



## **WIN PROTECTING GRIZZLIES AND FORESTS NEAR YELLOWSTONE**

*Our court victory protected more than 16,500 acres adjacent to the park from logging and road building—a significant victory for the region’s wildlife and forests.*



- > **Emergent Horizons**
- > **Defending wildlife**
- > **Victories for clean air and water**
- > **Challenging fracking and mining pollution**
- > **Win for wolverines**
- > **Protecting forests**

# EMERGENT HORIZONS

Institutions in the U.S. have buckled under an authoritarian surge bent on dominating people and the natural world. We see it plainly: communities crushed under systemic oppression, foundational environmental protections stripped away with reckless speed, and an alliance of energy and technology industries colonizing every dimension of human life. We refuse to accept this as inevitable.

With purpose and courage, we have built Emergent Horizons, a campaign to forge new institutions and systems capable of carrying us from the wreckage of what has failed to the full promise of what is possible: A just and thriving U.S. West, abundant with protected and interconnected ecosystems, powered by renewable energy, and cared for by communities brought together in an ecology of kinship.

We know the forces arrayed against us are immense. And we know this campaign will prove a hotly contested, generations-long endeavor. But we think the American people hold an immense desire for a high-functioning, people-powered government that builds societal trust, dignity, purpose, and belonging.

This effort—which will complement and amplify our ongoing litigation and strategic advocacy—is grounded in two core strategies.

First, we will advocate for new laws that center people and nature. The Earth is our home, not a commodified resource to be drilled, mined, and exploited for profit and power.

For too long, our legal systems have bent the knee to fossil fuel, technology, and other industries whose activities have breached planetary boundaries, from biospheric integrity and ocean acidification to climate change. This must end, and we will develop new laws that facilitate a socially and ecologically just transition away from decaying systems grounded in extraction and exploitation to emergent systems grounded in kinship and shared survival.

A focal point of this effort is our federal public lands system, which for decades has been governed by a “multiple use” mandate that has proven wildly inadequate to address the climate crisis, safeguard watersheds and wildlife, and incorporate Indigenous knowledge and connection with the land.

Second, we will advocate for revitalized government institutions and decision-making processes that center the interests of people and nature, not technology and corporations.

Federal agencies, born from the New Deal and post-World War II order, have decayed due to decades of

# Revitalizing Environmental Law in Service of a Just, Thriving, and Abundant Earth

political neglect and, most recently, been systematically dismantled by the Trump administration's pathology of domination. Meanwhile, the defining challenges of this century—climate breakdown, ecological collapse, runaway corporate power, and the rise of U.S. authoritarianism and its attendant harms to freedom and egalitarianism—bear little resemblance to the issues the 20th Century's institutions were built to address.

This demands that we rethink and reimagine—not merely rebuild—institutions capable of creating the rugged, green infrastructure of the future, winding down and remediating the fossil fuel infrastructure of the past, and protecting and restoring resilient natural systems in an era of deepening ecological instability.

For us, this means well-coordinated agencies guided by independent scientific expertise, accountable to communities on the frontlines, and structured to give the natural world a genuine seat at the table.

These strategies are ambitious by design, and success is not guaranteed. But in this fraught moment we cannot afford to succumb to the “fester of small mediocrities,” in the words of the poet John O’Donohue.

We must meet the rise of extractivist, authoritarian forces with courage and conviction. And we must build—

alongside all who are committed to democracy and an ecology of kinship—the power to transform what is broken.

And so we ask you: Stand and fight with us—for your neighbors, for the grizzly and wolverine and salmon, for the old-growth forests and ancient rivers of the West. Then go farther alongside us, toward the emergent horizons that give this struggle its purpose and destination.

In Kinship,



Erik Schlenker-Goodrich  
Executive Director



Sristi Kamal, Ph.D.  
Deputy Director





## VICTORY FOR GRIZZLIES AND FORESTS NEAR YELLOWSTONE

**W**e delivered a major win for wildlife and public lands adjacent to Yellowstone National Park late last year. We successfully challenged a U.S. Forest Service plan to log more than 16,500 acres of pine forest and build more than 58 miles of roads in Montana’s Custer Gallatin National Forest.

