



Connecticut Fund
for the Environment

Save the Sound®

Concurrent Meetings of the CFE Board of Directors and Executive Committee
March 20, 2018 - 5:00-8:00 p.m. (includes dinner)
900 Chapel Street, Upper Mezzanine

- A. President and Board Chair Remarks (Curt, Leslie)
- B. Approval of minutes from the January board meeting
- C. Governance Committee Report (Campbell)
- D. Program Overview and Presentation (Curt)
 - a. Program and Legal Overview: Leah and Roger
 - b. Program Focus: Protecting Critical Lands
 - i. Critical Lands program overview (Leah/Chris)
 - ii. Supporting Lands Litigation (Roger/Jack)

Dinner Break with short video on lands work

- E. Finance Committee (Todd, Naomi, Curt): 1st quarter review; investments
- F. Development Committee Report (Alicia)
- G. Personnel Committee (Kiki, Roger)

Connecticut Fund for the Environment/Save the Sound
Minutes of the meeting of the Board of Directors
January 16, 2018 5:05p.m. – 8:04 p.m.

Board:

Staff:

1. Leslie Lee – Board Chair
2. Libby Alexander - Phone
3. Dina Brewster
4. Todd Cort
5. Raphe Elkind
6. Donald Elliott
7. Tom Holloway
8. Campbell Hudson
9. Anne Lacouture Penniman
10. Diane Stoner
11. Joop Varekamp

1. Curt Johnson - President
2. Alicia Sullivan
3. Bill Lucey
4. Claire Coleman
5. Joe DiMaggio
6. Laura McMillan
7. Marina DeLuca
8. Michelle LeMere
9. Roger Reynolds
10. Valerie Wormley-Radford

Unable to Attend: Evan Heller, Kiki Kennedy, and Barbara Setlow

Leslie Lee called the meeting to order at 5:05 p.m.

A. President's Comments

Curt Johnson

Welcome to Alicia Sullivan, Chief Development Officer and Marina DeLuca, Executive Assistant
Heidi was given a warm farewell by Curt and was praised for a job well done.

Staffing

Major Gifts Position was discussed along with the possibility of hiring a headhunter for this candidate search. The two finance position options, a Coordinator with outside Accounting Firm or CFO working with internal staff accountant were also discussed along with the onboarding timeline for new hires. The board was called to action to circulate the position to all possible candidates they may know.

Curt celebrated the good news of the Plum Island motion to dismiss, he gave Roger Reynolds, Legal Director and Morrison and Forrester, our pro bono firm, kudos.

A brief Green Projects update was given with the Norton Fishway Project and Sunken Meadow moving forward. Gwen Macdonald's dedication was noted with appreciation for her dedication to the tasks.

B. Board Chair Comments

Leslie Lee

Heidi was again given warm farewells by all members of the board and a card was circulated for all members present to sign, along with a gift from the board that will be sent to her.

Our own board member Anne Lacouture Penniman's firm was honored by the Connecticut Chapter of the American Society of Landscape Architects (CTASLA) with 2 prestigious awards.

A CFE/STS president's annual review of Curt Johnson by the board will take place in the upcoming months. Leslie called the board to action around finding an annual meeting speaker. The board was encouraged to pass along names of potential speakers for this year's event.

It was moved and seconded that the Minutes of the November Board Meeting be passed.

Program Update – Climate Change

Claire Coleman

An extensive part of CFE/STS Climate and Energy Program is to address greenhouse gas emissions and make Connecticut a regional leader in fighting climate change. If these emissions are not addressed, consequences could be catastrophic for CT and around the world - Sea level rise, storm intensity and severity etc.

Transportation, Electric, and Heating & Cooling Sectors (Residential and Commercial) are the top three Greenhouse gas emissions sectors on which CFE/STS is focused. In 2008 CFE/STS played a major part in passing a key law that sets greenhouse gas emissions targets for Connecticut. In 2020, we will arrive at our first target. Two components of that target are a year 2020 goal of a 10% reductions from our 1990 greenhouse gas emissions reduction levels and a much longer term goal of an 80% reduction in greenhouse gas emissions from 2001 level by 2050. As it currently stands Connecticut is close, but not likely to meet the 2020 goals.

CT greenhouse gas emissions have been rising. Some possible reasons are the reduction of gas prices coupled with more gas guzzling cars, in addition to homes that are heated with oil based fuel and large reliance on natural gas as an alleged new “clean and green” source of energy. While better than dirty oil, increased burning of natural gas results in increased climate change pollution.

CFE/STS has a 3 year plan to counteract the challenge of climate change, broken down in to 3 parts - 1. Ramping up renewables 2. Driving down emissions and 3. Fighting for smart investments in clean energy and energy efficiency.

1. Ramping up renewables - Community shared solar power is a way to expand access to solar power to all consumers, creating equity in populations that may not own their own home. CFE/STS is pushing for a full scale statewide shared solar program. Off shore wind possibilities need to be focused on rather than the alternative possibility of off shore drilling. CFE/STS would like wind power to increase to 10% of our electric load.
2. Driving down emissions - CFE/STS is dedicated to create interim targets between the 2020 and 2050 Greenhouse gas emissions goal to make sure the state stays on track via the Governor's Council on Climate Change. Claire Coleman took over Don Strait's seat on the Council. The council has been pushing for a 40-45% greenhouse gas emissions reduction rate by 2030.
3. Fighting for smart investments in clean energy and energy efficiency - Protecting our investment in clean energy and efficiency led us to vigorously fight the October 2017 special budget session raid on the energy efficiency funds from the Green Bank of over \$130,000,000 (over two years) which was committed by the legislature. This ratepayer fund was incorporated into Connecticut electric customer rates, setting aside funds to be used for training, energy efficiency and low income weatherization upgrades, energy audits and energy savings investments in middle class homes and renewable energy projects. . The funds were managed by the Green Bank and the utilities. The raid requires that the funds be forwarded to the state to plug the budget hole. There is a significant point of equity that must also be addressed as the raid disproportionately effects low income citizens, cuts energy efficiency and renewable energy gains, and jeopardizes thousands of green jobs.

CFE/STS works heavily in cooperation with many groups to promote our Climate and Energy Program goals including bi weekly calls with all the key energy advocacy community. We organize monthly meetings with DEEP's energy staff, and the governor's Council on Climate Change, we coordinate an Electric Vehicle Collation & Shared Solar Alliance Coalition, and we coordinated a bi-partisan clean energy caucus in the legislature with the goal of education & advocacy with DEEP and the CT legislature. CFE/STS produces

tremendous public communication efforts via Action Alerts, Press Releases, being present at hearings and writing public comments along with litigation.

Board Q&A:

Primary Question

Q - Electric Vehicle Questions - If we speed up transition to electric vehicles how much of an impact would that be on Climate Change?

A - It would be huge. Getting 150,000 electric vehicles on the road is the goal for 2025, currently CT has 5,000. This is an important factor, along with cleaning up our electric sector, producing cleaner electric generation, and promoting our renewable portfolio standard (a law that requires utilities to procure or buy a certain amount of our electricity from renewable sources.) For the last decade we have been at a mandated 1.5% annual increase, so every year our utilities have to buy 1.5% more renewable energy. This will be plateauing in 2020 and CFE/STS is requesting to extend and increase our renewable portfolio standard. We engaged Synapse Energy Economic to compare DEEP's proposal in the Connecticut Comprehensive Energy Strategy to extent 2.5% needs Electrification Policy's in the Transportation, Electric, and Heating & Cooling Sectors. We are continuing our push for a 30% reduction of Greenhouse gas emissions by 2050. And, if the electric company's and 3rd party's suppliers do not meet these renewable goals, there is an alternative compliance payment policy. Concurrently CFE/STS would like to see this alternative compliance payment policy be increased.

Secondary Q&A Topics included – Providing positive environmental revenue generating options to state of CT, examples included community solar, electric vehicles, tolls, cap and invest policy to address transportation emissions mirrored on REGGIE. Questions about electric vehicles and specifically Tesla Motors still not available to sell cars in CT was discussed. Synapse Energy Economic natural gas reports that renewables are an increasing resource. No need to incur the huge cost of building new natural gas pipelines. Board members weighed in on Climate Change, wind farming futures in CT were discussed. The deeper impacts of the "looting" of the Connecticut Green Bank were discussed at length.

Legal Update – Climate Change

Roger Reynolds

Roger Reynolds commended Claire and her work on Climate and Energy for CFE/STS along with Jack Looney.

Under the Clean Air Act, the CT Attorney General filed a petition seeking action and controls on the Brunner Island Coal Plant in PA for ozone air quality violations under CT statute. EPA did not act in a timely manner related to the petition and the CT attorney general filed an action in federal court with CFE/STS and the Sierra Club. EPA moved to block our intervention but the judge ruled we were proper intervening parties. A settlement was agreed to by DOJ attorneys for a timeline in March and April for an action on the coal plant, the settlement was rejected by higher ups in the DOJ and so CFE/STS will continue to litigate on behalf of citizens of CT.

In CT, lots of energy decisions get made at the Siting Council as they have jurisdiction over energy generation storage and telecommunication tower projects, in addition to the power to preempt local government wetlands and zoning. The siting council requires a certificate of environmental compatibility for any energy project. This certifies an established public need for the project and the nature of the cumulative environmental impact.

CFE/STS intervened in the Siting Council to block a new Natural Gas Power Plant proposed to be built in Killingly, CT. That town already has one power plant and a second proposed plant in the rural low income enclave would pose an undue burden the community. The main argument was that the energy was unneeded, the second claim was that a plant would exceed the Global Warming Solutions Act limits and thirdly they failed to address the cumulative environmental impact of a new plant. The Siting Council found that there was not a

need for the new energy and denied the request to build. The power plant company has appealed the ruling. The lack of need argument has been a successful legal route for CFE/STS to win cases., . An example of that was brought up West Hartford on the MDC reservoir where a North East Direct pipeline was proposed to be built and did not go forward based on lack of need.

Board Q&A

Primary Question

Q. Power Plant permit timelines for building new structures.

A. The power plant companies will be back next year and CFE/STS will meet them at every step. Down the road CFE/STS is looking at what defending our Global Warming Solutions Act looks like. Other states citing councils must consider the Global Warming Solutions Act in there judgements, CT has no such requirement. CFE often argues under the Environmental Protection Act and other policies.

Secondary Q&A Topics included -

Forward Capacity Auction permissions, effectively using lack of energy need - as a legal argument, off shore drilling and the encouraging work being done by governors arguing for states rights against drilling and platforms.

Fund Raid Legal Process Discussion

The board thoroughly discussed the process that will be used to evaluate possible fund raid litigation:

Roger reported that CFE has been invited to become the lead plaintiff in a case to be filed in Connecticut Federal District Court seeking an injunction to prevent the Treasurer from transferring utility ratepayer funds set aside for energy efficiency and renewables into the general fund, as directed by the October special session of the legislature.

The following board process was agreed to for evaluating the ligation at hand: The legal committee and executive committee will meet to discuss the viability of this case. This meeting is open to all board members, but a decision must be made by the Executive Committee before next board meeting. In advance, Legal and Program staff must evaluate and report on the proposed litigation.. The decision will be made by the Executive Committee after receiving and considering a recommendation from the legal committee.

Dinner Break – 20 Min

D. Committee Updates

Development Committee

Raphe Elkind

Development Report

Alicia Sullivan is introduced as the new Chief Development Officer

CFE/STS is looking for a major gifts officer to round off the team.

The Development Committee reports we appear to be in good shape as of the end of the first quarter in almost all categories of revenue. Taskforce revenue is just starting formally and revenue will begin to come in once the task forces are meeting regularly. . FY 18 Advocates list seems to indicate a potential weakness but, the hiring of a MGO will make up the difference and lost ground.

Taskforce Update

Plum Island Taskforce is on hold, Climate Task force is on the back burner till the spring.

Soundkeeper Taskforce is under way with a Feb 1st meeting with plans of a larger event with a friend of the board in Greenwich.

Thank you notes were sent to Don Strait for all the behind the scenes effort on behalf of the Task Forces.

Membership Update

Membership report numbers are good, as 638 new members since October and the new member goal for whole year is 1230.

Thanks sent out to Michelle, Ariel & Joe for their efforts.

Stewarding relationships with current members is the goal for 2018 and beyond

Direct Mail continues to be a great way to raise money.

Giving Tuesday could have been more successful with a matching funds, decline noted.

Events

Events and membership will dually increase as weather gets warmer

Upcoming Events - Norton Fish Ladder Opening celebration date is TBD coordinating with Darien Land Trust, March 2018 in the LOB in Hartford we will be hosting an art show of Plum Island thru the eyes of Bob Lorenz & John Sargent, St. Patrick's Day Plunge on Saturday March 17, 2018 – all welcome.

Corporate Sponsorship

Coastal Crab (<https://coastalcrabct.com>) reached out to CFE/STS by request from their customers to improve their environmental footprint and have graciously offered up tee shirts for the St. Patrick's Day Plunge.

Therefore, the development committee made a motion to recommend the approval by the board to let Coastal Crab in Niantic, CT sponsor the tee shirts for the Plunge.

Motion was approved.

Matching Gifts

Currently Matching Gifts from corporations issuing gifts must be in line with our Corporate Donation policy. Clarity is sought from the board on receiving matching gifts so that nothing is hindering us from accepting gifts from corporations.

Development Committee is working thru this process, Joe DiMaggio and Roger Reynolds will present the board with language summing up the findings.

Communication Committee

Barbara David

Communications visioning phone call is planned for January 17 at 4 pm with Tenant. All board members welcome. Laura gave an update on progress with our consultant, Tenant, in finalizing the new website. Much work has gone into this effort. Thanks to the several board members who participated in workshops that developed the high level organization and themes.

Governance Committee

W. Campbell Hudson

Two new board members were proposed for approval. Dawn Henry, brings a wealth of communication skills and great leadership along with Joe MacDougald, academic and legal credentials.

Motion was made by the Committee to approve Dawn Henry to a term ending in 2020, the motion was moved and seconded, and unanimously adopted

Motion was made by the Committee to approve Joseph MacDougald to a term ending in 2020, the motion was moved and seconded and unanimously adopted.

It was noted that this action by the Board will technically elect these two new Board members until the 2018 annual meeting this fall, at which time they will be nominated for re-election for the balance of the term to which they have been elected as required by the By-Laws.

Governance Committee is soliciting the names of possible new members for the board.

Guidance and clarity was sought from the board and a general discussion ensued on the topic of any potential board member joining, if they work for a company has a very clear record of having a negative environmental record outside of our state, but are not a principal. No action taken.

Personnel Committee

Curt Johnson

Roger is working through results of the staff survey and is scheduling a staff training with a consultant. Further down the road another survey will be sent out and the hope is to have a HR person in place on staff.

The Personnel Committee is soliciting new members for the committee. All board members invited to join.

Finance Committee

Diane Stoner

The Finance Department has undergone numerous challenges from Danielle's sudden passing, there will be new hires coming to Finance Department by the spring, and with no small thanks to Naomi, our numbers are showing more clarity.

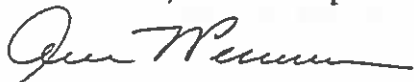
Curt thanked Diane and the Finance Committee for patience and stated that new Finance Department hires was his highest priority. Two alternative leadership models are being considered: a coordinator with outside consulting group or a CFO model with an associate accountant. Curt urges anyone who has questions to reach out to himself or Diane. CFE/STS is conducting an open search, along with assistance from a headhunting consulting group in order to reach the most qualified candidates.

Naomi has been working with the auditor Tom Woods reviewing FY16 numbers and various audit schedules and has prepared an investment summary of Walden Asset accounts that shows both realized and unrealized gains. The finance committee had several questions relating to the classification of investment fees, in final, the fees are removed from realized capital gains.

It was determined that going forward a monthly financial review/reconciliation report is the standard we will be working for.

Walden fees were discussed and lowering the percentage we get charged was brought up. The finance committee will be meeting with the Walden group to review performance, asset allocation and fees.

Leslie Lee adjourned 8:04 p.m.



Minutes Approved by Anne Lacouture Penniman on March 19, 2018 and the minutes will be filed on _____ prepared by Marina DeLuca

Executive Committee Meeting of the CFE Board of Directors

Via Conference Call

February 5, 2018

Attending: All members of Executive Committee: Leslie Lee, Barbara David, Tom Holloway, Campbell Hudson, Anne Penniman, Diane Stoner, Joop Varekamp

Participating in discussion from wider board: Raphe Elkind, Joe MacDougald

BAKCGROUND

At the January board meeting, the board was presented by staff with the opportunity for CFE to become the lead plaintiff in a state court action against the Treasurer and Comptroller of the State of Connecticut seeking an injunction to prevent the sweep of \$127 million in ratepayer funds directed by utility statutes for energy efficiency and renewable energy into the General fund. Funding for this legal action was being undertaken by energy efficiency and solar companies who had obtained outside counsel. The board delegated the decision on whether to authorize CFE to become the lead plaintiff in this case to the legal committee to then present a recommendation to the Executive Committee of the board for a determination.

EXECUTIVE MEETING OUTCOMES:

Staff presented their recommendation that CFE become the lead plaintiff to be represented by the law firm of Holland & Knight and the firm of Feiner Wolfson in this matter, so long as: (a) we are lead plaintiff identified in the retainer letter; (b) the retainer letter makes it clear that CFE has no obligation to pay for any of the legal fees and (c) the funders to this lawsuit also support a significant communications campaign designed to educate and mobilize public support and communications toward key legislators and state leaders to reverse the raid and prevent future raids on these funds.

Campbell Hudson noted that the legal committee had met earlier in the week via conference call (Hudson, Lee (ex officio) with input from outside general counsel Peter Cooper and staff) and he presented the legal committee's recommendation to move ahead with this legal action, after taking into consideration both the negatives and positives of this action. The legal committee made this recommendation with the caveat that they also recommended the need for a public communications campaign to be funded as well to build public support for protecting these funds.

Campbell and staff presented and all board members on the call debated this issue, noting the importance of this legal action, the potential negative impacts on legislative relationships, and the value and importance of the communications campaign.

