The background image is a photograph of a natural landscape. In the foreground, there is a field of vibrant yellow flowers, possibly wildflowers, growing in a grassy area. To the left, a small stream or pond is visible, with some green algae or moss on its surface. The middle ground is filled with tall, slender trees, likely cypresses, which are heavily draped with Spanish moss. The trees extend into the background, creating a dense forest. The sky is a clear, bright blue, suggesting a sunny day. The overall scene is a lush, natural environment.

Tulane Environmental Law Clinic  
**Annual Report**  
**2017 - 2018**



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## Message from the Director

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December 28, 2018

Dear Colleagues:

Reflecting on the Clinic's work from a new vantage point – that of Director – I am struck by how much of our efforts this past year were devoted to fenceline communities, the people who live adjacent to industrial facilities and bear the brunt of pollution. A disproportionate number of these communities are comprised of low-income and African-American residents.

In January, four of us – myself, supervising attorney Liza Calderón, and two student attorneys – appeared before a local court on behalf of concerned citizens from the small, river town of St. James, Louisiana, and ally organizations. Residents of this African-American community were watching closely as we pled with the court to overturn an agency decision to allow yet another oil & gas pipeline into their neighborhood. This pipeline would bring new environmental risks to a community already overburdened with pollution and the ever-present threat of industrial accidents.

After we laid out the case and concluded our argument, our clients erupted into applause. The judge couldn't hold back a smile as he reminded them that this was "a courtroom and not a baseball field." As the crowd filed out of the courtroom, a resident approached us with a heartfelt message. She wanted us to know that, in all the years she and her family had lived in St. James, this was the first time their voices were truly heard by a decision-maker.

We won that case, and we continue to fight for the residents of St. James as the decision is appealed by the pipeline company. Importantly, the court also recognized the urgent need for an evacuation plan, given the risk of industrial accidents and the lack of an escape route for residents of this fenceline community. After years of inaction, parish leaders are now making progress on addressing this notorious problem.

We have, in fact, achieved a good bit of success this year for communities on the front lines of pollution, including other victories for the St. James community. A Baton Rouge court threw out an air permit for an oil and gas tank farm facility seeking a permit change that would increase pollution in St. James. Another court overturned an air permit for a massive sand and gravel strip mining operation that opened literally at the backyards of homes in Denham Springs, LA. On behalf of the Gulf Restoration Network, we resolved a citizen suit against the town of Centreville, MS for discharging raw sewage from its treatment plant into the yards of African-American residents. As a result of our lawsuit, those discharges have ceased, and the Town committed to future improvements to the system.

We don't win all of our cases. In fact, by print time, an appellate court had reversed the decision against the Denham Springs strip mining operation, and we are now seeking relief from the Louisiana Supreme Court. But we are energized by the knowledge that our work has resulted in some real and lasting benefits to our clients. Through both the victories and the setbacks, we will continue to give a voice to fenceline communities, marginalized residents, and others who struggle to protect the health of their environment.

Very truly yours,

A handwritten signature in black ink that reads "Lisa W. Jordan". The signature is written in a cursive, flowing style.

Lisa Jordan, Director  
Tulane Environmental Law Clinic

Since 1989, Tulane Environmental Law Clinic (TELC) has provided free legal representation and community outreach to hundreds of community groups and low-income individuals who have historically been left out of environmental decision-making processes, as well as local governments. TELC helps the Louisiana Bar meet its obligation under the legal profession's rules to ensure that access to justice is not denied to people who cannot afford legal services or whose cause is controversial or unpopular. TELC also contributes to the Louisiana legal community by training ethical and competent litigators through experiential learning opportunities.

**This report details the legal services and community outreach activities of the Tulane Environmental Law Clinic from July 1, 2017 – July 31, 2018.**

To learn more about our work, please visit [www.tulane.edu/~telc/](http://www.tulane.edu/~telc/)



TELC is a proud member of the Mississippi River Collaborative.  
[www.msrivercollab.org](http://www.msrivercollab.org)



## STUDENT ATTORNEYS

Each year, the Clinic trains 15-20 law students to practice environmental law. The Louisiana Supreme Court and the U.S. District Courts in Louisiana have adopted “student practice” rules that authorize Clinic students to appear in court or before any administrative tribunal in Louisiana. This authorization is a privilege, carrying with it the responsibility to provide zealous, diligent representation that meets the highest standards of professional conduct. Clinic students are sworn to place the interests of the client above their personal interests or clinic interests.



Above, from left: Student Attorney Morgan Wilson, TELC Director Lisa Jordan, and Professor Stacy Seicshnaydre (Associate Dean of Experiential Learning, Tulane Law School). Below: Student Attorneys Alex DeGiulio (left) and Allison Skopec (right).



