



## Natural Resources Law Teachers Newsletter

### Fall 2022

#### **A message from Katrina Fischer Kuh (Pace) and Hillary Hoffman (Vermont), editors of the Natural Resources Law Teachers Newsletter**

We hope you are all staying healthy and well. As folks migrate back and forth between in-person and virtual presence, while still facing the ongoing disruption from Covid-19, we were heartened to see all of the new scholarship, teaching, programs, and other activities you have undertaken. We wish you all the best over the coming Spring break.

#### **A message from Robin Kundis Craig (USC) and Janice Weis (Lewis & Clark), the Co-Chairs of the Natural Resources Law Teachers Committee**

#### **Mark Your Calendars June 1-3, 2022 for Natural Resources Law Teachers Institute in Monterey!**



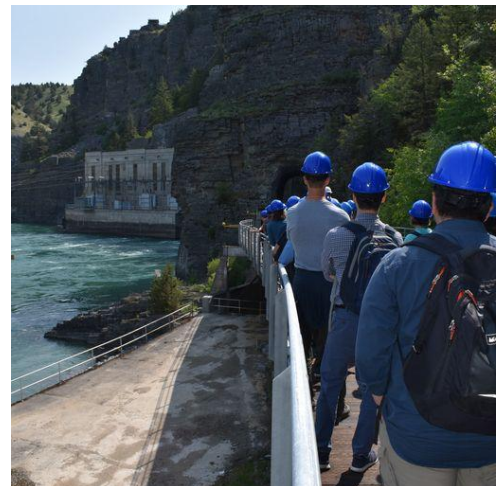
We are pleased to announce that the 2022 Natural Resources Law Teachers Institute (NRLTI) will occur this year, **June 1-3, 2022**, at the beautiful [Asilomar Conference Center](#) on the Monterey peninsula. The NRLTI offers a chance as environmental, natural resources, and energy law professors to be "just us," sharing information about all aspects of our profession. This year should be extra special, both because of the location and for the opportunities to reconnect in person (finally!) and meet our newest colleagues. If you attend regularly and know someone who's never been, reach out and invite them to join the fun! The location of the 2022 program is also incredible - located on the coast just outside of Monterey, Asilomar allows us to gather in one place and share meals (meals are included as part of lodging costs) as well as programming. The Planning Committee is innovating with respect to the conference format to take advantage of the numerous and legally relevant field trip opportunities in this location. As a result, programs will be in the morning and field trips (which will include the world-class Monterey Aquarium as well as local outdoor trips) will be in the afternoon.

The Foundation for Natural Resources and Energy Law (formerly the Rocky Mountain Mineral Law Foundation) will be sending out the program and registration information sometime in March. If you do not receive the Foundation's e-mails but want to ensure you get this announcement (and other announcements relevant to law professors), please e-mail Jaleen Edwards at [jedwards@fnrel.org](mailto:jedwards@fnrel.org) as soon as possible and ask her to put you on the law professors list.

Also in February, we will be sending out the Call for Abstracts for the infamous "lightning round" Works-in-Progress presentations we host at the NRLTI. This year we will have two tables going, doubling the normal capacity to participate.

We are very much looking forward to the gathering!

If you are not convinced yet, here are some photos from our last NRLT Institute in 2019 in Missoula, Montana to sway your minds or jog your memories!







**Sarah Adams-Schoen (Oregon)** published [“Reforming Restrictive Residential Zoning: Lessons from an Early Adopted,”](#) 30 JOURNAL OF AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT LAW (2021); [“Dismantling Segregationist Land Use Controls,”](#) 43 ZONING & PLANNING LAW REPORTS 1 (2020); and “Climate Change and Sustainable Development,” in John J. Delaney, Stanley D. Abrams, Frank Schnidman, Patricia E. Salkin, and Julie A. Tappendorf, HANDLING THE LAND USE CASE: LAND USE LAW, PRACTICE & FORMS (3<sup>rd</sup> ed.) (2020 update).

**Adell Amos (Oregon)** published, with co-author Sandra B. Zellmer, WATER LAW IN A NUTSHELL, 6<sup>th</sup> Ed. (2021). She also co-authored a chapter “Redrawing Our Urban Waters: Merging Design, Law, and Policy in Advancing Distributed Water Systems” in ROUTLEDGE HANDBOOK ON SUSTAINABLE CITIES AND LANDSCAPES (2021). The book is a review of the best practices of urban planners, ecologists, architects, legal scholars, policymakers, etc. in reaction to the rapidly changing landscape and in creating plans for a safe, sustainable future. Amos presented “Wicked Problems—Interdisciplinary Research in the Willamette River Basin,” Presentation with INFEWS, Faculty Colloquium, University of Oregon School of Law, Eugene, Oregon (2021). She was also a Presenter at “Advancing Clean Energy in Oregon: Webinar for the Oregon Legislature,” An Interdisciplinary Project of the University of Oregon’s Environment Initiative, University of Oregon, Eugene, Oregon (2021).

**Howard Arnett (Oregon)** presented “Tribal Jurisdiction and U.S. v. Cooley — The Evolving Jurisprudence of the Supreme Court” Oregon Law Perspectives, University of Oregon School of Law (2021). The presentation discussed the implications of this case and whether it signifies

a change in the Supreme Court’s treatment of tribal sovereignty law.

**Jessica Ann Bacher (Pace)**, Executive Director of the Pace Land Use Law Center, co-organized Pace | Haub Environmental Law’s 20th annual Alfred B. DelBello Land Use and Sustainable Development Conference on the topic Rx for Land Use Reform: Meeting the Challenge in a Time of Crisis (December 2021).

**Reed D. Benson (New Mexico)** will have his latest article, A Contentious Mission: Water Supply and Corps of Engineers Reservoirs, published in Vol. 32 of the DUKE ENVIRONMENTAL LAW & POLICY FORUM (2022). It examines current Corps authorities and practices regarding municipal and industrial water supply, reviews the Corps’ failed attempt to adopt a national Water Supply Rule, and addresses unresolved policy issues regarding water supply from existing Corps projects. He presented on “Interjurisdictional Water Resources” at the Pacific Northwest Economic Region Summit, a hybrid event held both in-person (in Bozeman, Montana) and online. He served on the planning committee for the first in-person Water Law Conference of the Rocky Mountain Mineral Law Foundation, November 4-5 in Santa Fe. He also moderated the “Private Investment in Water” panel, which included Alexandra Davis (City of Aurora, Colorado) and Buzz Thompson (Stanford Law School). He also participated in a Water Law Workshop following the RMMLF Conference, where he presented his early work-in-progress on a legal framework for repurposing reservoirs. At the RMMLF Annual Institute in July, he received the Clyde O. Martz Award.

**Laurie Beyranevand (Vermont)** co-authored the blog post [“The United Nations Food Systems Summit: the Milestone, the Fallout, and Looking Ahead”](#) (with Mackenzie Bindas, ’23), VERMONT JOURNAL OF ENVIRONMENTAL LAW

(December 2021). She was a panelist in “Protecting Farmworkers from Climate-Related Illness Through State Policy and Market Based Initiatives,” American Public Health Association Annual Meeting (October 2021); and “From Essentially Unprotected to Essential and Protected: How the Law Can Prioritize Farmworker Health,” It Takes a Region Conference, Northeast Sustainable Agriculture Working Group (November 2021). She also moderated “The War on Abortion Drugs: Unequal Access to Medical Abortion,” FOOD AND DRUG LAW JOURNAL (November 2021).

