



ADVOCATES for the WEST

2020 Fall/Winter Case Notes



ENVIRONMENTAL LAW IN THE AGE OF TRUMP

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



As we approach the November elections, our staff and I have been doing a lot of thinking and planning about what the outcome will mean for *Advocates for the West*—and for the public lands and rivers, fish and wildlife, and clean air and water that we cherish in the American West.

The Age of Trump has been undeniably challenging so far. Trump has defied laws and regulations to promote fossil fuel development under his “energy dominance” agenda for public lands, and to promote mining, logging and grazing. He has placed industry insiders in charge of the federal agencies that are supposed to protect the environment, forcing out thousands of committed scientists and civil servants. He has rolled back and reversed over a hundred major rulemakings to protect clean air and water, and promote sustainable renewable energy development. And he has placed young, extremist conservatives on the federal courts at all levels.

Of these actions, his attempt to pack the courts is most concerning

to those of us who fight to uphold and enforce federal environmental laws. But judges have a way of surprising those who appointed them. Most judges pride themselves on upholding laws as written by Congress—and it is our job as public interest environmental attorneys to carefully fashion cases to achieve just that result.

Without diminishing the damage that Trump has done so far, the fact is that our nation’s bedrock environmental laws remain intact. The National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Clean Water Act (CWA), Federal Land Policy and Management Act (FLPMA), and National Forest Management Act (NFMA) have not been altered during the Trump presidency. And the Administrative Procedure Act (APA) still requires courts to reverse when federal agencies stray from their statutory commands—or abruptly switch policies without a rational basis.

These are the tools that *Advocates for the West* attorneys use every day. We have been challenging

Trump’s policy reversals and attempts to open public lands to fossil fuel and industrial development since he took office—with a high degree of success.

Last year, we blocked Trump’s Bureau of Land Management (BLM) from eviscerating land use plan protections for key sage-grouse habitats on 50 million acres in six states, and now we are challenging other plan rollbacks in special areas ranging from the San Pedro National Riparian Conservation Area in southern Arizona to the Uncompahgre Field Office on the western slope of Colorado. We forced BLM to suspend oil and gas leases outside Bears Ears National Monument in Utah and in the Little Colorado River watershed of Arizona because it failed to conduct analysis of impacts on the environment and Native American sites. And we reversed one-quarter of the onshore oil and gas leases issued under Trump thus far, with one-quarter teed up next in court. These are just a few examples of the many cases our attorneys are pursuing, as

you will read in this newsletter.

What happens if Trump is reelected? We will have no choice but to double down, fight harder, and bring more cases. But in contrast to the first four years of Trump’s administration, it will be more difficult to challenge bad decisions as the agencies learn to more carefully document their actions, revise long-standing regulations, and Trump packs the courts with more anti-environmental judges.

