



UNIVERSITY  
OF OREGON  
School of Law

# ENGAGING THE LAW TO SUPPORT Sustainability ON EARTH

ENVIRONMENTAL and NATURAL RESOURCES LAW at THE UNIVERSITY OF OREGON FALL 2010

## Oregon's Blue Energy Future

by Kelly Fahl

Our oceans have taken more than their share of abuse—from overfishing to climate change-induced acidification to the oil drilling disaster in the Gulf of Mexico. In the coming decades, we will need to find ways to protect our fragile ocean ecosystems while providing opportunities for climate change mitigation. Oregon's leadership in ocean spatial planning has set an example of how to rebuild ocean ecosystems while allowing recreational and economic activities to continue. Oregon has also been at the forefront of green energy development, including offshore wave energy facilities, which has the potential to reduce our communities' greenhouse gas emissions.

Significant legal and political conflicts have arisen over our finite ocean resources and increasing development pressures on coastal areas. Competing uses of coastal and sea areas include commercial fishing, aquaculture, offshore drilling, marine reserves and protected areas, recreational uses, and shipping. In



order to manage these activities and protections in a limited environment, complex coastal zone and ocean resources management laws have developed over time, affecting both domestic and international users. These laws continue to expand and reorganize to fit changing demands on the sea, including its use as a green (or as the case may be, blue) energy producer.

The complicated nature of ocean and coastal law has led to confusion about which agencies have authority to regulate what and where—especially in the area of energy management.

Energy projects located within the “territorial sea” of Oregon (three nautical miles from the shoreline) fall under the state's jurisdiction. This gives the state regulatory authority to lease the sea floor for laying cable and anchoring buoys. The Federal Energy Regulatory Commission (FERC) also retains some jurisdiction in a state's territorial sea, and is the licensing agency for all energy-producing projects. Beyond the state's territorial sea, the Energy Policy Act allows the Department of the Interior (along

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“The accomplishments of UO alumni demonstrate the strength and endurance of our forty-two-year-old Ocean and Coastal Law Program,” says Professor Richard Hildreth, center director. “I hope and expect that this tradition will continue.”

## Oregon Law “Makes Waves”

The University of Oregon School of Law, through its Ocean and Coastal Law Center; Oceans, Coasts, and Watersheds Project; and ocean and coastal law certificate program; engages faculty and practitioners in problem-solving while giving students a unique opportunity to focus their law studies on ocean and coastal law.

### Centers and Projects

The *Ocean and Coastal Law Center* is an institute dedicated to research and education in the law and in regulations that concern and affect the uses of oceans, their resources, and the coastal zone. This work is greatly facilitated by the center's specialized library collection; one of the premier collections of marine

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### Oregon's Blue Energy Future continued from page 1

with other federal agencies) to grant necessary easements and leases for ocean energy projects. This federal jurisdiction stems from the United Nations Conference on the Law of the Sea. An April 2009 Memorandum of Understanding between FERC and the Minerals Management Service (now the Bureau of Ocean Energy Management, Regulation, and

Enforcement, or BOEMRE) designated BOEMRE as the leasing agency and FERC as the licensing agency for ocean energy projects. This is, however, only one step forward in disentangling the mess of agency involvement and regulations into a comprehensive policy.

Our ability to design the necessary regulatory frameworks and legal and policy solutions for the jumble of ocean and coastal uses is an essential part of climate change adaptation and mitigation. Recognizing this need, the

University of Oregon School of Law is drawing upon its unique strengths in the field of ocean and coastal law and policy to work towards these solutions.

*Kelly Fahl, JD '09, is the development and communications coordinator for the ENR Program. Fahl specialized in ocean and coastal law, was a 2007–9 Oceans, Coasts, and Watersheds fellow, and was an inaugural recipient of the Bowerman Fellowship.*

### Oregon Law "Makes Waves" continued from page 1

legal affairs publications in the country.

The *Environmental and Natural Resources Law Center* provides an opportunity each year for several students to serve as fellows under the *Oceans, Coasts, and Watersheds Project*. This is one of the center's six interdisciplinary projects that support fellows' research, curriculum development, externships, and other educational opportunities. OCWP fellows explore cutting-edge issues in both marine and freshwater environments.

#### Events and Conferences

*Ocean Impacts of Climate Change*, September 10, 2010. Professor Hildreth and the Wayne Morse Center for Law and Politics hosted an all-day CLE symposium at the UO Law School.

*Northwest Water Law Symposium*, October 9, 2010. OCWP fellows, in conjunction with students from other Northwest law schools, are hosting the second annual Northwest Water Law Symposium at the White Stag Building (University of Oregon in Portland).

#### UO Law Faculty and Alumni

The Ocean and Coastal Law Center's Director, Professor **RICHARD HILDRETH**, serves as a member of the U.S. Department of the Interior's Outer Continental Shelf Scientific Committee. Members of this committee are appointed by the Secretary of the

Interior "based on their scientific competence, reputation within their field of expertise, and ability to evaluate important elements of [BOEMRE]'s research and science information efforts." Professor Hildreth values assisting the agency in adding ocean renewables to its offshore responsibilities.

Adjunct Instructor **BILL HOLMES**, an attorney at the Portland Branch of Stoel Rives, focuses on advising clients on wave and tidal energy projects.

**WAYNE BELMONT**, JD '84, county counsel for Lincoln County, has been instrumental in the Lincoln County Wave Energy Power Project.

**JASON BUSCH**, JD '06, is the executive director of Oregon Wave Energy Trust. OWET is a nonprofit organization that seeks to promote responsible development of Oregon's wave energy.

**DINA DUBSON**, JD '08, works for Stoel Rives in Portland and focuses her practice on renewable ocean energy. Dubson is a regular contributor to the Stoel Rives climate policy, renewable energy, and sustainability blog and energy law alerts.

**DUNCAN FIELDS**, JD '85, was nominated in March 2010 by the governor of Alaska to serve a second term on the North Pacific Fishery Management Council that oversees management of fisheries off the Alaskan coast.

**MOLLY HOLT**, JD '84, works in Washington, D.C., as an attorney for the National Oceanic and Atmospheric Administration in the Office

of the General Counsel where she focuses on marine protected areas and coastal resource management issues.

**ONNO HUSING**, JD '88, serves as director of the Oregon Coastal Zone Management Association, a nonprofit organization that represents coastal counties, cities, ports, soil and water conservation districts, and the Coquille Indian Tribe. Husing has been instrumental in collaborative planning for Oregon's wave energy future.

**MARK JOHNSON**, JD '73, a partner at Lane Powell in Seattle, practices in admiralty and maritime law. Lane Powell has one of the largest such practice areas on the West Coast.

**CHAD MARRIOTT**, JD '09, is an associate attorney at Stoel Rives in Portland, working in the energy and telecommunications group. He concentrates on project development for a variety of energy technologies, including tidal and wave power.

**WHIT SHEARD**, JD '97, works for Oceana in Portland as Pacific counsel and senior advisor. He focuses on Arctic Ocean conservation as well as climate change and ocean acidification, ecosystem-based fisheries management, and the protection of important ecological areas.

**STEVE SHIPSEY**, JD '93, as an assistant attorney general, advises Oregon state agencies with major coastal responsibilities.