**Michael Blumm (Lewis and Clark)**, published "[The Public Trust Doctrine in Environmental and Natural Resources Law](#)," 3rd ed. (Carolina Academic Press, 2021); "[The Public Trust Doctrine and the Chicago Lakefront](#)" (book review), 11 Mich. Env'tl. & Admin. L. Rev. (forthcoming 2022); "[Walker Lake and the Public Trust in Nevada's Waters](#)," 40 Va. J. Env'tl. L. (forthcoming 2022); "[The Mistake on the Snake: The Lower Snake River Dams](#)," 58 Idaho L. Rev. (forthcoming 2022); "[The World's Largest Ecosystem Management Plan: The Northwest Forest Plan After a Quarter-Century](#)," 52 Env'tl. L. (forthcoming 2022); "[The Protection of Nature and a New Constitution for Chile: Lessons from the Public Trust Doctrine](#)" (2021); "[Tribal Consultation: Toward Meaningful Collaboration with the Federal Government](#)", 33 Colo. Env'tl. L. Rev. (forthcoming 2022); "[Salmon and the Clean Water Act: An Unfinished Agenda](#)," 51 Env'tl. L. Rep. 50109 (2021); "[Undamming the Pacific Northwest: An Update](#)," Env'tl. L. Online (2021).

**John Bonine (Oregon)** published an article titled "[Removing Barriers to Justice in Environmental Litigation](#)," in Rutgers International Law and Human Rights Journal (2021).

**Marcilynn Burke (Oregon)** presented the 2021 Ruth Wright Distinguished Lecturer in Natural Resources, Getches-Wilkinson Center, University of Colorado School of Law, Boulder, Colorado (2021), which outlined the natural resource management policy goals under the Biden Administration.

**Amy Laura Cahn (Vermont)**, published a report "[Federal Dereliction of Duty: Environmental Racism Under COVID-19](#)" (with José Toscano Bravo, Jeannie Economos, and Rachel Stevens) (September 2021); and the blog post "[Tracking the Biden Administration's Whole-of-Government Approach to Equity and Environmental Justice](#)" (with Zachary Handelman, '23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021). She presented “Blight is Out: New Tools for Redistribution,” 7th Annual International and Comparative Urban Law Conference (July 16, 2021). She was a panelist in “Introduction to Environmental Justice – Theory, Practice, and Real-World Consequences,” Environmental Business Council of New England, Inc., (October 5, 2021). She was a lecturer in “Food Justice: Current Planning and Policy Tools,” Tufts University (October 12, 2021); and “Environmental Justice and Title VI: Opportunities for Civil Rights Enforcement,” Sierra Club Environmental Law Program (October 14, 2021). She also moderated "[Incorporating Major Business Entities into Clean Energy](#)," Vermont Law Review Symposium: Balancing Corporate & Activist Interests: Clean Energy, Wildlife Protection, and Land Use Reform (November 5, 2021).

**Jenny Carter (Vermont)** co-authored the blog post "[Environmental and Economic Equity in the Electric Vehicle Revolution](#)" (with Apryl Larkin, '23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021).

**David Cassuto (Pace)**, Director, Brazil-American Institute for Law and Environment, most recently co-authored (with Sarah Saville) *Quente, super lotado e legal: um olhar sobre a agricultura industrial nos Estados Unidos da América e no Brasil*, 4 REVISTA LATINO-AMERICANA DE DIREITOS DA NATUREZA E DOS ANIMAIS 7 (2021) (Braz.). He also wrote (with Stephen Wells) [Torturing Fewer Animals Will Mean Burying Fewer People](#) in THE HILL (July 22, 2020) and (with Tala DiBenedetto) [Suffering Matters: NEPA, Animals, and the Duty to Disclose](#), 42 U. HAW. L. REV. 2 (2020).

**Karl Coplan (Pace, Emeritus)**, recently published a new book CLIMATE CHANGE LAW: AN INTRODUCTION (with co-editors Shelby D. Green, Katrina Fischer Kuh, Smita Narula, Karl R. Rábago & Radina Valova, 2021).

**Jason Czarnezki (Pace)**, spearheaded the launch of the Sustainable Business Law Hub at Pace | Haub Environmental Law and now serves **on its Advisory Board**. His article “[Sustainable Business Law? The Key Role of Corporate Governance and Finance](#)” (co-authored with Colin Myers) was published in ENVIRONMENTAL LAW (2022). He also authored [Global Peace and Security Without a Healthy Environment?](#), 4 JURIDISK TIDSKRIFT 785 (2020); [Lessons from the Climate and COVID-19 Crises](#), THE HILL (April 9, 2020); with Andrea M. Voyer, [An American Perspective on the Swedish Coronavirus Strategy](#), THE LOCAL (Apr. 22, 2020); and [Introducing Mandatory Sustainability Requirements in the EU Public Procurement Directives](#), in SUSTAINABILITY THROUGH PUBLIC PROCUREMENT: THE WAY FORWARD – REFORM PROPOSALS (Marta Andhov & Roberto Caranta eds., 2020).

**Robin Kundis Craig (USC)** is getting settled into her new digs in Los Angeles and coming up to speed on California water law. She and J.B. Ruhl published "[4°C](#)" in 106 Minnesota Law Review 191-282 (Nov. 2021) and Chapter 1 in Environmental Law, Disrupted (ELI Press Nov. 2021). She also published Environmental Law in Context with West (5<sup>th</sup> ed.), "Learning to Live with the Trickster in New Zealand" in New Zealand's Resource Management Theory and Practice, and submitted Re-Envisioning the Anthropocene Ocean, an interdisciplinary edited volume, to the University of Utah Press (with Jeff McCarthy). It's also been a great semester for multi-author articles, including "[Connecting Ecosystem Services Science and Policy in the Field](#)" in Frontiers in Ecology & Environment, "[Governing Complexity](#)" in PNAS, and "[Environmental Law, Disrupted by COVID-19](#)" in the Environmental Law Reporter. Robin continued to Co-Chair the Natural Resources Law Teachers Committee and serves on the Planning Committee for the Foundation's Water Law Institute; the latter occurred live in Santa Fe in November 2021, where Robin also ran the second annual Water Law Professors Works-in-Progress Workshop. She is working with ELI to educate judges about climate change and is involved in an interdisciplinary collection of researchers pursuing kelp aquaculture in California.

**Greg Dotson (Oregon)** is currently on a leave of absence from the University of Oregon while he is serving as Chief Counsel to the US Senate Committee on Environment and Public Works in Washington D.C.

**Stephen Dycus (Vermont)** published 2021-2022 SUPPLEMENT FOR NATIONAL SECURITY LAW (7<sup>th</sup> ed.) and COUNTERTERRORISM LAW (4<sup>th</sup> ed.) (with William C. Banks, Emily Berman, Peter Raven-Hansen & Stephen I. Vladeck) (New York: Aspen Publishers 2021).

**John Echeverria (Vermont)** co-authored the blog post “The National Flood Insurance Program and the Growing Cost of Natural Disasters in the Era of Climate Change” (with Cameron Briggs Ramos, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021). He was a panelist in “Recent Developments in Fifth Amendment Takings Jurisprudence,” Court of Federal Claims Bar Association (July 19, 2021).