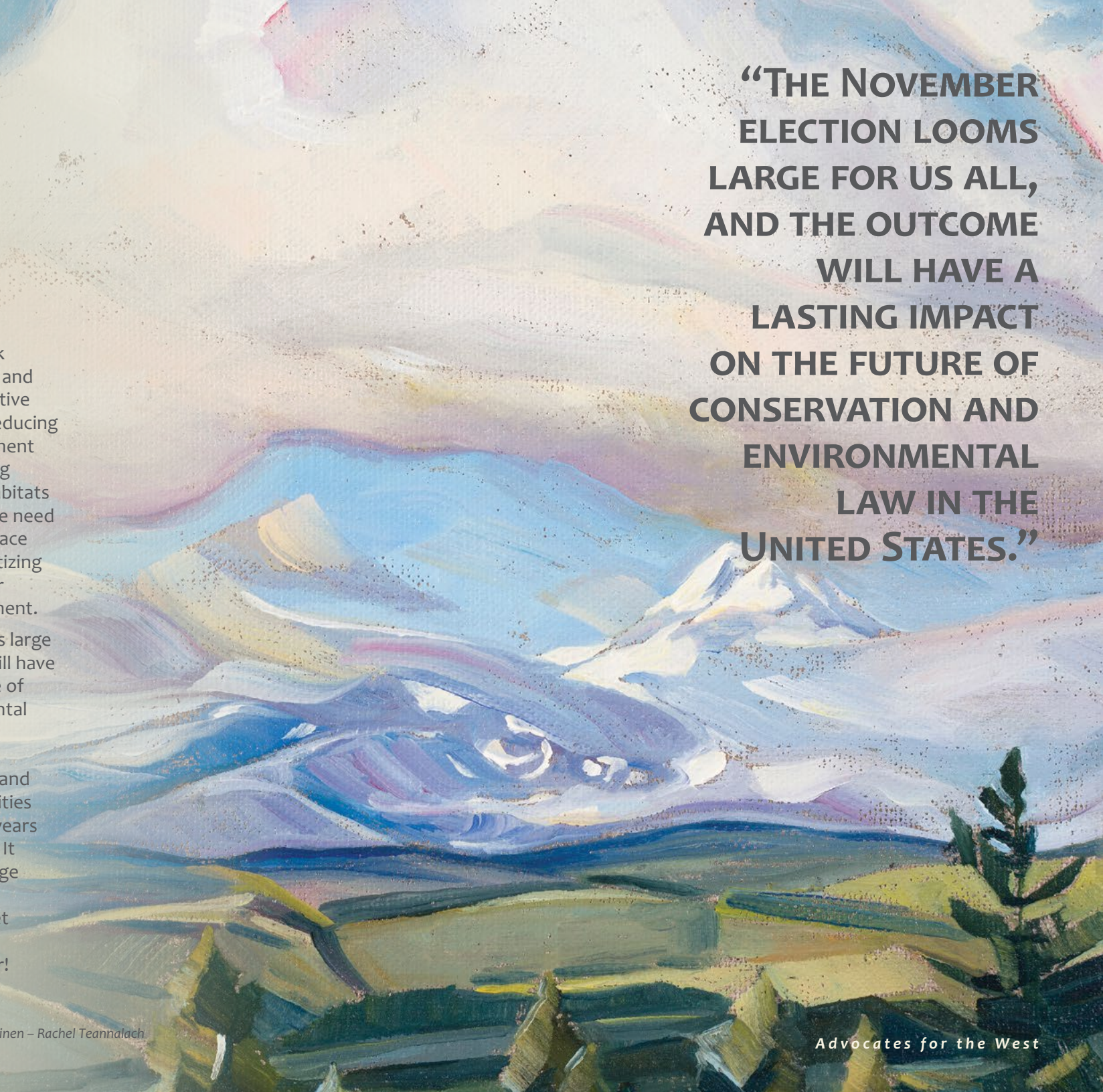
By contrast, if Biden is elected and takes office in January 2021, we do not expect any automatic reversal of the damage Trump has done—but we do expect to be able to leverage our many federal court cases into pushing agencies back into compliance with their federal law mandates. We anticipate that a Biden Administration will be receptive to our legal showings of how Trump’s actions and policy reversals were often blatantly unlawful, thus reversing them through settlements or other resolution.

Trump’s undermining of key agencies—like BLM or the

Environmental Protection Agency (EPA)—could also provide the opportunity for a new administration to rethink agency missions and policies, and rebuild them to pursue proactive conservation agendas. Like reducing or ending fossil fuel development on public lands. Like managing public lands to provide the habitats that imperiled fish and wildlife need to sustain themselves in the face of climate change. Like prioritizing clean water and clean air over mining or industrial development.

The November election looms large for us all, and the outcome will have a lasting impact on the future of conservation and environmental law in the United States. The health and wellbeing of our public lands, waterways, fish and wildlife, and human communities cannot withstand another 4 years of the Trump Administration. It is our critical duty to encourage friends, family members and our broader community to get out there and vote. Let your voice be heard this November!

“THE NOVEMBER ELECTION LOOMS LARGE FOR US ALL, AND THE OUTCOME WILL HAVE A LASTING IMPACT ON THE FUTURE OF CONSERVATION AND ENVIRONMENTAL LAW IN THE UNITED STATES.”



Mount Hood in Summer - Oil and Wax on Linen – Rachel Teannalach

**“RAIN ON MOUNTAIN MAKES RIVER—
THAT’S THE LAW ON THIS EARTH
THE WILD WATERS KEEP COMIN’
TILL THAT LAW IS REVERSED,
AN’ DAMS CAN BE UNBUILT TO
SHOW FOLKS THE WORTH
OF A LAND WHERE FREE
RIVERS FLOW ON.”**



TURNING UP THE HEAT ON BPA

Andrew Missel, Staff Attorney (Portland, OR Office)

When the Bonneville Power Administration (BPA) hired folk singer Woody Guthrie to promote the Columbia River dams in 1941, it was a brilliant feat of propaganda. Guthrie wrote some 20 songs extolling the virtues of hydropower, including *Roll on Columbia*, which celebrated the river’s “power . . . turning our darkness to dawn.”

