Economic Impacts of WildEarth Guardians Litigation on Local Communities

Ryan M. Yonk PhD &

Randy T Simmons PhD

with

Kayla Dawn Harris

SUU SOUTHERN UTAH UNIVERSITY

JON M. HUNTSMAN SCHOOL OF BUSINESS
UtahStateUniversity

Economic Impacts of WildEarth Guardians Litigation on Local Communities

Final Report

March 2012

Principal Investigators:

Ryan M Yonk PhD
Department of Political Science and Criminal Justice
Southern Utah University
351 West University Blvd
Cedar City Utah 84720
ryanyonk@suu.edu

Randy T Simmons PhD
Department of Economics and Finance
Utah State University
3565 Old Main Hill
Logan Utah 84322
randy.simmons@usu.edu

with

Kayla Dawn Harris
Center for Public Lands and Rural Economics

Student Research Associates

Neal Mason
Rhett Busk
Mathew Coates
Amy McIff
Nicholas Hilton
Traves Bills
Kristen Dawson
Luci Griffiths
Joshua Blotter
Justine Larsen
Josh DeFrieze

Table of Contents

WildEarth Guardians: Executive Summary 01

WildEarth Guardians Policy Brief 04

WildEarth Guardians and Drilling 12

WildEarth Guardians and Coal Mining 15

WildEarth Guardians and Livestock Grazing 19

WildEarth Guardians and Endangered Species Litigation 23

Appendix One 31

Appendix Two 33

Executive Summary

WildEarth Guardians is a nonprofit and environmental activist organization that claims their mission is "to confront the threats facing the beauty and diversity of the American West." They use several strategies to pursue that mission including litigation, science, media, and lobbying. Their primary strategy is to file lawsuits to uphold their interpretation of environmental laws, called "litigating for the wild." This report includes a statistical analysis of the effects WEG's actions have on the communities they litigate in, as well as one case study in each of their four areas of interest to illustrate their operations.

Statistical Analysis

Using standard regression analysis we evaluate the effects of activities by WildEarth Guardians on three variables that act as proxies for county economic conditions. Controlling for other factors influencing county economic conditions, we find evidence that interventions by WildEarth Guardians, on average, are associated with lower median household income, but higher county tax receipts. Legal and policy interventions by WildEarth Guardians often generate costs for the affected county. In order to cover those costs the county must generate new revenues, usually through increased taxes. So, not only are local communities suffering from lower household incomes, but they also are forced to pay higher taxes to cover the costs associated with legal fees from litigation efforts.

Oil and Gas Leases

WEG's challenge to the drilling industry is titled the "Wild Skies of the West" initiative. A 2009 legal settlement with the Environmental Protection Agency (EPA)

resulted in the EPA proposing new, stronger nationwide air quality rules for oil and gas development. WEG continues to litigate to reduce the amount of drilling across the West, especially in the Rocky Mountain Region including Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.

Coal Mining

One of WildEarth Guardians' areas of interest is coal mining. Although they focus primarily Wyoming's Powder River Basin, which produces 43% of all coal burned in the U.S., they have extended their interests to include the Colorado Plateau with the purpose of having no coal mined or burned in the Colorado Plateau. They are attempting to prevent the construction of any new coal-fired power plants, pushing to retire existing plants, and promoting stronger enforcement of the Clean Air Act.

Grazing Permits

WEG have always emphasized grazing permit retirement. They argue that public lands' grazing has negative effects on native species, water use, large carnivores, fire ecology, and aquatic ecosystems. They are especially frustrated with the U.S. Fish and Wildlife Service's practice of removing Mexican Wolves when they conflict with cows in the Greater Gila Bioregion.

Listing of Endangered Species

Another area of focus is on wildlife and a primary strategy is to request that more species be listed under the Endangered Species Act (ESA). WEG have petitioned to have 681 more species listed under the ESA (there are approximately 1,385 species listed currently). As part of their wildlife protection efforts, they have created a program they call, "Saving the Sagebrush Sea," that hopes to create a system of sagebrush reserves.

The argument often stated by the environmental community is that increased intervention by environmental groups through litigation and other activities does not negatively impact local communities is not supported by the data. Taken together, these efforts may jeopardize industries representing over $3 billion in economic benefits for local economies. The costs of WildEarth Guardians we find do not include the fiscal and budget implications, increase costs to local legal systems, and the cost of new regulations. But, environmental groups seldom justify their actions in economic terms. Instead these groups are primarily interested in emotional, ecological, and cultural goals. Our results show that those goals are accomplished at a cost to local economies.

Litigating for the Wild

This study explores the economic impacts of legal and political interventions taken by WildEarth Guardians (WEG), an environmental group that specializes in bringing environmental lawsuits aimed at limiting uses of the public lands. We begin by examining empirical evidence of identifiable differences in the economic conditions of counties affected by WildEarth Guardian interventions and those where no intervention has occurred. Next, we illustrate all the actions[1] that WEG has taken since 2005 under four categories; oil and gas leases, coal extraction, grazing permits, and endangered species litigation. To further explore these four areas of WEG litigation we discuss one case in depth for each category.

WildEarth Guardians

WildEarth Guardians is an environmental activist organization that claims their mission is "to confront the threats facing the beauty and diversity of the American West." Their primary strategy is to file lawsuits to uphold their interpretation of environmental laws; they call this strategy "litigating for the wild." They also "use public awareness campaigns and political pressure to protect wildlife, wild places, and wild rivers." Besides their legal and political activism, they organize and participate in riparian area restoration projects ("WildEarth Guardians: History", n.d.).

Their 2010 budget was just over $1.6 million, $490,000 of which was from government grants. Ten percent of their income was from settlements of legal actions. In their 2010 Annual Report they highlight legal actions filed to protect 100 species they believe are imperiled. They also highlight the use of a "little-known but powerful"

[1] Please note that these are not all of WEG's actions, just those provided to us in a selection of *Greenwire* articles from 2005-2011.

section in the Clean Water Act to designate 700 miles of streams and rivers in New Mexico as “outstanding waters.” In 2012 they plan to challenge “every single new” coal lease in the Powder River Basin, lying between Wyoming and Montana (“WildEarth Guardians: Annual Report 2010”, 2011).

Introduction to WildEarth Guardians and their litigation efforts

WEG is a 501(c)3 non-profit organization originally created as Forest Guardians in New Mexico. Originally formed in 1989 to fight a logging project on northern New Mexico’s Elk Mountain, they soon began to challenge grazing on public lands. They organized a campaign to outcompete ranchers for grazing leases. After purchasing the leases, they installed fencing, removed non-native plant species, and replanted riparian areas. In 2008 they merged with Sinapu, an organization focusing on carnivore restoration, and renamed themselves WEG (“History-WildEarth Guardians”, n.d.). WEG has offices in Santa Fe, New Mexico; Denver, Colorado; and in Phoenix and Tucson, Arizona. Their self-proclaimed mission is to “protect and restore wildlife, wild rivers, and wild places in the American West” (“WildEarth Guardians: Protecting wildlife, wild places, and wild rivers in the West”, n.d.). They use several strategies to pursue that mission including litigation, science, media, and lobbying.

Understanding Economic Impacts of WildEarth Guardians’ Interventions

To evaluate impacts of WEG actions regarding oil and gas drilling, coal extraction, public lands grazing, and endangered species litigation we conduct a quantitative analysis of the impacts on local economic conditions and provide a case study for each of the areas of activity. Our quantitative analysis uses US Census and Bureau of Labor Statistics Data for each county in the intermountain west region combined with a content analysis of news reports from *Greenwire*, a leading

clearinghouse of environmental news and activities. We define the Intermountain West as including Idaho, Montana, Wyoming, Colorado, Arizona, and New Mexico.

Using standard regression analysis we evaluate the effects of activities by WildEarth Guardians on three variables that act as proxies for county economic conditions: median household income, total payroll, and total tax receipts. The U.S. Census Bureau gathers median household income and total tax receipts. The Bureau of Labor Statistics gathers total payroll figures.

Median household income has the advantage of specifically addressing how individual households are, on average, affected by interventions in these counties. It has the disadvantage of being self-reported to the U.S. Census Bureau and, accordingly, may be less valid than more direct measures.

Total payroll is a broader metric capturing all those over the age of 18, as well as those who live outside but work within a county. This measure speaks to the aggregated effects on individuals rather than the median household in a county. Despite these advantages, the total payroll measure does not capture capital investments, local residents whose place of employment is outside county boundaries, or those whose income is not generated though a payroll process, including retirees. Despite these potential drawbacks the data are readily available and measures of aggregate payroll are a generally reliable metric for considering local economic conditions.

County tax receipts is a measure of economic conditions that has two clear advantages over our other measures. First, local governments that are required by state and federal statute to correctly report their tax revenues have collected these data. Thus, these data are complete and may be more reliable than self-reports from either businesses or individuals. The second advantage is that the data capture a broader

spectrum of economic activity than do our other variables. Institutional variation in why, how, and in what amount taxes are collected across states, regions, and often the counties themselves, however, make direct comparisons more difficult in this measure.

Although none of our dependent variables are a perfect representation of the economic conditions of a county, they each measure an important aspect of those conditions and taken together form a largely complete image of the existing economic conditions. Our expectation is that interventions by WildEarth Guardians would have similar, although not identical, effects on each of our variables. To better isolate the effect of the intervention, we include control variables for a variety of factors which also influence economic conditions and that control for the significant differences among counties. These variables include population, percent white, birth rate, unemployment rate, crime rate, percent of the population with at least a high school diploma, percent of federal lands, and total land area of a county.

