

CONSERVATION
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THE LAST ATLANTIC COD IN THE SEA?



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Can Cod Be



Saved?

PHOTO: BRIAN SKERRY

Overfishing and inept management have driven cod to the brink. Now climate change looms. Atlantic cod still have a chance at survival, but it's not going to be easy.

BY MEGAN MAYHEW BERGMAN



FOR CENTURIES, ATLANTIC COD has been essential to New England's identity. Yet today, you can rarely find locally caught cod in a grocery store or on a menu – because it has been fished to the brink of disaster.

Because of historically low population counts in 2019, New England fishermen can no longer catch enough cod to make a profit. How did the numbers of this iconic species – once so plentiful that it became the backbone of local identity and industry – plummet to such levels?

“Overfishing got us here,” says CLF Senior Science Fellow Dr. Gareth Lawson, “and climate change is going to make it harder for us to get out.”

As a marine scientist, Lawson has spent upwards of 100 days a year on small vessels, waded through cod nurseries, and tagged hundreds of the fish. He enjoys fishing and prefers to eat cod salted since an old skipper in Newfoundland taught him the art.

Though scientists are encouraged to maintain neutral positions, Lawson has witnessed Atlantic cod's downward trajectory firsthand and knows the stakes are high. “There's this narrative among some commercial fishermen that there are tons of fish out there, that fishermen can't get away from cod. But all of the available, independent data suggests otherwise. We can't risk fishing the last vestiges of a population.”



PHOTO: BRIAN SKERRY

HOW DOES CLIMATE CHANGE AFFECT ATLANTIC COD?

Warming waters affect:

- cod growth rates,
- the young cod's food sources (plankton),
- distribution of predators and the cod themselves, which are shifting into deeper northern waters in search of cooler, preferred temperatures.

Lawson moved from academia into advocacy when he became tired of just describing the problem. "It's time to talk about solutions," he says. "Ultimately, the fish need refuge. These are last gasp populations we have to protect. This is about standing up for science and saving fish for future generations."

Others at CLF feel this urgency as well. "The window for rebuilding the cod population in New England is closing rapidly," says CLF's senior counsel, Peter Shelley, who has advocated for sustainable fisheries for decades. "The species is in real trouble, and it's essential to ensure all fish populations are as resilient as possible before the stress of climate change alters environments even further."

WHY HAVEN'T PEOPLE BEEN MORE motivated to protect cod in the way we often protect birds or land animals?

"Here's the thing about cod," Lawson says, "or fish in general. People don't see what they do. Even if you're a fisherman, you bring a fish up on deck, and it's dead. The fish don't talk or express displeasure. So we don't think about their lives."

Lawson, however, has learned to see more deeply – literally. "What grabbed me about cod is that, through technologies like submarine exploration and sonar, I could

finally see what's happening beneath the surface," he says. "I'm motivated by an appreciation of their complexity."

Lawson wishes that people could witness the elaborate cod mating display the same way they might watch a sage grouse ritual on the prairie. "With sonar, you can see their spawning columns, which used

"We can't risk fishing the last vestiges of a population."

DR. GARETH LAWSON

to be common in Newfoundland before overfishing," he says. Cod are known to vocalize, making a grunting sound by using muscles and contracting the swimbladder during spawning. There's also evidence that a more complex mosaic of spawning grounds once existed in New England.

"Cod tend to have fixed patterns, often returning to the same spawning and feeding grounds," Lawson says. Some

scientists believe that there aren't many older fish left to lead younger fish to their historic spawning grounds. What's more, many of those grounds have been wiped out by destructive fishing practices like bottom trawling. The big, older female cod – which contribute exponentially more to successful spawning – have largely disappeared, as well, having been overfished for decades.

RECOMMENDATIONS ABOUT HOW cod stocks are managed, such as whether to close an area during spawning season or set stricter catch limits, rest with an entity called the New England Fishery Management Council. Its recommendations are then approved and implemented by federal regulators at NOAA Fisheries.

