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CONTENTS

Volume 9, Number 1, Winter 2013

NEWS & UPDATES
6 On Civil Disobedience II
12 Waterkeepers 4, Tea Party 0
15 The Big Lie, Kentucky-Style
20 Wild Salmon vs. Farmed
46 On the Water

FEATURES
24 Climate Wars:
Across the world, from New York’s Hudson River to Bangladesh’s Buriganga, Waterkeepers are fighting destructive fossil-fuel projects, to protect their watersheds and the planet.

26 Around the World, a Coalition Against Coal
Ending the world’s deadly coal addiction, before it’s too late.

30 Coal-Export Fight Heats Up
Blocking massive export facilities in the Pacific Northwest.

32 Colomibia Favors Black Coal Over Its “Green” Constitution
Doing whatever it takes to oppose the ecological disaster of a “Super Port.”

36 Fighting for a Fracking-Free Delaware
Defending a magnificent river and its watershed from the devastation of shale-gas drilling.

42 No Longer Five, But One
As big energy companies plan devastating projects, re-envisioning the Great Lakes as one watershed that belongs to the people.

44 On Lake Ontario, a Battle Heats Against Once-through Cooling
Building a case against an out-dated, destructive technology.

45 . . . And Also from Canada, a Pathbreaking Victory against Coal
Ontario’s parting premier clears the air.

49 Between Shale Rock and a Hard Place
Battling fracking and LNG export on Chesapeake Bay.

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Why I Got Arrested at the White House
By Robert F. Kennedy, Jr.

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 nosious, 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 Harley, 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 Callu are battling massive threats from a potential natural-gas boom via high-volume hydraulic fracturing (fracking) in their watersheds, which le stop the gas-rich Marcellus Shale. And in the Czech Republic, Morava Riverkeeper Helena Krato娃 is a leading advocate against the same dangerous technology. In the U.S. Pacific Northwest, Columbia Riverkeeper Brad Vandlen Heuvel, Puget Soundkeeper Chris Wilke, North Sound Baykeeper Matt Kirghe and Spokane Riverkeeper Bart Mihalovich 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, Roscas de Ceniza Waterkeeper Liliana Guerrero Ramirez 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 or 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.
Global waterkeeper Alliance is the largest industrial consumer of water and the third greatest emitter of greenhouse gases.

Getting the Paper (More) Right!

You will notice that this copy of WATERKEEPER magazine is different from copies produced in the last few years. Although we are very proud of the paper selection choices we have made in the past, we have found that the industry has moved forward today. We can print on a 100% post consumer waste paper that provides dramatically better environmental savings at lower cost, without sacrificing the print quality that our readers expect.

Now that WATERKEEPER magazine is printed on 100% post consumer waste, FSC-certified, chlorine-free Cascades Rolland Enviro Satin, our new environmental savings metrics will be based on actual measurements and usage data at the mill. Using this paper more than doubles reductions of wastewater emitted, solid waste generated and energy consumed. Because Cascades actually burns methane obtained directly from a local land fill, the greenhouse gases emitted are three times less than those of the previous paper manufacturer. This is done without purchasing either carbon offset or windpower credits, as our previous supplier did. We are very pleased with this new paper grade and anticipate you will be too.

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- 65 lbs. of nitrogen oxide (NOx) gas emissions prevented

In other words, the savings from our new paper choice is equivalent to:

- The annual emissions from 3 cars
- AND the annual energy consumption of 1 household

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In virtually every part of the world, climate change is affecting the quality and quantity of water resources. As the effects intensify in the coming years, the impacts on farms and forests, coastlines and floodplains, water supplies, and human populations will become more and more severe.

Waterkeeper Alliance is uniquely positioned to confront the effects of climate change and other environmental threats by engaging its grassroots network on local, regional and global levels. We are the voice for rivers, streams, wetlands and coastlines in the Americas, Europe, Australia, Asia and Africa.

We are a powerful worldwide coalition of nearly 200 local Waterkeeper groups—Riverkeeper, Baykeeper, Coastkeeper and other grassroots Waterkeeper organizations—connected as a unified international force to defend the world’s waters during this period of unprecedented crisis.

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Thanks for your support!

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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. 3509), 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 toxics, 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.
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 Bankes 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?”
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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.


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.

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.

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.

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.
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.

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.