Now, the agency must rethink the consequences of logging and road work in this important wildlife recovery area and develop a new approach for how it defines and manages “secure habitat” for grizzlies.

The ruling halted the South Plateau Landscape Area Treatment Project, which would have allowed 15 years of logging—including clearcuts in core habitat for grizzlies and other wildlife.

This is an especially vulnerable and problematic area for Yellowstone grizzly bears. Meanwhile, the proposal did not specify the location of road-building and did not apply the best science on grizzlies’ secure habitat

needs. For example, the agency assumed grizzly bears only need tiny, 10-acre patches of undisturbed secure habitat even though research suggests they need much larger areas—sufficient to support them for 24 hours.

The court ruled that the agency’s use of “condition-based management” unlawfully delayed critical decisions necessary to assess the project’s effects on grizzly bear habitat. For grizzly bears, the location of the roads and the size and configuration of patches of secure habitat the bears need to survive and recover—away from human disturbance—are critical.

The ruling reinforces what biologists and local communities have long known: Grizzly bears need large, undisturbed and connected landscapes to recover. The U.S. Forest Service and Fish and Wildlife Service must now go back to the drawing board with transparency about road and logging locations, use the best available science, and show how the plan truly protects threatened wildlife species.



## PROTECTING WATER IN MONTANA FROM UNPERMITTED OVERUSE

**W**e filed a case on behalf of a broad coalition of farmers, ranchers, landowners, municipalities, and conservation organizations to protect Montana’s water from unchecked and unfair overuse. We are challenging the state’s “exempt well loophole,” which allows developers to drill groundwater wells without permits, even in river basins where water is already in short supply and legally closed to new water use.

Water in Montana is scarce and essential. Under state law, senior water rights holders—those who have relied on the same water sources for generations—should be protected from harm caused by newer uses. But this loophole has allowed tens of thousands of new wells to be drilled with little oversight, exacerbating the impacts of drought and low streamflows which harm rivers and fisheries, and impair water supplies that farms, ranches, and towns depend on.

