

Environmental and Natural Resources Law Center



“Providing practical experience and innovative solutions to today’s most challenging environmental issues.”

Driving Positive Change

As global heating trends spike upward and US environmental policies face rollbacks, the Environmental and Natural Resources Law Center (ENR) continues to launch innovative research projects to assist society and the legal system and to prepare students for leadership in the rapidly changing world of environmental policy.

The Center offers seven interdisciplinary research projects each year, awarding fellowships that combine law student enthusiasm with faculty expertise to provide practical experience and innovative solutions to today’s most challenging environmental issues. Projects include Conservation Trust; Energy Law and Policy; Food Resiliency; Global Environmental Democracy; Native Environmental Sovereignty; Oceans, Coasts, and Watersheds; and Sustainable Land Use.

INFLUENCING POLICY

ENR’s new Environmental Policy Practicum was launched last fall by Assistant Professor **Greg Dotson**, a two-decade

veteran of green-energy policymaking on Capitol Hill and a senior fellow for the Washington, DC-based Center for American Progress. The practicum immersed students in a policy-oriented project, working with state lawmakers to help them grapple with the following question: “How might various proposals for a new, statewide carbon-pricing initiative affect various stakeholders, such as businesses, city and state governments, and the general public?”

Dotson relishes plunging law students into the heart of environmental policymaking. “We give them the opportunity to work with people and entities wrestling with real energy and environmental policy questions,” he says. At the end of the semester-long practicum, his students were even asked to testify to the state legislature on climate policy.

In another project, Dotson’s students helped the City of Portland’s transportation agency analyze the legal issues accompanying the influx of autonomous vehicles (AVs). “That was

fascinating,” says Dotson, “because our students ended up analyzing legislation moving through the US Congress that would have limited the authority of states and localities to adopt any policies relating to AVs.” Other practicum students worked alongside Oregon Department of Energy officials to sort out the Bonneville Power Authority’s role in regional grid management, and with the Public Utility Commission of Oregon to examine the regulatory changes ahead with the large-scale shift to solar, wind, and other renewable energy technologies.

Such hands-on education is crucial for today’s law students, Dotson says. “We need people thinking about environmental policy in solid, analytical ways and taking action in our city councils, state legislatures, Congress, and courts. That’s a critical role for the next generation of lawyers. There’s going to be tremendous opportunity to work in this field.”

ADDRESSING WATER SCARCITY ACROSS DISCIPLINES

As part of the **Oceans, Coasts, and Watersheds Project**, Adell Amos, the Clayton R. Hess Professor of Law and Associate Dean for Academic Affairs, worked on a massive collaboration

Driving Positive Change

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called Willamette Water 2100. The multidisciplinary, multi-institutional project used an integrated approach to examine how rising temperatures and populations will affect how water is used—and how much is available—in the Willamette River Basin over the coming decades.

Researchers from environmental law teamed up with economists and natural scientists to analyze Willamette watershed water scarcity issues, asking, “When—and where—might water scarcity arise?” and “What factors might help lessen its impact?” Professor Amos focused her research on the policies and institutions that affect water allocation. Her students, whom she called “passionate about water law,” contributed their scholarship to an article published in the *Proceedings of the National Academy of Sciences*.

LOOKING AT FOOD LAW WITH FRESH EYES

In the **Food Resiliency Project**, Associate Professor **Michael Fakhri** helps students probe key law and policy issues to ensure resilient, sustainable food systems. Fakhri’s specialty is guiding students to research, analyze, and follow the developments of the growing food sovereignty movement. This international movement, begun by peasants demanding their right to grow and share food and herd animals on their own terms, is “incredibly dynamic and powerful,” says Fakhri, and its embrace of agro-ecology, which envisions a future in which eating is considered a natural and ecological act, is forcing international law—and institutions such as the World Trade Organization—to change.

“If this is a new way of imagining our relationship with each other and with the biosphere,” says Fakhri, “there’s no way we can still do law the way we do.” Fakhri guides his students in publishing their research, talking with stakeholders, and building new alliances so that “while

“When—and where—might water scarcity arise? and What factors might help lessen its impact?”

Adell Amos



Willamette River

people are growing and making food, we’re growing and making new ways of doing law.” The goal, he says, is to “train lawyers to serve that movement, to serve people who are thinking about food in terms of equality and social justice.”

STABILIZING THE CLIMATE

Mary Christina Wood, Philip H. Knight Professor and the ENR Center’s faculty director and founding director, leads several groundbreaking legal projects as part of the **Global Environmental Democracy Project**. Her pioneering scholarship on atmospheric trust litigation forms the basis for cases and petitions brought by youth in the United States and abroad, including *Juliana v. United States*, which continues to make headlines as it heads to its fall trial. And that’s just part one of her climate stabilization strategy.

In 2018, Wood unveiled her new, complementary legal brainchild, the Atmospheric Recovery Institute. This second part calls for the drawdown of atmospheric carbon dioxide through natural methods, and invokes the public trust principle to hold major fossil-fuel corporations liable for bankrolling those natural sequestration efforts. With student fellows, Wood developed drawdown projects that primarily use soil sequestration.

“We engaged scientists from across the UO to propose the concept of an atmospheric recovery plan,” Wood says, “and developed a prospectus that set forth our approach.” The Public

Interest Environmental Law Conference (PIELC) panel her students organized, in which they proposed suing fossil-fuel companies to recover damages for cleaning up the atmosphere, absorbed an enthusiastic crowd. “The room was packed,” recalls Wood. “The student organizers were thrilled by the interest from the environmental law community and public, and experienced the real-world urgency of this approach to stabilizing our atmosphere.”

In another project Wood coleads through the **Native Environmental Sovereignty Project**, she and her students examined how Pacific Northwest tribes, most of whom are staunchly opposed to fossil-fuel projects, could use their treaty rights and the federal trust obligation as legal levers to halt new export fossil-fuel terminals and pipelines.

“We held a workshop attended by tribal attorneys and leaders to identify practical strengths and challenges, and to ‘ground-truth’ our research, which students then presented at two major tribal conferences. We’re also publishing an article in the *American Indian Law Review*, and disseminating it to Northwest tribes in our outreach over the next year.”

Wood notes that her students worked especially hard because they were “inspired by the real-world effect this could have on protecting both Northwest Indian culture and also the region itself from the potentially catastrophic impacts of fossil-fuel projects.” 🟩

DONORS AND SPONSORS

The Center would not be possible without the generosity of our donors. With gratitude, we thank you for your support.

Adell L. Amos
Michael D. Axline
Heather A. Brinton
Nancy Carville Busey
Alan W. Church
Lori Houck Cora
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Jason D. Klein
Paul V. Konka
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Kathryn B. Mcleod
Laurence E. Oates
Oregon Community Foundation
Margaret E. Townsend
William L. Underwood
Gay G. Vogt
Carolyn A. Zenk

GIVING OPPORTUNITIES

Private donations are critical to supporting the research work of the Center and the students committed to public interest environmental law. Funded fellowships offset the cost of law school tuition. The Center also provides support for students working in the field, postgraduate fellowships, and summer stipends to work with environmental organizations. 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.



MESSAGE FROM THE DIRECTOR

As you read this annual newsletter, you will understand why I feel privileged to serve as the director of the University of Oregon's Environmental and Natural Resources Law Center (ENR). Because of our faculty, students, and alumni, we are a remarkable community of champions for the environment and the public interest—and we are all motivated by the urgent threat that climate change presents to our world.

Building off of the academic strengths of the University of Oregon, the Center continues to develop new innovative curricula, concurrent degree opportunities, and interdisciplinary study and research.

This development is all premised on

- a deep understanding of the tremendous amount of work that needs to be done to remake a society in this transformational age
- a belief that law schools, while preparing the next generation of lawyers, should serve as laboratories for solutions

The ENR Center continues to grow and expand its groundbreaking Interdisciplinary Research Projects and Fellows Program, providing effective legal and policy analysis and solutions to governmental decision-makers and practitioners working on critical environmental issues. Geared toward forcing advancements in their respective fields, our faculty members continue to demonstrate excellence in scholarship, classroom teaching, and public service.

Inspired by our accomplishments, our shared aspirations, and our sense of urgency, the ENR community is committed to the path ahead. I welcome your thoughts and look forward to sharing our efforts as we continue to fulfill our mission—engaging the law to support sustainability on Earth.



