

## **Natural Resources Law Teachers Newsletter Winter 2022**

### **A message from Katrina Fischer Kuh, Jessica Owley, and Achinthy Vithanage, Editors of the Natural Resources Law Teachers Newsletter**

With the start of a new year and new beginnings, we hope you are all staying healthy, well, and looking forward to some exciting projects ahead. Our heartiest congratulations for continuing to develop new scholarship, teaching, programs, and other activities last year. We hope you enjoyed the opportunity to connect in person at the NRLT Institute in Monterey last Summer. If you missed the trip, or if you attended and are now in the mood to reminisce, the Foundation's [Spring 2022 newsletter](#) has a recap of the NRLT Institute with some great outdoor action shots! The next NRLT Institute in 2024 will be held in Estes Park, Colorado (stay tuned for dates). In the meantime, the Foundation is hosting events that you may find of interest:

- Inaugural International Energy, Resources, and Investment Law Workshop following the [International Mining and Energy Law, Development, and Investment Conference](#) in Mexico City, Mexico, April 22, 2023.
- The Natural Resources Law Teachers Workshop following the [69<sup>th</sup> Annual Institute](#) at the Wallace Stegner Center at the University of Utah S.J. Quinney College of Law, Salt Lake City, Utah, July 22, 2023.

We wish you all the best over the Spring semester!

### **A message from Alex Ritchie, Executive Director, and Jaleen Edwards, Associate Director – Member and Scholar Development**

First, we hope you will join many of your friends and colleagues in academia and attend the 69th Annual Institute, the largest natural resources, energy, and environmental law conference of the year, on July 20-22, 2023, in Salt Lake City.

Second, we would like to remind you that the Foundation has several funding programs that are available to natural resources, energy, and environmental law professors and students at all accredited law schools. These include grants for law professors (including travel funding for scholarly work), our Equity and Inclusion Scholarships and Travel Reimbursement program for students who identify as a person of color, and travel funding for students to attend our programs.

For more information, please access the [Scholar Development Program](#) information on the Foundation website and if you have questions, please contact Jaleen Edwards at [jedwards@fnrel.org](mailto:jedwards@fnrel.org).

**Adell Amos (Oregon)** has two forthcoming publications, “Drought, Groundwater, and River Restoration: Connecting Water Law and Policy to Human Health Impacts of Drought,” co-authored with Michelle Smith (abstract for Pacific Northwest Drought and Public Health Workshop, October 2022) and “From the Willamette to Canada: Water Scarcity and Hydropower Across the Columbia River Basin,” co-authored with R. Cuppari, S. Singh, S. Denaro, Y. Su, J. Kern, D. Quirke, J. Quinn, and G. Characklis (draft presented at AGU Chapman Conference, September 2022). In her role as the Executive Director of UO’s Environment Initiative, she has had various speaking engagements to promote the university-wide coordinated effort to create an intellectual and active hub focused on higher education’s role and contribution to a just and livable future. Her most recent engagement was in Portland, Oregon for the Oregon Effect series in November 2022.

**Jessica Ann Bacher (Pace | Haub)** is the Executive Director of the Pace Land Use Law Center. She co-organized the Center’s 21<sup>st</sup> annual Alfred B. DeBello Land Use and Sustainable Development Conference in December. This year’s topic “Land Use Under Siege: Revisiting Well Grounded” was particularly special as it paid homage to her former teacher and mentor, and founder of the Land Use Law Center, John Nolon. At the conference, she moderated a panel on “Innovation in Disaster Mitigation and Planning.” As Director of the Health Law and Policy Program at Haub Law, she recently published an article “[Elizabeth Haub School of Law Hosts Health Law and Policy Summit](#),” in the WESTCHESTER & FAIRFIELD COUNTY BUSINESS JOURNALS (May 18, 2022).

**Tony Arnold (Louisville)** directs the Resilience Justice Project and has received a US EPA Clean Water Act Section 319(h) grant to incorporate environmental/resilience justice into watershed planning in Louisville, KY. His

recent publications include Arnold et al., “Resilience Justice and Community-Based Green and Blue Infrastructure,” 45(3) WILLIAM & MARY ENV’T L. & POL’Y REV. 665-737 (2021); Arnold et al., “Resilience Justice and Urban Water Planning,” 52(5) SETON HALL L. REV. 1399-1459 (2022); Arnold & Cartaxo, “Resilience justice and adaptive law in European cities,” in ENHANCING URBAN CLIMATE RESILIENCE: THE ROLE OF LAW 125-150 (van der Berg & Verschuuren, eds.) (Elgar 2022); Arnold et al., “Justice, Resilience, and Disruptive Histories: A South Florida Case Study,” 34 COLORADO ENV’T L.J. (2023); Arnold et al., “Equitable Planning for Community Resilience with Green and Blue Infrastructure,” 45(10) ZONING & PLAN. L. REP. 1 (2022); Arnold et al., MILL CREEK WATERSHED AND COMMUNITY ENVIRONMENTAL JUSTICE AUDIT (Resilience Justice Project 2022); and Arnold et al., MILL CREEK WATERSHED PLANNING ENVIRONMENTAL JUSTICE AND RESILIENCE JUSTICE FRAMEWORKS (Resilience Justice Project 2022). His contributions to environmental-justice education, research, and community engagement have been [highlighted](#), and he spoke on “Resilience Justice” at the University of Exeter, UK.

**Lisa Benjamin (Lewis & Clark)** is an Associate Professor of Law. She published an article: ‘[The SEC and Climate Risk](#)’ 40 (1) UCLA J. ENV’T L. & POL’Y (2022) 1 as well as co-authored two articles: ‘[Mapping Human Rights Based Climate Litigation in Canada](#)’ (with Sara Seck) J. HUM. RTS. & ENV’T (2022) 178-211, and ‘[Climate justice and loss and damage: Hurricane Dorian, Haitians and human rights](#)’ (with Adelle Thomas) in the GEOGRAPHICAL JOURNAL (2022). She also moderated a panel on ‘Administering Energy Justice’ with panelists including Melissa Powers (Lewis & Clark) and representatives from private practice, the Department of Energy and Earthjustice in December 2022, for the ABA

Administrative Law conference. Lisa was also appointed Vice Chair of the UNFCCC Compliance Committee (Facilitative Branch) in 2022 for a two-year term.

**Reed D. Benson (New Mexico)** has been writing about public rights of recreational access to rivers and streams in the Rocky Mountain states. His latest article, “Public Ownership, Public Rights: Recreational Stream Access Decision in the Mountain West,” is forthcoming in Vol. 23 of the WYOMING LAW REVIEW (2023), and was re-published by the American Law Institute’s blog, THE ALI ADVISER. Reed’s op-ed on recreational access for the Writers on the Range series appeared in several regional newspapers, including the SALT LAKE TRIBUNE. He served as co-chair of The Foundation for Natural Resources and Energy Law’s 2022 Water Law Institute in San Diego, where as a last-minute stopgap speaker he presented “What is Public? Stream access rights and public water ownership in the Rocky Mountain states.” He also taught a one-day water law course (along with Idaho judge Eric Wildman) to about 50 water judges from state courts across the West, sponsored by the Dividing the Waters project of the National Judicial College. Reed will be on sabbatical in Spring 2023.

**Michael Blumm (Lewis & Clark)** completed his book, [PACIFIC SALMON LAW AND THE ENVIRONMENT](#), which was published by the Environmental Law Institute. His 2002 articles include “[Our Common Ground: An Appreciative Essay on John Leshy's Public Lands History](#),” 31 NYU ENVTL L. REV. (forthcoming 2022); “The World's Largest Ecosystem Management Plan: The Northwest Forest Plan After a Quarter-Century,” 52 ENVTL L. 151 (2022); “[The World’s Largest Dam Removal Project: The Klamath River Dams](#),” 101 OR. L. REV. (forthcoming 2022); “The 30 by 30 Proposal, Areas of Critical Environmental Concern, and the Protection of Tribal Cultural Lands,” 52

ELR 10366 (2022); “Federal Grazing Lands and Their Suitability as 'Conservation Lands' in the 30 by 30 Program,” 52 ELR 10279 (2022); “The Public Trust and the Chicago Lakefront,” 11 MICH. J. ENVTL & ADMIN. L. 315 (2022); “Walker Lake and the Public Trust in Nevada's Waters,” 40 VA. J. ENVTL. L. 1 (2022); “Emerging Best Practices in International Atmospheric Trust Case Law,” 2022 UTAH L. REV. 941; [The Mistake on the Snake: The Lower Snake River Dams](#), 58 IDAHO L. REV. 1 (forthcoming 2022); [Constitutionalizing the Public Trust in Chile](#), 52 ENVTL. L. (forthcoming 2022).

