

CONSERVATION MATTERS

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STATE OF THE REGION | 2017 - 2018





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LETTER FROM THE CHAIR



Sara Molyneaux

When I reflect on CLF's successes year after year, I am always struck by the complexity of the challenges we take on and the breadth of the solutions we develop.

We have perfected the art of achieving solutions that are good not just for the planet, but also for people, communities, and the economy.

This breadth and complexity means that our victories are rarely achieved overnight. Often, they take months, years, and even decades to see through to the end.

It is this ability to navigate such solutions, to weather changes in political winds, and to push for groundbreaking legal precedents that makes CLF so unique, effective, and respected by foes and allies alike.

In this special issue of *Conservation Matters*, we want to take you behind the scenes of this work, to give you a glimpse into how we break down challenges and take advantage of opportunities to create a healthy, thriving New England – not just for today, but for generations to come.

We'll take you inside:

- how our success in cleaning up Boston Harbor has led to a new campaign to ensure the waterfront remains a welcoming and resilient place for all,
- the decisions that led to our landmark lawsuit to enforce the Commonwealth's climate pollution law,
- the resolve needed to sustain our years-long effort to save Lake Champlain's polluted waters,
- the impetus behind our work to protect more New Hampshire children from the tragedy of childhood lead poisoning, and

- how our pioneering work on ocean planning became a national priority.

And, while these stories have their share of courtroom drama, legislative wrangling, difficult compromises, and hard-fought victories, the common thread through all of them is you – our partners, our volunteers, and our donors. Without you standing by our side day in and day out, year in and year out, none of these successes would be possible.

Thank you for joining us in these fights.

Sara Molyneaux
Chair, Board of Trustees

LETTER FROM THE PRESIDENT



As I write this, we are in the midst of what is perhaps the most challenging and unpredictable period for social progress and environmental justice in CLF's long history.

In the media, the past 15 months have been defined largely by a volatile president and a federal administration that has proved relentless in its efforts to weaken or eliminate standards that protect our nation's climate, health, economy, and natural treasures.

But for me, the last 15 months have been defined by you. You have not only stepped up to help CLF meet these challenges, but you have also spoken out with us, marched alongside us, and made your presence known in hearing rooms and courtrooms throughout New England.

You have also supported us more generously than ever before – both those who have been giving to CLF for years and those we are welcoming as members for the first time.

And the power of your support is nothing short of extraordinary. Together we are holding the line against irresponsible rollbacks that would see us dredge up our fossil-fuel-addicted past – and we are moving forward our clean energy future by making progress in cutting climate-damaging pollution across the region.

But I am still uneasy. The onslaught of attacks on environmental progress and social justice threatens to exhaust us and make us complacent. We cannot become accustomed to the dangers posed by federal actions or accept any of this as the new normal.

Nor should we wax wistful for the pre-election status quo, because, for years, extreme partisanship and disdain for science have hampered any attempt to restore the bipartisan tradition of environmental protection.

So as we celebrate our progress in this annual state-of-the-region report – and count the tough battles still to come – I urge you to remain vigilant, active, and engaged. We are at an unprecedented moment in our history, and future generations will ask all of us, "What did you do?"

I want us all to be able to say, we stood up and stood fast, we fought back and fought forward – and we made New England a healthier, more vibrant place for all.

Bradley Campbell
President

RECLAIMING THE PEOPLE'S HARBOR

After 30 Years, the Fight for Boston Harbor Enters a New Phase



A wave of luxury development threatens to wall off the experience of Boston Harbor from the people who paid to clean it up, just as the waterfront was once literally walled off behind the city's Central Artery expressway.

It doesn't take long for Peter Shelley to warm to his story, though he's told it countless times before. It's the case that has defined the career of CLF's senior statesman, transformed the organization into a litigation powerhouse, and changed the face of Boston forever.

It's the story of Boston Harbor, and it begins like so many modern epics – with an intrepid reporter, a three-part exposé, and a life-changing phone call.

The reporter was the *Boston Globe's* Diane Dumanoski and it was December of 1982. Michael Dukakis had just been elected to his second run as Massachusetts's governor and Kevin White was nearing the end of his 25-year career as the city's mayor. The Sunday before Christmas, a *Globe* headline laid bare the city's worst-kept secret: "Boston's Open Sewer: Raw or treated, the sewage flows into Boston Harbor."

Over a three-part series, Dumanoski reported on the failures of a system that allowed 43 cities and towns to dump more than 450 gallons of treated sewage and 100 tons of sludge into Boston Harbor every day. Human waste had washed up on local beaches and the harbor was dying. Fish had disappeared, and only sludge worms could survive in the muck that now covered the harbor floor.

CLF President Doug Foy read the series with horror. How had the situation gotten this far? And how had he and his small team not already known how dire it had become? He knew one thing for certain, however: CLF wasn't going to sit back and wait for someone else to take care of this mess. Foy picked up the phone and called a young lawyer who had gotten his start at CLF five years earlier by successfully suing the federal government to stop oil drilling off Georges Bank.

