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Protecting Open Space **IN THE SEA**





Redefining Open Space

The case for protecting open space in the sea

By Priscilla Brooks, Vice President, Ocean Conservation

Photography by Brian Skerry

An underwater photograph showing a large amount of yellow plastic bags floating in the water. The bags are tangled and appear to be drifting. In the background, there is green seaweed or coral. The water is clear and blue. The lighting is bright, suggesting sunlight filtering through the water.

“Surely in the same way that we bank
away critical portions of our terrestrial
landscape for its inherent value,
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I love my town.

Nestled on Massachusetts' North Shore, Ipswich is an historic New England community with a vibrant town center, friendly people, working farms, and the best steamers — soft-shelled clams — anywhere. Period.



What I really love about Ipswich, though, is its open space. A remarkable 47 percent of my town is protected. My neighbors share a common, almost innate understanding that our quality of life is intimately tied to our open space — and that we need these green spaces to balance a landscape increasingly developed for housing and commerce.

We're not alone — New England boasts 500 land trusts working to protect the places that make living here so special. So, when I think about the concept of open space in the ocean, I am confounded by how differently we New Englanders treat our saltwater resources. There's not even a term for open space at sea. I know, for many of us, the vast blue expanse of the ocean looks like nothing but "open space." But beneath the waves is a landscape as diverse, breathtaking, and dramatic as any on land — a dynamic seascape of boulder reefs, hard and soft corals, luxuriant kelp forests, muddy basins, ever-changing sand plains, and beautiful canyons full of exotic marine life.

Yet only a fraction of it is protected.

Surely in the same way that we bank away critical portions of our terrestrial landscape for its inherent value, we can protect equally vital seascapes, so that our ocean can survive and thrive for generations to come. That protection should follow the same principals as on land, which we manage for multiple uses. We need appropriate places to develop and site clean renewable offshore wind energy, for example. And, we need fishing grounds to support this venerable industry and the production of the delicious seafood for which New England is renowned.

But we also have to acknowledge that fishing, while important, is not a benign activity; few exploitative industries are. And some fishing gear — trawls and dredges, in particular — are more destructive than others. Our decisions about how to manage the ocean, then, must balance both realities. That's why CLF is pushing to protect some of New England's most remarkable — and vulnerable — ocean open spaces before they and the wildlife they support are damaged beyond repair.



PHOTOS: Seascapes are as remarkable and diverse as any landscape. Cashes Ledge in the Gulf of Maine supports invertebrates, marine mammals, and commercially important fish species, including *(clockwise from top left)* sea stars, pollock, mussels, and Atlantic cod.

Cashes Ledge boasts the largest and deepest cold-water kelp forest on the East coast.



Cashes Ledge is one of those vulnerable places. Located in the Gulf of Maine about 80 miles from Portland and Cape Ann, Cashes Ledge rivals any earthbound landscape in beauty, biodiversity, and grandeur. Its steep ridges and deep basins create ideal conditions for marine life as currents mix nutrient- and oxygen-rich water to fuel this remarkably productive ecosystem. Home to the deepest and largest cold-water kelp forest along the Atlantic seaboard, Cashes Ledge provides an important source of food and a diverse habitat for fish, sharks, marine mammals, and invertebrates. This diversity also makes it a valuable open-sea laboratory for scientists studying ocean ecosystems and the impacts of climate change.

For the past 12 years Cashes Ledge and the areas surrounding it have been closed to most commercial fishing – and it shows. The area is lush and productive, a refuge not only for threatened groundfish like Atlantic cod, but also for rare species such as Atlantic wolffish and North Atlantic

right whales. As I write, however, federal fisheries managers are considering a proposal to re-open the whole area to the most harmful kinds of commercial fishing, which could devastate this prized seascape.

In just a few weeks, the New England Marine Fishery Management Council will begin accepting public comments about this ill-advised proposal. We have our fight cut out for us, and CLF will muster every legal, economic, and scientific resource it can to protect Cashes Ledge. We also need to muster the support of every one of our members, friends, and colleagues. You can help, today, by signing our online petition, forwarding it to your friends, and submitting comments to the Fishery Council telling them to protect Cashes Ledge. Go to www.clf.org/cashes-ledge to get started.

