



RIVER TRIPS FORGE INDELIBLE MEMORIES

*For decades, Professor Oliver Houck has shared his love of Louisiana's waterways by educating students via canoe trip. After his book *Downstream Toward Home: A Book of Rivers* was published in fall 2014, the *Tulane Law Connection* newsletter invited alumni and current students to share memories about their adventures with the leader of Tulane's Environmental Law program.*

Here's a sampling:

"One of my fondest memories from the Tulane experience was canoeing Bayou Sorrell with Professor Houck and several classmates during the fall of my first year," said **Mike Brady (L '89)**, who has his own land use litigation firm in Sacramento, California, Brady & Vining.

"Though I was a Louisiana native and Ollie was not, he opened my eyes to the state's beauty on this and the other trips during my time at Tulane. After graduating and while still finding my way in the world, I was fortunate enough to canoe the Green River in Utah before it becomes the Colorado River with Ollie and others. Even though it was August in the intermountain West, I remember it raining at least once every day as we canoed down through red rock canyons. I would not be where and what I am now if it were not for the time I spent with Oliver Houck."

Another former Houck student, **Jason Barbeau (L '01)**, has found success as a senior trial attorney with the U.S. Justice



Professor Oliver Houck leads one of his annual fall canoe trips to teach students about Louisiana's waterways.

Department's Environmental Enforcement Section. He was instrumental in securing the largest civil penalty ever under the Clean Air Act: a \$100 million settlement from Hyundai Motor Co. and Kia Motors Corp. He not only recalls Tulane canoe trips fondly but has paid them forward.

"The thought of canoeing with Oliver brings a rush of good memories: the vast stillness among the tall cypress in the Atchafalaya; his infectious enthusiasm for adventure and exploration; the occasional thrill of short runs of swift water on the Bogue Chitto and Wolf Creek; great blue herons and alligators up close; lounging in the sun on timeless, placeless sand bars; the inevitable human pyramid and the splash of tumbling bodies at the end; falling asleep beside the river tired, dirty, full and happy; friendships formed through shared effort and discovery; and a plausible reason to talk for the first time to my future wife," Barbeau wrote.

"These memories live on in stories with family and lasting friends and still spring to mind when I walk through the woods with my boys, paddles over our shoulders, to our own canoe tied to a tree at a nearby lake."

"You never knew what was going to happen out on the river: a lost shoe, a

tipped canoe or a run-in with swarming wasps," said **Allison Shipp (L '11)**, an associate at Kanner & Whiteley in New Orleans. "But no matter what happened, being on the river was always a chance to escape the stresses and complications of the moment and be refreshed by the calming water and the open sky."

Samantha Pfoenhauer (L '17), who joined an October 2014 canoeing/camping trip to the Wolf River, said Houck "seems to derive a lot of energy from interacting with nature. What is different with Professor Houck is that he seems to get so much joy out of encouraging other people, his students in this case, to connect with nature and enjoy it."

"On this trip, there were some students who were camping for their first time and had never done anything like this, and others who had been canoeing for decades," she said. "Professor Houck's enthusiasm for being on the water and encouragement to really soak up the opportunity we had to spend two days on a beautiful river made for a wonderful atmosphere and a very fun trip."

After seeing photos of the 2014 trip posted on Facebook, **Richard Exnicios (L '98)** wrote, "I may have learned just as much on those canoe trips with Professor Houck as I did in classes."

TULANE'S SEARCH IS ON FOR MCCULLOCH CHAIR IN ENERGY LAW

Tulane Law School is conducting an international search for a renowned legal scholar to fill the new McCulloch Chair in Energy Law.

The chair was endowed in 2014 by a \$2 million gift from energy industry executive Jim McCulloch (A&S '74, L '77) and his wife, Susan, of Houston. Their gift is the foundation for a broader campaign to raise funds for an endowed energy law center.

McCulloch is senior vice president and general counsel for Houston-based Forum Energy Technologies.

Dean David Meyer said the McCulloch Chair "will enable us to drive new research and innovation in energy law and close the loop with Tulane's closely aligned strengths in maritime, environmental and international law."

The search committee for the chair is being led by Professor Adeno Addis, W.R. Irby Chair at the law school, and includes Professors Robert Force, the Niels F. Johnsen Chair of Maritime Law; Günther Handl, the Edward Deutsch Chair in Public International Law; James McFarland, the Lawrence Distinguished Chair in Finance and executive director of the Tulane Energy Institute at the A.B. Freeman School of Business; and Guiguo Wang, the Eason-Weinmann Chair of International and Comparative Law.

DANNENMAIER RETURNS FOR ENERGY LAW SHORT COURSE

Professor Eric Dannenmaier, director of the Program on Environmental, Energy and Natural Resources Law at Indiana University McKinney School of Law, returned to Tulane during September-October 2015 to teach a short course in Sustainable Energy Law and Policy.

Dannenmaier's scholarship focuses on environmental democracy, and he has researched and published widely on legal and institutional frameworks for public access to environmental decision-making in national and international law. His

current research relates to the governance of the 34-state Mississippi River Watershed, examining the need for, and growth of, legal and institutional frameworks for cooperative environmental management of the largest watershed in the United States.

In 2001-06, Dannenmaier was director of Tulane Law School's Institute for Environmental Law and Policy. He also was a Bretzfelder Fellow at Columbia Law School in 2006-07 and Visiting Chair of Natural Resources Law at the University of Calgary in 2001. He served as director of the Environmental Law Program of the U.S. Agency for International Development in 1996-2000. And he practiced law in Boston and Washington, D.C.

