

Natural Resources Law Teachers

NEWSLETTER

Fall 2008

ARTICLES, BOOKS AND REPORTS

Adell Amos (Oregon) completed "Freshwater Conservation: A Review of Oregon Water Law & Policy," for The Nature Conservancy (August 2008) (available through the Nature Conservancy Office in Portland, Oregon). She is also publishing "Advancing Freshwater Conservation in the Context of Energy and Climate Policy: Assessing Progress and Identifying Challenges in the Western United States," (forthcoming Fall 2008 *Denver Water Law Review*).

Reed D. Benson (New Mexico) recently completed a chapter on the Black Canyon of the Gunnison reserved water rights controversy, which will appear in a forthcoming book on the centennial of the Winters Doctrine (University of New Mexico Press). He also completed work on the forthcoming 6th edition of the WATER RESOURCE MANAGEMENT casebook (Foundation Press) with longtime authors **Dan Tarlock** (Chicago-Kent), **Jim Corbridge** (retired from Colorado), and **David Getches** (Colorado).

Erik B. Bluemel (Denver) recently published a book chapter evaluating the capabilities of various regional greenhouse gas reduction initiatives in the United States to address emissions leakage. The chapter is entitled, "Regional Regulatory Initiatives Addressing GHG Leakage in the USA," in *Climate Change and European Emissions Trading: Lessons for Theory and Practice* (**Michael Faure & Marjan Peeters**, eds., 2008).

Michael Blumm (Lewis & Clark) finished editing the second edition of *NATIVE AMERICAN NATURAL RESOURCES LAW: CASES AND MATERIALS* (Carolina Academic

Press, 2d ed. 2008) (co-authored with **Judith Royster**, University of Tulsa). He also authored "SUWA v. Norton and the Unraveling of Federal Public Land Planning," 18 *DUKE ENVTL. L. & POL'Y F.* 105 (2008) (co-authored with student **Sherry Bosse**) and "Imposing Judicial Restraints on the Art of Deception: The Courts Cast a Skeptical Eye on Columbia Basin Salmon Restoration Efforts," 38 *Envtl. L.* 47 (2008) (co-authored with student **Hallison Putnam**).

John Bonine's (Oregon) (with **Svitlana Kravchenko**) book, *HUMAN RIGHTS AND THE ENVIRONMENT*, was published by Carolina Academic Press (2008). He also published a "Memorandum on Best Practices in Access to Justice" (World Resource Council, Dec. 2008).

Sara C. Bronin (Connecticut) recently published "The Quiet Revolution Revived: Sustainable Design, Land Use Regulation, and the States," *Minnesota Law Review*, anticipated 2008, vol. 93, no. 1.

Marcilynn A. Burke (University of Houston Law Center) latest work, "The Emperor's New Clothes: Exposing the Failures of Regulating Land Use Through the Ballot Box," will be published in 84 *Notre Dame L. Rev.* (forthcoming 2009).

Elizabeth Burleson (USD) has published: "Climate Change and the Bali Roadmap," 12 *American Society of International Law Insight* 4 (2008); *WATERS AND WATER RIGHTS*, Chapters 25, 26, and 27 Supplements for Vol. 3, (R. Beck, ed.) (2008); "A Climate of Extremes: Transboundary Conflict Resolution," 32 *Vermont Law Review* 477 (2008); "Water is Security," *UC Davis 31 Environs Env'tl. L. & Pol'y J.* 197 (2008); "Energy Security, Green Job Creation, and Youth Innovation," *Connecticut Journal of International Law*, forthcoming 2009; "Wind Power, National Security, and Sound Energy Policy," *Penn State Environmental Law Review*, forthcoming 2009; "Energy Policy, Intellectual Property and Technology Transfer to Address Climate Change," *University of Iowa Transnational Law and Contemporary Problems*, forthcoming 2009; [all available at <http://ssrn.com/author=666236>]; "Public Water Organizations," *WATERS AND WATER RIGHTS*, Chapter 27 of Vol. 3 (**A. Kelly**, ed.) (forthcoming 2009); "Private Water Organizations," *WATERS AND WATER RIGHTS*, Chapter 26 of Vol. 3 (**A. Kelly**, ed.) (forthcoming 2009); "Background to Distribution and Storage Organizations," *WATERS AND WATER RIGHTS*, Chapter 25 of Vol. 3 (**A. Kelly**, ed.) (forthcoming 2009).

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The Natural Resources Law Teacher Newsletter

A publication of
The Rocky Mountain Mineral Law Foundation
and
The Energy & Mineral Law Foundation

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Federico Cheever (Denver), **Christine Klein** and **Bret Birdsong** are in the process of revising their casebook *NATURAL RESOURCES LAW: A PLACE BASED BOOK OF PROBLEMS AND CASES* (2005). A revised edition should be available for the 2009-2010 academic year; he also completed *ABA, Endangered Species Act: Law, Policy and Perspectives*, Chapter 4 – “Endangered Species Act: Critical Habitat” (forthcoming 2009); *ELI, Agenda for a Sustainable America*, Chapter 13 – “The United States and Sustainable Forest Law: The First Years of the Twenty-First Century” (forthcoming 2009); “Everyone Complains About the Weather, But No One Ever Does Anything About it: Interjurisdictional Failure to Designate Responsible Parties for the Climate Crisis,” 85 *Denver U. L. Rev.* 765 (2008).

Teresa Clemmer (Vermont) co-authored two chapters of an update to a publication entitled “Licensed to Kill” relating to the impacts of nuclear power plants on fish and aquatic ecosystems, as well as the ways concerned citizens can participate in federal and state permitting and approval processes (forthcoming Spring 2009).

Robin Kundis Craig (Florida State) recently published the second edition of her casebook, *ENVIRONMENTAL LAW IN CONTEXT: CASES AND MATERIALS* (Thomson/West: 2d Ed. 2008), and an accompanying Teachers' Manual. Moreover, she just concluded service as a member of the National Research Council's Committee on the Mississippi River and the Clean Water Act: Scientific, Modeling, and Technical Aspects of Nutrient Pollutant Load Allocation, which has now published its report, entitled *NUTRIENT CONTROL ACTIONS FOR IMPROVING WATER QUALITY IN THE MISSISSIPPI BASIN AND NORTHERN GULF OF MEXICO* (Dec. 2008). The Second Revised Edition of *THE CLEAN WATER ACT AND THE CONSTITUTION* will be published by the Environmental Law Institute in Spring 2009, and Professor Craig is hard at work on a new textbook, *TOXIC AND ENVIRONMENTAL TORTS: CASES AND MATERIALS* (Thomson/West: forthcoming Fall 2010), with **Andrew R. Klein**, **Michael Green**, and **Joseph Sanders**. Recent book chapters include: "Coastal Water Quality Protection," in **DONALD C. BAUR**, **TIM EICHENBERG**, & **MICHAEL SUTTON**, EDS., *OCEAN AND COASTAL LAW AND POLICY* 205-242 (American Bar Association: 2008), which provides an overview of how the Clean Water Act's pollution controls apply in marine waters; "Oceans and Estuaries: The Ocean Commissions' Unfulfilled Vision," in **JOHN C. DERNBACH**, ED., *AGENDA FOR A SUSTAINABLE AMERICA* (Environmental Law Institute: December 2008), which provides an overview of the United States' progress (or lack thereof) toward sustainable ocean governance since 2002); and "The Atmosphere, the Oceans, Climate, and Ecosystem Services," which will appear in **WILLIAM H. RODGERS**, ED., *GLOBAL WARMING READER* (Carolina Academic Press: forthcoming 2009). Finally, Professor Craig's recent articles include: "Coral Reefs, Fishing, and Tourism: Tensions in U.S. Law and Policy Reform," 27:1 *STANFORD ENVIRONMENTAL LAW JOURNAL* 3 (Jan. 2008) (lead article); "Climate Change, Regulatory

Fragmentation, and Water Triage," 79:3 *UNIVERSITY OF COLORADO LAW REVIEW* 825 (Spring 2008); "**Justice Kennedy** and Ecosystem Services: A Functional Approach to Clean Water Act Jurisdiction after Rapanos," 38:3 *ENVIRONMENTAL LAW* 635 (Summer 2008) (lead article); "A Public Health Approach to Sea-Level Rise: Starting Points for Climate Change Adaptation," 15:2 *WIDENER LAW REVIEW* (forthcoming Spring 2009) (symposium article from the 2008 Widener Law Review Symposium: Living with Climate Change: Legal Challenges in a Warmer World); "Fishers, Divers, Scientists, Lawyers, and Marine Protect Areas: The U.S. Experience in Protecting Coral Reefs," 5:1 *TOURISM IN MARINE ENVIRONMENTS* (New Zealand) (forthcoming Winter 2008/2009); *Beyond Winter v. NRDC: A Decade of Litigating the Navy's Active SONAR Around the Environmental Exemptions*, 36 *BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW* (forthcoming 2009) (symposium article for the 2008 Boston College Symposium: 15-Ton Canaries: the Great Whales of the North Atlantic, Natural Indicators of Pressing Challenges to the Health of Global Oceans, Climate, Science, Law, Policy & Government); and "The Public Health Aspects of Environmental Enforcement," *PITTSBURGH JOURNAL OF ENVIRONMENTAL & PUBLIC HEALTH LAW* (forthcoming 2009/2010).

John Davidson (South Dakota) Forthcoming article “The New Public Lands: Competing Models for Protecting Public Conservation Values on Privately-Owned Lands.”

Tim Duane (Vermont) will publish the following article in the Winter 2009 issue of *Ecology Law Quarterly* (volume 36, number 1): “Reducing Greenhouse Gas Emissions from Vehicle Miles Traveled: Integrating the California Environmental Quality Act (CEQA) with the California Global Warming Solutions Act (AB 32)” (co-authored with **Joanna Malaczynski**).

Myrl Duncan (Washburn) has completed "Global Warming and Non-Point Source Pollution on the Great Plains: What's Good for Agriculture is Also Good for Planet Earth" for inclusion in *GLOBAL WARMING READER* (**William H. Rodgers, Jr. & Michael Robinson-Dorn** eds., forthcoming from Carolina Press 2009)

Stephen Dycus (Vermont) published (with **William C. Banks** and **Peter Raven-Hansen**) the 2008-2009 *SUPPLEMENT FOR NATIONAL SECURITY LAW - FOURTH EDITION* (New York: Aspen Publishers 2008).

Gabriel Eckstein (Texas Tech) is publishing: Chapter 1: “Scientific, Legal, and Ethical Foundations for Texas Water Law,” *Texas Law of Water Resources* ___ (with **Amy Hardberger** [Environmental Defense]) (**M. Sahs**, ed. forthcoming 2009); “State Practice in the Management and Allocation of Transboundary Ground Water Resources in North America,” 18 *Yearbook of Int’l Env’tl L.* 2007 ___ (forthcoming 2009) (with **Amy Hardberger** [Environmental Defense]); “Organophosphates, Friend and Foe: The Promise of Medical Monitoring for Farm Workers and Their Families,”

27 UCLA Journal of Env't'l L. and Pol'y ____ (forthcoming 2009) (with **Adriane Busby** [U.S. Environmental Protection Agency]); and "Examples of the Political Character of International Water Law," Proceedings of the 102nd Annual Meeting of the American Society of International Law, April 9-12, 2008, Washington, DC (forthcoming 2009).

