



# SUSQUEHANNA

*A Publication of the Community Environmental Legal Defense Fund*

## IN THIS ISSUE

**BOWLING GREEN, OH: WE HAVE A RIGHT TO A LIVABLE CLIMATE**

PAGE 2

**OH LEGISLATURE'S HB 463: THE CORPORATE STATE ATTEMPTS TO QUASH DIRECT DEMOCRACY**

PAGE 2

**A STEP TOWARDS RECOGNIZING RIGHTS OF NATURE**

PAGE 4

**WATER PROTECTORS BATTLE THE INDUSTRIALIZED TIMBER INDUSTRY**

PAGE 4

**THE PIPE DREAM OF A PIPELINE TAKES CENTER STAGE IN COOS COUNTY, OR**

PAGE 5

**NEW HAMPSHIRE'S DÉJÀ VU**

PAGE 6

**ADVANCING THE RIGHT TO CLIMATE**

PAGE 6

**WE THE PEOPLE 2.0 GOES ON A TOUR OF THE NORTHWEST**

PAGE 7

## STOPPING FOSSIL FUEL TRAINS, ENFORCING A RIGHT TO CLIMATE

CELDF filed a first-of-its-kind lawsuit in federal district court in Spokane, WA, on January 31<sup>st</sup>. The lawsuit contends that the rail transportation of coal and oil through the City violates the right of the people of Spokane to a livable climate.

Residents brought the suit against the federal government, asserting that the federal law preempting localities from regulating rail traffic guarantees further warming of the climate. Therefore, they argue, it must be overturned.

The lawsuit is being brought by six people who were recently arrested for blocking coal and oil rail shipments. An additional plaintiff is a local physician who has filed a citizen's initiative seeking to recognize a local right to climate in Spokane. The measure prohibits rail shipments as a violation of the right.

In 2016, residents proposed a similar initiative, requesting Spokane City Council place the measure before voters. The City Council did so for the November 2016 ballot.

CONTINUED ON PAGE 7

## PA DEPARTMENT OF ENVIRONMENTAL PROTECTION SUES TOWNSHIPS TRYING TO PROTECT THE ENVIRONMENT

*Susquehanna* readers have seen quite a bit about CELDF working with Grant and Highland Townships over the last several issues. And there's more.

Both Townships are fighting frack wastewater injection wells. Injection wells threaten drinking water supplies and have caused earthquakes in states such as Ohio and Oklahoma, leading to their shutdown. Simply put, they're like having a toxic waste dump sited in your community.

Both Townships originally passed CELDF-drafted Community Bills of Rights Ordinances that banned the injection wells as a violation of the communities' rights. Both communities were sued by the corporations that want to inject -

CONTINUED ON PAGE 3

# BOWLING GREEN, OH: WE HAVE A RIGHT TO A LIVABLE CLIMATE



Bowling Green, OH, students and residents are joining together with CELDF, and have proposed the first *Right to a Livable Climate Bill of Rights* law in Ohio. They are collecting signatures to place the amendment on the November ballot.

Community members face Spectra Energy Corporation and its proposed Nexus pipeline. The pipeline would pass under the Maumee River, threatening the City's drinking water source and located perilously close to the Bowling Green Fault.

Unwilling to sacrifice their community to the fossil fuel industry, the student-resident coalition formed this year. Spectra had requested an easement from the City to allow the pipeline to cut through City property. Community members crowded City Council meetings, successfully urging their representatives to deny the easement.

However, recognizing their community is still under threat, the student-resident coalition worked with CELDF to draft the right to climate law.

Daniel Myers, President of the Bowling Green student group, described the effort: "The students recognize that the continued extraction of fossil fuels is causing increas-

ing atmospheric greenhouse gas concentrations, which is causing climate destabilization, mass species extinction, and human suffering. We are unwilling to wait for elected officials to solve this problem - the stakes are too high. We have to do something now. That is why we are a part of this effort to propose a law for Bowling Green that actually prohibits the pipeline from causing further damage and jeopardizing our future."

The students hope their efforts inspire other young people to advance environmental rights in their communities.

## OH LEGISLATURE'S HB 463: THE CORPORATE STATE ATTEMPTS TO QUASH DIRECT DEMOCRACY

On December 8, 2016, wrapped in a bill addressing foreclosures, HB 463 was adopted by Ohio legislators. The people's purported "representatives" see citizen-initiated legislation as a threat to the interests of their corporate masters, rather than as the will of the people they are duty-bound to serve.