Findings

Controlling for other factors influencing county economic conditions, we find evidence that interventions by WildEarth Guardians, on average, are associated with lower median household income, but higher county tax receipts. The results for Total Payroll are not statistically significant and are not discussed here. The estimated impact of WildEarth Guardian Interventions on county economies is provided in Table 1 below. Full results of the regression analysis from any of the models reported are contained in Appendix One.

Table 1

The Economic Impact of Intervention in All Areas

Measure of Economic Condition	Economic Impact
Average Household Income	-$2,503.00
County Tax Receipts	$20,246.22
Total Payroll*	-$1,666.77

*This effect is not statistically significant

These results[2] indicate that interventions by WildEarth Guardians are having an impact on both households and counties. Median household income in counties where WildEarth Guardians have been active is estimated to be $2,503.00 lower than in counties where these activities have not occurred. In contrast County Tax Receipts in intervention counties is estimated to be $20,246 dollars more than in non-intervention counties.

These results appear to be contradictory, but we believe they are in fact complimentary. Legal and policy interventions by WildEarth Guardians often generate costs for the affected county. Examples include counties having to provide extra services, change existing practices, or pay for infrastructure in anticipation of new energy development. In order to cover those costs the county must generate new revenues, usually through increased taxes. So, an increase in county revenues is likely a result of having to cover increased costs. A detailed discussion of these effects is available in a study by Reale, Yonk, and Simmons (2012). This study indicates that higher county revenues are an indication that taxes or other revenue streams had to be

[2] See Appendix One for the complete tables.

increased to cover the costs created by the new regulations. We expect that the effects of WildEarth Guardian Interventions may be substantively similar to the effects noted by Reale, Yonk, and Simmons (2012).

Analysis and Conclusions

The argument often stated by the environmental community is that increased intervention by environmental groups through litigation and other activities does not negatively impact local communities; this argument, however, is not supported by the data. When comparing counties where WildEarth Guardians has intervened to those without intervention, we find that those counties having had intervention are worse off than the non-intervention counties. But, environmental groups seldom justify their actions in economic terms. Instead these groups are primarily interested in emotional, ecological, and cultural goals. Our results show that those goals are accomplished at a cost to local economies. This explains why local officials often oppose the actions of groups like WildEarth Guardians.

To further understand WEG's impacts on surrounding communities, industries, and environmental policies at the federal, state, and local levels, we have included a more in-depth discussion of them below. Below is a short description of WEG's major actions in four areas: oil and gas leases, coal mining, grazing permits, and endangered species litigation. Appendix Two contains several tables depicting WEG's actions regarding these four areas and should be references for a complete understanding of their actions between 2005-2011. Then, to further explore these areas we have a case study to further elaborate on their actions and the consequences of those actions.

WildEarth Guardians: Action Tables Explanation

Included in Appendix Two are the article dates, to allow the reader to read the *Greenwire* articles for more information. We've also included the states where the actions occurred, as well as the specific area that WEG's actions affects, if such information was made known in the original article. Next is the agency that WEG is primarily involved with in that action, as well as their complaint. Following that are the actions that WEG took in each instance.

Oil and Gas Drilling

WEG's challenge to the drilling industry is titled the "Wild Skies of the West" initiative. A 2009 legal settlement with the Environmental Protection Agency (EPA) resulted in EPA proposing new, stronger nationwide air quality rules for oil and gas development. That lawsuit had been filed by WEG and the San Juan Citizens Alliance. WEG continues to litigate to reduce the amount of drilling across the West, especially in the Rocky Mountain Region, including Colorado, Montana, New Mexico, North Dakota, South Dakota, Utah and Wyoming.

Coal Mining

One of WildEarth Guardians' areas of interest is coal mining. Although they focus primarily Wyoming's Powder River basin, which produces 43% of all coal burned in the U.S., they have extended their interests to include the Colorado Plateau with the purpose of ending all coal mining or burning on the Colorado Plateau. They are attempting to prevent the construction of any new coal-fired power plants, pushing to retire existing plants, and promoting stronger enforcement of the Clean Air Act.

Grazing Permits

WEG have always advocated for grazing permit retirement, beginning when they were known as Forest Guardians. They argue that public lands' grazing has negative effects on native species, water use, large carnivores, fire ecology, and aquatic ecosystems. They are especially frustrated with the U.S. Fish and Wildlife Service's practice of removing Mexican Wolves when they conflict with cows in the Greater Gila Bioregion.

Endanger Species Listing

Another area of focus is on wildlife and a primary strategy is to request that more species be listed under the Endangered Species Act (ESA). WEG have petitioned to have 681 more species listed under the ESA (there are approximately 1,385 species listed currently). As part of their wildlife protection efforts, they have created a program they call, "Saving the Sagebrush Sea," which hopes to create a system of sagebrush reserve.

WEG's Litigation Efforts: Case Studies

For a summary of WEG efforts, we present a case study of each of the four areas of WEG's litigation efforts. This summary relies almost entirely on articles from *Greenwire*, a source generally friendly to groups like WEG. Our analysis illustrates that there are opportunity costs to WEG's actions and local communities pay many of those costs. We do not evaluate other costs including increased dependence on foreign oil or taxpayer costs from the government defending its public lands policies in court. Further, we do not evaluate the planning costs imposed on federal agencies and private entities. Those costs seldom have anything to do with whether a project is good policy. Instead, they have to do with making sure the planning documents meet minute and often arcane

requirements established under the National Environmental Planning Act, Clean Air Act, or Clear Water Act.

WildEarth Guardians and Drilling

WEG has chosen to litigate in areas where jobs and income are closely tied to the energy sector. In our analysis of the effects of WEG litigation, we found that in those counties where litigation occurred, the drilling industry provided approximately 26,200 jobs and $1.57 billion in economic activity through those jobs. In each county the impact of losing these jobs and the resulting income could be substantial. In the sample used for our quantitative analysis, we find it likely that if WEG reached their stated goal of ending all drilling it would likely increase unemployment and reduce total economic activity by a minimum of $1.57 billion, not accounting for the spillover effects on retail, housing, and other sectors that would undoubtedly be negatively affected by the reduction.

Much of the new energy development in the western part of the United States occurs on land managed by Bureau of Land Management (BLM) in the Rocky Mountain Region. The BLM is responsible for all oil and gas leases, regardless of what federal agency is managing the land. Once the federal agency managing that land has completed the necessary environmental assessments before the land is leased, they give the BLM authorization to lease land to drilling and excavation companies. Therefore, many of the actions taken by WEG to restrict energy development involve both the BLM and other federal land management agencies, such as the United States Forest Service (USFS).

Case Study

One of WEG's largest campaigns has been their effort to force the EPA to tighten its nationwide air pollution regulations. Under the Clean Air Act, the EPA is required to

update air pollution regulations every eight years. WEG argues that the EPA is neglecting its responsibilities because some of these regulations have not been updated since 1985 and 1999 (Gable 2010a).

WEG has repeatedly complained about alleged effects of oil and gas leases on air quality in Colorado, Wyoming, Texas, and Utah. In order to put more pressure on the EPA, WEG has teamed with various local conservation groups, including San Juan Citizens Alliance, Western Colorado Congress, EarthJustice, Montana Environmental Information Center, and Earthworks' Oil & Gas Accountability Project. As noted in Appendix Two, WEG has had at least[3] nine complaints against the EPA since 2009.

Of these complaints one of the most effective is their protest in August of 2010 with the San Juan Citizens Alliance (Gable 2010a). These two organizations united with environmental groups from Colorado and Texas to petition the Obama Administration to lower the nationwide air pollution limits that gas and oil companies can reach. These activists met in Denver, Colorado and Arlington, Texas, demanding more regulatory action from EPA officials, while oil and gas representatives defended their industry.

The groups worry that increasing energy-related emissions directly contribute to health issues in the region, including nosebleeds, headaches, asthma, or heart disorders (Gable 2010a). Such ailments, however, have not been scientifically linked to an increase in particulate matter from oil and gas drilling (Gable 2010a). Environmentalists in Arlington called for further tightening of air regulations, but stressed the fact that regulations should not block the development of energy sources

[3] There seem to be more complaints; however, they are not included in our selection of *Greenwire* articles.

that would lead to independence from foreign oil imports or "dirtier" forms of energy (Gable 2010a).

Also present at these two meetings were representatives from the oil and gas industry, who argued that unnecessary new regulations would only harm the economy. Representatives also pointed out that emissions from the drilling industry had seen a significant reduction thanks to the EPA's Natural Gas STAR Program, which collected data showing a reduction by 822 billion cubic feet of methane from 1993-2008 (Gable 2010a). Opponents of further regulations also argued that tighter restrictions would cause companies to outsource their facilities to areas with lower standards, which would hurt job creation in addition to only adding further environmental concerns overall.

One area where environmentalists and industry representatives appeared to agree was on the importance of protecting natural gas from overregulation. Citizens urged officials to not impose so many restrictions that less clean energy sources, like coal, would have an advantage over natural gas. Some environmental groups consider natural gas a "bridge fuel," which should only be used until further advances in the "clean energy" sector allowing for complete independence from fossil fuels (Nelson 2010).

