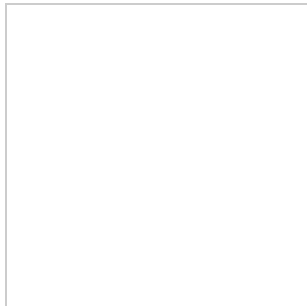


Energy Association. On August 21, 2015, the Honolulu Star-Advertiser published an article acknowledging her work and leadership in the environmental field, specifically regarding renewable energy. In the article, Mrs. Cole-Brooks provided her candid thoughts on solar tax credits, fossil fuels, the 100 percent RPS (renewal portfolio standards) by 2045 bill, and the NextEra buyout of HEI. Through her leadership, knowledge, and positive outlook, Mrs. Cole-Brooks is leading the way to a more sustainable Hawaii.

Click [here](#) for a link to the article!

## ELP Alum Marti Townsend Named New Director of Sierra Club Hawai'i Chapter

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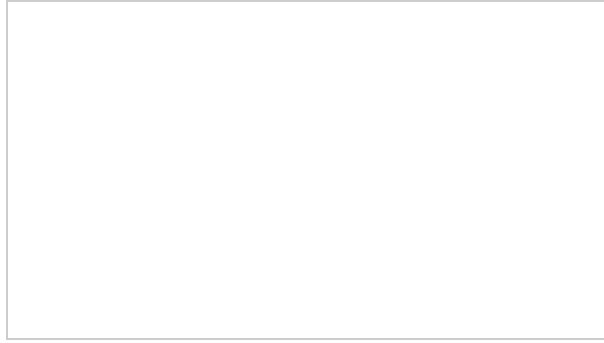


The ELP is proud to announce that WSRSL graduate and ELP certificate recipient Marti Townsend ('05) has been named the new director of the Sierra Club Hawai'i Chapter. The announcement was published in the *Pacific Business News*. The full article can be viewed by clicking on the following link:  
[http://www.bizjournals.com/pacific/blog/morning\\_call/2015/07/sierra-club-hawaii-chapter-names-new-director.html](http://www.bizjournals.com/pacific/blog/morning_call/2015/07/sierra-club-hawaii-chapter-names-new-director.html).

Volunteer leaders of the chapter voted unanimously to appoint Marti Townsend as chapter director, and she assumed the position on June 1, 2015. The ELP is proud of Marti Townsend for this accomplishment and wishes her the best of luck in her future tasks as the chapter director.

## Hawai'i Environmental Court – July 1, 2015

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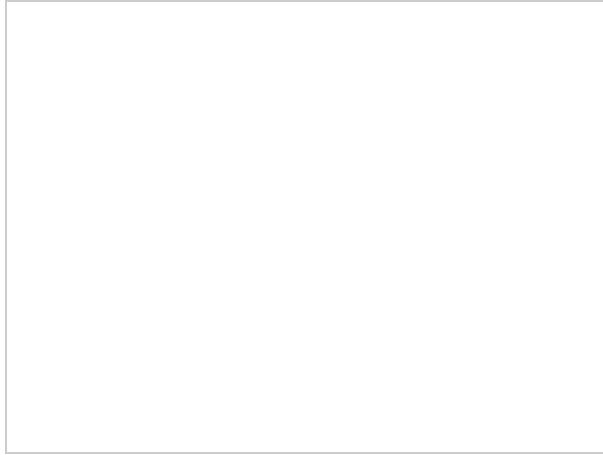
The William S. Richardson School of Law at University of Hawai'i at Manoa, the Hawai'i State Judiciary, and various environmental organizations are gearing up for the launch of Hawai'i's environmental court on July 1 – the second of its kind in the nation. Under the new system, the Hawai'i Supreme Court chief justice designates one or more environmental judges for each circuit and for a district court within each circuit. Richardson's very own Associate Dean of Academic Affairs, Denise Antolini, was quoted in the article saying "Hawai'i's environmental court is a historic milestone for our island and the U.S. As the second U.S. state to have such a court, we join a growing global moment where hundreds of 'green courts' have been established to provide consistent and expert guidance from the judges involved."

For more information on the Hawai'i environmental court, please read the full news article, written by Lorin Eleni Gill, and published in the Pacific Business News on June 12, 2015. The article is entitled *Hawai'i's Environmental Court is Second Established in U.S.*, and can be viewed by clicking the following link:

[http://www.bizjournals.com/pacific/blog/morning\\_call/2015/06/hawaiis-environmental-court-is-second-established.html?surround=etf&ana=e\\_article](http://www.bizjournals.com/pacific/blog/morning_call/2015/06/hawaiis-environmental-court-is-second-established.html?surround=etf&ana=e_article)

## Congratulations to this year's ELP Certificate Recipients and Graduates!

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The ELP would like to congratulate eleven new ELP certificate recipients who graduated from the William S. Richardson School of Law on May 17, 2015.

This year's ELP graduates include: Jacqueline Baker, 'Olu Campbell, Ana Cornwell, Frannie Demapan, Keani Rawlins-Fernandez, John Foster, Mako Kawada, Loren Seehase, Sarah Sheffield, Rodney Withall, and Joanna Zeigler. All of these graduates have dedicated considerable time and effort to attaining this certificate. Their achievements have contributed to the overall success of the ELP program.

During the ELP graduation reception on May 17, many of this year's certificate recipients expressed their pride and appreciation for the program. Loren Seehase ('15) stated that attaining the certificate meant a "realization of a lifelong dream." She also said, "it granted me the valuable opportunity to take classes in subjects that I am passionate for." Joanna Zeigler ('15), another ELP recipient and 2015 graduate, said that she was "so thankful for the variety of courses that are offered in the ELP." Joanna also said that "the certificate symbolizes what I came to law school for and hopefully what I will continue to work on in the future." 'Olu Campbell ('15) and Frannie Demapan ('15), both of whom are ELP certificate recipients and past ELP research associates, added that "the program provides a great chance to meet professors and practitioners that specialize in environmental issues that are so important to the State of Hawai'i."

The ELP certificate is one of three academic certificates that law students may attain at the William S. Richardson School of Law. Students wishing to complete the ELP certificate program have the opportunity to enroll in a variety of interesting courses, such as: Native Hawaiian water rights, international environmental law, international ocean law, climate change justice, environmental law litigation clinic, and various seminars and workshops. Completing the ELP certificate also provides students the chance to enroll in directed study courses, externships, have the chance to produce and publish scholarly articles or papers, and an opportunity to compete on one of the Environmental Law Moot Court Teams.

