

Jaguars No Longer Have Protected Land in New Mexico

January 27, 2021 [VICTORIA PRIESKOP](#)

After a years-long battle to protect the designation of stretches of the southwest as a protected habitat for the jaguar, a federal judge has ruled that the New Mexico land should no longer be protected for the largest New World cat.



El Jefe, one of the few wild jaguars in the United States. (Photo courtesy of the U.S. Fish and Wildlife Service)

(CN) — A federal judge [ruled](#) Wednesday that two sections of land in New Mexico should no longer be designated as critical habitat for jaguars.

In 2014, the U.S. Fish and Wildlife Service designated six areas as critical habitat for jaguars, including portions of Arizona and New Mexico, based on sightings of jaguars in those areas.

Wild jaguars have been spotted and photographed in Southern Arizona and Hidalgo County, New Mexico, though the species is generally associated with tropical climates.

[In 2015](#), New Mexico Farm & Livestock Bureau, New Mexico Cattle Growers' Association and New Mexico Federal Lands Council sued the Department of the Interior and the U.S. Fish and Wildlife Service.

They challenged the government's designation of critical habitat, claiming there are no proven breeding populations in the United States and that the open, dry areas of New Mexico would be of marginal benefit to jaguars, at the extreme edges of their known range.

The ranchers complained that sections of land set aside for the jaguars in New Mexico and Arizona is privately owned grazing land. The livestock groups argued that the designation limited their use of the land for cattle and hurt them financially.

[In 2017](#), U.S. District Judge Kenneth Gonzales denied the ranchers' request for an injunction. Though he noted that most American jaguars live in the tropical rain forests of Central and South America.

Gonzales ruled that, "at the northernmost portion of the jaguar's range, a small population has adapted to occupy more arid forest and open grass ecosystems. The ecosystems in the United States are considered suitable only as a secondary habitat, which has little to no evidence of reproduction but which may provide important dispersal habitat for the species."

The ranchers appealed the decision in December 2018, and in March 2020, the Tenth Circuit reversed the decision, finding "that the lack of jaguar sightings at the time the species was listed as endangered in 1972...suggest[ed] that jaguars in the United States had declined to such an extent by that point as to be effectively eliminated."

The Tenth Circuit also found that the Fish and Wildlife Service did not “make findings about whether any individual unit designated as unoccupied was essential for the conservation of the species. Rather, it addressed all the units together, finding that to the extent they were not occupied, they were essential for the conservation of the species.” For these reasons, the Tenth Circuit remanded the case back to federal court.

In the meantime, jaguars and their habitats became a part of the fight against the border wall. A May 2020 [lawsuit](#) filed in Washington D.C. argued that the planned U.S.-Mexico border wall would completely kill off the population of jaguars.

“These areas are home to some of the last remaining undisturbed habitat for wildlife and walling them off would push these species to the brink of extinction,” Jason Rylander, senior counsel for Defenders of Wildlife, said in a statement at the time of the lawsuit’s filing.

Due in part to the very few sightings of jaguars in New Mexico, Judge Gonzales found on Wednesday that the Wildlife Service’s designation of the land in New Mexico as unoccupied critical habitat for jaguars was inappropriate.

“Although vacating the critical habitat designations for Units 5 and 6 will undoubtedly harm the jaguar to some degree as Defendant-Intervenors describe,” Gonzales wrote, “the Court finds that such harm is minimal at best.”

Gonzales further judged that, “the jaguar is not at risk of irreversible extinction if the Court should vacate the critical habitat designations.”

In response to the ruling, Michael Robinson of the Center for Biological Diversity said in a statement, “Nixing some of the critical habitat designated for jaguar recovery due to a legal technicality is another blow to this endangered animal in one of the few areas of the Southwest not blocked by Trump’s border wall. We will ask the Biden administration to carefully redesignate the jaguar’s critical habitat so it can withstand the livestock industry’s cynical lawsuits.”