



**Together, we won an important victory keeping 175 million tons of coal in the ground in Montana at what would have been the largest underground coal mine in the nation. Thanks to your support, we prevented the release of 240 million tons of climate pollution.**

- › **Victories for lynx, wolverine, grizzlies, and salmon**
- › **Victory protecting Tribal lands from fracking**
- › **Climate and environmental justice**
- › **Evaluating Biden on the environment**



# LOOKING ACROSS THE WEST

We all struggle. We all have moments where the terrible events rippling across the world leave us feeling alternately sorrowful, frightened, complacent, and numb. I am not immune from these feelings. But there are also moments when I feel inspired, purposeful, action-oriented, and filled with love for the people I work with and share my life with.

How do we properly grieve as these terrible events unfold, while embracing a forward-looking mindset?

The Greek philosopher Epictetus offers us a familiar but oft-forgotten answer: “Suffering arises from trying to control what is uncontrollable, or from neglecting what is within our power.” I don’t want to suffer through this moment, and I suspect you don’t either. So let us focus, together, on what is within our power: creating, defining, and fortifying space for transformative, positive change.

At the Western Environmental Law Center, we think a lot about what is within our power:

- Using the right legal tools, in the right place, and at the right time. This means adept use of litigation, policy

advocacy, administrative engagement, and collaboration—and knowing where, when, and precisely how to use each of these tools.

- Building power with partner groups and communities across progressive, pro-democracy sectors. We listen to our coalition partners and are constantly assessing ways we can better align our climate and conservation work with other progressive causes, such as workforce training, economic development, and community-driven action that delivers on equity, inclusion, and justice.

- Communicating a positive vision of a thriving, resilient western U.S. We need to show people and communities that every action we take is designed to open new doors to a thriving, resilient future for all.

This is the way we make change. This is the way we win. Together.



For the West,

A stylized, handwritten signature in black ink, likely belonging to Erik Schlenker-Goodrich.

Erik Schlenker-Goodrich  
Executive Director

## EQUITY, INCLUSION, AND JUSTICE

Equity, inclusion, and justice are central to WELC’s work. Externally, it shows up in our relationships with partners and clients, in the work we advance, and in the constellation of people and organizations working to make the world a better place. Internally, it shows up in how we think and structure ourselves. Our Equity, Inclusion, and Justice Committee will aid our shared learning and implementation of on-the-ground actions.

This is the work of lifetimes. While we are strengthening our capacity and increasing our impact, we are continually dedicated to learning and improving. We invite you to join us on this journey.

## WE KEPT 175 MILLION TONS OF COAL IN THE GROUND



**VICTORY!** We stopped a giant coal mine in Montana from becoming a behemoth, preventing the release of 240 million tons of climate pollution.

This spring, we and our partners won an important victory blocking an expansion of the Bull Mountain Mine near Billings, Montana. If we didn't take legal action and the expansion went through, it would have created the largest underground coal mine in the nation based on production as well as the worst greenhouse gas emitter in the entire U.S. Our team has fought this expansion since 2015.

Time and time again, we have proven in court that the federal Office of Surface Mining and state of Montana unlawfully tipped the scales in favor of promoting more coal production and pollution, even though greenhouse gas emissions are destroying the climate before our eyes.

The Office of Surface Mining's analysis considered only the benefits of the mine, not the true costs of developing this gargantuan step backward for our climate and public health.

That decision will also strongly affect Montana's water resources. With its outsized water consumption, the Bull Mountain Mine has not just polluted water, it has also dried up rivers and streams critical to the area's rich agricultural heritage.

This victory reaffirms that federal agencies must not ignore or hide the science that shows the extreme climate impacts of continuing to burn coal. The case will now go back to the District Court, which we expect to order the agency to perform an honest, science-based climate analysis of the proposed coal mine expansion.

Most of the mine's coal is exported through Canadian ports, and thus unrelated to domestic energy security. We can not allow the wealthy and powerful fossil fuel industry to march us all off the climate cliff, putting their profits over public health and a clean environment. We will fight this climate sellout until it is gone for good.

## VICTORY FOR CANADA LYNX



**Our steadfast legal advocacy resulted in federal plans to help Canada lynx truly recover.** This threatened wild cat now has a fighting chance at survival.

After decades of advocacy for federal action to help threatened lynx recover, we obtained legal commitments from the U.S. Fish and Wildlife Service to use its best tools to achieve real recovery for the wild cat.

Last year, the agency was poised to remove protections for lynx even though its own analysis predicted the majority of lynx were unlikely to survive to the year 2100. That trajectory also meant the Service would skip writing a recovery plan for the struggling animal.

