

# CONSERVATION **MATTERS**

THE JOURNAL OF CONSERVATION LAW FOUNDATION | [www.clf.org](http://www.clf.org)



## TURN OFF THE GAS

No. 1  
WINTER  
2019



# TURN OFF THE

**Winter snow and ice bring out Big Gas's fearmongers. Why is the region's electric grid operator among them?**

Every November, as the days get shorter and the air chillier, Greg Cunningham braces himself for what's to come. But it's not the raw Maine winter he's preparing for; it's the annual outcry from utility companies and the gas industry calling for more pipelines and power plants in New England.

As head of CLF's Clean Energy and Climate Change program, Cunningham knows better than anyone what the stakes are if politicians, regulators, and residents buy into – literally – Big Gas's fear-mongering propaganda. Because those stakes are nothing less than the indiscriminate disruption of New England's economy, environment, and health if climate-damaging emissions from fossil fuels like gas remain unchecked.

"Every winter we hear the same message: we need more gas or there could be rolling blackouts," he says. "That's just not true. What we need is to finally break free of

this polluting fuel and invest wholesale in growing our supply of clean energy."

## **Big Gas Sells Fear, Not Facts**

What is true is that New England has become increasingly dependent on gas for both heating and electricity over the last two decades. But the myth that gas shortages are looming was debunked long ago.

Separate reports released in recent years by CLF and the Massachusetts Attorney General's office show that the region has more than enough fuel to make it through even the coldest winter without saddling residents with the billion-dollar costs of new gas plants and pipelines. And with every New England state requiring that more and more of its power come from clean sources, the region will soon need less gas, not more.

Ending the region's dependence on gas is even more urgent following the findings of the Fourth National Climate Assessment,



which outlined the grim climate effects already being felt in New England and across the country as a result of climate change. Another headline-grabbing report from the International Panel on Climate Change gave its own stark warning: the world has barely 12 years to slash emissions from dirty fossil fuels to prevent catastrophic climate impacts globally.

Why, then, do news reports still tout the dangers of gas shortages every winter? Because Big Gas and its allies know that fear sells. Scaring New Englanders into paying for a new pipeline is an easy way to boost their bottom lines for their private investors. It doesn't matter that the region's families and businesses would be paying for something they don't need – or that it would deepen the region's reliance on a potent climate-damaging fuel.

So, when temperatures dip below freezing, utility and gas spokespeople make the rounds of newsrooms and television studios to keep their false narrative alive. The surprise is who has stepped up alongside Big Gas to stoke that fear: New England's regional grid operator.

Electricity in any given New England state is supplied locally, but managed regionally, by a nonprofit entity called ISO-New England (short for Independent System Operator-New England), based in Springfield, Massachusetts.

### **Grid Operator Fails to Consider Climate Change**

It's easy enough to dismiss Big Gas's annual hyperbole as the industry simply hyping its product for profit. But ISO-New England and its longtime president, Gordon Van Welie, hold more credibility with the politicians and regulators who would approve a new pipeline or gas plant. One might assume that the entity overseeing the region's electricity mix would be an ally in ending New England's dependence on dirty fuels. However, that hasn't been the case so far.

The problem, says Cunningham, is ISO-New England's mission. "The ISO perceives itself to have three jobs: to keep the lights on, keep electricity prices low, and plan the future of the region's electric system," he says. It does not consider mitigation of climate damage to fit within those narrowly perceived roles. But that interpretation misses a critical role the grid operator could play to help advance the existing policies of several New England states – which represent almost three-quarters of electricity consumption in the region – that demand a clean energy supply.

That's not to say ISO-New England is anti-clean energy. It already recognizes the transformational role of clean energy

in the region's economy, tracking a decade-long-plus downward trend in demand for electricity thanks to energy efficiency programs and the rapid growth of solar power. The grid operator predicts those trends will continue over at least the next 10 years, even as our lives become more electrified due to smart home technology and electric cars, among other advancements (SEE PAGE 5).

### **Despite Positive Trends, ISO-New England Predicts Fuel Shortages**

That is one reason why it was alarming when, last January, ISO-New England released a report that could almost be read as a paid endorsement for the gas industry, claiming that the grid will grow increasingly unreliable without a flood of more fracked gas into the region.

