



CONSERVATION **MATTERS**

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

STATE OF THE REGION 2012 - 2013



MEET
BILL TOWNSEND
P. 11

OCEAN HABITAT PROTECTION

For Cod and Country



Decades of overfishing and destructive commercial fishing practices have greatly reduced the number of cod in New England's waters. In order to save species like the Atlantic cod, pictured here on Cashes Ledge, we need to protect their habitat and stop overfishing. Photo Credit: Brian Skerry.

The almighty cod is a legendary fish in our New England waters. It is a staple of our traditional cuisine and an historic driv-

er of our economy. Once, New England's fisheries inspired tales of cod schools so thick that fish jumped onto boats' decks. Sadly, that is no longer the case.

Decades of overfishing and relentless sea-floor habitat destruction caused by widespread use of bottom trawling and dredging have sharply depleted New England's iconic cod populations — which are now at record low levels — and depleted our groundfish species, including haddock and yellowtail flounder. Decades of harmful fishing practices and habitat destruction have created an environmental crisis that threatens to destroy our fishing heritage and coastal economies up and down New England. Combined with the threats of cli-

mate change, which may be affecting cod and other marine species in ways that we do not yet fully understand, the long-term changes to ocean health are severe.

In a desperate attempt to compensate for declining catches, some in the fishing industry are pushing to allow commercial trawling in the few protected areas in New England ocean waters. Places such as Cashes Ledge, Jeffreys Ledge, Jeffreys Bank, and Georges Bank provide rich habitats for groundfish and many other species, all of which benefit from fishing regulations that prohibit harmful bottom trawling practices. These protected areas, along with the enforcement of strict catch limits, are the keys to the future of our fisheries.

Opening up these areas to destructive bottom trawling will devastate the habitat and threaten the remaining productive female cod critical to rebuilding the popu-

lation. This decision could mean life or death for the cod fishery, and it will have profound impacts on the fishermen, communities, and economies that depend on this important natural resource.

Protecting ocean habitat through fishing closures is a proven management strategy for not only increasing fish populations, but also for restoring the health of the ecosystem.

Along with taking a stand for strong habitat protection, CLF is calling for a complete shutdown of New England's cod fishery to prevent a total collapse of the fishery and its related businesses. We only have to look north to the collapse of the cod fishery in Canada, which has not recovered despite a multi-decade-long moratorium, to see what's at stake.



Cashes Ledge, where this photo was taken, is a unique underwater mountain range off Massachusetts which provides refuge for a vibrant, diverse world of ocean wildlife. If not protected soon, it will face devastating threats. Photo Credit: Brian Skerry.

HIGHLIGHTS

- Throughout 2012, New England's fishing industry came to grips with scientific analysis and their own experience at sea that showed cod populations were at historic lows and could be headed to potential collapse. In response to dismal stock assessments for Atlantic cod, the New England Fishery Management Council voted to cut cod catch limits by 61-77% from their 2012 levels. Recognizing the dire situation, CLF Senior Counsel Peter Shelley urged federal fishery managers to take the bold but needed step of shutting down the New England cod fishery so stocks can avoid complete collapse and eventually recover.
- CLF also continued its fight to protect important habitat areas in New England's ocean to provide refuges for cod and other fish species to reproduce and eventually recover. Protecting ocean habitat areas is not only a proven management measure to help produce and maintain healthy fisheries, but it also creates areas of refuge for whales and other marine mammals. CLF is working with commercial and recreational fishermen across the region to establish responsible habitat protection for Cashes Ledge and other special places in New England's ocean.

HABITAT PROTECTION AT A GLANCE

GOAL

CLF IS URGING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO HALT COMMERCIAL FISHING OF ATLANTIC COD AND PROTECT VITAL FISH HABITAT AREAS LIKE CASHES LEDGE AND JEFFREYS BANK FROM DESTRUCTIVE BOTTOM TRAWLING AND DREDGING.



WHAT'S AT STAKE:

New England's once abundant cod fishery is on the verge of collapse, and several valuable habitat areas are under threat of being opened to commercial trawling for the first time in over a decade. This would result in the loss of a generation of cod fishermen, and would send negative effects cascading through many other fisheries, fishing related businesses, and coastal communities.

