

NATURAL RESOURCES LAW TEACHERS NEWSLETTER

SPRING 2007

Rocky Mountain Mineral Law Foundation
Energy & Mineral Law Foundation

Natural Resources Law Center (Colorado) 25th Anniversary Conference and Natural Resources Law Teachers 14th Biennial Institute

This joint two-and-one-half day conference on “**The Future of Natural Resources Law and Policy**” will be held in the new Wolf Law Building, University of Colorado Law School in Boulder, Colorado, on June 6-8, 2007. The program has been compiled by Mark Squillace (Colorado) and others. The star-studded cast of university luminaries is too numerous to list herein. For further information, including scholarship assistance funded by the Foundation and administered through the NRLC, contact: Heidi Horton at 303-492-1286 or e-mail: nrlc@colorado.edu.

ARTICLES, BOOKS AND REPORTS

Adell Amos (Oregon) published “The Use of State Instream Flow Laws for Federal Lands: Respecting State Control while Meeting Federal Purposes” 36:4 *Environmental Law*, December 2006; “More Dam Process: Relicensing of Dams and the 2005 Energy Policy Act,” co-authored with **Rick Eichstaedt** and **Rebecca Sherman**, *Idaho Bar Journal*, Spring 2007; and “Environmental Law Teachers’ Perspectives on Preparing New Lawyers for Practice,” co-authored with **Sean B. Hecht** and **Janice L. Weis**, *American Bar Association 36th Conference on Environmental Law Published Proceedings*, Keystone, Colorado, March 8-11, 2007 (Awarded a Certificate of Recognition for “Best Paper at 36th Annual Conference on Environmental Law”).

Mary Jane Angelo’s (Florida) article, “Regulating Evolution for Sale: An Evolutionary Biology Model for Regulating the Unnatural Selection of Genetically Modified Organisms,” was published in 42 *Wake Forest Law Review* 93 (Spring 2007).

Michael Blumm (Lewis & Clark) co-authored “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 Enduring Significance,” 46 *Nat. Res. J.* 489 (2006) (with student Jim Brunberg). Two articles in press are available on SSRN: “Justice Kennedy and the Environment: Property, States’ Rights, and a Persistent Search For Nexus,” 82 *Wash. L. Rev.* __ (2007) (co-authored with student Sherry Bosse) (<http://ssrn.com/abstract=941236>); and “From Martz To the

Twenty-First Century: A Half-Century of Natural Resources Law Casebooks and Pedagogy,” 78 *U. Colo. L. Rev.* __ (2007) (co-authored with student **David Becker**) (<http://ssrn.com/abstract=869297>). Continuing Legal Education in Colorado is publishing a book of water law essays by **Justice Gregory Hobbs**, including two articles by Blumm: “The Rhetoric of Water Reform Resistance: A Response to Hobbs’ Critique of Long’s Peak,” 24 *Envtl. L.* 771 (1994) (<http://ssrn.com/abstract=889224>) and “Pinchot, Property Rights, and Western Water: (A Reply to Gregory Hobbs),” 24 *Envtl. L.* 1203 (1994) (<http://ssrn.com/abstract=889240>).

John Bonine (Oregon) is writing “Access to Justice: The Need for Creative Financing,” a chapter in the book, *Compliance & Enforcement: Toward More Effective Implementation Of Environmental Law*, IUCN Academy of Environmental Law Research Studies (forthcoming 2007, Cambridge Univ. Press). He is also publishing a tribute to law professor **William Rodgers** in the *University of Washington Law Review* in May 2007, and his Lloyd Garrison lecture at Pace Law School in an upcoming issue of the *Pace Environmental Law Review*.

Marcilynn A. Burke (Houston Law Center) recently published “Much Ado About Nothing: *Kelo v. City of New London*, *Babbitt v. Sweet Home*, and Other Tales from the Supreme Court,” 75 *Univ. of Cin. L. Rev.* 663 (2006).

Stephen Dycus (Vermont) is lead author of *National Security Law* (4th ed. 2007), published by Aspen last December. Aspen will also publish his *Counterterrorism Law* (2007) during the summer. Co-authors on both books are **William C. Banks** (Syracuse) and **Peter Raven-Hansen** (GW).

Rob Fischman (Indiana—Bloomington) has three recent publications: “From Words to Action: The Impact and Legal Status of the 2006 National Wildlife Refuge System Management Policies,” 26 *Stanford Env'tl. L.J.* 77 (2007); “Habitat Federalism,” 38 *Urban Law* 1031 (2006); and “Judicial Review of Agency Noncompliance with Public Land Manuals,” 32 *Admin. & Reg. L. News* 13 (Spring 2007). His article on “What is Natural Resources Law?,” 78 *U. Colo. L. Rev.* (forthcoming 2007) is due out soon. He is the co-author of a new edition of *Federal Public Land and Resources Law*, which will be available from Foundation Press by this summer. He is currently working with a group of scientists on a report dealing with adaptation of the national wildlife refuge system to climate change. It will be published as part of the U.S. Climate Change Program’s “Synthesis and Assessment Products.”

William Funk (Lewis & Clark) authored “The Rise and Purported Demise of Wong Yang Sung,” 58 *Admin. L. Rev.* 881 (Fall 2006). West Group has agreed to publish Funk’s proposed new constitutional law casebook aimed at first year law students. In March he sent to the publisher the 2007 edition of *Selected Federal and State Administrative and Regulatory Laws*. He also completed a chapter on International Environmental Law to be included in the new edition of *Legal Protection of the Environment*, the casebook he, **Craig Johnston**, and **Victor Flatt** of the University of Houston have published with West. In April, Bill participated in the Lewis & Clark Law Review Symposium on Crimes, War Crimes, and the War on Terrorism, where he presented a paper on “Electronic Surveillance of Terrorism: The Intelligence/Law Enforcement Dilemma.”

Robert Glennon (Arizona) recently published: “Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping,” 37 *Environmental L.* 3 (2007); “Transferring

Water in the American West: 1987-2005” (with **Jed Brewer, Alan Ker, and Gary Libecap**, 40 *U. Mich. J.L. Reform* __ (forthcoming, 2007); “Water Markets in the West: Prices, Trading, and Contractual Forms” (with **Jed Brewer, Alan Ker and Gary Libecap**), __ *Economic Inquiry* __ (forthcoming, 2007); “Transferring Mainstem Colorado River Water Rights: The Arizona Experience” (with **Michael J. Pearce**), 49 *Ariz. L. Rev.* (forthcoming, 2007); “Good Intentions, Unintended Consequences: The Central Arizona Groundwater Replenishment District” (with **Christopher Avery, Carla Consoli, and Sharon Megdal**), 49 *Ariz. L. Rev.* 609 (2007); “Committee Did Not Approve Pornography,” *Arizona Daily Star*, Feb. 27, 2007.

