



# ADVOCATES for the WEST

*2022 Fall/Winter Case Notes*



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COURT DECISIONS AREN’T THE ONLY WAY TO WIN

Laird J. Lucas, Executive Director

Advocates for the West has been a stalwart defender of our public lands and natural resources now through several presidential administrations, using law and science both defensively and offensively. Defensively by challenging harmful public lands and resource decisions. And offensively to change the status quo and promote more protective policies.

In an ideal world, our legal challenges would be resolved quickly, resulting in long-lasting protections for special places and sensitive species. But that’s not the way the courts work. Indeed, strong victories for the environment typically require years of litigation—and returning to court time and again to ensure agencies follow the law.

That is why the tools we use go beyond battling our adversaries in court. The political and bureaucratic landscape is ever changing, and sometimes the most effective path forward is favorably settling a case. Our litigation pressure helps

leverage such settlements, and contributes to *Advocates for the West’s* high rate of legal success.

Over the last year, we have made significant progress rescinding the Trump administration’s anti-environmental legacy on public lands—including by settling important cases holding federal agencies accountable, and giving us the equivalent of what we would have achieved in court.

The current political environment is ripe for this approach. Settlements provide certainty of outcome and a quick means of sweeping away flawed decisions. That appeals to the Biden team after the Trump administration broke the law left, right, and center.

A few recent cases we favorably settled or are now negotiating an environmentally-favorable solution include:

- Protecting the San Pedro Riparian National Conservation Area (NCA), a world-renowned biodiversity hotspot. We sued after the Trump Bureau of

Land Management approved high levels of grazing on the protected lands. Our recent settlement (see page 14) requires the agency to assess whether grazing is actually “conserving, protecting, and enhancing” the riparian habitat values the NCA designation is meant to protect, as the law requires.

- We are on the verge of a settlement in our third round of litigation against the Bureau for its continuing failure to protect the Sonoran Desert National Monument from the devastating impacts of livestock grazing. A Trump-era decision by the agency opens up the entire Monument to livestock grazing, even though grazing causes irreparable damage to the fragile desert environment.

- We are currently pursuing settlement negotiations with the Biden administration to rescind the Trump Bureau’s unlawful land use plan for the Uncompahgre Field Office

on the Western Slope of Colorado. The plan opens vast areas—including the North Fork Valley, home to the largest concentration of organic and chemical-free farms in Colorado—to oil and gas drilling and fails to protect wilderness quality public lands and wildlife habitat.

We’re also now in court-approved mediation in our case against the National Park Service to protect California’s Point Reyes National Seashore from a Trump-era dictate to expand industrial dairy and ranching operations. And we are pursuing court-ordered mediation representing the Nez Perce Tribe in a Clean Water Act citizen suit against Perpetua Resources for ongoing pollution discharges at the proposed Stibnite Mine project site in the headwaters of the East Fork South Fork Salmon River in Idaho.

In the environmental arena, permanent “wins” are rare. Securing favorable settlements can help ensure that damaging agency decisions are permanently stopped,

and agencies are persuaded to make more environmentally-responsible decisions moving forward. Regardless of what the future brings, these recent and forthcoming settlements allow us to sweep away the most damaging decisions from the most environmentally unfriendly administration in decades.

**Thank you for your love of the West and the support to make our work possible!**







# FIGHTING CLIMATE CHANGE, ONE BAD GRAZING DECISION AT A TIME

Will Shoemaker, Communications & Engagement Director

Rich and Vicki Dillenburg were first drawn to Arizona's Mogollon Rim—a 200-mile long escarpment separating the Colorado Plateau to the north and the Transition Ranges to the south—for its natural wonder, rich wildlife resources, and myriad outdoors activities. In 2000, the couple bought an acre of property amid vast ponderosa pine forests below the rim which provided habitat for flourishing deer, elk, and turkey populations, and five years later they built a cabin.

Then came the cattle. The Forest Service had closed grazing on a portion of the Bar X Allotments on the Tonto National Forest in 1979 following years of study that showed overgrazing had devastated natural resources and wildlife populations. Closing the area to cattle had reversed that trend. However, in 2015 the agency allowed grazing to return to the previously closed allotments without a required environmental analysis—and the impacts were immediate. Again in 2018, the Forest Service allowed grazing to occur on

the previously-closed allotments.

“There’s a trail up there in the National Forest behind our cabin and it had a beautiful spring,” said Rich, a Tempe-based attorney. “The cattle completely knocked the whole bank down and basically destroyed the spring.”

In response to grazing’s impacts, the Dillenburgs, who also are financial supporters of *Advocates for the West*, formed Neighbors of the Mogollon Rim, and in 2018 *Advocates for the West* and Rich teamed up to bring suit against the Forest Service for unlawfully re-opening and expanding grazing on the Bar X Allotments.

