



**Western
Environmental
Law Center**

CELEBRATING 25 YEARS

Summer 2018

WE DEFEND THE WEST



- > Defending grizzlies, lynx, and wolves
- > Saving our public lands
- > Taking on Wildlife Services
- > Keeping toxics out of our water
- > Stopping coal and fracking
- > 15 million acres protected



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.

CONNECT WITH US

westernlaw.org
info@westernlaw.org
541-485-2471
facebook.com/westernlaw
twitter.com/westernlaw
instagram.com/welc_org

BOARD OF DIRECTORS

Karin P. Sheldon
President

Peggy Nelson
Vice President

Kevin Kirchner
Treasurer

STAFF

Erik Schlenker-Goodrich
Executive Director

Matthew Bishop, Attorney
Rocky Mountains Office Director

Susan Jane Brown, Attorney
Public Lands Coordinator

Peter M. K. Frost
Attorney

Dina Gonzales
Administrative Coordinator

Pam Hardy, Attorney
Kirkwood Advocate

Andrew Hawley
Attorney

Shiloh Hernandez
Attorney

Laura King
Attorney

David Lawlor
Director of Development

LOCATIONS

Eugene, Oregon
Portland, Oregon
Seattle, Washington
Taos, New Mexico
Santa Fe, New Mexico
Helena, Montana

Phil Katzen
Mike Lindsay
Dr. Lisa Manning
Dyan Oldenburg

Michelle Loth
Individual Gifts Coordinator

Jackie Marlette
Design and Communications Manager

John Mellgren, Attorney
Wildlife Coordinator

Lyndee Prill
Finance Officer

Thomas Singer, Ph.D.
Senior Policy Advisor

Brian Sweeney
Communications Director

Kyle Tisdell, Attorney
Energy and Communities Coordinator

Matt Kenna
Of Counsel

Andrea Rodgers
Of Counsel

Cover photo: Hikers near Mt. Hood, Oregon. Since our inception twenty-five years ago, we have used the power of the law to defend and protect the unique public lands of the American West. Photo © iStockphoto.com/ thinair28.

Photo credits: This page McKenzie River, Oregon by Chris Brooks, page 2 New Mexico BLM Rally by Dan Potter, page 3 Grizzly © iStockphoto.com/ LuCaAr, page 4 Map © iStockphoto.com/ Alliya23, page 6 Powder River Basin by WildEarth Guardians, page 7 Mountain Lion © iStockphoto.com/ JFlavin, page 8 Oregon Wildfire by BLM, page 9 Family © iStockphoto.com/ Tom Merton, back cover by James Johnston, remit envelope © iStockphoto.com/ monkeybusinessimages.

LOOKING ACROSS
THE WEST

With the arrival of the long, liquid days of summer, it’s a good time to step back and to reflect. We face grave peril to our democratic institutions, the rule of law, and the unraveling of the common understanding we share of who we are as Americans. That reality compels action, but also contemplation.

For our part, we find ourselves in a deeply creative and, perhaps oddly, empowering moment. Even as we’ve advanced aggressive, cutting-edge legal strategies to hold the line in defense of the American West, we’ve conceived of new strategies to find the “open spaces” where forward progress remains possible. And we’ve thought carefully about how we build long-term power for change—power to shape and secure new, next-generation climate and conservation protections.

We’ve reminded ourselves that the fate of the West’s public lands, wildlife, and communities is intertwined. We’ve realized that we must listen and learn, together. And that we must consider our privilege and power to protect public lands and wildlife, who, without us, have no voice, while also

advancing towards equity, inclusion, and justice for all of our fellow brothers and sisters, regardless of gender, skin color, ethnicity, socioeconomic status, religion, ability, age, or sexual orientation.

We concede we don’t know all the answers. But we do hope we’re asking the right questions.

Perhaps, if we ask the right questions, we might just find a way to do our part to help heal the intensifying divisions within our country. And if we do that, perhaps, just perhaps, we can help heal the fractured relationship between our cantankerous species and the single planet in this impossibly vast universe that we know can sustain us.

So enjoy the summer. And recharge. But, also, reflect. And then act.



For the West,

Erik Schlenker-Goodrich
Executive Director



CLIMATE ACTION

FIGHTING FRACKING NEAR A K-12 PUBLIC SCHOOL

We sued the Bureau of Land Management for refusing to perform any analysis of fracking impacts across 45,000 acres in western Colorado. Even though the project would lead to 5.5 million tons of carbon dioxide equivalent emissions, with fracking less than half a mile from a public school, the feds decided to use a loophole to avoid site-specific review. Not only risking public health, these leases also permit fracking in critical habitat for endangered wildlife.