Tom Holloway argued strongly against this lawsuit, noting that CFE should be seeking environmentally beneficial revenue increases, such as the gas tax, instead of pushing for a far more difficult reversal of an already made budgetary cut.

The committee sought clarification and staff noted that CFE has long supported the formation and expansion of these funds, and has viewed them as central to making Connecticut a climate leader. It was noted by some committee members that, as a lead voice in the creation of the funds, CFE had a responsibility to defend the funds and their programs. Committee members also noted the multiple values the fund provides in addition to achieving critical climate goals, including social justice derived from over 10,000 homes being weatherized each year; economic benefits from thousands of renewable and energy efficiency jobs supported by these funds and economic by saving thousands of businesses and residents \$millions in energy savings. The committee supported staff's recommendation that CFE not be responsible for fundraising to support this law suit and associated outside counsel fees.

After a motion was made by Campbell Hudson and was seconded, the Executive Committee voted by roll call, 6 in favor to 1 opposed (Holloway) authorizing CFE to become the lead plaintiff in this lawsuit, so long as the funds are raised outside of CFE and substantial funding is available for a solid communication campaign designed to maximize citizen support for these critical funds. The Executive Committee gave this approval expressly recognizing that funding for this effort will be provided by energy efficiency businesses and solar installers, which would benefit indirectly from the legal action. These companies contract to implement the renewable and energy efficiency programs supported by the funds. Accordingly, the Committee voted to waive any possible conflict of interest which might arise from the contribution of funds in support of this matter by these businesses.

What Your Leadership Makes Possible
Highlights of Program, Legal, Communications, and Development Updates
Board Meeting – March 2018

Confidential

We're making strides already in 2018—a river is re-opened to fish, new climate targets have been set, the campaign to save Plum Island is gaining momentum, and legal work to protect western Sound water quality marches forward.

But none of it would be possible without your leadership. Read on for some key updates on program, legal & communications, activities and how expert guidance, financial support, networking, and advocacy from Board members and committees have made them possible.

Conserving Lands for People and Wildlife

Efforts around Plum Island are focusing increasingly on planning the island's future—like the visioning plan for which our consultants Marstel-Day recently received an award. Engaging Gov. Cuomo has been the focus of high-level meetings and grassroots advocacy; a Valentine's Day outreach campaign yielded hundreds of citizen letters to him and 134 new contacts. Thanks to the now fully-staffed membership program, we anticipate another successful Plum Plunge fundraiser on March 17. *The Board's support through this long-term, complex campaign and lawsuit continues to be invaluable. Campbell & Anne brought us stalwart donors who continue to support this campaign.*

On January 23, Chris Cryder and Suzanne Thompson appeared on a popular southeast CT morning radio show and live Facebook video to talk about both Oswegatchie Hills and Plum Island, using our success with The Preserve success as a proof point. This continues our strategy of integrating press, video documentaries, and social media to tell the story of our continued commitment to saving Connecticut's and the Sound's great places.

Connecticut's first State Water Plan is out at last! We're working to make sure the crucial legislation formally accepting it passes this session. A report on Tilcon's attempt to expand their New Britain mine onto watershed land is being reviewed by agencies, but no legislation advancing the plan is expected this year. In Torrington, we've been opposing a proposal to run a sewer line across water company land; a key agency vote is expected any day now.

The legislative and communications teams are running defense on a surprise proposal to sell Seaside State Park. The legislation has rightfully sparked anger; our action alerts have spurred 464 testimony submissions. Of these, 153 were new sign-ups we can now reach out to about membership, volunteering, and further advocacy.

Our new website will make it more seamless for activists to find and take action on campaigns like that one, then stick around to give or learn more about CFE/Save the Sound. *The thoughtful work of the whole Communications Subcommittee, as well as Leslie and Raphe, has been instrumental. Libby's financial support & connection with our website contractor led to affordable, expert guidance*

Cleaning the Air and Protecting the Climate

The year kicked off with a bang for climate as Claire Coleman helped steer the Governor's Council on Climate Change to unanimous approval of an interim target for the Global Warming Solutions Act; the target of a 45% reduction by 2030 is one of the strongest in the nation. The final Comprehensive Energy Strategy was strengthened in ways we'd lobbied for, including increasing Renewable Portfolio Standard's renewable mandates, recognizing shared solar as key to Connecticut's clean energy future, and reducing reliance on natural gas.

The climate team is now working to pass the good parts of these plans (interim target, RPS increase) into law, and fix some problematic proposals, like eliminating net metering, which would disincentivize home and business solar installation. We continue to advance Shared Solar through grassroots organizing and coalition outreach at the municipal level in support of legislation. *Dawn Henry recently made her public hearing debut by testifying on legislation to allow electric vehicle manufacturers to sell directly to consumers in Connecticut.*

While the advocacy team works to restore the clean energy and energy efficiency funds, the legal team is working with our allies to prepare for a legal action challenging the \$155 million raid. Allies are actively fundraising now for the \$200,000 legal and \$20,000 communications components of the project, and we expect a good sense of their progress by mid or late May. *The Legal and Executive Committees' guidance has been invaluable as we investigate this option.*

In Connecticut v Pruitt, our case against the EPA for failing to require a Pennsylvania coal plant to control emissions that are polluting Connecticut and New York, the judge ruled in our favor and ordered EPA to hold a hearing. *Thanks to Barbara David's transformative gift, we are secure in the knowledge that important legal work like this will continue.*

Protecting and Restoring Long Island Sound and Rivers

Since December, the Western Sound team has been tracking a sewage outflow in Rye. Multiple TV interviews and social media chatter helped spur City officials to action. *Libby and Rob Alexander have helped hugely by setting up a meeting with the mayor, posting updates on Facebook, and keeping us connected to the local mood.* We're currently evaluating the success of reported repairs.

There is progress on Save the Sound et.al. v Pruitt, our federal lawsuit against EPA for failing to require strong protections for New York City waters. On March 9, EPA formally rejected the old Water Quality Standards for NYC waters—part of the relief we sought. While New York State DEC has said they plan to start a public process to implement new standards, we don't yet know what they are. Thus, we want the court to retain jurisdiction to ensure appropriate Water Quality Standards are actually implemented. Our Legal team and allies are negotiating a 90-day stay to see whether New York implements appropriate standards within this time frame.

And in Connecticut, Soundkeeper Bill Lucey is advocating for a strengthened Sewage Right to Know Act that includes public notification requirements, and assisting with several bills championed by Sen. Ted Kennedy to prevent chemical and plastic pollution. Bill's ability to patrol the Sound this summer will be boosted by new transient mooring agreements in Mamaroneck, Darien, Bridgeport, New Haven, and the Niantic River.

The Green Projects team has been in the field since the frigid days of January, as it's paid off: the baffles are installed on the Noroton River and it's just about ready for the spring fish run! At Sunken Meadow, crews are removing invasive plants in preparation for a volunteer planting of native *Spartina* cordgrass this April or May—likely the final major planting at this site. Our ongoing commitment to the Sunken Meadow ecosystem will next involve removal of a dam at Phillips Millpond. And soon every river that enters New Haven Harbor will have a watershed plan: the kickoff for the Mill River Watershed Plan process was held May 1.

The Soundkeeper and Climate teams have joined forces to oppose the Trump administration's proposal to lease Atlantic offshore waters for fossil fuel drilling. This national issue has drawn significant interest from media and our supporter base, and rightfully so: it's bad for the climate, bad for wildlife, puts water quality at risk, and is a missed opportunity to invest instead in safer energy like offshore wind, which also creates more jobs and generates more energy long-term.

And of course, thanks to the many Board members who work behind the scenes to keep all this running—from the Finance Committee to the Personnel Committee, Governance to Development! And a special shout out to Libby and Rob Alexander, who fuel our accelerating membership program.

Confidential

Connecticut Fund for the Environment/Save the Sound
Program Updates – March 20, 2018

Western Long Island Sound
Soundkeeper Highlights
Plum Island
Save Oswegatchie Hills
Climate and Energy
Strengthening the CT Climate Community
Climate Change and Energy Advocates Monthly DEEP discussions
Climate and Energy Legislative Alliance
CFE's 2018 Climate Legislative Agenda Includes
Governor's Council on Climate Change
Clean Distributed Generation
Electric Vehicles
Water Projects Update
Green Projects
Communications Update
Membership Update

Western Long Island Sound

Tracy Brown

Unified Water Study (UWS): Long Island Sound Embayment Research

We just completed the competitive application process for new groups interested in participating in the Unified Water Study in 2018. We received 11 new applicants and approved 10 of them, which brings to 20 the number of groups in the study. Monitoring will take place in approximately 38 bays, harbors and coves equally distributed between Connecticut and New York. Save the Sound will be monitoring in two locations on the coast of Westchester County. The 2018 monitoring season will run from May through October. We have a funding request in to the Long Island Sound Study to fund the program starting 2019.

LIS Report Card

We are nearing completion on the data crunching for the 2018 LIS Report Card. This report card will include 10 years of data and some trend analysis on Sound water quality. It will review the impacts that upgrades to the wastewater treatment plants that discharge into the Sound have had on Sound water quality. The biennial report card will be published in June. Production, release and promotion of the report card will be a main focus of the New York office from now through June.

New York Legislative Agenda

This year our focus in Albany, in addition to saving Plum Island, is the budget. We are once again working with our NY Clean Water Coalition to lobby for funding for wastewater infrastructure. Specifically, we are calling for \$300 million for the Environmental Protection Fund and the ongoing funding of the 5-year \$2.5 billion for clean water infrastructure grants to communities.

Westchester Pollution

We have been documenting and following up on several pollution reports in Westchester County, most notably a large sewage overflow in the city of Rye which ran from early December through February. We have been sharing our reports with DEC which has taken enforcement actions on some incidents. See the Legal Department report for updates on the Westchester Case.



Soundkeeper Highlights

Bill Lucey

Connecticut Legislative Agenda

This past quarter Soundkeeper Bill Lucey has been working with the CT Environment Committee on a number of bills including:

- HB- 5130 Sewage Right to Know amendment – We are working closely with DEEP and the environment committee to come to an agreement on language which mandates electronic reporting from wastewater treatment plant operators and a method for alerting the public to sewage spills rapidly.
- Bill 7 – Climate Change Planning and Resiliency – This bill updates areas likely to be impacted by coastal flooding. We need to make sure that development projects are considered with future water levels in mind.
- HB 5364 – We are supporting this effort by Senator Gresko and Prof. Mattei of Project Limulus to create a no take zone at Stratford point. The area is close to the Wheeler Wildlife refuge and our feeling is that closing a larger section of coastline.
- SB 426 - This bill deals with abandoned lobster traps in LIS. Cornell extension estimates that there are 500K abandoned lobster traps on the bottom. These traps may still trap fish and lobsters so it would be beneficial to get them out of the water. The bill is working on language to streamline the legal process for collecting pots and other fishing gear.
- SB 343 – This bill asks for an inventory of Chemical facilities that are at risk from climate change, namely coastal and river flooding.
- SB 341 – This is an effort to establish a working group of stakeholders to look at solutions for the problem of microfiber pollution in water.

Restoration & Fisheries

Bill mapped out 7 areas to initiate a Westchester County alewife monitoring program in collaboration with New York State DEC. DEC hasn't looked for alewife in this area for several years. Finding remnant runs in the area will help prioritize fish passage project planning.

Soundkeeper is part of a working group reinvigorating the Merwin Meadow Dam removal project in Wilton. Removing this dam will open several miles of the Norwalk River to anadromous fish and eels.

Boat Patrols

In preparation for the 2018 boat patrol season, there are now transient mooring agreements for the "Terry Backer" in Mamaroneck, Darien, Bridgeport, New Haven and the Niantic River.

Plum Island

Leah Schmalz, Chris Cryder, Louise Harrison

Gaps in Plum Island Contamination Cleanup Plans, New Report Finds

A report commissioned by Save the Sound (<https://greencitiesbluewaters.files.wordpress.com/2017/11/dermody-report.pdf>) has identified gaps in the federal government's draft plan for the cleanup of past contamination on Plum Island, NY. Peter Dermody, C.P.G., principal hydrogeologist at Dermody Consulting, analyzed a number of environmental studies performed on the federally-owned island from 1999 to 2016. He found unanswered questions about groundwater testing, soil vapor testing, landfills, an oil spill, and a decommissioned building. The Department of Homeland Security, which currently manages the island, has not, thus far, developed a work plan that meets New York's cleanup standards. Louise was interviewed by two Long Island East End newspapers about



the Save the Sound commissioned report on Plum Island remediation needs, resulting in articles placed in East End Beacon <http://www.eastendbeacon.com/report-like-much-about-plum-island-cleanup-remains-a-mystery/> and Suffolk Times <http://suffolktimes.timesreview.com/2017/12/79341/report-significant-gaps-plum-island-cleanup>

Plum Island Legislation Awaits Action in the Senate

On July 25, the U.S. House passed a bipartisan Plum Island protection bill introduced by Congressman Lee Zeldin (R-NY 1). If passed by the Senate and signed by the President, The Plum Island Preservation Act (H.R. 2182) (<https://www.congress.gov/bill/115th-congress/house-bill/2182>) would halt action on the marketing and sale of the island. So far, the Senate has not taken up the House bill for consideration. On August 3, Senator Richard Blumenthal (D-CT) introduced the Plum Island Conservation Act (S.1737) (<https://www.congress.gov/bill/115th-congress/senate-bill/1737>) with co-sponsors Kirsten Gillibrand (D-NY), Chris Murphy (D-CT), and Charles Schumer (D-NY). The act would repeal the requirement directing the administrator of the General Services Administration to sell federal property and assets that support the operations of the Plum Island Animal Disease Center. On December 13, the NY and CT Senators wrote a letter (http://docs.wixstatic.com/ugd/842761_1e7e704f307049e79224b7122d5f6a21.pdf)

to the Senate Committee on Environment and Public Works requesting that they advance their legislation at the next Committee meeting. Save the Sound is advocating for the strongest legislative approach that will gain sufficient support in both the House and Senate.

A new potential twist in the federal legislation strategy has emerged. Early in March Curt Johnson and Tracy Brown met with Senator Schumer and his staff. Senator Schumer is very interested in getting a bill moving that would transfer Plum Island to the state of New York. We will be exploring this possible opportunity with a number of key NY State agencies and staff members in the next few weeks.

Governor Cuomo Campaign

The Preserve Plum Island Coalition (PPIC) steering committee met with Governor Cuomo's executive staff members Venetia Lannon and Rajiv Shah on December 15th in New York City to present the campaign to save Plum Island and ask for assistance. Leah Schmalz, Chris Cryder, and Louise Harrison participated; two Save the Sound interns listened in. All felt it was a very positive meeting and there are plans to follow up with Venetia and Raj soon. The PPIC now has met with NYS Department of Environmental Conservation, NYS Department of State, NYS Office of Parks, Recreation, and Historic Preservation, and Executive Chamber staff in preparation for directly approaching the Governor to take a more active role in the protection and conservation of Plum Island.

On February 9, members of the PPIC met with members of the NY Office of Planning, Development & Community Infrastructure, and a new Deputy Secretary of State, Kisha Santiago-Martinez. Chris presented the Plum Island story and campaign information via Powerpoint and Leah and Louise discussed how the NYS Department of State (DOS), which administers the state's coastal management program, might get involved in Plum Island preservation efforts. In preparation for the meeting, Louise obtained materials from the NYS Archives which demonstrate how the DOS played a key role in preservation of Governors Island off Manhattan. These documents were offered to Ms. Santiago-Martinez and her staff as a nod to how strong New York's coastal program can be in saving coastal resources and a possible model for how the agency might help with saving Plum Island.

All Plum Island program staff collaborated on a Valentine's Day outreach event to engage PPIC organizational members and their own constituents in letter-writing to Governor Cuomo, asking for help in saving Plum Island. The letter remains online at www.preserveplumisland.org, where anyone reaching the first page can send the letter. The website now is not only run by Save the Sound but also is owned by us. People can sign up their organizations and take action on the site. See the logos and names of the PPIC membership at www.preserveplumisland.org/partners. The PPIC reached 101 member organizations by mid-February!

Visioning: A plan for Plum Island's future



Hired by Save the Sound, along with support from The Nature Conservancy, the consulting firm Marstel-Day LLC produced two reports in late 2017, *Conservation Conveyance Options* and *Visioning Process* for Plum Island. The firm specializes in the conservation conveyance of federal property, particularly defense bases. These reports have become the basis for the development of a visioning process, which will lead to a plan for the disposal, reuse, and conservation of Plum Island. This future plan for the island is something that has been asked for by every legislator, elected official, and agency that we have met with, and we have learned it has become a necessary component of our overall work plan. We are now developing the timeline and components of the visioning process, as well as embarking on raising funds for it.

Other Outreach and Events

On January 11, Chris Cryder gave a Plum Island presentation to the New London chapter of the American Association of University Women at the Waterford library. In the months of January and February Chris gave several presentations to the Ecology and Interact clubs of the Old Saybrook High School in preparation for the second annual Plunge for Plum Island on March 17.

Louise met with the Town of Southold, NY, town board on January 16th to provide its members their first official update from the Preserve Plum Island Coalition (PPIC) in a couple of years. Another meeting with the Town Supervisor, Scott Russell, and town planning department staff is being scheduled for the end of March to discuss potential involvement by the town in this year's upcoming Plum Island visioning process.

Louise met with U.S. Senator Schumer's aides Garrett Armwood, Alyssa Meano, and Scott Gelbman (on phone) in the Senator's Long Island office, as well as Adrienne Esposito of Citizens Campaign for the Environment and Richard Remmer of the Preserve Plum Island Steering Committee on January 19th to discuss Plum Island preservation strategy as well as contamination cleanup concerns.

