

# Tulane Environmental Law Summit

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The Tulane University Law School is proud to present the 20th Annual Summit on Environmental Law and Policy to be held on February 27-28th, 2015 at Tulane University Law School in New Orleans, Louisiana. This event is free and open to the public. Both days of the summit will be held in Weinmann Hall on the Tulane University campus, 6329 Freret Street, New Orleans, LA 70118.

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## THE PROGRAM



## 20<sup>th</sup> Annual Summit on Environmental Law and Policy

*Environment 2015: Energy, Water, Wildlife, and Beyond*

### **Friday, February 27, 2015**

7:30 am – 10:00 am      Registration and Welcome Breakfast

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8:00 am – 9:00 am      • Professionalism Panel (CLE)

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9:00 am – 10:00 am      • Ethics Panel (CLE)

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10:00 am – 11:30 am      • Justice in Action  
• COP 21 / Paris 2015

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11:30 am – 11:45 am      Break

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11:45 am – 1:15 pm                      • Future of Solar  
    • Fracking I: Waste Water

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1:15 pm – 2:00 pm              Lunch

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2:00 pm – 3:30 pm                      • Clean Air Act – 111D  
    • Fracking II: Preemption

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3:30 pm – 5:00 pm                      • Energy Independence vs. Energy Exportatio  
    • Big Carnivores and Wildlife Corridors  
    • Justice and Spills

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5:00 pm                              Break

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5:30 pm                              Keynote Presentation by Pat Mulroy

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Immediately Following      Evening Reception

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## **Saturday, February 28, 2015**

8:00 am – 9:00 am              Check in and Welcome Breakfast

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9:00 am -10:00 am              Plenary Presentation featuring Tony Oposa on Urban Highways and Alternative  
    Transportation

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10:00 am – 11:30 am                      • Atmospheric Trust  
    • Whaling  
    • Renewables: Changing the Economic Game

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11:30 am – 1:00 pm      Lunch & Stump the Chumps Panel

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1:00 pm – 2:30 pm                      • Arctic I  
    • Endangered Species Act: Prairie Dogs

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2: 30 pm – 4:00 pm                      • Arctic II  
    • Environmental Justice in Lake Charles

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4:00 pm – 4:15 pm              Break

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4:15 pm – 5:45 pm                      • Levee Board Suit  
    • Oceanic Winds

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6:00 pm                      Keynote Presentation by General Russel Honore

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Immediately Following   Evening Reception

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## THE PANELS



The Environmental Law Summit is Tulane Law School’s preeminent student-run conference. Each year the Summit brings together prominent advocates, policy makers, and environmental minds. This year the focus is on energy, water, wildlife and beyond. Each at the local, regional, national and international levels. Eighteen panels and two keynote speakers will present their view on pressing critical environmental issues, such as groundbreaking law suits, water planning, endangered species protection and more.

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### **[Prairie Dogs, the Endangered Species Act, and the Limits of Federal Power](#)**

Can the federal government protect prairie dogs, cute, a favorite hunting target, a nuisance to landowners, and a keystone species for more than fifty others ... and now itself threatened with extinction? A federal court has recently said “no”. Others courts with similar species have said “yes”. We hear from participants on this litigation horizon. On the outcomes the fate of many other species may depend.

### **The Climate Change Case**

Section 111D of the Clean Air Act is the vehicle for dramatic, new EPA proposals to curb carbon emissions and greenhouse gasses ... which have been a political football for two decades. A Supreme Court decision forced the agency to act. Are the actions now outlined, requiring serious limits on carbon emissions, within EPA's authority? And what, if so, will Congress do?

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### **The Future of Solar: Making Solar Power a Reality**

The most promising mechanism for advancing solar power has been a process for allowing residential and commercial generators – the panels on their roofs – to feed back into the energy grid. How does that happen, how does Louisiana handle it, and how does industry now calculate electricity costs and rates?

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### **Fracking 1: Where's the Water?**

The fracking process can consume enormous volumes of water, often taken from lakes and rivers that are also important drinking water supplies, aquatic habitats, and valuable recreation resources. How are these impacts managed in Louisiana, and how is the industry responding to these issues across the country?

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### **Fracking 2: Who Gets to Decide?**

St Tammany Parish and local jurisdictions in many states banned or seriously limited fracking operations within their borders. Are these valid exercises of municipal power, or are they preempted by state laws promoting fracking across-the-board? The question is coming up frequently, and the answers are split. We examine them and their consequences with two Tulane law alums now representing interests on both sides of the conflict.

