



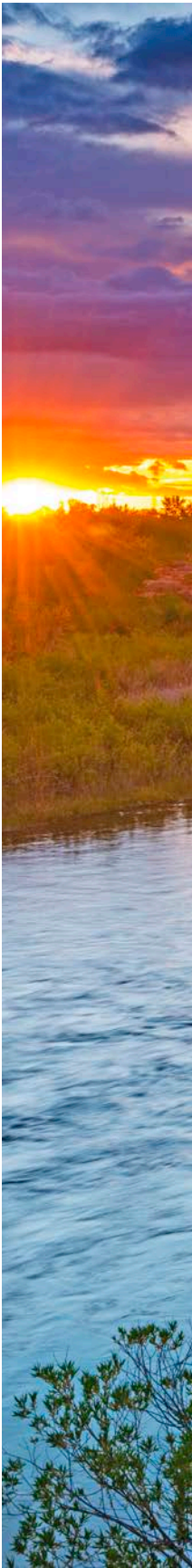
**Western  
Environmental  
Law Center**

**Summer 2019**

# **WE DEFEND THE WEST**



- > Major climate victories
- > Protecting wolves nationwide
- > Win for Greater Chaco
- > Defending National Monuments
- > Clean water
- > Safeguarding bears, amphibians, and more



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

Earlier this year, my home in northern New Mexico was blessed with deep snowpack and cool temperatures. The land bloomed and the rivers ran deep and fierce. After the prior year’s drought and devastating wildfires, it was a reminder of the resilience of the world around us. But I know what the science teaches: These blessed years are increasingly rare, our future ever more precarious and uncertain.

I take solace in the transformative work the Western Environmental Law Center is achieving, with your indispensable support. By using the right legal tools in the right place and at the right time, we’ve built powerful precedent and authority that protects the West’s public lands, wildlife, and communities and sets the stage for proactive climate and conservation action.

Since March 2018, we’ve prevailed in seven consecutive federal court challenges to the Trump administration’s ill-advised “energy dominance” agenda, overturning fossil fuel plans, leases, and drilling permits across Colorado, Montana, New Mexico, Wyoming, and Utah. This includes Greater Chaco, a landscape sacred to Native peoples and beloved nationwide.

We’ve also defended national monuments, especially Oregon and California’s unparalleled and ecologically spectacular Cascade-Siskiyou National Monument, knocking down a flawed but persistent argument that its public lands should be prioritized for logging.

While we celebrate our victories, we are also tenacious in our pursuit of new cases and projects to protect the West, from our new challenge against the federal government’s weak plan to protect the menagerie of wildlife, from grizzly bears and Canada lynx to bull trout, that call Montana’s Flathead National Forest home, to our vigilance in preserving Endangered Species Act protections for gray wolves in the lower 48 states.

Our country’s political discord may appear merciless, but know this: Together we work, together we prevail, and together we defend the West.



For the West,  
  
Erik Schlenker-Goodrich  
Executive Director





# LEADING THE WAY WITH CLIMATE VICTORIES

**THE FIRST OF ITS KIND, OUR HUGE CLIMATE VICTORY COULD RESHAPE OIL AND GAS LEASING NATIONWIDE.**

Nearly 25 percent of our country's total annual greenhouse gas pollution comes from fossil fuels extracted from public lands. Federal management has prioritized fossil fuel leasing and exploitation, while simultaneously relying on a flawed, incomplete picture of climate pollution impacts.

Land managers at the Department of Interior have limited themselves to analyzing just the emissions from the *extraction* of coal, oil, and gas, while ignoring "downstream" combustion emissions as well as the cumulative, aggregated toll these emissions take on the planet.

As a result, these drops are causing our bucket to spill over. Not only are people already suffering from the climate crisis, but this irresponsible management of oil and gas leasing is stealing from our children's inheritance.

Not ones to stand idly by, we're winning the court cases necessary to transform the management of fossil fuels in this country. Our pioneering legal advocacy is holding federal land managers and the Trump administration accountable to climate science and exposing their role in the climate and ecological crisis we face.

In total, we have won seven climate cases in a row halting reckless coal, oil, and gas exploitation on public lands. We have stopped more than 8,000 new oil and gas wells spanning nearly a million acres, and kept more than 10 billion tons of coal in the ground on more than 15 million acres of public land in the West.