**Caroline Bradley (Miami)** is the Associate Dean for International and Graduate Programs. Expert on British and European Financial Law. She has developed a course on climate finance law and recently presented “Why (and Why Not) Climate Finance?” at American Society of International Law International Economic Law Interest Group Biennial Conference at Texas A&M University School of Law.

**Jonathan Brown (Pace | Haub)** is the Director of the newly named Food and Farm Business Law Clinic (formerly the Food & Beverage Law Clinic). His article, "[Haub Law Expands Legal Services Through Food and Farm Business Law Clinic](#)," in the WESTCHESTER COUNTY BUSINESS JOURNAL provides insight into the name change. In 2022, the Clinic assisted over 60 farmers and food businesses and non-profits. The Clinic presented on transactional legal issues to farmers, landowners, and other service providers in workshops coordinated with American Farmland Trust, GrowNYC, Glynwood Center for Regional Food and Farming, and Cornell Cooperative Extension Broome County. Jon Brown was named the recipient of the 2022 Ottinger Award for Faculty Achievement.

**David Cassuto (Pace | Haub)** is the Director, of the Brazil-American Institute for Law and Environment (BAILE). Over the summer, he spoke at the Fourth Annual International Seminar on Environmental Law in Peru, hosted by the Universidad Científica del Sur (UCDS) with the Peruvian Society of Environmental Law (SPDA) and IUS VERUM, the UCDS law students' association. It focused on wildlife trafficking. He recently authored (with Carney Anne Nasser), [The Supreme Court's Parent Trap](#), Ms. (Sept. 19, 2022) and [Book Review: Justice As a Fair Start in Life: Understanding the Right to Have Children](#) (Eliva, 2021), WESTCHESTER LAWYER (Feb. 2022).

**Karl Coplan (Pace | Haub, Emeritus)**, now greets us from Tasmania (Australia) where he has set ashore with his spouse, Robin, after a long sea voyage from New York harbor, down the East Coast, across the Caribbean and into the Pacific, stopping by NZ before safely reaching Tasmanian shores. If you are interested, you can follow the journey he took and the remainder of his year-long adventure via their [blog](#).

**Xavier Cortada (Miami)** is everything everywhere all at once, holding appointments in the Art & Art History, Law, and Pediatrics. His project, Underwater, works with schools and community groups to educate them about sea level rise and inspire them to take action. He recently published "Underwater Homeowners Association: Using Socially Engaged Art to Problem-Solve in an Imperilled, Polarized and Imperfect World," 3 J. ENV'T MEDIA 163 (2022) (with Adam Roberti & Ryan Deering). He was Keynote Speaker, "The Role Art Can Have in Solving Critical Water Challenges," Future of Water Summit 2022, and presented "Underwater, Using Social Engaged Art to Plan for a Future with Rising Seas," TED Talk London, England. Cortada was selected as one a 2022 Grist 50 "Fixer" annual list of emerging leaders from across the U.S. who are working on

fresh, real-world solutions to our planet's biggest challenges and recently named the Inaugural Artist-in-Residence for Miami-Dade County. Check out [cortada.com](http://cortada.com) for more information.

**Jason Czarnezki (Pace | Haub)**, Assistant Dean of the Environmental Law Program, attended the Pufendorf Institute for Advanced Studies at Lund University (Sweden), where he gave remarks on environmental peacebuilding, specifically the role of corporate and ESG criteria in promoting peace and limiting the destruction of natural resources. Additionally, he was recognized at Stockholm City Hall by the Stockholm Academic Forum for his work with the Stockholm Dual Career Network (SDCN) and was awarded the SDCN Global Membership. He also delivered a lecture at Stockholm University on "Comparing EU and U.S. Law on Green Procurement." He participated in a [panel discussion regarding ESG Fund Disclosure](#) presented by the U.S. Securities and Exchange Commission Investor Advisory Committee. Additionally, along with alumna Maria Antonia Tigre, he spoke at an [Earth Law Panel Discussion](#) presented by the Benjamin N. Cardozo Environmental Law Society and The Earth Law Center. He continues to build out the Sustainable Business Law Hub at Pace | Haub, now officially serving as the Faculty Director of the Hub. Recently, he co-authored an article, "*Sustainable Business Law? The Key Role of Corporate Governance and Finance*" with Pace | Haub alum, Colin Myers, 51 ENVIRONMENTAL LAW 991 (2022).

**Robin Kundis Craig (USC)** completed her last round as editor of West's SELECTED ENVIRONMENTAL STATUTES in September. Her edited interdisciplinary volume with Jeff McCarthy, RE-ENVISIONING THE ANTHROPOCENE OCEAN, will (finally) be out in print from the University of Utah Press in

February 2023. She has a bunch of forthcoming book chapters and articles, but recent publications include: J.B. Ruhl and Robin Kundis Craig, "[Designing Extreme Climate Change Scenarios for Anticipatory Governance](#)," 119 PROC. NAT'L ACAD. SCI. (PNAS) e2216155119 (published online Nov. 29, 2022); "The Regulatory Shifting Baseline Syndrome: Vaccines, Generational Amnesia, and the Shifting Perception of Risk in Public Law Regimes," 21 YALE J. HEALTH POL'Y, L. & ETHICS 1-60 (2022); "Unpacking Notions of Residents' Responsibility in Flood Risk Governance," 32:3 ENVT'L POL'Y & GOV. 217-231 (June 2022); "How Law Structures Public Participation in Environmental Decision Making: A Comparative Approach," 32:3 ENVT'L POL'Y & GOV. 232-246 (June 2022); and "Promoting 'Climate Change Plus' Industries Through the Administrative State: The Case of Marine Aquaculture," 39 YALE J. ON REG. 479-532 (June 2022). Otherwise, Robin Craig is serving on the inaugural Frontiers Planet Prize jury and wrestling with the Army Corps of Engineers to get marine aquaculture permits.

**David Dorfman (Pace | Haub)** moderated a panel on Environmental Justice co-organized by the Pace Environmental Law Society and the National Lawyers Guild (NLG). The panel featured Joel Kupferman, (NLG Environmental Justice Committee/New York Environmental Law & Justice Project/Environmental Initiative for Haiti), Dr. Nicky Sheats (Center for the Urban Environment, Kean University/ White House Environmental Justice Advisory Council), Chief Mann (Turtle Clan Chief of the Ramapough Lenape Nation), and Valeria A. Gheorghiu, a restorative justice trained attorney. Most recently, David Dorfman was recognized as a 2023 Hudson Valley Magazine "Top Lawyer".

**Greg Dotson (Oregon)** took a leave of absence for most of 2021 and 2022 to serve as Chief Counsel of the Senate Environment and Public Works Committee, where he worked on the Infrastructure Investment and Jobs Act of 2021 and the Inflation Reduction Act of 2022. Dotson published, with co-author Dustin Maghamfar, "The Clean Air Act Amendments of 2022: Clean Air, Climate Change, and the Inflation Reduction Act" in the ENVIRONMENTAL LAW REPORTER (Jan. 2023).

**David Driesen (Syracuse)** was a Distinguished Fulbright Scholar in Environmental Law and Economics at the Smart Prosperity Institute at Ottawa University in the Fall of 2022, studying and writing about the literature claiming that carbon pricing is a failure with MIT's Michael Mehling. He recently published "[Feasibility Analysis and the Climate Crisis](#)," 39 YALE J. REG. 533 (2022); "[Appointment and Removal](#)," 74 ADMIN. L. REV. 422 (2022); "[Making Appointment the Means of Presidential Removal of Officers of the United States](#)," 26 LEWIS & CLARK L. REV. 1419 (2022); an introduction to the [Syracuse Law Review](#) symposium on his book, [The Specter of Dictatorship: Judicial Enabling of Presidential Power](#) (Stanford U. Press 2021); and "Climate Finance After Paris", in RESEARCH HANDBOOK ON CLIMATE MITIGATION LAW (Elgar L.S. Reins & Jonathan Verschuuren eds. 2022) (with Cinnamon Carlarne). He gave talks and podcasts on these topics and on *West Virginia v. EPA* and the Inflation Reduction Act at home and abroad.

