



ADVOCATES for the WEST

2021 Fall/Winter Case Notes

Fall Colors in Idaho – Sofia Jaramillo Photos



WINNING FOR THE WEST!

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

Life is too short to bring losing lawsuits!

In managing *Advocates for the West* for coming on two decades now, this has been one of my guiding mantras, repeated to myself and staff alike. After all, our clients and supporters want lawyers that win for them in court. Court victories not only stop destructive decisions in their tracks, but also provide for change on the ground by forcing land management agencies and private industries alike to improve how they operate.

Heading into the final months of 2021, I am gratified by how well our talented and passionate staff at *Advocates for the West* are fulfilling our shared mantra so far this year. As you will read in this newsletter, we have been racking up important legal victories across the West—all while bringing many new cases with strong potential for success.

Some highlights I want to share with you include:

Upper Willamette Salmon and Steelhead: Led by Senior Attorney

Laurie Rule, our Oregon office has achieved incredible success in challenging the U.S. Army Corps of Engineers’ management of more than a dozen federal dams and reservoirs in the Upper Willamette River that are killing Willamette salmon and steelhead by preventing migration and degrading habitats. Following up on our August 2020 win holding the Corps accountable for violating Sections 7 and 9 of the Endangered Species Act, we just won a tremendous “remedies” decision ordering the Corps to make fundamental changes in its dam operations to aid the deeply-imperiled fish.

Oil and Gas Development on Public Lands: Our Boise Staff Attorney Sarah Stellberg has been winning amazing legal victories in our sprawling case challenging thousands of oil and gas leases issued under the Trump administration. She has now won two rounds of decisions in Idaho federal court holding that the Bureau of Land Management violated bedrock federal laws in pursuing the Trump “energy

dominance” agenda, and holding invalid over 1,200 leases affecting more than a million and half acres of sage-grouse habitats in four states. Our wins also forced the Biden administration to jettison Trump’s attempt to reduce public input and environmental reviews of proposed leases. Sarah is now poised to argue the third phase of the case—challenging nearly a thousand more Trump leases—even as we defend the prior rulings on appeal.

Idaho Sawtooth Valley Diversions: Boise Staff Attorney Bryan Hurlbutt just won an appellate victory denying an appeal brought by Sawtooth Valley irrigators, who sought to challenge our 2019 district court win ordering the Sawtooth National Forest to assess and improve twenty water diversions located on Forest Service lands that threaten imperiled Idaho salmon, steelhead, and bull trout.

Hells Canyon Water Quality: Underscoring that we often get more from legal challenges through settlements than court decisions, our Oregon Staff Attorney Lizzy

Potter just teamed with our board member—and Nez Perce Tribe Staff Attorney—Michael Lopez in securing a settlement with the State of Oregon in our case for the Tribe challenging Oregon’s “certification” under the Clean Water Act for relicensing Idaho Power’s Hells Canyon complex of dams and reservoirs. While success in court would have just reversed that certification but may not have achieved any tangible improvements, our settlement now requires Oregon to work on cleaning up methylmercury contamination in Hells Canyon, improve temperatures for fish, and begin providing for sockeye salmon reintroduction in Wallowa Lake—all steps the Tribe has long sought.

In addition to these stellar wins, our Staff Attorney Andrew Missel won a court decision earlier this year requiring Bonneville Power administration to release records it sought to conceal over its operations of Lower Snake River Dams, which we and clients are using to challenge BPA’s failure to provide “equitable treatment” to

imperiled salmon and steelhead. I won a decision in April against the U.S. Sheep Experiment Station which resulted in its closing key sheep grazing allotments for several years in the Centennial Mountains, a vital wildlife corridor out of Yellowstone. And Senior Attorney Todd Tucci has been working closely with Conservation Lands Foundation and other clients to mount advocacy and legal challenges to a host of bad Trump land management decisions—affecting special places like the San Pedro National Riparian Conservation Area in Arizona, the Red Cliffs National Recreation Area in Utah, and the Western Slope of Colorado—which we believe will require the Biden administration to reverse those decisions.

Simply put, our mission is to win for the West. Thanks to our close relationships with clients, partners, and donors—folks like you—we are doing just that!

