

# *A View of the Summit*

*from the CRAG*

## *Protecting Wildlife*



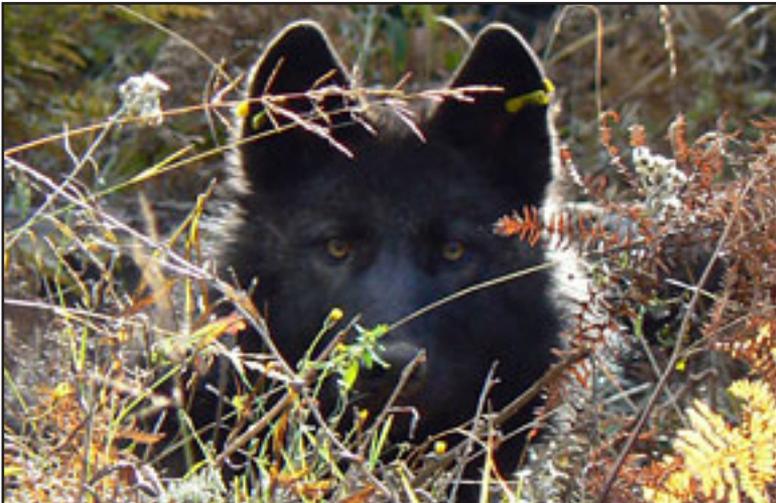
Night Wolf Returns, © Asante Riverwind

# ***Butterflies, Bees and Wolves, Oh My!***

By Courtney Johnson, Staff Attorney

2014 started with good news for wildlife in Oregon: wolf tracks were found on the east side of Mt. Hood, demonstrating a new step towards recovery of the species. Most of Oregon's wolves are in the northeast corner of the state, with the lone wolf OR-7, also known as Journey, staying in southern Oregon and northern California. Wolves were hunted almost to extinction in the lower 48 states, but with protection under the Endangered Species Act, they have started making a comeback.

Wolves in Alaska, and other wildlife in our region haven't been so lucky. Many species deserving of preservation have languished without protection for far too long. The Island Marble Butterfly of the San Juan Islands of northwest Washington, and the Leona's Little Blue Butterfly in the Antelope Mountains of central Oregon, have both been reduced to tiny localized populations. Despite the perilous existence of these butterflies, the U.S. Fish and Wildlife Service has



*Photo courtesy of Oregon Department of Fish & Wildlife*

*Crag is a client-focused law center that supports community efforts to protect and sustain the Pacific Northwest's natural legacy.*



*Philotiella leona*, photo by Sarina Jepsen, Xerces Society

yet to take action that would help populations recover. This year Crag is working with the Xerces Society for Invertebrate Conservation to secure protections for these butterflies and their habitat.

Even when our cases are not directly focused on animals, we know that wildlife is an integral part of the ecosystems we work to protect. While reviewing a Forest Service restoration project on Mt. Hood last year, we encountered evidence of an endemic species of caddis fly and sensitive bumblebee populations. Review of a land trade proposal with Oregon State Parks turned up concerns over land secured for Western Snowy plovers. And when challenging mining actions and discharge permits, we often find that the waters involved support habitat for imperiled salmon and steelhead.

In this issue of *A View of the Summit* you will read about the work we are doing to protect the wolves, butterflies and other wildlife that add to the tapestry of life in the wild places we love. We believe that our hard work will pay off for the recovery of species big and small, and maybe one day soon we'll hear a wolf's howl on Mt. Hood!

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# ***Fighting to Protect a Rare Alaskan Wolf***

by Chris Winter, Co-Executive Director

Southeast Alaska is a rugged landscape, shaped by the collision of two massive tectonic plates along the “Ring of Fire.” Huge glaciers spill from the slopes of volcanoes that rank among the most massive in the world, slowly marching towards the Pacific Ocean, where they collapse into the sea. And along a narrow strip of coastline between those high peaks and the rough waters grows the largest remaining expanse of temperate rainforest on earth – the Tongass National Forest – a national treasure spread out over thousands of islands called the Alexander Archipelago. What remains of the old-growth in the Tongass provides habitat for the Alexander Archipelago wolf, a subspecies of the North American grey wolf, which dens in the root wads of large trees in this Sitka spruce/western hemlock forest. This unique species of wolf may be on its last legs.

