

ARIZONA GAME AND FISH DEPARTMENT
5000 WEST CAREFREE HIGHWAY
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
JULY 14, 2009
RON THOMPSON
VOLUME I

Individuals present at the Interview on 7-14-09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department,
Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Ron Thompson

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PROCEEDINGS

1
2 MR. HOVATTER: Ron, as I think you know the -- we
3 never have dug, dug into the details of all of the things
4 leading up to the capture and the actual capture of Macho
5 B. We believed at the time when that all started and we
6 continue, at least the operating assumption is that is
7 exactly what we thought it was or what it was billed to
8 be, which was an incidental take. And so we didn't start
9 digging into it.

10 And then after the recapturing and the
11 euthanization we continued but we didn't push at it. We
12 just -- quite honestly, I think we felt we had time to
13 kind of get at it, and what we were really interested in
14 getting at was process issues, procedures issues.

15 And what changed, of course, was then some
16 of the allegations that popped up at the end of March from
17 folks outside the agency.

18 We have limited to no ability to really dig into
19 those allegations. Those individuals are not under our
20 authority. But when that happened we also realized that
21 there was going to have to be something more akin to an
22 investigation and that an investigation -- the other thing
23 we quickly realized was an investigation done by us was
24 not going to pass mustard with the public as being
25 unbiased and fair and thorough. So that's when Larry

1 asked for that formal investigation and then almost
2 immediately the Feds said yes.

3 So at that time we clammed up, and we said, you
4 know, we weren't going to -- we made a commitment to not
5 potentially comprise the investigation by bringing
6 together all the folks we need to bring to together to do
7 our own internal investigation and getting all this cross
8 talk going that might compromise what the Feds were going
9 to try to accomplish. So we agreed not to do that.

10 What changed was the Center for Biological
11 Diversity threat or notice of intent to sue and that
12 started this 60-day clock which actually ends either right
13 now, literally today or maybe yesterday, maybe the end of
14 weekend. And Larry realized we can't go into that
15 lawsuit -- well, we're not going -- if they do intend to
16 sue, we're not going to be in court the next day but we
17 are going to have filings we're going to have to do and there
18 are other actions we're going to have to take on behalf of
19 the Department, and we can't go into that process without
20 knowing a lot more about what really went on than we know
21 right now.

22 So we made -- we did some coordination with
23 the Feds to tell them what we felt we had to do and told
24 them that we were going to do this, do an administrative
25 investigation. We're going to do it under Garrity, and we

1 did some coordination so that they were aware of our
2 schedule so that if they wanted to adjust what they were
3 doing they would have some time to do it.

4 So beyond that, I don't know what the Fed's
5 process is right now. I have never even asked them when
6 they are going to be done with their investigation because
7 I did not want to create in any mind, in anybody's mind
8 the perception that we were pressuring for something to be
9 done fast rather than be done thoroughly.

10 MR. THOMPSON: Right.

11 MR. HOVATTER: So that brings us to what we're
12 doing, have been doing last week and into this week is
13 trying to do our own internal look at what we -- at what
14 really happened back then.

15 So we're doing this under Garrity and I
16 think -- I think you may be familiar with Garrity Warning,
17 but I'm going to read this and then you and I both sign
18 this.

19 It says, "Employee, Ron Thompson; Date, 7-14-09;
20 Interviewer, Gary Hovatter, Marty Fabritz, Craig
21 McMullen. We are conducting an internal investigation
22 involving matters that will be discussed shortly. This is
23 an administrative investigation. You do not have the
24 right to have legal counsel present during the interview,
25 nor will you be advised of constitutional rights. You are

1 ordered to cooperate fully with this investigation. You
2 are ordered to respond completely and truthfully to all
3 questions posed to you during the investigation. Failure
4 to respond completely and truthfully to all questions will
5 be considered misconduct.

6 As set forth in Garrity versus New Jersey, 385 US
7 493, and the line of cases which follow, any responses
8 given during this administrative investigation cannot be
9 used against you in a subsequent criminal investigation.
10 You are instructed not to discuss your interview or this
11 investigation with any Arizona Game and Fish Department
12 employees while the investigation is pending."

13 And the statement you and will sign, Ron, reads:
14 "I have read the above statements and I understand the
15 orders given to me about this investigation. I understand
16 my obligation to cooperate fully with the investigation.
17 I understand my obligation to completely and truthfully
18 answer every question. I further understand that I have
19 been ordered not to discuss this investigation with any
20 Game and Fish Department employees while this
21 investigation is pending."

22 And we will give you a copy of this for your
23 records.

24 Ron, you got any questions on that?

25 MR. THOMPSON: No. No.

1 But I think what I would really like to do
2 is cut to the chase and kind of get into the question that
3 really just kind of gets into where your mind is now on
4 all of this, and that is, as you -- as you saw the
5 situation that -- with regard to that jaguar, in your mind
6 did the Department have the current and applicable permits
7 required for the intentional or incidental take of a
8 jaguar?

9 A. Yes.

10 Q. Probably based on what you know now, was that
11 capture intentional or incidental?

12 A. Incidental.

13 Q. Did you ever meet Janay Brun?

14 A. No, not to the best of my knowledge.

15 Q. Did you have -- you read -- all we know about her
16 is what she sent to the Star, the allegations she had
17 made?

18 A. Correct.

19 Q. Now you're probably the most experienced big cat
20 guy we have on -- in the department. There may be folks
21 that have more experience but I don't think they work for
22 us. Is -- what's the normal -- if you were setting out to
23 catch a jaguar, how would you do it?

24 A. I would go to some place where a jaguar lived,
25 moved, and try to determine its habits. I don't know.

1 Figure what your goal is for the capture, if that's what
2 you're, whether it be radio collaring, what the country is
3 like. For instance, there is some country that you
4 physically you would not consider certain techniques such
5 as hounds because of the vegetation, the terrain. You
6 know, some country lends itself better to snares rather
7 than hounds or box traps. So those are pretty much the
8 three methods that you have. Baiting, you could bait the
9 thing.

10 I have never used remote cameras for that
11 purpose. I have always used some ability to read signs,
12 and even though I have been in jaguar country visiting it
13 in Mexico over the last five years, I still could not
14 probably look at a track and say every time that that is a
15 jaguar versus a mountain lion. Their tracks change over
16 time. They are very similar. They are flatter. Mountain
17 lions got three lobe where the jaguar doesn't always --
18 they don't display their lobes as well in good tracking
19 material but sometimes neither do mountain lions. So you
20 can mistake a mountain lion for a jaguar more often I
21 think than you would a jaguar for a mountain lion. So
22 basically that's, you know, what I would do.

23 Q. Now I mean, and I'm probably using the wrong
24 terms, but I think you've not been much of a dog user on
25 these things, on chasing lions, has been my impression?

1 A. I don't. I've always owned a hound or two, but I
2 have hunted with dogs for lions for over 30 years
3 probably.

4 Q. When baiting, is there kind of a spectrum?
5 Because I know you've used, for lions you've used calls.
6 I think you've used some other things. I, unfortunately,
7 never had an opportunity to sit back and watch you, but
8 what's kind of a range of options for baiting?

9 A. Everything from something alive to a call,
10 scent. Traps are either visual or, you know, they can
11 be -- you pretty much try to use all the senses of the
12 mountain lion in terms of the sounds, some smell, visual,
13 pretty much try to attract the mountain lion with all
14 those -- all those capabilities, anything you got in the
15 tool kit. You may -- sometimes you may only need one, one
16 of those tools. Other times you could apply them all.
17 But usually you try to apply as many as you got. Not
18 everybody does it the same but that's what I do.

19 Q. Part of what I'm trying to -- trying to figure
20 out on the lead up to the capture is relationships on
21 things. What is your understanding or your knowledge of
22 the relationship between Thorry and Emil?

23 A. It's my understanding, because I never discussed,
24 you know, with either really Thorry or Emil, was that I
25 think the first time they ever came in contact with each

1 other was as a result of this border project that was put
2 together. I don't think they really knew each other
3 before that. And that was through a contact with Kirby
4 Bristow in the field in I guess a gas station someplace in
5 Sonoyta. He was out looking at the border project with
6 the Wildlife Conservation Society folks and Emil was
7 there, pulled in behind him, and he started talking about
8 the project and saw the emblem on the truck.

9 And then after that Kirby pretty much asked
10 me, hey, what -- what's the ability to get Emil to help us
11 on this project? And I, you know, I was familiar with the
12 contracting procedures, and I just said, you know, he's
13 going to have to -- because the contract, we have
14 contractors now for people, lion people. We're going to
15 have use some -- we're going to have to get him to come in
16 as a subcontractor. We're going to have to get a
17 contractor to agree to allow him to come in under him.

18 So I think that's kind of was the plan. I
19 think Kirby realized after a month of trying to catch
20 lions down there with no success, that Emil had some
21 skills and knowledge, mainly knowledge, about lion
22 movements in the country that really helped the project.

23 So with that, we put Emil in contact with
24 Clark Richens, who was doing work -- he is a contractor
25 currently with us, the current snareman or houndsman or

1 capture person for, or one of them, for the Department.

2 And Clark agreed to utilize Emil for that
3 purpose. He was looking to expand his business. He had
4 been working pretty much only on the Kofa at that time.
5 But Clark is a houndsman and not a snareman, and Emil had
6 snare skills that he didn't, so they seemed -- they seemed
7 to go together pretty good in terms of their ability to
8 work together.

9 So that was the agreement. Everything
10 was -- I checked on everything here with the purchasing
11 people and they said that was -- they needed a letter from
12 Clark.

13 Q. Well, I have seen that contract paperwork.

14 A. Okay.

15 Q. And I saw -- and I see -- because I think, were
16 you involved -- you were involved in -- Clark Richens, I
17 think you were listed as the Department contact for that
18 statewide contract for -- it was kind of lion work
19 anywhere in the state where we needed it?

20 A. Correct. That's correct. That's my role. I
21 was, you know, pretty much administrator of that
22 contract.

23 You know, I think, again, it was pretty much
24 Kirby coming to me and saying, how can you facilitate this
25 and help us with getting this person on. And that's

1 really how Emil came to be involved in the project.

2 Q. Kirby is more of a bear guy, isn't he?

3 A. No. He's probably more of a cat type guy.

4 Q. Is he?

5 A. Yeah. He's had experience in Mexico on a project
6 area down there. He had actually caught two jaguars
7 before with the snares.

8 Q. Are you talking about Emil?

9 A. Emil.

10 Q. I said Kirby.

11 A. Kirby is a bear guy. Yeah.

12 Q. Okay.

13 A. Kirby is definitely a bear guy but Thorry is
14 definitely a lion person. He just came off a project, you
15 know, with Ted McKinney for a couple years down in the
16 Prescott Payson area and had caught a number of lions with
17 snares.

18 But there is always a learning curve. I mean,
19 anytime you're coming into a new country there is a huge
20 learning curve on these little tight places that mountain
21 lions go through, and those things are real valuable. And
22 it takes a long time to learn those things, and that's why
23 they really saw the value in Emil. Based on that and how
24 after that when they got together in the field that's when
25 I think that their relationship was formed.

1 Q. Did Emil ever work the Kofa, work on Kofa?

2 A. No. He did not.

3 Q. For some reason I had gotten, I think it was from
4 the contract paperwork, there was some stuff on
5 where -- was there some thought about him going to work
6 on --

7 A. Yes. Pat Barber contacted me and he said that
8 they had just finished --

9 Q. Finished with that thing?

10 A. Yeah. Paying Clark Richens \$30,000 for hound
11 work on the Kofa, and he said, they have no lion radio
12 collared. So he said they need -- they needed a snare
13 person. And so I -- at that point in time I initiated a
14 rewrite of the contract, of a new contract just strictly
15 for snare people, and that's how it was going to be
16 advertised. And we went through that whole process,
17 advertised it, and I think four other, four people who --
18 I contacted a number of people, not just Emil. I wouldn't
19 give him any preference. That contract was almost -- it
20 was agreed to, and I think the words were made and then
21 they pulled back as a result of this, the Macho B
22 investigation, incident.

23 So that's where -- in the future, Emil, if
24 that contract had gone through, Emil and three other
25 people would have been snare people for the Department.

1 Q. That's where I saw that, because I think it was
2 written up and contemplated using and Kofa was one of the
3 places being looked at.

4 A. That was the intent, to put Emil and others down
5 in the Kofa.

6 Q. Does Janay Brun's allegation about using jaguar
7 scat, how does that, I mean, you had not met her, but how
8 does that sound to you from the standpoint of someone
9 experienced in catching big cats?

10 A. The technique of using scat to attract an animal
11 at a higher rate than it normally would in terms of
12 visitation, really, it has not been proven
13 scientifically. There has been no, to the best of my
14 knowledge, there has been no study to where they have had
15 cameras and put scat and then they have had other cameras,
16 random camera settings without scat to see if it -- if one
17 detection, use of scat, would rate -- would result in a
18 higher detection rate or a draw to the animal.

19 I use it on mountain lions because once a
20 mountain lion gets to my snare site, I just want them to
21 visually see a scat laying there, because mountain lions
22 do have scat stations. They are usually big ole tall pine
23 trees, for instance, where two canyons come together.
24 They spray it. They leave their scat. So their scent and
25 it's a visual things too.

1 The jaguars, there are no scat -- they don't
2 use scat stations. You know, I have been all over jaguar
3 country in Mexico and we have never ever found a scat
4 station. And to prove it, there have been over 200 scats
5 analyzed from both Mexico and the border. Scats that have
6 been collected by Emil that he swears are jaguar because
7 of his past, you know, five years work on the border with
8 that particular animal. And the people in jaguar country
9 in Mexico on the NJP property, the Northern Jaguar
10 Project, they collected jaguar scats. Well, guess what?
11 No one has collected a jaguar scat. It's all tested by
12 DNA at the University of Arizona lab.

13 MR. MCMULLEN: Really?

14 THE WITNESS: To the point that Emil felt that it
15 was faulty lab technique, you know, technicians.

16 Q. BY MR. HOVATTER: This is Culvert's study?

17 A. Yes. Yeah. She said 200 scat samples later not
18 a single jaguar has ever -- no one has ever picked up a
19 jaguar scat.

20 MR. MCMULLEN: Out off the woods.

21 THE WITNESS: So you can't tell me that there is
22 jaguar scat stations out there. You know, you can --
23 that's, you know, let's do -- it's the lab.

24 Q. BY MR. HOVATTER: But you know you're going to go
25 through something like this and you find those things that

1 is not really important to know but they kind of nag at
2 you?

3 A. Uh-huh.

4 Q. And you just clicked because there is this one
5 e-mail where there is just -- really just blazing away at
6 Melanie.

7 A. Yeah.

8 Q. And it doesn't specifically mention the study,
9 but it talks about, well, out of all those samples they
10 collected they can't all possibly be wrong about that.
11 Now I understand that. You know, that's going to save me
12 a reinterview of somebody just to ask that question about
13 what's that about.

14 A. And with that, for me, therefore, I would
15 discount the use of scat to attract jaguars, that alone,
16 just the fact that there are no scat stations. I just,
17 quite frankly, I don't see where it's that valid.

18 I mean, in this case where they went to the
19 zoo and picked it up and it was known scat and took it out
20 there and put it down, that's fine. But, again, I don't
21 believe there was any higher detection rate on any of
22 those cameras. But Emil and the people on the project
23 felt that if they used it they would have a better chance
24 of getting a picture of a jaguar. It's just never been
25 proven.

1 Q. It sounds like you're making a distinction, an
2 important one, between its actual effectiveness and what
3 people perceived?

4 A. Exactly. Emil perceived it. He just wouldn't
5 believe it. He wouldn't believe the science that he
6 failed to collect a jaguar scat.

7 Q. Ron, do you know that he used or they used jaguar
8 scat as a part of that?

9 A. No. I had no knowledge of that at all until it
10 was, you know, essentially in the paper. It came out in
11 the paper, because I think there was a call from the paper
12 to Emil and then Emil to Terry and then Terry went
13 storming down the hall, I guess.

14 No. I learned that the same time everybody
15 else did. And it's probably justified. I mean, Emil is
16 not going to -- people do not like to give up their
17 secrets for what they are doing in a project. I think
18 Emil's basis for success was that he had -- he could
19 visually track animals and he could see where an animal is
20 moving through the country and therefore he placed his
21 cameras in those places whether the scat helped or not.

22 Q. Do you think there is any sort of self fulfilling
23 for him to, if he was using scat, I'm saying you don't
24 have any firsthand knowledge of that, that -- that his
25 success of getting pictures that he might, if he was doing

1 that, that he related that in his mind rather than his
2 effectiveness in understanding the habitat and the
3 patterns of the animal?

4 A. Absolutely. Yeah. I think he would have
5 eventually have analyzed the data to -- because I think he
6 had -- you know, he kept good records of where were scats
7 and where were not. And I think he would have eventually,
8 if it was -- if they had a higher detection rate he would
9 have eventually published that. But to the best of my
10 knowledge, and what he's told me, I just flat asked him,
11 does it increase the detection rates. And he said no. He
12 said the data, the limited data he's got since 2004
13 indicates it does not increase detection rates.

14 Q. You know, eventually when we come out of this,
15 the Fed investigation is done, one of the things we're
16 going to have to do is sit down and hammer through all of
17 the allegations that we've had to suck down in silence.

18 A. I understand.

19 Q. That is something -- because I have not, not
20 having had this conversation, that is something, because I
21 was already going to include you in the group we are going
22 to put together to do that.

23 A. Okay.

24 Q. And that's something we really need to hammer
25 away at because it kind of makes the whole issue moot from

1 the standpoint of the allegations. If it's not effective,
2 it's not effective, whether it's used or not is not
3 especially germane from the standpoint where the Star had
4 been trying to take this argument.

5 Let me -- you talked, I know you mentioned
6 earlier when we were talking about what, you know, trying
7 to set up and we're setting up a capture. We talked about
8 cameras. You said you hadn't really used cameras. Do you
9 have a sense of the value or utility of camera sets to
10 if -- if what you are really trying to do is to get a
11 sense of what's going on for actual snaring and collaring,
12 do camera sets have a role to play in that in your
13 perspective?

14 A. Yes. Absolutely. They do. You know, I mean if
15 you can set them up to show that animal that you're trying
16 to capture comes to that spot or past that spot or to that
17 water or whatever on a consistent basis either X number of
18 days or whatever, it can tell you it's in the country,
19 then cameras have a good use.

20 Jaguar detection project, I mean, you know,
21 they had not detected that animal -- they checked it in
22 November with a picture that was taken in August, that
23 shows you how often they check their cameras, but that
24 August picture they had not detected that jaguar, Macho B,
25 in that country for over a year.

1 Q. It seems like kind of feast or famine operation?

2 A. Exactly. All the sudden he just showed up in
3 August and the first picture -- the first time they
4 checked it was in November. And then, you know, not again
5 until I think it was February is when they checked their
6 cameras again with some January dates of detection on the
7 thing. So, again, there was a few months that the thing,
8 you know, just disappeared.

9 Q. Have you ever worked with Emil in the field,
10 watched his technique?

11 A. I have never seen Emil, for instance, set a snare
12 or a camera. I have been in the field with Emil and
13 mainly for the first time this year after this whole --
14 well, it was just before this in January. I had a deer
15 permit down in Mexico. And the organization that I --
16 association of ranchers that I work with down there, we
17 have a conservation, UMA it's called. It's just a group
18 of ranchers that have come together. And in exchange for
19 me bringing down and booking whitetail hunters,
20 facilitating that part of it, these ranchers have agreed
21 not to kill jaguars. Okay.

22 Q. So that's sort of the barter?

23 A. That's the barter thing. They have to sign, it's
24 actually kind of a contract deal that says, if you run
25 this whitetail business down here we will not kill

1 jaguars, depredating jaguars.

2 Q. Depredating ones.

3 A. And my partner on this is Gordon White,
4 ex-commissioner, and we've kind of worked this thing out
5 as a result of myself going down there on a study I
6 believe in 2003 with Octovio Rosas was a PhD student. He
7 was a Mexican National doing a study on jaguars. And we
8 had just come up with this idea over a campfire that using
9 a northern American model that hunters have always paid
10 for conservation, because they wanted to bring down
11 ecoterrorism and on and on. But they don't have the
12 facilities. It's too far. It's rough roads. They
13 weren't having -- they would have never pulled that off.

14 I told them, hey, we can get a hunter down
15 here immediately if you guys are interested, and that's
16 how this business started.

17 Q. Now is this a commercial enterprise?

18 A. It is.

19 Q. Or kind of a combination of both?

20 A. But in five years Gordon and I have -- we're down
21 about \$65,000 of our money.

22 Q. Great commercial operation.

23 A. It's a great commercial operation, conservation
24 is, but at the same token we have also placed \$120,000 in
25 ranchers' hands over that same time period and they have

1 purchased ranching equipment to improve the roads, build
2 waters, dig pipelines. It's an ongoing process. And they
3 see the benefit and they want to continue and we still
4 have it.

5 But anyway, they wanted -- they wanted a
6 research component to continue down there. Once the
7 research project was over, there wasn't anything going on
8 down there. So we started -- we initiated a camera trap
9 program with a student from Carbondale University in
10 Illinois, and this will be his second year that he's gone
11 down there with cameras. He's actually camera tracking on
12 a grid, very scientifically. Every ten days he moves his
13 grid, the entire country, all the ranches, and he's come
14 up with some amazing stuff. We had no idea how many
15 jaguars were down there. We just thought maybe one or two
16 but he has documented at least six different ones.

17 MR. MCMULLEN: How far south of the border?

18 THE WITNESS: It's 150 miles south. It's just --
19 it's actually north of the Northland Jaguar Project people
20 and they say they have the most northern breeding
21 population of jaguars and we're north of them.

22 Q. BY MR. HOVATTER: Is this Carlos Lopez's thing?

23 A. Yes.

24 MR. MCMULLEN: Gary Markum, the last one up when
25 he was hunting down there.

1 THE WITNESS: I heard that.

2 Q. BY MR. HOVATTER: Again, we're going to -- we
3 expect this to be a short interview but --

4 A. Because I digress a little bit.

5 Q. You said, just a digression, do you think there
6 is any opportunity, understand we have to look at all the
7 legalities, of the Department partnering with UMA to
8 connect them up with hunters that were going to pay, you
9 know, no money, no money comes our way out of that, but as
10 a part of conservation, looking at conservation for jaguar
11 and potentially looking at conservation for wolves?

12 A. Absolutely. 100 percent.

13 Q. What we're doing is linking -- I mean, we got
14 access to the hunter base across the country.

15 A. Once the other ranchers heard what we were doing
16 they all started asking for, you know, for hunters, and we
17 just couldn't -- we got to the point where, you know,
18 we're -- because it wasn't going to be a business, we
19 really couldn't handle the numbers.

20 Q. Well, of course, if you (indiscernible) you're
21 not trying to make a profit, but you know, it's -- it
22 would seem kind of like a natural opportunity.

23 A. It is.

24 Q. To connect hunters, promote that cross border
25 conservation in a meaningful way, put money -- and the

1 most meaningful way, which is to make it worth the people
2 who live there's interest to keep those animals alive.
3 Now I think -- did Emil get involved back in that January
4 time frame then?

5 A. Yes, he did. He came down and looked at the
6 ranches because he was an expert on camera trapping
7 jaguars, and I just wanted to kind of run the study design
8 that the student was using by him and I wanted him to look
9 at the country. And after that visit he actually went
10 down and delivered some cameras to UMA and placed them out
11 with the technician down there, the UMA technician placed
12 them out. So that was the involvement there.

13 Before that Emil had worked for Carlos Lopez
14 Gonzales in the lab.

15 Q. Have you worked with Emil down there since then?

16 A. We have been -- no, not worked. I have been down
17 there with him on one trip to negotiate (indiscernible due
18 to loud background noise) for next year. But I have
19 not -- you know, I have not gone out in the field with him
20 and worked with him.

21 Q. How about your work with Thorry? Have you worked
22 with Thorry in the field?

23 A. I have never -- this is interesting, but I have
24 never been in the field with Thorry Smith. I have -- we
25 have talked a lot on the phone. When he was on the

1 Prescott Payson project, I was working in the Catalinas
2 with a student there. So we would just talk. He would
3 call and say, I caught a mountain lion today. And I told
4 him I caught one, kind of back and forth that way. We
5 talked about drug dosages and some of those things.

6 I think actually Thorry set his first snare,
7 the guy I had trained, Brian Janison, went and trained
8 Thorry how to set a snare. But I have never been out in
9 the field with him.

10 Q. It's not my intention to make you blush or
11 anything on this, but it really seems as I read through
12 the record and all, Thorry really seems to have a heck of
13 a lot of regard for you.

14 A. I appreciate that and it's shared.

15 MR. FABRITZ: Like a mentor relationship is what
16 we kind of got out of it it looks like.

17 THE WITNESS: But I have never said that's, you
18 know, that's not how you set a snare. I looked at his
19 sets when we trained the WMs this year. That's the first
20 time I've ever seen him set a snare. He checked some
21 snares I set on a research project in the White Tanks.
22 And, of course, the days he checked them, he caught
23 mountain lions. The days I checked them it was just hot.

