



## ADVOCATES for the West

### CHRONOLOGY OF SUCCESS

#### **August 2016**

Ruling in our favor in a Freedom of Information Act case brought on behalf of former Idaho Governor Cecil Andrus, the US District Court held that Dept. of Energy violated FOIA and its own “public interest” regulations in heavily redacting document relating to proposed shipment of spent nuclear fuel to Idaho National Laboratory.

U.S. District Judge B. Lynn Winmill ruled that the Forest Service was arbitrary and capricious in approving use of heavy equipment and hundreds of truck trips into the Frank Church-River of No Return Wilderness of central Idaho to allow mining exploration at the Golden Hand site near Big Creek.

#### **July 2016**

In our second legal victory against the proposed CuMo mine in the headwaters of the Boise River, Senior US District Judge Lodge ruled that the Forest Service violated NEPA and NFMA in failing to obtain and analyze the status of a rare imperiled native flower – Sacajawea’s bitterroot – which will be impacted by the proposed mining exploration activities; and remanded for further data gathering and analysis.

#### **June 2016**

Responding to our petition on behalf of Idaho Conservation League, the US Army Corps of Engineers formally re-designated Idaho’s iconic Salmon River as a “navigable” river, thus providing for federal regulation of gravel mining and other threats to the river.

#### **May 2016**

US Magistrate Judge Candy Dale in the District of Idaho granted a preliminary injunction halting the Forest Service’s Johnson Bar salvage logging project which threatened massive clearcuts in the Selway Wild and Scenic River corridor and sedimentation into imperiled fish habitat.

#### **April 2016**

U.S. District Judge Paul G. Rosenblatt in the District of Arizona issued a second ruling holding that BLM failed to adequately evaluate the adverse impacts of livestock grazing in the Sonoran Desert National Monument, ordering BLM to conduct new land health and environmental analysis to determine whether grazing should be eliminated to protect the Monument’s fragile ecology.

#### **March 2016**

U.S. District Judge Lynn Winmill issued a final ruling in our favor holding that Forest Service violated its duties to consider and protect Wild and Scenic River values before authorizing State of Idaho to conduct road building and logging within the Selway River corridor.

Bringing to a close five years of advocacy by Senior Staff Attorney Laurie Rule, the U.S. Court of Appeals for the Ninth Circuit affirmed that the Forest Service properly closed domestic sheep grazing allotments in the Payette National Forest to protect Rocky Mountain bighorn sheep from threats of fatal diseases, rejecting sheep industry challenges.

### **February 2016**

In our largest public lands case to date, *Advocates for the West* filed suit in the District of Idaho challenging the BLM and Forest Service's failure to conduct range-wide evaluation of greater sage-grouse conservation needs in the face of climate change and other threats.

We filed another notable new lawsuit in San Francisco federal court, teaming with litigation powerhouse Kecker & Van Nest, to challenge the U.S. Park Service's decades-long failure to assess livestock grazing impacts on the Point Reyes National Seashore.

### **October 2015**

Our federal court litigation challenging improper mining exploration in wetlands and endangered fish habitat along East Boulder Creek (near North Fork Salmon River) was dismissed favorably after the Salmon-Challis National Forest agreed not to approve such mining in the future without environmental review and public involvement, and to require restoration of the exploration site.

### **July 2015**

In case brought for Idaho Rivers United to protect the Selway Wild and Scenic River, US District Court grants our request for preliminary injunction to prohibit State of Idaho from using Forest Service road for irresponsible road building and logging project that threaten massive sedimentation into Selway River.

Laird J. Lucas resumes position as Executive Director of *Advocates for the West*, and is again named a "Mountain States Super Lawyer" for environmental litigation.

### **June 2015**

Federal Judge Wallace Tashimi grants summary judgment for us in latest round of our litigation challenging corporate livestock grazing in critical habitat of Chiricahua leopard frog in the Cocino National Forest of central Arizona.

### **March 2015**

Senior attorney Laurie Rule wins ruling from Idaho district court reversing Fish and Wildlife Service's arbitrary and capricious decision to reduce designated critical habitat for endangered Selkirk mountain caribou by hundreds of thousands of acres in northern Idaho.

Former Idaho Governors Cecil Andrus (Dem) and Phil Batt (Rep) engage us to challenge Dept. of Energy plans to ship commercial spent nuclear fuel to Idaho, contrary to 1995 Settlement Agreement they negotiated to prohibit such shipments.

### **February 2015**

In our second major win to protect the Sonoran National Monument in Arizona, U.S. District Court holds that BLM was "arbitrary and capricious" in selectively using partial data to justify authorizing livestock grazing in the sensitive desert ecology of Monument lands.

### **January 2015**

Complying with the district court order in our litigation for Winter Wildlands Alliance, the U.S. Forest Service adopted a final rule requiring winter travel planning on all National Forests in order to protect resources and reduce conflicts caused by snowmobiles in backcountry settings.

### **December 2014**

Resolving our “notice of intent to sue” over water quality standards for fish consumption, we reached a favorable settlement with the EPA. The settlement ensures that inadequate water quality standards in Idaho will be revised to better protect people from exposure to dangerous toxins.

### **November 2014**

Representing Defenders of Wildlife, we brought hard-hitting federal court litigation that forced Bureau of Land Management to rescind its approval of a special recreation permit for a vocal Idaho anti-wolf group to stage a competitive wolf and coyote killing contest across 3.1 million acres of BLM lands in eastern and central Idaho over the next five years.

