



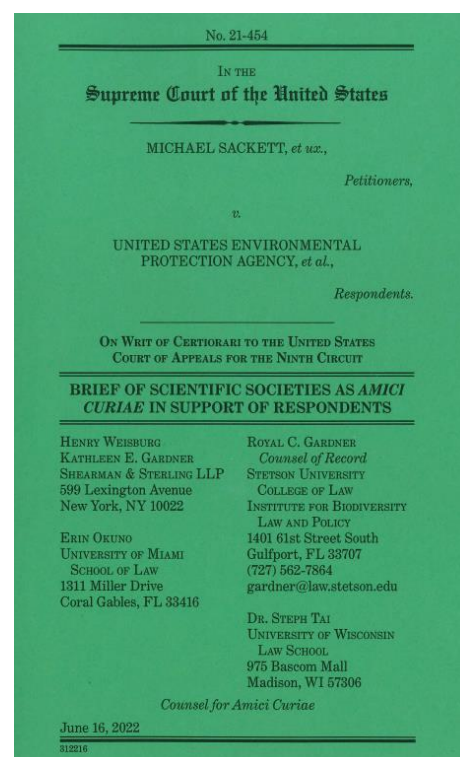
Institute for Biodiversity Law and Policy 2021–2022 Annual Report

2016 recipient of the ABA
Distinguished Achievement
in Environmental Law and
Policy Award

The Institute for Biodiversity Law and Policy is Stetson Law's interdisciplinary focal point for environmental law programs and initiatives. This report describes some of the Biodiversity Institute's activities during academic year 2021–2022. To learn more about the Institute, please visit www.stetson.edu/law/biodiversity.

Helping shape national environmental policy:

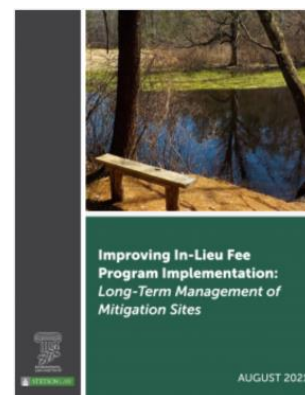
In June 2022, Professor Royal Gardner (Director of Stetson's Institute for Biodiversity Law and Policy) and a team of attorneys filed an *amici curiae* brief on behalf of twelve scientific societies, collectively representing more than 125,000 members, in the Supreme Court of the United States in *Sackett v. U.S. Environmental Protection Agency*. The question before the Supreme Court is whether and to what extent the Clean Water Act protects wetlands. The brief explained why the consideration of science is required to achieve the Clean Water Act's objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." It noted that the test advocated by the petitioners would effectively eliminate Clean Water Act jurisdiction over almost all wetlands. If the test were applied to streams, more than 90% of stream length in some watersheds would no longer be federally protected. [Stetson Law students](#) participated in the preparation of the brief, and the case will be the first the Supreme Court will hear in its new term in October. Read the *amici curiae* brief [here](#).



Profs. Okuno and Gardner in Boise.

The Biodiversity Institute continued its work on a multi-year research project funded by a [\\$150,000 grant from the Joy McCann Foundation](#) reviewing long-term protection of restored wetlands and streams nationwide. The Institute is working to identify current trends and recommended practices for site protection instruments and financing mechanisms for the long-term protection and management of these aquatic resources. Professor Gardner, Professor Erin Okuno (University of Miami), and Foreman Biodiversity Fellow Katherine Pratt presented preliminary findings to the U.S. Environmental Protection Agency's Wetlands Mitigation Workgroup via videoconference in January and to the National Mitigation and Ecosystem Banking Conference in person in Boise, Idaho, in May.

The Environmental Law Institute and Stetson Law finished another two-year EPA grant-funded project to develop guides on challenging aspects of in-lieu fee (ILF) program implementation. ILF programs provide compensatory mitigation to offset impacts to aquatic resources such as wetlands and streams. Stetson Law conducted research, interviewed various mitigation stakeholders, and had the lead on drafting a guide on the long-term management of ILF sites. Stetson Law also contributed to guides on project approval, full cost accounting, and programmatic audits. The guides are available online [here](#).