Working with the regional grid operator is a key component of CLF's advocacy work. So refuting that report was critical to keeping the organization's clean energy push on track. Cunningham's team worked with CLF allies to counter the report's conclusions, pointing out the many flaws in its analysis. "The assumptions on which the ISO based its claims were fundamentally wrong," says Cunningham.

The report underestimated the region's significant gains in renewable energy made to date and overestimated the growth of gas for both heating and electricity. It also ignored credible predictions – including ISO-New England's own – about how much more clean energy will come online in the next decade as a result of existing state laws.





The gas industry and its allies want New Englanders to believe that winter will bring gas shortages and rolling blackouts along with snow and ice. But multiple studies show that clean energy, not a new gas pipeline, will ensure the lights and heat stay on during chilly winters to come. The Block Island Wind Farm [RIGHT] is the nation's first offshore wind farm, and much larger wind projects are waiting in the wings.



At CLF's request, ISO-New England reran its analysis based on correct assumptions. As CLF and its allies expected, that subsequent analysis contradicted the original report, showing there would be no fuel shortages in the region if current trends in clean energy production stay on track. The grid operator, however, has not only failed to retract its initial flawed conclusions, but continues to promote them to regulators at the federal and state levels as well as local lawmakers. In ISO-New England's view, says Cunningham, standing by its initial claims is simply being conservative in its outlook. But, he continues, "they have opened the door to a pipeline solution we don't need and that comes at great cost to people and our environment."

The proof of ISO-New England's wrong-headedness is not just in theoretical analyses. The grid operator's own actions also tell a different story than its report. Last winter, two bomb cyclones struck New England within weeks of each other, and temperatures fluctuated wildly from January to March. Yet the grid was secure,

with plenty of fuel on hand, thanks to ISO-New England's advance planning.

"The ISO always has a surplus of power generation available – over 30 percent more than it needs during times of highest winter demand," says Cunningham. "So even during a long cold snap, our system has options." As this winter approached, ISO-New England was again making similar preparations to secure the region's fuel supply and guard against unpredictable hikes in gas prices.

### **States Are Aggressively Cutting Carbon, Boosting Clean Energy**

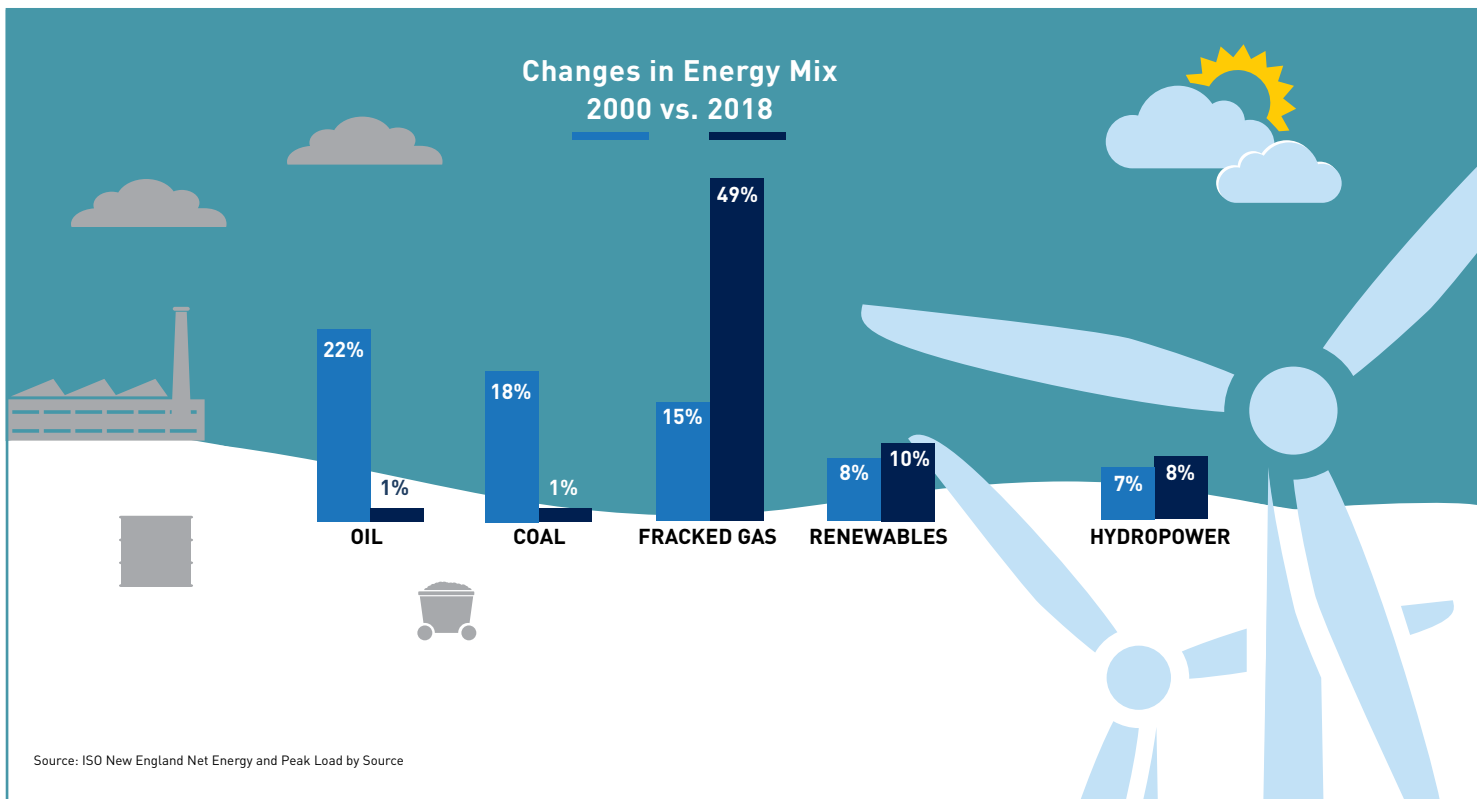
What's more, New England states are moving aggressively to put even more clean energy on the grid. In 2016, CLF helped pass a comprehensive energy bill in Massachusetts that authorizes the purchase of more than 3,600 megawatts of clean energy over the next decade. As a result of that bill, the Commonwealth signed large contracts for Canadian hydropower and offshore wind earlier this year. And just last month, bids for leases of three offshore wind sites in the