By contrast, BPA’s current efforts at swaying public opinion are less tuneful and far less persuasive. In the face of pressure to make drastic changes to save endangered fish and a rapidly changing energy market that makes its hydropower increasingly expensive relative to solar, wind, and other renewables, BPA has tried rather unconvincingly to assure its customers and the public that everything is under control. In September, for instance, BPA told customers that it will (somehow) “absorb approximately \$63 million annually in inflation” during the next rate period in an effort to keep its rates as low as possible.

But what is going on behind the scenes? And what happens when

BPA’s magical accounting practices are subjected to even the slightest scrutiny? That is what *Advocates for the West* is trying to find out. We are currently working on two separate fronts to turn up the heat on BPA as part of a larger effort to pressure the agency into rethinking its commitment to the lower Snake River dams.

First, we recently submitted comments to BPA regarding its Integrated Program Review (IPR) process, which is the process by which BPA sets many of its operating costs for the upcoming two-year rate period. We argued that the agency’s spending proposals are insufficient to meet its obligations to fish under the Northwest Power Act and the Endangered Species Act, and that the agency must therefore reassess its proposed spending levels. The IPR process will soon feed into BPA’s biannual ratemaking process, in which we will also likely become involved.

Second, we are working hard to bring BPA’s activities out into the light so that the public can get an

accurate idea of what the agency is up to. In late 2019, we started sending Freedom of Information Act (FOIA) requests to BPA seeking information on a wide range of topics related to the agency’s fish and wildlife program, finances, and business plans. BPA, never known for its respect for the law, blew off the strict FOIA disclosure deadlines. In fact, the agency told us that we would have to wait until the end of 2022 for all the documents we requested. So we sued, and we are now moving for a court order requiring BPA to disclose documents to us at an accelerated pace. Those documents will prove invaluable in our efforts (and our clients’ and allies’ efforts) to force BPA to wake up and make the right decision for salmon and its bottom line: get out of the lower Snake River dam business.

Former Idaho Conservation League Executive Director Pat Ford has recounted a wonderful story involving author David James Duncan’s “retooling” of *Roll on Columbia* to reflect a more salmon-friendly attitude. In Duncan’s new version of the

song, Woody Guthrie—consigned to purgatory for his promotion of BPA and its dams—visits Duncan in a dream and dictates a new last verse of *Roll on Columbia*:

*Rain on mountain makes river—
that’s the law on this Earth*

*The wild waters keep comin’
till that law is reversed,*

*An’ dams can be unbuilt to
show folks the worth*

Of a land where free rivers flow on.

BPA is still playing the same old song, but we’re doing everything we can to make them play a new one—or at least change the lyrics.



BIG WIN FOR WILLAMETTE SALMON AND STEELHEAD

Laurie Rule, Senior Attorney (Portland, OR Office)

Advocates for the West's hard work over the past three years paid off in August with a decisive win in our case against the U.S. Army Corps of Engineers (Corps) over its operation of the Willamette River Basin Flood Control Project.

The Willamette River runs through the heart of western Oregon, starting in the Cascade Mountains and emptying into the Columbia River after passing the cities of Eugene, Salem, and Portland. The Willamette Project includes eight dams on four tributaries of the Upper Willamette River that cause significant harm to Upper Willamette River Chinook salmon and steelhead, species listed as threatened under the Endangered Species Act (ESA). The dams impede the fish from accessing historical spawning habitat upstream of the dams and they impair downstream water quality and water flows.

The National Marine Fisheries Service (NMFS) issued a biological opinion in 2008 that required the Corps to take numerous actions

by certain deadlines to improve fish passage past the dams and water quality below the dams. Over the following decade, the Corps failed to implement many of those actions and the two species continued to decline.

In 2018, *Advocates for the West* filed suit against the Corps over its operation of the Willamette Project. Shortly after, the Corps and NMFS started the process of completing a new biological opinion that would contain a new long-term plan for the survival and recovery of the salmon and steelhead. But the Corps refused to make any significant changes to the operation of its dams in the meantime. *Advocates for the West* pursued our lawsuit to try and force immediate changes to reverse the species' downward trends.

