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

TRANSCRIPT OF INTERVIEW
TIM SNOW
July 9, 2009

Individuals present at the Interview on

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
Tim Snow, Employee

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1 P R O C E E D I N G S

2 MR. HOVATTER: And this is -- you know, you being
3 down in Tucson is not something -- you haven't been living
4 the dream quite the way we have on the jaguar situation.
5 Because of the way this evolved, the situation evolved, we
6 had started to kind of dig into what we thought we knew and
7 learned as a result of the capture and then the unfortunate
8 recapture and the euthanization of Macho B about our
9 process and procedures and all and it was firmly our belief
10 and through that effort that this was, in fact, exactly
11 what we believed it to be, which is an unintentional take.
12 Some of the outside stuff -- now, the one thing
13 you have done is you lived down in Arizona Daily Star
14 country so --
15 THE WITNESS: That's right.
16 MR. HOVATTER: -- so the -- because of allegations
17 that were sent to the Star by people outside the
18 Department -- and Ms. Brun's e-mail and some other things
19 that they thoroughly reported on we -- the only way we
20 could get at, you know, the possibility there may be
21 something different than what we thought was to, in fact,
22 initiate a formal investigation. We did not think one that
23 we did internal to ourselves was going to pass muster, that
24 no one was going to accept the validity of an internal
25 investigation done by us; and, of course, Center for

1 Biological Diversity and others had already -- had taken us
2 to task over the idea that we might even try to go that
3 direction.
4 So we very quickly went from everything looks
5 right, we're going to dig in the process and procedures,
6 look at how we're going to improve what we do in the future
7 to being under an investigation we requested in about three
8 days.
9 As a result, we never did dig into this because we
10 had -- we had, in fact, committed to not potentially
11 compromising the Fish and Wildlife Service investigation by
12 bringing together people who were interview subjects that
13 they might want to talk to and thereby compromising the
14 information they were getting.
15 Now, what's changed on that for us -- because, of
16 course, the investigation is still ongoing -- is we got
17 Center for Biological Diversity threatens to sue us and
18 they put a 60-Day Notice of Intent to Sue. We had held
19 off, held off and held off with the hope that the Federal
20 investigation would be done. We have not been poking them
21 about getting done. We don't want their -- anybody to be
22 able to allege we brought pressure to bear on them to
23 finish it too fast. I also hope it happens before I retire
24 again, but that 60-day window ends Friday.
25 We obviously have the potential of ultimately

1 having to go into court. We're not going to be in court
2 the day after even if the Center sues, but we have to know
3 more about what really happened than what we know right now
4 and so -- you know, I coordinated with Fish and Wildlife
5 Services -- they understood -- to let them know that we
6 were going to, in fact, be doing some interviews to get at
7 the original capture. I have some questions that I've
8 delved into relative to the recapture and euthanization;
9 but, quite frankly, if the recapture is what we believed it
10 to be what happened in the -- or the capture, initial
11 capture, the recapture and euthanization are kind of
12 dueling vets and dueling authorities over what that really
13 means and what should have happened or shouldn't have
14 happened.
15 So as a result of that we decided to start this
16 administrative investigation. We're doing this under
17 Garrity, and I'm going to read you your Garrity Warning on
18 this.
19 THE WITNESS: All right.
20 MR. HOVATTER: Because one at the same time, while
21 we believe this to be what it was purported to be, that
22 this was, in fact, an unintentional take, we have to
23 recognize -- the reason we're in a Federal investigation is
24 because we had to recognize that there is, based on the
25 other allegations that came up, the potential that we may

1 be in some respect wrong about that; and so in that regard
2 the best way for us to protect the rights of our folks and
3 still get at what we need to get was to go ahead and do the
4 -- use the Garrity Warning process for this.
5 So I'm going to read this to you, and then we're
6 going to pitch into this thing and I will get you the hell
7 out of here. This was a great way to spend your birthday,
8 I'm sorry about that.
9 THE WITNESS: That's all right.
10 MR. HOVATTER: It probably -- Tim, if I had known,
11 I'd a still said I needed you here but --
12 THE WITNESS: And it's not -- I don't have
13 issues. I'm doing it.
14 MR. HOVATTER: Naw, it's just you have to
15 understand I have a well-developed guilt gene. So -- I'm
16 like that -- the Howlfeld (phonetic) in the Potter -- the
17 Harry Potter series.
18 THE WITNESS: There you go.
19 MR. HOVATTER: All right. Employee Tim Snow, date
20 7/9/09; Interviewer Gary Hovatter, Marty Fabritz and 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 right
24 to have legal counsel present during the interview, nor
25 will you be advised of constitutional rights.

1 You are ordered to cooperate fully with this
2 investigation. You are ordered to respond completely and
3 truthfully to all questions posed to you during the
4 investigation. Failure to respond completely and
5 truthfully to all questions will be considered misconduct.
6 As set forth in Garrity vs. New Jersey, 385 US 493
7 and the line of cases which follow, any responses given
8 during this administrative investigation cannot be used
9 against you in a subsequent criminal investigation. You
10 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 that you and I will both sign
14 is, "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. I
17 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 Arizona Game and Fish Department employees while this
21 investigation is pending."
22 Any questions on that?
23 THE WITNESS: No.
24 MR. HOVATTER: All righty. So -- and we'll make a
25 copy of this to give to you for your records, also, Tim.

