



STETSON LAW

Institute for Biodiversity Law and Policy 2020–2021 Annual Report

Despite the global pandemic, Stetson University College of Law continued to provide environmental education, research, and service locally, nationally, and internationally this past year. The Institute for Biodiversity Law and Policy is Stetson Law's interdisciplinary focal point for environmental law programs and initiatives, and it was the 2016 recipient of the **Distinguished Achievement in Environmental Law and Policy Award** from the American Bar Association's Section of Environment, Energy, and Resources. This report describes some of the Biodiversity Institute's activities during academic year 2020–2021. To learn more about the Institute, please visit www.stetson.edu/law/biodiversity.



Helping shape environmental policy:

In April 2020, the U.S. Supreme Court decided *County of Maui v. Hawaii Wildlife Fund*, a critical Clean Water Act case. The [majority opinion cited an amici curiae](#) brief that Professor Gardner, Erin Okuno (Assistant Director of the Biodiversity Institute), and a team of attorneys had filed on behalf of aquatic scientists and scientific societies. Professor Gardner discussed *Maui* and how scientists can contribute to policymaking in a plenary presentation at the Society for Freshwater Science's Summer of Science, and the amici brief was featured in a PBS NOVA podcast on [Science in the Courtroom](#).



The Institute has continued to file **amici curiae** briefs on behalf of aquatic scientific organizations to explain the importance of considering science when making decisions under the Clean Water Act. This

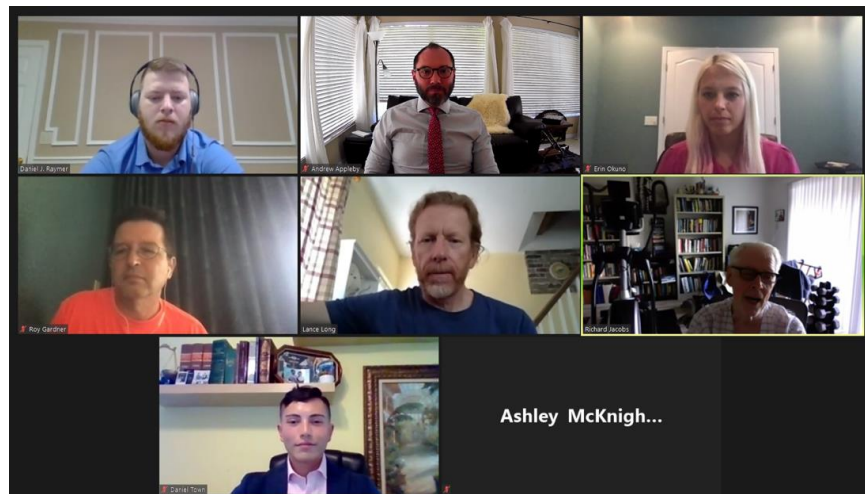
past year, our team filed briefs in the U.S. District Courts for the Northern District of California, District of Massachusetts, and District of South Carolina. The briefs are available on the Biodiversity Institute's [website](#). In December 2020, Professor Gardner received a [40th Anniversary Award from the Society of Wetland Scientists](#) (SWS); the award recognized him for his legal contributions, such as filing amicus curiae briefs on behalf of SWS and other scientific organizations, as well as his active participation in SWS.

The Biodiversity Institute has 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. A team of Stetson Law students has assisted with the project.

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 drafted a guide on the long-term management of ILF sites. The guides will be available online this summer.

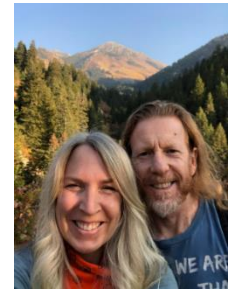
Professor Gardner and Erin Okuno were among the co-authors of "[Towards a Universal Declaration of the Rights of Wetlands](#)," published in *Marine and Freshwater Research* in November 2020. The Universal Declaration of the Rights of Wetlands has been endorsed by organizations throughout the world, including the Gaia Foundation, African Biodiversity Network, Stichting Mission Lanka (Sri Lanka), Rights of Nature Sweden, and Fundación Lagunas Costeras (Uruguay)—see <https://www.rightsofwetlands.org/> for more information. The paper was also discussed in [National Geographic](#) in February 2021.

