



REGIONAL SPOTLIGHT

THE INTERMOUNTAIN WEST

The Trump administration's escalating attacks on the environment demand a fierce and coordinated response. Earthjustice is up to the task. As the largest public-interest environmental law organization in the country, we are mounting powerful defenses to counter threats — and making gains where we see openings.

Our persistence is paying off, even in the face of intense headwinds. Across the heart of the West, we are working in lockstep with our clients and partners to hold polluters accountable, protect wildlife and habitats, and spur the shift to clean energy. We are pleased to share highlights of our progress, and a glimpse at what's next.

Communities Fighting for Change

AI Data Centers. As the AI data center industry rushes to build and operate new facilities, unlawful and harmful practices risk becoming part of the standard playbook. Earthjustice is working to address the many risks posed to communities, ecosystems, and the climate by this unregulated buildout. In

OFFICES AT A GLANCE

Location:

- Northern Rockies: Bozeman, MT
- Rocky Mountain: Denver, CO

Founded:

- Northern Rockies: 1993
- Rocky Mountain: 1971

Total staff:

- Northern Rockies: 11
- Rocky Mountain: 18

Signature work:

Leveraging litigation, advocacy, and communications to:

- Advance clean energy and end fossil fuel development
- Protect our health
- Defend the web of life

all our efforts, we're advocating for AI data centers to pay for their own costs, run on clean energy to the maximum extent possible, and be transparent with regulators and communities about their impacts and activities. Our state-by-state priorities include:

- **Colorado:** During the 2026 Colorado legislative session, Earthjustice helped craft a nation-leading policy that would regulate data centers to protect ratepayers from increased utility prices, climate goals from increased emissions, and communities from a lack of engagement and transparency. While it did not pass this year, we laid the groundwork for future bills and will try again in the next session now that we have built a base of support. We also defeated an industry-backed data center bill that would have cost Coloradans significantly through tax incentives and left them without meaningful protections.
- Beyond the legislature, we are also intervening in a Colorado Public Utilities Commission proceeding involving Xcel Energy's new large load tariff, which includes a specialized rate for massive energy users.
- **Montana:** Earthjustice is challenging a Montana Public Service Commission order that's keeping NorthWestern Energy's data center plans a secret. The commission's order prevents public oversight of projects that could significantly raise electricity costs, strain grid reliability, and increase reliance on fossil fuels. We're arguing that the public has a right under the state constitution to know NorthWestern's plans. Our partners continue to hold public meetings to educate people on the impacts of data centers, drawing hundreds of concerned residents from across the state.



North Denver community members Lissa Leticia de Gonzales, Jose Molina, and Lucy Molina, left to right, near the Suncor Refinery, which is heavily polluting their neighborhoods. Carmel Zucker for Earthjustice

- **New Mexico:** We are intervening in a rate case over large load tariffs to ensure that the tariffs protect customers from the costs associated with AI data centers. We are also working to ensure they help to reduce speculative load growth and inflated electricity demand forecasts caused by proposed projects like data centers or AI facilities that may never actually materialize. Through our involvement in this case, we are seeking to advance better outcomes for New Mexico communities on the frontlines of the AI data center buildout.
- **Wyoming:** We are in the early stages of investigating strategies to protect clean water, breathable air, and communities from the local harm of data center developments. This includes exploring ways to protect residential customers and small businesses from paying for the energy infrastructure needed to serve data centers.

Suncor. A federal appeals court has revived our lawsuit against Suncor's crude oil refinery, one of the biggest sources of air pollution in Colorado. In August 2024, Earthjustice sued Suncor on behalf of GreenLatinos, 350 Colorado, and the Sierra Club. We filed our lawsuit under the Clean

Air Act’s “citizen suit” provision, which allows ordinary people to enforce clean air laws. The lawsuit sought immediate remediation measures and called for hundreds of millions of dollars in civil penalties over the refinery’s repeated Clean Air Act violations.

In May 2025, a district court judge dismissed our case. We quickly challenged that decision, arguing before the Tenth Circuit Court of Appeals. In August 2026, the court sided with us, recognizing that our clients are legally entitled to sue over Suncor’s violations. This decision means our lawsuit can go forward, and we will do everything in our power to hold the polluter accountable.

We are also helping to ensure that the concerns of local residents are heard by the U.S. Supreme Court. Looking ahead, we will support the city of Boulder in the upcoming argument in *Suncor Energy v. Commissioners of Boulder County*, which will address whether federal law precludes fossil fuel companies from being sued for damages by state and local governments.