Peter Shelley didn't hesitate to accept Foy's offer to return to CLF to lead its

Boston Harbor litigation. In July of 1983, he and his family moved back to Massachusetts. A few weeks later, CLF put the Environmental Protection Agency (EPA), the Commonwealth, and the Metropolitan District Commission (MDC), the agency charged with operating the area's failing waste treatment plants, on notice: CLF was taking them to court to force the long overdue clean-up of the city's "harbor of shame."

As Shelley and the CLF team dug into the situation, they knew the law was firmly on their side. "We had no concern about the blatant illegality of what was going on," he says, as the problems were well documented, including by EPA and the MDC.

What no one fully appreciated at the time, though, was just how big the problem really was – or how long and expensive the clean-up would be. It wasn't only one treatment plant failing.

It was the entire system of how waste was handled from source to sea. The clean-up that CLF kickstarted in 1983 would ultimately take three decades to achieve. And it would succeed only because of the courage and commitment of local judges, the newly created Massachusetts Water Resources Commission, some of the world's best engineers, and federal regulators – and, of course, CLF waiting in the wings to hold them all accountable for any lapses.

"We weren't going to accept excuses," Shelley says. "This was our home and we were going to fight for it."

But as Shelley reflects on those years today, for him, the true heroes of this story are the people of Boston and beyond. Their hard-earned dollars paid for the multi-billion-dollar rebuilding of the area's crumbling waste management infrastructure and spurred the transformation of harborfront neighborhoods from bleak to beautiful – a transformation that ironically now threatens to shut out the very people who made it possible.

Even though Boston Harbor is now dramatically cleaner, a national park gilds its waters, and a Harborwalk beckons to the public, "people around Boston still don't connect to the Harbor and the waterfront in the way that they deserve to," Shelley says. If the rampant development boom enveloping the Seaport and other waterfront neighborhoods continues unabated, they may never have the chance to.

"Today, the issues around the Harbor are about equity and fairness," Shelley says. "Developers are free riders, benefiting from the people who labored and paid sewerage fees for decades to make

these changes happen. Developers did not pay to clean up the Harbor or take down the Central Artery. They didn't build the Silver Line, or the convention center, or any of the other features that have made the Harbor as attractive as it is now for private development."

But developers are reaping huge profits from those public investments. In the process, Shelley fears, they are walling off the entire experience of the harborfront from the people of Boston – almost as it was once literally walled off behind the "iron curtain" of the Central Artery.

The problems with the Harbor now are harder to see from the outside, masked as they are behind shining new buildings put up where parking lots once ruled. But as another landmark *Boston Globe* series revealed just a few months ago, the Seaport is in danger of perpetuating a racist and classist past that Boston would

dearly like to believe it has left behind. That concern has galvanized CLF to fight for Boston Harbor's future once again.

"Boston Harbor and the waterfront belong to everybody – it's their right," he says. "You can't take that for granted. We need to think about what makes a great community for every Boston resident – and not just for those living in the luxury developments now typifying Harborfront neighborhoods."

After more than 30 years, no one would fault Shelley for leaving this fight to the next generation of CLF advocates. But it's not really in his nature to do so. "This case certainly embedded in me, and in CLF, that these things that we fight for – this quality of life for everyone – these are not battles that you just win and they're done," he says. "You have to keep at it because these victories are only as good as the last fight." ♦

