

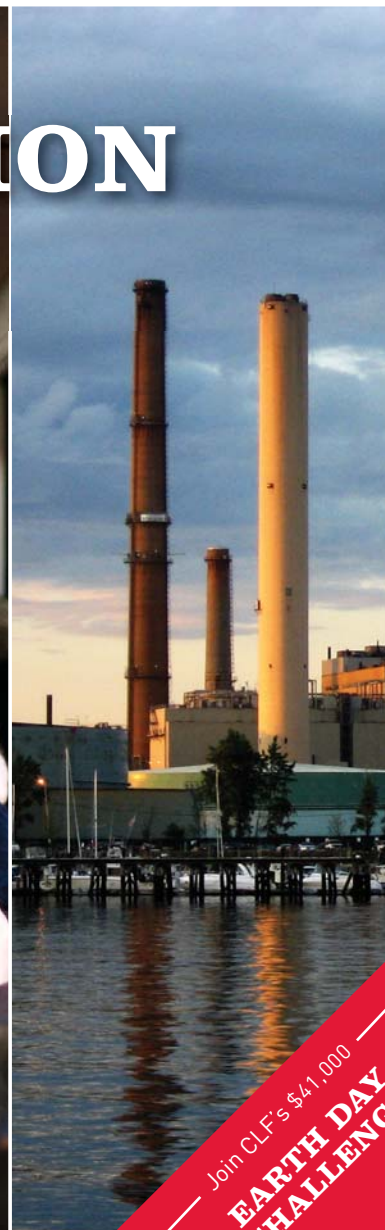


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Cynthia Irwin

CONSERVATION **MATTERS**

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

STATE OF THE REGION 2010 – 2011



Join CLF's \$41,000
**EARTH DAY
CHALLENGE**

FISHERIES MANAGEMENT

Building healthier fish populations and thriving coastal communities



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CLF File Photo

1



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lumiere, flickr

2

Over the last 12 months, New England's commercial fishing industry has undergone its most significant changes in 35 years—changes designed to reverse the effects of decades of overfishing and federal mismanagement that depleted fish stocks and put the entire fishing community at risk. To get there, CLF worked side-by-side with fishermen, scientists, government officials, business and community leaders with a goal of building a thriving, sustainable fishery in New England for generations to come.

The new regulations, known as Amendment 16, were implemented in spring 2010 at the beginning of the fishing season. The new management plan established science-based catch limits and accountability measures for all

groundfish caught, including cod, haddock and yellowtail flounder. The plan also improved fisheries monitoring and formally endorsed sectors, a form of fishing cooperative that allows fishermen more flexibility in terms of where they can fish and what they can catch in order to maximize their profits. Early data indicates that the system is working—regionally, gross revenues are up 8.1 percent over the 2009 fishing year.¹

With almost a year of fishing under the new regime, there is data that shows signs of returning health in the fishery; there are also real life experiences that suggest the need for additional changes to the system. In Massachusetts, a few vocal fishing interests, backed by political leaders in the ports of New Bedford and Gloucester, as well as the Patrick Administration, have protested the new

rules, and appealed unsuccessfully to the Department of Commerce for emergency relief, including increasing catch limits. CLF continues to stand behind the new management plan in the face of opposition, calling for a rational approach to addressing apparent inequities in the system while preserving its integrity. We have even taken the step of intervening in federal court on the side of the federal government defendants to defend Amendment 16 from its critics. CLF firmly believes that the new system has long-term benefits for both fish and the fishermen whose livelihoods depend on them—and that the preservation of both is critical to the survival of an industry that for centuries has been an integral part of the New England identity.

1. National Oceanic and Atmospheric Administration (NOAA). "NOAA Fisheries Commercial Groundfish Landings and Revenue." Feb. 16, 2011.

FISHERIES MANAGEMENT AT A GLANCE

GOAL

CLF IS PUSHING FOR THE CONTINUED IMPLEMENTATION OF SCIENCE-BASED FISHERIES REGULATIONS AND NEW FISHING STRATEGIES AND ORGANIZATIONS THAT WILL ALLOW BOTH FISH AND FISHERMEN TO THRIVE.



