



UNIVERSITY OF OREGON

School of Law

ENGAGING THE LAW TO SUPPORT Sustainability ON EARTH

ENVIRONMENTAL AND NATURAL RESOURCES LAW AT THE UNIVERSITY OF OREGON

ENR NEWS&INSIGHT

Fall 2015 Volume 15 No. 2

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NEW UO PRESIDENT AND LAW PROFESSOR **MICHAEL SCHILL** BRINGS EXPERTISE IN SUSTAINABLE CITIES

The University of Oregon School of Law Environmental and Natural Resources Law Center welcomes Michael H. Schill as the University of Oregon's 18th president. The new president comes to Oregon from the University of Chicago Law School, where he served as dean and Harry N. Wyatt Professor of Law. In addition to his role as UO president, Schill will also hold a tenured faculty appointment in the University of Oregon School of Law.

A nationally recognized expert in property, real estate, and housing law and policy, Schill is the author or co-author of three books and more than 40 scholarly articles. His casebook, *Property*, co-authored with James Krier and Greg Alexander, is one of the best-selling casebooks used in American law schools. He has a reputation for academic and legal research that has built new ways of thinking about problems, ranging from fair housing to land use.

Robert Zimmer, president of the University of Chicago said that Schill's accomplishments have been many and varied. Under his leadership, the law school has built upon its exceptional intellectual character and historic interdisciplinary focus.

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“My work in urban development, real estate law, and sustainable land use has always had an interdisciplinary aspect, so fits well with the Sustainable Cities Initiative and ENR’s approach,” said UO President Michael Schill. “The ENR is engaged in the kind of cross-campus partnerships that broaden the legal education we offer at Oregon Law.””



One of the pillars of the ENR Center is its interdisciplinary theme-based projects that draw upon existing strengths of Oregon Law faculty. The seven interdisciplinary projects offer opportunities for broad student experience, providing service to the community — and bringing intellectual energy to bear on some of the most challenging and pressing environmental issues of our day.

Through the Sustainable Land Use Project, Oregon Law ENR students participate in the University of Oregon Sustainable Cities Initiative (SCI). SCI brings together undergraduate and graduate students, post-graduate fellows, and faculty from numerous university departments and schools to collaborate on trail-blazing research and practical solutions to solve issues facing the development of modern sustainable cities. Through this cross-university project, the ENR Center supports educating current and future environmental lawyers so they are able to understand and solve problems within the sociological and political dynamics of different communities in ways that create new laws and employ or reshape existing laws to advance sustainable practices and protect our environment.

“My work in urban development, real estate law, and sustainable land use has always had an interdisciplinary aspect, so fits well with the Sustainable Cities Initiative and ENR’s approach,” said UO President Michael Schill. “The ENR is engaged in the kind of cross-campus partnerships that broaden the legal education we offer at Oregon Law.”

In 2004, Schill founded the Furman Center for Real Estate and Urban Policy at New York University. Through the Furman Center, Schill and his colleagues collaborated on seminars and colloquia designed to equip students with the intellectual tools, problem-solving skills, and practical experience required to address modern day land use and environmental legal issues. It also offered scholars and students the chance to do research on housing policy that was then broadly circulated to politicians, nonprofits, government agencies and the media. Under his and subsequent leadership the Furman Center has become one of the nation’s leading research centers on housing and the built environment.

In April 2010, Schill was presented with the Impact Award for Excellence in Housing from New York City’s Citizens Housing and Planning Council (CHPC). Schill was recognized for his work as the founding director of the Furman Center for Real Estate and Urban Policy. In 2011, Schill was inducted as a Fellow of the American Academy of Arts and Sciences.

Prior to joining the University of Chicago in 2010, Schill served as the dean of the University of California, Los Angeles School of Law from 2004 to 2009. His other faculty appointments include tenured positions as professor of law and urban planning at New York University and professor of law and real estate at the University of Pennsylvania. He graduated with an AB in public policy from Princeton University in 1980 and a JD from the Yale Law School in 1984. 🌍

**Environmental and Natural Resources Law Center:
Engaging the Law to Support Sustainability on Earth**

Fall 2015 Volume 15 No. 2

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ENR WELCOMES JONATHAN ROSENBLOOM, NOTED EXPERT AND AUTHOR ON SUSTAINABILITY AND CLIMATE CHANGE LAW

Rosenbloom will join UO as ENR Distinguished Visitor and Sustainable Cities Initiative Expert in Residence.

BY EMILY JOHNSON

Drake Law Professor Jonathan Rosenbloom will join the UO School of Law staff as ENR Distinguished Visitor for the spring 2016 semester.

At Oregon Law, Rosenbloom will teach Climate Change Law and Policy and Sustainability and the Law. He will also support ENR's **Interdisciplinary Projects & Fellows Program** by serving as a faculty expert to law student fellows in the Sustainable Land Use Project. ENR's Interdisciplinary Projects and Fellows Program provides research, analysis, and innovative solutions to today's environmental problems.

Rosenbloom will also serve as an Expert in Residence with the University of Oregon **Sustainable Cities Initiative** (SCI). SCI 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.

Rosenbloom is a Professor of Law at Drake University where he specializes in sustainability, environmental law, state and local government, and property. He holds a B.F.A. and a B.Arch. from the Rhode Island School of Design. He earned his J.D. magna cum laude from New York Law School and his LL.M. from Harvard Law School. Prior to teaching, Rosenbloom worked as an attorney for over ten years, including clerking for the Honorable Rosemary Barkettt at the United States Court of Appeals for the Eleventh Circuit. He has published numerous book chapters and law review articles and is currently working on his first book, **RESILIENCE & SUSTAINABILITY: FROM THEORY TO PRACTICE** with co-author Shelley Saxer (forthcoming with ASPEN). 🌱



Heather Brinton

MESSAGE FROM THE DIRECTOR

As you read this newsletter, you will see the remarkable accomplishments of Oregon Law faculty members, students, and alumni and the vibrancy of Oregon's Environmental and Natural Resources Law Center (ENR). Undoubtedly, you will understand why I feel privileged to serve as its Director.

