



**Western
Environmental
Law Center**

Fall 2017

WE DEFEND THE WEST



> Defending National Monuments

> Protecting Grizzlies

> Massive Coal Victory

> Stopping a Nickel Strip Mine

> Safeguarding Salmon

> Wins for Lynx and Wolverine



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

Nearly 25 years ago, our founders—Mike Axline, John Bonine, and Grove Burnett—conceived of an organization capable of defending the American West’s awe-inspiring natural heritage with the full power of the law.

Since that point, the Western Environmental Law Center has proven itself one of our country’s strongest public interest environmental law firms.

Today, our mission is more important than ever. We find ourselves in a time of dynamic and unprecedented challenge, with climate change looming as an existential threat to the West and indeed the world.

Meanwhile, our political system has reached heights of dysfunction that our country’s founders never envisioned.

This reality compels the steady, strategic, and bold advocacy we now have underway to turn the wheels of power at all levels of government in service of a thriving, resilient American West.

We are under no illusions that progress will be easy, in particular in the near term.

But we are confident that a combination of strong defense, long-term vision, and state and local action can make a meaningful, positive difference.

And, know this: from the Pacific Ocean to the Rocky Mountains, we will stand with you and our 185+ partners in defense of all that we love.

Together, we shall prevail.



For the West,

Erik Schlenker-Goodrich
Executive Director

Cover photo: Family of grizzly bears. The Trump administration removed endangered species protections for Yellowstone’s grizzlies, going against the best available science. We’re in court to reverse that decision. Read more on page 6. Photo © iStock.com/LuCaAr.

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FIGHTING TRUMP

DEFENDING OUR NATIONAL MONUMENTS

We are poised to take legal action if the Trump administration follows Interior Sec. Zinke's leaked recommendation to shrink Oregon and California's Cascade-Siskiyou National Monument. Early this year, President Obama heeded Oregonians' calls to expand Cascade-Siskiyou to include sensitive habitat critical to biodiversity. Now, the exploiter-in-chief wants to attempt to illegally revise history to allow loggers to ransack this public lands jewel of the American West. We are using the power of the law to prevent such a disaster.

SECURING CLEANER AIR FOR ALL TO BREATHE

With a large coalition of allies, we scored a spectacular victory in May beyond all expectations. The U.S. Senate failed to overturn a Department of Interior rule that WELC advanced for years to prevent methane waste on public lands. We also beat the Trump administration in court when it attempted to illegally suspend the rule. They are now looking for other ways to attack this clean air measure. We will continue to challenge any further efforts to undo the good work of so many to improve public health and safeguard the climate.

SHINING A LIGHT ON DARK DEALINGS

Secrecy and service to polluters has defined the Trump presidency thus far. We are using the Freedom of Information Act to force the administration to make important policy documents public and operate in the light of day. We're investigating the federal government's efforts to increase fossil fuel development on public lands, numerous fossil fuel industry oversight rollbacks, and the secretive extermination program known as Wildlife Services.



WILDLIFE UPDATES

WINS FOR CANADA LYNX AND WOLVERINE IN MONTANA

Justice prevailed when in August, our most excellent settlement with the state of Montana to protect imperiled Canada lynx and wolverine survived a legal attack from the Montana Trappers' Association. This means the "lynx protection zone" in northwest Montana and the Greater Yellowstone area will live on. In addition, the current closure of the wolverine trapping season in Montana continues, with a requirement to consider the best available science before the season can be reopened.

PROTECTING THREATENED WILDLIFE IN NEW MEXICO

Prior to a 2012 travel plan, the U.S. Forest Service allowed motorized vehicles to cross the Santa Fe National Forest uninhibited, without regard for wildlife, habitat, or disruption of quiet places. We successfully defended the plan from a special interest lawsuit, protecting 5,000 trail miles of habitat for Mexican spotted owls, Jemez mountain salamanders, and New Mexico jumping mice. The group tried to appeal the decision this year and the judge threw them out of court. Our victory remains in place.

TAKING ACTION FOR NATIVE OREGON STEELHEAD TROUT

We want to stop the federal government from harming native winter steelhead in Oregon's North and South Santiam Rivers. These fish, listed since 1999 as threatened with extinction in the upper Willamette River basin, suffer when forced to compete with non-native summer steelhead. Even so, the U.S. Army Corps of Engineers releases the non-natives annually to satisfy anglers who want to fish in warmer weather. We're stepping in to defend our native wild steelhead.

