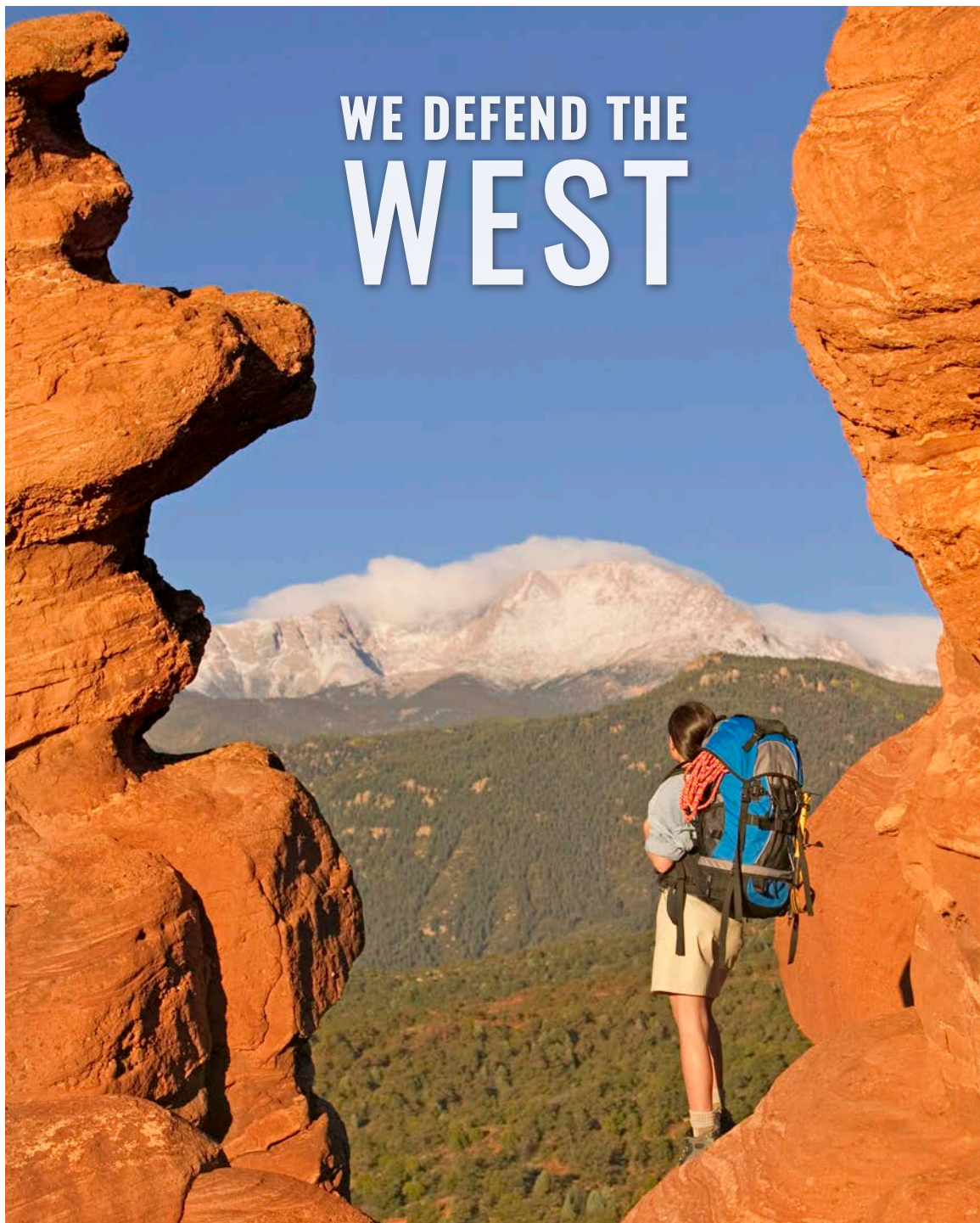




**Western  
Environmental  
Law Center**

**CELEBRATING 25 YEARS**

**Spring 2018**



# **WE DEFEND THE WEST**

- > Protecting your public lands**
- > Defending beavers**
- > Western wildlife advocacy**
- > Clean air and clean water defense**
- > Fighting fracking**
- > Victory for Oregon's Rogue River**



THE WESTERN ENVIRONMENTAL LAW CENTER IS A  
NONPROFIT, PUBLIC INTEREST ENVIRONMENTAL LAW FIRM.