HIGHLIGHTS

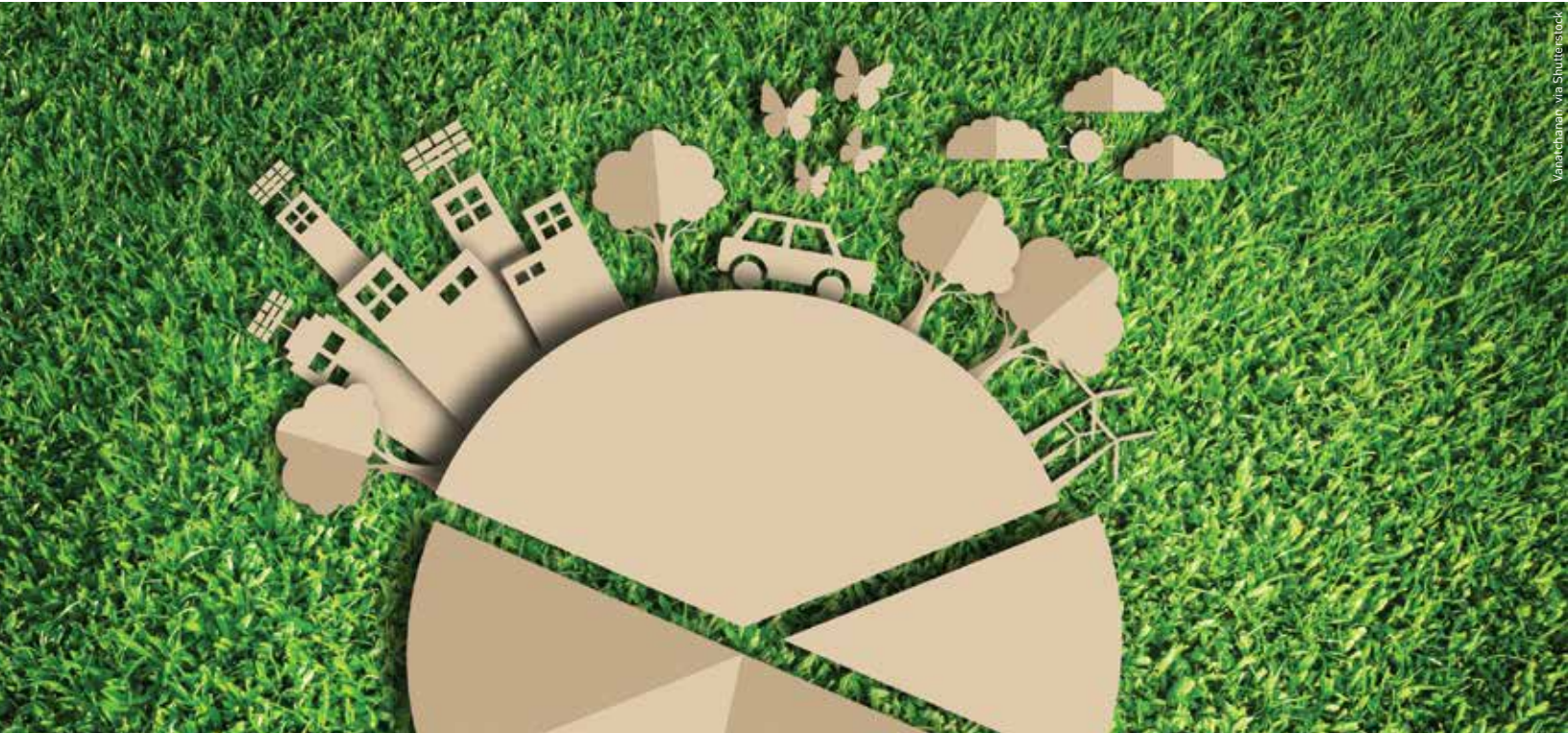
CLF reached a settlement agreement with the developers of a luxury condominium project that **will increase public access to the Boston waterfront, add a sizable new public dock, and jump-start the creation of a new public park in South Boston**. CLF's persistence in appealing the project's waterfront license, over the vocal objection of City agencies and prominent elected officials, sends a strong message that CLF will take on the battles necessary to protect every person's right, no matter where they live, to have access to and enjoy their waterfront.

In the wake of a winter that saw Boston-area neighborhoods flooded by not one but two historic storms, **CLF released a first-of-its-kind report detailing the legal liability** facing developers, engineers, architects, and local officials when it comes to adapting buildings, roads, and other critical infrastructure to withstand the impacts of climate change. The release garnered significant media attention, allowing CLF to raise awareness of these issues and start a national dialogue about the lack of state and municipal requirements for ensuring buildings are climate-ready.

CLASHING OVER CARBON

The Decade-Long Effort to Enforce New England's Groundbreaking Climate Law

by Megan Samenfeld-Specht



In 2014, CLF faced a crossroads in its efforts to address the growing climate crisis. In Massachusetts, the Commonwealth's groundbreaking climate change law, the Global Warming Solutions Act (GWSA), was gathering dust as the State missed key deadlines for putting in place required regulations to cut its greenhouse gas emissions.

CLF had fought hard to pass the GWSA back in 2008. With the clock ticking to meet the GWSA's ambitious emissions goals, the organization made a number of unsuccessful attempts to work with the Commonwealth to fully implement the law. By 2014, the State's lack of action had begun to endanger the GWSA's first legal milestone: to cut climate pollution by 20 percent below 1990 levels by 2020.

With the State insisting it had done enough to enact the law, CLF had to make a choice: to continue trying to work behind the scenes or to fight it out in the courts and let them rule on the true intent of the GWSA. CLF chose to fight.

Anytime CLF files a lawsuit, there's a calculated risk. "We've always been edgy," says Greg Cunningham, Vice President and Director of CLF's Clean Energy and Climate Change program. "But we recognize that there is a risk in everything we're doing, and so we don't make these decisions lightly." In this case, CLF's legal advocates spent months weighing the plusses and minuses of action and the best way to carry it out.

They knew that, even without full implementation, the GWSA was a valuable tool in the organization's advocacy efforts. Largely thanks to the State's inaction, CLF had stepped in itself to hold power plant and pipeline developers accountable to the law's emissions goals. If a judge were to disagree with the organization now, would that endanger an important tool in the fight to cut carbon pollution?

After much thoughtful discussion and exhaustion of other avenues, Cunningham explains that "ultimately, it was the

recognition that the principal work of this critical law wasn't getting done" that led CLF to bring its fight to the courts. The GWSA was just too important to be ignored.

The decision made, the next step was to assemble the legal case. That meant finding the right partners to act as plaintiffs in the suit. A shared frustration with the Commonwealth's lack of action on the GWSA brought the Massachusetts Energy Consumers Alliance to the table. Alongside CLF and Mass Energy stood four local high school students represented by Sugarman Rogers Barshak & Cohen. The students brought with them a compelling sense of urgency. They embodied "that most vulnerable group that will own the problems that we fail to fix today," Cunningham says.