After forcing the agency to assess whether grazing is compatible with the area’s wildlife resources and sensitive plant species, *Advocates for the West* and the Neighbors are now challenging the Forest Service’s 2018 decision and analysis for not adequately addressing significant impacts to soils, vegetation, and wildlife, nor taking into account the severe effects of grazing on the well-

being of nearby communities.

“In general, Arizona is under a drought which makes the grazing even more detrimental to the environment,” Vicki noted.

Indeed, the Mogollon Rim is just one special place in the West where cattle grazing appears increasingly out of place amid worsening drought and other effects of climate change.

Over the last two decades, *Advocates for the West* has fought hard to keep oil and gas in the ground—both to protect sensitive species and ecosystems such as the Sagebrush Sea from direct impacts of extraction, and because of the resulting “downstream” greenhouse gas emissions. Another aspect of climate change we’re fighting to address is the often overlooked effects of commercial and industrial degradation of our public lands worsened by climate change. Namely: grazing.

While it has long been clear that grazing’s impacts are exacerbated by a changing climate, a study

released in spring 2022 by four Oregon researchers shows the inverse is equally true—grazing is exacerbating climate change.

As the study—“Livestock Use on Public Lands in the Western USA Exacerbates Climate Change: Implications for Climate Change Mitigation and Adaptation”—details, public lands in the West are a source of pride and inspiration for the millions of people who visit and recreate on them. They provide important ecosystem services—including clean air and water; vast, unfragmented fish and wildlife habitats and migratory corridors; and abundant sources of water and other natural resources for agriculture and domestic use.

In fact, livestock grazing is the most widespread land use of federally-managed public lands. However, grazing tramples soils, streambanks, and vegetation; reduces the amount of available forage for wild grazers; negatively impacts water quality; alters ecosystems; spreads invasive grasses; damages biological soil

crusts; and produces high levels of greenhouse gas emissions, among other negative impacts, according to the study.

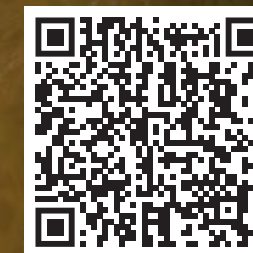
“The cumulative effect of long-term domestic livestock use of public lands typically results in simplified vegetation and soil structure, dominance of exotic annual plant species, degraded riparian zones and aquatic ecosystems, and lowered carbon stocks,” the study explains. “These effects contribute to desertification, a lowered resistance to the stresses associated with a changing climate, a shift from net carbon sinks to sources of greenhouse gases, biotic impoverishment, and the loss of ecosystem services provided by native plant communities.”

From Arizona’s Sonoran Desert National Monument, San Pedro Riparian National Conservation Area (see page 14) and Mogollon Rim, to California’s Point Reyes National Seashore, to Oregon’s Fremont-Winema National Forest, *Advocates for the West* continues to challenge bad decisions by federal

agencies allowing further livestock degradation. Additionally, our June 2022 victory to protect old growth from destructive logging in Idaho’s Salmon-Clearwater Divide serves to preserve ancient forests that resist massive wildfires while absorbing and storing climate-warming carbon dioxide.

As threats to sensitive species and treasured landscapes mount, *Advocates for the West* will continue fighting to protect the West’s natural wonders from both the impacts of a changing climate and poor management decisions spurring these changes.

Scan the QR code to read the study “Livestock Use on Public Lands in the Western USA Exacerbates Climate Change: Implications for Climate Change Mitigation and Adaptation.”





**“TINY, INCONSPICUOUS, AND MOSTLY UNAPPRECIATED INSECTS HOLD OUR WORLD TOGETHER. WITH ADVOCATES FOR THE WEST’S EXPERT HELP, WE HAVE A CHANCE TO REFORM THE DAMAGING FEDERAL PRACTICE OF RANGELAND PESTICIDE SPRAYING THAT PUTS AT RISK A HUGE DIVERSITY OF RANGELAND INSECTS—THE SAME INSECTS THAT ARE FOOD FOR SAGE-GROUSE, IMPORTANT AS PREDATORS ON GRASSHOPPERS, AND CRITICAL FOR POLLINATION OF RANGELAND PLANTS.”**



**Sharon Selvaggio**  
Pesticide Program Specialist  
Xerces Society for Invertebrate  
Conservation



## HARMFUL PESTICIDES THREATEN PUBLIC LANDS, POLLINATORS, SAGE-GROUSE

**Hannah (Clements) Goldblatt**, Staff Attorney

**Andrew Missel**, Staff Attorney



Pesticide use is one of the leading threats to biodiversity. Each year, roughly one billion pounds of conventional chemical pesticides are applied in the United States across many industries. This widespread use of pesticides is contributing to the ongoing decline of insect abundance, diversity, and biomass, which in turn negatively affects pollination, food systems for birds and fish, and other important ecosystem functions. Globally, biodiversity is declining faster than at any other time in human history, and native pollinators and other beneficial invertebrates are disappearing at alarming rates.

