

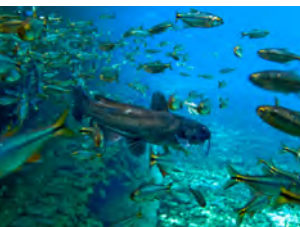
EARTHWORKS JOURNAL

SUMMER 2017

Methane Rules
RULE!
VICTORY ON CAPITOL HILL



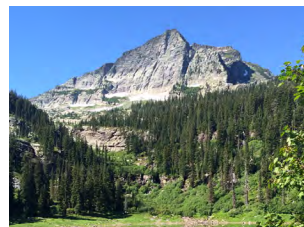
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- Public Lands Under Threat
- Houston's Water Supply: What's Next?
- Deep Sea Mining: Let's Get the Facts First

➔ **#StopETP**

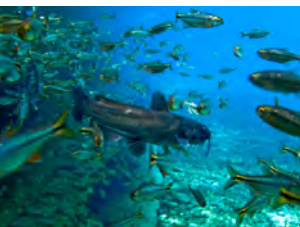
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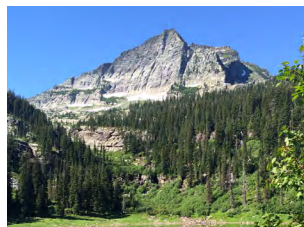
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EARTHWORKS

Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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Combined Federal Campaign #41290

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EARTHWORKS
JOURNAL

Editors: Phil Dickieson and Hilary Lewis

Design by CreativeGeckos.com

Printed by Ecoprint, Inc.

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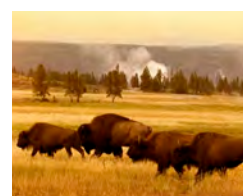
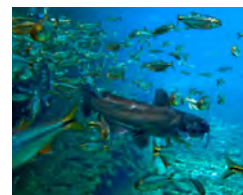
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STANDING TALL — The Earthworks staff stands proudly against the Dakota Access Pipeline and the Trans Pecos Pipeline. Read about our new #StopETP campaign on page 5.



ON THE COVER

Flaring near Farmington, New Mexico. About \$330 million dollars per year of public tax money is wasted because of methane leaks, venting, and flaring. See *Stopping Methane Pollution* on page 7.

Small cover photos L-R: Ashley Landis/Alamy Stock; Earthworks for others.



EARTHWORKS

In perilous times we fight back!

In America, and indeed around the globe, we are experiencing unprecedented attacks on core environmental laws, therefore, we are expanding to meet that challenge. The dedication, vision, and generosity of a small circle of committed donors and foundations is making it possible for Earthworks to fight back against these troubling changes.

We are growing to meet the needs of communities, and as we step up to the plate, we will be paying acute attention to Earthworks' bedrock principle: *we respond to community needs*. From the crowded Los Angeles neighborhoods that are pockmarked with oil wells, people call us, and we come. From the rural stretches of Pennsylvania where the beauty of the landscape has been marred by gas processing plants, people call us, and we come. From the predominantly Hispanic

communities of Karnes County, Texas, where over half the children suffer from asthma, people call us, and we come.

Earthworks organizers are often the first people that community members talk to who take their complaints seriously. We not only listen, we give people tools to fight back. And in this era when so many of those tools are under threat, our work is more important than ever. Thank you, once again, for being a part of the network that keeps Earthworks moving forward.

In solidarity,

Jennifer Krill, Executive Director



**We not only
listen, we give
people the tools
to fight back.”**

Pebble—The Mine That Won't Die ALASKA'S BRISTOL BAY ONCE AGAIN AT RISK

By Bonnie Gestring

In 2015, we celebrated a decades' worth of advocacy to protect Alaska's Bristol Bay and the world's largest wild salmon fishery from the proposed Pebble Mine. Two major mining companies, Anglo American and Rio Tinto, had walked away from the project, and the EPA had set in motion a plan to restrict mine waste disposal in Bristol Bay waters to safeguard the 40 million wild salmon that make the epic migration to the headwaters each year.

Now, the Trump Administration is working to undo that progress. The Environmental Protection Agency announced a deal with Canadian-based Northern Dynasty to settle its legal battle over Pebble. Under the terms of the settlement, the EPA will start to withdraw the proposed protections and allow the company to apply for a federal permit within 30 months.

Let's be clear: a highly transparent, locally driven, lengthy scientific, public process led to the EPA's determination in 2014 to place restrictions on mine waste disposal in Bristol Bay's waters. The settlement by Trump's newly appointed EPA Administrator, Scott Pruitt, ignores science and benefits a foreign mining company over the 14,000 hard-working fishermen who rely on the health of the fishery.

What now? The fight is far from over. Once Northern Dynasty submits its permit application, the mine plan must still undergo an environmental review and secure state and federal permits to proceed. Earthworks will be working with our Alaska partners at every juncture.

In Alaska and across America, the public has repeatedly voiced its opposition to Pebble. Commercial fishermen. Seafood processors. Hunters and anglers. Alaska Native communities. Jewelry retail companies. Grocery stores. Chefs. Restaurants. Churches. Scientists. Conservationists.

Pebble is a bad idea. And standing together, we will stop it.



Photo by Robert Glenn Ketchum



Alaska native community members delivered over 60,000 comments to the EPA opposing the mine.

Save a Texas Treasure: Balmorhea State Park – Soon to be Fracked



Visit Earthworksaction.org to sign up for action alerts and to read our report on Balmorhea Spring Complex.



By Sharon Wilson

Built in the 1930s by the Civilian Conservation Corps, Balmorhea State Park is home to the world's largest spring fed swimming pool, at over 75,000 square feet.

Photos: Fish by Ashley Landis / Alamy Stock; Pool by Marek Zuk / Alamy Stock

I took my first look at the crystal-clear waters at Balmorhea State Park over twenty-five years ago. I had decided to get certified in scuba diving. On my certification dive in Possum Kingdom Lake, I got lost from the group. Lost and alone in a cold, dark lake, I didn't know if I was swimming to the surface or deeper to the bottom. Thankfully, I surfaced and found

enough grit to finish my certification. But I was not a scuba lover. Before selling my gear, I decided to give scuba diving one more try – at Balmorhea State Park in Toyahvale, Texas.

The deep pool and 15 million gallons of clear water from San Solomon Spring flowing daily through the largest spring-fed swimming pool in the world make Balmorhea ideal for scuba. The park's cabins nestle in a system of canals that wind from the pool through the park and around Balmorhea. Sounds of running water tumbling over small waterfalls

lull you to sleep. The water temperature stays near 75°. In cold winter air, steam rises from the warm water.

I packed up my son and my scuba gear and headed to Balmorhea. Swimming in a cloud of tiny fish including the endangered Comanche Pupfish, I experienced the bliss of weightlessness. As Jimmy Buffet sings, "That's when I swallowed the hook." I am now certified at the rescue diver level and have made well over 100 dives in oceans, lakes, and rivers.

A short drive from Balmorhea through the gorgeously rugged Davis Mountains is tiny Fort Davis. Atop a nearby mountain sits the McDonald Observatory. This area boasts the darkest skies in the nation.

Fracking risks it all

These Texas treasures are at risk because Apache Corp. wants to frack oil and gas out of the shale formation under the area – hydrocarbons destined for export.

Our report, *Preliminary Analysis of Risks to Balmorhea Spring Complex, 2016*. Threats include: contamination from fluid migration, well bore leaks, spills or leaks from impoundment pits in shallow recharge zones; changes in the spring flow rate; and reduced spring flow.

Promises, promises, but no environmental impact survey

Apache has made promises to take extra steps to protect the spring. However they have not conducted a full Environmental Impact Survey, or identified shallow recharge zones. They continue to use waste impoundment pits, a known source of groundwater contamination, instead of closed-loop systems. Flares and drilling lights ruin the dark skies that are vital to McDonald Observatory, and a thick haze now hangs over the region once noted for "clear, sharp views of the universe." In July, the Sleeping Beauty mountain was barely visible.

Earthworks will continue to monitor Apache Corp. and fight for Balmorhea and Fort Davis. These Texas treasures aren't for sale!



"Why here?"

This location's high altitude, dark sky and pure, dry air offer astronomers clear, sharp views of the universe."