1 THE WITNESS: All right.

2 MR. HOVATTER: Here you go, sir.

3 UNIDENTIFIED SPEAKER: What I'll probably do is at

4 some point just run out and just make a copy for Tim

5 (inaudible).

6 MR. HOVATTER: Yeah. Or just call him, he can

7 always come back and get it -- yeah, right. Yeah, wouldn't

8 that be great.

9 THE WITNESS: Thank you, sir.

10 MR. HOVATTER: I mean, it's a great story

11 department school next time we have one. Do you know what

12 tax payers did...

13

14 TIM SNOW,

15 pursuant to Garrity Warning, was examined and testified as

16 follows:

17

18 EXAMINATION

19 BY MR. HOVATTER:

20 Q. Tim, the other thing I was going to say -- and

21 this really -- there's a number of questions we developed

22 kind of boilerplate that we've been -- that we've come to

23 be asking everybody. A lot of what I really want to talk

24 to you about gets at some process questions because,

25 clearly, while we want to understand the details about

1 everything leading up to and including the capture, I also
2 -- a very big part of what we need to do is look at
3 ourselves internally, our process and procedures side of
4 this thing, and make adjustments; and there certainly are
5 some adjustments we're going to need to make as a result of
6 this so that we improve our likelihood of having different
7 outcomes on some of these things in the future.
8 This first question is: From your perspective on
9 this issue, did the Department have the current and
10 applicable permits require -- under the Endangered Species
11 Act for the intentional and incident -- or incidental take
12 of a jaguar?
13 A. I believe we did, to my understanding.
14 UNIDENTIFIED SPEAKER: So does everybody else. So
15 does everybody else.
16 MR. HOVATTER: You are not alone in that
17 presumption, and I specifically asked Dr. Tuggle and Fish
18 and Wildlife Service that question twice and they were just
19 as unambiguous as we are about that.
20 You know, from your perspective in the region and
21 in your role as a non-game biased, based on what you know
22 now looking at this, do you have a sense as to whether that
23 capture was, in fact, intentional or was incidental?
24 A. I would say it's incidental. I absolutely didn't
25 know anything about it until the day the conservation team

1 meeting and I was told, "A jaguar was captured last night."
2 Q. Well, I tell you, that sure is the way to start
3 out your -- to blow an agenda out of the water is when you
4 -- when you walk into one of those meetings and you get
5 told about thirty seconds before you're going to convene
6 it.
7 Tim, what --
8 A. That's -- that's my first knowledge of that so...
9 Q. -- what's your history and your role with regard
10 to the Jaguar Conservation Team?
11 A. When I was a non-game branch as the bat
12 coordinator I did work under Bill Van Pelt. So I -- I knew
13 the conservation team. So this was -- would have been
14 ninety -- '98, somewhere in there, '97/'98.
15 Q. So fairly early on in its history?
16 A. Right. My direct involvement with the team was
17 after I went to Tucson in ninety -- December '98. Then I
18 was basically the note taker. So I took meeting minutes or
19 notes -- summary notes and gave the summary notes up to
20 non-game to finalize. So I did a draft. They do the final
21 and then we distribute those notes.
22 Q. What was your knowledge and understanding of that
23 -- it's been called the Bear and Lion Study, but I guess
24 it's more technically the Large Carnivore Habitat
25 Conductivity Study?

1 A. Well, I knew research had a Bear and Lion Study
2 going on. The location that I knew about was the
3 Huachucas. That was when it was kind of hare snare --
4 Q. The hare snare the bear snare?
5 A. Right.
6 Q. Bear hare snare, we went over that.
7 A. Right. I was not aware that it -- that it went
8 beyond that until -- until I hear that -- you know, they
9 had a capture and then I was like, "Wow, okay."
10 MR. McMULLEN: Did you ever do snaring down there
11 in the Atascosas or --
12 THE WITNESS: No, I did not.
13 Q. BY MR. HOVATTER: Now, were you the keeper of that
14 -- coll -- I understand the jaguar collar we got in 2000 is
15 the memory most folks have had of that?
16 A. Corr -- I don't know the exact year, but I've had
17 the collar and what's called a jaguar capture kit. Really,
18 I don't have a complete kit but it's -- the collar --
19 there's a -- what else do I even have in there? Honestly,
20 I don't even know what's in there. I have an action packer
21 and that's where I put the collar.
22 MR. McMULLEN: It's reflective of your -- your
23 idea on how likely it was that we were going to catch one,
24 I'm sure.
25 THE WITNESS: Well, in fact, the -- when the

1 conservation team hadn't made a decision or that decision
2 was moved up, there was no -- no one's ever come back to
3 say we would move forward or anything. So that was my
4 understanding.
5 Q. BY MR. HOVATTER: To capture an an -- to capture
6 one?
7 A. Correct, which would be trying to catch a jaguar.
8 Q. Right.
9 A. And so we have had discussions prior to, I would
10 say, 2004 probably, somewhere in there, maybe two thousand
11 -- well, probably later, somewhere in 2004 to 2006 I told
12 them the battery was going to be a problem on this -- this
13 collar if one ever got caught.
14 My collar may not be good and we never had funding
15 to really go and get it refurbished or anything. So to me
16 it was kind of a moot point, and I'm holding a collar but I
17 really have nowhere to put it because we don't want to put
18 a collar on that doesn't -- if the collar doesn't work.
19 Q. Did you have -- now, having the thing in Tucson
20 means, you know, it would be hours to get it to an animal
21 if we did accidentally capture one. Did you -- did you
22 ever have during the course of time you had that, either in
23 the Jaguar Conservation Team or later when that -- when we
24 got started in the bear -- the Bear and Lion -- what became
25 the Bear and Lion Study, but was there ever a conversation

