

Budd-Falen Law Offices, L.L.C.

Karen Budd-Falen ¹
Franklin J. Falen ¹
Brandon L. Jensen ^{1,2}
Kathryn Brack Morrow ^{1,2,3}
Laura C. Rowe ¹
Abigail M. Jones ^{4,5}

300 East 18th Street
Post Office Box 346
Cheyenne, Wyoming 82003-0346
Telephone 307/632-5105
Telefax 307/637-3891
main@buddfalen.com
www.buddfalen.com

¹admitted in Wyoming
²admitted in Colorado
³admitted in New Mexico
⁴admitted in New Jersey
⁵admitted in New York

MEMORANDUM

TO: INTERESTED PARTIES

**FROM: KAREN BUDD-FALEN/BUDD-FALEN LAW OFFICES, LLC /
WESTERN LEGACY ALLIANCE**

DATE: 2/17/10

**RE: \$42 MILLION BORROWED TAX DOLLARS AND
COUNTING/WE HAVE TO STOP FUNDING OUR OWN DEMISE**

This is the sixth installment of a multi-part series of research regarding the attorney fees litigation gravy train discovered by radical environmental groups using taxpayer dollars.

Western Legacy Alliance (“WLA”) is committed to the fight to reform this system to stop taxpayer money from funding the elimination of property rights, the lock up of public lands, the loss of jobs and the destruction of the environment. I ask that you join WLA in demanding reform.

Western Legacy Alliance can be reached at P.O. Box 162, Moreland, ID 83256, www.westernlegacyalliance.org; e-mail: westernlegacyalliance@gmail.com; phone: 208-206-7309.

We have to STOP the millions of taxpayer dollars funding our own demise!!

Radical environmental groups have hit private property owners, businesses and public lands users in the pocketbook for years; it is time to level the playing field.

Radical environmental groups freely admit that they are using federal court litigation as a hammer and sword to force their personal agendas on the American taxpayers, private property owners, and public land users, by eliminating businesses and land uses. This litigation of which they so proudly boast is being funded by American taxpayers using loopholes and friendly settlement agreements, in just 19 states and D.C. for **over \$42 million and counting in taxpayer funding.** This has to stop!!

According to Kieran Suckling director of the Center for Biological Diversity (“CBD”) in a High Country News Article in 2009:

They [law suits] are one tool in a larger campaign, but we use lawsuits to help shift the balance of power from industry and government agencies, toward protecting endangered species. That plays out on many levels. At the simplest, by obtaining an injunction to shut down logging or prevent the filling of a dam. The Forest Service needs our agreement to get back to work, and we are in the position of being able to powerfully negotiate the terms or releasing the injunction.

New injunctions, new species listings and new bad press take a terrible toll on agency morale. When we stop the same timber sale three or four times running, the timber planners want to tear their hair out. They feel like their careers are being mocked and destroyed – and they are.

So they become more willing to play by our rules and at least get something done. Psychological warfare is a very underappreciated aspect of environmental campaigning.

Destroying peoples' morale?? Making up their own radical rules?? Not once does the CBD director mention that they are spending any money or time on environmental health and protection! Is funding psychological warfare where America's already deficit spending should go?

And what about the latest campaign from WildEarth Guardians ("WEG")? They have launched a "BioBlitz" and are filing lawsuits/formal petitions against the United States to mark the 36th year anniversary of the Endangered Species Act. In their words,

Given the disappointment of Copenhagen, we're pressing the federal government to recognize a variety of species that will go extinct if we continue to procrastinate on climate change action. . . . The Endangered Species Act [ESA] is an important approach to forcing cuts to greenhouse gas emissions when our political leaders lack the will to do so.

Using an unrelated federal law as a covert tool to enforce their personal agenda because they cannot prove their "scientific" allegations? Using the courts when the question is really one for Congress? And just like the CBD, there is not one mention of the WEG doing any work themselves on species conservation or environmental protection.

The Magazine Chicago just printed an article called "True Grit" about Jon Marvel (who is proud to be a Vietnam draft dodger) -- and Western Watersheds Project. Unlike the movie starring John Wayne, Mr. Marvel and Western Watersheds Project is no friend of the west or cowboys, ranchers or farmers. On Western Watersheds' Project website their policy memorandums state:

Policy Memo #1:

“To Do: Get all cows off public lands ASAP”.

Policy Memo #2:

“To Do: Get all cows and sheep off public lands ASAP”.

Just in the federal court in Idaho, this “to do” list has cost the American taxpayer \$1,150,528 in funding paid to WWP and its lawyers between 2001 and July 17, 2009. Since then, who knows how much more has been paid.

This abuse of American taxpayer borrowed dollars, the federal laws and the courts cannot continue. In just nine years, ten environmental groups filed at least 3000 court cases, the vast majority of which dealt with allegations that the federal government did not follow the proper procedure. Litigation such as this does not challenge whether there is scientific merit or reality to their environmental agenda, but whether procedural time frames were met. For example, with regard to the ESA, this litigation does not challenge whether a plant, insect or animal is, in reality, declining in numbers and needs human intervention to survive. Rather, the litigation is based upon deadlines imposed by Congress that the federal government cannot practically meet. These suits include every type of species imaginable from worms to insects, cave bugs to invertebrates. If a radical-enviro group requests something be listed and the federal government fails to respond in 90 days, the group files litigation and gets attorneys fees—even if it ultimately turns out that the species is not being harmed.

At present, there are 1,967 species on the threatened and endangered species list; 98 species on proposed endangered/proposed threatened; and 249 more candidate species for listing. Those do not count the ones now being included on the CBD’s or WEG’s petitions. Although the ESA was originally passed with the idea that important species would be listed, a recovery plan developed, then the species would be taken off the list, only 21 species have been removed from the list. And now WEG, CBD and other radical groups have pledged to petition to add more species to the list and reap millions of attorneys fees for their efforts. Again, there is no indication that one single dollar of American taxpayer dollars given to these environmental groups have gone to on-the-ground activities; the money just funds more litigation against the taxpayers. If these groups were really worried about these species, wouldn’t the “BioBlitz” be about the on-the-ground projects to help plants and animals? Wouldn’t CBD be using science and facts to come up with solutions rather than mocking and destroying American workers? \$42 million dollars and counting in taxpayer money going to radical groups. Maybe instead of calling it “BioBlitz,” we should call it “EnviroCash.”

Please contact Western Legacy Alliance today to add your support and put an end to this abuse!

-END-