Collaborating at the international level:

The Biodiversity Institute continues to work with the **Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)**, a regional treaty with 16 member countries. In the fall, students in International Environmental Law had the opportunity to review and comment on draft IAC resolutions concerning the harvesting of sea turtle eggs. In June 2022, the Conference of the Parties met in Panama to consider those resolutions and approved a [memorandum of cooperation](#) that formalizes the relationship between the IAC and Stetson Law.



Prof. Gardner, IAC Secretary General Verónica Cáceres, and Katherine Pratt (and Simón Bolívar in the background) at the Ministry of Foreign Affairs in Panama City

Stetson Law also continues to provide support for the **Ramsar Convention on Wetlands**, a multilateral environmental treaty that promotes the wise use and conservation of wetlands. Stetson is the only law school with a memorandum of cooperation with the Ramsar Convention's Secretariat. Professor Gardner was the chair of the Scientific and Technical Review Panel (the convention's scientific advisory body) from 2013–2018, and he continues to serve as a member of the Convention's Management Working Group. In October he presented the key takeaways from the Ramsar Convention's *Global Wetland Outlook*, for which he was a lead coordinating author, at a webinar hosted by Members of the European Parliament. He was also a co-author of [*Development of the text of the Ramsar Convention: 1965-1971*](#), which examined previously unpublished drafts of the treaty.

Bring back bogs, let's re-peat !

Wetlands & climate change : Urgent restoration for our future

Wed. 27 October / 6pm CEST

WEBINAR // REGISTER ON ZOOM
Free access, available in english, german & french

With the kind participation of :

- Krista Mikkonen**
Finnish Minister of Environment & Climate Change
Helmi habitats programme and the Finnish efforts of protecting and restoring bogs & mires.
- Prof. Royal C. Gardner**
Stetson University College of Law (Florida, USA)
Takeaways for decision makers from the last Global Wetland Outlook
- Dr. Franziska Tanneberger**
Greifswald Mire Centre (Germany)
Condition, restoration and sustainable use of peatlands in Europe - what do they need & what do we need?

Conference hosted by :

- Benoit BITEAU**
French MEP, Greens/EFA
- Jutta PAULUS**
German MEP, Greens/EFA

And a representative of the European Commission (to be confirmed)

THE GREENS/EFA
of the European Parliament

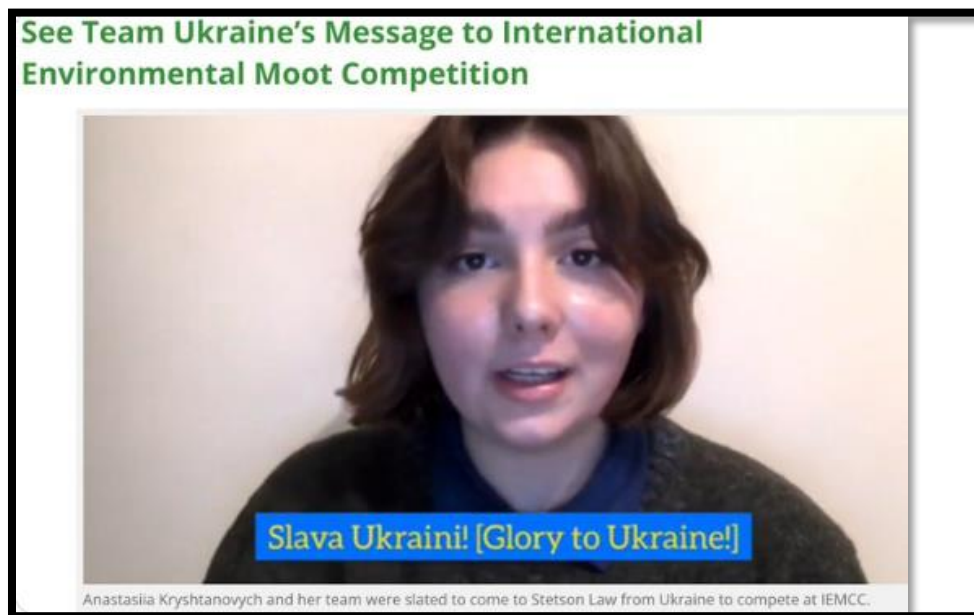
This year marked the [**26th Annual International Environmental Moot Court Competition**](#) (IEMCC), which is the world's largest moot court competition devoted exclusively to global environmental issues. The topic of this year's competition problem was armed conflict and internationally recognized protected areas. Teams of students prepared written memorials and presented oral arguments online as part of national and regional rounds throughout the world between November and February. Stetson Law hosted twelve teams from eleven countries and five continents for the International Finals in April, which was held in person for the first time in three years.

