



ADVOCATES for the West

10TH ANNIVERSARY CASE NOTES EDITION

LOOKING BACK A DECADE | Laird Lucas

Ten years ago, I was nervous; launching *Advocates for the West* as a new environmental nonprofit felt risky. The economy was down, and charitable donations had plummeted. Nonprofits in the Northwest were closing or merging. Major foundations advised against starting another mouth to feed.

But a wise friend told me back in 1993, when I first came to Boise to be a public interest environmental lawyer, "if you do good work, the money will follow." That advice has proven sound.

Thanks to the support of some good friends - like Ann Down (profiled on page 2) - *Advocates for the West* began operations in January 2003. Ten years have flown by.

Being free lawyers for the conservation movement is a remarkable thing. It empowers people who stand up and fight for causes we all care about: clean water, fresh air, wildlife, wild places.

Advocates for the West regularly battles some of the

largest corporations in the world, and more often than not we come out on top. We win or settle favorably about 85% of our cases – a true testament to our first-rate, hardworking attorneys, who delve deeply into their work with true passion for each case. I could not be more proud of the stellar team we have assembled over the years.

So while I was nervous ten years ago, now I am thankful. Thankful for being able to practice law over the last decade, working on issues I care about and with attorneys and clients who are deeply invested in the protection and preservation of the beautiful West.

Most of all I am thankful for all the individuals and groups that have supported *Advocates for the West* over the years. Important things cannot be achieved alone – it takes partners, friends and allies to have an impact.

Because of you, we are here today celebrating 10 years in operation. Here's to another 10 incredible years and many more to come. Thanks so much to you all!

WORK THAT'S WORTH THE WAIT | Senior Attorney Todd Tucci

Advocates for the West has had many successes since our opening in 2003 – including protecting the communities and Wild and Scenic River corridor surrounding Highway 12; increasing protections for Rocky Mountain big horn sheep, Greater sage-grouse, salmon and bull trout, and other wildlife; and reforming livestock grazing and other uses on the public lands in the Owyhees, Jarbidge and elsewhere.

Sometimes our victories are swift, but more often they take a while to fully realize. Our litigation strategy sometimes takes years – and many cases – to fully implement. But the benefits of our long approach are unmistakable, and the recent events in the Owyhees of southwestern Idaho show that oftentimes the wait is worth it.

The Owyhee Canyonlands is an area of rugged beauty, startling in its ecological diversity, from arid sagebrush desert to lush juniper woodlands, where the rivers have sculpted spectacular and wild canyonlands out of the Owyhee's volcanic rock formations. The Owyhee Canyonlands also show the impacts of persistent overgrazing, including diminished native vegetation and wildlife communities, increased erosion, and an explosion of cheatgrass and other weeds.

SPECIAL THANKS TO ANN DOWN

Advocates for the West literally would not be here without the help of Ann Down.

I first met Ann at a small party in the Wood River valley hosted by our long-time mutual friends, Jo and Bill Lowe about 12 years ago now. Ann and I hit it off immediately, and engaged in several conversations over the next few days about how she might support our work. Those conversations led directly to launching *Advocates for the West*.

Ann resides in Ketchum, but is often on the road following her passions to help people and the natural world. Her travels to Nepal, Bhutan, India, Africa and Europe have generated deep contacts and relationships around the world for Ann, which I know have enriched her life immensely.

Through her small foundation, the Good Works Institute, Ann has helped seed the start-up and development of dozens of grassroots groups and works of committed individuals across the planet. *Advocates for the West* is fortunate to be included among them.

Ann made multiple year funding commitments in our early years that allowed us to grow our staff and attract other funding support. I am proud to say that *Advocates for the West* is now mature and large enough that we no longer even qualify for support from the Good Works Institute. That's an achievement of which I am particularly proud.

My deepest thanks, love and admiration go out to Ann!

- Laird

We first became involved in the Owyhees in the mid 1990s after BLM blindly issued new grazing permits across the area without any environmental review. We sued, and asked the court to order BLM to prepare a comprehensive review of the impacts of grazing on sage-grouse and other wildlife. We won, and the court ordered BLM to prepare a new land use plan.

In the mid-2000s, after BLM finalized a new land use plan, we struck again, this time arguing that BLM's grazing authorizations violated the plan. We won again, and this time the court closed some areas to grazing, put tighter restrictions in other areas, and required BLM to comply with its new land use plan.