In 2014, President Barack Obama appointed Dannenmaier to the North American Commission for Environmental Cooperation Joint Public Advisory Committee, which was created under NAFTA to promote regional environmental cooperation and enforcement of national environmental laws within the United States, Canada and Mexico.

PAYSON REORGANIZES BUT REMAINS LAW SCHOOL PROGRAM

In July, the Payson Center for International Development reorganized and now is known as the Payson Graduate Program in Global Development. Still a significant part of Tulane Law School, Payson remains an interdisciplinary program offering Master of Science, Joint Juris Doctor and Master of Science, Master of Laws in Development and Doctorate degrees, along with opportunities for students to study and work in developing countries across the globe.

Undergraduate majors that had been offered through the center now are available through Tulane's School of Liberal Arts.

Payson program Director Colin Crawford wrote in April that the restructuring was largely necessitated by serious cuts in grant funding from sources that in previous years had been able to provide more support for the center. However, he said the program continues its commitment to provide a rigorous, challenging academic program in international development.

FACULTY ROUNDUP

Professor **Adam Babich** published "Fun with Administrative Law: A Game for Lawyers and Judges," 4 *Michigan Journal of Environmental & Administrative Law* 341 (2015).

Presentations: "How We Got Here: The Evolution and Future of Environmental Law Practice," 24th Annual Southeastern Environmental Law & Regulation Conference, Miramar Beach, Florida, June 19, 2015.

Environmental Law Institute Master Class on Review and Permitting of Large Scale Energy Projects, Houston, April 27, 2015.

"Environmental Law Issues," Tulane Law School 25th Annual CLE by the Hour, Dec. 29, 2014.

"Interdisciplinary Perspectives on Rural Environmental Injustice," Rural Sociological Society, New Orleans, Aug. 2, 2014.

Elizabeth Calderon (L '98), clinical instructor in the Environmental Law Clinic, was honored as a *CityBusiness* Leader in Law for 2015.

Professor **Colin Crawford** published and presented on a range of international development issues:

"Ecotourism Regulation and the Move to a Green Economy" (with Sternberg), Chapter 6 in *Tourism in the Green Economy*, Reddy and Wilkes eds. (Routledge, 2015).

"Slums, Shantytowns and Sustainable Construction: Law & Policy Considerations" (with Fernandes and Jacobs), 37 *International Journal for Housing Science & Its Applications* (2015).

"Legal Instruments to Lower the Risk of Mother-to-Child Transmission of HIV" (with Jurewitz), in *Child Health and Human Development Yearbook 2014* (Nova Science Publishers, 2015).

Panelist, "Innovative Techniques to Stimulate Student Curiosity for

Community Engagement in Domestic and International Settings," American Association of Law Schools Conference on Clinical Teaching, Chicago, April 29, 2015.

"Shantytowns, Slums and Sustainable (Re)Construction: Law and Policy Considerations," International Association for Housing Science, Madeira, Portugal, Dec. 10, 2014.

"Our Bandit Future? Thoughts About Climate Change Governance," American Society of International Law, International Economic Working Group Conference, Denver, Nov. 24, 2014. Also at the Howard H. Baker Center for Public Policy, University of Tennessee, Oct. 23, 2014.

"Avanços e recuos no diálogo entre juízes na tradição jurisprudencial America" (Advances and retreats in the dialogue between judges in U.S. jurisprudence), invited lecture, Mackenzie Presbyterian University, São Paulo, Brazil, Nov. 24, 2014.

"Public Participation, Climate Change and Environmental Justice," American Public Health Association Annual Meeting, New Orleans, Nov. 17, 2014.

"The New Attorney: Thinking (Even More Than) Like a Lawyer," Society of American Law Teachers Annual Conference, Las Vegas, Oct. 11, 2014.

Professor **Günther Handl** authored "Preventing Transboundary Nuclear Pollution: A post-Fukushima Legal Perspective," in *Transboundary Pollution: Evolving Issues of International Law and Policy*, Jayakumar, Koh, Beckman and Phan eds. (Elgar, 2015). He also published "Flag State Responsibility for Illegal, Unreported and Unregulated Fishing in Foreign EEZs," 44 *Environmental Policy & Law* 158 (2014).

Presentations: "Flag State Responsibility for IUU Fishing Activities in Foreign EEZs," Tulane Law School, March 10, 2015.

"The Regulation of Arctic Shipping," 20th Annual Tulane Summit on Environmental Law and Policy, Feb. 28, 2015.

"Maritime Claims in the South and East China Seas: A View from Outside the Region," Dalian Maritime University, China, Dec. 11, 2014. Also at Shanghai Maritime University, Dec. 9, 2014.

"Allocating Loss from Transboundary Harm: The Case of Offshore Oil and Gas Accidents," conference on "Legal Issues Associated with the Development and Use of Arctic Energy Resources," University of Tromsø, Norway, Sept. 26, 2014.



Victoria Reggie Kennedy (L '79) greets Professor Oliver Houck before speaking at Tulane Law School's Class of 2015 at the Diploma Ceremony in May. An accomplished attorney, public-policy advocate and educator, Kennedy recently returned to law firm practice, joining Greenberg Traurig.

Professor **Oliver Houck** published "The Reckoning: Oil and Gas Development in the Louisiana Coastal Zone" in the *Tulane Environmental Law Journal*, summer 2015. He also co-authored a law professors' amicus brief regarding the public trust issues in *Southeast Louisiana Flood Protection Authority v. Tennessee Gas Pipeline Company*, Eastern District of New Orleans, December 2014.