Building off of the academic strengths of the University of Oregon, ENR continues 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. We are thrilled to have Professor Jonathan Rosenbloom join our faculty as a Distinguished Visitor and Michael H. Schill, JD, as the President of the University of Oregon.

The 2015-16 academic year promises to be even more exciting. Bringing together experts in water law and policy, the Journal of Environmental Law and Litigation and the Oregon Review of International Law are co-sponsoring a symposium on Drought in the American West. Professor Robert Williams, University of Arizona College of Law, will present the ninth annual Rennard Strickland Lecture. And our students continue their work organizing the annual Public Interest Environmental Law Conference, now in its 34th year.

Motivated and inspired by our achievements and our shared aspiration to engage the law to support sustainability on Earth, there has never been greater optimism nor stronger conviction in the Bowerman Center for Environmental Law. I look forward to sharing our efforts and I welcome your thoughts and suggestions as we continue our work. 🌱

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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 Jeremy Arling J.D. '04
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 Robert Bell J.D. '88
 Tom Bowerman B.Arch. '69
 Heather Brinton J.D. '96
 Nancy Carville Busey B.A. '64 & Douglas Busey, Jr.
 Lori Houck Cora J.D. '89
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 Oregon Community Foundation
 Eugene Water & Electric Board
 Leopold & Stevens Foundation



Left to right: ENR Bowerman Fellow Malia Losordo (4L), Associate Dean Adell Amos, and Professor Mary Wood

PROFESSOR MARY WOOD RECEIVES LIFETIME ACHIEVEMENT AWARD

The 2015 David Brower Lifetime Achievement Award was presented to University of Oregon Environmental and Natural Resources Law Center Faculty Director, Professor Mary Wood.

The award is presented to an attorney or activist who has dedicated his or her life to environmental activism and exemplifies the values of David Brower, perhaps the most important environmentalist of the second half of the 20th century.

Fellow Oregon Law professor and a former student of Professor Wood, Associate Dean Adell Amos presented the award. “She is a nationally and internationally known scholar who purposefully places herself on the leading—and as she would say, sometimes rough—edge of environmental and natural resources law. She has an expansive legal mind... [w]orking only on ideas that cause us to re-think the fundamental ways we conceive of our obligations and duties to protect and preserve this precious planet and the resources on it. She spends her time and energy on innovative theories of law, paradigm shifts that have the power to transform and save our collective future,” said Amos. 🌱

JELL

RECENTLY PUBLISHED

*Journal of Environmental Law and
Litigation, Volume 30 (2) 2015*

ARTICLES

In Memoriam

– Professor Emeritus Jon Jacobson

*Jon Jacobson and the
Law of the Sea: An Imaginative
and Disciplined Brilliance*

– Ibrahim J. Gassama

*Beyond a Government-the-Hunter
Paradigm: Challenging Government
Policies on Deer in a Critical
Ecological Era*

– Lee Hall

*Clean Air Act Section 111(d) CO₂
Reduction Compliance Pathways
for the Pacific Northwest and
Intermountain West States*

– Angus Duncan

NOTE

*The Legal Landscape of Wave Energy
Pilot Projects on the Oregon Coast*

– Kristina G. Schmunk Kraaz

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 geared at reducing our environmental footprint. 



ENR INTERDISCIPLINARY PROJECTS & FELLOWS PROGRAM



CONSERVATION TRUST PROJECT

Focusing on public trust theory and private property tools to achieve landscape conservation

2014–2015

- Published primer on the public trust doctrine including model language for local, state, and federal governments to use in incorporating the public trust doctrine in their regulatory codes.
- Explored the concept of natural resource damages and examined various legal and policy initiatives for governmental entities to seek natural resource damages and to use those funds to restore atmospheric equilibrium necessary to stem climate change.

Coming Up in 2015–2016

- Evaluating potential voluntary incentive programs for increasing riparian buffers on private forestlands adjacent to the McKenzie River for the Eugene Water and Electric Board (EWEB).
- Continuing research on the public trust doctrine and the concept of natural resource damages as a tool for restoring atmospheric equilibrium.



ENERGY LAW & POLICY PROJECT

Exploring innovative law and policy to promote a green-energy future

2014–2015

- Published white paper explaining why despite energy storage's many benefits for the electrical grid, most storage options are still in early phases of development with focus on current obstacles and opportunities in Oregon.
- Evaluated 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.

Coming Up in 2015–2016

- Continue evaluating 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.



FOOD RESILIENCY

Probing key law and policy issues to ensure resilient, sustainable food systems

2014–2015

- Explored the opportunities and obstacles that local groups face in launching the federal Supplemental Nutrition Assistance Program's (SNAP) *Double Bucks* program at their area farmers market or alternative local food provider.
- Began a partnership with the UO School of Journalism to create a visual platform for showcasing the local food production model with examples from Lane County producers, businesses, policies, and purchasers.

Coming Up in 2015–2016

- Produce a blueprint document to guide local community food groups on navigating policy and funding obstacles associated with the SNAP *Double Bucks* Program.
- Continue building cross-campus partnerships focusing on elevating the discussion on food production, access, and sustainability in our area.



GLOBAL ENVIRONMENTAL DEMOCRACY PROJECT

Preparing students to be advocates for global change

2014–2015

- Published paper on preserving low-lying nations' economic security through a fixed exclusive economic zone in the wake of rising sea levels due to climate change.

Coming Up in 2015–2016

- Evaluate the current state of plastic waste and debris in the North Pacific Ocean, technological tools to remediate the pollution, and legal opportunities and impediments to addressing the problem.
- Explore the development of international climate change law in preparation for attending and producing a written analysis of the United Nations Framework Convention on Climate Change 21st Conference of the Parties taking place in Paris, France in November 2015.



