

Earthjustice

QUARTERLY MAGAZINE

Spring 2019



CHANGE ON THE HORIZON

FROM OUR SUPPORTERS



Professional potter Liz Paley makes sense of the world through clay. When Paley heard news reports that a colony of 150,000 Adélie penguins had vanished due to climate change, she started The Potters' Penguin Project. She enlisted 500 artists, students, and members of her community to create more than 2,000 miniature clay penguins. "Penguins are easy for people to identify with in ways that sea slugs and other small animals that are part of the environment might not be," Paley says. After the colony was exhibited at Claymakers Gallery in Durham, N.C., the penguins were offered for "adoption," raising more than \$3,000 for Earthjustice. *Martin do Nascimento / Earthjustice*



We love seeing our readers moved to art and action. Share with us at magazine@earthjustice.org, or by tagging [#earthjustice](https://www.instagram.com/earthjustice) on Instagram.



EARTHJUSTICE

Earthjustice is the premier nonprofit environmental law organization. We wield the power of law and the strength of partnership to protect people's health; to preserve magnificent places and wildlife; to advance clean energy; and to combat climate change. We exist because the earth needs a good lawyer.

Earthjustice Quarterly Magazine (Issue 146, Spring 2019) is a publication of Earthjustice, 50 California St., Suite 500, San Francisco, CA 94111. Copyright 2019

President	Abigail Dillen	Art Director	Xuanlana Nguyen
Managing Editor	Ben Arnoldy	Photo Editor	Chris Jordan-Bloch
Deputy Editor	Jessica A. Knoblauch	Contributing Designer	Rob Chambliss
Associate Editor	Rebecca Cohen	Associate Photo Editor	Martin do Nascimento

Phone (415) 217-2000

Email editor@earthjustice.org

Printed with soy-based ink on 10% PCW recycled paper which is both SFI® and FSC® Chain of Custody certified as well as Lacy Act compliant.

EARTHJUSTICE BOARD OF TRUSTEES 2018/19

OFFICERS

Fern Shepard, Chair
Washington, D.C.

N. Bruce Duthu, Vice Chair at Large
White River Junction, VT

Steve Daetz, Treasurer
San Francisco, CA

Dorothy Ballantyne, Secretary
Bozeman, MT

TRUSTEES

Peter Carson
San Francisco, CA

David Cox
San Francisco, CA

Russell Daggatt
Seattle, WA

Aja DeCoteau
Portland, OR

Anthony DeFalco
Portland, OR

Carmen G. Gonzalez
Seattle, WA

Victor Hymes
Alamo, CA

Marcia A. Kunstel
Jackson Hole, WY

Diane Lewis
Katonah, NY

Ed Lewis
Bozeman, MT

George Martin
Philadelphia, PA

Janet Maughan
Oakland, CA

Winsome McIntosh
Washington, D.C.

Nicola Miner
San Francisco, CA

Paul Newhagen
Los Altos Hills, CA

Vawter "Buck" Parker
Hood River, OR

Patricia Pineda
New York, NY

Lori Potter
Denver, CO

Rich Rainaldi
Denver, CO

Andrew Reich
Los Angeles, CA

Will Roush
Aspen, CO

Betty Schafer
San Francisco, CA

Greg Serrurier
Woodside, CA

Michael Sonnenfeldt
New York, NY

Dianne Stern
Scarsdale, NY

Elizabeth Sutherland Riney
Stinson Beach, CA

Kevin Toner
New York, NY

Steve M. Unfried
Wilson, WY

Leslie Williams
Bedford Hills, NY

Tseming Yang
Santa Clara, CA

WHAT WILL YOUR LEGACY BE?

Your support of Earthjustice reflects your values—values of magnificent places, wildlife, and the right of each person to a healthy environment. Many people like to express their values by leaving a gift to charity in their will or trust, or by beneficiary designation.

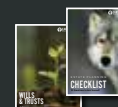
A gift to Earthjustice will cost you nothing now, there is no minimum amount required, and you can change your beneficiaries at any time.

Here's how:

"I hereby give (percentage, residuary, share or specific amount or asset) to Earthjustice, 50 California St., Suite 500, San Francisco, CA 94111."

Earthjustice Tax ID: 94-1730465

To notify us of your gift or for assistance in creating your environmental legacy, please contact Elizabeth Hill at **(800) 584-6460** or legacy@earthjustice.org, or visit earthjustice.org/legacy.



Download our complimentary planning publications at earthjustice.org/planning



We live in a pivotal moment in history.

Deadly wildfires are now burning so intensely they're creating "fire clouds" normally caused by volcanoes. Floods and extreme droughts are devastating crops in America's heartland. And climate change has acidified our oceans so dramatically that shellfish are struggling to grow shells, which threatens to upend the ocean food web. Meanwhile, the world's top climate scientists, military leaders, and economists are warning we are "sleepwalking into catastrophe." They say we have a mere 12 years to change course.

At the same time, Americans across the political spectrum are feeling the urgency of our climate deadline and calling for action on a scale that matches the threat. People want a healthy environment and a thriving economy. Our representatives are taking heed of these shifting political winds, and of the young people demanding climate action.

Earthjustice was built for this moment.

Through our legal work, we've retired coal plants, blocked a rush to burn more oil and gas, and torn down roadblocks to clean energy. But we know we need to go faster and bigger, working in partnership with the communities at the frontlines of climate change and the economic transition away from fossil fuels.

Our California Right to Zero campaign provides a blueprint for the way forward in the world's fifth-largest economy. Last year, we worked with an incredible coalition of partners to usher in a string of achievements in the Golden State. From a

commitment to transition California to 100 percent clean energy by 2045 to a billion-dollar investment package in zero-emissions transportation infrastructure, these victories will ensure cleaner air and a healthier climate in the communities that need it most.

Earthjustice is working around the country and around the world to spur clean energy transformation from the ground up, while we defend federal protections that can drive change from the top down. Because we know we need equitable climate solutions on the scale of a Green New Deal to address the scale of the climate crisis, we are pushing for bold climate action and public investment that fully includes and benefits frontline communities.

But fossil fuel companies are doing everything in their power to hold us back. They're intent on burning every last ounce of oil, coal, and gas — even if it means the planet burns too. And the Trump administration is doing everything in its power to help them. As these dirty energy companies push to drill on our public lands and off our coasts, and build new pipelines, export terminals, and gas and petrochemical plants, the administration is paving their way by rolling back environmental protections.

We are fighting back in the courts — and we're winning.

Over the past year, the court has ruled in our favor more than 90 percent of the time in cases against the administration. These victories rein in lawless giveaways to industry and level the playing field for clean energy to outcompete fossil fuels.