Two years after it was filed, the lawsuit came before the Massachusetts Supreme Judicial Court. A lower court had already rejected CLF's argument, but Cunningham and his team felt buoyed by the State's highest court agreeing to hear the case.

HIGHLIGHTS

CLF celebrated a major victory in its nearly decade-long fight to stop the Northern Pass transmission project when New Hampshire regulators denied the controversial venture a permit needed to proceed to construction. As of this writing, Northern Pass is appealing the regulators' decision, but CLF is confident that this damaging project, which has garnered strong opposition from residents, impacted communities, and environmental groups, is finally on the verge of being shut down for good.

When Maine Governor LePage issued an executive order placing an illegal moratorium on new wind power in the state, CLF immediately took him to court. This is just the latest in CLF's ongoing efforts to prevent the LePage administration from undermining the growth of clean energy in the state. As the administration winds down to its final months in office, CLF will remain vigilant in fighting its regressive policies while pushing forward the clean, local energy our climate demands and the people of Maine want.

CLF is working at the Rhode Island State House to pass a Global Warming Solutions Act (GWSA) for the Ocean State. Like Massachusetts's GWSA, the Rhode Island bill will require the government to set regulations now that put the state on track to reduce carbon pollution by 2050. CLF's push for the Rhode Island GWSA is part of its New England for Paris campaign, which aims to create laws across the region to curtail climate-damaging emissions and promote clean, renewable energy solutions.



Senior Attorney Jenny Rushlow successfully argued CLF's case before Massachusetts's Supreme Judicial Court, asserting that the Commonwealth had failed to fully implement its landmark climate law, aimed at drastically cutting carbon pollution in the state by 2050.

They were right to. After hearing the arguments led by CLF Senior Attorney Jenny Rushlow, the Supreme Judicial Court handed down a landmark decision requiring the State's Department of Environmental Protection to establish regulations to implement the GWSA fully. CLF was thrilled by the decision and the strong encouragement in the words of the justices that Cunningham says reflected "a human responsibility and a societal responsibility" to address climate change.

With the court case resolved, CLF shifted from being the State's antagonist to its ally, ready and eager to work with the Commonwealth to set in motion the long overdue regulations. The Baker administration responded swiftly. Within days of the court's decision, the Department of Environmental Protection reached out to CLF and asked for input on the proposed regulations. The State's open and inclusive process not only resulted in the release of new regulations in August 2017, it also helped to establish a collaborative and productive relationship between CLF and the Department of

Environmental Protection, to the benefit of all involved.

It takes preparation, passion, and cooperation to achieve a striking win with such far-reaching consequences for the climate, Massachusetts, and children around the country. The Commonwealth is now able to show other states that they can take strong action on climate and, as Cunningham says, "the sky won't fall if you act. The economy can not only chug along, it can thrive; at the same time, you will be addressing the greatest threat to our civilization and our region."

With federal rollbacks on climate action ongoing, this kind of local leadership is more important than ever. Through well-calculated risks and carefully implemented action, CLF and its allies have ensured that Massachusetts will continue to lead the region, and the nation, in fighting climate change. And CLF now has a proven model for pushing for legal climate goals in other states that will usher in the end of the era of fossil fuels in New England. ♦

SAVING LAKE CHAMPLAIN

Law, Policy, and Grassroots Activism in the Push for a Healthy Lake



Melanie Bishop via Shutterstock

CLF has used the law, policy, and grassroots organizing to push for the clean-up of Lake Champlain. Progress has been frustratingly slow, but the organization is gearing up for yet another push, buoyed by community members, volunteers, and donors who refuse to give up this urgent fight.

If there's one thing that most Vermonters can agree on, it's that Lake Champlain is in trouble. The iconic lake is central to Vermont's identity and its tourism economy. It provides drinking water and feeds thirsty farms throughout its large watershed.

It's also dying a slow death due to unchecked pollution.

How to stop that pollution, by when, and how much to spend have been debated for years. As someone who has been on the front lines of the fight for more than two decades, Chris Kilian, CLF Vice President for Clean Water and Healthy Forests and Director of the Vermont Advocacy Center, has a unique perspective. "The politics of the day and the drivers behind those politics keep changing, which means the will to take action changes, too," he says. "Unfortunately, the one constant is that the lake is getting worse and worse."

The main villain in this story is phosphorus, which pours into waterways from

sewage treatment plants as well as from farm fields, roads, parking lots, and other watertight surfaces every time it rains or snow melts. Too much phosphorus causes blue-green algae outbreaks, which rob the water of oxygen, killing aquatic life. Those outbreaks are also toxic. They can sicken pets and people, and research now links long-term exposure to the onset of neurological diseases including Lou Gehrig's and Alzheimer's.

It's not news to anyone that phosphorus pollution is killing Lake Champlain. The first study documenting its impact on the lake was published in 1989, the same year CLF opened its Vermont office. But even after the State established water quality standards in 1991, the lake was left to languish. Regulators not only ignored deadlines for setting pollution limits, they repeatedly sought to extend them, far into the future, over CLF's repeated objections.

When Kilian came to CLF in 1999, it was with the express purpose of making headway on Lake Champlain. CLF had

made history 16 years before when it forced what would become the decades-long clean-up of Boston Harbor, but Kilian knew that the Lake Champlain case would be more complex.