After the BLM interpreted its new land use plan to permit status quo grazing – the same grazing levels that led to the degraded conditions in the first place – we sued again. The court again issued a stunning rebuke of BLM, finding that:

Grazing is permitted [in the Owyhees] but only to the extent it is “compatible” with the protection of sensitive species like the sage-grouse. To the extent livestock and sage-grouse conflict, it is grazing that must yield.

In response to this litigation, BLM has recently issued new decisions in the Owyhees that for the first time call for real reductions in grazing and increased protections for sage-grouse and other imperiled wildlife. Although we are still reviewing these decisions – and it is possible that BLM's plans offer inadequate protection for sage-grouse – the trend lines are unmistakably bending towards increased protections of our natural treasures in the Owyhee Canyonlands.

It is equally true that this course was unattainable without *Advocates for the West's* ability and willingness to create and execute a legal strategy that prioritized patience over impetuosity. We continue to apply this same analysis and rigor to all our cases across the West, and we are realizing unprecedented victories.

We have gone far over the past ten years – farther than any of us could have imagined when we started this journey – and the results of our work can be seen in the uplands, rivers, and wildlife habitat all across the American West. Over the next ten years, we are planning on going even further.

Thank you for all you do to support our work!

INTERVIEW WITH LAURIE RULE

Advocates for the West's Senior Attorney Laurie Rule recently sat down with Anna Demetriades, our Director of Development & Communications, to share some perspectives on her career as an environmental lawyer.

Q: What made you decide to choose environmental law as your career?

A: I've always had an interest in the natural world – I got my undergrad in biology, so it was a topic that already came naturally to me. I came to the West from having lived and studied in the East, and when I got here I thought – wow, this is somewhere I'd really like to be. I was fascinated by the large amount of public lands and wanted to learn more about how it all worked. I volunteered with the Forest Service and then had a series of jobs doing survey work on fish and wildlife. During one of my jobs I met a woman whose husband went to Lewis & Clark for environmental law and I thought – that sounds pretty great. It seemed like a good way to use my biology degree to protect the environment, and to do the kind of work I love on the “good side” of the field.

Q: Do you have what you'd consider to be a “defining moment” as an attorney?

A: One of my early defining moments was with my caribou case, working with a number of clients to protect the herd from unregulated snowmobile use on Forest Service land in northern Idaho. We had a 3 day trial, and at the end of those 3 days the judge ruled from the bench in our favor. The case had gone on for almost 2 years and it had been tough, so to get a ruling from the bench was truly amazing.

All my work on bighorn sheep has been pretty defining for me too. It's led to many bigger things for bighorn and caused a dramatic shift in the way the Forest Service and BLM look at management of bighorn and domestic sheep when the species are in close proximity and can interact. Instead of protecting the ranchers, they've gradually changed to protecting bighorn, which is a huge step forward. The agencies are now coming out with guidelines on a national scale to protect bighorn from the threat of disease carried by domestic sheep, and they're taking measures to avoid further litigation. I'd like to think that the work *Advocates for the West* has done, and really the work I've done, is at least partly responsible for this new way of looking at the issue.

Q: What kind of legal work do you most enjoy doing?

A: Aside from my caribou case and the work I'm doing on bighorn sheep, I particularly enjoy the cases I'm working on with Kristin Ruetter that focus on protecting threatened and endangered fish in the Upper Salmon basin of Idaho from habitat damage inflicted by livestock grazing. In fact, we just settled one case and filed another case on behalf of Western Watersheds Project to protect salmon, steelhead, and bull trout from grazing damage.

The common thread through these cases that make them so enjoyable for me is the link between law and science. Integrating science with the law allows me to use my biology background and legal knowledge at the same time. I think that's one of my biggest strengths and what I have to offer *Advocates for the West* that maybe other attorneys can't. I am familiar with analyzing environmental reports and can make my own evaluation as to whether or not the report is accurate and complete.

Q: You have enjoyed a few big wins recently. Can you tell me a bit about those cases?

A: I recently won a case challenging the US Forest Service's national travel management rule. Under that rule, the agency is required to issue travel management plans for off-road vehicle use on National Forest lands, designating which areas are open and which are closed to off-road use. However, the rule exempted snowmobiles from this requirement. My client Winter Wildlands Alliance challenged that exemption and we won, with the Court ruling that the law requires the Forest Service to manage all off-road vehicles, including snowmobiles. Hopefully this ruling will force the Forest Service to take actions to regulate snowmobiles and reduce conflicts with other recreation users like cross country skiers and snowshoers.