1 about, "Okay, if we need to use this collar, here's how
2 we're going to go about this"?
3 A. In the conservation team side there was. I mean,
4 a protocol was written on an intentional capture if we move
5 forward this -- I would be notified and I would be with the
6 capture team, et cetera, to have the collar on site; but I
7 had no --
8 MR. McMULLEN: This isn't you, it's just alone.
9 THE WITNESS: No problem, I understand. But I did
10 not work with research. I didn't even know that was going
11 on so I didn't even know that they needed a collar or
12 anything.
13 Q. BY MR. HOVATTER: So did anybody ever contact you
14 in the 2008 time frame when this -- when they kind of
15 morphed from the bear hare snare or the bear hare project
16 to doing the trapping, did anybody ever contact you in the
17 2008 time period to say, "Hey, what's the status on this
18 collar and what are we going to" --
19 A. No.
20 Q. -- "Is it ready to go?"
21 A. No.
22 Q. Okay. Were you aware of a -- I don't know if it
23 was the Jag Conservation Team yet. I think it was the
24 Wildlife Conservation Society meeting that sometime in 2007
25 that Northstar had donated a collar to the Border Lands

1 Jaguar Detection Project guys?

2 A. Not a collar. I was not aware of that.

3 Q. What was your -- did you have any interaction of

4 any particular -- to any particular extent with the Border

5 Land Jaguar Detection Project?

6 A. Had I --

7 Q. Yeah --

8 A. -- worked directly with them?

9 Q. Yeah.

10 A. In the beginning before Emil McCain was ever

11 involved, I used to go out with Jack and set cameras up and

12 that was when we supplied batteries and film. At that time

13 that was film, not digital, and so I had been on sites with

14 Jack to put those up. Jack also gave me locations of

15 camera sites that he had and also track plots, I guess you

16 would call them, transects, that he was working but -- and

17 I had been to some of those, but I had not done anything in

18 the field with them when Emil got started helping and when

19 -- when all that -- I did have communication with them but

20 not -- I just wasn't out in the field.

21 MR. McMULLEN: When all what?

22 THE WITNESS: No, when Emil came on.

23 MR. McMULLEN: Okay, all right.

24 THE WITNESS: Yeah.

25 Q. BY MR. HOVATTER: And when you were doing that

1 then -- because that's fairly early, I think, in that.
2 A. Yeah, that was -- probably the last time I went
3 out with them on that camera would have -- I'm guessing
4 would be 2001ish, somewhere in there.
5 Q. Was there ever any use of bait or anything else, a
6 lure or any other kind of attraction as a part of that?
7 A. Yeah.
8 Q. I know that is not uncommon to use for camera
9 projects but --
10 A. Yeah, the actual -- there was a scent marker that
11 was put down. It's called Canine Call. That was all that
12 I was involved with and that stuff stinks, because I had
13 some in the office in case we ran our own cameras and I had
14 to end up moving it down in our -- somewhere else because
15 it --
16 Q. Knowing that this was quite a few years ago, do
17 you have -- were there any specific locations you remember
18 working on those cameras geographically?
19 A. Uh-huh, Thomas -- well, we had cameras at that
20 time from -- there was a site in the Patagonia Mountains,
21 there was a site in Thomas Canyon in the Cabarese
22 (phonetic). There were a couple sites even in Arivaca
23 Creek area was a track transect and a camera location. I
24 want to say there was probably seven or eight sites that I
25 had --

1 Q. Yeah.
2 A. -- the locations for. Those are the ones that I
3 remember off the top of my head.
4 Q. Because, you know, where the capture and all were,
5 that was over north of Manzanita Peak and what is it, Bear
6 Ranch -- Bear Ranch is it?
7 UNIDENTIFIED SPEAKER: Bear Valley Ranch.
8 Q. BY MR. HOVATTER: Did you ever operate over in
9 there any?
10 A. I knew that that was going on in that area, but I
11 was -- I never went to that site.
12 Q. So was it going on early on -- in those early days
13 of Emil --
14 A. No, that would have been after --
15 Q. That would have been after Emil or --
16 A. Yeah, yeah.
17 Q. Okay.
18 A. When Emil started shut -- 'cause all of that -- as
19 part of the conservation team I did get the -- get the
20 photos sent to me as well --
21 Q. Yeah.
22 A. -- and then I would get them up to Phoenix and
23 discussions that way for the press releases and stuff and I
24 did know the locations of where they got the actual jaguar
25 were sent to me --

