the jaguar's current range.

The largest cats native to the Western hemisphere, jaguars live primarily in Mexico, Central and South America. They once inhabited an extensive area that spanned California, Arizona, New Mexico, Texas and Louisiana, but there have been only rare glimpses of the animals along U.S.-Mexico border in recent years.

Jaguars were spotted in 1996 near the Arizona-New Mexico border and again in 2006. Most recently, a snare captured a jaguar last year in southern Arizona. That cat—nicknamed Macho B—was eventually euthanized after falling ill, sparking criticism over jaguar recovery and protection efforts.

Investigations by the Fish and Wildlife Service and the Arizona Department of Game and Fish into Macho B's death are pending, officials said Friday.

In 2009, the Game and Fish Department suspended the use of

so-called Aldrich snares for its large carnivore habitat research project and discontinued the use of any other capture method associated with the project, including bucket snares and culvert traps.

Robinson pointed to the Macho B case as a reason federal wildlife officials need to consider the impacts trapping projects could have on the rare cats.

“They’re not aiming for jaguars but if they’re setting a snare for a mountain lion, for example, in a

narrow canyon, that’s exactly the same kind of habitat or travel way that a jaguar would use,” he said.

The Fish and Wildlife Service typically reviews any plans for projects that fall within the habitat of threatened or endangered species. If there will be a likely impact on the species, the agency tries to find a way to avoid the area or another method of getting the project done.

“That’s what the consultation is all about,” Buckley said. “It’s not up there to be a roadblock. It’s there to

try to work out a way for them to do what they have to do while we protect the species we’re concerned about.”

Robinson said if the agencies don’t address his group’s concerns within 60 days, the Center for Biological Diversity will sue. The group was among those that sued the federal government over critical habitat and a recovery plan for the jaguar.

Limiting the threats to jaguars and ocelots “is a critical piece of the puzzle” to the species’ recovery, Robinson said.