

**Pima NRC D Comments on December 20, 2016 Draft Jaguar Recovery Plan
Attachment 7. The \$999.99 AZGFD contract with CBD to replace NMGFD's habitat
maps**

This attachment contains documentation of a written conversation that took place between February 2004 and March 2006 between Terry Johnson, the Jaguar Conservation Team coordinator for AZGFD, and other members of the New Mexico-Arizona, public-private Jaguar Conservation Team.

The correspondence in this attachment was obtained through a public records request from the Pima NRC D to the Arizona Game and Fish Department.

These documents reveal how two AZGFD employees, Terry Johnson and William Van Pelt, contracted with the Center for Biological Diversity to have CBD model and map potential jaguar habitat in the state of New Mexico. The purpose of this model was to replace the model previously developed by Kurt Menke and Charles Hayes for the New Mexico Department of Game and Fish, and accepted. The contract between AZGFD and CBD was in the amount of \$999.99, one penny below the requirement for public bid and also one penny below the threshold for requiring approval by the Arizona Game and Fish Commission.

Much of this correspondence is in the form of email threads, which must be read from the bottom up, so different email threads are presented in chronological order and separated by blank pages.

Contents:

pp. 4-6

April 25- May 3, 2004. William Van Pelt and Terry Johnson discuss with Jim Hatten (USGS) and Annalura Averill-Murray (AZGFD) some of the many ways the scientific integrity of the paper they were collaborating on, (Hatten et al., 2005) –mapping jaguar habitat in Arizona–had been compromised by political influence from the public-private Jaguar Conservation Team, which was dominated by NGOs and activists who are not scientists. Bill Van Pelt states on page 23, “we do not have photographic or physical evidence for all 60 plus sightings.” That is an understatement, as no more than 1/3 of those records have physical evidence supporting them, and fewer than ten have locations reliable for habitat modeling.

p. 6

Bill Van Pelt comes up with broad guesswork to determine location precision of unreliable jaguar records to be used in habitat modeling.

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p. 8-10

May 24-26, 2004. Kurt Menke (Univ. of New Mexico) announces to the AZGFD jaguar conservation team that habitat maps for New Mexico are available online. Scotty Johnson (Defenders of Wildlife) requests the map legends be changed to obfuscate

identified low quality habitat, for political advantage.

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pp. 12-13

September 8, 2004 Letter from Terry Johnson (AZGFD) to Chuck Hayes (NMDGF), and cc:d only to Michael Robinson (Center for Biological Diversity), instructing Chuck Hayes that NMDGF “will need to” modify its jaguar habitat maps for the State of New Mexico as presented in Menke and Hayes (2003), based on new “criteria” demanded by the jaguar conservation team. Johnson offers the assistance of the Center for Biological Diversity at no cost to NMDGF to help the agency meet a deadline of July 2006 for this work.

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pp. 15-16 September 16, 2004. Bill Van Pelt emails the September 8 letter above to Chuck Hayes and asks if any changes should be made to it before it is formally sent. Chuck Hayes responds to Bill Van Pelt that NMDGF is under no obligation under the MOU to change its maps or mapping criteria, the agency has fulfilled its contractual obligations already, and will not have its authority usurped by the Center for Biological Diversity.

pp. 17-18 September 17, 2004 7:19 AM email from Terry Johnson to Chuck Hayes and L. Kirkpatrick in response to the reply received from Chuck Hayes. He ultimately offers no compromise.

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pp. 20-21. Sept 17, 2004 11:48 AM email from Bill Van Pelt to Jim Hatten (USGS) asking him to create new maps for New Mexico using the habitat conservation committee’s new criteria. He mentions an unreliable extreme northern outlier record the committee wanted included in the database. Jim Hatten responds the same afternoon by stating a number of scientific issues that must be resolved and he does not have enough information to know what the time commitment would be. He suggests Van Pelt look into the issues he raised and suggests discussing it further on 9/27.

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P. 23-24

2/22/2005 Terry Johnson sends out an email to the jaguar conservation team. Michael Robinson (CBD) responds that if he’s expected to create the NM habitat maps by April 28 he needs a go-ahead and payment to do it before time runs out. Terry Johnson responds on Feb. 23 saying he will discuss it with Bill Van Pelt.

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P. 26 February 23, 2005- Terry Johnson emails Bill Van Pelt and Chuck Hayes wanting to be brought up to speed on why the NM habitat maps are taking so long. He does not understand why progress has not been made. Bill Van Pelt responds the following day that he asked Chuck Hayes about it and was told NMDGF does not have the necessary GIS layers. He foresees having to go out for bid on the project. He says he talked to Michael Robinson about it long before and the CBD won't do it "for the cost of a PSA." Terry Johnson asks Van Pelt to find out when Michael Robinson can get the job done.

P. 27 blank

P. 28-29 4/12/2005- Bill Van Pelt follows up a phone call from Michael Robinson. He offers to pay CBD \$999.99 (1¢ below the threshold of public bid) to create jaguar habitat maps for New Mexico. Robinson replies in the affirmative. Bill Van Pelt replies to Robinson that one product will be computer files apparently so that the NM and AZ mapping products can be blended together. Robinson states he will talk to the CBD's GIS expert. He will follow up with a tentative completion date.

P. 30 blank

P. 31 3/24/2006 Michael Robinson invoices AZGFD for \$999.99 for completed maps of jaguar habitat in both Arizona and New Mexico, plus other deliverables.

