

FALL
2020

U.S.-ASIA PARTNERSHIPS NEWSLETTER

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VERMONT
LAW SCHOOL

FROM THE DIRECTOR



A lot has happened since our summer 2019 issue of the newsletter. When the coronavirus outbreak began to emerge at the end of 2019, we were very concerned for our alumni and partners in China. While we were not able to travel, we kept communications with them and wished them well. When the U.S. became the epicenter of the outbreak, they reached out to us with well wishes and offers to send masks. Even as the relationship between the two countries has become tense, our friendship and collaboration has endured. We continue to wish them well in these times of uncertainty.

During this difficult time, in April, we were saddened to hear the news that Professor **Carl Yirka**, one of our faculty fellows, passed away. He was there from the beginning of this program, providing invaluable advice in steering the direction of this program and helping it grow. I will miss his wise counsel.

As a result of the pandemic, VLS has switched to virtual classes, and PEL members have been working remotely. We will continue to do so through at least the end of the fall semester. While we have not been able to do any international travel, we continue to implement program activities. PEL's technical advisor, Professor **Jack Tuholske**, launched the online "Comparative Environmental Public Interest Litigation" course, which examines the role of the legal system in addressing pollution problems in both China and the United States. In April this past spring, Professor Tuholske reprised the online course for the second cohort of mission scholars. These scholars attended four residential environmental law courses which we offered in China last summer. Armed with that foundational knowledge of environmental law, the Mission Scholars are now working with our partner institutions to provide legal assistance to Chinese environmental NGOs (See VLS Change Makers in China by **Molly McDonough**).

In October 2019, Vermont Law School President and Dean **Thomas McHenry** was invited by our long-time partner Sun Yat-sen University Law School to participate in their 40th anniversary celebration. Dean McHenry took this opportunity to visit with PEL alumni and our other partners in China and gave lectures to Chinese students promoting the concept and practices of environmental rule of law. Check out the Q&A about his trip in this issue.

As part of our Myanmar Environmental Governance Program, we organized an Environmental Advocacy Training Workshop in Kalaw, Myanmar, in November 2019. It completed the training of a group of 13 Myanmar NGO leaders, who are actively supporting their community in environmental advocacy. Former Assistant Director **William BJ Schulte**, who now works for EarthRights International and is based in Thailand, was able to attend as guest lecturer.

Before he departed PEL, Professor Schulte finished teaching his summer course, entitled Environmental Governance in the Developing World. He also led a successful field trip with VLS students to Southeast Asia as part of the course, introducing them to environmental NGOs in Myanmar and Cambodia to learn about their work and the challenges they faced in their work. His student, **Naveed Nanjee JD'20** shared his experience on the field trip in this issue of the newsletter. Our visiting Research Scholar, **Weiyu (Vincent) Wu**, also shared his experiences here in Vermont as an eager student on the VLS campus.

These are just a few of our program's impactful accomplishments from the past year. Our mission at PEL is to educate others through advocacy, policy reform, research, and student opportunities. Just this last year, we have facilitated many great learning opportunities for not only students and mission scholars, but also ourselves.

The global pandemic has been humbling but has taught us incredible perseverance in the face of uncertainties. PEL will continue to adapt and create innovative learning opportunities here and across Asia despite these unprecedented times.

Sincerely,
Siu Tip Lam

IN MEMORIAM

We are saddened to say good-bye to Professor **Carl Yirka**, who passed away in April 2020. Professor Yirka was a faculty fellow of the U.S.-Asia Partnerships for Environmental Law. He helped develop relationships with our Chinese partner law schools, gave wise counsel, and guided the Partnership when it expanded to establish the Myanmar Environmental Governance Project. We will miss him greatly.



Carl Yirka, former PEL faculty fellow

VLS EXPERIENCE

by Weiyu (Vincent) Wu, visiting scholar 2018 to 2019

In the late autumn of 2018, I applied to become a visiting scholar at Vermont Law School (VLS) through the Chinese Government Scholarships and the U.S.-Asia Partnerships for Environmental Law Program. The high reputation of VLS in environmental law and my admiration for the work that VLS professors have done in the field of environmental law led me to choose VLS as my host institution for a year-round stay starting in October 2018. In reviewing my last few days at VLS, I feel inspired and hopeful for the future, refreshed and ambitious. This excellent opportunity included both academic exploration and discussions with professors

from VLS and other universities, as well as a new perspective on the United States and the culture of environmental protection.