**Gabriel Eckstein (Texas A&M)**, Director, Energy, Environmental, and Natural Resources Systems Law Program. The Program hosted its third annual EnviroSchmooze in August with presentations by: Sharmila Murthy, Suffolk Law; Danielle Stokes, Richmond Law; J.B. Ruhl, Vanderbilt Law; James Salzman, UCLA Law; Daniel Walters, Penn State Law; Troy Rule, Arizona State Law; and Vanessa Casado, Texas A&M Law. We also hosted Howard Slobodin, Trinity River Authority General Counsel, and participated in the law school’s conference on Intellectual Property, Energy, and Investment: A Comparative Exploration across Mexico-U.S. Borders in conjunction with the National Strategic Research Group of Law at Tecnológico de Monterrey in Mexico. Individually, Gabriel Eckstein published two co-authored book chapters including “Water Diplomacy and Conflict Management on the Mexico-US Border,” in WATER DIPLOMACY AND CONFLICT MANAGEMENT: THE ROLE OF RIVER BASIN ORGANIZATIONS with IBWC Commissioner, Dr. Maria Elena Giner; and “Current Challenges in the Rio Grande/Río Bravo Basin: Old Disputes in a New Century,” in WATER RESOURCES ALLOCATION AND AGRICULTURE: TRANSITIONING FROM OPEN TO REGULATED ACCESS, forthcoming 2022 with Regina Buono. He also co-guest edited the ASIL Unbound Symposium with James Salzman on Interstate Disputes Over Water

Rights and authored the essay “International Law for Transboundary Aquifers: A Challenge for Our Times.

**Monika Ehrman (North Texas, Dallas)** moved from the University of Oklahoma to UNT Dallas College of Law, in Fall 2021, ending 6+ years of commuting. She is lead PI, along with seven other team members, including FNREL Trustees, Monte Miller & Pilar Thomas, for a three-year project on tribal decision-making during the clean energy transition, which was funded by the Alfred P. Sloan Foundation, in December 2021. Her response to Joshua Macey’s “Zombie Energy Laws”, titled “[Reimagining Energy](#),” was published in 74 VANDERBILT LAW REVIEW EN BANC 489 (2021). She also published, “[Application of Natural Resources Property Theory to Hidden Resources](#),” in 14 INTERNATIONAL JOURNAL OF THE COMMONS 627 (2020). She wrote a short essay on [Reexamining the Clean Air Act Renewable Fuel Standard in Letter and Spirit](#), for the Regulatory Review (UPenn Program on Regulation) (2021). She most recently presented on “Hidden Resources” at the Online Workshop for Environmental Scholarship (Nov. 2021) and at the Institute for Humane Studies at George Mason University & Case Western Reserve University Coleman P. Burke Center for Environmental Law, Liberty, Property, and Pollution Colloquium, on “Climate Change Viewed through the Lens of Mismatched Property” with Karen Bradshaw (Oct. 2021).

**Elizabeth Elia (New Mexico)** presented her forthcoming article, “[Servitudes Done ‘Properly’: Propriety, Not Contract Law](#)” at Vermont Law School’s Colloquium on Environmental Scholarship in September. The article will be published in Volume 37 of the Journal of Land Use and Environmental Law in June 2022. Elia also organized and moderated a panel discussion at UNM Law entitled



“Mapping Inequality: Reckoning With Historic Redlining and its Legacy.” Additionally, Elia was featured in local television news stories about the eviction crisis in Albuquerque and the use of eminent domain in siting the proposed New Mexico United stadium.

**Alex Erwin (Pace)** joined Pace | Haub Environmental Law as a Visiting Professor in 2021. He co-authored (with Robert Glennon), [Feeding the World: How Changes in Biotech Regulation Can Jump Start the Second Green Revolution and Diversify the Agricultural Industry](#), 44 WM. & MARY ENV'T L. & POL'Y REV. 327 (2020); and with Robert R. Fitak & Melanie Culver, [PumaPlex100: An Expanded tool for Puma SNP Genotyping with Low-Yield DNA](#), 13 CONSERVATION GENETICS RES. 341 (2021).

**Michael Fakhiri (Oregon)** is serving as the United Nations Special Rapporteur on the Right to Food. He also published “Agriculture” in collaboration with other legal scholars in Routledge Handbook on Law and Society.

**Josh Galperin (Pace)**, joined Pace | Haub Environmental Law as an Assistant Professor of Law in 2021. He authored several articles in 2021, including [Environmental Governance at the Edge of Democracy](#), 39 VA. ENV'T L.J. 70 (2021); and [Legitimacy, Legality, Legacy, and the Life of Democracy](#), 45 VT. L. REV. 561 (2021). Other publications include [The Death of Administrative Democracy](#), 82 PITT. L. REV. 1 (2020); and [The Life of Administrative Democracy](#), 108 GEO. L.J. 1213 (2020). He also co-authored (with Douglas A. Kysar) [Uncommon Law: Judging in the Anthropocene](#), in CLIMATE CHANGE LITIGATION IN THE ASIA PACIFIC (Jolene Lin & Douglas A. Kysar eds., 2020).

**Robert Glennon (University of Arizona)** recently published [“As Colorado River Basin states confront water shortages, it's time to focus](#)

[on reducing demand,”](#) in THE CONVERSATION, August 16, 2021; and [“Containing the Spread of COVID-19: The Importance of Continued Wastewater Testing and Surveillance,”](#) in IDEXX Currents, July 26, 2021. Glennon was recently named to the Salton Sea Management Program’s Independent Review Panel to evaluate proposals to import water to the Salton Sea.

**Robert Glicksman (GW Law)** published [“Exploring the Structural Dimensions and Functions of Delegated Authority: A Policy Framework for Structuring and Assessing Public Governance,”](#) 15 REG. & GOVERNANCE S102 (2021), and [“Structured to Fail: Lessons from The Trump Administration’s Faulty Pandemic Planning and Response,”](#) 10 MICH. J. ENVTL. & ADMIN. L. 327 (2021) (both with Alex Camacho). Forthcoming are [“The New Separation of Powers Formalism and Administrative Adjudication,”](#) 90 GEO. WASH. L. REV. (with Richard Levy); [“Adaptive Management and NEPA: How to Reconcile Predictive Assessment in the Face of Uncertainty with Natural Resource Management Flexibility and Success”](#) (with Jarryd Page) and [“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), both in HARV. ENVTL. L. REV.; [“Enhancing Environmental Enforcement by Example and Erudition,”](#) 36 J. LAND USE & ENVTL. L. \_\_\_\_ (forthcoming); and portions of the ELI Clean Air Act treatise dealing with ozone depletion. Rob presented on the federal regulatory process to the National Press Foundation, separation of powers and administrative adjudication” at the annual ABA administrative law meeting; and adaptive management and NEPA to the Harvard Environmental Law Review.



**Shelby D. Green (Pace)**, was [appointed](#) co-counsel of Pace | Haub Environmental Law's Land Use Law Center in 2021. Most recently she co-edited a new book, CLIMATE CHANGE LAW: AN INTRODUCTION (with Karl S. Coplan, Katrina Fischer Kuh, Smita Narula, Karl R. Rábago & Radina Valova eds., 2021). She also authored Non-Debt and Non-Bank Financing for Home Purchase: Promises and Risks, AM. U. BUS. L. REV. (2021); and The Loud Unspoken Narratives from Confederate Monuments: How and Why We Should Quiet Them in the Public Square, ZARACH J. (2021). In 2020, she published HISTORIC PRESERVATION: STORIES AND LAWS with Nicholas Robinson; and co-authored (with Samuel R. Middleton & Britney L. Frates), [Landlord-Tenant Revolution Redux: New York's "Rad" Landlord-Tenant Law Revisions](#), 34 PROB. & PROP. 17; and [Controlling the Locals from the Top Down and the Bottom Up for Housing](#), J.OF THINGS WE LIKE. She was also a panelist at the 20th annual Alfred B. DelBello Land Use and Sustainable Development Conference on the topic Rx for Land Use Reform: Meeting the Challenge in a Time of Crisis (December 2021).