WHAT'S AT STAKE:

Without effective management, fish stocks will continue to diminish, threatening the jobs of fishermen and, consequently, the economic prosperity of coastal communities.

CURRENT STATUS:

In the face of intensifying opposition, CLF continues to stand strong in support of upholding the quotas recommended by the scientists.

NEXT STEPS:

CLF will continue to push for enforcement of Amendment 16 and monitor the effectiveness of the new regulations to ensure that they are achieving the maximum benefit for fish populations and coastal communities while appropriately addressing any perceived inequities within the system.



Photo credit:
CLF File Photo

HIGHLIGHTS

- New England's groundfish fishery ushered in a new era of management designed to restore the fishery to health and ensure its long-term sustainability. Early data shows that the system is working—fishermen are bringing in more revenue while catching fewer fish, leaving more fish in the ocean to continue to rebuild groundfish stocks that had been in decline for decades.
- CLF intervened on the side of the federal government in a lawsuit brought by the towns of New Bedford, MA and Gloucester, MA against the National Marine Fisheries Service intended to upend the new fishing rules.
- CLF applauded Commerce Secretary Gary Locke for his decision to stand by the science underpinning the fisheries management plan when he rejected Governor Patrick's request for emergency action to increase catch limits for Massachusetts fishermen.
- CLF continues to be actively involved in the development of a new management plan for Atlantic herring, a key forage fish for larger fish and marine mammals such as striped bass, cod, tuna, dolphins and whales.

Photos

1. After several decades of being severely overfished, New England's native cod population is beginning to regenerate. Cod is one of the main types of fish regulated under the Amendment 16 fisheries management plan.
2. A dockside scene of Portland Harbor in Portland, ME.
3. The new plan formally endorsed sectors, a form of fishing cooperative that allows fishermen more flexibility in terms of where they can fish and what they can catch in order to maximize profits.

NUTRIENT POLLUTION

Restoring New England's waters to health



Photo credit:
istockphoto

1

CLF advocacy led to widespread change across the region in the fight to alleviate severe water pollution associated with nutrient pollution and restore New England's waters to health. From Cape Cod's coastal waters to Lake Champlain, the region's largest lake, CLF pushed again and again for stricter enforcement of the Clean Water Act with the ultimate goal of beginning to reverse years, even decades, of steadily decreasing water quality that continues to threaten New Englanders' enjoyment of the region's lakes, bays and estuaries and their ability to prosper from them.

Nutrient pollution, one of the most pervasive pollution problems in the region, is characterized by excessive levels of nitrogen in saltwater bodies and excess phosphorus in freshwater. The nutrients flow

into water bodies via stormwater runoff or discharge from wastewater treatment facilities, where they over-fertilize aquatic life, causing toxic algae blooms to grow and eelgrass beds to degenerate, robbing oxygen from the water and threatening the lives of plants and aquatic wildlife. Eventually those places become dead zones—uninhabitable by any life at all.

The Clean Water Act provides the regulatory framework to curb nutrient pollution and actually begin to reverse its harmful effects on our region's waters. However, that reversal can't happen unless the EPA steps in to enforce those pollution requirements, which it has been slow to do. As a result, the problem has continued to escalate, and many of its culprits, such as wastewater treatment plants and large factory farms, have been allowed to continue to pollute with impunity.

By bringing the issue into focus in New England, CLF helped to also thrust the growing problem into the national spotlight, calling for widespread programmatic change to force the EPA to tighten controls for nutrient pollution and enforce the terms of the Clean Water Act. CLF's advocacy throughout New England, combined with national and international organizations' advocacy on behalf of other affected water bodies such as the Chesapeake Bay, resulted in the EPA's recognition of the severity of the problem. The Agency has responded with stricter controls on discharges from wastewater treatment facilities and a new permit program to manage stormwater runoff from commercial and industrial parking lots. CLF is continuing to work with the EPA to prioritize nutrient pollution and make New England's vulnerable waters fishable, swimmable and drinkable again.

NUTRIENT POLLUTION AT A GLANCE

GOAL

CLF IS PUSHING FOR STRICTER REGULATIONS GOVERNING THE DISCHARGE OF THE NUTRIENTS NITROGEN AND PHOSPHOROUS AND BETTER ENFORCEMENT OF WATER QUALITY STANDARDS TO ENSURE THAT POLLUTERS ARE HELD ACCOUNTABLE.



