



ADVOCATES for the WEST

2019 Fall/Winter Case Notes



Spotted Towhee in Sagebrush – Ed Cannady



“THE SALMON RIVER AND SAWTOOTHs” IS PART OF A NEW SERIES OF PAINTINGS BY BOISE ARTIST RACHEL TEANNALACH. “CONFLUENCE” IS A COLLABORATION WITH ADVOCATES FOR THE WEST, INSPIRED BY THE MIGRATION PATH OF SALMON FROM THE MOUNTAINS OF CENTRAL IDAHO TO THE MOUTH OF THE PACIFIC OCEAN IN OREGON. A PORTION OF ALL SALES WILL GO TOWARD OUR WORK TO PROTECT AND RESTORE SALMON HABITAT. THE FULL SERIES WILL BE AVAILABLE IN SPRING 2020, AND WILL BE SHOWN THROUGHOUT THE YEAR AT LOCATIONS ALONG THE SALMON MIGRATION ROUTE. STAY TUNED AT: WWW.TEANNALACH.COM

The Salmon River and the Sawtooths – Rachel Teannalach



STRENGTHENING OUR ALLIANCES

Laird J. Lucas, Executive Director (Boise, ID Office)

2019 marks a significant milestone for *Advocates for the West*, as we now represent the Nez Perce Tribe in two critical cases. This is our first time acting as counsel for a Native American Tribe; it is a true honor to be trusted with such important litigation for the Nez Perce.

Both cases are led by Staff Attorney Amanda Rogerson, who joined us in May after several years working in the Nez Perce Tribe’s Office of Legal Counsel. As detailed in Amanda’s article, we represent the Tribe in suing Midas Gold Corp. over Clean Water Act violations at the Stibnite Mine site on the East Fork of the South Fork Salmon River, and in challenging the State of Oregon’s water quality certification for relicensing Idaho Power’s Hells Canyon Complex of dams on the Snake River.

Our relationship with the Nez Perce Tribe stretches back more than a decade. We first worked together to protect Rocky Mountain bighorn sheep in the

Hells Canyon and Salmon River watersheds from fatal diseases spread by domestic sheep grazing on public lands. After Senior Attorney Laurie Rule brought litigation in Idaho federal court, the Tribe acted as a “friend of the court” providing data on bighorn sheep movements and expert opinions that helped persuade the Court to order immediate closures of “high risk” allotments — eventually leading to permanent closures benefiting bighorn sheep.

We next worked with the Tribe in opposing Big Oil “mega-load” shipments of massive tar sands refinery equipment up Highway 12 along the Clearwater and Lochsa Rivers – right through the Tribe’s reservation and ancestral lands. Local activists Lin Laughy and Borg Hendrickson first drew us into this battle, but we were soon coordinating with Tribal counsel Mike Lopez and others on federal court litigation. I represented Idaho Rivers United while Mike represented the Tribe in winning

a preliminary injunction in 2013 to halt further mega-load shipments up Highway 12, which the Tribe deeply opposed because of adverse impacts to their way of life and cultural values. Like with the bighorn sheep case, that injunction led the way to a resolution five years later in which the Forest Service determined that future mega-load shipments are incompatible with the Wild and Scenic values of Highway 12.

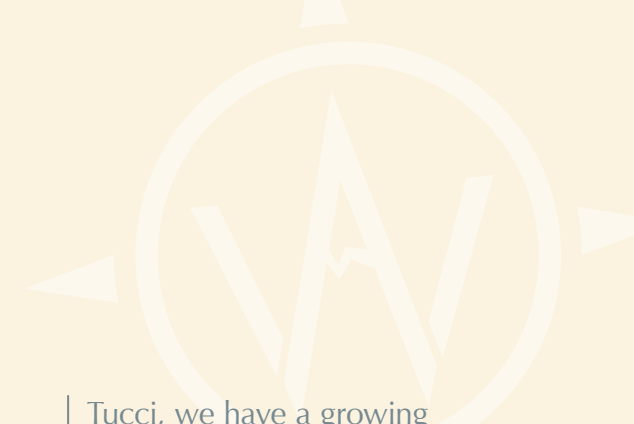
Now both Lin Laughy and Mike Lopez serve on the *Advocates for the West* board of directors. Our Highway 12 mega-load battles were formative in establishing a deep level of knowledge and trust between us and the Nez Perce Tribe.

