



## Questions and Answers: Jaguar Critical Habitat Proposal (Revision and Supporting Analyses)

Arizona Ecological Services Field Office

<http://www.fws.gov/arizonaes>

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### **Q: What action is the U.S. Fish and Wildlife Service taking?**

**A:** In [August 20, 2012](#), the U.S. Fish and Wildlife Service (Service) proposed to designate critical habitat for the jaguar in southeastern Arizona and southwestern New Mexico. At this time we are announcing a slight revision of the proposed critical habitat. We are also making available a draft economic analysis and draft environmental assessment of the proposed designation of critical habitat for the jaguar, and reopening the public comment period for the revised proposal and supporting documents.

### **Q: What information did the Service use in preparing the initial (2012) critical habitat proposal for the jaguar?**

**A:** The critical habitat proposal was informed by a habitat model developed in September 2011 for the [Recovery Outline for the Jaguar](#), a document that was completed by a Service-assembled, bi-national team of scientists in April 2012.

### **Q: How were proposed jaguar critical habitat areas identified?**

**A:** Locations identified for critical habitat proposal are areas with an undisputed Class I jaguar record from 1962-present and areas that can provide connectivity between those areas and jaguar habitat in Mexico. Habitat was further delineated by considering abundance of native prey; year round water availability; vegetative cover; rugged topography; connectivity; and low human activity, development and infrastructure. These criteria were identified in the Recovery Outline for the Jaguar and habitat model referred to above.

**Q: What new information has led the Service to revise the critical habitat proposal at this time?**

**A:** Since 2011, the Jaguar Recovery Team (JRT) has continued to refine its information and modeling to more accurately reflect habitat features essential to jaguars in northwestern Mexico and the southwestern U.S. We received the [revised habitat model](#) in Spring 2013. The ESA calls for the use of the best available scientific and commercial information in critical habitat designations; we consider information from the JRT as the best available science regarding jaguars and their habitat in northwestern Mexico and the southwestern U.S.

**Q: How is the revised jaguar critical habitat proposal different from the initial (2012) proposal?**

**A:** While the habitat features recognized as essential to jaguars did not change substantially between 2012 and 2013, the combination of slightly revised habitat associations and new jaguar sightings resulted in a net gain of approximately 19,905 acres (2 percent) of proposed critical habitat. The revision reflects jaguar use of a wider range of vegetated areas than initially proposed and eliminates high elevations not utilized by jaguars.

The number of critical habitat units (6) and the counties in which they occur (Pima, Santa Cruz, and Cochise counties, Arizona, and Hidalgo County, New Mexico) remain unchanged. The revised proposed rule totals 858,137 acres. These include 526,191 acres of Federal; 124,633 acres of State; 78,067 acres of Tribal; and 129,246 acres of private lands.

**Q: What is the purpose of the draft environmental assessment and draft economic analysis?**

**A:** We are required to take into consideration the economic impact, and any other relevant impact, of designating particular areas as critical habitat. We may exclude areas from critical habitat designation when the benefits of exclusion outweigh the benefits of including the areas within critical habitat, provided the exclusion will not result in extinction of the species. We have prepared a draft economic analysis to inform our consideration of excluding areas that have been of the proposed for critical habitat designation.

The purpose of the draft environmental assessment is to identify and disclose the environmental consequences resulting from the proposed action of designating critical habitat for the jaguar. The draft economic analysis describes the economic impacts of all potential conservation efforts for the jaguar over the next 20 years. Some of these costs would likely be incurred regardless of whether critical habitat is designated.

The draft economic analysis quantifies economic impacts of jaguar conservation efforts associated with the following categories of activity: (1) Federal land management; (2) border protection activities; (3) mining; (4) transportation activities; (5) development; (6) military activities; (7) livestock grazing and other activities; and (8) Tohono O'odham Nation activities.