But the story doesn't end there. Our victories have set the precedent needed for broad reforms to the federal fossil fuel leasing system, and we're just getting started.



# CASCADE-SISKIYOU NATIONAL MONUMENT: TOWARD VICTORY

National monuments are protected public lands that are too special for drilling, logging, or other extractive industries. Among these, Oregon and California's Cascade-Siskiyou National Monument rises to the top of the list as our only monument to preserve biodiversity.

The monument protects a rich mosaic of forests, grasslands, shrublands, and wet meadows as well as spotted owls, a long-isolated population of redband trout, and a vast array of other wildlife.

President Obama expanded the protective boundaries of this ecological wonderland, heeding the advice of scientists to best preserve the area's biological integrity.

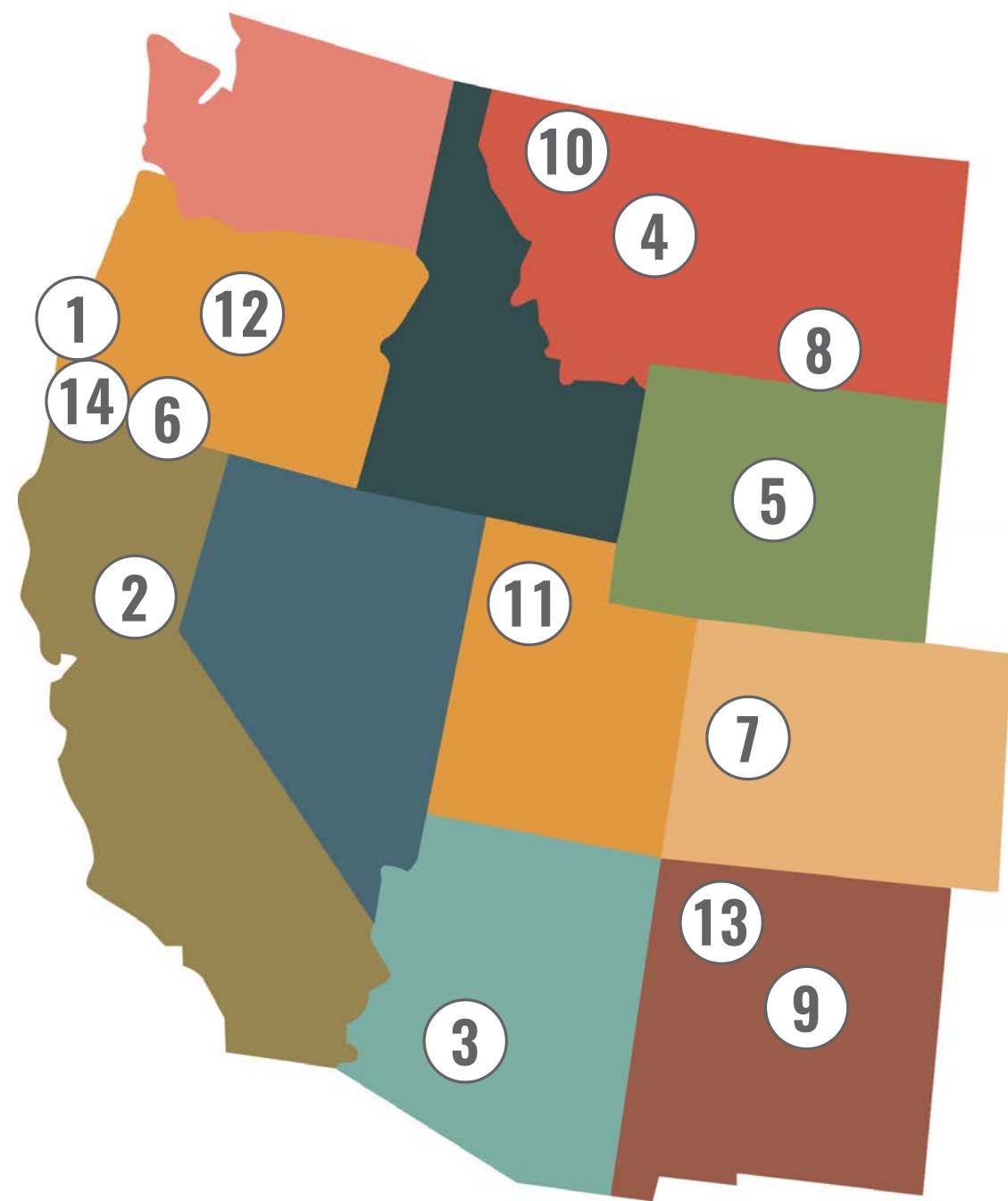
But a timber company sued, arguing that an obscure law, the Oregon and California Lands Act of 1937, committed some 40,000 acres of

