

FOR IMMEDIATE RELEASE

February 3, 2022

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## **Bipartisan response to Feds cattle shooting in Gila**

Attached please find a bi-partisan letter signed by New Mexico State Legislators, in reference to the U.S. Forest Service Southwest Region plans to commence an aerial shooting of cattle in the Gila National Forest beginning today, Tuesday, February 8, 2022.

Additionally, I believe that the NM Cattle Growers Association has or will be filing an emergency TRO today. (Please contact their organization about pending litigation)

February 6, 2022

Chief Randy Moore  
United States Forest Service  
1400 Independence Avenue SW  
Washington, DC 20250-0003

Chief Moore,

It has come to our attention that the U.S. Forest Service, Southwest Region, plans to commence an aerial shooting of cattle in the Gila National Forest beginning Tuesday, February 8, 2022. We respectfully request that you suspend this action until we can come to an agreement of the method that is safest for New Mexicans and most humane for our animals. In addition, we ask that you provide us with the legal authority that provides the Forest Service with the power to slaughter cattle that rightfully belong to New Mexicans.

Slaughtering of New Mexicans' livestock in this manner is a direct conflict with Article V of the United States Constitution which states "no person shall be deprived of life, liberty or property without due process of law." The fundamental requirement of due process is an opportunity to be heard at a meaningful time and in a meaningful manner. See *Milliken v. Meyer*, 311 U.S. 547 (1940). New Mexicans have not received any formal notice of the proposed aerial shooting and have not had a single opportunity to be heard on the issue.

Pursuant to the Supreme Court's decision in *Mathews v. Eldridge*, when government seeks to deprive an individual of a liberty or property interest, the courts must consider the following factors in determining what administrative safeguards are required by due process: (1) the private interest that will be affected by the official action, (2) the risk of an erroneous deprivation of such interest through the procedures used, (3) the probable value, if any, of additional or substitute procedural safeguards, and (4) the government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. See 424 U.S. 319 (1976).

Farming and ranching are fundamental to the culture and economy in New Mexico, and New Mexicans have a significant interest that will be affected by the aerial shooting of livestock. The New Mexico Livestock Code defines "estrays" as "livestock found running at large upon public or private lands, either fenced or unfenced, whose owner is unknown..." 77-2-1.1 1978. A person may impound estrays found on property the person owns or controls, but must notify the New Mexico Livestock Board within five days of such impoundment. 77-13-2 NMSA 1978. In the event the Livestock Board cannot determine the owner of the stray, the stray will be sold. 77-13-1 et seq NMSA 1978. The law governing estrays in New Mexico is quite clear and should not be willingly violated by an agency of the Federal Government.

The proposed aerial shooting of cattle also poses the most severe risk of erroneous loss of property of New Mexicans *through the specific procedures used*. Cattle that are shot will obviously deprive any owner of the property and it is the most egregious and inhumane method of removal of cattle from federal land.

While we recognize the government's interest in removing cattle from federal land, aerial shooting adds no value to this interest. Furthermore, gathering practices have been used to solve this problem in other

parts of the state. We also believe that the specific method proposed creates unnecessary public safety and environmental concerns for the citizens of New Mexico.

We respectfully request the U.S. Forest Service cease its plan for the aerial shooting of cattle and utilize other safer and more humane methods of removal of such cattle as provided by the laws of the State of New Mexico.

Sincerely,

Candy Spence Ezzell  
New Mexico State Representative Dist. 58

James Townsend –House Minority Floor Leader  
New Mexico State Representative Dist. 54

Gail Armstrong  
New Mexico State Representative Dist. 49

Jack Chatfield  
New Mexico State Representative Dist. 67

Rebecca Dow  
New Mexico State Representative Dist. 38

Luis Terrazas  
New Mexico State Representative Dist. 39

Brian G. Baca  
New Mexico State Representative Dist. 8

Rachel Black  
New Mexico State Representative Dist. 51

Cathrynn Brown  
New Mexico State Representative Dist. 55

Randal Crowder  
New Mexico State Representative Dist. 64

Zachary Cook  
New Mexico State Representative Dist. 56

Ryan Lane  
New Mexico State Representative Dist. 3

Stefani Lord  
New Mexico State Representative Dist. 22

Jason Harper  
New Mexico State Representative Dist. 57

Rodney Montoya  
New Mexico State Representative Dist. 1

Greg Nibert  
New Mexico State Representative Dist. 59

Randall Pettigrew  
New Mexico State Representative Dist. 61

Larry Scott  
New Mexico State Representative Dist. 62

James Strickler  
New Mexico State Representative Dist .2

Anthony Allison  
New Mexico State Representative Dist. 4

Susan Herrera  
New Mexico State Representative Dist. 41

Dayan Hockman-Vigil  
New Mexico State Representative Dist. 15

Raymundo Lara  
New Mexico State Representative Dist. 34

Willie Madrid  
New Mexico State Representative Dist. 53

Marian Matthews  
New Mexico State Representative Dist. 27

Nathan Small  
New Mexico State Representative Dist. 36

Candie Sweetser  
New Mexico State Representative Dist. 32

Phelps Anderson  
New Mexico State Representative Dist. 66

William "Bill" Rehm  
New Mexico State Representative Dist. 31

Jane Powdrell Culbert  
New Mexico State Representative Dist. 44

Crystal Diamond  
New Mexico State Senator Dist. 35

**\*Signatures on File**

CC: New Mexico Senatorial and Congressional Delegation  
Governor of the State of New Mexico Honorable Michelle Lujan-Grisham  
Lt. Governor of the State of New Mexico Honorable Howie Morales  
New Mexico Speaker of the House Brian Egolf  
New Mexico Senate Pres. Mimi Stewart  
New Mexico Attorney General Hector Balderas  
New Mexico US Forest Service  
New Mexico State Livestock Board  
New Mexico Cattle Growers  
New Mexico Secretary of Agriculture Jeff Witte  
New Mexico Sherriff's Departments  
New Mexico Association of Counties  
Southwestern Region 3 Regional Forester Michiko Martin  
Amy Lueders US Fish & Wildlife Services  
Congressional Sportsmen's Foundation