**Q: Would critical habitat have any impact on border security?**

**A:** No. The Service is also coordinating the development of the critical habitat proposal with U.S. Customs and Border Protection and anticipates no effect from the designation on border protection activities or national security interests. In particular, critical habitat would have no effect on routine border patrols, law enforcement activities, or any existing or planned border security infrastructure. There is little to no impermeable border fence in areas proposed for designation as critical habitat, and we do not anticipate the construction of impermeable fence in such areas, most of which are quite rugged. Under existing law, Secretary of the Department of Homeland Security (DHS) is authorized to waive laws, including Endangered Species Act (ESA) provisions including critical habitat, where the Secretary of DHS deems it necessary to ensure the expeditious construction of border infrastructure in areas of high illegal entry. While there are no known plans to construct additional security fences in the proposed critical habitat, if future national security issues require additional measures and the Secretary of DHS invokes the waiver, review through the section 7 consultation process would not be conducted. If DHS chooses to consult with the Service on activities covered by a waiver, special management considerations would occur on a voluntary basis.

**Q: What is critical habitat?**

**A:** Critical habitat is a term in the ESA. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management considerations or protection. Federal agencies that undertake, fund, or permit activities that may affect critical habitat are required to consult with the Service to ensure that such actions do not adversely modify

or destroy designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Critical habitat designation does not impose restrictions on private lands unless federal funds, permits, or activities are involved.

**Q: Will public access be restricted in areas designated as jaguar critical habitat?**

**A:** No. We do not anticipate activities such as grazing, ranching operations, human access, or limited recreational activity would have adverse effects to jaguar critical habitat, nor do we anticipate activities consistent with the stated goals or recovery actions of the Recovery Outline for the Jaguar or the future recovery plan for the species would constitute adverse modification of critical habitat.

**Q: Why has the Service determined that critical habitat designation for the jaguar is prudent now?**

**A:** We have evaluated scientific information that has become available subsequent to our initial July 12, 2006, prudency finding, in light of the language of the court order overturning that previous “not prudent” finding, and have concluded that there are physical and biological features that can be used by jaguars in the United States, and that some areas may meet the definition of critical habitat and may benefit the species.

**Q: How might jaguars benefit from a critical habitat designation in the U.S.?**

**A:** There are no known breeding pairs of jaguars within the borders of the U.S. at this time, and no female jaguars have been detected in the U.S. since 1963. The Service believes that the U.S. currently only supports dispersing or wandering male jaguars that are part of the jaguar population that includes northwestern Mexico. The Service has determined that the designation of critical habitat for the jaguar could be beneficial to the species by providing areas to support some individuals during dispersal movements, by providing small patches of habitat (perhaps in some cases with a few resident jaguars), and as areas for cyclic expansion and contraction of the nearest core area and breeding population in the Northwestern Recovery Unit, which includes southeastern Arizona and southwestern New Mexico. As described in the Recovery Outline for the Jaguar, the Northwestern Recovery Unit is essential for the conservation of the species; therefore, consideration of the spatial and biological dynamics that allow this unit to function contributes to the conservation of the species as a whole.

**Q: Does the Service plan to reintroduce jaguars?**

**A:** The Service has no plans to reintroduce jaguars into the United States. Any jaguars that might be found here will be jaguars that have wandered into the U.S. from Mexico.

**Q: What is the distribution of jaguars within the United States?**

**A:** Jaguars in the U.S. are part of a population or populations that occur in Mexico. While historical records show that jaguars have or may have occurred as far north as Grand Canyon, Arizona, their numbers were few throughout the Southwest, and sightings in the United States from 1996 to the present have occurred mainly within approximately 40 miles (64.4 kilometers) of the United States–Mexico border. No females or breeding have been documented in the U.S. for over 50 years.

**Q: How is the jaguar threatened with extinction?**

**A:** The primary threat to the species in the United States is habitat destruction and fragmentation. Threats to the jaguar throughout most of its range south of the United States include illegal killing of jaguars, poaching of their preferred prey, and habitat changes and loss through development and resource extraction.

**Q: What does the Service do for jaguars?**

**A:** The Service continues to provide protection for jaguars within its borders under the ESA, and works cooperatively with the governments of Arizona, New Mexico, Mexico and other Latin America countries to conduct research, protect habitat and reduce the killing of jaguars. Since 2005, the Service has contributed substantial funds to local and international efforts to help conserve the jaguar, and has helped secure financial support from other sources for on-the-ground jaguar recovery projects in the U.S., Mexico, Belize, Brazil and Argentina.

