

ENVIRONMENTAL AND NATURAL RESOURCES LAW CENTER

THE YEAR IN REVIEW

ENGAGING THE LAW TO SUPPORT SUSTAINABILITY ON EARTH

Fall 2016

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OREGON LAW WELCOMES
GREG DOTSON TO FACULTY

One of Washington's most influential advocates for sustainable energy policy is joining the faculty of the University of Oregon School of Law. For twenty years, Greg Dotson has worked on Capitol Hill to pass legislation to address the challenge of climate change and to protect public health and the environment. Beginning spring term, he will teach Oregon Law students to do the same.

Since 1996, Dotson has worked to strengthen environmental and public health protections. Most recently, he's worked to promote a strong domestic policy response to climate change and a successful conclusion of the Paris climate agreement. Prior to that, for many years, he worked for Rep. Henry A. Waxman in the U.S. Congress to help develop and establish energy policies to promote sustainability and transform the way the nation generates and uses energy. Early in his career, he was integral in the enactment of federal pesticide laws that ensure that our food supply is safe for infants and children. While working in Congress, he also played a leading role in defending existing environmental protection laws from weakening proposals.

"Greg played a key role in virtually every major energy and environment legislation enacted by Congress during his 18 years in the House," said Henry Waxman, former chair of the Committee

Greg Dotson Joins Oregon Law Faculty

"There is an exciting energy transition happening in the country and the more intellectual firepower the academy can bring to bear on the realworld challenges we face, the greater the likelihood that we will successfully solve the problem."

Greg Dotson

on Energy and Commerce of the U.S. House of Representatives. Dotson was a senior member of Waxman's personal and committee staff from 1996 through 2014.

Dotson was the lead staffer on the American Clean Energy and Security Act of 2009 (the Waxman-Markey Bill), a comprehensive climate change and energy bill that passed the House of Representative in June 2009. He also worked on the American Recovery and Reinvestment Act (Recovery Act) of 2009, the Energy Independence and Security Act of 2007, the Energy Policy Act of 2005, the Safe Drinking Water Act Amendments of 1996 and the Food Quality Protection Act of 1996 among other laws. The Recovery Act is widely considered to mark a turning point in our nation's energy policy. Through the landmark legislation, the U.S. boosted federal support for renewable energy, clean cars, clean energy manufacturing and clean technologies across industries. The Act included an innovative financing approach for wind and solar that helped wind energy generation to triple and solar energy generation to grow 40-fold since its enactment in 2009.

"Greg is one of the most visionary thinkers on energy policy in the nation," said Professor Mary Wood of Oregon Law. "He brings us extraordinary insight and



VIDEO

Watch an interview with Greg Dotson at <https://law.uoregon.edu/news/DotsonJoinsFaculty>

experience not just on environmental and natural resources law, but in how to actually get things done in a challenging political climate."

Throughout his time in Congress, Dotson was also engaged in congressional oversight and investigations, including high profile proceedings relating to energy and the environment such as inquiries into the politicization of climate science, the BP Deepwater Horizon disaster, hydraulic fracturing and the energy market abuses of Enron.

"Greg has devoted his career to protecting the environment."

– Former U.S. Rep. Henry Waxman

As Vice President for Energy Policy at the Center for American Progress, an independent nonpartisan policy institute, Dotson continues to make the case for strong and continued investment in clean energy policies to both the government and the public. He has produced a number of influential white papers, authored opinion editorials, hosted panel discussions of experts and government officials, and testified on energy and environmental policy before the House of Representatives, the U.S. Senate and the Environmental Protection Agency.

"Under Greg's leadership, American Progress' energy team has solidified itself as one of the foremost innovators in energy policy and a force for progressive ideas in Washington.

I am confident that Greg's influence in shaping the next crop of environmental lawyers will make him an indispensable addition to the University," said Neera Tanden, President of the Center for American Progress. Dotson will continue his work with the Center as a Senior Fellow, maintaining a platform for his work in the nation's capitol.

"Greg's experience will be a tremendous asset to our students, and his voice will be a welcome and timely addition to the legal academy," said Michael Moffitt, dean of Oregon Law.

"I couldn't be more excited to join the faculty at the University of Oregon School of Law. By joining the UO's cutting-edge ENR Center, I'll be able to build upon my practical experience with deep research into policy solutions for climate change. I want to help think through in concert with colleagues across disciplines, how the nation can further cut carbon pollution using all the tools at our disposal," Dotson shared. "There is an exciting energy transition happening in the country and the more intellectual firepower the academy can bring to bear on the real-world challenges we face, the greater the likelihood that we will successfully solve the problem."

Dotson earned a J.D. in 1995 from the University of Oregon School of Law, focusing in environmental and natural resources law, and earned his undergraduate degree from Virginia Tech. He and his wife, Janine Benner, the Associate Assistant Secretary for the Office of Energy Efficiency and Renewable Energy at the US Department of Energy and former top staffer for Representative Earl Blumenauer of Oregon, have two children. ☺



ENGAGING THE LAW TO SUPPORT **SUSTAINABILITY** ON EARTH

OUR SUSTAINABILITY COMMITMENT

The University of Oregon is actively engaged in greening facility operations and innovative research, supporting and encouraging student initiatives, implementing environmentally and sustainability focused curriculum, and sponsoring public service initiatives. As an Early Adopter, Oregon Law actively participates in the **University of Oregon's Green Office Program**, and the ENR Center is partnering with Bonneville Environmental Foundation's carbon offset program for air and car travel, all aimed at reducing our environmental footprint. ☎

DONORS & SPONSORS

Without the generosity of donors, the ENR Center would not be possible. With deep gratitude, thank you for your support.

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Donald Waggoner
Scott Wyse '74 and Aloha Wyse
B.C. Young '86
Carolyn Zenk '87

MESSAGE FROM THE DIRECTOR HEATHER BRINTON

What a year! This annual newsletter is brimming with story after story about the accomplishments and dedication of Oregon Law faculty, students and alumni—all dedicated to our mission to engage the law to support sustainability on Earth.

Each year since its inception, the University of Oregon's Environmental and Natural Resources Law Center's (ENR) innovative programmatic vision has been confirmed by increasing success. We have found more support for law students committed to supporting progressive change for our communities and we have created more partnerships with other fields and disciplines at the University of Oregon, Oregon State University, and Portland State University—all working collaboratively to bring meaningful analysis to our environmental challenges.

"We are extremely pleased to welcome Greg Dotson to our faculty. Drawing on his expertise in environmental, climate and energy law and policy, Greg will bring incredible strength to our center's work contributing real solutions to climate change."

Building off of the academic strengths of the Oregon University System, we continue to develop new innovative curricula, concurrent degree opportunities, and interdisciplinary study and research. Our faculty members continue to demonstrate their commitment to excellence in scholarship, classroom teaching and public service.

As you read this newsletter, you will see the remarkable vibrancy of the ENR Center. Undoubtedly, you will understand why I feel privileged to serve as its Director. I am continually inspired by our unique legacy of faculty members, students, and alumni committed to bringing about necessary change in environmental law and policy.

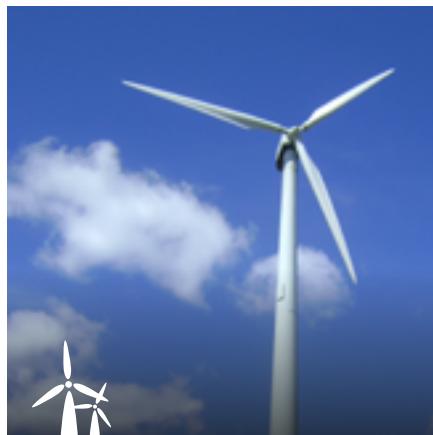
I welcome your thoughts and suggestions as we continue our work. ☎

Interdisciplinary Projects and Fellows Program



CONSERVATION TRUST PROJECT

FOCUSING ON PUBLIC TRUST THEORY AND PRIVATE PROPERTY TOOLS TO ACHIEVE LANDSCAPE CONSERVATION



ENERGY LAW AND POLICY PROJECT

EXPLORING INNOVATIVE LAW AND POLICY TO PROMOTE A GREEN-ENERGY FUTURE



FOOD RESILIENCY PROJECT

PROBING KEY LAW AND POLICY ISSUES TO ENSURE RESILIENT, SUSTAINABLE FOOD SYSTEMS

2015-2016

- Published white paper on voluntary incentive programs for increased riparian buffer protection on industrial forestland in the McKenzie River subbasin for the Eugene Water and Electric Board (EWEB).
- Researched the application of the Public Trust Doctrine to wildlife, specifically evaluating wolf-livestock conflicts.
- Evaluated the Oregon Department of Environmental Quality's "Three Basin Rule" which affects wastewater discharge in the McKenzie River subbasin for EWEB.

Coming Up in 2016-2017

- Analyze and track developments regarding a 2016 National Marin Fisheries Service (NMFS) Biological opinion to the Federal Emergency Management Agency (FEMA) that impacts local flood plain development ordinances.

2015-2016

- Published white paper detailing opportunities to cap CO₂ emissions under the Clean Power Plan and mitigating leakage through an energy efficiency set-aside.
- Evaluated incentive structures and cost recovery mechanisms for utilities engaging in geothermal resource exploration in Oregon.
- Organized PIELC panel on CAA 111(d) and supported the Green Business Initiative Symposium, Flipping the Switch: Integrating Renewable Energy Into a Sustainable Future.

Coming Up in 2016-2017

- Continue to assess opportunities, limitations, and the latest trends regarding the Environmental Protection Agency and the states' use of its authority under Section 111(d) of the Clean Air Act to regulate sources of greenhouse gas emissions.

2015-2016

- Evaluated the Real Food Media Project on the impact of neonicotinoid pesticides on honeybees and Colony Collapse Disorder and on approaches for combatting food waste in Lane County.
- Organized service day at Food for Lane County community garden, addressing the issues of food accessibility in Eugene.

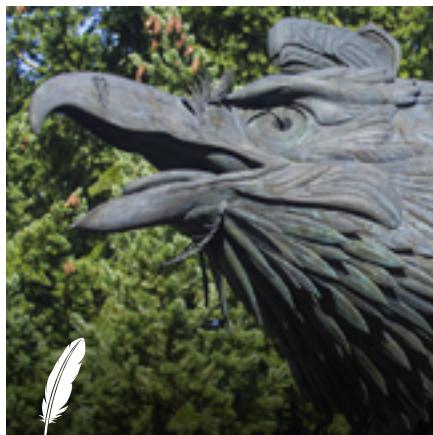
Coming Up in 2016-2017

- Conduct research on international organic farming and international trade of organic goods.
- Research and make recommendations for micro-livestock ordinances.



GLOBAL ENVIRONMENTAL DEMOCRACY PROJECT

PREPARING STUDENTS TO BE ADVOCATES FOR GLOBAL CHANGE



NATIVE ENVIRONMENTAL SOVEREIGNTY PROJECT

EXAMINING EMERGING TRIBAL ROLES IN CO-MANAGING LANDS AND RESOURCES

2015-2016

- Facilitated University of Oregon participation in the "Know Tomorrow" campaign.
- Tracked progress of COP21, the 2015 United Nations Climate Change Conference in Paris.

Coming Up in 2016-2017

- Explore natural resources damages and an International Atmospheric Recovery Plan.
- Evaluate institutional practices to reduce and disincentivise greenhouse gas emissions like divestment and voluntary carbon taxes.

2015-2016

- Coordinated the ninth annual Rennard Strickland Lecture. The 2015 speaker was Professor Robert A. Williams, Jr., Professor of Law and Faculty Co-Chair of the Indigenous Peoples Law and Policy Program at the University of Arizona College of Law. Professor Williams presented "Sovereign is He Who Decides Upon the Exception: Tribal Jurisdiction, the Supreme Court, and Racially Constructed Reservation Environments."
- Organized the Indigenous Peoples Reception at the UO Many Nations Longhouse as part of the 34th annual Public Interest Environmental Law Conference.

Coming Up in 2016-2017

- Evaluate legal and policy implications of fossil fuel infrastructure developments on Pacific Northwest tribes.