That is why this spring *Advocates for the West*, on behalf of the Xerces Society for Invertebrate Conservation and the Center for Biological Diversity, filed a new lawsuit in Oregon federal court challenging the use of pesticides across Western desert rangelands

and grasslands. We brought this case against the Animal and Plant Health Inspection Service (APHIS), a federal agency that authorizes and funds the application of pesticides in 17 Western states through its rangeland pesticides program.

The nominal purpose of the program is to protect rangelands used for commercial ranching by suppressing natural grasshopper and Mormon cricket population booms, but there is little evidence that the program does so in the long run. On the contrary, by decimating native grasshopper and Mormon cricket populations that provide important ecosystem functions, the program further harms sensitive rangeland and grassland environments already ravaged by drought.

The pesticides used by APHIS also have adverse impacts far beyond grasshoppers and crickets. They harm and kill many other important species, including native pollinators

such as bumble bees, birds like the imperiled sage-grouse, and endangered species. APHIS’s hollow environmental analyses fail to adequately analyze the program’s impacts to these non-target species. For instance, APHIS does not consider how its program acts in combination with widespread pesticide use on crops to affect native bees and butterflies. And it has been 27 years since APHIS last completed consultation with the U.S. Fish and Wildlife Service over the effects of the program as a whole to threatened and endangered species, as required by the Endangered Species Act.

APHIS’s program is also a disaster in terms of transparency: APHIS fails to disclose to the public where pesticide treatments have occurred in the past or are likely to occur in the future, nor does it disclose the amount of pesticide use that has occurred. This is especially troubling because through Freedom of Information Act requests we

have learned that spraying has occurred in and around sensitive ecosystems—like Malheur National Wildlife Refuge and the Pueblo Mountains Wilderness Study Area in Oregon—as well as in popular recreation destinations such as the Oregon Desert Trail in the Steens Mountain area.

Despite the risks the rangeland pesticides program pose to pollinators, sage-grouse, and imperiled species, APHIS shirks its responsibility to use less-toxic methods of pest control. Integrated pest management (IPM) was developed in response to the overuse of toxic pesticides and their associated environmental harms and is an ecologically-based strategy to managing pests designed to minimize reliance on pesticides. Various legal authorities—including the Federal Insecticide, Fungicide, and Rodenticide Act, and the Plant Protection Act—require APHIS to use IPM or other preventative

measures of pest control instead of relying solely on pesticides. Yet, in recent years APHIS has carried out its program solely by applying pesticides in a reactive manner, ignoring its duty to use more holistic approaches like IPM.

*Advocates for the West* and our partners hope this lawsuit will achieve programmatic reform, forcing APHIS to use less pesticide-intensive methods to address grasshopper and Mormon cricket populations when needed, and adequately informing the public of its actions, as our environmental laws require.





# FIGHTING FOR WINTERING WILDLIFE, QUIET RECREATION

*Laurie Rule, Senior Attorney*

Snowmobile use on National Forest lands has been a growing problem in many areas as technology has advanced and snowpacks have declined due to climate change. Over-snow machines can travel faster and farther into the backcountry, disturbing wintering wildlife that already face many challenges during that time of year. They also create conflicts with backcountry skiers and snowshoers who seek out quiet areas with fresh powder for their pursuits. As snow levels rise and snowpack declines, these varying uses converge in the same shrinking areas. *Advocates for the West* has worked to regulate snowmobile use on forests for more than a decade, and our efforts are starting to show progress.

For many years, most forests had minimal restrictions on snowmobile use, allowing them everywhere except in Wilderness. Due to litigation we brought in 2011—and won in 2013—the Forest Service was forced to revise its travel management regulations to include management of snowmobiles.

The result is that all forests that receive sufficient snow must complete a winter travel plan that designates the specific areas and trails open to snowmobile use and prohibits use everywhere else. When making those designations, the agency must minimize damage to natural resources, harassment of wildlife, disruption of habitat, and conflicts with other recreation users. These winter travel plans are slowly starting to be finalized across the West.

Because these plans limit snowmobile use for the first time, snowmobile groups are not happy and have challenged two of the early plans. The Fairfield winter travel plan in Idaho closed a portion of the Sawtooth National Forest to protect wolverines, mountain goats, and lynx. Recent studies documented wolverine and mountain goats in the area, and snowmobiles can disturb and displace these animals. That can be particularly detrimental to female wolverines searching for a den site or trying to find food for their young. Because

wolverines depend on deep snow for winter habitat, climate change is shrinking their habitat, and snowmobile use in those remaining areas can cause even greater impacts. *Advocates for the West* sided with the Forest Service to defend the Fairfield plan. While the Court issued an unfavorable ruling despite ample science supporting the agency's decision, the ruling reverted management back to the agency's prior plan, reducing access for snowmobilers to much of the Fairfield District.

