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Dead cat walking: As Florida panther habitat shrinks, extinction fears rise

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Editor's note: *This is the first part of a two-part series.*

On a quiet spring morning two years ago, a sheriff's deputy cruised along a dark suburban street near Fort Myers. The deputy heard a thump, slammed on the brakes. Too late. A tawny body lay cooling by the roadside.

The deputy had hit a 2-year-old, 85-pound, male Florida panther. When a veterinarian dissected the cat, he found signs that the endangered Florida panther is in deeper trouble than ever before.

In his May 2008 report, Dr. Mark Cunningham listed three genetic defects — a badly kinked tail, an undescended testicle and, most troubling, a quarter-inch hole in the big cat's heart. Such defects were supposed to be gone from the panther population, vanquished by a bold experiment 15 years ago that involved crossbreeding with Texas cougars.

But now they have resurfaced. And because of a series of decisions made by federal officials, panther experts say fixing the problem this time will be nearly impossible.

In short, the Florida panther is a dead cat walking.

"It's going to be the best-documented extinction ever, unless they do something," said Laurie Wilkins of the Florida Museum of Natural History.

Over the past 15 years, the federal agency in charge of protecting the habitat where panthers roam, hunt and mate has given developers, miners and farmers permission to destroy more than 40,000 acres of it.

The panther is Florida's state animal. It's a license-plate icon, the namesake of Miami's pro hockey team and the mascot of schools around the state. Yet it hasn't received the protection promised by the Endangered Species Act. Here's why:

• The U.S. Fish and Wildlife Service, which spends more than $1.2 million a year on panther protection, has not blocked a single development that altered panther habitat. Former agency employees say every time they tried, "we were told that, politically, it would be a disaster," said Linda Ferrell, who retired from the agency in 2005.

• To bolster the case for allowing development, agency officials have used flawed science. They even manipulated figures to make it appear at one point as if there were surplus panthers.

• Agency officials say they have required developers and others to make up for destroying the habitat. But their own figures show those efforts have fallen short, and now they concede there's not enough habitat left to let the population ever leave the endangered list.

Meanwhile, the panthers are once again producing cats with genetic defects, like the one the deputy hit. In the past seven years, nine have turned up with holes in their hearts.

Cunningham, the veterinarian, calls it "a red flag" that panthers are headed for genetic problems again. There are other signs of trouble, too: changes in their behavior that have proved deadly for suburban cats and dogs.

But because so much of the panthers' habitat has been paved over, officials cannot bring in more Texas cougars, as in 1995.

"Where would we put them? The population is saturated," said Deborah Jansen, who has been studying panthers for 20 years.

The irony isn't lost on those who engineered the panther's original genetic rescue, like Craig Johnson, once the top federal wildlife official in South Florida.

"Numerically they're doing better," Johnson said. "Ecologically, they're screwed."

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The panther used to roam the Southeast by the thousands. But for 40 years the elusive animal has been hemmed into Florida's southernmost tip, in one of the state's fastest-growing regions.

"The panther is arguably the greatest species conservation challenge in the country," said Paul Souza, who now supervises the South Florida office of the U.S. Fish and Wildlife Service.

In the early 1990s, of the 30 panthers remaining, only six females were producing kittens. Because of inbreeding, many carried potentially fatal birth defects.

"It was like they had hit a biological brick wall," said Melody Roelke, the veterinarian who discovered the genetic problems.

There was talk of captive breeding. Instead the state tried a $20,000 gamble. In 1995, biologists turned loose eight female Texas cougars to breed with the panthers. They replenished the gene pool and boosted the population to about 100. The boom highlighted a bigger problem.

For three decades, biologists have known that maintaining enough habitat for these wide-ranging predators is the key to saving the species. Females need 29,000 acres, males 62,000 acres.

Yet as the population grew, federal officials granted permits that converted panther habitat into a new university, new roads and subdivisions — including one ironically called the Habitat. Since the Texas cougar experiment began, the wildlife service has said yes to 113 projects that if built would wipe out more than 42,000 acres of panther habitat.

Each time developers propose altering habitat, biologists with the wildlife service review the impact on the species. They look at whether it will jeopardize the panthers' existence.

The last time the agency offered what's known as a "jeopardy opinion" on a project in panther habitat was 1993, when it objected to Lee County's plans for widening Corkscrew Road. But then the agency offered county officials a way around its objections. As a result, the road was widened, opening up more habitat for development.