### **October 2014**

In our long-standing effort to protect salmon, steelhead and bull trout from harmful impacts of public-land irrigation diversions, we reached a settlement with US Forest Service. The agency has agreed to complete Endangered Species Act consultations over 100 potentially fish-killing water diversions on numerous streams in Upper Salmon River watershed of central Idaho and make sure they have fish-screens and that water use is metered.

### **September 2014**

Senior attorney Todd Tucci won another victory from US District Court in Idaho, holding that BLM misconstrued a congressional “grazing rider” to avoid enforcement of environmental standards. This will assure new environmental review of dozens of grazing permits in southern Idaho.

We also sent USDA Wildlife Services a “notice of intent to sue” letter over its violations of National Environmental Policy Act and Endangered Species Act in its Idaho “predator management” programs which uses aerial gunning, trapping and poisoning to kill thousands of coyotes and other wildlife in Idaho each year.

### **August 2014**

In response to ongoing legal pressure from *Advocates for the West*, US Fish and Wildlife Service finally issued a decision to list the Oregon spotted frog under ESA. This listing will have positive impacts on important Oregon habitat that has been heavily over-grazed in the past.

### **June 2014**

In response to a federal court lawsuit we filed for Idaho Conservation League challenging the Golden Meadows mining exploration project in critical salmon and steelhead habitat in Idaho’s South Fork Salmon River watershed, the Forest Service abruptly withdrew its approval of the project instead of facing our litigation challenges.

### **May 2014**

Under pressure from *Advocates for the West*, the federal agency USDA Wildlife Services backed down from its plans to use State of Idaho funds to poison and shoot ravens across southern Idaho as a means of purportedly helping greater sage-grouse from predation.

### **March 2014**

US Ninth Circuit Judge Tashima, sitting by designation in the District of Idaho, agreed with us that Payette National Forest properly closed “high risk” allotments to domestic sheep grazing in order to protect Rocky Mountain bighorn sheep, rejecting challenges brought by Idaho Woolgrowers Association; we intervened to defend the Forest Service’s closure decision.

### **February 2014**

Over the course of the last 14 years, *Advocates for the West* has won 5 separate suits highlighting the importance of an ESA listing for slickspot peppergrass – a delicate flowering plant found only in sagebrush steppe regions of southwest Idaho. Finally in 2014, US Fish and Wildlife Service proposed listing slickspot peppergrass as threatened.

### **December 2013**

After a lengthy search and months of planning, *Advocates for the West* officially announced the hire of a new Executive Director – Wendy Wilson, founder of Idaho Rivers United and longtime activist for Western environmental issues. Adding Wendy’s expertise to our team allowed founder Laird Lucas to take on the much-needed new role of Director of Litigation. This expansion helps us take on many more cases on a broader scale of issues.

### **September 2013**

In another of our cases seeking to protect quiet backcountry winter recreation from impacts of increasingly powerful snowmachines, we reached a settlement requiring Forest Service to prepare environmental impact analysis of snowmobile trail grooming actions on Plumas, Tahoe, Eldorado, Stanislaus, and Lassen National Forests of California – all renowned recreation sites for snowshoers, cross country and backwoods skiers, as well as being key habitat for a wide variety of wildlife.

Our legal pressure caused the collapse of a proposed wind development project on Steens Mountain in Oregon – a jewel of the West. The development would have compromised migratory routes and breeding areas for sensitive species such as bighorn sheep, golden eagles and Greater sage-grouse.

### **August 2013**

Partnering with the Nez Perce Tribe, we won a federal court injunction ordering Forest Service to close Highway 12 to Big Oil mega-loads through the Wild and Scenic River corridor along the Lochsa and Clearwater Rivers of central Idaho, after State of Idaho permitted a General Electric subsidiary to haul more massive loads without Forest Service approval.

### **April 2013**

Just weeks after filing a new action to protect bull trout in the Little Lost River watershed in central Idaho, the Fish and Wildlife Service and Forest Service closed down nearly all allotments in question until further research is done to assess impacts of grazing on sensitive fish habitat.

We reached a favorable settlement in a case protecting wild salmonoids in Camas Creek, a tributary of the Middle Fork Salmon River in Idaho. US Fish and Wildlife Service and NOAA Fisheries withdrew flawed ESA consultations and agreed to prepare a new assessment of livestock grazing damages on Camas Creek.

### **March 2013**

Senior attorney Laurie Rule scored a major victory for our client Winter Wildlands Alliance when U.S. Magistrate Judge agreed with us that Forest Service was arbitrary and capricious in excluding over-snow machines from travel planning requirements on all National Forests.

### **February 2013**

US Chief Judge Winmill issued a ruling in our long-standing Highway 12 mega-loads battle, agreeing with us the U.S. Forest Service has authority to enforce the Wild and Scenic Rivers Act and other federal requirements to protect scenic and esthetic values from mega-loads impacts.

US Magistrate Judge Ronald Bush in Idaho issued a decision ruling in our favor on challenges to Forest Service grazing decisions in Idaho, Wyoming and Utah for failing to conduct environmental analysis of impacts on wilderness, sensitive species, and riparian areas.

Following litigation by us and others, and substantial public outcry, Ada County Commissioners determined to withdraw from proposed Dynamis municipal garbage incinerator at Ada County landfill.

### **November 2012**

Wrapping up five years of litigation in San Francisco federal court over a huge case brought by Senior Staff attorney Laurie Rule with top-flight law firm Kecker and Van Next, we won final judgment holding that Forest Service violated federal law in not assessing environmental impacts of livestock grazing in sensitive species habitats on five National Forests in California.

### **October 2012**

After our Idaho Water Fellow Bryan Hurlbutt filed a state court lawsuit challenging the Idaho Land Board's grant of a lease for suction dredge mining on the Salmon River of central Idaho, the applicant abandoned the lease, giving us a complete victory.