The Service has been an active member of the state-led [Jaguar Conservation Team](#) (JAGCT), which was formed in 1996 in response to the possible listing of the jaguar in the United States as endangered. The team has accomplished many conservation tasks for the jaguar (that are more completely described in the Conservation Assessment section of the [Jaguar Recovery Outline](#)).

**Q: What is the [Jaguar Recovery Outline](#)?**

**A:** The Service and the Jaguar Recovery Team have completed a Jaguar Recovery Outline to provide a preliminary strategy for jaguar conservation until a full recovery plan is completed. The recovery outline will be used to develop a full jaguar recovery plan (scheduled for completion in December 2013) and is being used, together with other information, to inform the Service's critical habitat.

In response to a Court determination, in January 2010 the Service gave notice that it would propose critical habitat for the jaguar in January 2011. However, it became apparent that having a recovery plan or outline in place would help to inform a critical habitat designation, making it more accurate and effective for conservation. The Service assembled a Jaguar Recovery Team composed of big-cat biologists and conservation scientists and charged them with initially developing a recovery outline for immediate reference and eventually a complete plan for jaguar recovery.

The bi-national (Mexico and U.S.) Jaguar Recovery Team's outline considers the jaguar throughout its range and includes two global recovery units: the Pan American Recovery Unit which extends to Tierra del Fuego, Argentina; and the Northwestern Unit which extends from Colima, Mexico, northward into southeastern Arizona, and extreme southwestern New Mexico. Both of these units are believed necessary for the recovery of the jaguar. The outline focuses on the Northwestern Recovery Unit, which encompasses much of the Sierra Madre Occidental in western Mexico including a management unit in Sonora, Mexico, southeastern Arizona, and extreme southwestern New Mexico. It identifies the recovery needs of the jaguar throughout its range, but focuses on the role that the northwestern population plays in the conservation of the whole species. It also identifies research needs, habitat types used by the jaguar, and threats to the northwestern population, and initiates discussions on the importance of habitat connectivity.

**Q: What is a recovery plan?**

**A:** A recovery plan is not regulatory. A recovery plan is a guidance document that details the specific tasks needed to recover threatened or endangered species and provides a blueprint for actions needed to improve the status of a listed species. Based on the best available science, a recovery plan delineates actions that are required to protect and recover a species. Recovery plans include goals, measurable objectives, an implementation schedule, suggested partners, and an estimated timeline and costs. The

purpose of a plan is to outline how a species can be moved from endangered to threatened status and then eventually be removed from ESA protection.

The ESA authorizes the Secretary of the Interior to appoint recovery teams for development of recovery plans. Recovery Plans include:

- 1) A description of site-specific management necessary to achieve the plan's goal for the conservation and survival of the species;
- 2) Objective, measurable criteria which, when met, would ultimately recover the species so it can be removed from the list; and
- 3) Estimates of the time and cost required to carry out those measures needed to achieve the plan's goals and to achieve intermediate steps toward those goals.

**Q: How can the public submit information on the proposal?**

**A:** Comments must be received or postmarked on or before August 9, 2013. You may submit written comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. Submit comments on the critical habitat proposal and associated draft analyses to Docket No. FWS-R2-ES-2012-0042.

(2) *By hard copy:* Submit comments on the critical habitat proposal and draft economic and environmental analyses by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R2-ES-2012-0042; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on <http://www.regulations.gov>.

On July 30, 2013, the Service will hold a public information meeting from 3:30-5:00 p.m. followed by a public hearing for recording comments from 6:30-8:30 p.m. The meeting and hearing will be held at Buena High School Performing Arts Center, 5225 Buena School Blvd., Sierra Vista, Arizona 85615. Requests for special accommodations can be made by contacting the Arizona Ecological Services Office, 2321 W. Royal Palm Rd., Ste 103, Phoenix AZ 85021 (602-242-0210).

**Q: Where can more information be found?**

**A:** To learn more about the conservation of the jaguar and download information (including the critical habitat proposal, draft environmental assessment, draft economic analysis and jaguar recovery outline), please visit <http://www.fws.gov/southwest/es/arizona/Jaguar.htm>.

For further information contact: Steve Spangle, Field Supervisor, U.S. Fish and Wildlife Service, Arizona Ecological Services Fish and Wildlife Office, 2321 West Royal Palm Drive, Suite 103, Phoenix, AZ, 85021; telephone 602-242-0210. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800-877-8339.