Rob Fischman (Indiana Maurer—Bloomington) has one new article out, "The Divides of Environmental Law and the Problem of Harm in the Endangered Species Act," 83 INDIANA L.J. 661 (2008). It is from a symposium hosted by the Indiana University Maurer School of Law on data gaps in environmental law. He co-wrote an introduction to the symposium with **John Applegate**, "Missing Information: The Scientific Data Gap in Conservation and Chemical Regulation," 83 INDIANA L.J. 399 (2008). He also co-authored a report on how the refuge system should adapt to climate change: National Wildlife Refuges, in Preliminary Review of Adaptation Options for Climate-Sensitive Ecosystems and Resources (U.S. Climate Change Science Program Synthesis and Assessment Product 4.4) (2008) (with **J.M. Scott** et al.) (available at: <http://www.climatechange.gov/Library/sap/sap4-4/final-report/#finalreport>).

The new teacher's manual to the 6th edition of FEDERAL PUBLIC LAND AND RESOURCES LAW, which was published by Foundation Press during the summer, and is available on the casebook web site: <http://www.law.indiana.edu/publicland/>

Alyson Flournoy (Florida) published "Harnessing the Power of Information to Protect Our Public Natural Resource Legacy in 86 Texas L. Rev. 1575-1599 (2008) and "Supply, Demand, and Consequences: The Impact of Information Flow on Individual Permitting Decisions under Section 404 of the Clean Water Act" in 83 Indiana L. J. 537-582 (2008). She also was a collaborator on the forthcoming Climate Legacy Initiative Greenpaper by **Burns Weston** and **Tracy Bach**, RECALIBRATING THE LAW OF HUMANS WITH THE LAWS OF NATURE: CLIMATE CHANGE, HUMAN RIGHTS, AND INTERGENERATIONAL JUSTICE

Shaun Fluker (University of Calgary) co-authored a chapter in an interdisciplinary book on protected areas with **Douglas Clark** and **Lee Risby** entitled "Deconstructing Ecological Integrity Policy in Canadian National Parks", in TRANSFORMING PARKS AND PROTECTED AREAS: MANAGEMENT AND GOVERNANCE IN A CHANGING WORLD (ROUTLEDGE, 2008).

Pamela Frasch (Lewis & Clark) is in the process of writing ANIMAL LAW IN A NUTSHELL (co-authored with **Kathy Hessler**, Lewis & Clark, Thomson West, forthcoming). She has also started work on the fourth edition of ANIMAL LAW: CASES AND MATERIALS (3d ed., Carolina Academic Press, 2006), the nation's first casebook on animal law (co-edited with **Sonia Waisman** and **Bruce Wagman**). A law review article she co-wrote in 1999, "State Animal Anti-Cruelty Statutes: An Overview," available at 5 Animal L. 69 (1999), was cited along with other works in a First Amendment case (United States v. Stevens, No. 05-2489, 3d

Cir. July 18, 2008) to counter the majority's declaration that the government can have no compelling interest in protecting animals from intentional and wanton acts of physical harm.

Bill Funk (Lewis & Clark)'s latest casebook, INTRODUCTION TO AMERICAN CONSTITUTIONAL STRUCTURE (American Casebook Series) has been published by Thompson/West (2008). He authored a new chapter on "International Environmental Law" and otherwise updated the second edition of LEGAL PROTECTION OF THE ENVIRONMENT (West, 2d ed. 2008, coauthored with **Craig Johnston** of Lewis & Clark and **Victor Flatt** of University of Houston). He authored "Preemption by Federal Agency Action," in PREEMPTION CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM'S CORE QUESTION (**William Buzbee**, ed., Cambridge Univ. Press 2008). He co-authored a Center for Progressive Reform white paper, "The Truth About Torts: Regulatory Preemption at the National Highway Traffic Safety Administration," which was made public at a CPR workshop in July. He authored and presented "Public Participation and Transparency in Administrative Law—Three Examples as an Object Lesson" for a conference on American and European Administrative Law at the University of Montpellier, France; the paper will be published next year in the Administrative Law Review. In August Bill submitted the manuscript for his third edition of ADMINISTRATIVE LAW: EXAMPLES & EXPLANATIONS (Aspen Law & Business, forthcoming). In December, the Cambridge University Press published PREEMPTION CHOICE: THE THEORY, LAW, AND REALITY OF FEDERALISM'S CORE QUESTION, in which his chapter, "Preemption by Federal Agency Action," appeared.

Robert Glennon, Morris K. Udall Professor of Law and Public Policy (Arizona) recently published or has in press the following books and articles: UNQUENCHABLE: AMERICA'S WATER CRISIS AND WHAT TO DO ABOUT IT, (Washington, D.C.: Island Press, 2009); "The Conflict Between Law and Science in the San Pedro River," in Ecology and Conservation of the San Pedro River, edited by **Julie Stromberg** and **Barbara Tellman** (University of Arizona Press, 2009); "Moving Agricultural Irrigation Water to Municipal Use: The Legal and Institutional Context for Voluntary Transactions," The Water Report, December 2008 (with **Alan Ker**, **Gary Libecap**, **Sharon Megdal**, **Susanna Eden** and **Taylor Shipman**); "Law and the New Institutional Economics: Water Markets and Legal Change in California," 1987-2005 (with **Jedidiah Brewer**, **Michael Fleishman**, **Alan Ker**, and **Gary Libecap**), 26 Wash. U.J. of Law & Policy 183 (2008); "Water Supply in Arid Regions: A Forecast for the American Southwest," in Thinking the Present: Urban Design in Arid Regions (2008).

Rob Glicksman (Kansas) published the following articles: "A Collective Action Perspective on Ceiling Preemption by Federal Environmental Regulation: The Case of Global Climate Change," 102 N.w. U. L. Rev. 579 (2008) (with **Richard Levy**); "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,” 83 Ind. L.J. 465 (2008); “Effectiveness of Government Interventions at Inducing Better Environmental Performance: Does Effectiveness Depend on Facility of Firm Characteristics?,” 35 B.C. Env’tl. Aff. L. Rev. 479 (2008) (with **Dietrich Earnhart**); and “Coal-Fired Power Plants, Greenhouse Gases, and State Statutory Substantial Endangerment Provisions: Climate Change Comes to Kansas,” 56 U. Kan. L. Rev. 517 (2008). Rob also co-authored two White Papers released by the Center for Progressive Reform, “Protecting Public Health and the Environment by the Stroke of a Presidential Pen: Seven Executive Orders for the President’s First 100 Days,” Center for Progressive Reform White Paper (Nov. 11, 2008), and “Cooperative Federalism and Climate Change: Why Federal, State, and Local Governments Must Continue to Partner,” Center for Progressive Reform White Paper (May 29, 2008) (with **Bill Andreen, Nina Mendelson, Rena Steinzor, & Shana Jones**). Rob contributed two interpretive essays to the multi-volume ENCYCLOPEDIA OF THE SUPREME COURT OF THE UNITED STATES (**David Tanenhaus** ed., 2008): “The Comprehensive Environmental Response, Compensation, and Liability Act,” and “The National Environmental Policy Act” (with **Dan Mandelker**). Rob is currently working on two articles, one on ecosystem resilience to disruptions linked to climate change (to be published in the Nebraska Law Review), and one on sustainable federal land management by the multiple use agencies (to be published in the Tulsa Law Review).

Richard Hildreth (Oregon) published an article printed in Ocean & Coastal Management, “Place-Based Ocean Management: Emerging U.S. Law and Practice,” available at <http://www.sciencedirect.com>. He is also working on a casebook, CLIMATE CHANGE LAW: MITIGATION AND ADAPTATION with **David Hodas** (Widener), **Nicholas Robinson** (Pace), and **James Gustave Speth** (Yale School of Forestry and Environmental Studies) (West, forthcoming 2009).

Jim Huffman (Lewis & Clark) has authored a number of recent published and forthcoming articles. Already published are “Speaking of Inconvenient Truths—a History of the Public Trust Doctrine,” 18 Duke Env’tl L. & Pol. Forum 1 (2008) and “Background Principles and the Rule of Law: Fifteen Years after Lucas,” 35 Ecology L. Q. 101 (2008). “The Federal Role in Water Resources Management” will be published in New York University’s Environmental Law Journal; “Comprehensive River Basin Management: The Limits of Collaborative Stakeholder-Based Water Governance” in Natural Resources Journal; and “Beware of Greens in Praise of the Common Law” in Case Western Reserve Law Review.

Craig Johnston (Lewis & Clark) edited the second edition of LEGAL PROTECTION OF THE ENVIRONMENT (West, 2d ed. 2008, coauthored with **Bill Funk** of Lewis & Clark and **Victor Flatt** of University of Texas).

Christine A. Klein (Florida) published two articles: “Cultural Norms as a Source of Law: The Example of Bottled Water” (with **Ling-Yee Huang**), 30 Cardozo L. Rev. 101 (2008), available at <http://ssrn.com/abstract=1287269>; “Water Transfers: The Case Against Transbasin Diversions in the Eastern States,” 25 UCLA J. Env’tl. L. Pol’y 249 (2007), available at <http://ssrn.com/abstract=981350>. She also published and edited “The Florida Water Resources Act of 1972: Beyond the First 35 Years” (with **Mary Jane Angelo & Richard Hamann**), a monograph for distribution to The Century Commission for a Sustainable Florida, 2008 Water Congress: Planning for Florida’s Water Future. She has also completed “Environmental Patriotism”, in “Beyond Environmental Law: Policy Proposals for a Better Environmental Future” (**David M. Driesen & Alyson C. Flournoy**, eds., Cambridge University Press forthcoming 2009), available at <http://ssrn.com/abstract=1304157>.

Svitlana Kravchenko’s (Oregon) (with **John Bonine**) book, HUMAN RIGHTS AND THE ENVIRONMENT, was published by Carolina Academic Press (2008). She also wrote a Memorandum on Access to Environmental Information for The Access Initiative, World Resources Initiative (October, 2008).

Jan G. Laitos (Denver) published an article on wilderness over-use in 32 Harvard Environmental Law Review 503 (2008) (“The Problem With Wilderness”). He also had published his annual supplement to his treatise on Law of Property Rights Protection (Aspen Wolters Kluwer 1999 with annual supplements). He recently signed a contract to write, with **Dan Cole, Sandi Zellmer, and Mary Wood**, the second edition to his casebook on Natural Resources Law (Thompson West 2011). He is writing, along with **John Applegate** and **Jeffrey Gaba**, the second edition to his casebook on The Regulation of Toxic Substances and Hazardous Wastes (Foundation Press 2011).

