



Institute for Biodiversity Law and Policy 2016–2017 Annual Report

Stetson University College of Law is committed to providing environmental education, scholarship, and service at the local, national, and international level. The Institute for Biodiversity Law and Policy coordinates Stetson Law’s environmental programs and initiatives, and in 2016, the Institute received the **Distinguished Achievement in Environmental Law and Policy Award** from the **American Bar Association’s Section of Environment, Energy, and Resources (ABA SEER)**. Professor Royal Gardner, the Director of the Institute for Biodiversity Law and Policy, accepted the award on behalf of the Institute. Below are highlights of the Institute’s 2016–2017 activities. For more information about the Institute, please visit www.stetson.edu/law/biodiversity.



Professor Lance Long, Foreman Biodiversity Fellow Erin Okuno, and Professor Royal Gardner with the ABA SEER Distinguished Achievement in Environmental Law and Policy Award

Contributing to international and national conservation efforts:

Stetson Law continues to provide support to the **Ramsar Convention on Wetlands**, an intergovernmental treaty that promotes the wise use and conservation of wetlands. The Ramsar Convention has 169 Contracting Parties worldwide, and Stetson is the only law school that has a memorandum of cooperation with the Convention’s Secretariat. First signed in 2010, Stetson and the Ramsar Secretariat renewed and extended the memorandum in 2016. Professor Gardner serves as the chair of the Ramsar **Scientific and Technical Review Panel (STRP)** for the 2016–2018 triennium, having been reappointed after serving as Chair for the 2013–2015 triennium. The STRP is the Convention’s scientific advisory body.

In his capacity as STRP Chair, Professor Gardner participated in meetings in China, Germany, the Netherlands, and Switzerland (three times). Along with Dr. Max Finlayson of Charles Sturt University in Australia, he is a lead coordinating author for the *Global Wetland Outlook: State of the World's Wetlands and their Services to People*. This will be the Ramsar Convention's flagship publication, and the First Order Draft is currently under review by the STRP National Focal Points in all Ramsar Contracting Parties. The *Global Wetland Outlook* will be launched at the 13th Conference of the Parties in the UAE in October 2018.



An STRP workshop in the Netherlands produced a policy brief on integrating wetland values into decision-making.



STRP meeting in Switzerland in February with new Secretary General Martha Rojas-Urrego

