A CITIZEN PETITION SUBMITTED TO THE COMMISSION FOR ENVIRONMENTAL COOPERATION PURSUANT TO ARTICLE 13 OF THE NORTH AMERICAN AGREEMENT ON ENVIRONMENTAL COOPERATION

Submitted by:

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INTRODUCTION

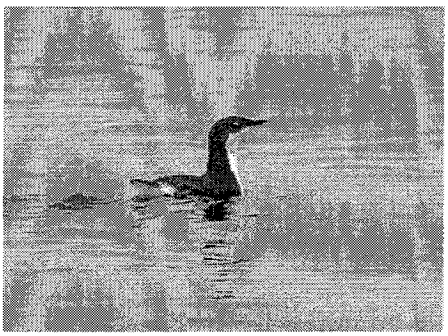
Pursuant to Article 13 of the North American Agreement on Environmental Cooperation (NAAEC), the Center for Biological Diversity, Greenpeace Mexico, Mr. Alfonso Aguirre, Ms. Shaye Wolf, American Bird Conservancy, Los Angeles Audubon Society, Pacific Environment and Resources Center, and Wildcoast, (hereinafter the "Petitioners") request the Secretariat to prepare a report on how a proposed Liquified Natural Gas Terminal (hereinafter the "Terminal") off the coast of the Coronado Islands, Mexico, will affect the threatened and endangered species that inhabit the Coronado Islands and adjacent waters and in particular the endangered seabird Xantus's Murrelet.

The facts giving rise to this request for the preparation of a report are detailed below. However, the principal reason for the Petitioners request is that they believe that Mexico has inadequately considered and disclosed to the public the devastating impacts of the Terminal on threatened and endangered wildlife. Due to this lack of consideration and disclosure, the Petitioners further believe that the Terminal proponents and the Government of Mexico have paid scant attention to reasonable alternatives to the proposed location of the Terminal that would reduce its environmental impacts, help to conserve threatened and endangered species, and protect the environmentally significant and sensitive resources of the Coronado Islands. Petitioners believe that the preparation of a report by the Secretariat considering the true environmental impacts of the Terminal Project might well result in increased public scrutiny and opposition to the Project and thus to improved decision-making by the responsible Government officials and the proponents of the Terminal.

STATEMENT OF FACTS

I. The Xantus's Murrelet and Other Wildlife of the Coronado Islands

The Coronado Islands support the largest known breeding colony of the endangered Xantus's Murrelet. The Xantus's Murrelet is a transborder species that breeds on a small number of islands in southern California and northern Baja California, and forages in the waters of Mexico, the United States and Canada. Xantus's Murrelets are penguin-like black and white birds that use their wings to "fly" underwater where they forage for food in the waters near their colony sites during the nesting season.



The Xantus's Murrelet is listed as an endangered species under Mexican Law, NOM-059-ECOL-2001. It is also an official candidate species for listing under the U.S. Endangered

Species Act, and is currently listed as a threatened species under the California Endangered Species Act.

Las Islas de los Santos Coronados, more commonly known simply as the Coronado Islands, are an archipelago of four small islands located about eight miles off the coast of Tijuana, Baja, California, Mexico, and only eleven miles southwest of the US-Mexico border at San Diego, California. These islands are extremely rich in biodiversity. They support ten endemic terrestrial species and subspecies of animals and plants found nowhere else in the world, several of which are protected by the federal NOM-059-ECOL-2001. In addition, they host one of the most diverse seabird colonies off the Baja California and California coast that includes ten species of breeding seabirds, six of which are listed as threatened or endangered in Mexico and/or the United States: the Ashy Storm-Petrel, Black Storm-Petrel, Brandt's Cormorant, California Brown Pelican, Cassin's Auklet, Double-crested Cormorant, Leach's Storm-Petrel, Pelagic Cormorant, Western Gull, and Xantus's Murrelet. [1]

The Coronado Islands were determined to be an "Important Area for the Conservation of Birds" and a "Priority Maritime Region" by the Mexican Federal Commission of Biodiversity (CONABIO).[2] On July 3, 2003, the Mexican Federal Congress of the Union mandated that the relevant Federal agencies promote a decree to create a natural protected area for the Baja California Pacific islands, including the Coronado Islands.[3] Despite its status as a planned Natural Protected Area, the SEMARNAT (Mexican Secretary of Environment and Natural Resources) incongruously approved the Coronado Islands as the location of the new Chevron-Texaco LNG Terminal. SEMARNAT approved the EIA for the Terminal on September 15, 2004.[4]

II. The Chevron-Texaco LNG Terminal Project

The proposed LNG Terminal would consist of a platform approximately 300 meters long that would serve as a receiving dock for the supply ships as well as house the LNG storage tanks and a re-gasification facility that would send natural gas via underwater pipeline to the mainland. From there the gas would go to the United States market, and eventually to the regional Mexican market. The Terminal would have the capacity to receive up to four large takers (80,000-160,000 cubic meter capacity each) per week and would be serviced by up to 115 permanent

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1 Exhibit A, p. 1 (*Potential Effects of a Liquefied Natural Gas Offshore Terminal on Seabirds at Coronado Islands, Baja California, Mexico*, Bradford Keitt, Island Conservation, COH Long Marine Lab, University of California, Santa Cruz, Ca, & Alfonso Aguirre, Grupo de Ecologia y Conservacion de Islas)

2 Exhibit B, p. 2 ¶ 7 (Declaration of Mr. Alfonso Aguirre)

3 Congreso de la Unión. 2003. Punto de acuerdo para que se establezca el área atural protegida de las islas del pacífico de Baja California. LVIII Legislatura. Dirección General Adjunta de Proceso Legislativo. 23 de julio de 2003. México, D.F. 4 pp.

4 Exhibit B, p. 2, ¶ 9 (Declaration of Mr. Alfonso Aguirre)

employees living on the platform. A main justification provided for building the platform in proximity to the Coronado Islands is the breakwater effect of Coronado Sur Island.[5]

III. The Harm to the Xantus's Murrelet and Other Wildlife

The LNG Terminal will impact the Island's species on several levels: light pollution from the terminal and supertankers will have a particularly harmful effect; the potential for a catastrophic explosion is a grave risk; the direct disturbance through construction and general operation of the terminal and the supertankers supplying the terminal is a certain harm; the increased opportunity for spills and discharge of petroleum products also threatens the Island's species; as does the increased potential for rat introduction to the islands (rates can easily swim the 600 meters from the Terminal to the Island); and finally the intake, disinfection, and discharge of 188,000,000 gallons of chlorinated seawater per day threatens to disrupt the entire Island ecosystem.[6]

A. The Effects of the Dramatic Increase in Artificial Light

Of particular concern to the Murrelet and the four other threatened and endangered nocturnal seabird species of the Coronado Islands are the effects of light pollution inherent in the Terminal Project. Substantial lighting will be needed on and around the Terminal and LNG tankers for safety purposes during Terminal operation and construction. Sufficient lighting is necessary to insure that the Terminal is readily identifiable in the dark and that tankers can be offloaded in a safe and expeditious manner. Specifically, Chapter 6 of the EIA prepared for the Terminal Project[7] entitled "Analysis and Evaluation of Risk" discusses the need for sufficient illumination of the Terminal and its tankers for safety purposes. To avoid tanker collision with the Terminal, the EIA states:

> The tankers and Installation will be illuminated to conform to the existing Mexican and International regulations and will have sufficient illumination in all spaces and work areas associated with the transfer operations and mooring. These will include all the stairways and passageways between the principal operative stations, the diverse areas of the tankers and Installation, the mooring stations, etc. The "Expert in Docking" will determine if the illumination of the tanker is adequate. Furthermore, the tankers transferring the cargo at night will illuminate the area of the ocean around the ship to the satisfaction of the "Expert in Docking." The tankers also will have the anchor lights for a ship of its type while it waits anchored before docking at the Terminal.

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5 Exhibit A, p. 1.

6 See Exhibit A, p. 1.

7 Petitioners do not have a copy of this EIA in English. It is a very large document over 600 pages in length. Petitioners have not provided a copy with this submission to avoiding a voluminous filing. However, Petitioners do have a copy as a pdf file in Spanish. The Petitioners would be happy to provide this document to the CEC upon request either as a pdf file or in hard copy. Petitioners believe their citations and translations of the EIA included in this submission are accurate.

EIA p. 6-25. The EIA also specifies that a "Security Zone" of 500 meter radius around the Terminal should be illuminated for safety purposes. EIA p. 6-35. Finally, to prevent airplane collision with the Terminal, the EIA states that all "elevated structures [of the Terminal] and LNG tankers" will be illuminated. EIA p. 6-26.

Accordingly, the Terminal will introduce a huge amount of artificial light to the area. Indeed, the 500 meter "Security Zone" lighting will reach nearly to the shore of the South Coronado Island, a mere 600 meters away. The Terminal will run 24 hours per day, 7 days per week. Undoubtedly, the Terminal will illuminate the Island breeding sites of the Murrelet and four other nocturnal seabirds as well as the waters right where the Murrelets pair for breeding and socializing and depart the Island with their tiny chicks. Among all of the potential dangers of the construction and operation of the Terminal, the most significant source of harm to the Murrelet population will likely be the effects of light pollution.

While this Petition focuses on the Murrelet, light harms other nocturnal seabird species in similar ways. Nocturnal seabirds are active at their breeding colonies only at night, mainly as an adaptation to avoid predators during the day. Light affects nocturnal seabirds in two main ways: (1) light attracts nocturnal seabirds thereby disrupting their normal activities and causing mortality as birds fly into lights or structures around the lights; and (2) light can increase susceptibility to predation both by illuminating areas at sea and on the colony.

