

THE COASTAL ENVIRONMENT

Spring 2009

The Newsletter of Florida Coastal School of Law's Environmental Law Program



NORTHEAST FLORIDA ENVIRONMENTAL SUMMIT

For over a decade, Coastal Law has co-hosted one of the premier interdisciplinary environmental conferences in our region with Jacksonville University. The 2008 Summit, entitled "Water Wars: Use, Conflict and the Future," addressed the physical and jurisdictional underpinnings of water use conflicts, and the various approaches that have been employed or may be employed to effectively handle water shortages. Speakers discussed the legal and scientific background of Florida's impending water crises, as well as lessons learned from experiences throughout the nation. Highlights included opening remarks by Florida Representative Charles McBurney, a lunchtime keynote address by Cynthia Barnett (author of the best-selling book *Mirage*) and a closing keynote presentation by Christine Klein, Associate Dean for Faculty Development and Professor of Law at University of Florida's Levin College of Law. Panelists included the following distinguished attorneys: Jacob Varn of Fowler White Boggs Banker P.A., Lee DeHihns of Alston & Bird's Environmental Land Use Group, Adam Schempp of the Environmental Law Institute, Keith Rizzardi of the South Florida Water Management District and Segundo Fernandez of Oertel Fernandez Cole & Bryant P.A. Legal academics Lincoln Davies (University of Utah S.J. Quinney College of Law) and Itzchak Kornfeld (visiting at Coastal Law for 2008-09) also offered analysis. Panelists presenting scientific information included Robert Brinkman (University of South Florida) Joanna Mossa (University of Florida), Philip Reeder (University of South Florida) and Stephen Walsh (University of Florida). Thanks to Student Planning Committee Chair Catrina Humphrey, as well as student committee members Alexander Rittuci and Zahava Essig for assistance in making the Summit a resounding success!



THE COASTAL ENVIRONMENT

Spring 2009

The 2009 Summit, to be held at Coastal Law on November 12, 2009, will focus on the question of what is required for Florida to achieve environmental sustainability. Confirmed speakers include John C. Dernbach (Distinguished Professor of Law at Widener Law), J.B. Ruhl (Matthews & Hawkins Professor of Property at Florida State University College of Law), Craig Anthony (Tony) Arnold (Boehl Chair in Property and Land Use and Professor of Law at the University of Louisville Brandeis School of Law), and Christopher F. D'Elia (Dean, School of the Coast and Environment, Louisiana State University beginning July 1, 2009). Again, assistance from Coastal Law students plays a large role in the development of the event. Thanks to Environmental Law Society President Zahava Essig and Student Planning Committee Chair Seth Lucas, as well as numerous other Coastal Law students!

STUDENT ACTIVITIES UPDATE: 2008-09

STUDENT PUBLICATIONS & HONORS

Alexandra E. Ritucci ('09). Alexandra's article, "The Solution to International Cruise Ship Pollution: How Harmonizing the International Legal Regime Can Help Save the Seas," has been accepted for publication in the winter 2009 issue of the *Dartmouth Law Journal*.

Todd A. Wright ('09). Todd's article (co-authored with Professor Randall Abate), "A Green Solution to Climate Change: The Hybrid Approach to Crediting Restrictions in Tropical Deforestation," was accepted for publication in volume 20 of the *Duke Environmental Law & Policy Forum*.

Justin J. McCarthy ('09). Justin's article, "*The Water Wars Come East: Diverting the St. Johns River for Unsustainable Growth in Central Florida*," won Second Place in the 2008 Dean Frank E. Maloney Memorial Writing Contest from the Environmental & Land Use Law Section of the Florida Bar.

ENVIRONMENTAL LAW SOCIETY

This year was very eventful for Coastal Law's Environmental Law Society. The student run organization, formerly known as the "Environmental Law Community Action Team," has joined the National Association of Environmental Law Societies (NAELS). NAELS connects over 50 environmental law student groups from throughout the nation.

Zahava Essig, President of Coastal Law's Environmental Law Society, was appointed Director of NAELS Region 4. In that capacity, she is responsible for supporting, organizing, and coordinating the activities of State Directors in the Southeast Region. As a Regional Director, Zahava also serves as a primary liaison for NAELS to the U.S. Environmental Protection Agency and the American Bar Association's Section on Energy, Environment, and Resources.

