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DEFENDANTS

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Media Kit

Update August 24, 2005:

IN LANDMARK DECISION AGAINST BUSH ADMINISTRATION, FEDERAL COURT RECOGNIZES HARM CAUSED BY GLOBAL WARMING

Lawsuit by Environmental Groups and Cities Goes Forward

A federal judge in California ruled yesterday against the federal government and allowed the groundbreaking climate change lawsuit to proceed. The landmark decision is the first time that a federal court has specifically granted legal standing for a lawsuit exclusively challenging the Federal government's failure to evaluate the impacts of its actions on the earth's climate and U.S. citizens.

View the judge's decision

Update March 22, 2005: The U.S. Government attempted to move the case from California to Washington, D.C. Despite the fact that all of the Plaintiffs are either based, or have offices in California, the trial court granted the Government's request.

In response, the Plaintiffs filed a mandamus petition with the Ninth Circuit Court of Appeals explaining the hardship, particularly to the Cities of Oakland, Arcata, and Santa Monica, of litigating in a distant court.

The Ninth Circuit ordered that the case shall remain in California.

The Government is now claiming that this case should be dismissed because: (1) the Plaintiffs lack standing, (2) OPIC and ExIm have not taken any action subjecting them to judicial review, and (3) that OPIC is exempt from complying with NEPA.

The Plaintiffs have opposed the Government's claims. A hearing on these issues will take place in the U.S. Court House in San Francisco on April 29th, 2005.

View related legal documents:



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- [Plaintiff's Final Response to Government's Motion for Summary Judgement](#)
- [Plaintiff's Motion to Strike Government's Declarations](#)
- [Government's Final Response Regarding Summary Judgement](#)
- [Plaintiffs' Response to Government's Motion for Summary Judgement](#)
- [Government's Motion for Summary Judgement:](#)
Government's November 2004 response to the lawsuit wherein the government claims the lawsuit is invalid because human emissions of greenhouse gases - burning coal, oil and natural gas in powerplants and transportation - have not been proven to cause global warming.
- [The lawsuit, filed in the U.S. District Court in San Francisco](#)
- [Declaration of Friends of the Earth](#)
- [Declaration of Greenpeace](#)
- [Declaration of the City of Arcata, California](#)
- [Declarations of Greenpeace members:](#)
[Melanie Duchin of Alaska](#)
[Mr. and Mrs. Williford of North Carolina](#)
- [Declaration of Friends of the Earth member](#)

View related legal documents on science:

- [Declaration of Dr. Michael C. MacCracken:](#) on the scientific consensus on global warming. Dr MacCracken served as the first Executive Director of the Office of the U.S. Global Change Research Program (USGCRP) under the Clinton Administration from 1993-1997. There he was responsible for assisting the coordination of global warming research programs of ten federal agencies, including the Department of Energy, the National Science Foundation, the National Oceanographic and Atmospheric Administration, EPA, NASA and others.

[Declaration of Dr. David Legates:](#) Dr Legates' rebuttal to Dr. MacCracken's declaration. Legates is a known climate skeptic who has been associated with several right wing institutions paid by ExxonMobil. For more on Legates' right-wing connections, see our research on exxonsecrets.org (Hit SKIP INTRO at bottom right to go straight to the diagram.)

- [Declaration of Richard Heede:](#) of Climate Mitigation Services "summarizes the results and the methodology used to estimate the direct, indirect and cumulative greenhouse gas emissions of projects financed by Ex-Im and OPIC from 1990 through 2003. Heede concludes that the massive oil, natural gas and coal energy projects these banks finance now financed account for nearly eight percent of the world's emissions of carbon dioxide or nearly one third of the total U.S. carbon emissions in

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2003.