WE USE THE POWER OF THE LAW TO SAFEGUARD THE  
PUBLIC LANDS, WILDLIFE, AND COMMUNITIES OF THE  
AMERICAN WEST IN THE FACE OF A CHANGING CLIMATE.

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LOOKING  
ACROSS  
THE WEST

Undaunted.

Savor the word. With your support, it’s at the core of who we are as a high-impact public interest law firm. And it’s the reason that, together, we’ll make it through this moment.

Each day, we wake to sobering, even disheartening news. But we also witness a tidal shift in our country. The public—including you—has risen, speaking truth to the power held by our country’s political leaders and economic interests who do not serve the public interest.

There is of course much to be done, but this shift is to be celebrated and cultivated. For our part, it inspires us to hold the line against the Trump administration’s attacks on the public lands, wildlife, and communities of the American West we hold dear.

And we’re fortunate. Our country’s bedrock environmental laws empower us to turn inspiration into action.

These laws guarantee you a voice in the decisions that impact your lives, the places you care about, and the wildlife with which we share the beautiful and iconic American West.

They ensure that when the Trump administration shirks its responsibility to safeguard our public lands, wildlife, and communities, we can hold them accountable in court and set the stage for positive change once the political climate changes for the better.

Undaunted, we won’t stand down until we’ve achieved our vision of a thriving, resilient American West. We know you won’t either.



For the West,

Erik Schlenker-Goodrich  
Executive Director

Cover photo: A woman biking on public lands in Colorado. Since our inception twenty-five years ago, we have used the law to preserve and restore the unique public lands of the American West. Read about some of our Colorado cases on pages 3 and 5. Photo © iStockphoto.com/Sportstock.  
  
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# WILDLIFE UPDATES



## PROTECTING BEAVERS AND SALMON

After we threatened legal action, Wildlife Services—the U.S. Department of Agriculture’s wildlife-killing program—may finally be cleaning up its act in Oregon. It had never studied the effects of killing hundreds of beavers every year, even though scientists agree beaver ponds provide habitat crucial to the recovery of endangered salmon and steelhead trout. Wildlife Services stated it will begin analyzing the impacts of its program and, in the meantime, will halt killing beaver, river otter, muskrat, and mink statewide.

## LYNX MAY WRONGFULLY LOSE ENDANGERED PROTECTIONS

This January, we were shocked to learn that the Trump administration will strip Canada lynx in the lower 48 states of endangered species protections. To justify the move, the U.S. Fish and Wildlife Service manipulated a draft report on lynx reversing its recommendations even though only a few hundred lynx remain in the Western U.S. You can count on us to fight any effort to eliminate much-needed endangered species protections for the Canada lynx.

## VICTORY! DEFENDING AMPHIBIANS IN THE SIERRAS

We’re challenging cattle grazing in high alpine meadows on public lands in California’s Sierra Nevada Mountains—habitat to threatened Yosemite toads and mountain yellow-legged frogs. Grazing has no place in these meadows and streams near Yosemite National Park and the John Muir Wilderness, especially when it fouls the water and harms endangered amphibians. A judge recently rejected the Trump administration’s request to throw out this case—a step in the right direction to protect this unique area and its wildlife.

# CLIMATE ACTION



## PARTNERING WITH TERRY TEMPEST WILLIAMS

We’re defending author Terry Tempest Williams’ and her husband Brooke Williams’ right to purchase oil and gas leases to defer drilling until it can be done sustainably. The Bureau of Land Management denied their bids on Utah leases citing a lack of “intent to develop.” The agency has only ever applied this test to Terry and Brooke, not to oil and gas companies hoarding millions of acres of leases to pad their bottom line. It’s utterly unjust and we will continue to defend the Williams’ right to purchase oil and gas leases to protect our climate.