The wolves of coastal Alaska rely heavily on a small species of deer, the Sitka black-tailed deer, as their main prey during the long,

difficult winters. The old-growth forests are the only places during prolonged periods of heavy snow that the deer can find food and shelter. The wolf and the deer therefore both depend on old-growth forests for their very existence in the Tongass National Forest, and the local communities in Southeast Alaska also depend heavily on the deer as a subsistence species.

The old-growth, however, is still under attack by the U.S. Forest Service. The Forest Service is responsible for the loss of over 450,000 acres of old-growth on the Tongass, most of it clearcut over the last 50 years. And the wolf and the deer are suffering as a result.

Since 2009, we have been working with Greenpeace and Cascadia Wildlands to protect what remains of the old-growth habitat in the Tongass, which provides the last refuge for the wolf. We won a court case in 2011, and that helped to shine a light on how the Forest Service was ignoring

the best available science and inflating the quality of habitat remaining on the Tongass. At about the same time, the Forest Service announced a framework for transitioning out of logging old-growth as a way to support the local economy, which would mark a dramatic shift from past practices.

But in an ironic twist, the Forest Service then approved the Big Thorne timber sale, approving more than 6,000 acres of old-growth logging in areas that provide critical refuge for the wolf. Earlier this year, we worked with our clients to appeal the Big Thorne timber sale, and the Forest Service agreed to revisit its decision, a temporary reprieve. Meanwhile, the U.S. Fish and Wildlife service found recently that the wolf may end up getting listed as threatened or endangered because of loss of habitat.

And we are back in court because the Forest Service is trying to move forward with the same sales that were subject to our court victory in 2011.



*Alexander Archipelago wolf standing in snow in Southeast Alaska.*

*Photo courtesy of Robin Silver. © Robin Silver Photography*

We do not yet know how these different moving parts will fall into place, but the fate of the wolf hangs in the balance. While the wolf hunts deer in the forests of the Tongass, we will be using law, science and policy in an effort to secure its future.

For more information, please check our website to stay up to date on the latest developments.

# ***The Story of a Butterfly, the Story of a Place***

by Kara Tebeau, Legal Intern

Nearly four years ago, the Xerces Society for Invertebrate Conservation, Oregon Wild, and Dr. David McCorkle submitted a petition to the U.S. Fish and Wildlife Service to list the Leona's little blue butterfly under the Endangered Species Act. There is only one known population of the species on Earth, consisting of several thousand individuals living on a tract of land in Klamath County, Oregon. With such a small population, every day that goes by without protections for the species and its habitat brings a new threat of extinction. Time is of the essence.

This may be the first time you have ever heard of the Leona's little blue, and perhaps you would have lived your life never knowing the species existed, had you not read this article. So, why should we care if an isolated butterfly blinks out of existence? As the saying goes, if a tree falls in the forest, and no one is there to hear it, does it make a sound?

As a culture, we tend to associate butterflies with such charismatic values as beauty and grace. But, when citizens and scientists seek

protections for a species, they have in mind a broader goal—protecting a landscape, protecting other endemic species, and securing monitoring that will contribute to scientific understanding. Importantly, the petition for protecting the Leona's little blue was also imbued with respect for that species as an intrinsically valuable and genetically distinct cohabitant of the planet.

The Leona's little blue, like other butterflies, is a pollinator. It nectars upon multiple plants that grow in open habitat areas of the Antelope Desert. Its pollinating role contributes to the broader productivity of its early successional habitat, which supports at least 486 types of insects and arachnids, several of which are rare species themselves. In short, it is not only an indicator of the health of a unique Oregonian landscape, but a key element of its continued vitality and diversity.