The Court ruled strongly in our favor on all three of our legal claims this past August. It held that the Corps' operation of the Project was jeopardizing the survival and recovery of both species and "taking" members

of both species by killing a high proportion of juvenile fish trying to migrate downriver. It also held that the Corps and NMFS unlawfully delayed re-initiating ESA consultation for many years after it was clear the Corps was not going to meet the requirements of the 2008 biological opinion. The Court noted specifically that the problems with fish passage and water quality caused by the dams were the primary reason the fish have continued to decline over the past decade, and the Corps had repeatedly failed to fulfill its duty to improve those conditions.

After the Court's strong rebuke of the Corps, the parties have now moved into the remedy phase of the case to determine what actions the Corps must take pending completion of a new biological opinion. These dams are tall and create large reservoirs of slow, warm water behind them, making it difficult for juvenile fish to navigate through the reservoir and find the dam face. Once the fish reach the dams, they must get past them when water is spilled over the

top, or by going through power turbines or other small regulating outlets. The release of reservoir water through the dams creates unnatural water temperatures and high gas levels below the dams. Changes to operations could alleviate some of these adverse effects by helping fish get through the reservoirs more quickly and reducing the number that pass through the more deadly turbines, and by releasing water in ways that would achieve more natural water temperatures and gas levels.

Advocates for the West is working with several experts to craft a proposal that would force the Corps to make such changes and hopefully improve downstream fish passage, water temperatures, and dissolved gas levels. Our hearing on this critical case will take place this coming spring, so stay tuned!

Northwest Environmental Defense Center, Native Fish Society, WildEarth Guardians

Partners





PROTECTING COMMUNITIES FROM TRUMP'S ENERGY DOMINANCE AGENDA

Lizzy Potter, Staff Attorney (Portland, OR Office)

Advocates for the West just launched a new case to protect communities along the western slope of Colorado from oil and gas development.

In September, we filed a lawsuit challenging the Bureau of Land Management's (BLM) new Resource Management Plan (RMP) for Colorado's Uncompahgre Field Office (UFO). The new RMP will govern management of nearly a million acres of public lands and federal mineral estate for the next generation.

These and the surrounding lands comprise a three million-acre area that supports idyllic towns like Paonia and Telluride, the largest concentration of organic farms in Colorado, habitat for a variety of important wildlife species, and abundant recreational opportunities. It also holds major waterways like the Gunnison

River, which serves as a "water bank" to ensure adequate flows remain to meet the Colorado River Compact requirements.

Despite the prevalence of these sensitive resources—which are incompatible with oil and gas extraction—the new RMP opened nearly every acre possible to oil and gas leasing and failed to protect special public lands, waterways, other natural resources, and local communities.

Community representatives spent years developing an "alternative" to this plan for a particularly remarkable portion of the planning area—the North Fork Valley—that would prevent most oil and gas leasing there and imposed strict conditions in the few places where it could occur. But the Trump Administration rejected this alternative, ignored vast opposition to its plan, and even overruled

local and state BLM employees, demanding that the RMP maximize access to oil and gas development and minimize mitigation measures.

To ensure this reckless RMP does not stand, we filed suit on behalf of a strong coalition: Western Slope Conservation Center—a member of the Conservation Lands Foundation's Friends Network—Wilderness Workshop, and the Wilderness Society. Our lawsuit focuses on BLM's inadequate treatment of wilderness-quality lands and areas of critical environmental concern, its poor evaluation and management of water resources, and its oversight of climate change impacts.

We look forward to fighting alongside these partners in the coming years to ensure BLM does not prioritize oil and gas leasing over all other resources and values in this beautiful and important area.



SHARE YOUR LOVE OF THE WEST!

Aimee Moran, Deputy Director (Boise, ID Office)

During this holiday season, make a gift in honor of someone special and we will welcome them to *Advocates for the West* with a year of our high quality and informative publications, invitations to events (online and, hopefully, in person soon), and other opportunities to connect with our community of passionate defenders of the West!

There are many ways for you to give, including gifts of cash, stock, and retirement account distributions. Please contact me anytime if you wish to discuss your gift. I would love to hear from you and answer any questions you may have about how you can help *Advocates for the West* defend and protect our precious public lands, waterways, fish and wildlife.

Thank you for sharing your love of the West!

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It's easy. When you make your year-end gift using the enclosed remittance envelope, simply include a note with the name, mailing address, email address and phone number of the honorary recipient. Send it all to us, and we will take it from there!