This year's eleven new ELP graduates increases the total number of Richardson ELP certificate recipients to 205! The ELP is extremely proud of our new recipients, and they should all be proud what they have accomplished in their law school careers. Thanks to their dedication to the ELP, our program has gained national recognition. We look forward to producing more ELP Certificate Graduates like them in the near future.

# ELP Colloquium on Green Energy Policy in South Korea

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On Tuesday, April 21, the ELP hosted its final colloquium of the 2014-15 academic year. Professor Jae-Hyup Lee, a visiting scholar in environmental law and energy law from South Korea, gave a presentation on green energy policy and growth in South Korea. Many ELP students were in attendance, as well as ELP Director Dave Forman and ELP Faculty Advisor Shalanda Baker. This presentation displayed another step in the establishment of an energy law program within the ELP here at the William S. Richardson School of Law.

The ELP is excited to expand its program, which includes providing new courses, seminars, and colloquiums like this one to the law school community. Mahalo to all of the Richardson faculty and students who continue to support the ELP at its colloquiums, and we look forward to hosting future colloquiums like this one in the future.

## Tenth Annual Enviromentors Event

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On Monday, April 13th,

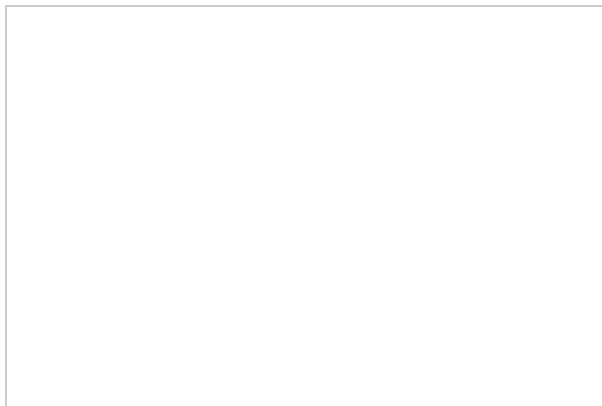
2015, the Environmental Law Program held its Tenth Annual Enviromentors Event!

The Environmental Law Program created Enviromentors to encourage mentoring between practitioners and law students within diverse sectors of environmental law. The goals of this event are to spark each students' thinking about career options and to match students with an Enviromentor who can be a guide and resource for the student's future environmental law career. This year's event brought together twenty students and twenty practitioners, to establish connections and mentorships in the legal environmental community!

Special thanks to: Cafe Julia, ELP Director David Forman, Associate Dean Denise Antolini, and Professor Shalanda Baker for helping to host the successful event!

## ELP Student Attends the 2015 Maui Energy Conference

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On March 25-27, Sean Aronson (Full-Time 1L

Student at WSRSL) traveled to Maui to attend and observe the 2015 Maui Energy Conference on behalf of the Environmental Law Program at WSRSL. Sean's reflections of the 2015 Maui Energy Conference can be read below:

“Hawaii is in the midst of an energy revolution. The reduced cost of rooftop PV panels coupled with the highest electricity rates in the nation have led thousands in Hawaii to take control of their energy production. With 12 percent of all electricity consumers utilizing PV, Hawaii leads the nation in the per capita amount of energy created on rooftops.[1]

While this is great news for clean energy advocates, it also poses significant challenges for the Hawaiian Electric Company (HECO) because it adds inconsistent, distributed energy to an old electric grid.

Over Spring Break I had the pleasure of attending the second annual Maui Energy Conference. The two-day event brought together all the major stakeholders for the first time since the announcement of a potential merger between HECO and the Florida-based NextEra Energy.

While the event featured many from around the State, it was the mainland presenters that offered the most bold and insightful advice for creating not just renewables, but justice too. The theme running throughout was that this merger presents Hawaii with the opportunity and the *leverage* to ask more of our utility.

What that “more” should be will be the focus of the new Energy Law Working Group at Richardson, which will be launched in Fall 2016. There are lots of experts in this field, but at Richardson we are interested in leading the conversation on social justice issues around this brave new energy landscape.

We seek to stimulate dialogue around a variety of questions, such as, if everyone who can afford it moves off the grid where does that leave those less fortunate?

Consensus exists among all parties that 100% renewables is attainable, but will the business model change? The current model is a shareholder-based monopoly benefitting very few.

Models to consider include a municipal utility (like Sacramento among others), Community solar projects and a co-operative (Kauai already has this). We are excited to embark on this journey and to use our legal and analytical skills to tackle this challenging problem.

If Hawaii is to be a leader for the country, we must show that clean energy can benefit everyone, not just a select few. Energy Justice is on the horizon, let’s work together to make it a reality.”

[1] [http://environmentamerica.org/sites/environment/files/reports/EA\\_ShiningCities2015\\_scrn.pdf](http://environmentamerica.org/sites/environment/files/reports/EA_ShiningCities2015_scrn.pdf)

## Professor Oposa Gives Presentation on “Climate Justice for Future Generations”

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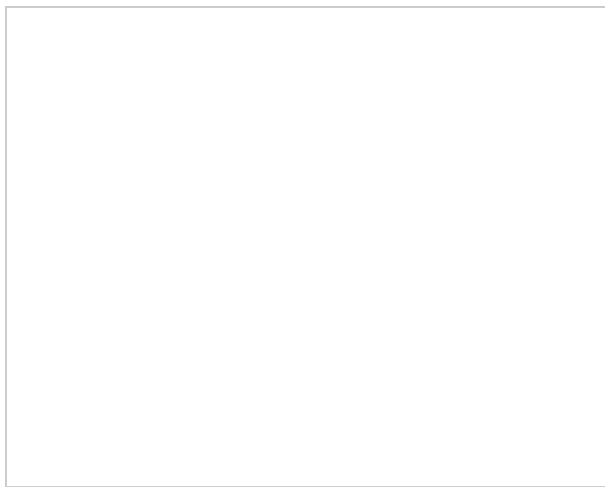
On March 17, Visiting Professor and Environmental

Law Specialist Tony Oposa gave a presentation on Climate Justice for Future Generations, which was well-received by a large audience of Richardson community members, including faculty, full-time program law students, and part-time program law students. The ELP would like to acknowledge the Richardson part-time program for its contribution and collaboration with the ELP in hosting this event.