National Public Radio's Living on Earth: Cities Sue Over Climate Change

Dec 12, 2002 - City of Oakland, Calif., Joins Global Warming Lawsuit in Unanimous City Council Vote: U.S. Government Agencies Charged With Illegally Funding Fossil Fuel Projects

Aug 27, 2002 - Global Warming Victims Sue the United States for Illegally Funding Fossil Fuel Projects: Friends of the Earth, Greenpeace, and City of Boulder Team Up to Bring Suit

City of Oakland, Calif., Joins Global Warming Lawsuit in Unanimous City Council Vote

U.S. Government Agencies Charged With Illegally Funding Fossil Fuel Projects

WASHINGTON – In a unanimous vote by the city council in closed session on Dec. 17, the city of Oakland, Calif., announced it had approved a motion to join a lawsuit brought by Friends of the Earth, Greenpeace and the city of Boulder, Colo., on behalf of their members and citizens against two US government agencies – the Export-Import Bank (Ex-Im) and the Overseas Private Investment Corporation (OPIC). Charged with illegally funding fossil fuel projects, Ex-Im and OPIC are taxpayer-funded agencies that provide financing and loans to US corporations for overseas projects commercial banks deem too risky.

"The threat of global warming can no longer be ignored," said Oakland Mayor Jerry Brown. "I commend the Oakland City Council for taking this step to protect the Bay Area from the detrimental impacts of climate change."

The unprecedented lawsuit alleges that OPIC and Ex-Im illegally provided over \$32 billion in financing and insurance for oil fields, pipelines and coal-fired power plants over the past 10 years without assessing their contribution to global warming, or their impact on the US environment as required under the National Environmental Policy Act (NEPA). Key provisions of NEPA require all federal agencies to conduct an environmental assessment of programs and project-specific decisions having a significant effect on the human environment. According to the complaint, however, OPIC and Ex-Im have refused to review the fossil fuel projects they are involved in for global warming impacts as required under NEPA.

The city of Oakland is the second major US city to join this landmark lawsuit. Boulder's city council voted to join the suit in

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August, concerned that climate change could diminish their drinking water supplies and bring a host of other negative impacts.

"The Bush administration's stance on climate change fails America's cities. Oakland and Boulder are taking a bold stand to defend themselves and hold our government accountable," said Friends of the Earth President Brent Blackwelder.

According to the Global Warming Project, the city of Oakland and the Bay Area could face increased risk of salt-water contamination in groundwater aquifers as a result of sea levels rising. Storm runoff and high tides could overwhelm sewerage systems. Oakland Airport, built on a former wetland at about 10 feet above sea level would be susceptible to flooding from extreme tides coupled with flood conditions and storm surges. Increasing temperatures will aggravate respiratory illnesses, such as asthma, reduce lung function and induce respiratory inflammation.

"We congratulate the cities of Oakland and Boulder for their leadership in holding the Bush administration accountable for failing to take action on global warming," said Gary Cook, coordinator of Greenpeace's Global Warming Campaign.

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Ron Shems, Attorney for the plaintiffs, SDK Attorneys, 802-860-1003

Legal Expert for Comment: John Echeverria, Georgetown University Environmental Law Institute Executive Director, 202-662-9850 x3

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Global Warming Victims Sue the United States for Illegally Funding Fossil Fuel Projects

Friends of the Earth, Greenpeace, and City of Boulder Team Up to Bring Suit

WASHINGTON - August 27, 2002 - Friends of the Earth (FoE), Greenpeace and the City of Boulder, Colorado filed [a lawsuit today in the US District Court in San Francisco](#) on behalf of their members and citizens who are victims of global warming. The suit has been filed against two US government agencies - the Export Import Bank (Ex-Im) and the Overseas Private Investment Corporation (OPIC). Ex-Im and OPIC are taxpayer funded agencies that provide financing and loans to US corporations for overseas projects that commercial banks deem too risky.



This legal action – the first of its kind – alleges that OPIC and Ex-Im illegally provided over \$32 billion in financing and insurance for oil fields, pipelines and coal-fired power plants over the past ten years without assessing their contribution to global warming and their impact on the US environment as required under key provisions of the National Environmental Policy Act (NEPA). NEPA requires all federal agencies to conduct an environmental assessment of programs and project-specific decisions having a significant effect on the human environment; however, according to the complaint, OPIC and ExIm have refused to review their programs' and fossil fuel projects' contributions to global warming under NEPA.