the expansion to commercial timber production, making those lands ineligible for inclusion in a monument. Our legal experts disagreed, and with a coalition of partners, intervened to defend Cascade-Siskiyou National Monument's expansion.

This April, a federal magistrate judge ruled in our favor, confirming the law in question does not conflict with the expansion. This represents a huge step forward toward quashing a flawed argument used for decades by timber companies in favor of logging this crown jewel of public land.

There are two other legal cases to win to cement permanent protections for the area, but this victory positions us at an advantage to fend off industry and eliminate a longstanding threat to Cascade-Siskiyou. Our attorneys will use their expertise to ensure these lands are safe forever.

# WE DEFEND THE WEST



WE PROVIDE FREE LEGAL SERVICES TO OVER 175 ORGANIZATIONS AND INDIVIDUALS. WE DEPEND ON DONATIONS TO ACHIEVE OUR MISSION. [LEARN MORE AT WESTERNLAW.ORG.](https://westernlaw.org)

1

## VICTORY STOPPING JORDAN COVE LNG TERMINAL

Over the past decade, we’ve repeatedly fought and defeated this liquefied natural gas terminal and pipeline proposed for southwest Oregon. In the wake of Trump’s election, the Canadian company behind the project again proposed what would be the single largest greenhouse gas emitter in Oregon. This May, the state rejected a necessary permit because the project could not demonstrate it would meet Oregon’s clean water standards. Our attorneys are continuing to monitor this harmful project.

2

## VICTORY PROTECTING ENDANGERED AMPHIBIANS

The U.S. Fish and Wildlife Service designated 1.8 million acres in California’s Sierra Nevada as critical habitat for the Yosemite toad and Sierra mountain yellow-legged frog. Cattle grazing interests filed a lawsuit challenging that designation, and we stepped in to support and defend the land protection. The court ruled in our favor, thereby keeping the 1.8 million acres protected for these important amphibians.

3

## PROTECTING SONORAN DESERT NAT’L MONUMENT

The Bureau of Land Management (BLM) wants to allow recreational shooting in 90 percent of Arizona’s Sonoran Desert National Monument. BLM’s own staff determined shooting should not be allowed at all due to damage to sensitive saguaro cacti and petroglyphs. In 2015, we defeated a prior BLM plan to allow target shooting in 100 percent of the monument. We’re taking BLM back to court to continue protecting these public lands and cultural areas from target shooting damage.

4

## DEFENDING ROADLESS AREAS IN MONTANA

We are challenging the U.S. Forest Service’s authorization of more than 5,000 acres of logging, including road reconstruction within two roadless areas that straddle the Continental Divide in Montana’s Helena National Forest. We’re fighting to keep earthmovers and bulldozers out of these roadless areas to preserve the biological integrity of these natural forested lands and the crucial role they play for big game habitat.

- |                              |   |                                       |  |
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# MORE CLIMATE WINS



## VICTORY FOR COLORADO'S NORTH FORK VALLEY

In May, we won an important case stopping two adjacent oil and gas drilling plans representing 171 wells in Western Colorado's bucolic North Fork Valley. The judge faulted the Bureau of Land Management (BLM) and U.S. Forest Service for failing to account for downstream emissions from drilling. We pioneered the legal theory now forcing BLM to consider at the permit stage the climate effects of burning oil and gas. This victory adds to our seven-win streak of protecting our climate from harmful oil and gas drilling pollution.