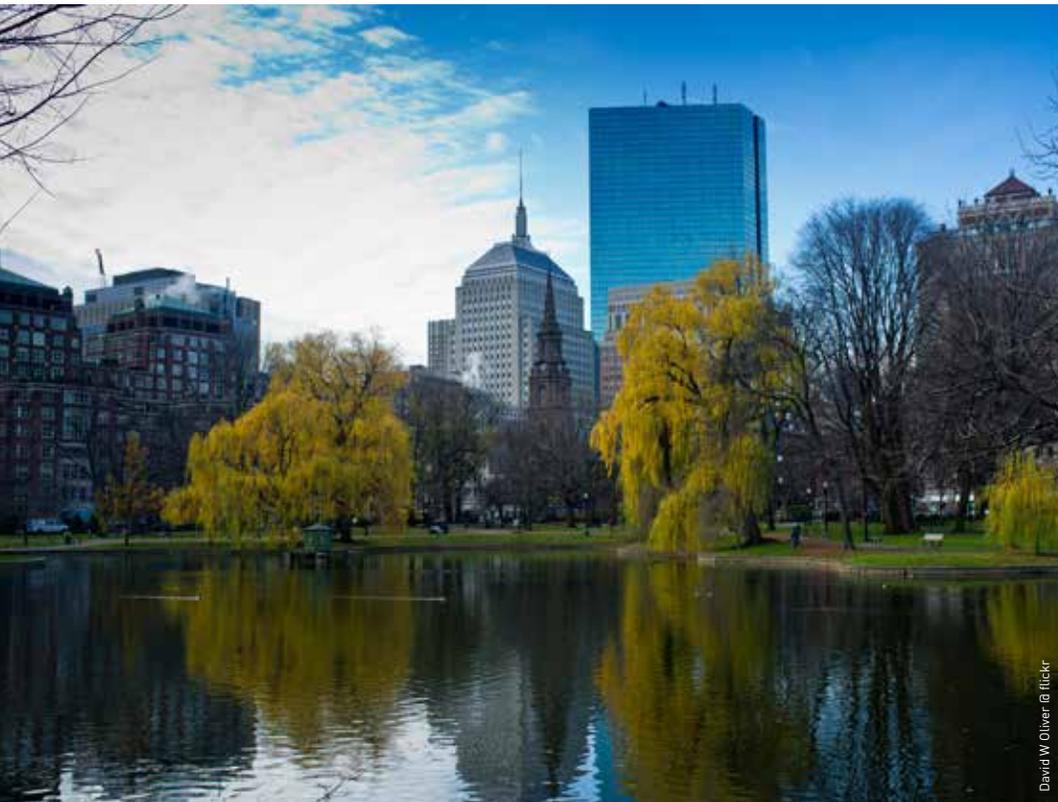
CURRENT STATUS:

CLF is calling for the complete halt of commercial cod fishing until populations begin to rebuild, and for the rejection of a proposal to open over 5,000 square miles of habitat that have been protected for a decade or more and that fish need in order to reproduce and thrive.

NEXT STEPS:

CLF is dedicated to establishing permanent protection for Cashes Ledge and maintaining protection of the areas of sensitive habitat that are currently closed to commercial fishing. We also need sensible catch limits that will allow New England's cod to rebuild their populations and help our valuable coastal economy.

ENFORCING WATER QUALITY STANDARDS ACROSS NEW ENGLAND



David W. Oliver @ flickr



David Salafia @ flickr

Nearly 30 years after CLF filed the first lawsuit to clean up Boston Harbor, it was joined by the EPA in a landmark settlement with Boston Water and Sewer Commission (BWSC). CLF remains committed to restoring and protecting clean water in and around Boston.

Building on CLF's prior precedent-setting clean water advocacy in Boston Harbor, CLF filed a citizen suit in February 2010 against the Boston Water and Sewer Commission (BWSC) for violations of the Clean Water Act. Nearly thirty years since that first Boston Harbor case, and on the 40th anniversary of the Clean Water Act, CLF, together with the Environmental Protection Agency, came to a landmark settlement with BWSC. The Commission pledged to overhaul its runoff pollution controls, to remove all illegal sewage connections to the system, and to implement adequate monitoring to detect sewage leaks quickly before they threaten public health.