## Message from the Director

By Heather Brinton

The University of Oregon's Environmental and Natural Resources Law (ENR) Program continues to explore new and innovative means of meeting its mission—to engage the law to support sustainability on Earth.



Through scholarship and educational outreach, our faculty is exploring legal reform initiatives to provide solutions to today's environmental crises. John Bonine and Svitlana Kravchenko continue their groundbreaking efforts advocating for human and environmental rights across the world. Richard Hildreth, this year's Wayne Morse Resident Scholar,

provides important legal focus on climate change and its impact on our oceans. Roberta Mann, focusing on the nexus between tax, property, and environmental law, evaluates how tax incentives affect renewable energy development. Mary Wood continues to spearhead an entire legal movement based upon a sovereign's trust responsibility to protect the atmosphere in light of global climate change.

Building off of academic resources from across the University of Oregon and from Oregon State University, the ENR Program is developing innovative curricular opportunities that are interdisciplinary in nature and provide necessary, practical skills training for our students. By introducing new courses in cap and trade law and regulated energy utility law, the ENR Program is increasing our energy and climate law curriculum while emphasizing the legal, economic, market, and technology complexities endemic in regulatory frameworks to reduce greenhouse-gas emissions. Through increased JD and master's concurrent degrees and specialized course offerings, we are ensuring that our graduates have the tools necessary

to work on complicated environmental issues that involve economists, scientists, policymakers, architects, planners, engineers, and others.

We also have greatly expanded environmental and natural resources externship opportunities. Under the ENR externship program, students are placed with government offices, nonprofit organizations, and tribal entities to work on a variety of issues related to environmental law. Similar to a clinical experience, externs are able to test their skills while working with practitioners around the globe. The ENR Program owes a tremendous debt of gratitude to Joan Rocklin, the law school's director of clinics and externships, for supporting the development of these important practical experiences.

As I prepare for my second year as the managing director of the Environmental and Natural Resources Law Program, I am continually impressed with our unique legacy of faculty members, students, and alumni committed to bringing about necessary change in environmental law and policy. It's been 100 years since Theodore Roosevelt declared, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value." As today's circumstances make apparent, there is no better time than the present to meet that obligation. With the energy, commitment, and integrity of Oregon's ENR community, I believe we can meet that challenge. I welcome your thoughts and suggestions as we continue our work.

### Sustainable Cities

UO's Sustainable Cities Initiative, a 3-year-old program that teams law school students with architecture, planning, journalism and business students, was recently called "perhaps the most comprehensive effort by a U.S. university to infuse sustainability into its curricula and community outreach" by the New York Times. To learn more about SCI, visit [sci.uoregon.edu](http://sci.uoregon.edu) and look for future updates about how ENR engages this multidisciplinary initiative to promote the design and development of sustainable cities.

## Andrea Coffman, World Class Librarian, Retires



After thirty-two years, **ANDREA COFFMAN** is retiring from her position as the ocean and coastal law librarian. Andrea managed the specialized Ocean and Coastal Law Center Collection housed in the John E. Jaqua Law Library, assisted with research and publication support for ocean and coastal projects, and facilitated the growth and scholarship of the Ocean and Coastal Law Center. In addition, Andrea has been an active member of the International Association of Aquatic and Marine Science Libraries and Information Centers since 1984, and has been serving the University of Oregon Libraries on its assessment team since 2005.

"I feel very fortunate to have worked with people I enjoy and admire, and to have had a career that inspired and challenged me. That is amazing and something I've never taken for granted. My thanks to everyone in the UO Libraries for making this a great place to work." The law school and ENR community will miss Andrea. We wish her the best in her retired life!

## ENR Program Projects and Fellows

By Paul Thompson

### Conservation Trust Project

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

The fellows for the Conservation Trust Project (CTP) focused energy and research this year on issues related to lands held in the public trust, including organizing related panels at this year's Public Interest Environmental Law Conference (PIELC).



### Energy Law and Policy Project

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

The Energy Law and Policy Project (ELPP), the newest project in the ENR Center, completed its inaugural year. The first task ELPP tackled was the Oregon Energy Map—a multiphase project to create an interactive map of Oregon's energy sector. Currently in phase one, the fellows are conducting an inventory of relevant law, regulatory authorities, and jurisdictional boundaries while gathering data on current and proposed transmission corridors and geographic features, including wildlife reserves and corridors. In future phases, this data will be compiled into a central geographic information system-based resource for developers, practitioners, and the public.

The ENR Center also hosted a brown-bag lecture titled "Like Water for Energy: The Water-Energy Nexus through the Lens of Tax Policy" by Professor Roberta F. Mann on September 15, 2009.

### Global Environmental Democracy Project

Preparing students to be advocates for global change.

The Global Environmental Democracy Project (GEDP) organized several events focused on international environmental issues.

Tim Ream, a third-year law student, spent the fall semester externing with the Climate Change Secretariat in Bonn, Germany, and then served as a legal policy advisor to Greenpeace International at the Copenhagen climate negotiations. GEDP hosted a series of brown-bag events where Tim discussed the climate negotiations.

GEDP fellows also organized a discussion with international environmental attorney Steve Donziger. Donziger represented indigenous people in Ecuador in a class-action lawsuit against Chevron-Texaco that was chronicled in the 2009 documentary *Crude*.

### Native Environmental Sovereignty Project

Examining emerging tribal roles in managing lands and resources.

The Native Environmental Sovereignty Project (NESP) hosted the Tribal Climate Change Forum, "The Role of Tribal Sovereignty, and Tribal Needs and Opportunities in Climate Change Policy and Action," on October 15–16, 2009, at the Many Nations Longhouse. The forum was coordinated with a visit by the University of Oregon's inaugural Oregon Tribes Professorship law chair, Rebecca Tsosie, and was cosponsored by the USDA Forest Service and the Pacific Northwest Research Station.

A product of the forum was a white paper written by NESP fellows Santi Alston and Teresa Jacobs, titled "Climate Change Impacts on Tribes' Off-Reservation Resources: Legal Avenues for Protection." Teresa Jacobs also won the Oregon State Bar's Indian Law Section 2009 Student Writing Competition. Her paper is titled "Federal Permitting

of the Desert Rock Power Plant: A Case Study Advocating for Application of the Indian Trust Doctrine."

### Oceans, Coasts, and Watersheds Project

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

The Oceans, Coasts, and Watersheds Project (OCWP) fellows researched greenhouse gas emissions and shipping regulations and will continue partnering with other Northwest law schools to host the second annual Northwest Water Law Symposium (NWWLS).

This year's symposium will be held at the White Stag Building, University of Oregon in Portland, on October 9. The symposium will explore a variety of topics that affect the Pacific Northwest including ballast water regulation, the state of our oceans, enforcement, tribal rights, and more.

The 2009 NWWLS, organized in part by OCWP fellows and other UO law students, was nominated for the Law Student Program of the Year by the ABA's Section of Environment, Energy, and Resources.



The Indigenous Peoples' Reception, organized by NESP fellows each year, was held on February 26 at the Many Nations Longhouse with music by Good Shield.

The OCWP also hosted a brown-bag event for the ABA Section of Environment, Energy, and Resources teleconference titled “Offshore Renewable Energy Generation: State and Federal Regulation and the Development Process.”

