

Conservation matters

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CAUTION: Difficult Transportation Funding Choices Ahead

Emissions from the transportation sector are the largest and fastest growing source of global warming pollution in New England. Climate change has reached the height of public consciousness around the country and people are more concerned than ever about the impact of sprawl development and automobile emissions on the changing climate. >

Transportation Choices *continued from the cover*

A new study by Smart Growth America reveals that three-fourths of Americans believe that being smarter about development and improving public transportation are better solutions for reducing traffic congestion than building new roads. Across the region, CLF's lawyers are questioning highway expansion projects and promoting smart transportation solutions that give people the opportunity to drive less and reduce harmful greenhouse gas emissions.

The transportation funding crisis facing

Massachusetts provides a window onto the challenges ahead for our region as we seek to make better choices about how public funding is spent on transportation projects. Existing road systems and bridges in the Bay State are crumbling and public transit systems are failing to meet customer demand. In addition, the Massachusetts Bay Transit Authority (MBTA), which provides bus, subway and commuter rail service to Greater Boston, has raised rider fares three times since 2000, discouraging residents from using transit at a time when roadway congestion continues to increase. Even with these fare hikes, the T remains deeply in debt and is unable to improve service to meet customer needs.

The Massachusetts Transportation Finance Commission, a group of experts appointed by the legislature to study the Commonwealth's transportation system, has identified a \$15-19 billion gap in transportation funding over the next 20 years. This gap – the result of years of deferred maintenance and consistent under-funding of transportation agencies – must be closed in order to maintain the state's transportation infrastructure. The MBTA's budget has not grown to meet rising fuel and employee healthcare costs and, at the same time, is saddled with bil-

ions of dollars in debt. Nearly a third of the MBTA's annual budget goes to pay off debt – money that might be better spent improving service to attract more riders and expanding service to new communities to get more cars and trucks off the road. Key transit expansion projects supported by CLF include the Fairmount Commuter Rail Line through Dorchester, Mattapan and Hyde Park, the Green Line Extension to Somerville and Medford, and the Red Line-Blue Line Connector in downtown Boston.

Public transportation expansion is essential to relieve congestion, give people opportunities to drive less, and connect workers with jobs. It's also a key strategy for addressing the most pressing environmental challenge of our generation: climate change. More public transit options mean fewer cars and trucks on the road, resulting in less global warming pollution. However, to adequately maintain and improve the state's transportation system, Gov. Patrick, legislators and residents will have to face difficult choices.

CLF co-founded a diverse coalition to encourage elected officials to pursue transportation funding solutions that are both environmentally and economically sound. The Transportation Investment

"If we want to maintain roads and bridges so that they are safe to drive on, and at the same time invest in an efficient and expanded public transit system we need to be open to bold, new revenue-generating ideas."

Dear CLF Friends,

IN WHAT SEEMS LIKE AN ENDLESS BUILDUP to next fall's presidential election, candidates clamor for voter approval by promising their own carefully catch-phrased visions of a brighter, more secure America. This "talk" can hardly be called cheap, as political campaigns have never been costlier. But what ultimately matters – in politics, business practices and personal behavior – is what people do, not what they say they will do.

In this spirit, the current issue of CM looks at some very real, tangible steps that CLF and our partners are taking to protect New England's environment. Together with the Massachusetts Bar Association, we are catalyzing Bay State lawyers to adopt greener practices in their workplaces and commuting habits. In Vermont, CLF Ventures is collaborating with a major resource extractor to assess and improve that company's environmental performance. And throughout New England, we are working to get environmentally sustainable transportation systems built and maintained.

We also want to introduce you to a few of our CLF staff members who are "walking the walk" as well as "talking the talk." Please take a moment to get to know these fine people through our "CLF in the Spotlight" profile.

Thanks again for showing your own commitment to New England's environment through your support of CLF!

Phil Warburg



The MBTA has raised rider fares three times since 2000, discouraging residents from using transit at a time when roadway congestion continues to increase.

Massachusetts has an opportunity to show leadership in our region by providing a safe and effective transportation system, using revenue-generating mechanisms that could help reshape the way New Englanders think about transit.

