



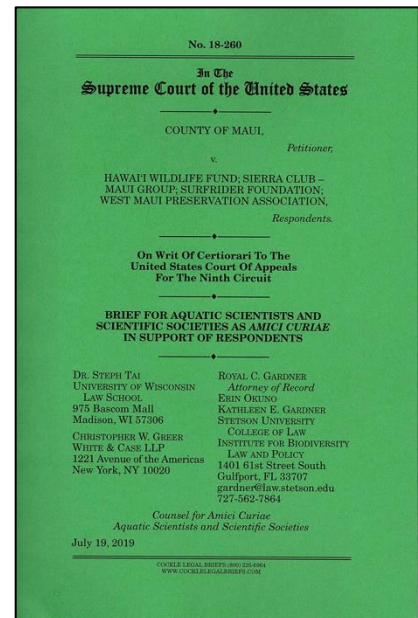
## Institute for Biodiversity Law and Policy 2019–2020 Annual Report

Stetson University College of Law provides environmental law education, research, and service at the local, national, and international level. The Institute for Biodiversity Law and Policy is the interdisciplinary focal point for Stetson Law's environmental law programs and initiatives. The Institute 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 (ABA SEER). This report highlights some of the Institute's many activities from 2019–2020. To learn more about Stetson's Biodiversity Institute and to support our initiatives, please visit [www.stetson.edu/law/biodiversity](http://www.stetson.edu/law/biodiversity).

### Assisting with national and international conservation efforts:



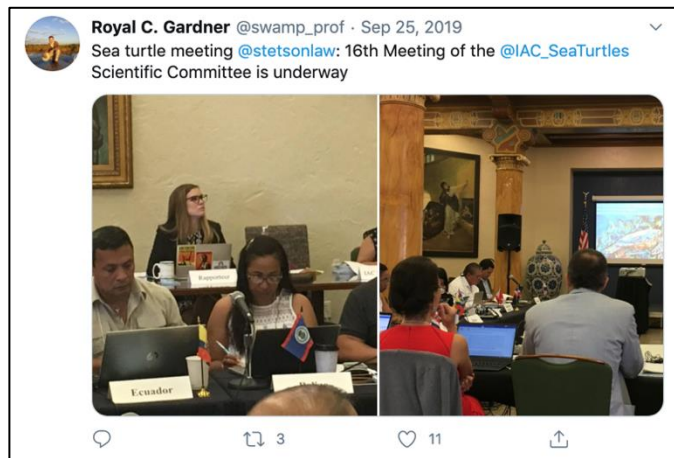
The Stetson team with David Henkin of Earthjustice after his U.S. Supreme Court oral argument



Amici brief for aquatic scientists and societies

In July 2019, Professor Royal Gardner (Director of Stetson's Institute for Biodiversity Law and Policy), Erin Okuno (the Institute's Assistant Director), and a team of attorneys filed an **amici curiae brief** on behalf of four individual aquatic scientists and eight national and international scientific societies in the **Supreme Court of the United States** in the case *County of Maui v. Hawaii Wildlife Fund*. The question before the Supreme Court was whether the Clean Water Act applies to a point source discharge of a pollutant that reaches navigable waters through groundwater. The amici curiae 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." In November, the team of attorneys and a Stetson Law student traveled to Washington, D.C. to observe the oral arguments, during which Justice Breyer mentioned the amici curiae brief of the scientists and scientific societies. In April 2020, the Supreme Court ruled 6-3 that the Clean Water Act covers the "functional equivalent" of direct discharges of pollutants to navigable waters, and Justice Breyer cited the scientists' amici curiae brief in his majority opinion. Read the amici curiae brief [here](#).

The Biodiversity Institute continues to support the **Inter-American Convention for the Protection and Conservation of Sea Turtles (IAC)**, a regional intergovernmental treaty with 16 contracting parties. In September 2019, Stetson Law hosted the 16th Meeting of the Scientific Committee for the IAC. Stetson students, faculty, and staff observed and provided support for the meeting, which included delegates from 12 countries.