Though Boston has now begun to take substantial steps toward cleaner water,

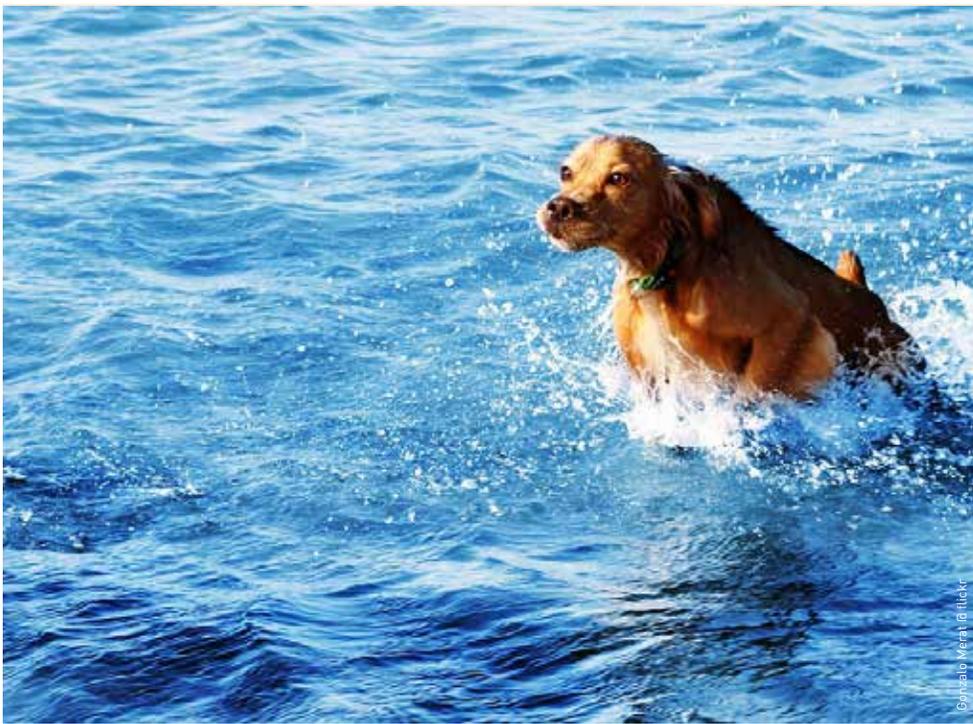
the fight is far from over. Ensuring the treasured waterways of New England are healthy enough to support diverse life, unique ecosystems, and human recreation requires cooperation among organizations and holding government accountable for both action and inaction.

Throughout the region, CLF has made certain suffocating nitrogen and phosphorus pollution and polluting stormwater runoff are addressed properly under the law. Environmental enforcement litigator Zak Griefen has worked tirelessly to ensure polluters are aware of their Clean Water Act permitting requirements and bringing federal litigation when necessary.

From Narragansett Bay and Cape Cod to New Hampshire's Great Bay, CLF has been crucial in securing victories for our

waterways that have been the victims of nitrogen pollution. In New Hampshire, towns are working to upgrade their sewage treatment facilities in order to reduce the likelihood of nitrogen inputs finding their way into the rich habitat of the Bay. CLF continues to encourage local leadership to follow the lead of towns like Exeter and Newmarket who have made a significant commitment to preserving clean water.

There have been many clean water success stories over the past year although there is still much work to be done. There are significant challenges, particularly with stormwater runoff in urban settings, but through enforcement of water quality standards CLF will continue to protect New England's waterways so you can enjoy them — for generations to come.



Gonzalo Merino @ Flickr

New England's water bodies, from Lake Champlain to the Long Island Sound, are inextricably linked to our region's economic, cultural, and physical well-being. That's why CLF continues to actively hold the government and businesses to account for ensuring clean water for *all* New Englanders to enjoy.

