



**ADVOCATES** for the **West** 2016 Fall/Winter Case Notes





# Battling Mining Threats Across Idaho

**Laird J. Lucas**  
Executive Director  
(Boise Office)

Dear fellow **Advocate for the West**,

Like you, I am shocked by the outcome of this election. I'm dismayed that Donald Trump and his team will oversee the safety and well-being of our treasured public lands and wildlife.

But **Advocates for the West** was launched in the dark days of the George W. Bush Administration more than a decade ago. We know what it takes to stop bad regulations in court, halt industrial development of our public lands, and force corporations to clean up the air and water they polluted and help communities fight to protect their values. We are nimble, strategic lawyers for the environment, and we know how to win in court and leverage those wins into protections on the ground.

**Advocates for the West** is unmatched in our success protecting the West. I am so proud of our fiercely dedicated team of attorneys, and grateful for the community that supports our work. Together, we **will** prevail. With your help, we can send a resounding message to the Trump Administration – we do not give up.

We fight for the health and well-being of every American, our wildlife and wildlands – despite their best efforts to dismantle all we hold dear. The next four years will be a challenge, but with you on the **Advocates for the West** team, I know we can win.

With gratitude and determination,

Laird J. Lucas, Executive Director

An ancient relic enacted just after the Civil War continues to have a



powerful hold in the American West: the 1872 Mining Law. Amazingly, this law allows foreign

corporations to claim the right to rip up our public lands in search of gold, silver and other valuable minerals, at times even in designated Wilderness Areas.

**Advocates for the West** has worked for years to combat proposed mining on public lands and rivers in Idaho, utilizing all the tools we can think of to prevent the environmental destruction caused by mining. We often use the National Environmental Policy Act (NEPA), which requires federal agencies to fully disclose environmental impacts of their proposed actions and evaluate alternatives; and the Endangered Species Act (ESA), which protects listed species such as salmon, steelhead and bull trout, which are found in many Idaho streams vulnerable to mining exploration.

In the last year, we won a series of federal court cases challenging mining proposals across Idaho. Most of these cases were led by Staff Attorney Bryan Hurlbutt, who partnered with Idaho Conservation League (ICL) as part of our collaboration to protect

Idaho waters and streams. We also worked with an array of other partners, including the Western Mining Action Project, Idaho Rivers United, and many other groups concerned about particular mining threats in Idaho.

## Golden Hand Mining Exploration in the Frank Church Wilderness

In summer 2015, we filed a federal court lawsuit challenging the Payette National Forest's approval of mining claim validation work inside Idaho's Frank Church-River of No Return Wilderness – the nation's largest wilderness area outside of Alaska. We brought the case for ICL and numerous other groups concerned about protecting the Frank Church Wilderness, including The Wilderness Society, Earthworks, Friends of the Clearwater, and Wilderness Watch.

The Forest Service approved the company's expansive plan to deploy bulldozers, dump trucks and drilling rigs miles inside the Wilderness, within the Big Creek area outside of Yellow Pine. We argued that the agency failed to ensure minimal impacts to wilderness values, including because the agency never considered alternatives to reduce motorized activities in the Frank Church Wilderness.

In August 2016, the Court ruled in our favor, agreeing that the Forest Service violated the Wilderness

Chamberlain Trail in the Frank Church Wilderness, which leads to the Golden Hand mining site  
– Ron Marquart/mnimagesonline



Sacajawea's Bitterroot – Edna Rey-Vizgirdas



Act, the National Forest Management Act, and the National Environmental Policy Act. The decision is important because it holds that the Forest Service must protect wilderness values even if a mining company has a right to conduct mining exploration within a designated Wilderness Area.

Despite this win, the battle to protect the Frank Church Wilderness is far from over. The Forest Service must now conduct further analysis to evaluate scaled-back and less invasive alternatives for motorized activities in the Wilderness – a public process that should take at least another year. Look for further alerts from ICL and other groups so that you can submit comments urging the Forest Service to do all it can to protect the Wilderness.

## CuMo Mining Exploration Project in the Boise River Watershed

In January 2016, **Advocates for the West** filed a lawsuit in federal court challenging the Forest Service's latest approval of the CuMo Exploration Project in the headwaters of the Boise River. This case was brought for ICL as well as Idaho Rivers United and Golden Eagle Audubon Society, based on their concerns about mining impacts

to the fish and wildlife of the Boise River headwaters.

CuMo proposes to drill hundreds of bore holes and build roads and drill pads to study the minerals at the site – which it

claims could be the largest open-pit molybdenum mine in the world. The project would severely alter the Boise River watershed, filling in the Grimes Creek area's streams and wetlands with removed soil and rock piles.

We first stopped CuMo in its tracks in 2011, when the Forest Service failed to consider and protect groundwater from CuMo's extensive underground drilling plans. This time, it was a tiny native flower – the Sacajawea's bitterroot – that halted the project. The CuMo exploration site is home to the world's largest known concentration of this extremely rare, imperiled plant.

In July 2016, the Court agreed with our claim that the Forest Service failed to adequately consider the

impact CuMo's project would have on the plant. The agency must now go back and further develop its analysis of the plant's status and evaluate how the CuMo project might harm the species.