The story of the Leona's little blue is the story of place. Its biology is defined by a unique confluence of landscape factors.

Its meadow habitat exists in the rain shadow of the Cascades. It drinks from flowers that grow in an ash substrate left over from the Mt. Mazama eruption that formed the iconic Crater Lake. Its distribution is correlated with alluvial deposits from two creeks that pass through the area.

Oregon Wild are concerned about future development on the habitat, livestock over-grazing, cinder mining, and nearby pesticide use. These threats are magnified by the fact that most of the Leona's habitat is on private land, where it remains unprotected by law.

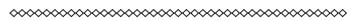


*Philotiella leona, photo by Sarina Jepsen, Xerces Society*

The butterfly's open habitat is characterized and renewed by disturbances. So what would be gained by "protecting" the habitat? The Fish and Wildlife Service has recognized that the intrusion of lodgepole pine trees, and the potential for catastrophically intense wildfires pose a threat to the species. Fire intensity has increased beyond historic conditions in the area, likely from decades of fire suppression activities. Additionally, Xerces and

The Endangered Species Act requires the Fish and Wildlife Service to make a determination as to whether a species is warranted for listing within a year of the filing of a petition. The Service has violated federal law by failing to decide whether the Leona's is entitled to protection.

Crag is representing Xerces and Oregon Wild in a lawsuit challenging the Service's delay, with the goal of bringing a swift resolution to the case in the best interests of the butterfly and its landscape.



*Kara Tebeau just completed her second year at Lewis & Clark Law School. She was a 2013 summer law clerk at Crag and has continued to volunteer with us over the past year.*

# Meet Crag's New Board Member: Sydney Desmarais

by Suzanne Savell, Development Director

Crag is excited to welcome Sydney Desmarais to our board of directors. Sydney currently practices emergency veterinary medicine in Portland, Oregon, with a special interest in treating animals with holistic medicine and acupuncture. She heads the Animal Assistance Fund at her clinic, which provides financial assistance to low income families needing emergency treatment for their pets.



In addition to her work in the U.S., Sydney has spent a significant amount of time in Africa, including time in Namibia, Ethiopia, and Cameroon, where she worked with non-profit organizations like the Cheetah Conservation Fund and the Sustainable Development Project, as well as devoting time to the prevention of rabies in Ethiopian wolves and the education of local communities concerning the spread of infectious diseases.

Sydney recently returned from Phuket, Thailand, where she spent two weeks volunteering with the Soi Dog Foundation, an NGO working to contain infectious disease outbreaks, provide food and shelter for homeless animals, fight the illegal dog meat trade and maintain a

successful adoption program. "I'm proud to have worked alongside other volunteers as well as Thai veterinarians in an intensive program to sterilize young animals and treat injured street dogs." Sydney is so passionate about the cause she even flew 'Bootz', a dog she treated in Phuket, back to the states to settle into a loving home with a friend.

Sydney is also an avid climber and has traveled the world climbing, hiking, swimming, and exploring the places, people, and wildlife around her.

Sydney has jumped into Crag board service with enthusiasm and style. In fact, she was voted best dressed at our 1920's-themed Wild Shots auction last November!

*Save the Date!*

# BASE CAMP BASH

SUNDAY, JULY 20TH

NOON ~ 5 PM

*Join us for Crag's summer picnic  
~ Beer, BBQ, Music, Kids' Activities & Amusement Park Rides ~*

## AT OAKS PARK!

MORE INFO:

\* SUZANNE@CRAG.ORG \*

\* 503.525.2724 \*

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# WILD SHOTS *Masquerade*

A BENEFIT FOR CRAG LAW CENTER

**FRIDAY, OCTOBER 24TH, 2014**

*Ticket sales begin July 1st*

*Masks will be available for purchase.*

**suzanne@crag.org ~ [crag.org/wildshots](http://crag.org/wildshots)**



# Seeking Long-Range Protections for the Klamath Basin Wildlife Refuge

by Maura Fahey, Legal Fellow

The Klamath River Basin, spanning across southern Oregon and northern California, is home to one of North America's most important pieces of waterfowl habitat. As many as 80 percent of waterfowl migrating in the Pacific Flyway stop in the Klamath

habitat from risks posed by competing uses within the Basin.