HIGHLIGHTS

- Building on a thirty year legacy of advocacy leading to the cleanup of Boston Harbor, CLF reached an agreement with the Boston Water and Sewer Commission (BWSC) to significantly enhance control of polluted runoff from storm drains and elimination of illegal sewer connections that can cause raw sewage discharges into the city's rivers, including the Charles, Mystic and Neponset, and the water at harbor beaches.
- Nitrogen pollution is a major problem in the bays of Cape Cod where it turns water an opaque copper color and coats it with a film of algae in the warm summer months. There has been significant progress on the Cape, however, as the legal cases brought against the EPA by CLF and Buzzards Bay Coalition have led to substantial new funding for wastewater planning to stop nitrogen pollution that is fouling the bays. The litigation has been moving forward since the summer of 2012.
- CLF successfully advocated to defend and strengthen the implementation of long-delayed limits on nitrogen and phosphorus pollution from the Upper Blackstone Water Pollution Abatement District's sewage treatment plant, the largest single discharge source of such pollutants to the Blackstone River and one of the largest sources of pollution to Narragansett Bay.
- As a result of a landmark settlement agreement with CLF, EPA is currently rewriting the phosphorus pollution limits for all sources that are polluting Lake Champlain including farms, development, and sewage treatment plants. CLF is making sure that EPA's analysis is correct and that the State of Vermont makes real commitments to implementing needed pollution controls.
- CLF is committed to protecting clean water and supporting a healthy farming economy. In Vermont, CLF is working hard to assure appropriate Clean Water Act regulation of intensive dairy operations that confine large numbers of animals in small spaces in order to prevent discharges of manure and other pollution into waterways.

GREAT BAY-PISCATAQUA WATERKEEPER



The Great Bay estuary is one of New Hampshire's most remarkable – and sensitive – natural treasures. Comprised of the Piscataqua River, Little Bay, Great Bay and numerous tidal rivers, the estuary's waters offer spectacular recreational opportunities for Seacoast residents and visitors.

Historically, the estuary has provided critical habitat for an abundance of fish species and a food source for numerous birds. Unfortunately, that habitat is now in decline.

Intense population growth and sprawl development on the Seacoast threaten the health of the estuary. Pollution from outdated sewage treatment plants, and polluted runoff from paved surfaces, are jeopardizing our future – leading to the decline of sensitive habitats and the fish that rely on them, and to the loss of clean waters for all to enjoy.

CLF's Great Bay-Piscataqua Waterkeeper is working to restore the health of our waters by:

- Building a strong local voice for the Great Bay estuary;
- Advancing needed policies and innovative solutions;
- Being the "eyes and ears" of the estuary to stop illegal pollution.

In 2012, after managing the Great Bay National Estuarine Research Reserve for more than twenty years, Peter Wellenberger became CLF's Great Bay-Piscataqua Waterkeeper. Peter has his finger on the pulse of the estuary as he works to identify problems and advocate solutions to protect the Great Bay – now, and for future generations.

You can learn more about CLF's work in the Great Bay estuary by visiting our webpage here: www.clf.org/great-bay-waterkeeper/

OUT WITH THE OLD, IN WITH THE NEW:

New England is at a critical moment in energy transformation



At this crucial turning point, where coal plants like Salem Harbor are on the brink and natural gas is resurgent, we have to get this right — for our environment and for our communities. That's why CLF is at the forefront of advocating for a clean energy future, including on and offshore wind projects.

Electricity: we need it to run hospitals, to heat our showers, to make our coffee in the mornings. Modern life in New England depends on it. But as we go about our daily lives, how aware are we of where our electricity comes from? CLF is working hard to ensure that the source of that power is clean, environmentally sound, and responsibly managed.

Much of our energy infrastructure is aging and increasingly obsolete, causing harm to the environment, the economy, and the public. Our power plants emit far too much climate-warming CO₂, leaky old nuclear power plants still persist, and we waste far more energy than we should.

However, this is all changing. Our electric system is at a critical tipping point, where economic and environmental realities are fostering massive change, sending old, coal-fired power plants and other inefficient sources of energy into an irreparable downward spiral. With much of the existing power plants reaching the end of their useful life, we have a unique opportunity to build a well-designed, cleaner energy infrastructure to serve us for the coming decades.

For the sake of our environment and our communities, it's important to get this right, and CLF has been at the forefront of ushering in change.

For the first time in decades, the dirtiest sources of energy cannot compete

with newer natural gas power plants and renewables like wind and solar. In fact, natural gas-fired power plants generate 52% of New England's electricity today, and this number is expected to grow. The region is now wrestling with a new reality where natural gas has conquered coal and oil.