Even though these two groups were able to find common ground, WEG has continued with its litigation-centered approach to implementing preferred policies. WEG was able to achieve some level of success with this approach when, in February 2012, the Obama Administration released draft regulations that would impose the first national standards regarding gas wells that are drilled using a process referred to as hydraulic fracturing: a process which injects chemicals into rock layers to promote cracking and thus release natural gas (Solomon and Tracy 2011).

The foregoing description of WEG's strategies and actions regarding oil-gas leasing and drilling demonstrate their commitment to reducing and possibly eliminating all fossil fuel extraction and use in the West. But that vision can only be achieved at a high economic cost to local communities, especially those in areas where mining or drilling takes place. As Marc Smith, former executive director of the Western Energy Alliance, noted, "In the West, it's hardly news when environmental groups protest a lease sale. They have to; it's their business. They sue, and the government [and by extension, taxpayers] pays the legal bill" (Taylor 2010e). By attempting to reduce, restrict, and stop commodity production on the public lands, they harm local economies and reduce local opportunities. They also increase dependence on foreign sources of oil and create costs less obvious to the general public—such as the sheer volume of litigation they file.[4]

WildEarth Guardians and Coal Mining

The Powder River Basin, in the Northeastern portion of Wyoming and the Southeastern portion of Montana, is perhaps one of the richest coal deposits in the world. Estimates place the Powder River Basin as the source of about 40% of coal annually mined in the United States (Quinones 2011c). Groups such as WEG and the Sierra Club have been adamant in their opposition to the continuation and expansion of mining activities in the basin. Litigation is at the center of their strategies to halt or at least slow mining. The following details some of the more notable recent efforts by WEG to limit coal extraction in the Powder River Basin.

[4] For more information about WEG's attempt to steer policy through taxpayer-subsidized saturation litigation, please see "Monkeywrenching The Courts," a previous report published by Americans for Prosperity Colorado.

The geographic areas where WEG has chosen to litigate are among those areas most tied to the energy sector for jobs and income. In our analysis of the effects of WEG litigation, we found that among those counties where litigation had occurred, the coal industry provided at least 26,104 jobs and $1.75 billion in economic activity. In each county the impact of losing these jobs and the resulting income could prove potentially devastating. In our sample it is likely that the effect of WEG reaching their stated goal the ending coal production in the Powder River Basin would increase unemployment and reduce in total economic activity by a minimum of $1.75 billion. These calculations do not take into account the spillover effects on retail, housing, and other sectors that would undoubtedly be negatively affected by the reduction.

Case Study

In early April of 2010, the BLM approved the sale of coal reserves that lie adjacent to Cloud Peak Energy's Antelope Mine in the Powder River Basin region of Northeastern Wyoming. This sale was completed despite protests from several environmental groups, including WEG. These environmental groups argued that the sale shouldn't have gone through because coal-fired power plants are a leading source of greenhouse gases. In April of 2010, WEG filed a lawsuit directed against Secretary of the Interior Ken Salazar, as well as BLM Director Bob Abbey, claiming that they failed to respond to a petition seeking changes to the leasing process for coal extraction. These reforms were aimed at increasing the competition for leases and broadening the ability of the BLM to restrict leasing in order to slow climate change.

In that case, WEG argued that BLM “continues to issue new coal leases for the area without analyzing the regional environmental impacts – particularly climate change impacts…’” (Streater 2010b). In addition to the climate impacts of mining in the

basin, WEG claimed that the leasing within the basin is simply not competitive (Taylor 2010b). WEG argued that lack of competition was demonstrated by the fact that only three of the twenty-one granted leases had competing bids (Taylor 2010b). Without competing bids, WEG claimed, federal minerals are sold at below fair-market values. The BLM denied WEG's claims, citing examples in which it has rejected bids that failed to reach the minimum level. Marion Loomis of the Wyoming Mining Association argued against the actions of WEG, stating that the leasing policy of the BLM supports thousands of jobs and guarantees affordable power throughout the nation (Taylor 2010b).

The litigation continued in mid-July of 2010 when three environmental groups, including WEG, filed suit against the Department of the Interior in a U.S. District Court in Washington D.C. The goal of this suit was to stop mineral leasing by forcing federal regulators to examine air-quality impacts before granting any more mining leases in the Powder River Basin. One WEG staff attorney said, "This is a dirty energy disaster we can't afford to turn our back on." (Streater 2010b). This suit was filed as the BLM was preparing to release leases in the Powder River Basin that would involve more than 400 million tons of coal and, according to WEG, release over 740 million tons of carbon dioxide annually (Streater 2010b).

In late March of 2011, the BLM indicated that it was moving forward with leasing 7,400 acres within the Powder River Basin, which is expected to yield well over seven hundred tons of coal. Secretary of the Interior Ken Salazar made this announcement with the Governor of Wyoming, Matt Mead. Salazar spoke in support of the BLM's decision, stating that the lease "is significant for the United States and is significant for Wyoming's economy." The Governor echoed this support, saying, "We need energy. We

need the jobs that come with the energy. We need the electricity" (Quinones 2011b).

Environmentalists were angered by this announcement. The director of WEG's climate and energy program, Jeremy Nichols said, "Salazar's cheerleading for the coal industry is a clear sign that the Interior's energy policies are fundamentally imbalanced." The sale of these leases is expected to generate between $13 and $21 billion in revenue, of which approximately half will go to the state of Wyoming (Quinones 2011b).

In mid-May of 2011, the BLM accepted a near $300 million bid from Cloud Peak Energy to lease roughly 3,000 acres within the Powder River Basin. The West Antelope II North Coal Tract contains more than 350 million tons of coal, which is expected to double the size of the mine (Quinones 2011f). The BLM continued to approve leases on a regular basis, with approvals occurring in both June and July 2011. In each of these cases, environmental groups continued their opposition, leading up to another suit filed by WEG in August of 2011. This suit, brought against the BLM, claimed that the Obama administration has failed to give adequate consideration to the air pollution and alleged global warming implications of the leases. Jeremy Nichols of WEG argued, "This country needs solutions that safeguard our clean air and climate, not more dirty energy development…" (Quinones 2011g).

But as the Secretary of the Interior and the Governor of Wyoming noted, the coal industry plays a vital part in the national, regional, and local economy. The coal industry creates jobs locally in Wyoming, in the mines themselves, and in the power plants that depend upon the coal. WEG's efforts to halt all mining activities have potential to end the mining jobs on which the towns and cities of the Powder River Basin depend.

The actions of WEG clearly demonstrate their willingness to use any means to

achieve their goals, without regard to the potential costs. This strategy of policymaking through litigation, while effective, comes at a substantial cost to taxpayers, local communities, and utility ratepayers, on whom the national price of coal can weigh heavily. And because of the relationship that coal has with the price of electricity, this strategy increases the household costs of nearly every American, making every WEG "victory" a costly one for energy consumers.

WildEarth Guardians and Livestock Grazing

Since its creation, WEG has waged an unrelenting campaign to end public lands livestock grazing, claiming that it has negative environmental impacts. Their litigation efforts have been directed at entirely removing livestock from national monuments and their surrounding areas, as well as raising the price for federal land grazing permits. This narrative offers examples of WEG efforts to influence grazing policies and concludes with specific effects these potential changes could have on local communities.

The geographic areas where WEG has chosen to litigate are among those areas which are most tied to the agricultural sector for jobs and income. In our analysis of the effects of WEG litigation, we found that among those counties where litigation had occurred the farming/ranching industry provided 37,237 jobs and $662 million in economic activity through these jobs. In each county involved, the impact of losing these jobs and the resulting income could prove potentially devastating. Our sampling and analysis shows that WEG's goal of ending grazing would likely increase unemployment substantially and reduce total economic activity by approximately $662 million, not taking into account the spillover effects on retail, housing, and other sectors that would undoubtedly be negatively affected by the these changes.

Case Study

Apache-Sitgreaves National Forest

In June 2006, the Ninth U.S. Circuit Court of Appeals overruled a decision made by a lower U.S. District Court regarding the Forest Service's supervision of the grazing industry on the Apache-Sitgreaves National Forest in Arizona. This national forest is home to two endangered species, the Mexican Spotted Owl and the Colorado Spinedance Minnow. The then Forest Guardians sued in 2001, claiming that the USFS had violated a 1998 agreement designed to allow grazing to continue within the forest, on the condition that the USFS continued to protect endangered species.

The 1998 agreement specified that the USFS was to closely monitor grazing activities, in order to guarantee adequate forage to feed the owl's rodent food supply. The lawsuit claimed that the USFS had violated its agreement, and allowed overgrazing, in thirty separate grazing allotments. Through this litigation, Forest Guardians sought to substantially reduce grazing allotments and push grazing out of portions of the national forest despite many long-standing permits given to ranchers. The Ninth Circuit agreed with Forest Guardians that the USFS had failed to re-consult and thus had violated the Endangered Species Act (ESA). The Ninth Circuit's decision reversed a lower court decision siding with the Forest Service.

In late January 2011, the USFS was forced to re-evaluate the environmental impacts of livestock grazing on thousands of acres of the Apache-Sitgreaves National Forest. After the earlier mentioned decision by the Ninth Circuit Court of Appeals, the USFS had conducted a pair of Environmental Assessments (EAs). These EAs resulted in a Finding of No Significant Impact (FONSI) and were challenged by several environmental groups, including WEG.