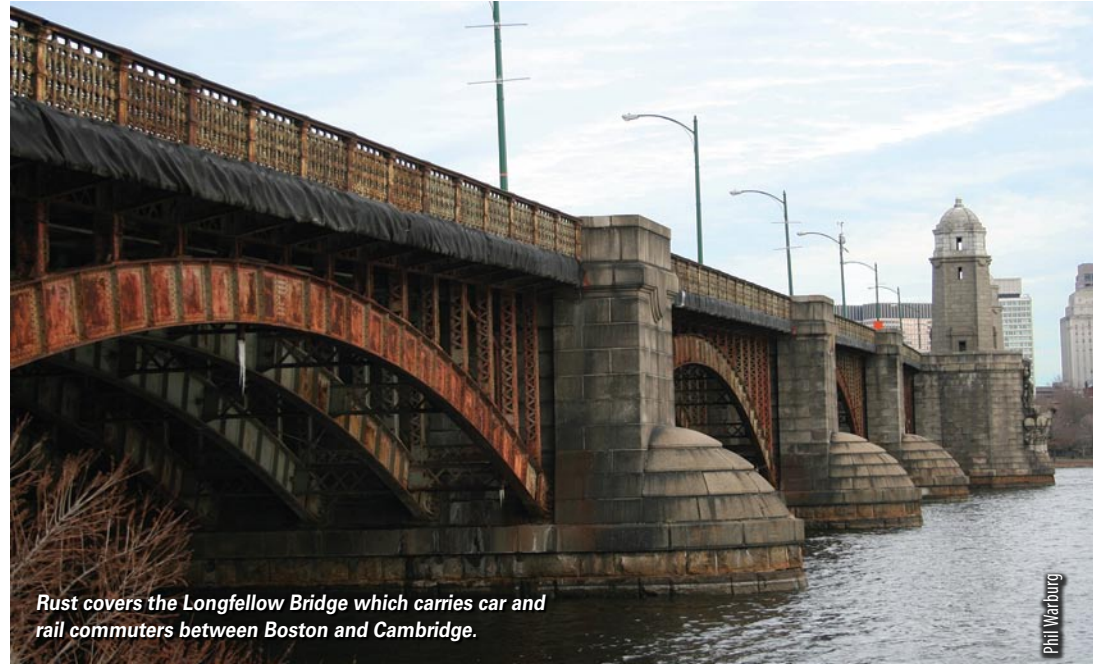
Coalition includes labor, industry, business, real estate, planning, municipal and environmental organizations united in their concern for the funding crisis facing Massachusetts' transportation system.

"If we want to maintain roads and bridges so that they are safe to drive on, and at the same time invest in an efficient and expanded public transit system that will give many Massachusetts commuters a viable alternative to car travel, we need to be open to bold, new revenue-generating ideas," Phil Warburg, president of CLF explained.

Difficult decisions ahead

A number of common-sense solutions would effectively address the funding gap. An increase in the gasoline tax by 11.5 cents would raise about \$10.5 billion over the next 20 years, solving more than half of the state's transportation funding crisis. Additionally, it would provide an incentive for higher mile-per-gallon vehicles and use of alternative transportation, such as walking, biking and transit. Massachusetts currently collects 23.5 cents per gallon in gasoline tax, a charge which has remained flat for 16 years, losing a third of its value to inflation. Neighboring Rhode Island collects 31 cents per gallon while Connecticut and New York collect 37 and 42 cents per gallon respectively.

Another viable transportation funding option is to implement a per-mile highway user fee which could spread the cost of highway maintenance and operations fairly among all drivers and potentially generate new revenues for transit. Our current tolling system places a disproportionate burden on residents of central and western Massachusetts who live along the Turnpike. State-of-the-art technology can make roadway pricing much more equitable and more efficient



Rust covers the Longfellow Bridge which carries car and rail commuters between Boston and Cambridge.

Phil Warburg

than conventional tolling. It can also allow pricing to be adjusted to encourage off-peak travel to reduce congestion or even to reward fuel-efficient vehicles.

