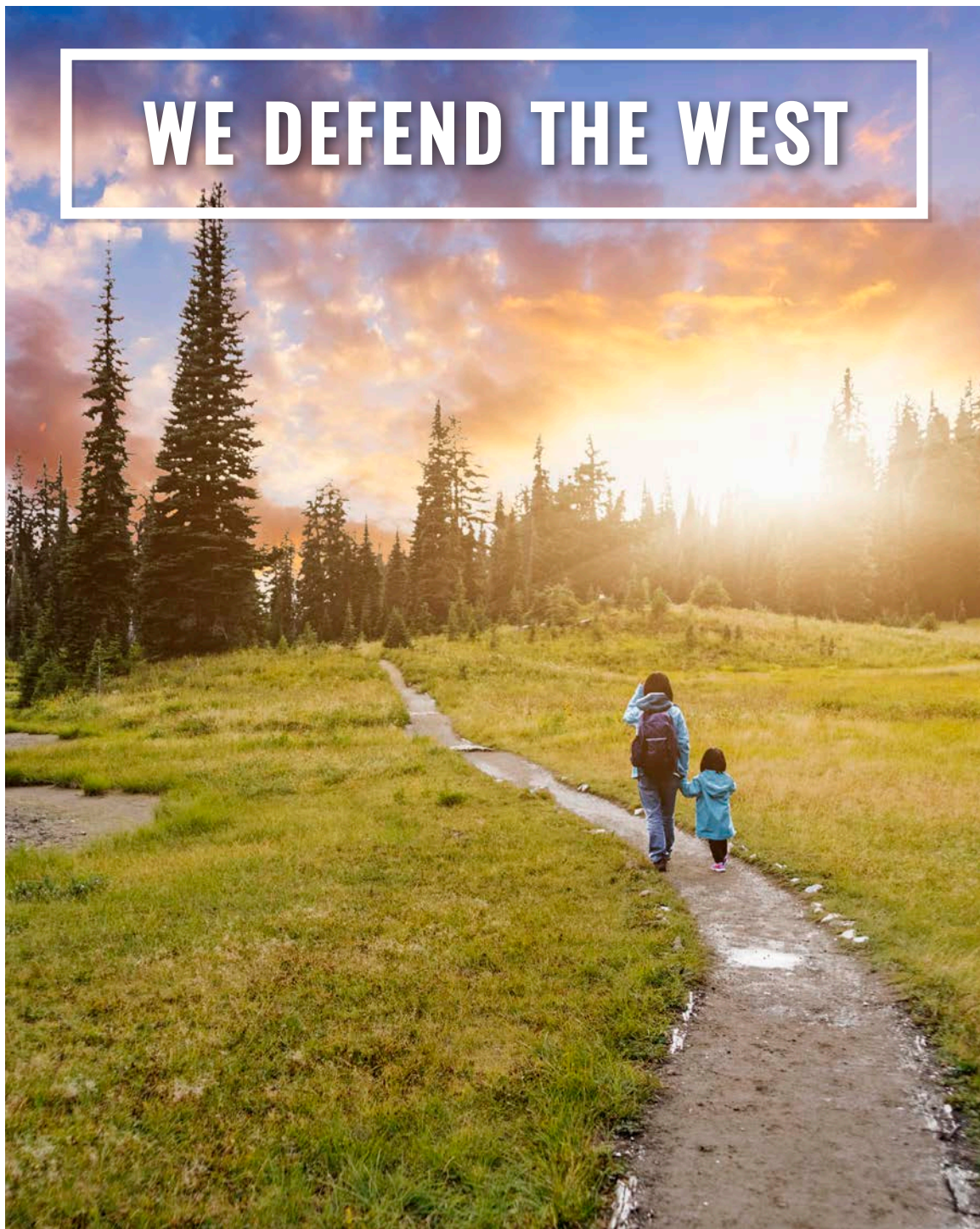




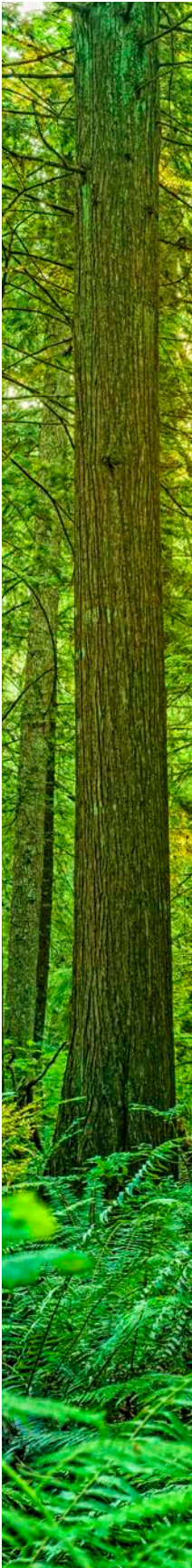
**Western  
Environmental  
Law Center**

**Spring 2019**

# **WE DEFEND THE WEST**



- > **Protecting orcas and salmon**
- > **Ending bear baiting**
- > **Keeping M-44 bombs off public lands**
- > **Suing Trump (again)**
- > **Defending public land access**
- > **New climate policy actions**



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

It's easy to get lost in the absurdities that dominate our political discourse. But there are deeper currents flowing through our country, and that's what we want you to think about as you review the work we're doing, with your support, at the Western Environmental Law Center.

Make no mistake: we're harnessing the power of those currents to secure durable, long-term climate and conservation protections for the American West.

Every step we take to protect the West's wildlife, from wolves to bears to lynx to wolverines to salmon, is with an eye towards restoring these species to their rightful homes in the West's wild rivers, mountains, and forests.

Each challenge we bring in federal court to a coal mine or to an oil and gas fracking project on public lands sets precedent and authority to align our federal fossil fuels program with science-based climate realities.

We of course can't do it alone. Which is why we're so grateful for your support, and why we work so closely

with our climate and conservation partners and the communities we call home. But we do have a voice, and with your help, the power to make sure the deeper currents flowing through our country move us in the right direction.

Those currents guide our vision and ambition to make a difference in the West. In turn, our vision and ambition guide each and every strategic move we make and provide the hope and courage to not just persevere, but to thrive.

Because thrive we must, at least as an antidote to the cynicism that fuels our politics—a cynicism designed to suppress action. Together, let's go deeper, think deeper, and act deeper.

It's time.



For the West,