THE SPLENDOR OF CONFLUENCE

Anna Demetriades
Director of Communications & Outreach (Boise, ID Office)

As we enter these final months of 2020, I feel moved to express my gratitude for the people who make *Advocates for the West* the stellar organization that it is. Our hardworking staff, who adapted seamlessly to working remotely and never skipped a beat during a year of casework that has outpaced any other in our nearly 18 years of defending the West; our board of directors, who remained committed and engaged even as we all adapted to meeting solely online; and, most critically, you – our dedicated supporters. Your generosity during this time of great uncertainty has been appreciated beyond measure, and your endorsement of our work is an inspiration to us all as we fight like never before to protect the West's public lands, waterways, fish and wildlife.

I would like to call out one very special supporter of our work – Rachel Teannalach. Through her

Confluence Project paintings, Rachel masterfully captured the wild beauty of the rugged landscapes that make up the Pacific salmon's migration route from Idaho's Sawtooth Valley to the Pacific Ocean. *Confluence* is a collaboration between Rachel and *Advocates for the West*, and she is generously donating a portion of every sale toward our work protecting the imperiled salmon and its habitat.

We originally imagined this project as a traveling exhibition, with in-person viewings of the paintings at locations along the migration route. But as the pandemic abruptly and drastically restructured our lives, we found new and creative ways to share the splendor of *Confluence* through online events, socially-distanced outdoor gatherings, and within the pages of our publications.

It has been a joy to partner with

Rachel on *Confluence*, and an honor to share this stirring project with everyone who attended an event or picked up an issue of *Case Notes* this year. You can view the entire series at:

Teannalach-confluenceproject.com

From all of us at *Advocates for the West*, deepest thanks to each of you for standing by our side as we continue to fight – and win – for the West!



NEZ PERCE TRIBE CLEAN WATER ACT ENFORCEMENT CASE

Bryan Hurlbutt, Staff Attorney (Boise, ID Office)

Advocates for the West continues to pursue intensive litigation for the Nez Perce Tribe in our Clean Water Act enforcement case to hold the mining company Midas Gold accountable for pollution discharges from its proposed Stibnite mine site in the headwaters of the South Fork Salmon River watershed.

Over the last decade, Midas Gold acquired property and mining claims and conducted mine exploration activities at the historical Stibnite mining area, but has denied any responsibility to get permits for ongoing pollution discharges from that property – including their own patented mining claims. Midas Gold wants a free pass and proposes cleaning up the site only after heavily mining the area first. According to Midas, if it can tear up the site

to build three new open pit mines and permanently fill a mountain valley with a huge mine waste dump first, then decades from now it would clean up the site and supposedly leave the area “better” than the company found it.

Earlier in 2020, the Idaho federal court rejected Midas Gold’s attempts to dismiss or stay the Tribe’s Clean Water Act case. Since then, we have been engaged in extensive discovery, obtaining thousands of pages of documents from Midas Gold about the Stibnite site, which we are now analyzing. Our case also prompted Midas Gold itself to sue the U.S. Forest Service under the Clean Water Act, trying to pass the blame for some of the pollution on to the agency. Still promising to “restore the site,” Midas continues to

pressure the Trump EPA to agree to a sweetheart deal that, if finalized, would purportedly let it off the hook and allow the pollution to continue flowing, untreated and without legal consequence, while the company proceeds with its plans to extract 4 to 5 million ounces of gold from the site over the next two decades.

In the meantime, Midas Gold’s discharges of arsenic, cyanide, mercury, and other harmful pollutants continue unabated, degrading streams in the Nez Perce Tribe’s aboriginal homeland that are important to the Tribe’s treaty-reserved rights and culture. We are working closely with the Tribe’s Senior Staff Attorney Mike Lopez, who is also on our board, on this pressing case.

DRAFT EIS RELEASED FOR MIDAS GOLD’S MASSIVE MINE PROPOSAL

On August 14, the Forest Service released its Draft Environmental Impact Statement (Draft EIS) for Midas Gold’s massive mine proposal, seeking public comment. If approved by the Forest Service, Midas Gold’s three open pit mines, gold-processing facilities, huge mine waste dump, and associated mining roads and facilities would sprawl over 800 acres of its private lands and across 2,800 acres of our public lands in the Payette and Boise National Forests.

The Forest Service is rushing along its approval of Midas Gold’s proposal, despite missing information and incomplete analyses riddled throughout the Draft EIS. As a result, the

agency is on track to approve the massive mine without objectively considering whether there are less-damaging alternatives; without understanding the mine’s significant and lasting environmental impacts; without meaningfully involving the public; and without imposing important safeguards to protect the South Fork Salmon, our public lands, and fish and wildlife during mining and beyond.

