

VERMONT LAW SCHOOL

Environmental Law Center *Where the Earth Comes First*



SPRING 2009

B U L L E T I N

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Noted Environmental Leader and Scholar Gus Speth to Join VLS Faculty

Vermont Law School is pleased to announce that James Gustave Speth, currently the dean of the Yale School of Forestry and Environmental Studies, will be joining our faculty as of July 1, 2010.

Dean Speth has served as dean and professor at Yale since 1999. Prior to his time at Yale, he served as administrator of the United Nations Development Programme and chair of the U.N. Development Group. Earlier, he was founder and president of the World Resources Institute; professor of law at Georgetown University Law Center; chairman of the U.S. Council on Environmental Quality; and senior attorney and cofounder of Natural Resources Defense Council.

Throughout his career, Dean Speth has provided leadership and entrepreneurial initiatives to many task forces and committees working to combat environmental degradation, including the President's Task Force on Global Resources and Environment; the Western Hemisphere Dialogue on Environment and Development; and the National Commission on the Environment. Among his awards are the National

Wildlife Federation's Resources Defense Award; the Natural Resources Council of America's Barbara Swain Award of Honor; a Special Recognition Award from the Society for International Development; the Lifetime Achievement Award of the Environmental Law Institute; and the Blue Planet Prize. His publications include *The Bridge at the Edge of the World: Capitalism, the Environment, and Crossing from Crisis to Sustainability*; *Red Sky at Morning: America and the Crisis of the Global Environment*, and articles in *Foreign Affairs*, *Environmental Science and Technology*, and other journals and books.



James Gustave Speth

“Gus has been an extraordinary teacher, scholar, and leader on environmental matters for 40 years.”

—Jeff Shields, President and Dean

“Gus is among a small number of thought leaders on international environmental law and policy. He will be extraordinarily valuable to Vermont Law School as we work to further strengthen both our policy work and our academic program,” said VLS President and Dean Jeff Shields. “Gus has been an extraordinary teacher, scholar, and leader on environmental matters for 40 years. I am confident that his very best work will come over the next decade at Vermont Law School.”

Speth said he was excited to be joining the VLS faculty. “This is a wonderful opportunity. The school is now a leading international center for the study and teaching of environmental law, with a great faculty and great students. I’m looking forward to teaching, writing, and pursuing some ideas from my previous books during my time at VLS.”



ENVIRONMENTAL LAW CENTER

- Climate Legacy Initiative
- Environmental and Natural Resources Law Clinic
- Environmental Tax Policy Institute
- Institute for Energy and the Environment
- Land Use Institute
- Partnership for Environmental Law in China
- Summer Session



Greetings from the Environmental Law Center

These are scholarly times at the ELC. The Climate Legacy Initiative

recently published a “green paper” on climate change, human rights, and intergenerational justice. Noted land use scholar Joseph Sax of the University of California at Berkeley delivered our annual Williams Lecture on property rights and takings. Janet Milne is the lead editor of a new book on mountain resorts and the law. Tracy Bach has been a guest lecturer at the University of Paris, and Michael Dworkin, David Mears, and Tseming Yang have delivered lectures at universities in China.

This summer, nationally recognized water law expert Robin Kundis Craig of Florida State University College of Law will join us as our Distinguished Environmental Scholar. In the fall, we will celebrate the much-anticipated arrival of John Echeverria to join our land use faculty. And next summer, we will welcome noted environmental scholar James Gustave Speth to the ELC team.

The faculty at Vermont Law School are unusual, interesting, and together make a compatible group of people who care about the environmental endeavor from a fresh variety of perspectives.

I hope you'll enjoy reading about their latest scholarly contributions.

Sincerely,

Marc Mihaly

Clinic Students Launch Climate Change Lawsuit Against EPA

Although the dangers of climate change are now well understood, the U.S. EPA has been dragging its feet in regulating greenhouse gas emissions under the Clean Air Act. So, over the past year, student clinicians in the Environmental and Natural

Resources Law Clinic (ENRLC) developed a strategy to help give EPA a proverbial kick in the behind. On February 4, 2009, they put their plan into action by commencing a potentially groundbreaking lawsuit against EPA on behalf of the Environmental Integrity Project and the Sierra Club.