-----Original Message-----

From: Jim Hatten [mailto:hatfun3@earthlink.net]
Sent: Monday, April 26, 2004 7:35 PM
To: Bill Vanpelt; Annalaura Averill-Murray; Jim Hatten (E-mail 2)
Subject: Re: comments on jaguar MS

Bill, what I will do is add a new column to Table 1 and apply some spatial error based upon the best info possible. I will work on the report this week at work and get to both of you this weekend if possible.

Jim

----- Original Message -----

From: "Bill Vanpelt" <BVanpelt@gf.state.az.us>
To: "Jim Hatten" <hatfun3@earthlink.net>; "Annalaura Averill-Murray" <AAverill-Murray@gf.state.az.us>; "Jim Hatten (E-mail 2)" <jhatten@usgs.gov>
Sent: Monday, April 26, 2004 2:06 PM
Subject: RE: comments on jaguar MS

Jim and Laurie,

I think we need to do need to keep in mind the jaguar habitat mapping was done by direction of the JAGCT. Some of which do not know what is acceptable for journal publication. Also, as a result of converting the habitat report to manuscript, detailed information is lost. For example, the reason a more liberal habitat model was accepted by the group was an attempt to identify travel corridors. However, if in a peer review manuscript recommends the more restrictive model, it is consistent with the JAGCT objective to use the "best available science."

As for the sightings used for the model, we do not have photographic or physical evidence for all 60 plus sightings. Only 25 of these are identified to gender. Unfortunately some are only identified to mountain range which makes its difficult to model. I think if you put a range in Jim it is the best we can do with what we have.

Bill Van Pelt
Nongame Mammals Program Manager
2221 West Greenway Road
Phoenix Arizona 85023
602-789-3573

-----Original Message-----

From: Jim Hatten [mailto:hatfun3@earthlink.net]
Sent: Monday, April 26, 2004 7:39 AM
To: Annalaura Averill-Murray; Jim Hatten (E-mail 2)
Cc: Bill Vanpelt
Subject: Re: comments on jaguar MS

Laurie and Bill,

A few points I would like to mention before commencing with making some changes. What do you get when you build a horse with a committee? Answer: a camel. That is a very appropriate analogy to our habitat model, built by committee. Remember that we originally included prey

distributions in our analyses but were ordered to remove them? Also, remember that we originally went with model 2, the more restrictive model concerning biomes and TRI, but were ordered to include them?

Concerning the 3 types of sightings: this is something that Bill and I went back and forth on for a couple of years. Truth is, we could probably throw out half of the Class 2 sightings as inadequate if we held ourselves to a higher standard and just used Class 1 sightings. But then we would not have much to stand on anymore. Ahh to be Brown and publish anything we want to!

I sent back the Jaguar packet to AGFD some time ago and so I lack all the information that went into building the Class 1-3 table. I will review my notes today and see what I still have. However, I have no problem discarding the Class 3 sightings, that will be easy. I will then try and provide error bars for the spatial accuracy of Class 1 and 2 sightings. That should alleviate most of the criticism right there.

The beauty of the 3 models is we gave everyone something and discussed the pros and cons of each model. This is still arguably the best approach for this kind of data and modeling effort. Thus, I don't expect to change our final output. That is all for now,

Jim

----- Original Message -----

From: "Annalaura Averill-Murray" <AAverill-Murray@gf.state.az.us>
To: "Jim Hatten (E-mail 2)" <jhatten@usgs.gov>; "Jim Hatten (E-mail)" <hatfun3@earthlink.net>
Cc: "Bill Vanpelt" <BVanpelt@gf.state.az.us>
Sent: Sunday, April 25, 2004 8:15 PM
Subject: comments on jaguar MS

Hi Jim: sorry it has taken me so long to look at this. I suspect you are busy in finishing this up right now! I've tried to address what I thought were the major comments from the referees, hopefully my comments still help. Thanks for all of your work on this. Laurie <<040425 Comments on Jaguar Manuscript.doc>>

Annalaura Averill-Murray
Habitat Specialist, Region V
Arizona Game and Fish Department
555 N. Greasewood Road
Tucson, AZ 85745
(520) 628-5376 x550 (phone)
(520) 628-5080 (fax)
<<Annalaura Averill-Murray.vcf>>

Terry Johnson

From: James R Hatten [jhatten@usgs.gov]
Sent: Monday, May 03, 2004 8:56 AM
To: Bill Vanpelt
Cc: Annalaura Averill-Murray; Jim Hatten
Subject: RE: comments on jaguar MS

Thanks Bill, I worked over 20 hours on the report this weekend and am close to finishing it. It is actually due today but I won't get it there on time. Hopefully by the end of this week the AE will have it. That is the best I can do.

Jim

James R. Hatten
GIS Coordinator
USGS, Columbia River Research Laboratory 5501A Cook-Underwood Rd.
Cook, WA 98605
Voice--509-538-2299, X252
Fax--509-538-2843
E-mail--jhatten@usgs.gov

<p>"Bill Vanpelt" <BVanpelt@gf.stat <hatfun3@earthlink.net>, "Jim Hatten e.az.us> 05/03/2004 08:39 AM</p>	<p>To: "Jim Hatten" (E-mail 2)" <jhatten@usgs.gov> cc: "Annalaura Averill-Murray" <AAverill-Murray@gf.state.az.us> Subject: RE: comments on jaguar MS</p>
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Jim,

I had to go home early on Friday to pick up Emma from school. I heard your message and reviewed the jaguar material. I put some distant values to the sightings. Those with the best description such as a distance from a known location and/or a description found on a map (like the junction of two canyons) I said were mapped accurately within 0.5 mile. This category included #s 9, 12,20,23,29,33,34,38,45,49,50,53,51,52,55, 56,57. Those with a description from a known location such as "just south of Ruby AZ" I said were mapped accurately within 3 miles. Those include #s 30,42,43,46. Those that just gave a known location such as "near Cibecue" were mapped accurately to 5 miles. Those were #s 27,48. Hope this helps. Sorry it is late.

