

St. Petersburg Times

April 19, 2010

Saga of Florida panther is ‘sordid story’

By Craig Pittman
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Editor's note: This is the second part of a two-part series.

It seemed like a good plan: gather the top experts on the Florida panther. Put them with experts on mapping and computer models. Ask them to figure out how much land panthers really need.

Then the U.S. Fish and Wildlife Service would use the results as the ultimate panther plan, a guide to regulating development in panther habitat and saving the species from extinction.

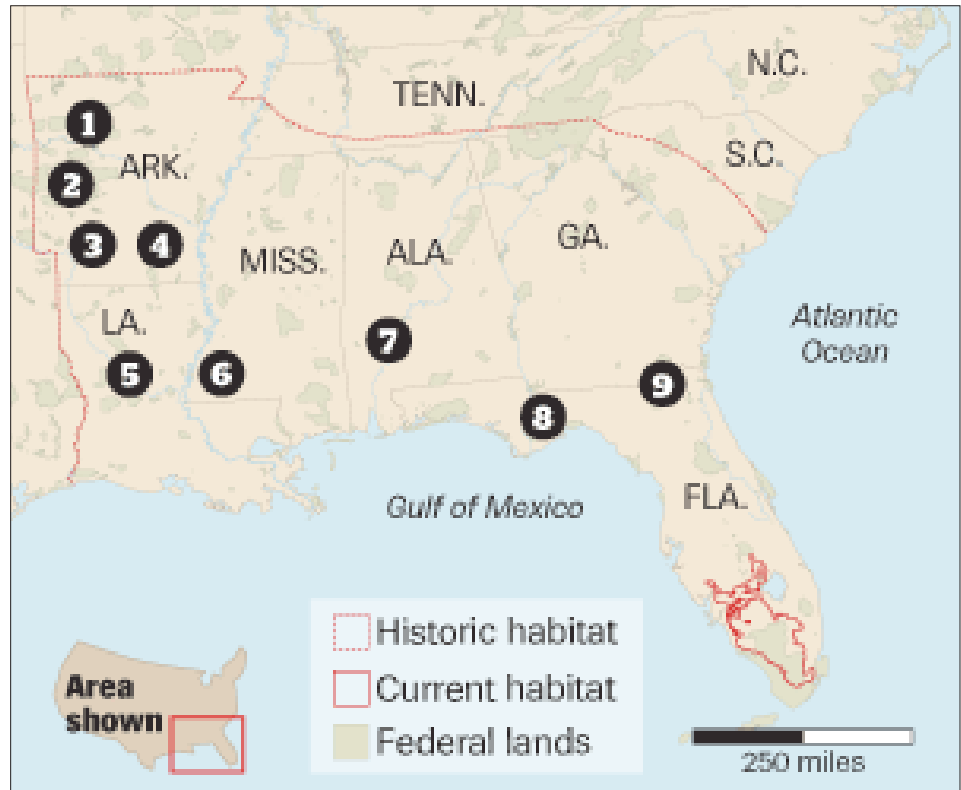
The panel met for two tumultuous years. The experts argued, but finally, in 2002, produced a 191-page report — complete with maps — that showed what the federal agency needed to do to help panthers. The report included 25 pages of detailed recommendations on how to preserve the habitat.

“All these people who don’t agree on some things agreed on what should be done,” said University of Florida scientist Tom Hctor, who served on the panel.

More than seven years later, the Fish and Wildlife Service has yet to publish that report. Instead of following the recommendations, the agency approved building new suburbs, malls and mines where panthers lived.

“It’s frustrating to see this habitat is going to be broken up by homes now,” said panelist Deborah Jansen, a panther expert with the National Park Service.

The report’s findings have become the



Although federal officials have talked of moving panthers out of South Florida for 20 years, they have yet to draw up any plans for such a step. Meanwhile Arkansas officials say they do not want the panthers moved there. 1. Ozark National Forest 2. Ouachita National Forest 3. Southwest Arkansas 4. Felsenthal National Wildlife Refuge 5. Kisatchie National Forest 6. Homochitto National Forest 7. Southwest Alabama 8. Apalachicola National Forest 9. Okefenokee National Wildlife Refuge

Source: Identifying Suitable Sites for Florida Panther Reintroduction study, Cindy A. Thatcher, et al

basis of a lawsuit against the Fish and Wildlife Service, which is pursuing an alternate plan put together by consultants for developers.