region were so lucrative that they broke prior records.

Beyond the drive to grow clean energy production within their borders, New England states have also pledged – and in some cases mandated – sharp drops in climate-damaging emissions by 2050.

With clean energy growing at such a fast pace in the region and climate scientists warning of such dire consequences without urgent action, there's no more time to waste arguing about new gas pipelines and power plants, says Cunningham. "ISO-New England can either be a help or a hindrance," he continues. It can choose to catch up with state efforts to cut fossil fuel use and transition to renewable energy sources. Or it can stick with Big Gas's old, outdated playbook that claims fracked gas is the only answer to winter cold snaps.

Cunningham and his team aren't waiting for ISO-New England to choose, however. They continue to work with allies to design market reforms the grid operator could



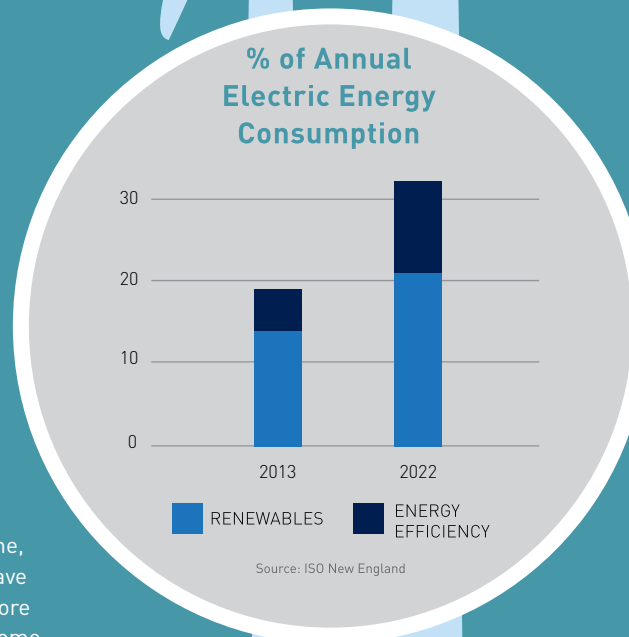
implement to lessen the region's dependence on gas and boost clean resources. If the grid operator fails to keep pace with the region's energy transition on its own, however, then strong state policies that push gas out and pull clean energy in will force the matter. In states that have not yet passed laws mandating cuts in carbon emissions, CLF is working with allies and lawmakers to pass them. Where those laws already exist, the organization is bolstering them with concrete and aggressive action plans.

