

# ANNUAL REPORT

Environment Now  
Selected Program Achievements  
2007



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2515 Wilshire Boulevard • Santa Monica, CA 90403 • 310.829.5568 • fax 310.829.6820

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## COASTAL PROGRAM ACHIEVEMENTS

### MAGDALENA BAYKEEPER STOPS TOURIST MEGA-DEVELOPMENT IN BAJA CALIFORNIA

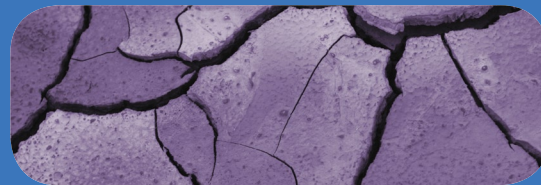
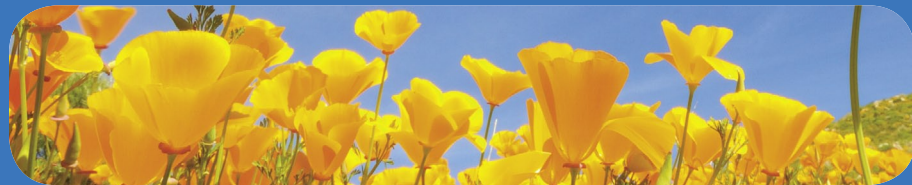
Magdalena Bay, in Baja California, is a refuge and breeding ground for gray whales, sea turtles and hundreds of thousands of migratory birds. It is comparable in ecological wealth and diversity to the Chesapeake Bay. In 2007, Vigilantes de Bahía Magdalena (Magdalena Baykeeper) reviewed the environmental impact statement for an enormous development proposal. They found chronic deficiencies in information, and revealed the severe impacts of the development. The Baykeeper pressed developers and the government for changes and as a result, the entire project was CANCELED.

### LIQUEFIED NATURAL GAS TERMINAL RULING ESTABLISHES LEGAL PRECEDENT

In 2006, Terminal GNL de Sonora applied for authorization for an on-shore Liquefied Natural Gas (LNG) terminal in the Gulf of California, Sonora Mexico. The terminal would have been the first major industrial facility in the region, which is known for its endemic species and fragile ecosystems. On November 26th 2007, the Mexican Supreme Court ruled in favor of program partner Defensa Ambiental del Noroeste (Environmental Defense of the Northwest) stating that the Secretary of Environment and Natural Resources does not have authority over LNG terminal proposals. The ruling establishes a legal precedent to defend wildlife and natural resources.

### COASTAL POWER PLANTS MODERNIZE TO NON-DESTRUCTIVE COOLING SYSTEM

Program partners, California Coastkeeper Alliance and Santa Monica Baykeeper, successfully employed the U.S. Supreme Court's *Riverkeeper II* decision—a ruling to phase out the destructive once-through-cooling process nationwide—to modify three coastal power plant leases, and pressure plants to phase out the cooling systems. The El Segundo station has already decided to convert a portion of their plant to a modern, closed system that completely eliminates devastating ocean discharges and replaces the once-through process that kills untold numbers of marine life.



## FOREST PROGRAM ACHIEVEMENTS

### NEW LOGGING PROJECTS HALTED IN SIERRA NEVADA NATIONAL FORESTS

In February 2007, the U.S. Supreme Court denied the U.S. Forest Service's appeal of a lawsuit brought by program partner, the John Muir Project, over the Power and Freds timber sales in the Sierra Nevada's Eldorado National Forest. The ruling pointed out that the Forest Service did not follow their own scientific requirements to monitor the status of wildlife species affected by logging. In response, the Forest Service stopped nearly all new timber sales through the Sierra Nevada national forests for the first half of 2007.

### AMID INTENSE FIRE SEASON, FIREFIGHTERS COUNTER LOGGING LIES

Historically, the timber industry and its allies have used media attention around forest fires as a pretext to push for harmful commercial logging. In 2007, the wildfires in Lake Tahoe and Southern California provided many opportunities to again distort the facts. However, program partner Firefighters United for Safety, Ethics and Ecology (FUSEE) successfully countered the timber industry's misinformation and was quoted in an average of one major news story per week during the long fire season.