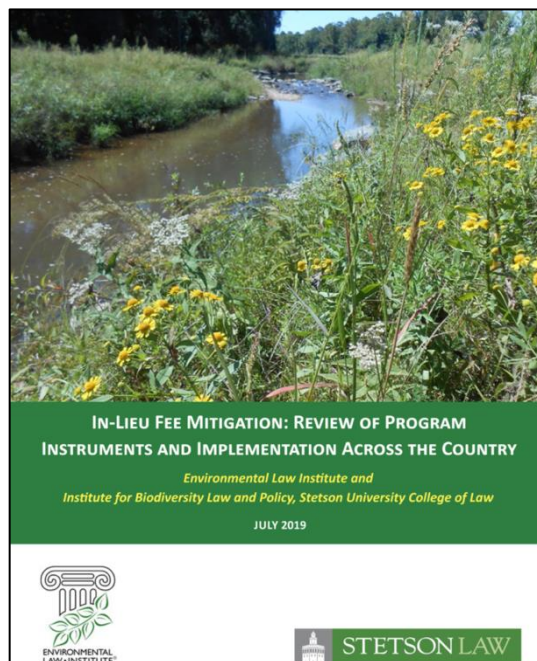


Delegates and Stetson faculty, staff, and students at the 16th Meeting of the Scientific Committee for the IAC in September 2019 at Stetson Law

Stetson Law also provides research and other support for the **Ramsar Convention on Wetlands**, a multilateral environmental treaty that promotes the wise use and conservation of wetlands. The Convention has 171 Contracting Parties, and Stetson is the only law school with a memorandum of cooperation with the Ramsar Convention's Secretariat. Professor Gardner previously served as chair of the Scientific and Technical Review Panel, which is the scientific advisory body for the Ramsar Convention, from 2013–2018. He continues to serve as a member of the Convention's Management Working Group.

In summer 2019, the Biodiversity Institute started the pilot phase of a two-year research project funded by a **\$150,000 grant from the Joy McCann Foundation**. The project seeks to support policymakers, regulators, conservation organizations, and other stakeholders to ensure effective long-term protection of restored wetlands and streams in Florida and around the country. With help from student research assistants, 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.

In 2019, the Environmental Law Institute (ELI) and Stetson Law's Biodiversity Institute finished a two-year project funded by a **Wetland Program Development Grant** from the U.S. Environmental Protection Agency (EPA). The final project report, **"In-Lieu Fee Mitigation: Review of Program Instruments and Implementation Across the Country,"** was released in July 2019 and is available [here](#). ELI and Stetson Law also discussed the results of the project as part of an **Association of State Wetland Managers Members' Webinar** in January. Last fall, ELI and Stetson Law started working on another EPA grant-funded project to develop guides on challenging aspects of in-lieu fee (ILF) program implementation. Stetson is conducting research and drafting the guide on the long-term management of ILF sites.





Over the last year, Stetson Law's environmental faculty and staff have presented and published on a variety of topics and have volunteered their time in support of environmental organizations. Professor Paul Boudreaux finished "*Species. . . in Law*," an article about the legal definitions of the concept of a species, and presented on the topic at the 20th International Wildlife Law Conference in April. He also did volunteer work for the Center for Biological Diversity.

Professor Lance Long presented "Climate Change Necessity Defense: Current Status" for the Center for Biological Diversity in March, and he served as the climate necessity defense media expert for a trial.

Professor Gardner recently joined the Policy & Science Committee for Friends of the Everglades, an organization founded by Marjory Stoneman Douglas that seeks to protect, preserve, and restore the Everglades. He presented on Clean Water Act issues to numerous groups, including the Society for Freshwater Science, Association of State Wetland Managers, University of Florida, and Ecological Restoration Business Association. He also delivered the William J. Patrick, Jr. Memorial Lectureship at the Soil Science Society of America's annual meeting in November.