Our new representation of the Nez Perce Tribe is only part of the broadening of our client base that *Advocates for the West* has been pursuing in the last couple years.

Led by Senior Attorney Todd

Tucci, we have a growing relationship with Conservation Lands Foundation (CLF) and its network of 60+ “Friends” groups fighting to protect the “crown jewels” of BLM lands from Trump Administration threats, including National Monuments and other parts of the National Conservation Lands system. This work is bringing us into contact with local activists and grassroots groups across the American West, resulting in new cases described by our staff attorneys in the pages that follow.

As Executive Director, I feel great pride in seeing how our relationships with clients and partners are blossoming. Thanks to you, our supporters, for helping make this happen!



THIS WIN IS A SIGNIFICANT BLOW TO THE TRUMP ADMINISTRATION'S FRENZIED QUEST TO EXPAND FOSSIL FUEL DEVELOPMENT ON OUR PUBLIC LANDS — AT THE EXPENSE OF ALL ELSE.



VICTORY! PRELIMINARY INJUNCTION BLOCKS TRUMP'S ROLLBACKS OF SAGE-GROUSE CONSERVATION PLANS

Sarah Stellberg, Staff Attorney (Boise, ID Office)

In a major victory this October, *Advocates for the West* secured a preliminary injunction blocking the Trump administration's rollbacks to the 2015 Sage-Grouse Conservation Plans. The injunction restores greater protections for 51 million acres of sage-grouse habitat across the West from expanded drilling, mining, livestock grazing and other destructive activities.

We sought the injunction in April, as part of our lawsuit against the BLM's 2019 Sage-Grouse Plan Amendments. The 2019 Amendments created enormous loopholes that made it easier for fracking and drilling to occur in the imperiled bird's prime habitat. This win is a significant blow to the Trump administration's frenzied quest to expand fossil fuel development on our public lands — at the expense of all else.

Advocates for the West has been fighting for greater sage-grouse

for over a decade. This imperiled bird has faced significant population declines over the past century, largely due to habitat destruction resulting from energy development, grazing, and human development. The bird narrowly escaped an ESA listing in 2015. Since then, its numbers have continued to decline.

Our other pending sage-grouse cases include:

Lawsuit Fighting Oil and Gas Leasing in Sage-Grouse Habitat

We launched a major new case in 2018 challenging the Trump administration's efforts to open public lands to oil and gas leasing and development, particularly in sage-grouse habitat. That lawsuit also challenges a "policy" change made by then-Secretary of Interior Zinke that stifled public involvement in oil and gas leasing. Last fall, we won a preliminary injunction blocking that policy and restoring 30-day comment periods in oil and gas

lease sales across the West. The next phase of this case will target hundreds of oil and gas leases approved in sage-grouse habitats.

Lawsuit Challenging Massive "Normally Pressured Lance" Natural Gas Project

We're taking aim at a massive natural gas development project in Wyoming. The project would impact critical sage-grouse wintering habitat and cross directly through the "Path of the Pronghorn" migration corridor, the second-longest mammal migration in the lower 48 states which stretches from summer ranges in the Grand Tetons to winter habitat around Seedskaadee National Wildlife Refuge.

Lawsuit Seeking Improved Federal Plans for Sage-Grouse Conservation

We filed suit against the BLM and Forest Service's 2015 Sage-Grouse Conservation Plans affecting 70 million acres of

public lands in the American West. The 2015 Plans represent a step forward in sage-grouse conservation but are too modest to ensure the species' survival. At the behest of states and industries, the 2015 Plans arbitrarily omitted key habitats from priority designations, included loopholes for drilling and grazing, and ignored protections recommended by the agencies' own scientists. This lawsuit does not seek to overturn the plans, but rather to strengthen their protections. The case is on hold while we fight back against the Trump rollbacks to these 2015 Plans.





RECENT ACTIONS TO ENFORCE BEDROCK ENVIRONMENTAL LAWS

Lizzy Potter, Staff Attorney (Portland, OR Office)

Fighting the Trump Administration's Energy Dominance Agenda

Advocates for the West continues to fight the Trump Administration's efforts to drastically expand oil and gas activities on public lands across the American West. Trump's "energy dominance" agenda seeks to elevate oil and gas production on public lands over all other uses, by cutting out the public and avoiding environmental reviews in violation of environmental laws and regulations.

