

Natural Resources Law Teachers

NEWSLETTER

Fall 2007

ARTICLES, BOOKS AND REPORTS

Adell Amos (Oregon) published "Hydropower Reform and the Impact of the Energy Policy Act of 2005 on the Klamath Basin: Renewed Optimism or Same Old Story?," 22(1) *Journal of Environmental Law & Litigation* 1 (2007). Amos is currently working on a study of Oregon water law entitled, "Freshwater Conservation: A Review of Oregon Water Law & Policy" for the Nature Conservancy.

Philip Andrews-Speed (CEPMLP, Dundee) edited *INTERNATIONAL COMPETITION FOR RESOURCES: THE ROLE OF LAW, THE STATE AND OF MARKETS* which is expected in early 2008. The book examines the current state of the energy and minerals industry from the perspective of competition for resources. The book is based on the presentations and discussions at CEPMLP's 30th Anniversary Seminar of the same name and chapters are contributed by CEPMLP faculty:

1. Paul Stephens - "Oil Wars: Resource Nationalism and the Middle East"
2. Peter Cameron - "From Producer to Consumer: The UK's Changing Energy Strategy in the EU"
3. Phillip Crowson (Honorary Professor) - "Trends in the Global Mining Industry: Rocket or Roller Coaster"
4. Elizabeth Bastida - "Mining Law in the Context of Development: A Preliminary Overview"
5. Thomas Wälde concluded with "The Rule of Law and the Resource Industries Cycles".

Mary Jane Angelo (Florida) will publish *THE KILLING FIELDS: REDUCING THE CASUALTIES IN THE BATTLE BETWEEN U.S. ENDANGERED SPECIES AND PESTICIDE LAW*, in the *Harvard Environmental Law Review* (forthcoming 2008). She also published "Integrating Energy Synthesis into Environmental Law, An Integration of Ecology, Economic, and Law" 37 *Environmental Law* 963 (with **Mark T. Brown**, 2007). Her article, "Embracing Uncertainty, Complexity and Change to Protect Ecological Integrity: An Eco-Pragmatic Reinvention of a First Generation Environmental Law," which was published in 33 *Ecology Law Quarterly* 105 (2006), was chosen as one of the top ten environmental and land use law review articles of 2006, and will be reprinted in volume 38 of the *Land Use and Environmental Law Review* (**A. Dan Tarlock** and **David Callies**, eds., forthcoming 2007).

Reed D. Benson (Wyoming) has a forthcoming article, "Dams, Duties, and Discretion: Bureau of Reclamation Water Project Operations and the Endangered Species Act," due out soon in the *Columbia Journal of Environmental Law*. This article addresses whether federal water project operations are exempt from ESA §7 as non-discretionary actions in the wake of the recent Supreme Court decision in *NAHB v. Defenders of Wildlife*. "Rivers to Live By: Can Western Water Law Help Communities Embrace Their Streams?" appears at 27 *Journal of Land, Resources, & Environmental Law* 1 (2007). This essay/article is based on a lecture he presented as a visiting scholar at the University of Utah's Wallace Stegner Center.

Michael Blumm (Lewis & Clark) authored "Justice Kennedy and the Environment: Property, States' Rights, and a Persistent Search for Nexus," 82 *Wash. L. Rev.* 667 (2007) (co-authored with student **Sherry Bosse**); "From Martz to the Twenty-First Century: A Half-Century of Natural Resources Law Casebooks and Pedagogy," 78 *U. Colo. L. Rev.* 647 (2006) (co-authored with student **David Becker**); "Enacting Libertarian Property: Oregon's Measure 37 and Its Implications," 85 *Denver L. J.* _ (forthcoming, 2007) (co-authored with student **Erik Grafe**), available at <http://ssrn.com/abstract=1005255>; "*SUWA v. Norton* and the Unraveling of Federal Public Land Planning," 18 *Duke Envtl. L. & Pol'y F.* _ (forthcoming, 2008) (co-authored with student **Sherry Bosse**), available at <http://ssrn.com/abstract=991149>; and "Imposing Judicial Restraints on the Art of Deception: The Courts Cast a Skeptical Eye on Columbia Basin Salmon Restoration Ef-

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The Natural Resources Law Teacher Newsletter

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forts," 38 *Envtl. L.* (forthcoming, 2008) (co-authored with student Iain **Harrison Putnam**), available at <http://ssrn.com/abstract=1023489>. Blumm and **Judith Royster** (Tulsa) completed the second edition *Native American Natural Resources Law: Cases and Materials*, published by Carolina Academic Press.

John Bonine (Oregon) published "William H. Rodgers, Jr., and Environmental Law: Never Give Up, Keep on Going," 82 *Wash. L. Rev.* 459 (2007), "Усунення бар'єрів та забезпечення стимулювання обстоювання екологічних законів громадянами," ("Removing Barriers and Providing Incentives for Citizen Enforcement of Environmental Laws"), *Ekologiya Pravo Lyudina* (Ecology People Law Journal), Issues 32-33, p. 229 (Lviv, Ukraine, 2007) (in Ukrainian), and "Ready or Not . . .," *Eugene Register-Guard*, June 17, 2007 (concerning lack of local preparation for pandemic influenza). Bonine is also writing HUMAN RIGHTS AND THE ENVIRONMENT, co-authored with Kravchenko and Anton (Carolina Academic Press, forthcoming 2008), "Climate Change, Public Interest Law, and Citizen Suits," *Vt. J. Env'tl L.* (forthcoming 2008), and, with Svitlana Kravchenko, a chapter for THE GLOBAL WARMING READER (Carolina Academic Press, forthcoming 2008).

Elizabeth Burleson (USD) has published: "Multilateral Climate Change Mitigation," 41 *U.S.F. L. Rev.* 373 (2007); "Tribal, State, and Federal Cooperation to Achieve Good Governance," 40 *Akron Law Review* 207 (2007); and "Middle Eastern and North African Hydropolitics: From Eddies of Indecision to Emerging International Law," 18 *Geo. Int'l Env'tl. L. Rev.* 385 (2006) [all available at <http://ssrn.com/author=666236>]. "A Climate of Extremes: Transboundary Conflict Resolution" is forthcoming in the next issue of *Vermont Law Review* (symposium); "Water is Security" is forthcoming in the next issue of *UC Davis Environs*; and "Water and Human Security" is forthcoming in the next issue of *Hamline Law Review* (symposium). She is writing several water organization chapters to be included in WATERS AND WATER RIGHTS. The UN reports by **Elizabeth Burleson** entitled, "The Rights of Children and Youth to Sustainable Development" and "Climate Change and Water Resource Management," are also forthcoming in 2008. She has contributed the energy section of the National Wildlife Federation Report entitled "South Dakota Climate Challenge Conference Strategies for the Future" (2007).

Dan Cole (Indiana, Indianapolis) recently published the following articles and book chapters: "La complexité du choix des régimes de droits de propriété pour la protection environnementale," in **Max Falque**, ed., *ACTES DE LA CONFERENCE RESSOURCES FONCIERS* (2007); "'Best Practice' Standards for Regulatory Benefit-Cost Analysis," 23 *Res. L. & Econ.* 1-47 (2007); "Kelo's Legacy," 37 *Env'tl L. Rep.* 10540-10546 (June 2007); "Political Institu-

tions, Judicial Review, and Private Property: A Comparative Institutional Analysis," 15 *Sup. Ct. Econ. Rev.* 141-182 (2007); "Uncertainty, Insurance and the Learned Hand Formula," 5 *Law, Probability & Risk* 1-18 (2007) (with **Peter Z. Grossman** and **Reed Cearley**). Three other articles will shortly be in print: "Climate Change, Adaptation, and Development" will appear in the next issue of the *UCLA Journal of Environmental Law & Policy* (Frankel Symposium contribution); "The STERN REVIEW and Its Critics: Implications for the Theory and Practice of Benefit-Cost Analysis" will be published in the Spring 2008 issue of the *Natural Resources Journal*; and "Climate Change and Collective Action," in the 2007 volume of *Current Legal Problems*. Finally, one article is presently in the peer-review process: "Judicial Review for Protecting Private Property: A Social Welfare Analysis" (with **Peter Z. Grossman**).

Joe Dellapenna (Villanova) served as editor and principal draftsman of the "Appropriative Rights Model Water Code," a report of the Laws and Institutions Committee of the American Society of Civil Engineers (2007). He wrote the greater part of volume 1 of WATERS AND WATER RIGHTS (**Amy Kelley** ed., *LEXISNEXIS* replacement vol. 2007). He also co-authored INTERSTATE WATER ALLOCATION IN ALABAMA, FLORIDA, AND GEORGIA: NEW ISSUES, NEW METHODS, NEW MODELS (University of Florida Press 2006), and wrote DISPELLING THE MYTHS OF ABORTION HISTORY (Carolina Academic Press 2006). He edited and contributed to "International Legal Developments in Review: International Environmental Law: 2006," 41 *Int'l Law.* 201 (2007). He also published "International Law's Lessons for the Law of the Lakes," 40 *U. Mich. J.L. Reform* 747 (2007); "Presidential Authority and the War on Terror," 13 *ILSA J. Int'l & Comp. L.* 25 (2006); and "Developing a Suitable Water Allocation Law for Pennsylvania," 17 *Villa. Env'tl. L.J.* 1 (2006). He contributed a chapter on "Ecocide and Genocide in the Iraqi Marshlands," in *River Basin Management IV* (**C.A. Brebbia & K.L. Katsifarakis** eds., *Wessex Institute of Technology Press* 2007); and a chapter on "The Nile as a Legal and Political Structure," in *THE POLITICAL ECOLOGY OF WATER* (**Robert Cooper & Terje Tvedt** eds., *IB Tauris*, 2006).

Michael H. Dworkin, (Vermont) Director of the Institute for Energy and the Environment at Vermont Law School, S. Royalton, VT, recently published with **Rachel Aslin Goldwasser** "Ensuring Consideration of the Public Interest in the Governance and Accountability of Regional Transmission Organizations" in *ENERGY LAW JOURNAL*, Volume 28, No. 2 (2007).

Stephen Dycus (Vermont) has published a new casebook, *COUNTERTERRORISM LAW* (with William C. Banks & Peter Raven-Hansen) (New York: Aspen Publishers

2007); Stephen is the author of "The Church Committee and Domestic Military Intelligence: Lesson Learned?" in U.S. NATIONAL SECURITY, INTELLIGENCE AND DEMOCRACY – FROM THE CHURCH COMMITTEE TO THE WAR ON TERROR (Russell Miller ed.) (London: Routledge 2008) (forthcoming).