1 Q. Okay.
2 A. -- as far as camera locations.
3 Q. Um --
4 A. And that -- those locations weren't shared with
5 the conservation team. They would be announced that we got
6 a photograph, but the locations that -- and the way I got
7 them would be basically in an e-mail saying or a letter
8 saying that here's the UTMs and it was also -- it was
9 really addressed to Fish and Wildlife Service and I would
10 be like a copy on that.
11 Q. Okay. In practice -- and this is really more a
12 curiosity question. I can't imagine how it's really
13 related to this issue specifically. You were there in the
14 fairly early days. How -- you know, how did that -- on the
15 one hand, use of trail cameras is pretty common now --
16 probably a little less common back then, but even then it
17 was probably a pretty common technique but how -- what was
18 the -- was there a criteria that Jack and you were using
19 that made it a good -- considering this was about jaguar
20 but, of course, to some extent large carnivores is large
21 carnivores, use natural lines of drift and that sort of
22 thing, probably not that uncommon, but was there some sort
23 of criteria you guys developed for how you sited those
24 things?
25 A. I don't remember -- there wasn't a set protocol on

1 any of that. I think Jack kind of developed it based on
2 his -- his experience as a lion hunter.
3 Q. Yeah, because he was a houndsman.
4 A. Right. Because early on, I mean, this is
5 interactions that I've had with Jack so -- and being in the
6 field with Jack. Early on he was told, "You're never going
7 to get a picture of a jaguar," and then he started going --
8 his protocol was to go sometimes to water sources and then
9 also ridge lines where he knew lion scrapes were.
10 Now, protocol was to find scrapes in that area and
11 we thought -- or he thought if that was the case, if he's
12 finding scrapes, the jaguar's probably sniffing those and
13 if there is a jaguar, my best chance is they're going to
14 act like lions and be in this rugged country and they're
15 going to sniff these scrapes.
16 MR. McMULLEN: Go to those scrape spots.
17 THE WITNESS: Exactly. And so he started placing
18 cameras along those trail lines and ridge lines and he
19 ended up with a picture and then after that -- I mean, Dave
20 Brown's the one who told him you'll never get -- you'll
21 never -- "You're never going to get one. It's like a
22 needle in a haystack. You'll never get one," and, boom, he
23 got one.
24 MR. McMULLEN: Never say never about wildlife.
25 THE WITNESS: Exactly. I mean, so the protocol as

1 far as setting the camera, when -- when I went out with
2 Jack it was -- it was we went to a site, there was a
3 scrape, he placed -- at that time it was a single camera
4 because he only had a few and some of those I want to say
5 were donated by us for his use.
6 Q. BY MR. HOVATTER: Well, yeah, I've heard that from
7 others, at least some of those came from us.
8 A. And he marked the site. He also put in a
9 reflective like a pie pan and put -- he wrote on there -- I
10 want to say "jaguar research" or some kind of research
11 "material," please --
12 UNIDENTIFIED SPEAKER: Leave it alone.
13 THE WITNESS: Exactly. And it wasn't in Spanish
14 at that time, and I think later on they started putting it
15 in Spanish, but the reflective thing was to attract the
16 animal as well. So there was a reflective thing and then
17 two or three drops of THE scent marker near the scrape,
18 which was Canine Call which he was getting -- he told me
19 where to buy it in case we were using it and, in fact, we
20 did use some of that that I got from Jack but on a Gila box
21 project, different project, and that's just -- it's a
22 beaver musk, stinky stuff.
23 Q. BY MR. HOVATTER: Late January, early February
24 there was -- among some of the folks that were, you know,
25 down range in the study area and others there was --

1 started to be a considerable amount of e-mail conversation
2 about drug doses for jaguars, protocols and that sort of
3 thing.
4 Were you -- did you get into any of that string at
5 all? I mean, I hadn't seen your name on any of that but --
6 A. Right, and I don't remember being on any of that.
7 I know that we had discussed it as part of the conservation
8 team and there was a -- there was a capture attempt in
9 '98/'99.
10 Q. I think '97 is the one that --
11 A. Okay.
12 Q. -- we're looking at.
13 A. Okay, where they used hounds in the Sierra
14 Colorados and they lost it in the flats and then that
15 was -- that was probably Mike Pruss before me, before I got
16 down to Tucson, and the protocol at that time was created
17 by the conservation team as far as, "Okay, we need an
18 actual capture protocol, who the contact is kind of thing,"
19 and that's been modified and when I -- I actually did --
20 tried to put it in a format that was more professional and
21 I had written different draft or the current draft version
22 of that --
23 Q. Yeah.
24 A. -- more in a format that we -- we would be
25 accustomed to, "we" being Game and Fish and within that

1 there is a section in there that we discussed using the
2 Wildlife Conservation Society recommendations and doses.
3 MR. McMULLEN: Uh-huh. More specifically in
4 February or January --
5 THE WITNESS: In February I had no -- no
6 discussion on that e-mail chain with research or with
7 anybody discussing --
8 MR. McMULLEN: Oh, you're aware of that e-mail
9 chain now?
10 THE WITNESS: I am aware of that now, yes.
11 MR. McMULLEN: Okay, but you weren't in on that?
12 THE WITNESS: No.
13 MR. McMULLEN: Figuring dosages and all that,
14 okay?
15 THE WITNESS: Right. I don't even -- I can't even
16 tell you why I'm aware of that now. I don't -- I saw that
17 later.
18 MR. McMULLEN: Okay.
19 THE WITNESS: This is after the events. I've seen
20 and knew that there was some e-mail chains.
21 Q. BY MR. HOVATTER: Did you -- you know, we're
22 taking notes for the Jaguar Conservation Team. You
23 undoubtedly knew of Emil McCain.
24 Did you ever have any dealings with him?
25 A. Not other than the conservation team, no.