ADVOCATES FOR THE WEST

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**“THE COURT’S ORDER
COMES AT A CRITICAL TIME,
WHEN THESE SPECIES ARE
EXPERIENCING SEVERELY
DECLINING NUMBERS AND
INCREASING IMPACTS
FROM CLIMATE CHANGE.”**



BIG VICTORY FOR UPPER WILLAMETTE RIVER SALMON AND STEELHEAD

Laurie Rule, Senior Attorney (Portland, OR Office)

On September 1, we celebrated a crucial victory in our three-year battle against the U.S. Army Corps of Engineers (Corps) over its operation of numerous dams in the Upper Willamette Basin. The U.S. District Court of Oregon issued a final opinion and order setting forth a series of actions the Corps must take to protect Upper Willamette River Chinook salmon and steelhead. We brought this case on behalf of Northwest Environmental Defense Center, Native Fish Society, and WildEarth Guardians.

The Court had previously ruled that the Corps violated the Endangered Species Act (ESA) by operating dams on four tributaries of the Willamette River in ways that were jeopardizing the survival and recovery of salmon and steelhead and causing excessive mortality of juvenile fish migrating downriver. The ruling also showed that the Corps failed to re-do its long-term plan for management of these dams, despite missing deadlines for key actions that the National Marine Fisheries Service (NMFS) required under the existing plan.

The dams in the Willamette Basin harm salmon and steelhead by cutting off high quality spawning habitat upstream of the dams and impairing water quality and habitat downstream of the dams. The Corps tries to mitigate for the loss of spawning habitat by trapping some adult fish below the dams and trucking them above the dams to spawn. But the juvenile fish suffer high rates of mortality when they attempt to migrate downriver, passing through stagnant reservoirs full of predators and pathogens and through the dams to reach the ocean.

Adult fish that spawn below the dams and their eggs are subjected to abnormal water temperatures and high levels of total dissolved gas (TDG). Throughout this litigation, *Advocates for the West* and our clients sought actions the Corps could take to improve juvenile migration and water quality by altering its management of water flows and reservoir levels. The Court adopted almost all of the measures we were seeking, and imposed deadlines initiating actions as soon as this fall. Many of these measures

are aimed at speeding juvenile migration through reservoirs and helping them get past the dams without going through hydropower turbines, as well as controlling water flows to achieve temperature and TDG targets.

The Corps had long argued that it could not implement some of these measures because they would interfere with power production in the winter months. The Court rejected this theory, holding that the Corps has legal authority to take actions to benefit fish even if those actions reduce power production, so long as production is not completely eliminated during the six-month winter period. This is a very important legal ruling, as it opens the door to numerous actions that NMFS and other fish experts have been seeking for years to try and reduce mortality during juvenile migration.

In a unique twist, the Court established an expert panel to come up with details for implementing the actions ordered in the injunction. The panel consists of our two experts, two biologists

from NMFS, and two experts from the Corps. Despite some disputes, the panel has largely reached agreement on plans for implementing a deep drawdown of Cougar reservoir, an operation to spill water over Foster Dam, and an operation to improve water temperatures below Detroit and Big Cliff dams, all to be conducted this fall. The panel will continue to work on plans for the remaining dozen actions over the next six months and submit them to the Court.

The Court’s order comes at a critical time, when these species are experiencing severely declining numbers and increasing impacts from climate change. As the Court found, the Willamette Project Dams are the leading contributor to the decline of these species and significant changes to their operations must occur to reverse that trend. Hopefully, our victory will improve conditions for the fish immediately, and will also provide important information for NMFS to use when developing the next long-term plan for these dams.



VICTORY! DRILLING AND FRACKING HALTED ON VAST AREAS OF THE WEST

Sarah Stellberg, Staff Attorney (Boise, ID Office)



When *Advocates for the West* takes on a powerful industry, we get results.

Big Oil is no exception. In just three years of hard-fought litigation, *Advocates for the West* has dismantled over 1,000 illegal oil and gas leases on federal public lands—a quarter of all onshore leases issued during the Trump years.

Our latest victory came on June 9, 2021, when a federal judge enjoined development on over 600 oil and gas leases on public lands due to the Bureau of Land Management's (BLM) failure to study the effects on the imperiled greater sage-grouse. The order protects roughly 400,000 acres in Wyoming and Montana from new drilling and fracking.

The June 9 order is the latest win in our sprawling lawsuit challenging BLM oil and gas lease sales across greater sage-grouse habitat, filed on behalf of Western Watersheds Project and the Center for Biological Diversity. Populations of this iconic western bird have

plummeted in recent decades due to energy development and other threats to their native habitats. To avoid listing the bird under the Endangered Species Act, federal agencies developed historic sage-grouse conservation plans in 2015 that included, among other measures, a requirement that BLM steer oil and gas leasing and development outside sage-grouse habitat.

When the Trump administration flouted that obligation, auctioning off vast swaths of the sage-grouse range to energy companies, we sued to set aside the illegal leases.

