Defending the West

Fighting fracking in the Colorado River Valley
Stepping up for grizzly bears in Yellowstone
Reducing bobcat and wolf trapping
Protecting our clean water, clean air, wild places, and more...
This presidential election season has certainly proven disturbing. Reading the news, it’s hard to imagine the debate between the candidates inspiring strong action that conserves the American West’s wildlands, wildlife, and communities, in particular given the looming presence of climate change.

Instead, it feels as if our political system is incapable of effectively responding to our need for stronger conservation action.

But when I step away from the news and look at the legacy that we’re building at the Western Environmental Law Center, I’m reminded that our country is shaped not by politicians, but by you and me. We hold the keys to our democracy. Indeed, the dedicated attorneys and other staff at WELC exemplify how we can work together to secure national-scale law and policy reforms as well as meaningful, long-lasting community and place-based conservation protections. I am humbled and awed by what we have been able to accomplish with your support.

Each year, we work with over 150 partners to confront the great challenges of our time, like climate change, by transitioning away from fossil fuels but also by protecting and setting the stage for restoration of our natural heritage—our public wildlands, and iconic wildlife like the wolf, lynx, salmon, grizzly, and wolverine.

In this effort, we ground our strategic legal advocacy in sound science and economics to defend community and local values. It’s in this way that we solve place-based problems while also identifying the underlying cause of these problems to seek fundamental law and policy reforms to prevent these problems from arising elsewhere.

When you cut through the noise, it all comes down to relationships: our relationships with each other as human beings and members of distinct communities that use science and reason to shape our future, and our relationship to the wildlands and wildlife that underlie our shared love for the West.

And it’s our relationships that give our strategic legal advocacy at WELC strength and the capacity, whatever the presidential election season may offer, to address the West’s considerable challenges but ever greater opportunities.

For the West,

Erik Schlenker-Goodrich
We’re methodically working to restore and protect grizzly bears in the United States.

Once ranging throughout nearly the entire Western half of North America, in the past century grizzly bears were exterminated from 98 percent of their historical range in the lower 48 states.

Instead of large swaths of contiguous habitat, the bears were reduced to small populations in the Northern Continental Divide, Greater Yellowstone, Cabinet-Yaak, Selkirk, and North Cascade ecosystems.

In 1975, Americans woke up to this extinction crisis, and Congress gave grizzly bears Endangered Species Act protection.

As a result, between 1975 and 2007, the grizzly bear population in the Greater Yellowstone region rose from 136 to 571.

Since that time, the U.S. Fish and Wildlife Service has repeatedly attempted to remove endangered species protection for grizzly bears in the Greater Yellowstone Ecosystem, claiming the bears have sufficiently recovered despite numerous scientific studies to the contrary.

We believe Yellowstone’s bears are crucial to helping the other grizzly bear populations across the West recover.

In addition, when top predators are reduced or removed from an environment, cascading effects can throw the natural order into disarray.

The grizzly bear is one of these linchpins of the American West, and we will stand up to defend it from those who want to prematurely strip them of needed protections. We’re working with WildEarth Guardians to coordinate our opposition to delisting, and we’re ready to go to federal court to defend grizzlies if need be.

If the grizzly bears in Greater Yellowstone need our help, we’ll be there. We won’t allow this legendary animal to be sold to trophy hunters under the guise of ‘wildlife management.’

- John Mellgren, Lead Attorney

We’re fighting to prevent grizzly bears from losing Endangered Species Act protection in the Greater Yellowstone region.
In 2008, WELC and our supporters defeated a George W. Bush-era timber industry giveaway in western Oregon that would have quadrupled old-growth forest logging and presented a grave threat to all wildlife reserves.

The plan, brought forth by the Bureau of Land Management (BLM), was called the Western Oregon Plan Revision, or WOPR, and it would have replaced the scientifically sound, ecologically credible, and legally responsible 1994 Northwest Forest Plan on 2.6 million acres of public lands in western Oregon.

We wish the story ended with that plan’s demise, but in August of 2016, BLM finalized a new timber plan for western Oregon dubbed WOPR Junior due to its similarities to the awful plan you helped us defeat.

The new BLM plan, collectively known as the Resource Management Plans (RMPs) for Western Oregon, increases logging by 37 percent, drastically reduces protections for streamside forests, increases clearcutting, and effectively removes 2.6 million acres of federally managed public forests from the requirements of the Northwest Forest Plan.

The new plan may also boost atmospheric carbon and would make the forest less resilient to climate change.