The decision to reexamine the findings of the EAs was made by Chris Knopp, the acting supervisor for the Apache-Sitgreaves National Forest. He concluded that the EAs "did not disclose effects to forest-wide trends for habitats and populations in a consistent manner." Despite the success of the environmental groups in some areas of their challenge, they did not win on all counts. The examination of the appeal found that the effect grazing had upon such species as the Northern Goshawk and Mexican Gray Wolf had been properly examined in the original report. Knopp emphasized that those who would re-examine the reports would not "redo everything", but instead would provide better documentation to support their findings (Reese 2011a).

Grazing Permit Fees

In February 2008, the Obama Administration announced that public lands grazing fee would remain $1.35 per Animal Unit per Month (AUM). This was the same fee charged for the five years previous to this decision, and remains the lowest possible fee the government can legally charge. The government defines an AUM as a cow and her calf, one horse or five sheep or goats. Affected are over 18,000 grazing permits issued through the BLM and an additional 8,000 permits issued by the USFS across sixteen Western states. Environmental groups, including WEG, have long maintained that the current cost of a permit is too low and amounts to a handout for ranchers. They contend that a fee closer to $6 per AUM would be more appropriate. WEG and several other environmental groups demand a higher fee, comparable to fees charged for grazing on private land. Melissa Hailey of WEG claims that private grazing permits are $9 or $10 per AUM (Taylor 2011b). Ranchers naturally disagree, arguing that such comparisons don't take into account the quality of the grazing lands in question. They

say a sharp increase in federal grazing fees would make such activities economically unworkable.

In May 2009, WEG released a study claiming that livestock grazing is a serious threat to a number of fish and other wildlife in areas encompassing three-quarters of the federal land found in the West. WEG used satellite mapping along with federal records to match wildlife habitat and grazing allotments. The study claimed that livestock grazing, no matter how carefully regulated, has the potential to drive some species to the point of extinction. The study also alleged that grazing contributes to soil damage, water spoilage and facilitates the spread of invasive weeds. The BLM countered with a statement indicating its belief that, despite such claims, properly managed grazing has "numerous ecological and environmental benefits" (Greenwire 2009b).

In 2010, WEG along with three other environmental groups filed a lawsuit asking BLM and USFS to once again look at raising grazing fees, by re-evaluating the real costs of grazing on public lands. A petition was submitted in 2011 by several environmental groups after the Government Accountability Office (GAO) issued a report in which it concluded that the government spent nearly six times more on grazing programs than it collected through grazing fees in 2004. The USFS and BLM collected about $21 million in grazing fees, compared to the $133 million spent on grazing related activities (Taylor 2011b).

In January 2011, the Obama administration rejected another proposal to increase grazing fees on public lands, indicating that the "limited resources" of BLM and the USFS made such a dramatic rule change out of the question at this time. That response was prompted by a lawsuit filed during the summer of 2010 by several environmental groups, including WEG, seeking to dramatically increase grazing fees based on earlier

claims that ranchers who use public lands aren't paying their fair share. The groups involved in the lawsuit indicated that they were considering additional litigation in response to the rejection (Taylor 2011a).

The U.S. Department of Agriculture says that ranching has a much lower rate of profit ratio, and therefore runs a higher risk of being put out of business, than other agricultural activities such as wheat or corn production (Reese 2011a). Any increase in the cost of a grazing permit would negatively affect those ranchers who rely on a consistent and affordable permitting system. Many ranchers have used this system for decades, rely exclusively on grazing on public lands, and would be out of business if federal grazing prices were raised to same levels as on private lands (Reese 2006b).

WildEarth Guardians and Endangered Species Litigation

WEG's litigation aimed at forcing Endangered Species Act (ESA) listings has been substantial and persistent. On their website, WEG provides specific details on their efforts to have an additional 900 species of plants and animals listed as threatened or endangered under the ESA. A listing can have significant impacts on local economies, development, business and industry, and private property owners. The following discussion looks specifically at WEG's efforts to force listings of the Sand Dune Lizard (also known as the Dunes Sagebrush Lizard), Gunnison Prairie Dog, and Greater Sage Grouse, as instructive cases showing the negative economic consequences such listings can have.

Overview of the Endangered Species Act and Litigation

Listing a species under the Endangered Species Act is alleged to provide protection for the plant or animal, as well as its habitat. The process to list a species starts with a petition presented by an individual or organization to the United States

Fish and Wildlife Service (USFWS). If the USFWS decides the information presented is not sufficient to merit protection, they deny the petition and listing. If the information meets USFWS requirements then the species is given a status review with an indefinite amount of time. After reviewing the "best" available scientific information and considering ongoing conservation efforts, the USFWS decides if the listing is warranted and must publish their own findings in a proposed rule on the species. Public hearings are held to discuss the proposed listing. After publishing a proposed rule, the USFWS makes a final ruling. Following is a simplified overview of reasons that a species will be listed as threatened or endangered:

1. Present or threatened destruction, modification, or curtailment of the species' habitat or range.
2. Over utilization for commercial, recreational, scientific, or educational purposes.
3. Disease or predation.
4. Inadequacy of existing regulatory mechanisms.
5. Other natural or man-made factors affecting the species' continued existence.

Environmental groups have had much less success getting a species through the formal process than they would prefer. They have, however, developed litigation strategies to push for listing species. WEG has been particularly active in this approach. We detail those efforts below.

Dunes Sagebrush Lizard

The conflict surrounding the listing of the Sand Dune Lizard was initiated by the WEG in December 2007. The USFWS had notified WEG that their earlier petition to put the Sand Dune Lizard (more commonly known now as the Dunes Sagebrush Lizard) on the endangered species list was rejected. On April 9, 2008, WEG submitted another request under the ESA for the emergency listing of the lizard, and giving a 60-day notice of a potential lawsuit ("Request for Emergency Listing of the Sand Dune Lizard" 2008).

The legal battles progressed and eventually resulting in the USFWS posting a Federal Register notice proposing to list the Dunes Sagebrush Lizard as endangered (Dunes Sagebrush Lizard Fact Sheet n.d.).

Though the Lizard rarely grows to 3 inches in length, it has spurred a huge debate because listing it would create problems for many businesses that operate in the same regions as these lizards live. “As far as I am concerned, it is Godzilla,” said Texas Land Commissioner Jerry Paterson. Ben Sheppard, President of the Permian Basin Petroleum Association in Texas has said, “It’s the biggest threat facing the oil business in memory.”

Opposition to a listing came from the general public as well. Petitions opposed to a listing were filed with several agencies, and several rallies were held, including one in Southeastern New Mexico. Those roughly 700 people in attendance expressed concern that the lizard was endangering their livelihoods. “This could cripple what is now a very healthy job environment,” argued Douglass Robison, president of ExL Petroleum, a Texas-based oil company. Indeed, most of the nation’s 63,000 oil-and-gas based jobs are based in the region. And others fret about broader economic and industry impacts, on ranching, farming and other industries and activities closely connected with land uses. New Mexico Rep. Steve Pearce has said that “Almost every job [in the area] is at risk” if a listing goes forward (“Lawmakers Say Saving the Dunes Sagebrush Lizard” 2012).

Many oil companies, foreseeing the potential bureaucratic hassles and higher operating costs a listing would bring, have been taking proactive conservation measures in order to reduce the probability of governmental involvement (“Lawmakers Say Saving the Dunes Sagebrush Lizard” 2012). In 2008, reacting to the threat of litigation, many oil and gas companies voluntarily entered into conservation agreements with private

land users, aimed at proactively protecting lizard habitat. This included an analysis of which chemicals are used in drilling operations and in ranching activities. Environmental groups like WEG remain unsatisfied, however, despite these voluntary private initiatives aimed at protecting lizard habitat. They continue to believe that a federal endangered species designation is the only way to safeguard the lizard and its preferred habitat.

The Gunnison Prairie Dog

The Gunnison Prairie Dog is generally accepted as an important species in prairie ecosystems, providing prey for badgers, wolves, coyotes, bobcats, ferrets, weasels, eagles and hawks, and habitats for snakes, rabbits, owls, beetles, and salamanders, while maintaining grazing areas for bison and pronghorn. Calls for its preservation have occurred as its historic habitat range decreases. The impetus behind the push to have the creature listed as endangered also arises from a variety of federal and state policies that not only allow for eradicating Gunnison Prairie Dog, but also subsidize it.

In early 2004, Forest Guardians and seventy-three additional petitioners, organizations and individuals, filed paperwork to list the prairie dog as endangered. Though USFWS initially rejected the petition, that decision was retracted after questions were raised about whether a senior Interior Department official improperly interfered with the decision. In 2008 after a review, the USFWS ruled that despite that fact that the species wasn't threatened or endangered throughout its entire range it still warranted protection throughout Central Colorado and Northern New Mexico. The USFWS placed the Gunnison Prairie Dog on the candidate list, where the species remained for two years. Then in September 2010, U.S. District Court Judge Frederick Martone ruled against the USFWS, ordering it to revisit that decision saying that the

policy of only looking at certain ranges of a species habitat violated the Endangered Species Act ("Gunnison Prairie Dog Gets Second Chance at Federal Shields 2012).

In May 2011, U.S. District Court Judge Emmet Sullivan approved a settlement in which the USFWS agreed to make a final determination on endangered species status for hundreds of candidate species, including the Gunnison Prairie Dog ("Candidate Settlement Milestone" n.d.). The Center for Biological Diversity appealed the agreement saying it was too weak, too vague, and ultimately unenforceable. Judge Sullivan stayed the agreement and ordered all parties back into mediation.

