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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO CATTLE GROWERS')	
ASSOCIATION, a New Mexico Nonprofit)	
Corporation, NEW MEXICO FEDERAL)	
LANDS COUNCIL, SPUR LAKE)	
CATTLE COMPANY, DOUBLE SPRING)	
RANCH, LLC)	
)	
Plaintiffs,)	
)	
v.)	Docket No. <u>22-cv-00086</u>
)	
TOM VILSACK, is his official capacity)	
as Secretary of the United States)	
Department of Agriculture,)	
RANDY MOORE, in his official capacity)	
as Chief of the U.S. Forest Service,)	
MICHIKO MARTIN, in his official capacity)	
as Southwestern Regional Forester,)	
ROB LEVER, in his official capacity as)	
acting Forest Supervisor, Gila National)	
Forest, HARRY PROVENCIO, in his official)	
capacity as District Ranger for the)	
Wilderness Ranger District, Gila National)	
Forest, KEVIN SHEA, in his official)	
capacity as Administrator of the Animal)	
and Plant Health Inspection Service,)	
KEITH WEHNEW, in his official capacity)	
as Western Regional Director, Animal)	
and Plant Health Inspection Service,)	
)	
Defendants.)	

**COMPLAINT/PETITION FOR AGENCY REVIEW FOR DECLARATORY AND
INJUNCTIVE RELIEF**

1. This is an action for a temporary restraining order, declaratory judgment and injunctive relief filed by the New Mexico Cattle Growers Association, New Mexico Federal Lands Council, Spur Lake Cattle Company and the Double Springs Ranch LLC against the U.S. Department of Agriculture Forest Service (USFS) and Animal and Plant Health Inspection Service (APHIS) (or collectively federal agencies) for violating statutory law.
2. On or about February 4, 2022, the USFS announced that it was going to authorize APHIS to use a helicopter aerial gun and slaughter livestock on the Arizona and New Mexico border in the Gila National Forest, Gila Wilderness starting February 8 to 10, 2022. *See* Exhibits 1, 2 and 3.
3. Once slaughtered, the federal agencies propose to leave the carcasses in place to rot (see Exhibit 4) and likely attract predators such as the Mexican wolf to the locations of the dead cattle. The agencies estimate that there are approximately 200 head of livestock that would be killed. *Id.*
4. Although the federal agencies claim to be complying with all state and Federal laws, the New Mexico Livestock Board, the state agency who administers the state statutes related to unbranded or estray livestock is publicly opposed to the “gunning down” of livestock. *See* Exhibit 13.
5. This is at least the second attempt by the USFS and APHIS to authorize the aerial slaughter of livestock. The original plan proposed in March 2021, to kill these livestock was met with significant resistance by the Plaintiffs, environmental groups, and the New Mexico Livestock Board, and thus was halted. *See* Exhibit 3.

6. This decision substantively violates the USFS regulations and New Mexico state brand and estray laws.
7. In addition, prior to aerially gunning down livestock, the agencies are required to comply with the National Environmental Policy Act (NEPA) and complete an adequate analysis pursuant to the Wilderness Act. While a Categorical Exclusion under NEPA and a “Minimum Requirements Decision Guide” related to the Wilderness Act were completed, neither document analyzes an important aspect of leaving approximately 200 cattle carcasses in place after being shot which will attract endangered Mexican wolves to the area. *See* Exhibits 5 and 7, respectively.
8. In fact, while the Minimum Requirements Decision Guide prepared for this operation included numerous actions which would have the tangential benefit of ensuring that privately owned livestock would not be caught in the cross hairs of the cattle slaughter such as the use of trail cameras and additional helicopter flyovers, the agencies have not complied with ANY of the additional requirements described in the document. *See* Exhibit 7, p. 14.
9. In contrast, the USDA requires area ranchers to pick up and dispose of dead livestock carcasses to prevent attracting wolves. *See* Exhibit 6 ¶ 13.
10. On March 20, 2019, a group of 37 environmental organizations requested that the U.S. Fish and Wildlife Service (FWS) “please require that livestock owners remove or render inedible the carcasses of their domestic animals that die of non-wolf causes before they attract wolves to scavenge and then persist in proximity to vulnerable cattle.” *See* Exhibit 8.

11. The slaughter of 200 to 250 head of livestock has not been analyzed for its “effect” on the endangered Mexican wolf pursuant to section 7 of the Endangered Species Act (ESA) specifically related to leaving 200 head of livestock carcasses as a food source for Mexican wolves, particularly in an area where significant wolf depredation is already occurring. *See Exhibits 10 ¶ 12, Exhibit 9 ¶ 13.*

JURISDICTION AND VENUE

12. Plaintiffs have suffered a legal wrong and are adversely affected or aggrieved by the Defendants’ final agency actions and inactions and are entitled to seek review pursuant to 5 U.S.C. §§ 702 and 704.
13. The Defendants’ final agency actions and inactions are also reviewable in accordance with *Olenhouse v. Commodity Credit Corporation*, 42 F.3d 1560 (1994).
14. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(2) because the Plaintiffs represent ranchers in New Mexico and the proposed cattle slaughter is to occur within the State of New Mexico.
15. This case is ripe for judicial review. Upon information and belief, Defendants are set to start slaughtering livestock from a helicopter on February 10, 2022. *See Exhibit 11.*

PARTIES

16. Plaintiff New Mexico Cattle Growers Association (NMCGA) is a membership association formed in 1914. The primary mission of the NMCGA is to advance and protect the cattle industry of New Mexico, work towards solutions of cattle industry problems, promote the well-being of the industry, provide an official and united voice on issues of importance to the cattle producers and cattle feeders, and to create and maintain

an economic climate to obtain optimum return on their investments within the free enterprise system. *See Exhibit 9.*

17. The New Mexico Federal Lands Council (NMFLC) was founded in the mid-1970s and operates as a nonprofit organization to lobby for the interests of ranchers who utilize federal and state grazing lands. The NMFLC provides information, programs, and advocacy services.
18. Plaintiff Spur Lake Cattle Company is owned by Nelson D. Shirley of Springerville, Az. Spur Lake Cattle Company owns several ranches along the Arizona and New Mexico border, including on the Gila National Forest. One of these ranches borders the Gila Wilderness where the Defendants propose to gun-down the cattle for over 15 miles. *See Exhibit 6 ¶¶ 3, 4.*
19. Plaintiff Double Spring Ranch LLC is located in Catron County, New Mexico. The Double Spring Ranch has Forest Service grazing allotments in the Wilderness Ranger District, including three within the Gila Wilderness. *See Exhibit 10 ¶ 7.*
20. Defendant Tom Vilsack is the Secretary of the U.S. Department of Agriculture. In that capacity, he oversees the U.S. Forest Service and the U.S. Animal and Plant Health Inspection Service. As such, he is responsible for compliance with all federal laws and regulations. Defendant Vilsack is sued in his official capacity.
21. Defendant Michiko Martin is the USFS Regional Forester for the Southwest Region. The Southwest Region oversees the activities on the Gila National Forest, including in the Wilderness District. As such, he is responsible for compliance with all federal laws and regulations. Defendant Martin is sued in his official capacity.

22. Defendant Rob Lever is the acting Forest Supervisor for the Gila National Forest. As such, he is responsible for compliance with all federal laws and regulations and oversees the Wilderness Ranger District. Defendant Lever is sued in his official capacity.
23. Defendant Harry Provencio is the District Ranger for the Wilderness Ranger District. As such is he responsible for compliance with all federal laws and regulations. Defendant Provencio is sued in his official capacity.
24. Defendant Kevin Shea is the Administrator of APHIS. As such he is responsible for compliance with all federal laws, rules, and regulations, including the National Environmental Policy Act, the Wilderness Act, and the Endangered Species Act. Defendant Shea is sued in his official capacity.
25. Defendant Wehnew is the Western Regional Administrator of APHIS, including the State of New Mexico. As such he is responsible for compliance with all federal laws, rules, and regulations, including the National Environmental Policy Act, the Wilderness Act, and the Endangered Species Act. Defendant Wehnew is sued in his official capacity.

STATEMENT OF FACTS

26. On or about February 4, 2022, the local press began to run articles stating that the Forest Service had authorized the Federal Wildlife Service (FWS) to flyover and shoot stray or unbranded livestock from a helicopter beginning February 8 to 10, 2022. *See Exhibits 1, 2 and 3.*
27. Upon information and belief, the only Forest Service “decision” on this issue was issued in the form of a “Decision Memo Feral Cow Mitigation” dated September 11, 2020. The decision memo states that its purpose is to “allow the USDAs Animal and Plant Health Inspection Service (APHIS) to come in and remove the feral cows through whatever

methods they determine are most effective.” The decision description states that the APHIS shall be allowed to decide the best way to mitigate the situation. *See Exhibit 5 p.*

2. Scoping for this notice was only accomplished with the Center for Biological Diversity, and Defendant APHIS. None of the Plaintiffs/Petitioners were contacted although they have neighboring ranches. *Id. p.3.*

28. At some time later, the USDA also prepared a “Minimum Requirements Decision Guide Workbook” to assess the impacts of shooting livestock from a helicopter in the Gila Wilderness. *See Exhibit 7.* The proposed action states:

First, Wildlife Services specialists would use aerial reconnaissance through helicopter flights in combination with deployed trail cameras to determine cattle distribution and estimated population size. Cameras would be deployed along major drainages and open meadow areas where cattle are expected to congregate. Up to 10 trail cameras would be deployed one month prior to removal operations. Trail cameras would remain deployed for up to two months following removal operations. Two helicopter reconnaissance flights would be conducted within one week of beginning removal efforts to assist in determining cattle locations. . . . Removal operations would primarily involve shooting by Wildlife Services specialists from a helicopter. Shooting by specialists on the ground may be used as well if ground based support is needed. . . . Cattle would be left onsite to naturally decompose.

See Exhibit 7 at p. 14.

29. On February 1, 2022, Defendant APHIS Western Regional Director issued a Categorical Exclusion Record Operational Wildlife Damage Management USDA Wildlife Services (Cat. Ex). This document states that the cattle slaughter is being completed at the request of the Gila National Forest field office. *See Exhibit 4.* The background of the proposal states that the livestock in question have been in the Gila Wilderness “since the 1970s.”

Id.

30. The document also states that the livestock are all “unbranded/unauthorized cattle” although there is no indication that anyone with expertise in reading brands has confirmed that claim. Additionally, it would be nearly impossible for even a trained brand inspector to identify brands or other ownership marks from an aircraft. Exhibit 6 ¶ 7 to 9; Exhibit 9 ¶ 11 ¶ 13, Exhibit 10 ¶ 10. That is especially true for a running scared animal that is being chased by a noisy moving helicopter. *See Exhibit 9.* Without a positive review of each animal to ensure branded animals are not shot, irreparable injury is certain to occur. There is no compensation available for a rancher whose livestock is shot in this operation. *Id.*
31. Defendant/Respondent’s Cat. Ex. states that “WS [APHIS] personnel positively identify all targets before a shot is taken.” *See Exhibit 4 p. 2.* There is no indication that APHIS has the expertise to read the brands or ear tags to ensure that no personally owned livestock are shot. *See Exhibit 9 ¶ 11.*
32. After the approximately 200 head of livestock are shot, the USDA and APHIS intend to leave the cattle carcasses where they are killed. *See Exhibit 4.*
33. Although Exhibit 4 indicates that the U.S. Fish and Wildlife Service has reviewed this proposed action for its effect on the endangered Mexican wolf, there is no indication that such review included leaving 200 cattle carcasses and whether that would draw Mexican wolves to the area.
34. On March 20, 2019, 37 environmental groups petitioned the U.S. Fish and Wildlife service to require livestock operators to remove dead livestock carcasses from their allotments to not attract wolves. *See Exhibit 8.* Area permittees are required to remove livestock carcasses so as not to attract Mexican wolves. *See Exhibit 6 ¶ 13.*

35. Plaintiff Double Springs Ranch is missing 20 to 30 head of livestock which could be in the Gila Wilderness and could be shot by APHIS. *See Exhibit 10 ¶ 8.*
36. Other gathers that have occurred in the Gila Wilderness, including the area in question have been successful removing both branded and unbranded livestock. *See Exhibit 12.*
37. When livestock are gathered that have strayed onto the Gila Wilderness, often both branded and unbranded livestock are included. *See Exhibit 12.* Thus, there is no assurance that the operations proposed by Respondents/Defendants will not result in killing of privately owned livestock.

