

VERMONT LAW SCHOOL

Environmental Law Center *Where the Earth Comes First*



FALL 2011

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New Water and Justice Program Will Further Wise Use of Water

Vermont Law School received funding from HKH Foundation in spring 2011 to develop a new program focusing on water law, environmental justice, and policy initiatives to further wise use of water as a public, common-pool resource. The Water and Justice Program will be administered by VLS's Environmental Law Center under the primary direction of professors **Jack Tuholske** and **John Echeverria**. The work for the academic year 2011–12 will include a detailed examination of water governance for the entire Great Lakes region, including the public trust doctrine, statutory regimes that regulate water, international and Native American treaty rights that affect the Great Lakes, evolution of the common law, and other legal constraints on the use and governance of water. Additional work will focus on other areas of the public trust, Western water law, and government recognition and reservation of public rights in water.

“Expanding demands for water, combined with anticipated reductions in water supply in many parts of the country due to climate change, require more effective public management of public water resources,” says Echeverria. “VLS plans to play a leadership role in charting the path forward on this important issue.”

The Water and Justice Program has appointed Chelsea Lane-Miller MELP'11, as a Research Fellow.



She previously worked on water law and policy issues in Australia under a Fulbright Fellowship and with American Rivers, the nation's leading river conservation group. The program will also hire student research associates to assist with research projects throughout the academic year and contribute to reports, conference presentations, legal analyses, and law review articles. 🍂

“Expanding demands for water, combined with anticipated reductions in water supply in many parts of the country due to climate change, require more effective public management of public water resources.”

—John Echeverria

ENVIRONMENTAL LAW CENTER

Institute for Energy and the Environment

U.S.-China Partnership for Environmental Law

Environmental and Natural Resources Law Clinic

Land Use Clinic

Center for Agriculture and Food Systems

Environmental Tax Policy Institute

Land Use Institute

Water and Justice Program

Environmental Colloquium Highlights Current Scholarship

Vermont Law School hosted the second annual Colloquium on Environmental Scholarship on September 23, 2011. The colloquium offered environmental law scholars the opportunity to present their works-in-progress and recent scholarship, to get feedback from their colleagues, and to meet and interact with those who are also teaching and researching in the environmental and natural resources law area.

Over 40 scholars from across the country and as far away as Sweden presented their work at the colloquium. Papers covered a wide range of topics, from wind energy and nuclear power to public health and the locavore movement. Colloquium organizer Professor **Jason Czarnecki** is already making plans for the third annual event, to take place in the fall of 2012. Stay tuned for more information! 🍂



Greetings from the Environmental Law Center

Marc Mihaly is away on a well-deserved sabbatical at the University of Seville, Spain

this year. I have the honor of serving as acting director of the ELC at a time of exciting growth in our environmental program.

One of our priorities at Vermont Law School is to expand opportunities for our students in cutting-edge areas of environmental law. The Center for Agriculture and Food Systems is adding to our course offerings in the developing field of agricultural law. Student research associates for the new Water and Justice Program will study the use and governance of water.

The Environmental and Natural Resources Law Clinic will soon move to new quarters in a restored, historic building. The expanded space will allow more students to work in the clinic and gain valuable hands-on experience serving clients with real needs.

We are reaching out to new groups of students who might not otherwise be able to pursue advanced environmental law electives through our EPA Fellowship program for students at historically black schools, our growing exchange programs with law schools in China, and our new distance learning offerings for masters and LLM students.

Enjoy reading about the activities of the environmental faculty and students at Vermont Law School.

Sincerely,

John Echeverria

Clinic Meets with U.S. Army Engineers on Natural Gas Pipeline in PR

The Environmental and Natural Resources Law Clinic (ENRLC) is participating in the federal permitting process associated with a proposed natural gas pipeline in Puerto Rico with potentially significant impacts to individuals, communities, and natural resources. The U.S. Army Corps of Engineers (Corps) is considering a permit application from the Puerto Rico Electric Power Authority (PREPA) to construct a 92-mile pipeline (Via Verde) that would cross the main island from south to north and traverse its northern coastline. The project threatens at least 40 endangered and threatened species (including the critically endangered Puerto Rican parrot, Puerto Rican nightjar, Puerto Rican crested toad, Puerto Rican boa, Antillean manatee, green sea turtle, loggerhead sea turtle, hawksbill sea turtle, Kemp's Ridley sea turtle, leatherback sea turtle, elkhorn coral, staghorn coral, and many other species of birds, wildlife, and plants). It also threatens designated critical habitat areas for several listed species, at least 369 acres of wetlands, streams, and other waters of the U.S., essential fish habitat, protected natural reserve areas, unique karst formations, underground water supplies, and other resources. Local residents are concerned about safety and security risks as approximately 200,000 people live within a one-mile radius of the pipeline route, and the area is known to be seismically active.