– A sign at McDonald Observatory

#StopETP Campaign

HOLDING THE WORST ACCOUNTABLE



By Ethan Buckner

The indigenous-led resistance to the Dakota Access Pipeline (DAPL) at Standing Rock is perhaps the most iconic and powerful campaign against big oil in history. The battle centers around the centuries-long struggle for indigenous sovereignty and the idea that *Water Is Life*. On June 14, that sentiment was affirmed

A federal judge ruled that the US Army Corps of Engineers failed to adequately review “the impacts of an oil spill on fishing rights, hunting rights, or environmental justice.”

in court when the Standing Rock Sioux Tribe won a significant legal victory. A federal judge ruled that the Army Corps of Engineers failed to adequately review “the impacts of an oil spill on fishing rights, hunting rights, or environmental justice” when granting a permit for the Dakota Access Pipeline.

Brutish human rights violations

Energy Transfer Partners (ETP) is the company behind DAPL and several other pipelines. Over many months, more reports have surfaced about ETP’s brutish violations of human rights in its effort to squash opposition to DAPL, including contracting a paramilitary force to surveil, infiltrate, and disrupt nonviolent activism across the country. DAPL is only the tip of the iceberg.

ETP is behind six major oil and gas pipeline expansion projects, impacting communities from the Midwest to the Gulf Coast. All six pipeline projects are designed either partially or entirely for energy exports – meaning ETP is plowing through communities and train-wrecking the climate not for the public good, but for private profit.

Communities fight back

The good news is that wherever ETP is trying to build, communities are fighting back, using a wide range of strategies to slow down the pipeline frenzy.

Louisiana: Bayou Bridge – A coalition of indigenous leaders and environmental justice communities are launching the *L’Eau Est La Vie Camp* to hold a line of resistance against the Bayou Bridge Pipeline. ‘L’eau est la vie’ means ‘water is life’ in French, the language of the United Houma Nation, one of the Louisiana tribes impacted by the proposed pipeline.

Ohio: Rover Pipeline – Community groups are pressuring the Federal Energy Regulatory Commission to withdraw permits for ETP’s massive natural gas Rover Pipeline, which has already spilled more than two million gallons of drilling fluid illegally blended with toxic diesel fuel into sensitive Ohio wetlands.

Earthworks is committed to holding industry accountable for social and environmental abuses.

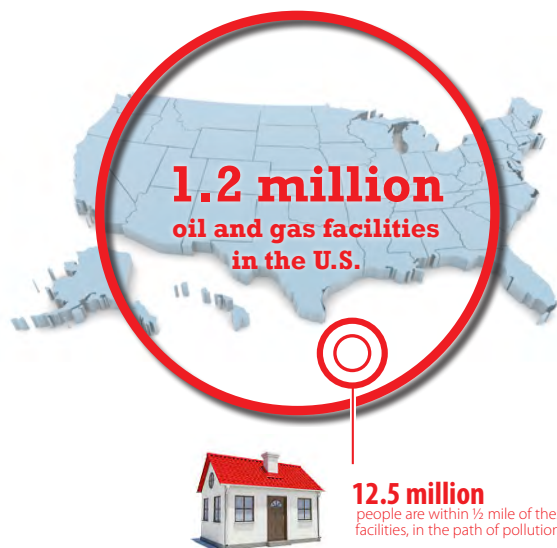
Pennsylvania: Mariner 2 East – Landowners are courageously hosting a tree sitting called *Camp White Pine* in the path of ETP’s proposed Mariner 2 East Pipeline, which would bring natural gas liquids to the Atlantic coast to make into plastics.

Texas: The Trans Pecos and Comanche Trail Pipelines – Landowners continue to battle eminent domain seizures of privately owned land along the route of ETP’s Trans-Pecos and Comanche Trail natural gas export pipelines.

Building networks and campaigns for communities

As part of the just launched #StopETP campaign, Earthworks is working with others to form a nationwide network to support local communities’ most impacted by ETP’s proposed and existing pipelines. The #StopETP network will foster collaboration between communities and improve strategies of resistance. We are developing strategies to make sure ETP’s executives, board members, and investors feel the heat.

At Earthworks, we’re committed to holding industry accountable for social and environmental abuses. No company in the United States needs reining in more than Energy Transfer Partners. We will work with our allies until ETP’s operations no longer violate indigenous sovereignty and harm the air, water, and climate.



In Greeley, Colorado, video evidence was critical in forcing a company to limit toxic pollution near schools.

Empowering communities one video at a time

By Molly Dunton

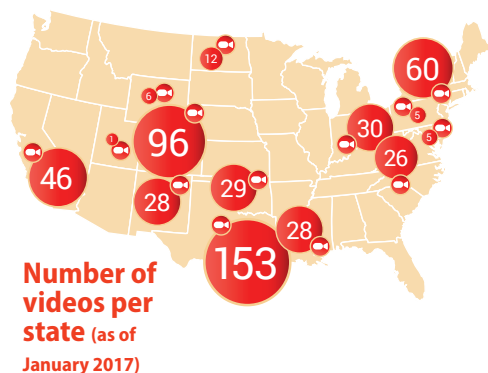
In June, the Trump Administration announced plans to delay the implementation of two important federal rules that would reduce methane pollution and waste at oil and gas facilities. These common sense measures originally had bipartisan support during the Obama Administration, but now are being suspended to appease industry demands for less regulation. This is concerning not only for the climate, but also for the health of communities on the front lines of fossil fuel development. Methane is a powerful greenhouse gas, with roughly 86 times the planet-warming potential of carbon dioxide. When it's released so too are toxic volatile organic compounds that harm health and degrade air quality.

When feds try to roll back regulations, it's more important than ever to expose pollution.

Earthworks' Community Empowerment Project (CEP) continues to be a powerful grassroots force for positive change. Since 2014, CEP has used state-of-the-art optical gas imaging technology to provide communities with infrared video evidence of otherwise invisible oil and gas air pollution, also exposing regulatory failures and harmful industry practices.

Earthworks is doubling efforts. Thanks to the success of the project and the generous support of our donors, 2017 marks a turning point for CEP: We are expanding the program with additional field organizers, enabling us to be more responsive to community needs and developments around the country. We are increasing our collaboration with state agencies and working with residents to file formal complaints using video evidence of pollution near their homes. We are supporting residents in following up on these complaints until methane leaks are fixed, pollution is reduced, and oversight of industry improves.

State agencies are now our best line of defense. The industry is regulated by states, and considering the stalled progress on comprehensive federal regulation, state agencies are now our first and last line of defense. Colorado and California have risen to the occasion by finalizing methane regulations even stronger than the threatened federal rules. Pennsylvania and Ohio have taken important initial steps. These rules present new opportunities to engage with regulators. By targeting methane pollution at the source, CEP is safeguarding the health of communities while working to mitigate the long term impacts of climate change.



Real Results!

So far in 2017 CEP has completed 21 trips in 14 states, visited over 240 polluting oil and gas facilities, and published 100 videos to YouTube. Most importantly, this year we've collaborated with over 60 residents nationwide who want to learn more about oil and gas air pollution and take action.

Expanding the program

Earthworks started the Community Empowerment Project in 2014 to make methane pollution visible, strengthen and enforce regulations, and work with the people who live daily with this air pollution to change industry practice. CEP is a critical tool for holding regulators accountable.



Stopping methane pollution **victory** on Capitol Hill

By Lauren Pagel and Aaron Mintzes

Earthworks, our supporters, friends, and allies, scored an enormous victory this May. The Bureau of Land Management's rule (BLM Methane Rule) requiring oil and gas companies to find and fix their leaks, capture their emissions, and reduce wasting the public's minerals, sat on the precipice of extinction. A rarely used law, called the Congressional Review Act, allows Congress to pass a "resolution of disapproval" to undo regulations issued by the Executive Branch.

Early on, the 115th Congress set out to rapidly dismantle as many of the Obama Administration rules as possible. Congress repealed rules protecting streams from mining waste, promoting transparency, and fighting corruption in mineral rich nations. Congress even struck down a Fish and Wildlife Service rule protecting baby bears in the Alaska National Wildlife Refuge from hunting.

This vote concerned controlling methane waste and pollution on public lands, an issue that oil and gas impacted communities everywhere care deeply about. Vice President Pence arrived at the Capitol the morning of May 10 expecting to cast the 51st vote for repealing the BLM Methane rule – to break a predicted tie. Earthworks and our supporters waited nervously outside the Senate chamber as senators began to cast their votes.

The hard work of Earthworks members and our allies secured the support of the entire Democratic caucus, yet we needed three Republican senators in order to save this important safeguard for our air and public lands. In a shock to Senate leadership, Senators Susan Collins (ME), Lindsey Graham (SC), and John McCain (AZ) voted no, saving the BLM Methane Rule from a total and complete repeal.