In addition, we have now learned that Midas Gold convinced Idaho Governor Brad Little to ask the Trump Administration to speed up the mine permitting process even faster. According to Governor Little, Midas Gold’s mine proposal—three large open pit mines, gold-

processing facilities, and mine waste dumps—is a high priority “infrastructure” project eligible for streamlined federal permitting. The Trump Administration agreed, making Midas Gold’s the first and only mine in the country being fast-tracked as an infrastructure project.

Advocates for the West and the Western Mining Action Project are working closely with a coalition of conservation organizations and other allies, plus a team of technical experts, to submit public comments on Midas Gold’s mine proposal, urging the Forest Service to slow down and resist Midas’s push for hasty approval.



**“MINING PITS, TAILINGS
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SAGEBRUSH HABITAT
THAT, IN ARID WESTERN
CLIMATES, IS ALMOST
IMPOSSIBLE TO RESTORE.”**



BATTLING FOR A 10 MILLION ACRE MINING BAN IN SAGE-GROUSE HABITAT

Sarah Stellberg, Staff Attorney (Boise, ID Office)

This fall, *Advocates for the West* is heading to Idaho federal court in our case seeking to overturn the Trump Administration’s cancellation of an Obama-era proposed “mineral withdrawal” to protect the highest value sage-grouse habitats from new mining claims on 10 million acres of public lands in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming.

This proposed mineral withdrawal was a key pillar of the 2015 Sage-Grouse Conservation Plans. Agency experts have long agreed that mining is a threat to the species, due to its effects on sage-grouse populations and habitat. Mining pits, tailings impoundments, roads, power lines, and other mining facilities destroy sagebrush habitat that, in arid western climates, is almost impossible to restore. Noise from mine blasting and equipment also interferes with bird behavior. Mines can restrict sage-grouse movement between

seasonal habitats and isolate populations from one another, limiting vital genetic interchange.

In 2015, the Obama Bureau of Land Management (BLM) concluded that mining in important grouse-grouse habitat was an unacceptable risk to the imperiled species. To avoid this risk, BLM proposed a mineral withdrawal for 10 million acres of the best remaining habitat for the greater sage-grouse, known as “Sagebrush Focal Areas.”

The Sagebrush Focal Area mineral withdrawal never took effect, however. In October 2017, after intense lobbying pressure from the National Mining Association, President Trump’s BLM announced that it was canceling the withdrawal proposal, claiming it was “no longer needed” to protect greater sage-grouse. That finding was unsupported by any scientific or factual evidence. The political appointee who authored the decision manipulated

and misinterpreted BLM’s own data on the significant benefits the withdrawal would provide to greater sage-grouse.

Advocates for the West filed suit to challenge the cancellation decision, alleging violations of the Administrative Procedure Act (APA) and National Environmental Policy Act (NEPA). We hope to secure a ruling that forces BLM to reconsider adopting the withdrawal after completing an Environmental Impact Statement analyzing its environmental benefits—for sage-grouse and the hundreds of other species, like mule deer, elk, pronghorn, native trout, golden eagles, and other migratory and resident bird species that depend on this same sagebrush habitat.

The withdrawal cancellation is just one of the Trump Administration’s many efforts to backtrack on the protections agreed to in 2015 by federal officials and western states to avoid an Endangered Species

Act listing for greater sage-grouse. And we’ve been fighting them all.

Last year, we blocked an attempt by the BLM to weaken measures in its land use plans designed to protect sage-grouse from mining, oil and gas development, and grazing. This spring, we succeeded in vacating hundreds of oil and gas leases issued in prime sage-grouse habitat. This fall, we’re gearing up to challenge the U.S. Forest Service’s planned rollbacks to its 2015 sage-grouse conservation plans.

Advocates for the West is fiercely dedicated to conserving sage-grouse and will continue to use the power of the law to obtain and preserve protections needed for the species’ survival.





RED CLIFFS NORTHERN CORRIDOR HIGHWAY HEATS UP

Todd Tucci, Senior Attorney (Boise, ID Office)

President Trump and Interior Secretary Bernhardt are barreling forward in an effort to approve construction of the controversial Northern Corridor Highway (NCH) in the Red Cliffs National Conservation Area (NCA). *Advocates for the West* is working hard to stop this project, and we may need to move quickly in early January to stop the Bureau of Land Management's (BLM) plans to punch a highway through the heart of this national treasure.