This fight to preserve a livable planet touches everyone, and working together we can do more to break free from fossil fuels. In this special climate issue, we're sharing a few of the stories that show what happens when Earthjustice joins with partners around the country to fight climate change. From the Pawnee in Oklahoma, who are fighting fracking on tribal lands, to community activists in Louisiana's "Cancer Alley," who are fighting a massive new petrochemical build-out, we're empowered by the vision and purpose of our clients and partners. Together, we spark durable change in the courts. Together, we can lead systemic change in service of the earth and justice for its people.

— *Earthjustice Staff*

THE CLIMATE ISSUE



THE PROTECTOR

8 Rigged No More

By Jessica A. Knoblauch

The Pawnee are forcing regulators to follow fracking rules.

Pawnee tribal member **Walter Echo-Hawk**
Chris Jordan-Bloch / Earthjustice

14 Conversation with Varshini Prakash

By Jessica A. Knoblauch

Young activists take charge on averting a climate catastrophe.

Sunrise Movement cofounder **Varshini Prakash**, right, is motivating young people on climate action. *Bora Chung / Survival Media Agency*



THE ACTIVIST

17 Goal: No Coal

By Earthjustice staff

Coal use is growing internationally, but renewables could soon win out.

18 Driving Toward Zero

By Teju Adisa-Farrar

Electric buses could help transport L.A. – and the nation – to a clean energy future.

Earthjustice attorney **Adrian Martinez's** daughter, right, helped inspire him to campaign for electric buses in Los Angeles.
Brinson+Banks for Earthjustice



THE LITIGATOR

22 Defending America's 'Climate Forest'

By Rebecca Bowe

Trump officials want to log the Tongass, a carbon-sequestering superstar.

THE ADVOCATE

Wanda Culp's people have stewarded the Tongass rain forest for generations. *Michael Penn for Earthjustice*

26 Cancer Alley Rises Up

By Emilie Karrick Surrusco

An overburdened community resists Big Oil's next big play.

THE FIGHTER

Sharon Lavigne, right, is fighting to keep a petrochemical plant out of her Louisiana community. *Alejandro Dávila Fragoso / Earthjustice*

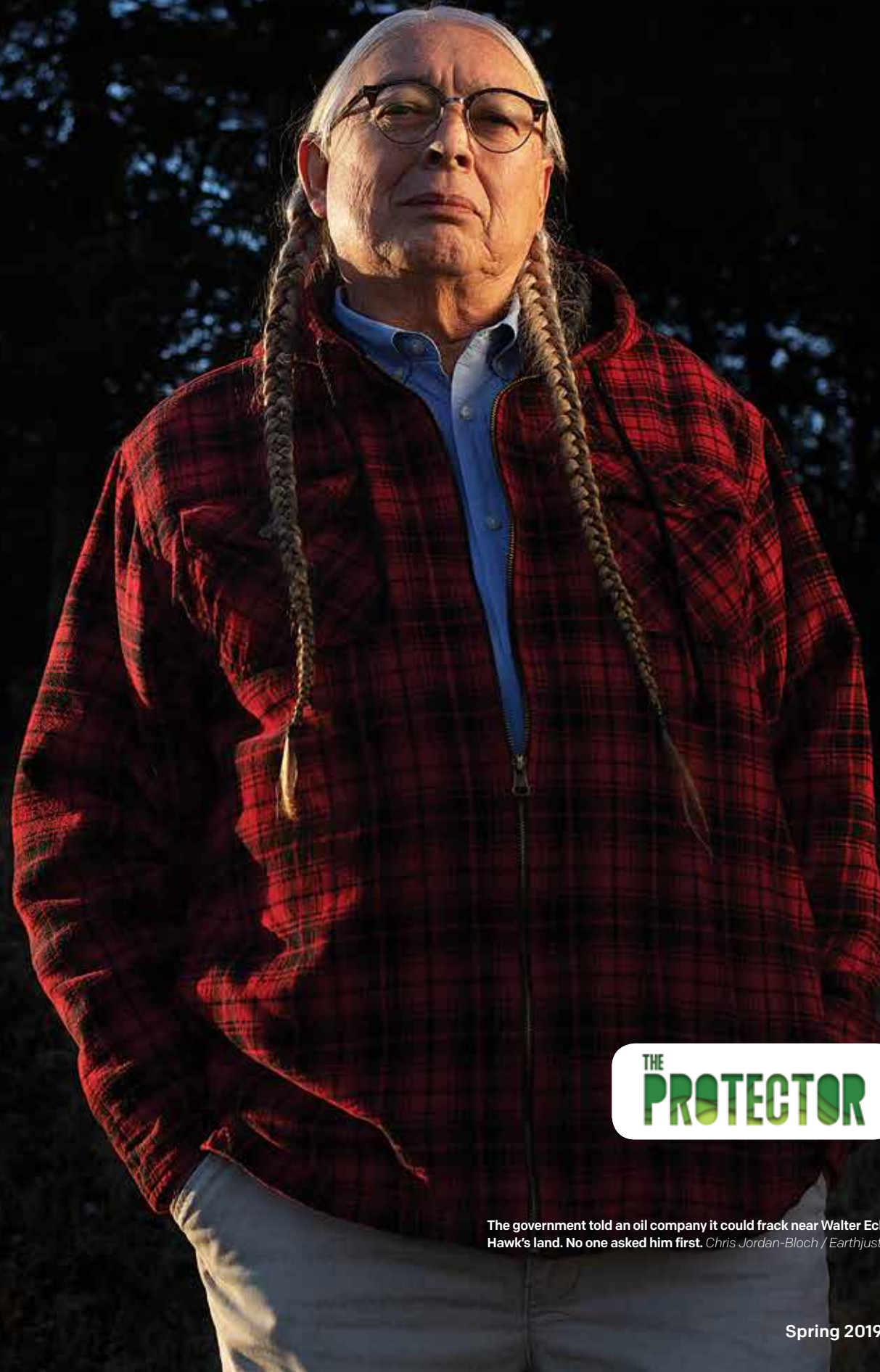




RIGGED NO MORE NO MORE

**THE GOVERNMENT ADMITS IT
FAILED TO FOLLOW ITS OWN
RULES WHEN APPROVING
NEW OIL AND GAS LEASES
ON PAWNEE LAND.**

By Jessica A. Knoblauch



The government told an oil company it could frack near Walter Echo-Hawk's land. No one asked him first. *Chris Jordan-Bloch / Earthjustice*

One sunny day in 2015, Walter Echo-Hawk, a member of the Pawnee Nation, stumbled upon a disturbing scene. While walking on tribal lands near his home in northeast Oklahoma, he came across a group of strange men, a company pickup truck, and several small, bright flags thrust into the ground.

