

Fishing Master - Jack Mussey



DATES: Tuesday, June 25 & Thursday, June 27

TIMES: Meet the guides at 8 a.m. in front of the Lodge
(Guides provide lunch)

PLACE: Yellowstone River float or water to be determined.
Bring your own equipment or borrow from Evie.

TOURNAMENT RULES: Largest species of trout caught on a dry fly will be the winner. Largest species of trout caught on a wet fly will be the winner. Fishing guides will be the referees. No cheating!



Golf Master - Tom Hecht

DATES: Tuesday, June 25 and Thursday, June 27

TIME: Meet in front of Lodge to board bus.
Time to be announced.

PLACE: Riverside Country Club - Bozeman
Bring your own equipment

TOURNAMENT RULES: Format to be announced



Shooting Master - Tim Tuttle

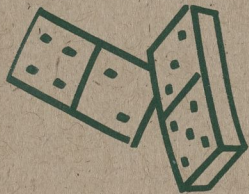
DATE: Wednesday, June 26

TIME: 10:00 a.m.

PLACE: Buffalo Ranch Sporting Clay Course
Bring your own equipment or borrow from Evie

TOURNAMENT RULES: This sporting clay course has 12 stations which simulate different patterns of bird flight. Shot guns will be provided and safety lessons will be given. No experience is necessary. Come test your eye/hand coordination at the "Cranny" blast!

Domino Master - Tom Hecht



DATE: Wednesday, June 26

TIME: 4:00 p.m.

PLACE: Lodge Convention Center

TOURNAMENT RULES: 1st Annual "Cranny" Domino Tournament.
5 games - Partners chosen by blind draw. Beginners and Experts
welcome. Prizes and awards for all!



Dave And His Games - Montana Masters

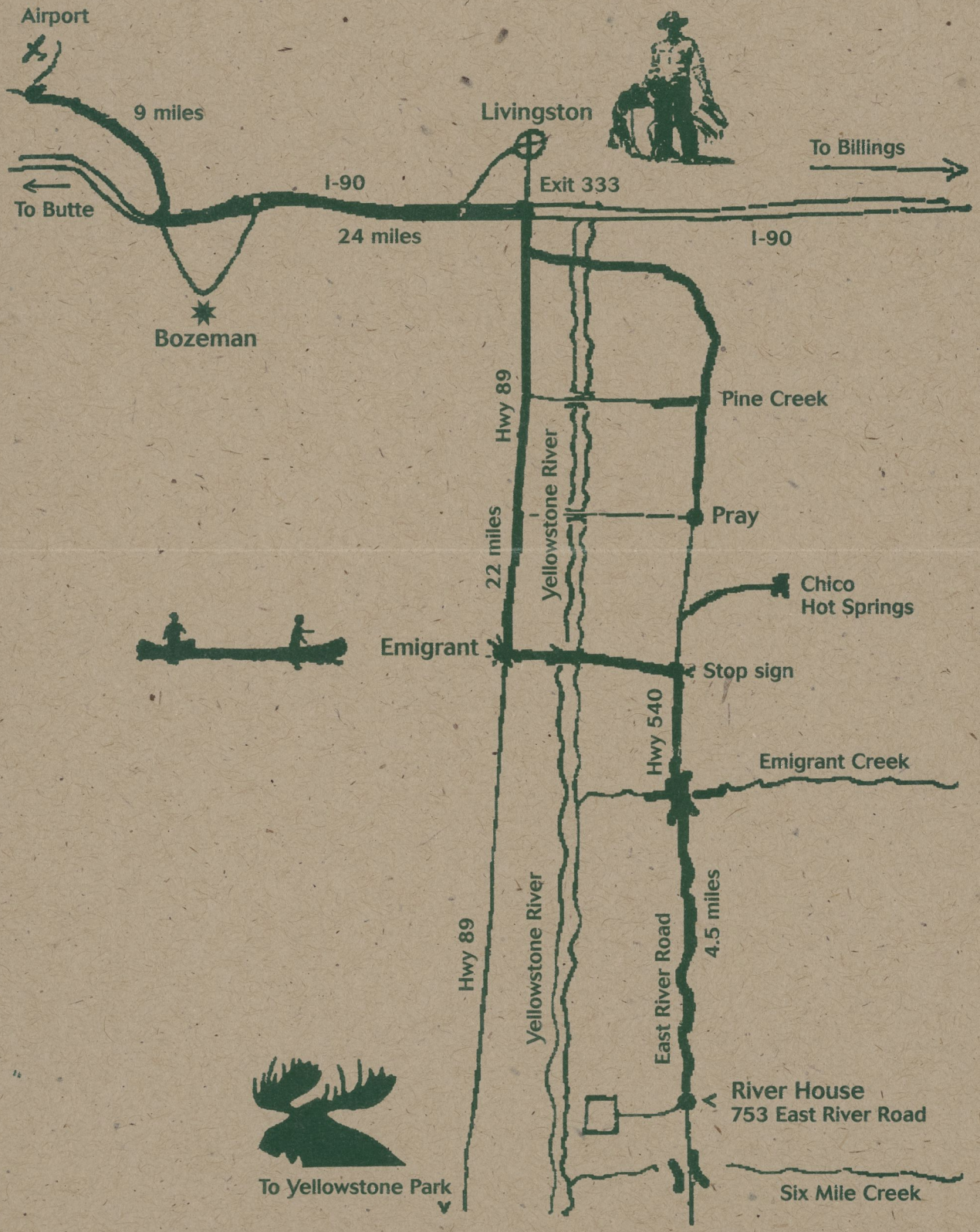
Evie, David and Catherine invite you to be their guests at Montana Masters - a celebration of friendship honoring Dave. Dave always expressed a wish to invite his special friends to Montana for a few days of friendly "competition" in golf, fishing, shooting and dominos. This wish will happen on June 24, 25, 26, 27, 2002.

Headquarters will be the Chico Hot Springs Lodge in Pray, Montana. We have reserved rooms and suggest you phone 406 333 4933 for your reservations. When you phone, ask for Reservations and identify as the "Cranston Gathering." Delta, Alaska, United and Northwest operate to Bozeman which is your destination. It's approximately an hour and a half drive to Pray, so suggest you rent a car. (See enclosed map.) Plane reservations are difficult during "season" - Yellowstone National Park, etc. - Please make yours ASAP.

Wear and Weather - In Montana, there's an old saying: "Wait five minutes and the weather will change". This is very true - expect everything - hot and cold temperatures and rain. We live in Levis and boots - we hope you will, too. Golfers will want to upgrade a bit with the likes of bermudas, etc.

Please complete the enclosed return form and mail in the enclosed return envelope prior to May 1, 2002. Questions: 406-333-4755 (Evie)

Dave And His Games - Montana Masters



Your travel plans will typically have you flying from Buenos Aires into either Bariloche or San Martin de los Andes where your guide will meet you and begin your adventure.

We suggest that you spend a day or two in Buenos Aires before or after your fishing days to experience one of the world's great cities. A city tour and a tango show are musts!

From Buenos Aires, you can make arrangements to arrive late morning in San Martin or Bariloche and it will be a short drive to your first estancia. After settling into your private rooms with private bath, you'll enjoy a sumptuous lunch and have the opportunity to fish the rest of the day. Your guide is at your disposal. Dinners are served European-style, later in the evening, so that you may take full advantage of your precious fishing time.

If you have selected more than one of our lodges, on transfer day, you will normally leave mid-morning with your guide for a scenic drive to your new destination in time for lunch and afternoon fishing. During full days at any location, breakfast is served around 8:00 a.m. and lunch will be either a streamside picnic or return to the lodge for lunch and a siesta before fishing the evening hatches. Your choice!

We are proud to serve cuisine that will rival any great restaurant and complimentary fine wines are included with your multi-course meals.

An itinerary and a suggested equipment list will be provided to you prior to your departure.

We promise to make every effort to ensure that your fishing vacation with us is perfect in every way. The Fly-fishing Andes experience is first class!

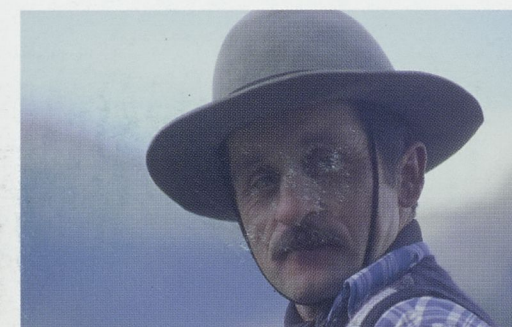
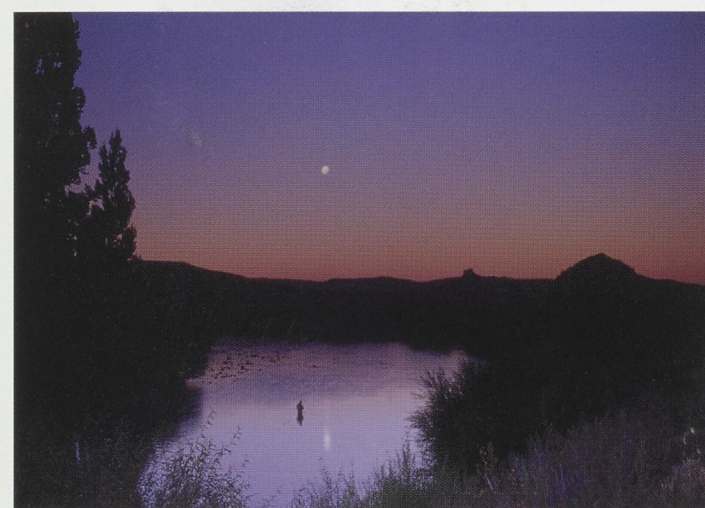
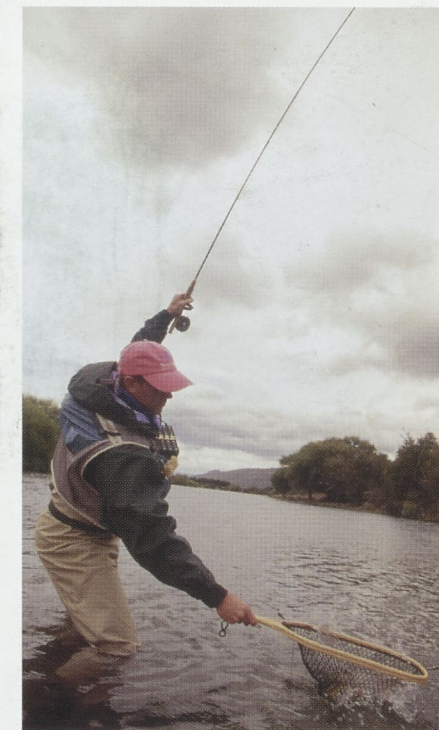
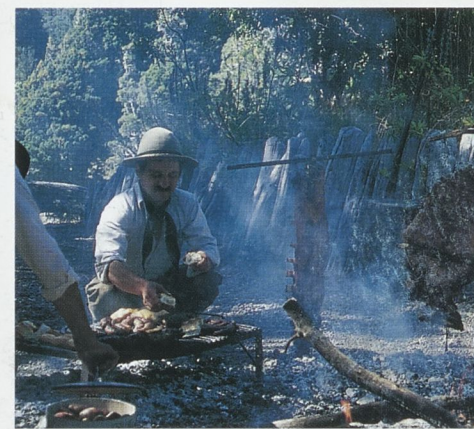
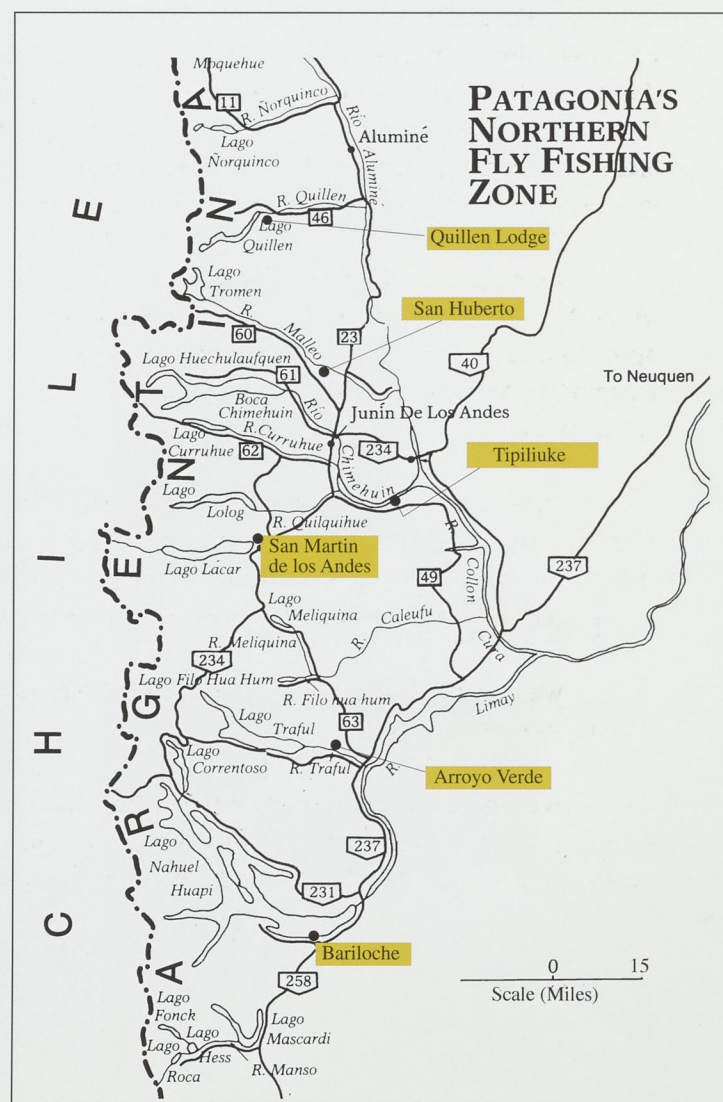
Travel Times (in hours)

	BA	SM	Bar	SH	Tip	AV	QN
Buenos Aires	—	2.0	2.0				
San Martin	2.0	—	3.0	1.0	1.0	2.0	3.0
Bariloche	2.0	3.0	—	3.5	3.0	1.5	4.5
San Huberto		1.0	3.0	—	1.0	2.5	2.0
Tipiliuke		.5	3.0	1.0	—	2.5	2.5
Arroyo Verde		2.0	1.5	2.5	2.5	—	4.0
Quillen		3.0	4.5	2.0	2.5	2.5	—

Note: Times between Buenos Aires and San Martin or Bariloche are flight times. All others are drive times.

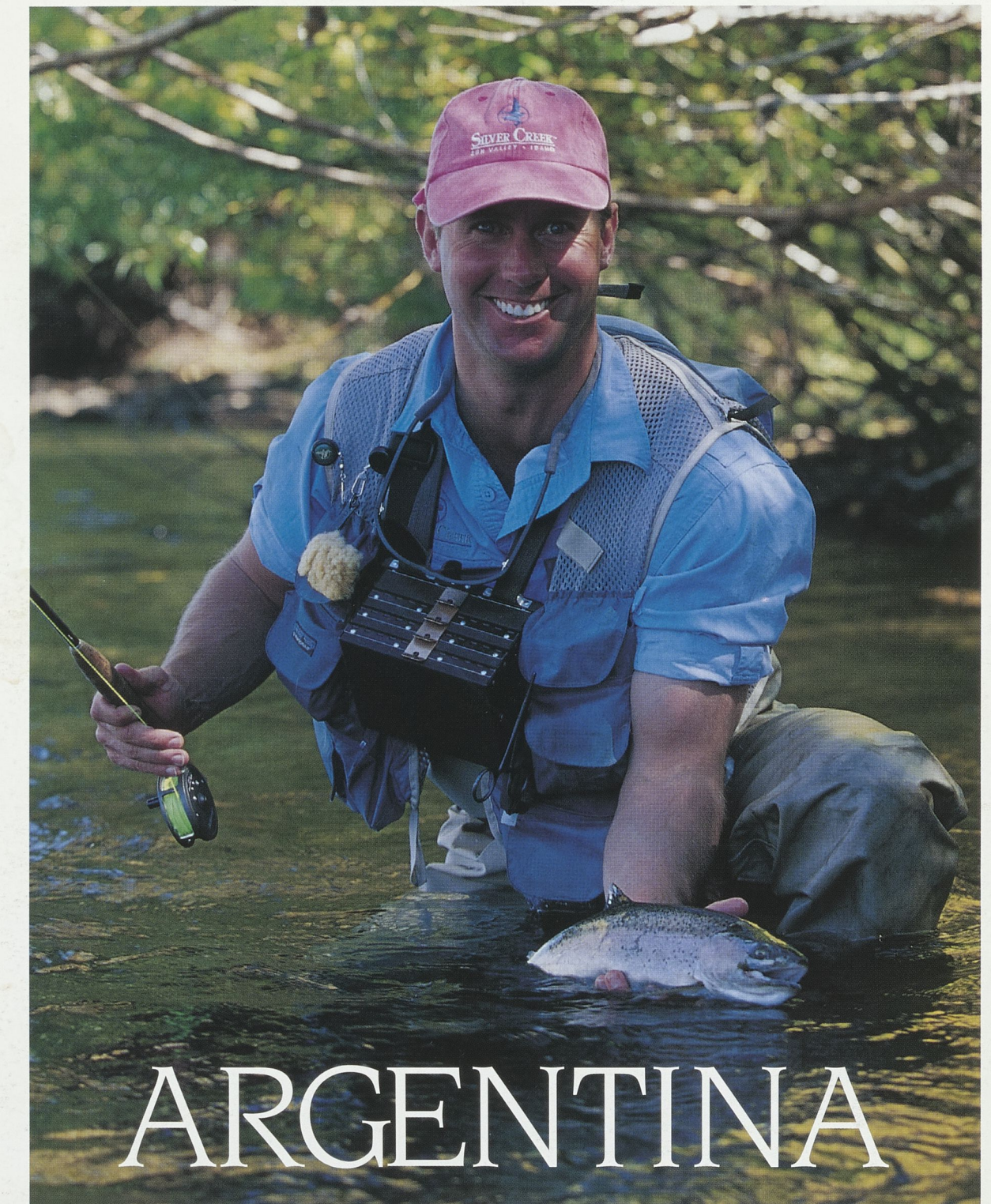


Look for us on the internet at www.ffandes.com



We Practice and Encourage Catch-and-Release

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ARGENTINA

"Private Fly-fishing Lodges and Streams that are among the Best in the World"

Your Hosts...