Foe and Greenpeace members involved in the suit include a North Carolina couple who fear their retirement property will be lost to storm surges, erosion and the rising sea level; one of the largest maple syrup producers in Vermont who believes his business will be ruined as maple trees disappear from the area; and a marine biologist whose life's work is in jeopardy because coral reefs he has spent a lifetime studying and enjoying are disappearing at an alarming rate due to bleaching from rising ocean temperatures.

"We're nervous about climate change—if we have no maples, we have no farm income and the value of our land will be devastated," said Foe/Greenpeace members Arthur and Anne Berndt. Regarding the state of the coral reefs off the Florida Keys, Foe member Dr. Phillip Dustan said, "It's tantamount to visiting Sequoia National Forest and finding 90% of the trees either dead or on the ground."

Foe, Greenpeace, and the City of Boulder view this suit as a critical first step toward compelling the Bush administration to take action against global warming, and to protect people from its dangerous effects. After the city council voted to join the lawsuit, Boulder Mayor Will Toor said, "All of the work that the city of Boulder does to maintain the quality of life for our residents will be negatively impacted by the detrimental effects of climate change. We believe that this lawsuit is one way force the federal government to start paying attention to this critical issue."

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Greenpeace

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In Landmark Decision Against Bush Administration, Federal Court Recognizes Harm Caused by Global Warming

Lawsuit by Environmental Groups and Cities Goes Forward

August 24, 2005

San Francisco, Calif., UNITED STATES — A federal judge in the U.S. District Court for the Northern District of California ruled yesterday against the Bush Administration and allowed a groundbreaking global warming lawsuit to proceed. The landmark decision is the first time that a federal court has specifically granted legal standing for a lawsuit exclusively alleging injury from global warming and challenging the federal government's failure to evaluate the impacts of its actions on the Earth's climate and U.S. citizens.

The judge's decision can be read [here](#).

The case, filed in August 2002 by Friends of the Earth, Greenpeace, and four cities, charges that the Export-Import Bank (Ex-Im) and the Overseas Private Investment Corporation (OPIC) have provided financial assistance to oil and other fossil fuel projects without first evaluating the projects' global warming impacts to the United States. The cities of Oakland, Arcata and Santa Monica, Calif. and Boulder, Colo. are parties to the suit.

The judge concluded that the plaintiffs' "evidence is sufficient to demonstrate it is reasonably probable that emissions from projects supported by OPIC and Ex-Im . . . will threaten Plaintiffs' concrete interests."

The judge also highlighted evidence demonstrating that:

"projects supported by OPIC and Ex-Im are directly or indirectly responsible for approximately 1,911 million tonnes of carbon dioxide and methane emissions annually, which equals nearly eight percent of the world's emissions and is equivalent to one third of the total carbon emissions from the United States in 2003."

"This ruling is a wake up call for the federal government to tackle the growing environmental and human impacts of global warming," said Norman L. Dean, Executive Director of Friends of the Earth.

"This case once again highlights the fact that global warming pollution doesn't recognize political borders," said Kert Davies, Research Director of Greenpeace. "The judge acknowledged that these taxpayer-funded projects in other countries have impact back home in the United States."

"Tragically, the federal government is violating federal law, which requires an assessment of cumulative impacts. This injures the citizens of Oakland, and every person in this country. We'll fight as long as it

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takes to get federal law properly enforced," said Jerry Brown, Mayor of the City of Oakland.

To read related legal documents, testimony from plaintiffs and expert witnesses and examples of projects being considered by Ex-Im/OPIC, visit www.climatelawsuit.org

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Lawsuit Explained

Summary of Legal Action

Friends of the Earth, Greenpeace, and the city of Boulder, Colorado are suing two U.S. government agencies for providing financial assistance to oil and other fossil fuel projects without first evaluating the projects' global warming impacts on the United States. The agencies, the Export Import Bank of the United States (Ex-Im) and the Overseas Private Investment Corporation (OPIC), are charged with funding \$32 billion worth of fossil fuel projects (for more information, www.seen.org) while failing to comply with the National Environmental Policy Act (NEPA), which requires them to assess impacts to the U.S. environment of all funded projects. Global warming is one of the most serious environmental threats facing the U.S. and the world, yet these two government agencies are using U.S. taxpayer money to finance projects that make the problem more severe. The lawsuit is an attempt to compel the U.S. government to do what many state and local governments are already doing - taking immediate and effective action to prevent global warming.