LEGAL FRAMEWORK

38. Forest Service regulations specifically govern the removal of unbranded livestock from a grazing allotment or area closed to livestock grazing. There is no federal statute or regulations allowing the federal government to shoot livestock from a helicopter. Rather, branded and/or unbranded cattle that are grazing unlawfully on National Forest Service lands or Wilderness areas managed by the USFS must be seized and impounded, after certain conditions are met. *See 36 C.F.R. § 262.10.* Such conditions include a written notice of intent to impound if the owner of the livestock is known, or publication of a notice of intent to impound if the owner is not known. *Id.* at § 262.10(a)-(b).
39. Following an impoundment, the agency must publish a notice of sale of impounded livestock in a local newspaper, as well as post notices in the county courthouse and one or more local post offices. *Id.* at § 262.10(d).
40. Once the livestock are impounded, the livestock are to be sold to recoup the agency's costs. *Id.* at § 262.10(f). Only after efforts to publicly sell the livestock have failed to

produce a bid for the livestock at or above the minimum set by the USFS, may the animals be condemned or destroyed. *Id.*

41. The state of New Mexico has enacted regulations governing trespassing and stray livestock. NMSA §§ 77-13-1 to -10.
42. Under New Mexico law, “estrays” means livestock that are found running at large on public or private lands whose owner is unknown, that is branded with a brand that is not on record with the New Mexico brand office or is not branded. NMSA § 77-2-1.1. N.
43. New Mexico statutes prohibit injury to livestock including “willfully and maliciously killing or injuring livestock that is the property of another. . . . Whoever commits injury to livestock is found guilty of a fourth degree felony.” NMSA § 30-18-12.
44. The New Mexico Livestock Board is opposed to “gunning down livestock in the Gila Wilderness.” *See Exhibit 13.*
45. The Wilderness Act, 16 U.S.C. § 1133(c) expressly prohibits the use of aircraft in Wilderness.
46. The National Environmental Policy Act (NEPA), 42 U.S.C. § 4332, requires that major Federal actions significantly affecting the quality of the human environment must include a detailed statement about the environmental impact of the proposed action, the adverse environmental effects which cannot be avoided, alternatives to the proposed action, the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity and an irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

47. One of the purposes of the NEPA process is to ensure (1) informed decision making and (2) informed public comment. *New Mexico ex rel. Richardson v. Bureau of Lands Management*, 565 F.3d 683 (10th Cir. 2009).
48. Because NEPA provides no private cause of action, NEPA challenges are brought pursuant to the Administrative Procedures Act (APA). Under the APA, the Court must determine whether the agency action is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law. 5 U.S.C. § 706(2)(a).
49. An agency's decision is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem" or "failed to base its decision on consideration of relevant factors." *Utah Envtl. Cong. v. Troyer*, 479 F.3d 1269 (10th Cir. 2007).
50. NEPA does not permit an agency to remain oblivious to differing environmental impacts or hide these from the public. Such a state of affairs would be anathema to NEPA's "twin aims" of informed agency decision making and public access to information. See 565 F.3d at 707.
51. In this case, the federal agencies have failed to consider an important aspect of the problem and failed to provide public notice of that problem.
52. In this case, expending Federal agency funds to hire helicopter pilots trained to fly in remote canyon areas to chase livestock while sharp shooters slaughter the animals is an expenditure of agency funds that will have a significant environmental affect. This effect includes allowing approximately 200 livestock carcasses left where they are shot, potentially impacting the riparian and water sources; the intrusion into the wilderness characteristics of helicopter noise and any landings that would have to occur; the socio-

economic impact to the county and the individual ranchers should privately owned livestock be slaughtered; and the opposition of local livestock producers.

53. Additionally, because of the presence of federally listed threatened or endangered species in the area, including the Mexican wolf, the Federal agencies are required to consider any adverse impact on the species as well as the adverse environmental and human impacts such as food conditioning or whether the introduction of a new food source (200 dead livestock) will adversely impact the Mexican wolf reintroduction program.
54. In 2019, over 37 environmental organizations including the Center for Biological Diversity, wrote a letter to the U.S. Fish and Wildlife Service urging that all livestock carcasses be removed from the public or federal lands to protect wolves from the consequences of scavenging on livestock carcasses. *See Exhibit 8.*
55. Additionally, the 2001 Mexican Wolf Three-Year Review recommended that livestock carcasses be disposed of to reduce the likelihood that wolves become habituated to feeding on livestock. Given this potential “effect” on a listed endangered species, ESA section 7 consultation on whether leaving 200 head of livestock where they are shot to act as an attractant for the Mexican wolf will be required. *See 16 U.S.C. § 1536 et. seq.*
56. Neighboring ranchers are already required to remove the carcasses of dead livestock, so they do not attract Mexican wolves. *See Exhibits 6 ¶ 13.* Yet in this case, the USDA proposes to let the slaughtered cattle remain in place. Such an inconsistent policy should be analyzed through NEPA and section 7 of the Endangered Species Act.
57. No compensation is authorized for any private livestock that are maimed or killed during this process.

58. The submission of the “Minimum Requirement Decision Guide” (MRDG) for approval to violate the Wilderness Act, such document does not waive the requirements of the Wilderness Act or NEPA. The second paragraph of the Guide states “Use of the MRDG is not currently required by law or agency policy,” citing FSM 2320. The Guide goes on to state:

The MRDG is designed for use when making a determination that one of the 'prohibited uses', listed in Section 4(c) of the [Wilderness] Act, is the minimum necessary requirement. If NEPA analysis is warranted the MRDG can serve to identify the proposed action and add depth to the analysis. If a NEPA analysis is not necessary, but approval by a Line Officer is required, the MRDG can serve as documentation of that approval. (See the NEPA Analysis Decision Process section near the end of these guidelines for more information.)

WHEREFORE Plaintiffs/Petitioners request that this Court:

- A. Declare the Respondents' action violated NEPA, the Wilderness Act, Forest Service regulations and the APA.
- B. Issue a temporary restraining order immediately stopping the Defendants from gunning down livestock in the Gila Wilderness until an adequate analysis is completed and private property (livestock) is protected.
- C. Preliminarily and permanently enjoin the Defendants/Respondents' gunning down livestock without compliance with all required statutory authority.
- D. Grant Plaintiffs/Petitioners such additional relief as the Court deems just and proper to remedy the Respondents' violation of law and to protect the Plaintiffs/Petitioners interests.

E. Award attorney's fees and costs to Plaintiffs/Petitioners as appropriate under the Equal Access to Justice Act.

Respectfully submitted this 9th day of February, 2022.

/s/ Brandon L. Jensen

Brandon L. Jensen (Federal Bar No. 21-261)

Karen Budd-Falen (*pro hac vice pending*)

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 8th day of February 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties of record. I further certify that I also served the following individuals via email on this 8th day of February 2022.

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/s/ Brandon L. Jensen

Feds Plan Aerial Gunning of Estray Cattle in New Mexico



An unknown number of estray cattle roam the Gila National Forest in New Mexico, along with endangered species, the Mexican Gray Wolf.(NMCGA)

By PAIGE CARLSON February 4, 2022

An unknown number of estray cattle roam the Gila National Forest near the New Mexico/Arizona border. Grazing on sensitive forage, the Federal Wildlife Service (FWS) plans to shoot the estray cattle via helicopter flyover beginning February 8-10, 2022.

Previous efforts have been made to round up estray cattle in the forest, catching approximately 20 head; however, this has pushed the remaining cattle further into the forest.

The New Mexico Cattle Growers Association stated in a press release that they are concerned with the FWS agents' ability to determine branded and unbranded livestock. "From a helicopter this task would be difficult for even a

knowledgably adept livestock producer to identify brand markings and ear tags. There is no assurance that the gunning-down of these livestock will not include private property." NWCGA says.

With minimal notice of the planned action, NMCGA points out that there is no federal statute or regulation that allows the FWS to gun-down livestock. The impoundment of livestock is allowed, but only after certain notice conditions are met. Estray livestock are under the jurisdiction of the New Mexico Livestock Board.

Another point of contention with local cattle ranchers is the presence of the federally listed endangered species, the Mexican Gray Wolf. Shooting the estray cattle will provide an easily accessible food source that may condition the wolves to prey on livestock.

A similar proposal of managing the estray cattle last year ended with a notice of intent to sue by local ranchers. In addition, the New Mexico Livestock Board renounced the use of aerial gunning.



Plan to gun down feral cattle spurs concern among ranchers

BY SUSAN MONTOYA BRYAN / ASSOCIATED PRESS

PUBLISHED: SATURDAY, FEBRUARY 5TH, 2022 AT 8:02PM

UPDATED: SUNDAY, FEBRUARY 6TH, 2022 AT 12:02AM

A plan by U.S. Forest Service officials to put a dent in the population of feral cattle on national forest land near the New Mexico-Arizona border is drawing fire from ranchers who say

gunning down the animals from helicopters is a violation of federal law and won't help to solve the problem.

The New Mexico Cattle Growers' Association is concerned about the ability of the wildlife agents to delineate branded from unbranded livestock, saying mistakenly killing cows with brands would amount to the taking of private property.

Environmentalists also have long voiced concerns that leaving cow carcasses on the landscape will only help condition Mexican gray wolves to prey on livestock. Ranchers worry the upcoming aerial gunning operation on the Gila National Forest could exacerbate conflicts with the endangered species.

Forest officials said Friday they are working with the U.S. Department of Agriculture's Wildlife Services to remove all unbranded and unauthorized cattle from the Gila Wilderness, saying the animals pose a significant threat to sensitive habitats along streams and wetlands. A previous effort by a contractor to catch and remove wild cattle from the area netted about 20 animals.

Citing the rugged terrain, forest officials said it's difficult to say how many feral cattle are in the wilderness, but they believe there could be as many as 250.

The Cattle Growers' Association argues that since the exact number is unknown, there is no way to hold federal officials accountable or determine if progress is being made in reducing the population.

Loren Patterson, president of the ranchers group, said the situation is the result of “many years of mismanagement by the Forest Service.”

“New Mexico Cattle Growers’ members understand that estray cattle are not good for the multi-use doctrine embraced by our federally administered lands,” Patterson said in a statement.

“This situation took years to create, and a final solution may take years to achieve.”

Regional forest service officials said in a statement Friday that the most efficient way to deal with this issue is “with the responsible removal of the cattle” and the agency’s primary mission is to protect the sustainable use of the forest.

The association contends there is no federal statute or regulation that allows for the Forest Service to gun down livestock and that rounding up and impounding livestock is allowed only after certain conditions are met. The group said government agencies should provide adequate notice and allow public comment before “imposing their will to proceed as they deem equitable.”

A similar proposal was floated by forest officials last year. That prompted a notice of intent to sue by ranchers, a coalition of Arizona and New Mexico counties and others. The New Mexico Livestock Board also rejected any discussion of aerial gunning.

Some ranchers pointed out that the planned operation follows a series of recent settlements between the federal government and environmentalists that aim to keep livestock out of riparian areas on forest lands in the Southwest. They questioned why federal officials are resorting to lethal means with cattle despite the push

by environmentalists and the U.S. Fish and Wildlife Service to handle problem wolves with nonlethal methods such as hazing.

Nelson Shirley with Spur Lake Cattle Co. said persistent efforts by environmentalists to get the federal government to retire more grazing allotments have resulted in more feral cattle on the landscape.

“There’s nobody to keep the fences up and nobody there to brand these cattle and do something with them,” he said. “The Forest Service is to blame for leaving so many permits vacant. Getting ranchers back on these allotments to fix fences and gather cattle would help to solve the problem.”

Federal wildlife officials also are in the midst of conducting an annual survey of Mexican gray wolves along the New Mexico-Arizona border. The results are expected in the coming weeks.