In response to a 2009 WELC challenge, the Montana Supreme Court ordered

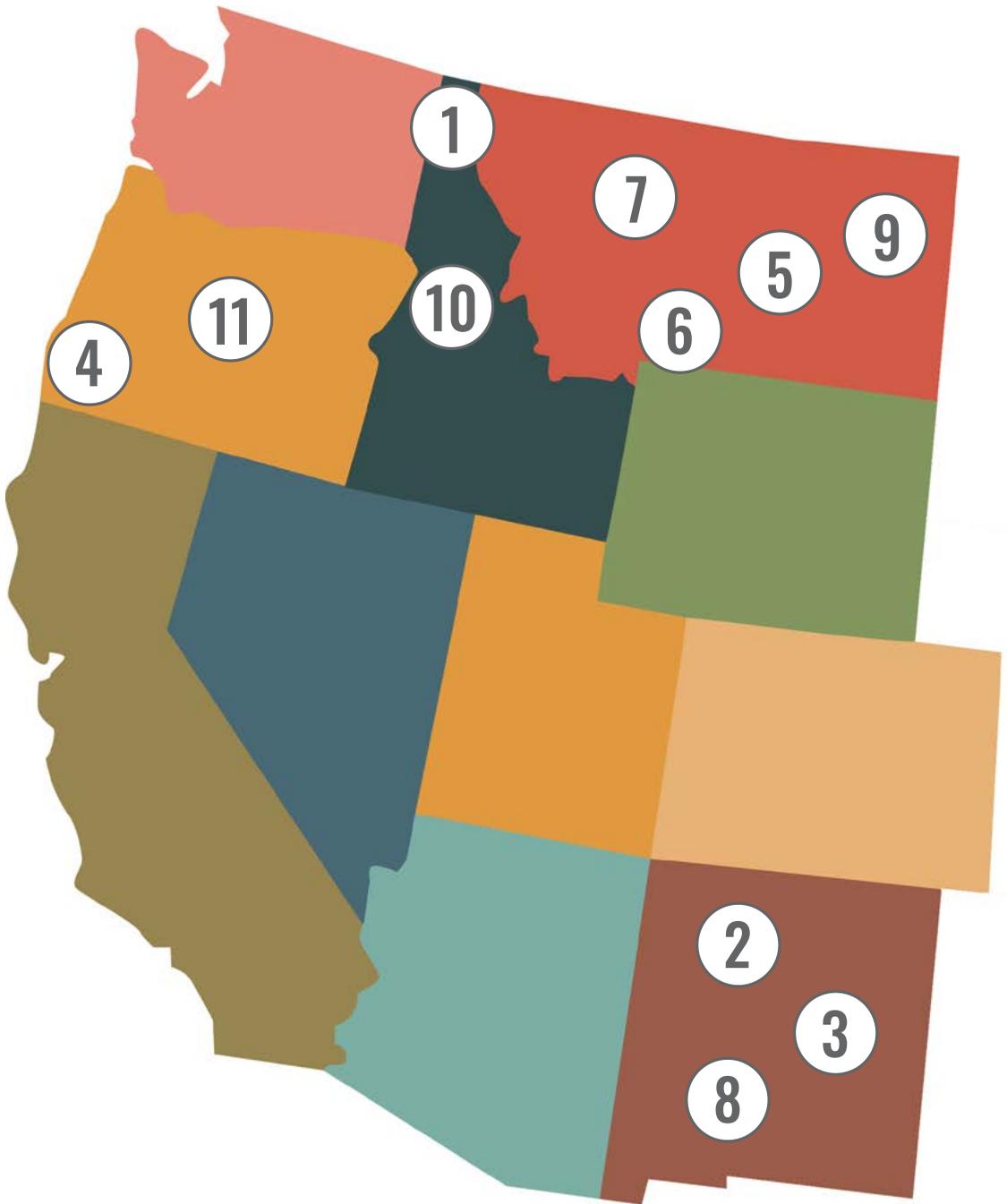
the state to rein in abuse of this exemption a decade ago. Instead, unregulated well development has continued to surge.

Our new case argues the Exempt Well Law itself violates the Montana Constitution’s protection for senior water users and Montanans’ right to a clean and healthful environment by favoring unpermitted users over law-abiding water rights holders, denying the public transparency and participation, and failing to protect a shared public resource.

**Importantly, this case is about fairness, accountability, and Montana’s future.**

Responsible growth is possible. Montana already has smart, workable solutions: community and municipal water systems, properly permitted shared wells, and mitigation frameworks that protect rivers and neighbors. Closing this loophole would protect senior water rights, strengthen communities, and ensure clean, reliable water for generations to come.

# WE DEFEND THE WEST



6 Win for grizzlies and forests, p. 2

7 Defending Montana's water, p. 3

8 Protecting land, air, and people, p. 6

9 Stopping secret coal mine maneuvers, p. 6

10 Protecting the Salmon River, p. 7

11 Advocating for wildlife and habitat, back

## **1 WIN: PROTECTING WOLVERINE AND 300,000 ACRES IN IDAHO**

When we learned that the U.S. Forest Service planned to open more than 300,000 acres of rare wolverine denning habitat to snowmobiling in northern Idaho, we prepared legal action. The few places that still support wolverine denning require special attention, and this stronghold in Idaho's Panhandle National Forest is too important to sacrifice. In response to our notice of intent to sue, the Forest Service has agreed to halt the plan—for now—and will undertake a new analysis of its effects on wolverines.

## **2 WIN: STOPPING FRACKING WASTEWATER DISCHARGE IN NEW MEXICO**

Big Oil desperately wants New Mexico to allow the discharge of “treated” fracking waste to rivers, streams, groundwater, and more. We have led the resistance to this “produced water” pollution, in part by helping to establish a protective, statewide ban on such discharges. Recently, we helped defeat a bill in the 2026 legislative session that would have allowed discharge and industrial use of this treated fracking waste. Technology to safely treat it does not exist, and water is too precious to contaminate with even more oil and gas pollution.

