



ROCKY MOUNTAIN
MINERAL LAW FOUNDATION

Natural Resources Law Teachers Newsletter

Summer 2020

A message from the editors of the Natural Resources Law Teachers Newsletter

We hope you are all keeping well during this difficult time. Despite the disruption Covid-19 has caused this spring, we were heartened to see all of the new scholarship, teaching, programs, and other activities you have undertaken. We wish you all a happy, healthy, and productive summer!

Katrina Fischer Kuh and Hillary Hoffmann

A message from Alex Ritchie, Executive Director and Jaleen Edwards, Director of Member Engagement and Scholar Development Program

In 2018, the Rocky Mountain Mineral Law Foundation (the “Foundation”) completed its first-ever strategic plan (“Plan”), which was encouraged by its Trustees Council. In preparing the Plan, the Foundation’s strategic planning consultant identified the purposes of the Outreach Program as (1) necessary to foster engagement with constituent law schools; (2) a means to affiliate with constituent law schools to ensure scholarship, academic rigor, and balance; (3) a means to foster interest among emerging natural resources lawyers at constituent law schools; and (3) a means to create some awareness among students about the Foundation.

To meet the goal to develop a more deliberate philanthropic model, the Foundation formed an Ad Hoc Philanthropic Committee and their report was reviewed and considered by the Board of Directors. The following summarizes the recommendations that were adopted by the Board that should be of interest to the natural resources law teachers community:

- Rebranding the Outreach Program as the Scholar Development Program and revising the mission statement to better describe the purpose of the program in reaching students and the academic community
- Better dissemination of scholarship information to natural resources law students
- Providing, as part of the Grants program, funds for travel and new innovative programming
- Reallocating student travel funds among constituent law schools to the extent that funds are not being used
- Continuing to provide networking grants; improving the tracking of attendees and reallocation of funds among constituent law schools to the extent that funds are not being used

- Providing free student membership to students who participate in any of our scholarship, grants or travel programs
- Developing a charitable contribution and fundraising program to support our natural resources law students and academic community

The Ad Hoc Philanthropic Committee made additional recommendations that the Board did not adopt, given the unprecedented circumstances arising from the pandemic, however it was agreed that those recommendations would be reviewed again when we return to a time of greater normalcy.

Sarah Adams-Schoen (Oregon) was appointed to the Oregon Department of Land Conservation and Development Rulemaking Advisory Committee for the state’s new middle housing law, the Review Panel of the LAND USE AND ENVIRONMENTAL LAW REVIEW, the Advisory Board of The Urban Lawyer, and the Council of the American Bar Association State and Local Government Law Section. She published an update to “Planning and Zoning Within the Coastal Zone,” in AMERICAN LAW OF ZONING, 6th Edition (ed. Patricia Salkin) (2019), “Two Steps Forward: Promoting Inclusive Infill Development with Middle Housing by Right and Increased Protections for Tenants,” 28 JOURNAL OF AFFORDABLE HOUSING 363 (2019), and “Beyond Localism: Harnessing State Adaptation Lawmaking to Facilitate Local Climate Resilience,” 8 MICHIGAN JOURNAL OF ENVIRONMENTAL & ADMINISTRATIVE LAW 185 (2018). She presented “Planning and Zoning in Coastal and Inland Floodplains” and participated on the panel “Sustainability/Resilience Hot Topic” at the Annual Land Use Institute and American Bar Association webinar (May 2020). She presented “Achieving Climate Resilience through Local-State Synergy: The Oregon Model and Beyond” at an Oregon State Bar Sustainable Future Section webinar (April 2020), and “Zoning Restrictions and the ‘Missing Middle,’” at an American Bar Association State & Local Government Section online meeting (Sept. 2019).

Bob Adler (Utah) is looking forward to his return to teaching this fall. This year he published “Atomizing the Clean Water Act: Ignoring the Whole Statute and Asking the Wrong Questions” (with Brian D. House) (ENVIRONMENTAL LAW 2020) and two more are

forthcoming: “Natural Resources and Natural Law Part II: The Public Trust Doctrine” (forthcoming MICHIGAN JOURNAL OF ENVIRONMENTAL AND ADMINISTRATIVE LAW), and “Translational Ecology and Environmental Law” (forthcoming ENVIRONMENTAL LAW 2020). He was pleased that “Coevolution of Law and Science: A Clean Water Act Case Study” (44 COLUMBIA J. ENVTL. L. 1, 2019) was selected as one of the 15 best articles of 2019. Also scheduled to be published this year is “Communitarianism in Western Water Law and Policy: Was Powell’s Vision Lost?” for inclusion in VISION AND PLACE: JOHN WESLEY POWELL AND REIMAGINATION OF THE COLORADO RIVER BASIN (McCool, Minckley, & Robison, eds., forthcoming). Bob is designing next year’s 26th annual Wallace Stegner Symposium, which will be on plastics and the environment.

Howard Arnett (Oregon) presented “Application of Environmental Statutes to Treaty Rights,” at the U.S. v. Oregon: 50th Anniversary Symposium on October 18, 2019. He also presented “Tribal Recreation and Land Use” at Emerging Land Issues in Indian Country, Sponsored by the Oregon State Bar Indian Law Section at the University of Oregon Law School on October 25, 2019; “Tribal Water Law; Reflections on a 40-year Career as a Tribal Attorney and Professor” at the 28th Annual Oregon Water Law Conference in Portland, Oregon on November 18, 2019; and “Reflections on Tribal Water Rights and Regulation” at the Changing Currents: Oregon Tribal Water Summit, Portland State University on December 10, 2019.

Lisa Benjamin (Lewis & Clark), Assistant Professor of Law, has two articles and one book chapter in press: “[The Road to Paris Runs Through Delaware: Climate Litigation and Directors’ Duties](#),” UTAH LAW REVIEW (2020) and “[Renewable Energy and Trade: Meeting the Paris Agreement’s Goals Through Strategic Compliance](#),” MINNESOTA JOURNAL OF SCIENCE, LAW AND TECHNOLOGY (2020) and “Intellectual Property” in THE OXFORD HANDBOOK OF INTERNATIONAL ENVIRONMENTAL LAW (2020); “Climate Litigation in the Global South: Constraints and Opportunities” (with Joana Setzer), 9(1)TRANSNATIONAL ENVIRONMENTAL LAW (2020); and “Climate Change Litigation in the Global South: Filling Gaps and Remaining Gaps” (with Joana Setzer) 114 AJIL UNBOUND (2020). She moderated “Catalyst Lawyering in the Anthropocene” Panel at the ABA SEER Conference, Climate Disruption and Decarbonization, Pace University (Feb. 19, 2020); “Climate Change, Gender and Climate Justice,” at Loyola University College of Law (Mar. 6, 2020).

Reed D. Benson (New Mexico) presented on managing federal lands and federal dams for climate adaptation at the Public Lands and Energy Transitions conference in Washington, DC, hosted by George Washington University law school. Other appearances and writing projects were cancelled or delayed by the COVID pandemic. Benson is working with the National Judicial College and its Dividing the Waters project on a virtual water law program, probably in June, for state and federal judges handling water cases. Much of his summer will be devoted to a new 8th edition of the WATER RESOURCE MANAGEMENT casebook, working with co-authors Dan Tarlock and Burke Griggs. Benson serves on the board of the Rocky Mountain Mineral Law Foundation, and on the planning committee for RMMLF’s first annual Water Law Conference, scheduled for November 2020 in San Diego. He is also Director of UNM’s Natural Resources and Environmental Law Program, which honored the Class of 2020 by awarding Certificates to 14

new graduates, the most ever for a New Mexico graduating class.

