CONSERVATION MATTERS

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

KEEPING WATCH OVER LAKE CHAMPLAIN

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[ABOVE LEFT] Lakekeeper Julie Silverman wants people to understand how pollution at a mountain's summit affects what happens to the lake. "Water flows downhill, and whatever it picks up along the way moves downstream with it," she says. "Think of the lake as the bottom of the bathtub and the mountains as the shower walls." PHOTO: LIGHTHAWK

[ABOVE CENTER] Excess phosphorus pollution fuels toxic blue-green algae (cyanobacteria) outbreaks that can shut down beaches and harm people, pets, and wildlife. PHOTO: CLF

[ABOVE RIGHT] An emerging issue under Silverman's watch is plastic pollution, especially from dock foam. Photo: Julie Silverman

[RIGHT] Silverman tests lake water for phosphorus and chlorophyll (cyanobacteria). "I'm the detective, taking photos, finding the evidence, talking with community members," she says of her role on the water. PHOTO: GRAHAM HAWKES





ON THE WATER

FOR 20 YEARS, CLF'S LAKE CHAMPLAIN LAKEKEEPER HAS SERVED AS THE VOICE FOR VERMONT'S ICONIC LAKE, MONITORING THREATS AND PUSHING FOR ITS PROTECTION. BY LAURIE O'REILLY

VISIT LAKE CHAMPLAIN AT THE HEIGHT OF SUMMER NEXT YEAR and among the many boaters navigating its scenic waters, you'll find Julie Silverman, CLF's Lake Champlain Lakekeeper. She'll be easy to spot as she monitors the lake's waters in the Lakekeeper boat, a vessel dedicated to patrolling this extraordinary natural resource.

As CLF's seventh Lake Champlain Lakekeeper, Silverman is carrying on a 20-year legacy of activism and engagement for Vermont's iconic lake. The Lakekeeper serves not only as an on-the-water advocate who can identify and monitor pollution problems, but also as a visible spokesperson engaging the public directly about protecting and restoring the ailing lake.

"This role is a great opportunity to connect with people, from the mountains to the lake, and help them really understand how important the water is to everyone's life," says Silverman, who joined CLF in February.

Lake Champlain is one of North America's most historic and cherished waterbodies. It provides drinking water to 145,000 people, is home to nearly 600 species of fish, birds, and other animals, and is a recreational haven to several hundred thousand tourists who come to swim, boat, fish, camp, and vacation on its shores every year.

But 20 years ago, the iconic lake was in trouble, making headlines in all the wrong ways. Two dogs had died after ingesting lake water tainted with cyanobacteria, and NBC's Today show featured Lake Champlain in a "Don't Go There" guide. In 2002, environmental groups around the country were celebrating the 30th anniversary of the Clean Water Act and its role in cleaning up polluted waters nationally. But CLF's Vermont advocates faced a lake in decline.

Water quality problems forced beaches to close and triggered water advisories for many portions of the lake. Virulent toxic blue-green algae (cyanobacteria) outbreaks – thick, pea soup-looking growths that permeate the lake – had become routine occurrences during summer months. Invasive weeds, including Eurasian milfoil and water chestnuts, and bacterial contamination from polluted stormwater added to the water woes.

By the early 2000s, CLF already had a long history of battling water pollution in Lake Champlain. Its legal advocates had successfully fought against sprawling development, illegal stormwater discharges, and industrial-scale agriculture – all sources of the phosphorus pollution that fuels algal and bacterial outbreaks. CLF had also challenged federal regulations that aimed to reduce this harmful pollution but were too lax to improve water conditions.

Adding a Lakekeeper to the Vermont team's roster provided a unique opportunity to expand the organization's watchdog role, while also creating a voice that could speak for the lake and the communities that depend on it.

In the two decades since the first Lakekeeper launched their boat onto the water, the role has helped secure a string of major victories for the lake, including stronger and expanded protections against polluted stormwater runoff. Most significantly, after a yearslong fight led by CLF, the EPA issued

A MODEL FOR SUCCESS

From its shimmering waters and dynamic tides to its salt marshes and historically rich habitats, the Great Bay Estuary lies at the heart of what makes New Hamphire's Seacoast and southern Maine so special. But just like Lake Champlain, pollution is pushing the estuary toward a tipping point, degrading its health and its habitats and threatening traditional activities like fishing and oystering.

