

Environmental News Service

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Planned ChevronTexaco LNG Terminal Hit With NAFTA Challenge

MONTREAL, Canada, May 4, 2005 (ENS) - U.S. and Mexican conservation organizations Tuesday filed a formal petition with an international environmental commission to challenge a liquified natural gas (LNG) terminal in Baja California, Mexico that threatens an island of endangered seabirds.

ChevronTexaco has proposed to build the gas terminal less than 700 yards from the Coronado Islands of Baja California, 11 miles south of the U.S. border.

“ChevronTexaco’s proposed terminal is an energy maquiladora that will pump natural gas to the United States while avoiding U.S. environmental laws and imperiling Mexico and its wildlife,” said Arturo Moreno, Energy and Climate Change Program Coordinator of Greenpeace Mexico.

Environmentalists are petitioning to the Commission for Environmental Cooperation (CEC) to intervene. This commission, based in Montreal, was created by the environmental side agreement to the North American Free Trade Agreement (NAFTA) to prevent the movement of polluting industries to areas where environmental and health and safety laws were not enforced.

The CEC provides a process for a citizen of any of the three NAFTA countries - Canada, Mexico and the United States - to challenge the failure of a country to enforce its environmental laws.

Under this provision, known as Article 14, the petitioners challenge Mexico’s failure to enforce its environmental laws in approving the ChevronTexaco project.

“ChevronTexaco could not have picked a worse location,” said Brendan Cummings, Marine Program director for the Center for Biological Diversity. “The Coronado Islands are a biodiversity hotspot, with 10 species of plants and animals found nowhere else in the world. Six threatened or endangered bird species nest there, and the islands also include the largest nesting area for the rare Xantus’s murrelet.”

The Xantus's murrelet, *Synthliboramphus hypoleucus*, nests on a handful of islands off Baja and southern California and can be found in coastal waters as far north as Canada.

The 10 inch-long, black and white seabird uses its wings to move underwater as it searches for food. This murrelet is listed as endangered under Mexican law and is designated as a candidate species for listing under the U.S. Endangered Species Act.

The murrelets and other seabirds of the Coronado Islands would be harmed by the operations of the ChevronTexaco LNG terminal, the petitioners allege. Of particular concern is the impact from the lights connected with the terminal on five nocturnal seabird species on the Coronado islands, including the Xantus's murrelet.

“Nocturnal birds are attracted to lights like moths to a flame, and the result can be just as devastating,” said Shaye Wolf, a Xantus's murrelet expert at the University of California, Santa Cruz.

“When lights are added to these normally dark islands, murrelets are injured or killed when they fly into lighted structures and when chicks are separated from their parents. I have seen the light from a single bulb lure a murrelet chick away from its parents, which can lead to its starvation and death. The effects from all of the Chevron LNG terminal's lights would be absolutely devastating for the murrelets.”

ChevronTexaco's environmental assessment of the proposed terminal did not address the light pollution issue, as well as other wildlife impacts.

Mexican environmentalists asked the Secretary of the Environment to review the environmental assessment in light of the omissions as well as what they claim are legal irregularities in the permit approval process.

The Secretary refused to delay the project during the review unless the groups put up a US\$6.4 million bond for ChevronTexaco.

When the groups turned to the Mexican courts to challenge this prohibitive sum, two federal judges declared themselves “not competent” to rule on the issue. The Mexican government granted ChevronTexaco permits for the project although no review has been done.

“The rule of law is not being applied in Mexico,” said Alfonso Aguirre, a conservation leader in Baja California. “That has been clearly demonstrated throughout this whole process.”

“If the Commission for Environmental Cooperation does not prevent such a blatant example of a project that has fled across a border to avoid environmental laws, I don't know what purpose it fulfills other than to greenwash environmentally destructive free trade,” said Jay Tutchton, director of the University of Denver Environmental Law Clinical Partnership, which prepared the petition.

The petitioners include the Center for Biological Diversity, Greenpeace Mexico, Alfonso Aguirre, Shaye Wolf, American Bird Conservancy, Los Angeles Audubon, Pacific Environment, and WILD COAST. For more information, visit: www.biologicaldiversity.org.

ChevronTexaco anticipates that construction of Terminal GNL Mar Adentro de Baja California will begin this year. Commercial operations could begin as soon as 2008, the company said.