Atlantic States Legal Foundation, Inc.

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ASLF and the Great Lakes Restoration Initiative (GLRI)



This past September, more than 700 trees were delivered to ASLF to be planted throughout the City of Syracuse. These plantings are a part of ASLF's continuously expanding Urban Forestry Program funded through the "Cooperative Forestry Assistance Program (Great Lakes Restoration Initiative)" of the United States Department of Agriculture (USDA) Forest Service. The Great Lakes Restoration Initiative (GLRI) is a federal program, launched in 2010, to accelerate efforts to protect and restore the largest system of fresh surface water in the world – The Great Lakes. Here in Syracuse, we are a part of the Great Lakes watershed.

ASLF's work with the GLRI program integrates urban forestry with stormwater management to reduce stormwater runoff. Stormwater runoff is water from rain or melting snow that does not soak into the ground. It flows from surfaces such as rooftops, paved areas, bare soil and sloped lawns; collecting and transporting pollutants before depositing them into our community waterways. Stormwater runoff entering the Onondaga Lake watershed carries pollutants to the Onondaga Lake and its tributaries, flowing north out of the lake to the Seneca River, and eventually to Lake Ontario.

2014

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Trees act as mini-reservoirs through intercepting, absorbing and controlling stormwater; while also absorbing trace amounts of harmful chemicals, cleaning our air, and providing countless other social and communal benefits. The trees planted through our urban forestry program will not only help mitigate stormwater runoff, but also create wildlife habitat for native insects and birds, improve biodiversity, and reduce urban heat island temperatures through shade and transpiration. Trees also absorb carbon dioxide, release oxygen, and intercept and capture lung-damaging particulate matter while acting as a buffer against climate change, reducing air and noise pollution, and lowering the prevalence of childhood asthma.

In addition to environmental benefits, trees have also been linked to increased property values, reduced criminal activity, higher occupancy rates, and enhanced community pride in addition to other social and health benefits. Trees strengthen quality of place and the local economy by enhancing economic stability, attracting businesses and tourists, and encouraging people to linger and shop longer where trees are present.

ASLF's involvement in the GLRI program began in December of 2010, when Onondaga County, New York, was awarded two grants in collaboration with ASLF and the City of Syracuse. The first funded project was to develop a plan for the implementation of urban forestry as a stormwater management tool in an effort to reduce combined sewer overflow (CSO) volume in Syracuse, NY. CSO occurs during heavy rain or snowmelt, when combined sewers carrying both sanitary sewage and stormwater runoff reach their carrying capacity and



ASLF Staff and 12 sudent volunteers braved the autumn chill and rain to plant 39 trees at Oakwood Cemetery on October 4th as a part of the GLRI Tree Planting Inititiave on Private Land to Manage Stormwater and the SUNY-ESF Saturday of Service.



ASLF, Onondaga Earth Corps, Syracuse Parks Association, Cornell Cooperative Extension CommuniTree Stewards, and community volunteers came together to plant 31 trees at Transfiguration of Our Lord Parish in Syracuse, NY on Wednesday, October 15th.

discharge the excess untreated sewage directly into nearby water bodies. There are currently 46 active CSO outfall locations in Syracuse, comprising an area of 6,547 acres. Onondaga County is slated to capture 95% of CSO volume by 2018 to comply with the Amended Consent Judgment (ACJ), a settlement between the State of New York, ASLF, and Onondaga County.

Completed in June of 2012, our first GLRI project resulted in the identification, mapping, and analysis of possible project sites to be used for GLRI and the development of preliminary site designs. The second project, awarded to the Onondaga County Department of Water Environmental Protection(WEP), is scheduled to be completed in December of 2014, and seeks to reduce brownfield contamination entering storm sewers and decrease CSO and non-point source pollution entering Onondaga Lake and its tributaries while also increasing the City's tree canopy coverage.

With support from the GLRI Tree Planting Initiative on Brownfield Sites project, ASLF has planted more than 500 trees throughout the City this year, and has conducted extensive outreach to local residents and neighbors. Through hosting public meetings, knocking on doors, and working directly with community members, ASLF has had the opportunity to raise awareness and draw attention to the importance of urban trees, and ensure the trees planted through this program are welcomed to the neighborhood to stimulate community benefits for years to come.