## East Boulder Creek Gold Mining in the Salmon River Watershed

In July 2015, we challenged the Salmon-Challis National Forest's unlawful decision to exempt from environmental and public review a small, private gold mining project along East Boulder Creek, a tributary to Idaho's Salmon River. The site's operator also failed to adequately restore the site, and the agency let his negligence slide.

Within months, we were able to dismiss the suit. The Forest Service agreed to rehabilitate the site, and that any future mining there will require public environmental review. Since then, the agency has rehabilitated the site and no further mining has occurred.

## Midas Gold Exploration in the Salmon River Watershed

In recent years, we twice stopped Midas Gold's mining exploration plans in the East Fork of the South Fork Salmon River watershed. In 2015, we worked with ICL to object to the Forest Service's latest approval of the exploration plans, and were able to get the work scaled back enough that we chose not to pursue further litigation at that time.

But now Midas Gold's full mine development plan has been revealed, and we are fighting with all we've got. It includes three

open-pit cyanide heap leach mines within critical habitat for ESA-listed salmon, steelhead and bull trout in the vital South Fork Salmon watershed. As our Board President, Lin Laughy, said when he heard the details of Midas's plan: "Oh no! The record on cyanide heap leach mines is horrible." Expect to hear more about this work in coming months.

## Suction Dredge Mining on the South Fork Clearwater River

This year we continued our successful partnership with ICL to stop rampant, illegal suction dredge mining in Idaho. The beautiful South Fork of the Clearwater River is a popular target, where rogue suction dredge miners have flouted EPA's closure of salmon and steelhead streams to dredges without a valid Clean Water Act permit.

After researching the leaders of this illegal activity, this spring we sent a dozen notices of intent to sue to miners who illegally dredged without permits in past years, and publicly claimed they would return in 2016. We built cases against each miner, and developed investigation plans to catch them in the act this summer.

Thanks to our pressure, most of these miners did not dredge on the South Fork Clearwater this year, and the few who did received permits and worked with state and federal agencies to follow the rules. No suits against dredgers were necessary this summer, but we remain poised to strike at the first sign of illegal suction dredge mining.

# Making Great Strides to Protect Oregon Spotted Frogs

**Laurie Rule**  
Senior Attorney  
(Portland Office)



Staff Attorney Lizzy Zultoski and I have been working hard this year to protect Oregon spotted frogs in central Oregon, which were listed as threatened under the Endangered Species Act in 2014. These small frogs face numerous threats to their habitat, including water management for irrigation and livestock grazing.

The Upper Deschutes River population of Oregon spotted frogs has suffered severe declines due to irrigation operations. High river flows in summer and low flows in winter, with large fluctuations in reservoir levels, can be fatal for spotted frogs – causing the wetlands where they live to alternately dry out or flood.

**Advocates for the West** represented the Center for Biological Diversity, and teamed up with lawyers from Earthjustice representing WaterWatch of Oregon, to bring lawsuits against the Bureau of Reclamation and several irrigation districts to protect the spotted frog habitat.

Our efforts have already caused the Bureau to consult with U.S. Fish and Wildlife Service on a plan to protect the species, and prompted the irrigation districts to improve river flows during the frog’s breeding season. Plus, there is talk of a settlement agreement that would provide additional short and long-term protections for the frogs. Stay tuned for more details soon!

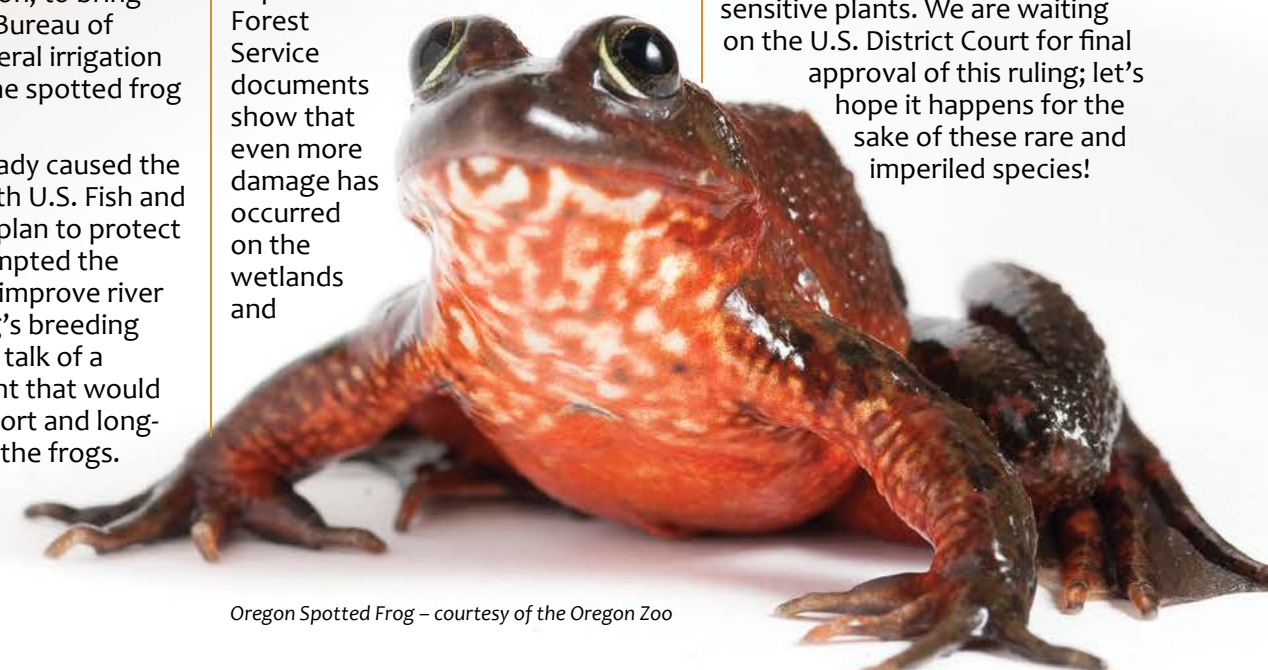
In another case for Oregon spotted frogs, **Advocates for the West** sued the Forest Service and U.S. Fish and Wildlife Service over management of livestock grazing on the large (over 100,000 acres) Antelope Allotment in central Oregon. This is our second case on the allotment – we won the first round in 2011, and recently received another good ruling from Magistrate Judge Clarke.