Bill Van Pelt
Nongame Mammals Program Manager
2221 West Greenway Road
Phoenix Arizona 85023
602-789-3573

Terry Johnson

From: sjohnson@defenders.org
Sent: Monday, May 24, 2004 1:10 PM
To: 'swilcox@defenders.org'; 'dzoo1@earthlink.net'; 'abanda@pronaturane.org'; 'sbless@eeexchange.org'; 'naturtwp@ch.cablemas.com'; 'maderas@interclan.net'; 'rcarrera@ttacs.ttu.edu'; 'lelliott@tnc.org'; 'species1@optonline.net'; 'gabyg@igiris.igeograf.unam.mx'; 'dhodges@skyislandalliance.org'; 'elaine_iverson@sbcglobal.net'; 'sjohnson@defenders.org'; 'kkaem@airmail.net'; 'rlst@prodigy.net.mx'; 'Cats4mex@aol.com'; 'pmanzano@prodigy.net.mx'; 'mcreynolds@sazoo-aq.org'; 'john.morrison@wwfus.org'; 'peachyleopard321@hotmail.com'; 'indiasanjuan@hotmail.com'; 'Mitch_Sternberg@fws.gov'; Bill Vanpelt; 'williams@tnc.org'; 'linda_laack@fws.gov'; 'acaso2@terra.com.mx'; Menke, Kurt
Cc: 'mgrigion@cas.usf.edu'; 'cmiller@defenders.org'; 'nFascione@defenders.org'
Subject: Re: BorderCats maps

Kurt,

Great job and diligence on these maps -- they represent a sizable amount of effort and you deserve many thanks.

One quick mention (I will delve in further this week) is more semantic than scientific -- but crucial as language is used in the mapping legend.

During one session of the White Oak mtg. I raised the concern that by listing the CCU's and CCC's by Low, Medium, High and needing further study, we opened ourselves up to prejudicial judgement by politically motivated policy makers who might find expediency in discounting conservation efforts in an area because of a low or medium designation.

John had a good suggestion that involved simply changing how the legend read. Unfortunately, I don't recall exactly what he suggested. I seem to remember that he did suggest that the "Area needing further study" should become "High Priority Study Area).
John if you read this could you clarify?

Also, Melissa or Kurt, could you forward to me a copy of the ranking sheets that folks used at White Oak? This may trigger suggestions.

Scotty

On 19 May 2004, at 8:19, Menke, Kurt wrote:

Forwarded by: SCOTTY.DOW-DC.DOW-
USA.DOW@defenders.org
Date forwarded: Wed, 19 May 2004 10:35:37 -0400
Date forwarded: Wed, 19 May 2004 10:34:36 -0400
Forwarded by: <kmenke@edac.unm.edu>
From: "Menke, Kurt" <kmenke@edac.unm.edu>
To: "'swilcox@defenders.org'"
<swilcox@defenders.org>,
"dzoo1@earthlink.net" <dzoo1@earthlink.net>,
"abanda@pronaturane.org"
<abanda@pronaturane.org>,
"sbless@eeexchange.org"
<sbless@eeexchange.org>,
"naturtwp@ch.cablemas.com"

<naturtwp@ch.cablemas.com>,
 "'maderas@interclan.net'" <maderas@interclan.net>,
 <maderas@interclan.net>,
 "'rcarrera@ttacs.ttu.edu'" <rcarrera@ttacs.ttu.edu>,
 <rcarrera@ttacs.ttu.edu>,
 "'lelliott@tnc.org'" <lelliott@tnc.org>,
 "'species1@optonline.net'" <species1@optonline.net>,
 "'gabyg@igiris.igeograf.unam.mx'" <gabyg@igiris.igeograf.unam.mx>,
 "'dhodges@skyislandalliance.org'" <dhodges@skyislandalliance.org>,
 "'elaine_iverson@sbcglobal.net'" <elaine_iverson@sbcglobal.net>,
 "'sjohnson@defenders.org'" <sjohnson@defenders.org>,
 "'kkaem@airmail.net'" <kkaem@airmail.net>,
 "'rlist@prodigy.net.mx'" <rlist@prodigy.net.mx>,
 <rlist@prodigy.net.mx>,
 "'Cats4mex@aol.com'" <Cats4mex@aol.com>,
 "'pmanzano@prodigy.net.mx'" <pmanzano@prodigy.net.mx>,
 "'mcreynolds@sazoo-aq.org'" <mcreynolds@sazoo-aq.org>,
 "'john.morrison@wwfus.org'" <john.morrison@wwfus.org>,
 "'peachyleopard321@hotmail.com'" <peachyleopard321@hotmail.com>,
 "'indiasanjuan@hotmail.com'" <indiasanjuan@hotmail.com>,
 "'Mitch_Sternberg@fws.gov'" <Mitch_Sternberg@fws.gov>,
 "'bvanpelt@gf.state.az.us'" <bvanpelt@gf.state.az.us>,
 "'lwilliams@tnc.org'" <lwilliams@tnc.org>,
 "'linda_laack@fws.gov'" <linda_laack@fws.gov>,
 <linda_laack@fws.gov>,
 "'acaso2@terra.com.mx'" <acaso2@terra.com.mx>

Copies to: "'mgrigion@cas.usf.edu'" <mgrigion@cas.usf.edu>
 Subject: BorderCats maps
 Date sent: Wed, 19 May 2004 08:19:59 -0600