His book, *Best of the Books: Reflections on Recent Literature in Natural Resources and the Environment* (with Mehan), featuring a forward by William D. Ruckelshaus, the first U.S. Environmental Protection Agency administrator, was scheduled for release in September by the Environmental Law Institute, with all proceeds going to ELI.

His book reviews: "Too Big to Pay? Oil and Gas Development in Coastal Louisiana, review of *American Energy, Imperiled Coast*," *The Environmental Forum*, May/June 2015.

ENERGY LAW UP-CLOSE AT VALERO



Valero Energy Corp.'s Andre Marquette, environmental engineering manager at the St. Charles Refinery, explains the plant's operations to Tulane environmental and energy law students during a tour in spring 2015. Students have an annual opportunity to visit the refinery and talk with Valero's in-house legal team.

“Bested by a Bass: The Westway War and the Highway Program,” review of *Fighting Westway*, “The Environmental Forum,” January/February 2015.

Review of *The Most Important Fish in the Sea: Menhaden and America*, “The Environmental Forum,” July/August 2014.



Best of the Books: Reflections on Recent Literature in Natural Resources and the Environment (with Mehan) by Oliver Houck, Environmental Law Institute, 2015.

Mark Davis, senior research fellow and director of the Tulane Institute on Water Resources Law & Policy, and **Chris Dalbom** (L '12), the institute's program manager, were speakers locally, nationally and internationally.

Davis' presentations: Panelist, “Coastal Restoration Forum: Understanding and Safeguarding the Dollars,” hosted by the Public Affairs Research Council of Louisiana, Baton Rouge, April 30, 2015.

Participant, International Symposium on Building Urban Resilience, Bellagio, Italy, March 9-13, 2015.

Invited witness, Louisiana Senate Natural Resources Committee hearing on proposed Waters of the United States rule, Baton Rouge, Nov. 17, 2014.

Moderator, French Ameri-Can Climate Talks symposium, Tulane University, Nov. 10, 2014.

Panelist, “The RESTORE Act and the Future of Gulf Coast Restoration,” Restore America's Estuaries/The Coastal Society National Summit, National Harbor, Maryland, Nov. 3, 2014.

“Nobody Said This Was Going to Be Easy: New Horizons of Water Management and Water Law,” Emerging Issues at the Intersection of Energy and Water, Paul M. Herbert Law Center, Louisiana State University, Oct. 3, 2014.

Panelist, “Stormwater Policy and Updates and Discussion,” Water Environment Federation Stormwater Congress, New Orleans, Sept. 30, 2014.

Panelist, “Greater New Orleans Urban Water Plan: A New Vision for Integrated Water Management,” Water Environment Federation technical session, New Orleans, Sept. 29, 2014.

Moderator/panelist, “Greater New Orleans Urban Water Plan,” Water Environment Federation national meeting, New Orleans, Sept. 28, 2014.

Panelist, Society of Environmental Journalists Annual Conference, New Orleans, Sept. 6, 2014.

Panelist, webinar on new RESTORE Act regulations, notice and guidelines from U.S. Treasury Department, hosted by the Tulane Institute on Water Resources Law & Policy and the Environmental Law Institute, Aug. 28, 2014.

“Financing the Future,” at public forum hosted by *The Lens*, New Orleans, Aug. 20, 2014.

Dalbom's presentations: Presenter/moderator, Center for Planning Excellence Louisiana Smart Growth Summit, Baton Rouge, Nov. 12, 2014.

Panelist, “Mega-Restoration — How's It Going Out There,” Restore America's Estuaries/The Coastal Society National Summit, National Harbor, Maryland, Nov. 3, 2014.



Tulane Environmental Law Journal staff for Volume 29 include: Terence Alost, Jessica Marsh, Karuna Dave, Deirdre MacFeeters, Ralph Smith, Amanda Callihan, Nicole Rodriguez-Fierro, Carra Smith, Catherine Simon, Dalton Hirshorn, Joshua Secor, Chance Raymond, Rachael Ruiz and Scott Ferrier. Not pictured: Amanda Serfess, Amelia Carder and Christopher Swanson.

TULANE INSTITUTE ON WATER RESOURCES LAW & POLICY: LAWYERING FOR THE FUTURE OF COASTAL LOUISIANA

Financing the Future

Two things are clear about living in a sinking city in a disappearing coast: It is going to take bold action and lots of money to cope with the forces of a changing coast and a changing climate. Less clear, but no less important, is the fact that success is going to require lots of creative lawyering, the sort of lawyering offered by the Tulane Institute on Water Resources Law & Policy.

Nothing demonstrates this better than the institute's ongoing work to probe the possibilities for financing the vast array of projects and programs that have been touted as necessary to save coastal Louisiana and its communities. Ultimately, three papers (at least) will be published to address the cost of state, regional and local plans to restore and to make resilient South Louisiana. “Financing the Future I” was published in fall 2014 and estimated the true cost of coastal restoration at more than \$100 billion, a figure now widely accepted. “Financing the Future II” is set for publication in fall 2015 and examines what funds are already in place and what strings they are tied to. “Financing the Future III,” coming in 2016, looks at the options for raising the rest of the needed dollars.

The institute's financing project is led by Director Mark Davis and supported by post-graduate senior research fellow Dean Boyer and former fellow Harry Vorhoff.

Louisiana Water Code Project

In the recipe to save and protect coastal Louisiana, the only ingredient more important than solid science, engineering and money is water. But the use of water is controlled by laws and policies, laws and policies that Louisiana does not currently have. That makes the business of crafting a suitable “water code” the institute's business: not just any set of water laws, but one that is suitably comprehensive as well as grounded in ecologic



Tulane's Institute on Water Resources Law & Policy is staffed by Christopher Dalbom (L '12), program manager; Dean Boyer and Caitrin Reilly (both L '15), senior research fellows; and Director Mark Davis.

and hydrologic reality (an approach that is more novel than one might expect).