The BLM Methane Rule is a commonsense regulation that effectively keeps the oil and gas industry from sending American tax dollars up in flames. Capturing emissions preserves the resource operators wish to sell to market, reduces agency enforcement burden, and protects royalty revenues.

Despite this amazing win in Congress, the Trump Administration still plans to attempt to weaken and delay the rule. With your support, Earthworks will continue to resist, fighting against the rollback of key environmental and public health protections using every tool in our toolbox, including defending these important standards in court. Earthworks has joined several lawsuits to help keep Obama-era methane safeguards in place, and we are making significant progress. Earlier this summer, a federal appeals court struck down the Trump Administration's decision to delay the EPA's methane emissions rule from new oil and gas operations across the country, siding with Earthworks – and clean air. With your support, we achieved a fantastic victory this May – and we will continue to fight for clean air and safe energy.

Photo L-R: Earthworks Policy Director Lauren Pagel, Senator Tom Udall of NM, NM rancher Don Schreiber, and Gwen Lachelt, La Plata County, CO Commissioner, just outside the US Senate Chamber after the vote that preserved the methane rule.

Saving our air, the climate, and \$330 million taxpayer dollars.

About \$330 million per year of public tax money is wasted because of leaks, venting, and flaring. Methane capture protects our air and public health by reducing the amount of toxic volatile organic compounds and other air pollutants.

Methane is 86 times more potent than carbon dioxide during the time it remains in the atmosphere.

Reducing methane was a key part of former President Obama's plans to meet our Paris climate commitments.

See the back cover for how you can make a difference!



GOOD NEWS

Máxima Wins

In Peru's Supreme Court!

By Payal Sampat

US mining company Newmont has made life extremely difficult for Peruvian subsistence farmer Máxima Acuña de Chaupe and her family. They have physically harassed her, surrounded her home with security guards 24/7, and sued her in multiple courts in order to gain access to her land to construct their proposed Conga gold mine.



Máxima Acuña de Chaupe (left) with Mining Program Director Payal Sampat at a reception hosted by Earthworks in San Francisco, April 2016.

This May, the Peruvian Supreme Court upheld a lower court decision that sided with Máxima and her family, and rejected Newmont's claims that she was trespassing on land they had acquired for the mine project. Máxima is a 2016 recipient of the Goldman Environmental Prize, the largest environmental prize for grassroots environmental activism in the world. Along with a number of other landowners in the Cajamarca region of Peru, Máxima has been battling the mining giant for years in pursuit of protecting her land and the mountain lakes that provide for her and her community. We continue to stand behind Máxima in her fight against Newmont. Viva Máxima!



Visit Earthworksaaction.org/donate/maxima to contribute to Máxima's legal fund!

THREATENED

THE FLORIDA PANTHER AND 729,000 ACRES OF FLORIDA MARSHLAND

By Phil Dickieson

Big Cypress National Preserve, located in Southern Florida, is a 729,000 acre US National Reserve – which leading many to believe it's protected from the oil and gas industry. Unfortunately, that's not the case. The National Reserve system allows land to be protected, much like National Park land – but permits certain extractive activities, including mining and oil and gas development. For years, Big Cypress and its unique ecosystems have remained intact. The Preserve is home to many threatened or endangered species, including the critically endangered Florida panther and other animals from songbirds and wood storks, to black bears, tortoise and bats.

Now, Big Cypress is under threat. The National Park Service has granted a permit to Burnett Oil Co. to conduct seismic testing to see if there is oil under the preserve. Heavy duty equipment will scar the fragile marshland as metal plates are driven into the ground, creating booming and highly disruptive vibrations.

In response to this horrifying plan, we banded together with five other environmental organizations to sue the National Park Service for permitting these catastrophic plans. Unfortunately, we were defeated. In April, a US District Court judge in Florida ruled that the National Park Service had not violated federal environmental laws in permitting Burnett to conduct the testing.

Though we lost the battle, continuing public outcry – including over 30,000 comments from Earthworks' members like you – has had a significant effect. Burnett was forced to answer tough questions, provide more information, re-do parts of its plans, and delay its activities. We have brought unprecedented attention to the previously untouched marshland, the animals who live there, and the company whose greed threatens the land and animals.

Our work to protect Big Cypress is far from over. With partner organizations and your support, we will gather and publicize evidence of any damage caused by the first phase of Burnett's seismic exploration. We will closely monitor the National Park Service and Burnett to ensure they are doing what they promised to prevent harm – and should we discover violations, we are ready to act again.



The Florida panther is one of the countless species in Big Cypress National Preserve endangered because of the oil and gas industry.

Photo by istock.com/DenGuy



Big Cypress National Preserve, a US National Reserve, is under duress. Photo by istock.com/FrankMirbach

Victory! FOR GRIZZLY BEARS, BULL TROUT, AND WILDERNESS!

By Bonnie Gestring

In a big win for grizzly bears, bull trout, and wilderness waters, a federal court overturned approval for the proposed Montanore Mine, a copper silver mine to be excavated into the heart of the Cabinet Mountains Wilderness in northwest Montana.

The Cabinet Mountains are considered one of the last remaining undeveloped strongholds for grizzly and bull trout. In 2014, the US Fish and Wildlife Service (USFW) estimated that the grizzly bear population in the Cabinet Mountains – one of only five populations remaining in the lower 48 states – had dropped to as few as 21 bears, putting the population at high risk for extirpation.

Bull trout are also suffering severe declines because they require exceptionally cold, clean water to thrive. The rivers and streams that emanate from the Cabinet Mountains Wilderness are some of the most pristine waters in the nation, and provide critical habitat for these amazing fish.

After the Forest Service issued its approval of the proposed Montanore mine in 2016, Earthworks joined with local and state partners to challenge the project. In June 2017, Judge Malloy ruled that the Forest Service and USFW violated the Endangered Species Act when they concluded that the proposed mine would not jeopardize the grizzly bears and bull trout that find refuge there. *Victory!*

In a companion decision issued, the Court also ruled that the agency's approval of the proposed mine violated the Clean Water Act by authorizing the dewatering of pristine Wilderness rivers and streams.

What's next? The court sent the issue back to the federal agencies, and we will continue to monitor any further plans by the company. We thank Earth Justice and Roger Flynn for their representation in this case, as well as all the Earthworks Members who stood with us through this fight.



Photo by Clark Fork Coalition

In 2017, the court ruled that the mine would have serious negative impacts on bull trout and grizzly and that the mine would violate the Clean Water Act.

SOMETHING IS IN THE AIR at the playground next door

By Priscilla Villa

In August of 2016, I received a phone call from Jere Locke from the Texas Drought Project. He told me about a drilling permit that was approved just 1,600 ft from Lake Houston, one of the city's main water sources. Together, Earthworks, Texas Campaign for the Environment, and the Texas Drought Project held meetings to inform community members about the potential impacts this drilling project posed to their air and water quality.

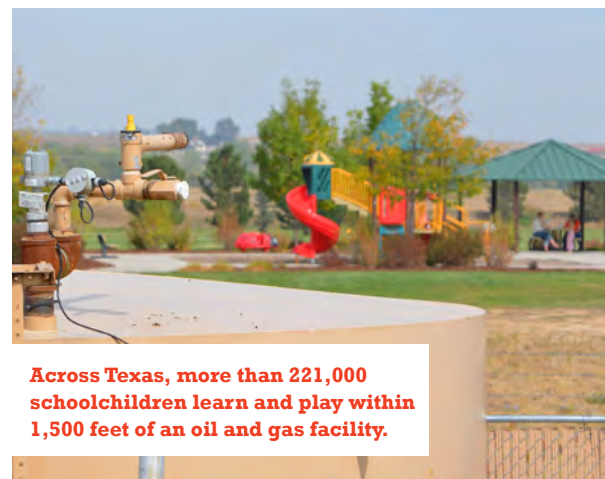
What started as a fight to protect Houston's water turned into a fight also to protect the safety of the school children at the two schools located a mere 1,500 feet from the drilling site. Due to House Bill 40, passed by the Texas Legislature, prohibiting municipal bans on fracking, the city of Houston could not pass an ordinance to limit drilling within city limits.

Luckily for the Lake Houston residents, the test well came up dry. The noise and disruption in the community ended, but the complaints and concerns raised by people in Lake Houston still persist for many other Texans.

During the 2017 Texas Legislative Session, Texas Representative Terry Canales and Senator Judith Zaffirini proposed bills that would mitigate some of the issues that came up in Lake Houston and that are happening across the state. Unfortunately, the bills received little support and died in committee.

