

**Hillary M. Hoffmann**  
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## ACADEMIC APPOINTMENTS

### VERMONT LAW SCHOOL

Professor & Faculty Fellow, Center for Agriculture and Food Systems	2013-present
Associate Professor	2010-2013
Assistant Professor	2008-2009

### INDIANA UNIVERSITY ROBERT H. MCKINNEY SCHOOL OF LAW

Visiting Robert H. McKinney Family Chair in Environmental Law	Fall 2020
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### UNIV. OF MONTANA, ALEXANDER J. BLEWITT SCHOOL OF LAW

Visiting Professor, Summer Indian Law Program	July 2017
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## COURSES TAUGHT

Legislation & Regulation, Property Law, Natural Resources Law, Air Pollution, Environmental Law, Administrative Law, Native Americans & the Law, Indian Tribes as Governmental Stewards of the Environment, Protected Public Lands & Tribal Rights: Utah Field Study

## EDUCATION

### UNIVERSITY OF UTAH, S.J. QUINNEY COLLEGE OF LAW, J.D. 2003

Richard L. Dewsnap Fellow in Natural Resources Law (2001).  
William H. Leary Scholar (2002). *Utah Law Review*.

### MIDDLEBURY COLLEGE, B.A. Spanish, with high honors, 1997

*Sigma Delta Pi* National Honor Society.

## SELECTED PUBLICATIONS

### Book and Book Chapter

A THIRD WAY: DECOLONIZING THE LAWS OF INDIGENOUS CULTURAL PROTECTION (Cambridge Univ. Press, 2020) (co-authored with Prof. Monte Mills, University of Montana Law School).

“Tribal Ecological Knowledge and the Transition to Ecological Law,” in FROM ENVIRONMENTAL TO ECOLOGICAL LAW (Routledge, forthcoming 2021) (Dr. Geoffrey Garver, Dr. Carla Sbert, Professor Kirsten Anker, eds.).

### Articles and Essays

*The Rocky Road to Energy Dominance: The Executive Branch’s Limited Authority to Modify and Revoke Withdrawals of Federal Lands from Mineral Production*, GEORGETOWN J. ENVTL. LAW (forthcoming 2021) (co-authored with Prof. Robert Glicksman, The George Washington University School of Law).

*Speaking Regional Truth to Washington Power over Federal Public Lands*, 20 VERMONT J. ENVTL. LAW 161 (2019).

*Congressional Plenary Power and Indigenous Environmental Stewardship: The Limits of Environmental Federalism*, 97 OREGON LAW REVIEW 353 (2019).

*Fracking the Sacred: Resolving the Tension Between Unconventional Oil & Gas Development and Tribal Cultural Resources*, 94 DENVER LAW REVIEW 319 (2017).

*Demand Management and Livestock Grazing in the Great Basin: An Integrated Approach to the Climate Crisis Facing Federal Rangelands*, 6 GEO. WASH. U. J. ENERGY & ENVTL. L. 14 (2016).

*Fracking In Indian Country: The Federal Trust Relationship, Tribal Sovereignty, and the Beneficial Use of Produced Water*, 32 YALE J. REG. 451 (2015).

*Climate Change and the Decline of the Federal Range: Is Adaptive Management the Solution?*, 15 VERMONT J. ENVTL. LAW 262 (2014).

*Signs, Signs, Everywhere Signs*, *The Wilderness Society v. Kane County Leaves Everyone Confused About How to Navigate a Right of Way Claim Under Revised Statute 2477*, 18 HASTINGS W.-N.W. J. ENVTL. LAW & POLICY 3 (2012).

*A Changing of the Cattle Guard: The Bureau of Land Management’s New Approach to Grazing Qualifications*, 24 J. ENVTL. LAW & LITIG. 243 (2009).

### Selected Editorials and Commentary

*Trump’s Monuments Order Won’t Benefit Tribal Economies*, Law360 (Jun. 7, 2017).