> Hello all,
 > I finally have some maps to share with everyone! I posted them to an
 > anonymous ftp site that can be accessed by going to the link below.
 > Just right click on a map and choose Copy to Folder to download them.
 > If you have any trouble getting to the site or downloading these just
 > let me know and I can email them to you or send you a cd.
 >
 > ftp://edacftp.unm.edu/outgoing/pub/BCWG/
 >
 > Jaguar east = jag_east.jpg
 > Jaguar west = jag_west.jpg
 > Jaguarundi east = jgd_east.jpg
 > Ocelot east = oc_east.jpg and oc_east_zoomin.jpg Ocelot west =
 > oc_west.jpg
 >
 > I would appreciate any feedback on these maps, as they will be going
 > into the final paper. Specifically if you could check them for
 > accuracy and completeness, and for any other elements that you think
 > are missing it will be a great help. I know everyone is busy, so I
 > don't need everyone to look at every map, but I would like you to
 > review your area of expertise for species you are familiar with. These
 > maps include all the cat conservation units, corridors, and study
 > areas generated at the expert workshop in Florida. All the units have been ranked by the
 > criteria we used there.
 > They also include class 1 sightings for each species, which were
 > compiled by Carlos Lopez Gonzalez. Map titles were left off as they
 > will be handled in the paper. Also note that the ones in the final

> paper will also be at a higher resolution but I wanted folks to be
> able to download these easily so I made these a bit smaller.
>
> I would like to thank everyone for sharing all of your information and
> data with me so I could finish these.
>
> Best,
> Kurt
>
> ~~~~~
> Kurt A. Menke
> GIS Analyst/Programmer
>
> Mailing Address
> Earth Data Analysis Center
> MSC01 1110
> 1 University of New Mexico
> Albuquerque, New Mexico 87131-0001
>
> Street Address
> University of New Mexico
> Bandelier West, Room 123
> Albuquerque, NM 87131
>
> Phone: (505) 277-3622 (ext. 239)
> FAX: (505) 277-3614
> email: kmenke@edac.unm.edu
>
>
>

Scotty Johnson
National Rural Outreach Representative
Defenders of Wildlife
(520) 623 9653 Ext. 103
Fax: (520) 623 0447
sjohnson@defenders.org

September 8, 2004

Chuck Hayes
Asst. Chief, Nongame and Endangered Species
Conservation Services Division
New Mexico Department of Game and Fish
One Wildlife Way
Santa Fe, NM 87507

Dear Chuck,

I want to thank you once again for your participation in the work session of the Jaguar Conservation Team held in Albuquerque, New Mexico on August 7 to review the 5-year evaluation and New Mexico's habitat report titled *Evaluation of the relative suitability of potential habitat in New Mexico* (Report). As a result of the meeting, New Mexico Department of Game and Fish will need to modify its Report to fully include the habitat criteria established by the Habitat Subcommittee and reviewed by the Scientific Advisory Group. These criteria are as follows:

1. An area within 50 miles of a jaguar occurrence. The jaguar occurrence must be classified as a Class I or II sighting and can be mapped. This would include an entire mountain range, if a portion is within the 50 mile occurrence.
2. Based on Brown and Lowe (1980) habitat associations (or something equivalent), the area must be in the Semi-desert Grassland, Plains Grassland, Great Basin Grassland, Subalpine grassland, Interior Chaparral, Madrean Evergreen Woodland, Great Basin Conifer Woodland, or Petran Montane Conifer Forest, Petran Subalpine Conifer Forest, Chihuahuan Desertscrub, Arizona Upland Sonoran Desertscrub, or Great Basin Desertscrub. Areas in the Lower Colorado River Sonoran Desertscrub, Mohave desertscrub, and Alpine Tundra are not considered jaguar habitat.
3. Incorporate a Terrain Ruggedness Index.
4. Human impacts. Areas with continuous row crop agriculture over an area greater than 1 square mile and any agricultural crop areas immediately adjacent to those areas are not considered adequate habitat. Areas with human residential development in excess of 1 house per 10 acres are not considered jaguar habitat. Areas developed for industrial purposes or a combination of industrial and residential development that create a footprint equal to or greater than 1 house per 10 acres are not suitable jaguar habitat.
5. Water presence. Areas must have seasonal water available for jaguar use. This would include springs, streams, rivers, and stock tanks.

C017677

Mr. Chuck Hayes.
September 10, 2004
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During the meeting you voiced a concern about being able to complete this assignment prior to July 2006. To assist you and the NMDGF in completing this modification, the Center for Biological Diversity has offered the services of their GIS analyst at no cost to you. Please contact Michael Robinson at 505-534-0360 for the contact information for the GIS analyst.

On behalf of the JAGCT, I want to thank you for your efforts and enjoy working with you on conserving this magnificent species. If you would like to discuss this further, please contact me at 602-789-3507 or Bill Van Pelt, Nongame Mammals Program Manager at 602-789-3573.

Sincerely,

Terry B. Johnson
Jaguar Conservation Team, Chair

cc: Michael Robinson, Center for Biological Diversity

:bvp

Enclosure

Document JAGCT Letter to NMDGF.DOC

C017678

Terry Johnson

From: CLHayes@state.nm.us
Sent: Thursday, September 16, 2004 4:35 PM
To: Bill Vanpelt
Cc: Terry Johnson; LKirkpatrick@state.nm.us
Subject: RE: Jaguar letter
Attachments: JAGCT Letter to NMDGF.20040907.doc

<<JAGCT Letter to NMDGF.20040907.doc>> Bill,

I have no real problem with the letter overall, with the understanding that 1) the meeting date of the work session was August 30, not August 7, and 2) the habitat evaluation criteria are listed to describe what criteria should be used, not to say that none of them were utilized. I realize there was a feeling from the subcommittee that some of the criteria were not used as desired, but this doesn't apply to all (e.g., #3 "Incorporate a terrain ruggedness index" was done).

