

CONSERVATION MATTERS

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CLF CELEBRATES

LOCAL
HEROES,
LOCAL
ACTION

2018–2019 Year in Review

LETTER FROM THE CHAIR



Sara Molyneaux

If there's one thing that I've learned in my years of work with Conservation Law Foundation, it's that taking on issues in one city or town can have a big impact across the region.

Time and again, I have seen our advocates stand shoulder to shoulder with their neighbors and grassroots activists at town meetings, local hearings, or even a gathering in someone's living room. When a community is fighting a powerful opponent, our expertise and clout can make all the difference.

But that equation works both ways. A city mayor fighting to protect children from the ravages of lead poisoning, neighbors rallying to stop the construction of a massive polluting power plant, a lawyer offering free services to an immigrant-run food startup – these are the local heroes behind every legal brief we write,

every court motion we file, every climate regulation for which we push.

We succeed because they – and you – are by our side. In this special annual report issue of *Conservation Matters*, we are honoring just a few of our many local heroes, people who have devoted their time, energy, and passion to defending our homes, protecting our children's health, and supporting the vibrancy of our communities.

Inside you'll meet:

- Charlene Lovett, who is working with CLF to end childhood lead poisoning in New Hampshire;
- Milo Cutler and David Hurwitz of Exit 4 Open Space, whose perseverance helped us protect pristine farmland under threat in Vermont;

- Yale Law School's Joshua Galperin and Anika Singh Lemar, who helped launch CLF's Legal Food Hub in Connecticut;
- MJ Ferrier of Protect South Portland, who stood up against Big Oil to stop tar sands oil from fouling local waters;
- Jason and Erin Olkowski and Kathy Sherman, three of the many residents who have been critical in our fight to stop a polluting gas plant in Rhode Island;
- And Kelsey Wirth, co-founder of Mothers Out Front, which empowers on-the-ground activism in today's biggest environmental fights.

Their commitment and yours are helping to make New England a healthier, more thriving place for all.

Sara Molyneaux
Chair, Board of Trustees

LETTER FROM THE PRESIDENT



Bradley B. Campbell

In an ideal world, everyone would have an equal voice when it comes to decisions that affect our homes, our neighborhoods, and our communities.

But far too often, the labyrinthine system of laws and regulations intended to protect the interests of people favor big money and big corporations instead – at the expense of our environment, our health, and our well-being.

How can a resident of Burrillville, Rhode Island, intervene in a months-long permitting process for a proposed fracked gas plant when she is required to hire a lawyer even to be allowed in the hearing room?

How do neighbors in Randolph, Vermont, track the arcane details needed to join in a state review of an oversized development threatening farmland on the edge of town?

How will a young farmer in Connecticut navigate the myriad employment laws that dictate whether a farm worker is considered an intern, an apprentice, or something else altogether?

And how do we all, with our most basic federal protections under assault from a regressive administration, make our voices heard in state houses, hearing rooms, and courtrooms where laws are created, interpreted, and enforced?

The answers to these questions lie in the work you support at CLF. When we are on the case, the country's best lawyers, economists, advocates, and analysts are fighting for you, your community, and your future. We actively stand with our neighbors at town meetings and state hearings. We are at the table when new policies and solutions are being drafted.

And we achieve breakthrough results by pressuring federal and state agencies, crafting better policy solutions, and enforcing laws that are already on the books.

Every fight we take on is in the name of that resident of Burrillville, that neighbor in Randolph, that young farmer in Connecticut, as well as you, our donors, volunteers, and partners.

But the fact is, just as we do our work for you, we cannot do our work without you. We are stronger together – and together, we are making a difference.

Thank you for all that you do.

Brad Campbell
President

GETTING THE LEAD OUT

Charlene Lovett takes on lead poisoning in her New Hampshire city



Charlene Lovett, the mayor of Claremont, New Hampshire, has rallied support from partners and residents to end childhood lead poisoning in her city.

When the Flint, Michigan, water crisis made national headlines, it served as a wake-up call for many New England communities. Across the region, cities and towns began looking at the state of their own water systems to ensure they were safe and lead-free.

In Claremont, New Hampshire, a city of just over 13,000 near the Vermont border, Mayor Charlene Lovett took things a step further. “Lead levels in our water distribution system meet EPA standards, but we wanted to be more proactive,” she recalls. “We instituted operation ‘Get the Lead Out,’ an initiative to remove all lead components from the water distribution system.”

That meant going home by home and checking water service lines for lead. When it was found, those lines were replaced or homeowners were given free filters to protect them and their children.

But it was during a conversation with the state Department of Environmental Services that Lovett came to understand the true scope of the lead problem in New

Hampshire. “They mentioned that water lines are not the primary cause of lead poisoning in the state,” she says. When she asked what is, they replied: lead-based paint.

In a city where 84 percent of the homes were built before the 1978 ban on lead paint, Lovett knew she had a problem on her hands. The more research she did, the more worried she became. An average of 40 Claremont children were poisoned every year – but those were only the cases actually diagnosed. Barely half of all 1-year-olds in Claremont were screened for lead poisoning annually. For 2-year-olds, the number dropped to 27 percent.

According to the Centers for Disease Control, any exposure to lead is dangerous, especially for children under 6 years old. Even low levels of lead exposure in toddlers can cause irreversible health problems, including IQ deficits and cognitive and behavioral issues.