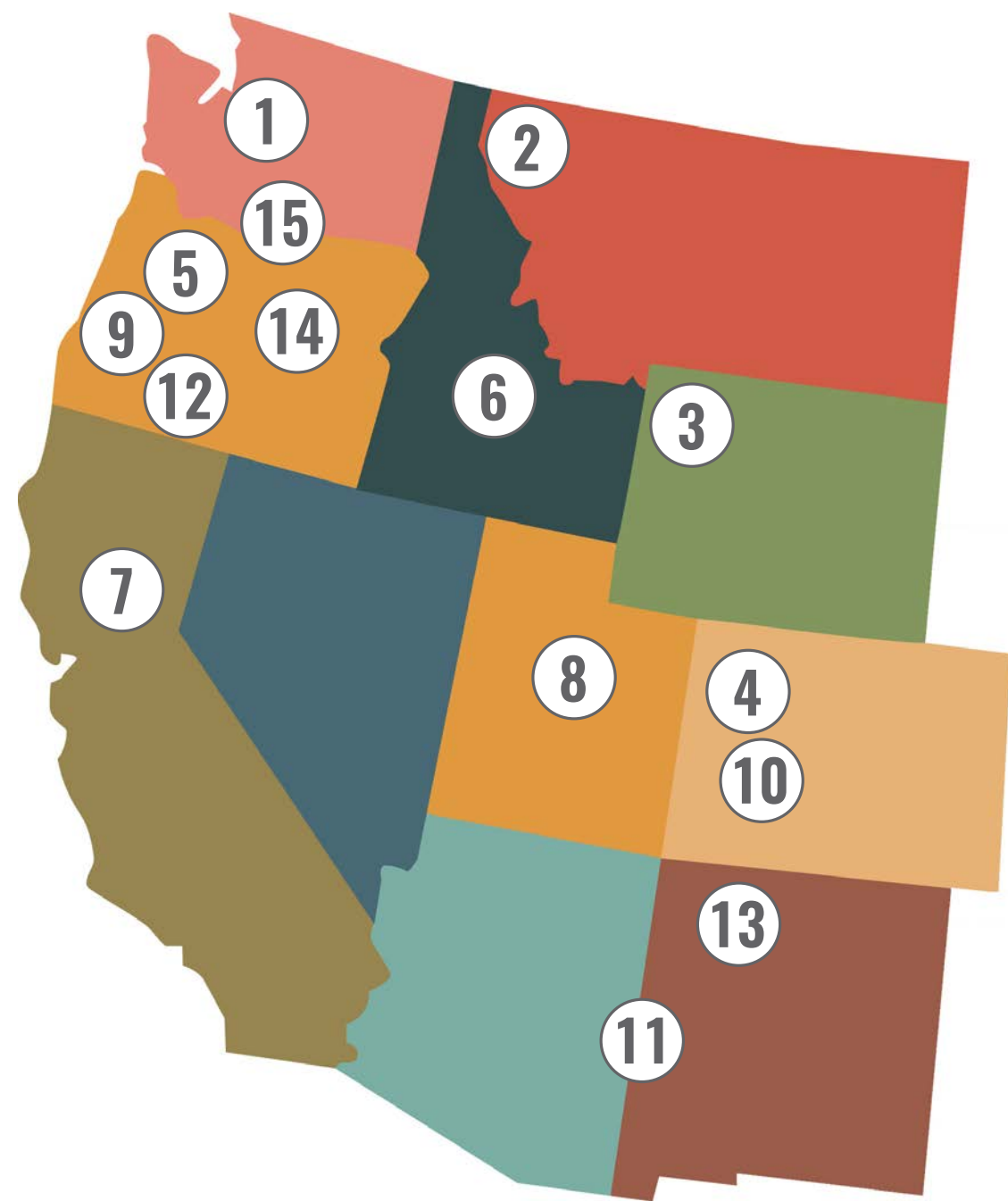
## STOPPING THE LNG TERMINAL AND PIPELINE IN OREGON

The Trump administration has made it clear it wants to use its power to prop up the fossil fuel industry—including reversing a prior federal decision rejecting the Jordan Cove LNG/Pacific Connector Pipeline project in Oregon. If built, this would be the largest greenhouse gas emitter in Oregon, trample private landowners’ rights, forever harm rivers and forests in its path, and intensify fracking. We’ve defeated this project repeatedly over 10 years and we’re ready to do so again.

## FIGHTING FRACKING IN COLORADO’S BREADBASKET

We’re challenging a Bureau of Land Management plan to allow fracking on 20,000 acres near Paonia, Colorado, despite risks to the area’s rich farming and ranching economy. We’re representing farmers, ranchers, vineyards, wineries, recreationalists, property owners, residents, and local businesses. The fracking would take place in three watersheds that provide drinking and irrigation water to residents and farmers down valley. The risk to clean water, public lands, and healthy food is simply too great to allow this fracking to move forward.