BLM finalized this unacceptable plan late on a Friday, and we wasted no time, filing our lawsuit against the agency’s decision the following Monday morning.

We’re fighting BLM’s new RMPs because they:

• Eliminate the strong water quality and habitat provisions of the Northwest Forest Plan, reducing streamside no-logging buffers by half or more (a loss of 300,000 acres of streamside reserves).

• Leave many mature and old-growth forests and habitat unprotected.

• Open loopholes for logging large and old trees.

• Reduce buffers and eliminate survey requirements for sensitive wildlife that depend on old forest habitat.

• Fail us in a changing climate: Over the next century, the status quo would sequester twice as much carbon as BLM’s plans.

• Increase clearcut logging across sensitive watersheds.

• Favor motorized over quiet recreation.

The new plan cuts corners scientifically and legally, and with your help, we’ll put a stop to it.

“We must protect special places that Oregonians love while we work to restore forests and watersheds. A holistic view should drive our public land decisions.”

- Susan Jane Brown
Wildlands and Wildlife Program Director
We’re fighting a Bureau of Land Management (BLM) plan to expand oil and gas drilling on Colorado’s Western Slope, alongside partners Wilderness Workshop, Sierra Club, Western Colorado Congress, and the Natural Resources Defense Council.

BLM’s plan, called the Colorado River Valley Resource Management Plan, would leave more than 600,000 acres open to oil and gas leasing, and result in a projected 6,640 new wells on public lands alone.

Not only would this mark a huge increase over the 10,000 wells currently on these lands, but the plan fails to analyze the impacts of such concentrated development on human health and wellbeing, ignores the resulting effects on climate change, and failed to consider mitigation measures to reduce these impacts.

This plan serves as a flawed blueprint, guiding how BLM will manage the area’s public lands and minerals over a 20-year time period. This is the time in which meaningful and serious action must be taken if we are to stem the worst of growing impacts from climate change.

BLM’s plan not only perpetuates a model of fossil fuel exploitation on our public lands, but concludes that “it is beyond the scope of analysis” to disclose the climate change impacts of the agency’s decision-making.

This advocacy fits our climate and energy strategy, to pressure leaders to get real about climate change, and factor it into how we do business as a country.

These are our public lands, and we are taking strong action to prevent the BLM from harming the landscapes, communities, and climate of the Colorado River Valley.

We’re standing up for Colorado’s drinking water, clean air, and climate by challenging a plan that allows concentrated drilling in communities along the Rockies’ Western Slope.

“The public deserves an honest accounting of climate impacts, and we are using the law to force BLM to come back with a plan that considers people and nature.”

- Kyle Tisdel
Climate and Energy Program Director
Puget Sound, its salmon, and the region’s drinking water have suffered for decades from factory farms’ manure pollution. Faced with the opportunity to protect Washingtonians from industrial agriculture pollution, Washington’s Department of Ecology instead chose to ignore the recommendations of its own scientists and bowed to “Big Ag,” writing a convoluted draft concentrated animal feeding operation (CAFO) permit that would fail to protect our most fundamental natural resource—clean water.

The 200,000 adult dairy cows in Washington state produce over 40 billion pounds of manure each year collectively. Too much of this enters the surface and groundwater, causing public health and pollution problems. WELC is engaged to improve this permit to protect clean water and public health.

WELC won a victory for Canada lynx when a federal court in Montana ordered the U.S. Fish and Wildlife Service to reexamine its decision to exclude lynx habitat in the southern Rocky Mountains from federal protection.

This area is essential for the wildcat’s recovery and we’re advocating for the necessary land to be protected. Lynx habitat is under threat across the contiguous U.S. from climate change, road building, motorized recreation, and logging. Much of the cat’s historic and currently occupied, last best habitat was excluded from federal protection. This victory gives the lynx a fighting chance to not only survive—but to recover—in the southern Rocky Mountains.
We’re working to block a proposal to open 100,000 acres for a nickel strip mine in one of the wildest areas of Oregon and California. The proposed mine would include parts of the Rough and Ready Creek (headwaters of the Illinois River), Baldface Creek (headwaters of the Smith River), and the headwaters of Hunter Creek and the Pistol River.

These are some of the nation’s most pristine rivers. They provide clean drinking water for local communities and critical habitat for wild salmon and steelhead. As we pursue a permanent legislative solution (a lengthy process), we’re advocating for a mining moratorium through the Bureau of Land Management and Forest Service.

