



2003-2023

20 YEARS

ADVOCATES FOR THE WEST

2023

ANNUAL REPORT

*Winning for the West's
natural treasures and wildlife.*





Dear Friends,

In celebrating *Advocates for the West's* 20th anniversary during 2023, I had many opportunities to talk with friends, clients, and supporters about our work over the last two decades, and where we are heading as we move into our next decade of free legal services for the environment. Thanks to all of you who turned out for our events and have supported our work!



In these conversations, I was reminded time and again of the common thread that runs through the many dozens of cases we've brought on behalf of over 75 clients and partners since we began in 2003: *Advocates for the West* takes bold legal action to defend and protect imperiled species and ecosystems that cannot speak for themselves. In doing so, we stand up against powerful industries and agencies, which is rarely easy, and requires accepting risk and remaining persistent.

Continuing our long track record of success, as you will read below, we scored many important victories in 2023: An appeals court upheld the largest Clean Water Act (CWA) fine ever against an individual in Idaho, while setting a nation-wide legal precedent that suction dredge mining requires a CWA permit. We helped the Nez Perce Tribe secure a \$5 million settlement in another CWA case over ongoing mining pollution discharges that thwart the Tribe's salmon recovery efforts in the South Fork Salmon River. We prevented incompatible livestock grazing from worsening the devastating effects of climate change on the Endangered Species Act-protected Oregon spotted frog, and within Arizona's Sonoran Desert National Monument. And we halted a four-lane highway from paving over critical habitat for the threatened Mojave desert tortoise in Utah's Red Cliffs National Conservation Area.

We also brought new cases in 2023, including to protect the Frank Church-River of No Return Wilderness from unlawful aircraft intrusion promoted by a powerful recreational aviation lobby; challenging Big Ag feedlot pollution into the mid-Snake River; and a sweeping new case challenging the Bureau of Land Management's utter neglect in assessing environmental conditions and addressing resource damage caused by overgrazing across more than a hundred million acres of public lands in the American West.

None of this would be possible without the dedicated community of environmental champions that powers our legal advocacy and hard-hitting litigation. I am reminded of this devotion to our work in the outpouring of gifts we received in 2023 in memory of longtime supporters who sadly passed on. They will be missed dearly, and I'm incredibly grateful to their family and friends who honored their legacy by supporting our work. To all our supporters and partners, thank you for making our work possible!

With immense gratitude,

Laird J. Lucas
Executive Director

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**DEFENDING SPECIAL PLACES****Sonoran Desert National Monument (AZ):**

In this second legal victory over livestock grazing in Arizona's Sonoran Desert National Monument, the Court held that the Bureau of Land Management (BLM) relied on faulty information to justify grazing on sensitive desert landscapes home to the Sonoran desert tortoise, the saguaro cactus, and rich in cultural resources. Grazing is now effectively halted indefinitely on the Monument, until BLM performs new environmental review.

Bar X Allotment, Mogollon Rim (AZ):

We also halted cattle grazing in a pristine corner of Arizona's Tonto National Forest just below the scenic Mogollon Rim. The U.S. Court of Appeals for the Ninth Circuit held that the Forest Service made "serious errors" in violation of the National Environmental Policy Act in approving a plan to expand grazing on the Tonto National Forest's Bar X Allotment—including opening pastures that had been closed to grazing for nearly 40 years after cattle had destroyed soil and vegetation and displaced wildlife such as deer, elk, and turkeys.

Red Cliffs National Conservation Area (UT):

We secured a major victory halting the proposed four-lane Northern Corridor Highway through Red Cliffs National Conservation Area (NCA) in southwestern Utah—a stunning red rock wilderness home to the threatened Mojave desert tortoise. In the final days of the Trump administration, Interior Secretary David Bernhardt personally approved a plan to punch the highway through the heart of the NCA, disregarding impacts to desert tortoise and other NCA values. After we sued in D.C. federal court, we reached a court-approved settlement reversing Bernhardt's decision, and requiring the BLM to reconsider granting the right-of-way based on new environmental analysis.

Big Creek Airstrips in Frank Church–River of No Return Wilderness (ID):

At more than 2.3 million acres, the Frank Church–River of No Return Wilderness is the largest contiguous Wilderness in the lower 48 states. We filed suit to challenge the Forest Service's decisions to maintain four unlawful airstrips in the Big Creek drainage within the Wilderness, which are used by hobby pilots for motorized recreation. This area is popular for hikers, backpackers, and river rafters, and provides important habitat for a wide variety of native wildlife, all impacted by this aircraft intrusion in the Wilderness.