FCSL's Environmental Law Society continues to be one of the most active student groups on campus and will continue the tradition next year with its new 2009 Executive Board:

President: Zahava Essig
Vice President: Avery Sander
Secretary: Dawn Carsten
Treasurer: Melissa Scarbrough

Committee Chairs:
Community Service Chair: Nichole Blaquiére
Networking/Scholarship Chair: Deana Duncan

THE COASTAL ENVIRONMENT

Spring 2009

SEA OAT PLANTING PROJECT

In March, the Environmental Law Society held its second annual sea oat planting event, which helps stabilize the sand dunes of Atlantic Beach between 7th and 10th Streets. Sand dunes provide a first line defense against storms and provide critical habitat for several animals including nesting areas for sea turtles. This event built on last year's success as students gave nearly 1,100 sea oats and other native plants new homes in the sand. Coastal Law students were joined by Professor Lucille Ponte, area residents and surfers with support from the City of Atlantic Beach. Thanks to Amanda Barton, Terry Drake and Justin J. McCarthy for preparatory efforts to make this event possible!



The second annual sea oats planting included area residents, State Park employees and local surfers in conjunction with Coastal Law students.



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Spring 2009

COASTAL LAW STUDENTS COMPETE IN THE NATIONAL ENVIRONMENTAL LAW MOOT COURT COMPETITION



In 2008-09 Coastal Law fielded its first-ever team in this nationally-recognized environmental law moot court competition held annually at Pace Law School in White Plains, NY. The team was comprised of Amanda Lundergan, Peter Penrod, and Michael Williams, as well as team manager Simon Serrano. Michael Williams earned a best oralist award in one of the rounds, while in another round one of Coastal Law's oralists informally tied for the award with the ultimate champion of the competition (Lewis & Clark Law School). Michael Williams, the sole 2L on the 2009 Coastal Law team, looks forward to a return trip to Pace for the 2010 competition with teammates drawn from Coastal Law's environmental law program.

COASTAL LAW STUDENTS PURSUING FURTHER ENVIRONMENTAL LAW STUDY

Krystle V Macadangdang ('09). Krystle has been accepted into the University of Florida Levin College of Law's LL.M. in Environmental and Land Use Law program.

Simon Serrano (09'). Simon will continue his environmental law study in Vermont Law School's LL.M. in Environmental Law program during the 2009-10 academic year.

COASTAL LAW STUDENTS ATTEND ENVIRONMENTAL LAW CONFERENCES ACROSS THE NATION

During the 2008-09 academic year, the Coastal Law environmental program supported attendance by students at three environmental conferences: the Public Interest Environmental Law Conference at the University of Oregon School of Law, the Tulane Environmental Law and Policy Conference in New Orleans, and the Public Interest Environmental Conference at the University of Florida's Levin College of Law.

THE COASTAL ENVIRONMENT

Spring 2009

MAY 2009 COASTAL LAW GRADUATES RECEIVING THE CERTIFICATE IN ENVIRONMENTAL LAW

Amanda Lundergan

Brandon Winn

Catrina Humphrey

Deanna Blair

Derek Lewis

Farnaz Ghaffari

Jaclyn Hull

Jon Burns

Jordan Stewart

Justin McCarthy

Katherine Mohr

Kirby McDonough

Marika Sevin

Michael Benavides

Peter Penrod

Ryan Hershey

Simon Serrano

Terry Drake

Todd Wright

Yvette Retamoza

COASTAL LAW JOINS THE IUCN ACADEMY OF ENVIRONMENTAL LAW

In May 2009, Coastal Law joined the IUCN Academy of Environmental Law, connecting Coastal Law to a global network of over 100 law schools with environmental law concentrations. This membership affords the Coastal Law community access to a wide variety of international environmental law opportunities and materials.

The International Union for the Conservation of Nature (IUCN) is the world's oldest and largest global environmental network, composed of more than 1,000 governmental and non-governmental member organizations. Among its many activities, the IUCN produces one of the most widely respected assessments of threatened species, the IUCN *Red List*. Although the IUCN includes several commissions open to membership by individuals (including the Commission on Environmental Law, of which Professor Long recently became a member) the IUCN is primarily composed of organizational members.

The IUCN Academy of Environmental Law was formed as a component of the IUCN in 2002. It concentrates on enhancing scholarship and teaching in environmental law. In line with this purpose, the Academy has rapidly become an important resource and forum for advancement of environmental law education and research. Among its activities, the Academy cooperates with other international environmental organizations, such as the United Nations Environment Programme, in supporting education and developments in environmental law. In addition, Academy members gain the opportunity to participate in international exchange programs, colloquia, and service opportunities.