“It’s one thing to have the numbers,” says Lovett. “But we’re talking about 40 children in Claremont poisoned by lead – children who have been robbed of their full

potential.” Lovett became determined to change the math in her city.

She began by rallying key stakeholders, including the city administration, Valley Regional Hospital, pediatricians, the local school board, and state agencies. “It was important to bring the community together so that we could agree on the severity of the problem and develop a plan to address it.”

Together, Lovett and her partners set three ambitious goals: to educate residents about lead poisoning, screen 100 percent of children every year, and prevent kids from being poisoned in the first place.

They worked with pediatricians to ensure that screening became a routine part of a toddler’s annual wellness checkup, brought mobile testing kits to community events, and began requiring any child entering pre-k or kindergarten to show proof that they had been screened for lead – a first-of-its-kind policy in New Hampshire.

They also began to tackle lead exposure at its source: homes and apartment

[LEFT] More than 80 percent of homes in Claremont were built before the 1978 ban on lead paint. [RIGHT] A broad coalition of local partners was critical to Claremont's success, including Peter Wright, who served as CEO of Valley Regional Hospital when the work began.



buildings. Most poisonings occur during a renovation process, says Lovett, when lead paint is disturbed and its dust and residue can get into the air. "I've heard so many heartbreaking stories from parents who inadvertently poisoned their children. They didn't know what they were doing."

Lovett herself moved back to Claremont after 28 years to live in the same home she grew up in – a home built in 1900. "We know there's lead-based paint in it," she says. Her daughter was 8 years old when they moved into the home. Those parents who accidentally poisoned their children? "That could easily have been me," she says.

The City worked with the trade industry to promote EPA's "Renovation, Repair, and Painting" (RRP) certification, which ensures that contractors and painters know how to deal correctly with lead-based paint in older homes. They even incorporated the RRP training into the curriculum at the local trade school.

Today, parents line up for free lead screenings at community events, every incoming kindergartner is tested, and financial assistance is available to qualified residents to help them mitigate the risk of lead paint in their homes.

At the same time that Claremont was making headway with its efforts, a new law was working its way through the state legislature. Championed by CLF New Hampshire Director Tom Irwin and key allies, the law

would require blood lead testing for all 1- and 2-year-olds in the state, lower the State's regulatory action level, and address lead in drinking water in schools and child-care facilities.

Lovett was called on to testify about the bill before a legislative committee. "It was hugely helpful to have a city leader – one who had been advancing solutions on the community level – speak before the committee," says Irwin. "It made the problem much more real for legislators."

Following her testimony, Lovett and Irwin joined forces to gain the support of other city leaders. Ultimately, 11 of the state's 13 cities backed the bill. In 2018, it passed with overwhelming bipartisan support.

Now, the two are partnering again to bring the lessons learned in Claremont to more New Hampshire communities. "Lead poisoning is a public health crisis," says Irwin. "Claremont is ahead of most communities, and it's helpful to have Mayor Lovett there to show what can be done."

For Lovett, the key lesson from Claremont's success is collaboration. "We know what the issue is, we know it's preventable, and we know how to solve it," she says.

There is still much more work to do, but Lovett and Irwin know that with cooperation, political will, and perseverance, they and their partners can and will succeed. ♦

HIGHLIGHTS

CLF and its partners in Vermont successfully **pushed the passage of one of the country's strongest laws aimed at preventing childhood lead poisoning**. The Vermont Legislature mandated that schools and childcare centers test all faucets used for cooking and drinking for lead, while also providing funding to cover clean-up costs if the toxin is found. This was one of three nation-leading laws passed in the state this session, with another aimed at curbing plastic pollution (see below) and the third focused on preventing toxic chemicals from tainting drinking water (SEE PAGE 14).

To end plastic pollution in New England, CLF launched an effort to pass plastic bag bans in every state in the region. Created from petroleum, a nonrenewable resource, plastic bags take hundreds of years to decompose. They also litter streets and parks and harm our soil, rivers, and oceans. **CLF celebrated when Vermont banned single-use plastic bags as well as plastic straws and foam containers**. Vermont's ban is one of the strongest in the nation and serves as a model for other states to follow.

FARMLAND MATTERS

Vermont residents fight to protect working land threatened by sprawl



David Hurwitz (LEFT) and Milo Cutler (RIGHT) were two of the many Randolph residents who came together as Exit 4 Open Space to stop a sprawling development from paving over valuable farmland in their town.

Vermont's I-89 boasts many beautiful views along its 191 miles, but one of its most scenic vistas lies at Exit 4 in Randolph. As you leave the highway, the road opens to reveal nearly 200 acres of lush farm fields sloping down to a valley of dense trees, with mountains cascading to the horizon.

It's an iconic Vermont image, one that inspired Milo Cutler to make her home here more than 20 years ago. "I saw this gorgeous view and the whales' tails," she recalls, referring to a granite sculpture of two 13-foot-tall whale tails rising out of the grass in the valley, "and I've been here ever since."

Having grown up in a small town in Ohio, Cutler appreciated the way of life in a rural community. But she had seen her hometown change drastically during her childhood. "It grew and grew, with strip mall after strip mall," she says. "There's no community anymore. It's really Anywhere, U.S.A."

So when word got around in 2015 that a developer planned to pave over that iconic vista to build a hotel, a conference center, housing, and an industrial park, she and

other residents were concerned. "To pave over 170 acres with industry – I saw it happen in Ohio, and it destroyed the town."