Executive Director Laird Lucas gave a presentation on sage-grouse litigation at the annual meeting of the Wildlife Society, the nation's leading association of wildlife biologists.

### **August 2012**

In another case aimed at protecting water quality in the Boise watershed, federal judge Edward Lodge held in our favor that the Forest Service failed to study groundwater hydrology and potential impacts of the proposed CuMo Mine, ordering new studies and environmental review. This ruling delays exploration work at what is being called one of world's largest potential open pit molybdenum mines.

### **July 2012**

In a strongly worded decision – emphasizing that “water is the West’s most precious resource” and keeping Idaho waters clean of toxic pollution is “a critical public interest that profoundly outweighs a company’s bottom line” – the US Magistrate Judge Mikel Williams ordered Atlanta

Gold Corp. to pay \$2 million in penalties for its Clean Water Act violations and to install adequate treatment facilities to prevent further pollution of the Middle Fork Boise River.

### **June 2012**

Ruling from the bench in another bighorn sheep case brought by Senior Attorney Laurie Rule, US District Judge Winmill granted our motion for an injunction ordering the Forest Service to close “high risk” sheep grazing allotments on the Payette National Forest to protect Rocky Mountain bighorn sheep. The Court held that an appropriations “rider” sponsored by Idaho Rep. Mike Simpson did not allow the Forest Service to backtrack on its plans to close the allotments.

### **March 2012**

News reports that ExxonMobil was disassembling large cranes at the Port of Lewiston confirm that the Big Oil company has abandoned its plans to ship over 200 mega-loads of oil sands refining equipment along the Lochsa/Clearwater wild and scenic river corridor.

### **February 2012**

In another legal victory by Senior Attorney Todd Tucci to protect greater sage-grouse, Chief US District Judge B. Lynn Winmill held that BLM violated federal law in failing to address cumulative impacts of livestock grazing on over 300,000 acres of public lands in the Owyhee Canyonlands of southern Idaho.

### **January 2012**

In this Clean Water Act enforcement case led by staff attorney Kristin Reuther, US District Court in Idaho ruled in our favor holding that Atlanta Gold Corp. is liable for thousands of violations of the Clean Water Act from its discharges of arsenic and lead into the Middle Fork Boise River.

US Ninth Circuit Judge Wallace Tashima, sitting by designation in the District of Arizona, granted summary judgment in our favor, holding that U.S. Forest Service violated the National Environmental Policy Act and the Endangered Species Act in authorizing livestock grazing in the last remaining habitat of the Chiricahua leopard frog in Arizona’s Cocino National Forest.

### **December 2011**

Based on our September 2011 victory (see below), we just filed a Motion for Remedies asking the U.S. District in Idaho to order BLM to undertake data collection and analysis adequate to study sage-grouse populations and habitats in Craters of the Moon, Idaho and Pinedale, Wyoming, while protecting critical winter and spring sage-grouse habitats from adverse effects of energy development and livestock grazing.

### **November 2011**

*Advocates for the West* awarded “Conservation Group of the Year” by Friends of the Clearwater, a Moscow, Idaho conservation group.

### **October 2011**

In a big victory for our clients and everyone who cares about preserving the wild and scenic Clearwater/Lochsa corridor from Big Oil mega-loads, ExxonMobil publicly announced it is sending its Kearl Tar Sands mega-shipments via different routes than Highway 12 in Idaho.

US Supreme Court rejected a ranching industry appeal of our win in the U.S. Court of Appeals for the Ninth Circuit, reversing the Bush Administration's 2006 rules that would reduce public involvement and weaken environmental protections on grazing management across 160+ million acres of public lands in the American West. As a result of our court victories, the 1995 Rangeland Reform regulations remain in effect.

### **September 2011**

In a groundbreaking victory in one of the largest environmental law cases ever filed – challenging BLM land use plans for over 25 million acres of public lands in sage-grouse range around the West – we won a federal district court ruling that BLM violated NEPA and FLPMA in adopting Resource Management Plans for the Pinedale Field Office in Wyoming and Craters of the Moon National Monument in Idaho. U.S. District Court Judge Winmill ruled that BLM unlawfully failed to consider how energy development, livestock grazing, and other actions will adversely impact greater sage-grouse.

### **August 2011**

On Wyoming's Green Mountain Common allotment – one of the largest unfenced areas in the West – an administrative law judge with the Dept. of Interior granted our motion to prevent BLM from constructing dozens of miles of new fencing, which pose adverse harms to sage-grouse, pronghorn antelope, and much other wildlife.

### **July 2011**

U.S. District Court in Oregon issued a strong ruling in our favor, protecting sensitive plants and wildlife in Oregon's Chemult Ranger District from newly-authorized cattle grazing. The area contains a unique expanse of wetlands that provide habitat for rare plants, mollusks, and the Oregon spotted frog. Many of these species, which are designated as U.S. Forest Service sensitive species because of their rare status and declining numbers, were just discovered in these wetlands in the last few years. The court ruled that the U. S. Forest Service violated the National Forest Management Act and the National Environmental Policy Act.

### **June 2011**

We wrapped up a two-week evidentiary hearing and briefing before an Idaho Transportation Dept. hearing officer in our challenge to ITD's approval of over 200 "mega-loads" by ExxonMobil Corporation, which would be shipped up the winding canyons of Highway 12 along Idaho's wild and scenic Clearwater and Lochsa Rivers. Our administrative challenges have succeeded in blocking almost all Big Oil mega-loads up Highway 12 to date.

