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RFK, Jr. – Why I Got Arrested at the White House
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PHOTO BY BRENT FOSTER

Why I Got Arrested at the White House

By Robert F. Kennedy, Jr.

Last year was the hottest year on record in the United States. More than half the country suffered severe drought; the Mississippi River was at near-record lows; wildfires swept through the West, and Superstorm Sandy flooded the East Coast, virtually paralyzing one of the greatest cities in the world, New York. Similar weather-related calamities are now happening regularly across the world. A global crisis is unfolding before our eyes, and immediate action is required.

On Wednesday, February 13, I was arrested in a show of civil disobedience in front of the White House, along with dozens of other environmental, civil-rights and community leaders from around the country. We were there to call attention to the urgent need to act on the climate crisis, which President Obama had highlighted the night before in his State of the Union address. And we wanted particularly to ask the President to make an immediate impact on carbon pollution by saying no to the Keystone XL tar-sands pipeline, a massive boondoggle that would bring millions of barrels of the most-polluting oil on earth from Canada's boreal forests to the Gulf Coast of the United States.

Our action came four days before the Forward on Climate Rally on Washington, D.C.'s National Mall, where Waterkeeper Alliance joined the Natural Resources Defense Council, 350.org, the Sierra Club and many other partners in holding the largest event of its kind in American history.

It is unfortunate that civil disobedience is the only recourse against such catastrophic and criminal enterprises as the Keystone XL Pipeline – which will enrich a few while harming much of humanity. Indeed, such noxious, irresponsible, greedy projects are threatening the future of civilization.

Keystone would cut through the heart of the Great Plains, a region of more than 250,000 ranches and farms, and would put these croplands and grazing-fields at risk of devastating oil spills. The proposed route crosses the precious Ogallala Aquifer, from which millions of Americans draw their drinking-water. The pipeline, moreover, would cross more than 1,500 waterways, from the Yellowstone River in Montana to Pine Island Bayou in Texas, threatening them with the kind of accident that dumped almost one million gallons of tar-sands oil in Michigan's Kalamazoo River in 2010 – the most expensive onshore pipeline disaster in U.S. history. Nor is this an unrealistic fear, given the shoddy safety record of Keystone XL's builder, TransCanada, whose first Keystone pipeline into the Midwest was marred by more than a dozen leaks and spills just in its first year of operation in the United States.

It is striking how many people have been brought together around concern for our water and climate. In the case of tar sands and the Keystone XL pipeline, communities such as Canada's Athabasca Chipewyan First Nation and the Beaver Lake Cree are fighting to protect their waters, lands and health from the destruction of strip-mining for tar sands, as well as from toxic waste leaking from dams. In British Columbia, over 100 First Nations have taken a strong stand against tar-sands pipelines crossing their land and waters. In Nebraska, ranchers such as Randy Thompson – who was arrested with me at the White House protest – are saying no to the Keystone XL pipeline. And in Oklahoma, Earl Hatley, the Grand Riverkeeper and a member of the Cherokee nation, is leading the fight against the pipeline's southern leg.

"We're making our stand and rallying people to protect our waterbodies, farmlands and way of life," Earl says. "ExxonMobil, BP, Shell and others extract the bitumen, slide it through the pipe to their refineries at the Gulf, turn it into kerosene fuel-oil and diesel, and send it on its way. They get the black gold and we get the 1,700-mile-long shaft."

The extraction of tar-sands oil is a horrific example of corporate power's pursuit of dirty-energy profits at the planet's expense. But it is far from the only one. Waterkeepers in the United States and many other parts of the world are leading the fight against many other misguided and destructive fossil-fuel energy projects. Delaware Riverkeeper Maya van Rossum and Hudson Riverkeeper Paul Gallay are battling massive threats from a potential natural-gas boom via high-volume hydraulic fracturing (fracking) in their watersheds, which lie atop the gas-rich Marcellus Shale. And in the Czech Republic, Morava Riverkeeper Helena Kralova is a leading advocate against the same dangerous technology. In the U.S. Pacific Northwest, Columbia Riverkeeper Brad Vanden Heuvel, Puget Soundkeeper Chris Wilke, North Sound Baykeeper Matt Krogh and Spokane Riverkeeper Bart Mihailovich are spearheading a broad-based campaign against the construction of coal-export terminals in that region. And they have been supported by Qiantang River Waterkeeper Xin Hao in China. Bocas de Ceniza Waterkeeper Liliana Guerrero Ramírez in Colombia, Maule Itata Waterkeeper Rodrigo de la O Guerrero in Chile, and Upper Hunter Waterkeeper Patrice Newell in Australia are also fighting huge coal-mining and export projects.

Separated by thousands of miles, these Waterkeepers share a common bond in their commitment to fighting for their watersheds and for the planet, and in their belief that it is past time that humankind break its addiction to fossil fuels. Ultimately, we all face the choice between deepening our reliance on Big Oil, King Coal, and the corporate powers behind natural-gas fracking, and real progress toward a sustainable energy future for the planet we all share.

In the words of environmental activist Vandana Shiva, who has helped build the Waterkeeper movement in India, "We will either make peace with the earth or face extinction as humans, even while we push millions of other species to extinction. Continuing the war against the earth is not an intelligent option."

The fact is that we have the solutions to our climate crisis. And because we do, we have a moral obligation to stand and to fight – sometimes to risk arrest – for immediate, bold action to resolve climate disruption. We can do it, and we must.

PHOTO COURTESY OF OTTAWA RIVERKEEPER

PHOTO COURTESY OF MILWAUKEE RIVERKEEPER

ON THE COVER:

Waterkeeper Alliance's President Robert F. Kennedy, Jr., and his son Conor are arrested in front of the White House to call attention to the urgent need for President Obama to act on the climate crisis by saying no to the Keystone XL tar-sands pipeline.

Design by BoyBurnsBarn/John Turner

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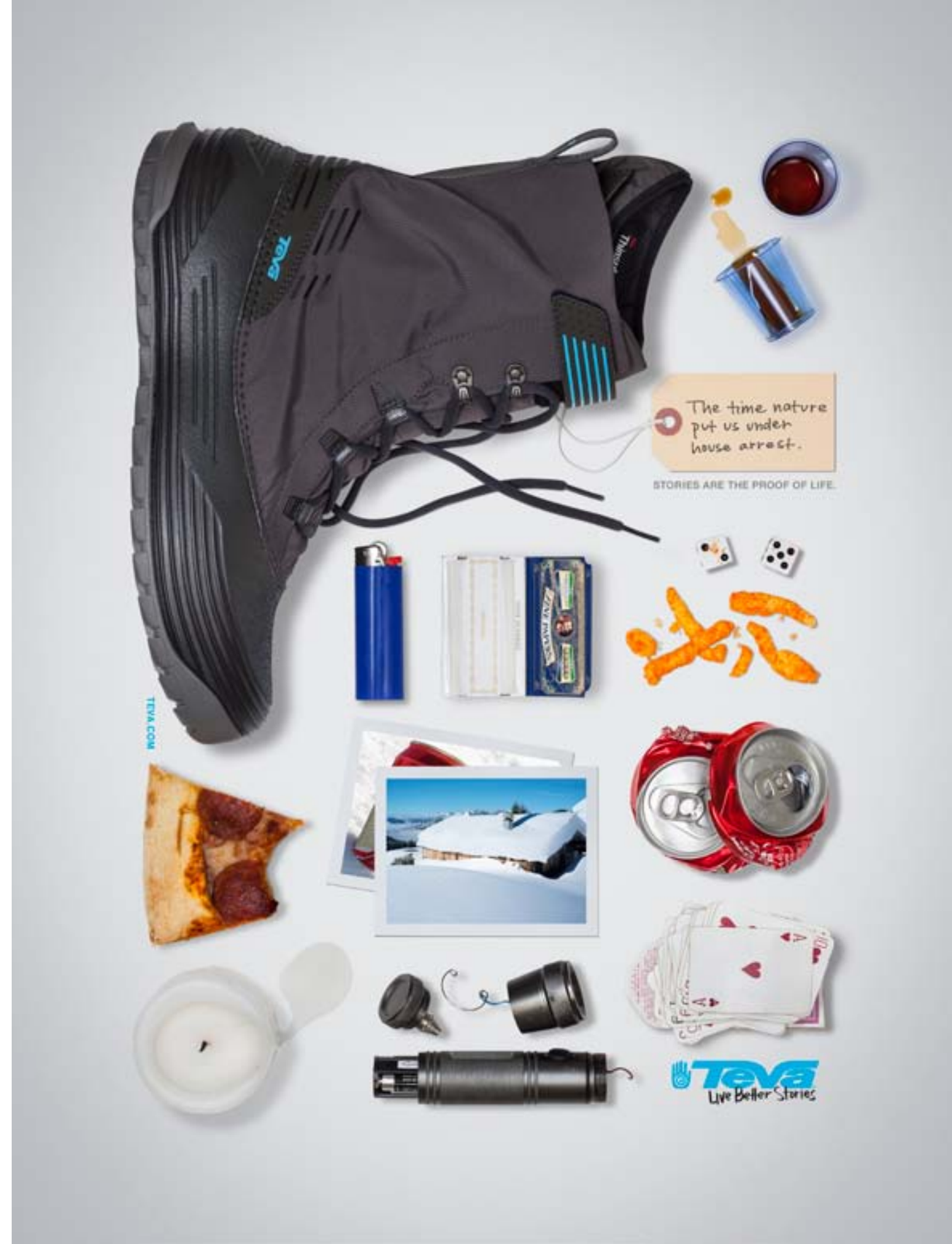


Ripples

Waterkeeper Alliance 4, Tea Party 0

The 112th Congress was arguably the most anti-environmental Congress in U.S. history. Yet during the 2011-2012 term, Waterkeeper Alliance, particularly its coal campaign, enjoyed significant success. The campaign brought Waterkeeper organizations together with national and local partners in coordinated actions to defeat the worst environmental bills sponsored by the coal industry. And the campaign achieved 100 percent success in killing the four worst proposals that were presented.

Here is the list of defeated proposals: Oklahoma Republican Senator James Inhofe's attempt to pass a bill to erase much-needed limits on mercury emissions from coal-fired power plants (Senate Joint Resolution 37); the "Stop the War on Coal" Act (H.R.3409), which would have crippled the ability of the EPA and the Department of Interior to regulate mountaintop-removal coal mining, greenhouse gases, mercury and air toxins, among other things; and the coal-ash bill (S. 3512) and coal-ash rider in the transportation bill, which were both attempts to strip the federal government of its authority to regulate hundreds of leaking, toxic coal-ash ponds across the country.

The defeat of the coal-ash bill in the Senate was the least probable and most difficult. More than enough Democrats had signed onto it as co-sponsors to provide it with the 60 votes necessary for passage. Waterkeeper Alliance and its allies spent much of November and December working with Senate leadership to deny this bill a venue for a vote and, thanks to the commitment and hard work of Senators Harry Reid and Barbara Boxer, the bill was blocked from being heard in any committee and stopped from being attached as a rider to any bill.

Throughout the year, more than 60 Waterkeeper organizations across the U.S. signed on to letters, joined action-alerts and used media to advocate for defeat of these bad bills. This strongly united joint-advocacy effort was what ultimately brought the victories. Waterkeepers everywhere should celebrate these achievements and salute and thank our staunch and dedicated allies.

KENTUCKY COAL MOUNTAINTOP REMOVAL BLAST PATTERN

My Coal Kentucky Home

In October, Waterkeeper Alliance, Kentucky Riverkeeper, Appalachian Voices and Kentuckians for the Commonwealth closed the book on a monumental Clean Water Act enforcement case against three coal companies, regarding tens of thousands of water-pollution violations and years of false reporting by the companies.

A judge rejected the argument made jointly by the coal companies and state regulators that Waterkeeper Alliance and its partners should be excluded from the enforcement action. It was the first time a Kentucky state court allowed affected citizens or environmental groups to intervene in a Clean Water Act enforcement case brought by the state.

Coal companies must monitor pollutants coming from surface mines and report the data to the state, which is supposed to investigate if pollutants exceed certain levels.

In the fall of 2010, staff from Waterkeeper Alliance and Appalachian Voices reviewed discharge-monitoring reports on file with the Kentucky state environmental agency and discovered that the coal companies – which are now owned by Arch Coal, the second largest U.S. coal producer – had falsified pollution-discharge reports that covered up more than 20,000 violations of the Clean Water Act at dozens of coal mines in eastern Kentucky. The state agency had been unaware of the blatant false reporting, which appears to have been a common practice at coal mines across the state.

The company evidently had often cut and pasted the numbers from one report to the next, changing the dates but reporting the same monitoring data in consecutive quarters without doing any additional monitoring.

This revelation triggered an investigation by state regulators, and the companies began reporting dramatically higher levels of pollution in their wastewater discharges, sometimes spiking to 20 times what previously had been reported. Before the problems were brought to light, the companies had rarely, if ever, reported violations of the discharge limits.

In response, the state attempted to reach a quick settlement with the companies, writing off the false reports as mere "clerical errors," and assessing nominal fines. But the environmental groups objected that the settlement contained no measures to ensure accurate reporting in the future.