MOBILIZING AMERICANS AGAINST METHANE WASTE

We have worked steadfastly to defend President Obama's common-sense methane waste rule against attack after attack from the Trump administration. We've prevailed three times in court, and now Sec. Zinke has proposed gutting the rules that protect taxpayers, public health, the climate, and our environment. Together—with you taking action—our coalition generated nearly 400,000 public comments, a beyond-overwhelming 99.8 percent in favor of keeping the rule. Your comments will be important to any future legal action. Thank you.

OPPOSING A COAL MINE NEAR SEATTLE

The defunct John Henry coal mine in Black Diamond, Washington, just 30 miles from Seattle, could soon resume operations. The mine would unlock a quarter million tons of carbon dioxide annually, and much of the coal could burn in Seattle's Ash Grove cement factory. The mine would disrupt Black Diamond with blasting and up to 82 truck trips each day. Coal mining harms the environment and community. We aim to keep the Seattle area coal free.



WILDLIFE UPDATES

GIVING GRIZZLIES A FIGHTING CHANCE

Montana won't allow grizzly hunting this year while our court case proceeds to reinstate endangered species protections for bears in Greater Yellowstone. Sadly, Wyoming and Idaho plan to kill grizzlies this year for trophy hunting, rugs, and wall decor. Bears in this region are critical to grizzly recovery nationwide. The law is on our side, and fortunately for grizzlies, the judge will decide the case before any grizzly kills can occur this fall.

