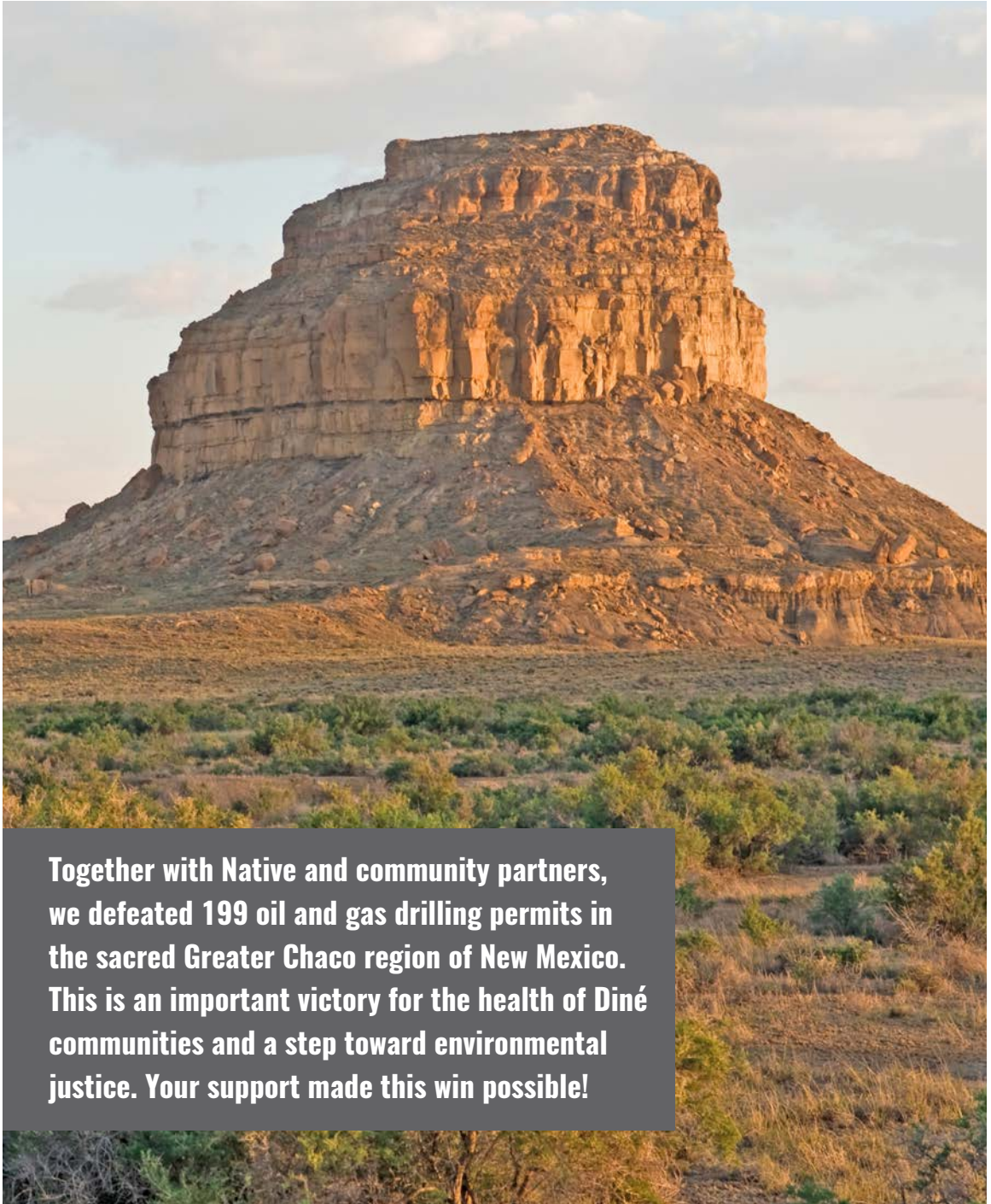




**Western
Environmental
Law Center**

CELEBRATING 30 YEARS

Spring 2023



Together with Native and community partners, we defeated 199 oil and gas drilling permits in the sacred Greater Chaco region of New Mexico. This is an important victory for the health of Diné communities and a step toward environmental justice. Your support made this win possible!

> Grizzly bear recovery

> Protecting forests

> Defending wolves and salmon

> Our team is growing

> Environmental justice

> Wins for clean air and water

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 Jenna Kloeppel at 575-305-3993 or jennak@westernlaw.org to join our Gil F. Staender Legacy Circle or to learn more about planned giving options. We appreciate gifts of all sizes.

LOOKING ACROSS THE WEST

Every gameday, my high school football coach would wander the locker room as we suited up, and proclaim:

"It's a great day to be alive!"

It was an acknowledgment of the challenge ahead of us that day, as well as of the possibility we each have to shape how that day would turn out.