CLF tackles solutions around the region

Around the region, CLF is working to provide better transportation choices for New Englanders, and to reduce our impacts on air, land and water by making the right transportation infrastructure investment decisions. In New Hampshire, CLF's advocates are questioning the shortsighted expansion of I-93 and are pushing the state to look at a commuter rail alternative that would reduce rather than add to traffic, decreasing air pollution while providing a more convenient alternative for many travelers and commuters. In Vermont, CLF advocates are challenging plans to build the Circ highway around Burlington, a costly highway project that would lead to more sprawl, more pollution and more global warming. In Rhode Island, CLF is looking for ways to make improvements in public transportation legally enforceable, to cut global warming and other air pollutants while reducing the need for more miles of automobile travel. And in Maine,

CLF is working to limit the greenhouse gas impacts of the proposed Plum Creek development in the Moosehead Lake Region. Concentrating development near existing communities is one step CLF has proposed to reduce the vehicle miles traveled in the area.

Massachusetts has an opportunity to show leadership in our region by providing a safe and effective transportation system, using revenue-generating mechanisms that could help reshape the way New Englanders think about transit.



Carrie Russell is a CLF Staff Attorney.

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'GIVING CIRCLE' RALLIES FOR NEW HAMPSHIRE'S ENVIRONMENT



The Seacoast Women's Giving Circle meets with CLF's Tom Irwin and Melissa Hoffer at a New Hampshire event

In the past several years, a new trend in philanthropy has taken shape in communities around the country. 'Giving circles' – informal social groups that raise and distribute money – have become a popular way to make a positive impact larger than one individual can make. More than 12,000 Americans are members of giving circles, collectively donating \$100 million to communities and nonprofits nationwide. Recently, CLF was the grateful recipient of one giving circle's commitment to protecting New Hampshire's environment.

The Seacoast Women's Giving Circle was founded in April 2006 by Anne Rouse Sudduth, who enlisted the support of 12 other women committed to addressing critical issues facing Portsmouth and the Seacoast region. Their mission is structured around three themes: Learn, Give, Act.

"We strive to educate members through research about local issues and groups that support the welfare of our community," says Sudduth. "We then invest funds annually in a non-profit organization active on the Seacoast and galvanize support for that organization."

The group has been increasingly concerned with environmental issues like climate change, clean water and smart growth, says Sudduth. When choosing the agenda for 2007, "we wanted to support an organization that could make a lasting difference. CLF's New Hampshire Advocacy Center fit our criteria perfectly. We were attracted to the permanency of their successes." The SWGC collectively donated close to 40 gifts to CLF, totaling nearly \$10,000.

CLF was thrilled and honored to receive the grant. Melissa Hoffer, vice president and director of CLF's New Hampshire Advocacy Center, commented: "The Seacoast Women's Giving Circle's gift is a wonderful endorsement of CLF's legal advocacy. We've enjoyed collaborating with the group and have been inspired by the power of this new form of philanthropy. The Circle's gift will make a real difference to CLF and to New Hampshire's environment, and confirms Margaret Meade's famous insight: 'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.'"

Learn more about the Seacoast Women's Giving Circle by visiting www.seacoastwomengive.org.

"Starting a giving circle can be simple," says Sudduth. "All it takes is a few friends, a little money and a desire to make a bigger difference."

»» Find out more about how you can get involved with giving circles, and get inspiration and advice about how to start your own by visiting www.givingforum.org.

CLF Staff in the Spotlight: How do YOU stay green?

NAME **Anthony Iarrapino**

Staff Attorney, Vermont



"We get our eggs from a coworker who raises chickens. The only meat we eat in our household is locally raised, organic, and grass fed. We buy local food at the farmer's market and we have a garden in our yard that we share with a neighbor. We also purchase eco-friendly household products like 7th Generation toilet paper, and phosphate-free dish detergent."

NAME **Melissa Hoffer**

Vice President and New Hampshire
Advocacy Center Director



"I've been an avid composter for 16 years. My family recycles all plastic bags, packing peanuts, paper, cardboard, plastic, glass and cans. We attend a "swap-off" where we take sneakers, styrofoam, CDs, tapes and batteries for recycling, housewares and furniture for freecycling, and any electronics, including computer equipment, for responsible recycling. We always clean up after our dog Maggie, using biodegradable bags."