The state senate quietly and secretly added language unrelated to the subject of the foreclosure bill. The clause granted Boards of Elections and the Ohio Secretary of State the authority to block citizens' initiatives at the local level based on *their opinion* of the content.

HB 463 is a direct assault on the people's constitutional right to propose laws by initiative petitions, which provides residents decision-making authority in their communities via the ballot box.

The right of the people to propose laws and county charters was a hard-fought right, secured by the efforts of many people in Ohio during the early 1900's. It was a direct response to a corrupt state legislature run by powerful party "bosses." The people wanted a tool to combat this corruption and lack of local control. They fought hard against Big Business and other powerful interests to codify the right to initiative and referendum, which was adopted as a state constitutional amendment in 1912.

In 1933 the same group of reformers succeeded in securing another amendment to the state constitution that allowed county residents to create home rule charters through a *charter commission*. And in 1978, Article 10 of

the Ohio Constitution was amended to allow any *person or group of persons* to propose a county charter for a vote by county residents.

Ohioans understood their right to “alter, reform or abolish government, whenever they deem it necessary” was - and still is - a right secured in their state constitution. Citizen initiative is the tool allowing the people a means to do so.

Thus, today’s legislature adopted HB 463, almost 100 years after the original initiative and referendum amendment was adopted by Ohio residents. Rather than being controlled by party bosses, today our legislature is controlled by corporate interests intent on forcing harms into our communities, and creating sacrifice zones for their own profit.

CELDF has supported dozens of communities as they attempted to protect themselves from these harms. Communities across the state spearheaded Community Rights initiatives codifying rights and prohibiting harmful corporate practices more than 28 times in the last four years. HB 463 is a direct response to these efforts and an attempt to choke the life out of citizen initiative in Ohio.

The people of Ohio are unwilling to accept this illegitimate and unconstitutional law. Choke-hold or not, they are preparing rights-based citizen initiatives again for circulation. The people will not be silenced.

***PA DEPARTMENT OF ENVIRONMENTAL -  
CONTINUED FROM PAGE 1***

Pennsylvania General Energy (PGE) in Grant, and Seneca Resources in Highland.

Those Ordinances were later superseded by rights-based Home Rule Charters, or local constitutions. These were also drafted with CELDF’s assistance. A majority of voters in Grant and Highland adopted the Charters, which included bans on injection wells.

Then, in late March 2017, the Pennsylvania Department of Environmental Protection (DEP) – otherwise known as the “Department of Everything Permitted” by many communities – issued permits to PGE and Seneca.

This was not surprising.

However, what is surprising is that the DEP simultaneously *sued* both Grant and Highland Townships to nullify portions of their Charters that the DEP believes interfere with state oil and gas policy.

Let’s be clear: Our state agencies, tasked with “environmental protection,” are legalizing harmful activities by issuing permits to corporations with histories of violations. And, they are doing so against the will and sovereign law of the people who live in the community. Equally egregious, those state agencies are now *suing* communities who dare to stand up to unjust laws that privilege corporate interests above the communities’ health and safety.

CELDF continues to work with residents to fight against toxic waste. The meaning of “corporate-state” has never been more clear. And the need for Community Rights never more important.

## KEY CONTACTS

### REGIONS

#### *Pennsylvania*

Chad Nicolson  
chad@celdf.org  
207-541-3649

#### *New Hampshire*

Michelle Sanborn  
michelle@celdf.org  
603-524-2468

#### *Northwest*

Kai Huschke  
kai@celdf.org  
509-607-5034

#### *Ohio*

Tish O’Dell  
tish@celdf.org  
440-838-5272

#### *National Organizing Director*

Ben Price  
benprice@celdf.org  
717-254-3233

#### *Media*

Mari Margil  
mmargil@celdf.org  
717-498-0054

#### *Democracy School & General Information*

Stacey Schmader  
stacey@celdf.org  
717-498-0054

#### **CELDF**

P.O. Box 360  
Mercersburg, PA 17236  
Phone: 717-498-0054  
Email: info@celdf.org  
Web: www.celdf.org



# A STEP TOWARDS RECOGNIZING RIGHTS OF NATURE

In March, the High Court of Uttarakhand in northern India issued a ruling declaring that the River Ganga and River Yumana are “legal persons/living persons.” This comes after numerous rulings by the court which found that the rivers are severely polluted, putting their very existence in question.