Although WEG remains optimistic about the prospect for a final listing, other groups, including ranchers and farmers, who have historically seen prairie dogs as a pest and enemy, are mounting opposition to a listing. Mike Beam, Senior Vice-President of the Kansas Livestock Association has vowed that the KLA would "do all we can to keep [the listing of Gunnison prairie dogs as an endangered species] from being done" (James 2011).

The Sage Grouse

Another species WEG seems eager to list is the Greater Sage Grouse, a bird species found in Montana, Wyoming, Idaho, Utah, and Nevada. Currently the species is only on the "candidate" list, and no federal protections have been announced. But even the possibility of a listing has plenty of Westerners worried given its potential to limit grazing and crop planting on millions of public and private lands.

The bird's listing as a candidate has already taken a toll on several states, especially Wyoming, which is home to more than half of the world's remaining sage grouse. Around $18 million in grants have been spent in an effort to proactively preserve sage grouse habitat. Ranchers and farmers have been "receptive" to working with

regulators and officials to preserve the bird and its habitat, fearing the impact a listing would have on their operations and livelihood.

Despite such proactive, private conservation efforts, Greenwire has reported that "maintaining the status quo when it comes to protecting [the] sage grouse will eventually lead to its listing under the Endangered Species Act, a situation that could come with widespread economic impact[s]…" (Streater 2011b). In Wyoming, groups are "in the process" of allocating $1.2 million for the enhancement of sage grouse habitat; similarly, in Utah, Idaho, and Nevada groups are actively working on research and protection projects in preparation for 2015, when the final decision on the listing of the bird will be made (Kruesi n.d.).

Recognizing that nothing short of a formal listing will satisfy WEG and other litigious green groups, many Westerners are bracing for the adverse economic consequences this will have on farmers, ranchers, miners, energy producers, and private landholders. Animal grazing is currently allowed for farmers and ranch owners on 91% of sage grouse land, but with a listing as endangered or threatened, the available land for raising livestock could be significantly decreased, negatively impacting an industry central to many local economies.

The energy industry is also significantly at risk by the potential listing of the sage grouse. Thirteen percent of total sage grouse habitat is within two miles of oil or natural gas development. The bird's protection by federal mandate could threaten the continued viability of these operations. In Utah, officials have been "scrambling" to protect the sage grouse, knowing that a listing would "severely impede mining, and oil, gas and wind energy development in the West" (Utah to Craft Sage Grouse Plan," n.d.). Many

Western communities have come to see WEG's relentless push for a listing as a direct threat to their jobs, property rights, and way of life.

And it's not just conventional energy developments feeling the threat. Alternative energy projects, including wind farms, also are being threatened by a potential listing. Horizon Wind Energy proposed a 300-megawatt-capacity wind farm in an area of Wyoming considered sage grouse habitat. But this proposal was met with opposition from WEG, the American Bird Conservancy, and other environmental groups, forcing Horizon Wind Energy to indefinitely suspend its plans for the wind farm ("Energy Developments Threaten Sage-Grouse Habitat" n.d.).

Conclusions

We find that WEG is having negative economic impacts in at least four primary areas in which the group focuses its efforts. WEG has mastered the use of litigation as a means of achieving policy objectives. Their largest impact has been in their effort to restrict gas and oil development, by blocking leases through both litigation and protest. This effort resulted in the Obama Administration making nationwide, sweeping changes to the standards EPA imposes on natural gas procurers. When it comes to coal mining WEG is continuing to challenge leases and has pledged to continue this fight indefinitely. If WEG is successful they will have significant impacts on coal-related towns, companies, utility customers, and on state and federal royalty collections and budgets.

We find it likely that if WEG reached their stated goal of ending all oil drilling it would increase unemployment and reduce total economic activity by a minimum of $1.57 billion, not accounting for the spillover effects on retail, housing, and other sectors that would undoubtedly be negatively affected by the reduction. We should note that

this number doesn't include the fiscal and budget implications experienced through lost royalties and fees that destroying these industries and activities would mean. Nor does it take into account the cost to taxpayers and an overloaded court system, of litigating these policy decisions, and of drafting new regulations in order to comply with the court orders that result from such litigation-centered strategies. Taken together, these efforts may jeopardize industries representing over $3 billion in economic benefits for local economies.

Farmers and ranchers can also expect continuing resistance to open range grazing from WEG, with a potential negative economic impact of approximately $662 million on Western communities that rely on such activities. WEG has arguably achieved the most "success," via endangered species litigation, which has gotten hundreds of flora and fauna species listed or placed on the "species of concern" list. The listing of species can have profound, although-difficult-to-measure impacts on the regions, states, and communities where critical habitat is also declared. Assessing the economic and fiscal impacts of these listing will be the subject of the next report in this series.

Appendix One

Median Household Income

Table 2
Observations 297
Pseudo R Sqr .4965

Variable	Coefficient	Standard Error	P Value
WEG Intervention	-2503.40*	1423.20	.080
Population	.0039*	.0022	.073
Percent White	210.55***	40.60	.000
Birth Rate	-19.88	128.87	.878
Unemployment Rate	-1751.71***	396.79	.000
Crime Rate	-.169	.182	.355
Less than High School Grad %	-92396.21***	8415.59	.000
Percent Federal Land	5.51	16.14	.733
County Area	.0468	.0860	.587
Grazing	-2059.79	3884.32	.596
Coal	5360.32*	2756.00	.053
Constant	48720.24***	6217.71	.000

*P<.10 **P<.05 ***P<.01

Local Government Revenue

Table 3
Observations 297
Pseudo R Sqr .9570

Variable	Coefficient	Standard Error	P Value
WEG Intervention	20246.22**	10229.23	.049
Population	1.0466***	.01596	.000
Percent White	-355.25	291.82	.224
Birth Rate	-1981.62**	926.28	.033
Unemployment Rate	375.66	2851.95	.895
Crime Rate	1.112	1.312	.397
Less thanHigh School Grad %	-116988.9*	60487.06	.054
Percent Federal Land	-63.887	116.06	.582
County Area	-1.300**	.6184	.002
Grazing	-87139.3***	27918.62	.002
Coal	-8026.55	19808.78	.686
Constant	90226.58**	44689.80	.044

*P<.10 **P<.05 ***P<.01

Total Payroll

Table 4

Observations 297

Pseudo R Sqr .9549

Variable	**Coefficient**	**Standard Error**	**P Value**
WEG Intervention	-1677.78	427237.5	.997
Population	15.11***	.2354	.000
Percent White	-8946.98**	4292.56	.038
Birth Rate	-16120.9	13636.86	.238
Unemployment Rate	-39524.78	42023.88	.348
Crime Rate	43.51**	19.27	.025
Less thanHigh School Grad %	774560.8	888670.1	.384
Percent Federal Land	1083.72	1709.96	.527
County Area	-32.62***	9.12	.000
Grazing	-1634355***	510526.1	.002
Coal	186338.7	399450.5	.641
Constant	958037	658118.2	.147

*P<.10 **P<.05 ***P<.01

TABLE 5-OIL & GAS LEASES ACTION TABLE

DATE	LOCATION	AREA	AGENCY	COMPLAINT	WEG'S ACTION
10/3/2011	Wyoming	Upper Green River Basin	EPA	Ozone Pollution	Notice of Lawsuit
8/29/2011	Affects all states	All	EPA	EPA Rules for Fracking	Previous lawsuit against EPA
8/29/2011	WY, TX, PA, CO	Upper Green River Basin	EPA	Drilling Rules	
6/21/2011	Washington DC		EPA	Oil and Gas Rules Review	Previous lawsuit against EPA
6/16/2011	Utah	Uintah Basin, Greater National Buttes	BLM	Uintah Drilling Agreement	Voice
2/10/2011	Montana		BLM	Lease Sales	Lawsuit
	North Dakota				
	South Dakota				
12/2/2010	Montana		BLM	Lease Sales	Protest
	North Dakota				
	South Dakota				
9/16/2010	Montana		BLM	Climate Studies	Previous lawsuit in 2008, Opposing Statement
8/19/2010	Montana		BLM	Reinstate Leases	Previous lawsuit in 2008, Opposing Statement
	North Dakota				
	South Dakota				
8/5/2010	Colorado	Garfield	EPA	EPA Rules on Drillers	Previous Lawsuit
	New Mexico	San Juan Basin, Law Animas			
	Wyoming	Sublette			
8/3/2010	Texas	Tarrant	EPA	Oil and Gas Rules Review	Previous Lawsuit
4/29/2010	Colorado	Kremmling Area	BLM	Colorado Leases	Filed protest
4/15/2010	Montana		BLM	Suspend Leases	Filed protest
	North Dakota				
	South Dakota				
4/9/2010	Montana		BLM	Suspend Leases scheduled for April 13	Filed protest
	North Dakota				
	South Dakota				
3/18/2010	Montana	Missoula	BLM	Suspend Leases	Settlement with BLM
1/14/2010	Colorado	La Plata, Montezuma, Gunnison, Mesa, Rio Blanco	EPA	Proposed Ozone Standards	Previous Settlement with BLM
	New Mexico	Rio Arriba, San Juan, Santa Fe			
	Utah	San Juan			
	Wyoming	Sublette			
12/10/2009	Washington DC		EPA	EPA Revies Air Emissions	Settlement
10/22/2009	Colorado, WY	Weld	EPA	Rescinded Permit	Filed Petition
6/4/2009	Montana		BLM	Montana Lease Sales	GHG Lawsuit
4/30/2009	New Mexico	Carson National Forest	BLM	Oil and Gas drilling	Lawsuit
1/29/2009	Colorado	Uncompahgre Basin	BLM	Lease Sales	Filed protest
1/20/2009	New Mexico	Carson National Forest	BLM	Decision to Drill	Appeal
1/13/2009	New Mexico	San Juan Basin	BLM	Decision to Lease in San Juan Basin	Lawsuit
11/13/2008	New Mexico	San Pedro Parks Wilderness Area	BLM	Decision to open up Santa Fe N.F.	Filed appeal
5/22/2008	New Mexico	San Juan Basin	BLM	Waivers, Drilling	Lawsuit May 12, 2008
4/3/2008	New Mexico	Caballo Mouontains	BLM	Land withdrawn from Lease sale	
2/7/2008	WY-Natrona	Natrona, Washakie, Sublette, Sweetwater, Lincoln	BLM	Lease Sales	Protests
	Colorado	Baca, Las Animas, Otero, San Miguel			
6/1/2008	New Mexico	San Juan Basin	BLM	BLM directed to re-examine pipeline	Protests thru Interior Board of Land Appeals
1/3/2008	New Mexico		BLM	Lease Sales	Protest
	Kansas				
	Oklahoma				
	Texas				
3/2/2006	New Mexico	Northwestern New Mexico	BLM	IBLA stops NM pipeline project	Formal appeal and petition for stay
10/13/2005	New Mexico	Guadalupe Mountains (Aplomado falcon habitat)	BLM	Lease Sales	Protest

