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Environmental groups try new tactic in Baja

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Seven U.S. and Mexican environmental groups filed a challenge yesterday under the North American Free Trade Agreement to ChevronTexaco's plan to build a liquefied natural gas receiving terminal near the Coronado Islands.

They accuse Mexico of failing to fully evaluate the impact on bird, plant and sea life, especially on one of the North American coastline's largest colonies of Xantus' murrelets.

"The issues were not getting much response from the Mexican government," said Serge Dedina, co-director of San Diego-based Wildcoast.

He said Mexico's environmental agency, known as Semarnat, has not followed the approval process required by law to ensure the protection of the country's natural resources. If, for instance, a public hearing was held on the project, environmental groups were unaware of it, Dedina said.

"Semarnat has become a pro-development agency rather than an environmental agency," he said.

Officials of the agency, Secretaria del Medio Ambiente y Recursos Naturales, did not respond to telephone or e-mail inquiries asking for comment.

A ChevronTexaco representative also could not be reached for comment.

Filing a petition with the Commission for Environmental Cooperation, which was created in 1994 under a NAFTA side agreement and is headquartered in Montreal, is a new tactic for critics of

LNG terminals proposed in Baja California.

Opponents of Sempra Energy's LNG project at Costa Azul north of Ensenada have filed action in federal and state courts in Mexico to try to stop development of the receiving terminal.

Sempra and ChevronTexaco have been granted environmental permits. Sempra contends that a federal suspension of the Semarnat permit has been resolved, and it has broken ground on the project.

No action apparently has been taken against a third proposed Baja California facility a floating storage and regasification unit about five miles off Rosarito Beach being developed by Terminales y Almacenes Maritimos de Mexico with Moss Maritime. That project received its Semarnat permit about two weeks ago.

All three projects are expected to provide natural gas to Baja California and Southern California.

Under the NAFTA rules, the environmental commission can hold hearings on the disputed issues surrounding the ChevronTexaco LNG terminal, but it cannot stop the project.

Dedina said the groups are using the NAFTA process to highlight the issues involved in the dispute. "The NAFTA panel will be a good forum to get a hearing so that Mexico will pay attention," he said.

The petition was prepared by Jay Tutchton, the director of the University of Denver Environmental Law Clinical Partnership.

"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," Tutchton said.

Other groups filing the challenge are Greenpeace Mexico; the Los Angeles Audubon Society; the Center for Biological Diversity; the Grupo de Ecologia y Conservación de las Islas; the American Bird Conservancy; and Shaye Wolf, a seabird biologist at the University of California Santa Cruz.

They contend that the light and activity on ChevronTexaco's \$650 million project, to be located on a platform about 600 yards from the southernmost and largest of the Coronado Islands, will harm the largest known colony of the endangered Xantus' murrelet, a small black-and-white seabird.

The bird's population is estimated at less than 10,000, with more than half of that nesting at the Coronados.