

Department of Justice Withdraws Appeal Challenging Court Decision that Federal Loan Guarantees to Industrial Hog Factory in Buffalo River Watershed are Illegal

April 24, 2015, Little Rock, AR – The U.S. Department of Justice has decided to drop its challenge of a federal court ruling that enjoined more than \$3 million in loan guarantees to an industrial hog farm in the Buffalo National River Watershed in the Arkansas Ozarks.

On December 2, 2014, U.S. District Judge for the Eastern District of Arkansas D. Price Marshall ruled that the guarantees by the Farm Service Agency and Small Business Administration were issued without an adequate environmental assessment and violated both the Endangered Species Act and the National Environmental Policy Act. Today, the federal 8th Circuit Court of Appeals in Arkansas today granted a motion filed by the Department of Justice to withdraw and voluntarily dismiss the department's appeal of the judgment.

The loan guarantees were made to C & H Hog Farms in Mt. Judea, AR. Now the two federal agencies must now go back and conduct new assessments within one year.

“This outcome sends a strong message that federal agencies that are subsidizing and supporting industrial-sized concentrated animal feeding operations through loans and guarantees will have to follow NEPA and the ESA in the future,” said **Earthjustice attorney Marianne Engelman**

Lado, who represents a coalition of the Buffalo River Watershed Alliance, Arkansas Canoe Club, National Parks Conservation Association and the Ozark Society.

“This is a truly significant victory, but the fight to remove C & H Hog Farms from the Buffalo River watershed goes on,” said **Dane Schumacher, Buffalo River Watershed Alliance Board member**. “We continue to monitor signs for bacterial content that filters into Big Creek and ultimately the Buffalo National River. Much damage could be done if C & H continues to operate in the watershed, and we intend to keep up the pressure to ensure that this ill-placed industrial hog facility never has the chance to foul Arkansas’ crown jewel and America’s first national river.”

For more detailed commentary on this latest development, please contact:

LEGAL ASPECTS OF THE CASE

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REACTIONS FROM THE COALITION

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BACKGROUND

A coalition of conservation and citizen groups, represented by public interest law organization Earthjustice, challenged the U.S. Department of Agriculture Farm Service Agency and the U.S. Small Business Administration for the

inadequate review and improper authorization of loan guarantee assistance to C&H Hog Farms. C&H Hog Farms is a 6,500-pig factory farm located in Mount Judea, Arkansas, on a major tributary of the country's first national river, the Buffalo National River. The factory farm is under contract with Cargill, an international producer and marketer of agricultural products.

The C&H facility's loan guarantees were issued in 2012. Because of a failure to notify local residents and the community, the Mount Judea region did not find out about the facility's construction until it was too late. The lack of adequate public notice is just one of a number of egregious failures on the part of the state and federal government to ensure that this facility will not have detrimental impacts on the exceptional natural resources of the Buffalo River watershed.

Legal action: On August 6, 2013, Earthjustice, Earthrise Law Center, and attorney Hank Bates filed a lawsuit against the USDA and SBA on behalf of the Buffalo River Watershed Alliance, Arkansas Canoe Club, National Parks Conservation Association, and The Ozark Society in Arkansas.

The press release announcing Judge Marshall's decision that federal agencies illegally guaranteed loans for C & H Hog Farms in the Buffalo River watershed can be found here:

<http://earthjustice.org/news/press/2014/victory-for-the-buffalo-river-environmental-impacts-must-be-reviewed>

Judge Marshall's decision to suspend the loan guarantees can be found here:

<http://earthjustice.org/sites/default/files/files/58%20%20Order.pdf>