Echo-Hawk spoke to the foreman. Turns out, they were a work crew surveying a pipeline for fracking operations.

Echo-Hawk called the oil company responsible to find out more information. They stonewalled him. Then he contacted several government agencies. Eventually, Echo-Hawk learned the truth: Two years prior, regulators had approved 17 oil and gas leases on Pawnee lands.

Echo-Hawk immediately began mobilizing fellow tribal members to fight the leases. But regulators at the Bureau of Indian Affairs and Bureau of Land Management said it was too late. The leases had already been approved. The agencies also claimed the Pawnee couldn't take them to court because the Tribe had failed to challenge the leases when they were issued.

The Pawnee, however, hadn't been aware of the leases because the agencies – in violation of their own rules – neglected to notify the Tribe of the approvals in any way. To Echo-Hawk's knowledge, they didn't even bother to put a notice in the newspaper.

Echo-Hawk was furious.

"They were treating Pawnee lands like an oil and gas fiefdom," he says.

It was hardly the first time the U.S. government had trampled over tribal rights. The government set aside Oklahoma as "Indian Territory" in the 1800s – a place to put the tribes it had relocated, often forcibly, to clear the way for white settlers. But once settlers realized the state's potential value for agricultural and other uses, they grabbed it up in a gluttonous, federally sanctioned land rush.

Today, Native American lands are under threat once again. A fracking boom has crowned the U.S. as the world's top oil producer at a time when scientists are warning we have a mere decade to transition to clean energy if we don't want to fry the planet. Because tribal lands hold about 20 percent of U.S. fossil fuel reserves, they're often the battleground for energy fights, as in the Dakota Access pipeline case.

Many tribal members are increasingly worried about environmental harms from fracking such as oil spills, increased truck traffic, and hazardous fumes from flaring, as well as societal harms like a spike in drug-fueled crimes such as rape and murder. In 2017, the Trump administration heightened these threats by repealing an Obama-era rule that strengthened fracking regulations on federal and tribal lands. (Earthjustice is currently fighting that repeal.)

**"THEY WERE
TREATING
PAWNEE LANDS
LIKE AN OIL AND
GAS FIEFDOM."**



"We've seen land rushes in Oklahoma before and now they're trying to wring the last drop of oil from Mother Earth no matter what the cost," says Echo-Hawk. "And the state and federal agencies are doing everything they can to facilitate that."

In addition to yet another land grab, the Pawnee are concerned about the links between fracking and a surge in earthquakes, both in Oklahoma and across the country. In 2014, Oklahoma surpassed California as the most seismically active state in the lower 48. Historically, Oklahomans had felt an average of one or two sizable rumbles per year, but that number has more recently spiked to two or three per day.

Despite this threat, government regulators didn't address the earthquake risk when approving the leases. Nor did they address the impacts of drilling near the Cimarron River, a 698-mile cinnamon-and-paprika-colored ribbon of water that supports a native fishery protected under Pawnee tribal law.

When they saw the regulators weren't going to budge, the Pawnee called Earthjustice.

"I was looking for someone who could take on the federal government," says Echo-Hawk. "I was totally elated when Earthjustice said they could take the case. I felt like I was in good hands."

In early September 2016, the tribe's fears about fracking were realized after the most powerful earthquake recorded in Oklahoma history struck the Pawnee area. The jolt was also felt by six neighboring states.

"My house is brick and stone, and it shook like it was made of straw," says Echo-Hawk, whose home was among the many houses and administrative buildings damaged in the quake.

Shortly after, Earthjustice sued the Bureau of Indian Affairs and the Bureau of Land Management on behalf of the Pawnee Nation, Echo-Hawk, and other individual Pawnee members.

Earthjustice attorney Mike Freeman says the Pawnee situation illustrates a pattern in which the federal government violates the law by approving oil and gas projects on tribal lands without telling the affected tribes. The Bureau of Indian Affairs has used a similar maneuver in recent years in New Mexico, Maine, and on other tribal lands in Oklahoma.

A Confederate flag hangs from a Crown Oil fracking operation upstream from Echo-Hawk's home. Photo courtesy of Walter Echo-Hawk, taken from his flip phone.

“Our government has run roughshod over the rights of Native Americans when approving oil and gas development,” Freeman says. “But the law requires federal agencies to respect tribal laws and sovereignty.”

In addition to filing the federal court lawsuit, Earthjustice asked the Bureau

of Indian Affairs to reconsider its leasing decision through a legal mechanism known as an administrative appeal. In May, the agency’s internal review agreed with the Tribe’s argument, determining that the Bureau of Indian Affairs violated the law. As a result, the bureau invalidated three of the leases

and declared another 10 expired and therefore no longer in effect.

“These are very arrogant companies always running roughshod over everybody,” says Echo-Hawk. “It’s always good to put arrogance in its place.”

Only four leases now remain, and the Tribe, represented by Earthjustice, is bringing the case to the Interior Board of Indian Appeals, a federal review body. At the same time, Earthjustice’s challenge against the Bureau of Land Management’s drilling

permit approvals is moving forward in district court. Earthjustice expects to brief the merits of this challenge over the summer.

Echo-Hawk is hopeful that the remaining leases will also be nixed, even in an administration that is clearly “no friend of native people, much less the environment we live in.”

“It’s a dicey environment to litigate in,” says Echo-Hawk. “But when your back’s to the wall, sometimes you gotta take a stand.” 🙏



Walter Echo-Hawk, left, gives a tour of fossil fuel drilling projects near his home to Earthjustice attorneys Michael Freeman and Yvonne Chi. Chris Jordan-Bloch / Earthjustice

“THIS IS ABOUT SURVIVAL. THIS IS ABOUT EXISTENCE.”

Conversation with **Varshini Prakash**

THE
ACTIVIST

Varshini Prakash leads a chant during a 2015 march in Washington, D.C., to highlight race, climate, and immigration issues. *Jonathan Ernst / Reuters*



The world's leading scientists warn we have 12 years to tackle the climate crisis or risk a global catastrophe. We're in a fight for survival, says Varshini Prakash, a cofounder of the Sunrise Movement.

Prakash is helping to mobilize tens of thousands of people to support the Green New Deal, a far-reaching policy proposal that seeks to transform our economy and society at the scale needed to stop the climate crisis. Earthjustice stands in solidarity with Sunrise's efforts, which will help our country get to zero emissions and 100 percent clean energy — fast.

In this interview, which took place in January, Prakash talks about the enthusiasm behind the Green New Deal, taking on the billion-dollar fossil fuel industry, and why the cost question over the deal is utterly misguided.

