

NMCGA on the Trail...  
For Immediate Release: February 22, 2023

## **U.S. District Judge denies Cattle Growers' motion to stop USFS from killing cattle**

By: Taylor Riggins, NMCGA

After hearing argument on Wednesday, February 22, U.S. District Court Judge James Browning denied NMCGA's application for a Temporary Restraining Order (TRO) to stop the USFS from mass aerial slaughter of stray cattle in the Gila Wilderness.

In his Memorandum Opinion and Order, Judge Browning found that preventing the operation would be adverse to the public interest and that the USFS Scoping Letter issued November 22, 2022 provided sufficient notice to NMCGA and other stakeholders of their intent to lethally remove the cattle. The Court further found that the Gila cattle are not "unauthorized livestock" because they are not "kept or raised for use or pleasure".

A spokeswoman for the USFS notified NMCGA Thursday, February 16<sup>th</sup> of their intent to commence aerial gunning for a second year in the Gila Wilderness. This plan of attack allowed the USFS to delay NMCGA filing and hearing request due to the upcoming weekend and federal holiday, President's Day the following week. Judge Browning questioned the plaintiffs' delay in bringing forward the action and reasoned it contributed to the Courts conclusion that the balances of equities favored the Defendants.

"We are disappointed the Court decided it will not stop the USFS from its slaughter campaign," said Loren Patterson, President NMCGA. "Cattle Growers' is dedicated to the long-term stewardship of New Mexico's animals and land. Our industry and members recognize the right thing to do is not always the easiest or cheapest. We will continue to fight for the ethical and humane treatment of stray cattle in the Gila."

Aerial gunning begins Thursday morning, February 23<sup>rd</sup> and will take place over four consecutive days. The USFS claims there are 150 head to remove from the area. If all estrays are lethally shot, an estimated 65 tons of beef will be left to rot in the Gila Wilderness.