The Antelope Allotment is home to a very small, isolated population of Oregon spotted frog that lives in Jack Creek, amongst an array of unique wetlands containing numerous sensitive plant species. Livestock grazing has severely damaged the wetlands and spotted frog habitat for years.

Our 2011 victory ordered the Forest Service to prevent further harm to these unique and imperiled species by properly analyzing grazing impacts. But recent Forest Service documents show that even more damage has occurred on the wetlands and

frog habitat. Severe drought has exacerbated the problem too, causing the wetlands and Jack Creek dry out. Cattle seek out the only remaining water, which is often home to the most sensitive plants and where the spotted frogs dwell. But rather than restrict grazing, the Forest Service continues to authorize it, with backing from the U.S. Fish and Wildlife Service.

The ruling we just received agrees that the Forest Service’s repeated authorization of grazing harms frogs and sensitive plants and fails to comply with the agency’s duty to adequately protect these species. It also finds that the Fish and Wildlife Service’s approval of these operations is significantly flawed. Magistrate Clarke’s ruling recommends that future grazing on the Antelope Allotment be barred unless the Forest Service can prove it will not harm spotted frogs or sensitive plants. We are waiting on the U.S. District Court for final approval of this ruling; let’s hope it happens for the sake of these rare and imperiled species!



Oregon Spotted Frog – courtesy of the Oregon Zoo

**Advocates for the West** has spent significant time this year fighting to protect Point Reyes National Seashore in Marin County, California – a national treasure set aside by Congress and President Kennedy for public benefit, inspiration, and recreation.

For decades, the National Park Service has authorized year-round beef and dairy ranching on a large swath of the Seashore without any analysis of environmental impacts. In February, we teamed up with Jeffrey Chanin – senior partner at the San Francisco powerhouse law firm Keker & Van Nest – to file suit against the Park Service on behalf of Resource Renewal Institute, Western Watersheds Project and the Center for Biological Diversity.

Our suit seeks to force the agency to analyze grazing impacts and to prepare a new General Management Plan (GMP) – the current plan was originally completed in 1980 and the agency itself calls it “no longer adequate” and “completely out-of-date.”

In July, we won a significant decision from the Court denying the Park Service’s attempt to dismiss our case entirely. The agency has a legal duty to ensure the National Seashore is managed under an updated GMP, and federal courts have the power to determine whether the agency has unreasonably delayed fulfilling its duty. This decision opened the door for us to file a motion to stop the Park Service from issuing long-term ranching leases on the Seashore while the Court decides the merits of our case.

The Court’s decision has national implications beyond the Point Reyes National Seashore. According to a recent report, the Park Service lacks updated GMPs for dozens of iconic National Parks – including Yellowstone and Grand Teton National Park. Our ruling is the first time a federal court has held that citizen groups can seek judicial relief to hold the Park Service accountable to its duty to manage National Parks under current and comprehensive GMPs.

**Advocates for the West** also recently participated in a lengthy settlement conference in Oakland, and we’re currently working to meet various deadlines set by our settlement judge. We are cautiously optimistic that we will achieve our overarching goal in this case: forcing the Park Service to evaluate ranching impacts and decide the future of ranching on the Point Reyes National Seashore **before** blindly granting new long-term ranching leases – as it was poised to do before we intervened.

Cows grazing on Point Reyes National Seashore – Gary C. Tognoni



# A Win for Point Reyes National Seashore

**Elizabeth Zultoski**  
Staff Attorney  
(Portland Office)



# Making Waves on the Sagebrush Sea

**Todd Tucci**  
Senior Attorney  
(DC Office)



As recounted in our Spring edition of Case Notes, *Advocates for the West* launched a massive new lawsuit in February, challenging 98 BLM and Forest Service land use plan amendments for failing to adequately diminish the many threats to greater sage-grouse and its remaining habitat.