24 But, no, I appreciate that, but you know,
25 most of Thorry is just his personality and --

1 Q. BY MR. HOVATTER: Well, I don't blame him because
2 I have a lot of respect for you too.

3 A. Appreciate it. He is a good guy but he just --
4 this whole thing is, you know, it's bad for everybody.
5 Pretty negative.

6 Q. This sheet is my --

7 A. Can I say something that might help with this --

8 Q. Yes.

9 MR. MCMULLEN: Absolutely.

10 A. -- questioning. I have been interviewed twice
11 now by Fish and Wildlife agents and I'm not new to law
12 enforcement or interviewing techniques or body language or
13 any of that.

14 Q. Yeah.

15 A. And I sensed a big change in the two interviewers
16 on the second go round this last week. You know, what you
17 have to do is you have to look, of course, at all the
18 elements of the law.

19 Q. Yeah.

20 A. And, you know, there -- I think there initially
21 there they had their eyes open and they asked very general
22 questions, you know it was, what's your opinion of this,
23 that. So it was a very easygoing interview, just like it
24 is here. And then afterwards I was asked to provide in
25 writing, which I did, which I can give you a copy.

1 But this time they came back and I felt that
2 they had developed a theory of prosecution and that there
3 was, you know, a, quote, a conspiracy to catch Macho B
4 using a team of people to do it. And, you know, they did
5 not name the team, per se, but you can, you know, figure
6 out how many members if you want to on the thing just by
7 whoever is involved in this investigation. And it really
8 concerned me that they had -- they were kind of going that
9 route. And, for instance, when you use the word mentor,
10 okay, they -- they would use a similar term by saying, now
11 isn't it true that people come to you to get advice on how
12 to catch things and on and on. And, you know, I told
13 them, I am support staff for the Arizona Game and Fish
14 Department and that's my job.

15 But just -- I would ask that you just kind
16 of keep that in mind in terms of what they are doing.
17 They are trying to piece people together as a team that
18 actually went out there and plotted, planned with an
19 intent to catch this thing.

20 MR. FABRITZ: I don't think that's our intent by
21 using that term.

22 THE WITNESS: No. I wanted you all to know that
23 when you're questioning stuff you need to look for it too
24 and see if it -- if there is something there that they are
25 thinking about that you need to kind of just, you know,

1 just try to find out the same evidence they got, whatever
2 it be, to show that. It just kind of -- I just sensed the
3 change in their -- they went so far as, you know,
4 questioning my relationship with Emil, for instance. It's
5 like, hey, Ron, did you know he had bought a resident
6 license when he was a non resident of Montana? The answer
7 is no, I until I read it in the paper.

8 Well, what did you think of that?

9 Well, he crossed the line. Okay. As far as the
10 game warden, that's how I feel. But I got game warden
11 friends that were cited for misdemeanors, you know, game
12 violations too. He paid his dues. He admitted to it, you
13 know. You can't punish somebody or dislike someone
14 because of what they did in the past if they admitted
15 their wrongdoing and fessed up to it. I mean we all have
16 friends that have done that. The people who don't accept
17 that responsibility, that's the people I have trouble
18 with. Emil has never been that way. He has never lied to
19 me. He's got a good work ethic. He's not real good in
20 terms of maybe how he treats other people that he doesn't
21 necessarily like, but that's his personality, not mine.

22 So anyway, I just wanted to kind of bring up
23 that's kind of how felt in the Federal, the last interview
24 was. And they asked me, they kept asking me three or four
25 hypothetical questions, and you know, I answered them

1 because I wanted to cooperate but I almost didn't want to,
2 you know, answer anything hypothetical. It's not fact
3 finding.

4 Q. BY MR. HOVATTER: Well, no. It's pure
5 speculation. And we are trying -- we're playing catch up
6 on it.

7 A. I know you are and I'm trying to catch you up.

8 Q. I appreciate that.

9 A. I think that's my responsibility here to help
10 you.

11 MR. MCMULLEN: Appreciate it.

12 Q. BY MR. HOVATTER: Part of what I want to -- along
13 those lines what this represents is me going through all
14 the documentary stuff and trying to make and building kind
15 of a time line reaching all the way back to the early
16 2000s. And some of this is -- and some of the history on
17 this I'm just -- I'm trying to get a sense on --

18 A. You have to go back way past 2000.

19 Q. Oh, yeah, back in '90s and probably into the
20 '80s.

21 A. The Wildlife Service was actively trying to catch
22 a jaguar and radio collar it.

23 MR. MCMULLEN: They tried in '96, right, '97?

24 Q. BY MR. HOVATTER: Yeah.

25 A. Yeah. I was actually placed on a capture team,

1 not at my request, but the Department developed a couple
2 of capture teams and I was placed on one.

3 Q. Was that the Be Ready to Go?

4 A. Yeah. Correct. Yeah. And with Jack Childs'
5 daughter as the vet, I think. You know, I never
6 participated in that.

7 Q. Was that the '97 time frame?

8 A. I think so.

9 Q. That's when they built the protocols, after that
10 chase. Some of what I read indicated they there -- they
11 don't believe that was actually the jaguar they were
12 chasing is that there was a thought it ended up being a
13 lion.

14 A. I don't know.

15 Q. But you see all the -- you know, right after that
16 you see the building of those protocols.

17 A. Right.

18 Q. And quite a bit of depth and detail.

19 A. Right.

20 Q. Were you -- as a part of that capture team, did
21 they go through that stuff? Was that --

22 A. There was no training. No. There was no
23 training. I had read the protocol then in '97 and that
24 had to be that long. Half of that is pretty much
25 dropped. I thought it was, you know, (indiscernible) no

1 real purpose to it.

2 Q. Now you were never part of the jaguar
3 conservation team?

4 A. No.

5 Q. But you did attend some of the meetings?

6 A. I attended probably two meetings. One we gave --
7 I brought the UMA up to give a presentation, and then
8 another time I was asked to give a presentation with --
9 relative to my relationship with UMA, what we had done,
10 the model, applying the north American model to the UMA.
11 And I actually have a paper that was accepted, has been
12 accepted by Defenders to in November again do that
13 presentation.

14 Q. Did you -- you're limited interaction with the
15 jag conservation team, did you get a sense of that
16 operation, of that effort?

17 A. Yeah. I thought it was pretty much, very
18 bluntly, worthless. I think it was a way of, you know,
19 meeting with NJOs and try to involve them in that way, but
20 in terms of the jaguar conservation, I never really saw
21 what it was doing for jaguar conservation. Jaguar
22 conservation, I don't think, can occur in the United
23 States. I think it has to go south of the border. Now
24 it's got go there with --

25 MR. MCMULLEN: With the fence, huh?

1 THE WITNESS: With funding. Particularly with
2 the fence now it's gotten worse. It's gotten worse not
3 better.

4 Q. BY MR. HOVATTER: I think Jack Childs in one of
5 his communications calls it the jaguar conversation team.

6 A. That's exactly it. Every six months they would
7 have a conversation. Someone would give a presentation.
8 I'm sorry. I don't mean to belittle anybody's -- I know
9 that Terry Johnson has, you know, thousands of hours and
10 Bill Van Pelt. And I think it was good from that
11 standpoint of, you know, connecting to those people. But
12 you know, you go -- the meeting I went to they announced
13 that they were suing the Fish and Wildlife Service. Here
14 we had the conservation team. They agreed to not
15 designate critical habitat or to list the animal, and then
16 they are sued to list the animal. It was just -- you
17 know, we're all here to help but then they just turn right
18 around and stab people in the back a lot of the times. It
19 was --

20 Q. Yeah. Well, as I went through this --

21 A. -- bad.

22 Q. Oh, I'm sorry.

23 A. That's okay.

24 Q. As I went through this time line there was a
25 time -- there was -- and you know it's not my intent to

1 rely fully on memory so if you don't have a memory of this
2 I've got the e-mail. What I'm looking at is, this is back
3 in August of '07, and this is while you were still
4 retired, I think, during that time frame. And there
5 was --

6 A. It was sent to me or --

7 Q. Well, it was an e-mail from you to Bill Van Pelt
8 and Terry and the subject was Rocky McBride about
9 connecting up with Rocky McBride to get his expertise in
10 trapping jaguar. And part of the question I had about
11 that was -- was -- and it's not clear when you're reading,
12 you're getting kind of these snapshots and people are
13 familiar and they're talking in sort of shorthand. Was
14 this for a Mexico part of the project? Was this northern
15 jaguar project thing that was being worked on then or --

16 A. This was in 2007?

17 Q. Yeah. You know this is, don't rely on your
18 memory on that.

19 A. Yeah. You know, I think it was to -- I think it
20 was relative to -- yeah. I think they were looking at the
21 ability to catch a jaguar and they were going to start a
22 jaguar study, and you're right, I really have -- this is a
23 little bit -- I remember sending the e-mail for sure,
24 especially relative to the Carlos Lopez.

25 Q. That's what made me think it might have been

1 related the northern jaguar project.

2 A. What happened -- this was -- I need to start to
3 where this is referring to. During our business down
4 there in Mexico during -- let's see, this would have been
5 August 27, 2007, just prior to this one of the -- a
6 rancher had contacted a guy that I was using as an
7 interpreter down there and said, hey, I've caught a jaguar
8 in a steel toe trap. He's in a cage now and I'm going to
9 kill the thing but I heard you're working with some
10 gringos that are interested in jaguar conservation and I
11 want to know -- I don't want this thing released on my
12 ranch. I'm either going to kill it or I'm just going to
13 kill it, but I'm willing to haul it somewhere and drop the
14 thing off.

15 So this guy contacted me and was telling me
16 all this, and he said for \$1500 he could get the thing
17 released but --

18 MR. MCMULLEN: That's what I refer to as ransom.
19 I'll pay the ransom money when --

20 THE WITNESS: Yeah. He had a photograph of a
21 jaguar. So I'm thinking, okay, well, you know, we will
22 try to work with this guy, especially if he's killing
23 jaguars or something you want to know. So we tried to, I
24 say we, what I immediately did was contacted
25 (indiscernible) and he said, sure, if it will save a

1 jaguar let's see if we can work with him. But I said
2 we've got to work with the government through this thing
3 and had contacted, tried to contact SIMINET (phonetic) on
4 that to try to get them to go there, pick up the jaguar
5 from this guy and then the UMA would allow the animal to
6 be released on their ranches, if you can believe that,
7 they would actually accept the release of a jaguar on
8 their ranches.

9 To make a long story short, this guy -- I
10 mean, Erin Fernandez called me, and she says, hi, I'm Erin
11 Fernandez and I would like to talk to you about this
12 jaguar that you're trying -- I was trying to send a radio
13 collar down to the government and I didn't know her. And
14 I said, who are your contacts in Sonora? She goes, I
15 don't have any. Mine are in Mexico City. She was new to
16 the job.

17 I said, well, you really need to work with
18 local authorities on this, you know, through Mexico City
19 but we will see what we can do.

20 The next thing I know Carlos Lopez Gonzales
21 calls me. He goes, Ron, just send me the radio collars
22 and I'll -- I'll take care of it and I'll go down. The
23 radio collar was coming from turner and game species.
24 They had mountain lion GPS collar that I was familiar with
25 because I just -- I had just got done working with them.

1 And they had agreed to allow it to be used in Mexico, just
2 to donate it to the Mexican government.

3 To make a long story short, it was a fraud.
4 It was a ransom note, basically a fraud deal from the best
5 I could tell or the jaguar was killed, but there were
6 never -- there was never a collar that crossed the border,
7 and there was never anybody that went out to verify this
8 thing, whether it was killed or not, mainly because the
9 government people -- Carlos went and called the government
10 in Sonora and told them this is what we're trying to do
11 and told them not to work with us. And I know that
12 because Senor Camaro, who is head of SIMINET (phonetic) in
13 Sonora told Raul Valdez, who is the professor that was
14 working on this project there down there with us and still
15 does.

16 It was -- there is a huge ego jealousy thing
17 in the jaguar world that I never really understood.
18 Defenders, when they brought their properties, they were
19 buying their ranches across the river.

20 Q. BY MR. HOVATTER: Defenders of Wildlife?

21 A. Yeah. \$2 million. They facilitated the raising
22 of that money for the purchase of the ranches for
23 Naturalia (phonetic). During that time, you know, we
24 would go down there and stand on the river and talk to the
25 cowboys across the river and stuff, and we knew that they

1 had traps out on the ranches that Defenders were buying.
2 They killed five jaguars while Defenders owned --

3 MR. MCMULLEN: The ranchers?

4 THE WITNESS: Yeah. See, that has never been a
5 publicized event. Craig Miller knows that too, by the
6 way. Everybody is all kept quiet. But the guy was --
7 they went ranching too. You know, send me the rest of my
8 money, the million dollars, or I'm just going to continue
9 catching jaguars here. And this cowboy could do it too.
10 And this cowboy worked with Emil when Emil was down there
11 to show Emil how to catch jaguars.

12 Q. BY MR. HOVATTER: Was that back when Emil was in
13 the Northern Jaguar back in '03?

14 A. Yes. Back then his name was Latco, Latco. And
15 we all knew each other because we were going down there,
16 you know, our cowboys knew their cowboys. And they
17 thought it was kind of a big joke that they were getting a
18 million dollars to kill jaguars. And on our side they
19 were getting \$30,000 a year not to kill them. That was
20 always the comment. So they said where is the justice
21 there?

22 MR. MCMULLEN: One of perils of doing business
23 south of the border.

24 THE WITNESS: Right. But that's what this was in
25 reference to.

1 Q. BY MR. HOVATTER: So the caged jaguars in that,
2 were those most likely those rancher trapped animals?

3 A. Yeah. Absolutely. They do it all the time down
4 there. And that's why I said they stuck it to me. I
5 never got a chance to determine if the things were real or
6 not. They cut me off at the legs on that thing.

7 Q. Well, Bill talks about being the go between. Was
8 that just linking --

9 A. No. I called Bill first.

10 Q. He says there is this fraternity of folks that
11 all know each other, some like each other, some don't.
12 But I mean it's a really interesting mix of folks when we
13 see the same names kind of bubble up?

14 A. Yeah. See, I immediately called Bill on this
15 thing and I said, Bill, you're the jaguar coordinator for
16 Arizona. What can you do to help? There is this jaguar
17 down there in a cage, and he is the one that contacted,
18 you know, Erin.

19 Q. Was Erin wearing her Fish and Wildlife Service
20 hat when she was doing that?

21 A. Yeah. She was the jaguar coordinator at the
22 time. That was her first job but pretty new to it. Her
23 boyfriend is the same, Carlos Lopez Gonzales, I believe
24 before that. So everybody was pretty close. And I
25 just -- I didn't feel like they were necessarily trying to

1 help but they were planning to Carlos's more or less
2 warning to release the animal, you know, with the collar.
3 And I could careless. Should have just I stayed out of
4 it.

5 Q. Your experiences just tells you not to do some
6 sort of things but the experience of having done it once
7 so.

8 A. Seems like, though, you know, every time I get
9 sent something, either a picture or an e-mail or something
10 and it's sent me to. I'm not asking for it. It just
11 comes to me, and here I am with the Macho B thing because
12 of it. I got three memos and pictures, three e-mails.

13 Q. In July '08 Kirby is starting to talk about and
14 what I'm thinking, what I'm interested in, I'm looking at
15 this kind of the evolution of that border carnivore study
16 that started as a bear and lion study but I guess it was,
17 as much as its ever had a formal name it was Large
18 Carnivore Habitat Conductivity Study?

19 A. Right. I have never seen a study plan.

20 Q. And back in July -- back in July Kirby sent an
21 e-mail to Thorry but he cc'd you but it was on catching
22 lions in the Huachucas, and so that is -- I think that's
23 not the bear and lion study, per se, because the bear and
24 lion study seems to have been a lot more, really came into
25 its own there in the Atascosa and that area, at least

1 that's my impression.

2 A. No.

3 Q. What -- what -- what -- can you -- from your
4 knowledge of that, can you talk me through, if you can,
5 from that July time frame if possible?

6 A. Sure. Yeah. See October --

7 Q. I've got these e-mails if you want to see them.

8 A. No. Not at all. Yeah. He was starting this
9 project, of course, about that July period and started
10 initiated snaring efforts. He had already had seven bears
11 caught and radio collared by then. So he was really
12 adding mountain lions to it. See, his original project
13 was bears, intermountain movements of large carnivores but
14 they were using bears. Todd Atwood was the one that --
15 they started with bears and Kirby just took it over.

16 So then they decided also to use mountain
17 lions and possibly surrogate carnivores moving between the
18 US and Mexico, you know, surrogate animal for the jaguar
19 in terms of identifying corridors and just basic movement
20 patterns and food patterns. So that's what they -- that's
21 kind of what he was adding at the time.

22 Let's see. In October 2008 is when, based on my
23 notes here, that I was informed by Kirby that Emil had
24 made contact with them. Kirby had contacted Wildlife
25 Conservation Society people because they were willing to

1 partner up with some money in that area. So in October,
2 according to my notes, 2008 is when Kirby first contacted
3 them. That's when we got Emil under Clark Richens as a
4 subcontractor.

5 Q. And that all fits. Here is -- this is what --
6 because he starts talking about catching lions in the
7 Huachucas and then he talks about getting started in
8 November, but in November he is south of there working it,
9 and I don't subscribe any -- I'm just kind of interested
10 in the evolution of that project.

11 A. That was the evolution. They started trying to
12 catch mountain lions sort after that period and were
13 unsuccessful. And then October --

14 Q. Was that in the Huachucas that he was working?

15 A. It was more or less the Patagonias --

16 Q. Yeah.

17 A. Is when they -- is where he started, and I
18 believe that's where -- once Emil came on in October,
19 that's where he caught the first mountain lion is right
20 where -- like he caught three mountain lions in two
21 weeks. That's pretty good.

22 MR. MCMULLEN: The first one was in the
23 Atascosas.

24 MR. FABRITZ: I thought the first one was the
25 Atascosas. I think you're right.

1 (Indiscernible due to multiple speakers at the
2 same time.)

3 MR. MCMULLEN: And then they went over to Cannalo
4 and then they went back.

5 MR. FABRITZ: Is that the --

6 THE WITNESS: In October. Yeah. Well, they
7 hadn't -- you know, they hadn't seen the jaguar for over a
8 year so they had no concern about the thing.

9 Q. BY MR. HOVATTER: So that was in October.

10 A. Between November 4 and the 17th, I received --
11 every time Emil caught something he sent me a picture. It
12 was just to kind of rub it in, I think. But not that I
13 really cared but during that time he caught, November 4 to
14 17th he caught three mountain lions according to the
15 e-mails that he had exchanged, that he had sent me. And
16 then they ran out of radio collars so there was going to
17 be a hiatus in the thing until Kirby could --

18 MR. MCMULLEN: Ain't out of lions but we're out
19 of collars.

20 A. Then in December they killed the female in the
21 Atascosas which I guess it happens but it just seems
22 strange that somebody bought a trophy mountain lion hunt
23 and then ended up in Bear Valley and killed a female,
24 radio-collared animal.

25 Q. BY MR. HOVATTER: Do you know anything about that

1 hunt?

2 A. I certainly do. Yeah. It was auctioned off at a
3 Safari International auction, I believe, and it was by
4 him, or a well-known wildlife vet who is a houndsman here
5 in Phoenix.

6 Q. Who is that one?

7 A. He's a vet here in Phoenix. He is a hound guy.
8 He does a lot work for, has done on lot of work for,
9 capture work for Region 4, Doctor -- it will come to me.

10 Q. Was he the guy --

11 A. He was the guy -- he was the houndsman who
12 donated the hunt.

13 Q. If you were going to look for big lions in
14 Arizona, where would you go?

15 A. San Carlos. I would go someplace where they're
16 living off some livestock, essentially.

17 Q. And you would go for a male, I presume?

18 A. You would go for a male, but all the sudden GPS
19 data, Emil e-mailed me and said the GPS data is coming
20 from a country club here in Phoenix, so I called Thorry.

21 Q. Those lions get around.

22 A. So I called Thorry because Thorry was coming out
23 of the field at the White Tanks. He was checking snares
24 over there, and he said, I'll check it out. And that's
25 what happened. Tom Bogus was the vet, was the name of the

1 vet, Tom Bogus. But do you know what the odds are of
2 driving all the way to Bear Valley and catching a
3 radio-collared mountain lion?

4 Q. What are your -- Ron, you're obviously going
5 somewhere with this?

6 A. I was really -- I was mad, first of all. I
7 called Tom. I said -- he actually came in to check on the
8 lion. I said, you know, you portrayed this as a trophy
9 hunt and you went out and raped and killed one of the
10 radio-collared female that weighed -- that you then told
11 the hunter it weighed 100 pounds. That's what the hunter
12 told us. I said, you know, it had just been weighed,
13 Tom. You know, it weighed 50 to 55 pounds. You knew
14 that.

15 Well, you know, this guy was -- he was old
16 and I had to take him someplace where he could get around
17 and I had to get easy access to a mountain lion. That's
18 what he told me.

19 MR. MCMULLEN: Oh, my goodness.

20 Q. What do you think?

21 A. He has been on lots of capture projects where
22 they've used our receivers to catch mountain lions.
23 That's what I think.

24 Q. You think he --

25 A. I don't know if it was -- you know, again, I

1 can't accuse people without --

2 Q. No. I understand.

3 A. But I don't like the smell of it.

4 Q. Let me ask you what -- an explanation that would
5 fit the facts that would be among the many, one would be
6 that a guy has a hunter that is not very mobile, not very
7 picky, and he has a -- he knows the frequencies we work in
8 and transmitters, anybody can get them, or receivers, and
9 so he takes a guy to an easy kill?

10 A. Yup. He did. That's pretty well a good way to
11 explain it. I don't know if he -- he just did. And he
12 was aware of the border project study. But I don't know
13 if he had a yaggie (phonetic). You know, I don't know
14 what kind of equipment he had. Someone should have,
15 probably should have talked to the hunter about that.

16 But that aside, I think that was kind of
17 the, quite frankly, coincidentally, the single most thing
18 that resulted in Macho B's capture. Because --

19 Q. The removal of that lion?

20 A. Yeah. Because they wanted the lions across that
21 border and they caught that animal right in an area where
22 Macho B had been ranging. Therefore, I think they were
23 pretty much done with that. They could have bypassed it
24 and jumped onto another area. It was just something that
25 kept people there that was unfortunate.

1 Q. Did you discuss your hunches with any of our law
2 enforcement guys on that?

3 A. Yes, I did. I indicated to a couple of officers,
4 I think.

5 MR. MCMULLEN: Probably nothing to prosecute
6 there.

7 THE WITNESS: There isn't.

8 Q. BY MR. HOVATTER: Well, using a transmitter to
9 take a lion is not illegal?

10 MR. MCMULLEN: Hu-huh.

11 THE WITNESS: And quite frankly, you couldn't
12 have done it. The hunter would have been completely
13 unaware.

14 MR. MCMULLEN: He wouldn't have had a clue.

15 THE WITNESS: Because you have radio collars on
16 your dogs. You're always doing this to find your dogs.
17 Are you doing this to find your dogs or a mountain lion?
18 It's a non-investigation.

19 Q. BY MR. HOVATTER: We talked about the commission
20 having to do change because we change that in rule so that
21 that would be an illegal --

22 MR. MCMULLEN: Is that in the rule packet?

23 Q. BY MR. HOVATTER: Yeah.

24 MR. FABRITZ: What, knowingly using --

25 Q. BY MR. HOVATTER: Well, just it's hard to build a

1 case for fair chase, which is while not a legal standard
2 is an ethical standard.

3 MR. FABRITZ: Okay.

4 Q. You know, with that.

5 A. So that's what happened there. Another
6 interesting, on November 10th Emil caught -- I received an
7 e-mail that he caught his third mountain lion. But he
8 also stated that he detected a jaguar on one of his
9 cameras with a photo dated August 3rd, 2008.

10 Q. Yeah.

11 A. That was my first -- my first notification from
12 Emil or anybody that that jaguar was in the country for
13 almost year.

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17 Q. August, I know you're -- we're going -- we're a
18 little ahead of that in the time line then IN what we've
19 been discussing. August Kirby is sending an e-mail or
20 replied to an e-mail and he was talking about, and I was
21 just wondering about his characterization, knowing he is a
22 bear guy. It's a reply to -- this his line in the
23 Huachucas saying -- and he says, study proposal to find
24 the study areas, all the areas of the border where the
25 border fencing is in place, had said we should focus on

1 areas of higher lion densities. Beyond that we should
2 focus our efforts where it makes sense logistically. I
3 thought we should start in the Huachucas because I believe
4 they would have higher lion densities other than perhaps
5 the Atascosas.

6 From the area we're looking at is that -- is
7 he right in his sought about where lion densities are in
8 that part of the state?

9 A. Yes. And I have been on a department lion
10 project in the Huachucas and have caught lions there in
11 the past. Department had a project there at one time.
12 And I've also been the biologist for the Atascosas for the
13 Forest Service, and so I know that country and the lions
14 pretty well and there's -- he characterizes it pretty
15 well.