Laurie Beyranevand (Vermont), Director, Center for Agriculture and Food Systems, presented “Exploring the Costs and Benefits of Seafood Alternatives: Can Plant and Cell-Based Seafood Improve Human and Planetary Health?,” New York Aquarium (March 2020); “National Food Strategies,” Food Law Student Leadership Summit, University of Arkansas Law School (February 2020); “Establishing an Agricultural Law Program: Training Lawyers to Represent Rural Communities,” China-Mekong Law Center’s Annual Symposium, Khon Kaen University (December 2019). She moderated a panel called “Going Viral: Safeguarding Public Health in the Modern Era,” at the Food and Drug Law Journal Annual Symposium (November 2019); and presented “From Microbes to Multinationals: The Many Scales of Food Law and Policy,” University of Toronto Faculty of Law (November 2019); “U.S. Regulatory Framework for Seafood Fraud,” Technical Food Fraud Expert Workshop FAO – United Nations, Rome (November 2019); “Governing for Farm Viability,” NH Radically Rural Summit, (September 2019); and “Can Revised Standards of Identify Achieve Greater Public Health Outcomes?,” 42nd Annual ASLME Health Law Professors Conference, Chicago Loyola School of Law (June 2019). Laurie was appointed Chair of AALS’ Agricultural and Food Law Section and re-appointed to the Food and Drug Law Journal’s Editorial Advisory Board.

Michael Blumm (Lewis & Clark), Jeffrey Bain Faculty Scholar & Professor of Law, published “The Wild and Scenic Rivers Act: Undervalued Watershed Protection” 9 MICH. J. ENVTL. & ADMIN. L. 1 (2019). In progress are a couple of public trust doctrine articles: “[The Public Trust Doctrine 50 Years After Sax and Some Thoughts on its Future](#),” and “[Oregon’s Amphibious Public Trust Doctrine: The Oswego Lake Case](#).” Blumm and Mary Wood (U Oregon) are finishing the 3rd edition of their

casebook, *THE PUBLIC TRUST DOCTRINE IN ENVIRONMENTAL AND NATURAL RESOURCES LAW*, published by Carolina Academic Press. He is at work revising and updating his 2002 book on Columbia Basin salmon, now tentatively titled *SALMON LAW AND THE PACIFIC NORTHWEST'S ENVIRONMENT: FROM THE INDIAN TREATIES TO THE ENDANGERED SPECIES ACT AND BEYOND*.

John Bonine (Oregon) participated in the worldwide Conference of the Parties of the Climate Change Convention in Madrid, Spain, in December 2019. He served as a delegate from the Ukrainian environmental law organization Environment-People-Law (Ekologia-Pravo-Liudini), for which he is Chair of the Executive Board.

Jonathan Brown (Pace), Director, Food and Beverage Law Clinic, works to address the unmet legal service needs of farmers, food and beverage entrepreneurs, and nonprofit organizations seeking to improve our food system. In response to COVID-19, he offered pro bono legal services to farms and food businesses affected by the crisis and published an [FAQ](#) on funding programs available to small farms. He was interviewed on the podcast [Talk Farm To Me](#) to discuss the FAQ and the Clinic's work. He also chaired a panel on "The Future of Food Systems," at Cardozo School of Law (January 2020), and a panel on the "Future of Meat," at Pace University (March 2020). He spoke on cooperative, social enterprise, and nonprofit legal structures for farm businesses during a "Farm Law Primer" for farmers at Glynwood (February 2020) and spoke at the 2020 Food Law Student Leadership Summit, at the University of Arkansas School of Law on the role of business structures in food systems governance (February 2020).

Marcilynn Burke (Oregon), Dean and Dave Frohnmayer Chair in Leadership and Law, published "Anything New Under the Sun? When Voters Directly Regulate Energy and Mineral Development" at the 65th Annual Rocky Mountain Mineral Law Foundation Annual

Institute (2019). She also wrote "Streamlining or Steamrolling: Oil and Gas Leasing Reform on Federal Public Lands in the Trump Administration," 91 *COLORADO LAW REVIEW* 453 (2020).

Inga Caldwell (Pace) was selected to be a member in Environmental Law Institute's (ELI) Emerging Leaders Initiative (ELI-ELI). She helped to organize the Jeffrey G. Miller National Environmental Moot Court Competition (February 2020), the ABA SEER "Climate Disruption and Decarbonization" Conference (February 2020), and the IUCN's "[Knowledge Dialogue: International Cooperation to Prevent the 'Next' Pandemic](#)" (May 2020).

David Cassuto (Pace), Director, Brazil-American Institute for Law and Environment, delivered a lecture on Fish Management in the Age of Climate Change to the 2nd International Congress of the Office of the Rio Attorney General's Office in Brazil, and on COVID & Federalism (via Zoom) to an International Seminar held by the Federal University of Bahia, Brazil. He was also a panelist at the Resilience Summit on the Future of Meat, held at Pace University. His article, "Suffering Matters: NEPA, Animals & the Duty to Disclose" is forthcoming in the *HAWAII LAW REVIEW* this summer.

Robin Kundis Craig (Utah) was named a University Distinguished Professor in April 2020, an honor that recognizes significant and sustained contributions to research and teaching. She just completed editing the 2020-2021 edition of West's *SELECTED ENVIRONMENTAL STATUTES* and published "Hurricanes and the National Flood Insurance Program: Is Congress Paying Attention?," 34:3 *PROBATE & PROPERTY* 24-30 (May/June 2020); "[Water Law and Climate Change in the United States: A Review of the Legal Scholarship](#)," 7:3 *WIRES WATER* e1423 (May/June 2020); "The New United Nations High Seas Treaty: A Primer," 34:4 *NATURAL RESOURCES & ENVIRONMENT* 48-50 (Spring 2020); "[Reply to MacLean: The flexibility of](#)

[existing laws is an essential element of environmental governance](#),” 117(13) PNAS (April 7, 2020) (with J.B. Ruhl & Ahjond Garmestani); and “[Fostering Adaptive Marine Aquaculture Through Procedural Innovation in Marine Spatial Planning](#),” 110 MARINE POLICY 103555 (Dec. 2019). Before COVID shut down travel, she presented at Vanderbilt Law School’s “Wicked Problems” conference in October, twice at the American Water Resources Association’s annual conference in November, twice at the AALS annual conference in January, and on a panel about Native Americans and radiation exposure.

Greg Dotson (Oregon) published “State Authority to Regulate Mobile Source Greenhouse Gas Emissions, Part 1: History and Current Challenge,” 49 ENVIRONMENTAL LAW REPORTER 11037 (2019) and will publish “State Authority to Regulate Mobile Source Greenhouse Gas Emissions, Part 2: A Legislative and Statutory History Assessment.” GEORGETOWN ENVIRONMENTAL LAW REVIEW (forthcoming 2020). Dotson also wrote “Addressing Leakage in a Section 115 World,” in COMBATING CLIMATE CHANGE WITH SECTION 115 OF THE CLEAN AIR ACT (Michael Burger ed. 2020) (forthcoming 2020). He wrote the Op Ed “Action Needed on Climate Front,” Eugene Register-Guard. He presented “COVID-19 and Climate Change,” for the University of Oregon Alumni Association on May 6, 2020 and “State Authority to Regulate Mobile Source Greenhouse Gas Emissions, Part 2: A Legislative and Statutory History Assessment,” at the American Association of Law Schools, Works-in-Progress, Environment and Natural Resources Section on Jan. 4, 2020.