1. The Direct Impacts of Attraction to Artificial Light

Populations of the Xantus's Murrelet are at great risk from the lights associated with the proposed LNG Terminal. It is well-documented that even low levels of light at night from lighted structures and vessels attract and disorient Xantus's Murrelet chicks and adults, causing parent-chick separation and injury of adults.[8] Parent-chick separation can lead to chick mortality because chicks are highly dependent on their parents after leaving the nest. Xantus's Murrelet chicks leave the nest at two-days old to follow their parents to sea where they are fed until mature. On 3 separate occasions, a scientific researcher witnessed situations where a Murrelet chick on land had been disoriented by a single light bulb on a building and abandoned by its parents at the San Benito Islands, Baja California.[9]

At sea, small amounts of vessel lighting have been documented to cause parent-chick separation, where chicks swim away from their parents and continually circle the light source, at

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[8] Burkett, E.E., N.A. Rojek, A.E. Henry, M.J. Fluharty, L. Comrack, P.R. Kelly, A.C. Mahaney, and K.M. Fien. 2003. Report to the California Fish and Game Commission: Status Review of Xantus's Murrelet (*Synthliboramphus hypoleucus*) in California. Calif. Dept. of Fish and Game Habitat Conservation Planning Branch Status Report 2003-01. A copy of this report is available on the Internet as a pdf file on the California Department of Fish and Game homepage at http://www.dfg.ca.gov/hcpb/species/t_e_spp/tebird/xantus/xamu_stat_revu.shtml . If the CEC has any difficulty locating this report the Petitioners would be happy to provide a copy.

[9] Exhibit C, ¶ 5 (Declaration of Ms. Shaye Wolf)

the Coronado Islands and at the Channel Islands.[10] Researchers at the San Benito Islands have repeatedly seen adult Murrelets suffer injury at light sources due to exhaustion from continual attraction and fluttering near lights or collision with lighted structures.[11]

The Xantus's Murrelet will be especially susceptible to the nearshore Terminal lighting because they pair-bond and socialize in the nearshore waters of Coronado Islands while attending colonies from January to July.[12] Survey data indicate that the highest densities of Murrelets congregate on the east side of South Coronado Island where LNG platform construction is planned.[13] Adding to the concern, scientific studies of nocturnal seabirds in Hawaii and Canada indicate that for rare or declining seabirds, such as the Xantus's Murrelet, artificial night-lighting close to breeding sites can significantly contribute to further decline.[14]

2. The Increased Susceptibility to Predation Caused by Light

Nocturnal seabird species are active at their breeding colonies only at night, mainly as an adaptation to avoid avian predators during the day. Studies indicate that lighting at night increases the susceptibility of nocturnal seabirds to predation by making birds more visible to predators and by increasing predator activity.[15] At Santa Barbara Island in 1999, abnormally heavy light pollution from squid fishery vessels during the Xantus's Murrelet nesting season was correlated with significant increase in Murrelet predation by avian predators compared to previous years when the vessels weren't present or were present in very low numbers, 165 predated Murrelets in 1999 versus an average of 20 predated Murrelets in prior years.[16] Accordingly, the increased night-lighting from the Terminal will likely cause similar increased predation of Murrelets on the Coronado colony by native avian predators.

In sum, the huge amount of artificial light associated with the Terminal Project will completely alter the environment around the Xantus's Murrelet's principal breeding colony on South Coronado Island. This light pollution will likely dramatically reduce Murrelet breeding success and likely dramatically increase Murrelet predation. The Terminal could hardly be planned for a more destructive location from the perspective of the Murrelet and its defenders – the non-governmental organizations and individual scientists requesting the preparation of this report under Article 13 of the NAAEC.

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10 Brad Keitt (Xantus's Murrelet researcher, see Exhibit A), personal communication

11 Exhibit C, ¶ 5 (Declaration of Ms. Shaye Wolf)

12 Exhibit A, p. 2.

13 Exhibit C, ¶ 6 (Declaration of Ms. Shaye Wolf)

14 Burkett, et al. 2003, see note 8, supra (studies cited)

15 Burkett, et al. 2003, see note 8, supra (studies cited)

16 Exhibit C, ¶ 3 (Declaration of Ms. Shaye Wolf)

B. The Risk of a Catastrophic Explosion

The potential for an explosion of natural gas and resultant fire cloud at the Terminal pose an extreme burn hazard, especially for South Coronado Island only 600 meters from the platform. Release of natural gas from the Terminal or a tanker can produce a flammable vapor cloud more than three miles from the point of release, and thus could burn all four Coronado Islands which fall within that radius, resulting in extensive mortality to nesting seabirds and other native wildlife.

C. The Disturbance from Terminal and Tanker Activity

Disturbances likely to be encountered during the construction of the Terminal include the noise and water turbidity associated with construction equipment and Terminal installation. During Terminal operation, noise is to be expected from the tankers themselves and the process of docking and offloading. The EIA states that the high level of ship traffic at the Terminal will create turbidity and that the ship traffic will scare foraging birds away from the Terminal area: "The water quality in the ocean could be affected temporarily owing to the transit of ships during the construction and operation of the Project; nevertheless, the birds that forage there will avoid the area owing to the level of ship traffic." EIA p. 5-63.[17]

This sanguine assurance completely misses the point. South Coronado Island and its adjacent waters are the most significant breeding location and associated foraging area for the Xantus's Murrelet. This species can not avoid this area – unless it is to abandon its most significant breeding location. Moreover, four surface-nesting seabird species on the Coronado Islands, including the endangered Brown Pelican, Double-crested Cormorant, Brandt's Cormorant, and Pelagic Cormorant, are extremely susceptible to disturbance from human activity and noise. Studies have shown that even one event that flushes adult pelicans off their nests can lead to a loss of 80% or more of eggs to predation by other species.[18]

D. The Potential for Petroleum Spillage from Tankers

The increased potential for spills or leakage of petroleum products into the water and environment are inherent in any undertaking of this magnitude. The seabirds in the area will be at increased risk of petroleum spills or leakage of fuel or cargo from the many tankers and other vessels associated with this Terminal. Diving seabirds such as the Xantus's Murrelets are at a particularly increased risk from oil spills.

E. The Risk of Rat Introduction to the Islands

Rat introduction to the Coronado Islands is another cause of great concern for the Xantus's Murrelet and other wildlife. Rats are well-documented to cause declines in seabird

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17 See note 7, supra

18 Exhibit A, p. 2

populations by eating eggs, chicks, and even adults.[19] Introduced rats (recently eradicated) on Anacapa Island, California, were shown to depredate Xantus's Murrelet eggs and to have depleted the breeding population.[20] Rats can be transported via tanker to the Terminal from which they can easily swim the 600 meters to the island and potentially establish a feral population. Such a feral population of rats would likely prey on the Xantus's Murrelet and other nesting birds and reduce their populations dramatically.

F. The Release of Chlorinated Water into the Sea

The Terminal will intake, disinfect, and discharge 188 million gallons of chlorinated seawater per day.[21] This process will kill all (100% mortality) larval fish and larval invertebrates (i.e. crabs, lobsters, abalone) carried along in all 188 million gallons of this discharged water each day. See EIA p. 5-55.[22] This large amount of larval mortality may alter the oceanic faunal community and food web around the Coronado Islands.

If the Terminal were to be built just across the border in U.S. waters, both U.S. Federal law and California State regulations under EPA 316(b) and the California Environmental Quality Act would require a rigorous scientific assessment of the impacts of huge amount of larval mortality caused by the Terminal. By placing the Terminal in Mexico, Chevron-Texaco is avoiding these laws. In this respect, and in many others, the Terminal is an energy maquiladora project reminiscent of the pre-NAFTA flight of environmentally destructive projects across boarders to avoid environmental safeguards. This avoidance of environmental scrutiny by moving across legal boundaries is a principal reason the Petitioners believe the Secretariat should prepare a through environmental report on the Projects impacts.

ARGUMENT

I. The Secretariat has Jurisdiction to Prepare the Requested Report

Article 13 of the NAAEC provides that the Secretariat "may prepare a report for the Council on any matter within the scope of the annual program." NAAEC, Article 13(1). The 2001 Program Summary, published in July 2003, includes a program for the Conservation of Biodiversity. The Program for the Conservation of Biodiversity lists among its initiatives the North American Bird Conservation Initiative, a program for Species of Common Conservation Concern, and the North American Marine Protect Areas Network. Any of these could include the conservation of the Xantus's Murrelet and the Coronado Islands. All are significant ongoing aspects of the CEC's Annual Program. As explained above, the Xantus's Murrelet is an imperiled North American bird species. It is a transboundary species that breeds on a small

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19 Burkett, et al. 2003, see note 8, supra

20 Burkett, et al. 2003, see note 8, supra

21 Exhibit A, p. 1.

22 See note 7, supra

number of islands in southern California and northern Baja California, and forages in the waters of Mexico, the United States and Canada. It is also a Species of Common Conservation Concern as evidenced by its listing as an endangered species under Mexican law, as a candidate species for listing under the U.S. Endangered Species Act, and as a threatened species under the California State Endangered Species Act. Additionally, the Coronado Islands are being considered as a natural protected area in Mexico, thus qualifying them for consideration under the CEC's North American Marine Protect Areas Network program.[23]

Furthermore, the CEC would have jurisdiction under Article 13 even if the Xantus's Murrelet and the Coronado Islands did not fall within the scope of its Annual Program. The NAAEC provides that "should the Secretariat wish to prepare a report on any other environmental matter related to the cooperative functions" of the NAAEC, not specifically addressed in the Annual Program, the Secretariat may do so after notifying the Council. The Council may object within 30-days, by a two-thirds vote, to the preparation of the report. NAAEC, Art. 13(1). Cooperative functions under Article 10 of the NAAEC include "the conservation and protection of wild flora and fauna and their habitat, and specially protected areas;" Id. at Art. 10(2)(i), "the protection of endangered and threatened species;" Id. at Art. 10(2)(j) and, "transboundary and border environmental issues." Id. at Art. 10(2)(g). The Council may also consider "other matters as it may decide." Id. at Art. 10(2)(s).