Stetson Law students participated in the [Stetson Environmental Tax Policy Writing Competition: Tax Policy Solutions to Address Sea Level Rise](#). The goal of the competition was to start a conversation about tax policy solutions to address sea level rise, given its likely impact on Florida and Florida's unique tax regime. The winners of the inaugural competition were Daniel F. Town (first place) and Daniel Raymer (second place). Daniel F. Town wrote "From Futile to Utile: Addressing the key role of Florida's Electric Utility Companies in mitigating Sea-Level Rise," and Daniel Raymer wrote "Plastic Tax: An Alternative to Plastic Alternatives." The students were recognized during a virtual awards ceremony in July 2020. Stetson Law alum Richard O. "Dick" Jacobs generously sponsored the competition.



Environmental Tax Awards

Stetson Law's environmental faculty volunteered in support of environmental organizations, with Professor Paul Boudreaux working with a Florida manatee stakeholder group and Professor Gardner serving on the Policy and Science Committee for Friends of the Everglades. Ensconced in Utah the past year, Professor Lance Long helped start and now serves on the board of [Conserve Utah Valley](#), which works to preserve open spaces in the region.



The Longs in their natural habitat

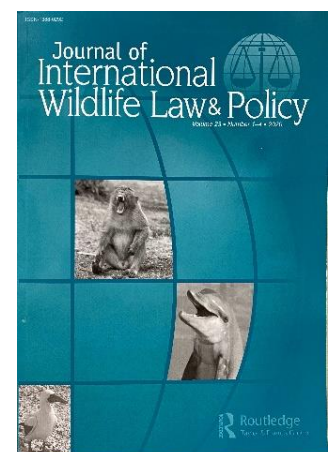
Engaging students in person and online:

In spring 2021, 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. Professor Gardner taught an in-person section, and Professor Long taught an online section. The memorandum of law assignment and appellate brief problem addressed issues related to whether fireworks shot over Tampa Bay require a NPDES permit under the Clean Water Act.



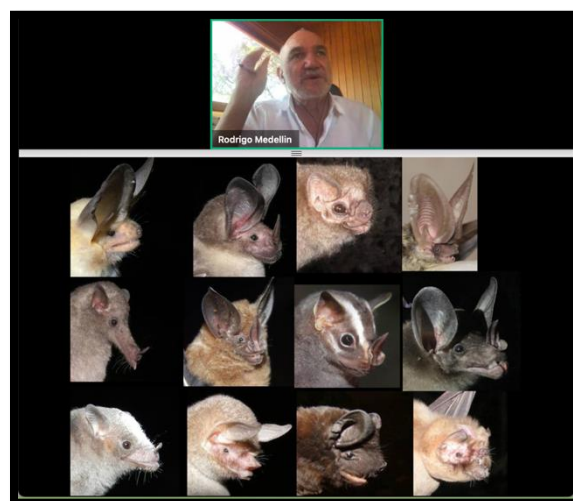
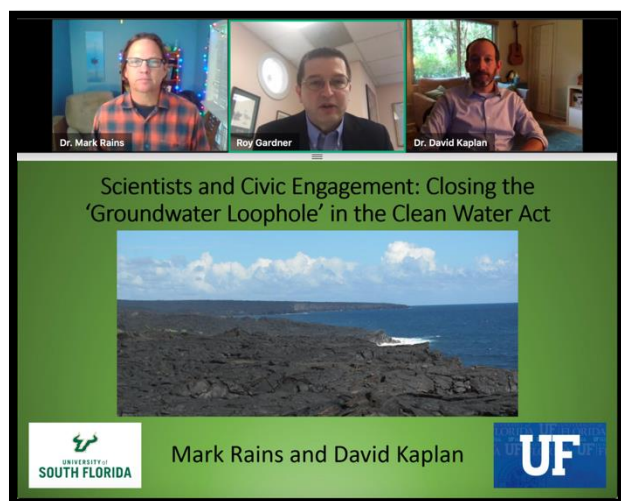
Stetson Law students served as student editors for the *Journal of International Wildlife Law & Policy (JIWLP)*, for which Professor Boudreaux is the editor in chief. *JIWLP* published articles this year on topics such as killer whales in Canada and the United States, EU environmental crimes, the UK's new Ivory Act, wildlife enforcement in the Maldives, and whaling controversies in Iceland.

Over the last year, Stetson Law students participated in virtual **environmental law externships**. Placements included a variety of governmental and non-governmental organizations, such as NOAA-Fisheries and the Center for Biological Diversity. Sabina Fernandez was selected to be a summer intern for the Natural Resources Section of the Environment and Natural Resources Division of the U.S. Department of Justice. Stetson Law students can apply for financial



support 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. With support from the externship fund, Angela Xu participated in an externship with the Sierra Club this summer, and Lauren Beames worked with the Interamerican Association for Environmental Defense the previous summer.