I am collaborating with grassroots groups and leaders in Houston to help build support for Texas' next legislative session in 2019. More preventative measures are needed to help protect communities and school children across the state.

We will continue to work in Texas to protect schoolchildren and communities everywhere – the innocent and underrepresented victims of the oil and gas industry.



Across Texas, more than 221,000 schoolchildren learn and play within 1,500 feet of an oil and gas facility.

This is fracking ridiculous

By Paul Jolly

“After the election I wanted to do something,” said Christine Wright, general manager at Hearth Restaurant in New York. “I found Earthworks online and it looked like the kind of organization we wanted to support. So our bartender devised a cocktail, which we served throughout the month of February, called *This is Fracking Ridiculous*. It was a big hit. We sent the money we made from that cocktail – \$2,500 – to Earthworks. We were very pleased to be able to help, and our customers loved it.”

The week we received the donation, I stopped by Hearth, located on the Lower East Side, to speak with Christine about her unique idea and have a cocktail. I am always so thrilled to hear from our supporters and hear about new and creative ways to raise awareness.



This is fracking ridiculous

2 oz Rye Whiskey

½ oz Sweet Vermouth

½ oz Oloroso Sherry

3 dashes Black Walnut Bitters

Stir with ice and strain over a large ice cube. Garnish with an orange twist.

Deep Sea Mining?

UNKNOWN TERRITORIES AT RISK...

By Payal Sampat

As a wide-eyed kid, I read *20,000 Leagues Under the Sea*, Jules Verne’s sci-fi novel in which a submarine named Nautilus explores the deep ocean. Fact is now proving to be stranger than fiction: a Canadian company named Nautilus is hoping to be the first to extract minerals from the deep ocean floor.

Deep-sea mining is a high-risk, experimental industrial activity being proposed in one of the most fragile, unexplored areas of our planet. Far too little is known about the potential impacts of deep-sea mining on our oceans, marine life and fisheries. Many of these marine organisms haven’t even been discovered, let alone studied.

And yet, companies from a number of countries – including the US, Canada, Australia, Japan, and China – are seeking to extract metals from cobalt-rich ferromanganese crusts, polymetallic nodules, and hydrothermal vents in the deep seabed. As of now, there are no viable deep-sea mining operations, despite Nautilus’ hopes for its proposed Solwara 1 project in Papua New Guinea, which is strongly opposed by local fishing communities. Many government and privately owned companies, however, are lobbying for expanded deep sea mining. A United Nations-established body, the International Seabed Authority (ISA), is charged with regulating and granting exploration permits for deep seabed mining in waters outside national jurisdictions. It is currently in the process of developing regulations for deep-sea mining – without which no mining can occur. But exploration is already under way.

The ISA has already issued 26 licenses to explore 1.5 million square kilometers of the Pacific Ocean floor, as well as additional swaths of the Atlantic and Indian Oceans, and the Red Sea. Additional areas are being opened up to exploration every month – with little oversight, or understanding of the impacts of such immensely destructive industrial activity on marine life and ecosystems and communities that live in coastal regions.

Proposed seabed mining operations would cover thousands of square miles of the ocean floor, carrying significant environmental risks. Massive sediment plumes would flow and settle over huge swaths of the ocean floor, smothering seabed habitat and altering ecosystems. Deep-sea species live in habitats that are rarely disturbed and are relatively slow growing and late maturing. For these reasons, they are especially vulnerable to disturbance or possibly extinction, as they tend to have lower resilience.

Earthworks is urging the ISA to develop strong regulations and to implement the precautionary principle in order to protect ocean life. The ISA should not allow companies and governments to experiment with and profit from our global commons. Their mission must be to protect oceans, not to serve as a guide for how to exploit them. ISA’s draft Mining Code must embody this mission, rather than carve up the ocean into serving size portions for risky commercial experiments.

26

The International Seabed Authority has already issued 26 licenses to explore 1.5 million square kilometers of the Pacific Ocean floor. Additional areas are being opened up to exploration every month – with little oversight.



“Casper” The ghost octopus: a recently discovered species of octopus threatened by deep sea mining.

Photo by oceanexplorer.noaa.gov



Pushing Colorado to Protect Water from Mining Pollution

By Pete Dronkers

The most problematic aspect of the hardrock mining industry (metals mining) is the contamination of surface and groundwater, typically in the form of Acid Mine Drainage and Metals Leaching (AMD). Once AMD starts to occur on a large scale, it is nearly impossible to stop the problem, and it often will continue for thousands of years until nature eventually corrects it.

In most countries, including the United States, there are no federal statutes or regulations that prohibit mines from being built – mines that we know will create acid drainage in perpetuity. Currently, mining companies typically build the cheapest possible mine and avoid the engineering and construction costs associated with long term prevention of AMD. Indeed, it is much less expensive to dump waste rock and tailings on the surface than it is to place it back underground where it is far less likely to generate acid. Today's savings, though, will translate into tomorrow's environmental disaster.

Under the Trump Administration and the current Congress, federal mining law reform to address this issue is out of the question, instead states are left to deal with the problem. Maine enacted rules that prohibit building mines that will cause long term AMD, joining a small but growing list of other states that have similar policies. In Colorado, we are preparing a legislative campaign to restrict AMD by amending the Colorado Mined Lands Reclamation Act (CMLRA). Notable support already exists within state regulatory agencies and key legislators.

These amendments would trigger a review of any new mining proposal or requests for major changes to existing mines to determine if they will require water treatment after mine reclamation. If this cannot be demonstrated using the best scientific and engineering analysis, the plan will not be approved. Additionally, these amendments would also prevent mines from using “corporate guarantees” as financial assurances for reclamation bonding. Sorry, mining companies, but you'll now be required to put up actual money or assets for when closure time comes. Promises of good faith will no longer fly.

It's long overdue for every mining state to enact similar laws to protect future generations and taxpayers from water pollution. As Trump's federal government continues to show utter disregard for communities and the environment, it is reassuring to know that individual states are stepping up to fight this battle.

Water treatment operations at modern mines can cost millions of dollars per year to operate, and will need to remain for hundreds of years after a mine closes. Who will pay once the mining companies are gone? Often, it's the taxpayers. Earthworks is pursuing legislation in Colorado to restrict acid mine drainage.

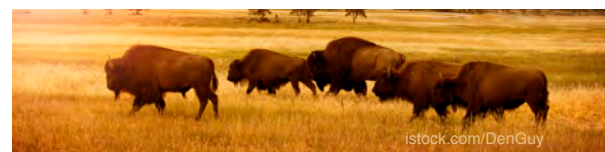
Montana Senator Steps Up to Protect Yellowstone National Park

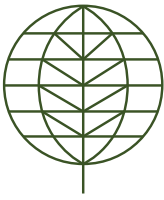
By Bonnie Gestring

One of the absurdities in federal law is the 1872 Mining Law that governs mining on our federal public lands. This archaic law prioritizes mining as the “highest and best use” of our public lands and prevents federal land managers from saying “no” to mining—no matter how much it would conflict with other important land uses. After all, not every place is appropriate for industrial-scale mining.

That's why Senator Jon Tester (D-MT) has introduced legislation to protect federal lands at the doorstep to Yellowstone National Park – our first and most iconic National Park. His legislation (the Yellowstone Gateway Protection Act) would withdraw 30,000 acres of public land in Paradise Valley from mineral entry under the 1872 Mining Law. Existing valid mining claims would be protected, but no new claims could be staked.

These lands are too important for wildlife that migrate in and out of the park, and to the local economy that thrives on park visitors. Congress must modernize the 1872 Mining Law so that legislation isn't necessary every time a bad mining project is proposed. In the meantime, we're thankful to see Senator Tester take the necessary steps to protect our oldest National Park.





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Step up your activism

By Lauren Pagel & Aaron Mintzes

Never before in Earthworks' history have we seen a more hostile environment in Washington, DC. So much is at stake as President Trump and the 115th Congress wage an all-out assault on the environment. It is more important than ever that individuals and communities engage their representatives and make their support known for policies that protect communities and the environment.

Your advocacy can make a difference, like when your voices protected a rule controlling methane waste and air pollution on public lands (see our story on page 7). When

you sign petitions, you are demonstrating that there is huge public support for an issue. When you email, call, and submit comments to your representative on proposed regulations, your voice is heard.



