



LAW

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Connecting Communities
Protecting the Planet

Saying No to Coal

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The Cheyyur Plant Cumulative Impact Assessment report declared the waterfront "completely free from any activity."

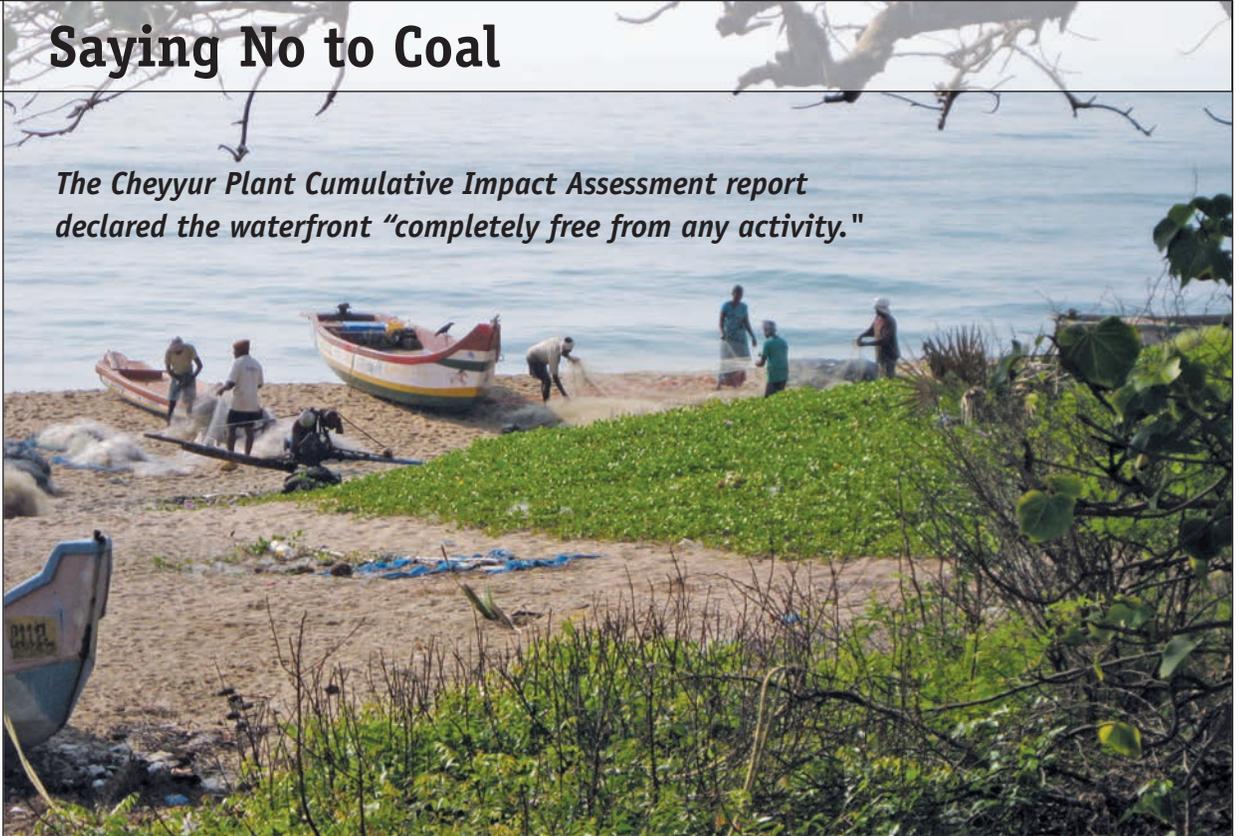


PHOTO: Heidi Weiskel, ELAW Staff Scientist

"Fisheries and agricultural lands of villagers are sacrificed without considering alternative ways to meet energy needs."

Shweta Narayan
Community Environmental
Monitoring

Scientists are telling us that we need to move quickly to stop damaging the climate. One key step would be to stop building more coal-fired power plants.

ELAW partners in India, the Philippines, Australia, and around the world are doing inspired work to keep coal in the ground and move to a cleaner, greener energy future.