What's the vision behind the Green New Deal?

With the Green New Deal, what we're really talking about is a socio-economic program that's set to rival one of the greatest projects in American history. The New Deal passed by FDR [Franklin Delano Roosevelt] put millions of people back to work and helped elevate working people and poor people following the Great Depression. The Green New Deal is a program that works to stop the climate crisis but also seeks to eliminate poverty in America and create tens of millions of high-paying jobs for Americans.

How was Sunrise able to spark such enthusiasm for it?

This is the first time we're considering a policy and program that actually gets to the scale and magnitude of the crisis as has been laid out by climate scientists. It's also the first time in American history that a politician, Rep. Alexandria Ocasio-Cortez, is freely championing a position in society that can stop the climate crisis with racial and economic justice at its core.

How do we pay for the GND?

First, I'd like to ground us in what we're talking about here. Scientists have said we have 12 years to rapidly transition every aspect of our economy and society to quite literally protect human civilization as we know it and avert global catastrophe. I don't really understand how the biggest question that comes after that can be, how do we pay for it? This is about survival. This is about existence. And I can't think of anything more valuable and important than saving millions of people's lives.

The cost question is also utterly misguided. If we're going to talk about costs, let's talk about the cost of doing nothing. The hurricanes are going to get bigger, the wildfires are going to get stronger and last longer. We know climate change will increase the spread of more viruses and life-threatening diseases. There is just so much out there that we can guard against if we take action now. In 2017, the U.S. had the largest costs on record for weather and climate disasters. It's only going to get worse. The costs of inaction far outweigh the costs of doing something.

What kind of jobs will the GND create?

We're going to push for updating our outdated infrastructure, electrifying our grid and public transportation, and increasing energy efficiency, so we'll be creating jobs in all those sectors. There will also be jobs like wetland restoration and land conservation, and jobs that involve planting trees to capture carbon from the air. But we'll also be creating jobs in education and the care economy. We will need care for people who have gone through climate disasters and [to] support people who have to relocate because their homes are threatened by climate change. There will be jobs educating people about the climate crisis and what they can do to help. This is a

massive investment project that's going to be creating tens of millions of good jobs, putting money in people's pockets so they can live more dignified and peaceful lives.

What gives you hope you can succeed?

Thousands of people have come out of the woodwork in the past couple of weeks. We've seen over a hundred new Sunrise chapters pop up across the country. We've seen tens of thousands of people join us through online and offline actions, and we've seen hundreds of grassroots groups that I never thought I'd be seeing at a table together getting excited about mobilizing for a Green New Deal.

I'm 25. I haven't been around for that long, but I've seen a kind of energy that I've never seen before. People are just ready to back solutions that they believe will actually solve the greatest existential crisis of our generation.

What can Earthjustice supporters do to spur bold climate action?

Get involved. We need every person who is worried about the climate crisis, who is pissed off about fossil fuel billionaires who have utterly corrupted our democracy and bought out one political party and part of another party to do their bidding.

We are not going to win unless we have millions of people who are vocally active and pushing for a Green New Deal in the streets and in our communities to ensure that it becomes a political inevitability in this country. We're building an army of people to combat the climate crisis, to create good jobs for our generation, and to protect the interests of all people, no matter the color of their skin or how much money they have in their pocket. 🌍

— Jessica A. Knoblauch

Goal: No Coal

To avoid climate catastrophe, we must end coal power beyond the US.

Nearly
40%
of the U.S. coal
fleet has shut
down since 2010.



Globally, however, coal consumption is growing.

But there is **HOPE.**



Clean energy prices are falling globally. For example in South Africa, one of the top coal consumers, solar and wind power are already

**40%
CHEAPER
than coal.**

Where there's a level playing field, renewables win. Earthjustice is **partnering with local organizations in key countries** around the world to sue governments that hide the true health and economic costs of coal, and to work with policymakers to see the opportunities of clean energy. Some key countries include:



COLOMBIA



INDONESIA



AUSTRALIA



SOUTH AFRICA

— Earthjustice Staff

DRIVING TOWARD ZERO

Electric buses will help transport Los Angeles to a clean energy future.

THE
LITIGATOR

By Teju Adisa-Farrar

On a rainy morning in downtown Los Angeles, Earthjustice staff attorney Adrian Martinez steps onto an electric bus with his 3-year-old daughter Caroline. Martinez hopes she will grow up with electric vehicles being the norm. Unfortunately, the pollution she inhales every day on her way to school is the current reality. Some of her friends have asthma triggered by breathing L.A.'s toxic air.

Earthjustice attorney Adrian Martinez wants his daughter and other children in L.A. to grow up breathing cleaner air.
Brinson+Banks for Earthjustice

Smog produced by California's freight and transportation sectors constantly hovers over Los Angeles, inflicting permanent lung damage on the city's residents. Communities of color and low-income communities bear the most burden, because they tend to be located in areas with heavy traffic from polluting diesel buses, trucks, and passenger cars. The majority of bus riders live in these overburdened communities, meaning they are the people most exposed to transportation pollution.

Since communities of color are disproportionately affected by bad air quality caused by transportation emissions, they have been on the frontlines organizing for years. For Martinez, whose Twitter handle is @LASmogGuy, getting involved in such efforts was a natural step in a career spent fighting for clean air. Martinez helped found a coalition that included longtime Earthjustice partner Sierra Club, Jobs to Move America, International Brotherhood of Electrical Workers (IBEW), Food & Water Watch, South Bay Los Angeles 350 Climate Action Group, and Environment California. These groups worked in parallel with local community organizations like the Bus Riders Union.

The coalition quickly realized that replacing natural gas buses with electric would be an effective way to transition to clean energy while simultaneously creating



Smog in downtown L.A. Matt Gush / Getty Images

healthier, equitable communities. Since buses are relatively accessible to everyone, people who otherwise wouldn't have access to electric vehicle technology now will have access.

"Buses are great for getting people excited about electric vehicles, because you have to have a lot of money to drive a Tesla, but anyone with 50 cents can ride an electric bus," says Martinez.

In 2016, the coalition kicked off an ambitious effort to electrify Los Angeles County's public bus fleet.

As the demand for electrification grew across Los Angeles, the gas industry began to push back. A fossil fuel advocacy group launched a campaign to classify natural gas-powered buses as "zero-emissions vehicles."

In reality, natural gas generates a substantial amount of carbon dioxide, and the methane emitted during its production is just as polluting as other traditional fossil fuels. While natural gas made sense as an alternative to diesel when L.A. County's fleet moved this way in the 1990s, we now know more about the perils of continuing to burn this dirty energy source. Martinez and the coalition realized they had to

address the greenwashing of natural gas head on. Holding neon signs that read "Natural gas is so 90s" and "L.A. deserves zero," young activists, environmental groups, workforce development agencies, and bus riders took to the streets to rally for a fully electric bus fleet.

