



ROCKY MOUNTAIN MINERAL LAW FOUNDATION

Natural Resources Law Teachers Newsletter

Summer 2021

A message from Katrina Fischer Kuh and Hillary Hoffman, editors of the Natural Resources Law Teachers Newsletter

We hope you are all staying healthy and well. Despite the continued disruption from Covid-19, we were heartened to see all of the new scholarship, teaching, programs, and other activities you have undertaken this past semester. We wish you all a restorative summer.

A message from Alex Ritchie, Executive Director, and Jaleen Edwards, Associate Director

Thank you to all of you who participated in the Virtual Natural Resources Law Teachers Institute that was held on June 3-4, 2021, with a special thanks to Co-Chairs Robin Craig and Janice Weis, and the other members of the Planning Committee: Rick Frank, Lee Paddock, J.B. Ruhl, and Gina Warren. Absent another major Covid-19 setback, we look forward to gathering together in person on May 31-June 1, 2022, at Asilomar just outside Monterey, California, for the next Natural Resources Law Teachers Institute.

We also appreciate those of you who participated in the virtual 67th Annual Rocky Mountain Mineral Law Institute that began on July 19 and will conclude on July 26. 1,258 people registered for the institute, and through the first three days, attendance has ranged between 617 and 811 people per session. The institute features a number of academics, including John Leshy, Freddy Sourgens, David Spence, Alex Klass, Cliff Villa, and Michelle Bryan. For those of you who have never done so, consider speaking at the Annual Institute in the future. It is an excellent way for your scholarly work to reach a wide audience of attorneys, government agency employees, and practitioners who work in your field.

We would like to remind you that the Foundation has a number of funding programs that are available to natural resources and environmental law professors and students interested in natural resources and environment law at all accredited law schools. These include grants for law professors, including travel funding for scholarly research, our new Equity and Inclusion Scholarships for students who identify as either Black or Indigenous (including Native American and First Nation), and travel funding for students to attend our programs. For more information, please contact Jaleen Edwards at jedwards@mmlf.org.

Abigail Andre (Vermont) published “A Canary in a Coal Mine: What We Haven’t Learned From Deepwater Horizon and How Courts Can Help” in *GEORGETOWN ENVIRONMENTAL LAW REVIEW*; and “[Biden Should Bet the Farm](#)” in *ABA SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES* (May 2021).

Jessica Ann Bacher (Pace), Executive Director of the Pace Land Use Law Center, was appointed as one of 11 members of the Land Use and Local Government Advisory Panel supporting New York Governor Andrew Cuomo’s Climate Action Council. She is also on the Standards Committee for the State Climate Smart Communities Program, and recently led a project to update and move the program online.

Reed D. Benson (New Mexico), completed his tenth year as Director of UNM’s Natural Resources & Environmental Law Program. With co-authors Burke Griggs and Dan Tarlock, he welcomed publication of the new 8th edition of *WATER RESOURCE MANAGEMENT* (Foundation Press 2021). Reed also reported for SCOTUSblog on the Supreme Court’s decision in *Texas v. New Mexico*, an original-jurisdiction action involving a dispute over the Pecos River Compact. At the request of the sponsor, he twice testified as an expert witness in support of HB 95, a bill in the New Mexico Legislature that would have required the State Engineer to consider the impacts of climate change in allocating water. Reed will complete his term on the Rocky Mountain Mineral Law Foundation board this year, but will remain on the planning committee for the RMMLF Annual Water Law Conference, scheduled for Santa Fe in November 2021.

Noa Ben-Asher (Pace), was appointed as James D. Hopkins Professor of Law for the 2021-2023 term.

Lisa Benjamin (Lewis & Clark) published a book with Cambridge University Press, *COMPANIES AND CLIMATE CHANGE: THEORY AND LAW IN THE UNITED KINGDOM* (2021) as well as an article with the *MINNESOTA JOURNAL OF LAW, SCIENCE AND TECHNOLOGY* on “Renewable Energy and Trade: Meeting the

Paris Agreement’s Goals Through a Two-Step Jurisprudential Advance” (2021), a book chapter, “The Rights and Responsibilities of Corporations: New Directions in Environmental Litigation in the *Research Handbook on Transnational Environmental Law*, edited by Veerle Heyvaert and Leslie-Anne Duvic-Paoli (Edward Elgar). She co-authored an article on “Gender and Climate Justice: Implications for Policy Formation in the Caribbean” with Adelle Thomas in a special Climate Justice Symposium issue of the *LOYOLA LAW REVIEW* (2021), and a book chapter on Article 15 of the Paris Agreement with Bryce Rudyck and Rueanna Haynes, focusing on interpretation and implementation by developing Countries in *A COMMENTARY ON THE PARIS AGREEMENT ON CLIMATE CHANGE*. Lisa also presented on the Impacts of Climate Change on Communities of Color in the U.S. and Internationally as part of the Climate Constitutionalism Series: Clough Center for Constitutional Democracy, at Boston College in April 2021.

Laurie Beyranevand (Vermont) published the report “[Essentially Unprotected: A Focus on Farmworker Health Laws and Policies Addressing Pesticide Exposure and Heat Related Illness](#),” (April 2021). She also co-authored “[The Urgent Call for a U.S. National Food Strategy](#)” (October 2020). Professor Beyranevand presented “Essentially Unprotected: A Focus on Farmworker Health Laws and Policies Addressing Pesticide Exposure and Heat Related Illness” at the 44th Annual Health Law Professor’s Conference, American Society of Law, Medicine, and Ethics (June 2021); “Ten Years of FSMA: Looking at the Past, Present, and What We Can Expect for the Future,” Food and Drug Law Institute (May 2021); “Beyond the Pandemic: Addressing the Silent Crises in Public Health and Food Security Through Planning” (with Jonathan Rosenbloom), Western Places | Western Spaces Conference (March 2021); “Evaluating the Food Safety Modernization Act’s Proposed Rule for Food Traceability,” Food and Dietary Supplement Safety and Regulation Conference, Food and Drug Law Institute (March 2021); and “Understanding Our Food Cycle,” Planet Over Profit (February 2021). Professor Beyranevand

moderated “[Embedded Racism on the Farm: Labor Law, Immigration, and the Fight for Farmworkers' Rights](#),” Embedded Racism in the Law Panel Series, Vermont Law School (April 22, 2021).

Michael Blumm (Lewis and Clark) published the following: THE PUBLIC TRUST DOCTRINE IN ENVIRONMENTAL AND NATURAL RESOURCES LAW, 3rd ed. (Carolina Academic Press, 2021) (with Mary Wood, Oregon); [2020 Supplement](#) to NATIVE AMERICAN NATURAL RESOURCES LAW, 4th ed. (Carolina Academic Press, 2018) (Aug. 2020) (with Judith Royster, Tulsa, Elizabeth Kronk Warner, Utah & Monte Mills, Montana), [THE PROTECTION OF NATURE AND A NEW CONSTITUTION FOR CHILE: LESSONS FROM THE PUBLIC TRUST DOCTRINE](#) (Chile California Conservation Exchange, May 2021); “[The Belloni Decision and Its Legacy: United States v. Oregon and Its Far-Reaching Effects After a Half-Century](#),” 50 *Envtl. L.* 347 (2020); “[Oregon’s Amphibious Public Trust Doctrine: The Oswego Lake Case](#),” 50 *Envtl. L.* 1227 (2020); “The Public Trust Doctrine 50 Years After Sax and Some Thoughts On Its Future,” 44 *Pub. Land & Res. L. Rev.* 1 (2021); “[Salmon and the Clean Water Act: An Unfinished Agenda](#),” 51 *ELR (ELI)* 10109 (2021); “[Undamming the Pacific Northwest: An Update](#),” *Envtl. L. Online*; “Right-Sizing the Supreme Court: A History of Congressional Changes,” 72 *Case Western-Res. L. Rev.* (forthcoming 2021); “[Tribal Consultation: Toward Meaningful Collaboration with the Federal Government](#),” 33 *Colo. Nat. Res., Energy & Env'tl. L. Rev.* 1 (forthcoming 2022).