The lawsuit asks EPA to review and update its Clean Air Act regulations for nitric acid plants, which produce chemicals used in fertilizers and explosives. Nitric acid plants are the largest industrial

“ Working on this case has been particularly rewarding because it has the potential to lay meaningful groundwork for climate change regulation during an exciting and hopeful time in history. ”

—Mary Johnson '09

source of nitrous oxide (N₂O) in the United States, and N₂O is a very powerful greenhouse gas, 310 times more potent than carbon dioxide. The students submitted strong evidence to EPA indicating that it should start regulating N₂O emissions from nitric acid plants without any further delay. They also emphasized the good news. There are many types of cheap, effective technologies available to control N₂O because it has been regulated for several years under the Kyoto Protocol.

The ENRLC and its clients are hopeful that, in response to this and other pending climate change lawsuits, EPA will finally make a determination that climate change “endangers” public health and welfare. Such a finding would open the door to federal and state regulation of greenhouse gas emissions under a wide variety of Clean Air Act programs. In addition to joining the chorus of voices calling for an endangerment finding, the ENRLC and its clients aim to put N₂O emissions high on EPA’s priority list because of their tremendous global warming potential and the low cost of controls.

The lawsuit is the result of many hours of hard work by student clinicians Devorah Ancel '08, Mary Johnson '09, Natalie Karas '09, Brian Lusignan '10, Darin Schroeder '09, Geoff Sewake '09, and Graham Zorn '09 under the supervision of faculty members **Teresa Clemmer** and **Patrick Parenteau**. The students’ involvement has provided them with an invaluable learning experience.

During the rest of 2009, the students will likely participate in negotiations with EPA regarding the timing of its long overdue review of the nitric acid plant regulations. When EPA eventually conducts the review, the students plan to help draft public comments and continue advocating for effective and timely regulation of greenhouse gas emissions under the Clean Air Act. 🌱



Graham Zorn '09, Staff Attorney Laura Murphy, and ENRLC Director David Mears discuss case strategy

PUBLICATION INFORMATION

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

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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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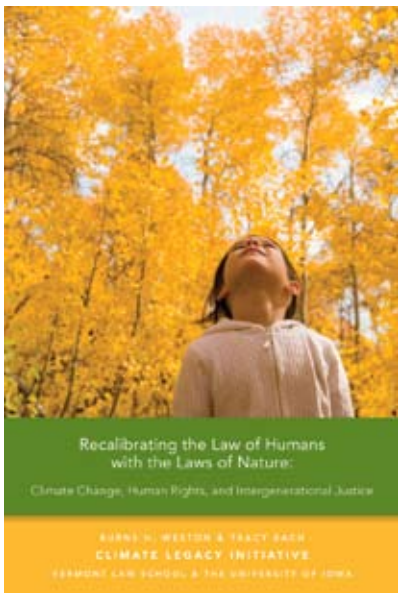
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Climate Legacy Initiative Publishes Policy Paper

The Climate Legacy Initiative (CLI) published its policy paper, *Recalibrating the Laws of Humans with the Laws of Nature: Climate Change, Human Rights, and Intergenerational Justice*, in March. **Burns Weston**, CLI's director, and **Tracy Bach**, the associate director, enlisted a distinguished panel of advisors to help produce the paper.

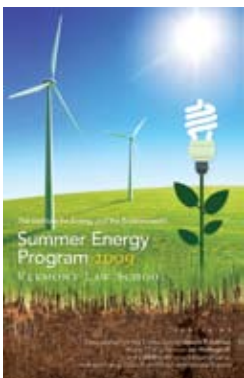
The panel includes James Gustave Speth, dean of Yale's School of Forestry and Environmental Studies; Roger Kennedy, former director of the National Park Service; Edith Brown Weiss, professor of law at Georgetown University Law Center; Harriet