Earlier this year, BLM issued a draft environmental impact statement and draft amendment to the Red Cliffs NCA Resource Management Plan proposing to allow the Utah Department of Transportation to construct the Northern Corridor Highway. This highway would cut through the middle of the Red Cliffs NCA,

and would destroy and adversely modify critical habitat for the Mojave desert tortoise. Secretary Bernhardt has fast-tracked this proposal, and intends to issue a Final Environmental Impact Statement in mid-November and a final Record of Decision before inauguration in mid-January 2021.

Advocates for the West and our allies conducted an analysis of BLM land use and acquisition records, and established that the agency's preferred route for the NCH runs right through lands BLM acquired with Land and Water Conservation Fund (LWCF) funding. LWCF is a federal program that invests a portion of revenue from offshore drilling toward protecting land, water, and recreation areas for all Americans.

To-date, BLM has used over \$20 million from LWCF to acquire more than 831 acres in Red Cliffs NCA under the auspices of outdoor recreation and conservation of wildlife habitat, including for the threatened Mojave desert tortoise. As recently as last year, BLM acquired land within the footprint of the proposed NCH using LWCF funds. And yet, in its hurried effort to approve the project, BLM intends to misuse those funds for the construction of the highway.

Additionally, BLM's preferred NCH route runs through the areas acquired by the Utah Division of Wildlife Resources (UDWR), using federal taxpayer funds through the Cooperative Endangered Species Conservation Fund. From 2004-2017, UDWR received \$15,841,725 through this fund to

acquire habitat for the Mojave desert tortoise and other imperiled species. The U.S. Fish and Wildlife Service (FWS) noted that these acquisitions were vital to the long-term survival and recovery of the desert tortoise and were "essential in preserving the integrity of the reserve as these unburned parcels provide critical refugia for desert tortoises and seed sources for restoration of other areas of the reserve impacted by wildfires due to cheat grass invasions."

For its part, UDWR noted that these acquisitions will significantly reduce habitat fragmentation in the Red Cliffs NCA. Here again, BLM and FWS used federal conservation dollars to fund the acquisition of lands essential to Mojave desert tortoise survival and recovery, and now BLM is

planning to punch the NCH right through the heart of these lands.

Since BLM issued its draft EIS, two wildfires have raged through the Red Cliffs NCA, burning approximately 14,000 acres. BLM's own staff conducted a preliminary assessment of the impact of these fires and found dead, charred remains of Mojave desert tortoise under burnt bushes, at the entrance to burrows, and in rocky hillsides. In light of these fires, we asked BLM to stop the EIS process and take a hard look at the impacts of these fires on survival and recovery of the Mojave desert tortoise populations in the Red Cliffs NCA, which BLM refused to do.

Conserve Southwest Utah – together with *Advocates for the West* and our partners – pulled

together an unprecedented coalition of local, regional and national conservation organizations opposing the NCH, and we recently submitted almost 350 pages of comments on the legal and factual concerns in BLM's draft EIS. Our allies at Conserve Southwest Utah recently testified in Congress in opposition to the Northern Corridor Highway, which resulted in Arizona Congressman Grijalva and others submitting a letter opposing the siting of the NCH within the Red Cliffs NCA.

Advocates for the West will continue to work with our allies to stop BLM from paving paradise and putting up a four-lane highway.

WELCOME

Legal Fellow Rebecca Strauss

Rebecca joined *Advocates for the West's* Boise office in September as a legal fellow. She received her J.D. from Georgetown University Law Center in May. During law school, she interned at the Department of Justice, Environment and Natural Resources Division where she worked on turning old railroads into trails. She also worked at Sierra Club where she helped their effort to shut down coal fired power plants and to promote electrifying public bus systems. At Georgetown, she worked as a student attorney in the Environmental Law Clinic where she drafted an amicus brief for the DC Circuit Court of Appeals on the health effects of climate change. She also served as the President of the Environmental Law Society and the Managing Editor of the Georgetown Environmental Law Review.



Before law school, Rebecca attended Brown University where she studied international environmental policy. She also worked for a tech startup in San Francisco and volunteered for a year with AmeriCorps.

Although Rebecca grew up in inner-city Chicago, she loves getting into the backcountry. In fact, she decided to go to law school while thru-hiking the Pacific Crest Trail. She is excited to explore the many hiking trails in Idaho.