Rob Glicksman (Kansas) published “A Jurisprudence of Ideology,” 24 *Envtl. F.* 22 (Jan./Feb. 2007), with **Jim May** (Widener). Rob has three articles forthcoming: “Global Climate Change and the Risks to Coastal Areas from Hurricanes and Rising Sea Levels: The Costs of Doing Nothing,” 52 *Loyola L. Rev.* __; “The Comparative Effectiveness of Government Interventions on Environmental Performance in the Chemical Industry,” 26 *Stanford Env'tl. L.J.* __ (with **Dietrich Earnhart**); and “Depiction of the Regulator-Regulated Entity Relationship in the Chemical Industry: Deterrence-Based v. Cooperative Enforcement,” 31 *Wm. & Mary Env'tl. L. & Pol'y Rev.* __ (with **D. Earnhart**). Rob and **George Coggins** (Kansas) have begun working on a second edition of their Thomson/West treatise, *Public Natural Resources Law*.

Jamie Grodsky (George Washington) is publishing “Genomics and Toxic Torts: Dismantling the Risk-Injury Divide,” in the upcoming issue of the *Stanford Law Review* (May 2007). She has also co-edited a book on genomics and environmental policy to be published by the Johns Hopkins University Press this fall.

Richard Hildreth (Oregon) and **Donna Christie** (Florida State) recently published the third edition of their nutshell on *Coastal And Ocean Management Law* (Thomson West 2007). The *Teacher's Manual* for the 3d edition of their casebook on the same subject co-authored with **Joe Kalo** (North Carolina) and **Alison Rieser** (Hawaii Geography/Economics) should be available in time for Fall 2007 courses.

Craig Johnston (Lewis & Clark) completed the second edition of *Legal Protection of the Environment*, together with his co-authors **William Funk** (Lewis & Clark) and **Victor Flatt** (University of Houston).

Christine A. Klein (Florida) will publish “The New Nuisance: An Antidote to Wetland Loss, Sprawl, and Global Warming,” 48 *Boston College L. Rev.* (2007); “Water Independence: The Case Against Transbasin Diversions,” 25 *UCLA J. Env'tl. L. & Pol'y*; and “The Law of the Lakes: From Protectionism to Sustainability” (symposium), 2006 *Michigan State L. Rev.* She also published an Op-Ed on “Environmental Patriotism” at <http://www.gainesville.com/apps/pbcs.dll/article?AID=/20070422/EDITORIALS0101/704220310&SearchID=73279036202265>.

Svitlana Kravchenko (Oregon) published “The Aarhus Convention and Innovations in Compliance with Multilateral Environmental Agreements” in the *Yearbook of European Environmental Law* (Oxford Univ. Press) and a modified version in the *Colorado Journal of International Environmental Law and Policy* (Volume 18, Number 1, Winter 2007). She has also written “Giving the Public a Voice in MEA Compliance Mechanisms” which will appear in the *IUCN Academy of Envi-*

ronmental Law book by Cambridge University Press and “Using Human Rights for Biodiversity Conservation” which will be published in the *IUCN Journal of Environmental Policy*.

Robin Kundis Craig (Florida State) published “Marine Protected Areas and the United States’ Ocean Policy and Law” in 38 *Trends* 10 (ABA–SEER, Jan./Feb. 2007), and “Are Marine National Monuments Better Than National Marine Sanctuaries? U.S. Ocean Policy, Marine Protected Areas, and the Northwestern Hawaiian Islands,” 7 *Sustainable Development Law & Policy* 27 (Fall 2006). In addition, she has had several book chapters and articles accepted for publication for later in 2007: “Oceans and Estuaries,” in **John C. Dernbach**, ed., *Still Stumbling Toward Sustainability* (ELI, forthcoming 2007); “Coastal Water Quality Protection,” in **Donald C. Baur, Timothy Eichenberg, & Michael Sutton**, eds., *Ocean and Coastal Law* (ABA, forthcoming 2007); “Removing ‘the Cloak of a Standing Inquiry’: Pollution Regulation, Public Health, and Private Risk in the Injury-in-Fact Analysis,” 29 *Cardozo L. Rev.* (forthcoming Oct. 2007); “Water Flow, Water Quality, and Threatened Corals in Florida: Are the Everglades and the Florida Keys Now Competing Ecosystems?,” 22 *Natural Resources & Environment* (forthcoming Fall 2007); “Which Way Federalism Under Section 402?,” 22 *Natural Resources & Environment* (forthcoming Summer 2007); “Urban Stormwater Runoff and the Oceans,” 21 *Natural Resources & Environment* (forthcoming Spring 2007); “The Role of Use Competition in the Protection of Coastal Ecosystem Services,” 21 *J. Land Use & Environmental L.* (forthcoming Spring 2007) (symposium).

Jan Laitos (Denver) co-authored *Environmental Regulation of Colorado Real Property* (Bradford Press, 2007); co-authored “Teacher’s Manual to Natural Resources Law” (West 2007); is working on, with **John Applegate** and **Jeff Gaba**, 2d Edition to *Law of Toxic Substances and Hazardous Wastes* (Foundation Press, publication expected in 2008-09).

John Leshy (UC Hastings) reports that the sixth edition of *Federal Public Land and Resources Law* is coming out very soon, in plenty of time for the fall semester 2007. We welcome **Rob Fischman** as co-author. John is also working on a thorough update and rewrite of his 1987 book on the history of federal mining law.

Nancy A. McLaughlin (Utah) will publish “Conservation Easements: Perpetuity and Beyond,” in *Ecology Law Quarterly*, University of California, Berkeley (Summer 2007). The article discusses the legal consequences of protecting land “in perpetuity” with a conservation easement; the circumstances under which this form of perpetual protection is (and is not) appropriate; and the potential use of nonperpetual conservation easements as a land protection tool. Her article, “Condemning Conservation Easements: Protecting the Public Interest and Investment in Conservation” is forthcoming in the *UC Davis Law Review* (Spring 2008), and her article discussing the potential condemnation of easement-encumbered land in Virginia for use as part of a high-voltage electric transmission line corridor is forthcoming in the *Virginia Environmental Law Journal* (Fall 2007).

Robert Miller (Lewis & Clark) is currently on a speaking and book signing tour for his new book *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny*. The book went into a second printing in mid-January. Miller drafted twenty-one entries for the upcoming *Congressional Quarterly Encyclopedia of Federal Indian Policy and Law*.

Kenneth Murchison (LSU) is the author of *The Snail Darter Case: Tva Versus the Endangered Species Act*. The book, which was recently published by the University Press of Kansas, is the first monograph on an environmental case to appear in the Landmark Cases Series that the press publishes.

Janet Neuman (Lewis & Clark) co-authored "Sometimes a Great Notion: Oregon's Instream Flow Experiments," 36 *Envtl. L.* 1125 (Fall 2006) with **Anne Squier** and **Gail Achterman**. Her article "Remembering Rain" (co-authored with student **Troy Payne**) appeared in 37 *Envtl. L.* 105 (Winter 2007).