The project was spurred by work done at Louisiana's Water Resources Commission, the Louisiana State Law Institute and Senate Resolution 171 (2014). The institute has brought together a multidisciplinary team to shape and guide this effort and to keep it connected to the efforts of the State Law Institute and the Water Resources Commission. The institute has signed a memorandum of understanding with The Nature Conservancy and is coordinating with The Water Institute of the Gulf and others to bring together a water budget and modeling system for the state that can not only tell what water is available and needed now, but what may be available and needed decades in the future.

Various aspects of comparative water law and administration continue to be evaluated by the institute and partners

such as LSU Sea Grant Legal. The project will take years to complete and will likely proceed in phases tied to current and emerging water management challenges, such as those posed by hydraulic fracturing for oil and gas, coastal restoration and climate change. The institute's water code project is led by program manager Christopher Dalbom and supported by post-graduate senior research fellow Caitrin Reilly and student research assistant Brendan Hughes.

TUWaterWays

Nobody can know everything about how water influences our lives and laws, but if you read TUWaterWays, you will have a leg up on most of your neighbors. This free weekly newsletter provides a pithy summary of the latest developments in the world of water and does it in less than two pages. To join the ranks of the water informed, subscribe on our webpage: law.tulane.edu/water.



The Tulane Environmental & Energy Law Society 2015-16 leadership team is: Amanda Crawford, treasurer, Brendan Hughes, president, and Amanda Callihan, vice president (all L '17).



Andrew Jacoby (L '08, left) testifies at a hearing in the Louisiana Legislature on a bill he drafted.

“ARMY GREEN” CARRIES SPECIAL MEANING IN LOUISIANA

By Andrew Jacoby (L '08)

I became familiar with the GreenARMY through my environmental litigation work, through which I help Louisiana nonprofits, neighborhood groups and citizens in all sorts of environmental, public health and land-use matters.

I am well aware of the struggles going on throughout the state to protect relatively powerless citizens against certain industries when they don't play by the rules, so it is natural that I would work with the GreenARMY.

Like many environmental groups, the GreenARMY does not have much legal assistance or funds to hire lawyers. I jumped in to help in several ways: I draft and testify on legislative bills; monitor rule changes and draft comments; help devise strategies; and provide deep-diving research on legal issues, supporting the various groups in the coalition in whatever capacity they need.

The GreenARMY is a statewide coalition of environmental and public health advocacy groups. It got its name from its leader, and it is a privilege to work with retired three-star U.S. Army Lt. Gen. Russel Honoré. Gen. Honoré has an impressive military background, but he is most-commonly known for coordinating

military relief efforts along the Louisiana coast after Hurricane Katrina. In that role, he became famous for his military work ethic and strong personality. *The Times-Picayune* labeled him a “salty-mouthed, cigar-chompin’ guardian angel in camouflage.”

Gen. Honoré retired in 2008, but in 2013, he heard about the Bayou Corne sinkhole disaster and began helping the local residents in their fight. Other communities facing similar problems reached out to him, and he was drawn into Louisiana's battle with itself.

He's a born leader and drew together communities from all over the state that were facing a common problem: powerful industries were using their clout in state government, which resulted in larger social, economic and public-health costs being pushed onto the public, and often onto Louisiana's poorest communities.

Louisiana is ground zero for pollution and environmental hazards in the United States, and that has public-health consequences. It did not have to be this way. Other states and countries have robust state enforcement agencies and state government leaders who take serious their duty to protect the health and well-being of citizens.

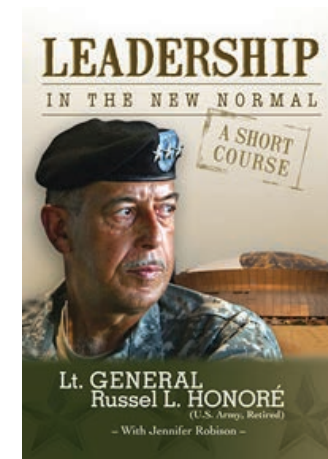
But, in Louisiana, residents have felt compelled to form advocacy groups in polluted neighborhoods. Until recently, these diverse groups had largely operated in isolation, myopically focused on their own matters. Gen. Honoré and the

GreenARMY have brought traditional civil and community groups into the fold, working in mutual support with existing environmental and public-health advocacy groups.

The GreenARMY has many larger groups leading the charge: Louisiana Environmental Action Network, Sierra Club, Gulf Restoration Network and others. It includes new groups and smaller, regional groups, helping to give voice and support to those whose concerns might otherwise not be heard in Baton Rouge and around the country.

In the past two legislative sessions, the GreenARMY has been present to defend Louisiana communities, by whatever means works. We issued a legislative scorecard on environmental and public-health matters. We have drafted and supported bills to address issues such as air pollution, groundwater remediation, groundwater protection in Baton Rouge, protection of schoolchildren from pesticides and landfill pollution, salt dome safety rules, ethical issues, abandoned oilfields, and coastal protection. Gen. Honoré continues to drive the GreenARMY forward, and we plan to be active (both defensively and offensively) in upcoming legislative sessions, in the regulatory arena and everywhere that Louisiana citizens' health and well-being are threatened.

Andrew Jacoby is a partner in Varadi, Hair & Checki in New Orleans.