The University of Cebu School of Law, Philippines was the competition champion, and University of the Philippines was the runner-up. The University of Cebu School of Law also received the best oralist in the championship round, while the University of the Philippines won best oralist in the preliminary rounds. The University of Nairobi received the award for the best memorial. The team from National University of Kyiv-Mohyla, Ukraine, which had qualified for the finals but was unable to attend due to the Russian invasion, received the Spirit of Stetson Award.



The Cebu team with Prof. Gardner

The Ukrainian team sent a video [message](#), which was played at the opening event for all teams.



The championship round judges were Dr. Wil Burns (Northwestern University), Dr. Dave Pritchard (Ramsar Convention), Prof. Eric Talbot Jensen (Brigham Young University Law), and Secretary General Verónica Cáceres (Inter-American Convention for the Protection and Conservation of Sea Turtles).

Thanks to the **Joy McCann Foundation** and the **Environmental and Land Use Law Section of The Florida Bar** for providing us with grants to support the competition again this year. For more information about the competition or to register a team or volunteer as a judge, please visit www.stetson.edu/iemcc or email Professor Gardner at gardner@law.stetson.edu or Katherine Pratt at kpratt2@law.stetson.edu.



The traditional Stetson IEMCC group photo.

Engaging students in the classroom and in nature:

In spring 2022, Professor Gardner and Professor Long taught **Research and Writing II—Environmental Law**, which is a special section of Research and Writing II that covers the same fundamental skills as other sections but in an environmental context. This year's appellate brief focused on Clean Water Act jurisdiction and the scope of nationwide injunctions.

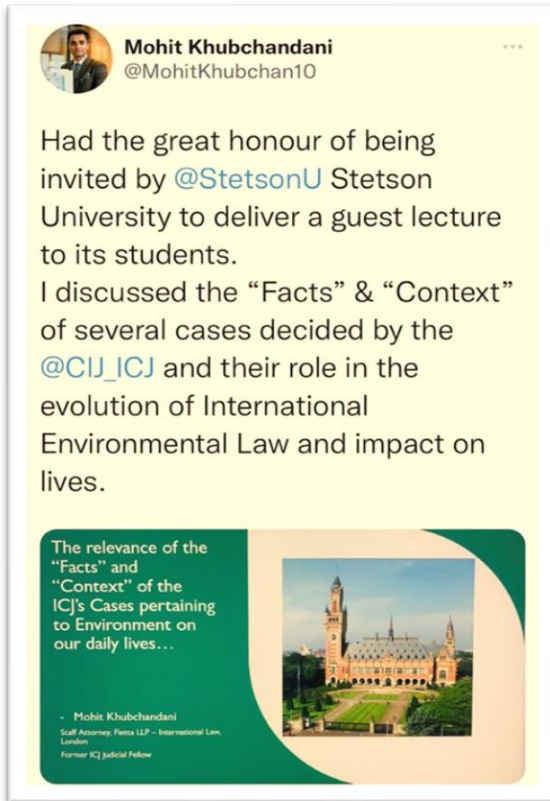


National Park Service staff ensuring that Stetson students are not eaten by alligators on a hike in a cypress dome.

Students might argue that the highlight of the course is the annual camping trip and swamp walk in Big Cypress National Preserve. This trip allows students to experience one of Florida's iconic ecosystems and illustrates the importance of state and federal environmental law in protecting natural resources.

Over the last year, Stetson Law students participated in virtual **environmental law externships**. Academic placements this year included a variety of governmental and nongovernmental organizations, such as NOAA-Fisheries and the Center for Biological Diversity. Stetson Law students can apply for financial support during the summer from the [Dick and Joan Jacobs' Environmental Law Externship Fund](#), which enables them to participate in environmental law externships and other opportunities around the country and internationally. Three students received stipends for summer externships this academic year.