Reporting on the threats to the Coronado Islands and their sensitive wildlife including the Xantus's Murrelet is also consistent with the objectives of the NAAEC. The objectives of the Agreement are listed under Article 1, which include: "foster[ing] the protection and improvement of the environment in the territories of the Parties for the well-being of present and future generations." Id. at Art. 1(a); "promot[ing] sustainable development based on cooperation and mutually supportive environmental and economic policies;" Id. at Art. 1(b), "increase[ing] cooperation between the Parties to better conserve, protect, and enhance the environment, including wild flora and fauna;" Id. at Art. 1(c), "strengthen[ing] cooperation on the development and improvement of environmental ... policies and practices;" Id. at Art. 1(f), "enhance[ing] compliance with ... environmental laws and regulations;" Id. at Art. 1(g), and "promot[ing] transparency and public participation in the development of environmental ... policies;" Id. at Art. 1(h). Finally, the CEC has jurisdiction to "provide the Parties and the public information on where they may receive technical advice and expertise with respect to environmental matters." Id. at Art. 11(7). Preparing a report in the instant case would serve all of these objectives of the NAAEC.

II. The Requested Report would be very Useful

The request report would also be very useful because the EIA prepared on the Terminal Project by Mexico is inadequate, viable alternatives for the location of the Terminal exist but have not been considered, and Mexican authorities are ignoring their own laws and their Congress' desire to include the Coronado Islands in a natural protected area.

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[23] See Exhibit B, p. 2 ¶ 7 (Declaration of Mr. Alfonso Aguirre). See also Congreso de la Unión. 2003. Punto de acuerdo para que se establezca el área atural protegida de las islas del pacífico de Baja California. LVIII Legislatura. Dirección General Adjunta de Proceso Legislativo. 23 de julio de 2003. México, D.F. 4 pp.

A. The EIA Approved by Mexico is Insufficient

The preparation of an EIA under Mexican law is designed to protect the environment. Accordingly, it is an environmental law within the meaning of NAAEC, Article 45(2). Here Mexico has failed to effectively enforce its environmental law by approving an insufficient EIA for the Terminal on September 15, 2004.[24] See Exhibit B p. 2 ¶ 9 (Aguirre Declaration). The Petitioners are not alone in their concerns. See e.g. Exhibit D (a letter from the Pacific Seabird Group to the Secretario de Medio Ambiente y Recursos Naturales of Mexico stating "[i]n our review of the Manifestacion de Impactos Ambientales (MIA) for the LNG project, we found that impacts to seabirds were not covered adequately. This is a gross oversight."). The preparation of a report by the CEC would help to solve this problem of insufficient analysis of the Terminal Project. The Petitioners hope that with the benefit of a sufficient environmental analysis Mexican authorities may modify or move the Terminal Project to reduce its environmental impacts.

The EIA for the Terminal is inadequate because it does not address the impacts of light pollution, catastrophic explosions, or rat introduction on the wildlife of the Coronado Islands. Furthermore, it insufficiently addresses the impacts of disturbance from tanker and Terminal activity, oil spills, and the uptake and discharge of chlorinated water.

The most significant impact of the Terminal on the Xantus's Murrelet and other breeding seabirds species of the Coronado Islands will be from light pollution as discussed above. The EIA does not consider the impact of light on these nocturnal species, particularly the Murrelet.

While the EIA does address the effects of noise and turbidity from the Terminal and tanker activity, oil spills, and the release of chlorinated water, it incorrectly concludes that the effects on seabirds, marine mammals, and marine biota will be "non-significant." EIA Section 5.4.4. This conclusion does not withstand scrutiny. The EIA directly states that disturbance from ship traffic around the Terminal will cause seabirds to avoid the area. However, the EIA concludes this impact is non-significant. See EIA p. 5-63. This is nonsense. The noise and disturbance from the tankers will cause these species to avoid a significant breeding location. The EIA utterly fails to consider the significance of the predicted avoidance behavior in the context of the breeding colonies. Similarly, the EIA briefly considers the possibility of an oil spill from the Terminal or tankers on "marine biota" in general. EIA p. 5-57. The EIA is again, however, devoid of context and fails to acknowledge that an oil spill at the largest-known breeding colony of the endangered Xantus's Murrelet would likely devastate this population. Finally, concerning the release of chlorinated water, the EIA states that there will be 100% mortality of all fish and invertebrate larvae in the 188 million gallons of seawater used by the Terminal each day. EIA p. 5-55. However, the EIA concludes that the impact on the Coronado Island marine ecosystem will be "non-significant" based on a small sampling effort that does not justify the conclusion. The EIA states: "[s]pecific data from the site obtained in the spring of 2003 suggest that at least during this period, the volumes of plankton were relatively low and that the eggs of fish and larva form a small percentage of the total." EIA p. 5-55. This assertion is not consistent with a prior paragraph in the EIA that states that "the sea surrounding the Coronado Islands contains a high diversity of fish, invertebrates, and marine mammals" and

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[24] The Petitioners have filed a separate Article 14 Petition seeking to address this issue.

emphasizes the "well-structured food chain" of commercially and recreationally important fish and invertebrates at the Coronados. EIA p. 4-60. Accordingly, the EIA is internally inconsistent.

Finally, perhaps the most telling evidence that the EIA is inadequate and fails to consider important environmental impacts, is that the entirety of Chapter 2 of the EIA contains verbatim the analysis of a different LNG terminal project in Valladolid, Mexico. The Valladolid project is a land-based terminal and thus this section of the EIA does not address any specific impacts to marine species or island wildlife such as those the Coronado Terminal will produce.

The CEC should act to remedy the failures of the EIA by preparing the requested report.

B. Viable Alternatives for the Location of the Terminal Exist

An additional benefit to a report by the CEC is that it could consider viable alternatives for the location of the Terminal Project that would have less harmful environmental impacts. Such alternatives exist. As explained by Petitioner Los Angeles Audubon Society:

> While it is disturbing that Chevron Texaco is proposing to build an LNG terminal near Los Coronado Islands without considering the impact to the island's fauna, it is even more distressing that Chevron Texaco would threaten this unique ecosystem when viable alternatives exist. Other LNG terminals have already been designed and proposed for open water areas, indicating the natural breakwater effect of Los Coronado Islands is not necessary for this terminal to become operational. Either coastal or alternative ocean sites away from valuable and sensitive island seabird habitat should be considered.

Exhibit E (Letter from the Los Angeles Audubon Society).

A CEC report that includes consideration of viable alternatives to the presently proposed location of the Terminal could be quite useful in assisting Mexican decision-makers and the public to reconsider the location of the Terminal Project to reduce its environmental impacts.

C. The Terminal Should Not be Located in a Natural Protected Area

NAAEC includes within its definition of an "environmental law" regulations applicable to specially protected natural areas. NAAEC, Art. 45(2). The Coronado Islands are being considered as a natural protected area in Mexico, thus qualifying them for consideration under the CEC's North American Marine Protect Areas Network program. By approving the Terminal project inside this protected area, Mexico is failing to effectively enforce its environmental law within the meaning of NAAEC and is acting in contravention of the CEC's North American Marine Protect Areas Network program. A report by the CEC should clarify and help serve to redress this problem.

The Coronado Islands were determined to be an "Important Area for the Conservation of Birds" and a "Priority Maritime Region" by the Mexican Federal Commission of Biodiversity

(CONABIO).[25] On July 3, 2003, the Mexican Federal Congress of the Union mandated that the relevant Federal agencies promote a decree to create a natural protected area for the Baja California Pacific islands, including the Coronado Islands.[26] Despite this status, SEMARNAT approved the Terminal EIA inside the protected area. The EIA was submitted by Chevron-Texaco in September 2003, after the Congressional action mandating the protected area. However, the EIA states: "no evidence exists that islas Coronado have been declared a natural protected area nor are they in the process of being declared as such." EIA p. 3-20. This is simply wrong. By approving the EIA in September 2004, while ignoring the Congressional action of July 2003 mandating the creation of the natural protected area, Mexico failed to effectively enforce its environmental law.

Moreover, the Petitioners have been unable to right this wrong by pursuing the remedies available to them in Mexico. Prior to the granting of the permit to the Terminal, Petitioner Alfonso Aguirre as director of a Mexican non-profit conservation group, submitted detailed technical and scientific comments regarding the mistakes and oversights in the Chevron-Texaco EIA and asked for denial of the permit. Exhibit B, p. 2 ¶ 9 (Declaration of Alfonso Aguirre). When SEMARNAT granted the permit with minimal conditions, six non-profit conservation and social justice groups requested a formal review of the permit from the Undersecretary of SEMARNAT and asked for the suspension of the permit during the review process. Id. Although SEMARNAT granted the review, they refused to suspend the permit unless the non-profit groups were able to provide a $6.4 million dollar bond within 10 days to cover Chevron-Texaco's potential losses. Id. These six groups were unable to post such a bond, but in an alternative strategy asked a federal judge in Ensenada, Baja California for a preliminary injunction to suspend the permit while reviewing the Petitioners' claims. Id. This judge declared a "lack of competence" to rule on the injunction. The injunction request was then presented to a federal judge in Mexico City who also declared a "lack of competence" to rule on the injunction request. Id.

To date, the SEMARNAT review has not occurred, yet the Mexican Government is pushing ahead with the approval of the Terminal. On March 14, 2005, the Secretary of Communications and Transportation ("SCT") granted a long term lease to Chevron-Texaco for the LNG Terminal Project. Id. at p. 3, ¶ 10. According to federal laws and regulations SCT does not have the authority to grant or extend an LNG terminal unless the territorial waters of Mexico where the terminal is to be built have been converted into a harbor or dock, which is not the case in the open sea around Coronado Sur Island where Chevron-Texaco has proposed to install the Terminal. Id.

Because the Terminal is to be constructed within a planned Natural Protected Area, the Mexican government should have insisted on a through EIA detailing the potential impact to the protected species on the Islands and to the Natural Area. Because these reviews have not taken

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[25] Exhibit B, p. 2, ¶ 7 (Declaration of Mr. Alfonso Aguirre)

[26] Congreso de la Unión. 2003. Punto de acuerdo para que se establezca el área atural protegida de las islas del pacífico de Baja California. LVIII Legislatura. Dirección General Adjunta de Proceso Legislativo. 23 de julio de 2003. México, D.F. 4 pp.

place, the approval of the Terminal Project and the granting of leases are in direct contravention of the purposes of creating the Natural Protected Area. The CEC should prepare a report to fill in this gap in the environmental analysis and consider the true environmental impacts of the Terminal which Petitioners have not been able to force Mexican authorities to analyze.