I can also tell you what our general response will be. I do not agree that "NMDGF will need to modify its report..." if this need is based on the MOU. The MOU states that the parties will "implement the Conservation Assessment and Strategy for the Jaguar in Arizona and New Mexico, thus establishing an open process by which to identify and carry out such actions as will conserve the species through voluntary participation of public and private partners". With nothing specific in the MOU regarding delineation of suitable jaguar habitat, the Conservation Assessment and Strategy is then referred to, which states "not less than 24 months after establishment of the JAGCT, AGFD and NMGFD (sic) will produce state-specific maps delineating land ownership patterns overlaid with suitable jaguar habitat, insofar as such habitat can be delineated at that time". Note that this item says the state wildlife agencies will do this task, not some other member of the conservation team. Note also that neither this task, nor any place in the MOU, refers to an approval process by the jaguar habitat team or by the jaguar habitat subcommittee. In fact, nowhere in the entire MOU is the jaguar habitat subcommittee even mentioned! Therefore, I see no way that a body composed primarily of non-signatory NGO representatives (habitat subcommittee) can dictate to the state wildlife agencies whether or not their completion of tasks under this agreement is acceptable, based on the whims of those individuals or NGOs. I'm sure neither your agency nor mine would have agreed to sign an MOU that included language as such. I realize that the Arizona habitat report went through this "approval" process starting with the habitat subcommittee. New Mexico's did not, for several reasons (besides it not being required under the MOU or conservation assessment):

1. the habitat subcommittee had not been active or meet since 2000, 2. the NM habitat report was presented as a draft twice (Jan. 2002 and July 2002) to the full conservation team (and was also distributed by e-mail to the habitat subcommittee members not present), and both times revised based on comments from the conservation team, 3. the approval process that you are now asking for does not exist anywhere in writing, and was not conveyed by you as the chair of the habitat subcommittee, or by anyone else, to NMDGF during the 2.5 years since the presentation of the first draft of the report, and was only brought up in relation to the development of the report on activities completed under the conservation agreement, 4. the NM suitable habitat report had already been presented to the full conservation team as final in July 2003. In fact, the minutes of that meeting state that "New Mexico Game and Fish finalized their habitat report, and brought 40 copies to distribute." Again, nothing was mentioned during the meeting or in review of the notes that suggested any "approval" procedure.

Given all of the above, the only reasonable conclusion is that NMDGF has met in commitments under the MOU and the conservation assessment relative to mapping of suitable jaguar habitat.

There is therefore no need to have the Center for Biological Diversity re-do the NM habitat analysis, and I will not take part in an activity to allow some other entity to unwillingly usurp management actions which are the responsibility of New Mexico Game and Fish (remember, the conservation agreement says AGFD and NMDGF will complete the habitat maps, not the conservation team or habitat subcommittee). With that said, I would certainly see it as the prerogative of the jaguar conservation team to evaluate whether or not the information it has in hand is sufficient to move forward with jaguar conservation, or not. Therefore, if the habitat subcommittee believes the information it has is insufficient, and wants to have the Center for Biological Diversity or any other entity develop some information, it should bring that recommendation to the entire jaguar conservation team. However, it should be recognized that developing an additional habitat report would be outside of (in addition to) requirements under the MOU and conservation assessment, and not indicative of NMDGF having failed to meet any of its obligations.

Hope this helps. Thanks for the opportunity to review the letter. Let me know if you've got any questions about any of this.

Chuck

> -----Original Message-----

> From: Bill Vanpelt [SMTP:BVanpelt@gf.state.az.us]

> Sent: Tuesday, September 14, 2004 3:44 PM

> To: CLHayes@state.nm.us

> Subject: Jaguar letter

>

> Chuck,

>

> I was wondering if you would like to any modifications to the letter
> before finalizing and sending it to you. Please respond by close of
> business Sept. 16.

>

>

>

>

> Bill Van Pelt

> Nongame Mammals Program Manager

> 2221 West Greenway Road

> Phoenix Arizona 85023

> 602-789-3573

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> For more information please visit <http://www.messagelabs.com/email>

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> File: JAGCT Letter to NMDGF.20040907.doc >>

Terry Johnson

From: Terry Johnson
Sent: Friday, September 17, 2004 7:19 AM
To: 'CLHayes@state.nm.us'; Bill Vanpelt
Cc: LKirkpatrick@state.nm.us
Subject: Jaguar Conservation (Team?)
Attachments: JAGCT Letter to NMDGF.DOC

Hi, guys!

Maybe life really is like a box of chocolates, and this little piece is just chock full of nuts. Or something.

As I sit here, still at my house trying to get away for an elk hunt, I am close to stunned by the exchange below. Last night, after reading Chuck's reply, I read Bill's letter to see what might have precipitated it. I hadn't seen the draft before, and I'm sure that's a reflection of my unavailability due to other priorities. Yes, Chuck, just like you, we in AGFD have too much to do and don't much appreciate it when folks ask (and especially not when they "force") us to re-do things, whether discussions or reports. Nobody has time to do things twice, yet nobody has enough time to do what's necessary to ensure that everything need only be done once.