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## **Justice in Action: Big Cases with Big Impact**

While the BP prosecution winds through its fifth year, there is much more enforcement action led by the US Department of Justice. It does not make many headlines, but it sends powerful signals through industry that compliance with law is a serious matter, with serious consequences. This panel tells the history of two of the biggest government verdicts in recent history through the eyes of the attorneys who prosecuted them (one a Tulane alum), complicates mixes of science, politics and law.

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## **Opening the Arctic 1: The Environment, Shipping and the Impacts of Climate Change.**

Warming seas and rising seas are having dramatic effects on the Arctic ecosystem. At the same time new opportunities are opening for shipping, the Northwest Passage in effect, sought after by European explorers for more than three centuries. This panel opens a discussion of how climate change works in the Arctic, and its importance to the maritime industry.

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## **Opening the Arctic 2: What Now?**

Polar Bears, Native Americans and the Impacts of Climate Change. Some of the most dramatic effects of Climate Change are on species already threatened with extinction, including the polar bear, and native populations along the coast, also threatened. This panel explores the problems and the prospects for managing them under existing law. What can or should be done?

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## **Levee Board Suit: Where Now?**

The Southeast Louisiana Flood Protection Authority lawsuit seeking damages from 97 oil companies for coastal harm is moving towards its first year anniversary in litigation, with separate rulings so far from courts in Baton Rouge and New Orleans. Meanwhile, several parishes and levee authorities have filed similar actions, all pending. The state legislature, meanwhile has enacted legislation intended to bar the litigation, the applicability and legality of which is also in court. In short, a multi-ring circus on shifting

sands.

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### **Plenary: Urban Transportation ... Who Are Roads For?**

Urban transportation dependent upon the automobile has, despite enormous expenditures, run into ever greater congestion, hours lost in traffic, pollution illnesses and deaths, and, now, dramatic shortages in its gas-tax fueled trust fund. Cities around the world, London, Paris, Bogata, Denver, are experimenting with new transportation modes, and Manila in the Philippines among them, where citizens have made a bold claim for half of the roadways for alternative transportation modes. This panel compares developments in Manila to those here in New Orleans, two pieces of this mosaic.

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### **Energy: For Independence or for Export? The Plaquemines Coal Terminal and Beyond.**

This panel discusses the shifting rationales for accelerated energy production, and in particular its application to coal mining and exports.

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### **Environmental Justice in Lake Charles, Louisiana: Is It Possible?**

The national boom in natural gas production has brought a new industries to Lake Charles, an area already dominated by chemical plants, around which small, long-standing communities sit surrounded by pollution and other disproportionate impacts. Two of these communities, Willow Springs and Mossville, have been on the front lines of citizen action for many years. Mossville, primarily African American with roots going back to the Civil War, is now the target of a massive buyout by chemical giant Salsol. This panel discusses several facets of the issue there in the affected communities of the Bayou d'Inde, the Pearson Loop, Westlake, Maplewood, Sulphur, and Lake Charles communities.

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### **Big Bears and Wildlife Corridors, East and West**

The two dominant bear species of America, the Black Bear in the east and the famed grizzly of the west



face different challenges, but most at issue the impact of human intrusion and loss of habitat. One question is whether corridors providing special protections and safe transit between bear populations hold promise for long term sustainability, and if so how might they be established. Two bear experts will discuss their particular experiences with the Louisiana Black Bear and the Grizzly, both currently listed as endangered species.

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### **The Children Speak: The Atmospheric Trust Cases**

In what may be the boldest climate change cases ever launched, a series of lawsuits has been filed against several states claiming that their failure to regulate carbon emissions violates the public trust in the atmosphere itself ... for which today's children and those yet unborn are the primary losers. While the application of public trust principles to the atmosphere is novel, its application has grown in the US and abroad from roots in the protection of navigable waters to riparian areas, beaches, parks and other public amenities. This case not only challenges the courts, it challenges the mind and a status quo gridlocked by climate change denial, heavy industry opposition and the limits of existing statutory law.

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### **Ocean Winds: What is the Future of Ocean Wind Power?**

Offshore wind energy presents a range of technical, economic, political and navigation issues. While the US industry suffered a recent blow with the apparent demise of the Cape Wind project, similar projects overseas are booming. This panel discusses these issues and developments as several parts of a scenario that may hold great promise for sustainable energy around the world.