In a separate case by snowmobilers challenging the Stanislaus winter travel plan in the Sierra Nevada Mountains of California, we are partly defending the agency's plan from snowmobilers' challenges, but also raising our own challenges because the plan did not go far enough to protect four rare species: Sierra Nevada red fox, Pacific marten, Sierra Nevada yellow-legged frog, and Yosemite toad. While the plan significantly reduced the areas open to snowmobile use, it left a few key areas open that are important to these four

species. Pacific marten and Sierra Nevada red fox live at high altitude and have adapted to deep snow to separate themselves from other competitors and predators like coyotes and bobcats. A shrinking snowpack from climate change allows for more intrusion by these native carnivores, and snowmobiles that compact the snow and create trails facilitate this intrusion even more. The Stanislaus plan designated a snowmobile "play area" in the heart of the fox's core habitat and left open areas with documented marten use.

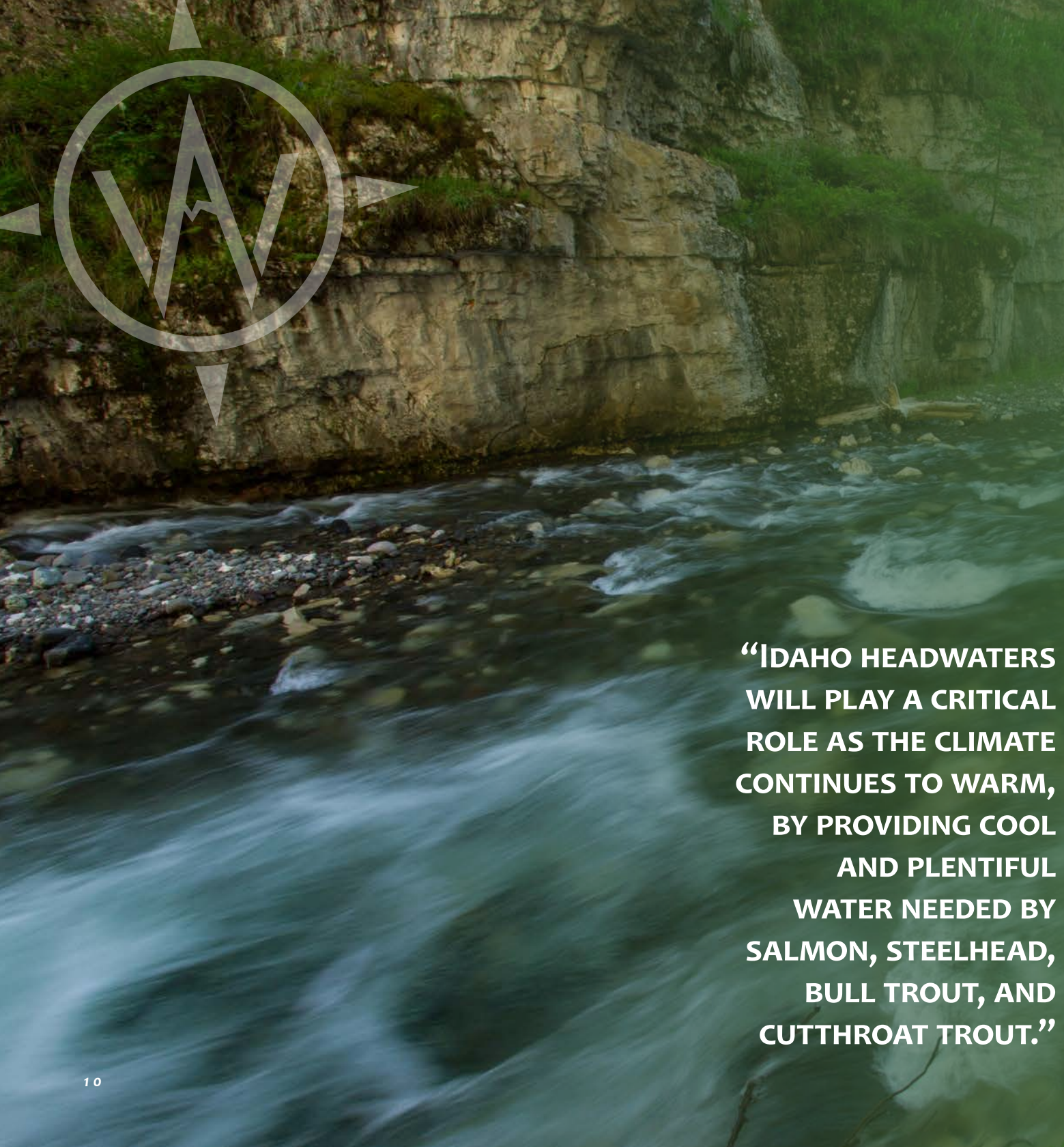
In addition, earlier snowmelt of meadows due to warming temperatures creates a greater chance that snowmobiles will injure or kill frogs and toads that are emerging from their winter hibernation and moving to breeding areas. The agency's plan did not adequately protect those species either. While we want the Stanislaus plan to stay in place, we are asking the judge to order the Forest Service to consider some additional protections in key habitat for these four species.

