



**Victory for Montana youth climate case: We successfully defended our win at the Montana Supreme Court!**

- > Victory for grizzly bears
- > Protecting forests
- > Wins for lynx, trout, and more
- > Stopping coal expansions
- > Holding the line on Trump
- > Cases for clean water and air





## MONTANA SUPREME COURT UPHOLDS YOUTH CLIMATE WIN

We successfully defended before the Montana Supreme Court our historic *Held v. Montana* victory guaranteeing our youth plaintiffs' rights to a "clean and healthful environment," including a livable climate. This win is a decisive rejection of the state of Montana's recalcitrant promotion of climate-harming fossil fuel development while stifling renewable energy. We prevailed for a simple reason: We proved our youth clients have suffered financial loss, health challenges, and anxiety that the Montana Constitution obliged the state to avoid and minimize. Now, we have our sights on using the power of the law to defend every Montanan's right to a livable climate.

Listen to WELC's new podcast to learn more about this win: [bit.ly/WELCpodcast](https://bit.ly/WELCpodcast)

# ACROSS THE HORIZON

Kinship. Gratitude. Joy.

These words animate who we are and how we act in this moment.

Kinship to harness the immense power we have in relationship with each other and the world around us.

Gratitude for the privilege to stand tall in this moment against the fascist, oligarchic forces now in command of our federal government.

And joy to embrace the beauty and love that kindle an irrepressible flame in us all.

It is with kinship, gratitude, and joy that we will find our way through these dark times.

Fascism, spearheaded by billionaire oligarchs, holds the country in its deathly grip.

Too many fail to adhere to the historian Timothy Snyder's admonition: "Do not obey in advance."

Meanwhile, the interwoven climate and biodiversity crises rage on, with cities burning, rivers running dry, and wildlife struggling to find a place in an unraveling world.

Know the grief this brings. Do not run from it, for we are in a moment of endings. But do not wallow in it either. Grief is a passage from what was to what can be.

And it is here that grief can be the rich soil from which new beginnings—nourished by kinship, gratitude, and joy—take root.

For the West,

Erik Schlenker-Goodrich  
Executive Director

Sristi Kamal, Ph.D.  
Deputy Director







## WINS FOR GRIZZLIES: ENDANGERED SPECIES PROTECTIONS AND MORE

### Retaining Endangered Species Protections for Grizzlies

In January, the U.S. Fish and Wildlife Service rejected petitions from Montana, Idaho, and Wyoming to remove Endangered Species Act protections for grizzly bears, citing scientific evidence that the species has not fully recovered. The agency also abandoned efforts to individually remove grizzly bear populations from protective status, which WELC successfully challenged in our 2018 case against delisting Greater Yellowstone grizzlies.

Under the new, proposed listing rule, grizzlies will be managed under a more holistic approach that aims to restore movement and connectivity. Grizzlies' recovery depends on better connectivity between populations. Grizzly bears still face threats from loss of secure habitat, motorized access, climate change, development, and hostile state management. Depending on the final rule, WELC will either defend it or, if weakened, challenge it.

### Protecting Grizzlies from Wildlife Services in Montana

Last November, we won a case in federal district court that determined federal wildlife-killing program Wildlife Services broke the law by failing to properly assess the environmental impacts of killing grizzly bears in Montana. Our case centered on Wildlife Services' predator removal program clearly harming grizzly bear recovery, especially in terms of connectivity between recovery zones.

The court found that the agency disregarded scientific evidence and failed to consider the consequences of its actions on grizzly populations. As a result, Wildlife Services must prepare a new, more thorough analysis by November 2026.

We are still concerned about Wildlife Services' impact on the long-term recovery of grizzly bears, and we will continue to challenge unscientific kill-first wildlife management by this notorious program.



## FIGHTING FOR CLEAN WATER AND CLIMATE ACTION IN NEW MEXICO

New Mexico's 2025 legislative session is off to a roaring start. This year appears promising for climate action and water protection. WELC staff have been advising bill authors, agencies, and sponsors; testifying; and advocating for protections and change. The Clear Horizons Act and associated funding bills offer opportunities to reduce emissions and promote renewable energy. Gov. Lujan Grisham cheered the bills in her State of the State address, saying "Let's get it done!"

