

Testimony – New Mexico Meadow Jumping Mouse and Grazing on the National Forests

Presented by Robert G. Trujillo, Acting Wildlife Director, to the New Mexico State Legislature Water & Natural Resources Interim Committee

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On June 10th, the U.S. Fish and Wildlife Service listed the New Mexico Meadow Jumping Mouse as endangered. A designation of critical habitat is expected this year. It is likely that requirements for protection of critical habitat may affect management of certain grazing allotments; however, the scope and scale of the proposed critical habitat is limited to very specific riparian habitat in identified watersheds only on the Lincoln and Santa Fe National Forests in New Mexico. The Forest Service has a legal obligation, in coordination with the Fish and Wildlife Service, to protect this endangered species and its habitat. I want to make clear that the scope and scale of the proposed critical habitat is limited to very specific riparian habitat, only in identified watersheds, which amounts to approximately 1% of the acreage in the affected allotments in New Mexico. Although there may be changes to grazing management, we do not anticipate any reductions in permitted animal unit months (AUMs) as a result of this designation.

The Forest Service has worked extensively with the U.S. Fish & Wildlife Service and the ranching community in preparation for the listing. The Forest Service is exploring potential management and monitoring strategies for the jumping mouse. Our Region

has convened meetings with U.S. Fish & Wildlife Service and grazing permittees on the national forests in New Mexico. In addition, Forest Service leaders have met with industry groups, including the New Mexico Cattlegrowers Association and Northern New Mexico Stockmans Association. The Region is also partnering with the U.S. Fish and Wildlife Service, NM Game and Fish Department, the Albuquerque Bio Park Zoo, and universities to develop a captive breeding pilot program.

The Forest Service Southwestern Region has undertaken several initiatives to work with permittees, livestock groups, and other key partners to proactively address concerns related to the ongoing drought – and in particular permittees potentially affected by critical habitat for the Jumping Mouse. In early March, the Regional Forester led a meeting with all Forest Supervisors, District Rangers, and range staff in the region to highlight his intent for drought management planning and actions. Several National Forests, including the Lincoln National Forest, sent out drought management planning letters to their permittees in order to provide information on potential drought impacts and begin a conversation to cooperatively develop adaptive management strategies. The Region worked in collaboration with the USDA Farm Service Agency to develop video conference training for all Forest Service range management staff in New Mexico on the current drought relief programs authorized in the new Farm Bill. Forest Service

employees have provided information about the opportunities under these drought programs to permittees, including how ranchers can sign up for the programs. The Southwestern Region entered into an important partnership at the end of 2013 with the New Mexico Association of Conservation Districts that will increase opportunities to work with ranchers, local conservation districts, and NRCS to implement more range improvements on Forest Service grazing allotments. The Region also continues furthering our relationship and communications with the New Mexico Cattle Growers Association and Northern New Mexico Stockman's Association. Our discussions with permittees will continue in an effort to find solutions that protect the mouse and its habitat and minimize impacts on the ranching community.

I would also like to take a minute to clarify some legal issues regarding grazing on federal lands. The holding of grazing permits on National Forest System lands is a privilege, not a property right. Federal courts have repeatedly held that private ownership of a water right on Federal land does not confer a right to graze or use forage on Federal lands and the New Mexico Supreme Court has agreed with these rulings. In addition, regardless of water right ownership, the use of any water right held on National Forest System lands is subject to Forest Service regulation to protect and manage Federal resources, including protection of riparian areas. In New Mexico, livestock

watering rights are not tied to the land therefore they are transferrable to a new point of diversion. It is the responsibility of the water right holder to obtain approval for any additional water developments or diversions through the State Engineer's office as well as the Forest Service when they occur on national Forest System lands. Fencing sensitive riparian areas to protect wildlife habitat is a common practice on federal lands and in no way impinges on private water rights. For example, the fence in the Agua Chiquita area on the Lincoln National Forest has been in place since the 1990's. The original fence was built using State habitat stamp funds from hunters and fishermen in New Mexico to protect riparian habitat for big game species. Water was made available for livestock watering purposes as part of its original fence design.

Ranching is an important economic activity in this region and the Forest Service takes very seriously the role we play in supporting this industry and culture. The Forest Service is committed to working with ranchers, state and local officials, and the ranching community to continue our efforts to improve range conditions, implement range improvement projects on the ground, and find practical solutions to issues as they arise. We believe that by working together with our partners, we can find practical solutions to ensure conservation measures are in place for the Jumping Mouse while also providing range improvements and access to water for cattle on Forest Service allotments. Thank

you for the opportunity to present today and I look forward to answering any questions you may have.