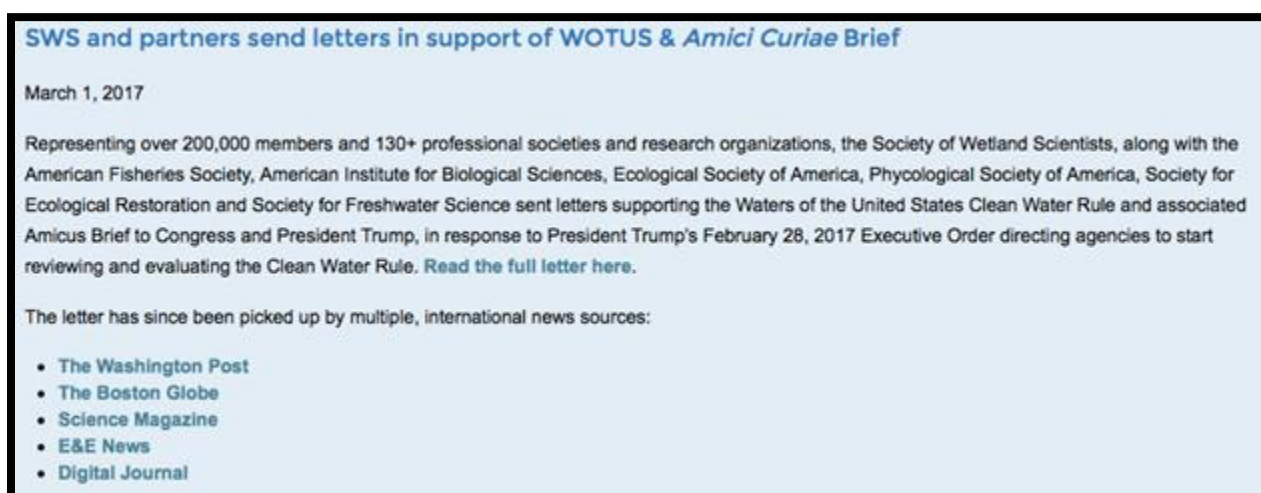


Professor Gardner's view at the Standing Committee meeting in Switzerland in May

Over the past year, Erin Okuno, the Institute's Foreman Biodiversity Fellow, and Professor Gardner have continued to identify scientific articles published in 2016 that discuss the Ramsar Convention or designated Ramsar Sites. The Institute provides summaries and links to the articles to the Ramsar Forum, which is the Convention's public email list with almost 2,000 members. The summaries will be consolidated and categorized in a working paper, titled "**Bibliography of 2016 Scientific Publications on the Ramsar Convention or Ramsar Sites,**" which will be available

on SSRN. The project is a recognized activity under the Ramsar-Stetson memorandum of cooperation. Stetson Law student Miles Archabal and the Institute's undergraduate interns, Kaitlyn Murphy and Jackson Willis, provided research assistance on the project.

In November 2016, Professor Gardner was approached by the Natural Resources Defense Council and the National Wildlife Federation to serve as the lead attorney for a **Sixth Circuit Court of Appeals amicus brief** on behalf of water and wetland scientists to support the Obama administration's Clean Water Rule. The twelve scientists included Dr. Kirsten Work and Dr. Benjamin Tanner of Stetson University in DeLand. Dr. Steph Tai of the University of Wisconsin and Erin Okuno were co-authors of the amicus brief, which was submitted in January 2017 and is available online at <http://stetson.edu/law/amicicuriae>. After the brief was submitted, the Society of Wetland Scientists (SWS) and six other scientific societies endorsed the Clean Water Rule and our brief. Their endorsement received widespread news coverage.



Source: SWS.org

The Environmental Law Institute and Stetson's Biodiversity Institute received a **two-year Wetland Program Development Grant** from the Environmental Protection Agency (EPA) for a project to support the ability of states, tribes, and local governments to develop rigorous in-lieu fee (ILF) mitigation programs that yield ecologically effective and sustainable compensatory mitigation. Stetson will have the lead on reviewing and analyzing ILF program instruments for all approved ILF programs.

In May 2017, Professor Gardner and Erin Okuno presented at the 20th Annual **National Mitigation and Ecosystem Banking Conference** in Sacramento, California. Professor Gardner discussed the status of the Clean Water Rule in his presentation, "What's up with WOTUS?," and Erin discussed how ILF programs plan for long-term stewardship of aquatic compensatory mitigation sites in her presentation, "Planning for Perpetuity: Long-Term Stewardship for In-Lieu Fee Programs." Erin also presented her research about ILF programs at a **national ILF training program organized by the Environmental Law Institute** in Minnesota in July 2016.

Professor Paul Boudreaux continued to perform volunteer work for a number of environmental advocacy groups on both Florida and federal environmental law, while Professor Lance Long

(with student volunteers) provided research and drafted pleadings in connection with climate change litigation brought by Our Children's Trust. Professor Long also published an article, "*Washington v. Brockway*: One Small Step Closer to Climate Necessity," in the *McGill International Journal of Sustainable Development Law and Policy*. The article argues that the court in *Washington v. Brockway*, a case involving activists who blocked an oil train, improperly refused to let the jury hear the activists' necessity defense.

Erin Okuno's article "Frankenstein's Mammoth: Anticipating the Global Legal Framework for De-Extinction" was published in *Ecology Law Quarterly* in late 2016. The article discusses the concept of bringing extinct species back to life and suggests that the international community should begin to contemplate how de-extinct species will be regulated and protected under existing and prospective international laws and policies. Erin's article is available on SSRN at <https://ssrn.com/abstract=2962391>.