Rob Fischman (Indiana—Bloomington) has three recent publications: a casebook, FEDERAL PUBLIC LAND AND RESOURCES LAW (Foundation Press, 6th ed. 2007) (with **G. Coggins, C. Wilkinson & J. Leshy**); a review article, "What is Natural Resources Law?," 78 U. COLORADO LAW REVIEW 717 (2007); and an essay, "Reflections on the Tenth Anniversary of the Refuge Improvement Act: The Centrality of the Mission," 4 REFUGE UPDATE 12 (Sept./Oct. 2007). Two new articles will soon be published: "Savings Clauses and Trends in Natural Resources Federalism," 32 WILLIAM AND MARY ENVIRONMENTAL LAW & POLICY REVIEW (with **A. King**), and "The Divides of Environmental Law and the Problem of Harm in the Endangered Species Act," 83 INDIANA L.J. He is currently on a team of scientists writing the U.S. Climate Change Program's "Synthesis and Assessment Product" on adaptation of the national wildlife refuge system to climate change. The public draft of the report is available at: <http://www.climate-science.gov/Library/sap/sap4-4/public-review-draft/default.htm>.

William Funk (Lewis & Clark) has worked on a number of publications this year, including the 2007 edition of "Selected Federal and State Administrative and Regulatory Laws," a chapter on International Environmental Law for West's *LEGAL PROTECTION OF THE ENVIRONMENT* (coauthored with **Craig Johnston** of Lewis & Clark and **Vic Flatt** of University of Houston), Federal Administrative Procedure Sourcebook, 4th ed. (co-authored with **Jeffrey Lubbers** and **Charles Pou**) (ABA Press), and a Constitution Law casebook for Thompson/West. He also authored "Electronic Surveillance of Terrorism: The Intelligence/Law Enforcement Dilemma – A History" (forthcoming in Lewis & Clark Law Review) and "Preemption by Federal Agency Action" in Preemptive Choice: The Theory, Law, and Reality of Federalism's Core Question (forthcoming, Cambridge Univ. Press).

Robert Glennon (Arizona) recently published or has in press the following books and articles: "Law and the New Institutional Economics: Water Markets and Legal Change in California," 1987-2005 (with **Jedidiah Brewer, Michael Fleishman, Alan Ker, and Gary Libecap**), _____ Wash. U.J. of _____ (forthcoming, 2008); "The Conflict Between Law and Science in the San Pedro River, in Ecology and Conservation of Desert Riparian Ecosystems: The San Pedro River Example," edited by **Julie Stromberg** and **Barbara Tellman** (forthcoming, 2008); "Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping," 37

Environmental L. 3 (2007); "Transferring Water in the American West: 1987-2005" (with **Jed Brewer, Alan Ker, and Gary Libecap**), 40 U. Mich. J.L. Reform 1021 (2007); "Water Markets in the West: Prices, Trading, and Contractual Forms" (with **Jed Brewer, Alan Ker and Gary Libecap**), _____ Economic Inquiry _____ (forthcoming, 2007); "Transferring Mainstem Colorado River Water Rights: The Arizona Experience (with **Michael J. Pearce**), 49 Ariz. L. Rev. 235 (2007); "Good Intentions, Unintended Consequences: The Central Arizona Groundwater Replenishment District" (with **Christopher Avery, Carla Consoli, and Sharon Megdal**), 49 Ariz. L. Rev. 339 (2007); "Groundwater and Surface Water Issues in Arizona, in Arizona Water Policy: Management Innovations in an Urbanizing, Arid Region," edited by **Bonnie Colby** and **Kathy Jacobs** (Resources for the Future Press, 2007); "Water Supply in Arid Regions: A Forecast for the American Southwest, in City Design in Arid Regions" (forthcoming, 2008).

Rob Glicksman (Kansas) published a book and several articles. The 5th edition of the casebook, **R. GLICKSMAN, D. MARKELL, W. BUZBEE, D. MANDELKER & A.D. TARLOCK, ENVIRONMENTAL PROTECTION: LAW AND POLICY**, was published by Aspen Publishers in May 2007. Aspen also released in July 2007 a Teacher's Update to the book with recent Supreme Court cases not included in the book, and Rob placed edited versions of those cases on the casebook's website. The articles are "Global Climate Change and the Risks to Coastal Areas from Hurricanes and Rising Sea Levels: The Costs of Doing Nothing," 52 Loyola L. Rev. 1127 (2006); "The Comparative Effectiveness of Government Interventions on Environmental Performance in the Chemical Industry," 26 Stanford Env'tl. L.J. 317 (2007) (with **Dietrich Earnhart**); and "Depiction of the Regulator-Regulated Entity Relationship in the Chemical Industry: Deterrence-Based vs. Cooperative Enforcement," 31 Wm. & Mary Env'tl. L. & Pol'y Rev. 603 (2007) (with **Dietrich Earnhart**). The 2007 release for **Dan Mandelker's NEPA LAW AND LITIGATION**, to which Rob contributed, was published in July 2007. Rob and **George Coggins** (University of Kansas) will publish a completely revised second edition of their treatise, *PUBLIC NATURAL RESOURCES LAW* (expanded to four volumes), in December 2007. In addition, the following articles are in the midst of the law review editing process: "A Collective Action Perspective on Ceiling Preemption by Federal Environmental Regulation: The Case of Global Climate Change," 102 N.w. U. L. Rev. _____ (forthcoming) (with **Richard Levy**); "Bridging Data Gaps through Modeling and Evaluation of Surrogates: Use of the Best Available Science to Protect Biological Diversity Under the National Forest Management Act," 83 Ind. L.J. _____ (forthcoming); "Nothing Is Real: Protecting the Regulatory Void through Federal Preemption by Inaction," 26 Va. Env'tl. L.J. _____ (forthcoming); "Effectiveness of Government Interventions at Inducing Better Envi-

ronmental Performance: Does Effectiveness Depend on Facility of Firm Characteristics?," 35 B.C. Envtl. Aff. L. Rev. # 3 (forthcoming, 2007) (with **Dietrich Earnhart**). Rob is scheduled to publish chapters in two books, "The Failure of U.S. Climate Change Policy" (with **Chris Schroeder**) and "Anatomy of Industry Resistance to Climate Change: Running the Script," in ECONOMIC THOUGHT AND U.S. CLIMATE CHANGE POLICY (**David Driesen**, ed.) (MIT Press, forthcoming), and "Federal Preemption by Inaction," in PREEMPTIVE CHOICE: THE THEORY, LAW AND REALITY OF FEDERALISM'S CORE QUESTION (**William Buzbee**, ed.) (Cambridge Univ. Press, forthcoming). Rob wrote two entries for the forthcoming Encyclopedia of the Supreme Court of the United States on NEPA (with **Dan Mandelker**) and CERCLA. Finally, the Kansas Bar Association published a chapter on "Environmental Law" by Rob in its 17th KANSAS ANNUAL SURVEY (2007).

Richard Hildreth (Oregon) recently wrote "Ocean Zoning: Implications for Wave Energy Development (WED)," (October 11, 2007 "Ecological Effects of Wave Energy Development in the Pacific Northwest: A Scientific Workshop, Oregon Coast Aquarium, Newport, Oregon) and "Pathways to Marine Resources and Marine Protected Areas in Federal and State Managed Waters Off Oregon," (July 27, 2007 Oregon State Bar Coastal Law CLE, Newport, Oregon). Hildreth, with Joe Kalo (North Carolina), Donna Christie (Florida State) and Alison Rieser (Hawaii Geography/Economics), also published the Teacher's Manual for their casebook COASTAL AND OCEAN LAW (3rd ed. West 2007).

Craig Johnston (Lewis & Clark) completed the second edition of Legal Protection of the Environment, together with his coauthors **William Funk** (Lewis & Clark) and **Victor Flatt** (University of Houston).

Martha L. Judy (Vermont) is finalizing an article cowritten with **Tom Armstrong**, who represented Atlantic Research before the Supreme Court, to be published in the ABA Superfund and NRD Litigation Committee newsletter.

Christine A. Klein (Florida) published three articles: "The New Nuisance: An Antidote to Wetland Loss, Sprawl, and Global Warming," 48 Boston College Law Review 1155 (2007), available at <http://ssrn.com/abstract=967992>; "Mississippi River Stories: Lessons from a Century of Unnatural Disasters" (with Sandra B. Zellmer), 60 SMU Law Review 1471 (2007), available at <http://ssrn.com/abstract=1010611>; and "The Law of the Lakes: From Protectionism to Sustainability (symposium), 2006 Michigan State University L. Rev. 1259 (2007), available at <http://ssrn.com/abstract=961249>.

A. Kolo (Dundee) recently published an article entitled "Investor Protection vs Host State Regulatory Autonomy during Economic Crisis: Treatment of Capital Transfers and Restrictions under Modern Investment Treaties" which appeared in the September edition of the Journal of World Investment and Trade, vol. 8(4) (2007).

Svitlana Kravchenko (Oregon) published "Using Human Rights Instruments for Biodiversity Conservation," in 15 Policy Matters 201 (July 2007) and "An Inconvenient Truth about Climate Change, Its Impact on Human Rights and Role of Lawyers in Solving the Problem, in Environment-People-Law," A Quarterly Legal Professional Publication, # 32-33, 2007 (in Ukrainian). Kravchenko is currently writing HUMAN RIGHTS AND THE ENVIRONMENT, co-authored with Bonine and Anton (Carolina Academic Press, forthcoming 2008), "Right to Carbon or Right to Life: Human Rights Approaches to Climate Change," ___ Vt. J. Envt'l L. ___ (forthcoming 2008) and, co-authored with John Bonine, a chapter for THE GLOBAL WARMING READER (Carolina Academic Press, forthcoming 2008).