**K.K. DuVivier (Denver)** is the John A. Carver Jr. Chair in Natural Resources Law. She was [featured](#) on Channel 7 News about Xcel's Time of Use program and interviewed and quoted by Judith Kohler in "[Will Xcel Energy's plan for natural gas leave customers on the hook? State regulators to decide.](#)" She presented on "Politics are too serious a matter to be left to the politicians" Denver, CO (July 12, 2022) as part



of the Colorado Science & Engineering Policy Fellowship. She also presented her work and critiqued articles from writers across the country during Loyola University Chicago's Annual Environmental Law Scholars Workshop at Starved Rock State Park (October 12-15, 2022). She moderated a panel on "Energy Justice: Overview of an Emerging Policy Trend" featuring Sonrisa Lucero, U.S. Department of Energy, Senator Cristina Castro, State Senator from Illinois, and Sunny Radcliffe, Portland General Electric, Denver, Colorado at the National Conference of State Legislatures' Energy Policy Summit Summer 2022. Lastly, she presented "Policy Impediments to Distributed Energy Generation and Storage," on a panel at the Annual Sustainability Conference of American Legal Educators, hosted by *Arizona State University Sandra Day O'Connor College of Law*.

**Gabriel Eckstein (Texas A&M)** Director, [Energy, Environmental, and Natural Resources Systems Law Program](#): The Program hosted its [fifth annual EnviroSchmooze](#) in August 2022 with presentations by: Caroline Cecot, George Mason; Karrigan Bork, UC Davis; Hajin Kim, Chicago; Cherie Metcalf, Queen's University; Amy Stein, Florida; and Daniel Walters, Texas A&M. Individually, Gabriel published: CHARACTERIZING LEGAL IMPLICATIONS OF TRANSBOUNDARY AQUIFERS, [The Groundwater Project](#): Guelph, Ontario, Canada (forthcoming 2022); [STRENGTHENING COOPERATION OVER TRANSBOUNDARY GROUNDWATER RESOURCES](#) (Routledge, 2022) (co-edited with Alice Aureli); [GROUNDWATER LAWS AND REGULATIONS: SURVEY OF SIXTEEN U.S. STATES VOL. II](#) (Texas A&M University EENRS Law Program, 2022) (with Amy Hardberger); ["Don't put all your eggs in one basket: Social perspectives on desalination and water recycling in Israel,"](#) in WATER POLICY

(2022) (with Gretchen Sneegas, et al.); "Scientific, Legal, and Ethical Foundations for Texas Water Law," in [ESSENTIALS OF TEXAS WATER RESOURCES](#) 7th, Ch. 1: pp.5–35 (with Amy Hardberger) (M. Sahs, ed., State Bar of Texas, updated 2022); "Texas," in [WATERS AND WATER RIGHTS](#) 4th (Amy Kelley Ed., LexisNexis Matthew Bender, updated 2022). He also served as contributing author to *Ch. 2, 10 and 12* of THE UNITED NATIONS WORLD WATER DEVELOPMENT REPORT 2022- GROUNDWATER: MAKING THE INVISIBLE VISIBLE (UNESCO, Paris, 2022).

**Elizabeth Elia (New Mexico)** moderated the ABA's Real Property Trusts and Estates section's free Professor's Corner webinar discussion on current issues in citing renewable energy projects on October 13th. Uma Outka from the University of Kansas and Wyatt Sassman from the University of Denver Sturm College of Law were the panelists in this discussion. Their presentations are archived [here](#). She is looking forward to the publication of her recent article, "[Servitudes Done 'Proper'ly: Propriety, Not Contract Law](#)" in volume 37 of the JOURNAL OF LAND USE & ENVIRONMENTAL LAW. She was appointed to the Foundation for Natural Resources and Energy Law's Law Student Programs Committee. This committee awards [grants](#) to law students to enable their participation in FNREL's extensive range of [conferences, programs, and trainings](#). She is pleased to serve as the faculty sponsor for UNM's Environmental Law Society this year, assisting this student organization in the development and execution of numerous networking and educational programs throughout the year. Finally, in the spring, she will teach Land Use Regulation, a course included in the NREL certificate program curriculum and tested on the bar exam.

**Abigail Fleming (Miami)** is the interim director of Miami Law’s Environmental Justice Clinic. She recently published “Armoring the Just Transition Activist” in 25 RICH. PUB. INT. L. REV. 172 (2022) (with Catherine Dremluk). She is also a member of an innovative interdisciplinary research team organizing events and creating opportunities around Miami: “Climate Gentrification: Designing A Comprehensive Assessment Tool of Historical, Social, and Geographic Factors to Guide Actionable and Equitable Neighborhood Resilience.”

**Josh Galperin (Pace | Haub)** published “[Adapting to a 4° C World](#),” 52 ENVTL L. REP. 10211 (2022, with multiple co-authors). With E. Donald Elliott, he co-authored “[Providing Notice of Significant Regulatory Changes](#)” (May 17, 2022) (report to the Admin. Conf. of the U.S.) as well as “[Agency General Counsels, Beware](#),” in THE REGULATORY REVIEW (Sep. 7, 2022). He was also a co-author on the “[Equity in Agricultural Production & Governance](#)” report. Look out for his forthcoming book chapter (co-authored with Sara E. Kuebbing and Martin Nunez), “Can we love invasive species to death?,” in LOVE THEM TO DEATH (Wendy Applequist ed., forthcoming) and his book chapter, “4Cs at 4C: Counting, Contestation, Communication, and Consideration for Collectively Constructing Concepts of Climate Change,” in ADAPTING TO A 4° C WORLD (Katrina Kuh and Shannon Roessler, eds.) (forthcoming 2023). He is also overseeing the organization of the New Directions in Environmental Law (NDEL) Conference and the Food Law Student Leadership Summit (FLSLS), a joint collaboration between Yale Law, Yale School of the Environment, Pace | Haub Law, and the Harvard Law School Food Law and Policy Clinic.

**Susan Gary (Oregon)** published “[Conflicts and Opportunities for Pension Fiduciaries in the](#)

[ESG Environment](#),” 74 OKLA. L. REV. 607 (2022). She presented “Fiduciary Duties and Sustainable Investing: What Works and Why” at the 67<sup>th</sup> Annual Estate Planning Seminar in Seattle, Washington (October 25, 2022). She and Jennifer B. Goode presented the webcast “Charities and Sustainable Investing: Putting Your Mission Where Your Money Is” for the Northern California Planning Giving Council, Heidi Strassburger Masters Program (August 18, 2022).

**Robert Glicksman (GW Law)** published “[The New Separation of Powers Formalism and Administrative Adjudication](#),” 90 GEO. WASH. L. REV. 1088 (2022) (with Rick Levy); “[Judicial Review of Scientific Uncertainty in Climate Change Lawsuits: Deferential and Nondeferential Evaluation of Agency Factual and Policy Determinations](#)” (with D. Kim and K. Groth-Tuft), 46 HARV. ENVTL. L. REV. 367 (2022); “30 x 30—Conservation and the Multiple-Use Agencies,” 68 NAT. RES. & ENERGY L. INST. 34-1 (2022) (with Sandi Zellmer); and “Enhancing Environmental Enforcement by Example and Erudition,” 36 J. LAND USE & ENVTL. L. 191 (2021). Forthcoming are the new 9<sup>th</sup> edition of his Aspen casebook, ENVIRONMENTAL PROTECTION: LAW AND POLICY; and “A Critical 21st Century Role for Public Land Management: Conserving 30% of the Nation’s Lands and Waters Beyond 2030,” 54 ARIZ. ST. L.J. \_\_\_\_ (also with Sandi). He also published “Adjudicating the Future of Agency Adjudication,” 48 ADMIN. & REGULATORY L. NEWS 3 (Fall 2022) (with Levy). Rob Glicksman has a forthcoming perspective in the NEW ENG. J. MED on the Inflation Reduction Act and public health. He presented on that topic at GW’s Milken Institute School of Public Health and on energy infrastructure permitting at the [American Enterprise Institute](#).

**Shelby D. Green (Pace | Haub)** published several articles, including: “Adaptive Rezoning for Social Equity, Affordability and Resilience,” 52 SETON HALL L. REV. 1325 (2022); “Equitable, Affordable and Climate-Cognizant Housing Construction,” 75 ARK. L. REV. 363 (2022); “Non-Debt and Non-Bank Financing for Home Purchase: Promises and Risks,” 10 AM. U. BUS. L. REV. 437 (2022); “The Aerial View of Land Use: Preempting the Locals for Improved Housing Access,” 36 PROB. & PROP. 25 (2023, with Haub Law 2L – Bailey Andree). She has an upcoming article “The Intentional Community: Toward Inclusion and Climate-Cognizance,” WASHBURN UNIV. L. J. (forthcoming 2022). Shelby Green was also featured in the Policygenius article [Is home equity sharing a better way to buy a house?](#). She continues to serve as co-counsel of the Pace Land Use Law Center.