## **3 VICTORY FOR CLEAN AIR AND REDUCING HAZE IN NEW MEXICO**

We helped the New Mexico Environmental Improvement Board adopt strong rules to improve public health, boost outdoor recreation, and benefit local economies. We were involved in a rulemaking to reduce air pollution in priority areas across the state. This included Carlsbad Caverns, which is the fourth-most polluted national park nationwide for regional haze. Our team bolstered the state's proposal for rigorous protections as we countered polluters' attempts to weaken the Regional Haze State Implementation Plan.

## **4 DEFENDING OLD-GROWTH FORESTS AND OWLS IN OREGON**

We are in court to prevent irreversible harm to more than 11,000 acres of forest in southwest Oregon, including 3,600 acres of irreplaceable old growth in endangered northern spotted owl territory. The Last Chance timber sale would fragment the landscape with roads and convert this fire-resilient old growth into managed timber plantations unsuitable for northern spotted owls. The plan's claim that this timber sale will not harm or kill any owls is preposterous. We are holding the industry accountable to the law.

## **5 CHALLENGING A COAL MINE EXPANSION IN MONTANA**

We are challenging the Trump administration's illegal approval last year of a huge expansion of the Bull Mountains Coal Mine in Montana without the required environmental review. The administration cited its ridiculous “energy emergency” order to force the project through. There is no energy emergency, and even if there were, this expansion wouldn't help to address it because virtually all coal from the mine is shipped overseas to South Korea and Japan.

# CLIMATE JUSTICE



## **TRANSFORMING OIL AND GAS CLEANUP IN NEW MEXICO**

New Mexico has an abandoned oil and gas well problem that harms public health and pollutes the air and water. Well ownership in the industry cascades down to companies with fewer and fewer financial resources until, too often, operators abandon their responsibilities, leaving the public liable for billions in cleanup costs. If you make a mess, you should clean it up. We are leading the charge to better protect New Mexico's land, air, and communities through needed reforms. We hope to have good news to share with you soon.

## **ADVOCATING FOR PUBLIC PARTICIPATION IN COAL MINE OVERSIGHT**

We are in court on behalf of two Montana grassroots conservation and family agriculture groups to challenge the state Department of Environmental Quality's practice of approving coal mine permit revisions behind closed doors with no public notice or input. The agency has abused a policy on "minor revisions" to unilaterally make large changes that affect water, land, and communities. This practice violates Montanans' constitutional right to know what their government is doing and to participate before decisions are finalized.

## **PROTECTING COMMUNITIES FROM THE DANGERS OF CARBON INJECTION**

New Mexico is poised to ramp up underground carbon dioxide injection to keep the major climate pollutant out of the atmosphere. But this process comes with risks of the carbon escaping, drinking water contamination, harm to people from carbon dioxide leaks, and earthquakes. We are participating in a rulemaking to help ensure public health and safety, financial assurances, and climate guardrails are included in future permitting of carbon dioxide injection. We will hold the state accountable to avoid creating new dangers in pursuit of abating old ones.

# WILDLIFE & WILDLANDS



## **FIGHTING TO FORCE FEDERAL ACTION ON WOLVERINE RECOVERY**

Two years ago, decades of our hard work came to fruition when the U.S. Fish and Wildlife Service designated wolverines as threatened in the Lower 48 states. That started a one-year clock for the agency to designate protected critical habitat to help *Gulo gulo* recover. When, after two years, the agency hadn't even *proposed* a rule, our team took legal action. Now, we are in court to force the Service to follow the law and designate critical habitat for wolverine so this snow-dependent western icon has a fighting chance to recover and thrive in the wild.

## **PREPARING TO DEFEND THE ENDANGERED SPECIES ACT FROM SABOTAGE**

We are gearing up to challenge the Trump administration's anticipated rule to no longer consider destroying wildlife habitat for species listed under the Endangered Species Act (ESA) as a kind of "harm." This new rule would reverse 50 years of bipartisan agreement on how to protect wildlife in our country. Protecting species' habitat is at the heart of the ESA and, without it, wildlife will go extinct. The ESA itself states its first purpose is "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved."

