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VIA Electronic Mail

**Re: Laguna Atascosa Draft CCP and EA**

Dear Mr. Sprick,

I write on behalf of WildEarth Guardians and our members. We are keenly interested in the U.S. Fish and Wildlife Service's ("FWS's") management of the Laguna Atascosa National Wildlife Refuge ("Refuge"), given its high biodiversity and the habitat it provides nine species listed under the Endangered Species Act ("ESA"), as well as an additional species, the black-spotted newt (*Notophthalmus meridionalis*), which WildEarth Guardians petitioned for ESA listing and is currently undergoing a status review by FWS.

We appreciate the time and effort invested in the Refuge's Draft Comprehensive Conservation Plan ("Plan") and Environmental Assessment ("EA"). We strongly support increased funding and staffing for the Refuge as proposed under Alternative B. We agree with provisions for habitat acquisition and restoration, particularly for species such as the ocelot and jaguarundi. Acquisition of more land to expand and connect brushland that is suitable for these endangered cats is of paramount importance.

We hope that the President's proposal to increase the land acquisition budget in Fiscal Year 2011 by \$106 million for endangered species nationally will translate into acquisition for these two cats in particular. A recent news report stated:

After years of diminished funding for buying land, [FWS Director] Hamilton said he wants to restore land-purchasing programs with a [sic] eye toward creating refuges for species being driven out of their native ranges by climate change.<sup>1</sup>

This situation applies to several of the endangered species that occur on the Refuge – especially sea turtles, ocelot, and jaguarundi. We therefore hope that the Refuge gets a fair share of the national land acquisition budget.

### Alternatives Considered

The Plan indicates an important tension: the Refuge hosts both 350,000 visitors per year<sup>2</sup> and provides habitat for an array of endangered or sensitive species. The Plan states,

Protecting natural resources, while allowing for anticipated increases in public visitation, will be a major challenge. See p. 2-20.

While understanding the pressures FWS is under, we question the addition of new roads under the Proposed Action (Alternative B). There are already 2 auto tour routes on the Refuge. Altogether, there are approximately 16.5 miles of public roads and 10.4 miles of interpretive trails. Given that vehicular mortalities are an important threat to the ocelot, no more roads should be created on the Refuge.

In addition, while we appreciate FWS's desire to expand the trail system, as well as increase the emphasis on educational programs about the Refuge's biodiversity and special status species, this must be done in a manner that does not in any way impede the recovery of federally listed species. Consider, for instance, that the jaguarundi is primarily diurnal. If new trails bisect suitable habitat, the jaguarundi may experience increased disturbance. We therefore recommend that any trails that are created be situated in areas not currently or potentially suitable for ocelots, jaguarundis, or other federally listed species susceptible to habitat fragmentation or disturbance by people.

We also disagree with FWS's failure to consider an alternative that emphasizes Threatened and Endangered Species. The logic provided in the EA is that

...current and proposed management actions include sufficient measures to ensure that these species are adequately addressed. In addition, it is the Service's responsibility to conserve and protect species regardless of which alternative is implemented. See EA at p. 8.

We suggest that FWS be more circumspect about the sufficiency of its measures. Elsewhere, FWS has stated clearly and emphatically that the ocelot is facing extinction under current management.<sup>3</sup> However, we appreciate the multitude of strategies outlined on pp. 4-1 to 4-5 that

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<sup>1</sup>For full article, see Appendix 1.

<sup>2</sup>The Plan and EA offer different figures for annual visitation. These should be reconciled in the final version.

<sup>3</sup>See FWS's Action Plan for the Ocelot, released in 2009, and cited in the Refuge Plan.

provide measures aimed at conserving the ocelot, as well as strategies outlined for the jaguarundi, Kemp's ridley, and northern aplomado falcon (pp. 4-8) and other endangered species.

### Role for Critical Habitat

As you may know, our organization has petitioned FWS to designate critical habitat for the ocelot (in 2010),<sup>4</sup> jaguarundi (in 2010),<sup>5</sup> and northern aplomado falcon (in 2002) on the Refuge and other suitable areas. Next week, we will be filing a similar petition for the Kemp's ridley turtle. In the ocelot and jaguarundi petitions in particular, we propose the expansion of restoration efforts on the Refuge in order to increase suitable habitat. This is in line with the strategies outlined in the Plan.

In addition, we want to point out that designation of critical habitat on the Refuge would help the Refuge guard against the types of adverse impacts it is currently experiencing, for example, from oil and gas activities, road-building, and agricultural activities on and/or adjacent to the Refuge. For example, regarding the northern aplomado falcon, the Plan states:

Continued development within suitable habitat is another major problem, and contaminant problems for the aplomado falcon are most likely because the falcons are foraging territories adjacent to farm fields (e.g., cotton fields) treated with pesticides. See Plan at p. 3-12.

The danger from contaminants is also discussed at p. 3-36.