RECENT PUBLICATIONS

Legal Aspects of Ecosystem-Based Management (EBM): Implementation in Oregon Coastal Management
By Alexandra Hoffman and Richard Hildreth

When Less Is More: An Energy Efficiency Set-Aside as a Leakage Mitigation Strategy Under the Clean Power Plan
By Ariel Stavitsky

The Public Trust Doctrine and Environmental Decision Making
By Gordon Levitt, Nathan Bellinger, Jared Margolis, and Douglas Quirke

Good Neighbor Authority in Oregon: Comparison of State and Federal Contracting Provisions
By Douglas Quirke and Cassandra Mosely

Drought in the American West: Creating Opportunities for Increased Sustainability Through Reformation of Water Allocation Systems
By Jill Randolph

Incentives for Riparian Buffer Protection on Industrial Forest Land in the McKenzie River Subbasin
By Douglas Quirke, Wes Knoll, and Eric Trotta

The Public Trust Doctrine: A Primer
By Douglas Quirke

For more ENR Center publications, visit <https://law.uoregon.edu/explore/ENR-media>

Interdisciplinary Projects and Fellows Program



OCEANS COASTS AND WATERSHEDS PROJECT

ENGAGING THE LAW TO PROMOTE SUSTAINABILITY FOR OCEAN, COASTAL, AND FRESHWATER RESOURCES

2015-2016

- Completed a two-year project on legal and policy analysis related to integrating Ecosystem-Based Management (EBM) with local and state resource decisions, thereby providing critical information to coastal communities about incorporating laws and policy to implement EBM. This project is sponsored by a two-year grant from the Oregon Sea Grant.
- Published in the Oregon State Bar Sustainable Future Section's publication, *The Long View*, on drought in the American west and a summary of recommendations made at the University of Oregon symposium, "Drought in the American West: A Symposium on Law, Policy, and Science."
- Evaluated the legal structures governing the river and floodplain habitat of the Rio Grande River located in the Bosque del Apache National Wildlife Refuge in order to inform basin stakeholders as to legal opportunities to increase the sustainability and availability of water at all stages of the river.
- Revised and edited case studies on the Deschutes, Umatilla, and Klamath basins for *Resolving Water Conflict: Insights & Lessons Learned* (under contract with Carolina Academic Press, expected publication date Fall 2017).

You can read more on OCWP's Ecosystem-Based Management project, including details on the research and outreach achievements, by viewing Oregon Sea Grant's Spring/Summer 2016 issue of *Confluence*:

<http://seagrant.oregonstate.edu/sgpubs/confluence-springsummer-2016>



Coming Up in 2016-2017

- Research state and federal legal frameworks governing water resource management in the Willamette River Basin, with a focus on state policy and action related to "beneficial use" and "waste," measuring and monitoring criteria, instream flow tools, and drought and emergency authority.
- Explore the intersection of science and natural resources policy and the need for independent scientific reviews and make resulting recommendations to the task force established by Oregon Senate Bill 202.



SUSTAINABLE LAND USE PROJECT

EVALUATING LAND USE LAWS, THEORIES AND PRACTICES TO ENSURE SUSTAINABLE DEVELOPMENT IN OUR COMMUNITIES

2015-2016

- Supported NITC-funded research with the UO's Sustainable Cities Initiative regarding the effectiveness of transportation funding mechanisms for livability goals.
- Explored potential legal and policy tools for increasing development and use of public transportation along the I-5 corridor.
- Worked with UO's Sustainable City Year program to develop new ordinances and revise existing laws and policies to enhance sustainability in Redmond, Oregon.
- Hosted "Greening Gray Infrastructure" on merging sustainable infrastructure systems into existing "gray infrastructure" and into land use laws as cost effective and adaptive models for an uncertain future.
- Evaluated risk factors and strategies for the Forest Service regarding NEPA decisions.
- Published "Good Neighbor Authority in Oregon: Comparison of State and Federal Contracting Provisions" (with UO Ecosystem Workforce Program).

(continued on next page)

Coming Up in 2016-2017

- Evaluate the use of prescribed fire as a tool for promoting healthy ecosystems in national forests with the Joint Fire Sciences Program at Colorado State University. This project is sponsored by the United States Department of the Interior.



GRANT & DONOR SUPPORT FOR FUNDED FELLOWS

Because of generous grant and donor support, the ENR Center provided paid stipends to a number of fellows to further student involvement and experience in the project work listed above. Through ENR's seven interdisciplinary projects law students team with faculty members and use their expertise to solve environmental problems in Oregon, the nation, and around the world.

2015-2016 funded fellowships included:

- The Bowerman Fellowship
- The Dean's Distinguished Environmental Law Fellowship
- The Chapin Clark Fellowship
- The Eugene Water and Electric Board Fellowship
- The Oregon Sea Grant Fellowship
- The Sustainable Cities Initiative Fellowship
- The WW2100 Fellowship

If you are interested in learning how you can support ENR's Interdisciplinary Projects and Fellows Program, please contact Heather Brinton at hbrinton@uoregon.edu

OUR THANKS TO THE 2015-2016 ENR FELLOWS

Conservation Trust Project: Sara Brennan (Dean's Distinguished Environmental Law Fellow), Nicole Budine (Eugene Water and Electric Board Fellow), Rance Shaw, Eric Trotta (Eugene Water and Electric Board Fellow)

Energy Law and Policy Project: Diego Atencio, Ariel Stavitsky (Bowerman Fellow)

Food Resiliency Project: Kristen Sabo

Global Environmental Democracy Project: Jaclyn Hise, Victoria Wilder

Native Environmental Sovereignty Project: Megan Sigvanna Topkok

Oceans, Coasts, and Watersheds Project: Maggie Franquemont (Dean's Distinguished Environmental Law Fellow), Alexandra Hoffman (Oregon Sea Grant Fellow), Daniel Lawler (Dean's Distinguished Environmental Law Fellow), Malia Losordo (Willamette Water 2100 Fellow), Jill Randolph, Brent Sutten

Sustainable Land Use Project: Alexis Biddle (Sustainable Cities Initiative Fellow), Rory Isbell (Sustainable Cities Initiative Fellow), Gordon Levitt (Bowerman Fellow)

ENR-ADR Fellow in Environmental Conflict Resolution: Emily Fenster

CONGRATULATIONS AND WELCOME TO THE 2015-2016 ENR FELLOWS

Conservation Trust Project: Sara Brennan (Eugene Water and Electric Board Fellow), Kyle Thompson (Eugene Water and Electric Board Fellow)

Energy Law and Policy Project: Peter Blair, David Heberling, Ariel Stavitsky (Bowerman Fellow)

Food Resiliency Project: Sarah Alvarez, Sharath Patil

Global Environmental Democracy Project: Zachary Green (Bowerman Fellow), Wilson Jarrell

Native Environmental Sovereignty Project: Anna Brady (Bowerman Fellow), Brendan Keenan

Oceans, Coasts, and Watersheds Project: Thomas Boone (Chapin Clark Fellow), Matthias Fostvedt (Dean's Distinguished Environmental Law Fellow), Maggie Franquemont, Dan Lawler, Elizabeth Pettit (Bowerman Fellow), Brent Sutten (Bowerman Fellow)

Sustainable Land Use Project: Alyssa Bonini (Joint Fire Sciences Law Fellow), Rory Isbell (Sustainable Cities Initiative Fellow)



ENR CENTER STUDENTS PARTNER WITH **SUSTAINABLE CITIES INITIATIVE** FOR THE **SUSTAINABLE CITY YEAR PROGRAM**

The closing celebration for the UO's Sustainable Cities Initiative's Sustainable City Year Program occurred in June, and ENR law students were an integral part of making the full project a success. By helping to develop new ordinances and revise existing laws and policies to enhance sustainability in Redmond, Oregon, students from the University of Oregon School of Law identified ways for the law to support sustainability.

"The law can be a vehicle to help develop positive or negative environmental, equitable, or economic conditions. In the course 'Sustainability & the Law' we push the students to question current policies and to

think creatively about drafting laws that create sustainable conditions," said Jonathan Rosenbloom, Oregon Law's Environment & Natural Resources Law Distinguished Visitor Professor. "We start by asking the right questions: What is it about the existing law that is not sustainable? Are there obstacles? If so, how do we remove them? How do we incentivize sustainable behaviors through the law, and mandate where necessary?"

Discussions about sustainability often relate to global issues, and breaking down that information to apply locally can be a challenge for city managers. Throughout the 2015-2016 academic year, students and faculty representing two-dozen courses across the University of Oregon worked closely with officials

in the City of Redmond to develop comprehensive environmentally and economically viable plans, ideas, and visions for sustainability.

In the spring, six groups of Oregon Law students, including several international LLM students from Czech Republic, Honduras, Kenya, and Thailand, analyzed local ordinances, identified conditions that inhibit sustainability, analyzed those conditions, and made proposals to enhance sustainability.

For their final project, students traveled to Redmond on Tuesday, April 26 and presented their findings to fifteen staff members and the mayor and submitted their reports and recommended ordinances.

(continued on next page)

In the 2016-2017 academic year, the Sustainable City Year Program will partner with Albany. To learn more about the Sustainable City Year Program, visit <http://SCI.UOregon.edu>

"What's unique about this project is our students are drafting concrete, real ordinances the Redmond city council could adopt tomorrow."

Jonathan Rosenbloom

ENHANCING SUSTAINABILITY THROUGH THE LAW

Working together with the Eugene City Attorney, the Redmond City Attorney, the City of Eugene Climate and Energy Analyst, and other staff from Redmond, the Oregon Law student groups proposed actual ordinances in six areas where they could enhance sustainability through the law:

- Incentivizing more local and organic food growth within the city limits;
- Developing a tiered water pricing structure to encourage water conservation;
- Banning Styrofoam and plastic bags from the waste stream;
- Encouraging xeriscaping (use of drought-tolerant plant species) to conserve water;
- Adopting a sustainable procurement purchasing policy for the City of Redmond; and
- Developing a policy to promote sustainable development on vacant lots, abandoned buildings, and under-utilized property between properties.

The Sustainable Cities Initiative is a cross-disciplinary organization at the University of Oregon that promotes education, service, public outreach, and research on the design and development of sustainable cities.

READ MORE about the Sustainable Cities Initiative in *Oregon Quarterly* magazine.

<http://oregonquarterly.com/hub-of-change>



Adell Amos, associate professor in environmental and natural resources law; SCI codirector Marc Schlossberg, professor of planning, public policy and management; SCI codirector Nico Larco, associate professor of architecture; and Heather Brinton, director, Environmental and Natural Resources Law Center.

PIELC 2016 AWARDS

Public Interest Environmental Law Conference • March 6, 2016



Prof. Patrick C. McGinley (left) with Prof. John Bonine

SVITLANA KRAVCHENKO ENVIRONMENTAL RIGHTS AWARD

The **Svitlana Kravchenko**

Environmental Rights Award is presented to a person who exemplifies the ideals and work of Professor Kravchenko, who left this Earth in 2012, her work enormously successful but unfinished. Kravchenko was a passionate scholar, teacher, and advocate for the environment. Past recipients include: Raquel Gutierrez Najoera (Mexico); William Rodgers (United States); and Antonio Oposa (Phillipines).

This year's **Svitlana Kravchenko Environmental Rights Award** is presented to **Professor Patrick C. McGinley, Charles H. Haden II Professor of Law, West Virginia University**

College of Law. Professor McGinley exemplifies the same qualities that Svitlana Kravchenko exhibited – legal expert, activist, law professor, mentor to generations. Professor McGinley litigated the first mountaintop removal case — and won. His endowed professorship is named after the courageous judge in that case, Judge Charles Haden. He represented a citizen's group in litigation that preserved the Cranberry Backcountry in West Virginia's High

lands as federal Wilderness. He is the leading expert on freedom of information in West Virginia.

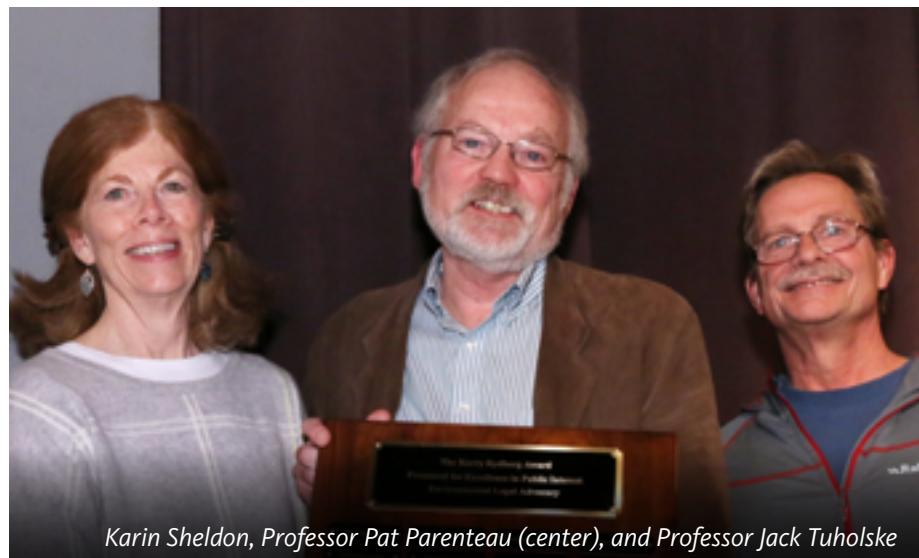
Professor McGinley served on the Governor's independent investigative team for both the Sago Mine disaster and the Upper Big Branch coal mine disaster, where a total of forty-one miners lost their lives due to cavalier practices of the mine operators and failures of government to enforce mine safety laws.