We are working with our partners to monitor other Forest Service winter travel plans that are expected to be finalized soon, and will continue to bring targeted litigation to challenge inadequate plans—or defend good plans from snowmobile industry challenges.

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**“IDAHO HEADWATERS  
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CUTTHROAT TROUT.”**

Countless headwater streams originate in the mountains of central Idaho and feed the many rivers that make Idaho the “whitewater state” and a stronghold for native fish. For anadromous fish that can swim nearly 1,000 miles from the Pacific Ocean, these rivers provide key spawning habitat, sustaining salmon populations culturally significant to Indigenous peoples in the region.

While efforts to save endangered salmon and steelhead in the Pacific Northwest often center on dam removal, Idaho headwaters—especially in the Salmon and Clearwater river basins—are vitally important in the lifecycle of these fish and crucial to their recovery. Idaho headwaters will play a critical role as the climate continues to warm, by providing cool and plentiful water needed by salmon, steelhead, bull trout, and cutthroat trout.

*Advocates for the West* has brought many successful legal actions to protect Idaho’s



## SAFEGUARDING HEADWATERS HABITAT IN IDAHO

*Bryan Hurlbutt, Staff Attorney*

headwaters from irrigation diversions, livestock grazing, logging, and mining. That work continues to this day, as discussed in the following updates from headwaters regions around Idaho.

### CLEARWATER RIVER

In June, we secured a court victory for Friends of the Clearwater stopping the two largest National Forest logging projects in Idaho in decades—the “Hungry Ridge” and “End of the World” projects located along the South Fork Clearwater River, which is home to a “high risk” population of steelhead. The Forest Service failed to protect old growth forests when it approved the projects. Not only does old growth support wildlife and fight climate change, it also protects fish habitat by providing shade and preventing erosion, keeping streams cool and clear.

This spring, we finished briefing in our case representing Idaho Conservation League (ICL) against Shannon Poe, President of the anti-federal American Mining Rights

Association. In June 2021, the court ruled that Poe violated the Clean Water Act on each of the 40-plus days that he suction dredge mined on the South Fork Clearwater River without a pollution permit. Suction dredge mining is a type of riverbed gold mining which pollutes rivers and drastically alters riverbeds. We are waiting for the Court to decide the penalty Poe must pay for his violations.

### SOUTH FORK SALMON RIVER

We are working to protect the East Fork of the South Fork Salmon River, where Perpetua Resources (formerly Midas Gold) has proposed mining gold from three open pits at a former mining area called Stibnite. We represent the Nez Perce Tribe in a federal court Clean Water Act case against Perpetua over ongoing pollution from historical mining at Stibnite. In July, we filed a new case on behalf of the Nez Perce Tribe and ICL, together with Save the South Fork Salmon, challenging Perpetua’s air pollution permit for the proposed mine. This fall, the Forest Service is

scheduled to release a new Draft Environmental Impact Statement for the proposed mine, and we will work with our partners to prepare strong public comments.

### UPPER SALMON RIVER BASIN

As the result of two cases for ICL that we filed in 2014 and 2018, the Forest Service is inventorying and evaluating the environmental impacts of dozens of irrigation water diversions throughout the Upper Salmon River basin, including in the Sawtooth Valley, Lemhi watershed, Middle Fork Salmon, Panther Creek, and others. We are continuing to work with ICL to ensure the Forest Service completes the inventories and protects fish from reduced flows, fish passage barriers, and pollution caused by water diversions.

### PAYETTE RIVER

In December 2021, we filed suit for ICL challenging the Forest Service’s landscape-scale, 20-year Sage Hen logging and restoration project. Below the Snowbank Mountain roadless area, Sage

Hen area streams support one of the most, if not *the* most, at-risk bull trout populations in Idaho.

### SNAKE RIVER

In 2020, representing ICL and the Greater Yellowstone Coalition, we successfully stopped mine exploration near the town of Kilgore in the Centennial Mountains. But mine proponent Excellon Resources is back, and earlier this year we filed a follow-up suit to protect one of the few places in the Beaver-Camas watershed that still supports Yellowstone cutthroat trout.