On Earth Day this year, the OCWP screened the award-winning documentary *Red Gold*. This documentary examines Bristol Bay, Alaska, the world’s largest commercial salmon fishery, which is under pressure to develop one of the world’s largest hard-rock mines in the headwaters of Bristol Bay.

### **Sustainable Land Use Project**

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

The fellows for the Sustainable Land Use Project (SLUP) worked closely with Professor Mary Wood to publish a white paper titled “Reform of Local Land-Use Laws to Allow Microlivestock on Urban Homesteads.” The paper suggests land-use reform to allow microlivestock on urban homesteads in order for urban dwellers to live a more self-sufficient life, have healthier food choices, provide enrichment to children, create home food security, and reduce the impact on the Earth. The findings of the paper were presented to the City of Eugene.

**For a list of publications and events for each project and more information on our fellows, visit [enr.uoregon.edu/projects](http://enr.uoregon.edu/projects).**

### **Donors and Sponsors 2010**

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

Craig Allen, Michael Axline and Diane Hazen, Steven Balagna, Tom and Kristine Bowerman, Lori Houck Cora, Laura Hoehn, Dana Jacobsen, Nancy Kelly, Paul Konka, Joy Mulinex, Laurence Oates and Joyce Miller Oates, Oregon Community Foundation, Richard and Carol Parrish, William Underwood, Gay and Richard Vogt.



Left to right: Oceans, Coasts, and Watersheds fellows Anika Leerssen, Holly Jacobson, and Matthew Bromley talk with ENR director Heather Brinton

### **Bowerman Fellows**

Now in its third year, the Environmental and Natural Resources Law Program’s Bowerman Fellowship continues to fund groundbreaking and innovative student research. The fellowship affords three law students the opportunity to engage in research projects that are furthering their knowledge, careers, and fields of practice while providing legal analysis for today’s environmental conflicts. The Bowerman fellows for 2009–10 were Abby Blodgett, Andrew Engel, and Maureen McGee. Blodgett’s research focused on legal issues surrounding state efforts to invalidate restrictive covenants that limit home energy saving practices for the Sustainable Land Use Project. Engel, a Conservation Trust Project fellow, created a water conservation handbook to protect in-stream flows in and for Oregon. McGee’s research explored potential legal claims and defenses associated with atmospheric trust litigation for the Conservation Trust Project.

In addition to the Bowerman Fellowships, there will be three additional fellowships for 2010–11: the David Brower, Chapin Clark, and Dean’s Environmental Law Fellowships. These fellows will continue the ENR Center’s focus of encouraging sustainability.

More information regarding the Bowerman Fellowships may be found at [law.uoregon.edu/news/article/1252](http://law.uoregon.edu/news/article/1252).

### **ENR Fellows**

Our thanks to the 2009–10 fellows:

**Conservation Trust—** Andrew Engel, Autumn Johnson, Maureen McGee

**Energy Law and Policy—** Jasmine Hites, Samuel Roberts, Meg Rowe

**Global Environmental Democracy—** Michelle Platt Bassi, John Mellgren

**Native Environmental Sovereignty—** Santi Alston, Erin Farris, Teresa Jacobs, Naomi Rowden

**Oceans, Coasts, and Watersheds—** Matthew Bromley, Holly Jacobson, Anika Leerssen, Alison Torbitt, Cadence Whiteley

**Sustainable Land Use—** Abigail Blodgett, Katy Polluconi

Congratulations and welcome to the 2010–11 fellows:

**Conservation Trust—** Michaela Kerns, Dae Ho Kim

**Energy Law and Policy—** Molly Fales, Samuel Roberts, Yochanan Zakai

**Global Environmental Democracy—** Elizabeth Brown, Emily Follansbee, Vannia Glasinovic, John Mellgren, Jason Nelson-Elting

**Native Environmental Sovereignty—** Bridget Budbill, Christopher Cooney

**Oceans, Coasts, and Watersheds—** Holly Jacobson, Scott Marcinkus

**Sustainable Land Use—** Jessica Bloomfield, Carley Dirks, Ty Tosdal, Christine Zeller-Powell





“A river isn’t a commodity, it isn’t just a machine. Wild, free-flowing rivers are magical and they touch our creativity and our souls, and those rivers are sacred.” —*Keynote speaker Charles Wilkinson, Moses Lasky Professor of Law, University of Colorado at Boulder School of Law*

## PIELC: Recover • Renew • Reimagine

By Paul Thompson

The twenty-eighth installment of the Public Interest Environmental Law Conference, known colloquially as PIELC, was held February 25–28 at the UO School of Law. The theme of this year’s conference, Recover • Renew • Reimagine, was chosen to



focus our collective attention toward the environmental and social degradation happening around us while offering solutions to what we can do to overcome these obstacles and move forward.

PIELC kicked off with Robert and Bindi Irwin, children of the late animal-show host Steve Irwin, who presented “Empowering the Next Generation of Wildlife Warriors.” This event encouraged young audience members to get involved in environmental issues.

More than 2,000 people attended Recover • Renew • Reimagine to learn how we, as a world community, must

recover from the damage inflicted on our shared communities, renew our determination for and commitment to positive change, and reimagine how to move forward toward a more sustainable planet. This year’s conference consisted of more than 150 different panels, covering subjects ranging from the siting of liquefied natural gas pipelines to dam removals to issues surrounding the electrical grid. Other events included films dealing with environmental issues, informational booths, and an after-hours celebration thanking the work of volunteers and attendees.

Eleven keynote speakers presented their unique perspectives throughout the conference, discussing a number of different issues of regional, national, and global importance. Speakers included distinguished guests such as Charles Wilkinson, University of Colorado at Boulder law professor; Maria Gunnoe, community organizer and winner of this year’s David Brower Lifetime Achievement Award; Trip Van Noppen, president of Earthjustice; John Kroger, attorney general for the State of Oregon;

and U.S. Representative Peter DeFazio.

Not only does PIELC inform the legal, environmental, and activist communities of the many issues surrounding environmentalism, it allows for networking and the exchange of ideas. Jack Tuholske, winner of this

“In this age of globalization and our ever-increasing connectivity, we must recognize how the global affects the local and the local affects the global. Let us consider not only the physical but the social impacts of climate change. . . .”  
—*Keynote speaker Patricia Cochrane, executive director, Alaska Native Science Commission*

year’s Kerry Rydberg Award, described PIELC as a “brotherhood and sisterhood of practitioners who show up in Eugene every year.” PIELC continues to be the largest environmental law conference because of the support it receives from this brotherhood and sisterhood and the tireless efforts of its directors and volunteers.

More information regarding PIELC, including biographies of the keynote speakers and a full list of panels, may be found at [www.pielc.org](http://www.pielc.org).

*Paul Thompson is a third-year law student who is interested in the business of sustainability.*

## The David Brower and Kerry Rydberg Awards

By Paul Thompson

The ENR Center is pleased to recognize the recipients of the David Brower and Kerry Rydberg awards for 2010. The Kerry Rydberg Award recognizes achievements in grass-roots environmental work. This award is named in honor of Kerry Rydberg, a 1987 Oregon law graduate who focused on public interest law before a tragic automobile accident ended his life. The David Brower Lifetime Achievement Award honors a person who has dedicated his or her life to working in the environmental realm.