In CLF's view, the industry-dominated council has consistently prioritized short-term profit over the long-term health of the fishery and fishing communities – and NOAA Fisheries has routinely rubber-stamped its recommendations. As a result, Atlantic cod stocks on Georges Bank and in the Gulf of Maine are depleted and lack enough healthy adult fish to replenish populations to a healthy level.

The federal Magnuson-Stevens Act (MSA) was enacted in 1976 to prevent overfishing. It requires fishery managers in New

30 YEARS IN THE FIGHT FOR COD

England and seven other regions across the country to set catch limits based on the best available science and end overfishing to help stocks rebound. But New England managers – and the federal agency that approves their decisions – have not honored this law.

“In the face of uncertainty, you proceed with caution,” Lawson says. “You back off the maximum catch quotas. Otherwise, you find yourselves where we are now after years of chronic overfishing and a pattern of risky management choices.”

And where we are now, according to Allison Lorenc, a policy analyst at CLF, is in a cod fishery crisis. “The government has failed the fish and fishermen,” Lorenc says. “It has continually failed to make hard decisions and respect the legal mandates.” The only choice left, she says, is to take drastic action.

“CLF is calling for a temporary prohibition on cod fishing that will give the imperiled species room to breathe and, hopefully, recover,” says Lorenc. This action will be controversial and difficult in the short-term. However, without swift and effective measures now, there won’t be a cod fishery for future generations.

WHAT WOULD COD POPULATION recovery efforts look like in practice?

Senior counsel Peter Shelley outlines the steps that must be taken to make even a modest recovery of New England cod possible:

1. Stop killing cod. Until we have better data to guide management decisions, and until cod start to make a meaningful recovery, no one should be fishing the species – commercially or recreationally. “This is by no means an outlandish call,” Shelley says. “By its own rules, the Council should shut down fishing for cod and reduce bycatch.” Cod must be left alone long enough to rebuild to healthy population levels in New England.

PHOTO: BRETT SEYMOUR

1991

CLF challenges federal fishery managers for failing to prevent overfishing. The lawsuit focuses on several fish, including Atlantic cod.

1996

Based in part on CLF’s lawsuit, lawmakers strengthen the federal fisheries law, known as the Magnuson–Stevens Act, or MSA.

2001

CLF sues federal fishery managers for failing to follow the updates to the MSA, including protecting habitat and preventing overfishing. CLF wins the case, but overfishing persists.

2007

The MSA is reauthorized again and now requires federal fishery managers to implement catch limits and new accountability measures for cod by 2010.

2020

Cod remain in crisis. CLF calls for an overhaul of how cod is managed to address long-standing systemic problems.

1978

CLF partners with the Gloucester Fishermen’s Wives Association to stop oil and gas drilling on Georges Bank, a critical habitat area for cod.

1993

CLF wins its case, the first successful lawsuit in the country based on the legal requirement that fishery managers must prevent overfishing.

1998

CLF hosts a workshop with fishermen about how to reduce harmful impacts of fishing gear on cod habitats.

2002

Stocks of Atlantic cod in the Gulf of Maine and Georges Bank are declared overfished and put on rebuilding plans, which goes into effect in 2004.

2014

CLF challenges federal fishery managers’ unlawful catch limits for cod and their failure to stop overfishing. CLF wins the case, but again, the actions that come after are insufficient and don’t solve the big-picture problem.

ALL ABOUT COD

- Atlantic cod can live more than 20 years.
- They can grow up to 51 inches and 77 pounds.
- They are capable of reproducing at 2 to 3 years old, when they are between 12 and 16 inches long.
- Cod spawn near the ocean floor from winter to early spring.
- Larger females can produce 3 to 9 million eggs when they spawn.
- Cod are top predators in the bottom ocean community, feeding on a variety of invertebrates and fish.

**Data courtesy of NOAA Fisheries*

2. Monitor every fishing trip in New England's groundfishery to track what is caught.

That means understanding not only what is being caught and sold commercially, but what is being caught and thrown back in the sea, both within the cod fishery and by other groundfishing boats.

Strict catch limits have created an incentive for unreported or misreported catch. Without knowing how many cod are actually being caught, managers cannot ensure adherence to the catch limits and prevent overfishing. Better monitoring means better data and, ultimately, better management.