Safeguarding Lands and Waters

Greater Sage-Grouse Habitat. In June 2026, we received news of a victory in long-running litigation to protect the greater sage-grouse from oil and gas development across huge swaths of the North American sagebrush steppe, the last best habitat for this imperiled species. In this phase of the litigation, a Montana district court judge ruled that the U.S. Bureau of Land

40%

Earthjustice was involved in 40% of the Supreme Court’s docket during the 2025-2026 term.

Management violated the law when it failed to protect sage-grouse habitat while holding five oil

OUR STRATEGIC LEGAL ADVOCACY

In the face of increasingly politicized courts, Earthjustice launched our Strategic Legal Advocacy initiative to create a hub of Supreme Court and appellate expertise for the environmental community. Launched in 2021, the team is more in demand than ever — supporting clients by crafting arguments, drafting briefs, and arguing cases, both in the spotlight and behind the scenes. Working in close partnership with our attorneys in the Rocky Mountains, Earthjustice’s director of Strategic Legal Advocacy presented oral argument in our Suncor appeal.

The expertise of these specialists, paired with the deep knowledge of our regional offices, sets us up to withstand the growing pace and scale of our work before the courts.

and gas lease sales across Montana and Wyoming in 2019 and 2020. The court ordered the remand and vacatur of not just those five lease sales, but of all lease parcels offered in those sales — amounting to over 1.4 million acres of oil and gas leases vacated across Montana and Wyoming. Over the course of eight years, this litigation has resulted in the vacatur of over 2.7 million acres of oil and gas leases that were offered in 14 lease sales across Montana, Wyoming, and Nevada. Earthjustice filed the lawsuit on behalf of a coalition of conservation and sportsmen groups.

Bridger Pipeline. On behalf of a large coalition of Indigenous-led organizations and regional and national conservation groups, Earthjustice

“For Tribal Nations and Tribal members like me, this pipeline represents the reopening of old wounds and a revival of the history of the government’s failure to keep its promises.”

Leo Killback, associate attorney for Earthjustice’s Northern Rockies office

is opposing the Bridger pipeline. Billed as “Keystone 2.0,” the project would carry tar sands crude oil from Alberta, Canada, through Montana to a refining hub in Wyoming and likely beyond. In May 2026, the president issued the required cross-border permit for the pipeline without completing an environmental analysis, consulting with impacted tribes, or informing the public about the type of oil this pipeline will transport. We submitted comments on behalf of many clients and partners, highlighting the devastating consequences of a spill and the way state agencies are giving handouts to industry through an incomplete review process. We also initiated a challenge over the Department of Environmental Quality’s (DEQ) unlawful waiver of the pipeline developer’s legal obligations to disclose critical financial data and alternative route analyses in its application for pipeline construction. In July 2026, the agency revoked the waiver, requiring Bridger to submit additional information before the application will be considered by the DEQ. We are celebrating the reversal and watching this process closely. And if either the DEQ or Bridger attempts to side-step Montana law again, we’ll see them in court.

Utah National Monuments. President Trump has once again stripped protections for Bears Ears and Grand Staircase-Escalante national monuments. In July 2026, the president issued proclamations reducing the size of each monument by roughly 90 percent. The move opens the door to drilling, mining, and other development on these sacred lands.

The administration has been attacking these monuments since its first term. We sued the first time it shrunk them in 2017 (President Biden



A grizzly bear in Grand Teton National Park in Wyoming. Scott Suriano / Getty Images

took office and restored the monuments to their pre-Trump status before our case was resolved) and we are prepared to do so again.

“The Antiquities Act authorizes presidents to designate national monuments, not to destroy them. These proclamations are a slap to the face of public lands visitors across the country, as well as the local communities and Tribes that have worked for years to protect these special places. Earthjustice and our partners are prepared to vigorously defend the monuments once again.”

Heidi McIntosh, managing attorney for Earthjustice’s Rocky Mountain office

Defending the Web of Life

Grizzly Bears. In July 2026, the Trump administration proposed to hand over greater management of grizzly bears to Northern Rockies states that have long been hostile to their very existence.

Under the proposal, grizzly bears would retain their listing status under the Endangered Species Act (ESA) for now, but the proposal has a similar effect to delisting. Handing over greater



A herd of bison in the Hayden Valley of Yellowstone National park in Montana. JREden / Getty Images

management of the species to states that have exhibited extreme anti-science and anti-grizzly attitudes could jeopardize continued recovery efforts at a time of record mortality for grizzly bears. Our attorneys are closely assessing the details of the administration's proposal and are prepared to go to court if it poses further harm to the species.

