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# Endangered Species Act/Cattle Grazing: Center for Biological Diversity Citizen Suit Action Alleging U.S. Fish and Wildlife Service/Bureau of Land Management Violations

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The Center for Biological Diversity and Maricope Audubon Society (collectively, “Audubon”) filed a November 2nd Complaint for Declaratory Judgment and Injunctive Relief (“Complaint”) in the United States District Court for the District of Arizona against the following federal agencies:

- U.S. Bureau of Land Management (“BLM”)
- U.S. Fish and Wildlife Service (“Service”)

The Complaint was filed pursuant to the citizen suit provision of the Endangered Species Act (“ESA”) and alleges violations of that statute and its implementing regulations.

Audubon alleges that BLM and the Service have failed to protect habitat for the endangered Southwestern willow flycatcher and Western yellow-billed cuckoo. The damages are allegedly due to cattle grazing along the State of Arizona’s Gila River.

The Complaint argues that, in carrying out their consultation duties pursuant to Section 7 of the ESA for seven individual grazing allotment authorizations, BLM and the Service determined that the effects of domestic livestock grazing are not likely to adversely affect the referenced species or adversely modify their designated critical habitat if certain conservation measures are utilized. It further argues that such determinations were primarily based on commitments to exclude cattle from grazing streamside habitat during much of the spring and summer to comply with habitat management guidelines.

The Center for Biological Diversity states that it conducted surveys of cattle impacts in riparian critical habitat for the waterbodies on BLM-managed grazing land within the middle Gila River allotments and the following was documented:

- Presence of cattle during the non-grazing season
- Utilization beyond authorized allowances
- Soils disturbed
- Degraded, regeneration of new riparian tree cohorts nonexistent
- Prevalence of erosion

Therefore, Audubon stated it provided a 60-day Notice of Intent to sue to the Service and BLM with respect to seven allotments managed by BLM's Tucson field office.

Audubon requests that the Court determine that BLM and the Service are violating Section 7(a)(2) of the ESA and 50 C.F.R. § 402.16 by failing to reinitiate and complete consultation on the seven livestock grazing allotments in order to ensure that such activities do not jeopardize the continued existence of listed species or result in the destruction or adverse modification of their designated critical habitats. Additional relief if requested.

A copy of the Complaint can be downloaded [here](#).