### **May 2011**

Clean Water Act case filed against Atlanta Gold Corp. for exceeding pollution limits on arsenic discharges from historic mining site on Middle Fork Boise River.

Executive Director Laird Lucas again named a "Mountain States super-lawyer" for environmental litigation, as he has been since 2007. Laird also gave keynote address the Northwest Energy Coalition's annual meeting, in Boise.

### **April 2011**

Challenge brought before U.S. Court of Appeals to Spring Valley Wind Project, which was approved by BLM without a detailed environmental impact statement to authorize industrial wind farm in eastern Nevada, only four miles from the most important bat case in the Great Basin region and within sage-grouse habitat.

### **March 2011**

Representing Idaho Rivers United, we filed first federal court litigation over Big Oil mega-loads proposed to be hauled up Highway 12 along the Lochsa and Middle Fork Clearwater Rivers, based on Forest Service's violations of Wild and Scenic Rivers Act.

### **February 2011**

On the eve of trial over its baseless allegations against our clients, WWP and Valley Sun LLC, BLM drops proposed decision to cancel grazing permit for the Greenfire Preserve on the East Fork Salmon River, which has been held for restoration and conservation over the last decade.

### **January 2011**

Decision by US District Judge Edward Lodge holds that BLM violated federal law in issuing grazing permits for Grouse, Rock, and other allotments in Pahsimeroi valley of central Idaho; and faults BLM for not studying impacts on bull trout and sage-grouse, and for not evaluate "no grazing" or "reduced grazing" alternatives.

In separate Pahsimeroi litigation, settlement was reached with US Forest Service and BLM to conduct new consultation under Endangered Species Act over livestock grazing and other land management impacts on salmon, steelhead and bull trout. Settlement also imposes interim management restrictions to protect streams from livestock impacts.

### **December 2010**

Through a 2-day "contested case hearing" before a state hearing officer, we challenged initial "mega-loads" approved by Idaho Transportation Department to be hauled up Highway 12 along the Lochsa and Clearwater Rivers.

### **November 2010**

Idaho Supreme Court held that Idaho Transportation Dept. must follow "contested case" proceedings before authorizing Big Oil mega-shipments of massive refining equipment up Idaho's scenic Highway 12, along the Lochsa and Clearwater Rivers.

### **October 2010**

Idaho federal court approved our settlement with U.S. Forest Service and Bureau of Land Management, requiring those agencies to conduct Endangered Species Act consultation over land management actions affecting salmon, steelhead and bull trout in the Lemhi River watershed of central Idaho, and establishing interim management restrictions.

### **September 2010**

U.S. Ninth Circuit Court of Appeals affirmed our prior district court victory, holding that Bush Administration violated federal laws in seeking to gut environmental protections against livestock grazing damage on 160 million acres of public lands managed by BLM.

Idaho district court held that BLM violated Freedom of Information Act in refusing to provide the names and addresses of livestock grazing permittees on public lands. These two cases were featured in a New York Times editorial (10/3/10) applauding the decisions as restoring the “public interest” in grazing management on western lands.

### **August 2010**

Following our successful litigation to protect Hells Canyon bighorn sheep from fatal diseases transmitted by domestic sheep grazing on public lands, US Forest Service permanently closed key allotments to sheep grazing on the Payette National Forest.

Representing local business owners and residents, we won state district court ruling blocking Idaho Transportation Dept. from approving permits for massive oil refining equipment to be hauled up Idaho’s wild and scenic Lochsa and Middle Fork Clearwater Rivers, based on ITD violations of its own regulations.

### **July 2010**

Idaho federal court ruled that BLM failed to study impacts to wilderness values from reopening grazing and constructing new fencing in the Burnt Creek Wilderness Study Area, located near Mt. Borah in the Pahsimeroi watershed.

Settlement brokered by *Advocates for the West* creates an innovative \$15 million Sagebrush Habitat Conservation Fund to retire livestock grazing on a willing seller basis along the route of the Ruby natural gas pipeline in key sage-grouse habitats in Wyoming, Utah, Nevada, and Oregon.

### **June 2010**

Interior Dept. administrative law judge grants stay of BLM determination to cancel grazing permits held for Greenfire Preserve in central Idaho, where Western Watersheds Project has been seeking to restore cattle-damaged habitat, after we demonstrated that BLM was motivated by bias against WWP and cancelled the permits unlawfully.

### **May 2010**

Stay granted by federal administrative law judge blocked BLM from constructing over 30 miles of new fencing in Green Mountain Common in southwestern Wyoming – one of the largest unfenced areas remaining in the lower 48 states, and sage-grouse stronghold – based on science showing that fencing causes grouse mortality from collisions and disturbs sage-grouse nesting and brood rearing.

### **April 2010**

Federal lawsuit filed for Idaho Conservation League to enforce Clean Water Act requirement that State of Idaho must protect water quality from degradation.

Washington state district court rules that livestock grazing in Asotin State Wildlife Area is wholly unsupported by science and reverses 2009 state grazing lease.

US Court of Appeals for the Tenth Circuit ruling affirms that irrigation district cannot claim ownership of Middle Rio Grande Project in New Mexico, which was constructed over a half century ago using federal funds.

### **March 2010**

In response to our prior litigation, US Fish and Wildlife Service determined that ESA listing of greater sage-grouse is “warranted” in light of habitat threats and population losses, but that listing is “precluded” by other priorities. We immediately filed suit in the District of Idaho to challenge this “precluded” determination.

### **February 2010**

Settlement requires BLM to limit livestock grazing in Sonoran Desert National Monument in Arizona, and issue final determination of whether grazing is compatible with Monument purposes within 18 months.