There was no question that Randolph, with its historic downtown, could use an economic boost. But the 1.15-million-square-foot development was out of scale for the small village of barely 4,800 people. "Having a hotel at an interstate exit with minimum wage jobs is not what's going to make a town prosper," she says. And the 250 homes proposed? "There were well over 100 houses on the market in Randolph, so that was not anything that the town needed, either."

What's more, Randolph is located in one of Vermont's most rural counties, and its agricultural soils are rated as some of the highest quality in the state. With farmland under increasing pressure from development, farmers in the community were understandably worried about losing prime acreage.

One night soon after learning about the proposal, about 20 residents, Cutler among them, gathered in a local living room to

talk about what they could do to fight it. "We didn't know if we could stop this development or not," says David Hurwitz, who, with Cutler, became a spokesperson for the group. "But we did know that as citizens of this community, we wanted to have our voices heard."

At first, the group wasn't taken seriously, as the development proposal already had the zoning permits and other town-level approvals it needed. "A lot of town officials and others brushed us off and said it's too late to do anything," recalls Hurwitz. But the proposal faced one last hurdle: a state-level Act 250 hearing.

Act 250 is a law unique to Vermont that helps prevent sprawl and addresses environmental issues with potential developments. To receive a permit, a proposal must meet ten criteria, including its impact on agricultural soils.

The neighbors decided to intervene in the Act 250 hearing, organizing officially as Exit 4 Open Space to give them the status they needed for a seat at the table.



Today, the land at Exit 4 will be farmed, while walking paths will make part of it accessible to the public.

Meanwhile, CLF Senior Attorney Sandy Levine had been watching the development proposal progress from her office a half hour away in Montpelier. Levine has been tracking sprawl and the loss of farmland in Vermont for years, working to counter the statewide trend and strengthen the laws that protect these valuable lands. “Good farmland is in increasingly short supply,” she says. “Vermont’s thriving farm economy, our healthy environment, and our healthy climate all depend on it.”

When CLF and its partners at the Vermont Natural Resources Council (VNRC) saw the Randolph developer’s Act 250 application, they planned to get involved in the proceedings to prevent the proposal from moving forward.

Levine attended an Exit 4 Open Space meeting ahead of the state hearings and knew she’d found the right allies. “They were encouraged that there were professional lawyers and planners stepping in,” she says. “We were excited that there was a core of enthusiastic local citizens raring to go.”

Act 250 proceedings can be difficult for citizens to navigate without a lawyer or legal background of their own. What’s more, bringing in experts to testify on residents’ behalf gets expensive. “Sandy helped us tremendously in terms of how we could get involved, what we could do, and how we could present things to the commission overseeing the process,” says Hurwitz.

Over the course of several hearings – with months in between each one – CLF, VNRC, and the residents made their case. Then,

just as all the parties were preparing a summary of comments for final review by the Act 250 Commission, the developer put the plans on hold. He later withdrew the original sprawling proposal, sold all but 22 acres of the land to a farmer, and agreed to sell the remaining acres if \$1 million could be raised in 60 days.

Raising that amount of money in barely two months would be daunting anywhere, but “to do that in a small rural community was a huge challenge,” says Hurwitz. But Exit 4 Open Space, CLF, and VNRC, as well as Preservation Trust of Vermont, rose to the challenge, raising the massive sum in 57 days. More than \$200,000 came from Randolph residents themselves. “Randolph is not a high-income town, but that much money coming out of this community shows the level of support and how much people wanted this land to be preserved,” says Hurwitz.

Now there will be a walking path and an orchard planted on those 22 acres, while the remaining land is permanently protected and in the hands of a local farmer supplying milk for Vermont Creamery.

When Cutler, Hurwitz, and their neighbors first got involved in this fight, no one expected it to take up two to three years of their lives. “But to have the outcome we had, it was definitely worth it,” says Cutler.

Hurwitz agrees. “It was a long haul and a lot of focus to make this happen, especially for the people in our group who were juggling this with our own careers,” he says. “So it feels great standing here knowing we were able to come this far.”

“It was a remarkable accomplishment on many levels,” reflects Levine. “It really empowered the community and shows what a small group of committed citizens can achieve.” ♦

HIGHLIGHTS

CLF played a significant role in shaping Massachusetts’s Commission on the Future of Transportation’s blueprint for reducing traffic congestion, helping the state meet its zero-emissions target, and providing accessible and affordable transportation for all – including individuals and families living in under-served communities outside of the Boston metro region. Now CLF will be at the forefront to give this plan legs and ensure it doesn’t sit on a shelf collecting dust.

CLF is stepping in to enforce local and federal laws and stop tailpipe polluters from spewing toxic exhaust fumes that have been linked to myriad health problems, from asthma to lung cancer. CLF launched its first enforcement action against Transdev Services, which provides transportation for the Boston Public School system. Its buses were found idling for upwards of 30 minutes at a time. Such long idling can allow tailpipe pollution to build up in a bus’s cabin, exposing children to as much as eight times the amount of diesel exhaust permitted by federal pollution standards.

LOCAL FOOD, LOCAL CONNECTIONS

Legal Food Hub launches in Connecticut to support local food economy



Yale Law School's Joshua Galperin [INSET, now on the faculty at University of Pittsburgh Law School] and Anika Singh Lemar [OPPOSITE PAGE] were critical to helping CLF launch its Legal Food Hub in Connecticut.