NATIVE ENVIRONMENTAL SOVEREIGNTY PROJECT

Examining emerging tribal roles in co-managing lands and resources

2014–2015

- Coordinated the seventh annual Rennard Strickland Lecture. The 2014 speaker was Kevin Washburn, Assistant Secretary of Indian Affairs for the U.S. Department of the Interior and member of the Chickasaw Nation in Oklahoma. Secretary Washburn presented *Tribal Self-Governance in the 21st Century* at the UO Many Nations Longhouse.
- Organized the Indigenous Peoples Reception at the UO Many Nations Longhouse as part of the 2015 Public Interest Environmental Law Conference. The reception was a resounding success with overwhelming attendance.

Coming Up in 2015–2016

- Analyze the latest legal parameters, including the recent 2013 Department of the Interior Report of the Commission on Indian Trust Administration, of the Federal government's trust obligation to Indian tribes with a special focus on the threat that climate change poses to Indian resources.
- Organize the annual Rennard Strickland Lecture and the 2016 Indigenous Peoples' Reception.



OCEANS, COASTS, & WATERSHEDS PROJECT

Engaging the law to promote sustainability for ocean, coastal, and freshwater resources

2014–2015

- Research on interactions between state and federal legal frameworks applicable to Oregon's Willamette River (WRB) as part of Willamette Water 2100, a National Science Foundation and National Oceanic and Atmospheric Administration funded project with Oregon State University and Portland State University. Fellows are identifying ways in which law and policy can be used as a proactive tool for addressing anticipated water use conflicts in the WRB rather than a reactive mechanism once conflict has occurred.
- Provided 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.
- Fellows working on the EBM project attended and presented their research to date at the 2015 Public Interest Environmental Law Conference, the Oil Spill Task Force Conference in Portland, Oregon, and the State of the Coast Conference in Florence, Oregon.



Coming Up in 2015–2016

- Evaluate 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.
- Continue researching 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.
- Continue providing 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.
- Research and trace the history of Oregon Department of Environmental Quality's *Three Basin Rule* for protecting the watersheds of the North Santiam, Clackamas, and McKenzie River subbasins, with a particular on its implementation in the McKenzie River Basin. Fellows will analyze the rule's effectiveness and continued relevance, and, if necessary, make recommendations for changes to the rule.



SUSTAINABLE LAND USE PROJECT

Evaluating land use laws, theories and practices to ensure sustainable development in our communities

2014–2015

- Assisted Eugene Water and Electric Board (EWEB) in their effort to protect water quality by exploring market mechanisms for voluntary incentives to protect riparian areas. Fellows assisted EWEB in designing an incentive strategy to increase buffer areas, utilize buffer areas as carbon sinks, and create credits that could be used in a carbon market.
- Provided legal tools to support the University of Oregon Sustainable Cities Initiative's efforts to create livable suburban communities by researching State of California policies for reducing greenhouse gas emissions from the transportation sector.

Coming Up in 2015–2016

- Explore potential legal and policy tools for increasing development and use of public transportation along the I-5 corridor.
- Support the University Oregon Sustainable Cities Initiative on grant from the National Institute for Transportation & Communities examining how livability goals are embedded in transportation funding processes and the opportunity and constraints for using transportation investments to advance those goals. 



GRANT & DONOR SUPPORT FOR FUNDED FELLOWS

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. Because of generous grant and donor support, the ENR Center provided twelve paid stipends to fellows in 2014–2015 to further student involvement and experience in the project work listed above.

2014–2015 funded fellowships included:

- The Bowerman Fellowship (3)
- The David Brower Fellowship (1)
- The Dean's Distinguished Environmental Law Fellowship (3)
- The Chapin Clark Fellowship (1)
- The Oregon Sea Grant Fellowship (1)
- The Willamette Water 2100 Fellowship (1)
- The Eugene Water and Electric Board Fellowship (1)

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 2014-2015 ENR FELLOWS

Conservation Trust Project:

Kelsey Estabrook, Jaclyn Hise (Dean's Distinguished Environmental Law Fellow), Gordon Levitt (Bowerman Fellow), Rance Shaw (Bowerman Fellow)

Energy Law and Policy Project:

Jordan Bailey (Bowerman Fellow), Lauren Bernton, Maggie Boberg, Andrew Mulkey (Bowerman Fellow), Ravi Parikh

Food Resiliency Project:

Katie Carey, Emily Knobbe, Amanda Martino, Kristen Sabo (Dean's Distinguished Environmental Law Fellow)

Global Environmental Democracy Project:

Nicole Budine, Ashley Carter (David Brower Fellow), Esack Grueskin (Dean's Distinguished Environmental Law Fellow)

Native Environmental Sovereignty

Project: Erika Gibson, Anne Haugaard

Oceans, Coasts, and Watersheds Project:

Malia Losordo, Jill Randolph, Kristina Schmunk Kraaz (Bowerman Fellow), Victoria Wilder

Sustainable Land Use Project:

Rory Isbell, Wes Knoll (Eugene Water and Electric Board Fellow), Eric Trotta

ENR-ADR Fellow in Environmental Conflict Resolution: Sahra Yusuf

CONGRATULATIONS & WELCOME 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: Meghan 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 (Bowerman Fellow), Jill Randolph, Brent Suttan

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

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ENR FACULTY UPDATE



Adell Amos

Adell Amos, Associate Dean for Academic Affairs, was on parental and sabbatical leave last year welcoming a new baby into the family. She recently completed the fifth edition of “Water Law in a Nutshell” with University of Nebraska School of Law’s Sandra Zellmer (West Academic Publishing, 2015). Last summer, Amos published two articles, “Developing the Law of the River: The Integration of Law and Policy into Hydrologic and Socio-Economic Modeling Efforts in the Willamette River Basin,” 62 U. Kan. L. Rev. 1091 (2014) and “Dam Removal and Hydropower Production in the US: Ushering in a New Era,” 29 J. ENVTL. L. & LITIG. 1 (2014). In April, Amos presented “Water Scarcity, Water Law, and Future Change” to the Water Resources Graduate Program Spring Seminar at Oregon State University; “Water Law for Land Trusts” to the Land Trusts and Conservation Easements Law class at UO Law; and “Western Water Rights” to the UO’s Department of Geography. In May, she joined “A River Between Us” filmmakers and colleagues from the UO Law Appropriate Dispute Resolution Center for a panel discussion on the Klamath Basin water