Jonathan Brown (Pace), Director, Food and Beverage Law Clinic, presented to the New York City Bar Association’s Non-Profit Organizations Committee on the topic of “Charitable Farms and Food Organizations” and participated in a panel, virtually hosted by the American Beekeeping Federation, on the topic “[Solar Farm Apiaries: Opportunities for Bees and Beekeepers](#).” He also presented on New York Kitchen’s Farm Law 101 webinar, introducing key legal topics for established and aspiring

farmers and those interested in starting a farm business.

Genevieve Byrne (Vermont) published “A Guide to Solar Energy in Vermont’s Working Landscape” in “Policies for Multi-functional Solar in Vermont” (February 2021).

Amy Laura Cahn (Vermont), Interim Director, Environmental Justice Clinic, presented “Combating Environmental Racism: Lessons Learned and Strategies for Change,” Thurgood Marshall Institute, NAACP Legal Defense and Educational Fund, Inc. (June 2021); “Responding to Calls for Greater Environmental Justice Accountability,” D.C. Bar Communities (June, 2021); “Just Transition, Climate and Environmental Justice,” Vermont Climate Council (April 2021); and “What Do We Mean When We Say ‘Justice’?: Environmental and Climate Decision-making at a Crossroads,” Hoch Cunningham Environmental Lectures, Tufts Environmental Studies Program (April 2021).

Vanessa Casado Pérez (Texas A&M) has recently published [Reclaiming the Streets, 106 IOWA L. REV.](#) (forthcoming 2021) on how to make our sidewalks pedestrian and environmental friendly. She also wrote a short essay at the Michigan Journal of Law and Mobility, [The Last Mile of Public Space](#) on the challenges posed by delivery robots and micromobility vehicles. She wrote the chapter *Whose Water? Corporatization of a Common Good* and co-authored with other members of the Environmental Law Collaborative the chapter [Environmental Law Disrupted by COVID 19](#) in ENVIRONMENTAL LAW, DISRUPTED K. Hirokawa & J. Owley, eds. (Forthcoming Environmental Law Institute 2021). She is now working on a project with Yael Lifshitz (King’s College) on internal legal transplants across different areas of natural resources law and on a new paper on sidewalk privatization. She has presented at the Annual Sabin Colloquium on Innovative Environmental Law scholarship at Columbia on new players in water markets, at the SCALE conference at Arizona State University on legal

transplants, at the Annual Meeting of the Society for Environmental Law and Economics on legal transplants, and at the Annual Meeting of the Association of Property Law and Society on trash regulation.

David Cassuto (Pace), Director, Brazil-American Institute for Law and Environment, participated in the [Columbia Journal of Environmental Law's 2021 Climate Change Symposium](#). He co-authored an article "[Suffering Matters: NEPA, Animals, and the Duty to Disclose](#)" in the UNIVERSITY OF HAWAII LAW REVIEW, Vol. 42, No. 2, 2020 (with Tala DiBenedetto.) He continues to serve as a member of the Global Animal Law (GAL) Expert Group and recently [reviewed](#) the book WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW? by Randall S. Abate. Most recently, he was featured in [Fordham University's Environmental Law Review Spotlight Series](#).

Karl Coplan (Pace), Director of the Pace Environmental Litigation Clinic, was honored with the [2021 Spirit of the Hudson Award](#) at Hudson River Sloop Clearwater's Spirit of the Hudson Virtual Gala and named to the inaugural [Lawdragon 500 Leading U.S. Environmental & Energy Lawyers list for 2021](#). He also authored an article "President Biden May Have to Use Existing Clean Air Act Authorities to Meet His Climate Goals", which was published in Westchester Lawyer's March 2021 issue of the Westchester County Bar Association's Monthly Magazine.

Jason Czarnezki (Pace) authored several book chapters including "[EU and US Discretion in Public Procurement Law: The Role of Eco-Labels and Life-Cycle Costing in Discretion](#)" in EU PUBLIC PROCUREMENT LAW (Sanja Bogojevic et al. eds.) (2019); "[Eco-Labeling](#)" in the OXFORD HANDBOOK OF COMPARATIVE ENVIRONMENTAL LAW (Emma Lees & Jorge E. Viñuales eds.) (2019) (with Margot J. Pollans & Sarah Main); and "[What is Life Cycle Costing?](#)" in COST AND EU PUBLIC PROCUREMENT LAW: LIFE-CYCLE COSTING FOR SUSTAINABILITY (Marta Andhov et al. eds.) (2019) (with Steven

Van Garsse). He also presented at a lunch talk hosted by Stockholm University on "[The Legacy of Wangari Maathai, Linking Environmentalism, Climate Justice, and Global Security](#)." His article "Sustainable Business Law? The Key Role of Corporate Governance and Finance" was accepted for publication in ENVIRONMENTAL LAW (forthcoming in December 2021). The article is co-authored with current Haub Law student Colin Myers.

Jorge Contreras (Utah) helped to develop and launch the [Low-Carbon Patent Pledge](#), a framework for the commitment of patent rights to sustainable technology development and deployment, which was launched on Earth Day (April 22), 2021, and published a short article on the assignment of pesticide common names, [A Historical Note on The Assignment of Pesticide Common Names](#), Standards Engineering, Nov/Dec. 2020.

K.K. DuVivier (Denver) was named John A. Carver Chair in Natural Resources Law. Her article, "[Preventing Wind Waste](#)" will be published in 71 Am. U. L. Rev.; and she published "The Law of Distributed Generation in the United States—Conclusions [including microgrids]," as Chapter 13, DISTRIBUTED GENERATION LAW (Sarah A.W. Fitts & Florence K.S. Davis, eds.) (ABA 2020). Unfortunately, Elgar Publishing cancelled its contract for RENEWABLE ENERGY LAW due to covid-19 financial problems. She moderated a panel at the ABA Section of Environment, Energy, and Resources, Climate Change in the West: Land, People, Markets, and Law, "Environmental and Energy Justice," Featuring panelists Bidtah Becker, Associate Attorney for the Navajo Tribal Utility Authority; Alice Kaswan, Professor and Associate Dean for Faculty Scholarship at University of San Francisco School of Law; and Justin Pidot, General Counsel at the White House Council on Environmental Quality (June 17, 2021). She also presented at ASU Sandra Day O'Connor College of Law, Annual Sustainability Conference of American Legal Educators, "New Angles on Offshore Wind Development," (May 14, 2021) and moderated the panel "[The EU's](#)

[Covid Recovery Plan: Solution for a Worldwide Just Clean Energy Transition](#)” at the Colorado European Union Center of Excellence (November 18, 2020).