On July 27, 2017, L.A. Metro voted to transition its bus fleet to electric by 2030. The coalition had successfully convinced Los Angeles Mayor Eric Garcetti and other L.A. Metro board members to commit to 100 percent zero-emission buses.

L.A. Metro plans to spend about \$138 million to buy 95 electric buses that will run on two Los Angeles County bus routes. Other transit agencies followed suit in committing to a 100 percent zero-emission bus future, including the City of Los Angeles, which operates hundreds of its own buses that operate separately from the L.A. county buses. When the city of L.A. voted to make this commitment, Martinez attended that hearing with his daughter Caroline. Martinez is happy to see that a few of those L.A. city buses are already on the road near Earthjustice's L.A. office.

The effort to electrify L.A. County's public bus fleet is part of a broader campaign known as Right to Zero. The big idea: Everyone has a right to a zero-emissions future. Start with zero-emissions as a goal, and work from there to address problems as well as provide solutions. To do this, Earthjustice and community partners focus on strengthening clean air policy, pushing for investment in clean energy infrastructure, and boosting local advocacy.

The Right to Zero campaign has been very successful in California. In September 2018, the state passed a law committing to 100 percent carbon-free electricity by 2045. And in February 2019, Mayor Garcetti canceled plans to repower three major gas plants. As a campaign helping to guide California toward a cleaner future, Right to Zero could offer a framework for other cities that want to decrease air pollution and embrace clean energy.

The work Martinez and others have done in L.A. County ensures that soon many people will get to ride electric buses to work, to school, and to run errands. Some L.A. residents are still warming up to this idea. Maria, a passenger who recently boarded an electric bus, says that although she is excited about the buses not polluting the air, she is also skeptical because electric buses have stalled or broken down in the past.

But every new technology requires an adjustment period. When passenger cars became widespread in the early 20th century, there were similar concerns. Ultimately, Maria says, having electric buses on L.A.'s roads makes a zero-emissions society seem within reach.

"Advocating for electric buses is a family affair in our household," says Martinez. "As Caroline goes through school, she'll see fewer and fewer buses burning fossil fuels like natural gas, and I'm proud that my family has been part of that powerful movement in L.A. County." 🌱

MAKE AN IMPACT EVERY MONTH

AT THIS HIGH-STAKES MOMENT for people and the planet, now is the time to be a powerful force for good. Become a monthly donor and work with us to keep our world healthy and safe, now and for the future. To make your monthly gift, contact (800) 584-6460 or earthjustice.org/monthly.



DEFENDING AMERICA'S 'CLIMATE FOREST'

TRUMP'S FOREST SERVICE WANTS TO LOG THE TONGASS, A KEY WEAPON IN FIGHTING CLIMATE CHANGE.

BY REBECCA BOWE

Wanda Culp lives in one of the most important woodlands in the world. Here, old-growth trees of the Tongass National Forest still stand tall along the coastline and islands of Southeast Alaska.

Culp belongs to the Tlingit people, who have carefully stewarded this land since time immemorial.

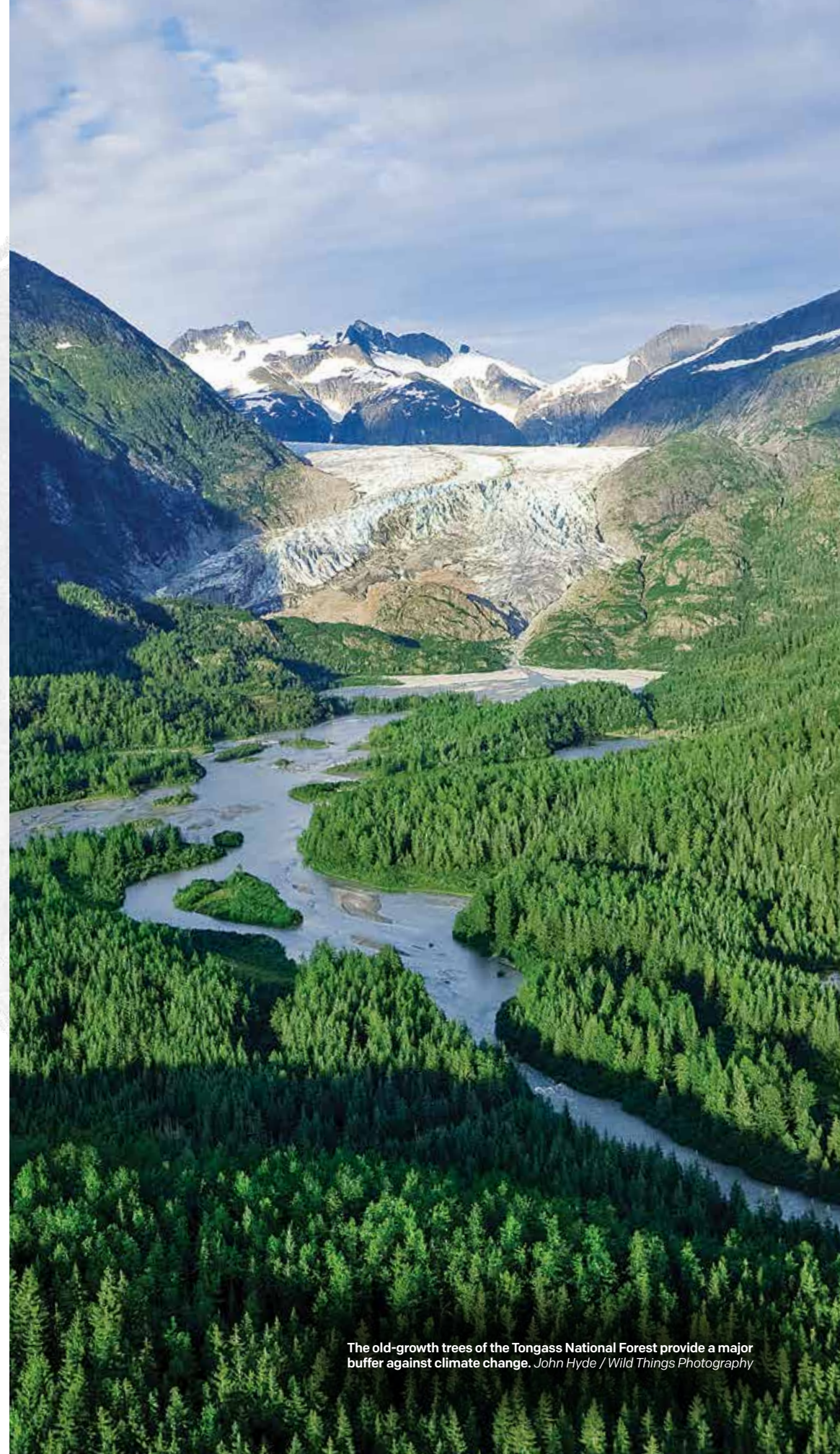
"The ice fields are quickly melting," says Culp, who lives in the village of Hoonah. "[They're] creating miles of silt in the Tongass salt waters, choking all salt- and freshwater life, and causing steadily increasing high and low tides due to unusually warm temperatures."