COAL EXTRACTION ACTION TABLE

DATE	LOCATION	AREA	AGENCY	COMPLAINT	WEG'S ACTION
10/17/2011	Wyoming	South Hillight Field Coal Tract	BLM	Competitive Lease	Appeal
8/25/2011	Wyoming	South Porcupine Coal Tract	BLM	Lease Approved	Appeal
8/23/2011	Wyoming	Belle Ayr North Tract, Caballo West Tract	BLM	Lease of Tracts	Lawsuit
8/18/2011	Wyoming	Belle Ayr North Tract, Caballo West Tract, West Antelope II	BLM	Lease Sales	Pending Litigation
7/29/2011	Wyoming	Hay Creek II Tract Lease	BLM	EIS for Tract Lease	Voice
7/15/2011	Wyoming	Belle Ayr North Tract, Caballo West Tract	BLM	Lease-by-Application	Lawsuit
6/16/2011	Wyoming	West Antelope II South Coal Tract	BLM	Bid Accepted	Voice
6/10/2011	Wyoming	West Coal Creek Tract	BLM	Decline Competitive Leasing	Voice
6/8/2011	Colorado	Elk Creek Mine	BLM	Competitive Lease Sale	Appeal
5/12/2011	Wyoming	West Antelope II North Coal Tract	BLM	Bid Accepted	Lawsuit
4/21/2011	Montana	Bull Mountains No. 1	BLM	Announcement for Competitive Lease	Lawsuit
4/8/2011	Wyoming	South Hillight Field Coal Tract	USFS	Revocation for leasing	Appeal/lawsuit
4/7/2011	Wyoming Montana	Powder River Basin	Salazar	Expand Coal Mining	Lawsuit
4/5/2011	Wyoming Montana	Powder River Basin	BLM	Expand Coal Mining	Lawsuit
3/24/2011	Wyoming	West Antelope II North, South, Belle Ayr North, Caballo West	BLM	Competitive Leasing	Voice
3/23/2011	Wyoming Montana	Powder River Basin	BLM	Announcement for Competitive Lease	Voice
3/22/2011	Wyoming	West Antelope II North, South, Belle Ayr North, Caballow West	BLM	Announcement for Competitive Lease	Voice
3/17/2011	Wyoming	Near Black Thunder Mine	BLM	Decision to Lease	Appeal
3/10/2011	Wyoming	South Hillight Field Coal Tract	BLM	Lease Recommendation	Threat to sue
3/3/2011	Wyoming	Near Antelope Mine	BLM	Announcement for Competitive Lease	Voice
2/3/2011	Wyoming	Powder River Basin	BLM	Denied petition to decertify PRB	Voice
11/4/2010	Wyoming	Belle Ayr North, Caballo West	BLM	Petition to stop lease sales denied	Appeal
8/26/2010	Wyoming	West Antelope II Tracts	BLM	Request to delay PRB Lease Sale	Appeal/Lawsuit
8/12/2010	Wyoming	Belle Ayre, Caballo	BLM	Wright Area EIS released, approving leases	Appeal
7/15/2010	Wyoming	Powder River Basin	DoI	Lease sales	Lawsuit
6/16/2010	Nationwide		EPA	Mining	Petition
4/22/2010	Wyoming	Belle Ayr, Coal Creek, Caballo, Cordero-Rojo	DoI	Lease sales	Lawsuit
4/2/2010	Wyoming	Antelope Mine	BLM	Lease Approved	Complaint

GRAZING PERMITS ACTION TABLE

DATE	LOCATION	AREA	AGENCY	COMPLAINT	WEG ACTION
2/3/2011	AZ, CA, CO, ID, KS, MT, NE NV, NM, ND, OK, OR, SD, UT, WA, WY		BLM, USFS	Minimal Grazing Fee	Filed lawsuit last summer
1/20/2011	Arizona	Apache-Sitgreaves National Forest	USFS	Environmental Impacts of Grazing	Challenged EA's last year
1/19/2011	AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WY,		BLM, USFS	Minimal Grazing Fee	Threat to sue
1/13/2011	New Mexico		USFS	Headwaters Protection Rule	Voice in Support
9/16/2010	Idaho	Idaho District Court	BLM	Names/Addresses of Permit Holders	Lawsuit-FOIA
2/18/2010	Arizona	Sonoran Desert National Monument	BLM	Environmental Impacts of Grazing	Lawsuit by Wester Watersheds Project
5/1/2009	Nationwide		BLM	Environmental Impacts of Grazing	Voice
2/5/2009	AZ, CA, CO, ID, KS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WY		BLM	Minimal Grazing Fee	Voice
2/14/2008	AZ, CA, CO, ID, KS, MT, NE, NV, ND, OK, OR, SD, UT, WA WY		BLM, USFS	Minimal Grazing Fee	Voice, 2005 Petition
10/18/2007	New Mexico	Gila National Forest	USFS	Grazing in Mexican Wolf Recovery Zone	Lawsuit
8/2/2007	Nationwide		USFS	Delayed/Slow NEPA Analyses	Voice
6/22/2006	Arizona	Apache-Sitgreaves National Forest	USFS	Grazing impacts on endangered species	Lawsuit in 2001
3/23/2006	Arizona	Sonoran Desert National Monument	BLM	Environmental Impacts of Grazing	Voice

ENDANGERED SPECIES ACTION TABLE

DATE (8/2009-9/2011)	LOCATION	AGENCY	ARTICLE SUMMARY	ENVIRONMENTALIST ACTION	SPECIES	OUTCOME
9/29/2011	Nationwide	USFWS	Animals reviewed for protection	Settlement	Golden-Winged Warbler, Gopher Tortoise, American Eel, Texas Kangaroo Rat, 35 Snails from Nevada's Great Basin, 82 Crawfish from Southeast, 99 Hawaiian Plants, and butterflies, birds, fish, beetles, frogs, lizards, muscles,	
6/13/2011	Nationwide	USFWS	Backlog of 250 animals/plants review	Settlement		
7/12/2011	Nationwide	USFWS	Backlog of 250 animals/plants review	Settlement	Lesser Prairie Chicken, Walrus, Wolverine, Golden Trout, Miami Blue Butterfly, New England Cottontail Rabbit	
7/12/2011	Gulf of Mexico Hancock Co., MO	DOI	Largetooth Sawfish gets protection Review for Bay Skipper Butterfly	Petition Petition	Largetooth Sawfish	Placed on the "Species of Concern" list Merited listing, none yet
7/7/2011	WY, UT, ID	USFWS	Money provided to protect Sage Grouse			
6/23/2011	AZ, NM, TX, UT	USFWS	Projects and plan to expand thinning, reduce fire risk	Lawsuit	Mexican Spotted Owl	
6/9/2011	UT	USFWS	FWS proposes stronger protections	Previous Lawsuit	Utah Prairie Dog	
6/9/2011	CO, KS, NM, OK, TX	USFWS	Amendment offered ESA exemption for prairie chicken	Voice	Lesser Prairie Chicken	
5/18/2011	Nationwide	USFWS	Judge stays approval of settlement	Pending Settlement to make decision on 251 species by 2016	Pacific Walrus, Wolverine	Pending Settlement
5/17/2011	Nationwide	USFWS	Judge stays approval of settlement	Pending Settlement to make decision on 251 species by 2016	Pacific Walrus, Wolverine	Pending Settlement
5/12/2011	Nationwide	USFWS	Interior unveils plan to review more than 250 species	Driven by legal challenge from WEG		
5/12/2011	CA, TX, AZ, NM	USFWS	Mountain Plover rejected for ESA list	Lawsuit	Mountain Plover	Denied
5/11/2011	Nationwide	USFWS	Settlement to decide on 251 species for protection	Settlement	Pacific Walrus, Wolverine	Pending Settlement
5/6/2011	NM, TX	USFWS	GOP lawmakers propose plan to block listings	Voice	Dunes Sagebrush Lizard & Lesser Prairie Chicken	Voice
4/21/2011	Nationwide	USFWS	FWS overwhelmed by backlog of requests	Petition		Petition
10/7/2010	AZ	USFWS	Judge denies protection for Gunnison's prairie dog	Lawsuit	Gunnison Prairie Dog, Preble's Meadow Jumping Mouse, Colorado River Cutthroat Trout, Rockhopper Penguin	
9/27/2010	CO, UT	USFWS	Gunnison Sage grouse selected as ESA candidate	Voice	Mono Basin Sage Trouse	Voice
7/1/2010	NV, CA, WA	USFWS	Greater Sage Grouse protections by Interior	Lawsuit	Greater Sage Grouse	
7/1/2010	AZ, NM	USFWS	Mexican Spotted Owl Protections	Lawsuit	Mexican Spotted Owl	
6/29/2010	WY, MT, CO, CA, AZ, TX	USFWS	FWS proposes Mountain Plover protection	Pushed by 2006 lawsuit, and 2009 settlement	Mountain Plover	
6/28/2010	NV, CA, WA	USFWS	Greater Sage Grouse protections by Interior	Lawsuit	Greater Sage Grouse	
4/22/2010	MS, AR, GA, TN, KY, WV, VA, NC, SC, FL, LA	USFWS		Petition	48 fish, 92 mussels and snails, 92 crustaceans, 82 plants, 13 reptiles, 4 mammals, 15 amphibians, 3 birds	
12/3/2009	Nationwide	USFWS	FWS denies Black-Tailed Prairie Dog Protection	Petition/settlement	Black-Tailed Prairie Dog	Denied
8/19/2009	CO, UT	USFWS	Deadline set for listing Gunnison Sage Grouse	Settlement	Gunnison Sage Grouse	Added to Candidate Listing