The survey done last year showed at least 186 Mexican gray wolves in the two states. That marks the fifth straight year that the endangered species increased its numbers.

The U.S. Fish and Wildlife Service said Friday in a statement that it does not think the operation will have an effect on wolves “due to the short-term nature of the carcasses and the limited utilization of the area by Mexican wolves.”

<https://apnews.com/e968f6270da210b15313a6e98f6ad293>

AP

Plan to gun down feral cattle spurs concern among ranchers

By SUSAN MONTOYA BRYAN - Associated Press

Feb 4, 2022

ALBUQUERQUE, N.M. (AP) — A plan by U.S. Forest Service officials to put a dent in the population of feral cattle on national forest land near the New Mexico-Arizona border is drawing fire from ranchers who say gunning down the animals from helicopters is a violation of federal law and won't help to solve the problem.

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Citing the rugged terrain, forest officials said it's difficult to say how many feral cattle are in the wilderness, but they believe there could be as many as 250.

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**CATEGORICAL EXCLUSION RECORD OPERATIONAL WILDLIFE
DAMAGE MANAGEMENT USDA APHIS WILDLIFE SERVICES**

DATE: February 1, 2022

SUBJECT: Unbranded and unauthorized Cattle Management in the Gila Wilderness.

WS INITIATING OFFICE: New Mexico Wildlife Services State Office (WS-New Mexico)

BRIEF DESCRIPTION OF PROPOSAL: WS-New Mexico was requested by the U.S. Forest Service Gila National Forest field office (USFS) to assist with lethally removing unbranded/unauthorized cattle causing habitat damage in the Gila Wilderness. The request is for WS-New Mexico to conduct aerial shooting via helicopter to remove unbranded/unauthorized cattle causing damage to riparian areas and habitat for federally listed species.

Background or Need for Action: Unbranded/Unauthorized cattle have been causing habitat damage in the Gila Wilderness since the 1970's. Having been born in the wild and never domesticated, they are extremely hard to catch and survive in the rough backcountry that is difficult to access. The Forest Service estimates that there are approximately 200 head of unbranded/unauthorized cattle damaging riparian areas through over-grazing, streambank erosion leading to water quality degradation, and damage to habitat for federally listed species including narrow-headed garter snake, Gila trout, Mexican spotted owl, and Mexican gray wolf.

Proposed Action: WS-New Mexico plans to conduct aerial shooting to remove unbranded/unauthorized cattle within the Gila Wilderness using non-toxic (copper) bullets. Since the unbranded cattle are considered an invasive species, the goal of this project is to remove as many of the unbranded cattle as feasible during the proposed timeframe.

Aerial Shooting: Aerial shooting from a helicopter will be conducted by trained and certified USDA-APHIS-WS crew members. This method is commonly used in Predator Damage Management operations in New Mexico and has been identified as an effective means to efficiently remove target animals. The WS program aircraft-use policy (APHIS-WS Directive 2.620 Aviation Safety and Operations) ensures that aerial shooting is conducted in a safe and environmentally sound manner, in accordance with applicable laws and regulations. Pilots and aircraft must be certified under established USDA-APHIS-WS program procedures and only properly trained employees are approved to shoot from aircraft. Further, WS employees involved in shooting operations would be fully trained in the proper and safe application of this method in accordance with APHIS-WS Directive 2.615 Firearms Use and Safety. Aircraft overflights have been shown to adversely affect some wildlife species (NPS 1995), however, in general, those affects have been shown to be very short term and minor (Kushlan 1979). WS spends very little time in one given location when conducting aerial shooting operations, therefore impacts are expected to be minimal.

Shooting: WS personnel are trained and certified to use firearms to ensure operations are conducted safely (USDA 2019c). To ensure safe firearm use and awareness, WS employees will not use government or personal firearms in an official capacity until they have completed the NRA Basic Firearm Course pursuant to the firearms the employee will use on the job. Once an employee has completed all the applicable NRA Basic Firearm Courses (documented by the official NRA Certificates of Completion), annual firearms training will consist of any of the options listed in the continuing education section of the WS Firearms Manual (WS Directive 2.615). Further, WS employees who carry firearms, as a condition of employment, are required to verify that they meet the criteria as set forth in the Lautenberg Amendment which prohibits firearm possession by anyone who has been convicted of a misdemeanor crime of domestic violence. Further, the risk of a stray bullet inadvertently striking non-

target wildlife, an individual, or pet is virtually eliminated by WS' precautionary measures such as positively identifying target animals before shooting, ensuring a backstop should the bullet miss, using rifles that fire single projectiles per shot and using only specially trained personnel.

Impact on Target Species: Unbranded/unauthorized cattle are a feral and invasive species that damage native habitats with their grazing behaviors. Approximately 200 unbranded/unauthorized cattle are present in the Gila Wilderness and will be removed via aerial shooting in attempt to eradicate them from the area.

Impact on Nontarget Species: WS does not anticipate any adverse effects on nontarget species' populations based on the methods, standard implementing procedures, and WS Policies normal operating procedures that govern their application and use (as detailed above in the project description). Shooting is virtually 100% selective for target species and WS personnel positively identify all targets before a shot is taken. No take of nontarget species is anticipated from the proposed action. In some cases, nontarget species may leave the area temporarily due to low level aircraft noise but would likely return after the conclusion of the action.

Impact on Threatened and Endangered Species: The USFS is the lead agency and the requesting agency for the proposed action. The USFS made a no effect determination regarding impacts to Mexican spotted owls for the proposed action. A no effect determination for Mexican spotted owls is appropriate for the flight because there are no known Mexican spotted owl nests, roosts, or Protected Activity Centers (PAC) along the Gila River from Gila Center west to its confluence with Turkey Creek. The closest known PAC is found at Township 13S, Range 14W, sections 29, 30, 31, 32 within the Sycamore drainage system. To achieve a no effect determination the helicopter will not operate within ¼ mile of the PAC. This will ensure that roosting or nesting spotted owls within the PAC are not disturbed. There are no habitat modifying activities proposed, so there will be no effect to MSO habitat. (USFS May 27, 2021 Correspondence). The USFS also determined that the proposed action will have no effect on the narrow-headed garter snake (*Thamnophis rufipunctatus*), Gila trout (*Oncorhynchus gilae*), and Mexican wolf (*Canis lupus bailey*) (USFS May 2021 Correspondence). No other T&E species are expected to be affected by the proposed action (USFWS IPAC 2022). WS-New Mexico will also abide by conservation measures related to aerial operations that are outlined in the 2014 Biological Assessment and 2014 United States Fish and Wildlife Service concurrence letter.

Impact on Human Health and Safety: The APHIS-WS Aviation Training and Operations Center (ATOC) located in Cedar City, Utah, mission is to improve aerial operations safety and provide training and guidance for APHIS-WS aviation personnel and aerial activities. The policy and primary focus of APHIS-WS and contract aviation personnel is ensuring the well-being through safety and accident prevention efforts. Pilots and aircraft must be certified under established APHIS-WS program procedures. Only properly trained APHIS-WS program employees are approved as crewmembers. Pilots and aircraft must be certified under established USDA-APHIS-WS program procedures. WS has completed Formal Risk Assessments for the Use of Aircraft in Wildlife Damage Management (WS 2019d) and for The Use of Firearms in Wildlife Damage Management (WS 2019c). Risks associated with aerial shooting operations are anticipated to be minimal.

Impact on Historic, Cultural, Archeological, or Specially Managed Natural Resources or Wilderness Areas: This action will not cause adverse impacts to cultural or historic resources defined by the National Historic Preservation Act of 1966, as amended. The USFS could conduct the aerial operations as allowed under State law, but they have elected to have WS assist with the control due to WS's extensive training and experience conducting aerial shooting operations. The proposed action will likely have a positive benefit to the Gila Wilderness Area ecosystem (2021 USFS MRDG).

Potential for Effects on Other Environmental Resources (Vegetation, Soils, Water Air, Noise): The proposed project does not cause major ground disturbance, any physical destruction or damage to property, any alterations of property, wildlife habitat or landscapes, nor involve the sale, lease, or transfer of ownership of any property. Aerial shooting will occur outside of summer months to ensure that cattle are not congregated near riparian areas to minimize potential impacts to the waterways from decomposing carcasses. Cattle would only be shot when away from water sources, trails, cultural sites, and all other locations identified by Gila National Forest staff. All cattle will be left on site to naturally decompose. WS will use non-toxic (copper) bullets for this project. This will eliminate the risk of lead exposure to scavengers and the environment in general. The proposed method does not have the potential to introduce long term visual, atmospheric, or audible elements to areas in which they are used resulting in effects on the character or use of properties.

Compliance with APHIS NEPA Implementing Procedures: This proposal is categorically excluded from further NEPA analysis and does not require the preparation of an environmental assessment or environmental impact statement. The analysis above indicates the proposed action will not adversely impact target or nontarget species including threatened and endangered species or critical habitat, or human health and safety. The proposed action would be conducted in accordance with applicable Federal, State and local laws. This action does not have unknown or uncertain risks, or uncertain effects and the effects are not highly controversial. It does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. There are no extraordinary circumstances anticipated which might result in a significant effect on the human environment even when considered along with other past, present and reasonably foreseeable future actions. Therefore, the proposed action is a “routine measure” and meets the criterion for categorical exclusion in APHIS NEPA Implementing Procedures at 7 CFR Part 372.5(c) (1) (I) which categorically exclude, *“Routine measures, such as... sampling that does not cause physical alteration of the environment,...removals, (and) control, and monitoring... (This) may include the (lawful) use...of chemicals, pesticides, or other potentially hazardous or harmful substances, materials, and target-specific devices or remedies, provided that such use...: (A)... is localized or contained in areas where humans are not likely to be exposed, and is limited in terms of quantity...B) ...will not cause contaminants to enter water bodies, including wetlands;...(C)... does not adversely affect any federally protected species or critical habitat; and (D) ... does not cause bioaccumulation.”* This determination is based upon current environmental laws, regulations, and policies, and made in consultation with:

- U.S. Forest Service – Henry Provencio, District Ranger, May 2021
- U.S. Forest Service – Jeffrey Shearer, Natural Resources Staff Officer, May 2021
- U.S. Forest Service Minimum Requirements Decision Guide Workbook, Gila Wilderness – Unbranded and Unauthorized Cattle Management, November 2021. Signed by Danny Montoya, Director of Recreation, Heritage, Wilderness and Elaine Kohrman, Deputy Regional Forester Southwest Region.

Change in the scope of work, project schedule, location, or passage of new environmental regulations may trigger additional NEPA compliance requirements.

PROJECT DATES: February 7, 2022 – February 11, 2022

Prepared by: Talisa Ortega, Staff Biologist
USDA-APHIS-WS-NM
Date: February 1, 2022

Approved by: _____
Keith Wehner, Western Regional Director
USDA-APHIS-WS, Fort Collins, CO
Date: Feb 1, 2022

LITERATURE CITED

- Kushlan, J. A. 1979. Effects of helicopter censuses on wading bird colonies. *J. Wildl. Manage.* 43:756-760.
- National Park Service (NPS). 1995. Report of effects of aircraft overflights on the National Park System. United States Department of Interior, National Park Service D-1062, July 1995.
- U.S. Department of Agriculture (USDA) 2019c. Human Health and Ecological Risk Assessment for the Use of Wildlife Damage Management Methods by APHIS-Wildlife Services. Chapter VI: Use Firearms in Wildlife Damage Management. USDA-APHIS-Wildlife Services. September 2019. 33pp.
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- U.S. Fish and Wildlife Service (USFWS). 2014. Letter of concurrence with the USDA-APHIS-Wildlife Services Biological Assessment of impacts of wildlife damage management on T&E species in New Mexico. From Wally Murphy, USFWS Field Supervisor, to A. May, State Director. December 16, 2014. 8pp.
- U.S. Fish and Wildlife Service, IPAC 2022. Endangered Species: Catron and Grant Counties, New Mexico. USFWS, Falls Church, VA.<https://ipac.ecosphere.fws.gov/location/C346RIIBA5CGVJSIV7MD4XSIGQ/resources>
Accessed 02/01/2022.