Professor Oposa discussed a variety of climate change issues, including resource management, carbon emissions, and infrastructure. He also introduced potential solutions to combatting climate change, and how the mindset of society as a whole needs to transition to sustainable energy and more effective pollution control. The ELP appreciates all of Professor Oposa's contributions to our law school, particularly to our environmental law events and activities.

## Frank Cioffi Attends the Environmental Law Advanced Course of Study in Washington D.C.

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The Environmental Law Program awarded Frank

Cioffi, a 4L in the Evening Program, with a travel grant to support his attendance at the Environmental Law Advanced Course of Study from February 4-6, 2015 at the Washington Plaza Hotel in Washington

D.C. The Environmental Law Institute and the American Law Institute co-sponsored the course and granted Frank a Scholarship covering the course tuition.

The Environmental Law Advanced Course of Study provided attendees with both a broad overview of environmental law and an in-depth analysis of latest developments in each of the major areas of environmental law. Highlights of the course included the Clean Air Act, Clean Water Act, and CERCLA. The course featured four hours of introductory grounding in environmental law and sixteen hours of detailed information regarding legislative initiatives, regulatory changes, recent judicial decisions, and new precedent issued by the Obama administration. The conference was primarily geared to benefit attorneys who are engaged in or are planning to engage in the practice of environmental law, but also provided a high level introduction to environmental law.

The course was taught by an array of distinguished private and government practitioners, who brought course attendees up-to-date on different areas of environmental law.

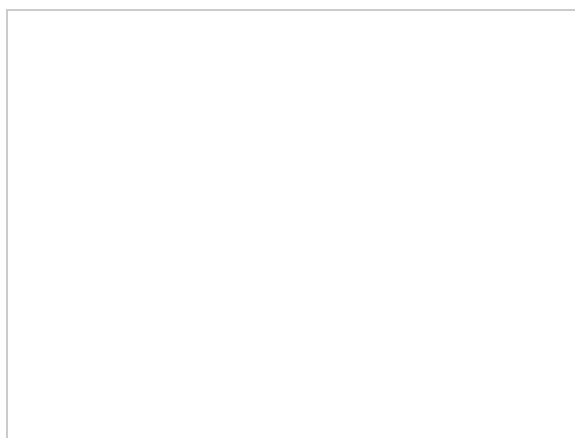
*I am grateful to ELP and our sponsors for helping me attend this engaging presentation where I was able to meet with cutting edge practitioners. The conference brought home the fact that this is a fascinating time in the development of environmental law. While most of the major federal statutes are decades old, and with little prospect of large scale modernization on the horizon in today's political climate, many of the presenters highlighted the challenges of meeting today's environmental problems. Nowhere is this more true than in the cross-cutting issues of climate change and the push towards renewable energy, which while laudable, has the potential to conflict with other important environmental goals.*

*Oh, and by the way – lucky you live Hawai'i, man was it cold in DC!*

*– Frank Cioffi*

## NELMC Team Advances to Quarterfinals in National Competition

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On February 19 – 21, 2015, the William S. Richardson School of Law's National Environmental Law Moot Court (NELMC) Team, composed of Joanna Zeigler



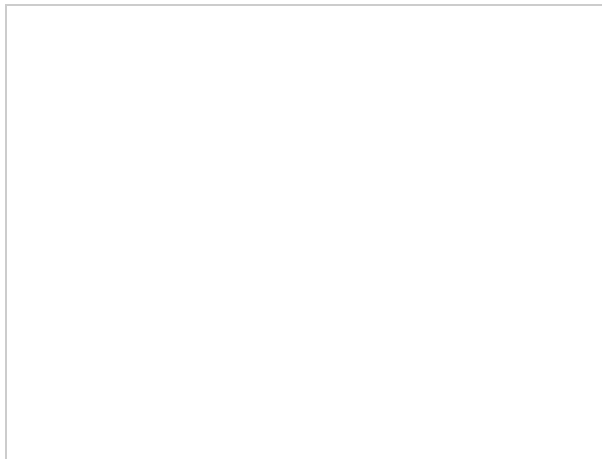
(3L), Lida Angier (3L), Derek Brow (2L), and Team Assistant Emily Gaskin (1L), competed in the Jeffrey G. Miller National Environmental Law Moot Court Competition at Pace University in White Plains, New York. The NELMC Team advanced to the quarterfinal round, placing them among the top 27 environmental law moot court teams in the country. In addition, teammates Joanna Zeigler and Lida Angier were both awarded Best Oralist in consecutive rounds during the competition.

The NELMC Team would like to express its gratitude to Team Coach and ELP Director, Professor David Forman, for his continued instruction and guidance throughout the competition season.

This year's competition was a memorable experience and a great achievement for both the ELP and the Richardson School of Law. This year's competitors acquired valuable skills and knowledge in the realm of oral advocacy for environmental law cases. The NELMC Team endeavors to continue to excel in this competition for years to come and bring more success to the ELP.

## International Environmental Law Moot Court Team Advances to Stetson, Florida!

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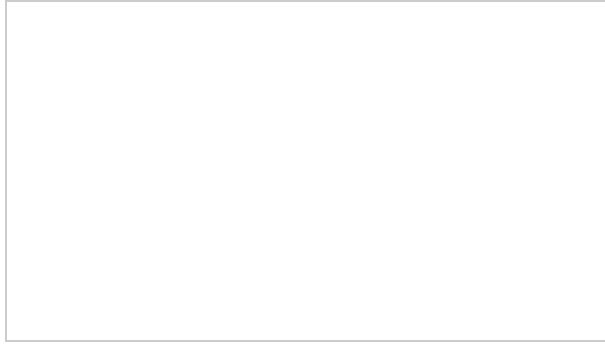


On February 6th – 8th, 2015 William S. Richardson

School of Law's International Environmental Law Moot Court Team, composed of Nica Nordyke, David Stapp, and Jordan Davis competed in the Regional Round of the Stetson International Environmental Law Moot Court Competition at American University Washington College of Law in Washington D.C. They proudly finished 2nd overall! As such, the team has advanced to the international portion of the competition in Stetson, Florida this coming April. The team would like to thank the many practitioners, and Coach Professor Baker, for volunteering their time, support, and insight with the team.