"Select from one, two, three or four different venues for your fishing vacation. We offer flexibility above all else."

Hola!

My name is Alberto Cordero-Biedma. I am the owner and principal guide for Fly-fishing Andes. I invite you to come to Argentina to experience the romance, the beauty, the warmth and hospitality of native Argentines as they welcome you to their private estancias...and most of all the wonderful fly-fishing on private-access waters which rivals that of any Rainbow and Brown trout fishery in the world. We're very excited to share our incredible fishing with you! Especially the dry fly action!

We offer you complete flexibility in choosing how you wish to enjoy Northern Patagonia. We do not offer standard packages; instead you may design your own trip or tell us what you prefer and we'll design one for you to consider. Stay as few or as many days as you wish. Stay at one, two, three or four lodges. We will plan and execute your trip so thoroughly that all you will have to do is relax, pick up your rod, fish...and enjoy! We promise! We have a passion for our natural Patagonia and for our wild trout...we take pleasure in sharing these resources with our guests.

Compared to the rest of Patagonia, the Northern Zone gives you kinder weather and gentler winds. Normally we experience delightfully warm weather with lighter winds from late December to early April. The exceptional, wild McCloud-strain rainbows, German browns, Sebago landlocked salmon and Eastern brookies that fill the pristine lakes, streams and rivers in Patagonia were transplanted to the cold, gin-clear Andean waters over 95 years ago.

Depending on your preference for fly-fishing, be it dry fly, wet fly, streamers or all of these, we can offer a variety of waters that will cater to your pleasure. Most of our guests over the years have elected to visit two or three different estancias in a fishing vacation lasting ten days to two weeks. If you can only stay a week, we suggest you visit at least two different waters.

We'll work hard to exceed your expectations and make your visit to Argentina your best fishing experience ever.

We have been fortunate over the years to fill our vacancies early. To avoid disappointment, we suggest you begin your booking process a year or so in advance. We give priority bookings to returning guests. Please know that fishing conditions vary from year to year depending on our weather.

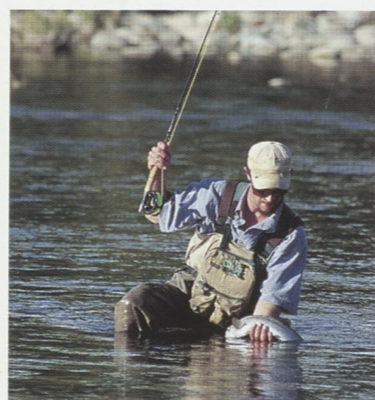
Gracias,

Alberto

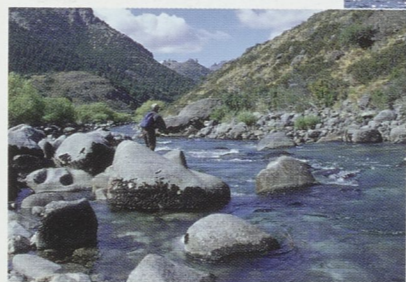
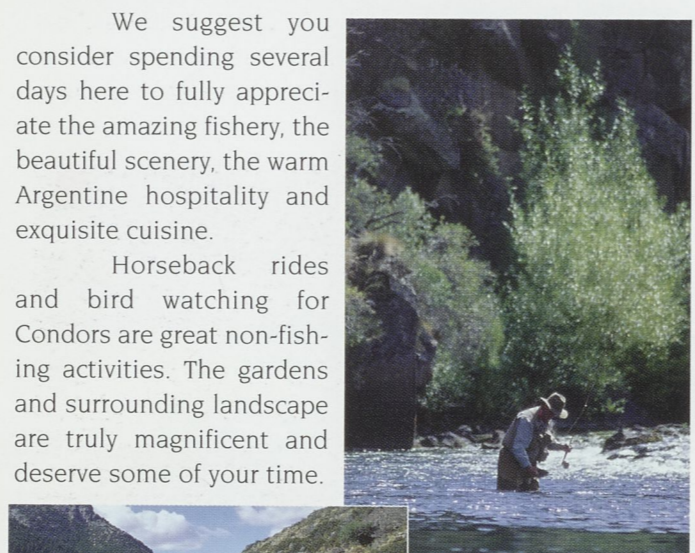


Arroyo Verde

Perhaps the most elegant estancia and lodge in Patagonia. The estancia is situated on the banks of the Rio Traful. The scenery along the Traful is simply breathtaking. FORBES Magazine called Arroyo Verde "The Finest fishing lodge in the world, period!"

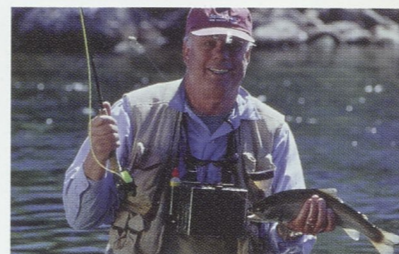


Arroyo Verde offers a wonderful variety of fishing conditions, from long slicks and riffles to pocket water, and deep runs. Rainbows, browns and landlocked Salmon live happily in this river. Dry flies, nymphs, streamers, you name it... will take the larger-than-average fish.

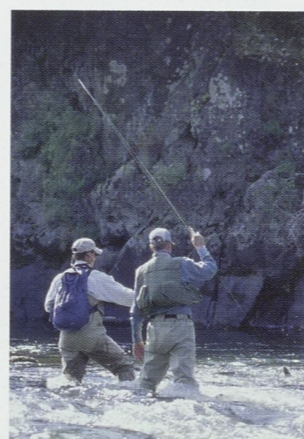


San Huberto

San Huberto, owned by the Olsen family, is a 25,000 acre estancia with access to over twenty miles of the world-famous dry-fly stream, the Rio Malleo. The Malleo is easy wading and boasts the densest, most frequent and predictable hatches in Patagonia.



The views of landmark, Lanin volcano, put the Malleo in a perfect setting. The Malleo is for the match-the-hatch, sight-fishing enthusiast. Rainbows and browns are mostly in the 14" to 20" range, with occasional browns reaching 24".

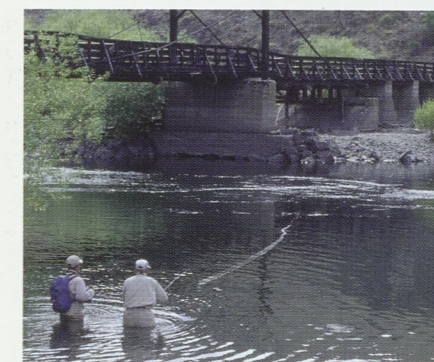


Streamside lunches along the Malleo are a real treat...and the twenty miles of water promises a different venue each time you go to the river to fish.

This is the one lodge in Patagonia that is regularly booked by early July for the months of January, February and March. We suggest you make sure to book as early as possible for the dates you want.



Tipiliuke

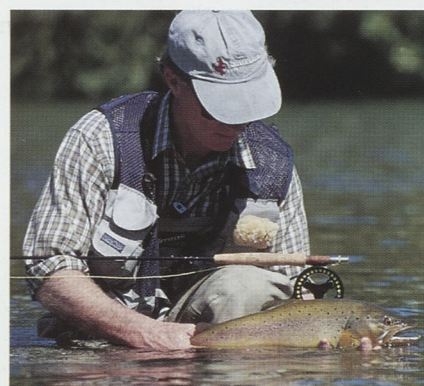


rest of the buildings on this 90-year old, 50,000-acre, deer, cattle and sheep estancia.

The kitchen garden is a highlight at Tipiliuke. All your salad makings and vegetables are grown right on the ranch.

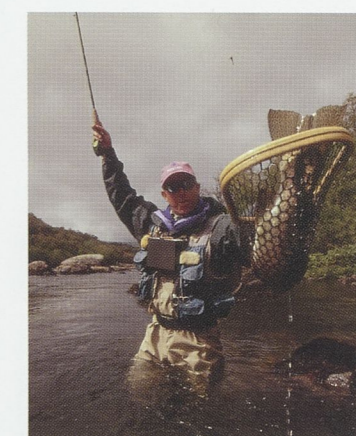
Seven miles of the renowned Rio Chimehuin run through the ranch. The Chimehuin, with an amazing variety of waters, brings out the best of fly-fishermen as they are challenged to fool wild rainbows and browns up to 30". Average fish run 16" to 20". Seven miles of Rio Quilquihue - a delightful dry-fly stream, also run through the ranch. Everything from dry flies to streamers are effective here.

Typically, in a four-day stay, you would wade the Chimehuin and the Quilquihue, over your choice of three days, and float the nearby Alumine or the Collon Cura on the open day.



Quillen

Unquestionably one of the most beautiful places in Argentina. The lodge is located on a hill overlooking the vast valley of the river Quillen, considered among the best dry-fly streams in Argentina. The working cattle ranch, founded at the turn of the century by the family Lagos Marmol, (the same family owns and runs it today) is 45,000 acres. Eight miles of the Rio Quillen run through this ranch. This stretch is very easy wading. One to four pound wild rainbows and browns with occasional browns up to ten pounds!



Nearby spring creek-like Malalco offers excellent sight fishing and the Alumine river - 16 miles down the road - is ideal for floating for what is usually a very productive day of fly-fishing.



In addition to the fishing, excellent horseback riding and local sightseeing are available for guests. Quillen Lodge is located about 100 miles north of San Martin de los Andes, a very beautiful and scenic drive!



EARTHJUSTICE

Because the earth needs a good lawyer

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ENVIRONMENTAL LAW CLINIC AT UNIVERSITY OF DENVER
ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

May 30, 2003

Mr. and Mrs. Bud Lilly
16 West Birch
Three Forks, MT 59752

Dear Mr. and Mrs. Lilly,

I don't write letters like this very often. But the times are so dire, so perilous that I can not refrain.

The reason is that never, in the 35 years since I went to work for Dave Brower at the Sierra Club in 1968, has there been an administration and a Congress so hostile to the environment and the laws and institutions we have to protect it. James Watt, Anne Gorsuch, Ed Meese, and others in the Reagan administration tried hard, but they were neither as smart nor as devious as the present crowd, and Congress was much more earth-friendly then. This gang of hooligans is armed and dangerous.

And people, right-thinking people, are worried sick. I've been traveling around the country promoting my recent book, *Justice on Earth*, and all people want to talk about is the administration, what it's up to, and what can be done to stop the madness.

In the Reagan days we had Congress to provide a counterbalance to the administration's worst impulses. During the dark days of the 104th Congress, Newt Gingrich, and the Contract With America, we could sometimes persuade President Clinton to veto especially horrific bills.

Now, with both the administration and the Congress (with the exception of some courageous—and generally outnumbered—senators and representatives) under the thumb of antienvironmental zealots, our best hope lies in the judicial branch of government. Which is why I've agreed to write this appeal to ask you to stick with Earthjustice at least for the next few years. The always overstuffed docket Earthjustice lawyers carry has become even more crowded, and there's no relief in sight.

It would take a book to cover the administration's misdeeds and dangerous proposals thoroughly—I daresay one or more is being written right now. Meanwhile, just within the past few weeks, the administration has upped the ante with respect to the public lands—lands owned equally by you, me, and every other American citizen. It is a broadscale attack with potentially devastating consequences. Just three of the initiatives would effectively spell the ruination of much of the wild land left in the country:

- The Department of the Interior, in the person of its secretary, Gale Norton, has just announced that it is dropping a category known as "wilderness study area" and thus removing potential wilderness protection from nearly 200 million acres

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T: 510.550.6700 F: 510.550.6740 E: eajus@earthjustice.org W: www.earthjustice.org

of wild, untouched, precious land. This is contrary to the behavior of every administration since the Wilderness Act became law nearly 40 years ago. It also appears to be illegal—Earthjustice attorneys are challenging it in court.

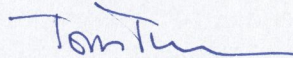
- In a related ploy, the Interior Department has signaled that it will cooperate with states, counties, and other jurisdictions when they claim rights-of-way for roads and highways through national parks, monuments, wildernesses, and other lands. This could spell ruin to uncounted wildlands; it also appears to be illegal and is being contested in court.
- Third, the administration is working quietly to undo a rule adopted a little more than two years ago with overwhelming public support that would protect roadless lands on the national forests—nearly 60 million acres in all—from road building and therefore most logging and mining. Earthjustice attorneys have helped keep the rule in place in the face of lawsuits by states and the timber industry (and with no help from the federal government). The litigation proceeds (nine separate suits!) as the administration considers other ways to ignore the rule or rewrite it.

And, as if to confirm this overweening arrogance, federal agencies are admitting candidly that public opinion will not influence their decisions. This was true when the public by a margin of some 80 to 20 percent endorsed the phasing-out of snowmobiles in Yellowstone (the administration plans to allow the number of the stinky chariots to *increase*) and when a similar majority favored new wilderness areas in the Tongass National Forest (the Forest Service will not recommend even one more acre for protection). Indeed, the Forest Service has just announced that it will no longer consider email comments on its proposals.

The upshot of all this is that we must hang our hats and our hopes on the courts, at least in the near and medium future. There's no guarantee that the courts will always do the right thing, but at least there's a chance they will, especially when presented logical, skillful, well-thought-out arguments. (A stunning example of this came in the first Roadless Rule case, where an appeals court overturned an injunction and reinstated the rule even though the Justice Department, which should have defended the rule, had abdicated altogether, leaving Earthjustice lawyers to carry the case themselves.)

So, I ask you to stick with us and be as generous as you can. You have never seen a more dedicated, devoted, hard-working group of people anywhere. The attorneys, the policy specialists in Washington, and the rest of the staff are in the trenches, every day, battling to hang onto what we've achieved over the last several decades and more. They are our best hope.

Sincerely,



Tom Turner
Senior Editor, Earthjustice

INSIGHT

IDEAS • OPINION • COMMENTARY

THE INTERIOR | *Watt's My Line*

Wily sneak attacks on the wilderness

By Eric Brazil

When President Bush nominated Gale A. Norton to be Secretary of the Interior, environmentalist critics were appalled. "James Watt in a skirt," they said. "A disaster for the environment."

Sure enough, Norton, a Colorado attorney who cut her anti-environmental teeth working for the Mountain States Legal Foundation, formerly headed by Watt, has carried on in his footsteps, but much more adroitly.

Watt, secretary of the interior under President Ronald Reagan, was a bombastic, sanctimonious headline-grabber and a combative anti-conservationist, whose penchant for foot-in-mouth comments forced his resignation.

Norton is the soul of circumspection, a cheery backpacker who says she loves the great outdoors. Her department avoids frontal assaults on environmental policies it dislikes. Instead, it throttles them with sweetheart legal settlements that give the oil, timber and mining industries and other Bush administration pals everything they want.

Exhibit A is Norton's recent decision to withdraw her department's protection of potential wilderness areas as part of a settlement of an old, failed Utah lawsuit over rights-of-way on federal land in the southern part of the state.

The decision, taken in nearly total absence of public input, scraps a long-standing federal policy of protecting public land until its suitability as wilderness can be determined. It opens up 200 million acres of some of the most spectacular scenery in the nation for commercial development.

Norton's stealth policy has been disguised as a practical way of resolving longstanding legal issues. It is effective, clever — and dishonest — environmental critics contend.

Watt held the honest, if erroneous, belief that the public would support his policies for managing the nation's environment. National polls have repeatedly shown the American public favors strong environmental protections.

Consequently, Norton's approach to advancing the Bush administration's radical anti-environment agenda has been to implement it by bureaucratic fiat,

with the connivance of advocates of what might fairly be described as industrialized wilderness.

"They believe that they can repeal laws passed by Congress by arranging to get themselves sued and then agreeing not to enforce the law," said Carl Pope, executive director of the Sierra Club. "It's a public outrage. The word 'conspiracy' comes to mind. . . . These people know that the public is against them. They don't agree with democracy, and they don't care."

Under the Wilderness Act of 1964, undeveloped roadless federal lands can qualify for congressionally designated wilderness protection. Interior Department policy under former Secretary Bruce Babbitt was to keep lands under study for possible addition to the 100 million acre system free from development until Congress decides on their suitability.

The Utah settlement will make it much more difficult for Congress to act in the absence of factual data furnished by Interior's Bureau of Land Management. Norton has renounced BLM authority to conduct wilderness inventories and establish new study areas.

In a tortured interpretation of the 1976 Federal Land Policy and Management Act, Norton says she no longer has the authority to manage potential wilderness.

The settlement slamming the door on potential wilderness studies is "illegal in a whole host of respects," said Jim Angell, an attorney for Earthjustice, the Oakland environmental law firm, which has petitioned to intervene in the case in U.S. District Court in Salt Lake City. "This opens the door to developing some of the most pristine areas of the country, and it's based on a completely new interpretation of the act. It's contrary to more than 20 years of interpreting the act. Even the Reagan administration had the view that you could create wilderness study areas."

The Bush administration has in the past resisted third party intervention in its environmental lawsuits, but the stench arising from the Utah settlement makes a powerful case for allowing citizen intervention to prevent carrying out a monumentally shortsighted decision.

Eric Brazil is a retired Chronicle reporter.



Earthjustice
426 17th Street, 6th Floor
Oakland, CA 94612

Please send me a complimentary copy of your booklet "Reflecting on Tomorrow" without obligation.

Name _____

Address _____

City _____ State _____ Zip _____

Phone/E-mail _____

(optional)

I have included I would consider including Earthjustice in my estate plans.

(To retain confidentiality, please insert card in the enclosed envelope.)

THE EVERGREEN COUNCIL *News*



EARTHJUSTICE
Because the earth needs a good lawyer

SPRING 2003

Providing for Loved Ones

Many people, when asked, say they would like to give more. But they believe they must limit their charitable gifts in order to meet personal financial obligations. This need not be the case!

Retirement needs

For example, you can combine giving with plans for retirement—or increase your income if you are already retired.

In fact, if you have reached the limits on what you can deduct for retirement plan contributions, alternatives can help you provide for retirement, realize tax benefits, and manage assets, all while benefiting Earthjustice.

Educational costs

You may be helping children or other loved ones pay school costs. It can be a real challenge to meet educational expenses from after-tax income and/or the sale of investment assets.


It may surprise you to learn that you can make a charitable gift in a way that helps with educational expenses—and entitles you to a charitable income tax deduction.

You can also avoid or minimize capital gains tax that might otherwise be due on proceeds from the sale of property used to pay for education.