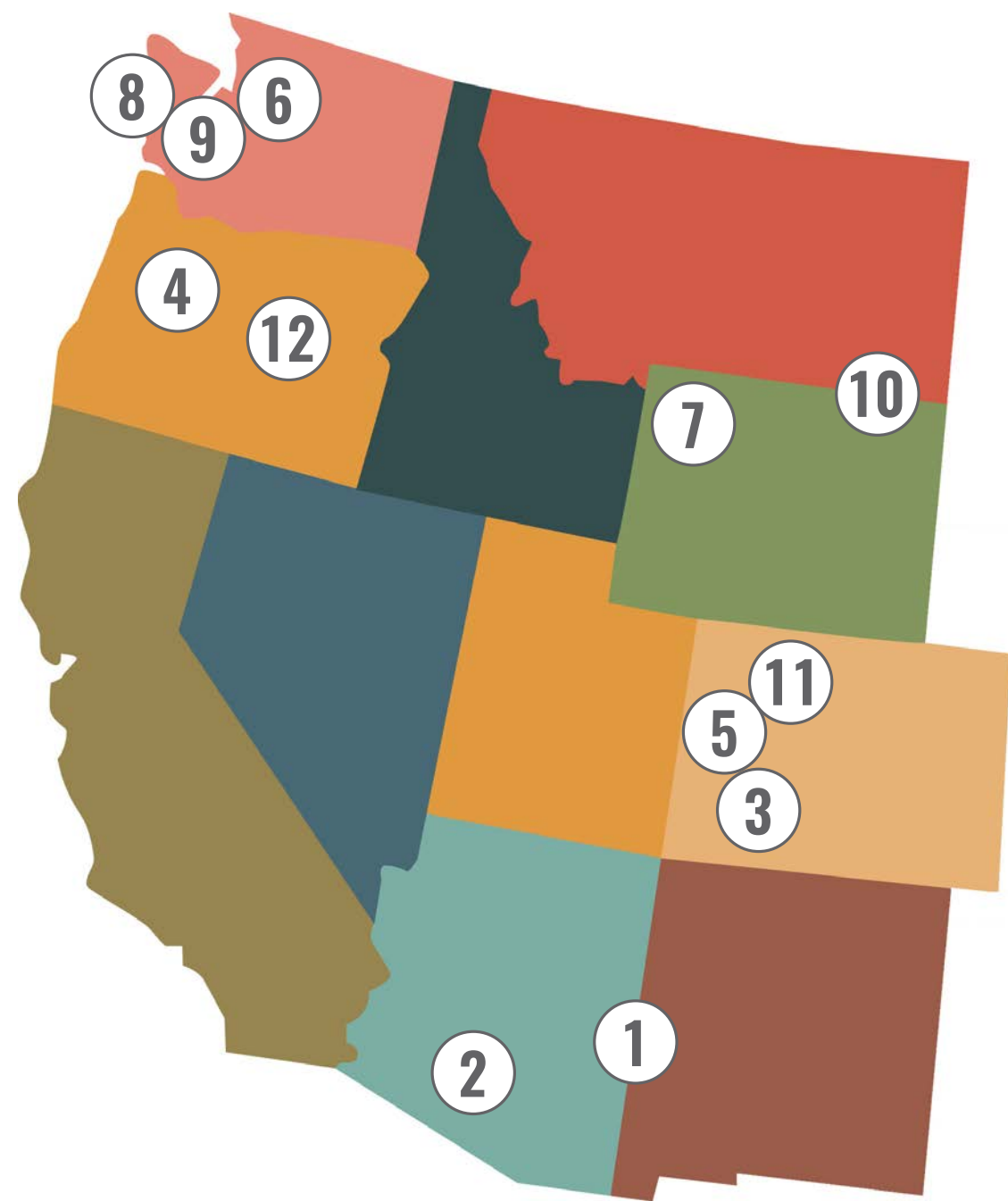
VICTORY KEEPING TOXIC PESTICIDES OUT OF OUR WATER

When oyster growers applied for a permit to use neurotoxic pesticides in 500 acres of Washington's Willapa Bay and Gray's Harbor for the first time ever, WELC took action. We provided legal comments opposing the use of these toxic chemicals, which are linked to a worldwide bee decline. In a victory for clean water, healthy communities, and wildlife, the permit was denied. We believe there is a better way to find a balance allowing oyster growers success while protecting this unique and fragile environment.

PROTECTING IMPERILED FISH FROM A HARMFUL DAM

Historically, Chinook salmon, steelhead trout, and bull trout thrived in Puget Sound. Now all three fish are threatened with extinction. On the Puyallup River, flowing into the Sound off the snowfields of Mount Rainier, the 1904 Electron Hydroelectric Project contributes to the struggles of these fish. The project's water intake sends fish into turbines where they are killed. We're in court to stop the dam owner from illegally harming native, threatened fish.

WE DEFEND THE WEST



WE PROVIDE FREE LEGAL SERVICES TO OVER 185 ORGANIZATIONS AND INDIVIDUALS. WE DEPEND ON DONATIONS TO ACHIEVE OUR MISSION. LEARN MORE AT WESTERNLAW.ORG.

1

VICTORY FOR MEXICAN GRAY WOLVES

Our legal actions led to Mexican gray wolf reintroduction in 1998, and we made a promise to the lobo to see recovery through. We've kept that promise, in part with a huge victory this spring: The court sent a federal Mexican wolf management rule that distorted science and set the rare wolf up for failure back for revision. The updated version will better facilitate the wolves' recovery and we'll be there every step of the way.

2

SAVING SONORAN DESERT NATIONAL MONUMENT

Arizona's Sonoran Desert National Monument is home to saguaro cacti, desert tortoises, and archaeological sites. Alarming, the entire area was open to recreational shooting and many cacti and petroglyphs have been destroyed. Our litigation forced the managers to reconsider where shooting is allowed, but their new decision still allows shooting in 80 percent of the monument—including in designated wilderness. This is unacceptable and we are considering our options, including litigation.

3

DEFENDING LYNX ON PUBLIC LANDS IN COLORADO

Several national forests in the heart of Colorado's best lynx habitat—including the Rio Grande National Forest—are revising their forest plans to guide management of those public lands for years to come. WELC is working to ensure the Forest Service better protects lynx in the face of a variety of threats. We are ready to go to court on behalf of Canada lynx should the Forest Service remove any protections for the wild cat.

4

VICTORY FOR NATIVE, WILD TROUT IN OREGON

For years, native winter steelhead trout in Oregon's upper Willamette River have been forced to compete with non-native summer steelhead released from hatcheries. The U.S. Army Corps of Engineers pays to produce the hatchery fish so anglers can fish in warmer weather. We sued the Corps and, as a result, it will now reinstitute consultation with fisheries biologists to gauge how non-native fish impact wild steelhead.