1 Q. In your conservation team dealings with him, what
2 was the nature of that?
3 A. Emil, at the time, it was my understanding was a
4 student from Humbolt State that was going to be assisting
5 Jack with camera project and would allow that project to
6 expand; and then in knowing him from the conservation team
7 and coordination-type activities and I know that he was --
8 that the name changed to Borderline Jaguar Detection
9 Project and this is this stuff, but prior to or outside the
10 conservation team, nothing.
11 Q. The -- did you know -- do you know Thorry, I would
12 presume?
13 A. The first time I met Thorry was the day he brought
14 the pictures.
15 Q. Oh, from the original capture?
16 A. Yeah.
17 Q. Were you aware of the fact he was working in the
18 area?
19 A. There was mention that they would be possibly
20 doing a project that would look at the border -- border
21 fence thing and that's what I thought it was about, but I
22 did not know locations.
23 Q. When you say "they," was that --
24 A. The research branch was going to be.
25 Q. Uh-huh.

1 A. And I had no names. All I knew is that there was
2 a project going on. I didn't know who was doing it. I
3 think I saw Thorry's name when they were doing the Huachuca
4 stuff with the hare snare stuff.
5 Q. So, let's see, how long have you been down in the
6 region?
7 A. Since '98, December '98.
8 Q. Now, granted, you know, it wouldn't be -- it
9 wouldn't have been a non-game project, just as a part of
10 being Region 5 staff, were there any other research
11 projects -- or any other snaring at operations we've ever
12 run down in that area that you're aware of, I mean, for
13 depredation issues?
14 A. At Sabino Canyon, something like that?
15 Q. Yeah.
16 A. That would be the only other.
17 Q. But nothing that you were aware of in your role
18 down there?
19 A. Correct. U of A did a mountain lion thing, but I
20 think they were using Wildlife Services.
21 Q. Yep.
22 A. And the Sabino thing kind of happening at the same
23 time. Those are about the only things I know -- or heard
24 of. I shouldn't say I know.
25 Q. Okay. Starting with January -- well, let me --

1 there were some photos of jaguars in late July, I think it
2 was, like July 29th and August 2nd, 3rd or 4th --
3 A. Correct.
4 Q. -- of 2008. Now, were you aware of those?
5 A. I was aware that those photos (inaudible) --
6 Q. And that was the Jaguar Conservation Team work?
7 A. Correct.
8 Q. Were you aware of the January photos that got
9 taken, January '09?
10 A. I know that there were some in the Coyote
11 Mountains and I don't -- I don't remember which off the top
12 of my head, and I'm thinking Coyote Mountains were in the
13 July/August scenario. The Atascosa stuff, I can't say if I
14 learned of those conservation after the capture or before
15 the capture --
16 Q. Yes.
17 A. -- but I did -- I did hear about those at some
18 point, but I do not remember, sorry.
19 Q. No, no. Tim, there's nothing to be sorry about.
20 I mean, that's -- we're just, you know -- because a lot of
21 this is boilerplate stuff I'm asking any of the folks who
22 involved in this thing.
23 A. That's fine.
24 Q. I know from some of the e-mail traffic, you know,
25 Terry had sent you a note at one time asking you to do some

1 notification about a jaguar sight. This is --
2 A. Pima County.
3 Q. Yeah, and I think, also, Bill had said -- I saw a
4 couple e-mails; but the question is: How did you see,
5 looking at the Jaguar Conservation Team, I understand the
6 guidelines have that notification process where the
7 information is supposed to flow up about sightings and
8 other things and they get distributed, how did you see that
9 information process working?
10 A. Um, for me, it was to go to the agencies because
11 the agencies new the permittees better than I did.
12 Q. Uh-huh.
13 A. I also let the -- tried to let the local WM know.
14 Q. I was going to ask. So you did -- did try and
15 make some effort to let WMs know about that -- about if
16 they had sightings or to get them kind of sensitized to
17 that?
18 A. For that district, right?
19 Q. Right.
20 A. I didn't do -- like broadcast to the region that
21 there was something --
22 Q. Uh-huh.
23 A. -- but it would be to the local -- whoever that
24 specific WMFS.
25 UNIDENTIFIED SPEAKER: Did you get the field

1 supervisor as well?

2 THE WITNESS: Not always, no.

3 Q. BY MR. HOVATTER: Of course, you only had the one

4 FS down there for like a bazillion years for that one area,

5 one sector, right?

6 A. Right.

7 Q. It was Kurt. So if you only told him once you

8 kinda, that could have some long-term (inaudible).

9 A. Well, I knew that he knew the Bear Valley Ranch

10 area and those cameras, but those have been taking

11 photographs probably five, six years now or longer of

12 Macho B.

13 Q. What -- do you not have a sense of how Kurt got --

14 what his involvement was? I mean, clearly it's his

15 sector. He has WMs running around down in there and, I

16 mean, we expect the FSs to know what's going on in their

17 sector and Kurt's one of the -- one of the best. So do you

18 have any -- did you and he ever have any conversation about

19 the jaguar issues down there or get any sense of what his

20 involvement was?