As an assistant researcher at the Center for Environmental, Natural Resources and Energy Law (CENRE) in [Fudan University](#) (Shanghai), a very important environmental law research position in Shanghai and even China, my work mainly focused on research. My focuses include China's future legal system of environmental damages, with legislative practices in central government and localities, and biological diversity conservation and sustainable utilization of resources in deep sea beds. CENRE

conducted an environmental damage project funded by the Ministry of Research (China) in recent years. The topic is similar to the NRD—Natural Resource Damages—in the United States, familiar to VLS Professor **Mark Latham**, which led me to choose him as my Faculty Supervisor.

Environmental governance problems in China and the United States are different, but because of these differences, we were able to extend ideas, learn, and compare with each other. By discussing the differences it resulted in many new governance ideas and regulations that can be applied in both China and America. During my



In reviewing my last few days at VLS, I feel inspired and hopeful for the future, refreshed and ambitious.

—Weiyu (Vincent) Wu, visiting scholar 2018 to 2019



Weiyu (Vincent) and visiting scholar Xin (Mark) Qiu on the White River. Photo credit: Xin Lin LL.M.'20.



Vincent Wu attending the annual Colloquium on Environmental Scholarship 2019. Photo credit: Anne Linehan.

time at VLS, my favorite part was getting to discuss various environmental issues not limited to my field, with many experts at VLS, especially with Mark Latham and PEL Director **Siu Tip Lam**.

The comparison and exchange of ideas among nations was one of my favorite things about being a visiting scholar, which greatly helped my academic studies. My experience at VLS allowed me to not only gain new, valuable international cooperation, but also meet environmental law scholars around the United States through the annual Colloquium on Environmental Scholarship hosted by VLS, a respected group of researchers and intellectuals from whom I could learn even more.

Beyond my academic inquiries, I was also able to take an extended look at American culture, especially rural culture, and notice some poignant differences between it and my own. Having previously been to the United States, I had seen both positive and negative aspects of American culture. VLS is what I had imagined and was told by my friends; it is a very quiet and calm place for studying and getting inner peace. One of my favorite things was getting to engage with locals in conversations about their culture, life and having them ask questions about my own. I also got to see the respect and patience Americans have for each other.

VLS gave me the opportunity to not only carry out my research, but also provided me a better understanding of the United States; it also allowed me to interact with excellent academics, exchange ideas, and help others understand my own culture.



Vincent atop Burnt Rock Mountain with Alumni Zach Hozid. Photo credit: Claire Andrews.

This balancing act depicted just how precious Inle Lake is to local communities in the Shan State and the broader country and underscored how it must be protected for future generations.

- Naveed Nanjee JD'20



Traditional fisherman on Inle Lake, using his leg to row, keeping his hand free to cast his tall cone-shaped fishing net-basket. Photo credit: Antonia Douglas JD/MELP'21.

ENVIRONMENTAL GOVERNANCE IN THE DEVELOPING WORLD

FIELD STUDY IN CAMBODIA AND MYANMAR

by Naveed Nanjee JD'20

In summer 2019, I had the opportunity to take Professor **William Schulte's** course on Environmental Governance in the Developing World. Professor Schulte was an LLM fellow and then assistant director with the U.S.-Asia Partnerships for Environmental Law at Vermont Law School and has been spending the past several years working and living in Southeast Asia. Throughout the eight-week summer course, we were guided through Southeast Asia's development of environmental law, often learning first-hand the challenges in implementation and good environmental governance. The course prepared us for a two-week field study in Cambodia and Myanmar, by drawing from a variety of case studies in China and the lower Mekong region.

During the summer, in addition to taking this course, I had the opportunity to be a

research associate for Professor Schulte through the U.S.-Asia Partnerships. This research focused on lessons from environmental public interest litigation in the United States, India, and China and their influence on Myanmar. In addition, this research helped focus my interest on the development of Myanmar's environmental laws and deeply informed the subsequent field study.