Compelling OPIC and EXIM to Prepare a Programmatic Environmental Impact Statement On Overseas Financing That Contributes to Greenhouse Gas Emissions

Short Briefing on Climate Change:

"We know we have to make very large changes...(T)he consequences of human-induced global warming could be quite severe. The issue isn't, 'Is there a problem?.' The issue is, 'What specifically do we do about the problem?'" - John H. Marburger III, the White House Science Adviser for President George W. Bush

Rising sea levels. Massive die-offs of coral reefs. An increase in vector-borne Diseases. More frequent forest fires. Changing rainfall patterns and an increase in extreme weather. At 1992's Earth Summit in Rio, governments, scientists and environmentalists from around the world acknowledged these and other threats posed by climate change. The resulting United Nations Framework Convention on Climate Change (UNFCCC) and the convention's subsequent 1997 Kyoto Protocol

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aim to keep global climate change at bay by stabilizing and reducing levels of greenhouse gases, principally carbon dioxide, in the atmosphere. An increase in these gases, which results from activities involving the burning of fossil fuels, gives rise to climate change.

In June of 2002, the Bush Administration's Environmental Protection Agency (EPA) released a report on the growing domestic impacts of climate change. The EPA report warned that the United States will feel substantial climate change in the next few decades. According to the Bush Administration report: In the United States, changes over the next few decades are expected to put Southeastern coastal communities at greater risk of storm surges, prompt more uncomfortable heat waves in cities and reduce snowpack and water supplies in the West. The extents of aspen, eastern birch and sugar maple probably will contract dramatically in the United States, shift into Canada and cause loss of maple syrup production in northern New York and New England. Great Lakes water levels are expected to drop, which would affect navigation, water supplies and aquatic species. Production of U.S. hardwood and softwood products is projected to increase, mostly in the South. Fewer cold days and reduced snowpack do not bode well for the southernmost ski areas, where costs of snowmaking would rise.

Background On Policy Issues:

Using U.S. taxpayer dollars via the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank of the United States (Ex-Im), the Bush Administration is violating U.S. law to induce climate change. These U.S. government agencies are using taxpayer supported dollars to support fossil fuel extraction projects around the world, primarily to take oil from developing countries and bring it back to the United States. 56% of U.S. oil consumed comes from other countries like Nigeria, Venezuela, the Middle East and Mexico. Chapter 8 of the Bush/Cheney Energy Plan seeks to expand that even further. OPIC and Ex-Im are involved in virtually every major fossil fuel extraction project in the world. Despite requirements under the National Environmental Policy Act to assess the climate change impacts of these projects, the Bush Administration is not in compliance and U.S.-caused greenhouse gas emissions continue to rise. Private citizens, environmental organizations, States and Cities in the U.S. are being harmed by climate change and therefore are bringing this legal action.

The Bush Administration will not voluntarily adopt any binding measures to help solve global warming issues. In recent months, a Bush campaign promise to regulate carbon dioxide emissions from power plants was reversed, U.S. commitments to continue to work on the Kyoto Protocol were abandoned, the Bush Administration blocked the G8 Renewable Energy Task Force report recommendations, and is proposing opening up

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pristine areas at home and abroad for more fossil fuels. In short, federal action on global warming is making no substantive progress.

One of the two key rationales for the Bush Administration decision to abandon the Kyoto Protocol was the lack of developing country commitments to reduce greenhouse gas emissions. Yet, at the same time, OPIC and Ex-Im are heavily invested in fossil fuel extraction and power projects in numerous developing countries and economies in transition, working at cross-purposes with our stated foreign policy objectives. The Bush/Cheney Energy Plan (Chapter 8) seeks to expand our extraction and power efforts globally for diverse U.S. oil sources while simultaneously the U.S. Government preaches for developing countries to reduce their emissions.