## Honolulu and Manila lead the way in using streets to move people, not cars

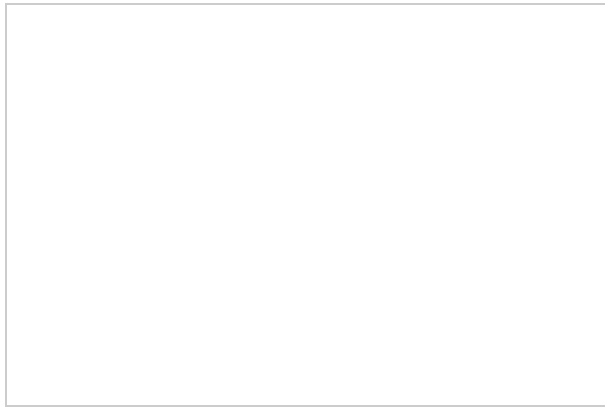
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Professor Tony Oposa's Op-ed on the Complete Streets movement published in the Honolulu Star Advertiser (Subscription Required).

## ELP Hosts the Honorable Hilario Davide

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On Wednesday, February 4, 2015, the Honorable Hilario Davide, a former Chief Justice of the Philippine Supreme Court, presented before the Climate Justice for Future Generations class, along with other attendees, with Professor Tony Oposa Skyping into the conversation from the Philippines.

Mr. Davide discussed some of the accomplishment of his career with humility and emphasis not on the end goal but on the process by which one can make change. Mr. Davide is famed as the author the world-renowned judgment of *Minors Oposa v. Factoran*, which gave children and future generations legal personality and standing to sue based on the concept of inter-generational responsibility.

Mr. Davide has also served as Philippine Ambassador to the United Nations and Vice President of the U.N. General Assembly. In this capacity, his efforts led to the adoption of the U.N. Declaration on the Rights of Indigenous Peoples.

For his work, Mr. Davide has received the Ramon Magsaysay Award, a premier prize for public service, often referred to as the Nobel Peace Prize of Asia. He has also received the Elizabeth Haub Award for Environmental Diplomacy.

# ELP Hosts Professor Mark Safty's Presentation on Sustainable Energy

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On January 22, 2015, the ELP sponsored a presentation by visiting Professor Mark Safty on the possibilities and challenges of sustainable energy at both the local and global level. The event, which was held at the Moot Court room at the William S. Richardson School of Law, had a successful turnout of law students and faculty from the law school as well as professionals from the field of environmental law realm and the renewable energy sector. Among the audience was visiting Professor Antonio A. Oposa, Jr., a pioneer in the practice of Environmental Law in the Philippines and one of Asia's leading voices in the international arena of Environmental Law. Other notable faculty members who were present at this event include ELP Director David Forman, ELP Faculty Advisor Shalanda Baker, and Dean Denise Antolini.

The presentation answered various questions regarding the history and success of renewable energy, the challenges that it faces, both scientifically and politically, and the opportunities that this industry presents for young lawyers who are interested or passionate about the subject. The lecture also informed the audience of the distinction and similarities between the energy laws and environmental laws that govern how renewable energy is utilized in the United States and abroad.

Professor Safty is the Wirth Chair in Sustainable Energy at the University of Colorado and is a frequent speaker at both national and international conferences on renewable energy topics. He was invited to come to this law school for his knowledge and experience in the renewable energy industry, and to help the WSRSL meet its objectives in establishing a new energy law program at the law school. It was a rewarding experience to have Professor Safty provide his insight and expertise to our law school community, and the ELP is proud to have been involved in this great experience.

## New energy law program to start at UH Mānoa Law School

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UH Mānoa Newspaper, Ka Leo, covers the commencement of our new energy law program, expected to begin in Fall 2015.

Posted: Saturday, December 6, 2014, 6:00 am.

Updated: Saturday, December 6, 2014, 12:06 pm.

Shiwani Johnson, Contributing Writer

“A new energy law program is anticipated to start at the UH Mānoa William S. Richardson School of Law in fall 2015.

Environmental Law Program (ELP) Director David Forman and recently appointed Faculty Advisor Shalanda Baker are involved in the creation of the new program that will focus on energy law, on a local and potentially national scale.

The new program falls under the umbrella of the ELP, Baker said, and is being implemented to meet the demands of the community and the needs of students in the classroom. The program will serve as a concentration for a student earning an Environmental Law degree or certificate.

According to Forman, there is a significant difference between environmental and energy law.

“Environmental law addresses the effects of human activity on the natural environment,” he said. “Energy law addresses the use and regulation of electric, gas, solar, wind and other energy sources.”

Forman added that he is optimistic about not only ELP students pursuing energy law, but students with other law focuses.

“I suspect that the opportunity to drill deeper into energy law will be an attractive option for some students already attracted to ELP, but may also appeal to students otherwise focused on business cluster courses,” he said.

Baker, who is the creator and director of the new program, said she is excited about the ways the university will be able to contribute to the community, and is anticipating immediate popularity from students.

Due to the program being entirely new, Baker is working from the ground up, creating classes that will focus on the broader needs of the students. Some possible classes within the program to be offered in the

fall next year will include options like energy transaction and energy issues, as well as renewable energy and climate change.

### **Addressing local sustainability awareness**

With Hawai'i residents working to progress towards sustainability and resource awareness, Baker said she acknowledges these efforts being made.

"I believe Hawai'i is the best place to practice cutting edge energy work," Baker said.

There is a demand for lawyers educated in energy law, Baker said, be it for business or government. The need for lawyers with the skills of an energy lawyer will be necessary in the future because of climate change.

"One of the biggest problems we face is climate change," she said. "The program is open to all law students."

ELP students looking to work in this field are also aware that dealing with energy law means more than just working on environmental issues, but that the education and training they receive at this particular department of the law school is meant to impart a sense of responsibility to the environment.

Grant Nakaya, an ELP student, said the involvement of business law fits into the same idea of how energy consumption is an important consideration when it comes to running a business.

Forman said the education students will take back from the new energy law program will give them experience that past students were not able to receive.