At the end of the course, a group of students, including myself, packed their bags and flew to Southeast Asia for a two-week intensive field study. Getting halfway across the world is always the first challenge, as some of us had more interesting flight patterns than others. Even Professor Schulte found himself with a connecting flight in Hong Kong at the height of the protests aimed at opposing the introduction of fugitive offenders

amendment bill. Thankfully, everyone on our trip arrived in Phnom Penh, Cambodia without too many hiccups.

In Phnom Penh, the capital of Cambodia, we met with Cambodia's Youth Network and other environmental advocates. They shared stories of how they are organizing young people from around the country to promote human rights and environmental justice. A number of the advocates we met had been arrested for their efforts in fighting deforestation. We learned that Cambodia has one of the fastest rates of forest loss in the world, escalating the effects of climate change not only in the country, but also around the globe. The youth network's staunch commitment to fighting for environmental justice was incredibly inspiring, and we carried their stories throughout our trip.

We also met with the Vishnu Law Group and other Eco-ambassadors, who shared the work they were doing in the Anlung Pring and the Saurus Crane Protected Area. We then traveled with Vishnu Law Group to Anlung Pring, near the border of Vietnam, to the protection area. After learning so much about the world's tallest flying bird, we were hoping to get a glimpse of a saurus crane, now listed as a vulnerable species. However, because we were visiting in the rainy season, we weren't fortunate enough to catch a sighting. The Anlung Pring Community invited all of us back to visit during the dry season, when more than 20,000 birds migrate to the area.

Also in Cambodia, we spent a night in river bungalows in Trapeang Sangkae, a community-based ecotourism site in Kampot. That night, we got a taste of the monsoon season as our transport was flooded. We then took boats down the river to plant mangroves. Mangrove plantations provide shelter to local fisheries by preventing the erosion of stabling settlements as well as protecting shorelines from damaging storms. After the rains calmed down, we traveled back to Phnom Penh and then to Yangon, Myanmar.

On our first day in Yangon, we met with Earth Rights International (ERI), who then guided us north into the Shan State. There, we had the op-

portunity to meet with the National Project Coordinator of the United Nations Development Program and local NGOs to learn about the work they are doing to try to protect Inle Lake, a globally recognized Biosphere Reserve and an important cultural heritage site. A new draft law has been proposed to establish a management authority to localize more of the governance to ensure the sustainability of Myanmar's second-largest body of fresh water. One of my highlights was taking a boat tour on Inle Lake to witness first-hand how a community of 60,000 people lives on the lake and uses traditional fishing methods for catching fish in shallow waters while using one leg to paddle their boats. This balancing act depicted just how precious Inle lake is to local communities in the Shan State and the broader country and underscored how it must be protected for future generations.

Overall, this two-week field study greatly enhanced our learnings from the course on Environmental Governance. It provided experiential and service-learning and brought the importance of good law and policy to life. Although Cambodia and Myanmar have a number of challenges in protecting their environment, civil society in both countries is making great strides in raising international awareness to hold the government accountable.



Piled onto a two-wheel tractor in Anlung Pring and the Saurus Crane Protected Area in Cambodia. Photo credit: William Schulte.



Our first trip out onto the vastness of Inle lake. Photo Credit: Naveed Nanjee JD'20.



Planting mangrove in the river of Trapeang Sangkae, a community-based ecotourism site in Kampot. Photo Credit: Peter Joseph.

VLS CHANGE MAKERS IN CHINA

by Molly McDonough

After a summer of intensive training, the second cohort of Chinese Environmental Mission Scholars—a fellowship program supported by Vermont Law School's U.S.-Asia Partnerships for Environmental Law and its Chinese partners—have dived into their work with environmental NGOs and research institutes across China.

Two scholars are working at [Duke-Kunshan University](#) in Jiangsu, a province just north of Shanghai. Mr. **Yizhi Zhang** is helping environmental civil society organizations identify areas of legal advocacy to combat pollution in industrial parks and chemical plants. Ms. **Mengqi Li** focuses on legal advocacy for environmental organizations protecting the ocean. Recently, she provided legal consultation to a community in Jiangsu who had suffered soil and water pollution from the illegal dumping of construction materials; based on her advice, the community negotiated with the local government, which has promised to clean up the contaminated soil.