WHAT'S AT STAKE:

New England's iconic water bodies are economic engines, fueling tourism and providing food, jobs and recreational opportunities that are central to New Englanders' quality of life. Left unchecked, nutrient pollution renders water bodies uninhabitable by marine and plant life and unusable by humans. Many of the region's water bodies already have large "dead zones," areas devoid of life, particularly in the summer months.

CURRENT STATUS:

CLF has won stricter pollution controls for major dischargers in New Hampshire and Vermont, reducing nutrient pollution at its source and establishing a framework with the potential to restore impacted water bodies to health. CLF is continuing to advocate for programmatic change from the EPA to more accurately define sources of nutrient pollution and hold polluters accountable.

NEXT STEPS:

CLF will keep pushing for better wastewater management practices on Cape Cod to reduce pollution in the Cape's fragile bays, ponds and estuaries. CLF will also look south to Long Island Sound, which is already severely degraded by nutrient pollution.



2



3

HIGHLIGHTS

- After a decade of advocacy, CLF convinced the EPA that the water quality plan for Vermont's Lake Champlain was not tough enough on phosphorous pollution to maintain the health of the Lake. In a landmark settlement, the EPA withdrew its approval of the 2002 plan and said it will write a new one based on the latest science and taking into account CLF's recommendations, including that the effects of climate change should be considered in creating a pollution budget, a first in EPA history.
- CLF continued to champion strict nitrogen pollution limits to protect New Hampshire's Great Bay Estuary.
- CLF challenged the permit standards for the Upper Blackstone Water Pollution Abatement District, stating that the acceptable level of nitrogen that the permit allows to be discharged into the water is too high to meet water quality standards and is in violation of the Clean Water Act.
- CLF took legal action to protect Cape Cod's legendary waterways, urging the EPA and Barnstable County to update and oversee a plan to reduce nitrogen pollution to meet water quality standards, as required by the Clean Water Act. In addition, CLF challenged the EPA to permit and regulate the discharge of human wastewater from septic systems and treatment plants through underground aquifers into rivers and bays, which is the major water pollution source on the Cape.
- CLF urged the EPA to issue stronger permits for municipal stormwater runoff in MA and NH to effectively control vast inputs of nutrients from roads throughout urban and suburban areas using green infrastructure.

Photos

1. Reducing nutrient pollution is key to keeping New England's waterways fishable and swimmable.
2. Blue green algae covers the surface of Buzzard's Bay, a sign of excess levels of nitrogen in the water.

3. Dead fish line the shores of Cape Cod Bay. Periodic fish kills are one of the signs of severe nutrient pollution.

PUBLIC TRANSPORTATION

Accelerating toward better transportation



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Photo credit:
CLF File Photo

New England drivers clock more than 145 billion miles in their cars and trucks each year, creating a steady stream of tailpipe exhaust that fills the air with harmful pollutants, including carbon dioxide, a key contributor to climate change. In 2010, CLF was a regional leader in bringing coalitions together to develop a holistic approach to reducing carbon pollution from the transportation sector, improving and expanding public transportation options while creating more livable cities and towns.

Reliable, cost-effective public transportation isn't just a boon for the environment,

but for the communities it serves as well. Easy access to jobs, shopping and services attracts residents and business and helps local economies thrive. When public transportation options are scarce or non-existent, communities are disconnected; economic development goes out of town, along with residents who must travel farther, in more carbon-intensive and expensive modes of transportation, to get to work, conduct their daily business and spend their dollars elsewhere. Despite the evidence showing the economic, environmental and social benefits of expanding public transportation, states have historically implemented policies that favor highways and cars, choosing to fund new roads and bridges instead

of making much-needed investments in cleaner, more efficient and more socially just transportation alternatives.

CLF is working to change the dominant conversation around this issue, and in turn, give New Englanders more choices about how they get around. By working with states and promoting active public participation in transportation decision-making, CLF is crafting innovative transportation policy that will reduce dependence on cars, decrease energy consumption and greenhouse gas emissions and provide more reliable, affordable alternatives to driving.