5 Fighting Fracking Near a School p. 2

6 Opposing a Coal Mine Near Seattle p. 2

9 Protecting Imperiled Fish p. 3

10 Victory Protecting 15 Million Acres p. 6

7 Giving Grizzlies a Chance p. 3

8 Keeping Toxics Out of Our Water p. 3

11 Taking On a Wildlife-Killing Agency p. 7

12 Collaborative Forest Management (back)



WE KEPT 11 BILLION TONS OF COAL IN THE GROUND AND PREVENTED 18,000 NEW OIL AND GAS WELLS IN MONTANA AND WYOMING.

Our legal work led to a huge climate victory this spring. A federal judge ruled in our favor, ordering the Bureau of Land Management to consider greenhouse gas pollution and climate impacts of fossil fuel leasing and development covering 15 million acres of public lands and minerals in Montana and Wyoming's Powder River Basin.

The court found that BLM focused too narrowly on unfettered coal, oil, and gas exploitation, and failed to consider alternative plans that would reduce impacts to people, air, land, water, wildlife, and our global climate.

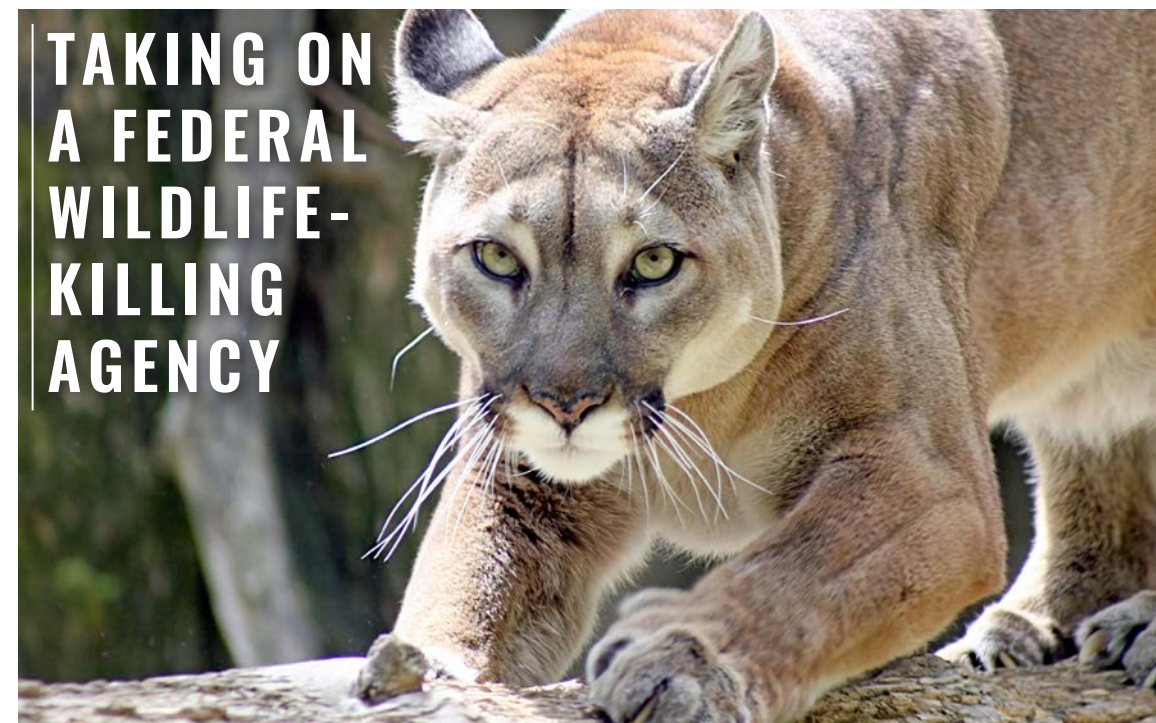
The judge ordered BLM to better account for carbon and methane pollution impacts from coal, oil, and gas, not only at the time of extraction, but also "downstream" when the fuels are ultimately burned.

Now, the agency has to go back to the drawing board with an eye on climate and our future.

The devastating climate impact of fossil fuel combustion has long been a blind spot in BLM's land management policies. BLM must pause its fossil fuels program and take a hard look at climate science. The vast majority of public fossil fuels need to stay in the ground.

Soon after our victory, BLM in Montana deferred every parcel of an oil and gas lease sale covering 100,000 acres because it did not meet the climate requirements of the court ruling.

These kind of on-the-ground outcomes are essential to a livable climate. Our expert legal and policy team is dedicated to continuing this high-impact, landscape-level climate advocacy for years to come.



We are challenging the federal wildlife-killing program Wildlife Services across the American West. In addition to our work to protect beavers and wolves in the Pacific Northwest, we're standing up for black bears and mountain lions in Colorado.