Over the years, we’ve safeguarded many other important headwaters habitats in Idaho—including protecting water quality in the headwaters of the Boise River and East Fork of the Big Wood River headwaters from harmful mining and unpermitted pollution discharges. And we will continue to defend these important aquatic habitats to ensure the fish species that rely on them have clean, cool water necessary for their survival.





# PROTECTING AIR, WATER, WILDLIFE FROM MASSIVE WYOMING FRACKING PROJECT

*Sarah Stellberg, Staff Attorney*

**A**dvocates for the West filed a new case last month challenging the Converse County oil and gas project, a massive 5,000-well development in the Powder River basin of Wyoming and a carbon disaster. Extracting and combusting the fossil fuels from the Converse County project will result in a nationally-significant quantity of greenhouse gas emissions: 69.5 million metric tons of carbon dioxide equivalent annually by year ten of the project, equivalent to 1.2% of total annual U.S. greenhouse gas emissions.

The Bureau of Land Management approved the Converse County project in the final months of the Trump administration. It is a capstone of Trump’s “energy-dominance” agenda for public lands management to relieve industry from federal environmental safeguards—and a reminder that much work

remains to unwind Trump-era decisions still threatening natural resources across the West.

The Bureau’s own analysis projected that the Converse County project will drive regional air quality to unhealthy levels and impair visibility in National Parks in surrounding states, including at Badlands National Park in South Dakota.

The development will also stamp a Delaware-sized industrial project into a sagebrush landscape, including 1,500 new well pads, 2,900 miles of pipeline, and 1,970 miles of roads—with devastating implications for wildlife. The project area includes prime raptor habitat, yet at the request of the developers, then-Secretary of Interior Bernhardt waived a critical protection for raptors other than eagles. Greater sage-grouse, a species already facing existential population declines, may be wiped

out the from the region entirely.

One important wrinkle to the Converse County project makes this an important precedent-setting case: it will consist predominantly of “Fee/Fee/Fed” wells, which extract federal oil and gas deposits, using directional drilling technology, from well pads on adjacent non-federal lands. Pursuant to an unlawful national policy, the Bureau claims to lack authority to regulate the surface operations associated with Fee/Fee/Fed wells, improperly exempting them from critical environmental protections.

Once an uncommon phenomenon, Fee/Fee/Fed wells now account for one-quarter of all federal drilling permits nationwide. In the states of Wyoming, Montana, Colorado, and North Dakota, this share has exceeded 50 percent. This emerging trend of unchecked extraction of federal minerals poses serious risks

to adjacent and downstream air, water, wildlife, public lands, and communities. We aim to hold the Bureau and private developers accountable for these harms.

Although our case targets the Converse County project specifically, a favorable ruling would have major ripple effects across the Bureau’s entire oil and gas program. This is precisely why we do the work we do. Big oil is no match for *Advocates for the West*’s precedent-setting wins for our partners across the West.

**“EXTRACTING AND COMBUSTING THE FOSSIL FUELS FROM THE CONVERSE COUNTY PROJECT WILL RESULT IN A NATIONALLY-SIGNIFICANT QUANTITY OF GREENHOUSE GAS EMISSIONS: 69.5 MILLION METRIC TONS OF CARBON DIOXIDE EQUIVALENT ANNUALLY BY YEAR TEN OF THE PROJECT, EQUIVALENT TO 1.2% OF TOTAL ANNUAL U.S. GREENHOUSE GAS EMISSIONS.”**





**“IN CREATING AND DESIGNATING THE SAN PEDRO RIPARIAN NCA, CONGRESS REQUIRED THE BUREAU OF LAND MANAGEMENT TO MANAGE THESE LANDS AND WATERS TO ‘CONSERVE, PROTECT, AND ENHANCE’ THE RIPARIAN, AQUATIC, WILDLIFE, SCIENTIFIC, RECREATIONAL, AND OTHER CONSERVATION VALUES IN THE AREA—AND CONGRESS DEMANDED THAT THE BUREAU ONLY ALLOW USES OF SAN PEDRO RIPARIAN NCA THAT WILL FURTHER THESE CONSERVATION PURPOSES.”**

**I**f I learned anything after more than 20 years litigating environmental issues across the American West it is this: people are policy. You see, Congress can pass the most environmentally-protective statute, and administrative agencies can promulgate conservation-oriented regulations and guidance, but until we have in place decision-makers willing to follow those laws and regulations, progress in the conservation arena will be slow. Let me explain.

In 1988, Congress created and designated the San Pedro Riparian National Conservation Area (NCA) in southern Arizona—the nation’s first riparian NCA—which included more than 46 miles of the San Pedro and Babocomari Rivers, and nearly 55,000 acres of riparian areas and uplands within the NCA. The San Pedro Riparian NCA contains four of the rarest



## PEOPLE ARE POLICY: SAN PEDRO RIPARIAN NATIONAL CONSERVATION AREA

*Todd Tucci, Senior Attorney*

habitat types in the American Southwest (cottonwood/willow forests, marshlands, grasslands, and mesquite bosques), and provides habitat for approximately 350 birds, 50 species of reptiles and amphibians, and more than 80 species of mammals. In addition, the NCA provides habitat and critical habitat for 18 species of federally protected threatened and endangered species, making this area one of the richest assemblages of land mammal species in the entire world.

