

NATURAL RESOURCES LAW TEACHERS NEWSLETTER

SPRING 2006

Rocky Mountain Mineral Law Foundation
Energy & Mineral Law Foundation

ARTICLES, BOOKS AND REPORTS

Robert Adler (Utah) has two books scheduled for publication in 2007. His environmental law casebook, *Environmental Law: A Conceptual and Functional Approach*, co-authored with David Driesen (Syracuse), has been accepted for publication by Aspen Publishers and is expected in 2007. His book on the restoration of the Colorado River, *A Troubled Sense of Immensity: Restoring the Colorado*, is forthcoming from Island Press and is expected in 2007. He also has two articles forthcoming: "Restoring the Environment and Restoring Democracy: Lessons from the Colorado River" (in preparation for the *Virginia Environmental Law Journal*) and "In Defense of NEPA: The Case of the Legacy Parkway" (in preparation for the *Journal of Land, Natural Resources and Environmental Law*).

Dave Aiken, Water & Ag Law Specialist (Nebraska Department of Agricultural Economics), recently published two articles on Nebraska tributary ground water issues: "Hydrologically-Connected Ground Water, § 858 and the Spear T Decision" 84(3):962-96 *Nebraska Law Review*, and J. D. Aiken, 2004. "The Western Common Law of Tributary Ground Water: Implications for Nebraska, 83(2) *Nebraska Law Review* 541-95.

Bill Andreen (Alabama) published an article entitled "Developing a More Holistic Approach to Water Management in the United States" at 36 *Envtl. L. Reporter* 10,277 (2006). The article appeared in an issue dedicated to examining Sustainable Water Management in Australia, Europe, and the United States. Bill's new chapter on "Alabama Water Law" appeared in Volume 6 of *Waters and Water Rights* 325-48 (Bob Beck ed, 2005 replacement volume).

Thomas T. Ankersen (Florida) recently published "Tierra y Libertad: The Social Function Doctrine and Land Reform in Latin America," 19 *Tul. Env'tl. L.J.* 69 (2006) (with Thomas Ruppert). This is the first product from a MacArthur Foundation Research and Writing Grant.

Thomas T. Ankersen (Florida) recently published "Bioregional and Conservation Planning on Costa Rica's Osa Peninsula," 38 *Futures* 406-431 (2006) (with Kevin E. Regan and Steven A. Mack).

Michael Blumm (Lewis & Clark) published several recent articles (all with student co-authors), including "The Pioneer Spirit and the Public Trust: The American Rule of Capture and State Ownership of Wildlife," 35 *Env'tl. L.* 673 (2005), available at SSRN: ssrn.com/abstract=845044; " 'Not Much Less Necessary Than the Atmosphere They Breathed': Salmon, Indian Treaties, and the Supreme Court – A Centennial Remembrance of *United States v. Winans* and Its Endur-

ing Significance,” 46 *Nat. Res. J.* no. 2 (2006), available at SSRN: ssrn.com/abstract=809804; and “Protecting the Columbia River Gorge: A Twenty-Year Experiment in Land-Use Federalism,” 21 *J. Land Use & Envtl. L.* (2006), available at SSRN: ssrn.com/abstract=869058. Two other articles are in press: “Practiced at the Art of Deception: The Failure of Columbia Basin Salmon Recovery Under the Endangered Species Act,” 36 *Envtl. L.* No. 3 (2006), available at SSRN: ssrn.com/abstract=887633; “From Martz to the Twenty-First Century: A Half-Century of Natural Resources Law Casebooks and Pedagogy,” *U. Colo. Rev.* (forthcoming 2007); available at SSRN: ssrn.com/abstract=869297.

Kristen Carpenter (Denver) has published several articles considering natural resources, land use, and cultural freedoms problems faced by Indian tribes. These include “A Property Rights Approach to Sacred Sites: Asserting a Place for Indians as Non-Owners,” 52 *UCLA Law Review* 1061 (2005), “Considering Individual Religious Freedoms Under Tribal Constitutional Law,” 14 *Kansas Journal of Law and Public Policy* 561 (2005), and “Old Ground and New Directions at Sacred Sites on the Western Landscape,” *Denver University Law Review* (forthcoming 2006).

Dan Cole (IU, Indianapolis) published a casebook on *Natural Resources Law* (West 2006) with Jan Laitos, Sandi Zellmer and Mary Wood. His article “Why *Kelo* is Not Good News for Local Planners and Developers,” will be published in 2006 in the *Georgia State University Law Review*. Another article, “Political Institutions, Judicial Review and Private Property: A Comparative Institutional Analysis,” will be published in 2007 in the *Supreme Court Economic Review*. He is currently working on two new articles, one on the development of “best practice” standards for environmental benefit-cost analysis and another on the concept of the “right to pollute” in economic theory and legal history.

Stephen Dycus (Vermont) recent publications include “Osama’s Submarine: National Security and Environmental Protection After 9/11,” 30 *Wm. & Mary Envtl. L. & Pol’y Rev.* 1 (2005); “The Law Teacher as Peacemaker: National Security in the Classroom,” 55 *J. Legal Educ.* 42 (2005); “Behind Veil of Terrorism, DOD Wants Blanket Exemptions,” *Envtl. Forum*, Sept./Oct. 2005, at 23. Stephen is at work, with two co-authors, on the 4th edition of *National Security Law*, due out from Aspen Publishers later this year. He also continues to serve as Co-Editor-in-Chief (with John Sims at McGeorge) of the peer-reviewed *Journal of National Security Law & Policy*.

Rob Fischman (IU–Bloomington) published “Cooperative Federalism and Natural Resources Law” in the current issue of the *N.Y.U. Envtl. L.J.* and “The Significance of National Wildlife Refuges in the Development of U.S. Conservation Policy” in the current issue of the *J. Land Use & Envtl. L.* He is also a co-author of a recent article in the peer-reviewed journal, *BioScience*, entitled “New Directions in Conservation for the National Wildlife Refuge System.” His guest editorial, “The Perils of Defensive Conservation,” appeared in the February issue of *Frontiers in Ecology & the Environment*.

Victor B. Flatt’s (Houston) article, “Let Us Drink Our Fill,” will appear in the upcoming Volume 18 of the *Yale Journal of Law and the Humanities*, commenting on James Salzman’s article “Thirst: a Short History of Drinking Water” in the same issue. With Professors Bill Funk and Craig Johnston, Professor Flatt authored the just released textbook *Legal Protection of the Environment* (Thomson/West).