K.K. DuVivier (Denver) co-authored an article for the inaugural edition of the NOTRE DAME JOURNAL OF EMERGING TECHNOLOGY, “[Moat Mentality: Onshore and Offshore Approaches to Wind Waking](#).” She also recently authored a blog “Can Political Headwinds Against U.S. Offshore Wind Power Help Policy Change Course?” for the Center for Progressive Reform. KK’s last live presentation was for the March 12 Conference on Public Lands and Energy Transitions hosted by

GW’s Environment and Energy Law Program, and she has since presented “Climate Change and U.S. Renewable Energy Legislation” at the Transatlantic University Collaboration in Climate Change & Energy Law (TUCCCEL) Conference (virtual worldwide April 8, 2020) and moderated a panel on “Climate Change and Energy Sustainability: Lessons to be Learned from the COVID-19 Pandemic” for the Colorado European Union Center of Excellence (virtual worldwide May 5, 2020). KK was honored to receive a Distinguished Alumni Award from MICDS in February of 2020. She continues to chair the RMMLF Ad Hoc Renewable & Alternative Energy Committee and is editing a book on RENEWABLE ENERGY LAW for Elgar Publishing. If you have any articles or excerpts from other publications that you believe should be included in the collection, please send them to kkdvvivier@law.du.edu.

Stephen Dycus (Vermont) published NATIONAL SECURITY LAW, 7th ed. (with William C. Banks, Peter Raven-Hansen & Stephen I. Vladeck) (New York: Aspen Publishers 2020); and COUNTERTERRORISM LAW, 4th ed. (with William C. Banks, Peter Raven-Hansen & Stephen I. Vladeck) (New York: Aspen Publishers 2020).

John Echeverria (Vermont), published “[The Coronavirus and the Takings Clause](#),” a blog for the Center for Progressive Reform, addressing a slew of recently filed cases in federal courts across the country challenging state and local laws requiring the closure of businesses to control the spread of the coronavirus.

Gabriel Eckstein (Texas A&M), Director, Energy, Environmental, and Natural Resources Systems Law Program. The EENRS Law Program had a very active Spring 2020, including hosting our 11th annual Energy Symposium with a keynote from Stanford’s Dan Reicher; hosting a speaker series on the future of water rights and allocation in the Brazos River Basin, hot issues at DOJ’s Environmental and Natural Resources Division, most pressing

environmental law issues in Texas, and the risks of climate change for municipalities in Texas. Eckstein published “The Status of the UN Watercourses Convention: Does it Still Hold Water?” in *INTERNATIONAL JOURNAL OF WATER RESOURCES DEVELOPMENT*; and (co-authored with Dr. Rosario Sanchez) “Groundwater management in the borderlands of Mexico and Texas: The beauty of the unknown, the negligence of the present, and the way forward” in *Water Resources Research*; (co-authored with Jessica Foster) “The Value and Ethic of Water Pricing” for the State Bar of Texas’ 16th Annual Changing Face of Water Law Course; presented “The Status of International Water Law – Research and Practice” at the IHE Delft Institute for Water Education in the Netherlands; presented “Drugs on Tap: Managing Pharmaceutical Pollutants in Our Nation’s Waters” for the Dallas Bar Association Environmental Law Section.

Elizabeth Elia (New Mexico) presented her work-in-progress on “hybrid servitudes” and expanding notions of the police power to regulate land at the 2020 AALS Real Property Junior Scholars Plenary Session. The article examines conservation easements, environmental covenants, and other forms of “hybrid servitudes” (public benefit; private form) to attack the premise that expanding notions of private property rights are the cause of increasing enforceability of servitudes since the mid-Twentieth century. Elia teaches Land Use Regulation and Property Law.

Michael Fakhri (Oregon) was appointed by the UN Human Rights Council to be the Special Rapporteur on the Right to Food (2020-2023). He published “Inuit Seal Hunting and the Construction of Indigenous Identity in Trade Law,” in John Borrows and Risa Schwartz (eds.), *INDIGENOUS PEOPLES AND INTERNATIONAL TRADE: BUILDING AN EQUITABLE AND INCLUSIVE INTERNATIONAL TRADE AND INVESTMENT AGREEMENT*, Cambridge University Press, 2020 (co-authored with Madeleine Redfern). He also published “A

History of Food Security and Agriculture in International Trade Law, 1945-2015,” in Akbar Rasulov and John Haskell (eds.) *INTERNATIONAL ECONOMIC LAW: NEW VOICES, NEW PERSPECTIVES*, (Springer 2020) 55. He presented “Using Trade and Natural Resource Law to Weaponize Indigenous Identity Against Indigenous Peoples” at the US-Australia Dialogues on International Trade and Resource Governance Law University of New South Wales-US Consulate in Sydney, Australia on June 4, 2019.

Alyson Flournoy (Univ. of Florida) is looking forward to retiring June 30, 2020. The collaborations and camaraderie with this amazing community of natural resources and environmental law teachers and scholars is something she has greatly valued and will miss. She's delighted that two terrific faculty members with environmental / natural resources law expertise will be joining UF Law this fall. Her last (and she hopes best) law review article, “Integrative Environmental Law: A Prescription for Law in the Time of Climate Change” is forthcoming in 30 *DUKE ENVTL. L. & POL'Y F.* 225 (2020). Her article co-authored with Tom Ankersen and Sasha Alvarenga, “Recreational Rights to the Dry Sand Beach in Florida: Property, Custom and Controversy,” was recently published at 25 *OCEAN & COASTAL L. REV.* 1 (2020). A public education project on which she and Tom Ankersen have collaborated with students in the UF Conservation Clinic, designed to educate citizens about sea-level rise law and policy, will soon be published as part of the Bob Graham Center for Public Service's new website project called Barometer Florida under the title “Floridians’ Climate Guide.”

Susan Gary (Oregon) published “The Oregon Stewardship Trust: A New Type of Purpose Trust that Enables Steward-Ownership of a Business,” 88 *UNIVERSITY OF CINCINNATI LAW REVIEW* 707 (2019) and “The Need for a New Type of Purpose Trust, the Stewardship Trust,” 45 *ACTEC LAW JOURNAL* 701 (2019). She participated on a panel titled “Uniform Prudent Management of Institutional Funds Act (UPMIFA) Conundrums: Issues in Making and

Managing Charitable Gifts” at the ACTEC Annual Meeting in Boca Raton, Florida on March 8, 2020.

Robert Glicksman (George Washington University) published ADMINISTRATIVE LAW: AGENCY ACTION IN LEGAL CONTEXT (Foundation Press 3d ed. 2020) (with Richard Levy); “Reevaluating Environmental Citizen Suits in Theory and Practice,” in 91 U. COLO. L. REV. 385 (2020) (with David Adelman); “The Trump Card: Tarnishing Planning, Democracy, and the Environment,” 50 ENVTL. L. REP. 10281 (April 2020) (with Alex Camacho); “The Effect of Enforcement Fairness on Environmental Performance,” 9 ENVTL. MGMT. & SUSTAINABLE DEV. #2, at 1 (2020) (with Earnhart & Ramirez-Harrington); and a release for PUBLIC NATURAL RESOURCES LAW. Forthcoming are “A Tribute to George Cameron Coggins, Public Lands Maverick,” in KANSAS LAW REVIEW; “An Empirical Assessment of Agency Mechanism Choice,” in ALABAMA LAW REVIEW (with David Markell & Justin Sevier); “Judicial Ideology as a Check on Executive Power,” in OHIO ST. L.J. (with David Adelman); “Shuttered Government,” in ARIZONA LAW REVIEW; and “Restoring ALJ Independence,” in MINNESOTA LAW REVIEW (with Richard Levy). Rob presented on “Climate Science in the Courts” at ELI; “Shuttered Government” (by video) at Hastings College of Law; “Structuring Government to Address Climate Adaptation,” at Charleston School of Law; and “Climate Change Strategy Considerations for Federal Land Management,” at American University Washington College of Law.