EXPOSING A NEPA “SHELL GAME”

The June 9 court order also sets an important legal precedent on the level of environmental analysis required under the National Environmental Policy Act (NEPA) before federal agencies can issue oil and gas leases.

NEPA is our bedrock U.S. environmental law and requires federal agencies to carefully

study the environmental effects of their proposed actions. BLM commonly shirks this responsibility when issuing oil and gas leases, claiming that it cannot forecast the consequences of leasing without concrete development proposals, and attempting to defer NEPA compliance to later stages. The promised analysis almost never materializes—BLM instead relies on its incomplete lease-stage analysis for NEPA compliance when approving concrete development projects.

Advocates for the West challenged this NEPA “shell game” as contrary to the letter and spirit of NEPA, and the Court agreed. This ruling will help ensure that BLM studies the environmental impacts of future lease sales before it's too late to avoid them.

THE FIGHT'S NOT OVER YET

Advocates for the West's courtroom wins have already protected over 1 million acres of western public lands from fracking and drilling. This offers the greater sage-grouse a much-needed

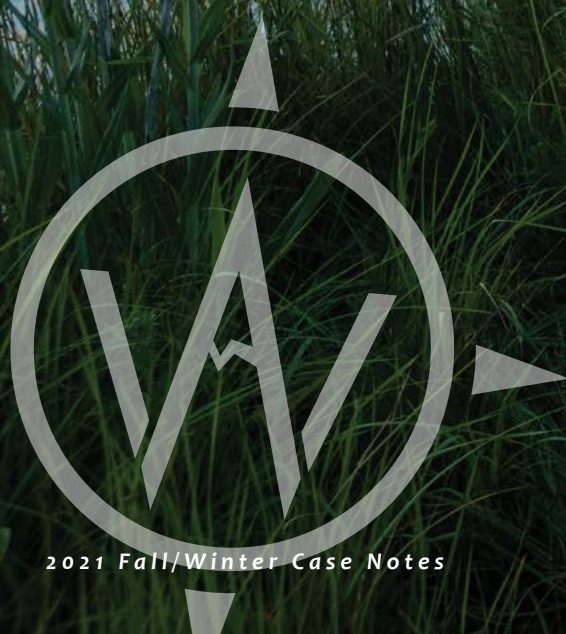
reprieve and will also protect hundreds of other species that rely on the sagebrush ecosystem for their survival.

Our case has also avoided the climate-warming emissions from developing these leases. Fossil fuel extraction on federal public lands is responsible for nearly a quarter of U.S. CO₂ emissions. Phasing out energy extraction on public lands is therefore crucial to pumping the brakes on carbon emissions.

While this is a lot to celebrate, we have much work yet ahead of us. Over the coming months, we'll be defending these rulings on appeal while seeking to overturn the remaining lease sales in the district court. We're hopeful the Biden administration will live up to its pledge to end new public lands leasing. However, industry has already stockpiled some 26 million acres under existing leases. Our team will continue to fight these leases in court, to protect these wild places and the species they support.



“THE SNRA WAS CREATED ‘TO ASSURE THE PRESERVATION AND PROTECTION OF THE NATURAL, SCENIC, HISTORIC, PASTORAL, AND FISH AND WILDLIFE VALUES AND TO PROVIDE FOR THE ENHANCEMENT OF THE RECREATION VALUES ASSOCIATED THEREWITH.’”



FIGHTING FOR THE SAWTOOTH NATIONAL RECREATION AREA

Bryan Hurlbutt, Staff Attorney (Boise, ID Office)

From south to north, Idaho’s Sawtooth National Recreation Area (SNRA) stretches from the towns of Ketchum and Sun Valley up the Wood River Valley, over Galena Summit, and down the headwaters of the Salmon River through the Sawtooth Valley to the town of Stanley. Along the way, the 756,000-acre SNRA is ringed by the high peaks of three protected alpine wilderness areas: the Hemingway-Boulder, Cecil D. Andrus-White Clouds, and Sawtooth wilderness areas. The SNRA is also the focal point of the Central Idaho Dark Sky Reserve—America’s first Gold-Tier International Dark Sky Reserve.

Backpacking around Castle Peak in the White Clouds, rafting the Salmon River, spotting mountain goats in the Smoky Mountains, paddling on Redfish Lake, and stargazing and listening to wolves howl around the campsite are just some of the most iconic Idaho outdoor experiences to be had in the SNRA.

After efforts to establish the area as a National Park, in 1972 Congress passed the SNRA Act, creating a National Recreation Area instead.