In an effort to augment these projects and further maximize the benefits of urban trees and forests, ASLF was awarded an additional grant through the GLRI program in 2013 for a Tree Planting Initiative on Private Land to Manage Stormwater. This funding has supported two Tree Planting & Care Training Seminars, allowing 20 trainees to learn proper planting techniques, how to protect young saplings and promote healthy tree growth, how to care for and prune trees, and the important role urban trees play in local community improvement efforts. ASLF has also hosted two hands-on tree planting training sessions, where volunteers helped to plant more than 60 trees on private, non-profit properties including Oakwood Cemetery and Transfiguration of Our Lord Parish. By the end of 2015, ASLF will have planted more than 200 trees in the City of Syracuse on private, nonresidential properties as a part of his important initiative.

Most recently, ASLF has partnered with the Oswego County Department of Community Development, Tourism, and Planning to expand our forestry work and reduce toxic runoff entering Lake Ontario by planting at least 600 native trees and shrubs on brownfield sites in Oswego County, with funding from the GLRI program. This project is slated to begin in August of next year.

Our New Urban Tree Nursery

A SLF is in the process of establishing an Urban Tree Nursery (UTN) on a previously vacant 0.25 acre lot across from our office at 663 West Onondaga Street. The UTN is a component of ASLF's tree planting initiative, funded in part by the "Cooperative Forestry Assistance Program (Great Lakes Restoration Initiative)" of the U.S. Forest Service, and the Environmental Benefits Project (pg. 6). This initiative is in response to the growing need for high quality, affordable, native seedlings to support local and regional forestry and other green initiatives. This will not be a typical retail nursery, with high prices tailored to private consumers. Instead, our UTN will provide reasonably priced saplings to local government agencies and community organizations to augment and encourage local tree planting efforts. In light of growing awareness of the importance and value of trees, our UTN will enhance existing tree planting efforts while promoting canopy restoration, carbon sequestration, stormwater management and green infrastructure, urban agriculture, and other greening/ beautification projects. Our UTN will also help restore tree canopies the region has lost, and continues to lose, to invasive species and diseases, natural disasters, and development. The nursery is in the final stages of development and will begin growing seedlings, in cooperation with Forrest Keeling Nursery in Missouri, in spring 2015. For seed stock, ASLF recently shipped more than 100lbs of Oswego County red and white oak acorns to Forrest Keeling to begin

seedling propagation in preparation for stocking our nursery with genetically local saplings next year. ASLF aspires for our UTN to serve as a model for other communities and organizations interested in growing their own trees, and looks forward to working with our neighbors to improve our community through promoting a thriving urban canopy.

Agro-Forestry

In early April, 2014, ASLF traveled to the University of Missouri (MU) to deliver a presentation on our work and to learn more about the University's advanced research in agro-forestry. Agro-forestry explores the integration of trees with shrubs and crops to create diverse, productive, and sustainable landscapes; capitalizing on the benefits of non-traditional tree products and the habitat offered by trees to promote agricultural production. ASLF was first introduced to the work of MU by Forrest Keeling Nursery, and was pleased to accept an invitation from Dr. Shibu Jose, Program Director, and his predecessor Dr. Harold "Gene" Garrett, to tour MU's main experiment station and present to faculty and post-doctoral researchers in the program.

ASLF is particularly interested in agro-forestry as a means of more sustainable land-use in both urban areas and on now abandoned agricultural and forested properties throughout New York State. ASLF is also interested in implementing and piloting the use of nut/fruit bearing riparian forest buffers to lessen polluted run-off from agricultural areas to streams. The use of marketable crop species in these buffers ensures farmers are not deprived of valuable cropland, while also enhancing the health and vitality of our waterways. Most imperatively, agro-forestry offers opportunities for green job training to enhance the green-collar labor force, particularly among veterans and veteran farmers.

Following the presentation, ASLF staff and program researchers were able to outline mutual interests and potential areas for future collaboration. ASLF looks forward to developing our own agro-forestry program with our associates here in New York, and welcomes collaboration with the Center for Agroforestry.