3. Close areas to protect spawning grounds and other important habitat.

Managers need to let cod grow old enough to replenish populations. "The last remaining areas in our ocean where cod spawn and develop must be protected," Shelley says. Managers must also protect habitat for large adult cod, such as Cashes Ledge in the Gulf of Maine.

4. Modify fishing gear to prevent bycatch of cod.

Robust fisheries for other, more abundant species, like haddock, co-occur with cod; using modified gear will allow those other species to be fished while minimizing the unintentional killing of cod.

5. Implement a catch-and-release program for recreational fishermen.

In addition to the prohibition on recreational cod fishing, such a program should still allow sport fishermen to target other groundfish without impacting the cod population.

SADLY, NEW ENGLAND'S PRECARIOUS COD

population is not unique; cod stocks have also crashed elsewhere in the world, resulting in similar difficult decisions. Newfoundland enacted a moratorium in 1992, ending 500 years of commercial fishing; its cod population is only slowly rebounding.

That crisis is where the Canadian-born Lawson got his start in cod. "I was in grad school four years after the Newfoundland cod crash. I was interested in fish and marine science, so cod was very topical," he says. "That's what got me *into* cod – but what got me *hooked* on cod was spending time on small boats and working with fishermen. It was the connection to the maritime communities, people, and culture of Newfoundland."

Through those early experiences, Lawson understands how protecting a species can sometimes change the nature of a town. "They were so resilient," he recalls, thinking of the locals in the Newfoundland fishing villages impacted by the cod crash.

In New England, the crisis is already being felt by the small- and midsize fishermen who could once count on cod for a comfortable livelihood for their families. Many of them are being driven out of business, unable to catch enough cod to make a living and powerless to compete with industrial fishing fleets that dominate the region's other fisheries. While critical to the survival of the iconic species, a prohibition on cod fishing will further affect these struggling communities. But failing to protect cod may hurt them even more.

CLF realizes the complexity of this position, and no cod advocate relishes the economic hardship that will follow the necessary steps. "Despite what people might think, we are not anti-fishing, we're anti-*over*-fishing" policy analyst Lorenc says. "We want a better future for cod and for the communities that depend on it."

"These are thorny problems," Lawson acknowledges. "But we *have* to stand up for the species and the science."

Today, none of the fishermen who plied New England's waters prior to the 1980s would recognize the Atlantic cod population. Gone are the man-sized cod that were the stuff of local legend. Gone are the big old female fish able to replenish stocks. Without action now, gone, too, will be locally caught cod fish fries in the heat of summer and the cultural hallmarks of what was once a more balanced relationship between man and fish. ♦

GET INVOLVED

Atlantic cod can be saved. But only bold and clear action will give it a fighting chance at a future in the rapidly warming New England seas.

Join CLF in fighting for New England's founding fish.

clf.org/savingcod



WHY I GIVE

Eric Grunebaum

Cambridge, MA | Member since 2017

“ I grew up in Cambridge, with a father who instilled in us a deep love of the outdoors. He was an avid rock climber in the 1940s and 50s, and together we spent time boating, fishing, and clamming in the estuaries and marshes of Orleans, Massachusetts.

Because of this, I took the accessibility and preservation of natural areas for granted as a kid. I was surrounded by the parks at Fresh Pond and the Charles River, and the mountains and shore were only a few hours away. Threats at the time seemed distant – bald eagles heading for extinction, oil spills off Santa Barbara, and the Cuyahoga River fire. It all seemed like it couldn't happen here.

It was in the early days of the Boston Harbor clean-up that I first understood CLF's critical work and became aware of the need to use the law to preserve, restore, sustain, and improve natural areas and ecosystems.

I am proud to have collaborated with CLF staff in 2012 to present a film I produced about West Virginia coal-country at colleges, schools, and foundations to support their work shutting down coal plants. More recently, I have been working with CLF on environmental justice issues and projects in Boston and Cambridge.

