A Message from the President and Executive Director

Dear Friends,

It gives us great pleasure to share with you our 2014 Annual Report, summarizing CLA’s efforts over the past year to empower organizations and individuals working to preserve and protect the Chesapeake Bay and its watershed through CLA volunteer legal assistance, advocacy, education, and training.

Now in our sixth year, the Chesapeake Legal Alliance remains dedicated to providing pro bono legal assistance to restore and protect the Chesapeake Bay and its watershed – the only organization devoted exclusively to delivering this unique set of services. This past year, thanks to the support of our donors and an outstanding network of over 234 attorneys working in Washington, D.C. and the six states that comprise the Bay watershed, CLA facilitated over 4,000 hours of free legal advice to over 100 organizations and individuals - those who would otherwise have no place to go for critical legal help. As a donor, you should take great pride in the fact that for every dollar contributed, $6.29 of services were delivered by our volunteer attorneys - a rate of return of over 600%!

Our donors are directly responsible for our ability to reach new clients, build our network of volunteer attorneys, research issues, and build new partnerships throughout the 64,000 square mile watershed. On behalf of the Board of Directors and staff, we thank you!

In this report, you will see how you have helped us empower non-profits throughout the watershed, develop groundbreaking legal strategies for Bay conservation, and train individuals and groups to use the law to undertake local and regional projects to preserve and protect the Bay. We hope that you will continue to support our efforts as we continue to mobilize our volunteer “Lawyers for the Bay.” Returning the Bay and its watershed to their natural splendor is a vision we all share --- not only for our benefit – but for the benefit of generations to come.

Many thanks to all for your continued support, guidance and assistance.

Russ Stevenson
Chairman of the Board

Jacqueline Guild
Executive Director
Our Mission is to use the law to protect and restore the Chesapeake Bay and its watershed by providing pro bono legal assistance through a network of volunteer attorneys.

Our Vision is a clean, healthy Chesapeake Bay that can be enjoyed safely by humans, sustain viable fishing harvests, and support thriving and diverse aquatic and wildlife populations.

2014 Board of Directors

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Retired Partner, Latham & Watkins LLP

David B. Weinberg
Wiley Rein LLP

Allison M. Zieve
Public Citizen Litigation Group
CLA Accomplishments

By empowering citizens and environmental organizations with “legal muscle” and expertise crucial to successful advocacy, CLA provides a missing resource in the efforts to save the Bay and its watershed. Our efforts are achieving change in citizen expectations, government enforcement of laws and regulations, and compliance by the regulated community.

Pro Bono Assistance

In 2014, 57 new matters were placed with volunteer attorneys and 83 matters were active.

CLA assisted 116 clients, several of which are composed of 10 or more organizations. Of these clients, 43 were new to CLA in 2014.

We currently work with 234 individual CLA volunteer attorneys and law firms. 42 attorneys/law firms joined our volunteer network in 2014.

The efforts of CLA volunteer attorneys in 2014 yielded 4,131 hours of work, valued at $1,811,770, on behalf of CLA referred clients. CLA’s growing network of volunteer attorneys is at the core of our ability to connect those in need of legal assistance with high quality legal representation.

4,131 hours = $1,811,770
CLA Serves All States in the Watershed

71 Maryland matters
14 Virginia matters
14 Washington, DC matters
11 Pennsylvania matters
10 New York matters
9 Delaware matters
9 West Virginia matters

* 9 of the above matters were pursued on behalf of the entire Bay watershed

Types of Clients assisted in 2014

- Educational Institutions: 2%
- Agriculture Issues: 4%
- Government: 5%
- Fish and Wildlife: 5%
- Regional Environmental: 6%
- Individuals: 6%
- Conservation and Restoration: 16%
- Waterkeepers and River Associations: 17%
- Community Groups: 19%
- Citizen Rights, Environment and Public Health Advocacy: 20%
Ensuring the Cleanup of Hazardous Waste

A CLA volunteer attorney has been representing Blue Water Baltimore and neighboring residents in litigation to ensure that Sparrows Point, the former site of the Bethlehem Steel mill, is remediated adequately. Located just south of Baltimore, the 2300 acre site is heavily contaminated with pollutants, including lead, mercury and arsenic. These pollutants have been carried to the Patapsco River and Bear Creek by stormwater runoff and groundwater migration, affecting water quality and the health and safety of residents in the neighboring communities. In 2014, an Administrative Consent Order was entered requiring the site owners to carry out a comprehensive cleanup plan consistent with federal and state laws. This order includes specific deadlines and stipulated penalties for noncompliance.