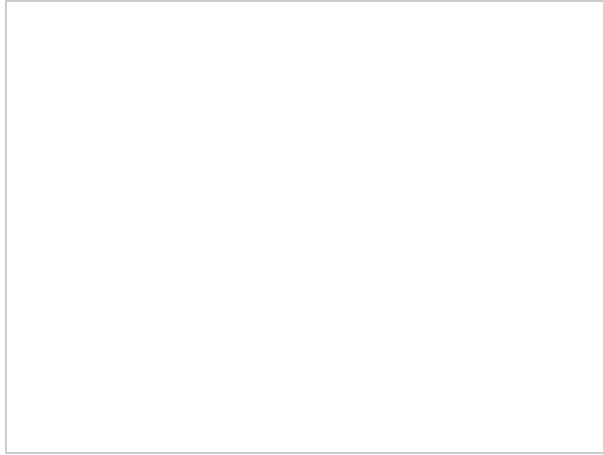
"The training they will receive will be even stronger than the excellent training that many of our previous ELP alumni and Environmental Law Certificate recipients drew upon," he said."

Original Article Available at:

[http://www.kaleo.org/news/new-energy-law-program-to-start-at-uh-m-noa/article\\_04133e66-7d09-11e4-a74d-07d5812bce46.html?mode=image&photo=1](http://www.kaleo.org/news/new-energy-law-program-to-start-at-uh-m-noa/article_04133e66-7d09-11e4-a74d-07d5812bce46.html?mode=image&photo=1)

## **ELP & HSBA host Natural Resource Section Scholar Talks**

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On Tuesday, November 18, the Environmental Law Program, in collaboration with the Hawai'i State Bar Association, hosted the Natural Resource Scholar Talks at the William S. Richardson School of Law.

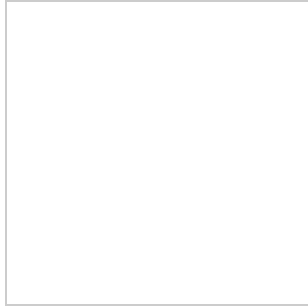
The event consisted of fascinating presentations and discussions, ranging from a variety of topics that included climate change, biodiversity, marine resources management, and community-based resource management in Hawai'i. The first presentation was by the 2014 Natural Resource Section scholarship awardee Maria Robben. Maria discussed her Second-Year-Seminar paper topic on deep sea-floor resource regulation. The second presentation was by the 2013 Natural Resource Section scholarship awardee Kylie Wager. Kylie discussed her Second-Year-Seminar paper topic on climate change and atmospheric trust litigation.

The final segment of the Talk was by a panel of experts, which include Shea Kamaka'ala of the Nature Conservancy (and 2014 Richardson Graduate), Wayne Tanaka of the Office of Hawaiian Affairs, and Kevin Chang of Kua'āina Ulu 'Auamo (pictured above). The three panelists discussed their knowledge and expertise in a variety of environmental and Native Hawaiian rights issues. They also discussed recent developments with the Ha'ena community-based resource management area and some current key issues affecting marine resources management in Hawai'i.

This event was attended by many Richardson law students from both the full-time program and the part-time (evening) program. Among those in attendance was Representative Kaniela Ing, distinguished visiting scholar Dr. Lakshman D. Guruswamy, and many members of the Hawai'i State Bar Association. The Environmental Law Program is proud and honored to have had the opportunity to join the HSBA in hosting this informative and exciting event, and we look forward to hosting similar presentations in the near future.

## International Energy and Poverty: The Quest for Environmental Justice

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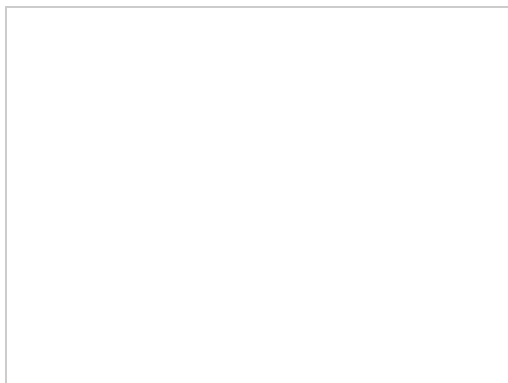
On November 20, 2014 we were delighted welcome Professor Lackshman

Guruswamy, the Nicholas Doman Professor of International Environmental Law at the University of Colorado at Boulder, and the Environmental Law Program's Distinguished Scholar in Residence. His presentation addressed the lack of access to clean energy in developing countries. Specifically, Professor Guruswamy focused on the disproportionate impact dirty energy sources had on women and children, who are often inhaling fumes during cooking and other household activities. To solve this problem, Professor Guruswamy advocates for the use of legislation as a tool to spur nationwide use of clean energy systems.

For further insight into this topic read Professor Guruswamy's latest publications: *Global Energy Justice* (forthcoming Foundation/WEST 2014) and *International Energy & Poverty: The Emerging Contours* (forthcoming Rutledge, 2015).

## ELP Hosts Retired Judge Merideth Wright of the Vermont Environmental Court

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On October 23, 2014, the Environmental Law Program and Environmental Law class hosted Retired Judge Merideth Wright of the Vermont Environmental Court.

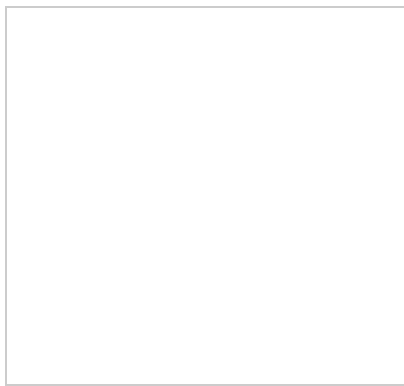
Speaking to a crowd of students, legal practitioners, law professors, and members of the general public, Judge Wright provided practical reflections on the work of environmental courts. In particular, Judge Wright talked about how the court wasn't created to encourage more environmental cases—it was created to change peoples' behaviors. In her perspective, environmental courts make the public and regulated community more aware of the environmental compliance process and hold developers more accountable for the design of their projects. While environmental judges still struggle to make sense of scientific

evidence and lack the budget to hire independent scientists/witnesses to assist them, the creation of environmental courts has undoubtedly helped agencies in handling its cases at the administrative level.

Judge Wright presided over the Vermont Environmental Court since its creation in 1990 until her retirement in 2011. The court has statewide jurisdiction over certain environmental enforcement cases, all appeals and enforcement matters involving local zoning and planning decisions, and all appeals from state environmental and land use permit decisions. Before her appointment, Judge Wright worked as a Vermont Assistant Attorney General for environmental matters and at the U.S. Environmental Protection Agency. She is now associated with the Environmental Law Institute as a Distinguished Judicial Scholar and consults internationally on issues related to environmental courts and the judicial role in environmental enforcement and compliance.