We believe lynx can survive and even thrive with the right protections. We sued the Service, opening the door to negotiations for a path toward lynx recovery rather than extinction. Our expert attorneys fully reversed the agency's course on lynx. Now the Service will take some of its strongest steps yet to protect the wild cat in more than 20 years.

Federal wildlife managers will keep lynx on the list of threatened species and write a recovery plan—the backbone of federal recovery efforts. This comes at a pivotal time, as climate change and wildfires are destroying lynx habitat.

Another crucial element in wildlife conservation is critical habitat. The Service designates critical habitat to protect plants' or animals' survival, and guards that habitat against damage. When designating lynx critical habitat in 2014, the Service went against the science, excluding the southern Rocky Mountains range. After six years fighting to safeguard this important lynx habitat, including a court victory the Service ignored and follow-up lawsuit, the agency will finally evaluate the area for protection.

With these three important steps forward, we are leading the conservation community's efforts to give Canada lynx a fighting chance to survive, and even thrive in the wild.



# WE DEFEND THE WEST



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We represent more than 195 clients each year. We do not charge for our services.

1

## VICTORY PROTECTING TRIBAL SACRED LANDS FROM FRACKING

On behalf of Diné and community partners, we challenged oil and gas drilling leases on 45,000 acres in the Greater Chaco region of New Mexico, including the sacred Sisaateel Mesa Complex. The complex is central to Diné cosmology and akin in spiritual significance to Jerusalem, Mecca, or the Bodhi Tree. Thanks to our case, the Bureau of Land Management stopped all drilling and will reconsider the leases. The agency will also now significantly enhance Tribal consultation and public engagement, including with local leaders and Navajo Chapter Houses, and will perform specific cultural analysis of these sacred lands.

2

## VICTORY DEFENDING SONORAN DESERT NATIONAL MONUMENT

We are defending the Sonoran Desert National Monument in Arizona against target shooting. Astonishingly, the monument has allowed target shooting throughout its almost 500,000 acres. Thanks to our lawsuit, the Bureau of Land Management will now perform a rigorous survey of cultural resources and consider protecting specific Native historical sites, areas with wilderness characteristics, and more. Irresponsible shooting has damaged the monument's wonderful saguaro cacti and ancient petroglyphs, created a litter problem, and endangered visitors.

3

## VICTORY FOR IMPERILED WOLVERINE NATIONWIDE

We won a court victory invalidating the Trump administration's denial of federal Endangered Species Act protections for wolverines. This is the second time we defeated decisions to deny protections for wolverines, which number only about 250-300 in the contiguous U.S. Our victory immediately reinstates wolverines' "candidate" status as a species proposed for listing and forces the agency to reconsider full protections.

4

## SUPPORTING THE YAKAMA NATION IN PROTECTING A SACRED SITE

Put-a-lish, near present-day Goldendale, Washington, is a sacred site for the Yakama Nation, with history going back 15,000 years. Today, it is traditional hunting and gathering land. A hydroelectric company wants to use those hills to site the upper reservoir of what would be the Northwest's largest pump-storage hydroelectric facility. In doing so, the Goldendale Energy Storage Hydroelectric Project would destroy irreplaceable Tribal cultural resources, including archeological, ceremonial, burial, petroglyph, monument, and ancestral-use sites. We are dedicated to supporting the Yakama Nation in protecting this sacred place.



## VICTORY FOR NATION-LEADING AIR POLLUTION RULES IN NEW MEXICO

We led conservation and environmental justice groups in a New Mexico rulemaking to protect public health and the climate from oil and gas air pollution. Our leadership helped New Mexico to enact some of the strongest rules in the nation to reduce methane and hazardous air pollutants. Combined with a recent ban on routine venting and flaring, these rules will hold oil and gas accountable for its pollution, limit waste, and combat climate change. These new protections will help New Mexico's communities breathe easier.

## ADVANCING CLIMATE JUSTICE BY FIGHTING OIL AND GAS DRILLING

The Biden administration approved more applications for permits to drill for oil and gas in 2021 than Trump did in his first year—not only breaking his climate promises, but deepening the crisis. We are responding by challenging in federal court more than 3,500 of these approved permits for Wyoming's Powder River Basin and New Mexico's Permian Basin. In total, this case challenges 74% of Biden's first-year oil and gas drilling permit approvals. Our case focuses on the government's failure to complete critical climate analysis and its legal obligations to wildlife, public lands, and to avoid environmental injustice.