What the Tlingit are witnessing is human-caused climate change,

and they are fighting to save one of humanity's last best defenses: the trees.

For decades, Culp, her colleagues at the Women's Earth and Climate Action Network (WECAN), and Earthjustice have worked to stop old-growth logging here. That struggle is taking on global importance as new research reveals the Tongass to be a major buffer against climate change.

"The Tongass has been called 'America's Climate Forest' due to its unsurpassed ability to mitigate climate impacts," says Osprey Orielle Lake, executive director of WECAN. "For decades, however, industrial-scale logging has been destroying this precious ecosystem and disrupting



The old-growth trees of the Tongass National Forest provide a major buffer against climate change. John Hyde / Wild Things Photography

Wanda Culp and her colleagues at WECAN are fighting to defend the Tongass from logging.
Michael Penn for Earthjustice



THE
ADVOCATE

the traditional lifeways, medicine, and food systems of the region's indigenous communities.”

The Tongass stores hundreds of millions, if not over a billion, tons of carbon, keeping the heat-trapping element out of the atmosphere.

Conservation scientist Dominick DellaSala of the Geos Institute knows all too well the importance of the Tongass for fighting climate change. “If you hug a big tree, you're actually hugging a big stick of carbon that has been taking up and storing up carbon for centuries,” he says.

When DellaSala began his career as a young research ecologist, he landed a contract with the U.S. Forest Service to study the impacts of old-growth logging in the Tongass. This was the late 1980s, when the timber industry routinely clear-cut ancient, towering trees from the nearly 17-million-acre temperate rain forest. Things reached a point of absurdity when even some of DellaSala's study plots were about to be fed into the jaws of industry.

DellaSala remembers asking the Forest Service, “Hey, wait a minute, could you go somewhere else with these chainsaws? Because we're right in the middle of this study that you funded.”

Scientists have long understood that logging old-growth forests triggers a cascade of negative effects on wildlife, eroding the biodiversity of places like the Tongass. More recently, DellaSala and research collaborators have shown that old-growth logging worsens climate change.

Old-growth trees, growing in a coastal zone at northern latitudes, are mighty stalwarts in carbon sequestration. The Tongass is what DellaSala terms “a national champion,” capturing 8 percent of all the carbon stored in U.S. forests.

Clear-cutting old-growth, on the other hand, transforms ancient forests into carbon emitters. DellaSala authored a report analyzing a Forest Service plan to log more than 43,000 acres of Tongass old-growth and nearly 262,000 acres of young-growth. His calculations showed that this would have the same emissions

impact as adding 4 million vehicles to Alaska's roads – and keeping them there for a century. And the new trees that grow back are not much help in the short term. A study by other scientists shows it can take more than 200 years for regrown forests to capture as much carbon as logging releases.

In the last years of the Obama administration, then-Secretary of Agriculture Tom Vilsack planned to phase out old-growth logging in the Tongass. Trump's Forest Service jettisoned that aspiration, and it has approved plans for the largest old-growth logging project in the country in decades, on the Tongass' Prince of Wales Island.

The Trump Forest Service is also considering an even greater threat to the Tongass. The 2001 Roadless Rule – which Earthjustice attorneys have successfully defended several times in court – is one of our country's greatest land conservation measures. In Alaska, the Roadless Rule prevents road building in wild areas that would otherwise be targeted for even more publicly subsidized old-growth logging. Yet Trump's Forest Service is in the process of deciding whether to exempt Alaska from this critical policy. If proponents of this rollback get their way, old-growth forests will fall in a new round of clear-cuts.

Destructive clear-cut logging disrupted every mode of indigenous life, Culp says – but she holds out hope for the future nevertheless. “I trust that my children and grandchildren will carry forth the importance of all living things in this place we call home,” she says. 🌱



Trump's Forest Service has approved plans for a major logging project on the Tongass' Prince of Wales Island. *Melissa Farlow / National Geographic Creative*

Sharon Lavigne, front, is fighting to keep a petrochemical plant out of her Louisiana community. *Julie Dermansky*

CANCER ALLEY RISES UP

An overburdened community unites against Big Oil's next big play.

By **Emilie Karrick Surrusco**

WHAT ARE PETROCHEMICALS?

The petrochemical industry makes plastics, paints, solvents, fertilizers, and more from oil and gas. The industry is planning a major expansion with plans to build or expand more than 300 facilities across the U.S.



When Sharon Lavigne was growing up in St. James Parish, Louisiana, her family lived off the land. There were fig and pecan trees to harvest, vegetables that flourished in the rich, dark soil, and fish that practically jumped out of the Mississippi River flowing just feet away from her home.

Now, all of that is disappearing.

“Now the land and everything that grows on it is poison,” says Lavigne, who lives on her grandparents’ land in the small, close-knit community of Welcome, Louisiana, which is part of St. James Parish’s Fifth District. “We are boxed in from all sides by petrochemical plants, tank farms, and noisy railroad tracks.”

Lavigne and her neighbors are fighting what many believe to be the largest proposed industrial facility yet – one that represents Big Oil’s toxic survival strategy in a future where dirty energy is finally dead.