DATE (8/2005-7/2009)	**LOCATION**		**ARTICLE SUMMARY**	**ENVIRONMENTALIST ACTION**	**SPECIES**	**OUTCOME**
7/23/2009	Nationwide	USFWS	FWS considers protection for Jackrabbit	Previous lawsuit	White Sided Kackrabbits	Added to Candidate Listing
2/4/2009	Nationwide	USFWS	Administration denies 165 species protection	Previous petition		Denied
12/3/2008	Nationwide	USFWS	Review of Black-Tailed Prairie Dog status	Petition	Black-Tailed Prairie Dog	Denied
10/16/2008	Nationwide	USFWS	FWS receives 13 species in petition	Petition	Mussels, Sprague's Pipit, Chihauha Scurnea, Wright's Marsh Thistle, & Jumping Mouse	
Not listed	Nationwide	USFWS	FWS receives 32 species in emergency list	Used emergency provision in ESA		
4/11/2008	NM, TX	USFWS	FWS receives petition for Sand Dune Lizard	Petition/threats to sue	Sand Dune Lizard	
3/27/2008	Nationwide	USFWS	FWS sued	Lawsuit	681 species	
2/7/2008	CO, NM	USFWS	FWS offers protection for some Gunnison Prairie dogs	Voice	Gunnison Prairie Dog	
11/8/2007	NM	BLM	BLM plan for Prairie Chicken, Dune Lizard	Voice		
7/26/2007	Nationwide	USFWS	Bundle of ESA petitions received	Petition	206 species	Denied
6/28/2007	Nationwide	USFWS	Bundle of ESA petitions received	Petition	475 species, White Sands Pupfish, Cave Scorpion, Jemez Woodland Snail, Huachuca Milkvetch, Brazos River Yucca	
2/8/2007	Nationwide	DOI	2004 Secretary of Interior denies protection	Lawsuit	Black-Tailed Prairie Dog	
12/14/2006	Nationwide	DOI	Interior denies protection	Lawsuit	Gunnison's Prairie Dog	
11/30/2006	NM	USFWS	FWS not listing Gunnison Sage Grouse	Lawsuit	Gunnison Sage Grouse	
Not listed	Nationwide	USFWS	FWS not listing Mountain Plover	Lawsuit	Mountain Plover	
11/21/2006	Nationwide	USFWS	FWS not listing Mountain Plover	Lawsuit	Mountain Plover	
8/24/2006	AZ, NM, CO, UT	USFWS	FWS not protecting Gunnison's Prairie Dog	Petition/Threat to sue	Gunnison's Prairie Dog	
2/9/2006	Nationwide	USFWS	FWS declines listing Gunnison's prairie dog	Petition	Gunnison's Prairie Dog	
8/18/2005	AZ, NM, CO, UT	USFWS	FWS to review Gunnison's Prairie Dog	Threat to sue	Gunnison's Prairie Dog	
11/8/2005	Nationwide	USFWS	FWS not protecting all candidate species	Lawsuit	283 species, Oregon Spotted Frog, Lesser Prairie Chicken, Dakota Skipper, Eastern Mississauga Snake	

Works Cited

"Candidate Settlement Milestone." n.d. *WildEarth Guardians*. Accessed January 31, 2012. http://www.wildearthguardians.org/site/PageServer?pagename=priorities_wildlife_ESA_listing.

Corn, Mike. " Prairie Dogs: The Truth: Great Plains Restoration Council. *Great Plains Restoration*. Accessed March 21, 2012 http://gprc.org/research/prairie-dogs-the-truth/

"Dunes sagebrush lizard." n.d. "WildEarth Guardians: Protecting Wildlife, Wild Places, and Wild Rivers in the West." *WildEarth Guardians*. Accessed January 31, 2012, from http://www.wildearthguardians.org/site/PageServer?pagename=species_reptiles_sand_dune_lizard&AddInterest=110

Dune Sagebrush Lizard Fact Sheet. n.d. "Center for Biological Diversity." Accessed January 31, 2012 www.biologicaldiversity.org/campaigns/steve_pearce/pdfs/DUNES%20SAGEBRUSH%20LIZARD%20FACT%20SHEET.pdf

"Endangered Species: Mountain-Prairie Region: U.S. Fish and Wildlife Service." n.d. *U.S. Fish and Wildlife Service*. Accessed January 31, 2012. http://www.fws.gov/mountain-prairie/species/birds/mountainplover/

Endangered Species Act Listings. n.d. "WildEarth Guardians: Protecting Wildlife, Wild Places, and Wild Rivers in the West." *WildEarth Guardians*. Accessed January 31, 2012, from http://www.wildearthguardians.org/site/PageServer?pagename=priorities_wildlife_ESA_listing&AddInterest=1059%3E

"Energy Developments Threaten Sage-Grouse Habitat in Wyoming." n.d. *American Bird Conservancy*. Accessed March 21, 2012. http://www.abcbirds.org/newsandreports/stories/090106.html

"Federal Safety Net Sought for Imperiled Mountain Plover." 2006. *Forest Guardians,* November 20. Accessed February 5, 2012. http://www.voiceforthewild.org/wildspecies/news/n20nov06.html.

Fugleberg, J. “Opponents ready coal lease fight in Wyoming.” Casper Star Tribune. (accessed 2011, March 15).

“Greater Sage-Grouse.” n.d. *WildEarth Guardians*. Accessed January 31, 2012, from http://www.wildearthguardians.org/site/PageServer?pagename=species_birds_greater_sage_grouse

Greenwire. 2006. “Court Rules Forest Service Must Monitor Grazing.” *Greenwire*, June 22. Accessed January 31, 2012 from www.eenews.net.

Gable, E. 2007a. “Thousands of Forest Service Allotments Await NEPA Analyses.” Greenwire, August 2. Accessed January 31, 2012. www.eenews.net.

Greenwire. 2007b. “Group FIles Suit Over Grazing in Mexican Wolf Recovery Zone.” *Greenwire*. October 18. Retrieved January 31, 2012 from www.eenews.net.

Gable, E. 2009a. “As Colorado lease sale looms, protests mount.” E & E News P.M., January 29. Accessed January 31, 2012. http://www.eenews.net.

Greenwire. 2009b. “Grazing Threatens Western Habitats-Study.” *Greenwire,* May 1. Accessed January 31, 2012 from www.eenews.net.

Gable, E. 2010a. “EPA weighs tougher air pollution rules on drillers.” E & E News P.M., August 5. Accessed January 31, 2012. http://www.eenews.net.

Greenwire. 2010b. “BLM Must Release Permit Holders' Names.” *Greenwire*. September 16. Accessed January 31 2012 from www.eenews.net.

Greenwire. 2011. N.M. “Cattlemen Seek Repeal of Headwaters Protection Rule.” *Greenwire*. January 13. Accessed January 31, 2012 from www.eenews.net.