Restoring Shoreline to Improve Water Quality

After a CLA volunteer assisted the Pines on the Severn community and the Severn Riverkeeper with an appeal to the Anne Arundel County Circuit Court, a judge ordered the Maryland Department of the Environment (MDE) to issue a permit allowing the construction of a “living shoreline” to restore shoreline along Chase Creek, a tributary of the Severn River. The plan includes innovative measures to account for steep slopes and highly erodible soils, and eliminates the need to replace the deteriorating bulkhead at the site. This victory not only will help improve the water quality and overall health of the Severn River, it also introduces needed flexibility into permit reviews, thereby paving the way for additional living shoreline projects in Maryland and other Bay watershed states with analogous river and stream restoration programs.
Protecting Maryland’s Critical Area

An application for a variance to develop along Deep Cove Creek in Churchton, Maryland was denied as an Administrative Hearing Officer (AHO) found the project violated the Critical Area Act. The AHO ruled that the project could be designed in ways that would reduce significantly environmental impacts. This site is one of the last pristine waterfront forests in the area. A CLA volunteer attorney has been assisting the South Arundel Citizens for Responsible Development (SACReD), the West Rhode Riverkeeper, and a group of local residents to save this site. With the assistance of their CLA volunteer attorney, these groups will continue their work to ensure that the AHO’s decision is upheld through the appeals process.

Advocating for Smart Growth

A controversial question in land use law is the extent to which changes to local zoning must be consistent with local comprehensive land use plans, which are designated to guide long term development. A CLA volunteer attorney is working, on behalf of a group of concerned citizens, to convince Maryland courts that these carefully crafted plans should be followed closely and should not be treated as mere guidance. The citizens contend that a 2011 Anne Arundel County rezoning amendment bill included numerous illegal changes because it failed to follow the County’s General Development Plan. The case was initially dismissed by the Maryland Circuit Court, but the citizens appealed to the Maryland Court of Special Appeals where they prevailed on all grounds. A final ruling is pending from the Maryland Court of Appeals - the state’s highest court - that could set important precedent on the binding effect of zoning plans.

“I would like to take this opportunity to recognize the superb legal team at Steptoe & Johnson for their brilliant efforts under tough circumstances to help us better protect our waterways. We would not have achieved what we did without the help of Steptoe and CLA. [W]e have been particularly concerned with destructive sedimentation effects on our watershed (the Anacostia) and the Bay. As a result of this project, more of my neighbors feel that citizen action can make a difference in helping the government and developers protect our water.”

Anne Vorce, Resident of Silver Spring, MD, co-founder of the Water WatchDog Program, and member, Water Quality Committee, Friends of Sligo Creek (FOSC)
**CLA Strategic Actions**

**Chesapeake Bay Clean Water Blueprint** - CLA volunteer attorneys filed their second *amicus curiae* (friend of the court) brief on behalf of the City of Annapolis in support of the Chesapeake Bay Total Maximum Daily Load (TMDL), also known as the “Chesapeake Bay Clean Water Blueprint.” The TMDL limits the total amounts of nitrogen, phosphorous and sediment that can be allowed to enter the Bay, and it provides the foundation for the efforts currently being undertaken to reduce water pollution throughout the Bay watershed.

**Pipeline Impacts** - CLA volunteer attorneys assisted the Gunpowder Riverkeeper in challenging Columbia Gas’s proposal to extend an existing natural gas pipeline in Maryland. The pipeline would cross and potentially impact 81 waterways, including trout habitat and drinking water sources for 1.8 million area residents in the City of Baltimore and Baltimore County. The Riverkeeper is continuing to pursue a state court challenge to MDE’s decision to issue a permit authorizing work that will impact wetlands as well as MDE’s decision to issue a certification under the Clean Water Act that the project would not adversely impact water quality.