The Loafer Timber Sale would seriously transform some of our most beloved areas of the Crater Lake area. We stopped this plan when it was first introduced in 2013 with partners Oregon Wild and Cascadia Wildlands, but now it’s back and worse than ever.

It would allow logging on 1,397 acres and negatively impact popular recreational areas including the Umpqua Hot Springs and North Umpqua Trail. The project would also build a road through the middle of two important roadless areas, the Dread and Terror and Thorn Prairie Roadless Areas. This June, we took the Forest Service to court to stop this irresponsible logging project once and for all.

On July 11, a fracking well near Nargeezi in the Greater Chaco region of New Mexico, exploded. Thirty-six storage tanks burned, requiring the evacuation of 55 residents while killing livestock and pets. The blaze persisted for three days.

The accident could have been much worse since the existing resource management plan doesn’t analyze fracking. On top of that, BLM provided decision documents about these wells to the public three months after BLM approved and WPX Energy began drilling the wells.

On behalf of our clients, we requested from BLM a moratorium on new leases until the agency studies the impacts of fracking in Greater Chaco. BLM should at least allow public review and comment before these decisions are made.

In the midst of a comprehensive review of the federal coal-leasing program, WELC and our partners submitted detailed comments in support of ending the leasing and mining of coal on public lands in the United States.

Currently more than 40 percent of U.S. coal comes from public lands. Keeping this in the ground would keep up to 212 billion metric tons of carbon pollution out of the atmosphere—equivalent to decommissioning 50 billion cars and would save society $7 trillion in averted climate damage.

If we aim to stem the most catastrophic impacts from a warming planet, as well as dramatic impacts to our communities and public health, the transformation must start by reforming the federal coal program.
Many of you know that with your help, eight brave youths, aided by WELC and Our Children’s Trust, defeated the Washington State Department of Ecology in court this year over its insufficient climate action.

The judge in our case ordered Washington’s Department of Ecology to write a science-based emissions reduction rule to protect the kids’ right to a stable climate, but the agency’s proposed Clean Air Rule fell flat.

Among its deficiencies, the rule requires only a 1.7 percent annual decrease in emissions when modern climate scientists agree an 8 percent reduction is needed to stabilize the climate.

Even more egregious, loopholes in the rule may result in an increase in greenhouse gas emissions in Washington.

Even though the administration labeled the kids’ victory an “affirmation of our plan” in a fundraising e-mail, in June Gov. Inslee appealed the court decision in an attempt to overturn it.

It’s been clear for a long time the state of Washington would fight meaningful climate rules, but even we were surprised at the degree to which the administration is willing to cut corners and kowtow to industry.

In July, the youths provided detailed comments to the agency on how its proposed Clean Air Rule would unlawfully allow dangerous levels of greenhouse gas emissions, ensuring infringement of the rights of young people and future generations to a livable planet.

As for next steps, the kids are planning a letter-writing campaign, appealing to the CEOs of the top 124 greenhouse gas emitters in the state to take action to reduce their pollution.

In addition, WELC attorney Andrea Rodgers drafted legislation to align existing state greenhouse gas restrictions with what is required by the best available science.

After that, we’ll defend our victory and the kids’ future from Gov. Inslee’s appeal and work to ensure the Clean Air Rule is based on sound science and protects the constitutional rights of young people.

We are proud to be working with such passionate youths and are dedicated to address climate change for them and for all of us.

“Washington’s proposed Clean Air Rule would reduce emissions by only about a quarter of what the best available science tells us we need. These kids know 25 percent is a failing grade, and unacceptable.”

- Andrea Rodgers
Lead Attorney
In 1973, the United States signed a treaty seeking to curb international trade in endangered species. Called CITES, the treaty has done much to help stop some harmful trade, including closing some markets for ivory.

But a downside of the program is that it facilitates the export of pelts and parts from animals such as bobcats. Now a federal agency has added gray wolves to the list of animal pelts and parts that can be exported from the United States.

Because the environmental effects of killing these animals for export have never been evaluated under the National Environmental Policy Act, in May we filed a lawsuit in federal court in Montana on behalf of WildEarth Guardians to force a transparent disclosure of the program’s effects.

We want the federal government to disclose not only the effects of killing tens of thousands of bobcats each year, but now the gray wolf too, as well as the killing of other “non-target” animals that are caught in traps and snares.

The government moved to dismiss the case, arguing that states and tribes alone regulate trapping and hunting, and it has no direct role in these activities.

The truth is that without federal approval of the export of certain pelts and parts, far less trapping and snaring would likely occur, and fewer animals would be killed.

