



Western
Environmental
Law Center

WE DEFEND THE WEST
Spring 2021



As the northern spotted owl tragically slides to extinction, the federal government eliminated 42% of its protected habitat. Our team of attorneys is using the power of the law to defend this iconic resident of the Pacific Northwest.

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LOOKING ACROSS THE WEST

It's a time of action.

Action to heal the wounds caused by the reckless deeds of the last president and his associates.

Action to secure the climate, public lands, and wildlife safeguards essential to ameliorating the climate crisis and protecting the iconic American West that we call home.

And action to defend our democracy and uplift the rich diversity of people and life we share this world with.

You make that action possible and for that, we're deeply grateful.

Together, we're using the Endangered Species Act to protect the northern spotted owl, gray wolf, grizzly bear, lynx, and wolverine.

With climate science and litigation expertise, we're defending the Biden administration's landmark pause on public lands oil and gas leasing, undoing millions of acres of fracking leases sold by the prior administration, and seeking a swift end to the public lands oil and gas program to make room for the protection of 30% of U.S. lands and waters by 2030.

And with our front-line and fence-line partners, we're advocating for a just and equitable transition from our country's overdependence on harmful fossil fuels.

We're clear-eyed that the challenges remain immense.

We still find ourselves navigating a confluence of crises, from the pandemic and climate change to a recognition that our country's democracy is far more fragile than we'd like and that the quest for equity and justice is ongoing.

Yet the dauntless actions of so many in this moment inspire courage and spark a sense of possibility that cannot be denied.

So lift your head high and gear up with us as we chart a course to a thriving future.



For the West,

A stylized, handwritten signature in black ink.

Erik Schlenker-Goodrich
Executive Director

FIGHTING FOR ENVIRONMENTAL JUSTICE BY DEFENDING OUR NATION'S BEDROCK ENVIRONMENTAL LAW

Over the past four years, we have seen the gravest rollbacks of environmental protections in our country's history. It is an unthinkable reality given these changes occurred at the apex of our understanding of the very real harms to the environment and public health that will result from such a backward leap.

Steeped in environmental racism, the Trump administration's changes to the application of the National Environmental Policy Act (NEPA) would disproportionately harm communities of color and other marginalized groups. That's why we are representing a national coalition of environmental justice, outdoor recreation, and conservation groups in a critically important court case challenging these rollbacks.

Our legal advocacy aims to bring back crucial environmental review and to restore the public's voice to shape projects that impact communities of color as well as front-line and fence-line groups. President Biden has committed to making environmental justice a guiding star of his tenure. We're hopeful the Biden administration will seize the opportunity provided by our defense of "the People's Environmental Law" to build back better, ushering in a new era of true environmental justice.



DEFENDING WOLVES NATIONWIDE

Wolves belong in the wild. Period. Yet, despite the fact that wolves are not recovered in the West, presidential administrations from both parties have proven unwilling to pursue true recovery for this iconic animal.

Most recently, the Trump administration stripped gray wolves of endangered species protections across the contiguous U.S. the same day Americans overwhelmingly voted President Trump out of office.

Unless the Biden administration reverses course, our court case is wolf advocates' best hope to restore the endangered species protections wolves need to return and eventually thrive throughout their historic range.

Recent data from the U.S. Fish and Wildlife Service and its state partners show an estimated 4,400 wolves in the western Great Lakes states, but only 108 in Washington state, 158 in Oregon, and a perilously low 15 wolves in California.

Wolves remain functionally absent from their historical habitat in Nevada, Utah, and Colorado. Yet, the U.S. Fish and Wildlife Service nonetheless concluded that wolves have recovered because there are sufficient wolves in the Great Lakes states, and it does not matter that wolves in the West have not yet recovered.

The Endangered Species Act demands more from federal wildlife managers, including restoring the species in the ample suitable habitats afforded by the wild public lands throughout the West. Wolves are a keystone species, regulating animal populations and improving ecosystem health. Allowing people to kill wolves in Idaho, Wyoming, and Montana has already stunted recovery in those states.

Applying this same death sentence to wolves throughout the contiguous U.S. would nationalize these negative effects, with potentially catastrophic ripple effects on ecosystems where wolves have yet to fully recover. We won't stand for it.



PREVENTING NORTHERN SPOTTED OWL EXTINCTION

For decades, federal wildlife agencies have mismanaged the northern spotted owl almost to extinction. Then, things got worse.

Unsustainable logging in the Pacific Northwest has resulted in a widespread loss of spotted owl habitat—a main reason the owl was designated as threatened with extinction under the Endangered Species Act in 1990.

Unfortunately, those forest stands are still a target for logging throughout the bird's historic range, and more recent threats from climate change and the invasive barred owl have piled on, worsening an already dire outlook for the northern spotted owl.