William Funk (Lewis & Clark) co-authored the 3d edition of Funk, Shapiro & Weaver's *Administrative Procedure and Practice* which came out in March. The 2d edition of Funk & Seamon's *Administrative Law: Examples and Explanations* came out earlier this year. In addition, "Intimidation and the Internet," an article Funk presented at the Mainz Forum on Freedom of Speech last year, has been published at 110 *Penn. St. L.Rev.* 579 (2006).

Rob Glicksman (Kansas) and **George Coggins** (Kansas) finished the 3d edition of *Modern Public Land Law in a Nutshell*, which will be published by Thomson/West in April. Rob and George continue to churn out three updates each year for their treatise on *Public Natural Resources Law*. Rob also submitted a report to the U.S. EPA in March, "Shaping Corporate Environmental Behavior and Performance: The Impact of Enforcement and Non-Enforcement Tools" (with D. Earnhart, D. Haider-Markel & T. Ebihara).

Dale Goble (Idaho) has published an odd assortment of books and papers since the last newsletter. These include almost-two books: *The Endangered Species Act at Thirty: Renewing the Conservation Promise* (Island Press 2005, edited with J. Michael Scott and Frank W. Davis). The second volume, *The Endangered Species Act at Thirty: Conserving Biodiversity in Human-Dominated Landscapes* (Island Press 2006), is due out momentarily; five book chapters "By the Numbers" (with J. Michael Scott, Leona K. Svancara, and Anna Pidgorna) and "Renewing the Conservation Commitment" in *The Endangered Species Act at Thirty: Renewing the Conservation Promise*; "Reintroducing the Missing Parts" in *El Lobo: Readings on the Mexican Gray Wolf* (Tom Lynch ed., University of Utah 2005); "The Protection of At-Risk Species" and "Endangered Species Timeline," in *The Endangered Species Act at Thirty: Conserving Biodiversity in Human-Dominated Landscapes* (Island Press 2006); XXX journal articles: "Three Cases / Four Tales: Commons, Capture, the Public Trust, and Property," 35 *Environmental Law* 807-853 (2006); "Recovery Management Agreements Offer Alternative to Continuing ESA Listings," 31(1) *Fisheries* 35-36 (January 2006) (with J. Michael Scott); "Gallery: Environmental Cartoons," 10 *Environmental History* 776-792 (2005) (with Paul Hirt and Susan Kilgore); "Recovery of Imperiled Species under the Endangered Species Act: The Need for a New Approach," 3 *Frontiers in Ecology and the Environment* 383-89 (2005) (with J. Michael Scott, John A. Wiens, David S. Wilcove, Michael Bean, and Timothy Male).

Richard Hildreth (Oregon) co-authored the third edition of *Coastal and Ocean Law* (Kalo, Hildreth, Christie & Rieser) and *Coastal and Ocean Management Law in a Nutshell* (Christie & Hildreth). Both books, published by Thomson West, should be available for 2007 spring semester classes.

Oliver Houck (Tulane) has written law review articles on "Legislative Exclusion, Canadian Environmental Policy" and "Can We Save New Orleans," all published this spring.

Suedeem Kelly (New Mexico) "The Subdelegation Doctrine and the Application of Reference Prices in Mitigating Market Power," 26 *Energy Law Journal* 297 (2005) (with Maria F. Vouras and Jennifer S. Amerkhail).

Alexandra B. Klass (William Mitchell) will join the faculty of the University of Minnesota Law School beginning in July 2006. In 2005-06, she published "Adverse Possession and Conservation:

Expanding Traditional Notions of Use and Possession,” 77 *U. Colo. L. Rev.* 283 (2006); “Pesticides, Children’s Health Policy, and Common Law Tort Claims,” 7 *Minn. J. Law, Science & Tech.* 89 (2005); “Bees, Trees, Preemption and Nuisance: Resolving Pesticide Land Use Disputes through FIFRA,” 32 *Ecology Law Quarterly* 763 (2005).

Jan G. Laitos (Denver) published a new casebook on *Natural Resources Law* (West), along with co-authors Sandi Zellmer, Mary Wood, and Dan Cole; published a new textbook on *Environmental Law: RCRA, CERCLA and the Management of Hazardous Waste* (Foundation Press), with co-author John S. Applegate; published his 7th annual supplement to his treatise on *The Law of Property Rights Protection: Limitations on Governmental Powers* (Aspen).

Al Lucas (Calgary) edited, with **Barry Barton** (Waikato), **Lila Barrera-Hernandez** (Calgary), and **Anita Ronne** (Copenhagen), *Regulating Energy and Natural Resources* (Oxford University Press, 2006) and with **Veronica Potes** (Calgary) contributed a chapter entitled “Voluntary Approaches and Formal Regulation: Climate Change and Canada’s Energy Sector.” He also published “Implementing the Kyoto Protocol in North America” *International Energy Law and Taxation Review* 48 (2006).

David L. Markell, Steven M. Goldstein Professor (Florida State) wrote “Understanding Citizen Perspectives on Government Decision-Making Processes as a Way to Improve the Administrative State,” 34 *Envtl. L.* ___ (2006 forthcoming), and “‘Slack’ in the Administrative State and its Implications for Governance: the Issue of Accountability,” 84 *Oregon Law Review* 1 (2005).

Trish McCubbin (Southern Illinois) published “The Risk in Technology-Based Standards,” in 16 *Duke Env’tl. L. & Pol’y Forum* 1 (Fall 2005).

John Nagle (Notre Dame) and **J.B. Ruhl** (Florida State) report that the second edition of their casebook, *The Law of Biodiversity and Ecosystem Services* (Foundation Press), is in press and should be available for fall 2006 adoptions.

Hari Osofsky (Oregon) published “Learning from Environmental Justice: A New Model for International Environmental Rights,” 24 *Stanford Env. L.J.* 71 (2005) and “Commentary on How to Harmonize Community Autonomy and Administrative Responsibility in Environmental Decision-Making: Environmental Hearing Institutions in Wuhan,” *Temple Env. L. & Tech. J.* (2005). Osofsky also recently wrote an opinion-editorial for the *Register-Guard* entitled “Katrina Disaster Exposes Environmental Injustice” (Sept. 7, 2005).

James Otto (Denver) This year marks the 100th anniversary of the Society of Economic Geologists and as part of the centenary celebration, the SEG commissioned a special publication by a group of renowned scholars and practitioners. Professor Otto contributed a chapter titled, “Chapter 7. The Competitive Position of Countries Seeking Exploration and Mining Investment,” *Society of Economic Geologists Special Publication* 12, 2006. With the prices of many metals and minerals on the rise there has been an increased interest by governments to reexamine mineral sector taxation, and in particular royalties. Professor Otto led a two year effort by a team of the world’s leading mineral economists from Australia, Canada, Chile, South Africa and the U.S.A. to produce a detailed reference book on mineral royalties. The volume contains, in addition to detailed analysis, original legis-

lation from over 40 jurisdictions. *Mining Royalties: A Global Study of Their Impact on Investors, Government, and Civil Society* is now being printed and will be available from the World Bank press in July, 2006.