Barlow, director of HKH Foundation and the Blue Mountain Center; Jörg Chet Tremmel, founder and director of the Foundation for the Rights of Future Generations (Germany); Bryan Norton, professor of philosophy at Georgia Tech School of Public Policy, and a charter member of the Environmental Economics Advisory Committee of EPA's Science Advisory Board; David W. Orr, chair of the Environmental Studies Program at Oberlin College; Richard A. Falk, professor emeritus at Princeton University and visiting professor at the University of California at Santa Barbara; Gary Hart, cochair of the Presidential Climate Action Committee National Advisory Committee, professor at the University of Colorado at Denver, and U.S. senator (CO — ret.); and Bill

McKibben, environmentalist author and scholar in residence at Middlebury College

CLI will host a partnership-building conference at the Blue Mountain Center in New York State's Adirondack Mountains in June for individuals from nonprofit organizations at the forefront of addressing climate change, particularly those dealing with legal issues for environmental and human rights organizations and think tanks focusing on climate change and human rights. 🌿



Energy Seminar Series to Feature National Experts

Summer Session 2009 at VLS will include a unique new seminar series. The series, America's Energy Crisis: Eight Fridays with National Experts, is led by **Michael Dworkin** and will feature a different leading energy expert each week as a guest speaker. Speakers will include Norma Formanek, general counsel of the Electric Power Research Institute; Stuart Caplan, a partner at White & Case LLP; and Jon Wellinghoff and Joseph Kelliher, acting chairman and past

chairman, respectively, of the Federal Energy Regulatory Commission. More information about the series is available at www.vermontlaw.edu/energy. 🌿



Robin Kundis Craig

Robin Kundis Craig is Summer 2009 Distinguished Environmental Scholar

Professor **Robin Kundis Craig** of Florida State University College of Law will be our Summer 2009 Distinguished Environmental Scholar. Craig is nationally recognized for her work on water issues. Her areas of expertise include the Clean Water Act, the connection of fresh water regulation to ocean water quality, marine biodiversity and marine protected areas, property rights in fresh water, and science and water resource protection.

"Robin has built an impressive body of scholarship that has had a positive impact on the development of environmental law and policy in the U.S. and abroad," said Professor Patrick Parenteau.

She is the author of *Environmental Law in Context* (West 2005), *The Clean Water Act and the Constitution* (Environmental Law Institute 2004), and more than 20 law review articles. She has taught Environmental Law, Water Law, a Clean Water Act seminar, Ocean and Coastal Law, and Bioethics and Biotechnology. Before entering law school teaching, she clerked for the Honorable Robert E. Jones at the U.S. District Court for the District of Oregon and worked in the Natural Resources Section, General Counsel Division, Oregon Department of Justice. Craig earned her JD degree from Lewis and Clark, her PhD from the University of California, her MA from The Johns Hopkins University, and her BA from Pomona College. 🌿

Energizer Research Team Keeps on Going and Going and Going....

The Institute for Energy and the Environment's Energizers research team, under the leadership of **Michael Dworkin**, has been working on a number of cutting-edge topics in the field of energy law and policy. They are researching carbon capture and sequestration as part of a joint project with The School of Engineering at Carnegie Mellon University and the VanNess Feldman Law Firm. Members of the team have presented the combined research to selected audiences of world-class technical experts and congressional staff. For more information about the project, please visit www.ccsreg.org.

John Sautter LLM'09, the institute's Global Energy Fellow, is the lead researcher for a white paper commissioned by the Electric Power Research Institute, "Distributed Generation Photovoltaics for Regulated Utilities." He has been selected to present the paper at the PV (Photovoltaics) Summit 2009 in San Francisco in June.

The Energizers have attended and presented at agricultural conferences across the country to promote and distribute *The Farmer's Handbook for*



Clockwise from top: James Landis LLM'09, Megan Billingsley MELP'09, IEE Director Michael Dworkin, Anna Skubikowski JD'10, Kari Twaite JD/MEM'10

Energy Self-Reliance, a major project of the past year. John Sautter spoke at the Sustaining Family Farms conference in Chattanooga, Tennessee; Katelyn Bush '10 spoke at the Harvesting Clean Energy event in Billings, Montana; and Johnathan Hladik '10 spoke at the Midwest Value Added Agricultural Conference in Rochester, Minnesota. 🌱



Professors Dejin Gu and Tseming Yang with VLS students at Three Gorges Dam

VLS Cofosts China Society for Environmental Science Conference

Members of the Vermont Law School faculty traveled to Beijing in December to participate in the inaugural conference of the China Society for Environmental Science (CSES) Environmental Law Branch, which was cosponsored by VLS. The CSES Environmental Law Branch, affiliated with China's Ministry of Environmental Protection, is designed to provide support and create networking opportunities for younger environmental law scholars.