## TELC Classes of Fall 2017 & Spring 2018

Colin Casciato  
Henry Dahlen  
Alexander DeGiulio  
Thomas Gosselin  
Christopher Halbohn  
Julissa Hunte  
Zeke Maggard  
Portia Mastin  
Talia Nimmer

Drew Renzi  
Ashlyn Smith-Sawka  
Allison Skopec  
Thomas Steinfeldt  
Ryan Sundstrom  
Kavan Vartak  
William Vargas  
Patrick Weis  
Morgan Wilson



Above: Fall 2017 TELC student attorneys are sworn in at the Louisiana Supreme Court. From left: Ryan Sundstrom, Kavan Vartak, Patrick Weis, Morgan Wilson, TELC attorney Corinne Van Dalen, TELC Director Lisa Jordan, TELC attorney Machel Hall, Dean Stacy Seicshnaydre, Thomas Steinfeldt, Chief Justice Bernette Johnson, Alex DeGiulio, Allison Skopec, Chris Halbohn, Talia Nimmer, Colin Casciato, TELC Attorney Liza Calderon, Thomas Gosselin, Ashlyn Smith-Sawka.

# TELC Students at Work



Top left: Student Attorneys Allison Skopec and Ashlyn Smith-Sawka with client member Rickey Robertson at Fort Polk, LA. Bottom left: Clinic Attorney Corinne Van Dalen and Student Attorney Chris Halbohn. Top right: Student Attorney Henry Dahlen and TELC intern Theo Hilton with Oakville community members. Middle right: Pastor Harry Joseph and Genevieve Butler from the Humanitarian Enterprise for Loving People (H.E.L.P.), a TELC client organization, meet with Student Attorney Zeke Maggard in St. James Parish, Louisiana. Bottom right: (from left to right): Gordon Plaza residents Jesse Perkins, Marilyn Amar, and Lydwina Hurst with TELC Student Attorney Julissa Hunte.

# TELC Students at Work



Top Left: Student Attorney Thomas Steinfeldt researches a case at TELC. Top Right: TELC student intern Robert Tornillo helps photodocument a smoke test to identify sewerage leaks in Centreville, MS. Middle: TELC Attorney Mabelle Hall (left), student attorneys Allison Skopec (center), Ashlyn Smith-Sawka (center right) and William Vargas (far right), with client members of Pegasus Equine Guardian Association at federal courthouse in Lake Charles. Bottom: Student Attorney Colin Casciato with TELC Director Lisa Jordan and Professor Stacy Seicshnaydre (Associate Dean of Experiential Learning, Tulane Law School).



## Summer 2018 Research Assistants & Interns

Summer research assistants help the clinic's staff keep our cases moving between semesters. Undergraduate interns assist the Community Outreach Program, providing support for clients, coalitions, and collaborations.

Right: Summer research assistants (left to right) Lynn Sherwood, Chelsea (Tristan) Danley, and Alex Ortiz. Below: A threatened ecosystem, the wetlands south of Lake Maurepas represent some of the last remaining cypress-tupelo swamp in the Greater New Orleans area.



Tulane Environmental Law Clinic is a client-centered legal services organization. Our clients are diverse – ethnically, culturally, and geographically – and have varying needs for environmental legal representation. Many have struggled for generations to protect their families, homes, and livelihoods against illegal and hazardous land, air, and water pollution, or wetlands degradation. Some are inspired to action because of proposed hazardous operations that threaten their family and community. Others are passionate about saving endangered species or cleaning up public waterways for future generations.

The Clinic represented the following client groups from July 2017 – July 2018:

<b>Air Alliance Houston</b>	<b>Humanitarian Enterprise of Loving People (HELP) Association</b>
<b>American College of Occupational and Environmental Medicine</b>	<b>L'eau Est La Vie Camp</b>
<b>American Thoracic Society</b>	<b>Little Tchefuncte River Association</b>
<b>Apalachicola Riverkeeper</b>	<b>350 New Orleans</b>
<b>Atchafalaya Basinkeeper</b>	<b>Louisiana Audubon Council</b>
<b>Benicians for a Safe and Healthy Community</b>	<b>Louisiana Bucket Brigade</b>
<b>BOLD Louisiana</b>	<b>Louisiana Crawfish Producers Association – West</b>
<b>California Communities Against Toxics</b>	<b>Louisiana Environmental Action Network (LEAN)</b>
<b>Chesapeake Climate Action Network</b>	<b>Ouachita Riverkeeper</b>
<b>Citizens Against Ruining the Environment</b>	<b>Oakville Community Action Group</b>
<b>Concerned Citizens of Belle River</b>	<b>Pegasus Equine Guardian Association</b>
<b>Concerned Citizens of St. John the Baptist Parish</b>	<b>Residents of Gordon Plaza, Inc.</b>
<b>Earthjustice</b>	<b>Save Our Hills, Inc.</b>
<b>Environmental Integrity Project</b>	<b>Sierra Club</b>
<b>Dusky Gopher Frog Experts</b>	<b>Sierra Club Delta Chapter</b>
<b>GreenARMY</b>	<b>Texas Environmental Justice Advocacy Services</b>
<b>Gulf Restoration Network (GRN)</b>	<b>Town of Abita Springs</b>
<b>Holy Cross Neighborhood Association</b>	<b>Waterkeeper Alliance</b>

*The above list does not include the names of individual clients or the names of directly impacted neighborhood groups or churches affiliated with larger membership-based client organizations.*



From left: Lisa Jordan, Linda Swanner, Machelle Hall, Elizabeth Livingston de Calderón, and Corinne Van Dalen.