Legal Action:

Friends of the Earth and Greenpeace have determined that legal action is necessary to persuade the Bush Administration to take meaningful action on climate change. Friends of the Earth, Greenpeace and a number of other plaintiffs harmed by climate change (TBD) intend to file a law suit to compel OPIC and Ex-Im to comply with the National Environmental Policy Act ("NEPA"). The suit will challenge the agencies' decisions to not prepare an Environmental Assessment under the NEPA.

NEPA requires all federal agencies to conduct an environmental review of programs and project-specific decisions having a significant effect on the environment. This review requires all federal agencies to question first if an action will significantly affect the environment by performing an Environmental Assessment (EA) and if the answer is affirmative to prepare an Environmental Impact Statement (EIS) detailing the effects and options for alternative actions. NEPA also requires preparation of an EIS to evaluate a program or group of concerted actions that implement an agency policy.

OPIC and Ex-Im support overseas energy development projects that result in the release of large quantities of greenhouse gas emissions. This constitutes a major federal action that significantly impacts the human environment, thus triggering the NEPA. Therefore, OPIC and Ex-Im are obligated to prepare an EA to determine whether a significant impact on the human environment is caused by its energy portfolio.

OPIC and Ex-Im combined, have supported over \$32 billion dollars in fossil fuel investments worldwide over the past 10 years. The types of projects that include many of the largest new oil field developments in South America, Mexico, the Caspian region, southeast Asia, and west Africa, and related infrastructure like pipelines, gas processing plants and oil refineries.

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Combined, these agencies' projects ultimately will result in over 32 billion tons of carbon dioxide emissions. These emissions will be released by the scores of fossil fuel power projects that these agencies back, or by the eventual burning of fuels that are being extracted and transported using Ex-Im and OPIC finances. The amount of carbon dioxide that will be released, ultimately, by projects supported by these U.S. government agencies is much higher than the entire amount of CO-2 that was released from the WORLDWIDE consumption of petroleum, natural gas, coal, and the flaring of natural gas in the year 2000 (that is, 32.1 billion tons versus 23.5 billion tons).

That investment in fossil fuel energy exceeds those of some multilateral development banks, including the European Bank for Reconstruction and Development (\$1.2 billion and 6.5 billion tons of carbon dioxide from 1992 to 1997), and it rivals that of the World Bank (\$13.6 billion and 37.5 tons of carbon dioxide between 1992 and 1998 – these are the only figures available). Indeed, OPIC has acknowledged that the cumulative impacts of "several large projects" it supports could conceivably have an impact on extraterritorial waters or the atmosphere sufficient to trigger the EIS requirement. As a result, it is our contention that OPIC and EX-IM must prepare a Programmatic EIS (PEIS) in connection with support for all programs involving projects contributing to global climate change.

Our attorneys have requested in writing that each agency prepare an Environmental Assessment to determine if a PEIS is necessary. However, both agencies have refused to prepare an environmental assessment. Friends of the Earth has also met with the agencies, but have failed to resolve the dispute over compliance with the National Environmental Policy Act (NEPA).

Attorneys Handling the Litigation:

The Plaintiffs in this litigation are represented by Shems, Dunkiel & Kassel (SDK), a Burlington Vermont law firm that focuses on environmental and energy matters. For more information about SDK and the lead attorneys in the case, Brian Dunkiel and Ron Shems, visit www.sdkattorneys.com

Hoped for Outcome:

A PEIS would provide meaningful results in the battle to have the U.S. take global warming more seriously, and could actually lead to greenhouse gas emission reductions. The analysis that would be completed in the process of completing a PEIS would require consideration of a number of lending alternatives, the environmental impacts of those lending alternatives, including climate change, and opportunities to mitigate the environmental harm caused by lending decisions. Pursuant to this process, a program could be set in place that would redirect a significant percentage of the agencies' budgets

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to financing renewable energy projects in developing countries, and phasing out support for fossil fuel extraction particularly projects where the ultimate goal is export to the United States thereby increasing our greenhouse gas emissions at home. This will avoid climate change harm and increase focus on more clean energy and efficiency at home. The legal action will also demonstrate that climate change impacts are real and harmful to people across the United States.