INTERDISCIPLINARY RESEARCH PROJECTS AND FELLOWS



CONSERVATION TRUST PROJECT

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

2017-18

Analyzed the biological opinion to FEMA and NOAA that affects floodplains, salmon, and steelhead in Lane County

Evaluated Public Trust Doctrine constraints against fossil-fuel developments

Wrote blog post on Bristol Bay and the Pebble Mine proposal

2018-19

Public Trust Doctrine constraints against fossil-fuel developments

Ethical investing and the divestment movement



ENERGY LAW AND POLICY PROJECT

Exploring innovative law and policy to promote a greener energy future

2017-18

Evaluated policy mechanisms to price carbon

Hosted the West Coast Cooperation on Climate Change conference in October, focusing on California, Oregon, and Washington efforts to reduce greenhouse gases

Organized panels for the Public Interest Environmental Law Conference, focused on energy law issues

Wrote blog post on carbon markets

2018-19

State efforts to increase electrified transportation

Carbon policy in Oregon



FOOD RESILIENCY PROJECT

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

2017-18

Explored food sovereignty and the human right to food

Created annotated bibliographies on the human right to food and agro-ecology

Presented "Food Sharing's Futile Foray in the First Amendment" at the Yale Food Systems Symposium

Organized "The Water We Eat" talk with Professor Adell Amos, cohosted by the Good Food Group

Analyzed the staffing and budget of the Food and Agriculture Organization and the Office of the Commissioner for Human Rights of the United Nations

Wrote blog posts on oppressive food policies, the Yale Food Systems Symposium, and consumer food choice in shaping sustainable food systems

2018-19

Agroecology and law

Facilitation of residential food production

PROGRAM

continued on next page



GLOBAL ENVIRONMENTAL DEMOCRACY PROJECT

Preparing students to be advocates for global change

2017-18

Researched an Atmospheric Recovery Implementation Plan focused on both carbon dioxide emission reduction and atmospheric carbon drawdown

Created a white paper for legislators focused on impacts on climate in Oregon

Inventoried climate-related suits by municipalities and states in the United States

Reviewed climate solutions from the book *Drawdown* by Paul Hawken

Wrote blog posts on Marin County's legal actions against the fossil-fuel industry, the climate impacts on Oregon industries, the 2018 Human Rights Consortium in London, Fall Creek Farm & Nursery's agri-food export business

2018-19

Exploring the necessity defense in the context of climate activism

Atmospheric recovery through climate drawdown

Institutional mechanisms for reducing greenhouse-gas emissions



NATIVE ENVIRONMENTAL SOVEREIGNTY PROJECT

Examining tribal roles in co-managing lands and resources

2017-18

Organized the Indigenous People's Reception at the UD Many Nations Longhouse as part of the 36th Annual Public Interest Environmental Law Conference

Evaluated Pacific Northwest tribes and fossil-fuel infrastructure projects

Wrote "Tribal Tools and Legal Levers for Halting Fossil-Fuel Infrastructure," forthcoming in *American Indian Law Review*

Hosted the Ports and Pipelines workshop to receive feedback from tribal community members and practitioners regarding the article

2018-19

Pacific Northwest tribes and fossil-fuel infrastructure



OCEANS, COASTS, AND WATERSHEDS PROJECT

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

2017-18

Assessed instream flow and the Willamette River Basin

Studied water impacts and the urban landscape

Explored legal and policy mechanisms to protect *in situ* groundwater

Assisted at the Association of Pacific Rim Universities Sustainable Cities and Landscapes Conference

Researched Oregon's implementation mechanisms for coastal adaptation

Researched a state's ability to override federal regulations for near-shore issues such as offshore drilling

2018-19

Instream flow in the Willamette River basin

Innovations at the Nexus of Food, Energy and Water Systems (INFEWS) project

Approaches to protect surface and ground water

US ocean and coastal law and policy, post-Obama

Ocean acidification



SUSTAINABLE LAND-USE PROJECT

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

2017-18

Evaluated the use of prescribed fire as a tool to promote healthy ecosystems in national forests

Studied how to make parking regulations responsive to demand in the ride-share economy

Researched geometry tax and autonomous vehicles

Wrote blog post on parking markets

2018-19

Prescribed fire in national forests

Urbanism next: effects of technological advances on cities, focusing on issues such as land use, regulatory structures, employment, sustainability, and housing affordability (e.g., autonomous vehicles, e-commerce, drones, sharing economy)

Local government climate-action plans

RECENT PUBLICATIONS

GREG DOTSON, "The Carbon Tax Vote You've Never Heard of and What It Portends," *Journal of Environmental Law and Policy* (forthcoming 2018).

SUSAN GARY, "Best Interests in the Long Term: Fiduciary Duties and ESG Integration," *90 University of Colorado Law Review* (forthcoming 2018).

TOM LININGER, "Green Ethics for Judges," *George Washington Law Review* (forthcoming 2018).

MARY WOOD, "Tribal Tools and legal Levers for Halting Fossil-Fuel Transports and Exports through the Pacific Northwest," *American Indian Law Review* (forthcoming 2018).

MARY WOOD, "Atmospheric Trust Litigation: Securing a Constitutional Right to a Stable Climate System," *29 Colorado Natural Resources, Energy, and Environmental Law Review* 101 (forthcoming 2018).

DOYLE ELIZABETH CANNING, "Zeroing Out Climate Change: A 'Hard Look' at Trump's Social Cost of Carbon," *48 Environmental Law Reporter* 10479 (2018).

MARY WOOD, "The Public Trust Paradigm for a New Economy," *Law and Policy for a New Economy* 97-119 (Edgar Elgar Publishing, 2017).

MARY WOOD, "Nature's Trust: A Legal and Sacred Government to Protect Earth's Climate System for Future Generations," *The Urgency of Climate Change* 362-388 (Cambridge Scholars Publishing, 2017).

WILLIAM K. JAGER, ADELL AMOS, DANIEL P. BIGELOW, et al., "Finding Water Scarcity Amid Abundance Using Human-Natural System Models," *114 Proceedings of the National Academy of Sciences of the US* 45 (2017).

DOUGLAS QUIRKE, CASSANDRA MOSELEY, and **JESSE ABRAMS**, "Between Community Stability and the 'Greatest Good': Legal Obligations of the US Forest Service toward Rural Communities, 1891-2016," *32 Journal of Environmental Law and Litigation* 169 (2017).

ARIEL STAVISTSKY, "Lessons and Strategies from Oregon's Would-Be Voluntary Renewable Energy Tariff," *Environmental and Natural Resources Law Center Energy Law and Policy Project* (2017).

MICHAEL C. BLUMM and **MARY WOOD**, "No Ordinary Lawsuit: Climate Change, Due Process, and The Public Trust Doctrine," *67 American University Law Review* 1 (2017).

ROBERTA MANN, "Controlling the Environmental Costs of Obesity," *47 Environmental Law* 697 (2017).

BENJAMIN Y. CLARK, NICO LARCO, and **ROBERTA MANN**, "The Impacts of Autonomous Vehicles and E-Commerce on Local Government Budgeting and Finance," *Urbanism Next* (2017).

ZACHARY GREEN, "Realizing the Atmospheric Recovery Plan: The Sky Trust Implementation," *Environmental and Natural Resources Law Center Global Environmental Democracy Project* (2017).

MARY WOOD, "Prospectus: An Atmospheric Recovery and Implementation Plan Funded by Natural Resource Damage Actions against Fossil-Fuel Corporations," *Environmental and Natural Resources Law Center Global Environmental Democracy Project* (2017-18).

ENR FELLOWS

Our Thanks to the 2017-2018 ENR Fellows

Conservation Trust Project

- Sara Brennan (EWEB Fellow)
- Jen Respass (Bowerman Fellow)

Energy Law and Policy Project

- Peter Blair (Bowerman Fellow)
- David Heberling (Bowerman Fellow)
- Natalie Lavinsky (Dean's Distinguished Environmental Law Fellow)

Food Resiliency Project

- Sarah Alvarez (Bowerman Fellow)
- Amy Hoover (Dean's Distinguished Environmental Law Fellow)
- Alexandria Roullier (Bowerman Fellow)

Global Environmental Democracy Project

- Zoe Grant (Bowerman Fellow)
- Sharath Patil (Bowerman Fellow)
- Catherine Pratt (Dean's Distinguished Environmental Law Fellow)

Native Environmental Sovereignty Project

- Brendan Keenan (Bowerman Fellow)
- Maggie Massey (Bowerman Fellow)

Oceans, Coasts, and Watersheds Project

- Grace Brahler (Chapin Clark Fellow)
- Maggie Franquemont (Bowerman Fellow)
- Wilson Jarrell (Bowerman Fellow)
- Courtney Kohler (Bowerman Fellow)
- Cole Sito (Bowerman Fellow)

Sustainable Land-Use Project

- Angela DeLuca (Sustainable Cities Initiative Urbanism Next Fellow)
- Dan Lawler (Bowerman Fellow)

Congratulations and Welcome to the 2018-19 ENR Fellows

Conservation Trust Project

- Catherine Pratt (Bowerman Fellow)
- Erin Yoder Logue (Bowerman Fellow)

Energy Law and Policy Project

- Cole Sito (Bowerman Fellow)
- John Watson (Bowerman Fellow)

Food Resiliency Project

- Zoe Grant (Bowerman Fellow)
- Amy Hoover (Bowerman Fellow)
- Madeline Lorang (Dean's Distinguished Environmental Law Fellow)
- Claire Regenstreif (Dean's Distinguished Environmental Law Fellow)

Global Environmental Democracy Project

- Callan Barrett (Bowerman Fellow)
- Doyle Canning (Bowerman Fellow)

Native Environmental Sovereignty Project

- Whitman Koch (Bowerman Fellow)
- Maggie Massey (Bowerman Fellow)
- Ambriel Sandone (Bowerman Fellow)