**Decision Memo
Feral Cow Mitigation**

**USDA Forest Service
Gila National Forest**

1.0 Introduction

The Gila National Forest has had feral cow issues in the Gila Wilderness for over 40 years. Over time, the Gila has put out eight contracts to remove the feral cows. Although cows were removed, the issue has remained. Current estimates are that about 200 feral cows remain in the Gila Wilderness.

These feral cattle are not within a permitted allotment and intermixing with permitted livestock is rare.

2.0 Purpose and Need

The purpose of this project is to allow the USDAs Animal and Plant Inspection Health Service (APHIS) to come in and remove the feral cows through whatever methods they determine are most effective.

The project is needed because these feral cows are causing damage to riparian areas in the Wilderness and are displacing wildlife. The damage the cows are causing, especially in riparian areas, is degrading wildlife and fish habitat and contributing to non-point source water pollution through accelerated erosion.

The Center for Biological Diversity (CBD) has documented numerous instances of damage by feral cows. Additionally, these feral cows are a threat to the public that recreates in the Wilderness. These feral cows have been known to charge hikers.

3.0 Conformance with Land Management Plan

I have determined that this decision is in compliance with the following Land Management Plan:

Land Management Plan Conformance	
Name of Plan	Gila National Forest Plan
Date Published	September 1986
Applicable and Specific Language	<p>Page 11 – Goal for Wilderness Manage the Wilderness resource for a quality wilderness experience and to protect and preserve the unique wilderness character of each</p> <p>Page 27-01 Wildlife Management Standard & Guideline Manage for indigenous species</p>

4.0 Description of Decision

I have decided to approve the Feral Cow Mitigation Project. Specifics of my decision are: APHIS will assess the situation and determine how best to mitigate it. This may include various options, including hiring a contractor to help round up and remove feral cows, or euthanizing the feral cows. APHIS may also remove any feral hogs they encounter.

Since the cows are located in the Gila Wilderness, all actions will comply with the Wilderness Act. Should APHIS request use of a tool not normally allowed in Wilderness, a Minimum Resources Decision will be made.

5.0 Reasons for Categorically Excluding the Decision

5.1 Category of Exclusion

Based on the action proposed, and my familiarity with projects similar in nature, I have determined that a Categorical Exclusion is appropriate in this case. The actions described above are similar to those described in the following category.

36 CFR 220.6(e)(6)

Timber stand and/or wildlife habitat improvement activities that do not include the use of herbicides or do not require more than 1 mile of low standard road construction.

5.2 Relationship to Extraordinary Circumstances

1. Federally listed threatened or endangered species, or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service Sensitive Species:

This action is to remove feral cattle. The removal of the feral cattle will result in an improved habitat for all species. There will be no effects to federally listed threatened or endangered species, or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service Sensitive Species.

2. Floodplains, Wetlands, or Municipal Watersheds:

The feral cows are damaging riparian areas. Removing the feral cattle will stop the damage they are doing and allow the riparian areas to recover.

3. Congressionally Designated Areas, such as wilderness, wilderness study areas, or national recreation areas:

The proposed activities would be within the Gila Wilderness. The action to remove the feral cows would not adversely affect Wilderness values. The action would contribute towards improved Wilderness Values by removing feral cows.

4. Inventoried Roadless Areas or potential wilderness areas:

The proposed activities are not in an Inventoried Roadless Area or potential wilderness area.

5. Research Natural Areas:

The project is not within or adjacent to a research natural area.

6. *American Indians and Alaska Native Religious or Cultural Sites:*
No American Indian or Alaska Native Religious or Cultural Sites will be adversely affected by the project.
7. *Archeological sites, or historic properties or areas:*
No archaeological sites, historic properties or areas will be adversely affected by the project.

I have determined that there are no extraordinary circumstances related to this action that require documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS).

6.0 Scoping

Scoping was conducted commensurate with the nature and complexity of the project. The proposed mitigation was discussed with the Center for Biological Diversity, the New Mexico Livestock Board, and APHIS. No issues or concerns were identified.

7.0 Findings Required by Other Laws

My decision will comply with all applicable laws, regulations, and executive orders. I have summarized one pertinent EO and pertinent Acts below:

- Environmental Justice (Executive Order 12898) – Requires federal agencies to evaluate whether their decisions could result in disproportionate effects to minority and/or low-income populations. I have determined that no adverse impacts to minority or low-income populations will result from this decision because there are none that reside in the vicinity of the project.
- Federal Water Pollution Control Act of 1948 – Requires restoring and maintaining the chemical, physical, and biological integrity of the nation's waters by preventing point and nonpoint pollution.
- Endangered Species Act. No critical habitat listed for protection under the ESA will be affected by implementation of this project.

8.0 Implementation Date

This decision will be implemented immediately.

9.0 Administrative Review Opportunity

This project is categorically excluded and is not subject to legal notice and opportunity to comment under 36 CFR 218.23 (a).

10.0 Contact Person

For additional information on the project, please contact:

Jerry Monzingo

Acting Natural Resources Staff Officer

575-388-8221

jerry.monzingo@usda.gov

11.0 Responsible Official's Signature



ERIC G. LAPRICE

Acting Forest Supervisor



Date

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Declaration

I, Nelson Shirley, being sworn upon my oath hereby depose and state as follows:

1. My name is Nelson D. Shirley. I am over the age of 18 and have personal knowledge of the facts contained herein.
2. My address is P.O. Box 278, Springerville, AZ, 85938.
3. I operate Spur Lake Cattle Company which owns and operates several ranches along the New Mexico and Arizona border. We are both a cow/calf and yearling operation with USFS permits on three Ranger Districts of the Gila and Apache Sitgreaves National Forests.
4. Our T Bar Ranch borders the north side of the Gila Wilderness for over 15 miles and has been used as a yearling operation in many of the past 10 years.
5. It has come to my attention that the U.S. Forest Service (USFS) with the cooperation of APHIS-Wildlife Services is planning on shooting livestock on the Gila National Forest starting on Tuesday, February 8th, 2022.
6. The southern border of my T Bar allotment has 3 gates into the wilderness that are constantly thrown down by hunters and other recreationists, to the extent that we have to annually mount multi-day expeditions into the wilderness to bring our livestock back to the ranch. But like all of our ranches in big country we often don't get all our livestock back immediately.
7. I am greatly concerned that the aerial gunning of livestock by Wildlife Services on behalf of the USFS will end up killing our cattle and their baby calves who will starve to death if their mothers are shot.
8. It will be impossible for Wildlife Services to identify brands or other ownership marks from an aircraft or even on foot, since even a trained brand inspector usually has to put an animal into a chute to be sure that it has a brand or not.
9. No compensation will be paid to me if my cattle are killed in this operation, thus, I will be irreparably injured. In fact, on information and belief, neither the Forest Service nor Wildlife Service intends to check for brands either before killing the livestock or after they are killed. This is certainly irreparable injury to me as a neighboring rancher who might have my livestock slaughtered.
10. I believe that the USFS should manage the forests and rangeland and waters of our National Forests with good stewardship so that the full biological diversity of these

federal lands can thrive, and the resources thereon can continue to be used in a wise and sustainable fashion.

11. But taking private property is not a logical or reasonable solution to ungulates destroying riparian habitat and therefore imperiling various bird, amphibian and fish species. The three species most responsible for streamside damage are elk, horses, and cattle. The only way to prevent riparian damage from these animals is by keeping up fences, removing the cattle by ranchers on the adjacent allotments and controlling the populations of both the elk and horses.
12. Despite the fact that elk and horses have a much greater habitat destruction contribution, the USFS is not considering aerial gunning of either. Furthermore, the USFS has made little to no effort to keep allotments occupied on the Gila such that fences will be maintained, stray cattle will be gathered, and the surplus population will be taken off the forest each year.
13. Ranchers in the Gila have been told by the USFS that we should remove any carcasses of livestock that die in order to prevent attracting wolves. Yet, the USFS and Wildlife Services propose to leave all carcasses of the livestock where they are shot. There is no explanation for this completely inconsistent policy from the USFS or Fish and Wildlife Service in treating my livestock differently from those being shot from a helicopter.
14. Furthermore, we as ranchers are not allowed to protect our property from wolves except for the use of non-lethal methods which often prove ineffective. Since these livestock carcasses will be left to rot, they will attract more Mexican wolves to this area, yet I will not be allowed to adequately protect my livestock from these same wolves. It is therefore hypocritical of the USFS to arbitrarily determine that livestock removal methods have failed and therefore lethal methods are the solution.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted this 7th day of February, 2022.



Nelson D. Shirley



ARTHUR CARHART NATIONAL WILDERNESS TRAINING CENTER

MINIMUM REQUIREMENTS DECISION GUIDE WORKBOOK

“...except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act...”

-- The Wilderness Act of 1964

Gila Wilderness - Unbranded and Unauthorized

Project Title: Cattle Management

MRDG Step 1: Determination

Determine if Administrative Action is Necessary

Description of the Situation

What is the situation that may prompt administrative action?

Since the 1970's unbranded / unauthorized cattle have been causing habitat damage, especially in riparian areas, within the Gila Wilderness. Specific impacts include over-grazing in riparian areas, streambank trampling leading to erosion, water quality degradation, and trailing through habitat for federally listed species, specifically narrow-headed garter snake, Gila trout, Mexican spotted owl, and Mexican wolf. Impacts by these cattle were specifically mentioned in the ongoing riparian grazing lawsuit involving the Gila National Forest. Having been born in the wild and never domesticated, the cattle are extremely hard to catch. The animals survive best in rough back country which adds logistical challenges to removal efforts. Currently, the forest estimates there are approximately 200 head of unbranded/unauthorized cattle in the Gila Wilderness. We believe most of these cattle are located near the confluence of the Gila River with Miller Springs and Turkey Creek. In fiscal year 2020, the U.S. Forest Service entered into an interagency agreement with the USDA Animal and Plant Health Inspection Service – Wildlife Services to provide technical assistance in the removal of these cattle.

Options Outside of Wilderness

Can action be taken outside of wilderness that adequately addresses the situation?

YES

STOP – DO NOT TAKE ACTION IN WILDERNESS

NO

EXPLAIN AND COMPLETE STEP 1 OF THE MRDG

Explain:

The unbranded / unauthorized cattle only occur within certain areas of the Gila Wilderness. To conduct removal of these cattle, operations must occur within the wilderness area. Given the wild nature of these cattle, they are not conducive to herding by livestock handlers out of the wilderness where they can be removed. Live removal has been attempted multiple times in past years with poor success.

Criteria for Determining Necessity

Is action necessary to meet any of the criteria below?

A. Valid Existing Rights or Special Provisions of Wilderness Legislation

Is action necessary to satisfy valid existing rights or a special provision in wilderness legislation (the Wilderness Act of 1964 or subsequent wilderness laws) that requires action? Cite law and section.

YES NO

Explain:

Neither the Wilderness Act of 1964 nor subsequent legislation establishing this wilderness contain special provisions or existing rights for the proposed action.

The Wilderness Act of 1964, Special Provisions Section 4(d)(1) states “In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable .”

B. Requirements of Other Legislation

Is action necessary to meet the requirements of other federal laws? Cite law and section.

YES NO

Explain:

Endangered Species Act: The Endangered Species Act states “Federal agencies shall...utilize their authorities... by carrying out programs for the conservation of endangered species and threatened species.” Conservation, as defined in the Act, means “to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measure provided pursuant to the [Endangered Species] Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management.” The affirmative direction from the Endangered Species Act requires the agency to take actions necessary to conserve threatened and endangered species. This requirement is consistent with requirements of the Wilderness Act to preserve wilderness character, specifically, preservation of natural conditions (Section 2(c)). The areas where unbranded / unauthorized cattle are causing resource impacts within the wilderness include Mexican spotted owl, narrow-headed garter snake, Gila Trout, and Mexican grey wolf habitat, which are all listed under The Endangered Species Act.

C. Wilderness Character

Is action necessary to preserve one or more of the five qualities of wilderness character?