Another recent win is a grazing case in which we challenged the reauthorization of grazing in numerous areas of Idaho, Utah, and Wyoming where the Forest Service issued the decisions without any environmental analysis. The Court ruled that the Forest Service was not allowed to exempt these decisions from analysis reviewing the environmental impacts of grazing. We also concluded a similar case in California late last year that will result in the Forest Service doing environmental analysis of grazing impacts for areas within several California national forests.

And as I mentioned earlier, we just achieved a great settlement in one of our Upper Salmon basin fish cases where grazing has been harming salmon, steelhead, and bull trout for years. Through the settlement, the Camas Creek grazing allotment, which is partly located in the Frank Church River of No Return wilderness, will be closed to livestock grazing until the Forest Service, US Fish and Wildlife Service, and National Marine Fisheries Service complete new analyses that properly assess impacts from grazing and adequately protect these threatened fish species from further harm.

Q: Tell me about the award you recently won for your bighorn sheep work.

A: Our Staff Attorney Kristin Ruetter actually nominated me for the award, which is something presented by Lewis and Clark, where we both went to law school. There are three awards given each year from the recent grad council, and the one I was presented with is called the Rising Star Award, which I received at the Distinguished Honors Dinner on January 19. It was a great occasion and a wonderful honor to receive the award.



Bull Trout – Dave Bickford



Castle Rock at Camas Creek – Alex Brott



CASE UPDATES | Staff Attorney Bryan Hurlbutt

As the Water Fellow at *Advocates for the West*, I have helped our client Idaho Conservation League (ICL) halt an extensive mining exploration in the Boise River watershed; ensure the Dynamis Waste-to-Energy Plant never gets built; keep a suction dredge mine out of the Salmon River; and throw out Idaho's inadequate standards for toxic pollution in our streams. Here's a taste of what I'll be working on for ICL in the remainder of my two-year fellowship:

Protecting Lake Pend Oreille from the Albeni Falls Dam

Lake Pend Oreille is Idaho's largest, deepest lake. Ecologically rich wetland and riparian habitat around Lake Pend Oreille's 144-mile shoreline makes the area an attractive home to bald eagles, moose, and other wildlife. The Albeni Falls Dam regulates the top 11.5 feet of the lake, and thousands of acres of wetland and riparian habitat were destroyed when the dam was built in the 1950s. Remaining habitat is now eroding at an alarming rate and is facing an onslaught of invasive species.

Historically, the Albeni Falls Dam held lake levels steady through winter, giving Lake Pend Oreille's shores a much-needed break from devastating erosive forces. But in 2011, the Bonneville Power Administration (BPA) requested the lake be filled and drained in winter to generate additional power. Despite widespread concern that this would worsen erosion and the spread of invasive species, BPA chose to proceed.

Advocates for the West filed suit in the Federal Ninth Circuit Court of Appeals on behalf of ICL challenging BPA's failure to consider and mitigate these impacts. I am currently briefing this case and anticipate arguing it before the end of the year.

Battling Mining in the Boise River Headwaters

Thanks to our legal victory last August, the CuMo Exploration Project is at a standstill while the Forest Service grapples with potential water quality impacts caused by drilling hundreds of holes, each thousands of feet deep, in an area littered with historic mining waste. Canadian mining company Mosquito Gold, recently rebranded as American CuMo Mining Corporation, touts the CuMo Site as a "massive" deposit of molybdenum, copper, and silver suitable for a large open-pit mine. The site is located in the headwaters of Grimes Creek in the Boise River Watershed, 14 miles north of Idaho City. I am working with ICL to oversee the Forest Service's new water quality analysis and to ensure that no further exploration takes place without strict adherence to environmental standards.

Keeping Idaho's Rivers and Lakes Free of Toxics

In response to a lawsuit we filed in January 2012, the EPA threw out Idaho's water quality standards for being inadequate to protect humans from toxic pollution. Idaho uses a number of factors to determine allowable levels of toxics that can enter Idaho's rivers and lakes. One such factor is Idaho's fish consumption rate, which is an estimate of the quantity of fish people in Idaho catch and eat. The more fish Idahoans eat, the more stringent our water quality standards need to be. EPA found that Idaho adopted too low of a fish consumption rate, meaning that people who consume high levels of fish in Idaho might not be protected from toxics.

Idaho is in the process of developing new toxic standards by conducting surveys and compiling other information to identify a proper fish consumption rate. I am working with ICL to oversee this process and to ensure that Idaho adopts standards strong enough to protect all Idahoans from toxic pollutants.