NAME **Yan Au**

Massachusetts Advocacy Center Staff Assistant



"Remember Cosmo Doogood's Urban Almanac? Well, it's true that you can find nature's rhythm even in the city. I get a kick out of growing vegetables at one of Boston Natural Areas Network's community gardens, talking to growers and checking out what's in season at the farmers' markets. Commuting to work is a cinch too - I typically take the T in the mornings and walk the two miles back in the evenings. Sometimes I bike."

NAME **Erin Cooke**

Ventures Project Specialist and Director
of Environmental Insurance Agency



"I host clothing "swap-aramas" and make jewelry using recycled, vintage or reclaimed pieces. I actually snowshoed to work one time last year! In my spare time, I volunteered at a local nonprofit to develop a sustainability curriculum, which included composting."

NAME **Lesley Bunnell**

Rhode Island Advocacy Center Office Manager



"My family uses fluorescent bulbs in all our fixtures. We turn off the heat when we're gone during the day and when we go to bed. We keep the lights off, unless people need to read or are doing something specific. I hang all of our laundry on the clothesline in our yard, even in the winter, as long as it doesn't snow. We rarely water our lawn."

NAME **Sean Mahoney**

Vice President and Maine Advocacy
Center Director



"When weather and work commitments permit, I ride my bike from Falmouth to Brunswick, a 50-mile round trip. When not on the bike, I carpool, schedule allowing. We also monitor water quality in a local river. My wife and I involve our children in discussions about the local acts that can have an impact on global issues if everyone did them."

Around the States

CLF VENTURES IN ACTION:

Developing New Models for Community Engagement and Environmental Management

CLF VENTURES IS WORKING ON AN INITIATIVE with Omya, Inc. in Florence, Vermont to improve relations with the local community. Omya processes calcium carbonate, a mineral used in paper, paint, food and many other products.

Over the past 11 months, CLF Ventures has helped Omya establish three local community advisory groups. These "Community Issue Teams" work with interested community members to identify and cooperatively address specific impacts of Omya's operations. The teams include neighbors, local business owners, civic and political leaders and are led by Omya staff. Each of the three teams has a specific area of focus - trucks and transportation, plant operations and quarry operations. All three teams are up and running and have involved nearly 30 members of the community.

The Issue Teams act as a resource for local residents to better understand Omya's operations through a process that enhances communication between the company and its neighbors. These Issue Teams also enable Omya to comprehend and respond to residents' concerns and further involve these individuals in Omya's existing and future activities.

"Through Issue Teams, we have been working toward better relationships with the community," says Rob Tikoft, Verpol plant manager. "This process has resulted in improved communication and transparency. I am pleased with the progress we have made together and look forward to continued conversations about our operations."

CLF Ventures Senior Project Manager Dano Weisbord and Project Analyst David Thayer have worked closely with Omya management to strengthen the company's community relations skills. Training focused on skills for effective listening, meeting facilitation and group management, as well as techniques for translating questions and concerns into opportunities for education and collaboration.

» More information about the Issue Teams is available on Omya's Web site: http://www.omyainvermont.com/lib_it.htm

Rhode Island

Rhode Island "goes big" against global warming

Last November, elected officials, environmental groups and residents rallied at Providence's Roger Williams Zoo to launch "Go Big little rhody," a campaign CLF is co-leading that aims to slash global warming pollution in the Ocean State 80 percent by 2050. The campaign will encourage the state to adopt a range of innovative solutions, including investments in renewable energy and improved energy efficiency for heating and cooling systems within homes, commercial buildings and office spaces. The campaign also aims to reduce carbon dioxide and other greenhouse gas emissions by cutting energy use across all sectors of the economy.

"If we are serious about stopping global warming and achieving true energy security in the next decade, it's time to take quick action to cut greenhouse gas emissions across the board and invest in solutions that will give businesses and people the opportunity to make a real difference," said Cynthia Giles, CLF's Rhode Island Advocacy Center director, who also serves on the Governor's Wind Stakeholder Group.

Vermont

Protecting Vermont's troubled waters

After years of broken promises by state officials and millions of taxpayer dollars spent on failed cleanup measures for Lake Champlain, Vermont regulators continue to allow sewage treatment plants to dump pollution into the lake.

