

The Natural Resource

Victory in Six Rivers Case

Several years ago, the Environmental Law Clinic challenged the U.S. Forest Service's failure to (1) provide for public participation and (2) prepare environmental review documents prior to adopting fire management planning policies for the Six Rivers National Forest on the north coast of California.

This test case against one of the first fire management plans prepared in the nation established the legal precedent that the Forest Service must comply with the environmental disclosure and public

participation requirements of the National Environmental Policy Act when it engages in fire management planning. This controversial forest management case involves the health of our public forest ecosystems as well

as the safety of the public during prolonged fire seasons in the western U.S.

In September 2003 the court ruled in favor of the clinic's client, but the Forest Service refused to comply with the ruling. Therefore, the clinic went back to court, asking the judge to reject the government's approach and instead put the agency on a tight schedule for compliance. Clinic students Zack Fabish '06, Aidan McGlaze '07, and Craig Segall '07, under the supervision of Holly Gordon and Deborah Sivas '87, were all heavily involved in two separate rounds of briefing, and Zack presented arguments to the court in March 2006. Brian Schmidt '99, former clinic fellow, also helped in the early stages of this litigation.

The judge issued an order finding that the Forest Service failed to comply with its prior liability ruling and directing the agency to do so on a very specified time schedule.



Craig Segall '07, Deborah Sivas '87, Holly Gordon, Aidan McGlaze '07 and Zack Fabish '06

Environmental and Natural Resources Law and Policy Program Director's Note

The inspiring work, perseverance, and vision of Deborah Sivas '87, winner of the Graduate Service Recognition Award, and of the students in our Stanford Environmental Law Clinic have reaped countless court victories. Most notably, the clinic safeguarded protections for public participation and environmental disclosure requirements in the Six Rivers National Forest, successfully challenged a ballast water exemption under the Clean Water Act, blocked a garbage dump proposed next to Joshua Tree National Park, stopped off-road vehicles in the Mojave Desert, and halted development on a 10,000 year old sacred site at Medicine Lake. The combination of Sivas at the helm and the exciting docket has driven the Environmental Law Clinic to perennial over-enrollment.

The clinic also pursued a climate change agenda. They filed several cases, including an amicus brief on behalf of U.S. Senator Kerry and U.S. Representative Inslee to compel the executive branch to comply with the Global Change Research Act, challenged national fuel economy standards, and represented four former EPA Administrators in securing regulations for greenhouse gases as "air pollutants" under the Clean Air Act. The program similarly addressed climate change issues with the 2007 Environmental Law Workshop spotlighting climate change, as did a Spring 2007 symposium featuring former California Senator Byron Sher's keynote address, "Skating on Thin Ice – Climate Action One State at a Time."

Along with the university initiative to promote interdisciplinary collaboration, our environmental faculty and students have been working with other departments to generate innovative scholarship and coursework. A truly interdisciplinary team, representing the biology department, the business school, and the law school authored an article in *Conservation Biology*, "Evaluating the Potential for Conservation Development: Biophysical, Economic, and Institutional Considerations." Our first candidate for a joint JD and master's in conservation biology – Peter Morgan – graduated in 2006. And, our faculty members, Deborah Sivas '87 and myself teamed up with Alexandria Boehm, assistant professor of civil and environmental engineering, to teach a new popular course called Law and Science of California Coastal Policy.

Another exciting development is the publication of two new books. One book, entitled U.S. Agricultural Policy and the 2007 Farm Bill , is the culmination of three workshops hosted jointly by Stanford University and the American Farmland Trust. Professor Buzz Thompson JD/MBA '76 (BA '72) and Kaush Arha '05 were among the primary editors and contributors. The other book, Property Law: Ownership, Use, and Conservation, represents the efforts of Professor Thompson and Professor Paul Goldstein to incorporate modern environmental considerations into the basic Property textbook.

Other news includes the addition of David Victor, an energy and sustainability expert, and Susan Diamond, a land use expert, to our faculty. Our esteemed alumni have been landing at various prestigious posts, including four recent alumni who joined the EPA (Ron Fein '03, Thomas Butler '03, Janelle Kellman '00, and Grady Jackson '02), and Louise Warren '03 who joined the California Coastal Commission. I look forward to many more inspiring accomplishments in the coming year.

**Meg Caldwell '85, Senior Lecturer and Director of
Environmental and Natural Resources Law and Policy Program**

Stanford Law's Endangered Species Act Handbook in Second Round of Publishing

"The Endangered Species Act: A Stanford Environmental Law Society Handbook" is a comprehensive guide to the federal Endangered Species Act. To order the "ESA Handbook," contact the Stanford Press at www.sup.org/order/index.html or 800/872-7423. To order past ELS handbooks, visit <http://els.stanford.edu>. Share your thoughts and suggestions for future handbooks with Meg Caldwell at 650/723-4057 or megc@stanford.edu.

Environmental and Natural Resources Law and Policy Program Has Moved

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New Conservation Initiatives

Plans are under way for the \$110 million environment and energy building that will house about 40 faculty and 200 graduate students—from marine biologists and petroleum experts to conservation lawyers, geophysicists, and sanitation engineers. In the meantime, Buzz Thompson JD/MBA '76 (BA'72), director of the Woods Institute for the Environment and Robert E. Paradise Professor of Natural Resources Law, and his colleagues are overseeing an innovative interdisciplinary research grant program, conducting searches for new endowed professorships, and arranging strategic partnerships with some of the biggest names in environmental science.

While Stanford has a long and productive history of environmental scholarship—from biology and earth sciences to environmental engineering, economic environmental policy, and environmental law—the university has lacked the infrastructure to encourage their interplay and growth. The Woods Institute is playing a major role in helping interweave and develop environmental scholarship.

Interdisciplinary Projects

On the research side, the Woods Institute administers a popular Venture Projects Fund that offers two-year, \$75,000 grants for interdisciplinary projects conducted by teams of professors and students who have never worked together before.

Gretchen Daily (BS '86, MS '87, PhD '92) and Meg Caldwell '85 are both talented Stanford faculty members who care about

many of the same things. Daily is a professor of biological sciences who specializes in biodiversity conservation. Caldwell, director of the Environmental and Natural Resources Law and Policy Program, is a land use expert. So when they first sat down at a get-together hosted by the Woods Institute for the Environment, they were startled to realize how little they knew about each other's work.

That's all in the past now, thanks to a \$150,000 grant for a joint study funded by the Woods Institute's Venture Projects Fund. Working with their graduate students, Caldwell and Daily are putting their heads together to come up with innovative strategies to encourage conservation activities on private lands.

Their collaboration produced an article published in *Conservation Biology* this spring, "Evaluating the Potential for Conservation Development: Biophysical, Economic, and Institutional Considerations." The article was authored by a truly interdisciplinary team: Peter Morgan ('06), Liba Pejchar (a post-doc in the Biology Department), Meg Caldwell, Gretchen Daily, and Carl Palmer (MBA '03, and now a green development entrepreneur).

Another Woods Institute's Venture Project Fund grant of \$150,000 is funding an interdisciplinary study of whether it is feasible to bring a colony of rare butterflies, the Bay checkerspot butterflies, back to the Stanford foothills. Led by famed population biologist and Stanford professor Paul Ehrlich and assisted by coprincipal investigator law professor Buzz Thompson, the two-year research project aims to better understand the checkerspot's history of extinction from Stanford lands, its preferred habitat, and the biological elements that are important to its long-term survival. Since bay checkerspots are a federally listed endangered species, the researchers also want to know more about any regulatory pitfalls they might encounter along the way.

To accomplish all of those varied tasks



Bay checkerspot butterfly

requires a diverse team of scientists and scholars—the kind of interdisciplinary cooperation that the Woods Institute for the Environment was created to foster. The interdisciplinary team includes American history professor Richard White and doctoral student Jon Christensen, the Carnegie Institution of Washington's department of global ecology director Chris Field, geological sciences professor Scott Fendorf, doctoral student Tim Bonebrake, and Carol Boggs, professor of biological sciences and director of the Stanford University's Program in Human Biology.

