

## **Institute for Biodiversity Law and Policy 2009-2010 Annual Report**

Stetson University College of Law continues its commitment to environmental education, scholarship, and service from the local to the global scale. Stetson's environmental programs are coordinated through its Institute for Biodiversity Law and Policy. Activities for 2009-2010 included the following:

**Facilitating the designation of Corkscrew Swamp Sanctuary as a Wetland of International Importance:** The United States is one of 159 countries that is a party to the Ramsar Convention, a treaty devoted to wetland conservation. The Ramsar Convention requires its parties to designate areas as "Wetlands of International Importance," also known as Ramsar sites. In October, **Corkscrew Swamp Sanctuary**, located in Naples and the largest remaining stand of virgin bald cypress in North America, **was listed as the 25<sup>th</sup> Ramsar site in the United States**. Two Stetson alumni, Ezequiel Lugo and Kristine Jones, played a significant role in the designation process. As students, they worked with the Audubon Society (the owner of the site) to draft the Ramsar Information Sheet, which became the basis for the designation application. Corkscrew Swamp Sanctuary joins Everglades National Park, Pelican Island National Wildlife Refuge, and (a portion of) Okefenokee National Wildlife Refuge as Florida's Ramsar sites. An on-site ceremony on February 18, 2010, recognized Stetson's important involvement.

**Contributing to worldwide conservation efforts:** Through a contract between The Conservation Fund and the College of Law, the Biodiversity Institute is preparing 12 **case studies on conservation banks**. Conservation banking is a market-based mechanism to protect endangered species habitat. Two Stetson students and a recent graduate are working on the case studies, which range from a panther bank with reserved carbon credits in Florida to a salmon bank in the Pacific Northwest. The case studies will be used as part of a national training course for federal regulators in June 2010.

In summer 2009, Professor Royal Gardner and students Stephanie Broad, Leah Ellington, and Noelle Nasif provided comments to the Rwanda Environment Management Authority (REMA) on a **draft Rwandan Marshlands Law**. The bill, which became law at end of 2009, governs the use and management of 860 Rwandan marshlands (10.6 percent of the country's total surface area) and incorporates the Ramsar principle of wise use of wetlands. REMA and the Ramsar Secretariat thanked Stetson for its contributions.

In September, Professor Gardner presented for two days at a **Beijing Wetland Legislation International Workshop** in China. Dr. Cui Lijuan, China's top wetland scientist, organized the workshop, which brought together nine different government departments that work with various aspects of wetlands. The goal of the workshop was to explain the importance of wetlands and the need for wetland protection legislation in Beijing.

In October, Professor Gardner served as an instructor at the first **National Training Course for Canadian Ramsar Site Managers** at Creston Valley, British Columbia. Part of the course was devoted to discussing the role and value of the US National Ramsar Committee (a group of NGOs, which includes Stetson, that support the goals of the Ramsar Convention) to help decide whether Canada should establish a similar committee. One of the outcomes of the course was a commitment to create such a national committee.

In November, Professor Paul Boudreaux presented at and participated in a scoping session of **World Delta Dialogues** (WWD) at the Royal Netherlands Embassy in Washington, D.C. WWD which was created by America's WETLAND Foundation in cooperation with the Royal Netherlands Embassy and The Nature Conservancy, seeks to identify best practices and find comprehensive strategies for creating sustainable deltas.

On February 18, Stetson University College of Law became the first law school in the world to sign a **memorandum of cooperation with the Ramsar Secretariat**. Dean Darby Dickerson and Ramsar Secretary General Anada Tiega signed the agreement, which formalizes the relationship between the College of Law and the Ramsar Secretariat, in Gulfport.

**Teaching developing areas of environmental law:** During academic year 2009-2010, the Institute for Biodiversity Law and Policy conducted an **Ecosystem Banking Workshop**, a voluntary enrichment program for students. Over the course of the year, the students learned about market-based approaches to restoring wetlands, conserving endangered species habitat, improving water quality, and reducing greenhouse gas emissions. Lecturers included Professor Blake Hudson, Professor Theresa Pulley Radwan, and Professor Gardner. The workshop met 18 times, and 13 students completed the program by presenting case studies. One of the goals of the workshop is to serve as a feeder program for internships with regulatory agencies, mitigation companies, and environmental groups. Five students have summer internships with the U.S. Fish and Wildlife Service (paid), WildLaw (\$4000 Florida Bar stipend), U.S. Environmental Protection Agency (volunteer), U.S. National Ramsar Committee (volunteer), and Hillsborough County EPC (academic).

This spring **International Environmental Law** was team-taught by Professor Gardner and Dr. Wil Burns. Dr. Burns, who is based in California, participated via Skype and appeared on the video screens in the Eleazer Courtroom (except when he was here to judge the finals of the International Environmental Moot Court Competition). Both professors were both "present" together for almost all of the classes and offered different perspectives on International Environmental Law.

