



Progress Report

CLF Helps Coastal Communities Bring
New England's Estuaries Back to Life

Why I Give

Chris Morahan

Five Questions For...

Jo Anne Shatkin

A New Look for CLF

CONSERVATION MATTERS

THE JOURNAL OF THE CONSERVATION LAW FOUNDATION | www.clf.org

FOR A COAL-FREE NEW ENGLAND

SEE PAGE 2

No 3
WINTER
2010

COAL AT THE TIPPING POINT

CLF Pushes for Shutdown of Region's Obsolete Coal-Fired Power Plants

“Every day that these plants operate, they damage the health of the environment and the people around them. Shutting down these plants even sooner is vital to protecting the public, combating climate change and developing a clean energy economy.”

— Shanna Cleveland, CLF staff attorney

New England has some of the nation's most progressive clean energy laws — yet it still relies on energy from seven outdated coal-fired power plants. Our dependence on these dirty, obsolete money pits is threatening our environment, our economy and our health. However, across the country, coal is at a tipping point. Cheap natural gas and increased renewable energy generation are decreasing demand for coal power. Meanwhile, the EPA is strengthening anti-pollution laws that will require plants to make costly upgrades. With these factors converging, CLF is taking its coal advocacy to a new level with Coal-free New England — an all-out campaign to end New England's coal addiction for good.

PERSISTENCE IN A LONG FIGHT

CLF has been targeting New England's coal plants for over two decades with a successful combination of Clean Air and Clean Water Act litigation, regulatory pressure, policy initiatives and grassroots organizing. As a result, in 2001, Massachusetts implemented the “Filthy Five” regulations. Named for the state's five most-polluting power plants, they established the strictest power plant emissions limits in the nation.

CLF has championed enforcement of these laws, first for the Brayton Point



Photo credit:
Fred Surr

A coal shipment arrives in Salem Harbor.

Power Plant in Somerset, MA, and more recently for the nearby Somerset Station plant. After the state issued a permit that would allow NRG, the plant's owner, to extend the life of Somerset Station by installing experimental technology without the required environmental review, CLF and a group of Somerset residents led a successful appeal to overturn the approval of that permit. In 2009, NRG was ordered to shut down or repower the plant in January 2010. The plant closed on January 2, 2010 and has not reopened.

SALEM HARBOR STATION ON THE BRINK

Today, CLF is focused on exposing those

same vulnerabilities to hasten the demise of the remaining plants. Seventy miles north of Somerset sits Salem Harbor Station, a 60-year-old plant in Salem, MA owned by Dominion Energy. Ten years ago, CLF began pushing for the shutdown of Salem, one of the biggest contributors to greenhouse gas emissions in Massachusetts, releasing almost two million tons of CO₂ per year.

With strong grassroots support from MA Representative Lori Ehrlich and local organizations such as SAFE, HealthLink and Clean Water Action, CLF has steadily chipped away at Salem Harbor on multiple regulatory levels. The groups have earned

THE COST OF COAL



Although widely perceived to be one of the cheapest ways to produce electricity, burning coal exacts a heavy cost. Coal is the most carbon-intensive source of electricity and one of the main contributors to climate change. In New England, emissions from coal-fired power plants make up a disproportionate

share of the greenhouse gases that contribute to global warming. New England still relies on coal plants to meet about 10 percent of its energy demand; in Massachusetts, that number is close to 25 percent.

Coal-fired power is also a major threat to public health. In New England alone, pollution from coal-fired power plants causes an estimated 614 deaths, 516 hospital admissions and 1158 heart attacks every year.¹

And because New England has no coal of its own, we import it from places as far flung as Colombia, Venezuela and Indonesia to the tune of \$515 million per year. In 2008, Mas-

sachusetts was the third-highest spender on international coal imports in the nation; New Hampshire and Connecticut ranked eighth and ninth respectively.² To make matters worse, investment in old coal dwarfs the amount we spend on energy efficiency and renewable energy development — investments that create local jobs and new sources of revenue.

1. "The Toll From Coal." Clean Air Task Force. September 2010.

2. "Burning Coal, Burning Cash." Union of Concerned Scientists. May 2010.

Photo (left): Somerset Station power plant in Somerset, MA.

important incremental victories, including forcing the cleanup of toxic coal ash in 2003, and continue to hold the plant accountable for illegal pollution. In June 2010, CLF filed a suit against the plant for ongoing violations of the Clean Air Act. In October, CLF struck again at Salem, filing a protest with the Federal Energy Regulatory Commission (FERC) to challenge ISO-New England's decision to keep Salem's two remaining units running to meet secondary reliability needs, which could cost ratepayers \$30 million in above-market costs over the next two years.