Agroforestry includes:

- Forest Farming
- Silvopasture
- Alley Cropping
- Upland and Riparian Forest Buffers
- Windbreaks

NYCO Minerals & NYS Lawsuit Over Abuse of State Law in Forest Preserve Wilderness Mining

A SLF and several other environmental organizations have a lawsuit in progress concerning "Lot 8," a 200-acre Forest Preserve parcel in the Jay Mountain Wilderness Area of the Adirondack Park in the Champlain Valley. Readers may recall that this parcel was the subject of an amendment to Article 14 of the State Constitution, the "forever wild" provision, on the ballot last November 5 as Proposition 5. It allowed a private company, NYCO Minerals, Inc., to expand its existing wollastonite mine in the Town of Lewis into this State Forest Preserve land.

Despite strong opposition, the amendment passed 53-47%, allowing NYCO to undertake test drilling prior to engaging in full scale open pit mining to determine if the quantity and quality of the mineral is sufficiently valuable to proceed. If NYCO moves ahead, the company will submit an appraisal of Lot 8, including forestland value and mineral value, to the State Legislature. This would provide the Legislature with a basis for determining how much NYCO should pay for Lot 8, with 1506 acres or more of previously cutover private forestland now owned or optioned by NYCO, to be added to the Forest Preserve serving as payment.

This arrangement is not a "land swap" in the usual sense where, as with past land-swap amendments, all of the rules were established in advance by the State Legislature. While test drilling is scheduled to be in progress, Lot 8 will still be considered to be Forest Preserve, subject to all of the protections afforded to Forest Preserve in State law. The problem is that in implementing test drilling, the Adirondack Park Agency (APA) and NYS Department of Environmental Conservation (DEC) have chosen to obey certain State laws, but not others. To allow this to become normal procedure without objection would greatly undermine Forest Preserve protection. Before any mineral sampling proceeds, the organizations that filed the suit are seeking preparation of an environmental impact statement and enactment of clear legislative standards to guide agency oversight of the activity.

According to Samuel Sage, "No one, whether they voted for or against Proposition 5 last year, expected the State to then take the law into its own hands and in effect arbitrarily repeal all non-constitutional applicable State laws that protect Forest Preserve Wilderness and natural resources of Lot 8." Another major issue is that DEC has drastically undervalued the natural resources of Lot 8, which was acquired by the State as tax sale land and added to the Forest Preserve in 1885. The diverse forest now there is nearly "old growth," rich in ecological values.

Beginning in January of 2014, ASLF, Adirondack Wild: Friends of the Forest Preserve, Protect the Adirondacks! and the Atlantic Chapter of the Sierra Club, represented pro bono by Earthjustice (EJ), a national not-for-profit environmental law firm, with Deborah Goldberg as lead counsel, have been expressing to APA and DEC that they need to adhere to all applicable State laws in approving the test drilling, not just those they feel like obeying. This is now the main point of the lawsuit.

Despite strong efforts to obtain compliance from APA and DEC, these State agencies issued flawed approvals for test drilling. However, on July 14, we plaintiffs filed against them in State Supreme Court in Essex County, and in August, successfully obtained a "TRO" (Temporary Restraining Order) to prevent NYCO from building access roads and cutting trees on Lot 8 and otherwise proceeding with test drilling. The groups challenged the State's claim that the Article 14 constitutional amendment of 2013 frees the agencies to disregard various State laws protecting Lot 8.

On October 24, Supreme Court Justice Thomas Buchanan continued the TRO, but this only lasted until December 3, 2014 when it was dissolved by the same Justice. Our coalition however will continue to pursue this case, and an appeal will hopefully be filed.

Ideally DEC and APA should be required to start the process over, this time obeying all applicable State laws, and to re-study the resource values of Lot 8. There is plenty of time to do this, as NYCO has decades of reserve ore deposits to mine in the meantime, having just applied to the State for a 50% expansion of their existing Lewis mine next to Lot 8, and to greatly expand a mine at Oakhill, two miles from Lot 8 – facts that NYCO withheld from the voting public during their \$750,000 public relations campaign leading up to the November 5 vote, when they said they soon would be out of ore and would have to dismiss all 105 employees and go out of business, unless they obtained Lot 8.