On behalf of numerous local residents and conservation groups, the ENRLC, in collaboration with environmental law clinics at the University of Puerto Rico and Inter American University, as well as Puerto Rico Legal Services, submitted lengthy written comments to the Corps in April. In order to present additional comments and concerns, the ENRLC and representatives from its partners in Puerto Rico met with Corps officials in July. The group detailed various impacts to individuals, communities, and natural resources that would occur as a result of the construction and operation of the proposed pipeline and stressed the need for a supplemental public notice and public hearings in light of numerous changes to the proposed pipeline route and design. They emphasized the need for an investigation into how PREPA would acquire natural gas to supply the pipeline, as well as the importance of considering other viable energy alternatives that would involve much less environmental degradation and public safety risk. Additionally, the group urged the Corps to enter into formal consultation with federal resource agencies—the U.S. Fish and Wildlife Service and the National Marine Fisheries Service—regarding protected species. They stressed the need for a full Environmental Impact Statement under the National Environmental Policy Act. The ENRLC and its partners in Puerto Rico will continue to participate in the federal approval processes associated with the Via Verde proposal. 🌿



Teresa Clemmer, acting director of the ENRLC, and student clinician Alexandra Schmitt '13 with our Puerto Rico Partners: Arturo Massol, Miguel Rodriguez, Rafael Espasas LLM'09, Pedro Saade, and Hadassa Santini.

PUBLICATION INFORMATION

This is a publication of the Environmental Law Center. We welcome your questions, comments, corrections, article proposals, and updates.

Environmental Law Center

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The mission of the Environmental Law Center is to educate for stewardship, to teach an awareness of underlying environmental issues and values, to provide a solid knowledge of environmental law, and to develop skills to administer and improve environmental policy.

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Energy Institute Expands Project Areas



Ben Sovacool (second from left) interviewing a nomadic herder in Mongolia about his experiences with solar energy

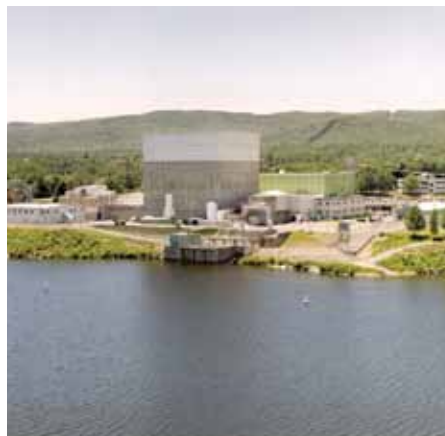
will continue to guide the program with the assistance of newly appointed Smart Grid Fellow, **Rebecca Wigg MELP'11**, who was a member of the Energizer team during her year as a MELP student.

Global Energy Justice is the latest addition to the institute's project focus. Director **Michael Dworkin** is pleased to welcome **Dr. Benjamin Sovacool** as visiting energy professor and project leader for Global Energy Justice for two years beginning in September 2011. Dr. Sovacool comes to the institute from the Lee Kuan School of Public Policy at National University of Singapore. *Contesting the Future of Nuclear Power: A Critical Global Assessment of Atomic Energy*, released in 2011 by World Scientific Publishing Company, is his most recent publication. In 2010, he edited the *Routledge Handbook of Energy Security*; this volume includes a chapter by Michael Dworkin and researchers from the institute. Dr. Sovacool will oversee research on energy justice issues and collaborate with Professor Dworkin and research associates on a textbook proposal to Aspen Publishers. The book proposal is based on Professor Dworkin's presentations on "Energy Policy for a Carbon Constrained World: An Introduction to our Trilemma." 🌻

Faculty Blog About Vermont Yankee Lawsuit

Vermont Law School has launched a commentary blog where faculty experts provide ongoing analysis of the environmental, constitutional, political, and other implications of the federal lawsuit over the troubled Vermont Yankee nuclear power plant. *Entergy Nuclear Vermont Yankee, LLC et al. v. Shumlin et al.* is being closely watched across the country because of its potential to affect nuclear power in the United States. Entergy Corp., which owns Vermont Yankee, is suing Vermont over whether the federal government can override a state veto of continuing project operations.