In creating and designating the San Pedro Riparian NCA, Congress required the Bureau of Land Management to manage these lands and waters to “conserve, protect, and enhance” the riparian, aquatic, wildlife, scientific, recreational, and other conservation values in the area—and Congress demanded that the Bureau only allow uses of San

Pedro Riparian NCA that will further these conservation purposes.

In the 35 years since Congress created San Pedro Riparian NCA, the Bureau has continued to allow livestock grazing in the most fragile riparian areas and wildlife habitat across the NCA. In fact, the Bureau has renewed grazing permits again and again on the four grazing allotments within the San Pedro, even though the agency’s own data shows that grazing was harming soils, wildlife habitat, and aquatic and riparian resources. The Bureau even ignored the objections of the U.S. Fish and Wildlife Service, which concluded that continued livestock grazing was incompatible with the Congressionally-mandated purposes of the San Pedro Riparian NCA. In all these years, the Bureau never once measured its grazing against the Congressionally-mandated requirement to “conserve, protect, and enhance”

the conservation values in the San Pedro Riparian NCA. Until now.

In 2020, after the Trump administration approved expanded livestock grazing across the NCA, *Advocates for the West* challenged the decision in Arizona federal court on behalf of our partners Western Watersheds Project, Sierra Club, and Center for Biological Diversity. We were poised to prove in court—once and for all—that livestock grazing is incompatible with, and must yield to, the conservation and resource values of the San Pedro Riparian NCA.

I was both surprised and pleased to discover, after we filed suit, that the Biden administration did not desire to support the decision. Over the last many months, I worked to hammer out a settlement agreement that was just approved by the court, avoiding the need for lengthy litigation.

Under the settlement, the Bureau agreed to examine—for the very first time—whether continued livestock grazing within the San Pedro Riparian NCA is compatible with the “conserve, protect, and enhance” Congressional mandate. We expect this new decision to be out by late 2022.

Now, to be sure, I can’t guarantee that Bureau leadership will follow the science in making its new decision. But I can guarantee two things. First, we would not be on the cusp of perhaps permanently removing livestock from the San Pedro Riparian NCA without the right people in the right places in the Biden administration. Second, if the Bureau folds under livestock industry pressure and allows continued grazing in the NCA, *Advocates for the West* and our partners will be there, ready to fight for the wildlife and wild lands of the San Pedro Riparian NCA.





RRI staff members are pictured with founder Huey Johnson (fourth from right) prior to his passing.



## PARTNER SPOTLIGHT

### RESOURCE RENEWAL INSTITUTE

Huey Johnson launched the Resource Renewal Institute (RRI), a lean “think-and-do tank” based in Marin County, California, to foster innovative solutions to environmental problems, not to file lawsuits. But in 2016, after hundreds of rare Tule elk at Point Reyes National Seashore died during the drought, Huey was outraged. With *Advocates for the West* and our co-plaintiffs, Western Watersheds Project and Center for Biological Diversity, we boldly set out to hold the National Park Service accountable.

Johnson, who died in 2020, was a pioneer of the modern environmental movement, founding such organizations as the Trust for Public Land and the Grand Canyon Trust and serving as California’s Secretary of Resources and president of the Nature Conservancy. Huey was instrumental in the creation of Point Reyes National Seashore, where native Tule elk were reintroduced in an attempt to save the species.

According to the federal Organic Act, the founding mission of the National Park Service is to preserve natural resources, wildlife, and scenic beauty “unimpaired” for future generations. Yet, at Point Reyes—one of the most biodiverse parks on the planet—private cattle ranching has transformed thousands of acres into a moonscape. *Advocates for the West* Executive Director Laird Lucas and Staff Attorney Lizzy Potter are currently helping RRI navigate our way through a second lawsuit challenging the Park Service’s management at the Seashore.

These efforts have sparked a movement to restore the Seashore. Thousands of people have signed petitions and sent letters and comments demanding protection for the elk. The outcome of our lawsuit could provide a blueprint for other grassroots organizations combatting commercial resource extraction in National Parks across the West. With *Advocates for the West* in our corner, that outcome is closer than ever.