Like Svitlana Kravchenko, for more than four decades Pat McGinley's work as a legal scholar, teacher, and public interest environmental litigator has been committed to the rule of law, speaking truth to power, mentoring law students and lawyers and empowering families and communities marginalized by discrimination based on race, wealth, and ethnicity.



PIELC 2016 AWARDS

Public Interest Environmental Law Conference • March 6, 2016



Karin Sheldon, Professor Pat Parenteau (center), and Professor Jack Tuholske

KERRY RYDBERG AWARD FOR ENVIRONMENTAL ACTIVISM

The **Kerry Rydberg Award for Environmental Activism** is presented to an advocate who embodies Oregon Law alum Kerry Rydberg's courage, self-reliance, commitment, talent, and dedication to representing citizens at the grassroots level in environmental matters. Past recipients include: Charles Levin; Grove Burnett; Carol Van Strum & Paul Merrell; Ipat Luna; Ralph Bradley; Meena Raman; Neil Kagan & Betty Reed; Patrick McGinley; M.C. Mehta; Dan Stotter & Dave Bahr; Svitlana Kravchenko; Karin Sheldon; Jen Gleason; Matt Kenna & Geoff Hickcox; Marianne Dugan; Fernando Dougnac; Doug Quirke; Raquel Gutierrez Najera; Bill Carpenter; Karl Anuta; Jack Tuholske; Sharon Duggan; Charlie Tebbutt; Eric Glitzenstein & Kathy Meyer; Roger Flynn; and Jim Hecker.

This year's **Kerry Rydberg Award for Environmental Activism** is presented to **Professor Patrick Parenteau, Professor of Law and Senior Counsel to the Environmental and Natural Resources Law Clinic, Vermont Law School**. For more than three decades Professor Parenteau has represented environmental organizations and individu-

al citizens committed to protecting the natural world and its inhabitants. His creative advocacy has given substance to statutory and regulatory provisions that would have otherwise been empty of meaning. His expertise includes endangered species and biological diversity, water quality and wetlands, environmental policy and litigation, and climate change. Parenteau also teaches Climate Change and the Law, Extinction and Climate Change, and Water Quality and Environmental Litigation.

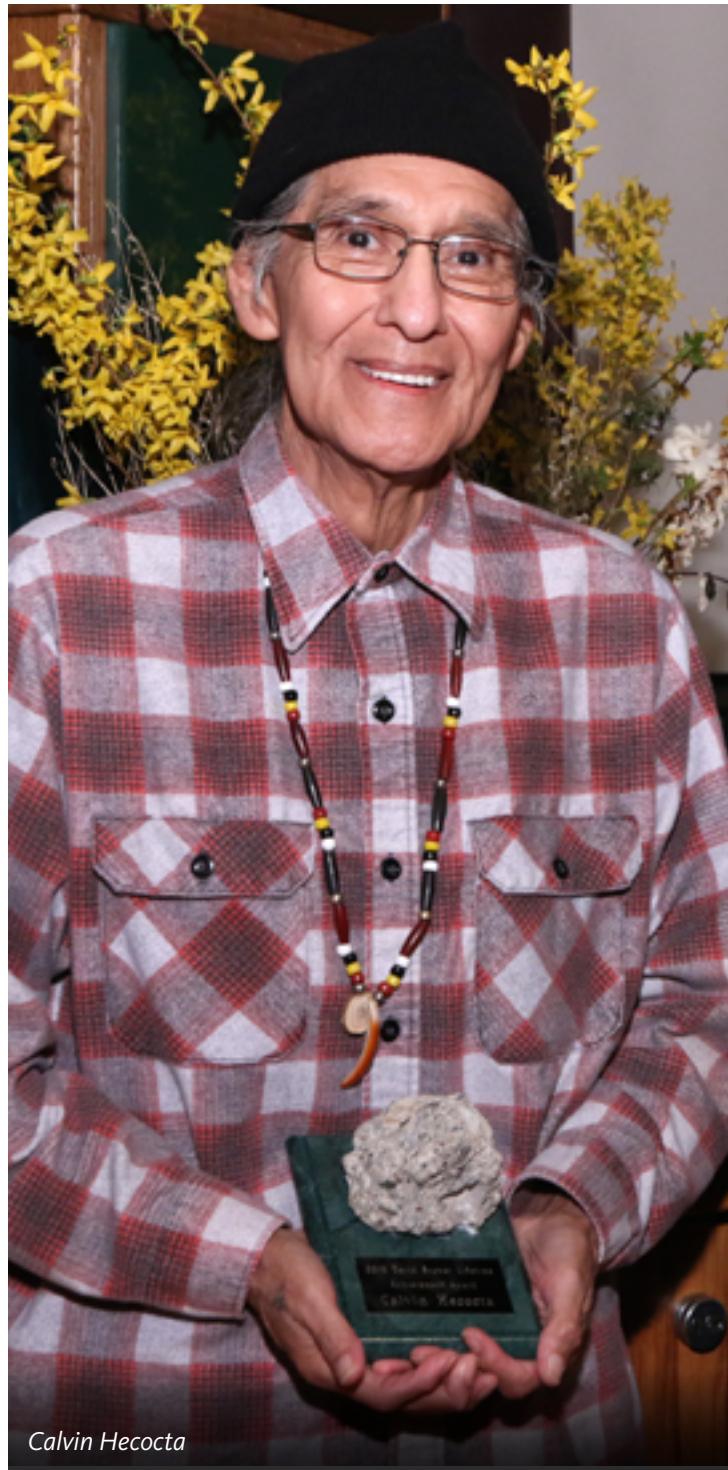
Aside from teaching, Parenteau's career includes nearly a decade at the National Wildlife Federation where he held a number of positions, including vice president for conservation. He was regional counsel for EPA Region I, in Boston and served as commissioner of the Vermont Department of Environmental Conservation. From 1989 to 1993 he was of counsel to the firm of Perkins Coie in Portland, Oregon. During that time he was special counsel to the U.S. Fish and Wildlife Service in the spotted owl exemption proceedings under the Endangered Species Act.



PIELC 2016 AWARDS

Public Interest Environmental Law Conference • March 6, 2016

DAVID BROWER LIFETIME ACHIEVEMENT AWARD



Calvin Hecocsta

The **David Brower Lifetime Achievement Award**

is presented to activists and attorneys who exemplify David Brower's spirit and accomplishments. David Brower served as the first Executive Director of the Sierra Club and helped found Friends of the Earth, League of Conservation Voters, and Earth Island Institute. During his life, he inspired thousands of attendees at the Public Interest Environmental Law Conference, becoming known as the "grandfather" of the PIELC. Past recipients include: Michael D. Axline & John E. Bonine; Patrick C. McGinley; Lou Gold; Corbin Harney; Peter M.K. Frost; Robin Morris Collin; Peter Seeger; Ken Sleight; Zygmunt J.B. Plater; J. Michael McCloskey; William C. Rodgers; Pablo Fajardo Mendoza; Maria Gunnoe; Jeremy Waters; Lisa Heinzerling; Norma Grier & Dahinda Meda; Environmental Law Alliance Worldwide (ELAW) – Bern Johnson, Jennifer Gleason, Lori Maddox, Mark Chernaik, Graciela M. Mercedes "Meche" Lu, and Liz Mitchell; and Mary C. Wood.

This year's **David Brower Lifetime Achievement Award** was awarded to **Calvin Hecocsta**. Hecocsta is a member of the Numa tribe, a band of the Owens Valley Northern Paiute Nation and a part of the federation of Klamath Tribes. Hecocsta has dedicated his life to protecting sacred lands of his ancestors, including the restoration of the anadromous fish runs the Tribes depended upon. After the Klamath termination Act of 1953, Hecocsta worked with legendary activists John Trudell, Mark Comfort and others to form the American Indian Movement (AIM), subsequently serving as Northwest Chairman for AIM, to prevent further tribal terminations and to restore tribal rights and lands. The Klamath Tribes regained federal recognition under the Klamath Indian Tribe Restoration Act (1986). Over the years, Hecocsta has actively participated in efforts to protect old growth forests including work with the Native Forest Council, the Friends of Opal Creek, and the Oregon Natural Resources Council. Hecocsta has taught Native American religion, philosophy, and environmental ethics at Willamette University and Portland Community College.

OREGON STATE BAR PRESIDENT'S SUSTAINABILITY AWARD



Heather Brinton (center) with Professors Adell Amos (left) and Mary Wood.

The **Oregon State Bar (OSB) President's Sustainability Award** recognizes members who have made significant contributions to the goal of sustainability in the legal profession in Oregon through education, advocacy, leadership in adopting sustainable business practices, or other significant efforts. This year's recipients are S. Ward Greene, Kimberlee A. Stafford, and Oregon Law's **Heather Brinton**.

The award was created in 2010 by OSB to recognize extraordinary leadership by an Oregon lawyer or law firm in promoting sustainability within the Bar and legal profession. Brinton, director of Oregon Law's Environmental and Natural Resources Law (ENR) Center joins an illustrious group of individuals receiving this honor. Past recipients of the President's Sustainability Award include: Richard (Dick) E. Roy (2010), James M. Kennedy (2011), Diane Henkels (2012), Max M. Miller, Jr., (2013) and Steven R. Schell (2014).

As the ENR Center's director, Brinton works to advance the center's mission of "engaging the law to support sustainability on earth." She accomplishes this goal through many avenues including by leading seven theme-based interdisciplinary research projects that are powered by law school fellows and

faculty members. The seven projects, considered innovative for tackling some of the most challenging and cutting-edge environmental issues of our day are: the Conservation Trust Project; the Energy Law and Policy Project; the Food Resiliency Project; the Global Environmental Democracy Project; the Native Environmental Sovereignty Project; the Oceans, Coast and Watersheds Project; and the Sustainable Land Use Project. All of these projects, centering on concepts of sustainability, conduct research, and analysis—and provide innovative solutions to today's environmental problems.

During her tenure as ENR Center director, the Center has received over \$1.4 million in gifts and grants, participated in a ground-breaking National Science Foundation-funded interdisciplinary research project and more than doubled the number of funded fellowships and stipends available to Oregon Law students.

Brinton also cultivates relationships beyond the walls of the School of Law. She has been an invaluable and instrumental partner in the University of Oregon's Sustainable Cities Initiative and has greatly enhanced the law school's ties with the University's interdisciplinary Environmental Studies Program.

In addition to helping law students and graduates shape their legal educations to fit their career goals and navigate the legal profession to find meaningful environmental law work, she is also a teacher having co-taught Climate Law & Policy and currently teaching and is the faculty supervisor for the environmental law externships.

A 1996 graduate of Oregon Law, Brinton began her career as judicial clerk to the Honorable Raymond R. Bagley in Clackamas County, Oregon. She went on to represent municipalities on land use, water, environmental, public utility and local governmental law at Hutchison, Hammond and Walsh in West Linn, Oregon. Just prior to joining the law school administration, Brinton litigated public interest environmental law cases as a staff attorney at the Western Environmental Law Center in Eugene, Oregon.

MARY WOOD: PILLAR OF THE COMMUNITY AWARD



Professor Mary Wood was selected by University of Oregon School of Law students and staff to be awarded a Pillar of the Community Award. Professor Wood teaches property law, natural resources law, public trust law, and federal Indian law. She is the Faculty Director of the ENR Center and is Faculty Leader to the Conservation Trust Project, Food Resiliency Project, Native Environmental Sovereignty Project, and Sustainable Land Use Project.

Read more about Professor Mary Wood's contributions to the community at <https://law.uoregon.edu/explore/mary-wood>.

JIM HORSTRUP: CAMPUS SUSTAINABILITY AWARD



Oregon Law Building Manager Jim Horstrup was selected by the University of Oregon Office of Sustainability as the winner of the 2016 Campus Operations Sustainability Award!

Jim has worked hard to make Oregon Law operations green, resulting in LEED EBOM Gold certification for the building. Oregon Law is so proud to have a strong team of faculty and staff working for sustainability.

CHARLES WILKINSON: CELEBRATED AT MARTZ WINTER SYMPOSIUM



Professor Charles Wilkinson, Moses Lasky Professor of Law, University of Colorado Law School, and former Professor of Law at the University of Oregon School of Law, was honored at the University of Colorado's **Martz Winter Symposium: A Celebration of the Work of Charles Wilkinson**. Both the Universities of Colorado and Oregon have given him their highest awards for leadership, scholarship, and teaching. The National Wildlife Federation presented him with its National Conservation Award, and in its 10-year anniversary issue, *Outside Magazine* named him one of 15 "People to Watch," calling him "the West's leading authority on natural resources law."

He has served on several boards and has taken many special assignments for the Departments of the Interior, Agriculture, Justice, and Tribes.