UNTRAMMELED

YES NO

Explain:

Untrammeled means free from manipulation or control of ecological systems or processes. The unbranded / unauthorized cattle are descendants of permitted livestock from the 1970's and have become a human-caused threat to wilderness character. Although the existence of cattle in wildernesses is a result of their introduction by humans, it is not an intentional manipulation or control of ecological systems. To allow unbranded / unauthorized cattle to continue to exist and alter the landscape around them could be considered a sign of human influence on the biophysical environment of the affected wilderness areas, but action in wilderness to manage them is not necessary to preserve the untrammeled quality of wilderness character.

UNDEVELOPED

YES NO

Explain:

Undeveloped means wilderness retains its primeval character and influence and is essentially without permanent improvement or modern human occupation, such as structures and installations, as well as the use of motor vehicles, motorized equipment, and mechanical transport, because these increase people's ability to occupy or modify the environment. Action is not necessary to preserve the undeveloped quality.

NATURAL

YES NO

Explain:

The Natural Quality of wilderness character encompasses all naturally occurring biological and physical elements of wilderness: plant and animal species and communities, soil, air, and water. This quality also includes the interactions among these elements and the resulting ecological processes or functions that occur in wilderness. The presence of unbranded / unauthorized cattle has and will continue to degrade the natural quality of the Gila Wilderness. Cattle grazing and trampling, especially within riparian areas, has resulted in over-grazing and the spread of noxious weeds, stream bank degradation, water quality impacts, and habitat damage for sensitive plants and animals. Action is necessary to preserve this quality.

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

YES NO

Explain:

This quality means that visitors are free from the sights and sounds of people inside wilderness, free from facilities that decrease self-reliance, and free from management restrictions. The proposed action is not needed to preserve the solitude or primitive and unconfined quality.

OTHER FEATURES OF VALUE

YES NO

Explain:

This Quality centers on unique and tangible features of a wilderness that are integral to the wilderness character of that place. These features may include cultural resource sites, paleontological sites, or any other features not included under the other four qualities that have ecological, geological, scientific, educational, scenic, or historical value (Section 2(c) of the Wilderness Act). Resource impacts caused by unbranded / unauthorized cattle have resulted in degraded scenery for the public recreating in the Gila Wilderness, especially along hiking trails and the Gila River corridor. The number of complaints and concerns from the public to Gila National Forest staff have intensified since 2017.

Cattle are having a negative impact on cultural resources and historical sites. The Gila Wilderness is home to the Mimbres people and has significant historic sites, lithic scatters, ruins, and is of important cultural significance to multiple tribes.

Step 1 Determination

*Is administrative action **necessary** in wilderness?*

Criteria for Determining Necessity

A. Existing Rights or Special Provisions

YES NO

B. Requirements of Other Legislation

YES NO

C. Wilderness Character

Untrammeled

YES NO

Undeveloped

YES NO

Natural

YES NO

Solitude/Primitive/Unconfined

YES NO

Other Features of Value

YES NO

*Is administrative action **necessary** in wilderness?*

YES

EXPLAIN AND COMPLETE STEP 1 OF THE MRDG

NO

STOP – DO NOT TAKE ACTION IN WILDERNESS

Explain:

The proposed action is to remove unbranded / unauthorized cattle in the Gila Wilderness to limit resource damage, especially to ESA-listed species and their habitat, protect public health and safety, and limit impacts to the Natural and Other Features of Value Qualities of wilderness character.

MRDG Step 2

Determine the Minimum Activity

Other Direction

Is there “special provisions” language in legislation (or other Congressional direction) that explicitly allows consideration of a use otherwise prohibited by Section 4(c)?

AND/OR

Has the issue been addressed in agency policy, management plans, species recovery plans, or agreements with other agencies or partners?

YES

DESCRIBE OTHER DIRECTION

NO

SKIP AHEAD TO TIME CONSTRAINTS BELOW

Describe Other Direction:

Forest Service Manual- 2320 - Wilderness Management

2320.2 - Objectives

2. Maintain wilderness in such a manner that ecosystems are unaffected by human manipulation and influences so that plants and animals develop and respond to natural forces.
3. Minimize the impact of those kinds of uses and activities generally prohibited by the Wilderness Act, but specifically excepted by the Act or subsequent legislation.

2320.3 - Policy

1. Where there are alternatives among management decisions, wilderness values shall dominate over all other considerations except where limited by the Wilderness Act, subsequent legislation, or regulations. Manage the use of other resources in wilderness in a manner compatible with wilderness resource management objectives.

2320.5 - Definitions

10. Indigenous Species. Any species of flora or fauna that naturally occurs in a wilderness area and that was not introduced by man.
11. Native Species. Any species of flora or fauna that naturally occurs in the United States and that was not introduced by man.
12. Naturalized Species. Any non-indigenous species of flora or fauna that is close genetically or resembles an indigenous species and that has become established in the ecosystem as if it were an indigenous species.
13. Exotic Species. Any species that is not indigenous, native, or naturalized.

2323.04 – Responsibilities

2326.04b - Regional Forester. The Regional Forester is responsible for approving:

1. Transport and supply by aircraft, air drop, motorboat, or mechanical transport for situations that meet the conditions under items 2, 4, or 5, in FSM 2326.1

2323.3 - Management of Wildlife and Fish

2323.31 - Objectives

1. Provide an environment where the forces of natural selection and survival rather than human actions determine which and what numbers of wildlife species will exist.
2. Consistent with objective 1, protect wildlife and fish indigenous to the area from human caused conditions that could lead to Federal listing as threatened or
3. Provide protection for known populations and aid recovery in areas of previous habitation, of federally listed threatened or endangered species and their habitats.

2323.32 – Policy

2. Wildlife and fish management programs shall be consistent with wilderness values.
4. Manage wilderness to protect known populations of federally listed threatened or endangered species where necessary for their perpetuation and aid in their recovery in areas of previous habitation. When alternative areas outside of wilderness offer equal or better protection, take actions to recover threatened or endangered species outside of wilderness areas first.

Forest Service Policy on Invasive Species Management – FSM 2900

2902 - Objectives

1. Early Detection and Rapid Response (EDRR). Inventory and survey susceptible aquatic and terrestrial areas of the National Forest System so as to quickly detect invasive species infestations, and subsequently implement immediate and specific actions to eradicate those infestations before they become established and/or spread.
2. Control and Management. Conducting integrated invasive species management activities on priority aquatic and terrestrial areas of the National Forest System will be consistent with guidance from the National Invasive Species Council, such as the 'Control and Management Guidelines', to contain, reduce, and remove established infestations of aquatic and terrestrial invasive species, and to limit the adverse effects of those infestations on native species, human health, and other National Forest System resources.

2903 – Policy

1. Initiate, coordinate, and sustain actions to prevent, control, and eliminate priority infestations of invasive species in aquatic and terrestrial areas of the National Forest System.
5. Ensure that all Forest Service management activities are designed to minimize or eliminate the possibility of establishment or spread of invasive species on the National Forest System, or to adjacent areas.

2905 – Definitions

Rapid Response. With respect to invasive species (plant, pathogen, vertebrate, or invertebrate species), rapid responses are defined as the quick and immediate actions taken to eradicate, control, or contain infestations that must be completed within a relatively short time to maximize the biological and economic effectiveness against the targeted invasive species.

Forest Service National Strategic Framework for Invasive Species Management (2013) – prioritizes and guides the prevention, detection, and control of invasive wildlife that threaten terrestrial and aquatic ecosystems.

2600-Wildlife, Fish, and Sensitive Plant Habitat Management

Policy: National Forest System resources must be adequately protected during animal damage management activities authorized by the states and conducted by the states or Animal and Plant Health Inspection Service (APHIS) - Animal Damage Control program. This policy in no way defines or limits the authority of States to regulate the taking of predators according to State and other applicable Federal laws. When the Forest Service conducts animal damage management activities, such as controlling small mammal populations on plantations, the agency must comply fully with state and federal laws.

In carrying out animal damage management activities, Forest Service employees shall --

1. Rely upon APHIS or the state agencies to provide the expertise and conduct predator control on National Forest System lands, to determine livestock losses, and to determine methodology for animal damage management.

4. Use an integrated approach to the prevention of animal damage and management of animal damage control programs. Consider a full range of methods, including physical barriers, repellents, habitat manipulation, biological controls, silvicultural methods (for example, fertilizing to improve soil fertility), pesticides, and hunting and trapping. Use licensed hunting, fishing, and trapping as a control technique where practicable.

Time Constraints

What, if any, are the time constraints that may affect the action?

Operations would likely take place during spring when cattle are generally at locations away from the Gila River corridor and foliage cover is minimal. During summer months, cattle are often found closer to water sources (Gila River and tributaries) which may lead to greater likelihood of management operations conflicting with recreational use of the wilderness.

Components of the Action

What are the discrete components or phases of the action?

Component X: *Example: Transportation of personnel to the project site*

Component 1:	Deployment of trail cameras
Component 2:	Aerial reconnaissance
Component 3:	Shooting of cattle by Wildlife Services specialists
Component 4:	
Component 5:	
Component 6:	
Component 7:	
Component 8:	

Proceed to the alternatives.

Refer to the [**MRDG Instructions**](#) regarding alternatives and the effects to each of the comparison criteria.

MRDG Step 2: Alternatives

Alternative 1: No Action

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

No management action would be taken to reduce or remove the unbranded / unauthorized cattle population from the Gila Wilderness. There are approximately 200 cattle within the Gila Wilderness. Under the No Action alternative, this population would continue to persist along with the associated resource impacts due to their presence. Other than past live removal efforts through live capture of individual cattle, no past mitigation efforts have taken place. Given the location and nature of the issue, few viable mitigation measures are available.

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
1	Deployment of trail cameras	None
2	Aerial reconnaissance	None
3	Shooting of cattle by Wildlife Services specialists	None
4		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	No deployment of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	No aerial reconnaissance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	No shooting of cattle by Wildlife Services specialists	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
	<u>Untrammeled Total Rating</u>	0		

Explain:

This action does not degrade the untrammeled quality of the Gila Wilderness.

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	No deployment of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	No aerial reconnaissance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	No shooting of cattle by Wildlife Services specialists	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
	<u>Undeveloped Total Rating</u>	0		

Explain:

This action would not degrade the undeveloped quality of the Gila Wilderness.

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	No deployment of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	No aerial reconnaissance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	No shooting of cattle by Wildlife Services specialists	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects		-1	NE
	<u>Natural Total Rating</u>	-1		

Explain:

This alternative would not reduce or eliminate the unbranded / unauthorized cattle population which would continue to degrade habitat, and thus reduce the natural quality of the Gila Wilderness.

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	No deployment of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	No aerial reconnaissance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	No shooting of cattle by Wildlife Services specialists	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>		0		

Explain:

This action would not degrade the solitude or primitive and unconfined recreation of the Gila Wilderness.

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	No deployment of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	No aerial reconnaissance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	No shooting of cattle by Wildlife Services specialists	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects			-1	NE
<u>Other Features of Value Total Rating</u>		-1		

Explain:

By not removing unbranded / unauthorized cattle from the Gila Wilderness, resource impacts from the presence of cattle will continue to degrade the visual and scenic quality of the wilderness area as well as continue to threaten culturally significant sites.