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### **An opportunity for environmental justice and public health advocates: Shaping EPA's policy on oil spill response**

Public comment is open on EPA's proposed rules governing use of dispersants and other chemical and biological agents on oil spills in U.S. waters. The National Contingency Plan (NCP) for oil spill response

is extremely outdated and marred by significant gaps in coverage, particularly for spills in fresh water of unconventional oil and gas (UOG) such as tar sands oil and shale oil. Dispersant use is at the heart of this rulemaking, which has huge implications for the Arctic and deep offshore drilling. However, for the first time in 40 years, EPA is also proposing sweeping changes for use of other chemical and biological products on fresh water spills. Panelists will discuss legal framework, key gaps in coverage, proposed revisions, human health and environmental concerns, and opportunity for involvement.

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## **Climate Change Outlooks for COP 21**

This panel presents a discussion on COP 21 issues to be reviewed in Paris, including a presentation by the French Consul General in New Orleans. The goal of the Convention this year is to reduce greenhouse gas emissions so as to limit the global temperature increase to 2 degrees Celsius above pre-industrial levels. The discussion will be viewed from three sides of the pyramid: law, diplomacy & policy, and science.

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## **Renewables: Changing the Economic Game**

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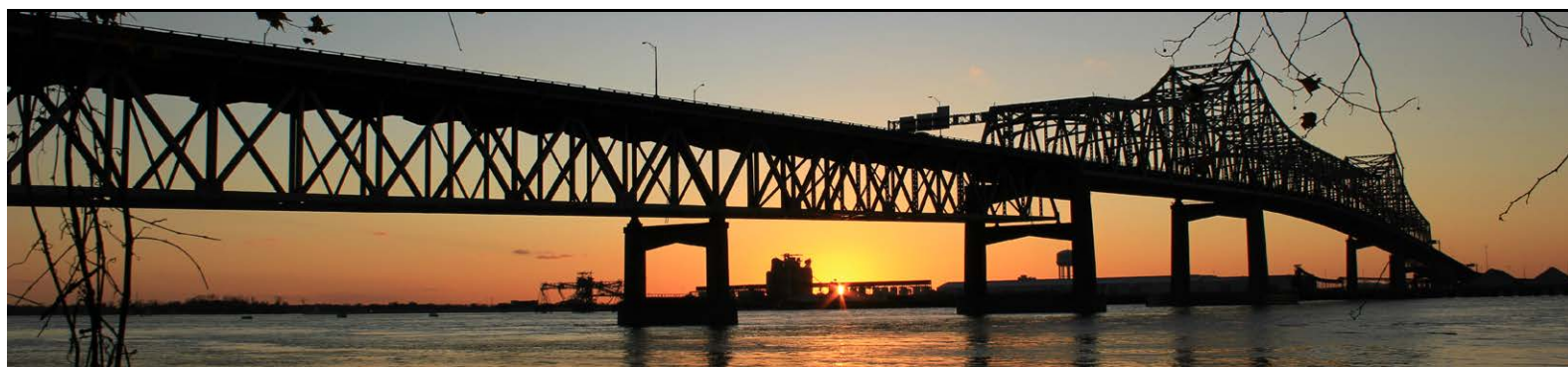
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Meet the team behind the 2015 Tulane Summit on Environmental Law and Policy:



*Emily K. Prince*

**Emily Prince**, *Executive Summit Chair*

Emily is a Juris Doctorate candidate in her second year at Tulane, where she is seeking a certificate in environmental law. She is additionally a member of the Tulane Maritime Law

Journal and the Moot Court Board. Prior to Law School, Emily

worked for a utility company as a Legislative Assistant in the Office of Federal Governmental Affairs in Washington, D.C. Additionally, she worked as a Legislative Aide in the United States Senate. She is a graduate of the University of Georgia, where she received a Bachelor of Arts in Political Science and a Bachelor of Arts in Spanish. She grew up in Atlanta, Georgia and is an avid UGA football fan.



*Alison Dunbar*

**Alison Dunbar**, *Executive Finance and Fundraising Chair*

Alison is a Juris Doctorate candidate, seeking a certificate in Environmental Law and Civil Law. Alison has a Bachelor's of Liberal

Arts from The Evergreen State College in Olympia, Washington, where she studied sustainable development with a focus in Latin America. She grew up in the Rocky Mountains in northern Idaho, and has an avid passion for environmental issues, especially those close to home, such as mining and wildlife management.

**Jae Shrader**, *Executive Speaker Chair*

Jae is a 2L at Tulane University Law School, pursuing the Energy and Environmental Law certificate. She shares her



interest in the environment  
with a passion for science,

and is also pursuing her patent bar certificate. She is currently a Junior Member of the Tulane Journal of Technology and Intellectual Property. Jae graduated with a double Bachelors of Science in Biological Sciences and Environmental Sciences & Policy from the University of Miami. Jae's interest in the environment stemmed from her background living all over the world, due to her parents' occupation as U.S. diplomats. She has lived in a variety of ecosystems- from the beaches of a Pacific island to the mountains of Switzerland, sparking a desire to conserve the global biome.