**Alexander Greenawalt (Pace | Haub)** participated on a panel organized by the League of Women Voters of the Rivertowns on [SCOTUS Rethinks Choice, Guns, And Air Quality. Now What?](#) The panel consisted of all Pace-affiliated individuals, including alumnus Mayo Bartlett, Esq., Adjunct Prof. Inga Caldwell, and Haub Law student Rebecca Angel.

**Burke Griggs** was promoted to Professor of Law at Washburn in 2022. He published CASES AND MATERIALS IN OIL AND GAS LAW (8<sup>th</sup> ed., West, 2022) with co-authors John Lowe, Owen Anderson, Monika Ehrman, Christopher Kulander, and James Coleman, achieving the dubious distinction of co-authoring an oil and gas casebook as well as a water law casebook (Benson, Griggs, & Tarlock, WATER RESOURCE MANAGEMENT: A CASEBOOK IN LAW AND PUBLIC POLICY (8<sup>th</sup> ed., Foundation Press, 2021)). He chaired the Water Law Section for the Foundation’s Annual

Institute in 2022. Because water and energy do mix, he accompanied a delegation of the U.S. Departments of State, Interior, and Commerce as an expert to the lithium-rich salars of northwest Argentina in October, where he assisted with matters of groundwater, unitization, and trans-boundary natural resource allocation. Continuing the dubiousness, in November he appeared before the 10<sup>th</sup> Circuit, arguing on behalf of Audubon of Kansas in its suit against Interior for failing to protect the senior water right held by the U.S. Fish and Wildlife Service at the Quivira National Wildlife Refuge in Kansas (Case No. 21-3209 (Nov. 15, 2022)).

**Craig A. Hart (Pace | Haub)** is the Executive Director of the Pace Energy & Climate Center (PECC). Together with its partner, Westchester County Association, the PECC was recognized by Westchester County with an EcoAward for its Clean Energy Program Portal, a searchable guide to help Westchester businesses find available clean energy programs and incentives. The Eco Awards recognize outstanding contributions to the environment and sustainability efforts made by residents, students, schools, municipalities, businesses, and other organizations The PECC is advising Erie County in the design and implementation of its Low-Income Program for Sustainable Energy which aims to promote community solar adoption and ensure low- and middle-income households share in the benefits of renewable energy adoption. The Center also led a team in drafting regulations for the Honduras Electricity Energy Regulatory Commission to enable the adoption of microgrids to expand access to clean electricity to rural communities, and strengthen the resiliency of communities to catastrophic events.

**John Head (Kansas)** participated in the July Natural Resources Law Teachers Workshop in Vail. He also finished writing a law journal article focusing on interspecies legal rights and



(in another area of his work) published a book chapter on Chinese dynastic legal history and China's "legal soul". He also continues the development of his Global Restoration Project concentrating on international law, agricultural reform, and environmental protection.

**Deborah Heller (Pace | Haub)**, Assistant Dean of the Law Library, taught Advanced Research Skills: Environmental Law. She also published "Animal Agriculture Legal Research in the European Union and the United States," in *Global Animal Law Research* (Alex Zhang & Katherine Siler eds., forthcoming 2022).

**Shi-Ling Hsu (FSU)** continue to serve as the Florida State trustee for the Foundation for Natural Resources and Energy Law, and a member of the Renewable Energy Task Force of the Foundation. He published "Whither, Rationality?" 120 MICH. L. REV. 1165 (2022), "Adapting to a 4°C World," 52 ENV'T L. L. REP. 10211 (2022), with 17 others, and launched his book, CAPITALISM AND THE ENVIRONMENT (Cambridge Press, 2021) at the University of Notre Dame's Global Gateway campus last December. He will publish "Climate Insecurity," \_\_ UTAH L. REV. \_\_ in early 2023.

**Allan Ingelson (Calgary)** published an article on Indigenous peoples and the repatriation of sacred ceremonial objects in Canada and South Africa, with Post Doc Ifeoma Owosuyi in 29(2) INT'L J. CULTURAL PROP., Cambridge University Press, 1-25 (2022). He also published, with Alastair Lucas, the book ENVIRONMENT IN THE COURTROOM II, University of Calgary Press (2022).

**Bill Keffer (Texas Tech)** is Professor of Practice and Director of Energy Law Programs. Texas Tech University School of Law's newly-formed *Journal of the Energy Law Practitioner*, along with the *Texas Tech Law Review*, presented an energy-themed symposium/CLE on

11/4/22 on "Occupying the Same Space." There were seven presentations by attorneys doing work in the field, dealing with properties hosting multiple energy-related activities, including oil and gas, wind, solar, pipelines, power lines, commercial/residential development, and cryptocurrency mining. The common message in all presentations was that surface owners, mineral owners, and other interested parties are forging ahead and acting on opportunities to do business and make money, despite the fact that the law in this area is still undeveloped; and, at least for now, they are opting for negotiation over litigation. THE JOURNAL OF THE ENERGY LAW PRACTITIONER launched earlier this year and serves as the primary portal for the Energy Law Program at the law school. Take a look - [Home - TTU - Journal of the Energy Law Practitioner \(ttujelp.org\)](http://Home-TTU-Journal-of-the-Energy-Law-Practitioner(ttujelp.org))."

**Christine A. Klein (Florida)** has published the fifth edition of [NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF PROBLEMS AND CASES](#) (Aspen Publishers, 5th ed. 2023) with co-authors Bret Birdsong, Alexandra Klass & Eric Biber, and welcoming new co-author Dave Owen. Klein has also published "[Groundwater Exceptionalism: The Disconnect Between Law and Science](#)," 71 EMORY L.J. 487 (2022); and "Interjurisdictional Groundwater Allocation," 2021 ROCKY MT. MIN. L. FOUNDATION SPECIAL INST. 11.

**Kati Kovacs (Rutgers)** is on a leave of absence while serving as Deputy Assistant Secretary for Land and Minerals Management at the Department of the Interior. Earlier in 2022, she published "[Introduction to The Bremer-Kovacs Collection: Historic Documents Related to the Administrative Procedure Act of 1946](#)" (Emily S. Bremer, Co-Author), 106 MINN. L. REV. HEADNOTES 218 (2022), and was a joint recipient of the American Association of Law Libraries, Joseph L. Andrews Legal Literature Award (2022).

**Katrina Fischer Kuh (Pace | Haub)** helped to develop and launch [New York's Environmental Rights Repository](#) which compiles resources related to the right to clean air, clean water, and a healthful environment in Article I, Section 19 of the New York State Constitution. She published "New Yorkers' Environmental Rights Are Under Attack," BLOOMBERG LAW (June 24, 2022) (with Rebecca Bratspies) and "Ethics & the Profession 2021 Annual Report," in ABA SEER's YEAR IN REVIEW (2022) (with James R. May). Her book chapter with James R. May, "Can the Constitution Save the Planet?," will appear in DEMOCRACY IN A HOTTER TIME (D. Orr ed.) (forthcoming 2023) and she is editing a book compiling contributions from the Environmental Law Collaborative workshop held in July 2022. At the ABA SEER Fall Conference in Nashville, she presented on the panel, 'According to the Supreme, Things are Changing' and at the [Connecticut Law Review Symposium](#), she spoke on labor transitions in energy communities. She was also pleased to participate in Loyola's Environmental Law Scholars Workshop at Starved Rock Lodge in October.

**Jan Laitos (Denver)** published the Third Edition of his treatise on Protecting Private Property from the Police Power, updated through 2022 - LAW OF PROPERTY RIGHTS PROTECTION: CONSTITUTIONAL AND EQUITABLE LIMITATIONS ON GOVERNMENT POWERS 3D ED. (Wolters Kluwer 2023). He is the newly designated inaugural holder of the Joe T. Juhan Endowed Professorship at the University of Denver Sturm College of Law. In this capacity, he will be delivering a paper, "Rethinking Carolene Products Footnote Four After Dobbs and Bruen," at the National Conference of Constitutional Law Scholars, at the University of Arizona College of Law, Tucson, on March 24-25 (2023). As the holder of the Joe Juhan Endowed Professorship, he will be hosting a

conference on private property rights at the Denver Sturm College of Law in January of 2024; the name of the conference will be "Liberty and the Regulatory State: Rethinking Private Property Rights, the Police Power, and Judicial Review."