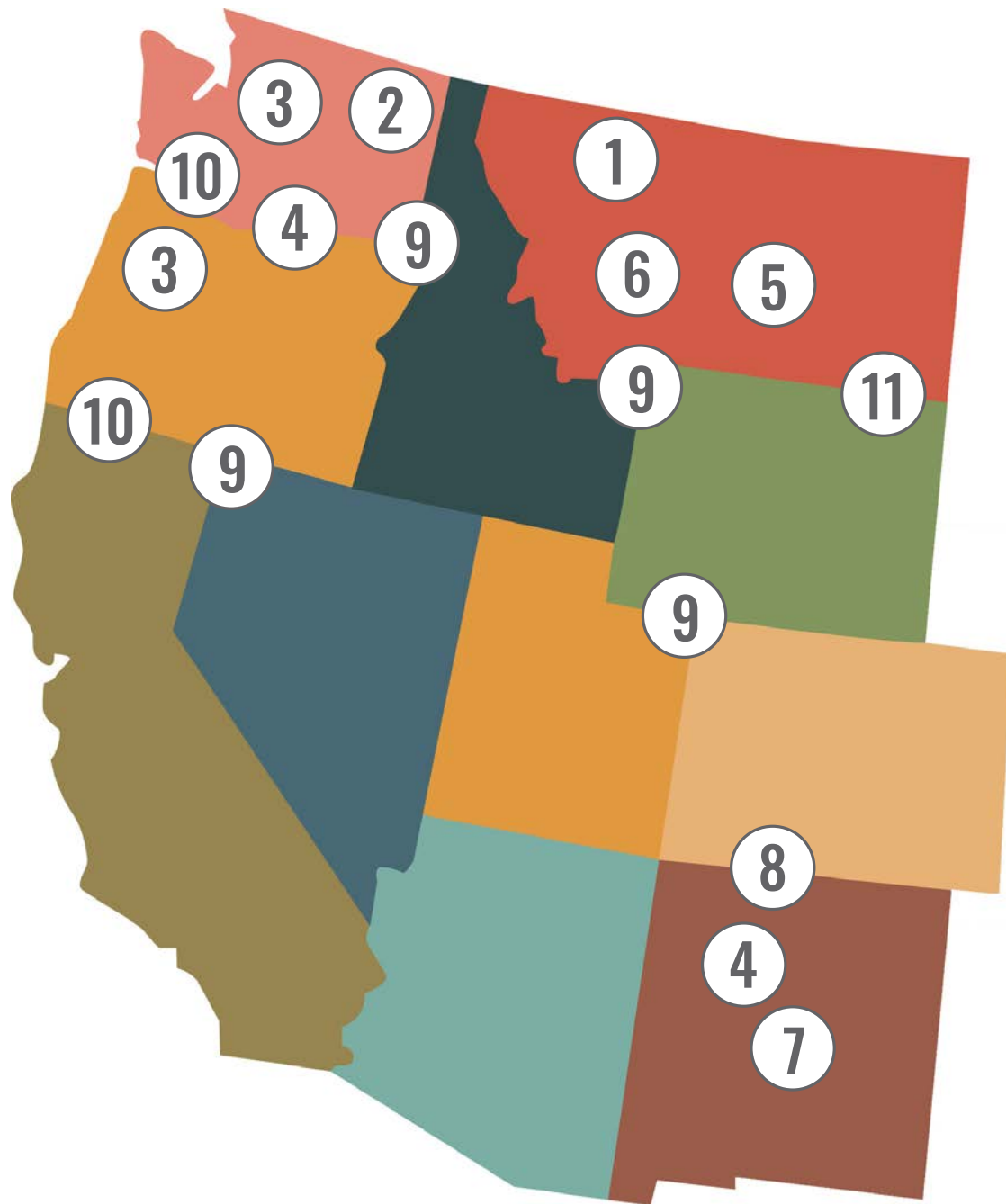
The Clear Horizons Act would codify into law state greenhouse gas emissions limits in a 2019 executive order, shielding them from future rollbacks. Unfortunately, this bill hit a wall in the Senate Finance Committee. We're cautiously optimistic that a companion bill, the Community Benefit Fund, will be passed into law. It would invest heavily in communities disproportionately impacted by climate change, providing resources for workforce development, retraining, renewable energy and infrastructure, energy efficiency, and other projects