The SNRA was created “to assure the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreation values associated therewith.” Congress directed the Forest Service to administer the SNRA to protect these values, as well as to “best provide” for the “protection and conservation of the salmon and other fisheries.”

Over the next few decades, following the direction given by Congress and utilizing its authorities under the SNRA Act, the Forest Service purchased properties and secured water rights to restore former rangelands and put water back into salmon streams. The Forest Service also secured scenic and conservation easements from private land owners within the SNRA to protect the area from excessive development.

But now the SNRA is under growing threats from the same development pressures that the SNRA Act intended to protect against—yet the Forest Service and other agencies are failing to protect the values for which the SNRA was created.

In the 1990s, when Idaho sockeye salmon, Chinook salmon, steelhead, and bull trout were added to the Endangered Species Act, the Forest Service identified irrigation water diversions as the biggest continuing threat to these fish in the SNRA. But after initial efforts toward regulating diversions, the momentum stopped. We filed suit for the Idaho Conservation League and prevailed in federal district court in 2019 and the Ninth Circuit Court of Appeals in August 2021, securing a court order requiring the Forest Service to begin regulating 20 irrigation diversions in the Sawtooth Valley by the end of 2022.

Around 2017, the Hell Roaring Ranch—a private property within the SNRA covered by a scenic easement—started undergoing major changes. The Ranch owner, Michael Boren, built a new access road and airstrip, along with a mansion and a 6,500 square foot airplane hangar. The Forest Service never raised concerns. Eventually, Custer County issued a notice of violation for the unpermitted airstrip, but has since approved it. Many local residents are upset

about this and we are working with them to analyze ways to persuade the Forest Service to utilize its enforcement authority under its scenic easement for the property.

And in January 2020, AT&T announced plans to construct a nearly 195-foot tall cell tower on State of Idaho land within the SNRA. The Idaho State Historic Preservation Office determined that the proposal would have an “adverse effect” on historic resources including the “feeling and setting” of Redfish Lake Lodge. *Advocates for the West* is partnering with allies including the Idaho Conservation League, Sawtooth Interpretive and Historical Association, the Sawtooth Society, and landowners in the area to raise concerns about the State’s leasing process, push for review under the National Environmental Policy Act, and keep this unnecessary cell tower out of the SNRA.

Advocates for the West has a long, successful history taking legal action to protect the SNRA, and we are committed to working with our many partners to keep fighting for the SNRA.



CENTRAL OREGON BITTERBRUSH BROADS

We are the Central Oregon Bitterbrush Broadband chapter of the Great Old Broads—a national grassroots organization, led by women, that engages and inspires activism to preserve and protect wilderness and wild lands.

Our chapter conducts stewardship projects on public lands and advocates for those lands. We have been conducting closed road surveys on the Ochoco Forest for the last two years. Unfortunately, it appears that the Forest Service is failing to meet its Forest plan standards and guidelines for road density. Roads cause some of the greatest impacts to fish and wildlife species—they destroy and fragment habitats and increase harmful sediment in rivers and streams. When combined with timber harvest and livestock grazing, high road densities can cause irreparable harm to species and their habitats.

We have assisted the National Forests on many partnership projects over the years, preferring to work with our federal land management agency partners rather than oppose them. But when we believe the Forest Service has failed to act in good faith, and failed to follow law, we will sometimes turn to legal actions.

Working with *Advocates for the West* is a great opportunity for our chapter, and many of our members are also donors! Our members know that a gift in support of *Advocates for the West*'s winning legal work is a critical part of making lasting changes on the ground. Together, our organizations can improve public lands policy to benefit fish and wildlife populations and their habitats, and help mitigate the impacts of climate change. We are proud to be partners and supporters of *Advocates for the West*!

**“TOGETHER, OUR ORGANIZATIONS
CAN IMPROVE PUBLIC LANDS
POLICY TO BENEFIT FISH AND
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CONTROVERSIAL RANCHING PLAN FOR POINT REYES NATIONAL SEASHORE ADOPTED

Laird J. Lucas, Executive Director (Boise, ID Office) *Lizzy Potter, Staff Attorney (Oregon Office)*

We became involved in seeking to protect the Point Reyes National Seashore, just an hour north of the San Francisco Bay Area, back in 2016, when long-time California environmental leader Huey Johnson of the Marin County-based Resource Renewal Institute reached out for our help in challenging the National Park Service (NPS) for continuing to allow ranching and commercial dairy operations to expand on the National Seashore without any environmental analysis or public input.