Tseming Yang, director of the Partnership for Environmental Law in China, provided opening remarks at the conference, and **Carl Yirka**, director of the Julien and Virginia Cornell Library, gave a presentation on environmental law research. **Michael Dworkin**, director of the Institute for Energy and the Environment, and **David Mears**, director of the Environmental and Natural Resources Law Clinic (ENRLC), also attended the event.

Yang and eight VLS students visited the Three Gorges Dam Project in August. The dam is an impressive site. The project is tightly guarded and requires visitors to pass through several security checkpoints manned by soldiers. The VLS visit took place during the wet season for the Yangtze river basin, so the river was very turbid and sediment-laden. The students will be preparing short documentary films about the dam for an environmental film festival that VLS anticipates holding later this year with Chinese students and scholars. 🌱

Noted Land Use Scholar Joseph Sax Delivers 2009 Williams Lecture

Renowned land use scholar Joseph L. Sax presented the 2009 Norman Williams Distinguished Lecture in Land Use Planning and the Law on February 5. His lecture, "The Property Rights Sweepstakes: Has Anyone Held the Winning Ticket?" explored the inequities of the current legal framework relating to land use. The lecture was hosted by VLS's Land Use Institute.

"After nearly three decades struggling with the problem, the U.S. Supreme Court seems finally to have given up the effort to formulate workable rules for regulatory takings," Sax said. "The theoretical battle appears to be over, at least for the present, with no winners. But there are losers, landowners who are clearly victims of inequity, if not of constitutional wrongs."



University of California-Berkeley
Emeritus Professor Joseph Sax

The James H. House and Hiram H. Hurd Endowment Professor of Environmental Regulation, Emeritus, at University of California, Berkeley, Sax has taught environmental law, water law, public land law, and property rights since 1962. He is the author of *Defending the Environment* (1970), *Mountains Without Handrails* (1980), and

Playing Darts with a Rembrandt (2000) and coauthor of *Legal Control of Water Resources*, 4th edition (2006).

Prior to his appointment at Berkeley, Sax was the Philip Hart Distinguished University Professor at the University of Michigan. He served as a visiting professor at the University of Paris and Stanford University. From 1994 to 1996, he served as counselor to the U.S. secretary of the interior, where his responsibilities included federal water resource policy, endangered species law enforcement, and property rights legislation. He is a graduate of Harvard College and the University of Chicago Law School. He holds an honorary doctor of laws degree from the Illinois Institute of Technology. 🌿

The Role of Carbon Taxes in Europe, Canada, and the U.S.

In a joint project with the *Vermont Journal of Environmental Law*, VLS's Environmental Tax Policy Institute has published four articles on the role of carbon taxes in Europe, Canada, and the U.S. in a volume entitled *The Reality of Carbon Taxes in the 21st Century*. The volume is available at www.vermontlaw.edu/envirotax. The institute is a supporting partner of the Tenth Global Conference on Environmental Taxation, which will be held in Lisbon, Portugal, September 23–25, 2009. The role of market-based instruments in addressing climate change is one of the themes for this year's conference. The deadline for the call for papers is April 15. More information is available at www.vermontlaw.edu/envirotax. 🌿

A Passion for Protecting Water:

CHRISTOPHER BROOKS '10

Christopher Brooks, a native of Bowling Green, Kentucky, wants to protect and preserve the natural environment of the

southeastern United States. This summer, Chris will work in the Atlanta office of the Southern Environmental Law Center, a nonprofit advocacy organization that protects natural resources throughout the Southeast.

This semester at VLS, he is a clinician at the Environmental and Natural Resources Law Clinic (ENRLC). "Chris has been a steady hand in the clinic this spring, working long hours on several cases related to water pollution," said David Mears, director of the ENRLC. "He has a passion for protecting water that has translated into a high quality work product on these cases. We have also benefited from Chris's dry sense of humor and his willingness to pitch in to help the other student clinicians."