The combined strategy is paying off. In October, Dominion took the first step toward shutdown when it removed the plant permanently from the forward capacity

market, an important energy market. Weeks later, Dominion told investors that it would invest no further capital in the plant and would close Salem Harbor within the next five years. However, CLF is pushing for shutdown as early as 2012.

"Every day that these plants operate, they damage the health of the environment and the people around them," says CLF Staff Attorney Shanna Cleveland. "Shutting down these plants even sooner is vital to protecting the public, combating climate change and developing a clean energy economy."

MERRIMACK STATION BURDENING RATEPAYERS

The same is true of Merrimack Station in Bow, NH. The 50-year-old plant, owned by the Public Service Company of New Hampshire (PSNH), is the largest air polluter in the state, and increasingly inefficient and expensive to operate. For two years, CLF has challenged PSNH's plan to invest \$450 million to extend the life of Merrimack. The case is pending in the New Hampshire Supreme Court. Meanwhile, in a recent filing at the Public Utilities Commission, PSNH estimated that operating its power plants will cost ratepayers \$100 million in above-market costs in the next year.

"PSNH's costs will continue to increase as new environmental requirements are

imposed, including the overdue Clean Water Act permit for Merrimack with added protections for water quality and wildlife in the Merrimack River," says Melissa Hoffer, CLF's director of Healthy Communities and Environmental Justice.

As a result, many of PSNH's customers have switched to cheaper sources of energy, leaving fewer ratepayers to shoulder the increasing financial burden. CLF is pressuring the state to require PSNH to shut down its coal-fired fleet before it costs residents — and the environment — more than it already has.

"The demise of PSNH's old coal-fired power plants is long overdue," says N. Jonathan Peress, CLF's director of Clean Energy and Climate Change. "Continuing to burden the environment and ratepayers when cleaner, cheaper power is available makes no sense for New Hampshire."

CLF's legal advocacy, sustained grassroots support and environmental and economic trends have brought New England's old coal plants to the brink. Now CLF and its partners are pressuring those plants to finally shut their doors for good — and make way for clean energy infrastructure to power the region right.



CLF Staff Attorney Shanna Cleveland with local residents near Somerset Station power plant in Somerset, MA.

CLF HELPS COASTAL COMMUNITIES

Bring New England's Estuaries Back to Life



“Restoring salt marsh and other estuary features is essential to preserving the New England landscape and preventing future damage to healthy wetland areas in the first place.”

— Peter Shelley, director, CLF Massachusetts

BACKGROUND

Estuaries, where fresh water meets the sea, are hotspots of biological diversity and productivity. Estuaries take many forms: salt marshes, mud flats, tidal rivers and salt ponds, to name a few. They are essential for many marine fish, hawks and wading and migratory birds. They provide critical ecological services such as pollution filtration, flood control and storm surge reduction and protection. Recent studies suggest salt marshes may be among the highest carbon-fixing areas on the planet.

THE PROBLEM

Over time, human activities have weakened and even destroyed estuaries that are crucial to maintaining our fragile ecosystems. Experts estimate that we have lost over 50 percent of our salt marshes in the Gulf of Maine, and that pattern is repeated across the country. In many places, we have loved our salt marshes to death by building on them or polluting them in our eagerness to live or work close to the ocean.

CLF IN ACTION

In 1995, CLF and nine other regional groups around the country created Restore America's Estuaries (RAE), a national organization dedicated to addressing this challenge. CLF provided funds to local partners in New England interested in restoring salt marsh and rivers. CLF also advocated for expanded federal funding for estuary restoration and educated the New England Congressional delegation on the benefits of restoration. As a result, CLF has brought over \$1,000,000 in federal funds — an amount that was more than doubled through local sources of cash and in-kind labor — to successful estuary restoration work in the region.

PROGRESS!

In partnership with RAE — today, a robust coalition of 12 organizations — CLF has helped numerous communities including: Addison, ME to understand its options for a large dam removal project; Sandwich, MA to expand the tidal passages under highways and railroad beds to return saltwater flows to their iconic marshes; Quincy, MA to replant salt marsh plants on barrier

beaches; and Merrimack, NH to provide critical funding to remove an abandoned inland dam.

NEXT STEPS

Recent inventories by the National Oceanic and Atmospheric Administration (NOAA) have indicated that there are both numerous opportunities and a substantial need for more restoration projects in the region. CLF and RAE are focused nationally on increasing the federal funding for this program up to double the current amount. With broader federal support, CLF believes that we can restore the Gulf of Maine's most threatened estuaries and tidal streams.

Restoration projects also provide key opportunities for local residents and officials to learn about the importance and fragile nature of marsh and river areas. Since it may be many decades before these remedial projects bear the full fruit of the initial restoration effort, these projects help New Englanders understand the preeminent importance of preventing damage to healthy wetland areas in the first place.