*Of Dinosaurs and Sagebrush: The Value of the Colorado Plateau National Monuments*, Colorado Plateau Advocate Magazine (Apr. 10, 2017).

*Obama's Monument Designations Were Lawful, Not Land Grabs*, L.A. TIMES Op-ed (Jan. 13, 2017) (co-authored with Prof. Michael Blumm, Lewis & Clark Law School).

*Impacts of the BLM Fracking Rule in Indian Country*, Environmental Law Reporter (Oct. 2015).

*Utah's Public Lands Aren't About to Change Hands*, HIGH COUNTRY NEWS (Feb 24, 2015).

*The Flawed Law and Economics of Federal Land Seizure Statutes*, Natural Resources & Environment Magazine (Feb. 5, 2015).

### SELECTED PRESENTATIONS

“The Environment-Cultural Disconnect: Protecting Indigenous Cultures in an Exclusionary Context,” Fall 2020 Robert H. McKinney Family Environmental Law Lecture, Indiana University-McKinney School of Law (Oct. 29, 2020) (with Monte Mills, Director, Margery Hunter Brown Indian Law Program, Assoc. Professor of Law, University of Montana Alexander J. Blewett III School of Law).

“Ending Erasure: Indigenous Peoples and the Decolonization of the U.S. Legal System,” Embedded Racism Lecture Series, Vermont Law School (July 9, 2020) (with Monte Mills).

“Structural Deficiencies in Federal and State Repatriation Laws,” Euro-American Law and Tribal Cultural Values, Association of American Indian Affairs 5<sup>th</sup> Annual Repatriation Conference, Ft. McDowell Yavapai Nation (Nov. 13, 2019).

“Energy Mineral Development on U.S. Public Lands in a Post-Extractivist Economy,” Economics for the Anthropocene Law & Governance Research Initiative (E4A) and Ecological Law and Governance Association (ELGA) Webinar Series, *Ecological Law*, McGill University Faculty of Law and Vermont Law School (June 6, 2019).

“Tribal Ecological Knowledge in the Bears Ears National Monument,” *Engaging Economies of Change*, Canadian Society for Ecological Economics, 12<sup>th</sup> Biennial Conference, Waterloo, ONT (May 24, 2019).

“Tribal Natural Resource Co-Management Agreements: the Bears Ears National Monument,” *Indian Law and Policy in the Era of Trump*, Indian Nations and Indigenous Peoples Panel, American Association of Law Schools Annual Meeting, New Orleans, LA (Jan. 3, 2019).

“FLPMA Mineral Withdrawal Revocations,” 9th Annual Colloquium on Environmental Scholarship, Vermont Law School (September 22, 2018).

“FLPMA Mineral Withdrawal Revocations under the Trump Administration,” Rocky Mtn. Mineral Law Assn. 64<sup>th</sup> Annual Institute, Natural Resources Law Teachers’ Workshop, Victoria, BC (July 21, 2018).

“Tribal Natural Resources Co-Management Agreements: Transitioning Natural Resource Management From a Jurisdictional Model to an Ecological Model,” Economics for the Anthropocene Law & Governance Research Initiative (E4A) and Ecological Law and Governance Association (ELGA) Workshop, McGill University Faculty of Law, Montreal, QC (Oct. 18, 2017).

“Impacts of Oil and Gas Development on Public and Tribal Lands,” Legislative Hearing on H.R. 866, The Federal Lands Freedom Act and H.R. 1484, The Honor Nevada Enabling Act of 1864 Act, U.S. House Committee on Natural Resources, Washington, D.C. (Nov. 15, 2016) (invited expert testimony).

“Environmental Law in Indian Country,” Federal Bar Association, Washington, D.C. (Oct. 28, 2016).

“Public Lands and Climate Resilience: Implementing the Paris Agreement through Progressive Grazing Policies in the U.S. and Australia,” 7th Annual Colloquium on Environmental Scholarship, Vermont Law School (Sept. 23, 2016).

“Fracking Waste Disposal in Indian Country,” Environmental Law Institute (May 28, 2015).