"In Boston Harbor, the sources of pollution were virtually all subject to the Clean Water Act," he says, which made the case more clear-cut, at least concerning legal accountability. "Here in Vermont, 60 percent of the pollution comes from sources like farms that haven't been regulated effectively by federal law." Other sources that are regulated, he says, such as stormwater pollution from watertight, paved surfaces, have been shielded by a host of regulatory loopholes. Attempts to close them are met by powerful industry resistance.

Undaunted, Kilian filed more than 20 lawsuits over 10 years. He targeted the State, the Environmental Protection Agency (EPA), and individual polluters, all to force judicial oversight of a comprehensive clean-up plan, like the one CLF had

achieved for Boston Harbor. Those law-suits made significant gains and suffered some setbacks, but still, Lake Champlain was getting worse, and State and federal regulators remained unwilling to take the hard steps necessary to stem the tide of phosphorus into the lake's fragile waters.

Kilian recognized from the start that it would take more than legal maneuvers to effect meaningful change. CLF would also need to rally the public to push for State-level action. In 2001, CLF established the Lake Champlain Lakekeeper®, with the aim of raising public consciousness about the plight of the lake. Vermonters needed to understand that clean water wasn't a luxury, but their right. The Lakekeeper worked to educate the public that the status quo was not only killing the lake, but harming people and the economy as well.

By 2008, more Vermonters were waking up to the issues plaguing Lake Champlain, but State action remained at a standstill. So CLF filed one more lawsuit, this time against EPA to force the federal agency to develop more stringent legal limits on phosphorus pollution – limits the State would have to follow. Three years later, EPA agreed. It would take five more years to develop and approve the new limits, but

in 2016, the federal agency adopted an ambitious plan that, for example, calls for farms in the Missisquoi Bay area, which feeds into northern Lake Champlain, to cut their phosphorus pollution by 83 percent. Developments need to cut their pollution by more than 20 percent.

At the same time, State agencies finally appeared poised to act as well. By 2016, the legislature had passed an ambitious new bill that codified clean-up of the lake into law and established a slew of new rules for pollution from agriculture, development, and wastewater. While much work remained to be done to ensure full implementation of the new law and rules, Kilian felt cautiously optimistic that this time, after years of sustained effort, Lake Champlain might finally have a chance at recovery.

Then, as had happened so many times before, the political winds shifted. As President Trump swept industry darling Scott Pruitt into the lead role at EPA and a new governor was sworn in at the Vermont State House, Kilian found himself reading from an all-too-familiar playbook. State agencies afraid of controversy began asking for delays in implementing the ambitious new rules passed barely a year

before, while others at the State House began seeking legislative strategies to weaken the new clean water law and starve regulators of the funding needed to implement it.

"We are once again trying to hold the line on the progress and promises that have been made while fighting to move clean-up efforts forward," Kilian says. Meanwhile, the lake's decline continues. The good news, however, is that the Vermont legislature is so far holding firm, and the new rules remain in effect

It's frustrating, to be sure, to find oneself back at the start after so many years of effort. So what keeps Kilian and CLF so dedicated to the fight? The volunteers, donors, and community members who urge him on. "They want us to be fighting and keeping these issues high profile," he says. But CLF can't do it on its own. "Continued public outrage will be needed to see things change. Legislators and government offices need to hear from people who want to see the lake cleaned up."

After nearly 20 years, the fight for Lake Champlain has only just begun. ♦

HIGHLIGHTS

CLF's landmark lawsuit against ExxonMobil passed a significant milestone when a federal judge ruled the suit could move forward, despite the oil giant's efforts to have the case dismissed. CLF is suing Exxon for failing to prepare its oil storage facility in Everett, Massachusetts, for climate change impacts. On the heels of the deadly and damaging hurricanes that struck the country last fall, Exxon's lawyers claimed that extreme weather is not an imminent threat. Ultimately, the judge disagreed. CLF will keep fighting Exxon in court to hold it accountable for the safety of its host communities.

CLF served a formal notice of a lawsuit against MassDevelopment and the Devens Enterprise Commission for their pollution of the Nashua River in north-central Massachusetts. In restructuring the former Fort Devens army base, these developers neglected to obtain the legally required stormwater discharge permit under the federal Clean Water Act. Through the suit, CLF is helping to ensure that future development at the site protects the health of people and the environment while setting an example for similar developments throughout New England.

Vermont is under a federal legal obligation to reduce the amount of damaging phosphorus pollution entering Lake Champlain. Despite the State's own proposals for regulations to meet that obligation, its Agency of Natural Resources has issued wastewater treatment facility permits that allow some towns to *increase* their phosphorus pollution dramatically. In the latest effort to protect the health of the lake and local communities, **CLF is challenging these permits as irresponsible and illegal, claiming that they violate the Clean Water Act.**

STOPPING CHILDHOOD LEAD POISONING

The Path to Stronger Laws to Protect New Hampshire's Children



For the past four years, Tom Irwin has talked to countless people about the tragedy of childhood lead poisoning. Especially before the Flint crisis put lead issues back in the headlines, he often would be met with the incredulous response, “But haven’t we solved that problem already?”