Jay Slack, who ran the agency's South Florida office from 1997 to 2005, said he didn't see anything wrong with allowing developers, miners and farmers to transform so much habitat. After all, he pointed out, thanks to the Texas cougars, "the number of panthers has been steadily on the rise. … It just didn't add up to a risk of extinction."

All in all, Slack said, "I feel like we did a good job."

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Most of the projects the Fish and Wildlife Service has approved since 1995 are in Collier County. The largest is the new town of Ave Maria, which in 2005 was given permission to destroy 5,027 acres of habitat that had been 9 miles from the nearest suburb.

Souza, the Fish and Wildlife Service supervisor, said his agency has permitted development only around the edges of panther habitat. But state panther expert and biologist Dave Onorato said Ave Maria "would be considered in the middle of the habitat. It's not just the footprint going in, but also what ensues: roads, stores, houses."

The project with the largest impact is Lee County's $438 million expansion of the Southwest Florida International Airport near Fort Myers. The construction — a new taxiway, a 28-gate terminal, support facilities, 10 miles of internal roads and a 4-mile highway extension —- subtracted 8,000 acres from panther habitat.

The agency said losing those 8,000 acres would further fragment the remaining habitat and make it more likely panthers would be killed by cars. Yet its official opinion said the airport expansion was "not likely to jeopardize the continued existence of the panther."

The biologist who wrote that said later that he didn't believe it, but feared he would lose his job.

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Andy Eller knew the drill. He said his bosses told him not to find any reason to oppose development, because to say no would invite political disaster.

"They were afraid that if we generated any controversy over the Endangered Species Act, Congress would tamper with the funding for the regional office or for the endangered species program," he said in 2004.

Nevertheless, Eller had a hard time approving the airport expansion in 2002. So, he said, his bosses told him to tweak the numbers.

At the time, thanks to the Texas cougars, there were about 78 panthers, but most were too young or too old to breed. Fewer than 10 were producing young. The agency's official goal was to have at least 50 breeding adults.

Eller said he was told to write the opinion as if all 78 panthers were breeding adults. With 28 "surplus" panthers, the airport expansion couldn't possibly lead to the species' extinction.

Eller later wrote that he knew that this "was wrong in so many ways it's hard to know where to start." Nevertheless, "I was told to incorporate the material without questioning it, under threat of insubordination."

Although other biologists objected, the "surplus" panthers were included in half a dozen more project approvals. Eller wrote that his bosses "showed no trepidation about such bold misrepresentations of panther science, known by the entire scientific community to be wrong."

Eller filed a whistle-blower suit against his agency and was fired. He later was reinstated but transferred out of Florida. The agency acknowledged he was right about the science without acknowledging anything improper.

Last year, Sam Hamilton, then the agency's regional director in Atlanta, was asked by a reporter for a Maryland-based newsletter that reports on endangered species issues to explain the "surplus panthers" problem. Hamilton shrugged it off as a typo. His staff had simply "transposed numbers. … Didn't make a whole lot of difference in the end."

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Last summer, President Barack Obama picked Hamilton to take over the entire Fish and Wildlife Service. In February, he died of a heart attack. A month before his death, a Times reporter asked Hamilton why former employees said he had repeatedly declined to sign jeopardy opinions in panther habitat.

Hamilton jabbed a finger at the reporter and sputtered, "That's not true!" He contended he would never do anything to hurt panthers: "I love cats! Cougars, pumas — they're my No. 1!"

Hamilton insisted he had never rejected any recommendation for a jeopardy opinion. Asked if he had ever even been handed such a recommendation, he said: "Not that I remember."

But Johnson, the former top federal wildlife official in South Florida, said he saw panther biologists seek approval for more than a dozen jeopardy opinions. The way the system worked was simple: "If it was 'no jeopardy,' I could sign it. If it was 'jeopardy,' then I had to get the regional director to sign it."

Every time Florida biologists proposed a jeopardy opinion to the Atlanta office, Johnson said, "the answer was always: The panthers aren't there yet." That was with fewer than 50 left.

Linda Ferrell, who was once Eller's boss, said the Florida biologists were pressured by top agency officials to always say yes to development.

"We were told in no uncertain terms, jeopardy opinions would not be tolerated," she said.

The crucial factor was ignoring what's called "cumulative impact," Ferrell said. An individual development might not jeopardize the panther's existence. But combined with the projects that came before it, the cumulative loss of habitat showed the species was in jeopardy.

Eller and his colleagues tried to cite cumulative impact, Ferrell said. But the agency bosses "just shot the biologists down. Management made the decision that it wasn't an issue."