Further west on the banks of the Han, a tributary of the Yangtze River, Mr. **Peiyuan Lu** and **Mengyao Liu**, working in Environmental Law Clinic of the [Research Institute of Environmental Law](#) (RIEL) at Wuhan University, are

helping civil society organizations combat wastewater pollution. Allegedly caused by concentrated animal feeding operations, the pollution may have directly contaminated local streams, wells, and an elementary school in one case; in two others, there may be defects in wastewater and manure treatment facilities.

At [Friends of Nature](#), an environmental NGO in Beijing, Ms. **Hailing Qiao** has been conducting site visits and meeting with villagers to investigate alleged solid waste dumping from leather companies in Hebei province. Ms. **Xinyi Wang** coordinated with civil society organizations to develop legislative advocacy plans and bill suggestions that were presented to the National People's Congress and Chinese People's Political Consultative Conference.

"We're excited to see our [Environmental Mission Scholars](#) actively engaging in environmental legal advocacy activities and conducting meaningful research to strengthen environmental rule of law in China," said PEL Associate Director **Yanmei Lin**.



The Mission Scholars working at DKU participated in a CSO Experiences Sharing Workshop on Chemical Plant Industry Park on November 20, 2019 (Above Left, Photo by Nanjing Green Stone) and visited Shanghai Pudong Yixing Biodiversity Research Center (Above Right, Photo by Xiuxiu Zhang)

STRENGTHENING ENVIRONMENTAL PROTECTION IN MYANMAR

by William BJ Schulte

The US-Asia Partnerships for Environmental Law worked together with the [Myanmar Center for Responsible Business](#) (MCRB) to host a workshop in November 2019 in Kalaw, Shan State, Myanmar titled "Strengthening Environmental Protection in Myanmar: In-Depth Training Program on Environmental Legal Advocacy." The workshop brought together 13 leaders of prominent civil society organizations in Myanmar that had previously received training from PEL and MCRB. The workshop focused mainly on taking a deep-dive look at Myanmar's Environmental Impact Assessment (EIA) process and exploring ways that the process could be strengthened in order to increase public participation. Notably, the workshop also included enlightening presentations from a representative of the Shan State Environmental Conservation Department (ECD) and a deputy director of the Union level ECD. The workshop participants also shared their experience and the challenges they encountered in trying to get adequate information on development projects in their areas, and to the public. The workshop enabled frank discussions between the ECD officials and the CSO leaders on similar challenges they face and ways they could work together on specific projects. Former PEL Assistant Director William (BJ) Schulte also attended and provided insight on Myanmar's EIA process, and particularly the role of Environmental Compliance Certificates.



Dean McHenry at the National Prosecutors College (NPC) with (left to right) Yanmei Lin; Vice President of NPC Hongbo Zhou; Dean McHenry; former President of NPC He Huang; and Xiaoyu Zhang. Behind them stand the maple trees He Huang planted as a symbol of good collaboration between NPC and VLS. Photo Credit: Jie Li.

A VLS UPDATE ON CHINA WITH DEAN MCHENRY

Vermont Law School President and Dean **Thomas McHenry** visited China for two weeks in October 2019. Traveling first from Beijing to Haikou then to Guangzhou and finally to Shanghai, Dean McHenry met with VLS alumni, NGO partners, Chinese law school students and faculty—as well as Terry Branstad, the [U.S. ambassador to China](#)—in order to bolster VLS’s programs promoting good environmental governance in Asia. We caught up with the Dean to learn about his trip and get an update on the VLS network that’s thriving halfway around the world.

Q. YOU MET WITH DOZENS OF VLS ALUMNI IN CHINA. WHAT ARE THEY UP TO?

A. Vermont Law School’s role in China is fascinating, because so many Chinese professors, students, and government officials have come to VLS for their training. Many of our alumni are now professors, and many of them also advise government officials and play a significant role in policy decisions. Other alumni work for government agencies, NGOs, or law firms. We have a huge VLS network in China and we are very well-known and well-respected for our environmental programs. Not to mention the fact that everybody is so hospitable and welcoming.

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Q. HOW DO VLS ALUMNI IN CHINA LOOK BACK ON THEIR TIME IN VERMONT?

A. South Royalton is the opposite of a big Chinese city: it's green, wild, and filled with nature—our Chinese alumni have incredibly fond memories of living here. In fact, the former dean and president of China's National Prosecutors College had such a lovely visit when he came during foliage season that he ordered some sugar maple trees (*Acer saccharum*) and had them planted outside his Beijing office. The latitude is about the same, so the trees were changing color when I visited in October. I also brought along some maple syrup, which they loved.