US District Judge Winmill issues ruling declining to enjoin Idaho Fish and Game Department from landing helicopters in Frank Church-River of No Return Wilderness to collar wolves during March 2010, but strongly warns the U.S. Forest Service against approving future operations.

### **December 2009**

In a major victory in our battle to prevent gold mining operations in the Boise watershed, Snake River Basin Adjudication court ruled for us that the Atlanta Mine could not revive long-unused water rights, and that a 2008 “mining forfeiture exemption” statute is unconstitutional if it is interpreted to allow resurrection of such rights. Following that ruling, the Atlanta Mine withdrew its SRBA water rights claims.

US District Court for the District of Idaho ruled that BLM violated its own grazing regulations by failing to impose mandatory terms to protect streams, uplands, and fish and wildlife habitat on the 70,000-acre Nickel Creek allotment in Owyhee Canyonlands.

### **November 2009**

Idaho State Land Board approves new regulations that – for the first time – allow conservation leases of state trust lands. The regulations were adopted after ten years of litigation, in which courts repeatedly held that the Land Board violated constitutional requirements by discriminating against conservation applicants for state leases.

### **October 2009**

After Senior Staff Attorney Todd Tucci won four court rulings against it, US Fish and Wildlife Service finally determined to list Slickspot peppergrass as a “threatened” species under the Endangered Species Act. This rare desert flower is found only in southern Idaho, and is nearing extinction due to impacts of grazing and other human actions.

In the latest of several rulings won by Staff Attorney Laurie Rule, the U.S. District Court enjoined BLM from allowing domestic sheep grazing on the Partridge Creek allotment along the Salmon River, to protect bighorn sheep from fatal diseases spread by domestic sheep grazing on public lands. The court also rejected recent Idaho legislation – procured by the sheep industry – that required Idaho Fish and Game Dept. to reach deals allowing sheep grazing to continue without protecting bighorn sheep.

### **August 2009**

*Advocates for the West* filed several new cases against the U.S. Forest Service, Bureau of Land Management and other federal agencies to protect salmon, steelhead, bull trout and sage-grouse in the Lemhi and Pahsimeroi River drainages in the upper Salmon River basin of central Idaho.

### **July 2009**

Court-approved settlement requires BLM to rescind August 2007 “categorical exclusion policy” under which BLM purported to authorize itself to avoid conducting environmental reviews when renewing grazing permits and approving vegetation treatments across the American West. This settlement complements our court victories enjoining BLM from gutting its grazing regulations to exclude the public from most grazing decisions.

### **June 2009**

Under a new court-approved stipulation, US Fish and Wildlife Service is required to determine in February 2010 whether greater sage-grouse should be listed as an endangered or threatened species under the ESA, following publication of new science monograph on sage-grouse.

### **May 2009**

Ruling by US District Judge B. Lynn Winmill affirms the propriety of our major lawsuit – filed in Idaho federal court – over BLM land use plans in six western states for failure to address sage-grouse needs (see below). The court held that we properly challenged BLM’s failure to consider cumulative impacts of global climate change and other threats to sage-grouse across its range.

### **April 2009**

On behalf of Idaho Conservation League, we finalized a settlement with the US Environmental Protection Agency to resolve its violations of the federal Clean Water Act in reviewing State of Idaho water quality standards for arsenic and other toxic pollutants.

### **March 2009**

In a companion case to the BLM land use plan litigation, *Advocates for the West* filed a second major new lawsuit for WWP challenging more than 600 BLM grazing permits, energy leases, and other land management actions in Idaho and Nevada for failing to address cumulative impacts on the Great Base “core” sage-grouse population.

Under court-approved settlement, ESA litigation is resolved against U.S. Forest Service and U.S. Fish and Wildlife Service over the critically-endangered woodland caribou in the Selkirk Mountains of northern Idaho and Washington. The prior court injunction that we won – prohibiting motorized winter recreation use in most of the caribou recovery zone – will remain in place until the agencies adopt a new, lawful plan; and the federal government agreed to pay substantial attorney fees and litigation costs in the settlement.

**February 2009**

Following a two week trial, US District Court issued a detailed 80-page ruling documenting how livestock grazing harms sage-grouse populations and habitat; and issued an injunction ordering BLM to cease “grazing-as-usual” in the Jarbidge Field Office of southern Idaho, to protect sage-grouse and other sensitive species following the massive Murphy Complex fires.

Staff attorney Kristin Ruether won a state court ruling that the Washington Department of Fish and Wildlife unlawfully granted a permit for livestock grazing on a state wildlife refuge that is home to the small remaining sage-grouse populations in central Washington.

**January 2009**

In one of our largest cases, *Advocates for the West* represents WWP in challenging a suite of BLM land use plans for failing to address greater sage-grouse needs and habitat requirements. Approved in the last years of the Bush Administration, these plans allow rampant energy development, off-road vehicle use, and livestock grazing across 34 million acres of public lands in Idaho, Wyoming, Utah, Nevada, California, and Montana.

**September 2008**

In response to our legal pressure on behalf of clients Idaho Conservation League and The Wilderness Society, U.S. Forest Service issued an emergency closure order to protect Meadow Creek – a major tributary to the Selway River, and candidate Wild and Scenic River – from off-road vehicles, which are damaging soils and fisheries habitat.

**August 2008**

Ruling from Interior Dept. Administrative Law Judge throws out BLM grazing permits on 800,000 acres of public lands in Kemmerer District of southwestern Wyoming, based on BLM’s failure to study cumulative adverse effects of grazing and oil and gas development on sage-grouse.