THE PETITIONERS

The submitters of this Petition are the Center for Biological Diversity, Greenpeace Mexico, Mr. Alfonso Aguirre, Ms. Shaye Wolf, American Bird Conservancy, Los Angeles Audubon Society, Pacific Environment and Resources Center, and Wildcoast. This same collection of Petitioners has filed an accompanying Article 14 Petition attempting to redress the issues presented in this Article 13 Petition.

The **Center for Biological Diversity** ("CBD") is a non-profit corporation with over 12,000 members, dedicated to the preservation, protection, and restoration of biodiversity, native species, ecosystems, and public lands. CBD is actively involved in endangered species protection. CBD's members and staff have educational, scientific, informational, research, moral, spiritual and recreational interests in the Coronado Islands and the Xantus's Murrelet. CBD's members regularly visit the Coronado Islands and plan to do so in the future. CBD members recognize the vital need to preserve the breeding habitat of the Xantus's Murrelet. See Exhibit F (Declaration of Douglas L. Bevington).

Greenpeace Mexico, part of Greenpeace International, is a non-governmental organization that uses science to expose environmental problems. Among its primary missions are the protection marine biodiversity and the promotion of clean and sustainable energy. Greenpeace Mexico is concerned that Chevron- Texaco's proposed liquefied natural gas terminal next to the Coronado Islands will have devastating social, economic, and environmental impacts for Mexico. Greenpeace Mexico has been educating the public about the dangers of the LNG Terminal to the Xantus's Murrelet, an endangered seabird whose largest known nesting area is on the Coronado Islands. The potential harm to the Murrelet and other seabirds from the LNG Terminal would be a great loss for Greenpeace and for Mexico as whole. See Exhibit G (Declaration of Luis Arturo Moreno Vega).

Mr. Alfonso Aguirre, is a citizen of Mexico who currently resides in Ensenada, Baja California, Mexico. Mr. Aguirre is the General Director of the non-profit organization, Grupo de Ecologia y Conservacion de Islas, A.C., (GECI) whose mandate is to protect island ecosystems and preserve and restore their ecological processes. Mr. Aguirre holds a PhD in Social Sciences and undergraduate degrees in Oceanography and Aquaculture. Mr. Aguirre has been working intensively to protect the Coronado Islands. This work includes promotion of legal framework or status to protect the island, scientific research, practical conservation, and environmental education at all levels. Based on his work done on the Coronado Islands he personally attests to knowing that the resident and migrant bird populations on the islands are fragile and can suffer very severe and irreversible negative impacts derived directly and indirectly, from punctual and diffuse sources, immediate and accumulated effects from industrial facilities such as the proposed LNG Terminal. See Exhibit B (Declaration of Alfonso Aguirre).

Ms. **Shaye Wolf** is a Ph. D. Candidate in the Ecology and Evolutionary Biology Department at the University of California, Santa Cruz. Ms. Wolf's dissertation research examines the relationships between oceanographic conditions and the breeding success and survival of two seabirds, the Cassin's Auklet and the Xantus's Murrelet at colonies in Mexico and the United States. Ms. Wolf has extensive experience in seabird-focused field research including the study of the Xantus's Murrelet. Ms. Wolf worked with the Xantus's Murrelet in 1996 and 1999 as one of two biologists who monitored the Xantus's Murrelet population on Santa Barbara Island in Channel Islands National Park, California. Santa Barbara Island is the largest Xantus's Murrelet colony in the United States. For this work, Ms. Wolf collected data on the timing of breeding, reproductive success, and threats to the Xantus's Murrelet. In particular, Ms. Wolf's research highlighted the impacts of nighttime light pollution from squid fishery vessels working near Santa Barbara and recreational vessels moored near the Island on the Xantus's Murrelet. Ms. Wolf concluded that nighttime light pollution is one of the primary threats to the Xantus's Murrelet. Ms. Wolf will face substantial harm as a result of the construction of the Terminal because she will lose the primary thrust of her educational research on the Xantus's Murrelet if they begin to decline in population as a result of the construction and operation of the Terminal. See Exhibit C (Declaration of Shaye Wolf).

The **American Bird Conservancy** ("ABC") is a not-for-profit membership organization dedicated to the conservation of wild birds and their habitats in the Americas. It works to conserve the Xantus's Murrelet and other imperiled bird species. ABC has offices in Washington, D.C., and The Plains, Virginia, and has staff in Colorado, Indiana, Maine, Maryland, Missouri, Montana, Oregon, and New Hampshire.

The **Los Angeles Audubon Society** non-profit corporation. The mission of the Los Angeles Audubon Society is to provide educational programs and services that build awareness of the importance of birds and other wildlife and to promote conservation and restoration of natural habitats, primarily in the Los Angeles area. It is one of hundreds of chapters of the national Audubon Society. The Los Angeles Audubon Society will face substantial harm as a result of the construction of the Terminal because its goal of restoration of natural habitats for the Xantus's Murrelet would be substantially defeated if the Terminal is built within their breeding grounds as proposed.

The **Pacific Environment and Resources Center** ("PERC") is a California non-profit corporation. Its mission is to protect endangered ecosystems around the Pacific Rim. To accomplish this mission, PERC supports efforts by local citizens who are impacted by the extractive industries throughout the region, from the Russian Far East to California. PERC is concerned that the Terminal will negatively impact both the local ecology and economy of Baja California. The impacts include those to the endangered Xantus's Murrelet, as well as the fishing and tourism economy on which that Baja residents depend. As this Terminal would primarily serve the California energy market, PERC does not believe this it is appropriate for a substantial amount of the projects impacts to fall on Mexico.

Wildcoast is an international conservation team dedicated to preserving endangered marine species and threatened coastal wildlands of the Californias. Wildcoast achieves this mission by working with local communities and organizations to create legal conservation

structures and by promoting sustainable economic development. Wildcoast strongly opposes the Terminal proposed for the Coronado Islands. Wildcoast asserts that the facility will devastate a fragile marine ecosystem, and the economic base of thousands of fishermen, tourism outfitters, and coastal families.

The Petitioners are more than willing to discuss any aspect of this request with the Secretariat at its earliest convenience. Additionally, the Petitioners stand ready to provide any supplemental information or to assist the CEC with its investigation of the threats facing the Xantus's Murrelet, the other species of the Coronado Islands, or the ecosystem of the Islands, if requested.

REQUEST FOR A REPORT

The Petitioners request that the CEC report on activities in the United States and Mexico threatening the Xantus's Murrelet, the other wildlife species of the Coronado Islands, and the ecosystem of the Islands. More specifically, a report should:

(1) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from the effects of the dramatic increase in artificial light associated with the Terminal Project;

(2) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from a potential catastrophic explosion of natural gas at the Terminal;

(3) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from the disturbance associated with the Terminal and tanker activity;

(4) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from the potential for petroleum spillage from tankers at the Terminal;

(5) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from the potential introduction of rats to the Coronado Islands associated with the Terminal;

(6) Examine the harm to the Xantus's Murrelet and other wildlife species of the Coronado Islands from the release of chlorinated water associated with the Terminal;

(7) Examine the question of how far away from the breeding and foraging habitat of the Xantus's Murrelet and the other wildlife species of the Coronado Islands the Terminal would have to be located to avoid the environmental harms described in this Petition;

(8) Examine all other errors and omissions found in the EIA for the Terminal;

(9) Examine all viable alternatives to the presently proposed location of the Terminal and include an analysis of whether or not the Terminal is necessary;

(10) Examine the effects of the Terminal on the Natural Protect Area mandated around the Coronado Islands by the Mexican Congress; and

(11) Examine all other methods within the CEC's jurisdiction and program to protect the Xantus's Murrelet, other wildlife of the Coronado Islands, and the ecosystem of the Islands.

CONCLUSION

The Petitioners have pursued all available courses of action in Mexico without success. Accordingly, in a separate Petition, the Petitioners have requested the CEC to find that Mexico is failing to effectively enforce its environmental laws. At this time, an accurate and complete analysis of the environmental impacts of the Terminal Project on the Coronado Islands and their wildlife, including the Xantus's Murrelet does not exist. The Petitioners urge the CEC to prepare such an analysis.

A report from the CEC will foster support for the Coronado Islands and their wildlife, identify sustainable and environmentally sound development alternatives to the present Terminal Project, and promote international cooperation in the protection of the Coronado Islands. Such a report is critical to ensure the long-term viability of imperiled seabird populations and to defining actions to protect and conserve endangered species and their essential habitat.

Respectfully submitted,

Dated: May 2, 2005

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[27] All Petitioners can be contacted through counsel. In accordance with CEC Guideline for Submissions 3.4, the specific mailing address of each Petitioner is included on the following page.

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EXHIBIT A

Potential effects of a liquefied natural gas offshore terminal on seabirds at Coronado Islands, Baja California, México

Bradford Keitt[1] and Alfonso Aguirre[2]

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Islands are important for the conservation of biodiversity because they support high numbers of endemic species and provide critical habitat for seabirds and pinnipeds, species that forage over large areas of the ocean but return to islands to breed and rest. Because many island species have evolved in isolation they are not adapted to human activity. The islands off the coast of Baja California provide important habitat for a large number of seabirds and pinnipeds. Unfortunately, these islands are coming under increasing pressure from development as the human population on the adjacent peninsula grows rapidly.

Las Islas de los Santos Coronados, now more commonly known simply as the Coronado Islands, are an archipelago of four small islands located about 8 miles off the coast of Tijuana, Baja California, Mexico, and only 11 miles southwest of the US-Mexico border at San Diego, California. These islands support one of the most diverse seabird colonies off the Baja California and California coast as well as important habitat for California sea lions and harbor seals (Everett and Anderson 1991). Current populations of most seabird species on the Coronado Islands are considerably reduced from historical numbers due to habitat degradation from non-native mammals and human disturbance and impacts from DDT (McChesney and Tershy 1998, Palacios et al. 2003, Wolf 2002). However, the populations on these islands are recovering due to decreases in DDT and recent direct conservation actions. ChevronTexaco de México recently proposed to build a very large liquefied natural gas (LNG) re-gasification terminal (henceforth, LNG terminal) only 600 m offshore of Coronado Sur Island. The capacity of the terminal represents at least 16% of the total current Mexican LNG production. The total investment is $US 650 million dollars. Such a terminal would negatively impact these seabirds and reduce the capacity for these species to regain their former numbers on the islands.