Q. WAS THIS YOUR FIRST TRIP TO CHINA?

A. I've worked as a consultant for the People's Republic of China previously. And I lived in Taiwan for a year after I graduated from law school. I actually speak a smattering of Mandarin Chinese.

Q. WHAT DID YOU SEE THAT WAS SPECIAL ON THIS TRIP?

A. There were numerous special moments. One of the most memorable was a hike along the Great Wall with Dimitri de Boer, who runs the [ClientEarth](#) office in Beijing. We stopped at a farmstand on the way and bought pumpkins for Dimitri's daughters for Halloween. It was a rural farmstand, like something you would find along a dirt road in Vermont—but when Dimitri went to pay, he didn't pay in cash. He paid electronically. It was totally automated. It's fascinating how China has almost become a cashless society.

Afterwards we went to a restaurant in a nearby town. Actually it was somebody's house—a woman with a kitchen who cooks. She took a knife and walked out into her garden to harvest lettuce and cabbage for our dinner. Delicious.

Q. HOW DO YOU SEE VLS'S ROLE IN CHINA GOING FORWARD?

A. The Chinese legal system is very different from ours, but there's no doubt that the Chinese government has committed to the protection of the environment. As a result there's a lot of interest in environmental law and policy in China.

I see several areas of potential collaboration: We have a strong alumni network. We'd love to bring students here, and we're looking into the possibility of hosting a JSD (Doctor of Juridical Science) law degree. I can also see us running more programs in China. For example, an interesting area is the Belt and Road Initiative, projects that China is building and funding—like roads, railroads, and ports—that extend into Africa, all throughout Asia, and even in Central Europe. Which environmental laws apply? What environmental assessments should be performed?

When it comes to environmental law, our goal isn't to impose an American model. Instead we need to make available our experience in the U.S. with various environmental laws and policies and regulations that might be useful to learn and to borrow. And in the process we also learn so much.



Dean McHenry presented his insights in the International Workshop on Ecological Civilization and Global Environmental Governance in Haikou, Hainan Province on October 23, 2019. Photo courtesy of partners at RIEL.



International Workshop on Ecological Civilization and Global Environmental Governance in Haikou, Hainan Province on October 23, 2019. Photo courtesy of partners at RIEL.



Dean McHenry and Dean Wang Zhiqiang from Fudan in the meeting to sign the MOU and implementation agreement at Fudan. Photo credit: Professor Tao Lei.



Dean McHenry presented on Cleaning up Pollution – Theory and Practice at the Workshop of the Soil Pollution Remediation and Public Private Partnerships organized by Shanghai International Arbitration Center and Zhong Lun Law Firm in Shanghai on October 29, 2019. Photo credit: Xiuxiu Zhang.

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-Dean McHenry



Dean McHenry with VLS Alumni in Beijing. Photo credit: YIHEYAYUAN Restaurant staff.



Dean McHenry and Ambassador Terry Branstad at the U.S. Embassy in Beijing on October 21, 2019. Photo credit: Benjamin Sand.



AN INTERNATIONAL ONLINE CLASSROOM

by Professor Jack Tuholske

I have been fortunate to pioneer VLS's first online class utilized entirely by students from another country, in this case China. As part of the [Mission Scholars Program](#) run by the U.S.–Asia Partnerships for Environmental Law at VLS, I developed and taught an online class entitled Comparative Environmental Public Interest Law in the spring of 2019. This two-credit class focused on comparing public interest environmental law in the U.S. and China. In addition to readings, lectures and videos on many substantive areas of law such as standing, citizen suits, judicial review standards and the use of science in the courtroom from both the U.S. and Chinese legal systems, students analyzed a variety of pollution-related fact patterns and recommended legal solutions under both systems.

The class was a learning opportunity for both students and the professor. The Chinese students absorbed a large amount of information about the U.S. legal system, and used their knowledge of China's environmental laws to make critical comparisons between the two systems. From my perspective, I learned that for students with strong English skills, digesting cases, statutes etc. was a slow and laborious process. For students with weaker English, some translation was necessary. However, 75% of the material and the written assignments were all in English, and the students worked hard to master the material and complete the class.