Maria Gunnoe received the David Brower Lifetime Achievement Award for her work as a full-time organizer for the Ohio Valley Environmental Coalition. Gunnoe began organizing as a volunteer in 1997, and has been involved in fighting against the impact of mountaintop removal coal mining, valley fills, and coal waste dams. Her advocacy has led to the closure of mines in the region and stricter regulations for the industry. She is the recipient of the 2005 West Virginia Environmental Council's Linda Schnautz Environmental Courage Award, the 2006 Joe A. Calloway Award for Civic Courage (created by the Shafeek Nader Trust for the Community Interest and presented by Ralph Nader), the 2007 David vs. Goliath Award presented by Rainforest Action Network, and the 2009 Goldman Environmental Prize.



Maria Gunnoe speaking at this year's Public Interest Environmental Law Conference.

Jack Tuholske won the Kerry Rydberg award for his ongoing work in grass-roots environmental law. From his work protecting bullhead trout with Friends of the Wild Swan to teaching environmental law to the next generation of grass-roots lawyers, Tuholske practices what he preaches. Sarah McMillan of the Western Environmental Law Center in Helena, Montana, presented Tuholske with the award. McMillan credits Tuholske as being an early mentor and praised his work



Jack Tuholske receives the Kerry Rydberg Award.

in both public-private practice and in academia. Tuholske operates a private practice in Missoula while teaching at the law schools of both the University of Montana and University of Vermont. Tuholske also has taught in Slovenia as a Fulbright Scholar.

### Video Takes Historic Look at PIELC

ENR recently unveiled a new video that examines the annual PIELC from a historical perspective. The eight-minute film features many of the ENR program's students, faculty members, and alumni discussing the unique qualities of the PIELC. The file was shot, edited, and produced by UO journalism student Jonathan Wood. Summarizes Professor John Bonine, "If you care about the planet, if you care about doing good work, then this is your home. In some other places, people may be lawyers, they may be professors first, and the environment is an interesting topic. For us, our life is protecting the planet; our tool is using the law." Find the video on the ENR homepage or join us on Facebook.

## Western Environmental Law Center Update

By Greg Costello

The 2010 spring semester of the Environmental Law Clinic featured the launching of two student-supported initiatives at the Western Environmental Law Center (WELC) as well as traditional advocacy to protect our western lands and resources.

WELC launched its Clean Energy and Safe Environment project, challenging irresponsible dirty energy development from coal and coal-to-liquid conversion across the West. Working with Oregon law graduate Dan Galpern, students Christina Manson, Aaron Kraft, Andrew Engel, and Nelly Sangrujiveth assisted the Sierra Club, the Western Clean Energy Campaign, and regional conservation groups in investigating and challenging coal-fired power plants in

Nevada, Washington, and Montana.

The second WELC initiative involved four UO law students—Davis Smith, Meghan Scott, Jesse Lohrke, and Jordan Beckett—working on the university's multidisciplinary Sustainable Cities Year (SCY) project with the City of Gresham. The law students first reviewed the five reports on Springwater, Oregon, written by students in Assistant Professor Robert Young's class in the Department of Planning, Public Policy and Management, and then met with staff members from the city to discuss the focus of their work.

They selected two projects, both of which will provide important background for cities and developments throughout Oregon. The first project was to track the state gray-water rule-

making process. A stakeholder advisory committee is currently developing proposed rules to allow for reuse of gray water for landscape (not food crop) irrigation and other uses.

The second project's focus was to research the ways that cities could legally finance ecosystems services, such as protection for riparian areas and wetlands that provide storm-water attenuation and filtration functions. Hard infrastructure (pipes, treatment plants) can be financed by system development charges and bond issues, but it is not clear that ecosystem protection can be funded the same way.

*Greg Costello is the director of WELC and adjunct instructor at the UO School of Law.*

## Environmental Law Alliance Worldwide Update

By Liz Mitchell

Environmental Law Alliance Worldwide (ELAW) was pleased to work with five University of Oregon School of Law students as externs during the 2009–10 school year. ELAW hosted Erin Farris, Autumn Johnson, and Aaron Smith, along with

ment of Honduras is failing to enforce its environmental laws with respect to a resort development being constructed on an island off the country's coast. Grace's work will help show the way for lawyers hoping to use this tribunal in the future, as there have been only a handful of submissions filed since the secretariat was created in 2005.

One of the benefits of the ELAW externship program is that students frequently have the opportunity to work with leading environmental and human rights lawyers who are visiting ELAW from their home countries. Aaron Smith provided an analysis of federal evidence rules for a Ghanaian lawyer and helped research Clean Water Act precedents for former ELAW visitor (and Goldman Prize-winner) Pablo Fajardo, who is prosecuting a landmark case against Chevron to clean up oil pollution in the Ecuadorian Amazon.

ELAW externs also work on projects that have a direct benefit to communities. During the winter of 2009, Erin Farris collaborated with partners in

Belize to draft a guide to public participation for citizens of Belize. This guide will help citizens understand their rights to participate in government decisions that will potentially affect their communities and surrounding environment. Farris also looked into the background of companies proposing to build resort developments and tourism projects in Belize. Farris's work benefited public interest lawyers who are protecting Belize's fragile coastline and coral reefs from ill-conceived development projects.

ELAW has also been fortunate to continue opportunities to work on projects with UO School of Law graduates. Dan Kruse, JD '06, legal director for Cascadia Wildlands, joins a select group of lawyers who are participating in a working exchange project that is being facilitated by ELAW. Kruse traveled to Monrovia, Liberia, in July 2010 to collaborate with lawyers from the public interest organization Green Advocates, one of the leading environmental organizations in Liberia.

*Liz Mitchell, JD '94, is a staff attorney for ELAW.*



Left to right: Kwesi Intsiful (Ghana), Dan Kruse, JD '06 (Cascadia Wildlands), and Francis Colee (Liberia)

LLM candidates Polly Grace (Australia) and Francisco de la Vega (Chile). Here are some highlights from the past year:

Polly Grace worked closely with a Honduran environmental lawyer to draft a submission to the Secretariat for Environmental Matters under the Dominican Republic–Central America–United States Free Trade Agreement. The petition alleges that the govern-



## Green Business Initiative: “Green behind the Scenes”

The Green Business Initiative Student Association is an organization for law and business students interested in the nexus between business and environmentalism, or the business of sustainability. The members of the association organized its annual symposium, “Green behind the Scenes,” at the White Stag Building in Portland on April 2. This year’s panels were “Foundations for a Sustainable City,” “Spending the Green,” “Scaling Sustainability,” and “Building the Business Case

for Renewable Generation.”

There were participants from the business, academic, legal, and governmental disciplines.

U.S. Representative Earl Blumenauer presented the opening address, and David Chen of Equilibrium Capital Group was the keynote speaker.

More information regarding the symposium can be found at [uoregon.edu/~gbisa/Symposium2010.html](http://uoregon.edu/~gbisa/Symposium2010.html).

## LLM Update: Class of 2010–11

By *Svitlana Kravchenko*

The LLM program in environmental and natural resources law graduated its third and largest class in 2010 and welcomed its new class of 2011. The 2010 class included ten graduates from Australia, Chile, China, India, Thailand, Turkey, and several U.S. states (California, Ohio, Oregon, Rhode Island, and Texas).