Regular blog contributors include Professor **Cheryl Hanna**, who teaches Constitutional Law, Professor **Don Kreis**, associate director of the Institute for Energy and the Environment, and Professor **Patrick Parenteau**, senior counsel for the Environmental and Natural Resources Law Clinic. The three faculty members gave a panel presentation about the ongoing lawsuit to the VLS community in June. Follow the latest commentary at vtyankeelawsuit.vermontlaw.edu. 🌻



Vermont Yankee Nuclear Power Plant

During the summer months, the Institute for Energy and the Environment prepares for the upcoming fall semester and the arrival of 18 new and returning student research associates. The team of "Energizers" will engage in approximately 35 commissioned research projects, which are organized into five areas: Smart Grid, Electricity, Agricultural Efficiency, Resource Acquisition, and Global Energy Justice.

Dr. Kevin Jones leads the Smart Grid project area, overseeing a \$450,000 grant from the Department of Energy that the institute was awarded in the spring of 2010. Embarking on the second year of a two-year study, Dr. Jones



Lamprey River Watershed

Land Use Clinic Helps NH Communities Understand New Climate Maps

Despite political disagreements about climate change, some coastal communities in New Hampshire have expressed a need for more current climate-related information and technical assistance. Communities within the Lamprey River Basin now have access to new 100-year floodplain maps. Some local officials worry that policies based on these maps may be considered unreasonable restrictions on development and increase their vulnerability to legal challenges. The Land Use Clinic's legal research will help communities overcome barriers posed by legal uncertainties of using the new floodplain data as they attempt to build resiliency through improved plans and policies.

The Land Use Clinic's research addresses five primary questions about municipal use of the maps: the potential liability of municipalities who fail to take steps to reduce flood risk based on new maps, potential legal and policy approaches communities can adopt to reduce risks, legal authority under state planning and zoning enabling legislation, the legal standard of scientific and technical reliability, and the potential regulatory takings exposure of communities if they impose regulatory controls designed to address future conditions.

In June, student clinicians made a presentation to an advisory group concerned about flooding in the Lamprey River Watershed. Afterward, the students visited sites along the Lamprey subject to increased flooding. 🌻

Environmental Clinic to Move to New Center for Legal Services

Two legal clinics—both working tirelessly for the community and the world—embody Vermont Law School’s core values. The Environmental and Natural Resources Law Clinic and the South Royalton Legal Clinic are scheduled to move into one central, vibrant building in August 2012. The new space will facilitate powerful mentoring relationships, hands-on legal training, and tangible, often life-changing outcomes for both the students and the clients they represent.

Construction on the project began in June. The renovation of an historic building with a convenient downtown location as the new home for the Center for Legal Services is estimated to be a \$3.5 million project. The project will include renovating the entire building, which will be historically preserved and upgraded to high standards of energy efficiency using best green building practices. VLS is working toward those goals with Efficiency Vermont and the Vermont Division for Historic Preservation.

Efficiency Vermont provides technical assistance and financial incentives to Vermont households, businesses, and schools to help reduce their energy costs with energy-efficient equipment, lighting, and approaches to construction and renovation. The law school was awarded a Clean Energy Development Fund grant of \$250,000 for energy retrofits to the project.

The Vermont Division for Historic Preservation is the public agency designated to be the advocate for historic properties in Vermont. The building’s historic features on the exterior will be maintained, but the original interior—long ago altered—will be designed to fit the modern needs of the two legal clinics. The result will be a rejuvenated structure that adheres to U.S. Interior Department’s Standards for Rehabilitation and is consistent with the law school’s commitment to environmental stewardship.