**John Lesby (Emeritus, U.C. Hastings, which as of 1/1/23 is being renamed University of California College of the Law, San Francisco)** made numerous presentations this fall regarding OUR COMMON GROUND (Yale University Press, 2022), his comprehensive political history of America's public lands. These included at the winter meeting of the Western Governors Association and at Lewis & Clark, Brigham Young, the University of Utah, Harvard, and the University of Connecticut (as part of the Edwin Way Teale lecture series), as well as his home school. He's published essays based on these talks in the [summer edition](#) of the NATURAL RESOURCES JOURNAL and the forthcoming edition of the COLORADO ENVIRONMENTAL LAW JOURNAL. He remains available for more such opportunities. He and former Interior Secretary Bruce Babbitt filed an amicus brief in the Ninth Circuit in support of a rehearing *en banc* of a major decision weakening protections of the Alaska National Interest Lands Conservation Act (ANILCA). He continues to engage on numerous other public land issues as well as serve on the boards of the Grand Canyon Trust and the Wyss Foundation.

**Al Lin (UC Davis)** published "[Making Net Zero Matter](#)," 79 WASH. & LEE L. REV. 679 (2022); "[Climate Policy Buffers](#)," 39 YALE J. REG. 699 (2022); and "Fig Leaves, Pipe Dreams, and Myopia: Too-Easy Solutions in Environmental Law," 93 U. COLO. L. REV. 727 (2022). He also published "[Which wetlands should receive federal protection? The Supreme Court revisits a question it has struggled in the past to answer](#)," THE CONVERSATION, Sept. 26, 2022; and "[The Supreme Court Could Hamstring Federal](#)

[Agencies' Regulatory Power in a High-Profile Air Pollution Case](#),” THE CONVERSATION, Feb. 17, 2022. And he served as the symposium advisor for the October 2022 UC Davis Law Review Symposium on “The ‘E’ in ESG.”

**Al Lucas (Calgary)** published the paper “A Guide to the Canada Energy Regulator”, CIRL Occasional Paper #78 (2022) [Canadian Institute of Resources Law](#) (2022). He co-edited (with Allan Ingelson) and contributed a chapter on oil sands greenhouse gas emission reduction enforcement to ENVIRONMENTAL LAW IN THE COURTROOM VOL 2, University of Calgary Press, 2022.

**Sean Lyness (New England Law Boston)** placed an [article](#) on the state environmental forms of the responsible corporate officer doctrine in 64 B.C. L. REV. (forthcoming 2023) and spoke on “The Constitutional Public Trust in a Warming World” as part of the Pace | Haub Environmental Law’s Fall 2022 Symposium on Environmental Constitutionalism. He is delighted to announce that he has accepted a tenure-track position at New England Law Boston, to begin in Fall 2023.

**Roberta Mann (Oregon)** officially retired in May 2022 but continues to teach part-time, write, and participate in conferences. She presented her work-in-progress, “Driving Transformation: Tax Strategies for Electrifying Light Duty Transportation,” at the University of Houston, the University of California, Hastings College of Law, and at the Global Conference on Environmental Taxation. Also, at the Global Conference on Environmental Taxation, Roberta delivered a keynote presentation, “How US Climate Policy is Like Dog Training.” She presented her forthcoming article, “[Targeting Plastics Pollution with Taxes](#),” 37 J. LAND USE & ENV’T L. 2 (2022) at the 2022 Law & Society meeting and as part of an Oregon Law webinar

with Professors Sarah Adams-Schoen and Gregory Dotson in April 2022.

**Tricia Matthews (FSU)** taught a course in “Animal Law” to upper-level students this Fall semester and Legal Writing & Research to first-year students. She continues to serve as faculty advisor for the Student Animal Legal Defense Fund Chapter of FSU Law School, which has been selected as the national Student Chapter of the Year winner for the fourth time.

**Felix Mormann (Texas A&M)** wrote the following recent and forthcoming law review publications: “[Climate Choice Architecture](#),” 64 B.C. L. REV. (2023 forthcoming), “[The Case for Corporate Climate Ratings](#),” 53 ARIZ. ST. L.J. 1209 (2022, with M. Mormann), and “[Beyond Algorithms: Toward a Normative Theory of Automated Regulation](#),” 62 B.C.L. REV. 1 (2021). Other policy-oriented writing includes “[It’s Time to Give Companies Standalone Climate Ratings](#),” HARV. BUS. REV. (2022, with M. Mormann), and “[Texas’s War Against ESG Investing Is Ingenious But Futile](#),” WASHINGTON POST OP-ED (2022). Recent work published in peer-reviewed journals includes “[Of Markets and Subsidies: Counterintuitive Policy Trends for Clean Energy in the European Union and the United States](#),” TRANSNATIONAL ENVIRONMENTAL LAW (2021), and “[Why the Divestment Movement is Missing the Mark](#),” 10 NATURE CLIMATE CHANGE 1067 (2020). Felix Mormann presented this and other work at the Annual Meeting of the Association of American Law Schools, Arizona State University School of Law, Georgetown University Law Center, Pennsylvania State University School of Law, University of Colorado School of Law, and University of Utah S.J. Quinney College of Law, among others.

**Timothy Mulvaney (Texas A&M)** authored “Beneath Property Taxes,” 123 COLUM. L. REV. (forthcoming 2023); “[Essential Property](#),” 107

MINN. L. REV. (forthcoming 2022) (with Joseph W. Singer); “[Property’s Compulsory Terms](#),” 117 NW. U. L. REV. 191 (2022); “[Walling Out](#),” 94 S. CAL. L. REV. 1 (2021); and “[Taking Localism](#),” 121 COLUM. L. REV. 215 (2021) (with Fordham’s Nestor Davidson). He currently serves as the President of the Association for Law, Property, & Society (ALPS), an international organization of academics and practitioners engaged in interdisciplinary legal scholarship on all aspects of property law and policy, including land use, housing, the environment, and beyond. The annual ALPS conference will take place at the University of Southampton in Southampton, England on May 11-13, 2023. For information on the conference and to review the call-for-papers, visit this [link](#).

**Smita Narula (Pace | Haub)**, Co-Director of the Global Center for Environmental Legal Studies, was on sabbatical during Fall. During this time, she authored “[Confronting State Violence: Lessons from India’s Farmer Protests](#),” in COLUM. HUM. RTS. L. REV. (2022) and “Peasants’ Rights and Food Systems Governance,” in PEASANTS’ RIGHTS: THE UNITED NATIONS DECLARATION ON THE RIGHTS OF PEASANTS AND OTHER PEOPLE WORKING IN RURAL AREAS IN PERSPECTIVE (Mariagrazia Alabrese, Adriana Bessa, Margherita Brunori & Pier Filippo Giuggioli eds., forthcoming). She also received the [2022 Faculty Award for Excellence in Teaching](#) recognizing outstanding pedagogy from the prior year.

**Nickie Nikolaou (Calgary)** published an article entitled “Mapping the Legal Framework for Oil Sands Development in Alberta” in (2022) 60:1 Alberta Law Review 67, available at: <https://albertalawreview.com/index.php/ALR/article/view/2711>. She also published an article entitled “Persistent Issues and Challenges in Alberta’s Oil Sands Regulatory Framework” in

(2022) 126 *Resources* 1, available at: <https://cirl.ca/resources>.

**John R. Nolon (Pace | Haub, Emeritus)** launched a new [student-driven research project on climate change resilient development](#). Over the summer, he supervised the development of a Guide to Climate Resilient Development: Local Solutions to the Global Climate Crisis by Haub Law students. The Guide will assist local governments in achieving Climate Resilient Development, the principal method of accomplishing equitable adaptation and mitigation, advocated by the Intergovernmental Panel on Climate Change. He also published, “[Pandemics and Housing Insecurity: A Blueprint for Land Use Law Reform](#),” 46 VT. L. J. 422 (2022) and “Local Resilience and Disaster Preparation,” in DISASTER LAW: RISK, RECOVERY AND DEVELOPMENT (Susan Kuo, John Marshall & Ryan Rowberry eds., forthcoming 2023). At the 2022 Pace Environmental Law Review Symposium, the first student recipient of the Annual Professor John R Nolon Student Writing Competition was announced. The competition was named in honor of John Nolon’s years of service to promoting student scholarship. The year wrapped up with the [21st annual Alfred B. DelBello Land Use and Sustainable Development Conference](#), aptly themed Land Use Under Siege: Revisiting Well Grounded, in honor of John Nolon. Additionally, as part of a pre-conference Reception, the Center honored him at the Founder’s Award Reception.