Patrick Parenteau (Vermont) reports that he has published “A Quantitative Assessment of the Impact of Critical Habitat Litigation on the Administration of the Endangered Species Act” posted at lsr.nellco.org/vermontlaw/vlsfp/. Pat says the paper is being circulated “on the Hill” in the current legislative debates (i.e., demagoguery) on amending (i.e., gutting) the ESA.

Rock Pring (Denver) recently published a chapter on “Alternatives to Conventional Regulation in United States Environmental Law,” in *Regulating Energy and Natural Resources Law* (Oxford University Press 2006) (with Rick Feger). This is the third OUP book published by the Academic Advisory Group for the International Bar Association’s Section on Energy, Environment, Resources, and Infrastructure Law, on which he is US representative.

Jim Rasband (BYU) published a chapter titled “Antiquities Act Monuments: The Elgin Marbles of Our Public Lands?” in a book celebrating the centennial anniversary of the Antiquities Act titled *The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation* (David Harmon et. al, eds., University of Arizona Press 2006). He and co-authors **Jim Salzman** (Duke) and **Mark Squillace** (Colorado) have also completed the Teacher’s Manual for their *Natural Resources Law and Policy* casebook.

Judith Royster (Tulsa) is one of the editors of the recent *Cohen’s Handbook of Federal Indian Law* (LexisNexis, 2005). In addition, she revised her chapter on “Native American Law” for *The Law of Environmental Justice*, 2d edition (American Bar Association).

J.B. Ruhl (Florida State) has published, with Jim Salzman, “In Defense of Regulatory Peer Review,” 85 *Washington University Law Review* and “The Effects of Wetlands Mitigation Banking on People,” 28 *National Wetlands Newsletter* 1 (2006); “Regulation by Adaptive Management – Is It Possible?” 7 *Minnesota Journal of Law, Science & Technology* 21 (2005); and “Toward A Common Law of Ecosystem Services,” 18 *St. Thomas Law Review* 1 (2005). He continues his work on a book on *The Law and Policy of Ecosystem Services* and his co-authored casebook (with John Nagle and Jim Salzman) on *The Practice and Policy of Environmental Law* (Foundation Press).

Mary Wood’s (Oregon) article entitled “Restoring the Abundant Trust: Tribal Litigation in Pacific Northwest Salmon Recovery” was published in March in *Environmental Law Reporter*. Wood also wrote, “Salmon for Sale: Tribes, Treaties, and Fishing Rights,” in the tribal forum of *Oregon Future Magazine*.

CLINICAL PROGRAMS

Thomas T. Ankersen (Florida) and colleagues at the Center for Governmental Responsibility (Richard Hamann and Tim McLendon) have received continued funding from a variety of sources for his Conservation Clinic to work at the state and local level on issues surrounding the loss of public access to Florida waters. A related project, spearheaded by Clinic law fellow Thomas Ruppert, involves working with Florida Sea Grant on the development of a sort of “maritime cadastre” of

local surface water use regulations (boat speed and other resource management zones affecting boating), e.g., identifying all local water zoning ordinances in Florida and translating legal descriptions to a spatially explicit Geographic Information System database for use by planners and law enforcement. This project was recently expanded to include federal maritime zones. In addition, he will again direct a study abroad program in Costa Rica that includes 30 students from 11 U.S. law schools, the University of Costa Rica, the Dominican Republic and Argentina. The Program's clinical component will focus on projects in Costa Rica, Belize, Panama and Guatemala/Mexico.

Oliver Houck's (Tulane). Environmental Law Clinic is in overdrive; post-Katrina litigation includes RCRA case for toxic releases; post-Katrina Environmental Conference in New Orleans in April; he is involved in mega-\$B post-Katrina hurricane protection/coastal restoration legislation; and city rebuilding; unique courses include an upperclass lecture/research group Katrina class in Spring 1 and a full Katrina, interdisciplinary course in Spring 2; second run at a course in Comparative Environmental Law.

Lewis & Clark launched a popular Animal Law Clinic this year, taught by National Center for Animal Law director **Laura Ireland Moore**. This clinic allows students to support animal law attorneys and animal advocacy organizations nationwide through legal research and writing to advance protections for companion animals, wildlife, and animals used for research, entertainment, and food and food production. Students draft amicus curiae briefs that are filed in trial and appellate courts nationwide; assist attorneys; anticipate and prepare for current and future litigation at both the trial and appellate levels; contribute to library and brief banks on animal law issues; and support litigation, legislation, regulatory, and policy work.

In December 2005, **Allison LaPlante** and **Melissa Powers** (Lewis & Clark), Clinical Professors with the Pacific Environmental Advocacy Center (PEAC), filed a lawsuit challenging the Environmental Protection Agency's approval of Oregon's water quality standards for temperature. This case follows up on a previous lawsuit brought by PEAC in which the court invalidated EPA's earlier approval of Oregon's temperature water quality standards. Professors LaPlante and Powers are also litigating a Clean Air Act case involving a company's unlawful construction of a facility that will emit, among other chemicals, a known ozone-depleting and global warming substance. The case raises several important cutting-edge issues, including whether Plaintiffs have standing to challenge actions that will contribute to global harms.

Stephanie Parent (Lewis & Clark), Pacific Environmental Advocacy Center Clinical Professor, successfully prevented the closing of an agency that plays a critical role in monitoring whether native fish stocks are able to traverse a series of dams. The Ninth Circuit granted a stay of Bonneville Power Administration's decision to defund the Fish Passage Center, ordering BPA to continue funding and support of the Center until the merits of the petition could be heard. The Portland-based Fish Passage Center's 11 employees provide analysis of fish runs and river operations to protect and enhance salmon, steelhead, bull trout and other fish moving through the Columbia and lower Snake rivers. PEAC filed a petition for review of BPA's decision to defund the Center because it violates the Northwest Power Act's requirements that BPA fund consistently with the Fish and Wildlife Program adopted by the Northwest Power and Conservation Council to mitigate the impacts of hydropower operations. That Program expressly provides for continued funding of the Fish Passage Center. BPA relies upon language in a November 2005 Congressional Committee report that the

Fish Passage Center should no longer receive funding and the functions should be transferred to a private entity. However, Parent argued successfully that the report language is not binding because it appears nowhere in the law. More information is available at law.lclark.edu/org/peac/.