For law professor and co-principal investigator Buzz Thompson, the project is less about biology and more about bureaucracy. Are there federal funds available for reintroduction projects on private land? Will Stanford be allowed to develop its foothill lands in the future if there is an endangered species on the land? If Stanford scientists want to capture and mark the butterflies, or take snippets of their DNA, would there be any regulatory barriers and constraints at the federal, state, and local level? What impact would there be on neighboring property owners if the endangered butterflies flutter over to adjoining property? From the law and policy perspective, "it's a neat project," Thompson said. With any luck, the checkerspots will like it, too.

Cross-Pollination

One student already reaping the benefits of Thompson's interdisciplinary work is Peter Morgan '06, who grew up near New York City. Before coming to Stanford, Morgan ran a Nature Conservancy office on



Left: Gretchen Daily BS '86, MS '87, PhD '92; Right: Meg Caldwell '85

Continued on page 4

INTERDISCIPLINARY PROJECTS

Continued from page 3

Martha's Vineyard. As he negotiated habitat preservation deals with local private property owners, he found he was constantly on the phone with attorneys. "I'd been thinking about just getting a master's in environmental management," he said, sitting under a brilliant fall sky in the courtyard near the Law Café. "But talking with those lawyers, I realized that law was where the greatest potential lay for environmental protection." Today, thanks to Stanford's Interdisciplinary Graduate Program in Environment and Resources (IPER), Morgan completed a joint JD and

master's in conservation biology—the first Stanford student to do so.

In another example of interdisciplinary collaboration, Meg Caldwell met beach pollution expert Alexandria Boehm, assistant professor of civil and environmental engineering, at a Woods Institute function two years ago. Now, Caldwell, Boehm, and Environmental Law Clinic director Deborah Sivas '87 are co-teaching a class on California coastal law, science, and policy. While the course is cross-listed with the schools of law, engineering, and earth sciences, it has attracted an even greater range of disciplines among those enrolled,

including journalism and medicine.

"Over the last couple of years," Caldwell said, "we have been actively advertising our courses across campus, so now we're seeing greater enrollment from other disciplines. I hope this trend continues." The payoff, she said, is that "Stanford environmental law students are leaving more prepared to do what they're going to be expected to do when they get out of here."

Articles taken from Stanford Lawyer

FACULTY & PROGRAM

New Property Law Textbook Deals with Environmental Issues

First-year Property Law classes traditionally cover conflicts between people to the exclusion of the role of nature and the environment. In 2006, Stanford Law School professors Buzz Thompson JD/MBA '76 (BA '72) and Paul Goldstein co-authored a new book, *Property Law: Ownership, Use, And Conservation* (University Casebook Series), to modernize the Property Law curriculum.

Their new textbook incorporates several environmental considerations that have often been overlooked by property law texts in the past. For example, this textbook discusses the Public Trust Doctrine and its current role in limiting private development and use of property, valuable "ecosystem services" that nature provides, the increasing role that the federal government plays in regulating environmentally sensitive lands such as wetlands and the habitat of endangered species, potential Superfund liability associated with the sale of real property, and the connection between landlord-tenant relations and indoor air pollution.

The webpage for the casebook notes that the "casebook is designed for the faculty

member who wants to cover not only traditional property issues but also emerging environmental issues in the management of land and other resources. Property lawyers are increasingly engaged in environmental issues, including the increased interest in conservation easements, national regulation of land use through such statutes as the Endangered Species Act and the Clean Water Act, problems of hazardous waste cleanup, and pressures to open private land to public use through the public trust doctrine and other legal mechanisms. This casebook provides significant materials on these emerging and important environmental issues."

According to Thompson the authors hope that the casebook "will help stimulate



further thought on how to incorporate modern environmental considerations into the basic property course."

Any thoughts or feedback from other environmental faculty who teach Property Law would be most welcome to contact Thompson at buzzt@stanford.edu.

Clinic Amicus Brief for Sen. Kerry and Rep. Inslee in Climate Change Suit

On February 8, 2006, the Stanford Environmental Law Clinic filed an amicus brief on behalf of U.S. Senator John Kerry (D-MA) and U.S. Representative Jay Inslee (D-WA) in support of environmental groups that are suing the Bush administration for allegedly suppressing scientific research about climate change that is required by Congress under the Global Change Research Act of 1990 (GCRA).

This is a rare instance where members of Congress have supported a lawsuit filed by environmental groups against the executive branch for failing to provide Congress with accurate scientific data necessary to enact appropriate legislation to address global climate change. The amicus brief was filed in the U.S. District Court in the Northern District in California in the case *Center for Biological Diversity v. Brennan* and argues that the Bush Administration has failed to ensure that rapidly evolving scientific information about global climate change and other international environmental crises would promptly reach the public and those government policymakers in a position to act upon it, as required the GCRA. The brief was filed by the Stanford Environmental Law Clinic. The clinic's director, Deborah A. Sivas, a lecturer at Stanford Law School, is the attorney of record, and Craig Segall '07, is one of the primary student authors of the brief.

The filing of the brief coincides with Congressional testimony by Rick Piltz, a key declarant in the case who was a senior government scientist coordinating the multi-agency U.S. government program that supports scientific research on climate and associated global environmental change under the auspices of the GCRA. Piltz has provided sworn testimony illustrating how and why, during the 2001-2005 timeframe,

he "came to the conclusion that politicization of climate science communication under the current administration was undermining the credibility and integrity of the Climate Change Science Program in its relationship to the research community, to program managers, to policymakers, and to the public interest."

The lawsuit was filed by three nongovernmental environmental organizations, the Center for Biological Diversity, Greenpeace, and Defenders of Wildlife. The suit names William Brennan, who heads up the U.S. Climate Change Science Program, along with other administrators and contributing agencies, for failing to produce the crucial U.S. National Assessment of Climate Change within Congress' required time frame and instead acting to suppress existing science and muddy future efforts. The GCRA was intended to advance public understanding and facilitate timely government policymaking on global climate change. The 1990 Act was passed to ensure that Congress and the public had the best possible comprehensive synthesis of the science, threats, and policy responses required by the threat of global climate change in a single national assessment. The GCRA requires the Administration to update the national assessment every four years to keep pace with the fast-changing

science. Congress intended for GCRA to guide the "development and coordination of a comprehensive and integrated United States research program which will assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change."

The amicus brief and accompanying declaration of Mr. Piltz provide new evidence that current administration officials actively sought to avoid public dissemination of the first National Assessment and have intentionally evaded preparation of a new comprehensive, publicly assessable second assessment as required by Congress. In the face of this evidence, Senator Kerry and Representative Inslee urge the court to correct this abuse of process: "Given the urgent and potentially catastrophic implications of global climate change, Defendants' subversion of the GCRA's most basic provisions is alarming. This Court should restore the proper balance of power between the legislative and executive branches by ordering Defendants to comply with the mandatory duties of the GCRA. Only then will Congress and the public have the comprehensive policy-relevant scientific information they need to confront the specter of global climate change."

Climate Change Focus for Environmental Law Workshop 2007

The 2007 Workshop focused on climate change. As part of the workshop, Meg Caldwell '85 and Craig Segall '07 presented their paper, "No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast." Their paper appears in the Summer 2007 *Ecology Law Quarterly* in a special symposium issue jointly sponsored by Boalt and Georgetown. This annual interactive seminar brings academics, policymakers, and lawyers from throughout the world to Stanford to discuss their current research and work.

Clinic Challenges New SUV Fuel Standards

On behalf of the Center for Biological Diversity, the clinic filed a lawsuit in the 9th Circuit Court of Appeals challenging the new fuel economy standards set by the U.S. Department of Transportation for sports utility vehicles and other light trucks.