With another polar vortex forecast for this winter, it's only a matter of time before the gas industry's paid fearmongers make their annual appearance in the region's media outlets. Their chorus – and ISO-New England's – will be familiar and predictable. It will also be exaggerated and overstated. "The bottom line is that our electricity supply is secure and will only become more so as we wean ourselves off of fossil fuels," says Cunningham. "What's at stake here is not the false threat of rolling blackouts, but the urgent threat to our climate future. It's time to turn down the gas for good." ♦

## CHANGING THE ENERGY MIX

New England's energy system is in the midst of a radical transformation. Pressure is building to hang our energy future on natural gas, but relying on another polluting fossil fuel will hardly help states here meet their own mandates to cut carbon emissions.

Thanks partly to CLF's advocacy, the last decade has seen major declines in reliance on oil and coal as fuel sources. At the same time, renewable energy sources have gained ground, with much more projected for the decade to come. This, together with ambitious state targets for renewable portfolio standards and aggressive investments in energy efficiency, is giving New Englanders an opportunity, now, to break the region's addiction to fossil fuels for good and create a greener, cleaner energy future for the entire region.



# clear skies ahead

## THE PROBLEM

The Global Warming Solutions Act mandates that Massachusetts ratchet down its carbon pollution by 2050. In August of 2017, the State released groundbreaking regulations as part of the landmark law that requires state-based power plants to lower their climate-damaging emissions each year. The power plants balked at the new regulations, however, choosing to take the State to court rather than get their carbon pollution under control.

## CLF IN ACTION

CLF helped to write and pass the Global Warming Solutions Act in 2008. At the time, it was one of the country's strongest climate laws, but the State didn't follow through on the law's promise when it missed a deadline for rolling out the necessary regulations to reach the law's emissions goals.

To force the Commonwealth to act, CLF, the Mass Energy Consumers Alliance, and four courageous teenage plaintiffs sued the State. In May 2016, the state Supreme Judicial Court ruled unanimously in CLF's favor – affirming that the State must act now to reduce greenhouse gases.

CLF then moved from opposition to ally, working with the State as it developed the delayed regulations. Ultimately, the regulations were twofold, capping power plant emissions every year through 2050 while requiring that 80 percent of the

electricity sold in the Commonwealth come from clean energy sources by the same year.

When the power industry sued, CLF stood by the State to help defend the law, arguing as a “friend of the court” that the power plants' challenge was simply the last gasps of a dirty, dying industry.

## PROGRESS

In October, CLF declared victory when the Massachusetts Supreme Judicial Court – in another unanimous decision – rejected the power industry's challenge. The court ordered the power plants to fully comply with the new emissions caps, which it said have the full force of the law and must be followed.

## NEXT STEPS

Curbing emissions from power plants is a crucial step in cutting carbon pollution in Massachusetts. At the same time, because the Commonwealth is the largest electricity customer in New England, its clean energy mandate will have the bonus effect of sparking the development of more clean energy sources throughout the region.

CLF is now focused on making the Global Warming Solutions Act even more powerful by passing legislation to require the creation of a road map, with interim milestones, for reaching the law's 2050 goals. Without such long-term planning, the risk of delaying the hard decisions required to transition to a clean energy economy is too great. ♦

Massachusetts's  
Supreme Judicial  
Court has reaffirmed  
that cutting climate-  
damaging emissions  
is the law of the land.



# Rohemir Ramírez



CLF's newest staff attorney brings a unique perspective to his work on climate change, clean energy, and clean water, having experienced one of 2017's record-breaking hurricanes firsthand.

## 1 What was your introduction to environmental law?

I went to law school in Puerto Rico, and, in my final year, I was placed in an environmental law clinic. It turned out to be a perfect fit. I worked on a case representing community members who were going to be impacted by a proposed natural gas pipeline. Puerto Rico is about 100 miles long, and the pipeline would have run along 90 miles of it, snaking through people's backyards and putting them in harm's way. I loved meeting the community and informing them of their rights. Together, we were able to stop the pipeline from being built.

## 2 How will you carry that community engagement into your work with CLF?

I'm excited to be at a nonprofit that represents the people of New England. There's a lot of work that happens outside of the courts and in the community. I believe my work must include communicating with New Englanders in an accessible way. I want to make sure that environmental issues – and how CLF is working on them – are understandable to the people who are impacted by them.

## 3 You were living in San Juan when Hurricane María hit. How did that experience shape your approach to climate change?