Black Hats:

In partnership with the Bush Administration, virtually every major energy, oil and gas company and major private bank has received subsidization by Ex-Im or OPIC in the last ten years. Edison, Citicorp, ExxonMobil, Enron, Halliburton (VP Cheney's old stomping grounds), Westinghouse, General Electric, Chase Manhattan, Bank of America and many others receive millions of dollars in taxpayer support from OPIC and Ex-Im. Even foreign corporations receive these corporate welfare handouts, such as a proposed loan to PlusPetrol of Argentina currently under consideration for the Camisea project in Peru. A number of non-governmental organizations are currently campaigning to stop Ex-Im support of a loan guarantee for the Camisea extraction project in Peru as well as OPIC/Ex-Im loans to BP for the Baku-Ceyhan pipeline in the Caspian.

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Plaintiffs

- [Friends of the Earth](#)
- [Greenpeace](#)
- [Boulder, CO](#)
- [Arcata, CA](#)
- [Santa Monica, CA](#)
- [Oakland, CA](#)

Affected members/citizens:

Pam and Jesse Williford

Pam and Jesse Williford live in Raleigh, North Carolina. Mrs. Williford works at home. Mr. Williford is retired from a career with IBM and now teaches math at Wake Technical Community College. Mr. and Mrs. Williford are members of Greenpeace and Friends of the Earth.

Mr. and Mrs. Williford bought a building lot on Emerald Isle on North Carolina's Outer Banks approximately twenty-five years ago. They hope to build a home and retire there within the next couple of years. The lot is located in the middle of the western side of the island approximately 1,000 feet from the ocean side of the island with an approximate elevation of five to eleven feet.

Mr. and Mrs. Williford are concerned about the rising ocean levels, increased storm surge, the increased frequency and severity of storms, and increased erosion resulting from climate change. They may not have bought the lot if, twenty-five years ago, they had known the dangers of climate change. If the Williford's build, they will have to design and build their home at substantial additional cost to account for rising ocean levels, and the resulting erosion from more frequent and more powerful storms. The Williford's are also concerned about Emerald Isle's vegetation. The storms and storm surge will adversely affect the trees and vegetation and the island's aesthetic value. Additionally, there is concern about the effects on the water supply and sewage systems. Mr. Williford says "I did not think that in our lifetime or our kids' lifetime that a house in the middle of Emerald Isle would be so affected, but now we know otherwise."

Dr. Phillip Dustan

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Dr. Phillip Dustan is a full-time professor in the Biology Department of the College of Charleston in Charleston, South Carolina. He is a member of Friends of the Earth.

Dr. Dustan started his study of coral reefs in 1969. Much of his work has focused on coral reefs off the Florida Keys. In 1974, he established long-term reef monitoring sites in the Key Largo National Marine Sanctuary. This site is the oldest permanently marked coral reef study site in the Eastern Atlantic/Caribbean area. He is still monitoring that site and has published papers detailing his findings. In 1995, Dr. Dustan was asked to be a principal investigator on the Environmental Protection Agency's Florida Keys Coral Monitoring Project.

The EPA Coral Reef Monitoring Project documented an overall 38 percent loss of living coral cover in the Florida Keys National Marine Sanctuary between Key Largo and Key West and the Carysfort Reef in the northern Florida Keys between the years 1996 and 2000. Climate change is a significant factor responsible for this loss of coral.

Climate change harms Dr. Dustan because its effects diminish opportunities for fundamental biological research. Dr. Dustan states that the impacts on coral reefs are "tantamount to going to Sequoia National Forest and finding every 90 out of 100 trees dead or on the ground. I cannot keep my head in the sand and keep studying the pure physiology and evolutionary biology of corals. I have to speak up."

Dr. Dustan's recreational interests are also harmed by climate change. He is an active scuba diver. He has and will continue to scuba dive in reefs affected by climate change, including reefs off of the Florida Keys. These reefs are no longer healthy. They are very small with only few individual colonies, and with far fewer fish. His enjoyment of the reefs, and his ability to share the reefs with family and friends has been diminished.