In January, Hamilton said he agreed with that. "You have to look at the project itself," rather than lumping it in with all the others, he insisted.

However, six years ago, a federal judge told Hamilton's agency the law required just the opposite. U.S. District Judge James Robertson tossed out a permit for a 6,000-acre mine because the agency failed to consider cumulative impact on panthers.

"When considered in isolation, most individual projects would impact only small portions of potential panther habitat," the judge wrote. "However, when multiplied by many projects over a long time period of time, the cumulative impact on the panther might be significant."

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Souza contended that the Fish and Wildlife Service has allowed development of panther habitat only if the developers made up for the destruction.

The federal agency is supposed to follow a policy of "no net loss" of habitat. But creating new habitat to replace what's being altered is nearly impossible.

So the agency counts land that will be preserved from development as newly created habitat. That way, what's preserved can, at least on paper, make up for what's lost. The other option is writing a check to a fund for buying habitat to preserve it.

Pursuing this strategy, Souza said, "allowed us to not need jeopardy opinions."

However, even if preserving undeveloped land could make up for losing habitat, the agency would flunk its "no net loss" test.

Since 1995, the Fish and Wildlife Service has required the preservation of 30,000 acres of panther habitat. That's 12,000 acres less than what it has allowed to be destroyed.

For the 8,000-acre airport expansion near Fort Myers, for instance, the agency required Lee County to preserve about 6,000 acres. In some cases the difference is even more lopsided. For a highway project that took nearly 2,000 acres, the agency did not require preserving an acre.

Agency officials say they hope to make up some of the lost habitat with a new restoration project. Estimated cost to taxpayers: $435 million.

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To biologist Larry Richardson of the Florida Panther National Wildlife Refuge, the big cats are worth saving because they are "an icon to show us what true wilderness is."

Yet as humans encroach further into what used to be wilderness, panthers have changed their behavior to adapt.

It was common for males to kill each other in a dispute over territory. But beginning in 2001, males started killing females, too.

"It's because of density," said Roelke, the veterinarian who discovered the genetic problems. "These cats have no place to go."

The leading cause of death used to be males killing other males. Now,

because of new roads, the panthers' worst enemy is the car. Last year, a record 17 cats were run over.

As more and more people crowd into the panthers' home, panthers are showing up in the suburbs. Unable to find the deer and hogs that usually are their prey, they attack pets and livestock. Among the dead: goats, sheep and a 200-pound colt.

"We know they are taking pets periodically, whether it's dogs or cats," said Onorato, the state panther expert.

Alan Webb, who oversees the Florida biologists who write opinions on development, regards what's left of panther habitat as not a wilderness but "a zoo without walls." Between tracking them with radio collars and tinkering with genetics, he said, "we manage all the panthers."

Actually, the Fish and Wildlife Service is now managing for fewer panthers than the 100 prowling the state's forests and swamps.

The agency's official position is that it is trying to protect enough habitat for 90 panthers, no more. The agency is doing that to attempt to balance the explosive growth of the region with the need to keep the panther population viable, Souza explained.

"If the number of panthers falls under 60, then we've got real problems," he said. "If it's 80 to 100, it's going to be a stable population, albeit one that is going to have genetic problems over time." So the agency split the difference and is managing for 90.

Florida experts say that's wrong. They have told federal officials "they should be managing for more panthers, not less," said Onorato. "A population of 90 is not going to be a viable population. You're not preserving the species."

Actually, federal officials have written off the South Florida population. Studies have found that, to avoid extinction and genetic problems, the panther population would have to be at least 240 animals and "there's not enough habitat in South Florida to support 240 animals," Souza said. Instead, he said, the agency expects that South Florida remnant to serve as "a feeder population for starting a cat population in other places."

Federal officials have talked for 30 years of finding new places for panthers — in Arkansas or Georgia, for instance — but have yet to do anything. Hamilton said Central Florida is "the first place we need to look." But it would have to be a "win-win deal for the private landowners."

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The human encroachment into panther territory isn't over. Developers are planning another new town, named Big Cypress. It would put 9,000 homes on 3,600 acres abutting the Florida Panther National Wildlife Refuge. Panthers wearing radio collars have crossed that land 20 times.

The question all Floridians should ask, said the refuge's Richardson, is whether they want to make the sacrifices necessary to save the panther. If they don't, everyone will bear the responsibility for allowing the state animal to fade into oblivion.

"And what would be the next animal that we'll choose to not save?" Richardson asked. "And at what point in time does our choice affect ourselves?"