CONTINUING

Law Clerk Lindsey Hutchison

Lindsey Hutchison served as a Law Clerk this summer, and will be staying with us through the fall term as an Extern while attending University of Oregon School of Law. In addition to providing legal support, Lindsey is an invaluable member of our newly formed Diversity, Equity and Inclusion Task Force and we are grateful for her continued service.



Extern Jack Barbour

Jack Barbour served as an Intern this summer, and will be staying with us through fall as an Extern while attending University of Chicago and majoring in mathematics and religious studies. Jack will continue to support our attorneys and produce a comprehensive database of our past and current casework.



THANK YOU AND FAREWELL

Staff Attorney Amanda Rogerson

Staff Attorney Amanda Rogerson recently departed our team. We are grateful for the tremendous work she did representing our client and partner, the Nez Perce Tribe, to protect their treaty rights and aboriginal homeland from Midas Gold's proposed massive gold mine in the East Fork South Fork Salmon River region of Idaho, as well as representing the Tribe in challenging the Oregon DEQ over its Clean Water Act section 401 certification and failing to address high waters temperatures and pollutants that threaten salmon, steelhead and sturgeon in the Snake River through the Hells Canyon Complex dams. We will miss Amanda and wish her the very best in her future endeavors!



Legal Fellow Garrison Todd

2018-2020 Environmental Law Fellow Garrison Todd finished his term with us this summer and headed north to join the Alaska Department of Law's civil division, natural resources section. Garrison was an excellent member of our team, assisting attorneys on a multitude of cases, most importantly on our case representing the Nez Perce Tribe to protect their treaty rights and aboriginal homeland from Midas Gold's proposed gold mine in Idaho's East Fork South Fork Salmon River. Garrison provided critical team and technical support on a massive legal 'discovery' effort. Thank you and best to you, Garrison!



Summer Law Clerks and Interns

Big thanks to our stellar summer law crew! Students from environmental law schools joined us remotely this summer and provided valuable help on many of our critical cases. We wish this next generation of environmental law leaders great success!

Victoria Rose, Duke University School of Law

Emma Sperry, University of Chicago Law School

Andrew Hursh, Vermont Law School

Andrew Follett, Yale Law School

FAREWELL TO BOARD MEMBER LINWOOD LAUGHY

Laird J. Lucas, Executive Director

I met Linwood Laughy walking into Lewiston court in August 2010. He was my new client. We were there for an injunction hearing to stop the first Big Oil mega-loads from going up Highway 12 across the Lolo Pass.

ExxonMobil had cleared the way for these massive shipments during the prior six months, raising phone lines, shearing sides of trees, reinforcing pavement. Lin and his wife Borg Hendrickson picked up on these changes, and began rallying opposition. Conoco slipped in ahead of Exxon and got the first mega-load permits from Idaho Transportation Department, and were ready to roll on Monday.

We won a temporary restraining order, and the case quickly went to the Idaho Supreme Court. We technically lost there, but won what we wanted – a ruling that ITD had to hold public hearings. That fall, Lin and I faced off against teams of state and industry lawyers in a high-profile hearing conducted at the Grove in Boise, with cameras and packed aisles.

We lost there too, but we slowed them down by over six months. Our big target was ExxonMobil, which wanted to send hundreds of mega-loads up Highway 12, right past Lin and Borg's house. No way.

In what turned out to be a five-year legal battle, ExxonMobil never got a single mega-load through to its Pearl Tar Sands project in Alberta, complaining that the delays caused by our successful litigation cost it over a billion dollars. Lin and Borg were on the front business pages of NY Times, WSJ, and many other media.

Lin has a ferocious appetite for knowledge; a fierce passion to protect the wild; and is a never-wavering friend. He served for over seven years on the *Advocates for the West* board, and was our leader and chair for three years—helping guide us into sustained growth and spreading the word to many friends who now support us.

It has been an honor to work with Lin over the years, as both a client and a board member at *Advocates for the West*. Thank you for your friendship and leadership, Lin. Our conservation community is far greater thanks to you!



Lin Laughy and his wife, Borg Hendrickson.

ADVOCATES FOR THE WEST

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TIME TO DOUBLE DOWN!

Thanks to a longtime friend of *Advocates for the West*, your year-end gift will be **matched dollar-for-dollar up to \$25,000.**

We know that your generous spirit and resources are drawn in many worthwhile directions this year, and we hope your plans include a gift for the West's public lands, water, fish and wildlife.

Thank you for standing by our side as we continue to fight – and win – for the West!