



Western
Environmental
Law Center

CELEBRATING 30 YEARS

Summer 2023

WE DESERVE A LIVABLE CLIMATE

WELC REPRESENTS YOUTHS IN FIRST-EVER CLIMATE TRIAL



VICTORY! Cascade-Siskiyou National Monument expansion stands! This win shields the only national monument dedicated to preserving biodiversity from timber interests that had sought significant logging in this ecological wonder. Learn more inside...

- > Safeguarding water and salmon
- > Fighting Tererro Mine
- > Truly “Honoring Chaco”
- > Protecting wolves and grizzlies
- > Advocating for beavers
- > Victory for Montana forest



Best Places to Work
from Outside Magazine

Best Nonprofits to Work For
from Oregon Business

Best Nonprofits to Work For
from Nonprofit Times

MAKING A DIFFERENCE INSIDE AND OUT

We are proud to share that we recently won three awards for our achievements in taking care of our staff as well as recognition for our organizational operations and transparency. *Outside* magazine, *Oregon Business*, and the *Nonprofit Times* recognized us with “best places to work” awards. Plus, year after year Charity Navigator, the leading charity evaluator in the U.S., continues to award WELC a 4-star rating. We are also again certified as Platinum Level by Candid, formerly GuideStar Exchange Program, which rates nonprofit transparency and impact on a national scale. These are both programs’ highest ratings and instill confidence in WELC’s effectiveness and integrity alongside our rigorous Better Business Bureau charity accreditation.



LOOKING ACROSS THE WEST

The kids are alright.

That’s the lesson I take from the work we’re doing, with partners, representing youths in Montana— young people who have a voice that, when matched with the power of law, can and will spark positive change to address the climate crisis and in service of a thriving, resilient future for all.

It’s awesome work, not just for what it seeks to achieve in Montana, but for what it bodes for us all, across the western U.S.

It’s easy to be frustrated with the pace of change. I feel that acutely in my home state of New Mexico, where Governor Lujan Grisham, after a promising first term, is proving rudderless in her second term when it comes to climate action.

I feel that, as well, when President Biden’s administration, while doing many good things when it comes to conservation and climate action, has continued to approve massive new oil and gas projects that cannot be squared with the hard reality of climate math.

But then I look at the rising generations of advocates and activists, some of whom, now well into their careers, have chosen to make WELC their professional home.

They bring fresh thinking and energy that, when matched with the seasoned experience of WELC’s veteran staff, provide a potent, undaunted force for change.

It has inspired us to further our mission with purpose and agility, to ground our work not just in technocratic ideas but, more deeply, in relationships with each other, with our communities, and with the infinitely beautiful world around us. We call this an ecology of kinship, and it is a key pillar of our future.

It’s such a privilege to share the wonderful work we’re doing in this newsletter in no small part because you make it all possible! Thank you.



For the West,

Erik Schlenker-Goodrich
Executive Director



FIRST-EVER CLIMATE TRIAL IN MONTANA

Montana is one of only a handful of states that recognizes a constitutional right to a clean and healthy environment, including a stable climate. For decades, the state of Montana has promoted, incentivized, and deregulated the fossil fuel industry, knowingly worsening climate change.

The state's fossil fuel permitting practices are degrading and depleting Montana's constitutionally protected public trust resources, including the atmosphere, rivers, lakes, fish, and wildlife. And Montana is intentionally ignoring the climate impacts of its decisions. Young people's way of life and constitutional rights to pursue life's basic necessities depend on the state disclosing the true climate impacts of its decisions and ending Montana's reliance on fossil fuels.

With our partners at Our Children's Trust and the McGarvey Law Offices, our staff attorneys are representing 16 young people who, like us, believe Montana's head-in-the-sand approach

to the climate crisis violates their rights under the Montana state constitution.

The youth plaintiffs ranged in age from two to 18 when we filed the lawsuit in 2020. They live in Missoula, Bozeman, Helena, Kalispell, Livingston, Bigfork, Polson, Broadus, and the Flathead Indian Reservation.

This summer, we will represent these inspiring young Montanans in the first youth climate case to go to trial in U.S. history. That this fight will go to trial is crucial and groundbreaking.

It has proven too easy in the past for judges to read and dismiss court filings about plaintiffs' experiences suffering from the climate crisis, governments' roles in worsening the problem, and the injustice of governments stifling climate action. Human nature dictates that looking a child in the eyes and telling them you will not help them secure a livable future would be a much more difficult proposition. We will soon find out. Our trial will be held in Helena, Montana, June 12-23.