Together, we can change the way we think about our ocean open spaces, and move forward meaningful protection for our most vital seascapes.



SEEING IS BELIEVING

If only we could see and experience the wonder of New England's submerged mountains, valleys, and plains, I believe we would exercise the same sound stewardship toward them that we do for our terrestrial treasures.

Since we can't take you to Cashes Ledge to see it firsthand, we have partnered with the best underwater photographer in the world, Brian Skerry, to share this remarkable place through his camera lens. We've also enlisted the help of Evan Kovacs, a talented underwater videographer, to film this submerged mountain range. Our theory is simple: seeing is believing.

Dive in at www.clf.org/cashes-ledge. There you'll find a slideshow of Brian Skerry's amazing photos; videos of Brian, Brown University Biologist Jon Witman, and local fishermen talking about the importance of protecting Cashes Ledge; and mesmerizing video of this underwater seascape. You'll also find out how you can get involved to permanently protect Cashes Ledge.

A photograph of two men, Sam Warton and Chris Waters, standing on a rocky shore next to their bicycles. They are both smiling and looking towards the camera. Sam is on the left, wearing a grey long-sleeved shirt and black pants. Chris is on the right, wearing a bright yellow and black cycling jersey with 'RALEIGH' and 'KENDA' logos, and black shorts. The background shows a large body of water and distant mountains under a blue sky with light clouds.

Sam Warton and Chris Waters

WHY WE GIVE

This summer, these recent UMass grads crossed the country by bike – all to raise funds for Conservation Law Foundation. Thanks, Sam and Chris, for your commitment and your generosity.

Sam Warton: As a lover of nature, I've spent many years enjoying the mountains, forests, and watersheds of New England. But I've grown concerned about the number of threats to the environment, like water and air pollution, here in New England and across the world. What I like about CLF is that they are tackling these environmental challenges by using the law, science, and policy making in tandem, which makes their efforts more effective. For example, CLF has used these tactics to help close aging, polluting power plants across the region and, by doing so, is leading the way for national change.

Chris Waters: When I was growing up, New England was my playground. There were weekends I spent exploring the White Mountains in New Hampshire with the Boy Scouts, and weeklong river trips in Maine with my family. Because of these experiences, I developed a deep appreciation for the cultural and environmental ecology of the region. I wanted to support an organization that would help preserve these great outdoor spaces so that others could enjoy them as much as I have. CLF has shown a commitment to doing so, and is even having impacts beyond New England.

Learn more about Sam's [left] and Chris's [right] cross-country adventure at www.clf.org/bay-bay-bike.

GIVE ONLINE, GIVE WITH EASE

Contact us today to learn more about giving to CLF.

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keeping the lights on

Forcing the New England Governors' Energy Plan Out of the Back Room



Max Phillips

THE PROBLEM

After decades of work by CLF, obsolete coal and nuclear power plants could soon disappear from New England's energy mix – and the rest of the country is beginning to follow suit. The question now is whether the region's energy (and climate) future will be built on clean energy or the drawn-out use of fossil fuels, like natural gas. The answer will resound for generations, here and throughout the entire country.

Last December, when New England's governors announced they were working together on a regional energy plan, hopes were high that it would prioritize clean, more efficient sources that would be good for the economy and the planet. The plan that was revealed just a month later, however, was one instead built on massive new gas pipelines and imports of Canadian hydropower – all to be financed with billions of dollars from residents and businesses.

CLF IN ACTION

CLF has a long history of working with industry, regulators, and government to push for clean energy solutions in New England. Concerned that this risky energy plan was being hatched out of the public eye, CLF and others repeatedly requested information from state agencies about its development. When those requests went unanswered, CLF filed public records requests in each New England state, seeking documents from state agencies and the New England States Committee on Electricity (NESCOE), a publicly funded regional entity through which the states are advancing their plan.

PROGRESS

By early July, CLF had obtained a fraction of the documents requested. NESCOE, despite acting on behalf of state governments, claimed it was not subject to public records laws and refused to provide any documents. Only the state agencies in Maine, New Hampshire, and Vermont responded with meaningful documents.

We want to ensure the public knows more about the projects they would be funding through their utility bills. Without vital public transparency, these projects are sure to cost more than they should, in dollars as well as environmental impact.