It’s a fair question, says Irwin, director of CLF’s New Hampshire Advocacy Center. “We’ve known that lead is a dangerous toxin, especially for kids, for decades, even before it was banned from paint in 1978. But unfortunately, the answer to the question is still no.”

That answer frustrates Irwin because lead poisoning is an entirely preventable problem, so there’s really no good reason for why several hundred new cases are diagnosed in New Hampshire every year – nearly 750 in 2016, as reported in the State’s most recent data. According to the Centers for Disease Control, any exposure to lead is dangerous to children. When left

untreated, even low levels of exposure can cause irreversible health problems, such as loss of IQ and cognitive and behavioral impairments.

Irwin himself was troubled to realize the magnitude of the lead poisoning problem after evaluating environmental justice (EJ) issues in New Hampshire in 2013. At the time, an anonymous donor had reached out to Irwin, wanting to know the most significant EJ issues facing the state and how they could help. But there was no clear answer to the question, because, unlike Massachusetts or Rhode Island, New Hampshire lacks an established EJ advocacy community. Irwin suggested to the donor that CLF conduct an assessment. The goal: to understand the key issues in the state and who they impact, and where advocacy needs were going unmet.

Irwin spent the next several months talking with stakeholders, from public health experts, to State employees, to city workers in the state’s largest cities,

Nashua and Manchester. “I asked each person who else I should speak with and followed those leads,” he says. The interviews ultimately added up to about 35 people, who identified a range of issues that span the state’s rural and urban populations and echo those of EJ communities everywhere: substandard housing, transportation challenges, lack of access to healthy food, and poor working conditions.

But the issue of childhood lead poisoning stood out. With the oldest housing stock in the country, inadequate screening of children across the state, and a high rate of kids being exposed, New Hampshire clearly had a problem. And, while lead poisoning affects children across all demographics, it hits low-income and communities of color the hardest. “You’ve got kids who are already facing economic and other challenges,” Irwin says. “Add the permanent impacts of lead poisoning – learning deficiencies, attention deficit disorders, behavioral problems – and we’re just creating another barrier to breaking the cycle of poverty.”

While advocates had worked successfully on the issue in the past, lowering the State’s regulatory “action level” from a blood lead level of 20 micrograms per deciliter to 10, little progress had been made since. “New Hampshire’s laws weren’t up to the task,” Irwin says. “People working on lead were doing the best they could working within the system to protect our kids. But many said they had just been worn down and had given up on further improvements to our laws.”

Navigating the intricacies of law and policy, however, is what CLF does best.

Irwin had already identified a core group of stakeholders through his assessment, and they soon began meeting to share information, develop a strategy, and engage in advocacy efforts.

"We knew we needed to update our laws to better protect New Hampshire kids," Irwin says. In 2015, with Senator Dan Feltes as their primary legislative champion, they set out to do just that. But facing strong opposition to some key proposed changes, the effort resulted in only modest improvements to New Hampshire's lead laws but also, importantly, the establishment of a Childhood Lead Poisoning Prevention and Screening Commission.

Irwin, with other key stakeholders, became a member of the new Commission, which spent the next 18 months evaluating the problem before issuing recommendations. Its work became the framework of an ambitious new bill introduced in early 2017. Irwin knew this bill would be a tougher battle. In addition to requiring blood lead testing for all one and two year olds, it proposed aligning the State's regulatory action level with the Centers for Disease Control's recommended level of 5 micrograms per deciliter, addressing lead in drinking water in schools and childcare facilities, and establishing a fund to assist landlords in eliminating lead hazards.

Last May, after a series of public hearings, committee meetings, and successful votes by the New Hampshire Senate and House, the bill stalled in the House Finance Committee. Irwin was concerned. "That's typically a troubling sign for any piece of legislation," he says.

"But instead, with strong legislative champions like Representative Frank Byron, the committee worked to make the bill stronger." After taking up the legislation again last fall, the Finance Committee sent it back to the full House for a vote in early January. It passed with overwhelming bipartisan support before being approved by the Senate. In February, Governor Sununu signed the bill into law, with Irwin and his partners looking on.

Even when things looked positive, Irwin took nothing for granted. The stakes were too high. "There were numerous champions for this bill, from elected officials to public health and housing advocates, to affected families who were willing to share their stories," he says. "Citizen advocacy was also crucial. CLF's New Hampshire constituents repeatedly stepped up to voice their support and make it clear to legislators that action was needed."

Irwin isn't pausing to savor this victory for long, however. "There's more work to do," he says. "Too many people don't understand the hazard that's lurking in their home. Unsafe renovation practices pose a threat, and lead in water deserves more attention. And kids will still fall through the cracks of the stricter testing requirements. We need to address those issues proactively."

Persistence, partnership, and policy expertise have been key to Irwin's success in strengthening New Hampshire's lead laws. But it all started by simply being willing to listen. As a result, many more kids in the Granite State have a shot at a healthy childhood. ♦

HIGHLIGHTS

The Legal Food Hub, which matches eligible farmers and food entrepreneurs with pro bono legal assistance, reached another milestone **with the launch of its services in Connecticut through a partnership with Yale Law School**. The Hub, which is also active in Massachusetts, Maine, and Rhode Island, has leveraged more than \$1.5 million in pro bono services in its first four years. In addition, the Hub has expanded its educational offerings for farmers, food businesses, and attorneys through conferences, workshops, and online resources.