**Craig A. Hart (Pace)**, Executive Director of the Pace Energy & Climate Center, at the request of the UK Cabinet Office's COP Unit, gave several presentations based on the [China Climate and Energy Map](#) (now in its 4th edition) to the UK, Swiss & German governments in support of their preparations for COP26. He was also interviewed by [BBC World News](#) on the coal climate pledge coming out of COP26. In 2020, he co-authored several publications including [Strategy For The Future: Energy Transition, Competitiveness and the Future Midwest](#) (Pulte Institute for Global Development, 2020); (with Alan Hamlet & Tom Purekal) [Preparing For Climate Change In The Midwest And Great Lakes Region: A Primer For Citizens And](#)

[Community Leaders](#) (Pulte Institute For Global Development, 2020); and [Zero Net Gas: A Framework For Managing Gas Demand Reduction As A Pathway To Decarbonizing The Buildings Sector](#) (2020) with Radina Valova, Tom Bourgeois & Joseph O'brien-Applegate & Pace Energy & Climate Ctr.

**Deborah L. Heller (Pace)**, recently authored [EU Releases Its Economic Plan for Tackling Climate Change](#) (July 14, 2021) and [Royal Dutch Shell Ordered to Reduce Carbon Dioxide Emissions](#) (May 26, 2021) in the PACE LAW LIBR. BLOG. She also wrote Animal Agriculture Legal Research in the European Union and the United States, in GLOBAL ANIMAL LAW RESEARCH (Alex Zhang & Katherine Siler eds., forthcoming 2022). In 2020, she wrote several pieces, including [Bluebooking Environmental Resources](#) PACE L. LIBR.; [To Cite or Not To Cite: Is That Still a Question?](#) 112 L. LIBR. J. 393; as well as [Climate Activists Succeed in Blocking Third Runway for Heathrow Airport](#); [Norway's Supreme Court Begins Hearing Important Climate Case](#); [The Super Bowl is Greener than You Might Think](#); and [Trump Administration Proposes Changes to NEPA](#) in PACE LAW LIBR. BLOG.

**Hillary Hoffmann (Vermont)** co-authored a natural resources law professors' brief on behalf of the plaintiffs in Southern Utah Wilderness Alliance v. Department of Interior, pending before the Tenth Circuit Court of Appeals, arguing that BLM's tacit approvals of R.S. 2477 rights-of-way claims on public lands near several national parks in southern Utah were reviewable decisions under the APA (with Eric Biber, U.C. Berkeley and Gregor MacGregor, C.U. Boulder) (filed Sept. 1, 2021). Hillary and a team of research assistants researched and prepared a resolution establishing antidegradation provisions for the Chilkat River

in southeastern Alaska, which was codified into tribal law by the Chilkat Indian Village of Klukwan Tribal Council on October 13, 2021.

**Allan Ingelson (Calgary)** is a member of the Natural Resources Law Teachers Committee. He published the article “[Legal Reform to Promote Increased Water Recycling and Reuse in Canadian Shale Oil and Gas Development](#)” (2021) 27(3) JOURNAL OF WATER LAW 89-102; and the book chapter “Reducing CO<sub>2</sub> Emissions through Carbon Capture Use and Storage and Carbon Capture and Storage in Mexico and Canada: Addressing the Legal and Regulatory Barriers” with Teresa Castillo Quevedo, (Elsevier, 2021) chapter 13, 245-61. He co-edited the book L’ENVIRONNEMENT AU TRIBUNAL with Professor Paule Halley, published by Presses de l’Université Laval, in July 2021. He is currently co-editing volume 2 of ENVIRONMENT IN THE COURTROOM, with Professor Alastair Lucas, that will be published by the University of Calgary Press in 2022 and is writing two scholarly articles that examine the Alberta “First Nations Sacred Ceremonial Objects Repatriation Act”, and sacred ceremonial objects legislation in Canada and South Africa, with Canadian Institute of Resources Law Research Fellow Dr. Laura Ifeoma.

**Kevin Jones (Vermont)** co-authored the blog post “[Running Dry: An Emptying Hourglass on Biden’s Climate Goals](#)” (with Adam Washburne, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021). He also presented at the Lesley K. McAllister Symposium on Climate and Energy Law, University of San Diego, on the Energy Resilience and Extreme Weather Panel (November 5).

**Alice Kaswan (San Francisco)** published “[Creating Home: Multilevel Governance Structures for Emerging Climate Migration](#),” 93

TEMPLE L. REV. 735 (2021), and gave talks on the paper at the Vermont Colloquium on Environmental Scholarship, a AALS works-in-progress session, at the Temple law review symposium that solicited the article, at the University of Florida’s annual public interest conference, and at a Columbia symposium on managed retreat. Since last reporting, she has also published “[Statutory Purpose in the Rollback Wars](#),” 71 HASTINGS L. J. 1177 (2020), and two book chapters, “Climate Justice and the Social Pillar in California’s Climate Policies,” in THE CAMBRIDGE HANDBOOK ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE DEVELOPMENT (Cambridge University Press, Sumudu Atapattu, Carmen Gonzalez, and Sara L. Seck eds, 2021) and “Distributive Environmental Justice,” in ENVIRONMENTAL JUSTICE: KEY ISSUES (Brendan Coolsaet, ed. 2021). In addition, she helped organize and contributed to “Climate, Energy, Justice: The Policy Path for a Just Transition,” published by the Center for Progressive Reform in 2020. She presented talks on climate justice at a Connecticut School of Law symposium on “Powering the Greener Grid: Equity in the Transition,” in April 2021 and at the ABA SEER Conference on Climate Change in the West in June 2021.

**Christine A. Klein (Florida)** published the following: (1) “[Groundwater Exceptionalism: The Disconnect Between Law and Science](#),” 71 EMORY L.J. 487 (2022); (2) “Interjurisdictional Groundwater Allocation,” 2021 ROCKY MT. MIN. L. FOUNDATION SPECIAL INST. 11; and (3) “[Supreme Court Turns to Science to Resolve Groundwater Dispute Between Mississippi and Tennessee](#),” THE TENNESSEAN (op-ed), Dec. 7, 2021. She presented “Interjurisdictional Groundwater Allocation” (plenary session speaker) at the Rocky Mountain Mineral Law Foundation Water Law Institute in Santa Fe, New Mexico (Nov. 5, 2021). Her work on “water bankruptcy” was featured in a podcast

from NPR's Planet Money (The Indicator): [“Water in the West: Bankrupt?”](#) (Aug. 30, 2021).

**Sophia Kruszewski (Vermont)** published the report [“State Farm to School Policy Handbook: 2002-2020,”](#) (with the National Farm to School Network; July 2021).

**Katrina Fischer Kuh (Pace)**, Haub Distinguished Professor of Environmental Law, published two chapters, Legal and Policy Levers to Prompt Action by Private Climate Change Actors and The International Climate Change Treaty Regime, Litigating Government (In)Action on Climate Change, in a new co-edited book, CLIMATE CHANGE LAW: AN INTRODUCTION (with Karl S. Coplan, Shelby D. Green, Smita Narula, Karl R. Rábago & Radina Valova eds. 2021). She wrote Canada and the United States (with M.C. Leach), in RESEARCH HANDBOOK ON CLIMATE CHANGE MITIGATION LAW (L.S. Reins & J.M. Verschuuren eds., 2021) and Global Climate Change and US Law, in 2 WORLD SCI. ENCYCLOPEDIA OF CLIMATE CHANGE 337 (Jan W. Dash ed., 2021). She also authored [Scientific Gerrymandering & Bifurcation](#), 29 N.Y.U. ENV'T L.J. 171 (2021) (with Megan Edwards & Frederick A. McDonald); [Ethics and the Profession 2020 Annual Report](#) (with James May), in AMERICAN BAR ASSOCIATION SECTION ON ENVIRONMENT, ENERGY, AND RESOURCES LAW: THE YEAR IN REVIEW 2020 (2021); and [Environmental Law, Disrupted by COVID-19](#), 51 ENV'T L. REP. 10509 (2021) with several authors. She continued to give presentations in support of the Green Amendments at various virtual venues. She has a forthcoming article, Informational Regulation, the Environment, and the Public in MARQ. L. REV.