### **Lisa Jordan, Director**

Lisa Jordan is a native New Orleanian, with degrees from Louisiana State University (undergraduate), Loyola and Tulane Law Schools (JD and LLM, respectively). She comes to the Directorship as a Professor of the Practice with significant litigation and legal educational experience. She was a prosecutor in Orleans Parish for several years, where she handled over 75 felony jury trials and was assigned to the Violent Offender Strike Force. She has spent the majority of the past twenty years working in the Clinic. Before being appointed as Director in July 2017, she served in the Clinic as a student attorney, supervising attorney, Acting Director, and Deputy Director. She made her mark in 1996-1998 as the lead attorney at the Clinic for the St. James Citizens for Jobs and the Environment and its regional and national partners in their successful fight against the proposed Shintech polyvinyl chloride complex in Convent, Louisiana.

### **Elizabeth Livingston de Calderón, Clinical Instructor and Staff Attorney**

Elizabeth Livingston de Calderón started her career in private practice, first with Winthrop, Stimson, Putnam & Roberts in New York City and then with Pepper Hamilton in Detroit, Michigan. She moved to New Orleans in 2002 to teach Legal Research & Writing at Tulane Law School, and directed Tulane Law School's international graduate legal studies program from 2004 to 2006. Ms. Calderón earned her J.D. magna cum laude from Tulane Law School, where she was a member of the Tulane Law Review. She also earned an M.A. in classical languages from Tulane University and a B.A. from Connecticut College. She joined the staff of the clinic in May 2006.

**Corinne Van Dalen, Clinical Instructor and Staff Attorney**

Corinne Van Dalen received her JD in 1990 from the University of Florida, where she also received a B.S. in Journalism in 1986. Following law school, Ms. Van Dalen began her practice in New Orleans representing community organizations in Fair Housing Act suits. In 1992, Ms. Van Dalen moved to Washington, D.C. to work as a legislative specialist for the Coastal States Organization and later for a private law firm counseling clients on environmental matters. Returning to litigation in 1996, she worked at the Washington D.C.-based firm Arnold & Porter on product liability cases. In 2001, Ms. Van Dalen took a position with a firm that brought her back to New Orleans where she worked on insurance coverage suits involving pollution claims. She joined the Tulane Law School faculty in 2005 where she supervises and trains student attorneys at the Environmental Law Clinic. As supervising attorney, she has represented Louisiana Environmental Action Network, Sierra Club, Gulf Restoration Network, and several community organizations in citizen suits and permit challenges under the Clean Air Act, Clean Water Act, Louisiana Coastal Resources Management Act, and Louisiana Environmental Quality Act.

**Machelle Lee Hall, Clinical Instructor and Staff Attorney**

Machelle Lee Hall received her JD from Tulane Law School, where she was the Editor in Chief of the Tulane Environmental Law Journal, her MA from Central European University, and her BA from Hamline University. Ms. Hall worked at F. Gerald Maples, PA in New Orleans for 4 years, where she represented clients in the Comer global warming, Miss. River Gulf Outlet takings, Murphy oil spill, CAPECO oil facility explosion, and various toxic tort, commercial litigation and other cases. Before becoming an attorney, Ms. Hall was a consulting archaeologist performing cultural resource and environmental compliance for commercial construction, Superfund and other development and mitigation projects in the Upper Midwest and Gulf Coast states. Ms. Hall volunteers for the New Orleans Citizen Diplomacy Council, New Orleans Association for Women Attorneys, Louisiana SPCA, and Linda Bruneau Regional Breast Cancer Association.

**May Nguyen, Community Outreach Director** (*outgoing*)

May Nguyen joined TELC in 2015 and served as the Community Outreach Director through July 2018. She conducted public education on environmental law and policy, assisted with advocacy campaigns led by TELC clients, and processed intake requests. In 2013, Nguyen received the Rishwain Social Justice Entrepreneur Award for designing and implementing a novel “impact claims” strategy to gain recognition and damages for lost subsistence from the BP oil disaster. After Hurricane Katrina, Nguyen created small business assistance programs and organized stakeholder partnerships to invest >\$4 million in grants and low-interest loans for rebuilding efforts in New Orleans East. She earned a JD from UCLA Law School with a specialization in Public Interest Law and Policy, a MA from Johns Hopkins University in International Economics and Southeast Asia Studies, and a BA from Amherst College in Political Science.

**Linda Swanner, Legal Assistant**

Linda Swanner joined the Clinic in April 2006 as the Clinic's legal assistant and webmaster. Ms. Swanner previously worked in the Office of Academic Services at Tulane Law School. Her move was prompted by her interests in environmental and environmental justice issues. She provides administrative and clerical support to faculty, clinical staff, and student attorneys.