Waterkeeper Alliance and its partners successfully sued for the right to intervene in the settlement, arguing, among other things, that the falsified reports demonstrated that Kentucky was not doing a good job reviewing them for violations, and the penalty was too low to deter companies from submitting false data.

"The false-reporting epidemic we uncovered in Kentucky can be considered the most far-reaching and egregious noncompliance with the Clean Water Act in the law's entire 40-year history," said Waterkeeper Alliance attorney Peter Harrison. "It's astonishing that the state could have been so oblivious."

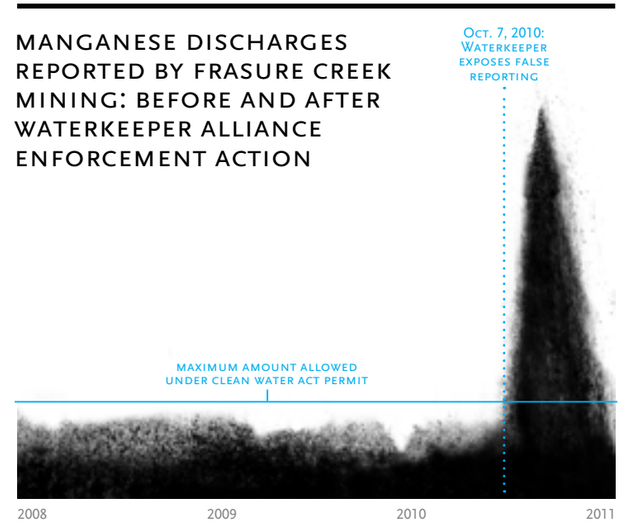
A Kentucky official later acknowledged the state had not done enough to make sure mining companies were submitting accurate information.

As a result, a settlement was reached that stipulated third-party auditing of the companies' water-pollution monitoring and reporting. Although the penalties assessed were only a fraction of the maximum allowed by the Clean Water Act, the groups agreed to accept them with the assurance that the money will go directly to fund general water-quality improvements and water-monitoring programs in eastern Kentucky. The settlement also sets fines for potential future violations.

"This agreement goes well beyond what the state tried to pass off as a 'prosecution' nearly two years ago" said Harrison. "This is a plan that will actually protect the people of eastern Kentucky by ensuring that the public knows how much pollution these mines are putting in their rivers and streams."

But Kentucky Riverkeeper Pat Banks remains concerned. "I frequently paddle and swim in the Kentucky River," she said, "but I am worried about the safety of the water. What are we to do when cases like this clearly show that the state is not doing its job? How are we supposed to know that the water we drink, play and bathe in is safe?"

MANGANESE DISCHARGES REPORTED BY FRASURE CREEK MINING: BEFORE AND AFTER WATERKEEPER ALLIANCE ENFORCEMENT ACTION



The Long Arm of ELAW

Last fall, Waterkeeper Alliance and the Environmental Law Alliance Worldwide (ELAW) joined forces to help provide more legal and scientific help to Waterkeeper organizations around the world. ELAW was founded in 1989 by lawyers from Australia, Canada, Chile, Ecuador, Indonesia, Malaysia, the Philippines, Sri Lanka and the United States at a University of Oregon conference on public-interest environmental law.

"Part of ELAW's mission is to build a worldwide corps of skilled, committed environmental advocates, so all of our work is in collaboration with local lawyers," says ELAW's executive director, Bern Johnson.

In the few months since the collaboration began, lawyers working with Waterkeeper organizations have begun to call on ELAW for legal and scientific support, most notably in India, where ELAW partners have obtained court orders shutting down or halting plans for coal-fired power plants in the states of Himachal Pradesh, Tamil Nadu and Andhra Pradesh.

"As the U.S. market for coal shrinks, big coal-companies are looking to ship their coal overseas," says Sharon Khan, Waterkeeper Alliance's international director. "ELAW will be a great help to Waterkeepers in their fight against the scourge of coal."

Bern Johnson looks forward to ELAW's supporting Waterkeeper in efforts to protect waterways around the world.

Replacing New York's Indian Point Plant

As the historic relicensing hearings about the Indian Point nuclear-power plant continue, New Yorkers are facing a fork in the road to their energy future. One way leads to 20 more years of dangerous, outdated power-supply; another to a place that is safe, sustainable and job-creating.

The population-density around Indian Point, on the Hudson River just 24 miles from New York City, is the highest for any nuclear plant in the United States – 20 million people living within a 50 mile radius – and its 10-mile evacuation plan has been called unworkable by former Federal Emergency Management Agency head James Lee Witt. The plant, moreover, sits atop two active earthquake fault lines, contains 1,500 tons of exposed, highly radioactive waste that is leaching into the Hudson River, and has a history of degrading, exploding transformers and fire-safety violations.

A new report by Synapse Energy Economics, Inc., prepared for Hudson Riverkeeper and the Natural Resources Defense Council, provides a detailed plan for using entirely clean sources to fully and cost-effectively replace the aging facility's 2000 megawatts of power.

The report, "Indian Point Replacement Analysis – A Clean Energy Roadmap," reaffirms the findings in a 2011 Synapse report and adds a "how-to" policy guide.

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THE NEW REPORT CONCLUDES THAT:

- New York will maintain a surplus of energy-capacity through 2020, even if Indian Point is retired.
- With the right policies in place, New York could rely entirely on energy efficiency, wind and solar power to replace Indian Point's power.
- The clean-energy alternatives would add an estimated one percent to energy bills in 2022 – just one dollar a month for the average residential customer.

Support for these options is growing at the state level. Early this year, two key New York State Assembly committees concluded that Indian Point can be shut down with little impact on rates and reliability. Governor Cuomo's New York Energy Highway Task Force is also developing a bold vision for energy sustainability consistent with the strategies outlined in the Synapse report, and the State Energy Planning Board agrees that it is feasible to close Indian Point.

Worldly Wise, Sharon Khan Returns to Alliance

Sharon Khan is back – this time as Waterkeeper Alliance's first international director.

After serving as staff economist at the Alliance from 2005 to 2008, Sharon departed with her family for Geneva, Switzerland, to consult with the United Nations for four years. She returned to Waterkeeper Alliance last July.

While working with the Chemicals Branch of the United Nations Environment Program (UNEP), she co-authored a report on the growing worldwide environmental and health costs of harmful chemicals. The report included a case study on the enormous health costs of pesticide use in sub-Saharan Africa. Results were reported in the September 2012 launch of UNEP's "Global Chemicals Outlook" and captured headlines around the world.

Sharon recently granted an interview to fill us in on the report and how it relates to her work as international director at the Alliance.

Q. What is the story behind the headlines?

A. The report estimated that between 2005 and 2020, the cost of illness and injury linked to pesticides in small-scale farming in sub-Saharan Africa could reach $90 billion. To put this huge sum into perspective, data from 2009 showed that development assistance for health in Africa, not including for HIV AIDS, was exceeded by these estimated health costs of pesticides. The key message is that nations need to re-assess money spent on treating problems and focus on preventing them.

Moreover, the estimated costs can only be seen as very conservative. They do not include health costs to non-farm workers – including women and children who are exposed to pesticides in their households and drinking water – nor to livestock. They do not include damages to the environment that destroy the natural beneficial functions of soil, insects, water and fish. But they were estimated using the best available government and industry data.

Q. How did industry respond to this study?

A. Industry points to gaps in data and argues that what isn't known isn't hurting anyone. But clearly, the gaps in scientific data on health and environment effects of chemicals should be addressed. This takes time, money and a commitment to dig deeper. In the meantime, data gaps cannot be viewed as a sign that chemicals are safe. On the contrary, efforts to gather existing evidence on the impacts of chemical substances all show that the way chemicals are currently managed leads to major environmental health issues and massive economic costs. This calls for the adoption of a precautionary approach, where chemicals' risks are evaluated and integrated at the planning stage. There is clearly a need to better share the risks and costs of chemicals use, and to develop efficient and open monitoring and enforcement mechanisms.

Q. What does this study mean for Waterkeepers?

A. At the grassroots, Waterkeeper organizations have first-hand knowledge and evidence of the impacts of chemical substances in their local communities. This evidence can significantly strengthen the arguments for precautionary protections of natural resources, and further empower actions to prevent pollution.

Waterkeeper organizations also have unique insight into the issues associated with chemicals in the field, and therefore have a legitimate place in decision-making processes at all levels. The Waterkeeper voice is critical to support the establishment of fair and efficient policies that must also recognize the right of community advocates to participate in implementation, monitoring and enforcement.

This January, I returned to Geneva to represent Waterkeeper Alliance at UNEP's fifth and final meeting to prepare a global treaty on mercury. It was the first time the Alliance had a presence at an international meeting – and simultaneously our president, Robert F. Kennedy, Jr., and our executive director, Marc Yaggi, published an op-ed in a major international newspaper, *The Guardian*, on the growing global menace of mercury.

Waterkeepers are having tremendous success stopping pollution from coal, including mercury emissions from coal-fired power plants in the U.S. This advocacy has gone global with Waterkeepers from China, India and Bangladesh joining the fight. Although the global mercury treaty falls short in many ways, including in stopping the increase of mercury emissions from coal-fired power plants, our place at the negotiations made clear that Waterkeepers and other environmental activists around the world will keep fighting and winning at the grassroots to keep our waterways and communities free from mercury pollution.

Indiscriminate pesticide use in the Developing World comes with huge public-health costs.

PHOTOGRAPH: ANDY RAIN/EPA

A Milestone for Mexico along the Baja Coast

Between the popular resort towns of Cabo San Lucas and San Jose del Cabo at the southern end of the Baja California peninsula stretch nearly 20 miles of sparkling beaches and jagged cliffs. Gray and humpback whales, whale sharks and five of the world's seven species of sea turtles visit these waters regularly.

For more than a decade, Los Cabos Coastkeeper Martha Moctezuma has been the most energetic and vocal defender of this splendid length of coast. But despite her efforts, poorly planned tourist-related development has caused destruction of dunes and wetlands and the loss of public beaches – from over 20 in the 1970s to less than half that number today.

"We feel our coasts are sacred," says Moctezuma, "but they are under constant threat due to the lack of legal tools that assure their protection."

In 2008, Moctezuma succeeded in winning certification of Chileno Beach, once a hotel beach, as Mexico's first protected beach under the government's Clean Beach Program, and subsequently succeeded in getting two more beaches certified – Palmilla Beach and Medano Beach. But not satisfied to advocate only local issues, she took on a leading role in organizing national workshops on the conservation of dunes and wetlands throughout Mexico. These events brought together scientists, legislators, academics and leaders of nongovernment organizations.

"Our goal," she says "was to fill the legislative void in Mexico to protect coastal and marine zones in all 17 coastal states" – where 47 million people, or 56 percent of the country's population, live. "In our third conference, in Mazatlan, Sinaloa, in October 2011, we presented the first draft of the "General Law for the Integral and Sustainable Administration of the Mexican Coasts."

The finished 21-page document was presented on February 21, 2012 to the Senatorial Panel on Legal Studies, Ecology and Regional Development. It is a milestone in Mexico's legislative history because it establishes a legal framework for ecological rights, as well as the human right to clean water, rooted in the Mexican constitution and international law.

During the past year, Moctezuma has continued to work with legislators to push through passage of the law, and to explain its importance to citizens, government officials and environmental experts.

"Environmental protection must be a priority as Mexico builds its future," she says. "And Los Cabos Coastkeeper is fighting every day to make that a reality."

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Ceremony at Chileno Beach designating it as Mexico's first protected beach.

North Meets South to Save Wild Salmon

The Fraser River's wild-salmon fishery in British Columbia is legendary but, sadly, it has been in decline for more than two decades. One of the causes is floating net-pen salmon farms, which have introduced sea-lice, viral and bacterial pathogens and other pollutants into surrounding waters. Fraser Riverkeeper has been working to remove these farms from wild-salmon migratory routes and to move them to closed-containment systems on land where they would not harm aquatic ecosystems.

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Sea lice on a wild salmon smolt picked up after it passed by a salmon farm.

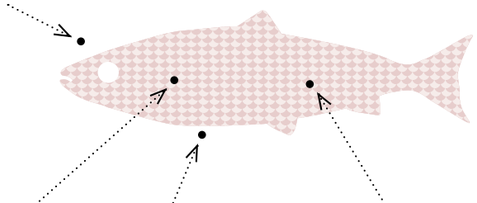
In January, Fraser Riverkeeper Tyee Bridge traveled to Los Angeles and joined Orange County Coastkeeper Garry Brown and Los Angeles Waterkeeper Liz Crosson to meet with the top brass of Aquarium of the Pacific, whose "Seafood for the Future" program seeks "to encourage healthy and responsible seafood choices." They are partners with producers and distributors in promoting these choices to chefs, restaurants and household consumers in Southern California.

The three Waterkeepers urged Aquarium executives to withdraw their seal of approval from the products of Grieg Seafood, a multinational corporation and one of the big salmon-farm operators in British Columbia, and specifically their line of "Skuna Bay Vancouver Island craft-raised salmon."

"Describing pollution-causing farmed Atlantic salmon as 'craft-raised' is a devilishly good example of slick 'green-washing'," said Bridge.