VICTORY FOR CASCADE-SISKIYOU NATIONAL MONUMENT

This spring, we won a long-fought victory in the Ninth Circuit Court of Appeals upholding President Obama's 48,000-acre expansion of Cascade-Siskiyou National Monument in Oregon and California. Timber interests had sued the federal government to reverse this decision, purporting the lands were legally required to be logged.

This special place at the junction of the Cascade Range and the Siskiyou Mountains is the only monument specifically designated to safeguard biodiversity. Four ecoregions exist in the monument, including a wide range of topography, climate, and geology. The area is widely recognized as one of the most biologically diverse places in North America and serves as an important ecological link for migration and genetic dispersal in the Northwest.

Monument supporters, from local residents and conservation groups to elected officials including two consecutive Oregon governors and both of Oregon's U.S. senators, plus

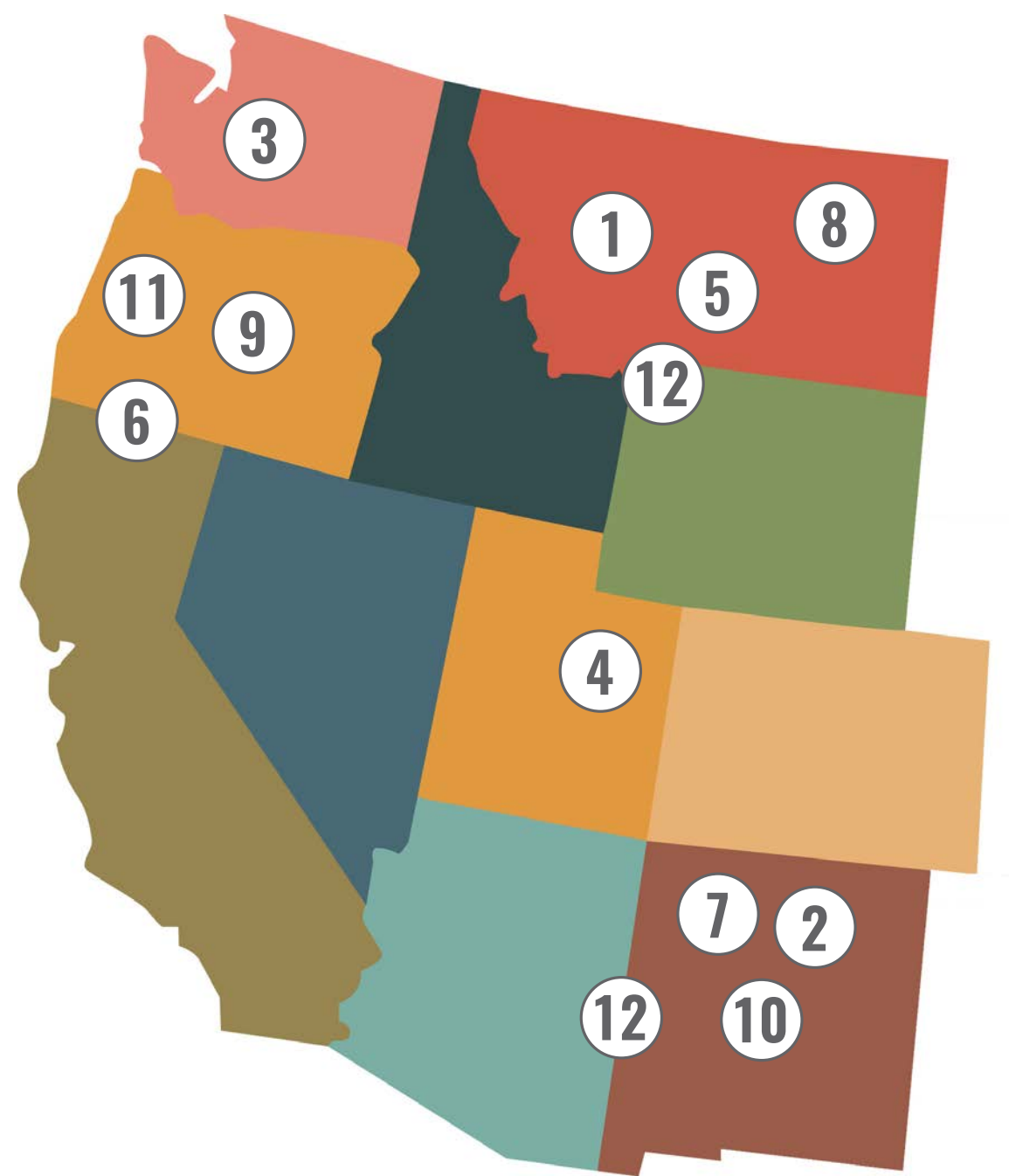
Tribes, business owners, scientists, hunters, and anglers, have fought for decades to protect this special area.