The International Environmental Law students also prepared case studies on the management of transboundary wetland sites. The case studies, which focused on sites in North America, Europe, Asia, and Africa, were submitted to the **Ramsar Scientific and Technical Review Panel (STRP)** prior to its mid-term workshops, in Gland, Switzerland, in February. The students presented their findings and answered questions from Ramsar

Deputy Secretary General Nick Davidson, STRP Chair Dr. Heather MacKay, and other STRP members via videoconference on February 23. The Ramsar Secretariat and the STRP were impressed with the students' work, and the students had a rare opportunity to participate in the inner workings of a multilateral environmental agreement. The STRP will be incorporating their work into an information paper that will be distributed at the 12<sup>th</sup> Ramsar Conference of the Parties, which will be held in Romania in 2012.

**Producing scholarship that makes a difference:** In Winter 2009 the **Stetson Law Review** produced a special issue devoted to biodiversity protection and mitigation. A particular focus was the 2008 EPA-Corps of Engineers regulation on compensatory mitigation for impacts to aquatic resources. One of the impetuses for this federal regulation was a report by the National Research Council (NRC) Committee on Mitigating Wetland Losses. The special issue opens with a critique of the new regulation by nine former NRC committee members (including Professor Gardner). Other contributors commenting on the new regulation include academics, counsel for the National Mitigation Banking Association, representatives of the National Wildlife Federation, and an experienced land steward. Requests for hard copies of the special issue came from people in 19 states (plus DC and Puerto Rico) and 12 foreign countries (Australia, Bangladesh, Canada, India, Indonesia, Malaysia, Micronesia, Nepal, the Netherlands, New Zealand, Switzerland, and Uganda). The requesters ranged from regulators to wetland scientists to NGOs (and of course attorneys).

Stetson professors tie their scholarship to real world issues. For example, an article by Professor Theresa Pulley Radwan and Professor Gardner in the November-December 2009 issue of the **National Wetlands Newsletter** ("Corporate Shell Games: LLPs, LLCs and Responsibility for Mitigation Sites") offers advice to wetland regulators about the legal responsibility of various business entities (or lack thereof) for the long-term management and stewardship of mitigation sites. The article was selected to be reprinted in the Summer Reading Issue of The Environmental Forum.

In October Professor Hudson published "Seeing the Global Forest for the Trees: How US Federalism can Coexist with Global Governance of Forests" in the peer-reviewed **Journal of Natural Resources Policy Research**. He presented his paper in November as part of the **Yale Forest Forum Leadership Seminar** at the Yale School of Forestry and Environmental Studies. Professor Hudson's most recent article "Climate Change, Forests and Federalism: Seeing the Treaty for the Trees" will appear in the University of Colorado Law Review. The International Council of Environmental Law (ICEL) and the IUCN Environmental Law Programme have requested that the paper be included on ECOLEX (an internet-based, and globally used, non-profit information service on environmental law operated in partnership between IUCN, FAO and UNEP). The article itself will be made available in the IUCN Environmental Law Centre/ICEL Library in Bonn, Germany, which is a unique repository of environmental law literature, used on a non-profit basis by scholars, practitioners, and visitors.

Books are on the horizon too. Professor Boudreaux is writing a book about land use law, and Professor Gardner is writing a book on wetland law, policy, and politics for Island Press.

Stetson also continues to serve as the host school for the **Journal of International Wildlife Law and Policy**, a peer-reviewed journal which is published quarterly. Students with a demonstrated interest in wildlife issues edit articles submitted by attorneys, regulators, and scientists.

**Creating a dialogue about environmental challenges:** Each semester, the Biodiversity Institute sponsors several **Biodiversity Lectures**, which are free and open to the public. The 2009-10 lecturers were St. Petersburg Times reporter Craig Pittman, author of *Florida's Vanishing Wetlands*; Sheri Lewin, immediate past president of the National Mitigation Banking Association; Dr. George Dennis, Trust Resources Supervisor for the U.S. Fish and Wildlife Service; Stetson LL.M. graduate Alex Dammous who spoke about sustainable ecotourism in Cameroon; and Dr. Wil Burns who spoke about climate change and bioengineering.

Stetson participated along with four other Tampa Bay area campuses in a free **public forum addressing sustainability** in September. Academic community leaders gathered to discuss how higher education institutions can model ways to combat global warming and educate students and others about the environment. Leah Ellington, member of Stetson's Student Bar Association "Go Green" Committee and Professor Lance Long participated as panel speakers.

In March we hosted the **International Wildlife Law Conference**. Speakers representing seven different countries (including Malaysia and Lesotho) presented on animal welfare considerations in the marine context, wildlife as food, the evolution of CITES, and procedural mechanisms for protecting wildlife. A particular highlight was Professor Pete Fitzgerald in a kilt.

And, of course, we also held the **14th Annual Stetson International Environmental Moot Court Competition** in March. More than 75 teams competed in regionals in Africa, Asia, Europe, North America, and South America. The top 18 teams from nine countries were invited to Stetson for the International Finals. We had a fantastic moot, thanks to the organization of Professor Brooke Bowman and the support of the entire Stetson community: students, staff, and faculty. Our visitors raved about your hospitality and warmth.

Thanks again for your support this year!