John Leshy (UC Hastings) has the following publications out or to appear very shortly: “Notes on a Progressive National Water Policy,” Harvard L. & Pol’y Rev. (forthcoming, early 2009); “Where’s the Beef? Facilitating Voluntary Retirements of Federal Lands from Livestock Grazing, 16 N.Y.U.Env’tl.L.J. __ (forthcoming, early 2009); “Department of the Interior: Natural Resources Serving Society,” chapter in Change for America: A Progressive Blueprint for the 44th President (forthcoming, early 2009); “Interstate Groundwater Resources: The Federal Role,” 14 Hastings W.-N.w.J.Env’tl.L. & Pol’y (2008).

Al Lucas (Calgary) coauthored (with **Paul Muldoon, Robert Gibson** and **Peter Pickfield**) AN INTRODUCTION TO ENVIRONMENTAL LAW AND POLICY IN CANADA, Toronto: Emond Montgomery, 2009.

Susan Mandiberg (Lewis & Clark) authored “Culpability or Cover?” to accompany **David Uhlmann** (University of Michigan)’s cover story “Strange Bedfellows: Bush’s Surprising Record on Criminal Enforcement,” Environmental Law Institute Environmental Forum (May/June 2008).

Roberta Mann (Oregon) and **Mona Hymel** (Arizona) are publishing “Moonshine to Motorfuel: Tax Incentives for Fuel Ethanol,” 19 Duke Envtl. L. & Pol’y F. (forthcoming 2009). Mann is also publishing “The Case for the Carbon Tax: How to Overcome Politics and Find Our Green Destiny,” in the Environmental Law Reporter (forthcoming Feb. 2009).

David L. Markell, Steven M. Goldstein Professor (Florida State) recently published “Using Empirical Research to Design Government Citizen Participation Processes: A Case Study of Citizens’ Roles in Environmental Compliance and Enforcement,” 57 Kansas L. Rev. 1 (2008) (co-authored with Professor **Tom Tyler**). Forthcoming publications include: “COMPLIANCE & ENFORCEMENT IN ENVIRONMENTAL LAW: TOWARDS MORE EFFECTIVE IMPLEMENTATION,” (**Edward Elgar** Publishing, forthcoming 2009) (co-editor with **Du Qun, Kotze, Markowitz, Paddock & Zaelke**), and “The North American Agreement on Environmental Cooperation (NAAEC),” **Max-Planck** Encyclopaedia of Public International Law (Oxford University Press, forthcoming 2009).

Lesley McAllister (San Diego) recently published a book about Brazilian environmental law enforcement, MAKING LAW MATTER: ENVIRONMENTAL PROTECTION AND LEGAL INSTITUTIONS IN BRAZIL (Stanford, 2008) and an article, “Sustainable Consumption Governance in the Amazon,” ENVIRONMENTAL LAW REPORTER (2008). Forthcoming works include “The Overallocation Problem in Cap-and-Trade: Moving Toward Stringency,” 34 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW (2009) and “Litigating Climate Change at the Coal Mine,” in ADJUDICATING THE CLIMATE: SUBNATIONAL, NATIONAL, AND SUPRANATIONAL APPROACHES (**Wil Burns & Hari Osofsky**, eds., Cambridge, 2009).

Robert Miller (Lewis & Clark) co-authored a comparative law article on the Doctrine of Discovery in the United States and New Zealand, which will be published in the West Virginia Law Review. His book NATIVE AMERICA, DISCOVERED AND CONQUERED: THOMAS JEFFERSON, LEWIS & CLARK, AND MANIFEST DESTINY came out in paperback from the University of Nebraska Press in April and is being used in a number of colleges across the country. He won the 2006–2007 Wordcraft Circle of Native Writers and Storytellers Non-Fiction Writer of the Year award. An editorial he wrote for the Los Angeles Times, published in August, “Russia’s claim to the Arctic seabed through the doctrine of discovery” was reprinted in Canada, Qatar, India, and American newspapers and led to interviews with the Ottawa Citizen, the Toronto Star, and Portuguese and Columbian newspapers. He also published a book chapter in SHOOT THE INDIAN: MEDIA, MISPERCEPTION AND NATIVE TRUTH, published by Buffalo State College in New York.

Janet Milne (Vermont) published an article on “Carbon Taxes in the United States: The Context for the Future” in the 10

Vermont Journal of Environmental Law 1 (2008). Her article is one of four articles focusing on the role of carbon taxes in Europe, Canada and the US. As director of the Environmental Tax Policy Institute at Vermont Law School, she collaborated with the Vermont Journal of Environmental Law in bringing together this collection of articles, which the Institute has also published in a standalone volume under the title “The Reality of Carbon Taxes in the 21st Century.” The articles are available online at www.vermontlaw.edu/envirotax. Milne also is the lead editor of a book that will be published by Ashgate in February 2009, “Mountain Resorts: Ecology and the Law.” The second in a series on ecology and the law, the book explores the extent to which four legal regimes can take an ecosystem perspective to expansions of mountain resorts—federal law at Loon Mountain in New Hampshire, the Adirondack Park regime at Whiteface Mountain (Lake Placid) in New York, Vermont’s Act 250 at Killington Resort, and Canadian law at Mont Tremblant in Quebec.

Laura Murphy (Vermont) authored “CAFO Grief: Using Tax Grieving Procedures to Protest Industrial Animal Factories” in the Journal of Environmental Law & Litigation (forthcoming Fall 2008).

Janet Neuman (Lewis & Clark) authored “Chop Wood, Carry Water: Cutting to the Heart of the World’s Water Woes,” 23 J. LAND USE & ENVTL. L. 203 (2008).

Patrick Parenteau (Vermont) published “The First 100 Days: Ten Steps President Obama Should Take to Confront the Climate Crisis,” in the online journal ELQ CURRENTS. His article “Go Back, It’s A Trap: On the Perils of Geological Sequestration of CO₂,” is forthcoming in THE CLIMATE READER (ABA, 2009).

Craig Pease’s (Vermont) most recent Environmental Forum “Science and the Law” column asks whether cell phones cause brain cancer. It is forthcoming in the January/February 2009 issue.

Melissa Powers (Lewis & Clark) co-authored CLIMATE CHANGE AND THE LAW (Lexis-Nexis 2008) (with co-authors **Chris Wold**, Lewis & Clark, and **David Hunter**, American).

Dan Rohlf (Lewis & Clark) authored “Conserving Endangered Species in an Era of Global Warming,” 38 Entl. L. Rep. 10203 (April 2008) (co-authored with **John Kostyack**).

Judith Royster (Tulsa) published two book chapters: “Indian Land Claims” in HANDBOOK OF NORTH AMERICAN INDIANS, Vol. 2: INDIANS IN CONTEMPORARY SOCIETY (**Garrick A. Bailey**, vol. ed., Smithsonian Institution 2008); and “Native American Law” in THE LAW OF ENVIRONMENTAL JUSTICE: THEORIES AND PROCEDURES TO ADDRESS DISPROPORTIONATE RISKS 199 (American Bar Association, 2d ed. 2008). In addition, she served as associate editor and contributing author for ENCYCLOPEDIA OF UNITED STATES INDIAN

POLICY AND LAW (**Paul Finkelman** and **Tim Alan Garrison**, eds., CQ Press 2008).

Judd Sneirson (Oregon) is publishing "Green Is Good: Sustainability, Profitability, and a New Paradigm for Corporate Governance," 94 Iowa Law Review (forthcoming Spring 2009).

Jacqueline Weaver (University of Houston) finished a chapter on sustainable development for the third edition of Rocky Mountain Mineral Law Institute's international Petroleum Transactions casebook. The chapter covers indigenous title and rights, transboundary pollution, Alien Tort Claims Act, oil spills, decommissioning, and best environmental practices. She also finished several chapters in the 2d edition of the treatise on International Petroleum Exploration Contracts, to be published by Gordon Barrows Inc. in early 2009. She also completed a chapter on the "Future of the Petroleum Industry under Global Warming" for a chapter in a reader on climate change, prepared by Prof. **William Rodgers** at the University of Washington.

Chris Wold (Lewis & Clark) co-authored CLIMATE CHANGE AND THE LAW (Lexis-Nexis 2008) (with co-authors **Melissa Powers**, Lewis & Clark, and **David Hunter**, American).

Michael Allan Wolf (Florida) published ZONING IN AMERICA: *EUCLID V. AMBLER* (University Press of Kansas, 2008); "Hysteria v. History: Public Use in the Public Eye," in PRIVATE PROPERTY, COMMUNITY, AND EMINENT DOMAIN (**Robin Paul Malloy** ed. 2008); "**William Faulkner**, Legal Commentator: Humanity and Endurance in Hollywood's Yoknapatawpha," 77 MISS. L. J. 957 (2008); and "Looking Backward: **Richard Epstein** Ponders the 'Progressive' Peril (Book Review)," 105 MICH. L. REV. 1233 (2007).

Mary Wood (Oregon) published "Law and Climate Change: Government's Atmospheric Trust Responsibility," 10 Environmental Law Reporter (September 2008), "Tribes as Trustees Again (Part I): The Emerging Tribal Role in the Conservation Trust Movement," Harvard Environmental Law Journal (with **Zach Welker**) (Spring 2008); "Tribes as Trustees Again (Part II): Evaluating Four Models of Tribal Participation in the Conservation Trust Movement," Stanford Environmental Law Journal (with **Matthew O'Brien**) (Spring 2008); She also submitted, "Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations," which is part of the Climate Legacy Initiative Project, http://www.vermontlaw.edu/cli/index.cfm?doc_id=1403 (white paper) (May 2008). She has two forthcoming articles: "Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part I): Ecological Realism and the Need for a Paradigm Shift," 39 Environmental Law (forthcoming March 2009); "Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part II): Instilling a Fiduciary Obligation in Governance," 39 Environmental Law (forthcoming March 2009); and two forthcoming book chapters: "Atmospheric Trust Litigation," in Climate Change Reader (**W.H. Rodgers, Jr.** and **M. Robinson-Dorn**, eds.) Carolina Academic Press (forthcoming 2009); and "American Indian Law and Forestry," Encyclopedia of U.S. Indian Policy and Law, **Paul Finkleman**, ed., CQ Press (forthcoming 2009).

Edward H. Ziegler (Denver) "The Case for Megapolitan Growth Management in the 21st Century: Regional Urban Planning and Sustainable Development in the United States," to be published URBAN LAWYER in Vol. 41, No. 1 Winter 2009; September and November quarterly updates were published for RATHKOPF'S THE LAW OF ZONING AND PLANNING (5 Vols.) (4th ed. 1983- 2008) (Thomson-West Publishing).

CLINICAL PROGRAMS

In October 2008, the **Environmental and Natural Resources Law Clinic** (Vermont), on behalf of the Environmental Integrity Project and Sierra Club, notified EPA of their intent to sue based on the agency's failure to adequately regulate air pollution from nitric acid plants. EPA's new source performance standards for nitric acid plants have not been updated since 1971, and they allow excessive emissions of nitrogen oxides (NOx) that cause widespread public health and environmental problems in the United States. If EPA does not commence a review during the notice period, the ENRLC plans to file suit by the end of December 2008.