This collaboration between a Waterkeeper in British Columbia, where the farms are located, with Waterkeepers in Southern California, where the farmed salmon are marketed, is an exciting example of how Waterkeepers are supporting each other's work and advancing each other's mission.

Aquarium of the Pacific has promised to respond with a decision in the near future. Stay tuned.



TV Screen Enlightens Province on the Virtues of Qiantang River Waterkeeper

A recent three-part television report on the activities of Qiantang River Waterkeeper raised a lot of approving eyebrows in China's Zhejiang province. The organization watches and protects the province's largest and most important river and its tributaries from its headquarters in Hangzhou, a beautiful city just below Shanghai on the country's east coast.

Waterkeeper Xin Hao and his staff have developed an interactive-mapping project for the Qiantang that allows the public to submit data when they discover pollution incidents. They are also working on a project to prevent pollution from ships in the Hangzhou stretch of the Qiantang, and are collaborating with a local law firm to bring the first suit against a concentrated-animal-feeding operation (CAFO) on the river.

Xin Hao welcomed especially the attention paid by government officials. "Developing relationships with officials and gaining their respect is a key concern for Chinese Waterkeepers," he said. "It allows us to work more closely with government environmental agencies and have more influence when fighting polluters."

Widely viewed live and streamed online, the news program received positive feedback from important representatives of provincial and local government. On Weibo, the Chinese equivalent of Twitter, Zhejiang Provincial Governor Zheng Jiwei, posted: "Please follow the Qiantang River Waterkeeper!" The mayor of Huzhou City, north of Hangzhou, sent an appeal: "Xin Hao, please keep in touch! You've done a great job!" The vice-director of Zhejiang Provincial Environmental Bureau also sent congratulations.

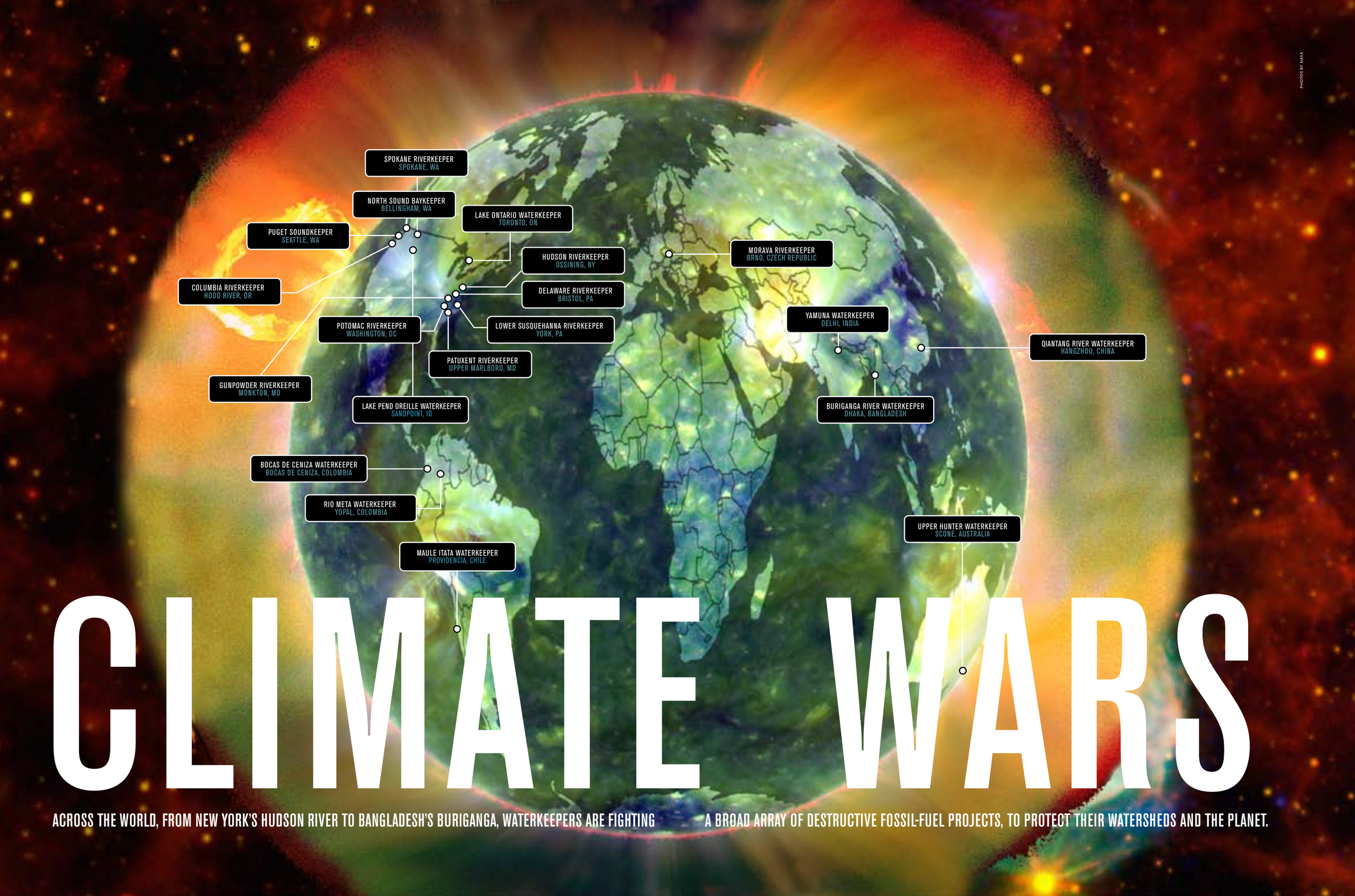
But these are not the first positive responses that the Waterkeeper has received from Chinese authorities. The director of the Qiantang River Administration, the government bureau that manages water-resources in Hangzhou, has recognized the importance of Xin Hao's organization in educating the public and pressuring polluters by providing it with significant funding for the past three years.

The TV series demonstrated how hard Qiantang River Waterkeeper has labored to serve its waterway. One viewer was so impressed that he announced immediately on Tudou, a web service similar to YouTube, that he would join the organization as a volunteer.

"Getting more and more people to join the environmental movement is our dream," Xin Hao said. And his dreams reach beyond the Qiantang and Zhejiang province. "We will not only protect our mother river," he promised, "but also broaden our horizons nationally and worldwide."

Qiantang River Waterkeeper Xin Hao with the city of Hangzhou in the background.

"Getting more and more people to join the environmental movement is our dream."



CLIMATE WARS

ACROSS THE WORLD, FROM NEW YORK'S HUDSON RIVER TO BANGLADESH'S BURIGANGA, WATERKEEPERS ARE FIGHTING A BROAD ARRAY OF DESTRUCTIVE FOSSIL-FUEL PROJECTS, TO PROTECT THEIR WATERSHEDS AND THE PLANET.

PHOTOS BY NASA

AROUND THE WORLD A COALITION AGAINST COAL

WATERKEEPERS FROM IDAHO TO INDIA UNITE TO STOP THE DEADLY INTERNATIONAL COAL TRADE.

BY MARC YAGGI, EXECUTIVE DIRECTOR, WATERKEEPER ALLIANCE

Over the past few years, several multinational corporations have set their sights on the Pacific Northwest as the ideal place to build terminals that would take in coal from the Powder River Basin of Montana and Wyoming for shipment to power plants in Asia. One of these, the Gateway Pacific Terminal, planned for Bellingham, Washington, would be the largest coal-export terminal in North America. This carbon-trafficking behemoth, to be financed by a consortium of investors led by investment-banking giant Goldman Sachs, would significantly accelerate the deadly effects of climate change in the name of profit for the corporate shareholders. But in its path stands a growing movement of Waterkeepers and engaged citizens from across the globe.

In November and December 2012, when the U.S. Army Corps of Engineers held public hearings in Spokane and in Seattle on the proposal to build the terminal, those opponents called for environmental-impact statements that would fully evaluate the "cumulative impacts" of export terminals on the communities where the coal would be mined, transported, shipped and burned. Waterkeeper staff who attended asked that hearing-officers fully and truly calculate the cost to those communities and the waterways that would be affected.

Here are just a few of the planet-wide impacts articulated by Waterkeepers in China, India, Bangladesh and the United States that were reported at the hearings:

• LAKE PEND OREILLE WATERKEEPER SHANNON WILLIAMSON, SANDPOINT, IDAHO, UNITED STATES:

"Big coal companies intend to expand their West Coast foreign exports up to approximately 160 million tons of coal per year. Coal is a highly toxic substance, full of heavy metals, radioactive compounds and carcinogens, and has the potential to severely degrade water-quality.

"The coal mined from the Powder River Basin in Wyoming and Montana would be shipped westward in open railcars on its way to proposed export-facilities in Washington and Oregon.

"The proposed route includes nearly 30 miles of shoreline directly adjacent to, and over, Lake Pend Oreille, in Northern Idaho. If all the proposals are approved, Bonner County stands to see as many as 66 additional coal trains a day. According to BNSF Railway, coal trains lose up to three percent of their loads as they pass through cities, towns, farms, ranches, and across rivers, lakes and streams. According to Oregon Physicians for Social Responsibility, that can be as much as 500 pounds of coal dust for every 500 miles traveled. This has caused such grave concerns about human-health impacts that the doctors issued a report of medical-journal articles that shows how coal dust is associated with emphysema, chronic bronchitis, pulmonary fibrosis and environmental contamination through the leaching of heavy metals.

"Lake Pend Oreille is not only a recreational gem, but also serves as a drinking-water source for thousands. Coal-dust deposition into the water will chronically degrade the quality of this resource, and a derailment adjacent to or over the lake would be devastating. Idaho is also the nation's number one producer of potatoes and trout. Idaho doesn't need coal dust contaminating our precious natural resources or our communities. The Army Corps of Engineers must fully quantify all the environmental impacts of the Gateway Pacific Terminal. Here in Idaho, it will have profoundly negative consequences to all those in the path of the coal trains."

• WATERKEEPERS WASHINGTON, A COALITION OF PUGET SOUNDKEEPER, COLUMBIA RIVERKEEPER, NORTH SOUND BAYKEEPER AND SPOKANE RIVERKEEPER:

"The very same coal-train problems that

"BIG COAL COMPANIES INTEND TO EXPAND THEIR WEST COAST FOREIGN EXPORTS UP TO APPROXIMATELY 160 MILLION TONS OF COAL PER YEAR. COAL IS A HIGHLY TOXIC SUBSTANCE, FULL OF HEAVY METALS, RADIOACTIVE COMPOUNDS AND CARCINOGENS."

A TRAIN LOADED WITH COAL FROM THE POWDER RIVER BASIN ENTERS BRITISH COLUMBIA'S WESTSHORE TERMINAL, THE BUSIEST IN NORTH AMERICA.

ENORMOUS CAPE-CLASS BULK COAL CARRIERS, LIKE THE 950-FOOT-LONG CAPE VIOLET (ABOVE), HAVE ABYSMAL SAFETY RECORDS.

PHOTOS BY PAUL K ANDERSON

AS COAL IS LOADED INTO THE BULK CARRIER CAPE VIOLET, COAL DUST DRIFTS UP AND OUT OF THE HOLDS AND ONTO THE DECKS OR INTO THE WATERS OF THE SALISH SEA.

PHOTOS BY PAUL K ANDERSON

would plague Lake Pend Oreille, if the Gateway Pacific coal terminal is built, will roll on down the Columbia River, cutting off tribes from their traditional fishing-grounds, dividing small towns in half, and continuing the slow but steady pollution of the Columbia and nearby communities. Once those trains turn north, they would pass through every population center in western Washington en route to Cherry Point, where the Gateway terminal would be the shipping point for approximately 48 million tons per year of U.S.-owned coal en route to Asian markets.

"It's at Cherry Point, where the land meets the sea and where trains would offload to international carriers, that the more disturbing problems start. Cherry Point is an Aquatic Reserve managed by the state of Washington.… [and] the qualities that make it tempting to build thousands of feet of pier and wharf to accommodate deep-draft shipping – low-angle access to the water and a steep near-shore drop-off – are the same qualities that make it one of the most productive ecosystems in the Puget Sound area, with high nutrient density and a unique species of fish, the Cherry Point Pacific herring, a species that is crucial for the entire food chain, including Chinook salmon and orcas.

"The highest risk of all stems from shipping the coal from Cherry Point out to the Pacific through two of the busiest waterways in North America – Rosario and Haro straits – which are already crowded with deep-draft container ships, oil tankers and tar-sands tankers. The addition of nearly 1,000 transits each year of Cape and Panamax class ships, with none of the safety requirements of oil tankers, is a disaster waiting to happen. Not only is a single substantial oil-spill the number-one threat to the survival of the endangered resident orca population, but the Washington Department of Ecology calculates that one major oil-spill would cost the state over $10 billion in clean-up costs and threaten the loss of 165,000 jobs. That's not a risk worth taking.