John Bonine

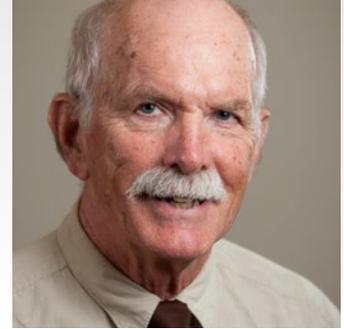
dispute at the Cinema Pacific Film Festival at the University of Oregon. She continues to serve as a water law expert for Willamette Water 2100, a project funded by the National Science Foundation that brings together faculty members from Oregon State University, Portland State University, and the University of Oregon to create a transferable method of evaluating and predicting how climate change, population growth, and economic growth will change the availability and use of water in the Willamette River Basin on a decadal to centennial timescale. Amos is faculty co-leader for the ENR Center’s Conservation Trust; Energy Law and Policy; and Oceans, Coasts, and Watersheds Projects.

John Bonine, Bernard B. Kliks Professor at the University of Oregon School of Law, traveled to Berlin, Germany to work with other environmental lawyers on finding “Legal Remedies for Resource Equity.” He then traveled to Lenzen, Germany where he and 50 environmental lawyers from around the world strategized on how to make their public interest cases more effective, at the annual meeting



Michael Fakhri

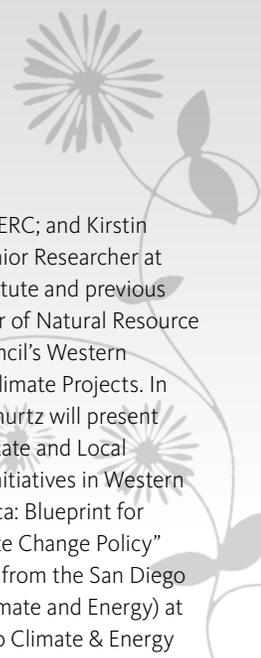
of the Environmental Law Alliance Worldwide, a network he co-founded 25 years ago. He then attended the academic conference “Human Rights and Environment in a New Ukraine: A Conference in Honor of Svitlana Kravchenko” in L’viv, Ukraine where he gave the closing address in honor of his late wife, a UO professor from Ukraine. He also gave the keynote address at the University of Tennessee’s “Appalachian Public Interest Environmental Law Conference.” In September 2014, Bonine was appointed to the University of Oregon Senate Executive Committee. In March 2015, he participated in the 33rd annual University of Oregon Public Interest Environment Law Conference. In June, Bonine participated as a delegate to the Access to Justice Task Force of the United Nations Aarhus Public Participation Convention in Geneva. In July, he participated in the 10th meeting of the Association Environmental Lawyers of Central and Eastern Europe in Ukraine. He then worked with lawyers in the nonprofit organization Environment-People-Law, based in Lviv, Ukraine. In mid July, he attended a meeting in Dublin, Ireland, where he helped plan a



Richard Hildreth

new pilot survey of compliance with the Aarhus Convention – the “Aarhus Index.” Bonine is faculty co-leader for the ENR Center’s Global Environmental Democracy Project.

Michael Fakhri, Associate Professor, was granted tenure by the University of Oregon in May. Last year, Fakhri presented on the notion of ecological and institutional resiliency at the British Institute of International and Comparative Law’s 14th Annual World Trade Organization Conference. Cambridge University Press published Fakhri’s first book, SUGAR AND THE MAKING OF INTERNATIONAL TRADE LAW, last fall. In November, Fakhri traveled to the University of Denver to present “Reintroducing International Commodity Agreements and Reimagining International Trade Law” at the American Society of International Law, Biennial International Economic Law Interest Group Conference. In January, he presented his article “Food as a Matter of Global Governance,” forthcoming from the Journal of International Law and International Relations, at the University of Amsterdam for the Workshop on the



Roberta Mann

Rule of Law, Governance and Natural Resources. In March, Fakhri presented a paper on the historical relationship between investment law and environmental law at University of California Irvine's new Center on Globalization, Law and Society. In June, the American Journal of International Law online journal published Fakhri's article "The WTO, Self-Determination, and Multi-Jurisdictional Sovereignty," which examines the European Union ban on the importation of seal products from the perspective of international indigenous rights. During the 2014-15 academic year, Fakhri taught a new course at the University of Oregon School of Law titled Food, Farming, and Sustainability. Fakhri is faculty co-leader for the ENR Center's Food Resiliency Project.

Richard Hildreth, Frank E. Nash Professor of Law, is the principal investigator on a project funded by the Oregon Sea Grant, titled "Implementing Ecosystem-Based Management: Connecting Caretakers of the Oregon Coast with Transformative and Practical Legal Tools." The two-year project commenced July 1, 2014 and is being conducted



Nancy Shurtz

by Hildreth, two funded ENR law student fellows, ENR staff members, and Holly V. Campbell of Oregon State University's College of Earth, Ocean, and Atmospheric Sciences. In addition to his research, Hildreth taught three courses during the 2014-15 academic year: Ocean and Coastal Law, International Environmental Law, and Water Law. Last fall, West Publishing released the fourth edition of Hildreth's book, COASTAL AND OCEAN MANAGEMENT LAW IN A NUTSHELL, co-authored with Donna Christie of Florida State University College of Law. Hildreth is co-leader for the ENR Center's Conservation Trust and Oceans, Coasts, and Watersheds Projects.