Under the 1975 Energy Policy and Conservation Act, the Department of Transportation (DOT) is required to set fuel economy standards for SUVs and pickup trucks in order to conserve energy, decrease reliance on oil, and safeguard the environment. The DOT must set fuel economy standards at the “maximum feasible level” under the Corporate Average Fuel Economy program (CAFE) and fully analyze the environmental impacts under federal laws.

The lawsuit alleges that the DOT unlawfully failed to prepare an Environmental Impact Statement for the new standards, failed to evaluate cumulative impacts on

global warming and a reasonable range of alternative standards, and improperly valued the benefits of reduced greenhouse gas emissions at zero.

“The Department of Transportation has utterly failed to examine the overall environmental impacts from greenhouse gases emitted by light trucks,” said Deborah Sivas ’87, director of the Stanford Environmental Law Clinic. “Without an analysis of the environmental effects from greenhouse gases, the administration continues its shell game of trying to avoid looking at global climate change problems.”

Clinic Prevails in Supreme Court

The Environmental Law Clinic had a great day in April 2007 when the U.S. Supreme Court decided the cases of *Massachusetts v. EPA* and *Environmental Defense v. Duke Energy Corp.* The Clinic filed amicus briefs on behalf of several former EPA Administrators in both cases, supporting what proved to be the winning arguments in each case.

In *Mass v. EPA*, a 5-justice majority reversed a D.C. Circuit decision and held that (1) petitioners had standing to bring the case (a hotly contested point), (2) greenhouse gases that cause global warming are “air pollutants” regulated by the Clean Air Act, and (3) EPA improperly denied a petition to regulate such greenhouse pollutants on impermissible grounds that strayed from the statutory criteria. The clinic’s amicus brief focused on EPA’s history of very successfully regulating other pollutants, such as leaded

gasoline and ozone-depleting substances, even in the face of some residual uncertainty.

In Duke Energy, a unanimous Supreme Court reversed a Fourth Circuit decision in favor of Duke Energy, which argued that Clean Air Act permits are not required for certain facility expansions, even if those expansions would allow an overall increase in air pollutants. The Clinic’s brief focused on EPA’s long-time, consistent interpretation of the statute (until the present administration) as requiring permits for such expansions. The new ruling has significant nationwide implications for the Clean Air Act’s “New Source Review” program.

Congratulations to all the students in the clinic who had a hand in this, as well as clinic Director Deborah Sivas ’87, fellow Holly Gordon, and Legal Assistant Lynda Johnston.



Amy Park '08

Student Profile

Amy Park

In November of 2006, Amy Park ’08 participated in the United Nations Climate Change Conference in Nairobi, Kenya. This was the second Meeting of the Parties to the Kyoto Protocol and the twelfth Conference of the Parties to the Climate Change Convention. At the Conference, she was affiliated with Environmental Defense, an environmental nongovernmental organization based in New York City. Park attended multiple strategy and planning sessions of the Climate Action Network, a loose association of all environmental NGOs, as well as several of the side events at which policy-makers, scientists, economists, and others presented new ideas and initiatives for combating climate change. Among the highlights of her experience was observing the plenary meetings during which major decisions were debated and decided and also personally helping to establish rapport between the NGO community and the South Korean delegation through meetings with the country’s ministers.

This wonderful opportunity to attend the conference came about through her summer internship with Environmental Defense in its Washington, D.C. office where she worked with Annie Petsonk, international counsel for ED, exclusively on climate change, particularly the issues that arise out of international climate change.



Bethany Davis Noll '05, Peter Morgan '06

Clinic Win in Ship Ballast Water Case

Adapted from *Stanford Lawyer*

At just 3 centimeters in length, the Asian clam looks harmless. But since its accidental introduction into San Francisco Bay over 10 years ago—probably through the ballast tank of a freighter—the voracious little mollusk has been wreaking havoc on the local ecosystem, carpeting the bay floor and sucking up the food sources of young salmon and striped bass.

According to Sarah Newkirk of the San Francisco based Ocean Conservancy, the problem can be traced to an old Environmental Protection Agency loophole that

“Victories in these cases could have nationwide implications for future management of these pollution sources.”

leaves ship discharges virtually unregulated under the Clean Water Act.

“We believe that invasive species are a pollutant,” Newkirk said, “and that ships are a source.” The Ocean Conservancy and several other nonprofit environmental organizations teamed up with Stanford’s Environmental Law Clinic to challenge the exemption. Students Peter Morgan ’06 and Bethany Davis Noll ’05 wrote the briefs and were responsible for arguing the case at a January hearing in San Francisco’s Federal District Court—heavy stuff for such young practitioners. Another student, Justin Pidot ’06, successfully briefed and argued the remedy phase of the case, which is now on appeal.

When the verdict finally came out strongly in their favor last April, it was “more than we ever expected,” said Morgan, who, following a post-doctoral Scholar appointment in Stanford’s Biology Department, will clerk for Justice Carpeneti of the Supreme Court of Alaska. “The judge [Hon. Susan Y. Illston ’73] found for our clients all the way down the line. What was most exciting for me was to recognize in the judge’s opinion a lot of the language we used in our briefs and our oral arguments.”

Regarding this highly publicized ballast water case, Clinic Director Sivas ’87 said, “This case will have nationwide implications for future management of these devastating pollution sources.”



Asian clam (*Potamocorbula amurensis*)
Photo courtesy of U.S. Geological Survey.

Sivas Honored With Graduate Service Recognition Award



Deborah Sivas '87, Director of the Stanford Environmental Law Clinic

Deborah Sivas ’87, director of the Stanford Environmental Law Clinic, was one of three faculty members honored with Stanford’s Graduate Service Recognition Award, recognizing Sivas’s “strong commitment to improve graduate student life at Stanford.”

Selena Kyle ’05, former clinic student, explains that “Debbie devotes herself deeply – both her heart and mind – to every case she takes on for the clinic, and inspires her students to do the same. She further empowers students to chart their own paths as public interest lawyers.”

Victory for Eagle Mountain

The Environmental Law Clinic won a major victory in its long-running legal battle over the proposed development of the world's largest garbage dump adjacent to Joshua Tree National Park in California's fragile Mojave Desert.

In late 1998, the federal Bureau of Land Management (BLM) agreed to exchange nearly 4,000 acres of federal public land nestled up against national park wilderness lands to a private mining company for the purpose of creating an enormous solid waste landfill, in return for a handful of scattered desert lands elsewhere in the Mojave. The exchanged lands provide important buffer habitat for dozens of species, including the endangered big horn sheep and desert tortoise. The proposed landfill, if it goes forward, would accept up to 20,000 tons per day of trash to be rail-hauled and trucked from hundreds of miles away in Southern California's densely populated coastal communities.

Since its inception, the clinic has been representing the National Parks Conservation Association in that group's efforts to stop this project. Students worked at the administrative level drafting comments on the proposal and, later, on an administrative appeal to the Interior Board of Land Appeals. After the appeal was denied, the clinic pursued the matter in the district court, arguing that the land exchange was not in the public interest, that the federal government did not obtain fair market value for the exchanged lands, and that the environmental review for the project was so narrowly constrained that it failed to evaluate other management options for these federal lands, especially their preservation as important buffer habitat for wildlife and wilderness protection.

In a September 20, 2005 decision, the district court agreed with the Clinic's

The exchanged lands provide important buffer habitat for dozens of species, including the endangered big horn sheep and desert tortoise.

arguments, finding that BLM's decision was arbitrary, capricious, an abuse of discretion and in violation of the Federal Land Policy and Management Act and the National Environmental Policy Act.

Clinic students Grady Jackson '02, Sanjay '01, and Seth Cohen '02 worked on the case in the district court, while later students, Gregg Webb '07 and Michael Pappas '07 wrote the briefs in the pending appeal.