that reduce carbon pollution and build a sustainable economy. We are also advocating strongly for New Mexico to create a state surface water permitting program to fill the gaps created by a 2023 U.S. Supreme Court decision gutting the Clean Water Act. That decision left 95% of New Mexico's waterways unprotected. And New Mexico is one of only three states without authority from the EPA to administer its own point source discharge program.

**That Supreme Court decision combined with arid New Mexico's lack of a state program to protect our most precious resource led American Rivers to designate ALL of New Mexico's rivers as the most endangered in the country in its 2024 Most Endangered Rivers report.**

Thankfully, the New Mexico legislature appropriated \$7.6 million in the 2024 budget for a permitting program. Our team is actively working with the state to restore the clean water protections that were in place for more than 50 years for 95% of New Mexico's waters.

# WE DEFEND THE WEST



- 6 Youth climate win, inside cover
- 7 Clean water and air in NM p. 3, 6
- 8 Victory for lynx recovery, p. 7
- 9 Defending wolves, reintroduction, p. 7
- 10 Revising the Northwest Forest Plan, p. 7
- 11 Defending win to end coal leasing, back

- 1 WIN PROTECTING THREATENED GRIZZLIES FROM TRAIN COLLISIONS**  
 BNSF Railway operates trains through prime grizzly bear habitat in the Northern Continental Divide recovery zone in Montana. Trains operated by BNSF or on its tracks have killed 75 grizzlies since 1975. Our attorneys sued BNSF for operating without a required plan to reduce grizzly strikes. A new plan was approved this February. The company must now take actions to reduce the risk of trains hitting grizzlies for seven years, whether the Trump administration strips grizzlies of endangered species protections or not.
- 2 VICTORY PROTECTING LYNX HABITAT FROM LOGGING**  
 We secured a legal agreement with the U.S. Forest Service to modify a logging project in Washington state’s Kettle River Mountains to better protect habitat for threatened Canada lynx. The federal government is required to protect and recover critically imperiled species such as the Canada lynx, and to ‘look before it leaps’ when taking actions that may work against recovery. We are pleased with the result, which will be healthier lynx populations and better protection of the area’s recreational and ecological values.
- 3 WINS FOR CLEAN WATER AND NATIVE STEELHEAD TROUT**  
 We won a challenge to water quality permits Washington state granted to industrial agriculture operations that would have allowed harmful nutrient pollution to flow into streams, rivers, and other waters. In addition, we won a case to protect native winter steelhead in Oregon from a program that releases 242,000 non-native hatchery fish into the North and South Santiam rivers annually. We hope to secure an agreement to halt non-native fish stocking in waters occupied by the small counts of winter steelhead.
- 4 HELPING BEAVERS THRIVE IN THREE WESTERN STATES**  
 We are actively engaged in promoting healthy beaver populations in three western states. In the Oregon legislature, we are propelling a Landowners Living with Beaver Fund to promote coexistence and non-lethal management. In New Mexico, we are supporting a three-year, \$500,000 appropriation to fund state efforts to improve beaver management. And in Washington state, WELC facilitates a beaver policy group to find ways to help nature’s engineers thrive.
- 5 FIGHTING ANOTHER COAL MINE EXPANSION IN MONTANA**  
 We are preparing to challenge—again—an expansion at the Bull Mountains Coal Mine near Roundup, Montana. Two years ago, we won a case blocking a 175-million-ton expansion there, and we will fight this new 12.7-million-ton proposal just the same because there is no room for coal in a climate emergency. The mine has a shameful history of environmental degradation, and its operator has been called a “den of thievery” by the U.S. Attorney’s Office, leading us to petition the Montana DEQ to revoke its permit.