"This coal terminal is being sold to residents as a job-creator. The reality is that the impacts on watersheds along the railroad right-of-way, on Cherry Point itself, on crab- and salmon-fishing jobs, on tourism and recreation jobs, on the reputation of the area, would all combine to make Gateway Pacific Terminal a water-polluting, taxpayer-subsidized job-killer. The sole reason the proposal exists is for investors in Peabody Coal, Goldman Sachs, BNSF Railway, and SSA Marine to make a fortune from federally owned coal by shipping it to Asian countries."

• YAMUNA WATERKEEPER MINAKSHI ARORA, DELHI, INDIA:

"With 500 new coal plants under construction or proposed in India, more and more people in our country have joined forces to oppose them. The water-contamination, air-pollution, land-seizures and destruction of agricultural land that result from coal-fired power-plant construction have caused thousands of Indians to demonstrate, initiate legal challenges to permits, go on hunger strikes and blockade roads and railways.

"Mercury from coal is poisoning our food, our water and our land. Because of this, people are facing a grim inventory of diseases. The last thing we need is more coal from the United States to further poison and displace our people."

THE STACKER SCOOPS UP THE COAL, WITH 7,000 LBS. IN EACH BUCKET, TO BE SENT OUT TO THE WAITING SHIPS.

"MERCURY FROM COAL IS POISONING OUR FOOD, OUR WATER AND OUR LAND. BECAUSE OF THIS, PEOPLE ARE FACING A GRIM INVENTORY OF DISEASES. THE LAST THING WE NEED IS MORE COAL FROM THE UNITED STATES TO FURTHER POISON AND DISPLACE OUR PEOPLE."

A COAL TRAIN FROM THE POWDER RIVER BASIN HEADS THROUGH BLANCHARD, WASHINGTON, AND OVER COLONY CREEK, ON ITS WAY TO A SHIPPING TERMINAL AT ROBERT'S BANK, BRITISH COLUMBIA. COLONY CREEK IS A SALMON SPAWNING CREEK AND FLOWS INTO SAMISH BAY.

COAL-EXPORT FIGHT HEATS UP

IN THE PACIFIC NORTHWEST, WATERKEEPERS ARE ORGANIZING TO BLOCK MASSIVE COAL-EXPORT FACILITIES.

BY BRETT VANDEN HEUVEL, COLUMBIA RIVERKEEPER

"It is game-over for our climate."

Well, not yet. But those are the warning words of author and environmentalist Bill McKibben about the prospect of coal companies' exporting huge volumes of coal from the Powder River Basin in Montana and Wyoming to China. The proposals include building huge export terminals on the Columbia River, Coos Bay, and Puget Sound. When we first uncovered the secret plans, I thumped my head on my desk. Columbia Riverkeeper had just celebrated a big victory over a proposed liquefied-natural-gas terminal and was focusing on the policy work for passing the nation's most-protective toxics standards in Oregon (we did!). Now coal export? Here? Really? Thump.

The Columbia River features a rich salmon fishery and an extensive National Scenic Area. But it so happens that the river sits in the perfect location to be a giant chute for moving Powder River Basin coal to Asia. A lot of coal – 140 million tons each year, to be carried across the Pacific in a fleet of ships.

The impact of coal transportation and export – the spewing of toxic dust from 50 trains per day, the dredging of salmon nurseries for terminals, the threats to world climate – would be horrific.

After I lifted my aching head, I began to think about the campaign that Columbia Riverkeeper and our partners could lead across the Pacific Northwest, and the legal challenges we could mount. Big coal had no idea what they were up against. Campaign plans emerged. Waterkeepers in Washington, Oregon, and Idaho organized. Key allies came onboard – a powerful coalition of clean-energy activists, ranchers, doctors, and conservation groups called "Power Past Coal." We are fighting the coal giants, and we are winning.

Three images from the battlefront shine brightly in my mind:

1. LIES FROM DOWN UNDER:

The chief executive of Ambre Energy, an Australian coal company, smugly told the nodding county commissioners in Longview, Washington, about his company's integrity and compassion. He promises money to local schools. He promises to be a good neighbor.

Ambre received its coal-terminal permit. Columbia Riverkeeper and its allies sued. E-mail messages obtained through litigation revealed that the executive had lied about the project. He had not disclosed secret plans to expand the terminal by 1100 percent after he got permits.

After *The New York Times* broke the story about the lies, the county revoked Ambre's permit – the first victory in a long struggle.

2. COAL EQUALS POISON:

Waterkeepers from all over the world filed out of light-rail trains in downtown Portland to attend the rally against coal export on May 7, 2012.

We had just wrapped up the Waterkeeper Alliance annual conference in Portland, and folks were festive. The "Clean Coal Is a Dirty Lie" campaign banner waved. Robert F. Kennedy, Jr., took to the stage and closed his remarks by warning, "Anyone who touches coal gets poisoned by it. And you don't just get sick. It poisons your democracy, it poisons your community and it poisons your values." Xin Hao, Qiantang Waterkeeper, waved his fist and exclaimed, "China should not become the dumping-ground for your coal industry." The crowd roared. This Pacific Northwest issue suddenly went global. The *Oregonian* ran a prominent image of another Chinese Waterkeeper, Upper Yellow River Waterkeeper Ran Liping, wearing a surgical mask with a message written in bold black letters: "Export Clean Air."

The world was watching.

"ANYONE WHO TOUCHES COAL GETS POISONED BY IT. AND YOU DON'T JUST GET SICK. IT POISONS YOUR DEMOCRACY, IT POISONS YOUR COMMUNITY AND IT POISONS YOUR VALUES."

3. FIRE AND RAIN

Flames leapt from a giant check that Lummi Nation elders burned in a ceremony opposing coal export on a September day at Cherry Point, north of Bellingham. Beneath the flames, the check was made out for "Not Even Millions Unlimited" and stamped "NON NEGOTIABLE."

The Lummi, Yakama Nation, and 55 other Northwest tribes then passed a powerful resolution opposing coal-export facilities. One month later, on October 27, 2012, Matt Krogh, the North Sound Baykeeper, stood outside an Army Corps of Engineers coal-terminal hearing in the pouring Bellingham rain with 2000 others, including Lummi elders. Matt and his allies from the Sierra Club and Climate Solutions had helped organize this massive turnout to send the message that Big Coal's designs on Puget Sound were unacceptable.

The people had risen.

The coal giants Peabody, Arch Coal, Kinder Morgan, and Ambre aggressively seek approval to build terminals in Oregon and Washington. They have spent millions to promote their "jobs at all costs" message. But climate activists are not buying. As Beth Doglio, campaign director at Climate Solutions and Power Past Coal, said, "We should export green technology and innovation, not dirty rocks that foul our atmosphere."

In addition to climate impacts, the export fight hits closer to home because coal also threatens dozens of local waterbodies and communities. Bart Mihailovich, Spokane Riverkeeper, points out that coal contains toxic pollutants like arsenic and mercury. He warns that "we can't afford dozens of coal trains barreling through our towns, polluting our rivers and clogging our lungs."

In Coos Bay, Coos Waterkeeper David Petrie argues that coal terminals are not compatible with salmon recovery.

"We're working to bring back healthy salmon-runs and clean water now and for the generations to come," he says. "Dirty energy exports, like coal and liquefied natural gas, are not sustainable."

The haunting specter of coal export has at least provided a great opportunity for all the Waterkeepers in the Pacific Northwest to stand together with many allies to protect our waterways, our air and our communities.

"I love the Waterkeeper model – it adds so much to this campaign," said Doglio. "Each local organization is deeply connected to its river or bay. And they enforce the law while organizing communities."

The fight over coal export is still heating up. We believe we will win. We have to.

PROTESTERS AT AN ANTI-COAL RALLY IN PORTLAND, OREGON, INCLUDED, LEFT, BLACK WARRIOR RIVERKEEPER NELSON BROOKE FROM TUSCALOOSA, ALABAMA.

CREATING A CLIMATE FOR CHANGE

BY LESLEY ADAMS, WESTERN REGIONAL COORDINATOR

The signs of climate change are slowly unfolding in front of our eyes and almost ready to present to future generations. An area of Arctic sea-ice larger than the United States melted in 2012, global temperatures have risen four degrees Celsius above pre-industrial levels, and ocean acidification is dissolving marine life.

Despite resounding scientific consensus that humans must change the way we use energy or face dangerous consequences, global emissions of carbon dioxide reached record-high levels in 2012. As the International Energy Agency recently warned, "Delaying action is a false economy." For every dollar saved before 2020 by avoiding low-carbon investment now in the power sector, four times that amount will need to be spent afterwards to remedy the impacts of increased emissions. The sad truth is that fossil-fuel companies are trying to squeeze out as much dirty profit as they can before they are stopped or climate warms to a point of disaster. Here in the western U.S., Waterkeepers are working together to slow the quickening pace of fossil-fuel development by giant energy corporations, and block the route to tragedy.

In the United States, successful regulation of toxic pollution has made coal a less desirable source of energy; yet coal companies are vigorously pursuing approval to export their deadly product to Asia and impede interest there in renewable energy. Waterkeepers all over the Pacific Northwest are working together to stop this dirty energy source from polluting their communities and the planet. Meanwhile, dangerous fracking technologies have created access to huge reserves of natural gas in the United States, and companies are eager to export liquefied natural gas (LNG) at prices much higher than in domestic markets. In the Pacific Northwest, Rogue Riverkeeper, Columbia Riverkeeper and Coos Waterkeeper are working diligently to halt LNG-export development that would pollute salmon streams, harm sensitive coastal resources and increase domestic gas rates while igniting a fracking craze in the Rockies.

California Waterkeepers too are tracking rumors of an oil-fracking boom in their state, and Colorado Riverkeeper is grappling with new proposals to extract oil from tar-sands. In October 2012, the U.S. tar-sands industry won its first approval for a mine on U.S. soil, in eastern Utah. A second approval followed in November. And in Alaska, Cook Inletkeeper is challenging proposals to expand fossil-fuel development, as it promotes renewable energy and sustainable jobs.

Climate change is arguably the most difficult challenge that humanity has ever faced. But from the Arctic waters of Alaska to the water-starved Colorado plateau, from the orca-filled bays of Puget Sound to the salmon streams of southern Oregon, Waterkeepers are fighting on the frontlines to protect watersheds and communities from fossil-fuel extraction and the climate devastation that it wreaks.

COLOMBIA FAVORS BLACK COAL OVER ITS "GREEN" CONSTITUTION

OFFICIALS IGNORE ENVIRONMENTAL LAW AND EMBRACE THE ECONOMIC PROMISE OF A "SUPER PORT."

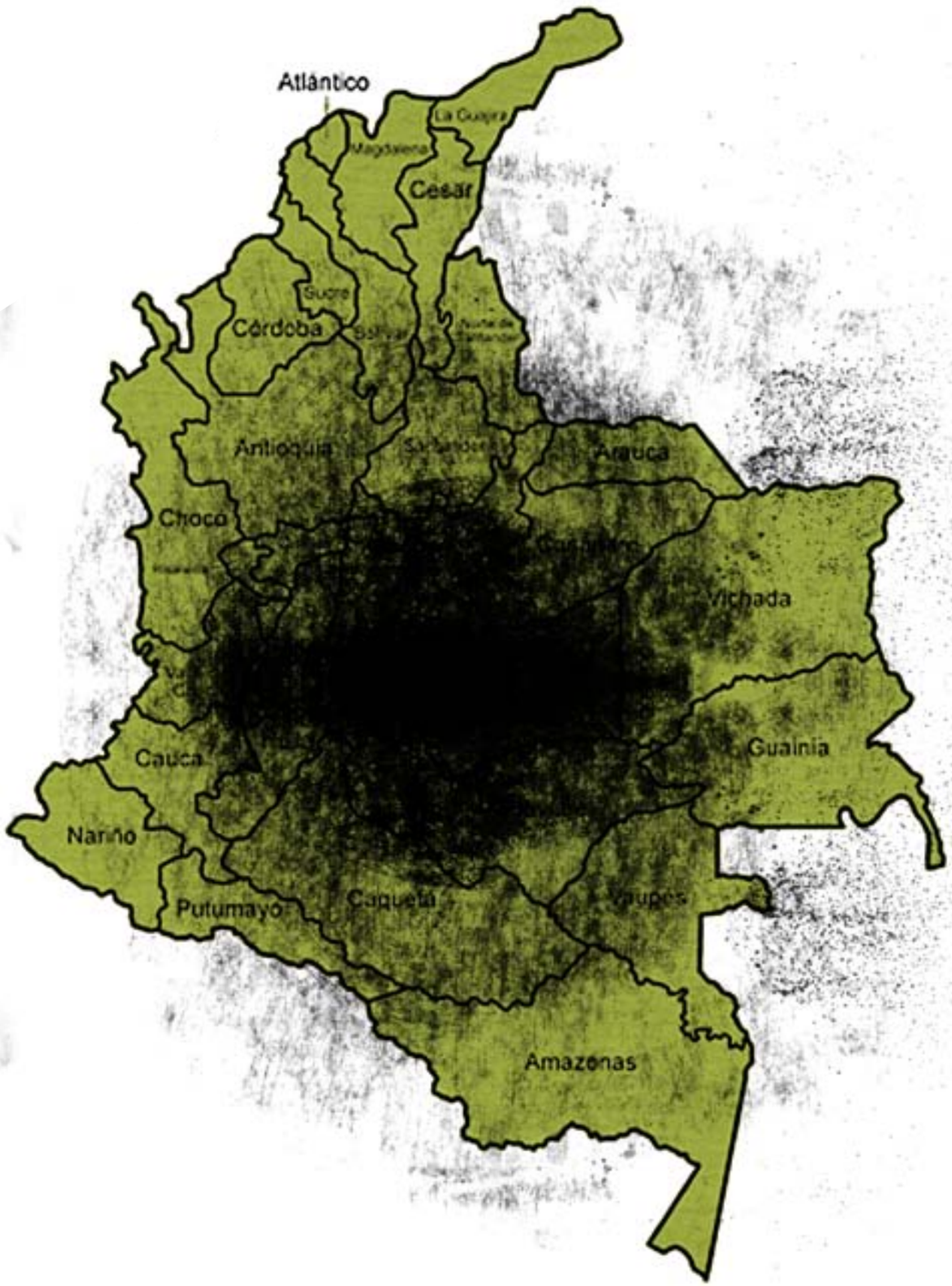
BY LILIANA GUERRERO RAMÍREZ, BOCAS DE CENIZA WATERKEEPER, AND IPPOLITA DI PAOLA, LATIN AMERICA REGIONAL COORDINATOR

Since 1991, when Colombia enacted a new constitution, written for a nation in crisis, the country has had advanced environmental legislation. The constitution's fundamental reforms of the legal system were designed to protect both the basic rights of citizens (especially vulnerable and threatened citizens) and collective rights, including the right to a healthy environment.