The strong regional focus and deep understanding of what makes communities and people healthy, coupled with a strategic view, set CLF apart from other organizations. As someone who works in clean energy and impact investment, as well as working to provide greater access to nature for marginalized communities, I appreciate that CLF takes the long view, acting with a tenacious spirit and resolve on behalf of the environment for the benefit of our collective health and well-being. ”

Our donors inspire us to never give up because so much is at stake. Hear more from CLF supporters at www.clf.org/whywegive.

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Be part of a community of committed members whose ongoing, monthly support provides dependable funding for our work.

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Alyssa Irizarry



As the Senior Vice President at Bow Seat Ocean Awareness Programs, Alyssa Irizarry is engaging young people in ocean conservation and advocacy through the arts.

Last year, Bow Seat presented the **Healthy Whale, Healthy Ocean Challenge** in partnership with CLF. Students of all ages from across New England created art, poetry, and film to raise awareness of the critically endangered North Atlantic right whale.

1

Where did your love for the ocean start?

Two places shaped who I am: Long Beach Island, New Jersey, and Hilton Head Island, South Carolina – barrier islands that I visited every summer throughout my childhood. The expansive Atlantic, and particularly the intertidal, was a site of endless discovery. I'm grateful that my parents allowed and encouraged unstructured exploration of these beautiful places; curiosity and wonder were, and remain, the foundation for my connection to this watery world. Love for the ocean, as I understand it now, is a feeling of deep gratitude and belonging.

2

Tell us about the intersection of art and advocacy.

Art changes people, and people change the world.

By creating spaces that invite reflection, inquiry, and imagination, environmental art serves as a powerful conduit for advocacy. Artists provide new ways to understand our changing world. They stimulate our minds by shifting the way we see the world and open our hearts to emotional or empathetic experiences. Their work may act as a means of truth-sharing – shining a light on destruction, revealing systems and structures of power, reflecting our role

in the process of ecological breakdown or recovery. Artists make visible, audible, or felt our interconnection with nature and offer possibilities for a better path forward in our collective future.

3

What role can and do youth play in protecting our oceans?

We all have a role to play, and the responsibility, to protect the ocean. But young people increasingly understand that adults did not do enough in the last 30 years to avoid the planetary emergency we are now facing.

Nearly half of the world's population is under the age of 25, and they are a force to be reckoned with, as we've witnessed through the youth-led climate mobilization in the past two years. Young people look at the state of the oceans – plastic-choked shorelines, graveyards of coral, oil-soaked seabirds, island nations disappearing under rising seas – and they know something is fundamentally wrong. They recognize that the impacts of a changed climate, a warmed and acidified ocean, will be the defining feature of the world they inherit and inhabit.

But they're resisting, disrupting, and rejecting the narrative that the necessary solutions are too big, too expensive,

too radical. Our ocean faces big, daunting challenges, but youth are standing up to them with courage, conviction, and the capacity to not only imagine possible alternatives, but to lead our communities in creating them.

4

How have Bow Seat's contests impacted the young people who have participated?

The Ocean Awareness Contest asks students to research issues impacting the health of our ocean and confront the difficult reality of pollution, extinction, and the growing climate crisis. Many of our program participants report learning about issues like coral bleaching, ocean acidification, offshore drilling, and microplastics for the first time, or exploring them with new eyes through the creative process.

Students tell us that by actively creating something in response to their research, they gain a sense of empowerment that motivates making changes in their personal lives. And, that expands that outward to encourage changes at home, school, or locally and nationally.

5

What have you, in turn, learned from your young artists?

Bow Seat's young artists show me the power of courage. It is really special to

facilitate a space for students to make meaning of the climate crisis and support them in taking action. I see courage when they question how we got to this point and acknowledge that things won't – and can't – be the same.

Our students tell us that they experience fear, confusion, heartache, and anger from a growing awareness of the many environmental crises before us. But they also express hope, particularly in the possibility of change. Arizona high schooler Akhila Bandlora had never visited the ocean, but was deeply moved by learning about pollution, climate denial, and environmental (in)justice. Writing poetry was her first, empowering step as an activist. Akhila went on to help organize her city's first youth climate strike and performed her award-winning poem for the crowd. This is one of thousands of stories we've heard from Bow Seat students whose art-making was a catalyst for change within and beyond themselves.