# CLIMATE JUSTICE



## WIN DEFENDING FEDERAL AUTHORITY TO PAUSE OIL AND GAS LEASING

President Biden paused some oil and gas leases in 2021 to better study their environmental impacts, something well within his rights to do. Ever searching to erode any impediments to drilling, the oil and gas industry and several states sued the Bureau of Land Management over the decision. WELC intervened to defend the pause, and after four long years, a federal court in Wyoming confirmed that yes, the Bureau of Land Management can choose not to offer oil and gas leases due to environmental concerns.

## VICTORY DEFENDING CLEAN AIR IN NEW MEXICO

We successfully defended New Mexico clean air rules for oil and gas companies from an industry appeal. The rules require strict controls on emission of volatile organic compounds and nitrous oxides, pollutants that threaten public health. The rules also significantly reduce methane, a powerful greenhouse gas. The court upheld WELC's proposal to increase leak detection and repair for oil and gas wells within 1,000 feet of homes, schools, and businesses to protect frontline communities, which in New Mexico disproportionately include people of color, Native Americans, and low-income communities.

## PROTECTING THE FEDERAL PUBLIC LANDS CONSERVATION RULE

We are in court defending the Biden administration's public lands conservation rule, which creates a framework for the Bureau of Land Management to manage 245 million acres for conservation, from state and industry lawsuits. Modernizing public lands management for conservation and climate protection for the 21st century completely adheres to the broad authority and responsibility the agency bears under well-established law. The public lands rule will serve as a key tool to help the U.S. meet its climate goals. We are decades behind in reaching them. We plan to challenge any Trump attempt to withdraw or replace this sensible rule.

# WILDLIFE & WILDLANDS



## VICTORY FOR CANADA LYNX RECOVERY IN NEW MEXICO AND COLORADO

Late last year, the U.S. Fish and Wildlife Service finalized a recovery plan for Canada lynx and a proposed critical habitat rule in response to WELC litigation that would designate the first-ever critical habitat protections in the southern Rockies. This would protect areas vital for lynx recovery, including those threatened by climate change. We successfully litigated to expand lynx critical habitat to help this wild cat survive. The new habitat would cover 7,679 square miles in Colorado and parts of New Mexico. We expect a final rule in 2025.

## DEFENDING WOLVES NATIONWIDE AND REINTRODUCTION IN COLORADO

Last year we challenged the U.S. Fish and Wildlife Service's failure to protect western wolves under the Endangered Species Act. The decision ignored obvious threats to wolves throughout the West, including hostile state wildlife management and small population size, and defied the best available science. In addition, we are fighting to shield wolf reintroduction in Colorado from industry lawsuits—and winning. In 2023, we successfully intervened against a livestock industry lawsuit seeking to block wolf releases and the reintroduction took place as planned.

## REVISING THE NORTHWEST FOREST PLAN FOR THE TREES

The Northwest Forest Plan is a renowned, science-based management agreement for 24.5 million acres of federally managed lands in western Oregon, Washington, and northwestern California. The plan was created in 1994 to balance protecting old-growth forests and endangered species such as the northern spotted owl while allowing logging on these public lands. Now, for the first time in 30 years, the U.S. Forest Service is amending this plan. WELC is participating in this process to advocate for improved wildlife and habitat protections as well as legitimate Tribal consultation.



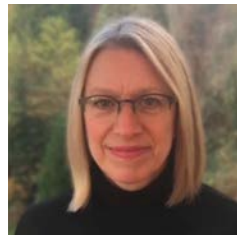
# GROWING OUR ADVOCACY AND EXPERTISE

**WELC**ome to our new board and staff members!

The Trump administration has already begun attacking western public lands, forests, wildlife, clean water, and the climate. WELC has hired additional attorneys to defend our values and protect nature—the planet’s life support system. Our team is now stronger than ever, and we are grateful for the seasoned expertise and new ideas our new colleagues and board member are already providing to help us meet this challenging political moment.