Hari Osofsky's (Oregon) book, *Adjudicating Climate Change: Sub-National, National, and Supra-National Approaches*, co-edited with **William C.G. Burns**, will be published by Cambridge University Press in 2007. Osofsky also recently wrote "A Law and Geography Perspective on the New Haven School," *Yale J. Int'l L.* (forthcoming 2007) (Selected for Yale Journal of International Law Young Scholars Conference); "Climate Change Litigation as Pluralist Legal Dialogue?," *Stanford Env. L.J. & Stanford J. Int'l L.* (forthcoming 2007) (Joint Issue) (Selected for Stanford Climate Symposium); "The Intersection of Scale, Science, and Law in *Massachusetts v. EPA*," *Oregon R. Int'l L.* (forthcoming 2007); "The Inuit Petition as a Bridge?: Beyond Dialectics of Climate Change and Indigenous Peoples' Rights," *Am. Indian L. Rev.* (forthcoming 2007); "The Right to Frozen Water: The Institutional Spaces for Supranational Climate Change Petitions, in Progress in International Institutions: Confronting the 21st Century" (forthcoming 2007, Martinus Nijhoff); and "Local Approaches to Transnational Corporate Responsibility: Mapping the Role of Sub-National Climate Change Litigation," *Pacific McGeorge Global Bus. & Dev. L.J.* (forthcoming 2007) (Conference Proceedings Issue). This past month, for the *Oregonian*, Osofsky wrote an opinion editorial, "The Court and Climate Change: A Win for Oregon as Well as the Law" (Apr. 5, 2007).

Patrick Parenteau (VLS) reports that he has co-authored (with **Don Baur** at Perkins Coie) a chapter in the book, *Ecosystem Based Approaches to Marine Conservation*, to be published by the ABA later this year.

John C. Peck (Kansas) recently wrote a chapter "Groundwater Management in the High Plains Aquifer in the USA: Legal Problems and Innovations" for a book titled *The Agricultural Groundwater Revolution: Opportunities and Threats to Development*, published in January 2007 by the International Water Management Institute in Sri Lanka.

Melissa Powers (Lewis & Clark) presented a draft article entitled "Down From the Mountain: The Uncertain Future of the Mountaintop Mining 'Fill Rule' in Light of *Southeast Alaska Conservation Council v. United State Army Corps of Engineers*" to the Maine Law School faculty in March as part of their faculty scholarship exchange.

Judith Royster (Tulsa) published "Indian Water and the Federal Trust: Some Proposals for Federal Action," at 46 *Natural Resources Journal* 375 (2006). Her article, "Indian Tribal Rights to Groundwater" is forthcoming in the *Kansas Journal of Law and Public Policy*.

Erica Thorson (Lewis & Clark) authored a chapter entitled "The World Heritage Convention & Climate Change: The Case for a Climate-Change Mitigation Strategy beyond the Kyoto Protocol"

in *Adjudicating Climate Control: Sub-National, National, and Supra-National Approaches* (forthcoming in 2007 through Cambridge University Press).

Chris Wold (Lewis & Clark) authored an article on the applicability of international law to sea turtle conservation 1997 which was recently translated into Spanish and published in a book: "El Estado De Las Tortugas Marinas Bajo El Derecho Ambiental Internacional Y Los Acuerdos Ambientales Internacionales" in *Instrumentos Internacionales y la Conservacion de las Tortugas Marinas* (ed. J. Frazier 2006).

Mary Wood (Oregon) has written "Nature's Trust: Reclaiming an Environmental Discourse," 25 *Virginia Env. L. J.* ___ (2007), "EPA's Protection of Tribal Harvests: Braiding the Agency's Mission," 34 *Ecology Law Quarterly* (2007), "Nature's Trust: A Legal, Political and Moral Frame for Global Warming," *Boston College Environmental Affairs Law Review* (forthcoming May, 2007), and "Business As Usual or Leading a New World?—Your Role in Global Warming," 22(2) *Journal of Environmental Law and Litigation* (forthcoming Fall, 2007). Wood has also written a series of opinion editorials addressing global warming including: "Now is Time to Stem Global Warming," Opinion Editorial, *Vancouver Columbian* (Feb. 9, 2007); "A UN Warning Americans Should Not Ignore," Opinion Editorial, *Long Valley Advocate*, Cascade, Idaho (Feb. 7, 2007); "Demand Global Warming Legislation," Opinion Editorial, *Idaho Statesman* (Jan. 21, 2007); "Bureaucrats Violate Trust by Ignoring Preservation," Opinion Editorial, *The Register-Guard* (Jan. 12, 2007); and "Trust in Property Rights to Stem Global Warming," Opinion Editorial, *The Star News* (Dec. 21, 2006).

CLINICAL PROGRAMS

Greg Costello (Oregon), Adjunct Professor and Executive Director of the Western Environmental Law Center (WELC), reports that WELC has had a busy winter and spring. WELC attorney **Pete Frost** and his clinic students had an important victory in *High Sierra Hikers Assn. v. U.S. Forest Service*, successfully arguing against the reconstruction of aging dam structures in the Emigrant Wilderness in the Sierra Nevada. Frost and his clinic students are also awaiting a decision in *Ventana Wilderness Alliance v. Bradford*. This is an important case of first impression to determine whether federal agencies may legally resume livestock grazing in a newly-designated Wilderness Area. WELC attorney **Amy Atwood** and her clinic students have filed a lawsuit in U.S. District Court for the District of Columbia challenging the U.S. Fish and Wildlife Services' decision not to give protected status under the Endangered Species Act to the Gunnison sage grouse. The National Audubon Society named the Gunnison sage-grouse to its list of the nation's ten most endangered birds in 2006. This is WELC's third lawsuit to protect the bird. Both previous lawsuits were resolved in the bird's favor. WELC attorney **Charlie Tebbutt** and his clinic students have filed cases in both the 9th Circuit Court of Appeals and the Federal District Court of Northern California to reassert the authority of the EPA to regulate pesticide spraying under the Clean Water Act. The cases were consolidated in the 6th Circuit and the District Court case has stayed pending resolution of 6th Circuit jurisdiction. Tebbutt, along with WELC attorney **Dan Galpern** and their clinic students, are preparing for a trial challenging Washington State's general discharge permit for concentrated animal feeding operations. The 6-day trial began April 30th.