Beginning in the 1980s, the massive influx of polluting industries ushered in a wave of severe health problems for residents of St. James Parish’s Fifth District, a hamlet of predominantly African-American communities that dot the west bank of the Mississippi River, where sugarcane plantations once stood. The area, still home to some 20,000 people, is now part of “Cancer Alley” – an 85-mile

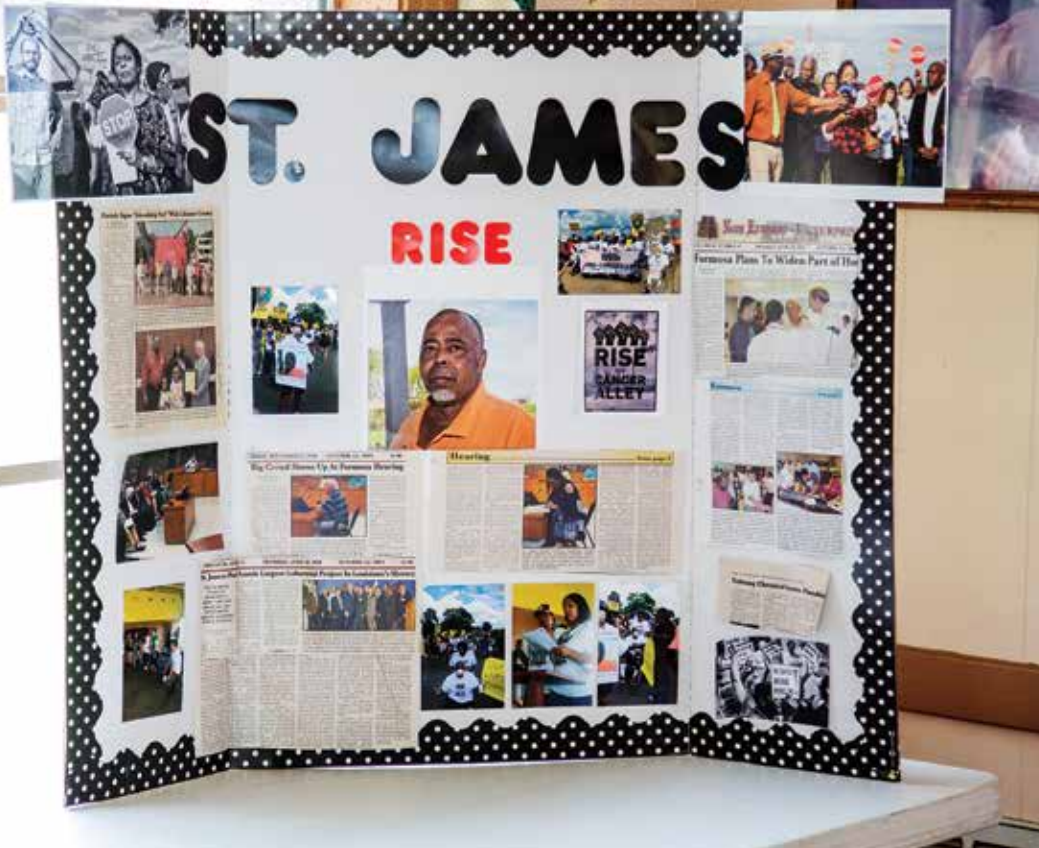
From left:
St. James Parish residents say they feel boxed in by industrial facilities like the refinery and chemical plant pictured here.

*Alejandro Dávila
Fragoso / Earthjustice;*
Sharon Lavigne and Anne Rolfes attend a St. James Parish council meeting in December 2018.
Julie Dermansky

stretch along the Mississippi River known for having a high concentration of industrial plants and high rates of cancer for local residents.

“We are sick. So many people are dying of cancer, upper respiratory diseases, asthmatic conditions, and on and on,” says Lavigne. “We have huge medical bills. We have to plan our final resting place. They have plans for us to die. Some call where we live ‘Cancer Alley.’ It’s more appropriate to call it ‘death row.’”

Lavigne recently founded RISE St. James, a local community organization, to stop the \$9.4 billion petrochemical complex proposed by a Taiwanese company, Formosa Petrochemical Corporation. Dubbed the “Sunshine Project,” the plant will include 14 facilities that will emit more than 13 million tons of carbon pollution each year, according to Formosa’s air permit application. That’s as much as 2.8 million passenger cars. The plant will process ethane from fracked gas and turn it into various chemicals



From top: A bulletin board chronicles RISE St. James' fight against the Formosa plant. Alejandro Dávila Fragoso / Earthjustice; Earthjustice attorney Adrienne Bloch speaks with a St. James resident at a community meeting. Alejandro Dávila Fragoso / Earthjustice

used to create everything from throwaway plastics to drainage pipes and antifreeze.

Community members have been in this fight before. For decades, they have fought back as elected officials and industry have tried to push them out – in 2014, local officials went so far as to adopt a new land-use plan that changed the Fifth District from “residential” to “existing residential/future industrial.” Since then, existing industrial plants have expanded and new ones have been built. Right now, in

addition to Formosa’s proposed plant, there are two new petrochemical facilities under construction. The community fought one of those plants, and with few resources they won an EPA order forcing the state agency to fix important problems associated with the facility’s air permit.

Formosa has purchased a 2,400-acre site for the proposed Sunshine Project plant that directly abuts Welcome, and the company is working to secure air and water permits. Despite vehement opposition from local residents, the local parish council recently approved Formosa’s land-use permit, after state and local governments offered an estimated \$1.5 billion in subsidies and tax breaks.

“[The project] is heralded by our state officials because it’s a \$9 billion project that they claim will bring jobs,” says Anne Rolfes, founding director of the statewide environmental health and justice group, Louisiana Bucket Brigade. “In my opinion, there’s also an unspoken companion plan to wipe out the Fifth District. They are very clearly eliminating the black community. I’ve been working on the river for 20 years and this is the most egregious thing I’ve ever seen.”

Formosa’s proposed goliath is a harbinger of what’s to come from an oil and gas industry that is pivoting away from energy production and toward a renaissance of plastics and toxic chemicals. Right now, industry is touting the construction of more than 300 new or expanded petrochemical facilities in the U.S. over the next seven years – mostly in low-income

communities on the Gulf Coast and in Appalachia.

The implications for climate change are staggering. In 2015, 44 new, expanded, or proposed petrochemical projects in the U.S. were expected to emit 86 million tons of greenhouse gases into the air each year, according to the Environmental Integrity Project. That’s nearly equal to the 2016 greenhouse-gas emissions for the entire state of Arizona.

“Formosa’s so-called Sunshine Project would not only sicken the surrounding community with its dangerous pollutants, but it would also make St. James Parish and the Gulf Coast that much more vulnerable to the impacts of climate change,” says Earthjustice attorney Adrienne

Bloch. “Petrochemical plants are the next frontier in our climate fight. We don’t need more plastics and we certainly don’t need more pollution. The oil and gas sector must not be allowed to sacrifice our future for yet another dirty industry.”

Earthjustice is representing RISE St. James and Louisiana Bucket Brigade in their continued fight against the Formosa plant. This is just the beginning of a growing effort to stop industry’s newest pernicious threat to the health of local communities and the future of our planet.


“We plan to continue doing marches and writing letters. We plan to go to the governor’s mansion,” Lavigne says. “We’re not going to dwell on what we can’t do, we’re going to dwell on what we can do.” ☺

“We’re not going to dwell on what we can’t do, we’re going to dwell on what we can do.”