But two decades later, these rights exist mainly on paper. Legal experts claim that Colombia has a "green" constitution that ensures the people's right to a healthy environment, and that, thanks to subsequent court decisions, the right to clean drinking water is a fundamental right. But the commitment to this promising ecological legislation remains little more than political oratory divorced from effective enforcement.

On the ground, Colombia's ecosystems, including wetlands, mangrove forests, headwaters and tundra, are continuously endangered, in part because of lax regulatory practice that allows licenses to be issued for projects, especially in the fields of mining and the exploration and export of hydrocarbons that are detrimental to the environment. According to the U.S. Geological Survey, Colombia is the world's 10th largest producer of hard coals and the 4th largest coal exporter. And the mining and transportation of coal has contributed greatly to the degradation of vital ecosystems along the country's north coast, particularly in the departments of Cesar, Magdalena, Guajira and, more recently, in the Atlántico department, where Bocas de Ceniza Waterkeeper is located.

In the department of Cesar, excessive coal-mining by large multinational corporations, such as Drummond and Glencore-Prodeco, is destroying large tracts of land and causing widespread social problems. According to an investigative report by a national media company, in less than a decade, the land of Cesar will be so scarred from mining operations that it will resemble the surface of the moon. Even more frightening is the serious threat to its waterways and the aquifers that supply water to the entire department's population. In the process of coal-mining, exposed sulfur, phosphorous and coal-ash are released directly into surrounding bodies of water, and, since the municipal water-supply system is deficient, a large percentage of people use subterranean wells that contain this contaminated water, posing a huge threat to public health.



COLOMBIA FAVORECE EL CARBÓN FRENTE A SU CONSTITUCIÓN "VERDE"

FUNCIONARIOS IGNORAN DERECHOS AMBIENTALES Y ACOGEN LA PROMESA ECONÓMICA DEL "SUPERPUERTO."

POR LILIANA GUERRERO RAMÍREZ, BOCAS DE CENIZA WATERKEEPER Y IPPOLITA DI PAOLA, COORDINADORA REGIONAL DE AMÉRICA LATINA, WATERKEEPER ALLIANCE.

A partir de la Constitución Nacional de 1.991, promulgada para una nación en crisis, el país dispone de una legislación ambiental avanzada. Las reformas constitucionales fundamentales fueron la implementación de herramientas legales de protección de los derechos de los ciudadanos—derechos fundamentales (especialmente de ciudadanos vulnerables y amenazados) y de los derechos colectivos, entre ellos el derecho a un medio ambiente sano.

Sin embargo, dos décadas después, estos derechos existen principalmente sobre el papel. Expertos legales aseguran que Colombia tiene una constitución "verde" que garantiza los derechos de la gente a un medio ambiente sano y en virtud de desarrollo jurisprudencial, a partir del 2.008 se reconoce el derecho al agua potable, como fundamental en conexidad con el derecho a la vida y la salud. Pero la mayoria de los gobiernos anteriores, a pesar de esta legislación ecológica, han mantenido una oratoria política divorciada de la aplicación efectiva de las normas ambientales.

En la actualidad, los ecosistemas de Colombia, incluyendo humedales, manglares, nacimientos de agua y páramos, están en peligro de extinción, en parte debido a las prácticas regulatorias laxas en el trámite de licencias ambientales que producen gran impacto ambiental especialmente en el sector de la minería, y la exploración y explotación de hidrocarburos. Según la encuesta geológica de los Estados Unidos, Colombia es el 10° mayor productor de carbón duro y el 4° más grande exportador del carbón. La minería y el transporte de carbón han contribuido en gran medida a la degradación de los ecosistemas vitales a lo largo de la costa norte del país, especialmente en los departamentos de Cesar, Magdalena, Guajira y más recientemente, en el departamento de Atlántico, donde trabaja la fundación Bocas de Ceniza Waterkeeper®.

En el Cesar, la extracción excesiva del carbón por corporaciones multinacionales, como Drummond y Glencore-Prodeco, está acabando con grandes extensiones de tierra y es la causa además de numerosos problemas sociales. Según un informe especial de CM& Noticias, en menos de una década, en el Cesar habrán superficies con grandes huecos o cráteres similares a la superficie lunar, con una extensión cuatro veces mayor a la extensión de la ciudad de Bogotá, sin mencionar la grave

The report also claims that the drastic alteration of the surface threatens to dry up subterranean water-sources, lowering the water-table that supplies the 80,000 residents of the municipalities of Bosconia, Chiriguaná, El Paso, Chimichagua and Tamalameque by an estimated 140 meters in 35 years. Surface water is also contaminated by open-pit-mining sediment, especially along the Cesar River. In addition, the Ministry of Environment's protocols for carbon transport are ineffective, and the coal dust released pollutes the air, water and land along the 225-km transport route from Cesar to Santa Marta.

The craze for coal continues along Colombia's north coast, and has arrived in Barranquilla, the port city on the Magdalena River that is the home of our Waterkeeper organization and capital of Atlántico. The area known as Bocas de Ceniza, which lies where the Magdalena River meets the Caribbean Sea, includes one of Colombia's most valuable wetlands, Ciénaga de Mallorquín. In 1997, Colombia joined the international Ramsar agreement of 1971, committing the country to conservation and rational use of its wetlands and their resources. Atlántico's industrial leaders, especially coal companies, have been pressuring the national government to enact a new decree that will modify the boundaries of the Ramsar-protected areas of the Magdalena river estuary and the Santa Marta and Mallorquín marshes to enable the building of a "super port" from which coal could be exported and transported by water rather than by land. This transition would increase coal exports from one million to 22 million tons per year, just from Barranquilla alone.

The Port Society of Bocas de Ceniza, a group of private developers, has been leading this destructive initiative, supported by industry-friendly technical and financial studies by the U.S.-based Louis Berger Group, a construction and engineering company infamous for the $69 million penalty it paid in 2010 for intentionally overcharging American taxpayers for contract work in Afghanistan and Iraq. However, no studies have been conducted on the environmental impact to the Magdalena River and Mallorquín marsh ecosystems, even though Colombian law states that such a study must be submitted to the Ministry of Environment and Sustainable Development, which has jurisdiction for deep-water ports. While local regulators have fiddled, foreign investors have been acquired to fund construction, including the U.S. Export-Import Bank, the Swiss-based Mercuria Energy Group and the Indian company Inducia. The cost is projected to be more than $220 million.

The Regional Autonomous Corporation of the Rio Grande of Magdalena (CORMAGDALENA), the state entity that oversees development and environmental preservation on the river, has officially

"ON THE GROUND, COLOMBIA'S ECOSYSTEMS, INCLUDING WETLANDS, MANGROVE FORESTS, HEADWATERS AND TUNDRA, ARE CONTINUOUSLY ENDANGERED."

expressed interest in the project, due to the financial benefits they will receive from granting the port concession. Industrially led economic growth is a national priority in Colombia, and the industrial sector, especially the coal industry, has significant political power. Several important government figures are in favor of the super port because of its economic value, and ignore the issues of environmental sustainability and public health. Responsibility for opposing the port is left to citizens and environmental advocates.

The coal companies and their investors have their goal of building the super port clearly in sight. But Bocas de Ceniza Waterkeeper and other local environmentalists are ready for battle, and we will pursue every legal action necessary to contain the ecological disaster that they propose.

amenaza que se cierne sobre los cuerpos de agua y acuíferos que abastecen a las poblaciones del departamento. Cuando se explota la piedra que recubre el carbón, se dejan expuestos azufre, fósforo y plomo que van directamente a la tierra y a los cuerpos de agua. Y como los sistemas de acueductos municipales son deficientes, la gente en gran porcentaje recurre a pozos subterráneos y lógicamente esta agua subterránea está contaminada, lo que representa una gran amenaza para la salud pública.

El reporte del medio informativo, además, señala que la alteración drástica del suelo pone en riesgo fuentes de agua subterránea o acuíferos, lo que podrá disminuir el nivel freático 140 metros en 35 años, fuentes que abastecen agua a las aproximadamente 80.000 personas de las municipalidades de Bosconia, Chiriguaná, El Paso, Chimichagua y Tamalamesque. Las aguas superficiales también se ven contaminadas por los sedimentos resultantes de la explotación a cielo abierto del carbón, especialmente a lo largo del Rio Cesar. Además de lo anterior, los protocolos para el transporte del carbón del Ministerio de Medio Ambiente no son efectivos, y la dispersión del polvo de carbón contamina el aire, el agua y la tierra a lo largo de la 225 km de la ruta de transporte de Cesar a Santa Marta.

La locura por el carbón continúa su recorrido a lo largo de la costa norte, llegando a Barranquilla, la ciudad portuaria al lado de la orilla del río Magdalena, que es la base de nuestra organización Bocas de Ceniza Waterkeeper y la capital del Atlántico. El área conocida como Bocas de Ceniza, donde el Río Magdalena desemboca en el Mar Caribe, incluye uno de los humedales más importantes de Colombia, la Ciénaga de Mallorquín). Mediante la Ley 357 de 1.997, Colombia aprobó el acuerdo internacional suscrito en RAMSAR en 1.971, comprometiendo al país a la conservación y el uso racional de los humedales y sus recursos. Pero, por presión de los industriales del departamento del Atlántico, principalmente los de la industria del carbón, el gobierno nacional está ad portas de modificar los limites del humedal RAMSAR del complejo Estuarino del Rio Magdalena y la Ciénaga Grande de Santa Marta, (dentro del cual se encuentra la Ciénaga de Mallorquín), para permitir la construcción del "superpuerto," para la exportación y transportación del carbón por vía fluvial en vez de ser transportado por vía terrestre. Esta operación aumentaría las exportaciones de carbón desde un millón hasta 22 millones de toneladas de carbón cada año, sólo por Barranquilla.

La sociedad Portuaria Bocas de Ceniza, un grupo de desarrolladores privados, lidera esta nefasta iniciativa con el apoyo de estudios de factibilidad técnica y financiera de la empresa Estadounidense Louise Berger Group, empresa infame de construcción y de ingeniería, que pagó una sanción de $69 millones de dólares en 2.010 por la sobrecarga intencional a los contribuyentes estadounidenses por contratos de construcción en Irak y Afganistán. Sin embargo, no se han realizado un estudio serio del impacto ambiental en los ecosistemas del río Magdalena y la Ciénaga de Mallorquín, a pesar de que la legislación colombiana establece que dicho estudio debe ser presentado ante el Ministerio de Medio Ambiente y Desarrollo Sostenible, el cual tiene jurisdicción para puertos de gran calado. Mientras que los reguladores locales pierden el tiempo, los inversionistas extranjeros ya han sido conseguidos para financiar la construcción, entre ellos son el U.S. Ex-im Bank, el Suizo Mercuria Energy Gorup y la empresa India Inducia. La obra podría superar los 220 millones de dólares.

La Corporación Regional Autónoma del Rio Grande de la Magdalena (CORMAGDALENA), la entidad estatal que supervisa la preservación del medio ambiente y el desarrollo económico a lo largo del rio, ha expresado oficialmente su interés en lograr esta obra, debido al beneficio económico que recibiría en virtud del pago de la concesión del puerto otorgada. El Desarrollo económico dirigido por el sector industrial es una prioridad nacional en Colombia, y el sector industrial, en especial la industria del carbón, tiene un poder político significativo. A su vez, varios personajes políticos importantes favorecen el "superpuerto" debido a su valor económico, ignorando los problemas de sostenibilidad ambiental y salud pública. La responsabilidad de oponerse al "superpuerto" y proteger el medio ambiente se deja a los ciudadanos y defensores ambientales.