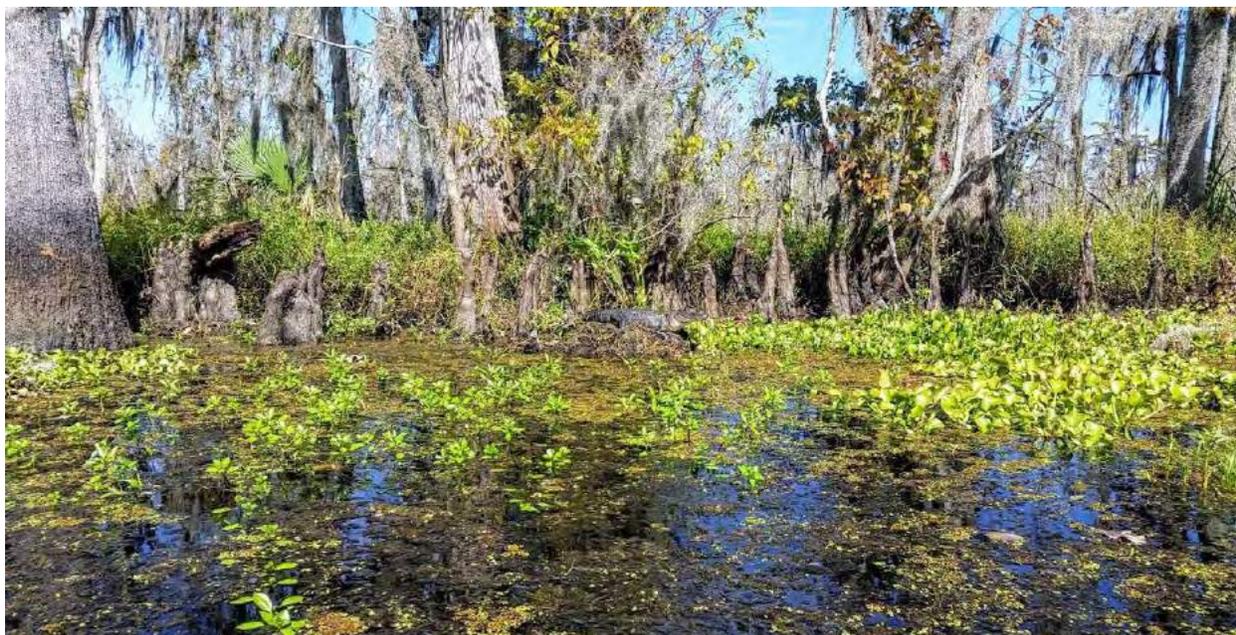
## TELC Legal Advisory Board

The Legal Advisory Board reviews case approval memoranda and recommends approval or disapproval of individual cases. Board members also provide TELC's staff with invaluable advice. We find that the process of seeking case-specific approval from a board forces us to think objectively and critically about potential cases before committing to them. Board members' questions can uncover aspects of a proposed case that we had not previously considered. The board operates independently and is not appointed or controlled by Tulane University.

### Members

Professor Paul Barron  
Professor Kirsten H. Engel  
Monique Harden, Esq.  
James M. Hecker, Esq.  
Professor Jane L. Johnson

Professor Maxine Lipeles  
Michele Merkel, Esq.  
Karla Raettig, Esq.  
Ronald Simon, Esq.



Above: One of the last remaining cypress-tupelo swamps south of Lake Maurepas.

## ***Court Overturns Coastal Use Permit Decision for Pipeline Ending in Environmental Justice community of St. James***

On May 15, 2018, Louisiana's 23rd Judicial District Court ruled in favor of TELC's clients and invalidated the Louisiana Department of Natural Resources' (LDNR's) decision to issue a Coastal Use Permit to Bayou Bridge Pipeline, LLC, to construct and operate a crude oil pipeline through the Coastal Zone of Louisiana and terminating in the African-American town of St. James. The court held that LDNR failed to apply mandatory coastal use guidelines designed to protect public safety and the environment and thereby eliminated the increased protections which should have been afforded to the community prior to issuing a permit to transport crude oil through the neighborhoods of St. James Parish and coastal areas. The court remanded to LDNR with a specific order that it require the pipeline company to develop effective environmental protection and emergency or contingency plans relative to evacuation in the event of a spill or disaster prior to the continued issuance of the permit. *Pastor Harry Joseph, Sr., Genevieve Butler, H.E.L.P., the Gulf Restoration Network, the Atchafalaya Basinkeeper, and Bold Louisiana v. Secretary, Louisiana Department of Natural Resources*, No. 38,163.



Left: Map illustrating the end portion of the proposed 162-mile Bayou Bridge Pipeline in St. James, Louisiana. Below: St. James residents attend a public meeting to learn about the potential and actual impacts to their community from new industrial operations proposed for St. James.