Erik Schlenker-Goodrich  
Executive Director



# PUBLIC LANDS AND CLIMATE PROTECTION

## MORE THAN 675,000 ACRES PROTECTED IN COLORADO

WELC recently won a huge case protecting 603,100 acres on Colorado's Western Slope from fracking. We successfully proved downstream emissions and climate impacts from fracking need to be factored into the government's management of oil and gas. This was followed by our action against an oil and gas lease sale in Colorado, leading to the protection of 74,516 acres of public lands, including all parcels in the fertile North Fork Valley.

## PROGRESS FOR NEW MEXICO'S CLIMATE POLICIES

A Texas-based company tried to rewrite New Mexico's oil and gas drilling rules in Greater Chaco to double drilling density. With our partners at San Juan Citizens Alliance we intervened, and what was once a done deal is now under review by a new state administration—and we're optimistic. We also advised New Mexico's new governor on a sweeping climate executive order that commits the state to meeting the goals of the Paris Climate Accord.

## FIGHTING COAL IN MONTANA AND NEW MEXICO

We're challenging a 25-year extension of coal operations at New Mexico's Four Corners Power Plant and Navajo Mine. We represent Navajo and conservation groups with the shared goal of a rapid, just transition to clean energy. We're also taking legal action toward this goal in Montana, where we've notched victories against the state's three largest coal mines. Keeping this coal in the ground will not only help the climate, but protect water supplies that are critical to the ecology and economy of the area.



# DEFENDING WILDLIFE

## DEFENDING ENDANGERED SPECIES FROM TRUMP

The Trump administration is poised to remove endangered species protections for gray wolves, Canada lynx, and grizzly bears near Glacier National Park. Trump is also expected to deny wolverine endangered species protections. WELC has won cases for all these iconic animals in the past two years, and we remain dedicated to defending them. We will use the law to stop any future erosion of these animals' much-needed protections.