Robin Kundis Craig (Florida) was a member of the National Research Council committee that produced COMMITTEE ON THE CLEAN WATER ACT AND THE MISSISSIPPI RIVER, NATIONAL RESEARCH COUNCIL, NATIONAL ACADEMY OF SCIENCES, MISSISSIPPI RIVER WATER QUALITY AND THE CLEAN WATER ACT: PROGRESS, CHALLENGES, AND OPPORTUNITIES (Oct. 2007). She has also published Removing "the Cloak of a Standing Inquiry": Pollution Regulation, Public Health, and Private Risk in the Injury-in-Fact Analysis, 29:1 Cardozo Law Review 149 (Oct. 2007); Water Flow, Water Quality, and Threatened Corals in Florida: Are the Everglades and the Florida Keys Now Competing Ecosystems?, 22:2 Natural Resources & Environment 22 (Fall 2007); and Which Way Federalism Under Section 402, 22:1 Natural Resources & Environment 20 (Summer 2007). Finally, the following articles and book chapters of Professor Craig's have been accepted for publication: Climate Change, Regulatory Fragmentation, and Water Triage, 79:3 University of Colorado Law Review (forthcoming Spring 2008); Robin Kundis Craig, A Comparative Guide to the Eastern Public Trust Doctrines: Classifications of States, Property Rights, and State Summaries, 16:2 Penn State Environmental Law Review (forthcoming Winter 2008); Robin Kundis Craig, Still Stumbling Toward Ocean Sustainability: The Ocean Commissions' Unfulfilled Vision, 38 Environmental Law Reporter (forthcoming 2008); Robin Kundis Craig, Coral Reefs, Fishing, and Tourism: Tensions in U.S. Law and Policy Reform. 27 Stanford Environmental Law Journal (forthcoming Jan. 2008); Coastal Water Quality Protection, in **Donald C. Baur, Timothy Eichenberg, & Michael Sutton**, eds., Ocean and Coastal Law and Policy (American Bar Association: forthcoming 2008); Oceans and Estuaries: The

Ocean Commissions' Unfulfilled Vision, in **John C. Dernbach**, ed., *Still Stumbling Toward Sustainability* (Environmental Law Institute: forthcoming 2008).

Jan G. Laitos (Denver) recently published: *Environmental Regulation of Colorado Real Property* (Bradford Press 2007) (contributing author); *Annual Update to Treatise on "Law of Property Rights Protection"* (Aspen 2007); *Teacher's Manual to "Cases and Materials on Natural Resources Law"* (West 2007) (co-author); and "Airspace Near Airport Runways: Private Property Rights Versus Rights of the Traveling Public," 59 *Planning and Environmental Law* 1 (2007).

Mark Latham's (Vermont) article entitled "The Rehnquist Court and the Pollution Control Cases: Anti-Environmental and Pro-Business?" will be published this month in the *University of Pennsylvania's Journal of Constitutional Law* (10 U. Penn J. Con. Law 133 (2007)); essay entitled "Rapanos v. United States: Significant Nexus or Significant Confusion? The Failure of the Supreme Court to Clearly Define the Scope of Federal Wetland Jurisdiction" was published by VLS's Land Use Institute in conjunction with the "Vermont Journal of Environmental Law" in the fall of 2007.

Al Lucas (Calgary) published an article entitled, "Mythology, Fantasy and Federalism: Canadian Climate Change Policy and Law" 20 *McGeorge Global Bus. & Dev. L.J.* 41 (2007), and a chapter: "Energy Law: The Court and the Prosperity Bonus", in Jonathan Swainger (ed.), *THE ALBERTA SUPREME COURT AT 100*, Edmonton: University of Alberta Press, 2007.

David Markell (FSU) recent publications include: *ENVIRONMENTAL PROTECTION: LAW AND POLICY* (Aspen Law & Business, 5th ed., 2007) (**Glicksman, Markell, Buzbee, Mandelker, and Tarlock**); "Is there a Possible Role for Regulatory Enforcement in the Effort to Value, Protect, and Restore Ecosystem Services?", 21 *Journal of Land Use and Environmental Law* 549 (2007); "Citizen-Friendly Approaches to Environmental Governance," 37 *Environmental Law Reporter* 10360 (ELI, May 2007) (updated and edited treatment of the issues covered in "Understanding Citizen Perspectives on Government Decision-Making Processes as a Way to Improve the Administrative State," 36 *Envtl. Law* 651 (2006)); Forthcoming publications include: *COMPLIANCE & ENFORCEMENT: TOWARD MORE EFFECTIVE IMPLEMENTATION OF ENVIRONMENTAL LAW, PROCEEDINGS OF THE 4th IUCN ACADEMY OF ENVIRONMENTAL LAW COLLOQUIUM* (Cambridge Univ. Press, forthcoming 2007) (co-editor with Professors **Ramesh Mysore** (India), **Louis Kotze** (South Africa), and **LeRoy Paddock** (George Washington University Law School)); "Using Empirical Research to Design Government Citizen Participation Processes: A Case Study of

Citizens' Roles in Environmental Compliance and Enforcement," __ *Environmental Law Reporter* __ (ELI, Spring 2008, forthcoming) (co-authored with Professor **Tom Tyler**). "The North American Agreement on Environmental Cooperation," in the *Max Planck Encyclopedia of Public International Law* (Oxford University Press 2007, forthcoming).

Nancy A. McLaughlin (Utah) recently published "Conservation Easements: Perpetuity and Beyond," 34 *Ecology L.Q.* 674 (2007). "Condemning Conservation Easements: Protecting the Public Interest and Investment in Conservation" is forthcoming in the *UC Davis Law Review* (Spring 2008), and "Condemning Open Space: Making Way for National Interest Electric Transmission Facilities (or Not)," is forthcoming in the *Virginia Environmental Law Journal* (Spring 2008).

Marc B. Mihaly (Vermont) recently published "Living in the Past: The *Kelo* Court and the Public-Private Economic Redevelopment" in "Ecology Law Quarterly," Volume 34 Number 1, Boalt Hall School of Law, University of California, Berkeley, 2007.

Robert Miller (Lewis & Clark) published an editorial in the *LA Times* on Russia's claiming the Arctic seabed under the Doctrine of Discovery. The editorial was picked up by a number of newspapers and is widely distributed on the Web.

Janet Neuman (Lewis & Clark) authored "Thinking Inside the Box: Looking for Ecosystem Services Within a Forested Watershed," 22 *J. Land Use & Envtl. L.* (2007).

Hari Osofsky's (Oregon) book, *CLIMATE CHANGE AND PROPERTY RIGHTS: A CASEBOOK COMMENT*, co-authored with William C.G. Burns, will be published with Aspen Publishers in 2008 as part of the *Law Across Borders Series*. Osofsky also recently had several pieces accepted for publication: "The Geography of Justice Wormholes: Dilemmas from Property and Criminal Law," 53 *Villanova L. Rev.* __ (forthcoming 2008); "The Geography of Climate Change Litigation Part II: Narratives of *Massachusetts v. EPA*," 8 *Chicago J. Int'l L.* __ (forthcoming 2008) (selected for the AALS-ASIL 2007 Joint Conference on International Law, Works-in-Progress Session); "The Scale of Networks: Local Climate Change Coalitions," co-authored with Janet Koven Levit (Tulsa), 8 *Chicago J. Int'l L.* __ (forthcoming 2008) (Essay); and "Climate Change Legislation in Context," *Northwestern U. L. Rev. Colloquy* (forthcoming 2007).

James Otto (Denver) has contributed to a new book on how resource-led economies can avoid the resource curse. **Otto, James and Julien Hartley**, *Mineral Resources Management: from curse to a virtuous cycle, Mozambique: A Success Story in Sub-Saharan Africa*, eds **Jean A.P. Clé-**

ment and **Shanaka J. Peiris**; Washington DC: IMF and the World Bank Press, December 2007.

Patrick Parenteau (Vermont) along with **D. Baur** and **J. Shorr**, wrote the chapter "Legal Authorities for Ecosystem-Based Management in U.S. Coastal and Ocean Areas," in the forthcoming book titled *OCEAN AND COASTAL LAW AND POLICY* to be published by the ABA in 2007; Patrick and **Don Baur** have updated their book, *AN OVERVIEW OF WILDLIFE LAW IN THE UNITED STATES*, an updated version of their ABA book first published in 1997; article, "The Mouse that Roared: Vermont Wins Landmark Global Warming Case" is forthcoming in the "Vermont Journal of Environmental Law" (spring '08); article, "Derailing the Coal Train" is forthcoming in *U of Connecticut Law Review* (spring '08).

Craig Pease (Vermont) is now writing a regular "Science and the Law" column for the *Environmental Forum*.

Jim Rasband (BYU) is publishing two items this fall: *A New Era in Public Land Policy? The Shift Toward Reacquisition of Land and Natural Resources*, 53 *ROCKY MTN. MIN. L. INST.* 11-1 to 11-63 (with **Megan E. Garrett**) (forthcoming 2007) and *Inventorizing The Public Lands: Why Naming And Labeling Matter In Natural Resources Law And Management*, in *THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY* (American Bar Ass'n, forthcoming 2007). He's also working with **Jim Salzman** and **Mark Squillace** on the second edition of their *Natural Resources Law and Policy* casebook.

Judith Royster (Tulsa) and **Michael Blumm** (Lewis & Clark) have the second edition of their casebook, *NATIVE AMERICAN NATURAL RESOURCES LAW*, forthcoming in December from Carolina Academic Press; Judith published "Indian Tribal Rights to Groundwater," 15 *Kansas Journal of Law and Public Policy* 489 (2006), and "Indian Natural Resources Development: Tribal Energy Resource Agreements under the Energy Policy Act of 2005," 37 *Trends (ABA SEER)* 8 (May/June 2006).

J.B. Ruhl (Florida State) has published *The Law and Policy of Ecosystem Services* (Island Press, 2007) (with Steven Kraft and Chris Lant) and several articles: "The Background Principles of Natural Capital and Ecosystem Services—Did Lucas Open Pandora's Box?," 22 *J. Land Use and Envtl. Law* 525 (2007); "Ecosystem Services and the Public Trust Doctrine—Working Change from Within," 15 *Se. Envtl L.J.* 223 (2006) (with Jim Salzman); and "The Pardy-Ruhl Dialogue on Ecosystem Management—Part IV: Narrowing and Sharpening the Questions," 24 *Pace Envtl. L. Rev.* 25 (2007)

J.B. Ruhl (Florida State), **John Nagle** (Notre Dame), and **Jim Salzman** (Duke) published their casebook on *The Practice and Policy of Environmental Law* (Foundation Press University Casebook Series, 2008)

Judd F. Sneirson (Oregon) published "Doing Well by Doing Good: Leveraging Due Care for Better, More Socially Responsible Corporate Decisionmaking," 3 *Corporate Governance Law Review* 438 (2007) (arguing that corporate fiduciaries must consider the social and environmental consequences of their decisions and drawing on NEPA to create a model for socially responsible corporate decisionmaking).