CASE UPDATES | Staff Attorney Kristin Ruether

In recent months, *Advocates for the West* has been focusing on protecting the wild fisheries of magnificent central Idaho through enforcement of the Endangered Species Act (ESA).

Central Idaho has some of the healthiest remaining populations of wild salmonids in the lower 48 states, including Chinook salmon, steelhead trout, and bull trout. Unfortunately, that's not saying much these days, as many of the populations are doing poorly due to a combination of factors including dams, roads that bleed sediment, irrigation diversions that dewater streams, and livestock grazing.

Cows love to wade and wallow in streams, which does a lot of damage. Just one cow trampling on a redd (fish nest) can kill thousands of the eggs or young fish. And the habitat effects of grazing on streams are profound. Cows remove riparian vegetation, destabilize stream banks, widen stream channels, reduce pool frequency, increase soil erosion, and degrade water quality, among other things.

Through the ESA consultation process, agencies are supposed to ensure that federal actions promote recovery and do not jeopardize the species. Unfortunately, many consultation documents we review fall short of these standards, and instead turn a blind eye to continued degradation. Senior Staff Attorney Laurie Rule and I recently used the ESA to challenge several flawed grazing consultations in two important central Idaho watersheds on behalf of Western Watersheds Project.

Camas Creek

The Camas Creek grazing allotment lies partially within central Idaho's Frank Church-River of No Return Wilderness. Camas Creek, a tributary of the Middle Fork Salmon, is especially important for recovery of Chinook salmon because of the genetic purity of the wild Camas Creek population.

This allotment had some of the most egregious cattle-salmon conflicts we've ever seen, with cattle regularly trespassing into a special salmon spawning "exclosure" and other sensitive spawning areas for over a decade; a biologist even caught on camera a herd of cattle trampling a Chinook salmon redd! Despite heaps of evidence to the contrary, the consultations assumed that cows would not trespass in the creeks or harm any Chinook salmon, among many other incorrect assumptions.

This spring we successfully settled this case with the federal agencies and the rancher. The agencies will complete new consultations on impacts to anadromous fish and bull trout. Importantly, no livestock grazing can occur pending completion of these new consultations!

Little Lost River

This spring we filed a similar suit in the majestic Little Lost River watershed of central Idaho, which is bordered on the west by the highest range in Idaho, the Lost River Range, and on the east by the equally rugged Lemhi Range. The watershed is home to a small subpopulation of bull trout, which were once well distributed. However, they have undergone severe declines in recent decades, and have even been extirpated from many areas.

Despite the declines, the Forest Service and BLM continue to permit heavy levels of livestock grazing on many bull trout streams. On many high elevation streams in the Little Lost, grazing has caused truly appalling levels of erosion and other damage. The consultations for these allotments, too, were based on false assumptions and failed to take an honest look at how the impacts from multiple harmful activities across the watershed are speeding bull trout's downward spiral. Instead, they authorized continued harm from grazing on each allotment, hoping that recovery occurs "somewhere else."

We're hopeful that in challenging these consultations, we can get Idaho's native salmonids back on track toward recovery. Many thanks to our experts in these cases – fish biologists Bob House and Larry Zuckerman.



GIVE TO THE LAND

Dear fellow lover of the West,

When I began working for *Advocates for the West* just six short months ago, I was astounded by how many landmark victories our legal team has pulled in over the past ten years; wins that have had a real, lasting impact on the places I love – the Owyhees, the Frank Church Wilderness, and the Wild and Scenic River corridor, just to name a few. I thought to myself – *this is why I work here*. I was born and raised in Idaho and Montana, so to be a part of an organization that protects the lands most precious to me is an honor beyond words.

As you may know, our stellar legal team wins or favorably settles about 85% of our cases. That's an impressive win record! And our staff not only believes in what we do, we back it too. I'm proud to say that every one of our staff and board can also be found on our donor list. Our success is thanks to the people who keep us funded; people like you. By giving to *Advocates for the West*, you are becoming directly involved in what we do.

Advocates for the West protects the places we all rely on for clean water, fresh air, pristine wilderness, and healthy wildlife populations. **Thank you for caring for the West.** We hope you will show your support for this magnificent place by sending a meaningful gift today!

With gratitude,

Anna Demetriades
Director of Development & Communications

WELCOME NEW STAFF AND BOARD

Anna Demetriades - Director of Development & Communications

“As a native Idahoan with a great love for the outdoors and the unique landscape of the West, I couldn’t be happier to be joining *Advocates for the West*.