The Pacific Environmental Advocacy Center (Lewis & Clark) was designated as one of the "Winningest Clinics" in U.S. law schools in January's *National Jurist*. The Endangered Species Act

has figured prominently in PEAC's most recent string of litigation successes. In February, the Ninth Circuit ruled in *Oregon Natural Resources Council v. Allen*, _ F.3d _, 2007 WL 490890 that the Incidental Take Statement at issue in the case was invalid under the ESA. The case, co-counseled by PEAC and Earthjustice, will result not only in increased protections for the northern spotted owls in the area affected by the decision, but establishes an important precedent regarding the requirements the government must fulfill prior to allowing actions that kill or injure protected species. In April, in another case on which PEAC and Earthjustice collaborated, the Ninth Circuit upheld a district court decision overturning federal dam managers' strategy for operating federal hydropower dams in the Columbia Basin. This decision will increase protection for listed endangered salmon and steelhead; it also establishes favorable precedent for interpreting the ESA's section 7 protections for all listed species. Finally, just days after PEAC's salmon victory in the Ninth Circuit, a federal district court found that federal grazing practices in Oregon also ran afoul of the ESA's protections for salmon and steelhead. A PEAC alum who is now an attorney with the Oregon Natural Desert Association worked with PEAC to secure this latest victory.

The International Environmental Law Project (Lewis & Clark) students and professors have been busy at work on a number of environmental fronts, including:

Pacific Salmon Treaty (PST), a bilateral treaty between the United States and Canada for the management of salmon: IELP has been working with a coalition of NGOs that are dedicated to influencing negotiations between the United States and Canada and encouraging adoption of precautionary, science-based management as well as a more modern approach to participation by citizens in treaty discussions and negotiations. IELP recently attempted to attend the bilateral meetings of the Pacific Salmon Commission, which, according to their rules, should be open to the public, but were denied access. As a class and in its work with a larger coalition, IELP is strategizing as to what legal avenues to pursue to hold the U.S. accountable for this action and ensure that the public is able to engage in international salmon management.

Convention on International Trade in Endangered Species (CITES): IELP is also hard at work preparing for the next meeting of CITES parties in June in The Hague, Netherlands. IELP completed a legal opinion on the relationship of the United Kingdom and Denmark to its overseas territories in terms of treaty application. The opinion has a number of implications for the implementation of the (CITES) and the International Convention on the Regulation of Whaling. IELP students and professors have provided legal opinions on issues as diverse as ownership of confiscated specimens, shark management and bycatch, compliance and enforcement of the treaty, as well as a number of other issues. This work will form the basis of the official positions of the Species Survival Network (a coalition of over 80 NGOs from around the world) at the CITES meeting. On another CITES-related matter, IELP is currently drafting a legal opinion on the relationship between laws that States may enact that are stricter than their treaty obligations and trade rules. In keeping with IELP tradition, students will be actively working at the CITES meeting alongside their professors on behalf of member governments and NGOs.

World Heritage Convention: IELP drafted a petition to the World Heritage Committee on behalf of the Center for Biological Diversity and others to list La Amistad International Park as a World Heritage site in danger due to recent concessions for four large dam projects that will flood a portion of the park and devastate the area's vast biological diversity. IELP is excited that its Petition to List

Waterton-Glacier as a World Heritage Site “In Danger” has already had a meaningful effect on the actions of the World Heritage Committee. Although Parties to the Convention have not yet decided what actions to take with respect to the Petition, the World Heritage Committee and committed to making its next meeting, this summer in New Zealand, carbon neutral. This is a small step, but all small steps count!

Ramsar Convention on Wetlands (Ramsar): IELP participated in a meeting of the U.S. National Ramsar Committee on March 21, 2007. The Committee helps steer U.S. participation in Ramsar, which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. IELP discussed with the Committee various opportunities for IELP to work with scientists, attorneys, and policy-makers to conserve wetlands of international importance.

International Convention on the Regulation of Whaling: IELP is also working on answering specific legal questions regarding the export of minke whale specimens from Greenland, when the Whaling Convention only allows the minke whale hunt pursuant to an aboriginal subsistence quota which is allocated specifically for local consumption. This analysis will aid whale conservation advocates at the upcoming meeting of the International Whaling Commission meeting in May in Anchorage, Alaska.

Patrick Parenteau (VLS) reports that the ENRLC has added a second Clinic Fellow position to start in FY 08.

LEGISLATION AND REGULATIONS

Robin Kundis Craig (Florida State) has actively participated in the ABA’s ongoing ocean policy lobbying efforts in the United States Congress, including drafting comments on and suggested replacement language for the bills leading to the reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act and drafting the ABA’s position paper on organic legislation for NOAA for the ABA Day at Congress in April 2007. She has also become involved in testifying and helping to draft language for proposed Clean Oceans legislation in Florida.

John Leshy (UC Hastings) has been advising conservation interests and congressional staff on the latest efforts to legislatively reform the Mining Law of 1872.

Nancy A. McLaughlin’s (Utah) articles are cited in the recently amended comments to the Uniform Conservation Easement Act, in which the National Conference of Commissioners on Uniform State Laws clarifies its intent that charitable trust principles apply to the modification and termination of conservation easements. The amended act is available at www.nccusl.org.

Patrick Parenteau (VLS) testified in support of a bill in the Vermont Legislature to speed up restoration of Lake Champlain through several measures, including setting a 2PPM standard for phosphorous discharges from POTW’s, creating stormwater utilities, beefing up enforcement on CAFOs, and increasing the state share of funding for BMP’s. Parenteau is also part of a team of academics and practitioners providing legal support to a coalition of conservation groups in

Washington trying to pass an amendment to the CWA to repeal the SWANCC and Rapanos decision and restore the Act's geographic jurisdiction to pre-SWANCC boundaries.

Mary Wood (Oregon) briefed the Oregon Senate Judiciary Committee on the implications of global warming (February 16, 2007). As part of that effort, Wood compiled and distributed "Oregon State Legislature's Responsibility to Address Global Warming," a Briefing Packet.

SPEECHES AND CONFERENCES

Adell Amos (Oregon) participated in a panel discussion on "Water Distribution Rights and Profit," at the HOPES 13: Confluence, Eco-Design Conference at the University of Oregon, School of Architecture, April 19-22, 2007. On March 9-10, 2007, she was a workshop participant on "Preparing Green Lawyers for Practice in a Changing Environment," Dialogue and Workshop, at the ABA's 36th Annual Conference on Environmental Law in Keystone, Colorado (March 8-11, 2007). At the 25th Annual Public Interest Environmental Law Conference, Amos spoke on "Protecting Instream Flow and Aquatic Habitat" and "Legal Implications of Exempt Wells in Oregon and Washington," Eugene, Oregon (March 1-4, 2007). Amos gave the Opening Remarks for the Journal of Environmental Law and Litigation Symposium, "At the Crossroads: Sustainable Solutions in the Klamath Basin," on January 26, 2007. As part of the Environmental and Natural Resources Law Program Fireside Conversations Series, Amos spoke about "Water Conflicts in the West" (January 17, 2007).

Mary Jane Angelo (Florida) presented, Integrating Energy Synthesis into Environmental Law, at the Lewis and Clark Law and Science Forum in April 2007; participated in the University of Florida Levin College of Law's 8th Annual Conference on Legal and Policy Issues in the Americas in April 2007; participated in the Center for Progressive Reform's Next Generation Environmental Law Roundtable in March 2007.