Sergei Vinogradov (CEPMLP, Dundee) had two papers published recently. "Marine Pollution via Transboundary Watercourses—An Interface of the 'Shoreline' and 'River-Basin' Regimes in the Wider Black Sea Region" in *The International Journal of Marine and Coastal Law*, Vol 22, Number 4 and "Regime Building for Transboundary Waters: The Evolution of Legal and Institutional Frameworks in the EECA Region" in *The Journal of Water Law*. Vol 18.

N. Vlavianos (Calgary) recently published a report entitled "The Legislative and Regulatory Framework for Oil Sands Development in Alberta: A Detailed Review and Analysis", Occasional Paper #21 (Calgary: Canadian Institute for Resources Law, 2007). The conclusions from this report are summarized in N. Vlavianos, "Key Shortcomings in the Regulatory Framework for Oil Sands Development in Alberta" (2007) 100 *Resources* 1; recently published the following article: "Public Participation and the Disposition of Oil and Gas Rights in Alberta" (2007) 17 *J.E.L.P.* 205.

Thomas Wälde (CEPMLP, Dundee) is the general editor of a new journal, *Journal of World Energy Law & Business*, due to be released in early 2008. The journal will have a multi-disciplinary approach in analysing and discussing significant international energy issues. It will publish peer reviewed articles on legal, business, financial, economic and policy issues in the oil, gas and energy sectors.

Chris Wold (Lewis & Clark) and co-author **David Hunter** (American) are authoring a textbook on "Climate Change and the Law" to be published by Lexis-Nexis.

Mary Wood's (Oregon) article "Nature's Trust: Reclaiming an Environmental Discourse," which was originally published in 25 *Virginia Env. L. J.* 2 (2007) appears in *POLLUTION: POLICIES AND PERSPECTIVES* (Institute of Chartered Financial Analysts of India University Press (ICFAI Press), Hyderabad, India, Fall 2007). Wood has written "Government's Atmospheric Trust Responsibility," 22(2) *Journal of Environmental Law and Litigation* ____ (2007), and *California Environmental Law Reporter*

(forthcoming, February 2008). Wood is also publishing "Nature's Trust as a Paradigm for Scientific Input in Policy Decisions," Abstract, Annual Conference of the American Geophysical Union, San Francisco, California (forthcoming December 2007) (with Alison Burchell, Ed White-law, Bob Doppelt) (available at <http://www.agu.org/cgi-bin/SFgate/SFgate>) and "A Framework of China-U.S. Partnership to Address Global Warming," 3 China Environmental and Resource Law Review, Ocean University (Renmin Press, forthcoming Spring 2008). Wood also contributed to The Presidential Climate Action Project, Chapter 9, "Natural Resources Stewardship" (<http://www.climateactionproject.com> (2007)). Wood completed Atmospheric Trust Obligation, a chapter in ADJUDICATING CLIMATE CHANGE: SUB-NATIONAL, NATIONAL, AND SUPRA-NATIONAL APPROACHES (William C.G. Burns & Hari M. Osofsky, eds.) (forthcoming 2007, Cambridge University Press). As part of her global warming outreach efforts, Wood published "Team

Up to Tackle Climate Change," Oregon Daily Emerald (November 2, 2007) (available at: <http://media.www.dailyemerald.com/media/storage/paper859/news/2007/11/02/Opinion/Team-Up.To.Tackle.Climate.Change-3075332.shtml>), "Regaining Nature's Trust," ¡Viva! Mercy Magazine, Institute of the Sisters of Mercy of the Americas, Silver Spring, MD, http://www.sistersofmercy.org/index.php?option=com_content&task=view&id=950&Itemid=180&lang=en (September/October Edition, 2007), "Nature's Mandate, Our Obligation," 33: 3 Down to Earth 9 (Montana Environmental Information Center, September 2007), available at: <http://www.meic.org/files/energy/global-warming/NaturesTrust.pdf>, "Discretion or Obligation," available at <http://www.rachel.org/bulletin/index.cfm?St=4>, Montague, Peter and Tim Montague, eds., (May 2007), and "Government and Climate Crisis: Discretion or Obligation?" Eugene Weekly online (May 4, 2007), available at: <http://www.eugeneweekly.com/2007/05/10/news1.html>.

CLINICAL PROGRAMS

The Pacific Environmental Advocacy Center (Lewis & Clark) welcomes three new staff members. **Sophia Tzeng** joined the staff as Director of Budget, Communications and Development. **Aubrey Baldwin** has joined as a staff attorney, replacing **Susan Jane Brown** who departed in early February to become natural resources counsel for Representative **Peter DeFazio**. **Tom Buchelle**, founding director of the University of Pittsburgh environmental law clinic, will replace **Stephanie Parent** as managing attorney in spring 2008. **Stephanie** is stepping down to devote her energies to her own environmental law practice. PEAC has continued its winning streak through the summer and fall. Notable Ninth Circuit wins include a significant decision preventing the stripping of snags used by northern spotted owls and other cavity-nesting species on federally-protected land, and preventing salvage logging in an area designated for protection under the Northwest Forest plan.

The International Environmental Law Project (Lewis & Clark) faculty **Chris Wold** and **Erica Thorson** traveled to

The Hague, Netherlands in June with six IELP students to participate in the meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This was the third CITES meeting in a row in which IELP students have participated. The students' daily online reports from the June 3-15 meeting are available at www.law.lclark.edu/org/ielp. During **Chris Wold's** 2007-08 sabbatical, Erica has stepped in to direct IELP and teach the international environmental law class.

After launching the Environmental and Natural Resources Law Clinic four years ago, and watching it grow strong, **Patrick Parenteau** (Vermont) has turned over the reins to his friend and colleague **David Mears**. He will remain in the role of Senior Counsel, which means he gets to kibbitz without being accountable. He is devoting 100% of his teaching and advocacy to climate change and is in the process of raising money to fight dirty coal plants and shift investment to carbon neutral alternatives.

LEGISLATION AND REGULATIONS

Elizabeth Burlison (USD) has participated in the United Nations Climate Change proceedings since 1991 and will be part of UNICEF's delegation to the United Nations Bali Climate Conference (December 2007). She is giving a presentation to the Ministry of Foreign Affairs in Tokyo, Japan as well as meeting with colleagues at the United Nations University in Japan to draft post Kyoto Protocol Climate Mitigation strategies.

Greg Costello (Oregon), Adjunct Professor and Executive Director of the Western Environmental Law Center (WELC), and WELC Attorney Dan Galpern met with Professor Hari Osofsky's (Oregon) class on climate change litigation to discuss legal issues involved in bringing claims aimed at arresting global warming pollution. The law students in Professor Osofsky's class prepared memoranda advising WELC on strategies for potential litigation.

Also on the global warming front, clinic students helped develop comments that WELC submitted to the EPA on behalf of 16 environmental organizations supporting California's request for a waiver to enable that state and others, including Oregon, to enforce their GHG emission regulations for passenger vehicles and light duty trucks. WELC clinic students helped develop a motion to intervene on behalf of California in a case challenging the unreasonable delay by the EPA in granting the waiver request and a petition to EPA to regulate GHG emissions from non-road vehicles.

Other law clinic interns helped researched state and federal law and investigated state legislative history which aided WELC in testifying before the State Environmental Quality Commission, and in developing legal theories for use in an action that may be brought to protect downwind communities from dangerous smoke inhalation stemming from the practice of grass seed burning.

Robin Kundis Craig (Florida) is continuing to work with the Florida Ocean Coalition to draft a Clean Ocean Act for Florida to address vessel sewage pollution in Florida's coastal waters.

John Lesby (Hastings) testified before the House Natural Resources Committee in July and before the Senate Energy Committee in September on Mining Law reform. He

has been active in the reform effort; a bill (HR 2262) has passed the House and action is pending in the Senate. He is not holding his breath, but prospects are better than in memory.

James Otto (Denver) was invited by the U.S. House of Representatives Subcommittee on Energy and Mineral Resources to provide testimony on H.R. 2262, the Hardrock Mining and Reclamation Act of 2007.

Patrick Parenteau (Vermont) testified in July, 2007 before a Special Committee of the Vermont Legislature looking into regulation of groundwater withdrawals. One of the issues he was asked to address was whether groundwater should be declared to be a public trust resource; testified in October, 2007 before the Vermont Senate Natural Resources Committee regarding the need to revise the phosphorous TMDL for Lake Champlain, and to prohibit any further increases in phosphorous from point sources discharges within the Vermont portion of the basin .

J.B. Ruhl (Florida State) was a member of a Delphi peer review panel providing advice on the implementation of the Florida Rural Lands Stewardship Act, which created a transferable development rights program for rural and agricultural lands.

SPEECHES AND CONFERENCES

Adell Amos (Oregon) presented "Integrating Science and Policy to Protect and Restore Groundwater Dependent Ecosystems," at Washington State University Conference's on Water in the Pacific Northwest: Moving Science Into Policy and Action, November 7-9, 2007. Amos also spoke at the University of Oregon School of Architecture's interdisciplinary conference on environmental design on "Water Distribution Rights and Profit," April, 2007.

Owen Anderson (University of Oklahoma) taught at the RMMLF International Energy Law, Contracts, and Negotiations short courses held in Houston in September and October 2007. He also taught at the RMMLF Oil and Gas Law short course held in Westminster, Colorado in October 2007.

Mary Jane Angelo (Florida) presented United States Administrative Law and United States Alternative Dispute Resolution Law, CURSO : O Direito Norte-Americano (e a Common Law), Belo Horizonte, Brazil (May 2007) and Rapanos, Carabell, and Beyond, CLE International Florida Wetlands Conference, Tampa Florida (November 2007).

Michael Blumm (Lewis & Clark) taught a class in "Tribal Natural Resources" for Lewis & Clark's 2007 Environ-

mental and Natural Resources Symposium for Federal Judges in September.