As part of our work opposing Trump's "energy dominance" agenda, I am lead counsel in a new federal case in Arizona that challenges BLM's refusal to prepare any environmental analysis before conducting the first oil and gas lease sale in Arizona in years.

The lease sale parcels are located in east-central Arizona adjacent to places and resources including the Petrified Forest

National Park, the Navajo Nation, the Little Colorado River, and the Coconino Aquifer, which sustains the people and wildlife of this region. The Coconino Aquifer is the most productive in northern Arizona, and millions of downstream water users rely on the Little Colorado River, which flows into the Grand Canyon and feeds the Colorado River.

By failing to conduct any environmental analysis before issuing these leases, BLM did not consider or disclose the serious risks that oil and gas fracking will pose to these precious water resources and the rural and natural communities who depend upon them. Without doing such an analysis, the agency could not — and did not — make an informed decision or impose adequate mitigation measures before giving the lessee the right to frack these sensitive areas.

BLM's complete disregard for our bedrock environmental laws — the National Environmental Policy Act (NEPA), the

Endangered Species Act (ESA), the Federal Land Policy and Management Act, and the National Historic Preservation Act — before issuing these leases is unacceptable. Left unchallenged, this practice could set dangerous precedent and allow the administration to lease public lands for fracking at a breakneck speed. We are working with our partners through this lawsuit to ensure that the agency fully analyzes and discloses environmental impacts and involves the public before locking up more of our public lands for fracking.

Securing Additional Protections for Sensitive Species in Oregon

This summer, *Advocates for the West* secured another victory in our long-running quest to protect habitat for threatened Oregon spotted frogs and rare plants on the Fremont-Winema National Forest in south-central Oregon. These public lands include the highest concentration of fens — a unique type of wetland that takes millennia to

develop — on all Forest Service lands in the Pacific Northwest.

Again, bedrock federal environmental laws — including NEPA, ESA and the National Forest Management Act — dictate that the Forest Service carefully preserve and protect these exceptional natural resources. But the Forest Service disregarded its duties, and decided instead to expand cattle grazing on the Antelope allotment that houses this extraordinary biodiversity.

I acted as lead counsel challenging this new grazing plan in court earlier this year to ensure grazing does not degrade and destroy these sensitive species and their habitat. Under tight timeframes, we briefed and argued a preliminary injunction motion that included numerous expert declarations and evidence about adverse impacts threatened by the increased grazing.

In response to our case, the Forest Service agreed to

curtail grazing on about 99% of the sensitive pastures on the allotment this summer. Our legal efforts have now provided much of this rare and imperiled ecosystem with three years of relief from grazing. Later this year, we will file our opening summary judgment brief and hope to secure more permanent protections from the court before the grazing season begins next summer.

Center for Biological Diversity, Concerned Friends of the Winema, Great Old Broads for Wilderness, Klamath-Siskiyou Wildlands Center, Oregon Wild, Sierra Club, Western Watersheds Project, WildEarth Guardians

Partners



PROTECTING UPPER WILLAMETTE RIVER SALMON AND STEELHEAD

Laurie Rule, Senior Attorney (Portland, OR office)



Advocates for the West's Oregon Office has been working hard this summer and fall in our continuing effort to protect Upper Willamette River salmon and steelhead — two species of fish listed as threatened under the Endangered Species Act (ESA).

These fish are the only species of salmon and steelhead to inhabit the Upper Willamette watershed. They developed unique early migration timing, allowing them to ascend Willamette Falls during high winter and spring flows. However, they declined rapidly after the U.S. Army Corps of Engineers built multiple dams in the Upper Willamette River watershed of western Oregon for flood control purposes. These tall dams occur on four major tributaries of the Willamette River and cut off a significant amount of spawning habitat for each species. They also change natural water flows, which causes altered water temperatures and degrades habitat conditions downstream of the dams.

The National Marine Fisheries Service (NMFS) directed the Corps in 2008 to take numerous actions needed to prevent Upper Willamette salmon and steelhead from going extinct, including improving fish passage past the dams and water quality below the dams. The Corps, however, has failed to take most of those actions in the past eleven years, which has led to further declines in the salmon and steelhead populations. Several are on the brink of extinction.

I am lead attorney on the lawsuit we filed last year to force the Corps to improve conditions for these fish. Immediately after our case was filed, the Corps agreed to work with NMFS on a new long-term plan for dam operations. The plan will take five years to complete, so we are now focused on forcing faster changes so these fish do not continue toward extinction.