Patrick Parenteau (Vermont) reports that the ENRLC has negotiated a \$255,000 fee award in its successful suit challenging reclassification of the Gray Wolf under the ESA. DOJ reports that “The check’s in the mail.”

On March 6, 2006, the United States Supreme Court denied a petition for certiorari filed by land-owners seeking to overturn an Oregon Court of Appeals decision finding the John Day River title navigable. *Grover v. Northwest Steelheaders Ass’n, Inc.*, 126 S.Ct. 1466 (2006). **Melissa Powers** (Lewis & Clark), Clinical Professor with the Pacific Environmental Advocacy Center, successfully represented the Northwest Steelheaders in the appellate proceedings.

Rock Pring (Denver) reports a total of 51 students did internships for credit in AY 2005-6 in Denver’s Environmental/Natural Resources Law Internship Program, which he supervises, contributing over 7,650 hours of pro bono legal work to dozens of ENR public interest organizations, law firms, corporations, and federal, state, and local government agencies.

In February, Clinical Professor **Erica Thorson** with the International Environmental Law Project (Lewis & Clark) petitioned the World Heritage Committee on behalf of 12 conservation groups from Canada and the United States to list Waterton-Glacier International Peace Park as a World Heritage Site in Danger due to the effects of climate change. “The effects of climate change are well-documented and clearly visible in Glacier National Park, and yet the United States has not taken action to protect the world heritage of the park by reducing its greenhouse gas emissions pursuant to its obligations under the World Heritage Convention,” notes Thorson, lead author of the Petition. If Waterton-Glacier is listed as World Heritage in Danger, the Committee must develop, in consultation with Canada and the United States, a program of corrective measures to address the effects of global warming in the Park. More information on this petition is available at law.lclark.edu/org/ielp/glacierpetition.html.

LEGISLATION AND REGULATIONS

Patrick Parenteau (Vermont) reports that he had a hand in drafting and testifying in support of an “Anti-SLAPP” bill that has passed both houses of the Vermont legislature, and is awaiting the Governor’s signature. The bill grew out of a SLAPP suit against clients of the ENRLC. Parenteau also testified before the Vermont Senate Judiciary Committee in support of an “Anti-SLAPP” bill that would protect citizens from Strategic Lawsuits Against Public Participation. The committee unanimously passed the bill after amending it based on his suggestions.

Rock Pring (Denver) reports that as of this year 25 states have adopted “Anti-SLAPP Laws” since Sociology Professor **Penelope Canan**’s and his 1996 book first addressed the problem of “Strategic Lawsuits Against Public Participation” in government (“SLAPPs”), lawsuits filed against others for their Petition-Clause-protected communications to government and public officials.

J.B. Ruhl (Florida State) served on the Keystone Center's Endangered Species Act Working Group, convened at the request of several U.S. Senators to explore ways to improve habitat conservation under the ESA. Details of the Working Group's efforts are found at www.keystone.org/spp/env-esa.html.

SPEECHES AND CONFERENCES

Robert Adler (Utah) will present "Overcoming barriers to ecological and hydrological sustainability of urban systems," for the Cities of the Future—Blue Water in Green Cities conference on July 13, 2006, at the Wingspread Conference Center in Racine, Wisconsin. He will present "How Citizens can Redesign and Redefine Highway Projects: The Role of Alternatives Analysis under NEPA and the Clean Water Act," for the American Planning Association, 2006 National Planning Conference in San Antonio, Texas on April 25, 2006. He presented "Restoring the Environment and Restoring Democracy, Lessons from the Colorado River," at the 25th Anniversary Symposium, Virginia Environmental Law Journal in Charlottesville, Virginia on March 30, 2006. He presented Legacy Parkway—How We Got to Yes, at the Natural Resources Law Forum and Wallace Stegner Center for Land, Resources and the Environment Green Bag Series at the University of Utah S.J. Quinney College of Law on November 8, 2005.

Adell Amos (Oregon) participated in a panel entitled "Tribal and Federal Instream Flow Protection" at the 3rd Lewis & Clark Bicentennial Environmental Law Conference, "Western Instream Flows: 50 Years of Progress and Setbacks." Amos also will be presenting a paper, "The Need for Federal Reserved Water Rights and the Role of Enforcement: Could Cappaert Happen Again?" at the 2006 Devil's Hole Workshop at Death Valley National Park in Death Valley, California, April 26-28. In March, 2006, Amos participated in a panel at the Public Interest Environmental Law Conference entitled "Protecting Instream Flow in Oregon" and presented on mechanisms for protecting water resources for federal public lands under state law. Amos also recently attended a meeting of environmental law programs hosted by UCLA law school in conjunction with the 2006 Frankel Symposium - Preventing and Responding to Catastrophe: The Role of Environmental Law and Policy. Los Angeles, California, April 6-7, 2006, and attended the AALS Annual Meeting, Washington, D.C., January 5-7, 2006.

John Bonine (University of Oregon) traveled to the UN's Palais des Nations in Geneva, Switzerland, in February 2006 to serve as a member of the Access to Justice Task Force under the Aarhus Public Participation Convention. He advocated measures for removal of financial barriers to access to justice. Bonine returned to Geneva in March as an observer for the meeting of the Compliance Committee under the Aarhus Convention. At the beginning of March Bonine participated in the Public Interest Environmental Law Conference, which he originally co-founded 23 years ago.

Kristen Carpenter (Denver) has been invited to present a paper at a joint session of the AALS Sections on Natural Resources and Indigenous Peoples, during the January 2007 AALS Annual Meeting. Her talk will address the use of cooperative agreements in the management of sacred sites on federal public lands.

On October 26, 2005, Professor **Cheever** presented “Approaches to Private Land Conservation: Finding the Middle Ground” at the Western Land Planners conference at the Lincoln Institute of Land Policy in Cambridge Mass.

Dan Cole (IU, Indianapolis) presented “Why *Kelo* is Not Good News for Local Planners and Developers” at a conference on “What Kind of Metropolitan Areas Do We Want? Challenges, Promises, and Pitfalls in Redevelopment,” at the Georgia State University School College of Law in February 2006. In May 2006, he will present “Towards ‘Best Practice’ Standards for Environmental Benefit-Cost Analysis” at a conference on “What We Can Do to Improve the Use of Benefit-Cost Analysis,” at the University of Washington School of Law and Department of Economics. Then, in June he will present “The Complexities of Property Regime Choice for Environmental Protection,” at the 6th Annual International Conference on Property Rights, Economics, and the Environment,” Aix en Provence, France.