Roberta Mann, Mr. & Mrs. L. L. Stewart Professor of Business Law, presented her piece "Keeping our Cool: International Tax Reform and the Global Environment" at both the Global Conference on Environmental Taxation in Copenhagen, Denmark in September 2014 and at the James E. Rogers School of Law at the University of Arizona in March 2015. In October 2014, Mann gave a presentation at the Montana Tax Institute entitled "Earth, Wind



Mary Wood

and Fire: Comparing the Taxation of Energy Sources." She also recently completed a chapter entitled "Delivering Energy Policy in the U.S.: The Role of Taxes," which will be included in the forthcoming book DELIVERING ENERGY POLICY IN THE EU AND US: A READER" from Edinburgh University Press (fall 2015). Mann is faculty co-leader for the ENR Center's Energy Law and Policy Project.

Nancy Shurtz, B.A. Kliks Professor, served on a panel for a public forum titled "Combating Climate Change: Will a Carbon Tax Fly in Oregon" in November 2014 at Oregon State University. As the legal expert on the panel, Shurtz advocated the case for an Oregon carbon tax, comparing the carbon tax with a cap and trade system, discussing general tax policy considerations, important legal issues, barriers to implementation, practical ways to structure and use revenue. She discussed carbon tax examples from Boulder, Colorado; San Francisco, California; and British Columbia. Her fellow panelists included Jeff Renfro, Senior Economist at the Northwest Economic Research Center (NERC) at Portland State University; Jenny Liu, Assistant

Director at NERC; and Kirstin Eberhard, Senior Researcher at Sightline Institute and previous Legal Director of Natural Resource Defense Council's Western Energy and Climate Projects. In November, Shurtz will present her article "State and Local Carbon Tax Initiatives in Western North America: Blueprint for Global Climate Change Policy" (forthcoming from the San Diego Journal of Climate and Energy) at the San Diego Climate & Energy Law Symposium. She is currently writing a book that examines market mechanisms that can be used to solve our consumption, energy, population, pollution, and other environmental problems.

Mary Wood, Philip H. Knight Professor of Law, is the Faculty Director for the ENR Center. In September 2014, Wood gave the "charge to the crowd" at the People's Climate March in Portland, Oregon. In October 2014, she spoke at the Trust Reform Symposium hosted by Seattle University and the Intertribal Timber Council. In January 2015, Wood served as the final guest of the public television show, Moyers & Company, where she discussed climate change, her book NATURE'S TRUST, the public trust doctrine, and atmospheric trust litigation. In February, she was invited by the Association of Environmental Grantmakers to present as part of a panel of "big ideas" in environmental management at their annual federal policy briefing in Washington, D.C. In March, Wood presented via Skype at the Environmental Pillar Workshop in Ireland. In April, she presented "Atmospheric Recovery Litigation:

Making the Fossil Fuel Industry Pay to Restore a Viable Climate System” at the Lewis & Clark Law School’s Public Trust Conference. Wood and Lewis & Clark Law Professor Michael Blumm recently published the 2nd edition of their public trust law textbook. She also submitted a chapter on public trust law in the forthcoming book, ENVIRONMENTAL DECISIONMAKING, published by Edward Elgar and edited by Professors Robert Glicksman and Lee Paddock of the George Washington University Law School. Over the past year, Wood presented at numerous other events at the Universities of Illinois, Toledo, Utah, and Cornell University. Numerous media outlets also featured Wood’s work, including the Huffington Post, Salon Magazine, PBS NewsHour, Vice Magazine, Forbes, Grist.org, High Country News, and Ecowatch. 🌱



CHANGING CURRENTS: A REFLECTION ON PIELC 2015

BY ALEXIS BIDDLE, ANNE HAUGAARD, RORY ISBELL, MALIA LOSORDO, & TORI WILDER

The 33rd annual Public Interest Environmental Law Conference was held at the University of Oregon on March 5–8, 2015. All six keynote sessions may be viewed at <https://www.youtube.com/user/lawpielc>

Changing Current’s inaugural keynote featured renowned journalist and activist Amy Goodman appearing by video and philosopher-writer-extraordinaire Kathleen Dean Moore. Goodman spoke of the need for the media to make the connection between extreme weather and the science of climate change. Kathleen Dean Moore called for us to *throw our stones* into the river of society so that we may alter its path and change its direction.

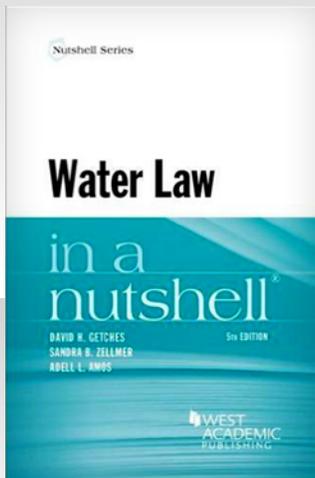
Bill McKibben joined us via video on Friday afternoon. He brought home the deep changes our Earth is undergoing and the need to press forward at this critical juncture in the climate movement. Gary Nabhan followed with an illumination of his work on collaborative conservation of food producing landscapes. Antonio Oposa, Jr. of the Philippines spoke on the importance of reducing carbon emissions from transportation through transforming the way we share space on public streets.

Severine Von Charner Fleming and Janelle Orsi took the stage Friday evening. Fleming talked about changing the currents of agricultural land ownership and her efforts to pass farmland into the hands of the next generation of farmers. Orsi assists communities in becoming more efficient with their resources and works with Fleming to secure land tenure for farmers.

On Saturday, fourteen-year-old Xiuhtezcatl Roske-Martinez used both speech and music to convey the critical role young people must play in healing our planet. Wahleah Johns,

Publisher’s Corner

NEW IN PRINT



ENR faculty member
ADELL AMOS

co-authored the newly-released 5th edition of **Water Law in a Nutshell**, published by West Academic Publishing



Professor Oposa, Jr. is pictured far right with his fellow UH colleagues and students

PIELC AWARDS – The 2015 Svitlana Kravchenko Environmental Rights Award was awarded to **Professor Antonio Oposa, Jr.** of the University of Hawaii William S. Richardson School of Law for his work as one of Asia’s leading voices in the global arena of environmental law.