Excess phosphorus pollution feeds noxious blue-green algae blooms that contaminate water quality and restrict swimming and other recreation activities. The federal Clean Water Act prohibits regulators from allowing increases in pollution. State law also requires sewage plants to develop plans to prevent illegal spills of raw sewage into lakes and streams.

Unfortunately, state regulators have ignored the federal Clean Water Act by

issuing a draft permit that will allow the St. Albans sewage treatment plant to increase the amount of phosphorus pollution it dumps into St. Albans Bay. Other sewage plants throughout the lake's basin are also being granted permits to ignore the law. Worse still, state regulators have delayed enforcement of the sewage spill prevention law until 2010, even though spills are occurring at an alarming rate.

CLF is fighting these illegal permitting decisions through the Lake Champlain Lakekeeper initiative, and will continue to push for stringent enforcement of the Clean Water Act. "The Clean Water Act's goal is to eliminate pollution altogether, but these permits move us farther away from that goal," said CLF Staff Attorney Anthony Iarrapino who is spearheading CLF's permit appeals.

Massachusetts

CLF, communities celebrate major environmental justice victories

Environmental justice communities in Greater Boston recently welcomed two significant victories with help from CLF's Healthy Communities and Environmental Justice Program.

In Chelsea, residents are breathing a little easier now that energy developers have scrapped plans to build a 250-megawatt diesel power plant next to an elementary school. The decision in November 2007 to withdraw the application for state approval came after months of opposition from environmental and community groups including the Chelsea Greenspace Committee, Alternatives for Community and Environment (ACE) and CLF. State officials issued a certificate declaring the project "unlikely to receive approval," forcing the developer to abandon the application.

In Roxbury and the South End, residents applauded the findings of a blistering federal report that said the risk analysis prepared for the proposed BU Biolab was "not sound and credible" and ignored the potential consequences of deadly disease agents being released into the commu-



Great Bay National Estuarine Research Reserve

NOAA Photo

nity. The panel's report came after staunch opposition from community residents, represented by CLF and Boston Lawyers' Committee for Civil Rights, who sued to halt construction in state and federal courts.

Both decisions are huge victories for the individual communities, CLF, and our allies who continue to send the message that polluters are unwelcome in communities that have long borne the burden of environmental pollution.

Maine

Working for a cleaner energy future

In the final months of 2007, CLF's Maine Advocacy Center played a vital role in supporting the applications for three proposed wind farms: UPC's Stetson Mountain project, Endless Energy's Black Nubble wind farm and TransCanada's Kibby Mountain project. Combined, these three energy initiatives could power 100,000 Maine homes. The Stetson Mountain project, located in Washington County, was approved by the Land Use Regulatory Commission at the end of 2007. Of the other two, located in western Maine's mountains, the Kibby wind farm received tentative approval in early January, but Black Nubble was tentatively denied.

CLF supported all three projects, submitting testimony from Advocacy Center Director Sean Mahoney and Dr. Cameron Wake, a contributing author of the recent Northeast Climate Impact Assessment. The testimony focused on the threat of climate change to Maine's natural resources and economy and the need to permit new sources of renewable energy.

Each of the projects faced opposition from some environmental groups. As Mahoney discussed in a Bangor Daily News op-ed, such opposition was fatally short-

sighted in light of the overarching threat of climate change. He added that support of these wind power projects exemplified the need to think globally and act locally. The CLF Maine Advocacy Center will continue to support renewable energy projects that are appropriately sited to help Maine become a leader in this critical area.

New Hampshire

Reducing nitrogen in the Great Bay Estuary

As part of its ongoing initiative to protect the Great Bay Estuary, CLF is tackling the single greatest risk to New Hampshire's sensitive estuarine waters: increased nitrogen levels. Nitrogen, a nutrient that causes oxygen-depleting algae blooms and loss of important habitat, is a pollutant of significant concern for the health of the Great Bay Estuary and the many wildlife species that depend on it. Nitrogen concentrations have reached the same levels that have caused major problems in other estuaries, including the devastating collapse of Chesapeake Bay.