PROFESSOR AND ASSOCIATE DEAN ADELL AMOS CHOSEN BY GOVERNOR FOR NATURAL RESOURCES TASK FORCE



The University of Oregon School of Law Associate Dean for Academic Affairs Adell Amos (J.D. '98) has been asked by Gov. Kate Brown to serve on the Senate Bill 202 Task Force. The group will study the value to the State of Oregon of independent scientific review of natural resource questions.

Senate Bill 202, recently passed by the Oregon legislature, reflects an interest in evaluating whether the State of Oregon would benefit from a program that would provide an independent review option for scientific information. The bill requires that a task force "evaluate and assess the need for independent scientific reviews in Oregon and make appropriate recommendations" to the governor and appropriate legislative committees.

Members of the task force represent various research sectors—academic and non-academic, public and private—including representatives from Oregon State University, the University of Oregon, and Portland State University.

"Adell's work on this task force is a wonderful example of a talented scholar engaging on questions that matter to the public," said Michael Moffitt, dean of the School of Law. Amos is a part of UO's nationally ranked Environmental and Natural Resources Law Program and regularly teaches courses in Water Law, Federal Administrative Law, Environmental Conflict Resolution, and Oregon Water Law and Policy.

"I'm honored to serve," says Amos, "on this important task force as we examine the role of independent scientific review of natural resource science here in Oregon."

Amos, Clayton R. Hess Professor of Law, is an expert in water law and policy, natural resource law, and resource management. She is especially well versed in policy and law related to public lands, conservation, wilderness, and hydrology.

In 2009, Amos was appointed by President Obama as the deputy solicitor for land and water resources at the U.S. Department of the Interior. There, she oversaw legal and policy issues involving the nation's water resources and public lands.

Read more about the task force at <http://inr.oregonstate.edu/sb202>.

**ADELL AMOS****JOHN BONINE****GREG DOTSON****MICHAEL FAKHRI**

Adell Amos, Associate Dean for Academic Affairs, co-authored the fifth edition of WATER LAW IN A NUTSHELL for West Academic Publishing with University of Nebraska School of Law's Sandra Zellmer, which was published in June 2015. Amos appeared in September at "Drought in the American West," a symposium sponsored by the Environmental & Natural Resources Law Center and Journal of Environmental Law and Litigation. In October, Amos presented "Drought and the American West" at the U.S. District Court of Oregon Conference. In November, ROCKY MOUNTAIN MINERAL LAW INSTITUTE published "Evaluating Instream Flow Programs: Innovative Approaches and Persistent Challenges in the Western United States," which was co-authored by Amos and Christopher Swensen. Amos presented "Climate Change and Water Management: Flexibility in Reservoir Operations on the Willamette River" in February at the University of Oregon Climate Change Research Symposium. Amos currently serves on the Task Force on Independent Scientific Review for Natural Resources, which was established by Oregon Senate Bill 202 and appointed by Oregon Governor Kate Brown. The goal of the task force is to assess the need for independent scientific reviews in making natural resource policy decisions. This summer, Amos taught at

Vermont Law School as a Distinguished Visiting Professor in Environmental Law. Amos serves as a faculty co-leader for the ENR Center's Oceans, Coasts, and Watersheds Project, Conservation Trust Project, and Energy Law and Policy Project.

John Bonine, Bernard B. Kliks Professor, was on sabbatical during the 2015 academic year. In October he traveled to Brussels and Belgium and joined the Board of Directors of the European Environmental Bureau, the leading coalition of environmental citizen groups in Europe. Bonine then traveled to Morocco and lectured at the Université Cadi Ayyad (Faculté Polidisciplinaire de Safi) in Safi, Morocco. In December, Bonine traveled to France and served as a delegate to the climate change negotiations (Conference of the Parties) in Paris, France. He then traveled to Ukraine and held consultations as Chair of the Board of Directors of Environment-People-Law, a leading environmental law organization in Eastern Europe. In June, Bonine taught at the International Environmental Law Summer School in the Carpathian Mountains in Ukraine. While in Ukraine, he participated in meetings of three environmental law networks (Eastern European, European, and Worldwide). Throughout his sabbatical, Bonine served on the University of Oregon Senate and its

Executive Committee. Bonine is a faculty co-leader for the ENR Center's Global Environmental Democracy Project.

Greg Dotson, Assistant Professor, was announced as a University of Oregon School of Law faculty member on September 15, 2016. In recent months, Dotson was a keynote speaker at the University of Oregon School of Law Green Business Initiative Symposium, Flipping the Switch: Integrating Renewable Energy Into a Sustainable Future. He presented "Electricity-Sector Choices for the Next Administration" at Power Shift: Regulating the Evolving Electricity Sector, a symposium hosted by the Harvard Law School Environmental Law Program, the Duke Nicholas Institute for Environmental Policy Solutions, and the UNC Center for Climate, Energy, Environment, and Economics. He presented on "Advancing Clean Energy: Lessons Learned During the Obama Administration" at the GreenGov Symposium, an event led by the White House Council on Environmental Quality (CEQ) in partnership with the George Washington University's Sustainability Collaborative. Dotson co-authored the reports "Carbon Pricing in a Fiscal Context" and "Fixing the Foul Play: Mitigating the Environmental and Public Health Damage Caused by the Volkswagen Emissions Scandal." He co-authored several articles,

including "How Congress Should Respond to the Flint Water Crisis," "Republican Legacy on International Climate Policy," and "Despite the Pope's Pleas, Congress Resists Action on Climate Change." Dotson is looking forward to being a faculty co-leader for the ENR Center's Energy Law and Policy Project.

Michael Fakhri, Associate Professor, recently published a peer-reviewed essay entitled "The WTO, Self-determination, and Multi-jurisdictional Sovereignty" This essay was published by the AMERICAN JOURNAL OF INTERNATIONAL LAW online and addressed Inuit seal hunting rights in the context of international trade law. His article "Food as a Matter of Global Governance" was published by the JOURNAL OF INTERNATIONAL LAW AND RELATIONS. Fakhri was invited to the University of California, Davis on August 27 to deliver a public lecture entitled "How Sugar Created Modern Markets." While at UC-Davis, Fakhri presented a paper entitled "A History of Agriculture in GATT/WTO and Rough Outline for a Future Food Regime" at the Northern California International Law Scholars Workshop. Fakhri serves as a faculty co-leader for the UO ENR Center's Food Resiliency Project.

Susan N. Gary, Orlando J. and Marian H. Hollis Professor, published an article

**SUSAN GARY**

explaining the evolution of the prudent investor standard to include the consideration of environmental, social, and governance factors. The article, "Values and Value: University Endowments, Fiduciary Duties, and ESG Investing," is posted on SSRN at <http://ssrn.com/abstract=2656640>, and is the lead article in Volume 42 of the JOURNAL OF COLLEGE AND UNIVERSITY LAW. Gary has written several short pieces on this subject, published on the CLS Blue Sky Blog, and in Trusteeship (the magazine of AGB, the Association of Governing Boards), the Intentional Endowments Network Newsletter, and the Oregon Non-profit Organizations Section Newsletter. She spoke on this topic at the AGB's Foundation Leadership Forum in Los Angeles in January, the Intentionally Designed Endowment Forum in Portland in November, and a Nonprofit Law Seminar sponsored by the Nonprofit Organizations Law Section of the Oregon Bar last September. She also spoke at meetings of the AGB's Foundation Legal Counsel Group and the Sustainable Future Section of the Oregon Bar. Gary is the faculty co-leader of the ENR Center's Conservation Trust Project.

Richard Hildreth, Frank E. Nash Professor of Law, concluded a project funded by the Oregon Sea Grant, titled "Implementing Ecosystem-Based Management:

**RICHARD HILDRETH**

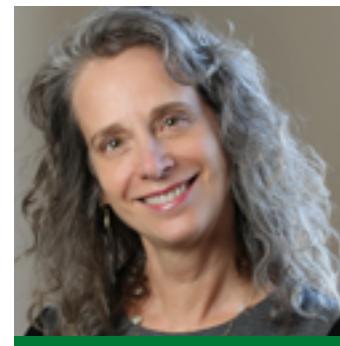
Connecting Caretakers of the Oregon Coast with Transformative and Practical Legal Tools." Hildreth was the principal investigator on the two-year project, which commenced July 1, 2014 and provided funding for University of Oregon ENR Center law students and an Oregon State University student to contribute to the project's work. Through the project, Hildreth and his students built a "road map" of legal analyses illustrating how to use an ecosystem-based management approach to address global issues. Students focused on ocean acidification as their test case and analyzed the use of local, state, and federal laws as tools for ecosystem-based management. Hildreth serves as co-leader for the ENR Center's Oceans, Coasts, and Watersheds Project and Conservation Trust Project.

Tom Lininger, Associate Professor, wrote Green Ethics for Lawyers, which was published by Boston College Law Review. He has made a number of presentations relating to this scholarship to audiences including academics, bar officials, and policymakers in Washington, D.C. In February, Lininger made a presentation at Boston College about environmental ethics. In April, Lininger presented alongside the general counsel of the EPA at an NSF-funded conference organized by the Environmental Law Institute and hosted at the

**TOM LININGER**

headquarters of the Carnegie Endowment for Peace in Washington, D.C. In July, Lininger presented his scholarship on legal ethics and environmental protection at the International Legal Ethics Conference on the Fordham campus. Upcoming in October, Lininger will present at Columbia's Sabin Center for Climate Change Law. Lininger has made several presentations in Oregon: he spoke at a meeting of the Jackson County Inns of Court in November; at a meeting of the Oregon State Bar's Sustainable Future Section in December; at a Federalist Society event honoring Justice Scalia in February; and at the UO's Public Interest Environmental Law Conference in March. Lininger is currently working on an article about ethical issues he identified in his April 2016 presentation at the conference of the Environmental Law Institute that will be published by the Environmental Law Reporter; this piece will likely appear in print by the end of 2016. Lininger just completed the supplement for his volume of The New Wigmore, a series that Justice Kagan has described as "the principal modern treatise on evidence law." Lininger worked this summer on completing his latest article, Invoking the Necessity Defense in Climate Protests.

Roberta Mann, Mr. & Mrs. L. Stewart Professor of Business Law, presented her work-

**ROBERTA MANN**

in-progress entitled "Tax Fuel or Miles" at the 16th Annual Global Conference on Environmental Taxation in Sydney, Australia, in September 2015. It will be published in a special edition of the Australian Tax Forum later in 2016. Mann presented the same paper at the 3d Annual University of Washington Tax Policy Conference in October 2015. She presented at the 2d Arizona State University Sustainability Law Conference in May 2016. Mann is the co-leader of the ENR Center's Energy Law and Policy Project.

Douglas Quirke, Environmental and Natural Resources Research Associate, has been working with ENR Center student fellows on two projects: an overview of the legal context for intercity transportation in Oregon's I-5 corridor; and the ENR Center's continued work with Eugene's public water and electric utility (Eugene Water & Electric Board (EWEB) on landowner payments for ecosystem services in Oregon's McKenzie River Subbasin. Doug has also worked with the University of Oregon Institute for a Sustainable Environment's Ecosystem Workforce Program on three projects during the school year: a comparison of state and federal contracting under federal Good Neighbor Authority (which allows state agencies to perform restoration work on federal lands); editing a paper on risk of administrative



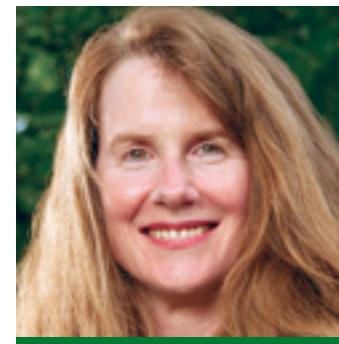
DOUG QUIRKE



JEN REYNOLDS



NANCY SHURTZ



MARY WOOD

and judicial review of NEPA decisions; and preliminary work on an article analyzing legal bases for communities benefiting from projects on local federal forest lands. In addition to his work with the ENR Center, Quirke continues to work on Clean Water Act enforcement for Oregon Clean Water Action Project, and this work includes a recently-filed Clean Water Act suit on behalf of the Deschutes River Alliance concerning water quality violations associated with the operation of the Pelton Round Butte hydroelectric project on Oregon's Deschutes River.

Jen Reynolds, Associate Professor, has been investigating environmental conflict resolution in her position as Faculty Director of the Appropriate Dispute Resolution (ADR) Center. In the last year, Reynolds oversaw large programmatic initiative around implicit bias and neutral processes and wrote two articles on activism: "The A is for Activism," a forthcoming chapter in the new edition of *The Negotiator's Fieldbook: The Desk Reference for the Experienced Negotiator*; and "The Activist Plus: Dispute Systems Design and Social Activism," forthcoming in the *University of St. Thomas Law Review*. Reynolds's articles explore how activism operates as a kind of extrajudicial alternative dispute resolution and speculate that a greater understanding of ADR process-

es could strengthen activist agendas (as well as counter-activist efforts). Reynolds's blog post, "A River Between Us: Lessons in Conflict Resolution," is viewable on the University of Utah S.J. Quinney College of Law EDR Blog. Reynolds is currently working on a research project on the spotted owl controversy in Oregon. The project looks at the involvement of the University of Oregon School of Law, the division of communities the controversy caused, and insights we can glean relating to the field of conflict resolution.