John Bonine (Oregon) participated in "Improving Access to Justice under the Aarhus Convention," Access to Justice Mini-Conference, Gêneve, Switzerland, September 10, 2007, "Procedural Rights and the Environment," International and European Environmental Law, Centre d'Études et de Recherches Internationales (CÉRIUM), L'Université de Montréal, Canada, July 3, 2007, and "European, Canadian and American Environmental Law: a Comparison," International and European Environmental Law, Centre d'Études et de Recherches Internationales (CÉRIUM), L'Université de Montréal, Canada, July 3, 2007.

Elizabeth Burleson (USD) recently gave interviews with SD Public Radio and ABC on her swim across the Missouri River at Lake Lewis and Clark to establish the Public Interest Network (PIN) to fund student grants. She will coach the Environmental Law Moot Court team at Pace this year. **Elizabeth Burleson** represented UNEP on "Climate Change and International Cooperation," at the United Nations Commission on Sustainable Development (CSD-15) United Nations Headquarters in NY (May 2007). She led the energy session of the National Wildlife Federation South Dakota Climate Change Conference and helped write the outcome document on legislative recommenda-

tions (September 2007). She presented "Multilateral Climate Change Mitigation" to USD's Biology Seminar Series (November 2007). **Elizabeth Burleson** is giving a speech on Climate Change Mitigation at Renmin University in Beijing (December 2007). She will also be giving Climate/Water presentations at Columbia University's Lamont-Doherty Earth Observatory and as part of the University of Nebraska – Water Center & School of Natural Resources Spring 2008 Water Seminar Series.

Federico Cheever (University of Denver) along with copresenter Robert Hughes, presented the paper "Not Quite Wilderness: The Development of Roadless Area Protection on Forest Service and BLM Land" at the 53rd Annual Rocky Mountain Mineral Law Institute (July 2007). No written paper was prepared for the proceedings.

Dan Cole (Indiana, Indianapolis) presented "Climate Change, Adaptation and Development" at the 2007 Frankel Symposium, sponsored by UCLA Law School. In April, he presented "Comparing the Protection of Private Property Rights in the US and UK" at the Washington & Lee Law School. Cole presented "The *Stern Review* and Its Critics" at the following conferences and venues: in May at the 2007 Benefit-Cost Analysis Conference, University of Washington, Seattle; in August at the UCLA Law School; and September at the Canadian Law and Economics Annual Meeting in Toronto. In July, Cole presented "Climate Change and the Energy Industry," at a program on Energy, Economics and the Environment at the Foundation for Research in Economics and the Environment, Bozeman, Montana. In November, he presented "The Road from Kyoto: Toward a More Realistic International Climate Change Regime" as part of the Current Legal Problems public lecture series at University College London, and at the Lauterpacht Centre for International Law at the University of Cambridge.

Joe Dellapenna (Villanova) chaired a panel on, and spoke on, "Adapting to Climate Change" at the Spring Meeting of the ABA Section of International Law in Washington, DC (May 2007). He also spoke on "Adapting to Climate Change" at a meeting of the Global Environmental Integrity Group on the island of Samos, Greece (July 2006). He spoke on "The Tragedy and Redemption of the Iraqi Marshes" at the Fall Meeting of the ABA Section in London (October 2007), at the WIT Conference on River Basin Management on the island of Kos, Greece (May 2007), and at the Ninth World Wildlife Law Conference in St. Petersburg (January 2007). He spoke on "Ecological Concerns in the Cinema" at a meeting of the Global Environmental Integrity Group in Halifax, NS (June 2007), a meeting at which he also showed "Blade Runner" and "Children of Men" to illustrate his talk. He spoke on "Water Law in the United States" at King's College of the University of London (October 2007), and at the International Centre for Excellence in Water Resources Management in Adelaide,

SA (July 2007). He spoke about water issues in the Jordan Valley and delivered a report on plans for international activities for the American Society of Civil Engineers at a meeting of the Society in Orlando, FL (October 2007). He also spoke about the International Law Commission's new draft articles on the law of transboundary aquifers at a meeting of the IUCN Academy of Environmental Law in Paraty, Brazil (June 2007), and at a meeting of the World Jurist Association in Lisbon (November 2007). He spoke on "The Berlin Rules on Water Resources" and on "A Primer on Groundwater Law" at the Annual Meeting of the American Water Resources Association in Baltimore, MD (November 2006). He also spoke on the Berlin Rules at the University of Technology, Sydney, in Sydney, NSW (August 2007), at the International Centre for Excellence in Water Resources Management in Adelaide, SA (July 2007), at the annual meeting of the Environment and Water Resources Institute of the American Society of Civil Engineers in Tampa, FL (May 2007), at a joint meeting of the Environment and Water Resources Institute and the Indian Society of Civil Engineers in New Delhi (December 2006), at the Fifth Annual Meeting on Iberian Society for Hydrological Sciences in Faro, Portugal (December 2006), at the University of Macau (December 2006), and at a meeting of the Global Water Governance Project in Bonn (June 2006). He spoke on "Suing Foreign Governments in the United States" at the University of Macau (December 2007). He chaired a panel on "Human Rights in an Age of Terror" for the AALS Section on International Law (January 2007), and a panel on "Adapting to Climate Change" for the AALS Section of Natural Resources Law (January 2008). He spoke on "Water Law in the Eastern United States," at the ABA Conference on Eastern Water Law at Miami, FL (May 2006).

Michael Dworkin (Vermont) spoke at the Energy Resources and the Environment Committee and at the Energy Council deliberations of the National Association of Regulatory Utility Commissioners in Anaheim, California on November 8-11; spoke at the request of the Vermont Environmental Consortium, addressing "Education in the New Environmental Economy" at Norwich University in Northfield, Vermont on November 3rd; reviewed the proposals of the Research Advisory Council for the Electric Power Research Institute in Scottsdale, Arizona and he summarized the implications of those recommendations when the EPRI Board of Directors met on November 1st; spoke at the "Consumer Energy Symposium," sponsored by the National Association of Utility Consumer Advocates, in Boulder, Colorado. He led the panel addressing "The Current State of Energy Services" on October 29th and 30th; spoke at the Board of Advisors' review of curriculum for the University of Vermont's School of Engineering and Computer Sciences on October, 26th; On October 17th and 18th, Michael was an invited Research Advisory Commenter at Carnegie Mellon's Electric Industry Research Center

in Pittsburgh, PA, helping shape an assessment of the CMEIC's research accomplishments and expectations.

John S. Dzienkowski (University of Texas) taught at the RMMLF Oil and Gas Law Short course held in Westminster, Colorado in October 2007.

William Funk (Lewis & Clark) organized and moderated a panel at the ABA's Midyear Meeting in Miami on Preemption of State Tort and Consumer Protection Law at the Council Meeting of the Administrative Law and Regulatory Practice Section. He spoke at the Japanese American Citizens League program on *Fighting for Civil Rights in an Era of Terror*. He spoke on "Federal Agency Preemption of State Tort Law," at the SEALS Annual Meeting, Amelia Island, FL (July 2007). He moderated a panel on "OMB and the Future of Regulatory Analysis" at the ABA Annual Meeting in San Francisco (August 2007). He appeared on a panel at Lewis & Clark with alum **Peggy Nagae**, frequent adjunct professor **Charles Hinkle**, and **Brandon Mayfield**, the Portland lawyer wrongly jailed as a suspect in the Madrid bombing, who finished his last year of law school at Lewis & Clark. In September, he taught classes on "Justiciability and Environmental Law" and "Wetlands Protection Law" at the federal judges environmental law conference held at Lewis & Clark.

Robert Glennon (Arizona) gave the following speeches and presentations in 2007: Southeast Stormwater Association, keynote speaker, Nashville, Tennessee, October 2007; "Collaboration and the Colorado River," University of Nevada, Las Vegas, Las Vegas, Nevada, October 2007; Superfund Colloquium, University of Arizona, Tucson, Arizona, October 2007; 2007 Thesis Conference, National Ground Water Association, keynote speaker, Park City, Utah, September 2007; 2007 Annual Forum, Ground Water Protection Council, keynote speaker, San Diego, California, September 2007; 2007 Regional Water Symposium, *Southwest Hydrology* and Arizona Hydrological Society, Tucson, Arizona, August 2007; American Society of Irrigation Consultants, Northern California Chapter, dinner speaker, San Ramon, California, June 2007; 6th Washington Hydrogeology Symposium, keynote speaker, Tacoma, Washington, May 2007; Southern Arizona Environmental Management Society, lunch speaker, Tucson, Arizona, March 2007; Borrego Water Education Week, keynote speaker, Borrego Springs, California, February 2007; Arizona State Bar, Real Property Section, lunch speaker, Tucson, Arizona, February 2007.

Rob Glicksman (Kansas) made the following presentations: "The Influence of Facility Characteristics on Environmental Performance Following Government Interventions Under the Clean Water Act," at the Boston College Law School Environmental Affairs Law Review Fall Symposium: The Greening of the Corporation, Boston, MA (Oct. 25, 2007) (with **Dietrich Earnhart**); "The Fail-

ure of U.S. Climate Change Policy," "A Familiar Litany: Industry and Political Opposition to Climate Change Action," and "A Summary of the Consequences of Global Climate Change," presentations at Facts, Ideas, and U.S. Climate Change Policy: A Conference on Climate Change, University of Kansas School of Law, Lawrence, KS (Oct. 19-20, 2007); "The Impact of Environmental Law on Rural Legal Practice: Dealing with Bogs and Bugs," CLE presentation at KBA -Kansas Farm Bureau program on Agricultural Law Update, Manhattan, KS (Sept. 21, 2007); "The Roadless Rule and Other Strategies for Protecting Public Lands," an impromptu presentation at the Natural Resources Law Center 25th Anniversary Conference and the Natural Resources Law Teachers 14th Biennial Institute: The Future of Natural Resources Law and Policy, Boulder (June 7, 2007); and "Recent Developments in Environmental Law: The Supreme Court Weighs In," speech at a CLE program on Recent Developments in the Law, in Lawrence, Kansas (June 1, 2007).

Lakshman D. Guruswamy (University of Colorado at Boulder) taught at the RMMLF International Energy Law, Contracts, and Negotiations short courses held in Houston in September and October 2007.

Richard Hildreth (Oregon) gave a keynote presentation at the Conference on the Ecological Impacts of Wave Energy on "Ocean Zoning: Implications for Wave Energy Development (WED)," in Newport, Oregon (Oct. 11-12, 2007). On July 27, 2007, Hildreth spoke on federal marine protected areas law at the Oregon State Bar's Coastal Law CLE in Newport, Oregon.