Courage is a muscle our students strengthen by sharing their visions for a thriving, sustainable future – I'm excited to be a part of helping them create it. ♦

EXPLORE MORE

The annual Ocean Awareness Contest, Bow Seat's largest initiative, invites youth to explore the connections between human activities and the health of our ocean through visual art, writing, music, and film. Since 2012, more than 13,000 middle and high schoolers from all 50 U.S. states and 106 countries have participated.

Bow Seat's 2020 Ocean Awareness Contest – Climate Hope: Transforming Crisis – is accepting submissions through June. Teachers, families, and students can learn more at bowseat.org/contest.

BELOW: THE NORTH ATLANTIC RIGHT WHALE THAT LIVED MANY TIMES by Kaitlyn Xu, received the silver medal in the K-3 art category in last year's Healthy Whales, Healthy Oceans contest. Says Xu, the whale "lived and died many times; however, he never lived his full lifespan of 70 years. How he wished for a peaceful life in a clean ocean without interruption by human beings! I have learned... that human beings shouldn't pollute the ocean and all boats should stay away from right whales. The action I will take now to personally protect North Atlantic right whales is to make the environment clean and never dump any garbage on the beach." You can view all of last year's winners at www.bowseat.org/right-whales.



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**START YOUR EARTH DAY WITH
CONSERVATION LAW FOUNDATION
WEDNESDAY, APRIL 22, 2020**

On this historic 50th anniversary of Earth Day, join us for a local breakfast in your state. You'll exchange ideas with CLF staff and fellow supporters about the threats climate change poses to New England – and how to tackle them.

Visit clf.org/earthday for details, directions, and to register.





Rescuers rush to free a North Atlantic right whale from entanglement in fishing gear. CLF is calling for changes to fishing gear, including in New England's lobster industry, to reduce the risk from often-deadly entanglements. *Photo: NOAA/Florida Fish and Wildlife*

right whales on the brink

BY ASHIRA MORRIS

THE PROBLEM

With only around 400 North Atlantic right whales in the world, the species is one of the most endangered whales in our ocean.

New England's waters – dense with fishing gear – are especially treacherous. These large, slow whales often get entangled in the thick ropes that connect buoys at the surface to lobster traps on the sea floor. This can lead to injury, painful infection, and death. Scientists estimate that 80% of all right whales have been entangled at least once.

Right whales are protected under the Endangered Species and Marine Mammal Protection acts, but the federal government is ignoring them, denying right whales the protections they need.

CLF IN ACTION

CLF is taking an all-hands-on-deck approach to save New England's iconic whale. In 2018, the organization filed two lawsuits against the federal government for failing to do its duty under the Endangered Species Act.

CLF advocates also have urged lawmakers to support new ropeless fishing gear that would eliminate the dangerous lines ensnaring so many whales. When the federal government proposed new rules about fishing lines last fall, CLF advocates testified at public hearings and rallied members and supporters to speak up, as well.

In addition, CLF collaborated with Bow Seat Ocean Awareness to host an art contest for youth focused on right whales [SEE PAGE 8 TO LEARN MORE].

And, as offshore wind energy develops in New England, CLF is working to ensure that this necessary renewable energy doesn't advance at the expense of the iconic whale.

PROGRESS

Last January, CLF and its partners reached a historic agreement with Vineyard Wind to follow measures to keep right whales safe as it builds and operates its wind farm off the Massachusetts coast.

In October of 2019, a federal judge ruled that dangerous gillnet fishing gear must be removed from waters south of Nantucket, where right whales increasingly congregate year-round as a result of climate change. The nearly 3,000 square miles cannot be reopened to gillnet fishing until the federal government analyzes whether doing so will impact whales negatively.

NEXT STEPS

CLF is awaiting a ruling in its second federal lawsuit, which aims to hold the federal government accountable for allowing the lobster fishery to continue to harm right whales.