The proposed LNG terminal would consist of a platform approximately 300 m long that would serve as a receiving dock for the supply ships as well as house the LNG storage tanks and a re-gasification facility that would send natural gas via underwater pipeline to the mainland. From there the gas would go to the United States market, and eventually to the regional Mexican market. The terminal would have the capacity to receive up to four large tankers (80,000-160,000 m^3 capacity each) per week and would be serviced by up to 115 permanent employees living on the platform. A main justification provided for building the platform in proximity to Coronado Islands is the breakwater effect of Coronado Sur Island. The LNG terminal will impact the island's species on several levels: direct disturbance through construction and general operation of the terminal and the supertankers supplying the terminal; light pollution from the terminal and supertankers; increased opportunity for spills and discharge of petroleum products; increased potential for rat introduction to the islands (rats can easily swim the 600 m from the terminal to the island); and the intake, disinfection, and discharge of 188,000,000 gallons of the chlorinated seawater per day.

The Coronado Islands support ten species of breeding seabirds, many of which have protected status in the US and Mexico (Table 1). The surface nesting species such as the Brown Pelican, Double-crested, Brandt's, and Pelagic Cormorants are extremely susceptible to disturbance. Studies have shown that even one event that flushes birds off their nests can lead to a loss of 80% or more of the eggs to gull (*Larus* spp.) predation (Anderson and Keith 1980). Historical observations on nearby Todos Santos Island found over 1,900 broken pelican eggs as a result of human disturbance and subsequent gull predation (Anderson 1988, Willett 1913). Pelicans and cormorants will be negatively affected by construction activities as well as general operational activities of the LNG terminal including noise, helicopter operations, and light pollution from the terminal and the supply ships.

The Coronado Islands also support globally significant populations of nocturnal seabirds including auks and storm petrels. Such seabirds are active on their breeding colonies only at night, mainly as an adaptation to avoid predators active during the day, such as gulls and falcons. Nocturnal seabirds are extremely sensitive to light pollution. Lights affect nocturnal seabirds in two main ways: 1) light attracts seabirds thereby disrupting their normal activities and causing mortality as birds fly into lights or structures around the lights, and 2) light can increase susceptibility to predation both by illuminating areas at sea and on the colony. Populations of the Xantus's Murrelet, a species just listed as threatened by the state of California, are at greatest risk from the lights associated with the proposed LNG terminal. This species is especially susceptible to even low levels of light pollution because they socialize in the nearshore waters of Coronado Islands while attending colonies from January to July. The Coronado Islands host the world's largest colony of the northern subspecies of Xantus's Murrelets (Whitworth et al. 2003). The southernmost colony of the rare Ashy Storm-Petrel and a significant colony of Black Storm-Petrels also occur at Coronado Islands (Carter et al. 1996, Everett 1991).

Due to the importance of the Coronado Islands as seabird and marine mammal habitat it is critical these islands remain undisturbed. Unfortunately, the ChevronTexaco Environmental Impact Assessment (EIA) wrongly concludes that the effects to birds and sea mammals will be non significant and occur only during the construction phase. It further states that there is no action or evidence to protect the Coronado Islands as a natural protected area (ChevronTexaco 2003:3-20). However, the exceptional conservation value of these islands has been recognized by the Mexican Federal Congress of the Union, which mandated on July 23, 2003 that the relevant Federal agencies promote a decree to create a natural protected area for the Baja California Pacific islands, including the Coronado Islands, as well as San Benito, Cedros, Guadalupe, San Martín, San Jerónimo, and Todos Santos (Congreso de la Unión 2003). The reality is that it is impossible to build the proposed LNG terminal in the vicinity of the Coronado Islands without severe impacts to the species that rely on these islands as habitat. An appropriate distance for the platform to reduce impacts to negligible levels at the islands is hard to establish, especially without knowing the exact wattage, location, and number of lights on the proposed terminal and supply ships. However, offshore oil rigs in the Santa Barbara Channel that are six miles from Anacapa Island cause elevated light levels on dark nights without a moon (H.R. Carter, pers. comm.). Wherever the terminal is built, lights should have extensive shielding to reduce seabird attraction and collisions.

Update on status of the project:

In the June 2004 the Grupo de Ecología y Conservación de Islas (GECI) submitted a statement to SEMARNAT, the Mexican ministry of the environment, asking for a negative resolution on ChevronTexaco de México's request for a permit to build the LNG platform at Los Coronado Islands. On September 15th 2004 ChevronTexaco de México received the permit from SEMARNAT in spite of the irregularities in the environmental impact statement highlighted by GECI's request for a negative resolution. Soon after, a review request of the permit was submitted to SEMARNAT by GECI and other Mexican environmental groups. In October 2004 SEMARNAT agreed the review request had merit and thereby enabled an immediate stop order on the project and review of the permit by a federal judge. However, in order for the review to move forward it was also determined that the plaintiffs (GECI) must post a bond of $6 million USD in order to reimburse ChevronTexaco de México for potential lost revenue during the review period. If the review was found in favor of ChevronTexaco de México the bond would be forfeited and paid to ChevronTexaco, clearly limiting the capacity of small NGO's and citizen's groups from pursuing this method of action.. In November GECI applied with a federal judge for an injunction to allow a review without the bond and requesting a review of how the bond amount was set. The results of this action are still pending.

ChevronTexaco de México now needs two more federal permits to proceed with construction; one from Mexico's Energy Regulatory Commission and another from the Secretariat of Communication and Transportation. Both agencies have already indicated their support for the project. Further complicating the process, the recently elected Mayor of Tijuana, Jorge Hank Rhon, a prominent businessman, has said he would not allow ChevronTexaco to get the permits needed from Tijuana's municipality. As of November 2004 GECI and other groups are continuing to press legal action. This and local opposition to the project in Tijuana, Mexico now appear to be the best hope that this disastrous project be stopped.

Acknowledgements: We thank Dan Anderson, Harry Carter, Serge Dedina, Frank Gress, Craig Harrison, Gerry McChesney, Bill Powers, Darrell Whitworth, and Shaye Wolf for providing information for and/or comments on this manuscript.

Table 1. Status of breeding seabirds and Peregrine Falcon on Los Coronados Islands, data from (Wolf 2002). Historical populations of these species were significantly greater than the current populations presented here. Recent conservation actions on these islands have helped these species and many populations are currently growing. The ChevronTexaco LNG terminal will negatively impact these species and reverse the recent gains provided by active conservation on the Coronado Islands. IUCN=International Union for the Conservation of Nature, THR=threatened, END=endangered, NT=near threatened, VU=vulnerable. US status is Federal and/or California State status. CA BSSC=California State Bird Species of Special Concern.

	México Status	US Status	IUCN Status	CA BSSC status	Island Status
Leach's Storm-petrel (*Oceanodroma leucorhoa chapmani*)	THR				*>200*
Ashy Storm-petrel (*Oceanodroma homochroa*)	THR		NT	X	*4-6*
Black Storm-petrel (*Oceanodroma melania*)	THR			X	*500+*
Brown Pelican (*Pelecanus occidentalis*)		END			1200
Double-crested Cormorant (*Phalacrocorax auritus*)					600
Brandt's Cormorant (*Phalacrocorax penicillatus*)					100
Pelagic Cormorant (*Phalacrocorax pelagicus*)					6
Western Gull (*Larus occidentalis*)					500
Xantus's Murrelet (*Synthliborampus hypoleucus scrippsi*)	END	THR*	VU	X	1500-2500
Cassin's Auklet (*Ptychoramphus aleuticus*)	THR			X	B
Peregrine Falcon (*Falco peregrinus*)		END			4 to 6

*Petition to list as threatened in California accepted 5 Feb 2004.

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Wolf, S. 2002. The relative status and conservation of island breeding seabirds in California and Northwest Mexico (Master of Science). University of California, Santa Cruz.

EXHIBIT B

DECLARATION OF ALFONSO AGUIRRE MUÑOZ

I, Alfonso Aguirre Muñoz, declare as follows:

1. I reside at Avenida López Mateos 1590-3, Fracc. Playa Ensenada, Ensenada, Baja California, Mexico, 22880.

2. I am the General Director of the non-profit organization Grupo de Ecología y Conservación de Islas, A.C., (Island Conservation and Ecology Group) or GECI, founded formally in 1998, and in operation as an island conservation group since 1994. The main mandate of the organization is to protect islands ecosystems and preserve and restore their ecological processes. The organization won the 2002 Conservation National Award "Dr. Enrique Beltrán Castillo", given by the federal government of Mexico, President Vicente Fox through the Mexican Secretary of Environment and Natural Resources or SEMARNAT, in recognition of its "commitment and achievements with the conservation of Nature in México".

3. I hold a Bachelor's degree in Oceanography from the Marine Sciences Faculty of the Baja California State Autonomous University (UABC), a postgraduate course in Aquaculture from Kagoshima University, Japan, and a PhD in Social Sciences specialized in Sustainable Development and Regional Studies from El Colegio de la Frontera Norte, where I graduated with the highest score (10 of 10) and highest honors ("Mención Honorífica"). My background, reflected in my PhD thesis formal research — "Sustainable Development and Lifeworld"— has been in interdisciplinary work on coastal and marine ecology and conservation, and integrated coastal resources management.

4. Professionally I have been involved now for almost thirty years, since the beginning of my Oceanography education, on environmental conservation and sustainable development in the region of Baja California and Northwest Mexico.

5. During the last three years I have been working intensively to protect the islands of Mexico's Northwest, with an emphasis on the Baja California Pacific Islands, including the Islas Coronado archipelago. The work includes the promotion of legal frameworks or status to protect the islands, scientific research, practical conservation such as eradication of introduced species, and environmental education at all levels.