Gregg Webb '07 and Michael Pappas '07



FEDERAL BUREAU OF LAND MGMT.

Desert Tortoise

Win for Desert Tortoise

The Environmental Law Clinic won a major victory for the highly imperiled desert tortoise when the federal court issued an injunction stopping off-road vehicles on 572,000 acres of federal public lands in the Mojave Desert. Clinic students Elena Saxonhouse '04, Daina Bray '04, Selena Kyle '05 and Leah Vickers '05 successfully argued that the federal authorizing agency must determine not only whether the activity in question will physically harm and jeopardize the survival of the species, but also whether the potential destruction of critical habitat will impede the species' long-term conservation.

"This ruling is very good news for the desert tortoise and for the people of California," said Sivas. "Off-road vehicle damage to desert habitat can take decades to recover and this ruling will halt that destruction."



Ben Rottenborn '06 (left) and Rhett Millsaps '07 (right), at California Ocean Protection Council

Clinic Students Shape Policy on Coastal Power Plants

Environmental Law Clinic students Ben Rottenborn '06 and Rhett Millsaps '07 worked to convince the State of California that it should phase out the use of antiquated "once-through cooling" systems at the state's 21 coastal power plants in favor of recirculation systems that recycle water or air cooling systems.

This is an important issue for the protection of marine resources since these power plants collectively withdraw 17 billion gallons of coastal estuary water each day and kill all marine life contained in that water, including trillions of fish and invertebrate larvae that form the basis of the near-shore food web and constitute important nurseries for coastal fisheries.

Rottenborn and Millsaps prepared written comments and presentation of oral testimony to the State Water Resources Control Board, the State Lands Commission, and the California Ocean Protection Council, all of which have a hand in setting state policy, as

well as participation in smaller meetings with key decision makers. At each public hearing, the students' presentations received strong praise from agency officials and others. Their work helped convince the State Lands Commission to adopt a strong policy resolution to phase out once-through cooling whenever feasible, which the ELC helped draft. Then the Ocean Protection Council adopted a similarly strong resolution, which the ELC again helped shape. At the close of the public hearing, State Controller Steve Westley, who sat on the Ocean Protection Council, said: "I want to thank everyone who came out and gave us comments today, especially the Stanford Law School students." These two resolutions set the stage for a push to convince the State Water Board to adopt a more progressive set of regulations on this issue.

Congratulations to Matthew Liebman '06 and Brian Blalock '07

National Animal Advocacy Appellate Moot Court Winners
Harvard Law School, 2006



Matthew Liebman '06 and Brian Blalock '07, (left) the first place team from Stanford, and Nathan Olson and Samantha Mortlock.

ALUMNI FOCUS



Louise Warren '03

Louise Warren at California Coastal Commission

Louise Warren '03 started a new position as Staff Counsel for the California Coastal Commission. The commission's mission is to protect, conserve, restore, and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. As staff counsel, Ms. Warren advises the commission staff and the commission on a wide variety of legal issues, including those arising under the Coastal Act, the Coastal Zone management Act, CEQA, and the U.S. Constitution.



Craig Segall '07 and Mississippi Department of Environmental Quality inspector on illegal wetland fill

Clinic Travels to Mississippi for Post-Katrina Relief

On August 29, 2005, Hurricane Katrina struck the gulf coast killing over a thousand people, destroying the homes and businesses of hundreds of thousands, and altering the lives of virtually everyone living on the Gulf Coast. An unfortunate consequence of the vastly overwhelming recovery process is the low priority of environmental issues.

Clinic fellow Holly Gordon and clinic student, Craig Segall '07 traded spring break in California for an inspiring week of volunteer work on the Mississippi Gulf Coast. Gordon and Segall traveled to Gulfport, Mississippi primarily to provide aid to residents of North Gulfport and Turkey Creek. These communities were formed in the mid-1860s by emancipated slaves and many of the homes along Turkey Creek are owned by descendants of those freed families. Because the Turkey Creek watershed contains numerous wetlands that act as sponges, absorbing large quantities of water, many of the homes along the creek were

spared the full brunt of the storm surge that hit the homes right along the coast. However, following the storm, with no one to enforce environmental laws, they are largely being ignored. As a result, many illegal wetland filling and clearcutting projects were going forward along the creek, increasing the likelihood of massive flooding during future hurricanes. With the help of active and effective community groups, Gordon and Segall were able to halt many of these projects, thereby safeguarding important wetlands along the creek.

Back at Stanford, Gordon and Segall worked with the communities to begin

...many illegal wetland filling and clearcutting projects were...increasing the likelihood of massive flooding during future hurricanes. With the help of active and effective community groups, Gordon and Segall were able to halt many of these projects...



Craig Segall '07 and community member in front of historic home along Turkey Creek

remediation of these important wetlands and to stop other illegal projects. Thus far, the clinic has filed one federal lawsuit for illegal filling of wetlands in violation of the Clean Water Act.

Ninth Circuit Halts Development on 10,000-Year-Old Sacred Site at Medicine Lake

In November 2006, the Environmental Law Clinic won a major victory on behalf of its clients in their long-term struggle to protect the Medicine Lake area Indian sacred site in Northeastern California from energy development. The clinic represents the Pit River Tribe, the Native Coalition for Medicine Lake Highlands Defense, and the Mount Shasta Bioregional Ecology Center.

The Ninth Circuit Court of Appeals reversed an adverse decision from the district court and ordered the lower court to enter summary judgment in the clients' favor on all issues on appeal. The case involves the unlawful failure of the federal Bureau of Land Management and U.S. Forest Service to consult with the Pit River Tribe and undertake appropriate environmental review before deciding to execute energy leases to a private

company on this 10,000-year-old sacred landscape. The Ninth Circuit appeal was argued by former ELC student Justin Pidot '06, and former ELC students Selena Kyle '05 and Leah Vickers '05 assisted in drafting the briefs. The clinic has been working on this matter since February 1998.

"The Court's decision vindicates the Pit River Tribe's decade-long struggle to protect the sacred Medicine Lake landscape from unreflective industrial development," said Deborah Sivas '87, director of the Environmental Law Clinic at Stanford Law School and counsel of record. "The area has been an integral part of the Tribe's cultural and spiritual traditions for over 10,000 years, and the federal government plainly owes a high fiduciary duty to the region's Indian Tribes when managing the National Forests there. The Court agreed with the Native American and environmental plaintiffs that, of course, the federal agencies must formally consult with the Pit River Tribe and undertake appropriate environmental review before irrevocably leasing the public's resources for private energy development." In April 2007, the Ninth Circuit denied the defendants' petition for rehearing en banc.

Clinic Amicus Brief for Four Former EPA Administrators

Deborah Sivas '87 and the Stanford Environmental Law Clinic, along with Emory University's William Buzbee, submitted an amicus brief in *Rapanos v. United States*, one of the biggest environmental landmark Clean Water Act cases to come before the U.S. Supreme Court since passage of the Clean Water Act 33 years ago. In an unprecedented bipartisan joint submission by four former U.S. Environmental Protection Agency Administrators — Carol Browner, William K. Reilly, Douglas Costle and Russell Train — the clinic opposed the real

estate developer's argument seeking to limit the Clean Water Act protections to "traditional navigable" waters (those suitable for commercial vessels) and those wetlands and streams directly adjacent to those waterways. According to the brief, "Petitioners' arguments to exclude non-navigable waters and their adjacent wetlands from federal regulation strike at the very heart of the nation's water pollution control programs." Clinic students Craig Segall '07 and Paul Spitzer '07 worked on the brief.