**Sandra Zellmer, Board Member, Missoula, MT.** Sandra is a professor and director of natural resources clinics at the University of Montana School of Law. She has published law review articles, nutshells, and books. She received the Clyde O. Martz distinguished teaching award and a Fulbright project award. She is a member of the American College of Environmental Lawyers.



**Marlyn Twitchell, Senior Attorney, Seattle, WA.** Marlyn earned a J.D. and certificate in environmental law from Lewis & Clark Law School. She has worked at Earthjustice, the National Audubon Society, and Alaska Legal Services. She has served in leadership positions and as a consultant to Climate Solutions, Oceana, The Packard Foundation, Toxic-Free Future, and more.



**Matt Nykiel, Attorney, Salida, CO.** Matt was a wildland firefighter for the U.S.F.S. and then earned a J.D. at the University of Colorado Law School. After clerking for Colorado’s Eighth Judicial District Court, Matt worked with the Idaho Conservation League and WildEarth Guardians. He also coordinated forest stewardship and restoration in Colorado with the National Forest Foundation.



**Karli Uwaine, Attorney, Eugene, OR.** Karli earned her J.D. at Lewis & Clark Law School with certificates in environmental and animal law. At law school, Karli worked for Earth Law Center, Native Hawaiian Legal Corporation, and the Global Law Alliance for Animals and the Environment. She served WELC as a Diehl Fellow prior to becoming a staff attorney.



**Laurele Fulkerson, Senior Foundations Officer, Portland, OR.** Laurele has 20+ years of experience focused on nonprofit management and environmental law and policy. She has worked at WildEarth Guardians, Cascade Forest Conservancy, and Wild Salmon Center. She earned a J.D. and Certificate in Environmental and Natural Resources Law from Lewis & Clark Law School.

## YOUR GIFT EMPOWERS WELC TO DEFEND THE WEST

All the cases, advocacy, and wins highlighted in this newsletter are made possible by our generous supporters. Individual, business, and foundation gifts allow us to fight in court to defend the West on behalf of our partners and clients, free of charge.

We offer a variety of donation options and planned giving opportunities including: charitable gift annuities; gifts of stocks, bonds, and mutual funds; automatic monthly giving; workplace giving; and more. Donors who include us in their estate plans join our honored Gil F. Staender Legacy Circle.

Make a lasting contribution by including WELC in your estate plans—or make a gift now to see your impact reflected in the issues that are important to you today. Gifts of all types and sizes sustain WELC to use the power of the law to foster thriving, resilient western lands, waters, wildlife, and communities in the face of a changing climate.

Please contact Jenna Kloepfel at 575-305-3993 or [jennak@westernlaw.org](mailto:jennak@westernlaw.org) for more information, or to learn more about planned giving options.

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.







Western Environmental Law Center  
 120 Shelton McMurphey Blvd.  
 Suite 340  
 Eugene, OR 97401

Oregon | Washington | New Mexico | Montana | Colorado

NonProfit Org  
 US Postage  
 PAID  
 Eugene, OR  
 Permit No. 17

We are a nonprofit, public-interest environmental law center. We use the power of the law to foster thriving, resilient western lands, waters, wildlife, and communities in the face of a changing climate.

# WESTERNLAW.ORG



Printed on 100% post-consumer paper with soy inks.

Photo Credits: Cover and inside cover by Renata Harrison. Other © iStockPhoto.com. Page 2/JackVandenHeuvel, 3/JannHuizenga, 4/Alliya23, 6/imaginima, 7/MikeLane45, 9/RomanKhomlyak, back/franckreporter, envelope/Fly View Productions.



## DEFENDING OUR WIN TO END COAL LEASING IN THE POWDER RIVER BASIN

For more than a decade, we have challenged coal mining expansions and permits in Wyoming and Montana’s Powder River Basin—the epicenter of U.S. coal production. Our litigation has proven effective, compelling the federal government to rethink the future of coal. In 2024, the Biden administration took the unprecedented move of ending new coal leasing in the basin, keeping about 48 billion tons of coal in the ground. States and industry have predictably sued over the decision, and we will intervene in those cases to defend this great victory for our climate.