As far back as 2015, the U.S. Fish and Wildlife Service has publicly admitted that “uplisting” the northern spotted owl from threatened to endangered is indeed warranted.

But the agency never followed through, and recently said it is too busy to take any action even though the northern

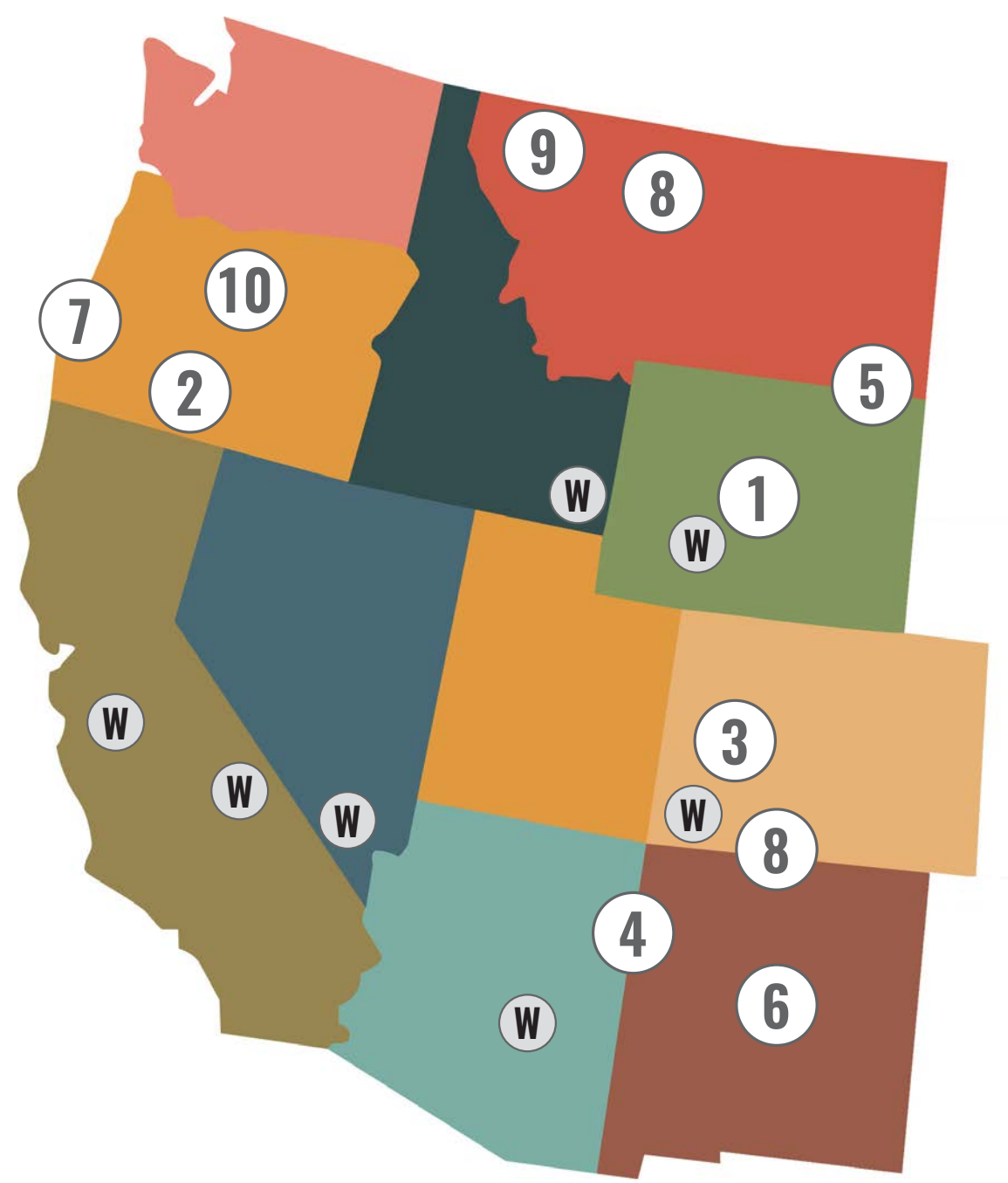
spotted owl is among the species most at risk of going extinct nationwide.

We are in court to force the U.S. Fish and Wildlife Service to do its job and help the northern spotted owl thrive in the forests of the Pacific Northwest.

Even more remarkably, with six days remaining in the Trump administration, the U.S. Fish and Wildlife Service struck a sweetheart deal with the timber industry to eliminate 3.4 million acres of northern spotted owl critical habitat in Washington, Oregon, and California. Now, unsustainable logging may return to the cathedral forests of its Pacific Northwest habitat—a likely death sentence for the northern spotted owl.