Biomonitoring of Onondaga Lake Fish Consumers

Onondaga Lake has a long history of industrial pollution, and while the lake has experienced dramatic improvement in recent years, Onondaga Lake fish generally remain unsafe to eat. Over time, fish living in the lake accumulate unhealthy amounts of certain chemicals, built up in their bodies through a process known as bioaccumulation. When these fish are consumed, it can result in health problems ranging from smaller health outcomes that are difficult to detect, to cancer. This is especially true for women who are pregnant, or intending to become pregnant, as many of the toxins present in locally caught fish can lead to birth defects.

For years, ASLF has been advocating for improved outreach and communication to people who regularly consume Onondaga Lake fish, and has continuously brought this important issue to the table during public policy discussions. ASLF has also produced multi-lingual fish advisories, and remains involved in discourse with refugee and immigrant communities involved in fishing on the lake.

We will now be partnering with the New York State Department of Health (DOH) and several other organizations to find out the quantity of toxic substances retained in bodily tissues of those who consume fish from Onondaga Lake. DOH biomonitoring will begin in 2015 and rely on a robust outreach plan to achieve participation from the required sample size to complete the study. Specifically, the project will focus on refugee groups in Syracuse as well as "low-income urban minority" (non-refugee) populations, with the goal of securing involvement from 300 refugees and 100 non-refugees. ASLF, in conjunction with the Southwest Community Center and Jubilee Homes, has been directed to focus on outreach to the latter group, particularly citizens who may be subsistence anglers in Syracuse. We will also be serving on the advisory board for this project.

The actual biomonitoring will rely on testing blood and urine samples to identify levels of toxic substances such as mercury, PCBs, and other chemicals, which will then be statistically cross-referenced with survey data obtained from study participants concerning their lake fish consumption habits. A similar study conducted in Buffalo, NY utilized a peer coupon referral system to gain access to volunteer participants. This investigation is the first time this issue has been scientifically examined in Syracuse, and ASLF is proud to have contributed to bringing attention to this very important subject. For more information on the safety of eating Onondaga Lake fish, please visit the NYS DOH website: healthy.ny.gov, or visit aslf.org to download our free, multi-lingual advisories.

Challenge to Natural Gas Pipeline on Lake Champlain

A SLF has joined the Vermont Public Interest Group (VPIRG) to intervene in the authorization of a proposed natural gas pipeline from Shoreham, Vermont to Ticonderoga, New York by use of the bed of Lake Champlain. On September 9, 2014, Vermont Gas Systems, Inc. (VGS) filed a petition seeking approval for a commercial pipeline under Public Service Law; however the pipeline in question is a private facility with its purpose to serve only one customer – International Paper Company.

The State of New York owns the bed of Lake Champlain on its side of the state line, and the beds and waters of lakes located within the Forest Preserve are considered to be part of the Forest Preserve. The Public Service Commission cannot issue VSG a permit without finding that the use of the lakebed conforms to NY law, which requires a public use. Shortly after VGS filed for authorization of the pipeline, VPIRG and ASLF filed requests to intervene, arguing VGS's application did not explain how its proposed construction of improvements on state forest labeled for a commercial purpose would comply with the New York State Constitution and Department of Environmental Conservation regulations issued to protect New York's public lands.

On October 17, 2014, Administrative Law Judge David Prestemon issued a ruling denying party status to VPIRG and ASLF. Although conflicts with the State Constitution and DEC regulations "could have been determined" – indeed, were required to be determined – by the commission under state law, no agency of state government and no party in this proceeding, prior to VPIRG and ASLF intervention, has addressed these conflicts, and no agency or person has done so since. The effect of this ruling, if upheld, would be to divest New York courts of jurisdiction to review whether this private corporation's commercial use of the state-owned forest preserve lakebed of Lake Champlain is lawful under the fundamental law of the state, as well as under the duly promulgated regulations of the DEC, which explicitly prohibit such use.

The plaintiffs filed an Interlocutory Appeal, which was unfortunately denied on December 16, 2014. ASLF and VPIRG are currently making decisions about the next actions.