Oceans, Coasts, and Watersheds Project

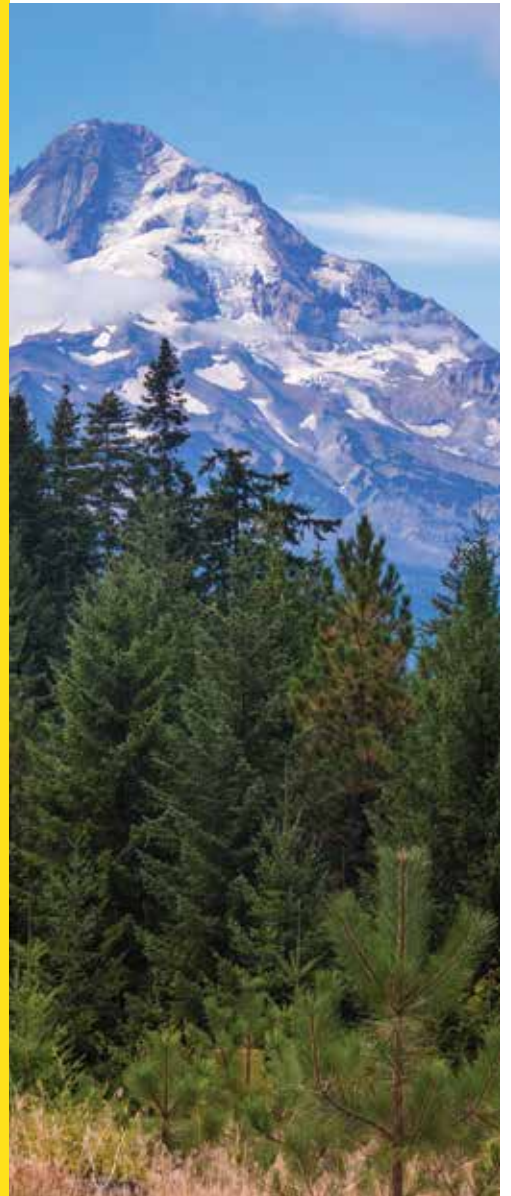
- Matthias Fostvedt (Bowerman Fellow)
- Lindsey Hutchison (Dean's Distinguished Environmental Law Fellow)
- Corinne Milinovich (Bowerman Fellow)
- Marika Sitz (Chapin Clark Fellow)

Sustainable Land-Use Project

- Christopher Groesbeck (Bowerman Fellow)
- Benjamin Molloy (Sustainable Cities Initiative/Urbanism Next Fellow)
- John Quinto (Bowerman Fellow)

GRANT SUPPORT

The Center's seven interdisciplinary projects brought together law students and faculty members, using their expertise to solve environmental problems in Oregon, the nation, and around the world. This work is supported by generous grant and donor support. If you are interested in learning how you can support the ENR's Interdisciplinary Research Projects and Fellows Program, please contact Heather Brinton at hbrinton@uoregon.edu.



FACULTY UPDATES



ADELL AMOS

PRESENTATIONS

“Redrawing Our Urban Waters,” Association of Pacific Rim Universities’ Sustainable Cities and Landscapes Conference (on the theme “US Pacific Northwest in Pacific Rim Perspective”), September 15-17, 2017.

Fundamentals of Land and Water Law Workshop,” National Young Farmers Coalition, September 18, 2017.

“Climate Change and Water Scarcity: The Potential for Social Responses and Institutional Resiliency in the Pacific Northwest” (with William Jager), Eighth Annual Northwest Climate Conference, October 11, 2017.

“The Importance of State Water Law in Federal Takings Claims,” ENR Works in Progress Conference, October 26-27, 2017.

“Willamette Basin Integrated Modeling—Willamette Water 2100 Effort,” American Water Resources Association Conference, November 5-9, 2017.

“Flexible Responses in Water Law and Policy,” Water Resources Graduate Program Seminar Series (on the theme “Economics of Water”), Oregon State University, November 15, 2017.

“Negotiating Water Conflicts: A Comparative Perspective,” Panel presentation with William Jarvis, OSU, and Celia Zapparolli, Mediator, Eugene, Oregon, April 19, 2018.

“The Water We Eat: Law, Policy, and Our Collective Food Systems,” University of Oregon, April 23, 2018.

PUBLICATIONS

“Finding Water Scarcity amid Abundance Using Human-Natural System Models.” William K. Jager et al., Proceedings of the National Academy of Sciences of the United States of America (2017).



JOHN BONINE

PRESENTATIONS

Keynote speaker discussing human rights and the environment, African Environmental Law Conference, Arusha, Tanzania, May 2018.

Lectured on creativity in environmental law, Tumaini University Makumira, Arusha, Tanzania.

Participated in the annual meeting of the Environmental Law Alliance Worldwide, an organization of public interest lawyers from 70 countries Bonine founded 30 years ago.



GREG DOTSON

PRESENTATIONS

Organized and served as moderator and panelist on the academic perspective “West Coast Cooperation on Climate Change,” School of Law, University of Oregon, October 26, 2017.

“The Carbon Tax Vote You’ve Never Heard of and What It Portends,” School of Law, University of California at Los Angeles, November, 2017.

Organized “Charging Forward: The Future of Energy in Oregon” School of Law, University of Oregon, April 13, 2018.

“A Solution for Pollution? What Carbon Pricing Means for Oregon” at the City Club of Central Oregon, May 2018.

“The Law and Science of Carbon Reduction: Best Practices and Policies” Oregon Coastal Caucus Economic Summit, August 2018.

“Revisiting Carbon Border Tax Adjustments: Is There a Need for a Policy Alternative?” at Vermont Law School’s Ninth Annual Colloquium on Environmental Scholarship, September 2018.

PUBLICATIONS

“Oregon Energy Leadership in the Aftermath of Federal Abdication,” *Oregonian*, June 4, 2017.

“Is Scott Pruitt Calling for an Amendment to the Clean Air Act?,” *Legal Planet*, July 24, 2017.



“Low-Income Americans Face an Urgent Threat,” *Environmental Forum*, November-December 2017.

“Why EPA’s U-Turn on Auto Efficiency Rules Gives China the Upper Hand,” *Conversation*, March 29, 2018.

“The Carbon Tax Vote You’ve Never Heard of and What It Portends,” *Journal of Environmental Law and Policy* (forthcoming 2018).



**MICHAEL
FAKHRI**

Leadership team board member, Academy of Food Law and Policy.

PRESENTATIONS

“How a Renewed International Trade Law May Contribute to a More Equitable Global Food Regime,” World Trade Organization’s Ministerial Conference, December 10-13, 2017.

“Indigenous Sovereignty, Food Sovereignty, and Third World Sovereignty,” University of Arizona Indigenous Peoples Law and Policy Program. (He also taught a course on food sovereignty at the University of Arizona’s Indigenous Governance on January 10, 2018).

“Indigenous Sovereignty, Food Sovereignty, and the Future of International Trade Law,” School of Law, University of Glasgow, January 18, 2018.

Keynote address: “Food, Sovereignty, and International Trade Law,” *Transnational Legal Theory* Journal Symposium, King’s College London, January 20, 2018.

PUBLICATIONS

Bandung, Global History, and International Law: Critical Pasts and Pending Futures (Cambridge University Press, 2017) (Coeditor).

“Gauging US and EU Seal Regimes in the Arctic against Inuit Sovereignty,” *The European Union and the Arctic* (Brill Nijhoff, 2017).



FACULTY UPDATES continued



**SUSAN
GARY**

Works with the Sustainable Futures Section of the Oregon State Bar developing legislation to amend the investor statutes.

PRESENTATIONS

"Impact Investing for Trusts," New Hampshire Estate Planning Council, May 2018.

"Electronic Wills." Co-presenter. Estate Planning and Probate Section of the Alaska Bar. Telephonic presentation, March 13, 2018.

PUBLICATIONS

"Best Interests in the Long Term: Fiduciary Duties and ESG Integration," *90 University of Colorado Law Review* (forthcoming).

"Commentary: Fiduciary Duty Yellow Flags for Proxy Season," *Pensions and Investments* online, April 17, 2018.

Understanding Trusts and Estates, with Roger W. Andersen (Carolina Academic Press: 6th 3d. 2018).

Restricted Charitable Gifts: Public Benefit, Public Voice, 81 Albany L. Rev. 101 (2018).



**RICHARD
HILDRETH**

Joined several law professors' amicus briefs involving proposed changes in federal ocean management regulations.

Serves on the editorial boards of the peer-reviewed journals *Australian Journal of Maritime and Ocean Affairs* and *Ocean Development and International Law*.





**TOM
LININGER**

PRESENTATIONS

“Green Ethics for Judges,” *Texas Environmental Law Journal* symposium, March 2017.

“Green Ethics for Judges,” faculty colloquium, Southern Methodist University, September 2017.

Gave a one-hour presentation about wildlife surveillance and led a two-hour CLE session on recent developments in ethics law, the University of Oregon’s Public Interest Environmental Law Conference, March 2018.

PUBLICATIONS

“Green Ethics for Judges,” *George Washington Law Review* (forthcoming).