A half-hour interview with the hosts of "Native Streams," a Shinnecock Nation radio show on WPPB (88.3 FM), Long Island's only NPR station, was aired on February 28th, broadcasting Louise's pitch for Plum Island across the East End of Long Island and west into the Town of Brookhaven. Apparently in response, one of Save the Sound's members, Jane Ahrens, sent along a link to her Fishers Island blog about last fall's Save the Sound -sponsored trip to Plum Island: <http://fishersisland.net/plum-island-for-the-birds/>

The Weather Channel produced a well-researched online video and article in early February, featuring Save the Sound staff and other PPIC members: <https://weather.com/science/environment/news/2018-02-05-plum-island-on-the-brink>

The March Edition of Connecticut Magazine contains a feature article on the fight to preserve Plum Island: http://www.connecticutmag.com/the-connecticut-story/the-battle-to-preserve-plum-island/article_dbae0b00-158e-11e8-b36d-3b028acdc036.html

The Town of Southold agreed to show the Visionaries film, "Conservation on a Small Island," on its government access television station, Channel 22, where it is broadcast three times a day. Southold also added a link to the film on its official town website.

Beginning March 16, the Plum Island art and photography show (by members John Sargent and Robert Lorenz) will be on display at the Legislative Office Building in Hartford until the end of March. Certain staff members will be tabling at the LOB on March 19, 23, and 26.

SAVE OSWEGATCHIE HILLS

Suzanne Thompson

Following on the heels of our successful Save Oswegatchie Hills Coalition video and social media advertising campaign in November and December, we continue to use multimedia to reach more Coalition members.

4 | Program Updates



15

In January, Chris Cryder and Suzanne Thompson, Coalition Coordinator, filled an hour of Morning Mojo with Alison Kaufman, a weekly show on WCNI 90.9 FM public radio station on Connecticut College campus. Kaufman welcomes the opportunity to do another show in coming months after she's hiked the neighboring Oswegatchie Hills Nature Preserve.

Chris also met multiple East Lyme conservation and preservation organizations at their annual Preservationists Pot Luck in January.

The Coalition will have a display featuring our video at the Connecticut Land Conservation Conference on March 17, 2018 at Wesleyan University. CLCC and a handful of land trusts are Coalition members. As a result of our participation, CFE/Save the Sound's logo appears among conference sponsors on the event website.

Our maps and banners also will be on display at East Lyme's Earth Day celebration on Saturday, April 21 at McCook Park.

We continue to seek opportunities to show our Coalition video to a wide range of audiences.

More info on the legal effort can be found in the Legal Updates.

CLIMATE AND ENERGY

Strengthening the CT Climate Community

Claire Coleman and Leah Schmalz

There are several entities working on climate change and energy in CT. Over the years we have seen, unfortunately, that we have very little power when compared with the energy companies in the state. We are working to build the community and strengthen the links between these groups through better coordination, leading common efforts, and unifying messaging.

Climate Change and Energy Advocates Monthly DEEP discussions

Claire Coleman and Leah Schmalz

For the last year, we have developed, coordinated and administered a group of 7-10 core groups that develops themes on climate priorities to discuss with Commissioner Klee, Deputy Commissioner Mary Sotos, and other high level DEEP climate staff at monthly meetings. It has led to things like the siting workshop that took place in January, the strengthening of EV proposals for VW Settlement fund use, the strengthening of the Shared Solar Pilot, and the strengthening of some aspects of the CES. Beginning in October, we began organizing longer "deep-dive" sessions into specific topics that disappointed environmental advocates in the draft CES in an attempt to reconcile different views and embolden DEEP to adopt more ambitious policies around renewables.

DEEP released the Final Comprehensive Energy Strategy (CES) on February 8, 2018, which contained some important improvements, including recognizing the urgency to develop policies that can help Connecticut meet its climate mandates, and increasing its proposed extensions of the Renewable Portfolio Standard (RPS) from 30% by 2030 to 40% by 2030. The final CES was also more positive about shared solar, a result of CFE's advocacy with DEEP on the importance of shared solar to Connecticut. The Final CES unfortunately maintained negative reforms to the behind-the-meter solar compensation structure, including a proposal to eliminate net metering – the policy that requires the utilities to credit homeowners with rooftop installations for the excess solar power they send out to the grid. This allows residents to reduce the amount of energy purchased from the grid by generating and consuming one's own energy on-site. Currently in Connecticut homeowners are credited for the energy that their solar panels generate at the same rate that they would pay to their utility for energy imported from the grid. DEEP and the Governor are proposing to scrap net metering and force solar owners to sell all of the solar power they



generate (not just the excess they don't use) to the grid at an unknown rate to be determined by PURA, and to buy all the energy they use at retail rate. This ignores a key benefit of rooftop solar – that it reduces a homeowner's electricity demand. This proposal is contained in legislation this session, which is discussed below.

Climate and Energy Legislative Alliance

We are coordinating a wide group of climate change interests, including green business and industry, and developed a shared agenda and messaging for the 2018 legislative session, as we did for the 2017 session. CFE created a 2018 Climate Action Agenda reflecting the clean energy advocates' priorities, which includes CFE's core priorities of extending and strengthening the RPS, establishing a statewide shared solar program, protecting net metering, and establishing a 2030 interim target for the Global Warming Solutions Act. This collective advocacy has strengthened our ties as a community, and also hopes to provide a counterbalance to the powerhouses of CBIA, Eversource, AvanGrid (UI), and Dominion. Several key groups in the climate and energy legislative alliance have already worked together to hold key stakeholder engagement and advocacy events. Claire spoke at two of these events – one in Branford and one in Hartford. See New Haven Register Article:

Connecticut renewable energy supporters to push for legislative gains

(<https://www.registercitizen.com/business/article/Connecticut-renewable-energy-supporters-to-push-12728946.php>)

The legislative alliance is also continuing to focus on fighting raids of the energy efficiency fund raids, including organizing additional press conferences against raids, and coordinating messaging and action alerts to stop any additional fund raids and restoring the raids that were included in the final 2017 budget deal this fall. The 2017 budget diversion of Energy-Efficiency program funds and Green Bank Funds will be very harmful to Connecticut's clean energy economy. The Green Bank funding was cut in half and funding for the Conservation and Load Management programs by a third. In 2018, the cuts anticipated include:

- \$2.9 million reduction in education and training for clean-energy workforce development;
- \$31 million reduction in energy-efficiency upgrades for businesses, which will cost them millions of dollars in energy costs and reduce their productivity;
- Loss of funds for weatherization upgrades for 12,900 homes –5600 of which are low-income households; and
- Elimination of Eversource's Clean Energy Communities Program, which provided energy-efficiency support for most of the state's municipalities.

CFE's 2018 Climate Legislative Agenda Includes:

- 1) Ramp up Renewables:
 - a. Extend/Increase RPS requiring 50% Class I renewables by 2030 and 100% by 2050 while building clean and resilient in-state generation and a green workforce. The Energy & Technology Committee held a hearing on March 6th which included proposed RPS increases by DEEP of 40% by 2030. CFE and allies pushed for 50% by 2030 at that hearing.
 - b. Shared Solar - solar access for all, with low income carve out. The E&T Committee held a hearing on CFE's shared solar bill, SB 336, on March 9th. CFE organized many voices to participate at the hearing, including solar companies that want to develop shared solar projects in Connecticut, low-income renter community voices who want access to solar, and several clean energy advocate groups.
- 2) Drive down emissions:
 - a. Global Warming Solutions Act (GWSA) modified to include enforceable interim target of 45% reduction in GHGs by 2030. A hearing on this proposal will be held on March 14, 2018;
 - b. Fix ratepayer impact statement by requiring a climate impact statement. CFE is still working with REEBA to have changes made to this law that would minimize its harmful impact.



- c. Support advancement of carbon pricing proposals (both transportation fuels and broader carbon pricing mechanisms – building initial support for longer-term campaign; not a bill we expect to pass this session). A hearing on the carbon pricing bill will be held on March 14, 2018;
- 3) Fight for energy efficiency and clean energy investments Preventing existing funds against raids. CFE has supported two press conferences on protecting energy efficiency and clean energy funds, and has supported bills proposing to restore the 2017 fund raids See

State Reps. Reed and Steinberg Call for Restoration of Energy Efficiency Funds [Link 2](https://www.zip06.com/apps/pbcs.dll/article?avis=Z6&date=20180213&category=NWS01&loper=180219907&Ref=AR&template=printart)
 (https://www.zip06.com/apps/pbcs.dll/article?avis=Z6&date=20180213&category=NWS01&loper=180219907&Ref=AR&template=printart)

We also anticipate spending significant time on defensive advocacy, including preventing further raids of RGGI and clean energy funds, and rollbacks on net metering and virtual net metering.

Governor's Council on Climate Change

Claire Coleman

On Earth Day, 2015, Governor Malloy established the Governor's Council on Climate Change. CFE's president, Don Strait, was appointed to the Council as one of two representatives from nonprofit organizations. Sitting on the Council represents an excellent opportunity for CFE to influence the state's climate policy.

CFE is collaborating with other Council members and colleagues who support climate action to ensure that the state's climate strategy reflects meaningful input from stakeholders. The next round of stakeholder events will be July 26 at various locations around the state. CFE staff will attend and help facilitate at several locations.

The Council is currently identifying strategies and measures needed to meet the state's Global Warming Solutions Act goals of reducing greenhouse gas emissions at least 10 percent from 1990 levels by 2020 and at least 80 percent from 2001 levels by 2050. The Council is also working on developing interim greenhouse gas reduction targets (e.g. for 2030 and 2040). CFE is advocating for the Council to make policy recommendations by the end of the year, which would help generate momentum for the passage of climate legislation during the 2017 state legislative session. The Council plans to issue a full report with its recommendations in early spring 2017.

We are working with Acadia, Synapse and the other two non-profits on the Council to highlight areas of concern, like renewable energy potential and natural gas expansion. We have also started organizing break-out meetings with key councilmembers to build stronger support for more robust policy outcomes. For example, a recent meeting with the Commissioner of the Department of Transportation strengthened our message that the Council that it should develop recommendations on vehicle miles travelled (VMT) reductions, congestion pricing, as well as ongoing budget support for public transit services and improving metrics for transportation GHG reductions. Leah also participated in a special GC3 session with Gina McCarthy. At the GC3 meeting in June, CFE developed and circulated a document to other GC3 members advocating for certain key building blocks of an electricity sector emissions reduction strategy, which shaped the discussion at the meeting. Our analysis of GC3 data inputs and assumptions and advocacy for an ambitious climate action plan continues as the GC3 moves toward making decisions on critical GHG reduction interim targets and policy recommendations. At the October meeting, CFE (Claire Coleman took over Don Strait's seat on the Council) and our allies presented a strong case for the most ambitious interim (2030) GWSA targets. CFE also submitted an action alert to members to submit comments to the GC3 requesting a 55% by 2030 interim target. At the November meeting, council members tentatively agreed to a 40-45% by 2030 midterm target, which would place Connecticut amongst other leaders like New York and California (who have 40% by 2030 targets).

At the February meeting, the GC3 voted unanimously in favor of a 45% reduction in GHG emissions by 2030, in large part due to CFE and our allies strong and effective advocacy work around the importance of a strong target that keeps us on track to meet our long-term GHG reduction goals. This target recommendation has been incorporated into the Governor's bill SB 07 for statutory enforcement. The GC3 is now working on a report that



will include policy recommendations for how we meet the 2030 target, which DEEP is aiming for us to finish in August 2018.

Clean Distributed Generation

Claire Coleman and Leah Schmalz

In April 2017, CFE launched our Share the Sun shared solar website with our new campaign logo. We are working on expanding the webpage and adding outreach and communications materials for use by the public. Our shared solar campaign is moving forward and we have continued doing public outreach and presentations to communities around the state and collaborating with other coalition members.

We worked closely with the coalition during the legislative session, in which the state legislature passed a bill that clarifies the existing shared solar law. We have also been communicating with the Department of Energy and Environmental Protection (DEEP) about the pilot program and the timeline moving forward. The draft request for proposals (RFP) was released in May and CFE submitted extensive comments, some of which resulted in positive changes to the final RFP. In February, 2017, DEEP issued a notice that it was not accepting any of the proposals submitted in response to the final RFP, and instead issuing a Revised RFP with new terms that would better meet its policy goals, including restricting the siting of any project on any prime forest or agricultural land, and setting a price cap. CFE submitted comments expressing concern that the Revised RFP would further delay a full-scale shared solar program, and identifying other concerns with the revised RFP. The final revised RFP still contains some design flaws and significant efforts are needed to move the state on a path to a full-scale shared solar program. The new timeline under the revised RFP sets June 1, 2017 as the date DEEP will select winning bidders. On June 28, 2017, DEEP selected three projects for the pilot program.

To build support for shared solar, CFE has been working with New Haven Clean Energy Task Force to pass a City of New Haven Board of Alders resolution supporting a state-wide shared solar program. On July 11, with testimony submitted by Claire, the resolution was adopted by the Committee on Environment, and on September 5, was presented to and adopted by the full Board of Alders. CFE also spoke at an event raising the importance of shared solar for low-income communities in New Haven. CFE also presented to the City of Hartford Climate Stewardship Council (CSC) a resolution on shared solar for adoption calling on elected representatives to promote shared solar in Connecticut, which on January 8th was adopted by the full Hartford City Council resolution.

CFE has also been expanding the shared solar alliance to engage solar and renewable industry representatives and national groups like the Coalition for Community Solar Access (an industry trade group of solar companies and non-profits that support shared solar) and the Northeast Clean Energy Council advocating for a full-scaled shared solar, and Claire attended a community solar bootcamp sponsored by these group in December. CFE worked with these groups to draft a bill creating a statewide shared solar program with a focus on bringing access to low-income communities and small businesses. A hearing on this bill was held on March 6, 2018, with a broad range of support from the business and environmental community. See NPR Coverage:

[A Push To Expand A Struggling Sector Of Solar Energy In Connecticut Link 3](http://wnpr.org/post/push-expand-struggling-sector-solar-energy-connecticut)
(<http://wnpr.org/post/push-expand-struggling-sector-solar-energy-connecticut>)

As previously detailed, CFE was extremely disappointed with DEEP's draft 2016 Comprehensive Energy Strategy (CES) published on July 26, 2017. CFE led advocacy efforts around strengthening the draft and specific changes in the final CES, including the draft CES's dismissal of shared solar as too expensive to be worthy of expansion and its recommendation to slow the growth of the Class I renewables from to 1% annually through 2030. CFE drafted and coordinated the release of a coalition sign-on letter that 24 organizations signed on to expressing concerns with the draft CES and setting forth specific policies and strategies that should be adopted. CFE is also drafting and coordinating EV Coalition comments to be submitted on the transportation section of the draft CES. CFE also coordinated a clean energy rally with allies Sierra Club, 350 CT, and Citizens Campaign for the Environment before the New Haven public meeting on September 7th. Finally, in addition to submitting CFE's written comments and providing public comments and questions at the technical sessions, CFE released a report conducted by Synapse



Energy Economics (*See Synapse Analysis*) showing the benefits of more ambitious increases to the Renewable Portfolio Standard than the draft CES proposes, setting the stage and providing support for our continued advocacy around RPS increases. We presented these findings at a meeting with DEEP on November 9, 2017, and Synapse presented them at the legislator caucus on January 15, 2018.

Synapse Analysis Link 4

http://www.synapse-energy.com/sites/default/files/Increasing-the-Connecticut-Renewable-Portfolio-Standard-17-070_0.pdf

DEEP's final CES improved its recommendations around shared solar and the RPS. DEEP presented a more positive view of all the benefits a shared solar program can bring to the state, particularly for low-income residents, and also increased its RPS recommendation to a 2% annual increase – reaching 40% Class I renewables by 2040. CFE's advocacy played a key role in these important changes.

Opposing any investments in Millstone nuclear power station at the expense of growth of renewable resources and distributed generation in Connecticut has also been a significant part of CFE's advocacy work over the last year. Last year during the 2017 legislative session, CFE worked closely with the AARP to oppose the Millstone special deal, including speaking with editorial boards at major news outlets and participating in an AARP tela-town hall with 7,000 participants, and publishing and OpEd in the Connecticut Post highlighting how a deal for Millstone would hurt both consumers and our environment. CFE and allies helped defeat a bill on Millstone during the regular 2017 session. In an attempt to delay legislative action, Governor Malloy issued Executive Order 59 on July 25, 2017, requiring DEEP and PURA to conduct an assessment to evaluate the current and projected economic viability of the Millstone nuclear generating facilities. But during the June Special Budget Session, the legislature passed Public Act No. 17-3, which required DEEP and PURA to conduct an appraisal of Millstone and determine whether a solicitation process for Millstone's energy should be conducted.

Pursuant to Governor Malloy's Executive Order and Public Act 17-3, DEEP and PURA opened a joint docket to conduct a full resource assessment to determine whether Connecticut should take action to financially support the Millstone nuclear power station owned by Dominion Energy ("Millstone"). CFE advocated that this joint study evaluate longer term options to replace Millstone with clean energy, including an assessment of whether replacing Millstone with real renewables like solar and offshore wind that are the future of Connecticut's clean energy economy. As a result, the Millstone study replacement scenarios include a "Public Policy Replacement scenario," which includes replacing Millstone unit(s) with renewable and zero carbon resources.