— Seth Kaplan, Vice President of Policy and Climate Advocacy



Those documents revealed troubling trends: an outright hostility to conducting the planning process in the open; discussions held behind closed doors and alongside industry representatives – who stand to profit most from the plan; resistance to considering smaller, more affordable options; and a total failure to address how the proposed influx of natural gas and hydropower would impact the region’s clean energy and climate goals.

That state officials seemed so willing to risk the public’s money, the region’s clean energy progress, and New England’s climate is perhaps most troubling of all – especially since the documents also suggest that some states were moving the plan forward not to ensure electric reliability or comply with environmental policies, but to subsidize low-cost gas for power plants and big industrial users. Economic development is a worthy goal, but the plan for our region’s energy future must be developed in plain sight of the people whose wallets, communities, and climate will be most impacted – not to mention with legislative approval.

NEXT STEPS

As of this writing, NESCOE has announced that it is delaying action on natural gas and electric proposals that it had been pursuing aggressively – proposals that would potentially put billions of consumer dollars at risk. With this delay, NESCOE, the state officials who direct it, and New England’s governors have an opportunity to embrace the transparent, open process the public deserves – including assessing which solutions are actually consistent with New England’s long-range energy and climate goals. CLF is keeping pressure on the governors and state agencies to drive this backroom process into the open and will be doggedly tracking its progress.



CLF NEEDS YOU

CLF needs you beside us as we take on the backroom deal making that led to the New England governors’ risky energy plan. Stand up for New England’s clean energy future by telling your governor and gubernatorial candidates that you want your energy future built on transparency and public input.

WWW.CLF.ORG/FOIA

Ivy Frignoca

Staff Attorney, CLF Maine



Ivy tackles some of the biggest threats to clean and healthy waters in New England.



1 What prompted you to pursue a career in environmental law?

I graduated from the University of Vermont with a self-designed major in Environmental Studies. After university, I worked as a Naturalist and then as Chief of Conservation Education for the State of Vermont. I loved the creative work that I did to conserve the environment through education, but I wanted to have a bigger impact. I went to law school to attain skills that would allow me to effect greater change.

2 You've been instrumental in CLF's work to curb stormwater pollution. Why is this such a major concern?

Stormwater runoff is a leading cause of water pollution in New England. More and more commercial developments like shopping centers and office parks mean more and more pavement – parking lots, flat roofs, roads, sidewalks. As stormwater runs off these paved surfaces into nearby streams and rivers, it carries oil, garbage, chemicals, and other pollution with it. Those pollutants kill insects and fish and make the water unsuitable for recreation, among other impacts.

In New England, CLF has pushed the Environmental Protection Agency (EPA) to regulate these kinds of commercial facilities by permitting them and requiring them to clean up and reduce their pollution.

3 Can you share a success story?

Long Creek snakes through the Maine Mall area, one of the most heavily developed areas in the state. Stormwater pollution from nearby businesses had severely impaired the creek's water quality, so CLF petitioned EPA to regulate those businesses. The agency agreed that they must have permits and be required to reduce their polluted runoff. The businesses have since joined together to clean up the creek and now, about a third of the way through a 10-year management plan, Long Creek's water quality is improving. It's a terrific model for the clean up of other urban rivers.

4 Since coming to CLF, what has been your most rewarding project?

It's hard to choose! Recently I worked with scientists, fishermen, and other environmental groups to pass a law making Maine the first state on the East Coast

(and second in the nation) to study ocean acidification. Ocean acidification occurs when carbon pollution mixes with ocean water to form acid. The acid dissolves the shells of oysters and clams and stunts the growth of lobsters, among many other harmful effects that we are just beginning to understand. The goal of the law is to study the problem and determine ways to deal with it before it destroys our shellfish – and our fishing industry. It's exciting to be involved in preventing a problem from getting worse, rather than reacting after all the harm is done.

5 You describe yourself as an avid outdoors-woman. What's your favorite outdoor place in New England?

Lake Champlain. It is a breathtakingly beautiful, diverse body of water. It has the oldest fossilized coral in the world and a rich cultural history, including the claim that Benedict Arnold started the American Navy there in 1775. I have found arrowheads in farm fields where Native Americans camped before colonial times, have dived on shipwrecks preserved in the cold lake waters, and spent many nights mesmerized by sunsets, shooting stars, and the Northern Lights above the lake.