You can read more about Huey’s legacy on RRI’s website: [www.rri.org](http://www.rri.org)

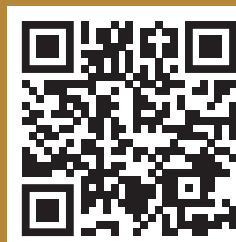


“We support *Advocates for the West* because they tackle the sorts of issues that matter most to us as Southwesterners and travelers of the West. We particularly care about the impacts of livestock grazing on watersheds and we want to save the last patches of wild in an urbanizing world. *Advocates for the West* is right there on these issues and we urge others to support their work as well.”

**Monique Schoustra and Tom Ribe**  
Sante Fe, NM  
Legacy Society Members



## MAKE A LASTING GIFT FOR THE WEST. JOIN OUR LEGACY SOCIETY.



By naming *Advocates for the West* as a beneficiary in your estate plans, you are making a lasting commitment to defend and protect the West’s natural treasures, clean air and water, fish, and wildlife. All legacy gifts help *Advocates for the West* win for the West, today and for future generations.

If you have already included *Advocates for the West* in your estate plans, please let us know. Sharing your plan with us places you under no obligation, but it does enable us to say thank you and welcome you to our Legacy Society. If you wish to be anonymous in your gift, we will gladly honor that wish.

To learn more about *Advocates for the West*’s Legacy Society, contact Deputy Director Aimee Moran at [amoran@advocateswest.org](mailto:amoran@advocateswest.org) or (208) 342-7024 x205.



## BOARD NEWS



### FAREWELL WALT MINNICK

It is with great appreciation that we bid farewell to Walt Minnick, and thank him for his five years of service on our Board of Directors. To our organization Walt brought a strong conservation commitment along with business acumen, political savvy, and leadership. Thank you for all you do, Walt!

## STAFF NEWS



### WELCOME ALEXA OCHSNER OFFICE MANAGER

Alexa is passionate about working for a cause that makes a difference, and protecting the environment has always been near and dear to her. She joined the Boise office of *Advocates for the West* in September 2022.

She has spent the past 10-plus years in the educational nonprofit world, focusing on administration, operations, fundraising, and communications at Sage International School of Boise and Treasure Valley Institute for Children's Arts. Alexa has built and maintained strong working relationships in her community; her friends joke she knows more people than the governor!

Alexa lives in Boise with her two incredible daughters and is a proud member of the Basque community. In her spare time, she loves to travel and explore new places. When in town, you can find her cooking with friends and family, exploring new places for dining out, and diving into her puzzle collection in the winter.

## LAW CLERKS, EXTERNS, & INTERNS



### DAVID DERRICK FALL LAW EXTERN

David joins *Advocates for the West* as an LL.M. student studying Environmental Law at UCLA School of Law. Before enrolling in the LL.M. program, David

spent three years as a litigator at an international law firm (San Francisco and New York), where he built a robust pro bono practice focused on criminal justice and equal protection issues. He earned his J.D. from Berkeley School of Law in 2017, where he was executive editor of the *California Law Review*. David has externed for Lambda Legal (Chicago), the NSW Council for Civil Liberties (Sydney), and Marine Conservation Institute (remote). Before law school, David served with City Year (Sacramento). He has undergraduate degrees in environmental science, economics, and international studies. David enjoys backpacking, climbing, paddling, and meeting any and all dogs.



### BLAINE TRACY FALL LAW EXTERN

Blaine is entering his second year at Columbia Law School. After his first year of law school, Blaine interned at

the Colorado Office of the Attorney General, where he completed a variety of litigation and regulatory projects spanning subject areas including healthcare, data privacy, public utilities, broadband, and labor. Blaine attended the University of Denver for undergrad, where he completed his Bachelor of Arts in three years with majors in political science and communications, and a minor in criminology. While originally from central Illinois, Blaine fell in love with the West when he lived in Denver, and hopes to return to the region as he builds his legal career. In his free time, Blaine enjoys baking, landscape painting, trail hiking, and completing crossword puzzles.

## SHOW YOUR LOVE FOR THE WEST.

*Advocates for the West* provides winning legal services to our clients at no charge. This allows our partners in conservation to focus on what they do best rather than diverting their energies to addressing legal costs. Our fundraising allows us to focus on what we do best: provide clients with free, top-notch legal representation for the environment.

This is where you come in. Individual contributions and grants from private foundations are critical to our success. We hope you are inspired by our long track record of success and will make a tax-deductible gift to *Advocates for the West* today.

Thanks to support from people like you, we continue to fight—and win—for the West's treasured public lands, water, fish, and wildlife.







**ADVOCATES** for the **WEST**

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## FEATURED ARTIST: KT MILLER

Kt Miller is a professional photographer, skier, mountain guide, director of field programs and relations at Polar Bears International, and a master's student at Royal Roads University. Kt has a deep passion for conservation and love of wild places. Most recently, she finds joy in exploring frozen high mountain lakes on backcountry ice skates. Kt's work can be found at [www.ktmiller.photo](http://www.ktmiller.photo)