I grew up in McCall and moved to Boise when I was 18 to pursue a writing degree at Boise State University. I immediately gravitated toward the wonderful artistic community of this town, volunteering and eventually working for a number of nonprofits. I spent time with such organizations as Trey McIntyre Project, Zoo Boise, Story Story Night and the McCall-Donnelly Education Foundation before discovering *Advocates for the West* after more than 10 years serving the nonprofit community.

My family raised me to respect the wilderness and appreciate how fortunate we are to have such an abundance of public land to enjoy, so the first time I sat down to talk with Laird I knew this was the job for me. Working with *Advocates for the West* challenges and compels me to be a proactive member of society and to engage others in the protection of our most valued asset as a Western dweller – the land.”

Justin Hayes - Board Member

“I’ve been a member of *Advocates for the West* since the first day that the organization was formed and it is wonderful to now be in a position to serve on the Board. *Advocates for the West* fills an important niche in the conservation community – legal muscle.

Generations of Americans have made great strides in protecting our country’s clean water, wild lands and wildlife. Together we have passed state and federal laws to manage our public lands and protect clean air and water so that we all may benefit.

Unfortunately, not everybody chooses to follow the law. That is why *Advocates for the West* is so important; they step in when policy advocacy is not enough. They are here to ensure that people follow the laws that have been created to protect America’s wild heritage, to protect our health from pollution and to ensure that we can all enjoy America’s great outdoors. I’m honored to serve on the *Advocates for the West* Board of Directors.”

Linwood Laughey - Board Member

Linwood (Lin) Laughey brings to the *Advocates for the West* board an incredible knowledge of Idaho’s wild places and an unrelenting motivation to protect our state’s treasured lands.

A longtime resident of Idaho’s Clearwater Valley, in the past 12 years Lin has guided over 5,000 heritage travelers in North-Central Idaho as an outfitter and through such organizations as Linblad Expeditions/National Geographic.

He and his wife, Borg Hendrickson, co-founded Fighting Goliath – an organization that actively challenges state and corporate attempts to convert the Clearwater/Lochsa Wild and Scenic river corridor into a permanent transportation route for “mega-loads” of oil sands equipment.

Lin and Borg’s proactive and hard-hitting work with Fighting Goliath has been an incredible asset to *Advocates for the West*’s fight against the Highway 12 mega-loads, and we are most pleased to welcome Lin to our Board.

FAREWELL TO SOME GREAT STAFF AND BOARD

Staff Changes

Advocates for the West says a fond farewell to former Staff Attorney Natalie Havlina, who spearheaded several important cases – including Highway 12 and Green Mountain Commons – and was with us for over four years. She left us in December to pursue other career opportunities.

We also say goodbye to Aimee Moran, who did a fantastic job as our Development Director for nearly two years and is now continuing the good fight with our longtime client Idaho Conservation League.

We wish both Natalie and Aimee all the best!

Board Changes

Rick Johnson, Executive Director for the Idaho Conservation League, recently retired from our Board of Directors after almost 10 years of dedicated service, leaving room for ICL’s Program Director Justin Hayes to join us. We are glad to have the continued support and council of ICL’s incredible staff!

This year we also say goodbye to Grant Barbour, who has been a member of our board almost since the beginning. His experience as an environmental lawyer in California proved to be invaluable to us as we began operations and developed into the organization we are today. We are proud to have had him onboard for so long!

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WHY WE GIVE | Linda Erdmann & Michael Wise
 In the winter of 2006, we left our urban lifestyle in Washington, DC for a small town, rural lifestyle in the mountainous Ketchum, Idaho. Our decision to move was based on our love for the unique wildness of Idaho and all the outdoor recreational activities this state and surrounding areas in the West have to offer.

As a family, we spend our time outdoors camping, hiking, and skiing. Backpacking to remote backcountry areas particularly brings us closer together since there are no technical gadgets to distract us or schedules and obligations to meet. These are times when we reconnect with ourselves and each other and share in all the beauty and wonder around us.

We strongly support *Advocates for the West* for their work in protecting the wild places we love from indiscriminant development of energy projects, water pollution, threats to wildlife, and unrestricted grazing. Laird and his talented staff have won landmark cases that strengthen the health and protection of the West. It is important for us to ensure that our son and generations after him have the same unspoiled wild places to value and enjoy.



Linda, Michael and Ben

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