We are gearing up to challenge that decision in court. We're at an inflection point for these iconic birds: With urgent action they can recover, but without it they could disappear forever. WELC was founded on northern spotted owl protection, and 28 years later, we are still fighting to defend this vital Pacific Northwest resident.

WE DEFEND THE WEST



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WE OPERATE IN EVERY WESTERN STATE AND DRIVE PROGRESS NATIONWIDE

- 1 VICTORY! KEEPING CLIMATE POLLUTION IN THE GROUND ON 300,000 ACRES OF PUBLIC LAND IN WYOMING**
In a victory this winter, a federal court rebuked the Bureau of Land Management for failing to disclose the climate impacts of selling more than 300,000 acres of Wyoming public land for oil and gas drilling. We originally defeated the leases in 2019, but the agency attempted to force the same leases through in a process the judge called “sloppy and rushed.” Our case also helped cement requirements for cumulative climate analyses of oil and gas development at a regional and national scale.
- 2 PROTECTING ANCIENT FORESTS FROM IRRESPONSIBLE LOGGING IN OREGON**
We are in court to stop the North Landscape timber project in southern Oregon, adjacent to Cascade-Siskiyou National Monument, from thinning and clear-cutting some 7,000 acres of critical habitat for threatened northern spotted owls. The project would destroy five sites occupied by the northern spotted owl, as well as seven historic sites. Additionally, the project could advance the spread of the competing and invasive barred owl and drastically increase wildfire risk.
- 3 VICTORY! SECURING CLIMATE REVIEW FOR 2 MILLION ACRES OF OIL AND GAS LEASES IN COLORADO**
Our string of climate victories targeting oil and gas drilling continued in early 2021, when we finalized an agreement with the Bureau of Land Management blocking leasing on more than 45,000 acres of public land in Colorado’s Piceance Basin. This was part of a suite of cases across 2 million acres of Colorado’s Western Slope faulting federal land managers for failing to perform meaningful climate review of oil and gas leasing and development.
- 4 PREVENTING HARMFUL GRAZING ON 270,000 ACRES OF MEXICAN WOLF HABITAT IN ARIZONA AND NEW MEXICO**
We are challenging a U.S. Forest Service decision to allow livestock grazing on 271,665 acres in the Apache-Sitgreaves and Gila National Forests in Arizona and New Mexico over a 10-year period. The Stateline Range grazing project lies within the heart of a designated Mexican Wolf Recovery Area, but the Forest Service failed to consider the impacts of grazing on the critically imperiled wolves, important habitat, wilderness values, and water resources.

CLIMATE JUSTICE



FIGHTING RELENTLESS FRACKING ACROSS THE WEST

We're building on our precedent-setting oil and gas climate victories in a big way. Across three cases, we aim to keep fossil fuels in the ground on more than 2.8 million acres of public land in Colorado, Montana, Utah, Wyoming, New Mexico, and North Dakota. For decades, the Bureau of Land Management has avoided a true accounting of the costs of its public lands oil and gas drilling program. We're working to ensure that ends now.

PROTECTING 19 MILLION ACRES FROM COAL MINING

We are challenging a Bureau of Land Management coal mining plan that would allow miners to extract 6 billion tons of coal from Wyoming's vast Powder River Basin over two decades. Air pollution from coal causes thousands of premature deaths in the U.S. every year and sickens many more. The law requires the Bureau to disclose this and consider alternatives to unbridled mining, and it did neither.

FIGHTING FOR NATION-LEADING METHANE REGULATIONS IN NEW MEXICO

Gov. Lujan Grisham committed to writing best-in-the-nation rules to rein in oil and gas industry methane waste and ozone pollution in the state. Her Oil Conservation Division has delivered the first of two state rules to achieve that goal. WELC represented community groups in the state rule-making process, helping secure a ban on most venting and flaring, and capture of 98% of all methane—a greenhouse gas 87 times more potent than carbon dioxide—by 2027.

STOPPING JORDAN COVE LNG ONCE AND FOR ALL

If built, the Jordan Cove liquefied natural gas terminal and pipeline would be the largest greenhouse gas emitter in Oregon. We scored a huge victory in January when the Federal Energy Regulatory Commission upheld Oregon's denial of a key permit. The U.S. Secretary of Commerce also declined to override Oregon's denial of a Coastal Zone Management Act approval, required for the project to proceed.

DEFENDING WILDLIFE



FORCING FEDERAL ACTION TO SAVE CANADA LYNX

We are challenging the U.S. Fish and Wildlife Service in court over its decision—flouting a WELC court victory—to forgo recovery planning for threatened Canada lynx. In direct conflict with the science, including its own 2017 species status assessment, the agency says lynx are already recovered and is pursuing removal of protections altogether. Climate change, habitat fragmentation, and wildfire are causing alarming lynx population declines, impeding recovery for this animal.