Michael Blumm (Lewis & Clark) spoke at the Columbia Inter-Tribal Fish Commission's conference on the 50th anniversary of the drowning of Celilo Falls, the most important historic Indian fishing site on the Columbia River, in March.

John Bonine (Oregon) was a panelist at the University of Washington School of Law's conference "Of Salmon, the Sound and the Shifting of the Sands of Environmental Law—A National Prospective with a Look Forward at the Career of Bill Rodgers and the Power of Ideas" April 20-21, 2007. Bonine gave the Thirteenth Annual Lloyd K. Garrison Lecture on Environmental Law at Pace Law School on March 19, 2007. Entitled "From Silent Spring to Sweltering Summers—The Past and Future of Private Public Interest Law," Bonine discussed the role private lawyers and small non-profits play in combating today's environmental crisis. On March 18, 2007, Bonine gave the closing address, "Public Interest: Activism, Advocacy, and Life," at the National Association of Environmental Law Societies' conference, The Future on Environmental Protection, at George Washington University Law School. Bonine also presented "Standing to Sue" at the 25th Annual Public Interest Environmental Law Conference (March 4, 2007) and "Global Warming Litigation and Biodiversity" at the 9th International Wildlife Conference at Stetson University College of Law, January 25-27, 2007. He also gave an interview with Channel 9, KEZI-TV, Eugene, OR (April 3, 2007), has posted extensively but anonymously on a wide range of topics on the FireDogLake blog, www.firedoglake.com, and less often on the Daily Kos, www.dailykos.com.

Marcilynn A. Burke (Houston Law Center) delivered a lecture for the Institute for Biodiversity Law and Policy at Stetson University College of Law in February 2007 entitled “Green Peace? Protecting Our National Treasures While Providing for Our National Security;” was a panelist at the William and Mary Environmental Law and Policy Review’s symposium entitled “Mission Impossible?: The Compatibility of Military and Environmental Goals” at the William and Mary Marshall-Wyeth School of Law in February 2007. The Review will be publishing her article this fall.

William Funk (Lewis & Clark) debated **Todd Gaziano** of the Heritage Foundation before a joint meeting of the law school’s American Constitution Society and Federalist Society in October. The topic of the debate was “NSA’s Wiretapping Without Judicial Authorization.” Also in October Professor Funk spoke at the Fall Administrative Law Conference of the American Bar Association’s Administrative Law and Regulatory Practice Section in Washington, DC on “Agency Preemption of State Tort Law,” a subject related to a project he is involved in with the Center for Progressive Reform, of which he is a Member Scholar. He delivered a paper on the same subject for a conference at Duke Law School on “Federalism in the Overlapping Territory” in November and at a Lewis & Clark faculty colloquium in March. In January he spoke on how to publish a casebook for a panel jointly sponsored by the Sections on Teaching Methods and New Law Professors at the Annual Meeting of the Association of American Law Schools.

Robert Glennon (Arizona) was the keynote speaker at the following: 19th Annual Red Clay Conference, University of Georgia School of Law, Athens, Georgia, March 2007; Borrego Water Education Week, Borrego Springs, California, February 2007. Other recent speeches and presentations include: Democrats of Oro Valley, evening speaker, Oro Valley, Arizona, April 2007; Southern Arizona Environmental Management Society, lunch speaker, Tucson, Arizona, March 2007; Arizona State Bar, Real Property Section, lunch speaker, Tucson, Arizona, February 2007.

Rob Glicksman (Kansas) made the following presentations: “Preemption and the Purposes of Federal Environmental Regulation,” presentation at conference on “Ordering State-Federal Relations through the Preemption Doctrine,” held at the Northwestern University School of Law, Chicago, IL (April 5, 2007) (with **Richard Levy**); “Nothing is Real: Federal Preemption by Inaction,” presentation at a conference on “Federalism in the Overlapping Territory,” held at Duke University Law School in Durham, North Carolina (November 10-11, 2006); “Coercive v. Cooperative Environmental Enforcement under the Clean Water Act: A Study of the Chemical Industry,” presentation at the 4th IUCN Academy of Environmental Law Colloquium: Toward More Effective Implementation of Environmental Law, Enforcement and Compliance, held at the New York State Judicial Institute at Pace University School of Law in White Plains, NY (October 16, 2006).

Jamie Grodsky (George Washington) just returned from an inspirational weekend at the University of Washington Law School, where she spoke at the recent conference, “Of Salmon, the Sound, and the Shifting Sands of Environmental Law.” The conference was a celebration of the values and remarkable career of **Bill Rodgers** as he enters his 40th year of legal scholarship and pursuit of environmental protection and social justice. Speakers included colleagues and “Friends of Bill” from around the country. Jamie will travel to Nashville in May to present a paper to the Vanderbilt Law School faculty.

Svitlana Kravchenko (Oregon) presented “The Ramsar Convention: Protection of Wildlife in Danube Delta” at the International Wildlife Law Conference at School of Law of Stetson University, Florida (January 25-27). She participated in the conference “Cap and Trade as a Tool for Climate Change” organized by the Center of Environmental Law at the School of Law, Berkeley University (February 26-27), the annual meeting of Environmental Law Alliance Worldwide on February 25-28 in Yachats, Oregon, and the meeting of the Aarhus Compliance Committee as Vice-Chair of the Committee (Geneva, Switzerland, March 23-25). In March, Kravchenko was a panelists for “Principle 10” and “Earth on Fire: Global Warming” at the 25th Annual Public Interest Environmental Law Conference in Eugene, Oregon and presented “International Strategies to Combat Global Warming” at the 17th NAELS Conference “The Future of Environmental Law” at the School of Law George Washington University (March 15-18). On April 9, 2007, she participated in a Global Warming Forum discussing the United States Supreme Court decision in *Massachusetts v. EPA* at the University of Oregon School of Law. Most recently, Kravchenko was a panelist at the conference “Of Salmon, the Sound and the Shifting of the Sands of Environmental Law - A National Prospective with a Look Forward at the Career of Bill Rodgers and the Power of Ideas” at the University of Washington School of Law (Seattle, April 20-21, 2007).