Last summer, Chris was a judicial intern to Chief Justice John D. Minton Jr. of the Supreme Court of the Commonwealth of Kentucky. He has also worked as a legal intern for the Two-Rivers Ottauquechee Regional Planning Commission in Woodstock, Vermont, where he researched local planning and zoning options for small municipalities wanting to improve local water quality and watershed protection, and as a volunteer for the White River Partnership, where he helped establish natural riparian buffer zones in the White River Watershed.

After graduation from VLS, Chris says, "I hope to pursue my interest in water law and the growing need for increased water conservation and protection in the Southeast."

Chris earned his Master of Environmental Law and Policy degree at VLS before starting the JD program. He earned his BA in history from the University of the South in Sewanee, Tennessee. In his spare time, he has volunteered on a number of Habitat for Humanity projects in Kentucky and Tennessee.

Professor Stephen Dycus, who taught Chris in his Water Resources Law class, said, "This is a smart, curious, civic-minded young man who has the potential to make a real difference in the world, and he seems determined to do so." 🌿



ELC Faculty News



Tracy Bach

Tracy Bach, associate director of the Climate Legacy Initiative (CLI), presented her paper, “Why and How the New Administration Should Expressly Account for Intergenerational Justice When Forging Climate Policy,” at the February 20 symposium on Climate Policy for the Obama Administration, sponsored by the Washington and Lee University School of Law and its *Journal of Energy, Climate, and Environment* and Environmental Law Society. The paper will be published in the inaugural issue of the *Journal of Energy, Climate, and Environment*. She taught at the University of

Paris 13 in March, where she guest lectured on topics ranging from climate change and genocide to legal ethics and the U.S. legal system.

Teresa Clemmer, associate director of the ENRLC, served as a panelist with **David Mears** for a discussion entitled “Winning Legal Strategies” at the Vermont Environmental Action Conference in November. She coauthored two chapters of an update to a publication entitled *Licensed to Kill* (forthcoming spring 2009) relating to the impacts of nuclear power plants on fish and aquatic ecosystems, as well as the ways concerned citizens can participate in federal and state permitting and approval processes.



Teresa Clemmer

Jason Czarnecki was named to the executive committee of the AALS Natural Resources Law Section. He was also named to the Science and Policy Advisory Committee of the Vermont Natural Resources Board Water Resources Panel. He presented “Sustainability? Individual Consumption and Household Environmentalism” at the AALS annual meeting in San Diego in January.

Tim Duane published “Reducing Greenhouse Gas Emissions from Vehicle Miles Traveled: Integrating the California Environmental Quality Act (CEQA) with the California Global Warming Solutions Act (AB 32)” (coauthored with Joanna Malaczynski) in the winter 2009 issue of *Ecology Law Quarterly* (volume 36, number 1).

Michael Dworkin, director of the Institute for Energy and the Environment, received the Mary Kilmarx Award for Good Government, Clean Energy and Environment from the National Association of Regulatory Utility Commissioners’ Energy Resources and the Environment Committee in New Orleans in November. He discussed “Building a Legal Regime for the Sequestration of Carbon” at the semi-annual meeting of the Energy Bar Association in Washington, D.C., in November. He presented “Environmental Developments in Energy Law” with Mary Anne Sullivan of Hogan & Hartson LLP at the ALI-ABA Environmental Law course of study in Washington, D.C., in February.

Stephen Dycus was the first recipient, in 2008, of the Richard Brooks Faculty Scholarship Prize at VLS.

Martha Judy was interviewed for a February 9 *National Law Journal* article, “Justices to weigh cleanup liability.” She spoke about two Superfund cases that were heard by the U.S. Supreme Court in February. If the Supreme Court reverses the 9th Circuit Court in these cases, Judy says the EPA and taxpayers will be more responsible for cleanup costs.

Reed Loder’s article on environmental virtue ethics, “Epistemic Integrity and the Environmental Future,” appears in 32 *Environ Journal of Environmental Law and Policy* 1–36 (2008) (U CA, Davis).