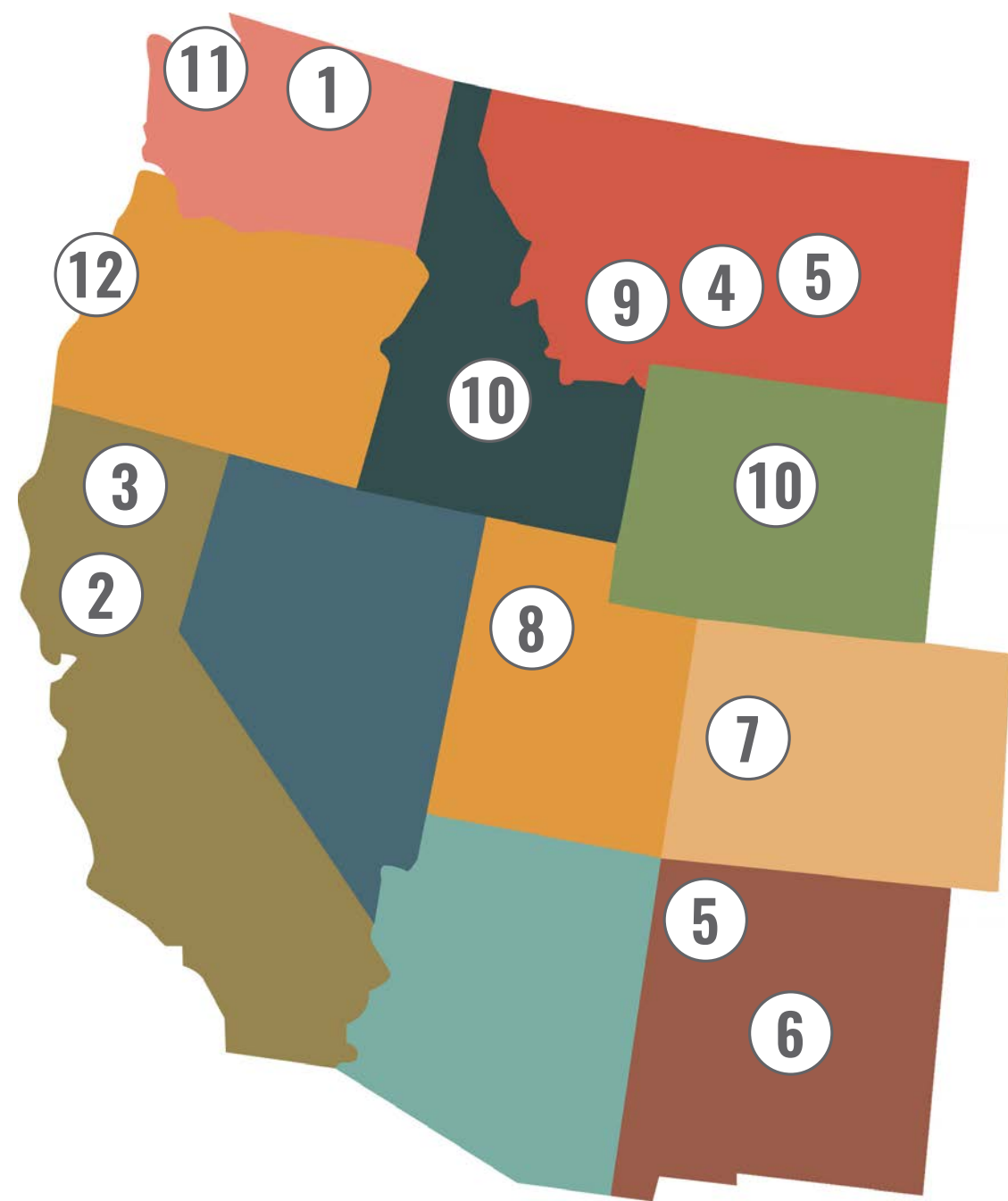
## BANNING M-44 CYANIDE BOMBS ON PUBLIC LANDS

We're advocating to end the use of lethal M-44 sodium cyanide bombs on public lands across the country. Wildlife Services uses these dangerous devices to kill coyotes and foxes deemed as a "nuisance" to some livestock producers. These bombs are placed, often unmarked, on public lands, and have killed numerous pet dogs and injured people. We've petitioned the EPA to ban their use in an effort to keep people, dogs, and wildlife safe from this deadly poison.