Every year the Environmental and Natural Resources Law Clinic provides approximately \$2 million in free legal services. The clinic often has to turn away students and important cases because of a lack of space. The new center opens the possibility of dramatic expansion for both clinics under the same green roof, with increased and improved space for the faculty, staff, and student clinicians. 🍂



Architectural drawing of the new Center for Legal Services



The former Dickerman's Department Store circa 1894



VLS Dean Jeff Shields, Ayiesha Vinson-Dobson, Samantha Russ, Nicholas Ortolano, Jordan Ford. Back: Joshua Byrd, Associate Dean Shirley Jefferson '86, NCCU Professor Kevin Foy

EPA Fellows Study at VLS, Pursue Internships at EPA

Five North Carolina Central University School of Law (NCCU) students visited Vermont Law School this summer as part of the EPA Fellowship Program, a collaborative effort among VLS, NCCU, and the EPA. Now in its second year, the fellowship program (valued at \$18,000 per fellow) offers the opportunity for NCCU law students to work in paid positions at the EPA during the summer and to attend classes and seminars at VLS. NCCU is a historically black university, and its law school still has an African American student population of about 60 percent.

EPA has a large facility near NCCU’s campus in Durham, North Carolina, where it conducts research and rulemaking for the Clean Air Act. The facility’s director, Ben Scaggs, has provided instrumental support to the fellowship program. The EPA fellows are posted at the agency’s Office of General Counsel in Washington, D.C., and the Office of Regional Counsel in Boston. The program provides the students with a unique summer experience that gives them a chance to work with practicing attorneys on a wide range of issues, while also helping them build a strong academic foundation.

This summer, EPA’s Boston office sponsored an intensive two-day career opportunities workshop for the fellows that included field trips to visit Brownfield sites, LEED certified buildings, and the Deer Island sewage treatment facility, which cleaned up Boston Harbor as the result of a decade-long EPA effort.

NCCU student Ayiesha Vinson-Dobson worked in the Office of General Counsel and studied environmental justice and sustainable development with Professor Barry Hill at VLS. She said that the fellowship provided her with “invaluable hands-on experience,” and her colleagues expect her work to “meet the same standards as other practicing attorneys at the agency.” 🍂

Exploring Comparative Solutions to Global Environmental Challenges

“This conference could not be more timely,” Professor Patrick Parenteau said in the opening remarks to his presentation at the symposium of the *Vermont Journal of Environmental Law* (VJEL) and the U.S.-China Partnership for Environmental Law at VLS on March 2, 2011. Entitled “China’s Environmental Governance: Global Challenges and Comparative Solutions,” the symposium brought

together leading environmental law scholars and activists from China and the U.S. to discuss the environmental challenges the two countries face and to explore solutions.

China and the U.S. are the world’s two leading emitters of greenhouse gases, which scientists link to harmful effects of climate change. In a *New York Times* article published two days before the symposium, China’s environmental protection leaders recognized the devastating effects that its unbridled development has had on the environment and vowed to consider climate change factors in approving new factories.

The symposium captured the urgency of the situation and featured panel presentations on comparative solutions to climate change, enforcement remedies to environmental issues, and adjudicative proceeds involving environmental issues. Professor John Copeland Nagle from the University of Notre Dame School of Law delivered a keynote presentation on “How Much Should China Pollute?,” which analyzed whether China has a right to pollute, what China has done to control and reduce its pollution, and the collaborative efforts in which China and the U.S. should engage to address the global effects of pollution.

The U.S.-China Partnership invited its partners, Professor and Vice Dean Zhiping Li from Sun Yat-sen University School of Law and Professor Canfa Wang from the China University of Political Science and Law, both of whom discussed administrative and judicial avenues for addressing pollution in China; Professor Yanfang Li from Renmin University of China Law School, who presented on China’s energy laws; and attorney Jingjing Zhang from the Global Network of Public Interest Law, who shared her experience as a pollution victim advocate.

The American speakers included Professor Patricia McCubbin of Southern Illinois University School of Law, Professor Robert Percival of the University of Maryland School of Law, Dr. Jennifer Turner of the China Environment Forum at the Woodrow Wilson International Center for Scholars, Judge Merideth Wright of the Vermont Environmental Court, and Professors Siu Tip Lam, Jingjing Liu, Patrick Parenteau, and LLM Fellow Adam Moser of VLS. 🌿

NRDC and VLS Collaborate on Fellowships

Thanks to a generous, anonymous donation, the Natural Resources Defense Council (NRDC) and Vermont Law School have collaborated to set up a new NRDC/VLS Fellowship. The fellowship will provide a substantial stipend each year for a VLS student to pursue an internship working on litigation and policy issues at any of NRDC’s offices.