Robin Kundis Craig (Florida State) has given or will be giving the following presentations in the course of the 2006-2007 academic year: “Overview of Wetlands Regulation,” National Wetlands Conference, CLE International, Las Vegas, NV, June 7-8, 2007; “Water Use and the Federal Endangered Species Act,” Florida Water Law, Water Law Institute & CLE International, Tampa, FL, May 21-22, 2007; “Scientific Uncertainty, Global Warming, & Regulatory Policy: *Massachusetts v. EPA*,” Center for Ocean-Atmospheric Prediction Studies, Florida State University, Tallahassee, FL, November 27, 2006; “MPAs, Marine Reserves, and the Law in the United States,” The Role of Marine Reserves in a Fisheries Management Strategy, Florida State University College of Law, Tallahassee, FL, November 7, 2006; “Marine Protected Areas: National and International Systems,” Natural Resources Roundtable: Hot Topics, American Bar Association Section of Environment, Energy, and Resources, 14th Annual Section Fall Meeting, San Diego, CA, Oct. 4-7, 2006; Moderator, “Mini-Plenary: More Wading into Muddy Waters: The Supreme Court’s Interpretations of Clean Water Act Jurisdiction,” American Bar Association Section of Environment, Energy, and Resources, 14th Annual Section Fall Meeting, San Diego, CA, October 4-7, 2006; “Federal Administrative Law Update,” Advanced Administrative Law Course 2006, Texas Bar Association, Texas Bar CLE, Austin, TX, Sept. 29, 2006; Panelist, “After *Rapanos* and *Carabell*,” Environmental Law Institute, American Bar Association’s Section on Environment, Energy, and Natural Resources’ Constitutional Law Committee, & D.C. Bar Association Environment, Energy, and Natural Resources Section, Washington, D.C., July 11, 2006.

Arthur LaFrance (Lewis & Clark) spoke at the 14th Annual Animal Law Conference held at Lewis & Clark in October on the subject “Animal Experimentation: The Human Parallel.” Proceedings of the conference are available by podcast at <http://lawlib.lclark.edu/podcast/?p=99>.

Jan Laitos (Denver) was a panelist at two sessions for the ABA Section of Environment, Energy and Resources, 36th Annual Conference on Environmental Law (March 2007).

Allison LaPlante (Lewis & Clark) spoke in January at an air quality and global warming conference in Portland, Oregon on recent Clean Air Act and global warming litigation. In March she

spoke on two panels at the Public Interest Environmental Law Conference at the University of Oregon, one on jurisdictional hurdles in Clean Water Act citizen enforcement actions and the other on the Clean Air Act's provisions and Bush Administration rules related to "regional haze" pollution.

John Leshy (UC Hastings) (a) addressed a gathering of foundations and philanthropies discussing opportunities for reforming water management in Berkeley, California, in October; (b) addressed a gathering of public interest activists advocating for environmental curbs on energy development in the Rocky Mountain West in Denver in November; (c) gave a talk on the trust responsibility in Indian law from the perspective of federal officials at a conference sponsored by the Sandra Day O'Connor College of Law at Arizona State in December; (d) gave a talk on public lands at the ALI-ABA's annual conference on Environmental Law, Washington D.C. February 2007; (e) participated in a panel discussion on binational litigation along the Lower Colorado River at the 25th Annual Water Law Conference of the ABA Section on Environment, Energy and Resources at San Diego in February 2007.

Lewis & Clark organized and hosted "Law, Science & the Environment: A Meeting of Minds," a forum for scientists, law professors and federal agency professionals to grapple with the intersection between science and law. Draft papers from the conference are available at www.lclark.edu/dept/elaw/2007_lse_papers.html, and podcasts of the speakers and keynote will be available soon on the law school website.

Nancy A. McLaughlin (Utah) will be part of a panel discussion on condemning conservation easement-encumbered land at the University of Virginia Law School in the fall of 2007.

Janet Neuman (Lewis & Clark) led the opening plenary session presentation at the annual ABA Water Law Conference in San Diego in mid-February. This year marked the 25th annual conference, and the panel session was entitled "The 25-year perspective on water law." She taught a session on water law to the Lewis & Clark undergraduate environmental studies class, an upper division class team-taught by law school environmental faculty every other year.

Hari Osofsky (Oregon) presented on climate change litigation at numerous academic and professional venues during Spring 2007, including the American Association of Law Schools 2007 Annual Meeting, the American Society of International Law 2007 Annual Meeting, the Association of American Geographers, and the Junior International Law Scholars Roundtable at Yale, as well as conferences hosted by Stanford Law School, UC Davis School of Law, University of Oregon School of Law, University of Idaho College of Law, and Albany Law School. In response to the U.S. Supreme Court decision in *Massachusetts v. EPA*, Osofsky participated in an *Opinio Juris* symposium on April 10, 2007, and a public forum at the University of Oregon School of Law in Eugene, Oregon on April 9, 2007.

James Otto (Denver) presented a paper on "Global Trends in Mine Reclamation and Closure Regulation" at the Foundation's Institute on International Mining and Oil & Gas Law, Development, and Investment in Buenos Aires, Argentina, in April.

Stephanie Parent (Lewis & Clark) spoke at the 25th Annual Public Interest Environmental Law Conference at the University of Oregon in March on three separate panels: how to obtain relief in APA cases; the *Fish Passage Center* case and the appropriations process; and ongoing grazing litigation efforts to protect native trout and steelhead habitat.

Patrick Parenteau (VLS) delivered the following presentations this year: Feb 2-3, Lansing MI, Michigan State Bar CLE co-sponsored by Cooley School of Law (panel discussion of *Mass v EPA* and *Environment Defense v Duke Power*); March 2-3, Gainesville, Fla, Thirteenth Annual Public Interest Law Conference sponsored by U of Florida Law School, "Litigation as a Tool for Sustainability;" March 27-28, Shepardstown W. Va., Association of State Wetlands Managers Annual Meeting, "Coping with Rapanos;" May 8, Boston, ABA CLE on Environmental Issues in New England, "Implications of Rapanos;" May 16, Vermont Institute of Natural Science, "One Last Chance: The Ecological and Moral Imperative for Urgent Action on Climate Change."

On January 26, 2007, Oregon's Journal of Environmental Law and Litigation hosted a symposium entitled "At the Crossroads: In Search of Sustainable Solutions in the Klamath Basin." Speakers included **Adell Amos** (Oregon), **Reed Benson** (Wyoming) and experts from the federal government, the state government, tribes, and environmental groups. Papers from this event will appear in a future issue of the Journal of Environmental Law and Litigation.

The student group Land Air Water at the University of Oregon School of Law hosted the 25th Annual Public Interest Environmental Law Conference in Eugene, Oregon on March 1-4, 2007. This year's theme was "Cultivating Corridors for the People." Keynoters included: **Dinah Bear** (General Counsel of CEQ), **Reverend Marta Benavides** (Int'l Vice Pres. of the Women's Int'l League for Peace and Freedom), **Lonnie Dupre** and **Eric Larsen** (global warming activists), **Anne Kajir** (2006 Goldman Prize Winner), **Robert F. Kennedy, Jr.** (Pace), **Winona La Duke** (former U.S. Vice Pres. Candidate), **Zygmunt Plater** (Boston College), **Jerome Ringo** (Pres. of the Apollo Alliance and Chairman of NWF), **Vandana Shiva** (social and environmental justice activist), **Shiela Watt-Cloutier** (Nobel Peace Prize nominee), **Craig E. Williams** (2006 Goldman Prize Winner), and **Mary Wood** (Oregon). Law professor speakers included **Adell Amos** (Oregon), **Don Anton** (Alabama), **John Bonine** (Oregon), **Keith Cunningham-Parmeter** (Willamette), **Svitlana Kravchenko** (Oregon), **Elizabeth Kronk** (Montana), **Larry Sanders** (Emory), and **Chris Wold** (Lewis & Clark). The conference also included tribal representatives, federal and state employees, scientific experts, and faculty from across the country.