“It’s a pretty sordid story,” Hctor said. The saga is “a great case study in the mixture of science, politics and the Endangered Species Act.”

Dawn Jennings, a Fish and Wildlife Service biologist, assembled the panel of experts in 1999.

“This region is losing an incredible amount of habitat to development,” she wrote to a colleague, “and we need to know how much habitat loss the panther can sustain before the population is no longer viable.”

The panel included Jansen, who has studied panthers since 1981 and once tried to give a dying one mouth-to-mouth resuscitation; Roy McBride, who captured his first Florida panther in 1973; and Dave Maehr, a University

of Kentucky professor who had published the best-known scientific studies on panthers. Joining them were Hctor, mapping ace Randy Kautz and University of Tennessee computer modeler Jane Comiskey.

The group was given an unwieldy name that linked it with the government's \$10 billion Everglades restoration project. The Multi-Species Ecosystem Recovery Implementation Team, or MERIT, was supposed to oversee how the restoration would help every Everglades species. The group Jennings set up, which would be the template for the rest, was the Panther MERIT Subteam.

Kautz said federal officials said the group had one mission: "Show me the landscape that needs to be protected for the panther."

At their first meeting in December 1999, Jennings' boss, Jay Slack, promised that their report would guide the Fish and Wildlife Service in reviewing development permits.

Soon, other people began showing up to watch them work. Tim Durham and Bruce Johnson from WilsonMiller, an engineering company employed by the region's biggest developers, "were there at almost every meeting," Hctor said.

They repeatedly objected that the Subteam was trying to include too much of their clients' property in protected habitat. They "were adamant the zones should be more reduced," Hctor said. The fear was that classifying too much land as critical habitat would unfairly limit the property rights of the owners, many of whose families had held the land for generations.

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Meanwhile, the Subteam was breaking apart over the scientific credibility of one of its members.

From 1985 to 1994, Maehr had headed up the state's panther capture program. He became the face of panther science, publishing research papers, speaking to civic groups and reporters.

But behind the scenes, his work got him in trouble. At one point, he led his capture team onto the Seminole Tribe reservation without informing the tribe. He swore his team to silence, then doctored his notes to hide the trespassing. He was later reprimanded for falsifying data.

In 1994, while Maehr was facing charges of insubordination, his boss announced he would be replaced as team leader. Maehr quit. Two weeks later he showed up as a developer's consultant.

The biggest project he worked on was Florida Gulf Coast University, helping persuade Fish and Wildlife Service officials to overrule their staff's objections.

In 1995, Maehr teamed with mapping expert James Cox for what a later scientific review termed "the most influential paper on panther habitat." Published in the journal *Conservation Biology*, it said radio collar signals showed panthers preferred forests over other habitat. It said the marshes of the Everglades and Big Cypress National Preserve were poor habitat.

But that wasn't what Maehr's data showed. He had thrown out everything that didn't fit his own theories, said Cox, who at the time deferred to Maehr's judgment as the top panther expert.

What's more, the readings were collected only during the day, when panthers sleep. So the paper had "nothing on foraging or travel," Cox said. "(Maehr) said, 'It's the best we've got.' He didn't appreciate how this might bias the picture."

Cox said their paper should never have been used for decisions on development permits. But federal officials gave developers permission to wipe out swamps, marshes and smaller forest patches because Maehr repeatedly assured them it would have no effect on the panthers' future.

At the meetings, McBride and Jansen teamed with Comiskey to question Maehr's work. "What we were seeing

in the field didn't match up to what was in his papers," McBride said.

Maehr, complaining about "personal attacks," stopped attending meetings. He died in a plane crash in 2008.

Federal officials called in four outside experts in 2003 to review every scientific study on panthers. The scientists urged regulators to stop basing decisions on Maehr's science "immediately." However, two years would go by before federal officials — prodded by a whistleblower suit — finally stopped.