Craig Johnston (Lewis & Clark) taught classes in September on "The Clean Water Act," "CERCLA Liability" and "Civil Enforcement in Environmental Cases" at Lewis & Clark's 2007 Environmental and Natural Resources Seminar for Federal Judges.

Christine A. Klein (Florida) spoke on "Climate Change Litigation" at the Judicial Symposium on Scientific Evidence in the Courts, sponsored by the AEI-Brookings Joint Center for Regulatory Studies (Washington, D.C.).

Bruce M. Kramer (Texas Tech) taught at the RMMLF Oil and Gas Law Short Course held in Westminster Colorado in October 2007. He also presented his paper "Property Provisions of the Joint Operating Agreement" at the RMMLF Oil and Gas Agreements: Joint Operations paper in Houston in December 2007.

Svitlana Kravchenko (Oregon) trained 36 high-level judges (Supreme, Constitutional, and Supreme Administrative Courts) from 6 countries of Eastern Europe and Caucasus in Kyiv, Ukraine, June 4-5. Kravchenko also participated in three meetings of the Aarhus Compliance Committee as Vice-Chair of the Committee (Geneva, Switzerland, June 13-15, Sept. 26-28, and Nov. 28-30). On

July 2, she gave a lecture on "Procedural Rights and the Environment," International and European Environmental Law, Centre d'Études et de Recherches Internationales (CÉRIUM), L'Université de Montréal, Canada, July 3, 2007. In October 2007, Kravchenko was a panelist on "Legal Elements of Approaches to Climate Change" at the Journal of Environmental Law and Litigation's Symposium on Combating Climate Change on the Regional Level: West Coast Policy and Litigation (Eugene, Oregon). She also participated in a Mini-Conference on Access to Justice at the United Nations' Palais des Nations in Geneva, Switzerland, on Sept. 11-12, 2007.

Robin Kundis Craig (Florida) gave an "Overview of Wetlands Regulation" at the National Wetlands Conference, CLE International in Las Vegas, NV, June 7-8, 2007. In September 2007, she presented "Fishers, Divers, Scientists, Lawyers, and MPAs: The U.S. Experience in Protecting Coral Reefs" at the Fifth International Coastal and Marine Tourism Congress at the New Zealand Tourism Research Institute & AUT University, Auckland, New Zealand; the paper was named the best paper of the conference and will be published in *TOURISM IN MARINE ENVIRONMENTS* in early 2008. At the 15th Annual Fall Meeting of the Section on Environment, Energy, and Resources, American Bar Association, in September 2007 at Pittsburgh, Professor Craig both moderated a panel entitled Private Rights, Public Resources and spoke on "The Public Trust Doctrine in Eastern Water Law" at the Eastern Water Law session. In October 2007, she both briefed congressional staff and participated in the National Research Council's press conference in connection with the release of the report on *MISSISSIPPI RIVER WATER QUALITY AND THE CLEAN WATER ACT: PROGRESS, CHALLENGES, AND OPPORTUNITIES*. Finally, Professor Craig was the Closing Plenary Speaker at the Southeastern Environmental Summit 2007: Rising to the Challenge: Mitigation and Adaptation Strategies to Combat the Impact of Sea Level Rise, which was held at the Florida Coastal School of Law, Jacksonville, Florida, on November 2, 2007. She spoke on the public health ramifications of climate change and sea level rise.

Arlene J. Kwasniak (University of Calgary) along with co-author Alastair R. Lucas presented their paper "Dribs and Drabs: Western United States and Canadian Responses to Water Scarcity" at the 53rd Annual Rocky Mountain Mineral Law Institute (July 2007). The paper appears in the proceedings of this institute.

Jan G. Laitos (Denver) was a panelist at two sessions for the Annual Conference on Environmental Law of the American Bar Association's Section on Environment, Energy, and Resources: A Primer for the Environmental Law Attorney; Preparing Green Lawyers for Practice in a Changing Environment.

John Leshy (Hastings) addressed the Conference of Western Attorneys General on water issues in Disneyland in July, and participated in a panel updating recent 9th Circuit and California Supreme Court decisions at the annual Environmental Law conference at Yosemite in October.

In April, Lewis & Clark will host a climate change conference on April 11-12, 2008. "Riding the Third Wave: Markets, Businesses and Climate Change" will focus on proactive legal responses and innovative ideas for businesses adapting to a climate change future. For more information contact **Janice Weis** at jweis@lclark.edu.

Podcasts from Lewis & Clark's "Law, Science & the Environment: A Meeting of Minds," a forum last spring for scientists, law professors and federal agency professionals grappling with the intersection between science and law, are available for free download at <http://lawlib.lclark.edu/podcast/?p=252>

Lewis & Clark hosted 50 federal judges for its 2007 Environmental and Natural Resources Seminar for Federal Judges in September.

Lewis & Clark held its 15th annual Animal Law Conference in October. Proceedings are available by podcast at <http://lawlib.lclark.edu/podcast/?p=99>

Lewis & Clark hosted an Ocean Energy Symposium on October 1, on the eve of a critical Federal Energy Regulatory Commission hearing in Portland on the subject. A packed house of industry and nonprofit lawyers heard FERC Commissioner **Phil Moeller's** keynote address as well as those of other speakers from across the country, including three members of Oregon's congressional delegation who appeared by live videocast. Talks from the symposium are available by podcast at [NK"http://lawlib.lclark.edu/podcast/?p=319"](http://lawlib.lclark.edu/podcast/?p=319)<http://lawlib.lclark.edu/podcast/?p=319>

John S. Lowe (SMU) taught at the RMMLF Oil and Gas Law Short Course held in Westminster, Colorado in October 2007. He also presented his paper "The Operator" at the RMMLF Oil and Gas Agreements: Joint Operations institute in Houston in December 2007.

Alastair R. Lucas (University of Calgary) along with co-author Arlene J. Kwasniak presented their paper "Dribs and Drabs: Western United States and Canadian Responses to Water Scarcity" at the 53rd Annual Rocky Mountain Mineral Law Institute (July 2007). The paper appears in the proceedings of this institute.

Susan Mandiberg (Lewis & Clark) taught a class on "Criminal Enforcement in Environmental Cases" at Lewis & Clark's 2007 Environmental and Natural Resources Seminar for Federal Judges.

Patrick H. Martin (Louisiana State University) taught at the RMMLF Oil and Gas Law Short Course held in Westminster, Colorado in October 2007.

David Mears (Vermont) recently facilitated a panel discussion of "The Interplay Between State and Federal Regulation" at the Vermont Bar Association's Environmental Law Seminar on November 16, 2007, in Burlington.

Nancy A. McLaughlin (Utah) presented her article, "Condemning Open Space: Making Way for National Interest Electric Transmission Facilities (or Not)," at the Virginia Environmental Law Journal's fall symposium entitled Condemning Open Space, which took place at the University of Virginia School of Law in November of 2007. Nancy served as a member of the Conservation Easement Amendment Policy Group formed in 2005 by the Land Trust Alliance (LTA), and in October of 2007 she was one of four panelists who presented the group's final 100+ page report, entitled Amending Conservation Easements: Evolving Practices and Legal Principles, at LTA's national conference in Denver, CO. In April of 2007 she presented on Nonprofit Land Conservation Organizations—Rights, Responsibilities, and Emerging Issues, at a seminar on the Nonprofit Sector & Philanthropy at Harvard Law School and the Hauser Center for Nonprofit Organizations, John F. Kennedy School of Government.

Janet Neuman (Lewis & Clark) was an invited speaker at the annual meeting of the Consultative Group on Biological Diversity (an organization of environmental grantwriters from around the country) in Wintergreen, Virginia, on a panel called "Opening the Door to Water Markets?" In September, she taught a class on "Introduction to Natural Resources Law" at Lewis & Clark's 2007 Environmental and Natural Resources Seminar for Federal Judges.

On October 19, 2007, Oregon's Journal of Environmental Law and Litigation hosted a symposium entitled "Combating Climate Change on the Regional Level: West Coast Policy and Litigation." Speakers included Randall Abate (Florida Coastal School of Law), Wil Burns (Santa Clara School of Law), David Hunter (Center for International Environmental Law), Svitlana Kravchenko (Oregon), E. Andrew Long (Louis D. Brandeis School of Law), Lesley McAllister (University of San Diego), Hari Osofsky (Oregon), Mary Wood (Oregon) and experts from state government and environmental groups. Papers from this event will appear in a future issue of the Journal of Environmental Law and Litigation.

Hari Osofsky (Oregon) was co-chair of International Law Weekend 2007, the annual meeting of the American Branch of the International Law Association; she also organized and moderated the plenary panel of the conference, "The Appropriate Role of International Law in Addressing Climate Change" and organized and participated

in a roundtable on Interdisciplinary Approaches to International Law (New York, NY 2007). Osofsky also was a presenter at the Duke Environmental Law and Policy Forum Symposium, "A Charged Atmosphere: The Future of US Policy on Global Warming" (November 2007, Durham, North Carolina); the New York University's Environmental Law Society and Law Students for Human Rights Symposium, "A Climate for Justice: Equity Imperatives in the Legal Responses to Climate Change" (October 2007, New York, New York); the Journal of Environmental Law and Litigation's Symposium on "Combating Climate Change on the Regional Level: West Coast Policy and Litigation" (October 2007, Eugene, Oregon); LatCrit XII on the panel, "Appearances and Realities of Power Across Scales: Dilemmas of Categorization" (October 2007, Miami, Florida); the Law and Society Association Annual Meeting on the panels "Framing Regulatory Problems as Human Rights Issues" and "International and Comparative Law Approaches to Indigenous Peoples' Rights" (July 2007, Berlin, Germany); the American Association of Law Schools and American Society of International Law, Joint Meeting on International Law in a Work-in-Progress session (July 2007, Vancouver, BC); the University of Colorado Property Works in Progress Conference (June 2007, Boulder, Colorado); and The Third World and International Law Conference, Albany Law School (April 2007 Albany, New York). In addition, Osofsky recently gave two faculty colloquium presentations, one at Lewis & Clark Law School in Portland, Oregon and one at Indiana University School of Law in Bloomington, Indiana.