**Deirdre MacFeeters, *Hospitality Chair***

Deirdre is a Juris Doctorate candidate in her second year of studies at Tulane University Law School. She intends to graduate with a

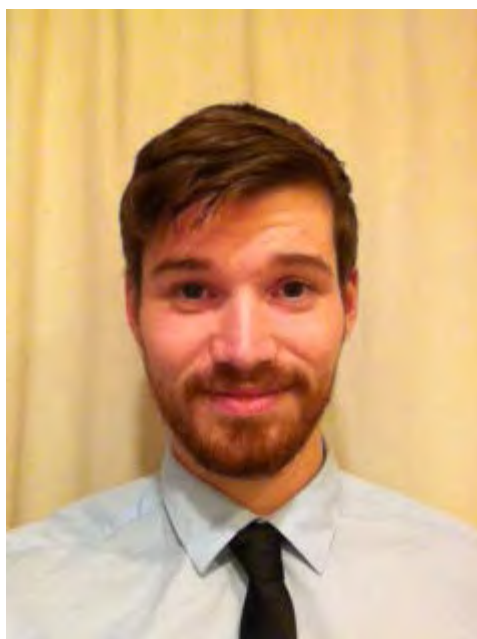
certificate of specialization in environmental law and is a junior member of the Tulane Environmental Law Journal. Deirdre graduated from Ursinus College in 2013 with a degree in Environmental Studies and Spanish and a minor concentration in Art History. Originally from New Jersey, Deirdre is learning to love the warmer weather and

Southern charm of the Crescent City.



**Catherine Simon, *Outreach Chair***

Catherine Simon is a Juris Doctorate Candidate in her second year at Tulane University Law School, and is seeking a certificate in environmental law. She is a junior member of the *Tulane Environmental Law Journal* and also a member of the Environmental and Energy Law Society. She graduated from Boston University with a degree in Public Relations. Catherine is interested in environmental and administrative law and hopes to return to her home state of Florida to practice.



**Robert Pawlinski, *Travel Chair***

Rob is a 2L Juris Doctor candidate at Tulane University Law school. He is a member of the Tulane Environmental & Energy Law Society, and is working to complete a certificate of specialization in environmental law from the Law School. Rob previously received a Bachelor of Arts degree in Political Science with a major in Economics from The College of New Jersey. Born and raised in New York, Rob currently resides in New Orleans.

**Rachael Waxler Ruiz,**



*Logistics Chair*

Rachael is a joint degree student seeking a Juris Doctorate and a Masters in International Development. She is additionally seeking a certificate in International Comparative Law. She is Junior Member of the Tulane Environmental Law Journal. Prior to Law School,

Rachael served two years in the Peace Corps in Nicaragua as an Environmental Education Volunteer. Rachael attended Tulane for her undergraduate degree. She graduated in 2009, as a member of the “Katrina Class” with degrees in Environmental Policy and International Relations. Rachael loves the city of New Orleans and especially enjoys bananas foster bread pudding.



**Amanda Serfess, *CLE***  
*Chair*

Amanda is a Juris Doctorate candidate in her second year at Tulane, where she is seeking a certificate in environmental law. She is a member of the Tulane *Environmental Law*

*Amanda Serfess*

*Journal* and the Tulane Environmental Law Clinic. Additionally, Amanda volunteers as a legal intern for Gulf Restoration Network and is a Chief Petty Officer in the U.S. Navy Reserves. Prior to Law School, Amanda worked as a School Improvement Coordinator for the Oklahoma State Department of Education and graduated, *with distinction*, from the University of Oklahoma where she received a Bachelor's in Political Science. Before moving to Oklahoma, she served for 10 years on active duty as an intelligence analyst for the U.S. Navy.



**Dalton**  
**Hirshorn**, *Technology*  
*Chair*

Dalton Hirshorn is in his first year at Tulane University Law School, seeking a certificate in environmental law.

His particular areas of interest include alternative energy and wilderness conservation. In addition to the Energy and Environmental Legal Society, he is an active member of the Tulane University Legal Assistance Program (TULAP). He graduated from the College of William & Mary with a major in history and a minor in Latin American Studies. An avid outdoorsman, Dalton enjoys kayaking, sailing, skiing and hiking. He is also a trained ballroom dancer.