PUBLIC TRANSPORTATION AT A GLANCE

GOAL

CLF IS WORKING TO REDUCE VEHICLE MILES TRAVELED AND THE ASSOCIATED EMISSIONS FROM CARS AND TRUCKS, WHILE IMPROVING TRANSPORTATION CHOICE BY PUSHING FOR INNOVATIVE POLICY, INFRASTRUCTURE AND FUNDING SOLUTIONS.



WHAT'S AT STAKE:

New England states' economic prosperity, environment and public health. Our region needs investment in 21st century transportation systems to thrive.

CURRENT STATUS:

CLF is facilitating collaboration among transportation advocates, as well as encouraging public participation, to develop policy that will increase transportation choice and reduce vehicle miles traveled and the associated emissions from cars and trucks.

NEXT STEPS:

CLF is working to develop a network of state-based coalitions to create regional transportation solutions across the New England states.



HIGHLIGHTS

- CLF played a lead role in four state-based coalitions for transportation advocacy—T4MA in Massachusetts, the Coalition for Transportation Choices (CTC) in Rhode Island, the Maine Alliance for Sustainable Transportation (MAST), and Transportation Solutions New Hampshire.
- In Rhode Island, CLF and the Coalition for Transportation Choices (CTC) persuaded the state Senate to create a study commission on sustainable transportation funding, which will evaluate transportation needs for the state—a crucial step before the state can break ground on any substantial transit projects. Most recently, the CTC wrote a bill to create a separate fund for transportation maintenance and expansion, which was introduced in the state Senate in February 2011 and in the House of Representatives in March 2011. In Maine, CLF and MAST developed a proposal to expand the highly-successful Zoom Turnpike Express bus services. The proposal will increase commuter transit options, reduce household expenditures on gas and diesel, increase employment opportunities and reduce government expenditures. The bill request was submitted to the state legislature in January 2011.
- In October 2010, CLF organized the Blue-Ribbon Summit on Financing the Massachusetts Bay Transportation Authority and the Regional Transit Authorities, bringing together national and Massachusetts experts on transit finance to discuss the future of public transportation finance policy in Massachusetts. State Representative Carl Sciortino, with the help of CLF and its partners, recently introduced legislation based on the recommendations developed at the summit, and has brought in financial experts to conduct an analysis of revenue streams to find potential new sources of funding for future transportation projects.

Photos

1. Better public transportation options reduce congestion on the region's roads and highways.
2. Travel by public transportation emits about half as much carbon dioxide per passenger mile than private vehicles, and uses about half the fuel.
3. The MBTA commuter rail provides commuters from the greater Boston area easy access to downtown.
4. An MBTA Green Line train approaches Government Center in downtown Boston.

COAL-FREE NEW ENGLAND

Making way for the region's clean energy future



Photo credit:
Fred Surr



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iStock

CLF kicked its coal advocacy up a notch in 2010 with the launch of its Coal-free New England campaign, an all-out strategy to kick New England's coal habit for good. With the convergence of increased renewable energy generation, tougher anti-pollution laws coming from the EPA and cheap natural gas, CLF saw an unprecedented opportunity to exploit the vulnerabilities of the region's aging fleet of coal-fired power plants, five of which are 50 years old or more. In 2010, CLF combined

tenacious legal advocacy with regulatory expertise to shut down Somerset Station, one of the region's oldest, dirtiest coal plants, and bring an old foe, Salem Harbor Station, closer to the brink. Meanwhile, CLF worked strategically within the regulatory regime to help expedite planning for an electricity grid that does not rely on coal power to keep the lights on.

CLF's Coal-free New England campaign is a crucial step towards creating a clean energy future for the region. Shutting down obsolete coal-fired power plants

will eliminate a substantial source of the greenhouse gas emissions that contribute to climate change and will hasten a transition to clean, renewable energy along with its associated health, economic and environmental benefits. New England still relies on coal to meet about 10 percent of its energy demand. CLF is pursuing ways to replace that 10 percent with cleaner sources of energy, such as energy efficiency, hydropower and renewable generation like wind and solar, at reasonable cost and minimum impact to the environment.