**May 2008**

U.S. Magistrate Judge Mikel Williams ruled that Fish and Wildlife Service again acted unlawfully in withdrawing ESA protection for slickspot peppergrass, a rare Idaho desert flower. This is the fourth ruling that our Senior Staff Attorney Todd Tucci has won since 2003 rebuking the Service for not listing the plant under the ESA.

**March 2008**

Settlement requires Forest Service and BLM to conduct environmental analysis of impacts on many sensitive species from continued operation of a “sheep research station” in the Centennial Mountains near the Idaho-Montana border.

**February 2008**

U.S. District Court refuses to allow Fish and Wildlife Service to withdraw from a stipulation it reached with us, requiring that the next ESA listing decision on greater sage-grouse must await upcoming scientific reviews and include public comment. Effect of the decision is to deprive

Bush Administration from again allowing politics to trump science in the ESA listing process for sage-grouse.

#### **December 2007**

In another nationally significant victory, U.S. District Judge Winmill reversed the January 2005 decision by U.S. Fish and Wildlife Service not to list Greater sage-grouse under the Endangered Species Act. The Court ruled that the Bush Administration wrongly allowed politics to trump science, and remanded for a new listing decision. *WWP v. U.S. Fish and Wildlife Service*, 535 F. Supp. 2d 1173 (D. Idaho 2007).

#### **November 2007**

In our latest court victory to protect Rocky Mountain bighorn sheep, US District Judge B. Lynn Winmill ordered that the Allison-Berg allotment near the Salmon River be closed to sheep grazing this year – rejecting rancher challenges to the science showing that domestic sheep grazing on public lands transmit fatal diseases to bighorn.

#### **October 2007**

In a 120-page ruling after a four week trial, an Administrative Law Judge with the Department of Interior agreed with us that BLM violated range management science and allowed unacceptable ecological harm in authorizing livestock grazing on the 72,000-acre Nickel Creek allotment in southwestern Idaho. This ruling may affect dozens of allotments around the West, where BLM has similarly allowed excessive grazing to imperil wildlife habitats and water quality.

#### **September 2007**

US District Court (Judge Lodge) reversed Fish and Wildlife Service's rejection of our client's Endangered Species Act listing petition for the pygmy rabbit – North America's smallest rabbit, which is imperiled by declining sagebrush habitat in Idaho and other states. The court ruled that the Service misapplied the ESA's standards for evaluating listing petitions; and gave the agency 90 days to issue a new determination.

Following up on our prior injunctions to protect endangered Selkirk Mountains woodland caribou from snowmobile impacts in the Idaho Panhandle, the Colville National Forest in eastern Washington agreed to alter its winter recreation plan to strictly limit motorized access to caribou habitat on that neighboring forest.

#### **August 2007**

After we filed a new injunction motion aimed at protecting Rocky Mountain bighorn sheep in Hells Canyon and the Salmon River, U.S. Forest Service and permittees agreed to close a "sheep driveway" through bighorn habitat on the Payette National Forest this fall.

Settlement under the Freedom of Information Act (FOIA) requires BLM to disclose public documents about grazing management in Nevada without charging costs of searching for and copying the documents, when BLM wrongly claimed that our non-profit client was engaged in "commercial" activities.

#### **July 2007**

Settlement of Clean Air Act lawsuit requires EPA to evaluate air quality impacts of emissions from Potlatch pulp mill in Lewiston.

**June 2007**

In a scathing decision, U.S. District Court holds that Bush Administration violated several federal laws in adopting new regulations for grazing on 160 million acres of public lands, finding that the new regulations would gut environmental protections and eliminate public involvement.

**May 2007**

Our lawsuit and injunction motion forced Forest Service to close “high risk” sheep allotments in Hells Canyon and Salmon River Canyon to protect Rocky Mountain bighorn sheep from coming into contact with domestic sheep, which transmit fatal diseases to the bighorns.

**April 2007**

*Advocates for the West* filed federal court brief detailing Bush Administration’s political interference in preventing Greater Sage Grouse from being protected under the Endangered Species Act, despite precipitous population losses caused by habitat losses from grazing, oil and gas, agriculture, weed invasions and other threats.

**March 2007**

Idaho Public Utilities Commission issued two good decisions for energy efficiency in Idaho, approving plans to allow Idaho Power to “decouple” its rates from efficiency savings, and setting

efficiency performance incentives. Our contract attorney Bill Eddie worked closely with NRDC and Northwest Energy Coalition to develop these proposals.

**February 2007**

Following a trial in which we presented expert evidence about the harms that snowmachines cause to the endangered woodland caribou in the Selkirk Mountains, we won a sweeping court ruling holding that the Idaho Panhandle National Forest is violating “jeopardy” and “take” requirements of Endangered Species Act in failing to regulate winter motorized recreation in woodland caribou habitat. The court also issued a new injunction which expands the closure of caribou habitat we won through preliminary injunctions in fall 2006.

**December 2006**

After two years of negotiations led by *Advocates for the West*, Idaho Power Company and our client NW Energy Coalition filed an agreement with the Idaho PUC to boost energy conservation and efficiency efforts in Idaho. The agreement is designed to “de-couple” Idaho Power’s rates from conservation efforts, by providing it more assurance that the costs of providing electricity will be covered even if customers use less electricity. A related program offers financial rewards to the Company for excellent performance in beating conservation targets.

**October 2006**

Adding to our December 2005 victory closing certain snowmobile trails, we won an expanded federal court injunction barring snowmobile use in most of Caribou Recovery Area in Selkirk Mountains of northern Idaho, to protect endangered woodland caribou from increasing motorized recreation impacts.