**ROBERTA
MANN**

PRESENTATIONS

“I Robot, U Tax,” Global Conference on Environmental Taxation, University of Arizona, Tucson, Arizona, September 2017.

“Controlling the Environmental Costs of Obesity,” University of South Australia, Victoria University, University of Auckland.

Awarded an Australian School of Taxation (ATAX) Fellowship, University of New South Wales, Sydney, Australia, December 2017.

Environmental Taxation Seminar, Peter A. Allard School of Law, University of British Columbia, Vancouver, BC, February 2018.

PUBLICATIONS

“Controlling the Environmental Costs of Obesity,” 47 *Environmental Law* 697 (2017).



**DOUG
QUIRKE**

Doug serves on the Executive Committee of the Oregon State Bar Sustainable Future Section

PUBLICATIONS

“Between Community Stability and the “Greatest Good”: Legal Obligations of the U.S. Forest Service Toward Rural Communities, 1891-2016,” 32 *J. ENVTL. LAW AND LITIGATION* 169 (2017) (co-authored with Cassandra Moseley and Jesse Abrams)

“Prescribed Fire Policy Barriers and Opportunities: A Diversity of Challenges and Strategies Across the West,” University of Oregon Ecosystem Workforce Program Working Paper Number 86/Colorado State University Public Lands Policy Group Practitioner Paper Number 2 (2018) (coauthored with Courtney Schultz, Heidi Huber-Stearns, Sarah McCaffrey, Gwen Ricco, and Cassandra Moseley)



**MARY
WOOD**

PRESENTATIONS

Getches-Wilkinson Center Distinguished Lecturer, Getches-Wilkinson Center for Natural Resources and the Environment, University of Colorado at Boulder, September 20, 2017.

“The Public Trust Doctrine and Law in a New Ecological Age,” Columbia University, March 22, 2018.

Speaker at the *Florida State University Law Review* Rehearing, April 13, 2018.

“The Public Trust in the 21st Century: Driving an Atmospheric Recovery Plan to Respond to Climate Disruption,”

George Washington University Law School Symposium, April 13, 2018.

“Atmospheric Recovery: A Multidisciplinary Effort to Save the Planet’s Climate System,” University of Oregon Climate Change Research Symposium, Eugene, Oregon, April 25, 2018.

Youth and Climate Justice Conference, University of Rhode Island, Providence, Rhode Island, May 10, 2018.

“Atmospheric Recovery Litigation,” Bedrock Lecture Series, Oregon State University, May 23, 2018.

“*Juliana v. United States*: Public Trust Doctrine and Global Climate Change,” Department of Geography, University of Oregon, May 31, 2018.

PUBLICATIONS

“Nature’s Trust: A Legal and Sacred Covenant to Protect Earth’s Climate System for Future Generations,” *The Urgency of Climate Change* (2017).

“*The Public Trust Paradigm for a New Economy*,” *Law and Policy for a New Economy* (Edgar Elgar Publishing, 2017).

“No Ordinary Lawsuit’: Climate Change, Due Process, and the Public Trust Doctrine” (with Michael C. Blumm), 67 *American University Law Review* 1 (2017).

“Atmospheric Trust Litigation: Securing a Constitutional Right to a Stable Climate System,” 29 *Colorado Natural Resources, Energy, and Environmental Law Review* 101 (in press 2018).

“Tribal Tools and Legal Levers for Halting Fossil-Fuel Transports and Exports through the Pacific Northwest,” *American Indian Law Journal* (forthcoming 2018).



CONFERENCES AND EVENTS

JELL Symposium 2017: “American Fire: Trends in Wildfire Law, Science, and Policy on Public and Private Lands”

On September 29, 2017, at the William W. Knight Law Center at the University of Oregon in Eugene, Oregon, the Journal of Environmental Law and Litigation (JELL) sponsored a symposium titled “America on Fire: Trends in Wildfire Law, Science, and Policy on Public and Private Lands.” The JELL 2017 fall symposium sought to further the dialogue among communities facing high natural wildfire risk and the federal, state, and local agencies responsible for mitigation and management. This symposium explored developments in wildfire policy after the third consecutive warmest year (2016 global averages) and the legal response to mitigation and recovery from wildfire disasters.



West Coast Cooperation on Climate Change

On October 26, 2017, the Environmental and Natural Resources Law Center and the Wayne Morse Center for Law and Politics cohosted a symposium on law, politics, and intergovernmental cooperation featuring experts from the governments of California, Washington, and Oregon as well as scholarly experts in environmental law. The event featured Oregon Department of Environmental Quality director **Richard Whitman** as well as the climate advisors from the governors' offices of California, Oregon, and Washington. Oregon senator **Michael Dembrow** and Oregon representative **Ken Helm** discussed the climate-change agenda for the 2018 legislative session, and academic experts weighed in on regional cooperation on climate change.

Works in Progress Conference: “State and Tribal Action on Climate Change in a Time of Federal Uncertainty”

On October 27, 2017, the School of Law hosted the inaugural Works in Progress Conference, titled “State and Tribal Action on Climate Change in a Time of Federal Uncertainty.” The conference provided an opportunity for substantive exchanges among a group of environmental law scholars on the topics of environmental law, natural resources law, water law, and energy law and policy. Participants addressed the policy landscape governing environmental protection generally and climate change specifically, as well as the dramatic changes proposed by the new administration.

PARTICIPANTS INCLUDED THE FOLLOWING:

David Adelman, University of Texas School of Law
Adell Amos, University of Oregon School of Law
Michael Blumm, Northwestern School of Law of Lewis and Clark College
Michael Burger, Columbia Law School, Columbia University
Maxine Burkett, William S. Richardson School of Law, University of Hawaii at Manoa
Greg Dotson, University of Oregon School of Law



Victor Flatt, University of Houston Law Center
Emily Hammond, George Washington University Law School
Kathryn Kovacs, Rutgers Law School, Rutgers University
Douglas Kysar, Yale Law School, Yale University
Kalyani Robbins, Florida International University College of Law

Rebecca Tsosie, James E. Rogers College of Law, University of Arizona
Shelley Welton, University of South Carolina School of Law
Mary Wood, University of Oregon School of Law



Eleventh Annual Rennard Strickland Lecture

The University of Oregon School of Law was honored to host **Dean James Anaya** of the University of Colorado at Boulder School of Law for the 11th Annual Rennard Strickland Lecture, titled “The Power of Ideas: The United Nations Declaration on the Rights of Indigenous Peoples.” the event was held November 8, 2017, at the UO’s William W. Knight Law Center. The Rennard Strickland Lecture was established in 2006 to honor the legacy of former Dean Rennard Strickland by examining Native American leadership and vision for environmental stewardship in the 21st century.

SAVE THE DATE The 12th Annual Rennard Strickland Lecture will take place on **October 29** at 6:00 p.m., when we will be hosting Professor Gerald Torres, the Jane M. G. Foster Professor of Law from Cornell Law School.

Ports and Pipelines Workshop March 1, 2018



The Native Environmental Sovereignty Project hosted a workshop at the Many Nations Longhouse at the University of Oregon. Tribal members and practitioners provided feedback on “Tribal Tools and Legal Levers for Halting Fossil-Fuel Transport and Exports through the Pacific Northwest,” an article by **Mary Christina Wood** and third-year law students Anna Elza Brady and Brendan Keenan Jr. The workshop brought interested parties to the table to hear the writers present the article and gave time for interested parties to give feedback. The article will be published in the *American Indian Law Journal*, forthcoming in 2018.

Charging Forward: The Future of Energy in Oregon April 13, 2018



The Green Business Initiative Student Association and the Environmental and Natural Resources Law Center cohosted several panels on Oregon’s

energy future. Topics included technological advancement and business opportunities, state carbon policy, and the Public Utility Commission’s process in Oregon. Keynote speakers included **Janine Benner**, the Oregon Department of Energy director, **Kristen Sheeran**, the energy and climate policy advisor and director of the Carbon Policy Office, **Megan Decker**, the newly appointed Public Utility Commission chair, and **Jessica Shipley** of the regulatory Assistance Project.

Members of the association are interested in the intersection of law, business, and the environment. Its mission is to promote awareness of sustainable business practices and the legal framework and policies that support green business.

The Water We Eat: Law, Policy, and Our Collective Food Systems April 23, 2018



The Food Resiliency Project and the Good Food Group cosponsored a lunchtime event at the University of Oregon Museum of Natural and Cultural History. Professor **Adell Amos** gave a brief primer on water law and discussed the water-energy-food nexus and ways in which water law and policy affect the greater food system.

CONFERENCES AND EVENTS

PIELC 2018



LOCAL CHARACTER, GLOBAL VISION.

By Thomas Boone, Shane Davis, Christopher Groesbeck, Corinne Milinovich, and Parker Brigance (Conference Co-Directors)

On the first weekend of March 2018, activists, students, attorneys, environmentalists, and scientists from a diverse array of communities and cultures gathered for the 36th Annual Public Interest Environmental Law Conference (PIELC). The conference provided a space for facilitated discussions, workshops, panels, and keynote speeches. Thousands of participants were able to choose from more than 120 panels, workshops, and films. They filled their days with lively discussions and informative presentations on cutting-edge science, litigation, and political and environmental issues facing our world.