Make Your Advocacy Even More Effective

- Take an extra minute or two to personalize the first sentence of every email you send to an agency or your member of Congress. Personalized comments are always better than a form letter.
- Make three phone calls a day. It doesn't matter if your Congressperson is always on your side or cannot be swayed, they tally up the number of calls and it's making the news. Rotate between district and Washington, DC offices. Give them your name and address first so they know you're a constituent. Make it personal.
- Find out when your representatives have office hours or a town hall and show up.
- Organize meetings with state offices during Congressional recess when your representative is home. Get to know the local staff. You'll find out what issues they can be swayed on.
- Attend community events or protests and make connections with the other people at those events.
- Read your local paper and send letters to the editor. Representatives and senators read them and sometimes seek out the author for their perspective.



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EARTHWORKS

Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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EARTHWORKS
JOURNAL

Editors: Phil Dickieson and Hilary Lewis

Design by CreativeGeckos.com

Printed by Ecoprint, Inc.

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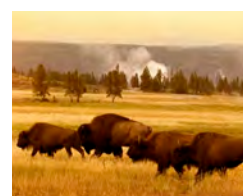
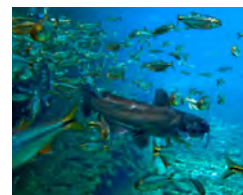
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STANDING TALL — The Earthworks staff stands proudly against the Dakota Access Pipeline and the Trans Pecos Pipeline. Read about our new #StopETP campaign on page 5.



ON THE COVER

Flaring near Farmington, New Mexico. About \$330 million dollars per year of public tax money is wasted because of methane leaks, venting, and flaring. See *Stopping Methane Pollution* on page 7.

Small cover photos L-R: Ashley Landis/Alamy Stock; Earthworks for others.



EARTHWORKS

In perilous times we fight back!

In America, and indeed around the globe, we are experiencing unprecedented attacks on core environmental laws, therefore, we are expanding to meet that challenge. The dedication, vision, and generosity of a small circle of committed donors and foundations is making it possible for Earthworks to fight back against these troubling changes.

We are growing to meet the needs of communities, and as we step up to the plate, we will be paying acute attention to Earthworks' bedrock principle: *we respond to community needs*. From the crowded Los Angeles neighborhoods that are pockmarked with oil wells, people call us, and we come. From the rural stretches of Pennsylvania where the beauty of the landscape has been marred by gas processing plants, people call us, and we come. From the predominantly Hispanic

communities of Karnes County, Texas, where over half the children suffer from asthma, people call us, and we come.

Earthworks organizers are often the first people that community members talk to who take their complaints seriously. We not only listen, we give people tools to fight back. And in this era when so many of those tools are under threat, our work is more important than ever. Thank you, once again, for being a part of the network that keeps Earthworks moving forward.

In solidarity,

Jennifer Krill, Executive Director



**We not only
listen, we give
people the tools
to fight back.”**

Pebble—The Mine That Won't Die ALASKA'S BRISTOL BAY ONCE AGAIN AT RISK

By Bonnie Gestring

In 2015, we celebrated a decades' worth of advocacy to protect Alaska's Bristol Bay and the world's largest wild salmon fishery from the proposed Pebble Mine. Two major mining companies, Anglo American and Rio Tinto, had walked away from the project, and the EPA had set in motion a plan to restrict mine waste disposal in Bristol Bay waters to safeguard the 40 million wild salmon that make the epic migration to the headwaters each year.

Now, the Trump Administration is working to undo that progress. The Environmental Protection Agency announced a deal with Canadian-based Northern Dynasty to settle its legal battle over Pebble. Under the terms of the settlement, the EPA will start to withdraw the proposed protections and allow the company to apply for a federal permit within 30 months.

Let's be clear: a highly transparent, locally driven, lengthy scientific, public process led to the EPA's determination in 2014 to place restrictions on mine waste disposal in Bristol Bay's waters. The settlement by Trump's newly appointed EPA Administrator, Scott Pruitt, ignores science and benefits a foreign mining company over the 14,000 hard-working fishermen who rely on the health of the fishery.

What now? The fight is far from over. Once Northern Dynasty submits its permit application, the mine plan must still undergo an environmental review and secure state and federal permits to proceed. Earthworks will be working with our Alaska partners at every juncture.

In Alaska and across America, the public has repeatedly voiced its opposition to Pebble. Commercial fishermen. Seafood processors. Hunters and anglers. Alaska Native communities. Jewelry retail companies. Grocery stores. Chefs. Restaurants. Churches. Scientists. Conservationists.

Pebble is a bad idea. And standing together, we will stop it.



Photo by Robert Glenn Ketchum



Alaska native community members delivered over 60,000 comments to the EPA opposing the mine.

Save a Texas Treasure: Balmorhea State Park – Soon to be Fracked



Visit Earthworksaction.org to sign up for action alerts and to read our report on Balmorhea Spring Complex.



By Sharon Wilson

Built in the 1930s by the Civilian Conservation Corps, Balmorhea State Park is home to the world's largest spring fed swimming pool, at over 75,000 square feet.

Photos: Fish by Ashley Landis / Alamy Stock; Pool by Marek Zuk / Alamy Stock

I took my first look at the crystal-clear waters at Balmorhea State Park over twenty-five years ago. I had decided to get certified in scuba diving. On my certification dive in Possum Kingdom Lake, I got lost from the group. Lost and alone in a cold, dark lake, I didn't know if I was swimming to the surface or deeper to the bottom. Thankfully, I surfaced and found

enough grit to finish my certification. But I was not a scuba lover. Before selling my gear, I decided to give scuba diving one more try – at Balmorhea State Park in Toyahvale, Texas.

The deep pool and 15 million gallons of clear water from San Solomon Spring flowing daily through the largest spring-fed swimming pool in the world make Balmorhea ideal for scuba. The park's cabins nestle in a system of canals that wind from the pool through the park and around Balmorhea. Sounds of running water tumbling over small waterfalls

lull you to sleep. The water temperature stays near 75°. In cold winter air, steam rises from the warm water.

I packed up my son and my scuba gear and headed to Balmorhea. Swimming in a cloud of tiny fish including the endangered Comanche Pupfish, I experienced the bliss of weightlessness. As Jimmy Buffet sings, "That's when I swallowed the hook." I am now certified at the rescue diver level and have made well over 100 dives in oceans, lakes, and rivers.

A short drive from Balmorhea through the gorgeously rugged Davis Mountains is tiny Fort Davis. Atop a nearby mountain sits the McDonald Observatory. This area boasts the darkest skies in the nation.

Fracking risks it all

These Texas treasures are at risk because Apache Corp. wants to frack oil and gas out of the shale formation under the area – hydrocarbons destined for export.

Our report, *Preliminary Analysis of Risks to Balmorhea Spring Complex, 2016*. Threats include: contamination from fluid migration, well bore leaks, spills or leaks from impoundment pits in shallow recharge zones; changes in the spring flow rate; and reduced spring flow.

Promises, promises, but no environmental impact survey

Apache has made promises to take extra steps to protect the spring. However they have not conducted a full Environmental Impact Survey, or identified shallow recharge zones. They continue to use waste impoundment pits, a known source of groundwater contamination, instead of closed-loop systems. Flares and drilling lights ruin the dark skies that are vital to McDonald Observatory, and a thick haze now hangs over the region once noted for "clear, sharp views of the universe." In July, the Sleeping Beauty mountain was barely visible.

Earthworks will continue to monitor Apache Corp. and fight for Balmorhea and Fort Davis. These Texas treasures aren't for sale!



"Why here?"

This location's high altitude, dark sky and pure, dry air offer astronomers clear, sharp views of the universe."

– A sign at McDonald Observatory

#StopETP Campaign

HOLDING THE WORST ACCOUNTABLE



By Ethan Buckner

The indigenous-led resistance to the Dakota Access Pipeline (DAPL) at Standing Rock is perhaps the most iconic and powerful campaign against big oil in history. The battle centers around the centuries-long struggle for indigenous sovereignty and the idea that *Water Is Life*. On June 14, that sentiment was affirmed

A federal judge ruled that the US Army Corps of Engineers failed to adequately review “the impacts of an oil spill on fishing rights, hunting rights, or environmental justice.”

in court when the Standing Rock Sioux Tribe won a significant legal victory. A federal judge ruled that the Army Corps of Engineers failed to adequately review “the impacts of an oil spill on fishing rights, hunting rights, or environmental justice” when granting a permit for the Dakota Access Pipeline.