Point Reyes National Seashore (CA):

Commercial beef and dairy ranching at Point Reyes

National Seashore—the only National Seashore on the West Coast—has led to overgrazing, soil erosion, degraded water quality, and conflicts with native tule elk. We are challenging the National Park Service's controversial 2021 management plan to perpetuate and expand industrial ranching and dairy operations at Point Reyes. During 2023, *Advocates for the West* engaged in extensive mediation talks with the Park Service and other affected parties seeking a long-term resolution to restrict ranching and restore the wildlife and recreational values of the National Seashore.

**PROTECTING ICONIC WILDLIFE****Oregon Spotted Frog (OR):**

We won a strong victory to protect the Oregon spotted frog within the Antelope Allotment of central Oregon's Fremont-Winema National Forest. The U.S. Court of Appeals for the Ninth Circuit held that the U.S. Fish and Wildlife Service violated the Endangered Species Act (ESA) when issuing a Biological Opinion that allowed cattle grazing within critical habitat for the frog, by failing "to consider whether the small frog population could sustain grazing-related impacts on top of potential climate change effects." This decision should effectively halt grazing on the allotment for the foreseeable future.

Okanogan-Wenatchee Bighorn Sheep (WA):

We reached a settlement to protect nearly half of the wild bighorn sheep in Washington state from the threat of disease outbreaks posed by domestic sheep grazing. The Forest Service has long failed to require separation between bighorns and domestic sheep on allotments within the Okanogan-Wenatchee National Forest that pose a high risk of disease transmission to bighorns. Under the settlement, the agency will complete a long-overdue environmental review to determine whether high-risk allotments should be closed.

Destruction of Native Pinyon-Juniper Habitats (West-wide):

We won a court-approved settlement agreement requiring the BLM to abandon a Trump-era decision authorizing extensive destruction of native pinyon pine and juniper habitats across the American West without requiring analysis and public disclosure of environmental impacts. These projects could be up to 10,000 acres in size with no limit on the number the agency could approve. Pinyon-juniper forests provide important habitat for imperiled species such as the pinyon jay, which has experienced a population decline of up to 85% since the late 1960s.

Owyhee Military Airspace Expansion (ID, NV, OR):

The Owyhee Canyonlands of Idaho, Oregon, and Nevada are a wild and intact area nearly the size of Yellowstone. This

geodiversity hotspot of deep canyons and undulating hills is home to sage-grouse, pronghorn antelope, bighorn sheep, and other wildlife. We filed a lawsuit under the Freedom of Information Act to compel Mountain Home Air Force Base to release public records relating to the Air Force's proposal to expand and intensify military aircraft trainings over Wilderness Areas, Wild and Scenic Rivers, and key habitats for iconic sage-grouse and bighorns in the Owyhee Canyonlands.

Rangeland Pesticides Spraying (ID, MT, OR, WY):

In 2023, our legal team spent significant time reviewing the administrative record and briefing our case challenging the federal Animal and Plant Health Inspection Service (APHIS) over its pesticide spraying on millions of acres throughout the West. The spraying is intended to curtail native grasshopper and Mormon cricket numbers. But greater sage-grouse, monarch butterflies, western bumblebees, and other pollinator species inhabiting western lands are already in steep decline and extremely vulnerable to further harm from APHIS's pesticide spraying, which disregards more ecologically-responsible pest management practices.

Path of the Pronghorn (WY):

In our fight to protect one of North America's last remaining long-distance land migrations and critical sage-grouse habitat, we are challenging development of new gas wells that are part of the 3,500-well "Normally Pressured Lance" project in Wyoming's Upper Green River basin. The project would fragment the 170-mile "Path of the Pronghorn" winter migration route connecting Grand Teton National Park to crucial pronghorn winter range farther south. The U.S. Court of Appeals for the Tenth Circuit held that the BLM must conduct further environmental analysis before issuing individual drilling permits, which we are now tracking to ensure adequate protections for sage-grouse and pronghorn.

**RESTORING RIVERS AND FISHERIES IN THE PACIFIC NORTHWEST****Suction Dredge Mining on the Clearwater River (ID):**

The U.S. Court of Appeals for the Ninth Circuit upheld our prior wins confirming that California gold miner Shannon Poe violated the federal Clean Water Act (CWA) when he dumped suction dredge mining waste into Idaho's South Fork of the Clearwater River without a required pollution permit, and requiring Poe to pay a \$150,000 fine. The fine represents one of the largest CWA penalties ever against an individual in Idaho. The South Fork Clearwater is a State Protected River and provides critical habitat for salmon, steelhead, bull trout, and other sensitive species.