Craig Segall '07 and Paul Spitzer '07

Law & Science of California Coastal Policy

In fall 2005, Meg Caldwell '85 and Deborah Sivas '87 teamed up with Ali Boehm, Assistant Professor of Environmental Engineering, and Rebecca Martone, Ph.D. student in biology, to teach a new interdisciplinary course that integrates the legal, science, and policy dimensions of characterizing and managing our coastal resources in California. The class proved to be popular drawing 43 students from a wide range of disciplines, including earth systems, biology, engineering, medicine, and law. Due to its popularity, the course is being offered annually.

The course focuses on the land-sea interface exploring contemporary coastal land use and marine resource decision-making. Among the focal issues, the course examines coastal pollution; public health; ecosystem management; public access; private development; local community and state infrastructure; natural systems and significant threats; resource extraction; and conservation, mitigation and restoration. Students learn the fundamental physics, chemistry, and biology of the coastal zone, tools for exploring data collected in the coastal ocean (time series analysis), as well as the institutional framework that shapes public and private decision-making affecting coastal resources. This course takes a "place-based" approach. Students participate in field studies designed to provide a personal understanding of how experts from different disciplines confront and work to resolve coastal policy questions. In addition to field studies, students are required to attend public meetings of the State Coastal Conservancy Board or the California Coastal Commission.

Look at the ENRLP website at <http://www.law.stanford.edu/programs/academic/enrlp/casestudies.html> for the new Channel Islands case study that was written specifically for this course. For electronic copies of the syllabus for the course, contact Meg Caldwell at megc@stanford.edu.



ENRLP Director Meg Caldwell '85; Heather Bischel, a Stanford graduate student in Environmental Engineering, collect ocean water samples in the night on a Coastal class fieldtrip

Environmental Science for Managers and Policymakers

Another cross-disciplinary course that will be offered annually beginning in Spring 2008 is Environmental Science for Managers and Policymakers. This course covers the fundamentals of earth systems and environmental science and develops skills in spreadsheet modeling, optimization, and Monte Carlo simulation that are essential for environmental policy analysis and resource management. This course, which

is cross-listed with the Graduate School of Business, is taught by a diverse team of faculty from the schools of Humanities and Sciences, Earth Sciences, Engineering, Law and Business, including the Law School's Meg Caldwell. The course will be a core requirement of the Law School's new joint JD/MS program with the University's Interdisciplinary Graduate Program in Environment and Resources (IPER).



ENRLP Director Meg Caldwell '85 and Heather Bischel, a Stanford graduate student in Environmental Engineering, prepare ocean water samples for analysis at Stanford's Hopkins Marine Station.



Holly Gordon: Clinical Fellow

2005-2007

Holly Gordon joined the Environmental Law Clinic in 2005 for her two-year fellowship. Before joining Stanford, she was a staff attorney at Communities for a Better Environment, an environmental justice organization in northern California. While at CBE, she was an Adjunct Professor at the University of San Francisco School of Law, teaching Water Law. Prior to moving to

California, she was a staff attorney at the Chicago-Kent Environmental Law Clinic, where she worked on environmental justice issues. She served as the Assistant Director of the Program in Environmental and Energy Law (PEEL) at Chicago-Kent and she coached Chicago-Kent's Environmental Law Moot Court team. She also served as an Adjunct Professor at Chicago-Kent, teaching Advanced Research for Environmental Law, and at Northwestern University School of Law, co-teaching an Environmental Law Survey course and an Environmental Law seminar. Prior to engaging in nonprofit environmental work, she was an associate at Jones Day's Chicago office where she worked on a mixture of general litigation and environmental compliance and litigation issues. She received a B.A. in Economics from Washington University in St. Louis in 1995 and her J.D. from Chicago-Kent College of Law in 1999. In August '07, Holly began her new position as Director of Regulatory and Legislative Affairs at Ausra, Inc., a solar thermal energy company.

CLIMATE CHANGE

Byron Sher Keynotes Climate Change Symposium

The *Stanford Environmental Law Journal* and the *Stanford Journal of International Law* presented a joint symposium on climate change liability and the allocation of risk on February 24, 2007. The discussion centered on climate change risk through the lenses of litigation liability, insurance strategies, and international human rights with a wide range of eminent speakers. The keynote address, "Skating on Thin Ice — Climate Action One State at a Time," by former California Senator Byron Sher was a particular highlight. Byron Sher was introduced by Karen Douglas '01, the director of the California Climate Initiative at Environmental Defense.



Former State Senator Byron Sher,
2007 Robert Minge Brown Lecturer
and Keynote speaker

Generous Barker Gift for Animal Law Class

This course, offered biennially, provides a survey of the law's understanding and treatment of animals by looking at the development of federal and state policies on wild, domestic, and companion animals. Specific topics include the history of animal law, the concept of animals as property, the application of tort and remedies law to injuries by and to pets, protection of animals by cruelty and other laws, as well as constitutional issues raised in cases involving animals. This course presents a survey of the historical and current status of this rapidly developing specialty. In brief, animal law encompasses all areas of the law in which the nature -- legal, social or biological -- of nonhuman animals is an important factor.

Bob Barker Gift of \$1 Million for Animal Rights Endowment

Bob Barker, the former host of the long-running game show, *The Price Is Right*, has funded a \$1 million endowment at Stanford Law School for the study of animal rights law. "Animal rights is an emerging and controversial area of the law," said Barton H. "Buzz" Thompson, Jr., JD/MBA '76 (BA '72), Robert E. Paradise Professor of Natural Resources Law and Director of the Woods Institute for the Environment. "His gift will help us advance the field in the thoughtful manner it deserves."

The Barker Fund allows Stanford Law School to promote cutting-edge legal thinking and problem-solving in a wide variety of fields directly related to animal welfare. These programs include student instruction in animal rights and welfare law, research and support of scholars actively involved in studying and creating animal law, and collaborative efforts to help define the way the government protects America's most threatened species.

Environmental Law Workshop 2007

STEPHEN SCHNEIDER

Stanford University, Department of Biological Sciences

Climate Change: How Can We Make Progress?



Brian Shillinglaw '08 and Peter Morgan '06

GEORGE SOMERO

Stanford University, Hopkins Marine Station

Global Warming in Temperate and Antarctic Marine Ecosystems:

Who Will Be in "Hot Water" and Why?

ANN NOTHOFF & DEVRA WANG

Natural Resources Defense Council

California Climate Law Sets Stage for State and Federal Action:

Anatomy of a Winning Campaign and What's Next?

DEBORAH SIVAS

Stanford Law School, Environmental Law Clinic

Global Warming in the Courts:

The Search for Judicial Remedies in the Face of Federal Inaction

LARRY GOULDER

Stanford University, Department of Economics

Are Climate Change Policies Worth the Price?

The Stern Report and Its Critics

Financing Community-based Conservation of Working Land Workshop

Peter Morgan '06 and Brian Shillinglaw '08 organized this mid-size, two-day workshop that explored and assessed strategies for financing community-based working land conservation. Held in April 2007, workshop participants included prominent community conservation advocates, land trust professionals, finance professionals, and academics with expertise in community-based natural resource management. The workshop focused on financial issues related to working land acquisition, management, and restoration. Issues related to governance of community-based conservation projects were also addressed.



Ben Lilien '06 and Craig Segall '07

MEG CALDWELL & CRAIG SEGALL

Stanford Law School

Sea Level Rise and Coastal Access: No Day at the Beach

CHRIS FIELD

Stanford University, Department of Biological Sciences

Climate Change and Terrestrial Impacts

1st Annual Symposium on First Amendment and Environment

In April 2006, Stanford Law School hosted the first annual symposium on the intersection of environmental law and the First Amendment. Organized by students Ben Lilien '06 and Craig Segall '07, this symposium featured speakers from a diverse range of disciplines and professional backgrounds who addressed issues, including the Public Records Act and the Freedom of Information Act, SLAPP Suits, and the media.