Nancy Shurtz, Bernard A. Kliks Professor, will publish her book, *SUSTAINABILITY AND BUSINESS LAW*, with co-author Judd Sneirson in late fall with Carolina Press. The book examines all the areas of business law—contracts, corporation, securities law, taxation, international law, bankruptcy, torts, social responsible investing, etc. She delivered a paper on a related topic at the International Law & Society Conference last summer: "Controlling Global Heat with Cool New Local Tax Initiatives." Shurtz's article "Carbon Pricing Initiatives in Western North America: Blueprint for Global Change Policy" was delivered at a CLE in November 2015 at the San Diego Climate and Energy Law Symposium. The article will be published in the upcoming Vol. 6 of the *SAN DIEGO JOURNAL OF CLIMATE*

AND ENERGY. The article describes both cap and trade and carbon tax systems and how they can work together globally to solve the problems of climate change. Shurtz also furnished CLE materials and spoke on a panel at the 34th Annual Public Interest Environmental Law Conference at the University of Oregon titled, "The Marijuana Business in Oregon: Environmental, Tax, and Regulatory Concerns."

Mary Christina Wood, Philip H. Knight Professor of Law, is the Faculty Director for the UO ENR Center. Professor Wood authored "Atmospheric Trust Litigation and the Constitutional Right to a Healthy Climate System: Judicial Recognition at Last," forthcoming in the *WASHINGTON JOURNAL OF ENVIRONMENTAL LAW AND POLICY*. Wood and Lewis & Clark Law Professor Michael Blumm co-authored the amicus brief, "The Oregon Public Trust Doctrine and Atmospheric Greenhouse Gas Pollution: A Law Professors' Amicus Brief." Wood submitted a chapter for the forthcoming book, *THE URGENCY OF CLIMATE CHANGE: INTERDISCIPLINARY PERSPECTIVES*, edited by Gerard Magill and Kiarash Aramesh (Cambridge Scholars Publishing). Wood co-authored a chapter, The Public Trust Doctrine in Environmental Decision Making, in the forthcoming book, *ENVIRONMENTAL DECISIONMAKING* (Edward Elgar

Publishing). She has a work in progress, "Free Trade and Green Governance: Abdicating Environmental Sovereignty in Violation of the Public Trust Doctrine," with UO ENR Center post-grad fellow Andrew Welle. Wood published (with Dan Galpern) "Atmospheric Recovery Litigation: Making the Fossil Fuel Industry Pay for Damages to the Atmosphere from Carbon Emissions" in the journal *ENVIRONMENTAL LAW*. Wood has done keynote speeches on climate crisis around the nation, in addition to lectures at universities including University of Iowa, Duquesne University, and Oregon State University. Her work was featured in multiple media venues, including *The Guardian*, *Forbes Magazine*, *Huffington Post*, *PBS News Hour*, *CNN*, *Bill Moyers and Co.*, *Vice Magazine*, *More Magazine*, and *High Country News*. Wood was awarded the David Brower Lifetime Achievement Award, which is presented to activists and attorneys who exemplify the spirit of environmentalist David Brower. Wood was awarded the Pillar of the Community award by UO law students, staff, and faculty. She is the co-leader of the ENR Center's Conservation Trust Project, Sustainable Land Use Project, Native Environmental Sovereignty Project, Global Environmental Democracy Project, and Food Resiliency Project.

CONFERENCES AND EVENTS



DROUGHT IN THE AMERICAN WEST: A SYMPOSIUM ON LAW, POLICY, AND SCIENCE

Water resources in the western United States are facing increasing scarcity in light of climate change, severe drought, over allocation and population growth. The University of Oregon Environmental and Natural Resources Law Center, Journal for Environmental Law and Litigation, and Oregon Review of International Law hosted **Drought in the American West: A Symposium on Law, Policy, and Science**, a day-long event exploring the western drought crisis. The event featured water resource experts including keynote speaker **Dr. Roy Haggerty, Hollis M. Dole Professor of Environmental Geology at Oregon State University's College of Earth, Ocean, and Atmospheric Sciences** and closing remarks by **Holly Doremus, James H. House and Hiram H. Hurd Professor of Environmental Regulation at the University of California Berkeley School of Law**. Speakers represented a variety of disciplines and backgrounds and spurred robust discussions to inform possible solutions to emerging challenges in the context of drought, including foundational issues addressing property rights and the role of governments in ensuring adequate water resources for current and future generations.

For symposium agenda and media, visit <https://law.uoregon.edu/explore/jell-symposium-media>

JELL PUBLICATIONS

The Journal of Environmental Law and Litigation

Volume 31(1) 2015

Justice Ginsburg is Right: The EPA's Veto Authority Under the Clean Water Act is "Hardly Reassuring" Against Evasive Polluters

By Suria M. Badahue

Utilizing Home Rule: The Case for Restricting Hydraulic Fracturing at the Local Level

By Jolie Schamber

Riparian Buffers: The Lack of Buffer Protection Policies and Recommendations to Expand Protection

By Maximilliam Merrill

Can an Oil Pit Take a Bird?: Why the Migratory Bird Treaty Act Should Apply to Inadvertent Takings and Killings by Oil Pits

By Monica Carusello

The Elephant in the Room
By Troy Benjamin Albert

Comment: Animals in the Law: Occupying a Space Between Legal Personhood and Personal Property
By Erica R. Tatoian

Volume 31(2) 2016

Incomplete Integration: Water, Drought, and Electricity Planning in the West
By Lincoln L. Davies and Victoria Luman

Desalination: An Additional Water Source for California's Water Crisis and an Unsustainable 1944 U.S.-Mexico Water Treaty
By Hala Alsakaf

A Next, Big Step for the West (Part II): Model Water-Climate Enabling Legislation Commentary

By Michelle Bryan with Zach Coccoli, Graham Copps, and Dylan DesRosier

Solid Grounds for Tribal Groundwater: A Look at Implied Rights to Groundwater Quality
By Erika Gibson

9th ANNUAL RENNARD STRICKLAND LECTURE: ROBERT WILLIAMS



Professor Robert A. Williams, Jr., Professor of Law and Faculty Co-Chair of the Indigenous Peoples Law and Policy Program at the University of Arizona College of Law, presented *Sovereign is He Who Decides on the Exception: Tribal Jurisdiction, the Supreme Court, and Racially Constructed Reservation Environments* for this year's 9th annual Rennard Strickland Lecture.

The Rennard Strickland Lecture Series was established in 2006 to honor the legacy of Dean Rennard Strickland and to build on his contributions to the field of Indian law, to legal education, and to the Environmental and Natural Resources and Indian law programs at the University of Oregon School of Law. The theme of the lecture series is the examination of native leadership and vision for environmental stewardship in the 21st century.

Robert A. Williams, Jr. previously served as Harvard Law School's Bennet Boskey Distinguished Visiting Lecturer of Law and was subsequently named the first Oneida Indian Nation Visiting Professor of Law. He has represented indigenous peoples and tribes before the United States Supreme Court, the Supreme Court of Canada, the Inter-American Court of Human Rights, and the United Nations Working Group on Indigenous Peoples.

He served as Chief Justice for the Court of Appeals for the Pascua Yaqui Indian Reservation and as Justice for the Court of Appeals for the Tohono O'odham Nation. Professor Williams has published many articles and books, including his most recent, Savage Anxieties: The Invention of Western Civilization, in 2012. Professor Williams received his B.A. from Loyola College and his J.D. from Harvard Law School.

Past lecturers have included: Professor Mary Wood, Professor William Rodgers, Professor Rebecca Tsosie, Assistant Secretary Larry Echo Hawk, Solicitor Hillary Tompkins, Deputy Solicitor Patrice Kunesh, Professor Robert Anderson, and Assistant Secretary Kevin Washburn.

10th ANNUAL RENNARD STRICKLAND LECTURE: CAROLE GOLDBERG



This year's Rennard Strickland Lecture will be held on **November 1, 2016, at 5:30 PM in room 110 of the Knight Law Center** and will feature **Carole Goldberg, Vice Chancellor and Jonathan D. Varat Distinguished Professor of Law at UCLA**.

Carole Goldberg has taught Civil Procedure, Federal Indian Law, Tribal Legal Systems, the Tribal Legal Development Clinic, and the Tribal Appellate Court Clinic. The two clinics have rendered legal services to Indian tribes and Indian judicial systems.

In 2006, she served as the Oneida Indian Nation Visiting Professor at Harvard Law School, and in 2007 she was appointed a Justice of the Hualapai Court of Appeals. In 2010, President Barack Obama appointed her to the Indian Law and Order Commission, which investigated issues of safety and justice in tribal communities, and in 2013 issued a Final Report recommending ways to improve Indian country criminal justice.

Following law school, Professor Goldberg clerked for Judge Robert F. Peckham, U.S. District Court for the Northern District of California. She has twice served as Associate Dean for the School of Law, from 1984 to 1989 and from 1991 to 1992. She has also served as Chair of the Academic Senate in 1993-1994. In 2011, she was appointed Vice Chancellor, Academic Personnel, for the UCLA campus.

Goldberg's recent books include *Defying the Odds: The Tule River Tribe's Struggle for Sovereignty in Three Centuries* (Yale University Press 2010, co-authored with anthropologist Gelya Frank) and *Indian Law Stories* (Foundation Press 2011, coedited with Kevin Washburn and Philip Frickey). Professor Goldberg has written widely on the subject of federal Indian law and tribal law, and is co-editor and co-author of Cohen's *Handbook of Federal Indian Law* (1982, 2005, 2012 editions), as well as co-author of a casebook, *American Indian Law: Native Nations and the Federal System* (7th ed., 2015).



GREENING GRAY INFRASTRUCTURE

Fellows of the ENR Center's Sustainable Land Use Project organized "Greening Gray Infrastructure," which featured panelists **Rebecca Lewis, Assistant Professor of the Department of Planning, Public Policy, and Management**, **Jonathan Rosenbloom, Visiting Professor of Law**, and **Keith Hirokawa, Professor of Law at Albany Law School**.

Many land use laws rely largely on conventional "gray infrastructure" in which the manufactured, engineered, built environment is the primary means to provide essential services. This panel explored merging systems often called "green infrastructure" into land use laws as cost effective and adaptive models for an uncertain future.

UNIVERSITY OF OREGON SCHOOL OF LAW
GREEN BUSINESS INITIATIVE PRESENTS
FLIPPING THE SWITCH
INTEGRATING RENEWABLE ENERGY
INTO A SUSTAINABLE FUTURE

April 8th 2016
9:00 AM- 6:00 PM
White Stag Block, 70 NW Couch St,
Portland, OR 97209

**UNIVERSITY OF OREGON
SCHOOL OF LAW**

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FLIPPING THE SWITCH: INTEGRATING RENEWABLE ENERGY INTO A SUSTAINABLE FUTURE

This year's symposium put on by the Green Business Initiative Student Association (GBISA) hosted multiple panels on the emerging green energy market and use of that market to build a sustainable future. The symposium focused on the future of green business and renewable energy in the Pacific Northwest.

Panelists represented organizations such as Portland General Electric, Oregon Public Utility Commission, Oregon Solar Energy Industries Association, Renewable Northwest, Green Energy Institute, Stoel Rives, Solar City, and more. Keynote speaker **Melissa Powers, Assoc. Prof. of Law at Lewis & Clark Law School**, addressed the effectiveness of Oregon's Clean Electricity and Coal transition plan. **Greg Dotson, Vice President for Energy Policy at the Center for American Progress**, addressed renewable energy and climate developments at the national level.

GBISA is one of the first student organizations of its kind. Comprised of graduate students from the University of Oregon School of Law and the Lundquist College of Business, GBISA members are interested in and dedicated to the intersection of law, business, and the environment. GBISA's mission is to promote awareness of sustainable business practices and the legal framework and policies that support green business.

For symposium materials, visit <https://law.uoregon.edu/explore/GBISA-symposium>



HARNEY COUNTY AND THE SAGEBRUSH REBELLION

With the Public Law and Policy Program and the Wayne Morse Center for Law and Politics, the ENR Center hosted **David Hayes** and **Amanda Peacher** for Harney County and the Sagebrush Rebellion: Past and Present Issues in Federal Land Management.

Amanda Peacher is a former wildlife ranger, and she has masters degrees in literary nonfiction journalism and environmental studies from the University of Oregon. Amanda works for Oregon Public Broadcasting as a multimedia reporter and producer covering Central Oregon.