**Agriculture** - A member of CLA’s Board of Directors served as a member of Maryland’s Agricultural Certainty Committee, which assisted in the development of regulations that implement the Maryland Agricultural Certainty Program. This program creates incentives for farmers to implement practices that reduce the amount of nutrients and sediment pollution flowing into waterways from agricultural property.

**Hydrofracking** - In efforts to curb the adverse effects of hydrofracking, several CLA clients have tackled issues associated with Dominion Cove Point’s proposal to expand its existing liquefied natural gas (LNG) import facility to include export of LNG. A CLA attorney helped the Sierra Club challenge the legality of the proposal under a pre existing agreement. A second CLA attorney examined property rights issues for nearby residents on behalf of Chesapeake Climate Action Network. Waterkeepers Chesapeake was assisted Dominon Cove Point LNG facility, located on the Chesapeake Bay in Lusby, MD, south of Baltimore. The site is the subject of several CLA matters concerning the environmental impacts of the proposed expansion of the facility and increased hydrofracking in Maryland.
with submission of comments to the Federal Energy Regulatory Commission on the proposed expansion project.

**Conservation** - A CLA volunteer attorney worked with the Chesapeake Bay Commission to analyze incentives for conservation practices that can help to attain the pollution reduction requirements of the Chesapeake Bay Clean Water Blueprint and to identify legal instruments to effect these practices.

**Pesticide Application** - A CLA volunteer attorney assisted citizens of Somerset County, Maryland in evaluating whether aerial mosquito spraying complies with the requirements of the Clean Water Act.

**Legacy Pollution** - A CLA volunteer attorney assisted the Anacostia Riverkeeper in analyzing the law governing brownfields cleanups in Washington D.C. in support of the Riverkeeper's efforts to clean up the pollution left by decades of industrial activity along the Anacostia River.

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**Empowering Other Non-Profits**

In order to help build and facilitate the work of other Bay watershed protection groups, CLA secures assistance on corporate matters including form of organization, by-laws and charters, contract interpretation, and tax issues. Such pro bono assistance preserves resources needed to pursue the missions of these groups and provides assurances that legally sound organizational decisions are made and practices followed.

In 2014, this work included:

- Not for profit application filings for the Maryland Pesticide Education Network, Chesapeake Bay String of Pearls Project, Trash Free Maryland and the Elk and North East Rivers Watershed Association.

- Trademarking the logo for Annapolis Green and preparation of a waiver for participation in Trash Free Maryland’s “Chesapeake Bay Trash Trawl,” an event to assess the plastics and other trash that are polluting the Bay.


“Gunpowder RIVERKEEPER® had extraordinary difficulty finding counsel that were not already conflicted out. CLA understood our organizational interest in protecting the Gunpowder River and its watershed from the impacts of a 21.1 mile, 305.7 acre natural gas pipeline project that crossed 81 sensitive waterways. CLA persisted and provided the nonprofit with dream representation in our appeal and found a Clean Water Act Attorney with over 43 years of experience to represent Gunpowder RIVERKEEPER®.

Theaux LeGardeur, Gunpowder Riverkeeper
Training, Information & Education

CLA’s staff, Board members, and volunteer attorneys participated in educational events and presented workshops in order to inform, inspire and empower the citizens of the Bay watershed.

**How Citizen Participation Can Improve Development**

This CLA presentation was designed to educate Bay watershed citizens and community groups on meaningful citizen participation in the zoning and development processes. Presentations were made to the Maryland Growth Action Network and at Anne Arundel Community College in partnership with the Magothy River Association.

**Legal Tools for Communities Workshop**

This workshop, developed by CLA staff and moderated by CLA’s Executive Director, covered citizen involvement in hearings, negotiations and appeals. The workshop panel was composed of Dan Dozier of Press & Dozier, LLP, Jesee Iliff of The Consumer Protection Center, and Mike Ewall of Energy Justice. The workshop was part of the *Third Annual Symposium on Environmental Justice and Health Disparities in Maryland and D.C.*, hosted by the Initiative on Community Engagement, Environmental Justice and Health and the Maryland Institute for Applied Environmental Health.