Dr. Dustan and his family also own land and are building a home on John's Island, approximately 10 miles southwest of Charleston, SC. He and his family bought the land in 1999. Their home is being built on the shore of an estuary known as the Stono River, approximately 5.5 miles from the ocean and on land eight feet above sea level. The climate change is causing rising sea levels, increased storm severity, and increased storm frequency. As a result, Dr. Dustan is building his home higher and stronger than required by current code even though the home is over five miles from the ocean. This is costing him a significant amount of money. His insurance for the new home is more expensive, which Dr. Dustan believes is attributable to the effects of climate change.

Arthur and Anne Berndt

Arthur and Anne Berndt own and operate Maverick Farm in

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Sharon, Vermont. They have owned Maverick Farm since 1988. They are members of Greenpeace and Friends of the Earth. Maverick Farm is one of the largest maple syrup producers in Vermont. Maple syrup is produced from sap drawn from approximately 15,000 – 16,000 sugar maple trees.

Arthur and Anne plan to continue operating Maverick Farm for at least the next twenty years. He will either pass the farm on to his children or conserve the land when he retires.

However, Arthur understands that, as a result of global warming, there will be a significant northward shift in the prevailing forest types. According to official U.S. government reports, the maple-beech-birch forest type is projected to shift north into Canada and no longer be dominant in the northeastern United States by the late 21st century. The diminished population of sugar maples will cause loss of syrup production in northern New York and New England. At current rates of warming, this shift is likely to occur with the next ten to twenty years, and possibly sooner if the warming is accompanied by outbreaks of pests or disease.

"We all feel nervous about climate change," says Arthur Berndt. "If we have no maples we have no farm income and the aesthetic value of the land will be devastated. This would adversely affect the economic and conservation value of my farm."

Over the last few years, Mr. Berndt has noticed that the regeneration rate for the sugar maple trees appears lower, although the trees' production of seeds has been unusually and exceedingly heavy. The seeds sprout but the trees die while they are still small saplings. Maple trees produce heavy seed crops when they are stressed.

He has also noticed that the maple-sugaring season starts and ends earlier. This year (2002), the season started in mid-February. Generally, the season has advanced two to three weeks, to well before Town Meeting Day —the traditional start of the season. Town Meeting Day in Vermont is the first Tuesday in March. He has also noticed that they receive more rain and less snow during the winter and that swings in the weather are more dramatic and that low temperatures are now warmer. Low temperatures below freezing are necessary to maple syrup production.

"If climate change will have the predicted impacts, we should start culling trees now as the timber market will become saturated rather quickly once maples start disappearing in large numbers. However, like many people, we are in denial because it is too depressing to consider the loss of Maverick Farm's long-term value," says Arthur Berndt.

Melanie Duchin

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Melanie Duchin lives and works in Anchorage, Alaska. She is a voting member of Greenpeace, a supporter and a Greenpeace employee.

Ms. Duchin currently lives in downtown Anchorage and would like to buy a house on the Anchorage hillside. However, she is afraid to invest in a home on the Anchorage hillside because of fire danger. Warmer temperatures, linked to global warming, have contributed to a spruce bark beetle outbreak that has decimated the forests of southcentral Alaska. Many forests and trees are dead or dying, creating a significant fire danger. The drier weather over the last several years also contributes to this fire danger.

The dying Spruce trees throughout the region also harm Ms. Duchin's recreational interests in southcentral Alaska. She lives fifteen minutes from hiking trails in the Chugach Mountains which form a perimeter around the south and east sides of Anchorage. She regularly hikes and runs in the Chugach Mountains. She also travels to the Matanuska-Susitna Valley, Prince William Sound and the Kenai Peninsula several times every summer to visit friends, hike and run in the mountains, kayak, and sail. Ms. Duchin's wilderness recreational activities are diminished by concern and worry about this and the threat of fire.

Dead and dying Spruce trees are everywhere in her area. On the Kenai Peninsula, an entire Spruce forest has died in the last decade. The dead and dying forests obviously have dramatic and adverse impact on Alaska's aesthetic beauty, as well as its safety as a recreational destination.

