



Questions and Answers: Jaguar Final Critical Habitat

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: The Service is announcing the final rule to designate critical habitat for the jaguar (*Panthera onca*) under the Endangered Species Act (ESA). Approximately 764,207 acres in Pima, Santa Cruz, and Cochise Counties in Arizona, and Hidalgo County in New Mexico, fall within the boundaries of the critical habitat designation. The final rule takes effect on April 4, 2014.

Q: What information did the Service use in preparing the critical habitat designation for the jaguar?

A: In August 2012, the Service proposed to designate approximately 838,232 acres in southeastern Arizona and southwestern New Mexico as critical habitat for the jaguar. That proposal was informed primarily by a preliminary habitat modeling report received from the Jaguar Recovery Team in 2011 and the Recovery Outline for the jaguar produced by the Jaguar Recovery Team. The Jaguar Recovery Team is composed of feline ecologists, conservation biologists, and other experts from Mexico and the United States.

The Service published a revised proposed rule on July 1, 2013, to designate 858,137 acres of critical habitat within the U.S. The revised proposal was based on a revised and refined habitat modeling report produced by the Jaguar Recovery Team that more accurately reflected habitat essential to jaguars in northwestern Mexico and southwestern U.S. The revision reflected jaguar use of a wider range of vegetated areas and eliminated high elevations not utilized by jaguars.

Q: How were jaguar critical habitat areas identified?

A: Locations identified as critical habitat that may be occupied include areas with an undisputed Class I jaguar record from 1962 to the present. Habitat was further delineated by considering areas with open spaces of at least 100 km² and containing an 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 habitat model referred to above. The Service also identified unoccupied areas that can provide connectivity between those areas that may be occupied and jaguar habitat in Mexico.

Q: How is the final jaguar critical habitat designation different from the 2013 revised proposal?

A: In this final rule, the Service is excluding lands owned and managed by the Tohono O’odham Nation (78,067 acres), and exempting lands owned and managed by Fort Huachuca (15,867 acres) from the acreage the Service proposed on July 1, 2013. We have determined that conservation efforts identified in Fort Huachuca’s approved Integrated Natural Resource Management Plan provide a conservation benefit to the jaguar; therefore, the Fort’s lands proposed for designation have been exempted. Tohono O’odham Nation lands are excluded due to the Tribe’s efforts—working in partnership with the Service—to conserve jaguar and other listed species’ habitat on the Nation’s sovereign land.

Q: Does critical habitat have an impact on border security?

A: No. The Service is coordinating with U.S. Customs and Border Protection and anticipates no effect from the critical habitat 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 existing or planned border security infrastructure. There is little to no impermeable border fence in the areas designated 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, the Secretary of the Department of Homeland Security (DHS) is authorized to waive laws, including ESA provisions, where the Secretary 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 designated 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 continue to occur on a voluntary basis.

Q: What is critical habitat?

A: Critical habitat is a term under the ESA that identifies geographic areas occupied at the time a species is listed that contain features essential for the conservation of the species and that may require special management considerations or protection. In addition, it identifies unoccupied geographic areas that were not occupied by the species at the time of listing but are essential to the conservation of the species. 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 that activities such as grazing, ranching operations, human access or limited recreational activity will have an adverse effect on jaguar critical habitat, nor do we anticipate that activities consistent with the stated goals or recovery actions of the recovery outline 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: In light of the court order overturning that previous “not prudent” finding, we have evaluated scientific information that has become available subsequent to our initial July 12, 2006, prudency finding. We 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 can jaguars benefit from a critical habitat designation in the U.S.?

A: There are no known breeding pairs of jaguars within U.S. borders 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 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 Jaguar Recovery Outline, 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.

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

A: Jaguars within the United States 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 the Grand Canyon in Arizona, their numbers were few throughout the Southwest, and sightings in the U.S. from 1996 to the present have occurred mainly within approximately 40 miles of the U.S.–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 U.S. is habitat destruction and fragmentation. Threats to the jaguar throughout most of its range south of the U.S. 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 to conserve the jaguar?

A: The Service continues to provide protection for jaguars within its borders under the ESA, and works cooperatively with state wildlife agencies in Arizona and New Mexico and the governments of 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, 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 (see description 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 and was used, together with other information, to inform the Service's critical habitat designation for the jaguar.

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 bi-national (Mexico and U.S.) Jaguar Recovery Team composed of big-cat biologists and conservation scientists and charged them with developing a recovery outline for immediate reference and eventually a complete plan for jaguar recovery.

The 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 Recovery Unit, which extends from Colima, Mexico, northward into southeastern Arizona, and extreme southwestern New Mexico. Both units are believed necessary for the recovery of the jaguar. The Jaguar Recovery Outline focuses on the Northwestern Recovery Unit, which encompasses much of the Sierra Madre Occidental in western Mexico and areas in southeastern Arizona and extreme southwestern New Mexico. The outline identifies the recovery needs of the jaguar throughout its range, but focuses on the role jaguar populations within the Northwestern Recovery Unit play in the conservation of the whole species. It also identifies research needs, habitat types and threats to jaguar populations in the Northwestern Recovery Unit, and initiates discussions on the importance of habitat connectivity.

Q: What is a recovery plan?

A: 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 to improve the status of a listed species. A recovery plan includes stated goals, measurable objectives, an implementation schedule, suggested partners and an estimated timeline and costs. Its purpose is to outline how a species can be moved from endangered to threatened status and then eventually removed from ESA protection, once recovered.

The ESA authorizes the Secretary of the Interior to appoint a recovery team for the development of a recovery plan. A recovery plan includes:

- 1) a description of site-specific management actions 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: Where can more information be found?

A: The final rule is available at <http://www.fws.gov/southwest/es/arizona/Jaguar.htm> and at <http://www.regulations.gov>. Comments and materials received, as well as some supporting documentation used in preparing this final rule, are available for public inspection at <http://www.regulations.gov>. Some supporting documentation is also available at <http://www.fws.gov/southwest/es/arizona/Jaguar.htm>. All of the comments, materials and documentation that were considered in this rulemaking are available, by appointment, during normal business hours at: 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.