CFE also submitted detailed comments to PURA and DEEP on two draft resources assessment of Millstone. Because the analysis conducted by DEEP's third party consultant confirmed the high profitability of Millstone, CFE urged DEEP and PURA not to further subsidize Millstone. CFE urged that if the State were to decide to provide any support to Millstone to prevent Dominion from walking away from Connecticut, it should only do so by adopting a strategy that includes a proactive, long-term retirement plan which would allow renewables to eventually replace Millstone, and ensures Connecticut is on a path to meeting its 2050 GHG reduction target. *See CT Mirror story: State says more data necessary to assess Millstone's viability. DEEP issued its final decision on Millstone on February 1, 2018, which represented a compromise between Millstone's requests for an above-market contract for its power and environmental advocates' opposition to such a deal. DEEP decided to issue a solicitation for energy that included Millstone's nuclear power generation, but placed certain conditions to attempt to ensure that the state's ratepayers are protected from paying above-market costs for Millstone's power that are not verified to be at risk of retirement. CFE will continue to advocate for the state to continue to invest in renewable energy over Millstone's nuclear power generation in the solicitation process that DEEP is moving forward with.*

CFE has also continued to oppose any natural gas pipeline expansion in Connecticut, and has worked with Synapse Energy Economics on energy and economic modeling which shows that natural gas pipeline is not needed to maintain a reliable grid. In February 2017 Synapse published a report that CFE co-sponsored entitled New England's Shrinking Need for Natural Gas, which found that state energy efficiency programs, renewable portfolio standards, and greenhouse gas emission reduction targets throughout the New England states will soon result in



current pipelines running under capacity, and that current pipeline capacity is sufficient to meet both Connecticut's and the region's needs. In February 2018, CFE sponsored another report by Synapse evaluating ISO New England's Operational Fuel-Security Analysis, which questions the reliability of the electric grid during peak winter months. Synapse concluded that "the ISO analysis provides faulty evidence to those who support unnecessary and costly gas pipeline projects. Doubt cast on regulatory and legislative mandates disregards New England's decades-long and highly successful efforts to improve the efficient use of gas and electricity and develop alternative resources to reduce fossil fuel emissions. ISO must include more reasonable assumptions based on realistic expectations so that it can properly advise policymakers on the appropriate, cost-effective actions to ensure a clean and reliable future electric grid."

See Press: Lawmakers hear dueling pipeline positions; Link 5

<http://www.hartfordbusiness.com/apps/pbcs.dll/article?AID=/20180309/NEWS01/180309917&template=printart>

Fuel constraints could hit New England grid by 2024 Link 6

<https://www.theday.com/article/20180217/NWS01/180219418>

Electric Vehicles

Claire Coleman

CFE continues leading the efforts of the Connecticut Electric Vehicle Coalition.

During the 2016 legislative session, we worked closely with our coalition partners and supportive legislators to pass An Act Concerning Electric and Fuel Cell Electric Vehicles. The bill defines different types of electric vehicles and EV charging stations, requires DMV to record the number of EVs registered in the state and to make that information publicly available, exempts EV charging stations from regulation as utilities, requires time of day electric rates to be established for residential and commercial charging of EVs, requires the utilities and the state to plan for increased EV charging, establishes consumer protections for public EV charging stations, requires public EV charging stations to pay a \$50 annual registration fee, and removes unnecessary restrictions on hydrogen fuel cell vehicles (an outdated state law prohibits them from parking underground and requires them to have a safety warning). The coalition hoped that the section requiring public charging stations to pay a \$50 annual registration fee would be removed because it could discourage the installation of public charging stations. Unfortunately the provision was not removed, despite our best efforts. But there may be opportunities to have the fee applied selectively (e.g. only to public charging stations that require payment), which one of our coalition partners is exploring with the CT Department of Consumer Protection. Despite the inclusion of this problematic provision, the bill as a whole makes significant improvements to the state's EV policies. Passage of the bill is a great step forward for clean transportation in Connecticut, and will help the state meet its climate goals, improve air quality, and reduce public health ailments such as asthma.

During the 2017 session, we supported Tesla's bill to allow electric vehicle manufacturers to sell their cars directly in the state, and will continue to do so in the 2018 legislative session. CFE submitted testimony before the Transportation Committee in support of Tesla's pending direct sales bill in both 2017 and again in 2018. The EV coalition, which we lead, also helped coordinate a sign-on letter supporting the direct sales bill. CFE was the featured guest speaker at two event organized by Tesla on the direct sales bill, where CFE also successfully recruited new members. Due to heavy lobbying against the bill by the Connecticut Auto Retailers Association (CARA) and local car dealerships, the bill did not gain enough support to bring to a vote in 2017. Tesla and EV supporters continue to advocate for the law change this session, and has guaranteed the state \$10 million in sales revenue should it be allowed to sell EVs directly to consumers in Connecticut.

The EV coalition has been meeting regularly, working collectively to advance the key priorities the coalition has identified, including: 1) establish a guaranteed and long-term funding source for electric vehicle rebates, and establishing rebates for low-income consumers and used electric vehicle purchases; 2) establishing utility-supported EV infrastructure; and 3) a market based regional transportation climate policy (cap and invest program based on RGGI model) as one funding solution for decline in gas tax revenues as more EVs replace gas vehicles and to



incentive consumers to transition to clean energy. CFE has developed a fact sheet explaining these new priorities, and is working to expanding the membership of the EV Coalition and engaging the health and labor communities in our coalition work. CFE drafted and coordinated EV Coalition comments submitted on the transportation section of the draft CES. The EV Coalition also sponsored a sign-on letter which resulted in over 20 state legislators (bipartisan) signing a letter to DEEP urging it to move forward and include more specific recommendations around electrification of the transportation sector in the final CES. On February 1, 2018 CFE submitted comments on behalf of the EV Coalition on the Department of Transportation's Draft Long-Range Transportation Plan.

The EV Coalition has also been working to develop a coordinated strategy with other environmental and labor groups for shaping the state's plan to spend the funds available from the EV settlement. The EV Coalition submitted a letter to VW with recommendations on how VW's Zero Emission Vehicle Investment settlement funds should be spent, signed a letter with other environmental and consumer advocates to DEEP highlighting priorities for how DEEP should spend Connecticut's portion of the Environmental Mitigation Trust Fund, and provided public comment at a public meeting held by DEEP. Recently, the EV Coalition sent Governor Malloy a letter urging Connecticut to move forward on VW Settlement fund proceedings, and days later DEEP sent an update on their intended next steps. On March 9th, the EV Coalition submitted comments to DEEP on their final Mitigation Plan.

CFE has also been supporting the regional transportation climate initiative (TCI) in building support in Connecticut for a regional transportation carbon pricing mechanism modeled after RGGI. Claire was quoted in the press release announcing that several states, including Connecticut, agreed to begin stakeholder engagement process to consider such policies. Claire participated in the Transportation Climate Initiative fall conference in New York, building support for the regional transportation climate program.

The EV Coalition also co-sponsored an EV educational awareness forum and ride & drive event on Saturday March 3, 2018.

Water Projects Update

(Burnaska, Schmalz)

1. The Water Planning Council (WPC) has allowed the City of New Britain to continue to use Lenard Engineering as its consultant for the environmental impact study of the proposed New Britain/Tilcon quarry project. The approval was over the objections of New Britain residents and environmental advocates and after the Council on Environmental Quality (CEQ) rescinded its approval of Lenard. Opponents felt that Lenard was not an independent, third party to the proposal due to its current and past work for the City. Opponents also questioned the lack of environmental focus in the study's scope of work. The WPC told the City and Lenard that it should work with CEQ on revising the scope of work. PURA will set up a docket for information received. The WPC requested periodic reports from the City on the progress of the study. On March 3, 2018, Lenard Engineering submitted its report to the Water Planning Council (WPC) and CEQ. It is currently being reviewed by CEQ, the WPC, and environmental advocates. The WPC has 90 days in which to respond to the report. The City of New Britain will not submit legislation during the 2018 session to move the project forward.
2. DEEP convened a group of water advocates to ensure that the State Water Plan (SWP) includes review and recommended actions necessary to protect water resources. The DEEP Water Advocates, CFE included, reviewed and commented on the draft State Water Plan; we are now supporting the SWP as is to be passed by the legislative committees with cognizance this session. The SWP was approved by the Water Planning Council and transmitted to the Legislature on January 24, 2018. At a subsequent meeting, the Water Advocates agreed on the importance of having the Legislature approve the SWP as presented in order for the process to move forward. There is concern over opposition by water companies and some members of the business community to the inclusion of "water as a public trust" in the SWP. Water Advocates have

begun the process of prioritizing the topics and tasks included in the SWP for implementation when the SWP is approved. The four committees of cognizance over the SWP will hold a joint public hearing on the SWP in late March or early April. Environmental advocates are working to ensure that the SWP is approved as presented during the 2018 legislative session.

3. Over a year ago, Margaret Miner of Rivers Alliance and Karen Burnaska of CFE/STS met with Lori Mathieu and Eric McPhee of DPH to discuss the criteria used by DPH to approve green energy projects on water company watershed land. DPH stated that it looks at projects on a case-by-case basis and follows statutes and regulations, with the underlying premise being that watershed land is for water supply purposes. DPH's overarching policy on this is not written. DPH will look at formalizing it in writing. DPH will also develop a flow chart or decision tree of the steps followed in its screening process. To date, neither a written policy nor flow chart has been received. This issue remains on-going.
4. There is a proposal to install a wastewater pipe through Torrington Water Company Class I & II lands to convey sewage from the lake community in Goshen to the City of Torrington's wastewater treatment plant in Harwinton. This proposal was initiated by the Woodridge Lake Sewer District (WLS D) and is supported by DEEP. DPH and the Torrington Water Company have concerns about the project and its effect on watershed land. On January 6, 2017, CFE/STS submitted a statement to the Commissioner of DPH asking DPH to look for an alternative arrangement. After reviewing the proposal in detail, DPH issued an opinion against the sewer line crossing Torrington Water Company watershed land as proposed and required numerous changes in order to proceed. Subsequently, the WLS D submitted a proposal to the Torrington Town Council/WPCA asking for approval of the project. In February and March of 2018, three "jam-packed" public hearings were held by the Torrington WPCA with the overwhelming majority of speakers opposed to the project. CFE/STS submitted testimony opposing the placement of the sewer line across Torrington Water Company Class I & II land. The WLS D states that it will comply with the requirements stipulated by DPH. We are awaiting the decision of the Torrington WPCA.
5. 2018 Legislative issues: There are several "water" bills being watched including HB 5154 concerning water use and conservation during drought conditions and HB 5455 that changes the requirement of reporting on the water plan from every year to every five years.

Green Projects Team Program Updates

International Coastal Clean-Up

The spring coastal clean-up season has begun! Already five clean-ups are scheduled across the state for the month of April including two corporate, one private, and two public clean-ups. Save the Sound coordinated 61 clean-ups held across Connecticut in September and October for the 2017 International Coastal Clean-up. More than 1,700 volunteers cleaned up 59 miles of shoreline. They collected 8,000+ pounds of trash, including 28,381 cigarette butts, 11,450 pieces of plastic, 10,911 plastic and metal bottle caps, 9,717 food wrappers, 400 cans of spray paint, 120 diapers, 52 tires, multiple mattresses, and much more.

Bridgeport Beardsley Zoo Green Infrastructure

Construction of the Beardsley Zoo phase II GI project wrapped up in November 2017! For phase two, we set a goal of capturing stormwater runoff from an additional acre of the zoo's impervious parking lot, and filtering it through porous pavements, bioswales, and other green infrastructure features. That means more than fifty percent of the zoo's parking lot will be sustainably managed by the time of the project's completion. In October, STS partnered with the Connecticut Chapter of the Northeast Organic Farmers Association to co-lead a hands-on professional development workshop for landscapers and construction contractors interested in gaining experience in green infrastructure installation techniques. STS in partnership with the Connecticut Metropolitan Council of Government (MetroCOG) received a municipal grant from CIRCA this fall to fund a youth-focused workshop as well as signage and educational materials for the second phase of the GI project. On April 7, STS will host a youth planting workshop, which will complete phase II. Save the



Sound will also participate in the Pequonnock Festival on the same day, celebrating restoration and clean-up efforts along the river.

West River Green Infrastructure Implementation Project

STS is gearing up for several spring rain garden and stormwater infiltrator installations. STS was busy installing rain gardens this fall in the West River Watershed as part of a pilot residential stormwater retrofit program in partnership with Neighborhood Housing Services (NHS) of New Haven—a non-profit that restores blighted neighborhoods and works to increase homeownership and financial fitness of low income residents. The project is targeting NHS's redevelopment properties as well as residential homes in the Newhallville and Beaver Hills neighborhoods of New Haven. To date, six residential rain gardens have been installed with the help of over 100 community volunteers and environmental-focused youth groups. Volunteers helped to dig the rain gardens, disconnect the downspouts from the combined storm sewer system, and plant the gardens with native perennials. Three stormwater infiltration systems have been installed at new NHS properties, which manage 100% of the stormwater coming off the roof at each house. Two additional stormwater infiltrators were installed this winter. Another four raingardens and five stormwater infiltrators are slated for spring installations. On March 20, STS will lead a community presentation on residential stormwater management, alongside several local partner groups.

This initiative was identified in the West River Watershed Plan, and will aid in our efforts delist the West River from CT DEEP 303d list of impaired waterbodies.

Sunken Meadow

Construction of Sunken Meadow Marsh is underway! The two acre marsh creation component of the comprehensive restoration project at Sunken Meadow State Park on Long Island kicked-off at the beginning of March. Construction will occur throughout the spring based on the tidal schedule and involves excavating invasive Phragmites, re-grading the marsh to suitable elevations, and planting native shrub, high marsh, and low marsh species. STS has been coordinating with the Seeds of Success Program and Pinelands Nursery to grow native perennials from seeds collected by volunteers at Sunken Meadow State Park. This seed collection is part of a larger effort following Superstorm Sandy in 2012 to restore wetlands and floodplains that can absorb the impact of stormwater and lessen shoreline flooding. Stay tuned for a volunteer marsh planting in April of May 2018. Next up at Sunken Meadow is a green infrastructure retrofit of the 18-acre parking lot adjacent to the marsh. STS is currently working with an engineer design consultant to get the design ready for construction in fall 2018.

Quinnipiac River Dam Removals

In August 2016, STS removed two dams on the Quinnipiac River: Carpenters Dam in Meriden and Clark Brothers Dam in Southington, opening up 33 miles of migratory fish access from Long Island Sound.

STS is currently working on two interpretive signs to install near the two dam removal sites. The next step of the project involves dealing with a large, inactive, water line that crosses the Quinnipiac River just upstream of Carpenters dam. An engineered design is in progress and following a meeting with regulators in January, STS is currently applying for state, federal, and local permits. The project is expected to go to construction in summer 2018.

Noroton River Culvert Renovation

Construction of the Noroton River Culvert Improvement project is underway! This project will restore 4.9 miles to fish passage on the Noroton River by modifying three side-by-side perched culverts, which have blocked fish migration since the construction of I-95 in the 1950s. Our contractor has been working on the construction of the fishway through the western culvert. This includes installing 20 sets of baffles, which create a ladder-like structure to help the fish move through the culvert and up to the Darien Land Trust Olson Woods property where the fish lay their eggs. Our contractor has also been moving rocks along the base of the culvert to create a ramp. This rock ramp helps to direct flows to attract fish and reduces the



height gap at the base of the culvert, which previously created a barrier to fish migrating upstream. We are looking forward to celebrating the fish run this spring for the first time in 50 years!

Pond Lily Dam Removal

The Pond Lily dam on the West River in New Haven was removed in February, 2016. Removal of the dam reconnected 2.6 miles of migratory fish habitat, restored the riverine habitat, and removed a public safety hazard.

This past fall, STS employed two dam removal monitoring seasonals through a grant in partnership with USFWS and CT DEEP. STS observed a high density and diversity of native plants across the site as well as migratory fish runs above the former dam. Over the course of the summer, STS held four volunteer stewardship workdays on site to manage invasive species, clean up trash, and improve the trails across the nature preserve. STS will be looking for two seasonal employees to assist with dam removal monitoring for the 2018 season this spring.

Hyde Pond Dam Removal

Hyde Pond dam in Mystic was removed in November of 2015. Removal of the dam improved migratory fish passage and riverine habitat by 4.1 miles of stream along Whitford Brook and removed a public safety hazard.

Hyde Pond has monitoring requirements for the next five years to meet permit obligations. STS received a second year of funding from the Community Foundation of Eastern Connecticut to increase outreach efforts in the Mystic River Watershed in addition to funding year two of monitoring. As a result, 700 native perennials were installed along the banks of Whitford Brook at the former Hyde Pond Dam restoration site this summer. These native plants were grown from seed by students at Grasso Tech High School in Ledyard. Two clean-ups were held in the watershed, which removed over 700 pounds of debris. STS, Save the Bay, and Clean Up Sound and Harbors (CUSH) carried out a stream walk in the Mystic River Watershed to identify areas of bacteria impairment. One location of high bacteria levels was identified through the stream walk and a water quality sample was tested and analyzed for e.coli and fecal coliforms. Over 130 youth and community members participated in hands-on environmental engagement activities in the watershed through planting, clean-up, and stream walk events. STS will be looking for two seasonal employees to assist with dam removal monitoring for the 2018 season this spring.

Mill River Watershed-Based Plan

STS kicked off the Mill River Watershed planning process on March 1 with a turnout of over 35 stakeholders representing more than 25 groups in the watershed. STS recently received DEEP 319 funding to develop an Environmental Protection Agency (EPA) nine-element watershed-based plan for the Mill River Watershed. The Mill River Watershed drains over 24,000 acres of land from its headwaters in Cheshire to New Haven Harbor and is impaired for recreation and aquatic life due to bacteria from stormwater runoff and other non-point source pollutants. Of the three rivers that drain into New Haven Harbor—the Mill River, Quinnipiac River, and West River—the Mill River is the only one that lacks a comprehensive watershed-based plan. A watershed based plan unlocks projects to improve access to community greenspaces as well as funding mechanisms to support project implementation. The watershed planning process will increase environmental awareness as we work with community partners throughout the Mill River Watershed to share relevant research, and aid in outreach and educational activities to engage the larger community in strategies to reduce stormwater pollution permanently and create lasting change.

Phillips Millpond Dam Fish Passage

STS also recently was awarded \$99,000 from the NFWF LISFF for fish passage design at Phillips Millpond Dam on the Nissequogue River in Long Island. The design funding is matched with \$110,000 from NYSDEC. Phillips Millpond Dam is the first barrier on the Nissequogue, the largest tidal river on Long Island's North Shore. The dam is in poor condition and poses a significant hazard. There is video documentation of alewives at the base of the dam and restoring fish passage will allow native diadromous



fish to migrate freely between the coastal river and Long Island Sound to spawn for the first time in 300 years. Fish passage at Phillips Mill Dam has strong support from the dam owner (New York State Office of Parks Recreation, and Historic Preservation), NYSDEC, and community organizations. STS is working with NY Parks to solicit a scope of work with an engineering contractor for design.