Stephen Dycus (Vermont) published COVID-19: THE LEGAL CHALLENGES (Stephen Dycus & Eugene R. Fidell, eds., Carolina Academic Press (2020)). He also presented “Nuclear War: Still the Gravest Threat to the Environment” at the Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2021).

John Echeverria (Vermont) published “What is a Physical Taking?” in 54 U.C. DAVIS L. REV. 731 (December 2020) and “Looming United States Water Wars” (with Taylor Tavormina), VERMONT JOURNAL OF ENVIRONMENTAL LAW (January 2021).

Gabriel Eckstein (Texas A&M), Director, Energy, Environmental, and Natural Resources Systems Law Program): During Spring 2021, the EENRS Law Program hosted three major online events, including the First Annual Environmental Justice Conference focusing on [Legal Remedies to Fight Water Inequality](#) (organized entirely by our students!); a panel program on [Environmental Law in the Biden Administration](#); and a 2-day conference on [ESG and Investing in an Era of Unprecedented Change](#). We also hosted our EENRSLP Speaker Series, which featured Prof. Noah Hall (Wayne State Law), Charlie Leal (State Legislative Director, Texas Farm Bureau), Scott McDonald (Chief, Water Enforcement Branch, USEPA), and Kathy Robb (Chief Executive Officer, Blue Access). Individually, Gabriel Eckstein served as co-guest editor (with Jim Salzman) for the [AJIL Unbound Symposium on Interstate Disputes Over Water Rights](#), and authored [International Law for Transboundary Aquifers: A Challenge for Our Times](#) and co-authored [Introduction to the Symposium on Interstate Disputes Over Water Rights](#) as part of that compilation. He also gave 10 online presentations, including “Assessing State Groundwater Laws and Regulations Across the U.S.” at the RMMLF Natural Resources Law Teachers Works-in-Progress Session (with Amy

Hardberger), and two keynote contributions at international conferences.

Elizabeth Elia (New Mexico) presented her work-in-progress on “Hybrid Servitudes and the Police Power” at the Rocky Mountain Junior Scholars Conference. The article argues that the most prevalent forms of servitudes in the US today are enforced by courts not merely as private contracts that run with the land, but also as a delegation of private police power to regulatory bodies. This spring, Elizabeth has been working with New Mexico housing advocates on environmental justice legislation to end source of income discrimination in residential rental housing. She also launched a Property Perspectives student-led discussion series intended to give law students an opportunity to discuss how doctrinal property law conflicts or comports with their world views and cultural understandings of property. The first two discussions of the series focused on American Indian perspectives on property and on Land Grants-Mercedes in New Mexico.

Robert Glicksman (George Washington) published “[The Rocky Road to Energy Dominance](#) (with Hillary Hoffmann), and updates to his PUBLIC NATURAL RESOURCES LAW treatise. Forthcoming are “Structured to Fail: Lessons from The Trump Administration’s Faulty Pandemic Planning and Response,” 10 MICH. J. ENVTL. & ADMIN. L. 327 (with Alex Camacho); “Exploring the Structural Dimensions and Functions of Delegated Authority: A Policy Framework for Structuring and Assessing Public Governance,” 15 REG. & GOVERNANCE (forthcoming) (with Alex Camacho); “Adaptive Management and NEPA: How to Reconcile Predictive Assessment in the Face of Uncertainty with Natural Resource Management Flexibility and Success,” 46 HARV. ENVTL. L. REV., # 1 (forthcoming) (with Jarryd Page); “Enhancing Environmental Enforcement by Example and Erudition,” 36 J. LAND USE & ENVTL. L. ____ (forthcoming tribute to Dave Markell’s scholarship). Rob presented “Exploring the Structural Dimensions and Functions of Governmental Authority,” for the Wharton School’s “Power in the

Administrative State Workshop,” and “Fundamentals of the Regulatory Process” to the National Press Foundation. He joined the Compliance Learning Agenda Workgroup of EPA’s Office of Enforcement and Compliance Assurance.

Robert Glennon (University of Arizona) has transitioned to *emeritus* status. He recently published “Interstate water wars are heating up along with the climate,” in THE CONVERSATION, April 19, 2021, and “Evaporated Water,” in the June 2021 issue of WATER SMART MAGAZINE.

Shelby D. Green (Pace) authored an article on “Ex Situ Preservation of Historic Monuments in the Era of Climate Change” in CONN. PUB. INTEREST L. J. 221 (2019). She also moderated “Community Development After the Pandemic,” a talk sponsored by the ABA’s Section of Real Property, Trust & Estate Law and continues her work as Assistant Secretary and chair of the Legal Education Group within the section. She is the editor of the “Keeping Current-Property” column in Probate & Property magazine and an organizer, occasional presenter, and regular moderator for the monthly webinar, Professors’ Corner, both offered by the same ABA section. Most recently, she gave a virtual lecture to Columbia University’s Graduate School of Architecture, Planning and Preservation on the topic “Deconstructing Collective Memory in Public Spaces.” She continues her work as a member of the Board of Directors of the Jay Heritage Center, which manages the John Jay Estate, a National Historic Landmark in Rye, N.Y.

Burke Griggs (Washburn) obtained junior rights (to Dan Tarlock and Reed Benson) to WATER RESOURCE MANAGEMENT: A CASEBOOK IN LAW & PUBLIC POLICY (8th ed., Foundation Press, 2021). The new edition is noteworthy for its chapter on conjunctive management—the first for a water law casebook—and its reliance upon Shakespeare, God (Leviticus), Samuel Johnson, and Merle Haggard. Other publications include: “Reaching Consensus About Conservation: High Plains

Lessons for California’s Sustainable Groundwater Management Act,” 52 U. PAC. L. REV. __ (2021) (invited); “Go West, Young Town, for Water,” a review of GREGORY J. HOBBS, JR., & MICHAEL WELSH, CONFLUENCE: THE STORY OF GREELEY WATER (2020), 23 U. DENV. WATER L. REV. __ (2021) (invited); and, with Matthew Sanderson and Jacob Miller, “[Farmers are depleting the Ogallala Aquifer because the government pays them to do it](#),” THE CONVERSATION (November 9, 2020). Griggs represents Audubon of Kansas, which has sued Interior, U.S. Fish & Wildlife Service, and the State of Kansas to protect Quivira National Wildlife Refuge, a wetland of international importance. Audubon of Kansas, Inc., v. U.S. Dept. of the Interior, No. 2:21-CV-02025, 2021 WL 151768 (D. Kan. Jan. 15, 2021). Hopefully, Deputy Solicitor Krakoff will review the complaint.

Hillary Hoffmann (Vermont) published “[The Constitutionality of Federal Regulation in Indian Country](#),” THE REGULATORY REVIEW (March 2021); “[The Rocky Road to Energy Dominance: The Executive Branch’s Limited Authority to Modify and Revoke Withdrawals of Federal Lands from Mineral Production](#),” 33 GEORGETOWN ENVTL. LAW REVIEW 173 (Feb. 2021) (with Rob Glicksman); and “Tribal Ecological Knowledge and the Transition to Ecological Law,” a chapter in FROM ENVIRONMENTAL TO ECOLOGICAL LAW, (Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, & Carla Sbert, eds.) (Routledge, January 2021). Hillary presented “Restructuring Environmental Federalism: Indigenous Nations and the Future of Environmental Governance in Indian Country” at the University of Miami School of Law panel on Environmental Law in Indian Country (February 9, 2021). In January, she was elected to the American Law Institute.