The Pacific Environmental Advocacy Center (Lewis & Clark) experienced a year of change, with managing attorney **Stephanie Parent** leaving to devote full time to her environmental law practice and clinical professor **Melissa Powers** moving across campus to a tenured faculty position. In response PEAC hired three new staff attorneys and one litigation fellow. **Tom Buchele** is PEAC's new managing attorney, anchoring PEAC's legal practice as senior

coordinator of environmental initiatives. Prior to joining PEAC, Tom directed the environmental law clinic at University of Pittsburgh for seven years, served as staff attorney at the Environmental Law & Policy Center of the Midwest, and was a partner in the Chicago office of the national law firm Jenner & Block, where he focused on complex commercial and natural resources litigation. A distinguished graduate of Illinois Wesleyan University and the University of Illinois College of Law, Tom leads PEAC's land management and natural resource practice, including mining and oil & gas issues. **Aubrey Baldwin** leads PEAC's air initiatives. Prior to joining PEAC, Aubrey was an associate at the law office of **Robert Ukeiley**, a private public interest law firm with nationally recognized expertise in air quality law. A distinguished graduate of the University of Tennessee (B.S. 1997) and Lewis & Clark Law School (and Williamson award winner for public interest environmental work, J.D. 2005), Aubrey's practice focuses on pollution control under state and federal clean air laws. Aubrey is admitted to practice in Oregon, the federal district of Oregon, and the 11th Circuit

Court of Appeals, and is a member of the Executive and Climate Change Subcommittees of the Oregon State Bar Environment and Natural Resources Section. **Dan Mensher** spearheads PEAC's water quality and pollution control work. A graduate of Lewis & Clark Law School (J.D. 2007), the University of Wisconsin-Madison (M.S. 2002) and Wesleyan University (B.A. 1998), Dan is a former law clerk for **Hon. Rick Haselton** of the Oregon Court of Appeals. This year, thanks to a generous grant from the Lazar Foundation, PEAC was also able to hire its first Litigation Fellow. **Bethany Cotton** is a 2008 National Environmental Law Moot Court champion, member of the Cornelius Honor Society, recipient of the 2008 Natural Resources Law Institute Leadership Award, and while a law student was an Associate Editor of the Animal Law Review, and Student Co-Director of both NEDC and the Student Animal Legal Defense Fund. A distinguished graduate of Lewis & Clark College (B.A. 2003) in Environmental Studies, Political Science and Latin American Studies, she graduated from Lewis & Clark Law School in 2008 with a Certificate in Environmental and National Resources Law, with an emphasis in Animal Law.

Throughout its staff transition, Pacific Environmental Advocacy Center (Lewis & Clark) has maintained its record of environmental successes and innovative lawsuits. In July, the Ninth Circuit Court of Appeals held in Northwest Environmental Advocates v. U.S. Environmental Protection Agency that EPA violated the Clean Water Act by exempting vessels from the CWA's permitting program. **Melissa Powers** had argued the case in August 2007 on behalf of the environmental plaintiffs while an attorney at PEAC. The decision could lead to restrictions on discharges of ballast water from ships, which are the major source of invasive species introductions and which cause \$5 billion worth of economic damage in the United States each year. More information about other recent wins and current docket is available at <http://www.lclark.edu/org/peac/>.

The International Environmental Law Project (Lewis & Clark), along with a coalition of NGOs interested in salmon conservation, attended an Executive Session meeting of the Pacific Salmon Commission which manages the mixed-ocean salmon fisheries off the Northwest United States, Alaska, and British Columbia. At the meeting IELP and others were asked to speak about ways in which the Commission might revise their Rules of Procedure to provide better for public participation. IELP left the Commissioners with an extensive white paper outlining a public participation model adapted from other fishery management regimes. As a result, the Commission has gradually made its meetings, documents, and agenda more widely available to interested NGOs. IELP student **Jane Steadman** co-authored the white paper along with **Erica Thorson**. IELP also drafted extensive revisions to the Operational Guidelines for implementation of the World Heritage Convention that call for the State Parties to comprehensively address the effects of climate change on World Heritage sites. The suggested revisions encourage State Parties consider potential impacts of climate change on World Heritage sites and to prepare adaptation plans. IELP's proposal is currently under consideration by the World

Heritage Centre and States Parties. Also, the Species Survival Network's (SSN's) Africa Regional Bureau "CITES Afrique" Summer 2008 newsletter highlighted IELP as "SSN Member of the Month." The newsletter noted, "IELP is working on a range of CITES technical issues, such as introduction from the sea, compliance, and purpose codes. IELP is also helping to ensure the successful implementation of the 'non-detriment findings' requirement in the CITES treaty. ... Many countries do not have the technical or financial resources to implement this obligation. IELP has developed a series of resolutions aimed at improving the enforcement of non-detriment findings and increasing the capacity of countries to make non-detriment findings."

Greg Costello (Oregon), Adjunct Professor and Executive Director of the Western Environmental Law Center (WELC), reports that clinic students assisted attorney **Charlie Tebbutt** in his work on several fronts to clean-up industrial dairies across the West: a Clean Air Act case in Washington, a petition to the Nevada State Environmental Commission to require groundwater monitoring at all large dairies, and litigation to protect the Minidoka National Monument (one of two Japanese- American internment camps during WWII) from a plan to site a massive industrial dairy a mile from the monument. Other clinic students helped attorney **Pete Frost** prepare a unique challenge to a federal agency decision allowing a local police department to conduct motorized search and rescue training operations in a designated wilderness, including lands that provide habitat for the endangered desert tortoise, and investigate the prospect of litigation against a federal agency for granting unlimited motorized access in the summer across wilderness lands to reach a private in-holding. Clinic students helped attorney **Dave Bahr** document the federal government's violations of the Clean Water Act due to unpermitted pollutant discharges from seven abandoned mine sites in Monte Cristo Mining Area in the Henry Jackson Wilderness of the Mt. Baker National Forest near Seattle, Washington. Three students conducted legal and regulatory research and investigated a number of factual issues for attorney **Dan Galpern** relating to a pending petition before the federal government to restrict greenhouse gas emissions from non-road vehicles and engine. Lastly, a student researched the history of field burning legislation in the State of Oregon, and helped draft a legislative bill banning the practice to assist WELC's efforts to end field burning in Oregon.

Svitlana Kravchenko (Oregon) addressed "The Role of Clinical Education in Environmental Law Enforcement" at the Environmental Education Workshop: a Clinical Approach (Mexico City, November, 2008).

Also in October, **David Mears**, the ENRLC's director, filed an *amicus curiae* brief on behalf of the National Wildlife Federation and Sierra Club in the U.S. Supreme Court case, *Entergy v. EPA*. The brief described the significant impacts of cooling water intake structures on aquatic ecosystems and argued that, in light of the difficulty of quantifying those impacts, allowing EPA to conduct a cost-benefit analysis to

determine the best technology available was inconsistent with the Clean Water Act.

For the past several years, Mears and his student clinicians have been engaged in intensive work on behalf of Residents Concerned About Omya (RCO) to compel Omya Inc. to address groundwater contamination caused by Omya's disposal of toxic waste material in unlined, uncovered pits at its calcium carbonate production plant in Florence, Vermont. In July 2008, the U.S. District Court for the District of Vermont ruled that Omya's waste disposal pits and accompanying groundwater contamination constitute an imminent and substantial endangerment and that Omya is responsible for addressing the threats to human health and the environment. The details of the remedy will be the subject of

further court proceedings. The court ruling represents an important victory for the law clinic and RCO, and it will benefit many Vermonters threatened by contamination of their drinking water supplies.

With the help of student clinicians, **Laura Murphy** and **David Mears** filed a comprehensive petition with the U.S. Environmental Protection Agency (EPA) in August 2008 on behalf of the Conservation Law Foundation (CLF). The petition asks EPA to withdraw Vermont's authority to implement the NPDES program under the Clean Water Act. Clinic students also attended a follow-up meeting in which Murphy, Mears, and CLF discussed the petition in detail with EPA Region 1 officials.

LEGISLATION AND REGULATIONS

Elizabeth Burleson (USD) has continued to provide the United Nations with legal research, reports, and presentations. As a UNICEF Delegate to UNFCCC climate proceedings, she

organized several panels that facilitated indigenous and youth participation in the ongoing international decision-making process.

SPEECHES AND CONFERENCES

Lewis & Clark Law School will present "Greening the Grid: Building a Legal Framework for Carbon Neutrality," April 23-24, 2009 at Lewis & Clark Law School. Information about the conference is available at <http://www.lclark.edu/dept/elaw/greeningthegrid.html>.

Lewis & Clark Law School hosted the 16th Annual Animal Law Conference on October 17-19, 2008. Podcasts from the conference are available at <http://lawlib.lclark.edu/podcast/?p=526>.

Lewis & Clark's 21st annual Natural Resources Law Institute Distinguished Visitor, **Chris Schroeder** (Duke), spoke in September on "Moving the 21st-Century Environmental Agenda: Lessons From the Environmental Decade of the 1970s." Podcast of the presentation is available at <http://lawlib.lclark.edu/podcast/?p=520>.

Lewis & Clark continues its open-access podcasting of environmental, natural resources and animal law program conferences and events which are available for free download. Recent podcasts from this fall include "Military and Homeland Security Exemptions from Laws Affecting Wildlife" and "Pacific Legal Foundation's **Paul Beard** on the Ninth Circuit case McClung/Tapps Brewing v. City of Sumner," among many others. A catalog of podcasts is available at www.lclark.edu/dept/elaw/podcasts.html.

Adell Amos (Oregon) gave several presentations including: "Western Water Law—The Federal Perspective," Northwest Natural Resources Forum for Federal Executives, sponsored by the Environmental Protection Agency, Army Corps of Engineers and Natural Resource Conservation Service,

Astoria, Oregon (November 12-13, 2008); "Climate Change, Water, and Sustainability for the National Wildlife Refuge System," National Assembly of U.S. Fish and Wildlife Service Hydrologists, Socorro, New Mexico (October 20-23, 2008); "Energy, Water, and Climate Policy: Comparing Resources in Western and Eastern Water Law," Faculty Workshop, University of Baltimore School of Law, Baltimore, Maryland (October 6, 2008); "Water Policy In Light of Climate Change," University of Oregon Geography Department Seminar Series, Eugene, Oregon (October 2, 2008); "Energy, Climate, and Water: A Policy Agenda," International Municipal Lawyers Association Meeting, Las Vegas, Nevada (September 16, 2008) (invited, paper published in conference proceedings); "Environmental Governance in a Federal System: The U.S. Experience and Implications for China," Workshop sponsored by University of Oregon Department of Political Science, Eugene, Oregon (June 2-3, 2008). She also was an Invited Dialogue Participant for the Session with Oregon Department of Fish and Wildlife, Institute for Natural Resources: Science-Policy Seminar Series, Oregon State University, Corvallis, Oregon (May 21, 2008).