CELDf has been working in India for a number of years, with the Global WASH Alliance-India and Ganga Action Parivar, on the proposed *National Ganga River Rights Act*. The Act would recognize fundamental rights of the Ganga to exist, flourish, evolve, and be restored, and the people of India to a healthy, thriving river ecosystem. The legislation is now under consideration by India Prime Minister Narendra Modi’s government, which in recent months established a committee to review the Act.

In the Court’s ruling in March, it called for “legislation at the national level dealing with the Ganga alone.”

The Court’s recognition of personhood rights for the rivers - followed by a second decision declaring that glaciers and other ecosystems in the State of Uttarakhand are persons with certain rights - are an important step toward the recognition of the full rights of the rivers to be healthy, natural ecosystems. Such rights would include the rights of the rivers to pure water, to flow, to provide habitat for river species, and other rights essential to the health and

well-being of these ecosystems.

In the U.S., as well as in Ecuador, rights of nature laws secure rights that are necessary to the ability of ecosystems to be healthy and thrive. These laws transform ecosystems from being considered resources available for human use, to living entities with inherent rights.

Communities and nations are considering and adopting these laws as recognition grows around the world that environmental laws premised on regulating the use of nature, are unable to protect nature.

In a 2016 ruling, the Uttarakhand Court wrote, “All the rivers have the basic right to maintain their purity and to maintain free and natural flow.” Whether the Court includes these rights within the scope of its recent “personhood” declaration, or whether courts will expand on the scope of personhood rights, is not clear.

The High Court’s ruling comes after the finalization of a settlement agreement between the Maori people and the government of New Zealand. In that settlement, the Whanganui River is recognized as having personhood rights.

The court rulings in New Zealand and India are critically important, supporting the move away from legal systems which treat nature as property under the law, to laws which recognize and protect the inherent rights of nature.

## WATER PROTECTORS BATTLE THE INDUSTRIALIZED TIMBER INDUSTRY

On May 16<sup>th</sup>, Lincoln County, OR, residents will vote on Measure 21-177, *The Freedom from Aerially Sprayed Pesticides Community Rights Ordinance*.

The measure was drafted with assistance from CELDF. If adopted, Lincoln County residents will ban aerial spraying and secure their rights:

- to clean water
- to be free from toxic trespass
- and to protect the rights of ecosystems

The local Community Rights group is prioritizing education and outreach. They are making deep in-roads with neighbors to help them understand the dangers of pesticides, the importance of protecting the right to clean water, and to ensuring corporations serve people – rather than people serving corporations.

The campaign is heating up as the corporate funded opposition ratchets up the hysteria propaganda, which is focusing on everything but the issue at hand: the dangers and harms of aerial spraying. More than \$70,000 has flowed in to fund the anti-Community Rights efforts, sourced from the timber industry, farm lobby groups, and the chemical corporations that supply the toxic pesticides.

Support for Measure 21-177 is coming from healthcare providers, local businesses, activists groups, recreation advocates, and the city of Yachats. Yachats Mayor Gerald Stanley said, “it does affect our own watershed, specifically, so I see this [Measure 21-177] as something important enough for the city to take a stand on.”

For more information visit [www.yes-on-21-177.org](http://www.yes-on-21-177.org) and [www.lincolncountycommunityrights.org](http://www.lincolncountycommunityrights.org).



# THE PIPE DREAM OF A PIPELINE TAKES CENTER STAGE IN COOS COUNTY, OR

For three years, the local Community Rights group, *Coos Commons Protection Council*, has partnered with CELDF in grassroots organizing and education to protect Coos County, OR, from a proposed LNG pipeline and export terminal.

CELDf assisted the community group to draft Measure 6-162, *The Coos County Right to a Sustainable Energy Future* ordinance. The measure protects the rights of Coos County residents to environmental health – including clean air and water – and the right to local community self-government. It also includes the right of nature to exist and flourish.

The citizen's initiative will be voted on May 16<sup>th</sup>. Meanwhile, Oregon's largest CO<sub>2</sub> emitter (the pipeline and Jordan Cove export terminal if they go into operation) and corporate backers promise milk and honey in the form of jobs – all of which are documented to be short term. They also threaten the sky is falling with claims of bankruptcy and boarded up gas stations if the rights-based measure is adopted.

Absent from their campaign rhetoric is the environmental and economic devastation that will take place if the export terminal and pipeline are built: climate change emissions are significant, ecosystems will be upheaved, and the commercial fishing industry damaged.