Communications Update

HIGHLIGHTS

If you're in a hurry, look for the underlined bits—those are the updates I'm most excited about!

In the news:

- The March issue of Connecticut Magazine has TWO in-depth stories featuring CFE/Save the Sound: one on Plum Island, and one on the Sound's emerging kelp farming industry. In addition, the Weather Channel featured our Plum Island work on their websites, reaching a new national audience!
- The western Sound team's watchdogging of a long-term sewage discharge in Rye has generated buzz on social and multiple TV news stories that helped spur the local government to action.
- And as spring approaches, the Green Projects team is in the field and in the news—the Sunken Meadow project has gotten coverage in Newsday and on WNPR, and a radio profile on the Noroton Fishway is coming soon.

On the web:

- Citizens around the region have responded in droves to our action alerts on offshore drilling, Connecticut energy legislation, and a proposal to sell off Seaside State Park. That last—with a clever “Don't Pawn Our Park” framing by Melissa—is one of our best-performing action alerts ever: it drove activists to submit 268 pieces of testimony opposing a sale, and garnered 132 new contacts for the organization.
- All pages in the new website are set up and we're finalizing photos and links. The Communications Subcommittee and Tenet are planning a virtual tour to introduce you to the new site!

In the field:

- Spring event season is definitely upon us. The second annual Plum Plunge for Plovers is slated for March 17, and we're starting to promote World Fish Migration Day (April 21) and Earth Day (April 22) events all over the region.
- We recently partnered with Connecticut Working Families on a new type of event for us: a joint testimony-writing workshop. We're exploring options to fund a series of workshops to build grassroots advocacy power and skills.

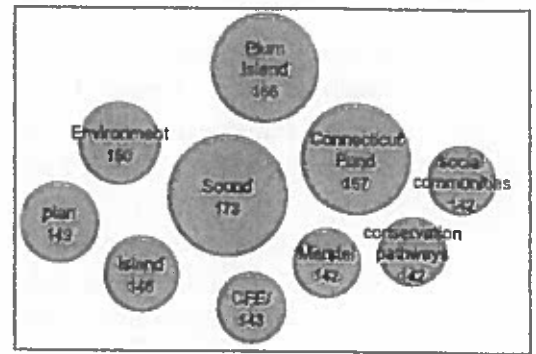
PRESS STATS: Building our reputation as an authority & reaching new audiences

Print & Online Hits: 248 stories including reprints
TV & Radio Hits: 74 TV and radio airings (mostly Plum visioning award)



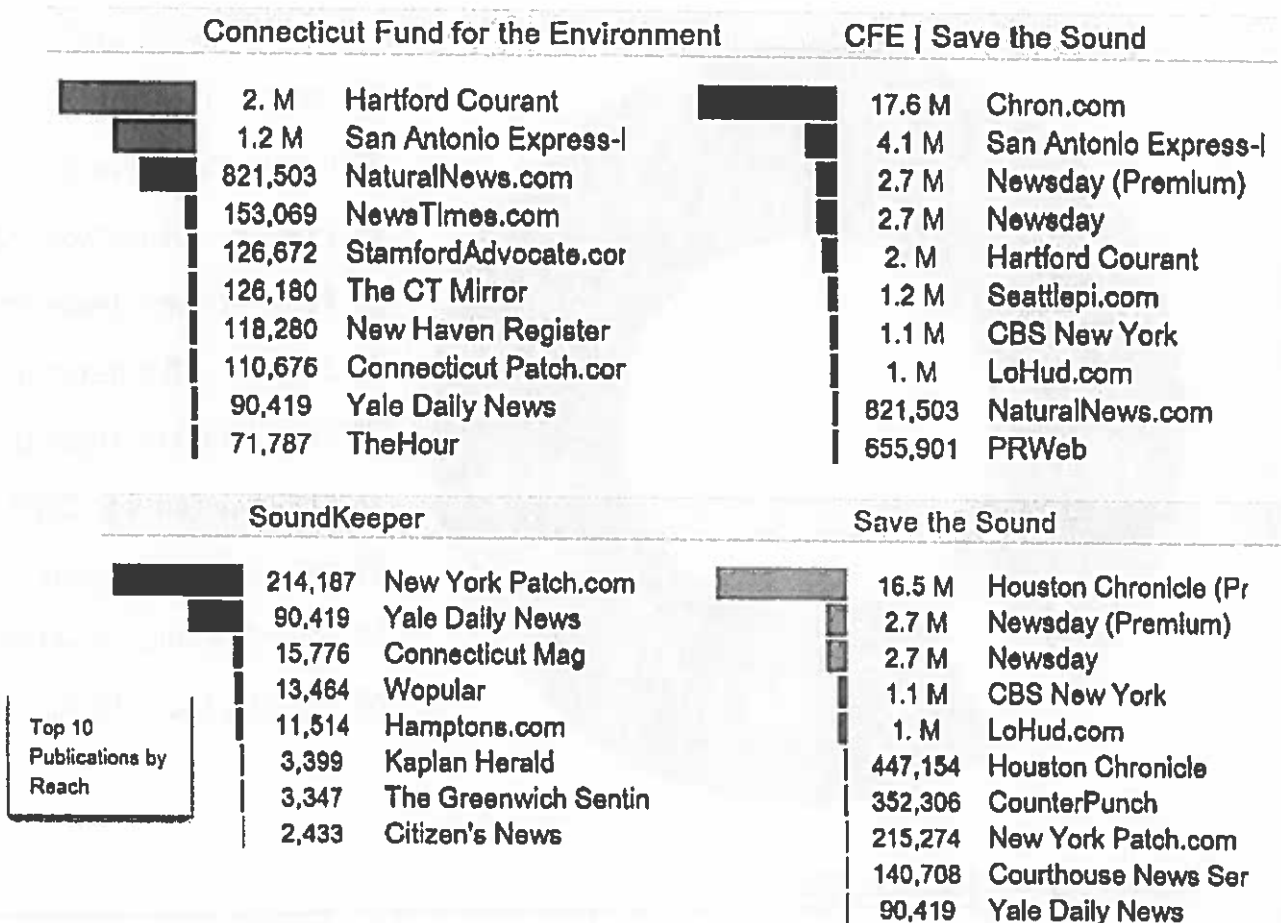
Hot topics:

- Plum Island visioning project wins award – 140 (including reprints)
- Plum Island lawsuit moves forward –25 (reprints across the country)
- Opposing Trump administration’s offshore drilling plan and other federal rollbacks – 12
- Norwalk River bridge – 9



Top outlets:

- San Antonio Express News – 6 (represents Hearst coverage that reached national audience)
- Stamford Advocate – 5
- The Hour (Norwalk) – 5
- Harford Courant, Greenwich Time, NewsTimes – 3 each



Graph: news outlets by reach

Advertising Value Equivalent:

Meltwater uses a standard industry equation to determine the value of the readers/viewers who have seen news stories about us over the last two months, as compared to the cost of paid advertising to reach the same number of people.

AVE for total CFE/Save the Sound press coverage: \$408,318



EVERYACTION: Keeping in touch with our constituents & driving grassroots action

EveryAction contacts: approx. 15,400

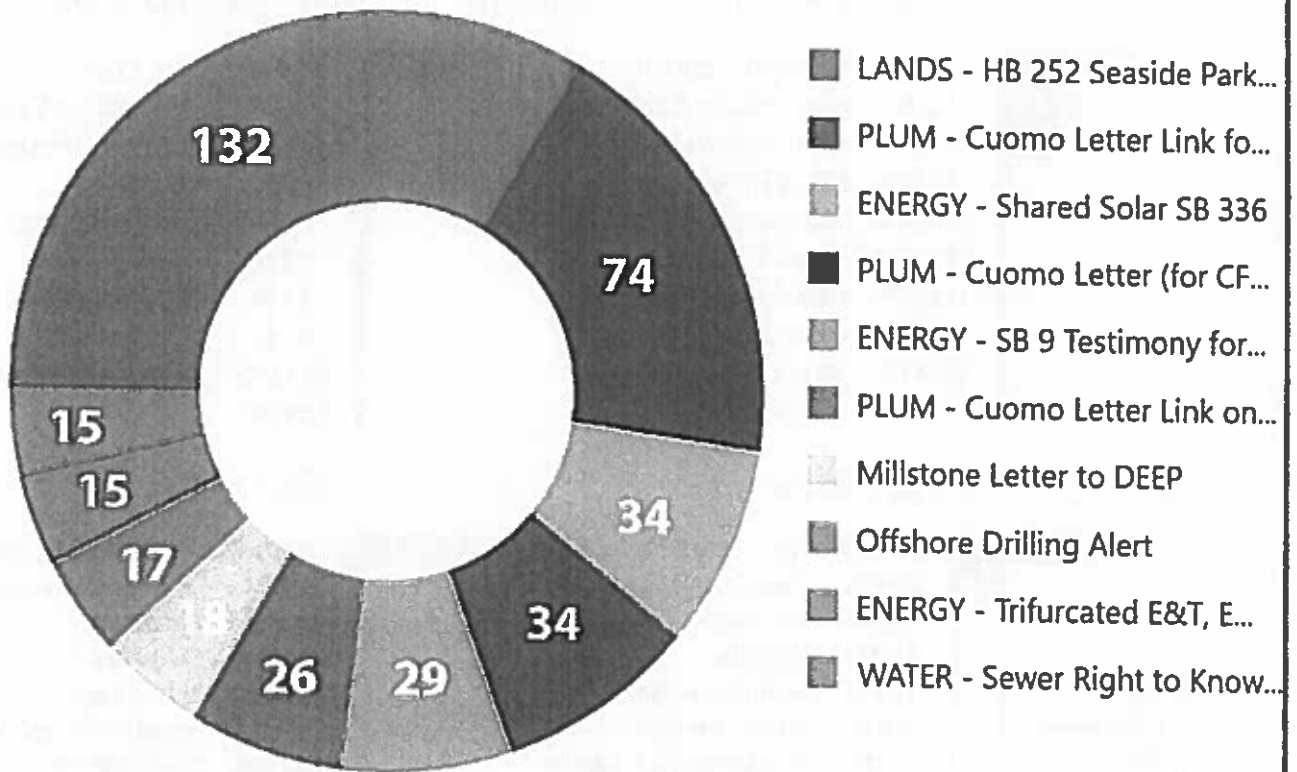
54 emails sent since January 11

- Most popular emails have included Plum Island funnels, job openings, offshore drilling, climate, and testimony for Seaside State Park, with open rates between 13 and 47%.

10 online advocacy and giving forms created since January 11

- Most compelling forms
 - 268 testimony submissions to the Government Administration and Elections Committee to protect Seaside State Park (out of 749 views = a 39% conversion rate). This form garnered 132 NEW activists
 - 147 people sent messages to the Energy and Technology Committee in support of Shared Solar (out of 275 views = a 59% conversion rate) .This form garnered an additional 34 NEW activists.

Top 10 Forms for New Contacts



Total New Contacts: 394

SOCIAL MEDIA FOLLOWER GROWTH: Engaging directly with supporters

Facebook:

1827 fans of CFE (Increase of 36.)

5,332 fans of STS (increase of 56)

The Plum Island social media advocacy form garnered 74 NEW activists!

Twitter:

1,120 followers of CFE (increase of 28)

3,909 followers of STS (increase of 38)



NEW: 305 followers of Preserve Plum Island

Instagram:

669 followers (increase of 46)

Membership Team

Joseph DiMaggio, Michelle LeMere, Ariel Shearer

UPCOMING MEMBERSHIP PROGRAMMING

Online Engagement:

- After our year-end fundraising push, we shifted our attention to member stewardship to help ensure our new and long-time donors (and everyone in between) are regularly thanked and informed about the work their dollars make possible. Since mid-January, we've sent six of these stewardship emails, each reaching hundreds and sometimes thousands of individuals, thanking our members and sharing good news about the impact of their membership. One surprise finding: half of these emails even yielded donations, despite the fact we weren't even asking for money!
- All of the direct mail pieces below have companion pieces sent via email and our social media.

Direct Mail:

- Stewardship (Current Members) – The winter newsletter was just mailed late last month, and a follow-up with soft ask has been completed through our online engagement mediums. Ariel has already begun work on the Spring Newsletter, which will include a new “Letter from the President” section, as well as be heavily focused on interviews and conversations with our members, ensuring their voices are present.
- Conversion (New Members) – Two of three total campaigns aimed at procuring new members has been mailed. Writing and design was done in house, and results from the first mailing (still returning sign-ups) has already resulted in 154 brand new members.
- Renewal (Current and Lapsed Members) – Our renewal campaign also is just under way, having mailed on March 12. This campaign focuses on ensuring members keep coming back. New this year: all members above the average gift rate received handwritten notes thanking them for being members to encourage their return.
- Appeal (Current and Lapsed Members) – Our Spring appeal is written and at the printers while they finalize design work. This appeal is a specialized campaign, focused around “Sustaining Giving” or members who give monthly rather than once or twice per year. Statistics show these members are less likely to drop off and feel stronger connection to the organization than once-yearly givers.

Events:

See Events hand out



MEMBERSHIP REVENUE (\$999 AND BELOW)

MEMBER CONTACT TYPE	REVENUE AS OF 1/11/18	NUMBER OF GIFTS	AVERAGE GIFT
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OTHER MEMBER CONTACT

WEBSITE / PLUM ISLAND / GENERAL GIFTS	\$ 11,150.55	259	\$ 43.05
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EVENTS

WHISKEY TASTING	\$ 1,548.97	45	\$ 34.42
SAVE OUR BOATYARD	\$ 440.00	11	\$ 40.00
ANNUAL MEETING (RECEIVED IN FY18)	\$ 100.00	N/A	
SINGLES UNDER SAIL	\$ 65.00	6	\$ 10.83
PATAGONIA TABLING EVENT	\$ 1,735.00	N/A	
T-SHIRT MEMBERSHIP INCENTIVE	\$ 400.00	10	\$ 40.00
ALEXANDER REGATTA	\$ 285.00	3	\$ 95.00
YOGA ON THE SOUND (RECEIVED IN FY18)	\$ 427.00	N/A	
BLUE STATE TURNS GREEN TABLING	\$ 30.00	N/A	
STEVE LOEB FUNDRAISER - SOUNDKEEPER RESTRICTED (RECEIVED IN FY18)	\$ 46,500.00	N/A	
TOTAL:	\$ 51,530.97	75	\$ 687.08

DIRECT MAIL

YEAR END APPEAL LETTER - STS	\$ 21,009.47	258	\$ 81.43
YEAR END APPEAL LETTER - CFE	\$ 33,314.00	373	\$ 89.31
PREVIOUS APPEALS (RECEIVED IN FY18)	\$ 8,208.80	68	\$ 120.72
YEAR END APPEAL LETTER - SOUNDKEEPER RESTRICTED	\$ 5,987.00	79	\$ 75.78
NEW MEMBER ACQUISITION - STS*	\$ 1,575.00	51	\$ 30.88
NEW MEMBER ACQUISITION - CFE*	\$ 2,150.05	67	\$ 32.09
MEMBER RENEWAL - STS	\$ 6,555.00	68	\$ 96.40
MEMBER RENEWAL - CFE	\$ 8,883.00	119	\$ 74.65
TOTAL:	\$ 81,695.32	1,083	\$ 75.43

*Revenue in these categories is still coming in.



ONLINE ENGAGEMENT

GIVING TUESDAY	\$ 10,222.00	108	\$ 94.65
YEAR END - GEN WEB DONATE UNDER \$999 (12/4-12/31)	\$ 25,782.00	273	\$ 94.44
YEAR END APPEAL LETTER - CFE - WEB	\$ 325.00	5	\$ 65.00
YEAR END APPEAL LETTER - STS - WEB	\$ 690.00	9	\$ 76.67
YEAR END WEB - SOUNDKEEPER RESTRICTED	\$ 115.00	5	\$ 23.00
NEW MEMBER ACQUISITION - STS*	\$ 130.00	5	\$ 26.00
NEW MEMBER ACQUISITION - CFE*	\$ 300.00	3	\$ 100.00
TOTAL:	\$ 37,449.00	403	\$ 92.93

*Revenue in these categories is still coming in.

TOTAL MEMBERSHIP REVENUE:	\$181,825.84	1,320	\$ 99.90
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NEW & RENEWED MEMBERSHIP COUNTS (\$999 AND BELOW)

RENEWED MEMBERS SINCE 10/1	740
BRAND NEW MEMBERS SINCE 10/1	753
REACTIVATED LAPSED MEMBERS SINCE 10/1 (18 Months)	221
TOTAL NEW MEMBERS SINCE OCTOBER 1	974

NEW & RENEWED MEMBERSHIP COUNTS (\$1,000 AND ABOVE)

RENEWED MAJOR DONOR MEMBERS SINCE 10/1	77
BRAND NEW ADVOCATES SINCE 10/1	34
BRAND NEW CHAMPIONS SINCE 10/1	5
REACTIVATED LAPSED MD MEMBERS SINCE 10/1 (18 Months)	5
TOTAL NEW MAJOR DONOR MEMBERS SINCE OCTOBER 1	44

CURRENT ACTIVE MEMBERSHIP COUNTS (Active within last 18 months)

TOTAL INTRODUCTORY MEMBERS	7
BASIC MEMBERS	3,279
MAJOR DONORS	232
TOTAL ACTIVE MEMBERS	3,518

Figures for these counts represent total records present. This does not allot for spousal records, or duplicate records.





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Legal Updates

March 20, 2018

Highlights - At a Glance

POTENTIAL ENERGY EFFICIENCY RAID CLAIM - At last month's board meeting we discussed the potential of being lead plaintiffs in an action challenging the legislature's transfer of \$155 million from ratepayer funded energy efficiency and green energy funds to the general fund. Because we did not have a recommendation at that point, and because we knew we had to make a decision before this board meeting, the Board Authorized the Legal Committee to make a recommendation and the Executive Committee to make a decision. The Executive Committee authorized CFE to be the lead plaintiff provided that \$220,000 could be raised to support outside counsel and a communications program. It is solar and energy efficiency advocates who are attempting to raise the \$220,000. We do not yet know if they are going to hit the target, but should get a better indication by Mar 21.