The Biodiversity Institute offered the [Edward and Bonnie Foreman Biodiversity Lecture Series](#) in a virtual format this past year. The lecture series, which is free and open to the public, has included presentations from numerous 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 over the years. The 2020–2021 speakers were Dr. David Kaplan (University of Florida), Dr. Mark Rains (University of South Florida), Stetson Law alum Jon Paul “J.P.” Brooker (Ocean Conservancy), Eve Samples (Friends of the Everglades), Ann Paul (Audubon Florida’s Coastal Islands Sanctuaries, retired), and Dr. Rodrigo Medellín (Institute of Ecology, National Autonomous University of Mexico (UNAM)).

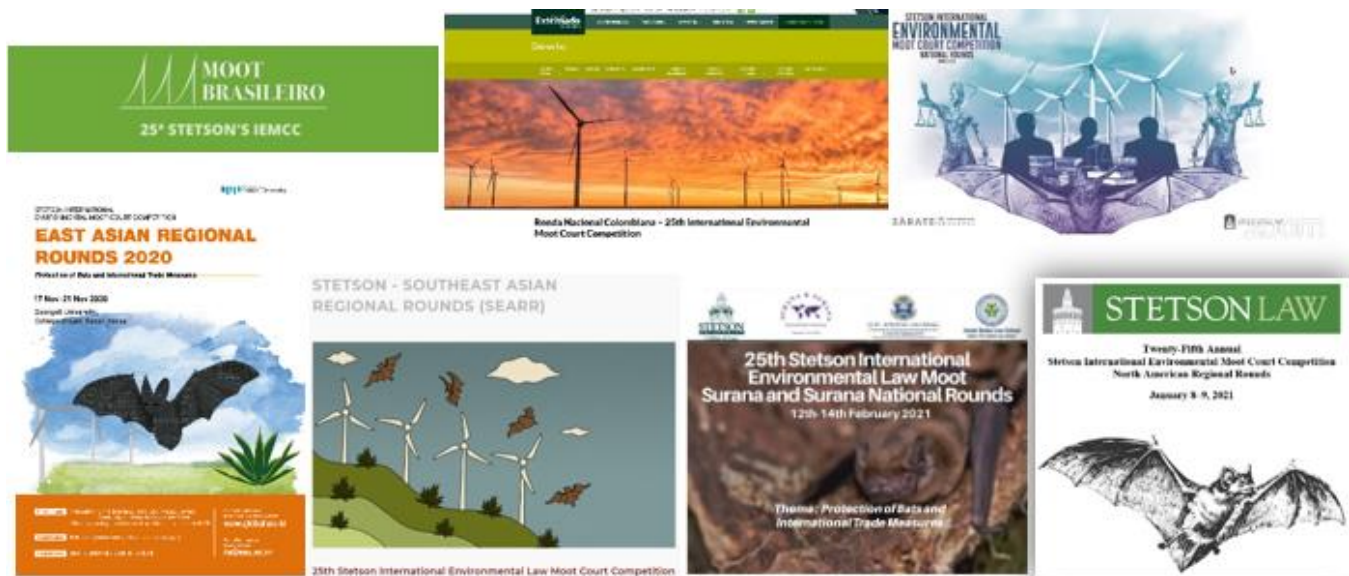


Foreman Lecturers: Mark Rains and David Kaplan—and Rodrigo Medellín, the Bat Man of Mexico

Celebrating 25 years of the Stetson International Environmental Moot Court Competition:

This year marked the [25th anniversary of the Stetson 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 the protection of bats and international trade measures. 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.

Professor Gardner and Erin Okuno judged the final round of the Southeast Asia Regional Round, which was hosted online by the University of the Philippines College of Law in January. Stetson Law virtually hosted the North American Regional Round in January. Hundreds of students participated in the national and regional rounds, and the top teams were invited to compete in the International Finals, which Stetson Law hosted virtually on March 25–27, 2021. Eighteen teams from eleven jurisdictions competed in the International Finals.



IEMCC regionals from around the world

The Law Society of Ireland was the competition champion, and Symbiosis Law School (Pune, India) was the runner-up. The Law Society of Ireland also received the award for the best memorial, best oralist in the championship round, and best oralist in the preliminary rounds. Two teams—Mackenzie Presbyterian University (Brazil) and University of Ljubljana, Faculty of Law (Slovenia)—received the Spirit of Stetson Award. The teams from National Law University (Delhi, India) and O. P. Jindal Global University (India) were semifinalists. Attorneys and professors from around the world served as judges during the virtual rounds.