Ranching occurs on public lands within the Point Reyes National Seashore that taxpayers bought back in the 1970s from the ranchers for more than \$100 million (in 2021 dollars). The ranchers now lease back these public lands—along with massive residential and industrial complexes that house families, workers, barns, septic systems, and equipment—at below-market rates. The extensive ranching and commercial dairy operations at Point Reyes generate huge amounts of manure that contaminate local streams,

foul water quality and fisheries habitat, and create an array of fences and other developments that harm native wildlife, particularly Tule elk—a population of which is fenced out from interacting with other Point Reyes herd and have experienced significant die-offs from lack of access to adequate food and water.

Our 2016 lawsuit—brought on behalf of Center for Biological Diversity, Resource Renewal Institute, and Western Watersheds Project—forced NPS to prepare an Environmental Impact Statement (EIS) and adopt an amended General Management Plan Amendment (GMPA) to determine whether ranching and dairy operations on over 20,000 acres of the National Seashore should continue after the expensive buyouts in the 1970s.

Under the Trump administration, NPS developed an EIS and GMPA that proposed to allow commercial beef and dairy ranching at Point Reyes to expand and continue in perpetuity. That decision was recently finalized without

significant change by NPS under the Biden administration. Despite well-documented adverse impacts and the prior buyouts, NPS's decision gave ranchers nearly everything they wanted through the new decision—20-year leases, killing of native Tule elk, diversification of their operations, and succession policies that pave the way for families to profit from ranching on public lands in perpetuity.

In contrast, NPS provided the general public with very little that it requested. More than 50 conservation groups representing millions of members called on the agency to choose a restoration alternative that phased out ranching and restored public uses to the area.

NPS's Organic Act and enabling legislation for the Seashore do not allow the agency to prioritize commercial desires over public needs, at the expense of the public lands, fish and wildlife—so we are working closely with our clients to ensure that the agency is held accountable for this troubling decision.



RESOLVING LITIGATION OVER THE HELLS CANYON COMPLEX ON THE SNAKE RIVER

Lizzy Potter, Staff Attorney (Oregon Office)

For the last two years, *Advocates for the West* has represented the Nez Perce Tribe—as co-counsel with our board member Mike Lopez of the Tribe's Office of Legal Counsel—in challenging the state of Oregon's Clean Water Act 401 certification for federal relicensing of Idaho Power's Hells Canyon Complex on the Snake River. The Tribe's case focused on the 401 certification's failure to adequately address toxic pollution, temperature, and fish passage at the Complex, which is located within the Tribe's exclusive territory. I am pleased to report we recently helped the Tribe reach a settlement that addresses each of these issues.

The Hells Canyon Complex blocks passage for many of the Tribe's culturally-significant species and has changed the Snake River's

temperature regime and other important habitat conditions. Several aquatic species within and downstream of the Complex contain very high levels of methylmercury, a toxic form of mercury that poses a serious threat to the health of Nez Perce Tribal members who exercise their treaty-reserved fishing rights in the Snake River. For this reason, the Tribe took unprecedented action in 2016 when it instituted a consumption moratorium on certain types of white sturgeon and a fish consumption advisory for bull trout and smallmouth bass in the Hells Canyon reach of the Snake River.

The settlement requires Oregon to undertake measures to address mercury and methylmercury in the Hells Canyon reach of the Snake River. One significant measure Oregon has agreed to undertake,

in collaboration with the Tribe, is the development of a pollution budget, known as Total Maximum Daily Load (TMDL), as required by the Clean Water Act. Oregon and Idaho Power will provide \$1.5 million to fund this effort.

Oregon has also agreed to take additional steps to better protect migrating Chinook salmon from extreme Snake River temperatures in the fall; to include the Tribe in the research program evaluating placement of adult spring Chinook and steelhead and outmigration of their offspring from Pine Creek, an Oregon tributary located upstream of Hells Canyon Dam; and to fund a collaborative pilot research project between the Tribe and Oregon to reintroduce sockeye salmon into Wallowa Lake in eastern Oregon. Pacific Rivers and Idaho Rivers United filed a similar

lawsuit that was consolidated with the Tribe's, so the groups also signed onto the agreement.

It was an honor to represent the Tribe in this litigation and help it secure greater protections for water quality conditions, salmon, and other aquatic species within the Snake River.



GRAZING OUR PUBLIC LANDS TO DEATH

Andrew Missell, Staff Attorney (Portland, OR Office)

Cattle are not native to North America; they were first brought here from Europe by English and Spanish colonizers. Like the brown rat—another mammal that first hitched a ride to North America on European ships—cattle have made themselves at home here, spreading throughout the continent over the course of the past few hundred years. Cattle are now an indelible part of the mythos of the American West, as well as an often deleterious part of many of the West’s ecosystems.