16 Q. So it's clear in your mind then that Emil had
17 a -- well, I guess how would you characterize -- you know,
18 on one hand it seems pretty clear, you connect those dots
19 pretty clearly, the idea he does not want a jaguar caught
20 accidentally?

21 A. Right.

22 Q. Is that the same thing as saying he doesn't want
23 a jaguar caught?

24 A. No. Probably not. Has he ever expressed to me
25 that he wanted to catch a jaguar? No. I know that him

1 and Jack Childs -- there were two sides within the jaguar
2 conservation workshop team meetings, and that was those
3 who wanted to catch a jaguar and those who didn't. Emil
4 and Jack were clearly on we should support catching a
5 jaguar and then -- if we have the opportunity. He was
6 clearly -- he expressed that at those meetings and amongst
7 other people.

8 Q. Well, actually, if you go back, the team that
9 Jack shared, that one summer we shared on the jaguar
10 conservation team, the document that they came out with
11 alluded to a lot of debate, but ultimately the team
12 recommendation is they say the highest priority for jaguar
13 conservation along the border is to capture and collar a
14 jaguar.

15 A. Right.

16 MR. MCMULLEN: How did the Department's orders,
17 like general orders, fit in with that? Because we're
18 trying -- one thing that Gary had been doing a really good
19 job of is drilling down into the process so that we can
20 fix it in the future.

21 THE WITNESS: Right.

22 MR. MCMULLEN: And one of the things we have been
23 trying to determine, and it seems clear that not a lot is
24 clear in terms of flow of information because it was --
25 the whole thing is segmented. Eric is the Section 6 guy.

1 Bill and Terry are the non game mammals guys and Terry is
2 the jaguar guy. And then we have our large carnivore
3 biologist at WMD. So it's segmented. Unless there is one
4 person looking out there going, okay, this flow of
5 information needs to get from here to there and there to
6 there and then down the chain, unless there is one person
7 doing that, what we've discovered through the course of a
8 week is a lot of times stuff is just not getting there,
9 passed. And that's a part of the process.

10 But I guess what I was wondering is how, or
11 we were all wondering is what was the general
12 understanding of the general orders from the department?
13 If we had a chance to catch a jaguar were we supposed to,
14 or if we caught a jaguar what were we supposed to do?
15 That's two questions.

16 THE WITNESS: Yeah. And there are two answers.
17 Dwayne had never approved the capture of a jaguar and that
18 was still standing, you know, under Larry's current, to
19 the best of my knowledge, that was still the understanding
20 under Larry. Okay.

21 MR. MCMULLEN: Yes. It hadn't changed.

22 THE WITNESS: Therefore, no one -- no one -- you
23 know, no one talked about going and catching a jaguar if
24 there was an opportunity. It was off the table. But
25 you're exactly right. Why would Thorry come to me and

1 say, do we have a permit, you know, in case I accidentally
2 catch this thing? Why is he coming to me, the mountain
3 lion and bear guy from a sense? I'm going, I don't know.
4 I know we have a permit under Section 6 but I have to go
5 someplace else to get a copy of it.

6 So that's when I walked over to non game and
7 Bill Van Pelt's office and said, I have been asked this
8 question. He said, I'll send you the Section 6 thing.
9 Boom. It came to me. I forwarded it to Thorry. Again, I
10 was asked and brought into it rather than Thorry going
11 directly to the Section 6 guy.

12 MR. MCMULLEN: That's an example of the segmented
13 process.

14 THE WITNESS: Quite frankly, maybe the change
15 should be, relative to those questions, to the -- it
16 should go to the people who are really ultimately
17 responsible for jaguar. That's the Fish and Wildlife
18 Service, Erin Fernandez. That's who Emil was responsible
19 for. He said it was real clear him to that when he
20 captured a jaguar on a camera who he had to notify, Fish
21 and Wildlife Service. That's, you know --

22 MR. MCMULLEN: And he did.

23 THE WITNESS: And he did every time. To the T.
24 So they had more information, I think than -- we get cc'd
25 and stuff, and you know, I could care less if they had a

1 jaguar picture. We have known there has been one there
2 for 13 years.

3 MR. MCMULLEN: But if we said it was off the
4 table, the director hadn't authorized the --

5 THE WITNESS: Correct.

6 MR. MCMULLEN: -- the intentional capture, so
7 that was off the table. But what were the kind of the
8 general orders? I mean we had a collar in Region 5, from
9 what I understand, since '97?

10 THE WITNESS: Correct.

11 MR. MCMULLEN: So what were the general orders
12 from the Department, at least, and from WMD, it may have
13 been different for Terry or Eric, I don't know, but in
14 terms of if we accidentally caught one, like one was run
15 up a tree, went by a lion hunter or something like that,
16 were we supposed to collar it, or what was the general
17 orders for that on an incidental?

18 THE WITNESS: This, you know -- I would have to
19 tell you that I was familiar with the previous protocol
20 under the jaguar conservation team from being placed on
21 that as a law enforcement specialist in Region 1. So I
22 was familiar with the protocol then. But in terms of what
23 was there now, I'm sorry, I never advised Thorry or Emil
24 or anybody or Kirby, that, hey, if you guys accidentally
25 catch one here's how you deal with it.

1 In fact, Thorry had just finished writing up
2 a protocol for mountain lions, which I used in the new
3 snare contract for mountain lions.

4 MR. MCMULLEN: Yeah. I saw that.

5 THE WITNESS: And I used his expertise there
6 because it was very well done. But, yeah. I knew of no
7 document to go to say this is, if you catch, incidentally
8 catch a jaguar this is who you call and this is -- you
9 need to get the vet there first and on and on and on. I'm
10 not familiar. So I never gave Thorry advice on that.

11 MR. MCMULLEN: It doesn't surprise anybody in the
12 room here, I don't think.

13 THE WITNESS: I know. It's -- it was --

14 Q. BY MR. HOVATTER: You know, because what you --
15 because the -- one of the things I need to try to drive
16 down is we have -- we have a jaguar conservation team that
17 is a, formally Arizona Game and Fish, New Mexico
18 Department of Game and Fish organization with
19 collaborators which includes Fish and Wildlife Service and
20 they have a protocol, a pretty detailed protocol about
21 deliberate capture which would require the approval,
22 preapproval to pursue with the intent to capture by the
23 director of whichever state, wildlife agency this was
24 going to happen in. And we have Dwayne having never done
25 that. There was never any conversation passed down from

1 Dwayne to Larry about. Larry never made a decision for or
2 against it. If he had been confronted with the decision
3 we would have had a fairly extensive set of
4 conversations. You would have been a part of that along
5 with Terry just because of your expertise.

6 We have a protocol that potentially any
7 number of folks operating on the border could have, in
8 fact, been confronted with the situation because anyone of
9 our folks could either be doing work involved -- that
10 might involve an incidental take or might involve coming
11 across a jaguar and generating this situation or knowing
12 about people like legal trappers or illegal trappers or
13 other things. We have research branch and we know where
14 research branch head was, and we have a guy in the
15 department who is the jaguar guy. And yet all you see --
16 and then we have got Eric Gardner who is somebody who is
17 entirely separate whose got the 10A1A permit and the MOU
18 requirements with Fish and Wildlife Services. We got Fish
19 and Wildlife Services, a member, from the standpoint of
20 their collaborator status, that shows at all the jaguar
21 conservation team efforts, and yet you see through the
22 course of what we're going through on this, times when the
23 Fish and Wildlife Services involves everybody but our
24 jaguar guys and but our non game guys in the conversations
25 they are having.

1 A. And the deliberate catch, you know, the snare
2 thing was pulled off the table too by the jaguar team. I
3 mean, and they knew what had happened in the past. Emil
4 had been involved in catching a jaguar in Mexico that had
5 died in a snare.

6 Q. That was in the northern jaguar project?

7 A. Yeah. And the second one he collared and
8 released. But as he said, he said, I really don't ever
9 want to catch another jaguar in my life in a snare. He
10 said it's ugly. They come at you. They don't just sit
11 there like a mountain lion or a coyote docile. They are
12 aggressive. Them trying to get out of the snare when they
13 see you to get to you is what really over stresses them.
14 So you know, that's why the only other meeting I have been
15 to besides with the UMA was where they gave A presentation
16 on the use of hounds to catch 10 jaguars in Brazil.

17 Q. Was Emil's expression of that, was that just a
18 conversation?

19 A. It was a conversation. He just, you know -- I
20 talked about it. Hey, what was it like when you caught
21 that thing? You see, we were doing it down there because
22 we felt that's what -- that's what we were told by Carlos
23 Lopez Gonzales and people were doing it elsewhere, but he
24 says, it's not a good technique at all.

25 Q. I saw in his letters, the letters he sent to the

1 NJP Board when he and Carlos had gotten crossways and I
2 guess another guy they worked with, and they talked about
3 that they were using like jab poles and blowguns to try to
4 take on a jaguar. He didn't seem like he was really
5 enthusiastic about that take.

6 A. Was tying it onto a yucca stalk.

7 Q. With a charging a jaguar?

8 A. Yes.

9 Q. You know, that starts to sound a lot less like
10 research and a lot more like adventure tourism?

11 A. (Indiscernible.)

12 Q. Did he ever talk about if he had to do that again
13 what he would -- were there tools that he believed he
14 should have had? Did you ever get into that kind of
15 conversation with him?

16 A. Oh, definitely, definitely a dart rifle or
17 pistol, period. The main thing is the proper drugs.

18 Q. Yeah. It's a little take in here but it fits in
19 this, do you know Michelle Crabb? Have you ever met her?

20 A. First time I met her was as a result of this
21 project and trying to think where it was. I think we
22 actually went down and met at the university and were
23 discussing this whole project. And I think Michelle at
24 the time was wanting get a Master's on bears, on the bear
25 work that she was doing. She wanted to make that, make

1 that a part of her Master's. That's the first time I ever
2 met her. I had -- I have spoken to her twice in my whole
3 life. Not somebody who talks.

4 Q. She commented about when they were out there how
5 Macho B didn't react the way she was told that he was
6 expected to react. He just sat there instead of
7 charging.

8 A. When Thorry called me he said the same thing. He
9 said he was concerned about how this animal reacted or
10 didn't react. He expected something different too. So
11 everybody had some expectations. I'm sure it was in
12 conversations with Emil, you know, and whoever else,
13 anybody who has ever dealt with the whole jaguar issue
14 knows and supposedly there are a couple videos around.
15 I've seen the video from Octovio Rosas. He killed his
16 first jaguar, you know, snaring in June, checking your
17 snares, at, you know, at noon. No shade provided at the
18 snare site and you're just asking for death. You got to
19 plan.

20 Q. Well, yeah. I guess neither Thorry nor Michelle
21 had any experience with jaguars. Their source of
22 understand about what to expect, would that have been most
23 likely been Emil or?

24 A. I can't answer that. I don't know. They can
25 tell you that. I don't know where they got their

1 information from. Hard to guess. Or why they would
2 even -- or why they would ask that. And this is back in
3 November he sent that -- sent out that e-mail about the
4 collared puma on the border, that Lion Number 1, the
5 female that he caught in the Atascosas.

6 Q. There was a meeting that was getting started and
7 Erin Fernandez started, this was this 9 December border
8 carnivore meeting?

9 A. Right.

10 Q. And that's another one where you look at who all
11 gets invited and who -- it's probably more important or
12 more interesting in my perspective of who isn't on the
13 invite list? Did you get to go that meeting?

14 A. I was here at the office in the presence of
15 Paco.

16 Q. So did you guys attended by phone?

17 A. Yeah. I'm not so sure it was -- there wasn't a
18 February 9th one.

19 Q. No. It was December 9th.

20 A. It was December. I thought you said February.
21 But it was in December but it was -- there were two
22 meetings.

23 Q. We had one beforehand.

24 A. One beforehand in the Region 4 office and one
25 down I think at the Fish and Wildlife Services.

1 Q. Yeah.

2 MR. FABRITZ: Region 5, right?

3 THE WITNESS: Yeah, Region 5. I was just at the
4 first one and I -- when the proposal came out it was
5 written and it had my name on it, and I just said, take my
6 name off that proposal. I have, you know, copies of
7 that. So they took my name off.

8 Q. BY MR. HOVATTER: Who wrote that? Who wrote that
9 originally?

10 A. Todd Atwood. Todd Atwood.

11 Q. He hadn't coordinated that with you?

12 A. Oh, it was coordinated with me. I said I'm
13 willing to coordinate with you guys all you want but do
14 not put me on your proposal because I don't do research.
15 I'm not -- I'm not a part of your project. I will help,
16 you know, anyway I can but I'm not a part of your
17 project. So they took my name off of that which suited me
18 just fine.

19 And then I was asked to participated at
20 least in the first phone conversation, and then they were
21 going to meet the next day, and again, I just said -- I
22 declined to participate.

23 Q. Why was that?

24 A. I had enough on my plate. At the time I was
25 writing the Legal 5 for conservation strategies for Larry

1 and it was due, and you were in that meeting when I was
2 with you.

3 Q. Yeah. And that was a pretty major project.

4 A. I was not wanting any more projects.

5 MR. MCMULLEN: Sorry about that.

6 THE WITNESS: That's okay.

7 MR. MCMULLEN: I have been down here a week. I
8 got dehydrated. I'm trying to catch up.

9 THE WITNESS: I think you have prostrate
10 problems. You need to go get checked.

11 MR. MCMULLEN: No, I don't think so.

12 (Indiscernible due to multiple speakers.)

13 Q. BY MR. HOVATTER: It seemed like Kirby called
14 that meeting on the 8th. Did he -- and you participated
15 with Francisco by phone. I know a number of folks phoned
16 in for that. What was your sense of that meeting on the
17 8th?

18 A. Too many people.

19 Q. There was a lot of folks on that list?

20 A. Yeah. Too many people going in different
21 directions. That was another reason why I --

22 Q. Any -- was there -- it's kind of an odd meeting
23 when you look at the way that thing is set up but --

24 A. Well, the proposal was refined. See, it was
25 supposed to be strictly a virus study of -- initiated as a

1 virus study of HIV, feline HIV study which you can study
2 just through the blood and the virus mutation rate and
3 you can determine what kind of areas, if it's a freeway
4 just through a single generation you can determine if
5 Mountain Lion A is having contact with Mountain Lion B
6 just by studying that virus, so that's how it was
7 initiated.

8 But then the next thing I know the jaguar is
9 an (indiscernible) and it gets into the project because of
10 the border initiative. The money that the Fish and
11 Wildlife Services, you know, \$50 million was a pot sitting
12 there. Two and a half million was supposed to come to
13 monitor. At that time I was then placed on the border
14 team. But you know, it was just going to be threatened
15 and endangered species, but they threw in the mix. That's
16 why I don't think Kirby would have had anything to do with
17 the J word.

18 Q. Why is that?

19 A. He had his hands full too. He was interested in
20 mountain lions and bears but he realized there was a
21 funding opportunity there too.

22 Q. Well, you know, it is interesting, we read and I
23 knew that Todd had written that thing. The first thing
24 that I see is on his (indiscernible) problem and then it
25 comes through that way.

1 A. Yeah.

2 Q. And it seems to have carried implications for,
3 there is -- they don't use the word surrogate but they do
4 use -- they talk about it in such terms as well, if I
5 study these large carnivores it will give us potentially
6 meaning on other. What is your -- I know this isn't the
7 first time surrogate studies have been used, but does that
8 seem like a credible research strategy to you to try to
9 derive from what you know about other large carnivores
10 something about conductivity of the large carnivores that
11 you're not specifically looking at?

12 A. You know, I think they look at bobcats relative
13 to lynxes, for instance, because they are just in terms of
14 habitat use and all that because they are very sympatric.
15 They have a lot of overlap. Mountain lions and jaguars,
16 of course, are sympatric south of the border too. They
17 have -- their ranges overlap but they use the country
18 completely different. They really use the country
19 differently.

20 Q. Well, that's why I ask because --

21 A. You're not going to get --

22 Q. It only works if --

23 A. You're not going to get your best answers by
24 using mountain lions to study jaguars. Only jaguars going
25 to tell you that. Mexico they just -- mountain lions are

1 using ridges and travel ways and washes and stuff, and
2 jaguars just go wherever the heck they want.

3 Q. Really?

4 A. Yeah. I mean, I'm talking up the steepest
5 possible -- I mean it could have gone through a saddle and
6 around and down, you know, but it went from -- when we
7 were down there (indiscernible) just trailing jaguars
8 every day with hounds I actually observed where those
9 things would go, and not because they are running from
10 hounds just because that's where they had been the night
11 before.

12 Q. So it's not that sort of natural lines of --

13 A. No. I would say we are going to go through this
14 saddle and they would just go all over the place, just
15 wherever they want to go.

16 MR. MCMULLEN: I guess you would expect that of
17 sympatric species with similar life histories using the
18 country different.

19 THE WITNESS: Otherwise they are really, you
20 know, in competition for food sources.

21 Q. BY MR. HOVATTER: Well, that's the thing, by
22 operating that way when you've got an animal that really
23 is taking advantage of a food resource that the other
24 animal, by being more attuned to the natural line of drift
25 and everything, doesn't have -- you know, on the one hand

1 you probably don't have as much likelihood of just
2 drifting into prey species that are also drifting but by
3 the same token you're going to come across -- it's a
4 strategy you don't have much competition for the animals
5 that you're going to come across.

6 A. Yeah.

7 MR. MCMULLEN: It would make sense to me. I
8 never thought about it.

9 Q. BY MR. HOVATTER: But you know what that, and
10 understand I don't want to put words in your mouth, but it
11 does sound like that would give us reason to want to look
12 hard at whether that methodology had any particular merit
13 to try to derive from it some conclusions that we would
14 use for jaguar conservation.

15 A. Yes. I think that biologists should.

16 Q. Ron, do you have any --

17 A. It seemed like a good hypothesis. It was there
18 for testing. A lot of good sweet -- it's called sweet
19 studies where we use a sweeted animal like mountain lions,
20 wolves, grizzly bears, that's really a sweet --

21 Q. Do you remember on that date in December, this is
22 really asking you to reach back, but do you remember if
23 jaguars got mentioned during that?

24 A. Yeah. I remember the phone conversation. I do
25 not remember jaguars being discussed at that point. Like

1 I said, I was kind of surprised it ended up in the second
2 generation projects that was submitted later. It's not
3 the reason I attended that phone conference at least.

4 Q. And after that, back 19 of December you had an
5 e-mail and you forwarded it to Thorry. This was
6 something -- it was Melanie Culvert sent a bunch of stuff
7 out about land -- her comments on landscape conductivity
8 for large carnivores. And that's the one where you said
9 this is the difference between someone who knows what they
10 are talking about?

11 A. Yeah. She was one of the people that was not
12 invited mainly because I think she had -- her project --
13 what she was interested in was actually was, you know,
14 purely genetics, and she has actually submitted Wildlife
15 Conservation grant to Terry Johnson to collect scat for --

16 Q. For the DNA?

17 A. Yeah, for the DNA and to use history heights
18 (phonetic) and skulls to, first of all, determine if there
19 is -- if the Sonoran animal is a subspecies because it's
20 different, morphologically it's definitely different. I
21 can look at, on some occasion, point out a Sonoran jaguar
22 versus a South American one or one that's further south.

23 Q. Really?

24 A. Yeah. But she, you know, don't forget she's the
25 one that essentially brought mountain lions down from 36

1 subspecies down to 6, eliminated our Yuma puma.

2 Q. Yeah. I will forever be in her debt for that.

3 A. She cleared up a lot of things real quick and she
4 just did it again on the Kanab Creek ambersnail. There is
5 no --

6 Q. It's just a snail.

7 A. Yeah. It's the same snail all over Utah. And
8 she just -- she just now completed the frog stuff. And
9 she's kind of tearing the stuff down.

10 But the question is is the Sonoran jaguar
11 different. I don't know. That's kind of what she was
12 wanting to get at was the -- and when she came up with
13 this virus thing, if you read her e-mails it's mostly
14 Chinese to me, but it has to do with the virus replication
15 and RNA, not DNA, and they had always spoke to DNA. And
16 she said you guys, you don't even have the right material
17 you're talking about.

18 But she had not been asked to participate I
19 think because they were using other genetics -- AFIS was
20 using other genetists. Todd Atwood had used other
21 genetists in the past and just would not use our coop
22 lab.

23 Q. Yeah.

24 A. And I've always supported using contractors
25 within Arizona that includes our own universities not --

1 why do we go to Purdue to have our genetics work done,
2 which is what we did on bears.

3 Q. That was all the samples, hair samples being sent
4 to Purdue?

5 A. Yeah. I have -- you know, I didn't want the
6 department to be caught -- you know, we shouldn't be using
7 somebody to remove trees that lives in Montana. Should be
8 someone that's got a logging outfit in Heber, Arizona.

9 But, anyway, she wasn't invited, so she --
10 so I sent that on to those guys just to -- because she had
11 reviewed the project. She wasn't asked to.

12 Q. She sure sounds like -- I mean, talk about
13 antivated and creative.

14 MR. MCMULLEN: I hadn't heard that she had broken
15 down the Yuma puma thing.

16 Q. BY MR. HOVATTER: Yeah. That was -- that's the
17 one, the only time so far I have been able to get Dan
18 Patterson to shut up.

19 A. She also saved the Florida panther, by the way.
20 It's not a separate species. So she, with her work, first
21 of all she said it actually was reduced down to two to six
22 animals based on her time she could tell you that based on
23 their interrelatedness. And then she said, so just throw
24 a bunch of mountain lions in there from wherever. And
25 they did. Now they went from 50 animals that had all

1 kinds of genetic problems, their population is at 100.

2 Now they have got mountain lion problems.

3 Q. Wow.

4 A. Anyway, that's just some stuff because everybody
5 wants to get -- biologists are funny that way, they just
6 want to keep things in their own little world.

7 Q. Trying to move -- we get through early January or
8 late January, early February. A bunch of things had come
9 together, new jaguar photos and a lot of activity related
10 to what can be interpreted a number of ways, prudent
11 preparation, deliberate preparation, what have you. There
12 is a whole lot of e-mail traffic and, of course, there is
13 all the phone traffic that I have no visibility on. Can
14 you -- can you reach back in your memory and kind of walk
15 us through say from, from that maybe last week of January,
16 or if there is a better time in January from your
17 perspective, kind of forward through the capture on the
18 9th, or the capture on the 18th. Excuse me.

19 A. Yes. First of all, really nothing in January
20 that I know of except that, you know, I told you the story
21 before I went down to Mexico with Emil. We never
22 discussed catching a jaguar or mountain lions or anything
23 else. We were just down there. He was evaluating the
24 country for the camera stuff. I guess -- and they were
25 taking the break from -- because the radio collars were

1 out of whack.

2 In February, February 2nd, I -- according to
3 my notes, I completed the mountain lion capture contract
4 which I expanded to include bears because of the Kofa,
5 sent it to four individuals, Emil was one of them, and
6 during that time Thorry had sent me the protocol for
7 mountain lions and I included that in the contract. So
8 that was really the first time we ever had a protocol.
9 Thorry and I never discussed using the protocol for a
10 jaguar.

11 Really -- now on February 3rd I sent an
12 e-mail to Thorry that included the language for the
13 Department's Section 6 incidental take because he asked
14 me -- you know, Fish and Wildlife kept saying that Thorry
15 came and visited me on this. I don't think Thorry had
16 ever been in my office except to leave a message. I
17 believe it was a phone call. But I don't have access to
18 that record. I understood it was just Thorry calling me
19 and saying, what if we incidentally catch the jaguar am
20 I -- are we covered on this thing?

21 That's when I went to Bill Van Pelt's office
22 and got it and e-mailed it to Thorry. You probably have
23 the time, 3:00 in the afternoon.

24 Q. Yeah.

25 A. Okay. And then speaking of coincidences like we

1 did previously with Roger Bogus, that evening at 7:34 p.m.
2 I get an e-mail from Emil McCain with -- I was cc'd, like
3 everybody else on there, three pictures of jaguar detected
4 on the camera. The date for the photos were 1-3, 1-17,
5 1-21 all '09 but no locations were given to me.

6 Now on February 3rd I also did not know, I
7 had no knowledge that snaring operations were, you know,
8 in progress, radio collars had been received and they had
9 started to begin. Nothing. So I knew they were out
10 building snare sites, to the best of my knowledge. They
11 were out constructing snare sites, but I had no knowledge
12 of where these cameras were set, where they were setting,
13 where they were working. I really didn't even know they
14 were in Bear Valley, for instance.

15 Q. Had you ever gone out with Emil on a photo set?

16 A. No. I have never been to any of the camera
17 sights that he has ever had in the Atascosas or anywhere.
18 I have never been out with him in the field in the United
19 States.

20 I had actually arranged for him to -- for
21 the Public Broadcasting System out of England to go to one
22 of his snare sites and camera sites and they did an
23 interview of him and that was in January. Was that in
24 January? Let me see. No. That was, oh, that was in
25 December. We were trying to help the BBC filming attempt

1 the mountain lions.

2 Q. That was December?

3 A. Yeah. I had been asked by research to help with
4 this BBC filming. We went on and tried to catch a
5 mountain lion in the Catalinas and it was a complete
6 disaster.