Aging parents

Still others would like to give more, but feel it is a higher priority to help with a parent's support.

It can be possible for you to make a meaningful gift to Earthjustice while actually increasing the amount of income you provide to a parent.

Read on to learn more about exciting possibilities available through gift planning. 

Arrange benefits through creative use of gift planning tools.

Inside This Issue

Meet planning goals while making a difference for future generations.



This couple fulfills several goals with one plan.

Using Charitable Gifts to Fund Educational Expenses

Mr. and Mrs. Howard have three grandchildren who have recently entered college.

They have promised to help with their expenses. The Howards have also planned to make charitable gifts to Earthjustice through their estates.

In a meeting with one of their advisors, they learn about a way they can accomplish both objectives with one plan.

Unlock income

The Howards own securities worth \$200,000 that have increased greatly in value from their original cost of \$75,000. Dividends yield just \$2,000, not nearly enough to provide the \$25,000 total per year they have promised their grandchildren.

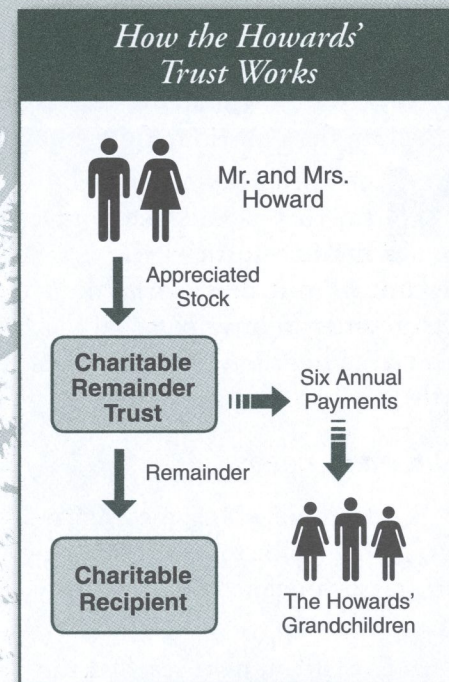
They have thought about selling the securities and using the net proceeds to help with educational expenses, but they are concerned about the payment of capital gains tax on the \$125,000 profit from the sale.

Education trust fits needs

Instead, they might consider placing the securities in a charitable remainder trust. Such a plan could be designed to pay \$30,000 each year for six years for educational purposes.

At the end of the six-year period, if the trust earns a total return of 8%, there will be over \$100,000 remaining that can be used to benefit whatever philanthropic purpose the Howards direct.


They will also be entitled to a charitable deduction of nearly \$50,000 in the year the trust is funded. Any gift or generation skipping taxes should be covered under exemptions allowed by law.



Because the funds will eventually be used for charitable purposes, all gain on the sale of the securities in the trust will be free of capital gains tax at the time the trust sells them.

Designate trust's duration

Such educational charitable remainder trusts may last for any period of time up to 20 years. Payments can be determined by the donor as part of the planning process.

We will be pleased to prepare an illustration showing how you might combine planning for educational expenses with your desire to make meaningful philanthropic gifts to Earthjustice. 



Extra Income They Can't Outlive

Would you like to provide regular lifetime income payments for a friend or relative? It may concern you that there are no tax deductions for such gifts, and that they must thus be made from after-tax dollars.

What if there were a way to assure a parent receive payments that are partially free of tax for a period of years? One that would entitle you to receive an immediate income tax deduction for a portion of the amount used to fund the gift?

Fortunately, there is a way to do just that. Through a charitable gift annuity, payments can go to a parent while you make a welcome charitable gift to Earthjustice.

Example: Diana Parker, 58, enjoys making regular charitable gifts in memory of her husband, Ted.

She has recently started giving her mother, Mrs. Taylor, 82, a total of \$350 per month. She receives no tax benefits from the gift. In her tax bracket of 30%, she must earn \$500 every month before tax to fund this gift. Her investments earn 5%, so it takes approximately \$120,000 invested at that rate to produce the income necessary to fund the gift to her mother.

Mrs. Parker learns that she can establish a charitable gift annuity with Earthjustice that will make yearly payments to her mother of 8.8% of the gift amount for the rest of her life. (See the chart at right for payment rates at various ages.) A gift annuity funded with just \$50,000 would provide reliable fixed payments of \$4,400 per year, payable at the rate of \$366 per month.

Mrs. Parker will be entitled to a federal income tax deduction of over \$23,500 in the year she makes her gift, saving her approximately \$4,000 in income taxes.

She's reassured, knowing that her mother will receive payments each year for life that will never change, regardless of the economy or changes in interest rates. The payments are a fixed obligation backed by all of our available assets.

Increase your savings through tax-wise gifts to loved ones.

Gift Annuity Payment Rates (Single Life)

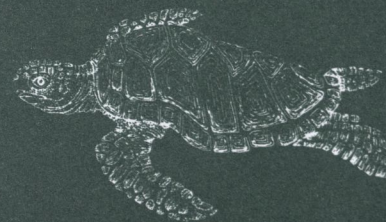
Age	Rate	Age	Rate	Age	Rate
65	6.3%	75	7.3%	85	9.7%
66	6.3	76	7.5	86	10.1
67	6.4	77	7.6	87	10.4
68	6.5	78	7.8	88	10.8
69	6.6	79	8.0	89	11.2
70	6.7	80	8.3	90+	11.5
71	6.8	81	8.5		
72	6.9	82	8.8		
73	7.0	83	9.1		
74	7.2	84	9.4		

Please write for exact current benefits and rates for two persons.

For illustrative purposes only.

Mrs. Parker is pleased to learn that her gift can be designated in memory of her husband.

More information about ways to make gifts to Earthjustice that produce income supplements for loved ones is available upon request. 🌱



*Some benefits
of funding
your gift with
securities.*

Gifts of Non-Cash Assets Can Mean Savings

If you own securities or certain other investments that have increased in value, using them to fund charitable gifts to Earthjustice can bring several benefits:

- Your charitable income tax deduction is based on the asset's full present value, not just the amount you paid. Thus, your gifts remain deductible at full fair market value for those who itemize deductions.
- You may bypass or delay the tax on capital gains that might otherwise be due on the sale of an investment.
- Cash can be conserved for another use. You may, for example, wish to take cash you might have

given and reinvest it in ways that result in a new, higher basis for tax purposes.

- You may increase spendable income through plans mentioned in this newsletter that may pay more than the current yield of the assets used to fund your gift.
- You make a larger gift than might otherwise be possible.

Consult with your professional advisors regarding additional opportunities for funding gifts to Earthjustice with non-cash assets. We will be pleased to assist as you and/or your advisors make your plans. ♻️

NGAX-03

BOZEMAN, MT
DENVER, CO
HONOLULU, HI
JUNEAU, AK
OAKLAND, CA
SEATTLE, WA
TALLAHASSEE, FL
WASHINGTON, DC
INTERNATIONAL

ENVIRONMENTAL
LAW CLINICS AT
STANFORD UNIVERSITY
& THE UNIVERSITY
OF DENVER



EARTHJUSTICE

Earthjustice is a nonprofit public interest law firm dedicated to protecting the magnificent places, natural resources, and wildlife of this earth and to defending the right of all people to a healthy environment. We bring about far-reaching change by enforcing and strengthening environmental laws on behalf of hundreds of organizations and communities.

The Planned Giving Program at Earthjustice

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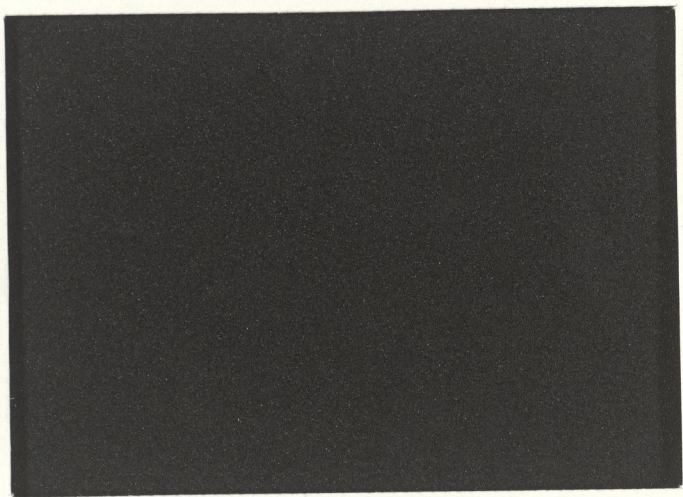
EARTHJUSTICE

ANNUAL REPORT

OF

2002

Because the earth needs a good lawyer





EARTHJUSTICE

ANNUAL REPORT

OF

2002

Because the earth needs a good lawyer

MESSAGE FROM THE EXECUTIVE DIRECTOR AND CHAIR	2
PROGRAM HIGHLIGHTS	
Bozeman, MT	4
Denver, CO	6
Honolulu, HI	8
Juneau, AK	10
New Orleans, LA	12
Oakland, CA	14
Seattle, WA	16
Tallahassee, FL	18
Washington, DC	20
International	22
Environmental Law Clinic at Stanford University	23
CLIENTS	24
COMMUNICATIONS	27
POLICY & LEGISLATION	28
FINANCIAL REPORT	
Management's Analysis	29
Statements of Position	30
Statements of Activities and Changes	31
CONTRIBUTORS	32
GIVING OPPORTUNITIES	42
HEADQUARTERS STAFF	43
BOARD OF TRUSTEES	44

MESSAGE

FROM THE EXECUTIVE DIRECTOR AND THE CHAIR



2001-2002: it was a bad year and it was a good year, all at the same time.

It was bad in that Earthjustice faced the hardest challenge yet: an administration working hand in glove with industry to roll back the last 30 years of environmental progress. The only place to meet that challenge was in federal court. Last year, Earthjustice shouldered the heaviest load of cases we've ever handled—almost 300 of them—which tested our lawyers in numbers and mettle.

The administration surrounding George W. Bush took office expecting to use the courts as cover to undo the laws and regulations that protect our lands, wildlife, air, and water. The technique is the sweetheart suit, in which industry and others sue to overturn those laws and regulations, while the Justice Department either caves in or makes such feeble protests that judges are invited to strike them down. Failing that, the government quietly agrees to a “compromise” giving industry everything it wants.

Another part of the new strategy has been to shut citizens out of the decisions that affect their land, their resources, and their health. The public's right to information, to bring an agency's failures to the attention of higher-ups, and to be heard in court when deals are presented for judicial approval have all been undermined to grease the skids for rollbacks.

The administration came into office with a plan for the federal judiciary, too: appoint judges selected for their commitment to an extremist ideological agenda rather than to the laws they are supposed to serve. That agenda includes restricting the public's right to enforce the laws that the Executive Branch won't and limiting the power of Congress to make laws that protect the environment or public health. Given the number of vacancies on the federal bench, the lifetime appointments made by this administration could change the complexion of the federal court system for decades.

Because the headlines were full of bad news for the environment, it may come as a surprise that 2001-2002 saw progress in some heartening respects.

Earthjustice stepped in and defended environmental laws in sweetheart suits, even when the administration didn't. We have now won court rulings preserving 2.5 million acres of new national monuments in Washington, Oregon, California, Colorado, and Arizona. We have held on to new federal air quality standards that will reduce soot and smog in our urban areas. We have rebuffed the agricultural industry's attempt to invalidate the Clean Water Act program designed to reduce the runoff of pesticides and fertilizers from agricultural lands and oil from urban streets and parking lots.

We have held at bay nine separate attempts to overturn regulations protecting nearly 60 million acres of wild national forests. We have also thwarted attempts to

"With more than 100 vacancies to be filled, our goal is to make sure that the Senate weighs each nominee with full information about the nominee's record on the environment and citizen access to the courts – and that the public and media know, too."



do an end-run around the public's ability to challenge logging on national forests and successfully defended the rights of citizens to participate in lawsuits that will decide the ownership of public lands in the West.

There are lots of cases yet to be decided, but it is now clear that the Bush administration and its allies will not be able to accomplish their agenda through the courts on anything like the scale they had hoped. And without help from the courts, the administration has been reluctant to re-write many of the rules on its own.

There are also areas in which we've actually improved environmental rules through the use of targeted litigation. The Environmental Protection Agency has been forced to set new limits on emissions of the most dangerous airborne toxins and to address the reality that air quality in many urban areas is more unhealthy than local politicians want to admit. New standards are also being written to clean up water pollution from all the sources that now make hundreds of thousands of miles of streams and lakeshore unsafe to drink from or swim in. It will be a long journey, but we are headed forward, not backward.

If nothing else, the past year has demonstrated the importance of having independent federal judges willing to follow the laws rather than a political agenda. To meet the threat posed by the administration to an independent judiciary, Earthjustice and Community Rights

Counsel have launched our "Judging the Environment" project. With more than 100 vacancies to be filled, our goal is to make sure that the Senate weighs each nominee with full information about the nominee's record on the environment and citizen access to the courts—and that the public and media know, too.

The next two years will be more difficult, as the administration pushes even harder to ram through its anti-environmental agenda. Earthjustice is now the environmental movement's last line of defense. We intend to hold that line, and with your continued and, we hope, increased support, we will.

A handwritten signature in cursive script, appearing to read "Buck Parker".

Vawter "Buck" Parker, EXECUTIVE DIRECTOR

A handwritten signature in cursive script, appearing to read "Dianne Stern".

Dianne Stern, CHAIR





Galen Rowell/Mountain Light



BOZEMAN, MO

The Bozeman office of Earthjustice protects the rivers, streams, and wildlands of the Northern Rockies—the only place in the lower-48 states where grizzly bears, gray wolves, and bison still roam freely.

DESCRIPTION OF WORK

- Securing Endangered Species Act listings for imperiled species
- Challenging oil and gas development and mining operations on sensitive public lands
- Compelling government agencies to restore Montana's water quality
- Halting destructive logging and road building in national forests

PROTECTING WILDLIFE AND PUBLIC LANDS IN THE NORTHERN ROCKIES

DEFENDING THE ROADLESS FORESTS

Attorneys in the Bozeman office, in concert with others in Seattle, Denver, and Juneau, have spent considerable time over the past year working to defend the Roadless Area Conservation Policy. To wit: defending a visionary policy adopted by the Forest Service at the beginning of 2001 that would protect nearly 60 million acres of precious undeveloped land in the national forests. The policy was adopted after extensive and unprecedented participation and comment by the public, but the Bush administration has refused to defend it. This failure is all the more remarkable since the Forest Service itself has recognized that "there presently exists a backlog of about \$8.4 billion in deferred maintenance and reconstruction on the more than 386,000 miles of roads" that already have been built on the national forests. The Roadless Policy doesn't just make good environmental sense, it makes sound economic sense, too. Accordingly, Earthjustice attorneys have intervened in nine separate lawsuits around the country to represent the public interest in defending this important conservation measure.

UPHOLDING THE PUBLIC'S RIGHT TO APPEAL

In December 2001, Department of Agriculture Under Secretary Mark Rey announced his decision to approve 41,000 acres of logging in the Bitterroot National Forest, and to exempt the project from the Forest Service administrative appeal process, which lets the public question illegal decisions without having to hire a lawyer. Much of the land in question is unroaded, and the construction of logging roads would threaten streams and the fish

that live in them. The area suffered a major fire in 2000, and this attempt to implement a timber sale of such a scale represented the biggest post-fire logging proposal in history—and without allowing appeals by the public. Earthjustice filed suit to prevent the logging from going forward until the Forest Service honored the public's legal right to bring unlawful local Forest Service decisions to the attention of agency higher-ups. In February, after court-ordered mediation, an agreement was reached between conservation groups and the Forest Service to protect 27,000 acres of unroaded areas, allow some logging in a burned over portion of the Bitterroot, and to preserve citizens' rights to appeal Forest Service timber sale decisions for the future.

PROTECTING BISON IN YELLOWSTONE

In a year when government killing of buffalo is again on the rise, the long-running campaign to halt the needless slaughter of Yellowstone's bison got a major boost. The bison migrate out of the park onto the Horse Butte peninsula in search of forage they need to survive. Here, they are killed by state officials who mistakenly claim they present a disease threat to cattle. An Earthjustice lawsuit halted cattle grazing on the Horse Butte peninsula on U.S. Forest Service land just west of Yellowstone Park, pending completion of new environmental studies. The court ruled that the Forest Service had violated the National Environmental Policy Act by failing to conduct any environmental analysis before re-issuing a 10-year grazing permit in December 2000. This past summer, Horse Butte was cattle-free for the first time in at least 70 years.

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(UNTIL AUGUST 2002)





Carr Clifton



DENVER, CO

The Denver office of Earthjustice protects the raging rivers, inspiring land formations, and wide open spaces of the Four Corners states.

DESCRIPTION OF WORK

- Eliminating overgrazing on public lands
- Restoring critical rivers and streams
- Preventing motor vehicle use and logging in roadless areas
- Securing critical habitat for threatened and endangered species

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RESEARCH ASSISTANT



ENVIRONMENTAL RESTORATION IN THE SOUTHERN ROCKIES, COLORADO PLATEAU, AND DESERT SOUTHWEST

PROTECTING SOUTHWESTERN RIPARIAN ECOSYSTEMS

Attorneys in the Denver office have been involved in a long-running campaign to reform grazing practices in the Southwest, where water is scarce and excessive livestock grazing is destroying streams and the wildlife-rich areas along their edges. In one major case, the Forest Service was forced to remove all cattle from riparian areas on national forests in Arizona and New Mexico pending investigation of impacts on two endangered fish. The cattle no longer trample the stream banks, but a continuing dispute over the impact of grazing on upland watershed areas is still in court. In another case, Earthjustice is challenging the Forest Service's failure to protect the imperiled Mexican spotted owl from the impacts of grazing.

THE STRUGGLE OVER WHO CONTROLS PUBLIC LANDS

One of the enduring arguments in the West and Alaska has to do with rights-of-way across federal lands. Many counties and other local jurisdictions argue that they have the right to unilaterally pave, straighten, and otherwise "improve" even the faintest of livestock trails under an old law known as Revised Statute 2477, without any approval from the federal government. R.S. 2477 has spawned a blizzard of claims and lawsuits. Earthjustice has been active in many of the cases, seeking to protect national parks, monuments, forests, and other lands from being opened to vehicle access and development.