Rob Fischman (IU–Bloomington) appeared on two panels at the annual AALS meeting this past January. He spoke on “Federalism and the Environment: A Revolution Through Devolution?” for the section on environmental law, and “The New Generation of Natural Resources Law Casebooks,” for the section on natural resources law. He and **John Applegate** convened a conference in March to discuss data gaps in conservation and pollution control law. The papers from that conference will be compiled in a symposium publication in the coming months.

Victor B. Flatt (Houston) delivered a draft of his paper on water usage at the Carol Rose Symposium at Yale University in November. He presented a paper on reforming Hazardous Air Pollution legislation at Seattle University School of Law in February, and he presented research on the use of the private sector to manage climate change at the joint US/UK London Climate Change Conference in April.

Victor Flatt, Marcilynn Burke, Darren Bush, Jaqueline Weaver, and Sandy Gaines, assisted the University of Houston’s Environmental & Energy Law & Policy Journal in hosting its second symposium, this one dealing with the Environmental Issues associated with the increasing use of Liquefied Natural Gas. The symposium featured presentations from Professors **Eileen Gauna, Irma Russell, Peter Appel**, and from **Shelia Slocum Hollis** and the Honorable **Danny J. Boggs**. The symposium issue will be published by the end of the year.

Florida State convened a symposium in April 2006 on *The Law and Policy of Ecosystem Services*, exploring the state of play of ecosystem services in resource management regimes and institutions. Speakers and commenters included **Robert Abrams** (Florida A&M), **Tony Arnold** (Louisville), **Robin Craig** (Indiana), **Deb Donahue** (Wyoming), **Rob Doudrick** (U.S. Forest Service), **Don Elliott** (Yale), **Dale Goble** (Idaho), **Dennis Hirsch** (Capital), **David Hodas** (Wiedner), **Dave Markell** (Florida State), **Jan Neuman** (Lewis & Clark), **Martha Noble** (Sustainable Agriculture), **J.B. Ruhl** (Florida State), **Jim Salzman** (Duke), **Mark Seidenfeld** (Florida State), and **Jacqueline Weaver** (Houston), with a keynote presentation by **Sally Collins**, Associate Chief of the U.S. Forest Service. Papers from the event will appear in a future issue of FSU’s Journal of Land Use and Environmental Law.

Alyson Flournoy (Florida) presented “Consideration is Not Enough: Information Deficits and Incentives Under Section 404 of the Clean Water Act” at a symposium at Indiana University School of Law - Bloomington in March.

William Funk (Lewis & Clark) has given speeches at a number of forums on the Foreign Intelligence Surveillance Act and the Administration’s NSA Surveillances.

Rob Glicksman (Kansas) spoke on March 24, 2006, on “Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act,” at a symposium at the University of Indiana (Bloomington) School of Law on Missing Information: Environmental Data Gaps in Conservation and Chemical Regulation. Rob will publish an article on that topic in a law review that compiles all the symposium presentations. Rob also spoke on April 7, 2006, on “The Perversion of Cooperative Environmental Federalism,” at a symposium at Wake Forest University School of Law Symposium on Modern Federalism Issues and American Business, in Winston-Salem, NC. The article upon which the presentation was based will appear in an upcoming issue of the Wake Forest Law Review. Rob spoke on “The Jurisprudence of William Rehnquist on Environmental, Natural Resources, and Takings Law,” at a seminar held at Georgetown University Law Center, in Washington, D.C., on November 7, 2005. The presentation was based on research Rob is doing with **Jim May (Widener)**. They intend to publish an article in the Environmental Law Reporter in the fall and a more comprehensive law review article in the near future.

Dale Goble (Idaho) has presented four invited papers since the beginning of the year: “E-Mail to Rebecca,” AALS Section on Natural Resources Law: The New Generation of Natural Resources Law Casebooks, Washington, D.C. (January 5, 2006); “Conservation Reliant Species: Exceptions or the Rule?,” Northwest Fisheries Science Center & The Joint Institute for the Study of the Atmosphere and Ocean: Weekly Monster Seminar JAM, Seattle, Washington (January 19th, 2006); “Rights, Resources, and Markets? Indigenous Peoples and Biological and Cultural Diversity,” Indigenous Peoples and International Law: Lands, Liberties and Legacies, 4th Annual International Law Symposium, Coeur d’Alene, Idaho (March 17, 2006); and “What are slugs good for? Ecosystem Services and the Conservation of Biodiversity,” Symposium on the Law and Policy of Ecosystem Services, Tallahassee, Florida (April 7, 2006).

Richard Hildreth (Oregon) will be presenting an invited paper on Sustainable Fisheries at a Fullbright-sponsored Maritime Governance conference at the University of Tasmania, Australia, June 28-29, 2006.

Laura Ireland Moore (Lewis & Clark), director of the National Center for Animal Law, spoke on “Animal Law 101” at the Public Interest Environmental Law Conference in Eugene, Oregon, in March, and hosted a number of Animal Law Student Workshops at law schools around the country.

Sudeen Kelly (New Mexico): Address to the Environmental Regulation, Energy, and Market Entry Symposium, 15 Duke Environmental Law & Policy Forum 251 (2005).

Svitlana Kravchenko (Oregon) will be participating in the Goldman Environmental Prize ceremony on April 24 in San-Francisco. Recently, Kravchenko participated in the 11th meeting of the UN Aarhus Convention Compliance Committee as its Vice-Chair on March 29-31 in Geneva, Switzerland. Kravchenko also arranged the participation of third-year law student and ENR Fellow **Rachel Kastenberg** as an observer. Svitlana Kravchenko presented her draft article “The Aarhus Convention and Innovations in Compliance with Multilateral Environmental Agreements” to and discuss with the faculty. The article was accepted for the publication by the Yearbook of European Environmental Law. In March, Kravchenko participated in a panel “Global Warming: Local, National and International Initiatives” at the Public Interest Environmental Law Conference in Eugene, Oregon. On February 8, 2006, Kravchenko gave a presentation on “Global Environmental Challenges: What Can Be Done” as part of the University of Oregon School of Law’s ENR Program’s Fireside Conversations Series.

Lewis & Clark held its third and final Lewis & Clark Bicentennial Environmental Law Conference on “Western In-Stream Flows: Fifty Years of Progress and Setbacks,” April 20-21, 2006. **Charles Wilkinson**, Moses Lasky Professor of Law at the University of Colorado at Boulder School of Law, provided the keynote address on “The First Half Century: Have We Kept Faith with the Rivers of the West?” Other law professor speakers included **Michael Blumm** (Lewis & Clark) and **Adell Amos** (Univ. of Oregon) on “Tribal and Federal Instream Flow Protection,” **Reed Benson** (Wyoming) on “Report Cards and Class Rankings: A Critical Look at State and Regional Water Programs,” and **Janet Neuman** (Lewis & Clark) on “Water Trusts, Water Rights, and Innovative Approaches.” The conference included water law and science experts from across the West.