Recognizing the success of the Lake Champlain Lakekeeper, 10 years ago CLF launched its Great Bay–Piscataqua Waterkeeper. The Waterkeeper plays a key role as advocate, convener, and watchdog, bolstered by the experience and expertise of CLF's policy and advocacy team.

Melissa Paly [PICTURED, RIGHT], CLF's current Great Bay–Piscataqua Waterkeeper, plays a unique and vital role in the protection and restoration of the Great Bay estuary and all the values it provides to Seacoast communities.

Follow the Great Bay–Piscataqua Waterkeeper on Instagram (@greatbaypiscataquawaterkeeper) and Twitter (@GBPWaterkeeper). Or look for the Save the Great Bay-Piscataqua Estuary on Facecbook.



HOTO: NANCY HORTON

more stringent limits on the amount of phosphorus pollution that could be discharged into the lake. And, in 2016, in large part due to the Lakekeeper's advocacy, the state legislature signed sweeping legislation aimed at cleaning up water pollution in Lake Champlain and statewide.

Even with these victories, much work remains to restore Lake Champlain to health. Stormwater and phosphorus pollution still trigger blue-green algae (cyanobacteria) outbreaks during the summer months, and rising temperatures due to climate change will only make them worse. Climate change also threatens the lake in other ways, including more frequent flooding from increased rainfall.

"Rising waters spill over riverbanks, inundating our streets, damaging our neighborhoods, drowning our farms, and washing oil, plastic, manure, and other pollutants into Lake Champlain," says Silverman. Plastic pollution, especially dock foam, has also become an increasing concern for Silverman and locals – one that she hopes to tackle through legislation in the 2023 session.

These ongoing challenges are why, 20 years in, the Lakekeeper remains such an important voice in the fight for a healthy Lake Champlain. Old threats shift and persist, and new ones emerge, requiring continued vigilance, action, and – most importantly – public engagement and support.

Silverman admits that it can be easy for people to feel overwhelmed by these issues. "So many decisions are made all the time that impact our waterways, our environment, our health," she says.

But she's heartened by the people she has met during her first summer on the water and recognizes that those conversations are just as important as CLF's next legal, legislative, or regulatory push. "Talking to people on the dock, even very casually, being available to answer questions and help them understand what they are seeing and how they can have an impact – that is so powerful," she says.

Making progress on the breadth of issues affecting Lake Champlain can take time, but Silverman will be there to continue her careful watch over the lake for summers to come. \blacklozenge

- Thank you to the WaterWheel Foundation – created by the rock band Phish to oversee the band's charitable activities – for supporting CLF's Lake Champlain Lakekeeper for 20 years. Learn more at waterwheelfoundation.org.
- Stay up to date with Julie Silverman's Lakekeeper work to protect Lake Champlain both on and off the water at instagram.com/lakekeeperjulie



Celebrating 50 Years of the Clean Water Act



CLF has wielded the Clean Water Act to protect New England's waters, including [FROM TOP]: Lake Champlain, Vermont; Great Bay estuary, New Hampshire; Casco Bay, Maine; the Piscataqua River, New Hampshire; Long Creek, Maine; the Blackstone River, Massachusetts and Rhode Island; and Boston Harbor, Massachusetts.





PHOTOS: LAKE CHAMPLAIN/ISTOCK-JTYLER; LONG CREEK/SOUTH PORTLAND LAND TRUST;

CLEAN WATER IS A FUNDAMENTAL HUMAN RIGHT. But 50 years ago, the nation's rivers, lakes, and streams were anything but clean. The waterways that had powered the country's economic growth for a century had become dirty dumping grounds for chemical waste, industrial pollution, and raw sewage.

When Congress passed the Clean Water Act in 1972, it offered hope for these ailing waterways and the communities that depend on them. CLF had been founded six years earlier, but even then, its legal advocates understood that the power of this bedrock law would come from enforcing it: holding both government agencies and polluters accountable, filing lawsuits on behalf of the people affected by pollution, and ensuring that the law protected all communities.