The award is presented annually to individuals who carry on the spirit of Kravchenko with exquisite qualities of both head and heart; mixing academic rigor with spirited activism; and speaking truth to power while exhibiting kindness to all.



Left to right: Professor Patrick McGinley, West Virginia University College of Law, Hecker, and Professor Bonine, University of Oregon School of Law

The 2015 **Kerry Rydberg Award** was awarded to **Jim Hecker**, Environmental Enforcement Project Director at Public Justice for having contributed major improvements to the environment through his work fighting mountaintop removal coal mining and its effects.

The award honors advocates who embody 1987 Oregon alum Kerry Rydberg’s courage, self-reliance, commitment, talent, and dedication to representing citizens at the grassroots level of environmental matters.

“We had an **incredible experience** planning this year’s conference... best of luck to the 2016 PIELC Co-Directors!”

of the Red Bottom People, spoke of her work to replace coal mining atop Black Mesa on Hopi and Navajo lands with renewable energy.

Helen Slottje, winner of the 2014 Goldman Environmental Prize, followed the Saturday award ceremony. Slottje is a New York attorney turned community-organizer who rallied her neighbors to ban fracking through land use regulation. Derrick Evans delivered a moving speech that followed his remarkable journey dedicated to protecting his home - the Turkey Creek Community - from encroaching urban development. Through the Turkey Creek Initiative, Evans is employing conservation and historical preservation laws to resist the undermining of his community.

On Sunday, Rugemeleza A.K. Nshala, a lawyer and activist from Tanzania, spoke of the ills that industrial mining has wrought on his nation, and the great struggle we face in protecting the land, air, and water of East Africa. This final keynote featured Malia Akutagawa, a native Hawaiian and law professor. Akutagawa reminded us to remember our roots, history, and the importance of searching within cultural traditions and practices to find sustainable answers.

We had an incredible experience planning this year’s conference. We hope to see you next year from March 3-6, 2016, and we wish the best of luck to the 2016 PIELC Co-Directors! 🍀

Alexis Biddle is a 4L concurrent degree student in UO’s Law and the Planning, Public Policy, and Management degree programs and a current Sustainable Cities Initiative Fellow for the ENR Sustainable Land Use Project. Anne Haugaard is a 3L and former ENR Native Environmental Sovereignty Project fellow. Malia Losordo is a 4L concurrent degree student in Law at the UO and Water Resources Management at Oregon State University. She is also a Bowerman Fellow for the ENR Oceans, Coasts and Watersheds Project. Rory Isbell is a 4L concurrent degree student in UO’s Law and the Planning, Public Policy, and Management degree programs and a current Sustainable Cities Initiative Fellow for the ENR Sustainable Land Use Project. Tori Wilder is a 3L and current ENR Global Environmental Democracy Project Fellow.



Left to right: ENR Director Heather Brinton, Assistant Secretary Kevin Washburn, Professor Rennard Strickland, ENR Program Manager Emily Johnson, ENR Faculty Director Mary Wood, ENR Native Environmental Sovereignty Project Fellows Erika Gibson and Anne Haugaard

ASSISTANT SECRETARY OF **INDIAN AFFAIRS** HEADLINES 8TH ANNUAL **RENNARD STRICKLAND LECTURE**

BY EMILY JOHNSON

On October 15, 2014, Assistant Secretary of Indian Affairs at the Department of the Interior **Kevin Washburn** presented *Tribal Self-Governance in the 21st Century* at the University of Oregon Many Nation's Longhouse for the 8th 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.

Mr. Washburn is an enrolled member of the Chickasaw Nation in Oklahoma and a nationally renowned Indian law scholar. Prior to his current role, Washburn has served as dean of the University of New Mexico School of Law and professor of law at the University of Minnesota, the Arizona James E. Rogers College of Law, and Harvard Law School. He also served as general counsel for the National Indian Gaming Commission and as Assistant United States Attorney for several years. After graduating from Yale Law School, Washburn clerked for the Hon. William C. Canby Jr. of the United States Court of Appeals for the Ninth Circuit in Phoenix. [↗](#)

 **SAVE THE DATE**

9TH ANNUAL RENNARD STRICKLAND LECTURE

Sovereign is He Who Decides on the Exception: Tribal Jurisdiction, the Supreme Court, and Racially Constructed Reservation Easements

Featuring **Professor Robert Williams** of the Arizona James E. Rogers College of Law
Thursday, October 29, 2015

5:30pm at the **UO Knight Law Center**



Left to right: Maj. Evan Gordon, Aryuna Radnaeva, Arsênio R. Gonçalves Lampião, Kevin Zhan, Lilian Ubah and Meiling Zhang (Sarah Yusuf not pictured)

LL.M. PROGRAM WELCOMES DIVERSE CLASS

BY LL.M. PROGRAM DIRECTOR, KRISTIE L. GIBSON

It has been a year of growth for the University of Oregon LL.M. Program. The program's Environmental and Natural Resources Law (ENR) concentration continues to grow, and is now joined by additional concentrations in American Law, Business Law (including Green Business courses), and Conflict and Dispute Resolution.

For the 2015–2016 academic year, the LL.M. Program welcomed an impressive array of students from China, Czech Republic, Democratic Republic of the Congo, France, Honduras, India, the Iraqi Kurdistan Region, Japan, Kenya, Thailand and the U.S. The class includes four Fulbright scholars, all of who are pursuing an ENR concentration.

The incoming and returning LL.M. students bring with them vast and experienced professional portfolios. Among them is a distinguished professor emeritus, an electoral observer for the African Association of Human Rights, a research scholar working toward a Ph.D. in Environmental Law in China, an attorney who is part of the Climate Action Network and African Youth Initiative on Climate, an attorney who advises NGOs working on environmental protection matters in industrial cases, and an attorney who served as a negotiation fellow at the Warsaw Climate Change Conference in 2013. Others members of the incoming class are attorneys who have practiced in administrative law, environmental law, banking, business law, and as in-house counsel.