Using innovative methods to teach environmental law:

Thanks to a generous grant by the **Sea Turtle Grants Program**, which is administered by the Sea Turtle Conservancy, Stetson's Institute for Biodiversity Law and Policy offered a one-credit, three-day course, "**Topics in Biodiversity Law: Sea Turtles**," on August 26–28, 2016. Professor Gardner taught this special course, which educated law and other graduate students about threats to sea turtles and the local, state, national, and international legal and policy framework to protect them. Thirty-three students participated in the course, including students at Stetson Law and graduate students who are pursuing degrees in marine science, environmental science, or environmental policy at other universities. Verónica Caceres, the Secretary Pro Tempore of the **Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)**, recorded a video message to teach the students in the course about the IAC and its recent activities. The course also included an optional field opportunity to participate in a guided tour of a nesting beach at Fort De Soto Park in Tierra Verde, Florida. James Wilson, the park supervisor, led the tour, and the students observed as Mr. Wilson and a colleague performed a biological survey of a sea turtle nest that had recently hatched.



Professors Long and Gardner with students at a recently hatched sea turtle nest at Fort De Soto Park [Photo credit: Frank Klim]

Scholarships for the course were funded by the grant awarded from the Sea Turtle Grants Program. The Sea Turtle Grants Program is funded from proceeds from the sale of the Florida Sea Turtle License Plate. Learn more at www.helpingseaturtles.org.



In fall 2016, Professor Gardner taught **International Environmental Law** and (with Dr. Kirsten Work) the **Wetlands Seminar**. Students in those courses learned about environmental issues both inside and outside the classroom. The International Environmental Law class had a behind-the-scenes tour at Tampa's Lowry Park Zoo and met with Stetson Law alumna, Debbie Brown, who is the Zoo's general counsel. The Wetland Seminar students spent a morning inspecting the Tampa Bay Mitigation Bank. The International Environmental Law students also prepared case studies on transboundary wetland sites and presented them via videoconference to the Ramsar Secretariat in Switzerland.



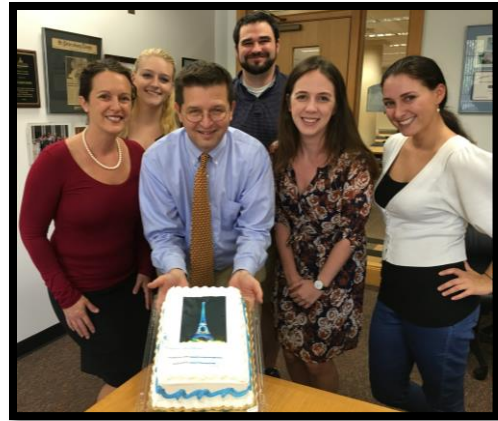
Stetson Law students learning about zoo-related legal issues



Wetland Seminar students grateful to be outside



International Environmental Law students presenting to the Ramsar Secretariat



Students celebrating (briefly) the entry into force of the Paris Agreement

Professor Long taught **Environmental Advocacy** in spring 2017. Students in the class learned about the art and skill of persuasion in the environmental arena. Students chose a particular environmental issue and designed a project that includes a FOIA request, media advocacy, and either a collaborative project with a public or private entity, a draft of a citizen's suit, or legislative advocacy. This year's projects included innovative and successful projects by students Breanne Whited, Kris Galloway, Alex Avera, and Dale Tan. Breanne worked with the HOA at Golfview Condominiums and successfully convinced the Association to adopt recycling. Kris convinced the county to install a test recycling bin on the Pinellas Trail near Boca Ciega High School. Alex started a community committee that now works with the Gulfport City Council to adopt policies and ordinances for restricting environmentally unsustainable chain stores from entering the historic downtown area. Dale is working with the City of St. Petersburg and the Saturday Farmer's Market to eliminate the use of plastic bags at the market. The Environmental Advocacy class is a model of combining theory, skills, and experiential learning.