David L. Markell, Steven M. Goldstein Professor, (Florida State): 1) Is There a Role for Regulatory Enforcement in the Effort to Value, Protect, and Restore Ecosystem Services?, FSU College of Law Symposium on Ecosystem Services (April 2006); 2) An Empirical Review of Mechanisms that Allow Citizens to Participate in Environmental Enforcement and Compliance, North American Commission for Environmental Cooperation (CEC) Conference *Innovative Ideas for Securing Compliance with Environmental Laws: A North American Perspective* (January 2006, Washington, D.C.).

Hari Osofsky (Oregon) participated in the American Society of International Law 2006 Annual Meeting, Rights of Indigenous Peoples and International Environmental Law Interest Groups, as a panelist on “Adjudicating Climate Change: International Approaches and Its Implications for the Interests of Indigenous Peoples” in Washington, D.C. Osofsky also participated in the University of Idaho College of Law, International Law Symposium, “Indigenous Peoples and International Human Rights Law: Lands, Liberties, and Legacies,” as a panelist addressing “Legacies and Cultural Resources.” Recently Osofsky attended the Association of American Geographers Annual Meeting, and spoke on a panel entitled “Nature, Science and Law: Legal Geographies of Nature.” In March, 2006 at the Public Interest Environmental Law Conference, Osofsky participated in a panel on “Katrina and Environmental Justice” and moderated “Environmental Rights in National Constitutions.” Osofsky also participated in the Pacific/McGeorge Center for Global Business and Development, “The Business of Climate Change: Post-Gleneagles, Post-Vientiane, and Post-Kyoto Challenges and Opportunities for Multinational Business Enterprises,” and the

Association of American Law Schools' Annual Meeting, Workshop on "Integrating Transnational Legal Perspectives Into the First Year Curriculum" as a panelist at the Property Session.

James Otto (Denver): "International Mining Taxation Regimes: Implications for Bolivia," Vision of the Bolivian Mining Industry, La Paz (Bolivia): March 28-29, 2006; "Reforming a Country's Mining Code," India Mining Summit 2006, February 9-10, 2006; Bhubaneswar: February 9-10, 2006 (also session Chair: Financial and Fiscal Issues); "Negotiation of a Mineral Agreement," "A National Mineral Policy as a Regulatory Tool," "Developments in Mine Taxation," Prime Minister's Workshop on the Future of the Mineral Sector; Conakry (Guinea): January 2-28, 2006; "Comparative International Tax Regimes," National Mining Conference, Medellin (Colombia): November 16-19, 2005; "Economic Impact of Taxation on Natural Resources Industries," 2005 International Bar Association Conference, Prague: September 25-30, 2005; "Fiscal Regimes in the Mining Sector," Discover Mongolia 2005: International Mining Investors' Forum, Ulaan Baatar (Mongolia): September 14-16, 2005; "Mine Taxation: Current Situation and Trends," VI Encuentro Latinoamericano y del Caribe de Legislacion Minera, Buenos Aires (Argentina): September 6-7, 2005.

Patrick Parenteau (Vermont) reports that he will present "The Roberts Court and the Clean Water Act," at the upcoming ABA SONREEL Eastern Water Resources Conference May 11, 2006, in Miami, Fla. Parenteau was the banquet speaker at the National Association of Environmental Law Societies annual meeting at the University of Florida in Gainesville. His theme was "Dangerous Opportunities: Using the Law to Save the Planet." In May, he will present and conduct a workshop at the National River Rally in Bretton Woods, New Hampshire. He will discuss the wetlands and water quality cases that the U.S. Supreme Court is considering this term. Also in May, he will be on the "Hot Water Topics" panel at the ABA Eastern Water Law Conference in Miami. He will discuss the Rapanos and Carabell cases pending before the U.S. Supreme Court.

Melissa Powers (Lewis & Clark), Clinical Professor with the Pacific Environmental Advocacy Center, gave a presentation on Oregon's water quality standards at the Public Interest Environmental Law Conference in Eugene, Oregon, in March. She spoke at a CLE in November, 2005, regarding citizen enforcement of environmental laws.

Rock Pring (Denver) presented seminars on "U.S. Environmental Law" and "U.S. Energy Law" in the Masters in Energy and Environmental Law Program of the University of Leuven College of Law, Leuven, Belgium, in January 2006; guest lectured on "'Wet & Wild': A Primer on U.S. Water Law" in an undergraduate humanities course on Water and the West at the University of Denver in January; and gave a CLE presentation on "'SLAPPs': What Every Lawyer and Judge Should Know About the Law and Ethics of This Major Litigation Abuse" to the Thompson Marsh Inns of Court, Denver, in March (see Legislation below).

Jim Rasband (BYU) made a presentation titled "The Shift to Public Reacquisition of Natural Resources" at the University of Florida's Capstone Environmental Colloquium.

Peter L. Reich (Whittier) recently presented the following paper: "'Siete Partidas' in My Saddlebags: The Transmission of Spanish Legal Sources from Antebellum Louisiana to Texas and

California,” at the Louisiana Historical Association Annual Meeting, in Lafayette, Louisiana, March 25, 2006.

Dan Rohlf (Lewis & Clark) gave a series of presentations in Japan. In late March, he discussed current issues in U.S. environmental and natural resources law in a meeting of the environmental law section of the Osaka Bar Association, and talked about environmental clinical education at Kwansai Gakuin University Law School and at a conference in Tokyo sponsored by the Japan Federation of Bar Associations and attended by many faculty members who teach environmental law at law schools in Japan.

Dan Rohlf (Lewis & Clark) is in the process of planning a national law, science and environment conference for April, 2007.

Judith Royster (Tulsa) presented a paper entitled “Indian Tribal Rights to Groundwater” at the Kansas Journal of Law & Public Policy’s symposium: Does Institutional Groundwater Management Work? on March 14, 2006. She spoke on “Who Owns the Waterways?” at the 4th Annual Doing Business in Indian Country program sponsored by the Muscogee (Creek) Nation on March 9, 2006. And she spoke on “Tribal Rights to Water in Riparian Jurisdictions” at the 24th Annual ABA Water Law Conference on February 24, 2006.