PROGRESS ON NEW YORK CITY BACTERIA - In *Save the Sound et.al. v Pruitt*, our federal lawsuit against EPA for failing to require strong protections for New York City waters, the judge denied EPA's move for a stay. On March 9, EPA filed a letter formally rejecting the old Water Quality Standards for New York City waters. This was part of the relief we were seeking. While New York has said they plan to start a public process to implement new standards, we do not know what those standards are. Thus, we want the court to retain jurisdiction to ensure that new appropriate Water Quality Standards are actually implemented. We are negotiating a 90 day stay with EPA and New York to see whether New York implements appropriate standards within this time frame. Briefing, however, would continue.

PROGRESS ON PENNSYLVANIA COAL - In *CT v Pruitt*, our case against the EPA for failing to require a Pennsylvania coal plant to control its emissions despite the fact it is polluting Connecticut and New York, the judge ruled in our favor and ordered EPA to have a hearing on the matter. Shortly after that, the coal plant settled with Sierra Club and agreed to burn natural gas in the ozone season starting in 2028. We did not agree to that settlement and participated in the court ordered hearing by supporting DEEP air bureau testimony. We are awaiting a decision.

A. Protecting Long Island Sound and the Watershed

CFE/Save the Sound v Westchester County (SDNY, Seibel, J.) (Reynolds)

New Developments - CFE's in-house legal staff have now taken the lead in this ongoing litigation. The Superlaw Group will assist as litigation counsel should the Stipulated Orders entered in the action fail to produce as complete and satisfactory resolution of the litigation. Throughout January and February, 2018, we conferred with defendants concerning the completeness of their SSES's and compliance with the

16

32

Stipulated Orders. These conferences culminated with a meeting with all municipal defendants and Westchester County on March 2, 2018 in White Plains, NY. Although there is disagreement on compliance with the Stipulated Orders, the parties have agreed to a schedule whereby defendants will respond to our written comments on the deficiencies in their respective SSES's and plaintiffs will reply with a goal of reducing issues and moving toward resolution. Should this additional effort fail we will likely be seeking contempt of court to enforce the orders with these towns and might re-start litigation. We also met with municipalities in the New Rochelle sewer district. We were more satisfied with their study, but still felt it wasn't complete. We are reviewing their workplan and will confer with our engineer on next steps.

Settlement of 2 cases - With respect to two of the defendants, the Villages of Mamaroneck and Portchester, we have entered into final settlements on the merits. The settling towns have agreed to a consent decree ordering them to meet the flow requirements of the County Sewer Act on or before December 31, 2019. How the towns meet that standard (whether through dealing with private laterals or repairing their main lines) is up to them so long as the County certifies they have met the standard either through actual flow metering or through reliable engineering studies.

Timing orders in 9 cases - With respect to the remaining 9 municipal defendants we have entered into enforceable court orders that them to complete studies of their sewage systems and how to repair them by the end of 2017. After that, they will share the results with us and suggest repairs. We will negotiate at that point and if we can reach agreement we will continue collaboratively. If we fail to agree, we can re-start the litigation to solve the remaining issues.

We have told the remaining municipalities that if we proceed with the litigation, we will also be seeking a penalty or a Supplemental Environmental Project payment. If they are willing to settle the matter at this point, however, we believe it is appropriate to waive the penalty with respect to them.

Background: For decades the sewer lines that run under our streets and lawns have been leaking raw sewage into our waterways, causing low oxygen, high bacteria levels, and long-term harm to the Sound. Many residents of Westchester County don't realize that poorly maintained sewer pipes are the main reason that beaches are closed after rain, and why harvesting clams or oysters in local bays and harbors is prohibited. However, the County and municipalities are aware of this ongoing pollution and have known since at least 2003 that actions taken to date have been woefully inadequate to solve the problem.

Soundkeeper and Atlantic Clam Farms of CT are co-plaintiffs. A copy of the complaint can be found at: <https://greencitiesbluewater.files.wordpress.com/2015/11/amendedcomplaint.pdf>

The complaint alleges:

1. The County and the 11 municipalities illegally discharged raw sewage into rivers and Long Island Sound through Sanitary Sewer Overflows, and created a public nuisance by discharging raw and partially treated sewage that resulted in beach and shellfish bed closings and other harms.
2. The County failed to enforce the Westchester County Sewer Act against all the municipalities as required by its Clean Water Act permits, and failed to require municipalities to reduce their flow as required by a 2008 Consent Order with the State. A recent study shows that all municipalities are violating the Sewer Act which sets a limit on flow designed to prevent the kind of sewage overflows that plague the region.
3. The County and the municipalities of New Rochelle, Town of Mamaroneck, Village of Larchmont, and Village of Pelham Manor have illegally discharged partially treated sewage from large underground sewage tanks, known as Overflow Retention Facilities.



4. The Town/Village of Harrison, the Town of Mamaroneck, the Village of Mamaroneck, the City of Rye, the Village of Scarsdale, and the City of White Plains violated their stormwater discharge permits by discharging raw and inadequately treated sewage from their stormwater systems.
5. Westchester County, the Village of Mamaroneck, the Village of Port Chester, the City of Rye, and the Village of Rye Brook discharged pollutants in violation of the permit limits at the Blind Brook and Port Chester Sewage Treatment Plants.

We are seeking a comprehensive long-term fix that will:

1. Fix leaking town and county pipes;
2. Fix leaking pipes that run from private homes and businesses into the public sewer system;
3. Establish enforceable timelines for repairs;
4. Create a plan for the long term maintenance and operation of the sewage collection system that will allow us to avoid future pollution and costly repairs; and
5. Establish a sufficient funding source to complete the necessary work to eliminate overflows and to pay for the future ongoing maintenance of the pipes.

Riverkeeper, Save the Sound and NRDC v Pruitt (Reynolds)

Update: The judge denied EPA's move for a stay. On March 9, EPA filed a letter formally rejecting the Water Quality Standards for New York City waters. While New York has said they plan to start a public process to implement new standards, we do not know what those standards are. While this is part of the relief we wanted, we want the court to retain jurisdiction to ensure that new appropriate Water Quality Standards are actually implemented. We are negotiating a 90 day stay with EPA and New York to see whether New York implements appropriate standards within this time frame. Briefing, however, would continue.

Background: With our allies Riverkeeper, NRDC, Waterkeeper Alliance and others, we filed a federal lawsuit in the Southern District of New York against the Environmental Protection Agency (EPA) for failure to require New York City waters to meet public health standards. Pace Law Clinic is the lead litigator. EPA has a deadline of Nov 14, 2017 to respond to the complaint.

EPA and New York State are responsible for ensuring that New York City cleans up this pollution to protect public health. But the State relies on dangerously outdated water quality standards that do not protect swimmers, kayakers, educators and students, recreational fisherman, and others who come into contact with the water. Bacterial pollution from untreated sewage can lead to intestinal illnesses, rashes, and infections, and excess nitrogen fuels algae blooms and low-oxygen dead zones in Long Island Sound.

Since 1986, EPA has known – and has informed New York State – that the state's standards must be updated to match federal health standards. EPA specifically told New York that it “expect[s]” the State “to adopt [the federal standards]...to be both scientifically defensible and fully protective of...recreation[all] use.”

But the State has not updated its standards. And EPA has not stepped in to protect the public, as the Clean Water Act requires. As a result, New York City has proposed allowing combined sewer overflows to continue indefinitely into the future without regard to the true public health threat they pose.

The groups will ask a federal court to order EPA to adopt modern standards that protect New Yorkers' health, unless the state promptly does so on its own. The legal filing [can be found here](#).

We are also developing a somewhat related lawsuit to challenge the continued dumping of raw sewage into these waterways by New York City. More to come on that later.

Inwood Materials Stormwater Case (Reynolds, Super Law Group) –

We are represented by Super Law Group in an action against Inwood Materials Terminal site in Glen Cove New York. This is similar to stormwater cases we have done in the past where there is a business



that is discharging stormwater into Long Island Sound (in this case Glen Cove in Long Island) but has not been authorized by a permit to do so. Super Law Group, who we have worked with before, would be the lead attorneys in this matter.

CFE/Save the Sound v Danbury (D.CT, Shea J.) (Looney, Reynolds)

Update: On January 12, 2018 the United States Department of Justice notified the United States District Court that it approved the proposed Consent Decree that we had lodged with the Court on November 21, 2017. On January 23, 2017, the Court (Shea, J.) entered the Consent Decree as an order of the Court. To date, Danbury has complied with the first deadline in the Consent Decree and, in fact, is ahead of schedule in performing the requirements of the Consent Decree. Danbury submitted to EPA for EPA's review and approval (with a copy to CFE) a Sanitary Wastewater Collection System (SWCS) Routine and Preventative Maintenance Plan (with Standard Operating Procedures). Danbury also submitted a CMOM Program Implementation Report. Danbury also provided CFE with a draft of its proposed FOG ordinance. The draft FOG ordinance complies with the DEEP model ordinance and has a graduated monetary penalty provision. Finally, on February 23, 2018 Danbury paid CFE \$21,291.50 for plaintiffs' attorney's fees and costs. CFE's in-house legal staff will continue to monitor Danbury's compliance with the terms of the Consent Order.

Background: Since neither the U.S. EPA nor CT DEEP took enforcement action against Danbury within the 60 day period from the issuance of our 60 Day Notice Letters, we filed suit against Danbury in the United States District Court for the District of Connecticut on December 14, 2016. The case has been assigned to District Court Judge Michael Shay in the Hartford federal court house. Additionally, on December 13, 2016, we issued two additional 60 Day Notice Letters. One notice letter contained information concerning additional violations that were discovered after we issued our first notice letter in September. The second 60 Day Notice Letter was issued on behalf of Rivers Alliance of CT, Friends of the Lake (Lillinonah) and CT Coalition for Environmental Justice. When the 60 day notice period expires on February 13, 2017, we plan to amend our complaint to include allegations of the new violations and file suit on behalf of the other three environmental organizations. After service of the environmental organizations' suit, we will seek to have both actions consolidated before Judge Shea.

On May 23, 2017 court supervised mediation was conducted by Magistrate Judge Martinez in U.S. District Court in Hartford. As a result of the mediation, we reached a settlement in principal with Danbury. The settlement would require Danbury to enter into an enforceable consent decree which would include injunctive relief to require Danbury to take certain actions to abate and to prevent future bypasses of its wastewater collection system. The injunctive relief would have enforceable deadlines for the completion of actions that must be taken by the Danbury to come into compliance with the Clean Water Act. Additionally, Danbury would pay a civil penalty of \$100,000 and pay CFE for its costs and attorney's fees which are proximately \$22,000. Danbury has flatly refused to apply any portion of the civil penalty towards a supplemental environmental project to enhance the resources damaged by its violations but, rather, pay it all into the United States Treasury.

Fairfield Dept. of Public Works Aggregate Pile (Looney)

The town's removal of PCB contaminated soil and material illegally disposed of at the DPW's aggregate pile is completed and the town's LEP has verified that the remediation complies with the state's Remediation Standard Regulations. More than 2,000 tons of PCB contaminated soil and material has been removed from the aggregate pile and disposed of at a licensed facility. On December 18, 2017, the town filed a revised Coastal Area Management Plan with the towns Plan and Zoning Commission. The revised CAM Report contains all of the engineering changes to the design and construction of the vegetative berm suggested by CFE's Green Projects' staff that will lessen potential environmental impacts during and after the construction of the vegetative berm.



Background: CFE's Legal, Green Projects, Communications, and Development staffs have joined in the effort to ensure that the Fairfield DPW's aggregate pile which was polluted with PCBs disposed of illegally by a contractor working for the town is properly remediated and that future operations at the pile are conducted in a manner protective of the environment in a unique and environmentally sensitive area. The aggregate pile, which was placed over the town's former landfill, is adjacent to wetlands, Pine Creek, and Long Island Sound in the area of Fairfield Beach. Legal has been active in overseeing and watchdogging Fairfield's remediation of the PCBs and reduction of the stockpiled materials at its landfill. Communications has kept Fairfield citizens and CFE members informed of the progress of the remediation with press advisories, blogs, and social media ads and posts about the town's and its contractors' actions, inactions, progress and missteps. Finally, the Green Projects team of environmental engineers is working to ensure the town employs the highest standard in sediment and erosion control and containment of storm water runoff. Green Projects engineers are also ensuring that the proposed vegetative berm which will serve as a buffer between the Public Works Yard and the estuary will be properly engineered to accomplish these purposes and enhance the environment in this area.

We have been successful in having the town withdraw its inadequate Coastal Area Management Plan Application for the capping of the former landfill and the construction of the berm from the Fairfield Town Planning and Zoning Commission. We are continuing our efforts by meeting with town officials and members of Fairfield Beach Peninsula Association to ensure the remediation of the area and the future protection of the valuable natural resources in this area of Long Island Sound.

B. Protecting Land and Drinking Water

Oswegatchie Hills (Minikowski; Reynolds)

Landmark Development Grp. v. Zoning Comm'n ("Zoning Appeal")

Update: After over a year of inactivity on this case, the Court held a status conference on November 27, 2017, in which the Court addressed Landmark's anticipated response to CFE's motion to dismiss the appeal. Landmark filed an objection to the Intervenor's participation on January 5, 2018.

Background: In May 2015, CFE formally intervened under the Connecticut Environmental Policy Act, Conn. Gen. Statutes § 22a-19, in East Lyme Zoning Commission proceedings to prevent a high density housing development proposed by Landmark Development Group on the last mile of the Oswegatchie Hills, an important stretch of forested land adjacent to the Niantic River. Our goal is to achieve a conservation purchase to permanently preserve the property as an extension to the Oswegatchie Hills Nature Preserve. CFE alleged that approval of the development would destroy important open space, pollute wetlands and the Niantic River, and violate state law, local regulations, and judicial orders. The latest appeal of the Zoning Commission's actions is currently before Judge Berger in the Land Use Docket in the Judicial District of Hartford.

Landmark Development Grp. v. Water and Sewer Comm'n ("Sewer Appeal")

Update: The case is on the Sixth Term of the Appellate Court which means it might be argued in April. We will keep you informed.

Background: Independent of CFE, coalition members Friends of the Oswegatchie Hills Nature Preserve and Save the River-Save the Hills ("intervenor") had intervened in Landmark's appeal of a sewer capacity reservation made by the East Lyme Water and Sewer Commission in March of 2015. Given the narrow environmental issues at stake in that appeal, CFE declined to intervene itself. Following an unfavorable decision by the Superior Court on July 6, 2016, both the East Lyme Commission and the Intervenor commenced separate appeals to the Connecticut Appellate Court, which agreed to hear both appeals (AC 39804 and AC 39806, respectively). The Intervenor retained private counsel and CFE anticipated filing a brief as *amicus curiae* in support of the Intervenor's position.



Intervenors' private counsel ultimately missed numerous filing deadlines which resulted in the Appellate Court dismissing the Intervenors' appeal on September 12, 2017. At this point, the Intervenors dismissed their counsel and sought CFE's representation. On September 15, 2017, CFE filed a joint motion to reopen and extend the dismissed appeal. The Court granted CFE's motion in full on September 20, 2017 and established a new briefing schedule. CFE filed a brief and appendices on behalf of the Intervenors on November 3, 2017. In the brief, the Intervenors argue that the Trial Court erred by disregarding its own prior remand order to the Commission and allowing irrelevant evidence proffered by Landmark to the administrative record. The Intervenors also raise environmental issues related to the lack of sewer access and infrastructure in the Oswegatchie Hills. The brief also addresses a procedural issue concerning subject matter jurisdiction that the Appellate Court raised *sua sponte*.

Plum Island Law Suit (Reynolds, Morrison Foerster)

Update: The Federal Government has filed its answer to our complaint and a scheduling conference is set with the Magistrate Judge for late March. We believe discovery will take several months and the case will likely be briefed in Dec 2018 or later.

Background: On Thursday, July 8 we filed suit against the U.S. Department of Homeland Security (DHS) and the General Services Administration (GSA) in Federal District Court for the Eastern District of New York. Our claim is that Homeland Security and GSA's plan to auction Plum Island to the highest bidder without regard to conservation and the remarkable array of wildlife on the island violates the letter and spirit of multiple federal laws—including the National Environmental Protection Act and the Endangered Species Act. We are asking the court to halt any sale of Plum Island and to order the agencies to fully consider conserving the resources on the undeveloped portion of the island that does not support the research facility operations—whether through a conservation sale or outright protection. We had two press events (in Old Saybrook, CT and Orient Point, NY) which were both very successful. We received extensive TV, Radio and Newspaper coverage.

Save the Sound, a bi-state program of Connecticut Fund for the Environment, and Soundkeeper have issued a 60-day Notice of Intent to Sue to the Department of Homeland Security (DHS) and the General Services Administration (GSA) under the Endangered Species Act. We allege that the agencies have failed to protect endangered and threatened species while pursuing a public sale of the federally-owned island.

Plum Island, an 840-acre island located at the eastern end of Long Island Sound, has long been home to a federal animal disease research facility that restricts human presence. As a result, the island's diverse array of habitats has become a de facto wildlife refuge. Shore-nesting birds like the federally endangered Roseate Tern and the federally threatened Piping Plover use its shores, as do 57 bird species listed as of "Greatest Conservation Need" in New York, such as the Osprey and Common Eider. The waters around the island are probable habitat for five species of sea turtle that are listed as threatened and endangered. Threatened plants and insects also populate the island, and its rocks are one of the most important seal haul-out areas in southern New England. Visit the Preserve Plum Island Coalition's website for more information about the threatened flora and fauna of Plum Island.

In August 2013, DHS and GSA issued a decision proposing sale of the island without any restrictions to prevent development that could adversely affect listed species. Our notice letter describes how the agencies violated the Endangered Species Act by issuing their Final Environmental Impact Statement and Record of Decision without sufficiently consulting with U.S. Fish and Wildlife Service and the National Marine Fisheries Service about alternatives that could protect endangered species, as required by law. These missteps have resulted in a plan that fails to ensure that endangered or threatened species will not be jeopardized or that critical habitat will not be destroyed.