## **PROTECTING CLEAN WATER AND THE SALMON RIVER FROM MINING**

We are fighting to protect the headwaters of the South Fork of the Salmon River in Idaho from a proposed gold and antimony mine called the Stibnite Gold Project. The proposed discharge permit fails to require the most up-to-date treatment technology for an estimated 120 million tons of mine tailings, eliminate toxic pollutant discharge, and prevent the degradation of threatened bull trout habitat. The Nez Perce Tribe, along with our conservation partners, oppose this project. This project must not degrade the Salmon River, for people and the environment.



## JOIN OUR LEGACY CIRCLE AND MAKE A DIFFERENCE FOR YEARS TO COME

**B**y naming the 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:

- Will, trust, and estate plans
- Charitable Remainder Trusts
- Charitable Gift Annuities
- 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 Kloeppe at [jennak@westernlaw.org](mailto:jennak@westernlaw.org) or 575-305-3993 to join our Gil F. Staender Legacy Circle or to learn more about planned giving options. We appreciate gifts of all sizes.

## SAVE THE DATE FOR THESE UPCOMING EVENTS

We are hosting reception-style events to connect with our supporters, discuss upcoming cases and advocacy, and to hear what's important to you. Invitations will be sent to area-donors with more details.

**DENVER: Wednesday, May 20<sup>th</sup>**

**SEATTLE: Thursday, June 25<sup>th</sup>**

Contact Jenna Kloeppe for more information: [jennak@westernlaw.org](mailto:jennak@westernlaw.org) or 575-305-3993. We hope to see you soon!

# OUR TEAM IS GROWING

We would like to give a warm **WELC**ome to our new board and staff members from the last year. We are pleased to expand our expertise and impact in Defending the West.



**Amelia Marchand, M.A., Board Member, WA.** Amelia is co-founder and executive director of L.I.G.H.T. Foundation, an Indigenous-led conservation nonprofit. She has over 27 years of experience in cultural and natural resource management, climate action, and food and water security policy, working alongside Tribal Nations and Indigenous Peoples in the U.S. and Canada.



**Cliff Villa, J.D., Board Member, NM.** Cliff is on the faculty of the University of New Mexico School of Law, teaching constitutional and environmental law. He spent more than 20 years as legal counsel for the U.S. Environmental Protection Agency and served the Biden administration in leadership at the EPA Office of Land and Emergency Management.



**Clay Southworth, Executive Assistant, OR.** Clay earned a B.S. in environmental science from Portland State University and is co-author of *Unprecedented 21<sup>st</sup> Century Glacier Loss on Mt. Hood, Oregon, USA*. They served as a policy advisor for the City of Portland and developed leadership experience managing operations in the hospitality and national parks sectors.



**Daniel Timmons, Senior Attorney, NM.** Daniel earned his J.D. from Lewis & Clark Law School, where he was associate editor of *Environmental Law* and a member of the Cornelius Honor Society. He received his B.A. from Columbia University, and his M.S. with distinction in environmental sciences and policy from Northern Arizona University.



**Meridian Wappett, Equal Justice Works Fellow, MT.** Meridian earned her J.D. with high honors from the University of Montana School of Law, with certificates in natural resources and environmental law and American Indian law. She earned her B.S. from Utah State University in conservation-restoration ecology with a minor in natural resources pre-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



All the content in this report was created by our staff. There was no use of AI-generated writing or photos.

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

Photo Credits © iStockPhoto.com. Cover/Jonathan Steele, 2/John Morrison, 3/Alan Coholan, 4/Alliya23, 6/kali9, 7/NNehring, 8/skynesher, back/DaveAlan, envelope/Aaron Hawkins.

## ADVOCATING FOR WILDLIFE FUNDING IN OREGON

In the 2026 Oregon legislative session, we are advocating for a 1.25% increase in the transient lodging tax to fund the Oregon Department of Fish and Wildlife. These funds would be used to conserve threatened wildlife and habitats.

Oregon's State Wildlife Action Plan identifies more than 300 at-risk species and methods to help them recover, but it remains unfunded. This important bill would create a durable funding source for wildlife conservation for the first time in Oregon while keeping the state's lodging tax the third-lowest nationwide.