Robert Glennon (University of Arizona) has several recent pieces: “[Great Lakes States’ Biggest Water Worries Much Closer to Home than Arid Southwest](#),” in Crain’s Chicago Business (Sept. 26, 2019). “The Legacy of John Wesley Powell” in VISION AND PLACE, Jason Robison, ed. (forthcoming Univ. of CA Press, 2020). “[Water harvesting as a solution for island communities](#)”, in The Working

Waterfront, Maine (Dec. 5, 2019). “[Feeding the World: How Changes in Biotech Regulation can Jump-start the Second Green Revolution and Diversify the Agricultural Industry](#),” (with John A. Erwin), in WILLIAM & MARY ENVIRONMENTAL LAW AND POLICY REVIEW (2020).

Shelby D. Green (Pace) published an article: “Ex Situ Preservation of Historic Monuments in the Era of Climate Change,” 18 CONN. PUB. INTEREST L. J. 221 (2019). The article posits that cultural heritage (historic buildings, landscapes, and natural monuments) is being threatened by all manner of evils—attacks by belligerents seeking military advantages, increased consumptive uses, and significantly, the idiosyncratic effects of climate change. Climate change portends sea level rise and coastal erosion threats that will inundate coastal areas and the historic structures located there. Melting permafrost and changes in soil composition threaten the loss of buried archaeological evidence and compromise the integrity of ancient buildings designed for a less malevolent climate. The preservation of cultural heritage may require barriers, fortifications, and strict enforcement of maintenance requirements. But, as sea levels rise and as the next superstorm looms, protection of cultural heritage may require its relocation, that is, preservation ex situ. This article explores the challenges of ex situ preservation of historic monuments—the fact of immovability, the fragility of aging structures, and the importance of locational context for historic and cultural value—suggesting that preservation may mean seeing our monuments from a different vantage.

Hillary Hoffmann (Vermont) is publishing “Tribal Ecological Knowledge and the Transition to Ecological Law,” in FROM ENVIRONMENTAL TO ECOLOGICAL LAW (Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, & Carla Sbert, eds.) (Routledge, forthcoming 2021); A THIRD WAY: DECOLONIZING THE LAW OF INDIGENOUS CULTURAL PROTECTION (Cambridge Univ. Press, July 2020) (with Monte

Mills, University of Montana). She was invited to present (with Mills) at the Federal Bar Association's Annual Indian Law Conference in April, which was cancelled due to Covid-19. Immediately prior to the Covid-19 lockdown, she led her annual field study on protected public lands and tribal rights in southern Utah. The class visited Arches, Canyonlands, BLM lands, and the Bears Ears National Monument, to learn about natural resources statutes and tribal rights in context. With Jim Murphy and Ken Rumelt of the Vermont Law School Environmental Advocacy Clinic, she authored an *amicus* [brief](#) representing 36 members of Congress in the easement vacatur portion of the Dakota Access Pipeline litigation. She is looking forward to spending the fall semester at IU-McKinney Law School as the Visiting Robert H. McKinney Family Chair in Environmental Law.

Shi-Ling Hsu (Florida State) has been on research leave this academic year, and has been working on his book, *CAPITALISM AND THE ENVIRONMENT*, which makes the case for a greener, more sustainable capitalism. This spring he published "Climate Triage: A Resources Trust to Address Inequality in a Climate-changed World," 50 *ENVTL. L.* 97, was a panelist for the University of Miami Law Review Symposium, What Swings the Vote, and was a participant in the University of Arizona's Workshop for Environmental Scholarship. Also, if you are thinking of teaching a course in Ocean and Coastal Law, he published with Josh Eagle last fall the casebook *OCEAN AND COASTAL RESOURCES LAW* (Wolters Kluwer), which builds upon Josh's former casebook dedicated only to Coastal Law.

Sharon Jacobs (Colorado) published "The Statutory Separation of Powers," 129 *YALE L.J.* 378 (2019), an article on the division of statutory powers between federal energy agencies, in November. She presented works-in-progress this winter at Yale Law School, Stanford Law School, and the University of Arizona and served as the keynote speaker for the University of Wisconsin's Tommy Thompson Center on Public Leadership's fall conference on Wisconsin's Energy Strategy. As

a board member of Colorado Law's Getches-Wilkinson Center, she also hosted Professor Hannah Wiseman as the Center's annual Schultz Lecturer on Energy Law and will host the third Early Career Energy Scholars Workshop this July (in virtual format).

Kevin Jones (Vermont), Director of the Institute for Energy and the Environment, launched a new field study course, Global Sustainability Field Study, which brought 31 students and faculty to Cuba last November to study energy and agriculture sustainability. In February, Kevin participated in a panel on Clean Energy Technologies at the 11th Annual Energy Law Symposium at Texas A&M School of Law on Energy Law Currents: Reconciling Risk and Return. This spring marked the sixth year he taught Sustainable Energy Technology and Policy in the University of Vermont's leading Sustainable Innovation MBA program.

Alice Kaswan (San Francisco) published "Statutory Purpose in the Rollback Wars," 71 *HASTINGS L.J.* ____ (forthcoming 2020) (focused on NHTSA's preemption of California's GHG program), and a book chapter "Distributive Justice," in *ENVIRONMENTAL JUSTICE: KEY ISSUES* (Brendan Coolsaet, ed., 2020). She presented "Learning from the States' Green New Deals" at Vermont Law School's symposium on "Legal Frameworks for a Green New World: Breathing Life into the Goals of the Green New Deal" in October 2019; "The Role of the States in Advancing a Green New Deal" at Detroit's annual Gilvary symposium on "Building a Green New Deal in the Rust Belt: Legal, Policy and Democratic Challenges" in January 2020; "Statutory Purpose in the Rollback Wars" at U.C. Hastings' symposium on "Revolution or Evolution? Administrative Law in the Age of Trump," in February 2020; and "The Implications of Climate-Induced Retreat for Receiving Communities" at Loyola, New Orleans' symposium on "Climate Justice: The Moral and Legal Imperative of the Climate Crisis" in March 2020.

Bill Keffer (Texas Tech), Professor of Energy Law, Director of Energy Law Programs. Texas Tech University is launching a new degree this Fall - a Master of Science in Interdisciplinary Studies (MSIS) in Energy, with courses offered by instructors from the Petroleum Engineering Department, the National Wind Institute, the Energy Commerce Department in the Rawls College of Business, and the Texas Tech School of Law. It is designed primarily for working professionals but is open to all. The courses will be offered online, with only one or two in-person weekend visits to the Texas Tech campus during each semester. The degree can be earned in one year. The first cohort begins this fall. Prof. Keffer is the Program Director and will be teaching the online course on Oil & Gas Law.

Christine A. Klein (Florida) published *PROPERTY: CASES, PROBLEMS, AND SKILLS* (Wolters Kluwer 2d ed. 2020) and “The National Flood Insurance Program at Fifty: How the Fifth Amendment Takings Doctrine Skews Federal Flood Policy,” 31 *GEORGETOWN ENVTL. L. REV.* 285 (2019).

Kati Kovacs (Rutgers) got a Fulbright award to Hong Kong University to study the drift towards authoritarianism in comparative perspective. She’s looking forward to reapplying in the hope that she’ll actually be able to go next year. Meanwhile, she published: “Progressive Textualism in Administrative Law,” 118 *MICH. L. REV. ONLINE* 134 (2020); “Shifting Powers in the United States Government,” *PUBLIC LAW*, Jan. 2020, at 25 (peer reviewed U.K. journal); and “Fomenting Authoritarianism Through Rules About Rulemaking,” in *THE FRONTIERS OF PUBLIC LAW* 429 (Jason N.E. Varuhas & Shona Wilson Stark, eds., 2019). Her article “Constraining the Statutory President” is forthcoming in *WASH. U. L. REV.*

Katrina Fischer Kuh (Pace), Interim Associate Dean and Executive Director of Environmental Law Programs, presented her paper “Scientific Gerrymandering and Bifurcation” as part of the Virtual Environmental Law Professors Workshop and at the Workshop for Environmental Scholarship hosted by Justin

Pidot at the James E. Rogers College of Law and the Agriculture and Food, Environmental, and Natural Resources and Energy Works in Progress session at AALS. She also presented her paper, co-authored with colleague Lissa Griffin, “Professional Responsibility and the Corporate Hoodwink: Using the Climate Disinformation Campaign to Examine the Ethical Responsibilities of Attorneys When Corporate Clients Mislead the Public to Avoid Government Regulation” as part of the New York Law School faculty workshop series.