## Professor Baker attends the SALT Teaching Conference

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From October 9 to October 11, 2014, ELP Professor Shalanda Baker attended the Society of American Law Teachers (SALT) Teaching Conference at the Boyd School of Law at the University of Nevada, Las Vegas (UNLV).

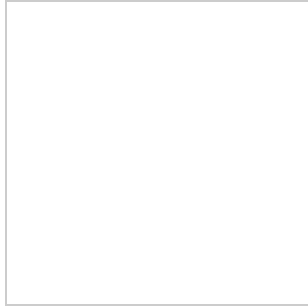
At the Teaching Conference, Professor Baker spoke on a panel entitled, “Outsider Jurisprudence: Cultivating Emerging Voices and Audacious Ideas,” and she discussed her paper entitled, “Law in the Anthropocene.”

The photo above shows Professor Shalanda Baker at the SALT Teaching Conference with Professor Kim Chanbonpin, an '03 graduate of the John Marshall Law School in Chicago, Illinois.

## WSRSL Faculty and Students visit Waiahole

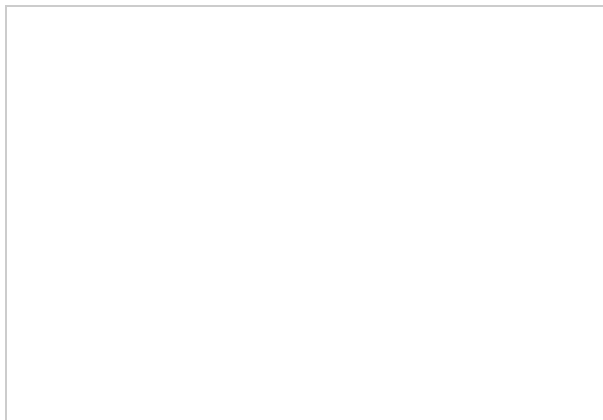
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On October 9, members of the Environmental Law Clinic helped to facilitate a workshop for the Kaua‘i County Council. This workshop brought together the larger Hawai‘i water law community and focused on the designation of water management areas with an emphasis on the role of the Kaua‘i County Council. The workshop was live-streamed and videotaped for re-broadcast on Kaua‘i’s public access television station. The Office of Hawaiian Affairs A‘o Aku A‘o Mai Initiative provided funding for the clinicians’ travel.

*Pictured From left: Councilmember Joanne Yukimura, Kelsey Anderson ’15, Alana Bryant ’15, Joanna Ziegler ’15, and Sarah Sheffield ’15, Kapua Sproat ’98, and Councilmembers Mason Chock, Gary Hooser, and Tim Bynum. Not pictured: Post-JD Fellow Raeanne Cobb-Adams ’14*



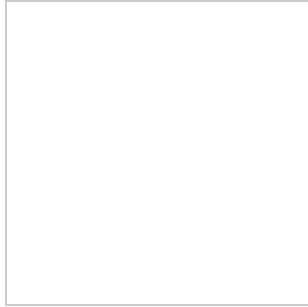
*Picture at Waianu Stream, from left to right:*

*Front row: Kau ‘i Pratt, Jeff Oka, and Aurora Kagawa-Viviani*

*Back row: Rachel Gonzalez, Associate Professor Kapua Sproat ( ’98), Keani Rawlins-Fernandez, Teresa Kaneakua, Wehi Ahu, Matt Weyer, Becky Soon, Mako Kawada, Frannie Demapan, and Rhiannon Chandler-`Iao.*

## Introducing the Energy Law Program

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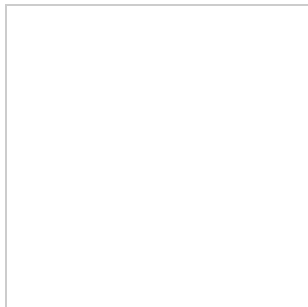


Beginning Fall 2015, students at William S. Richardson School of Law will be able to partake in the Energy Law Program. The Program is currently being developed by Associate Professor Shalanda Baker and will focus on preparing students for future careers in the renewable energy sector. Professor Baker believes that, “This is the best place to be to think about creative policy solutions about energy and the best place to be to provide a road map for the rest of the world.” The Environmental Law program proudly supports this new endeavor and looks forward to working with the Energy Law Program toward a sustainable energy future.

To read a recent Start Advertiser article on the program, [click here!](#)

## ELP Hosts Public Utilities Commission Presentation

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On October 16, 2014 the Environmental Law Program was pleased to host Thomas Gorak, General Counsel for the Public Utilities Commission (PUC), Commissioner Lorraine Akiba, and Deborah Kwan, PUC’s Chief of Consumer Affairs & Compliance.

Mr. Gorak led the presentation, which discussed an overview of the PUC and its jurisdiction, the role of different parties in a renewable energy future, and some of the current dockets and orders pending. Also covered was demand response, distributed energy resources, power supply improvement plans, distributed generation improvement plan, and LNG. Following the formal presentation, Ms. Akiba assisted in answering of a number of audience questions, ranging from the types of energy solutions the Commission is considering to Hawai‘i’s preparedness in the event of a disaster.

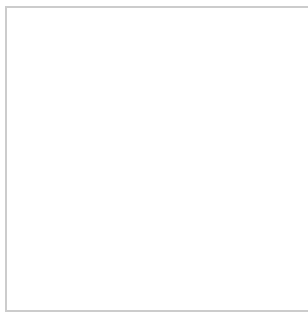
Mr. Gorak concluded the presentation with a discussion on the roles young attorneys can play in this diverse field, noting that regardless where you may practice, the field of renewable energy can be addressed from every angle. Although, as a government attorney, he may have given that field a little more emphasis. Both Mr. Gorak and Ms. Akiba kindly shared from their wide range of personal

experiences and discussed how their backgrounds in private practice, government, and other sectors contribute to the work they do in their current positions.

As Mr. Gorak mentioned, working with public utilities is an interesting and continuously developing field. We are very grateful for the time and opportunity our PUC presenters provided to delve in to this educational and important discussion.

## Professor Baker Attends Fifth Annual Colloquium on Environmental Scholarship

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From October 3 to October 5, 2014, Professor Shalanda Baker of the ELP at WSRSL attended the Fifth Annual Colloquium on Environmental Scholarship.