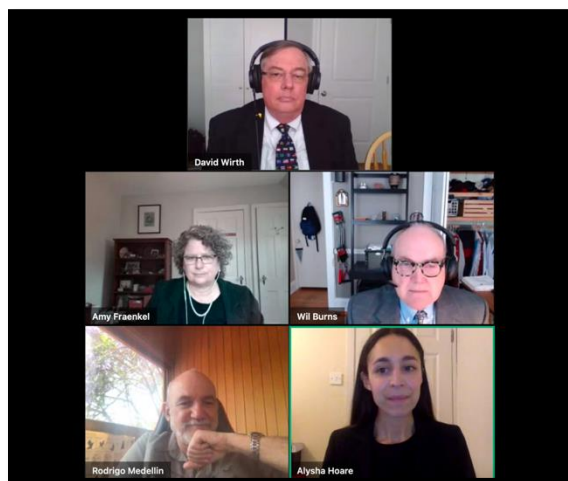


IEMCC participants from around the world



Finalists from Ireland and India, with Prof. Gardner, Dean Alexandre, and friend

The championship round judges were Dr. Wil Burns (Professor of Research and Founding Co-Executive Director, Institute for Carbon Removal Law & Policy at American University), Amy Fraenkel (Executive Secretary of the Convention on Migratory Species), Dr. Rodrigo Medellín (Senior Researcher at the Institute of Ecology, UNAM), and Professor David A. Wirth (Boston College Law School).



Championship Round judges with a member of the Law Society of Ireland team



A tweet from India

Thanks to the **Environmental and Land Use Law Section of The Florida Bar** for providing us with a block grant to support the competition again this year. Photos from the International Finals are available on the competition's [Facebook page](#) and on [Zenfolio](#). 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.

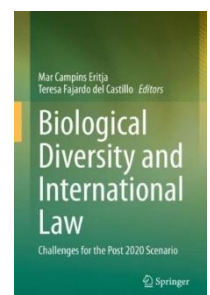
Collaborating at the international level:

The Biodiversity Institute works with the **Inter-American Convention for the Protection and Conservation of Sea Turtles** (IAC), and IAC Secretary Verónica Cáceres gave a virtual guest lecture in an International Environmental Law class. Stetson Law and the IAC Secretariat are expected to sign a memorandum of cooperation at the next IAC Conference of the Parties in Panama in June 2022.



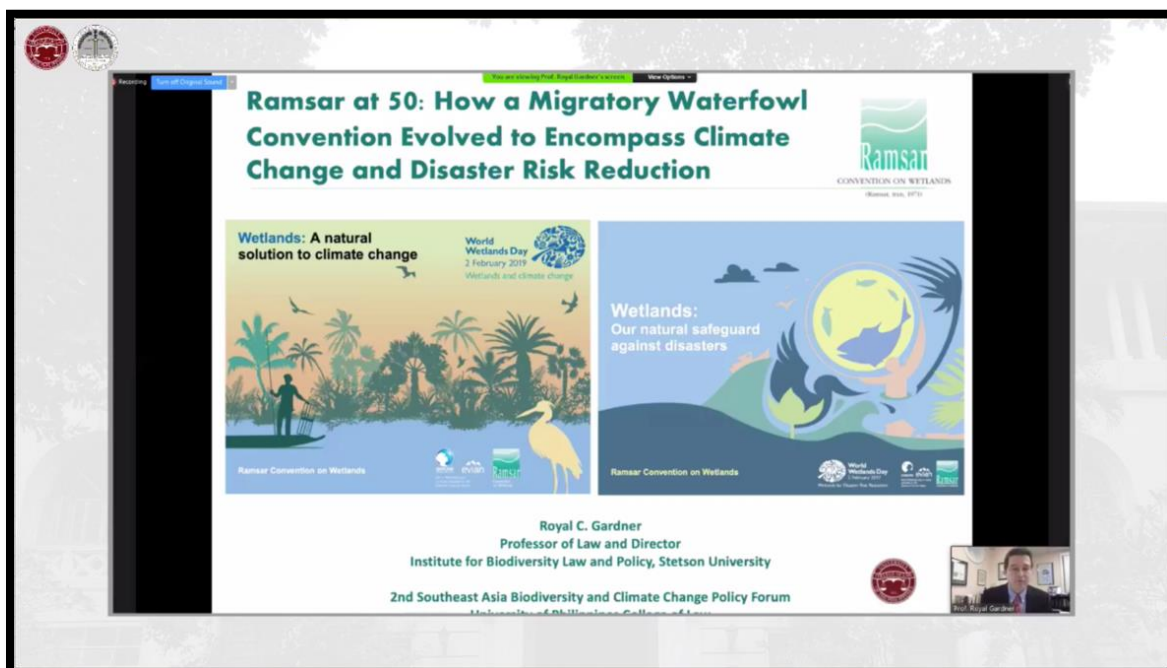
Stetson Law also continues to provide research and other support for the **Ramsar Convention on Wetlands**, a multilateral environmental treaty that promotes the wise use and conservation of wetlands. Stetson is the only law school with a memorandum of cooperation with the Ramsar Convention's Secretariat. 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.