# WE DEFEND THE WEST



OUR LEGAL WORK AND ADVOCACY OCCURS AT THE NATIONAL, REGIONAL, AND LOCAL LEVELS. HERE ARE SOME OF OUR RECENT CASES. MANY MORE CAN BE FOUND AT [WESTERNLAW.ORG](https://westernlaw.org).

1

## ADVOCATING FOR CLEAN WATER IN PUGET SOUND

Pollution from factory farms harms Puget Sound. Although there are approximately 1,200 factory farms in the state, only 14 have a permit to discharge pollution. And the current permit falls well short of requiring the appropriate and necessary controls. We're working to force the state to develop and enforce clean water safeguards that will protect human health, salmon, and orcas.

2

## DRIVING TOXIC MINE CLEANUP IN MONTANA

We're going to court to force a reckless mining company to clean up its legacy pollution at Troy Mine in Montana. The copper and silver mine, though closed since 2015, is discharging toxic pollution—including arsenic, lead, and uranium—into nearby Lake Creek. The Montana Department of Environmental Quality has failed Montanans, so we're stepping in to defend your right to clean water.

3

## PROTECTING GRIZZLIES IN GREATER YELLOWSTONE

We're on the forefront of the fight to protect grizzly bears in Greater Yellowstone. We've sued the Trump administration over its decision to remove endangered species protections for this western icon. The U.S. Fish and Wildlife Service unlawfully removed protections for the bears in Greater Yellowstone, which harms struggling grizzly populations across the West. We're hard at work to reinstate protections for Greater Yellowstone's grizzlies, to benefit all grizzlies in the lower 48 states.

4

## TAKING ON WILDLIFE SERVICES IN COLORADO

Until we took legal action, federal wildlife-killing program Wildlife Services planned to kill cougars and black bears in a scientifically baseless attempt to boost mule deer counts in Colorado. When we took it to court, Wildlife Services agreed to complete a new environmental analysis and to stop using controversial and inhumane tools such as M-44 sodium cyanide capsules on public lands in Colorado in the interim.

- |                               |                                  |                        |                              |                             |                       |
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| 8 Terry Tempest Williams p. 3 | 9 LNG Terminal and Pipeline p. 3 | 10 Fracking p. 3       | 14 Forest Collaboration p. 9 | 15 Northwest Forests (back) |                       |





It may be hard to believe, but by the 1970s, wild Mexican wolves were effectively extinct in the U.S. Decades of eradication efforts completely wiped them out. But ecosystems in the Southwest need apex predators such as the lobo to maintain their natural balance. In short, wolves belong, which is why we've worked for 20 years to reestablish these wolves to their historic range in Arizona and New Mexico.

In 1993, we won a settlement with the U.S. Fish and Wildlife Service resulting in the first release of Mexican wolves in American history. Those wolves, released to the wild from captivity, established a slowly growing population reaching 114 individuals as of 2017.

But the U.S. Fish and Wildlife Service is setting up the lobo for failure. The agency capped the population of

Mexican gray wolves at a level far too low for true recovery, banished them from needed habitat, and made it easier for federal agents and private landowners to kill them. We are using science and the law to fix those impediments to the wolves' survival.

In addition, we went to court early this year to void a "recovery plan" that does more to harm Mexican wolves than help them. This plan was designed by politicians and anti-wolf states, not by independent biologists—and it shows. The plan violates the Endangered Species Act, excludes the best available science, and imposes an arbitrary "social tolerance" population cap, increasing endangered lobos' extinction risk.

WELC has made an enduring commitment to Mexican wolf survival, and we will continue advocating for this important icon of the West.



When the Bureau of Land Management found that the middle section of the Rogue River in Oregon was eligible to be a federal Wild and Scenic River, ranchers and gravel companies sued. WELC took action to defend the agency's finding.

We did so because the Bureau's finding notes this 63-mile segment of the Rogue—sandwiched between protected segments downstream of Crater Lake National Park and upstream of the famed Blossom Bar rapids—contains "outstandingly remarkable" recreational and fish values, including the only habitat in the river for an imperiled run of wild spring Chinook salmon.