## DEMANDING REAL CLIMATE ACTION FROM THE BIDEN ADMINISTRATION

On behalf of 30 environmental and community groups, we petitioned the Biden administration to use existing, longstanding authority and responsibility under the law to center public lands as a cornerstone of ecological and community resilience in the face of a changing climate. For decades, the federal government has mothballed these critical provisions in favor of promoting a massive expansion of climate-damaging oil and gas production on public lands. Our petition urges the Biden administration to instead use this power to open new doors to a thriving, resilient future for all people.



## PROTECTING FORESTS FROM LOGGING NEAR EUGENE, OREGON

We are challenging a 10-year, 31,470-acre logging plan on sensitive public lands northwest of Eugene, Oregon. The N126 Project would log healthy, mature forests and result in 50-90 miles of new roads, with up to 420 miles of existing road reconstruction. The Bureau of Land Management authorized this logging plan with inadequate analysis that lacked site-specific information altogether. These forests are home to protected northern spotted owls, marbled murrelet, and Oregon coast coho salmon.

## PREVENTING GRIZZLY-LIVESTOCK CONFLICTS NEAR YELLOWSTONE

We are challenging the U.S. Forest Service's reauthorization and expansion of livestock grazing on national forest land just north of Yellowstone National Park. The area includes part of the Absaroka-Beartooth Wilderness and the grizzly bear "recovery zone" associated with the park. This area is crucial for the bears' movement, and connectivity is key to grizzly recovery. Grizzlies are often blamed and killed for livestock conflicts. Wildlife managers should know better than to fill grizzly bear migration corridors with livestock. We are dedicated to grizzly bear recovery and this case builds on our prior victories.

## VICTORY PROTECTING SALMON, STEELHEAD, AND BULL TROUT

Our legal advocacy resulted in a strong agreement from the operator of Electron Dam on the Puyallup River in Washington to take measures to protect threatened salmon, steelhead, and bull trout. We worked closely with the Puyallup Tribe to require the operator to adjust its hydroelectric operations until it obtains the necessary federal permits mitigating harm to threatened fish. Now the dam's intake will remain closed until operators can enact protections and obtain the proper permits. In addition, they will not perform any unpermitted in-water work that could harm these important wild fish.



# EVALUATING BIDEN ON THE ENVIRONMENT



In the past 18 months, news headlines have heralded President Biden as a hero and branded him a villain. Here is our take on the Biden presidency so far.

## ON WILDLIFE

President Biden has done a respectable job on wildlife. His Fish and Wildlife Service appears ready to undertake serious Canada lynx recovery efforts (p.3). His administration reversed most of a huge giveaway of northern spotted owl critical habitat to the timber industry, but left 200,000 acres eligible for logging. His administration fought our lawsuit to restore gray wolves' endangered species protections (and lost). Biden improved a management rule for Mexican wolves, but could do much more.

## ON CLIMATE

It's bad. It's really bad. The Biden administration granted more applications for permits to drill for oil and gas in its first year than the oil-soaked Trump administration did over the same period—and we're challenging 74% of those approved permits (p.6). President Biden has also broken two major climate promises. First, he failed to perform a comprehensive

review of the public lands oil and gas leasing program. Second, he resumed public lands oil and gas leasing in April. President Biden's Environmental Protection Agency did strengthen its rule to rein in methane emissions from the oil and gas industry. When we sued over oil and gas extraction on sacred Diné lands in Greater Chaco, the Biden Bureau of Land Management agreed to reconsider those leases (p.5).

## ON WILDLANDS

Biden's administration is taking steps to reverse Trump's gutting of the National Environmental Policy Act—a bedrock environmental law—but is moving at a snail's pace and risking reversal by a potential Republican Congress. Biden's Forest Service and Bureau of Land Management have postponed required public disclosure of logging's environmental impacts until after projects are approved. However, Biden is making some progress toward protecting mature and old-growth forests with a recent executive order.

## 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 western U.S.

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 western U.S. 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](mailto: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 western U.S. in the face of  
a changing climate.



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## DEFENDING WILDLIFE AND WILD PLACES IN MONTANA

The Helena-Lewis and Clark National Forest in Montana is a unique wild place in our country. It is home to gray wolves, grizzly bears, lynx, wolverine, and more. Our team of attorneys has a history of success in shaping the policies for this forest and protecting the iconic wildlife that depend on it.

This year we are leading multiple legal cases to safeguard this special area. We are defending a plan that keeps motorized vehicles out of important grizzly bear, lynx, wolverine, and gray wolf habitat. We are also challenging a plan revision that significantly weakens protections for wildlife. If approved, it would remove standards for wildlife hiding cover and restricted road densities across the forest and in areas important for grizzly bear and lynx recovery.

Thanks to your support, we are using the power of the law to defend wildlife and wildlands across the western U.S.