THURSDAY

The conference began with panels about environmental laws and the current administration, wildlife, local air quality, and landscape restoration as a tool for bipartisan communication. Every year the David Brower Lifetime Achievement Award is presented to a well-deserving activist, community member, or attorney, and this year was no different. **Carol Van Strum**, an environmental activist and author of *A Bitter Fog* accepted the award to a standing ovation. The first keynote speech was by **Richard W. Spinrad**, a professor of oceanography at Oregon State University and president-elect of the Marine Technology Society. Spinrad delivered a thought-provoking speech about the changing role of science in environmental policy that was extremely well-received.

FRIDAY

The first full day of the conference began with the always-packed Wolfshop, a two-hour workshop on the legal actions being taken in Washington, Oregon, Alaska, and California at the state and federal level to protect wolves. The Wolfshop provided attendees with a panel discussion that analyzed, contrasted, and compared the wolf-management regulations in those states. The day also included an enlightening keynote address from **Jaime A. Pinkham** of the Nez Perce Tribe and the vice president of the Bush Foundation, a private foundation started in 1953 by 3M executive Archibald Bush in Saint Paul, Minnesota. Pinkham spent the last two decades in the Pacific Northwest advocating for tribal sovereignty, self-determination, and treaty rights. He spoke about the legal, political, and management capacity of the tribes as stewards. His passion for the wilderness was apparent throughout his speech and left audience members feeling inspired and informed.

SAVE THE DATE FOR PIELC!

FEBRUARY 28-MARCH 3, 2019

That evening culminated with two more incredible events: the always highly attended Indigenous Peoples' Reception and a keynote address given by **Julia Olson** from Our Children's Trust. In keeping with tradition, the Indigenous Peoples' Reception, held in the Many Nations Longhouse, featured a locally sourced and community-prepared salmon dinner. Attendees gathered to celebrate Native American cultures and Oregon's sovereign tribal nations. Julia Olson, executive director and chief legal counsel for Our Children's Trust, delivered to a packed room the evening's keynote address on her organization's ongoing climate-change lawsuit against the US government.

SATURDAY

Stephanie Kodish delivered the morning keynote address on how social justice and environmentalism intersect, based in part on her expertise safeguarding national parks from air pollution. Kodish is the senior director and counsel for the Clean Air Program at the National Parks Conservation Association, the independent, nonpartisan voice working to protect America's favorite places. The timely subject, combined with her powerful delivery, resulted in an incredible speech that was well-received by all.



The day continued with incredible panels, well-informed table discussions, and unique film events. Panel topics of the day ranged from fracking to public lands management to endangered species' relationship to renewable energies to wildfire ecology. The evening keynote was delivered by **Kathleen Wolf**, a research social scientist at the College of the Environment at the University of Washington. Wolf spoke about her cutting-edge research regarding the interconnectedness of nature and health, and how that knowledge may be used to improve our communities. The day ended with the annual PIELC party at Hi-Fi Music Hall, where Casey Neil and the Norway Rats and the Junebugs performed.

SUNDAY

The last day began with a community breakfast. Annual workshops included the women's self-defense workshop and the legal ethics workshop held by University of Oregon School of Law professor **Tom Lininger**. Panels presented topics on solar energy, international environmental law, nature's rights, and the negatives of wolf collars. **Kaarin Knudson** delivered an incredible final keynote address. An architect and urban designer who founded her sustainable urban design practice, Knudson's vital work focuses on the interventions needed to create more empathetic, livable, and resilient places. Knudson spoke about the collaboration, sustainable urban design, and the possibilities we find between a rock a hard place.

PIELC 2018 was a huge success thanks to the students of Land, Air, Water, dozens of volunteers, the University of Oregon School of Law faculty and staff members, the Eugene community, and the thousands of attendees who came prepared to engage in thoughtful, relevant, environmentally based discussions. ■



“Community efforts are growing to assert human and environmental rights to life and health over the rights of corporations to make profits.”

—Carol Van Strum, author, *A Bitter Fog*
2018 David Brower Award Recipient



BROWER, RYDBERG, AND KRAVCHENKO AWARD WINNERS 2018

Each year, Land, Air, Water (LAW) students recognize outstanding environmental activists at the Public Interest Environmental Law Conference through the following awards



Svitlana Kravchenko
Environmental Rights Award

The recipient of the **Svitlana Kravchenko Environmental Rights Award** is presented to individuals who carry on the spirit of Svitlana Kravchenko, who left this world in 2012, her work enormously successful but unfinished. The award is given to an individual with exquisite qualities of both head and heart, mixing academic rigor with spirited activism, and speaking truth to power while exhibiting kindness to all. The award also seeks to recognize those who make a broad impact in law while working to support local communities.

This year, the award was presented to **Professor Oliver Houck** of Tulane University Law School. Specializing in environmental, natural resources, and criminal law, Professor Houck emphasizes the relationships between ecology and the law. His books include *Taking Back Eden: Eight Environmental Cases That Changed the World*, *Down on the Batture*, *The Clean Water Act TDML Program: Law, Policy, and Implementation*, and *Downstream toward Home: A Book of Rivers*. Professor Houck has founded public interest organizations in Louisiana and has consulted on the development of environmental law in Latin American countries.



Kerry Rydberg Award for
Environmental Activism

The recipient of the **Kerry Rydberg Award for Environmental Activism** is presented annually to an advocate who embodies 1987 Oregon alumnus Kerry Rydberg's courage, self-reliance, commitment, and talent, and who embraces a dedication to representing citizens at the grassroots level of environmental matters.

This year, the recipient is **Rebecca Smith**, an attorney with the Public Interest Defense Center and president of the board of directors of the Civil Liberties Defense Center. Rebecca practices in Missoula, Montana, and specializes in public interest law for low-income clients. This includes representing marginalized individuals and nonprofit community groups in cases involving environmental protection, activist criminal defense, and police misconduct. Rebecca graduated as class valedictorian from the University of Montana's Alexander Blewett III School of Law, where she received her JD and master of science degree in environmental studies. She is also a member of the National Police Accountability Project and the National Lawyers Guild. She formerly served on the board of directors for the Buffalo Field Campaign. Rebecca is also a certified Montana master naturalist and volunteers as a visiting naturalist in fourth- and fifth-grade classrooms across western Montana.



David Brower Lifetime
Achievement Award

The recipient of the **David Brower Lifetime Achievement Award** is presented to an attorney or activist who has had a life dedicated to environmental activism while exemplifying the values of David Brower. Brower was executive director of the Sierra Club and founder of such environmental organizations and institutes as the John Muir Center for Environmental Studies, Friends of the Earth, the League of Conservation Voters, the North Cascades Conservation Council, and the Earth Island Institute.

This year, the David Brower Lifetime Achievement Award was presented to **Carol Van Strum**, the author of *A Bitter Fog: Herbicides and Human Rights*, the story of the fight against aerial herbicide spraying in the Five Rivers area of Oregon. Van Strum's work contributed to a new national forest policy that favors selective harvests without herbicides. Her collection of documents showing false data used for industrial products was digitized and put online under the moniker "The Poison Papers." Van Strum has authored three other books and continues her activism and legal work in defense of the environment.



CLINICS AND EXTERNSHIPS



“My externship with the United Nations was an incredible opportunity and gave me amazing firsthand knowledge of international climate change law.”

—Claire Reid Kiss, JD '18

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
- STATE OF OREGON ATTORNEY GENERAL
- OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY
- STATE OF WASHINGTON ATTORNEY GENERAL
- STATE OF CALIFORNIA ATTORNEY GENERAL
- OREGON PUBLIC UTILITY COMMISSION
- HELLS CANYON PRESERVATION COUNCIL
- SQUAXIN ISLAND TRIBE
- SWINOMISH INDIAN TRIBAL COMMUNITY
- ENVIRONMENTAL PROTECTION INFORMATION CENTER
- BLUE RIVER LAW
- CASCADIA WILDLANDS
- CENTER FOR BIOLOGICAL DIVERSITY
- OREGON CITIZENS UTILITY BOARD
- CRAG LAW CENTER
- DELAWARE RIVERKEEPER NETWORK
- HUMANE SOCIETY OF THE UNITED STATES
- IDAHO WATER USERS ASSOCIATION
- IOWA NATURAL HERITAGE FOUNDATION
- WESTERN RESOURCES ADVOCATES
- TRUSTEES FOR ALASKA
- EARTHJUSTICE
- 1,000 FRIENDS OF OREGON
- ENVIRONMENTAL LAW ALLIANCE WORLDWIDE
- TROUT UNLIMITED
- BEYOND TOXICS
- CENTER FOR OCEAN SOLUTIONS
- LINCOLN COUNTY COUNSEL
- OUR CHILDREN'S TRUST
- KLAMATH-SISKIYOU WILDLANDS CENTER
- MIDWEST ENVIRONMENTAL ADVOCATES
- NATIONAL LAW CENTER FOR THE INTER-AMERICAN FREE TRADE
- INSTITUTE OF MAN AND ENVIRONMENT OF THE AMAZON
- DELEGATION OF THE EUROPEAN UNION TO THE UNITED STATES—TRADE SECTION
- OREGON OFFICE OF THE LEGISLATIVE COUNSEL
- UNITED NATIONS CLIMATE CHANGE SECRETARIAT LEGAL AFFAIRS PROGRAM
- WILDEARTH GUARDIANS



ENR CLINIC: WESTERN ENVIRONMENTAL LAW CENTER

By Brian Sweeny

The University of Oregon School of Law provides the Western Environmental Law Center (WELC) the opportunity to follow through on one of its core missions: helping to train the next generation of legal advocates for the environment. This year, WELC attorneys mentored Environmental Law Clinic students on a number of ongoing, meaningful cases to defend the West.