CLF's Legal Food Hub has been matching low-income farmers and food businesses with free legal help since 2014 when it first launched in Massachusetts. Maine and Rhode Island soon followed, with the Hub leveraging more than \$1.5 million in pro bono legal services in its first few years alone.

With a goal to have a Legal Food Hub in every New England state, in 2017, CLF began thinking about where to focus next. Connecticut soon emerged as the top candidate.

"Connecticut has a vibrant farm and food community, but it needs more in terms of technical assistance and support that exist in the other New England states," says Sara Dewey, director of CLF's Farm and Food program. "We realized there was an opportunity to serve farmers and food entrepreneurs while helping to build the local food system."

At the same time, says Dewey, "We knew we would be most effective if we partnered with an organization that already had deep ties to local communities."

Just as CLF began scouting for a Connecticut partner, Yale Law School professor Joshua Galperin was hearing from students who wanted to learn about food law and policy.

Galperin directed Yale's Environmental Protection Clinic, but food and agricultural law were not on the list of issues the clinic usually addressed. So he started looking for ways to bring food law into his clinic and class. "When I got the call from the Legal Food Hub, it seemed like the perfect opportunity to help an organization that could use some eyes and ears on the ground in Connecticut, while giving my students valuable experience right in their hometown that I otherwise hadn't been able to provide them."

The initial work of the Legal Food Hub in any state is always two-fold: First, there's developing relationships with local farmers and food businesses to understand their unique needs. And, second, there's nurturing the community of volunteer lawyers who will work with the varied pro bono clients the Hub refers to them.

By the fall of 2017, Galperin and Yale Legal Fellow Brian Fink had started reaching out to

existing nonprofit food and agriculture organizations, as well as the land grant college at the University of Connecticut to network and introduce themselves to the community.

At the same time, Anika Singh Lemar was bringing her unique perspective to the partnership. Lemar oversees Yale's Ludwig Center for Community and Economic Development, which provides transactional legal services to clients seeking economic opportunity and mobility. The Center's involvement in food justice dates back to the early 1990s when a New Haven group sought assistance opening a grocery store in an area that lacked a full-service supermarket. The group is still a client today.

"Food and farming are particularly interesting to us because it's an avenue for people with low and moderate incomes to earn money," she says. "But agriculture is also a really difficult path to go down because of its low margins."

What's more, navigating the many employment laws and food regulations can be labor intensive. "Those are barriers for low-income entrepreneurs," she says. "Good lawyers



should address those barriers and bring them down for people, whatever that takes.”

Those laws and regulations can be intimidating for good lawyers, too. Although food and farm clients share much in common with other businesses – the need for a trademark, estate planning, or a lease, for example – food- and farm-specific statutes add a layer of nuance with which many lawyers may not have direct experience.

“Lawyers are ultra-specialized these days,” says Lemar. “A real estate lawyer, for example, may have years of experience but never have represented a farmer before.”

So Lemar and her students set out to write a guide to help the Hub’s volunteers translate their experience to food and farm work. The guide also identifies issues that lawyers might miss if they’ve never represented a farm before, she says. And, while the guide is a handy reference, it also served as a conversation starter that was sent to lawyers across the state, inviting them to participate in the Hub.

By March of 2018, with six law firms signed on, the Hub was ready to go live. In the year since, it has handled 19 cases across the

state. Participants include a mobile farmers’ market, a local refugee assistance project, a nonprofit educational farm, a nascent kelp farm, and a small business that makes products with food that would otherwise be wasted. And the demand for the Hub’s services is only growing. “We’re getting more cases than we can place with our attorney network right now,” says CLF’s Dewey.

But perhaps the most significant impact of CLF’s partnership with Yale has been the connections farmers and food businesses have made with each other.

“The Legal Food Hub has networked the food and farm community in a way it hadn’t been before,” says Galperin. “My students, Brian Fink, and Anika played a huge role in figuring out who the key players were and bringing them together. And that, I think, is going to make a lasting difference in Connecticut.”

Dewey agrees. “The Hub exists not only to help individual farmers and food businesses overcome legal hurdles but to support a thriving and resilient regional food system,” she says. “Our partnership with Yale has been critical to laying that groundwork here in Connecticut.” ♦

HIGHLIGHTS

CLF’s Legal Food Hub is partnering with the Vermont Law School to offer its pro bono legal services to farmers and food businesses in the Green Mountain State. When it launches in the fall of 2019, Vermont will be the fifth state to host a Legal Food Hub. The Hub currently boasts 146 law firms in its volunteer network and has placed 375 cases in five years.

Dr. Megan Sandel has joined CLF as its inaugural Healthy Communities Fellow, with support from the Robert Wood Johnson Foundation and Boston Medical Center (BMC). Dr. Sandel is Associate Director of the GROW Clinic at BMC. In her role as Healthy Communities Fellow, she is working to strengthen partnerships between healthcare, environmental, and community-based organizations and promote investments in healthy neighborhoods. Together, Dr. Sandel and CLF are raising awareness about the connections between health and the places where people live, work, play, and learn.

Alongside Boston Mayor Marty Walsh and Congresswoman Ayanna Pressley, **CLF recently celebrated the opening of Treadmark, a mixed-income development in Dorchester’s Ashmont neighborhood.** Created with extensive community input and partially financed through CLF’s Healthy Neighborhoods Equity Fund, Treadmark has created 73 new homes and ground-floor retail on the site of a former tire shop, adding to the vibrancy of this historic neighborhood. The development is one of eight financed so far through the Fund, which was created with the Massachusetts Housing Investment Corporation to catalyze the creation of healthy neighborhoods that bring residents lasting benefits, including quality housing across income levels, job opportunities, and easy access to public transit, among others.