CLF is expanding the metrics, research, and investment model pioneered in its Healthy Neighborhoods Equity Fund and Healthy Neighborhoods Study, thanks to support from the Robert Wood Johnson Foundation. Over the next two and a half years, the foundation will support CLF's ongoing research into the root causes of health disparities in disadvantaged communities as well as efforts to address those disparities through investments in safe, walkable, neighborhoods with affordable housing, economic opportunities, accessible public transit, and green space.

Casella Waste announced it will shut down Massachusetts's largest landfill in Southbridge by late 2018, **marking a major victory for CLF's Zero Waste Project**, which aims to close incinerators and landfills that leak toxic chemicals into the air and water while promoting safer and healthier alternatives. The Zero Waste Project is also working to stop the expansions of large toxic landfills in Saugus, Massachusetts, as well as Rochester and Bethlehem, New Hampshire.

TAKING THE LONG VIEW

The Steady Push to the Country's First Regional Ocean Plan



Mona Maeda via Shutterstock

Ocean planning ensures that New Englanders can capitalize on economic opportunities, but not at the expense of the area's natural beauty and the places people live and play.

Sometimes, a good idea takes a long time to come to fruition. A very long time. It also takes vision, tenacity, and skill.

Take ocean planning – the idea that we can be smarter and more coordinated about how we collectively use, manage, and protect limited ocean resources.

When the Northeast Regional Ocean Plan was approved for New England's federal waters last year, it capped off a journey for CLF that began nearly two decades ago.

In 2000, current Vice President for Oceans Priscilla Brooks was a staff economist for CLF, working alongside colleague Peter Shelley to push for protected areas in the ocean. The goal was to safeguard unique habitats from commercial activities while giving overfished species, like cod, room to recover. Creating such protected areas was itself groundbreaking 20 years ago, but even as Brooks and Shelley championed that idea, they were growing increasingly concerned by the rising demand for new industrial uses of ocean areas.

The Cape Wind project had just been proposed, various waste disposal sites designated, and a gas pipeline built from Salem to Boston Harbor. Waiting in the wings were more offshore projects, including two liquefied natural gas terminals, additional wind facilities, and sand and gravel mining.

"States lacked a good process for how decisions were made and projects sited," says Brooks. "Proposals were looked at on a site-by-site basis, leaving regulators reacting to proposed new uses rather than proactively preparing for them." That myopic approach threatened the very places CLF most wanted to protect.

So Brooks and Shelley advocated for a new idea: Planning for the ocean. While planning for specific uses is taken for granted on land, 20 years ago it was a new concept for marine resources. "We wanted a new way of looking at our ocean," recalls Brooks today. "We needed to stop managing project by project or industry by industry."



Brett Atkins via Shutterstock

Instead, they supported a more holistic way of managing ocean areas, so that New Englanders could capitalize on the ocean's many economic and recreational benefits and protect marine life and habitats at the same time.

Such a literal sea change in the way ocean resources are managed would require support from the top levels of state government, so Brooks and CLF's allies started working behind the scenes, talking about the idea with those they knew would be open to it. A daylong conference run by the Massachusetts Office of Coastal Zone Management soon brought the idea of ocean planning to its widest audience of policymakers yet, laying the groundwork for the creation of a state-level Ocean Management Task Force in 2003. Its assignment: to review the Commonwealth's ocean management regime and make recommendations for necessary changes.

As a member of the task force, alongside state representatives, municipal leaders, commercial fishermen, and others, Brooks was now in a position to help impact the state's policy on ocean planning. It took a year of analysis and discussion, but by early 2004, the group

HIGHLIGHTS

had released detailed set of recommendations, including one for the creation of a comprehensive law to require a plan for managing Massachusetts's ocean waters.

It took another four years – and intensive negotiations among legislators – before that law, the Massachusetts Ocean Act, was signed by then-Governor Deval Patrick. As development of the plan got underway, Brooks once again sat at the table with decision makers. Finally, 10 years after Brooks and Shelley helped to put the idea of “ocean planning” on the radar, the nation's first state ocean plan was approved.

But well before the ink was dry, CLF and its allies were thinking bigger.

“States manage only up to three miles out to sea from their coastlines,” she says. “The rest – out to 200 miles – is in federal jurisdiction, so we knew we needed to work on a broader management plan and that it would need a mandate from the federal government.”

It was 2008, Barack Obama had just been elected president, and the time was right for federal action. It was clear that New England and the country as a whole needed ocean planning to preemptively avert ocean sprawl and Massachusetts was laying down a national model. The Obama administration was paying attention. In 2010, it released its landmark National Ocean Policy, calling for regional ocean plans to be created across the country.

With so much groundwork already laid in New England (Rhode Island had followed Massachusetts with its own coastal management plan in 2010), it made sense for the Northeast to be the first region out of

the gates. By 2012, a Regional Planning Body had been convened, made up of representatives from the states, tribes, federal agencies, and fisheries managers. CLF joined a diverse set of stakeholders – including commercial and recreational fishermen, renewable energy developers, marine scientists, surfers, and others – involved in the intense planning process.