The online platform allowed students from all over China to take the class. VLS's sophisticated, asynchronous online platform allowed for a variety of learning media as well as discussion forums with the students and the professor.

I envision our online courses to eventually reach students all over the world, and this class was a good trial run towards that goal. And better still, the newest cohort of Mission Scholars began this class (with many improvements) in April of 2020.

2019-2020 EMS Scholars in front of Yanhuang School in Yunnan, China. From Left to Right: First Row: Gong Cheng, Lanping Zhou (Cindy), Yizi Zhang, Lanping Zhou (Laura), Dr. Xiaogang Yu, Boju Zhang, Peiyuan Lu, and Jiayu Deng; Second Row: Ziyang Wen, Xinyi Wang, Yi Wen, Hailing Qiao, Maoji Liu, Mengqi Li, Jianxiang Xu, Mengyao Liu, Yanmei Lin, and Lin Ding. Photo credit: Ake.



PEL

SNAPSHOTS

NEWS FROM PEL

We said goodbye to our fellow **Douglas Whitehead** in summer 2019. He and his family relocated to Seattle, Wash. where he now works for Amazon as a program manager for compliance on pesticides and other environmental compliance programs. We really miss you, Doug!

Last year, we also said goodbye to our Assistant Director **William BJ Schulte**. We are very proud to share that he is now working in Thailand for EarthRights International as their Mekong Region policy and legal advisor. In this role, BJ is providing advice and guidance on **EarthRights'** strategic goals relating to climate justice and accountability, corporate accountability, and earth rights defenders. We hope to continue working with him in his new capacity through future collaborations

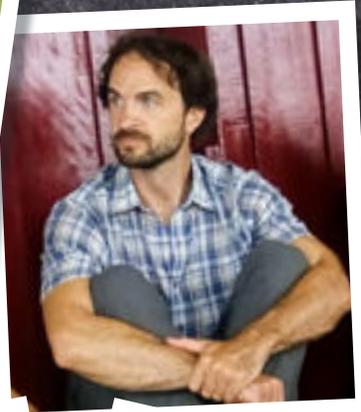
Our Program Coordinator **Claire Andrews** sold her debut Young Adult novel, "Daughter of Sparta," to the publisher **JIMMY Patterson Books**, an imprint of Little, Brown and Co. We are eagerly looking forward to its release on June 8, 2021. To the left, you can see the beautiful author photo she had taken while visiting family in Scotland.

On April 14, 2020 at 3:50 p.m., Associate Director and Professor **Yanmei Lin** gave birth to a baby girl. Her Chinese name is Yan Cheng and her English name is Hannah Cheng. She weighs 6lbs 12oz. We are so happy to welcome Hannah into the world!