WENDY PULLING

Pacific Gas and Electric Company

Corporate Strategies to Address Climate Change

MARGARET TAYLOR

UC Berkeley, Richard & Rhoda Goldman School of Public Policy

Government Actions and Their Effect on Clean Energy Technology Innovation

DAVID VICTOR

Stanford Law School and Freeman Spogli Institute for International Studies

After Kyoto: New Strategies for Protecting the Planet



... we focused on solutions — making U.S. agriculture more competitive, expanding conservation and producing environmental services and promoting rural development.

Stanford Partners with American Farmland Trust on Farm Bill 2007

The 2007 reauthorization of the U.S. Farm Bill spurred Stanford University, along with the American Farmland Trust, to host three workshops to develop new ideas for the 2007 Farm Bill and help inform the bill's provisions.

Stanford Law School and the Woods Institute for the Environment hosted the first two workshops in February and March 2006, which focused on improving current conservation programs and shifting from crop subsidies to environmental incentives. The third workshop took place in September 2006 in Washington, D.C. and explored how to transition from the current system to new strategies discussed in the first two workshops. These three 2006 Farm Bill Workshops brought together key experts from Stanford University and elsewhere to examine these ideas, including the U.S. Secretary of Agriculture, key White House officials from both the Council of Economic Advisors and the Council on Environmental Quality, chief legislative staffers from Capitol Hill, California's Secretary of Resources and Secretary of Agriculture and farm leaders.

"I was impressed with the progress in the discussion of farm policy among participants. There was consensus on the problems. At the forums we focused on solutions—making U.S. agriculture more competitive, expanding conservation and producing environmental services and promoting rural development," said Prof. Barton H. "Buzz" Thompson JD/MBA '76 (BA '72).

Growing out of these workshops is a new book of essays called *U.S. Agricultural Policy and the 2007 Farm Bill*. This anthology is comprised of policy papers covering topics such as U.S. agricultural conservation policy and strategies for implementation; the compatibility of U.S. commodity and environmental programs with WTO commitments; and the relevance of other nations' agricultural policy to the U.S. farm policy debate. The many contributors include Kaush Arha JD

'05; Prof. Tim Josling, Stanford University; Prof. Daniel Sumner, UC Davis; and Prof. Thompson. The complete set of papers and more information on the 2007 Farm Bill can be accessed at <http://environment.stanford.edu/ideas/farmbill.html>.



Barton H. "Buzz" Thompson JD/MBA '76 (BA '72), Director of Woods Institute for the Environment

Buzz Thompson: Director of Woods Institute

Thompson moderated a panel called "Growing Change: Agriculture and Environmental Law in the Fields" at the Shaking the Foundations Conference at Stanford Law School. The panel discussed the fate of America's farms and farming communities that reside at a complicated intersection of environmental and community law. The panel brought together lawyers whose work ranges from legal aid to community development to national policy to discuss how we can chart a future that is both environmentally sustainable and socially just. The panelists included Gary Patton, executive director of the Planning and Conservation League, Cynthia L. Rice, Director of Litigation for California Rural Legal Aid (CRLA), and Edward Thompson, Jr., Director of California's American Farmland Trust office.

In addition to his many duties at Stanford Law School, Thompson has become a board member for the American Farmland Trust which has a vision of well-managed, protected farm and ranch land that provides open space, clean water, healthy food, wildlife habitat and a renewed connectedness between the farm community and the rest of America.



David Victor, Director, Program on Energy and Sustainable Development at CESP; Freeman Spogli Institute for International Studies Senior Fellow; Stanford Professor of Law

David Victor: Professor of Law

David Victor is professor of law at Stanford Law School and Director of the Program on Energy and Sustainable Development at Stanford University. The program, launched in September 2001, focuses on reform of electric power markets, the geopolitical consequences of newly emerging global natural gas markets, energy services for the world's poor, and managing climate change and other environmental consequences of modern energy systems. Much of the program's research concentrates in Brazil, China, India, Mexico, and South Africa. He teaches energy law and regulation at Stanford Law School.

Previously, Dr. Victor directed the Science and Technology program at the Council on Foreign Relations in New York, where he remains adjunct senior fellow and director of the council's task force on energy. At the Council his research focused on the sources of technological innovation and the impact of innovation on economic growth. His research also examined global forest policy, global warming, and genetic engineering of food crops. He holds a BA in History and Science from Harvard University and a PhD in Political Science (international relations) from the Massachusetts Institute of Technology.



Susan Diamond, lecturer: Land Use Law

Susan Diamond: Lecturer in Law

Susan Diamond BA '79 has joined the faculty as a lecturer teaching Land Use Law with Meg Caldwell. She is of counsel of the Real Estate Group in the San Francisco office of Morgan Lewis & Bockius. Diamond holds a JD from Harvard Law School and an MCP (City Planning) from MIT.



Thomas Butler '03, Janelle Kellman '00, and Grady Jackson '02

Three SLS Alums at U.S. EPA, Region 9

Janelle Kellman, Thomas Butler, and Grady Jackson all joined the EPA Region 9 San Francisco Offices. Kellman serves as attorney-advisor in the Office of General Counsel; Thomas serves as assistant regional counsel in the Hazardous Waste Branch; and Grady is an attorney-advisor in the air and toxics practice area.

Janelle Kellman '00 is in the General Litigation and Counseling Practice Group, serving as one of the lead attorneys on most Safe Drinking Water Act cases involving public water systems and underground injection control wells. The main purpose of her work is to protect the USDW, or Underground Source of Drinking Water, by working with the engineers and scientists of the Region 9 groundwater office. Together, they draft language for permits, interpret regulations to assist compliance efforts, help states adopt regulations to enforce the federal regulations, and bring enforcement actions when a system is not in compliance. Some of the most interesting aspects of her work are the agency's interactions with tribes in Arizona. The EPA has a special compliance assistance duty towards tribes, and that has proven to be an interesting and rewarding aspect of her compliance work. Prior to coming to EPA, Kellman was an attorney at Bingham McCutchen LLP where she focused on a range of matters including environmen-

tal litigation, counseling and compliance work, and land use. She also worked at Stoel Rives for two years after her federal clerkship in the Southern District of California. She is currently the chair of the Sausalito Planning Commission, where she has served the community since 2002. Kellman reports, "Since coming to EPA, I have realized how much I enjoy the counseling aspects of environmental law - I have the opportunity to shape policy decisions, work directly with public water systems, and help achieve regulatory compliance. I can honestly say I do not miss the hours and deadlines of litigation one bit!"

Thomas Butler '03 left Farella Braun and Martel, LLP after two years of practicing commercial litigation, with a focus on construction and environmental law, and dabbling in environmental compliance counseling. Now at EPA, he does primarily Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) counseling and litigation, though other hazardous waste laws (such as the Resource Conservation and Recovery Act and the Oil Pollution Act), natural resources laws (such as the Endangered Species Act), and procedural laws (such as the National Environmental Policy Act and the Administrative Procedures Act) come into play in his practice as well. Butler reports the following: "In my new job,

I really enjoy the opportunity to grapple with the policy considerations that undergird our legal judgments, counsel, and litigation strategies. I also enjoy practicing in a field which requires me to consider the relative rights of the states and federal government, and those of different generations. As someone who has always been fascinated by environmental policy and law, working for a regulatory agency is an invaluable experience."

Grady Jackson '02 joined U.S. EPA Region 9's Office of Regional Counsel in June 2006 as an Attorney-Advisor in the air and toxics practice area. His initial focus has been on market-based regulatory mechanisms, permitting, and enforcement. Prior to joining the EPA, Jackson worked as an Associate in the Environment, Land, and Resources Department of Latham & Watkins in San Francisco, as a Luce Scholar and Visiting Fellow at the nonprofit Thailand Environment Institute in Bangkok, and as a law clerk to U.S. District Judge Irma E. Gonzalez in San Diego.