But in a time of raging wildfires, worsening drought, and other climate-change-related effects, cattle look more and more out of place in Western environments. Put simply, what on Earth are cattle doing grazing on the Sonoran Desert National Monument, a protected area with an astonishing array of biological, scientific, and historic resources? Why are cattle allowed to graze on the

San Pedro Riparian National Conservation Area, a world-renowned biodiversity hotspot? And what possible justification could the Forest Service have for its recent decision to allow a substantial expansion of grazing on the Bar X allotments, which are situated just below the lovely Mogollon Rim in the Tonto National Forest? *Advocates for the West* is involved in challenging cattle grazing in all of these special places in Arizona, a state that has experienced unprecedented drought conditions and wildfires in recent years. Yet federal agencies continue to prioritize cattle grazing, which both contributes to the root causes of drought and wildfires (climate change) and exacerbates their effects.

In our Bar X case, we are representing local group Friends of Mogollon Rim in working to stop the Forest Service from allowing an expansion of grazing into pastures

that have been off-limits to cattle since the 1970s. Without cattle grazing in those pastures, wildlife has rebounded over the past 40 years, delighting recreationists and residents of the area. Endangered species such as the Mexican spotted owl have also found a home in the ponderosa pine forests that dominate the pastures. But in late 2019, the Forest Service announced its decision to allow grazing on the long-closed pastures and to expand cattle grazing across the Bar X allotments, despite the unprecedented drought that has hit the area in the last few years. We filed suit in early 2020 to stop the expansion of cattle grazing on Bar X, and we expect a ruling later this fall.

Our litigation is vital for protecting specific areas from the ravages of cattle grazing, but site-specific litigation cannot be the end of the story when it comes to cattle

grazing in the West: there is a need for federal agencies and Congress to rethink the entire legal framework behind grazing on public lands to take into account the realities of climate change and water scarcity.

One obvious place to start is revisiting the absurdly low fees that the Forest Service and Bureau of Land Management charge to ranchers to graze cattle on public lands. These fees are so low that they don’t even cover the cost to the agencies of administering their grazing programs. And they’re nowhere near high enough to capture the true cost of cattle grazing to the public, especially when climate-related impacts are factored in. The fees are so low that American taxpayers are effectively subsidizing cattle ranching on public lands—in short, we are paying for the privilege of having our environment wrecked.

Many of our frequent clients and partners—Western Watersheds Project, the Center for Biological Diversity, and WildEarth Guardians, to name a few—have worked for years to raise public awareness of this perverse state of affairs. The importance of that work grows each year as the true costs of cattle grazing become higher and higher while grazing fees remain fixed. *Advocates for the West* will continue to fight against efforts to expand grazing throughout the West, and we will support our partners and clients whenever we can in pushing for systemic reform.





“THE BIDEN ADMINISTRATION HAS ALSO SO FAR FAILED TO ROLL BACK OTHER UNLAWFUL TRUMP-ERA DECISIONS IN ARIZONA, AGAIN REQUIRING ADVOCATES FOR THE WEST TO FILE SUIT TO HOLD BLM’S FEET TO THE FIRE.”



USING LITIGATION TO LEVERAGE CHANGES IN THE BIDEN ADMINISTRATION

Todd Tucci, Senior Attorney (Boise, ID Office)

As we approach the last quarter of 2021—nearly 250 days into the Biden administration—*Advocates for the West* is using a suite of new federal court cases seeking to force the new administration to reverse or abandon numerous harmful and unlawful Trump-era decisions that threaten special public lands across the western landscape.

In January 2021, former Secretary of Interior David Bernhardt issued a right-of-way to the Utah Department of Transportation to construct and operate the Northern Corridor Highway through the heart of the Red Cliffs National Conservation Area in southwest Utah, which contains critical habitat for the Mojave desert tortoise. For the past five months, *Advocates for the West* and our allies have been appealing to the Biden administration to recapture and vacate this unlawful right-of-way. Even the current Secretary of Interior, Deb Haaland, publicly opposed the highway back in fall 2020, noting: “[i]t would set a dangerous precedent for [the Land and Water Conservation Fund]

and for all National Conservation Areas if this Northern Corridor Proposal is allowed to go forward.”