**Todd Ommen (Pace | Haub)** is the Managing Attorney of the Pace Environmental Litigation Clinic (PELC). Under his leadership, PELC filed a Petition challenging the Adirondack Park Agency’s permit approval to operate a granite mine in the Adirondack Park, and a Petition opposing the approval of a plan to develop pristine land along the Hudson River in Troy, New York. The development was approved with



no environmental review, despite clear impacts to the land, water, and archaeologically significant historic sites of the Mahicantuck indigenous population. The Clinic also challenged New York State's decision to roll back water quality standards for NYC waters. Throughout Fall, he worked with Jimmy May and Environmental Law Fellow, Caroline Chen, to craft the problem question and materials for the 2023 National Environmental Law Moot Court Competition. Other time was devoted to the NY Green Amendment, including participating in a workshop that historically examined the legal importance of the NY Green Amendment and moderating a panel for the Pace Environmental Law Review Symposium on Constitutional Environmentalism. His article [Environmental rights amendments: Misconceptions and application](#) was published by the ABA. He was also featured on the [WBAI radio show, Eco-Logic](#), discussing the West Virginia v. EPA decision.

**Richard L. Ottinger (Pace | Haub, Emeritus)** virtually presented on "Plastics as a Serious Climate Threat" at the IUCN Academy of Environmental Law's Colloquium held in Brisbane (Australia). His article, "[Supreme Follies](#)" published in the NEW YORK LAW JOURNAL (N.Y. L.J., Oct. 4, 2022), explores recent decisions of the Supreme Court of the United States, and how the results endanger democracy and defy its own constitutional review standards. Co-authored with Professor Wang Xi, TALE OF TWO CITIES, A COMPARISON OF AIR POLLUTION CONTROL GOVERNANCE IN THE LOS ANGELES AREA OF THE USA AND BEIJING-TIANJIN-HEBEI REGION OF CHINA is forthcoming in 2023. He remains a tireless advocate for strong action on climate change and the pursuit of clean energy policy.

**Uma Outka (Kansas)** concluded her service as Associate Dean for Faculty this year. She was elected to the American Law Institute and

currently serves as chair of the AALS Section on Natural Resources and Energy Law. She is active on the Heartland Environmental Justice Working Group comprised of EPA Region 7 and regional offices of HUD, USDA, Labor, and the US Attorneys Offices of Missouri and Kansas. Outka is also part of a multi-university team that received a \$500K three-year grant from the Sloan Foundation for a proposal entitled JUST ENERGY TRANSITIONS AND PLACE. Recent publications include a book chapter, "Ethical Drivers in the Renewable Energy Transition" in the new RESEARCH HANDBOOK ON ENERGY LAW AND ETHICS and a chapter (with Elizabeth Kronk Warner, Utah), "Affordable and Clean Energy in Sustainable Development" in a new volume from the Environmental Law Institute, with works forthcoming on energy communities and Justice Ruth Bader Ginsburg's legacy in environmental law.

**Erin Okuno (Miami)** presented "Long-term Protection of Compensatory Mitigation Sites – Equivalency Across Mitigation Providers?" at National Mitigation and Ecosystem Banking Conference. With Royal Gardner and Katherine Pratt, she presented "Improving Long-Term Protection of Aquatic Resource Compensatory Mitigation Sites: Permittee-Responsible Mitigation," at the EPA Mitigation Workgroup Meeting. She prepared an amici curiae brief submitted on behalf of scientific societies in the case Sackett v. Environmental Protection Agency before the Supreme Court. She remained one of the key organizers of the Stetson International Environmental Moot Court Competition and serves on the Editorial Advisory Board of the JOURNAL OF INTERNATIONAL WILDLIFE LAW AND POLICY.

**Jessica Owley (Miami)** has been publishing an unusual number of pieces on Confederate monuments (with Jess Phelps) lately, but she hasn't abandoned Environmental and Natural



Resources Law. She continues to serve as president of the Environmental Collaborative, which is always a fruitful source of collaboration. She was part of the joint publication "[Adapting to a 4°C World](#)," 52 ENV'T L. REP. 10211 (2022) and co-editor (with Keith Hirokawa) of the group's last book ENVIRONMENTAL LAW, DISRUPTED. She presented her work on marijuana and pesticides at ASU's SCALE conference and at the Vermont Law School Environmental Law Colloquium (and yet still can't figure out how to finish the article). She presented "Judicial Obstacles to Environmental Protection in the United States" at the IUCN WCEL Oslo International Environmental Law Conference and was part of a panel on West Virginia v. EPA for the annual Poucher Lecture at the University of Florida.

**Bernard Oxman (Miami)** serves as a [Judge ad hoc](#) on the International Court of Justice and the International Tribunal for the Law of the Sea.

**Gabe Pacyniak (New Mexico)** has an article forthcoming in ECOLOGY LAW QUARTERLY, "[Keeping all the Lights On: A Roadmap to Affordable, Universal Service in the Clean Energy Transition](#)," which identifies innovative electricity policies being implemented in four categories, and also describes different funding mechanisms for the policies. He also recently presented another article, "[State Sequestration: Federal Policy Accelerates CCS, But Leaves Full Climate, Equity Protections to States](#)" at the University of Oklahoma and at the Loyola University Chicago's Environmental Law Scholars Workshop. That article will be published in a symposium edition of the SAN DIEGO JOURNAL CLIMATE & ENERGY LAW. Finally, Gabe is serving as a co-convenor of a "[Just Transition Grant Challenge](#)," an interdisciplinary initiative of UNM to provide research and technical resources to New Mexico communities related to an equitable transition to

a low-carbon, climate resilient economy. He presented a related paper on this topic at an AALS works-in-progress session in January.

**Patrick Parenteau (Vermont)** published a Book Chapter: "Climate Litigation: An Evolving Jurisprudence," in RESEARCH HANDBOOK ON CLIMATE CHANGE MITIGATION LAW, 2nd ed., Elgar Publishing (2022); several articles including, "The Atmosphere as a Public Good," 16(1) J. L. & PUB. POL'Y., St. Thomas U., (Fall 2022), "My Own Private Idaho Wetland: What Will the Supreme Court Do with the Sackett Case?" ENV'T L., Vol. 52, No. 3 (Fall 2022), "[SCOTUS Sackett case: Clean Water Act is on the chopping block](#)," The Hill, October 2022, and two articles in the Conservation: "[The Inflation Reduction Act doesn't get around the Supreme Court's climate ruling in West Virginia v. EPA, but it does strengthen EPA's future abilities](#)," and "[The Supreme Court has curtailed EPA's power to regulate carbon pollution – and sent a warning to other regulators](#)." He also delivered a Keynote Address, "[Sensible Permit Reform is Urgently Needed to Accelerate the Clean Energy Transition](#)," for the Renewable Energy Vermont Annual Meeting (Nov 2, 2022); and, as the Lewis & Clark Distinguished Visitor Lecturer, presented on "[Now Comes the Hard Part: Environmental Advocacy in the 21<sup>st</sup> Century](#)" (September 13, 2022). At the ABA SEER Fall Conference, he was [presented](#) with the Section's "Lifetime Achievement Award."

**James Parker-Flynn (FSU)** serves as the Director of the Center for Environmental, Energy, and Land Use Law at FSU. He will be teaching "Land Use Law", and a new seminar course, "Environmental Justice" in Spring 2023.

**Heather Payne (Seton Hall)** published: "Unservice: Reconceptualizing the Utility Duty to Serve in Light of Climate Change," 56 U. RICHMOND L. REV. 603 (2022) and "Chasing Squirrels in the Energy Transition," 52 ENV'T L. 237 (2022). Two articles have been accepted

for publication and will be forthcoming in early 2023: “Rebuilding Grid Governance” (with Joel Eisen) in volume 48 of the *BYU L. REV.* and “Warranting Health Equity” (with Jennifer D. Oliva) in volume 70 of the *UCLA L. REV.*

**Vanessa Casado Pérez (Texas A&M)** has recently published “[Ownership Concentration: Lessons from Natural Resources](#)”, 117 *Nw. U. L. Rev.* 37 (2022), on antimonopoly regulations in different natural resources and whether they could be transplanted to other resources, namely land. This spring the volume she edited with Rhett Larson (ASU) “A Research Agenda for Water Law” will be published. She delivered the 18<sup>th</sup> Annual Stegner Center Young Scholar Lecture on October, 27<sup>th</sup>. The lecture “Water Markets: The Good, the Bad, and the Ugly” offered an overview of the current developments on water markets and dispelled common misconceptions. She has presented, among others, in the Brigham-Kanner Property Rights Conference and the Georgetown Environmental Law Workshop. She travelled to Chile to participate in ExpoAgua and comment on the recent Chilean Water Code amendments. She was a member of the planning committee for [the FNREL’s Water Law Institute in San Diego](#). She is now working on a project on suburban environmental law, with a particular focus on homeowner associations.