CLF cut its teeth on the Clean Water Act when advocates sued the Commonwealth of Massachusetts for failing to stop raw sewage discharges into Boston Harbor. The organization took the lessons from that hard-won victory and put them to work across New England. Since then, CLF has wielded the Clean Water Act to achieve some of its most significant and far-reaching victories [SEE TIMELINE, NEXT PAGE].

While tremendous progress has been made since the Clean Water Act became law, too many waterbodies today still fail to meet the EPA's basic water quality standards, and more intense rains and warmer temperatures threaten to erase the progress already made. And too many communities, especially low-income and communities of color, still live with polluted water.

CLF's strength lies in its innovation in applying the law to address today's emerging threats. CLF legal advocates put the Clean Water Act at the center of first-of-their-kind lawsuits to hold fossil fuel companies like Shell Oil accountable for failing to fortify their facilities against extreme weather. CLF advocates are also pushing the EPA to use its authority under the Clean Water Act to regulate private developments – from large universities to strip malls and office parks – that allow toxic storm runoff to pollute Boston-area rivers.

CLF envisions a New England with waters free of contamination and pollution and as places where people can swim, fish, and play without worry. There is much to celebrate from the first 50 years of the Clean Water Act, and much still to do to fulfill the promise of this powerful law for all New Englanders.

Clean Water Victories

WHEN IT COMES TO ENFORCING THE CLEAN WATER ACT IN NEW ENGLAND, no one has been more effective than Conservation Law Foundation. Clean Water Act cases take time and resources – work that wouldn't be possible without the support of CLF members.

Here are just a few of the cases that supporters past and present have helped CLF see through to victory. As a member, you are CLF's partner in creating a New England where everyone has access to clean, healthy waters. Thank you for your commitment to a healthy and thriving New England for all.

Boston Harbor

Years of neglect left Boston Harbor an open sewer – literally. CLF's landmark lawsuit kicked off a 30-year clean up that transformed Boston's waterfront.

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561 Just like in Boston, New Bedford's harbor was a dumping ground for raw sewage. CLF's Clean Water Act lawsuit jump-started a 20-year clean-up.

New Bedford

Boston's Rivers

Stormwater runoff from private property owners – universities, strip malls, office parks – pollutes Boston's Charles, Mystic, and Neponset rivers. In a groundbreaking use of the Clean Water Act, CLF is pushing the EPA to use its authority to regulate those private polluters.

Piscataqua River

Unchecked pollution from the former Pease Air Force base was harming the Piscataqua River and other Seacoast-area waters. As a result of CLF's Clean Water Act lawsuit, Pease Development Authority agreed to control its dirty runoff.

Cape Cod

CLF sued the EPA for failing to control harmful nitrogen pollution on Cape Cod. Its Clean Water Act lawsuit forced the Cape to update its regional wastewater management plan, obligating towns to take action to stop their pollution. Work to enforce that obligation continues today.

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Years after a major cleanup of the Nashua River, the redeveloped Devens Army base was operating without a Clean Water Act permit to limit their polluted stormwater runoff. Thanks to CLF's lawsuit, the Devens Enterprise Commission agreed to comply with the law.

Nashua River

2016-Today

CLF launched its groundbreaking effort to hold Big Oil companies accountable for failing to prepare their polluting oil storage facilities for the climate impacts their products have caused. To date, CLF has filed cases in Massachusetts, Rhode Island, and Connecticut.

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Big Oil on Trial

Casco Bay

Illegal sewage discharges were harming Maine's iconic bay. CLF sued to force the City of Portland to work faster to put an end this dangerous pollution.

Mount Hope Bay

Brayton Point Station, New England's largest coal-fired power plant, was releasing boiling hot water into Mount Hope Bay, killing fish. CLF led the effort to get Clean Water Act permits that limited the super-heated water the plant could discharge.

1992

Storm-related water pollution was overwhelming the City of Fall River's sewage system. CLF sued to force the city to build facilities to treat these polluting discharges – the first case in the nation to challenge storm-related Clean Water Act violations.

2001

Fall River

2008

Polluted stormwater runoff from the Maine Mall area had nearly killed Long Creek. CLF forced the EPA to use its Clean Water Act authority to hold private landowners accountable for their pollution into the ailing creek.