But are we becoming too reliant on natural gas, another fossil fuel with greenhouse gas emissions and major adverse impacts from the wellhead to your home? Many are wondering whether this is a case of having too much of a good thing. Natural gas is not without its problems. Due to aging, leaky pipes, costly methane leaks are emitting greenhouse gases into the air. CLF recently released a report, "Into Thin Air", detailing an accurate accounting of these leaks.

HIGHLIGHTS

- CLF released an independent analysis of the financial performance of Dominion Resources' Brayton Point power plant in Somerset, Massachusetts. The report, authored by the Institute for Energy Economics and Financial Analysis, projects a bleak future for the 50-year-old coal-fired facility (see sidebar).
- CLF applauded the New England states for supporting and strengthening RGGI, the Northeast regional cap-and-trade system, as an important tool in their toolkits for reducing greenhouse gas emissions and advancing a clean energy economy. We're urging leaders to continue to strengthen RGGI programs in an effort to further reduce emissions.
- 2013 marks the beginning of a third year of advocacy confronting the proposed Northern Pass project, a transmission line that would diminish renewable energy deployment and gratuitously alter New Hampshire's landscape. CLF advocates continue to press for consideration of alternatives to the current proposal and to expose the ongoing campaign of misinformation by the project's developer, Northeast Utilities, whose singular focus is on corporate profits at the expense of sound clean energy policy and an equitable distribution of burdens and benefits from energy infrastructure.
- CLF released an independent report titled "Into Thin Air" that explores natural gas leaks in Massachusetts. These leaks, caused by aging, poorly-maintained pipes, are so significant that they practically negate the gains by efficiency programs put in place by Massachusetts regulators. CLF's report argues that, in order to move forward with building natural gas systems, we must update our current infrastructure to acceptable standards.
- CLF created Cape Wind Now, a campaign to expose the dirty-energy funded opposition to the Cape Wind project. The offshore wind project has cleared every federal and state review, has been given the go ahead by the Department of the Interior, has long-term contracts for more than three-quarters of its electricity, and has the support of Governor Patrick and 80 percent of Massachusetts citizens. And yet, a Koch-funded and led group is continuing its tactics of deception and delay. CLF is working to expose this opposition and get Cape Wind built.

Market forces and technology advancements are creating a demand for cleaner, healthier, and more efficient sources of energy. CLF is actively involved in advocating for new renewable energy initiatives, as well as legislation that creates incentives for meeting our region's demand for clean energy. We are proactively addressing the future implications of natural gas infrastructure. We are leading the fight to bring Cape Wind to reality after a decade-long fight to get it built. And we are supporting initiatives such as RGGI, the nation's first market-based cap and trade system.

As we look toward a changing future for energy production in New England, CLF will continue to lead stakeholders and electricity market participants in addressing the environmental challenges and opportunities ahead. At this crucial turning point, where natural gas is resurgent and coal is on the brink of total collapse, our work behind the scenes in the intricacies of the electricity markets will be even more crucial to building a sustainable, sound, and economically viable energy system for the benefit of New Englanders and our environment.

BRAYTON POINT AT A GLANCE

GOAL

TO SHUT DOWN ONE OF NEW ENGLAND'S LAST REMAINING COAL PLANTS.



WHAT'S AT STAKE:

Brayton Point, the 50-year-old coal plant in Somerset, MA, is at a tipping point. Like many of the aging coal plants across New England, the plant's financials are plummeting due to market conditions that confirm the obsolescence of its inefficient power system.

CURRENT STATUS:

In February, CLF released an independent report, *Dark Days Ahead: Financial Factors Cloud Future Profitability of Dominion's Brayton Point*, which found that Brayton Point will likely never recoup its recent \$1 billion investment in upgrades to the facility or return to profitability.

NEXT STEPS:

This report provides compelling evidence for the Town of Somerset, which has been seeing its tax revenue from the plant decline in recent years, to begin planning for Brayton Point's retirement and a healthier future for that community in all respects.

SUSTAINABLE AGRICULTURE

Sustainable Food: Growth and Innovation



As a part of their Sustainable Farm & Food Initiative, CLF and CLF Ventures have been looking at how food can help sustain thriving communities, including by focusing on urban agriculture. The Portland Farmers Market (upper left) is an example of a market bringing fresh local goods to consumers.