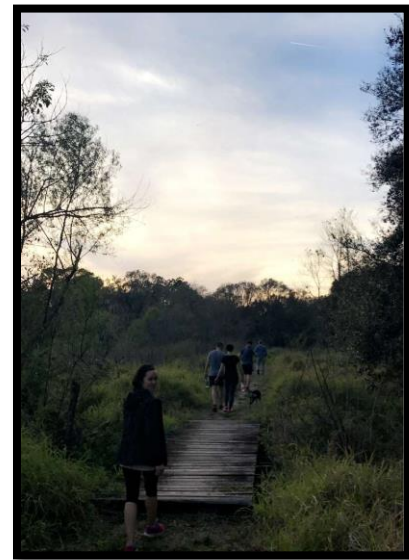


Videoconference on the Boundary Waters Canoe Area Wilderness in Research and Writing II—Environmental Law

In spring 2017, Professor Gardner and Professor Long again 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, with an emphasis on real-world issues. The students researched and submitted public comments on a US Forest Service proposal to restrict mining in the Boundary Waters Canoe Area Wilderness in Minnesota. Professor Gardner and Professor Long arranged for a videoconference with Becky Rom, a local activist, and Alex Ward, her pro bono Washington DC attorney, to provide the students some background, to give them the opportunity to ask questions, and to see public service in practice. The memorandum of law assignment required the students to wrestle with Article III standing issues in a climate change case (similar to the case that Professor Long is working on with Our Children's Trust). Finally, the very complicated appellate brief problem was based on a NEPA claim related to the Dakota Access Pipeline.



Research and Writing II class on traditional hike at Little Manatee River State park



Darkness descends as the group heads back to the campsite

Erin Okuno taught **Horse Burgers, Lab Rats, and Free Willy: Animal Law, Policy, and Ethics** at the University of South Florida Honors College in fall 2016, as part of the Stetson-USF 3-3 program. Students learned how local, national, and international legal regimes address the use, management, and protection of nonhuman animals, and students discussed the ethical, policy, and legal arguments for and against animal rights and animal welfare. As part of the course, the students presented oral arguments about endangered species in one of the courtrooms at Stetson's Tampa Law Center.

Professor Gardner taught the **Ecosystem Banking Workshop** again this year. The workshop is a voluntary enrichment program in which students learn about market-based approaches that may be used to restore and enhance wetlands and their resources, protect habitat for endangered species, improve water quality, and decrease greenhouse gas emissions. At the end of the workshop, students researched and presented case studies on specific mitigation banks.

This past year Stetson Law students participated in **environmental law externships** across the country, where the students had opportunities to practice hands-on legal skills. Placements

included a variety of private and governmental organizations: the U.S. Environmental Protection Agency, the Ocean Conservancy, the Center for Biological Diversity, the National Oceanic and Atmospheric Administration, the Environmental Protection Commission of Hillsborough County, and Tampa's Lowry Park Zoo.

Creating a dialogue about environmental challenges:

Stetson Law helped organize the **17th International Wildlife Law Conference (IWLC-17)**, which was hosted by the Institute of Environment Education and Research, Bharati Vidyapeeth University in Pune, India on January 6–9, 2017. The conference featured three of the top Indian environmental leaders: public interest attorney M.C. Mehta; Vivek Menon, Director of the Wildlife Trust of India; and Dr. Erach Bharucha, Director of the Institute of Environment Education and Research. It was the most well-attended IWLC ever.



Tiger in Ranthambore National Park [Photo credit: R. Gardner]



Scenes from the IWLC-17 in Pune, India

In November 2016, Stetson Law and the Environmental Law Institute co-sponsored the **Fourth Annual ELI-Stetson Wetlands Workshop**. The theme of the workshop was “Beyond the Clean Water Act: The Role of State and Local Wetland Programs and the Potential of Brownfields as Mitigation Sites.” Panelists and speakers discussed the protection of wetlands through state and local regulation, as well as using brownfields as potential wetland mitigation sites. Jeanne Christie, Association of State Wetland Managers, presented a Foreman Biodiversity Lecture to begin the workshop, and Doug Lashley, GreenVest, LLC, delivered the keynote address. This year’s workshop also featured a field trip to the Ulele Spring site in Tampa and a landfill site in Pinellas County. The Institute is grateful to Mechanik Nuccio Hearne & Wester, P. A. for sponsoring the poolside networking reception and to the Law School Liaison Committee of The Florida Bar’s Environmental and Land Use Law Section (ELULS) for providing a special grant to Stetson Law to support the workshop.



