Certified Mail – Return Receipt Requested

H. Dale Hall, Regional Director
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103

RE: Request to reinitiate Endangered Species Act consultation on jaguars (Panthera onca).

Dear Mr. Hall,

On June 22, 1999, the U.S. Fish and Wildlife Service issued a formal biological opinion regarding the effects on endangered jaguars in the United States of the U.S. Department of Agriculture’s Wildlife Services/Animal Damage Control program’s poisoning, trapping and neck-snaring operations.

Biological opinions and the consultations that initiate them are intended to enforce Section 7 of the Endangered Species Act, which prohibits federal agencies from taking actions which jeopardize threatened and endangered species. Biological opinions provide guidance to federal agencies on carrying out their activities in compliance with the law.

The biological opinion on jaguars limited USDA’s operations within “occupied range” and “occupied habitat” of the jaguar. Occupied range in Arizona was defined as including all lands within Cochise and Santa Cruz Counties, Pima County east of Organ Pipe Cactus National Monument, Pinal County east of State highway 77 and south of the Gila River, and Graham and Greenlee Counties south of the Gila River. In New Mexico, occupied range was defined as Hidalgo County.

Occupied habitat is the more limited region that excludes urban areas and agricultural/grassland habitats further than three miles from the base of major mountain ranges and one mile from major riparian corridors – but includes everything else within occupied range.

The biological opinion, in limiting certain activities within occupied habitat and occupied range, required the development of maps to delineate these areas – an essential prerequisite to enforcement of the mandatory terms and conditions, and itself a condition of the biological opinion. Without these maps, occupied habitat cannot be ascertained because different
individuals may assume different locales for the “base of major mountain ranges,” and may even differ on what constitutes a “major” mountain range or riparian area.

However, as admitted in USDA’s response to a Freedom of Information Act request, these maps have not been developed. And because these maps do not exist, USDA has failed to adhere to the more restrictive provisions specified for occupied habitat, since the Wildlife Services/Animal Damage Control agency has not identified where precisely such provisions apply, yet continues to broadly use locally proscribed techniques. This failure is reason enough to re-initiate consultation and develop a new biological opinion that takes into account the difference between policies and operations on the ground.

Furthermore, information evaluated by the interagency Jaguar Conservation Team indicates that occupied range of the jaguar in New Mexico actually extends beyond the boundaries of Hidalgo County, and should also include the entireties of Grant and Catron Counties and the portion of Sierra and Soccoro Counties to the west of Interstate 25. In Arizona, this new information indicates that the entirety of Greenlee County and Graham, and not just the region south of the Gila River, should also be included as occupied range, as well as the portions of Apache, Navajo and Gila Counties that are south of highway 60 (and the areas already identified in the 1999 biological opinion).

A new definition of occupied range also would re-define occupied habitat found within it. Thus, a new biological opinion should evaluate not just the effect of USDA’s contumacy in failing to adhere to the previous biological opinion, but also the necessity of limiting the range of federal activities that may lead (if it has not already) to the killing of a jaguar outside of areas previously identified.

Specifically, the Jaguar Conservation Team has documented three “Class II” jaguar sightings in and near the Gila National Forest in Grant, Catron and Sierra Counties during the 1990s. Class II records, as defined by the Jaguar Conservation Team, are observations made by a reliable observer and/or accompanied by physical evidence. These records are as follows:

1. August 25, 1990 observation by NM Highlands University biology professor Gerald Jacobi, Ph.D. and Donna Jacobi in the Gila National Forest immediately north of the Aldo Leopold Wilderness;
2. 1998 (date unrecorded) observation by Tom and Boe Duffy near the San Francisco River west of the Gila Wilderness;

(An additional record from 1990 in Hidalgo County but north of Interstate 10 is currently being evaluated by the Jaguar Conservation Team and may provide circumstantial evidence of the route by which jaguars have found their way to the Gila National Forest during recent times.)

Collectively, these records indicate jaguar use of Grant, Catron and Sierra Counties – and the likelihood of use of additional historic habitats in Socorro, Greenlee, Graham, Apache, Navajo and Gila counties, since the above-described portions of these counties are in no way
delimited by impermeable physical barriers to jaguar travel and are part of (or within easy migration range of) the same landforms that jaguars evidently are already using.

On this basis – the failure of USDA to abide by the 1999 biological opinion, and the new information indicating that jaguars roam in regions that were not identified as occupied range – we request re-initiation of consultation with Wildlife Services/Animal Damage Control.

Thank you. Please send all correspondence related to this request to:

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Sincerely endorsed by:

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