Just like class of 2015, many of this year's students have worked in environmental justice and advocacy in their home countries. The incoming students have a strong commitment to public interest, with a particularly strong focus on climate change. I am delighted to have the opportunity to work with such talented students, and am excited to be involved in furthering the legal education of such impressive and dedicated legal professionals. 🌱



Kristie Gibson (B.A. '94, J.D.'98) is the LL.M. Program Director at University of Oregon School of Law.



CLINIC STUDENTS HELP WELC REFINE ADVOCACY EFFORTS

BY BRIAN SWEENEY

The Western Environmental Law Center began as a law clinic at the University of Oregon, so we understand how important it is to provide students with real-world experience. But the benefits are mutual. WELC values our relationships with students — for the legal and scientific research and analysis they provide, and also as a chance to pay forward the opportunities afforded to us once upon a time.

This year, WELC's Environmental Law Clinic students took on a variety of projects throughout the West. In the Pacific Northwest, they investigated whether developers communicated honestly with landowners about the Jordan Cove liquefied natural gas terminal and the associated Pacific Connector pipeline project. One student looked into the legitimacy of a Federal Energy Regulatory Commission rejection of a Freedom of Information Act request for a list of landowners on the pipeline right-of-way.

Another student evaluated Idaho's furbearer trapping program. In an effort to discover whether the state has safeguards to protect threatened lynx from accidental catch and mortality in traps set for other species, the student found four incidental takes of lynx over the past three years. He also found promising precedent in similar cases in Maine, Minnesota, and Montana. As a result of this student's efforts, WELC is currently involved in a suit to better protect lynx in Idaho.

Clinic work doesn't always involve litigation. Other types of work can prove just as important. For instance, one student helped WELC provide comments to the Bureau of Land Management on

an environmental impact statement (EIS) for oil and gas development near Paonia, Colorado. The student found enough issues to bring to BLM's attention that the comments spanned 129 pages.

Students also worked with WELC attorneys on the Boardman to Hemingway Transmission Line project, which would have threatened the integrity of the historic Oregon Trail and affected sage grouse, lynx, wolf, and wolverine habitat as well as pristine viewsheds. The student spearheaded the organization of a coalition of environmental organizations to submit comments on a draft EIS for the project. WELC submitted the comments in March. We expect to hear more in late 2015.

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. 🌍

Brian Sweeney is the Communications Director for WELC.



ENVIRONMENTAL LAW ALLIANCE **WORLDWIDE UPDATE**

BY JENNIFER GLEASON

Students and graduates of the University of Oregon School of Law (UO Law) are helping Environmental Law Alliance Worldwide (ELAW) accomplish important work in the emerging economies of Brazil, Russia, India, China, and South Africa, collectively known as “BRICS.”

In July, these countries joined together to launch the New Development Bank BRICS to be headquartered in Shanghai. The bank is positioned to rival the World Bank, and will fund infrastructure and development projects around the world. Each BRICS country will be increasing their environmental footprints as it finances infrastructure and development projects and seeks resources abroad.

UO Law students and graduates are helping ELAW build and strengthen relationships with public interest lawyers in BRICS countries in an effort to defend the rights of communities posed to be impacted by this development and resource extraction. For instance, Killian Doherty ('14), ELAW's one-year Law Associate, is using his legal and language skills to collaborate with partners in Brazil who are advocating for stronger environmental governance at home and sharing information with lawyers in other countries where Brazil is funding development projects.

Last spring, ELAW hosted LL.M. student Meiling Zhang, who explained Chinese environmental law to lawyers visiting ELAW from other countries. Meiling reported on her externship in the Spring 2015 ELAW Advocate, saying: “As an environmental law student studying reports about my home country’s environmental legal developments, I am really excited to return home and contribute to environmental protection in China.”

ELAW is grateful for the continuing dedication of Oregon Law’s students to our mission of empowering communities and advancing environmental justice around the world. 🌍

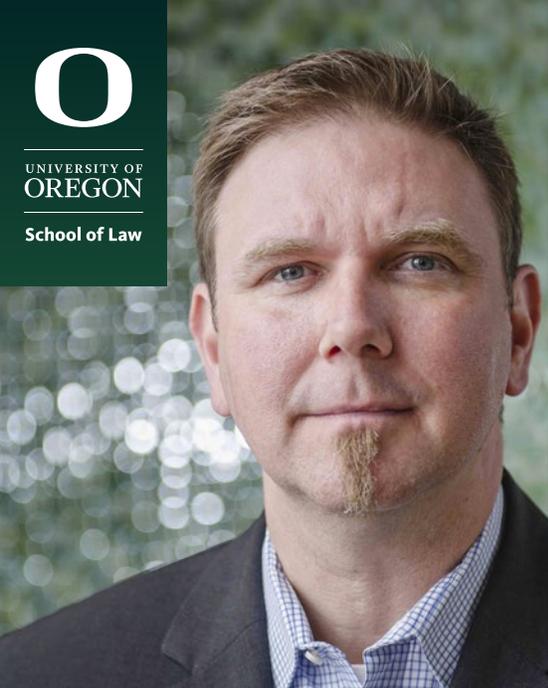
► **View the ELAW Advocate online:**

https://www.elaw.org/system/files/attachments/advocate/4_q_and_a_with_elaw_extern_meiling_zhang.pdf



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ENR ALUMNI UPDATE

Jason Busch (J.D. '06) is Executive Director of Oregon Wave Energy Trust (OWET), a nonprofit public-private partnership funded by the Oregon Innovation Council to support the responsible development of marine energy in Oregon. He was deeply involved in Oregon's Territorial Sea Planning process and is currently assisting with the development of a grid-connected test. Prior to joining Oregon Wave Energy Trust, Jason was Principal at Sustainable Legal Solutions LLC, where he provided legal services specializing in renewable energy company start-ups and project development. Previously, he was an attorney for Ater Wynne and Stoel Rives in Portland, Oregon. Jason was vice-chair of the Oregon League of Conservation Voters Multnomah County Steering Committee. He is on the Energy Trust of Oregon's Renewable Energy Advisory Committee, Oregon Department of Land Conservation and Development Territorial Sea Plan Rulemaking Project Committee, and is an advisor to the Northwest Marine Renewable Energy Center. In 2012, Mr. Busch received the Portland Daily Journal of Commerce Up & Coming Lawyer Award. He has multiple publications, including most recently a chapter in *Climate Change Impacts on Ocean and Coastal Law*, published by Oxford University Press.