DEFENDING WILD PLACES

Meanwhile, in Utah, state and federal officials have been in secret negotiations over some 10,000 R.S. 2477 claims that allegedly exist across federal lands in the state. This federal law grants right of ways across certain federal lands, and is used by numerous groups seeking motorized access to public lands. Earthjustice has sued under the Freedom of Information Act to shine some light on these unsavory proceedings in a case that is pending. Finally, the Federal Land Policy Management Act requires that lands eligible for wilderness designation be protected until Congress can determine their fate. The Bureau of Land Management was allowing jeeps, dirt bikes, and other conveyances to run roughshod over wilderness candidate areas in Utah. Overturning the Utah district court, the Tenth Circuit Court of Appeals recently held that the Bureau of Land Management must protect these proposed wilderness areas from the damage wrought by these off-road vehicles.

THE ENVIRONMENTAL LAW CLINIC AT THE UNIVERSITY OF DENVER

Earthjustice attorneys in Denver work in partnership with law clinic students at the University of Denver College of Law on the majority of their cases, giving students a variety of learning experiences and allowing attorneys to expand Earthjustice's work throughout the country. Please visit Earthjustice's website, www.earthjustice.org, to find out more about the clinic program.



Kapulani Landgraf

Tom Turner



HONOLULU, HI

The Honolulu office of Earthjustice protects island and ocean ecosystems, native cultures, and endangered species in the mid-Pacific.

DESCRIPTION OF WORK

- Compelling federal agencies to address the harmful effects of commercial fishing on marine ecosystems
- Restoring contaminated inland waterways
- Securing endangered species protections and critical habitat designations for imperiled species
- Supporting the islands' indigenous people and culture by safeguarding fragile ecosystems and water rights for local communities

PRESERVING ISLAND ECOSYSTEMS AND ISLAND CULTURE IN THE MID-PACIFIC

RESTORING WATER TO WINDWARD O'AHU

A long-running dispute came to a close when Kamehameha Schools, a major power broker in Hawai'i, withdrew an application for water from the Waiahole Ditch, which siphons water from the wet windward side of O'ahu and sends it westward through a mountain range to the dry center of the island. The ditch was constructed nearly a century ago to water sugarcane. With the end of sugarcane production, community groups, in collaboration with Earthjustice attorneys, have waged a long battle to return the water to where it belongs and can once again support taro production, native stream life and the Kane'ohu Bay estuary and fishery. In 2002, with litigation pending before the Hawai'i Supreme Court and the state's Water Commission, Earthjustice waged a media campaign urging Kamehameha to withdraw and imploring community members to oppose further efforts to take water from rural windward communities. Kamehameha, the last major applicant for the water, bowed to public pressure and withdrew its application. The restoration of windward O'ahu streams and communities can now proceed.

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INITIATING AN ENVIRONMENTAL IMPACT ASSESSMENT FOR MAKUĀ MILITARY RESERVATION

The Honolulu office of Earthjustice was involved in two major cases this past year that tested the requirement that the military abide by laws that everyone else must obey. One involved a long-running conflict over Makuā Valley on O'ahu. There, Army training with live bullets, artillery, and mortar rounds sparked over 250 fires in the 1990s alone, damaging Hawaiian cultural sites and burning endangered plants and native habitat. After lengthy litigation, the Army in October 2001 acceded to the community's long-standing demand that it explore less damaging alternatives to live-fire training in the Makuā Valley.

ENJOINING THE NAVY FROM KILLING MIGRATORY BIRDS AT FARALLON DE MEDINILLA

The second instance involved a tiny island—Farallon de Medinilla—in the western Pacific Ocean, where the Navy has been carrying out bombing exercises. The island is uninhabited...by humans. It is densely inhabited by more than a dozen species of migratory birds protected by international treaty, however, the Navy's activities were routinely killing the birds. Earthjustice sued the Navy for violating the Migratory Bird Treaty Act, one of the nation's oldest conservation laws. The Navy was forced to stop the bombing.



Tom Turner



JUNEAU, AK

The Juneau office of Earthjustice protects Alaska's pristine wilderness, marine ecosystems, and wildlife.

DESCRIPTION OF WORK

- Preventing logging and road building in Alaska's old growth forests and pristine watersheds
- Compelling federal agencies to address the harmful effects of commercial fishing on North Pacific ecosystems
- Blocking destructive oil and gas exploration and development along the arctic coast

DEFENDING AMERICA'S LAST GREAT WILDERNESS

SECURING PROTECTIONS FOR THE STELLER SEA LION AND THE NORTH PACIFIC ECOSYSTEM

In Alaska, Earthjustice attorneys have been working to protect endangered Steller sea lions and the North Pacific ecosystem from industrial trawl fisheries that remove billions of pounds of groundfish from the ocean every year. Steller sea lions have declined by more than 80 percent in the past three decades. Fishing reform will help not only the Steller sea lions but also fur and harbor seals, and marine birds, particularly murrets and kittiwakes, whose numbers have also been dwindling since the 1960s when the factory trawlers first arrived in the Bering Sea.

In the late 1990s, Earthjustice sued the National Marine Fisheries Service for failing to evaluate and consider the impacts of excessive fishing of pollock, Atka mackerel, Pacific cod and others on the endangered Steller sea lions that feed on these same fish. The federal court ordered the agency to prepare a comprehensive assessment of the fishery impacts on the North Pacific and, in particular, to re-examine impacts on the sea lion. Initially, NMFS substantially improved protection for sea lions and their critical habitat. The Bush administration, however, quickly reversed the new measures, drawing a new round of litigation to challenge those rollbacks.

SAFEGUARDING THE TONGASS

The struggle to protect the Tongass National Forest has raged for nearly 40 years, and much progress has been recorded. The giant pulp mills are all closed and the amount of logging in the forest has declined dramatically in recent years. But the Forest Service is still trying to cut old growth trees in wild areas of the forest and Earthjustice continues to go to court to protect them and the critical habitat they provide for wolves, bears, salmon, bald eagles and other wildlife that have disappeared from most other regions of the country.

In April 2002, as a result of Earthjustice litigation, a federal judge enjoined new timber sales in undeveloped areas while the Forest Service decides whether to recommend new wilderness areas in the forest. The injunction halted logging in pristine areas to ensure that these vital areas were not destroyed before the public had a chance to comment. It has also fallen to Earthjustice to defend steps taken prior to the Bush administration to protect the Tongass. Earthjustice attorneys are defending from industry attack extra protection provided in a 1999 Tongass management plan for half a million acres of sensitive wild lands. The Bush administration is also not defending the national forest roadless protection rule that secured most of the wild Tongass, so Earthjustice attorneys have stepped in there, too.

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Irene Alexakos
RECEPTIONIST



Large Photo > Florian Sever worked in the Sitka pulp mill that consumed large quantities of timber from the Tongass. He was a key player in getting the mill shut down.



C. C. Lockwood



NEW ORLEANS, LA

The New Orleans office of Earthjustice protects wetlands and coastal ecosystems and safeguards the health of communities in the Southern United States.

DESCRIPTION OF WORK

- Securing critical habitat for threatened and endangered species
- Limiting logging and development projects in key habitat areas
- Compelling government agencies to enforce strict water quality standards
- Defending poor communities and communities of color from the harmful effects of industrial pollution

PROTECTING COMMUNITIES AND ECOSYSTEMS IN THE SOUTH

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PRESERVING ALABAMA BEACH MOUSE HABITAT

The beautiful shorelines of the Gulf of Mexico, particularly those of the coast of Alabama, are rapidly being buried beneath condominiums and other structures. One casualty of this rapid development is the endangered Alabama beach mouse, once common on Alabama's Fort Morgan peninsula but now increasingly rare. The mouse is protected by the Endangered Species Act, but the Fish and Wildlife Service has been unwilling to protect the species' critical habitat. Most recently, the agency issued permits to two developers, Gulf Highlands Condominiums and Fort Morgan Paradise Joint Venture, for a series of condominiums on 190 acres of prime mouse habitat. Earthjustice filed suit, and a federal judge blocked the permits pending a full environmental review of the construction projects.

ANOTHER STEP TOWARDS CLEAN WATERS

This case is another victory for Earthjustice in its ongoing efforts to achieve the Clean Water Act's goal of making the nation's waters fishable and swimmable once again. Louisiana has frequently been chided for imagining itself a sovereign republic, above obedience to federal environmental laws. One such instance involved the Clean Water Act's requirement that states identify their polluted lakes, rivers, and estuaries, and then write and carry out plans to clean them up. Louisiana is one of many states that have been slow

to get the program underway. It took Earthjustice several trips to court across seven years to force the federal Environmental Protection Agency to intervene when Louisiana failed to act. However, as of this year, EPA is under court order to set what are known as total maximum daily loads (the maximum amount of a given pollutant that may be discharged into a body of water from all sources) for Louisiana's polluted waterways. The state's waters are now on the road to being cleaned up.

ESTABLISHING CRITICAL HABITAT FOR THE GULF STURGEON, FINALLY

A threatened species is one likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Once endangered, it is in danger of extinction. The Endangered Species Act was written to conserve endangered and threatened species—as well as their habitats. The gulf sturgeon is one of the oldest species of fish, dating back 350 million years. They are also huge, growing to as much as 500 pounds and live nearly 50 years. Their numbers have fallen drastically due to excessive fishing, pollution, and habitat destruction, mainly by dams. The species was listed as threatened in 1991, but again, as with the beach mouse and scores more species, the government declined to identify or protect the sturgeons. It took eight years of litigation, but in the summer of 2002, a federal judge found the government's excuse for not protecting the habitat illegal. The sturgeon's prospects for survival now look much brighter.

Large Photo > Neil Milligan is Chairman of the Alabama Sierra Club, and is represented in court by Earthjustice attorneys to protect Alabama beach mouse habitat.



J. W. Wall



Richard Rollins

OAKLAND, CA

The Oakland office of Earthjustice protects ecosystems and communities, from the rolling hills of the San Francisco Bay Area through the rich agricultural lands of the Central Valley to the ancient forests and high peaks of the Sierra.

DESCRIPTION OF WORK

- Safeguarding public health by fighting for clean air and water
- Protecting threatened wildlands and endangered species
- Combatting urban sprawl and promoting smart growth

HEALTHY CITIES, HEALTHY WILDLANDS: SAN FRANCISCO TO THE SIERRA

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DEFENDING MEASURE D

The San Francisco Bay Area has seen much of its open space—farmland, potential parks, wildlife habitat—disappear under tract housing, shopping malls, and business parks. In 2000, Alameda County voters decisively enacted Measure D to curb the sprawl that threatened the large open spaces remaining on the east side of this populous county. Measure D sets an urban growth boundary and encourages transit-friendly infill development to revitalize neighborhoods within existing cities. Developers, anxious to convert farms to suburbs, filed suit, claiming Measure D was unconstitutional and violated numerous state laws. Earthjustice joined the suit on behalf of Measure D's proponents, and in fall 2001, Superior Court Judge James Richman ruled against the developers on all counts.

CLEANING THE AIR IN CALIFORNIA'S SMOGGY CENTRAL VALLEY

Three out of four of the nation's smoggiest cities are located in California's Central Valley. Why? Largely because the politically powerful agricultural industry has enjoyed a unique and entirely illegal exemption from Clean Air Act requirements. Every day, the agricultural industry's farm equipment, diesel irrigation pumps, livestock waste, fertilizers, and pesticides discharge tons of smog-forming pollutants. For years, EPA quietly watched the situation worsen as air district officials expanded regulatory loopholes for industry. In 2001, Earthjustice led a powerful

coalition of health professionals, Latino organizers, and grassroots environmentalists who filed suit against EPA. The action culminated in a settlement forcing EPA to finally end agriculture's illegal exemption. The battle continues. The agricultural industry is now suing EPA to protect its exemption, but Earthjustice has intervened and will defend a victory that is vital to cleaning up the air in the Central Valley.

PROTECTING RED-LEGGED FROG HABITAT

The red-legged frog, once common throughout California, has declined precipitously in numbers in recent decades, as its habitat along streams and ponds has been destroyed by sprawl, logging, chemical spraying and irrigation. The ESA protects not only the places that imperiled species currently inhabit, but also the territory they will need to eventually recover. The ESA uses the term "critical habitat" to encompass all the identified land as having the attributes needed for survival and recovery. In 1999, Earthjustice successfully sued to force the U.S. Fish and Wildlife Service to designate critical habitat for the frog as required by the Endangered Species Act. Over four million acres were eventually protected by the FWS. Developers then challenged the designation in court. Instead of protecting the frog, the Bush administration agreed to vacate the designation immediately, and leave the habitat unprotected. However, a judge blocked the settlement until Earthjustice attorneys had a chance to present their arguments against it.



Tom Turner

Galen Rowell/Mountain Light



SEATTLE, WA

The Seattle office of Earthjustice protects the cathedral forests, pristine waters, and wild salmon that are the heart and soul of the Pacific Northwest.

DESCRIPTION OF WORK

- Enforcing the Endangered Species Act to protect wild salmon from the harmful effects of dams, logging, and urban sprawl
- Challenging timber sales in court that would destroy our last remaining ancient forests
- Using the Clean Water Act to restore streams and rivers polluted by agriculture, mining, and other activities

SAFEGUARDING AND RESTORING THE PACIFIC NORTHWEST

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PROTECTING SALMON AND WATER IN THE NORTHWEST

The Seattle office continued its campaign to restore salmon runs and the rivers on which salmon depend. Ongoing litigation seeks to protect old-growth forests, maintain water flows for salmon in the Klamath River, and reform hydropower operations on the Columbia and lower Snake rivers.

Earthjustice litigation produced the following notable victories:

- A federal judge upheld the Forest Service's authority to restrict the amount irrigators may take from streams in the Methow Valley—and, by implication, elsewhere—to protect salmon.

- A court ordered the Environmental Protection Agency to ensure that agricultural pesticides won't wash into streams and harm salmon.

- The federal government withdrew the permit for a highway project in Everett that would have degraded streams and wetlands essential for salmon survival and recovery.

SAFEGUARDING SALMON LISTINGS

While Earthjustice is working to obtain greater protections for salmon, developers, the timber industry, and property rights groups are suing to have salmon removed from the Endangered Species Act list. In their view, it is unnecessary to protect wild salmon and their rivers; hatcheries can produce all the salmon each year we need. However, the theory that hatchery salmon are an adequate biological substitute for wild salmon is driven by politics and not science. Hatcheries do not maintain healthy, well-adapted salmon—they merely produce fish to catch. Science

shows that hatchery fish survive at about one tenth the rate of their wild counterparts. When a district court in Oregon delisted Oregon coho salmon based on the argument that hatcheries are a satisfactory substitute, the administration failed to appeal. Earthjustice attorneys stepped in and obtained a stay from the Ninth Circuit Court of Appeals. Since the government has been missing in action, Earthjustice is mounting a defense in the other industry cases seeking to delist imperiled salmon populations. This removal from the endangered species list would terminate the temporary protection of the species, and assumes its current population level can not only ensure continued survival, but also that it occupies a viable level of its former range.

CURTAILING DANGEROUS PESTICIDE USE

The past year marked the resolution of three long-running cases that will protect farmworkers from pesticides. First, the Washington Supreme Court ordered the state's Department of Labor and Industries to require monitoring of pesticides in farmworkers' blood to head off health problems. Second, in a case that wound through a federal appeals court and the Washington Supreme Court, Earthjustice helped ensure that farmworkers poisoned by the since-banned apple pesticide Phosdrin could sue the manufacturer. Third, for 14 years EPA had granted emergency authorizations for use of Vinclozolin (a fungicide that causes sexual deformities in fetuses) on snap beans in Oregon without ensuring compliance with food safety standards. A series of Earthjustice lawsuits led to the phase-out of food uses of Vinclozolin and a settlement constrains EPA's ability to allow use of this chemical to resurface under "emergency" approvals.

Large Photo > Cindy Barkhurst, a biologist with the Forest Service, is dedicated to the prevention of logging in sensitive areas, and works alongside Earthjustice to protect Northwest ecosystems.



James Valentine



TALLAHASSEE, FL

The Tallahassee office of Earthjustice protects Florida's subtropical forests, wetlands, waterways, coastal ecosystems, and communities.

DESCRIPTION OF WORK

- Restoring and maintaining the state's water quality
- Defending public lakes and rivers against exploitation by mining, logging, and cattle interests
- Safeguarding marine species and ecosystems from oil and gas drilling and destructive industrial fishing practices

DEFENDING FLORIDA'S WATER RESOURCES, ECOSYSTEMS, AND COMMUNITIES

A BIG WIN FOR THE MANATEES

The Florida manatee, a big, gentle, slow-moving mammal that inhabits the coastal streams and bayous of that state, eats only grass and has no natural enemies save for people, especially people in speedboats. Many manatees perish from collisions with motorboats each year, and many that survive have scars inflicted by propeller blades. The solution to the carnage is simple and fairly painless: Make boaters slow down in known manatee areas. But some boaters in Florida waters seem to consider it their constitutional right to go as fast as they like, wherever they like, and so the matter wound up in court. Earthjustice and a phalanx of pro-manatee organizations filed suit in both state and federal court, eventually achieving a settlement that establishes new slow-speed zones in manatee habitat. Boating interests challenged the settlement. The trial court upheld the settlement following a highly contentious trial, and the case is now on appeal.

PREVENTING EXCESSIVE FISHING OF LARGE COASTAL SHARKS

Ever since *Jaws* terrified a generation of movie-goers, sharks have had a difficult time attracting public sympathy. But sharks, especially large coastal sharks, have become increasingly popular as a food fish, despite the fact that they reproduce more slowly than other species, and their numbers have been in severe decline as a result of excessive fishing. Their territory ranges from the Atlantic Bight in the north, to their migratory destinations

in the south, off the coast of Florida and the Carolinas. A 50 percent reduction or more in fishing mortality may be needed if these sharks are to begin to recover.

While the National Marine Fisheries Service proposed a reduction in the allowable catch in 1999, the shark-fishing industry filed suit, and NMFS capitulated. After a series of secret negotiations, the agency announced that it would empanel an advisory board to oversee the shark fishery, a board dominated by fishing industry appointees. Under the board's advisement, the permit limits were rescinded and high quotas were reinstated that will, if continued, lead to the collapse of the shark fishery. Earthjustice has challenged the new quota in federal court, and a decision is being awaited.