One student gained real-world experience working on discovery requests to support ongoing litigation to restore threatened wild steelhead trout in the Santiam River basin. Another student analyzed the sufficiency of an incidental

take statement to immunize state and tribal trapping that harms threatened Canada lynx, and helped to successfully defeat the trapping industry's motion to dismiss based on joinder. Students also worked up a potential case to curb water pollution that harms threatened wild coho salmon in northern California.

In addition, Environmental Law Clinic students enrolled in spring semester observed environmental law in action when they attended oral argument in the Ninth Circuit. There, WELC attorney Pete Frost defended the State of Oregon's ban on suction dredge mining in streams designated as essential salmon and steelhead habitat.

For many years, WELC's collaborative relationships with law students have helped endangered species,

protected clean water, and advanced important climate and energy work. Not only has this work provided students with the experience necessary to serve as valued members of the environmental law community, it has helped WELC further its mission of aiding the public interest and protecting the people, places, plants, and animals in the West that we treasure.

Thank you to our students—past, present, and future.



This past academic year was another exciting year for the University of Oregon Master of Laws (LLM) Program. The program welcomed talented students who focused on environmental and natural resources law, American law, and business law. The environmental and natural resources law (ENR) concentration continues to bring enthusiastic, highly accomplished students to the law school.

In May, the School of Law celebrated eight students who received their LLM degrees. Several graduates completed the ENR concentration, including a Fulbright Scholar whose research focus is water management. In January, the LLM program welcomed five new students to the cohort—three are pursuing the ENR concentration.

In addition to their academic work, the 2018 cohort was involved in environmental law, human rights, and dispute-resolution conferences and symposiums locally and internationally. One LLM student traveled to Oxford, United Kingdom, in March to participate in the Oxford Consortium for Human Rights. Several LLM students and alumni participated in the Brazil-Japan Litigation and Society Seminar in Matsumoto, Japan, in January. The seminar focused on administrative appropriate dispute resolution, water management disputes,

and dispute resolution in court.

Our LLM alumni continue their work in environmental law, dispute resolution, and cross-border transactions around the world. Three graduates of the LLM program in environmental law, along with UO law professor **John Bonine**, were reunited in Africa in May. **Elifuraha Laltaika**, LLM '13, a Fulbright alumnus, coorganized the African Public Interest Environmental and Human Rights Law Conference in Arusha, Tanzania (near the base of Mount Kilimanjaro). Laltaika and Professor Bonine were joined at the conference by **Ximena Ramos**, LLM '13, and **Samantha Atukunda Kakuru Mwesigwa**, LLM '12. Professor Bonine gave the opening keynote speech at the conference and was invited to lecture at Tumaini University Makumira, where Laltaika teaches administrative law.

Alumnus **Filip Simak**, LLM '16, has worked as an environmental law specialist and consultant on several projects in the Czech Republic, Turkey, and the United States. Filip's work is centered on green financing for projects that focus on urban environmental protection and the green industry sector. The funded projects are those that involve, primarily, renewable energy, sustainable development, waste management, and soil, air, and water quality. Filip is also an environmental law PhD candidate at Charles University in

LLM PROGRAM UPDATES

Prague, Czech Republic. In conjunction with his PhD program, Filip researches sustainable urban development projects and policy in Germany, India, Norway, and Turkey.

Alumna **Edna Odhiambo**, LLM '16, was invited to speak at the 2018 Educational Partnerships for Innovation in Communities (EPIC) Network Conference at the University of Wisconsin at Madison in April to discuss her work as an international EPIC program partner. Alumnus **Jesse Imonje Indeche**, LLM '17, is a lecturer at Riara University School of Law in Nairobi, Kenya. Jesse teaches advanced legal research and writing and environmental and natural resources law. Jesse is also researching legal education in Kenya. He is working with a number of organizations to examine how legal education is delivered and to formulate ways to enhance curriculum and pedagogy. Edna and Jesse are featured on the *LLM Stories to Master the Law* blog, <https://blogs.uoregon.edu/llmnews/>.

In April 2018, alumnus **Akwasi B. Assensoh**, LLM '15, received the Outstanding Humanitarian Award from the African Studies and Research Forum for contributions he made to the African continent. Akwasi also traveled to Ghana this past spring to attend the 2018 UNESCO-University of Ghana Conference on the Media to present his coauthored paper "The Search for Safety and Job Security for African Journalists."

Alumna **Meiling Zhang**, LLM '15, completed a graduate program in environmental law at Xiamen University in Xiamen, China, in June 2016. Meiling received her license to practice law in China and is now in private practice in Guangzhou with the global law firm Dentons. Her practice focus is on cross-

border investment, real estate and infrastructure, finance leasing, and dispute resolution.

This August, the LLM program will welcome returning students and new members of the Class of 2019. Several students will be working toward an LLM degree in environmental and natural resources law this academic year.

The Class of 2019 includes an impressive array of students from Africa, Asia, and North America. The incoming and returning LLM students bring with them vast and experienced professional portfolios. Among them is an attorney who is transitioning to an environmental law practice, an international student who is a clerk for the supreme court in their home country, and several international student attorneys who are focused on comparative environmental law and business law.

Just like the Class of 2018, many of this year's students aspire to work in environmental justice and advocacy programs and projects in their home countries. Several students are also exploring US dispute-resolution systems to discover how they might be able to incorporate dispute-resolution processes into their practice. The incoming ENR-focused students have a strong commitment to public interest service and initiatives, with an emphasis on climate change, natural resources law, appropriate dispute resolution, and environmental protection and preservation. I am delighted to have the opportunity to work with such talented students.

Kristie Gibson, BA '94, JD '98, is the master of laws program director at the University of Oregon School of Law.

JOHN BONINE-SVITLANA KRAVCHENKO ENVIRONMENTAL PROTECTION SCHOLARSHIP FUND

The John Bonine-Svitlana Kravchenko Environmental Protection Scholarship Fund promotes public interest in environmental protection through the encouragement and in Environmental and Natural Resources Law. With an endowment of \$25,000, the first award from this Fund will be given during this winter's scholarship cycle and will be applied to the 2018-2019 financial aid package. "Because this Fund evolved from a passion about the environment and the law," John Bonine stated, "it should be awarded to those who put passion for the environment before a lucrative legal career."





Journal of Environmental Law and Litigation Publications

Volume 33, 2018

SYMPOSIUM

“America on Fire: Trends in Wildfire Law, Science, and Policy on Public and Private Land”
University of Oregon School of Law
September 29, 2017

SYMPOSIUM INTRODUCTION

33 *Journal of Environmental Law and Litigation* 1

SYMPOSIUM ESSAY

Jamison E. Colburn, “Retreat Alternatives in the National Environmental Policy Act: A Tool for the Perplexed,” 33 *Journal of Environmental Law and Litigation* 3 (2018).

SYMPOSIUM ARTICLES

Blake Hudson, “Fighting Fire with Fire? Adjusting Regulatory Regimes and Forest Product Markets to Mitigate Southern United States Wildfire Risk,” 33 *Journal of Environmental Law and Litigation* 33 (2018).

Allan Kanner and Caitrin Reilly, “Like a Phoenix Rising from the Ashes: Melding Wildfire Law into a Comprehensive Statute,” 33 *Journal of Environmental Law and Litigation* 47 (2018).

Lloyd Burton, “In Dubious Battle: The Human Cost of Wildland Firefighting,” 33 *Journal of Environmental Law and Litigation* 87 (2018).

ARTICLES

Edward J. Sullivan, “Shorelands Protection in Oregon,” 33 *Journal of Environmental Law and Litigation* 129 (2018).

Sophy Sedarat, “New Jersey Municipal Land-Use Law: Constitutional Origin, Judicial Parameters,” 33 *Journal of Environmental Law and Litigation* 165 (2018).

Kayla Brinda, “Wanted: The Great Lakes Water-Unsustainable Out-of-Basin Diversions and Canada’s Options,” 33 *Journal of Environmental Law and Litigation* 199 (2018).

Alan K. Brickley, Steven R. Schell, and Edward J. Sullivan, “Climate Change and Oregon Law: What Is to Be Done?” 33 *Journal of Environmental Law and Litigation* 235 (2018).

M. T. Gebregiorgis, “Introducing an Administratively Feasible Environmental Tax System in Ethiopia,” 33 *Journal of Environmental Law and Litigation* 327 (2018).