Anika Marriott (J.D. '10) is an Assistant Attorney General for the State of Oregon Department of Justice, General Counsel Division, Natural Resources Section. She joined the Department in 2012 and primarily advises the Oregon Departments of Forestry, Environmental Quality, and Fish and Wildlife as well as Oregon's Commodity Commissions. Anika's work includes assisting with the Clean Water Act section 401 water quality certification process for hydropower facilities, and representing natural resource agencies in contested case proceedings and negotiations. After graduating from Oregon Law, Anika volunteered for 1,000 Friends of Oregon (Cooperating Attorney Program) to brief and argue a land use case before the Oregon Court of Appeals before she left the state to take a position at the U.S. Department of the Interior, Solicitor's Office, in Washington, D.C. In that position, she advised the Bureau of Reclamation on a myriad of legal issues affecting water resource management across the western United States including New Mexico, California, and Wyoming. In 2013, Anika and Chad Marriott (J.D. '09) celebrated the arrival of their son Thomas (Toby) Marriott.

Jennifer Schemm (J.D. '96) is a sole practitioner in La Grande, Oregon. While raising two children, she has focused on public lands litigation while also practicing criminal defense and civil litigation with her husband Wes Williams (J.D. '96). Most of her public lands cases have been on behalf of Hells Canyon Preservation Council, a nonprofit organization based in La Grande. Jennifer also sits on the Council's board and volunteers numerous hours every year raising money and awareness for this group. She hopes that through her love for and dedication to the area's forests and wildlife, she is fostering in her children a similar conviction to protect these same or other wildlands in the Northwest. She attends the Public Interest Environmental Law Conference every year to reconnect with friends and celebrate being surrounded by people equally committed to protecting our wild places.



Photo by Liza Heider

Laura D. Beaton (J.D. '11) is an environmental law fellow at the law firm of Shute, Mihaly & Weinberger LLP in San Francisco, California, where she practices environmental, land use, and local government law, representing a wide range of clients including environmental organizations, community groups, and local agencies. Laura joined Shute Mihaly after spending two years in Bozeman, Montana, with Earthjustice, where she worked to protect the Northern Rockies' wildlife and public lands and to limit the impacts of oil, gas, and coal extraction. While at Earthjustice, Laura challenged Wyoming's trade-secret protections for the identities of chemicals used in hydraulic fracturing ("fracking"). This was the first case of its kind in the United States, and it resulted in the Wyoming Supreme Court limiting the kind of information that could be shielded from disclosure as a trade secret under the state's public records act. Laura also volunteers for a couple of organizations that are close to her heart. After years of volunteering for Cascadia Wildlands in Eugene, Oregon, and interning with the organization during law school, Laura now serves on its board of directors. Laura also sits on the board of directors of The Erythromelalgia Association, a nonprofit organization dedicated to improving the lives of people with erythromelalgia, a rare and poorly understood medical condition. Laura loves the work she does, both professionally and as a volunteer, because it is both incredibly interesting and it gives her the opportunity to hopefully leave the planet with a net positive impact.

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ALUMNI SPOTLIGHT: ENVIRONMENTAL LAW FACULTY MYANNA DELLINGER '08 & JASON ROBINSON '06

BY EMILY JOHNSON

ENR alumni make positive impacts to our environment and society every day through their work. Two such alumni, Myanna Dellinger ('08) and Jason Robinson ('06) have taken their expertise back to the classroom to train the next generation of environmental and natural resources lawyers and contribute scholarship on pressing climate change law and policy issues.

Professor Myanna Dellinger graduated Order of the Coif from her Oregon Law class in 2008 with a concentration in Environmental and Natural Resources Law. In August 2015, Myanna was appointed Associate Professor of Law at the University of South Dakota (USD) School of Law. She will teach Public and Private International Law as well as Sales and Secured Transactions, all with an environmental law twist whenever possible. Prior to joining USD, Myanna served as Associate Professor of Law and Director of the Institute for Global Law and Policy at Western State College of Law.

Much of Myanna's legal inspiration stems from having explored the great outdoors of more than 35 nations. Her research reflects this passion for international travel, focusing on the intersection of commercial law and national and international environmental law, especially climate change law and policy.

In addition to her Oregon Law J.D., Myanna also holds a Master's Degree in International Communications from the University of Aarhus, Denmark.

Professor Jason Robinson graduated from Oregon Law in 2006 with a concentration in Environmental and Natural Resources Law. In 2014, Jason joined the University of Wyoming (UW) College of Law as an Assistant Professor. He previously served as a Visiting Professor during the 2013-2014 academic year. Jason teaches primarily water law in the college's environmental and natural resources law program.

In addition to his Oregon Law J.D., Jason also holds a Doctor of Juridical Science degree (S.J.D.) from Harvard Law School. The S.J.D. is designed for aspiring legal academics who wish to pursue sustained independent study, research and writing. "The ENR program at Oregon Law prepared me amply for earning an S.J.D. at Harvard Law School, and in countless ways it has informed my scholarship and teaching since becoming a law professor," recounted Jason. 🌱



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Law Center: Engaging the Law to
Support Sustainability on Earth

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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/giving

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