Long Creek

Blackstone River

Inadequate nitrogen controls were harming the Blackstone River and Narragansett Bay. CLF pushed for stricter limits on nitrogen pollution from one of New England's largest wastewater treatment facilities. **Great Bay**

The Seacoast's largest sewage plant was dumping millions of gallons of undertreated wastewater into the Great Bay estuary daily. CLF pushed the EPA to impose stricter limits on this harmful pollution.

CLF launched its Enforcement Project to identify polluters across New England that were violating the Clean Water Act. To date, CLF has filed more than 50 successful cases, requiring violators to make a significant investment in environmental improvements.

Enforcement Project

2010-1

Phosphorus pollution was triggering toxic blue-green algae outbreaks on Vermont's largest lake. CLF pushed the EPA to strengthen its pollution limits for the lake. It took several years, but the EPA finally issued stricter limits that gave the lake a fighting chance to recover.

Lake Champlain



FIVE QUESTIONS FOR..

Shannon Laun

The vice president of CLF's newly opened Connecticut office is blazing a new trail for the organization and making headway on the state's biggest environmental challenges.

What are your top priorities for CLF's work in Connecticut?

My passion is climate and energy work, so I'm really excited about the influence we can have on Connecticut's climate and energy policies. Connecticut is among the states heading in the right direction for cutting its climatedamaging emissions. But we're not on track right now to meet our legally mandated emissions goals, so there's still a lot of work that needs to be done. With the right policy changes, Connecticut stands a good chance of regaining its status as a leader in addressing climate change.

How are you establishing CLF's presence in the state?

We work with a great network of advocates here, including grassroots and community-level groups, so it's important that we add value to the efforts that others have spearheaded. Because CLF is a regional organization, I'm able to share how other New England states are addressing similar challenges to those we face here, and I think our partners appreciate that perspective. Also, there aren't a lot of public interest attorneys who focus on environmental and energy advocacy in Connecticut. CLF's legal expertise helps us carve out a unique role that adds value to the broader advocacy community.

You have a young family. How do your daughters impact the way you view this work?

When you can visualize the world that your own children will be living in years from now, it certainly makes climate change and its impacts more concrete. Of course, it's readily apparent that climate change is affecting all of us right now, but we still see studies about just how much worse things might get if we don't rapidly reduce emissions in line with the science.

Thinking about my daughters' futures adds to that sense of urgency and makes it a lot more personal. They motivate me to go and do good work every day.

What do you like most about living in New England?

I grew up in California on the northern tip of Monterey Bay, where the climate is more Mediterranean. So, I love how lush and green New England is, and I love having seasons. Fall is my favorite time of year. Getting the chance to see all of this spectacular New England foliage is really wonderful. Also, our home is surrounded by woods, so we have wildlife, from wild turkeys and rabbits to chipmunks and deer. We had a mother deer and a fawn who visited all summer, which my daughters loved getting to see.

How can our Connecticut constituents help to move CLF's work forward?

One important action is simply to talk about these issues – about protecting the environment, climate action, switching to clean energy. These might not be everyday topics of conversation for people who aren't active in the advocacy space. But it's great to bring them up at the dinner table and in conversations with friends, because we need to get them more into the public discourse. We need people thinking about these issues and really recognizing their importance.

It's also so impactful when residents speak up to policy makers. During the legislative session, there are hearings where you can go testify on bills that the legislature is considering. Legislators expect advocates from CLF and other organizations to show up to testify, but they really sit up and take notice when residents take the time to share their thoughts on policies under consideration, whether that's through written testimony or actually showing up at a hearing and testifying in person.

freeing the kennebec

FOUR DAMS THREATEN THE HEALTH of the

Kennebec River – one of Maine's most important natural resources. Owned by Brookfield Renewable Partners, a massive multinational energy corporation, the dams block endangered Atlantic salmon and other fish species from reaching their spawning grounds in the Sandy River.

CLF and its partners want these harmful dams removed. Letting the Kennebec run free of these dams can help bring back millions of sea-run fish to the river – a critical step to preserving our valuable state fisheries and improving the health of the Gulf of Maine.

