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 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!


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

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.


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).


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 (5th 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 pursing 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.


**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.


**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.


**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.

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 CO₂ 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’ Universite 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


**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 (3rd 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 8th 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).


Janet Milne (Vermont) was a member of the International Steering Committee for the 22nd 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.


**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.


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.


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


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; 5th 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. & ENV'T. (2021–22). He is looking forward to publication of the CASES AND MATERIALS: THE LAW OF OIL AND GAS (11th 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.


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. ENVT'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 5th 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).


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 15th 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."