



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Post Office Box 1306

Albuquerque, New Mexico 87103

In Reply Refer To:
FWS/R2/ES-TE/045121

JUN 3 2010

Tony Povilitis, Ph.D.
Director, Life Net
2465 Olinda Road
Makawao, Hawaii 96768

Dear Dr. Povilitis:

Thank you for your comments, received on January 25, 2010, in response to our notice of intent to amend the Arizona Game and Fish Department's (AGFD) section 10(a)(1)(A) research and recovery permit (TE-821577, 75 FR 1810). This letter is to notify you of our intent to issue this amended permit. We have attempted to address the relevant issues in your correspondence through the terms and conditions within the draft language of the permit, see enclosure.

Our intent is to provide conditional authority to AGFD for research-related captures of jaguar. This conditional authority is based upon our approval of a project proposal that addresses most of the issues you identified in your correspondence.

In your correspondence you identified eight issues you wished addressed. These are listed below, in quotes, and are addressed either with excerpts of the draft permit language or a discussion addressing your comments:

"1. Analysis of the risks of jaguar capture and handling, including an examination of all previous captures, or attempts to capture, jaguars in the U.S. and northern Mexico."

Draft permit excerpt: ... an assessment of the potential benefits of capture-release-monitoring ... and other methods of studying free-ranging jaguars ..., versus any risk of harm to the jaguar from alternative methods of capture-release-monitoring (said risk assessment should include a full evaluation of all information available on captures and attempted captures of jaguars in Mexico [Sonora and/or Chihuahua] and the United States [Arizona] since 2000).

"2. The specific information expected from the capture of a wild jaguar, with discussion on how precisely that information will promote jaguar recovery in the U.S. and outweigh the risks associated with capturing jaguars."

Draft permit excerpt: ... the specific jaguar conservation purpose(s) to be achieved through capture, release, and post-release monitoring and any other study approaches included in the project description, including identification of the data to be derived from each aspect of the study; specific and/or overall conservation benefits of the study;

“3. A comparative evaluation of capture and non-capture methods for obtaining data on rare wild jaguars, including the use of remote trail cameras and detection of jaguar presence through DNA testing of scat or similar procedures.”

See our response to your concern #1 above.

“4. An explanation as to why a capture-related study of rare jaguars justifies risks of injury and death given that studies can be done using alternative non-capture methods.”

See our response to your concern #1 above.

“5. An evaluation of the recent jaguar death, and potentially additional deaths of captured jaguars, on prospects for species recovery in the U.S.”

Since the listed entity includes the entire range of the species from the United States to Argentina, by definition, species recovery cannot be viewed solely within the United States. Furthermore, the three known jaguars observed in the United States within the last 20 years, have all been males. This indicates that these individuals are not part of a population solely within the United States, but are probably peripheral individuals that are part of the population in northern Mexico.

“6. Restrictions that the Service will include in any jaguar capture permit on the methods, protocols, handling, and subsequent tracking of captured jaguars in order to minimize the risk of their injury or death.”

The draft permit provides a process for approval of jaguar research that includes the analysis of the comparative risk of proposed and alternative study methods, and specific methodologies that are proposed as part of the study. We will review the research proposal and the risk analysis, and all the methodologies included in the proposal. At that time, we will evaluate the alternative methodologies and whether additional terms and conditions are necessary to minimize impacts to the species and any risk of injury or death. As appropriate, we may further amend permit TE-821577.

Please note that the permit currently has terms and conditions that reduce the likelihood of accidental capture and the effects of immobilization, handling, and release of an individual accidentally captured or an animal that is sick, injured or otherwise in need of veterinarian care. Any future capture, immobilization, handling, release, and follow-up monitoring protocols would take these terms and conditions into consideration or possibly result in amendments to these terms and conditions.

“7. A justification for allowing capture of endangered jaguars before federal jaguar recovery plan is completed and a recovery team assembled to guide research and make efficient use of existing information.”

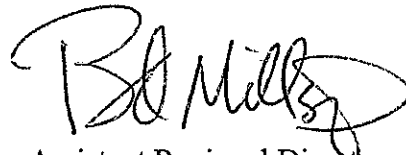
While we agree that a recovery plan is a valuable guidance document, the premise at the core of your comment is that a recovery plan is needed to guide scientific inquiry. Actions under the Endangered Species Act, including recovery planning, are to be based upon the best scientific and commercial data available (59 FR 34271). Therefore, scientific inquiry need not be halted until a recovery plan is completed. Information from scientific inquiry into population dynamics, movement, habitat selection, reproductive potential, etc. are valuable for setting recovery criteria and guide recovery planning and actions.

“8. An assessment of US Fish & Wildlife Service efforts or plans to protect habitat core areas and connecting landscape linkages for jaguar, based on existing evaluations of jaguar habitat in Arizona, New Mexico, and northern Mexico.”

This is not an issue concerning the authorization of or the terms and conditions to be included in a research and recovery permit. However, the information gained through the scientific inquiry would likely provide valuable data to identify core habitats and linkages at the northern extreme of this species.

Thank you for your concern for the conservation of this endangered species. Please be assured that we will carefully evaluate any and all actions germane to research and recovery of the jaguar. Should you require further assistance or if you have any questions, please contact Marty Tuegel, Section 10 Coordinator, Ecological Services, Region 2, at 505-248-6651. Thank you for providing your comments and your continued efforts to conserve endangered species.

Sincerely,

A handwritten signature in black ink, appearing to read "BA Mills". The signature is stylized with a large, sweeping initial "B" and a long, horizontal flourish extending to the right.

Assistant Regional Director
Ecological Services

Enclosure

Tony Povilitis, Ph.D.

4

cc: Marty Tuegel, Section 10 Coordinator, Ecological Services, Region 2, Albuquerque, NM
Wendy Brown, Recovery Coordinator, Ecological Services, Region 2, Albuquerque, NM
Sherry Barrett, Ecological Services Sub-office, Tucson, AZ
Brenda Smith, Ecological Services Sub-office, Flagstaff, AZ
Tony Povilitis, Director, Life Net, Willcox, AZ
Larry D. Voyles, Director, Arizona Game and Fish Department, Phoenix, AZ
Eric Gardner, Chief, Nongame Branch, Arizona Game and Fish, Phoenix, AZ
Raul Vega, Regional Supervisor, Arizona Game and Fish Department, Tucson, AZ