



## **Federal Court Victory for Florida Panther**

### **Corps of Engineers violated Endangered Species Act, court says**

Washington, DC (April 4) - A U.S. district court judge has ruled that the Corps of Engineers illegally failed to consult with the U.S. Fish and Wildlife Service regarding the impacts on the endangered Florida panther of nationwide dredge-and-fill permits issued in 2002.. The case was brought against the Corps by the National Wildlife Federation and Florida Panther Society.

“This could be a lifesaver for the Florida panther,” said John Kostyack, senior counsel for the National Wildlife Federation. “By ruling that these permits are illegal, the court has sent a clear message to developers that they should think twice before trying to build on Florida panther habitat.”

The lawsuit focused on nationwide permits issued under the Clean Water Act. According to the Clean Water Act, such permits may be issued only if environmental impacts are minimal. They allow development activity to go forward in wetlands without site-specific agency review or any public participation. U.S. District Judge James Robertson held that the Corps is required by the Endangered Species Act to consult with federal wildlife experts before issuing such permits to avoid jeopardizing the panther’s existence, but did not do so.

“The Corps has a responsibility to ensure that its actions do not further jeopardize wildlife that is already on the brink of extinction,” said Kostyack. “In Florida, this means protecting panther habitat from excessive development.”

With fewer than 100 individuals remaining in the wild, the Florida panther is the most endangered of all of North America’s cats and one of the most endangered large mammals in the world. Large portions of its habitat are on wetlands that cannot be developed without a permit from the Corps of Engineers.

“People expect government agencies to be accountable for complying with the law. Here, the law clearly requires that the Corps protect this magnificent animal and its habitat,” said Kostyack.

The Corps must now go back and consult with the U.S. Fish and Wildlife Service so that the Service’s wildlife experts can assess the impacts of these permits on the Florida panther. “This should result in a finding by the Service that nationwide permits are inappropriate for use in endangered species habitat,” Kostyack said. “Any development in Florida panther habitat should be allowed only if there is careful site-specific review and full public input. At stake is whether we will fulfill our responsibility for conserving wildlife for future generations.”

“People in Florida care deeply about this animal and the natural legacy it represents. We are pleased that the court is requiring the Corps to do what it should have done in the first place,” said Stephen Williams, Founder of the Florida Panther Society.

The National Wildlife Federation is America’s conservation organization protecting wildlife for our children’s future.

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