Retired U.S. Army Lt. Gen. Russel Honoré mobilized the GreenARMY to address Louisiana environmental concerns. He was a keynote speaker at Tulane's 20th Annual Summit on Environmental Law & Policy.

GEN. HONORÉ HIGHLIGHTS 2015 ENVIRONMENTAL SUMMIT

By Samantha Pfothenauer (L '17)

Tulane's 20th Annual Summit on Environmental Law & Policy drew more than 650 attendees to the event in February 2015. The summit, which is completely student-run, presented 19 panels on topics as wide-ranging as environmental justice in Lake Charles, Louisiana; fracking preemption; and the use of wildlife corridors to support big bear populations across the United States.

Retired Gen. Russel Honoré, well-known for leading military efforts after Hurricane Katrina in 2005, gave an inspiring keynote address about the GreenARMY, his grassroots organization that advocates for clean air and water in Louisiana. A second keynote speaker, Pat Mulroy, former general manager of the Southern Nevada Water Authority, spoke engagingly about the process of negotiating water rights for Nevada with the six other states in the Colorado River Basin.

And Tony Oposa, who successfully litigated in the Philippine Supreme Court for the right of children to initiate legal action for themselves and on behalf of unborn children, travelled from the Philippines to speak about the use of urban transportation in Manila. Oposa reminded members of the audience that we are all one community, and he concluded his speech by leading everyone in a rendition of “What a Wonderful World.”

Samantha Pfothenauer (L '17) is executive chair of the 2016 summit.



Tulane Law students working on the 2015 Summit on Environmental Law & Policy included Amanda Serfess, CLE chair, Rachael Waxler Ruiz, logistics chair, and Emily Prince, executive summit chair (all L '16).



Louisiana environmentalists have an opportunity to chat with attendees at the Tulane Summit on Environmental Law & Policy.



Tulane Law student Jae Sung Shrader (L '16, left) assists a speaker at the 2015 Tulane Summit on Environmental Law & Policy.

Save the Date

21st Annual Summit

February 19-20, 2016

Panel topics will include criminal and civil penalties to combat environmental pollution in China, national security's role in climate change policy and the forecast for coastal Louisiana in 2080.



Tulane Law students organizing the 2016 Summit on Environmental Law & Policy are: Top row: Nolan Bush, Nicole Rodriguez-Fierro, Chance Raymond, Andrew Houlin, Jennifer Bergeron. Bottom row: Alison Skopec, Samantha Pfothenauer, Guyer Bogen, Amanda Calihan, Amanda Crawford.

ENVIRONMENTAL LAW CLINIC

Clean Water Act citizen suit settled:

In September, on behalf of the Waterkeeper Alliance, the Louisiana Environmental Action Network and the Apalachicola Riverkeeper, the Tulane Environmental Law Clinic lodged a settlement with Taylor Energy Co. concerning an 11-year-long oil leak into the Gulf of Mexico from a destroyed drilling platform about 11 miles offshore. Taylor and the U.S. government had been attempting to respond to the leak in secret, basing the response on drastically understated estimates of the daily flow (4 gallons per day, instead of at least 85). While the settlement won't stop the leak, the settlement adopted a "sunlight as disinfectant" approach, relying on public disclosure to 1) increase chances of an effective solution and 2) help the government and members of the public more accurately assess the risks of offshore drilling proposals. Taylor withdrew its claims of confidentiality as to most relevant documents and will fund \$400,000 in supplemental environmental projects. The case had kept student attorneys busy since 2012, preparing key legal documents, taking and defending depositions, assisting in negotiations and arguing motions in court.

Consent decree achieved over coal:

In August, clinic clients Gulf Restoration Network, Sierra Club and LEAN lodged a consent decree with United Bulk Terminals to help keep coal and petroleum coke out of the Mississippi River during ship loading operations. After the clinic's clients submitted their notice of intent to sue in November 2013, the State of Louisiana issued a compliance order in January 2014. The suit was filed in March 2014, but Louisiana and UBT signed a settlement agreement in January 2015 and modified UBT's permit in May 2015. The proposed consent decree adds operational improvements to those required by the state settlement agreement; allows the court to order additional measures if necessary; and provides for a supplemental environmental project.



Tulane's Environmental Law Clinic faculty/staff are Lisa Jordan (LLM '91), Mabelle Lee Hall (L '08), May Nguyen, Adam Babich (director), Linda Swanner, Elizabeth Calderon (L '98) and Corinne Van Dalen.

EPA Disapproves Louisiana's 2014 Clean Water Act Impaired Waters

List: Student-attorneys representing the Gulf Restoration Network, Louisiana Environmental Action Network, Lower Mississippi Riverkeeper and Sierra Club Delta Chapter urged the Environmental Protection Agency to reject Louisiana's 2014 list of impaired waters submitted under the Clean Water Act. In July, the EPA disapproved the state's list and included on it the Dead Zone in the nearshore waters of the Gulf of Mexico and 40 other bodies of water impaired because of minerals.

Louisiana Department of Natural Resources Conditions Helix Drilling

Permit: Student-attorneys represented the Town of Abita Springs in proceedings that in December 2014 resulted in the Louisiana Department of Natural Resources adding conditions that residents requested to a drilling permit for Helix Oil & Gas, including that the company monitor noise, air and water, and frack using only surface waters from private ponds not replenished by groundwater.

Alleged Clean Air Act Violations Abated:

After student-attorneys representing the Sierra Club filed a notice of Clean Air Act violations alleging that Heck Industries was endangering children by not properly controlling emissions from concrete loading operations, the company in October 2014 moved its production facility from Moreauville, Louisiana, to a site farther from the community.