## VICTORY PROTECTING CANADA LYNX FROM TRAPS

Using the same international treaty that protects elephants and tigers from illegal trade, we won a case that should help protect Canada lynx from indiscriminate trapping in the U.S. We proved the U.S. Fish and Wildlife Service hasn't controlled trapping to protect lynx, which are too often caught in bobcat traps. In fact, the Service had required states only to advise trappers with a paper brochure. Now the Service will re-evaluate its approach and must enact measures to protect lynx.

# 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](https://westernlaw.org).

- 1

### REMOVING ENLOE DAM IN WASHINGTON

Enloe Dam on Washington’s Similkameen River is a concrete structure that has not produced electricity in decades and blocks upstream passage for endangered steelhead trout. We notified the public utility district that owns the dam of our intent to sue it over harms to these fish, and it appears close to deciding to not pursue re-electrifying the dam. If it does we’ll switch gears toward helping remove the dam altogether.
- 2

### PROTECTING BEAVERS AND SALMON IN CALIFORNIA

We notified Wildlife Services of our intent to file a lawsuit over its killing of beavers in endangered salmon habitat. We want the program to reform its lethal beaver management to recognize the crucial role beavers play in the health of endangered salmon. Science shows beavers benefit salmon and steelhead by building better habitat conditions for these fish. This case is part of our campaign to hold Wildlife Services accountable to the law and restore beavers throughout the West.
- 3

### DEFENDING OLD-GROWTH FORESTS FROM LOGGING

After a 2018 wildfire, the Klamath National Forest authorized a large timber sale in old growth forest reserves. In court, WELC attorneys proved the Forest Service approved backcountry clear-cutting at the expense of botanical areas, roadless areas, essential wildlife habitat, and streams. Our victory didn’t just protect this forest—it sent a message to timber zealots that we’ll block irresponsible logging.
- 4

### RESTORING ACCESS TO PUBLIC LANDS

The Crazy Mountains in Montana are on public lands, yet are almost completely surrounded by private lands. Private landowners blocked public access trails with locked gates and removed National Forest signs. The U.S. Forest Service failed to protect public access rights and resolve disputes, though it is clear these trails are public. We’re looking at all options to resolve this and ensure unimpeded public access to the West’s public lands, including taking the Service to court if necessary.

|   |                               |   |                                    |    |                                       |    |                                     |
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In valuing profits over people and the environment, the Trump administration has prioritized mining and burning as much coal as possible to prop up the dying industry.

It has attempted to lay the groundwork for accelerated drilling and fracking for oil and gas, operating at full bore even during the government shutdown. And Trump is trying to make it even easier for fossil fuel companies to dump methane—a greenhouse gas more than 80 times stronger than carbon dioxide—into the Earth's atmosphere.

While this all sounds quite bleak, WELC is using the law to fight this climate madness. Having already beaten back the Trump administration's attempts to scuttle President Obama's methane waste rule three times, including once in Congress, we're back in court challenging Trump's pro-waste, pro-pollution methane rule rollback.

We're also in court challenging a large expansion at Montana's Rosebud strip mine, operated by bankrupt Westmoreland Coal. As the company is taking away retired workers' health care and breaking union contracts, it is trying to mine millions more tons of coal despite its track record of multiple, frequent violations of pollution limits. We strategically filed our case before Westmoreland declared bankruptcy, further strengthening our legal claims.

Building on our strong climate advocacy, we're challenging oil and gas leasing on public lands by the Bureau of Land Management in Montana, Wyoming, Utah, New Mexico, and Colorado for failing to integrate climate impacts into its decision process. We pioneered a successful legal theory regarding downstream climate effects of drilling for oil and gas when it is inevitably burned. We look to continue that victory streak across the West.



Hundreds of pounds of human foods, such as doughnuts and bread, do not belong in the wild. But some hunters use these foods to attract and shoot bears in a practice known as bear baiting.

Not only is the practice a violation of "fair chase" hunting ethics, baiting can irreversibly habituate black bears to rely on human food, harm threatened grizzly bears, and cause unwanted bear interactions with people.