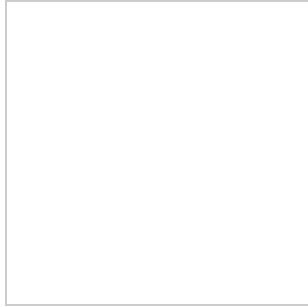
At this Colloquium, the Vermont Law School hosted 30 environmental scholars from around the globe, including returning panelists from the United States and first-time visitors from Canada, Ireland, Scotland, Spain, Nigeria, Kenya, and China.

Some other notable guests who attended the Colloquium include Judge Merideth Wright and Carol Browner, the former Administrator of the EPA.

The ELP feels very fortunate that Professor Baker was able to attend the Colloquium and represent our law school. Additionally, our entire law school community should feel proud of Professor Baker for having been invited to such a prestigious and successful event.

## ELP Participates in “The Right to be Cold” Presentation

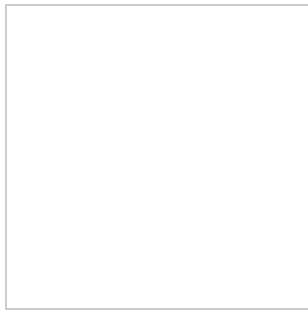
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On August 20, 2014, the WSRSL and the East-West Center sponsored a presentation by Ms. Sheila Watt-Cloutier on “The Right to be Cold.” Ms. Watt-Cloutier is an Inuit who has been engaged in pioneering global work on connecting Climate Change and Human Rights. She was instrumental in bringing a case to the Inter-American Commission on Human Rights addressing the dangerous impacts of climate change on the Inuit People. She was subsequently nominated for the Nobel Peace Prize. After the lecture, Ms. Watt-Cloutier met with ELP Director David Forman ’93, Professors Kapua Sproat ’98, Sherry Broder, and Maxine Burkett, as well as Moses Haia ’94, Executive Director of the Native Hawaiian Legal Corporation.

## ELP Faculty and Staff Attend Kaho’olawe Community Service Retreat

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From September 26 to September 30, Associate Dean Denise Antolini and ELP Research Assistants Olu Campbell, Frannie Demapan, Nica Nordyke, and Derek Brow attended a 5-day community service retreat to the island of Kaho’olawe.

Along with several other Native Hawaiian Studies and Environmental Law Program students, our ELP representatives performed various forms of outdoor work under the guidance of the Kaho’olawe Island Reserve Commission (KIRC). Some examples of the activities included re-tilling the soil, planting seedlings near Luamakika Crater, filling up sandbags and piling them in rows on the “hardpan” areas, locating archeological sites, creating trails and walkways for future workers and guests, and using weedwackers and chainsaws to eliminate invasive species. The activities formed valuable bonding experiences between the KIRC staff and the Richardson Law School representatives which we hope carries on in the future.

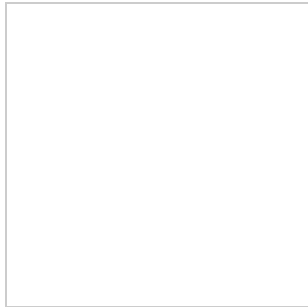
A detailed report of the retreat can be found in the Civil Beat article, entitled “Promised Land: Will Kahoolawe Ever Be Saved?” The article was written by Civil Beat reporter Anita Hofschneider, who joined the Richardson law students in the retreat’s various tasks and documented the events that took place. To

view this article, please go to the following webpage:  
<http://www.civilbeat.com/2014/10/promised-land-will-kaoolawe-ever-be-saved/>

Kaho'olawe is a majestic and beautiful island with such a interesting history and contains so many connections with ancient Native Hawaiian traditions. The ELP is proud to have been a part of this project, and we will try our best to support KIRC in their future projects.

## Dean Antolini's Award for Outstanding Management

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Associate Dean Denise Antolini received an award for Outstanding

Management from the U.S. Coral Reef Task Force during its annual meeting on Maui, September 11, 2014. Alumnus David Sakoda '10, the Marine Law Fellow at the State Department of Land and Natural Resources, nominated Dean Antolini for this award and accompanied her to the Maui Meeting. This award signifies Dean Antolini's diligent efforts in exponentially increasing the State's management capacity through the DLNR Law Fellows Program. The Environmental Law Program at the William S. Richardson School of Law is extremely proud of Dean Antolini for her achievement.

## ELP Jarman Fellowship: Manoa Falls Hike and Clean-up

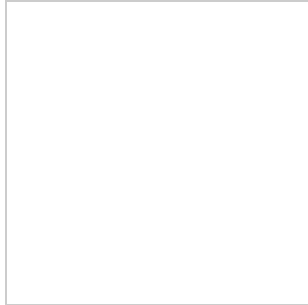
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On October 4, 2014, William S. Richardson Law Students joined together to hike and clean-up Manoa Falls. Over a dozen law students took a break from the library to join 2014 Jarman Fellow, Veronica Nordyke ('16) for a hike and trail clean-up at Manoa Falls. Veronica shared, "We all enjoyed the beautiful Manoa Falls trail and were pleasantly surprised to have difficulty finding trash! Given the great maintenance of the trail, we expanded our efforts into the parking lot. Thank you to everyone who came out to join us!" A big mahalo goes out to everyone who attended, to the Environmental Law Society, Advocates for Public Interest Law, and to the Jarman Fellowship for making summer internships and service events such as these possible.

Gardening day is just around the corner! On October 19th, the Environmental Law Society and 'Ahahui will be jointly hosting a gardening day in the law school court yard from 10am -1pm. Please join us!

## WSRSL alumnus Robert Harris Joins National Solar Company Sunrun

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Robert Harris, graduate of William S. Richardson School of Law Class of 2002,

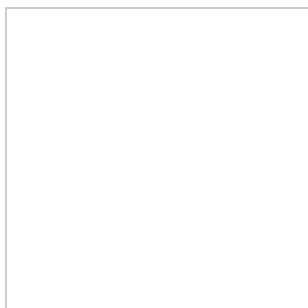
has accepted the Director of Public Policy position for the Hawaii office of Sunrun. Sunrun manages residential solar photovoltaic systems through a leasing arrangement with homeowners under a 20-year contract. It has partnered with other local contractors such as RevoluSun, American Electric and Islandwide Solar to do the installations to provide affordable, clean energy to Hawaii. Prior to accepting the position at Sunrun, Harris was the Executive Director for the Sierra Club Hawaii Chapter.