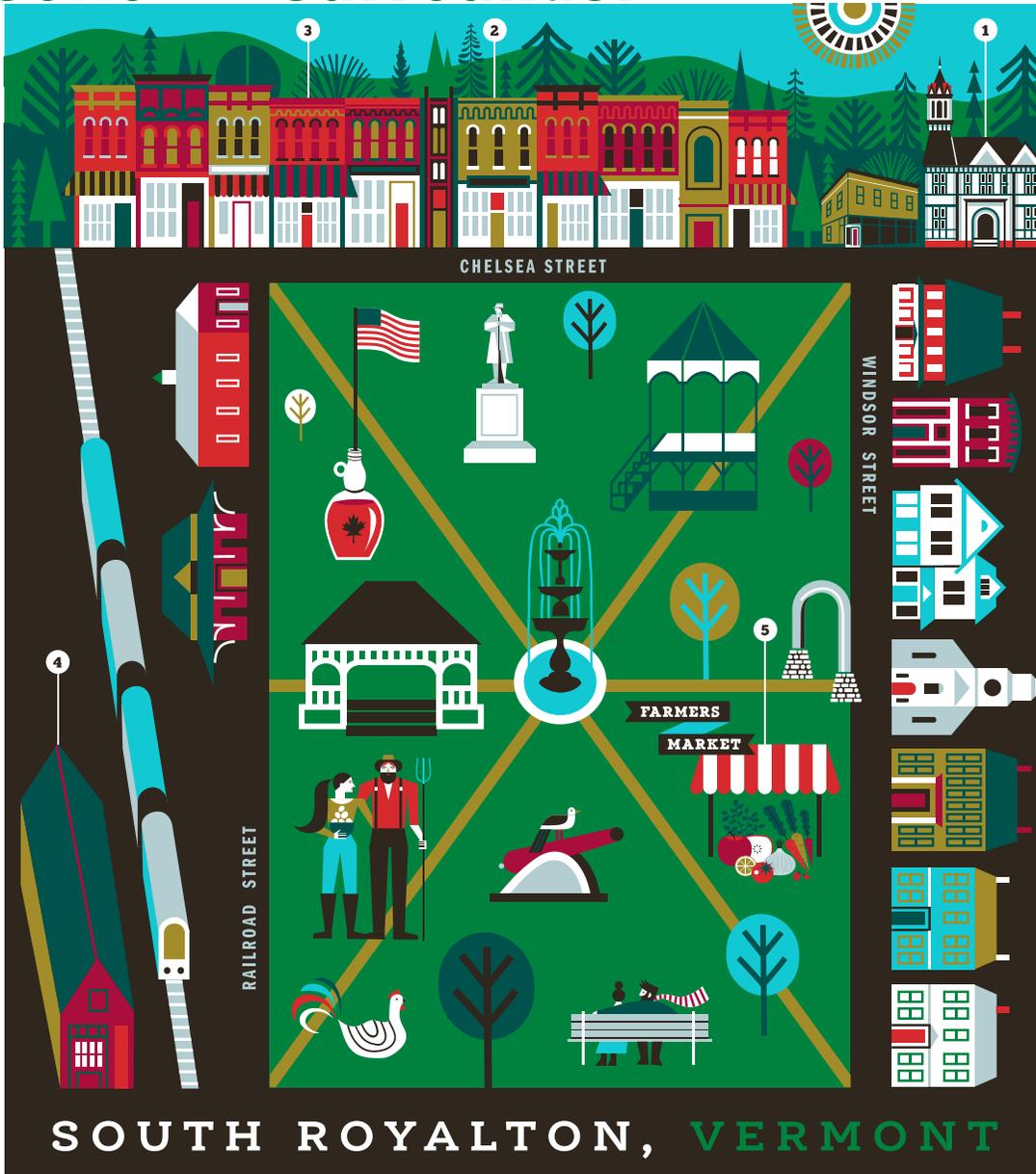
PEL Research Scholar, **Weiyu Vincent Wu**, gave a fascinating Tea Time presentation about the compensation system in China for environmental and ecological damages.

PEL Director **Siu Tip Lam** hosted a dumpling-making night for VLS students.

Visiting Scholar **Mark Qiu**, his son Edison, and scholar **Weiyu Vincent Wu** enjoy a well-earned break after hiking to the top of Burnt Rock Mountain.



SoRo and Surrounds: Get to Know VLS's Hometown



Wedged between rolling green hills, South Royalton, Vermont may not be world-famous—but it's packed with hidden gems. Here's where to find them.

- 1 VLS's **Environmental Law Center** is headquartered in historic Debevoise Hall.
- 2 Our go-to co-op, **South Royalton Market** is filled with quality groceries from near and far.
- 3 Head to **First Branch Coffee** for the espresso drinks; stay for the tacos and live music.
- 4 Don't miss **Worthy Burger's** famous patties.
- 5 Local farmers sling goods on the town green each Thursday during **Royalton Farmers Market**.
- 6 Sample local suds at "nanobrewery" **Brocklebank Craft Brewing**.
- 7 Follow a forest trail and take a dip at **Old City Falls**.
- 8 Rent tubes at **Sharon Trading Post** and float down the White River.
- 9 Hike less than two miles from campus to **Kent's Ledge** for impressive views of the surrounding hills.
- 10 A group of small farms hosts **Feast & Field Market**, a weekly gathering with live music and farm-to-table food and drink.
- 11 Summertime-only **Bethel Drive-In** theater has been showing films al fresco since 1954.
- 12 From karaoke to cribbage tournaments, there's always something going on at friendly **Babe's Bar**.

SOUTH ROYALTON, VERMONT



Illustrations: Michael Mullian, mullianillustration.com

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Photo Credit: Claire Andrews

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