As that suit works its way through Idaho federal court, we are now looking at more site-specific challenges – continuing our lengthy battle to protect the Sagebrush Sea from oil and gas development, livestock grazing, and misguided vegetation management plans in Idaho and other states.

New agency schemes pose serious threats to sage-grouse – proposals to build new roads and firebreaks, maintain or increase grazing, and permit oil and gas leasing within critical habitat. These proposals underscore our argument that BLM’s recent sage-grouse land use plan amendments don’t go nearly far enough to protect



*Slow down for Sage-Grouse – Pam Marcum*

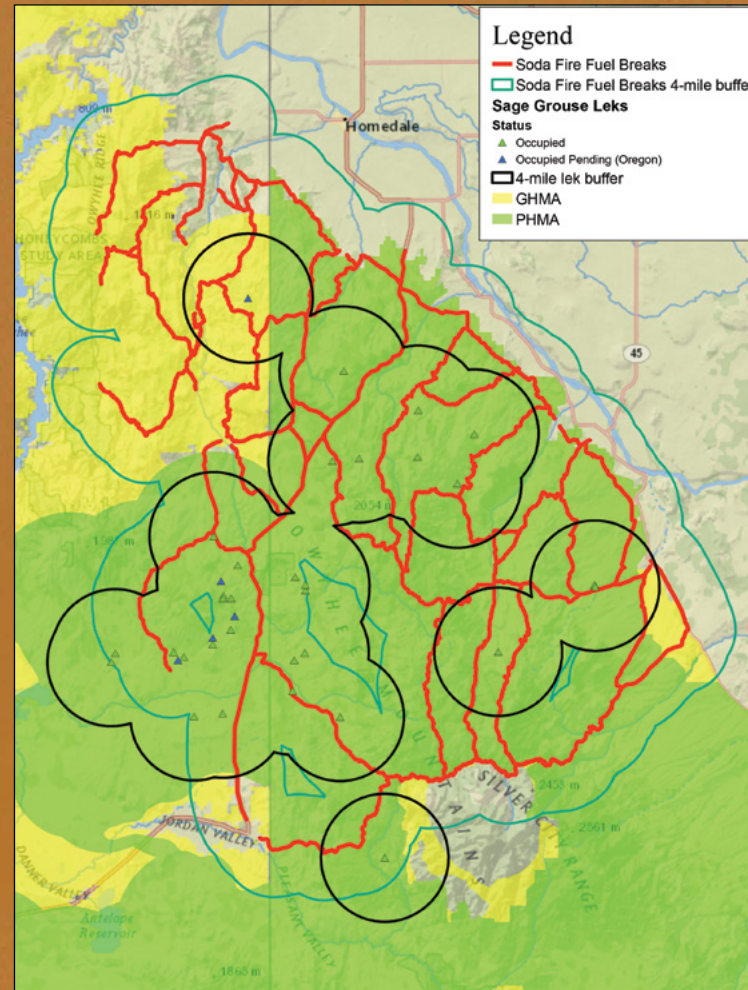
this imperiled species from further declines.

In southern Idaho, BLM proposes to construct 452.6 miles of fuel breaks along roads and trails through the heart of sage-grouse country –

cutting a 400-foot wide swath and “eliminating” nearly 23,000 acres of sage-grouse habitat – then re-seeding these areas with non-native vegetation to increase forage, and grazing the areas to reduce fire risks that BLM itself has created. In response, we worked with leading sage-grouse experts and desert ecologists to oppose this plan. In their letter, these experts warn:

As ecologists who have collectively spent well over 200 years studying the shrub-steppe, we are concerned that BLM’s planned [project] may have unintended consequences on the fragile ecology of the sagebrush habitat and wildlife species depending on this habitat. These consequences likely

*Map of the Soda Fire fuel breaks with buffers and sage-grouse priority habitat shown*



include increasing the breadth and extent of invasive weeds, eliminating thousands of acres of greater sage-grouse habitat, increasing fragmentation of occupied sage-grouse habitat, and harming soil crusts and native vegetation. Moreover, . . . we believe it is likely that the proposed fuel breaks will fail to achieve the desired effect of reducing the threat and spread of wildfires in southwestern Idaho, and – if past is prologue – instead will become weed corridors, contributing to the spread of invasive weeds, resulting in the opposite effect of increasing threats from wildfire and human-caused fires alike.

We hope to dissuade BLM from approving this project, but if it decides to move forward we will take action to ensure that BLM does not fragment or eliminate sage-grouse habitat in a misguided effort to save sage-grouse.

BLM has also started issuing grazing decisions within sage-grouse habitat, again ignoring

its own sage-grouse conservation measures. A recent analysis by our partners at Western Watersheds Project shows that BLM has failed to require any changes to livestock grazing within the most important sage-grouse habitat across southern Idaho. Worse yet, BLM is not even examining the impacts of grazing on greater sage-grouse habitat and populations. Instead, BLM relies on a discredited interpretation of recent legislation to insulate itself from compliance with all environmental laws. *Advocates for the West* has won rounds on this issue before, and will likely sue again; we anticipate the courts will agree with us, again.

And despite BLM’s own sage-grouse plans requiring prioritization of sage-grouse habitat, BLM is again issuing and extending oil and gas leases within these areas.