The incoming class of 2011 includes international students from Australia, Korea, Kyrgyzstan, Thailand, Nigeria, Switzerland, Papua New Guinea (a Fulbright student), and U.S. students from Colorado, Massachusetts, Tennessee, and Washington, D.C. Some of them have ten to twenty years of professional



legal experience in the fields of commercial, corporate, banking, antitrust, investment, employment, mining, or family law, while three are recent graduates. One works as a lawyer with the Office of the Secretary and Attorney General of Papua New Guinea. One holds a PhD in English drama from Ewha Woman’s University in Seoul. Others have volunteered professional services for advocacy for women and children and to the Gulf Restoration Network in New Orleans. Oregon’s 2011 LLM students report that they decided

to change their focus to environmental law in order “to give something back” to the society or because of extensive travel throughout developing nations, where they were “strongly impressed by the consequences of making the wrong environmental policy choices.” Several have chosen the Oregon LLM program because they love nature and the outdoors and have hiked and backpacked all over the world, from the South Coast Track in Tasmania, Australia, to national parks in the United States to the top of Europe’s highest mountain, Mont Blanc—even running in an ultra-marathon in the desert heat of Jordan.

The 2011 LLM students have ambitious plans to become leaders in their countries or states. One plans to become a judge in the Environmental Law Division in the Supreme Court of Thailand, another to take an important government position in Australia, a third to practice environmental law at the international level in Europe, a fourth to work at a large New York law firm. All of them hope to make a positive change in the area of environment and natural resources conservation upon graduation.

Oregon’s reputation for high-quality legal scholarship and teaching, as well as news of its special orientation toward public service and public interest law and the individual attention that it pays to each student, is spreading around the world.

## JELL Recently Published

*Journal of Environmental  
Law and Litigation*

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### ARTICLES

“Healthy Planet, Healthy People: Integrating Global Health into the International Response to Climate Change” by *Lindsay F. Wiley*

“A Changing of the Cattle Guard: The Bureau of Land Management’s New Approach to Grazing Qualifications” by *Hillary M. Hoffmann*

“Grizzly Bears, Gray Wolves, and Federalism, Oh My! The Role of the Endangered Species Act in De Facto Ecosystem-Based Management in the Greater Glacier Region of Northwest Montana” by *Lara D. Guercio and Timothy P. Duane*

“When Chemical Releases Occur at a Federal Facility: Navigating the Recovery Labyrinth” by *Diane Henkels*

“Reauthorizing the Endangered Species Act in Favor of Wildlife and Wild Lands: An Inevitable Result of Narrative Changes in Twenty-first Century America?” by *Valerie Hickey*

### COMMENT

“The Great Lakes Compact and the Public Trust Doctrine: Beyond Michigan and Wisconsin Common Law” by *Bridget Donegan*

## ENR Faculty Update

### Kudos!

In June, the UO School of Law announced the faculty members receiving endowed professorships or fellowships for the upcoming academic year: Professor John Bonine was awarded the Bernard B. Kliks Professorship; Professor Richard Hildreth received the Bernard B. Kliks Professorship; and Professor Roberta Mann earned the Dean's Distinguished Faculty Fellowship. Congratulations to all for achieving these recognitions of distinction!



John Bonine and Svitlana Kravchenko present their book to Secretary General Ha Choi-yong of the Korean Constitutional Court.

zen Enforcement," Wuhan University School of Law, Wuchang, Hubei, China, November 6, 2009; "Human Rights and Environment," Korea Environmental Law Forum, May 1, 2009.

**SUSAN GARY** has begun serving as coreporter for the Oversight of Charitable Assets Act, a project of the Uniform Law Commission. Professor Gary was awarded a UO Research Innovation Award for her work on the regulation of nonprofit organizations.



### Publications

She published "The Problems with Donor Intent: Interpretation, Enforcement, and Doing the Right Thing," *Chicago-Kent Law Review*, Vol. 85, pp. 977-1043 (2010).

### Presentations

Professor Gary presented a paper, now published, at the symposium, "The Law of Philanthropy in the Twenty-first Century," held at the Chicago-Kent College of Law on October 5, 2009. She also gave a talk, "Drafting for Donor Intent," in May for the Estate Planning Council of Portland.

**IBRAHIM GASSAMA** serves on the ABA and American Society of International Law sections dealing with Africa and human rights.



### Publications

Professor Gassama is working on an article evaluating why modern human rights approaches, including the turn to millennium development goals, have failed to ameliorate global misery.



**ADELL AMOS**, associate professor and faculty director of the Environmental and Natural Resources Law Center, was appointed to serve in the Obama administration as deputy solicitor for land and water resources in the U.S. Department of the Interior in Washington, D.C. On leave from the University of Oregon, Amos's new position began September 8, 2009.

In the past year, **JOHN BONINE** served as a nongovernmental delegate to the United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties, Copenhagen, Denmark, December 6-10, 2009; and as a delegate to meetings of UN bodies in Geneva, Switzerland, July 6-7, 2009. He also judged the final

round of the Stetson International Environmental Moot Court Competition in March 2010.

### Publications

Professor Bonine published the teacher's manual to his coauthored book *Human Rights and the Environment: Cases, Law, and Policy* (Carolina Academic Press, 2010); "Private Public Interest Environmental Law: History, Hard Work, and Hope," *Pace Environmental Law Review*, Vol 26, p. 465 (2009) (also published in *Environment, People, Law* [a Ukrainian law journal], 2010); and "Best Practices—Access to Justice," World Resources Institute (2009).

### Presentations

Professor Bonine spoke on the following subjects: "Is International Law a Myth?" International Wildlife Law Conference, Stetson University College of Law, Florida, March 12, 2010; "Climate Change and the Likelihood of Nonenforcement," International Human Rights and Climate Change Conference, University of Georgia School of Law, February 12, 2010; "Environmental Human Rights and Climate Change," University of Deusto Law School, Bilbao, Spain, December 11, 2009; "Access to Justice and Citi-

## Distinguished Visitors and Fireside Conversation Series, 2009-10

### August 26

Lecture by Pablo Fajardo, 2008 Goldman Prize winner, "Jungle Law: Battling Chevron-Texaco in the Ecuadorian Amazon," ENR and the Wayne Morse Center.



ENR and the Wayne Morse Center.

### September 2

Fireside Conversation: John Bonine, School of Law, "Crisis and Litigation: Environmental Lawlessness and the Public Interest Lawyer"

### September 11

Journal of Environmental Law and Litigation Symposium, "Advocating for an Environment of Equality: Legal and Ethical Duties in a Changing Climate."

Rebecca Tsosie, professor at Sandra Day O'Connor College of Law, Arizona State University, and Lou Leonard, director for U.S. policy on



international climate affairs for the World Wildlife Fund, deliver keynote addresses.

## ENR Faculty Update

### Presentations

Professor Gassama gave several presentations in 2009 to mark the sixtieth anniversary of the Universal Declaration of Human Rights. He presented a paper on the banana trade dispute before the World Trade Organization at the 2010 annual American Society of International Law meeting. His remarks will be published in a future volume of the *American Journal of International Law*.

As the 2010–11 Morse Resident Scholar, **RICHARD HILDRETH** organized a September 10, 2010, conference in Eugene on the ocean impacts of climate change.