Brutish human rights violations

Energy Transfer Partners (ETP) is the company behind DAPL and several other pipelines. Over many months, more reports have surfaced about ETP’s brutish violations of human rights in its effort to squash opposition to DAPL, including contracting a paramilitary force to surveil, infiltrate, and disrupt nonviolent activism across the country. DAPL is only the tip of the iceberg.

ETP is behind six major oil and gas pipeline expansion projects, impacting communities from the Midwest to the Gulf Coast. All six pipeline projects are designed either partially or entirely for energy exports – meaning ETP is plowing through communities and train-wrecking the climate not for the public good, but for private profit.

Communities fight back

The good news is that wherever ETP is trying to build, communities are fighting back, using a wide range of strategies to slow down the pipeline frenzy.

Louisiana: Bayou Bridge – A coalition of indigenous leaders and environmental justice communities are launching the *L’Eau Est La Vie Camp* to hold a line of resistance against the Bayou Bridge Pipeline. ‘L’eau est la vie’ means ‘water is life’ in French, the language of the United Houma Nation, one of the Louisiana tribes impacted by the proposed pipeline.

Ohio: Rover Pipeline – Community groups are pressuring the Federal Energy Regulatory Commission to withdraw permits for ETP’s massive natural gas Rover Pipeline, which has already spilled more than two million gallons of drilling fluid illegally blended with toxic diesel fuel into sensitive Ohio wetlands.

Earthworks is committed to holding industry accountable for social and environmental abuses.

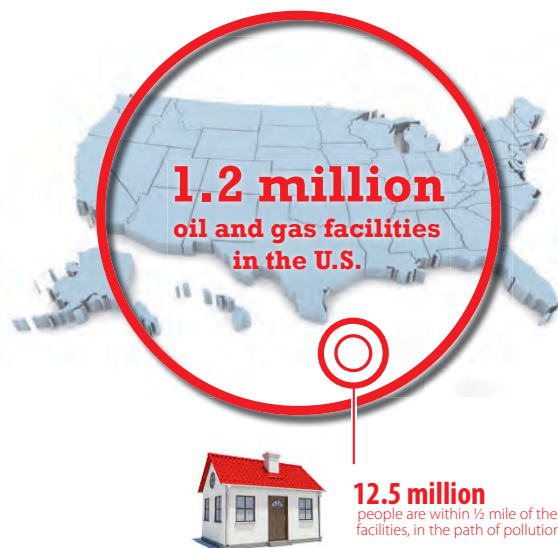
Pennsylvania: Mariner 2 East – Landowners are courageously hosting a tree sitting called *Camp White Pine* in the path of ETP’s proposed Mariner 2 East Pipeline, which would bring natural gas liquids to the Atlantic coast to make into plastics.

Texas: The Trans Pecos and Comanche Trail Pipelines – Landowners continue to battle eminent domain seizures of privately owned land along the route of ETP’s Trans-Pecos and Comanche Trail natural gas export pipelines.

Building networks and campaigns for communities

As part of the just launched #StopETP campaign, Earthworks is working with others to form a nationwide network to support local communities’ most impacted by ETP’s proposed and existing pipelines. The #StopETP network will foster collaboration between communities and improve strategies of resistance. We are developing strategies to make sure ETP’s executives, board members, and investors feel the heat.

At Earthworks, we’re committed to holding industry accountable for social and environmental abuses. No company in the United States needs reining in more than Energy Transfer Partners. We will work with our allies until ETP’s operations no longer violate indigenous sovereignty and harm the air, water, and climate.



In Greeley, Colorado, video evidence was critical in forcing a company to limit toxic pollution near schools.

Empowering communities one video at a time

By Molly Dunton

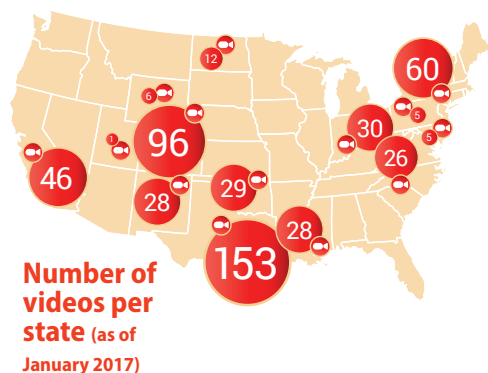
In June, the Trump Administration announced plans to delay the implementation of two important federal rules that would reduce methane pollution and waste at oil and gas facilities. These common sense measures originally had bipartisan support during the Obama Administration, but now are being suspended to appease industry demands for less regulation. This is concerning not only for the climate, but also for the health of communities on the front lines of fossil fuel development. Methane is a powerful greenhouse gas, with roughly 86 times the planet-warming potential of carbon dioxide. When it's released so too are toxic volatile organic compounds that harm health and degrade air quality.

When feds try to roll back regulations, it's more important than ever to expose pollution.

Earthworks' Community Empowerment Project (CEP) continues to be a powerful grassroots force for positive change. Since 2014, CEP has used state-of-the-art optical gas imaging technology to provide communities with infrared video evidence of otherwise invisible oil and gas air pollution, also exposing regulatory failures and harmful industry practices.

Earthworks is doubling efforts. Thanks to the success of the project and the generous support of our donors, 2017 marks a turning point for CEP: We are expanding the program with additional field organizers, enabling us to be more responsive to community needs and developments around the country. We are increasing our collaboration with state agencies and working with residents to file formal complaints using video evidence of pollution near their homes. We are supporting residents in following up on these complaints until methane leaks are fixed, pollution is reduced, and oversight of industry improves.

State agencies are now our best line of defense. The industry is regulated by states, and considering the stalled progress on comprehensive federal regulation, state agencies are now our first and last line of defense. Colorado and California have risen to the occasion by finalizing methane regulations even stronger than the threatened federal rules. Pennsylvania and Ohio have taken important initial steps. These rules present new opportunities to engage with regulators. By targeting methane pollution at the source, CEP is safeguarding the health of communities while working to mitigate the long term impacts of climate change.



Real Results!

So far in 2017 CEP has completed 21 trips in 14 states, visited over 240 polluting oil and gas facilities, and published 100 videos to YouTube. Most importantly, this year we've collaborated with over 60 residents nationwide who want to learn more about oil and gas air pollution and take action.

Expanding the program

Earthworks started the Community Empowerment Project in 2014 to make methane pollution visible, strengthen and enforce regulations, and work with the people who live daily with this air pollution to change industry practice. CEP is a critical tool for holding regulators accountable.



Stopping methane pollution **victory** on Capitol Hill

By Lauren Pagel and Aaron Mintzes

Earthworks, our supporters, friends, and allies, scored an enormous victory this May. The Bureau of Land Management's rule (BLM Methane Rule) requiring oil and gas companies to find and fix their leaks, capture their emissions, and reduce wasting the public's minerals, sat on the precipice of extinction. A rarely used law, called the Congressional Review Act, allows Congress to pass a "resolution of disapproval" to undo regulations issued by the Executive Branch.

Early on, the 115th Congress set out to rapidly dismantle as many of the Obama Administration rules as possible. Congress repealed rules protecting streams from mining waste, promoting transparency, and fighting corruption in mineral rich nations. Congress even struck down a Fish and Wildlife Service rule protecting baby bears in the Alaska National Wildlife Refuge from hunting.

This vote concerned controlling methane waste and pollution on public lands, an issue that oil and gas impacted communities everywhere care deeply about. Vice President Pence arrived at the Capitol the morning of May 10 expecting to cast the 51st vote for repealing the BLM Methane rule – to break a predicted tie. Earthworks and our supporters waited nervously outside the Senate chamber as senators began to cast their votes.

The hard work of Earthworks members and our allies secured the support of the entire Democratic caucus, yet we needed three Republican senators in order to save this important safeguard for our air and public lands. In a shock to Senate leadership, Senators Susan Collins (ME), Lindsey Graham (SC), and John McCain (AZ) voted no, saving the BLM Methane Rule from a total and complete repeal.

The BLM Methane Rule is a commonsense regulation that effectively keeps the oil and gas industry from sending American tax dollars up in flames. Capturing emissions preserves the resource operators wish to sell to market, reduces agency enforcement burden, and protects royalty revenues.

Despite this amazing win in Congress, the Trump Administration still plans to attempt to weaken and delay the rule. With your support, Earthworks will continue to resist, fighting against the rollback of key environmental and public health protections using every tool in our toolbox, including defending these important standards in court. Earthworks has joined several lawsuits to help keep Obama-era methane safeguards in place, and we are making significant progress. Earlier this summer, a federal appeals court struck down the Trump Administration's decision to delay the EPA's methane emissions rule from new oil and gas operations across the country, siding with Earthworks – and clean air. With your support, we achieved a fantastic victory this May – and we will continue to fight for clean air and safe energy.