Shi-Ling Hsu (Florida State) published or will publish *Whither, Rationality?* 120 MICH. L. REV. __ (2021), *Carbon Taxation and Economic Inequality*, 15 HARV. L. & POL’Y REV. __ (2021), and *Anti-Science Ideology*, 75 U. MIAMI L. REV. 405 (2021) (symposium), and will publish his book, CAPITALISM AND THE

ENVIRONMENT (Cambridge Univ. Press, 2021) in the Fall. He has been serving as the Florida State trustee for the Rocky Mountain Mineral Law Foundation, and as Vice Chair of the Renewable Energy Task Force of RMMLF.

Craig Johnston (Lewis & Clark) spoke on Environmental Justice and Criminal Enforcement as part of an Environmental Law Institute webinar in May. His copanelists included Pam Mazakas and Sally Yates. Prof. Johnston is also putting the finishing touches on the second edition of Johnston and Powers' Principles of Environmental Law, which is part of West's Consise Hornbook series.

Kevin Jones (Vermont) published the blog "[Making America Green Again: Rejoining the Paris Agreement on Day One of the Biden-Harris Administration is a Welcome First Step](#)" (with Emma Fisk), in VERMONT JOURNAL OF ENVIRONMENTAL LAW TOP TEN (January 2021).

Sam Kalen (Wyoming) was awarded the William T. Schwartz Distinguished Professor of Law at the University Wyoming College of Law. In spring of 2021, he served as the Visiting Robert H. McKinney Chair in Environmental Law at Indiana University Robert H. McKinney School of Law, and he will be visiting in fall 2021 at the University of Colorado Law School. He recently authored *A Bridge to Nowhere? Our Energy Transition and the Natural Gas Pipeline Wars*, 9 MICH. J. ENV'TL & ADMIN. L. 319 (2020), and co-authored, with Shi-Ling Hsu, *Natural Gas Infrastructure: Locking in Emissions*, 34 Nat. Res. & Emt. 3 (2020), and he contributed to an upcoming article *Unbecoming Adversaries: Natural-Resources Federalism*, in WYO. L. REV. (forthcoming 2021).

Bob Keiter (Utah), Director, Wallace Stegner Center for Land, Resources, and the Environment, has published: "The Emerging Law of Outdoor Recreation on the Public Lands," 51 ENVTL. L. 89 (2021), "Landscape Conservation, Wildlife Management, and the

Federal Public Lands," 56 IDAHO L. REV. 49 (2020); and "Unbecoming Adversaries: Natural Resources Federalism in Wyoming," 21 WYO. L. REV. __ (2021) (forthcoming centennial issue) (with Righetti, Robison, Stoellinger, & Kalen). During summer 2020, Bob was the Julian Simon Fellow at the Property and Environment Research Center in Bozeman, Montana. His speaking activity has included talks on his "The Greater Yellowstone Ecosystem Revisited: Law, Science, and the Pursuit of Ecosystem Management in an Iconic Landscape" article, which appeared in 91 UNIV. OF COLO. L. REV. 1 (2020), and a video presentation on National Parks for Ethiopia's Environment Forest and Climate Change Commission and the U.S. Embassy in Ethiopia. In March, 2021, the Stegner Center hosted virtually its 26th annual symposium on "The Plastics Paradox: Societal Boon or Environmental Bane;" the symposium proceedings will shortly be available on the Stegner Center website.

Christine A. Klein (Florida) will publish "Groundwater Exceptionalism: The Disconnect Between Law and Science," 71 EMORY L.J. __ (forthcoming 2021). She presented the paper as a work in progress and received many helpful comments from participants at the Natural Resources Law Teachers Institute (June 4, 2021) and at the University of Florida Levin College of Law Summer Workshop (June 7, 2021). She and co-authors Bret Birdsong, Alex Klass, and Eric Biber are working on the fifth edition of NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF PROBLEMS AND CASES (Aspen Publishers, forthcoming 2022), and are delighted to announce they will be joined by two new co-authors, Wenona Singel (Michigan State) and Dave Owen (UC Hastings).

Kati Kovacs (Rutgers), who was backpacking Isle Royale N.P. during this year's Natural Resources Law Teachers' Institute, was elected to the American Law Institute. She published "[The Origins of Federal Wildlife Regulation under the Commerce Clause](#)," 45 HARV. ENVTL. L. REV. ONLINE 1 (2021); "[Avoiding Authoritarianism in the Administrative](#)

[Procedure Act](#)”, 28 G.M.U. L. Rev. 573 (2021); “[The Supersecretary in Chief](#)”, 94 S. CAL. L. REV. P.S. 61 (2020); and “[Constraining the Statutory President](#)”, 98 WASH. U. L. REV. 62 (2020).

Sophia Kruszewski (Vermont) published the policy briefs “[Defining and Regulating Agritourism](#)” (with Esther Akwii), Vermont Law School (April 2021); and “[Legal Trends for Farm and Food Operations in the New England Region](#)” (with Gordon Merrick), Vermont Law School (May 2021). She also authored “Supporting Vermont’s farmers and fledgling attorneys through the Vermont Legal Food Hub,” in the VERMONT LAW REVIEW (December 2020). Professor Kruszewski presented “Key Legal Questions Associated with FSMA Produce Safety Rule Compliance,” at the Produce Safety Alliance Educator’s Group (May 2021); “Mask Mandates and the ADA” (with Veronica Gassert), Vermont Farmers Market Association Conference (March 2021); “The Farmers Market Legal Toolkit,” InTents: The Farmers Market Conference (March 2021); and “Recognizing Nature’s Value,” JURIST webinar series (February 26, 2021).

Katrina Fischer Kuh (Pace), Haub Distinguished Professor of Environmental Law, published two op-eds, in the [New York Law Journal](#) and [Westchester County Business Journal](#), supporting New York’s adoption of a Green Amendment. She also gave presentations supporting the Green Amendment to the [New York Water Environment Association](#), the New York City Bar Association, and in a public webinar.

Siu Tip Lam (Vermont), Director of the U.S.-Asia Partnerships for Environmental Law, published the blog “[An Era of Pandemics: How China and the U.S. Must Take the Lead in Wildlife and Human Health Protection](#)” (with Michelle Amidzich), in VERMONT JOURNAL OF ENVIRONMENTAL LAW (January 2021).

Al Lin (UC Davis) published “[Dodging Public Nuisance](#),” 11 UC IRVINE L. REV. 489 (2020)

and “[Uncooperative Environmental Federalism: State Suits Against the Federal Government in an Age of Political Polarization](#),” 88 GEO. WASH. L. REV. 890 (2020), as well as an op-ed, “[Even Research Into Tinkering With the Sky to Fight Climate Change Needs Public Support](#),” SLATE (May 11, 2021). He also participated as a committee member in several presentations concerning the National Academy of Sciences, Engineering, and Medicine committee report, [REFLECTING SUNLIGHT: RECOMMENDATIONS FOR SOLAR GEOENGINEERING RESEARCH AND RESEARCH GOVERNANCE](#) (2021).