6. As part of my island conservation work, I have coordinated a study, working with a team of specialists, to justify the creation of a natural protected area for the Pacific islands of Baja California, including the islas Coronado archipelago, very close to the US-Mexico border, offshore from Tijuana, Mexico and San Diego, California, United States. The study reference is: Aguirre M A, J Bezaury C, J Carranza, E Enkerlin H, C García G, LM Luna M, B Keitt, JA Sánchez P y BR Tershy 2003. Propuesta para el Establecimiento del Área Natural Protegida Reserva de la Biósfera de las Islas de la Costa del Pacífico de Baja California. Estudio Técnico Justificativo. Grupo de Ecología y Conservación de Islas, A.C. y CONANP. Ensenada, Baja California, México. 70 pp.

7. Linked to the mandate of my organization I also have made several presentations about the extraordinary conservation value of the islands we study. One of the presentations was made to the Ecology and Natural Resources Commission of the Mexican Federal Congress. Later, as an agreement of the congressmen, the Federal Congress of the Union resolved to make a formal call, mandating the Mexican Federal Commission of Natural Protected Areas under the scope of SEMARNAT, to create a natural protected area for the Baja California Pacific islands, that includes the San Benito islands, Cedros island, Guadalupe island, San Martin island, San Jerónimo island, Todos Santos island and Coronado islands. I know that the agreement was made and published on July 3rd, 2003. The explicit reasons for the request by the Congress of the Union, listed in the publication, to create a natural protected area were its high biodiversity and endemism (unique species in the world), therefore considered a "Priority Maritime Region", and an "Important Area for the Conservation of Birds", as determined by the Mexican Federal Commission of Biodiversity (CONABIO). Several species found on these islands, particularly of Coronado islands archipelago, are protected by the federal Mexican Official Norm Ecol-059.

8. Based on my work for the study cited in paragraph 6 (Aguirre et al. 2003), as well as several field research visits to the islands, I know that the resident and migrant birds populations are fragile, especially the seabirds, and can suffer very severe and irreversible negative impacts derived directly and indirectly, from point and diffuse sources, including immediate and cumulative effects from industrial facilities such as liquefied natural gas (LNG) regasification plants or offshore platforms.

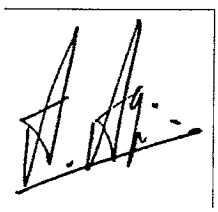
9. During the end of 2003 and the beginning of 2004 I learned that ChevronTexaco de México, S.A. or ChT had the intention to build an LNG offshore platform. The public information about this project was released after the agreement of the Congress of the Union to protect the islands and after the justificatory study to create the protected area was completed. The proposed location for the ChT's LNG platform is extremely close to the main Coronado Sur island, only 600 yards away. ChT proposes to use the island as a wavebreak, which would save investment by ChT. Since the project was submitted as a formal application to the Environmental Ministry, I presented on behalf of myself and my organization (GECI) detailed technical and scientific comments about the Environmental Impact Assessment (EIA) presented by ChT to SEMARNAT. Because the EIA had so many grave mistakes and disregarded the Coronado islands environmental conservation value, I requested, as well as other civil society non-profit groups, that they deny the permit. Nevertheless our claims were not considered and ChT got an EIA approval on September 15, 2004. We —six non-profit organizations— then requested from SEMARNAT formally and on-time a review of the permit decision. In response the federal government SEMARNAT requested from each of us 6.4 million US dollars to suspend the authorization while it was being reviewed, so as to cover eventual losses that could be caused to ChT by the review process. A request for a preliminary injunction was therefore presented by me to a federal judge based in Baja California, but he declared himself as not-competent for the case; he sent the case instead to a federal judge in Mexico City, that judge declaring himself also as not-competent for the case, basically disregarding our request.

10. As of the moment of writing this declaration, the EIA review by the federal government —done now by a SEMARNAT's undersecretary—, is still in process. However, I learned recently that in March 14, 2005 the Secretary of Communications and Transportation (SCT) granted a long term lease to ChT, ignoring that there are 6 review pending processes requested to the Enviromental Ministry. On top of that I know that according to the proper federal laws, bylaws and regulations SCT does not have the authority to make a call for an LNG plant lease, nor to extend or grant the lease, because the territorial waters of Mexico are not part of their faculties, unless they have been converted into a harbor or dock, which is not the case of the open seawaters in front of Coronado Sur island, where ChT wants to install the LNG regasification facility.

11. In sum, during the close follow-up of this situation, vital for our organization's mandate and mission, as well as for myself as a Mexican citizen, and for generations to come, I have seen clearly that even though the laws, bylaws and specific regulations are explicit, clear, and formally promote environmental conservation and sustainable development within Mexico, in reality those values have been disregarded in this specific case and the federal government decisions are oriented to favoring the economically most powerful actor, in this case ChT, while completely denying its responsibility to the citizens, the constitutional right to a healthy environment, and their organizations. I also have seen that the rule of law is a discourse used nowadays at all levels by Mexico's federal government, but completely disregarded when it comes to the actual decisions and practices. As representative of an organization devoted to environmental conservation, this case tells me that Mexico's federal government could not care less about the conservation of its own territory and about the most valuable interests of the people of Mexico —such as the integrity of the nation's territory—. The rule of laws is not being applied in Mexico, something that has been clearly demonstrated to me in this very concrete environmental rights formal process.

The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would completely testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

I declare under penalty of perjury under the laws of Mexico and the United States, that the foregoing is true and correct and that this declaration was executed on April 24th, 2005 in Ensenada, Baja California, México.



Alfonso Aguirre Muñoz

EXHIBIT C

DECLARATION OF SHAYE WOLF

I, SHAYE WOLF, declare as follows:

1. I reside in Santa Cruz, California. My educational background is in biology with a focus in bird ecology. I received a Bachelor of Science degree from Yale University in 1995. While at Yale, I co-founded the Yale Ornithological Society. I received a Master of Science degree from the University of California, Santa Cruz, in Marine Science where my research focused on seabird ecology and conservation. My thesis titled "The Relative Status and Conservation of Island-breeding Seabirds in California and Northwest Mexico" compared the status, threats, and conservation of seabirds breeding on either side of the US/Mexico border and my analysis included the Xantus's Murrelet. I am continuing my seabird research as a Ph. D. Candidate in the Ecology and Evolutionary Biology Department at the University of California, Santa Cruz. My dissertation research examines the relationships between oceanographic conditions and the breeding success and survival of two seabirds in Baja California, Mexico: the Cassin's Auklet and the Xantus's Murrelet.

2. I have extensive experience in seabird-focused field research including study of the Xantus's Murrelet. I first worked with the Xantus's Murrelet in 1996 as one of the two biologists who monitored the Xantus's Murrelet population on Santa Barbara Island in Channel Islands National Park, California. Santa Barbara Island is the largest Xantus's Murrelet colony in the United States. For this work, I collected data on the timing of breeding, reproductive success, and threats to the Xantus's Murrelet. I became aware of the impacts of artificial lights on murrelet chicks when on 2 occasions I found murrelet chicks attracted to and disoriented by a single lightbulb on a housing structure on the island. In 1997, I continued my research with seabirds on Tern Island, French Frigate Shoals, in the Northwestern Hawaiian Islands National Wildlife Refuge where I monitored the reproductive success of the native seabird species. In 1998, I worked as a seabird biologist on the Farallon National Wildlife Refuge, California, where I monitored the population status, reproductive success, and behavioral ecology of the breeding seabirds.

3. I returned to Santa Barbara Island, California, in 1999 to work as the principal seabird biologist monitoring the Xantus's Murrelet population, and I collected data on timing of breeding, reproductive success, and threats to Xantus's Murrelets. In particular, my research highlighted the impacts of nighttime light pollution from squid fishery vessels working near Santa Barbara and recreational vessels moored near the island on the Xantus's Murrelet. In 1999, abnormally heavy light pollution from squid fishery vessels during the Xantus's Murrelet nesting season was correlated with a significant increase in murrelet predation by avian predators compared to previous years when the vessels weren't present or were present in very low numbers (165 predated murrelets in 1999 versus an average of 20 predated murrelets in prior years). I know from personal experience and from talks with researchers and recreational boat users that murrelets land on the decks of vessels at night, attracted by light sources, in especially

high numbers on foggy nights. From my observations, I became acutely aware that light pollution is one of the primary threats to the Xantus's Murrelet.

4. In 2000, I began my field work on islands along the Pacific coast of the Baja California peninsula in Mexico that would become the basis for my dissertation. My work on the Xantus's Murrelet is centered at the San Benito Islands, approximately half way down the length of the Baja California peninsula off the Pacific coast. I have worked on the San Benito Islands every year from 2000 to present, and typically spend 2-5 months in winter and spring each year conducting my research. I am collecting data on the Xantus's Murrelet population on the San Benito Islands that includes timing of breeding, reproductive success, abundance, and threats. I also collect data on the breeding populations of the Brown Pelican, the Leach's Storm-petrel, Black Storm-petrel, Least Storm-petrel, and Black-vented Shearwater. I have also traveled to the islands north of the San Benito Islands that provide habitat for the Xantus's Murrelet to collect data. Through my work on the islands of the Baja California peninsula, it is quite clear that these sites provide globally significant habitat for multiple seabird species.

5. In April 2004, I visited Los Coronados Islands located along the Baja California coast north of the San Benito Islands, which is the largest known Xantus's Murrelet colony. I was deeply disturbed to learn to that a Liquid Natural Gas (LNG) terminal is planned adjacent to this island. I located the exact position of the LNG facility, which is extremely close to the nesting habitat of the Xantus's Murrelet. The proximity of this facility to the island will undoubtedly produce severe harm to the Xantus's Murrelet, including the impacts from nighttime lighting from the LNG facility and its tankers. The Xantus's Murrelet is nocturnally active at its colony site and is affected by even small amounts of lights. I have directly witnessed how even a little bit of light can produce harm to Xantus's Murrelet, be that the intense lighting produced by fishing vessels offshore or a single light bulb. On the Santa Barbara Island and on the San Benito Islands, I discovered that a single light bulb on a building is enough to separate a murrelet chick from its parents, ultimately causing the death of the chick. Xantus's Murrelet chicks leave the nest at two days old, following their parents to sea where the parents feed them until mature. Both the adults and chicks are attracted to artificial light at night, and on 3 separate occasions on the San Benitos, I found a chick disoriented below a light bulb on a building and abandoned by its parents. I have also repeatedly witnessed injury and near-death of adult murrelets that collided with lighted structures on fishing vessels or houses in the fishing camp at night. These birds suffer direct injury from the collisions, exhaustion from continual attraction and fluttering near lights, or fatal oiling of their feathers from oil puddles on deck when birds land on lighted fishing vessels.