We are closely tracking this program, particularly BLM’s decision to “suspend” the expiration and payments due on existing leases in key sage-grouse habitat. BLM and its industry partners view these so-called suspended leases as pre-existing rights, to which the sage-grouse conservation measures do not apply. We are working with Conservation Geography and other allies to identify all suspended leases in priority habitat areas, and will develop litigation to prevent BLM from continuing to grant suspension requests.

*Advocates for the West* has been fighting for sage-grouse since 2003, and thanks in large part to our efforts the plight of this imperiled bird has become a topic of national political discussion. We will continue to partner with clients and experts to ensure that federal agencies heed the mountain of scientific data that clearly shows what is needed to save the sage-grouse and the Sagebrush Sea.



*Greater Sage-Grouse and sunset on the Sagebrush Sea – Tom Reichner*

# Why We Fight for the West

**Anna Demetriades**  
Director of Development  
& Communications  
(Boise Office)



October is my favorite time to head for the mountains in Idaho. The sweltering summer heat dips, the sun nestles below the horizon sooner, and the trees transform from brilliant green to lemon yellow and deep ochre.

My husband and I recently drove deep into the Boise National Forest to spend a quiet weekend in the woods. Wending our way along Highway 21, I took sobering note of where the Pioneer Fire swept through the foothills and rushed into the mountains. It was the largest fire in the country this year, with over 188,000 acres burned (and still burning). What sparked the Pioneer Fire remains unknown, but we do know it was human caused. I keep this heavily in mind as we set out to make camp.

We eventually turn onto a steep, washboard-laden dirt road that winds along the beautiful North Fork Boise River – a startlingly clear, pale green waterway twisting along a narrow canyon lined with ponderosa pines and beset by granite boulders. I leave my window down despite the abrupt drop in temperature as we climb in elevation, inhaling deeply as



North Fork Boise River – Anna Demetriades

the loamy aroma of forest floor and river water fills our car. At last we spot the campsite – a broad turn in the river with a long sandbar on one end and a flat stand of tall pines on the other. In summer we’d be lucky to find a spot on this small inlet; but on an October

weekend the site is blissfully vacant. We gather wood, strike a small blaze in the fire pit and settle in for a night under the glittering banner of the Milky Way.

The following day is as perfect as they come: a walk along the river, then straight to the sun-dappled beach for hours of uninterrupted reading. I paused a few times to watch the cold, clear water surge along the sandy river bend

and allowed my mind to drift one drainage over to the equally beautiful Middle Fork Boise River, where **Advocates for the West** is currently fighting the CuMo mining project. This massive open pit mine could severely pollute the Boise River watershed and would forever mar the landscape.

Sometimes it seems that everywhere we turn, another human-caused threat looms large over our natural world. But **Advocates for the West** battles these threats daily, and we win – at least 85% of the time. Together with our partners, we work hard to save the jewels of our

public lands and the wildlife that dwells there.

**Advocates for the West** provides free legal aid to our clients, so we rely on conservationists like you to keep our cases fueled. I became a Sagebrush Society member November 1st four years ago – my very first day on the job. I urge you to join me in becoming a monthly donor, or make a generous one-time gift. With your help, we will continue to fight – and **win** – for the West!

Judge Dale’s order was so critical that the Forest Service decided in July to withdraw and reevaluate the Johnson Bar Project, rather than attempt to defend it further in court. The Forest Service says it will

important Tribal hunting grounds and a fish hatchery. The Tribe’s case documented that the Forest Service made glaring errors in its analysis of sediment impacts from the proposed logging, understating likely sedimentation to area streams by several hundred-fold. Like Johnson Bar, the Clear Creek project was so seriously flawed that the Forest Service recently folded and withdrew rather than try to defend its actions in court.

Both failed projects were massive timber sales thinly disguised as “forest restoration.” The purported goal of Johnson Bar was to restore a fragile, burned forest – through logging. Clear Creek would have supposedly restored “bad” old logging – by logging it again, only “better” this time.

In pursuit of these flawed motives, the Forest Service ignored the serious threats that Johnson Bar posed to the Wild and Scenic Values of the Middle Fork Clearwater and Selway Rivers. On Clear Creek, the Forest Service shamefully ignored the needs and concerns of the Tribe, which has used the area for hunting, fishing and many other purposes since time immemorial and has treaty rights to continued use of the area.

But we aren’t out of the woods yet. The Forest Service will purportedly reevaluate and reissue the Johnson Bar and Clear Creek Projects next year. We will see if the agency has learned anything from this year; if not, we will see them back in court.

take further public comment this fall and issue a new decision by next summer – but we doubt the agency can cure the serious Wild and Scenic Rivers Act defects identified in our prior litigation.