“This is a wonderful opportunity for a VLS student to learn inside one of the nation’s premier environmental organizations, providing valuable work under sophisticated mentorship,” said Professor Marc Mihaly, director of VLS’s Environmental Law Center. 🌿

A Focus on the Middle East:

SEYED MOHAMMAD M. HOSSEINI LLM’12

Many international students in our LLM program want to put their environmental law knowledge to work improving laws and policies in their home countries. **Mohammad Hosseini**, a native of Iran,

hopes to combine his knowledge of international and environmental law with his experience as a journalist to have a positive impact on the entire Middle East region.

Hosseini is laying the groundwork for a new, largely web-based, Program on Middle East Environmental Law (PMEEL). The website will highlight some of the most important environmental problems in the region through the work of distinguished scholars from the Middle East as well as the U.S. Their scholarship will address the legal and policy aspects of environmental issues in order to raise public awareness and help develop environmental law in the region. “His proposal is enormously exciting and interesting,” said Professor John Echeverria.

Hosseini started the LLM program at Vermont Law School this summer. He holds an LLM in International and Comparative Law from the George Washington University Law School and an LLM in Environmental Law and BA in Political Science from Shahid Beheshti (National) University in Iran.

While a student at George Washington, Hosseini was a visiting scholar at the Environmental Law Institute. Before coming to the U.S., he cooperated with UNESCO’s Chair on Human Rights and Democracy in Iran and organized the Middle East’s first International Conference on Human Rights and the Environment in May 2009. He is a member of the International Union for the Conservation of Nature’s Commission on Environmental Law and serves as its Focal Point in the Middle East. In Iran, he was a journalist and editor for Islamic Republic of Iran Broadcasting.

Hosseini wonders why the international press only focuses on conflicts in the Middle East and not the serious environmental problems there. “Why is it not reported that Iran’s Orumieh Lake, the second largest salt water lake in the world, will dry out in the next few years?” he said. “This is a registered UNESCO Biosphere Reserve. Is it only a problem for the Iranian people?” 🌿



ELC Faculty News

Tracy Bach moderated a panel on environmental impacts on reproductive health at VLS's January *Cultivate and Pollinate* conference. Following her Fulbright year in Senegal, she was named to the executive committee of the AALS Section on Africa and to the Fulbright Scholar Peer Review Committee for West and Central/Southern Africa. She returned to Senegal in December, 2010, to launch the Wiki Droit Sénégalais, a project sponsored by the Berkman Center for Internet and Society at Harvard University to strengthen the rule of law in Senegal by making its laws available on line.

Jason Czarnecki is the new faculty director of VLS's U.S.-China Partnership for Environmental Law. He is coauthoring *Agricultural Policy and the Environment: History, Law and Proposals for Reform* (with VLS summer faculty members William S. Eubanks II LL.M.'08 and Mary Jane Angelo, Environmental Law Institute and Island Press, forthcoming 2012).

Tim Duane is completing a chapter for the *Oxford Handbook on U.S. Environmental Policy* on "Courts, Legal Analysis, and Environmental Policy" (forthcoming in 2012). He will be on leave from both VLS and UC-Santa Cruz in spring 2012 while teaching a seminar on Renewable Energy Law and Policy as a visiting professor at Seattle University School of Law.

The fifth edition of **Stephen Dycus'** casebook, *National Security Law* (with William C. Banks at Syracuse and Peter Raven-Hansen at George Washington University Law School) was published by Aspen in August. This edition includes materials on the U.S. military response to threats to international peace and stability posed by climate change. The book has been adopted for classroom use at more than half of American law schools, as well as several military academies and schools.

John Echeverria will be part of a panel presentation at the U.S. Court of Federal Claims Annual Conference in Berkeley, California, on October 19, 2011. He will speak at the 14th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations in Washington, D.C., on November 18, 2011. His article on "Public Takings of Private Contracts" is forthcoming in *Ecology Law Quarterly*, and his article on "The Public Trust Doctrine as a Background Principle in Takings Litigation" is forthcoming in the *UC Davis Law Review*. Echeverria is acting director of the Environmental Law Center for the 2011-12 academic year.



Peg Elmer

Peg Elmer organized a panel and presented at the national American Planning Association conference in Boston on "Planning to Support a Diverse, Sustainable, Local Agricultural Economy." The other panelists included Tara Kelly of the Rutland Area Farm and Food Link and Vidya Tikku of the Boston Natural Areas Network. Earlier in the winter, Elmer and Kelly presented a similar workshop as a national webinar to about

700 attendees, with Mark Lapping of the University of Southern Maine as the third presenter.