STOPPING BIG OIL

Grassroots organizing leads to big win over Big Oil in Maine



EcoPhotography

MJ Ferrier [FAR RIGHT, OPPOSITE PAGE] is part of the grassroots group Protect South Portland, which has helped to stop the Portland Pipe Line company from exporting dirty tar sands oil through scenic Casco Bay.



Perched on the edge of the Fore River, South Portland's Bug Light Park offers visitors a spectacular view of Maine's Casco Bay.

Until recently, that view might also have included a massive oil tanker unloading its cargo for transport along the Portland-Montreal Pipeline, which starts at the park's edge. Today, however, the pipeline terminal sits idle, a testament to the power of people to stand up to big money and corporate interests.

"This is a story of local people from a small town standing up against Big Oil, period," says CLF Maine Director Sean Mahoney.

Over seven decades, the 236-mile pipeline pumped more than five billion barrels of oil through Maine, New Hampshire, and Vermont to Montreal. But after the surge in Alberta tar sands oil, its flow dropped to a trickle.

As early as 2008, the Portland Pipe Line Company began exploring reversing the pipe's flow. The idea: to pump tar sands oil from Montreal to the South Portland terminal for export. In 2013, word spread that the company

– by then owned by ExxonMobil, Suncor, and Imperial Oil – might be preparing to move the plan forward. The news prompted hundreds of people to march against the proposal on a frigid January day.

The march served as a wake-up call for South Portland city leaders and many residents. Soon after, a dozen neighbors gathered in a local living room to discuss how they could rally residents to attend an upcoming meeting on the project at the city Community Center. Ultimately, 400 people came to the meeting, but, while emotions ran high on both sides, no resolution was put forward.

The concerns that drew together those opposed to the proposal were many, says MJ Ferrier, who lives barely a block from the terminal. The aging pipeline passes through rivers, lakes, and wildlife areas, she says, including over tributaries flowing into Sebago Lake, which provides drinking water to 20 percent of Maine's population. A rupture or spill of tar sands oil – like the million gallons that fouled Michigan's Kalamazoo River in 2010 – would devastate wildlife and threaten drinking water.

What's more, reversing the pipeline would require building two 70-foot-tall smokestacks, which would spew toxic fumes into densely populated neighborhoods nearby.

Determined to stop the pipeline, the neighbors organized as Protect South Portland. Opposing the pipeline meant standing up to some of the biggest names in the oil industry. But Protect South Portland was undaunted, going door to door to build support for a referendum that would stop a reversal from ever becoming a reality.

"There was a lot of real determination, and it built more and more momentum as we went along," recalls Ferrier. Protect South Portland soon developed into a network of more than 1,000 people who gave countless evenings and weekends to get out the vote. "People stepped up to the plate over and over to stuff envelopes, knock on doors, whatever was needed," says Ferrier. "There were retirees, students, and children who came with their parents."

At the same time, the American Petroleum Institute was pouring money into defeating the referendum, shelling out more than



\$700,000 to sow division in the small coastal city. In November of 2013, the grassroots referendum was defeated by fewer than 200 votes out of 8,000 cast.

That close result, however, galvanized city leaders. The City Council formed a committee to study the issues and draft an ordinance to ensure that any waterfront construction meshed with the City's management plan. CLF's Mahoney, having tracked the referendum vote closely, now became involved directly as the effort entered the legal realm.

Mahoney anticipated that any move by the City would be disputed in court, so he worked with the committee to write an ordinance that was legally sound and could survive a challenge.

While CLF and the committee did their work, Protect South Portland continued their own: educating residents and shoring up support.

The committee's work resulted in the Clear Skies Ordinance. The City Council's careful and transparent process – and the efforts of Protect South Portland – had shifted the divisive tone of the referendum vote to one of overwhelming support for the ordinance. In July of 2014, in a 6-to-1 vote, the City Council passed the ordinance prohibiting the bulk loading of crude oil onto any marine tank vessel in South Portland's harbor.

As predicted, the Portland Pipe Line Company, with help from the American Petroleum Institute, challenged it in court. The suit, says Mahoney, "included everything but the kitchen sink, alleging violations of a host of federal laws and even certain treaty provisions." In the end, though, the judge boiled it down to one critical issue: Did the ordinance violate the U.S. Constitution's Commerce Clause?

Three years after the suit was filed, the judge gave his answer: No, it did not. By regulating only activity within South Portland, the Clear Skies Ordinance is perfectly legal.

On hearing the ruling, recalls Ferrier, "I was on cloud nine. It felt like what David must have felt when he got Goliath in the middle of the forehead."

The American Petroleum Institute is appealing the court ruling, but for now, Ferrier, Protect South Portland, and their neighbors are taking a well-deserved moment to savor their victory – and enjoying quiet, tanker-free days at Bug Light Park.