John Pendergrass of ELI with Jeanne Christie, Roy Gardner, and Tom Ries, all former ELI National Wetland Award winners

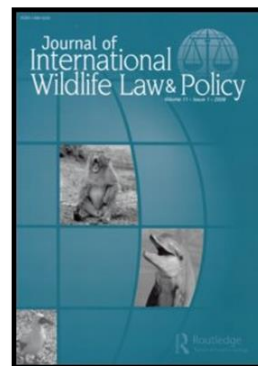


Prof. Gardner with speakers Doug Lashley and Jeanne Christie and moderator Frank Hearne at the ELI-Stetson Wetlands Workshop

Professor Boudreaux serves as the editor in chief of the ***Journal of International Wildlife Law & Policy (JIWLP)***, and Professor Gardner and Erin Okuno are on the journal’s editorial advisory board. Students at Stetson Law have the opportunity to serve as student editors for the journal, in which capacity they perform “cite and source” reviews of articles and other editing tasks. Select student articles may be chosen for publication. *JIWLP* published its 19th volume in 2016-2017, with articles from authors from every continent: South America, North America, Africa, Europe, Asia, and Oceania. Issues focused on, among others, topics of small-scale fisheries, animal wellbeing, and the Convention on International Trade in Endangered Species.



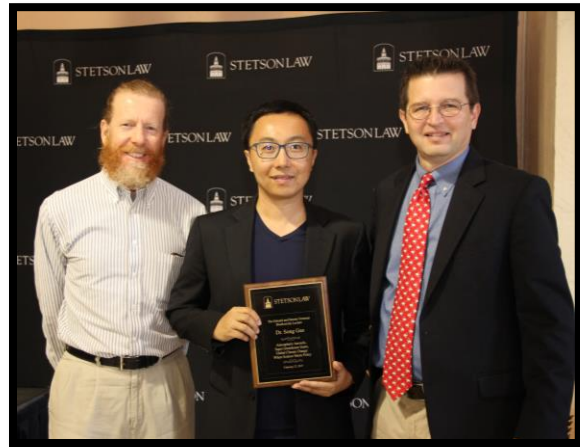
Professor Boudreaux and Dean Pietruszkiewicz with the graduating student editors of *JIWLP*



Thanks to the continued, generous support of Bonnie Foreman, the Biodiversity Institute offered the **Edward and Bonnie Foreman Biodiversity Lecture Series** again this year. The lecture series is free and open to the Stetson and larger Tampa Bay communities. Numerous scientists, attorneys, judges, policymakers, and other experts have presented at the lecture series, which fosters a dialogue about important environmental issues and has created meaningful connections and opportunities for students and other attendees over the years. The speakers this last year included Dr. Naomi A. Rose (Marine Mammal Scientist, Animal Welfare Institute), Jeanne Christie (Executive Director, Association of State Wetland Managers), Jaclyn Lopez (Florida Director, Center for Biological Diversity), Dr. Song Gao (Associate Professor of Chemistry, College of Arts and Sciences, Stetson University), and Judge Anthony Lucky (International Tribunal for the Law of the Sea).



Professor Gardner and Judge Anthony Lucky



Professor Long, Dr. Song Gao, and Professor Gardner

In spring 2017, we hosted the 21st Annual **International Finals of the Stetson International Environmental Moot Court Competition**. Founded by Stetson Law in 1996, it is now the world's largest moot court competition devoted exclusively to global environmental issues. This year's problem focused on ocean fertilization and marine biodiversity.



Professor Gardner with the team from Gujarat National Law University, Gandhinagar, India, which won the competition this year

During fall 2016 and spring 2017, student teams submitted written memorials and presented oral arguments at regional rounds throughout the world. The top teams advanced to compete in the International Finals on March 30–April 1, 2017, at Stetson Law’s Gulfport campus. The final round judges were Judge Anthony Lucky (International Tribunal for the Law of the Sea), Dr. Wil Burns (Co-Executive Director, Forum for Climate Engineering Assessment, American University), and Ms. Nancy Daves (retired from the National Marine Fisheries Service). This year’s semifinalists were National Law University, Jodhpur, India, and the University of Hawaii at Manoa, William S. Richardson School of Law. The runner-up was the University of the Philippines College of Law, and the champion was Gujarat National Law University, Gandhinagar, India. The Institute sincerely appreciates everyone’s support of the competition and would especially like to thank the Law School Liaison Committee of ELULS for its financial support of the International Finals.