21 A. No, not that I'm aware. I mean, I know that Kurt

22 had seen the presentation that Emil had given, the one that

23 I gave at department school, which was basically just a

24 copy of Emil's presentation. Emil gave it at a regional

25 meeting. So all those locations, not specific locations,

1 but I'm sure Kurt knew about that from that end.
2 Q. From the standpoint of sightings -- and I know a
3 lot of sighting information that emerged was pretty bogus
4 stuff. You know, you got a lot of stuff from all over the
5 place. Did that system seemed to work the way you guys
6 wanted it to, the way the Jaguar Conservation Team wanted
7 it to? Did you have a sense that that stuff did flow the
8 way you wanted it to and got to them?
9 A. I think there are some issues as far as being able
10 to get on to a -- our investigative sighting within the
11 time that we could possibly get physical evidence. So
12 meaning tracks, because after three days you can't find a
13 track in the hard ground around Arizona in general. You
14 know, some of it is the way the reporting party calls. "I
15 saw it last Friday," or "I saw it a week ago."
16 Q. Yeah. "And I just thought to call you," yeah.
17 A. Right, or -- you know, there's a reason why Big
18 Foot and UFOs are blurry. Black cats are the same way
19 so...
20 Q. Yeah.
21 A. Ninety percent of what I get reported are black
22 cats. If the inves -- in my -- I have a form that I fill
23 out. When I go -- I go right down the sheet. I tell the
24 reporting party that, "I'm reading this. I'm not
25 discounting anything you're saying. There's a form I'm

1 filling out" --

2 Q. Right.

3 A. -- "so please" --

4 MR. McMULLEN: Yeah, bear with you. You're adding

5 stuff.

6 THE WITNESS: And so -- so I take all that

7 information. Now, after that then I look at it, one, the

8 timing can I get that out to somebody to do a field

9 investigation if I can't or if it's in a different region

10 or whatnot, or how reliable a report is it and then we --

11 there's a ranking thing --

12 MR. HOVATTER: sure.

13 THE WITNESS: -- and all that.

14 MR. HOVATTER: Yeah.

15 THE WITNESS: But some of the issues that I think

16 are problems with it are, one, it's all subjective to the

17 interviewer, me, in how -- I mean, people believe what --

18 they're passionate about what they think they saw --

19 MR. HOVATTER: Yeah.

20 THE WITNESS: -- and it's not cut and paste to

21 say, "Well, you did or didn't see that," and so -- so I

22 think that's some of the problem is there's no way to say,

23 "You're a hundred percent correct and I need to do a field

24 note follow-up or -- or I can't." So that's one thing.

25 The other thing is the communication. Sometimes I

1 get -- a report is sent to Phoenix, radio room or Bill, and
2 that's not getting back to me, asked to do that until a few
3 days later, or it comes to me and it's not filtering --
4 MR. McMULLEN: That's a learning thing about
5 reports. Now, are you getting copies of the pictures that
6 Emil was getting of Macho B in the Atascosas and
7 Tumacacoris in January of 2009? Did you get copies of the
8 reports?
9 THE WITNESS: No. I would have got an e-mail, but
10 I wouldn't have got copies of the photos.
11 MR. McMULLEN: Yeah, I know, just alert. Were you
12 alerted that those --
13 THE WITNESS: The ones in the Atascosas, no. Like
14 I said --
15 MR. McMULLEN: In January of 2009?
16 THE WITNESS: Right.
17 MR. McMULLEN: Okay. Now -- okay. What --
18 THE WITNESS: I knew that when I answered Gary
19 that -- the January one, I don't remember if I learned
20 about that until after the incident or not.
21 MR. McMULLEN: Yeah.
22 THE WITNESS: Because I remember that someone told
23 me that there was a photo. So I didn't get information on
24 that one, but I don't remember if that was December.
25 MR. McMULLEN: Right, okay.

1 THE WITNESS: I don't know if -- remember if that
2 was -- oh, there was a photo.
3 MR. HOVATTER: Whether it was in the December
4 meeting and you were hearing about -- yeah.
5 MR. McMULLEN: If you had, say you had and don't
6 remember or something like that -- and I'm not saying you
7 did and you don't remember or whatever, I don't know. I'm
8 just trying to get a feel for --
9 THE WITNESS: Right.
10 MR. McMULLEN: -- what your idea of the process
11 would have been. If you had would, would you have thought
12 to notify, say, Kirby, Thorry, Michelle, Emil -- not Emil
13 because they're working on the jag --
14 THE WITNESS: No.
15 MR. McMULLEN: -- or not the jag, the LCH
16 (inaudible) --
17 THE WITNESS: I would not have notified them, and
18 the reason would have been because -- because that whole
19 area was known for seven, eight years that jaguars were in
20 there.
21 MR. McMULLEN: That makes perfect sense to me. I
22 wouldn't have expected it. Plus, it's not a jaguar project
23 and you said you didn't know they were snaring.
24 THE WITNESS: Right.
25 Q. BY MR. HOVATTER: Did you ever -- again, we've