The Government filed its motion to dismiss on February 2 arguing that the claim was unripe because they intended to do further studies. We will file a response, arguing that if the "Final Decision" is not in fact



final, as they claim, it should be vacated and marketing should be halted unless and until there is a truly final decision.

C: Stopping Climate Change and Cleaning the Air

Potential Energy Fund Raid Litigation (Reynolds)

At last month's board meeting we discussed the potential of being lead plaintiffs in an action challenging the legislature's transfer of \$155 million from ratepayer funded energy efficiency and green energy funds to the general fund. Because we did not have a recommendation at that point, and because we knew we had to make a decision before this board meeting, the Board Authorized the Legal Committee to make a recommendation and the Executive Committee to make a decision. The Executive Committee authorized CFE to be the lead plaintiff provided that \$220,000 could be raised to support outside counsel and a communications program. It is solar and energy efficiency advocates who are attempting to raise the \$220,000. We do not yet know if they are going to hit the target, but should get a better indication by Mar 21.

We believe that the transfer violates the contracts clause of the United States Constitution in that the rates are paid specifically by ratepayers to the utility companies for energy efficiency and clean energy services that will ultimately benefit ratepayers. There is substantial law saying that approved utility rates are at least as binding as contracts.

I have attached a legal memo that was provided to the Executive Committee and which the Executive Committee of the Board approved.

Killingly Natural Gas Plant (Looney, Reynolds)

Current Developments: On January 19, 2018, NTE moved to reopen and modify the Siting Council's decision denying it a Certificate of Environmental Compatibility and Public Need on the grounds that it was approved to participate in the ISO/New England's February capacity auction. On January 21, 2018, CFE filed an objection to NTE's motion with the Siting Council. On February 3, 2018, NTE was not selected to receive a capacity obligation from ISO/New England because ISO/New England found that there was no need for additional generation capacity. In light of this, NTE withdrew its motion to reopen the Siting Council's decision and it also withdrew its Superior Court appeal of the Siting Council's decision. NTE's plans to build a second electric generation plant in Killingly are now at an end.

On June 29, 2017, NTE appealed the Siting Council's final decision to the Superior Court. CFE, Sierra Club, and the citizen group Not Another Power Plant (NAPP) have appeared as defendants. The Connecticut Attorney General's Office is leading the defense of the Siting Council's decision with our assistance in the preparation of the record and in drafting briefs in support of affirming the Siting Council's decision.

Background

CFE has become a party in the Siting Council's administrative proceeding on NTE Connecticut, LLC's Application for a Certificate of Environmental Compatibility and Public Need for the construction and maintenance of an electric generating facility in Killingly, CT to be known as the Killingly Electric Center. CFE sought party status pursuant to Conn. Gen. Stat. § 16-50n(a)(3), which grants statutory party status to any domestic or qualified nonprofit corporation or association formed in whole or part to promote conservation, natural beauty, to protect the environment, personal health or environmental values. CFE sought party status to oppose the application on the grounds that the application was incomplete and improperly segmented the project in order to lessen the adverse environmental impact of the complete project. Specifically, the application was limited to the construction of the electric generating facility and did not include the removal and installation of an existing 2.8 mile natural gas distribution pipeline with a new and larger pipeline to provide fuel to the proposed facility and the construction of a cooling water interconnection to provide 400,000 gallons of cooling water to the facility, both of which are necessary for the facility to operate.



On November 2, 2016, in anticipation of CFE's motion for party status being granted at the hearing scheduled for November 3, 2016, CFE filed a motion to dismiss the application on the grounds that it was incomplete and improperly segmented the component parts of the proposed project in order to minimize the potential impacts of the project. On November 3, 2016, the Siting Council granted CFE's request for party status but denied our motion to dismiss. Other parties opposing the application are Not Another Power Plant (NAAP), Sierra Club, and the Wyndham Land Trust.

Pennsylvania Coal Plant - CT v Pruitt (Dist. CT Eginton, J.) –

Update: On February 2, 2018, the United States District Court granted plaintiffs' motions for Summary Judgment and ordered U.S. EPA to hold a hearing on Connecticut's Clean Air Act (CAA) § 126(b) Petition within thirty (30) days of the Court's order and to render a final decision on the petition within sixty (60) days of the Court's order. On February 15, 2018, EPA issued a proposed decision denying Connecticut's CAA § 126(b) Petition and scheduled a public hearing at EPA Headquarters to take place on February 23, 2018. CFE has submitted comments opposing EPA's proposed decision. As a result of the litigation, however, the coal plant has agreed to reduce its reliance and coal and to burn natural gas in ozone season in the future..

On September 1, 2017, the federal district court (Eginton, J) granted CFE's and Sierra Club's motion to intervene in Connecticut's lawsuit asking EPA to regulate a PA coal plant impacting Connecticut and northeast air quality. The EPA has been order to respond to the intervenors' complaint by October 2, 2017. We were discouraged, but not surprised, that Pruitt and EPA are not moving to make a decision on the petition but sought, instead, to challenge the right of environmental organizations to participate in a decision impacting clean air and health in their region. In our federal district court case against Pruitt, EPA attorneys agreed to the entry of a Consent Decree which would require that EPA issue a proposed decision on Connecticut's Clean Air Act Section 126(b) Petition on or before May 15, 2018. DOJ, apparently due to a "no settle" or "sue and settle" directive by Pruitt, pulled out of this agreement. Thus, we are on track to litigate it and seek fees.



Outcomes and follow up from our 3/12 Finance Committee Meeting

Annual Review of CFE's Investment Accounts with Walden Wealth Management:

Stephen Amyouny from Walden reviewed key points in the re-attached investment report on short and long term management of our fossil free portfolio of accounts held at Walden, now totaling approximately \$4.9 million.

A Summary of CFE's investment accounts with Walden as of March 6, 2018 are as follows:

Account	Market Value	Equity Allocation
• Board Designated	\$733,797	60%
• CFE Endowment	\$1,585,620	73%
• Peter B. Cooper	\$1,555,581	73%
• Barbara Osborn David	\$252,836	58%
Total:	\$4,929,795	

Fees are charged at the following rates by Walden:

1% annually for our first \$2 million;

0.7% annually for assets above \$2 million NOTE that our portfolio includes small mutual fund holding that charge approximately 1.05% annual fee. Walden does not charge a fee on these mutual fund holdings, so there is no double charging.

Follow up: Staff will request a summary of fees and the assets on which the fees were charged for the end of FY 2017.

Decision: It is premature to revise the Investment Policy at this time, as staff is continuing to work on the specific agreements on managing a new endowment with the donor. Once these discussions and a letter agreement is reached, the investment policy will be amended. Tom provided many excellent clarifications for the next revision of the Investment Policy.

Discussion occurred on whether Walden's allocation of large cap equities was excessively high as it is on the very high end of the CFE investment policy range. Walden provide their rationale for this allocation. At this time, Walden will continue to manage the fund within the range of investment guidelines provided by our Investment Policy. Re-visiting whether the finance committee wishes to provide more active direct management that may be contrary to Walden's management recommendations is a question for Diane (Treasurer) and Todd (incoming Treasurer) for further review.

Generally the initial tone and comments from the committee seemed to indicate confidence that the funds are being well managed and the fees, as outlined above, seemed reasonable, subject to check.

CFE: Fees Charged in Fiscal Year Ending 9/30/17

	1-08000, Endowment Funds	1-08001, Board Designated	1-08002, Strike Force	Totals
4Q2016				
Total MV	\$1,936,395	\$894,848	\$730,701	\$3,561,944
MV of Prop Funds	\$116,049	\$632,743	\$519,386	\$1,268,179
MV exc. Prop Funds	\$1,820,346	\$262,105	\$211,315	\$2,293,765
Fee Charged to Account	\$4,338	\$545	\$410	\$5,293
				0.92%

	1-08000, Endowment Funds	1-08001, Board Designated	1-08002, Strike Force	Totals
1Q2017				
Total MV	\$1,989,730	\$918,487	\$756,419	\$3,664,636
MV of Prop Funds	\$118,123	\$662,176	\$543,686	\$1,323,985
MV exc. Prop Funds	\$1,871,607	\$256,311	\$212,734	\$2,340,652
Fee Charged to Account	\$4,436	\$527	\$410	\$5,373
				0.92%

	1-08000, Endowment Funds	1-08001, Board Designated	1-08002, Strike Force	Totals
2Q2017				
Total MV	\$2,032,091	\$941,434	\$776,435	\$3,749,960
MV of Prop Funds	\$119,821	\$49,889	\$36,316	\$206,026
MV exc. Prop Funds	\$1,912,270	\$891,545	\$740,119	\$3,543,934
Fee Charged to Account	\$4,090	\$1,797	\$1,482	\$7,369
				0.83%

	1-08000, Endowment Funds	1-08001, Board Designated	1-08002, Strike Force	Totals
3Q2017				
Total MV	\$2,989,036	\$705,828	\$756,489	\$4,451,353
MV of Prop Funds	\$299,787	\$37,486	\$35,294	\$372,567
MV exc. Prop Funds	\$2,689,249	\$668,342	\$721,195	\$4,078,785
Fee Charged to Account	\$4,115	\$1,784	\$1,396	\$7,294
				0.72%

40

41



STATEMENT OF FINANCIAL INCOME AND EXPENSE
For the 1st Quarter 2018
October 1, 2017 - December 31, 2017

	Actual Current Quarter Ended 12/31/17	Budget Quarter Ended 12/31/17	Variance (Over) / Under	% (Over) / Under	Actual Quarter Ended 12/31/16	Variance (Over) / Under FY17 / FY18	% (Over) / Under 1st Quarter Ended FY17 / FY18
Revenue							
Interest & Dividends	-	\$25,500	\$ 25,500	100.0%	8,480	8,480	100.00%
Court Awards	-	\$3,375	\$ 3,375	100.0%	-	-	0.00%
Corporate	\$290	\$15,250	\$ 14,960	98.1%	780	490	169.26%
Total Interest & Corporate	\$ 290	\$ 44,125	\$ 43,835	99.3%	9,260	8,971	3096.78%
Member	\$44,002	\$51,694	\$ 7,692	14.9%	83,480	39,478	89.72%
Member Acq	\$60,986	\$3,175	\$ (57,811)	-1820.8%	9,784	(51,203)	-83.96%
Advocates	\$197,869	\$85,388	\$ (112,481)	-131.7%	165,842	(32,026)	-16.19%
Champions	\$173,969	\$224,500	\$ 50,531	22.5%	129,377	(44,592)	-25.63%
Task Force	-	\$38,750	\$ 38,750	100.0%	-	-	0.00%
Total Individuals	\$ 476,826	\$ 403,506	\$ (73,319)	-18.2%	388,483	(88,342)	-18.53%
Government Grants	\$18,063	\$178,901	\$ 160,838	89.9%	76,977	58,913	326.15%
Foundations	\$513,579	\$573,492	\$ 59,913	10.4%	258,085	(255,495)	-49.75%
Endow Income	\$12,290	\$15,000	\$ 2,710	18.1%	12,782	492	4.00%
Other Income	\$12,301	\$27,750	\$ 15,449	55.7%	15,704	3,403	27.67%
Special Events	\$1,138	\$7,410	\$ 6,272	84.6%	6,455	5,317	467.22%
Strike Force	-	\$19,000	\$ 19,000	-100.0%	-	-	0.00%
Total Other Income	\$ 557,372	\$ 821,553	\$ 264,180	32.2%	370,003	(187,369)	-33.62%
Total Operating Revenue	\$ 1,034,488	\$ 1,269,184	\$ 234,697	18.5%	767,747	(266,741)	-25.78%
Expenses							
Personnel	\$509,177	\$617,154	\$ 107,977	17.5%	620,347	111,170	21.83%
Contract Services	\$292,025	\$391,986	\$ 99,960	25.5%	46,539	(245,486)	-84.06%
Occupancy Expense	\$63,170	\$53,824	\$ (9,346)	-17.4%	60,375	(2,795)	-4.42%
Office Expense	\$20,676	\$18,630	\$ (2,046)	-11.0%	13,903	(6,773)	-32.76%
Printing Expense	\$7,798	\$16,975	\$ 9,177	54.1%	22,344	14,545	186.51%
Mailing Expense	\$2,925	\$21,288	\$ 18,363	86.3%	9,353	6,428	219.77%
Public Relations Expense	\$3,942	\$8,575	\$ 4,633	54.0%	1,329	(2,612)	-66.27%
Legal & Professional Fees	\$25,627	\$18,497	\$ (7,130)	-38.5%	17,362	(8,265)	-32.25%
Program Expense	\$25,759	\$84,801	\$ 59,042	69.6%	22,749	(3,010)	-11.68%
Insurance Expense	\$8,756	\$10,407	\$ 1,651	15.9%	11,784	3,028	34.58%
Conf & Travel Expenses	\$418	\$5,063	\$ 4,644	91.7%	5,636	5,218	1246.84%
Membership Expenses	\$1,370	\$7,875	\$ 6,505	82.6%	5,624	4,254	310.51%
Depreciation	\$3,295	\$4,200	\$ 905	21.5%	3,357	62	1.88%
Board Expense	\$2,485	\$1,250	\$ (1,235)	-98.8%	143	(2,341)	-94.23%
Pres. Discretionary Fund	\$326	\$1,250	\$ 924	74.0%	3,013	2,687	825.27%
Strike Force	\$6,892	\$7,410	\$ 518	-100.0%	819	(6,072)	-88.11%
Total Operating Expenses	\$ 974,640	\$ 1,269,184	\$ 294,544	23.2%	844,677	(129,964)	-13.33%
Surplus/(Deficit)	\$ 59,847	\$ -	\$ (59,847)		(76,930)	(136,777)	-228.54%

Account Name:
Account Number:
Date Opened:
Supersedes Resolution Dated:

**Certification of Resolutions and Authorized Officers
(Corporations/Foundations/Endowments/Unions)**

I, Anne Penniman, do hereby certify that I am the duly elected, qualified and acting (Assistant, Secretary, Clerk) of CT Fund for the Environment, Inc. Corporation Foundation Endowment Union (hereafter referred to as "Corporation") organized under the laws of the state of Connecticut and, as such, I have custody of the books and records of the Corporation including the minutes of the meetings of its Board of Directors. I further certify that, (complete one)

- at a meeting of the Board of Directors, duly called and held on 3/20/18 at which a quorum was present and acting throughout
- OR
- by unanimous written consent of the Board of Directors, permitted by the bylaws of the Corporation, dated _____

the following resolutions were duly adopted:

RESOLVED: That Boston Trust & Investment Management Company ("the "Bank") is hereby designated as a fully discretionary Investment Manager and/or Trustee, as applicable, of the Corporation.

FURTHER RESOLVED: That the Corporation be and is hereby authorized to open any investment management account (together, the "Accounts") at the Bank in the name of the Corporation.

FURTHER RESOLVED: That each of the CHAIRMAN, Assistant Treasurer and the President/CEO ~~President, any Vice President, the Treasurer, or any other officer~~ of the Corporation designated by the ~~Assistant/Secretary/Clerk~~, is hereby individually authorized to be a signatory on any of the Accounts of the Corporation authorized by these resolutions and each such officer is hereby authorized to (i) establish Accounts in the name of the Corporation, (ii) authorize investment objectives, investment restrictions, investment policy statements, and asset allocations as appropriate, (iii) authorize receipts and disbursements of cash and or securities, including without limitation wire transfers and security transfers even to the extent of closing the account to depository or investment accounts at other financial institutions in the name of the Corporation or in the name of unrelated third parties, (iv) authorize the release of any Account information, including confidential information to any third party so designated.

FURTHER RESOLVED: Notwithstanding the former, actions under subparagraph (ii) above, will require the signature of two authorized agents identified herein. That the Bank is authorized to rely on (i) facsimile signatures on file with the Bank and to treat such facsimile signatures as the signature of the officer regardless of by whom or by what means the signature may have been affixed to the document, (ii) directions to the Bank received via electronic mail with electronically scanned letters of direction (PDF), or (iii) voice directions by telephone for transfer to an account at another financial institution in the name of the Corporation.

FURTHER RESOLVED: That the Bank is authorized to furnish to any individual authorized by these resolutions on line access (for information only) to the Accounts.

FURTHER RESOLVED: That the Bank shall be held harmless from any claim or liability resulting from the unauthorized use of any facsimile signatures, telephone directions or directions via other electronic means as set forth in the previous resolutions.

FURTHER
RESOLVED:

That each of the ~~President, any Vice President, the Treasurer, or any other officer of the Corporation designated by the Assistant/Secretary/Clerk~~, is hereby individually authorized to execute and deliver to the Bank any form of Investment Management Agreement or Trust, as the case may be, submitted by the Bank, evidencing the discretionary investment management agreement between the Corporation with the Bank, with any terms and conditions as such officer may determine including, without limitation, any indemnity, hold harmless or fee provisions, and on such terms as may be agreed upon by such officer.

CHAIRMAN

ASSISTANT TREASURER

PRESIDENT/CEO

FURTHER
RESOLVED:

That these Resolutions apply to any and all Accounts previously established, currently established or established in the future with the Bank without the necessity to re-execute these Resolutions.

FURTHER
RESOLVED:

That any actions taken and all documents heretofore executed or delivered by any individual acting for, or on behalf of, the Corporation in exercising any of the foregoing powers or in contemplation of the transactions authorized by the foregoing resolutions, are hereby ratified, confirmed and approved.

I certify that the resolutions set forth above are in full force and effect, as of the date hereof, and have not been modified, superseded or rescinded in any respect and may be relied upon by successors and assigns of the Bank. I further certify that there is no prohibition in the charter or bylaws of the Corporation limiting or qualifying the power of the Board of Directors to adopt the foregoing resolutions, that the same are in conformity with provisions of the charter or the bylaws, and that no shareholder consent is required in connection with any action authorized by such resolutions.