COAL-FREE NEW ENGLAND AT A GLANCE

GOAL

TO SHUT DOWN ALL SEVEN OF THE REGION'S REMAINING COAL-FIRED POWER PLANTS AND CLEAR THE WAY FOR A CLEAN ENERGY FUTURE FOR NEW ENGLAND.



WHAT'S AT STAKE:

Pollution from coal-fired power plants causes dozens of premature deaths every year in New England, as well as hundreds of heart attacks, asthma attacks and other health problems, particularly among the very young and elderly. Continuing to rely on coal-fired power from these aging plants is saddling New Englanders with major health and financial burdens while delaying our transition to a clean energy economy.

CURRENT STATUS:

After several notable successes in 2010, CLF is continuing to push for shutdown of the remaining coal-fired power plants in operation throughout New England.

NEXT STEPS:

CLF will extend its Coal-free New England campaign to additional plants in the region, including Mount Tom Station in Holyoke, MA, and address potential reliability issues that may result from closing those plants. CLF is working to ensure that every home in New England is able to keep the lights on, at reasonable cost, without the crutch of coal-fired power plants.

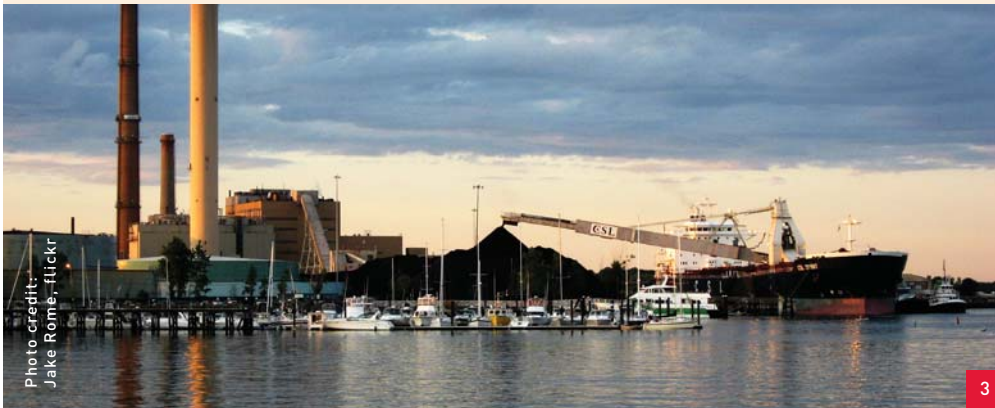


Photo credit: Jake Rome, Flickr

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HIGHLIGHTS

- CLF, in conjunction with Toxics Action Center and Somerset residents, succeeded in shutting down Somerset Station, a coal-fired power plant in Somerset, MA. Somerset shut down in January 2010 pending CLF's appeal of its permits to gasify coal and other fuel, including construction and demolition debris, at the plant. Under pressure from CLF and community activists, as well as economic realities, Somerset closed its doors permanently in February 2011.
- After 20 years of advocacy against Salem Harbor Station, CLF and community activists cheered as the plant took key steps toward shutdown and owner Dominion Energy announced that it would not invest any further capital in Salem Harbor Station. While the plant is now slated for shutdown by 2014, CLF is working with ISO New England to expedite its closure, which could happen as early as 2012. Meanwhile, a state-funded study is now underway to examine alternative uses for the waterfront site.
- In New Hampshire, CLF continued to contest the planned installation of nearly half a billion dollars in plant upgrades at the 50-year-old Merrimack Station power plant in Bow. The Public Service Company of New Hampshire (PSNH), which owns Merrimack, estimated in a recent filing that operating its three fossil fuel power plants (Merrimack as well as Newington Station in Newington, NH and Schiller Station in Portsmouth, NH) in compliance with environmental laws will cost ratepayers approximately \$110 million in above-market costs in the next year.

Photos

1. MA Representative Lori Ehrlich has been a strong supporter of CLF's efforts to close Salem Harbor Station.

2. Reducing New England's dependence on coal creates a market for alternative energies, such as solar power.

3. Salem Harbor Station power plant in Salem, MA.

Conservation Law Foundation \$41,000 Earth Day Challenge

Make your support for CLF go twice as far!