### SEQUOIA LOGGING PLAN THROWN OUT

The U.S. Forest Service withdrew its pro-logging management plan for the Sequoia National Monument in 2007 following a court victory involving program partners Sequoia ForestKeeper, the John Muir Project and the Sierra Forest Legacy. Our partner organizations are now working to ensure that the new management will provide full protection for these forests.

## SUSTAINABILITY PROGRAM ACHIEVEMENTS

### COURT AFFIRMS THAT PUBLIC FLEET RULES ARE VALID FOR SOUTH COAST

Seven years ago, the Engine Manufacturers Association challenged the South Coast Air Quality Management District's six fleet rules stating that they were preempted under the U.S. Clean Air Act. On August 20th 2007, the U.S. Ninth Circuit ruled in favor of program partner Natural Resources Defense Council, and affirmed that the rules are valid. The rules require fleet operators in the South Coast Air Basin to purchase alternative-fueled buses, garbage trucks, etc. when replacing or buying new vehicles.

### PORT OF STOCKTON AGREES TO STRONG, QUANTIFIABLE AIR POLLUTION REDUCTION MEASURES

Program partner Natural Resources Defense Council (NRDC) successfully settled three Port of Stockton cases that began in 2003. The Port agreed to take significant measures to reduce environmental impacts caused by operations and dredging through a \$5 million air quality mitigations fund. Other initiatives included: reduced dockage fees for using cleaner fuels, mandatory idling restrictions, and electrical hook-up requirements. With this settlement, NRDC established a model for achieving real port pollution reductions that can guide future lawsuits.

### RIVER ISLANDS LITIGATION RESULTS IN FAVORABLE SETTLEMENT

In 2006, program partner Natural Resources Defense Council (NRDC) challenged a permit issued by California's Reclamation Board for the River Islands development. The project proposed 11,000 new homes on a flood-prone island in the Sacramento-San Joaquin Bay Delta. On December 21st 2007, NRDC settled the litigation resulting in the parties' commitment to devote more than \$4 million to purchase land needed for a flood bypass and habitat restoration. In addition, the Reclamation Board (now called the Central Valley Flood Protection Board) is required to publicly consider the impacts of climate change before granting permits.



## FRESHWATER PROGRAM ACHIEVEMENTS

### PROGRAM PARTNERS TURN THE TIDE IN TAKINGS LITIGATION

Throughout 2007, various courts ruled in favor of program partner Georgetown Environmental Law and Policy Institute in four important cases involving water rights. The most important of these, *Casitas Municipal Water District v. United States*, effectively overturned the infamous U.S. Court of Federal Claims' *Tulare Lake* decision, which cost the government tens of millions of dollars and would have made it impossible for states to regulate reasonable water use.

### BIG CHANGES OCCUR IN DELTA WATER MANAGEMENT

In May 2007, the U.S. District Court ruled in favor of program partners Natural Resources Defense Council and the Bay Institute, stating that the U.S. Fish & Wildlife Service's 2005 Biological Opinion—a formal report on water projects—was unlawful. This ruling dramatically changed Bay-Delta water management. Reducing the amount of water exported from the Delta, increasing the release of fresh water upriver and controlling pollutants will help save the Delta Smelt and the entire ecosystem.

### WESTLANDS WATER DISTRICT DRAINAGE PROPOSAL THWARTED

In June 2007, program partners the Bay Institute and Natural Resources Defense Council persuaded the U.S. Bureau of Reclamation to reject the Westlands Water District's original drainage proposal that would have relieved the federal government from providing drainage services in exchange for perpetual water rights and a transfer of ownership of major water facilities. The Bureau also rejected Westlands' revised proposal that would have modified the contract terms and provided indemnity from endangered species protection law. An alternative framework prepared by program partners is now being considered.