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Despite the uproar, the Subteam's report neared completion. The team had created maps showing three areas of habitat:

- The primary zone, the 3,548 square miles currently occupied by panthers. Keeping it intact was crucial to the species' future, the team agreed.
- The secondary zone, 1,200 square miles that weren't occupied by panthers, but could be restored to become habitat.
- The dispersal zone, a 43-square-mile corridor that averaged 3 miles wide. If preserved, it would allow panthers to move north into Central Florida.

The primary zone covered a vast swath, purposely including not just forests and swamps but also pastures, citrus groves and other areas not usually associated with panthers.

If they had confined their work to the remaining South Florida wilderness, the result would have been "a Swiss cheese map," Hctor said. The panel agreed this wasn't sufficient. Panthers need buffers around their habitat to protect them from humans, he said.

In their long list of recommendations was a doozy: declaring all three zones "critical habitat."

That was a step the wildlife agency had

long avoided, one strongly opposed by the agency's regional boss in Atlanta, Sam Hamilton. The designation would make it harder to turn habitat into subdivisions, farms or mines. The agency had never designated land as critical for panthers, then repeatedly cited that lack of critical habitat as a reason to allow development.

In April 2002, Jennings briefed her boss at the Fish and Wildlife Service, Slack, on what the group had come up with. In her notes from the briefing, Jennings said Slack questioned whether the Subteam had gone too far.

He wondered if all the land the Subteam had mapped was really "essential for the long-term persistence of cats in South Florida?" Jennings wrote that Slack told her to "address concerns that ... zones appear to cover more area than is necessary."

The group got the message. Slack "didn't like the direction we were headed," Hctor said.

Slack said he doesn't remember those discussions, or what became of the Subteam's report.

"I don't know how it all transpired at the end," said Slack, who was promoted to a job outside Florida three years later. "My understanding was, it evolved."

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Although they didn't know it then, the meeting of the panther team on Aug. 22, 2002, was its last. They went over their final draft, expecting to be called for further polishing before it was published, but never were.

A December 2002 memo for Washington officials said the report was "undergoing internal review" in Florida, then would go to Atlanta and Washington for approval before it was made public.

But every time someone from the Subteam checked, Comiskey said, they were told it was still being reviewed.

Years passed. The panelists grew so frustrated they reworked the report to get it published in a scientific journal. The 16-page version in the February 2006 edition of *Conservation Biology* included a map of the three zones, but lacked the original's detail, including the 25 pages of recommendations.

"We were convened to produce this document and then they wouldn't let us do it," Comiskey said. And according to Kautz, after the panther report stalled, the promise of a MERIT plan for other Everglades species "just sort of fizzled out."

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On the day President Barack Obama was sworn in, an environmental group, the Conservancy of Southwest Florida, filed a petition asking that the primary zone be declared "critical habitat" for the panther. Although five Florida congressmen echoed that request, the Fish and Wildlife Service said no. Now a coalition that includes the Conservancy and the Sierra Club is suing to overturn that decision.

In an interview in January, Hamilton — by then the boss of the whole Fish and Wildlife Service — said he preferred a

new plan backed by Collier County's big property owners.

"The success of panther conservation lies with the private landowners," said Hamilton, who died of a heart attack in February.

This plan for guiding growth across 200,000 acres of the primary zone was created by WilsonMiller. It has been endorsed by the Defenders of Wildlife, Audubon of Florida and the Florida Wildlife Federation. They have decided they can't depend on federal regulators to save the panther, explained Laurie MacDonald of Defenders of Wildlife.

The plan is not based on the Subteam's report, which WilsonMiller's Durham has compared to a high school science paper.

Durham explained later in an interview that the Subteam "mapped a huge area, which is good for broad planning purposes. But when you look at individual properties in that area, it lacks flexibility."

The WilsonMiller plan calls for the major landowners to set aside thousands of acres for preservation. In exchange they get to build new towns in the primary zone such as the one proposed by a WilsonMiller client that would put 9,000 homes and a mall on land used by panthers.

To Hctor, the WilsonMiller map is exactly the Swiss cheese map that the Subteam rejected.

"What they're proposing is a loss of primary zone," he said. "That would lead to extinction."