Yanmei Lin (Vermont), Associate Director, U.S.-Asia Partnerships for Environmental Law, presented “Environmental Clinic Education and Public Interest Legal Service” in the Break-out Session on Environmental Clinic Education and the Construction of Ecological Civilization of 6th Ecological Co-governance Conference in Fuzhou, Fujian Province, China (December 11, 2020).

Reed Elizabeth Loder (Vermont) published “Ecological Jurisprudence Beyond Earth: Toward an Outer Space Ethic,” a chapter in FROM ENVIRONMENTAL TO ECOLOGICAL LAW (Kirsten Anker, Peter Burdon, Geoffrey Garver, Michelle Maloney & Carla Sbert, eds.), Routledge (January 2021).

Erica Lyman and Nick Fromherz (Lewis and Clark) delivered a series of virtual legal workshops, reports, and CLE events focused on wildlife trafficking. Lyman and Fromherz worked with prosecutors and judges in Liberia, Nigeria, Ghana, and Malawi on topics ranging from mutual legal assistance, to criminal charging practices, to use of expert evidence in wildlife prosecutions. Lyman and Fromherz will conduct a similar workshop with Peruvian officials early next month, as they wrap up an accompanying report with legal and policy recommendations in the fight against wildlife trafficking. Also in the Latin American region, Lyman and Fromherz contributed a chapter on Bolivia for the ABA Rule of Law Initiative’s publication “Illegal Wildlife Trafficking and its Relation to Transnational Organized Crime in Latin America and the Caribbean.” In Malawi,

Lyman and Fromherz helped to draft two documents for local prosecutors and magistrates: a document enumerating “Model Charges for Wildlife Crime” and a “Criminal Trial Procedures Primer.” Lyman and Fromherz recorded a pair of CLE modules with Lewis & Clark’s Center for Animal Law Studies: “Legal Tools to Address Zoonotic Disease and Extinction Risk from the Wildlife Trade” and “Learning from Lacey: Structural Legal Collaboration to Combat Wildlife Trafficking.”

Tricia Matthews (Florida State) will teach a course in Animal Law this coming fall. She also teaches Legal Writing & Research to first-year students. She will serve as a judge for the Ninth Annual Animal Law Writing Competition; submissions are due in July. In the fall, she will continue to serve as faculty advisor for the Animal Legal Defense Fund Chapter of FSU Law School.

Nancy A. McLaughlin (Utah) has forthcoming “[Conservation Easements and The Proceeds Regulation](#),” 56 REAL PROP. TR. & EST. L.J. 1 (2021), addressing an issue on appeal in two Circuits. The RESTATEMENT OF THE LAW, CHARITABLE NONPROFIT ORGANIZATIONS, for which she served as Associate Reporter, was published in April 2021. She also published three shorter articles: “[Conservation Easements and Development Rights: Law and Policy](#),” 169 TAX NOTES 531 (2020) (with A.T. Schwing); “[Amendment Clauses in Easements: Ensuring Protection in Perpetuity](#),” 168 TAX NOTES 819 (2020); and “[Some Dirty Realities About Syndicated Conservation Easements](#),” 167 TAX NOTES 1729 (2020) (with S.J. Small, M. Weston, and P. Tabas). She presented on conservation easement enforcement at ASU College of Law’s 2021 Sustainability Conference and organized and presented at a virtual program streamed to a national audience on May 20th, “[Trying Times: Conservation Easements and Federal Tax Law 2021](#).” One of her articles was cited in [Sells v. Comm’r, T.C. Memo. 2021-12](#), and she was quoted in Partlow, O’Connell, & Fahrenthold, “[Trump got a \\$21 million tax break for saving the forest outside his NY mansion, now the deal](#)

[is under investigation](#),” Wash. Post (Oct. 9, 2020) and Rubin, “[Senate Report Slams Land-Conservation Tax-Break Deals](#),” Wall St. J. (Aug. 25, 2020).

Janet Milne (Vermont) presented “Carbon Pricing in the United States,” Plenary Panel on the Future of Carbon Pricing, International Association of Energy Economics Conference: Energy, Covid, and Climate Change (June 7, 2021).

Felix Mormann (Texas A&M) published “[Beyond Algorithms: Toward a Normative Theory of Automated Regulation](#),” 62 BOSTON COLLEGE LAW REVIEW 1 (2021), “[Clean Energy Equity](#),” UTAH LAW REVIEW 335 (2019), and “[Betting on Climate Policy: Using Prediction Markets to Address Global Warming](#),” 52 U.C. DAVIS LAW REVIEW 1429 (2019) (with G. Lucas). Recent work published in peer-reviewed journals includes “[Of Markets and Subsidies: Counterintuitive Policy Trends for Clean Energy in the European Union and the United States](#),” TRANSNATIONAL ENVIRONMENTAL LAW (2021), and “[Why the Divestment Movement is Missing the Mark](#),” 10 NATURE CLIMATE CHANGE 1067 (2020). Professor Mormann presented this and other work at the Annual Meeting of the Association of American Law Schools, George Washington University School of Law, UCLA School of Law, and Arizona State University School of Law, among others.

Timothy Mulvaney (Texas A&M), Professor and Associate Dean for Faculty Research, authored “[Takings Localism](#),” 121 COLUMBIA LAW REVIEW (forthcoming 2021) (with Fordham’s Nestor Davidson); “[Walling Out](#),” 71 SOUTHERN CALIFORNIA LAW REVIEW (forthcoming 2020); “[A World of Distrust](#),” 120 COLUMBIA LAW REVIEW FORUM 153 (2020); and “[The State of Exactions](#),” 61 WILLIAM & MARY LAW REVIEW 169 (2019). He presented various stages of these projects at Boston University Law School, Cornell Law School, Loyola Law School – Los Angeles, Northeastern University Law School, Syracuse University College of Law, and William & Mary Law

School. He has been appointed as a Chancellor's EDGES Fellow at Texas A&M and as one of four inaugural Faculty Fellows of the Centre for Property Law at the University of Cambridge.

Jim Murphy (Vermont), Director, Environmental Advocacy Clinic, published "[The U.S. Forest Service's Expanding Use of 'Condition-Based Management' - Functional and Legal Problems from Short-Circuiting the Project-Planning and EIS Process](#)" (with Mason Overstreet, Andrew Cliburn, Paul Quackenbush, and Madison Prokott), ABA SECTION ON ENERGY, ENVIRONMENT, AND RESOURCES (May 2021); and the blog "[To Rebuild or Not to Rebuild? An Examination of NEPA and the Environmental Regulatory State](#)" (with Madison Hertzog), VERMONT JOURNAL OF ENVIRONMENTAL LAW TOP TEN (January 2021). Professor Murphy also presented "[The Forest for the Trees: Short-Circuiting Environmental Review for National Forest Cuts](#)" (with Mason Overstreet) at the Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2021).

Smita Narula (Pace), Haub Distinguished Chair of International Law and Co-Director of the Global Center for Environmental Legal Studies, spoke for the Cornell India Law Center and Berger International Speaker Series on the topic of "[India's Food Sovereignty Struggle](#)."