She covered the occupation of the Malheur Wildlife Refuge and related issues since the occupation began. She presented on the occupation and the perspective of Harney County residents during the incident.

David Hayes is a visiting lecturer at Stanford University, and he served as deputy secretary and chief operating officer of the Department of the Interior under Clinton and Obama. David addressed the constitutionality of both the occupation and the grievances of the occupiers.



HOWLING MAD: A FORUM ON WOLVES, POLITICS, AND RESTORING OREGON'S ENVIRONMENTAL LEADERSHIP

The ENR Center hosted **Congressman Peter DeFazio** and a panel of conservation experts for a discussion focused on the successes and setbacks of wolf recovery and on their uncertain future on the Oregon landscape. The event was cosponsored by Oregon Wild, Cascadia Wildlands, the Endangered Species Coalition, Predator Defense, and the Oregon Chapter Sierra Club.

The return of wolves to Oregon is a conservation success story. From the discovery of Oregon's first wolf pack in 2008, to the journey of OR7, to the establishment of the Rogue Pack, wolves have captured the imagination of Oregonians. However, the story of wolf recovery in Oregon is not over. The last year has seen successful attacks on wolves, from their scientifically questionable removal from the state endangered species list to the controversial passage of the anti-wolf bill HB 4040. There is now increasing danger that Oregon's Wolf Plan, once seen as a model for management across the West, will dissolve into conflict and controversy.

The panel explored the political mayhem surrounding wolves' ongoing comeback story, the hopeful progress being made, and how Oregonians can contribute to the return of this keystone species to our wild places.

2016 CLIMATE CHANGE AND INDIGENOUS PEOPLES LECTURE



TRIBAL SOVEREIGNTY, TRADITIONAL KNOWLEDGES, AND CLIMATE-INDUCED CHANGE AMONG INDIGENOUS PEOPLES IN THE UNITED STATES

This year's Climate Change and Indigenous Peoples Lecture featured speakers **Maxine Burkett**, **Professor of Law at the William S. Richardson School of Law**, and **Elizabeth Kronk Warner**, **Professor of Law at University of Kansas Law**. ENR Center Fellow **Meghan Sigvanna Topkok** served as a respondent to the keynote speakers, and University of Oregon tribal liaison Jason Younkers provided the welcome.

Read more about this event here:
<http://ccip.uoregon.edu>



PIELC HIGHLIGHTS A LEGACY WORTH LEAVING



L-R: Esack Grueskin, Calvin Hecocsta, Emily Hajarizadeh, Alyssa Bonini, Annie Montgomery, and Emily Fenster

To watch the PIELC 2016 keynote speakers, please visit <https://www.youtube.com/user/lawpielc>

By Emily Hajarizadeh, Alyssa Bonini, Emily Fenster, Esack Grueskin, and Annie Montgomery

The 34th Annual Public Interest Environmental Law Conference spanned four days and hosted, five keynote sessions, three musical performances, a documentary film festival with director appearances, over 130 panels, and an artist spotlight, which featuring photographer Ed Parbor and his Pacific Crest Trail series.

We, the five student conference co-directors, were elected by our peers to plan the largest international public-interest environmental law conference in the world. We designed the conference theme, "A Legacy Worth Leaving," to explore and critique current models of environmentalism in the United States and abroad. From climate change to copper mines, we challenged our attendees to question the integrity of "greening" the legal system.

The conference began on an unusually warm Thursday afternoon. **Professor Dalee Sambo Dorough** of the University of Alaska Anchorage gave the inaugural keynote address. Professor Dorough, who is Chairperson for and Expert Member of the UN Permanent Forum on Indigenous Issues, narrated a year-by-year examination of the UN Declaration on the Rights of Indigenous Peoples. Professor Dorough emphasized the Declaration's charge to UN member nations to create a 'legacy worth leaving' by preserving indigenous peoples' right to maintain their profound relationship to the natural environment (Art. 25) and to uphold those responsibilities for future generations. **Peter Neill**, founder of the web-based World Ocean Observatory, closed the session by articulating humanity's collective responsibility to the world ocean, as captured in his new book, *The Once and Future Ocean*. Thursday's lineup of panels included a presentation by **Attorney Matt Pawa**, who successfully represented the State of New Hampshire in its 2013 lawsuit against Exxon-Mobil for groundwater contamination to the tune of \$236 million. Mr. Pawa gave

an attention-grabbing, courtroom-style presentation entitled, "What Exxon Knew About Global Warming, and What it Did Anyway." Mr. Pawa packed his presentation with statistical evidence showing the magnitude of the oil giant's systemic global warming smear-campaign, which he argued fueled enough doubt to persuade the U.S. government to stall pollution control for greenhouse gases for decades.

Friday's afternoon keynote offered attendees a never-before-seen-in-the-U.S. opportunity to hear from three of the top environmental voices from the People's Republic of China. Presenters **Lai Hueneng**, **Dr. Jiwen Chang**, and **Cao Yin** joined adopted Oregonian **Ocean Yuan** on stage to present the current state of the environment and environmental law in China, as well as China's future plan to revolutionize the way we think about resource and energy distribution by cultivating an internationally shared electricity and internet grid. Our guests discussed the interdependent relationship between countries and the reality of the "global village," recognition of which leaves us

primed to be leaders in developing new, effective environmental solutions. The presenters discussed the responsibility shared by the U.S. and China as world superpowers to protect the global environment for future generations.

The Saturday afternoon keynote featured two acclaimed documentary filmmakers, **Mark Titus**, writer and director of *The Breach*, and **Mari-Lynn Evans**, director of *Blood on the Mountain*. Mr. Titus steered the audience through a typical life cycle of the wild Pacific Salmon and explained the undeniable impact of overfishing and global warming on the salmon's ability to survive. Mr. Titus's presentation left the audience hooked (no pun intended) to watch his film, which played after the keynote. West-Virginian director Mari-Lynn Evans floored the audience with her captivating, unscripted, and heart-wrenching personal epic of her life growing up as a coal miner's daughter in coal country. She left the audience with a provocative question: if we transition away from coal, how will we leave the men and women who gave their health and sometimes their lives to power this country and fuel our energy consumption?

Saturday's keynote session opened with a presentation on the armed occupation of the Malheur National Wildlife Refuge, given by **Executive Director of the Center for Biological Diversity Kieran Suckling** and **Burns Paiute Tribe member Jarvis Kennedy**. Mr. Suckling offered short histories of several of the key occupiers and the racially charged, quasi-religious ideology motivating them. Mr. Kennedy brought the audience to their feet with his brave account of the Burns Paiute Tribe's reaction to the weeks of tense confrontation over its sacred lands.

Sandor Katz, author of *The Art of Fermentation*, and Andrew Kimbrell, Founder and Executive Director of

the Center for Food Safety, followed with a presentation on food and agricultural law. Mr. Katz encouraged the audience to explore their relationship with food and food systems, focusing on the health and ecological benefits realized by growing and preserving your own food. Mr. Kimbrell addressed the politics of food law and the organic food movement's successes and failures.

Wendsler Nosie Sr. and his 14-year-old granddaughter **Naelyn Pike**—both leaders and members of the Apache Stronghold—concluded the conference at Sunday's keynote address. They described the immense need for Indigenous communities to lead the environmental conservation movement. Mr. Nosie described the Apache Stronghold's occupation of the Oak Flat in Arizona, a culturally significant and sacred site for the Apache that faces sale by the federal government for copper mining. Mr. Nosie focused on the importance of the younger generation's ownership of the preservation and proliferation of their traditional culture, and he outlined young people's role in educating Western culture on the significance of living responsibly in harmony with our planet. Naelyn Pike, a spiritual warrior for her people and her generation, shed tears of courage while describing the importance of women as leaders and healers of this environmental crisis. At the end of the session, Mr. Nosie and Miss Pike led the audience in an Apache song affirming our commitment to honor our land and our communities that depend on its health.

When we decided to organize this year's Conference around "A Legacy Worth Leaving," we did not know what to expect. PIELC 2016 entertained, informed, inspired, challenged, provoked, and humbled us beyond description. We are proud and thankful for the opportunity to share, explore, and commit to creating a legacy worth living and leaving behind. If we aren't satisfied with the

direction we're going, it's our responsibility to find out how we got here in the first place. We can't hope to do better in the future without admitting the mistakes of the past.

We're already looking forward to the new co-directors' unique perspectives, creativity, and vision they'll bring to the tradition and institution that is PIELC. Please join us in Eugene on March 2–5, 2017 for the 35th Annual Public Interest Environmental Law Conference.

SAVE THE DATE:

35th ANNUAL PUBLIC INTEREST ENVIRONMENTAL LAW CONFERENCE

March 2-5,
2017



LECTURES AND AWARDS SERIES ON SUSTAINABILITY



VALUES AND VALUE: UNIVERSITY ENDOWMENTS, FIDUCIARY DUTIES, AND ESG INVESTING

*Professor Susan Gary,
University of Oregon*

This lecture discussed how fiduciaries may adopt investment policies that consider material environmental, social, and governance (ESG) factors as part of an overall investment strategy. Gary also explained why using environmental, social (human rights and labor issues), and governmental factors in making investment decisions is not a breach of fiduciary duty.

CAPITAL TRANSITIONING: A HUMAN CAPITAL STRATEGY FOR CLIMATE INNOVATION

*Professor Shi-Ling Hsu,
Florida State University*

A proposed global strategy to build up human capital oriented towards alternative, non-fossil energy systems, and towards a deeper understanding of systems that might be engineered to reduce atmospheric concentrations of greenhouse gases.

CATCHING NUTRIENTS IN A NET: ECOSYSTEM SERVICES, INSTITUTIONAL IMPEDIMENTS, AND THE ABILITY OF LOCAL GOVERNMENTS TO SUSTAINABLY MANAGE THE MISSISSIPPI WATERSHED

*Professor Jonathan Rosenbloom, Drake
University*

Using the Mississippi River watershed as an example, Rosenblum illustrated how thousands of local governments in the watershed face significant institutional hurdles that discourage them from sustainably managing the resource, resulting in tragedies, such as the dead zone in the Gulf of Mexico. He then concluded by highlighting local actions in the Mississippi watershed that adopt an ecosystem services management approach to abate the water pollution crises.

REGULATORY AGENCY AS ACCREDITATION BODY: THE CASE OF THE CALIFORNIA CAP AND TRADE PROGRAM

*Professor Lesley McAllister,
UC Davis*

Enforcement of a cap-and-trade program requires a complete accounting of pollution emissions, something that regulatory agencies have rarely required of regulated entities in traditional

regulatory programs. In California's well-designed verification program, California's Air Resources Board (ARB) oversees the verification activities of the private verification firms by taking on the role of the "accreditation body" and directly authorizing – or "accrediting" – the private third parties that work as verifiers.

SUN BLOCK: POLICY OBSTACLES TO THE EXPANSION OF DISTRIBUTED SOLAR ENERGY

*Professor Troy Rule,
Arizona State University*

As rooftop solar energy grows evermore popular, electric utilities are increasingly viewing it as a disruptive and formidable threat within their markets. Utilities have begun responding to this threat through a variety of strategies, many of which are self-serving and arguably not in the best interest of their customers or of the states in which they operate. This presentation described and analyzed several of these new utility strategies for responding to the rooftop solar boom.

LL.M. PROGRAM CONGRATULATES 2016 GRADUATES AND WELCOMES DIVERSE, EXPERIENCED CLASS

By LL.M. Program Director,

Kristie L. Gibson

This year has been an exciting year for the University of Oregon LL.M. Program. The Environmental and Natural Resources Law concentration continues to bring enthusiastic, highly accomplished students to the law school. We have also welcomed exceptionally talented students who are pursuing an LL.M. in the American Law, Business Law (including Green Business courses) and Conflict and Dispute Resolution concentrations.

In May, Oregon Law celebrated eleven LL.M. students who received their Master of Laws degrees. Following graduation, two LL.M. graduates traveled to Oxford, United Kingdom and Belfast, Northern Ireland to participate in the Oxford Consortium for Human Rights. Another LL.M. graduate accepted a position as a legal assistant in the United Nations Environment Programme, Secretariat of the Basel, Rotterdam and Stockholm Conventions. One graduate is an intern at the Due Process of Law Foundation in Washington, D.C. where she works on issues pertaining to extractive industries and human rights in Honduras. Another graduate is working toward an environmental law Ph.D.

in the Czech Republic and is an intern at a Springfield, Oregon law firm working on issues pertaining to land use, brownfield regulations and Pacific salmon.

This August, the LL.M. Program welcomed four returning LL.M. students, and eight new members of the LL.M. class of 2016 – 2017. Seven LL.M. students will be working toward an LL.M. degree in environmental and natural resources law this academic year.

The Class of 2016 - 2017 includes an impressive array of students from Brazil, Canada, Dominican Republic, Kenya, Mozambique, Taiwan, Thailand, Venezuela and the U.S. The entering class includes two Fulbright scholars who are pursuing their LL.M. degree in environmental and natural resources law.