After Bush Administration flouted prior order, federal court directs Fish and Wildlife Service to issue final rule to protect Slickspot peppergrass – a rare desert flower found only in southern Idaho – under the Endangered Species Act by January 2007.

### **September 2006**

In second injunction over new BLM grazing regulations, US District Court bars Bush Administration from implementing regulations that would gut ecological requirements for grazing on public lands, and give ownership of range projects to ranchers.

### **August 2006**

US District Court in Idaho issues nation-wide injunction barring Bush Administration from implementing new BLM regulations that would eliminate public involvement in grazing decisions on nearly 200 million acres of public lands. Livestock industry sought the new regulations to rescind prior Clinton Administration “rangeland reforms” that increased public involvement and set minimum ecological requirements for public lands grazing.

### **July 2006**

State district court reverses a subdivision near the Teton River due to inadequate protection of open space. This is the second time the same court reversed this project (procedural violations were to blame the first time).

### **July 2006 (cont.)**

Litigation filed in Idaho federal court challenges Bush Administration’s refusal to protect Greater Sage Grouse under the Endangered Species Act. Results of the litigation could have impacts on public lands management – including energy development, grazing, and other activities – across the West.

### **June 2006**

After ruling that Forest Service must assess “capability” of public lands to sustain livestock grazing (see February 2006 entry), Idaho federal court issues injunction to prohibit sheep grazing on sensitive allotment in Sawtooth National Recreation Area.

### **May 2006**

Settlement with US Fish and Wildlife Service requires agency to respond to listing petition seeking to protect Sharp-tailed Grouse under Endangered Species Act.

### **April 2006**

In response to our threatened litigation, Nevada state agencies and mining companies agree to improvements aimed at reducing mercury emissions from major northern Nevada gold mines, which are among the largest sources of mercury pollution in United States.

After winning initial court victory over innovative legal theory – that Forest Service is wrongly authorizing grazing on Spud and Marco Creek allotments in Upper Salmon basin, even though fences and spring developments are non-functional – we reached settlement requiring agency to close portions of allotment, conduct monitoring, and prepare new environmental analysis.

### **March 2006**

Following two week trial, Dept. of Interior Administrative Law Judge reversed BLM grazing decisions for 500,000 acres in northern Nevada grazed by Barrick Goldstrike, for failure to study impacts on sage grouse, Lahontan cutthroat trout, and other values. Interim settlement following this victory requires Barrick to rest the majority of the allotment from grazing during 2006; negotiations are continuing over long-term resolution.

### **February 2006**

Won precedent-setting decision from Idaho federal court, holding that Forest Service must assess “capability” and “suitability” of public lands for livestock grazing on a site-specific basis, thus reversing sheep grazing decisions for four allotments in the Sawtooth National Recreation Area.

Culminating a process launched by our prior Clean Air Act litigation and settlement against a proposed mega-dairy, Idaho Board of Environmental Quality adopted rules setting new permitting requirements to reduce air pollution from large dairies. The first of their kind in their nation, the rules are expected to improve air quality protections at dozens of Idaho mega-dairies.

### **January 2006**

Clean Water Act settlement commits major Idaho milk processor to improved waste management, and nets \$35,000 for wetlands and water quality improvement projects in southern Idaho waterways.

Notice of intent to sue letter blocks U.S. Forest Service from authorizing helicopter landings in Frank Church-River of No Return Wilderness in central Idaho, to dart and collar wolves.

### **December 2005**

Federal district court in Spokane issues injunction barring Forest Service from grooming trails for snowmobile access to critical winter habitat for Mountain Caribou – the most endangered mammal in the lower 48 states – in the Selkirk Mountains.

### **November 2005**

US District Judge James Parker enters final judgment in Rio Grande Silvery Minnow v. Keys, ruling that Bureau of Reclamation has broad discretion to manage Middle Rio Grande Project dams and water releases to preserve river flows for endangered fish, and approving settlement with Albuquerque to set aside permanent water storage for river flows.

Governor Dirk Kempthorne appoints Senior Staff Attorney Bill Eddie to serve on the Treasure Valley Air Quality Council, a new council created by statute to promulgate a regional air quality plan for Boise metropolitan area, which all state and local agencies must implement.

### **October 2005**

Settlement reached in Clean Water Act case against Atlanta Gold Company requiring clean up of mine adit leaking high levels of arsenic to the Middle Fork Boise River, and setting aside \$25,000 for water quality improvement projects.

Settlement reached with ranchers and BLM to reduce grazing levels, establish management restrictions, and implement mandatory monitoring of livestock grazing on 28 allotments in Jarbidge Resource Area, to protect sage grouse and other wildlife.

### **September 2005**

In response to Advocates' work in a rate case, the Idaho PUC ordered Boise's water utility to prepare a new comprehensive water conservation plan.

### **August 2005**

Federal court holds that BLM violated NEPA and FLPMA in doubling grazing for Simplot Livestock and other corporate ranchers on Jarbidge Resource Area.

Another court ruling rejects effort by Idaho politicians and ranchers to prevent the listing of slickspot peppergrass (a rare Idaho desert flower) under Endangered Species Act.

### **July 2005**

Lawsuit and injunction motion force BLM to withdraw proposed grazing regulation rollbacks, intended to weaken environmental protections and public involvement in grazing management.

### **June 2005**

Settlement requires Fish and Wildlife Service to finally determine whether to list Montana fluvial Arctic grayling under the Endangered Species List by April 2007.

Clean Water Act settlements net \$30,000 for water quality and wetland habitat projects in the Mid-Snake; and protect Clearwater River near Lewiston.