Last spring, CLF President John Kassel stood in a field near Rutland, VT. Next to him was a young farmer who was stunned to be out plowing his fields in March. At that time, the fields are usually knee-deep muddy, if not still covered in snow, ice or the slow-melting crust of the long winter. He was stunned: if he plows and plants now, what's going to happen next? How will his crops respond? Should he wait for something more like a "normal" planting season to return?

As we all confront the realities of a changing climate, we all face questions like these – and not just if you're a farmer. Food affects us all. So too does this question: How can we harvest food by sustainable means

and deliver it at reasonable costs, so as to support thriving communities across New England? This question, and its answers, have been motivating CLF's Sustainable Farm and Food Initiative and work by CLF Ventures (CLFV) for the past year.

The work began in what many found to be a surprising place: vacant lots in urban areas. Working in close collaboration CLF and CLFV released "Growing Green", a report that, for the first time, examined the incredible potential for urban farming in the city of Boston. For instance, the report found that 50 acres, a small portion of the vacant land available for farming, has the potential to create 130 direct jobs and produce enough food to feed 3,600 people over a six month retail season. Further, in

addition to a reduction in net greenhouse gas emissions, urban farming addresses the crucial issues of food security, food access, and community development.

Identifying opportunities like this for innovation in our food system is a core part of our work. To that end, CLFV partnered with Federal Street Advisors, a wealth management advisory firm for families and foundations, to co-sponsor a regional summit, Financing a Sustainable Food System for New England. The event fostered discussion on greater investments in the innovations that will transform our food system into one that is more sustainable, more resilient to climate change, and more self-reliant.



archer10/flickr

CLF Ventures sponsored a regional summit on financing a sustainable food system in New England, including sustainable seafood.

Removing barriers, such as financing, that prevent New Englanders from across the region from accessing local foods is an important part of this work. In early 2012, small farmers in Vermont faced challenges as capital from traditional sources recovering from the credit crunch was still slow to reach their operations. As a result, Vermont farmers turned to their communities — friends, neighbors, and other nontraditional sources of capital — to fund local farms. The University of Vermont, with contributions from CLF, has released a report on this phenomenon.

Elsewhere, CLF Rhode Island Staff Attorney Max Greene is fighting to remove bans on backyard chickens throughout the Ocean State, as CLF readies itself to release a major report next fall on policy

barriers and solutions for expanding sustainable agriculture in New England.

While there are many challenges to implementing changes in the food system, CLF and CLFV have made significant strides over the past year, and we expect even more in the year to come. We hope you will join us at the table.

URBAN AGRICULTURE

At first glance, a city may not seem like the best place to grow vegetables. It turns out previously neglected spaces like vacant lots actually have incredible potential to function as urban farms. In addition to providing jobs and having positive environmental impacts, these urban farms can provide produce to many community members who traditionally lack access to fresh, affordable produce. These areas, known as “food deserts,” are commonplace in low income communities where the lack of healthy, nutritious food negatively impacts the health of community members.

For the past three years, both CLF and CLF Ventures have built on the successful momentum of the sustainable food movement. Working to research how food issues impact New Englanders, CLF and CLF Ventures have partnered with City Growers, a Boston-based agricultural enterprise, to conduct analyses of both job creation potential within the agriculture sector in Greater Boston and the environmental benefits of such businesses.

In order to promote the New England Regional Food System, CLF is partnering with the Northeast Sustainable Agriculture Working Group (NESAWG) and the American Farmland Trust (AFT) on key portions of our policy analysis. Our goals include:

- Building leadership capacity and political infrastructure for a regional food system
- Analyzing and mitigating policy barriers.

For more information on urban agriculture, check out CLF’s website and blog. www.clf.org/farmfood/

URBAN AGRICULTURE AT A GLANCE

GOAL

CLF AND CLF VENTURES ARE WORKING TOGETHER TO SHAPE AND FOSTER THE DEVELOPMENT OF URBAN FARMS, PARTICULARLY WITHIN THE BOSTON AREA.



WHAT'S AT STAKE:

With an agricultural landscape threatened by climate change, urban agriculture provides locally grown food, local jobs, and has a positive impact on the local environment. Urban farming on 50 acres in Boston alone would do the following: create 130-220 direct farming jobs, sequester about 112 tons of CO2 in well-maintained soil annually, divert thirty five percent of Boston food waste from landfills, and generate approximately 1.5 million pounds of fresh produce!