Environmental Benefit Project Materializing

fter more than two decades of planning and cooperation, AASLF has begun implementation of the Environmental Benefit Project (EBP), a project resulting from the original lawsuit and settlement with Onondaga County for violations of the Clean Water Act. The EBP involves design and installation of various green infrastructure (GI) demonstration projects, the establishment of an urban tree nursery (pg. 3), and development of a restoration master plan for what was once Leavenworth Circle Fountain, now a 5-way intersection where West Onondaga Street meets Tallman Street, Delaware Street, and Onondaga Avenue in Syracuse, NY. In June, an agreement mobilizing the funding available for the EBP was finalized with the Central New York Regional Planning and Development Board, contracted by the New York State Department of Environmental Conservation to administer the fund and oversee project implementation.

As defined in the EBP agreement, ASLF is currently leading a feasibility study on the restoration of the Leavenworth Fountain, which would include a new roundabout traffic circle, utilize solar power, and capitalize on harvested rain water in accordance with Onondaga County's CSO abatement efforts. The conceptual plan produced by ASLF will then be sent to an established and respected design firm for a detailed feasibility analysis and composition of a site master plan. Initial investigation has suggested the project has the potential to collect more than 2 million gallons of stormwater runoff annually from the surrounding area; however, for the project to be financially feasible without compromising the suggested scope, external funding must be sought and raised for construction. In addition to leading the feasibility study, ASLF will also assist in neighborhood outreach and stakeholder coordination.

Apart from the Leavenworth Circle Fountain, all EBP GI demonstration projects will be installed at 658 West Onondaga Street, allowing ASLF to serve as a one-stop-shop for interested parties to observe and learn about GI best management practices. Projects include the construction of two green roofs on the ASLF office building, a porous parking lot featuring an assortment of permeable paving materials, rain barrels, and a Victorian style rain garden planted with native species. Updated designs have been developed for the demonstration projects, including the green roofs, which have received a comprehensive engineering design and are slated to be completed in spring of 2015. All EBP projects will be completed by October 31, 2016.

ASLF Attends the 2nd Annual Water Resources and Wetlands Conference in Tulcea, Romania

n September 11th, 2014, ASLF staff members Paul Harris and Samuel Sage presented at the 2nd Annual Water Resources and Wetland Conference in Tulcea, Romania, to an audience of scientists, planners and academics from around the world. Our paper, "Managing the Onondaga Lake Watershed through Science-based Policy," explained our challenges and successes relating to the cleanup of Onondaga Lake and how to use the knowledge learned in other places and situations. The ASLF-initiated grassroots effort, which transformed one of the most polluted water bodies in the world into a valuable urban ecological asset, is a model to be shared and a story to be celebrated. ASLF has long been a proponent of global "technology exchange," where ideas, models, and methods are shared freely between institutions and organizations in an effort to combat the world's environmental crises.

In this effort, ASLF was able to touch base with Mare Nostrum, a non-governmental organization with a mission to address the severe degradation of the Romanian coastal environment, while in Romania. In the past, ASLF has received funding from USAID to work on Black Sea focused projects in cooperation with Mare Nostrum, and this recent trip provided an opportunity to discuss potential future collaboration with one of the group's board members, Laura Boicenco. ASLF hopes to remain in touch with our international peers and continue to develop our international program, supporting the global transfer of knowledge and experience to promote social and environmental resilience.

Changes at ASLF

2014 has been a busy year at ASLF! In addition to our numerous exciting projects in Syracuse and beyond, our organization has also been undergoing internal changes. This year, we said goodbye to several staff, who all proceeded to the next steps in their respective careers: Aaron Lehman, Wendy Paterson, Nasseer Idrisi, and Michelle Meyer. We wish them the best of luck in their future endeavors! In turn, we also welcomed new staff to the ASLF team: Jesse LaRose, our forester, and Olivia Green, our Water Resources Specialist. We're thrilled to have you join us! Our new staff members are already hard at work executing our various green projects, conducting outreach, and helping to fulfill the important mission of ASLF. We would also like to thank Michael Alicea, Leanna Kirschen, Seth Quam, Kristine Ellsworth, Rasheed Lucas, Marisal Dobbins, Kishma Alexander, and Edouard Tiendrebeogo for their hard work and assistance as interns at ASLF during the 2013-2014 academic year and summer of 2014.