PROTECTING LAKE OKEECHOBEE

Lake Okeechobee, in south-central Florida, is very large, very shallow, and very polluted. It has served as the unofficial sewer for sugar cane fields, ranches, and dairy farms. As a result, there has been a precipitous decline in the populations of several key fish and bird species, including largemouth bass, crappie, and most wading birds. As part of the organization's efforts to restore the Everglades, Earthjustice litigation initiated in 1999 established a schedule for reducing agricultural pollution flowing into the lake by 70 percent. A recently filed case seeks to force the water management authorities to apply for and secure federal Clean Water Act permits, in order to restrict the pumping of polluted water into Okeechobee and to stem the damage to the ecosystem. The case is pending in federal district court.

David G. Guest
MANAGING ATTORNEY

Aliki Moncrief
PROJECT ATTORNEY

Ansley Samson
PROJECT ATTORNEY
(UNTIL JANUARY 2002)

Coby Dolan
ASSOCIATE ATTORNEY
(UNTIL AUGUST 2001)

Allison Finn
ASSOCIATE ATTORNEY
(UNTIL NOVEMBER 2002)

Eric Giroux
ASSOCIATE ATTORNEY

Adriana Murillo
OFFICE MANAGER

Mauricio Morales
LEGAL ASSISTANT

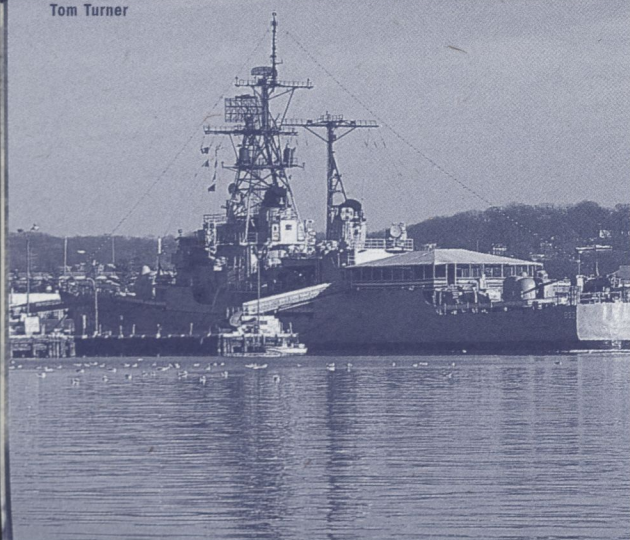
Alejandro Morales
OFFICE ASSISTANT
(UNTIL JANUARY 2002)





Tom Turner

Tom Turner



WASHINGTON, DC

The Washington, D.C., office of Earthjustice protects water quality, public health, and ecosystems in Washington, D.C., the mid-Atlantic region, and nationwide.

DESCRIPTION OF WORK

- Defending and strengthening Clean Air Act and Clean Water Act Standards
- Ensuring that federal, state, and municipal governments adopt and enforce clean air and water standards
- Protecting poor communities and communities of color from the harmful effects of toxic pollution and sewage discharges

SAFEGUARDING PUBLIC HEALTH IN WASHINGTON, D.C., THE MID-ATLANTIC REGION, AND NATIONWIDE

Howard Fox
MANAGING ATTORNEY

David Baron
STAFF ATTORNEY

James Pew
PROJECT ATTORNEY

Keri Powell
ASSOCIATE ATTORNEY

Alex Fidis
OFFICE MANAGER
(UNTIL JULY 2002)

Steve Kreider
OFFICE MANAGER

Julie James
LITIGATION ASSISTANT

Julia Lipps
LITIGATION ASSISTANT

Sarah Uhlemann
LITIGATION ASSISTANT
(UNTIL JULY 2002)

Chris Calhoun
RECEPTIONIST



Much of the docket of the Washington, D.C., office is engaged with cases aiming to force the Environmental Protection Agency and other institutions to comply with deadlines imposed upon them by the Congress in the Clean Air Act, the Clean Water Act, and other statutes. The past year was no exception.

MANDATING THE ENVIRONMENTAL PROTECTION AGENCY TO PROTECT DC WATERS

One case addressed the scandalous decrepitude of the District's stormwater sewer system, which picks up trash, oil, gas, and other material and discharges them into the Potomac and Anacostia Rivers and Rock Creek whenever it rains heavily. Earthjustice has been leaning on the city for some time to take the problem seriously and do something about it. During the past year, litigation succeeded in persuading an appeals board within the Environmental Protection Agency to order that agency to come up with a plan to fix the mess.

CHALLENGING ENVIRONMENTAL PROTECTION AGENCY DEADLINES

The nation's capital is one of many cities that do not meet some of the Clean Air Act guidelines for clean air. Too often, when such a situation arises, the EPA simply lets compliance deadlines slide, a clear violation of what Congress had in mind when it set the standards and deadlines. This past year Earthjustice challenged the EPA for extending the District's deadline,

and a court of appeals found that the agency had acted illegally.

Earthjustice has now filed another suit seeking stricter pollution controls for the District because the agency has failed to address the problem since the court of appeals ruled.

COMPELLING THE ENVIRONMENTAL PROTECTION AGENCY TO PROMULGATE CLEAN AIR ACT REGULATIONS

"Hazardous air pollutants" are highly toxic chemicals that, even in small amounts, can cause devastating health and environmental damage. Among the hazardous air pollutant cases on the D.C. office's docket are nine lawsuits to compel the federal government to place long overdue controls on emissions from a variety of stationary industry sources. At the same time, the D.C. office also has challenged EPA's inadequate regulations for the hazardous air pollutants emitted by cars and trucks. The latter case, which will be argued in March 2003, seeks effective nationwide emission standards through cleaner fuels and more effective tailpipe controls.

Large Photo > Bob Boone and his organization, the Anacostia Watershed Society, have led the effort to remove trash from the river and educate people to its value.

INTERNATIONAL

Earthjustice's International Program uses the power of the law to protect the environment and human health worldwide.

Martin Wagner
DIRECTOR, MANAGING ATTORNEY

Leslie McAllister
ASSOCIATE ATTORNEY
(FROM AUGUST-OCTOBER 2002)

Scott Pasternack
ASSOCIATE ATTORNEY, KLIPSTEIN
FELLOWSHIP
(UNTIL AUGUST 2002)

Anna Cederstav
SENIOR STAFF SCIENTIST

Alyssa Johl
SPECIAL PROGRAM ASSOCIATE

Paola Ramos
RESEARCH ASSOCIATE
(UNTIL JUNE 2002)



- Helping citizens defend the right to a healthy environment
- Preventing trade rules from undermining public health and environmental protections
- Holding corporations and governments responsible for environmental harm

John Cancalosi/Peter Arnold, Inc.

DEFENDING U.S. ENVIRONMENTAL LAWS AND POLICY

In recent years, the United States and other governments have insisted that international trade agreements give foreign corporations special rights to challenge national laws that the companies claim threaten the value of their business. Such rules chill the ability of governments to protect the environment and human health. Even worse, the corporations' suits are decided in secretive tribunals that exclude concerned citizens. Earthjustice petitioned one tribunal to permit environmentalists to participate in the resolution of a Canadian company's \$1 billion challenge to a California regulation banning the use of MTBE, a gasoline additive known to contaminate drinking water. The company, Methanex, manufactures a component of the additive and claimed it should be compensated for profits lost because of the ban. Despite the company's objection that no arbitration tribunal had ever done so before, Earthjustice convinced the tribunal that it could let our clients have a say in the resolution of the case. Our victory was a major step in gaining public participation in the secretive process, and in being able to protect California's environment.

DISCLOSING U.S. TRADE POLICYMAKING

Barriers to citizen involvement in international trade extend beyond individual cases. The U.S. government has refused to allow the public to see preliminary drafts of new trade agreements, including the Free Trade Area of the Americas, and the U.S.-Chile Free Trade Agreement, although it has provided those documents to foreign governments and the rules will affect the environment and health in the United States and elsewhere. Earthjustice has filed suits to force the U.S. Trade Representative to disclose these proposals to the public.

SAFEGUARDING HUMAN RIGHTS IN COLUMBIA

Earthjustice is using international tribunals and mechanisms to protect human rights on many fronts. The first is in partnership with the Amazon Alliance, to stop the aerial application of herbicides on rural and indigenous communities in Colombia and Ecuador — part of Plan Colombia, the U.S. billion-dollar aid package. While the spraying is aimed at eradicating coca and poppies, there have been hundreds of reports that it has also caused serious health problems, destruction of food crops and livestock, contamination of surface water, damage to wilderness areas, and deforestation resulting from the need to clear forests and plant new food crops on uncontaminated land.

REDUCING TOXIC EMISSIONS IN PERU

In the Peruvian highlands, Earthjustice is working with its partner, AIDA, a Latin American environmental law coalition, to provide relief and treatment for the people—especially the children—of La Oroya. The town has been disastrously contaminated by emissions from an American-owned lead smelter. Fewer than 1 percent have blood levels of lead considered healthy, and nearly 20 percent should be hospitalized immediately. Earthjustice and AIDA are carefully monitoring improvements and emission levels and contents, and supporting the community in demanding healthier conditions.

Photo > The coypu, a native of the Chilean forest.





Margie Whitrah
Editor-at-Large, Pelican Network

Debbie Sivas
MANAGING ATTORNEY

Michael R Lozeau
STAFF ATTORNEY

Brian Schmidt
FELLOW, DAVID "GYPSY" CHAIN
FELLOWSHIP

Lynda Johnston
OFFICE MANAGER

- Providing legal and technical assistance on habitat protection, marine conservation, water quality
- Introducing future lawyers to the value of public interest work and teaching the strategies and skills of environmental law

ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

In the Stanford Clinic office, students working with experienced attorneys learn to represent clients, investigate cases, draft pleadings and argue cases in court and before administrative agencies.

CHALLENGING THE INDUSTRIALIZATION OF A SACRED NATIVE AMERICAN SITE

Medicine Lake sits in a volcanic caldera in remote northern California. The area is sacred to many Indian Tribes, who have for thousands of years used the Medicine Lake Highlands for sacred religious ceremonies and traditional cultural practices. Calpine energy company wants to build a series of geothermal power plants on Forest Service lands in the highlands to generate a small amount of electricity for sale to the Bonneville Power Administration. The resulting industrialization of the Medicine Lake Highlands would degrade or destroy Native American religious and cultural uses of the area and is being challenged via an Earthjustice lawsuit. Ironically, Calpine has applied for tens of millions of dollars of California public subsidies to produce electricity for the Pacific Northwest. Thus, the plants would destroy Native American culture at ratepayers' expense while doing nothing to ease California's energy woes. The case is expected to be fought out over the winter.

ENFORCING "BEST TECHNOLOGY AVAILABLE" LAWS

Moss Landing, on the California coast south of San Francisco, is the site of an old Pacific Gas and Electric Company powerplant that its new owner—Duke Energy—is expanding. The expansion utilizes an antiquated cooling system that will kill an estimated 13 percent of the fish larvae in nearby Elkhorn Slough and otherwise impair its biological productivity. The slough is a California state ecological reserve and a National Estuarine Research Reserve, as well as critical habitat for the threatened western snowy plover. Federal law requires use of the "best technology available" to minimize environmental impacts and most other new plants are using a cooling technology that reduces aquatic impacts to virtually nothing. But Duke refuses to play by the industry standard. Earthjustice successfully challenged the permit issued by the Regional Water Board in state court, where Stanford Clinic students helped brief and argue the case.

PROTECTING SAN FRANCISCO BAY

A bit north, in San Francisco Bay, another lawsuit succeeded in rescinding a permit that would have allowed the Tesoro Petroleum Corporation to increase its discharges of dioxin to the bay by nearly five-fold from its refinery near Martinez. Dioxins are the most toxic synthetic chemicals known. Because they bioaccumulate in fish, people who eat fish from the bay are already exposed to dioxins far in excess of what is considered safe. Increasing that exposure would be as illegal as it is foolhardy.

CLIENTS 2001-2002



Teri Carhart

Earthjustice provides free legal representation to hundreds of clients, ranging from national organizations like the National Wildlife Federation to local groups such as the Klamath Forest Alliance.

AIDA
Alaska Center for the Environment
Alaska Clean Water Alliance
Alaska Conservation Alliance
Alaska Rainforest Campaign
Alaskans for Responsible Mining
Alliance for the Wild Rockies
Amazon Alliance
American Buffalo Foundation
American Canoe Association
American Fisheries Society
American Lands Alliance
American Littoral Society
American Lung Association
American Oceans Campaign
American Rivers
American Wildlands
Anacostia Watershed Society
The Animal Welfare Institute
Asia Pacific Environmental Exchange
Association of Superior Councils of
the U'wa People
Audubon Society
Backcountry Horsemen of Montana
Bay Institute
Bayview Hunters Point
Community Advocates
Beartooth Alliance
Bighorn Forest Users Coalition
Biodiversity Associates
Biodiversity Legal Foundation
Biodiversity Northwest
Bluewater Network
Border Power Plant Working Group
Boulder-White Clouds Council
Cabinet Resource Group
California Native Plant Society
California Rural Legal Assistance Foundation
California Sportfishing Protection Alliance
California Trout, Inc.
California Wilderness Coalition
Caribbean Conservation Corporation
Center for Auto Safety
Center for Biological Diversity
Center for Environmental Law & Policy
Center for International Environmental Law
Center for Marine Conservation
Center for Native Ecosystems
Center for Science and Public Participation
Center for Sierra Nevada Conservation
Center on Race, Poverty
and the Environment
Chassahowitzka River Restoration Co.
Chesapeake Bay Foundation
Citizens Association of Bonita Beach
Citizens Committee to Complete the Refuge
Citizens Preservation Council
Clean Air Council
Clearwater Biodiversity Project
The Coalition for Amazon Peoples
and Their Environment
Coalition to Restore Coastal Louisiana
Coast Range Association
Colorado Environmental Coalition
Colorado Mountain Club
Colorado Wild
Columbia Riverkeeper
Communities for a Better Environment
Concerned Citizens of Gulfport
Concerned Citizens of New Sarpy
Concerned Citizens of Norco
Concerned Parents of Leland
Conservation Action Project
Conservation Council for Hawai'i
Conservation Law Foundation
Defenders of Wildlife
Desert Citizens Against Pollution
Desert Protective Council
Dubois Wildlife Association
Earth Island Institute
Environment Now
Environmental Confederation
of Southwest Florida
Environmental Defense

"Other environmental groups had already rolled over; no one thought we could prevail against a powerhouse like Duke. But with Earthjustice's help, we have succeeded in putting the protection of our coastal wetlands on the right track."

Jack Ellwanger: Voices of the Wetlands (VOW), Monterey County, CA

(Earthjustice represented VOW in a case which challenged Duke Energy's permit to expand its power production at its Moss Landing facility, in Monterey Bay.)

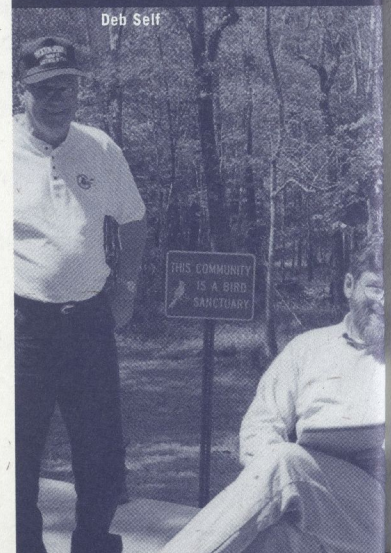
Environmental Protection Information Center
Environmental Working Group
Federation of Fly Fishers
Forest Guardians
Friends of Admiralty
Friends of the Bitterroot
Friends of Castle Rock State Park
Friends of the Earth
Friends of Glacier Point
Friends of Hope Valley
Friends of Neary Lagoon
Friends of the River
Friends of Suisun Marsh
Friends of the Wild Swan
Fund for Animals
Gallatin Wildlife Association
Gifford Pinchot Task Force
Girl Scout Council of
 Southeast Louisiana
Golden Gate Audubon Society
Grand Canyon Trust
Gray Wolf Committee
Great Bear Foundation
Great Old Broads for Wilderness
Greater Yellowstone Coalition
Greenbelt Alliance
Greenpeace
Group Against Smog and Pollution
Gulf Islands Conservancy
Gulf Restoration Network
Gulfport Concerned Citizens Coalition
Hakipu`u `Ohana
Hayward Area Planning Association
Heal the Bay
Hihiwai Stream Restoration Coalition
Huckleberry Mountain Protection Society
Humane Society of the U.S.
Humboldt Watershed Council
Idaho Conservation League
Idaho Rivers United
Idaho Sporting Congress
Idaho Steelhead and Salmon Unlimited
Idaho Watersheds Project
Inland Empire Public Lands Council
Institute for Fisheries Resources
International Fund for Animal Welfare
The International Wildlife Coalition
InterTribal Bison Cooperative
Jackson Hole Conservation Alliance
Jumping Frog Research Institute
Ka Lahui Hawai'i
Kahalu`u Neighborhood Board
Kentucky Resource Council
Kettle Range Conservation Group
Kilauea Neighborhood Board
Klamath Forest Alliance
Klamath-Siskiyou Wildlands Center
Lake Maurepas Society
Lake Pontchartrain Basin Foundation
The Lands Council
Latino Issues Forum
Louisiana Audubon Council
Louisiana Environmental Action Network
Lynn Canal Conservation
Malama Makuā
ManaSota-88
Marianas Audubon Society
Medical Advocates for Healthy Air
Medical Alliance for Healthy Air
Mineral Policy Center
Montana Council of Trout Unlimited
Montana Ecosystems Defense Council
Montana Environmental
 Information Center
Montana River Action Network
Montana Wilderness Association
Montana Wildlife Federation
Mossville Environmental Action Now
The Mountaineers
The National Indigenous Organization
 of Colombia
National Parks Conservation Association
National Trust for Historic Preservation
National Wildlife Federation
Native Coalition for Medicine Lake
 Highlands Defence
Native Ecosystems Defense Council
Native Fish Society
Native Forest Network
Natural Resources Defense Council
Nature Coalition for Medicine Lake
 Highlands Defence
New Mexico Wilderness Association
Northcoast Environmental Center
Northern Alaska Environmental Center
Northern Plains Resource Council
Northern Wyoming Resource Council

Northwest Coalition for Alternatives
to Pesticides
Northwest Ecosystem Alliance
Northwest Sport Fishing
Industry Association
Northwest Wyoming Resource Council
NW Energy Coalition
The Ocean Conservancy
Ohio Public Interest Research Group
Okanogan Wilderness League
Orange County CoastKeeper
Oregon Natural Resources Council
Our Children's Earth Foundation
Pacific Coast Federation of Fishermen
Pacific Rivers Council
Park County Environmental Council
Pend Oreille Environmental Team
Pilchuck Audubon Society
Pit River Tribe
Portland Audubon Society
Powder River Basin Resource Council
Predator Conservation Alliance
Preserve Area Ridgeland Committee
Professional Wilderness Outfitters
Association
Protect Puako
Public Citizen
Public Employees for
Environmental Responsibility
Redrock Forests
The Responsible Growth Management
Coalition
RiverKeeper
Sacramento River Preservation Trust
Salmon For All
San Bruno Mountain Watch
San Diego BayKeeper
San Francisco BayKeeper
San Juan Citizen Alliance
Santa Barbara ChannelKeeper
Santa Monica BayKeeper
Save Our Creeks
Save the Apalachicola River Group
Save the Manatee Club
Save San Francisco Bay Association
Save the Bay
Sea Turtle Restoration Project
Seattle Audubon Society
Selkirk Conservation Alliance
Selkirk-Priest Basin Association
Sierra Club
Sierra Nevada Forest Protection Campaign
Sinapu
Siskiyou Regional Education Project
Sitka Conservation Society

Society for American Archaeology
Soda Mountain Wilderness Council
South Dakota Resources Council
Southeast Alaska Conservation Council
Southern Appalachian
Biodiversity Project
Southern Utah Wilderness Alliance
Southwest Utah Wilderness Alliance
Swan View Coalition
Tahoe Regional Planning Agency
The Bay Institute
The Ecology Center
The Lands Council
The Ocean Conservancy
The Wilderness Society
Transportation Solutions Defense
and Education Fund
Tri-Valley Communities Against
a Radioactive Environment
Trout Unlimited
Trustees for Alaska
Tule River Conservancy
Turtle Island Restoration Network
Umpqua Watersheds
United Anglers of California
U.S. Public Interest Research Group
Urban Habitat Program
Urban Protectors
Voices of the Wetlands
Waiāhole-Waikāne Community
Association
Waipi'o Community Association
Washington Environmental Council
Washington Toxics Coalition
The Water Keeper Alliance
WaterWatch of Oregon
Washington Environmental Council
Washington Toxics Coalition
Waterwatch of Oregon
Western Land Exchange Project
Western Native Trout Programs
Western Watersheds Project
Wilderness Watch
Wildlands CPR
Wyoming Outdoor Council
Wyoming Wilderness Association
Wyoming Wildlife Federation

"We made contact with Earthjustice to help us stop the two major springs in Washington County from being destroyed. With legal representation by David Guest, we stopped the plans to take our two major springs away from us. Without Earthjustice, we could not have won."