Living through Hurricane María and its aftermath made me realize that climate change is here now. Since Al Gore's "An Inconvenient Truth," we've talked about what would happen if global temperatures rise. But we've already raised the temperature. The impacts are here now, and we are not prepared, period.

The conversation must shift from preparing for climate change to acting on climate change. The weather events are so much stronger now, and it takes much longer for life to go back to normal, if it ever does. I never thought I would have no electricity for three months. Because of a hurricane intensified by climate change, my entire daily life was upended for long after it was over. And my family was better off than most of the island. Others only got their power back a few months ago – not to mention, of course, the severe loss of life caused by the extended amount of time without power.

## 4 How do equity and environmental justice play into your work?

It's critical that environmental justice communities are even better prepared than others for climate impacts.

After María, the poorest communities suffered some of the worst damage because their homes and buildings weren't built to withstand such severe weather. Then the roads getting to these rural communities were blocked and clearing them wasn't prioritized, so they didn't have access to food, water, and other emergency resources.

In New England, climate change could cause more hurricanes to make landfall here, putting communities of color and low-income neighborhoods in striking distance of catastrophic winds, rain, and flooding. Our buildings, homes, and roads weren't built to withstand this kind of extreme weather, and we should make sure these environmental justice communities are protected first.

## 5 How do you like to get outside in New England?

During winter, I enjoy skiing, especially in Vermont and Maine. And in the summer, you can find me kayaking or paddleboarding on the Charles River and doing salsa on the Esplanade.

I also get out of New England every winter and take a trip home to Puerto Rico. Within my first 24 hours there, I get to the beach and spend time with my nieces. ♦



# AROUND CLF

## MAINE

Continuing its fight against policies that hold back solar energy in Maine, CLF has filed a lawsuit challenging rules from the state's Public Utilities Commission that punish owners of solar panels and other renewable energy systems for generating their own clean electricity. The rules also reduce the compensation for distributing their surplus electricity back into the electric grid for use by others. CLF and its partners are also pursuing a legislative solution, which looks promising under the incoming gubernatorial administration and legislature.

## MASSACHUSETTS

In October, CLF celebrated a major victory in its work to defend the New England Canyons and Seamounts Marine National Monument. A lawsuit opposing the designation filed by fishermen hinged on whether President Obama had the authority

under the Antiquities Act to create a marine monument in the first place. A federal judge ruled that the President's authority does extend to marine monuments. The ruling is being appealed, however, and CLF will remain vigilant in defending the Atlantic's first marine monument from this ongoing legal challenge.

## NEW HAMPSHIRE

CLF has reached an agreement with Pease Development Authority in its lawsuit focused on Clean Water Act violations at Pease International Tradeport, where stormwater pollution from development has degraded the health of local waters. The agreement requires Pease to obtain a Clean Water Act permit for its discharges, reduce stormwater pollution from current and future development, and implement a pilot program to evaluate technologies to reduce contamination from PFAS, toxic chemicals found in surface waters at the former Air Force base.

## RHODE ISLAND

Rhode Island Governor Gina Raimondo selected CLF to serve on her Task Force to Tackle Plastics. CLF Rhode Island Director Amy Moses is representing the organization on the task force, which will determine how the Ocean State can reduce and eliminate its reliance on single-use plastics and the harmful pollution created by these materials.

## VERMONT

CLF has rallied concerned Vermonters, businesses, towns, and farmers to advocate for the long-term funding needed to clean up Lake Champlain. These funds will support critical projects that protect and restore the lake, such as treating stormwater runoff and restoring wetlands. With the legislative session just starting, CLF will continue to work with its allies to ensure clean water funding.

**TAKE ACTION!**  
Your Voice Matters

Speak up and take action on the issues that matter to you across New England. Sign up for CLF emails so you'll be the first to know when we need your help.  
[www.clf.org/signup](http://www.clf.org/signup)

Other ways to keep up to date:

- CLF's blog: [clf.org/blog/](http://clf.org/blog/)
- Twitter: @clf
- Facebook: [facebook.com/TheCLF](https://facebook.com/TheCLF)



# WHY I GIVE



## Gordon Hall

*Marblehead, MA | Cabot Society member since 2000*

In 2016, CLF launched the Senior Fellows program with support from two longtime and generous supporters, Gordon Hall and former Board of Trustees Chair Michael Moskow (PICTURED ABOVE). The Senior Fellows program allows lawyers, paralegals, engineers, scientists, journalists, and other seasoned professionals who are transitioning into retirement or coming out of a career break to donate their expertise to support CLF's mission. Gordon recently announced that he would bequest \$1 million to the Hall-Moskow Fund in support of the Senior Fellows program. Gordon's bequest pledge opens the path to securing the long-term future of this important new program.