During ASLF's annual meeting in July, our Board of Directors announced plans to host a retreat in October, held on October 10th and 11th of this year, to re-examine programs and organizational priorities after 30 years of successful operation. Staff, Board members, friends and dedicated supporters of the organization participated in the retreat, facilitated by Thane Joyal. During the retreat, several important goals were accomplished: to allow for staff and Board members to meet and mingle in a relaxed atmosphere, to discuss the role of the Board in the organization, to begin the process of planning the future direction of ASLF, and to create a roadmap for succession. ASLF will continue with similar programs into the future; however, look for exciting new initiatives and structure in 2015. A special thank you to Honeywell for allowing us to use the Onondaga Lake Visitors Center for this event!

On September 24, 2014, The Great Lakes Green Chemistry (GLGC) Network project came to an end. Although Lin Kaatz Chary will no longer continue as an ASLF staff member in the absence of the GLGC Network, we look forward to continuing collaborative efforts with Lin to further the protection of the Great Lakes and continue to repair the damage from toxic contamination in the past. ASLF will also continue to host the GLGC website at www.glgc.org, which will remain as an archive of webinars, recordings from GLGC Conferences, and as a repository for key reference documents.

New Urban Land Trust

S yracuse, NY will soon be home to a new Urban Land Trust, developed to provide long-term possibilities for urban agriculture and forestry; and the maintenance of urban green spaces, green infrastructure, and other community assets throughout the city. Those interested in donating land to the Land Trust should contact ASLF for more details.

Board of Directors

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<u>Staff</u>

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Donating to ASLF online is easy with "Razoo" or by mail. Visitors to our websites now have the ability to donate simply by clicking the Donate Now logo. Of course, we still enjoy opening mail to find a donation by check, too! Please support your favorite local environmentalists!!! All contributions to ASLF are tax-deductible to the full extent of the law. Copies of ASLF's financial report may be obtained from the New York Department of State, Albany.

YES! I want to contribute to ASLF's important work!	Sign me up at the following level:
	"Spill Stopper" (\$50-\$100)
I am already a member. Please update my records with	"Toxic Avenger" (\$100-\$250)
the following information:	"Super-Funder" (\$250-\$500)
	"Benefactor" (\$500+)
Name	Other:
Address	YES! I am interested in volunteering with ASLF by:
	Doing research in my area
City/State/Zip	Helping out in the ASLF office
	Providing a place to stay for ASLF associates
Phone	working in my area
	Send me newsletters to distribute
E-Mail	Other:

About Atlantic States Legal Foundation



Atlantic States Legal Foundation (ASLF) was established in 1982 to provide affordable legal, technical and organizational assistance to individuals, community groups, and other Non-Governmental Organizations (NGOs), as a way to effectively remediate threats to the natural environment. Throughout the 1980s and early 1990s, ASLF was the principal NGO utilizing the citizen suit provision of the Clean Water Act as a means of forcing polluters to cease the desecration of America's waterways. During that time, and continuing today, we work cooperatively with local environmental groups and attorneys throughout the United States to deter polluters, and would-be polluters, in a national litigation campaign.

In the early 1990s, ASLF also became known as the lead NGO in the national campaign forcing industries to disclose the extent and volume of toxic materials stored at individual facilities. Our previous efforts resulted in a vast number of industries becoming accountable to their residential neighbors in relation to potential risks to otherwise uninformed communities.

As ASLF grew, and as the nation's environmental problems and solutions have become more complex, we have been focusing a greater portion of our time participating extensively in stakeholder negotiations, scientific and technical review and consulting, and community education programs. Our staff scientists work in conjunction with leading experts in the fields of wastewater and mechanical engineering, GIS mapping, chemistry, biology, geology, hydrology, toxicology, and risk assessment, in order to provide affordable, accessible technical expertise to communities in need.

Sign-up for ASLF's Electronic Newsletter (E-News)!

In an effort to encourage environmental awareness and keep our constituents up-to-date on projects and progress, ASLF launched monthly mailings of electronic news (E-News) in April 2014. Recipients of this free email news letter not only receive stories about the crucial work of ASLF, but also important information about upcoming public comment periods and hearings, environmental legislation and litigation, and opportunities for involvement. Our E-News mailings also frequently feature scientific discoveries and community groups/projects/events through our Research Spotlight and Community Spotlight articles.



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