At the same time we were defeating the Johnson Bar Project, the Nez Perce Tribe filed a separate lawsuit over the even larger (85 mbf) Clear Creek Project, which is located just over the ridge from Johnson Bar area and posed a serious threat to

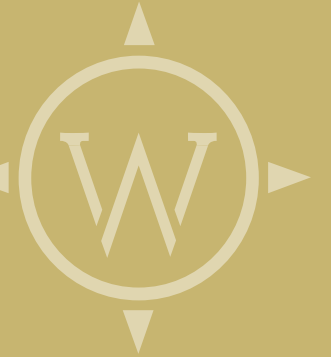


Autumn in the Nez Perce National Forest – Janice & Roger Inghram

In our Spring edition of Case Notes, I wrote about our success teaming up with Boise attorney Deborah Ferguson (who recently joined our Board!) to stop the Forest Service’s reckless Johnson Bar Salvage Project. Just days before logging was to begin on this 30 million board feet (mbf) timber sale in May 2016, U.S. Magistrate Judge Candy Dale issued a detailed injunction order that prohibited the Project from proceeding until our case could be fully litigated.

# The Continuing Effect of Wild and Scenic River Wins

**Marc Shumaker**  
Legal Fellow  
(Boise Office)



# Save the Snake!

**Bryan Hurlbutt**  
Staff Attorney (Boise Office)



The Snake River follows a majestic course for over a thousand miles – from its headwaters in Yellowstone National Park to where it joins the Columbia River in Washington. Along the way, it flows past the towering Tetons, arcs across Southern Idaho’s vast Snake River Plain desert, and plunges through the deep gorges of Hells Canyon on the Idaho-Oregon border.

Once voluminous and wild, the Snake River is increasingly depleted, plugged, and polluted. Across southern Idaho, Big Ag diverts flows from the Snake and its tributaries, and the limited water that does return is heavily polluted with ag runoff. Through Hells Canyon and further downstream on the Lower Snake, large hydro dams bring the river to a halt – warming the river, trapping pollutants, and impeding fish passage.

The Snake River is the largest tributary to the Columbia River. Historically, these rivers hosted the world’s largest wild salmon runs – 16 million fish each year. But today, the remaining stocks of wild salmon that return to the Snake River are a small fraction of what they used to be.

The loss of wild salmon is not the only wound. Steelhead, lamprey, sturgeon, and snails are barely hanging on, ecologically rich riparian areas have disappeared, and geologic wonders such as

Shoshone Falls – not to mention countless springs and waterfalls coursing down the Snake’s iconic basalt gorges – have been degraded or lost. Fish are not safe for human consumption, and shorelines are too polluted for swimming.

The Snake River deserves better.

## It’s time to save the Snake!

**Advocates for the West** is fighting to change all of this. We are doubling down on our existing litigation and developing new cases to restore the Snake River along its entire length.

Through this initiative we are taking on the four deadbeat dams on the Lower Snake River. During summer 2015 more than 250,000 adult sockeye salmon died because warm water prevented them from successfully migrating upstream. EPA has known of this risk for many years, and even drafted a temperature pollution plan in 2003, which identified Columbia and Lower Snake dams as the main culprit behind high river temperatures. But EPA never finalized its pollution budget (called a Total Maximum Daily Load or “TMDL”). In August, we sent a Notice of Intent to Sue to EPA and plan to file suit before the end of the year to get EPA to

finally prepare this long overdue temperature TMDL.

Upstream of the dams, we are fighting for a cleaner Snake River with the Idaho Conservation League. Big Ag across Southern Idaho heavily pollutes the river with nutrients like phosphorus and nitrogen, but the nutrient pollution budgets in place for the Snake River are grossly inadequate.

In 2015, we petitioned EPA to revise the flawed nutrient pollution budget for Hells Canyon. That TMDL only accounts for summertime pollution and ignores significant nutrient pollution that occurs the rest of the year. If EPA fails to address this problem soon, we will take legal action to clean up Hells Canyon.

Above Hells Canyon, the nutrient TMDL for the Mid-Snake River is also flawed. When that pollution budget was created, EPA and the State of Idaho unrealistically assumed the Mid-Snake would have higher water flows than it does today. Because flows are lower, pollution is not diluted as much as EPA expected.

We are preparing another petition to EPA to revise the Mid-Snake TMDL using accurate flow data.

On the Upper Snake River, we are building a new case to take on shortsighted aquifer recharge projects, which are popping up across Southern Idaho to prop up unsustainable water use. Rather than employ modern techniques of efficient farming and water conservation, the State of Idaho wants to take even more water

out of the Snake and its tributaries – including Henry’s Fork, the acclaimed fly fishing destination – to “recharge” the Eastern Snake River Plain Aquifer so Big Ag can keep pumping water from the already depleted aquifer.

It won’t be easy, and it may take a while, but **we can save the Snake.**

**“Idaho’s sewer system is the Snake River.”**  
That was the sad but true title of a 2014 article in High Country News.

An aerial view of the Snake River Canyon in southern Idaho, where agriculture crowds the canyon walls as far as the eye can see. – image courtesy of History.com

# Protecting the East Fork Salmon River

**Talasi B. Brooks**  
Associate Attorney  
(Boise Office)



**Advocates for the West** is once again working with Western Watersheds Project to protect one of the most ecologically important valleys in Idaho from harmful livestock grazing – the East Fork Salmon River, which borders the new Boulder-White Clouds Wilderness.

In a two-pronged attack to protect the Upper and Lower East Fork allotments, we filed suit against the Forest Service for its unlawful mismanagement of grazing on these allotments, and also notified the agency by letter of additional violations under the Endangered Species Act.