Tony Bynum Photography

Stibnite Mine Clean Water Act Violations (ID):

Mining company Perpetua Resources will pay the Nez Perce Tribe \$5 million as part of a settlement agreement resolving a CWA lawsuit filed by *Advocates for the West* and the Tribe's Office of Legal Counsel over ongoing pollution discharges into the headwaters of the East Fork South Fork Salmon River at the proposed Stibnite Gold Mine site. Under the settlement, Perpetua agrees to provide payments over a four-year period into a special fund to be used by the Tribe to support water quality improvement projects in the South Fork Salmon River watershed, while the Tribe continues to oppose the Stibnite Gold Mine proposal.

Stibnite Mine Air Quality (ID):

Representing the Nez Perce Tribe and conservation groups, we filed a petition with the Idaho Board of Environmental Quality challenging a hearing officer's decision to uphold an air quality permit issued to Perpetua Resources for its proposed Stibnite Gold Mine. The proposed mining would emit large quantities of dust known to contain arsenic, which can cause serious health problems. The proposed mine also threatens spawning habitat for bull trout and chinook salmon while restricting Tribal and public access to the area, located on the edge of the Frank Church–River of No Return Wilderness.

Grand View Feedlot (ID):

We filed suit against Big Ag giant Simplot Corporation for ongoing pollution discharges from its Grand View Feedlot into the mid-Snake River in violation of the CWA. The Grand View Feedlot is one of the largest feedlots in the country, with a capacity of up to 150,000 cattle and generating nearly 50,000 tons of manure each year, which contributes to the pollution of the Snake River through runoff as well as over-application of manure to crop fields. Even after the U.S. Environmental Protection Agency issued Simplot a warning in 2012 that its discharges were unlawful, Simplot failed to come into compliance with federal law and obtain a CWA-required permit. The Snake River is a source of drinking water as well as an important site for recreation and fishing—activities that are threatened by ongoing agricultural pollution.

Upper Willamette Salmon and Steelhead (OR):

In 2023, we began working with our client-partners and the Confederated Tribes of the Grande Ronde to forge a new coalition to address key policy concerns related to dam management, water security, and salmon recovery in Oregon's Willamette basin. Meanwhile, we continued to closely monitor and enforce the Army Corps of Engineers' compliance with our prior court victories holding the Corps in violation of the ESA and requiring multiple actions to protect threatened salmon and steelhead in the Upper Willamette basin. The Corps is required to modify the management of eight dams and reservoirs to provide for passage and flows needed by these highly-imperiled fish species.

2023 Milestones

Bonneville Power Administration (ID, OR, WA):

Seeking to hold down rates it charges customers for hydropower operations, the Bonneville Power Administration (BPA) in recent years has “flat-lined” its fish and wildlife mitigation spending, causing serious problems for Tribes and agencies seeking to restore salmon and steelhead in the Columbia basin. In the first round of our challenges to BPA’s irresponsible funding decisions, we were unable to convince the U.S. Court of Appeals for the Ninth Circuit that the Northwest Power Act’s “equitable treatment” mandate for fish and wildlife applies to BPA’s setting of rates it charges customers for hydropower sales. But we continue to challenge BPA’s decision to spend only 10% of a \$500 million revenue surplus from 2022 power sales on fish and wildlife mitigation efforts, depriving salmon and steelhead recovery projects of much-needed revenue as these wild fish populations slide closer to extinction.

CHALLENGING INDUSTRIAL THREATS ON PUBLIC LANDS

Caldwell Canyon Phosphate Mine (ID):

Advocates for the West won a significant victory to protect the small and declining eastern Idaho sub-population of the imperiled greater sage-grouse when a federal judge vacated BLM decisions authorizing development of the Caldwell Canyon phosphate mine. Phosphate from the mine was slated to be used by Bayer AG—which in 2018 purchased the pesticide giant Monsanto—in manufacturing glyphosate, the active ingredient in Roundup brand products and which has been linked to cancer in humans and harm to more than 1,600 of the plants and animals protected under the ESA.