## ***Court Vacates Air Permit for Petroleum Terminal Facility in Chemical Corridor***

On May 10, 2018, Louisiana's 19th Judicial District Court vacated an air permit issued by LDEQ that would allow NuStar Logistics, L.P. to expand its oil and gas storage and increase emissions in the town of St. James. The facility is immediately adjacent to a heavily industrialized African-American neighborhood. LDEQ issued the permit without complying with its public trustee duty to conduct a cost-benefit analysis and consider the effect of the expansion and increased emissions on the adjacent neighborhood. The court remanded the matter to LDEQ for reconsideration and decision. *Louisiana Environmental Action Network, Humanitarian Enterprise of Loving People (H.E.L.P.), Harry Joseph, and Genevieve Butler v. Louisiana Department of Environmental Quality*, No. 662,204



Above: Pastor Harry Joseph, community leader and member of the Humanitarian Enterprise for Loving People (H.E.L.P.), stands in front of the NuStar oil and gas storage facility in St. James, Louisiana.

## ***Citizen Suit Consent Decree Orders Town to Improve Sewerage System***

On November 3, 2017, the U.S. District Court for the Southern District of Mississippi issued a consent judgment incorporating a settlement negotiated by TELC, on behalf of Gulf Restoration Network, with the Town of Centreville, Mississippi, to resolve a citizen suit involving Clean Water Act violations from the Town's sewerage treatment system, including repeated overflows of raw sewage on residents' yards. The decree requires the Town to make improvements to its sewerage system that will reduce stormwater inflow and infiltration and prevent sewage blowouts. The agreement also provides for additional testing, improvements to manholes, changes in the way the town enforces sewerage violations on private land and other methods of improving the sewerage system. *Gulf Restoration Network v. Town of Centreville, Mississippi*, No. 16-cv-0001

Right: Centreville residents prepare to conduct a smoke test to identify leaks in the town's sewerage system, in partnership with Gulf Restoration Network. Photographs from this test were used as evidence of Clean Water Act violations. Below: TELC Attorney Machel Hall records a sewerage leak outside a Centreville home.



## ***Vacated Permit for Sand and Gravel Mine Adjacent to Residential Community***

On October 31, 2017, Louisiana's 19th Judicial District Court vacated an LDEQ minor source air permit that the agency had granted to Southern Aggregates LLC for a sand and gravel mine adjacent to the Oak Hills residential subdivision in Livingston Parish, LA because LDEQ had failed as public trustee of the environment. The Court's written ruling stated that LDEQ's "conclusion that the social and economic benefits of th[e] permit significantly outweighed the environmental impact cost cannot be supported without determination of the economic impact the project will or may have upon neighboring landowners." *Save Our Hills, Louisiana Environmental Action Network, and Oneil Couvillion v. Louisiana Department of Environmental Quality*, No. 653,060.



Above: Executive Director of the Louisiana Environmental Action Network, Marylee Orr (far left), with TELC student attorney and residents of the Oak Hills subdivision.

Tulane Environmental Law Clinic developed the **Clean Air Initiative** to address issues of local air pollution, including emissions from chemical and petrochemical manufacturing activities, which are often concentrated in vulnerable communities comprised of low-income or minority individuals. This initiative aims to stop or reduce dangerous air emissions, deter industry violations of the Clean Air Act, and support effective client participation in government permitting and enforcement processes.

## Lawsuits and Administrative Adjudications

On November 15, 2017, Southern Aggregates, LLC, and the Louisiana Department of Environmental Quality appealed to the Louisiana First Circuit Court of Appeal from a district court decision obtained by TELC in favor of the community which vacated an LDEQ minor source air permit allowing Southern Aggregates to construct and operate a massive sand and gravel mining operation abutting the backyards of the Oak Hills residential subdivision in Livingston Parish, Louisiana. *Louisiana Department of Environmental Quality v. Save Our Hills, et al.*, No. 2018-CA-0100 (La. App. 1 Cir.)

On October 5, 2017, TELC appealed a Louisiana Department of Environmental Quality decision to issue a modified air permit to NuStar Logistics, L.P. that allowed the company to expand its oil and gas storage and terminal operations and increase its air emissions adjacent to an African-American residential community without complying with the agency's public trustee duty to consider the potential environmental impacts of the permit. *Louisiana Environmental Action Network, Humanitarian Enterprise of Loving People, Harry Joseph, and Genevieve Butler v. Louisiana Department of Environmental Quality*, No. 662204 (19th Jud. Dist. Ct.)

On August 21, 2017, on behalf of the Louisiana Environmental Action Network, Harry Joseph, and Genevieve Butler, TELC appealed a Louisiana Department of Environmental Quality decision to issue air permits for the construction and operation of a new methanol production plant in what is currently 80 acres of sugar cane fields in the center of the African-American community of St. James, alleging that the agency failed to uphold its public trustee duty to conduct an alternative sites analysis and to consider the full impacts of the facility on St. James residents. *In the Matter of Air Permits for South Louisiana Methanol, LP, St. James Methanol Plant*, No. 660709 (19th Jud. Dist. Ct.)

## Comments, Notices, and Administrative Petitions

On November 28, 2017, TELC petitioned the EPA on behalf of Sierra Club to object to a proposed Title V Clean Air Act permit that the LDEQ issued to IGP Methanol, LLC for a new manufacturing complex in Plaquemines Parish. The petition alleges that the permit fails to meet the Clean Air Act's Prevention of Significant Deterioration (PSD) requirements and does not require sufficient air emissions monitoring.