A DAPL protester drums at the Oceti Sakowin camp. *David Goldman / AP*

 **NORTH DAKOTA & LOUISIANA: DAPL PIPELINE FIGHT RENEWED**

 A new chapter has opened in the legal fight against the controversial Dakota Access Pipeline. Represented by Earthjustice, the Standing Rock Sioux Tribe renewed its challenge to Energy Transfer Partners' pipeline permit after the U.S. Army Corps of Engineers illegally dismissed the Tribe's concerns about the risks of an oil spill near their reservation. Earthjustice is also representing community groups in a fight against a connecting pipeline that Energy Transfer wants to build in Louisiana's Atchafalaya Basin. The groups have asked a federal judge to block construction on the Bayou Bridge pipeline because the pipeline company is violating its permit and harming the surrounding wetlands.

DEFENDING MARINE LIFE FROM DEAFENING BLASTS

 Despite widespread opposition, the Trump administration gave the green light to underwater seismic blasting – a precursor to oil and gas drilling that creates noises louder than a rocket launch – along the Atlantic seafloor. The deafening seismic surveys can injure, disrupt, and even kill whales, dolphins, and sea turtles across 200,000 square miles of ocean waters.




Seismic blasting can injure marine creatures like this endangered loggerhead turtle. *Jordi Chias / National Geographic Creative*

This announcement is especially dire for the critically endangered North Atlantic right whale, which has declined dramatically over the past decade. As part of a coalition of local and national environmental groups, Earthjustice is going to court to prevent the blasting process and the harm it would cause.

CONGRESS PASSES CLIMATE-SMART FARM BILL

Our nation's agricultural system depends on a healthy climate. Earthjustice worked with members of Congress to ensure that the 2018 Farm Bill includes a few climate-smart farm policies. Specifically, the new farm bill incentivizes sustainable practices such as cover crops and longer crop rotations; allows the \$6 billion of annual conservation funding to be better targeted to climate-friendly practices; and recognizes the importance of better soil health practices that protect drinking water for millions of Americans. The 2018 Farm Bill also lays the foundation for more climate-conscious provisions in the future.

COAL ASH CONTAMINATION FOUND ACROSS U.S.

 Newly released data has revealed an alarming number of contaminated coal ash sites across the nation – and the Trump administration is trying to gut the rule that brought the contamination to light. A 2015 EPA regulation known as the Coal Ash Rule forced power companies to release groundwater monitoring data from toxic coal ash dumps for the first time last year. More than 90 percent of coal ash dumps so far have reported that they're leaking toxic chemicals into nearby groundwater, including 100 percent of the plants reporting from Texas and 92 percent reporting from Georgia. Though the data shows the need for stronger health safeguards, Trump's EPA has proposed rollbacks to coal ash regulations. Earthjustice is fighting the rollbacks in court.

 Indicates Trump-related fight

INDIANA: MIDWEST UTILITY EMBRACES CLEAN ENERGY

One of America's top coal-burning states is turning to clean energy. Thanks in part to advocacy by the Citizens Action Coalition of Indiana and Earthjustice, last fall a major Indiana utility proposed transitioning to a 100 percent renewable energy portfolio in less than a decade. The Northern Indiana Public Service Co. (NIPSCO) credited this decision to the rising cost of generating dirty energy and increased affordability and reliability of clean energy sources like wind and solar. NIPSCO is just one of many utilities across the nation transitioning away from coal, despite the Trump administration's efforts to revive the industry by weakening regulations. Earthjustice will keep working with the Citizens Action Coalition to ensure NIPSCO's transition is fair and equitable for low-income customers.

NATIONAL: EPA TRIES TO DIRTY OUR AIR

TIn a handout to a few bad-actor coal companies, EPA chief Andrew Wheeler is working to undo a protective new standard that prevents up to 11,000 premature deaths a year. Implemented by the Obama administration in 2012, the Mercury Air Toxics Standard has proven enormously successful at limiting dangerous air pollution from coal-burning power plants. Power plants have been meeting the standard since 2016. Toxic emissions are way down, thousands of people have been spared from dying unnecessarily, and the electric grid is performing fine. Wheeler, however, who has a long history as a lobbyist for fossil fuel producers, is using dirty tricks to roll back the standard and put other clean air protections at risk.

— *Emilie Karrick Surrusco*



MEGAN BOONE

Virginia Sherwood / NBC

Best known for her starring role in the NBC drama series "The Blacklist," Megan Boone also is a mother and activist who is concerned about protecting our environment for future generations.

Megan has been a sustaining monthly donor for Earthjustice since President Trump took office. She believes that Earthjustice's work is our best hope for holding the line against an administration that seems determined to reverse any progress made in combating climate change.

"I believe the strongest position we have is to use the law to at least hold our rights in place," she says. "Earthjustice has been very proactive in doing that."

Megan also believes that Earthjustice's effectiveness results from the organization's commitment to building partnerships with people on the frontlines of the fight for safer, healthier homes and workplaces.

"There's more of a personal connection with Earthjustice and the communities working to defend their rights and a healthy environment," she says. "That's no small feat considering the battles that Earthjustice goes up against."

In addition to supporting Earthjustice, Megan demonstrates ways to be proactive about climate action in her own life. She is currently transitioning to a carbon-neutral household and has taken business classes on sustainability.

"There is a large community out there fighting for what's right, and we see the results come back with protected public lands and some very important safeguards held in place for the health of humanity," she says. "That's a good feeling."

"There's more of a personal connection with Earthjustice and the communities working to defend their rights and a healthy environment."

MAKE A TRIBUTE OR MEMORIAL GIFT

CELEBRATE A LOVED ONE with a gift in their honor or memory. You may send a beautiful e-card to let the honoree or family know of your kind donation, or we will mail them a lovely card. For more information or to make your gift, visit earthjustice.org/tribute or call (800) 584-6460.



LITTLE EFFORT, BIG IMPACT!

Your monthly donation helps ensure that we have the resources we need to take on the big fights to protect our environment and stick with them until we win.

To make your monthly gift, contact (800) 584-6460 or earthjustice.org/monthly

Non-Profit Org
U.S. Postage
PAID
Sacramento, CA
Permit No. 195

 **EARTHJUSTICE**
50 California Street, Suite 500
San Francisco, California 94111

**"Earthjustice was built
for this moment."**

– Abigail Dillen,
Earthjustice President

GREEN

NEW

DEAL

**ZERO
EMISSIONS**

ELECTRIFY!

Cover design: Rob Chambliss / Earthjustice

JOIN EARTHJUSTICE ON:

 facebook.com/earthjustice

 [@earthjustice](https://twitter.com/earthjustice)

 instagram.com/earthjustice