**Jamie Pleune (Utah)** published an empirical study of causes of delay in the NEPA process based on sixteen years and 41,000 USFS NEPA decisions. “[Evidence-Based Recommendations for Improving National Environmental Policy Act Implementation](#),” 47 *COLUM. J. ENVT’L. L.* 273 (Spring 2022) (co-authored with John C. Ruple and Eric Heiny). She also wrote about delays in critical mineral permitting. “[Playing the Long Game: Expediting Permitting Without Compromising Protections](#),” 52 *ENVT’L L. REP.* 10893 (Nov. 2022). The work behind these two articles was featured in a written interview,

“[Q&A : Do We Have To Choose Between Speedy Development and Environment?](#),” *Circle of Blue* (Aug. 30, 2022). As well as the Center for Western Priorities Podcast, *The Landscape* “[An Evidence-Based Look at Permitting Reform](#)” (Sept. 30, 2022).

**Margot Pollans (Pace | Haub)** is the Faculty Director of the newly named, Pace Food Law Center. The Center, as a partner with of The Farm Bill Law Enterprise (FBLE), through its professors and students contributed to [five FBLE reports](#). The reports seek to infuse new ideas and amplify calls to action ahead of negotiations for the next Farm Bill. In her personal capacity, Margot Pollans was recently awarded the 2022 Goettel Prize for Faculty Scholarship for her article, “[Eaters, Powerless by Design](#),” (120 *MICH. L. REV.* 643). The Goettel Prize was created in 2004 to encourage and recognize outstanding scholarship by members of the Elisabeth Haub School of Law at Pace University faculty. She will be returning to teaching in Spring 2023. She also wrote “[FDA as Food System Steward](#),” 46 *Harvard Environmental Law Review* 1 (2022) (with Matthew Watson, *Haub Law '21*) and has a forthcoming book chapter, “Bodies as Food System Sacrifice Zones,” in *RESEARCH HANDBOOK ON INTERNATIONAL FOOD LAW*, Michael Roberts ed. (forthcoming 2023).

**Ileana Porras (Miami)** published “Appropriating Nature: Commerce, Property and the Commodification of Nature in the Law of Nations in *LOCATING NATURE: MAKING AND UNMAKING INTERNATIONAL LAW*, Usha Natarajan & Julia Dehm eds., Cambridge University Press (2022). She recently participated in “Reimagining Livelihoods: A Conversation with Ethan Miller, Katherine Gibson,” as part of the Law & Regions Working Group at Harvard Law School. She also presented, “Law, the ‘Region,’ and Designing

Pathways Towards Better Worlds,” Sustainable “Regions” at the Law & Society Association Annual Meeting.

**Nicholas A. Robinson (Pace | Haub, Emeritus)**, had the opportunity to travel to the IUCN World Commission on Environmental Law’s International Environmental Law Conference in Oslo (Norway), where he spoke on a panel of academy experts discussion ‘New and Emerging Norms: Justice to Future Generations, Resilience, Non-Regression, Ecocide and Nature Rights.’ While he was there, Prof. Hans Christian Bugge and Justice Antonio Benjamin received the IUCN WCEL Nicholas Robinson Award for Excellence in Environmental Law. Nick Robinson continues his advocacy and awareness raising of NY’s right to a healthy environment. Along with Todd Ommen, Katrina Kuh, and alumni – James May and Maya van Rossum – he participated in a workshop on a historic examination of the legal importance of the new Bill of Rights’ Article I, Section 19 in New York. He moderated a [fireside chat](#) with Maya van Rossum at the launch of the 2<sup>nd</sup> edition of her book, *THE GREEN AMENDMENT: THE PEOPLE’S FIGHT FOR A CLEAN, SAFE, AND HEALTHY ENVIRONMENT*. He was also involved in the launch of [New York’s Environmental Right Repository](#). He recently published “[Laws of Nature and Nations](#),” *Revista Española de Derecho Internacional*, Vol. 74-2, 2022.

**Dan Rohlf (Lewis & Clark)** taught for a term during spring 2022 at the University of Trento’s Faculty of Law in Trento, Italy as the school’s Fulbright Distinguished Chair in Law. He co-authored an article in the science journal *Frontiers in Conservation Science* entitled “[Mainstreaming the ambition, coherence, and comprehensiveness of the post-2020 Global Biodiversity Framework into conservation](#)

[policy](#),” and has a forthcoming article to be published soon in *ENVIRONMENTAL LAW* entitled “[Restoring the Emergency Room: How to Fix Section 7\(a\)\(2\) of the Endangered Species Act](#).”

**Ryan Rowberry (Georgia State)** is the Co-Director of the Center for the Comparative Study of Metropolitan Growth. He co-edited a book published by Cambridge University Press, [THE CAMBRIDGE HANDBOOK OF DISASTER LAW AND POLICY](#). This book has 33 chapters from scholars and practitioners on nearly every continent focused on one of five themes: (1) Evolution of Disaster Law and Policy; (2) Effective, Responsive Governance; (3) Law’s Role in Hazard Mitigation; (4) Private Sector Disaster Resilience; (5) Disaster and Cultural Heritage Protections. Rowberry also published, “[Climate Change, Coastal Built Heritage, and Critical Challenges Facing the Heritage Law Frameworks of the United States, United Kingdom, and France](#)” in *6 BUILT HERITAGE* 1 (2022).

**John Ruple (Utah)** is on a leave of absence from the University of Utah and the Wallace Stegner Center for Land, Resources & the Environment while serving as senior counsel in the White House Council on Environmental Quality (CEQ).

**Erin Ryan (FSU)** received a university-wide teaching award for innovation this year. She presented “Ecology and Civilization in China” in Athens, Greece, at *UNITING ECOLOGY AND CIVILIZATION*, co-sponsored by Renmin University, NYU-Abu Dhabi, and the Rachel Carson Center in Munich. She will publish “Privatization, Public Commons, and the Takingsification of Environmental Law,” *171 U. PENN. L. REV.* (examining the use of property rights to entrench environmental deregulation) in early 2023. She recently published “The Public Trust Doctrine, Property, and Society,” in

PROPERTY, LAW, AND SOCIETY (Graham et al., eds., 2022) (reviewing the development of public trust principles to protect different values, in different resources, as vindicated by different legal mechanisms in different U.S. jurisdictions) and "Environmental Rights for the 21st Century: A Comprehensive Analysis of the Public Trust Doctrine and Rights of Nature Movement," 42 CARDOZO L. REV. 2447 (2021) (with Holly Curry & Hayes Rule) (comparing the anthropocentric public trust doctrine and the ecocentric rights of nature movement). She also published several op-eds on the importance of protecting academic freedom and free speech on university campuses, and is near completion on a forthcoming book, *THE PUBLIC TRUST DOCTRINE, PRIVATE RIGHTS IN WATER, AND THE MONO LAKE STORY* (Cambridge, 2023).

**Joseph Schremmer (New Mexico)** recently had his article, "A Unifying Doctrine of Subsurface Property Rights" published in 46 HARV. ENV'T L. REV. 315 (2022). The article synthesizes the property and tort doctrines governing oil and gas and subsurface "pore space" and develops a formal method of doctrinal interpretation for subsurface property and tort issues. Joe Schremmer is currently working on two forthcoming pieces that continue to develop this argument for formalism. His article, "Subsurface Trespass: Private Remedies and Public Regulation," forthcoming in Volume 101 of the NEBRASKA LAW REVIEW, extends the formal interpretation of subsurface property rights developed in "A Unifying Doctrine of Subsurface Property Rights" to the topics of private remedies for violations of subsurface property rights and public regulation of the use and development subsurface resources. Joe is also contributing an article to the TEXAS A&M JOURNAL OF PROPERTY LAW's symposium on natural rights and property: "Ad Coelum and the Design of Property Rights" (forthcoming 2023).

The article advances a conceptual account of the *ad coelum* doctrine that explains and justifies the doctrine's role in the law's determination about what natural resources may be subject to private ownership and its design of rules for acquisition and use of natural resources property.

**Mark Seidenfeld (FSU)** participated in a panel discussion entitled "2022 Poucher Lecture: "The Major Question Doctrine" at the University of Florida, on October 20, 2022.