Historically, the Basin contained approximately 350,000 acres of wetland habitat and provided refuge for an estimated 10 million waterfowl annually. However, in



*Klamath Basin National Wildlife Refuge. Photo courtesy of Brett Cole.*

Basin to rest and refuel during their long seasonal journeys. The Basin also supports the largest concentration of wintering Bald Eagles in the lower 48 states. Crag is working with a coalition of groups to protect this important

the time since the beginning of the Klamath Reclamation Project in 1905, created to allow for widespread agricultural irrigation, nearly 80 percent of the historical wetlands have been drained or destroyed. Today, much of the

remaining wetland habitat within the Basin is designated as National Wildlife Refuge, managed by the U.S. Fish and Wildlife Service.

The Klamath Basin National Wildlife Refuge Complex consists of six refuges: Upper Klamath, Lower Klamath, Tule Lake, Clear Lake, Bear Valley, and Klamath Marsh Refuges. Although four of the refuges were established within the area covered by the Klamath Reclamation Project and continued to be subject to conversion from wetland to farmland, the Kuchel Act of 1964 put an end to wetland reclamation within the Klamath Refuge Complex and dedicated the refuges to wildlife conservation and waterfowl management. However, each of the Klamath refuges continuously face threats from existing irrigation projects, agricultural use of leased lands and related water shortages. The health of the refuges and their dependant waterfowl is looking especially dire in the coming months, after the region has been plagued by extreme drought.

As part of its management of the National Wildlife Refuge system, the Fish and Wildlife Service is required to develop conservation plans for each wildlife refuge. The

conservation plans are intended to provide long-range planning and guidance aimed at achieving the purposes of the refuge, primarily the preservation of fish, wildlife and waterfowl habitat. Under the National Wildlife Refuge Act, these plans were due to be completed in October 2012. However, only one of the six Klamath Complex refuges has a conservation plan in place today.

Crag clients Audubon Society of Portland, Oregon Wild, and WaterWatch of Oregon have worked for years, if not decades, to achieve conservation and restoration of the Klamath Basin habitat. A key concern for these organizations is the overdue conservation plans for the remaining five refuges. The plans would require meaningful consideration of the compatibility of agricultural uses with wildlife and waterfowl habitat management.

This spring, these organizations, with Crag's help, filed a federal case against the U.S. Fish and Wildlife Service for its failure to develop the required conservation plans in violation of the Refuge Act. Once the agency issues a draft conservation plan, Crag will continue to work with clients to provide comments to make sure the plan provides optimum protection for refuge habitat.

# Meet Crag's Legal Fellows

by Sean Galvin, Communications Intern



## ***Maura Fahey***

Maura Fahey joined Crag as a legal fellow this past fall, shortly after passing the Oregon Bar Exam. Maura first met the Crag team as a volunteer during the 2011 Wild Shots Auction and returned in 2012 as a summer associate.

Maura came to the Pacific Northwest to attend law school at Lewis & Clark after receiving a BA in Sociology with a minor in Political Science from the University of Colorado at Boulder. Maura had been interested in environmental issues since high school but at that time, her concept of environmentalism was more limited to sustainability and policy issues. It was when she took a few environmental courses during her senior year in college that she began to realize how protection and preservation of the environment could be

achieved through the law. “I had been planning to attend law school for some time,” she explains “but I was excited to learn that there was a way for me to have a career doing something that compelled me in my personal life as well as professionally.”