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.

- 1 PROTECTING OLD GROWTH FORESTS IN OREGON**
We took legal action to defend central Oregon’s Ochoco National Forest from a harmful off-highway vehicle (OHV) plan. Despite major concerns from the local community, hunter organizations, and Oregon’s Department of Fish and Wildlife, the U.S. Forest Service approved adding 137 miles of new OHV trails, some in old-growth forest, to the existing 674 miles. This would harm the ponderosa pine forest as well as elk, redband trout, and gray wolves—something we aim to prevent.
- 2 SAFEGUARDING LYNX HABITAT IN COLORADO**
After filing a notice of intent to sue the U.S. Forest Service over a massive, controversial, and opaque beetle-killed forest logging and road construction project on the Grand Mesa, Uncompahgre, and Gunnison National Forests in western Colorado, WELC and WildEarth Guardians reached an excellent agreement out of court with the Service that will protect and enhance lynx habitat across 200,000 acres of public lands.
- 3 PROTECTING THE SAN JUAN BASIN FROM FRACKING**
We’re in court to protect World Heritage Site Chaco Canyon in New Mexico and the surrounding Native communities from reckless fracking. The Bureau of Land Management is toying with breaking its commitment to defer leasing within a 10-mile radius of the park. This only strengthens our resolve to fight alongside our partners, WildEarth Guardians, for Greater Chaco’s communities, culture, and landscape.
- 4 DEFENDING THE WILD AND SCENIC ROGUE RIVER**
Our expert attorneys are defending the 63-mile “middle” segment of the Rogue River in Oregon. After recent dam removals, the Rogue flows freely for more than 200 miles. The Bureau of Land Management found that its middle segment, which provides the only spawning habitat in the river for wild Chinook salmon, qualifies as “Wild and Scenic.” Some special interests would rather mine gravel there and we won’t stand for it.

STOPPING GRIZZLY TROPHY HUNTING BEFORE IT STARTS



THE TRUMP ADMINISTRATION REMOVED ENDANGERED SPECIES PROTECTIONS FOR YELLOWSTONE'S GRIZZLIES, GOING AGAINST THE BEST AVAILABLE SCIENCE. WE'RE IN COURT TO REVERSE THAT DECISION.

We're suing the U.S. Fish and Wildlife Service for stripping grizzly bears in the Greater Yellowstone Ecosystem of Endangered Species Act protections. This premature removal of federal safeguards undermines the animals' recovery nationwide and subjects grizzlies stepping out of the safety of our national parks to trophy hunting.

The U.S. Fish and Wildlife Service illegally designated grizzlies in Greater Yellowstone as a "distinct population segment," removing their protections without considering the impact this will have on other, struggling grizzly populations. In addition, the agency erroneously labeled Yellowstone's grizzlies recovered, eschewing the best available science to satisfy a dubious political goal.

Biologists agree grizzly recovery hinges on connecting isolated populations

and distributing the genes they carry. Under the Trump administration's "plan," grizzlies that leave Yellowstone, essential to broader species recovery, would be the first to die.

Grizzlies in the Yellowstone region suffer from food scarcity due to climate change, habitat loss and fragmentation, and killings—legal and illegal. The last two years saw near record-breaking mortality, with at least 139 bears killed since 2015. Of those, at least 98 died due to human-related causes and 30 deaths remain undetermined or are under investigation. At last count, about 690 grizzlies live in this region in 2016, down from 717 in 2015.

With our partners at WildEarth Guardians, we will force the Trump administration to follow the law when it comes to grizzly bear policy and protection.

176 MILLION TONS OF COAL KEPT IN THE GROUND IN MONTANA



While wildfires and hurricanes tore through the country we notched an important victory for climate and public health when a Montana court ruled that the federal government improperly approved a huge expansion at the Bull Mountain coal mine near Roundup.

As a result of our case, the judge ordered the coal company, Signal Peak Energy, to cease mining immediately in the expansion area.

The court found that the government failed to acknowledge burning the 176 million tons of coal in the mine expansion would cause 10 to 100 times more harm to the public than good. While the government touted the \$23 million in annual economic benefits, it ignored that the greenhouse gas pollution from the mine would cause \$277 million to \$2.5 billion in climate damages each year.