The East Fork Salmon watershed is home to critical habitat for imperiled Chinook salmon, steelhead, and bull trout. The Forest Service has attempted to impose regulations to protect these fish, but some permittees who graze livestock on these allotments ignore management directions – and in many cases they are violating important standards.

**Advocates for the West** has been keeping tabs on these allotments for over a decade. In response to our litigation in 2003, the Forest Service analyzed grazing impacts and attempted to implement better grazing management for the East Fork watershed. But in 2009, we again had to notify the Forest Service that ESA violations were still occurring. The Forest Service assured us that it would review the impacts to newly designated steelhead critical habitat and address these lingering issues.

The Forest Service completed the promised review in 2010, but agency communications still revealed concerns about failures to protect fish. The record showed that livestock frequently trespassed into areas that had been closed to grazing – especially at Frog Lake and Little Redfish Lake, which are much beloved by those familiar with the Little Boulder and Big Boulder Creek drainages.

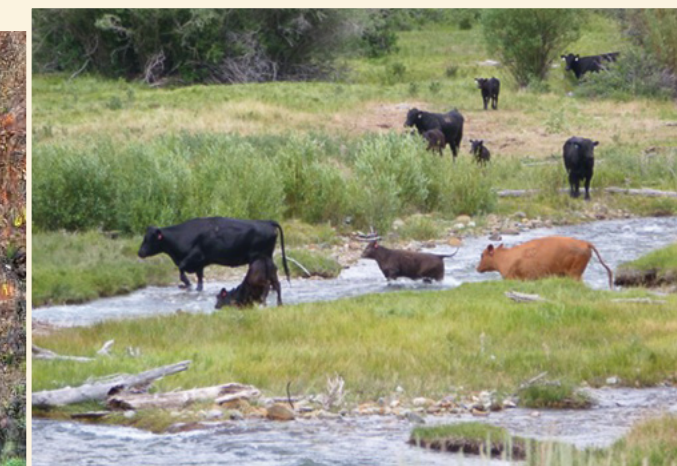
Despite these failures and continued widespread cattle trespass, when the grazing permits expired the Forest Service simply reissued them with no changes. In the three years since these renewals, problems have escalated on both allotments – cattle are repeatedly found grazing in the wrong places or at the wrong times on the Upper East Fork allotment, and grazing violations occur every year on both allotments. These problems are particularly severe in pastures with imperiled fish. But the Forest Service continues to authorize grazing on both allotments each year – even going so far as to re-open an area it had previously closed to protect fish.

This negligence is what led **Advocates for the West** to once again sue the Forest Service for utter mismanagement of the Upper and Lower East Fork. And if the agency fails to heed our letter notifying it of the additional ESA violations, we'll simply add those violations to our lawsuit.

East Fork of the Salmon River



Cows trample the banks of the East Fork, July 2014. – Peter Zimowsky



## 2016 Partners

Audubon Society of Portland  
Bend Backcountry Alliance  
Center for Biological Diversity  
Columbia Riverkeeper  
Concerned Friends of the Winema  
Defenders of Wildlife  
Dr. Clait E. Braun  
Earthworks  
Friends of the Clearwater  
Friends of Living Oregon Waters  
Golden Eagle Audubon Society  
Governor Cecil D. Andrus  
Great Old Broads for Wilderness  
Institute for Fisheries Resources  
Idaho Conservation League  
Idaho Rivers United  
Klamath-Siskiyou Wildlands Center  
Northwest Environmental Defense Center  
Oregon Natural Desert Association  
Oregon Wild  
Pacific Coast Federation of Fisherman's Associations  
Prairie Hills Audubon Society  
Predator Defense  
Resource Renewal Institute  
Snake River Waterkeeper  
WaterWatch of Oregon  
The Wilderness Society  
Western Watersheds Project  
WildEarth Guardians  
Wild Wilderness  
Wilderness Watch  
Winter Wildlands Alliance

Advocates for the West

# Staff & Board News

## Welcome Kendra Kenyon to Our Staff

**Advocates for the West** is excited to introduce Kendra Kenyon, our new Director of Strategic Partnerships! An Idaho



native, Kendra has an inborn passion for conservation and the outdoors – especially fishing, trekking around Idaho’s wilderness, and whitewater rafting with her son on the Salmon River where he is a professional guide. Kendra is a former co-owner of Polly Bemis Ranch on the Salmon, and spent many years helping to restore the historical property.

Kendra has worked with numerous Fortune 100 companies and nonprofits as a management and leadership consultant. Most recently she served as Director of the California Academy Foundation in Santa Barbara, where she lives part-time; before that she was President of the Idaho Council of Governments. Kendra also founded

a successful consulting firm, The Kenyon Group, which she ran for over 10 years.

Kendra has a Ph.D. in Education with an emphasis on Organization and Leadership Development from University of Idaho, a Masters from Idaho State University, and a BA in Communications from BSU. She also received a certificate in International Relations from University of Cyprus Intercollege in Greece.

**Advocates for the West** is pleased to welcome Kendra to the team. Her expertise will help us realize the goals set forth in our new Strategic Plan, and launch exciting new projects to help us keep winning for the West!