**Jan Laitos (Denver)** is now the holder of the inaugural Joe T. Juhan Endowed Professorship in Property Rights and Policy at the Denver Sturm College of Law. This Professorship was created to study the tensions that exist in the intersection between the government's police and eminent domain powers and private property rights. He was previously the holder of the John Carver Chair at the Sturm Denver College of Law. He has published a textbook, RETHINKING ENVIRONMENTAL LAW: WHY ENVIRONMENTAL LAWS SHOULD CONFORM TO THE LAWS OF NATURE (Edward Elgar Publishing 2021); a law review article – “Replacing the Standard Algorithm for Environmental Law,” 13 George Washington Journal of Energy and Environmental Law (2022); and the biannual update of his treatise – LAW OF PROPERTY RIGHTS PROTECTION: LIMITATIONS ON GOVERNMENT POWERS (3<sup>rd</sup> ed., Wolters Kluwer 2021). He presented two papers in May – “Changing the Algorithm for Environmental Law,” before the 12th Annual Society of Environmental Law and Economics, and Rethinking Environmental Law, before the Natural Resources Law Professors Teaching Institute (Rocky Mountain Mineral Law Foundation). He presented similar papers at the University of Houston College of Law in November, and the University of Oslo in December. These papers were published separately, as a book and a law review article, in December of 2021 and January of 2022.

**John D. Leshy (U.C. Hastings, emeritus)** co-authored the 8<sup>th</sup> edition of COGGINS AND WILKINSON'S FEDERAL PUBLIC LAND AND RESOURCES LAW, which is now available for classroom use. His long-in-process comprehensive history of America's public lands, OUR COMMON GROUND, will be published by Yale U. Press in early February 2022, more information [here](#). He previewed the

book in his keynote address at the Foundation's annual institute in July 2021 (published in the annual proceedings), and more recently in various other venues. He is on the lookout for other opportunities to talk about his book, virtually or in person.

**Yanmei Lin (Vermont)**, published the report [“Wildlife Crime: Analysis of legislation and selected court cases”](#) (with Carolyne Clermont), ICUN Environmental Law Centre (2021). She presented “Lessons Learned from the Development of China’s Environmental Public Interest Litigation” at the online conference Enhancing the Role of Environmental Public Interest Litigation to Advance Environmental Rights in Southeast Asia convened by UNEP and Earthrights International (November 24-25); “EPIL in China and Developments Relating to Ecological Damages Obtained by NGOs” at the online symposium of Environmental Enforcement Outlook in China for U.S. Companies (October 19); “Engaging in Environmental Governance in China: Environmental Groups’ Self-perceptions” at the online workshop Practice and Meaning of Environmental Citizenship in Taiwan and China sponsored by the Research Institute for the Humanities and Social Sciences (September 10); “Nature-based Solutions for Achieving Carbon-neutral in the Construction of Ecological Civilization” at the Seminar on International Environmental Law for Carbon Peak and Carbon Neutrality sponsored by Tianjin University (July 4); and “Overview of U.S. Environmental Law and Governance” at the International and Comparative Environmental Law Speaker Series organized by East China Normal University School of Law (November 12).

**Al Lucas (Calgary)**, Associate Director of Canadian Institute of Resources Law, published

[“Can Provincial Governments Stop Pipelines?”](#) [Occasional Paper #74] Canadian Institute of Resources Law, (2021); “Energy Cooperation in North America: From CUSFTA to USMCA” (122-133) (with José Juan González, UAM), and “Governance of the Energy Market in Canada,” (169-179) (with Diego Almeida, Calgary) in Martha Roggenkamp et al (eds.), ENERGY LAW, CLIMATE CHANGE, AND THE ENVIRONMENT (Elgar, 2021); “Oil and Gas Sector Local Content Decision Processes: Canadian Indigenous Participation” (with David Laidlaw (Calgary), in Damilola Olawuyi (ed.) LOCAL CONTENT and SUSTAINABLE DEVELOPMENT in GLOBAL ENERGY MARKETS (Cambridge University Press, 2020) 343–366; and “The Challenges of Rural Electrification in Canada” in Iñigo del Guayo et al (eds.), ENERGY JUSTICE and ENERGY LAW (Oxford University Press, 2020) 239–253.

**Janet Milne (Vermont)** was a member of the International Steering Committee for the 22<sup>nd</sup> Global Conference on Environmental Taxation. During the event, she received the 2021 Kreiser Award, given to “a person who has made a significant contribution to the advancement of environmental taxation and other economic instruments in research or policy.” She was also elected to the American Law Institute, a leading independent organization that produces scholarly work that clarifies, modernizes, and improves the law. She published ENVIRONMENTAL TAXATION IN THE PANDEMIC ERA: OPPORTUNITIES AND CHALLENGES (Co-editor; Edward Elgar, August 2021). Professor Milne presented “The Role of Environmental Taxation: Arthur Cecil Pigou at 100,” June 30, 2021, International Union for the Conservation of Nature (IUCN) Academy of Environmental Law’s Annual Colloquium, The Future of Environmental Law: Ambition and Reality (June 28-July 2, 2021).



**Timothy Mulvaney (Texas A&M)**, Professor, authored “Property’s Compulsory Terms,” 116 NORTHWESTERN UNIVERSITY LAW REVIEW (forthcoming 2022); “Walling Out,” 94 SOUTHERN CALIFORNIA LAW REVIEW 1 (2021) ([SSRN](#)); “Takings Localism,” 121 COLUMBIA LAW REVIEW 215 (2021) (with Fordham’s Nestor Davidson) ([SSRN](#)); and “A World of Distrust,” 120 COLUMBIA LAW REVIEW FORUM 153 (2020) ([SSRN](#)). He presented various stages of these projects at conferences and workshops hosted by Boston University Law School, Cornell Law School, Northwestern Pritzker School of Law, and Tulane University Law School. He has been named a Chancellor’s EDGES Fellow at Texas A&M University and received a secondary joint appointment in Texas A&M University-Galveston’s Department of Marine Science.

**Smita Narula (Pace)**, Haub Distinguished Chair of International Law and Co-Director of the Global Center for Environmental Legal Studies, authored a chapter, Achieving Zero Hunger Using a Rights-Based Approach to Food Security and Sustainable Agriculture, in FULFILLING THE SUSTAINABLE DEVELOPMENT GOALS 75 (Narinder Kakar, Vesselin Popovski & Nicholas A. Robinson eds., 2021). She authored another chapter, Human Rights and Climate Change, in CLIMATE CHANGE LAW: AN INTRODUCTION which she co-edited with Karl S. Coplan, Shelby D. Green, Katrina Fischer Kuh, Karl R. Rábago & Radina Valova eds., 2021). Her chapter on Peasants’ Rights and Food Systems Governance, will appear 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).

**John R. Nolon (Pace)** has a forthcoming chapter on Local Resilience and Disaster Preparation, in DISASTER LAW: RISK, RECOVERY AND DEVELOPMENT (Susan Kuo, John Marshall & Ryan Rowberry eds., 2022) and an article on Pandemics and Housing Insecurity: A Blueprint in Land Use Law Reform, VT. L. REV. (2022). In 2021, he published a book CHOOSING TO SUCCEED: LAND USE LAW & CLIMATE CONTROL and the following articles: [Death of Dillon’s Rule: Local Autonomy to Control Land Use](#), 36 J. LAND USE & ENV’T L.; The Death of Dillon’s Rule, ZONING AND PLANNING L. REP. (with Emma Alvarez Campbell); and [Local Land Use Power: Managing Human Settlements to Mitigate Climate Change](#), 51 ENV’T L. REP. 10426. He was also featured on an [ELI podcast](#), appeared on [Westchester radio](#), and moderated panels at the 20th annual Alfred B. DelBello Land Use and Sustainable Development Conference on the topic Rx for Land Use Reform: Meeting the Challenge in a Time of Crisis (December 2021).