7 Q. So Emil participated in that?

8 A. He participated in meeting the BBC film crew and
9 all that but I never -- I never went to Tucson until the
10 Catalina capture. Emil had handled that on his own on the
11 day before. And they supposedly got some really good
12 footage of him talking about his cameras.

13 Q. Where did he do that?

14 A. That was down somewhere, I think it was in the
15 Patagonia Mountains is where he had some cameras. But he
16 also talked about catching mountain lions because he
17 had -- that's what we were trying to do. They wanted a
18 filming of a processing of a mountain lion. So Emil was
19 supposed to check his snares that day and if he had one
20 they were supposed to participate in it. That's the best
21 we could do besides a recollar attempt.

22 But I was not involved with going down there. I
23 just put him in contact.

24 Q. The Section 6 stuff that you sent to Thorry, was
25 that the -- there is the job statement for -- it's for

1 endangered felines or endangered cats in the southwest.
2 Did that include, when Bill sent that to you, because it
3 looks like it was a straight forward of what Bill sent to
4 you?

5 A. It was.

6 Q. Did that include the 10A1A permit, the actual
7 permit language, because the job statement doesn't include
8 the permitting language, just the section -- just that Job
9 6 part does.

10 A. Right.

11 Q. So I'm not sure -- because that's a real thick,
12 the whole thing is real -- I wasn't sure what all you got
13 from Bill?

14 A. It was the -- I believe it was the whole --

15 Q. The whole deal? So the whole work statement?

16 A. Yeah. Whatever was thrown forward there is what
17 I just forwarded on from him. But in terms of is there an
18 actual document that says this is a permit, no.

19 MR. MCMULLEN: You got to connect the dots.

20 A. Yeah. Again, I think it was -- Thorry wasn't
21 asking for the permit. He was asking for what's the
22 wording in case this thing happened. He wasn't interested
23 in putting a permit in his wallet and walking around and
24 saying, now I feel good, I'm going to catch a jaguar
25 here. It was what if. And that's the last contact I had

1 with Thorry until February 18, about 5:00 p.m. That was
2 the shocker.

3 We were at my dad's. My dad was kind of
4 sick so we were at his house having dinner. My phone rang
5 and I looked at it. I don't recognize the number because
6 I don't have him plugged into my phone. I walked outside
7 and said hello and it was Thorry. I could tell he was
8 upset.

9 Q. So what -- because what we don't have -- because
10 was it a phone call?

11 A. Yes.

12 Q. We don't have the phone. The way that you took
13 what Thorry was really looking for, you know, that drove
14 you to ask for that particular thing or got you to ask for
15 that, and so what he was really looking for was just --

16 A. Assurance. Here's my take of it, and I wrote it
17 down. He expressed the stress that a biologist
18 experiences doing a capture and afterwards until you
19 determine what the animal's condition is post release. I
20 congratulated him on the safe release of the animal. He
21 told me he felt he had overestimated the weight but had
22 handled the capture to the best of his ability, the
23 recommended use of Telazol as preferred capture drug
24 prolonged animal's release six hours.

25 For the record I stated that some previews

1 that I had that there is no greater responsibility that
2 weighs on a biologist when working with wildlife than the
3 medical safety of the animal during and after handling.

4 It has always been the case of my knowledge
5 with Thorry, he's always followed up on his animals. The
6 first mountain lion he ever caught he killed it. The dogs
7 killed it. He had too many dogs. He didn't control the
8 situation.

9 We discussed the need to immediately notify
10 his supervisor, Kirby Bristow. He wanted to know what he
11 should do, I said in this case you need to stay within the
12 chain and notify Kirby as soon as possible.

13 Q. Ron, I need to ask you and I know you are really
14 trying to be very appropriate in your characterizations,
15 but do you have an assessment of the quality of Thorry's
16 supervision by -- or the quality of the supervisory
17 efforts of his supervisor?

18 A. Do I have knowledge?

19 Q. Yeah. Knowledge or --

20 A. I think it's the same feeling that we all have of
21 people that work in research, I think it's the best darn
22 job in the department because of their ability to work
23 pretty much unsupervised. I mean, if I had one position
24 to take in the whole department it would be Thorry Smith's
25 because of the variety of work that he does and his

1 ability to work unencumbered pretty much on a day-to-day
2 basis. So that would be my -- it's well known within the
3 Department that we -- and they have to have that in a lot
4 of respects. I mean, they are out there -- it's not like
5 anybody is slouching or anything. Those people out there
6 are probably working harder than most people in the
7 Department, long, long hours in hard conditions.

8 In terms of supervision, I never seen being
9 in research as a supervised position.

10 Q. And where I'm getting to on this is that -- when
11 I'm a baby leader in my previous line of work, when I send
12 my guys to do something, I don't get to say, oh, by the
13 way, damn, I wish I told you about that mine field that
14 was on the map before I sent you.

15 A. Yeah.

16 Q. Or you know, I should have asked the intel guys
17 what they knew about that village before I sent you in
18 there and you got your ass shot off. It kind of comes
19 with the territory that if you are the supervisor, you
20 don't get to decide, I'm only going to supervise to the
21 extent I liked it, and I'm only going to pick the parts of
22 supervision that I believe in or that suit my
23 personality. It's the whole ball of wax. And I'm
24 telegraphing my -- I'm just -- you know, it's clear in my
25 mind when Thorry came to you that day he did because he

1 respected you and he believed that he would get good
2 advice. That's his own --

3 A. I had none to give him except to call his
4 supervisor and try to assure him that he did the best he
5 could.

6 Q. And I just would note that one would -- see, in
7 my previous line of work, it's one of the questions when I
8 dig into this, so you called your friend over in the first
9 platoon. Why didn't you call your platoon leader?

10 A. Yeah. And he might have tried. He never said I
11 just tried to call Kirby.

12 Q. And I'm not asking you to speculate on this.

13 A. I know. But you're right, there was no
14 pre-battle briefings about, hey, this is our knowledge.
15 And Emil had the best -- Emil was the person that could
16 provide the best knowledge on that project as to the
17 whereabouts of a jaguar at a certain time. And had there
18 been some discussion about, hey, you guys, we got a jaguar
19 now in this area, captured on the film that's seven such
20 what, so and so on that evening, from here on out we need
21 to do maybe something different. Let's Call Erin
22 Fernandez, as the administrator of jaguars, and see what
23 she wants to do about this. Does she want us to
24 continue -- allow us to continue trapping or snaring? Do
25 we want to pull our snares, close them down? Do we want

1 to jump over this country? What do we want to do?

2 And that's the conversation I had with Emil
3 as kind of an ass chewing in that respect. Hey, you could
4 have -- you had the best information. You could have
5 additionally discussed that, not, you know, go off to
6 Spain.

7 Q. And when did you have -- what was his response to
8 that?

9 A. You're right. That was his response. I should
10 have.

11 MR. MCMULLEN: That whole line of reasoning that
12 seems apparent in hindsight has been something that has
13 kind of been impaired that as we progressed through this
14 week is --

15 THE WITNESS: Come in.

16 MR. MCMULLEN: Is how -- how did -- how did we --

17 THE WITNESS: How did we get there?

18 MR. MCMULLEN: How did we get there?

19 Q. BY MR. HOVATTER: Do you mind taking a break?

20 A. No.

21 MR. MCMULLEN: Ten minutes, whatever.

22 (Break.)

23 Q. BY MR. HOVATTER: When did you have that
24 conversation with -- the one where he took you to task?

25 A. It was after that.

1 Q. After the capture or recapture?

2 A. It was -- it was quite a bit after the capture,
3 yeah. Quite a bit after the capture probably -- March,
4 probably in April.

5 Q. So it was after the euthanization too?

6 A. Yeah. Oh, yeah. It was after everything
7 crashed. I hadn't been in contact with Emil pretty much
8 until we went back down to -- went back down to Mexico
9 Easter time.

10 Q. Would that have been --

11 A. Easter, that would have been it. That's when I
12 spent time with him in a pickup truck.

13 Q. Yeah, because, you know, it is a little hard to
14 kind of reconcile his concern that he expressed when he --
15 when he brought us information about those trappers and
16 his concern about that kind of capture and then you've
17 got, you know, less than two weeks before you got Thorry
18 on the ground in there. He's got photos of Macho B in
19 that area. He knows Macho B uses that area.

20 A. He's got scat.

21 Q. He's got tracks the morning of -- before he goes
22 off, takes off. But then --

23 A. I guess, did he find the tracks or did somebody
24 else find the tracks?

25 Q. My understanding is he did.

1 A. Okay. He's been wrong before, I know that. But
2 apparently he wasn't this time.

3 Q. So, put all of that together --

4 A. Yeah. Put it all together and the Janay comment
5 about the scat.

6 Q. Put it all together and look and say throughout
7 this is a lot of missed opportunities. We've had some --

8 A. It was (indiscernible).

9 Q. You were -- you know, when we asked the first
10 question you were very unambiguous, very clear that you
11 believed we had the permits and we had the -- to take him
12 down. Asking you to try and think and to get into
13 somebody else's head space, do you have -- did you get any
14 sense in talking with Emil or Thorry that if there wasn't
15 an intent that there was a hope?

16 A. To catch a jaguar? No. Never heard discussions,
17 comments, seen e-mails or otherwise. I want -- when you
18 send -- e-mails can also be viewed as -- if you send a
19 stand alone e-mail sometimes it's viewed as -- can be
20 viewed completely out of context too. There is an e-mail
21 from me stating -- let me see when that was. When I
22 emphasized the fact that there is a possibility of this
23 thing being caught soon. But that was after I had talked
24 to him about, hey, you guys need to be careful. Things
25 are showing up here. Let me find out where that was. The

1 agents brought this out to me.

2 MR. MCMULLEN: Well, the agents showed you that?

3 A. Yeah. That was November 10. That was when they
4 first -- when we first got the pictures of Macho B.

5 MR. MCMULLEN: Those were around the time he
6 caught Lion Number 1, I think.

7 A. Okay. I would like to emphasize the need to
8 watch the trapping situation and to know if there is a
9 possibility of snaring him soon, i.e., Macho B.

10 Q. Have we seen that one? I never saw that? Can we
11 get a copy of that?

12 A. You can have it.

13 MR. FABRITZ: I'll just run and make a quick copy
14 of that. That's not ringing a bell.

15 Q. Ron, you didn't get this e-mail and I'll tell
16 you, this is one of the things -- this is one of the
17 things that I think is probably causing a lot of head
18 scratching, and I'm just -- you can maybe put this in
19 context in a way that I can't but --

20 A. I might have it. Go ahead.

21 Q. Well, this is an e-mail from the 19th of Feb and
22 it's marked down there in yellow, and you weren't an
23 addressee for that.

24 A. Well, that's -- yeah. That was my e-mail
25 to -- that was my three words, that was the 19th at

1 12 p.m. Yeah. Just got word from Thorry from the field.

2 He didn't get word from Thorry. He got word from me.

3 Q. He did --

4 A. He did it, that comment was from me to Emil when
5 he was in Spain after Thorry had call me. Was that the
6 next day or the same day?

7 Q. No. This is the next day because he got caught
8 on the 18th.

9 A. Yeah.

10 Q. But this is from Emil to Thorry and Sharon and
11 Roberto Aguillar.

12 A. Yeah. The comment -- when Thorry had told me, I
13 just e-mailed Emil the next day, and those are the words
14 that I stated, "he did it," you know.

15 Q. With that emphasis that way?

16 A. Not -- it was -- it was -- it was kind of that
17 you guys -- it happened, you know. We talked about it.
18 Tried to prepare for it, now it happened. Here's one that
19 Emil sent me that said, can you please call me at your
20 soonest convenience. We need to talk about how to handle
21 reporting this new sighting. That was again in November
22 after I had told him, you know, I'm emphasizing this,
23 there is a chance of catching this thing, you guys. New
24 sighting in the area where I'm trapping and hope to be
25 able to continue to do so without appearing to be hiding

1 anything. I need to inform Bill Van Pelt, Fish and
2 Wildlife soon but I want to talk to you soon.

3 MR. MCMULLEN: We need to get a copy of that.

4 A. And that was his concern that, you know, the
5 sighting, he's got a camera out, and that was my first
6 information that he actually -- that maybe his snares were
7 close to his cameras.

8 Q. So I see. So what this was -- yeah, because
9 Thorry is in the field. He doesn't have any e-mail access
10 or even telephonic access to Emil.

11 A. No.

12 Q. After he called you --

13 A. Yeah. Emil had no idea that he caught the
14 thing. He didn't get it from Jack. He didn't
15 understand -- I don't think he fully understood my e-mail
16 because I think later when I checked my e-mail he said,
17 what are you talking about. By that time Jack had already
18 called him and told him that the jaguar had been caught.
19 About the same time it probably got there.

20 Q. So Emil's source of knowledge about the actual
21 capture of that animal, you were the first --

22 A. But I don't think he understood that but that's
23 what I sent to him.

24 Q. And that was an e-mail you sent to him?

25 A. Yeah. And, of course, that was all played on or

1 emphasized, that hey, Ron, you -- it seemed like all you
2 guys were happy this thing was caught. I'm going, yeah.
3 If you're just going to read it that way but out of
4 context with the phone conversations and everything else
5 we had discussed, I agree.

6 Q. Well, I can kind of see it in the context of
7 you're going to go out for a hike and someone tells you,
8 you know they find gold in this country from time to time
9 and you find a gold nugget, you're going to be pretty
10 ecstatic about having found a gold nugget whether it
11 was -- despite the fact you weren't looking gold nuggets
12 that day.

13 A. They announced it at the meeting and I think half
14 the audience was ecstatic and half weren't. I kind of had
15 an idea of what it was going to bring.

16 MR. MCMULLEN: To Fish and Wildlife?

17 A. Well, I knew what was -- that somebody was
18 going -- all the sudden all heck was going to break loose
19 on this thing. He's the only person -- Emil was the only
20 person that I mentioned it to. I didn't go from there to
21 my ten best friends or anybody else or tell anybody this.

22 Q. You didn't call your circle?

23 A. Well, I knew that the thing had to go up through
24 the chain. Somebody better not find out before somebody
25 else did.

1 Q. Yeah.

2 A. That was my advice to Thorry. And then when I
3 got a call from Kirby the next day it was like, he was --
4 he was Kirby. He was like, I guess we, you know, Thorry
5 caught this jaguar and I'm going.

6 Kirby, have you notified somebody?

7 No, not yet. He was pretty nonchalant about it.
8 I was going -- I was kind of thinking that the director
9 would have known shortly after 5:00.

10 Q. Nope.

11 A. I'm just telling you I was completely -- I didn't
12 know what to say except for what I just told you. Kirby,
13 you need to -- you need to get ahold of somebody. If you
14 can't get ahold of them, go further up the chain in a
15 hurry. I'm not aware of what happened after all that. I
16 assume it did go from Thorry to Kirby and Kirby to
17 somebody.

18 Q. Yeah. It went from Kirby to Chasa

19 A. Okay. It got to Chasa. The next day?

20 Q. Chasa came -- on the morning after, Chasa charged
21 in and called Gary. They called me on the phone while I
22 was sitting at the Deer Valley waiting to get on the plane
23 with Senator McCain and said, oh, by the way. Larry was
24 up in Navajo land at that time.

25 A. That's what they did. They did it.

1 Q. Right. So in your assessment of that as being
2 and incidental take factors in what you know about the
3 personalities in all of the folks involved and the
4 circumstances on both sides of it, kind of the reaction to
5 it?

6 A. Yeah. But there was -- there was -- you know,
7 the knowledge that the jaguar was there and all that,
8 though, I mean it shouldn't have preempted the fact that
9 there should have been a decision made earlier to do
10 something different than what they were doing, not
11 business as usual, keeping the snares open. And that's
12 the -- that's what the part that's been nagging on me ever
13 since this thing happened is that I could have -- I could
14 have probably if I had emphasized something or gone to
15 somebody I could have maybe changed the course of history
16 and we wouldn't have all this surrounded by all this
17 paper. Actually, if the radio collar hadn't even been put
18 on, no one would have known either. It would have been
19 laying out there somewhere, maybe, maybe not. But --

20 Q. Well, there is at least five points that I've
21 identified where the right people were at the right time
22 and place to where one conversation might have changed all
23 this.

24 A. I agree.

25 Q. There were four. You've added a fifth one with

1 the fact of the way that Lion Number 1 was taken. That
2 there was -- that's a little different because that's a
3 point where that lion was -- if that lion was still
4 running with that collar on it --

5 A. Yeah.

6 MR. MCMULLEN: We wouldn't have never been in
7 there.

8 Q. Let me ask you, you know, because you've noted
9 something that I noticed and there were several times
10 looking at the history of notification on photography it
11 is usually months from the time of a photograph at least
12 one, two, three times prior to this time frame of the
13 capture, before there is a, hey, checked the cameras and
14 there was a photo from two, three months ago. And it's
15 not just the 2008 photos. When you go back and look at
16 the notification on the 2007 photos there were some cases
17 months or a couple of months or eight, nine, ten weeks,
18 which I guess is the same thing as a couple of months.
19 The January photos, they pick up on all of those within a
20 couple of weeks. Is that just -- again, you don't run
21 those photo sets at all. I believe in coincidence, that
22 if you check the cameras today there is always a
23 possibility that the thing you see on the camera walked by
24 yesterday. Does that have any -- any note or anything
25 worth thinking about?

1 A. Well, normal period between camera checks if you
2 do conduct a standardized study, of course the protocol
3 out there is ten days. But Emil, you got to remember, he
4 was pretty much --

5 Q. An army of one.

6 A. Army of one and he had cameras spread all the way
7 from the north end of the Balacalbrese (phonetic) all the
8 way through. And I think he was -- I would say he is
9 probably more frequently checking his cameras where he
10 happened to be working with Thorry setting snares, because
11 they are there, why not check it, versus, you know -- I
12 mean, I'm going to check this thing. I believe that from
13 my information that thing was, what, 12 miles away on that
14 camera, that camera is 12 miles away from the capture
15 site. To this day I do not know where Macho B was
16 actually captured. But if that thing was 12 miles away,
17 you got me. 12 miles away in the same canyon, in the same
18 drainage?

19 Q. Yeah.

20 A. I don't think -- I don't think people really were
21 that concerned because I think everybody thought that if
22 they got caught, they are just going to give it some
23 drugs, take it out of the snare, put a radio collar on it,
24 turn it loose if it happens and it's on its way.

25 MR. MCMULLEN: The one thing that occurred to me

1 was that I think it was at least 13 and probably more
2 likely 15 and that's what -- when you consider -- to me,
3 I've had this question nagging on me and this really isn't
4 a question, more of a comment, but when they consider all
5 the recent photographs and the track that they had right
6 in the middle of their snare loop in early February and
7 knowing that the jaguar is 15 years old, you look at that
8 and you're like what, how did that --

9 A. It's like catching a 96-year-old man.

10 MR. MCMULLEN: Yeah. Let's --

11 (Indiscernible due to multiple speakers.)

12 MR. MCMULLEN: Let's put him through a cage
13 fight.

14 A. And, you know, Craig, that's probably the best
15 point of all. If you really backed up, and it didn't hit
16 home to me until recently. I was on a scholarship
17 selection committee for the Wild PITA Association and
18 though offered a \$1,000 scholarship. And the person they
19 gave it to was this gal in Belize who was snaring jaguars
20 and she caught a 15-year-old jaguar. And it died, the
21 same drug. And it died and it effected her so much that
22 she completely switched her research techniques to
23 noninvasive scat only project and that's what she was --
24 and she got the scholarship out of 12 people that applied
25 for it. But it was kind of spooky reading that thing, you

1 know, last month going, wow, man, this sounds familiar,
2 you know. That was her comment was that you shouldn't be
3 using capture techniques that involve where you might have
4 an option of killing an older animal that might be --

5 MR. MCMULLEN: Do you have that report?

6 A. What I have is her -- I have her scholarship
7 application that describes that pretty nice. I can get
8 you that.

9 Q. I would love to get a copy of that because that's
10 going to what we're going to end up having to do
11 ultimately when we deal with our --

12 A. Here's something for you guys. I asked Emil, I
13 have information your past assistant, I didn't say Janay
14 but he knows who I was talking about, who talked to
15 jaguars was involved with a man arrested in a home
16 invasion in Arivaca where some people were murdered for
17 drug reasons. Any insight into this? Here's his, Emil's
18 response that you guys are welcome to.

19 Q. We need to make a copy and get it back to you?

20 A. No. Its yours. And I also told Larry this
21 Saturday, July 4th, that Emil McCain is willing to talk to
22 you guys. I don't know if it will change or not. He said
23 you will have to -- he said, he offered it. He said, I'm
24 willing to come in and talk to the State. He said, Frank
25 Solis came and talked to him and it was kind of a Miranda

1 situation and somebody said his line of questioning was
2 accusatory. So I just didn't want to -- I didn't want to
3 sit through an interview with Frank. So he pretty much
4 cut him off but he said he's not hiding anything.

5 MR. MCMULLEN: I guess he would have to know
6 that, I don't know, the Feds -- if he came and talked he
7 would have to know that the Feds would have access to that
8 information, right?

9 THE WITNESS: Yes.

10 Q. BY MR. HOVATTER: You know, I don't -- you know,
11 I don't want to walk anybody into an L-shaped ambush.

12 A. Well, then don't set one. Then don't set one.

13 Q. Well, it wouldn't be our ambush.

14 A. I know that. Therefore, you wouldn't have a
15 problem. If he came in here and there was -- you have to
16 know that everybody is a State employee. I told him he
17 had an obligation as a contractor, he took our money,
18 okay, and to -- there are some unanswered questions and
19 that kind of thing that he needed -- he needed to be
20 available for that.

21 Q. Ron, what haven't we asked you about that we need
22 to know about this?

23 A. The Fish and Wildlife sheriffs always ends it
24 with, would you like to say anything additional that's
25 bothering you, and I always answered that to them that

1 they -- I felt they were kind of leading the
2 investigation. I don't feel that way at all in this
3 discussion that we have had here at all. None
4 whatsoever. This is how it should be conducted.

5 What I have not told you is the fact that,
6 again, if you look at everything -- people were notified
7 of things and then responded. There wasn't -- I don't
8 think there is any -- the paper trail that says we need to
9 implement our darkest plan this hour. We need to meet,
10 you know, at this time or finally that jaguar showed up.
11 Let's get these snares out there and get this thing -- get
12 this thing caught.

13 You know, it's like I said, it's they sent
14 an e-mail, hey, we have got a picture of a jaguar. Okay.
15 I don't think you see any responses to that in the manner
16 of -- that portrays an intentional mind set. And that's
17 just my comment on the whole thing. In talking to -- I
18 haven't talked with Thorry since the jaguar catch. He has
19 been pretty much unavailable. I had to call him once
20 because I needed some Ketamine (phonetic) for a research
21 capture and he returned my call. But I asked him how he's
22 doing, and he said, fine. But other than that, we
23 purposely have recused himself. And I hate to see that
24 kind of impact on that man.

25 Emil, he's pretty much just destroyed. His

1 credibility, the professor just dropped him. Can you
2 imagine completing your Master's and ready to publish and
3 your professor said, I'm not putting my name on your
4 report, on your thesis that you're publishing after being
5 accepted for publication. He lost all of his funding
6 immediately that was promised to him, him and Jack, to the
7 borderland protection program. That went away. Just on
8 and on. So he's really paid the price on this thing.
9 Anyway.

10 Q. You know, I always ask that question. Back in my
11 old days it was -- I found when I was interviewing folks
12 for a story idea or something is that inevitably I kind of
13 had in my head a story, and usually they had a different
14 story in their head, at least in some respect. And I
15 always wanted to give the opportunity to say, you know,
16 what is it that I haven't been smart enough --

17 A. Right.

18 Q. -- to see about this that my questions don't
19 reflect something that, a perspective that you think is
20 important about that. And, you know, it's -- this is --

21 A. It happened. But to the Fish and Wildlife
22 Services, you guys had the same exact information. You're
23 responsible for administrating the permit. You're
24 responsible for this. You know, I want to see somebody
25 talk -- print something in the paper about your

1 responsibility and non-action essentially.

2 Q. Well, the thing about it is at least two of those
3 opportunities I mentioned are Fish and Wildlife Services
4 folks, part of jaguar conservation and a part of the
5 effort for, in some cases, ten years saw the same things
6 that we saw and walked right past the implication.

7 A. Uh-huh. Yeah, I know. I think we're closer
8 attached to the hip than people realize. I don't think we
9 acted reckless. I think Thorry was very, you know,
10 informed relative to and prepared in case it happened.
11 It's not like he ran out and planned this thing as soon as
12 he moved in there. It was over time and things got --
13 became more realization to him, it's like, God, I better
14 at least check and see if there is -- I feel we're kind of
15 covered but I better check and see if we are covered.

16 Q. Yeah. I mean the difference between prudent
17 planning and deliberate planning is really hard to
18 discern, you know, because they look, should look just
19 about identical.

20 A. Yeah. He became more prudent as the time went
21 along, but he didn't sit back initially and have this --
22 2007 is when that collar was donated to the wildlife
23 side. That was to Jack O'Neal. Emil was not present.
24 Jack and Bill Van Pelt had asked for the collar because
25 they knew that other one was, Region 5 was going bad or

1 was bad.