GIVING WOLVERINES THE PROTECTIONS THEY NEED TO RECOVER

After the U.S. Fish and Wildlife Service denied endangered species protections to wolverines in 2016, we won a case forcing the agency to reconsider because only about 300 wolverines remain in the contiguous U.S. Last year the agency again ignored science and denied wolverines protections. We're taking the agency back to court to make it finally do the right thing and protect imperiled wolverines.

CREATING NEW PROTECTIONS FOR BEAVERS IN THE BEAVER STATE

Beavers and their habitat remarkably enhance fire resiliency, improve water security, and create quality salmon habitat. Currently, the Beaver State allows unregulated beaver killing on half of its lands without regard for the ecosystem services beavers provide. We're supporting HB 2844 in Oregon to promote non-lethal beaver management and to track where beaver removals take place on private land. This bill will protect beavers and promote healthier ecosystems across Oregon.

PROTECTING GRIZZLY BEARS FROM DEATH BY TRAIN

Trains in northern Montana kill far too many grizzly bears, which are threatened with extinction. BNSF Railway is responsible for many of these grizzly deaths, but for 15 years it failed to take required actions to resolve the issue. Now, BNSF is pursuing a permit allowing it to kill 15 grizzlies consequence-free over the next seven years. This is unacceptable and we are considering legal action to stop this unlawful killing.

ERASING PENDLEY'S HARMFUL LEGACY ON 6.25 MILLION ACRES OF PUBLIC LANDS



Last year, a court ruled that William Perry Pendley illegally led the Bureau of Land Management for more than a year.

His anti-public lands agenda was so extreme, the Trump administration knew the Senate would never confirm him to lead an agency charged with overseeing 700 million acres of federal mineral estate. The Trump administration kept Pendley in power illegally for well over a year, allowing him to make unlawful decisions that would harm water, wildlife, public lands, and silence the public's voice in land-use decisions across the country.

The court wiped out three of his harmful land-use plans in Montana, but Pendley's unlawful anti-public lands agenda extends far beyond Montana's borders, and requires legal intervention to overturn.

WELC's legal team is taking on the challenge of invalidating his decisions across 6.25 million acres throughout the American West.

Our lawsuit challenges eight resource management plans Pendley approved while he illegally led the agency. Without our legal advocacy, the resource management plans would allow these public lands to be degraded for the next 20 years.

With this single case, we are working to erase Pendley's anti-conservation legacy on public lands in nine states: Arizona, Colorado, California, Texas, Wyoming, Kansas, Oklahoma, Nevada, and Kansas.

If we win, our case will stop harmful phosphate and copper mining, oil and gas development, and ensure large renewable energy projects do not harm fragile desert environments and threatened wildlife.

In addition, a victory in this important case would restore protections on four areas of critical environmental concern in California and provide the Biden administration the opportunity to designate 18 new areas of critical environmental concern in Colorado.

WHY I BECAME A LEGACY DONOR



Dyan Oldenburg, New Mexico

"WELC's mission is critical to me. Their work safeguarding public lands, wildlife, and communities across the American West needs to continue far after I'm gone. WELC's commitment to the American West and all they serve is remarkable. Please join me in becoming a legacy donor today."

Make a difference for years to come by joining our Gil F. Staender Legacy Circle. By naming Western Environmental Law Center in your will, trust, or other estate plans, you'll make a lasting contribution to the protection of the public lands, wildlife, and communities of the American West.

We offer a variety of donation options and planned giving opportunities. Here are a few examples:

- Charitable Remainder Trusts
- Charitable Gift Annuities
- Gifts of Stocks, Bonds, and Mutual Funds
- Automatic Monthly Giving
- Workplace Giving
- Real Estate and Car Donations

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.

Your entire donation to the Western Environmental Law Center is tax deductible as a charitable contribution for federal income tax purposes, as allowed by law. WELC's Federal Tax ID Number is 93-1010269.

Please contact David Lawlor at 541-255-0209 or lawlor@westernlaw.org to join our Gil F. Staender Legacy Circle or to learn more about planned giving options. We appreciate and welcome gifts of all sizes.



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We are 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.

We balance and offset our environmental footprint by purchasing Renewable Energy Certificates, Carbon Offsets, and Water Restoration Certificates®



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WELC attorney receives Oregon Bar's Environmental & Natural Resources award

The Oregon State Bar Association unanimously voted to recognize WELC Attorney and Wildlands Director Susan Jane Brown with its prestigious annual Environmental & Natural Resources award! Our heartfelt congratulations to Susan Jane, who earned this award for her decades of leadership and legal advocacy to protect innumerable natural wonders in the Pacific Northwest and throughout the American West.