Owen Anderson (University of Oklahoma) taught at the RMMLF International Energy Law, Contracts, and Negotiations short courses held in Houston in September and October of 2008. He also taught at the RMMLF Oil and Gas Law short course held in Houston in October, 2008.

Aubrey Baldwin (Lewis & Clark) presented, along with **Geoff Tichenor** of Stoel Rives and **Paul Logan** of the Oregon Department of Justice, a panel discussion on current topics in environmental litigation at the American Air and Waste Management Association national meeting in Portland on June

25. Aubrey also participated in a coal-fired power plant litigators meeting in Washington, D.C. on July 14–15, sponsored by the Energy Foundation and the Wallace Global Fund.

Reed D. Benson (New Mexico) spoke at the June 2008 Natural Resources Law Center conference in Boulder, Colorado, regarding instream flow programs in the western states. In January he will speak at the Northwest water law conference in Portland, Oregon, on public interest provisions in water law, serving on a panel with **Adell Amos** (Oregon) and **Mark Squillace** (Colorado). In April he will speak on water resource conflicts in the West at a conference on Water Scarcity and Conflicts, hosted by the Goodwin-Niering Center for Conservation Biology and Environmental Studies at Connecticut College.

Erik B. Bluemel (Denver) presented “Can Participation in International Law Solve the Domestic Discontent of Indigenous Peoples?” to the University of Denver chapter of the National Lawyers’ Guild in October; will present his recent book chapter, “Regional Regulatory Initiatives Addressing GHG Leakage in the USA,” at the Climate Change and European Emissions Trading symposium in Maastricht, The Netherlands in January; will address the implications of wolf depredation compensation strategies on the development of beneficial wildlife coexistence practices by ranchers in the Rocky Mountain Region at the RMMLF Natural Resources Law Teachers Institute in May.

John Bonine (Oregon) was the Closing Speaker at the 6th Colloquium of IUCN Academy of Environmental Law “Poverty Alleviation and Environmental Protection” (Mexico City, November, 2008) and was a Speaker at the Environmental Education Workshop: a Clinical Approach (Mexico City, November, 2008). During a trip to Africa, he gave these lectures: “Human Rights Aspects of Environmental Law,” School of Law, University of Nairobi, Nairobi, Kenya, July 31, 2008; “Human Rights Approaches to Protecting Environmental Rights,” School of Law, University of Cape Town, Cape Town, South Africa, July 21, 2008; “Equal Justice, Transparency, and Participation--An Environmental Law Fairy Tale?” School of Law, University of the Western Cape, Cape Town, South Africa, July 21, 2008; “Access to Justice,” Seminar on Recent Developments in International and National Environmental Law, Environmental Law Association, Johannesburg, South Africa, July 18, 2008; “Human Rights and the Environment,” Public Interest Litigation Workshop, Mandela Institute, School of Law, University of the Witwatersrand, Johannesburg, South Africa, July 17, 2008; “Do Human Rights Include Environmental Rights,” School of Law, North West University, Potchefstroom, South Africa, July 16, 2008. Closing Speaker at the 6th Colloquium of IUCN Academy of Environmental Law “Poverty Alleviation and Environmental Protection” (Mexico City, November, 2008).

Marcilynn A. Burke (Houston) presented her work-in-progress, “The Public Nature of Private Solar Energy Development on Federal Public Lands” in November 2008 at

The Public Nature of Private Property workshop at Georgetown University Law Center sponsored by Georgetown and The Center on Property, Citizenship, and Social Entrepreneurism at Syracuse University College of Law.

Elizabeth Burleson (USD) will present “Energy, Climate, and Water,” to the Natural Resources Law Professor Institute (RMMF), Yellowstone National Park, June 2009; “Energy, Water and Good Governance,” to the International Law Association (ILA West) Salem, OR, Mar. 2009; and “Energy Consensus to Avert Further Climate Change” to Lewis and Clark Law School, Portland, OR, Mar. 2009. She will present “Wind Power, National Security, and Sound Energy Policy” to the Association of American Law Schools (AALS), San Diego, CA, Jan. 2009. She presented “Energy Policy, Intellectual Property and Technology Transfer to Address Climate Change,” discussing Water, Climate Change, and Good Governance at the American Agricultural Law Association (AALA) Annual Conference, Minneapolis, MN Oct. 2008. She organized the Wind Energy Forum: 2nd Annual Public Interest Network Symposium, Nov. 2008. Panelists included **Bob Gough**, **Pat Spears**, **Sharry Bertramson**, **Elizabeth Burleson**, and **John Davidson** (fielding a public forum discussion on Wind Energy and presenting “Wind Power, National Security, and Sound Energy Policy”). A reception followed combined with a film showing of “Power Paths.” **Bob Gough** gave an evening presentation on Tribal Wind (co-sponsored by the Sierra Club). Burleson was a panelist on Lessons from Glen Canyon and the Everglades, Nebraska Law Review / Resilience and Progressive Law Reform Symposium at the University of Nebraska College of Law, Lincoln, NE, on Sept. 2008. She participated in Vermont Law School’s “Food, Fuel & the Future of Farming” conference July 2008 as USD coordinator of the Dual Degree program with Vermont Law School. She presented “Water is Security,” at University of Nebraska’s Water Center & School of Natural Resources, Spring 2008 Water Seminar Series, Mar. 2008. She presented “A Climate of Extremes: Transboundary Conflict Resolution,” at Gonzaga University, School of Law, WA, Feb. 2008. She judged national and international rounds of the Jessup International Law Competition in 2008. She was a guest commentator on ABC News, Sioux City, Iowa, Feb. 2008. She was the moderator for the South Dakota Law Review Ethanol Symposium, SD, Feb. 2008. She was the MC for the Public Interest Network Auction. She gave a speech on “Energy, Water and Climate Change” to the China Foreign Affairs University, Beijing, China.

Federico Cheever (Denver) as chair of the RMMLF Natural Resources Law Teacher’s Committee, with the help of **Sandi Zellmer**, **Bob Keiter**, **Bruce Kramer**, **Irma Russell** and **Rob Fischman**, is organizing what promises to be a fabulous Natural Resources Law Teachers Institute at Chico Hot Spring outside Yellowstone National Park. May 27-29, 2009. Be there! Federico will moderate “The Impact of Global Climate Change and Energy: Developments on Endangered Species” with **Michael Bogert** (Department of the Interior), **Kieran Suckling** (Center for Biological Diversity) and **Jeffrey Leppo**

(Stoel and Rives) at the ABA Keystone Environmental Conference, March 13, 2009.

Teresa Clemmer (Vermont) participated on a panel entitled “Litigation Workshop: Hot Topics in Environmental Litigation” at Vermont Law School’s annual Solutions Conference. (March 2008). She served as a panelist for a discussion entitled “Winning Legal Strategies” at the Vermont Environmental Action Conference. (November 2008).

Barbara Cosens (Idaho) spoke at the ABA Section of Environment, Energy and Resources 2008 fall meeting in Phoenix on: “The Legacy of Winters v. United States and the Winters Doctrine, One Hundred Years Later” and was awarded one of three best papers for the paper of the same name. She also participated in the plenary panel for the University of New Mexico School of Law, Utton Transboundary Resources Center, and The American Indian Law Center conference in Albuquerque in June 2008 on “A Post-Winters World, The Winters Centennial: Will its Commitment to Justice Endure?”

Robin Kundis Craig (Florida State) presented several talks and papers in 2008. These include: acting as moderator for the “Piracy on the High Seas” panel at the Association of American Law Schools’ Annual Meeting in New York, NY, on January 5, 2008; representing the FSU College of Law at the UCLA School of Law’s Second Conference of Environmental Law Program Directors, entitled “Climate Change and Environmental Education,” held in Los Angeles, CA, on January 24, 2008; appearing as a roundtable speaker on the subject of “Current Issues in Ocean Resource Management and Governance” at the Tenth Annual Professors’ Workshop, National Environmental Law Moot Court Competition at Pace Law School in White Plains, NY, on February 22, 2008; presenting “Sea-Level Rise and Public Health” as part of the University of Florida School of Law’s panel on “The Tide Is Upon Us: Coastlines in the Face of Sea-Level Rise” at the 14th Annual Public Interest Environmental Conference: Reducing Florida’s Footprint: Stepping Up to the Global Challenge in Gainesville, FL, on February 29, 2008; digitally presenting “Public Health Implications for Environmental Law” as part of the Mercer University School of Law Virtual Lecture in Environmental Law from March 24-28, 2008; presenting “A Public Health Approach to Sea Level Rise” at the Widener University School of Law’s Climate Change Symposium in Wilmington, DE, on April 19, 2008; presenting “The Navy’s SONAR and Marine Mammals: Law and Policy” at the Boston College School of Law’s symposium entitled “15-Ton Canaries: The Great Whales of the North Atlantic, Natural Indicators of Pressing Challenges to the Health of Global Oceans, Climate, Science, Law, Policy & Government” in Boston, MA, from October 15-16, 2008; and presenting “A Public Health Approach to Sea Level Rise” at the University of North Carolina School of Law’s and University of Houston School of Law’s joint Workshop on Adapting Legal Regimes in the Face of Climate Change, in Chapel Hill, N.C. on October 18, 2008.

John Davidson (South Dakota) was a speaker at Vermont Law School’s summer conference on “Food, Fuel and the Future of Farming.” In October, he participated in a program on Resilience and the Law, co-sponsored by the University of Nebraska Law Review and the Resilience Alliance.

Michael Dworkin (Vermont) will present “Environmental Developments in Energy Law” with Mary Anne Sullivan of Hogan & Hartson LLP at an ALI-ABA conference in Washington, D.C. (February 2008).

John S. Dzienkowski (University of Texas) taught at the RMMLF Oil and Gas Law short course held in Houston in October, 2008.

Gabriel Eckstein (Texas Tech) presented “Nonrenewable Aquifers and International Law: Considerations for Managing a Critical Depleting Resource,” National Ground Water Association international Conference on Nonrenewable Ground Water Resources, Portland, OR, October 13-14, 2008. He also spoke on “Climate Change Implications for Negotiating International Transboundary Water Agreements,” University of Oregon School of Law’s Environmental and Natural Resources Law Program Series of Fireside Conversations on Global Warming: Seeking Sustainable Solutions, Eugene, OR, September 11, 2008. In April, Eckstein presented “The Politics of Transboundary Waters,” 102nd Annual Meeting of the American Society of International Law, Washington, DC, April 9-12, 2008. He also co-chaired the symposium “Common Grounds, Common Waters: Toward a Water Ethic” with water ethicist **Dr. Irene Klaver**. The symposium was organized by the Texas Tech University Center for Water Law and Policy (which he directs) and the Santa Clara University International Law Journal, and held in Santa Clara, CA, March 14, 2008. The proceedings of the symposium appear in the Santa Clara University International Law Journal, volume 6, 2008.