Summary Ratings for Alternative 1

Wilderness Character	Rating Summary
<u>Untrammeled</u>	0
<u>Undeveloped</u>	0
<u>Natural</u>	-1
<u>Solitude or Primitive & Unconfined Recreation</u>	0
<u>Other Features of Value</u>	-1
Wilderness Character Summary Rating	-2

MRDG Step 2: Alternatives

Alternative 2: Proposed Action –Removal of Cattle through Helicopter Operations

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Under this alternative, APHIS – Wildlife Services would cooperate with the Gila National Forest to oversee removal of cattle from the Gila Wilderness. First, Wildlife Services specialists would use aerial reconnaissance through helicopter flights in combination with deployed trail cameras to determine cattle distribution and estimated population size. Cameras would be deployed along major drainages and open meadow areas where cattle are expected to congregate. Up to 10 trail cameras would be deployed one month prior to removal operations. Trail cameras would remain deployed for up to two months following removal operations to determine the presence of any remaining cattle. Two helicopter reconnaissance flights would be conducted within one week of beginning removal efforts to assist in determining cattle locations. Based on reconnaissance information gathered, Wildlife Services specialists would meet with Gila National Forest staff to develop a plan of operation for removal of the unbranded and unauthorized cattle. Removal operations would primarily involve shooting by Wildlife Services specialists from a helicopter. Shooting by specialists on the ground may be used as well if ground support is needed. Ground-based personnel would use horses for travel within the wilderness during trail camera deployment, during removal operations, and for trail camera retrieval. Cattle would only be shot when away from water sources, trails, cultural sites, and all other locations identified by Gila National Forest staff. Cattle would be left onsite to naturally decompose. Non-toxic (e.g. copper) bullets would be used to minimize risk of lead toxicity to wildlife scavenging on the carcasses. Communications with the public would be facilitated prior to all operations through the Forest Public Affairs Officer. Aerial operations are expected to take up to two weeks (2 flights per day, 14 days of operation) and may require follow operations in following years until the entire unbranded / unauthorized cattle population has been removed.

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
1	Deployment and retrieval of trail cameras	Wildlife Services specialists will deploy trail cameras at pre-determined locations for up to one month prior to removal efforts to

		assist in determining cattle distribution and numbers.
2	Aerial reconnaissance by helicopter	Wildlife Services specialists will conduct two helicopter flights within one week of beginning removal efforts to determine location and numbers of cattle.
3	Shooting of cattle by Wildlife Service specialist	A Wildlife Services specialist will conduct aerial shooting from a helicopter to remove unbranded and unauthorized cattle.
4		
5		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	Deployment and retrieval of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Aerial reconnaissance by helicopter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Shooting of cattle by Wildlife Service specialist	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Untrammeled Total Rating</u>		0		

Explain:

Untrammeled means free from management, manipulation, or hindrance of natural processes. Though actions from this alternative would have impacts on wilderness character (discussed below), helicopter operations and use of trail cameras would not pose a negative effect to the untrammeled nature of the Gila Wilderness.

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect

1	Deployment and retrieval of trail cameras	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Aerial reconnaissance by helicopter	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Shooting of cattle by Wildlife Service specialist	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects			-1	NE
<u>Undeveloped Total Rating</u>			-1	

Explain:

Although not a permanent installation, the deployment and presence of trail cameras through this alternative could be viewed by the public as a temporary development placed within the wilderness.

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	Deployment and retrieval of trail cameras	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Aerial reconnaissance by helicopter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Shooting of cattle by Wildlife Service specialist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects			-2	NE
<u>Natural Total Rating</u>			-2	

Explain:

Helicopter flights and landings under this alternative would negatively affect the natural quality of the wilderness through impacts to sound. The primary negative impact to wildlife will be through noise disturbance and displacement from low elevation helicopter flights. Noise from shooting may also result in temporary disturbance and displacement of wildlife within one quarter mile of the activity. The effects are expected to be short-lived in duration and would only last as long as active operations are underway. Cattle will only be killed away from water sources, trails, cultural sites, etc and thus carcasses should not pose impacts (e.g. water quality contamination) to the natural character of the wilderness.

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	Deployment and retrieval of trail cameras	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Aerial reconnaissance by helicopter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Shooting of cattle by Wildlife Service specialist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects			-3	NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>		-3		

Explain:

Helicopter operations will have a negative impact on the solitude of any wilderness visitor that sees or hears activities related to this alternative. Impacts are expected to last in duration for the time that operations are taking place (up to two weeks during removal efforts as well as one day prior to removal operations during aerial reconnaissance). The presence and visibility of trail cameras will also result in a negative impact to any wilderness visitor. The duration of trail camera impacts will be three months (one month prior to operations and two months following operations).

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
1	Deployment and retrieval of trail cameras	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Aerial reconnaissance by helicopter	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Shooting of cattle by Wildlife Service specialist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects			-3	NE
<u>Other Features of Value Total Rating</u>		-3		

Explain:

Scenic quality has the potential for negative impacts both from helicopter operations and from cattle carcasses left as a result of the operations. Specialists will take measures to conduct shooting operations away from high use areas, trails, water sources, etc but this does not guarantee wilderness visitors will not observe carcasses if they travel cross-country. Following removal operations carcasses will be present until natural decomposition occurs, or scavengers eliminate them. The visual presence of trail cameras will also negatively impact wilderness visitors. The total duration of trail camera impact on scenic quality will be three months.

Summary Ratings for Alternative 2

Wilderness Character	Rating Summary
<u>Untrammeled</u>	0
<u>Undeveloped</u>	-1
<u>Natural</u>	-2
<u>Solitude or Primitive & Unconfined Recreation</u>	-3
<u>Other Features of Value</u>	-3
Wilderness Character Summary Rating	-9

MRDG Step 2: Alternatives

Alternative 3:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 3

Wilderness Character	Rating Summary
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<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives

Alternative 4:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 4

Wilderness Character	Rating Summary

<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives

Alternative 5:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 5

Wilderness Character	Rating Summary
----------------------	----------------

<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives

Alternative 6:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Total Number of Effects				NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 6

Wilderness Character	Rating Summary
----------------------	----------------

<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives

Alternative 7:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 7

Wilderness Character	Rating Summary
----------------------	----------------

<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives

Alternative 8:

Description of the Alternative

What are the details of this alternative? When, where, and how will the action occur? What mitigation measures will be taken?

Component Activities

How will each of the components of the action be performed under this alternative?

Comp #	<u>Component of the Action</u>	Activity for this Alternative
X	<i>Example: Transportation of personnel to the project site</i>	<i>Example: Personnel will travel by horseback</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		

Wilderness Character

What is the effect of each component activity on the qualities of wilderness character? What mitigation measures will be taken?

UNTRAMMELED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Untrammeled Total Rating</u>				

Explain:

UNDEVELOPED

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Totals Number of Effects			NE
<u>Undeveloped Total Rating</u>				

Explain:

NATURAL

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Natural Total Rating</u>				

Explain:

SOLITUDE OR PRIMITIVE & UNCONFINED RECREATION

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Solitude or Primitive & Unconfined Rec. Total Rating</u>				

Explain:

OTHER FEATURES OF VALUE

Activity #	<u>Component Activity for this Alternative</u>	Positive	Negative	No Effect
X	<i>Example: Personnel will travel by horseback</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total Number of Effects			NE
<u>Other Features of Value Total Rating</u>				

Explain:

Summary Ratings for Alternative 8

Wilderness Character	Rating Summary
----------------------	----------------

<u>Untrammeled</u>	
<u>Undeveloped</u>	
<u>Natural</u>	
<u>Solitude or Primitive & Unconfined Recreation</u>	
<u>Other Features of Value</u>	
Wilderness Character Summary Rating	

MRDG Step 2: Alternatives Not Analyzed

Alternatives Not Analyzed

What alternatives were considered but not analyzed? Why were they not analyzed?

An issuance of contract for live removal of unbranded / unauthorized cattle was considered but dismissed. Under this approach, livestock handlers, dogs, and horses were used to herd, rope, and lead cattle out of the wilderness where they were later sold at auction. This approach has been used multiple times between 1996 and 2016 with varying success. No efforts through this approach achieved acceptable results to reduce or eliminate the cattle population to the point that resource impacts were alleviated.

MRDG Step 2: Alternative Comparison

	No Action
<u>Alternative 1:</u>	
<u>Alternative 2:</u>	Removal of Cattle through Helicopter Operations
<u>Alternative 3:</u>	

Wilderness Character	<u>Alternative 1</u>	<u>Alternative 1</u>	<u>Alternative 2</u>	<u>Alternative 2</u>	<u>Alternative 3</u>	<u>Alternative 3</u>
	+	-	+	-	+	-
Untrammeled						
Undeveloped				1		
Natural		1		2		
Solitude/Primitive/Unconfined				3		
Other Features of Value		1		3		
Total Number of Effects		2		9		
Wilderness Character Rating	-2		-9			

MRDG Step 2: Determination

Refer to the [MRDG Instructions](#) before identifying the selected alternative and explaining the rationale for the selection.

Selected Alternative

[Alternative 1:](#)

No Action

[Alternative 2:](#)

Removal of Cattle through Helicopter Operations

[Alternative 3:](#)

Explain Rationale for Selection:

The proposed action presents the only viable option for removing unbranded / unauthorized cattle from the Gila Wilderness. Previous efforts to remove cattle through less “invasive” methods (i.e. without use of helicopter) have proved ineffective and cost prohibitive due to logistical challenges of operating within the area.

Describe Monitoring & Reporting Requirements:

Approvals

Which of the prohibited uses found in Section 4(c) of the Wilderness Act are approved in the selected alternative and for what quantity?

Approved?	Prohibited Use	Quantity
<input type="checkbox"/>	Mechanical Transport:	
<input type="checkbox"/>	Motorized Equipment:	
<input type="checkbox"/>	Motor Vehicles:	
<input type="checkbox"/>	Motorboats:	

<input type="checkbox"/>	Landing of Aircraft:	
<input type="checkbox"/>	Temporary Roads:	
<input type="checkbox"/>	Structures:	
<input type="checkbox"/>	Installations:	

Record and report any authorizations of Wilderness Act Section 4(c) prohibited uses according to agency policies or guidance.

Refer to agency policies for the following signature authorities:

Prepared:

Name

Position

Signature _____

Date _____

Recommended:

Name

Position

Signature _____

Date _____

Recommended:

Name

Position

Signature _____

Date _____

Approved:

Name

Position

Signature _____

Date _____

Brady McGee, Mexican Wolf Recovery Coordinator
Amy Lueders, Southwest Regional Director
U.S. Fish and Wildlife Service

March 20, 2019

Via email: Brady_Mcgee@fws.gov and Amy_Lueders@fws.gov

Dear Recovery Coordinator McGee and Regional Director Lueders,

The undersigned 37 organizations request immediate cessation of efforts to remove alive or kill wolves of the Prieto Pack or other wolves in or near the Rainy Mesa area of the Gila National Forest, rescission of the March 6, 2019 wolf removal order, and the expeditious freeing of the two young female wolves who were recently captured and are being held in pens at Sevilleta National Wildlife Refuge.

There are many reasons that the remaining wolves in the Rainy Mesa area should be left unmolested and the captured wolves freed. As a matter of equity, we note that the Fish and Wildlife Service's resistance to enacting basic measures to ensure that wolves do not scavenge on livestock carcasses – measures repeatedly recommended by independent scientists – may be the root of the ongoing conflict on Rainy Mesa. Over and over in past years, overstocked cattle on Rainy Mesa died of non-wolf causes. Wolves then scavenged on the carcasses, stayed near vulnerable cattle, and began hunting them. The Service should change course and require that owners of livestock that die of non-wolf causes remove or render inedible such carrion (for example through lime) before wolves scavenge and then depredate. In the meantime, you should not make the Prieto Pack and the two young captured wolves the scapegoats for a problem that the Service had the means to correct but chose to disregard.

Furthermore, following the unprecedented and heart-breaking deaths of 21 wild wolves in 2018 (a 50% increase over the next-highest year of wolf mortality in 2016), the Service should seek more than ever to keep wolves alive in the wild, not trap or shoot them out of the wild.

In addition, past wolf-removal operations on Rainy Mesa as well as elsewhere have pushed the Mexican wolf further from eventual recovery, and that will almost certainly be the case if you persist in removing wolves now. Over the course of two decades, the Fish and Wildlife Service's wolf-removal orders have resulted in the U.S. reintroduced population not reaching the Service's predictions for demographic growth. For example, the Service's 1996 final environmental impact statement on the reintroduction program projected 18 breeding pairs in the wild by 2005.¹ Now, over 13 years later and with the definition of a "breeding pair" watered down by the Service in its 2015 revision to the 10(j) management rule in order to mask its own shortfalls – there are still not 18 breeding pairs in the wild.