**Jessica Owley (University of Miami)** spent 2021 learning how to teach in a mask and exploring strategies for staying engaged at virtual conferences. She is most excited that the Environmental Law Collaborative’s latest book is in print: ENVIRONMENTAL LAW, DISRUPTED (co-edited with Hirokawa). In it, she solo-authored a chapter about disruptive innovation and jointly authored a chapter on the pandemic’s disruption to environmental law. She published a short [article](#) about the Paris Agreement’s Compliance Mechanism (with Ibrahim & Maljean-Dubois) in WAKE FOREST LAW REVIEW ONLINE. This IUCN-related group anticipates further briefing papers and explorations on other parts of the agreement. She published “[Climate-Induced Human Displacement and Conservation Lands](#)” in HOUSTON LAW REVIEW, and her

interdisciplinary research group on climate migration published “[Climate Mobility and the Pandemic: Art-Science Lessons for Societal Resilience](#)” in WORLD ART. Her book chapter (with Hartl) “Rebuilding the Endangered Species Act: An Environmentalist Prospective,” appeared in ENDANGERED SPECIES ACT: LAW, POLICY, AND PERSPECTIVES. Her article (with Phelps), “[Federal Land Conservation in Rural Areas](#),” appears in BROOKLYN LAW REVIEW. This past year also saw the publication of Owley’s third article on confederate monuments with “[Private Confederate Monuments](#)” (with Phelps and Hughes) in LEWIS & CLARK LAW REVIEW.

**Tade Oyewunmi (Oregon)** is currently a Visiting Professor at the University of Oregon for the 2021-22 academic year. He currently serves as the lead co-editor of the OIL, GAS & ENERGY LAW INTELLIGENCE (OGEL) Journal’s Special Issue on ‘Law and Policy for Gas Flaring in a Low-carbon Economy’ forthcoming (Spring 2022). He also published four articles on the topics of tactics to reduce harmful pollution, the energy transition in sub-Saharan Africa, novel energy regulation frameworks in New York, and in the United States.

**Gabe Pacyniak (New Mexico)** presented a work in progress, Lessons for an Equitable Clean Energy Transition from the COVID-19 Disconnection Crisis: A Legal Survey of State Policy Options at the Energy Policy Institute’s 10th Annual Energy Policy Conference, Vermont Law School’s Colloquium on Environmental Scholarship, and the Early-career Energy Scholars Workshop. He also presented at New Mexico’s Climate Summit and at a meeting of the New Mexico State Climate Equity Advisory Group, and was featured in a climate mitigation-focused episode of the Resilient New Mexico podcast.

**Patrick Parenteau (Vermont)** is the founding director of Vermont Law School’s new [Tuholske Institute for Environmental Field Studies](#), launched in honor of the late professor Jack Tuholske in November. He co-authored the blog post “[Beyond the Fence-line: SCOTUS’ Grants Petitions Challenging EPA’s Authority to Regulate Coal-fired Emissions](#)” (with Kevin McElfresh, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021). He presented “The Climate as a Public Good,” Revitalizing Goods Symposium, St Thomas U School of Law (November 11, 2021). He was a panelist in “Implications of County of Maui v. Hawaii Defense Fund,” Federal Judicial Center (Dec 2, 2021).

**Heather Payne (Seton Hall Law)** published: “[The Natural Gas Paradox: Shutting Down a System Designed to Operate Forever](#),” 80 MD. L. REV. 693 (2021); “[Electrifying Efficiency](#),” 40 STAN. ENVTL. L.J. 57 (2021); “[Rhinoceroses Are Not Like Sneakers: A Response to Climate Changes Property](#),” 82 OHIO ST. L.J. ONLINE 71 (2021). “[Unservice: Reconceptualizing the Utility Duty to Serve in Light of Climate Change](#)” was accepted for inclusion in volume 56 of the U. Richmond L. Rev. and will be forthcoming in early 2022.

**Vanessa Casado Pérez (Texas A&M)** recently published “[Natural Transplants](#),” NYU L. REV. (forthcoming) with Yael Lifshitz (King’s College) on internal legal transplants across different areas of natural resources law and “Ownership Concentration: lessons from natural resources,” NW. L. REV. (forthcoming 2022). She contributed to the book [ENVIRONMENTAL LAW, DISRUPTED](#) (K. Hirokawa & J. Owley, eds.). She participated in the workshop “Non-Use Rights: Overcoming Barriers to Environmental Markets” by PERC and in the Northwestern Law Review Symposium on “Property and Inequality”. She

also commented on the papers presented at the Fourth Annual Enviroschmooze at Texas A&M. She is now working on a project on how sidewalks from an environmental and social perspective. From an environmental viewpoint, sidewalks are treated as second class infrastructure; from a social one, sidewalks mirror our existing inequalities. This December, she was awarded the Pace 2021-22 Distinguished Junior Scholar Award.

**Margot Pollans (Pace)**, Director of the Pace Food Law Program, published two articles “[FDA as Food System Steward](#)” (with Matt Watson) HARV. ENV’T L. REV (2021) and “[Eaters: Powerless by Design](#)” MICHIGAN LAW REVIEW (2022). Her op-ed, [Everything Wrong With Our Food System Has Been Made Worse By the Pandemic](#), was featured in the L.A. TIMES (May 4, 2020). She also co-authored with Noa Ben-Asher, [The Right Family](#), 39 COLUM. J. GENDER & L. 1 (2020).

**Doug Quirke** (Oregon) led the Environmental and Natural Resources Law (ENR) Center’s Energy Law and Policy Project’s (ELPP) research on the existing legal authority of each U.S. state to revise their Clean Air Act (CAA) implementation plans should EPA require such revisions in order to address international air pollution. This research effort culminated in the publication of a white paper entitled “State Authority to Implement the Clean Air Act’s International Air Pollution Provision” (2021). Section 115 of the Clean Air Act allows the EPA Administrator to require states to revise their CAA implementation plans to “prevent or eliminate” their contribution to international air pollution. The white paper surveys existing legal authority in each of the fifty states, and categorizes each state into one of three general categories: broad authority, narrow authority, and authority that would be enhanced by federal action. These categories serve as indicators for

the levels of ease (or lack thereof) with which each group of states would be able to implement the requirements of Section 115 of the Clean Air Act. The paper concludes that federal action under Section 115 is a precious opportunity for the Executive Branch to take action against climate change under existing federal authority.

**Sarah Reiter (Vermont)**, published “[A framework for operationalizing Ocean commitments under the Paris Agreement](#)” (with Cheng, L., Pouponneau, A., Taylor, S., Wedding, L.) FRONTIERS CLIMATE LAW AND POLICY (October 2021); and [An Upwelling of Support for the Ocean-Climate-Biodiversity Nexus: Progress toward Institutionalization at COP26](#) (with Caroline Fullam, Aaron L. Strong, and Angeliq Pouponneau) SUSTAINABILITY AND CLIMATE CHANGE Vol. 14, No. 6 (December 2021). Professor Reiter moderated “[Ocean/Water Pollution Panel](#),” Vermont Journal of Environmental Law Symposium: The World of Waste in a Wasteful World (October 16, 2021). She led a group of student delegates to the COP26 conference as part of her International Climate Law course, where she hosted the “COP26 Youth Kickoff Event: Meet the Blue Expert,” contributed to various speaking engagements in COP26 pavilions, edited “The Ocean-Climate Nexus,” edited “What is Cop26?” and co-edited “Safeguarding Our Coastlines and Our Climate” (with Dr. Lisa Wedding, Oxford Seascape Ecology Lab) at the conference’s Virtual Ocean Pavilion.