Daniel Suman (Miami) recently published OCEANS AND SOCIETY (Routledge Press, forthcoming) (with A.K. Spalding); "A Scientific Synthesis of Marine Protected Areas in the United States: Status and Recommendations, 9 FRONTIERS MARINE SCI. Art. 849927 (2022) (with Jenna Sullivan-Stack, et al.); "Coastal Impacts of Climate Change," 52 ENV'T L. REP. 10169 (2022) (with Amy Reed, et al.); and Prefácio, in 2 GESTÃO AMBIENTAL E SUSTENTABILIDADE EM ÁREAS COSTEIRAS E MARINHAS: CONCEITOS E PRÁTICAS xiii (Raquel Dezidério Souto ed., 2022). He presented "Climate Change and National Security," at the 2nd International Seminar on Climate Change as a Shared Responsibility of the Mexican State," at the National Defense College, Mexico along with multiple presentations at COP 27 in Egypt.

**Rudiger Tscherning (Calgary)** published two articles in the OIL GAS & ENERGY LAW JOURNAL: "Charting the Trans-Pacific Clean Hydrogen Trade from Canada to Japan" in a Special Issue on Carbon Neutral Energy (2022) (co-authored with Kenryo Mizutani); and "Enabling the EU 'Fit for 55' Transition: Canada as a Strategic Partner to Address Hydrogen and Raw Material Vulnerabilities" in a Special Issue on the EU Fit for 55 Legislative Package (2022). He published a book chapter on "Climate Risk and Physical Resilience – Adapting Natural Gas Pipeline Infrastructure for the Clean Energy



Transition" in Olawuyi, D. and Pereira, E. (eds.), PALGRAVE HANDBOOK OF NATURAL GAS AND GLOBAL ENERGY TRANSITIONS (Palgrave McMillan, 2022). As a Visiting Professor at the University of Bergen (Norway), he co-hosted a workshop on the emerging clean hydrogen economy. At the International Atomic Energy Agency's Global Debate - First International Nuclear Law Conference in Vienna (Austria), he presented on emerging Canadian and international nuclear law regimes for small modular reactors in the context of oil sands development and critical minerals mining (the Foundation's generous funding for a research assistant for this project is acknowledged). Finally, his student Monsuratu Kadiri (a 2021 Foundation Scholarship recipient) successfully defended her LLM thesis on Islamic financing instruments for the clean energy transition.

**Jamie Van Nostrand (West Virginia)**

published his book, THE COAL TRAP: HOW WEST VIRGINIA WAS LEFT BEHIND IN THE CLEAN ENERGY REVOLUTION (Cambridge University Press). He gave a presentation regarding the book to the West Virginia Highlands Conservancy's fall review in October, and also appeared on the Energy Nerd Show and Tell podcast as well as an episode with Bill Miller on Global Connection Television.

**Achinthi Vithanage (Pace | Haub)**, Associate Director of Environmental Law Programs, returned home to Australia over Summer for the IUCN Academy of Environmental Law Colloquium. While there, she was [interviewed](#) (alongside Ben Boer and others) by the Asian Research Institute for Environmental Law on their 'Seeds of Justice' podcast. In Fall, she traveled to Nashville (for the first time!) and moderated a panel on the environmental impact of the EV Revolution at the ABA SEER Fall Conference. With fellow panelists, she co-

authored an article "Environmental Impacts Along the Electric Vehicle Lifecycle: Tracking the "Loop" for Responses and Trends." As she completed her term as Co-Chair of SEER's International Environmental & Resources Law Committee, the Committee garnered the Special Achievement Award for its success over the past year. She was elected to serve on SEER Council and continues as Co-Chair of SEER's [Environmental Law Society Network](#), which connects [90+](#) environmental law-related student societies. She was featured on B&D and ELI's podcast, Groundtruth, discussing [Environmental Justice in the International Arena](#), and participated in a meeting of the IUCN World Commission on Environmental Law's Peace, Security and Conflict Specialist Group regarding "Peace Parks." In her spare time, she taught a course on International Environmental Law!

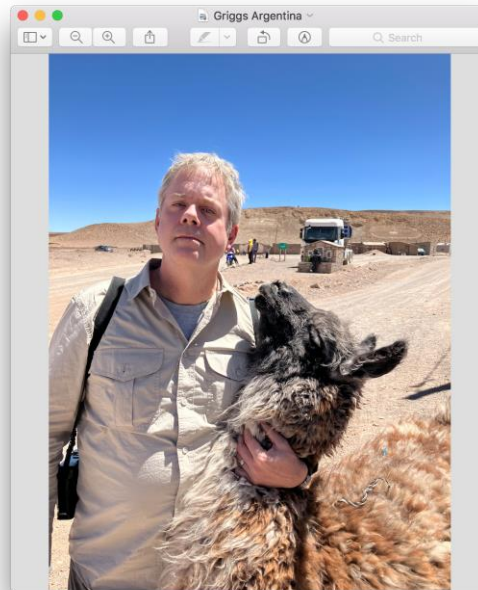
**Mary Wood (Oregon)** continues to share her donor-sponsored Atmospheric Recovery Project as she leads three law student research teams through Oregon Law's Environmental and Natural Resources Law Center. The project is building towards a Pacific Northwest Framework for Atmospheric Recovery, which explores ways in which to accelerate and scale up carbon sequestration across Oregon, Washington, and Idaho. She delivered a presentation on this project entitled "A Pacific Northwest Framework for Atmospheric Recovery" at the Connect+ Conference on September 7<sup>th</sup>, 2022. On October 17<sup>th</sup>, 2022, Wood gave a talk, ["The Oregon Forest Trust: From Commodity to Commonwealth,"](#) which examined the commodification of forests across Oregon. The presentation was sponsored by Oregon Shores Conservation Coalition and North Coast Communities for Watershed Protection. Currently, Wood is working on a forthcoming special issue of OR. L. REV. (2023) that will innovatively apply public trust principles to forestland management in Oregon.



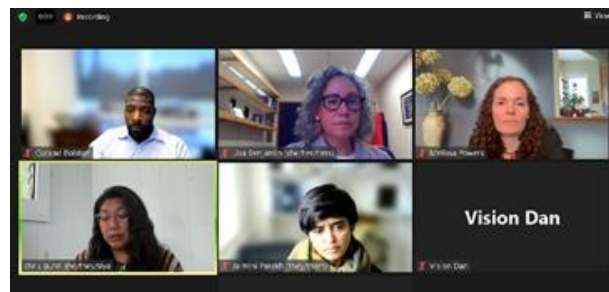
**Sandi Zellmer (Montana)** spoke about the 30 by 30 initiative at the FNREL Annual Institute in July 2022. She published “Charting a Course to Conserve 30% of Freshwaters by 2030,” 64 WILLIAM & MARY L. REV. 169 (2022), and completed an article with Robert L. Glicksman (George Washington) on “A Critical 21<sup>st</sup> Century Role for Public Land Management: Conserving 30% of Lands and Waters Beyond 2030,” 54 ARIZ. ST. L.J. (forthcoming 2023). She is also publishing “Seeking Solace in Open Spaces,” A Book Review of John D. Leshy, Our Common Ground: A History of America’s Public Lands, 63 NAT. RES. J. (forthcoming 2023).

**Kellen Zale (Houston)** published [an article](#), “Inholdings,” about the governance of non-federal property surrounded by federally managed public lands, 46 HARV. ENVTL. L. REV. 439 (2022).

**Tiffany Zezula (Pace | Haub)** is the Deputy Director of Pace | Haub Environmental Law’s Land Use Law Center. She recently organized and hosted the first in-person Land Use Leadership Alliance (LULA) Program since the pandemic. The award-winning program puts needed technical and process tools in the hands of local leaders whose decisions create the land use patterns and blueprint for future development and conservation. In partnership with the Hudson River Watershed Alliance, the 2022 LULA program was attended by land use leaders of the Rondout and Esopus Watersheds being supported by the NYS Department of Environmental Conservation Hudson River Estuary Program. Along with Jessica Bacher, she co-organized the Center’s 21<sup>st</sup> annual Alfred B. DelBello Land Use and Sustainable Development Conference “Land Use Under Siege: Revisiting Well Grounded.”



**Burke Griggs (Washburn)** consults with a fellow groundwater expert near the Salar del Hombre Muerto in Salta Province, Argentina, October, 2022.



Lisa Benjamin (Lewis & Clark) moderates a panel on ‘Administering Energy Justice’ with panelists Melissa Powers (Lewis & Clark) and representatives from private practice, the Department of Energy and Earthjustice for the ABA Administrative Law conference.



Gabe Pacyniak, KK Duvier, Kalyani Robbins, Alex Erwin, Katy Kuh, Sarah Fox, and Michelle Bryan hiking amidst peak fall foliage during the Environmental Law Scholars Workshop at Starved Rock Lodge hosted by Loyola University Chicago School of Law in October.