Jan Laitos (Denver) published the following three books: *LAW OF PROPERTY RIGHTS PROTECTION: CONSTITUTIONAL LIMITATIONS ON GOVERNMENT POWERS* 3d ed. (Wolters Kluwer 2020); *REGULATION OF TOXIC SUBSTANCES AND HAZARDOUS WASTE* (Foundation Press University Treatise Series 2020) (co-author); *NATURAL RESOURCES LAW* 3d ed. (West Academic 2019). He published the following book chapter: “Takings Law in Colorado,” in *ENVIRONMENTAL REGULATION OF COLORADO REAL PROPERTY* 3d ed. (Colo. 2020) and was also instrumental in securing for the Univ. of Denver Sturm College of Law a multi-million dollar gift to help endow an eventual “Center for Property Rights Protection” that will be part of the law school.

Tom Lininger (Oregon) is publishing “No Privilege to Pollute: Expanding the Crime-Fraud Exception to the Attorney-Client Privilege,” 105 *MINNESOTA LAW REVIEW* ____ (2020), which proposes piercing the attorney-client privilege in certain cases involving violations of civil environmental law. The article benefited from comments by scholars attending the Environmental Scholars’ Colloquium at Vermont Law School in September 2019. Lininger planned to present this article at the International Legal Ethics Conference on the UCLA campus in July 2020, but the COVID-19 pandemic required cancellation of that conference. After a panel at Vanderbilt Law School recognized Lininger as one of the year’s top environmental authors, the Vanderbilt Environmental Law and Policy Annual Review

invited Lininger to present on that campus in March 2019 and publish an article in the summer of 2019: “Reforming Judicial Ethics to Promote Environmental Protection,” 49 ENVIRONMENTAL LAW REPORTER 10789 (2019). Lininger presented an ethics CLE to the American Public Power Association in October 2019, and Lininger recorded a two-hour ethics CLE for the Public Interest Environmental Law Conference that the University of Oregon had planned to host in March 2020 (the organizers posted this recording on their website after cancelling the conference)

Alastair Lucas (Calgary), Associate Director, Canadian Institute of Resources Law published, as coauthor: AN INTRODUCTION TO ENVIRONMENTAL LAW AND POLICY IN CANADA, 3d edition (Toronto: Emond, 2020) (text); as co-editor, chapter author and chapter coauthor, ENVIRONMENTAL LAW AND POLICY, 4th edition (Toronto: Emond, 2020) (casebook) (other University of Calgary faculty casebook chapter authors and coauthors are: Sharon Mascher, "Domestic Climate Change", Shaun Fluker, "Environmental Law Enforcement", Allan Ingelson and Kristen van de Biezenbos, "Energy, Technology, and Environment", Nigel Bankes and David Wright, "Environmental Law in Canada's North", Arlene Kwasniak, "Municipal Law", and Martin Olszynski, "Impact Assessment"). He also published "The Challenge of Rural Electrification in Canada", in del Guayo, Godden, Zillman, Montoya, and Gonzalez, eds, ENERGY JUSTICE AND ENERGY LAW (Oxford: Oxford University Press, 2020).

Roberta Mann (Oregon) published “Saving the Planet by Cutting Corporate Taxes: Comparative Case Study Analysis” (with Fiona Martin and Bill Butcher at University of New South Wales), in the Florida Tax Review at 23 FLORIDA TAX REVIEW 239 (2019). Mann’s article “Tax Policies for Green Manufacturing: Implementing the Green New Deal,” was published as the lead article in the Pittsburgh Tax Review’s symposium on the Green New Deal, at 17 PITTSBURGH TAX REVIEW 1 (2019). Mann also

completed an invited book chapter, entitled “Tax Implications of Environmental Aspects of Real Estate and Commercial Transactions” in ENVIRONMENTAL ASPECTS OF REAL ESTATE TRANSACTIONS, to be published this year by the American Bar Association.

Nancy McLaughlin (Utah) is serving as Associate Reporter for the [RESTATEMENT OF THE LAW OF CHARITIES](#) (forthcoming 2020), which will be the first comprehensive source of legal guidance regarding the charitable sector in the U.S. She is a member of the ABA’s Conservation Easement Task Force, which published [“Recommendations Regarding Conservation Easements and Federal Tax Law,”](#) 53 REAL PROP. TR. & EST. L.J. 245 (2019). She helped co-author a [first](#) and [second](#) amicus brief filed in support of the government in a high-profile case involving a \$97.37 million charitable deduction claimed by developers for conservation easements donations. She is organizing a virtual program, [“Trying Times: Conservation Easements and Federal Tax Law”](#) with six panelists (one from the IRS Office of Chief Counsel) at Utah on July 17th that will be live-streamed to a national audience. She is organizing a virtual program for the American College of Trust and Estate Counsel addressing challenges charities are facing in light of the floundering economy. One of her [Florida Tax Review](#) articles was cited in [Hoffman Properties v. Comm’r, 956 F.3d 832 \(6th Cir. 2020\)](#), and she was quoted in [“IRS Pursues Criminal Cases on Land-Tax Donation Deals”](#) WALL ST. J. (Nov. 12, 2019).

Monte Mills (Montana) was honored to join Professors Judith V. Royster, Michael C. Blumm, and Elizabeth A. Kronk Warner as a co-author of NATIVE AMERICAN NATURAL RESOURCES LAW: CASES AND MATERIALS, beginning with last year’s (2019) teacher update. Mills also finished A THIRD WAY: DECOLONIZING THE LAWS OF INDIGENOUS CULTURAL PROTECTION (with Hillary Hoffmann (Vermont)), which will be published in July 2020 by Cambridge

University Press. In October 2019, he presented “Beyond the Belloni Decision: Sohappy v. Smith and the Modern Era of Tribal Treaty Rights” at Lewis & Clark Law School’s symposium celebrating the 50th anniversary of U.S. v. Oregon. That article will be published in 50 ENVTL. L. (forthcoming). Also last fall, Mills presented “Beyond Constitutional Frontiers: Tribal Rights, Resources, and Reform” at the 27th Annual Conference of the American Bar Association’s Section on Environment, Energy, and Resources (SEER) in Boston, Massachusetts. This spring, Mills co-authored and filed an amicus brief with the Ninth Circuit supporting the Navajo Nation’s breach of trust claims related to water rights (Navajo Nation v. U.S. Dep’t of the Interior, et al., No. 19-17088).

Janet Milne (Vermont), Director, Environmental Tax Policy Institute, published “How Durable is a Lockbox for Carbon Tax Revenue?” in 17 PITTSBURGH LAW REVIEW 105 (2019). She also published “Renewable Electricity and Tax Expenditure: Lessons from Two Countries,” with co-author Marta Villar in Spain, in 48 INTERTAX No. 4, 369 (2020).