Patrick Parenteau's Wetlands Conservation class field trip

Mark Latham has stepped into the role of deputy vice dean of Vermont Law School, effective July 1. He has three articles moving toward publication: "The Intersection of Tort Law and Environmental Law: Where the Twains Should Meet and Depart," coauthored with Victor Schwartz and Christopher Appel, forthcoming in the *Fordham Law Review*; "The BP Deepwater Horizon: A Cautionary Tale for CCS, Hydrofracking, Geoengineering and Other Technologies with Human Health and Environmental Risk," forthcoming in the *William & Mary Environmental Law and Policy Review*; and "Climate Change: Just Say No! (But Yes to Economic Development!)," submitted for publication to the *McGill International Journal of Sustainable Development Law and Policy*.

Jingjing Liu's chapter on environmental law in China, coauthored with Adam Moser LL.M.'11, was published in the *Berkshire Encyclopedia of Sustainability, Volume 3: The Law and Politics of Sustainability*. She presented on the Chinese procuratorate's role in environmental civil enforcement on the Adjudicative Remedies to Environmental Issues panel at the 2011 *Vermont Journal of Environmental Law* Symposium. She also presented on the development of specialized environmental courts in China at a symposium on environmental adjudication around the world hosted by Pace Law School in April 2011.

Marc Mihaly is spending the 2011-12 academic year on sabbatical as a visiting professor at the law school at the University of Seville, Spain.

Patrick Parenteau is writing a chapter for the next edition of *Climate Change and the Law*, edited by Michael Gerrard and published by the ABA. He spoke at Tulane Law School's Seventeenth Annual Environmental Law Conference on April 1, 2011. He coauthored (with Benjamin Sovacool, PhD and Christopher Cooper '13) "From a Hard Place to a Rock: Questioning the Energy Security of a Coal-Based Economy," published in *Energy Policy* in May. He taught a two-week seminar in Brazil this July for group of senior environmental counsel and managers with Petrobras, the third largest energy company in the world. He took the students in his summer Wetlands Conservation course on a field trip to the Zebedee Wetlands in Thetford, Vermont. 🍂

Summer Session Faculty News

Mary Jane Angelo became the director of the Environmental and Land Use Law Program at the University of Florida Levin College of Law in July. She is currently writing the book *Poison, Pests, and Policy: The Coevolution of the Law and Science of Pesticides* (Ashgate Publishing Limited, forthcoming 2012). She was VLS's first annual Sustainable Food Systems Scholar in Summer 2011. She teaches Agriculture Policy and the Environment.

Michael Curley is publishing an article on "The Myth of Unfunded Water Pollution Control Projects" in the November 2011 issue of the *Environmental Forum*, the journal of the Environmental Law Institute. He has a contract with Taylor & Francis for a new book, the working title of which is *Finance Policy for Renewable Energy and Environmental Sustainability*. He has been promoted to the rank of senior professional instructor at the Carey Business School at Johns Hopkins University. Curley is the founder of the International Center for Environmental Finance. He teaches Environmental Law and Finance at VLS.



*William Eubanks II
LLM'08*

William S. Eubanks II LLM'08 coauthored an amicus brief in the U.S. Supreme Court case *AEP v. Connecticut* on behalf of several conservation organizations—a case that dealt with the application of federal common law nuisance claims to address the impacts of climate change caused by large emitters of greenhouse gases. He is lead counsel on a case challenging the Bush Administration's opening of off-road vehicle trails in environmentally sensitive areas of Florida, resulting in permanent and irreparable impacts to the ecosystem. Eubanks is an attorney at Meyer Glitzenstein & Crystal and teaches Public Health Implications of U.S. Agriculture and Food Policy.

Barry Hill is on a two-year detail as a visiting scholar at the Environmental Law Institute from his position as senior counsel for environmental governance at EPA's Office of International and Tribal Affairs. He is working on the second edition of his textbook, *Environmental Justice: Legal Theory and Practice*, to be published by ELI in spring 2012. He coauthored an article in the July/August 2011 issue of ELI's *Environmental Forum* magazine entitled "Training Professionals," about utilizing distance learning for international capacity-building initiatives in environmental protection. Hill teaches Environmental Justice.