Our victory in this case, in partnership with southern Oregon groups such as the Soda Mountain Wilderness Council and KS Wild, clarifies decades of murkiness surrounding the Oregon and California Railroad Revested Lands within the monument, known as "the O&C Lands." Timber companies have argued for many years that these lands must be logged and cannot be protected for their ecological values.

As climate change alters ecosystems, their resilience to these new conditions hinges on biodiversity. We are proud to have helped protect this critical stronghold of biodiversity in this historic moment.

A similar case brought by timber industry groups in Washington, D.C., is pending in that appellate court. We are hopeful our Ninth Circuit victory will positively influence the D.C. Court of Appeals to rule in our favor as well.

WE DEFEND THE WEST



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

- 1

VICTORY DEFENDING THE HELENA NATIONAL FOREST IN MONTANA
This spring, we won a case representing the Helena Hunters and Anglers Association that will restore wildlife habitat in the Helena-Lewis and Clark National Forest. Off-road vehicle interests had challenged the closure of motorized routes in sensitive wildlife habitat. Many of the 144 miles of roads and trails rightly closed were created illegally and in roadless areas or recommended wilderness areas. This area is extremely important for big game, threatened grizzly bears, and much of it is lynx critical habitat.
- 2

FIGHTING TERERRO MINE IN NORTHERN NEW MEXICO
In 2022, WELC led the successful effort to designate the Upper Pecos Watershed—a stunningly beautiful area and the gateway to the Pecos Wilderness—with Outstanding National Resource Waters (ONRW) protections. However, a company wants to conduct exploratory mining in the area we protected. WELC is representing the Upper Pecos Watershed Association, a partner in the ONRW work, to safeguard this now-protected region from harmful mining and ensure a U.S. Forest Service environmental assessment adequately considers possible effects on the land, water, and communities in this area.
- 3

PROTECTING WATER, ORCAS, AND SALMON IN WASHINGTON
The U.S. Environmental Protection Agency (EPA) has repeatedly approved water quality standards that allow harmful levels of cyanide in Washington’s waters. As a result, mining operations, steel manufacturing, heat-treating, metal cleaning, electroplating facilities, and publicly owned wastewater treatment facilities are allowed to release dangerous levels of cyanide into these waters. Our legal team filed a lawsuit against the EPA over its failure to protect imperiled salmon, trout, and orcas from the effects of this toxic cyanide pollution.
- 4

REVERSING A UTAH COAL MINE EXPANSION
With our partners at the Sierra Club in Utah, we are challenging federal approval of an expansion of the Lila Canyon underground coal mine that would cause severe climate damage and negatively affect the Book Cliffs Mountain Range, Turtle Canyon Wilderness area, and the San Rafael Swell. If allowed to go forward, the expansion would result in more than 11 million tons of greenhouse gas emissions.



CLIMATE JUSTICE

WORKING TOWARD A JUST TRANSITION IN NEW MEXICO

We participated in an influential New Mexico board hearing that increased opportunities for equitable, green investment for \$70 million of new state economic development funding. Adopting many of our requested changes, the board unanimously implemented rules and policies prioritizing environmentally sustainable projects and economic diversification. The rules are overwhelmingly in favor of environmental, equity, and diversification guardrails with protections in place to ensure funding benefits historically overburdened communities.

PROVIDING GUIDANCE ON HOW TO TRULY “HONOR CHACO”

Our attorneys, in their role with the Greater Chaco Coalition, submitted detailed guidance to Interior Sec. Deb Haaland and federal agencies on how to ensure the federal “Honoring Chaco Initiative” is substantive instead of merely performative. Greater Chaco is heavily industrialized—more than 90% leased for oil and gas extraction—but is still the ancestral and spiritual home of many Pueblo and other Tribal peoples. The recommendations should serve as a good starting point for environmental justice-based policies that protect the integrity of this region.