The Service's removals of wolves from the wild have also resulted in ominous losses of genetic diversity that are considerably harder to restore. "Mean kinship" is a numeric fraction that measures the average relatedness of animals in a population; the higher that fraction, the more closely related are the animals. In 2009, the mean kinship in the reintroduced Mexican

¹ Reintroduction of the Mexican Wolf Within Its Historic Range in the Southwestern U.S., Final Environmental Impact Statement, Nov. 1996, Table 2-2, p. 2-8.

wolf population was 0.2196.² Today, it has increased significantly to 0.25,³ to the point at which almost every wolf in the population is related to every other wolf as if they were siblings.

Close relatedness among Mexican wolves is correlated with reductions in the numbers of pups born and reductions in the number that are born that end up surviving.⁴ The Service's reckless wolf removals including trapping and shooting of genetically valuable wolves prior to 2009, played a major role in the calamitous increase in inbreeding over the past ten years.

Halting attempts to remove additional wolves and freeing those recently caught is the best course of action to avoid further exacerbating the genetic crisis. In the past, 16 captured wolves died inadvertently due to capture. Many other captured wolves were never bred in captivity. Whether dying within minutes or weeks of capture, or surviving another decade but without progeny, these wolves' potential genetic contributions were entirely lost due to removal actions that, at the time, the Service characterized as of little consequence.

Moreover, wolves taken from the wild occupy pens that otherwise could have housed members of the next captive-born generation. This tradeoff means that placement of wild-born wolves in captivity curtails opportunities for the breeding of captive-born wolves with underrepresented genetic heritages. The repeated captures of wolves from the wild and the resulting paucity of pen spaces hasten the erosion of genetic diversity from the captive population, a worrisome long-term trend.

We are aware that the Service may seek to kill one or more wolves on Rainy Mesa. Of course, such an action would greatly increase the possibility of loss of genetic diversity from the wild population, particularly since targeted wolves without radio collars may unknowingly harbor rare genes. The Service and USDA Wildlife Services have shot 15 wolves thus far since reintroduction. These slain animals represent not just governmental callousness but also foreclosed genetic opportunities.

In sum, any course of action now except allowing wolves to stay in the wild and releasing the recently-caught wolves, is likely to further worsen the Mexican wolf's already-dire genetic status and undermine recovery. The life of one of the first wolves to be released at the outset of reintroduction in 1998, AF511 or "Brunhilda," the alpha female of the Francisco Pack, illustrates the peril of continuing the status quo approach to management. For many years, Brunhilda was the poster-wolf of the entire recovery effort; her oversized image may still grace the Washington, D.C. offices of the Service, and we reproduce it here:



² Siminski, D. P. and E. M. Spevak. 2009. Population Analysis and Breeding Plan Mexican Wolf (*Canis lupus bailey*) Species Survival Plan, p. 8.

³ Mexican Wolf Experimental Population Area Initial Release and Translocation Proposal for 2019 (Sept. 30, 2018), p. 2.

⁴ Fredrickson, R. J., P. Siminski, M. Woolf and P. W. Hedrick. 2007. Genetic rescue and inbreeding depression in Mexican wolves. Proc. R. Soc. B, 274:2365–2371.

The Service reported that in early August 2003, she was observed “feeding on a cow carcass in the Rainy Mesa area. WS determined it was not killed by a predator.”⁵ Subsequently, the Francisco Pack depredated on cattle in the same area and was destroyed less than two years later. Brunhilda’s mate lost a leg to a trap, and Brunhilda died of capture myopathy (panicked overheating and stress) less than a month after her capture in June 2005.

The Fish and Wildlife Service ignores scientific expertise in resisting common-sense management changes to prevent the conditions that led members of two wolf families in the past (Francisco and Saddle) to lose their freedoms and lives on Rainy Mesa and that recently may have played a role threatening the Prieto Pack and other nearby wolves. The 2001 Mexican Wolf Three-Year Review recommended “Requir[ing] livestock operators on public land to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock.”⁶ Likewise, in 2007 the American Society of Mammalogists advised the Service “to protect wolves from the consequences of scavenging on livestock carcasses.”⁷ But the Service has not done so. While mandatory carcass disposal is just one of several policy changes that will be necessary to reduce wolf/human conflict and increase genetic diversity, without this change other efforts may not suffice.

Please require that livestock owners remove or render inedible the carcasses of their domestic animals that die of non-wolf causes before they attract wolves to scavenge and then persist in proximity to vulnerable cattle.

In the meantime, pending the much-needed development of requirements for livestock carcass removal, please immediately cease all actions to remove Mexican gray wolves from the wild through trapping, aerial capture, or shooting. And please expeditiously release the two wolves already captured.

Thank you.

Sincerely endorsed by,

Karen Michael, Board Member
Animal Defense League of Arizona
Phoenix, Arizona

Elisabeth A. Jennings, Executive Director
Animal Protection of New Mexico
Albuquerque, New Mexico

⁵ Blue Range Wolf Reintroduction Area (BRWRA) Monthly Project Updates, Sept. 8, 2003.

⁶ Paquet, P. C., Vucetich, J., Phillips, M. L., and L. Vucetich. 2001. Mexican wolf recovery: three year program review and assessment. Prepared by the Conservation Breeding Specialist Group for the United States Fish and Wildlife Service, p. 67.

⁷ Reintroduction and conservation of the Mexican gray wolf, Eighty-seventh annual meeting of the American Society of Mammalogists. 2007. Journal of Mammalogy, 88(6):1574.

Jessica Johnson, Chief Legislative Officer
Animal Protection Voters
Santa Fe, New Mexico

Michael J. Robinson, Senior Conservation Advocate
Center for Biological Diversity
Silver City, New Mexico

David B. McCoy, J.D., Executive Director
Citizen Action New Mexico
Albuquerque, New Mexico

Darlene Kobobel, Chief Executive Officer
Colorado Wolf and Wildlife Center
Divide, Colorado

Hailey Hawkins, Southern Rockies Field Representative
Endangered Species Coalition
Boulder, Colorado

Thomas Wheeler, Executive Director
Environmental Protection Information Center
Arcata, California

Connie Poten, President
Footloose Montana
Missoula, Montana

Kelly Burke, Executive Director
Grand Canyon Wildlands Council
Flagstaff, Arizona

Emily Renn, Executive Director
Grand Canyon Wolf Recovery Project
Flagstaff, Arizona

Billie Hughes, Broadband Leader
Great Old Broads for Wilderness – Footsteps of Leopold Broadband
Nutrioso, Arizona

Rosalind Switzer, Leader
Great Old Broads for Wilderness – Middle Gila Broadband
Florence, Arizona

Nancy Savage, Wolf Chair
Great Old Broads for Wilderness – Rio Grande Valley Broadband
Albuquerque, New Mexico

Jarid Manos, Founder and Chief Executive Officer
Great Plains Restoration Council
Fort Worth, Texas

Maureen Hackett, M.D., President and Founder
Howling for Wolves
Hopkins, Minnesota

Kimberly Baker, Executive Director
Klamath Forest Alliance
Orleans, California

Amy Harwood, Coordinator
Lobos of the Southwest
Tucson, Arizona

Frederick Hull, General Counsel
Mountain Lion Foundation
Sacramento, California

Judy Calman, Staff Attorney
New Mexico Wilderness Alliance
Albuquerque, New Mexico

Brooks Fahy, Executive Director
Predator Defense
Eugene, Oregon

Camilla Fox, Founder and Executive Director
Project Coyote
Larkspur, California

Eileen Sutz, Chief Executive Officer
Save Wolves Now Network
Chicago, Illinois

Sandy Bahr, Chapter Director
Sierra Club – Grand Canyon Chapter
Phoenix, Arizona

Mary Katherine Ray, Wildlife Chair
Sierra Club – Rio Grande Chapter
Winston, New Mexico

Kevin Bixby, Executive Director
Southwest Environmental Center
Las Cruces, New Mexico

Chris Bachman, Wildlife Program Director
The Lands Council
Spokane, Washington

John M. Glowa, Sr., President
The Maine Wolf Coalition
South China, Maine

David Parsons, USFWS Retired, Carnivore Conservation Biologist
The Rewilding Institute
Albuquerque, New Mexico

Trish Swain, Co-founder and Coordinator
TrailSafe Nevada
Sparks, Nevada

Donna Stevens, Executive Director
Upper Gila Watershed Alliance
Silver City, New Mexico

Greta Anderson, Deputy Director
Western Watersheds Project
Tucson, Arizona

Kirk Robinson, Executive Director
Western Wildlife Conservancy
Salt Lake City, Utah

Thomas Hollender, President
White Mountain Conservation League
Pinetop, Arizona

Madeleine Carey, Greater Gila Guardian
WildEarth Guardians
Santa Fe, New Mexico

Sharon Negri, Director
WildFutures
Berkeley, California

Maggie Howell, Executive Director
Wolf Conservation Center
South Salem, New York

Please respond via email to michaelr@biologicaldiversity.org.

DECLARATION OF THOMAS W. PATERSON

I, Thomas W. Paterson, declare:

1. My name is Thomas W. Paterson. I am over the age of 18 years and have personal knowledge of the facts contained herein.
2. My address is P.O. Box 95, Luna, New Mexico 87824.
3. I am a member of Spur Ranch Cattle Co. LLC and Spur Ranch LLC, which own ranching operations located along the Arizona and New Mexico state line in Catron County, New Mexico and Greenlee and Apache Counties, Arizona.
4. I also serve as the chairman of the Wildlife Committee for the New Mexico Cattle Growers' Association. I write this declaration on behalf of the New Mexico Cattle Growers Association (NMCGA). The NMCGA has 1,253 members, including members in Grant County, New Mexico where the livestock slaughter will occur. These members will be directly and indirectly impacted by the Forest Service and Animal and Plant Health Inspection Service actions to aerial gun approximately 250 head of livestock from a helicopter.
5. NMCGA and NMFLC can adequately represent my interests in this litigation.
6. For example, many of the NMCGA or NMFLC members have operations similar to my own. We are a cow/calf operation. We run registered bulls on commercial cows. Subject to weather, price and predators, we endeavor to run about 500 head of cows. We operate three United States Forest Service allotments. Our Alma Mesa Allotment is on the east side of the vacant XXX Allotment in Arizona, which has the Blue River running through it.
7. My wife and adult daughters and I have built our ranching operation from scratch over the course of 25 years. We typically have two full-time employees plus periodic day labor. The full-time employees and their families live on the ranch.
8. I understand that the Forest Service and/or APHIS is planning on slaughtering livestock from a helicopter or airplane on the Arizona/New Mexico border in the coming days.
9. The location of the proposed slaughter is in the Gila Wilderness, which does not border our ranching operation. But the prospect of the proposed slaughter of cattle to satisfy Forest Service settlement agreement conditions with the Center for Biological Diversity, concerns us greatly. To the extent hunters throw down fences or cut wires or elk break fences on the west end of our allotments in Arizona and cattle go through the gap and end up on the Blue River, we risk the prospect of the

Forest Service later announcing that it intends to shoot our cattle that might have made it to the Blue.

10. This is the same situation my fellow NMCGA members face on their allotments bordering or in the Gila Wilderness.
11. I understand that the federal agencies will not be looking at any of the brands of the livestock they propose to slaughter. Frankly, it strikes us as virtually impossible to identify brand or ear mark or ear tag information from a helicopter. The animals will not stand still. With winter coats and hair on their ears, identification will be virtually impossible. There is certainly a risk that some cattle may be branded.
12. I concur that cattle that are not authorized to be in a pasture should be removed. Wise stewardship of our land and water resources requires it.
13. I am opposed to the proposed aerial gunship slaughter, however, for multiple reasons:

First, I attend a monthly meeting of the U.S. Forest Service Region 3 range task force. On September 15, 2021, the Forest Service advised the participants that it was about to release a contract to gather unauthorized cattle and horses on the Gila and the Apache Sitgreaves National Forests. I specifically asked the Forest Service if it intended to shoot cattle from helicopters, as had been its plan months earlier. The Forest Service representative told us that the sole euthanasia would be humane euthanasia on animals being gathered due to heat or exhaustion. I shared that information with the New Mexico Cattle Growers. At no point did the Forest Service tell me that it had reversed course and now planned to gun down cattle.