The incoming and returning LL.M. students bring with them vast and experienced professional portfolios. Among them is a professor of environmental law who has also worked as a United Nations Non-Governmental Liaison and for the Ministry of Environment and Natural Resources in the Dominican Republic, a law graduate who has worked with Lawyers Without Board-

ers – Canada and Amnesty International, an attorney who practices in the areas of environmental law and alternative dispute resolution, a legal consultant who advises international clients, an attorney in Mozambique who works in the area of natural resources law, labor law and business law, and an attorney who advises a corporate client in the area of oil, gas and hydrocarbon law in Venezuela. Others members of the incoming class are attorneys who have practiced in administrative law, sports law, intellectual property, business and banking.

Just like the class of 2016, many of this year's students have worked in environmental justice and advocacy programs and projects in their home countries. Many of the incoming students have a strong commitment to public interest service and initiatives, with a focus on climate change, natural resources law, water law, appropriate dispute resolution, environmental protection and preservation. I am delighted to have the opportunity to work with such talented students, and I am excited to be involved in furthering the legal education of such impressive and dedicated legal professionals.



ENR CLINIC: THE WESTERN ENVIRONMENTAL LAW CENTER

Since its inception as a law clinic at the University of Oregon, the Western Environmental Law Center has taken on the tough environmental issues of the day.

Way back when, we helped ensure a future for the northern spotted owl amid a timber crisis. These days, we still work on forest issues in the Pacific Northwest, but our focus has broadened to include the entire west.

WELC's Environmental Law Clinic students tackle issues distinct in topic and locale, protecting wolverines in Montana, sacred ancient archaeological sites in New Mexico and wild salmon in Oregon while using the power of the law to speed our transition from dirty coal power to renewables wherever possible.

This year, WELC's Environmental Law Clinic students proved instrumental to our attorneys, often aiding them with writing and research focused on the climate. Clinic students were instrumental in preparing WELC's

official comments on the Bureau of Land Management methane rule, which will tighten up oil and gas infrastructure and practices. These comments strengthened the rule, which will benefit the climate, public health, taxpayers, and help New Mexico shrink its calamitous methane "hot spot" (a 2,500-square-mile cloud of the greenhouse gas looms over the Four Corners region). In addition, clinic students helped our attorneys prepare for a case challenging oil and gas leases in Colorado's North Fork Valley.

Perhaps most exciting and inspired by Terry Tempest Williams' recent "keep it in the ground" oil and gas auction bidding, one student researched the legalities of non-traditional timber sale bidding for the purposes of keeping forests intact.

But it's not all charismatic megafauna and innovative new conservation approaches. Clinic students also got down to the nitty gritty of researching things like a venue issue for a northern California timber sale and analyzing the real-world situation of what avenues are available to clients who find out post-implementation that a land management project was not implemented as required by law.

The partnership between University of Oregon Environmental Law Clinic students and WELC staff produces invaluable results for our team, our wild places, and these students. WELC is truly grateful for the dedicated University of Oregon Environmental Law Clinic students we work with.

For more about WELC, visit <http://www.westernlaw.org>

ENR EXTERNSHIPS

Through the ENR Externship Program, ENR students work with a variety of governmental, nonprofit, and tribal entities all over the globe. Recent placements include:

US Department of the Interior
Office of the Solicitor

US Department of the Interior
Pacific Northwest Region

US Department of Justice
Environmental and Natural
Resources Division

Environmental Protection Agency

US Army Corps of Engineers

Oregon Attorney General
Oregon Department of
Environmental Quality

Washington Attorney General

California Attorney General

Oregon Department of Justice

Oregon Public Utilities Commis-
sion

Hell's Canyon Preservation Counsel

Squaxin Island Tribe

Swinomish Tribe

Electronic Privacy
Information Center

Blue River Law
Cascadia Wildlands

Center for Biological Diversity

Citizens Utility Board of Oregon

CRAG Law Center

Delaware River Keeper

Humane Society of the United
States

Idaho Water Users Association

Iowa Natural Heritage Foundation

Western Resources Advocates

Trustees for Alaska

Earthjustice
1000 Friends

Environmental Law Alliance
Worldwide

Trout Unlimited

Beyond Toxics

Center for Ocean Solutions

Trustees for Alaska

Lincoln County Counsel

Our Children's Trust

Klamath Siskiyou Wildlands

Midwest Environmental Advocates

National Law Center for
Inter-American Free Trade

Institute of Man and the
Environmental of the Amazon
in Belém, Brazil

With so many UO Law alums practicing in Eugene, ENR students have a wealth of opportunities to gain real world experience while still in school. As an extern at Cascadia Wildlands, I got to apply what I learned in the classroom to current wildlife issues in the Northwest. The externship allowed me to develop skills that cannot be honed in lecture halls.

*—Rance Shaw, J.D. '16,
ENR Fellow 2013-2016*

SPOTLIGHT: MEGHAN SIGVANNA TOPKOK



MEGHAN SIGVANNA TOPKOK,

an ENR Center Native Environmental Sovereignty Project fellow, worked to pass a resolution to declare the second Monday of October as Indigenous Peoples' Day. Sigvanna had the following to say to City Council: "Growing up in the Oregon public school system, it became very clear to me at a very young age that my identity as an indigenous person did not have a face or was not very important in the American education system. Statistically speaking, I should not be here today; I should not even exist, because I was taught that natives lived only in the pages of our textbooks and were only spoken of in the past tense. I was taught that they once wore feathers, how they lived in teepees, never realizing that there were 567 federally recognized tribes, each with their own unique history and culture."

"Columbus Day is a harsh reminder of this," Sigvanna says, "and each year my teachers would explain how Columbus sailed the ocean blue and ventured forth into a new world, yet unsettled, at least by 'civilized people.' We were taught to celebrate this man and his bravery. Perhaps he was brave; I suppose it took a great deal of courage to embark on his journey aided by his dreams of silver and gold, and for better or worse he landed here in the Americas. But his behavior here set the tone for the next five centuries of the physical and cultural

genocide of indigenous peoples.

I was taught to celebrate this man, who saw indigenous men as subservient heathens, who encouraged the rape of indigenous women, who enslaved indigenous children and who wreaked havoc on indigenous lands." She added: "I seek to ensure that native children growing up in the public school system have a space to celebrate and to recognize their identity and cultural heritage."

On April 7, Sig felt nervousness, honor, and humility as she was elected president of the National Native American Law Student Association.

Sigvanna is excited to give back to an organization that's already given her so much. While studying linguistics and Native American studies at Dartmouth College, Topkok was funded by the college to travel to Nome, Alaska, to work for Kawerak Inc., an organization dedicated to bettering the lives of Alaska Natives.

From her father's side, Topkok is Inupiat, a subgroup of Inuit people in northern Alaska. She had familial ties to Nome, and while she lived there she was able to discover her Native American roots for the first time. When she transferred to the UO School of Law to study environmental law, she felt some disconnect with her fellow students because no one else in the program was of Native American

heritage.

"It was particularly difficult when I started law school at the UO because I didn't know of any native law students, and I missed having the strong support system of being surrounded by indigenous peoples," Sigvanna said. "Being a native law student is a unique experience, and it can be tough to find the words to explain it to my non-native peers, or even other native students in the other programs."

She found a support system through the Native American Law Student Association. The organization supports law students who are interested in studying federal Indian law and tribal law, and they try to increase the Native American law student population.

Sigvanna served as the co-director of the UO chapter. She and two other people were nominated to be the national president, and she decided to accept her nomination so she could stay involved with the organization. But she didn't realize she could actually get the position until she did.

"My initial feelings have been a little all over the place — I honestly didn't expect to be elected," Sigvanna said. "I was certainly surprised, and full of gratitude for all the support I received. I'm also a tad nervous as I take on my new responsibilities. But I am even more excited to work with my amazing NNALSA board."

Her term as president officially started April 8, and she's been keeping busy with transitioning to the new role. Once she transitions though, she's excited about shaping the future of the association.

"I am absolutely looking forward to what we will accomplish this next year as we build on the past board's successes."

Read more about Sigvanna in the "Happening People" segment of Eugene Weekly: <http://www.eugeneweekly.com/20160128/happening-people/sigvanna-meghan-topkok>

SPOTLIGHT: GORDON LEVITT



GORDON LEVITT, (M.S./J.D., '16), was born in Portland but raised outside of the small town of Mosier, Oregon. The town itself is smaller than one square mile and sits between Hood River and The Dalles. From an early age, Gordon gained an appreciation for nature and the effects of climate change. He decided that the best way to be an advocate for the environment was to know the laws that protect it.

Growing up and working in a predominantly agricultural region, Gordon saw first-hand how much the weather could affect crops. This gave him a greater sense of climate change and the impact it was already having on his hometown, as well as more urban areas.

"I decided to come to law school to learn about the legal frameworks we do have to deal with environmental issues and to learn about what we could do moving forward, both in Oregon and the U.S. more broadly," he said. "Climate change was the main reason why I came here; to learn what I can do as an advocate on that issue."

Gordon applied this passion throughout his time working toward a combined J.D. in environmental and natural resources law and M.S. in conflict and dispute resolution. He secured a Natural Resources Policy Fellowship with Governor Kate Brown's Natural Resources Office, helped

advocate for the legal right to a stable climate and a healthy atmosphere as a law clerk with Our Children's Trust, and served as a policy researcher for PolicyInteractive, where he wrote a policy paper on constitutional limitations for carbon pricing proposals in Oregon. Gordon also developed his master's thesis, "Changing Climate, Changing Commitments: Municipal Greenhouse Gas Reduction Strategies in Oregon" under the guidance of Prof. Mary Wood, who pioneered Atmospheric Trust Litigation.

"I chose Oregon Law because of my interest in environmental and natural resources law and policy, conflict resolution, and the school's emphasis on public service," said Gordon who also earned his BA from the UO's Robert D. Clark Honors College in 2012.

"People here are friendly, passionate about their work, and committed to finding creative solutions to complicated problems," he continued. "I think this spirit is best reflected by the work of the ENR Law Center, the Wayne Morse Center for Law and Politics, and the Appropriate Dispute Resolution Center. I feel very fortunate to have received fellowships with each of these centers while at the U of O."

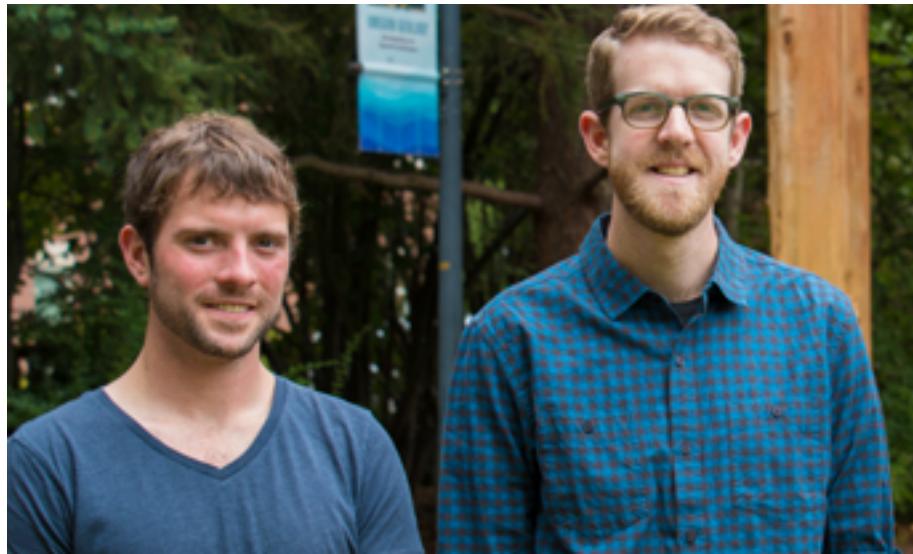
As a first and second-year law student, Gordon helped to organize the Public Interest Environmental Law Conference.

PIELC is the oldest and most influential gathering of environmental law experts in the world and is operated by Oregon Law students. For PIELC 2014, Gordon helped members of the Amungme and Kamoro Tribes in Indonesia travel to Eugene to deliver one of the most memorable presentations of the conference. "It was very difficult to get them to the U.S., but it was worth it," Gordon recalled. "The tribal leaders delivered an emotional presentation on how they are organizing to protect their culture and land from the impacts of the world's largest gold mine, which made a big impact on conference attendees."

Gordon worked as a park ranger for the U.S. Forest Service at Multnomah Falls from 2009 to 2011 and is an avid outdoor adventurer, enjoying hiking, skiing, and climbing. He also enjoys watching Game of Thrones and House of Cards. He will take the Oregon Bar Exam in July and someday hopes to run for public office. After the bar exam, Gordon is excited to begin working as a Climate Law Fellow for Our Children's Trust.