Drinking Water Audit Exposes

Violations: In November 2014, as the result of a clinic-negotiated settlement in *RESTORE v. Beauregard Water Works District No. 3*, No. 12-cv-2602 (W.D. La. May 30, 2014), an audit report disclosed regulatory violations at a municipal waterworks in Beauregard Parish, Louisiana. Violations included "numerous instances of lower-than-allowed chlorine residual values of 0.50 mg/l." The report also said, "There is a pattern of repetitious events to which there is no documented response or correction apparent." The Louisiana Department of Health and Hospitals had set the minimum .50 mg/l level in an emergency rule to guard against rare but potentially deadly infections by the "brain-eating amoeba," *Naegleria fowleri*, several months after a 4-year-old was infected by the bacteria and died.

Court Overturns Agency Decision Allowing Storage of Natural Gas in Salt Dome Underneath Lake Peigneur:

Student-attorneys representing Save Lake Peigneur and LEAN secured a ruling from the 16th Judicial District Court in New Iberia that the Louisiana Department of Natural Resources violated its constitutional duty by issuing a permit for two natural gas storage caverns in the Jefferson Island Salt Dome under Lake Peigneur without first conducting an environmental impact analysis.

STUDENT SUMMER SNAPSHOTS

Jennifer Bergeron, 2L, Valero Energy Corp., San Antonio

I was a litigation and regulatory law intern at Valero Energy Corp. headquarters, working alongside in-house attorneys writing memos on various environmental regulatory issues. The highlight was definitely being able to accompany my boss to Washington, D.C., to meet with officials at the Environmental Protection Agency, where we were invited to discuss possible reform of the Renewable Fuel Standard.

Amanda Crawford, 2L, Chesapeake Bay Foundation, Annapolis, Maryland

I worked as a litigation intern at the Chesapeake Bay Foundation, a nonprofit organization dedicated to protecting and restoring the Chesapeake Bay. The majority of my work focused on the Clean Water Act. One of the most interesting cases I worked on addressed the Virginia State Water Control Board's failure to impose certain fencing requirements on animal feeding operations, which would reduce nutrient pollution to the Chesapeake Bay. The issue was whether the board's action was arbitrary and capricious in light of its statutorily mandated duties.

Jesse Hudson, 3L, Alianza Arkana, Pucallpa, Peru

I worked in Pucallpa, Peru (in the Upper Amazon), with the legal team of the international NGO Alianza Arkana. My primary task was to conduct workshops in indigenous Shipibo communities in Lote 171 — an oil and gas exploration lot demarcated by the Peruvian government and overlapping titled Shipibo territories — regarding their rights with respect to Petroperu, an oil company doing seismic exploration. The Shipibos' rights derive directly from the International Labor Organization's Convention No. 169, an international law domesticated by Peru since 1994. This goes against the conventional assumption that international environmental and cultural laws are impotent. ILO Convention No. 169 is the most effective environmental and cultural protection law for indigenous peoples and their territories in Peru.

Brendan Hughes, 2L, Tulane Institute for Water Resources Law & Policy, New Orleans

I worked with the Tulane Institute for Water Resources Law & Policy, researching the water laws and policies of other states in the Mississippi River Basin to support the institute's project developing a water code for Louisiana. Unlike other states in the basin, Louisiana does not have a comprehensive legal regime for managing water resources. Neither does Louisiana have a water budget, that is, an empirically-based annual model of how much water is available in the state and how it is allocated. I researched how other states allocate and approve extractions of waters in their territories based on various budgeting techniques. I also attended meetings of the Louisiana Coastal Protection and Restoration Authority, The Water Institute of the Gulf and the Louisiana Water Commission involving major water projects underway and being planned for the state.

Deirdre MacFeeters, 3L, PEER, Washington, D.C.

I worked for Public Employees for Environmental Responsibility, a nonprofit NGO located in Washington, D.C., that provides legal assistance to whistleblowers in state and federal environmental agencies. I wrote Freedom of Information Act lawsuits and a Federal Trade Commission complaint about unfair advertising practices and the environmental and health impacts of residential mosquito misting systems. I also wrote briefs on a case involving the Tennessee Department of Transportation's violation of Clean Water Act permits.

Sam Pfothenauer, 2L, Defenders of Wildlife, Denver

I worked at Defenders of Wildlife in Denver on a variety of projects, but my favorite assignment was drafting National Environmental Policy Act comments for a bison management plan in the Greater Yellowstone Ecosystem. The assignment required research not just of the applicable law, but also of scientific studies on bison migration, population sizes and best management practices.

Emily Prince, 3L, Southern Environmental Law Center, Atlanta

My experience with the Southern Environmental Law Center in Atlanta was wonderful because I was able to work on such a wide variety of issues within environmental law. I'm interested in the intersection of energy and environmental law, and I worked on various small-scale solar projects and researched background for utility regulations and public service commission filings. Beyond that, I completed a study and policy brief on water storage permitting and worked on active litigation issues and several ongoing administrative state law queries.

Colin Rowe, 2L, GNO Inc., New Orleans

I worked as a law fellow with Greater New Orleans Inc. and the Tulane Institute for Water Resources Law & Policy. I focused on legal issues surrounding several pressing issues facing the city of New Orleans but mainly the current urban water flooding and subsidence threats that the city deals with daily. I looked at possible implementation strategies and legal hurdles for a massive urban water infrastructure overhaul called the Urban Water Plan. The plan, which was put out in 2013 by GNO Inc. and Waggonner & Ball Architects, looks at the threats of flooding due to stormwater, subsidence and ailing water infrastructure systems. The plan calls into action several citywide implementation strategies, such as retrofitting canals and waterways, implementing green infrastructure and managing stormwater through individual and municipal efforts that guarantee the future of New Orleans as both a cultural icon and a leader in environmental sustainability.