Participants, coaches, and competition judges with Professor Gardner after the championship round at the International Finals of the Stetson International Environmental Moot Court Competition

Stetson’s Environmental Law Society, Student Animal Legal Defense Fund, and other student organizations hosted an **Earth Day Celebration** on campus in April 2017. Attendees enjoyed fresh, local food and had the opportunity to speak with various environmental groups at the event, including the Center for Biological Diversity, the Environmental Protection Commission of Hillsborough County, the University of Florida Institute of Food and Agricultural Sciences (IFAS) Extension program, and Keep Pinellas Beautiful. Professor Gardner, Professor Long, and Stetson students Miles Archabal, Evan Dix, and Logan Manderscheid formed a band and provided musical entertainment during the celebration.



Professor Long, Professor Gardner, and Stetson Law students performing at the Earth Day Celebration

Stetson and the Institute were well represented at the **Public Interest Environmental Law Conference** in Eugene, Oregon this year. Stetson professors, students, and alumni attended and gave presentations. Professor Lance Long, Jaclyn Lopez (Center for Biological Diversity), and Stetson alumna Elise Bennett (Center for Biological Diversity) gave a presentation addressing document preparation and design for effective environmental advocacy. Professor Long also participated on a panel discussing the necessity defense in environmental civil disobedience cases.



Professor Long, Jaclyn Lopez, and Stetson Law alumni at PIELC

Recognizing the accomplishments of students and recent graduates:

Miles Archabal and Vanessa Moore, students in Stetson's environmental law concentration, were finalists in a field of 63 teams in the **Jeffrey G. Miller National Environmental Law Moot Court Competition** in February 2017. Professor Brooke Bowman, Professor Gardner, and Erin Okuno coached the team.



This spring, Professor Long and Erin Okuno also coached a team of students that competed in the **Robert R. Merhige, Jr. National Environmental Negotiation Competition** in Richmond, Virginia. Arielle Claude and Allison Conti advanced to the semifinals at the competition.

Congratulations to students in the environmental law concentration who received awards at the spring 2017 graduation: Miles Archabal received the **Hearne Environmental Law Award**, and Daniel Maharaj received the **Nader/Zrake Memorial Award**.

We are proud of our graduates who were recently hired for environmental law and policy positions. Allison Dhand joined Gramling Environmental Law, P.A. in Tampa, Nicole Poot is also in the Tampa Bay area with Lewis, Longman & Walker, P.A., and Carson Zimmer is working in the Florida Department of Environmental Protection in Tallahassee.

And special notes of gratitude:

The Institute would like to thank Dick and Joan Jacobs for endowing the “**Dick and Joan Jacobs Environmental Law Externship Fund**” at Stetson Law. Because of their generous support, this fund will enable students at Stetson Law to participate in meaningful environmental law internships and externships around the country and the world.



Dick Jacobs

Thank you to **Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.** for sponsoring a special “Careers in Environmental and Land Use Law” event at Stetson’s Gulfport campus in November 2016. Attorneys from the firm’s multiple offices shared their experiences and advice with Stetson Law students who are interested in pursuing careers in the field.



Students and attorneys networking at the “Careers in Environmental and Land Use Law” event

The Institute would also like to thank **Hopping Green & Sams, P.A.** for sponsoring a book award at Stetson Law that is given each year to the student in Research & Writing II—Environmental Law who receives the highest grade in the course. Nicolas Ferreiro received the book award in spring 2017.

Special thanks to the Institute’s undergraduate interns, Kaitlyn Murphy (University of South Florida – St. Petersburg) and Jackson Willis (Yale University) for their research and other support of the Institute’s activities. Kaitlyn was in intern with the Institute in spring 2016, and Jackson was an intern in summer 2017.

For more information about the Institute for Biodiversity Law and Policy or how to support its programs, please contact Erin Okuno at okuno@law.stetson.edu.



Professor Long and Amy Long at a rally in support of Bears Ears National Monument



Professor Gardner at the March for Science in St. Petersburg



Dragonfly at Tampa Bay Mitigation Bank [Photo credit: R. Gardner]