Regardless, having spent a restless night pondering this, I think I am not going to spend more time on it today. Instead, I will suggest two things:

1. Before another scud (real or perceived) is launched in either direction, you two have a little phone call to see what can be sorted out. I think the letter needs significant re-write. I think its tone is bad in a few places (much too directive) and it does not reflect the full range of discussion and "consensus (?) that I recall from the meeting. For example, I know I put on the table an AGFD offer to contribute funding, time (including perhaps Jim Hatten), and other AGFD resources into a collaborative revision. I also recall the group, after Chuck's unfortunate early departure, the need to ensure that a spirit of collaboration was carried in the request to NMDGF, and specifically we discussed identifying individuals on the Habitat Committee (including but not only Michael and the GIS person he said was available) as colleagues in the effort. In fact, we said we needed to take a warm and fuzzy and individual rather than organizational approach because of concern that anything else would be perceived by NMDGF as threatening, and be summarily rejected. So, I think the letter falls short in several ways.

2. That being said, I suggest that Chuck re-think his reply in terms of the spirit of the agreement as opposed to the letter of the agreement. If all things must be spelled out exactly in an agreement before NMDGF will consider them, what's the point of engaging in adaptive management? Lip service? I'm not going to debate whether the report was prepared or reviewed as collaboratively as it could or should have been (though I think we -- and make that a we -- fell way short in several ways). Nor am I going to back off on my earlier (August 30) comments that the Habitat Committee, starting before Bill came into it and continuing after he did, mishandled this hot potato. But who cares what went wrong, except in terms of trying to identify how to fix both the product and the process, so we are all better off for the short term and for the long term? The "fact" of the matter is that we have two reports for two states that are not as congruent as they perhaps should have been, or could be, and the "partnership" (JAGCT Habitat Committee) as a whole seems to believe the solution is in bringing the NM report into better conformity with the AZ report. Whether an NGO is involved is irrelevant. The MOU establishes a Work Group and from the get-go we have tried to use a Subgroup or Committee approach to making the larger effort work. And that's why we met on August 30. To try to make the partnership work. Frankly, it sounds to me like an email to

Bill has been used to vent frustrations and hostilities that should have been surfaced while we were in ABQ working on this thing. Well, email is not much of a tool in terms of contributing to conflict resolution. But f2f or at least ear-to-ear contact is, so I again suggest that this whole exchange and what lies behind be discussed by you two (Chuck and Bill) before it goes any further.

I will also suggest that the extent to which this issue can be amicably and constructively resolved between the two of you and if necessary between our two agencies will be a good measure of the partnership that exists, and whether it needs to be continued. AGFD continues to put more than its share of resources in to carrying these mutual AZ-NM balls. If when something falls short and we try to correct it we are simply told to piss off, which is the shorter version of Chuck's message as I read it, there's probably not much point in trying to take another step in collaborative jaguar conservation. But, perhaps I am over-reacting to this. Maybe it's just a bump in the road that you two can work out, or least clarify so Lisa and I can try to work it out, or clarify so Tod and Bruce Taubert can work it out, or clarify so Duane and Bruce Thompson can work it out, or clarify so our respective Commissions can work it out.

The one thing that seems crystal clear here to me, is this: if something has gone awry with JAGCT, we only have three people to blame or hold accountable, and that's me and you two. We're supposed to be co-leading this effort, and making sure the processes work well and the products are produced on time and that the cooperators and the public are functional, productive, and reasonably satisfied participants. So when we say the Habitat Committee or JAGCT failed to do something, we need to accept our own contribution focus on solutions. Nobody else is going to do it for us, nor should they need to.

Wildlife conservation might be fun, if it weren't for all the human dimensions.

As I head toward Flagstaff and my son's bull elk hunt, and after I arrive, I may or may not be available by cell phone. It will depend on Verizon's lousy digital network. But please feel free to call me about this and at least leave a message so I can get back to any or all of you ASAP. The JAGCT is way too important to me personally and to my agency to let it founder over a problem that really should be pretty easily rectified. It's just revising a report, not rewriting the Bible.

Thx, Terry

Terry B. Johnson, Chair
Jaguar Conservation Team
Arizona Game and Fish Department
<http://www.azgfd.com>
2221 West Greenway Road
Phoenix, Arizona 85023-4399
Tel 602.789.3507 Fax 602.789.3926
E-mail teebeej@gf.state.az.us

-----Original Message-----

From: ClHayes@state.nm.us [<mailto:ClHayes@state.nm.us>]
Sent: Thursday, September 16, 2004 4:35 PM
To: Bill Vanpelt
Cc: Terry Johnson; LKirkpatrick@state.nm.us
Subject: RE: Jaguar letter

<<JAGCT Letter to NMDGF.20040907.doc>>
Bill,

Terry Johnson

From: James R Hatten [jhaten@usgs.gov]
Sent: Friday, September 17, 2004 4:12 PM
To: Bill Vanpelt
Cc: James H Petersen
Subject: Re: Some possible contract/consult work

Bill, I am not sure how to proceed until I have more information about the extent of the project. If I have to create GIS layers that are consistent with what I did in Arizona, this could be quite time consuming. A potentially large problem is the GAP vegetation layer we used for Arizona. This layer may not be available for NM or it may have been created differently. My experience is that GAP projects do things differently for lots of reasons. We also relied on hydrology (perennial, intermittent, ephemeral) and I am not sure that NM has an equivalent dataset. If not, then one would have to be created. I also used a classified TM image that was produced by the AGFD Riparian Mapping Project in 1993 that showed all agricultural and impacted landuse areas. Creating a similar image composite for NM will require some effort. I am willing to explore the possibility of doing this project but will not commit to anything until I know more. My supervisor, Jim Petersen, is also interested in how much of my time this project will take. I will be away all next week on business. This will give you some time to explore some of the questions I have posed about the data. We can discuss this more on 9/27 when I return. Talk later,

Jim

James R. Hatten
GIS Coordinator
USGS, Columbia River Research Laboratory 5501A Cook-Underwood Rd.
Cook, WA 98605
Voice--509-538-2299, X252
Fax--509-538-2843
E-mail--jhaten@usgs.gov

"Bill Vanpelt"
<BVanpelt@gf.stat
e.az.us>
09/17/2004 11:48
AM
To: "James R Hatten" <jhaten@usgs.gov>
cc:
Subject: Some possible contract/consult work

Hello Jim,

Hope things are going good. On August 30, we had a Jaguar Conservation Team Habitat Subcommittee meeting in Albuquerque, New Mexico. The purpose of the meeting was to discuss New Mexico's habitat report. Members of the subcommittee were not satisfied with the results. In part they did not feel as though New Mexico applied the criteria correctly.