As part of a **University of Barcelona** project funded by a Spanish government grant, Professor Gardner contributed a chapter on the role of scientific advisory bodies in the context of human health and zoonotic diseases for *Biological Diversity and International Law*, published by Springer Nature. He presented (virtually) on the topic at the University of Barcelona and Soongsil University, Republic of Korea.

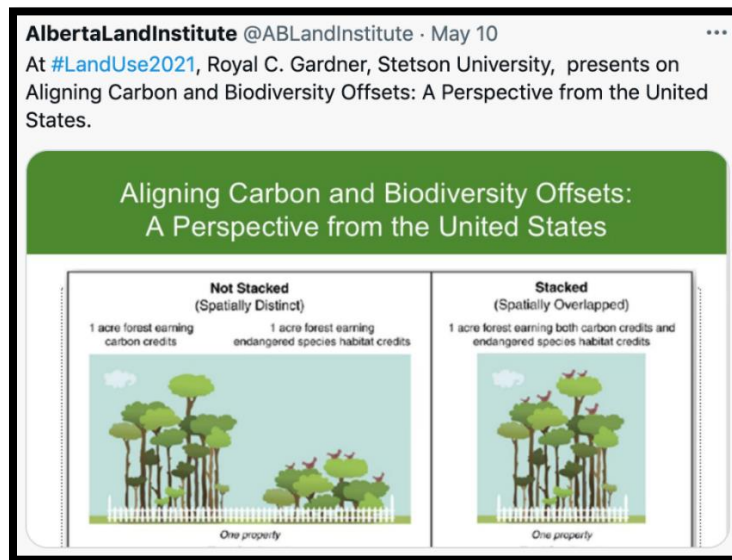




Professor Gardner and Erin Okuno gave virtual presentations as part of the **2nd Southeast Asian Biodiversity and Climate Change Policy Forum**, hosted by the University of Philippines Law Center's Institute of International Legal Studies in January 2021. Professor Gardner presented "Ramsar at 50: How a Migratory Waterfowl Convention Evolved to Encompass Climate Change and Disaster Risk Reduction," and Erin presented "Protecting the Coasts Using Nature-Based Solutions: The Role of Reefs."



Professor Gardner also participated in Land Use 2021, organized by the Alberta Land Institute of the University of Alberta, discussing carbon and biodiversity offsets.



Recognizing the accomplishments of our students and graduates:

Stetson Law students Lauren Beames, Kendall Griesse, and Tristan Bolinder advanced to the quarterfinals at the **Jeffrey G. Miller National Environmental Law Moot Court Competition** in February 2021. The competition was hosted online by the Elisabeth Haub School of Law at Pace University. Professor Gardner and Erin Okuno coached the team.

Keep Tampa Bay Beautiful (KTBB) selected Stetson Law student Nicholas Lewis as the recipient of the [2020 Environmental Education Program Award](#) for a project he worked on in Professor Long's Environmental Advocacy course. Nicholas developed K-12 lesson plans for KTBB's Environmental Education Center.



Nicholas Lewis with his award

And congratulations to our graduating students who won environmental law awards this spring: Anastasia Landon received the Hearne Environmental Law Award, and Alexa Albright received the Nader/Zrake Memorial Award.



Kat Pratt back at Stetson

We are proud of our graduates who were recently hired for environmental law and policy positions. Brian Remler started at Morris, Manning & Martin, LLP's Atlanta office working with their Environmental and Construction Practice Group, which specializes in brownfield redevelopment. Jess Beaulieu accepted a position as the program manager for Denver University Sturm College of Law's Animal Law Program. We are also delighted to announce that Katherine "Kat" Pratt joined the Biodiversity Institute as the new Foreman Biodiversity Fellow. Welcome, Kat!

And, finally, thanking Professor Erin Okuno ...

Erin has joined the faculty at the University of Miami School of Law. We are so proud of her and tremendously grateful for her outstanding contributions to the Stetson community. She has played a key role in all of the Biodiversity Institute's activities and accomplishments—from amici briefs to the Stetson International Environmental Moot Court Competition. We wish Erin the best in Miami and look forward to continued collaborations!



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 Kat Pratt at kpratt2@law.stetson.edu.



A green flash on the summer solstice in Utah (Photo credit: R. Gardner)