1 already talked about you didn't know -- you did not know
2 that they were snaring and all, but did you ever hear of
3 anything about the use of jaguar scat or jaguar scent as
4 part of the Jaguar Conservation Team discussion over the
5 years or as a part of folks seeking that type of stuff
6 or --
7 A. When I first -- when I first went to Tucson in --
8 that would have been '98/'99 and I went out with them and I
9 had discussions -- well, I wouldn't even say discussions.
10 Jack's still trying to get the first photo --
11 Q. Yeah, yeah.
12 A. -- of a jaguar I said, "Why aren't we contacting
13 someone at the zoo and getting -- and trying to get some
14 scat?" and that was it. That was it. I even mentioned
15 that probably to Bill --
16 Q. Sure.
17 A. -- Van Pelt or whoever. I said, "You know, if
18 we're really trying to get a photograph, why don't we try
19 that?" Now, that was the end of it.
20 MR. FABRITZ: They didn't have a response or
21 anything?
22 THE WITNESS: No, none. None.
23 MR. McMULLEN: It's just a good idea (inaudible
24 due to multiple speakers).
25 THE WITNESS: It was just a thought. It was a

1 thought and to my knowledge, you know, going out with Jack
2 and using Canine Call, that's all I thought was ever used.
3 MR. McMULLEN: Yeah, okay.
4 THE WITNESS: I didn't go -- it never went beyond,
5 "Hey, you know, the zoo has a jaguar. What about doing
6 something like that?"
7 Q. BY MR. HOVATTER: I think I know the answer to
8 this because we've already talked about it. The --
9 A. Can I -- I'm sorry.
10 Q. No, go ahead.
11 A. Adding to that, there -- there is a baby food jar
12 of jaguar scat in my desk.
13 MR. McMULLEN: Oh, there is? Where'd you get
14 that?
15 MR. HOVATTER: Where'd that come from? That's
16 neat.
17 THE WITNESS: Mike Pruss had it.
18 MR. McMULLEN: Really? And it's been in there
19 ever since?
20 THE WITNESS: And I've never opened it.
21 MR. HOVATTER: I wouldn't. I have no idea if it
22 has an expiration date.
23 THE WITNESS: All it says --
24 MR. HOVATTER: But I'm not sure what spoiled
25 jaguar scat smells like anyway.

1 THE WITNESS: There's a yellow piece of paper,
2 that's all I --
3 MR. McMULLEN: It says jaguar scat?
4 THE WITNESS: Right.
5 MR. McMULLEN: For all you know it could be
6 javelina poop.
7 THE WITNESS: I have no idea.
8 MR. HOVATTER: Well, knowing somebody collected --
9 THE WITNESS: I don't know where it came from,
10 just knowing that that was just in that desk when I --
11 MR. McMULLEN: Cool. That is interesting. That's
12 kind of neat.
13 Q. BY MR. HOVATTER: Well, you know, though, if I
14 ever found some in the field and I knew it was jaguar, I'd
15 a collected it just so I could say, "That's what jaguar
16 scat looks like."
17 A. I think it actually says Reid Park Zoo or
18 something like that so...
19 But my discussion was, "Why aren't you trying
20 that?"
21 MR. McMULLEN: Sure.
22 Q. BY MR. HOVATTER: Do we -- do you -- in the course
23 of your work do you use any of Northstar's stuff,
24 Northstar's collars?
25 A. I don't recall ever -- because all my -- my

1 telemetry experience is with bats.

2 Q. Yeah, hard to put much of a collar on that.

3 A. Yeah, and I don't think I've -- Northstar's never

4 been -- I've never used a Northstar.

5 Q. Let's see, we're done with that. We dealt with

6 that. Do you know Stewart Breck?

7 A. No, don't think so.

8 Q. I think he's a Wildlife Conservation Society.

9 Now, you do know Todd Atwood, I think, or --

10 A. I've heard the name.

11 Q. Yeah, heard the name. Did you ever -- now, he's

12 since left the department. He was in the research branch

13 in '08.

14 A. Right.

15 Q. Have you come across him at all in the last year

16 or so?

17 A. No, not that I'm aware.

18 Q. Have -- you know Ron Thompson?

19 A. I don't know him well, but I know who he is.

20 Q. Yeah, have you worked with him on --

21 A. I've seen him at some of the team -- starting some

22 of the team meetings.

23 Q. Yeah, he wasn't a member of the Jaguar Committee,

24 but he did come to some of these meetings, didn't he?

25 A. Right, right, yeah.

1 MR. HOVATTER: I don't think that needs to be
2 asked.
3 MR. McMULLEN: No.
4 MR. HOVATTER: I don't think that one needs to be
5 asked.
6 MR. McMULLEN: Nope.
7 Q. BY MR. HOVATTER: When was -- all right. Were
8 there any in your memory -- the photos were clearly easy to
9 consider as those are confirmed jaguar sightings.
10 Was there any information you ever got in your
11 role as being a point for information to flow to and from
12 from other than the Border Alliance Jaguar Protection
13 Project that was, in fact, a confirmed sighting or that you
14 found to be a confirmed sighting?
15 A. Warner Glenn's stuff on the New Mexico side. We
16 had those; but other than that, no.
17 Q. Yeah.
18 MR. McMULLEN: Do you know anything about any
19 reports around Lobos Well or some -- I'm trying to ferret
20 out some unconfirmed reports around Lobos Well.
21 THE WITNESS: I did get reports of tracks found
22 over by Lobos -- Lobo Tank or Lobo whatever.
23 BY MR. McMULLEN: Where is that?
24 THE WITNESS: That's in the south end of Cerritus
25 (phonetic).