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A Milestone for Mexico along the Baja Coast

Between the popular resort towns of Cabo San Lucas and San José 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, white 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 Moczeta 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 Moczeta, “but they are under constant threat due to the lack of legal tools that assure their protection.”

In 2008, Moczeta 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, Moczeta 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.”

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.

In January, Fraser Riverkeeper Tyee Bridge traveled to Los Angeles and joined Orange County Coastkeeper Camy Brown and Los Angeles Waterkeeper Liz Cross 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 “Sturia Bay Vancouver Island craft-raised salmon.”

“Describing pollution-causing farmed Atlantic salmon as ‘craft-raised’ is a deviously 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.

The use of deck salmon farms is picked up after it passes by a salmon farm.

The Fraser Riverkeeper Alliance promotes the work of more than 1,000 grassroots environmental organizations, activists and community leaders worldwide through its cutting-edge news service EcoWatch.org.

EcoWatch in partnership with Waterkeeper Alliance promotes the work of more than 1,000 grassroots environmental organizations, activists and community leaders worldwide through its cutting-edge news service EcoWatch.org.

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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.”

“Getting more and more people to join the environmental movement is our dream.”
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.
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, Sand Point, 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 recreation al 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
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..."
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 – 400 million tons a year, to be exact – moves through 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 communities that 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 battlefield 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 it poisoning your democracy, it poisons your community and it poisons your values.” Xian 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 stepped up on the world stage. “Dirty coal equals dirty politics,” a prominent image of another Chinese Waterkeeper, Upper Qiantang Waterkeeper,Upper Qiantang Waterkeeper, held up a pair of hollowed-out lungs, imploring, “Export Clean Air.”

The world was watching.

“The signs of climate change are dramatically unfolding in the Pacific Northwest,” writes Peg Welge in a story in the Seattle Times. “For example, unusual heat waves and record high temperatures are becoming more common. The signs of climate change are dramatically unfolding in the Pacific Northwest,” writes Peg Welge in a story in the Seattle Times. “For example, unusual heat waves and record high temperatures are becoming more common. 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, Rogge Riverkeeper, Columbia Riverkeeper and Rose Waterkeeper are working diligently to halt LNG-export development to protect the local communities and block the route to tragedy. In the United States, successful regulation of toxic pollution has made coal a less desirable source of energy. The International Energy Agency recently warned that coal use worldwide is falling. In China, 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 stepped up on the world stage. “Dirty coal equals dirty politics,” a prominent image of another Chinese Waterkeeper, Upper Qiantang Waterkeeper, held up a pair of hollowed-out lungs, imploring, “Export Clean Air.”

4. FIRE AND RAIN

Flames leap 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 Unaltered” and stamped “NON NEGOTIABLE.”

The Lummi, Yakama Nation, and 55 other Northwest tribes then passed a powerful resolution opposing coal export.

A 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 200 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.

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

“People are working to bring back healthy salmon runs and clean water now 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 the community.”

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

“ANYONE WHO TOUCHES COAL GETS POISONED BY IT. AND YOU DON’T JUST GET SHUNNED FROM YOUR COMMUNITY. IT POISONs YOUR COMMUNITY AND IT POISONs YOUR VALUES.”

CREATING A CLIMATE FOR CHANGE

BY LELLY ADAMS, WESTERN REGIONAL COORDINATOR

“Coal Export Fight Heats Up” by Brett Vanden Heuvel, Columbia Riverkeeper

It’s game-over for our climate.”

Well, not yet. But these 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 coal export on a September day at Cherry Point, north of Bellingham. Beneath the flames, the check was made out for “Not Even Millions Unaltered” and stamped “NON NEGOTIABLE.” The fight over coal export is still heating up. We believe we will win. We have to.

The signs of climate change are dramatically unfolding in the Pacific Northwest. For example, unusual heat waves and record high temperatures are becoming more common. 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, Rogge Riverkeeper, Columbia Riverkeeper and Rose Waterkeeper are working diligently to halt LNG-export development to protect the local communities and block the route to tragedy. In the United States, successful regulation of toxic pollution has made coal a less desirable source of energy. The International Energy Agency recently warned that coal use worldwide is falling. In China, 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 stepped up on the world stage. “Dirty coal equals dirty politics,” a prominent image of another Chinese Waterkeeper, Upper Qiantang Waterkeeper, held up a pair of hollowed-out lungs, imploring, “Export Clean Air.”

The world was watching.