THE COASTAL ENVIRONMENT

Spring 2009

FACULTY UPDATE 2008-09

PROFESSOR MICHAEL E. LEWYN



Articles:

- 1) Michael E. Lewyn. "Sprawl in Europe and America", 46 *San Diego Law Review* 85 (2009).
- 2) Michael E. Lewyn. "You Can Have it All: Less Sprawl and Property Rights Too", 80 *Temple Law Review* 1093 (2007). *Note – while accepted in 2007 it was not actually published until 2009

Non-Scholarly Writing/Blogging

- 1) Op-eds in Folio Weekly and blog posts on the planetizen.com urban planning group blog (<http://www.planetizen.com/interchange>)
- 2) Blogged as guest on National Journal blog (<http://transportation.nationaljournal.com/contributors/Lewyn.php>)

Service

- 1) Data Committee, Reality Check First Coast
- 2) Contributing editor, Probate & Property (ABA property section journal)
- 3) Peer reviewer, Land Use & Environmental Law Review
- 4) Peer reviewer for papers, 2009 Congress for New Urbanism conference updated "Car-Free in Jacksonville" web page (<http://lewyn.tripod.com/carfreeinjacksonville>) with information about bus service changes
- 5) Extensively updated Jacksonville photo page (<http://atlantaphotos.fotopic.net/c872477.html>)

Speeches

- 1) "A Libertarian Smart Growth Agenda", Midwest Political Science Association conference

THE COASTAL ENVIRONMENT

Spring 2009

PROFESSOR ANDREW LONG



Recent Publications

"International Consensus & U.S. Climate Change Litigation," 33 *WM. & Mary Envtl. L. Pol'y Rev.* 177 (2008) (invited).

"Standing & Consensus: Massachusetts v. EPA's Globalism," 23 *J. Envt'l L. & Litig.* 73 (2008) (invited).

Recent Presentations

"Biodiversity Conservation in a Time of Climate Change," Southeast Association of Law Schools Annual Meeting, Palm Beach, FL (August 3, 2009) (forthcoming).

Moderator, Panel on "Biofuels Production and Biodiversity Impacts," International Wildlife Law Conference, Stetson University College of Law, Gulfport, FL (March 26, 2009).

"Linkages & Opportunities: Preserving Biodiversity in a Changing Climate," Beyond Kyoto: Addressing the Challenges of Climate Change, University of Aarhus, Aarhus, Denmark (March 6, 2009).

"Using Carbon Credits to Preserve Forest Biodiversity," Jacksonville University Science and Engineering Lecture Series, Jacksonville, FL (February 26, 2009).

THE COASTAL ENVIRONMENT

Spring 2009

PROFESSOR RANDALL ABATE



Articles

- 1) Randall Abate. "A Green Solution to Climate Change: The Hybrid Approach to Crediting Restrictions in Tropical Deforestation, 20 *Duke Env'tl. L. & Pol'y F.* (forthcoming Dec. 2009) (with Coastal Law student Todd A. Wright)
- 2) Randall Abate. "Marine Protected Areas as a Mechanism to Promote Marine Mammal Conservation: International and Comparative Law Lessons for the United States, 88 *Or. L. Rev.* (forthcoming Oct. 2009)
- 3) Randall Abate. "Massachusetts v. EPA and the Future of Environmental Standing in Climate Change Litigation and Beyond" 33 *WM. & Mary Env'tl. L. Pol'y Rev.* 121 (2008) (invited)

Presentations

- 1) Is the Third Time the Charm? Round Three of Public Nuisance and Climate Change in the Courts, Three Degrees: The Law of Climate Change and Human Rights Conference, University of Washington School of Law, May 2009.
(<http://www.threedegreesconference.org>)
- 2) Possible Government Liability for Diffused Surface Water in Florida, Contemporary Water Law Issues in Central Florida: Floodwater Management and Surface Water Diversions, Florida A & M University College of Law, April 2009.

Special Note

- Professor Abate has accepted an Associate Professor position at Florida A & M University College of Law in Orlando, effective August 2009. He can be reached at rabate@law.fsu.edu throughout 2009.

Newsletter Credits:

Student Editor: Elise Gonzalez.

Student Contributors: Catrina Humphrey, Simon Serrano, Michael Williams, Avery Sander, Melissa Scarbrough & Nichole Blaquiére.