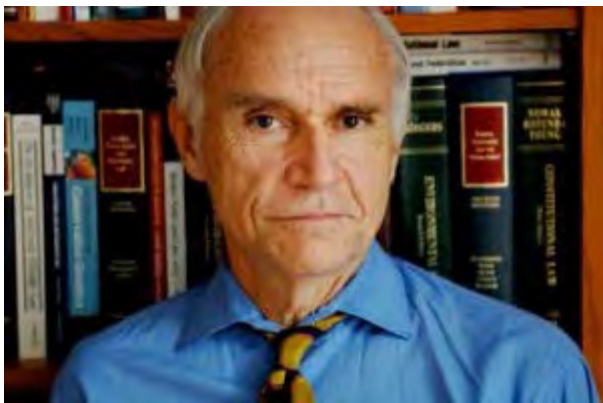
**Emilie Pfister**, *President, Tulane Environmental and Energy Law Society*





**Karuna Davé**, *Vice President, Tulane Environmental and Energy Law Society*

Karuna is a 2L at Tulane Law and a member of the Tulane Environmental Law Journal, as well as vice-president of Tulane's Environmental and Energy Law Society. She grew up in Princeton, New Jersey, and graduated from Rutgers University with a degree in Philosophy and Public Health.



**Oliver Houck**, *Advisor and Professor of Law*

Oliver Houck's specialties involve environmental, natural resources and criminal

law. He is active in legal proceedings involving wildlife, wetland, coastal and pollution issues and publishes regularly on these and related topics. He has published several books, including *[Taking Back Eden](#)* (on environmental lawsuits abroad), *[Down on the Batture](#)* (on the Lower Mississippi River), *[The Clean Water Act TMDL Program](#)* (pollution control), and most recently *[Downstream Toward Home](#)* (on rivers of North America). He also has written extensively for academic journals and general interest publications.

Houck served as a federal prosecutor in Washington, D.C., and as National Wildlife Federation general counsel and vice president before joining the Tulane law faculty in 1981. He has since served on the boards of Defenders of Wildlife, the Environmental Law Institute and the Environmental Defense Fund, an advisory board of the U.S.

Army Corps of Engineers and two committees of the National Science Foundation. He has also founded several public interest organizations in Louisiana and at Tulane Law School and has consulted on the development of environmental law in Cuba and other Latin American countries.

Houck's classes emphasize relationships between ecology and law, and he regularly takes students on field trips into coastal ecosystems, the Pearl and Atchafalaya swamps and other natural areas. He has received the law school's Felix Frankfurter Distinguished Teacher Award and was named a recipient of the Sumter Marks Award in 2000 and 2002 for his publications. He has also been honored with the New Orleans Press Club Award, the Tulane University Graduate Teaching Award and the 2005 Distinguished Achievement Award from the American Bar Association's Environmental Section.

He has been recognized as Louisiana's Conservationist of the Year, *Gambit* magazine's New Orleanian of the Year and the New Orleans Young Leadership Council's Role Model of the Year.



**Mark Davis**, *Advisor and Director, Tulane Institute on Water Resources Law and Policy*

Mark Davis is a Senior Research Fellow at Tulane University Law School and Director of the Institute on Water Resources Law and

Policy at the Law School. He founded the Institute in 2007 after 14 years as the Executive Director of the Coalition to Restore Coastal Louisiana where he was extensively involved in shaping laws,

policies, and programs at the state and federal level dealing with the restoration and stewardship of coastal ecosystems. He also served as General Counsel at the Lake Pontchartrain Basin Foundation. He has practiced law in Indianapolis, Washington, DC, and Chicago.

He is an adjunct assistant professor of law at Tulane where he teaches water resources law and policy is also an adjunct faculty member at Loyola Law School (New Orleans). He has also taught at IIT Chicago Kent School of Law and Indiana University's School of Business in Indianapolis. He has a JD, with honors, from Indiana University and an MLT from the Georgetown University Law Center.

Mr. Davis has written and lectured widely on matters related to coastal and water resource management and has testified before White House and Congressional panels on numerous occasions. He has been recognized for his work with a Louisiana Legend Award from the Louisiana Environmental Action Network and an Environmental Hero award from the National Oceanic and Atmospheric Administration.

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**Fundraising Committee:** Maria Kalousi-Tatum, Chance Raymond, Amanda Crawford, Nicole Rodriguez-Fierro, Sam Pfothenauer, & Brendan Hughes.

**Speaker Committee:** Terrance Alost, Nolan Bush, Jerome Holt, & Guyer Bogen.

**Outreach Committee:** Kyle Gross & Benjamin Glass.

**Hospitality Committee:** Danique van der Velden, Jennifer Bergeron

**Travel Committee:** Will Marrs

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