Alum Adapts Environmental Law Skills to a Solo Practice



Nelson Goodell (L '09), who has his own firm in California, credits time in Tulane's Environmental Law Clinic and guidance from Director Adam Babich with helping prepare him for his current work.

After graduating, Nelson Goodell (L '09) had aspirations of pursuing a career in environmental law, which was his focus throughout law school. He had worked for the Environmental Protection Agency, been a member of the *Tulane Environmental Law Journal* and worked in the Environmental Law Clinic.

But when Goodell returned to California, his plan veered. He applied for a job with a solo practitioner focusing on bankruptcy and advocating for homeowners' rights. Six years later, Goodell is a solo himself, primarily representing homeowners facing foreclosure. Despite that change of direction, Goodell credits his time at Tulane Law, especially his time in the Environmental Law Clinic and working on a directed research paper with Professor Adam Babich, with helping prepare him for his current work.

The directed research paper "was about getting injunctions in the context of a statute, the Resource Conservation Recovery Act, and the whole experience took my writing to another level," Goodell said.

Babich "was really demanding and kept coming back with edits, but it was really great because it taught me a lot about the level of precision you need to think about things legally and the level of clarity you need to express in your writing," Goodell said.

"Ironically — or coincidentally — getting injunctions is a huge part of what I do now. I've gotten 15-20 preliminary injunctions in federal and state courts in California, so it was very relevant."

Goodell is now five years into running his own firm and says the sense of independence is worth the hard work and long hours. Plus, he's been in a similar situation before.

"Working in the environmental clinic felt a bit like David vs. Goliath," he said, "which is a little like what I do now, working against national banks."

ALUMNI NOTES

Chris Gobert (L '84, LLM '86) is general counsel at the New Orleans Redevelopment Authority.

Beth Galante (L '91, LLM '99) is vice president for business development & government relations at PosiGen Solar Solutions, the largest solar company in Louisiana. **Scott Galante (L '00)**, her husband, is managing partner of Galante & Bivalacqua.

John Holleman (L '92) practices at his firm, Holleman & Associates in Little Rock, Arkansas, where he exclusively handles nationwide class and collective action cases under the Fair Labor Standards Act. Holleman also is enjoying life as a single parent to a 10-year-old son, Joshua.

Kathy Determan (L '97) has been of counsel with Liskow & Lewis since 2007, focusing on commercial litigation and oil and gas environmental defense work. Determan also serves on two local boards: as secretary and trustee to the Poydras Home, a continuing care facility, and as a member of the Board of Governors for a local women's club. She also serves as a member of the Louisiana State Bar Association's Unauthorized Practice of Law Committee.

Warren Burke (L '97) works in the Office of the Legislative Counsel of the U.S. House of Representatives drafting health and environmental laws. For the past three years, Burke has served as chair of the International Conference on Legislative Drafting and Law Reform at the World Bank.

Jon Owens (LLM '00) joined the U.S. Department of Interior's Board of Land Appeals as an attorney-advisor. He works on a variety of appeals, including matters such as wild horses, trespass via removal of minerals, bonds for oil and gas leases, grazing allotments, mining fees and allotments for Alaska Natives. He previously served as an attorney-advisor specializing in environmental law with the U.S. Army Corps of Engineers in Baltimore and San Francisco, and with the U.S. Environmental Protection Agency in Washington, D.C.

Nikki (L '04) and **Charles (L '05) Adame-Winningham** live in New York, after a long stint in Texas. Nikki practices environmental law at Lowenstein Sandler, where she works on projects involving site remediation, CERCLA litigation and real estate transactions. Charles is the horticulturalist at Atera, a restaurant in Tribeca that features a seasonal and imaginative menu. In addition to growing herbs in the restaurant's hydroponic garden, Charles works with local farms to provide other fresh ingredients for Atera.

Cashauna Hill (L '05) was named executive director of the Greater New Orleans Fair Housing Action Center.

Kate Miller (L '05) started as director of government affairs for Trout Unlimited. Based in Washington, D.C., she focuses on national legislative, regulatory and policy issues affecting coldwater resources. She previously was the group's Western Water and Energy Counsel in Portland and then Seattle.

Abby Van Deerlin (L '06) is a senior counsel with the New York City Law Department.

Thad Culley (L '10) has established an office in Cary, North Carolina, for the California-based firm Keyes, Fox & Wiedman. He focuses on regulatory issues impacting the development of rooftop solar resources in the southeastern United States.

Shreya B. Ley (L '10) is a lawyer with LayRoots and has started GeoBiz Technology Inc., an oil and gas consulting business, with her father. The goal of GeoBiz Technology is to increase efficiencies in fracking by allowing operators to better target their most productive zones.

Harry Vorhoff (L '13) is a former senior research fellow with the Tulane Institute on Water Resources Law & Policy and recently accepted a position with the Louisiana Attorney General's Office to work on matters concerning natural resources and water.

Emily Russell (L '13) joined the Chesterfield County Attorney's Office in Virginia as an environmental law specialist. She previously was a policy and programs manager for the Virginia Conservation Network.

Renee Orenstein (L '14) is an associate with Maryland environmental firm Rich & Henderson. She was previously a climate resiliency fellow in the Maryland Department of Natural Resources' Chesapeake and Coastal Service.