AROUND CLF

MAINE

Maine has been the epicenter of a proposed scheme developed behind closed doors by New England’s Governors to fund a new \$1.5 billion interstate natural gas pipeline in Massachusetts on the backs of electric customers. Such a scheme is unprecedented, likely without legal authority and will exacerbate an overreliance on natural gas, hindering efforts to lower greenhouse gas emissions. By shining a spotlight on this risky financing scheme, CLF has forced regulators to take a more measured approach and presented alternative ways to meet the challenge identified by the Governors – including better use of existing and some incremental expansion of natural gas infrastructure, market reforms, efficiency measures and increased storage capacity.

MASSACHUSETTS

Mt. Tom Station in Holyoke – one of the state’s only remaining coal-fired power plants – will close in October. With Salem Station’s closure in June, and

Brayton Point retiring in 2017, Massachusetts is on the brink of being entirely coal-free – something CLF has spent years fighting for. CLF remains committed to making all of New England coal-free by 2020, while also ensuring that phasing out coal opens the door to cleaner, more efficient energy and not more polluting fossil fuels.

NEW HAMPSHIRE

CLF and our partners have filed comments on a report released by the U.S. Department of Energy about Northern Pass project alternatives to evaluate during its environmental review. Our comments explain that the agency is missing key alternatives and should be undertaking a regional study of all transmission proposals seeking to bring hydropower into New England. After three years of advocacy, CLF will continue to push for a thorough, transparent review that will help minimize environmental and community impacts of any new transmission lines.

RHODE ISLAND

The Rhode Island Coastal Resources Management Council approved Deepwater Wind’s application to build the 30-megawatt Block Island Wind Farm – making the state the first to approve an offshore wind project. Thanks to the collaboration of Deepwater Wind, state agencies, the public, and environmental groups, including CLF, the project provides a path forward on clean energy while still protecting critical habitat, underwater resources, and marine mammals, like the endangered North Atlantic right whale.

VERMONT

Governor Peter Shumlin’s recently signed shoreland protection bill restricts development near lakes and ponds by establishing stricter permit requirements, including limits on cleared land and impervious surfaces. These changes will help protect natural habitats and prevent polluted runoff from draining into waterways. CLF has supported and provided feedback on this legislation from the start, and applauds this victory for clean water.

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In between quarterly issues of *Conservation Matters*, stay informed about what CLF is doing and how you can get involved. Doing so is easy – just find us at any one of the following websites.

- CLF’s blog: clf.org/blog/
- Twitter: @theclf
- Facebook: facebook.com/TheCLF
- LinkedIn: linkedin.com/company/Conservation-Law-Foundation

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LETTER FROM THE PRESIDENT



After nearly six years, I will be stepping down as President of CLF on February 1, 2015. It has been my true pleasure, honor, and thrill to lead this ter-

rific organization. I have been inspired every day of my tenure by the innovation, expertise, and passion of our staff, volunteers, and supporters – and by the bold, forward-thinking dedication we all share, which fuels our work to protect New England’s environment for the benefit of all people.

The next five months will be busy ones here at CLF – and not just because we are launching a national search for our next leader. Before I say my official goodbye, we have some big battles to win: protecting Cashes Ledge from destructive bottom trawling, dragging the New England regional energy plan out of the back room and into the public light of day, and pushing for precedent-setting clean ups of toxic water pollution in Rhode Island. And that’s just the start.

Between now and February, each of these campaigns – and many more – will reach critical tipping points. Seeing them through to decisive victories is the kind of trailblazing work that only CLF has the breadth and expertise to do. But we can’t do it alone.

So here’s my challenge to you. In the weeks and months ahead, when we call on you to take action, to speak up, and to push for change on these issues, we need you to respond – with all the passion, commitment, and tenacity that only the CLF community can bring. Because it’s not just that we *can* achieve important victories before February – it’s that we *must*. Our vision for a healthy ocean, healthy communities, healthy rivers and lakes, and a healthy climate depend on it.

Thank you for your enthusiasm, your support, and your dedication to a healthy, thriving New England for all.

Sincerely,

John Kassel

John Kassel
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