**Heidi Gorovitz Robertson (Cleveland State/Maine)** published Local Jurisdictions and Variations in State Law in the Marcellus Shale Region” as Chapter 2 in WHEN FRACKING COMES TO TOWN: GOVERNANCE, PLANNING AND ECONOMIC IMPACTS OF THE US SHALE BOOM (Cornell University Press). She also published STRATEGIES AND TECHNIQUES FOR TEACHING

ENVIRONMENTAL LAW (Wolters Kluwer). Her chapter, "Municipal Regulation of Oil and Gas-Related Activities" is forthcoming in THE LAW OF ENVIRONMENTAL PROTECTION 2021 Edition, (Environmental Law Institute). "The U.S. National Report on Public Rights to Commons" (with M. Epperson, St. Louis) is forthcoming in THE COMMON CORE OF EUROPEAN PRIVATE LAW. Robertson is currently the Libra Visiting Professor at Maine Law.

**Nicholas A. Robinson (Pace, Emeritus)**, published HISTORIC PRESERVATION: STORIES AND LAWS (2020) with Shelby Green; [Ecological Civilization and Legal Norms for Resilient Environmental Governance](#) 4 CHINESE J. OF ENV'T L. 131 (2020); [The Public Trust Doctrine in the 21st Century](#), 10 GEO. WASH. J. OF ENERGY & ENV'T L. 83 (2020); Evolutionary Roots Nurturing Equity Across Generations, in LEGAL ACTIONS FOR FUTURE GENERATIONS 51 (Emilie Gaillard & David M. Forman eds., 2020); and The Charter of the Forest: Evolving Human Rights in Nature, in THE IMPACT OF ENVIRONMENTAL LAW: STORIES OF THE WORLD WE WANT 54 (Rose-Liza EismaOsorio, Elizabeth Kirk & Jessica Albin eds., 2020). He also authored several works on the pandemic: [The Next Pandemic is Here](#) 37 ENV'T F. 30 (2020); [Global Health as a Foundation for World Peace: Preventing the "Next" Pandemic](#); [Juridical Principles to Sustain Planetary Health](#); two articles in the WESTCHESTER LAWYER "[One World, One Health](#)": [Legal Preparations to Avert a Pandemic](#) and [Averting the "Next" Pandemic in New York](#); two blogs in the AM. COLL. OF ENV'T LAWS. BLOG, [CORONAVIRUS, We Thought We Knew Ye! The Wuhan Potential Pandemic](#) and [The "Next" Pandemic: How States Can Avert It](#). He continues to support the Green

Amendment in NY with numerous talks and lectures.

**Jonathan Rosenbloom (Vermont)** published "Goal 11: Sustainable Cities and Communities" in [Making America a Better Place for All: Sustainable Development Recommendations for the Biden Administration](#), ELR News & Analysis (April 2021); and "[Local Variation to Lead the Disruption of Contemporary Environmental Law](#)" (with Keith H. Hirokawa), in Environmental Law. Disrupted, Jessica Owley, Keith H. Hirokawa, eds.), ELI Press (December 2021).

**John Ruple (Utah)**, in cooperation with Jamie Pleune (Utah) and Nada Culver (National Audubon Society) published [The BLM's Duty to Incorporate Climate Science into Permitting Practices and a Proposal for Implementing a Net Zero Requirement into Oil and Gas Permitting](#), 32 COLO. NAT. RES., ENERGY & ENVTL. L. REV. 253 (2021). In collaboration with Heather Tanana (Utah), he published [Synching Science and Policy to Address Climate Change in Tribal Communities](#), 36:2 NATURAL RES. & ENV'T 37 (2021). Working with Utah 3L Devin Stelter, he wrote [Charting A "Substantially Different" Approach to Land Management Planning Following a Congressional Review Act Joint Resolution of Disapproval](#), in 12 ARIZ. J. ENVTL. L & POLICY 1 (Fall 2021), arguing for a more stewardship focused planning rule. In collaboration with Jamie Pleune and Erik Heiny (Professor of Math & Statistics, Utah Valley University), John also completed an analysis of over 40,000 Forest Service NEPA decisions to identify common causes of delay. Their findings will be published in [Evidence-Based Recommendations for National Environmental Policy Act Implementation](#), 47 COLUMBIA J. ENVTL. L. \_\_ (Spring 2022) and conclude that delays are most often attributed to under



resourced agencies and other having little to do with the Act itself.

**Jennifer Rushlow (Vermont)** co-authored the blog post “[Up Next for Infrastructure: All Eyes on Federal Agencies](#)” (with Sandra Santiago, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021).

**Melissa Scanlan (Wisconsin)** is directing the Center for Water Policy, based within the School of Freshwater Sciences. She published a book with Yale University Press, [PROSPERITY IN THE FOSSIL-FREE ECONOMY, COOPERATIVES AND THE DESIGN OF SUSTAINABLE BUSINESSES](#) (2021). She has given a wide variety of talks on the book, such as at the Arizona State University, Sandra Day O’Connor College of Law, 6th Annual SRP Sustainability Conference of American Legal Educators; University of Wisconsin Law School; University of Savoie (France); National Cooperative Business Association-CLUSA International, Cooperative Impact Conference; 5<sup>th</sup> Biennial Union Co-op Symposium, Economics of Well-Being: Building a Just Economy; and the Norwich Bookstore. Her book is included in The Progressive magazine’s “[Favorite Books of 2021](#)” and Orion Magazine’s “[Ten Books for Every Transformational Change Bookshelf](#)” by Gus Speth. She also published “Climate Risk is Investment Risk” in 36 Journal of Law and Litigation 1 (2021). She conducted a wide variety of media interviews, including an appearance on CBS News and [CBS Saturday Morning](#), discussing the impact of climate change on communities around the Great Lakes.

**Joseph Schremmer (New Mexico)** has several works forthcoming, including [A Unifying Doctrine of Subsurface Property Rights](#) in 46 HARVARD ENVIRONMENTAL LAW REVIEW (2022); [Regulating Natural Gas Venting and Flaring as Waste: A Review of the](#)

[New Mexico Approach](#), OIL, GAS & ENERGY LAW INTELLIGENCE (2021–22), and two works with Tara Righetti studying common law doctrines of waste and their implications for private law theory and environmental protection, [Waste and the Governance of Private and Public Property](#), 93 COLO. L. REV. (2022) and [Rediscovering the Doctrine of Waste and Common Law Environmental Governance](#), NAT. RES. & ENVT. (2021–22). He is looking forward to publication of the CASES AND MATERIALS: THE LAW OF OIL AND GAS (11<sup>th</sup> ed., West Academic), with Pat Martin, Bruce Kramer, Keith Hall, and Tara Righetti. At the 2022 AALS conference, he presented two works in progress: Pore Space Ownership Under a Natural Law Perspective at the Environmental Law and Natural Resources & Energy Law Sections' Works in Progress, and Estate Severance and the Persistence of Natural Law at the Property Law Section’s New Voices Program. He also presented papers at the annual conferences of the Law and Society Association and the Association for Law, Property & Society, workshopped a paper at the Vermont Environmental Law Colloquium, delivered a paper at a faculty colloquium and to the mineral law institute at Louisiana State University, and taught at the Rocky Mountain Mineral Law Foundation’s Oil and Gas Law Short Course.