Las empresas de carbón y sus inversionistas tienen la meta de construir el "superpuerto" claramente a la vista. Sin embargo, Bocas de Ceniza Waterkeeper* y otros ambientalistas locales están listos para la batalla, quienes emprenderemos todas las acciones legales necesarias para contener el desastre ecológico que ellos proponen.

A SUPER PORT IN THE MAGDALENA RIVER ESTUARY WOULD INCREASE COAL EXPORTS FROM ONE MILLION TONS TO 22 MILLION TONS YEARLY AND SEVERELY THREATEN THE AREA'S WILDLIFE.

LA EXTRACCIÓN EXCESIVA DEL CARBÓN POR CORPORACIONES MULTINACIONALES ESTÁ ACABANDO CON GRANDES EXTENSIONES DE TIERRA Y ES LA CAUSA ADEMÁS DE NUMEROSOS PROBLEMAS SOCIALES.

THE PRISTINE BEAUTY OF TAGANGA BAY ALSO WOULD BE ENDANGERED IF A COAL SUPER PORT WERE BUILT IN BARRNQUILLA.

METHANE FLARES FROM MARCELLUS SHALE GAS WELLS LIGHT UP THE NIGHT BUT CAST A DARK SHADOW ACROSS THE REGION'S FUTURE. OPPOSITE: IN PLACES LIKE PROSPERITY, PENNSYLVANIA, THE QUESTION IS WHETHER OR NOT THE FRACKING BOOM COMES WITH TOO MANY SERIOUS ENVIRONMENTAL AND HEALTH PROBLEMS.

FIGHTING FOR A FRACKING-FREE DELAWARE

ONLY CONSTANT VIGILANCE AND ACTION WILL KEEP THE CURRENT MORATORIUM IN PLACE.

BY MAYA van ROSSUM, DELAWARE RIVERKEEPER

The Delaware River, its watershed and communities are right now protected from the devastations of shale gas drilling and fracking because of more than two decades of vigilance, advocacy and action by the Delaware Riverkeeper Network – and we aim to keep it that way.

The Delaware Riverkeeper was one of the earliest Waterkeeper organizations and only the second Riverkeeper, after the Hudson Riverkeeper. That was in the late 1980s, long before fracking became a household word, and the timing has proved critical in keeping the river's watershed fracking-free. An important step followed in 1990 when we successfully petitioned to have the Delaware designated an "Outstanding Natural Resource Water" under the Clean Water Act. Following that, more than a decade of organizing and advocacy by Delaware Riverkeeper resulted in the entire 197-mile non-tidal reaches of the river achieving the status of "Special Protection Waters" (SPW).

The full power of the SPW designation began to be seen during the push to frack the Marcellus Shale in New York, Pennsylvania and other states. Because of this designation, there is a moratorium against gas drilling anywhere within the Delaware River watershed. But this moratorium will end if the Delaware River Basin Commission (DRBC), which administers the SPW program, relaxes the regulations.

The decision-makers of the commission are the governors of the four states that share the river's watershed (New York, New Jersey, Pennsylvania and Delaware) and an Army Corps of Engineers colonel who represents the President. Decisions are made by majority votes. So we have had to remain vigilant and active in each state to convince these officials not to lift the moratorium.

IN PENNSYLVANIA – TRYING TO ROLL BACK BAD DECISIONS

Pennsylvania Governor Tom Corbett is a gas-drilling advocate who has supported the passage of laws and regulations that weaken environmental, public-health and other protections that apply to drilling. He proposed and got passed, in February 2012, a law known as "Act 13," which stripped municipalities of the little authority they had to protect their communities through zoning. As a result, fracking and its entire infrastructure can be imposed anywhere – in residential, agricultural, historic and environmentally sensitive areas. Gas-fracking sites, including toxic-wastewater pits, could sit as close as 300 feet to a home, schoolyard, playground, senior center or hospital.

Joining forces with seven municipalities, Delaware Riverkeeper took Act 13 and the Corbett administration to court, where the law was judged to be largely unconstitutional. But the challenge has reached the state's Supreme Court, which, as of this writing, is still considering the final fate of the act and all the communities it affects.

IN NEW YORK – PREVENTING THE

IPHONE IMAGES OF METHANE FLARES FROM SHALE-GAS WELLS IN PENNSYLVANIA, WHERE HOMES, LANDS AND LIVES ARE BEING DEEPLY AFFECTED BY THE FRACKING BOOM.

"PIPELINES CUT ACROSS OLD-GROWTH FORESTS, RESIDENTIAL COMMUNITIES, ACTIVE FARMS, PRISTINE WATERWAYS AND PRODUCTIVE WETLANDS."

DOOR FROM OPENING

Governor Andrew Cuomo put in place an effective stay on drilling until the state completed a final statement on the environmental impacts. When it looked like the state was about to open the door to drilling, we collaborated with organizations across New York to stop the political deal making. As a result of these efforts, Cuomo has kept the door shut and has committed to a public health study before making a final decision.

IN DELAWARE – KEEPING A COMMITMENT TO SCIENCE

Basing his view on science and the experience of regulatory agencies, Delaware Governor Jack Markell has made clear to the other states and the Army Corps that his state could not support opening the watershed to drilling. This staunch commitment to sound science has been an important element of our successful efforts.

IN NEW JERSEY – PROTECTING AGAINST THE FALLOUT OF DRILLING

The Marcellus Shale doesn't quite extend to New Jersey, but it is home to other shale formations that could be tapped in the future. And, being a neighbor to Pennsylvania, it is a likely target for disposal of toxic drilling wastes and offers pathways for the pipelines that would transport fracked shale-gas.

Working with our partners in New Jersey, we were instrumental in the passing of bills in the state legislature that would ban fracking in the state and prohibit the fracking-waste from being disposed of there. But Governor Chris Christie vetoed both bills, in spite of broad bipartisan support, so we continue to work with our colleagues to have these vetoes overridden or new legislation enacted.

PREVENTING DRBC FROM SKIRTING THE MORATORIUM FOR INFRASTRUCTURE

The moratorium on drilling in the watershed has not stopped DRBC from anticipating drilling by granting approvals for water-withdrawals that would support shale-gas extraction. Delaware Riverkeeper is fighting this decision in court.

The commission is also looking for a path through which it could lift the moratorium. When it attempted to issue draft regulations to this effect in November 2011, we and our collaborators, with strong public support, rose up to issue a challenge – 69,800 comments were submitted on the proposed rules. In addition, we joined with Hudson Riverkeeper, the National Parks Conservation Association and the New York State Attorney General to protest the failure of DRBC and the Army Corps of Engineers to examine the potential cumulative impacts of shale-gas development prior to proposing their draft regulations. The judge determined that, because the draft regulations were never passed, the legal challenge was not yet ripe, but acknowledged the appropriateness of our concerns and claims.

COLLECTING AND USING DATA

The agencies charged with protecting our environment are incredibly under-resourced, and their political overlords who support drilling realize that by starving these agencies they can serve the interests of the drilling industry. With this in mind, Delaware Riverkeeper has designed a real-time-monitoring system to oversee natural-gas-drilling activity and pipeline construction in the watershed. Citizen volunteers and our science staff collect data that allow us to:

- respond to construction and permitting requests quickly and strongly;
- support the continuation of the moratorium against drilling;
- support a petition submitted to the State of Pennsylvania to secure exceptional-value designation for streams and watersheds that would be harmed if drilling were allowed; and
- challenge the harmful pipelines now passing through portions of the watershed.

We have shared the specifics of our program with other communities so that they can collect similar data and information.

GAS DRILLING INFRASTRUCTURE – PIPELINES

Any successful battle against fracked-shale gas has to include a challenge to the infrastructure necessary for the drilling.

Intrastate gathering-pipelines and large interstate pipelines are needed to move shale gas from the drilling sites to market. Every gas-well that is drilled and fracked requires approximately 1.6 miles of gathering lines to move the gas from the well-pads to the interstate transmission pipelines, which can travel for hundreds of miles across our landscapes with rights-of-way as wide as 200 feet.

At least a dozen transmission pipelines or pipeline expansions are being proposed for the Delaware River Watershed. Many communities are concerned that they will find themselves downstream of a fracking-wastewater plant or that drilling companies will suck millions to billions of gallons of water out of their favorite fishing-creek or swimming-hole for fracking, which requires huge amounts of water.

Pipelines cut across old-growth forests, residential communities, active farms, pristine waterways and productive wetlands. When rights-of-way are clear-cut, rainfall, once captured by leaves and soaked up by tree-roots and soil, runs off, contributing to pollution, erosion and flooding. Homeowners are deprived of the beauty of their land. Pipe laying and heavy equipment destroy streams. Wetlands are cleared, crossed and forever compromised.

These impacts occur when the work is done

A GAS-DRILLING RIG IN PENNSYLVANIA, WHICH COULD LOSE UPWARDS OF 90,000 ACRES OF FOREST TO MARCELLUS-SHALE DRILLING IN THE NEXT 20 YEARS.

properly, but many pipeline companies are notorious violators of the law. Our monitoring program documents these violations. In 28 out of 38 weekly environmental-compliance reports on the Federal Energy Regulatory Commission's (FERC) website, it was reported that the Tennessee Gas Pipeline Company's (TGP) 300 Line project did not comply with "Project specifications, mitigation measures, and applicable FERC-approved Project plans." Out of 16 inspections conducted by the Wayne County Conservation District, violations were found in 15. In Pike County, the 300 Line project was cited for 17 instances of dirt and sediment being discharged into water bodies, seven violations for worksite conditions, and 21 instances of failure to properly institute best-management practices for erosion- and sediment-control.

When we pressed TGP to restore exceptional-value wetlands as required in its permit, the company, apparently in retribution, drained the wetlands on the exact weekend when reproduction of amphibians that had returned to the site was at its peak.

Pipelines contribute significantly to climate change. Experts estimate that between one and 10 percent of the methane gas drilled at a well is lost during storage and transmission. Methane is the second largest contributor to climate change, and 21 times more powerful than carbon dioxide in trapping heat. And the compressor stations that are located every 40 to 100 miles along a pipeline disrupt and threaten local populations with noise and air-pollution, including carcinogens and neurotoxins.

On September 12, 2012, Delaware Riverkeeper Network served DRBC with a petition asserting that the agency is obligated to review and approve any pipeline projects that pass through the boundaries of the watershed. In addition, we are an intervener in nearly half-a-dozen pipeline proposals now being considered by FERC. If successful, our legal action would help every organization dealing with pipeline and gas-drilling battles across the nation, demonstrating the need for better informed environmental-impact statements.

LNG – EXPORTING THE GAS AFTER THE DAMAGE IS DONE

The natural-gas industry claims that growth in production will result in energy independence for America. But its spokespersons don't mention that at least 15 applications for liquefied-natural-gas (LNG) export facilities currently are pending before FERC. And they fail to mention that the pending requests for export total about 40 percent of the total amount of natural gas produced in the U.S. in a year – which means shipping 40 percent of the natural gas produced to foreign nations. And they are just getting started. Delaware Riverkeeper Network has worked with Lower Susquehanna Riverkeeper to draft and submit comments that oppose the development of LNG-export facilities.

SCIENCE VERSUS MESSAGING

The gas industry's argument for shale gas and fracking is not based on accurate facts and science; it is being pressed in the halls of government by industry lobbyists and through multimillion-dollar ad and public relations campaigns. We cannot win the battle against the industry unless we are able to get our message to the people.

Our commercial, "Protect Our Waters Before It Is Too Late" (http://youtu.be/Zsuqq8cb9yg), shown during major cable-network programs, and a growing number of online videos, press releases and direct-action strategies are helping to change the dialogue. But we believe that the outcome of this battle will depend on science and the reporting of the experiences of communities already affected by fracking. The messaging campaigns of the industry are powerful, but if we can put forth the increasing body of proof of the devastating effects of fracking and shale-gas development, then, I believe, we ultimately will win.

The scientific studies we're conducting are playing a crucial role in the debate. In one study, in fact, a Delaware Riverkeeper expert, Paul Rubin, used the industry's own data to document the failure of cement and steel casings that line boreholes, and showed that these failures could cause contamination of aquifers. Paul was also among the first to demonstrate the relationship between fracking, deep-well injection of fracking wastewater, and earthquakes.

And more science: we recently commissioned an expert report from Bat Conservation International about the adverse effects of shale-gas development on bat populations. (To read the report or download the pdf, go to: http://www.delawareriverkeeper.org/resources/Reports/Impacts_of_Shale_Gas_Development_on_Bats.pdf.)

OUR VISION

Future generations are counting on us to win this energy battle. The drillers and the pipeline companies like to raise the issues of jobs and energy security, but, if we rely on shale gas for our energy future, in just a few decades, after we have drilled, fracked and consumed that gas, all we will be left with are poisoned water, air and lands; devastated communities; and sick families.

If, however, we invest in sustainable energy sources – solar, wind, water – then each day when the sun rises, the wind blows and the tides change, we will be blessed and enriched with clean energy and abundant water for ourselves and the generations who come after us. And clean energy will create just as many jobs as energy that harms us and destroys our natural environment.