FIGHTING A 25% ELECTRICITY RATE INCREASE IN MONTANA

Montana’s monopoly utility, NorthWestern Energy Corporation, has submitted an application for approval to raise electricity rates approximately 25% and to introduce a gimmick called a “reliability rider” to force Montana consumers to pay for a yet-to-be-built fossil gas power plant. This would be incompatible with climate goals and would lock in fossil-fuel dependence for electricity for at least the next 20 years in Montana. We are intervening on behalf of Renewable Montana to ensure the battery storage NorthWestern Energy seeks will be used for renewable-generated electricity and not a new gas plant.



WILDLIFE & WILDLANDS

ADVOCATING FOR BEAVERS IN THE BEAVER STATE

We are back at it this legislative session in support of the Oregon “Beaver Believer bill,” which would end unlimited, permitless beaver killing in the state. The bill would also establish the first-ever system for monitoring the state’s beaver population so land and wildlife managers can make more informed decisions. The bill, which would simply remove beavers’ “predator” classification has at the time of this writing passed the Oregon House of Representatives as well as the Senate Natural Resources Committee. A full senate vote remains.

FIGHTING PESTICIDE USE IN NATIONAL WILDLIFE REFUGES

Pesticides including glyphosate are currently allowed for agricultural purposes within national wildlife refuges in New Mexico. These harmful chemicals are threatening the very wildlife these places were intended to protect, as well as water and soil. Pesticides have no place in these sanctuaries. Our legal team is taking action to rein in the reckless use of pesticides in national wildlife refuges, helping to protect the wildlife that live there as well as the communities that recreate and work on those lands.

CHALLENGING EUGENE-AREA LOGGING IN ENDANGERED SPECIES HABITAT

We are challenging the Bureau of Land Management’s N126 Late Successional Reserve Landscape Plan Project, one of the largest logging proposals on public lands in Oregon in decades. The targeted forests contain at least three federal Endangered Species Act-listed species: northern spotted owl, marbled murrelet, and coho salmon. The agency failed entirely to consider impacts to these species, among other errors. BLM has purposely hidden the specifics about this massive logging project from public review, but we aim to shine a light on the agency’s intentions and protect these forests and animals.



WE MUST TEND THE GARDEN OF ENVIRONMENTAL LAW

Believe it or not, some renewable energy proponents are loudly supporting right-wing Republicans' and Sen. Joe Manchin's "permitting reform" push, which will overwhelmingly benefit the fossil fuel industry by gutting our bedrock environmental laws.

Though a minority, this vocal block has demanded that we "clear the thicket" of climate, public health, and environmental laws. This is reckless. But it does underscore how we must be vigilant and tend the garden of environmental law. That means investing in agencies to fulfill the promise of laws such as the National Environmental Policy Act (NEPA) and bringing people into the energy transition conversation early on.

Let's be clear: the problem isn't NEPA. It's political leaders who have starved government agencies of resources. It's bad projects approved for political reasons. It, too, is agency culture discouraging creativity and imagination for solving problems.

Meeting people where they are as well as considering their values and concerns seriously are crucial to earning community support for and expediting renewable energy projects. We must do so well before the design and approval of a project is a done deal. Ensure people are direct participants in and beneficiaries of the energy transition, and we can create a movement built for success.

Gutting NEPA at this climate inflection point would be disastrous. The public has used NEPA to hold the line against bad projects, but opportunity abounds for NEPA to also be a tool that promotes good projects. To do this, we're exploring a range of progressive reforms that invest in government and create the conditions needed to push agencies to advance good projects. We cannot get trapped in the short-sighted expediency driving current debates in Washington, D.C. to weaken our bedrock environmental laws. We need long-sighted momentum that brings people together in service of durable climate action.

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.





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CELEBRATING 30 YEARS

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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PROTECTING WOLF AND GRIZZLY HABITAT FROM GRAZING

The federal government routinely approves livestock grazing in sensitive wildlife habitat, creating unneeded conflicts. We are challenging expanded grazing in Montana's Paradise Valley, adjacent to Yellowstone National Park. Several of the allotments are in designated grizzly recovery zones and within important habitat linkages.

We are also challenging a U.S. Forest Service decision allowing livestock grazing across 271,665 acres in the Apache-Sitgreaves and Gila National Forests in Arizona and New Mexico. Livestock grazing here would harm endangered Mexican wolves, water resources, wilderness values, and riparian habitats in one of the Southwest's most treasured areas.