## KEEPING 84.8 MILLION TONS OF COAL IN THE GROUND

As the largest greenhouse gas source on earth, coal is driving the climate crisis. We're fighting back by forcing regulators to tell the public the true costs of coal—every year it kills and sickens thousands of people and costs the public billions of dollars. We recently won a victory against an expansion of Montana's Spring Creek strip mine, in which the court ruled—again—federal regulators must acknowledge to the public that coal is deadly and uneconomical.

## INFLUENCING METHANE POLICY IN NEW MEXICO

Awash in a blue wave and home to the largest oil and gas reserves in the world in Greater Carlsbad, New Mexico is poised to meaningfully limit the industry's methane emissions. Our team of attorneys and policy experts are advising the highest levels of state government on how best to require oil and gas companies to plug leaks and limit venting and flaring of publicly owned natural gas. These new, tough rules are critical in combating the climate crisis.

# DEFENDING WILDLIFE



## PROTECTING VULNERABLE WILDLIFE IN MONTANA

Montana's Flathead National Forest, which borders Glacier National Park, is a refuge for a variety of imperiled wildlife. These public lands contain some of the most intact wildlands and free flowing rivers on the entire continent. We are using the power of the law to challenge the U.S. Forest Service's forest plan for the area because it will jeopardize the continued existence of grizzly bears, Canada lynx, and bull trout—all federally protected animals under the Endangered Species Act.

## SAFEGUARDING WOLVES NATIONWIDE

The Trump administration plans to remove federal endangered species protections for gray wolves in all the lower 48 states, meaning it will be easier for people to shoot, poison, or kill gray wolves across the country. This is a political move, not based in science—and we won't stand for it. Wolves are not recovered and occupy only a small fraction of their historic habitat. With the law on our side, we will fight for the survival of gray wolves across our nation.

## ENDING THE USE OF CYANIDE BOMBS ON PUBLIC LANDS

Rogue wildlife-killing program Wildlife Services uses deadly poison on public lands in the form of M-44 "cyanide bombs" to kill "nuisance" wildlife. These devices kill pets and non-target wildlife, and have harmed people. We helped Oregon's M-44 ban across the finish line this year and we petitioned the Environmental Protection Agency to prohibit this indiscriminate lethal poison from being used by Wildlife Services on public lands nationwide.





## TURNING THE TIDE IN GREATER CHACO CANYON

**N**orthwest New Mexico's Greater Chaco region is many things: the ancient home of some of New Mexico's earliest Native peoples, sacred to the Hopi and Pueblo, and a UNESCO World Heritage Site. It is also home to living Navajo and other Native communities. And it is one of the most heavily industrialized landscapes in the U.S. for oil and gas drilling, with over 23,000 active wells.

For years, the Bureau of Land Management (BLM) has facilitated a frantic oil and gas rush in Greater Chaco, despite acknowledging the flawed and outdated analysis it has used to justify drilling. The horizontal drilling and modern fracking techniques needed to tap the area's oil and gas is relatively new, and BLM never studied the cumulative toll to the region.

In 2015, we challenged oil and gas permits in Greater Chaco based on

BLM's flawed analysis. We were crushed when we lost that case before a conservative judge. Nevertheless, we persisted. This spring we won our appeal, vindicating the hard work of our attorneys and excellent partners.

Our victory is helping fuel a wave of advocacy to protect Greater Chaco and its communities from fossil fuel exploitation. This year, New Mexico's congressional delegation introduced a federal bill to expand the area off limits to drilling 10 miles beyond the borders of Chaco Culture National Historical Park. In addition, the New Mexico Land Commissioner halted further leasing on state trust lands near the park.

Still, Greater Chaco deserves further protections, and we will continue to advocate for safeguarding these sacred lands and its communities from reckless fossil fuel development.

## LAND PROTECTION AND WOLVES RETURNING TO OREGON

THREE WOLVES WERE SEEN IN AN AREA WE PROTECTED FROM LOGGING AND ROAD CONSTRUCTION SEVERAL YEARS AGO. IT'S THE FIRST TIME IN 100 YEARS WOLVES RESIDED IN THIS AREA. THE RETURN OF WOLVES HIGHLIGHTS THE IMPORTANCE OF PROTECTING LARGE, CONNECTED, UNROADED LANDS FOR WILDLIFE TO FIND THEIR HOME.