**Emily Spiegel (Vermont)** co-authored the blog post “[Ecocide: Can the International Criminal Court Hold Polluters Accountable for Mass Environmental Destruction?](#)” (with Rajeev Venkat, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021).

**Pamela Vesilind (Vermont)** co-authored the blog post “[State by State: Setting Farmed Animal Welfare Standards](#)” (with Bailey Soderberg, ‘23), VERMONT JOURNAL OF ENVIRONMENTAL LAW (December 2021).

**Cliff Villa (New Mexico)** spoke on environmental justice at the virtual Annual Institute of the Rocky Mountain Mineral Law Foundation. Later in July, he participated in an in-person gathering in Colorado Springs of the Environmental Law Collaborative (ELC). ELC participants included scholars from across the country, challenged to imagine adaptation of the legal system to a world dramatically warmer than today. Essays from this summer's gathering now appear on the Environmental Law Profs blog, including Villa's contribution, [Letting Go of 2°c, Letting Go of Race?](#) In September, he testified as an expert witness on environmental justice in a hearing over proposed rules for the oil and gas industry in New Mexico. He also gave virtual presentations on environmental justice themes at Vermont, UC Hastings, and CUNY. In October, he met with students and faculty at Stanford Law School and presented a forthcoming paper, Environmental Justice in Modern Legal Practice, 33 N.Y.U. ENVIRONMENTAL L. J. \_\_\_ (2022). In addition, he spoke recently on environmental justice in a podcast series produced by Resilient New Mexico. He also led an Environmental Justice Bus Tour to the Laguna Pueblo to learn about the impacts of uranium mining.

**Achinthi Vithanage (Pace)**, Associate Director of Environmental Law Programs, moderated a panel on Supreme Court Cases on Environmental Law at the ABA SEER Fall Conference and subsequently authored a short opinion [Antithetical to Reasoned Decisionmaking](#) for the Environmental Forum. She served as a panelist at the Appalachian Public Interest Environmental Law Conference (Sep, 2021). She published a chapter, Community Benefits Agreements for Renewable Energy Development on Contaminated Land, in LEGAL ASPECTS OF SUSTAINABLE DEVELOPMENT, SUSTAINABLE ENERGY DEMOCRACY AND THE LAW (Ruven

Fleming, Kaisa Huhta & Leonie Reins eds., 2021) and an article on [Addressing Correlations between Gender-Based Violence and Climate Change: An Expanded Role for International Climate Change Law & Education for Sustainable Development](#), 38 PACE ENV'T L. REV. 327 (2020).. Following her [EV for EV: Equity and Viability in Electric Vehicle Infrastructure Law and Policy](#) article in ABA SEER's NR&E (2020), she has a forthcoming article on Driving Electric Vehicles Governance Towards Socially Equitable Solutions in a Post-COVID-19 Context (J. EUR. ENV'T L. & PLAN. L). She continues to serve as Co-Chair of ABA SEER's International Environmental & Resources Law Committee and contributed to [Chapter Z - International Environmental and Resources Law](#), in ENVIRONMENT, ENERGY, AND RESOURCES LAW: THE YEAR IN REVIEW 2020 Z-1 (2020).

**Elizabeth Kronk Warner (Utah)** published two blog pieces discussing climate change in Indian country, in the ENVIRONMENTAL LAW INSTITUTE VIBRANT ENVIRONMENT BLOG, "[Heating Up: Climate Change Impacts on Tribal Communities \(Part I\)](#)," and "[Adaptation to Climate Change: Tribes are Leading the Way \(Part II\)](#)" (with Heather Tanana (Utah)). She also presented on "Environmental Justice in Indian country" as part of the session on Environment, Climate, and Cultural Heritage: Native American Perspectives hosted by Columbia University's The Italian Academy on Nov. 19, 2021.

**Gina S. Warren (Houston)** was named the A.L. O'Quinn Chair in Environmental Studies. She published "Hotboxing the Polar Bear: The Energy and Climate Impacts of Indoor Marijuana Cultivation," in [101 BOSTON UNIVERSITY LAW REVIEW 979](#) (2021) and "Urban Restorative Environmental Justice Through City Climate Action Plans," in the ABA SECTION OF ENVIRONMENT, ENERGY, AND

RESOURCES, [FALL 2021, VOL. 36, NO. 2](#) (with Shreya Patel). Warren presented her research on hydropower’s role for a decarbonized future at the [Sixth Annual Sustainability Conference of American Legal Educators](#), Arizona State University, May 14, 2021. She presented her marijuana-energy research at the [UC Berkeley Cannabis Research Center](#) on October 20, 2021; at the [Institute for Energy Law](#) on April 14, 2021; and for the [University of Kentucky Journal of Equine, Agriculture and Natural Resources Law](#) on February 26, 2021. Warren moderated multiple webinars for the [UHLC Marie Sklodowska-Curie speaker series](#); was the co-coordinator and presenter at EENR’s 5<sup>th</sup> Annual North American Environment, Energy, and Natural Resources Conference, [Environmental Social Governance: Major Mover Towards Sustainable Energy Future](#) (May 2021); and the co-chair and moderator for the UHLC’s [2nd Annual Global Energy Law and Policy Symposium: The Energy Transition in a COVID Altered World](#) (May 2021).

**Delcianna Winders (Vermont)** joined the faculty as a visiting associate professor of law and director of the school’s new Animal Law Program. She published “Captive Wildlife Under the Endangered Species Act,” (with Jared Goodman & Heather Rally, in *ENDANGERED SPECIES ACT* (Donald C. Baur & Ya-Wei Li eds., 3d ed. Summer 2021); [“Slaughterhouse Deregulation: A View of the Effects on Animals, Workers, Consumers, and the Environment,”](#) (with Jessica Chapman & Ingrid Seggerman) *The Brief*, American Bar Association (Summer 2021); and [“Slaughterhouse workers, animals, and the environment: The need for a rights-centered](#)

[regulatory framework that recognizes interconnected interests”](#) (with Elan Abrell), *HARVARD HEALTH AND HUMAN RIGHTS JOURNAL* (December 2021). She presented “Proposing a Federal Slaughterhouse Oversight Commission,” Phoenix Zones Initiative, Just One Health ECHO, (October 21, 2021); “Animal Welfare Act Implementation and Litigation,” Harvard Law School (October 27, 2021); “Captive Wildlife and the Law,” New York University (November 15, 2021); and Lecturer, “Bird Brains? Our Evolving Understanding of Chickens—and Their Lagging Legal Status,” Vermont Law School (July 29, 2021). She was a panelist in “Conservation, Captive Wildlife, and Corporate Accountability,” Vermont Law Review Symposium (November 5, 2021); and “Tiger King Redux,” National Lawyers Guild NYC Animal Rights Committee (July 24, 2021).

**Mary Wood (Oregon)** received the Oregon State Bar President’s Sustainability Award for her significant contributions to the goal of sustainability in the Oregon legal profession through research and education. This year, Wood authored a major article discussing the courts’ role in the climate emergency, [“On The Eve of Destruction: Courts Confronting the Climate Emergency”](#) in the *INDIANA LAW JOURNAL* (2021). Wood also co-authored with Michael C. Blumm the third edition to their textbook, *The Public Trust Doctrine in Environmental and Natural Resources Law*.





Participants at the Texas A&M School of Law Third Annual EnviroSchmooze in August 2021.



The 15<sup>th</sup> Annual Rennard Strickland Lecture hosted by Environmental and Natural Resources Law Center at the University of Oregon School of Law



Participants of the fifth meeting of the Environmental Law Collaborative in Colorado Springs in July 2021, where they discussed "Facing the Worst Climate Case: The Role of Law."