CLF will continue its push for solutions to save right whales, including more protected areas, testing and adoption of ropeless fishing gear mandatory ship speed restrictions, increased monitoring, and smart offshore wind development. ♦

Stay up to date on our campaign to save right whales at clf.org/rightwhales



AROUND CLF

MAINE

Maine is poised to become the first state in the nation to hold corporations accountable for their packaging pollution. CLF and its partners helped draft proposed producer responsibility legislation that will require companies to reimburse cities and towns for the cost to recycle or dispose of the millions of tons of plastic, glass, metal, and other packaging sold in the state annually. Ultimately, such a system will incentivize companies to redesign or rethink their packaging to make it less polluting and wasteful.

MASSACHUSETTS

CLF is pushing New England states to protect residents from toxic “forever chemicals,” known as PFAS. As a result, Massachusetts has regulated 6 PFAS for groundwater and soil contamination and is considering regulations to limit exposure through drinking water. Adoption of these latest protections would make Massachusetts a national leader in addressing this

public health threat. However, with more than 7,800 PFAS in this class of chemicals, regulating only 6 of them falls far short of the comprehensive action needed. CLF will continue its push to regulate the entire suite of these dangerous chemicals regionwide.

NEW HAMPSHIRE

A proposed new approach to regulating nitrogen pollution in the Great Bay estuary could help restore the ailing water body to health. EPA’s draft “Nitrogen General Permit” looks holistically at sources of nitrogen in the bay – including wastewater treatment plants and stormwater runoff – setting an areawide goal for reducing this pollution over time. CLF is actively engaged in the permitting process to ensure it will lead to the aggressive action needed to secure a healthy Great Bay.

RHODE ISLAND

Rhode Island legislators are considering a bill that would require the state to

lower its greenhouse gas emissions 100% by 2050. CLF supports the proposed bill, called Act On Climate 2020, which will build on the Resilient Rhode Island Act of 2014. The bill brings the emissions goals laid out in the 2014 law up to date with current science and also requires transparency and accountability by making the targets legally binding and enforceable.

VERMONT

CLF and its allies are urging state lawmakers to make Vermont’s carbon pollution goals mandatory through the proposed Global Warming Solutions Act. The law will guide state action to slash greenhouse gas emissions, encourage investments in clean energy, build community resilience, and promote the use of natural and working lands to capture and store carbon. Critically, the bill requires that climate solutions reduce energy burdens and minimize negative impacts on rural and marginalized communities.

TAKE ACTION! Your Voice Matters

Speak up and take action on these issues and more 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

Other ways to keep up to date:

- CLF’s blog: clf.org/blog/
- Twitter: @clf
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LETTER FROM THE PRESIDENT



With so many environmental challenges facing us today, it can be easy to look at New England's chronic overfishing of Atlantic cod and ask, why should I care about the fate of one fish in our vast and abundant ocean?

But of course, you and I both recognize that CLF's work is never about just one fish (any more than it is about one coal-fired power plant, one corporate polluter, or one fracked gas pipeline). What's happening to New England's iconic fish is emblematic of a larger governmental failure to deal effectively with threats to the resources so essential to our environment, economy, and culture.

Consider cod our canary in the coal mine – a species once so abundant that, if you believe the legends, fishermen could walk across their backs to reach the shore. Instead of stewarding this remarkable resource, however, cod have been exploited to the point of collapse – despite decades of warnings that the cod bonanza could not be sustained. If government regulators could allow our most iconic fish to reach such a desperate condition, then how can they be trusted to protect

our other precious resources, whether in the sea or on the land, let alone our climate?

That is where CLF comes in (and you with us). For decades, every time fishery managers have made a bad call, we have been there to raise the alarm. When our government has refused to step up and do the right thing, we have held them to account. When corporate polluters have tried to poison our waters, we have taken them to court. And when bad laws and ineffective policy have stood in the way of progress, we have rewritten them or created new ones.

CLF has faced impossible odds more than times than I can count – and with your support, we have emerged the victor. We're not giving up on Atlantic cod, because if we leave behind even one fish in New England's ocean, then we risk them all – and the way of the life that goes with them.

We're not going to let that happen on our watch, and I know you won't, either.

Gratefully,

Bradley Campbell, *President*

Bradley Campbell
President

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