Shaun Fluker (University of Calgary) shared his ecological integrity and the law research at two conferences during the summer of 2008: the Parks For Tomorrow Conference at the University of Calgary in May, and the Global Ecological Integrity Group Conference in Berlin, Germany in July.

Pamela Frasch (Lewis & Clark) will speak on an animal law panel at the 2009 AALS national conference in San Diego. She and **Kathy Hessler** (Lewis & Clark) are planning a series of five symposia with the John’s Hopkins University Center for Alternatives to Animal Testing in order to assess and explore the implications of a recent National Academy of Science’s report challenging the efficacy of mammalian animal testing.

Bill Funk (Lewis & Clark) attended the annual meeting of the Southeastern Association of Law Schools (SEALS) in July, appearing on a panel concerning the teaching of constitutional law. Also in July Bill participated in a workshop in Washington, D.C. organized by the Center for Progressive Reform (CPR), of which he is a Member Scholar, regarding preemption of state tort law. Other participants included

representatives of Public Citizen, American Association for Justice, and the National Association of Attorneys General as well as staff persons from several congressional committees. In August, Professor Funk represented the Law School at the annual meeting of the Association of Administrative Law Judges in order to receive a donation for a student scholarship. In October, Professor Funk attended the Fall Administrative Law Conference in Washington, D.C., where he spoke on two separate panels, one on constitutional questions raised by the Regional Greenhouse Gas Initiative (RGGI) put in effect by northeastern states, and the other on transparency issues discussed in the report by the Transparency and Public Participation Task Force of the Regulatory Reform Project created by OMB Watch. Also in October, in a program hosted by the American Constitution Society (ACS) and the Federalist Society, Professor Funk debated Professor **Tuan Samahon** (University of Nevada Las Vegas) on "Politics and Judicial Selection." In November in another ACS/Federalist Society function, Lewis & Clark Professors Funk and **Huffman** discussed the different identities and approaches of these two organizations. In December, Professor Funk participated in a conference hosted by the Center for Progressive Reform (CPR) in Washington, D.C., for congressional staff and public interest groups on how to overturn the Bush administration's actions and Supreme Court decisions regarding preemption of state tort law.

Susan Gary (Oregon) has given a number of presentations to academic groups, bar associations, university and college endowment managers, and others explaining the Uniform Prudent Management of Institutional Funds Act. UPMIFA applies to all charities organized as nonprofit corporations, including environmental organizations, and twenty-six jurisdictions have already enacted statutes based on UPMIFA, with more enactments likely this year.

Robert Glennon, Morris K. Udall Professor of Law and Public Policy (Arizona) gave the following keynote speeches and presentations in 2008: Hawaii Water Works Association, Pipe Dreams Conference, Maui, Hawaii, October 2008; 2008 Ground Water Connections Conference, Idaho Water Resources Research Institute, Boise, Idaho, September 2008; 17th Annual Groundwater Conference, California Groundwater Association, Costa Mesa, California, September 2008; Ewing Irrigation Products, Inc., Seattle, Washington and Phoenix, Arizona, July and October 2008; Florida Stormwater Association, Tallahassee, Florida, June 2008; United States Environmental Protection Agency, San Francisco, California, January 2008.

Rob Glicksman (Kansas) made the following presentations: "Global Climate Change: Its Causes and Effects (Near and Wide) on Our Environmental and Energy Future," Lawrence Sustainability Advisory Board's Lawrence Home Energy Conservation Fair, Lawrence, KS (October 18, 2008); "Climate Change Causes, Consequences, and Policies: The Science and the Law," presentation at EPA-funded conference on "Climate Change, Myth or Reality," University of Missouri-Kansas City School of Education, Global and Multicultural Education Center, Kansas City, MO (June 2,

2008); "Climate Change in the Courts," presentation at a CLE program on Recent Developments in the Law, Lawrence, KS (May 29, 2008); and "The Holcomb Power Plant Imbroglio: Using Statutory Endangerment Provisions to Combat Climate Change," presentation to University of Kansas School of Law faculty, Lawrence, KS (April 25, 2008).

Douglas L. Grant (University of Nevada, Las Vegas) delivered a paper at the Rocky Mountain Mineral Law Foundation's 54th Annual Institute - "Conjunctive Management of Hydrologically Connected Surface Water and Ground Water: The Problem of Sustainable Use." (July 2008).

Kathy Hessler (Lewis and Clark) is working with **Pamela Frasch** (Lewis & Clark) to produce ANIMAL LAW IN A NUTSHELL (Thomson West, forthcoming). Her article, "Mediating Animal Law Matters," available at 2 J. Animal L. & Ethics 21 (2007) was recently cited in *Augillard v. Madura*, 257 S.W.3d 494 (Tex. App. 2008).

Richard Hildreth (Oregon) chaired a meeting of the Minerals Management Service's ("MMS") Outer Continental Shelf ("OCS") Scientific Committee in Washington, D.C. in November. Professor Hildreth is concluding his term as vice chair of the OCS Scientific Committee, a position he has served in since 2006. On October 11, he delivered a keynote address, entitled "RLINK" <http://hmsc.oregonstate.edu/waveenergy/webpresfiles/HildrethPresForWeb.htm> "Ocean Zoning: Implications for Wave Energy Development," at the Hatfield Marine Science Center in Newport, Oregon for a scientific workshop on the Ecological Effects of Wave Energy Development in the Pacific Northwest.

On October 10, 2008, the Journal of Environmental Law and Litigation hosted "Living on a Finite Earth: Energy Law and Policy for a New Era" in Eugene, Oregon. Oregon Secretary of State **Bill Bradbury** and **Luke Cole**, Director of the Center on Race, Poverty and the Environment, presented two keynote addresses. **David Hodas** (Widener); and **Robertta Mann** (Oregon) participated as panelists on "Moveable Energy: Transportation's Progress and Legal Implications" and **Shi-Ling Hsu** (British Columbia) presented on "Competing Energy Policies: Pros and Cons."

Bruce M. Kramer (Texas Tech) taught at the RMMLF Oil and Gas Law short course held in Houston in October, 2008.

Svitlana Kravchenko (Oregon) spoke on "The Myth of Public Participation in the World of Poverty" at the 6th Colloquium of IUCN Academy of Environmental Law "Poverty Alleviation and Environmental Protection" (Mexico City, November, 2008). In August, Kravchenko participated in the Annual Meeting of the Environmental Law Alliance Worldwide (ELAW) (Mombasa, Kenya, August, 2008) and the Kenya National Environmental Tribunal (Nairobi, August, 2008). In July, she spoke at the Annual conference of the Environmental Law Association of South Africa (Johannesburg, July, 2008) and gave a series of Lectures on Human Rights and the Environment at the following universities of South Africa: North-West University in

Potchefstroom, University of Cape Town, University of the Western Cape, University of Witwatersrand, University of Pretoria, North West University, and at the University of Nairobi, Kenya (July, 2008). Kravchenko also participated in the Third Meeting of the Parties of the Aarhus Public Participation Convention and the meeting of the Compliance Committee in Riga, Latvia (June, 2008) and gave a speech for French appellate judges at l'Ecole Nationale de la Magistrature (the Judicial Institute), at the invitation of the Government of France (May, 2008).

Jan G. Laitos (Denver) spoke at the Bettman Symposium at the American Planning Association's 100th Annual Planning Conference on "The Law of Airport Zoning" (May 2008). Prof. Laitos also delivered a paper at the Rocky Mountain Mineral Law Foundation's Special Institute on Risk Assessment – "Managing Risk When Confronting Government Limits on Resource Development" (July 2008).

John Lowe (SMU) was on academic leave for the 2008 calendar year. During that time he (1) spoke at RMMLF's Special Inst. on Operating Agreements; (2) taught short courses on International Petroleum Transactions (with **Owen Anderson**) at Melbourne and Dundee; (3) spoke on punitive damages at the IPAA luncheon at RMMLF's Annual Institute; (4) taught a short course on International Petroleum Transactions at Universidad de ESAN in Lima, Peru; (5) lectured on US Energy Policy and Canada in Edmonton and Calgary as a Fulbright Specialist and Visiting Borden Ladner Gervais LLP Chair of Energy Law and Policy at the University of Alberta; and (6) participated in a conference on Iraqi oil legislation and contracts in London. He also taught at the RMMLF Oil and Gas Law short course held in Houston, in October, 2008.

Al Lucas (Calgary) presented a keynote paper entitled "The Canadian Environment/Energy Law Regime: a Constitutional Overview" at the Pitblado Lectures, held in Winnipeg, Manitoba in November 2008, sponsored by the Manitoba Bar Association, the University of Manitoba Faculty of Law and the Law Society of Manitoba. The paper will be published in the Law Society's Pitblado Lectures series.

Roberta Mann (Oregon) presented "The Case for the Carbon Tax," at the 9th Annual Global Conference on Environmental Taxation in Singapore, in November 2008. On October 10, 2008, she participated in two panels, "Competing Energy Policies: Pros and Cons" and "Moveable Energy: Transportation's Progress and Legal Implications" at the Journal of Environmental Law and Litigation's symposium on "Living on a Finite Earth: Energy Law and Policy for a New Era."

David L. Markell, Steven M. Goldstein Professor (Florida State) moderated "Climate Change in Florida: The Role of Transportation and Land Use" (Florida State University College of Law Environmental Forum, March 2008).

Patrick H. Martin (Louisiana State University) taught at the RMMLF Oil and Gas Law Short Course held in Houston in October, 2008.

Lesley McAllister (San Diego) presented "The Overallocation Problem in Cap-and-Trade" to audiences at the IUCN Academy of Environmental Law in Mexico City; Tulane Law School; and the Law and Society Association annual meeting. She also became the faculty advisor to the newly-created San Diego Journal of Climate and Energy Law. In association with the new journal, the University of San Diego School of Law is holding its First Annual Climate and Energy Law Symposium on February 20, 2009, with the theme, "Federal Preemption or State Prerogative: California in the Face of National Climate Policy." Symposium information is available at <http://www.law.sandiego.edu/celsymposium>.

Trish McCubbin (SIU) is organizing a conference titled "Contemporary Issues at the Intersection of Public Health and Environmental Law." The conference will be held at the Southern Illinois University School of Law on February 27. It will explore the extent to which the goals of public health law and environmental law converge, and propose new ways of thinking that reconcile apparent conflicts between the two fields. The panelists will include community advocates, private attorneys, scientists, government regulators and legal academics, including **Robin Craig** (FSU) and **Peter Appel** (UGa). Panels will address: (1) "smart growth" and public health; (2) climate change and sustainable local commerce; (3) public health valuation in environmental enforcement; and (4) pharmaceuticals in waterways. The conference is co-sponsored by the SIU Center for Health Law & Policy and the SIU Law Journal.

