



## Questions and Answers: Jaguar Critical Habitat Prudency Determination and Recovery Plan

Arizona Ecological Services Field Office

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January 13, 2010

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**Q: What action is the Service taking?**

**A:** The U.S. Fish and Wildlife Service (Service), under the Endangered Species Act (Act) of 1973, has reconsidered the prudency determination concerning the designation of critical habitat for the jaguar (*Panthera onca*) and now finds that designation of critical habitat is prudent. The Service is soliciting jaguar habitat information through March 15 to inform a critical habitat proposal anticipated by January 2011.

Additionally, the Service has re-evaluated its previous determination whether to develop a Service-led recovery plan for the jaguar and has concluded that a recovery plan for jaguars would benefit the species and contribute to their conservation.

**Q: What is a prudency determination and why is it being completed now?**

**A:** The Act requires that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. According to Service regulations, designation of critical habitat is not prudent when one or both of the following situations exist; (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

On March 30, 2009, the United States District Court for the District of Arizona (Court) issued an opinion that set aside the Service's previous determination that designation of critical habitat is not prudent and required that the Service issue a new determination as to "whether to designate critical habitat," by January 8, 2010. In this opinion, the Court required that the Service "shall focus on the principal biological constituent elements within the defined area that are essential to the conservation of the species." Such elements include consideration of space for individual and population growth, and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, rearing of offspring, germination, or seed dispersal; and habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of a species.

**Q: What is critical habitat?**

**A:** Critical habitat is a term in the Act. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and that may require special management considerations. 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.

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.

**Q: Why did the Service determine that critical habitat designation was not prudent in the past?**

**A:** The Service has made two previous determinations that critical habitat for the jaguar was not prudent: On July 22, 1997, the Service determined that the greatest threat to the jaguar in the United States was from direct taking of individuals through shooting or other means and determined that designating critical habitat for the jaguar was not prudent because publication of detailed critical habitat maps and descriptions would likely make the species more vulnerable to take.

Then on July 12, 2006, the Service assessed whether designation of critical habitat would be beneficial to the species and found that no areas in the United States meet the definition of critical habitat and, therefore designation of critical habitat for the jaguar would not be beneficial to the species.

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

**A:** The Service has evaluated scientific information that has become available subsequent to the July 12, 2006, finding and has 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: What is a recovery plan?**

**A:** A recovery plan is a guidance document, a recommendation, that details the specific tasks needed to recover threatened or endangered species, 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 Endangered Species Act protection.

The Act 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: 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 up 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 the Grand Canyon, Arizona, and Santa Fe, New Mexico, 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 40 years.

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

**A:** The primary threat to the species in the United States is illegal killing rather than habitat destruction. Threats to the jaguar throughout most of its range south of the United States include direct taking 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 Act, 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 grant 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 Mexico, Belize, Brazil and Argentina.

The Service is active on the Jaguar Conservation Team, which was formed in 1996 in response to the possible listing of the jaguar in the United States as Endangered. The conservation effort continued after the Service listed the jaguar as endangered in the United States. The team has:

- Developed a Conservation Assessment and Strategy for the Jaguar in Arizona and New Mexico, which:
  - Described the current status of the jaguar in the United States and identified and assessed risks (threats) in Arizona and New Mexico, and
  - Described goals, objectives, strategies, and activities to conserve jaguars in the two states, and recognized the need to encourage and support parallel conservation efforts in northern Mexico.
- Executed a companion Memorandum of Agreement in 1997, which provided for state, federal, and county government agency participation, under the auspices of JAGCT. A revised Memorandum of Understanding was signed in 2007.