As part of his **International Environmental Law** course, Professor Gardner arranged a trip to tour Zoo Tampa in October. While there, students met with the Chief Zoological Officer and made presentations on the conservation status of selected species. Several guest lecturers joined the class over the course of the semester, including Mohit Khubchandani, who previously participated in the Stetson IEMCC and now serves as an IEMCC judge.



Nattily attired student presenting on his species at ZooTampa.

After two years of virtual presentations, the **Edward and Bonnie Foreman Biodiversity Lecture Series** resumed in person this past year. The lecture series, which is free and open to the public, has included presentations from scientists, attorneys, judges, policymakers, and other experts over the years. The series continues to foster a dialogue about timely, important environmental issues and has created meaningful connections, externships, and other opportunities for students. The 2021–2022 speakers were Jaclyn Lopez (Center for Biological Diversity), Marcela Bonells (formerly with the Ramsar Convention Secretariat), Hien Ngo (formerly with the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services), Maggy Hurchalla (Everglades advocate), Keith Fountain (Conservation Advisors, LLC), and Dr. Dave Pritchard (international environmental expert). Sadly, Maggy Hurchalla passed away shortly after her visit to Stetson. We were fortunate to have had the opportunity to spend time with this Florida environmental legend.



The Biodiversity Institute also launched an “**Environmental Law Teaching**” program in collaboration with the School of Geosciences at University of South Florida in St. Petersburg, patterned after a program developed by Prof. Zyg Plater at Boston College Law School. Prof. Gardner and Prof. Plater advised third-year law student Lauren Beames and Biodiversity Fellow Katherine Pratt, who developed and co-taught a course on Environmental Regulation as adjunct professors to USF undergraduate students. The semester culminated with a moot court exercise held on Stetson Law’s Gulfport campus.

Royal Gardner and the Officious Intermeddlers returned to their roots with a Stetson Law Earth Day performance on April 20, 2022. The band has included several Stetson faculty members, students, and family members over the years. The Earth Day performance features a unique environmental themed song set.



New teachers Katherine Pratt and Lauren Beames on their first day of school 2022.



L-R: Prof. Gardner (egg shaker), Amy Long (fiddle), Prof. Long (banjo), Erik Kraus (drums), Matt Urban (mandolin), Mia Hartley (guitar), and Dean Radwan (keyboards).

Celebrating the accomplishments of our students and graduates:

In March, Stetson Law students Lauren Beames, Mia Hartley, and Emily Witthoeft advanced to the final round of the Jeffrey G. Miller National Environmental Law Moot Court Competition (NELMCC), in which more than fifty teams competed.

Congratulations to our graduating students who won environmental law awards this spring: Lauren Beames received the Hearne Environmental Law Award and Sabina Fernandez received the Nader/Zrake Memorial Award. Lauren will be an associate at Lowndes in Orlando, while Sabina will be clerking for the Florida Supreme Court. And bon voyage to Will Davis, a graduate with a Concentration in Environmental Law, who will be starting a new role as Court Counsel for the Supreme Court of the Republic of Palau.



Stetson's NELMCC Team

Looking forward to the future . . .

We are delighted that Jaclyn Lopez, former Florida Director and Senior Attorney, Center for Biological Diversity (CBD), is joining the Stetson Law faculty fulltime! Professor Lopez is a Florida native and holds a master of laws degree in environmental and land-use law from the University of Florida, a J.D. from the University of Denver Sturm College of Law, and a master's degree in urban planning from the University of Arizona. She coordinated CBD's campaigns in the Southeast and Caribbean, focusing on protecting imperiled species and ecosystems. Professor Lopez will be the Director of the [Dick and Joan Jacobs Public Interest Law Clinic for Democracy and the Environment](#).



Prof. Lopez in her natural environment.

For more information about Stetson's Institute for Biodiversity Law and Policy and how to support our programs, please visit www.stetson.edu/law/biodiversity or contact Professor Roy Gardner at gardner@law.stetson.edu or Katherine Pratt at kpratt2@law.stetson.edu.