David Mears (Vermont) participated in a panel discussion relating to the fundamentals of environmental law practice for new attorneys at the ABA Environment, Energy and Natural Resources Section Annual Environmental Law Conference in Keystone, Colorado (March 2008). He spoke on the issue of state authority to regulate the siting of liquefied natural gas terminals before a conference of the Eastern Division of the National Association of Attorneys General (April 2008). He participated in a panel discussion regarding Environmental Court Evidence at the Vermont Bar Association Annual Conference (September 2008). He led a panel discussion on National Security and the Environment at a Vermont Law Review Symposium. (October 2008). He spoke, along with Teresa Clemmer, as part of a panel discussion entitled "Winning Legal Strategies" at the Vermont Environmental Action Conference. (November 2008).

Robert Miller (Lewis & Clark) was a keynote speaker at the "New Worlds, New Sovereignities" conference at the University of Melbourne, Australia. He has been speaking about the Doctrine of Discovery at events such as the Oregon Indian Education Association conference, the Popular and American Culture Association conference in Albuquerque, the 3rd Vine Deloria Jr. Indigenous Studies Symposium at the Northwest Indian College on the Lummi Tribe's reservation, and U.S. Fish and Wildlife Service trainings in Portland,

Boise, and Lacey, Washington. He helped organize an Alaska State Bar CLE, spoke on two panels, and delivered the luncheon talk on the Doctrine of Discovery in Alaska. He also organized the 3rd Lewis & Clark Indian Law Scholars Working Papers Roundtable that was held in July 2008. This fall he spoke about his book at a number of academic venues and conferences around the country. In April, he also spoke at the Second Annual Native American Studies Conference at University of Georgia, at Denver University Law School, and at a Seattle CLE.

Janet Milne (Vermont) presented a paper on carbon taxes versus cap-and-trade regimes, “Urban Emissions: The Burdens and Risks of Market-based Administration,” at the Ninth Annual Conference on Environmental Taxation in Singapore. (November 2008).

Laura Murphy (Vermont) served as a panelist for a discussion on the use of tax grieving procedures to improve policy decisions about factory farming at the annual Public Interest Environmental Law Conference in Eugene, Oregon. (March 2008). She moderated a panel on “Industrial Animal Agriculture: Understanding and Moving Beyond Our Factory Farm Culture” at Vermont Law School’s “Food, Fuel, and the Future of Farming” conference. She also helped organize the conference. (July 2008).

Janet Neuman (Lewis & Clark) spoke on “Rethinking Western Water Law” at the annual conference of the University of Colorado's Natural Resources Law Center in Boulder in June.

Patrick Parenteau (Vermont) presented “Wetlands and Climate Change” at the Association of State Wetlands Managers Annual Meeting in Portland, OR. (September 2008). He discussed “Hot Topics in Climate and the Clean Air Act,” at the 16th Mid-Year Meeting of the Section of Environment Energy and Resources in Phoenix, AZ. (September 2008). He also gave the following speeches: “Last Chance: Confronting the Gathering Menace of Climate Change,” at the Massachusetts School of Law in Andover, MA (October 2008); “Meltdown: Can the Law Save the Arctic?” at the Yale School of Forestry and Environmental Studies in New Haven CT (October 2008); and “De-Carbonizing the Economy in Ten Not-So-Easy but Doable Steps,” at Dartmouth College’s Dickey Center for International Cooperation in Hanover, NH (October 2008).

David E. Pierce (Washburn) taught at the RMMLF Oil and Gas Law short course held in Houston in October, 2008. He also delivered a paper at the RMMLF special institute, Private Oil and Gas Royalties - “Say What You Mean and Mean What You Say - Interpreting and Drafting Lease Royalty Clauses and Overriding Royalty Reservations/Assignments.” (December 2008).

Robert J. Peroni (University of Texas) taught at the RMMLF Oil and Gas Law short course held in Houston in October, 2008.

Melissa Powers (Lewis & Clark) taught climate change as a visiting professor for two weeks at the University of Trento, Italy in May. In July, Melissa traveled to Anchorage and spoke on a panel discussing environmental permitting issues for Alaska native corporations at an Alaska Bar Association CLE program. She also represented Lewis & Clark at the Sixth Annual Colloquium of the IUCN Academy of Environmental Law in Mexico City in November 2008.

Dan Rohlf (Lewis & Clark) spoke on “The Integrity of Federal Agencies’ Administrative Records in Environmental Litigation,” for the Law Dean’s Lecture Series at Ohio Northern University’s Pettit College of Law earlier this year.

Judith Royster (Tulsa) delivered presentations on Indian tribal water rights at the Oklahoma Tribal Water Summit, sponsored by the Native American Rights Fund and the Sac & Fox Nation, July 28-29, 2008, and Sovereignty Symposium 2008, sponsored by the Oklahoma Supreme Court, June 5, 2008. She also served as a panelist on the trust responsibility at The Winters Centennial: Will its Commitment to Justice Endure?, sponsored by the University of New Mexico School of Law Utton Transboundary Resources Center and the American Indian Law Center, June 9-12, 2008.

J.B. Ruhl (Florida State University) delivered a paper at the Rocky Mountain Mineral Law Foundation’s 54th Annual Institute - “Adaptive Management: Inevitable or Impossible?” (July 2008).

Rachael E. Salcido (University of the Pacific) delivered a paper at the Rocky Mountain Mineral Law Foundation’s 54th Annual Institute - “Voluntary Cleanups and CERCLA in a Post Aviall & Atlantic Research World.” (July 2008).

Nancy Shurtz (Oregon) presented a paper on “The Role of Environmental Tax and Market Mechanisms in the Green Building Movement: The Case of Portland, Oregon,” as part of a panel discussion on Environmental Taxation and the Construction Industry at the 9th Annual Global Conference on Environmental Taxation in Singapore, in November 2008.

Judd Sneirson (Oregon) presented “Green Is Good: Sustainability, Profitability, and a New Paradigm for Corporate Governance,” to the Pace Law School faculty on October 8, 2008, as part of its faculty colloquia series.

Erica Thorson (Lewis & Clark) spoke at the annual Waterkeeper Conference in Seattle on developing a “Peace Treaty for Water Security in Asia.” Waterkeepers from India, Nepal, and China attended the presentation, and as a result of Erica’s presentation a coalition of South Asian waterkeepers, along with **Dr. Vandana Shiva**, asked Erica to draft just such a treaty. Lewis & Clark’s International Environmental Law Project will be working on this project throughout the year. In July, Erica attended the Standing Committee meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in Geneva, Switzerland. At the meeting, she participated in a number of working groups to clarify a variety of implementation issues, including permit and

certificate requirements for import and export of high seas species and tourist souvenirs. In addition, Erica worked with a small coalition of lawyers from Kenya, Canada, and the United States to successfully argue that the Secretariat was making recommendations to the Committee that breached procedure; Erica drafted an intervention on this issue that both Canada and the United States read on the floor, which convinced the Parties present to vote not to follow the recommendations of the Secretariat. As a result, the Fischer's lovebird (*Agapornis fischeri*) from Tanzania remained under international trade sanctions—a huge victory for this imperiled little bird, which is coveted by the pet industry. Erica received a scholarship to present a working paper at a clinical writer's workshop at New York University Law School in October. Her paper concerns the treatment of statements of territorial applications as reservations.

Chris Wold (Lewis & Clark) spoke at St. Louis University School of Law at a conference entitled *The Changing Tide of Trade*. His topic was the evolution of environmental provisions and institutions in regional free trade agreements.

Mary Wood (Oregon) gave several addresses on climate change and the public trust doctrine: "Act Locally, Think Globally: How Nature's Trust Can Seed Relocalization and Pollinate Planetary Patriotism," Address, Post Carbon Eugene, Eugene, OR (December 10, 2008); "Government's Atmospheric Trust Obligation," Address, Environmental Planners and Policymakers, University of Oregon, Eugene, OR (November 21, 2008); Public Trust Workshop, Northwest Environmental Defense Center, Westwind Camp, OR (October 11, 2008); Public Keynote Address, Sponsored by

the Green LEEDers, Boise, ID (August 21, 2008); "The Planet on Your Docket," Keynote Address, Montana Trial Lawyers Association, Flathead Lake, MT (August 7, 2008); "The Atmosphere and the Public Trust," Address to US Fish and Wildlife Service Supervisors Meeting, video-conference to Monterey, CA (June 24, 2008); "Taking Back Tomorrow: Why Children Should Take a Stand Against Global Warming," Address, Eugene Middle Schools, filmed by Art for the Sky, <http://www.inconcertwithnature.com/>, Eugene, OR (June 6, 2008); and "United States v. Oregon: A Forty Year Retrospective," Portland, OR (May 28-29, 2008). Wood also made a presentation on "Federal Indian Law and Policy," Video Seminar for US Department of Agriculture, Washington, DC (August 26, 2008). In July and August, she did several radio interviews, and her work was featured in, "Green All the Lawyers," by Carla Wise for the UTNE Reader (<http://www.utne.com/2008-09-01/Environment/Green-All-the-Lawyers.aspx>).

Edward H. Ziegler (Denver) "Megapolitan Growth Management and Local Development in the Twenty-First Century," at the international conference *Apparent Antithesis: Local Development and Globalization* at the University of Trento in Trento, Italy on October 10, 2008. "The Case for Megapolitan Growth Management in the 21st Century: Regional Urban Planning and Sustainable Development in the United States," Georgia State Law School/University of Denver Sturm College of Law, Study Space- Land and the Environment, December 2, 2008. "Regulatory Taking Claims in Urban Planning Law," CLE International, Denver Colorado, November 7, 2008.

UNIQUE COURSES

Lewis & Clark has added three new clinical internship seminars in the field of environmental and natural resources law. The year-long clinical internship seminar in Environmental Prosecution gives students the opportunity to handle criminal misdemeanor prosecutions under federal environmental laws such as the Endangered Species Act, Marine Mammal Protection Act and the Migratory Bird Treaty Act. Working directly with investigating agents and under the supervision of an Assistant US Attorney, students participate in all stages of the prosecution, from investigation through charging and sentencing, including court appearances. The Western Resources Legal Center one-semester clinical internship gives students the opportunity to interview and counsel clients engaged in farming, ranching, forestry, mining, and land developments as well as small, local governments, water and irrigation districts and other entities dependent on natural resource use and development. Students conduct fact investigations, problem solve, draft documents, negotiate agreements, and represent clients at administrative hearings, trials and appeals; in the first semester of this internship, students assisted in drafting an amicus brief before the U.S. Supreme Court. Finally, in an innovative partnership between Lewis & Clark and the Community Development Law Center, students help CLDC in its low-income housing development

practice while handling sustainability issues ranging from environmental justice at the intersection between the Fair Housing Act and green building, brownfields redevelopment, green construction project financing and tax credits, land trusts, LEED certification, and state-funded development contracts including provisions for bioswales, graywater, and recycled materials.

Heather Brinton and **Jason Eisdorfer** (Oregon) co-taught, for the first time, a course on Climate Law & Policy. The course focused on state and regional approaches to addressing climate change and served as a prerequisite to a limited number of students who will go on to serve as legislative interns on climate law and policy in the 2009 Oregon Legislature.