On August 10, 2017, TELC petitioned the EPA on behalf of Sierra Club and Louisiana Environmental Action Network to object to a Title V Clean Air Act permit modification that the Louisiana Department of Environmental Quality issued to South Louisiana Methanol, LP for a new methanol production plant in the town of St. James, Louisiana. The petition alleges that the permit fails to meet the Clean Air Act's PSD requirements because it does not require best available control technology to control emissions and does not require monitoring sufficient to assure compliance with emission limits.

On August 4, 2017, TELC petitioned the EPA on behalf of Sierra Club and Louisiana Environmental Action Network to object to a final Title V Clean Air Act permit modification that the Louisiana Department of Environmental Quality issued to Yuhuang Chemical, Inc., for a new methanol plant in St. James Parish, Louisiana. LDEQ issued the final permit modification and response to public comments following an EPA order which required it to reform the permit because it failed to include measures that would assure that plant emissions would not be high enough to trigger PSD thresholds. The EPA order was a result of a petition that TELC submitted on behalf of Sierra Club and Louisiana Environmental Action Network asking the EPA to object to the permit for failing to meet Clean Air Act requirements. This new petition alleged that LDEQ failed to fix the permit and that EPA should issue another objection because the permit still fails to meet Clean Air Act requirements.



Above: Genevieve "Eve" Butler stands on the porch of her home in St. James, Louisiana, an historic African-American community that has been overwhelmed by industrial development.

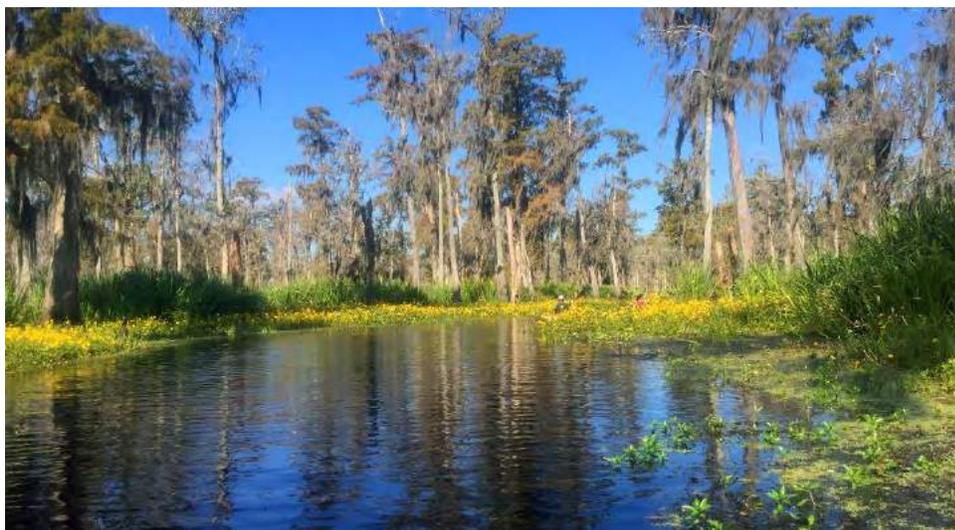
Tulane Environmental Law Clinic developed the **Clean Water Initiative** to provide legal assistance to clients concerned about the quality of groundwater and surface water. This initiative aims to stop or reduce water contamination, deter industry violations of the Clean Water Act, and support effective client participation in government permitting and enforcement processes.

## Lawsuits and Administrative Adjudications

On February 16, 2018, TELC filed a lawsuit on behalf of Gulf Restoration Network, Little Tchefuncte River Association, Louisiana Environmental Action Network, Louisiana Audubon Council, and Sierra Club against the U.S. Environmental Protection Agency to challenge its approval of drastically reduced dissolved oxygen criteria for 31 Louisiana water bodies without applying sound scientific rationale or determining the potential effects on fish and other wildlife. No. 18-1632 (E.D. La.)

## Comments, Notices, and Administration Petitions

On February 28, 2018, TELC commented on behalf of GreenARMY, Louisiana Environmental Action Network, Willie Fontenot, and Oneil Couvillion to the Louisiana Department of Environmental Quality opposing the creation of a water quality trading program which would apply broadly to allow facilities to discharge pollution into any Louisiana waterbody in excess of what the law allows by buying 'pollution credit' from another discharge source.



Left: Cypress-tupelo swamp, a critically important wetland ecosystem for both humans and native wildlife, near Lake Maurepas, LA.

Wetland loss in southern Louisiana has reached catastrophic proportions, threatening the wildlife that depend on these habitats, as well as the local economy and the safety of community residents. Tulane Environmental Law Clinic developed the **Healthy Wetlands Initiative** to facilitate our clients' efforts to protect and restore wetlands, deter industry violations of laws that protect wetlands, and support effective client participation in government permitting and enforcement processes.

## Lawsuits and Administrative Adjudications

On July 6, 2018, TELC filed an Amicus Curiae brief with the U.S. Supreme Court on behalf of species experts in support of the U.S. Fish & Wildlife Service's decision under the Endangered Species Act to list 1,500 acres of private land in St. Tammany Parish, Louisiana, as critical habitat for the critically endangered dusky gopher frog (also called the Mississippi gopher frog, *Rana sevosa*). *Weyerhaeuser Company v. U.S. Fish and Wildlife Service, et al.*, No. 17-71.