I certify that this Corporation does not engage in any "internet gambling" business or related activities, which means any activity by which any bet or wager is placed, received or otherwise knowingly transmitted that involves the use, at least in part, of the Internet. I further certify that I will notify the Bank immediately if there is a change in the business activities of the Corporation that will make the foregoing statements untrue. (Note: Federal law prohibits financial institutions from maintaining accounts for business/entities engaged in internet gambling or allowing accounts to be used for accepting or making payments in connection with internet gambling activities that are unlawful under federal or state law.)

I further certify that the following persons are duly qualified and acting officers of the Corporation, each of whom has been duly elected or appointed to and currently holds, the office set opposite his or her name or is a person otherwise authorized to act pursuant to this resolution. Each such officer whose signature is hereby certified, is empowered to act for and on behalf of the Corporation in the transactions contemplated by the foregoing resolutions.

and CEO

and CEO

Leslie Lee CHAIRMAN of BOARD
Name Title Signature

TODD COAT ASSISTANT TREASURER
Name Title Signature

CURTIS JOHNSON PRESIDENT/CEO
Name Title Signature

IN WITNESS WHEREOF, I have executed this Certification of Resolutions and Officers of the Corporation on the _____ day of _____.

(Assistant)Secretary/Clerk

CORPORATE SEAL, if available

Confirmed* By: _____ Title: _____

*If the (Assistant) Secretary/Clerk is authorized to act on behalf of the Corporation with the above resolutions, this Certification must be also be confirmed by another officer.

AUTHORIZED SIGNERS PLEASE COMPLETE THE BELOW INFORMATION COMPLETELY:

Name:		Home Address: <i>Must be a physical address; not a PO Box:</i>	
Date of Birth:	US Citizen (Y/N):	if no, indicate country of citizenship.	
<i>If you are not a United States citizen, are you or any immediate family member currently or formerly a senior official of any branch of a foreign government, executive of a foreign government owner corporation or business formed by such person or a widely and publicly known as a close associate of such person?</i> <input type="checkbox"/> YES <input type="checkbox"/> NO			
Social Security Number:		Email:	
Driver's License State:	Date License Issued:		
Driver's License Number:	Date License Expires:		

SIGN: _____

DATE: _____

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45

BY-LAWS
OF
THE CONNECTICUT FUND FOR THE ENVIRONMENT, INC.

ARTICLE I - Name

The name of this non-profit corporation is The Connecticut Fund for the Environment, Inc., hereinafter, "the Fund."

ARTICLE II - Purposes

The purposes for which the Fund is formed are those set forth in its Certificate of Incorporation, as from time to time amended, namely,

- (1) To encourage productive and enjoyable harmony between people and their environment, and to promote efforts which will prevent or eliminate damage to the environment;
- (2) To enrich the understanding of the ecological system and natural resources important to the survival of humanity;
- (3) To assist citizens in enforcing their environmental rights by conducting legal, policy and scientific research and educational programs;
- (4) To assist in litigation to aid citizens representing the widespread public interest in a clean environment as well as legal representation of the Fund's own members when the public interest is involved and the Board of Directors so approves such action.

ARTICLE III - Offices

The principal office of the Fund shall be in the City of New Haven, in the County of New Haven and State of Connecticut, or such other place as the Board of Directors may from time to time designate.

ARTICLE IV - Membership and Dues

Section 1 - The Fund shall have one class of voting members.

Section 2 - The fund may adopt a separate class of non-voting members, for the purpose of providing introductory membership opportunities to further broaden the Fund's level of public support and engagement.

Section 3 - Any person, firm, association or corporation which subscribes to the purposes and basic policies of the Fund may become a member of the Fund, subject only to compliance with the provisions of these by-laws.

Membership in the Fund shall be available without regard to sex, race, color, creed, or national origin.

- Section 4 - Members may be admitted at any time.
- Section 5 - Only individual voting members of the Fund in good standing shall be eligible to serve in its elective or appointive positions.
- Section 6 - Each voting member in good standing shall be entitled to one (1) vote on each matter submitted to a vote of the members.
- Section 7 - Each voting member of the Fund shall pay annual dues, the amount of which shall be established from time to time by the Board of Directors. Non-voting introductory membership to the Fund may be established based on some combination of reduced dues and/or volunteer participation as established from time to time by the Board of Directors. The President and CEO of CFE or the Board of Directors may waive annual dues in the case of an individual interested in participating in the activities of the Fund but unable to afford the membership dues.

ARTICLE V - Board of Directors

- Section 1 - The business of the Fund shall be conducted, subject to these by-laws, by a Board of Directors, at least two-thirds of whom shall be residents of the State of Connecticut. The Board of Directors shall be composed of not less than ten (10) nor more than forty (40) Directors.
- Section 2 - The Board of Directors shall consist of three classes. Class "A" Directors shall be elected to serve a term of three years. Class "B" Directors shall be elected to serve an initial term ending at the annual meeting for the year and thereafter shall be elected to serve a term of three years. Class "C" Directors shall serve an initial term ending at the annual meeting for the year and thereafter shall be elected to serve a term of three years.
- Section 3 - Any vacancy which may occur in the membership of the Board of Directors, whether created by an increase in the number of Directorships or otherwise, may be filled for the balance of the designated term by the Board of Directors.
- Section 4 - Limitations on Terms – Directors shall be eligible to succeed themselves. There shall be no limitation on the number of consecutive terms a Director may serve.
- Section 5 - Election of Directors – At each annual meeting of the members, one class of directors shall be elected by the membership for a three year term by a two-thirds majority of all votes cast.

- Section 6 - Director Emeritus – In recognition of a special contribution or extraordinary commitment to the mission of the Fund, the Board of Directors may elect a former member of the Board or a member of the Board whose term is expiring as a Director Emeritus. Each such Director Emeritus shall be an ex-officio member of the Board but shall not have the power to vote nor be counted in determining a quorum.
- Section 7 - Staff – Each staff member of the Fund shall be an ex-officio member of the Board, but shall not have the power to vote nor be counted in determining a quorum.
- Section 8 - Regular Meetings – The Board of Directors shall meet regularly on dates and at locations designated by the Chair of the Board of Directors of CFE.
- Section 9 - Special Meetings – Special meetings of the Board of Directors may be called by the Chair of the Board of Directors of CFE or any four Directors. The person or persons calling any such special meeting of the Board shall fix the time and the place for holding any Special Meeting subject to the provisions of Article V Section 9 of these by-laws.
- Section 10 - Notice – Notice of any meeting of the Board of Directors shall be given at least two (2) days prior thereto if given by written notice delivered personally or sent by courier or by telegram, to each Director at the address as shown by the records of the Fund. Notice of any meeting of the Board of Directors shall be given at least seven (7) days prior thereto if given by written notice delivered by mail to each Director at the address as shown by the records of the Fund. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Any Director may waive notice of any meeting. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.
- Section 11- Quorum – One third of the members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board, but if less than a quorum is present at a meeting, a majority of those present may adjourn the meeting from time to time without further notice.
- Section 12 - The Manner of Acting – The act of a majority of the Directors present at a meeting at which a quorum is present at the time of the act shall be the act of the Board of Directors, unless the act of a greater number is required by

these by-laws.

- Section 13 - Compensation – Directors shall serve without compensation; but nothing herein contained shall be construed to preclude any Director from serving the Fund in any other capacity and receiving compensation therefore.
- Section 14 - Informal Action by Directors – If all the Directors, or all members of a committee of the Board of Directors, severally or collectively consent in writing to any action taken or to be taken by the Fund, and the number of such Directors constitutes a quorum for such action, such action shall be as valid corporate action as though it had been authorized at a meeting of the Board of Directors. The Secretary shall file such contents with the minutes of the meetings of the Board of Directors.
- Section 15 - Executive Committee – The Board of Directors by resolution adopted by a majority of the Directors in office shall designate and appoint an Executive Committee consisting of the officers of the Fund and any other Directors so appointed. The Executive Committee shall have and exercise such authority of the Board of Directors in the management of the Fund as may be specified in said resolution; provided, that no committee shall have the authority of the Board of Directors in reference to amending, altering or repealing the by-laws; electing, appointing or removing any member of any such committee or any officer of the Fund; amending the certificate of incorporation; adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease exchange or mortgage of all or substantially all of the property and assets of the Fund; authorizing the voluntary dissolution of the Fund or revoking proceedings therefore; adopting a plan for the distribution of the assets of the Fund; or amending, altering or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered or repealed by such committee. The designation thereto of authority shall not operate to relieve the Board of Directors or any individual Director of any responsibility imposed upon it or that person by law.
- Section 16 - Legal Committees – The Board of Directors shall designate and appoint a Legal Committee which shall be comprised only of attorneys who are members of the Board. The Legal Committee alone shall have the power to vote on selection of cases where the prospective client is not the Fund, and on any questions of case management or supervision of staff attorneys in case management, in response to broad policies formulated by the full Board of Directors.
- Section 17 - Additional Committees – The Chair of the Board of Directors of CFE may designate one or more additional committees, each consisting of two or more Directors to serve at the pleasure of the Board of Directors, and to have and exercise such power and authority as may be provided in the

resolution of the Board of Directors establishing such committee.

Section 18 - Indemnification – Indemnification by the Fund of its directors, officers, employees, members and agents shall be governed by Section 33-454(a) and other applicable sections of the Connecticut Nonstock Corporation Act, as amended from time to time. As provided for in Section 33-454(a), the Fund may procure insurance providing indemnification for such persons.

Section 19 - Conflict of Interest – At such time, if any matter should come before the Board or any committee thereof in such a way as to give rise to a conflict of interest, the affected member shall make known the potential conflict and, if advisable, withdraw from the meeting for so long as the matter shall continue under discussion, except to answer any questions that might be asked of him or her. Should the matter be brought to a vote, the affected member shall not vote on it. In the event that, when advisable, he or she fails to withdraw voluntarily, the Chair of the Board of Directors of CFE shall require that he or she remove himself from the room during discussion and vote on the matter. Notwithstanding the above, the affected member shall bring to the attention of the Chair of the Board of Directors of CFE any business transaction involving such a conflict of interest. Any business transaction involving such a conflict of interest which comes to the attention of the Chair of the Board of Directors of CFE shall be presented to the Board or its appropriate committee, with disclosure, for approval.

ARTICLE VI – Meetings of Members

Section 1 - Annual Meeting – An annual meeting of the members shall be held each year at such time and place as the Board of Directors shall determine, for the purpose of electing Directors to fill vacancies in the class which has expired, and for transaction of such other business as may properly come before the meeting.

Section 2 - Special Meetings – Special Meetings of the members may be called by the Chair of the Board of Directors of CFE, by the Board of Directors, or by request of members having not less than one-twentieth of the votes entitled to be cast at the meeting. The Board of Directors may designate any place, either within or without the State of Connecticut, as the place of meeting for any such special meeting called by the Board of Directors or otherwise. If all of the members shall meet at any time or place and consent to the holding of a meeting, such meeting shall be valid without call or notice, and at any such meeting any action may be taken.

Section 3 - Notice of Meetings – Written or printed notice stating the place, day and hour of any meeting of members shall be delivered either personally or by

mail to the residence or usual place of business of each member entitled to vote at such meeting not less than seven (7) not more than fifty (50) days before the date of such meeting, by or at the direction of the Chair of the Board of Directors of CFE, the Secretary, or of the persons calling the meeting. In case of special meeting, the general purpose or purposes for which the meeting is called shall be stated in the notice thereof, and no other business shall be transacted at the meeting. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at the member's address as it appears on the records of the Fund, with postage thereon prepaid.

Section 4 - Quorum – The members entitled to vote and present, in person or by proxy, shall constitute a quorum at such meeting.

Section 5 - Proxies – At any meeting of members, a member entitled to vote or execute waivers or releases may do so either in person or by one or more agents authorized by a written or electronically transmitted proxy executed and transmitted by that member. No proxy shall be valid after eleven (11) months from the date of its execution unless it limits its use to a particular meeting not yet held.

ARTICLE VII – Officers

Section 1 - Officers – The officers of the Fund shall be a Chair of the Board of Directors of CFE, a Vice Chair of the Board of Directors of CFE, a Secretary, and a Treasurer. The Fund may also have, at the discretion of the Board of Directors, one or more additional officers.

Section 2 - Election and Term of Office – The officers initially shall be elected by the Board of Directors; thereafter, the officers of the Fund shall be elected annually by the members at the regular annual meeting. If such election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. Each officer shall hold office until a successor shall have been duly elected and shall have qualified.

Section 3 - Vacancies – A vacancy in any office because of death, resignation, removal, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

Section 4 - Chair of the Board of Directors of CFE – The Chair of the Board of Directors of CFE shall be the principal executive officer of the Fund and shall in general supervise and control all of the business and affairs of the Fund. The Chair of the Board of Directors of CFE, or delegate thereof, shall preside at all meetings of the members and of the Board of Directors. The Chair of the Board of Directors of CFE may sign, with the Secretary or any other proper officer of the Fund authorized by the Board of

Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these by-laws or by state to some other officer or agent of the Fund; and in general the Chair of the Board of Directors of shall perform all duties incident to the office, and such other duties as may be prescribed by the Board of Directors from time to time.

Section 5 - Vice Chair of the Board of Directors of CFE– In the absence or disability of the Chair of the Board of Directors of CFE, the Vice Chair of the Board of Directors of CFE, or if more than one, the Vice Chair of the Board of Directors of CFE designated by the Board of Directors, shall perform all of the duties of the Chair of the Board of Directors of CFE. Each Vice Chair of the Board of Directors of CFE shall, in general, have such powers and perform such duties as may from time to time be assigned by the Board of Directors.

Section 6 - Secretary – The Secretary, or delegate thereof, shall keep the minutes of the meetings of the members and of the Board of Directors in one or more books provided for that purpose; see that all notices are duly given in accordance with the provisions of these by-laws or as required by law; be custodian of the records of the Fund; keep a register of the post-office address of each member; which shall be furnished to the Secretary by such member; and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Chair of the Board of Directors of CFE of the Board of Directors.

Section 7 - Treasurer – The Treasurer shall supervise the keeping of accounts of all monies of the Fund received or disbursed, and shall deposit all monies in the name of and to the credit of the Fund in such banks or depositories as the Executive Committee shall designate. The Treasurer shall sign such instruments as required. After the termination of the fiscal year, the Treasurer shall submit a full report of the financial condition of the Fund.

ARTICLE VIII – Staff Personnel

Section 1 - General Counsel – The Board of Directors may employ a General Counsel who shall advise the Board of Directors and the members on any and all legal actions taken in the name of the Fund, and in any other capacity designated by the Board of Directors.

Section 2 - President and CEO of CFE – The Board of Directors may employ a President and CEO of CFE who shall be responsible for all of the operations of the Fund including the hiring of personnel, subject to the direction of the Board of Directors. In connection with the hiring of a staff attorney, the Director shall consult with the General Counsel and

appropriate staff members. The Board of Directors shall fix the compensation for such office and approve an organizational and salary structure for all additional personnel to be administered under the supervision of the President and CEO of CFE.

Section 3 - Other Personnel – The Board of Directors may also employ such other professional personnel and retain such consultants or attorneys as may be deemed necessary or desirable to staff the activities of the Fund, and to obtain its objectives.

ARTICLE IX – Fiscal Year

The fiscal year of the Fund shall begin on the first day of October and end on the last day of September in each year.

ARTICLE X – Achieving and Maintaining Tax Exempt Status

Section 1 - Tax Status – The Fund shall at all times be conducted as an “Exempt Organization” within the meaning of the provisions of Section 501(c)(3) of the Internal Revenue Code, as amended, and the regulations promulgated thereunder. Any reference herein to any provision of the Internal Revenue Code or its Regulations shall refer to the Internal Revenue Code of 1986, as amended, and the Regulations promulgated thereunder, and shall be deemed to mean such provision as now or hereafter existing, amended, supplemented, or superseded, as the case may be. The Fund shall not have the nor exercise any power or authority, either expressly or by interpretation or operation of law, nor shall it directly or indirectly engage in any activity which would prevent it from qualifying and continuing to qualify as an Exempt Organization under Section 501(c)(3) of the Internal Revenue Code or as an organization, contributions to which are deductible under Section 170(c)(2) of such Internal Revenue Code and Regulations. No substantial part of the activities of the Fund shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Fund shall not participate in, or intervene in (including the publishing or distribution of statements) any campaign on behalf of any political candidate for public office.

Section 2 - Limitation of Purpose – The Fund’s major purposes shall be confined to those which are strictly educational and charitable, and for the public benefit, and not for individual pecuniary profit nor for the benefit of any individual or special interest group but rather for the benefit of the general public at large.

Section 3 - Use of Assets and Earnings – All of the Fund’s assets and earnings shall be used exclusively for the purposes set forth in its Certificate of Incorporation and these By-Laws, including the payment of expenses

42

53

incidental thereto, and no part of the net earnings of the Fund shall inure to the benefit of any member, director, officer of the corporation, or any private individual (except that reasonable compensation may be paid for services rendered to or for the Fund affecting one or more of its purposes), shall be entitled to share in the distribution of any of the corporate assets on dissolution of the Fund. The Fund shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

Section 4 - Dissolution – In the event of the termination, liquidation, dissolution or winding up of the Fund, whether voluntary or involuntary, in any manner or for any reason whatsoever, no member shall be entitled to any distribution or division of its remaining property or its proceeds, and the balance of all money and other property received by the corporation from any source, after the payment of all debts and obligations of the Fund, shall be distributed as provided for by the laws of the State of Connecticut, particularly Section 33-484 et seq. of the Connecticut General Statutes, provided that such distribution of the remaining assets of the Fund shall be made only to one or more organizations as has, or have at the time of such distribution, qualified as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, as amended.

ARTICLE XI – Waiver of Notice

Whenever any notice is required to be given under any statute or under the provisions of the Certificate of Incorporation or by these by-laws, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed to be equivalent to the giving of such notice.

ARTICLE XII – Amendments

These by-laws may be altered, amended or repealed and new by-laws may be adopted by a majority of the Directors in office.

Amended and approved by the Board of Directors on September 19, 2017.