While we counter threats to grizzly protection, we are also working to safeguard key habitats in Montana's Bitterroot and Flathead National Forests. A court sided with us in our lawsuit challenging increased roadbuilding and motorized use in the Bitterroot, preventing new roadbuilding in the short term and ensuring that agencies consider the best available science moving forward. And in the Flathead, we are challenging the West Reservoir logging project, which also harms grizzly bears and bull trout through the construction of new roads. This work requires the full range of skills and resources that Earthjustice is uniquely suited to provide: legal and political expertise, an understanding of science, commitment to collaboration with the region's many stakeholders in grizzly bear recovery, and strategic communications to grow public support. We will bring the full force of

these resources to defend grizzlies for as long as it takes.

Bison. Much of our bison advocacy has focused on defending the country's last wild bison population in Yellowstone National Park. Over decades, we've made significant progress.

During harsh winters when Yellowstone is still covered in snow, bison migrate out of the park to forage. In the 1990s and early 2000s, state and federal agents killed bison found outside the park to avoid the spread of brucellosis to nearby cattle, even though transmission of the disease from bison to cattle has never been documented in the wild. In 2011, because of a handful of successful lawsuits and interventions led by Earthjustice and our clients, the state implemented a "tolerance" policy allowing limited bison grazing outside the park. In the years that followed, Earthjustice defeated livestock-industry efforts to prevent the transfer of some of those disease-free Yellowstone bison to the Fort Peck Assiniboine and Sioux Tribes. That transfer program resulted in the eventual dispersal of disease-free bison to tribes across the

FIGHTING FOR VULNERABLE WILDLIFE

Earthjustice is defending against a relentless attack on the Endangered Species Act, the most important legal tool for fighting the biodiversity crisis. In July 2026, we filed a lawsuit over the administration's decision to cut habitat protections for endangered species nationwide, as well as its rule that lets profit outweigh science when deciding whether to protect endangered species and their habitat. As the scale of this assault grows, so does our commitment to meeting it.

country. And in 2024, the National Park Service adopted a bison management plan for the park that deepened investments in the transfer program and increased the park's target population from 3,000 bison to over 5,000.

Since then, Montana has been pressuring the service to reverse its plan and, in a troubling development, the service has initiated a supplemental environmental review that could result in weakened protections for bison. We will continue to defend the service's current bison plan and will likely oppose any future reversal in court.

Wolves. Under pressure from anti-wolf groups, the Trump administration has been interfering with Colorado's wolf reintroduction program. Coloradans voted to reintroduce gray wolves to their original habitat in 2020. Since then, the state's restoration effort has allowed new wolf packs to form. The first pup from the reintroduced population was born in 2024, and additional litters followed in 2025, marking a new generation.

Despite initially supporting the restoration program, the U.S. Fish and Wildlife Service (FWS) blocked Colorado's efforts to release more wolves in the winter of 2025, under Trump's leadership and at the behest of anti-wolf livestock groups. And, earlier this year, it asked the public to submit comments about Colorado's wolf recovery program in an effort to elevate anti-wolf complaints and potentially lay the groundwork for additional federal interference. Earthjustice helped our supporters submit thousands of comments backing Colorado's wolf restoration program. We are monitoring the situation and will continue to fight for comprehensive gray wolf



Tourists observing the Grand Canyon on a hazy day. Edwin Remsburg / Getty Images

protections. This includes supporting scientists and conservation groups who petitioned the FWS to protect all gray wolves in the Western U.S. as threatened, including the currently unprotected wolves in the Northern Rockies, and defending wolves on Capitol Hill. On Earth Day, the U.S. House of Representatives planned to vote on a bill to drastically weaken the ESA. Earthjustice and our coalition of wildlife and environmental advocates worked to sound the alarm bells, and the vote was canceled for lack of support.

Regional Progress for the Climate

Zero Emissions in the Rockies. Earthjustice is advancing electrification in the Intermountain West and beyond, despite challenges at the federal level. In Colorado alone, we've secured:

- The creation of a financing program that will expand access and lower costs for customers to install heat pumps, EV chargers, and more.
- Approval of the nation's largest non-pipeline alternative, which will avoid the need to expand Xcel's gas system by electrifying homes and buildings.

- Approval of a distribution system plan, which will reduce barriers and delays for electrification and modernize the grid for a future with more electric vehicles, heat pumps, rooftop solar, and other clean energy technologies.