Salmon-Clearwater Divide Logging (ID):

The Idaho federal court in early 2023 affirmed our June 2022 victory to protect biodiverse and old growth forests on Idaho’s Salmon-Clearwater Divide when it denied the Forest Service’s motion to amend the Court’s prior decision. That decision held that the Forest Service failed to adequately assess old growth habitat in approving two massive, neighboring timber sales, “End of the World” and “Hungry Ridge.” Together, the projects would have resulted in logging over 40 square miles to generate more than 317 million board feet of timber over the next 10 years, with huge clearcuts in old growth forests. Later in 2023, the Forest Service and industry intervenors dropped their appeals, making our 2022 victory final.

The “Lands Between” Oil & Gas Leases (UT):

We reached a settlement agreement to protect an area home to thousands of archaeological sites considered sacred to many Indigenous peoples between Canyons of

the Ancients National Monument and Bears Ears National Monument in southeastern Utah from two Trump-era oil and gas lease sales. The settlement requires BLM to conduct consultation with Tribes for which the area is religiously and culturally significant, examine leasing decisions on ESA-protected species, and consider a “no leasing” alternative. The “Lands Between” region is by far the densest archaeological area open to oil and gas leasing on public lands in the United States.

BLM Grazing Mismanagement (West-wide):

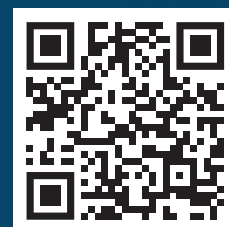
Advocates for the West filed a sweeping new lawsuit in D.C. federal court, challenging the BLM for its widespread delinquency in assessing environmental conditions and addressing resource damage caused by overgrazing across vast stretches of the American West. The agency is intentionally avoiding environmental analysis on grazing allotments containing important natural and cultural resources and imperiled species, including the highest priority sage-grouse habitat and allotments where domestic sheep and bighorns overlap.

Converse County Oil & Gas (WY):

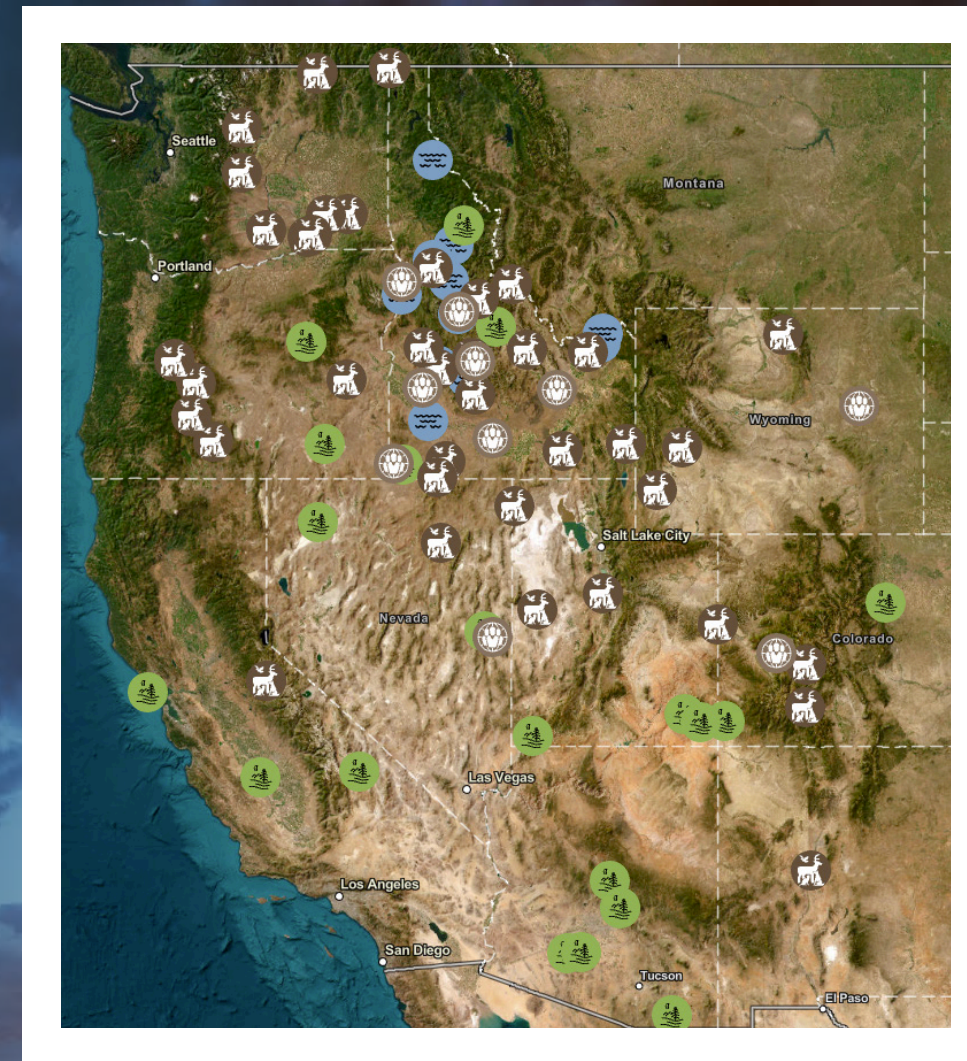
This case in D.C. federal court challenges a massive Wyoming oil/gas field development project, called Converse County. The project would drill 5,000 new wells in key sage-grouse and raptor habitat in the Powder River basin. Serious air quality impacts are expected from the project, and the fossil fuel implications of the project are so large that by year ten, it would result in 69.5 million metric tons of carbon dioxide equivalent annually—the same level of carbon pollution as 15 million cars each operating for a year. We engaged in intensive litigation in 2023, and fended off intervenor motions to dismiss the case and change to a less favorable venue.

