

Hillary M. Hoffmann
152 Fairview Terrace
South Royalton, VT 05068
hhoffmann@vermontlaw.edu
(802) 881-9178

ACADEMIC APPOINTMENTS

VERMONT LAW SCHOOL

Professor of Law 2013-present
Associate Professor 2010-2013
Assistant Professor 2008-2009

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

INDIANA UNIVERSITY, ROBERT H. MCKINNEY SCHOOL OF LAW

Robert H. McKinney Family Visiting Chair in Environmental Law Fall 2020
Courses: Property, Natural Resources

UNIV. OF MONTANA, ALEXANDER J. BLEWETT SCHOOL OF LAW

Visiting Professor, Summer Indian Law Program Summer 2017
Course: Indigenous Cultural Preservation Law: Sacred Sites and Religious Freedom

BOSTON COLLEGE LAW SCHOOL

Adjunct Professor Fall 2021
Course: Federal Indian Law

EDUCATION

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

Richard L. Dewsnup Fellow in Natural Resources Law
William H. Leary Scholar
Utah Law Review

MIDDLEBURY COLLEGE, B.A. Spanish, High Honors 1997

Sigma Delta Pi Honor Society.

PUBLICATIONS

Book and Book Chapter

“Tribal Co-Management Agreements as a Mechanism for Transitioning Natural Resource Management to an Ecological Law Model: The Bears Ears Intertribal Coalition Example,” FROM ENVIRONMENTAL TO ECOLOGICAL LAW, (Kirsten Anker, Peter D. Burdon, Geoffrey Garver, Michelle Maloney, & Carla

Sbert, eds.) (Routledge 2020).

A THIRD WAY: DECOLONIZING THE LAW OF INDIGENOUS CULTURAL PROTECTION (Cambridge Univ. Press, June 2020) (with Monte Mills, Assoc. Professor and Director, Margery Hunter Brown Indian Law Clinic, Alexander J. Blewett III School of Law, University of Montana).

Articles and Essays

Coming Home Again: Inherent Tribal Sovereignty, the Tribal Wildlife Grant Program, and Their Potential for Endemic Wildlife Reintroduction (forthcoming 2022) (with Andrew D. Cliburn).

The Constitutionality of Federal Regulation in Indian Country, THE REGULATORY REVIEW (Mar. 2021).

The Rocky Road to Energy Dominance: The Executive Branch's Limited Authority to Modify and Revoke Withdrawals of Federal Lands from Mineral Production, 33 GEORGETOWN JOURNAL OF ENVTL. LAW 173 (2021) (with Prof. Robert Glicksman, The George Washington University School of Law).

Speaking Regional Truth to Washington Power over Federal Public Lands, VERMONT JOURNAL OF ENVIRONMENTAL LAW, 20 VERMONT JOURNAL OF ENVIRONMENTAL LAW 160 (2019).

"Climate Change, Population Demographics, and Wildfire Planning in the West," American Bar Assn., *Trends Magazine* (Sept. 1, 2019) (with Philip Higuera, PhD, Assoc. Professor, W.A. Franke College of Forestry and Conservation, University of Montana; Stephen Miller, Assoc. Dean & Professor of Law, University of Idaho Law School; & Shelley Saxer, Laure Sudreau Endowed Chair, Pepperdine University Law School).

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

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).

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).

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

Fracking In Indian Country: The Federal Trust Relationship, Tribal Sovereignty, and the Beneficial Use of Produced Water, 32 YALE JOURNAL ON REGULATION 451 (2015) (with Heather Whitney-Williams).

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

Climate Change and the Decline of the Federal Range: Is Adaptive Management the Solution?, 15 VERMONT JOURNAL OF ENVIRONMENTAL 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 WEST-NORTHWEST JOURNAL OF ENVIRONMENTAL LAW & POLICY 3 (2012).

A Changing of the Cattle Guard: The Bureau of Land Management's New Approach to Grazing Qualifications, 24 JOURNAL OF ENVIRONMENTAL LAW & LITIGATION 243 (2009).

Selected Editorials and Commentary

Indian Country in 2020: Footsteps Worth Following, Vermont Journal of Environmental Law Top Ten Watch List (Dec. 10, 2019) (co-authored with Maggie Curran, J.D. candidate, 2021).

Trump's America First Energy Plan Puts Industry First, Environment Last, Vermont Journal of Environmental Law Top Ten Watch List (Dec. 15, 2018) (co-authored with Marisa Heiling, J.D. candidate, 2020).

BLM's Plans for Reduced Bears Ears and Grand Staircase-Escalante National Monuments: More Mining, Grazing, and Off-Road Vehicle Use Ahead, Environmental Law Prof blog (Aug. 16, 2018).

Obama's Monument Designations Were Lawful, Not Land Grabs, L.A. TIMES Op-ed (Jan. 13, 2017) (co-authored with Michael Blumm, Jeffrey Bain Faculty Scholar and Professor of Law, Lewis & Clark Law School).

Dakota Access – Three Things to Watch, Environmental Law Prof blog (Dec. 5, 2016).

Bad Public Land Bills in Congress: H.R. 866 and H.R. 1484, Environmental Law Prof blog (Nov. 17, 2016).

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

Tenth Circuit Issues Decision Regarding Claims to R.S. 2477 Rights of Way Over Federal Lands, Environmental Law Prof Blog (Dec. 5, 2014).

Federal District Court Upholds Obama Administration's Grand Canyon Uranium Mining Withdrawal, Environmental Law Prof Blog (Oct. 2, 2014).

The End of the Road for R.S. 2477 Claimants in Canyonlands National Park?, Environmental Law Prof Blog (May 2, 2014).