The expansion would have also greatly increased coal train traffic through western Montana, Idaho, and Washington, threatening communities along the rail route. In fact, just hours before the court issued its decision, a train derailment dumped 30 cars of coal into the Clark Fork River. A single car carries about 120 tons of coal.

This is the second time in less than two years WELC's legal advocacy has overturned expansions at this mine. Last year a state oversight board found state regulators had failed to protect water quality in the area when issuing a permit to the mine.

Federal and state agencies must be honest with the public about the real threats this mine poses. We will keep the pressure on for everyone to obey the laws that keep our families and communities safe.



100,000 ACRES AND 20,688 RIVER MILES PROTECTED IN OREGON

BIG WINS FOR CLEAN WATER AND WILD SALMON AS WE PREVENTED DESTRUCTIVE NICKEL MINING IN THE ROGUE-SISKIYOU NATIONAL FOREST AND HELPED PASS A NEW LAW PROHIBITING SUCTION DREDGE MINING IN ESSENTIAL SALMON AND TROUT HABITAT IN OREGON'S RIVERS.

We made great strides in protecting some of Oregon's most treasured rivers. We fought hard against suction dredge mining for gold in Oregon streams because it disturbs our shared rivers and harms wild salmon and steelhead. We advised elected officials on a new state law permanently banning such mining in essential salmonid habitat. The new law becomes effective in 2018, and will fully protect 20,688 river miles, or about one-fifth of all river miles in Oregon. We're now defending the new law in court.

In another example of great progress achieved outside the courtroom, WELC played a central role in securing a 20-year mining moratorium in Oregon and California's Kalmiopsis Wild Rivers region in the Rogue-Siskiyou National Forest. Developers had

threatened the area with a proposed 100,000-acre nickel strip mine, an idea unconscionable to the public: 99.9% of the 45,000 public comments supported keeping these minerals in the ground.

The moratorium protects Rough and Ready Creek (headwaters of the Illinois River), Baldface Creek (headwaters of the Smith River), and the headwaters of Hunter Creek and the Pistol River.

We also support legislation to extend the moratorium to protect these special places forever. On the other side of the coin, misguided members of Congress, emboldened by the Trump administration's feverish public lands exploitation push, have proposed reversing the 20-year moratorium, which we promise to fight every step of the way.

ONE MAN'S STORY AND A LASTING LEGACY



Gilbert F. Staender (1930-2016) by his homestead in the wilds of the Brooks Range in Alaska in 1965. His love of nature lives on through his legacy gift to the Western Environmental Law Center.

Gilbert F. Staender is a man to remember. He was an adventurer, passionate about the outdoors, and built a life upon perseverance. Gil was a WELC supporter who passed away last year leaving more than half a million dollars to WELC in his will.

We are honored and words cannot express our gratitude to Gil and the life he led. This summer, Ali and Rick Geraths, close friends of Gil, presented us with this gift (photo below). We shared a warm conversation, hearing stories of Gil's life. Having the knowledge of his life makes this gift so much more meaningful. As we name our legacy giving circle after Gil, we wanted to share his story with you.



Gil was a conservationist, photographer, and lived a zero-waste type of lifestyle. His mother died when he was six and he lived in Germany in an orphanage during World War II. When he was nine, he took a ship to the U.S. to be reunited with his father. They moved near Portland, Oregon where Gil was raised. He became a guide on Mt. Hood and summited it more than 50 times. He and his wife, Vivian, spent a year in Alaska and wrote several books about the experience. They moved to Sisters,

Oregon, in the 1960s, built an off-grid stone house, and Gil became a teacher. He also worked for the U.S. Forest Service and REI. He was known for his amazing cooking and lively sense of humor.

In defending the American West through our legal advocacy, we will ensure Gil's positive impact on our Earth continues to be felt for years to come.

To join the Gil F. Staender Legacy Circle or learn more about planned giving options, please contact David Lawlor at (541) 255-0209 or lawlor@westernlaw.org. We appreciate and welcome gifts of all sizes.



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DEFENDING OUR NATIONAL MONUMENTS

Cascade-Siskiyou National Monument is under attack not only from loggers, but from the Trump administration as well. The Secretary of Interior recommended the president illegally shrink the monument. We're working to stop them. See page two for the full story.

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