A game is just that—a game. But my coach's proclamation has stuck with me, especially as I think about the life-affirming work we do at WELC.

Each day, WELC attorneys and advocates speak truth to power, navigate the confluence of crises our world faces, and advocate for the public lands, wildlife, and communities of the western U.S. in the face of a changing climate.

As you read these pages, I hope you see the stories behind this work.

They involve sacred landscapes, such as New Mexico's Greater Chaco region, where a coalition of frontline people and communities coupled with climate and environmental allies have employed a bold combination of strategy, perseverance, and long-term vision to fight back against unbridled oil and gas fracking and drilling.

They involve iconic wildlife, such as grizzly bears which, because of what we do today, will roam wild and free tomorrow.

They involve the hard work of sitting down with people we don't always see eye to eye with to restore and protect Oregon forests.

And they involve the people, like you, who share our love of the land and embrace a fierce commitment to make the world a better place.

These stories define us.

They make us who we are as a people and as a society.

They inspire the sense of possibility that leaves us undaunted in the face of challenge, eager for what may come from the hard work we do, together.

It's a great day to be alive.



For the West,

A stylized, handwritten signature in black ink.

Erik Schlenker-Goodrich
Executive Director





VICTORY FOR ENVIRONMENTAL JUSTICE IN GREATER CHACO

We have worked for many years against the industrialization of the Greater Chaco region in New Mexico—the sacred ancestral home of the Pueblo and Hopi peoples, and current home to Diné communities—for fossil fuel extraction.

At its heart lie Chaco Canyon and Chaco Culture National Historical Park, a UNESCO World Heritage Site. Far more than culturally and anthropologically significant, the region is home to living, modern-day communities coexisting with intensive oil and gas activity and pollution.

About 95% of the areas that could be leased to oil and gas companies for drilling *are* leased for that purpose, with some 23,000 existing wells. The air there is thick, earning San Juan County failing grades from the American Lung Association for many consecutive years.

In a 2019 WELC victory, a federal court ruled that by failing to analyze the cumulative impacts of oil and gas

development, the Bureau of Land Management illegally approved drilling permits in the Greater Chaco region.

But the Trump administration pushed through hundreds of additional drilling permits. With our Diné and community partners, we challenged these permits as well.

Our expert attorneys earned a strong victory again this year when a federal appeals court invalidated 199 drilling permits that failed to account for the public health and climate impacts of toxic air pollution from oil and gas drilling and fracking.

For too long, the government has prioritized oil and gas at the expense of the people and communities who have called Greater Chaco home for millennia. The decision vindicates frontline Diné communities and their allies in a step toward environmental and climate justice.

We will continue to demand justice, and that water, health, and the climate stop being sacrificed for Big Oil profits.



PULLING OUT ALL THE STOPS FOR GRIZZLY RECOVERY

Grizzly bears were hunted, trapped, and poisoned to near-extinction in the contiguous U.S., prompting the U.S. Fish and Wildlife Service to designate them as a threatened species in 1975. This likely saved them from extinction.

When the Trump administration removed grizzlies from the endangered species list, we sued and won in 2018, restoring protections and stopping two planned trophy hunts. Now, we are building on that victory with a suite of legal challenges to federal policies that harm the great bears.

We are fighting to rein in Wildlife Services' Montana predator-killing program that is authorized to kill or remove grizzly bears in recovery zones. The government failed to consider the program's effect on connectivity and genetic interchange between grizzlies in Montana and other locations—crucial for long-term recovery.

Also in Montana, we are challenging federal authorization of large-scale livestock grazing in grizzly bear

recovery zones that increase the risk of bears being killed in response to conflict with cattle operations.

We are also challenging the Helena National Forest's decision to abandon its wildlife standards that have guided wildlife habitat management in this important grizzly migration corridor for 30 years. Forest managers failed to consider how scaling back standards for hiding cover, road density, and more would affect threatened grizzly bears and other protected wildlife.

Additionally, we are challenging a federal policy that defers to states on whether to allow “bear baiting” for hunting black bears. Idaho and Wyoming allow this practice, which allows dumping piles of human food such as donuts in the woods. These bait stations also attract grizzly bears, which these non-sporting “hunters” have killed.

We will continue using the power of the law to ensure grizzly recovery is in line with what the bears need to truly recover and thrive in the wild.

WE DEFEND THE WEST

WE REPRESENT MORE THAN 180 CLIENTS EACH YEAR.
WE PROVIDE OUR SERVICES FREE OF CHARGE,
THANKS TO YOUR SUPPORT.



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1 VICTORY PROTECTING MONTANA'S AIR & WATER FROM COAL MINE

Over the past six years, we have run a sophisticated legal campaign to protect Montana's water, climate, and family ranchers from the highly polluting Bull Mountains Coal Mine near Roundup. We succeeded in forcing regulators to perform serious climate and environmental evaluations of the mine, keeping 175 million tons of coal in the ground. This winter in another enormous victory, our legal action invalidated a Trump-era expansion plan that would have made this the largest underground coal mine and point source of climate pollution nationwide.