"In India, coal-fired power plants are fast-tracked and communities are not consulted," says ELAW partner Shweta Narayan. "Fisheries and agricultural lands of villagers are sacrificed without considering alternative ways to meet energy needs."

Shweta and her colleague, Nityanand Jayaraman, are working with communities near Tamil Nadu's Cheyyur Lagoon to challenge a proposed 4,000 MW Ultra Mega coal-fired power plant. Government plans include a port to receive coal from China and Australia, a four-mile conveyor belt to ferry the coal to the power plant, and a waste pond to receive 5,000 tons of fly ash, every day.

"The Environmental Impact Assessment is misleading," says Heidi Weiskel, ELAW Staff Scientist. "The project is much larger, more polluting, and more dangerous than the project proponents have

revealed." In March, Heidi toured the area and met with community members who are challenging the project. Heidi is now working with Shweta and Nity to develop a survey to help communities monitor coastal habitats. This project will help citizens document the impacts of proposed land use changes and protect the coastal environment where they live.

Tamil Nadu is one of six states in India where ELAW partners are working to challenge coal.

Further north along the coast in Andhra Pradesh, India's National Green Tribunal (NGT) shelved a coal-fired power plant proposed for Komarada Village. ELAW partner Ritwick Dutta filed the case on behalf of a social justice organization defending the Adivasi people. The NGT concluded that the Ministry of Environment and Forests' process for approving the project was arbitrary, hasty, and a thorough failure.

Inland in Chhattisgarh, we are helping partners stop the Gare VI coal mine. A victory in the NGT in 2012 exposed that at a 2008 public hearing, police used batons to beat community members who came to the meeting to voice opposition to the coal mine.

The coal mining company continues pushing for the project and submitting new information. We are helping partners critique this information, including

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Goa: Paradise Protected

By Heidi Weiskel

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The Environmental Law Alliance Worldwide (ELAW) helps communities speak out for clean air, clean water, and a healthy planet. We are a global alliance of attorneys, scientists and other advocates collaborating across borders to promote grassroots efforts to build a sustainable, just future.

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L to R: Claude Alvares, Heidi Weiskel, Norma Alvares, Rahul Alvares



This spring, I spent a month with environmental advocates in Goa and learned how patience, strategy, and deep dedication can transform the planet. The tightly knit team of Claude and Norma Alvares is unparalleled, unstoppable, and a joy to be around, as they rack up inspired victories for communities and the environment.

Claude and Norma have run the Goa Foundation for more than 25 years. What Claude writes, Norma edits. What Norma argues in court, Claude publicizes. What Claude would like to say to the press, Norma refines. During my visit, they were on the road half the time, appearing in courtrooms from Delhi to Pune, and spending nights and weekends reviewing and preparing documents.

Perseverance pays off! Already in 2014, the Alvares duo has won three major victories—one in the Bombay High Court, one in the National Green Tribunal, and one before the Supreme Court of India. These cases began in 1992 and 2006.

I share highlights of these cases below.

Iron Ore Mining Curtailed

The mining industry in Goa has devastated forests, polluted the air and waterways, and killed people when poor maintenance resulted in mine collapse and downstream flooding. In 1992, Claude and Norma began challenging the operations of the mining industry before the Bombay High Court. In 2012, the Goa Foundation petitioned the Supreme Court of India, seeking urgent intervention. The Supreme Court issued a full moratorium on mining, which lasted nearly two years. In April 2014, the Supreme Court declared that all mining leases in Goa had expired in 2007 and directed the state government to hold companies accountable

for illegal operations. The Supreme Court also allowed the resumption of mining up to 20 million tons of iron ore per year and established a permanent fund for the citizens of Goa to ensure that the benefits from mining extend to future generations. It is unlikely that new leases will be issued anytime soon.

“With all the monitoring directed by the Supreme Court, mining in Goa will never again be the lawless, large-scale plunder we saw in the past.”

Norma Alvares

Goa (CONTINUED)



PHOTO: Vincent Braganza

Grand Hyatt Ordered to Demolish Illegal Beachfront Hotel

Coastal “no build” zones provide a critical first line of defense against storms and protection for fragile shorelines. Even though the legal setback in India is 100 meters, the Grand Hyatt constructed a 300+ room hotel complex in Goa that encroached on the beach, in violation of India’s Coastal Regulation Zone.