After four years of thorough study, dialog, and public input, the Northeast Regional Ocean Plan was approved at the end of 2016. “This plan is a game changer, created largely by New Englanders for New Englanders,” says Brooks. “Our region has committed, on every level, to being smarter about how we manage and protect our ocean for the benefit of our coastal communities, marine life, and businesses.”

Any plan is only as good as its implementation, however, and that is Brooks's primary concern today. A missing piece of the plan is the identification of important ecological areas that need protection, which is important in decision making. “We need to ensure that state, federal, and tribal members of the regional ocean planning body move forward with identifying those areas, as they are critical to the overall health of New England's ocean,” Brooks says. CLF will also be involved in ocean development planning and permitting processes to ensure decision making is based on the best available science, stakeholders are meaningfully engaged, and state and federal agencies coordinate effectively.

“Our region knows how to come together and make things happen,” she says. “We've helped to catalyze a movement around the country, and our ocean and coastal economy will be healthier because of it.” ♦

CLF has joined forces with Earthjustice to challenge the National Oceanic and Atmospheric Administration for its failure to protect North Atlantic right whales from threats and fatalities caused by commercial fishing. The iconic whales are on the brink of extinction, with scientists estimating the whale population to be barely 460. In 2017, the imperiled species suffered a near catastrophe: 18 deaths, many the result of fishing gear entanglements and ship strikes.

The Trump administration has proposed an extreme five-year plan to open nearly 90 percent of U.S. continental shelf waters to oil and gas drilling. Drilling poses a significant risk to coastal economies, businesses, and marine life at a time when it is imperative the country end its addiction to climate-damaging fossil fuels. **CLF cut its teeth fighting the federal government over similar plans to drill on Georges Bank in the late 1970s and early 1980s and is at the forefront of the fight against this irresponsible plan today.**

After 14 years of development, a newly approved plan for managing New England's fisheries should have prioritized the long-term health of the region's fishing economy and the ocean habitats that sustain it. Instead, in a short-sighted decision that largely ignores science and public input, the Omnibus Habitat Amendment 2 puts overfished species and fragile habitats, such as Cashes Ledge, at greater risk. **CLF is speaking out against the amendment's approval and the region's fisheries managers for favoring short-term economic gain over long-term benefits for New England's fisheries, ocean habitats, and the fishing communities that depend on them.**

FINANCIAL REPORT



Conservation Law Foundation ended another year of tremendous achievements with a balanced budget. In addition, we added more than a half-million dollars in bequests to our invested reserve funds.

Our multi-year investments from our 2015 Leadership Campaign have continued to pay off, with significant increases this past fiscal year in revenue from both individuals and foundations, as well as an increase in the overall number of contributors to the organization.

This increased revenue is allowing us to grow our legal advocacy staffing, which contributed to our greater impact in Fiscal Year 2017. These staff investments will only generate further results into the future.

At the same time, having more individual contributors strengthens our standing when filing litigation and amplifies our voice when reaching out to legislators and policymakers on key issues.

Our invested funds also remain strong, increasing to \$10,047,991 as of the end of the fiscal year.

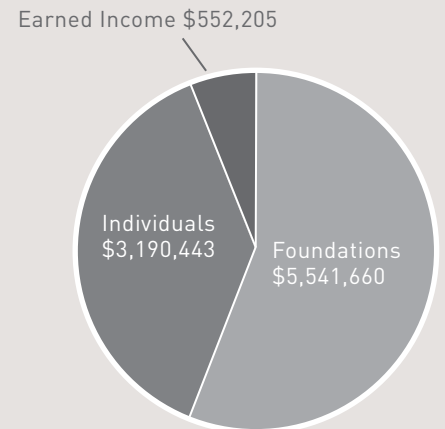
None of this is possible without the generosity and support of you, our members and volunteers. CLF has always recognized that solutions to complex challenges don't happen overnight. Your sustained support ensures our ability to stay the course over months, years, and sometimes even decades, no matter how powerful the opponent.

Thank you for helping us make a difference for all New Englanders.

Andrew J. Falender
Treasurer, Board of Trustees

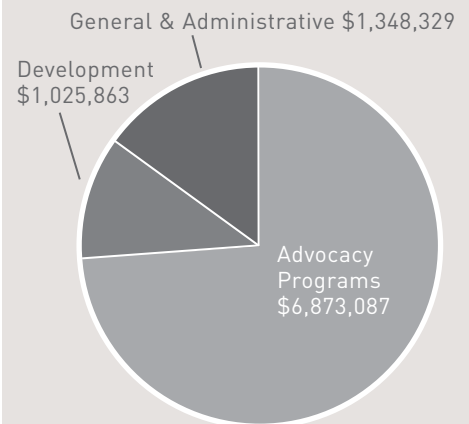
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USES OF OPERATING FUNDS

Total Operating Expenses: \$9,247,279



NET OPERATING RESULTS

\$37,029

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\$5,178,642

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\$5,304,375

TOTAL

\$18,733,956

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