2 WORKING TOWARD A STRONG NORTHWEST FOREST PLAN

The U.S. Forest Service is preparing to modernize the Northwest Forest Plan, a crucial management framework for some of the most ecologically important and beautiful forests in the country. The plan emerged in 1994 largely to satisfy WELC's successful legal advocacy to save the northern spotted owl from extinction. Twenty-nine years later, we remain closely engaged to ensure that the update to the world's first ecosystem management plan protects mature and old-growth forests, preserves biodiversity, and restores forests for wildfire resilience.

3 VICTORY DEFEATING OREGON'S FLAT COUNTRY TIMBER SALE

A poster child for unsustainable forestry, the Flat Country Timber Sale, proposed for Oregon's Willamette National Forest, mobilized WELC and our allies. The timber sale would have allowed clearcutting in thousands of acres of older forest and destroyed thousands of acres of mature and old-growth forests, harming northern spotted owls, the climate, and the McKenzie River watershed. After years of WELC advocacy, including providing a roadmap to save these important forests, the U.S. Forest Service finally announced its plan to withdraw the plan earlier this year.

4 DEFENDING NEW MEXICO'S NATION-LEADING AIR POLLUTION RULES

WELC participated in the state of New Mexico's rulemaking to create nation-leading rules to limit air pollution from the oil and gas industry to protect New Mexicans' health and the climate. Now, an industry group is challenging those rules in court. WELC is intervening on behalf of frontline and community organizations. We are standing against this industry stunt, which seeks to create carve-outs for some of the state's biggest polluters, including the biggest methane polluter in the U.S.



WILDLIFE & WILDLANDS

CONTINUING OUR LEGACY OF FIGHTING FOR MEXICAN WOLF RECOVERY

We are challenging the U.S. Fish and Wildlife Service's inadequate Mexican wolf management rule for failing to promote recovery required under the Endangered Species Act. The rule fails to promote crucial genetic diversity by leaving wolves vulnerable to being killed or removed from the wild, and by preventing wolves from occupying suitable habitat north of Interstate 40. The rule also says the 200 Mexican wolves in the wild are "not essential" to the species' recovery. We couldn't agree less.

VICTORY CLOSING MASSIVE POST-WILDFIRE LOGGING LOOPHOLE

Stemming from a WELC legal challenge, the Bureau of Land Management will close a Trump-era loophole excluding logging in post-fire landscapes from detailed environmental review. The loophole allowed logging "dead or dying trees" on up to 3,000 acres—an increase of 2,750 acres—without detailed review. It also doubled allowable road-building from one-half mile to one mile. Overwhelming scientific consensus agrees that post-disturbance logging is a harmful ecological "tax" on the environment. We are pleased to have prompted this reversal.

FIGHTING INDUSTRIAL DAIRY POLLUTION IN WASHINGTON STATE

Communities are in crisis due to nutrient pollution from industrial animal feeding operations. From unsafe drinking water in Yakima County to the ecological emergency in Puget Sound, these facilities have outsized negative impacts on public health across Washington. In 2021, our hard-earned legal win forced the Department of Ecology to rewrite unlawfully weak permits regulating discharges from these operations, but the agency's "do-over" again fell far short. This year, we challenged the new permits because these communities deserve better.



CLIMATE JUSTICE

DEFEATING THE FOSSIL FUEL-SOAKED 'DIRTY DEAL'

The Inflation Reduction Act passed last fall, representing the largest-ever U.S. investment in climate resilience. But it also came at a cost to frontline communities in the bill itself as well as an affiliated "dirty deal" to satisfy Sen. Manchin's desire to weaken bedrock environmental laws such as the National Environmental Policy Act. WELC joined an historic effort with the larger conservation community to exert enormous pressure on lawmakers and successfully kept the "dirty deal" out of unrelated, must-pass legislation.

REFORMING NEW MEXICO'S 1935 OIL AND GAS ACT

The law that governs oil and gas extraction in New Mexico, the nation's second-largest producer, is antiquated, and we drafted a bill to modernize it. Our bill would charge state agencies with safeguarding environmental justice communities and the environment—not just their current mandate to promote extraction. It would allow regulators to require distance between wells and homes, schools, and hospitals. It would also lift an outdated bonding cap so operators—not taxpayers—pay to clean up their own messes when they go under. And it would create an environmental justice council to give frontline communities a voice.

PUSHING FOR STRONG METHANE PROTECTIONS FROM THE BLM & EPA

It is difficult to think of another situation in which geopolitical, economic, environmental, and human health interests so effortlessly harmonize as they do in the case of methane waste and pollution. As the Bureau of Land Management and Environmental Protection Agency prepare new rules to rein in rampant oil and gas industry waste and pollution, WELC is closely advising the Biden administration on how to optimize those rules for the climate, frontline communities, and taxpayers.