John R. Nolon (Pace) participated in the annual symposium of the Fordham Law School Environmental Law Review on Urban Climate Change and the Law. He spoke on the legacy of redlining, the heat island effect, and land use law solutions. He also spoke at the [Willamette Law School Law Review symposium on The Future of Residential Zoning](#), discussing the results of his students' research on land use law solutions to the public health threats of the pandemic, climate change, systemic racism, and the national housing crisis.

Mason Overstreet (Vermont) published "[The U.S. Forest Service's Expanding Use of 'Condition-Based Management' - Functional and Legal Problems from Short-Circuiting the Project-Planning and EIS Process](#)" (with Jim

Murphy, Andrew Cliburn, Paul Quackenbush, and Madison Prokott), ABA SECTION ON ENERGY, ENVIRONMENT, AND RESOURCES (May 2021); and presented "[The Forest for the Trees: Short-Circuiting Environmental Review for National Forest Cuts](#)" (with Jim Murphy), Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2021).

Jessica Owley (University of Miami) published an [article](#) on the potential impacts of human climate migration on conservation lands in 58 HOUSTON LAW REVIEW 665 (2021). Working on similar themes with an interdisciplinary research group, she published "Climate Mobility and the Pandemic: Art-Science Lessons for Societal Resilience" in [WORLD ART \(2021\)](#). With Jess Phelps, she has work forthcoming in volume 86 Brooklyn Law Review on "Federal Land Conservation in Rural Areas." Jessica and Jess also have several recent pieces on confederate monuments from a property and land preservation view: 25 [LEWIS & CLARK L. REV.](#) 253 (2021) and 68 [BUFF. L. REV.](#) 1393 (2020). With Brett Hartl, she recently published a book chapter on an environmentalist view of the ESA in [Endangered Species Act: Law, Policy and Perspectives](#) (2021). Working with the Environmental Law Collaborative, she edited a forthcoming book called Environmental Law, Disrupted (ELI 2021), in which she has both a single-authored chapter on private environmental governance and a jointly authored chapter on how COVID both disrupted environmental law and can inform new approaches to environmental law. Her biggest accomplishments of the 2020-2021 academic year, however, are pivoting to fully online classes while overseeing her children's schooling from home.

Gabe Pacyniak (New Mexico) presented his work-in-progress "Administering Climate Justice" at the 2021 AALS annual conference, at a December 2020 workshop on The Climate Crisis: Legal Safeguards for Justice and Security hosted by Elisabeth Haub School of Law at Pace University; and at the University of Utah's

Rocky Mountain Junior Scholars Conference in November 2020. This past year Gabe also worked with legislators and advocates in New Mexico to develop the [Utility Affordability and Relief Act](#), which would have established a COVID-19 arrears forgiveness program, a community energy efficiency block grant program for local governments, and would have authorized low-income utility rates. He is also currently working to update a [grid modernization report](#) for New Mexico's Energy, Minerals, and Natural Resources Department. Gabe was recently appointed to the Albuquerque Energy Council, which is tasked with implementing a city-wide energy conservation program to reduce reliance on fossil fuels.

Patrick Parenteau (Vermont) published the blog "[Climate Science and Energy Policy Heading in Opposite Directions](#)" (with Rachael Bruketta), VERMONT JOURNAL OF ENVIRONMENTAL LAW TOP TEN (January 2021). Professor Parenteau's recent presentations include "[Baltimore vs. Big Oil: Cities Sue to Recover Damages for Climate Disruption](#)," Hot Topics in Environmental Law Lecture Series, Vermont Law School (June 2021); "The Constitutional Role of Courts in Crafting Remedies for Climate Disruption," Shapiro Symposium (Webinar), George Washington U Law School (April 2021); "Judicial Enforcement of Clean Water and Wetland Protection Goals," webinar, Association of State Wetland Managers (April 2021); "Rising from the Ashes: The Resurgence of Environmentalism," Widener University Commonwealth Law School (March 2021); "Building a Successful Legislative Campaign," Environmental Defense Fund Climate Corps Advocacy (March 2021); "The Constitutional Role of Courts in Crafting Remedies for Climate Disruption," Shapiro Symposium (Webinar), George Washington U Law School (April 2021); "Whiplash: Environmental Policy from Trump to Biden," US District Court for Puerto Rico CLE for Judges and Practitioners (December 2020).

Margot Pollans (Pace), Director of the Pace-NRDC Food Law Initiative, published a book

chapter *Eco-Labeling* in the OXFORD HANDBOOK OF COMPARATIVE ENVIRONMENTAL LAW (Emma Lees & Jorge E. Viñuales eds. (2019) (with Jason J. Czarnecki & Sarah Main). Her article "Eaters: Powerless by Design" was accepted for publication in the MICHIGAN LAW REVIEW (forthcoming in February 2022). She also co-authored "FDA as Food System Steward" (with Pace Law 3L Matt Watson) which was accepted for publication in the Harvard Environmental Law Review (forthcoming December 2021).

Melissa Powers (Lewis & Clark), Jeffrey Bain Faculty Scholar and Professor of Law, published: "[Natural Gas Lock-In](#)," 69 U. KAN L. REV. 889 (2021); "[Environmental Law, Disrupted by COVID-19](#)," in ENVIRONMENTAL LAW, DISRUPTED (Jessical Owley & Keith Hirokawa, eds.) (forthcoming 2021) and also selected for publication in 51 ENVTL. L. REPORTER 10509 (2021); *Juliana v. United States and the Risk of "Legally Disruptive" Federal Climate Litigation*, in ENVIRONMENTAL LAW, DISRUPTED (Jessica Owley and Keith Hirokawa, eds.) (forthcoming 2021) (book chapter, co-authored with Juliane L. Fry). Her presentations included: "Beyond Gas," University of Kansas Clean Energy Symposium (October 2020); "The Limits of Forest and Agricultural Offsets in Emissions Trading Programs," Lewis & Clark Animal Law Conference (October 2020); "Natural Gas Lock-in," Environmental Professors Works-in-Progress Workshop (organized by Mike Pappas, University of Maryland) (April 2021). Looking forward to: multi-day mountain bike trip along the Colorado Trail, outside of Durango, Colorado, in July.

Sarah Reiter (Vermont), Director of Online Learning, taught the course International Climate Law, in which students supported the Seychelles in developing its Nationally Determined Contribution under the Paris Climate Agreement. She also edited the students' blog, "[Ridges to Reefs](#)." Professor Reiter presented "From California to the Clarion Clipperton Zone, a deep dive on the evolution, design principles and function of networks of

marine protected areas, with a focus on how ecological law can play a role in ongoing treaty negotiations for marine biodiversity on the high seas," *Ecological Law and Governance Association [EL&G Webinar Series](#)* (June 2021).