## Comments, Notices, and Administrative Petitions

On April 17, 2018, TELC commented on behalf of the Gulf Restoration Network, the Louisiana Audubon Council, the Sierra Club Delta Chapter, Loretto O'Reilly and Hazel Piazza to the U.S. Army Corps of Engineers and the Louisiana Department of Environmental Quality to oppose an application to fill 24 acres of wetlands in a flood-prone area of St. Tammany Parish for the construction of a multi-purpose residential and commercial development, arguing the need for an Environmental Impact Statement evaluating, among other effects, the cumulative impacts of past, present, and future loss of wetlands in the area.

On December 13, 2017, TELC commented on behalf of the Gulf Restoration Network, the Little Tchefuncte River Association, the Louisiana Audubon Council, the Sierra Club Delta Chapter and the Louisiana Environmental Action Network to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service requesting that the Services not concur with EPA's Biological Evaluation that concluded that Louisiana's drastically lowered dissolved oxygen criteria for the waterbodies north and west of Lakes Pontchartrain and Maurepas was unlikely to adversely affect species protected by the Endangered Species Act, including the Gulf sturgeon.

Tulane Environmental Law Clinic developed the **Community Preservation Initiative** to help citizens defend their community from land use decisions that threaten the historic value, cultural fabric, and environmental integrity of vulnerable communities.

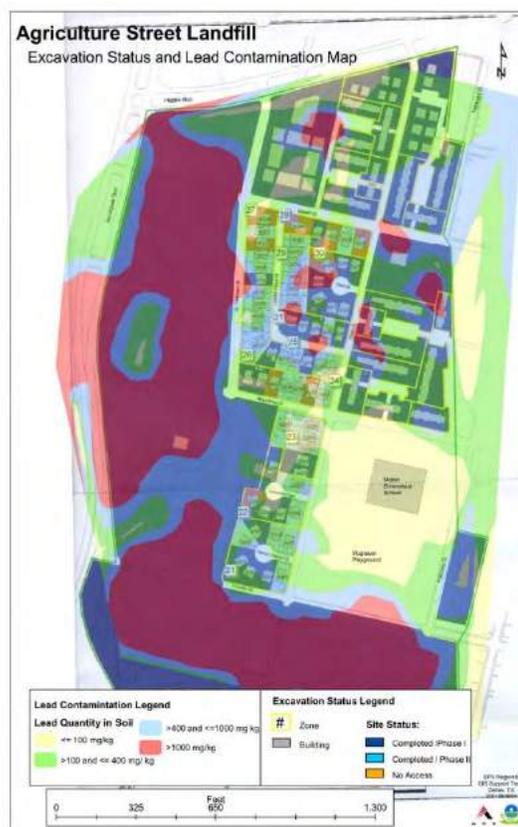
## Lawsuits and Administrative Adjudications

On April 25, 2018, TELC filed a citizen suit on behalf of the Residents of Gordon Plaza, Inc., against the City of New Orleans and Mitch Landrieu in his official capacity as Mayor of New Orleans seeking an injunction to require the City of New Orleans to relocate residents of the Gordon Plaza subdivision off of the Agriculture Street landfill, which may present an imminent and substantial endangerment to health or the environment, in violation of the Resource Conservation and Recovery Act. *Residents of Gordon Plaza, Inc. v. Mitch Landrieu, in his official capacity as Mayor of New Orleans, and the City of New Orleans*, Case No. 18-4226 (E.D. La.)

## Comments, Notices, and Administrative Petitions

On September 26, 2017, TELC sent a request to City of New Orleans for Relocation and Notice of Endangerment on behalf of the Residents of Gordon Plaza, Inc., seeking relocation of residents who live on the Agriculture Street Landfill, a toxic dump that the City of New Orleans operated and then developed as housing for African-American residents, because the City's past and present handling and disposal of waste at the site may present an imminent and substantial endangerment within the meaning of the Resource Conservation and Recovery Act, 42 U.S.C. § 6792(b)(2) (190-001)

**Right:** A map from the U.S. Environmental Protection Agency of lead contamination in the Gordon Plaza housing development, which was built in the late 1970's on top of the former Agricultural St. Landfill (New Orleans, LA).



Tulane Environmental Law Clinic's Community Outreach Program supports and empowers local residents, community organizers, and grassroots organizations by integrating the Clinic's legal activities with long-term community engagement strategies. The Program staff and interns strive to ensure that potential and existing clients develop and maintain an overall campaign strategy that creates a context within which they can realize the full benefit of legal victories and effectively manage legal setbacks.



Above: Community Outreach Director, May Nguyen (center, right) with residents of Gordon Plaza, a subdivision built on top of the Agriculture St. Landfill.