### Publications

Professor Hildreth published a new climate change textbook, *Climate Change Law: Mitigation and Adaptation* with David Hodas (Widener), Nicholas Robinson (Pace) and James Gustave Speth (Yale School of Forestry and Environmental Studies) (West, 2009).

### Presentations

He presented a paper, “Ocean Renewables: Making Room Offshore,” as part of Washington and Lee University’s March 19, 2010, conference on renewables and geoenvironment, another on climate regime implications for the Pacific at the Pacific Congress on Marine Science and Technology conference in early June, and a third paper on ocean fertilization in late June 2010 at the annual Environmental Studies Association conference.

**SVITLANA KRAVCHENKO**, director of the Master of Laws Program in Environmental and Natural Resources Law, continued her work developing the LLM program and advocating for human rights and the environment around the globe. She was invited to judge the final round of the Stetson International Environmental Moot Court Competition in March 2010. She was a nongovernmental delegate to the UNFCCC Conference of the Parties, Copenhagen, Denmark, in December 2009, and participated as the vice chair in four meetings of the UN Economic Commission for Europe’s Aarhus Convention Compliance Committee in Geneva, Switzerland.

### Publications

Kravchenko published the teacher’s manual to her book *Human Rights and the Environment: Cases, Law, and Policy* (Carolina Academic Press, 2010); she also published a chapter, “Environmental Rights,” in *Encyclopedia of Human Rights* (Vol. 2, Oxford University Press, 2009) and two articles: “The Myth of Public Participation in the World of Poverty” in *Tulane Environmental Law Journal*, Vol. 32 (Winter 2009) and “Is Access to Information a Fundamental Human Right?” in *Oregon Review of International Law*, Vol. 11, No. 2 (2009).

### Presentations

She delivered lectures at the Constitutional Court and National Human Rights Commission of Korea and at seven top universities in Korea and Japan in May 2009. She presented a lecture on “Human Rights Approach to Corporate Accountability” at the Seventh Annual Colloquium of the IUCN Academy of Environmental Law in Wuhan, China, in November 2009, and a lecture on human rights and the environment for PhD students at the University of Deusto, Spain, in December 2009. Kravchenko made a presentation, “Procedural Rights as a



Crucial Tool to Combat Climate Change,” for the International Human Rights and Climate Change Conference at the University of Georgia School of Law in February 2010 and presented “Using Procedural Rights to Protect Danube Delta” and “Is International Law a Myth?” at the Twelfth International Wildlife Law Conference at Stetson University College of Law in March 2010.

**ROBERTA MANN** continues her work on the intersection of tax policy and the environment. She chaired the Law School Sustainability Committee, served on the Green Business Initiative Steering Committee, and made many presentations on tax incentives, climate, and energy, while feeling guilty about her carbon footprint.

### Publications

Professor Mann published “Back to the Future, Recommendations and Predictions for Greener Tax Policy,” *Oregon Law Review*, Vol. 88, p. 355 (2009); “To Tax Carbon or Not to Tax Carbon: Is That the Question?” *Natural Resources and Environment*, Vol. 24, p. 44 (2009) (reprinted in Richard G. Hildreth et al., *Climate Change Law: Mitigation and Adaptation*, p. 270 [West, 2009]); and “Too Many

## Distinguished Visitors and Fireside Conversation Series, 2009–10

### September 16

Fireside Conversation: Jennifer Reynolds, School of Law, “What Does (or Should) an Ombudsman Do? Reflecting on the Ombudsman Role in Environmental Dispute Resolution and Beyond”

### September 30

Fireside Conversation: Svitlana Kravchenko, School of Law, “Public Participation in Environmental Decision-Making: Crisis or Collaboration?”



### October 15–16

Tribal Climate Change Forum cosponsored by the USDA Forest Service and the ENR Center.

### October 15

Rebecca Tsosie, inaugural Oregon Tribes Professor of Law, delivered the third annual Rennard Strickland Lecture, “Native Nations and Climate Change: Building an Ethics of Environmental Stewardship.”



## ENR Faculty Update



Carrots and Not Enough Sticks? The Role of the Carbon Tax in Energy Tax Policy,” *News Quarterly* (ABA Taxation Section), Vol. 29, p. 10 (2009).

### Presentations

She presented “Like Water for Energy: The Water-Energy Nexus through the Lens of Tax Policy” at the Global Conference on Environmental Taxation in Portugal (September 24, 2009) and at the University of Florida Levin College of Law’s Environmental Speaker Series—Capstone Colloquium (March 2010). At the University of San Diego’s Second Annual Climate and Energy Law Symposium on April 9, 2010, she presented “How to Love the One You’re With: Changing Tax Policy to Fit Cap and Trade.” On October 29, 2009, Professor Mann moderated “Selected Tax Issues Involving Alternative Energy Investments,” a panel at the Parker C. Fielder Oil and Gas Tax Conference at the University of Texas at Austin School of Law; she presented the same topic at the ABA Tax Section in May 2009.

**PROFESSOR NANCY SHURTZ** visited Stetson University College of Law in Florida this past year. She taught Federal Income Tax I and Estate Planning and furthered her research on the practical application of today’s green building trends.

### Publications

Professor Shurtz wrote an article, “Eco-Friendly Building from the Ground Up: Environmental Initiatives and the Case of Portland Oregon” (forthcoming in *Oregon Law Review*). She is coauthoring a book, *Sustainability and Business Law*, with Judd F. Snierson, forthcoming in early 2011.



**RENNARD STRICKLAND** was presented with an honorary doctorate by Northeastern State University on May 15 by the former Cherokee seminary that was purchased from the tribe after Oklahoma statehood in 1910. This was the second honorary doctorate ever presented by the oldest institution of higher education in Oklahoma, having been founded long before statehood in 1840. The first was presented to Chief Wilma Mankiller of the Cherokee tribe.



### Publications

*Spirit Red: Visions of Native American Artists* from the Rennard Strickland Collection received the gold medal for university published catalogs from the International Association of University Printing Services. In addition, the catalog produced by the Fred Jones Jr. Museum of Art and authored by Rennard Strickland won the trophy for Best of Show. Strickland describes this as the closest he’ll ever come to an autobiography, calling it “the autobiography of an Indian art collection.” In *Building One Fire: Art and World View in Cherokee Life*, Chadwick “Cornassel” Smith, principal chief of the Cherokee Nation, and Rennard Strickland, Osage-Cherokee scholar, present a unique look at Cherokee art through the lens of Cherokee philosophy. The book is scheduled for publication in the fall of 2010 by the Cherokee Nation and will be distributed by the University of Oklahoma Press. *Building One Fire* presents more than 200 works of art by more than eighty artists that speak to what it means to be Cherokee. The book is Strickland’s forty-third volume.

**MARY WOOD** is currently working on *Nature’s Trust: Environmental Law for a New Ecological Age* (Cambridge University Press, forthcoming in spring 2011). In May, she received a UO Research Innovation Award for her scholarship.

### Publications

Professor Wood has published the following articles: “How to Sue for Climate Change: The Public Trust Doctrine” and “Enforcing the Atmospheric Trust Fiduciary Obligation” (coauthored with Susan O’Toole) in *Outlook: Oregon State Bar Environmental and Natural Resources Section Newsletter*, Vol. 10 No. 2 (Winter 2009); “Cambio Climatico y Justicia: Exijamos Su Responsabilidad

## Distinguished Visitors and Fireside Conversation Series, 2009–10

### October 21

Fireside Conversation: Jim Elliott, Department of Sociology, “Environmental Consequences in Changing Urban Landscapes: Uncovering the Production and Conversion of Relict Industrial Waste Sites.”