“When I joined the Board of Trustees, one of my first questions was how such a small group could achieve such enormous results – the cleanup of Boston Harbor, saving Mt. Greylock, to name a few. And then I met John Pike, a retired Ropes and Gray partner, who was putting in many hours each week as a pro bono attorney. When you have many John Pikes, you are enabling CLF to initiate and move many cases

along that we couldn't do otherwise. My longtime friend and former CLF Board Chair Michael Moskow and I have supported the Senior Fellows program through the Hall-Moskow Fund for the past five years, and we are thrilled by the results. I am pleased to help ensure the long-term viability of this program through my estate plans, and thank these volunteers from the bottom of my heart.”

**Our donors inspire us to never give up because so much is at stake. Hear more from CLF supporters at [www.clf.org/whywegive](http://www.clf.org/whywegive). We hope their words will inspire you to support our efforts.**

## PROTECTING NEW ENGLAND'S TOMORROW

**[clf.org/cabotsociety](http://clf.org/cabotsociety)**

As a Conservation Law Foundation supporter, you're already taking an active role in making New England a cleaner and healthier place to live, work, and play today.

### But what about tomorrow?

A gift through your will, trust, or retirement or life insurance plan can help protect our region for generations to come and secure your legacy of supporting a thriving New England for all.

When you join CLF's Charles Cabot Society with a gift through your overall estate and financial plans, you will help ensure a vibrant and healthy future for your children and grandchildren. Plus, your gift could receive substantial tax and financial benefits during your lifetime.

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We invite you to learn more about how you can make a difference as a member of the Charles Cabot Society by contacting CLF's Development Office at 617.850.1738 or [www.clf.org/cabotsociety](http://www.clf.org/cabotsociety)

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# 2018 Gala

## CLF CELEBRATES LOCAL HEROES, LOCAL ACTION

On Monday, December 3, CLF, its friends, and its supporters came together at the John Joseph Moakley Courthouse in Boston to celebrate local heroes – individuals and groups from throughout New England who are making a difference in their communities.

CLF was honored to recognize Congressman Joseph P. Kennedy with its President's Award in recognition of his critical role as a champion of social justice in Massachusetts, New England, and the nation as whole. The organization also honored local heroes from each New England state, including Exit 4 Open Space in Vermont; Charlene Lovett, Mayor of Claremont, New Hampshire; Protect South Portland in Maine; Mothers Out Front in Massachusetts; Rhode Islanders leading the fight against Invenergy; and the Yale Law School Ludwig Center for Community and Economic Development in Connecticut. Look for their stories in the upcoming spring issue of *Conservation Matters*.

Gala sponsors included Anbaric Development Partners, The Plymouth Rock Foundation & Jim and Cathy Stone, Stonyfield, Berkeley Building Company, Edible Maine, First Republic Bank, Kanner and Whiteley, LLC, New England BioLabs, Inc., and Tremont Strategies.

Thank you to our sponsors, supporters, and friends new and old for making this such an evening to remember.