### **May 2005**

Court rules that BLM violated NEPA in approving large flagstone mine within the Wild and Scenic corridor of the upper Salmon River.

### **April 2005**

Two separate federal court injunctions halt timber sales proposed to log 50 million board feet of old growth forest in Clearwater basin.

Settlement with BLM requires comprehensive analysis of grazing impacts and protections for streams on 2.5 million acres of public lands in northern Utah.

Senior Staff Attorney Bill Eddie receives NW Energy Coalition's Headwaters Award "in recognition of leadership for a clean and affordable energy future."

### **March 2005**

Historic agreement between conservation groups and City of Albuquerque provides permanent storage for 30,000 acre-feet of water to maintain river flows in the Middle Rio Grande, while launching new programs for farmers and Albuquerque residents to contribute further water.

Settlement requires U.S. Fish and Wildlife Service to determine whether North American pygmy rabbit deserves protection under Endangered Species Act.

U.S. District Court rules that Air Force violated Freedom of Information Act in refusing to disclose documents relating to its efforts with ranchers and State of Idaho to avoid listing of Slickspot peppergrass (a rare desert flower) under the ESA.

**February 2005**

Setting national precedent, settlement reached with Idaho dairy industry to establish Clean Air Act regulatory process for new dairies, with “emissions factors” stipulated on dairy releases of ammonia and other pollutants.

**January 2005**

Staff attorney Sara Eddie helped broker multi-party settlement over interim Hells Canyon Hydropower Complex project operations, to lessen impacts on salmon and steelhead

**December 2004**

Idaho district court injunction requires BLM to conduct ESA consultation over six “test case” diversions on public lands in Upper Salmon basin, for impacts on endangered fish.

**November 2004**

Final settlement in Snake River Basin Adjudication establishes minimum flows and federal reserved water rights in all Idaho’s Wild and Scenic Rivers.

**September 2004**

Landmark victory requires mega-dairy in southern Idaho to obtain Clean Air Act permit and regulate emissions of hazardous pollutants.

Federal court rules that BLM violated National Environmental Policy Act in issuing grazing permit to rancher in Upper Pahsimeroi basin.

**August 2004**

Federal court orders BLM to study grazing impacts to sage grouse and other sensitive species on 1.5 million acres of federal lands in northern Nevada.

**July 2004**

Settlement over Weiser feedlot protects neighbors’ water supply and Snake River.

**June 2004**

Federal court injunction bars increased grazing in Jarbidge Canyonlands despite 2004 legislative “rider” procured by livestock industry.

Separate injunction orders cows removed from Lower East Fork allotment in Boulder-White Clouds mountains to stop degrading high altitude lakes and streams.

**May 2004**

Settlement bars USDA from spraying poisons across southern Idaho for second year.

Idaho PUC starts investigation of major rate design changes for Idaho Power to promote energy efficiency, and orders \$1.2 million in new conservation spending for low-income customers, as part of general rate case.

Executive Director Laird Lucas profiled as one of the nation's top environmental lawyers in *High Country News*.

### **March 2004**

In precedent-setting victory, federal court rules BLM must regulate historic irrigation diversions in Upper Salmon basin to protect salmon, steelhead, and bull trout.

Two suits force BLM to provide documents and waive fees under FOIA over grazing management and hiring rancher consultants to promote grazing in Owyhee Canyonlands.

### **January 2004**

Lawsuit forces BLM to rescind unlawful settlement with rogue rancher Frank Robbins and closes 50,000 acres to grazing in Bighorn Basin, Wyoming.

Under threat of suit, major Idaho dairy is first in its industry to report hazardous emissions of ammonia and hydrogen sulfide under Superfund law.

### **December 2003**

Won state court rulings reversing two major housing development projects that would degrade sensitive wetlands and wildlife habitat near Teton River.

### **November 2003**

Settlement requires Forest Service to conduct environmental reviews and improve stream protection on dozens of grazing allotments in Humboldt-Toiyabe National Forest in Nevada.

### **October 2003**

First-ever ESA injunction barring irrigation diversion in Upper Salmon to protect bull trout.

### **August 2003**

Notice letter to Bureau of Reclamation over Upper Snake reservoirs and impacts on salmon promote talks brokered by Sen. Mike Crapo.

### **July 2003**

Settlement agreement prohibits federal agencies from aerially spraying poisons across southern Idaho to "control" Mormon crickets; USDA will use bait instead. Federal court litigation prevents new cyanide mill next to Frank Church Wilderness.

### **June 2003**

Idaho PUC approves "net metering" program allowing PacifiCorp customers to install small-scale solar and wind energy systems. Executive Director Laird Lucas honored as "Environmental Hero" by The Wilderness Society.

### **May 2003**

Grazing permit for northern Nevada held invalid for failure to conduct environmental review.

**April 2003**

Won injunction against wolf killing in Sawtooth National Recreation Area. Second injunction closes BLM allotments to protect bull trout and rare plants in southern Idaho.

**March 2003**

Injunction halts federal/state project to kill foxes, coyotes, badgers and other alleged “sage grouse predators” across southern Idaho.

Consent decree with Idaho Power under Clean Water Act over illegal fill below Bliss dam requires \$86,000 to establish a new wetland to restore water quality in mid-Snake River.

**January 2003**

*Advocates for the West* begins operations. Executive Director Laird Lucas named “Idaho Environmental Leader Of The Year” by United Vision for Idaho.

*For more information on these and our many other cases, check our website:*

[www.AdvocatesWest.org](http://www.AdvocatesWest.org)

***PO Box 1612, Boise ID 83701; 208-342-7024; [www.AdvocatesWest.org](http://www.AdvocatesWest.org)***