Patrick Parenteau (Vermont) presented "Fixing the Clean Water Act" at The Federalist Society's Washington, DC debate on Capitol Hill over the Clean Water Authority Restoration Act (a bill to overturn the Supreme Court's decisions in SWANCC & Rapanos) on September 6, 2007; presented "Coping with Rapanos" to the Kansas Alliance for Streams and Wetlands on September 21, 2007; presented "Climate Change and the Law" at the Dartmouth Energy Symposium, Thayer School of Engineering on October 12, 2007.

David E. Pierce (Washburn University) taught at the RMMLF Oil and Gas Law Short Course held in Westminster, Colorado in October 2007. He also presented his paper "The Basics of Joint Operations" at the RMMLF Oil and Gas Agreements: Joint Operations institute in Houston in December 2007.

Robert J. Peroni (University of Texas) taught at the RMMLF Oil and Gas Law Short Course held in Westminster, Colorado in October 2007.

Veronica Potes (University of Calgary) gave an oral presentation "The Substantive Aspect of Consultation: Accommodation" at the 53rd Annual Rocky Mountain Miner-

al Law Institute. No paper was prepared for the proceedings.

Melissa Powers (Lewis & Clark) traveled to Brazil to present a draft paper entitled "Beyond Cap-and-Trade: Embracing Technology-Based Standards as a Way to Develop and Effective, Efficient, and Enforceable Climate Change Law" at the IUCN Academy of Environmental Law Colloquium in June. She also co-presented a CLE on Citizen Suits to the environmental law section of the Oregon State Bar.

Jim Rasband (BYU) presented a paper titled "A New Era in Public Land Policy? The Shift Toward Reacquisition of Land and Natural Resources" at the Rocky Mountain Mineral Law Foundation's Annual Institute in Vancouver, B.C. in July 2007. He presented another paper titled "What's In a Name? The Story of the Utah Wilderness Reinventory," at a June conference on The Evolution of Natural Resources Law and Policy, which was sponsored by the Natural Resources Law Center and RMMLF at University of Colorado Law School.

Dan Rohlf (Lewis & Clark) taught a class in "The Endangered Species Act" at Lewis & Clark's 2007 Environmental and Natural Resources Conference for Federal Judges in September and participated in the Center for Progressive Reform's Clean Science conference in Baltimore in October. The following month he gave a presentation at Bonneville Dam on salmon conservation in the Columbia Basin as part of Washington State University's 2007 Water Policy Conference. In February 2008, Dan will give a lecture on the integrity of federal agencies' administrative records in environmental litigation as part of the Law Dean's Lecture Series at Ohio Northern University's Pettit College of Law.

Judith Royster (Tulsa) spoke to the Indian Law Section at the State Bar of Wisconsin 2007 Annual Convention on "Environmental Law in Indian County" on May 10, and was a panelist on Water Rights for a Tribal Leaders' Workshop at the University of Tulsa College of Law on November 2.

J.B. Ruhl (Florida State) presented his paper on "Climate Change and the Endangered Species Act" at the University of Virginia, Georgetown University, and the U.S. Fish & Wildlife Service. The paper will appear as the lead article in the February 2008 issue of the *Boston University Law Review*. He also presented his paper on "The Co-evolution of Environmental Law and Environmental Policy" at the Lewis & Clark Law School Symposium on Law, Science, and Environment and at Arizona State University. The paper will appear as an article in the next issue of *Environmental Law*. Other presentations included "The Future Public Law of Private Ecosystems" at the University of Colorado Natural Resources Law Center's 25th Annual

Conference, "Agriculture and Environmental Policy Innovation" at the NYU Law School Environmental Policy Seminar, "Making the Common Law Ecological" at the University of Florida Environmental Law Seminar, and "Ecosystem Services—Law and Policy" at the Colorado State University School of Natural Resources Conference on Environmental Policy.

Judd F. Sneirson (Oregon) presented his paper "Doing Well by Doing Good: Leveraging Due Care for Better, More Socially Responsible Corporate Decisionmaking," which argues that corporate fiduciaries must consider the social and environmental consequences of their decisions and draws on NEPA to create a model for socially responsible corporate decisionmaking, at the Canadian Law and Economics Association's Annual Meeting, University of Toronto Faculty of Law (September, 2007).

Mark S. Squillace (University of Colorado at Boulder) presented the "Mining and Public Land Law Update" at the 53rd Annual Rocky Mountain Mineral Law Institute. No paper was prepared for the proceedings. He also participated in a panel discussion (Clean Air Act Fundamentals) at the RMMLF Air Quality Challenges institute held in Denver, Colorado in November.

David A. Thomas (Brigham Young University) presented his paper "How Far Does the Covenant Run: Covenants that Run With the Land in Oil and Gas Transactions" at the 53rd Annual Rocky Mountain Mineral Law Institute (July 2007). The paper appears in the proceedings of this institute.

Erica Thorson (Lewis & Clark) participated in a group of experts convened by the World Heritage Centre to review its latest policy document on World Heritage and climate change. Erica also gave a guest lecture at Lewis & Clark's undergraduate environmental law class on the intersection of the Convention on International Trade in Endangered Species, the ivory trade, and sustainable use. Recently, Erica was an invited participant to a workshop on reforming the Pacific Salmon Treaty at Stanford's Woods Institute for the Environment. In this same vein, she presented a paper on public participation to the Pacific Salmon Treaty Commission meeting in Coeur d'Alene, Idaho.

David Victor (Stanford University) presented his paper "Global Warming and the Transformation of the Energy Industry: Implications for Energy Law" at the 53rd Annual Rocky Mountain Mineral Law Institute. (July 2007). The paper appears in the proceedings of this institute.

Jacqueline Weaver (Univ of Houston Law Center) has given a speech on "The Future of Our Petroleum-Based Economy: Of Peak Oil, Big Oil, Chinese Oil, Flags and Open Doors" at various forums, such as the Committee on Foreign Relations chapters in Tucson, Arizona and Prince-

ton, New Jersey; the University of Houston's CLE programs in Oil, Gas and Energy Law; and the University of Texas Law School programs on "Emerging Technologies" and the St. Gallens MBA course on energy.

Janice Weis (Lewis & Clark) taught a class on "The National Environmental Policy Act" for Lewis & Clark's 2007 Environmental and Natural Resources Seminar for Federal Judges.

Mary Wood (Oregon) gave a keynote address, "Government's Atmospheric Trust Responsibility," at the Journal of Environmental Law's Symposium on Climate Change, University of Oregon, Eugene, OR (October 19, 2007). On September 21, 2007, Wood gave the inaugural address, "EPA's Protection of Tribal Harvests: Braiding the Agency's Mission," for the Native Environmental Sovereignty Project's Annual Rennard Strickland Lecture Series (Many Nations Longhouse, University of Oregon, Eugene, Oregon). Wood gave a workshop address, "Trust Responsibility Doctrine," at Fundamentals of Indian and Tribal Sovereignty: Warm Springs Tribal Council and Committees, Many Nations Longhouse, University of Oregon, Eugene, OR (September 14, 2007). Over the summer, Wood gave three keynote addresses, "Courts as Guardians of the

Global Trust," Keynote Address, Earth on Fire: A Series of Fireside Conversations on Global Warming, Many Nations Long House, University of Oregon, Eugene, OR (August 29, 2007), "Nature's Trust: A Legal, Economic, Political and Moral Frame for Global Warming," Keynote Address, Southwest Renewable Energy Conference, Boulder, CO (August 1, 2007), and "Nature's Trust and An Ecological Future," Keynote Address, Central Oregon LandWatch, Bend, OR (June 16, 2007). In June, 2007, Wood presented "Fiddling While Earth Burns: Your Government's Role in Global Warming," Teach-In with Peter Walker, Climate Change Course, Environmental Studies Department, University of Oregon, Eugene, OR (June 7, 2007).

Tseming Yang (Vermont), Director of VLS's Partnership for Environmental Law in China, planned an environmental law seminar for a study tour group from China, sponsored by NRDC, in October 2007. The group attended a workshop on environmental law and a roundtable discussion with Vermont NGOs; Tseming together with VLS's partner school, Sun Yat-sen University, presented a conference in December 2007 in Guangzhou, China. The conference focused on regional and transboundary pollution problems in South China.

UNIQUE COURSES

John Bonine (Oregon) taught the first Masters in Environmental Law seminar which featured interdisciplinary analysis of environmental problems, including climate change, throughout the region. In one field trip, students observed the devastating impacts to tribal, fishing and farming interests that water shortages present. Students spent two days in the Klamath region discussing present and future water issues. Visit <http://www.law.uoregon.edu/org/llm/trips.html>.

Elizabeth Burleson (USD), Driscoll China Distinguished Scholar, is teaching a two week International Environmental Law course in Beijing, China (December 2007).

CEPMLP has launched LLM in International and Comparative Nuclear Law and Policy, the first LLM of its kind. More information can be found at <http://www.dundee.ac.uk/cepmlp/main/html/academic/FT-LLM-Nuc%20Law%20and%20Pol.php>

Robin Kundis Craig (Florida) will be teaching "International Biodiversity Law" in FSU's Oxford Program in July 2008.

Hari Osofsky (Oregon) taught Climate Change Litigation for the first time this fall. Students explored the range of litigation taking place in this emerging practice area.

Jacqueline Weaver (University of Houston Law Center) taught International Petroleum Transactions in the Seton Hall Law School's summer program in Cairo, Egypt. The course included a focus on the new draft Iraqi law and the role of national oil companies in the future. She also lectured to the first group of CNPC (Chinese national oil company managers) to graduate from the Bauer School of Business at the University of Houston in May 2007, in the Executive MBA program. The topic was "Sustainable Development and Socio-Environmental Issues in Petroleum Development."

Mary Wood (Oregon) taught, for the first time this fall, Public Trust Law. Exploring an area that arises from common law, and that reaches into constitutional theory, comparative international law, remedies, judicial function, property rights, takings law, and preemption, the course explores an area of law which has allows judicial oversight of the legislative and executive branches' disposition of natural resources.

UNIQUE LITIGATION

Martha L. Judy (Vermont) collaborated with professors from Lewis and Clark, Boston College, University of Michigan, and Pace law schools and the Natural Resources Defense Council to draft and submit an amicus brief to the U.S. Supreme Court in *U.S. v. Atlantic Research Corporation*.