PHOTOS: (1) JAY WICKERSHAM, EMILY NORTON, BOB ZIMMERMAN, CAROL GREGORY, CLF VICE PRESIDENT FOR MARKETING & COMMUNICATIONS. (2) SARA MOLYNEAUX, CHAIR, CLF BOARD OF TRUSTEES, MARC MIHALY. (3) BRADLEY CAMPBELL, CLF PRESIDENT, KELSEY WIRTH, MOTHERS OUT FRONT CO-FOUNDER, & ALYSSA RAYMAN-REID, CLF MASSACHUSETTS DIRECTOR. (4) PHILIP CONKLING, STEPHAN CONANT. (5) SANDY LEVINE, CLF SENIOR ATTORNEY, WITH EXIT 4 OPEN SPACE HONOREES: JESSICA TAFFET, MARJORIE RYERSON, DEDE TRACY, DAVID HURWITZ, MILO CUTLER, DIANE MCELHINEY. (6) BILL BURGESS, DOUG FOY. (7) MARTY MAZZONE, RICHARD GLASSMAN, SHARMILA MURTHY. (8) THE LOBBY GREETING. (9) SANDRA PARK, CARMICHAEL ROBERTS, CHET ATKINS. (10) GALA EMCEE AND WBUR SENIOR REPORTER BRUCE GELLERMAN, CONGRESSMAN JOSEPH P. KENNEDY, CLF PRESIDENT BRAD CAMPBELL, GALA EVENT CHAIR SHARON MALT. (11) BILL COLEMAN, INAUGURAL HONOREE OF THE JOHN HAMMOND "OUTSIDE-THE-BOX" AWARD. (12) JERRY ELMER, CLF SENIOR ATTORNEY, [CENTER] WITH RHODE ISLANDERS AGAINST INVENERGY HONOREES: ERIN OLKOWSKI, KATHY SHERMAN, DENNIS SHERMAN, JASON OLKOWSKI. (13) PAUL LEE, MARJORIE RYERSON. (14) EMCEE BRUCE GELLERMAN. (15) JOAN SHAM, CATHY FREEDBERG, CHI HO SHAM, SUE KLEM. (16) KATE AND HOWARD KILGUSS, TED LEACH, CLAIRE WALTON, EVE WATERFALL. (17) PROTECT SOUTH PORTLAND HONOREES ROBERTA ZUCKERMAN, MF FERRIER, AND FRAN D'LACHAPPELLE WITH BRADLEY CAMPBELL, CLF PRESIDENT, AND SEAN MAHONEY, CLF EXECUTIVE VICE PRESIDENT. (18) CONGRESSMAN KENNEDY ADDRESSES ATTENDEES. (19) THALEIA SCHLESINGER, CHRIS GREELEY. (20) EMIL FREI-HOWE, KARA KELLY, MICHELLE AND AL CHARPENTIER. (21) KELSEY CUDDY, TAYLOR MURPHY. (22) YALE LAW SCHOOL HONOREES JOSHUA GILPERIN, AND ANIKA SINGH LEMAR WITH BRADLEY CAMPBELL CLF PRESIDENT, AND AMY LAURA CAHN, CLF INTERIM DIRECTOR OF HEALTHY COMMUNITIES AND ENVIRONMENTAL JUSTICE. ALL PHOTOS COURTESY ROGER FARRINGTON.







# CONSERVATION MATTERS

THE JOURNAL OF CONSERVATION LAW FOUNDATION | VOLUME XXVII, NO. 1 | WINTER 2019 | ISSN 1521-9941

## LETTER FROM THE PRESIDENT



As I write, federal workers are returning to their desks after the longest government shutdown in history. While the shutdown

idled federal workers and put the health and safety of the most vulnerable at risk, it did not slow President Trump's push to weaken vital protections or confirm former coal lobbyist Andrew Wheeler for the top job at EPA.

Against this backdrop of federal chaos, a series of recent CLF advocacy wins presents a stark contrast.

- A Massachusetts report on the future of transportation adopted most of CLF's substantive recommendations and put a spotlight on climate change and public transit. The report was followed by the commitment of a dozen Northeast governors to work together on a plan, to be completed within a year, to reduce carbon pollution from transportation regionwide.
- On Cape Cod, we celebrated a slam-dunk court win in our Clean Water Act case against the Wychmere resort, which is a major source of the sewage pollution fouling the Cape's bays with brown algae blooms. And our work with partners on a short-term rentals tax will create new funding for Cape

towns to improve wastewater infrastructure to address this pollution issue regionwide.

- Also in January, our effort to stop pollution from the former Pease Air Force Base in New Hampshire resulted in a settlement that will reduce tainted discharges and boost cleanup efforts on the site.
- And, in January's waning days, both Vermont and Massachusetts responded to CLF petitions to protect the public from five toxic chemicals finding their way into our drinking water and putting the public's health at risk.

These wins were graced by the welcome sight of four North Atlantic right whale calves. After a year without any live births, this hopeful news invests our courtroom battle to protect this endangered species with new promise.

From climate to transit, from your tap water to the ocean, and from Maine to Connecticut, CLF and New England are poised to make progress where governments falter. But it's only possible with your support, and I am honored and grateful to be in these fights with you.

Cheers,

Bradley Campbell, *President*

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Printing by: Journeyman Press  
Cover photo: sebos via Shutterstock