CURRENT STATUS:

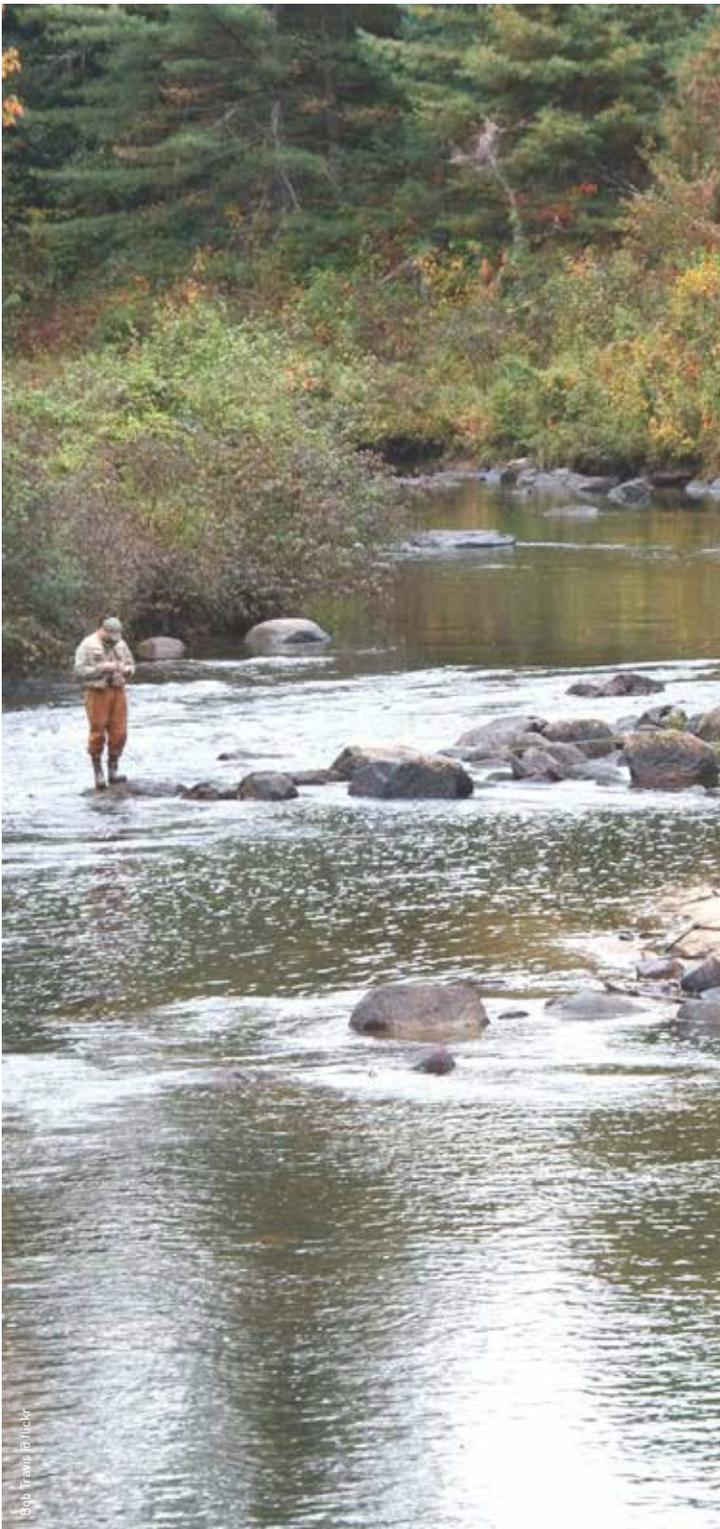
CLF is working with partners such as City Growers to continue research, development, and progress on this issue. Multiple forums and summits with sustainable and urban food leaders from across New England have been held over the past year. CLF and CLF Ventures are currently working to remove legal and economic barriers to local food accessibility across New England.



CLF and CLF Ventures have been working with organizations like City Growers, pictured here, to identify and overcome policy and market barriers to urban agriculture.