Professor Gardner and Erin Okuno at the University of the Philippines in January for the 1st Southeast Asian Biodiversity and Climate Change Policy Forum and the Southeast Asia Regional Round of the Stetson International Environmental Moot Court Competition

In January, Erin Okuno presented "Saving Coral Reefs During the Climate Crisis: Time for a Sea Change" at the 1st Southeast Asian Biodiversity and Climate Change Policy Forum, hosted at the University of the Philippines College of Law. Erin delivered an online lecture, "Frankenstein's Mammoth: Anticipating the Global Legal Framework for De-Extinction," in April 2020 as part of Mercer University School of Law's Environmental Law Virtual Guest Speakers Program (the lecture is available [here](#)). Erin also wrote "A Look Back at *Sierra Club v. Costle*: Balancing Legal, Political, and Ethical Interests in Informal Rulemaking," which was published in the *American Bar Association's Administrative & Regulatory Law News* in 2019.

### **Using innovative methods to teach environmental law:**

Professor Gardner taught the **Ecosystem Banking Workshop** again during the fall and spring. 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.

In spring 2020, 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. The students researched and submitted public comments on the Council on Environmental Quality’s proposed revisions to National Environmental Policy Act regulations. The memorandum of law assignment and appellate brief problem addressed issues related to state water quality certifications under the Clean Water Act. Oral arguments were held virtually due to the COVID-19 pandemic.



Professor Long and Professor Gardner with their students at Big Cypress National Preserve

This past year, Stetson Law students participated in **environmental law externships**, where the students had opportunities to practice hands-on legal skills. Placements included a variety of governmental and non-governmental organizations, such as Florida Sea Grant, South Florida Water Management District, Environmental Protection Commission of Hillsborough County, National Oceanic and Atmospheric Administration, and Ocean Conservancy. Thanks to Dick and Joan Jacobs, who endowed the “**Dick and Joan Jacobs’ Environmental Law Externship Fund**” at Stetson Law, students can apply for financial support that will enable them to participate in environmental law externships and other opportunities nationwide and worldwide. With support from the externship fund, Lauren Beames participated in an externship over the summer with the Interamerican Association for Environmental Law Defense (AIDA), a regional organization that works to protect the environment, primarily in Latin America.

### **Contributing to a dialogue about environmental challenges:**

Each year, Stetson Law organizes the **Stetson International Environmental Moot Court Competition (IEMCC)**, which is the world’s largest moot court competition devoted exclusively to international environmental issues. The topic of this year’s competition problem was the reintroduction of bears. Student teams submitted written memorials and presented oral arguments at national and regional rounds throughout the world between November and March. Professor Gardner and Erin Okuno traveled to the Philippines to judge the Southeast Asia Regional Round, which was hosted by the University of the Philippines College of Law in January. Hundreds of students participated in the national and regional rounds, and the top teams were invited to the International Finals, which were originally scheduled to be held in-person at Stetson Law. Due to the global pandemic, we instead hosted the International Finals virtually on April 2–4. Seventeen teams from ten jurisdictions (Armenia, Colombia, India, Ireland, Nepal, the Philippines, Republic of Korea, Singapore, Taiwan, and the United States) competed in the virtual rounds.