Sage-Grouse Habitat Oil & Gas Leasing (ID, MT, NV, UT, WY):

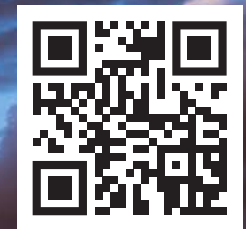
During 2023, *Advocates for the West* continued to defend against multiple appeals of our sweeping district court victories holding invalid hundreds of BLM oil and gas leases issued under the Trump administration, covering over a million and a half acres of key sage-grouse habitats. At the same time, we blocked industry attempts to develop wells our victories halted, while challenging a third set of Trump-era oil and gas leases in priority grouse habitats for which the BLM violated environmental disclosure and review requirements.



For more information on these and other important cases, please visit: AdvocatesWest.org/Cases



Advocates for the West filed new cases to defend western public lands, water, and wildlife in 2023 while building upon on our long list of victories. Visit our Interactive Case Map to view the specific geographic locations of our current legal battles and most important wins, along with case information and photos. Visit AdvocatesWest.org or scan the QR code and scroll down on our homepage to the “Cases by Location” map to utilize this tool.





Through my personal and professional commitment to helping the non-profit sector endure both nationally and abroad, I've learned the importance of organizational health, or the capacity of an organization to adapt to a world that is constantly evolving.

and uniting around a shared vision for the future of the organization which we will continue to develop in the year ahead. A strategic plan may not be the most exciting endeavor, but a good plan helps us define our direction and aids in establishing realistic goals tied to our vision and mission. In other words, it helps us ensure that we're putting our passion into practice in the most effective ways possible.

That's why I'm excited to share that *Advocates for the West* is on a multi-pronged path to ensure our organizational health is as strong as it can be. The board and staff are pursuing support and training to more fully incorporate our commitment to Diversity, Equity, Inclusion, and Justice into our legal programs, and every aspect of our work. Staff are pursuing training to help them create and lead impactful change while leveraging collaboration, community, and inclusion.

All of this will help us ensure that we're strong, effective, and just in all we that do, and equip us to embrace inevitable change that all organizations face. With this skillset, *Advocates for the West* can continue to lead the way as a strong, effective force to protect the West's natural environment.

Relatedly, during our annual retreat in September, staff and board began laying strategic planning groundwork

Through these initiatives, *Advocates for the West* is working to become the best that we can be — enhancing our effectiveness as an organization, ensuring greater consideration for and representation of the communities we serve, and contributing to a stronger environmental movement in the West.

Thank you for supporting *Advocates for the West* as we look to the exciting and important work that lies ahead.

With gratitude,

Eric Younger, Board Chair



"We deeply appreciate the important legal advocacy work done by *Advocates for the West* for our most cherished environments: the Sagebrush Sea, Wild and Scenic Rivers, National Forests and Wilderness Areas, and healthy local communities.

A strength of *Advocates for the West* lies in their partnerships with other environmental organizations, ensuring that their efforts go toward broadly supported and scientifically validated priorities. They have a substantial record of success and of sound use of financial resources; Charity Navigator gives them a 4 star (top) rating.

We have included *Advocates for the West* in our estate plans to help assure healthy public wildlands and wildlife for our grandchildren and future generations."