6. I was shocked to discover that the light impacts were not considered in the environmental impact assessment submitted by Chevron-Texaco for the LNG terminal planned for Los Coronados Islands. Clearly the artificial night lighting by this platform poses significant harm to several imperiled seabird species. Los Coronados are the world's largest known breeding colony of the Xantus's Murrelet, listed as endangered in Mexico. In fact, survey data indicate that the some of the highest densities of murrelets

congregate on the east side of South Coronado Island where LNG platform construction is planned. These islands also provide important breeding habitat for the nocturnally active Leach's Storm-petrel, Black Storm-petrel, Ashy Storm-petrel, and Cassin's Auklet, all listed as threatened in Mexico and all which will be negatively affected by the LNG terminal lighting. Furthermore, the surface-nesting Brown Pelican, Double-crested Cormorant, Brandt's Cormorant, and Pelagic Cormorants of the Los Coronados are extremely susceptible to human disturbance. I have witnessed that even one event that flushes these birds off their nests can lead to high losses of their eggs to gull predation or can cause abandonment of the nesting attempt for the year.

7. I am currently the co-coordinator of the Xantus's Murrelet Technical Committee of the Pacific Seabird Group. The consensus of all researchers who have expertise working with the Xantus's Murrelet is that light pollution is a primary threat to the Xantus's Murrelet populations. In the 2003 status review of the Xantus's Murrelet by the California Fish and Game Commission, light pollution is listed as one of four major threats to the murrelet. The LNG terminal project will also increase the likelihood of rat introduction to the Coronado Islands and the likelihood of oil spills from tankers, which are also considered major threats to the murrelet. survey data indicate that the highest densities of murrelets congregate on the east side of South Coronado Island where LNG platform construction is planned

8. Working with the seabird species of the Baja California peninsula not only provides a constant source of joy and inspiration, but also is a primary professional interest. I plan to continue my work in seabird research and environmental education in the Baja California region in the future. The LNG terminal proposed for Los Coronados will damage the islands where I have a personal and professional stake.

The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would completely testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct and that this declaration was executed on April 28, 2005 in Santa Cruz, California, USA.

Shaye Wolf

Shaye Wolf

EXHIBIT D

Pacific Seabird Group

DEDICATED TO THE STUDY AND CONSERVATION OF PACIFIC SEABIRDS AND THEIR ENVIRONMENT

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23 April 2004

C. Ing. Alberto Cárdenas Jiménez
Secretario de Medio Ambiente y Recursos Naturales
Blvd. Adolfo Ruiz Cortinez 4209
Col. Jardines en la Montaña
C.P 14210 Tlalpan, México, D.F.

RE: ChevronTexaco MIA for Construction of a LNG Plant at Islas Los Coronados

Dear Secretary Cárdenas:

On behalf of the Pacific Seabird Group (PSG), we would like to express our deep concerns regarding the proposal by ChevronTexaco Corporation to build a liquid natural gas (LNG) facility 600 meters off Islas Los Coronados, Baja California. PSG is an international non-profit organization that was founded in 1972 to promote the knowledge, study, and conservation of Pacific seabirds and has a membership drawn from the entire Pacific basin, including Mexico, Canada, Russia, Japan, China, Australia, New Zealand, and the USA. Among PSG's members are biologists who have research interests in Pacific seabirds, government officials who manage seabird refuges and populations, and individuals who are interested in marine conservation. Several of the ornithologists in PSG are very familiar with Islas Los Coronados and their importance for breeding colonies of several rare and threatened species of seabirds.

In our review of the Manifestacion de Impactos Ambientales (MIA) for the LNG project, we found that impacts to seabirds were not covered adequately. This is a gross oversight. Islas Los Coronados support at least 4,600 breeding birds of 10 species of seabirds (Table 1). Of these species, the Xantus's Murrelet is listed as endangered, and the three species of storm-petrels and the Cassin's Auklet are considered threatened in Mexico. The pelican is listed as endangered in the United States, and the murrelet recently was listed as threatened in the State of California.

Los Coronados is an important Mexican nesting site for all of these rare species. These islands support the largest known breeding population of Xantus's Murrelets in the world and the only breeding population of Ashy Storm-Petrels in Mexico. Los Coronados are particularly important for the Xantus's Murrelet, a species that breeds only from Islas San Benito off central Baja California to the Channel Islands off southern California. The world population of the murrelet numbers only 5,000-12,000 breeding birds. Because of the significant seabird resources dependent on Islas Los Coronados, a number of major efforts have been made there in recent years to survey and protect the seabirds and other natural resources. These efforts include removing feral cats, goats, and burros, all of which prey upon seabirds or degrade their nesting habitat.

Table 1. Status of breeding seabirds on Islas Los Coronados. Island populations are in numbers of breeding birds. B = Breeding (population size unknown).

Species	Mexican Status	Island Population
Leach's Storm-Petrel (*Oceanodroma leucorhoa chapmani*)	Threatened	>200
Ashy Storm-Petrel (*Oceanodroma homochroa*)	Threatened	4-6
Black Storm-Petrel (*Oceanodroma melania*)	Threatened	500+
Brown Pelican (*Pelecanus occidentalis*)		1200
Double-crested Cormorant (*Phalacrocorax auritus*)		600
Brandt's Cormorant (*Phalacrocorax penicillatus*)		100
Pelagic Cormorant (*Phalacrocorax pelagicus*)		6
Western Gull (*Larus occidentalis*)		500
Xantus's Murrelet (*Synthliboramphus hypoleucus scrippsi*)	Endangered	1500-2500
Cassin's Auklet (*Ptychoramphus aleuticus*)	Threatened	B

Many species of seabirds are extremely sensitive to human disturbance, which can cause failed breeding attempts and abandonment of nesting areas. The construction and operation of the proposed LNG facility at Islas Los Coronados will dramatically increase levels of disturbance to seabirds. Disturbance will take several forms, including: (1) bright lights at night from the facility and visiting tanker vessels; (2) noise from the facility; (3) noise from helicopters visiting the facility; (4) ingress and egress of tanker vessels; and (5) other vessels transporting personnel and supplies. Any one of these factors could have a serious impact on the islands' seabirds, but, taken together, the cumulative disturbance caused by this proposed facility could have disastrous consequences for these colonies, none of which have been considered in the MIA.

Many of the threatened and endangered seabirds that use the island are nocturnal species that come and go from their nests only under the cover of darkness. These species are very sensitive even to dim lights at night. Lights affect nocturnal seabirds in two ways. First, lights attract seabirds and cause them to become disoriented, thereby disrupting their normal activities and causing mortality as birds fly into lights or structures around the lights. For example, lights can disorient very young Xantus's Murrelets, which depart the colony with the parent birds at only two to three days of age; when the chicks become disoriented, they can become separated from the parents, which leads to certain death. Second, light can increase seabird susceptibility to predation by illuminating areas at sea and on the colony. Therefore, lights near the colony may prevent adults from visiting their nests, increase mortality of those adults that do attempt to visit the colonies, and dramatically increase their susceptibility to natural predators. Frequent

exposure to lights at or near the nesting colonies will likely cause many, if not most, birds to either die or abandon the Los Coronados Islands breeding site.

We are also concerned about impacts from seawater chlorination described in the MIA. Without careful study, it is not possible to conclude that the incidental mortality of larval fish and invertebrates due to this process will be insignificant. The ocean waters around Islas Los Coronados are highly productive and very important foraging areas for breeding, migrant, and wintering seabirds. The loss of large numbers of prey could be detrimental to seabirds that depend on Islas Los Coronados for foraging at various times of year. Degraded water quality around Islas Los Coronados may also result from this project, such as from the seawater chlorination process. A gas spill from the facility or pipeline could have devastating effects on the local avifauna, especially rare species such as the Xantus's Murrelet.

It is our considered opinion that the construction and operation of a LNG facility so close to Islas Los Coronados will have detrimental effects on the local marine ecosystem surrounding the islands and, in particular, the seabirds that nest on those islands. We urge you to consider these important resources in evaluating the proposal to build a LNG facility near Islas Los Coronados. The MIA needs to consider the potential impacts of this project on the islands' rare and diverse populations of breeding seabirds. Islas Los Coronados are critical habitat for several seabird species, and these resources should be protected.

Thank you for your time and consideration of this important matter, and please let us know if our organization can provide any clarification of our concerns or suggestions for potential measures to mitigate anticipated impacts.

Sincerely,

Daniel Roby
Chair

cc: Dr. Carlos de la Parra, Delegado Federal, SEMARNAT
David J. O'Reilly, CEO, ChevronTexaco Corporation

EXHIBIT E

To Whom It May Concern:

The Los Angeles Audubon Society is a California 501 c 3 non-profit corporation. Our mission is is to provide educational programs and services that build awareness of the importance of birds and other wildlife and to promote conservation and restoration of natural habitats, primarily in the Los Angeles area. We are one of hundreds of Chapters of the national Audubon Society.

I am writing to support efforts to cause ChevronTexaco to re-consider its plans to build a Liquid Natural Gas Re-gasification platform adjacent to Los Coronado Islands, just south of San Diego, California. These islands provide critical habitat for a large number of seabirds and the proposed platform will negatively impact these species, six of which are listed as threatened or endangered in the United States and in Mexico and four of which are listed as species of special concern in California. The environmental impact assessment conducted for this project in Mexico is sorely inadequate because it fails to address impacts of the platform construction and operation on seabirds breeding or roosting on the islands nor on seabirds at sea around the islands. Furthermore, the assertion that the intake, disinfection with chlorine, and discharge of 188,000,000 gallons of seawater per day will not have any impact on the fish populations in the region is disturbing. Los Coronado Islands are an important location for commercial and sport fishing, and the abundant fish stocks also provide critical food for the seabirds in the region. ChevronTexaco needs to take responsibility for the impacts of their activities on our natural environment and the proposed LNG platform at Los Coronado is not consistent with these ideals, especially because alternative options readily exist.