Ron Fein '03

Another Alum at EPA in New England

Ron Fein '03 is the 2005-07 EPA New England Honors Attorney Fellow, after concluding a two-year stint in the federal judiciary, first with Judge Woodlock in the District of Massachusetts in 2003-04, and then with Judge Lipez on the Court of Appeals for the First Circuit in 2004-05. His two-year fellowship at the U.S. Environmental Protection Agency, New England Region, will be spent 50 percent in the Office of Environmental Stewardship doing regulatory enforcement and 50 percent in the Office of Regional Counsel rendering environmental and other legal advice.

Meg Caldwell Returns to California Marine Life Protection Act Blue Ribbon Task Force



Meg Caldwell '85, Director of ENRLP and senior lecturer in law at Stanford Law School, was appointed by California Secretary of Resources Mike Chrisman to the Blue Ribbon Task Force for both Phase One for the central coast and Phase Two for the north central coast.

In 1999, California enacted the MLPA, which directs state agencies to reexamine and redesign California's system of marine protected areas with the goal of increasing its

coherence and effectiveness at protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems. Meg Caldwell served on the eight-member First Phase Blue Ribbon Task Force to oversee the initiative process. She oversaw a two-year public process and culminated in the landmark decision in April 2007 in which the California Fish and Game Commission unanimously approved the preferred alternative, resulting in 29 MPAs representing approximately 204 square miles (or approximately 18 percent) of state waters with 85 square miles designated as marine protected areas along the Central Coast, which ranges from Pigeon Point in San Mateo County south to Point Conception in Santa Barbara County.

Following that success, Meg Caldwell was appointed again to the current five-member Second Phase Blue Ribbon Task Force to implement the marine protections for the north central coast, Alder Creek in Mendocino County to Pigeon Point in San Mateo County.

In his announcement of the selection of the panelists on the Blue Ribbon Task Force, Secretary Chrisman said, "This group represents a wide range of perspectives and is highly regarded for having good judgment. Their track record of results and breadth of experience in statewide and national policymaking is going to play a huge role in the success of this effort," he added. "This group has been assembled to look objectively at the history, the science related to marine protected areas and the process to ensure that it remains open, will be accessible and is considerate of all viewpoints."



Meg Caldwell '85, Director of ENRLP and Senior Lecturer on Law at Stanford Law School and MLPA Blue Ribbon Task Force Member.

Environmental Expert Margaret Caldwell '85 Promoted to Senior Lecturer

In fall of 2005, Meg Caldwell was promoted to the position of Senior Lecturer in Law at Stanford Law School. Meg Caldwell '85, who came of age with the ecology movement, was forever imprinted with a lasting desire to fight for the environment. "I grew up in the '60s," explained Caldwell, director of the Environmental and Natural Resources Law & Policy Program at Stanford Law School.

"That was the awakening of environmentalism. I decided in the sixth grade that I wanted to be an environmental lawyer, and I never wavered in my goal."

Not only did Caldwell become an environmental lawyer, but she chaired one of the most powerful land use agencies in the nation, the California Coastal Commission, which has broad powers to regulate California's coastline. Governor Schwarzenegger appointed Caldwell to the California Coastal Commission in June 2004 and her fellow commissioners unanimously elected her to chair the commission in December 2004. While chair of the Commission, Professor Caldwell also sat on the board of the California Coastal Conservancy. She was appointed by the State Secretary of Resources to the California Marine Life Protection Act First Phase Blue Ribbon Task Force for the central coast and is currently serving on the Second Phase Blue Ribbon Task Force for the north central coast.

Buzz Thompson

Recent Publications

- Katherine Ellison and Barton H. "Buzz" Thompson Jr., Sustainable Agriculture Should Become New Farm Bill Priority, San Jose Mercury News, July 26, 2007.
- Barton H. Thompson, Jr., The Public Trust Doctrine: A Conservative Reconstruction and Defense, 15 Southeastern Envtl. L.J. (2007)
- U.S. Agricultural Policy and the 2007 Farm Bill (ed. Kaush Arha, Tim Josling, Daniel A. Sumner & Barton H. Thompson) Woods Institute for the Environment, Stanford University (2007).
- Barton H. Thompson, Managing US Agricultural Lands for Ecosystem Services (chapter of book: U.S. Agricultural Policy and the 2007 Farm Bill) Woods Institute for the Environment, Stanford University (2007) (with Rebecca L. Goldman & Gretchen C. Daily).
- Barton H. Thompson, Conserving Ecosystem Services Across Agrarian Landscapes (chapter of book: U.S. Agricultural Policy and the 2007 Farm Bill) Woods Institute for the Environment, Stanford University (2007) (with Kaush Arha, Tim Josling, & Daniel A. Sumner).
- James E. Salzman and Barton H. Thompson, Jr., Environmental Law and Policy, 2nd ed., Westbury, N.Y.: Foundation Press, 2007.
- Paul Goldstein and Barton H. Thompson, Jr., Property Law: Ownership, Use, and Conservation, New York: Foundation Press, 2006.
- Barton H. Thompson, Jr., Joseph Sax, John Leshy, and Robert Abrams, Legal Control of Water Resources, 4th ed., St. Paul, Minn: West Publishing, 2006.
- Barton H. Thompson, Jr., The Environment and Natural Resources, in 3 State Constitutions for the Twenty First Century 307 (2006).
- Barton H. Thompson, Jr., Managing the Working Landscapes, in the Endangered Species Act at Thirty (2006)
- Barton H. Thompson, Jr., Chief Justice William H. Rehnquist: Prizing People, Place, and History, 58 Stanford Law Review 1695 (2006).
- Barton H. Thompson, Jr., Conservative Environmental Thought: The Bush Administration and Environmental Policy, 32 Ecology Law Quarterly 307 (2005).
- Barton H. Thompson, Jr., Uncertainty and Markets in Water Resources, 36 Mcgeorge Law Review 117 (2005).

- Barton H. Thompson, Jr., Water Management and Land Use Planning: Is it Time for Closer Coordination? in Wet Growth: Should Water Law Control Land Use? Craig Anthony Arnold, ed., Washington, DC: Environmental Law Institute, 2005.
- Barton H. Thompson, Jr., Watershed Protection: Capturing the Benefits of Nature's Water Supply Services, 29 Natural Resources Forum 98 (2005) (with S.L. Postel).
- Barton H. Thompson, Jr., The Trouble with Time: Influencing the Conservation Choices of Future Generations, 44 Natural Resources Journal 601 (2004).

Professional Affiliations

- Director and Senior Fellow, Woods Institute for the Environment, Stanford University
- Senior Fellow (by courtesy), Freeman-Spogli Institute for International Studies, Stanford University
- Chair, Science Advisory Board Committee on Valuation of Ecological Systems and Services, U.S. Environmental Protection Agency
- Member, Science Advisory Board, U.S. Environmental Protection Agency
- Member, Board of Directors, Natural Heritage Institute
- Member, Board of Trustees, California Chapter, The Nature Conservancy of California
- Chair, Board of Directors, Resources Legacy Fund
- Chair, Board of Directors, Resources Legacy Fund Foundation
- Member, Board of Directors, American Farmland Trust

Thomas C. Heller

Recent Publications

- David Victor and Thomas C. Heller, Reforming Electric Power Markets in Developing Countries: Politics, Law and Institutions, Cambridge University Press, forthcoming.
- Thomas C. Heller. Carbon Intensity of Electricity Generation and CDM Baseline: Case Studies of Three Chinese Provinces, 33 ENERGY POLICY 451 (2004). (with Chi Zhang and Michael M. May)
- Thomas C. Heller. ELECTRICITY REFORMS IN INDIA: FIRM CHOICES AND EMERGING GENERATION MARKETS, New Dehli: Tata McGraw Hill, 2004. (with P.R. Shukla,

David Victor, Debashish Biswas, Tirthankar Nag and Amee Yajnik)

- Thomas C. Heller. Global Standards, Global Growth? in GLOBAL STANDARDS AND THE RULE OF LAW, Seoul, Korea: Pakyoungsa Publishing, 2004.