Unfortunately, these appeals have not gained traction yet, so in June 2021 we filed litigation in D.C. federal court challenging the right-of-way and associated decisions, representing Conserve Southwest Utah and several other concerned groups. This case raises important and precedential issues concerning the Bureau of Land Management’s (BLM) management of a National Conservation Area (NCA), and whether punching a four-lane highway through an NCA is consistent with BLM’s obligations to “conserve, protect, and enhance” the world-class ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Red Cliffs NCA.

This litigation also tees up important issues under other environmental laws. In particular, it examines whether BLM can spend federal dollars acquiring land for conservation under the Land and Water Conservation Fund

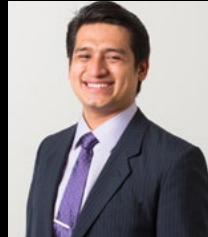
Act and then permit a highway over this same land; and it calls into question whether BLM can allow the “permanent loss” of over 62,000 acres of Mojave desert tortoise habitat without running afoul of the Endangered Species Act’s requirement to avoid adverse modification or destruction of critical habitat.

The Biden administration has also so far failed to roll back other unlawful Trump-era decisions in Arizona, again requiring *Advocates for the West* to file suit to hold BLM’s feet to the fire. We recently sued the agency over its Trump-era decision to allow continued and expanded livestock grazing in the San Pedro Riparian National Conservation Area (NCA) in southern Arizona. BLM permitted this expanded grazing in the face of abundant evidence showing that grazing was harming the riparian, wildlife habitat, and recreational values the NCA was designed to protect. Even the BLM State Director at the time of designation acknowledges that grazing was supposed to be eliminated in the San Pedro Riparian NCA by now.

In addition to these cases, I am working with Staff Attorney Lizzy Potter on our recent litigation filed in Washington, D.C. to challenge the Trump-era plan opening virtually all of the BLM’s Uncompahgre Field Office on the western slope of Colorado to oil and gas development; and another new case with Staff Attorney Sarah Stellberg challenging Trump BLM oil and gas leases in the “lands between” Bears Ears and Canyon of the Ancients National Monuments in southeastern Utah. Again, we have filed these cases hoping they will persuade, or force, the new Biden team to reject the Trump era’s unlawful and harmful decisions.

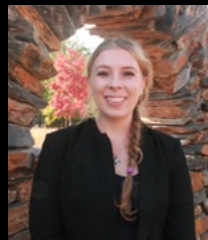
While I am disappointed that the Biden administration has so far refused to pull back these flagrantly unlawful Trump-era decisions, rest assured that *Advocates for the West* and our allies will continue to push administration officials to take a hard look these decisions and fulfill their legal duty to protect the West’s treasured landscapes in perpetuity.

LAW CLERKS



JOSE GARCIA-FUERTE
Summer Law Clerk (Portland Office)

Jose is a second-year law student at Lewis & Clark Law School and a judicial extern with Judge Marco Hernández in the District of Oregon. He volunteers with the Northwest Environmental Defense Center in the water law and environmental justice groups and is a student board member. He also volunteers with Alaska Legal Services in the SNAP Assistance and wills drafting & estate planning divisions. He serves on the executive board of the Latinx Law Society as Event Coordinator and Vice President of the Tax Law Society. His legal and scholarship interests include intersectional legal theory, administrative law, and civil procedure. Jose enjoys recreational dispersed camping and experimenting in the kitchen.



VICTORIA ROSE
Fall Law Clerk (Boise Office)

Victoria is a recent graduate of Duke University School of Law where she received her Juris Doctor and Master of Environmental Management. While in law school, Victoria was editor in chief of the Duke Environmental Law and Policy Forum and articles editor for the Duke Journal of Comparative and International Law. For her masters' project, Victoria worked with NatureServe to explore ways to improve the natural heritage programs with which NatureServe works. Prior to law school, Victoria completed her undergraduate degree at Baylor University where she focused on biology and environmental science. Victoria is excited to be in the Boise area and enjoys hiking and bird watching in her spare time.



CASEY HESS
Fall Law Clerk (Boise Office)

Casey is in her third year of law school at Vermont Law School. She also holds her Master's in Environmental Management with a focus on sustainable and resilient communities from Western State Colorado University. Casey earned a Bachelor's of Science in Earth and Environmental Science from Susquehanna University and completed her capstone on permaculture studies and best practice. Casey completed an interactive research project on composting initiatives with the Climate Change Leadership Academy in Hanover, New Hampshire; participated in student-lead research, reporting, and community outreach on Vermont's Act 148, which outlaws disposal of organic waste from conventional landfills; and is a board member for a Maine non-profit, WindowDressers, and a member of the Bethel Energy Committee in Bethel, Vermont. In her spare time, Casey enjoys running, hiking, kayaking, backpacking, biking, skiing, and playing music.