His advice to incoming students, "Channel your creativity. It's tempting to solely focus on learning what the 'law' is, but I think that it's also very rewarding to think about what the law could or should be, and then to try to move it in that direction."

SPOTLIGHTS: BIDDLE & ISBELL



ALEXIS BIDDLE, an SCI fellow for the Sustainable Land Use Project and a concurrent degree law and Community and Regional Planning student, was selected as an Eno Fellow. Alexis will attend the Eno Future Leaders Development Conference in Washington, D.C. He and nineteen others were identified as top transportation students in the country and will have the opportunity to meet with national leaders in transportation from public, private, and nonprofit organizations.

RORY ISBELL, a Sustainable Cities Initiative fellow for the Sustainable Land Use Project and concurrent degree law and Community and Regional Planning student, was a winner at the University of Oregon's Graduate Student Research Forum. Rory's panel "Adapting to New Trends in Policy and Technology" won the theme "Challenges for New Generations of Leaders." Rory also placed third in the Transportation Three Minute Thesis competition at the Transportation and Communities Summit for his graduate thesis "Follow the Money: Effectiveness of Livability Goals in Shaping Transportation."



ENR GIVING OPPORTUNITIES

Private gifts are an essential means of supporting the ENR Center.

Recently, private donations have allowed us to expand support for students committed to public interest environmental law.

In addition to providing funded fellowships for law students that offset the cost of law school tuition, ENR now offers funded post-graduate fellowships and summer stipends for law students interested in pursuing public interest environmental work during the summer following their first year of law school.

To learn more about giving opportunities and how you can help Oregon's next generation of environmental lawyers, please visit
law.uoregon.edu/explore/invest-in-ENR

ALUMNI SPOTLIGHT

OREGON ALUMNI AT OUR CHILDREN'S TRUST



ENR Center alumni work to protect our environment and society every day through their work at Our Children's Trust, a nonprofit organization based in Eugene. Our Children's Trust leads a global human rights and environmental justice campaign elevating the voice of youth to secure the legal right to a healthy atmosphere and stable climate.

Elizabeth Brown came to UO Law in 2010 to become a more effective advocate for the public interest, human rights, and climate justice, and she earned her J.D. in 2013, with concentrations in public interest, environmental, and international law. Elizabeth was a fellow for the ENR Center's Global Environmental Democracy Project during the 2010 academic year. Throughout her law school career, Elizabeth volunteered with Our Children's Trust as an intern, extern, law clerk, and legal coordinator. Elizabeth now works as a Staff Attorney and Global Program Manager for Our Children's Trust, where she oversees and coordinates the organization's global work, supporting attorneys and youth around the world in bringing legal actions to compel governments to meet their fiduciary and constitutional obligations to their citizens. Elizabeth is also part of the legal team advancing the landmark constitutional climate change lawsuit on behalf of 21 young people and Dr. James Hansen against the U.S. government, Juliana v. United States, 6:15-cv-01517-TC (D. Or. 2015).

Nate Bellinger is an alumnus of the Class of 2014. He earned a concentration in public interest environmental and natural resources law and was a fellow in the inaugural year of the ENR Center's Food Resiliency Project in the 2012 academic year. During the 2013 academic year, he was a Conservation Trust Project fellow and co-authored The Public Trust: The

Laws DNA, with Professor Gerald Torres. A passionate climate advocate, Nate is excited to be using his law degree to protect the legal rights of youth and future generations, including Arianna, his two-year-old daughter, to stable climate system. Nate's work with Our Children's Trust started prior to law school, continued throughout law school, and upon graduation, Nate was hired as a Climate Law Fellow. Nate now works as a Staff Attorney and as the State Program Manager, coordinating legal actions across the United States. He is also part of the legal team litigating the case against the federal government. "The opportunity I had with the ENR Center and Professor Wood to research and write about the public trust doctrine helped prepare me for my work at Our Children's Trust where I get to apply the knowledge I gained to actual cases," said Nate.

Gordon Levitt graduated from UO Law in May 2016, earning a J.D. and M.S. in Conflict and Dispute Resolution. Gordon's Master's thesis focused on strategies for local governments in Oregon to reduce greenhouse gas emissions and diminish their contributions to climate change. He was a fellow in three of the ENR Center's Interdisciplinary Projects during his four years of law and graduate school: in 2012, the Global Environmental Democracy Project; in 2013 and 2014, the Conservation Trust Project; and in 2015, the Sustainable Land Use Project. Gordon worked with Our Children's Trust from

May 2013 - August 2014, and has now returned as a Climate Law Fellow. His work focuses on state-level legislation to advance science-based greenhouse gas emission reduction policies. "The ENR program at Oregon Law helped me to develop a creative approach to environmental advocacy and conflict resolution. Now more than ever, creative ideas are necessary to address climate change and seize opportunities to improve environmental governance in Oregon and around the world" recounted Gordon. Outside of work, he enjoys hiking, rock climbing, ski mountaineering, and gardening.

Our Children's Trust is a nonprofit organization leading a global climate justice effort elevating the voice of youth, those with most to lose, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. Our Children's Trust supports youth climate advocates, related organizations, and volunteer and reduced-fee legal counsel in the U.S. and around the globe, in legal actions seeking country-specific and statewide science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to levels below 350 ppm by the year 2100. Our Children's Trust also supports youth in grassroots advocacy to secure science-based climate recovery planning at the local government level.

<http://www.ourchildrenstrust.org/>



JASON ROBISON '06



JESSICA BLOOMFIELD '13



KAYLIE KLEIN '14

Jason Robison (J.D. '06) is an Associate Professor at the University of Wyoming (UW) College of Law. He and his partner Rani (M.F.A. '08) live in Laramie with three beloved and energetic future Ducks: Lina, Alice, and Lars.

Jason teaches courses in water law and international environmental law—thank you, Adell Amos and the late Svitlana Kravchenko, respectively—among other subjects. His scholarship focuses on the international and interstate legal framework governing the Colorado River system (“Law of the River”) and water justice for Indigenous peoples, including Native American tribes in the Colorado River and Yellowstone River basins. Jason joined the UW faculty after earning his S.J.D. (Ph.D in law) at Harvard University from 2008 to 2013. He held policy fellowships at this time with the Harvard Water Security Initiative and Colorado River Governance Initiative at University of Colorado Law School. Jason clerked for the Oregon Supreme Court prior to pursuing his S.J.D., and he worked for the Oregon Court of Appeals and Oregon Department of Justice’s Special Litigation Unit while at UO Law. Words cannot express Jason’s gratitude for the ENR program’s formative influence on his environmental values and life path. Go Ducks!

Jessica Bloomfield (JD/MCRP '13) is a Land Use Associate in the Washington, DC law office of Holland & Knight LLP. Jessica's practice focuses on procuring development entitlements for major urban infill projects. She represents a variety of developers, institutions, universities, and non-profit organizations that seek to create mixed-use, mixed-income and transit-oriented developments throughout the city.

Jessica's work often involves collaboration with multiple local government agencies, including the Office of Planning, the Department of Energy and the Environment, and the Department of Transportation, and she is often called upon to facilitate development teams comprised of builders, architects, engineers, contractors, and other consultants. Jessica was a Sustainable Land Use Fellow at the ENR Center and also received a Master's Degree in Community and Regional Planning from UO's School of Planning, Public Policy and Management. Jessica thrives on the high-paced Washington, DC lifestyle, but misses Oregon and is grateful for the support she received from UO Law and the ENR Center in particular.

Kaylie Klein (J.D. '14) is an Assistant Attorney General for the State of Oregon. She recently joined the General Counsel Division, Business Activities Section of the Department of Justice, and represents the Staff

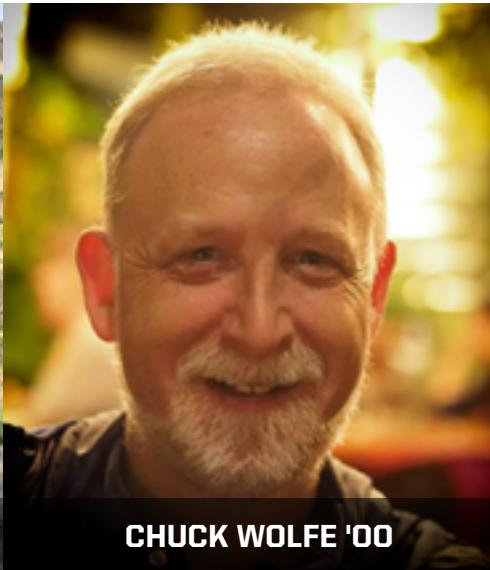
of the Public Utility Commission of Oregon in contested case proceedings, administrative rulemakings, and public meetings. The Public Utility Commission regulates the rates charged to customers of Oregon's investor-owned electric, natural gas, telephone, and water utilities, and oversees utility energy resource planning.

Kaylie provides legal counsel regarding general rate cases, implementation of Oregon's Clean Energy and Coal Transition Plan (SB 1547) through the promulgation of administrative rules for electric vehicle programs, proposals exploring the costs and benefits of a western regional energy market, and environmental remediation and restoration issues related to the Portland Harbor. Prior to joining the Department of Justice, Kaylie was an Associate Attorney at the Portland law firm of Keating, Jones, Hughes, P.C. and clerked for The Honorable Ann Aiken of the United States District Court, District of Oregon, where she worked on environmental cases involving the National Environmental Policy Act and the National Forest Management Act.

KC McFerson (J.D. '14; M.C.R.P. '14) manages The Watershed Resilience Pilot Program in the disaster recovery unit of the Colorado Department of Local Affairs in Denver. This Program is a landmark federally-funded program that helps restore disaster-stricken communities by providing staff



KC McFERSON '14



CHUCK WOLFE '00



CYNTHIA KOEHLER '86

and funding projects of watershed coalitions in federally-declared disaster areas. These projects enhance safety, economy, and health in communities impacted by the fires and floods of 2012 and 2013 while building ecosystem resilience.

Since working as a fellow in the ENR Center, KC has enjoyed combining environmental law and planning to work toward legally-defensible resilience projects. In her current role, KC provides technical assistance to 10 watershed coalitions and their members across Colorado's Front Range as they build organizational capacity for long-term viability and execute technically-sound and compliant river restoration and resilience projects. Last May, KC married her summer sweetheart, Chris Barrett, whom she met while working as an ENR intern in Boulder, Colorado. She looks forward continuing to support local resilience efforts and enjoying the multitude of recreational activities across Colorado and western watersheds.

Charles R. "Chuck" Wolfe (J.D. '84) is Principal at Charles R. Wolfe, Attorney at Law, which he founded in 2005 after a 20-year career at large law firms in Washington State and Connecticut. He provides a unique perspective about cities as both a long time writer about urbanism worldwide and an attorney in Seattle, where he focuses on land use and environmental law and permitting. In particular,

his work involves redevelopment counseling and negotiation, brownfield revitalization and the use of innovative land use regulatory tools on behalf of both the private and public sectors. He is also an Affiliate Associate Professor in the College of Built Environments at the University of Washington, where he teaches land use law at the graduate level. His latest book, *Seeing the Better City*, will be published by Island Press later this year. *Seeing the Better City* describes the use of recorded observations to plan and design for better urban environments. The book focuses on the use of sights, sounds, and experiences of place to craft policies, plans, and regulations.

Chuck's first book, *Urbanism Without Effort*, explores the idea that we must first understand the natural interactions of people living in cities in order to create vibrant, sustainable urban areas. *Urbanism Without Effort* was published by Island Press in 2013. Chuck contributes regularly to several publications, including *Planetizen*, *CityLab/The Atlantic Cities*, *The Atlantic*, *The Huffington Post*, *Grist*, *seattlepi.com*, and *Crosscut.com*. His blog can be found at *myurbanist.com*. Chuck recently completed speaking tours in Scotland and Australia, and delivered several keynote speeches nationally and locally in from 2013-2015. Chuck was admitted to the Washington State Bar in 1984, and is a former Chair of the ELUL

Section and former Editor of the Section Newsletter.

Cynthia Koehler (J.D. '86) is the co-founder and executive director of WaterNow Alliance, a nonprofit network of water leaders dedicated to catalyzing sustainable water solutions in communities across the West. Prior to launching WaterNow Alliance, Cynthia worked for 20 years as an environmental attorney and water policy expert focusing on California and federal water policy. She was previously the Legislative Director for California water issues for the Environmental Defense Fund, and Legal Director for Save San Francisco Bay Association.

Cynthia has also served on the Board of the Marin Municipal Water District Board for the last decade, and is currently Board President. Cynthia sits on the Local Government Advisory Committee for the EPA and was recently appointed to California Governor Jerry Brown's Urban Water Advisory Group. She is the recipient of various awards, including The Bay Institute's Hero of the Bay Award, and serves on the Board of the Water Education Foundation among other organizations. She lives in Northern California with her husband and two sons.

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