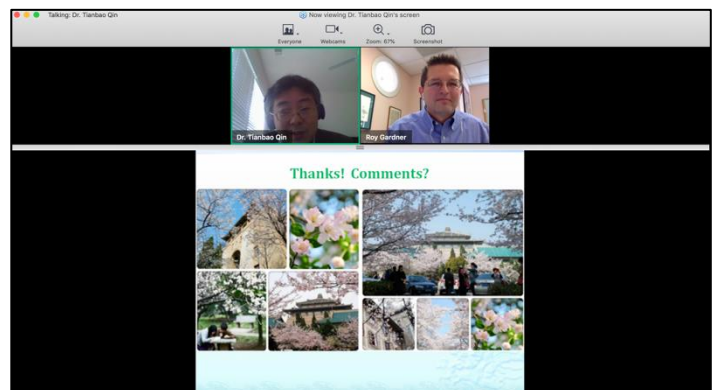
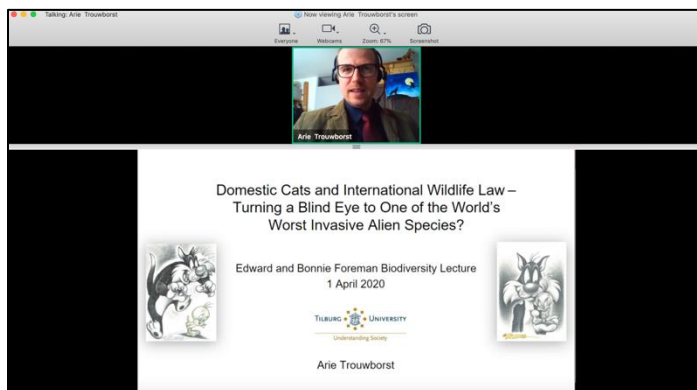
Two teams from India advanced to the championship round. National University of Advanced Legal Studies (NUALS), Kochi was the champion, and National Law Institute University, Bhopal was the runner-up. NUALS also received the award for the best written memorial, and all of the teams that participated in the virtual rounds received the Spirit of Stetson Award. The teams from George Washington University Law School and Law Society of Ireland were semifinalists. The final round judges were Dr. Wil Burns (Professor of Research and Founding Co-Executive Director, Institute for Carbon Removal Law & Policy at American University), Jaclyn Lopez (Florida Director and Senior Attorney, Center for Biological Diversity), and Dr. Arie Trouwborst (Associate Professor of Environmental Law, Tilburg Law School, Tilburg University, the Netherlands).

We thank the Environmental and Land Use Law Section of The Florida Bar for providing us with a block grant to support the competition. Photos and video clips of the virtual rounds are available on the competition's [Facebook page](#). This next year will mark the 25th anniversary of the Stetson IEMCC! For more information about the competition, please visit [www.stetson.edu/iemcc](http://www.stetson.edu/iemcc).



Virtual rounds of the 24th Annual Stetson International Environmental Moot Court Competition in April

In conjunction with the IEMCC, Stetson Law hosted the **20th International Wildlife Law Conference (IWLC-20)** online April 1–2. The IWLC-20 included speakers and attendees from around the world. Presentations and panels discussed topics such as trophy hunting, fisheries, marine biodiversity, invasive species, and wildlife and animal welfare. As part of the conference, Dr. Arie Trouwborst (Tilburg Law School) delivered an Edward and Bonnie Foreman Biodiversity Lecture on domestic cats as invasive species. Some of the other speakers were Dr. Wil Burns (American University), Dr. Richard Caddell (Cardiff University), Dr. Mar Campins Eritja (Universitat de Barcelona), Professor Linda Malone, (Marshall-Wythe School of Law at the College of William & Mary), Prof. Dr. Tianbao Qin (Research Institute of Environmental Law, Wuhan University, and Visiting Scholar, Duke University), and Professor David Wirth (Boston College Law School). The IWLC-20 was co-sponsored by the Environmental Law Center at the University of Cologne, the Institute of Environment Education and Research at Bharati Vidyapeeth University, Tilburg University, and the University of Barcelona Faculty of Law. Visit the [IWLC-20 website](#) for additional information about the event.



Virtual presentations at the 20th International Wildlife Law Conference

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. Stetson Law students have the opportunity to serve as student editors for *JIWLP*, and select student articles may be chosen for publication. *JIWLP* published articles this year on topics such as the role of non-governmental actors in shaping CITES appendices, the legality of hunting wolves, the pros and cons of the practice of trophy-hunting, wildlife crime in the EU, and the role of indigenous languages in understanding wildlife.

Thanks to the continued support of Bonnie Foreman, the Biodiversity Institute again offered the **Edward and Bonnie Foreman Biodiversity Lecture Series**, which is free and open to the public. Numerous scientists, attorneys, judges, policymakers, and other experts have presented as part of the lecture series, which fosters a dialogue about timely, important environmental issues and has created meaningful connections and opportunities (such as externships) for students over the years. The 2019–2020 speakers included Jason Lauritsen (Executive Director of the Florida Wildlife Corridor), Elizabeth Silleck (Senior Conservation Manager for Environmental Defense Fund's Oceans, Gulf of Mexico Program), Dr. Jason Evans (Interim Executive Director of the Institute for Water and Environmental Resilience at Stetson University), Craig Pittman (environmental reporter and author of "Cat Tale"), and Dr. Arie Trouwborst.