WHAT'S AT STAKE?

Historically, over 200,000 Atlantic salmon migrated annually from the ocean to their spawning grounds in Maine's rivers – a true spectacle of nature. As they swam against the current, leaping out of the water, the fish transported rich marine nutrients into our river headwaters, keeping both the rivers and ocean healthy.

Today, only a few hundred Atlantic salmon return to Maine's waters each year. On the Kennebec, that number barely breaks double digits. The continued operation of Brookfield's four dams, all located between Waterville and Skowhegan, could wipe out Maine's Atlantic salmon population altogether.

But salmon are not the only species affected. These four dams also prevent millions of other sea-run fish critical to our state's commercial fishing industry – including eels, blueback herring, alewives, shad, and sea lamprey – from reaching their native spawning waters.

What's more, Atlantic salmon have cultural and spiritual significance for communities across eastern North America – including the Wabanaki tribes of Maine and Canada.

WHAT'S THE SOLUTION?

Mainers deserve a healthy Kennebec River that can support thriving fisheries and meet the needs of riverfront communities. CLF and our partners – the Natural Resources Council of Maine, the Atlantic Salmon Federation, Maine Rivers, and Trout Unlimited – joined forces to protect the Kennebec and its precious resources.

Last year, CLF and its partners sued Brookfield for violating the Endangered Species Act by allowing its dams to kill large numbers of Atlantic salmon. We are also opposing the company's efforts to secure a new federal license to operate their dams for another 40 years. We want the company to stop violating the law and start playing a constructive role in solving the problems its four dams cause.

WHAT DOES SUCCESS LOOK LIKE?

CLF has worked for decades to free dammed rivers across Maine. On rivers like the St. Croix and the Presumpscot, alewives have returned in record numbers as the result of removing dams or reopening fishways. The revival of the alewife population has created new fishing opportunities and improved the health of river and marine ecosystems.

The lower Kennebec also surged back to life after two dams were removed there. The upper Kennebec can experience the same resurgence. We can set Atlantic salmon on the path to recovery, improve the river's health, and support healthy fisheries in the Gulf of Maine.

WHAT'S NEXT?

Earlier this year, a judge cleared the way for our lawsuit against Brookfield to go to trial. We will have the opportunity to hold the company accountable for failing to comply with the law. \blacklozenge

AROUND CLF

MAINE

A federal court rejected a lobster industry attack on the science underpinning recent federal efforts to protect critically endangered right whales from deadly entanglements in lobster gear. The industry sued the National Marine Fisheries Service, and CLF and its partners intervened to defend the science. Fewer than 350 North Atlantic right whales remain on Earth, and CLF is pushing for the strongest protections possible to save the species.

CONNECTICUT

CLF's climate lawsuit against Shell Oil in New Haven will head to court after a federal judge rejected the company's motion to dismiss the case. The oil giant has failed to prepare its fuel storage terminals to withstand the impacts of severe weather the climate crisis is already inflicting on the area. The case is one of several CLF lawsuits against big oil companies for putting communities across New England at risk of catastrophic spills and contamination.

RHODE ISLAND

In another blow to the fossil fuel industry, Rhode Island has enacted a new law that requires 100% of the state's electricity to come from renewable sources by 2033. After CLF helped pass the state's ambitious climate law last year, this new legislation was a priority for the organization to ensure Rhode Island will slash polluting emissions and clean up the electric grid.

NEW HAMPSHIRE

The EPA has joined CLF in its lawsuit against the state's Powder Mill Fish Hatchery for violating the Clean Water Act and degrading the health of the Merrymeeting River. A proposed settlement – involving CLF, the EPA, and the State – would require the State to build a treatment facility that reduces phosphorus pollution coming from the hatchery by 2025, take measures to lessen pollution in the meantime, and assess the removal of phosphorus that has accumulated over the past many years.

TAKE ACTION! Your Voice Matters

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

MASSACHUSETTS

CLF and our allies have fought for more than a decade to stop the construction of a harmful biomass power plant in Springfield. In April 2021, the state Department of Environmental Protection revoked an air permit for the plant after CLF and our allies challenged the permit in court. The developers appealed the department's decision. In a win for the community and clean air, state officials upheld the permit's revocation, meaning the plant cannot be built.