Jan G. Laitos (Denver) has been a consultant to the law firm of Jones Vargas, Las Vegas, Nevada, on a cert petition before the United States Supreme Court in the case of *Vacation Village v. Clark County*.

David K. Mears (Vermont) with the assistance of **Stephen Dycus** and several students in Vermont Law School's Environmental and Natural Resources Law Clinic, submitted an amicus curiae brief in an appeal to the Ninth Circuit in *Natural Resources Defense Council, Inc. v. Winter*, No. 8:07-cv-00335-FMC-FMOx (C.D. Cal. filed Mar. 22, 2007). The case challenges the Navy's refusal to prepare an EIS describing serious threats to marine mammals in connection with its use of mid-frequency active sonar in training exercises off the Southern California coast, as well as alleged violations of California's Coastal Management Program. The brief was signed by teachers from a number of other law schools.

Patrick Parenteau (Vermont) has been involved in two cases with Vermont's Environmental and Natural Resources Law Clinic. 1. *In re Entergy Vermont Nuclear LLC*. This is a unique case involving a de novo review of

an NPDES permit before the Vermont Environmental Court. The issue involves an application for a variance under § 316 (a) of the Clean Water Act for a thermal discharge to the Connecticut River from the (infamous) Vermont Yankee nuclear powerplant. What makes the case unique is that under a new Vermont statute, the Environmental Court not only reviews the appeal de novo, but actually makes the decision whether to grant the variance. The trial took 14 days spread out over last summer. Entergy submitted over 1000 proposed findings of fact and a 154 page post trial brief. Appellants were the Connecticut River watershed Council and several conservation organizations represented by the Environmental and Natural Resources Law Clinic at VLS. The concern is the impact of increasing river temperatures on restoration of Atlantic salmon and American shad to the Connecticut. A decision is not expected before the end of the year. 2. *Nulankeyutmonen Nkihtaqmikon v BIA*, *_F.3d _*, 2007 WL 2685200 (1st Cir. 2007). This case (with the unpronounceable name meaning "We protect the Homeland") involves a challenge to a lease approved by BIA for construction of a liquefied natural gas terminal on a sacred site on the Passamaquoddy Reservation at Pleasant Point in Downeast Maine. The complaint raises claims under NEPA, NHPA, ESA, the Indian Leasing Act and the Indian Trust Doctrine. The District Court of Maine dismissed the case on standing and ripeness grounds. The First Circuit reversed and remanded for trial. Of note, this appears to be the first appellate opinion holding that tribal members have standing to assert environmental claims under the Indian Leasing Act.

PERSONAL NOTES

John Leshy (Hastings) spent the fall semester teaching water law and public lands and resources law at Harvard; he'll be back at Hastings in January. He joined the Board of Western Progress, a Rocky Mountain regional progressive thinktank, stepped down as President of the Wyss Foundation to become Vice-Chairman of the Foundation's

Board, and remained on the boards of the Grand Canyon Trust, the Natural Heritage Institute, and Arizona Raft Adventures.

Al Lucas (Calgary) has been appointed Dean of the University of Calgary Law School.

SABBATICALS

Dan Cole (Indiana, Indianapolis) spent a Fall 2007 sabbatical as a Visiting Scholar at the Workshop on Political Theory and Policy Analysis, Indiana University, Bloomington. During his sabbatical, he worked on a forthcoming book, tentatively entitled *THE ROAD FROM KYOTO: TOWARD A MORE EFFECTIVE INTERNATIONAL CLIMATE CHANGE REGIME*, and a new article on "The Right to Pollute," which examines various theories of pollution "rights" in light of legal history.

James Otto (Denver), Director of Graduate Studies of the Environmental and Resources Advanced Degree Programs at the University of Denver Sturm College of Law resigned from the program in August. Jim founded the environmental law masters (LLM, MRLS) and certificate programs at DU which over the past ten years have grown into one of the largest in the country. For the past several years, enrolment in the graduate program has been around 50 students. Jim is returning to private practice and will focus

his efforts on international mineral law, policy and fiscal topics. His current assignments include drafting mining and income tax laws for countries in Africa and the Middle East, and doing natural resource fiscal system assessments for nations in South-East Asia, South America, Africa, Eastern Europe and the Middle East. He is also active in teaching natural resources law and negotiations subjects for various developing countries' ministries and departments. The Sturm College of Law has appointed **Don Smith** as the acting Director of the environmental and masters programs.

Jim Rasband (BYU) was a visiting professor last January at the Murdoch University School of Law in Perth, Australia.

J.B. Ruhl will be a visiting professor at Harvard law School in the Spring 2008 semester, teaching courses on land use and ecosystem services.

Chris Wold (Lewis & Clark) is on sabbatical in 2007-08. In 2008-09, Janet Neuman (Lewis & Clark) will be on sabbatical.

OTHER ITEMS OF INTEREST

Adell Amos (Oregon) and Steve Bender (Oregon) are currently serving on the Oregon State Bar's Task Force on Law and Sustainability. A report is expected in Spring, 2008.

John Bonine (Oregon) received the David Brower Lifetime Achievement Award at the 2007 Public Interest Environmental Law Conference in Eugene, Oregon.

Michael Blumm (Lewis and Clark) coached the Sisters, Oregon Little League all-stars to a third-place finish in the state tournament.

Joe Dellapenna (Villanova) teaches an intense two week course on International Trade and the Environment every December at the University of Macau. He spent five weeks in South Australia researching and lecturing on water law reform in Australia under a grant from the International Centre for Excellence in Water Resources Management (July-August 2007). He served as chair of the AALS Section on International Law (2006) and the AALS Section on Natural Resources Law (2007). He chairs a working group of the International Law Association to review the International Law Commission's draft articles on the law of transboundary aquifers. He is co-chair of the ABA Section of International Law's Committee on International Environmental Law. He is vice-chair of the Standards Development Council of the Environment and Water Resources Institute of the American Society of Civil Engineers and chairs the Water Regulatory Standards Committee of the Institute; he also directs the Model Water Code Project for the Institute. He is a member of the American Law Institute's consultative group on the Restatement of the Law, Third, Restitution. He is also a member of the editorial board of *Water International* and of *Water Policy*, and of the scientific review committee of the Wessex Institute of Technology in the United Kingdom.

William Funk (Lewis & Clark) was recently appointed editor of Administrative Law Abstracts, Social Science

and Research Network. He was also recently appointed to the Executive Committee of the Section on National Security Law of the American Association of Law Schools. This fall, he was elected a member of the American Law Institute.

Richard Hildreth (Oregon) continues as Vice Chair of the Interior Department's Outer Continental Shelf Scientific Committee and as a member of its Subcommittee on Alternative and Renewable Energy (SCARE). The committee will next meet in May 2008 in Anchorage. He also continues to serve on the Scientific and Technical Advisory Committee to Oregon's statutory Ocean Policy Advisory Council which is considering a network of marine reserves off the Oregon coast.

Craig Johnston (Lewis & Clark) was elected a member of the American Law Institute this fall; Craig Johnston, **Melissa Powers** and **Allison LaPlante** (Lewis & Clark) coached their Animal Law Moot Court Competition team to a national win at the 2007 appellate competition at Harvard Law School. Lewis & Clark students also reached the finals in the closing argument and legislative drafting and lobbying portions of the competition. The same professors and **Don Large** (Lewis & Clark) coached the Environmental Law Moot Court team to the final round at Pace this year, maintaining Lewis & Clark's record of 9 final finishes and 4 wins in the last 16 years. **Lin Harmon** (Lewis & Clark) coached the Merhige National Environmental Law Negotiation team to the final round at the University of Richmond Law School in April; in the four years Lewis & Clark has competed at Richmond, its teams have reached the finals twice and the semifinals once.

Svitlana Kravchenko (Oregon) was recently elected to the International Council of Environmental Law ("ICEL") as Regional Governor for Eastern Europe. The ICEL was established in 1969. It consists of 250 elected members.

Nancy A. McLaughlin (Utah) was elected to membership in The American Law Institute and as a fellow of The

American College of Trust and Estate Counsel in the fall of 2007. In the spring of 2007 she was awarded the University of Utah's 2007 Early Career Teaching Award.

Melissa Powers (Lewis & Clark) will be a Visiting Professor at the University of Trento, Italy in spring 2008.

Dan Rohlf (Lewis & Clark) is a representative on the Oregon Law-Sustainability Study Task Force studying how the legal profession is responding to efforts to make both businesses and society in Oregon more sustainable. The task force includes a representative from each of the state's law schools, representatives from the Business Law, Environment and Natural Resources, and Government Law sections of the state bar, a representative from Oregon Lawyers for a Sustainable Future, and an at-large bar at large. The resulting report could assist law schools in designing their curricula to incorporate knowledge and skills that will enable new lawyers to practice in this rapidly growing area.

John Southalan joined CEPMLP, Dundee as the Rio Tinto Research/Teaching Fellow. John's main work is under the Centre's International Mining Programme. His research interests include mining-indigenous agreements, human rights & consumption, corporate responsibility, and rule of law issues.

Erica Thorson (Lewis & Clark) is participating in a group of experts convened by the World Heritage Centre to review its latest policy document on World Heritage and climate change. She also participated in a conference at University of Maryland Law School on globalizing clinical

education to protect the world's health and environment. The conference brought together lawyers and clinicians from around the world to strategize about pressing environmental issues, as well as share ideas on legal clinical education.

The University of Oregon, after a national search, recently selected Svitlana Kravchenko as the Director of the LL.M. Program in Environmental and Natural Resources Law. Kravchenko, who teaches International Environmental Law, Human Rights and Environment, and Global Environmental Challenges at Oregon, taught national and international environmental law for more than 25 years in Ukraine before coming to Oregon. In other news, Oregon's Environmental and Natural Resources Law Program has retained Heather Brinton as its Assistant Director. Brinton, a 1996 graduate of the law school, previously served as Program Manager for the Environmental and Natural Resources Law Program.

Chris Wold (Lewis & Clark) traveled to Washington, DC in April as part of his responsibilities as a member of the Environmental Protection Agency's National Advisory Committee. The Committee is working with EPA to prepare new "trade and environment" projects for Canada, Mexico, and the United States. He then continued his journey to London where he was invited to a meeting to rethink advocacy strategies for organizations participating in the Convention on International Trade in Endangered Species (CITES). While there, he met up with his son, Zach, who learned to say "to-mah-toes" while visiting his grandma in Devon.