Laura King, WELC attorney in Helena, Montana, wrote this poem when she heard the news about wolves returning to this area of Oregon. The poem is loosely a tritina.

She found inspiration in something WELC attorney John Mellgren wrote about the call to conserve wild places: "By protecting these areas, you never know what might happen."

Hearing the chainsaws, we came in our suits  
with our prayer  
for relief, and a wild

look in our eyes. The Wild,  
we explained, lives on in the woolen suits  
of the forest, crunching through thickets, the owl hunched in prayer

on its branch, the mumbling prayer  
of the river, and the wild  
rain that suits

itself. Then we hung our suits up  
—our prayer cloths for the ailing wild—  
and waited for the wolves to come.







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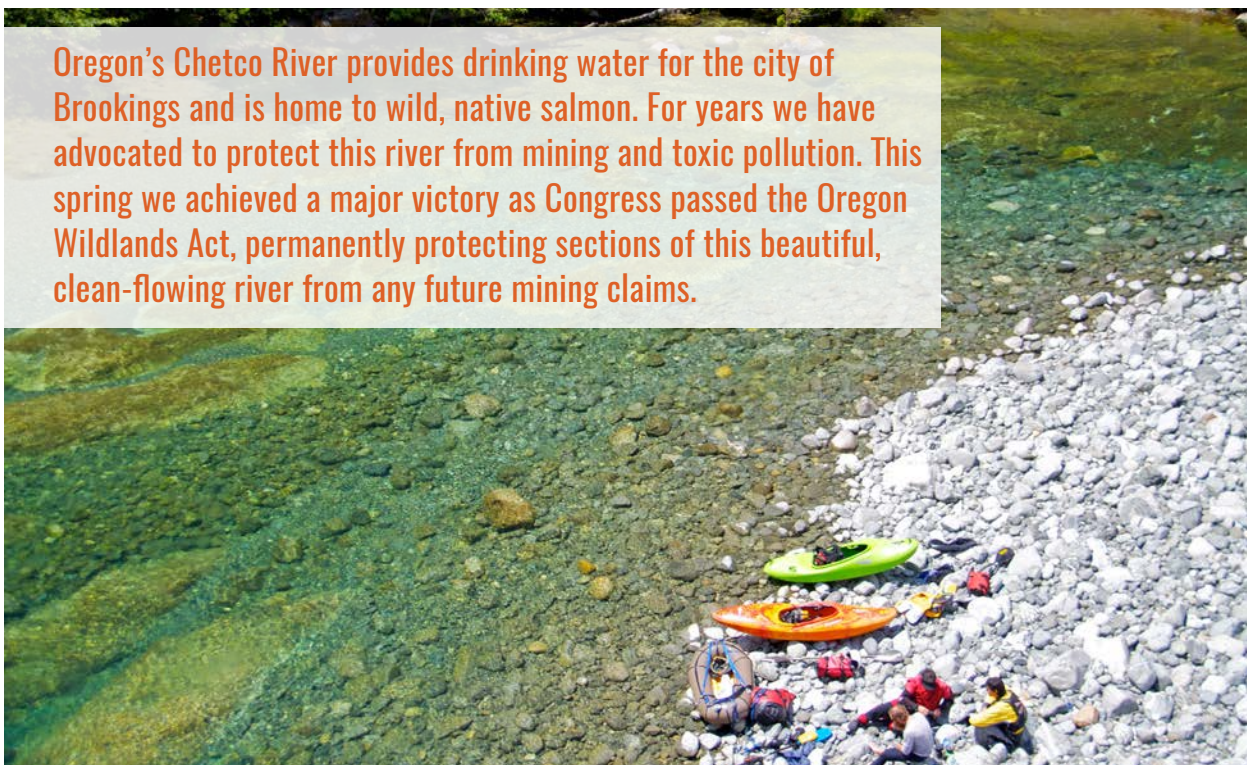
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Oregon's Chetco River provides drinking water for the city of Brookings and is home to wild, native salmon. For years we have advocated to protect this river from mining and toxic pollution. This spring we achieved a major victory as Congress passed the Oregon Wildlands Act, permanently protecting sections of this beautiful, clean-flowing river from any future mining claims.



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