"I can't emphasize enough that even though you have a small group that works to organize and stimulate, it's the average citizen that goes out and puts their feet on the ground and does the task that really matters," reflects Ferrier. "They're the people who are important." ♦

HIGHLIGHTS

In a victory for ocean conservation, a district court rejected a fishing industry lawsuit challenging the legality of the Northeast Canyons and Seamounts Marine National Monument. The monument was designated by President Obama in 2016 after **significant effort on the part of CLF and its partners. CLF intervened in the legal case and celebrated** when the court ruled that the Antiquities Act does indeed grant the president power to protect ocean areas and important marine resources as well as those on land. CLF will continue to fight to defend the Northeast Canyons and Seamounts – the Atlantic's only Marine National Monument – in the face of continued threats from the Trump administration.

CLF, with other environmental groups, secured an agreement with Vineyard Wind to protect critically endangered North Atlantic right whales during the construction and operation of its 80-turbine offshore wind project, planned for the coast of Massachusetts. This historic agreement will ensure that New England can develop this nascent industry while protecting iconic right whales from ship strikes and underwater noise pollution. The agreement also serves as an important template for other offshore wind projects.

Bow Seat Ocean Awareness Programs and **CLF honored the winners of their Healthy Whale, Healthy Ocean Challenge** at an awards ceremony during the New England Aquarium's annual Right Whale Festival in May. More than 130 K-12 students from New England and Canada created visual art, poetry, and short films that celebrate right whales and call attention to the many threats they face, including ship strikes, fishing gear entanglements, and pollution.

SAYING NO TO FRACKED GAS

The people of Burrillville stand tall against fossil fuel interests



Kathy Sherman [LEFT] and Jason and Erin Olkowski [ABOVE] are three of the many Burrillville, Rhode Island, residents who fought successfully to stop a fracked gas power plant from being built in their community.

In 2015, energy giant Invenergy announced its plan to pave over a pristine forest in Burrillville, Rhode Island, to build a 900-megawatt fracked gas power plant. The plant size and scope immediately set off alarm bells at CLF's Providence office.

With coal plants across New England shutting down, thanks in large part to CLF's campaign to make the region coal-free by 2020, fracked gas was being touted as a cheap and clean substitute. But gas is still a climate-damaging fossil fuel, one that New England (and the world) needs to stop using to avoid catastrophic climate change impacts.

With an expected life of 30 years, the Invenergy plant would lock Rhode Island into climate-damaging fossil fuels well beyond 2050, the date by which the state had committed to cut its carbon emissions to 80 percent below 1990 levels. In November of 2015, the day after Invenergy applied to the state's Energy Facility Siting Board for a permit, Senior Attorney Jerry Elmer filed a motion for CLF to intervene in the proceedings.

Elmer admits that, at the time, he wasn't sure CLF could stop the plant. The proposal already had the support of many town and state leaders, who eagerly repeated Invenergy's talking points about the supposedly dire need for the 900 megawatts of electricity the plant would produce.

What Elmer didn't know then was just how powerful an ally CLF would have in the people of Burrillville. Invenergy, too, would soon learn that it had seriously underestimated the power of community.

"If it wasn't for the hundreds of volunteers and a broad coalition of amazing groups all around the state, that plant would be sited right now," says Jason Olkowski, who lives in Burrillville with his wife Erin and their children. Instead, community members, alongside CLF and other allies, blocked the plant at every opportunity, drawing out the approval process for nearly four years, which strengthened their argument that the plant is not needed in the first place.

The Olkowskis had heard about the power plant proposal when it first was announced but hadn't given it much thought at the time. When they went to a town meeting to learn more, they found it packed with Invenergy supporters. Most weren't from Burrillville, yet they dominated the microphone when it came time for the public to comment. Frustrated by what they had seen, they went home and read Invenergy's 473-page application for state approval.

"We started scanning through the tables of hazardous pollutants that are going to be spewed into the air, the acres of forest to be clear-cut, the 3.6 million tons of carbon dioxide it will emit," recalls Jason. Surely, the

couple thought, if they want to put something like this in their beautiful town, there must be a real need for it.

But as they dug deeper into the hazards of fracking, the dangers of the pipelines and infrastructure needed to transport it, the water wasted to run gas power plants, and fracked gas's role in climate change, they realized that the Invenergy plant wasn't just about Burrillville – it all tied into a bigger system that is harming the global environment as well.

As the Olkowskis started voicing their concerns, they were repeatedly told that the plant was a done deal and that there was nothing they could do. But that only galvanized them more. "We had been consulting with lawyers from the town and CLF, so we knew it was far from a done deal," Erin says.

The Olkowskis soon connected with other community members opposed to the plant, one of whom was Kathy Sherman, who lived across the street from the proposed building site with her husband.

Because of their proximity to the site, they had received a formal notification about Invenergy's proposal, but details were scarce. They were given a deadline by which they could intervene in the proceedings of the Energy Facility Siting Board but having a seat at the table during the Board's deliberations came at a price. "We were required to have



attorneys to represent us,” Kathy says. “So that seat at the table cost us money. It wasn’t fair democracy.”

Kathy grew more concerned as she learned about the plant, especially its potential health impacts for herself, her husband, and her neighbors. “Toxic pollution won’t happen in a vacuum over the town of Burrillville,” she says. “It will impact the entire state, as well as Connecticut and Massachusetts.”

As those opposing the plant started to come together, they combined their strengths to tackle the issue from multiple angles. “Once we all rallied together, everyone brought their different expertise and interests,” says Kathy. “We were able to put together a group that took this fight to different levels.”