Nonetheless, the ranchers and gravel companies filed a lawsuit seeking to reverse BLM's finding, asserting it would hurt the groups' ability to mine gravel, erect embankments,

or otherwise modify the river for commercial gain.

We steadfastly defended BLM's finding in court, contributing to a favorable January 2018 ruling that maintains the area's eligibility for Wild and Scenic River distinction.

The middle segment flows through three areas once blocked by the Savage Rapids, Gold Ray, and Gold Hill dams—an amazing region we've worked to protect and restore for years.

WELC and other groups have succeeded in removing these dams, and now the Rogue flows freely for over 200 miles, from the Cascade Mountains to the Pacific Ocean.

We're thrilled to continue our record of success in advocating for the Wild and Scenic Rogue River and its wildlife, including wild spring Chinook salmon.



## KEEPING COAL IN THE GROUND



IN OUR QUEST TO SPEED THE TRANSITION TO RENEWABLE ENERGY FROM FOSSIL FUELS THROUGHOUT THE WEST, WE'RE TAKING ON THE SOUTHWEST'S LARGEST COAL MINE AND POWER PLANT COMPLEX.

**W**e're working to keep coal in the ground across the West in Montana, Wyoming, New Mexico, and beyond. The climate crisis is now so urgent, WELC has made speeding our transition to renewable energy a primary goal. We envision a thriving Western renewable energy sector—but to get there, we must take on individual battles against coal.

Enter the monstrous Navajo Mine and Four Corners Power Plant complex in northwest New Mexico. It exemplifies the destructiveness of coal-based energy production.

Sited on the Navajo Nation Indian Reservation, the mine and power plant are together one of the largest and most polluting coal complexes in the nation. The power plant has historically

been the largest emitter of nitrogen oxides in the U.S. and is among the nation's largest emitters of greenhouse gas pollution and mercury.

Despite all this, the Department of the Interior extended the plant's operations for an additional 25 years, through 2041. The agency did so by discounting serious adverse impacts from coal to air, water, land, people, and endangered fish. Defying its unique position to steward a responsible transition from 54 years of pollution, the agency chose to ignore these alternatives.

The coal complex is a crucible of energy battles in the West—an operation that cannot operate without harming people and the environment. We strive to empower a just transition for the area's communities. We must.

## LEAVING A LEGACY OF FOREST PROTECTION



**WELC'S NEW KIRKWOOD ADVOCATE ATTORNEY HONORS BOB KIRKWOOD, PRESIDENT OF THE BELLA VISTA FOUNDATION.**

**O**ur work with national forest collaborative groups in central and eastern Oregon is designed to leverage our unique expertise to create meaningful and lasting change through progressive, science-based collaborative conservation advocacy. We are producing solutions to address the scale of ecological and socioeconomic problems.

WELC attorney Susan Jane Brown has led these efforts for close to a decade, and thanks to funding from the Bella Vista Foundation, we are thrilled to add a new attorney to advocate for our national forests. To honor the legacy of Bob Kirkwood, president of the Bella Vista Foundation who passed away peacefully in December 2017, we have created the Kirkwood Advocate position.

Bob Kirkwood was a passionate and insightful board contributor to many civic and environmental organizations. To each group he gave time, energy and his many ideas. Bob was a model land steward.



*Pam Hardy, Attorney  
Kirkwood Advocate*

WELC Attorney Pam Hardy will serve as our inaugural Kirkwood Advocate. Pam will expand our advocacy to other national forests in central and eastern Oregon and will work with specific forests and local communities to incorporate science-based management approaches into projects and planning documents. She joined WELC with more than a decade of experience in collaborative negotiation on behalf of environmental groups. We are grateful to the Kirkwood Family and Bella Vista Foundation for making this position possible.



*Bob Kirkwood  
1939-2017*





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**CELEBRATING 25 YEARS: 1993-2018**

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To protect the Pacific Northwest's iconic forests, we are pushing back against threats from Congress. Some legislators are using wildfire as an excuse to increase unsustainable logging practices and shut the public out of the management of our public lands.

We are fighting back with a science-based and solution-oriented campaign called Forest Fire Facts (@forestfirefacts on Facebook and Twitter).

**> More case updates and victories inside. Thank you for your support!**