**Beyond Terrapin Run**

CLA’s President, Russell Stevenson, participated in a panel that examined the *Terrapin Run* court case and subsequent state legislation overturning the court’s decision concerning the binding effect of local comprehensive plans. Recent court cases from Queen Anne’s and Anne Arundel counties concerning zoning consistency with comprehensive plans were also highlighted. This panel discussion was convened by 1000 Friends of Maryland and the Maryland Chapter of the American Planning Association.

**Panel Presentation on Bay TMDL at American University Law School**

CLA’s Vice President, Ridgway Hall, participated in a panel discussion of the legal arguments and implications of the appeal of the District Court decision upholding the Environmental Protection Agency’s (EPA) Total Maximum Daily Load (TMDL) for the Chesapeake Bay, or “Chesapeake Bay Clean Water Blueprint.” The discussion focused on EPA’s authority in issuing the TMDL and its underlying science.

“A CLA volunteer, successfully sued MDE for their denial of a permit for the Pines Community to replace a broken bulkhead with a “living shoreline.” The judge was so offended by MDE’s “arbitrary and capricious” actions that she ordered them to issue the permit within 45 days, which they did. This is a classic example of the value of CLA volunteer attorneys. The community would not have pursued the permit, and the old bulkhead would have been replaced with a new bulkhead. No living shoreline to add wetlands to Chase Creek and the Severn River.”

—Fred Kelly, Severn Riverkeeper
CLA’s President, Russell Stevenson, authored an article published in the Environmental Law Institute’s Environmental Law Reporter entitled The Maryland Environmental Policy Act (MEPA): Resurrecting a Tool for Environmental Protection. MEPA requires all state agencies to take into account environmental impacts as part of their decision-making processes; however, currently only two Maryland state agencies consider MEPA. MEPA presents opportunities to require greater consideration of environmental impacts by state agency decisionmakers.

CLA volunteer attorneys have successfully brought to bear the Maryland Forest Protection Act (FPA) to halt and improve several large scale developments. These efforts are forcing the City of Annapolis to develop a forest conservation program that complies with the Act. Previously ignored largely by local officials and developers, the FPA aims to protect and preserve large, contiguous forest stands, as well as rare and large trees. These actions are setting useful precedent to use in opposing developments in other areas of Maryland and in states with analogous forest protection laws.

Several CLA matters have presented opportunities to explore the utility of the Maryland Public Trust Doctrine as an environmental protection tool. This legal principle holds a state’s navigable waterways in trust for the use of the citizens of the state. MPA Issues have arisen where citizen rights to fish, navigate, and recreate, as well as protect wildlife, have collided with commercial interests.

CLA explored use of the Resource Conservation and Recovery Act (RCRA) to require farmers to clean up pollution to streams and groundwater resulting from over-application of manure to agricultural fields. Subsequently, a federal court in Washington State court confirmed the potential utility of this theory when it ruled that dairy farmers had violated RCRA when they improperly managed manure in a manner that threatened public health.
A Special Thanks to Our Supporters

Our success is due to the following individuals, organizations and foundations who believe in our mission and provided financial support in 2014.

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<td>Melvin &amp; Judith Bender</td>
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<tr>
<td>Ruth Berlin</td>
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“Thanks to CLA’s referral to Whitford, Taylor and Preston, we were able to complete our 501(c)(3) IRS determination process with their help. We are very grateful to CLA and Eileen Johnson and Megan Spratt at WTP for helping us establish our new sister 501(c)(3) organization, the Maryland Pesticide Education Network.”

—Ruth Berlin, Maryland Pesticide Network and Maryland Pesticide Education Network
The Elk and North East Rivers Watershed Association has received significant support from Dan Dozier of Press & Dozier, LLP and certainly would not be nearly so far along in our efforts without his support. With his assistance and guidance, we have drafted and submitted necessary documents to be certified as a non-profit.