Beyond Colorado, we continue to oppose discriminatory grid access charges in Arizona that make rooftop solar less economical. We recently

won a victory in the Arizona courts, and we are currently advocating for fair rooftop solar rates in an Arizona Public Service rate case. We plan to expand our climate and energy work in Arizona and build on the momentum we have achieved accelerating clean energy in the region.

Haze. In nearly every U.S. national park, haze from burning fossil fuels is a major concern. Haze



ADDITIONAL PROGRESS IN THE WEST

Earthjustice is working on all fronts to protect people and the planet in the Intermountain West, including:

Mitigating Mining:

- Representing the Fort Belknap Indian Community to hold a miner accountable for illegal mining at the Zortman site, which threatens to worsen pollution of the Tribe's water.
- Challenging a federal exploration permit for the Montanore mine, which would harm grizzly bears, bull trout, and streams in Montana's Cabinet Mountains Wilderness.

Safeguarding Water:

- Litigating to protect the Great Salt Lake from drying up.
- Protecting Montana and Idaho's Kootenai River watershed against transboundary selenium pollution from coal mines in British Columbia.
- Working to protect the San Pedro River, the last major free-flowing river in the desert Southwest, and Pinto Creek, a rare perennial stream east of Phoenix, Arizona, from excessive groundwater pumping.

Fighting for Clean Air:

- Challenging the EPA's decision to waive stronger anti-pollution measures for the Phoenix metro area, even though it is one of the nation's smoggiest cities.

Defending Wildlife:

- Suing the FWS over its failure to make a listing determination on the pygmy rabbit, the world's smallest rabbit that lives in the sagebrush lands of the American West.
- Challenging lease sales in Colorado and Wyoming that threaten big game migration corridors and sage-grouse habitat.

Protecting Forests:

- Defending the Roadless Rule — one of the most important land and forest protection measures of our time.

Credits: Kim Raff for Earthjustice. Colorado Parks and Wildlife. Ash Ponders for Earthjustice. John Collins / NPS.

doesn't just limit scenic views: Those same air pollutants also cause serious health consequences in downwind communities, including premature death, heart attacks, aggravated asthma, decreased lung function, and other respiratory problems. This air pollution also harms nature and sensitive ecosystems on public lands.

Because of these impacts, the EPA created a rule requiring states to submit plans to eliminate haze at national parks. The current administration is using the regional haze program to advance its fossil fuel agenda. In Colorado, we are challenging the EPA's disapproval of the state's regional haze plan, which the EPA rejected because it includes coal plant retirements. And in Montana, we are litigating the agency's approval of the state's plan, which requires no emissions reductions from any source.

Coal plants. The administration is also taking steps under the Federal Power Act to prevent the country's coal-fired power plants from retiring as planned. Earthjustice is fighting this federal overreach at coal plants across the nation, including in Colorado, where we're challenging federal efforts to keep a unit at the Craig coal plant online past its 2025 retirement deadline.

While we challenge the administration's latest attempt to prop up coal, we continue other longstanding federal and state work to secure coal plant retirements. In Colorado, we're working with community groups to prevent an unwarranted extension of the Comanche coal plant in Pueblo. In Montana, we continue to challenge the Colstrip coal plant. And in Wyoming, we are challenging efforts to keep the Dave Johnston Unit 3 plant online.

Coal mining. Across the region, Earthjustice is pushing back on the administration's efforts

to bolster coal mining. In November 2025, Earthjustice filed an appeal on behalf of conservation groups and ranchers, challenging a state district court ruling that upheld a flawed water pollution permit for the expansion of the Rosebud coal mine in Montana. In a separate case, we appealed an administrative decision approving the mining permit for the same expansion. Together, these cases demonstrate the harm coal mining poses to local water resources and ranching communities. If we succeed, the mine's expansion would likely be slowed.

And in March 2026, Earthjustice sued the federal government over its approval of a major expansion of the Bull Mountains coal mine in Montana. The government cited the federal "energy emergency" in order to force the project through without public input. Our filing refutes the so-called emergency and argues that if it exists, the expansion of this mine wouldn't help to address it because virtually all coal from the mine is shipped overseas. The case is still in its early stages.

Thank You

The work before us is immense, but we are undaunted because we never go alone. Thank you for being with us as we take on these challenges together.

EARTHJUSTICE ACTION IN THE WEST

Environmental laws are only as strong as the judges who uphold them. Learn how our 501(c)(4) partner [Earthjustice Action](#) is unleashing the power of the people through lobbying, grassroots advocacy, and voter education work in the Intermountain West.