David Mears, director of the Environmental and Natural Resources Law Clinic, filed an amicus brief on behalf of the National Wildlife Federation and the Sierra Club in the U.S. Supreme Court case *Entergy v. EPA* in support of the environmental groups and opposing EPA’s use of cost-benefit analysis to establish the Clean Water Act standards applicable to cooling water intake structures. He traveled to China in December to attend the inaugural meeting of the Environmental Law Scholars Branch of the Environmental Science Society and teach a class on environmental enforcement and the role of environmental law clinics at Sun Yat-sen University. He delivered a lecture regarding public health and risk communication issues in an environmental health course at the Dartmouth Medical School in February.

Janet Milne presented a paper on carbon taxes versus cap-and-trade regimes, “Urban Emissions: The Burdens and Risks of Market-based Administration,” at the Ninth Annual Conference on Environmental Taxation in Singapore in November. The paper will appear in Volume VII of *Critical Issues in Environmental Taxation*, a book series published by Oxford University Press. Her article, “Carbon Taxes in the United States: The Context for the Future,” appeared in 10 *Vermont Journal of Environmental Law* 1 (2008). She also is the lead editor of a book published by Ashgate in February, *Mountain Resorts: Ecology and the Law* and contributed chapters to the book. Milne has been one of four participants in an online roundtable on carbon taxes versus cap-and-trade hosted by the *Bulletin of the Atomic Scientists*, available at www.thebulletin.org.

Patrick Parenteau has been named to the Center for Biological Diversity’s advisory board for a new \$17-million Climate Law Institute. He gave the following speeches in October: “Last Chance: Confronting the Gathering Menace of Climate Change,” at the Massachusetts School of Law in Andover; “Meltdown: Can the Law Save the Arctic?” at the Yale School of Forestry and Environmental Studies; and “De-Carbonizing the Economy in Ten Not-So-Easy but Doable Steps,” at Dartmouth College’s Dickey Center for International Cooperation in Hanover, New Hampshire. He published “The First 100 Days: Ten Steps President Obama Should Take to Confront the Climate Crisis,” in the online journal *ELQ Currents*. His article “Go Back, It’s A Trap: On the Perils of Geological Sequestration of CO₂,” is forthcoming in *The Climate Reader* (ABA, 2009).

Craig Pease’s most recent *Environmental Forum* “Science and the Law” column asked whether cell phones cause brain cancer. It appeared in the January/February 2009 issue. 🌿

Summer Session Faculty News

Don Baur spoke about ocean law at the ALI-ABA Environmental Law course of study in Washington, D.C., in February. He chaired a panel on the Endangered Species Act at the annual convention of the Resources Development Council in Anchorage, Alaska, in November. Along with fellow summer faculty members **Wm. Robert Irvin** and **Michael Bean**, Baur coauthored an article on “A Recovery Plan for the Endangered Species Act,” published in the January 2009 *Environmental Law Reporter*. He served as an advisor to the Obama Transition Team for the National Oceanic and Atmospheric Administration. Baur is a partner at Perkins Coie. He coteaches Ocean and Coastal Law.

James Grijalva is on leave from the University of North Dakota this spring and serving as a Visiting Fulbright Scholar at the University of Alberta in Edmonton. He is doing legal research on mechanisms by which Canada’s indigenous peoples can influence natural resource development to protect the environmental quality of their lands and traditional territories.

Randy Hill is now acting deputy assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. Hill teaches Clean Water Act.

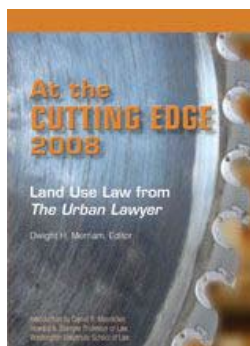
Wm. Robert Irvin published “Time to Renew Our Commitment to Endangered Species Conservation” in 40 *Trends* No. 5 (2009), the newsletter of the American Bar Association Section on Environment, Energy, and Natural Resources. He authored comments on an article by Florida State University law professor J.B. Ruhl on the Endangered Species Act and climate change, to be published this spring in the *Environmental Law Reporter* and Vanderbilt University Law School *Environmental Law and Policy Annual Review*. He will participate in a panel discussion with Ruhl at an April symposium to be held in the U.S. Capitol building. Irvin also serves on the advisory board for the Annual Review as well as the advisory board for the *Environmental Law Reporter*. He is senior vice president for conservation programs at Defenders of Wildlife and coteaches Biodiversity Protection at VLS.