## Farewell to Marc Shumaker

Marc joined us in 2014 as our Legal Fellow from Stetson University College of Law.



Before law school, Marc worked for over a decade as a forester for the Bureau of Land Management in Coeur d’Alene, Idaho. His expertise in this field proved invaluable as he helped Advocates for the West win two decisive victories for Idaho’s national forests and Wild and Scenic

River values. We will miss having Marc on our team, and wish him all the best in Los Angeles as an employment attorney!

## Welcome Deborah Ferguson to Our Board

We are very pleased to also welcome Deborah Ferguson to our team!

Deborah is an attorney with over 30 years of civil litigation experience in federal environmental and civil rights cases. After serving as an Assistant United States Attorney for 20 years, concentrating in the environmental arena, she left to found Ferguson Durham, PLLC in Boise.

Deborah led the successful constitutional challenge to Idaho’s same sex marriage ban; and most recently she worked with the ACLU to win a settlement in a case against the Idaho State Police for suspending an art gallery’s liquor license when undercover officers determined that a burlesque performance violated an archaic Idaho law.

Prior to joining our Board, Deborah



worked with us on two winning cases to protect Wild and Scenic River values in Idaho.

## Thanks to our Summer Interns

**Advocates for the West** loves to give bright environmental law and advocacy students an opportunity to work alongside our attorneys. We had some outstanding interns at our Boise and Portland offices this summer, and here’s what they had to say about their time with us:

### BOISE OFFICE

**Camilla Getz**  
(Occidental College)



I am studying Urban Environmental Policy and Classical Studies, and am passionate about the environment and human equality. As an intern at **Advocates for the West**, I learned about public interest law and how incredible change can be enacted through hard work and legal tools. My internship reinforced that environmental law is the path I want to pursue; I am so grateful for my time at **Advocates for the West**.

**Mia Hammersley** (University of Arizona Law School)

I am so grateful that I was given the opportunity to intern with **Advocates for the West**. It was

incredibly rewarding to work with attorneys who are so passionate and knowledgeable about the work they do. I learned a lot about the challenges and benefits of working in public interest environmental law, and how the surrounding communities and ecosystems rely on groups like this. From including me in strategic planning to hikes and excursions, the team made me feel incredibly welcome!



### PORTLAND OFFICE

**Wes Tetsworth**  
(Lewis & Clark Law School)

This summer I had the opportunity to work side by side with **Advocates for the West’s** attorneys Laurie Rule and Lizzy Zultoski, where I quickly learned the level of focus, passion, and drive necessary to tackle their complex casework. I had the opportunity to work on multiple cases in varying stages of development, from the earliest phone calls to discuss strategies for Bighorn Sheep in Colorado, to Clean Water Act work in Central Oregon’s mountain streams, to

final victories in Southern Oregon forests. **Advocates for the West** is a wonderful organization, staffed from top to bottom with kind and dedicated people, and I was grateful to be a part of it.



From all of us at **Advocates for the West**, thank you for helping us fight – and win – for the West!

2016 staff, from left to right: Senior Attorney Todd Tucci, Director of Development & Communications Anna Demetriades, Staff Attorney Bryan Hurlbutt, Executive Director Laird Lucas, Staff Attorney Elizabeth Zultoski, Senior Attorney Laurie Rule, Legal Fellow Marc Shumaker, Associate Attorney Talasi Brooks, Operations Manager Aries Bergstrom

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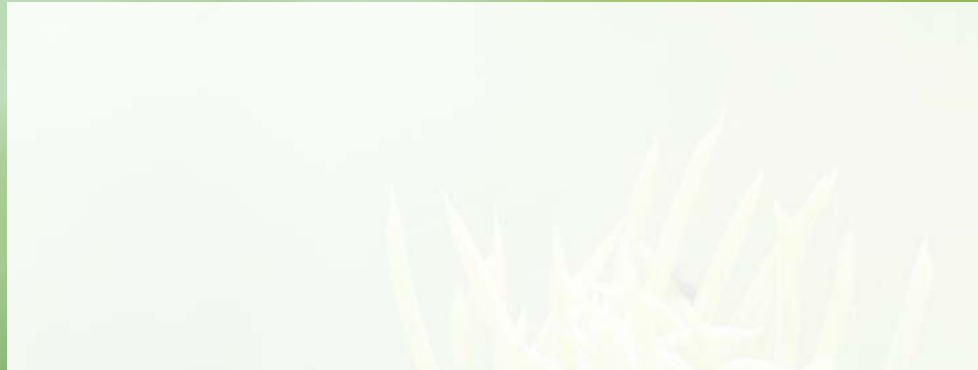
#### Washington, DC Office

Todd Tucci



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## Calling All Volunteers!

Now more than ever, *Advocates for the West* need champions who are inspired like us to protect the American West.

Our natural resources and vulnerable wildlife are under attack. We are forming a *Citizen Action Committee*

to help increase our educational outreach and event planning. *Please join our fight!*

Contact Kendra Kenyon, Director of Strategic Partnerships:  
[kkenyon@advocateswest.org](mailto:kkenyon@advocateswest.org) | 208.870.9889