Becky Hamra (L '11), who worked with the *Tulane Environmental Law Journal* and Environmental Law Clinic, now handles insurance claims for shipowners and vessel charterers at Charles Taylor P&I Management (Americas) in New York.

She initially came to Tulane with the goal of focusing on environmental law. Before law school, she had taught environmental education on Jekyll Island in coastal Georgia. She also had worked at the Georgia Department of Natural Resources Coastal Research Division and considered eventually working as a river keeper.

But, after taking a class on maritime pollution with Adjunct Professor Joshua Force, she expanded her options by concentrating on admiralty and maritime law along with joining the *Tulane Environmental Law Journal* and Environmental Law Clinic.

Now, she and her husband, Noe Hamra (L '11), work in New York. He recently moved from Thomas Miller (Americas), another P&I club, to Blank Rome's maritime litigation group.

Note: A version of this story appears in the Fall 2015 Tulane Lawyer magazine.

From Environmental Law to Maritime Indemnity

Becky Hamra's interview for her first post-graduation job went off with a "Bam!"

During the Tulane Admiralty Law Institute, which the law school hosts every other year, Hamra (L '11) was to meet with LeRoy Lambert (L '83), president of Charles Taylor P&I Management (Americas). They chose a mutual favorite spot, the Uptown classic Domilise's Po-Boys.

There, they walked into a signature New Orleans scene: Chef Emeril Lagasse was shooting a Food Network segment, so their lunch meeting came seasoned with frequent interruptions by his trademark "Bam!"

Hamra got the job and now handles insurance claims for shipowners and vessel charterers in the highly specialized maritime world of Protection and Indemnity Clubs. One of her colleagues is fellow Tulane Law graduate Peter Black (L '14), a claims executive.

She initially came to Tulane with the goal of focusing on environmental law. Before law school, she had taught environ-



Igor Pak (LLM '15), shown on a fall 2014 canoe trip, was selected for the State Department-supported Edmund S. Muskie Internship Program upon graduation.

the Alliance for Affordable Energy in New Orleans.

While Professors Oliver Houck and Günther Handl assisted Pak in securing the World Bank position, he said he strongly believes that it was "with the help of God that I got this internship." Pak called his year at Tulane "a wonderful experience" during which he made friends from many countries. "And New Orleans is a beautiful city to study and live in," he said. "I feel honored to be part of the Tulane Law School."

Energy and Environment LLMs Win Muskie Internships to Work on Water Law and Affordable Energy

Uzbekistan lawyer Igor Pak, who received a Master's in Energy and Environmental Law in 2015, was selected for the State Department-supported Edmund S. Muskie Internship Program and researched issues involving international water law at World Bank headquarters in Washington, D.C. He then joined the Uzbekistan team of Colibri Law as an associate focusing primarily on corporate and project finance issues within the energy and subsoil industries.

Fellow Fulbright Scholar and 2015 LLM graduate Sharaf Asgarova of Azerbaijan also received a Muskie internship, which enabled her to work at

Lucas Henry and Allison Parks (both L '14) are working with DNA People's Legal Services in Monument Valley, Utah. They represent Navajo tribe members in civil cases, including environmental cases arising inside the Navajo Nation.

Kristin Talbot (L '15) accepted a position with the U.S. Environmental Protection Agency's Region 6.

Nolen (Dean) Boyer and Caitrin Reilly (both L '15) are senior research fellows with the Tulane Institute on Water Resources Law & Policy.

William Lindsey (L '15) has taken a job at the U.S. Environmental Protection Agency's Office of Enforcement and Compliance Assurance with the federal facilities program.

D'Ann Penner (LLM '15) is an associate at Veron, Bice, Palermo & Wilson in Lake Charles, Louisiana. Prior to graduation from Tulane Law School, she worked fulltime for Loulan Pitre at Kelly Hart & Pitre defending independent oil and gas operators. She called that experience invaluable preparation for her work with **Mike Veron (L '74)** and Rock Palermo, whose firm seeks to hold oil and gas companies responsible for unremediated damage caused by their operations.

To update your contact information for the Tulane Environmental Law Alumni listserv or subscribe to it, please contact :

Nikki Adame-Winningham (L '04),
mna6@tulanealumni.net.



During a 2014 canoeing/camping trip, Samantha Pfothenhauer (L '17) bonds with Professor Oliver Houck's dog, Arturo (who has since passed away).

TULANE'S ENVIRONMENTAL LAW PROGRAM

The Tulane Environmental and Energy Law program is one of the largest and most diverse in the world, graduating more than 30 JD and graduate-degree candidates annually. The program's strengths include its faculty, the Environmental Law Clinic, the scholarship of the *Tulane Environmental Law Journal*, projects of the Institute on Water Resources Law & Policy, the enthusiasm of the Environmental & Energy Law Society and the engagement of its JD, LLM and SJD students. Located in the extraordinary setting of post-Katrina New Orleans, the Lower Mississippi River and the Gulf Coast, Tulane provides a unique academic experience in environmental, energy and sustainable development law and policy.

For more information, contact
admissions@law.tulane.edu, 504-865-5930,
or visit www.law.tulane.edu.



Tulane Environmental Law News

6329 Freret Street
New Orleans, LA 70118-6231

TEELS Newsletter is a publication of Tulane Law School, 6329 Freret St., New Orleans LA 70118.

The Tulane Environmental & Energy Law Society thanks all contributors to the 2015 newsletter.

TEELS President:
Brendan Hughes (L '17)

Executive Summit Chair 2016:
Samantha Pfothenhauer (L '17)

Faculty adviser:
Oliver Houck