2 What have -- is there something that you
3 guys aren't asking me that you want to ask me?

4 Q. No. Not from my perspective, no. You know,
5 everything else I can think of, Ron, is just all a part of
6 your informed, educated guesses on things that you weren't
7 there for based on your knowledge of the people and we've
8 already had most of that conversation. But, you know, it
9 kind of snaps into focus some of the other things.

10 A. But I never felt like I never provided enough
11 leadership on that thing either (indiscernible). I know
12 Emil, you know, I felt almost responsible for getting him
13 on the contract and he needed the money too. You got to
14 remember money is a powerful force in this thing. He
15 didn't want to stop trapping. I mean, he wanted to catch
16 more and more mountain lions. He wanted to make a living
17 off of this thing. This was -- he was going to use this
18 money I think for a PhD. So he needed the money. That
19 was -- you need to realize that was the driving force in a
20 lot of this, and he might have had influence before he
21 went to Spain in that respect.

22 Q. Well, unfortunately the problem is that, you
23 know, you look at the Department's standard of conduct
24 policy and it talks about, and the part of it that's -- we
25 have -- we have to have a concern about perception, not

1 just fact, the perception that we're connected with
2 someone in such a way that it could bring embarrassment or
3 ill repute on the Department. No matter how this comes
4 out, it starts to be real hard to make a reconnection with
5 Emil just because the -- I think we're an agency that's
6 big enough to where if there is an exoneration at the end
7 of this that we will behave like the agency we believe we
8 are. We got -- we're still an agency that is expected to
9 be smart about weighing the cost benefits on things. I
10 don't think we're an agency that would knowingly jettison
11 someone that was exonerated. And having said that, you
12 know, the headline is always going to be, until we get out
13 from under that, Department continues to consort with
14 jaguar killer, or some variation.

15 A. He doesn't have a future with the Department to
16 do any additional work. He realizes that. I've told him
17 that, you know, so -- but I've not been willing to throw
18 him under the wheels of the bus either.

19 Q. No.

20 A. He's somebody that I have come to know. He's not
21 a close friend but he's someone that if he calls up and
22 says, I just had a question about, you know, as a
23 subcontractor am I covered somehow under the liability
24 clause somewhere? I don't know. Let me ask the
25 question. And then he doesn't get an answer, that's the

1 part that disappoints me from the Department's
2 standpoint. You could at least try to answer -- if
3 anybody had called at any other time as a subcontractor,
4 we would have tried to answer the question.

5 MR. FABRITZ: Did you ask for --

6 THE WITNESS: I asked that question of -- went to
7 the contract people.

8 MR. FABRITZ: You didn't get an answer?

9 THE WITNESS: No. They went right to the
10 director's office, asked the question, and there was no
11 answer forthcoming.

12 MR. FABRITZ: Do you know, just of interest, who
13 they asked?

14 MR. MCMULLEN: It was probably the tie back to --
15 (Indiscernible.)

16 Q. BY MR. HOVATTER: Who did you deal with there,
17 Barbie?

18 A. Yeah.

19 Q. I don't know the answer to that question.

20 MR. FABRITZ: I don't remember that being a
21 conversation. When was that, awhile back?

22 THE WITNESS: It was on a Friday. You know, I
23 would have to check my notes, but it was on a Friday and
24 it was when this whole thing happened and Emil just called
25 me out of the blue and said, I just wondered. First of

1 all I told him, don't ever -- don't ever think that the
2 State can provide you a lawyer if this thing came down.
3 You just need to go to the best person you can get.

4 He said, well, who would that be?

5 And I said, well, the person that beat the Fish
6 and Wildlife Services on the Holiscombi would be a good
7 start. And that's who he went to talk to, Skip Gonow down
8 in Tucson.

9 MR. MCMULLEN: He's still working, huh?

10 A. Absolutely. And he wants this case if it
11 happens. I hope the heck it doesn't but --

12 Q. Well, I'm going to see if maybe I can get an
13 answer.

14 A. That was my question.

15 Q. Because we ought to know the answer and that's a
16 legitimate question.

17 A. That's all he wanted was an answer and I couldn't
18 provide him one. I had to go to somebody else or
19 otherwise I would have.

20 Q. Well, anything else?

21 MR. MCMULLEN: Nope.

22 A. Yeah. We're kind of heading down a similar path,
23 I think, with the Kofa situation. I think this has been a
24 good learning experience in terms of taking this whole
25 situation and applying it to the killing, capturing

1 mountain lions in the Kofa. It's going to be real similar
2 because you are going to be the most informed on that.

3 Q. BY MR. HOVATTER: Yeah. And we're -- because
4 we're at a point where if we want to do work off the Kofa
5 there are a bunch of T's that got to be crossed and a
6 bunch of I's that got to be dotted before we're -- I mean,
7 I think the monitoring that we're doing makes a lot of
8 sense before we pull the trigger on a snare.

9 A. Yup.

10 Q. We're going to have to really have that all
11 sorted out.

12 A. Already need to talk about it because I know they
13 had to try to box --

14 (Tape ended.)

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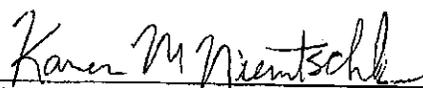
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CERTIFICATE

I, Karen M. Niemtschk, do hereby certify that the foregoing 102 pages constitute a full, true, and accurate transcript of all proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 27th day of July 2009.


KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter

ARIZONA GAME AND FISH DEPARTMENT
5000 WEST CAREFREE HIGHWAY
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
JULY 16, 2009
RON THOMPSON
VOLUME III

Individuals present at the Interview on 7-16-09:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department,
Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Ron Thompson

CONFIDENTIAL

(ORIGINAL)

Transcribed by:
Karen M. Niemtschk
Certified Reporter

No. 50447

SQUAW PEAK REPORTERS, INC.
Certified Reporters
P.O. Box 26158
Phoenix, Arizona 85068
602/956-7618
Fax 602/956-0732

1 MR. HOVATTER: Who'd you talk to today.

2 MR. MCMULLEN: Does he have a boat?

3 MR. THOMPSON: No. We just had a potluck.

4

5

RON THOMPSON,

6 pursuant to Garrity Warning, was reexamined and testified
7 as follows:

8

9

EXAMINATION

10 BY MR. HOVATTER:

11 Q. Ron, we got -- we got one question I called you
12 back. I have to ask you this question. And did -- did
13 you ever advise Emil McCain to deny using jaguar scat on
14 his -- on that Atascosas trap lane, snare line?

15 A. Did I ask him to deny?

16 Q. Did you ever advise him to deny having used scat
17 on that trap line?

18 A. No.

19 Q. What would --

20 A. No. Never. I never knew about the scat until
21 the paper.

22 Q. Would it surprise you if you were told or if you
23 were -- found -- or if you were to find that Emil or that
24 another individual related that in a conversation with
25 Emil, Emil told him that you had done that?

1 A. Probably not.

2 Q. Okay.

3 A. Sounds like that's hearsay.

4 Q. Yeah. Oh, yeah. That's, again, we're not --
5 this isn't criminal.

6 A. No. That's fine. If Emil McCain was sitting
7 right here right now without any -- me ever contacting him
8 again, and I haven't, he's in Mexico right now, he would
9 say the same thing. Like I said the guy has never -- I
10 never had a scat discussion with Emil relative to
11 jaguars. I have not. We have talked about since. I
12 mean, he's got some really good different scents that he
13 smears on the rocks and stuff for sure but the scat thing
14 shall, no.

15 MR. HOVATTER: You guys got anything else?

16 MR. MCMULLEN: That's in.

17 MR. HOVATTER: We're done.

18 THE WITNESS: Okay.

19 MR. MCMULLEN: Thanks for coming in.

20 THE WITNESS: Absolutely.

21 MR. HOVATTER: Sorry to keep you in it for that.

22 THE WITNESS: No.

23 (Recording ended.)

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CERTIFICATE

I, Karen M. Niemtschk, do hereby certify that the foregoing 3 pages constitute a full, true, and accurate transcript of all proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 5th day of August 2009.

Karen M. Niemtschk
KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter

ARIZONA GAME AND FISH DEPARTMENT
5000 WEST CAREFREE HIGHWAY
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
August 4, 2009
RON THOMPSON
VOLUME IV

Individuals present at the Interview on August 4, 2009:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department,
Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Ron Thompson

CONFIDENTIAL

(ORIGINAL)

Transcribed by:
Karen M. Niemtschk
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No. 50447

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1 want to assume that. When -- I think you knew of Emil's
2 work with the NJs, with the Northern Jaguar Program. Did
3 you -- did you work with the Northern Jaguar Program at
4 the time when he was doing that?

5 A. No. I've never worked in an official capacity
6 with NJ.

7 Q. How long has that been -- you know, the first
8 thing I see on them is 2003 but how long -- and, again,
9 this is -- this is not something I had -- I was just
10 thinking about it off the top of my head. Do you know how
11 long that thing's been going?

12 A. I would say right around that 2003 mark.

13 Q. Is it still going?

14 A. Yes, it is, most definitely.

15 Q. Boy, I tell you, looking at Emil's letters and
16 the letters from his associate at that time that sounds
17 like that's an interesting project.

18 A. Yeah.

19 Q. There is one e-mail we have, and I'm not sure,
20 but I think I'm going to go ahead and ask it any way.
21 There is an e-mail we got or a note that says da, da, da,
22 and I will give this to you to read it. It talks about
23 Ms. Fernandez from the US and her boyfriend, Carlos
24 Lopez. Were they really -- was that just -- did they have
25 a relationship?

1 A. That was Emil's understanding of it.

2 Q. Okay.

3 A. So that's just how we talked about it.

4 Q. Because, you know, when you think process and I
5 look forward at some of things like that December large
6 carnivore meeting on the border that Ms. Fernandez calls
7 and you sit there and go, oh, but it's not about jaguar.
8 But if it's about bears and lions, that's not Fish and
9 Wildlife Service's business. That's our business. That's
10 resident wildlife. That's not a --

11 A. Yeah.

12 Q. So it's just -- and, you know, you look at some
13 of the players that she had in that network and that was
14 kind of interesting.

15 A. I have never met Erin so.

16 Q. I know -- I know something about her life now but
17 only because of her e-mail. I think this is that e-mail
18 that you gave me. That's -- let's see. This -- yeah. I
19 think this is the one that you gave to me. This is back
20 in November and it says, we're -- you're talking about
21 Puma Number 2, and I think that is Puma Number 2 in that
22 large carnivore habitat study. In other words, they
23 collared three of those critters down there.

24 A. Correct.

25 Q. And I'm just -- I'm assuming that that is from

1 that large carnivore habitat connectivity study but it's
2 not particularly important but I'm just wondering if
3 that's -- if my assumption on that is correct?

4 A. Yes. Puma Number 2.

5 Q. When you talked to him about -- November 10.
6 No. That's answered. I don't have a question about
7 that.

8 The -- Ron, did -- when we put out the
9 notice on open records, the open records request, how did
10 that filter down to you guys? How did that filter down to
11 you, because it's clear from looking at some of the stuff
12 that it didn't filter down to some of the folks in the
13 Department at all?

14 A. Yeah. It came at different avenues, Gary, some
15 directly from Marty, of course, and then I think there was
16 one incident where Chasa wrote back to you in an e-mail,
17 and Ron may have additional information on this, and of
18 course, at that point I wasn't -- I don't think I was
19 aware of what she was being asked for. I think it was
20 additional information. In which case, and then you shot
21 it to me.

22 Q. Okay.

23 A. You did pass on and then you immediately
24 contacted me, so you fulfilled all of your requirements.

25 Q. Okay. I'm good with that. Well, some of this

1 is -- it's -- it's not -- it's just there is a branch -- I
2 think this is the other e-mail that you pulled out when we
3 were talking on -- this is this one, Ron, where it says,
4 Ron, can you please call me at your soonest convenience.
5 We need to talk about -- now this is a couple days after
6 and he's mentioned that, you know, that's about the time
7 when he's put out the word about getting that new
8 photograph, the August photograph, and of course, he gets
9 that information before he gets the information about the
10 July photograph, that catches up a few more days after.

11 But he -- and how did you interpret when he said we need
12 to talk about how to handle reporting this new sighting in
13 the area?

14 A. Yeah.

15 Q. Because, I mean, you're not -- you're not
16 intimately part of the jaguar conservation team and he has
17 got that formal notification that he's supposed to do.

18 A. Right.

19 Q. So how did you take or what did you take Emil's
20 intent to mean to be for that?

21 A. You know it's hard for me to -- I've looked at
22 this a number of times and, you know, my response to him
23 was I tried to call you and I will keep trying to get
24 ahold of you. I do not recall really me getting in
25 contact with him and discussing this particular e-mail.

1 For instance, continuing --

2 Q. I know you had in there you're trying to hook up
3 with him and there is never --

4 A. Reporting this new sighting and Fish and Wildlife
5 Service was very interested in this too, of course,
6 because, you know, they thought this was the crucial point
7 where we were, you know, meeting secretly, but without
8 appearing to be hiding, I am trapping and hope to be able
9 to continue to do so without appearing to hide something,
10 i.e., he's exposing everything relative to the photographs
11 and his knowledge about a jaguar and, you know, basically
12 wanted to know, probably, I took it that he wanted to know
13 is he going to be able to continue trapping and making
14 \$2,000 a mountain lion in the area or is this going to
15 completely shut down the operation. That's how I took
16 it. But I really -- I really have nothing to give you
17 relative to a conversation thereafter that. I just -- I
18 don't think I ever got ahold of him.

19 Q. Yeah. No. And there is no --

20 A. He's not the easiest guy to get ahold of.

21 Q. -- indication that you ever -- that that ever
22 happened or you ever got the final catch up on that.

23 A. I actually asked the Fish and Wildlife Service, I
24 think, if they had phone records indicating I, you know, I
25 contacted or I contacted him or something but they didn't

1 so.

2 Q. And some of this, you know, because I'm -- at
3 that time, November, how was -- now he's working the -- he
4 is doing some lion and bear trap snaring under Kirby's
5 supervision in that time?

6 A. Right.

7 Q. How does -- and he's getting paid under that, the
8 Statewide lion subcontract at that point, right?

9 A. Correct.

10 Q. How -- is that paid -- was that a day rate or was
11 it paid -- how does that thing pay out?

12 A. It was agreed to be a day rate and --

13 Q. It's been changed, hasn't it?

14 A. Yes, it has. Yes, it has. It definitely has
15 been changed because we ended up -- I found out we had
16 paid Clark Richen \$30,000 to catch no mountain lions on
17 the Kofa.

18 Q. Big chunk of change -- did he ever catch one?

19 A. No.

20 Q. That's a pretty good chunk of change for no
21 lions.

22 A. And snares. I had no idea of what he was
23 charging by the day. His arrangement at that time was
24 pretty much with the region and Kofa.

25 Q. So without going -- at this time he is on our

1 payroll to us?

2 A. Operations --

3 Q. You're the contract administrator for that part.

4 Do you think that that has something to do with
5 why -- were you the contract administrator?

6 A. No.

7 Q. I knew you kind of coordinated some parts of that
8 but I mean --

9 A. The contract had really been originally written
10 by Pat Barber.

11 Q. Yeah. And I saw that.

12 A. I was actually -- I was actually a vendor under
13 that contract and then when I came off the game
14 department.

15 Q. Yeah. Conflict of interest.

16 A. I wrote a letter and said I'm out. At that point
17 in time I don't think I ever really became a, you know,
18 the owner of that process because the region was running
19 it clearly at the time.

20 Q. Yeah.

21 A. As a vendor I knew perfectly well who to report
22 to. I called up Lindsey Smife at the Kofa and I'd call
23 Bob Henry, I'm coming this weekend. I'm going to be here
24 for this long. These are my dates and on and on. So I
25 felt it was -- the region was the owner of that contract.

1 Now Pat had asked me sometime after that,
2 you know, he felt that that was more or less a hound
3 contract but he wanted strictly the contract to allow
4 additional people with snaring skills, for instance, Joe
5 Bowton (phonetic) he really wanted to get his name into
6 the loop and we offered him -- we wrote the contract, sent
7 that back and forth to Pat and Bob and everybody. We got
8 that finalized, got a protocol attached that was
9 Thorry's. Everything was good. And then we actually put
10 the thing out to bid, received bids, awarded the bids, and
11 then didn't -- didn't implement any of the contract.

12 Q. So that's Statewide because a lot of that -- a
13 lot of the money spent under that Statewide was on the
14 Kofa but when we brought Emil on as a subcontractor it
15 wasn't specific to the Kofa?

16 A. No. It wasn't. It was Statewide.

17 Q. Use it anywhere?

18 A. Correct. In fact, I was a vendor in the Catalina
19 Mountains under it. So --

20 Q. Do you know, is anyone the contractor
21 administrator for that as far as overseeing the execution
22 of it to look for things like, you know, \$30,000 to
23 Richens for no lions?

24 A. I would have to say not to my knowledge.

25 Q. That's interesting in itself.

1 A. Yeah. Yeah.

2 Q. But at this point you're -- would it
3 be -- because you're not the contract administrator but at
4 this point it looks to me like he's got to be being paid
5 under that contract?

6 A. Yeah.

7 Q. That's how he's being paid for that large
8 carnivore habitat connectivity?

9 A. Yes. I mean, Kirby Bristow on October 10th sent
10 an e-mail, I'm interested in bringing Emil on board to
11 help with lion snaring efforts down south, although I'm
12 not certain about getting paid. He would probably have to
13 be paid dollars in the Federal Aid budget.

14 Okay. As per Chasa's then -- see, that was
15 the 10th. Then on the 14th from me, Dean is the man to
16 talk to about payment for Emil. And then on the 14th from
17 Dean, because I cc'd Dean, Chasa suggestion is to review
18 the lion contract according to purchasing. McCain is not
19 on the Game and Fish term contract. He would need to be a
20 subcontractor.

21 So that was the advice. And then my next
22 e-mail a little bit later was, okay. We can do this under
23 Clark Richens' contract because he's wanting to help down
24 there and Emil would be the perfect start.

25 Q. But that's based on your familiarity with the

1 contract?

2 A. Yeah.

3 Q. Not because you're the administrator?

4 A. Correct. Correct. And, you know, just being in
5 contact with those people. For instance, I was pretty
6 much -- I would meet Clark Richens to make sure that he
7 got a radio collar, for instance, plus I was providing
8 equipment. He would request of me, hey, Ron, do you have
9 snares that you can loan me, I'm going to try setting some
10 snares? So I was helping Clark out the best I could on
11 the Kofa, while he was on the Kofa. I was not aware of
12 how -- I was not aware of if he was actually snaring or
13 what his charge was. I just wasn't privileged to that.

14 Q. So Bill at this time -- is Bill still -- yeah,
15 Bill's jaguar conservation. No. No. He was in
16 transition but there are a lot of folks thought Bill was
17 still wearing his jaguar hat.

18 A. Sure, instead of the prairie dog one.

19 Q. So that would have been -- that's who would have
20 been notified. That's got to be for the jaguar
21 conservation team notification. Yeah. This
22 is -- because, you know, Kirby is not in that. It's
23 just -- it can make, you know, it can make sense to me a
24 number of different ways. Did you help connect him up to
25 get the subcontractor or paperwork done or did you?

1 A. With Clark Richens.

2 Q. Yeah. With Clark Richens.

3 A. Yeah. I actually contacted, I believe, Clark and
4 just said -- Clark had asked for about additional work and
5 I had informed him that they were constructing this
6 borderland project up. He said, hey, I'm interested. How
7 do my work down there?

8 I said, well, you might want to start by
9 hiring Emil, have him catch some with snares, and then
10 when it cools off then or as time goes on you will be able
11 to get in there with the dogs to do additional work.

12 Q. You know, Ron, you have a pretty good deed on a
13 lot of that activity down there. Is it -- is there anyone
14 that you know that's got more familiarity from the
15 standpoint of lions down on that stretch of the border
16 than Emil?

17 A. Absolutely not.

18 Q. He had been working that a lot of years,
19 relatively speaking.

20 A. I think Emil's database he told me once was over
21 30,000 pictures with his cameras. Very few, of course,
22 are jaguar.

23 Q. Yeah.

24 A. Most of them are --

25 Q. I saw Jack Childs' book. I mean that was amazing

1 pictures in the book.

2 Ron, this is one of those subjective
3 questions. You know, as I was looking at that e-mail we
4 had from Emil on those August and July photographs in
5 November when he checks the cameras, finds those photos,
6 and what -- part of what I'm trying to figure out is is --
7 I suppose if he does -- if he is wanting to talk to us
8 it's one of those questions that I would ask him. When he
9 sends -- he's working the large carnivore study.

10 A. Right.

11 Q. And he's also at the same time still working
12 borderlands jaguar, which is fairly -- that seems pretty
13 common, a lot of those guys are working on a lot of
14 different projects at the same time.

15 A. That's what was paying his salary. The mountain
16 lion wasn't.

17 Q. Yeah. Exactly. And he sends the notification on
18 the jaguar photos to jaguar guys.

19 A. Right.

20 Q. And at the same time he is having communications,
21 though, with Kirby and folks on the large carnivore
22 habitat connectivity study where he is trapping lions --

23 A. Right.

24 Q. And I can't find anything where he ever tells
25 them that I've got some jaguar photos from the vicinity of

1 where we're doing this. And, of course, part of what I
2 have been looking at is looking for windows of opportunity
3 where we might have had an opportunity to have a different
4 outcome than we had.

5 A. Yeah. You should.

6 Q. And one of them is this -- I've always been kind
7 of the thought that if -- and he does not mention to
8 jaguar conservation team folks, oh, by the way, I'm
9 actively trapping for mountain lions and bears in this
10 area along the border where we have jaguar activity. And
11 it's always struck that me one of the potentials, there is
12 nothing -- there is no way to prove the negative. But
13 that if Terry or Bill of the jaguar conservation team had
14 been made aware that he -- that there was this active
15 large carnivore trapping, there might have been the
16 potential for them -- for us to have at least raised our
17 hand and said, time out, let's take a look at this.

18 By the same token if the guys, Kirby and
19 folks on the large carnivore and Chasa on the large
20 carnivore side of this had been made aware that he had
21 photographs, had seen photographs, they might have raised
22 their hand and said, well, we need to take a look at
23 this.

24 A. Right.

25 Q. And on the one hand I can understand the

1 compartmentalization of the way he's doing his work. On
2 the other hand, he's not -- he's not a babe in the woods.
3 I mean, he's a guy who's got a lot of experience by this
4 time in that border area and with catching jaguars and
5 with catching lions. Does it -- do you have -- is
6 there -- again, you're not in that mix, but do
7 you -- you're the only person I know who's got -- who
8 seems to have some significant knowledge of Emil, and we
9 may never get a -- find a way that Emil will feel
10 comfortable with us having our conversation. One
11 interpretation of that is that it's by intent that these
12 groups are being kept separate. There are other
13 interpretations too.

14 A. Yeah.

15 Q. Do you have any sense of that, any idea about
16 that at all? That's an unfair question because it's not
17 your project, it's not, but you know the guy.

18 A. You know, Emil was, you know, he was very
19 secretive about his, for instance, all of his camera trap
20 locations, his data. You have to remember none of those
21 photographs were ever really shared with anybody else
22 including, I mean, we would see photographs during a slide
23 talk but I don't think we ever, to the best of my
24 knowledge, nongame never had a jaguar file here that, you
25 know, even though we were paying him Heritage dollars, you

1 know, he never provided the Department with the
2 information that we were paying for is how I kind of
3 viewed it.

4 Q. I hadn't thought about that but that is true.

5 A. So I've thought that that was a little strange.
6 I felt somewhere along the line in the Heritage grant
7 proposal there should have been a requirement, just as
8 there is in the WCF grants, you will provide us with this,
9 this, this, and it will consist of photographs, you know,
10 dates, locations that will be kept secret, whatever. So
11 you will have to ask him if that was ever asked of him
12 because I don't know that answer.

13 Q. No. No.

14 A. But by virtue of Emil's character, I can see him
15 definitely keeping the two separate, the northland jaguar
16 project separate from this project. He was using, to the
17 best of my knowledge, he had been promised by the
18 Department \$30,000. I believe there was an e-mail that
19 indicated that -- it we went to BLM or somebody and that
20 they got \$30,000 is coming to you and it never arrived so
21 Emil is down to eating tortillas and beans, I think, and
22 needing a job. And that's what he was doing with this
23 lion snaring. It was a stopgap subcontract position where
24 he was catching lions, but he also pretty much set snares
25 where he was directed to. I mean, I don't think, you

1 would have to ask him this, but I didn't see -- I saw him
2 go start way over in the Padagonia Mountain because that's
3 where they wanted to start.

4 Q. Yeah.

5 A. Proceed to the Atascosis. And I thought they
6 were kind of done there when they caught this one female,
7 then, of course, it was killed. They ran out of collars
8 and they restarted again. I don't know what direction he
9 had to -- because he was supposed to be at the lowest
10 level, a subcontractor helping Department personnel catch
11 mountain lions and that should have been, even to the
12 point where Kirby wanted to relegate it to you will check
13 our snares when we're gone. That's in an e-mail from
14 Kirby, I would like for him to check our snares when we're
15 not available, but he will have to be able -- he will have
16 to be able to handle a mountain lion by himself. But then
17 we didn't facilitate that. Okay. I did by using my
18 personal DEA drug license and allowing him to possess
19 drugs under that license. Because that's how comfortable
20 I felt with him. I just did.