Los Coronado Islands provide important breeding habitat for ten species of seabirds and support the world's largest colony of the northern subspecies of the Xantus's Murrelet, which is listed as endangered in Mexico. The four surface-breeding pelican and cormorant species are particularly susceptible to disturbance through noise and activity such that a single event that flushes birds off their nests during the breeding season can lead to large losses of eggs or chicks. The five nocturnal, burrow-nesting species, that include the Xantus's Murrelet, Cassin's auklet, and 3 storm-petrel species, are especially susceptible to light pollution from both the platform and LNG supply ships. Even dim lights can disorient these birds, either disrupting their breeding activities or causing death when they are attracted to lighted structures and strike windows, wires, or other objects near the lights.

While it is disturbing that ChevronTexaco is proposing to build an LNG terminal near Los Coronado Islands without considering the impact to the island's fauna, it is even more distressing that ChevronTexaco would threaten this unique ecosystem when viable alternatives exist. Other LNG terminals have already been designed and proposed for open water areas, indicating the natural breakwater effect of Los Coronado Islands is not necessary for this terminal to become operational. Either coastal or alternative ocean sites away from valuable and sensitive island seabird habitat should be considered.

Sincerely,

Garry George
1st VP, Conservation Chair
Los Angeles Audubon Society

EXHIBIT F

DECLARATION OF DOUGLAS L. BEVINGTON

I, DOUGLAS L. BEVINGTON, declare under penalty of perjury that:

1. I am a resident of Santa Cruz, California, and member of the Center for Biological Diversity ("the Center"), a petitioner in this case. I support the Center's conservation and education work and rely on this organization to advocate on my behalf.

2. I have a Bachelor's degree in Sociology from University of California, Santa Cruz, and a Master's degree in Sociology from the University of Oregon. I am currently a doctoral candidate in Sociology at the University of California, Santa Cruz. In each of these programs, my studies have focused on the subfield of Environmental Sociology. My doctoral research examines biodiversity protection policies.

3. I have been involved in environmental protection throughout my adult life. I have a special interest in endangered species and particularly in rare or endangered marine life. In 1992, I served as a researcher and writer for a book on endangered species—*Life on the Edge: A Guide to California's Endangered Natural Resources,* edited by Carl Thelander (BioSystems Books/Heyday Books, 1994). In addition to preparing accounts on endangered fish and marine mammals, I edited an interview with a murrelet researcher that was included in the book. My interest in murrelet protection continued when I worked to protect marbled murrelet habitat in Headwaters Forests in Humboldt County, California as part of the Bay Area Coalition for Headwaters from 1994 through 2000.

4. I also have a strong interest in wildlife conservation issues in Mexico. I have traveled to Mexico regularly since mid-1980s to view the native wildlife of Mexico. In 1993, I traveled to Baja and visited islands off of La Paz to view the wildlife there. In 2000, I returned to Baja with a journalist to visit the gray whale calving lagoons of Guerrero Negro and investigate the impact of a proposed salt facility on native wildlife, including its impact on whales and also on pelican migration.

5. In January and March 2004, I served as an assistant for a science and conservation research on the San Benito Islands off the Pacific Coast of Baja near Guerrero Negro. This project examined the status of nesting imperiled seabirds including Xantus's murrelets, Cassin's auklets, and brown pelicans.

6. In March 2004, I also traveled to the Coronado Islands, north of the San Benito Islands. I was struck by the wonderful diversity of marine mammals and seabirds, as well as the terrestrial plants and animals found there. However, I was deeply troubled to learn of the ChevronTexaco liquid natural gas (LNG) facility proposed to be built immediately adjacent to the island. During that trip our boat went to the spot where the LNG facility is planned to be built. I was shocked by how close it is to the island.

7. That visit made clear to me that the proposed facility would have a significant harmful impact on the wildlife of the island. The light and sound from the

activity at the facility would clearly cause disruption and harm to marine mammals and seabirds in the vicinity. The light, noise, and activity would likely cause nest abandonment for birds such as the brown pelican, a species protected under the U.S. Endangered Species Act. And the effects of light both from the facility and ships using the facility would be particularly detrimental to nocturnal seabirds such as the Xantus's murrelet because of the likelihood of disorientation, especially for the chicks, and for increased avian predation.

8. This potential impact is especially disturbing because the Coronado Islands provide the largest nesting habitat for the Xantus's murrelet. The Xantus's murrelet is listed under the Mexican endangered species law, is a candidate to listing under the US Endangered Species Act, and is a threatened species under California's state list. This project threatens to push the murrelet to the brink of extinction. The extinction of the murrelet would be a devastating loss for me. The opportunities to see nesting murrelets in Mexico has been a source of great personal joy for me. It has been also been a motivation for my recent travels to Baja and my science and conservation work there. I intend to continue my travels to Baja. However, the extinction of murrelet would be a great loss to the biodiversity of Baja and to my enjoyment of that region.

9. Harm to the murrelets on Coronado from the proposed LNG facility would also threaten my ability to see them in the United States. Because of the close proximity of the Coronado Islands to the U.S. border, murrelets may readily cross into the United States to forage even while they are nesting on Coronado. I have taken whale watching trips from San Diego and such trips provide the opportunity for me to see murrelets that are nesting on Coronado and foraging in US waters.

10. I also take frequent trips on whale and seabird watching cruises in the Monterey Bay off of Santa Cruz, California, where the murrelets can be seen when they migrate north. I have observed murrelets on those trips, which has been a delight for me. The opportunity to see Xantus's murrelets greatly increases my enjoyment of those trips and increases my motivation for going on those cruises. And even when I do not see them, just knowing that the Xantus's murrelets are out there is a source of comfort and joy for me.

11. From visiting the Coronado Islands and the location of the proposed LNG terminal, it is readily apparent that the proposed ChevronTexaco LNG facility would be likely to harm Xantus's murrelets and other wildlife on the island from light, noise, increased ship activity, increased human presence, not to mention the very real risk of a catastrophic fire from the natural gas. I am shocked and deeply concerned that the environmental assessment of the proposed LNG facility does not adequately address the many threats that this project poses to the murrelets, pelicans, and other imperiled wildlife on the Coronado Islands. Any harm to the Xantus's murrelets or the other seabirds of Coronado Islands resulting from this LNG facility would be a great personal loss for me.

The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would competently testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 22, 2005 in Santa Cruz, California.

Douglas L. Bevington

EXHIBIT G

DECLARATION OF LUIS ARTURO MORENO VEGA

I, LUIS ARTURO MORENO VEGA, declare as follows:

1. I reside at Dr. Jose Maria Vertiz 646, Col Narvarte, C.P. 03020, Mexico D.F.

2. I am the Energy and Climate Coordinator in Greenpeace Mexico. Greenpeace Mexico, part of Greenpeace International, is a non-governmental organization that uses science to expose environmental problems. We have been working in Mexico City for more than 10 years. Among our primary missions are the protection of biodiversity and the promotion of clean and sustainable energy.

3. For the past three years I have been working on a campaign to stop the proposed ChevronTexaco Liquified Natural Gas project next to the Coronado Islands. Through my research and investigation I have concluded that this project will have devastating social, economic, and environmental impacts for Mexico. For example will be very harmful for the different seabirds that nest on this island.

4. I have personally visited the Coronado Islands three times since 2004. I learned that Coronado islands are a crucial breeding habitat for different species of seabirds and are home to the world's largest known colony of the Xantus's Murrelet which is listed as endangered in Mexico. While I was there the boat went to the exact location where the terminal is proposed to be built and was shocked that ChevronTexaco consider that place as a completely different ecosystem from the island. It was clear to me that the close proximity of the project will cause mayor affects to the wildlife in the island. In fact the Xantus's Murrelet uses not only the island but the very waters where the terminal would be located.

5. I have worked to inform the public, politicians and the media about the dangers of the proposed LNG project and about the ecological significance of the Coronado Islands. I was part of a team that wrote a report titled "Liquid Natural Gas: A roadblock to a clean energy future" which examines the risks from LNG projects in Baja and their environmental impacts. I have met politicians to educate them about this issue. I have organized many different public events in Mexico City and in the border region to call attention to the issue. Also, Greenpeace Mexico made Xantus's Murrelets costumes that we use in public events to raise awareness about their plight.

6. The environmental assessment of the Chevron LNG proposal does not address many of the potential impacts from the project, such as the effect of the light from on the terminal on the nocturnal seabirds, and there are also many other omissions and inaccuracies in this assessment. As a result, Greenpeace Mexico and 4 other organizations have asked the environmental ministry to review the project and the process by which it obtained its permits. However, I was told by the environment secretary that they would not delay the project while they were conducting a review unless we provided $6.4 million to compensate Chevron for the delay. We are unable to provide such an enormous amount of money. So the

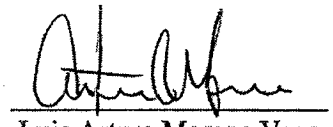
project is proceeding even though no review has been done and there are many examples of legal irregularities and mistakes that lead the environmental secretary to give the permission.

7. Considering Greenpeace´s core values, mission and the work done in the past ten years as an environmental organization promoting sustainable equity, it is clear to me that the proposed LNG runs against all our principles. It will harm the Xantus´s Murrelet and other wildlife that I have been working to protect. If this project is not stopped it will be great loss to me, to Greenpeace, to the environment, to the Mexican people and to future generations.

The facts set forth in this declaration are based on my personal knowledge and if called as a witness, I could and would completely testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgement in the matter.

I declare under penalty of perjury under the laws of Mexico and the United States that the foregoing is true and correct and that this declaration was executed on

April 28th, 2005 in México City, México.



Luis Arturo Moreno Vega