Nancy B. Rapoport (Houston; Nevada commencing in July) presented a talk on "The Ethics You See Aren't the Ethics You Do: Images of Lawyers in the Movies – How Hollywood Affects the Ethical and Professional Behavior of Lawyers" at the Foundation's Institute on Oil and Gas Agreements: Joint Operations in Santa Fe in May.

Dan Rohlff (Lewis & Clark) spoke in a workshop in March sponsored by the Audubon Society of Portland examining coexisting with cougars. The workshop, which also explored Oregon Department of Fish and Wildlife's controversial cougar management plan, included both scientists and legal and policy experts.

Judith Royster (Tulsa) spoke on Rights-of-Way on Indian Lands at the 5th Annual Doing Business in Indian Country CLE, sponsored by the Muscogee (Creek) Nation on March 9, 2007. She was also the co-moderator of the Joint Program of the Sections on Indian Nations and Indigenous Peoples and Natural Resources Law, entitled Cooperation in Management of Tribal Natural Resources, at the AALS Annual Meeting in Washington DC, on January 4, 2007.

Jacqueline Weaver (Houston) taught in the RMMLF's Oil and Gas Short Course in Houston in October. She also spoke on "The Future of our Petroleum-Based Economy: Of Peak Oil, Big Oil, Chinese Oil, Flags and Open Doors" in many different forums, including the Committees on Foreign Relations in Boise, Idaho and Tucson, Arizona, the Women's Energy Network in Houston, the Shell Exploration Research Center in Houston, and several CLE conferences.

Janice Weis (Lewis & Clark) spoke on a panel at the annual conference of the ABA's Section on Environment, Energy, and Resources in Keystone, Colorado in March. The panel's topic was how law schools prepare environmental lawyers for practice. The panel materials, co-authored with other environmental law program directors **Sean Hecht** (UCLA) and **Adell Amos** (University of Oregon), were selected for special notice at the conference.

Chris Wold (Lewis & Clark) spoke at the University of Minnesota-Duluth on "The International Regulation of Trade in Endangered Species: Will the Ivory Trade Save or Endanger the African Elephant?" The answer, as current poaching trends illustrate, is that the ivory trade is further endangering the elephant. With only about 400,000 African elephants remaining, scientists estimate that poachers kill about 23,000 African elephants annually, or about 5 percent of the total population. Poaching for international trade takes place even though all commercial trade in ivory is prohibited.

Mary Wood (Oregon) gave a keynote address, sponsored by Clark College and Friends of Clark County in Vancouver, WA, entitled "Nature's Trust: A Legal, Political and Moral Frame for Global Warming," (April 21, 2007). On April 18, 2007, she spoke on "Business As Usual or Leading a New World?—Your Role in Global Warming," in a University Earth Day event at the University of Oregon (April 18, 2007). Wood also participated in Global Warming Forum on *Massachusetts v. EPA*, University of Oregon School of Law, Eugene, OR (April 9, 2007). On April 6, 2007, Wood presented "Tribes as Trustees," at the Wayne Morse Center Symposium in Eugene, OR. Wood was a keynoter at the 25th Public Interest Environmental Law Conference and presented "Nature's Trust: A Legal, Political and Moral Frame for Global Warming" as well as panelist on "Emerging Issues in Conservation Easement Law & Practice" on March 2, 2007. At the Frank Church Conference **Al Gore** keynoted, Wood presented "Nature's Trust: A Legal, Political and Moral Frame for Global Warming," Boise, Idaho (Jan. 22, 2007). Wood is also giving a series of outreach speeches to schools called "The Draft No One is Telling You About: Global Warming and Your Future." She has also made a number of television and radio appearances discussing global warming.

UNIQUE COURSES

Adell Amos (Oregon) taught an interdisciplinary course with economic's Professor **William Jaeger** from Oregon State University entitled Oregon Water Law and Policy. The course is part of the OSU's graduate program in Water Resources Policy and Management.

Mary Jane Angelo (Florida) developed and taught an interdisciplinary seminar entitled “Law and Ecology,” which focused on the ways that ecological science informs environmental law, and included presentations by scientists who have served as expert witnesses and worked on developing environmental policies and regulations.

Stephen Dycus (Vermont) will teach a new seminar in the fall entitled Secrecy and Democracy. It will include important case studies on environmental rulemaking, litigation, and legislation.

Rob Glicksman (Kansas) gave a series of 20 lectures on international environmental law to various audiences of undergraduate and graduate students at the University of Trento in Italy in March 2007.

Robin Kundis Craig (Florida State) created and taught a new seminar for the first time in Fall 2006, “The Environmental Intersection of Land and Sea.” This course explored gaps and conflicts that exist in current laws regarding the relationships between the terrestrial and marine environments, including land-based marine pollution, species regulation, and global warming. Over the course of the semester, students drafted legislation and proposed comprehensive statutory solutions to regulatory problems that they identified. The syllabus and assignments are available upon request.

Patrick Parenteau (VLS) reports that he is developing a new course on Climate Stewardship which will consist of a blend of law, science, economics and political action, to debut in Fall 08.

Jacqueline Weaver (Houston) taught two classes of managers from two Chinese national oil companies (CNPC and Sinopec) in Beijing in January 2007, under the auspices of the Executive MBA program of the Bauer School of Business. **Owen Anderson** co-taught the course in International Petroleum Transactions with her and they enjoyed seeing Beijing on off-days with family members who accompanied them.

UNIQUE LITIGATION

Henry Drummonds (Lewis & Clark) was a representative law professor in an amicus brief filed with the U.S. Supreme Court in *Philip Morris v. Williams*, a punitive damages case. The amicus brief argues that the Oregon Supreme Court complied with the U.S. Supreme Court’s due process limits on the size of punitive damages awards, that the tobacco company’s conduct was particularly egregious, and that the federal due process clause simply does not reach this situation.

Craig Johnston (Lewis & Clark) wrote an amicus brief on behalf of the Natural Resources Defense Council and seven law professors in *United States v. Atlantic Research Corp.*, which is pending before the Supreme Court. The case involves the question whether landowners who voluntarily clean up contaminated land may seek to impose some or all of their cleanup costs on others who may bear liability under ‘ 107 of the Comprehensive Environmental Response, Compensation and Liability Act. The brief will be published at 36 *Envtl. L.* (2007). Professor Johnston also participated in preparing two of the advocates for their arguments in the case.

Jan Laitos (Denver) assisted with and provided consultant work on *McCarran International Airport v. Sisolak*, cert. denied by the U.S. Supreme Court in January 2007.