Adding to the harms is fossil fuel corporations' invoking eminent domain to seize private property to accommodate the pipeline route.

*Coos Commons Protection Council* members are working to reveal the corporate rhetoric and educate the broader community on the impacts of these projects. They are supported by many who believe in the campaign slogan, "Our County. Our Choice" and are determined to protect individual property owners, the land, the local economy, and to set the direction for a viable energy future that actually benefits Coos County.

For more information, visit: [www.yeson6-162.org](http://www.yeson6-162.org) and [www.cooscommons.org](http://www.cooscommons.org).

# NEW HAMPSHIRE'S DÉJÀ VU

More than ten years ago, USA Springs, LLC targeted the towns of Nottingham and Barrington, NH, to site their water withdrawal and bottling plant. After years obtaining environmental studies, fighting permit applications, and spending over \$400,000 in town legal fees to fight the legalization of corporate water theft, residents decided to take a different approach.

## *Nottingham's Rights*

Nottingham residents worked with CELDF to draft the *Nottingham Water Rights and Local Self-Government Ordinance*, which they adopted at their 2008 annual Town Meeting. Their rights-based ordinance declares, "all residents of the Town of Nottingham possess a fundamental and inalienable right to access, use, consume, and preserve water drawn from the sustainable natural water cycles that provide water necessary to sustain life within the Town."

The ordinance also eliminates corporate constitutional "rights" and prohibits those "rights" from being used to override the rights of human and natural communities. In order to protect enumerated rights within their local law, the extraction of water, and the buying and/or selling of water extracted within the Town of Nottingham, is prohibited.

USA Springs filed for bankruptcy the same year.

For more than eight years, Nottingham residents have notified every potential investor of the USA Springs property of their water rights ordinance and their intent to enforce it should it be violated. This seemed enough to deter investors.

## *Barrington's Rights*

Barrington residents followed the path of Nottingham, working with CELDF for several years. The community faced mining activities that threatened their water and local ecosystems. After diligently educating, organizing, and petitioning, in 2016, they passed a local rights-based ordinance protecting their water and prohibiting corporate resource extractions. The prohibitions include the extraction of water, minerals, gravel, and sand as a violation of rights. The ordinance provides for enforcement of the bill of rights against corporations engaged in those activities.

## *They're Back*

Late last year, investors petitioned the bankruptcy court with a bid to purchase the USA Springs property and as-

sets. Those assets include buildings and expired permits to withdraw water from the towns of Nottingham and Barrington.

As a united front, water protectors from both communities are working together, educating the broader community about the renewed corporate threats and determining their next steps. The education campaign includes learning about what other communities have done through screenings of *We the People 2.0*. This film shares stories about communities across the country that are using CELDF's Community Rights organizing strategy to elevate the rights of people and nature above the "rights" of corporations.

They are also working together to host a Democracy School in October to educate residents about confronting corporate control over their constitutional rights. And, they are exploring means to enforce their Bills of Rights.

"You don't lose until you quit!" has been a reminder to Nottingham and Barrington residents to keep on keeping on: It's their communities' water they are protecting.

No water, no life.

# ADVANCING THE RIGHT TO CLIMATE

CELDf has been advancing the rights of nature, including a right to a healthy climate, for a number of years.

Our work with the right to climate began abroad, including in Nepal, where the country faces the melting of the Himalayan glaciers due to climate change.

In the United States, there is growing urgency on climate change as the new administration seeks to roll-back President Obama's efforts to curb global warming and other environmental rules.

As governing officials at the national level turn their backs on people and the environment, there is a growing understanding that meaningful change on global warming must come from below.

Today climate change is far more advanced than even the most optimistic scientific models predicted. This comes as many scientists predict that under the 2015 international agreement known as the Paris Accords, cli-



mate change will continue to advance beyond what many believe is the planetary tipping point - even if all promises made by nations are met.

More and more communities and groups are working with CELDF to take critical steps at the local level to transform the climate change landscape. In March, Lafayette, CO, adopted the first-in-the-state law securing the right to climate for humans and nature. The measure was drafted with CELDF and adopted by the City Council.

This new law follows the filing of a federal lawsuit by Spokane, WA, residents, partnering with CELDF, on the right to climate. As well, a federal court in Oregon recently found that a right to a healthy climate does exist.

In Bowling Green, OH, community members are working with CELDF. They recently launched a campaign to place a right to climate initiative on the ballot later this year.