Felix Mormann (Texas A&M) is publishing “Beyond Algorithms: Regulatory Automation for a Simpler, Less Divided World,” BOSTON COLLEGE LAW REVIEW (2020 forthcoming), “Of Markets and Subsidies: Counterintuitive Policy Trends for Clean Energy in the European Union and the United States,” TRANSNATIONAL ENVIRONMENTAL LAW (2020 forthcoming), “[Clean Energy Equity](#),” UTAH LAW REVIEW 335 (2019), and “Betting on Climate Policy: Using Prediction Markets to Address Global Warming,” 52 U.C. DAVIS LAW REVIEW 1429 (2019) (with G. Lucas). Professor Mormann presented this and other work at George Washington University School of Law, UCLA School of Law, Arizona State University School of Law, the University of Tübingen, and the Environmental Works-in-Progress Symposium co-organized by the University of Colorado School of Law and UC Santa Barbara, among others. Media appearances included interviews

on Knowledge@Wharton Business Radio. Earlier this year, Professor Mormann chaired Texas A&M University’s 11th [Annual Energy Law Symposium](#).

Timothy Mulvaney (Texas A&M), Professor and Associate Dean for Faculty Research, authored “Takings Localism,” 121 COLUM. L. REV. __ (forthcoming 2021) (with Fordham’s Nestor Davidson); “Walling Out,” 71 S. CAL. L. REV. __ (forthcoming 2020); “A World of Distrust,” 120 COLUM. L. REV. FORUM __ (forthcoming 2020); and “The State of Exactions,” 61 WM. & MARY L. REV. 169 (2019). He presented various stages of these projects at Cornell Law School, William & Mary Law School, Loyola Law School – Los Angeles, Northeastern University Law School, and Syracuse University College of Law. He has been appointed as one of four inaugural Faculty Fellows of the Centre for Property Law at the University of Cambridge.

Smita Narula (Pace), Co-Director of the Global Center for Environmental Legal Studies, presented on the “Role of International Law in Addressing the Climate Crisis” at the 2020 Friedmann Conference at Columbia Law School. She also delivered a lecture on “India’s Food Sovereignty Struggle” at Cornell Law School as part of the Cornell India Law Center and Berger International Speaker Series, and addressed the “Human Rights Impacts of Livestock Production” at Pace University’s “[Future of Meat?](#)” summit.

Jessica Owley (University of Miami) moved from SUNY Buffalo to the University of Miami in Fall 2019, where she is also affiliated with the Abess Center for Ecosystem Science and Policy. In 2019, she published four articles and one book chapter: “What Can the Apple Teach the Orange? Lessons U.S. Land Trusts Can Learn from the National Trusts in the U.K.” 30 [DUKE ENVTL. L. & POL’Y F.](#) 89 (2019) (with Sally Fairfax and Lauren Gwin); “Etched in Stone: Historic Preservation Law and Confederate Monuments,” 71 [FLA. L. REV.](#) 627 (2019) (with Jess Phelps); “The New Agriculture: From Food

Farms to Solar Farms,” 44 [COLUMBIA J. ENVTL. L.](#) 409 (2019) (with Amy Morris); “Environmental Law. Disrupted.” 49 [ENVTL. L. REP. NEWS](#) 10038 (2019) (with fellow members of the Environmental Law Collaborative); “Successful Land Conservation: Neither Zero-Sum Nor Win-Win,” in [BEYOND ZERO-SUM ENVIRONMENTALISM](#) 173 (Sarah Krakoff, Melissa Powers, & Jonathan Rosenbloom eds. 2019). She spoke at several events in 2019, including multiple presentations in Madrid in association with the annual climate change treaty negotiations. The upcoming year looks to be a slower one. She has two forthcoming articles, two book chapters, and an edited volume but no travel planned.

Tade Oyewunmi (Vermont) co-edits the research handbook on [DECARBONISATION AND THE ENERGY INDUSTRY: THE ROLE OF LAW AND REGULATION IN LOW-CARBON AND TRANSITIONAL ENERGY MARKETS](#), (Hart Publishing, Oxford, UK (forthcoming October, 2020)). He also wrote the chapters on (a) “US Gas Supply Boom under Carbon-Constraints”; (b) “Decarbonising Gas and Electricity Systems”; and (c) “Energy Law and Regulation in Nigeria” as part of the research handbook project. He has a forthcoming article on “[Natural Gas in a Carbon-Constrained World: Examining the Role of Institutions in Curbing Methane and Other Fugitive Emissions](#)” in the *LSU JOURNAL OF ENERGY LAW AND RESOURCES*, volume IX, 2020 (forthcoming). He wrote the chapter on “Gas commercialisation projects in West Africa: pipelines, LNG and gas-to-power” in the [ROUTLEDGE HANDBOOK OF ENERGY LAW](#) (Tina Hunter et al. (eds.), 2020). He was a panelist and spoke about “[Decarbonization Options for Gas and Electricity Systems: Power-to-Gas \(P2G\) and Carbon Capture Utilization and Storage \(CCUS\)](#)” at the 1st Annual Global Energy Transition Law and Policy Conference hosted by the University of Houston Law Center, in collaboration with the University of Lyon, France and the EU’s Marie Skłodowska-Curie Project on April 17, 2020.

Gabe Pacyniak (New Mexico), Supervisor of Natural Resources and Environmental Law (NREL) Clinic, has an article forthcoming this Spring describing why rural electricity cooperatives have lagged in the shift to a lower carbon electricity system and how this shift can be accelerated. “Greening the Old New Deal: Strengthening Rural Electric Cooperative Supports and Oversight to Combat Climate Change,” 85 *MO. L. REV.* ____ (forthcoming 2020). Pacyniak presented on this topic at an April 5, 2020, online symposium organized by the University of Houston’s Environment, Energy and Natural Resources (EENR) Center and at the February 25, 2020, Rural Energy Conference. Pacyniak also presented a work-in-progress on implementing climate justice policies through administrative rulemaking at a Oct. 4, 2019, Vermont Law Review Symposium on the Green New Deal and at the 2020 AALS Annual Conference’s Work-in-Progress session. In his role as faculty supervisor of the Natural Resources and Environmental Law Clinic, Pacyniak served this past year on New Mexico’s Methane Advisory Panel, which was tasked with providing input to state agencies on forthcoming methane regulations for the oil and gas sector.

Patrick Parenteau (Vermont) gave the following presentations before Covid shut everything down: “Water Policy in a Climate Altered World” at Charleston Law School; “Regulation of Forever Chemicals” at Plymouth State University; The Climate Crisis: One Last Chance” at the Vermont Bar Association; “Recent Developments in US Climate Law,” at University College Cork, Ireland (remote); “Earth Day at 50: A Reminiscence,” Podcast. He also participated (remotely) as a “senior scholar” in the 8th Annual Sabin Colloquium on Innovative Environmental Law Scholarship on May 7-8 Columbia University Law School.

Heather Payne (Seton Hall Law) published “Pulling in Both Directions: How States Are Moving Toward Decarbonization While Continuing to Support Fossil Fuels”, 45 *COLUM. J. ENVTL. L.* 285 (2020). “The Natural Gas Paradox: Shutting Down a System Designed to

Operate Forever” was accepted for publication in the MARYLAND LAW REVIEW. She presented “Natural Gas Paradox” at the Environment, Energy and Natural Resources Works in Progress, AALS Annual Conference, and the Stanford Climate and Energy Workshop. She presented “Offshore Wind in North Carolina” at the Festival of Legal Learning, presented by the University of North Carolina School of Law. As part of the Climate Change Symposium at Columbia Law School, she presented “Pulling in Both Directions”. She was also quoted discussing stay-at-home regulations and cleaner air in New Jersey.