Heidi Gorovitz Robertson (Cleveland State/Maine) published "Toledo's Doomed Lake Erie Bill of Rights and the Future of Environmental Protection" in the October 2020 *Cleveland Metropolitan Bar Journal* (with I. Bleich.) Her chapter, "Municipal Regulation of Oil and Gas-Related Activities" is forthcoming in *THE LAW OF ENVIRONMENTAL PROTECTION 2021 Edition*, Environmental Law Institute. "The U.S. National Report on Public Rights to Commons" (with M. Epperson, St. Louis) is forthcoming in *THE COMMON CORE OF EUROPEAN PRIVATE LAW*. "Local Jurisdictions and Variations in State Law in the Marcellus Shale Region" will be published in *WHEN FRACKING COMES TO TOWN: GOVERNANCE, PLANNING AND ECONOMIC IMPACTS OF THE US SHALE BOOM*, Cornell Press. *STRATEGIES AND TECHNIQUES FOR TEACHING ENVIRONMENTAL LAW* will be published this spring (Wolters Kluwer). She presented "Global Lessons on the Rights of Nature: How the World Might Help U.S. Local Governments Protect the Environment," with the panel "Considering Obstacles to State and Local Laws about Environmental Sustainability" at the 2021 AALS Annual Meeting. "The New "Waters of the United States" Rule and Challenges Thereto" at the 20th Annual Great Lakes Water Conference, Legal Institute of the Great Lakes, Toledo College of Law.

Nicholas A. Robinson (Pace), authored "[Transnational Perspectives on the Paris Climate Agreement Beyond Paris: Redressing American Defaults in Caring for Earth's Biosphere](#)" in the *MARYLAND JOURNAL OF INTERNATIONAL LAW* as well as "[The Most Fundamental Right](#)" in the Environmental Law Institute's Jan-Feb 2019 edition of the *Environmental Forum*. He also contributed book chapters on "[Earth Law into the Anthropocene](#)," in *THE CRISIS IN GLOBAL ETHICS AND THE FUTURE OF*

GLOBAL GOVERNANCE FULFILLING THE PROMISE OF THE EARTH CHARTER (Peter Burdon et al. eds.) (2019) and "Establishing the Legal Groundwork for Environmental Rights in Sustainable Development: The Pioneering Work of Charles Okidi", in *BLAZING THE TRAIL - PROFESSOR CHARLES OKIDI'S ENDURING LEGACY IN THE DEVELOPMENT OF ENVIRONMENTAL LAW* (Patricia Kameri-Mbote & Collins Odote eds.) (2019) (with Jamie Benidickson). He also wrote the *Foreword* to *Pace Law SJD Candidate Maria Antonia Tigre's GAPS IN INTERNATIONAL ENVIRONMENTAL LAW: TOWARD A GLOBAL PACT FOR THE ENVIRONMENT* (2019) (with Scott Fulton). He most recently spoke at Chappaqua Library's Virtual Lecture on Averting the Next Pandemic.

Jonathan Rosenbloom (Vermont) co-hosted and moderated Vermont Law School's [Emerging Environmental Law Curriculum roundtable series](#), open to law school faculty across the country in January, February, and March 2021. He published "Goal 11: Sustainable Cities and Communities" in [Making America a Better Place for All: Sustainable Development Recommendations for the Biden Administration](#), *ELR NEWS & ANALYSIS* (2021); and "Outsourced Emissions: Why Local Governments Should Measure Consumption-Based Greenhouse Gases," *UNIVERSITY OF COLORADO LAW REVIEW* (2021). Recent presentations include "Developing Local Ecosystem Governance," Sixth Annual Sustainability Conference of American Legal Educators, Arizona State University (May 14, 2021); "Sustainable Zoning and the Legalizing of Housing," Midwest Regional Sustainability Summit (May 2021); "Sustainable Development Codes and Equity," Princeton, NJ (May 2021); "The Future of Sustainable Land Use," Pepperdine University School of Law (April 2021); "Beyond the Pandemic: Addressing the Silent Crises in Public Health and Food Security Through Planning" (with Laurie Beyranevand), *Western Places | Western Spaces* (March 2021); "Land Use and Racial Justice," University of Idaho School of Law (March 2021);

“Sustainable Development Code and Transportation,” University of Iowa School of Law (February 2021); “Zoning Justice,” UCLA School of Law (February 2021); “Sustainable Zoning,” Benjamin N. Cardozo School of Law (January 2021).

Dan Rohlf (Lewis and Clark) co-authored an article on wolf conservation with several scientists, entitled *Wolf Delisting Challenges Demonstrate the Need for an Improved Framework for Conserving Intraspecific Variation under the Endangered Species Act*, that was published in the peer-reviewed journal *BioScience*; the New York Times linked to the piece in its coverage of the controversial removal of wolves from protection under the ESA. Dan also completed his participation in a roundtable on updating the ESA organized by U.C. Irvine Law School, which published a report on the results. Dan spoke at the annual meeting of the Center for Progressive Reform, as well as collaborated with other CPR members on a widely read white paper entitled *The Policy Path to a Just Transition for an Energy-Hungry America*.

John Ruple (Utah) published “The BLM’s Duty to Incorporate Climate Science into Permitting Practices and a Proposal for Implementing a Net Zero Requirement into Oil and Gas Permitting,” 32 *COLO. NAT. RES., ENERGY & ENVTL. L. REV.* 253 (2021), and “[A Road Map to Net-Zero Emissions for Fossil Fuel Development on Public Lands](#),” 50 *ENVTL. L. REP.* 10734 (Sept. 2020) which was republished as “*Net Zero on Public Lands*,” in 38 *The Environmental Forum* 26 (July/Aug. 2021), both of which were co-authored with Nada Culver and Jamie Pleune. He also published “Synching Science and Policy to Address Climate Change in Tribal Communities,” 36 *NATURAL RES. & ENV’T* __ (2021), and “[NEPA at 50—An Analysis of the Data in the Courts](#),” 66 *ROCKY MTN. MIN. L. INST.* 10.01 (2020), both with Heather Tanana. He is finalizing *Charting A “Substantially Different” Approach to Land Management Planning Following a Congressional Review Act Joint Resolution of Disapproval*, and working on a statistical

analysis of 44,000 U.S. Forest Service NEPA decisions. He is also representing XX law professors, as amicus curiae, in *Wild Virginia v. CEQ*, challenging revisions to NEPA’s implementing regulations.

Jennifer Rushlow (Vermont), Associate Dean for Environmental Programs, co-hosted and moderated Vermont Law School’s [Emerging Environmental Law Curriculum roundtable series](#) (with Jonathan Rosenbloom), which included events open to law school faculty across the country in January, February, and March 2021. She published the blog “[Wildfires, Soot Standards, and an EPA in Flux](#)” (with Ciara Hopkins), *VERMONT JOURNAL OF ENVIRONMENTAL LAW* Top Ten (January 2021). She was also a panelist in “Policy Advocacy: Saving Your Business and the Planet,” See Change Sessions (March 24, 2021).

Erin Ryan (Florida State) was re-elected Vice Chair of the FSU Faculty Senate, and in that capacity, helped establish the university-wide Sustainability Committee to advance sustainability principles both academically and institutionally. She served on the State University System Advisory Council of Faculty Senates, representing statewide faculty concerns in legislative affairs. She published “A Short History of the Public Trust Doctrine and its Intersection with Private Water Law,” 39 *VIRGINIA ENVTL. L.J.* 135 (2020); “A Tribute to Professor David Markell,” 36 *J. LAND USE & ENVTL. L.* __ (2021); “The Twin Environmental Law Problems of Preemption and Political Scale,” in *ENVIRONMENTAL LAW, DISRUPTED* (Hirokawa & Owley, eds., 2021); and contributed to “Environmental Law, Disrupted by COVID-19,” 51 *ENVTL. L. REP.* 10509 (2021) together with the other members of the 2018 Environmental Collaborative. She presented on the public trust doctrine for the University of Sydney (Australia) and Cardozo Law School; the Rights of Nature Movement for the ASU Sustainability Conference and the University of Utah Water Law Works in Progress Conference; federalism and legal pluralism at Law and Society; preemption and political scale at AALS, and on negotiation for

the Cambridge Negotiation Institute and the Florida Bar Association.