A Facebook page was launched, and fact sheets and signs distributed. Rallies were held, and petitions signed. Residents educated neighbors and town officials about the dangers the plant posed, creating an army of vocal opponents. “If we had a chance of winning, we had to reach a lot more people like us, people who don’t see themselves as activists but who we knew would care once they learned what’s really at stake,” says Erin.

Knowing this needed to be viewed as more than just a local issue, the Shermans, Olkowskis, and their allies broadened their focus to include statewide and regional outreach.

An effort to garner support from nearby towns ultimately gathered letters of opposition from 36 communities in Rhode Island, Massachusetts, and Connecticut. A successful campaign to educate and pressure water districts to deny Invenergy the water it would need to run the plant dealt the proposal a major blow, delaying its approval and giving residents and CLF more time to build their case and raise awareness, including through media events across the state. Community groups organized bake sales and concerts to

raise funds and boost awareness. Other allies like Paul Roselli led critical efforts to educate Rhode Islanders statewide through “learn the facts” sessions in numerous communities.

Residents also worked with CLF and the town’s attorney, Michael McElroy, to show why the plant’s dirty power is not needed and would do more harm than good. “We were very fortunate to have CLF on our side,” says Kathy. “Knowing that there were lawyers representing our interests was a great relief.”

For CLF, having such strong grassroots opposition on the ground – from residents like the Olkowskis and Shermans to the Burrillville Land Trust and other organizations – bolstered its legal case. “Many different individuals and groups have worked together to good effect,” says Elmer. “We would not be where we are today if it weren’t for the contribution of the people of Burrillville, and we’re deeply grateful for their efforts.”

When the fight against the Invenergy plant started more than three years ago, the Shermans and Olkowskis had no idea they would still be fighting it today. “We didn’t quite understand how much time and effort would be required when we started,” admits Erin. “But it’s been time well spent, and it’s been encouraging to see so many other people helping and collaborating, coming together across the state and the region.”

Days before this story went to press, all those years of hard work and organizing came down to a final hearing of Rhode Island’s three-member Energy Facility Siting Board. The packed room was silent as the Board announced its decision: *permit denied*.

Cheers erupted as the Burrillville residents in attendance rejoiced at the outcome for which they had fought for so long – a testament to the persistence of local heroes who refused to give up and go home. ♦

HIGHLIGHTS

After eight years of climate-denying policies under former Governor LePage, Maine reentered the climate change fight with new laws that boost solar production and require that the state receive 80% of its electricity from renewable sources. Most significantly, newly elected Governor Janet Mills signed a comprehensive climate bill mandating that the state cut greenhouse gas emissions by 80% by 2050. **CLF helped pass this sweeping new law and ensured that it not only requires the State take action to cut emissions** but also outlines a process for developing a statewide plan and studying appropriate solutions.

Years of advocating for New England to invest in offshore wind power paid off when Massachusetts approved contracts for the 800-megawatt Vineyard Wind project. When complete, it will be the country’s largest offshore wind farm, powering more than half a million homes and helping clean up our regional electricity supply. **CLF helped advance the legislation that authorized this purchase, worked to improve the auction by which the Commonwealth purchased the energy it will produce, and participated in the review of the proposed contracts.**

Massachusetts’s Supreme Judicial Court upheld Department of Environmental Protection (DEP) rules establishing carbon emissions caps on New England power generators. **The decision allows the DEP to enforce the declining emissions limits mandated in the state’s landmark Global Warming Solutions Act.** CLF was instrumental in writing the Global Warming Solutions Act, enforcing it in court in 2016, and submitting briefs to support this recent ruling. The Global Warming Solutions Act is one of the strongest climate laws in the nation, and CLF is working to pass similar laws in every New England state to ensure that the region can cut its climate-damaging emissions to net zero by 2050 [SEE UPDATE ON MAINE BILL ABOVE].

SPEAKING UP FOR OUR CHILDREN

Mothers Out Front pioneers new model of activism on climate change



Kelsey Wirth was inspired to found Mothers Out Front after realizing her daughter may never get to see a healthy coral reef in her lifetime because of climate change.

Five years ago, as Kelsey Wirth sat with her daughter looking at a book about coral reefs, she had a startling revelation: Her daughter may never get to see a healthy coral reef in her lifetime – never mind the many other ways climate change will affect her life.

She also realized that mothers have a unique voice to bring to the climate movement – and that combining their fierce determination to protect their children with a proven approach to political organizing could create a remarkable force for change.

Since then, the organization Wirth co-founded, Mothers Out Front, has expanded to eight states and 19,000 members and supporters.

Their model is unique: They take the enormous challenge of climate change and break it down into smaller, actionable challenges, whether it's promoting clean energy, stopping new fossil fuel infrastructure, or demanding fixes for thousands of gas leaks plaguing our neighborhoods.

That on-the-ground presence combined with their unique voice is what makes Mothers Out Front such an effective partner for CLF, says Alyssa Rayman-Read, director of the organization's Massachusetts advocacy center and a mother of two herself.

"We share the same goal: to make sure future generations don't inherit a climate catastrophe," she says. "CLF's work is to use our technical and legal expertise to create and enforce the policies and regulations needed to reach net zero emissions by 2050. Mothers Out Front helps people connect that big picture, 30,000-foot view to what's happening right here in their community."

"What's so exciting is that Mothers Out Front has figured out how to make that strategic through such an effective organizational structure," she says.