Across New England, CLF board members have banded together to show their support for CLF on the 41st Anniversary of Earth Day!

Like you, they are committed to a healthy, thriving New England for generations to come. To ensure that CLF can continue its important work on behalf of our small but mighty piece of the planet, they are offering this Earth Day challenge: every new, increased or additional gift you make from now until midnight on April 22, 2011 will be matched, dollar-for-dollar, up to \$41,000.



What this means is that any Earth Day Challenge gift you make can be doubled automatically!

P.S. Please tell your family and friends about this unique opportunity to double their money in support of New England's environment. There's no better time to join CLF in protecting our New England! Learn more at **clf.org**.



For a thriving New England



Photo credit:
John Snell

WORK IN THE PUBLIC SECTOR

For CLF Ventures, 2010 was a year of greater engagement with the public sector, which has traditionally represented only a small percentage of CLFV's client base. CLFV took advantage of the convergence of economic difficulties in the private sector and new priorities in the Obama administration to expand the traditional scope of their work, engaging in new opportunities to focus on ways it could contribute to innovation and sound management in renewable energy, energy efficiency and clean technology programs.

HIGHLIGHTS

- CLFV is developing a cost model for a conceptual 50 MW Enhanced Geothermal System for the deep granitic rock of the Pioneer Valley in Western Massachusetts. Such a system would allow the Pioneer Valley region to harness energy from granitic rock miles below the Earth's surface and use it to heat buildings or generate electricity. CLFV has contributed anticipated local stakeholder and environmental perspectives on the project and estimated hypothetical costs for applicable permits, grid interconnection and project management expenses. The cost model project is an important step in determining the economic viability of carbon dioxide-based geothermal systems as a source of renewable energy.
- In New Hampshire, CLFV is leading a

\$2 million, two-and-a-half-year project to help all of the state's municipalities and counties improve their energy efficiency and clean energy planning. The project provides assistance in the form of building analyses, renewable energy assessments, financing strategies or other tools that allow municipalities to measure their energy use and track their progress. The project, funded by the American Recovery and Reinvestment Act Energy Efficiency and Conservation Block Grant (EECBG), has served approximately 25 percent of New Hampshire communities in its first six months.

- CLFV CEO Jo Anne Shatkin, a renowned expert in nanotechnology, is advising the EPA on a case study evaluating the potential risks of nano-silver through-

out the product lifecycle. Nano-silver is a material used in many consumer products because of its antibacterial properties. Jo Anne and CLFV are part of a team working to develop methods for understanding the potential release of nanomaterials from solid materials such as tennis rackets, computer equipment or other products, and identify gaps where additional research is needed to inform sound management of these materials.

- CLFV is looking toward new publicly-funded opportunities related to decreasing the environmental impacts of transportation in the region.

Photo: CLFV's Eric Halter inspects a boiler in one of the communities served by New Hampshire's energy efficiency program, which helps state municipalities monitor and reduce their energy use.

CONSERVATION MATTERS

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LETTER FROM THE PRESIDENT



Dear CLF Friends,

This is the second time we have done a special issue of Conservation Matters at this time of year; it's tied to the release

of our financial results for the prior fiscal year, which ended on July 31st, 2010. An overview of our Fiscal Year 2010 results is enclosed. I encourage you to take a look.

To choose the subjects for this issue, we asked the directors of our advocacy programs and CLF Ventures to answer this question: "2010 was the year of...?" To Priscilla Brooks, our head of ocean conservation, 2010 was a dramatic one, in which the New England fishing industry underwent its biggest changes in 30 years. In our healthy communities program it was about laying foundations – for modern transportation systems across

the region that will change our culture over the next 10–25 years. 2010 was the year we set national precedent for enforcement on nutrient pollution with our work on Lake Champlain, and also the year that we shut down our first coal-fired power plant. CLF Ventures landed its first major government contract—helping New Hampshire towns save energy and money.

It's helpful to look at a snapshot of our work from time to time. We tackle big, thorny challenges whose scope and complexity can feel overwhelming. Solutions are measured in years, or even decades. So, taking stock once a year is great way for us to show you where we are making progress, and how, with both vision and tenacity, we are making New England a better place to live, work and play.

Best,

John Kassel

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