In a ruling this summer, the Court indicated it believed we

have valid legal claims against the Corps. In an important part of its ruling, the Court also held that our experts could assist in the case and provide their expert opinions about the harm the dams are causing to these fish. The Government had argued that now-retired NMFS staff were barred from participating in the litigation under the Ethics in Government Act but the Court rejected that argument.

We recently filed our opening brief in the next phase of the case, where the Court will determine whether the Corps' ongoing operations are impairing the survival and recovery of these two species and adversely modifying their habitat, in violation of the ESA. Briefing will continue into the winter and a hearing is set for February 19, 2020. If we win this phase, we will ask the Court to order changes to Corps operations to improve fish passage and habitat conditions until the agencies finish a new

long-term plan for the dams. These changes are critical to stem the continuing decline of the species and prevent their permanent extinction.

The Willamette case is similar in many respects to the threats that Corps dams pose to imperiled salmon and steelhead in other watersheds in the Pacific Northwest, such as the Lower Snake River dams. The agency has demonstrated, over and over again, its intransigence and refusal to acknowledge the harms that the dams cause, or to take meaningful steps to preserve our iconic fish species. Our litigation will hopefully not only help Upper Willamette fish species, but set useful precedent more broadly in forcing the Corps to take meaningful action.



DEFENDING NATIONAL MONUMENTS AND CONSERVATION AREAS

Todd Tucci, Senior Attorney (Boise, ID office)

Bears Ears and Grand Staircase National Monuments

Nearly two years after shrinking Bears Ears and Grand Staircase National Monuments, the Trump administration recently issued proposed management plans governing these two monuments, as well as the lands President Trump cut from these national treasures.

The new plans would subject areas within these national monuments to new destructive land uses, including vegetation treatment, livestock grazing, roads and trails. BLM is working to finalize these management plans, and we expect the agency to issue both plans before the end of the year.

Meanwhile, the litigation challenging President Trump's shrinking of these national monuments is moving ahead. Just recently, the D.C. District

Court denied the government's motion to dismiss the case, and asked the conservation and tribal plaintiffs to show harm from the monument de-designation. The Court then held a hearing and adopted a schedule to issue a ruling.

Advocates for the West will continue to work with our partners to achieve the best possible outcome in this case, which will hopefully result in re-establishment of the prior, more expansive boundaries of these monuments.

Conglomerate Mesa

Advocates for the West has also been busy opposing a BLM-proposed gold mine exploration project in California Desert Conservation Lands. This spring, the BLM California State Director denied our request to review the Richfield Field Office's decision. We

are closely following this case, and will be ready to challenge any decision to move forward with on-the-ground exploration in these critical lands on the western shoulder of Death Valley National Park.

BLM Management Plans

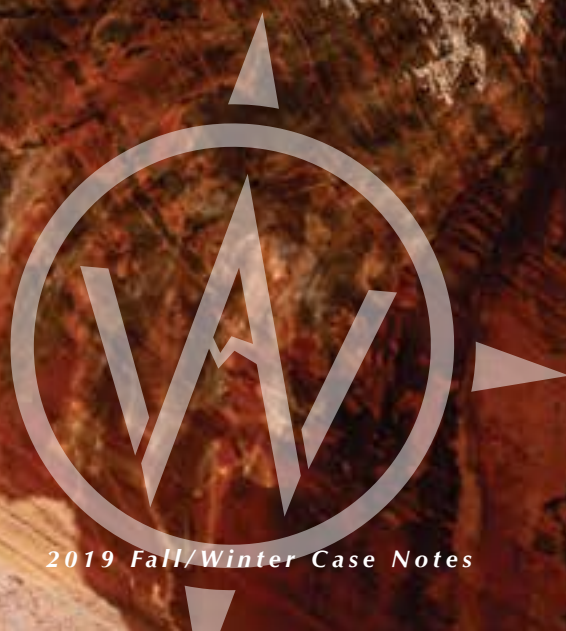
Interior Secretary Bernhardt is finally pushing BLM to issue new management plans across the National Conservation Lands, and *Advocates for the West* has been assisting Conservation Lands Foundation and its Friends groups in opposing resource-centric plans in Colorado's Uncompagre Field Office and Arizona's San Pedro Riparian National Conservation Area, and we are preparing to weigh in on other pending plans to hopefully steer the agency closer to its conservation mission.