CONTAMINATED WATER SUPPLIES REQUIRE RESIDENTS OF TOWNS AFFECTED BY THE FRACKING BOOM TO TRUCK IN WATER FOR CONSUMPTION.

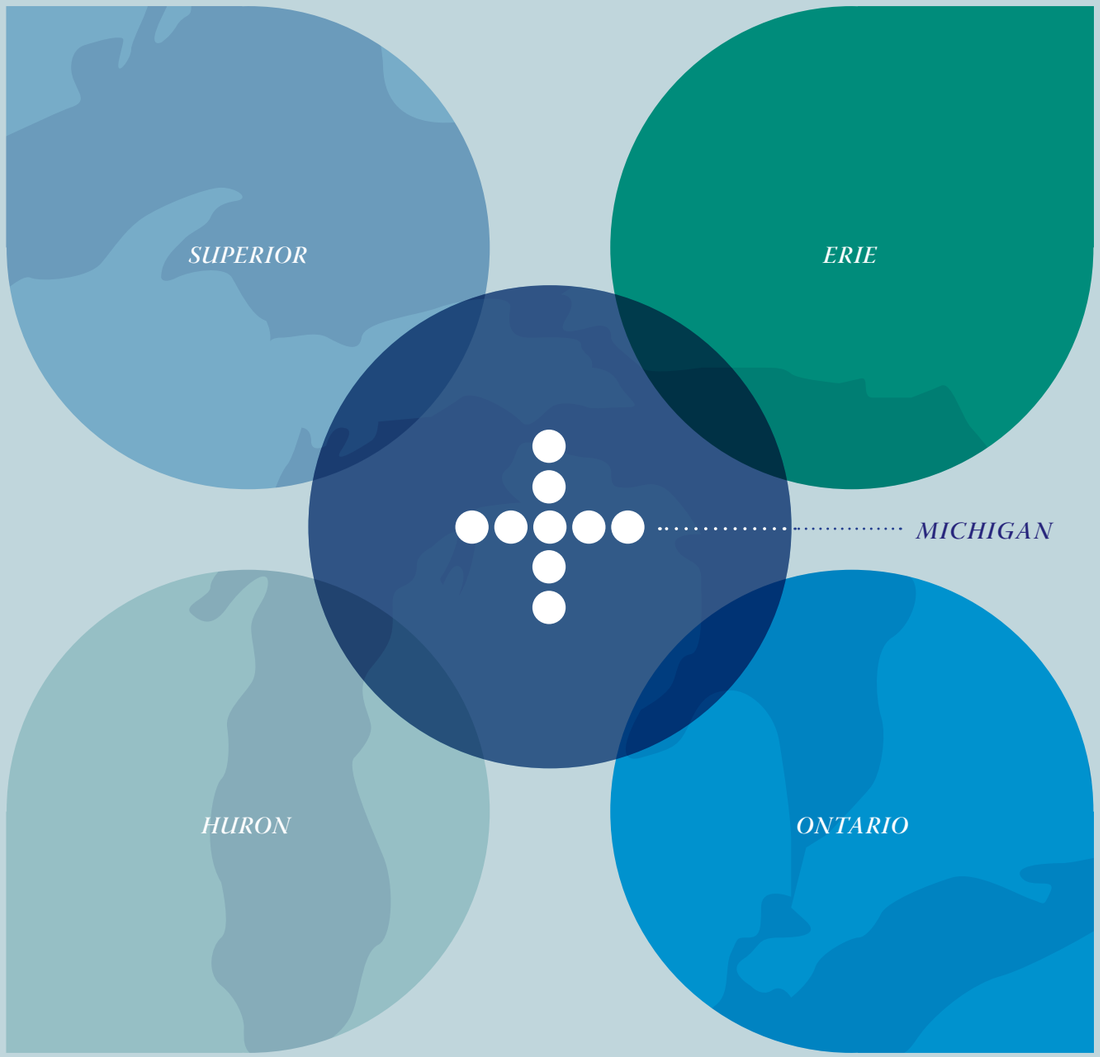
GAS PIPELINES CUT ACROSS OLD-GROWTH FORESTS, ACTIVE FARMS, PRISTINE WATERWAYS AND PRODUCTIVE WETLANDS.

THE GAS INDUSTRY'S ARGUMENT FOR SHALE GAS AND FRACKING IS NOT BASED ON ACCURATE FACTS AND SCIENCE; IT IS BEING PRESSED IN THE HALLS OF GOVERNMENT BY INDUSTRY LOBBYISTS AND THROUGH MULTIMILLION-DOLLAR AD AND PUBLIC RELATIONS CAMPAIGNS.

NO LONGER FIVE, BUT ONE

AS GIANT ENERGY CORPORATIONS PLAN A HOST OF DESTRUCTIVE PROJECTS, THE GREAT LAKES MUST BE REDEFINED AS ONE WATERSHED THAT BELONGS TO THE PEOPLE.

BY MAUDE BARLOW



The aptly named Great Lakes, holders of 20 percent of the earth's fresh water, have been managed and protected for more than a century by the International Joint Commission (IJC), which is appointed and approved at the highest levels of the Canadian and U.S. governments. But after all these years, the Lakes remain plagued by patchwork laws, chronic underfunding and inadequate enforcement of environmental protections. Now, more than ever, as they are threatened by a battery of dangerous new energy projects, they need a new identity – to be governed as one watershed and shared, protected and carefully managed for the benefit of all who live around it. The ecological health of the Great Lakes must take priority over market economics and private gain.

In December 2011, Michigan public-trust lawyer Jim Olson and I spent an hour with the IJC to present our holistic view of the Lakes and to argue that unless such a view was embraced by the commission, the continued health of the Lakes was in grave danger. We were delighted to see that Waterkeeper Alliance, at its annual board meeting in the spring of 2012, adopted a resolution urging the commission to endorse our proposal that the Great Lakes Boundary Waters be declared a "shared commons and public trust." That same spring, Lake Ontario Waterkeeper Mark Mattson, I and others visited many communities around the Lakes to test this concept, and found very excited and receptive audiences everywhere. We stated repeatedly that everyone has the right to take any abuse of these magnificent waters personally.

And the abuses, both real and potential, abound. As the advocacy group Great Lakes United has commented, big oil and gas companies view the lakebeds as a "new frontier" for routing pipelines. One huge project undertaken by Enbridge Energy, the 1,000-mile Alberta Clipper pipeline, is already bringing corrosive bitumen – the dirtiest oil on earth – from the tar-sands of northern Alberta to refineries at the tips of Lakes Superior, Michigan and Erie for processing. Another pipeline runs under the St. Clair River, which drains into Lake Clair, Lake Erie and the Detroit River. And a third pipeline, called "Trailbreaker" – temporarily on hold because of public protest – would reverse the east-west flow of a pipeline that runs from Portland, Maine to Sarnia, Ontario, allowing the transmission of tar-sands bitumen along the densely populated Canadian sides of Lakes Erie and Ontario, through pristine New England wilderness to an export facility off Portland.

There are also 17 major refinery projects either being developed or planned around the Lakes. The biggest is a controversial expansion of the BP refinery in Whiting on the south-eastern shore of Lake Michigan in Indiana, an undertaking that would boost its capacity to process oil from the Canadian tar-sands. Another expansion, of the Murphy Oil plant in Superior, Wisconsin, could damage 300-to-500 acres of wetlands and consume five million gallons of Lake Michigan water every day.

The refinement of tar sands oil has devastating impacts on water-sources and communities. Processing bitumen requires up to four times more water than conventional oil-refining, and releases nitrogen oxides and sulphur dioxides into the atmosphere that create acid rain. But bitumen export is a booming business, and it is belching out increasing amounts of acid rain from deep in the U.S. heartland and depositing it in the Great Lakes.

This growing threat is of no concern to the Canadian government under Prime Minster Stephen Harper, which has stripped environmental and water protection to the bone to encourage the development of tar-sands and the massive expansion of export pipelines. His government is clearly and thoroughly on the side of the energy giants.

To this is added the threat of hydraulic fracturing, or fracking, the process of unlocking natural gas by high-pressure injection of chemical-laced water into deep shale-rock formations. Fracking uses massive amounts of water and leaves chemical-laden cesspools behind. Yet President Obama has made this technology a keystone of his domestic energy policy, and U.S companies are rushing to find and extract supplies.

While it is forbidden on the U.S. side to explore for natural gas under the Great Lakes, the rivers, streams and creeks that feed them are fair game. (Canada has no such a ban, and has allowed 2,200 gas wells to be drilled under its portion of Lake Erie.) When it became known that the northern part of Michigan's Lower Peninsula may hold substantial reservoirs of shale-gas, the state held a record-setting lease sale. And along the shore of Lake Erie, Ohio is moving aggressively to frack the Marcellus Shale, while New York may soon move in the same direction, after a moratorium expires that has been imposed to study the effect of fracking on public health. In fact, some of the nation's most serious fracking incidents have occurred beside Lake Erie. Across the border, Ontario has been promoting shale-gas development and quietly assessing shale-gas potential in the province, brushing off concerns with promises to ensure that fracking is "safe" before it allows permits

All these and other new energy projects (including biofuel production, building of coal-export terminals, and nuclear and hydropower projects) set the stage for the further rendering of the Great Lakes into nothing more than a commodity to be used, traded, discarded. Once these operations begin running, corporations will have rights of access that supersede the rights of citizens to the waters of the Great Lakes. The corporations' rights are clearly written into the North American Free Trade Agreement (NAFTA) and other agreements under negotiation, such as the Trans Pacific Partnership. In these agreements, water is seen increasingly as private property and not a common resource. In one case, an American energy company, Lone Pine Resources, employed NAFTA to sue the government of Quebec for $250 million when it placed a moratorium on fracking.

Given these developments, it is urgent that the IJC and the governments of Canada and the United States act to protect the Great Lakes from further pollution and corporate control. It must be clear in law that the Great Lakes belong to all those who live around and love them, not to the corporate energy giants, and must be shared equitably and guarded responsibly as a public trust. The people's access to clean and healthful Great Lakes waters is their human right. And all activity, private and public, in those waters must come under strict public oversight and conform to a mandate to restore and preserve them for all time.

AND THE ABUSES, BOTH REAL AND POTENTIAL, ABOUND. AS THE ADVOCACY GROUP GREAT LAKES UNITED HAS COMMENTED, BIG OIL AND GAS COMPANIES VIEW THE LAKEBEDS AS A "NEW FRONTIER" FOR ROUTING PIPELINES.

Maude Barlow is the national chairperson of the Council of Canadians and chairs the board of Washington-based Food and Water Watch.

ON LAKE ONTARIO, A BATTLE HEATS AGAINST ONCE-THROUGH COOLING

BY JOANNA BULL, COUNSEL FOR LAKE ONTARIO WATERKEEPER

On the Canadian shore of Lake Ontario, antiquated once-through cooling-water systems, which draw great volumes of water for industrial cooling, destroy fish and fish habitats at an astonishing rate. Two of the worst culprits are the provincially owned Pickering and Darlington nuclear-power plants, each of which kills tens of millions of fish every year.

In the last few years, Lake Ontario Waterkeeper has taken every opportunity to spread the word about the perils of once-through cooling. We've worked with local hydrogeologists and fish biologists, and we've flown in one of the world's best cooling-water scientists from England to testify at a new nuclear-plant hearing. Then, in 2012, we sought the expert legal advice of Reed Super and Edan Rotenberg of New York City's Super Law Group to support our efforts against once-through cooling in Canada. Super was a senior attorney at Hudson Riverkeeper, with a particular expertise in regulation of power-plant water-cooling. Their voices at a Canadian hearing set a new tone here that is changing the attitude of decision-makers who had habitually rubber-stamped the technology.

Once-through cooling has the greatest negative impact on fish and fish habitat of any cooling technology. It uses the most water, kills the greatest number of fish and invertebrates, spits out the most heated-water, and requires the greatest use of biocides such as chlorine. The Darlington nuclear power plant sucks up enough Lake Ontario water to drain an Olympic-sized swimming pool in just 15 seconds. It does this 24 hours a day, 7 days a week in order to keep the nuclear reactors cool. In the process, millions of fish, eggs and larvae are crushed and killed.

The evidence Waterkeeper has gathered shows that an alternative process, closed-cycle cooling, could greatly reduce the number of fish killed and amount of pollution emitted. It also confirms the suspicion that nuclear plants on Lake Ontario have been violating federal law by killing fish without authorization. Nonetheless, the Canadian government has repeatedly sanctioned continued operation of once-through systems.

The problem is intensified by industry's and government's commitment to the continuation of this destructive technology on Lake Ontario for the next 100 years. In contrast to the United States, which prohibits the construction of new once-through-cooling operations, Canada has just approved the process for a new plant on the lake until the year 2100. At a 2011 hearing into the matter, local politicians told the decision-makers that they fully support nuclear power, but can't accept unsightly closed-cycle cooling towers that, further, could tip-off drivers on a nearby highway to the nature of the plant.

So what's next? Lake Ontario Waterkeeper Mark Mattson promises that his organization will keep piling up evidence and drawing on the support of experts from home and abroad until it is impossible for Canada to sustain its commitment to this destructive technology. The battle is heating up.