Second, the Forest Service has not made a good faith effort to gather the cattle it now wants to shoot so it will be in compliance with its settlement agreement with the Center for Biological Diversity. My understanding is that the Forest Service had a two-year contract with one operator to remove the cattle. When that operator's contract ended last fall without that operator being successful, the Forest awarded a new contract to an individual associated with the predecessor. Apparently, the Forest Service now believes that the current operator (who is connected to the predecessor) has not been sufficiently successful either. That evidence of gathering has no ear mark of being a legitimate endeavor to remove these cattle. The Forest Service can and should do better.

Third, gunning down cattle from a helicopter is not humane. With a moving helicopter and a moving, scared animal, it is likely the animal will be wounded and

suffer and may or may not die. Is that really what the Forest Service and the Center for Biological Diversity want?

Fourth, I understand that the Forest Service intends to allow the cattle it shoots to rot. Those carcasses will be food for wolves, bears and lion. We do not want wolves, bear or lion to develop a greater taste for beef.

Fifth, shooting these cattle is not a long-term range management solution and the Forest Service should know that. The problem with vacant grazing allotments, which is what has occurred here, is that there is no permittee riding his or her own range to tell a neighbor that their cattle are not where they are supposed to be. Until the Forest Service releases now vacant allotments to qualified cattle growers, unauthorized cattle will be a bigger problem that they otherwise would be.

Sixth, if it proceeds, the Forest Service is establishing dangerous precedent to appease the Center for Biological Diversity. If allowed to proceed without a period for public comment and involvement, what are the standards that the Forest Service believes are necessary before it starts shooting elsewhere on our National Forests, including on the Blue River?

Lastly, the Forest Service's proposed action on cattle in the Wilderness is hypocritical. From a range management perspective, the cattle should be removed. But we see no action from the Forest Service to work with the New Mexico Game and Fish Department to control elk populations so those populations correspond to available forage and water resources. Nor do we see action to remove feral horse populations from the Forests. Why isn't the Forest Service discussing aerial shooting of elk or feral horses throughout the Southwest? Why focus instead on what, by comparison, are a relatively few head of cattle?

Executed in Catron County, State of New Mexico, on this 7th day of February, 2022.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



Thomas W. Paterson

Declaration of John Richardson

I, John Richardson, being duly sworn upon my oath hereby depose and state as follows:

1. My name is John Richardson, I am over the age of 18 years and have personal knowledge of the facts contained herein.
2. My address is 4 Meadow Lark Lane, Monticello, New Mexico 87939.
3. I am a member of Double Spring Ranch LLC and Gila Mountain Ranches LLC which owns ranching operations located in Catron County New Mexico.
4. We are a cow/calf and yearling operation. We run registered bulls on commercial cows. Subject to weather, price and predators, we endeavor to run about 500 head of cows. We operate three United States Forest Service allotments.
5. My wife, our three young sons and I have built our ranching operation from scratch over the course of 20 years.
6. I understand that the Forest Service and/or APHIS is planning on slaughtering livestock from a helicopter, airplane, or horseback on the Arizona/New Mexico border in the coming days.
7. The location of the proposed slaughter is in the Gila Wilderness. Our ranching operation includes allotments in northern part of the Wilderness.
8. At our last gather we have come up short 20 to 30 animals when gathering our cattle. It is likely that these cattle may have strayed south into the Gila Wilderness.
9. The prospect of the proposed slaughter of cattle to satisfy Forest Service settlement agreement conditions with the Center for Biological Diversity in a frivolous lawsuit, concerns us greatly. To the extent hunters go through fences or cut wires or elk break fences on the south end of our allotments we risk the prospect of the Forest Service shooting our cattle.
10. I understand that the federal agencies will not be looking at any of the brands of the livestock they propose to slaughter. It strikes us as virtually impossible to identify brand or ear mark or ear tag information from a helicopter or even from a horse in the winter. The animals will not stand still. With winter coats and hair on their ears, identification will be impossible. There is certainly a risk that some cattle may be branded and some of them could be mine.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

John Richardson
John Richardson

Feb 8, 2022

Date

Double Spring Ranch LLC & Gila Mountain Ranches LLC

From: Duffy, Sean C. (ENRD) <Sean.C.Duffy@usdoj.gov>
Sent: Tuesday, February 8, 2022 11:36 AM
To: Karen Budd-Falen <karen@buddfalen.com>
Cc: Smith, Andrew (USANM) <Andrew.Smith@usdoj.gov>; Hamilton, Emma (ENRD) <Emma.Hamilton@usdoj.gov>
Subject: RE: Feral Cattle Removal in New Mexico

Karen,

Thank you for passing along these documents. I spoke with the agencies this morning and they informed me that they are prepared to conduct lethal removals of unbranded / unauthorized cattle as soon as tomorrow. In the event that you file a complaint / TRO, please send me and my colleagues copies here a copy of those filings as soon as you file.

Feel free to reach out if you any clarification.

Thank you,
Sean



Sean C. Duffy
U.S. DEPARTMENT OF JUSTICE
Environment & Natural Resources Division | Natural Resources Section | Trial Attorney
150 M Street NE | Washington, DC 20002 | Ph: (202) 305-0445 | Fax: (202) 305-0506

From: Karen Budd-Falen <karen@buddfalen.com>
Sent: Monday, February 7, 2022 8:16 PM
To: Duffy, Sean C. (ENRD) <Sean.C.Duffy@usdoj.gov>

Subject: [EXTERNAL] RE: Feral Cattle Removal in New Mexico

Sean:

I am attaching the Exhibits referenced in the letter.

It is my client's intent to try to get a TRO enjoining the killing of livestock. We would love to do this in a more organized way rather than asking for a TRO and then filing a PI. I will hold off filing tomorrow if you can assure me that neither the FS nor WS will be killing livestock before we speak. I am happy to work with you on a schedule if that is possible.

I also thank you for sending the documents. I had not seen any of these (there is nothing in the Federal Register nor on the FS website) despite my research.

I will speak with you tomorrow.

Karen Budd Falen

Budd Falen Law Offices L.L.C.
P.O. Box 346
300 East 18th Street
Cheyenne, Wyoming 82003
(307) 632-5105
Karen@buddfalen.com

From: Duffy, Sean C. (ENRD) <Sean.C.Duffy@usdoj.gov>
Sent: Monday, February 7, 2022 5:57 PM
To: Karen Budd-Falen <karen@buddfalen.com>
Cc: Smith, Andrew (USANM) <Andrew.Smith@usdoj.gov>; Hamilton, Emma (ENRD) <Emma.Hamilton@usdoj.gov>
Subject: Feral Cattle Removal in New Mexico

Dear Ms. Budd-Falen,

This afternoon, I received the attached letter that your office sent to my colleagues at 11am MT regarding a potential TRO. In your letter, at the top of page 2, you reference an exhibit regarding "public documents" indicating "that the agencies are planning to shoot livestock from a helicopter." I did not receive a copy of the referenced exhibit. If you could please send that, I would appreciate it.

I am arranging to speak with staff at the Forest Service and the Animal and Plant Health Inspection Service (APHIS) tomorrow. Based on preliminary information, my understanding is that fly-over activity was scheduled to start today (February 7). When I speak with the agencies, I will seek greater clarity as to the timing and scope of

operations and will update you. If your clients intend to file a TRO, it would be helpful if we can discuss the necessity for such a motion and any related scheduling matters.

Also, I am attaching a few additional documents: (1) A CE issued by APHIS on February 1, 2022, (2) a decision memo issued by the Forest Service on September 11, 2020, and (3) a Minimum Requirements Decision Guide relating to activity in wilderness areas.

Thank you,
Sean



Sean C. Duffy

U.S. DEPARTMENT OF JUSTICE

Environment & Natural Resources Division | Natural Resources Section | Trial Attorney

150 M Street NE | Washington, DC 20002 | Ph: (202) 305-0445 | Fax: (202) 305-0506

Declaration

I, Carson L. Lee, being sworn upon my oath hereby depose and state as follows:

1. My name is Carson L. Lee. I am over the age of 18 and have personal knowledge of the facts contained herein.
2. My address is P.O. box 441, Springerville, AZ, 85938
3. I work for Spur Lake Cattle Company which owns and operates several ranches along the New Mexico and Arizona border. We are both a cow/calf and yearling operation with USFS permits on three Ranger Districts of the Gila and Apache Sitgreaves National Forests.
4. I have worked gathering cattle on both the Gila and Apache Sitgreaves National Forests for both private ranches and National Forest cattle contractors for nearly 10 years prior to my employment with Spur Lake Cattle Co.
5. These cattle gathering contracts have been performed on the Gila River, Black River, Blue River, South Fork of Negrito Creek, and Gilita Creek, as well as many other locations where the riparian areas were smaller.
6. I have also worked on Alex Thal's Bear Creek Ranch which is adjacent to the Gila Wilderness and Gila River. We frequently gathered Mr. Thal's branded cattle off of other permits where they were mixed with feral cattle in the wilderness.
7. On many of these cattle gathering operations we ended up with over 40% of the cattle being branded. Some locations produced fewer numbers of branded cattle. I have personally gathered branded cattle from the Gila River area near Sapillo Creek.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Respectfully submitted this 8th day of February, 2022.



Carson L. Lee
Carson L. Lee

Karen Budd-Falen

From: Caren Cowan <caren.cowan1@gmail.com>
Sent: Tuesday, February 8, 2022 5:10 PM
To: Karen Budd-Falen
Subject: Fwd: [EXTERNAL] Rumors abound.

----- Forwarded message -----

From: **Garland, Belinda, NMLB** <Belinda.Garland@state.nm.us>
Date: Mon, Feb 7, 2022 at 2:15 PM
Subject: RE: [EXTERNAL] Rumors abound.
To: Caren Cowan <caren.cowan1@gmail.com>
Cc: Davis, Shawn, NMLB <Shawn.Davis@state.nm.us>, Counsel, NMLB, NMLB <NMLB.Counsel@state.nm.us>, CasadosJr, Tony, NMLB <Tony.CasadosJr@state.nm.us>, Conniff, John, NMLB <John.Conniff@state.nm.us>, Denetclaw, Milford, NMLB <Milford.Denetclaw@state.nm.us>, Dolan, Tobin, NMLB <Tobin.Dolan@state.nm.us>, Kathy Charise Longinaker (kl35891@gmail.com) <kl35891@gmail.com>, Manzanares, Molly, NMLB <Molly.Manzanares@state.nm.us>, Perez, Michael, NMLB <Michael.Perez@state.nm.us>, P-Gutierrez, Rita, NMLB <Rita.P-Gutierrez@state.nm.us>, S-McGinley, Morgan, NMLB <Morgan.S-McGinley@state.nm.us>

Quite frankly, I am insulted that you would even ask that. I, along with Shawn Davis and the Board, have been opposed to the gunning of those cattle since it was first introduced to me in January 2020 and have maintained that stance ever since. The NMLB voted unanimously in June to oppose the gunning of those cattle and no meeting has been held to change that position.

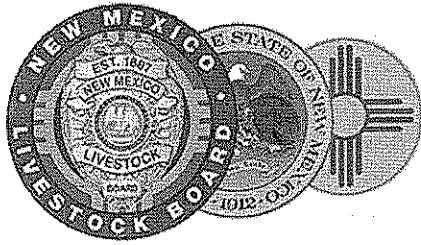
The New Mexico Livestock Board stands solidly in opposition of the gunning of the cattle in the Gila Wilderness.

Belinda Garland

Executive Director

New Mexico Livestock Board

505-841-6161



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From: Caren Cowan <caren.cowan1@gmail.com>
Sent: Monday, February 07, 2022 1:57 PM
To: Garland, Belinda, NMLB <Belinda.Garland@state.nm.us>
Subject: [EXTERNAL] Rumors abound.

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

I was just told, admittedly third hand, that the NMLB has okayed the USFS gunning the cattle in the Gila down?

Is that true?

Thank you for your time and attention.

Caren

Caren Cowan

Caren Cowan
Publisher
New Mexico Stockman
Livestock Market Digest
505.243.9515 x 21
caren@aaalivestock.com
www.aaalivestock.com