Ms. Duchin also spends time in the Alaskan Arctic for her personal enjoyment. The Arctic is one of her favorite places because of its unique beauty and the distinctive Arctic species of flora and fauna that live there. In June of 2000 she took a whitewater-rafting trip down the Hula Hula River. The trip started in the Brooks Range and ended at the Beaufort Sea. The entire trip was in the Arctic and in environments of permafrost, glacially-fed rivers and the Beaufort Sea. Each of these environments is affected by global warming.

Her Labrador retriever has been trained to track ringed seals for biologists studying in the Arctic. She is continuing his training and intends to travel to work with more biologists conducting research in other parts of the Arctic. However, shrinking and receding pack ice makes the Arctic environment more dangerous for her and her dog. Early spring break-up, early flooding of rivers and unstable ice are hazards that are linked with and exacerbated by global warming.

Melanie would like to continue to travel in the Arctic for recreational purposes. She loves to bird watch, and see mammals such as musk ox, caribou, and grizzly bears. She also enjoys watching seals and whales in their natural habitat.

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It is very important to her that the Arctic and all of its distinctive species and ecosystems remain intact. She is planning an excursion on the ice with her dog in the spring of 2003 and an Arctic river trip in the summer of 2003, but can only hope to return to the Arctic in subsequent years given the pace of global warming in the region.

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 City of Boulder, CO, City of Oakland, CA
 City of Arcata, CA, Santa Monica, CA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

FRIENDS OF THE EARTH, INC., et al.,)	
)	
Plaintiffs,)	Civ. No. C 02-4106 JSW
v.)	
)	Date: February 11, 2005
PETER WATSON, et al.,)	Time: 9 A.M.
)	Courtroom 2, 17 th Floor
Defendants.)	

DECLARATION OF JESSE WILLIFORD

I, JESSE WILLIFORD, declare as follows:

1. My name is Jesse Williford. I live in Raleigh, North Carolina.

My wife is Pam Williford. I am retired from a career with IBM and now
 teach math at Wake Technical Community College. My wife works at home.
 My wife and I are members of Greenpeace and Friends of the Earth.

1 2. My wife and I bought a building lot on Emerald Isle on North
2 Carolina's outer banks approximately twenty-five years ago. We hope to
3 build a home and retire there within the next couple of years. The lot is
4 located in the middle of the western side of the island approximately 1,000
5 feet from the ocean side of the island. The lot has an approximate elevation
6 of five to eleven feet.

7 3. My wife and I are concerned about the rising ocean levels,
8 increased storm surge, the increased frequency and severity of storms, and
9 increased erosion resulting from climate change. We may not have bought
10 the lot if, twenty-five years ago, we had known the dangers of climate change.
11 If we decide to build, we will have to design and build our home at
12 substantial additional cost to account for rising ocean levels, the resulting
13 erosion, increased storm frequency and severity, and storm surge caused by
14 climate change.

15 4. Although we have not yet built a home, my wife and I still visit
16 Emerald Isle regularly – at least twice a year – and we enjoy the aesthetic
17 value of the island's vegetation and its associated wildlife. We plan to return
18 to Emerald Isle in 2005. However, my wife and I are concerned about
19 Emerald Isle's vegetation. The increased frequency and severity in storms
20 and storm surge caused by climate change will adversely affect the trees and
21 vegetation and will damage the island's aesthetic value. This damage will
22 diminish our enjoyment of the island.

1 5. Additionally, we are concerned that the increased frequency and
2 severity in storms and storm surge caused by climate change will affect
3 Emerald Isle's water supply and sewage systems. I did not think that in our
4 lifetime or our kids' lifetime that a house in the middle of Emerald Isle would
5 be so affected, but now I know otherwise.

6 6. I believe that OPIC's and ExIm's actions increase the risk that
7 my interests and my wife's interests are and will continue to be harmed by
8 climate change.

9
10 I swear under the penalty of perjury that the foregoing is true and
11 correct to the best of my knowledge.

12
13 December 30, 2004

14 

15 Jesse Williford