The U.S. Fish and Wildlife Service’s program facilitates the export of thousands of animal pelts and parts each year and operates without environmental oversight. It has refused to consider the impacts of exporting and the effects on other wildlife also caught and killed in traps. The number of animals, skins, and parts exported in 2014 was:

- **57,832** Bobcats
- **26,386** River Otters
- **1,948** Black Bears
- **376** Gray Wolves
- **361** Falcons

Source: CITES Trade Database.

“Using an endangered species treaty to promote trapping, which is known to kill threatened animals like Canada lynx, is not only irrational—it’s irresponsible.”

- Pete Frost
  Lead Attorney
Many people are now aware that methane is a greenhouse gas 87 times worse than carbon dioxide over a 20-year period—but that wasn’t always so widely known.

New information can propel environmental movements in exciting and valuable ways—it’s the reason we no longer use leaded gasoline or asbestos insulation.

It would make sense that the dense oil and gas infrastructure checkering the Four Corners landscape of Arizona, Colorado, Utah, and New Mexico created the 2,500-square-mile methane “hot spot” looming over the region.

But industry has blamed coal seeps and other natural sources for the pollution even though the area emits the equivalent methane of six Aliso Canyon disasters each year.

We protested, but the industry’s public relations folks wouldn’t budge, and that slowed our progress in enacting the Obama Administration’s methane rules.

Thank goodness, in August NASA released a study identifying oil and gas as the overwhelming source of the methane “hot spot.”

Oil and gas industry methane pollution comes from sources old and new, large and small.

We hope this “new” information will help propel the Obama Administration’s methane rules—rules WELC has worked for a decade to help create—over the finish line.

The rules will ensure oil and gas companies take sensible action to reduce methane waste and pollution on public and tribal lands from leaks as well as and intentional “venting” and “flaring” in which gas is simply released to the atmosphere or burned.

This will bring us closer to achieving our climate goals, will improve public health, ensure a fair return for taxpayers, and provide benefits to landscape resilience.

“Methane pollution is responsible for about a third of the climate change we’re experiencing today. It’s thrilling to help push common-sense oil and gas rules that will make a real difference over the finish line.”

- Tom Singer, Ph.D.
Senior Policy Advisor

“You, your staff, and your clients, fighting for our future brings tears to my eyes. Such a gift I never thought any one of us would see.”

- Gilbert Satchell, WELC supporter
WELC hosted a summer photo contest and the winner is...

Just for fun, we did a Facebook photo contest this summer so our supporters could share their adventures to the special places of the West. It was inspiring to see where people traveled and reminds us of the importance to protect these areas. Thank you to everyone who entered!

Contest winner Estella Moore photographed her little one on the Yampa River (last undammed river in the Colorado River system) where she celebrated her 300th river mile!

Let’s connect on Instagram! See our photos from across the West

Just like you, we love the West. We’re finding ourselves taking more and more photos of the beautiful places and wonderful people we encounter.

We now have a place to share those inspiring photos with our friends and supporters. Follow us on Instagram to see what you’re making possible in defending the wildlife, wildlands, and communities of the American West.

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“As an Oregon company that cherishes wild places, we are indebted to the fine folks at the Western Environmental Law Center for defending our natural heritage.”

- Shawn Donnille
Vice President
Mountain Rose Herbs

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The Western Environmental Law Center uses the power of the law to safeguard the wildlife, wildlands, and communities of the American West. We envision a West with thriving, resilient wildlands, waters, and wildlife; a region powered by clean, renewable energy; and communities that are rooted in an ethic of conservation.

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Why I do what I do...
BY SHILOH HERNANDEZ, WELC ATTORNEY

A confluence of life experiences, including much I don’t really understand, brought me to WELC.

Some, maybe much, owes to my childhood. I was raised in the country, a 30-minute bike ride from a town of 150 people. Summers after swimming, my skinny legs would pedal to the general store for 75-cent ice cream cones. As the sun dried our hair, my friend and I would lick the melting cones on an empty road beneath craggy peaks, surrounded by pine forests.

The forests, rivers, and mountains were my playground and, I suppose, looking back, my classroom. When I grew older, I tried to escape but it didn’t work.

Of mountains, Lorca wrote:

Vengo a buscar lo que busco,
mi alegría y mi persona.

To this day, I feel well grounded if I can hear a stream over rocks or wind in a cirque. I think, in some form, this is universal, if sometimes unnoticed, and must be cherished and protected.

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