Erik B. Bluemel (Denver) will be teaching a new course in the spring semester entitled, "Indigenous Peoples in International Law." The course addresses such wide-ranging issues as: how indigenous groups are defined under the law; ethical and legal issues pertaining to indigenous self-governance including the tension between minority rights, individual rights, and democratic precepts; the application of self-determination law to indigenous self-governance; the

implications of human rights, environmental and natural resources, intellectual property, and international trade regimes for indigenous peoples; and international legal texts affecting indigenous peoples.

Elizabeth Burleson (USD) taught United Nations Law at the UN Headquarters in New York. This course examines the role of the United Nations, nations, non-governmental organizations, and civil society (indigenous communities, youth, women, etc.) in international decision-making. Hosting students at her home, Elizabeth Burleson introduced US law students to international law as it relates to the UN. Students participated in indigenous and youth proceedings and conducted individual legal research with which to write their articles. (2) She also co-taught River Studies, a multidisciplinary course focusing on important topics concerning large river systems. The course included a two-day field trip of the Missouri River followed by units on water law, biology, chemistry, history, and geomorphology. (3) She also taught International Law and China as an intensive class in Beijing, China. This class considers the challenge that China faces in relation to International Economic Law, Energy, Environment, and Sustainable Development.

Robin Kundis Craig (Florida State) taught a specialty course entitled "Florida Water Law" in Fall 2008. The course explored how Florida, through the Florida Water Resources Act, has combined many of the best features of both prior appropriation and riparian rights regimes into its water law. It also explored many of the water-related issues that are important to Florida, including the Tampa Bay Water Wars, the Apalachicola-Chattahoochee-Flint River conflict and litigation, wetlands regulation, the connection of water law and land use planning, and Everglades Restoration.

Rob Fischman (Indiana Maurer—Bloomington) experimented with a fall 2008 science policy course offered at the Indiana University School of Public and Environmental Affairs, entitled "Biodiversity Conservation Policy." He is happy to share his syllabi and experiences with other law teachers who dabble in non-law graduate school teaching.

Roberta Mann (Oregon) and **Josh Skov** (Good Company), will teach a class on "A Carbon Economy--Facts and Fiction," as part of the Business School's Seminar in Sustainable Business on February 27, 2009.

Dan Rohlf (Lewis & Clark) and alum **Bob Sallinger** of Portland Audubon Society taught a new summer legal ecology field course, "Legal Ecology: Urban Biodiversity and the Law," this summer. Students learned about the challenges of urban biodiversity management through lectures and field trips in the Portland, Oregon, metropolitan area. By popular demand, this course will repeat in Summer 2009. Dan and **Amy Bushaw** (Lewis & Clark business law professor) taught a new sustainability course, "Sustainability Law and Business Seminar," this fall.

Jacqueline Weaver (University of Houston) taught international petroleum contracts in Beijing in September while hurricane Ike ripped through Houston. She taught managers from two national oil companies, Sinopec and CNPC.

Mary Wood (Oregon) taught a research seminar in Public Trust Law for the second year in a row. Students analyzed the frontiers of public trust law and explored how the doctrine might expand to meet present ecological challenges such as climate crisis.

UNIQUE LITIGATION

Erik B. Bluemel (Denver) represented Environmental Defense and Sierra Club in litigation challenging the \$3 billion Intercounty Connector highway in the metropolitan Washington region. The litigation resulted in a multi-million

dollar settlement in the form of anti-pollution retrofits for public transportation and an agreement to monitor the air pollution in areas adjacent to the highway as a means to ensure the health of nearby residents and workers.

PERSONAL NOTES

Robert E. Beck (Southern Illinois) has recovered fully from his emergency open heart quadruple bypass surgery performed January 25th. He sends his thanks to all who sent him get well wishes.

Erik B. Bluemel (Denver) was recently hired by the University of Denver Sturm College of Law to teach Administrative Law, Environmental Law, and Indigenous Peoples in International Law.

John Davidson (South Dakota) is retired from regular teaching at the University of South Dakota School of Law but, in his position as Professor *Emeritus* remains active in writing,

speaking and environmental law practice. His work includes service as President of Northern Prairies Land Trust, a trend-setting conservation organization active across all of Nebraska and South Dakota. www.northernprairies.org

Stephen Dycus (Vermont) was the first recipient, in 2008, of the Richard Brooks Faculty Scholarship Prize at Vermont Law School.

Christine A. Klein (Florida) is completing her third year as Associate Dean for Faculty Development. She anticipates stepping down to take a sabbatical during the 2008-09 academic year.

John Leshy (UC Hastings) has banned laptops from all his classes and is thrilled by the results; he recommends it highly.

Jerrold A. Long (Idaho) recently defended his dissertation and will graduate in December 2008 with a Ph.D. in Environment and Resources from the University of Wisconsin-Madison. The dissertation's title is "New West or Same West?: Evolving Land-Use Institutions in The Rural American West."

Edward H. Ziegler (Denver) has been appointed by the European Parliament as an Erasmus-Mundus Visiting Scholar for 2009. He will be a visiting scholar at the University of Trento, in Italy during April and May and traveling and speaking at universities throughout Europe on the topic of urban planning law and sustainable development.

SABBATICALS

Janet Neuman (Lewis & Clark) has completed her term as the law school's Associate Dean of Faculty and embarked on a sabbatical, during which time she will be working on several

writing projects and doing some consulting work. She is also planning to attend the World Water Forum in Istanbul, Turkey, in the spring of 2009.

OTHER ITEMS OF INTEREST

Lewis & Clark is pleased to announce the hiring of **Melissa Powers** as assistant professor in the environmental and natural resources law program. Melissa teaches energy law, climate change law, ocean and coastal law, and other environmental courses, as well as administrative law. She also helps coach the environmental law and animal law moot court teams. Her research interests include statutory interpretation and domestic policies aimed at mitigating climate change. From 2003-2008, Melissa was a clinical professor at the Pacific Environmental Advocacy Center (PEAC), the environmental law clinic at Lewis & Clark. Her clinical work focused primarily on pollution control litigation, with a particular emphasis on the Clean Water Act. During her tenure at PEAC, Melissa successfully litigated several cases in federal and state courts. She has represented the law school and given presentations at the annual meetings of the International Union for the Conservation of Nature's Academy of Environmental Law and will continue to do so in her new role. Before joining PEAC, Melissa practiced law and supervised clinical students at the Western Environmental Law Center in Eugene, Oregon.

Lewis & Clark is also pleased to announce the hiring of **Pamela Frasch** and **Kathy Hessler**, who joined the law school in August. Pamela is the Executive Director of the newly launched Center for Animal Law Studies at Lewis & Clark. Previously, she served as general counsel for the Animal Legal Defense Fund and as an adjunct professor teaching animal law at Lewis & Clark since 1998. Kathy, who serves as the new director of Lewis & Clark's Animal Law Clinic, is the current co-chair of the AALS Section on Clinical Legal Education. She is the chair-elect of the newly formed AALS Section on Animal Law and is a board member of the AALS Section on Balance in Legal Education. Kathy was also appointed to the national Task Force on the Status of Clinicians and anticipates that this group will make its report to the academic community in the summer of 2009. With her move to Oregon, Kathy completed her work as associate director for the Center for the Interdisciplinary Study of Conflict and Dispute Resolution and as co-chair of the Animal Law Section of the Cleveland Metropolitan Bar Association.

Kathy also received an award for her service in helping found and host the Summer Legal Academy, a two week long annual program designed to encourage minority high school students' interest in legal careers. Kathy remains a board member of the Summer Legal Academy and the Center for Teaching Peace. Both Pam and Kathy are faculty advisors for the Animal Law journal published at Lewis & Clark.

Adell Amos (Oregon) is serving on the Editorial Board, American Bar Association, Section on Energy & Environment, *Trends Magazine*.

John Bonine (Oregon) served as a Consultant on Access to Justice, World Resources Institute, Washington, D.C., 2008.

Marcilynn A. Burke (University of Houston Law Center) was awarded a grant from the RMMLF to support her research on solar energy development on federal lands.

Elizabeth Burleson (USD) enjoyed judging national and international rounds of the Jessup International Law Competition in New York and Washington as well as funding the Public Interest Network Grant by swimming the Missouri again in 2008.

The University of Houston is pleased to welcome **Brigham Daniels** to the faculty in the fall of 2008. Brigham joins the Law Center after heading a state climate policy project for Duke University's Nicholas Institute for Environmental Policy Solutions and serving as a lecturing fellow at Duke Law School. He is currently Ph.D. candidate at Duke.

Gabriel Eckstein (Texas Tech) just completed a semester as a visitor at the University of Oregon School of Law where he taught Civil Procedure and a seminar in Law and Science. In August, he participated as a neutral legal adviser in track II (non-governmental) negotiations between Israelis and Palestinians on transboundary water issues that was organized under the auspices of the Geneva Initiative.

Bill Funk (Lewis & Clark) participated on the Transparency and Public Participation Task Force of the Regulatory Reform Project created by OMB Watch, which submitted its final report in July. In July he was named to the board of the Oregon Lawyers Chapter of the American Constitution Society.

Lin Harmon (Lewis & Clark) has been appointed to the ABA/Law Student Division Competitions Committee, where she will serve on the subcommittee overseeing the ABA Negotiation Competition. The three-year appointment culminates in chairing the subcommittee in 2010. She is looking for environmental law professors who would be interested in writing environmental negotiation problems for the 2009-10 in-school, regional and national competitions.

Jim Huffman (Lewis & Clark) was recently appointed to the Hoover Institution's Property Rights Task Force.

John Lesly (UC Hastings) is currently co-chairing the Interior Department transition team for the Obama-Biden Administration with his friend and former colleague, Bob Anderson of the University of Washington.

Visiting Professor **Roberta Mann** (Oregon) has extended her stay at the University of Oregon School of Law by accepting

the University's offer of indefinite tenure at the rank of full professor. Mann is a tax, property, and environmental law expert joining Oregon Law from Widener University School of Law, where she taught federal income, tax, and property since 1998. She earned her M.B.A. and J.D. cum laude from Arizona State University, where she also served as assistant editor of the *Arizona State University Law Journal*. In 1995, she received her LL.M. in taxation from Georgetown University Law Center. Prior to teaching, Mann practiced in the Office of Chief Counsel of the Internal Revenue Service, concentrating primarily on the areas of partnerships, corporate, estate and gift, and natural resources. She also served on the Staff of the Joint Committee on Taxation in U.S. Congress.

Lesley McAllister (San Diego) serves as the chair of the Environmental Law Committee of the ABA Section of State and Local Government Law. The Committee has organized programs at ABA meetings on climate change and land use; coastal conservation in South Carolina, and state and local challenges in moving towards alternative energy. She is also a new "member scholar" with the Center for Progressive Reform.

Robert Miller (Lewis & Clark) has been named President of the Board for the Tribal Leaders Forum.