William Sherling
President Citizen's
Preservation Council



COMMUNICATIONS

GETTING OUT THE NEWS

The communications team worked with attorneys to gain press coverage of active cases, and with the policy staff to draw attention to environmental rollbacks initiated by the administration and Congress. Earthjustice generated more coverage in 2002 than any previous year with more than 2,000 stories appearing in outlets across the country.

CALIFORNIA CLEAN AIR

Earthjustice gained statewide coverage of California's air quality problems, including articles in the *San Francisco Chronicle*, *Los Angeles Times*, and the *Sacramento Bee*; and developed a campaign website (www.calcleanair.org).

FISH NEED WATER TOO

The communications team held a press event in California with salmon fishermen who have been impacted by reduced water flows in the Klamath Basin. This broadened the debate as reporters began to tell the story from the fishermen's perspective. Eighty percent of the television stations that received video footage from Earthjustice ran feature stories on the issue.

ENERGY

Earthjustice gained extensive coverage of a number of energy issues including the illegal development of coalbed methane on public lands in the Rockies, and on agency neglect of a law that mandates the use of alternative fuel vehicles in government fleets.

CLEAN AIR AND WATER FOR ALL

Communications worked with policy and legal staff in DC to generate stories on a host of clean air and water issues including the disposal of industrial waste and fill in waterways, and rollbacks to the Clean Air Act. A regional campaign called 'Cut the Crap' helped convince the mayor of Washington, D.C., that it was not wise to stall efforts to clean up raw sewage in local waterways.

FOREST PROTECTION

When the Bush administration tried to exclude the public from the decision to allow a huge timber salvage sale in roadless areas in the Bitterroot National Forest, Earthjustice attorneys went to court to stop the sale. Press staff landed coverage in papers across the country including the *Wall Street Journal* and *The New York Times*.

SAVING THE MANATEES

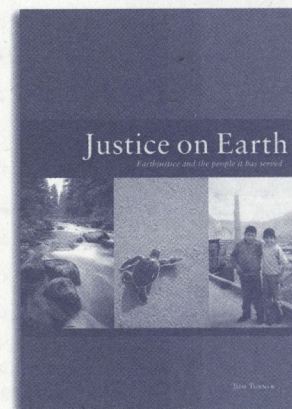
Working with the Tallahassee office, Earthjustice ran a radio and email campaign aimed at halting state legislation that would have overturned protections for the endangered manatee. In three days, more than 1,200 people called or emailed their representatives and the bill was successfully overturned.

THE DIGITAL LAWYER

In 2002, more than 22,000 activists sent 87,000 letters on 25 different environmental issues through www.earthjustice.org. In particular, Earthjustice activists responded to forest issues from protection of the Tongass to the roadless rule.

JUSTICE ON EARTH

Senior Editor, Tom Turner, just completed the organization's third book, *Justice on Earth: Earthjustice and the people it has served*, a celebration of the change ordinary citizens can achieve by working through the courts. For more information visit: <http://www.earthjustice.org/support/justice.html>



POLICY & LEGISLATION

JUDGING THE ENVIRONMENT

Federal judges, who are appointed for life, can decide whether environmental safeguards will be enforced, cut back, or struck down. The makeup of the federal judiciary is crucial: anti-environmental ideologues undermine Earthjustice's mission of environmental protection. This is why Earthjustice joined with Community Rights Counsel to institute the "Judging the Environment" program, which investigates and publicizes the environmental records of federal judicial nominees. See <http://www.earthjustice.org/policy/judicial/>. Our goal is to ensure that the Senate take seriously its role in constituting the Judicial Branch of the federal government and does not confirm those nominees likely to disregard statutory language, legislative history and precedents to further their personal political beliefs. In addition, we have opposed some specific nominations. Two of the nominees who raised the most alarm—Charles Pickering, Sr. and Priscilla Owen—were defeated by the Senate Judiciary Committee.

WHITE HOUSE WATCH

The mission of Earthjustice's White House Watch program is to monitor and respond to the Bush administration's attempts to undermine key environmental and public health protections. This includes monitoring political appointees to environmental positions in the Executive Branch and their subsequent efforts to weaken environmental policies. Its first major success was derailing the appointment of Donald Schregardus as the Environmental Protection Agency's chief enforcement officer, a position for which he was clearly not qualified. White House Watch also produced the widely acclaimed 2002 (Dis) Appointments Calendar that featured administration officials and the one-year anniversaries of rollbacks of environmental protections.

PRESERVING CLEAN AIR, WATER, FORESTS, AND ENDANGERED SPECIES

Here are a few examples of the successes and challenges faced by our policy advocates in Washington, D.C.:

- In concert with many other organizations, Earthjustice was successful in persuading the Senate to reject oil development in the Arctic National Wildlife Refuge.
- Earthjustice helped persuade 187 House members to be original cosponsors of legislation that would finally protect national forest roadless areas.
- Earthjustice succeeded in fending off the latest attempt to eviscerate the Endangered Species Act, this time under the guise of "sound science" that is anything but.
- Our policy experts worked with representatives in Congress to introduce a proposal to overturn the Bush administration's recent efforts to delay and weaken the total maximum daily load program of the Clean Water Act. This program is the Clean Water Act's primary tool for cleaning up the 45 percent of the nation's polluted lakes, beaches, rivers, and streams that are not safe for swimming or fishing.
- The administration also attempted to roll back the New Source Review program under the Clean Air Act. This program requires oil refineries and other facilities to upgrade their pollution-control equipment when they undertake expansions that increase pollution. Earthjustice has worked to ensure that is not weakened by commenting on federal agency reports and proposals, meeting with federal officials, and briefing congressional staff.

Marty Hayden
VP OF POLICY & LEGISLATION

Joan Mulhern
SENIOR LEGISLATIVE COUNSEL

Glenn Sugameli
SENIOR LEGISLATIVE COUNSEL

Sandra Schubert
LEGISLATIVE COUNSEL
(UNTIL OCTOBER 2002)

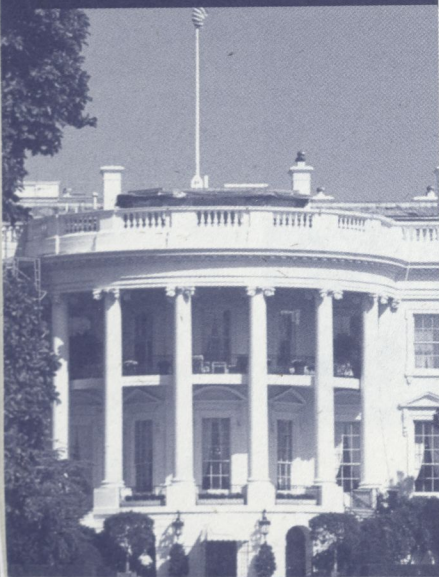
Susan Holmes
LEGISLATIVE REPRESENTATIVE

Maria Weidner
POLICY ADVOCATE

Randy Moorman
LEGISLATIVE ASSOCIATE

Mat Jacobson
GRASSROOTS DIRECTOR
(UNTIL SEPTEMBER 2002)

Sara Wilhoite
LEGISLATIVE ANALYST



FINANCIAL REPORT MANAGEMENT'S ANALYSIS

In response to new challenges posed by an environmentally hostile administration, Earthjustice spent a record \$11 million on litigation services—the core of Earthjustice's programs—in the fiscal year that ended July 31, 2002. Higher occupancy costs at our headquarters office pushed up our administrative expenses as well, but those expenses were limited by careful cost controls and by moving the office from San Francisco to Oakland.

This past fiscal year also saw the winding down of the Pew Wilderness Center as an Earthjustice fiscal sponsorship focused on increasing awareness of the need to preserve wilderness areas, and its recreation as a separate organization, the Campaign for America's Wilderness. The cessation of this fiscal sponsorship had two significant effects on Earthjustice's financial results. First, our public information program expenditures decreased by \$1.8 million. The other effect was on contributed revenue. No grants were received during the year in support of Pew Wilderness Center, although expenses continued until operations ceased entirely. This revenue/expenditure timing mismatch accounted for \$3.0 million of the year's \$4 million operating deficit (decrease in net assets).

Revenue and Gains in 2001-2002 totaled \$19.7 million, a \$4.1 million decrease from the year before. The cessation of funding in support of Pew Wilderness Center accounted for a revenue decrease of \$4.7 million. Other factors, both positive and negative, tended to offset one another. Losses on investments, for instance, rose by \$1.4 million during the year, but this was more than offset by increases of \$1.8 million in bequests. What is remarkable is that contributions from individuals held up quite well in fiscal 2001-2002, a year marked by fear and great uncertainty. Revenue from major gifts, planned gifts, and donated services were all up for the year. Revenues received through our direct mail campaigns were down compared to the prior year, but only by five percent. We are, indeed, fortunate to have such loyal donors.

Expenses for total program and supporting services in 2001-2002 were \$23.6 million, a decrease of \$1.1 million from last year. Program services, at \$17.2 million reflect the winding down of the Pew Wilderness Center, but still accounted for 73 percent of total expenses. Fundraising expenses actually decreased in fiscal 2001-2002 and comprised 17 percent of the total. Only management and general expenses, at 10 percent of expenses, showed an increase for the year, and the increase here was strictly a matter of higher occupancy costs. A lease that had provided unusually low rent costs for our administrative staff for the past ten years terminated at the peak of the dot-com real estate boom in San Francisco. A threatened quadrupling of the rent was avoided by relocating both the administrative headquarters staff as well as the California regional office staff to Oakland. Although the rent in Oakland is double what we had been paying in San Francisco, the space is much more efficient and the rent will not increase for the ten-year term of our lease.

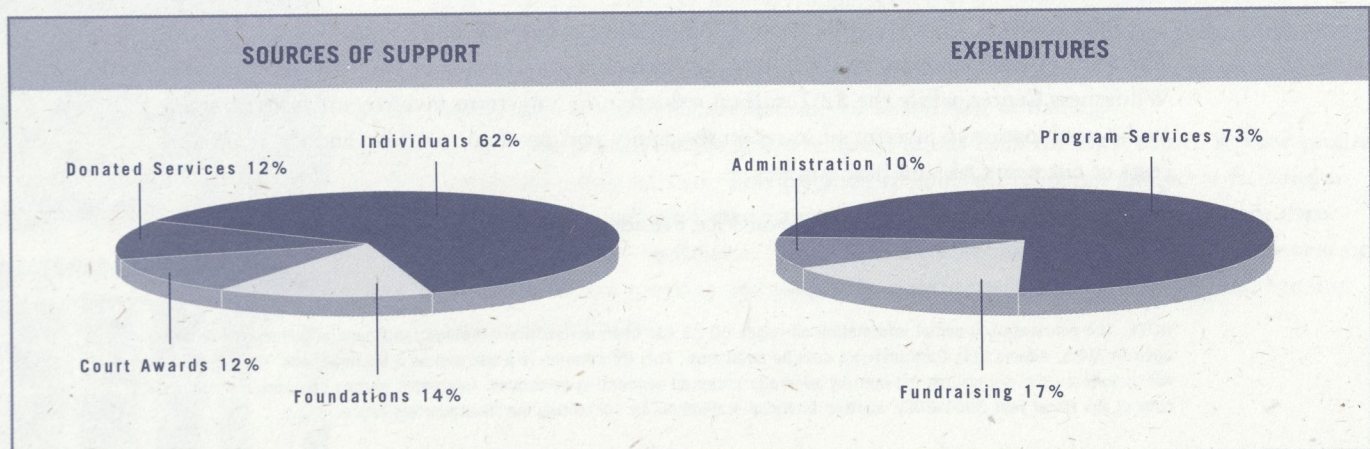
Total Assets at July 31, 2002, were \$28.6 million, a decrease of \$3.8 million from last year. The \$3.0 million decrease in short-term investments is reflective of the wind-down of Pew Wilderness Center, while the \$2.7 million reduction in long-term investments is attributable to the combination of investment losses on the equity portion of our portfolio and the build-out costs of our new Oakland headquarters.

Bruce M. Neighbor, Vice President Finance & Administration

NOTE: The condensed financial information on pages 30-31 has been derived from the audited financial statements reported upon by Moss, Adams LLP, Earthjustice's outside audit firm. This information is presented as a summary and, therefore, does not include all the disclosures required by generally accepted accounting principles. Interested parties can obtain a complete copy of the fiscal year 2001-2002 audited financial statements by contacting our headquarters office.

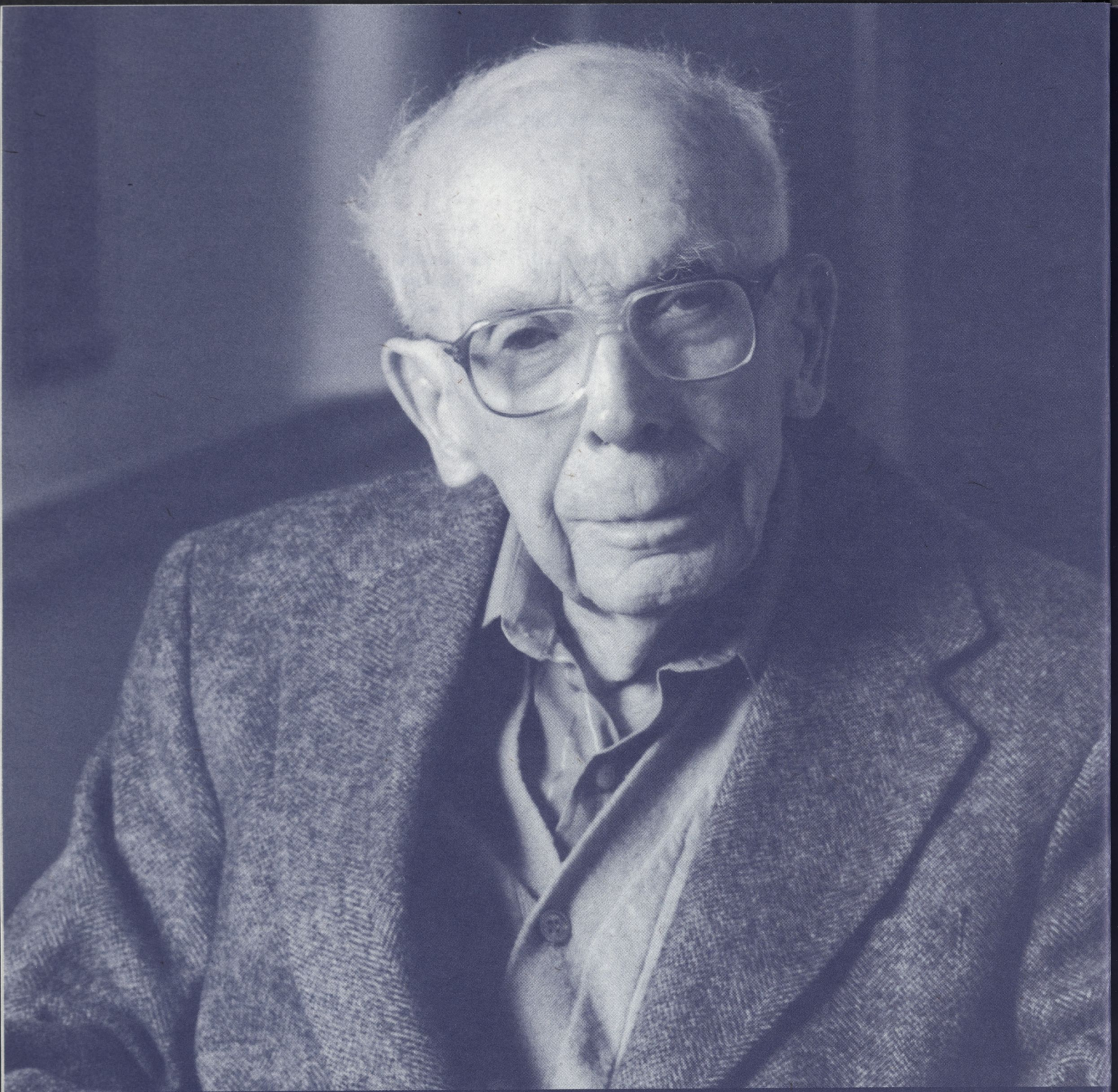
STATEMENTS OF FINANCIAL POSITION

	2002	2001
ASSETS		
Operating cash, including client trust funds	\$ 39,726	\$ 257,594
Short-term investments at market value, including cash equivalents	174,237	3,128,664
Prepaid expenses	251,583	346,168
Receivables - contributions	4,245,036	3,660,280
Other receivables	732,980	315,868
Court awards receivable	310,049	281,921
Publication inventory	186,196	—
Long-term investments at market value, including cash equivalents	19,411,038	22,148,714
Property and equipment, at cost, net of accumulated depreciation and amortization	3,260,155	2,287,880
TOTAL ASSETS	\$ 28,611,000	\$32,427,089
LIABILITIES		
Outstanding checks	\$ 245,568	\$ —
Accounts payable	722,179	660,067
Due to related entity	317,000	—
Accrued vacation payable	508,365	445,014
Client trust funds	36,288	71,722
Liabilities related to split interest gift agreements	2,927,694	3,438,029
TOTAL LIABILITIES	\$ 4,757,094	\$ 4,614,832
NET ASSETS		
Unrestricted	\$ 19,028,944	\$20,895,077
Temporarily restricted	3,955,333	6,093,240
Permanently restricted	869,629	823,940
TOTAL NET ASSETS	\$ 23,853,906	\$27,812,257
TOTAL LIABILITIES AND NET ASSETS	\$ 28,611,000	\$32,427,089



STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS

				2002	2001
	Unrestricted	Temporarily Restricted	Permanently Restricted	Total	Total
REVENUES AND GAINS					
Contributions net of uncollectible pledges	\$11,964,916	\$3,557,268	\$105,636	\$15,627,820	\$20,199,900
Bequests	2,532,036	—	—	2,532,036	764,040
Court awarded attorney fees and costs	2,492,530	—	—	2,492,530	2,350,264
Change in value of split interest agreements	9,876	144,112	—	153,988	36,425
(Losses)/gains on long-term investments	(1,656,842)	(107,502)	(76,162)	(1,840,506)	(449,156)
Interest and dividend income	311,378	293,795	16,215	621,388	785,119
Other income and loss	83,487	—	—	83,487	113,320
Satisfaction of program restrictions	5,947,599	(5,947,599)	—	—	—
Expiration of time restrictions	77,981	(77,981)	—	—	—
TOTAL REVENUES AND GAINS	21,762,961	(2,137,907)	45,689	19,670,743	23,799,912
EXPENSES					
Program services					
Litigation	11,029,072	—	—	11,029,072	10,725,857
Lobbying	345,336	—	—	345,336	223,911
Public information	5,874,701	—	—	5,874,701	7,686,156
Supporting services					
Management and general	2,401,164	—	—	2,401,164	2,011,902
Fund-raising	3,978,821	—	—	3,978,821	4,053,913
TOTAL EXPENSES	23,629,094	—	—	23,629,094	24,701,739
CHANGE IN NET ASSETS	(1,866,133)	(2,137,907)	45,689	(3,958,351)	(901,827)
NET ASSETS, Beginning of Year	20,895,077	6,093,240	823,940	27,812,257	28,714,084
NET ASSETS, End of Year	\$19,028,944	\$3,955,333	\$869,629	\$23,853,906	\$27,812,257



Donna Goldman / buzzpictures.com

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Charles Warner
103 years old
On his reasons for
supporting Earthjustice

"For two reasons, it
is easy to make the
decision to include
Earthjustice in the
current selection
of the charitable
organizations to
which I contribute
from somewhat limited
resources. Their
progressive successes
in their basic program
have been impressive
and have gained
momentum, straining
the budget to the limit.
Now they suddenly
face a government
determined to undo the
basic gains for the
environment achieved
over the past decades.
Clearly they must have
more support."



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*The William O. Douglas
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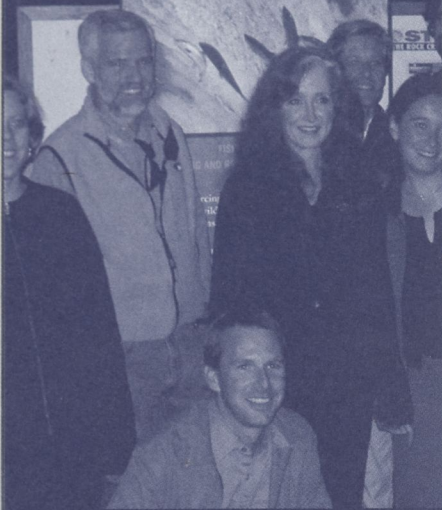
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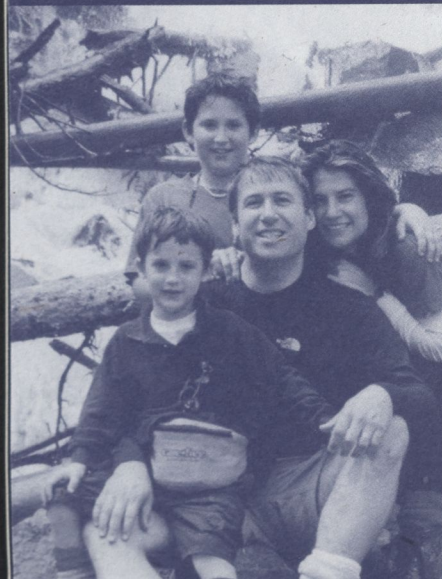


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Bonnie Raitt

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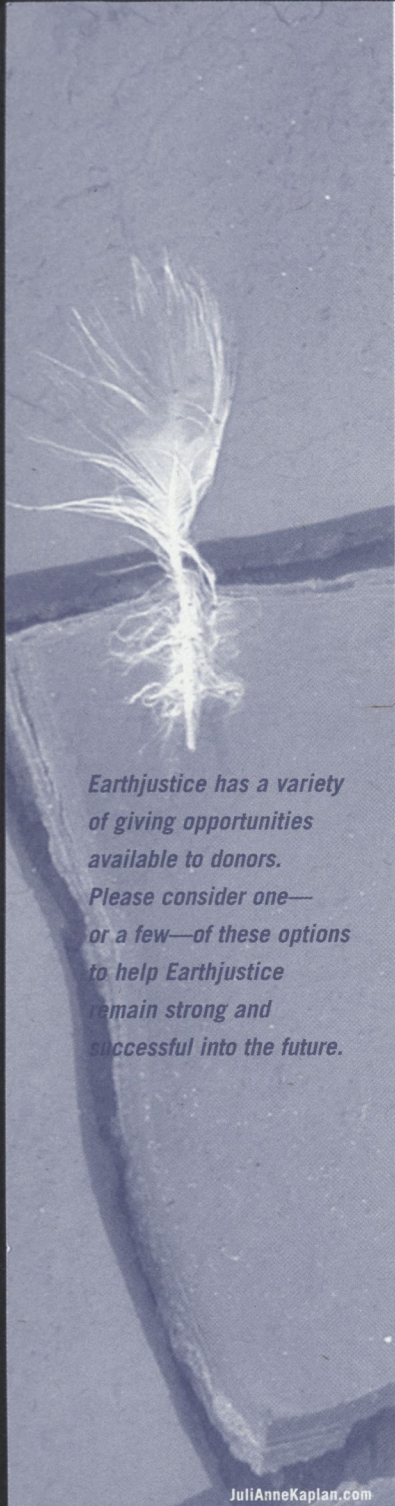
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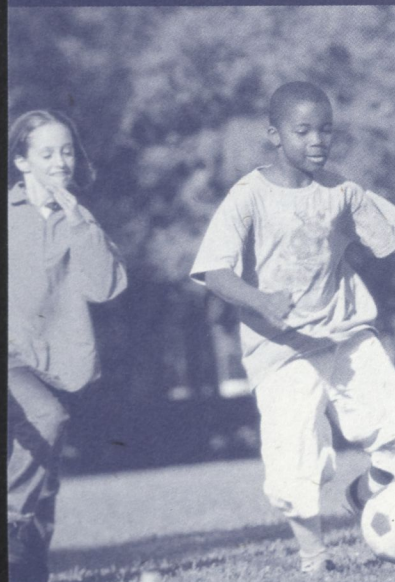
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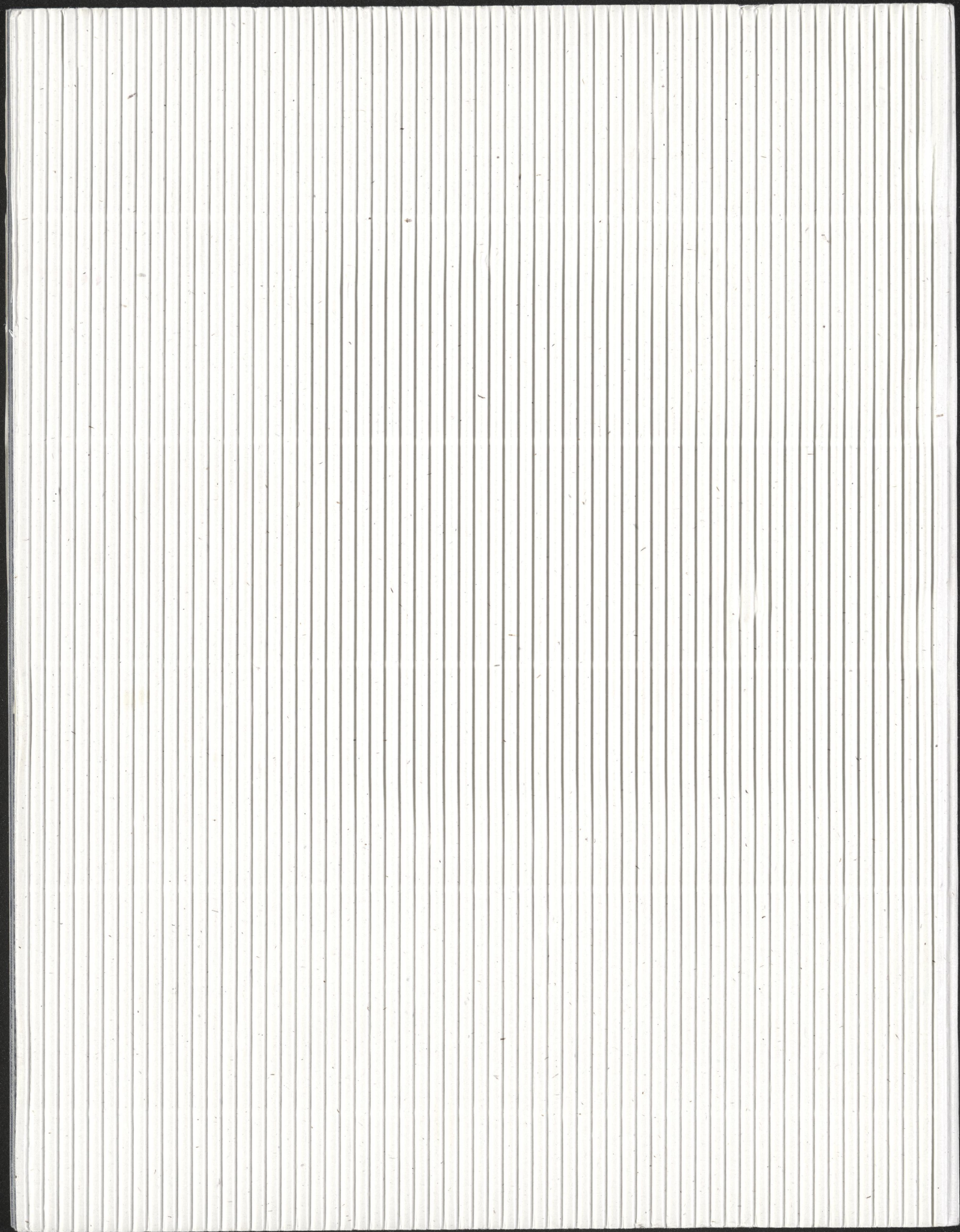
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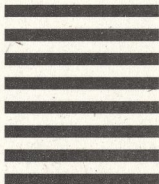




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February 13, 2003

Mr. and Mrs. Bud Lilly
16 West Birch
Three Forks, MT 59752

Dear Mr. and Mrs. Lilly,

I am pleased to send you Earthjustice's 2002 Annual Report. It has been a year of unprecedented challenges, but we have managed to hold the line and even make some gains. Our attorneys continue to be at the forefront of efforts to defend key environmental protections from rollbacks under the Bush administration, defend specific ecosystems against inappropriate logging and drilling proposals, and - perhaps most importantly - to safeguard the integrity of the courts and the public's right to participate in public land management decisions. I hope you enjoy reading about some of our accomplishments.

I have enclosed a copy of a recent article from *The Washington Post*, which focuses on some important victories in the courts. I hope this will highlight - for you - just how important Earthjustice is at this time and to underscore how much we need your support. I hope that you will consider making a donation.

Thank you.

Sincerely,

Kathryn Knight
Acting Vice President, Development

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For Environmentalists, Victories in the Courts

*Groups Turn to Judicial System to Fight Efforts
By Bush Administration to Relax Protections*

By ERIC PLANIN
Washington Post Staff Writer

With diminished political influence at the White House and on Capitol Hill, environmental groups increasingly and successfully are turning to the courts for help in blocking efforts to relax or scrap environmental protections.

Shortly after assuming power, the Bush administration began to recast federal environmental rules governing utilities, energy producers, manufacturers and logging interests and were challenged by environmentalists. The courts have upheld tough new clean air standards for vehicles and power plants, blocked oil and gas exploration in southern Utah and barred new permits for mountaintop mining and dumping in Appalachia.

Last month, a federal appeals court in California ordered the government to reinstate a Clinton administration rule that will protect nearly 60 million acres of national forests from logging and road construction—a setback for the administration and timber companies that sought to weaken or kill the measure. The Sierra Club, the Natural Resources Defense Council and other major environmental groups have intervened in litigation several times—including the logging case—when the administration refused to defend regulations from legal challenges by industry.

“There clearly is a greater reliance by environmentalists on the courts,” said Buck Parker, executive director of the Earthjustice Legal Defense Fund, the nation’s largest nonprofit environmental defense practice. “The courts are being viewed as the last line of defense, because the Bush administration cannot be counted on to put up an active defense when industry sues to challenge regulatory actions.”

Earthjustice employs 50 lawyers nationwide and spends \$18 million a year representing environmental groups in legal actions. Since President Bush assumed office in January 2001, the group’s caseload has nearly doubled, Parker said, from an average of 58 cases a year to 100.

Business groups, industry lawyers and some government officials acknowledge that environmentalists have been on a legal hot streak recently, but note that industry representatives have scored important victories of their own. A suit brought by snowmobile manufacturers and sport-

ing organizations helped thwart efforts to phase out snowmobiling in Yellowstone and Grand Teton national parks, while a 2001 Supreme Court ruling weakened Clean Water Act protections for hundreds of thousands of miles of small ponds, streams and wetlands.

“I don’t see any type of trend that’s going for environmental groups or going against industry groups,” said Jeffrey Marks, director of air quality for the National Association of Manufacturers.

Mark Rey, the Interior Department’s undersecretary of natural resources and environment, said in an interview that although the volume of court cases has not increased dramatically, environmental groups have been highly effective in choosing their targets.

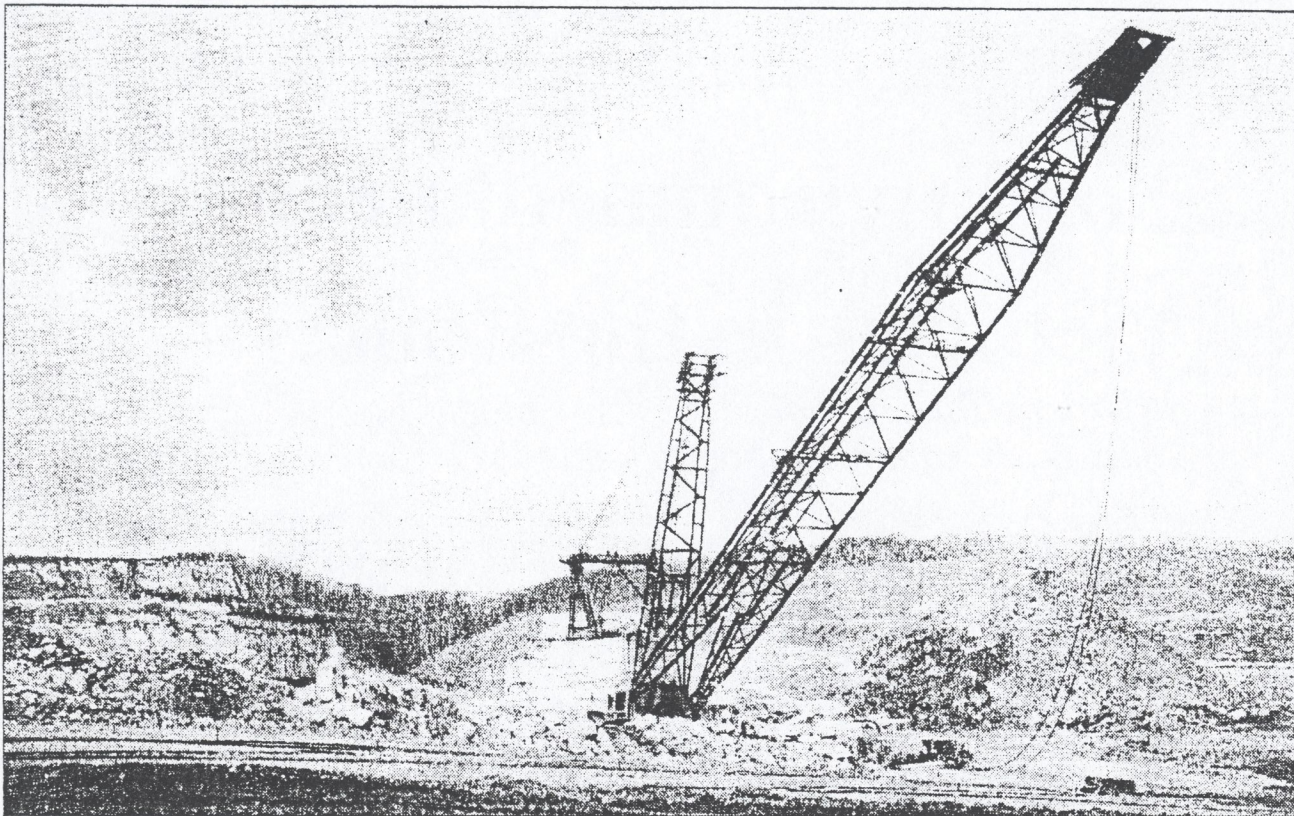
“I think they’ve always had a pretty good track record in terms of winning,” he said recently. “If you’re the plaintiff, you pick your fights. And that’s part of what causes us to try to do our jobs right, because we know they’ll be watching.”