Melissa Powers (Lewis & Clark), Jeffrey Bain Faculty Scholar and Professor of Law, published: “Anticompetitive Transmission Development and the Risks for Decarbonization,” 49 ENVTL. L. 885 (2020); “Energy Transition: Reforming Social Metabolism,” in GLOBAL CLIMATE CONSTITUTION (Jordi Jaria-Manzano & Susana Borràs, eds.) (2019) (book chapter); and a book review of Veerle Heyvaert, TRANSNATIONAL ENVIRONMENTAL REGULATION AND GOVERNANCE: PURPOSE, STRATEGIES AND PRINCIPLES, in 8 TRANSNATIONAL ENVTL. L. 575 (2019).

Heidi Gorovitz Robertson (Cleveland State) published “Cities Seethe: A Case Study of Local Efforts to Influence Natural Gas Pipeline Routing Decisions,” 122 W. VIR. L. REV. 100 (2020). “Local Jurisdictions and Variations in State Law in the Marcellus Shale Region”, Chapter 2 in BOOM OR BUST? GOVERNANCE, PLANNING, AND ECONOMIC IMPACTS OF THE U.S. SHALE BOOM is forthcoming from Cornell University Press in Fall 2020. She was a panelist on “Home Rule and the Environment: Exploring how municipalities address environmental policy gaps including farmland solar policy and pipeline routing” at the West Virginia Law Review’s, Home Rule, a State and Local Law Symposium, and “WOTUS under the new (old?) Trump Rule: Where are we now?” at the Great Lakes Water Conference, Legal Institute of the Great Lakes, at the University of Toledo College of Law. In January, Robertson

completed her term as Chair of the AALS Section on Natural Resources and Energy Law. She moderated the section’s program “Transnational Environmental Issues & the Role of States, Provinces, Cities, and Indigenous Communities” and organized and moderated the *Works-in-Progress Session* attended by more than 50 participants from three sponsoring sections.

Nicholas A. Robinson (Pace) has focused his research in 2020 on zoonosis. In February, the American College of Environmental Lawyers posted his essay, “[Coronavirus, We Thought We Knew Ye! The Wuhan Potential Pandemic.](#)” His article “[‘One World, One Health’: Legal Preparations To Avert A Pandemic](#)” was published in March in The Westchester Lawyer. In March, he also co-authored an opinion with Christian Walzer, published in SCIENTIFIC AMERICAN, titled “[How Do We Prevent the Next Outbreak?](#)” He was featured on the ICEL website, “[Covid-19 – How Do We Prevent the Next Outbreak?](#)” He has been a panelist on several webinars on zoonosis, including: on ways to avert the next pandemic for the UN Food and Agricultural Organization (FAO); “Ecological Legal Pathways to Avert the ‘Next’ Pandemic” at the [IUCN World Commission on Environmental Law Webinar Series- Using Environmental Law Tools to Address Global Pandemics](#); and “[Attaining ONE HEALTH Through International Environmental Law](#)” at the IUCN’s “[Knowledge Dialogue: International Cooperation to Prevent the ‘Next’ Pandemic.](#)”

Jonathan Rosenbloom (Vermont) published a book on specific actions local governments can take to address climate change [REMARKABLE CITIES AND THE FIGHT AGAINST CLIMATE CHANGE: 43 RECOMMENDATIONS TO ADDRESS CLIMATE CHANGE AND THE COMMUNITIES THAT ADOPTED THEM](#) (ELI Press) (2020). Along with Sarah Krakoff (Colorado) and Melissa Powers (Lewis & Clark), Jonathan edited the book [BEYOND ZERO-SUM ENVIRONMENTALISM](#) (ELI Press) (2019). Jonathan also published a law

review article on consumption-based GHG emissions “[Outsourced Emissions: Why Local Governments Should Measure Consumption-Based Greenhouse Gases](#),” ____ U. OF COLORADO L. R. ____ (2021) and a planning article “Facing Water-Based Challenges with Sustainable Development Codes,” 8 ZONING PRACTICE 2 (American Planning Association) (2019). Finally, along with Keith Hirokawa (Albany), Jonathan published the law review article, “[Foundations of Insider Environmental Law](#),” 49 ENVIRON. L. 631 (2019) and the book chapter “Local Variation to Lead the Disruption of Contemporary Environmental Law” in ENVIRONMENTAL LAW. DISRUPTED. (Jessica Owley, Keith H. Hirokawa, eds.) (ELI Press 2021) (with Keith H. Hirokawa).

Kenneth J. Rumelt (Vermont), Senior Attorney, Environmental Advocacy Clinic, authored an amicus brief (with attorneys from EarthJustice) supporting the plaintiffs in *Benoit v. Saint-Gobain Performance Plastics Corp.*, a class action lawsuit arising out of PFOA contamination in Hoosick Falls, New York. On appeal, the Second Circuit considered whether New York state law recognizes a claim for the cost of medical testing and surveillance for asymptomatic plaintiffs tortiously exposed to toxic substances. He also authored an amicus brief (with Jim Murphy (Vermont) and Hillary Hoffmann (Vermont)) on behalf of 36 members of Congress in the easement vacatur portion of the Dakota Access Pipeline litigation, arguing that vacatur of the pipeline easement is the only means of ensuring that the Army Corps and other agencies adequately consider environmental impacts, environmental justice impacts, and impacts to treaty rights, before finalizing the NEPA process (rather than after).

John Ruple (Utah, Wallace Stegner Center) published “Does NEPA Help or Harm ESA Critical Habitat Designations? An Assessment of Over 600 Critical Habitat Rules,” 46 ECOLOGY L. Q. 829 (with Michael Tanana and Merrill Williams) showing that NEPA leads to faster critical habitat designations. He published

“Measuring the NEPA Litigation Burden: A Review of 1,499 Federal Court Cases,” 50:2 ENVTL. L. 101 (with Kayla Race) and “NEPA at 50—An Analysis of the Data in the Courts” (with Heather Tanana) which they planned to present at the Rocky Mountain Mineral Law Foundation’s Annual Institute, arguing for data-driven NEPA reform. In “Debunking the Myths behind the NEPA Review Process,” 35 NATURAL RES. & ENV’T ___, John and Heather suggest NEPA “streamlining” will likely backfire. In “Beyond the Antiquities Act: Can the BLM Reconcile Energy Dominance and National Monument Protection?” 34 NATURAL RES. & ENV’T 8, they argue that recent national monument management plans provide inadequate resource protection. John and the Stegner Center team also authored “Pakistan Water Management—The Legal and Institutional Framework: Lessons Learned and Opportunities for Improvement,” and he delivered the keynote address at the National Association of Park Rangers’ annual meeting.

Jennifer Rushlow (Vermont), Director, Environmental Law Center, published “Behind the Curtain: Insiders’ View of Developing and Enforcing State Climate Change Laws,” ENVIRONMENTAL LAW REPORTER (forthcoming June 2020) (with Sue Reid). She was appointed Treasurer of the AALS Section on Environmental Law and a member of the Scientific Committee of the Global Pandemic Network.

Erin Ryan (FSU) was appointed Associate Dean for Environmental Programs and elected Vice Chair of the Florida State University Faculty Senate, and so spent most of the Spring helping to navigate the riptides through which the Coronavirus pandemic is disrupting higher education. Her article, “A Short History of the Public Trust Doctrine and its Intersection with Private Water Law,” tracing the evolution of public trust principles from a doctrine of sovereign authority toward a doctrine of sovereign responsibility, was accepted for publication by the VIRGINIA ENVIRONMENTAL

LAW JOURNAL. Had they not been canceled for coronavirus, she would have presented at Renmin University in China as part of an international environmental workshop, “Uniting Ecology and Civilization: Histories, Theories, Futures.” She also would have presented “The Atmospheric Trust, *Juliana*, and Fundamental Climate Rights” at Cardozo Law School as part of “Fault Lines in the Constitution: A Reemerging Debate Over the Need for Affirmative Social Rights in the U.S. Constitution,” and she would have presented “The Public Trust Doctrine and Rights of Nature Movement” at Tulane University (for the Annual Meeting of the Association for Law, Property, and Society) and Arizona State University (for the Sixth Annual Sustainability Conference of American Legal Educators).