“The Unsustainable Livestock Grazing Regime on Federal Public Lands: Lessons from Abroad,” First Annual Sustainability Conference of American Legal Educators, Sandra Day O'Connor College of Law, Arizona State University (May 8, 2015).

“Environmental Justice in Indian Country,” Vermont Law School 2014 Solutions Conference, *Eco-Equity* (March 28, 2014) (keynote address).

“Demand Management and Livestock Grazing in the Great Basin: an Integrated Approach to the Climate Crisis Facing Federal Rangelands,” Shapiro Symposium on Public Lands, George Washington University, 2014 J.B. and Maurice C. Shapiro Environmental Law Symposium, George Washington University Law School (March 13, 2014) (invited).

“Managing Multiple Incompatible Uses: Why the Forest Service’s Livestock Grazing Policy Fails to Protect Native American Archeological Sites,” 19th International Symposium on Society and Resource Management, Estes Park, Colorado (June 2013).

### **SELECTED PROFESSIONAL SERVICE**

American Law Institute	Dec. 2020 - present
Vermont Commission on Native American Affairs Commissioner	Sept. 2019-present

Ecological Law & Governance Association 2019-present  
Steering Committee member

Sierra Club National Litigation Committee 2014-present

Association of American Law Schools  
Member, Section on Natural Resources and Energy Law  
Member, Section on Indian Nations and Indigenous Peoples  
Member, Section on Administrative Law

### **PRO BONO WORK**

Brief of *Amicus Curiae* Members of Congress on Behalf of Appellees, Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, Case No. 20-5197 (D.C. Circuit, filed Sept. 23, 2020) (with Profs. Jim Murphy and Ken Rumelt, Environmental Advocacy Clinic, Vermont Law School).

Brief of *Amicus Curiae* Members of Congress on Behalf of Plaintiffs, Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, Case No. 1:16-cv-1534 (D.D.C., filed May 20, 2020) (with Profs. Jim Murphy and Ken Rumelt).

Brief of *Amici Curiae* Natural Resources and Property Law Professors in Support of Southern Utah Wilderness Alliance, Garfield County v. United States, Utah Supreme Court (filed Oct. 9, 2015) (author).

Brief of *Amici Curiae* Natural Resources Defense Council, Inc. and Sierra Club in Support of Appellant the United States of America, in United States v. Estate of E. Wayne Hage, et al., Ninth Circuit Court of Appeals (filed May 16, 2014) (with Prof. John Echeverria, Vermont Law School).

### **BAR MEMBERSHIPS AND BAR ASSOCIATIONS**

Bar admissions: Utah (2003), Vermont (2006)

Bar associations: American Bar Association (2003-present), Utah Bar Association (2003-2007), Vermont Bar Association (2006-present)

### **AWARDS AND HONORS**

Richard O. Brooks Award for Outstanding Scholarship 2020

Thomson Reuters/West Publishing Land Use & Environmental Law 2020  
Review Finalist - *Congressional Plenary Power and Indigenous Environmental Stewardship: The Limits of Environmental Federalism*,

97 OREGON LAW REVIEW 353 (2019).

Vermont Law School, Dean's Teaching and Service Award 2018-2019

**OTHER PROFESSIONAL EXPERIENCE**

Hon. Matthew Katz, Vermont Superior Court  
Law Clerk 2007-2008

Hon. Merideth Wright, Vermont Environmental Court  
Law Clerk 2006-2007

Fabian & Clendenin, P.C. (now Fabian VanCott)  
Associate Attorney, Natural Resources Practice Group 2003-2006

Fabian & Clendenin, P.C. (now Fabian VanCott)  
Summer Associate Summer 2002

Utah Attorney General, Natural Resources Division  
Richard L. Dewsnap Fellow Summer 2001

Fabian & Clendenin, PC Associate Attorney, General Litigation and Natural Resources	2003-2006
Fabian & Clendenin, PC Summer Associate, General Litigation and Natural Resources	2005
Utah Attorney General, Water Resources Division Richard L. Dewsnup Fellow	2004