VERMONT

Vermont's legislature approved two important new regulations to clean up pollution from transportation. CLF supported the adoption of the Advanced Clean Cars II and Advanced Clean Trucks rules, which require automakers to sell increasing numbers of zeroemission vehicles. This will help slash toxic emissions from vehicles and usher in a more robust market for new and used electric vehicles in Vermont.

Other ways to keep up to date: CLF's blog: clf.org/blog/ Twitter: @clf facebook.com/TheCLF instagram.conservationlawfoundation

WHY I GIVE



Marian Smith

Providence, RI | Rhode Island State Advisory Board member since 2019 | Champions Club member since 2016

A s an environmentalist, I am always looking for more ways to protect the environment, but confronting global climate issues can feel overwhelming.

When I moved to Rhode Island, I found Conservation Law Foundation through friends and family. I knew immediately that supporting CLF was the best way to make a difference. So, I joined CLF's Champions Club with a monthly gift. It was so easy.

I love that when you support CLF, you know exactly how your donation is being used. They provide timely and thorough updates so you can see which cases and causes CLF is working on and the impact on communities right here in New England. In 2019, I was honored to join the Rhode Island State Advisory Board. I have learned so much, and in fact it has changed the way I talk about environmentalism. My Advisory Board service has motivated me to get more involved in local politics and empowered me to make calls to my legislators and participate in town meetings.

CLF has provided the tools and support to take my activism to the next level and to mobilize my friends and family to do the same. I am so proud of the work that CLF's advocates do and the tough battles they face in court. I am excited to continue my journey with CLF to create a healthy, thriving New England for all.

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

JOINTHE CHAMPIONS CLUB

clf.org/champions

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

OTHER WAYS TO GIVE

Want to give a one-time donation? Or find out if your company will match your gift? Want to give an honorary or gift membership? Or learn more about planned giving?

You can do it all in a few clicks.

So come visit us online and make your donation today.

www.clf.org/donate

Contact us today to learn more about giving to CLF.

Emma Cotter Development Assistant 617.850.1760 ecotter@clf.org

FOR A THRIVING NEW ENGLAND





LETTER FROM THE PRESIDENT



It's easy to take clean water for granted. Whether turning on the tap to fill a glass, jumping into a lake on a hot summer day, or eating freshly caught fish,

we expect that our water will sustain and refresh – rather than harm – us. So vital is clean water to our health, communities, and economy that its protection is embedded deeply into our society, from laws like the Clean Water Act to the taxes we pay to support wastewater treatment facilities.

CLF was founded six years before Congress passed the Clean Water Act in 1972. In the decades since, few have used that landmark law so effectively, from our groundbreaking lawsuit forcing the cleanup of Boston Harbor in the 1980s to our ongoing first-in-the-nation litigation against Big Oil for failing to protect their facilities from climate risk.

However, while our local waters no longer teem with raw sewage, threats to New England's waters are increasing today.

Polluted stormwater runoff, undertreated wastewater, excess fertilizer from farms and lawns – these threats are pervasive and no less insidious than those that prompted the passage of the Clean Water Act. Moreover, a river, lake, or pond can look blue and beautiful

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on the surface even as pollution slowly kills fish, plants, and other wildlife below.

The consequences of this unchecked pollution are devastating. Consider New Hampshire's Great Bay Estuary. Nitrogen pollution from wastewater and other sources has destroyed eelgrass beds, taking the oyster population – and the shellfishermen who rely on it – with them. Lake Champlain, too, suffers from pollution that causes toxic blue-green algae outbreaks harmful to people, pets, and wildlife. It's a travesty we've seen play out on waterways throughout New England – one that is already worsening as extreme weather flushes more pollutants into ever-warming waters.

Clean water is a fundamental human right, and we at CLF are dedicated to defending it. Your support makes it possible for us to hold polluters accountable, fight for new protections, and develop creative solutions to safeguard our precious waters.

Thanks to you, no one has more experience wielding the law on behalf of our waters and the communities that depend on them.

Gratefully, 7 apren

Bradley Campbell, President



Bradley Campbell President

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