

Forest Service targeted in lawsuit

Written by By Robin Silver Center for Biological Diversity
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Suit seeks to protect mouse, meadows in New Mexico Sacramento Mountains

ALBUQUERQUE— The Center for Biological Diversity sued the U.S. Forest Service Aug. 27 to challenge its failure to protect streamside meadows in New Mexico’s Sa-cra-mento Mountains from cattle. The areas are critical habitat for the endangered New Mexico meadow jumping mouse.

The lawsuit shows that the Forest Service has spent more than \$8.4 million in public funds over the past four years to facilitate the grazing operations of two permit holders who have amassed more than 250 violations of their cattle exclosure obligations during the same period. The Forest Service has documented that the permit holders have improperly allowed their cows to enter protected streamside meadows, the mouse’s habitat.

“These ranchers are the reason the streamside meadows are trashed and the mouse is disappearing,” Robin Silver, a cofounder of the Center, stated. “But the Forest Service spends millions in taxpayer money to subsidize their businesses, while they rack up hundreds of violations without any consequence.”

Public records obtained by the Center through the Freedom of Information Act show that the Forest Service has documented 259 exclosure violations by the permit holders for the Sacramento and Aqua Chiquita allotments, in the Lincoln National Forest, since 2016. These

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exclosures are meant to prevent their cattle from trampling riparian areas and devouring grasses that the jumping mouse needs in order to survive.

The lawsuit says the Forest Service violated the law by disregarding regulations designed to protect the upper-elevation riparian meadows of the Sacramento Mountains and the endangered mouse that represents the health of these areas. The area is part of a sky-island mountain range rising a mile above the vast deserts of southern New Mexico.

“Public records clearly show that taxpayers are getting stuck with a bill for shoddy range management and habitual disregard for the laws designed to protect public lands and prevent wildlife extinctions,” Silver said. “It would be cheaper and much less damaging for the Forest Service to just give these permittees their handouts in cash and ask them to leave.”

The New Mexico meadow jumping mouse was listed as endangered in 2014, and the U.S. Fish and Wildlife Service protected nearly 14,000 acres of critical habitat for the endangered mouse in 2016.

The tiny mouse only lives along streams. It was once found from southern Colorado to central New Mexico and eastern Arizona but has been lost from most of its range due to loss and degradation of streamside habitat.

The New Mexico meadow jumping mouse hibernates for up to nine months a year, leaving a narrow window each summer to mate, reproduce, and gain enough weight to survive its long hibernation. The mouse has highly specialized habitat needs, such as tall, dense grasses and forbs (an herbaceous flowering plant other than a grass), found only in riparian areas along perennial flowing streams.

Cattle concentrate in these riparian areas during the summer months, when the jumping mice are active. Their intensive grazing destroys the habitat and has resulted in isolated, fragmented populations that are highly vulnerable to occasional, yet inevitable, events such as wildfires.

“It’s high time that the Forest Service did its job of protecting our public lands,” Silver said.

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“Taxpayers are already heavily subsidizing cattle grazing on public lands. We shouldn’t also be forced to subsidize ranchers who don’t just refuse to follow the terms of their contracts,” he added. “They’ve violated them hundreds of times in just the last four years.”

The Center is represented in the litigation by Eubanks and Associates, LLC.

By Robin Silver
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