Mark Dobbins, President, Elk and North East Rivers Watershed Association

Mallard
$100-$249
- Judith Billage
- Marie Birnbaum
- Earl Bradley
- Theophilus Briswold
- Broadneck Council of Communities
- Michael Brodie
- Randy and Barbara Bruns
- Susan B. Canfield
- Ted Connell
- Beth & Stephen Crocker
- Christine Crocker
- Dick D’Amato
- Robert M. Doyle
- Robert Gallagher
- Kathy Meyer
- Allison Zieve

Friends of CLA
- Jackie Guild
- Gunpowder Riverkeeper
- V.K. Holtzendorf
- Sally Honor
- Elizabeth Jeppson
- Lori Jones
- Suellen Keiner
- Alice A. Kipel
- Richard Klein
- Dick Lahn
- George and Kennie Lupton
- William Matuszuki
- Katherine A. Meyer
- Ed Model
- Gail Montplaiser
- Patsy Mote
- Michael and Sage Mumma
- Karl Neidhardt
- Eric Peltosalo
- Kincey Potter
- Ursula Quinn
- Lynne Rockenbauch
- Sam and Barbara Santos
- John J. Schwarz
- Joan Scott
- South River Association
- Peter Stathis
- Raymond Sullivan
- S.W. and S.M. Sweeney
- William Taft
- Evan Thalenberg
- Valerie Ughetta
- Deborah Wagner
- W. Harrison Wellford
- Jim and Suzanne Woolsey
### CLA Clients

**1000 Friends of Maryland**
- Action Committee for Transit

**American Civil Liberties Union of Maryland**
- Agricultural Certainty Work Group
- Allentown Residents for Clean Air
- Alliance for the Chesapeake Bay
- Alliance to Restore Northwest Creek
- Alliance to Save the Rappahannock
- American Chestnut Land Trust
- American University
- AMP Creeks Council
- Anacostia Riverkeeper
- Anacostia Watershed Citizens Advisory Committee
- Anacostia Watershed Society
- Anglers Club of NY
- Annapolis Citizen Group
- Annapolis Environmental Commission
- Annapolis Green
- Annapolis Neck Peninsula Federation
- Assateague Coastal Trust
- Assateague Coastkeeper
- Audubon Maryland-DC
- Audubon Naturalist Society
- Bay Land Trust
- Bay Princess Condominium Association
- Berrywood Community Association
- Bedford County Citizen Group
- Blue Water Baltimore/Baltimore Harbor Waterkeeper
- BMAT Restoration Work Group
- Breton Beach Road Residents
- Calvert County Citizen Group
- Campaign to Reinvest in Oxen Hill, MD
- Caroline County Conservation Alliance
- Cecil County Department of Public Works
- Chapman Forest Foundation
- Chesapeake Bay Commission
- Chesapeake Bay Foundation
- Chesapeake Climate Action Network
- Chesapeake Legal Alliance
- Chester River Association
- Choose Clean Water Coalition
- Citizen, Annapolis, MD
- Citizen, Arnold, MD
- Citizen, Crownsville, MD
- Citizen, Deale, MD
- Citizen, Elkton, MD
- Citizen, Hallowing Point Trailer Park
- Citizen, Mill Creek, MD
- Citizen, Oxon Hill, MD
- Citizen, Prince George’s County
- Citizen, Sherwood Forest, MD
- Citizens for a Better Charles County
- Citizens to Protect Bluff Point
- Citizens to Save Little Pimmit Run
- Citizens to Save Valley Park & Whetstone Run
- City of Annapolis
- Clean Water Action
- Clean the Creeks of District 2
- Coalition for Smarter Growth
- Common Cause Maryland
- Conservancy for Charles County
- DC Bar Association
- Dividing Road Property Owners
- DMV Environmental Justice Coalition
- Elk and North East Rivers Watershed Association
- Energy Justice Network
- Environment Maryland
- Environmental Integrity Project
- Eyes of Paint Branch
- Federal Hill Residents
- Frederick County Citizens Group
- Friends of Bryan Park
- Friends of Cabin John Creek Watershed
- Friends of Hillmead Park
- Friends of Jug Bay
- Friends of Oxon Hill
- Friends of the Bohemia
- Friends of the National Arboretum
- Friends of Rock Creek’s Environment
- Friends of Sligo Creek
- Friends of the Earth
- Future Harvest—CASA
- Good Jobs First
- Greater Goshen Civic Association