JARED GILMOUR
Fall Law Clerk (Boise Office)

Jared Gilmour is a second-year student at Columbia Law School in New York, where he is a staff member on the Columbia Journal of Environmental Law. Before law school, Jared graduated from Northwestern University with a degree in journalism. For several years, he worked as a reporter covering energy, the environment, and breaking news. He also served as press secretary for a U.S. senator from North Dakota, where he was born and raised. To escape his law school obligations, Jared enjoys running and exploring New York City's parks.

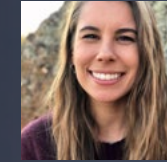
STAFF NEWS



Farewell
Anna Demetriades

"My time at *Advocates for the West* has been a gift, and I am so incredibly grateful for the nine years I have been a part of this stellar team of environmental warriors. Working alongside our staff and partners has given me a deeper understanding of what it means to be a conservationist, and what it takes to protect the wild places and wildlife I have loved all my life. The truth is that it takes a lot—and I am endlessly impressed by this team's tireless dedication to ensuring that the future of the West is filled with open spaces, clean water, and abundant wildlife.

In addition to my years at *Advocates for the West*, for the last decade I have run my own wild-foraged botanical skincare company called Anthea Skincare. This experience is what spurred my next adventure in employment, which takes me to Athens, Greece. I will be working with an herbal wellness company called Symbeeosis, whose mission is to heal and reforge the human connection to nature with their organic botanical and bee products. I look forward to bringing all that I've learned about protecting the natural world from my time at *Advocates for the West* to this exciting new endeavor. While I am sad to say goodbye, I will always remain an ardent supporter of *Advocates for the West*!"



Farewell
Madeline D'Onfro

We are grateful to Madeline for serving *Advocates for the West* for two years in her role as Operations Manager. She departed this summer to work toward earning her Master of Arts in Public Health at Boston University. Madeline's return to the East Coast not only brings her closer to family, but also prepares her for a career serving people in vulnerable and marginalized communities. We admire Madeline's caring spirit and her commitment to social justice. We look forward to seeing where her path leads her!



Welcome
Andrea Bogle

Andrea joined *Advocates for the West* in June 2021 as our new Operations Manager, bringing experience from the public, private, and nonprofit sectors. A by-product of a BA in Theatre or the result of curiosity, she's become a jill-of-all-trades: from nonprofit membership development to co-owning a remodeling company; from organizing author events at a local bookstore to supporting city council.

In 2009 she received her Permaculture Design Certificate from the Permaculture Institute in New Mexico. She's currently exploring human performance improvement through evidence-based systematic and systemic approaches to problem solving by pursuing an MS in Organizational Performance and Workplace Learning through Boise State University.

A Western native, Andrea appreciates the opportunity *Advocates for the West* provides to engage both heart and mind in connecting with place. In her free time, she prefers to be working in her garden, exploring with her lab, Frida, or sharing ideas and adventures with her sweetheart of 26 years.



Welcome
Hannah Clements

Hannah first worked at *Advocates for the West* in the summer of 2019 as a law clerk. She now joins the team in October 2021 as a Staff Attorney after spending one year clerking for the Honorable Michael W. Mosman of the U.S. District Court for the District of Oregon. Originally from the Puget Sound area, Hannah earned her J.D., summa cum laude, from Lewis & Clark Law School with a certificate in environmental and natural resources law.

While in law school she was the editor of the Ninth Circuit Review of the Environmental Law Review, law clerk for the Northwest Environmental Defense Center, and a member of the environmental law moot court national team. Upon graduating, she received the Williamson Public Interest Environmental Law Award, the Environmental, Natural Resources, and Energy Law Leadership Award, and membership in the law school's Cornelius Honor Society. Hannah is also a Wyss Scholar for the Conservation of the American West.

Hannah is based out of our Portland, Oregon office. She is thrilled to spend her time at work fighting to protect the areas she cherishes most outside of work, for the benefit of all people in present and future generations.



ADVOCATES for the WEST

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FEATURED ARTIST: SOFIA JARAMILLO

Sofia Jaramillo is an adventure photographer and filmmaker based out of Jackson, Wyoming. As a Colombian-American, her mission is to uplift and tell the stories of BIPOC athletes and friends. Including underrepresented models in her work is a priority. Jaramillo got her start in photography working for newspapers and is trained in telling stories through still photography and video. She believes in the power of storytelling and with this approach has photographed worldwide ad campaigns for various clients, including Arc'teryx, The North Face, National Geographic, The New York Times, and more.