### November 6

Fireside Conversation: Lawrence Susskind, Department of Urban Studies and Planning, Massachusetts Institute of Technology, “Public Participation and Deliberative Democracy: What Works and What Doesn’t.”

### November 18

Fireside Conversation: Richard Hildreth, School of Law, “Miracles of Climate Change Law”

### January 20

Fireside Conversation: Peter Adler, The Keystone

Center, “The Keys to the Kingdom: Getting Our Heads around Environmental Leadership.”

### February 10

Fireside Conversation: Aaron Wolf, Department of Geosciences, Oregon State University,

“Spiritual Transformation and Lessons for Environmental Negotiations; or, Conflict, Cooperation, and Kabbalah.”

### February 25–28

PIELC, “Recover • Renew • Reimagine.” Organized by the environmental law



society Land, Air, Water, this four-day conference hosted eleven keynote speakers and more than 150 panels.

## ENR Faculty Update

a Los Gobiernos,” *Athantor*, Vol. 78, p. 27 (November-December 2009); and an introductory chapter to a forthcoming Cambridge University Press book, “‘You Can’t Negotiate With a Beetle’: Environmental Law for a New Ecological Age.” She also published a white paper (with



ENR’s Sustainable Land Use Project), “Reform of Local Land-Use Laws to Allow Microlivestock on Urban Homesteads.”

### Presentations

Professor Wood presented a keynote speech, “People-Powered Politics,” at PowerShift West 2009 conference, which took place on November 6, 2009. On November 23, 2009, she presented a keynote address via videoconference, “Atmospheric Trust Litigation: A Strategy to Fight Climate Change,” for a climate workshop at the Royal Melbourne Institute of Technology, Melbourne, Australia, and gave a talk at the University of Oregon, “Government’s Atmospheric Trust Responsibility,” for the Climate Ethics and Law course. Also: “Raising Citizens Not Consumers,” Good Earth Home Show, Eugene, Oregon (January 23, 2010); “Climate Change and Food Security,” panel presentation, Food Security Town Hall,

Eugene, Oregon (February 17, 2010); “The Public Trust: 1,500 Years Old and Still Kicking,” panel presentation, “Recover • Renew • Reimagine,” Twenty-eighth Annual Public Interest Environmental Law Conference, Eugene, Oregon (February 26, 2010); “Actions by Individuals, Businesses, NGOs, and Governmental Bodies,” panel presentation, “Globalization, Economic Justice, and Climate Change,” 2010 Trina Grillo Retreat, Eugene, Oregon (March 7, 2010); panelist, “Intergenerational Equality: Saving the Planet for Future Generations,” Wayne Morse Center for Law and Politics symposium, Eugene, Oregon (March 11, 2010); “Climate Change and Food Security,” address, Lane County Food Policy Council, Eugene, Oregon (April 6, 2010); moderator, “Climate Change: What Are Our Representatives Doing?” Climate Crisis Working Group Public Forum, Eugene, Oregon (April 7, 2010); “How the International Law of Badminton Saved Endangered Species Habitat,” address, “Crisis and Collaboration: Environmental Decision-Making in a Rapidly Changing Landscape,” A Series of Fireside Conversations Series, Eugene, Oregon (April 21, 2010); “The Politics of Climate Change,” address on environmental politics, Lane Community College, Eugene, Oregon (April 30, 2010); official testimony on microlivestock ordinance before the Eugene City Council, Eugene, Oregon (May 24, 2010); “Urban Homesteading for Kids,” Eugene School District 4J, Eugene, Oregon (June 8, 2010); and “Climate Crisis and Citizenship,” Eugene Rotary Club, Eugene, Oregon (June 8, 2010).

## Bowerman Center Calendar

Fall 2010–Spring 2011

**Local Approaches to Global Problems: Solutions for Sustainable Communities**, Fireside Conversation Series, September 2010–April 2011

**Ocean Impacts of Climate Change: Science, People and Policy**, symposium organized by Richard Hildreth, 2010–11 Wayne Morse Center Resident Scholar, September 10, 2010

**Cultivating Our Future: New Landscapes in Food and Agricultural Law and Policy**, *Journal of Environmental Law and Litigation* Symposium, October 1, 2010

**Northwest Water Law Symposium**, White Stag Building, University of Oregon in Portland, October 9, 2010

**Public Interest Environmental Law Conference**, March 3–6, 2011

**Wayne Morse Center for Law and Politics**, 2009–11 theme of inquiry: “Climate Ethics and Climate Equity,” [waynemorsecenter.uoregon.edu](http://waynemorsecenter.uoregon.edu)

The Bowerman Center is pleased to participate in programs, conferences, and events throughout the year. For additional information and updates, please visit [enr.uoregon.edu](http://enr.uoregon.edu)

## Distinguished Visitors and Fireside Conversation Series, 2009–10

**March 3**

Fireside Conversation: Ron Mitchell, Department of Political Science, “Changing the Trajectories of Population, Affluence, and Technology”

**March 10**

Wayne Morse Center Intergenerational



Equality Symposium, “Saving the Planet for Future Generations,” featuring Edith Weiss Brown, Georgetown University Law Center. Cosponsored by ENR.

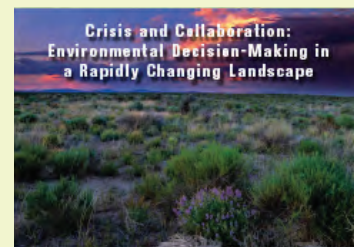
**March 17**

Fireside Conversation:

David Frank, Robert D. Clark Honors College, “Innovative Approaches to Territorial Conflicts: Using Principles of Riparian Conflict Management.”

**April 7**

Fireside Conversation: Greg Wolf, National Policy Consensus Center, Portland State University,



“Building an Infrastructure for Collaborative Governance.”

**April 21**

Fireside Conversation: Mary Wood, School of Law, “How the International Law of Badminton Saved Endangered Species Habitat”

## ENR Alumni Update

After her 2008 graduation, **MARIANNE DELLINGER** first clerked for the late Honorable Francis J. D'Eramo of the Superior Court of the United States Virgin Islands and then for the Honorable Procter Hug Jr.



of the United States Court of Appeals for the Ninth Circuit. In the latter position, Marianne worked with the environmental law cases assigned to Judge Hug and thus got a chance to work on issues relating to, among other things, the Endangered Species Act, the National Environmental Protection Act, the National Forest Management Act, and the Administrative Procedure Act.

In late summer of 2010, Marianne started working as a law professor for Whittier Law School in Costa Mesa, California. She is teaching civil procedure and contract law while researching issues of environmental law intersecting with civil procedure and international law. She is happy to be able to ride her bicycle to work most days, saving gasoline and lessening the impact on the already overcrowded southern California streets.