THE DARLINGTON NUCLEAR POWER PLANT'S ONCE-THROUGH COOLING SYSTEM KILLS MILLIONS OF FISH EVERY YEAR.

THE DARLINGTON NUCLEAR POWER PLANT SUCKS UP ENOUGH LAKE ONTARIO WATER TO DRAIN AN OLYMPIC-SIZED SWIMMING POOL IN JUST 15 SECONDS.

...AND ALSO FROM CANADA, A PATHBREAKING VICTORY AGAINST COAL

ONTARIO'S PARTING PREMIER CLEARS THE AIR.

BY LOIS CORBETT

This is a story about hope, high expectations and, finally, success.

Just a few days before Christmas, as if presenting the people of Ontario with a present, the Ontario government announced that it was closing the province's last coal plants ahead of schedule. The announcement, just weeks before the retirement of Premier Dalton McGuinty at the end of January, marked what is probably his most stunning environmental legacy.

In the view of Gideon Forman, the tireless director of the Canadian Association of Physicians for the Environment, Ontario's coal phase-out is "one of the most hopeful environmental-protection actions in the world."

In 1996, environmental activists from mainstream groups and the province's extensive grassroots network began a campaign to convince Ontario's major political parties to commit to coal phase-out – not coal clean-up – as part of their election platforms. Ontario then was a heavy coal-user. We didn't have as many coal plants as many American states, but we had Nanticoke, the largest one in North America. We had coal plants with a generating capacity of more than 6,300 megawatts, and we used it. In comparison, New York State has about two-thirds that amount.

Not surprisingly, we suffered from some of the poorest air in Canada, particularly when additional pollution traveled upwind from the Ohio Valley and other parts of the United States. But our dirty coal also moved downwind into upper New York State, Quebec (Montreal particularly) and east to New Brunswick, Maine and Nova Scotia.

Summers brought smog, and when environmentalists, concerned about public health, pressed the provincial environment ministry to improve their reporting of smog levels, the people and the media quickly took our side. Bad-air days spurred increasing news coverage, and coal-fired power plants were usually part of the stories. The number of smog-alert days, based on Ontario's air-quality index, averaged just over 20 per year in the first years of the century, but jumped to a whopping 53 in 2005. As articles were printed that advised soccer moms how to protect their kids on highly polluted days, everyone began talking about smog, and the political will strengthened to push forward with the coal phase-out.

Doctors and other health professionals responded with energy and enthusiasm. Without doubt, linking the coal and air-pollution to health was the key factor in the phase-out campaign's political and popular success. Before activists took the smog message on the road, many Ontario citizens were unaware that we even had coal plants, let alone the continent's largest. But when people began to recognize that these plants endangered public health, and especially that they could cause asthma in children, the campaign caught fire.

Soon letters and petitions flooded into the offices of members of the provincial parliament – many delivered by fax in those days before widespread e-mail and certainly before Twitter. We pushed toward our goal of getting the political parties to include support of the phase-out in campaign promises, and kept expanding our base of support, gaining allies across the province, even some officials who had dismissed our idea as radical and, as one senior political operative complained, "impertinent." Across Ontario, town and city governments considered motions of support, hustled along this path by local environmental groups and the tireless Clean Air Alliance. Some public-health agencies went as far as to conduct studies on the local impact of air-pollution.

Then the Ontario Medical Association, a traditionally staid outfit that negotiates on behalf of the province's 25,000 doctors, issued a report that proved to be a turning point in the campaign. In 1998, fortunately for us, it had a green-leaning executive director and another top executive who had been a key player in the province's anti-acid-rain campaign a few years earlier. The association released a groundbreaking study entitled "The Illness Cost of Air Pollution," in which it tracked pollution spikes – smog days – and assessed the resulting health-care costs of events ranging from emergency-room visits to premature deaths. This was one of the first times in the country's history that air-pollution and public-¬health expenses had been directly linked.

With the voices of nurses, public-health associations and municipal officials adding to the impact of this economic analysis, the provincial parties could no longer ignore activists' demands. Ontario's New Democratic Party and its opposition party, the Liberals, led at that time by McGuinty, both promised to include phasing out coal in their 1999 general-election platforms, and the governing party, the Progressive Conservatives, agreed to follow suit in 2003. But by then McGuinty's Liberal Party had come to power.

McGuinty's views on the issue were influenced by many discussions with Robert F. Kennedy, Jr., whose Waterkeeper Alliance includes six organizations in Canada. The premier often borrowed Kennedy's line about clean coal being like clean cigarettes – there is no such thing. U.S. support was reinforced when New York Attorney General, and eventual governor, Eliot Spitzer, came north to confer with activists and politicians. We also worked hard to keep groups like the American Lung Association, the Natural Resources Defense Council, the National Environmental Trust and the Sierra Club informed about our activities, and they became valuable allies.

This thrilling victory arrived after other coal battles in other provinces had been lost. Nova Scotia, in particular, has a long coal-mining heritage, which resonates in the music of Rita MacNeil and the Men of the Deep. Unfortunately it also has a long history of deadly coal-mining accidents, culminating with the Westray disaster in 1992, which took 26 miners' lives. Subsequently, Greenpeace Canada and its allies campaigned without success to stop the construction of a new coal-fired power plant in Nova Scotia. But recently the government there capped emissions from coal plants, and it is making excellent progress toward replacing coal with renewable energy sources.

Expectations have never been higher.

Lois Corbett is a long-time environmental activist working in Toronto. She now runs her own small environmental-consulting firm and recently served three provincial ministers of environment as a policy advisor.

ON THE WATER

Leaking coal barges 50 miles north of the drinking-water intake for the city of New Orleans.

PHOTO BY JEFFREY DUBINSKY - FLIGHT COURTESY OFSOUTHWINGS

BETWEEN SHALE ROCK AND A HARD PLACE

WATERKEEPERS OF THE CHESAPEAKE BATTLE FRACKING AND LNG EXPORT.

BY MICHAEL HELFRICH, LOWER SUSQUEHANNA RIVERKEEPER, AND GUY ALSENTZER, STAFF ATTORNEY

GAS PIPES FOR INTRASTATE GATHERING-PIPELINES AND LARGE INTERSTATE PIPELINES ARE PART OF THE MASSIVE INDUSTRIAL INFRASTRUCTURE NEEDED TO MOVE SHALE GAS FROM DRILLING SITES TO MARKET.

PHOTOS BY PAUL K ANDERSON

At a meeting of the Chesapeake Choose Clean Water Coalition in Washington D.C., Maryland Congressman John Sarbanes stands up and comments on shale-gas fracking: "If shale-gas development is the game-changer, as it's been called, we can afford to do it right the first time!" We at Lower Susquehanna Riverkeeper agree.

Rapid shale-gas development in the Susquehanna River Watershed, in other headwaters of the Chesapeake Bay, and in watersheds around the country is causing significant unquantified environmental impacts. Fracking natural gas is inherently polluting. It converts agricultural, forest and range lands to industrial landscapes, consumes millions of gallons of freshwater for every well, injects toxic slurries underground, and generates hazardous wastes. Fracking also entails the construction and maintenance of thousands of miles of new pipelines, roadways and compressor-stations – infrastructure that fragments upstream forests, compromises wetlands and impairs headwater quality and quantity.

The Mid-Atlantic shale-gas boom developed so quickly that supply far outpaced demand and created a market-glut. It is estimated that the Marcellus Shale contains 350-to-500 trillion cubic feet of gas, enough to meet current domestic demand for 20 years. And now, less than a decade after Congress debated the authorization of facilities to import liquefied natural gas (LNG), decision-makers are considering the exact opposite. Applications are pending for LNG export facilities in 13 U.S. ports.

The motive driving LNG export is easy to identify: prices for natural gas are as much as four-times higher in overseas markets, and the industry is eager to profit by expanding international demand. The U.S. Department of Energy is considering the export of as much as 45 percent of current U.S. gas production—more gas than the entire domestic power-industry burns in a year. So our debate is not just about fracking, but also about the relationship between fracking and LNG export.

The United States' initiative to become a major natural-gas exporter, however, poses

significant economic and environmental threats. Exporting those massive volumes of natural gas would raise domestic energy prices and require significant expansion of shale-gas fracking. Traced from production to export, natural gas is at least as dirty a fuel as coal, and LNG export will increase domestic reliance on other, more intrinsically dirty, fossil fuels. The Department of Energy's own advisory board has cautioned about the significant environmental impacts that can occur as shale-gas is extracted, against which state-based regulatory measures have proven largely ineffective. A comprehensive analysis of these consequences at the national level, pursuant to the National Environmental Policy Act (NEPA), is urgently needed.

NEPA requires federal agencies to take a hard look at all reasonably foreseeable environmental impacts, ensuring that they engage stakeholders, gather substantial data, and weigh alternatives so that fully informed decisions can be made about proposed actions. Yet neither of the agencies with authority over LNG export – the Department of Energy (DOE) and the Federal Energy Regulatory Commission (FERC) – has committed itself to performing the comprehensive, in-depth reviews that the public and policy-makers deserve and are legally entitled to.

In the case of the sole LNG-export proposal in the nation that has largely moved through its licensing process – Sabine Pass in Texas – FERC refused to consider any of the upstream consequences of authorizing the production of 2.2 billion cubic feet of gas per day. This inaction is all the more troubling because Sabine Pass's export application boldly proclaimed that a key benefit of the project would be to spur further natural-gas production in the United States, and that this effect made their project in the public interest! After that decision DOE began to toe the agency line by stating that the growth-inducing impacts of LNG export did not necessitate analysis because it was not "reasonably foreseeable." (It has, however, lately announced it would reconsider that stance.)

The vast expansion of LNG export would be a sea-change in the nation's energy policy, particularly in the East, where there is only one currently viable LNG facility along the seaboard, Dominion Cove Point LNG (Cove Point), on Chesapeake Bay near Lusby, Maryland. Cove Point is an old natural gas import facility that its owners, Dominion Resources Inc., intend to expand to also allow for exports. Because it is already functioning, it can skip much of the onerous permitting process required of any new LNG facility, and simply "flip" its facility from import to bidirectional (import and export) status. This process would save time and money, allowing Cove Point to be the first East Coast facility to capitalize on overseas markets, opening the proverbial spigot of shale-gas reserves flowing

FRACKING INVOLVES SOME OF THE MOST TOXIC AND CARCINOGENIC CHEMICALS AND POLLUTANTS USED IN ANY INDUSTRY: BENZENE, TOLUENE, METHANE AND MORE.

OUR WATERSHEDS ARE ALREADY EXPERIENCING SURGES IN PIPELINE AND ROAD CONSTRUCTION AND RELATED NEGATIVE IMPACTS, MORE OFTEN THAN NOT IMPOSED WITHOUT THOROUGH ENVIRONMENTAL REVIEWS, AND CERTAINLY WITHOUT CONSIDERATION OF EACH PROJECT'S ROLE IN CONNECTING SHALE-GAS FRACKING AND LNG EXPORT.

from the Marcellus formation. In January, a Maryland circuit court dismissed the claim of the Sierra Club's Maryland chapter that a 2005 legal agreement between the Sierra Club and Cove Point allowing expansion of the Cove Point import facility excluded its operation for export. Dominion then announced that it was ready to aggressively move forward in conducting engineering, marketing and regulatory studies in anticipation of an estimated $3 billion expansion of the facility for natural gas export. All that remains in the way of the expansion is the pending determination from DOE as to whether LNG export really is in the public interest.

Many Waterkeepers in the Chesapeake are alarmed by our nation's fixation on fracking and the related push to immediately authorize LNG export. Without comprehensive analysis and deliberate consideration the prospect of rash, uninformed decision-making is almost guaranteed. And we're alarmed for good reason. The Cove Point site is adjacent to the territory of the Patuxent Riverkeeper, whose watershed is threatened by unhealthy new emissions from natural gas liquefaction, potentially new or expanded pipelines, and safety and environmental problems posed by Cove Point's expansion. As with Sabine Pass, Cove Point's export application touts its ability to induce further, upstream shale-gas production. This means that a Cove Point LNG export terminal will both incite more fracking in upstream watersheds and spur new pipelines and related infrastructure running through the watersheds protected by Potomac Riverkeeper, Gunpowder Riverkeeper, Lower Susquehanna Riverkeeper and others

Our watersheds are already experiencing surges in pipeline and road construction and related negative impacts, more often than not imposed without thorough environmental reviews, and certainly without consideration of each project's role in connecting shale-gas fracking and LNG export. Recognizing this inextricable connection, the Waterkeepers of the Chesapeake have contested the claim that LNG export is in the public interest and raised their voices about the insufficient or nonexistent studies by federal agencies sharing authority over LNG-export proposals.

For now the fate of LNG export – and the integrity of upstream watersheds of the Chesapeake – is uncertain. If export is authorized, we will experience a new boom in fracking production, accompanied by all the environmental liabilities outlined above. Waterkeepers in the Chesapeake remain steadfast in arguing that DOE and FERC must analyze and disclose impacts and alternatives prior to any final authorizations. Without this information decision-makers cannot determine, based on the best-available science and economic data, whether LNG export is in the public interest or yet another poor energy policy and devastating assault on the American environment.