In 2006, Claude and Norma filed a case challenging the illegal siting of the Grand Hyatt. In March, a justice of the High Court of Bombay wrote that the hotel should be demolished for violating the law and putting ecosystems at risk. The hotel will likely pursue further appeals before complying with the law and demolishing the hotel.

Beaches, mangrove forests, and other coastal

habitats are home to thousands of specialized species that can only exist in the narrow conditions found between land and sea. Coastlines and tidal riverbanks are also our first and best defense against sea level rise. We will watch to see if the Grand Hyatt complies with the court order.



The Indian Pitta and Black-headed Oriole are part of the diversity of the Socorro Plateau.

Tech Industry Banned from Developing Diversity Hotspot

Goa’s Socorro Plateau is a remarkable forested birding area. In 2006, the Goa Foundation helped community members challenge plans by Infotech Corporation to destroy this area to build corporate facilities. In April, there was a stunning conclusion to this case: Infotech informed the National Green Tribunal that it was compelled to abandon the project following orders from the State Government. Claude and Norma are now working to get the 87 hectares declared an official bird sanctuary.

All of us at ELAW look forward to supporting Claude and Norma and the courageous work of the Goa Foundation in the years ahead.

Heidi Weiskel, ELAW Staff Scientist, traveled to Goa in March 2014.

Tidal Wave of Port Development in the Caribbean

The largest ships on the planet will transit between the Pacific Ocean and the Caribbean Sea next year through a newly expanded Panama Canal. These enormous "Post-Panamax" ships are four football fields long and 22 containers across. A rush to build mega ports to service these mega ships is threatening communities and ecosystems across the Caribbean.



Proposed site of new port in Puerto Verde, Panama.

PHOTO: Heidi Weiskel, ELAW Staff Scientist

In Panama, Mexico, Jamaica, and Guatemala, ELAW partners are working to ensure that a tidal wave of port development does not destroy fragile marine ecosystems and the livelihoods of coastal communities.

ELAW Staff Scientist Heidi Weiskel recently traveled to Panama where she collaborated with scientist Isaias Ramos at the Environmental Advocacy Center (CIAM). Together, Heidi and Isaias took stock of proposed development projects tied to global trade.

"With the Post-Panamax ships anticipating passage through the Canal as soon next year, we are seeing tremendous pressure on the rest of the region to contribute to the trade flow," says Heidi. "There has been an explosion of projects both within Panama and around the region."

Isaias and his colleagues at CIAM are collaborating with ELAW in Panama to challenge ports proposed for Punta Rincón and Isla Largo Remo. Mining company Minera Panama needs coal for a power plant at an open-pit mine it operates within the Donoso Protected Area. It would import coal and export gold, silver, copper, and molybdenum at Punta Rincón.

"The Punta Rincón port would be right on top of coral reefs and turtle nesting beaches in a part of the Caribbean coast of Panama that is largely unspoiled," says Isaias.

Further along the coast towards Colombia, Isaias is monitoring plans for Puerto Verde ("Green Port"), a major new port proposed by SMC Barcelona. Heidi and Isaias traveled to the town of Cativa, an indigenous Kuna community near the proposed port site. The project would eliminate local fisheries and raze the

153 hectare island of Largo Remo and its healthy mangroves. Puerto Verde would serve as an alternative site for Post-Panamax ships to offload and return to the Caribbean.

"The project would destroy the ecosystems that have sustained local communities and replace them with a refinery, a port for post-Panamax mega ships that will link to a dry canal railway and highway for transporting goods outside the canal, a gasoline storage facility, a commercial center, and a tourist hotel," says Isaias. "Panamanians deserve better."

"Throughout the region, we are seeing proposed port developments that would devastate critical ecosystems and communities. I'm glad ELAW can help our partners who are bravely challenging these short-sighted projects and advocating for a sustainable future."

Heidi Weiskel

Elsewhere in the Caribbean, partners are facing related challenges. In Mexico, ELAW partners at the Mexican Center for Environmental Law (CEMDA) challenged the expansion of the Veracruz Port in the Gulf of Mexico. The final, government-approved plan allows ships to pass through the Veracruz Reef System, a natural protected area of international importance.