Efforts are growing. Learn more at [celdf.org](http://celdf.org).

## **STOPPING FOSSIL FUEL TRAINS - CONTINUED FROM PAGE 1**

However, City Council reversed course. They were threatened by railroad corporations, and heard the pleadings of big environmental groups from the west side of Washington state. The environmental groups said they were in negotiations with railroad companies to make the fossil fuel transportation safer, and didn't want the initiative to threaten those talks.

Thus persuaded, the Council voted to remove the initiative from the ballot, depriving Spokane residents from voting on the measure. City Council President Ben Stuckart justified their action. He explained that the City lacked the authority to regulate rail traffic; therefore, it would be illegal and irresponsible for Council to keep the measure on the ballot.

Direct Action Spokane drafted a new initiative in response to City Council caving to the railroad corporations. Their *Right to Climate* initiative would recognize a right to a livable climate within the City. It would recognize a right of residents to be free from the rail transportation of oil and gas, and elevate climate rights above railroad corporate "rights." As well, it would legalize nonviolent civil disobedience to enforce the law if the law is not enforced by the City or the courts.

For more information, to get involved in qualifying the initiative for the ballot, or if you're interested in advancing a similar initiative in your own community, go to [www.celdf.org](http://www.celdf.org) or contact [kai@celdf.org](mailto:kai@celdf.org).

## **WE THE PEOPLE 2.0 GOES ON A TOUR OF THE NORTHWEST**

*We the People 2.0 - The Second American Revolution* is a documentary about CELDF's work with our partner communities to protect themselves from fracking, factory farms, sewage sludging, and other harms, using Community Rights.

This spring, CELDF's Northwest community organizer, Kai Huschke, went on tour with *We the People 2.0* in Washington and Oregon.

In Washington, the tour stopped in Gig Harbor, Anacortes, Olympia, Port Angeles, Hoquiam, and Bellingham, and was met with large audiences and eager viewers wanting to learn more about Community Rights. Huschke provided a Q & A following the film, providing more front line stories about Community Rights. CELDF attorney Lindsey Schromen-Wawrin added to the post-screening conversation in Port Angeles.

Gig Harbor hosted a Community Rights training following their screening, drawing nearly 50 people. Bellingham residents have been meeting since their screening to explore

using Community Rights and Rights of Nature to protect the Salish Sea (Puget Sound).

In Oregon, the tour received high turnout and strong support, stopping in Florence, Cottage Grove, Eugene, McMinnville, Medford, Gold Beach, and Ashland.

McMinnville first screened *We the People 2.0* last fall, and has been building a campaign to advance Rights of Nature since then.

In Gold Beach, people, pets, and livestock were exposed to toxic chemical spraying a few years ago, resulting in deaths of animals and people suffering from short and long term sickness. Following the Gold Beach screening, residents are considering a Community Rights ordinance banning aerial spraying of pesticides. Lane and Lincoln Counties have similar efforts on the ground today.

For more information on Community Rights organizing in Washington and Oregon, contact Kai Huschke at [kai@celdf.org](mailto:kai@celdf.org). Learn more about *We the People 2.0* at [www.wethepeople2.film](http://www.wethepeople2.film).

# CELDF IS SPEARHEADING A MOVEMENT TO ESTABLISH RIGHTS FOR PEOPLE AND NATURE OVER THE SYSTEMS THAT CONTROL THEM.

JOIN THE MOVEMENT WITH A CONTRIBUTION TO CELDF  
ALL CONTRIBUTIONS ARE TAX DEDUCTIBLE.

## YES, I SUPPORT CELDF! ENCLOSED IS MY CONTRIBUTION OF:

\$30     \$50     \$150     \$500     OTHER: \$ \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

CREDIT CARD: MC / VISA / DISC / AMEX (CIRCLE ONE)

NAME ON CARD: \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_ 3 OR 4 DIGIT SECURITY CODE: \_\_\_\_\_

## PLEASE MAKE CHECKS PAYABLE TO:

### CELDF

P.O. Box 360  
Mercersburg, PA 17236

- I would like to receive the CELDF newsletter via email.
- Add my email to the CELDF News Listserve.

To contribute online, visit our website:  
[www.celdf.org](http://www.celdf.org)

All contributions are tax deductible



## THE COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND

P.O. BOX 360  
MERCERSBURG, PA 17236  
[WWW.CELDF.ORG](http://WWW.CELDF.ORG)



Please Donate