Patrick Parenteau (VLS) reports that the Environmental and Natural Resources Law Clinic (ENRLC) is preparing a lawsuit against EPA challenging the phosphorous TMDL for Lake Champlain on multiple grounds including failure to provide reasonable assurances that the existing limit of 8 PPM will achieve compliance with water quality standards, failure to set a daily load, failure to provide for a growth allowance, and failure to properly calculate existing loads.

Dan Rohlf (Lewis & Clark) submitted an amicus brief to the U.S. Supreme Court in late March on behalf of seven internationally recognized biologists, including Pulitzer Prize winners **Jared Diamond** and **E.O Wilson**, in *EPA v. Defenders of Wildlife*. This case deals with whether section 7 of the Endangered Species Act merely constrains federal agencies' exercise of their existing authorities, or whether this section of the ESA gives agencies additional authority to avoid jeopardy to protected species or to avoid adversely affecting critical habitat. The Court heard oral argument in the case on April 17.

PERSONAL NOTES

Owen L. Anderson (Oklahoma) and **John Lowe** (Southern Methodist) will teach at University of Melbourne, Australia, for two weeks in May and one week at the University of Dundee, Scotland for one week in June. Both assignments are in International Petroleum Transactions.

Owen L. Anderson (Oklahoma) has been named to the Board of Directors of the Association of International Petroleum Negotiators.

As of Summer 2006, **Robin Kundis Craig** changed jobs (again!), moving from the Indiana University School of Law–Indianapolis to the Florida State University College of Law, where she now teaches in Florida State University's Environmental & Land Use Law Program.

David Percy (Alberta) appeared as an expert witness at the hearings of the Alberta Energy and Utilities Board in its hearings on Coalbed Methane in October 2006. The Board has now issued its Decision on Legal Entitlement to Coalbed Methane and it is available at: www.eub.ca/docs/documents/decisions/2007/2007-024.pdf.

Jacqueline Weaver (Houston) was awarded the University of Houston's Teaching Excellence award by the Provost and Chancellor of the University at a ceremony in May 2006.

SABBATICALS

James Huffman (Lewis & Clark) has extended his sabbatical by one year.

John Leshy (UC Hastings) will be a visiting professor at Harvard Law School in the Fall 2007 semester, teaching public land law and water law.

John Nagle (Notre Dame) will be on sabbatical during the 2007-2008 academic year. He will be in Jackson Hole during the fall, where he plans to complete a book entitled *Law's Environment: How*

Environmental Law Determines the Natural Environment" to be published by Yale University Press in 2008, and to begin work on several projects involving the relationship between Christianity and environmental law. During the spring of 2008, he has received a Fulbright to teach environmental law at Fudan University in Shanghai.

OTHER ITEMS OF INTEREST

John Bonine (Oregon) is investigating the lack of preparedness for pandemic influenza in government, higher education institutions, and public schools in Oregon. He also worked with lawyers from 30 countries at the annual meeting of the organization he co-founded, Environmental Law Alliance Worldwide (ELAW) in Yachats, Oregon, February 25-28.

Robert Glennon (Arizona), Member, Pima County Library Internet Policy Committee (Appointed by the Board of Supervisors; August 2006–February 2007).

Craig Johnston, Melissa Powers and **Allison LaPlante** (Lewis & Clark) coached their Animal Law Moot Court Competition team to a national win at the 2007 appellate competition at Harvard Law School. Lewis & Clark students also reached the finals in the closing argument and legislative drafting and lobbying portions of the competition. The same professors and **Don Large** (Lewis & Clark) coached the Environmental Law Moot Court team to the final round at Pace this year, maintaining Lewis & Clark's record of 9 final finishes and 4 wins in the last 16 years. **Lin Harmon** (Lewis & Clark) coached the Merhige National Environmental Law Negotiation team to the final round at the University of Richmond Law School in April; in the four years Lewis & Clark has competed at Richmond, its teams have reached the finals twice and the semifinals once.

Craig Johnston (Lewis & Clark) participated in an interview aired in December on Oregon Public Broadcasting discussing *Massachusetts v. EPA*, the Clean Air Act climate change case the Supreme Court decided this spring.

Svitlana Kravchenko (Oregon) will participate in the meeting of the Long Term Strategic Planning group organized by the Secretariat of the Aarhus Convention and the Ministry of Environment of Italy in Rome, Italy, on June 11-12, 2007.

Lewis & Clark recently celebrated its first anniversary of podcasting environmental and natural resources lectures and events free through its website. Numerous audio and video podcasts are available, including presentations from the 14th annual Animal Law Conference, the 2007 Environmental Justice Speaker Series and 2007 Environmental Justice Conference, and (upcoming) the 2007 Law, Science and Environment Forum. A directory of podcasts by general subject matter is available at lawlib.lclark.edu/podcast/index.php.

John C. Peck (Kansas) directed a 3-week program in November and December 2006 for six senior groundwater management experts from India, China, Bangladesh, and Nepal, held at the KU Law School in Lawrence.

Dan Rohlf (Lewis & Clark) was quoted in an article appearing in the *Washington Post* on October 6, 2006, discussing a series of federal court decisions that have sharply criticized resource man-

agement decisions by federal agencies. As a result of the Washington Post article, Forest magazine asked Dan to write an op-ed piece on a similar topic, which will appear in the magazine's upcoming issue. Dan is Lewis & Clark Law School's representative to the Oregon Law-Sustainability Study Task Force. The Task Force, which includes one representative from each of the state's law schools, one from the Business Law, Environment and Natural Resources, and Government Law sections of the state bar, one from Oregon Lawyers for a Sustainable Future, and one from the bar at large, will study how the legal profession is responding to efforts to make both businesses and society in Oregon more sustainable. The resulting report could assist law schools in designing their curricula to incorporate knowledge and skills that will enable new lawyers to practice in this rapidly growing area.

Erica Thorson (Lewis & Clark) is participating in a group of experts convened by the World Heritage Centre to review its latest policy document on World Heritage and climate change. She also participated in a conference at University of Maryland Law School on globalizing clinical education to protect the world's health and environment. The conference brought together lawyers and clinicians from around the world to strategize about pressing environmental issues, as well as share ideas on legal clinical education.

Chris Wold (Lewis & Clark) traveled to Geneva in October to participate in discussions concerning the links between the Convention on International Trade in Endangered Species (CITES) and the World Trade Organization, as well as other wildlife trade issues. While there, he also observed the panel hearings in the continuing dispute over the European Communities (EC) import ban on meat treated with growth hormones. Although the United States has declared at least one of the hormones, estradiol 17beta used to promote growth in cattle as a known human carcinogen, the United States and Canada claim that the residue levels in meat products do not pose a risk to human health. The EC believes otherwise, claiming that any additional risk should be avoided, even though this hormone is produced naturally by humans and is found naturally in other food products, such as cheese, milk, and broccoli, which it does not regulate for this hormone. Also in October, Chris traveled to El Paso, Texas, as part of the National Advisory Committee to discuss trade and environment issues concerning the NAFTA.

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