In Jamaica, ELAW partners at the Jamaica Environment Trust (JET) are challenging plans by a Chinese company to convert Goat Islands and nearby fish sanctuaries in the Portland Bight Protected Area into a mega trans-shipment port.

Diana McCaulay, JET director, is urging the Government of Jamaica to identify a more suitable location for the proposed port.

"This coastline includes the largest mangrove system in Jamaica, two fish sanctuaries, extensive sea grass beds and nearby coral reefs," says Diana. "The area is also home to 50,000 people, 4,000 of whom make their living from fishing."

In Guatemala, ELAW partners at the Alliance of Environmental Law and Water (ADA2) are defending the Punta de Manabique protected area in Amatique Bay from plans for a port to service mining operations. Like the port at Punta Rincón in Panama, this port would transport supplies in and minerals out of the country. The Gulf of Honduras, where the San Martin project is proposed, is a critical piece of the interconnected Mesoamerican Barrier Reef system, an important economic, natural, and cultural resource for the region. Communities across Mexico, Belize, Guatemala, and Honduras depend on the reef for stable fish populations and tourism.

"Throughout the region, we are seeing proposed port developments that would devastate critical ecosystems and communities," says Heidi. "I'm glad ELAW can help our partners who are bravely challenging these short-sighted projects and advocating for a sustainable future."



Great Goat (foreground) and Little Goat Islands.

"This coastline includes the largest mangrove system in Jamaica, two fish sanctuaries, extensive sea grass beds and nearby coral reefs. The area is also home to 50,000 people, 4,000 of whom make their living from fishing."

Diana McCaulay
JET Director



Existing and proposed port sites being challenged by ELAW partners in the region.

Saying No to Coal (CONTINUED)



Planting rice in Cheyyur, India, site of a proposed Ultra Mega coal-fired power plant.
PHOTO: Community Environmental Monitoring

deficiencies in the company's audacious plan to extend the open pit coal mine to within 10 feet of the flood-prone Kelo River. The case is pending.

In the Philippines, ELAW is providing assistance to a coalition of environmental lawyers seeking to stop a planned three-fold increase in the number of coal-fired power plants. The Philippines has nine coal-fired power plants, but in 2013 the Secretary of the Philippine Department of Energy announced plans for the construction of 31 new plants.

ELAW is providing technical evidence that the existing coal-fired power plants in the Philippines are not complying with environmental standards under the Philippine Clean Air Act, so more plants should not be permitted. ELAW partners have served notice on the Philippine Department of Energy and Philippine Department of Environment and Natural Resources that they will petition the Supreme Court to suspend the construction of new coal-fired power plants.

In Australia, ELAW partner Jo-Anne Bragg says, "We have been overwhelmed by community concerns about the impacts of coal port expansion on the Great Barrier Reef and the lack of a precautionary approach to protecting groundwater from mine expansion." Jo-Anne is Principal Solicitor at the Environmental Defenders Office (EDO), Queensland.

In Queensland, a company has proposed turning Abbot Point port into the biggest coal export facility in the world. On behalf of clients, lawyers at EDO Queensland are challenging the expansion scheme. They have filed two cases on behalf of communities challenging the decision to grant permits to dredge the port and dump three million cubic meters of dredged soil in the Great Barrier Reef Marine Park and World Heritage Area. Further, they have represented in court community groups objecting to the climate change, economic and ground water impacts of a massive coal mine expansion proposed in the Galilee Basin, to mine coal that would be exported through the port.

Coal-fired power plants pollute the air we breathe, contaminate local water resources, and do enormous damage to our climate. We will keep you informed of our work around the world to keep coal in the ground.

2014 David Brower Lifetime Achievement Award

Five ELAW staff were awarded a 2014 David Brower Lifetime Achievement Award. Bern Johnson (Executive Director), Lori Maddox (Associate Director), Jen Gleason (Staff Attorney), Mark Chernaik (Staff Scientist) and Meche Lu (Staff Scientist) have each dedicated themselves to ELAW for at least 20 years. They received the award from the students of Land Air Water, the organizers of the Public Interest Environmental Law Conference.