J.B. Ruhl (Florida State) made the following presentations: *The “Background Principles” of Ecosystem Services*, FSU College of Law Symposium on the Law and Policy of Ecosystem Services (April 2006); *NEPA Nuts and Bolts*, CLE International Conference on NEPA (Austin, Mar. 2006); *Eminent Domain after Kelo*, Georgia State University Law School (January 2006); and *The Effects of Wetlands Mitigation Banking on People*, Georgia State University Center for the Study of Metro Growth (January 2006).

Karin Sheldon (Vermont) gave two presentations at the Public Interest Environmental Law Conference at the University of Oregon in March: “The Future of the Endangered Species Act: Pombo or Progress?” and “Safeguarding NEPA.” Also in March, she gave the Garrison Lecture at Pace Law School, entitled “Upstream of Peril: The Role of Federal Lands in Addressing the Extinction Crisis,” and a talk at the University of Virginia Law School on “What’s Next? Creating a New Generation of Environmental Law.”

On February 17, 2006, in conjunction with the Denver University Law Review and the University of Denver College of Law Native American Law Students Association, DU held an extraordinary symposium bringing together Indian and non-Indian scholars to discuss land issues in the American West: “Borrowing the Land: Cultures of Ownership in the Westner Landscape.” Panelists and speakers included **Charles Wilkinson, Rebecca Tsosie, Kristen Carpenter, William Perry Pendley, Federico Cheever, Nancy McLaughlin, and Tom Sansonetti**. The symposium will be published shortly in the *Denver University Law Review*.

Mary Wood (Oregon) gave a presentation in McCall, Idaho on February 23, 2006 as part of a Morse Center project grant on tribal salmon litigation in the northwest. She will also be speaking on the same matter in Lewiston and Boise, Idaho, in May and June of 2006.

UNIQUE COURSES

This year, the National Center for Animal Law (housed at Lewis & Clark) hosted the third annual Animal Law Moot Court and Closing Argument Competitions at Harvard Law School where sixty law students argued problems based on the importation of elephants to an amusement park, and defending an animal activist who rescued chickens from a factory farm. NCAL partnered with the Chapman University School of Law to host the first Animal Law Mock Trial Competition where students tried a problem based on the ownership and damages for the death of a feral cat. In addition, NCAL hosted the second annual Animal Law Legislative Drafting & Lobbying Competition at George Washington University School of Law in Washington, D.C. The problem involved proposing amendments to federal legislation, and lobbying for their bills, with the final round judged by Representative Jim Moran (D-VA). Students then had the opportunity to tour the Capital and visit their state Senators and Representatives to lobby on pending animal protection legislation. All four of the competitions allow students to advance their legal writing and oral advocacy skills while learning from experts in the field of animal law including professors, attorneys, legislators, and judges.

Owen L. Anderson (Oklahoma) and **John Lowe** (Southern Methodist) will teach courses this summer in international petroleum transactions in Jordan (for USAID) and at the University of Dundee in Scotland. Professor Anderson will also teach the course at the University of Melbourne.

Bill Andreen (Alabama) will teach an intensive graduate-level course entitled “The American Model of Environmental Law” at The Australian National University College of Law in June-July, 2006. Bill will teach the class in conjunction with Professor **Tim Bonyhady** who is the Director of the Australian Centre for Environmental Law at the ANU. He will also team-teach Comparative Environmental Law with **Matthew Zagor** of the ANU to a group of Alabama law students and undergraduate ANU law students in July-August, 2006.

Thomas T. Ankersen (Florida) will teach a two week field course in community forest management policy in Mexico and Guatemala in August through the University of Florida’s NSF funded Interdisciplinary Graduate Research and Teaching Program entitled “Working Forests in the Tropics.”

Kristen Carpenter (Denver) recently introduced a new course to the University of Denver Sturm College of Law curriculum. Entitled “Native American Natural and Cultural Resources,” the course covers issues of cultural property, rights in real property and land claims, land use and environmental protection, natural resources development, taxation of lands and resources, water rights, and treaty-reserved rights to hunt and fish.

Peter L. Reich (Whittier) will be Directing Whittier Law School’s Spain Summer Program in Santander, Cantabria, and teaching European Environmental Law in June, 2006.

Mary Wood (Oregon) will be teaching a new course entitled Natural Resources Law at the University of Oregon School of Law. The course will rely upon her recently published textbook Natural Resources Law (co-authored with **Jan Laitos**, **Sandi Zellmer**, and **Dan Cole**).

UNIQUE LITIGATION

James L. Huffman (Lewis & Clark) briefed and argued the case for Measure 37, which requires government to either compensate landowners for reductions of real property fair market value due to certain “land use regulation[s]” or modify, remove, or not apply such regulations, in the Oregon Supreme Court on behalf of the Chief Petitioners Barbara Prete, Eugene Prete, and Dorothy English. “The Court got it right 7-0,” Huffman reports. The court’s opinion, filed February 21, 2006, is online at www.publications.ojd.state.or.us/S52875.htm.

Victor B. Flatt (Houston) represented amici U.S. Senators in the case challenging the EPA’s rulemaking on new source review, recently decided in favor of plaintiffs by the D.C. Circuit.

Hari Osofsky (Oregon) is the Lead Counsel on Amicus Curiae Brief of International Law Professors and Other International Law Experts in Support of Plaintiffs-Appellants in *Sahu v. Union Carbide Corp.* (with co-counsel, Martin Wagner of Earthjustice & Daniel B. Magraw, Jr. of The Center for International Environmental Law). Osofsky also contributed to planned petition on behalf of the Inuit Circumpolar Conference to the Inter-American Commission on Human Rights and supervised the University of Oregon’s Environmental Justice class contribution to Earthjustice’s Annual Submission to the U.N. Human Rights Commission on Environmental Human Rights.

Patrick Parenteau (Vermont) reports that The Environmental and Natural Resources Law Clinic at VLS is representing an indigenous group of members of the Passamaquoddy Tribe in Northern Maine in a case challenging the Bureau of Indian Affairs approval of a lease to allow construction of a Liquefied Natural Gas Terminal on the Pleasant Point Reservation on Passamaquoddy Bay. The case raises issues under NEPA, the Endangered Species, the Long Term Leasing Act, and the Indian Trust Doctrine. The suit is pending before Federal Judge Woodcock in Bangor (*Nunkeyutmonen Nkihtaqmikon v Empson*, 1:05 cv 00168)

PERSONAL NOTES

Bill Andreen (Alabama) continues to serve as Co-Chair of the Enforcement and Administrative Penalties Policy Advisory Committee of the Alabama Environmental Management Commission.

