



# Billionaires or Big Oil: No One Is Above the Law

Northern Californians are likely familiar with the legal battle to protect public access to Martin’s Beach on the San Mateo coast, where a billionaire landowner tried to close off this beloved stretch of

the public on behalf of Surfrider Foundation. After Eric and his team won, the courts upheld the victory all the way to the US Supreme Court. Now, Eric is the newest addition to Baykeeper’s legal team.

He got to know our work most immediately through *Baykeeper v. US Environmental Protection Agency*, a 2019 lawsuit that defeated Trump’s attempt to allow Cargill to pave over the Redwood City



After receiving his law degree from Georgetown University, Eric worked as a legal researcher in Washington, D.C., where he’d spend long days at the Library of Congress. But Eric was soon headed for the prominent law firm of Cotchett, Pitre, and McCarthy in San Francisco, where for the next ten years he worked on land and water use cases, elder abuse, and fraud, ensuring that the victims had access to justice.



*When a polluter harms one part of the Bay, their actions are harming the whole connected system of waterways.”*

public beach to expand his own private playground. Eric Buescher (pictured, above) was the lead attorney in the case, fighting for

Eric became familiar with Baykeeper while practicing environmental law, when he frequently came across Baykeeper court decisions in his research.

salt ponds. Eric was on the legal team representing our partner organizations and worked closely with Baykeeper’s legal staff, seeing

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# Fighting Giants Around the Bay

When Baykeeper fights giant corporations and government agencies around the Bay, it feels like we're re-living the epic battle from the valley of Elah over three thousand years ago. And like David, Baykeeper is uniquely suited to prevail over the Bay's Goliaths.

In our early days, we caught a dredging company illegally dumping polluted sediment in the middle of the night. Our kayak volunteers braved the dark, cold waters of the Bay to collect the evidence we needed to send the polluter to jail for environmental crimes against the Bay.

Then there was the time we caught the federal government

into the water. Baykeeper had the specialized knowledge of the Bay and expertise with local laws to build a strong case that forced the government to clean up its mess.

More recently, we faced off against Trump's EPA and Cargill, the nation's largest privately held company, to use our mastery of Bay science and the Clean Water Act to stop them from turning 1,300 acres of potential wetlands into a luxury condo and retail development.

Bay. Our investigative team used a drone to catch both the Valero oil refinery and a Benicia shipping facility in the act of polluting the Bay and neighboring communities



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with petroleum coke—multiple times. This legal action is shaping up to become another epic battle.

Baykeeper will continue to work our advantages. We'll assess our opponents' weaknesses, select our best weapons, use our expertise, and charge into the fray fired up by our passion to protect the people and wildlife that depend on a healthy Bay.

And, we have a secret weapon that David didn't: supporters like you by our side!

Sejal Choksi-Chugh,  
Executive Director



The Baykeeper boat on patrol in our early days, circa 1989 (Photo: Rick Bernard)

ignoring environmental laws to store mothballed military ships on the Bay, where toxic paint and chemicals leached off the ships

And now, we're standing up to a Fortune 20 company that's also a member of the fossil fuel industry, the dirtiest polluters around the



Your support powers our work for a resilient & healthy San Francisco Bay.

**Help us investigate polluters and take action for the Bay!**

Make a gift to Baykeeper today—or sign up for monthly gifts to make your support go even further.

Use the attached envelope or visit [baykeeper.org/donate](https://baykeeper.org/donate)

## Big Coal's Days in the Bay Area Numbered

After a long, drawn-out battle, the City of Richmond—home to the Bay Area's only active coal export terminal—has finally succeeded in permanently banning coal.

Coal has no place in the Bay Area—or anywhere in the year 2022. This toxic, carbon-dense fuel pollutes the air and water, and is a major contributor to the global climate crisis. Baykeeper collaborated with partners in Richmond to develop the original ban a few years ago, and then we intervened in the case after the fossil fuel industry dragged the city to court.

In a major victory for public health and the Bay late last year, the industry agreed to end its annual shipments of more than a million tons of coal out of Richmond!

Meanwhile in Oakland, a newly proposed coal terminal project has stalled, and a tentative deal between the city and the developer could preserve the coal ban Baykeeper and activists helped pass there. We're keeping a close eye on that project with the hope that Oakland—and all cities plagued by fossil fuel pollution across the country—take heart from Richmond's recent success. 



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firsthand our expertise and passion for protecting the Bay. So when Eric decided he wanted to focus exclusively on environmental law just when Baykeeper had posted an opening for a senior attorney, it was a perfect fit!

On his first day on the job, Eric learned how Baykeeper's field investigation team had captured drone video images of petroleum coke from the Valero refinery spilling into the Bay while being loaded into cargo ships at the Port of Benicia (pictured, page 1). Petcoke is a leftover of oil refining and is sold overseas, where it's burned as a dirty fuel source that contributes to the climate crisis.

Under Eric's leadership, we filed *Baykeeper v. Valero* in March. The

lawsuit shows that no company is too large to be held accountable for polluting the Bay.

"Each part of the Bay is connected to the whole," Eric observed. "I remember an early visit with my family to Sonoma, touching the water in the San Pablo Bay Wildlife Refuge and realizing this is the very same water that washes against the shores of Santa Clara County. When a polluter harms one part of the Bay, their actions are harming the whole connected system of waterways."

That's exactly why Eric is leading the charge against Valero to end its polluting activities and stop harming the Bay, as well as all the communities and wildlife that depend on it. 

## SPRING/SUMMER 2022 BAYKEEPER NEWS




### Join Baykeeper's 2022 *Clean Bay Challenge*

[baykeeper.org/clean-bay-challenge](http://baykeeper.org/clean-bay-challenge)

Volunteer with San Francisco Baykeeper to celebrate Earth Month in our second annual Clean Bay Challenge!

Clean Bay Challenge volunteers conduct individual or household cleanups to stop trash before it reaches the Bay. Baykeeper will provide all the guidance you need to conduct a cleanup in your neighborhood, local park, or shoreline.

Participation is free and open to all! Take action for a healthy San Francisco Bay by joining the Clean Bay Challenge at [baykeeper.org](http://baykeeper.org). 



Photos, above: Zachariah Epperson (top row) and Bill Cunningham (bottom row).

Photo of Baykeeper boat by Robb Most.