Julie Hall, MPH, RN (retired)
Pete Zimowsky, Outdoor Writer

2023 Partners & Clients

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CalWild
Center for Biological Diversity
Columbia Riverkeeper
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Conservation Lands Foundation
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Greater Hells Canyon Council
Greater Yellowstone Coalition
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Idaho Rivers United
Kettle Range Conservation Group
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Law Offices of Charles M. Tebbutt
Native Fish Society

Neighbors of the Mogollon Rim
Nez Perce Tribe
Northwest Environmental Defense Center
Oregon Natural Desert Association
Oregon Wild
Powder River Basin Resource Council
Prairie Hills Audubon Society
Public Employees for Environmental Responsibility
Public Justice
Resource Renewal Institute
Sawtooth Interpretive & Historical Association

Save the South Fork Salmon
Sierra Club
Snake River Waterkeeper
Southern Utah Wilderness Alliance
The Wilderness Society
Upper Green River Alliance
WaterWatch of Oregon
Western Mining Action Project
Western Watersheds Project
WildEarth Guardians
Wilderness Watch
Winter Wildlands Alliance
Xerces Society for Invertebrate Conservation

Join Our Legacy Society!

What is the legacy you want to leave for the West?

You can help protect the West's special places for generations to come. Joining our Legacy Society is as simple as naming *Advocates for the West* as a beneficiary in your will or estate, either with a specific amount or a residual gift after your heirs have received their distributions. While these specific gifts ("bequests") are the most common type of planned giving, there are other options. These include a beneficiary designation in a:

- Charitable Remainder Trust
- Charitable Lead Trust
- Revocable Living Trust
- Charitable IRA Rollover
- Charitable Gift Annuity
- Gift of Securities
- Life Insurance
- Retirement Assets

Legacy Society gifts under \$25,000 are directed to our general support, and gifts over \$25,000 may be directed to general support or to our endowment fund, at the discretion of our Board of Directors. We recommend you seek the advice of your financial or legal adviser before making your bequest.

If you choose to make a gift in your estate plans, our legal name is **Advocates for the West, Inc.** and our 501(c)(3) tax ID number is **06-1654062**.

If you have already included *Advocates for the West* in your estate plans, please let us know. Sharing your plan with us places you under no obligation, but it does enable us to say thank you and welcome you to our Legacy Society. We respect all requests to remain anonymous.

Contact Aimee Moran, Deputy Director, to learn more about *Advocates for the West's* Legacy Society at amoran@advocateswest.org or (208) 342-7024 x205.

Your legacy can help *Advocates for the West* win for the West, today and for future generations.



2023 DONORS

The following is a complete list of donors, foundations, businesses, and clients who made financial and in-kind contributions to *Advocates for the West* in 2023. We value each of our supporters equally, and therefore list all our donors in alphabetical order rather than in order of gift amount. Thank you for your generosity! We could not accomplish our work without you at our side.

*Names marked with an asterisk are members of the Sage Society—our monthly giving club. Find out more at: AdvocatesWest.org/Sage-Society

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In Memoriam

The following members of our conservation community passed on in 2023 and will be deeply missed. This list is complete to the best of our knowledge; we sincerely apologize for any oversights.

Vaughn Adams
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Advocates for the West thanks our 2023 law clerks, interns, and externs, who contributed their time and talent to our work. We wish them success in their pursuits!

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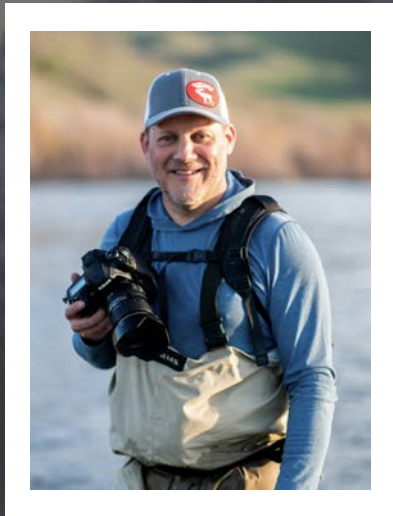


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FEATURED ARTIST: TONY BYNUM

Tony Bynum is a born westerner. He's a member of the Confederated Tribes of Grand Ronde, and for the past 20 years, he's made Montana his home. From there, he regularly travels worldwide, combining his Master of Science in Resources Management with his decades of media and photography experience to create work for everyone from the Washington Post to Yeti. Tony's images have appeared on more than 300 magazine and book covers, and he's regularly published by the nation's premier outdoor media brands and companies. He's putting the finishing touches on a selection of images from more than 30,000 he captured on location over 120 days in Scotland for a forthcoming film about conservation and the rural people of the Scottish Highlands. His motto is, "Don't just love something, do something for it."

Tony's work can be found at www.tonybynum.com