21 So in terms of the intent, I think when
22 he -- I think he's going to come here and talk to you, and
23 I think he's going to answer that question for you to the
24 best of his ability. I don't really want to conjecture on
25 it, on what his intent was. Not so much intent, you know,

1 I just don't want conjecture on why he did not share the
2 information or he is going to tell you he shared
3 information by saying that's a jaguar track. We got a
4 picture on a camera 12 miles from here, team, you know. I
5 mean, they might have. I don't know. You've talked to
6 the team. Were they fully briefed by Emil or did they not
7 know? Just because they weren't sent an e-mail doesn't
8 mean that they weren't told that there was a picture on
9 this camera 12 miles away.

10 I just, you know -- I don't -- but I know I
11 was shocked that I got the notification. Because that's
12 not my project. He sends it -- you know, that's the first
13 time he has ever sent me a notification that, you know,
14 look at this animal.

15 Q. Well, at that time you were trying to
16 facilitate -- that was about the time you were trying to
17 facilitate getting that subcontractor connection so Kirby
18 and those guys could use him?

19 A. Yeah. Yeah.

20 Q. Okay. Yeah. Okay. If I can --

21 A. I always ask myself what if Emil had just stayed
22 completely out of the snaring thing completely, I mean
23 would something have been different?

24 Q. And again, Ron, you may not know this but I'm
25 going -- we ran out of lion -- we ran out of collars for

1 the bear and lion study about the end of November. We
2 used them all up.

3 A. Yeah.

4 Q. Do we know -- do we know if -- I think I wrote
5 this down because I had in my mind that you had had kind
6 of an ongoing relationship with that contract, but what I
7 was trying to get at is I was wondering if once we had all
8 those collars used up was he still on our payroll, and I
9 would imagine as a subcontract, because the snares were
10 all taken out of service once we had all the collars out?

11 A. Yeah. The snares were -- you know, I assume all
12 the snares were shut down because they didn't have any
13 collars.

14 Q. Yeah.

15 A. That's a good question. I never viewed Emil on
16 the contract, you know, his part of the contract was never
17 activated under the subcontract clause unless he was
18 working that day under our guidance in the field trying to
19 catch a mountain lion or bear.

20 Q. So after we had shut off the snares because we
21 ran out of collars, he wouldn't have been on the payroll,
22 I mean logically he wouldn't have been on the payroll?

23 A. No way he would have been paid for anything.

24 Q. Now when we started -- when we got the new
25 collars or got the collars, more collars and got some

1 refurbished collars and all back from North Star in
2 February, would he have been -- do you have any knowledge
3 about whether he was back on our payroll with that or was
4 that just helping Thorry out is our -- to the best of
5 our --

6 A. To the best of my recollection, best of what I've
7 seen from the outside looking in, I don't know when the
8 North Star collars arrived. I don't know when somebody
9 said we're starting today. And Emil didn't -- he never
10 contacted anybody and said, unless he contacted Clark, but
11 he never contacted anybody and said, I just did five days
12 this week, you owe me \$1,000 for this February work. I
13 don't see that in there.

14 Did our people kind of at that point feel
15 comfortable enough with their activities that they didn't
16 need Emil anymore? It was -- he was never to be used
17 unless they were going to be gone and he wasn't supposed
18 to be, I don't think --

19 Q. It looks fairly clear that he was just -- it's
20 because he had put those snares in originally he knew
21 where they were.

22 A. Okay.

23 Q. Is what it looks like from my perspective.

24 A. That's what he was supposed to do is he was
25 supposed to pick out the location, put them in. Our

1 people were supposed to help.

2 Q. And so, Ron, as you understand it, who in the
3 Department or how do we determine when an EA checklist is
4 required? Is there, in fact, a criteria that we use to
5 make that determination, or is that essentially, in your
6 experience, left to the project leader or the contract
7 administrator or --

8 A. I would say it would be the project proponent,
9 okay. The -- the whole project, it was a Federal Aid
10 project is my understanding, therefore, there should have
11 been a Federal Aid proposal, description written for the
12 thing, and at that time you are supposed to do an EA
13 checklist. I mean, if someone comes to me with a habitat
14 partnership committee project and they are going to be
15 moving dirt or something, you know, people are supposed
16 to -- the project proponents are supposed to do an EA
17 checklist. Now there should be maybe a check and balance
18 in there somewhere like we have with HPC where they said
19 they gave me a proposal, and there is a thing up here, has
20 the EA checklist been completed? Yes. Okay. They are
21 telling me that it's done. Do I then chase them down and
22 say I want to see it? No, I don't. I go with that
23 because it better be done.

24 In terms of a research project and an EA
25 checklist, safety, some kind of a secondary thing, I don't

1 know. I'm not familiar enough about how research does
2 their EA checklist.

3 Q. Yeah. No. And I was just -- I was really
4 more -- really interested in -- you know, you don't run
5 research branch so I was really more interested in your
6 perspective on it because it seems a bit more, a bit more
7 left to people's discretion than I kind of always thought
8 it was.

9 A. Or should be.

10 Q. Or should be, yeah. When we talked about your
11 suspicions about the harvest of Lion Number 1, I
12 think -- did you say that -- and I started thinking about
13 it afterwards. I wasn't sure if I really heard it or if
14 it was meant to be in jest or not, but that collar was at
15 a country club in Phoenix? That was, in fact, where we
16 got the signal from?

17 A. That's correct. And Emil McCain is the one that
18 called me and told me where it was.

19 Q. How did -- who approached them and got that
20 collar back from them?

21 A. To the best to my knowledge, I immediately placed
22 a called to research and someone had said, well, Thorry is
23 out in the field right now coming in from the White
24 Tanks. He will drive by the residence, the location.
25 Because he had the VHF telemetry and the gear to do that.

1 So he supposedly -- you know, but then I heard later that
2 the individual actually turned in the collar. I think he
3 verified it was at a residence, but Thorry not being law
4 enforcement, I think he just left it there, and then when
5 the lion was checked in physically, the collar was brought
6 in.

7 Q. So this would have been probably in a matter of a
8 few days?

9 A. Within 48 hours.

10 Q. Okay. Because I was -- because I had always seen
11 on this that it had been turned in.

12 A. Uh-huh.

13 Q. And then I was kind of wondering if it was really
14 turned in, because that's some kind of unfinished business
15 I think that we need to find a way of addressing some time
16 down the road.

17 A. Yeah.

18 Q. Ron, part of this is just education because I
19 think it's kind of germane, not only to this but to some
20 thoughts about the future of cross border projects. The
21 UMAs, is that a Mexican government construct? Is this
22 something that is kind of -- how -- I don't know if you
23 have all of the --

24 A. I do.

25 Q. How do those things work? How does that come

1 together?

2 A. An UMA, which is an acronym and, I'm sorry, I
3 don't remember the Spanish three words for the UMA, but
4 it's a unit of land that usually consists of a ranch. It
5 can consist of more than one ranch, such as the ranches I
6 deal with but that has to be requested by, you know, the
7 people forming the UMA. Once -- it's just a management
8 unit. And there is a paper out on this that explains all
9 of this very well that's by Raul Valdez and I will get
10 you --

11 Q. Well, I'm interested in more --

12 A. He explains --

13 Q. Remember we talked kind of about the idea that
14 could the Department take on a role of brokering some UMA
15 relationships from the standpoint of furthering cross
16 border or border connectivity?

17 A. That's a wonderful idea. I'm sitting there
18 thinking, why didn't someone think of that sooner. But
19 it's just, an UMA is a designated unit of land. It's
20 private. The landowner then has to pay for a wildlife
21 survey to be conducted on that unit of land. And we'll
22 use Joe Austin as an example because he is in the
23 headlight here recently.

24 MR. MCMULLEN: Who is Joe Austin?

25 Q. Rancher on the boarder.

1 A. He's a rancher on the border. Because he is an
2 Americano he cannot own land within 50 kilometers of the
3 board. So his ranches, which I believe he has two of them
4 in Cahonbenito and another one, south of the border is --
5 he has a qualified biologist by Mexico standards, they
6 have to be certified by the government to conduct the
7 wildlife survey on the ranch. They have to show that
8 there is a harvestable number of the animals for whatever,
9 based on the population that they surveyed. If it's
10 javelina, then they have to show X number of javelina.

11 They actually have to write a little
12 management plan that says our goal is to increase deer
13 population. We might do prescribe burn, we might fence,
14 we might develop water.

15 They submit their survey numbers. They are
16 use usually spotlighted in Mexico to count deer. That's
17 how they do it. They also do track surveys for deer which
18 is kind of bizarre to me.

19 They take this data, a qualified Mexican
20 biologist takes it in and presents the data and they are
21 issued what's called a cigarba, which is just an official
22 recognition and authorization of the UMA, and then based
23 on the annual survey that comes in, they are authorized X
24 number of permits. Initially it is usually just based on
25 the number of hectares, or acres, within a UMA. They know

1 from past work that in the Sierra Madre and Hopewood Land
2 it's this many deer permits for this many hectares of
3 land. And those are three-year authorizations. So every
4 three years they have to authorize through their UMA.

5 Q. At the reauthorization do they have to redo a
6 survey?

7 A. They have to do -- yes, they do. They have to do
8 a wildlife survey every year to get their permits.

9 MR. MCMULLEN: Every year?

10 A. Every year. That's how they employ biologists
11 down there. And there are biologists that work strictly
12 for outfitters and they call them hunting Mafia whereby --
13 if you decide to go this route this is something you will
14 go up against is that the hunting association down there,
15 the Sonoran Hunting Association is the most powerful
16 cartel besides the drug work that's being done down there
17 because it's a multimillion dollar business. They employ
18 their own biologists to do the survey, so it's the fox
19 looking after the hen house.

20 The permits come in and then the outfitters
21 or the landowners are issued the permits, not outfitters.
22 So the permits go directly to the landowners which then
23 are bought by the outfitters. But if the outfitters pay
24 for the biologist, which the landowners usually can't
25 afford, then they have there --

1 MR. MCMULLEN: Are they out there as Mexican
2 outfitters?

3 THE WITNESS: Yes, they are. There are few
4 grandfathered ones in. There are a couple in the United
5 States, some big ones, that are grandfathered into
6 Mexico. They changed this whole process around to only
7 allow Mexican Nationalists to become outfitters a few
8 years ago.

9 MR. MCMULLEN: Okay.

10 THE WITNESS: Because they saw where the American
11 outfitters were starting to take a big hold in Mexico.

12 MR. MCMULLEN: So when those permits expire that
13 will probably be the last of the remaining?

14 THE WITNESS: Correct, or if they leave the UMA.
15 The key, though, to conservation is to be able to get as
16 many UMAs together as possible or to get as many ranchers
17 together to agree to be one UMA and then recognized by the
18 government.

19 One thing you have to realize is all the
20 land along the border within the 50 kilometer mark are
21 owned by Narcos. So if the Department were to develop
22 relationships with certain ranchers, they could actually
23 be dealing with narcotic drug runners. Because no
24 landowner -- every landowner always knows what's going on
25 relative to people crossing their property. No one comes

1 on behind locked gates without the landowner knowing it.
2 It's just an unwritten rule.

3 MR. MCMULLEN: Because they track or just because
4 that's what they do?

5 THE WITNESS: That's just because that's what
6 they do. So the traffickers are paying the borderland
7 ranchers or they own the ranches themselves, that is their
8 access to the border to then just go on across with their
9 goods. Everybody needs to know that. And there is no
10 money untouched by drug money in Mexico. Even people in
11 our UMA, we just booted out four of our members because of
12 their switch to the growing of marijuana. So you have to
13 be real careful. If you are down there, no one tells you,
14 again, but then when you're out hunting you will see their
15 growing activity and you just say, hey, you're out. Or
16 we're not bringing you our hunters, okay, and then the UMA
17 president has to exert pressure on that.

18 MR. MCMULLEN: What would scare me about us
19 getting involved in that is just the jaguar for ransom
20 deal, \$2 million, those guys got paid \$2 million to do
21 jaguar conservation and then they are killing jaguars.

22 THE WITNESS: And it happened to me kind of on
23 this fraud thing where the guy, I was trying to bring my
24 permits from this one UMA and then he said, by the way, we
25 have a jaguar for \$1500. We're going to release it, and

1 you know, they send you -- they tell you they are
2 going -- you develop this trust with them and then they do
3 that to you, so it's a really fine line.

4 MR. MCMULLEN: It seems scary down there.

5 THE WITNESS: No. It's just, you know, they are
6 killing jaguars like they have been for centuries. And
7 they will continue to kill them. The ranchers that
8 aren't -- don't forget the Defenders of Wildlife, the
9 Northland Jaguar Project were held at ransom the same
10 way. When they entered into an escrow account to buy the
11 ranches for the Northland Jaguar Project, Los Pabos and
12 Satasora, the owner continued killing jaguars. And that
13 was his ransom. He said you need to finish paying me or
14 I'm still running livestock. I still have property to
15 protect. I'm still going to kill jaguars. They keep that
16 all hush hush. But they can -- this is stuff you can ask
17 Emil.

18 Q. What would a normal whitetail hunt cost for
19 someone from the United States going down?

20 A. Today you can buy a whitetail permit and go down
21 there and hunt yourself for \$1,000. If you're going to go
22 with Brad Falk, it's \$4,000 or \$3,500 I think that's what
23 he is charging. That's with a guide and everything. We
24 don't really offer that service. This is us as booking
25 agents for the UMA. Gordon Whiting and I facilitate, you

1 know, the -- we're the contact for hunters here to buy
2 permits in Mexico. They provide, you know, their cooks,
3 the ranch houses, you know, they are making that money.
4 Plus most of the money that we get, it was all of it, was
5 going directly to them in exchange for them not killing
6 jaguars.

7 Now that doesn't mean right next door to
8 where you have ten ranches blocked up, that might be the
9 best spot in the world to kill a jaguar. Just like that
10 little pass there, what's the name of the mountain, 24 A,
11 Winters Ranch there is that one juniper tree where they
12 have caught 80 mountain lions by traps. There are just
13 those little spots out there for jaguars too. Oh, yeah,
14 Gila County all the ranchers know those spots where they
15 have caught hundreds and hundreds of mountain lions.

16 But it is really the only avenue currently
17 available to effect conservation change.

18 Q. BY MR. HOVATTER: And that's the thought.

19 MR. MCMULLEN: That's the north American model
20 like you mentioned the other day.

21 THE WITNESS: Yes. But it's being applied --
22 it's being applied in a little bit different way in the
23 respect that you're still effecting community income, but
24 you're -- but the deer on that UMA doesn't really belong
25 to the rest of the people of Sonora. It belongs to the

1 federal government, and by that, it belongs to the people
2 of the State of Sonora. See what I'm saying there?

3 MR. MCMULLEN: That's a little different.

4 THE WITNESS: They can't kill jaguars, for
5 instance, because the federal government protects them.
6 But you just have to replace the federal idea with each
7 and every state in United States. That's just one
8 government.

9 Now they've changed. They allowed the State
10 of Sonora to manage their own wildlife and they are
11 changing. Two years ago they switched and they said,
12 Okay, Sonora and Chihuahua, you can manage your wildlife
13 now under the northern American model. Well, the
14 bureaucracy of the state couldn't get the permits out in
15 time so the ranchers -- the outfitter Mafia closed them
16 down. They said, no, Governor, either you give it back to
17 the federal government or you're not going to be governor
18 next year. That's how things are literally run down
19 there.

20 Q. BY MR. HOVATTER: Yeah.

21 A. So they are trying. And they will eventually go
22 that route, I feel. And if, you know, we're not staged to
23 participate in that then we're never going to effect
24 change especially on jaguars. I don't see -- and they
25 want to participate, the state government -- the state

1 over there wants to participate. We're not actively -- on
2 this project right here, the lion catching, that should
3 all have been done south of the border. You know, we just
4 should have said -- you know, those guys can do it better,
5 too on those ranches. They have biologists and people
6 that can do it better and that still might be an option I
7 think.

8 Q. You are talking about doing the large carnivore?

9 A. Yeah. If this thing was to continue it needs to
10 go south of the border relative to the captures with a
11 protocol. Just say, if you're going to take our money,
12 this is the protocol you will apply. We're going to use
13 your people. That way if you catch a jaguar you deal with
14 it, you know. It's your -- it's an endangered species in
15 Mexico too just like it is here.

16 Q. Ron, are you still working with Emil on the
17 Mexican side of the border on any of this?

18 A. My connection now with Emil south of the border
19 is he now has northland borderland cameras which he pulled
20 from the north side of the border from the project because
21 no one was paying him anything to do anything over here,
22 he now has about 20 of his cameras south of the border on
23 the UMA that I deal with. And that was -- that was the
24 need for the UMA for wanting to have a camera project year
25 round.

1 We have a formal research project. This is
2 the second year. The student just went down there again
3 to complete his Master's, that is an occupancy modeling
4 detail project, but when the student's cameras are down
5 there Emil's cameras are not. They are pulled back into
6 storage because you don't want any kind of a bias from
7 another camera study. So that's Emil's part of it.

8 And then in addition to, Emil has contacts
9 with a lot of archers, some archery hunting association in
10 Colorado, and he said I'm interest in buying, you know, X
11 number of your permits, you know, whatever I can get for
12 archers down there next year. And the archery thing is
13 real appealing because you're not carrying a bunch of guns
14 across the border. You don't have to -- no one is
15 checking. You can take bows and arrows all you want all
16 over Mexico. It seems kind of strange but there is really
17 far, far less hassle. So that's how he is helping the UMA
18 is he is providing additional hunters, but everybody is
19 coming pre conservation outfitters.

20 Q. Now the study you were talking about, that's a
21 Department study?

22 A. No. That is actually the University of Illinois
23 at Carbondale, Clay Nielson is the advising professor.
24 The student is Steven Verago and it's all -- we have made
25 sure that everybody has got -- you have to have a permit

1 to study things in Mexico and collect scat and those kinds
2 of things. So everything is permitted by the federal
3 government. All those permits are in hand but it's all
4 being administered by Clay Nielson. Raul Valdez is out of
5 New Mexico State is kind of an advisor on it too on the
6 project.

7 What else can I tell you? There is a
8 scientific advisory committee for the UMA too. It's Raul
9 Valdez, the president of the UMA, and then a veterinarian
10 professor out of Mexico City.

11 Q. You know, and part of what I'm trying to sort out
12 on that too is that because of the fact that we do have --
13 we're in this somewhat ambiguous situation until we get
14 these -- the federal investigation -- until we get our own
15 done is the -- we run hard up against a perception
16 issue --

17 A. I understand.

18 Q. -- of us having an ongoing -- and, of course,
19 especially with our dear friends in the Arizona Daily Star
20 they will, in fact, spin that interpretation as
21 unencumbered by the thought process or by fact.

22 A. I understand.

23 Q. So I'm trying to sort that part. It's somewhat
24 akin of us having announced that we are no longer trapping
25 bears and lions on the border and yet we've got a grant

1 proposal submitted by the Department that includes a
2 proposal to trap 20 lions and bears on the border.

3 A. Yeah. I read that.

4 Q. And, you know, with the grant to be announced if
5 we were to get it in August. Which will be a little hard
6 for the director to explain how he has told the public
7 we're not doing this and then another part of the
8 Department raises their hand and says, well, yeah we are.

9 A. No. That was not a good thing to happen.

10 Q. So trying to sort through that -- through that
11 sort of perception fight until we get a pretty clear
12 rendition of what the Feds have decided.

13 A. There is a phone conference on Thursday at 11:00
14 relative to that proposal and study, and so Kirby needs to
15 have real clear direction. I have been asked to
16 participate and listen in. I'm not part of that group.

17 Q. When is that?

18 A. Thursday at 11:00. Kirby is, he's going to be
19 providing the PIN number and all that, so we are
20 sponsoring the phone conference to the best of my
21 understanding. Mr. Breck and Todd Atwood from AFIS and
22 somebody from Wildlife Conservation Society will be
23 calling in on that. And what, you know, quite frankly,
24 you probably should -- somebody from your office or
25 somebody needs to be in on that either at Chasa's level or

1 something to discuss objectives. Now I would like to --

2 Q. My friend Mike is in town and, of course, he's --

3 A. I would like for you to go ahead and, you know,
4 address this, my relationship with Emil, especially on a
5 business matter south of the border. You know, I received
6 your e-mail relative to the secondary employment part of
7 it, and I think, you know, I think -- I've talked to my
8 attorneys about it, and I think it fully falls under the
9 need for guidance by the Department. And I'm willing,
10 more than willing to abide by the Department's decision.

11 Q. No. Understood. And the Department has not
12 given unambiguous guidance on that.

13 A. And I have not submitted that form part yet
14 because I have not received any money or made any profit
15 or money from this year's --

16 Q. Well, frankly, from what I understood about this
17 it wasn't a money issue anyhow, but I knew that there was
18 potential there, but my understanding was that, you know,
19 at this point my bigger issue was just -- okay.

20 A. He's not my employee. I'm not paying Emil to do
21 anything. He's coming down as a hunter participant with,
22 by the same token, he is always -- I'm the point of
23 contact for people that he is telling call Ron Thompson if
24 you want to go deer hunting in Mexico. So that's -- he's
25 kind of gathering hunters that he knows that want to go

1 down there, and he would like to go down with some of his
2 friends to hunt. That's my understanding.

3 But he is not a part of my board of
4 directors. It's family owned, Gordon's family and my
5 family are the board of directors on this thing in terms
6 of an LLC. But --

7 Q. No. And there is -- I'm just going to keep it
8 internal to my head space right now.

9 A. Okay.

10 Q. That I thought I had done so that we would
11 clarify this.

12 A. We need to.

13 Q. So you or other folks caught in the middle on all
14 of this.

15 A. And, you know, believe me there has been no
16 advertisement forwarded to anybody that -- or Emil
17 advertising that he is in partnership with Ron Thompson
18 and Gordon Whiting in a deer hunting business south of or
19 a jaguar conservation business south of Mexico. That's
20 not -- that's not happened.

21 Q. This is just an absolutely sheer curiosity
22 question. You have one of your e-mail you say, and he now
23 has the ability to move about anywhere he wants on the
24 north side of the river. What river are we talking
25 about?

1 A. The Rio Aros River. The Rio Yaqui is formed by
2 the Rio de Bavispe and the Rio Aros, Bavispe coming from
3 north to south and Aros, from east to west, and that forms
4 the Yaqui. South of the border is the Northland Jaguar
5 Project, south of the river. North of the river are UMA
6 properties.

7 Q. Okay.

8 A. Okay. So by Emil going down there with us and
9 offering, at their request, the need for cameras and
10 helping their technicians set those cameras up, and it's
11 their technician doing it. He just said, here's the
12 cameras. By virtue of them doing that, they just said,
13 Emil, you can come down here and, you know -- you're on
14 the property anytime you want.

15 Q. Because I'm thinking the border.

16 A. I know you are.

17 Q. And I don't know of any east-west river right on
18 the border. Actually it was just a sheer curiosity.

19 A. You do need to know that from a conservation
20 standpoint there is a border south of the border. It's
21 the Northland Jaguar Project bought ranches, removed the
22 livestock from the ranches, fired the vacero, because they
23 don't need them. When we went down there telling
24 everybody that they were going to do these wonderful
25 things for the community and conservation and ecotourism

1 is going to come into town and so far two vaceros have
2 lost their jobs and no one is going down on ecotourism
3 business.

4 MR. MCMULLEN: I don't know that I would.

5 THE WITNESS: Plus the loss of livestock that
6 that income brought into the process and all that.

7 MR. MCMULLEN: Who bought those ranches?

8 THE WITNESS: The Defenders of Wildlife put the
9 money up initially and then Naturalia, which is the nature
10 conservatory south of the border was then gifted the
11 ranches.

12 Now our UMA is starting to buy -- starting
13 to buy all the ranches around their property. Our
14 landowners who are very influential and very rich, they
15 have bought two additional ranches that are adjacent to
16 and surrounding the NJP ranches.

17 Q. BY MR. HOVATTER: Are they continuing to run
18 livestock?

19 A. No. No. They don't believe it. They want
20 everything to go back to a natural way.

21 Q. The UMA folks you are talking about are they
22 still running livestock?

23 A. Our UMA people?

24 Q. Yeah.

25 A. Absolutely.

1 Q. Yeah. It's a symbiotic or -- attempt at a
2 symbiotic relationship?

3 A. You can't come during this time because we're
4 working livestock. You can only be here -- you can only
5 be here during this two weeks of the year to hunt deer.
6 The rest of the time we're ranches, you know, period.
7 That's what we are.

8 Q. Let me ask, you would think with the amount of
9 money that flows in the narcotics trade that like \$4,000 a
10 hunt times however many hunters they've got, that's a drop
11 in the bucket. Why are they interested in that kind of --

12 A. Mainly kind of a cover-up type thing. You know,
13 it's a legitimization of their narcotics trafficking. And
14 that's why one of the ranchers we had to kick out. He was
15 making \$1,000 a drop, six-a-day on his airstrip, and he's
16 not -- he wasn't making any money from the UMA.