Wm. Robert Irvin (photo credit: Defenders of Wildlife)

Jessica Jay '97 is developing a multimedia, interactive, web-supported Land Conservation Law textbook for students, professors, and practitioners of land conservation law. She is a founding partner of Conservation Law, PC and teaches Land Conservation Law.

Dwight Merriam's fifth book, *At the Cutting Edge 2008: Land Use Law from The Urban Lawyer*, is available from the ABA. He was recently named by Super Lawyers as one of the top 50 lawyers in Connecticut.



At the Cutting Edge 2008: Land Use Law from The Urban Lawyer



Merriam is with the Land Use Group at Robinson & Cole, LLP. He coteaches the Advanced Land Use Writing seminar.

Jack Tuholske has had a string of legal victories, including five wins at the Montana Supreme Court and three at the Ninth Circuit Court of Appeals. The cases included water quality, constitutional regulatory takings, federal public lands, and a landmark decision regarding stream access, public trust, and water law. The *Vermont Journal of Environmental Law* published his article on groundwater and the public trust doctrine. This spring, through a Fulbright Scholar Award, he is teaching comparative environmental law and a course on the emerging law of climate disruption at the University of Ljubljana in Slovenia. Tuholske teaches Public Lands Management—Montana Field Study at VLS.



Jack Tuholske in Piran, Slovenia

Steven Wise's new book, *An American Trilogy—Death, Slavery, and Dominion Along the Banks of the Cape Fear River*, will be in bookstores in March. He published “Commentary, An Argument for the Basic Legal Rights of Farmed Animals” in 106 *Michigan Law Review*, and “Arguments in favour of basic legal rights for nonhumans” in Reform (Australian Law Reform Commission 2008). Wise is president of the Center for the Expansion of Fundamental Rights, Inc. He teaches Animal Rights Jurisprudence. 🌿

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New Mountain Resorts Book Features VLS Faculty and Alumni

Mountain Resorts: Ecology and the Law, a new book published this spring by Ashgate, was edited by **Janet Milne**, together with coeditors Julia LeMense LL.M'03, and Ross A. Virginia of Dartmouth College, and includes nine chapters by VLS alumni. The book is the second in a series on law and ecology published by Ashgate. The first, *Law and Ecology: The Rise of the Ecosystem Regime*, was coauthored by **Richard Brooks**, who also serves as an editor for the series.

The new book explores the ways in which law addresses human impacts on mountain ecosystems as it attempts to reconcile society's competing interests in the mountain landscapes. Using four mountain

“ The book offers lessons in ecosystem management law going far beyond mountain resorts. ”

—**J.B. Ruhl**, Florida State University

resorts in the U.S. and Canada as case studies, the book takes an interdisciplinary approach, with contributions from ecologists and lawyers who focus on ski-related activities, increasing four-season use of the mountains, and expanding residential, commercial, and recreational

development at the mountains' base. Its analysis of an array of U.S. and Canadian federal, state, and local laws provides a multifaceted exploration of the intersection of ecology and the law at mountain resorts.

A number of VLS alumni contributed to the book. Roger Fleming '99 wrote “Loon Mountain, New Hampshire: United States federal law and mountain resort development in the national forest.” LeMense was the lead author for “Killington Resort, Vermont: Can a mountain ecosystem be protected when the law protects its parts? The case of Vermont's Act 250 and Killington resort.” Robert Gruenig LL.M'01, participated in the early phases of the project; numerous VLS students served as research assistants; and the members of the *Vermont Law Review* edited a 2002 symposium issue containing articles that formed the seeds for the book.

In his review of the book, J.B. Ruhl of Florida State University College of Law wrote, “The book meticulously evaluates existing approaches and finds them lacking. The authors chart a clear path for the evolution of legal regimes and scientific research. The result is a book that offers lessons in ecosystem management law going far beyond mountain resorts.” 🌿