WHERE CLF STANDS

CLF believes that restoring New England's estuaries is critical to the health of the region's natural ecosystem and that healthy marshes will be essential at a time of sea level rise and increased storm activity. Increased federal funding, wetlands education and successful community restoration efforts are showing us the way.

Photo (top): Volunteers work on an estuary restoration project in Addison, ME.



WHY I GIVE TO CLF...

"I grew up in Massachusetts and I will always treasure my New England roots. Last summer, my wife and I took our son Landon to Maine for the first time. It was his first encounter with the ocean, and the first of many trips to the Maine seacoast. We hope he will always have clean air to breathe, clean water to swim in, and the lifelong opportunity to experience our awesome natural surroundings. These joys are in danger of deteriorating if we don't actively protect our environment. Supporting CLF enables us to stay current with the issues affecting the region, learn about ways we can contribute and provide needed resources for this important mission. Best of all, it's one step we can take to improve Landon's future."

With a few minutes of work and some information from CLF, my company was able to match my donation dollar for dollar. I recommend that all donors take a few minutes to investigate their employer's matching gift program. The opportunity to double the impact of my donation is one I will seize every time."

Chris Morahan
New York, NY

Got engaged in Maine. Got married in Massachusetts. Got his employer to match his contribution to CLF.

Chris with his wife, Corinne Schneider.
Photo courtesy of Chris Morahan

{ MAXIMIZE THE IMPACT OF YOUR GIFT }

Contact us today to learn more about giving to CLF.

Elizabeth Scott
Individual Giving Manager
escott@clf.org
617.850.1727
www.clf.org/donate

Double or even triple the impact of your gift to CLF! As many as one in 10 gifts that we receive at CLF are eligible to be matched by the donor's employer. Some companies will even match gifts made by retirees and spouses of employees. Nearly half of the 16,500 employers who match gifts have their forms online. Simply fill out your company's matching gift form, return it with your gift and we will do the rest.

To find out if your employer matches gifts or how to procure a match, please visit <http://www.clf.org/donate/employer-matching-gift-search>. If you are unable to find your company using our search, be sure to ask your human resources representative or charitable giving or grants department if gift matching is an option for you.

JO ANNE SHATKIN, PHD

CEO, CLF Ventures



Jo Anne was named CEO of CLF Ventures in October 2010. Jo Anne came to CLF Ventures three years ago from private practice, where she worked in environmental consulting on human health risk assessment. She has 19 years of experience addressing and analyzing environmental issues, including water quality, air toxics, hazardous waste and emerging contaminants, and their impact on businesses and communities. Jo Anne is the author of *Nanotechnology: Health and Environmental Risks* (CRC Press, 2008).

1 CLF Ventures' model uses business solutions to solve environmental problems.

How does that work?

What's unique about us is that we're mission-driven—our work seeks to advance CLF's advocacy in ways that are also economically sound. We work with companies and organizations who want to implement changes in the marketplace, whether it's siting new facilities, gaining market access for new technologies or otherwise changing how they do business. Being able to show that economic gains and environmental benefits aren't mutually exclusive motivates others to be more sustainable in their operations.

2 What's an example of a recent Ventures project?

We are leading a team of organizations in New Hampshire to provide technical assistance to municipalities for energy efficiency through the Energy Technical Assistance Program for New Hampshire Communities (ETAP-NHC). Our team measures energy consumption and identifies opportunities to reduce energy usage

and costs. This work advances energy efficiency, a critical piece of the clean energy future CLF is advocating for throughout New England.

3 How does CLF Ventures' work advance the mission of CLF?

Ventures works to implement changes in the marketplace that are consistent with CLF's advocacy in the policy arena. Ventures' role is to help public and private organizations achieve environmental goals that also have economic benefits. Together, we're able to take a comprehensive approach to solving environmental problems.

4 How does CLF Ventures avoid conflicts of interest with CLF's advocacy?

We review each project extensively before going forward to ensure that it doesn't conflict with CLF's mission or advocacy efforts, and that it will complement, not compete with, CLF's work. Our contracts have an "out clause" stating that we reserve the right to stop working with an organization that takes actions we don't

agree with. We've never had to use that clause, but it ensures that we don't support the work of organizations who behave irresponsibly. We've been able to influence partners who are considering actions that are environmentally irresponsible, but more often, we've chosen not to work on projects where we anticipated that potential.

5 What is an example of an emerging issue that Ventures is pursuing?

Companies will need to be increasingly proactive about managing risks from new and emerging technologies, including nanotechnologies and nanomaterials. Nanotechnologies affect most economic sectors and present many opportunities for environmental improvement, for example, reducing the environmental burden from toxic chemicals or improving efficiencies of wind and solar technologies. Ventures is well-positioned to help organizations manage the risks and opportunities associated with these and other new technologies.