As the National Wildlife Federation's Northeast regional executive director, **CURTIS FISHER**, JD '93, is working on a range of conservation issues, from



advancing a clean-energy economy, including efforts to support offshore wind and opposing dirty fuels, to protecting wildlife from climate change. He recently presented and offered the closing remarks to 250 attendees at the Adapting to Climate Change in the Mid-Atlantic conference (hosted by the U.S. Fish and Wildlife Service, U.S. Geological Survey, and USDA Forest Service) in April 2010. Curtis recently was appointed to the U.S.

Fish and Wildlife Service's North Atlantic Landscape Conservation Cooperative Management Committee and the New York Climate Action Plan Integration Committee and adaptation subcommittee.

**MELISSA (VERHAAG) FOSTER**, JD '03, is a senior associate at Stoel Rives LLP in Sacramento, California. Her practice focuses on environmental litigation and regulatory compliance, specifically in the fields of water quality, air quality, and energy development. Since July 2008, Melissa has been a member of the editorial boards of the *Environmental Liability, Enforcement, and Penalties Reporter* and the *Climate Change Law and Policy Reporter*. Melissa and her husband, Daniel, JD '05, live in Davis, California, along with one feisty golden retriever, Pilsner, and two cats, Marbury and Madison. They are expecting their first child, a baby girl, in early November 2010.



**WILLIAM ROBERT "BOB" IRVIN**, JD '83, is coeditor and contributor to *Endangered Species Act: Law, Policy, and Perspectives* (Second Edition, 2010), a comprehensive treatment of the Endangered Species Act. Published by the



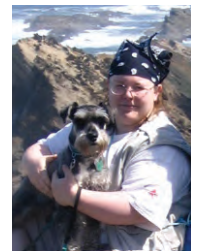
American Bar Association, the book includes chapters by leading ESA practitioners, including Molly Holt, JD '84, author of the chapter on Indian rights and the ESA, and Dale Goble, JD '78, author of the chapter on recovery. Irvin is senior vice president for conservation programs at Defenders of Wildlife in Washington, D.C.

**AMBER LYNN MUNGER**, JD '08, has been working in Haiti since 1997 and living in Haiti since graduating law school. In the aftermath of the Haiti earthquake, Amber established a coalition



of Haitian and international NGOs that enabled Haitians to help other Haitians in recovering from the disaster. Since then, and with the help of UO law students and professors, Munger has launched the Article 29 Organization, named after Article 29 of the Universal Declaration of Human Rights, which states, "Everyone has duties to the community, in which alone the free and full development of his personality is possible." A29 facilitates U.S.-based communities and Haitian peasant organizations in working together to realize human rights objectives including especially community empowerment.

**VIRGINIA RYAN**, JD '08, has been with the Army Corps of Engineers for two years, as an assistant district counsel for the Seattle District. Legal work with the corps involves a vast spectrum of issues, from contract disputes to federal appropriations law to Comprehensive Environmental Response, Compensation, and Liability Act litigation.



A significant portion of her work involves the Formerly Used Defense Site (FUDS) program, which cleans up properties that were contaminated by Department of Defense activities (shipyards, bombing ranges, and munitions plants). Virginia also gets a lot of Endangered Species Act and National Environmental Policy Act-related work, and every now and then a Clean Water Act permit violation. "The Corps of Engineers is not what most people think of when they set out to practice environmental law (except maybe as a potential defendant), but my work here has been fascinating and rewarding. In addition to working on some of the most cutting-edge environmental law issues, I get to interact with biologists, archaeologists, engineers, and hydrologists on a daily basis. I doubt that I would find an experience like this at any firm, or at most other federal agencies."



## Oregon's "D.C. Caucus"

By Kelly Fahl

The UO School of Law is fostering a strong presence of alumni in Washington, D.C., who are making important environmental advances in our nation's capitol. Dubbing themselves the "D.C. Caucus," many of these folks get together regularly to share updates and kinship over drinks. Here is a sampling of what these D.C. ducks are up to. Greg Dotson, JD '95, is chief counsel to the House Subcommittee on Energy and Environment. Jeremy Arling, JD '04, an attorney at EPA, writes regulations that implement Title VI of the Clean Air Act, specifically the phase-out of stratospheric ozone-depleting chemicals such as CFCs, HCFCs, and methyl bromide. Adell Amos '98, associate professor and faculty director of the Environmental and Natural Resources Law Center at Oregon, was appointed by President Barack Obama's administration to serve as deputy solicitor for land and water resources in the Department of the Interior in Washington, D.C. Alyssa Johl, JD '08, works as a staff attorney at the Climate Law and Policy Project in Washington, D.C. Rachel Kastenberg, JD '06, is a foreign affairs officer with the U.S. Department of State, and currently works as a special assistant in the Office of the Special Envoy for Climate Change. These are just a few of the "D.C. Caucus" group—keep an eye out for more amazing accomplishments by our friends on the east coast.

*Kelly Fahl, JD '09, is the development and communications coordinator for the ENR Program.*



From left to right: Heather Brinton, JD '96, Greg Dotson, JD '95, Adell Amos, JD '98, and Jeremy Arling, JD '04.

## Student Profile: Jennifer Holderman

By Paul Thompson

Jennifer Holderman likes to tackle issues regarding water law from many different perspectives. This drive led her to become the first UO law student to combine a JD with an MS in water resources from Oregon State University.

Jennifer completed her law studies last year and is spending this year completing her master's thesis on a feasibility study to define water sources and the confluence of water law. "My thesis work is a feasibility study for a microscale hydropower project, located on a series of springs. Microscale hydropower resources produce less than 1 megawatt of power and create minimal environmental impacts compared to traditional large-scale projects. To determine whether this project is feasible, I considered legal-regulatory-policy, science, and engineering perspectives. I characterized the water source using hydrologic techniques, designed infrastructure configurations to maximize power production, reviewed incentives offered at the local, state, and federal level, analyzed the process of amending a water right, and did a little accounting, too. Feasibility ultimately means making final choices in light of all these considerations, analysis that requires considering the dynamic nature of water and all its associated disciplines. I have truly enjoyed this synthesis and look forward to similar opportunities in the future." After



earning an undergraduate degree in environmental science from Evergreen State College in Olympia, Washington, Jennifer moved to Miami, Florida, where she taught earth space science at South Miami Middle Community School. Her desire to study water from multiple perspectives brought her to Oregon to study at Oregon and OSU.

Jennifer pursued a dual degree to look at the issues surrounding watersheds from multiple perspectives. She spent last summer working for the Upper Nehalem Watershed Council, part of the Network of Oregon Watershed Councils. Jennifer has also worked on small-scale hydro projects to determine their feasibility. "I just accepted a job at the Lower Nehalem Watershed Council as the watershed coordinator. This position helps to implement riparian restoration projects—placement of woody debris in streams to enhance fish habitat—[and I] work with multiple stakeholders (local, state, and federal governments, private landowners, nonprofits) to enhance watershed health."

Jennifer plans to take the bar in February next year and will continue to work with issues surrounding water in Oregon or Washington.

*Paul Thompson is a third-year law student who is interested in the business of sustainability.*

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

**Fall 2010** Vol. 10 No. 1

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Oregon's Blue-Energy Future  
ENR Projects and Fellows  
From the Twenty-eighth Annual PIELC  
Faculty and Alumni Updates  
Alumni Profile: The DC Caucus  
Student Profile: Jennifer Holderman  
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**Highlights**  
**Fall 2010**

ENVIRONMENTAL and NATURAL RESOURCES LAW

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