For example, there was a sighting described by J.E. Hill in Notes of mammals of northeastern New Mexico, Journal of Mammalogy 23:75-82 (1942):

"a jaguar was killed near [the town of] Springer, Colfax [County], New Mexico some years ago (prior to 1938). Its skin is now in the collection of Mr. Waite."

New Mexico Department of Game and Fish consulted with Dave Brown and he said he would not use it because Hill himself did not see the skin as thus the sighting is not as reliable. However, the discussions at the meeting on August 30 led to the conclusion that New Mexico should include the sighting because:

1. The location could be mapped some what reliably. A town was given in a county. Granted "near" is somewhat subjective.
2. A skin was in possession documenting the occurrence.
3. The sighting was accepted in an accredited journal.

Other differences from the established criteria included using road density instead of housing densities and weighting habitat types.

Reasons given for using this information was the inaccuracy of the census data, crop data is not available etc. As a result of the meeting I was tasked with contacting you to ask:

1. Do you know of any satellite information that would be available than would allow us to determine the housing densities? Night time imagery?
2. Your availability and cost to assist with modifying the New Mexico report to be more consistent with the criteria and thus the AZ report and blending into one map?

I look forward to your response.

Bill Van Pelt
Nongame Mammals Program Manager
2221 West Greenway Road
Phoenix Arizona 85023
602-789-3573

-----Original Message-----

From: Terry Johnson
Sent: Wednesday, February 23, 2005 2:37 PM
To: 'Michael J. Robinson'
Subject: JAGCT: April Meeting and Habitat Mapping

The correct date is April 28th and that's about all I am sure of. As for the habitat maps, I will ask Bill tomorrow what is happening (or not). I think we need the maps this year and that's about as much as I can say, other than either Bill or I will get back to you via email or phone tomorrow to make sure you know exactly where this thing is.

Thx, Terry

Terry B. Johnson, Chair
Jaguar Conservation Team
Arizona Game and Fish Department
<http://azgfd.gov>
2221 West Greenway Road
Phoenix, Arizona 85023-4399
Tel 602.789.3707 Fax 602.789.3926
E-mail teebeej@azgfd.gov

-----Original Message-----

From: Michael J. Robinson [<mailto:michaelr@biologicaldiversity.org>]
Sent: Tuesday, February 22, 2005 10:12 AM
To: Terry Johnson
Subject: Re: JAGCT: Jaguar Capture

Terry,

Thanks for sending this out.

Your letter states the next JCT meeting is 4/28. I have on my calendar instead 4/21. Is this my mistake or yours?

Also, we are rapidly approaching the date at which the Center would no longer be able to develop the NM habitat maps by April 21 or 28. Does the Department want the Center to do this (and will it help pay) or should this wait till October (or next year, or next decade)?

Thanks,
Michael

At 09:45 AM 2/22/2005 -0700, you wrote:

Hi!

I am just back from a long series of trips and imminently off on another one. The attached letters went out this past Friday, after I phoned in my signature. Since snail mail is so slow, I figured I'd send them to you folks via email as a heads on what I am doing with this issue. If you have questions or concerns, let me know. I will continue to be in almost constant travel status through March, but some of you I hope to see in Tucson at the Border Ecology conference on March 8-9. Maybe we can chat then. If not, then we can do it another time. I don't have Lannon's or Diamond

s email address, so maybe one of you could pass this along to them. It's not cool for other folks to get your letter before you do, but in the interest of time I am taking this shortcut.

As the letters say, I apologize to all of you for not managing the issue better. My failure to do so put Jack Childs in an untenable position, and for that I am truly sorry. I am paid to take the slings and arrows, and he is not.

Bottom line: no recommendation will be made to Duane till all the requisite information is in hand and has been carefully weighed in terms of pros and cons. Meanwhile, anyone who would like to bring in other folks to the next JAGCT meeting (or one after that) who can enlighten any and all of us on any scientifically credible approach to gather the desired movement, occupancy, and use information is welcome to give me their suggestions just be specific, as Scotty and Craig already have been.

Thx, Terry

Terry B. Johnson

Endangered Species Coordinator

Arizona Game and Fish Department

<http://azgfd.gov>

2221 West Greenway Road

Phoenix, Arizona 85023-4399

Tel 602.789.3707 Fax 602.789.3926

E-mail teebeej@azgfd.gov

Terry Johnson

From: Terry Johnson
Sent: Thursday, February 24, 2005 11:30 PM
To: Bill Vanpelt
Subject: RE: JAGCT: April Meeting and Habitat Mapping

Did you talk to Michael today? Is there even an approximate date for completing the work? If so, who is in charge of getting it done?