A NEW LOOK FOR CLF

John Kassel Talks About Why We Need It and Why Now

Regional is the new national. Solutions to the environmental problems that threaten our economy, our security and our health are not coming from Washington. Instead, they're being forged by energetic and creative problem solvers like CLF who work in regions and states and strive to create models for the rest of the country. This is CLF's moment. But we can't do it small.

To be truly effective in the face of the unprecedented challenges facing New England, we need a movement behind us. We need neighborhoods standing up for their right to clean air and water, cities and towns demanding better transportation options and a whole region clamoring for clean energy.

About a year ago, we started work to ensure that our story was clear and compelling and inclusive enough to engage a whole region in our mission. We began by asking employees and board members, partners and adversaries, long-time members and new friends what draws them to CLF. Resoundingly, we heard: **"CLF protects my New England."**

This notion of protection is inherent in CLF's brand: our region's abundant natural resources, as well as its historic cities and towns, are in peril from the impacts of climate change and other realities of modern life. CLF has a long and successful history

protecting New England's environment, from a landmark lawsuit that prevented oil and gas drilling off of our shores to developing green car insurance that rewards people for driving less. At CLF, protection is not about keeping things the way they were. It anticipates the reality of a changing environment and is on the cutting edge of planning for it, to ensure that our region will continue to thrive. This kind of protection requires pragmatic, science-based approaches, fearless creativity and a willingness to collaborate to find solutions to our most complex challenges.

To convey the many facets of CLF's brand, built painstakingly over 44 years, we needed to refine, not redefine, our story. We started with articulating our mission:

CLF protects New England's environment for the benefit of all people. We use the law, science and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy.

And our vision: *A healthy, thriving New England — for generations to come.*

Our new logo, with the emphatic red "zing," is the ultimate distillation of CLF's brand. It's at once humble and outspoken, pragmatic and creative, patient and dynamic. And yet, it's simple. Similarly, our new

marketing and communications materials — both digital and print — are designed to let our stories stand out. You will see lots of white space, an antidote to our tendency to accumulate. Our new design will discipline us to be economical with our words and keep our messages crisp and clear.

Economy of words is never more important than in a tagline. Our five are the answer to every question about why we do what we do:

For a thriving New England

There is no doubt that our ability to communicate our story effectively is key to achieving our mission. It is the currency with which we develop relationships with our members like you, with foundations who share our vision, and with influencers in the legislature and the media who help further our cause. With a great story to tell — and now, a great way to tell it — we are ready to seize this moment for CLF and galvanize all who would join us in protecting our New England.

Best,

John Kassel
President

CONSERVATION
MATTERS

THE JOURNAL OF THE CONSERVATION LAW FOUNDATION | VOLUME VI, NO. 3 | WINTER 2010 | ISSN 1521-9941

The screenshot shows the website's homepage with a navigation menu on the left and a main content area. The main headline reads "CAPE WIND CONTRACT APPROVED" with a sub-headline "About the DPU conclusion that Cape Wind is in the public interest." Below this, there are three news snippets under the "CLF SCOOP" section, each dated December 2010. The first snippet is titled "This is CLF's Moment" and discusses regional environmental issues. The second is "Patrick Administration Calls for Action on Salem Harbor Station" and mentions a letter to the President of ISO-NE. The third is "The Girl Who Loved the Eagle Nest" and discusses a Bald Eagle in Wiscasset. The website also features a "JOIN CLF" button and a "STAY INVOLVED" sign-up form.

See more of our new look at www.clf.org

Editor: Claire Morgenstern
Graphic Design by Captains of Industry
Copyright ©2010
CONSERVATION LAW FOUNDATION
www.clf.org

Printing by: The Print House



Printed on 100% post-consumer content recycled paper with soy-based inks.

- John Kassel**
President
- Michael B. Moskow**
Chair, Board of Trustees
- Paula W. Gold, Esq.**
Vice Chair, Board of Trustees
- John M. Teal, Ph.D**
Vice Chair, Board of Trustees
- Eugene H. Clapp**
Treasurer, Board of Trustees
- Thaleia T. Schlesinger**
Secretary, Board of Trustees
- Daniel Amory**
Chair, Maine Board
- John B. French, Esq.**
Chair, Massachusetts Board
- Martin L. Gross, Esq.**
Chair, New Hampshire Board
- Louise Durfee, Esq.**
Chair, Rhode Island Board
- Ann Seibert**
Chair, Vermont Board

CLF Maine / 47 Portland Street, Suite 4
Portland, ME 04101
P: 207.210.6439

CLF Massachusetts / 62 Summer Street
Boston, MA 02110
P: 617.350.0990

CLF New Hampshire / 27 North Main Street
Concord, NH 03301
P: 603.225.3060

CLF Rhode Island / 55 Dorrance Street
Providence, RI 02903
P: 401.351.1102

CLF Vermont / 15 East State Street, Suite 4
Montpelier, VT 05602
P: 802.223.5992