Pacific Coast Action Plan on Climate and Energy, Vermont Journal of Environmental Law Top Ten Watch List (Dec. 12, 2013) (with Andrew Minikowski, '15).

Recent Surge in "Ghost Roads" Litigation Threatens National Parks and Other Federally Protected Lands, Vermont Journal of Environmental Law Top Ten Watch List (Dec. 5, 2013) (with

Sara Imperiale, '13).

SELECTED PRESENTATIONS

“Restructuring Environmental Federalism: Indigenous Nations and the Future of Environmental Governance in Indian Country,” University of Miami School of Law, *Environmental Law in Indian Country* (February 9, 2021) (virtual) (invited).

“Structural Deficiencies in Cultural Repatriation Laws,” Assoc. of American Indian Affairs’ Fifth Annual Repatriation Conference, *Healing the Divide*, 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) (invited).

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

"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. 64th 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, Quebec (Oct. 18, 2017).

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

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) (invited).

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).

Fracking Waste Disposal in Indian Country, Vermont Journal of Environmental Law Symposium (Oct. 24, 2014).

A Constitutional Critique of Utah's Transfer of Public Lands Act, 5th Annual Colloquium on Environmental Scholarship, Vermont Law School (Oct. 4, 2014).

Environmental Justice in Indian Country, 2014 Solutions Conference, *Eco-Equity*, Vermont Law School (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).

Cultural Resource Protection and Federal Livestock Grazing Policy, Mercer University Virtual Guest Lecture Series (November 2013).

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).

AWARDS AND HONORS

Richard Brooks Distinguished Faculty Scholar Award, Vermont Law School	2020
Thomson Reuters/West Publishing Land Use & Environmental Law 2020 Review Finalist - <i>Congressional Plenary Power and Indigenous Environmental Stewardship: The Limits of Environmental Federalism</i> , 97 OREGON LAW REVIEW 353 (2019)	2020
Dean's Teaching and Service Award, Vermont Law School	2018-2019

PRO BONO SERVICE

- Brief of Amici Curiae Natural Resources Law Professors and Administrative Law Professors on Behalf of Appellants Southern Utah Wilderness Alliance, *et al.* v. U.S. Department of Interior, *et al.*, Case No. 21-4073 (forthcoming Sept. 2021) (co-author, with Gregor McGregor, Acequia Project, University of Colorado Law School and Eric Biber, Professor of Law, U.C. Berkeley School of Law).
- Brief of Amici 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 Amici 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 Jim Murphy and Ken Rumelt).
- *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).

- Brief of Amici Curiae Natural Resources and Property Law Professors, in *Garfield County, et al. v. United States, et al.* (Utah Supreme Court, 2015) (sole author).
- Brief of Amici Curiae Natural Resources Defense Council and Sierra Club, in *United States v. Estate of E. Wayne Hage, et al.* (9th Cir. 2015) (with Prof. John Echeverria, Vermont Law School).

OTHER PROFESSIONAL SERVICE

Vermont Commission on Native American Affairs
Commissioner, appointed by Gov. Scott September 2019

Vermont Law School

Chair, Faculty Appointments Committee (2021-present)
Faculty Development Committee (2018-present)
Dean's Advisory Committee (2019-present)
Economics for the Anthropocene Law & Governance Program Coordinator (2017-present)
VERMONT LAW REVIEW Faculty Advisor (2012-present)
Native American Law Students Association Faculty Advisor (2012-present)
NNALSA Moot Court coach (2017-present)
Faculty Appointments Committees (various)
Ad Hoc Grading Committee (2016-2017)
Judicial Clerkship Committee (2012-2016)
VLS Masters Programs Faculty Advisor (2014-2015)
Director, Colloquium on Environmental Scholarship (2012-2015)
Moot Court Advisory Board Faculty Advisor (2010-2013)
Burton Award Committee (2010-2013)
Curriculum Mapping Committee (2012-2013)

Sierra Club
National Litigation Committee (2014-present)

Rocky Mountain Mineral Law Foundation (2019-present)
Co-editor, Natural Resources Law Teachers' Newsletter (with Katrina Kuh, Professor of Law, Elizabeth Haub School of Law at Pace University)

University of Vermont, Gund Institute for the Environment & McGill University, Leadership for the Ecozoic Program
Steering Committee Member (2019-present)

Association of American Law Schools
Section on Natural Resources and Energy Law (member)
Section on Indian Nations and Indigenous Peoples (member)

LICENSURES AND AFFILIATIONS

Bar memberships and admissions:

Utah, 2003-present (inactive)
Vermont, 2006-present (active)
Ninth Circuit Court of Appeals, 2015-present
Tenth Circuit Court of Appeals, 2021-present

Bar associations:

American Bar Association, ABA Section on Environment, Energy, and Resources, Utah State Bar Association, Vermont Bar Association

Professional affiliations:

American Law Institute

OTHER PROFESSIONAL EXPERIENCE

The Honorable Matthew Katz (ret.), Vermont Superior Court
Law clerk (2007-2008)

The Honorable Merideth Wright (ret.), Vermont Environmental Court
Law clerk (2006-2007)

Fabian & Clendenin, PC, Salt Lake City, UT
Associate in Commercial Litigation, Employment, and Natural Resources Practice Groups (2003-2006)

Fabian & Clendenin, PC, Salt Lake City, UT
Summer associate in Commercial Litigation and Employment Practice Groups (summer 2002)

Utah Attorney General, Natural Resources Division & Water Resources Division,
Dewsnup Fellow summer clerkship (summer 2001)