Conservation Lands Foundation, Conserve Southwest Utah, Friends of the Inyo, Western Watersheds Project

Partners



“IF THE COUNTY MOVES FORWARD, ADVOCATES FOR THE WEST IS PREPARED TO QUICKLY STEP IN AND STOP THESE END-RUNS AROUND THE REGULATORY PROCESS BEFORE THIS IRREPLACEABLE HABITAT IS PERMANENTLY DAMAGED.”



PROTECTING THE RED CLIFFS NATIONAL CONSERVATION AREA

Garrison Todd, Legal Fellow (Boise, ID Office)

In southwest Utah, just north of the city of St. George, is the Red Cliffs National Conservation Area (NCA). This NCA protects critical habitat for the Mohave desert tortoise, a species that is listed as threatened under the Endangered Species Act because its habitat has been fragmented and destroyed by urbanization. However, local officials are working in defiance of multiple agency findings and the National Environmental Policy Act (NEPA) to build a major highway through the NCA that would devastate the local tortoise population.

This vulnerable area was originally protected as a Desert Reserve in the 1990s through a compromise agreement between the region's inhabitants and the federal government that allowed development of the rest of the tortoise habitat in Washington County in exchange for the permanent protection of the Desert Reserve. But county officials and others

have worked to undermine this protected area by trying to reinterpret prior compromises and develop this critical habitat.

County officials argue that Washington County is growing so fast it needs a northern corridor highway to connect regions on either side of the NCA, decrease traffic in St. George, and provide better access to local businesses. Instead of building a highway in the available land north of the NCA, they claim the only viable option is to build a 110-foot-wide, six-lane highway through the most valuable sections of this vital habitat.

The BLM has repeatedly refused to allow construction of this highway and the Fish and Wildlife Service has rejected the county's claim that a highway would have no impact on the tortoise. Nonetheless, the county is pursuing a multipronged effort to ensure the highway is built without adequate

environmental analysis.

Attempts to get a bill through Congress requiring the highway to be built have been unsuccessful, so the county's primary focus has turned toward revising prior regulatory environmental analyses under the Trump administration's less restrictive policies. To facilitate this revision, the county is trying to break the highway project into two parts. The first would be a new highway, called the Washington Parkway Extension, that passes through an undeveloped area and terminates at the NCA border; the second highway section cuts through the NCA itself.

By splitting the highway in two, the county is trying to avoid environmental analysis by claiming the Washington Parkway Extension is exempt from NEPA. It is also trying to make the highway through the NCA appear far cheaper

by excluding the costs of the Parkway, ensuring that no alternative to their plan appears as viable. This artificial decrease in the cost of their preferred option is an illegal attempt to manipulate the decision-making process.

The county wants to begin both the construction of the Washington Parkway Extension and the NEPA process for the rest of the highway over the next few months. I have been working with Senior Attorney Todd Tucci and the staff and board of Conserve Southwest Utah to obtain information from local, state, and federal sources, develop strategies, and flesh out the record for potential litigation.

If the county moves forward, *Advocates for the West* is prepared to quickly step in and stop these end-runs around the regulatory process before this irreplaceable habitat is permanently damaged.



PROTECTING THE NEZ PERCE TRIBE'S NATURAL RESOURCES

Amanda Rogerson, Staff Attorney (Boise, ID office)

Since I joined *Advocates for the West* in May this year, we have teamed up with the Nez Perce Tribe and for the first time are representing the Tribe as co-counsel. Together we challenged Oregon's water quality certification for the Hells Canyon Hydroelectric Complex on the Snake River and sued Midas Gold Corp. for ongoing Clean Water Act violations at their proposed mine site in Stibnite, Idaho. Both projects are located within the Tribe's aboriginal homeland and both are harming its treaty-reserved resources.

Advocating for Fish and Water Quality in the Snake River

In July, we filed a lawsuit against the Oregon Department of Environmental Quality (ODEQ) for issuing a water quality certification for the Hells Canyon Hydroelectric Complex in violation of state law.

The Complex is owned by

Idaho Power Company, which is seeking a new 50-year hydropower license from the Federal Energy Regulatory Commission. The Clean Water Act enables states to approve, condition, or deny federally-permitted projects through its proscribed water quality certification process. If a state chooses to issue a certification, it must ensure that the permitted activity will comply with all applicable state water quality standards and other requirements, including the protection of aquatic resources. But the water quality certification issued by the ODEQ fails to ensure the Complex will meet Oregon standards and law regarding fish passage, temperature, and mercury.