“The signs of climate change are dramatically unfolding in the Pacific Northwest,” writes Peg Welge in a story in the Seattle Times. “For example, unusual heat waves and record high temperatures are becoming more common. 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, Rogge Riverkeeper, Columbia Riverkeeper and Rose Waterkeeper are working diligently to halt LNG-export development to protect the local communities and block the route to tragedy. In the United States, successful regulation of toxic pollution has made coal a less desirable source of energy. The International Energy Agency recently warned that coal use worldwide is falling. In China, 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 stepped up on the world stage. “Dirty coal equals dirty politics,” a prominent image of another Chinese Waterkeeper, Upper Qiantang Waterkeeper, held up a pair of hollowed-out lungs, imploring, “Export Clean Air.”

The world was watching.

“We are winning,” writes activist Robert F. Kennedy, Jr., in a letter to the people of the Pacific Northwest. “We have spent millions to promote clean energy exports. We’ve worked to bring back healthy salmon runs and clean water and for the generations to come,” he says. “Dirty energy exports, like coal and liquefied natural gas, are not sustainable.”

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COLOMBIA FAVORS BLACK COAL OVER ITS “GREEN” CONSTITUTION

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 coal 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 sulfite, 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.

Officials ignore environmental law and embrace the economic promise of a “super port.”

By Liliana Guerrero Ramirez, Bocas de Ceniza Waterkeeper, and Ipoltita Di Paola, Latin America Regional Coordinator

COLOMBIA FAVORECE EL CARBÓN FRENTE A SU CONSTITUCIÓN “VERDE”

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 conexión con el derecho a la vida y la salud. Pero la mayoría de los gobiernos anteriores, a pesar de esta legislación ecológica, han mantenido una oratoria pública derrotada por 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 produzcan gran impacto ambiental, especialmente en el sector de la minería, y la explotación y explotación de hidrocarburos. Según la encuesta geológica de los Estados Unidos, Colombia es el 10° mayor productor de carbón duro y el 4º 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 o 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 habréan 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
LA EXTRACCIÓN EXCESIVA DEL CARBÓN POR CORPORACIONES MULTINACIONALES ESTÁ ACABANDO CON GRANDES EXTENSIONES DE TIERRA Y ES LA CAUSA ADICIONAL DE NUMEROSOS PROBLEMAS SOCIALES.

“ON THE GROUND, COLOMBIA’S ECOSYSTEMS, INCLUDING WETLANDS, MANGROVE FORESTS, HEADWATERS AND TUNDA, 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 citizen 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. 

Las empresas del carbón y sus inversores tienen la meta de construir el "superpuerto" claramente a la vista. Marta y 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 Mallorquin 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 failed, 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 amenaza que se cierne sobre los cuerpos de agua y acuíferos que abas- tecen a las poblaciones del departamento. Cuando se explota la piedra que recubre el carbón, se deja expuestos azúcar, fósforo y plomo que van directamente a la tierra y a los cuerpos de agua. Y como los sistemas de acuaculturas 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 subterráneas o acuíferos, lo que podría disminuir el nivel freático 140 metros en 35 años. Siem- pre que se abastece agua a las aproximadamente 80.000 personas de las municipalidades de Bocora, Chiriguaná, El Paso, Chimichagua y Tarabuco, las aguas superficiales también se ven contaminadas por los sedimentos resultantes de la explotación a cielo abierto del carbón, especialmente a lo largo del Río Cesar. Además de lo anterior, los protoc- olos 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 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 Mal- lorquín. Mediante la Ley 357 de 1.997, Colombia aprobo el acuerdo in- ternational 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 límites del humedal RAMSAR del complejo Estuario del Río 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 au- mentaría 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 2010 por la sobrecarga intencional a los contribuyentes estadounidenses por contratos de construcción en Iraq 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 piden el tiempo, los inversionistas extranjeros ya han sido convocados para financiar la construcción, entre ellos son el U.S. Ex-im Bank, el Suizo Mercuria Energy Group y la em- presa India Inducia. La obra podrá superar los 220 millones de dólares.

La Corporación Regional Autónoma del Río Grande de la Magdalena (CORMAGDALENA), la entidad estatal que supervisa la preservación del medio ambiente y el desarrollo económico a lo largo del río, ha ex- presado oficialmente su interés en lograr esta obra, debido al beneficio económico que recibirá 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, especialmente la industria del carbón, tiene un poder político significativo. A su vez, varios personajes políticos importantes favorecen el “superpuerto” debido a sus valores económicos, ignorando los problemas de sostenibilidad ambiental y salud pública. La responsabilidad de oponerse a ese “superpuerto” y postergar el medio ambiente se deja a los ciudadanos y defensores ambientales.