Once upon a time, the U.S. Forest Service managed and restricted bear baiting on national forest lands, but in 1995 the agency adopted a "hands-off" policy that largely relegates management of the practice to individual states.

Most western states—including Oregon, Washington, and Montana—have banned the practice, but Idaho

and Wyoming still allow it on our national forest system lands in those states—even in occupied grizzly bear habitat.

When the Forest Service adopted its baiting policy in 1995, the agency assumed the impacts to black bears and other wildlife, including threatened grizzly bears, would be negligible. New science, however, reveals the consequences of using bait to kill black bears are much more serious than originally thought.

Too high a number of grizzly bears have been killed at black bear baiting stations in Idaho and Wyoming, including the first grizzly to make it to Idaho's Bitterroot region since 1949.

We're taking the Forest Service and Fish and Wildlife Service to court to force the agencies to reconsider their approval of bear baiting on these lands.

# SAVING PUGET SOUND FROM SEWAGE AND MANURE POLLUTION



**WITH AN EMERGENCY LEVEL OF NUTRIENT POLLUTION IN PUGET SOUND, WELC IS FIGHTING FOR IMMEDIATE WASTE LIMIT LAWS.**

**P**uget Sound is suffering, and along with it, the communities that depend on healthy salmon, clean water, and productive shellfish.

It's been known for decades that nutrient pollution is responsible for historic problems including widespread algal blooms, food web changes, ocean acidification, and threats to orcas, salmon, and Dungeness crabs.

This nutrient pollution comes from two main sources: municipal sewage and industrial dairies. WELC has a strategic action plan using the Clean Water Act to make the Washington Department of Ecology address each of these major sources of pollution to Puget Sound.

We petitioned Ecology to force sewage treatment plants to significantly modernize their pollution removal with technologies readily available today. Such technologies have been used throughout the U.S. for decades, but

very few cities near Puget Sound use them. We have appealed to Gov. Inslee to bring sewage treatment around Puget Sound into the 21<sup>st</sup> century.

We are also taking legal action to force Ecology to require better nutrient management at the numerous industrial-scale dairies (concentrated animal feeding operations, or CAFOs) that encircle the Sound.

Although there are approximately 400 dairy CAFOs in Washington state, collectively producing between 16 and 40 million pounds of manure each day, fewer than 25 have a permit to discharge pollution. The waste is stored in unlined lagoons and over-applied to farmland, causing grave environmental, public health, and economic problems.

We are calling for sensible solutions that will have an immediate impact protecting the people, wildlife, and waters in the Puget Sound region.

"We are at a turning point in the history of our earth. So much work needs to be done to correct our course, address climate change, foster resilience, and reflect our relationship to all other beings in the great web of life. WELC is doing the work.

For me, it is not a question of whether to give or not. It is a question of how best to do it. Being a monthly donor is how I can best support the work and the organization I value."

Peggy Nelson, New Mexico  
Keystone Partner Since 2003



**W**e invite you to join Keystone Partners, our monthly giving program. Just as Keystone species play a critical role in maintaining the structure of an ecological community, WELC's Keystone Partners play a critical role in the protection of the American West.

Donating monthly offers you a convenient way to give and allows us to have the resources we need year-round to defend the West. Your monthly gifts will be automatically charged to your credit card or deducted from your bank account through electronic funds transfer. It's easy to sign up and you can change your donations at any time.

Automatic donations are a win-win: You save time and you provide us with consistent, reliable support so we can tackle the issues facing public lands, wildlife, and communities across the West. 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.

Our community of Keystone Partners is almost at 100 supporters. Our goal is to reach that amount this year. Sign up today and help us achieve that goal! Join this program and feel good knowing you are making a difference for the future of the American West.

**BECOME A KEYSTONE PARTNER AT  
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You will receive a free WELC stainless steel pint glass when you sign up! You can also contact David Lawlor at (541) 255-0209 or [lawlor@westernlaw.org](mailto:lawlor@westernlaw.org) to join or learn more.



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Marbled murrelets are likely to go  
extinct on Oregon's coast without  
protective action.

Despite this, Fish and Wildlife  
Commission did not classify the  
seabird as endangered under state  
law.

The facts are stark, the stakes are  
high—and we are taking legal action  
to compel the state to grant this  
important bird the endangered species  
protections it needs to survive.



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