Catherine MacKenzie has been elected to an Academic Fellowship of Inner Temple (one of the English Inns of Court for barristers), which aims to recognize the outstanding contribution of legal teaching and research of early to mid-career academics to the Bar of England and Wales. She is a University Lecturer in Environmental Law at Cambridge University and teaches Environmental Protection and the Law of Armed Conflict at VLS.

Dwight Merriam is completing his one-year term as chair of the American Bar Association Section of State and Local Government Law. He also became the lead author of the country's leading casebook on land use law, *Planning and Control of Land Development* (LexisNexis), with the recently-issued Eighth Edition. He replaces Professor Daniel R. Mandelker, who originated the work in 1978. Merriam is with the Land Use Group at Robinson & Cole LLP. He coteaches the Advanced Land Use Writing Seminar.

Alan Miller authored a paper on international support for new energy technology as background for a pending World Bank energy strategy (posted at worldbank.org/energy). He coauthored an article on patent issues related to new energy technology with Robert Percival of Maryland Law School, published in the ABA newsletter of the Section on Climate Change and Sustainable Development. He represented the IFC at two meetings on climate change in June. The first was the latest official meeting of the climate convention and a prelude to the next formal meeting of the parties, to be held in Durban, South Africa, later this year. The second meeting, the annual meeting of stakeholders to the Climate Investment Funds, was held in Cape Town, South Africa. Miller is a principal climate change specialist at International Finance Corporation and coteaches Energy, Development, and Climate Change.

Jacqueline Weaver taught a five-day course on Sustainable Development and Best Practices to students at Agostinho Neto University's LLM program in international petroleum law, in Luanda, Angola, in May. She taught a course on International Petroleum Transactions at Catolica University's Global LLM program in Lisbon, Portugal. Weaver is the A. A. White Professor of Law at University of Houston Law Center. She teaches Oil and Gas Production and the Environment at VLS. 🌻

VLS to Hold Takings Conference in Washington, D.C.

The 14th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations will be held at Georgetown University Law Center in Washington, D.C., on November 18, 2011. Conference sponsors include Vermont Law School, Georgetown University Law Center, Georgetown Climate Center, Georgetown Environmental Law and Policy Program, the American Planning Association Planning and Law Division, the Maryland Municipal League, and the Virginia Municipal League.

Some of the topics to be discussed include takings claims generated by major flooding events in the Mississippi River, including Hurricane Katrina and the Mississippi floods of 2011, the takings issues raised by the threat of climate change, the tension between traditional notions of public rights in water resources and modern takings cases arising from regulation of water uses, questions about the proper application of the so-called Penn Central analysis, and the problem of "unsuccessful exactions." For more information or to register, please visit vermontlaw.edu/Takings2011. 🌻

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For more information
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Ocean Conference Explores Multiple Uses of Marine Resources

Once considered limitless—by ancient mariners and modern industrialists alike—the oceans’ natural resources face growing pressures that can only be reconciled by a comprehensive use plan that balances conservation, energy development, fishing, and other demands.

That was the word at an April 1 conference at VLS on “Coastal and Marine Spatial Planning: The Intersection between Energy, CMSP, and Our Future Needs.” Attendees spent the day discussing ways to strengthen international ocean regulations and protect marine ecosystems while exploring offshore energy resources.

The conference was part of VLS’s growing commitment to students and faculty who are interested in marine law, policy, and stewardship. In his opening remarks, Professor **Kinvin Wroth**, whose specialties include marine environmental law, praised the students who organized the conference, which drew leading ocean experts from across the nation. “Today’s conference is an auspicious start to what I hope is an ambitious expansion of ocean law course offerings and other initiatives at VLS,” he said.

Professor **Betsy Baker**, an expert in Arctic law and policy, discussed the need to adopt Coastal and Marine Spatial Planning (CMSP) and the Arctic Offshore Oil and Gas Guidelines because of growing pressure for hydrocarbon development in the Arctic. Melting sea ice in the Arctic is opening new areas to drilling, shipping, military operations, and other uses in the fragile ecosystem.

The conference’s first panel focused on offshore energy and how it fits into CMSP, including implications of the BP Deepwater Horizon oil spill in April 2010. The keynote speaker, **Meg Caldwell**, director of the Environmental and Natural Resources Law and Policy Program at Stanford Law School, discussed CMSP as a tool to minimize human-use conflicts in the ocean and how CMSP will be used to protect our marine resources and coastal communities. The conference’s second panel focused on the national framework for coastal and marine spatial planning. 🍂