Las empresas de carbón y sus inversores 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 emprendemos todas las acciones legales necesarias para con- tener el desastre ecológico que ellos proponen.
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 climate wars

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IN PENNSYLVANIA – TRYING TO ROLL BACK BAD DECISIONS

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IN NEW YORK – PREVENTING THE CLIMATE WARS

By Maya van Rossum, Delaware Riverkeeper

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IN NEW YORK – PREVENTING THE
“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
Raising 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—69,000 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 frack-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...
properly, but many pipeline companies are notorious violators of the law. Our monitor program documents those violations. In 28 out of 38 weekly environmental-compliance reports on the Federal Energy Regulatory Commission (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 noise and air-pollution, including carcinogens and neurotoxins.

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 intervenor 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.

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 those failures could cause contamination of aquifers. Paul was also among the first to demonstrate the relationship between frack-
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 BARLIE

The uply 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 economies 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 lakesbeds as a “new frontier” for routing pipelines. One huge project undertaken by Enbridge Energy, the 1,000-mile Alberta Clipper pipeline, is already beginning to move 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 “Tahlequah” — 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 side of Lakes Erie and Ontario, through pristine New England wilderness to an export facility of 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 Minister Stephen Harper, which has stripped the federal government of the authority to act to protect the Great Lakes. The corporations’ rights are clearly 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.

MauDe BarlIe is the national chairperson of the Council of Canadians and chairs the board of Washington-based Food and WaterWatch.
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. Thus, in 2012, we sought the expert legal advice of Reed Supor and Edan Rottenberg of New York City’s Super Law Group to support our efforts against once-through cooling in Canada. Supor 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 existing technology. It uses the most water, kills the greatest number of fish and investigators, 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 reactor cool. In the process, millions of fish, eggs and larvae are crushed and killed.

Our evidence has gathered 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 prohibited 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 divers on a nearby highway to the nature of the plant.

So what’s next? Lake Ontario Waterkeeper Mark Mattinson 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 sucks up enough Lake Ontario water to drain an Olympic-sized swimming pool in just 15 seconds.

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

**BY JOANNA BULL, COUNCIL FOR LAKE ONTARIO WATERKEEPER**

This is a story that was already in the public domain 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 public success.

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**AND ALSO FROM CANADA, A BREAKING VICTORY AGAINST COAL**

**BY LOIS CORBETT, COUNCIL FOR LAKE ONTARIO WATERKEEPER**

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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 active citizens’ demands. Ontario’s New Democratic Party and its opposition party, the Liberals, had at last 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 2001. But 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 Waterkeepers 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 eventually 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: es had been lost. Nova Scotia, in particular, had long coal-mining heritage, which resonates in the music of Rita MacNeil and the Men of the Deep. Ontario also has a long and deadly coal-mining accidents, culminating in the Westray disaster in 1992, which took 26 miners’ lives. Subsequently, Greenpeace Canada and its allies campaigned without success to stop the construction of new coal-fired power plant in Nova Scotia. But recently the government there copped emissions from coal plants, and it is making excellent progress toward coal-free energy.

Expectations have never been higher. Ian Cavelt is a long-time environmental activist working in Toronto. She runs her own small environmental-consulting firm and recently served three years as president of a policy advisor.
ON THE WATER

Leaking coal barges 50 miles north of the drinking water intake for the city of New Orleans.
At a meeting of the Chesapeake 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 effect made their project in the public interest. 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 effect made their project in the public interest.

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 seashore, 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 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 $1 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 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 energy 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.

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OUR WATERSHEDS ARE ALREADY EXPERIENCING SURGES IN PIPELINE AND ROAD CONSTRUCTION AND RELATED NEGATIVE IMPACTS, MORE OFTEN THAN NOT IMPPOSED WITHOUT THOROUGH ENVIRONMENTAL REVIEWS, AND CERTAINLY WITHOUT CONSIDERATION OF EACH PROJECT’S ROLE IN CONNECTING SHALE-GAS FRACKING AND LNG EXPORT.
YOUR PASSION DRIVES US TO A GREENER FUTURE.

It’s why Toyota proudly supports the Waterkeeper Alliance for its stewardship of the world’s waterways.

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