Melissa Scanlan (Vermont) is a Visiting Professor at Boston College Law School. Her book chapter on climate change and the new economy was translated into Spanish and published in Spain in "Cambio Climático, Cambio de Sistema, y El Camino a Seguir," 44 REVISTA ARANZADI DE DERECHO AMBIENTAL 21 (2019). Her law review article, “Climate Risk is Investment Risk,” will be published by Oregon’s JOURNAL OF ENVIRONMENTAL LAW AND LITIGATION. Before we were all ordered to stay at home, the Conference of Chief Justices Midyear Meeting held a State Environmental Courts and Litigation Educational Program in Honolulu, Hawaii, February 2-5, 2020. She was a Panel Teacher on "Water – the Great Divide" and a Panel Moderator on "Environmental Litigation: A State’s Enforcement of Protection Statutes." Boston College Law School’s American Constitution Society invited her as a Panel Speaker, February 23, 2020, on the "2020 Democratic Primary, Candidates’ Climate Change Plans."

Emily Spiegel (Vermont) published two legal resources: “[A Breed Apart: The Plant Breeder’s Guide to Preventing Patents through Defensive Publication](#)” (Center for Agriculture and Food Systems, 2020) (with Cydnee Bence); and “[Food](#)

[Systems Resilience: Concepts & Policy Approaches](#)” (Center for Agriculture and Food Systems, 2019) (with Jenileigh Harris). She also delivered the following presentations: Cornell University Plant Breeding Symposium, “Legal Dimensions of Bringing Back Biodiversity,” Invited Speaker (April 2020); China-Mekong Law Center’s Annual Symposium on Legal Subjects Relevant to Greater Mekong Region, “Establishing an Agriculture Law Program: Training Lawyers to Represent Rural Communities,” Invited Speaker with Laurie Beyranevand, Khon Kaen University, Thailand (December 2019); Technical Food Fraud Expert Workshop, “U.S. Regulatory Framework for Seafood Fraud,” Invited Speaker with Laurie Beyranevand, Food and Agriculture Organization of the United Nations, Rome, Italy (November 2019).

Jack Tuholske (Vermont) published “Judicial Practice and its Enlightening of U.S. Watershed Governance and Public Interest Litigation,” JOURNAL OF NATIONAL PROCURATORATE COLLEGE (China) (January 2020) (with Song Jinglin). He continues to design and teach climate and natural resource classes in VLS’s online program.

Cliff Villa (New Mexico) with co-authors Rebecca Bratspies (CUNY), Nadia Ahmad (Barry), and Roger Lin (Berkeley), published ENVIRONMENTAL JUSTICE: LAW, POLICY & REGULATION, THIRD EDITION (Carolina Academic Press 2020), and began work on a teacher’s manual to follow soon. Cliff contributed an article for a symposium on climate justice at Loyola Law School in New Orleans in March 2020. The title of this article is “Remaking Environmental Justice” and examines the meaning of environmental justice as it has evolved from its early focus on minority and low-income communities. In April 2020, Cliff contributed a book chapter entitled “Law and Lawyers in Disaster Response” for a forthcoming handbook on disaster law to be published by Cambridge University Press. In early March, Cliff spoke at the University of Utah S.J. Quinney School of Law on the Gold King Mine spill triggered by EPA contractors in

2015. In April, Cliff helped organize and present a webinar entitled COVID-19 Pandemic and Legal Response Authorities. In May, Cliff did a guest presentation for a new class on “Law and Lawyering in Pandemic” at California Western School of Law. Cliff also joined the Board of Directors for the Western Environmental Law Center.

Elizabeth Kronk Warner (Utah), published a co-authored article, “[Learning From Tribal Innovations: Lessons in Climate Change Adaptation](#)”, in 49 ENVIRONMENTAL LAW REPORTER 11130 (December 2019) (with Morgan Hepler); “Tribal Treaty Rights: A Powerful Tool in Challenging Energy Infrastructure” in 51 CONN. L. REV. 843 (2019); and the co-authored article, “Reversing Course on Environmental Justice Under the Trump Administration”, in 54 WAKE FOREST L. REV. 393 (2019). Dean Kronk Warner accepted a publication offer from the U.C. DAVIS LAW REVIEW for the article, “Changing Consultation.” Along with her co-authors, she completed the 2019 update for the casebook NATIVE AMERICAN NATURAL RESOURCES LAW. She presented several times on topics related to tribal environmental law, such as Tribal Environmental Law, Global Change and Sustainability Center Seminar, University of Utah (Jan. 14, 2020); and Mni Winconi, Tribal Sovereignty, and Treaty Rights: Lessons from Dakota Access Pipeline, Fifth Annual Sustainability Conference of American Legal Educators at Arizona State University in Phoenix, Ariz. (May 10, 2019). On July 1, 2019, she became the Jefferson and Rita Fordham

Presidential Dean at the S.J. Quinney College of Law at the University of Utah.

Mary Wood (Oregon) wrote with Michael Blumm (Lewis and Clark) THE PUBLIC TRUST DOCTRINE IN ENVIRONMENTAL AND NATURAL RESOURCES LAW, THIRD EDITION, Carolina Academic Press, (forthcoming); “Restoring Democracy: Nature’s Trust, Human Survival, and Constitutional Fiduciary Governance,” a chapter in DEMOCRACY UNCHAINED: HOW TO REBUILD GOVERNMENT FOR THE PEOPLE, The New Press, 2020; “Atmospheric Recovery Litigation Around the World: Gaining Natural Resource Damage Awards Against Carbon Majors to Fund a Sky Cleanup for Climate Restoration,” a chapter in HANDBOOK ON LOSS AND DAMAGE, Edward Elgar, forthcoming; “Joseph Sax: The Public Trust in Environmental Law,” a chapter in PIONEERS IN ENVIRONMENTAL LAW with Gerald Torres, Twelve Table Press, forthcoming; “Atmospheric Recovery Litigation: Making the Fossil Fuel Companies Pay for Cleaning up the Atmosphere,” a chapter in AXIS OF BETRAYAL: HOW FRACKING AND CLIMATE CHANGE VIOLATE HUMAN RIGHTS, Oregon State University Press, forthcoming; FORWARD, EARTH LAW: A PRACTITIONERS GUIDE, Wolters Kluwer, forthcoming. She spoke on the panel “[Holding Producers Accountable for Natural Resource Damages: PCB, MTBE, PFAS, and Climate Liability as Guidance for Atmospheric Recovery Litigation](#),” Oregon Law Public Interest Environmental Law Conference on May 8, 2020. She was Co-PI on a grant from the National Science Foundation focusing on Landscape Carbon Sequestration for Atmospheric Recovery.



*Participants at the Texas A&M School of Law EnviroSchmooze in August 2019 (Courtesy of **Gabriel Eckstein** (Texas A&M))*



In October 2019, on an “EJ Bus Tour” of northern New Mexico, students from the University of New Mexico School of Law listened to Mayor Marc Gallegos (far left) describe impacts to Eagle Rock Lake and the community of Questa, NM, from the upstream Chevron Questa Superfund Site. (Courtesy of **Cliff Villa** (New Mexico)).



A group of 10 law students visited Dead Horse Point State Park in southern Utah as part of a one-week field study class on Protected Public Lands and Tribal Rights. Students viewed Canyonlands National Park (in the background) and the lands President Trump excised from the northern portion of Bears Ears National Monument, to see the proximity of proposed oil and gas drilling and potash mining, before visiting the sites. (Courtesy of **Hillary Hoffmann** (Vermont))