From January – May 2018, May Nguyen partnered with the Gulf Restoration Network, Louisiana Bucket Brigade, L'eau est la Vie Camp, Earthworks, and Center for Constitutional Rights to develop and lead workshops focused on water pollution monitoring and reporting for over 100 individuals in southern Louisiana (Baton Rouge, New Orleans, Lafayette, and Rayne).

From March – May 2018, May Nguyen partnered with NAACP, Zion Travelers Cooperative Center, Bayou Interfaith Shared Community Organization, the Pointe Au Chien Indian Tribe, and the Atakapa Ishak Chawasha Tribe to raise funds for four youth leaders from coastal Louisiana to travel to Iceland and share their firsthand experiences with sea level rise and wetland loss during an international climate change conference.

From July 2017 – May 2018, May Nguyen regularly participated in meetings to assist TELC clients (Atchafalaya Basinkeeper, Gulf Restoration Network, BOLD Louisiana, H.E.L.P.) who are advocating to stop the proposed Bayou Bridge Pipeline project.

In April 2018, May Nguyen spoke at the inaugural Fossil Free Fest (New Orleans, LA) and shared information about TELC and resources for environmental advocacy.

In March 2018, May Nguyen participated in an Energy Democracy Coalition quarterly meeting that was organized to advocate for and implement the EPA's Clean Power Plan. The core group organizers are Deep South Center for Environmental Justice, Sierra Club, Alliance for Affordable Energy, and NewOrleans350.org.

From March - May 2018, May Nguyen participated in regular meetings with a growing network of organizations concerned about pollution from the supply chain of plastic, including petrochemical facilities, pipelines, and waste incinerators.

From July 2017 - February 2018, May Nguyen assisted a coalition of community-based organizations in advocating for climate resilience and prepared public comments on the Louisiana Draft 2019 Coastal Master Plan. The coalition members included the Atakapa Ishak Chawasha Indian Tribe, Zion Travelers Cooperative Center, Bayou Interfaith Shared Community Organizing, Coastal Communities Consulting, Mary Queen of Viet Nam Community Development Corporation, Terrebonne Recovery Assistance Center, Oxfam, and Gulf Restoration Network.

In September and November 2017, May Nguyen attended a gathering in Catahoula, Louisiana, with client groups Atchafalaya Basinkeeper and Louisiana Crawfish Producers Association-West (LCPA-West) to gather information about their concerns on protecting the Atchafalaya Basin and to provide updates about their cases. May Nguyen collaborated with the executive director of Atchafalaya Basinkeeper to research and summarize the history and progress of environmental protection and conservation in the Atchafalaya Basin, identify best practices and lessons learned over the past ten years of advocacy, and create a presentation for their November meeting.



Above: Jody Meche, president of the LCPA-West.

From July 2017 – May 2018, May Nguyen worked to help the Oakville community gain recognition as an historic site, in partnership with the Oakville Community Action Network and the Lowlander Center. Ms. Nguyen organized a site tour for a group of geographers to gain their support for this initiative.

From July 2017 – December 2017, May Nguyen partnered with the Foundation for Louisiana (FFL) to facilitate five coastal community resilience planning meetings. Ms. Nguyen also provided three “My Guide” trainings at FFL’s LEAD the Coast workshops.

From July 2017 – November 2017, May Nguyen assisted Residents of Gordon Plaza, a TELC client group, to advocate for amending the City of New Orleans Master Plan to survey and inventory past landfills and other toxic sites.

In October 2017, May Nguyen participated in a HatchLab Event in New Orleans, Louisiana to brainstorm collaboration opportunities for social and environmental justice.

In August 2017, May Nguyen provided a training based on “My Guide to Environmental Protection in Louisiana” at an NAACP Mississippi event.

In August 2017, May Nguyen attended a meeting hosted by Together Baton Rouge, an interfaith membership-based organization, to learn about their advocacy program regarding the Louisiana Industrial Tax Exemption Program.

In July 2017, May Nguyen provided a training on public records requests based on “My Guide to Environmental Protection in Louisiana” for 15 youth leader environmental advocates at the Emerge Conference in New Orleans, Louisiana.

From July 2017 – April 2018, May Nguyen provided assistance to and attended several monthly meetings of the HELP (Humanitarian Enterprise of Loving People) Association.

In September 2017, May Nguyen spoke to the Environmental Justice class at Loyola Law School about environmental law and community organizing.

In August 2017, May Nguyen participated in a meeting with a network of advocacy organizations and TELC client groups about evacuation route for clients living with encroaching heavy industrial activity.

In July 2017, May Nguyen facilitated community conversation regarding climate adaptation at the Louisiana Office of Community Development’s LA SAFE (Louisiana’s Strategic Adaptations for Future Environments) program in Buras, Louisiana.

In July 2017, May Nguyen led training for a group of college age advocates at the Emerge Conference on Louisiana environmental law and co-coordinated a strategic workgroup discussion about the Louisiana Barrier Island Coastal Monitoring Program.

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**Tulane Environmental Law Clinic**  
6329 Freret St, New Orleans, LA 70118  
504-865-5789 | [telcOutreach@tulane.edu](mailto:telcOutreach@tulane.edu)  
[www.tulane.edu/~telc](http://www.tulane.edu/~telc)