When asked about her transition from law student to attorney, she is quick to say that practicing law is much more enjoyable than being a law student. “Though it can be intimidating when something new or unfamiliar comes along, the Crag attorneys have been great mentors and have made my transition from law student to lawyer a smooth one.”

Maura's favorite aspect of working at Crag is the opportunity to work on a wide variety of issues: with cases involving National Forest management, the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, and local land use issues involving state and local laws. Outside of work, Maura's favorite hobby is skiing. She also loves to travel, hike, and spend time with friends and family.



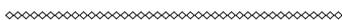
## ***Oliver Stiefel***

Oliver Stiefel's legal fellowship at Crag is a homecoming of sorts. Having grown up in Portland, he developed a passion for nature and its beauty from spending time outdoors during childhood and adolescence. He went on his first backpacking trip at 8 years old (to Aneroid Lake), participated in an Outward Bound program during high school (rafting, backpacking, and climbing in Utah), and was a rafting guide (on Oregon Wild and Scenic Rivers) in the summers during college at Whitman College in Walla Walla.

After graduating with a BA in Anthropology, Oliver spent time traveling and volunteering in Ecuador and then moved to Seattle, where he worked for a non-profit conservation organization before attending

University of Washington School of Law. During the summer of his second year in law school, Oliver applied for the Summer Associate position at Crag and interviewed with Ralph Bloemers. Although Oliver wound up taking a different job in Seattle that summer, Oliver reconnected with Ralph after he graduated from UW and moved to Portland, and eventually the pieces fell together for Oliver to join Crag as a legal fellow.

Oliver is very excited to be working at Crag, the opportunity to do essentially his dream job. What he appreciates most about being at Crag are the collaborative atmosphere, the client-centered work ethic, and the chance to use what he learned in law school to help people and not compromise his values. Outside of work, Oliver enjoys "mostly playing outside," especially backpacking, rafting, hiking, kayaking, fly fishing and snowboarding.



*Sean Galvin is a junior at the University of Portland working as a Communications Intern at Crag this spring. He is majoring in Math and Economics and hopes to attend law school after graduating next May.*

# Victory for the Birds!

by Suzanne Savell, Development Director

We started this year off with good news – the cancellation of 28 timber sales that would have logged habitat for the marbled murrelet, an imperiled seabird that nests in coastal old-growth forests.



the best remaining murrelet habitat in Oregon in the Elliot, Tillamook and Clatsop state forests.

Crag represented Cascadia Wildlands, the Center for Biological Diversity, and the Audubon Society of Portland in a lawsuit against Governor Kitzhaber and Oregon State forestry officials for clearcutting habitat for the marbled murrelet in violation of the Endangered Species Act.

In a settlement reached in February, the Oregon Department of Forestry (ODF) agreed to cancel an additional 28 timber sales and to reform its marbled murrelet policies.

The settlement hopefully brings to a close one of the uglier episodes in the history of ODF. The marbled murrelet is protected under the Endangered Species Act because past old-growth logging has destroyed large swaths of its habitat. ODF manages some of

Over the coming years, ODF has a chance to prove to the public that it takes seriously its obligations under federal law to protect threatened and endangered species. In the past, ODF has viewed the timber industry as its main constituency, but that's an antiquated view of how to manage our public lands. Complying with federal law is not optional. And neither is upholding the public interest in old-growth forest, clean water and native runs of salmon.

We would like to thank our clients – Cascadia Wildlands, Center for Biological Diversity and the Audubon Society of Portland – as well as our co-counsel Dan Kruse, the Western Environmental Law Center and Scott Jerger. We would also like to thank our former staff attorney, Tanya Sanerib, who played a key role in this success.

# Crag Credits

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Asante Riverwind – Cover Artwork  
Paula Reynolds – Crag Logo  
Kris Maenz – Template Design  
Anne Schiller – Printing

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