17 So once we -- once we were there and we
18 started, you know, observing this while our hunters were
19 there I just, that's it. Can't have it. You're out.

20 Q. Yeah.

21 A. So you have to be real careful. You can be
22 entangled in that real quick.

23 Q. What your describing is a pragmatic approach to
24 working south of the border on the border area is what it
25 sounds like. You can have an idealistic approach but it

1 certainly doesn't bear any -- doesn't reflect what we know
2 to be the case about that border, the actual border region
3 along there.

4 A. Everything is 150 miles south for a reason. Our
5 radar techniques, helostats and all that, only go that far
6 south. And they know that. That's where they land all
7 their dope for transportation from there through pick ups
8 and people.

9 The Northland Jaguar Project people, this
10 year we detected a lot of marijuana fields on them, and
11 you know, I called up the NJP people and I said, hey,
12 since have you taken off the cowboy that knew everything
13 that was going on on the ranch, are you aware that they
14 are growing dope on you right now?

15 And they said, no, we don't.

16 I said, this is where it's at. It's your
17 problem. You guys -- you need to have refuge, some kind
18 of refuge manager that isn't being paid -- that is being
19 paid more by you than he is being paid by the Narcos to
20 grow dope on the property. Do you understand the
21 relationship?

22 And they go, yes, we do. Thank you.

23 Q. What haven't we or what aren't we asking about?
24 From your perspective, what haven't we asked about that
25 you think we ought to be factoring into all of this as we

1 look at this whole situation with Macho B and the large
2 carnivore habitat connectivity study and all of the
3 things? What is it we don't know or at least our
4 questions don't reflect us knowing that you think we ought
5 to know about this?

6 A. You know, I would probably just ask why we are
7 not doing more in terms of our relationship with Sonora
8 south of the border. That's where you are going to save
9 jaguars. And then is this connectivity project worth it?

10 And, you know, I just wrote an article for
11 the wild PETA Association research thing. I don't know if
12 you guys saw that. It talks about the whole border cat
13 conservation thing. I just -- that's in there. Get you a
14 copy of that.

15 Q. I was a member. I think I let it lapse last
16 year.

17 A. I'll make sure the --

18 Q. That or I just lost track of it.

19 A. I am the one that signed you up originally so I
20 can get you guys back on. But the point being is I really
21 don't think the states are recognizing the need for Mexico
22 to take responsibility for really managing the endangered
23 species that are peripheral to the United States.

24 And then everything in terms of endangered
25 species give it to the Feds. Give it to the Feds. This

1 is your responsibility. You monitor it. As we get
2 information we're just going to pass it on to you and then
3 you make the decisions relative to our management. But it
4 just seems rather interesting that I can go across the
5 border in New Mexico and I can fur trap, I can be a
6 commercial fur trapper, and I can catch all the Mexican
7 wolves all day I want to and --

8 MR. MCMULLEN: You are saying in Mexico?

9 THE WITNESS: New Mexico.

10 MR. MCMULLEN: New Mexico.

11 THE WITNESS: Yeah. And as a result some of them
12 are getting their legs removed because they have been in
13 traps all night because there is a 48-hour trap check and
14 on and on and no one says a darn word about that, about,
15 you know, what's going on up there. I guarantee all the
16 wolves that just go off the map up there, that's how they
17 are being removed. But no one is really paying any
18 attention to that, but one animal down on the border
19 that's peripheral of its range that causes this whole --
20 this whole stir.

21 So I would, you know, if I was really
22 someone of a conservation investigative reporter I would
23 just say, hey, Arizona, what are you doing to facilitate
24 conservation south of the border or these kinds of
25 projects south of the border? Why are we risking it up

1 here?

2 MR. MCMULLEN: It's interesting. I pulled a --
3 found a big stack of old Wildlife News magazine from the
4 '50s and '60s and there was one from the 1960s that had a
5 picture of a jaguar on it, the biggest jaguar ever killed
6 maybe ever, maybe in Arizona, was skilled in Cibique on
7 Cibique Creek.

8 THE WITNESS: Yeah.

9 MR. MCMULLEN: But it said by 1960 was it 36 or
10 60?

11 MR. HOVATTER: 36.

12 MR. MCMULLEN: 36 confirmed jaguar kills in
13 Arizona by 1960.

14 THE WITNESS: That's correct.

15 MR. MCMULLEN: That was interesting to me.

16 THE WITNESS: And they were all males.

17 MR. HOVATTER: Which is interesting also.

18 MR. MCMULLEN: They are just trolling.

19 THE WITNESS: They are just trolling. That's
20 when the population was robust in Sonora. Now, you know,
21 Dave Brown in his book, you know, Ciudad de Tigre, or what
22 was it Frontiera -- Tigre on the Frontier, him and Lopez,
23 Carlos Lopez Gonzalez that was paid -- that project was
24 paid for by the Turner Foundation where they went into
25 Mexico, they interviewed all the livestock associations

1 plus Dave produced all the data from everything that was
2 killed in the United States, made -- the graph is, I mean,
3 the progression is like this relative to numbers killed in
4 the United States just -- okay. Until the last one that
5 we know about, of course, which was the (indiscernible)

6 Q. BY MR. HOVATTER: Of course, it may have been
7 something I saw that you wrote, if you want jaguars in
8 Arizona you need jaguars in Sonora.

9 A. Yes, you do. And to -- if you want jaguars in
10 Sonora you need to be working with the landowners down
11 there. So that's it.

12 MR. MCMULLEN: It's interesting to me to hear how
13 that all works.

14 Q. BY MR. HOVATTER: Because I can see some of the
15 pitfalls seem like unnatural that if there is -- Mark
16 Bowden who talks about there is really not a Mexico and
17 the United States, there is Mexico, the United States, and
18 there is the border. And he talks about a strip, he says
19 a hundred miles on both sides of the border, he says
20 that's a different country.

21 A. Uh-huh.

22 Q. And in some respect it gets more different all
23 the time, and I can see how you can build that case. And,
24 you know, to not recognize it is to, you know, use hope as
25 a method that you are going to be able to make a

1 difference. I think if there is a way that we could, in
2 fact, recognize that if someone lives in that border zone
3 they are effected by not, it's not a part of a border drug
4 culture then if we can get find a way to get past that,
5 establish protocols that enable us to -- enable us to
6 articulate how this is in the interest of wildlife and
7 that it is not benefiting in any substantial -- and I
8 don't know how to get at this, but it's I just don't see
9 how we do wildlife conservation with our dollars in a
10 meaningful way unless we -- when we're always going to be
11 subject to having the allegation that we are somehow in
12 bed with drug traffickers to -- you know, because you
13 could articulate that we're going to get involved with
14 wildlife but the only wildlife projects we will get
15 involved with on the other side of the border absolutely
16 had to be clean and absolutely pure and pristine from any
17 potential taint of relationship with anything related to
18 drug trafficking, pragmatically you are saying you're not
19 going to be involved in projects south of the border. I
20 mean it's simply the money that that trade drives can't
21 help but influence everything that goes on, no matter how
22 clean someone tries to be. I don't know how many
23 degrees -- you can't be more, if you're on that side, the
24 Mexican side of the border in particular, I don't think
25 you can be more than one or two degrees separated from

1 someone who is deeply and directly involved in the drug
2 trade.

3 A. Correct.

4 MR. MCMULLEN: That's just unnerving as hell.

5 Q. BY MR. HOVATTER: But, you know, if we can get
6 past that, our ability to say, okay, beyond that, you
7 know, there is an opportunity to be -- to, in fact, have
8 some meaningful work where we would, you know, broker
9 sportsmen, you know, act essentially as a broker in the
10 sense of having an approved -- new Mexican approved --

11 A. Conservation hunts.

12 Q. And we then use our marketing capability to
13 market to -- you know, to have the lake hunters up and
14 develop some expertise in working with folks on the
15 Mexican side of the border on how to best market to
16 Americans north of the border, how to address the concerns
17 that north American hunters or American hunters have, the
18 security concerns, all of the different things that they
19 have and have these folks become better and better at
20 meeting the expectations, there is -- there is still, even
21 with this economy, there are many, many hunters all
22 through, I think, the United States who would really get a
23 kick out of that experience south of the border.

24 A. Our clients have. Some of them are scared to
25 death. Those don't come back, but, you know, we get a

1 repeat business.

2 MR. MCMULLEN: I would love to hunt whitetails
3 down there sometime but --

4 MR. HOVATTER: What I just -- you know, it comes
5 down to are we going to be -- are we in an environment
6 anymore where we can, in fact, be pragmatic in our
7 approach to wildlife management on that side of the
8 border. Are we in this, for want of a better term, sort
9 of Neo-Victorianism where -- you know, the British army in
10 India in the mid 1800s ran a brothel system. The brothels
11 inspected by the doctors, the women were kept -- and the
12 rate of venereal disease in British army in India was, it
13 just dropped to next to nothing.

14 Victorian area enters and it becomes a
15 cause in Parliament that we are subsidizing this
16 immorality. They destroy this system within a relatively
17 handful of years, and it's not very well -- it's not very
18 well marketed to, you know, the current British society.
19 They reached a policy where if you served as an enlisted
20 man in India you could not return to England.

21 MR. MCMULLEN: Because of venereal disease.

22 Q. Because it was just expected that you were
23 infected with a venereal disease and in that time was
24 untreatable.

25 MR. MCMULLEN: Yeah.

1 MR. HOVATTER: And, you know, it was a triumph of
2 this sense of morality over actually creating a
3 circumstance where you had people who -- where you didn't
4 destroy the health of tens of thousands of young British
5 men and young Indian woman for that matter.

6 MR. MCMULLEN: Yeah.

7 MR. HOVATTER: And it's not a totally analogous
8 situation but I think the issue is that do we -- if we're
9 going to -- if we're going to do work south of the border,
10 then how do we -- what level of buy in do we have to get
11 in order to permit us to do that kind of work knowing that
12 our ability to ensure and insist that no dollar ever
13 crosses that barrier between our hunting and wildlife
14 conservation approach and into the hands of someone who is
15 involved in illicit activity. I don't think it's possible
16 to build that kind of barrier.

17 MR. MCMULLEN: No. It's just --

18 MR. HOVATTER: Not now. Not in this day.

19 MR. MCMULLEN: It goes backs to that thing that
20 no matter what position we take, no matter what topic you
21 may choose to pull out there is going to be an opposing
22 point of view, but the model that Ron's built here is, it
23 wouldn't be any of Arizona Game and Fish's money going to
24 work down south it would be the hunters, something like
25 that.

1 MR. HOVATTER: But you're not going to -- the
2 thing about it is that we will not be able --

3 MR. MCMULLEN: We would be connected.

4 MR. HOVATTER: If we promote this there is no way
5 we're going to be given the latitude to say that we have
6 built this sort of, you know, barrier that -- it will, in
7 fact -- I think it makes more sense for us to try to
8 embrace a model, build a set of partnerships that are
9 willing to say, we have decided that there is, in the
10 quest for wildlife conservation and the quest for healthy
11 cross border, a continued healthy -- to essentially make
12 the border as transparent as possible to wildlife as it
13 would be if there was no such thing as America and Mexico,
14 that if we could build the -- we are going to have to just
15 embrace the problem, the perception problem right up front
16 and say we recognize these things. We recognize that this
17 is, in fact, the reality of the situation we're in and get
18 the buy in to the idea of having said that that there is
19 still benefit to be had and that the level of risk of
20 becoming involved, despite our intent and desire, with the
21 potential that we become involved with people who may be
22 tainted by illegal activity is such that were are willing
23 to -- we can get buy in into the idea that that is an
24 acceptable level of risk given the return on investment in
25 wildlife. I'm not articulating it very well.

1 A. You're hitting it very well. I think that you
2 got to remember jaguars have to got to be -- right now
3 they just have to be more valuable than a calf, the amount
4 of the livestock a jaguar would kill.

5 MR. MCMULLEN: That's what it is.

6 A. That's what it comes down to now. Beyond that,
7 just think if you had all 7500 American hunters that were
8 going down there agree to say, I'm not going, Gary Barkum
9 included, I'm not going to Mexico to hunt whitetail and
10 pay your money unless you sign a contract between the
11 government of Sonora and the Arizona Game and Fish
12 Department, whoever, that says you will converse jaguars
13 and you will not trap them during the off season. You
14 know, you will not encourage American hunters to shoot
15 them. I can't tell you how many jaguars are shot every
16 year during whitetail season but I will guaranty you there
17 is --

18 MR. MCMULLEN: Some.

19 A. Yeah. I'll guarantee you. Because there are
20 ranchers that continually are telling their hunters, if
21 you see a jaguar or mountain lion, kill them. Mountain
22 lions they are dropping like flies all the time. And I
23 guaranty you that jaguars are too. Gary is just not -- he
24 is a -- whoever spends more than I think a few weeks down
25 there is going to see a jaguar if they are in jaguar

1 country.

2 But we haven't decided to go down to where
3 we have female jaguars that's, you know, kind of jumped
4 down there because that was supposed to be the only area
5 that they had documented female jaguars and had seen
6 kitten tracks and that kind of thing, and it is, but there
7 is, you know, there is probably females farther north too
8 but no one is surveying that country. None of the
9 ranchers, everybody is quiet because they don't want --

10 MR. MCMULLEN: Keep people out.

11 THE WITNESS: They would rather kill a jaguar if
12 they are having troubles with it --

13 MR. MCMULLEN: Are these guys hunting, American
14 whitetail hunters, within that 50 to 150 miles, kilometers
15 of the border?

16 THE WITNESS: Totally.

17 MR. MCMULLEN: So that's just a side deal.

18 THE WITNESS: That's just a side deal, yeah. If
19 you're hunting -- like I said, though, if you're hunting
20 within that 50 kilometer mark you're probably hunting on a
21 ranch that is probably tied to the illegal traffic
22 somehow. That's another reason why when we went looking
23 for an UMA to work with, we went that far south. We
24 needed to go further. Unfortunately, we went far enough
25 to actually be at the dividing line where all the stuff is

1 being dropped off too. So we have had to contend with
2 that.

3 Q. BY MR. HOVATTER: Well, I mean, the thing about
4 it is if you want to have those species that for which we
5 have been probably predating, you know, European dating
6 back --

7 A. Lost jaguar, Jaguarian days.

8 Q. Where we have always been just because of the
9 total sheer accident of where we drew the border that we
10 encompassed just a fairly peripheral part of probably
11 traditional habitat. If we want them here, the only way
12 to have them here is to have them in Mexico.

13 MR. MCMULLEN: Well, it's so interesting to me to
14 hear that all the jaguars that have been killed in Arizona
15 have been males.

16 THE WITNESS: Uh-huh.

17 MR. MCMULLEN: This is not --

18 MR. HOVATTER: That's illustrative.

19 MR. MCMULLEN: This is very

20 THE WITNESS: I think there was one female that
21 Dave documented at the far south tip of the Chiracuas
22 right on the border board that was in a mine shift that
23 had two kittens. That's it. So that's in Dave's book.

24 MR. HOVATTER: Do you have anything you wanted to
25 ask?

1 MR. MCMULLEN: I don't.

2 MR. HOVATTER: We wondered way away from --

3 MR. MCMULLEN: Yeah. No. I did but --

4 THE WITNESS: I don't know, are you guys asking,
5 I mean, I hope you don't feel uncomfortable about asking
6 any difficult questions. You haven't asked, you know, was
7 there a conspiracy to capture Macho B.?

8 Q. BY MR. HOVATTER: We asked you up front, did you
9 think it was an intentional or unintentional take?

10 A. Yes. And I answered that question, but beyond
11 that was there some kind of activity that you sensed or
12 felt was going on behind the lines or behind the scenes.

13 MR. MCMULLEN: I think you would have told us
14 that.

15 THE WITNESS: Absolutely.

16 Q. BY MR. HOVATTER: Well, I'll ask, did you?

17 A. No. But you asked up front and I appreciate that
18 and getting that on the table, but I just -- you know, I
19 guess I sense remorse and now that everything is coming
20 clearer to me on what was going on in terms of when the
21 traps were or the snares were reopened that there was
22 additional jaguar sign in the area and that kind of
23 thing. I mean at some point in time someone should have
24 acted and we didn't. And I just don't know what part my
25 role was or was not in that. It still bothers me.

1 Q. Well, and I appreciate that. I think you know, I
2 can't -- there will come a time when we will be able to
3 lay this all out.

4 A. Okay.

5 Q. And it's -- as you know, I mean, wearing also
6 your old law enforcement hat you used to wear too I think
7 that you know what we know and what we are free to discuss
8 are two different things at some point in this.

9 A. Okay.

10 Q. There is going to be an unfortunate side to this,
11 I think.

12 A. I understand.

13 Q. And we will see how this all sorts out in the
14 end.

15 A. Okay.

16 Q. Got anything you wanted to ask about.

17 MR. FABRITZ: No. I just enjoy hearing about all
18 that south of the border stuff.

19 MR. HOVATTER: To me it is --

20 MR. FABRITZ: It's amazing.

21 MR. HOVATTER: You could build a case it's
22 somewhat peripheral but when you get to the issue of
23 process and when you get to the issue of, you know, if we
24 had a healthy border environment for jaguars would we
25 even -- would jaguars no longer be so rare that there is

1 such a significant emotional event when we have something
2 like this?

3 MR. MCMULLEN: As far as us not asking you
4 questions that we have, that we would like to, no. We
5 have had to ask all sorts of different questions, some we
6 would have preferred not to and that sort thing. So no, I
7 feel confident in saying we have not withheld a question
8 that was burning in our minds.

9 THE WITNESS: Okay. That makes me -- you know,
10 it makes me feel better.

11 MR. MCMULLEN: That's my perspective on it.

12 MR. HOVATTER: Yeah. No, I mean, we asked some
13 of the -- some of them we had to pose as hypotheticals.

14 THE WITNESS: And Fish and Wildlife Service did
15 too and I don't like the hypothetical part of it. I
16 can -- answer to each hypothetical one should be, you
17 know, I don't want to answer a hypothetical question. But
18 in this case, you know, I think you can ask all away
19 around it all you want to because you are trying to get at
20 the process too. And, whereas, I felt the Fish and
21 Wildlife Service there questioning is, you know, a
22 criminal intent line of questioning. I felt it was not
23 fair for them to pose hypothetical questions or what's
24 your opinion on this. I just, you know -- I answered them
25 but --

1 MR. HOVATTER: Yeah. Anything else, guys?

2 MR. MCMULLEN: No.

3 MR. HOVATTER: Ron, thank you, sir.

4 THE WITNESS: You guys would like to be invited
5 down there to -- hang in there.

6 (Recording ended.)

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17 I, Karen M. Niemtschk, do hereby certify that the
18 foregoing 58 pages constitute a full, true, and accurate
19 transcript of all recorded proceedings had in the above
20 matter, all done to the best of my skill and ability.

21 DATED at Phoenix, Arizona, this 24th day of
22 August 2009.

23

24

25



KAREN M. NIEMTSCHK, No. 50447
Certified Court Reporter

Page 2

1 RON THOMPSON
 2 pursuant to Garrity Warning, was examined and testified as
 3 follows:
 4
 5 EXAMINATION
 6 BY MR. HOVATTER:
 7 Q. Ron, we're doing some re-interviews kind of talk
 8 you about what -- how I'm seeing things unwind here,
 9 unfold as we continue onto the beginning of I think our
 10 ninth month of federal investigation. We're -- we're
 11 going to do this under our Garrity rights advisory that we
 12 gave before. Do you need me to read that again?
 13 A. No.
 14 Q. Are you good with that?
 15 A. I am.
 16 Q. I'm doing some re-interviews. There is only so
 17 much longer we are going to be able to wait before we, you
 18 know, before we need to probably consider going in and
 19 making our own interim announcement of what we think we
 20 know the truth to be and then revisit all of that once the
 21 Feds make their announcement. None of us expected this
 22 would take eight months, going on eight months, and there
 23 is only so much longer, I think, it's reasonable for us to
 24 wait. We have some people that are in personnel limbo
 25 that we have got to deal with. So I want us to -- we're

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1 going to draft an interim final report. And I think right
 2 now my inclination is for us to go to ahead and go public
 3 I think later -- well, probably this month.
 4 You know, it's -- so I'm doing some
 5 re-interviews, and there were some things that I wanted to
 6 get at with some of the key players on this. And one of
 7 the questions I wanted to ask is, there is a number of
 8 times when you've had conversations with different folks
 9 about what I'm going to call the bear and lion study,
 10 during the course of its history. You know, you had
 11 involvement with -- with the -- establishing that
 12 State-wide lion contract so when we were getting into the
 13 bear and lion study, and I know that Kirby saw this as --
 14 you know, came to you when, because he's not a lion
 15 expert. I think there is a lot of folks in this that
 16 have, clearly have a lot of respect and regard for their
 17 relationship with you. And you know, I'm not sure this is
 18 a question as much as a statement.
 19 It strikes me that through the course of
 20 this thing that you have -- had some concerns about the
 21 possibility that a jaguar might become part of this study
 22 whether we plan for it or not and that you have tried to
 23 talk to the folks in this thing and try to give them some
 24 opportunities to factor that in to consider that
 25 potentiality and to do something about that. When -- I

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1 don't know that that is an accurate assessment on my part
 2 but it seems to me that you've tried -- that you've seen
 3 some of the implications of this and, you know, had
 4 conversations with Kirby, some conversations with Thorry,
 5 Chasa, had some conversations with Chasa about, you know,
 6 you guys could catch a jaguar in this thing. My sense of
 7 your motivation in that was to try to make sure we had a
 8 good outcome of this study and not have something bad
 9 happen as a part of it. I guess if there is a question in
 10 there it's is that -- is my sense of that accurate?
 11 A. I think it's documented throughout that, first of
 12 all, I don't think I ever asked for information about, is
 13 a jaguar (indiscernible)
 14 Q. No.
 15 A. Things seemed to be cc'd to me, forwarded to me
 16 at times when I really had not been cc'd ever before. All
 17 of the sudden Emil McCain sends me, along with his permit
 18 required people, the fact that Macho B was back in the
 19 country. You know the thing -- the animal was gone for
 20 over a year prior to that.
 21 Q. Yeah.
 22 A. (indiscernible) And just before his reappearance,
 23 you know, the -- Emil McCain was, you know, I assisted in
 24 facilitating Emil McCain on the project. And I still feel
 25 today that he was the best person, after our people spent

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1 a month down there trying to capture something with no
 2 results, I still felt that, hey, he could be valuable to
 3 the project.
 4 Q. Which I think is borne out by the results. I
 5 mean we caught three lions very quickly.
 6 A. We did. You know, I'm -- I also sense, though,
 7 that there is an underlying -- there have been some
 8 underlying discussions here that I have not been
 9 privileged to not because -- even though I know Thorry and
 10 Emil I feel well enough, but I sense there has been some
 11 other stuff that, in terms of discussions, that I'm not
 12 privileged to.
 13 MR. MCMULLEN: Between those two?
 14 A. Yeah. Maybe between those two and between, for
 15 instance, Thorry and everybody else in this group. Your
 16 one question to me that when you brought me back into this
 17 room and asked me if and indicated I had told somebody to
 18 hide the fact that scat were being used was completely
 19 shocking to me. And when this is over, you know, I will
 20 probably be seeking some kind of a records request to find
 21 out where that comment came from. I'm interested in
 22 tracking that stuff down because I told you then, it never
 23 happened.
 24 Q. Yeah.
 25 A. I never had knowledge of any scats being used in

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1 any way, shape, or form for cameras or otherwise until
2 Emil McCain and called me, the same day he called Terry
3 Johnson and broke the news. I still don't know -- at that
4 time he didn't -- he just said he was using them for his
5 cameras.

6 But I guess I wasn't very successful in
7 doing any redirecting of snares, activity, or otherwise
8 from the home range of Macho B as identified by past
9 camera trapping. And, you know, I have to accept some
10 responsibility in not being successful in that respect.

11 Okay. I mean, everybody is remorseful about this thing.
12 No one is -- when he was first caught there was the school
13 of we can learn so much by putting a radio collar on this
14 thing. People slapped everybody on the backs and --

15 Q. There was a certain euphoria about it.

16 A. Absolutely. You know, everybody thought it was a
17 big deal and then things went the other direction in a
18 hurry and everybody is going, wow, we didn't -- no one
19 predicted or looked at this.

20 So in support of your question, I would have
21 to say, let the record stand in terms of, you know, my
22 comments and cc's and conversations with people. But do I
23 feel like I was maybe the only one out there attempting
24 to, you know, caution or telling -- throwing caution out
25 there? No. I don't feel that I did enough. So I

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1 sincerely --

2 Q. And I understand that and I respect that. I
3 think what I'm -- the thing is is part of what ultimately
4 we will have to explain, I think, will be -- include that
5 while you did not have responsibility for that study, you
6 didn't have responsibility for that project, that when you
7 had opportunities to have conversations it seems to me the
8 record reflects that you tried to attract people to the
9 idea that maybe they weren't thinking broad enough and
10 deep enough about what the implications of what they might
11 be getting into. And those were people that had
12 responsibility to -- for that study, that had direct
13 supervisory on the ground roles in that study. You
14 didn't. And they -- and that clearly -- that is process
15 for, you know, is not -- that's not process. That's an
16 individual -- in my mind that's an individual sense of
17 professionalism and commitment to good outcomes, trying to
18 help other people get to a better -- to at least factor in
19 something that they clearly were not factoring in. And
20 the record is clear.