Thx, Terry

-----Original Message-----

From: Bill Vanpelt
Sent: Thursday, February 24, 2005 10:53 AM
To: Terry Johnson
Subject: RE: JAGCT: April Meeting and Habitat Mapping

Terry,

I asked Chuck for an update so I could embed them in the notes. I will call today. Just to let you know the CBD cannot conduct the work for the cost of a PSA. Chuck has made it abundantly clear that they do not have the layers for a rerun. We would have to go out for bid on this project. In part that is why Chuck pursued this other avenue. I spoke to Micheal about this well before his e-mail to you.

Bill Van Pelt
Arizona Game and Fish Department-Nongame Branch
2221 West Greenway Road
Phoenix Az 85023
602-789-3573
bvanpelt@azgfd.gov

-----Original Message-----

From: Terry Johnson
Sent: Wednesday, February 23, 2005 2:45 PM
To: Bill Vanpelt; NM Chuck L Hayes WD & T&E (E-mail)
Subject: FW: JAGCT: April Meeting and Habitat Mapping

Hi!

Bill - please chase me down tomorrow while I am en route to or in San Francisco for the ESA Forum and bring me up to speed on the maps. I don't understand why this rather pedestrian project has been such a mess, or whether it is likely to be resolved in our lifetimes or at least in time for the maps to be congruent and useful to our restructuring of the conservation effort. If money is the issue how much do we need? If turf is the issue, at what level and why? If ... If... If...

I just need to know what is really keeping us from closing this out in a scientifically credible, cooperative fashion before the next ice age.

If I were on the outside looking in, I would have to question why my time should be invested in this when the agencies can't even move on something that is so simple.

Regardless, one of us, and that is probably you, must talk to Michael tomorrow. On this issue, he has been more than patient.

Thx, Terry

Terry Johnson

From: Michael J. Robinson [michaelr@biologicaldiversity.org]
Sent: Tuesday, April 26, 2005 12:05 PM
To: Bill Vanpelt
Subject: RE: Habitat identification in New Mexico

Great, Bill. We'll start work on it. After I've had a chance to confer with Curt, our GIS person, I'll give you a tentative date for completion.

Michael

At 05:39 PM 4/25/2005 -0700, Bill Vanpelt wrote:

Micheal,

The intention of this exercise is to complete the habitat maps. One of the products will have to be the computer files so the two reports can be blended together. If this is understood than lets move forward with the report.

Bill Van Pelt
Arizona Game and Fish Department-Nongame Branch
2221 West Greenway Road
Phoenix Az 85023
602-789-3573
bvanpelt@azgfd.gov

-----Original Message-----

From: Michael J. Robinson [<mailto:michaelr@biologicaldiversity.org>]
Sent: Tuesday, April 12, 2005 9:52 PM
To: Bill Vanpelt
Cc: Terry Johnson
Subject: Re: Habitat identification in New Mexico

Bill,

We would be happy to produce this map and the accompanying report according to the conditions laid out by the JCT habitat subcommittee and the JCT Scientific Advisory Group. However, we would not use the exact same methodology as the Arizona report because that report took liberties with the former criteria -- liberties not worth contesting, but nonetheless ones we would not repeat.

Specifically, the interpretation and use of a terrain ruggedness index was at odds with the intent of the SAG in proposing it to identify habitat that might otherwise not qualify as suitable, but which provided "connection potential." (Please see our 8/30/2002 letter critiquing the draft reports from both states for additional details.) Mis-use of this criterion was mitigated in the AZ report by utilizing three separate "models" in the final map that depicted habitat according to the erroneous use of the criterion, another introduced (non-authorized) criterion, as well as habitat without either erroneous criteria -- but none using the steepness index as the SAG had suggested.

There were other liberties taken in the AZ report of no great significance as well, but that emphasize the room for reasonable people to disagree on matters of emphasis and judgement in conjunction with a specified methodology. Our emphasis and judgement will be somewhat different. However, we will carefully identify and cite the written record of agreed upon criteria from the habitat subcommittee and

SAG, we will be transparent in our use of this methodology, and we will identify clearly any (and possibly there will be none) interpretation that goes beyond that strict protocol.

Please advise if you would still like us to do the report. I would like to emphasize as well that we will work as expeditiously as possible to complete it.

Michael

At 05:47 PM 4/12/2005 -0700, Bill Vanpelt wrote:
Micheal,

Thank you for the telephone call today regarding jaguar habitat evaluation. I spoke with Terry Johnson, Jaguar Conservation Chair, and he was fine with having the Center for Biological Diversity move forward on identifying jaguar habitat in New Mexico using the criteria identified and approved by the JAGCT and used to produce the Arizona Jaguar report, which has been accepted by the JAGCT. This work would not exceed \$999.99.

Bill Van Pelt
Arizona Game and Fish Department-Nongame Branch
2221 West Greenway Road
Phoenix Az 85023
602-789-3573
bvanpelt@azgfd.gov



Terry Johnson

From: Michael Robinson [michaelr@biologicaldiversity.org]
Sent: Friday, March 24, 2006 11:26 PM
To: Bill Vanpelt; Terry Johnson
Cc: 'Curtis Bradley'
Subject: jaguar report contract payment

Dear Bill and Terry,

Thank you for the opportunity to develop a report on jaguar habitat in New Mexico, along with accompanying maps, responses to Jaguar Conservation Team habitat subcommittee members' comments, and an accompanying map depicting jaguar habitat in the State of Arizona. We have now provided the final copies of these documents to the Arizona Game and Fish Department for the Jaguar Conservation Team.

Please remit the amount of \$999.99 to the Center for Biological Diversity in fulfillment of our agreement.

Thank you.

Michael

Michael J. Robinson
Center for Biological Diversity
P.O. Box 53166
Pinos Altos, NM 88053

www.biologicaldiversity.org