1 MR. McMULLEN: Oh. Cerritus are in 36-A or what?
2 THE WITNESS: Yes.
3 MR. McMULLEN: Oh, so that's way north of the --
4 even this map?
5 UNIDENTIFIED SPEAKER: Yeah, it would be -- it's
6 actually --
7 MR. HOVATTER: This might be a better one, Sam,
8 over here, the one to the right.
9 UNIDENTIFIED SPEAKER: It should be left of 19 and
10 then turn north.
11 THE WITNESS: Do you know where the Cerritus
12 Colorados --
13 UNIDENTIFIED SPEAKER: Actually, Cerritus are over
14 to the right. That green one up on the right.
15 UNIDENTIFIED SPEAKER: Cerritus Colorados?
16 UNIDENTIFIED SPEAKER: They're up here. Here's
17 Arabaca (phonetic) Road. Here's Baramonte (phonetic) Road
18 and it would sit probably -- probably about right here.
19 MR. HOVATTER: Okay.
20 THE WITNESS: And that was -- I forget the date.
21 I want to say it was a couple of years ago, but it was
22 during a deer hunt. Matt Colvin reported -- he was the one
23 that also wrote the book with Jack, the tracking book. He
24 reported that he thought he had seen some tracks in that --
25 that area.

1 MR. McMULLEN: Jaguar tracks?
2 THE WITNESS: Right, and Gabe Paz was the -- at
3 that time had that district and Gabe was -- we asked Gabe
4 to contact the landowner to see if we could get cameras put
5 in there and it was my understanding they put a camera in
6 the Serra Colorados, but I don't know the location.
7 MR. McMULLEN: Gotcha.
8 MR. HOVATTER: You got any other questions?
9 Marty, you got any other questions?
10 MR. FABRITZ: No.
11 MR. HOVATTER: God, I wish I did because I hate --
12 I really do feel bad about having you be down here for less
13 than an hour's worth of conversation, but we did have to do
14 this in person unfortunately.
15 THE WITNESS: That's fine.
16 Q. BY MR. HOVATTER: Is there anything we haven't
17 talked about relevant to jaguar that you think would be
18 useful to know as we did into this thing?
19 A. Well, there was a -- there is a subcommittee that
20 discussed potential capture, and I'm sure you're aware of
21 that through this.
22 Q. Yeah.
23 A. And came out with risk assessment and then that
24 went up to Terry as far as going up to Dwayne at the time
25 to discuss moving forward. From my end, Terry told me on

1 the way down -- wait, did I ride -- okay, I rode with
2 Leonard. Terry told me at the conservation team meeting --
3 Q. Which one was that? Would have been the February
4 one?
5 A. Well, right before the capture, whatever date that
6 was.
7 Q. That was February 19th, yeah. Trust me, some of
8 these dates are burned in my brain, man.
9 A. All right. At that meeting Terry said, "I'm going
10 to announce we're going to try to move forward with the
11 capture at the meeting. Do you have issues?" and I said,
12 "No, okay."
13 And then we get down to the meeting sight and
14 Terry says, "Someone caught the jaguar so I can't really
15 announce anything."
16 MR. McMULLEN: So your recollection of that
17 conversation was you received the news from Terry that you
18 guys were -- the Department was going to move forward with
19 an active effort to catch it?
20 THE WITNESS: We were going to move on the
21 conservation team's recommendation to --
22 (Interruption).
23 THE WITNESS: Sorry. It would have been the
24 conservation team's recommendation to move forward with the
25 capture, and that would be following the protocol

1 established in the conservation team. So having a bed on
2 site, all that kind of stuff.
3 MR. McMULLEN: Oh. So they were moving forward
4 with adopting the protocol or a recommendation to capture
5 -- move forward with a capture?
6 THE WITNESS: We would -- well, Terry's
7 conversation was --
8 MR. McMULLEN: I'm just asking for your
9 understanding of what that conversation was?
10 THE WITNESS: Yeah, my understanding was we were
11 going to move forward with pursuing the capture -- capture
12 or captures, but we were not going to pursue Macho B
13 because of his age.
14 MR. McMULLEN: Okay.
15 THE WITNESS: That was the conversation. Then
16 when we came back Terry said, "It's kind of moot. I just
17 got word we -- somebody -- a jaguar was caught in a snare,"
18 and that was all my information; and then after that it
19 was, "Can you get the pictures? Can you verify what it
20 is?"
21 MR. McMULLEN: After that that's the tornado.
22 THE WITNESS: Right.
23 MR. HOVATTER: Anything else, guys?
24 MR. McMULLEN: No. Thank you for coming up.
25 THE WITNESS: No problem.

1 MR. HOVATTER: Thank you, sir. I apologize.

2 THE WITNESS: Not a problem.

3 (Whereupon, CD was concluded.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing 39 pages constitute a full, true and accurate transcript of all the taped proceedings had in the above matter, all done to the best of my skill and ability.

DATED at Phoenix, Arizona this 6th day of August, 2009.

Teri Veres

Certified Court Reporter