Photo L-R: Earthworks Policy Director Lauren Pagel, Senator Tom Udall of NM, NM rancher Don Schreiber, and Gwen Lachelt, La Plata County, CO Commissioner, just outside the US Senate Chamber after the vote that preserved the methane rule.

Saving our air, the climate, and \$330 million taxpayer dollars.

About \$330 million per year of public tax money is wasted because of leaks, venting, and flaring. Methane capture protects our air and public health by reducing the amount of toxic volatile organic compounds and other air pollutants.

Methane is 86 times more potent than carbon dioxide during the time it remains in the atmosphere.

Reducing methane was a key part of former President Obama's plans to meet our Paris climate commitments.

See the back cover for how you can make a difference!



GOOD NEWS

Máxima Wins

In Peru's Supreme Court!

By Payal Sampat

US mining company Newmont has made life extremely difficult for Peruvian subsistence farmer Máxima Acuña de Chaupe and her family. They have physically harassed her, surrounded her home with security guards 24/7, and sued her in multiple courts in order to gain access to her land to construct their proposed Conga gold mine.



Máxima Acuña de Chaupe (left) with Mining Program Director Payal Sampat at a reception hosted by Earthworks in San Francisco, April 2016.

This May, the Peruvian Supreme Court upheld a lower court decision that sided with Máxima and her family, and rejected Newmont's claims that she was trespassing on land they had acquired for the mine project. Máxima is a 2016 recipient of the Goldman Environmental Prize, the largest environmental prize for grassroots environmental activism in the world. Along with a number of other landowners in the Cajamarca region of Peru, Máxima has been battling the mining giant for years in pursuit of protecting her land and the mountain lakes that provide for her and her community. We continue to stand behind Máxima in her fight against Newmont. Viva Máxima!



Visit Earthworksaaction.org/donate/maxima to contribute to Máxima's legal fund!

THREATENED

THE FLORIDA PANTHER AND 729,000 ACRES OF FLORIDA MARSHLAND

By Phil Dickieson

Big Cypress National Preserve, located in Southern Florida, is a 729,000 acre US National Reserve – which leading many to believe it's protected from the oil and gas industry. Unfortunately, that's not the case. The National Reserve system allows land to be protected, much like National Park land – but permits certain extractive activities, including mining and oil and gas development. For years, Big Cypress and its unique ecosystems have remained intact. The Preserve is home to many threatened or endangered species, including the critically endangered Florida panther and other animals from songbirds and wood storks, to black bears, tortoise and bats.

Now, Big Cypress is under threat. The National Park Service has granted a permit to Burnett Oil Co. to conduct seismic testing to see if there is oil under the preserve. Heavy duty equipment will scar the fragile marshland as metal plates are driven into the ground, creating booming and highly disruptive vibrations.

In response to this horrifying plan, we banded together with five other environmental organizations to sue the National Park Service for permitting these catastrophic plans. Unfortunately, we were defeated. In April, a US District Court judge in Florida ruled that the National Park Service had not violated federal environmental laws in permitting Burnett to conduct the testing.

Though we lost the battle, continuing public outcry – including over 30,000 comments from Earthworks' members like you – has had a significant effect. Burnett was forced to answer tough questions, provide more information, re-do parts of its plans, and delay its activities. We have brought unprecedented attention to the previously untouched marshland, the animals who live there, and the company whose greed threatens the land and animals.

Our work to protect Big Cypress is far from over. With partner organizations and your support, we will gather and publicize evidence of any damage caused by the first phase of Burnett's seismic exploration. We will closely monitor the National Park Service and Burnett to ensure they are doing what they promised to prevent harm – and should we discover violations, we are ready to act again.



The Florida panther is one of the countless species in Big Cypress National Preserve endangered because of the oil and gas industry.

Photo by istock.com/DenGuy



Big Cypress National Preserve, a US National Reserve, is under duress. Photo by istock.com/FrankMirbach

Victory! FOR GRIZZLY BEARS, BULL TROUT, AND WILDERNESS!

By Bonnie Gestring

In a big win for grizzly bears, bull trout, and wilderness waters, a federal court overturned approval for the proposed Montanore Mine, a copper silver mine to be excavated into the heart of the Cabinet Mountains Wilderness in northwest Montana.

The Cabinet Mountains are considered one of the last remaining undeveloped strongholds for grizzly and bull trout. In 2014, the US Fish and Wildlife Service (USFW) estimated that the grizzly bear population in the Cabinet Mountains – one of only five populations remaining in the lower 48 states – had dropped to as few as 21 bears, putting the population at high risk for extirpation.

Bull trout are also suffering severe declines because they require exceptionally cold, clean water to thrive. The rivers and streams that emanate from the Cabinet Mountains Wilderness are some of the most pristine waters in the nation, and provide critical habitat for these amazing fish.

After the Forest Service issued its approval of the proposed Montanore mine in 2016, Earthworks joined with local and state partners to challenge the project. In June 2017, Judge Malloy ruled that the Forest Service and USFW violated the Endangered Species Act when they concluded that the proposed mine would not jeopardize the grizzly bears and bull trout that find refuge there. *Victory!*

In a companion decision issued, the Court also ruled that the agency's approval of the proposed mine violated the Clean Water Act by authorizing the dewatering of pristine Wilderness rivers and streams.

What's next? The court sent the issue back to the federal agencies, and we will continue to monitor any further plans by the company. We thank Earth Justice and Roger Flynn for their representation in this case, as well as all the Earthworks Members who stood with us through this fight.



Photo by Clark Fork Coalition

In 2017, the court ruled that the mine would have serious negative impacts on bull trout and grizzly and that the mine would violate the Clean Water Act.

SOMETHING IS IN THE AIR at the playground next door

By Priscilla Villa

In August of 2016, I received a phone call from Jere Locke from the Texas Drought Project. He told me about a drilling permit that was approved just 1,600 ft from Lake Houston, one of the city's main water sources. Together, Earthworks, Texas Campaign for the Environment, and the Texas Drought Project held meetings to inform community members about the potential impacts this drilling project posed to their air and water quality.

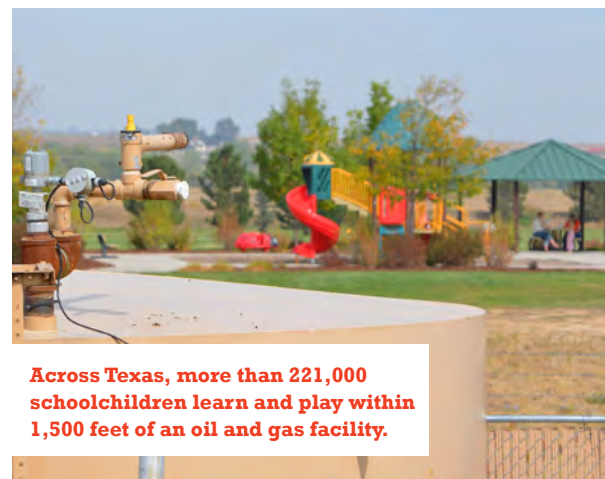
What started as a fight to protect Houston's water turned into a fight also to protect the safety of the school children at the two schools located a mere 1,500 feet from the drilling site. Due to House Bill 40, passed by the Texas Legislature, prohibiting municipal bans on fracking, the city of Houston could not pass an ordinance to limit drilling within city limits.

Luckily for the Lake Houston residents, the test well came up dry. The noise and disruption in the community ended, but the complaints and concerns raised by people in Lake Houston still persist for many other Texans.

During the 2017 Texas Legislative Session, Texas Representative Terry Canales and Senator Judith Zaffirini proposed bills that would mitigate some of the issues that came up in Lake Houston and that are happening across the state. Unfortunately, the bills received little support and died in committee.

I am collaborating with grassroots groups and leaders in Houston to help build support for Texas' next legislative session in 2019. More preventative measures are needed to help protect communities and school children across the state.

We will continue to work in Texas to protect schoolchildren and communities everywhere – the innocent and underrepresented victims of the oil and gas industry.



Across Texas, more than 221,000 schoolchildren learn and play within 1,500 feet of an oil and gas facility.