* = New 2014 Matter with Existing Client

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New 2014 Client
| Grove Park Neighborhood Association | Millers Island Community Federation | Severn River Association |
| Gunpowder Riverkeeper * | Montgomery County Civic Association | Severn Riverkeeper * |
| Harwood Civic Association * | Nanjemoy-Potomac Environmental Coalition | Severn School Area Residents |
| HasNa, Inc. | National Wildlife Federation * | Sierra Club (Maryland Chapter) * |
| HOPE Impacts * | Natural Resources Defense Council | Sierra Club (Southern Maryland Group) * |
| Jessup Improvement Association | Neighbors of Northwest Branch | Shenandoah Riverkeeper |
| Little Falls Watershed Alliance | North Linthicum Citizen Group | Smarter Growth Alliance for Charles County |
| Lothian Civic Association * | Northwood-Four Corners Civic Association | Smart Growth America |
| Lower Susquehanna Riverkeeper | OpenGov Foundation | South County Citizens * |
| Magogany River Association * | Oxford Landing Citizen Group | South Hampton HOA |
| Maryland Bass Nation | Patuxent Riverkeeper | South River Federation * |
| Maryland Clean Agriculture Coalition | Physicians for Social Responsibility | Southern Maryland Audubon Society |
| Maryland Coastal Bays Program | Pines on the Severn Community * | South River Federation * |
| Maryland Conservation Council | Port Tobacco River Conservancy | St. Mary’s River Homeowner Group |
| Maryland Department of Agriculture | Potomac Conservancy | St. Mary’s River Watershed Association * |
| Maryland League of Conservation Voters | Potomac River Association | String of Pearls * |
| Maryland Native Plant Society | Potomac Riverkeeper | Sunlight Foundation |
| Maryland Open Government Network | Public Justice Center | TAME Coalition |
| Maryland Pesticide Education Network * | Queen Anne Conservation Association | Town Creek Foundation |
| Maryland Pesticide Network * | Residents of Easton, MD | Trash Free MD |
| Mason Springs Conservancy * | Riva Woods Homeowners Association | University of Maryland * |
| Mattawoman Watershed Society * | SACReD * | Upper James Riverkeeper |
| MD-DC-DE Press Association | Sassafras Riverkeeper * | Waterkeepers Chesapeake * |
| MD Nutrient Management Trading Work Group * | Save Your Annapolis Neck * | Watershed Stewards Academy |
| Midshore Riverkeeper * | Scenic Rivers Land Trust | West Montgomery County Citizens Association |
| Mill Creek Citizen Group | Seven Oaks-Evanswood Community Association | West/Rhode Riverkeeper * |
| | | Westport Residents, Baltimore, MD |

New 2014 Client  
* = New 2014 Matter with Existing Client
FINANCIALS

Overview of the Fiscal Year Ending December 31, 2014

Support and Revenue

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Expenses

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Change in Net Assets

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Net Assets, January 1, 2014

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Net Assets, December 31, 2014

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“My heartfelt thanks to your organization for the incredible work done on behalf of the citizens of South County in helping us fight irresponsible development that threatens some of the last wild areas on the Western shore of the Chesapeake Bay. As we all know, over-development of the shoreline threatens to destroy wildlife habitat, native species, important fisheries, and the very life of the Bay itself. Developments like Turtle Run in Shady Side, that would set new, and terrible precedents leading to the elimination of environmental protections offered by the Maryland Critical Area law, must be stopped. But without people like John Wyss and organizations like the Chesapeake Legal Alliance, they cannot be stopped.”

—Amanda Spake, South Arundel Citizens for Responsible Development (SACReD)
Chesapeake Legal Alliance is a non-profit organization entirely supported by charitable contributions. Please continue to think of us in your charitable giving and also consider urging friends and colleagues to join our cause. The chart below shows the types of issues addressed in 2014 with your support.

Tax deductible contributions may be made online at www.chesapeakelegal.org/donations or mailed to 67 Franklin Street, Annapolis, MD 21401
Our Work

CLA’s network of volunteer attorneys fills the gap where individuals and organizations lack the legal expertise and/or resources to address Bay recovery issues and projects. This work includes litigation battles, administrative hearings, and development of improved laws and regulations. CLA volunteers also provide their expertise on local issues and regional efforts that affect the health of the Bay.

CLA’s clients range from individuals, homeowner associations and local groups to regional coalitions and national organizations. Collectively, their efforts improve the overall health of the Bay as well as the Bay’s subwatersheds, providing direct benefits to the human and wildlife communities of the Chesapeake Bay.

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