



March 31, 2026

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**Re: Documentation of Continued, Unauthorized Livestock Damage on Box Bar and Horseshoe Allotment, Agua Fria National Monument– Immediate Action and Response Requested**

Dear State Director Suazo, Field Manager Holden and State Supervisor Whitlaw,

On March 28-29, 2026, the Center for Biological Diversity (the Center) once again and **for the sixth consecutive year**, observed livestock in areas closed to grazing either seasonally or permanently within the Agua Fria National Monument. We also documented continued, widespread damage to critical habitat for Gila chub and western yellow-billed cuckoo, both protected under the Endangered Species Act, from herds of unauthorized cattle in the Monument.

As detailed in the Center’s 2021, 2022, 2023, and both 2025 Notices, livestock grazing in the Monument has caused, and continues to cause, extensive habitat destruction to threatened and endangered species and their critical habitat. **Despite active litigation seeking remedy for unlawful grazing**, our latest survey shows that livestock are again grazing in violation of BLM-mandated permit conditions that limit the location and time of use by cattle within the Monument, and in a manner that degrades endangered species habitat in conflict with the relevant biological opinions and biological assessments.

FWS’s determinations in its biological opinions and concurrences that grazing in the Monument would not jeopardize the cuckoo or adversely modify its critical habitat are based on assumptions that exclosure fences will keep livestock out of riparian areas and that seasonal restrictions will be obeyed and enforced. Grazing permits require that grazing in riparian pastures, where such grazing is allowed at all, will only occur from November 1 to March 1. FWS’s biological opinion arguably assumes that permittees may have up to an extra three and a half weeks to move

livestock to the next pasture. *See* FWS, Northern Allotment Complex Grazing Authorization Renewal Biological Opinion (Aug. 29, 2025) at 5 (“When entering the next scheduled pasture, all livestock would be removed from the previous pasture within two weeks. Lessees would be given 10 days to remove unauthorized livestock.”). Even after the end of this arguable grace period, Center surveyors observed approximately 50 unauthorized cows from several herds within the riparian area of the Box Bar allotment on March 28, 2026, and we assume that those cattle continue to graze presently. Unauthorized grazing was also documented on the neighboring Horseshoe allotment on that date, along with significant and authorized damage within the Silver Creek grazing exclosure.

Below is a small subset of our survey photos from March 28, 2026 on Box Bar and Horseshoe allotments at Agua Fria NM.

### **BOX BAR ALLOTMENT**



**Unauthorized/trespass herd of cattle in cuckoo-designated riparian zone on Box Bar allotment. March 28, 2026. 34.299041, -112.052743.**



**Unauthorized/trespass herd of cattle in cuckoo critical habitat at the boundary of Horseshoe and Box Bar allotments. March 28, 2026. 34.280377, -112.055669.**



**Unauthorized/trespass herd of cattle loafing in cuckoo-designated riparian zone on Box Bar allotment. March 28, 2026. 34.285908, -112.053601.**



**Unauthorized/trespass herd of cattle in cuckoo critical habitat riparian pasture on Box Bar allotment. March 28, 2026. 34.293964, -112.052468.**



**Unauthorized/trespass herd of cattle in cuckoo critical habitat riparian pasture on Box Bar allotment. March 28, 2026. 34.285228, -112.053017.**



**Examples of designated cuckoo critical riparian breeding habitat on Box Bar allotment.  
March 28, 2026. 34.286618, -112.054253 (1); 34.294361, -112.053670 (2).**



**Unauthorized/trespass cow in cuckoo-designated riparian zone on Box Bar allotment.  
March 28, 2026. 34.296914, -112.052090.**

**HORSESHOE ALLOTMENT**



**Unauthorized/trespass cattle in cuckoo-designated riparian zone on Horseshoe allotment.  
March 28, 2026. 34.274611, -112.057764 (2).**



**Evidence of grazing and trampling of critical habitat within the Silver Creek grazing exclosure by unauthorized/trespass cattle on the Horseshoe allotment. March 28, 2026. 34.259459, -112.005750.**

Center surveys are designed to catalogue damage to Primary Constituent Elements (PCEs) or Physical and Biological Features (PBFs) of endangered species habitat, which are defined by FWS as required to ensure survival, reproduction, and recovery of endangered species. For example, cuckoo require dense, multi-layered riparian vegetation (e.g., cottonwood, willow, mesquite) for nesting, cover, and shade and an herbaceous understory (e.g., sedges, grasses) for foraging or cover. Stable banks and channels are required to prevent habitat loss from erosion or flooding, as Gila chub critical habitat includes streams with pools and undercut banks.

Surveys quantify specific metrics such as (1) removal of herbaceous vegetation and grasses, (2) removal of multi-year woody stems and regeneration, (3) severity and extent of soil and ground disturbances, (4) severity and extent of streambank degradation. Surveyors also examine functionality of grazing exclosures and document instances of unauthorized grazing. Center surveys reveal that unenforced seasonal restrictions and inadequate grazing exclosures on Agua Fria National Monument are failing to prevent livestock intrusion and damage and are thereby failing to protect PCEs and PBFs required for species recovery.

FWS's 2025 BiOp and Concurrence for the Northern Allotment Complex rely on the same false assumptions FWS relied on in the Horseshoe Allotment Concurrence (both currently being litigated)—that an enclosure fence will prevent cattle trespass and that seasonal restrictions will be obeyed or enforced. We are now adding **another year of evidence** demonstrating these assumptions are false.

BLM must enforce the mandates of current grazing permits and Biological Opinions and other ESA consultation documents by immediately removing these unauthorized livestock, repairing fences and constructing additional barriers to prevent additional unauthorized livestock in these areas, and to report to us promptly if and when the agency has acted on these latest observations.

Please advise concerning what action the BLM will take to address these ongoing issues from their noncompliant grazing permittees.

Sincerely,



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Cc: Davis Backer, U.S. Department of Justice