Mark Seidenfeld (Florida State) will resume teaching a course on “Energy Law and Policy: Regulation of Electric Power” this coming fall. His article, “Textualism’s Theoretical Bankruptcy and Its Implications for Statutory Interpretation” was recently accepted for publication in the Boston University Law Review, and is scheduled to appear this fall at 100 B.U. L. REV. ____ (2020). In January, he co-presented a webinar on “Developments in Deference to Agency Interpretation” for the Government and Administrative Law Sections of the Florida Bar, and also commented on a paper presented at the New Faces in Administrative Law, Panel of Junior and Senior Scholars, at the Annual Meeting of the AALS, in Washington, DC.

Joseph Schremmer (New Mexico) had two papers published, “Pore Space Property,” 2021 UTAH L. REV. 1 (2021), which deduced principles from the common law of oil and gas and water to discern a definition of property rights in the pore space of subsurface rock formations, and “Crystal Gazing: Foretelling the Next Decade in Oil and Gas Law,” 66 ROCKY MTN. MIN. L. INST. 5-1 (2020), which explores developing legal topics including pore space ownership and use, ownership and regulation of produced water from oil and gas extraction, regulatory takings of oil and gas property, and the effects of Covid-19 on oil and gas leases and contracts. He recently placed a new article, “Waste and the Governance of Private and Public Property” in Volume 93 of the UNIVERSITY OF COLORADO LAW REVIEW (forthcoming 2022) (with Tara K. Righetti). The article delves into various common law doctrines pertaining to waste of natural resources to discover their underlying principles. Joe is working on a paper articulating a formal doctrine of subsurface property rights, which he will present at the 2021 Annual Meeting of the Law and Society Association in May 2021.

Rachel Stevens (Vermont) published the report “[New Jersey’s Dirty Secret: The Injustice of Incinerators and Trash Energy in New Jersey’s Frontline Communities](#)” (with Ironbound Community Corporation, New Jersey Environmental Justice Alliance, & Earthjustice) (February 2021); and the blog “[Unearthing Virtual Pipelines](#)” (with Brad Farrell), VERMONT JOURNAL OF ENVIRONMENTAL LAW (January 2021). She presented “Just Transition, Climate and Environmental Justice,” Vermont Climate Council, (April 2021); and “Clean Energy and Just Transitions,” Green Talks, Southeastern Louisiana University’s Sustainability Center (March 2021).

Cliff Villa (New Mexico) published “Remaking Environmental Justice,” in LOYOLA LAW REVIEW in January 2021; it is now available for downloading [here](#). After exploring the origins and evolution of the environmental justice movement, the article encourages further investigation of environmental justice concerns through the lens of vulnerability theory. Cliff is currently working on a paper to present at the 2021 Rocky Mountain Mineral Law Foundation Annual Institute, tracing the development of policy and case law on environmental justice that may help lawyers represent clients in the natural resources sector. Between January and April 2021, via Zoom, Cliff gave presentations on environmental justice to the law schools of the University of Montana and Detroit Mercy, to high school and elementary schools, to EPA alumni, and to the ABA SEER 50th Spring Conference on Environmental Law. While serving as a supervising attorney in the UNM Natural Resources and Environmental Law clinic, Cliff helped oversee the completion and filing of a civil complaint on behalf of tribal clients challenging the Trump rule on Waters of the United States. This Spring, Cliff also received the unanimous support of his faculty colleagues for granting tenure and promotion to full professor.

Achinthi Vithanage (Pace), Associate Director of Environmental Law Programs, was recently named to the inaugural [Lawdragon 500 Leading](#)

[U.S. Environmental & Energy Lawyers list for 2021](#). She moderated a plenary panel on electric vehicle equity at the ABA SEER Spring Conference and co-authored a blog piece “[When Two Wrongs Make a “Right”: How Climate Change and COVID-19 Demand a New Right to Energy](#)” in Voelkerrechtsblog (with Robert Habermann). She also presented at Arizona State University’s Sustainability Conference on “Community Solar on Contaminated Lands: A Brighter Route to Energy Democracy”, which is the title of a chapter she authored in [SUSTAINABLE ENERGY DEMOCRACY AND THE LAW](#) (Fleming, R., Huhta, K., & Reins, L. eds.) (2021). She served as a panelist on the [Women in Government Relations, Energy Environment & Agriculture Task Force Panel on Environmental Justice for Non-Litigators](#) and presented on “Addressing Correlations between Gender-Based Violence and Climate Change: An Expanded Role for International Climate Change Law & Education for Sustainable Development” at the Stockholm Environmental Law & Policy Centre & Pace University Workshop on ‘The Climate Crisis: Law, Justice and Security’. She was also re-appointed as Co-Chair of ABA SEER’s International Environmental & Resources Law Committee for the 2021-22 year.

Elizabeth Kronk Warner (Utah) published a book chapter on “The Indigeneity of Environmental Justice: A Case Study,” in [THE CAMBRIDGE HANDBOOK ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT](#) (Sumudu Atapattu, Carmen G. Gonzalez, and Sara Seck, eds.) (2021). She also published several pieces related to energy development in Indian country: “Renewable Energy Depends on Tribal Sovereignty,” [___ KANSAS L. REV. ___](#) (2021); “Indian Country Post *McGirt*:

Implications for Traditional Energy Development and Beyond”, [___ Harvard Environmental L. Rev. ___](#) (2021) (with Heather Tanana); and “[Effective, Equitable Renewable Energy Development in Indian Country](#)”, [FORBES](#) (Feb. 4, 2021) (with Geoff Davis). With Heather Tanana, she presented “Indian Country Post-*McGirt*: Implications for Traditional Energy Development and Beyond” at the Harvard Environmental Law Review Environmental Justice Symposium (April 15, 2021). With Kathy Lynn and Kyle Whyte, she published an article discussing more effective tribal consultation measures, “Changing Consultation”, [54 U.C. DAVIS L. REV. 1127](#) (Dec. 2020). Relatedly, she, along with Kathy Lynn and Kyle Whyte, posted two blogs discussing effective consultation in Indian country, “[Changing Consultation for the Better: Two Case Examples](#)”, [EDRBLOG.ORG](#) (Oct. 26, 2020); and, “[Changing Consultation for the Better: An Ethics and Partnership Perspective](#),” [EDRBLOG.ORG](#) (Oct. 12, 2020).

L. Kinvin Wroth (Vermont) published “Lawyers and Ecological Law,” a chapter in [FROM ENVIRONMENTAL TO ECOLOGICAL LAW](#) (Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, & Carla Sbert, eds.), Routledge (2021). He also co-organized and participated in “After NAFTA: The US Mexico Canada Agreement [USMCA] and Sustainability” (with Hoi Kong, Allard School of Law, University of British Columbia), at Vermont Law School.