While the Great Bay Estuary has not yet suffered the ecological catastrophes experienced elsewhere, troubling signs of stress are occurring, including the increased presence of algae and the decline of eelgrass meadows that provide essential habitat. These signs of stress are all the more alarming considering the sudden collapse of estuarine ecosystems – including widespread species loss – that can occur when nitrogen levels reach a certain "tipping point."

CLF is pushing for important regulatory changes before it's too late, actively engaging the City of Portsmouth to reduce nitrogen discharges from its 4.5 million-gallon-per-day Peirce Island wastewater treatment plant. CLF has also called on the

Greening Law Firms

LAWYERS AND LAW FIRMS NOW HAVE NEW tools to help them become better environmental stewards thanks to a new partnership between CLF and the Massachusetts Bar Association (MBA). Both groups are working together as part of the MBA's Lawyers Eco-Challenge to encourage lawyers throughout Massachusetts to reduce energy use and resource consumption.

This exciting initiative, launched by MBA President David W. White Jr., asks lawyers to change the way they think and act while conducting business in order to conserve energy and natural resources. More than a dozen lawyers on the MBA's newly formed Energy and Environmental Task Force have created a set of Green Guidelines to provide lawyers and law firms with practical steps and advice for adopting environmentally friendly practices. CLF Staff Attorney and Director of the Massachusetts Clean Energy and Climate Change Initiative, Sue Reid, serves as co-chair of the task force along with Nancy Reiner of the Boston-based international law firm Brown, Rudnick, Berlack, Israels LLP.

The Eco-Challenge was formally launched in January, when law firms and lawyers were asked to sign an Eco-Pledge confirming they will implement the Green Guidelines. Lawyers who take the most profound steps toward improvement or who have already improved their environmental performance will be honored with the Eco-Challenge Green Stamp of Approval later in the year.

"The Eco-Challenge provides the state's legal community with a real opportunity to become leaders in the fight against global warming," said CLF President Phil Warburg. "We are proud to partner with the MBA to create the tools and strategies law firms will use to reduce their carbon footprint and their overall impact on the environment."

»» To learn more or to download the Green Guidelines or Eco-Pledge visit: www.massbar.org/ecochallenge

EPA to include strong nitrogen controls for the Town of Exeter's sewage treatment plant, which discharges into the Squamscott River, just upstream of Great Bay. In addition, CLF is working to ensure protective nitrogen criteria for New Hampshire's estuaries – criteria that will play an important role in future regulatory and permit decisions governing wastewater treatment plants and other pollution sources affecting the estuary.

Moving Beyond Coal in New England

Maine community defeats power plant

Last November, residents of Wiscasset, Maine voted to reject a height ordinance change that would have advanced a proposed coal gasification plant and diesel fuel refinery. The decision to defeat the proposal came after months of vigorous debate and opposition led by CLF Staff Attorney Steve Hinchman.

The proposed Twin River Project would have significantly increased global warming and mercury pollution in the surrounding area and turned the nearby Sheepscot River into a conduit for coal transport. Working with residents of Wiscasset and the lobster-fishing community, whose livelihoods depend upon clean and accessible waterways, Hinchman orchestrated a campaign that included detailed technological and economic critiques of the proposal. To demonstrate the substance and scope of their opposition to the plant, the fishing community protested by a flotilla of lobster boats in the Sheepscot River last summer.

CLF opposed the Wiscasset coal gasification proposal, and is currently fighting the proposal to convert an existing plant in Somerset, MA to coal



gasification. Contrary to claims of clean coal by their proponents, these projects will actually increase greenhouse gas emissions and severely undermine states' efforts to reduce global warming pollution.

"Global warming is the greatest threat facing our generation, yet the pollution that causes global warming is still unregulated by the federal and state governments," said Steve Hinchman. "Until we require generators of energy to control their CO₂ emissions, we will continue to see ill-conceived projects like Twin River. Our future is with energy efficiency and renewable energy sources like wind – not coal."

CLF applauds the decision by Wiscasset voters to defeat the proposal and is now working on legislation in Maine that would effectively prevent similar proposals unless and until they can guarantee that there will be no resulting increase in greenhouse gas emissions.

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conservation matters

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To join CLF, please use the enclosed envelope or visit us on the Web at www.clf.org/donate. Thank you!

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