We are currently in settlement negotiations with ODEQ to see if we can resolve the following issues of key concern to the Tribe:

Fish Passage

The Complex's dams were built between 1958 and 1967 and block native anadromous fish — including fall and spring Chinook salmon, summer steelhead, and Pacific lamprey — from reaching and using approximately 600 miles of Snake River mainstem and tributary habitat.

ODEQ's certification does not require fish passage at the Complex despite an Oregon law requiring passage at all artificial obstructions within the state.

Temperature

The Complex delays downstream cooling of the Snake River during fall spawning. River temperatures below the Complex currently exceed Oregon's 13° C fall spawning criterion and temperatures have exceeded lethal thresholds for fish in recent years.

ODEQ's certification provides little assurance, in the near or long-term, that its 13° C fall spawning criterion downstream of the Complex will be met.

Mercury Contamination

The combination of the Complex's reservoirs and poor water quality in the Snake River create the right conditions for the efficient conversion of inorganic mercury into its highly toxic, organic form — methylmercury. Recent fish tissue samples within and below the Complex contain concentrations of methylmercury that substantially exceed Oregon's water quality criteria for human health. White sturgeon tissue samples contain such high concentrations that the Tribe took the extraordinary step in 2015 of issuing a consumption moratorium downstream of the Hells Canyon Dam.

ODEQ's certification

provides no assurance that the Oregon's methylmercury criteria will be met.

Protecting the East Fork South Fork Salmon River

In August, we filed a lawsuit against Midas Gold Corp. under the Clean Water Act for its ongoing discharges of pollutants — including arsenic, antimony, cyanide, and mercury — from the site for its proposed mine, the Stibnite Gold Project, near Yellow Pine, Idaho.

Since Midas Gold began acquiring mining claims at the site a decade ago, it has done nothing to address the known and ongoing pollutant discharges from its claims. Instead of complying with its legal obligation to permit and remedy the discharges, Midas Gold has spent the last decade trying to convince regulatory agencies and the public that any cleanup must be tethered to its proposed new mine.

Midas Gold's unpermitted pollution discharges flow into the East Fork of the South Fork Salmon River, which is home to three Endangered Species Act-listed fish species: Snake River spring/summer Chinook salmon, Snake River steelhead, and bull trout. The River and its tributaries also support many other species important to, and reserved by, the Nez Perce Tribe.

This Clean Water Act enforcement case will be a major battle in coming months against a well-funded corporate mining defendant that has already brought three teams of lawyers on board.

We are proud to work alongside attorneys from the Nez Perce Tribe Office of Legal Counsel on these cases. Stay tuned as we continue developing this critical work.

The Nez Perce Tribe

Partner





FIGHTING FOR WILD SALMON AND STEELHEAD

Bryan Hurlbutt, Staff Attorney (Boise, ID Office)

As part of *Advocates for the West's* work to protect and restore salmon and steelhead, I have been focused on securing our initial victories in two key cases and laying the groundwork for more initiatives to protect fish and clean up rivers in Idaho and the Pacific Northwest.

Lethal River Temperatures in Columbia and Snake Rivers

After river temperatures reached record highs in the mainstem Columbia and lower Snake Rivers in recent summers, we filed suit against the Environmental Protection Agency (EPA) for violating its duty under the Clean Water Act (CWA) to issue a temperature pollution limit, or "total maximum daily load" (TMDL), to fix the problem.

Over 20 years ago, EPA recognized water temperatures exceeded state pollution limits on the Columbia and lower Snake Rivers, and identified the mainstem dams on those

rivers as the major cause of warm water. EPA issued a draft TMDL in 2003 that assigned temperature reductions needed at each dam. But after receiving push-back from dam-operating agencies, EPA shelved the draft and ignored the problem until we filed suit in 2017.

Last fall, the Seattle federal court sided with us, held EPA in violation of the CWA, and ordered it to take swift action to finalize the temperature TMDL. EPA appealed the decision, and in August I traveled to Seattle to defend our victory for salmon and steelhead before the Ninth Circuit Court of Appeals. The argument went well, and we hope to secure a favorable appellate decision in coming weeks.