COLLABORATIVE FORESTRY IN THE PACIFIC NORTHWEST

Wildfire is an existential crisis facing some of our most cherished places—the forests that provide refuge across dry, western lands.

Over the past 150 years, mismanagement (overharvesting, intensive livestock grazing, fire suppression, and exclusion of Indigenous cultural burning) has tipped forests dangerously out of balance.

Today, dry, frequent-fire forests are full of smaller trees and ground fuels. Coupled with rising temperatures, extreme weather events, and increased drought, this is a recipe for megafires.

The path to forest restoration involves preserving as much old growth as possible, creating the conditions to develop older forests where none exist, and forest thinning where appropriate to allow prescribed fire to restart the historic fire cycle.

To understand what real restoration is, we look to peer-reviewed scientific research published in reputable

journals, insights shared by Indigenous peoples who have managed these lands for millennia, and lessons learned on the ground from land management practitioners and other restoration projects. We collaborate with the many people who share our concern about long-term forest health.

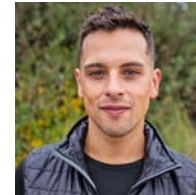
There is no management that will “fireproof” our forests. Large wildfires are a part of our future, but appropriate management can improve forest resilience and improve the chance that forest cover and wildlife will persist after the fire passes.

There is widespread agreement that action is required. In 2021, Congress passed the Bipartisan Infrastructure Law which allocated over \$5 billion to the Forest Service, largely for improving the agency’s response to wildfire. But not all “fuels reduction” or “restoration” is created equal.

Our role is to be a part of the conversation on how that money gets spent, speaking up for wildlife, salmon, and old growth forests at every turn.

GROWING OUR ADVOCACY AND EXPERTISE

WELCome to our new board and staff members!



Derek Red Arrow Frank, J.D., Board Member. Derek is an enrolled member of the Nez Perce Tribe, and the co-founder and co-leader of the American Indian Law Practice Group at the law firm of Stokes Lawrence Velikanje Moore & Shore where he represents and advises tribes, non-profit Tribal organizations, and Indian-owned businesses in litigation and disputes.



Brian Henning, Ph.D., Board Member. Dr. Henning is professor of philosophy and of environmental studies at Gonzaga University in Spokane, Washington, where he is the founder and inaugural director of the Gonzaga Center for Climate, Society, and the Environment. He is co-founder and former board chair of the climate action group 350 Spokane.



Sristi Kamal, Ph.D., Deputy Director, Oregon. Sristi is our first deputy director. She is a conservation practitioner with a focus on human dimensions of wildlife conservation and science-based policy advocacy. She has worked with Indigenous communities in India, landowners, and rural communities to address complex conservation and livelihood issues.



Sarah McMillan, Wildlands and Wildlife Program Director, Montana. With degrees from Williams College and the University of Montana School of Law, Sarah has worked in private practice, with WELC as a staff attorney, with WildEarth Guardians, and rejoined WELC in 2022. Using legal and policy tools, she has focused on protecting public lands and wildlife.



Jenna M.A. Kloeppel, Development Director, New Mexico. Jenna is a native New Mexican who brings to her work a love of the outdoors and wildlife, as well as an accomplished background in nonprofit management and philanthropy. Jenna holds degrees from George Washington University, Georgetown University, and the University of New Mexico.



Cindy McGinnis, Legal Assistant, Montana. Cindy joins us after working at the law firm of Browning, Kaleczyc, Berry & Hoven, P.C. for 12 years. She has also worked at the County Clerk and Recorder’s Office, and helped develop nonprofit, community grassroots groups focused on changing environmental norms to create sustainable, safe communities.



Rachel Heineman, Executive Assistant, New Mexico. Rachel earned a B.A. in geology from Oberlin College and an M.S. in environmental studies with a concentration in conservation biology from Prescott College. She has led ecological restoration projects in the Puget Sound and patrolled as a backcountry ranger in Canyonlands National Park.



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We are a nonprofit, public-interest environmental law center. 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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CHALLENGING A GOLIATH TO SAVE SHASTA RIVER SALMON

The federal government is shirking its legal duty to prevent extinction. The National Marine Fisheries Service is using a “safe harbor” program to grant immunity to water diverters and a dam operator who are pushing coho salmon toward extinction in California’s Shasta River. Adding insult to injury, one of the water diverters is billionaire Redd Emerson, whose Sierra Pacific Industries is the largest private landowner in the country. We have challenged this safe harbor program in court because it contributes significantly to the extreme depletion of coho salmon in the Shasta River, the most important salmon-producing tributary of the Klamath River, where coho stocks are down 95%.