COMMENTS

Abigail J. Fallon, “Break the Law to Make the Law: The Necessity Defense in Environmental Civil Disobedience Cases and Its Human Rights Implications,” 33 *Journal of Environmental Law and Litigation* 375 (2018).

Jan League, “Turning Oregon’s Bicycle Infrastructure from Good to Great!” 33 *Journal of Environmental Law and Litigation* 395 (2018).

STUDENT SPOTLIGHT



MAGGIE MASSEY

Maggie Massey, class of 2019, is a Bowerman fellow in the Environmental and Natural Resources Law Center's Native Environmental Sovereignty Project (NESP).

Maggie grew up in Bozeman, Montana, and received a degree from Whitman College with majors in sociology and environmental studies. Prior to law school, Maggie lived, worked, and played in Alaska. She was the manager of the Indigenous Observation Network for the Yukon River Inter-Tribal Watershed Council and assisted community scientists throughout the Yukon River Basin. Together, they monitored the impacts of climate change on permafrost in the sub-Arctic, water quality, and subsistence resources. She also served as the Environmental Justice Program director at Alaska Wilderness League, where she partnered with Alaska Native tribes and organizations focused on protecting the Arctic Ocean and the Arctic National Wildlife Refuge from oil and gas development. During this work, Maggie saw the critical role that attorneys play in supporting

advocacy efforts in the courts. The judicial system can help in protecting environmental justice rights that have been neglected in the political realm. Maggie knew about Oregon's Environmental and Natural Resources Law Center and was drawn to its dedication to public interest law through the Public Interest Environmental Law Conference.

During her first summer at the UO, Maggie received funding from the ENR Center to support her work with Our Children's Trust to represent youth plaintiffs asserting their constitutional right to a clean and healthy atmosphere. She has also participated in a clinic with the Oregon Law Center to assist low-income clients with a variety of civil matters ranging from housing insecurity to unemployment. In addition, she has been an active member of both the Native American Law Student Association and NESP. This summer, Maggie interned at Trustees for Alaska, a public interest nonprofit law firm in Anchorage, Alaska. She wrote motions, completed research, wrote legal memorandum, and worked closely with their attorneys.

"I am grateful for the ENR Center's support during my time at Oregon law. My work with NESP has been focused on the tribal tools and legal levers available to Native nations in the Pacific Northwest who are interested in stopping the transportation of fossil fuels across their reservations and traditional territories. This work has been collaborative, engaging, and challenging. I hope that it will be useful to tribes in their efforts to exercise their sovereign power to protect their communities."



STUDENT SPOTLIGHT



ZOE GRANT

Zoe Grant, class of 2019, is focused on environmental law with additional interests in international and comparative law. Outside of the classroom, Zoe has engaged in several extracurricular opportunities that have allowed her to pursue her passion for using the law to shape international solutions to global environmental concerns.

Originally from Arlington Heights, Illinois, Zoe received her bachelor's degree in natural resources and environmental sciences from the University of Illinois at Urbana-Champaign. Her interest in environmental policy and community engagement quickly drew her out of the lab and inspired her to apply to law school. The UO School of Law has turned out to be an incredible match for Zoe's commitment to public

interest work, while also allowing her to spend time exploring the state's beautiful mountains and coast!

Zoe will be a Food Resiliency Project fellow this coming academic year, a project that aligns with her midwestern roots and interest in sustainable food law and policy. Zoe will also serve as copresident of the national Food Law Student Network (FLSN), which hosts an annual Food Law Leadership Summit with Harvard Law School's Food Law and Policy Clinic. She has thoroughly enjoyed collaborating with law students from all corners of the country interested in shaping the future of food policy, and she hopes her work with the FLSN will provide outlets for more students to become involved in this specialized but crucial practice area. Zoe is also the current operations and articles editor for the *Journal of Environmental Law and Litigation* (JELL).

During the 2017-18 academic year, Zoe served as a Global Environmental Democracy Project fellow, and her projects included research on natural resources damages litigation as well as localized climate-change impacts in Oregon. She also had the opportunity to attend the Food Law Student Network's 2017 Conference at UCLA, and participated in Oxford University's Human Rights Consortium. Her role as a fellow of the Environmental and Natural Resources Law Program has allowed Zoe to independently pursue her interests that would otherwise go unexplored in a traditional classroom setting.

During her first summer in law school, Zoe interned with Our Children's Trust, where she supported discovery

efforts in the *Juliana v. United States* case, which is now set for trial on October 29, 2018. During her second summer, Zoe worked with Environmental Law Alliance Worldwide (ELAW), responding to research requests from environmental attorneys all around the world. She particularly enjoyed the cross-cultural elements of her ELAW experience.

In her third year, Zoe looks forward to successfully publishing Volume 34 of JELL, further developing pragmatic legal skills through course work such as Trial Practice and continuing to pursue her research interests through the ENR fellowship program.



ALUMNI UPDATES



MIKE GOETZ

Mike Goetz, JD '13, is a staff attorney for the Oregon Citizens Utility Board (CUB). Established in 1984, CUB is the rate-payer advocate for the residential customers of Oregon's electric and natural gas investor-owned utilities. In his practice, Mike focuses on regulatory matters before the Public Utility Commission of Oregon (PUC). CUB routinely intervenes in a wide variety of utility cases, including general-rate cases, annual power-cost filings, integrated resource plans, resource procurement dockets, utility mergers and acquisitions, rulemaking proceedings, and various policy investigations. Mike has worked extensively on implementing two recent landmark pieces of Oregon legislation—Senate Bill 1547, the Clean Electricity and Coal Transition

Plan, and Senate Bill 978, an ongoing public process to investigate how developing industry trends, technologies, and policy-drivers may affect the existing electricity regulatory system. Mike holds a BS from the University of Illinois at Urbana-Champaign and a JD from the University of Oregon School of Law with a statement of completion in Environmental and Natural Resources law. He serves on the executive committee of the Oregon State Bar Energy, Telecom, and Utility Section as well as the Portfolio Options Committee, providing oversight to utility voluntary renewable energy programs.



ALUMNI SPOTLIGHT



MALIA LOSORDO

Malia Losordo, JD '16, defended her master's thesis earlier this year at Oregon State University while clerking for the Oregon Supreme Court. Malia earned concurrent doctor of jurisprudence-master of science degrees in water resources policy and management from the University of Oregon School of Law and Oregon State University. Her academic and professional career has focused on water resources, in particular the intersection between water and environmental justice.

Malia used document analysis and interviews to explore Oregon's natural resource agencies' experiences with applying Oregon's environmental justice law to climate-change adaptation planning. Her thesis describes the role that environmental justice principles and environmental justice law played in shaping state-level adaptation efforts. It also identifies potential barriers to the integration of environmental justice into those efforts. Malia's findings indicate that the State of Oregon may benefit from a comprehensive assessment of barriers experienced by natural resource agencies, as well as community-based assessments of both adaptation capacity and capacity to engage in natural resource agency decision-making processes. Malia was advised by Associate Professor Mary Santelmann of the College of Earth, Ocean, and Atmospheric Sciences at OSU and Professor Adell Amos at the UO School of Law.

Born and raised in North Carolina, Malia received her bachelor's degree in geography from the University of North Carolina at Chapel Hill. While at UNC, Malia worked for landscape



ecology and biogeochemistry laboratories at Duke University, exploring changes to the landscape of central North Carolina and examining their impact on stream ecosystems. Through that work, Malia gained an appreciation for the power of interdisciplinary research. She also became curious about human components of watersheds and decided to pursue degrees in law and policy to better understand the role that institutions play in shaping the human activities that contribute to environmental impacts.

While at the UO, Malia served as an Environmental and Natural Resources Fellow and codirector of the Public Interest Environmental Law Conference. Her work with the Oceans, Coasts, and Watersheds Project included research for Professor Amos's contribution to the Willamette Water 2100 project and drafting and editing book



chapters exploring water conflict and collaboration in the Klamath, Deschutes, and Umatilla River Basins. During law school, Malia worked for the Oregon Water Resources Department as an assistant watermaster and as an extern in the Water Rights Program. She also interned with the Oregon State Senate and with the Environment and Natural Resources Division of the US Department of Justice, in both the Appellate Section and the Indian Resources Section.

These experiences helped Malia to build an expertise in state and federal laws related to water resources across the West. They also brought her face-to-face with individuals and communities affected by water laws and policies and showed her that each body of water has multiple, often competing values for those who use it. Malia learned the importance of processes

that ensure that the variety of perspectives on the values of water resources are considered in water policy decision-making. She also realized that the environmental justice movement, with its focus on place-based approaches to decision-making and emphasis on involving communities that are underrepresented in public processes, offered powerful tools for water management in the face of the complex and uncertain policy problems posed by climate change, and she began studying the connection between environmental justice and water resources.

In 2016, she worked as a policy intern with the Director's Office of the Oregon Water Resources Department to assist in implementing environmental justice policies under Oregon statutes. Through that work, Malia attended a meeting of Oregon's

Environmental Justice Task Force and became interested in how other state agencies were implementing environmental justice into their policies. She decided to focus her master's research on the integration of environmental justice principles into several state-level climate-change adaptation planning documents.