Michael Blumm (Lewis & Clark) coached the Sisters, Oregon Little League All-Star team for the third straight year. On a less significant note, he remained as Co-Chair of the Natural Resources Law Section in case **Judy Royster** (Tulsa) can’t attend the annual meeting in San Francisco.

Alyson Flournoy (Florida) has been awarded a UF Research Foundation Professorship.

Bruce M. Kramer (Texas Tech) is planning to retire at the end of the 2006 Fall Semester. Notwithstanding his retirement plans, Professor Kramer will be speaking at the Annual Institute of the Energy and Mineral Law Foundation in Colonial Williamsburg and two Special Institutes sponsored by the Rocky Mountain Mineral Law Foundation, including a co-authored ethics pa-

per at the Oil and Gas Agreements Institute in Santa Fe in May. He is presently participating in two fairness/settlement hearings in cases in New York and Oklahoma dealing with class action royalty litigation. An article on the historical foundations of the implied easement of surface use will be published in Volume 2 of the Houston Environmental and Energy Law and Policy Journal within the next month.

Robin Kundis Craig has moved from Indiana University – Indianapolis to the Florida State University College of Law, where she is the Attorney’ Title Insurance Fund Professor of Law.

Trish McCubbin (Southern Illinois) was recently granted tenure and promoted to associate professor.

Patrick Parenteau (Vermont) reports that he will receive the National Wildlife Conservation Achievement Award for 2005 in the Legal/Legislative category at an awards banquet in Washington DC in November. Previous recipients include Senators Lieberman and McCain (2004), for their attempts to do something about Climate Change (just in case it’s real); and New York Attorney General Eliot Spitzer (2003), for his work in opposition to the Bush Administration’s efforts to “administratively repeal” the Clean Air Act.

Rock Pring (Denver) is relieved to report that, on behalf of the Clear Creek Land Conservancy, the local land trust he helped found 20 years ago and serves as President, he finally negotiated a 320-acre conservation easement on the last unprotected piece of property in “Denver’s Grand Canyon” (in the Foothills immediately west of the metro area), so that the whole inner gorge will now be permanently preserved.

Mary Wood (Oregon) delivered her third son, Nicholas Wood Fox, on April 1, 2006, In Boise, Idaho. Nicholas joins his two older brothers, Sage (8) and Cameron (5).

SABBATICALS

Richard Hildreth (Oregon) will be visiting at the University of Hawaii’s Richardson School of Law in the spring semester, 2007, to teach domestic Ocean & Coastal Law and International Environmental Law.

Trish McCubbin (Southern Illinois) will be on sabbatical for the 2006-07 academic year. She will be researching and writing in the Fall, and then in the Spring she will be serving as a Fulbright Scholar in Wuhan, China, teaching American environmental and administrative law at Wuhan University.

Patrick Parenteau (Vermont) reports that he is enjoying his sabbatical this semester. He and his family spent 5 weeks in Central America climbing volcanoes, swinging through the canopy of tropical forests, exploring Mayan ruins, and snorkeling reefs off Belize. Pat’s life list grew by 55 birds (take that Ollie!). Must be an article in there somewhere.

Mary Wood (Oregon) is spending her sabbatical year (2005-06) in McCall, Idaho, at the edge of the Frank Church River of No Return Wilderness.

OTHER ITEMS OF INTEREST

The State Board of Higher Education has approved the University of Oregon School of Law's proposal to offer an LL.M. in Environmental and Natural Resources Law. Information on the new LL.M. can be found on the website www.law.uoregon.edu/LLM/ .

Robert Adler (Utah) has been appointed Associate Dean for Academic Affairs effective July 1, 2006.

William Funk (Lewis & Clark) has remained active in the Center for Progressive Reform, attending the meeting in January in Washington, D.C. His "perspective" on the Takings Clause has been published on the CPR website. He has also served as chair of the Nominating Committee for the Administrative Law and Regulatory Practice Section of the ABA this year.

Richard Hildreth (Oregon) was a site visitor on March 20-24, 2005, for a Sea Grant review of the University of Mississippi National Sea Grant Law Center. In March 2006, Richard Hildreth was appointed to the Scientific and Technical Advisory Committee of the Oregon Governor's Ocean Policy Advisory Council. As a member of the Interior Department's Outer Continental Shelf Scientific Advisory Committee, Richard Hildreth will be meeting May 9-12, 2006, in Santa Barbara to advise the department on its environmental studies program.

Laura Ireland Moore (Lewis & Clark) launched several new programs at the National Center for Animal Law this year, including an Animal Law Scholarship Program and publication of an Animal Law Career Guide. NCAL's website is www.lclark.edu/org/ncal .

Christine Klein, Fred Cheever and **Bret Birdsong's** Natural Resources Law: A Place-based Book of Problems and Cases received good reviews at the Natural Resources Section of the AALS panel on the new generation of natural resources casebooks. The book was first published in spring 2005. The first set of comprehensive updates will be available through the book support website, naturalresources.law.ufl.edu/, in early summer 2006.

Hari Osofsky (Oregon) has accepted an Assistant Professor position with the law school. After receiving her J.D. from Yale Law School, Professor Osofsky clerked for Judge Dorothy Nelson of the Ninth Circuit Court of Appeals, worked as a litigator on environmental justice cases at the Center for Law in the Public Interest, and served as a Yale-China Legal Education Fellow. She has been an assistant professor and directed the Center for International and Comparative Law at Whittier Law School, and has also taught at Vermont Law School and Loyola Law School. Her research, writing, and advocacy draws from law and geography and international law to engage how the transnational legal system should address cross-cutting environmental problems. This year, Osofsky was elected to the Executive Committee, Section on Property Law, Association of American Law Schools. Osofsky is also serving as a Co-Chair (with **Rennard Strickland** (Oregon)) of the Rights of Indigenous Peoples Interest Group, American Society of International Law. With **Ibrahim Gassama** (Oregon), Osofsky is a monthly guest discussing global justice on Breakfast with Nancy, a radio program on KOPT 1600.

Dan Rohlf (Lewis & Clark) This winter and spring, participated in a dialog facilitated by the Keystone Center on potential amendments to the Endangered Species Act. The process, featuring representatives from a broad spectrum of experts and interest groups, was convened at the request of six U.S. senators attempting to put together a bipartisan bill to amend and update the Act. The Keystone Center sent a letter to the senators in February detailing the group's deliberations, and expects to issue a final report in May.

Mary Wood (Oregon) was named the 2006-07 Morse Center for Law and Politics Resident Scholar at the University of Oregon.

Eric Pearson, Editor
Creighton University School of Law
pearson@creighton.edu