

BUDD-FALEN LAW OFFICES
L.L.C.
ATTORNEYS FOR THE WEST

KAREN BUDD-FALEN¹
FRANKLIN J. FALEN²
BRANDON L. JENSEN³

300 EAST 18TH STREET • POST OFFICE BOX 346
CHEYENNE, WYOMING 82003-0346
TELEPHONE: 307/632-5105
TELEFAX: 307/637-3891
WWW.BUDDFALEN.COM

TERESA L. SLATTERY⁴
CONNER G. NICKLAS⁵
RACHAEL L. BUZANOWSKI

¹ ALSO LICENSED IN ID & NM

² ALSO LICENSED IN NE, SD & ND

³ ALSO LICENSED IN CO & NM

⁴ ALSO LICENSED IN IL & TX

⁵ ALSO LICENSED IN CO & MT

February 22, 2022

United States Department of Agriculture
U.S. Forest Service Region 3
333 Broadway SE
Albuquerque, NM 87102

SM.FS.R3FOIA@usda.gov

U.S. Animal and Plant Health Inspection Service
Freedom of Information and Privacy Acts Office
4700 River Road, Unit 50
Riverdale, MD 20737

foia.officer@aphis.usda.gov

Re: Freedom of Information Act Request

Dear Sirs:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, on behalf of the New Mexico Cattle Growers Association, this letter requests that you electronically mail to me at the email address below the information described below. For the purposes of this request, the term “this operation” refers to the aerial gunning of livestock in the Gila National Forest and Gila Wilderness that culminated on or about February 14, 2022. Additionally, the term “target area” refers to all areas within the Gila Wilderness or Gila National Forest that contain any wild, unbranded, or “feral” cattle targeted by this operation.

1. A copy of all documents, including but not limited to draft documents, telephone notes, email correspondence, photographs (whether taken by the federal agencies or third parties), other correspondence, attachments, memoranda; notes; diaries; contracts; agreements; telegrams; summaries; notations of conversations, and all other written material related to the U.S. Forest Service (USFS) and U.S. Animal and Plant Health Inspection Service’s (APHIS) (collectively USDA) decision to use aerial gunning to kill livestock in

- the Gila Wilderness and Gila National Forest on February 10 and February 11, 2022.
2. A copy of all riparian monitoring data (both raw data and data analysis) and all water quality data related to the Gila River and all tributaries located in the target area.
 3. A copy of all documents or analyses, including raw data, related to elk or cattle forage utilization in the target area.
 4. A copy of all information, written material, documents, and analysis related to the USFS and APHIS's attempted use of non-lethal removal of unbranded and unauthorized cattle from the Gila Wilderness and Gila National Forest. This information should include but not be limited to any request for proposal and/or responses to gather livestock from the target area and the results or all contracts or proposals accepted by the USDA between 1980 and the present.
 5. A copy of all information, documents, analysis, including but not limited to the administrative record supporting the Categorical Exclusion Record Operational Wildlife Damage Management USDA APHIS Wildlife Services dated February 1, 2022 regarding Unbranded and Unauthorized Cattle Management in the Gila Wilderness.
 6. A copy of the categorical exclusion and all information, documents, analysis, including but not limited to the administrative record supporting the Decision Memo Feral Cow Mitigation USDA Forest Service, Gila National Forest dated September 11, 2020. This request includes any updates or additional analysis that occurred between September 11, 2020 to the present.
 7. A copy of all information, documents, analysis, including but not limited to the administrative record supporting the Minimum Requirements Decision Guide Workbook (MRDG), Project Title Gila Wilderness – Unbranded and Unauthorized Cattle Management. This information includes but is not limited to:
 - a. A signed copy of the MRDG described above or any other document containing an analysis of the impact of this operation on the wilderness characteristics of the Gila Wilderness.
 - b. A copy of all information, documents, and analysis, including but not limited to the Complaint referenced on Page 1 of the MRDG “the ongoing riparian grazing lawsuit involving the Gila National Forest.”
 - c. A copy of all information, documents, and analysis, including but not limited to any settlement agreements pertaining to the removal of feral, unbranded or unauthorized cattle in the target area.
 8. All photographs and/or video recordings, including GPS coordinates and/or dates if available, regarding all USDA actions from February 4, 2022 to February 14, 2022 related to this operation.
 9. All documents, photographs, notes, electronic mail, conversation logs, or other documents describing the number of livestock seen, shot and/or killed between

- February 4, 2022 and February 14, 2022. Documents should include GPS locations if available.
10. A copy of all information, documents, and analysis, including but not limited to the administrative record supporting any informal or formal Endangered Species Act section 7 consultation for any proposed or listed species within the target area. This information includes but is not limited to any documents relating to the informal consultation or discussion regarding the impact of the project on the Mexican wolf.
 11. All documents relating to any conversations, notification or discussions between the USDA and any members or staff of the New Mexico Livestock Board regarding the aerial shooting of livestock.
 12. All documents, email correspondence, telephone notes or other documents relating to any conversations between the USDA and U.S. Senator Martin Heinrich or his staff or any third party relating to removal of unbranded or unauthorized cattle from the target area.
 13. All documents related to the Closure Order (including extensions) dated November 10, 2021 to the present. Such documentation should include the administrative record for each closure order and all extensions.
 14. All documents relating to the USDA's compliance with 36 C.F.R. § 2.60.
 15. All documents relating to any analysis by the USFS relating to compliance with the National Environmental Policy Act for this operation within the target area.
 16. A copy of the declarations, including the attachments thereto of Adam Mendoca and Keith Wehner discussed in the Federal Defendants' Preliminary Response in Opposition to Plaintiffs' Motion for a Temporary Restraining Order, Doc. 9 (Preliminary Response), D. NM. Civ. 22-cv-86.
 17. A copy of the "Forest regulations" allowing federal compensation for aerial shooting of livestock by USDA employees. *See* Preliminary Response at 6,12.
 18. A copy of all documents, photographs, GPS locations, email documents or other correspondence related to the litigation filed by the Center for Biological Diversity regarding cattle in the target area.
 19. A copy of all documents notifying any area permittees or ranchers specifying that aerial gunning of livestock will occur in the target area.

This information should not be subject to the Freedom of Information Act exemptions and access to the requested documents should be granted within twenty (20) working days.

I also request that if you determine that some of the information requested is exempt from FOIA, that this information be identified by document, along with the statutory basis for your claim and your reasons for not exercising your discretion to release this information. FOIA also provides that if only portions of the file are exempt from release, the remainder of the file must be released. Therefore, I request that I be provided with all non-exempt portions that can reasonably be segregated.

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If there is any problem in providing this information, please let me know so that further arrangements can be made. All information can be sent to karen@buddfalen.com.

Thank you for your cooperation.

Sincerely,



Karen Budd-Falen

Budd-Falen Law Offices LLC