Since August 2016, she has clerked for the Honorable Rebecca A. Duncan, first at the Oregon Court of Appeals and now at the Oregon Supreme Court. She has been grateful for the opportunity to serve the public while learning the variety of ways that the state's justice system touches the lives of Oregonians.

Malia is excited to have defended her thesis and she hopes to continue the conversations that began in her thesis interviews.

ALUMNI UPDATES



ANDREW WELLE

Andrew Welle, JD '13, is a staff attorney with Our Children's Trust, a Eugene-based nonprofit organization working to secure the legal right to a stable climate and healthy atmosphere for youth and future generations. In his practice, Andrew supports and represents youth from across the nation, seeking science-based remedies in legal actions against the federal and state governments for their roles in causing and contributing to the climate crisis. In these suits, youth plaintiffs assert that the systemic affirmative conduct of their governments, persisting over decades, in permitting, authorizing, and promoting fossil fuel-based energy systems despite reasonable alternatives and long-standing knowledge of the resulting harm to youth and future generations violates their substantive due process, equal protection, and public trust rights. Andrew is cocounsel in actions against the Washington and Alaska state governments, drafts briefs in

Juliana v. United States (the youth-led climate case), and works in support of various other states. In denying the federal government's motion to dismiss *Juliana*, the US District Court for Oregon acknowledged a previously unrecognized fundamental right to a "a climate system capable of sustaining human life." The Ninth Circuit recently denied the Trump administration's second petition to dismiss the case via writ of mandamus and trial is set to begin in Eugene on October 29, 2018. Andrew holds a BA in philosophy from the University of Notre Dame and Indiana University and a JD from the University of Oregon School of Law. Prior to joining Our Children's Trust, Andrew worked as an associate at Barnes & Thornburg, as a postgraduate fellow with the ENR Center, an in support of other solo public interest environmental practitioners. In his free time, Andrew enjoys trail running, multiday backpacking trips, fishing, and playing guitar and piano.

CELEBRATING THE HISTORY OF ENVIRONMENTAL LAW AT OREGON LAW

Environmental and Natural Resources Law Center, University of Oregon School of Law

1964 First environmental and natural resources law courses offered, taught by Professor Chapin Clark, later a dean. Clark led the transformation of UO law from a small state and local school to a national presence. An expert in property and natural resources law, he was instrumental in building the environmental and natural resources law program.

1967 First admiralty course taught by Professor Tom Mapp and first land-use planning course taught by Professor Gary Weatherford.

1968-69 Ocean and Coastal Law Center opens as the base for the Sea Grant Program in Oregon. The joint UO-OSU Sea Grant Program is one of the first in the US, founded by Professor Jon L. Jacobson.

1978 Environmental Law Clinic established after two years as an externship program—the first in the world. Created by John Bonine, the clinical program uses law and citizen suit



JOCELYN PEASE

Jocelyn Pease JD '09, is an attorney with the Portland boutique energy law firm McDowell, Rackner, Gibson, PC. Jocelyn's practice focuses on the operations, regulation, and environmental concerns of electric, gas, and water utilities in the Pacific Northwest and Alaska, with an emphasis on providing regulatory, administrative, and transactional advice. Jocelyn regularly works with local and regional electric and gas utilities in regulatory proceedings such as rate cases and rulemaking and policy proceedings. Jocelyn's environmental practice focuses on permit grants and environmental compliance for utility infrastructure projects, and includes land use, removal-fill permits, water rights permits, fish and wildlife issues and related habitat mitigation, and other natural resource issues.

Jocelyn is the secretary of the Energy, Telecom, and Utility Law Section of the Oregon State Bar, and has been actively involved with the Portland

Chapter of Women of Renewable Industries and Sustainable Energy (formerly Women of Wind Energy). She was also recently appointed to serve on the Utility Advisory Board for the City of West Linn.

While at the UO School of Law, Jocelyn was an Oceans, Coasts, and Watersheds Project fellow, and completed an externship with PacifiCorp and studied renewable energy law with Portland-area practitioners as part of the Portland Program. Jocelyn credits these formative experiences at Oregon law as creating the path to her current career, and thanks the members of the Environmental and Natural Resources Law Center faculty and staff for their support over the years.

Jocelyn lives in West Linn with her husband, Trevor, and daughter, Evelyn, and when not practicing law or spending time with family, Jocelyn enjoys fly-fishing and skiing.

provisions to provide free legal representation to grassroots conservation organizations across the American West.

1980 A grant from the National Wildlife Federation makes the expansion of the Environmental Law Clinic—from 10 to 25 students per semester—possible. The clinic is renamed the Pacific Northwest Natural

Resources Clinic; program areas include the environment, natural resources, public land, Indian, urban, and coastal law.

1982 The *Oregon Law Review* sponsors a daylong symposium on American Indian law, marking the revised edition of Felix Cohen's *Handbook of Federal Indian Law*. Six of the nation's leading scholars on the topic, including *Handbook* editor

Rennard Strickland, speak to an audience of 400 from around the Northwest region. Strickland later becomes dean of the law school.

1983 Environmental law students host the first Western public interest law conference. From its initial gathering of just 15 speakers and 75 participants, the Public Interest Environmental Law Conference has

grown to become the largest of its kind in the world.

1987 The inaugural edition of the *Journal of Environmental Law and Litigation* is published, featuring articles of interest to both practitioners and academicians in the fields of environmental and natural resources law.

1989 Environmental Law Alliance Worldwide is founded after public interest attorneys from 10 countries across the globe came together at the Public Interest Environmental Law Conference.

1993 The Environmental Law Clinic moves off of campus and becomes the Western Environmental Law Center.



ALUMNI UPDATES



BONNIE SHORIN

Bonnie Potts Shorin, JD '89, currently lives in Olympia Washington, where she works for the National Marine Fisheries Service (NMFS) as a Program Analyst. Her work involves implementation of the Endangered Species Act in the State of Washington and in North and Coastal Oregon, focused on 15 species of salmonids, Green

Sturgeon, Eulachon, Southern Resident Killer Whales, sea turtles, and humpback whales. She had a significant role in the drafting of the NMFS Jeopardy Biological Opinion on the National Flood Insurance Program in the Puget Sound Region and assisted in the drafting of the Reasonable and Prudent Alternative for the Jeopardy Biological Opinion on the National Flood Insurance Program in the State of Oregon. Before joining NMFS, Bonnie worked at the Washington State Department of Ecology as the Federal Consistency Coordinator for the Coastal Zone Management Program, involving the state's Clean Water, Clean Air, and SEPA requirements together with Washington's Shoreline Management Act. Her work in that program also introduced her to floodplain management and the NFIP, affording her a valuable skill set for her work at NMFS. Bonnie and her husband Joe Shorin have raised two sons and a daughter and are enjoying empty nesting.



1998 The Oregon-Lviv partnership exchanges members of the law faculty between the Ukraine and the UO to combine ideas from two disparate legal systems. The emphasis is on business and environmental law, book publishing, and clinics.

2003 Opening of a fully staffed Environmental and Natural Resources Law Program. Professor Mary C. Wood is the first director.

2005 In January, the Fellows Program was launched, consisting of five interdisciplinary projects: the Global Environmental Democracy Project, the Conservation Trust Project, the Sustainable Land-Use Project (which was launched in response to Oregonians passing

Measure 37, an initiative requiring state and local governments to compensate certain property owners when applicable land-use laws diminish their properties' value), the Native Environmental Sovereignty Project, and the Oceans, Coasts, and Watersheds Project.

2006 The First Annual Rennard Strickland Lecture is held, sponsored by the Environmental and Natural Resources Law Program, the Wayne Morse Center for Law and Politics, and Native American Law Student Association (NALSA) to honor the legacy of the law school's former dean, Distinguished Professor Emeritus Rennard Strickland.

2006 The State Board of Higher Education gives final approval to the School of Law's first master of laws degree program, the LLM in environmental and natural resources law, which accepted its first students in fall 2007.



2009 The Energy Law and Policy Project is added as an interdisciplinary project for the ENR Center in response to developments related to climate-change.

2010 The first University of Oregon Law student graduates with a concurrent Master's in Water Resources Management from Oregon State University.

2011 The 29th Annual Public Interest Environmental Law Conference titled "Turning the Tide: Creating a Clean and Green Future" wins the American Bar Association's Law Student Environment, Energy, and Resources Program of the Year Award.

2013 The ENR Center creates the Food Resiliency Project, which seeks to address the numerous social and environmental problems with our current food system. The project is part of a movement of farmers, consumers, students, and other activists challenging the status quo and working to create a new, more resilient and sustainable food system.

2013 A \$1 million gift to the ENR Center from Tom Bowerman allows the ENR Center to expand its interdisciplinary projects through research associate positions, fund Oregon law graduate fellowship, and summer stipends that allow students to pursue work in public interest environmental law.

2017 Renowned environmental law expert Marcilynn Burke is named Dean of the University of Oregon Law School.

2018 For more than 10 years, The Green Business Initiative hosts an annual symposium on sustainable business practices and emerging technologies.



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