21 Folks looking at this, as we have talked to
22 all the people that were on the ground and most directly
23 responsible for this, and you're not on that list, the
24 reason why you're the interview subject that you are is
25 because a lot of folks, it seems clear from the record

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1 that a lot of people, because of your expertise and
2 because you had been so involved in the field for so many
3 years, you have come in contact with a lot of people who
4 just inherently have a respect for your knowledge and see
5 you as either a mentor, a coach, or just someone whose
6 judgment they trust and they know that they will get
7 pretty good advice if they give you a call.

8 That's not a process that we can rely upon
9 to get good outcomes on studies like this. We've got to
10 have process that enables us to, for example, have that
11 expertise formally wired into the way we develop a study
12 plan, the way we vet a study plan, the way we work through
13 the implications of having the study on the ground of a
14 region that's in one division, a wolf and jaguar branch of
15 one that's where we have got, one and a half when you
16 count Bill's time, that has the most of our expertise on
17 jaguar issues, a research study of bears and lions being
18 done by research branch, endangered species permit and
19 Section 6 MOU with Fish and Wildlife Service being
20 administered by non-game branch, an EA checklist process
21 that's being administered by habitat branch, and oh, by
22 the way, the two species of the study, bears and lions,
23 being game species under game branch. So we looked at
24 this and nothing we did, nothing process wise we had was
25 sufficient to drive cross talk across all of that or use

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1 existing process to try and get at that.

2 The one voice in this thing that seemed to
3 have tried to get some -- generate some cross conversation
4 in this to the benefit of the study and the Department and
5 potentially a better outcome than we got was you. And you
6 had none of the direct responsibility for any part of
7 that, probably some bear and lion study over in game
8 branch, some bear and lion stuff. But that wasn't your
9 project, and I guess -- as I said, there is not a question
10 in that and there probably ought to be. And I'm clearly
11 on the record in my observations, my thinking on this.
12 But in everybody that we've talked to in this thing when
13 they relate that conversation, or relate a conversation to
14 me they've had with you, the second part of the
15 conversation is almost inevitably, and I should have used
16 that information better, some variation on that theme.

17 And --

18 A. You know, I work for the same division as
19 everyone and just all that you just described and there
20 is, you know, there is a lot of silo-ing that goes on in
21 that division. But everybody has got the same
22 responsibility I think to do, you know, to communicate.
23 It's just not involving, you know, research projects. It
24 involves habitat projects and on and on. It's -- there
25 needs to be more effort along those lines. I couldn't

1 agree with you more with what you just said. It's the
2 way -- it's the nature of the beast. It's the way this
3 Department is set up. And you know, we don't have -- we
4 have cross management meetings I guess once a year that
5 people come to, but even during those I don't see a whole
6 lot of, you know --

7 Q. That's not cross talk. Those are people talking
8 at each other. There is not conversation, you know, at
9 least that's been my impression of it.

10 A. All right.

11 Q. And I guess it comes down to that -- the other
12 part of this is we could build the perfect process.

13 A. Sure.

14 Q. And it would be so unwieldy and demand so much
15 time and effort we would never get anything done on the
16 ground. But somewhere between that perfect process that
17 nobody is ever going to be able to use, we couldn't jam 90
18 research branch projects through that process. We
19 couldn't jam all of the research projects out of non-game,
20 all of the research projects out of game branch, all of
21 the fisheries projects, which would need to go through
22 that process, all of the region initiative research
23 projects. We can't drive them through the perfect process
24 and end up with any man hours left to actually be working
25 on the ground. But somewhere between there and

1 essentially having custom and tradition and stovepipe
2 conversation, somewhere in between there we're going to
3 have to come up with some approach to study planning, EA
4 checklist, and maybe one or two other things that are at
5 one in the same time encourage enough cross talk to where
6 we can leverage the experience we have in the Department,
7 get enough of the right eyes on the project quickly to do
8 a quick vetting but a good enough vetting, not the perfect
9 vetting but a good enough vetting for us to reliably
10 expect to get better outcomes from that process and be
11 done in a timely enough fashion to still leave the bulk of
12 the time to actually accomplish facts on the ground. I
13 think it's doable but it's not a process we've developed
14 yet.

15 A. No. It's going to be a tough one.

16 Q. I already said that.

17 A. All right. I don't know if I answered your
18 question.

19 Q. Well, I don't know that I asked one.

20 A. Okay.

21 Q. I think I tried but I'm not sure I got there.

22 A. I can tell you how I felt.

23 Q. The -- in looking back at those -- in looking
24 back at that 10 November e-mail that you provided and the
25 12 November e-mail, these are those ones that -- that was

1 one, the e-mail subject on that 10 November one was Puma
2 Number 2, and this is the one, again, where Emil comes
3 back and says, Ron, two pieces of good news.

4 Now, as you noted, that was an unsolicited
5 e-mail. There is nothing in our string and all that's --
6 that's an e-mail that was started by Emil McCain. I think
7 the language in this, and it's inevitably going to get
8 dissected when this all becomes, and I think that
9 actually, these e-mails are already out in the public
10 record and we may have used some of our public records
11 request included this stuff depending on when we got the
12 request, is going to be that the need to watch the
13 trapping situation and to know if there is a possibility
14 of snaring him soon. I -- you know, we've discussed
15 this. We've asked about that. I just wanted to come back
16 to it and in your -- you probably know Emil better than
17 anyone that we have talked to since we restricted
18 ourselves to talking internal to the Department.

19 There is a sense of euphoria in this thing.
20 He clearly has an enthusiasm for the subject on Macho B
21 and for what he's doing. An interpretation of that
22 language that we're going to end up having to deal with
23 will be that that language is reflective of some
24 coordination to capture a jaguar. What is, as an
25 unsolicited e-mail which you got, what is -- what would be

1 your explanation of -- of -- of that reply to Emil? What
2 would -- what -- how -- what would that -- what was that
3 intended to accomplish in replying to Emil's announcement?

4 A. It was a, hey, heads up. He's in the country and
5 there is a possibility of catching a jaguar. But I don't
6 see -- I sent it strictly to Emil. I didn't send it to
7 the person out there, you know, after that that was
8 actually in the field doing the snaring.

9 Q. Yeah.

10 A. I mean, Emil -- this is November 10th and Emil
11 took off and went to Spain. This is after he gave us, you
12 know, notification.

13 Q. He made his notification then on the 12th is when
14 he then announced the photos to the jaguar conservation
15 team a couple of days later. (Indiscernible) It's kind of
16 a boilerplate announcement that he uses on those, at least
17 the ones that I've seen, the four or five that I've looked
18 at.

19 A. Right. He gave them a location of where the
20 thing was. Okay. I see that. Yeah. So, you know, it
21 was a heads up to Emil that really if he wanted to
22 continue catching mountain lions and being paid for that,
23 that's what he needed to really concentrate on and be
24 careful.

25 Q. You know, because, again, at that time Emil is

1 responsible to Kirby --
 2 A. That's correct.
 3 Q. -- as his supervisor on the ground for that
 4 project. The -- did you consider, Ron, giving Kirby a
 5 shout to talk to him about this?
 6 A. No.
 7 Q. Why?
 8 A. I don't have any why answer on that. You know,
 9 why I didn't do it in retrospect?
 10 Q. Uh-huh.
 11 A. To immediately then go to Kirby and even Thorry
 12 or other people in the field is -- at that point, you
 13 know, that's a good question. I probably could have
 14 answered it then in terms of me giving -- getting back
 15 with Emil with a one liner but who knows. He sent it --
 16 Q. Well, I'm asking you to remember something that
 17 happened over a year ago.
 18 A. I'm also looking at the time here. It was
 19 5:45 p.m. It was after the closing time. You know I
 20 could have easily cc'd Kirby on this whole thing, but the
 21 string is he was talking about the injury to the foot of
 22 the one lion.
 23 Q. And that was a bear and lion study lion that he
 24 had captured for that.
 25 A. Right. And I was concerned about that. He was

1 too. He was concerned about the welfare of the animal.
 2 He forward the thing to me, but just prior to that on the
 3 9th he had sent Kirby, myself, Judy, everybody an e-mail,
 4 and I don't see -- what I don't have is I don't have
 5 anything here to tell us, tells me what he was telling us
 6 on that day at 5:50 p.m. Is that when he told us that
 7 there were pictures?
 8 Q. No. He told us -- it was after -- you had
 9 another e-mail on the 12th where he was -- he was trying
 10 to contact you, and that was the one which was -- it was a
 11 blank subject line. He says, please call you.
 12 A. Right.
 13 Q. And you -- you had sent a note back, of course,
 14 telling him you tried but you hadn't gotten him and before
 15 you linked up, based on our previous interview, before you
 16 linked up he made the announcement later on on the 12th.
 17 A. Right.
 18 Q. That he had had the new photos.
 19 A. Okay. I just had a note here, advise Emil to
 20 keep all informed jaguar in the area.
 21 Q. Which one is that?
 22 A. That was as a result of the 12th.
 23 MR. MCMULLEN: Yeah.
 24 A. No. That was just my note.
 25 Q. Oh, your note. And you know, and I guess this

1 is -- you know, again I come back to you weren't -- you
 2 had no supervisory authority or responsibility for that
 3 study but I know how you define yourself too and that's
 4 why I asked the question.
 5 A. I'm kind of remembering what a previous response
 6 was to this group was that Emil was getting paid \$200 a
 7 day, and he really should have been being paid by the
 8 animal not by the day, but I think he was sensing that his
 9 job was, as a contractor, was in jeopardy at this point.
 10 And, you know, he is very -- he is money oriented in that
 11 respect at this time.
 12 Q. Which I don't blame him.
 13 A. At this time he was. I think he ended that by
 14 saying something to the effect that I hope to continue to
 15 do so, i.e., work in the area without appearing to be
 16 hiding anything. So -- and then, you know, he sent the
 17 information on. He had to.
 18 Q. Yeah. It was a few hours later that he, you
 19 know, operated in accordance with the BJP's agreement with
 20 jag conservation team to make the notification. He is
 21 also notifying about photos that are months old at the
 22 time that he sends them.
 23 A. Right.
 24 Q. I guess -- I can understand -- Ron, I can't ask
 25 you to get inside Emil's head because only he knows what

1 he really intended with those comments.
 2 A. Yeah.
 3 Q. And you said previously in our previous
 4 conversation kind of what you -- what you think he may
 5 have been alluding to. If -- we need to talk about how to
 6 handle reporting this new sighting in the area where I'm
 7 trapping and hope to be able to continue to do so without
 8 appearing to be hiding anything. As I read that thing,
 9 my -- an interpretation that I put to that, which I have
 10 to do because in the lieu of having -- of actually sitting
 11 down and talking through all of that with Emil, and we
 12 never were able to come to agreement --
 13 A. It's not too late.
 14 Q. -- on the conditions. I may be calling him.
 15 A. He is -- he is giving a talk to Fish and Wildlife
 16 Services to the best of my knowledge.
 17 Q. And I -- and I have not -- I didn't feel -- I
 18 didn't feel it was my place to call and verify.
 19 A. (indiscernible) He needs to -- I think you need
 20 some answers too.
 21 Q. As I read that it sounds almost as if his concern
 22 is that if he catches -- because he knows as soon as he
 23 catches the third lion he's out of the lion -- he's out of
 24 the business. We have three collars. We're going to get
 25 three collars on lions and we're done.

1 It almost sounds like that's not his concern
 2 in that. It sounds more like his concern, and this isn't
 3 a question, this is just me thinking out loud with folks
 4 in the room and anybody that ever hears that tape, that
 5 his concern is that if a jaguar were to get captured that
 6 that's going to impact the ability to continue that work.
 7 And if we have a good permit and if we have, you know, as
 8 we believe we did and as Fish and Wildlife Service said
 9 they believed we did, at least at the beginning of all
 10 this, then catching a jaguar as an incidental take
 11 shouldn't have been an issue from the standpoint of
 12 shutting down research on that. And so -- and again, you
 13 know, you're not accountable for his thinking.
 14 A. I know. But if everybody was, I think, just have
 15 to be an (indiscernible) realize what the consequence of
 16 doing that would be in that, you know, in that particular
 17 area. You know it was research project sympatric with
 18 jaguar movements in the area. And you know, when they
 19 started the project, no. We thought, you know, that the
 20 thing -- actually thought the thing was dead. Pretty
 21 sure. We had been a year without any recaptures on the
 22 camera traps or documentation.
 23 Q. Yeah.
 24 A. So just -- I just don't understand why, in terms
 25 of the radar, why all kinds of bells and whistles didn't

1 go off when that thing happened. Everybody had the same
 2 information. Everybody had the same information,
 3 including the Fish and Wildlife Service. I mean, I
 4 stressed this before, especially with Fish and Wildlife
 5 Service agents, is that Erin Fernandez is --
 6 Q. A jaguar conservation team member.
 7 (Multiple speakers at the same time)
 8 A. Monitor that she knew, she became aware of it at
 9 the same time.
 10 Q. She was aware that Kirby was working that project
 11 and that we had people in the field.
 12 A. But this Department is the one that really, you
 13 know, charged with the responsibility of addressing,
 14 responding to all of this. And you know, I would still
 15 like to see some sharing of that responsibility by the
 16 agency charged with, you know, endangered species. So
 17 Emil had been give a permit, not by them, to do his work.
 18 He was reporting the information, and he wasn't hiding
 19 anything. He didn't hide one, you know, one thing.
 20 Everything was reported on this I believe on the day that
 21 he got it.
 22 You know, I just think it's, you know, it's
 23 going to be as it is. I don't know how else to address
 24 it, Gary. People are going to come to their own
 25 conclusions and they are going to make their own

1 comments. They are going to portray it as they will.
 2 And, you know, I don't think that that can be a
 3 way -- unfortunately that's, you know, the power of
 4 e-mail. Stand alone e-mail, just single words that have,
 5 you know --
 6 Q. If you take it out of context.
 7 A. Sure. And they will be. Nothing is going to be
 8 chained together, reported that way. It's going to be
 9 taken sentence by sentence.
 10 Q. When we went to that December meeting that Erin
 11 called. Erin is the one --
 12 A. I didn't go. I was actually -- I phoned in.
 13 Q. You participated on part of it by phone?
 14 A. Right. In fact, I opted out of the -- of the
 15 whole deal. You know, I just, you know, I'm not going to
 16 be involved.
 17 Q. What was your -- what drove your decision on
 18 that?
 19 A. There was far too many egos involved in that
 20 whole original research proposal, far too many. And, you
 21 know, there were a lot of innuendos and comments flying
 22 back and forth. It was, you know, the APIS, Wildlife
 23 Services at that time was trying to garner the project
 24 itself.
 25 Q. Because of the money?

1 A. Sure. Because of the funding possibilities,
 2 that's what they survive on, as our very own Todd Atwood
 3 that pretty much felt he was taking the project with him
 4 when he went to the Wildlife Services.
 5 Q. How was Erin Fernandez at Fish and Wildlife
 6 Services, how was -- how did they have any ownership of
 7 research into resident wildlife species in Arizona?
 8 That's not their purview.
 9 A. No. Unless it's through USGS. Erin works for
 10 Fish and Wildlife Service. USGS is the research arm for
 11 Fish and Wildlife Service. And that was really -- but
 12 there are other government entities that do research.
 13 And, of course, Wildlife Services is one of them. I never
 14 really fully understood why Wildlife Services was involved
 15 to begin with. Judy I could see because she represented
 16 an NGO that was working south of the border and was trying
 17 to facilitate that. No, you're correct.
 18 Q. Ron, to the extent you can -- you know, one of
 19 the defects in this is because we were delayed so long in
 20 getting started that we're already getting months old
 21 memories when we really started digging into this thing.
 22 So it's kind of inherently unfair to ask people to put
 23 their heads back a year or more. But in looking back at
 24 this, did you -- did you consider when you were seeing how
 25 some of this, you know, the conversations you were having

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1 with some of the folks that were implementing that bear
 2 and lion study on the ground, to have a conversation with
 3 Terry to get his -- to get his take on where this thing
 4 was and to potentially get him into that process?
 5 A. No. No. I've -- I have been at Terry's desk far
 6 more than he's ever been at my desk. And I know -- you
 7 know, I've taken a tongue lashing from him more than
 8 once. So, you know, I've kind of just decided not to walk
 9 into his office anymore. It's really not worth my time to
 10 go that route. It's probably the worst thing I can say in
 11 terms of being an employee for this Department because I
 12 respect everybody immensely that works here. And I
 13 respect Terry for his knowledge. He's forgotten more than
 14 I know, but his personality and my personality for some
 15 reason have never -- he's never viewed my comments or
 16 otherwise as, you know, an effort to help any situation.
 17 So --
 18 Q. As you look at this from your perspective, what
 19 are the lessons that you think this Department should
 20 learn from what we've gone through with this?
 21 A. I've already looked and started applying the
 22 lessons from this thing. Complete, open, and informative
 23 communication, you just cc everybody that needs to know
 24 and people that may need to know.
 25 Q. And people that may not want to know but you

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1 think they need to know anyhow.
 2 A. And I can give you an analogy on this. It just
 3 recently happened. We have another research project in
 4 Tusayan on the highway crossings by deer. Jeff Gagnon
 5 realized that deer are moving linearly from Tusayan to the
 6 Four Peaks.
 7 MR. MCMULLEN: To Four Peaks?
 8 A. Excuse me. San Francisco Peaks.
 9 MR. MCMULLEN: I was going to say --
 10 Q. That's a long walk.
 11 A. But they may eventually make it to Four Peaks.
 12 They move linearly at, oh, 100 miles to San Francisco
 13 Peaks, you know, in terms of their back and forth travel
 14 and no more than maybe a quarter mile wide. Well, we have
 15 an HPC habitat project going on up there to restore
 16 grasslands and so we're removing a Juniper stringer that
 17 attaches to the two large blocks of vegetation. If Jeff
 18 had not taken it upon himself to look at his data and go,
 19 hey, are you guys interested in movement, Region 2?
 20 (indiscernible) doing habitat work, they would have
 21 removed, you know, junipers for --
 22 Q. So the pursuit of one corridor in connectivities
 23 we would have destroyed another one.
 24 A. Yeah. So just based on that additional thing, to
 25 me, it all came back to this is kind of -- the stuff that

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1 happened during the Macho B incident. And we have habitat
 2 program managers that are actively, for the first time
 3 ever, attempting to display their habitat projects on a
 4 regional basis and we're going to roll it all up so
 5 everybody knows what's going on in terms of vegetation
 6 treatment, water developments, whatever, geospatially
 7 displayed so everybody can look at that and go and start
 8 applying other things they are doing, other activities,
 9 just start putting it on there and see if there is going
 10 to be any cause and effect here that may warrant
 11 additional looking into it. I don't care what it is.
 12 But it's going to be -- it's going to be a
 13 great effort and Region 1 is kind of spearheading the
 14 thing. But before that it was -- you could call them and
 15 say, are you aware of this HPC project? No. There are
 16 habitat projects that habitat people aren't even aware
 17 of. And wildlife managers are actively out there
 18 directing DA caterpillars on, you know, what happens or
 19 developing waters. Everybody -- that has got to be, to
 20 me, at least at a minimum visually displayed. I mean what
 21 if we had a map that visually displayed our research
 22 projects?
 23 Q. That was available to -- it was transparent and
 24 it was available to everybody.
 25 A. Yes. We have had -- you know, there is a \$40

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1 million funding effort right now going on with USGS on
 2 Department of Interior lands to monitor the border
 3 impacts. The State was invited to participate. We didn't
 4 show up for the first meeting so they just went on. We
 5 were able to get Ray Schweinsburg invited back to that
 6 meeting yesterday. I attended because I was the one that
 7 was invited but I wasn't the appropriate person to but
 8 there. But Ray was able to visually display research
 9 projects along the border to these people that are writing
 10 \$40 million worth of grants. You know, again that was
 11 because of this incident.
 12 So things are happening. I think people are
 13 changing the way they do business. But there is still so
 14 much going on out there by this Department. We're so
 15 productive, a lot of times we don't really sit back and
 16 look at what is going on. It would be like having, you
 17 know, five more Afghanistan wars going on, you know, and
 18 people not really coordinating resources and being --
 19 Q. Actually sounds like the first couple of years.
 20 A. Or sharing of intelligence. It's all -- Macho B
 21 information was intelligence. It was really,
 22 unfortunately it was controlled and restricted by Emil.
 23 Not unfortunately but that's what he did, but he shared it
 24 to enough people that bells and whistles should have gone
 25 off on those folks.

1 Q. Well --
 2 A. I didn't ring anything very loudly.
 3 Q. Well, I think you've -- I used to put up signs in
 4 all the headquarters that I ran that said, who else needs
 5 to know?
 6 A. And my sign says, my secret is safe with you, my
 7 ten best friends.
 8 Q. Interesting. Okay. Make that call. I know
 9 there weren't many questions in this. Part of this was
 10 just for me to grab that opportunity to talk, and I wanted
 11 to make sure it was on the record so it could reflect, you
 12 know, my opinions and beliefs about this.
 13 You guys got anything you wanted to ask
 14 about?
 15 A. When this thing is fully made public I imagine
 16 it's going to be -- it's going to have to be some kind of
 17 additional briefing just like this in terms of -- now
 18 we're going to direct our comments to, you know, a
 19 spokesperson for this kind of thing.
 20 Q. That's fine.
 21 A. And, you know, I'm kind of interested in what the
 22 process is going to be. I don't think this group really
 23 understands the pressures that the people that are all,
 24 you know, have been touched by this are under to
 25 constantly make comment to the point that, you know, even

1 A team and criticizing this Department, the things that we
 2 believe in most, to try to get us to say something. And
 3 it's been real difficult. And you know, there is, you
 4 know, there is another more direct side of this I think
 5 too and that's got to come from Emil, and he's prepared to
 6 do it, and I think he's going to do it. But I think he
 7 should work with the Department on that.
 8 MR. MCMULLEN: He should?
 9 A. Yes, I do. I think it's his responsibility. I
 10 think he owes it to the Department after what -- this
 11 Department has been held up and beat up. He was initially
 12 but we've taken the brunt since then. And you know, we
 13 supported -- we supported him in his projects, you know,
 14 him and Jack and the funding and on and on. So I think
 15 it's time for him to come back and support this
 16 Department. I don't know if you even want that. I don't
 17 know if you want to divorce yourself from him, that name.
 18 Q. Well, I would say where we're going to get is
 19 that this is either going to be one or two phased. If we
 20 decide we can't live in limbo any longer then we'll go --
 21 we're going to probably go with an interim report on our
 22 findings prior to the Feds making their announcement. And
 23 that may -- we can't, I think, consider this investigation
 24 complete until we know what the Feds have said and we have
 25 the opportunity to vet it against what we know. The

1 challenge is is that while we have gotten some verbal
 2 commitment from them to once the investigation was
 3 complete to have access to their materials. There was no
 4 time line put on that. So we could still end up being
 5 months or a year or more away from actually being able to
 6 see what they've got, because if they do, in fact, the
 7 U.S. Attorney decides to take some aspect of this into a
 8 courtroom, I would imagine unless we're one of the
 9 inditees that they would not want us to have access to
 10 material that they are going to take into the courtroom.
 11 They have to provide it to us if we were one of the
 12 agencies or one of the entities that was going to be
 13 pulled into court on this.
 14 A. Sure.
 15 Q. But we don't know.
 16 A. I understand that aspect.
 17 Q. You know, I think -- well, I'm done with my
 18 questions. Let's go ahead and shut down and get ready for
 19 the next.
 20 (Tape ended.)

1
 2
 3
 4
 5
 6
 7 CERTIFICATE
 8
 9
 10 I, Karen M. Niemtschk, do hereby certify that the
 11 foregoing 28 pages constitute a full, true, and accurate
 12 transcript of all taped proceedings had in the above
 13 matter, all done to the best of my skill and ability.
 14 DATED at Phoenix, Arizona, this 5th day of
 15 March 2010.
 16
 17 KAREN M. NIEMTSCHK, No. 50447
 18 Certified Court Reporter
 19
 20
 21
 22
 23
 24
 25

ARIZONA GAME AND FISH DEPARTMENT
5000 WEST CAREFREE HIGHWAY
PHOENIX, ARIZONA 85086

TRANSCRIPT OF INTERVIEW
JANUARY 6, 2010
RON THOMPSON

Individuals present at the Interview on 1-6-10:

Gary R. Hovatter, Arizona Game and Fish Department, Deputy
Director, Interviewer
Marty Fabritz, Arizona Game and Fish Department,
Ombudsman, Interviewer
Craig McMullen, Arizona Game and Fish Department, Wildlife
Manager, Interviewer
Ron Thompson

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(ORIGINAL)

Transcribed by:
Karen M. Niemtschk
Certified Reporter

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