It's a model of organizing now being repeated across the country. Community by community, issue by issue, family by family, Mothers Out Front is harnessing the power of mothers to create change for our children today – and for future generations tomorrow. ♦

HIGHLIGHTS

The Vermont Legislature passed a nation-leading law to protect drinking water from five per- and polyfluoroalkyl substances, known as PFAS. The legislation establishes a drinking water standard for these toxic chemicals, which are found in everyday household and industrial products, including nonstick cookware, water-repellent clothing, and some firefighting foams. **CLF's tireless work to pass this bill is part of a nationwide effort to regulate these dangerous chemicals in every state.** CLF will keep pushing for strict standards to stop this toxic pollution from spreading.

After the filing of a lawsuit and months of negotiations, **CLF reached a settlement that will require the Pease Development Authority to clean up toxic pollution from its stormwater runoff that has contaminated the Great Bay estuary in New Hampshire and local drinking water.**

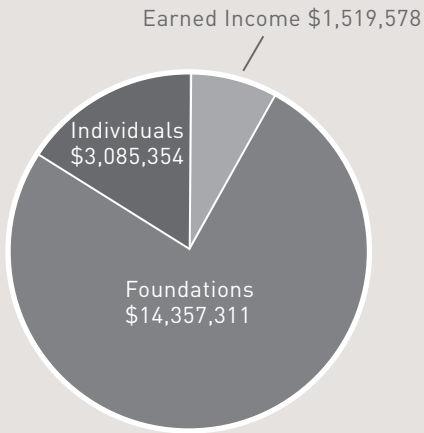
The settlement is the first to require a redeveloped military base to obtain a federal sewer permit and do more testing and cutting-edge treatment of dangerous PFAS chemicals in nearby surface waters.

Since 2011, CLF has partnered with maritime companies to leverage the Environmental Protection Agency's Diesel Emissions Reduction Act (DERA), which authorizes the agency to provide grants and loans for projects that reduce emissions from existing diesel engines. In 2018, **CLF was awarded a DERA grant to partner with a New Bedford company, 41° North, to pay for three new engines on their tugboat, the Kodiak.** This is CLF's sixth DERA grant since 2011, with each grant retrofitting a boat. By lowering the levels of air pollutants such as nitrogen oxide, these grants have contributed to reducing serious health conditions, including asthma and respiratory illnesses.

FINANCIAL REPORT

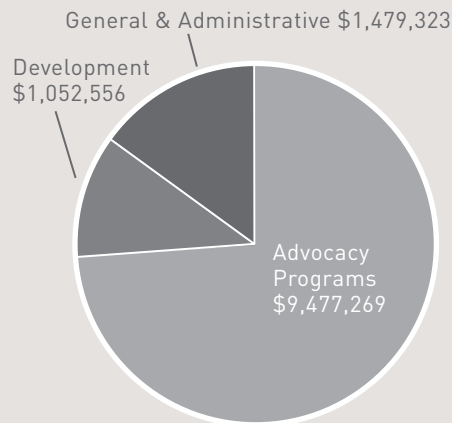
SOURCES OF SUPPORT FOR MULTI-YEAR USE

Total Funds: \$18,962,243



USES OF FUNDS

Total Expenses: \$12,009,148



NET RESULTS

\$6,953,095

NET ASSETS [as of July 31, 2018]

Unrestricted Net Assets:

\$5,194,824

Temporarily Restricted Net Assets:

\$15,171,534

Permanently Restricted Net Assets:

\$5,320,993

TOTAL \$25,687,051



Conservation Law Foundation ended another year of tremendous achievements on a strong financial footing that sets the stage for our work for years to come.

In particular, we experienced significant growth in large multi-year grants, with our temporarily restricted net assets nearly doubling to \$15.2 million compared to Fiscal Year 2017. This demonstrates the confidence of key funders in our long-term vision as well as a recognition of the broader impact of our work both regionally and nationally.

In addition, we saw continued steady support from individual donors, whose unwavering commitment to CLF's work is critical to the success of our advocacy. Individual contributors provide much more than financial support, however. They also strengthen our standing when filing litigation and amplify our voice when reaching out to legislators and policymakers on key issues.

We cannot accomplish so much without your generosity and support. As you've read in this year's annual report, the battles we take on with our partners rarely resolve quickly. They can take years, sometimes decades. It is your support that allows us to take on these complex, sustained fights – and win.

We count you among the local heroes we celebrate in this issue – you make our work possible day by day, year by year.

Thank you for all that you do to help us create a healthy, thriving New England for all.

Gratefully,

Andrew J. Falender
Treasurer, Board of Trustees

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The following individuals, foundations, and organizations supported CLF during the 2018 Fiscal Year, August 1, 2017, through July 31, 2018. Their generosity and shared vision – of a healthy, thriving New England for all – have made CLF's work possible. We thank our invaluable members whose continuing support helps protect New England's environment for all. **THANK YOU.**

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"Back home in Korea, my grandfather had a farm outside of Seoul. I remember so vividly his black-and-white dairy cows, the strawberry fields, and the dragonflies. After we immigrated to the U.S., my father also ended up buying a hundred

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Humbled by the arduous labor of producing vegetables for our family table, I started to be more conscious of environmental issues and more concerned about the quality of our well water and pollution in the Sakonnet River. I started learning about how to bring the bees back and researching to help bring composting to Boston.

Ken and I were inspired to join CLF because it works at the realpolitik level, not just with mere awareness building. With its emphasis on legal reforms, its mission achieves results and puts legal action into sustainable practice."

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