This is fracking ridiculous

By Paul Jolly

“After the election I wanted to do something,” said Christine Wright, general manager at Hearth Restaurant in New York. “I found Earthworks online and it looked like the kind of organization we wanted to support. So our bartender devised a cocktail, which we served throughout the month of February, called *This is Fracking Ridiculous*. It was a big hit. We sent the money we made from that cocktail – \$2,500 – to Earthworks. We were very pleased to be able to help, and our customers loved it.”

The week we received the donation, I stopped by Hearth, located on the Lower East Side, to speak with Christine about her unique idea and have a cocktail. I am always so thrilled to hear from our supporters and hear about new and creative ways to raise awareness.



This is fracking ridiculous

2 oz Rye Whiskey

½ oz Sweet Vermouth

½ oz Oloroso Sherry

3 dashes Black Walnut Bitters

Stir with ice and strain over a large ice cube. Garnish with an orange twist.

Deep Sea Mining?

UNKNOWN TERRITORIES AT RISK...

By Payal Sampat

As a wide-eyed kid, I read *20,000 Leagues Under the Sea*, Jules Verne’s sci-fi novel in which a submarine named Nautilus explores the deep ocean. Fact is now proving to be stranger than fiction: a Canadian company named Nautilus is hoping to be the first to extract minerals from the deep ocean floor.

Deep-sea mining is a high-risk, experimental industrial activity being proposed in one of the most fragile, unexplored areas of our planet. Far too little is known about the potential impacts of deep-sea mining on our oceans, marine life and fisheries. Many of these marine organisms haven’t even been discovered, let alone studied.

And yet, companies from a number of countries – including the US, Canada, Australia, Japan, and China – are seeking to extract metals from cobalt-rich ferromanganese crusts, polymetallic nodules, and hydrothermal vents in the deep seabed. As of now, there are no viable deep-sea mining operations, despite Nautilus’ hopes for its proposed Solwara 1 project in Papua New Guinea, which is strongly opposed by local fishing communities. Many government and privately owned companies, however, are lobbying for expanded deep sea mining. A United Nations-established body, the International Seabed Authority (ISA), is charged with regulating and granting exploration permits for deep seabed mining in waters outside national jurisdictions. It is currently in the process of developing regulations for deep-sea mining – without which no mining can occur. But exploration is already under way.

The ISA has already issued 26 licenses to explore 1.5 million square kilometers of the Pacific Ocean floor, as well as additional swaths of the Atlantic and Indian Oceans, and the Red Sea. Additional areas are being opened up to exploration every month – with little oversight, or understanding of the impacts of such immensely destructive industrial activity on marine life and ecosystems and communities that live in coastal regions.

Proposed seabed mining operations would cover thousands of square miles of the ocean floor, carrying significant environmental risks. Massive sediment plumes would flow and settle over huge swaths of the ocean floor, smothering seabed habitat and altering ecosystems. Deep-sea species live in habitats that are rarely disturbed and are relatively slow growing and late maturing. For these reasons, they are especially vulnerable to disturbance or possibly extinction, as they tend to have lower resilience.

Earthworks is urging the ISA to develop strong regulations and to implement the precautionary principle in order to protect ocean life. The ISA should not allow companies and governments to experiment with and profit from our global commons. Their mission must be to protect oceans, not to serve as a guide for how to exploit them. ISA’s draft Mining Code must embody this mission, rather than carve up the ocean into serving size portions for risky commercial experiments.

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The International Seabed Authority has already issued 26 licenses to explore 1.5 million square kilometers of the Pacific Ocean floor. Additional areas are being opened up to exploration every month – with little oversight.



“Casper” The ghost octopus: a recently discovered species of octopus threatened by deep sea mining.

Photo by oceanexplorer.noaa.gov



Pushing Colorado to Protect Water from Mining Pollution

By Pete Dronkers

The most problematic aspect of the hardrock mining industry (metals mining) is the contamination of surface and groundwater, typically in the form of Acid Mine Drainage and Metals Leaching (AMD). Once AMD starts to occur on a large scale, it is nearly impossible to stop the problem, and it often will continue for thousands of years until nature eventually corrects it.

In most countries, including the United States, there are no federal statutes or regulations that prohibit mines from being built – mines that we know will create acid drainage in perpetuity. Currently, mining companies typically build the cheapest possible mine and avoid the engineering and construction costs associated with long term prevention of AMD. Indeed, it is much less expensive to dump waste rock and tailings on the surface than it is to place it back underground where it is far less likely to generate acid. Today's savings, though, will translate into tomorrow's environmental disaster.

Under the Trump Administration and the current Congress, federal mining law reform to address this issue is out of the question, instead states are left to deal with the problem. Maine enacted rules that prohibit building mines that will cause long term AMD, joining a small but growing list of other states that have similar policies. In Colorado, we are preparing a legislative campaign to restrict AMD by amending the Colorado Mined Lands Reclamation Act (CMLRA). Notable support already exists within state regulatory agencies and key legislators.

These amendments would trigger a review of any new mining proposal or requests for major changes to existing mines to determine if they will require water treatment after mine reclamation. If this cannot be demonstrated using the best scientific and engineering analysis, the plan will not be approved. Additionally, these amendments would also prevent mines from using “corporate guarantees” as financial assurances for reclamation bonding. Sorry, mining companies, but you'll now be required to put up actual money or assets for when closure time comes. Promises of good faith will no longer fly.

It's long overdue for every mining state to enact similar laws to protect future generations and taxpayers from water pollution. As Trump's federal government continues to show utter disregard for communities and the environment, it is reassuring to know that individual states are stepping up to fight this battle.

Water treatment operations at modern mines can cost millions of dollars per year to operate, and will need to remain for hundreds of years after a mine closes. Who will pay once the mining companies are gone? Often, it's the taxpayers. Earthworks is pursuing legislation in Colorado to restrict acid mine drainage.

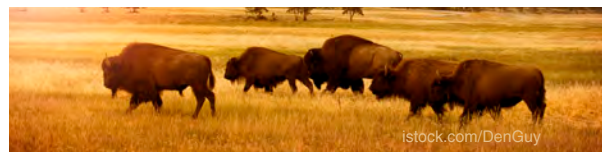
Montana Senator Steps Up to Protect Yellowstone National Park

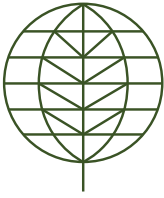
By Bonnie Gestring

One of the absurdities in federal law is the 1872 Mining Law that governs mining on our federal public lands. This archaic law prioritizes mining as the “highest and best use” of our public lands and prevents federal land managers from saying “no” to mining – no matter how much it would conflict with other important land uses. After all, not every place is appropriate for industrial-scale mining.

That's why Senator Jon Tester (D-MT) has introduced legislation to protect federal lands at the doorstep to Yellowstone National Park – our first and most iconic National Park. His legislation (the Yellowstone Gateway Protection Act) would withdraw 30,000 acres of public land in Paradise Valley from mineral entry under the 1872 Mining Law. Existing valid mining claims would be protected, but no new claims could be staked.

These lands are too important for wildlife that migrate in and out of the park, and to the local economy that thrives on park visitors. Congress must modernize the 1872 Mining Law so that legislation isn't necessary every time a bad mining project is proposed. In the meantime, we're thankful to see Senator Tester take the necessary steps to protect our oldest National Park.





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Step up your activism

By Lauren Pagel & Aaron Mintzes

Never before in Earthworks' history have we seen a more hostile environment in Washington, DC. So much is at stake as President Trump and the 115th Congress wage an all-out assault on the environment. It is more important than ever that individuals and communities engage their representatives and make their support known for policies that protect communities and the environment.

Your advocacy can make a difference, like when your voices protected a rule controlling methane waste and air pollution on public lands (see our story on page 7). When

you sign petitions, you are demonstrating that there is huge public support for an issue. When you email, call, and submit comments to your representative on proposed regulations, your voice is heard.



Make Your Advocacy Even More Effective

- Take an extra minute or two to personalize the first sentence of every email you send to an agency or your member of Congress. Personalized comments are always better than a form letter.
- Make three phone calls a day. It doesn't matter if your Congressperson is always on your side or cannot be swayed, they tally up the number of calls and it's making the news. Rotate between district and Washington, DC offices. Give them your name and address first so they know you're a constituent. Make it personal.
- Find out when your representatives have office hours or a town hall and show up.
- Organize meetings with state offices during Congressional recess when your representative is home. Get to know the local staff. You'll find out what issues they can be swayed on.
- Attend community events or protests and make connections with the other people at those events.
- Read your local paper and send letters to the editor. Representatives and senators read them and sometimes seek out the author for their perspective.



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