The controversial program too often relies on a kill-first ideology on behalf of agricultural and other special interests, notoriously stifling transparency and public input.

We filed a lawsuit challenging a contentious, experimental plan to trap or snare and then shoot these wild carnivores in Colorado's Piceance Basin and Upper Arkansas River regions. The plan suggested killing up to 120 black bears and mountain lions to try to increase mule deer populations, defying leading scientists'

recommendations. The best available science shows habitat loss from oil and gas development is the driving factor in mule deer decline.

In response to our lawsuit, Wildlife Services agreed to complete a new environmental analysis and stop using many of its most controversial killing tools on our public lands, including M-44 sodium cyanide capsules, until it completes the study.

For now, Wildlife Services won't participate in, fund, or authorize killing black bears or mountain lions to "study" the effects on deer populations in the state.

Wildlife Services just issued a new decision in this matter, and we are preparing to challenge it for the sake of black bears and cougars, critical to balanced ecosystems in Colorado.

ADDRESSING WILDFIRE FUNDING PROBLEMS ON A NATIONAL SCALE

For years, the high cost of fighting wildfires on public lands required the U.S. Forest Service to raid budget accounts set aside for wildlife habitat improvement, recreation, and forest health monitoring. To address that funding problem, this year Congress enacted a desperately needed “wildfire funding fix” as part of the 2018 spending package.

This means the Forest Service will now have emergency funding—similar to funds made available for hurricanes, tornadoes, and other natural events—to pay for firefighting when costs exceed the agency’s regular budget. This is good news as the Forest Service can once again focus on its mission of land management, even in intense wildfire years.

Unfortunately, the wildfire funding fix came at a price: It was accompanied by a number of anti-environment riders,

or unrelated policy changes. These include the authorization of increased logging without detailed environmental review on public land parcels up to 3,000 acres and exempting the Forest Service from consulting with wildlife agencies on land management plans when new wildlife or their critical habitat are added to the endangered species list.

WELC believes changes to federal policy should be made according to regular order, where Congress rigorously and openly debates policies and the president signs them into law. Policy formulation by rider is anti-democratic and leaves the public in the dark.

Our team is closely tracking these policy and funding issues, and we are working to ensure our public lands, forests, and wildlife are protected across the American West.

WAYS TO GIVE

OUR WORK ISN'T POSSIBLE WITHOUT YOUR GENEROUS SUPPORT. GIFTS OF ALL SIZES ARE WELCOME AND APPRECIATED—THANK YOU!

We fight in court to defend the American West on behalf of our clients free of charge, but we can’t do it without your support. As a public interest law firm, we rely on charitable gifts from individuals, families, businesses, and foundations to achieve our mission. We receive no government funding and your donation is tax-deductible as allowed by law.

YOU CAN HELP DEFEND THE WEST AT [WESTERNLAW.ORG/DONATE](https://westernlaw.org/donate)

We have a variety of simple and easy ways for you to donate to the Western Environmental Law Center and make a difference for the American West.

KEYSTONE PARTNER MONTHLY GIVING PROGRAM: Automatic monthly gifts are convenient for you and provides us with reliable support year-round.

GIL F. STAENDER LEGACY CIRCLE: Name WELC in your will, trust, or other estate plans and leave a lasting legacy to defend the West.

ASSETS: Gifts of securities, stocks, bonds, or mutual funds.

CHARITABLE GIFT ANNUITIES: Payments are made to beneficiaries during their lifetime and the remainder is added to our endowment fund.



We can also receive donations from workplace giving, business giving, vehicle donations, tribute gifts, and more.

Please contact David Lawlor, Director of Development at (541) 255-0209 or lawlor@westernlaw.org with questions or to learn more. We’re happy to help and discuss options with you.



Western Environmental Law Center
Headquarters
120 Shelton McMurphey Blvd., Suite 340
Eugene, Oregon 97401

Oregon | Washington | New Mexico | Montana

NonProfit Org
US Postage
PAID
Eugene, OR
Permit No. 17

CELEBRATING 25 YEARS: 1993-2018

Printed on 100% post-consumer paper with soy inks.



Through strategic legal advocacy we build resilient communities and ecosystems that are better prepared to respond to the threats of climate change. For example, in eastern Oregon we play leadership roles in several community-based stakeholder groups working to improve the health of the region's national forests while also bolstering the local economy.

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