Once a powerful lobbying force with strong ties to officials in the executive branch and in Congress, environmental groups have lost considerable access and influence since the Republican political comeback beginning in 1994. For decades, environmentalists and their allies were successful in playing Congress off the White House to protect hard-won legislative and regulatory gains, and they enjoyed support from Democrats and Republicans.

“Now they have one branch left to turn to to try to see if they can throw up some roadblocks—and that’s the judicial branch,” said Richard J. Lazarus, a Georgetown University law professor.

Environmental groups have received sympathetic hearings in the U.S. Court of Appeals for the 9th Circuit in San Francisco, which handles many of the western land use cases and is one of the most liberal circuits in the country. The Court of Appeals for the District of Columbia, which hears many of the Environmental Protection Agency regulatory cases, is more conservative. It ruled against the Clinton administration two-thirds of the time over a seven-year period, according to a study by Jonathan Adler, an assistant law professor at Case Western Reserve University, published in May 2000.

Courts generally defer to federal agencies in controversies over proposed rules, legal experts say. But when a new administration tries to overturn the policy of its



FILE PHOTO/BY ERIC PIANIN—THE WASHINGTON POST

A dragline for extracting coal at a West Virginia mine. A judge there rebuked the Bush administration over new mining rules.

predecessor, it must demonstrate that it is not being motivated by political considerations.

"When the court smells something that smacks more of a political decision than a decision really based on the law and the record, then they may be more likely to want to reverse it," said Richard G. Stoll, a Washington lawyer with the firm of Foley & Lardner and former chairman of the American Bar Association's environmental and energy section.

The Bush administration supported a series of Supreme Court and Court of Appeals rulings early in 2001 that paved the way for tough new standards for diesel engine emissions and pollution from power plants, but it bridled at many of the rulings that followed.

In December 2001, a federal judge in Montana temporarily blocked a U.S. Forest Service plan to allow a huge sale of trees charred by fire in Montana and Idaho after environmentalists complained that the government was shortcutting an appeal process and that the clearance would promote runoff that could harm bull trout and other fish. Government officials reached a settlement with environmentalists last February that significantly scaled back the planned sale.

Then in May, Chief U.S. District Judge Charles H. Haden II in West Virginia barred the U.S. Army Corps of Engineers from issuing additional permits allowing coal companies to blast off the tops of mountains to reach rich seams of coal and then dump the rock and waste in valley streams below. Haden's 47-page ruling also rebuked the Bush administration for issuing new rules removing a legal impediment to mining companies that Haden called contrary to the Clean Water Act. The administration and mining companies appealed the ruling.

Environmentalists scored their biggest victory last month, when the 9th Circuit lifted a lower court's injunction and reinstated the Clinton administration's rule designed to protect 58.5 million acres of national forests from logging and road construction. Because the administration refused to defend the new rule on appeal, environmental groups intervened in the case and were granted legal standing by the appellate court.

The 9th Circuit ruled again this month, this time upholding EPA rules requiring small cities, counties and developers to protect waterways from stormwater pollution. Those rules had been challenged by homebuilders, the paper industry and mu-

nicipalities and defended by environmentalists.

And now, environmental groups are expected to support the efforts of nine northeastern and mid-Atlantic states that have sued the administration over its decision to relax "New Source Review" industrial air pollution standards.

A report prepared last year by Sen. Charles E. Schumer (D-N.Y.) concluded that in nearly a dozen recent environmental cases, the Department of Justice did not appeal adverse court rulings, switched positions mid-case or agreed to an "anti-environmental settlement" with industry plaintiffs. "The reason for this is the administration does not feel bound by the constraints of the laws in their agency actions," said Greg Wetstone of the Natural Resources Defense Council.

A Justice Department spokesman declined to comment on Schumer's report. But Rey said that government attorneys are doing the best they can to keep up with the legal challenges. "The numbers will probably show you that we defended more of these rule makings that emanated from the Clinton administration than the Clinton administration defended" from the administration of former president George H.W. Bush, he said.

The proposed recommendation or comments presented for the Commission's review and possible action are for the following:

1. Concern - There is a conflict with having any boat use occur on the Upper Madison River, particularly in the upper river (West Park area). Fishermen complain that the area is heavily used and very accessible to the bank angler. They say boats are not needed and only serve to create conflicts in this area. Currently, the area is closed to fishing from boats; however, boats can be used for transportation of fishermen.
Solution - To request the Commission to support legislation that would provide for authority to regulate all boat use, including recreational use not associated with fishing. This would allow the Commission authority to curtail all boat use in selected areas.

2-8-80

Gentlemen:

Enclosed are the minutes of the fishing outfitters and guides meeting, held January 29th at the Baxter Hotel in Bozeman, Montana. The meeting was held at the request of the Montana Outfitters and Guides Association for input and recommendations with regards to the proposals submitted by the Madison River Boat Regulation Study Committee established by the Montana Fish and Game Department in 1978.

In review of the recommendations by the Madison River Boat Study Committee, the following proposals and amendments were voted on by the persons present:

1. Dave Kumlien
2. Raymond Hurley
3. Bob Walker
4. Randy Brown
5. Bud Lilly
6. Mike Lawson
7. Bob Jacklin
8. Dick McGuier
9. Robert D'Ambruoso
10. Richard Parks
11. George Anderson (co-chairman)
12. Tom Korrison (co-chairman)

Solution - To establish a float fishing monitoring on new outfitters on the Upper Madison. The outfitters allowed to float fish on the Upper Madison would be determined from outfitter trip reports for 1979. Those outfitters who reported at least one float trip on the Madison River in 1979 would be allowed to continue float fishing on the Upper Madison, however, only the number of guides employed in 1979 by the outfitter would be allowed to guide float trips on the Upper Madison.

Assuming the Commission has the authority to do the above, the new outfitters and guides could have a notation on their licenses to the effect they would be prohibited from guided float fishing on the Upper Madison.

The Commission should also consider establishing an outfitter and guide system to control commercial activity on all rivers (see problems below).

VOTE: 11-no

AMENDMENT: 1. Establish a task force to rewrite the Fish & Game outfitters examination.

VOTE: 11-yes

AMENDMENT: 2. Refine license classes to meet the type of outfitting the outfitter is applying for.

VOTE: 11-yes

AMENDMENT: 3. Require proof of liability insurance upon receipt of guides or outfitters license. Amount to be established at a later date.

VOTE: 7 yes 4 no

The proposed recommendations or comments presented for the Commission's review and possible action are for the following:

1. Concern - There is a conflict with having any boat use occur on the Upper Madison River, particularly in the upper river (West Fork area). Bank fisherman complain that the area is heavily used and very accessible to the bank angler. They say boats are not needed and only serve to create conflicts in this area. Currently, the area is closed to fishing from boats; however, boats can be used for transportation of fisherman.
Solution - To request the Commission to support legislation that would provide for authority to regulate all boat use, including recreational use not associated with fishing. This would allow the Commission authority to curtail all boat use in selected areas.
Problems - This authority would allow for all interest groups to request their own special areas or request closures that could adversely affect fisherman.

#1. VOTE: 8-yes 4-no

2. Concern - Boats should be alternated between years rather than have a constant float section. This would allow a rest area from boat use on a portion of the river on alternating years. This was practiced in the past, but was curtailed when the special regulations were implemented in 1978.
Solution - Return to an alternating schedule on fishing from boat areas. The areas recommended are from Palisades Campground to Varney Bridge one year and McAtee Bridge to Eightmile the next. Valley Garden to Ennis Lake would be open to float fishing at all times.

#2. VOTE: 1-yes 9-no

AMENDMENT: Retain existing boat regulations: until July 15th. Then extend boat fishing area to the lower end of Palisades Campground.

VOTE: 11-yes

3. Concern - Need to control the number of boats on the Upper Madison River. Boat use is heavy especially during the salmon-fly hatch period. There is a general concern that too much boat activity is occurring to the detriment of the fishing on the Madison as well as general crowding on the river. Currently about 75 percent of the float fishing use is commercially guided trips. Over 53 boats were recorded in one section on one day in 1976.
Solution - To establish a float fishing moratorium on new outfitters on the Upper Madison. The outfitters allowed to float fish on the Upper Madison would be determined from outfitter trip reports for 1979. Those outfitters who reported at least one float trip on the Madison River in 1979 would be allowed to continue float fishing on the Upper Madison, however, only the number of guides employed in 1979 by the outfitter would be allowed to guide float trips on the Upper Madison. Assuming the Commission has the authority to do the above, the new outfitters and guides could have a notation on their licenses to the effect they would be prohibited from guided float fishing on the Upper Madison. The Commission should also consider establishing an outfitter and guide system to control commercial activity on all rivers (see problems below).

#3. VOTE: 11-no

AMENDMENT: 1. Establish a task force to rewrite the Fish & Game outfitters examination,

VOTE: 11-yes

AMENDMENT: 2. Redefine license classes to meet the type of outfitting the outfitter is applying for.

VOTE: 11-yes

AMENDMENT: 3. Require proof of liability insurance upon receipt of guides or outfitters license. Amount to be established at a later date.

VOTE 7 YES 4 NO

AMENDMENT: 4. Establish an effective task force on rogue fishing guides and outfitters.

VOTE: 11-yes

AMENDMENT: 5. Require enforcement of existing laws and regulations.

VOTE: 11-yes

AMENDMENT: 6. Review qualifications of all outfitters and guides - new and renew.

6A. Annual mandatory equipment inspection for all new and renew licenses.

6B. Individual log trip required.

6C. Proof of experience or proficiency required.

6D. Residency requirement should be same for all types of licenses.

6E. Annual review of both nonresident and resident guides and outfitters to establish current status.

VOTE: 11-yes

4. Concern - There is a need to identify guide boats and establish adequate fees for nonresident guides. It is believed violations and infractions of laws could be better reported if guide boats could be identified. There is a general belief that nonresident guide licenses in particular are too low and should be increased.

Solution - Work with Outfitter Council to establish legislation requiring a naming, numbering or decal system for guide boats. Work with the council to establish adequate fees for outfitters and guides.

Problems - The private sector boats may not be numbered and it will appear only the guide boats create problems which is not true.

- #4. VOTE: 11-yes

SUGGESTION: Use the number issued on the outfitters license. Retain the same number each year.

- #5. AMENDMENT: Develop a comprehensive statewide plan to control float fishing pressure, of both the private and commercial sectors, on rivers where this problem exists.

As a general request, the Committee urges the Department to continue to work towards solving the Ennis Lake thermal problem thus providing an area where pressure could redistribute. This could at least, on a temporary basis, relieve some of the Upper Madison pressure.

Sincerely,

Tom Korman

Tom Korman

Chairman

Bill Valley (M.O.A.A.)

Art Whitney (M.S.P.S.)

John Outfitters and Guides Council

Committee Members

Following are some additional notes and observations that deserve some considerations:

1. The Madison River problem is a social conflict, not a biological one.
2. The commercial float fishing industry has unjustifiably received the majority of negative public opinion, concerning the total float pressure on the Madison River, including the private and illegal guiding pressure that exists. This was suggested by the 75% figure in proposal #3.
3. The fishing public is becoming more educated about peak periods in specified areas, resulting in high concentrations of fisherman for short periods of time.
4. Current existing laws and regulations are not adequately enforced.
5. It is too easy to become a Montana outfitter.
6. It is much simpler and easier for the Montana Fish and Game Department to control the commercial fishing industry than the private sector, especially on navigable streams where no biological conflict exists. example- Madison, Yellowstone, and Bighole.
7. The problems on the Madison River are only a reflection of a future statewide problem.

The Montana Fish and Game Commission is meeting on March 13th to hear the recommendations of the Madison River Boat Study Committee, The Fish and Game Department, and The Montana Outfitters Council. Our presentation will be voiced by the Montana Outfitters and Guides Association through representatives of this committee. We are still seeking support, input, and suggestions.

We feel by following the proposals set forth by this committee, two accomplishments will emerge.

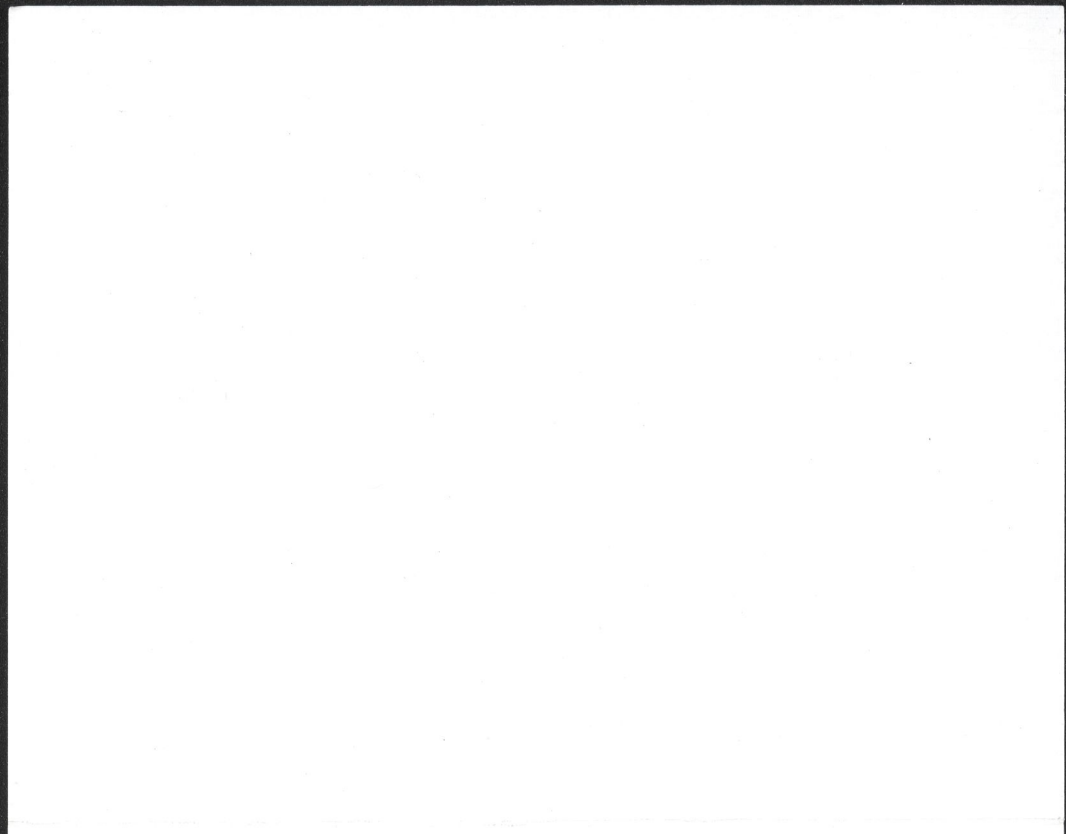
1. That many of existing problems, not only on the Madison River, but on a statewide basis will resolve themselves.
2. By the adoption of these proposals and the enforcement of existing laws and regulations, the quality and professionalism of our commercial outfitting industry would be considerably refined.

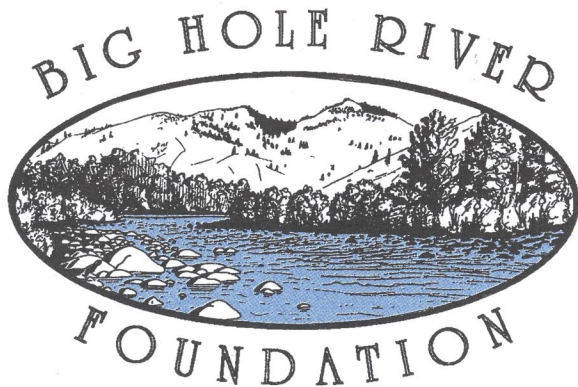
Because some of the solutions and amendments recommended by this committee may for some reason or the other not be in effect for the 1980 fishing season, we as a group may be forced to consider a temporary moratorium on all new guides and outfitters for the 1980 season.

Sincerely,

Tom Korrison
Tom Korrison
Co-chairman

cc: Bill Malloy (M.O.G.A.)
Art Whitney (M.D.F.G.)
Idaho Outfitters and Guides Council
Committee Members





P. O. Box 3894 • Butte, MT 59702

The Big Hole River Foundation was founded in 1988 by pioneering conservationist, avid angler and fly tyer George F. Grant. Please visit our website for more information about our Foundation at www.bhrf.org

Our Mission: To understand, preserve and enhance the free flowing character of the Big Hole River and to protect its watershed, culture, community and excellent wild trout fishery. Your support of our mission is deeply appreciated.

Dear Bud

The Big Hole River Foundation cordially invites you to our First Annual Scholarship & Fundraising banquet on Thursday, September 7, 2006 beginning at 6:30 PM. Please bring a guest who shares your passion and support for the Big Hole River watershed.

A wonderful dinner awaits you at the newly constructed Blue Moon Restaurant in Divide, Montana. The new restaurant stands on the site of the historic Blue Moon Saloon. Dinner choices include beef or chicken. A no-host bar will also be available for your enjoyment.

We will feature a small silent auction during the evening with several quality items as well as a short presentation of the Foundation's current projects and programs.

*Single ticket - \$40, Couple ticket - \$80.
Meal Choice - Beef or Chicken*

Please RSVP to Corky Logan at 866-533-2473, email bhrf@bhrf.org or by mail to PO Box 3894, Butte, MT 59702 by August 25th.



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Open House

FRIDAY, MAY 6 • SATURDAY, MAY 7
9 AM TO 5 PM

This winter, Winston built a new addition to our shop and we would like you to see it. Come visit us. We'll give you a tour of our plant to show you how we make our rods. We have a lot of new rod models in IM6 graphite plus our regular graphite rods which will be available for your casting pleasure. You might also win a new graphite rod of your choice to be given as a door prize. Other door prizes available as well.

14th Annual East Idaho Fly Tying /Fly Fishing Expo and Banquet DONOR LIST



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