Gunnison's Prairie Dog. 2004. “WildEarth Guardians”. February 23. Accessed January 31, 2012, from http://www.wildearthguardians.org/site/DocServer/Gunnison_s_ESA_Petition.pdf?docID=783&AddInterest=1106

“Gunnison's Prairie Dog Gets Second Chance at Federal Shields.” 2012. *WildEarth Guardians*. Accessed January 31, 2012, from http://www.wildearthguardians.org/site/News2?page=NewsArticle&id=6252&AddInterest=1106

Hull, T. n.d. “Courthouse News Service.” *Courthouse News Service*. Accessed January 31, 2012, from http://www.courthousenews.com/2012/01/10/42924.htm

James, T. 2011. “Report from the Burrow.” *WildEarth Guardians,* February 2,. Accessed January 31, 2012, from www.wildearthguardians.org/site/DocServer/Report_from_the_Burrow_2011.pdf?docID=1702&AddInterest=1103

Kruesi, K. n.d. “BLM Steps Up Grouse Conservation Efforts to Meet Listing Deadline” Twin *Falls, Idaho news, sports, entertainment, jobs, classifieds and advertising*. Accessed January 31, 2012, from http://magicvalley.com/news/local/twin-falls/blm-steps-up-grouse-conservation-efforts-to-meet-listing-deadline/article_b132a9d7-c11d-5760-82e6-9902362d5fbe.html

“Lawmakers Say Saving the Dunes Sagebrush Lizard Could Endanger Oil Production.” 2011. *Fox News*, July 10. Accessed January 31, 2012, from www.foxnews.com/politics/2011/05/10/saving-dunes-sagebrush-lizard-kill-oil-production/ In

McAfee, Rob. n.d. “Overview of USDA – NRCS Conservation Programs.” *NRCS*. Accessed February 19, 2012. http://www.epa.gov/ofacmo/frrcc/pdf/2011_03_2930_meeting/2011_03_29_mcafee_nrcs_programs.pdf.

MojoPages. n.d. “Court halts tree-cutting projects in NM, Arizona - KTAR.com.” *Phoenix and Arizona Breaking News And News Headlines*. Accessed January 31, 2012, from http://ktar.com/6/1484503/Court-halts-treecutting-projects

Mountain Plover. n.d. “All About Birds.” Accessed January 31, 2012, from www.allaboutbirds.org/guide/Mountain_Plover/id/acs-treecutting-projects

Nelson, G. 2010. “Texans weigh in as EPA considers new oil and gas regs.” *E & E News* P.M., August 3. Accessed January 31, 2012. http://www.eenews.net.

“Protecting Wildlife, Wild Places, and Wild Rivers in the West.” n.d. *WildEarth Guardians*. Accessed January 31, 2012, from

http://www.wildearthguardians.org/site/News2?page=NewsArticle&id=5816&AddInterest=1059

Quinones, M. 2011a. "BLM offers Wyoming tract for leasing, draws enviros' ire." *E & E News P.M*, March 3. Accessed January 31, 2012 from http://www.eenews.net.

Quinones, M. 2011b. "Interior announces lease sales for 4 sprawling Wyoming tracts." *E & E News P.M*, March 22. Accessed January 31, 2012 from http://www.eenews.net.

Quinones, M. 2011c. "Interior to offer 758M tons in new PRB leases." *E & E News P.M*, March 24. Accessed January 31, 2012 from http://www.eenews.net.

Quinones, M. 2011d. "Groups to sue to reform Powder River Basin leasing." *E & E News* P.M, April 5. Accessed January 31, 2012 from http://www.eenews.net.

Quinones, M. 2011e. Forest service revokes consent for Wyoming lease sale. *E & E News P.M.*, April 8. Accessed January 31, 2012. http://www.eenews.net.

Quinones, M. 2011f. "BLM accepts bid for Powder River Basin lease. " *E & E News P.M*, May 12. Accessed January 31, 2012 from http://www.eenews.net.

Quinones, M. 2011g. "Enviro groups sue BLM over Powder River Basin leases." *E & E News P.M.*, August 18. Accessed January 31, 2012 from http://www.eenews.net.

Reale, Sarah, Ryan M. Yonk, and Randy T. Simmons. 2012. "The correlations between local government tax revenues and the existence of federal designated wilderness lands." Masters diss., Utah State University.

Reese, A. 2005a. "GHG lawsuit involving BLM oil and gas leases moves forward." *E & E News P.M.*, June 4. Accessed January 31, 2012. http://www.eenews.net.

Reese, A. 2005b. "Enviros protest N.M. lease sale in aplomado falcon habitat." E & E News P.M., October 13. Accessed January 31, 2012. http://www.eenews.net.

Reese, A. 2006c. “Appeals board directs BLM to re-examine effects of pipeline project.” E & E News P.M., June 1. Accessed January 31, 2012. http://www.eenews.net.

Reese, A. 2006a. “IBLA stops N.M. pipeline project.” E & E News P.M., March 2. Accessed January 31, 2012. http://www.eenews.net.

Reese, A. 2006b. “Grazing's future at stake in BLM plan for Sonoran Desert.” *Greenwire,* March 23. Accessed January 31, 2012 from www.eenews.net.

Reese, A. 2008. “BLM pulls protested parcels from upcoming N.M. lease sale.” *E & E News P,* April 3. Accessed January 31, 2012, from http://www.eenews.net.

Reese, A. 2008b. “Group files suit over ozone levels in San Juan Basin.” Greenwire, November 13. Accessed March 19, 2012. http://www.eenews.net.

Reese, A. 2009. “EPA ‘aggregation’ policy could slow industry expansion.” E & E News P.M., October 22. Accessed January 31, 2012. http://www.eenews.net.

Reese, A. 2011a. “USFS to Re-Evaluate Wildlife Impacts of Arizona Allotments.” *Greenwire*, January 20. Accessed January 31, 2012 from www.eenews.net.

Reese, A. 2011b. “Enviro groups push EPA to regulate mine emissions.” *E & E News P.M*. June 16. Accessed January 31, 2012 from http://www.eenews.net.

“Request for Emergency Listing of the Sand dune lizard (Sceloporus arenicolus) under the endangered species act.” 2008. *texashead.org*, May 9. Retrieved January 31, 2012, from http://texasahead.org/texasfirst/resources/task_force/priority/reference_docs/dsl/dsl_wild_earth_guardian_petition.pdf

“Sage grouse: Wyo. 'core area' concept could provide blueprint for BLM conservation strategy -- 07/28/2011 -- www.eenews.net” (n.d.). *E&E Publishing -- The Premier Information Source for Professionals Who Track Environmental and Energy Policy*. Accessed January 31, 2012, from http://www.eenews.net/public/Landletter/2011/07/28/1

Solomon, D. and Tracy, T. 2011. “EPA imposes new rules for natural gas fracking,” *Wall Street Journal*, August 29.

Streater, S. 2010a. “Proposed tougher ozone standard worries Intermountain West drillers.” *E & E News P.M*, January 14. Accessed January 31, 2012, from http://www.eenews.net.

Streater, S. 2010b. “Enviros cite climate impacts in Wyoming mining lawsuit.” *E & E News P.M,* July 15. Accessed January 31, 2012 from http://www.eenews.net..

Streater, S. 2011a. “Uintah drilling agreement could worsen basin’s ozone problem.” *E & E News P.M*, June 16. Accessed January 31, 2012, from http://www.eenews.net.

Streater, S. 2011b. “Sage Grouse: Wyo. ‘core area’ concept could provide blueprint for BLM conservation strategy. *E & E News P.M.,* July 28. Accessed January 31, 2012. http://www.eenews.net/public/Landletter/2011/07/28/1.

Taylor, P. 2010a. “BLM to suspend 61 leases in Montana to review climate impacts.” E & E News P.M., March 18. Accessed January 31, 2012. http://www.eenews.net.

Taylor, P. 2010b. “Group files suit over Powder River Basin leasing.” *E & E News P.M*, April 22. Accessed January 31, 2012 from http://www.eenews.net.

Taylor, P. 2010c. “BLM Wyoming clears way for 22,000 acres of new surface mines.” *E & E News P.M*, August 12. Accessed January 31, 2012 from http://www.eenews.net.

Taylor, P. 2010d. “Industry requested delay in PRB lease sale- letter. “ *E & E News P.M*, August 26. Accessed January 31, 2012 from http://www.eenews.net.

Taylor, P. 2010e. “ Enviro groups protest GHG impacts of BLM lease sale.” E & E News P.M., December 2. Accessed January 31, 2012. http://www.eenews.net.

Taylor, P. 2011a. “Obama Admin Denies Petition to Raise Grazing Fees.” *Greenwire*, January 19. Accessed January 31, 2012 from www.eenews.net.

Taylor, P. 2011b. “Federal Grazing Fee to Remain at Legal Minimum.” *Greenwire*, February 3. Accessed January 31, 2012 from www.eenews.net.

Taylor, P. 2011c. “BLM denies petition to decertify Powder River Basin leasing.” *E & E News P.M*, February 3. Accessed January 31, 2012 from http://www.eenews.net.

“Utah to craft sage grouse plan in effort to avert federal endangered species listing.” n.d. *The Republic*. Accessed January 31, 2012, from http://www.therepublic.com/view/story/d9bdb8b7402942e5b113ad2f7f362849/UT--Sage-Grouse-Utah/

“WildEarth Guardians: History.” n.d. Accessed May 5, 2012 from http://www.wildearthguardians.org/site/PageServer?pagename=about_history.

“WildEarth Guardians: Annual Report 2010.” (2011). Accessed May 5, 2012 from http://www.bluetoad.com/publication/?i=64537.

“WildEarth Guardians: Protecting Wildlife, wild places, and wild rivers in the West.” n.d. Accessed May 5, 2012 from http://www.wildearthguardians.org/site/PageServer.