"Our work at ELAW is a team effort," says Bern. "The most senior staff won this award, but our success would not be possible without the whole team, which includes: Jackie Chimelewski, Kalindi Devi-Dasi, Glenn Gillis, Maggie Keenan, Michele Kuhnle, Pedro Leon, Liz Mitchell, David Pugh, Heidi Weiskel, and Ashley White."



L to R: Bern Johnson, Lori Maddox, Jen Gleason, Meche Lu, and Mark Chernaik.



ELAW Fellows Program: Celebrating Environmental Leaders

ELAW hosts visiting Fellows, who come to Oregon to share lessons, gain skills, and work with us to protect communities and the environment. We have hosted roughly 160 environmental professionals from 60 countries around the world. Fellows are committed advocates who are helping disadvantaged communities around the world protect the environment through law. We have hosted the following Fellows in recent months.



Harriet Bibangambah
Greenwatch, Uganda

"I left feeling inspired by the passion and dedication of the ELAW team."

French, British, and Chinese companies are pursuing a joint oil venture in the Albertine Rift, with test wells inside Uganda's Murchison Falls National Park. Harriet is Program and Research Officer at Greenwatch, which promotes public participation in the sustainable use, management, and protection of Uganda's natural resources, including oil and gas. Harriet presented her organization's work at the 2014 Public Interest Environmental Law Conference. Thanks to the Ford Foundation for making Harriet's Fellowship possible.



Mandakhaitsetsen Urantulkhuur
Centre for Human Rights and Development (CHRD), Mongolia

Manda is Coordinator of CHRD's Community Based Development Program. She empowers women's groups in Ulaanbaatar and Darkhan, and the provinces of Uvurkhangai, Dornod, and Khentii. Her Fellowship includes the 10-week Intensive English Program at the University of Oregon's American English Institute. Many thanks to AEI and the Trust for Mutual Understanding for making Manda's Fellowship possible.



Oksana Imetkhenova and Liubov Balandina
Baikal Regional Organization for Lake Baikal, Russia

Oksana and Liubov are working to protect the Lake Baikal watershed and Altai waterways. Oksana is Chair of the Department of Ecology, Health and Safety at the East Siberia State University of Technology and Management. Liubov is finishing her degree in environmental engineering, and is getting a second degree in law, at the same university. Oksana and Liubov presented their work in a joint panel at the 2014 Public Interest Environmental Law Conference.

Following ten days in Eugene collaborating with ELAW staff, they toured Lake Tahoe with ELAW Board Member and mining expert Dr. Glenn Miller.

Many thanks to Earth Island Institute for supporting Oksana and Liubov's Fellowships.



Luisa Arauz
Environmental Advocacy Center (CIAM), Panama

"I have gained valuable knowledge and experience from colleagues around the world to help fight polluters."



Communities and waterways in Panama are threatened by hydroelectric dams. Luisa works at CIAM (Environmental Advocacy Center) to help communities understand water usage concessions and pursue strategic litigation to protect community rights. Luisa presented her organization's

work at the 2014 Public Interest Environmental Law Conference. Thanks to the International Community Foundation for making Luisa's Fellowship possible.

Marco Lazcano
Defensa Ambiental Noroeste (DAN), Mexico

"The people I met and the places I visited . . . an excellent experience!"



Baja California is threatened by mining operations and mega tourism development. Marco works to challenge short-sighted developments and protect the unique ecosystems of Baja California. While in Eugene, he participated in the 2014 Public Interest Environmental Law Conference.

We look forward to hosting more Fellows and building a growing corps of advocates for the earth.



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“As a family, we are grateful for ELAW.” Michael Rangeloff



Left to right: Manda Urantulkuur and Jack, SueAnne, and Michael Rangeloff

Many thanks to the Rangeloffs for hosting Manda. If you are interested in becoming an ELAW Host Family, please contact Maggie Keenan (maggie@elaw.org).

ELAW thanks the following local businesses for their in-kind contributions for ELAW events during the 2014 Public Interest Environmental Law Conference. These businesses are helping communities around the world speak out for clean air, clean water, and a healthy planet.



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