Professional Affiliations

- Member, Center for Development, Democracy, and the Rule of Law
- Member, Program in Energy and Sustainable Development
- Member, Advisory Board, Revenue Watch Institute (Open Society Institute)

Robert L. Rabin

Recent Publications

- Robert L. Rabin, Pain and Suffering and Beyond: Some Thoughts on Recovery for Intangible Loss, 55 DePaul Law Review 359 (2006).
- Robert L. Rabin. September 11 Through the Prism of Victim Compensation (Book review: Kenneth R. Feinberg, What is Life Worth? The Unprecedented Effort to Compensate The Victims of 9/11) 106 COLUMBIA LAW REVIEW 464 (2006).
- Marc A. Franklin, Robert L. Rabin, and Michael D. Green, Tort Law and Alternatives : Cases and Materials, 8th ed., New York, NY: Foundation Press, 2006.
- Robert L. Rabin, Pain and Suffering and Beyond: Some Thoughts on Recovery for Intangible Loss, Stanford Public Law Working Paper No. 895606 (2005).
- Robert L. Rabin and Suzanne A. Bratis, Financial Compensation for Victims After Catastrophe, Stanford Public Law and Legal Theory Working Paper no. 106 (April 2005). 62 pages.
- Robert L Rabin. Past as Prelude: the Legacy of Five Landmarks of Twentieth Century Injury Law for the Future of Torts In Exploring Tort Law, M. Stuart Madden, ed., Cambridge: Cambridge University Press, 2005.
- Robert L Rabin. The Renaissance of Accident Law Plans Revisited, 64 Maryland Law Review 699 (2005).
- Robert L. Rabin, Three Perspectives on Medical Injury: a Commentary. (Symposium: Starting Over?: Redesigning the Medical Malpractice System), 54 DePaul Law Review 527-542 (2005).

Professional Affiliations

- Member, Editorial Board, Foundation Press
- Member, Editorial Board, Tort Law Review

ENRLP PUBLICATIONS, ACTIVITIES, APPOINTMENTS & HONORS

- Member, Advisory Committee, Restatement of the Law, Third, Torts: General Principles
- Member, Advisory Board, Journal of Tort Law, Berkeley Electronic Press

David Victor

Publications & Cases

- David G. Victor, Climate Change: A Gathering Storm, Zurich: International Relations and Security Network, 2006.
- Mark Howells, David Victor, Trevor Gaunt, Rebecca J. Ellis and Thomas Alstad, Beyond Free Electricity: the Costs of Electric Cooking in Poor Households and a Market-Free Alternative, 34 Energy Policy 3351 (2006).
- David Victor, Amy M. Jaffe and Mark H. Hayes, Natural Gas and Geopolitics: From 1970 to 2040, New York: Cambridge University Press, 2006.
- David Victor, Recovering Sustainable Development, 85 Foreign Affairs 91 (2006).
- David Victor and Thomas C. Heller, Reforming Electric Power Markets in Developing Countries: Politics, Law and Institutions, Cambridge University Press, forthcoming.
- David Victor, Joshua C. House and Sara Joy, Madisonian Approach to Climate Policy, 309 Science 1820 (2005).
- David Victor, Effects of Power Sector Reform on Energy Services to the Poor, UNDESA, 2005.

Professional Affiliations

- Senior Fellow, Council on Foreign Relations
- Program on Energy and Sustainable Development Director, Center for Environmental Science and Policy

Meg Caldwell

Recent Publications

- Meg Caldwell and Craig Segall, No Day at the Beach: Sea Level rise, Ecosystem Loss, and Public Access Along the California Coast (forthcoming, Environmental Law Quarterly Summer 2007, in special symposium issue jointly sponsored by ELQ and Georgetown)
- Meg Caldwell, Local Initiatives to Implement the Endangered Species Act: The Challenge of Developing Habitat Conservation plans, (with Peter Morgan, Deborah Sivas, and Alicia Thesing)

(chapter of book: The Endangered Species Act and Federalism: Innovative Uses of States and Local Governments for Species Conservation, ed. Kaush Arha and Barton H. Thompson (Washington, DC: Resources for the Future, forthcoming))

- Margaret R. Caldwell, "Evaluating the Potential for Conservation Development: Biophysical, Economic, and Institutional Perspectives" (Conservation Biology Volume 21, No. 1, February 2007) (with Peter M. Morgan, Liba Pejchar, Gretchen C. Daily, Carl Palmer).
- Meg Caldwell, Proposition 90 Would Doom Coast to Over-Development, San Jose Mercury News, October 19, 2006, p. 18A.

Activities & Affiliations

- Presenter, Coastal Zone 2007 "Applying Science to Marine Protected Area Design" (July 24, 2007)
- Presenter, Stanford Environmental Law Workshop, "Sea Level Rise and Coastal Access: No Day at the Beach" (February 8, 2007) (with Craig Segall)
- Presenter, California and the World Oceans "Lessons Learned from the California Marine Life Protection Act Initiative" (September 18, 2006)
- Presenter, Impacts and Compatibility of Human Uses of the Ocean Workshop, "California Ocean Governance" (June 13, 2006)
- Member, Jasper Ridge Biological Reserve Advisory Committee
- Faculty Advisor, Interdisciplinary Program in Environment Resources (IPER)
- Faculty Mentor, Haas Center for Public Service Fellowships Program
- Member, Haas Center for Public Service Fellowships Program Fellowship Selection Committee
- Goldman Fellow Faculty Advisor, Goldman Honors Program, Center for Environmental Science and Policy
- Member, San Francisco Baykeeper Advisory Council
- Member, Monterey Bay Aquarium Board of Trustees
- Advisor, SemperVirens Fund

Deborah A. Sivas

Recent Publications

- Deborah A. Sivas, Local Initiatives to Implement the Endangered Species Act: The Challenge of Developing Habitat Conservation plans, (with Meg Caldwell,

Peter Morgan, and Alicia Thesing) (chapter of book: Kaush Arha, The Endangered Species Act and Federalism: Innovative Uses of States and Local Governments for Species Conservation (title tentative), ed. Kaush Arha and Barton H. Thompson (Washington, DC: Resources for the Future, forthcoming))

- Deborah A. Sivas, If Court Won't Act, Congress Must Tackle Climate Change, San Jose Mercury News, December 4, 2006.
- Deborah Sivas, California Ocean Governance: Opportunities for Area-Based Management in STANFORD ENVIRONMENTAL LAW JOURNAL (working title; forthcoming) (co-author)

Activities & Appointments

- Presenter, Special Joint Session of Stanford Environmental Workshop and Woods Institute Energy Seminar, "Global Warming in the Courts: The Search for Judicial Remedies in the Face of Federal Inaction" or "Commonwealth of Massachusetts vs. EPA (the first climate change case before the U.S. Supreme Court)" (January 31, 2007)
- Presenter, Practical Aspects of Prosecuting Citizen Suits under Key State and Federal Statutes, Cal. State Bar, Environmental Law Section Conference, "Private Enforcement of Environmental Law," Oakland, California (May 11, 2007)
- Panelist, Massachusetts v. EPA: Are You Prepared for the New Change in Climate? (April 19, 2007)
- Panelist, The EPA and Emissions Control, KQED Forum (April 4, 2007)
- Panelist, Clean Water Jurisdiction Under Attack: Rapanos and Carabell, 24th Annual Public Interest Environmental Law Conference, Univ. of Oregon School of Law (Mar. 4, 2006)
- President, American Environmental Safety Institute
- Legal Chair, Board of Directors, Turtle Island Restoration Network

Honors and Awards

- Recipient, Graduate Service Recognition Award, Stanford, 2005
- Recipient, Pit River Tribe Award of Excellence (2007)