SUSTAINABLE AGRICULTURE HIGHLIGHTS

- Phase II of "Growing Green" focuses on Restaurant Supported Agriculture. While all of the 19 restaurants surveyed purchased locally grown food, over three fourths of them also purchased food anywhere from 10-100 miles away. Nearly 90 percent of participants said the top two benefits of local food are the freshness and taste.
- On January 31st, CLF Ventures convened participants for a day-long summit, "Financing a Sustainable Food System for New England." The event featured 14 prominent panelists and speakers from the sustainable food and financing spheres and fostered dialogue on the emerging frontier of sustainable investment in local and regional food enterprises. Additionally, the event featured sustainably-made food and drink sourced from over 40 local producers and purveyors.
- CLF is hard at work preparing a report for release next fall, in partnership with American Farmland Trust and the Northeast Sustainable Agriculture Working Group, that will comprehensively address policy barriers and opportunities for expanding sustainable agriculture in New England.
- CLF is working with municipalities in various points across New England to improve their local policies to better support sustainable agriculture land uses and cultivate resources that increase the economic viability of farming. In early October, CLF Ventures kicked off its "New England Food Hub Cluster Initiative" with the Wholesome Wave Foundation as part of a two year grant for capacity building around food hubs in New England. The Initiative will provide technical assistance and links to capital to support the development and growth of food producers, processors, storage, and transporters throughout New England. CLFV is providing technical assistance related to food hub siting optimization, business structuring options, and policies related to safe production, certification and handling.



WHY I GIVE TO CLF

I first started giving to CLF many years ago, shortly after its founding, because I recognized the need for a powerful advocate for the environment with the capability of dealing with complex legal and technical issues in all venues necessary for the protection of the quality of our water, air and land.

I continue to give to CLF for the same reasons that first prompted me to give and because, in the many years since, it has built a long track record of success in taking on tough issues and seeing them through to resolution.

I am a fisherman and have long felt that protection of fresh and salt water environments is crucial to maintaining a healthy fishery. I have been an advocate for river restoration and for dam removal for more than four decades and I am very pleased with the role which CLF is playing in helping its fellow non-governmental organizations such as Maine Rivers, Natural Resources Council of Maine, Trout Unlimited and Atlantic Salmon Federation – organizations that need legal support for their work to re-establish anadromous fish in Maine.

CLF has shown itself capable of identifying new environmental issues as they arise, and to take a leadership role in addressing them early on. I am very pleased to be able to support CLF in its important work.



Clinton "Bill" Townsend
(Pictured with his daughter.)
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Contact us today to learn more about giving to CLF.

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CLF established the Advocates Society to recognize the generous individuals who make the commitment to support CLF's work with a gift of \$1,000 or more each year.

Join the Advocates Society today!
www.clf.org/advocatessociety

CONSERVATION MATTERS

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LETTER FROM THE PRESIDENT



Dear CLF Friends,

New England is changing. That doesn't come easy to many of us. We like our seasons regular, arriving when and how they have for genera-

tions. Today, much of our inherited wisdom about when to plant our seeds, why the striped bass arrive with the forsythia, and how we're meant to heat our homes, is being challenged.

Together we face a changing climate, a dramatic transformation of our energy system, collapsing ocean species and a steadily transforming food system. How are we as a region dealing with each of these challenges? The stories in this issue present an answer.

This has been a good year for CLF – a year in which we achieved some historic victories. Nearly thirty years after we filed the first federal lawsuit to cleanup Boston Harbor, CLF reached a landmark agreement with the Boston Water and Sewer Commission. It improves the control of polluted runoff from storm drains and

eliminates illegal sewer connections that can cause raw sewage discharges into some of the area's major rivers, including the Charles, Mystic and Neponset, and the water at harbor beaches. This was truly great work.

So too have we been busy elsewhere. We reached an enforceable shutdown of the Salem Harbor coal plant, are laying the groundwork for significant advocacy on natural gas, released groundbreaking research on sustainable agriculture in the region, and are continuing to advocate for sustainable use of our ocean resources.

When I look back over the course of the year, I am reminded of two things. First, that I work with a remarkable group of true environmental leaders. Second, that we could not do this work without your help. Thank you for your support.

I hope that this finds you well, and that you have a productive spring.

Best,

John Kassel
President



John Kassel
President

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