More broadly, the Plan states:

Approximately 95 percent of the native habitat in the LRGV has been converted for agricultural or urban development. Ranching and farming, oil and gas development, beach development, road building, housing and other urbanization, irrigation and drainage systems, and/or land clearing contribute to habitat loss or alteration. Laguna Atascosa NWR provides essential habitat for some of the most endangered species in the United States. See Plan at p. 3-9.

The Refuge represents islands of important wildlife habitat in a sea of altered and often-inhospitable land uses. Critical habitat designation could greatly assist in protecting these islands. In a complementary fashion, an aggressive land acquisition strategy could help grow and connect these islands.

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<sup>4</sup>Online at: [http://www.wildearthguardians.org/Portals/0/legal/Listing\\_Petition\\_Ocelot\\_01-18-10.pdf](http://www.wildearthguardians.org/Portals/0/legal/Listing_Petition_Ocelot_01-18-10.pdf) [Accessed February 2010].

<sup>5</sup>Online at: [http://www.wildearthguardians.org/Portals/0/legal/critical%20habitat%20petition%20Jaguarundi\\_2-3-10.pdf](http://www.wildearthguardians.org/Portals/0/legal/critical%20habitat%20petition%20Jaguarundi_2-3-10.pdf) [Accessed February 2010].

Conclusion

Thanks for the opportunity to comment. We look forward to further participation in the management of Laguna Atascosa, which is truly a national treasure.

Sincerely,

/s/Nicole J. Rosmarino

Nicole J. Rosmarino, Ph.D.  
Wildlife Program Director

## **Appendix 1: February 2010 news article on President Obama's 2011 Budget**

<http://www.nytimes.com/gwire/2010/02/10/10greenwire-obama-budget-retools-fws-for-warming-world-75474.html>

### **Obama Budget Retools FWS for Warming World**

By PATRICK REIS AND ALLISON WINTER of [Greenwire](#)  
Published: February 10, 2010

Despite a backlog of endangered species issues and a host of current lawsuits, the Fish and Wildlife Service plans to focus firmly on the future.

Climate change is the theme for the agency's \$1.65 billion discretionary budget plan for fiscal 2011.

"The budget does reflect a switch in our priorities," said Chris Nolin, head of the service's budget division. "Our primary focus is reorienting the agency so we can address climate change. We need to start looking at climate change in everything we do. That was really the focus of this budget."

The Obama administration has proposed redirecting cash and personnel toward climate research and acquisition of land that would become corridors for wildlife moving as temperatures rise and habitat changes. Some wildlife biologists and environmental groups have welcomed the change, but the agency's budget worries other environmentalists who are concerned the agency may lose ground on endangered species protection.

"We support climate change adaptation. We support renewable energy development. But none of that should be done at the expense of real protections for species," said Noah Greenwald, director of the nonprofit Center for Biological Diversity's endangered species program. "With the added threat of climate change, endangered species need even more protection."

Fish and Wildlife Director Sam Hamilton said the new investment is not intended to take away from the rest of the agency's work. Rather, he wants to bolster FWS's mission to conserve wildlife by calling on the agency's 9,000 employees to make climate change planning central in their work.

The heart of the effort is a new program, "landscape conservation cooperatives," which is aimed at uniting federal agencies, states, nonprofits and universities to advise on the service's regional management decisions. Theirs will be the "daunting task," Hamilton said, of helping design strategic regional conservation plans that consider the impact of rising temperatures, water scarcity, disease and invasive species on plants and animals.

The agency plans to launch eight cooperatives this year and to expand the initiative later to cover 21 landscape regions. The budget includes \$29 million for climate change planning and science,

a 45 percent increase over levels in fiscal 2010, when the program launched. Much of that money would go to the landscape cooperatives.

The budget also makes a significant deposit on land acquisition, \$106 million, a boost of nearly 12 percent above last year's levels. After years of diminished funding for buying land, Hamilton said he wants to restore land-purchasing programs with a eye toward creating refuges for species being driven out of their native ranges by climate change.

Hamilton said the goal is to make the agency strategic in land acquisition instead of being opportunistic as it has been in the past.

"Are we purchasing land in the right place? Are we connecting habitat in the right place? Are we planning the right kinds of education in the right places? Are we truly using what the future conditions will be like to help inform us?" Hamilton said. "I don't think we will be strictly opportunistic in the future. ... We will have to be far more strategic in what we do."

Such planning should direct land acquisition efforts for wildlife refuges and for smaller-scale land purchases that federal agencies oversee. For example, developers often have to offset wetlands destruction by purchasing land for conservation. Under current procedure, convenience and ready availability of land drive the process for the new purchases, Hamilton said.

From now on, he said, the agency would try to focus acquisition to have maximum conservation benefits. Instead of setting aside isolated wetlands for conservation, he said, the agency could select areas that could provide large swaths of habitat.

The idea, Hamilton said, is to have the agency be in a position to say, "OK, we have a blueprint for how to build this landscape."

Shifts praised, criticized

With President Obama proposing a freeze on discretionary spending, the service's new climate effort's funding must be balanced by cuts and freezes elsewhere in the budget.