Craig Pittman with Professor Gardner



Jason Lauritsen with Professor Long, Professor Gardner, and Dean Alexandre

Dick Jacobs proposed and generously funded the **Stetson Environmental Tax Policy Writing Competition: Tax Policy Solutions to Address Sea Level Rise**. The competition's aim was to start a conversation by focusing on tax policy solutions to address sea level rise, particularly given its likely impact on Florida and Florida's unique tax regime. We received several creative, thoughtful papers and plan to have the winner and runner-up present their novel proposals this fall.

### **Celebrating the accomplishments of our students and recent graduates:**

Stetson Law students James Doyle, Kendall Griesse, and Brian Remler advanced to the quarterfinals at the **Jeffrey G. Miller National Environmental Law Moot Court Competition** in February 2020. The competition was held at the Elisabeth Haub School of Law at Pace University in White Plains, New York. Professor Gardner and Erin Okuno coached the team.



Moot court team with Prof. Zyg Plater (Boston College Law School), who argued *TVA v. Hill* in the U.S. Supreme Court



Congratulations to the students who received environmental law awards this spring: Kate Welch received the Hearne Environmental Law Award, and Maria White received the Nader/Zrake Memorial Award.

We are proud of our graduates who were recently hired for environmental law and policy positions. Allison Dhand started working at the Southwest Florida Water Management District, Travis Hearne practices at Mechanik Nuccio Hearne & Wester, P. A., and Dane Petersen is part of the General Counsel's Office of the Florida Department of Environmental Protection. Additionally, Maria White was hired to work on food and drug law issues at a law firm in Tampa, and Tom Hall will be pursuing an LL.M. at Georgetown to combine tax and environmental law.

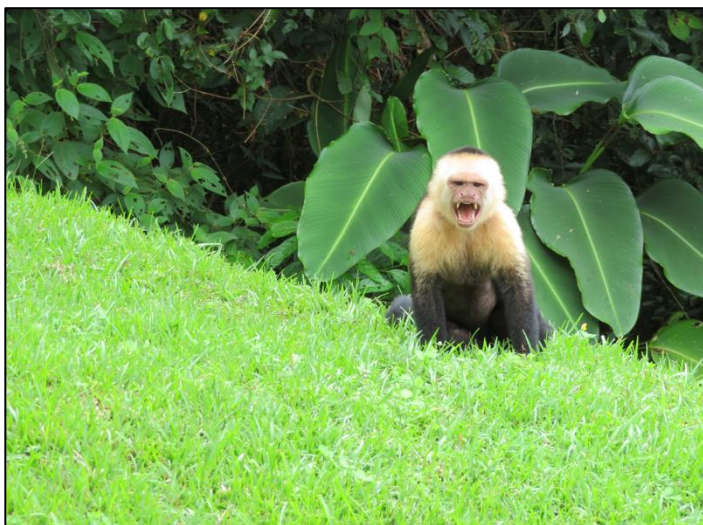
### **Ending on a positive note:**

In January, Professor Gardner, Professor Long, Professor Radwan, and Stetson Law students participated in "Battle of the Bands: Justice, Soul & Rock 'n' Roll," a fundraiser benefiting Gulfcoast Legal Services.



Stetson Law professors and students at the "Justice, Soul & Rock 'n' Roll" fundraiser [Photo credits: Jeremy Radwan]

For more information about Stetson's Institute for Biodiversity Law and Policy and how to support its programs, please visit [www.stetson.edu/law/biodiversity](http://www.stetson.edu/law/biodiversity) or contact Erin Okuno at [okuno@law.stetson.edu](mailto:okuno@law.stetson.edu).



Capuchin monkey in Costa Rica. [Photo credit: Erin Okuno]



Mountain gorilla in Uganda. [Photo credit: Royal Gardner]