Not only is this case important to Northwest salmon advocates, it is also being watched by groups fighting for clean water around the country. In recent

years, states and EPA have fallen behind in issuing TMDLs for polluted rivers, lakes, and coastal waterbodies throughout the United States, not just for temperature but for all types of pollutants. A favorable Ninth Circuit decision in our case would set precedent to help others fight for clean water in the West and nationwide.

Sawtooth Diversion Dams

The few salmon and steelhead that do survive their migration from the Pacific Ocean up the Columbia and Snake Rivers to Idaho face other threats when they arrive. Irrigation diversions on headwater streams deplete flows, cause sediment pollution and hot water, and create migration barriers that block fish from accessing their spawning grounds. In June, we secured a court victory in our case for Idaho Conservation League seeking to protect Idaho's imperiled salmon

and steelhead, as well as bull trout, from harmful impacts of twenty irrigation diversions on Forest Service lands in the Sawtooth Valley, near the headwaters of the Salmon River.

In the 1990s, the Forest Service inventoried irrigation diversions in the Sawtooth National Forest, finding that most were unauthorized and harming fish. The Forest Service wrote to irrigators, notifying them that they needed to apply for authorization, which would require the Forest Service to engage in Endangered Species Act (ESA) consultation to determine conditions necessary to protect fish.

Irrigators applied to the Forest Service for authorization and the agency started ESA consultation, but stopped the process without explanation in the early 2000s. Irrigators continued diverting water from the Salmon River and its tributaries in the Sawtooth

Valley, without authorization and without important ESA conditions in place to protect threatened and endangered salmon, steelhead, and bull trout.

In June, the court found that the Forest Service violated ESA by failing to complete consultation for the Sawtooth Valley diversions. In light of that victory, the Forest Service is now negotiating with us to work out a firm timetable for the agency to comply with its ESA duties and finally put protections in place for our wild fish.



STAFF & BOARD NEWS

**Welcome Staff Attorney
Andrew Missel**



Andrew joined *Advocates for the West* in September 2019 after three years at the Ninth Circuit Court of Appeals. During his time at the Ninth Circuit, Andrew clerked for the Honorable Susan P. Graber and worked as a Staff Attorney. Before coming to the Ninth Circuit, Andrew clerked for the Honorable Mark E. Walker of the U.S District Court for the Northern District of Florida.

Andrew graduated first in his class from the Florida State University College of Law, where he participated in two environmental law moot court competitions and served as an Articles & Notes Editor on the *Journal of Land Use &*

Environmental Law. In his former life, Andrew was a physicist—he earned a Ph.D. in physics from the University of Illinois, Urbana-Champaign and was a postdoctoral researcher at UCLA.

Although he grew up in Northern California, Andrew spent most of his adult life away from the West. He was very happy to return a few years ago, and even happier now that he gets to spend his days fighting to protect the places, wildlife, and people that make this part of the world so special.

Thanks to Linwood Laughy!
Laird Lucas, Executive Director

At our annual board/staff retreat this fall, Lin Laughy stepped down as Chair of our Board of Directors, replaced by Deborah Ferguson. Lin will remain on our Board, but I want to thank him for his leadership over the last five years as Board Chair.

I first connected with Lin and his wife Borg Hendrickson in 2010, when they were the local activists leading the opposition to Big Oil mega-load shipments on Highway 12 up the Lochsa River. Over the several years of our mega-load battles, they were not only clients and allies,

but became good friends.

Lin kindly agreed to join our Board of Directors in 2012, and assumed the leadership position as Board Chair in August 2015. Since then, he has led *Advocates for the West* through a period of significant growth and expansion of our staff and program work. Our budget has grown about 50% in that time, but remains sustainable as we have diversified our sources of support — including through many connections made by Lin.

Lin's long experience as a teacher and administrator suited him well as our Board Chair. Lin gently led our strategic planning process in 2015-16 that resulted in adopting the vision and plan for our growth, articulating the key values we seek to defend, and identifying how to deploy our resources for maximum environmental benefit.

Lin is also a passionate voice for protecting and restoring Idaho's imperiled wild salmon and steelhead. Lin's deeply inquisitive mind and relentless pursuit of facts have made him a top expert on the economic and ecological costs of the lower Snake River dams, the true killers of Idaho's anadromous fish.

Our Board presented Lin with a special gift at the retreat – a commissioned painting by

artist Rachel Teannalach of the Lochsa River, a place he and Borg called home for many years. We all thank Lin for his many contributions, and look forward to continuing to work with him to save Idaho's fish!

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