Harris is a proud member of the Richardson 'Ohana and continues to lead the Hawai'i community toward environmental sustainability. We look forward to seeing him in action as he continues his career in Environmental Law and focuses on "ensuring [that] customers can install rooftop solar and empowering them to be a part of Hawaii's clean energy future."

<http://www.bizjournals.com/pacific/news/2014/09/18/former-sierra-club-hawaii-director-robert-harris.html?page=all>

## David M. Forman '93 Appointed ELP Director

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David M. Forman '93 has recently been appointed as Director of the

Environmental Law Program. The appointment was made on March 13, 2014, which turned out to be an unexpected birthday present for him.

In his new position, Professor Forman will continue to administer the program, teach relevant courses, coach the National Environmental Law Moot Court team, and advise students, among other

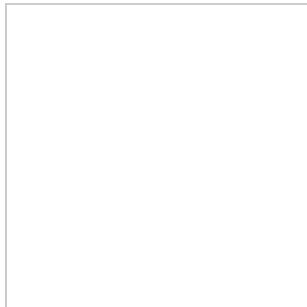
responsibilities. He notes that he will do so with much input and support from new Associate Professor Shalanda H. Baker in order to free up adequate time for scholarly publications.

When asked what changes he will bring to the program, Professor Forman commented that he hopes to “emulate the strong synergy that currently exists between ELP and the Ka Huli Ao Center for Excellence in Native Hawaiian Law while developing a similar synergy between ELP and the Pacific -Asian Legal Studies Program, which will expand upon our existing strengths and contacts in China, Japan and Korea by networking and collaborating with environmental contacts in Southeast Asia and the Pacific.” This semester, Professor Forman adds that he is excited to welcome ELP Distinguished Visiting Scholar, Dr. Lakshman Guruswamy, to ELP for the second half of the semester. He also looks forward to Tony Oposa’s return from the Philippines in Spring 2015 to serve as the Inouye Distinguished Chair in Democratic Ideals. Both visits will build towards the International Union for Conservation of Nature World Congress to be held in Hawai’i in September 2016.

Professor Forman joined the Richardson faculty full-time in Summer 2010 and has taught (and continues to teach) Legal Practice I, Administrative Law, Second Year Seminar, and Recent Developments in Food Security. Prior to joining the faculty, Professor Forman worked in various capacities at the Hawai’i Civil Rights Commission, the law firm of Alston Hunt Floyd & Ing, the Hawaii Appleseed Public Interest Law Center, the Native Hawaiian Legal Corporation, and the Hawai’i Supreme Court. Professor Forman received his AB from Harvard College in 1988. He was one of the first recipients of the Environmental Law Certificates at William S. Richardson School of Law and a recipient of a Graduate Ocean Policy Certificate from the School of Oceans, Earth Sciences & Technology at the University of Hawai’i.

## Summer 2014 Jarman Fellow Veronica Nordyke

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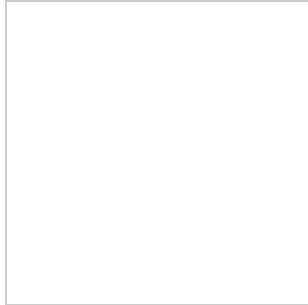


As Jarman Fellow, I worked with attorneys at the National Oceanic

Atmospheric Administration’s (“NOAA”) Office of the General Counsel. Over the summer, I gained first-hand experience in administrative law, environmental law as well as enforcement law processes. I researched and wrote memoranda for the three attorneys concerning the Administrative Procedure Act, and the National Environmental Policy Act. In addition to producing legal writing, I also attended client meetings where I witnessed not only the application of law, but also different attorneys’ methods of providing for the needs of their clients while maintaining a firm legal stance in a professional and courteous manner. Working as the Jarman Fellow this summer helped me to acquire a better understanding of the skills necessary to be successful in the practice of law, and provided a pathway to meet great minds in the legal field.

# LP Welcomes New Associate Professor Shalanda H. Baker

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The Environmental Law Program is pleased to announce the addition of Associate Professor Shalanda H. Baker. Professor Baker will serve as the Faculty Advisor to the Environmental Law Program and the founding director of an upcoming energy project at the law school. Professor Baker teaches International Environmental Law, Renewable Energy Law, Sustainable Development, Administrative Law, and related courses in energy and international development. Her research explores large energy and infrastructure project development, including renewable energy projects; indigenous rights; and the effect of development on the environment.

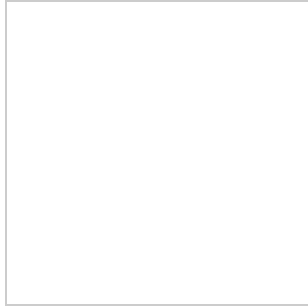
Prior to joining the Richardson faculty, Professor Baker taught for two years at the University of San Francisco School of Law as an Associate Professor of Law. She has also clerked for Justice Roderick Ireland of the Massachusetts Supreme Judicial Court and worked as a corporate and project finance associate for Bingham McCutchen LLP in Boston, Massachusetts.

Professor Baker received her B.S. from the U.S. Air Force Academy and her J.D. from Northeastern University School of Law. Most recently, Professor Baker received her LLM degree and completed a William H. Hastie Fellowship at the University of Wisconsin Law School in 2012.

## ELP Co-sponsors Trans-Pacific Partnership Presentation

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The Environmental Law Program, in collaboration with Pacific-Asian Legal Studies and the U.H. Mānoa Political Science Department, co-sponsored a presentation at the law school regarding the Trans-Pacific Partnership (TPP).

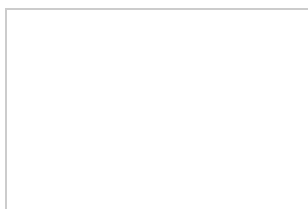
The presentation was led by Dr. Matthew Rimmer, who is an Australian Research Council Future Fellow. Dr. Rimmer is also an associate professor at the ANU College of Law and an associate director of the Australian Centre for Intellectual Property in Agriculture (ACIPA). He holds a BA (Hons) and a University Medal in literature and an LLB (Hons) from the Australian National University. Additionally, Dr. Rimmer is a member of the ANU Climate Change Institute.

The TPP is a highly secretive and expansive free trade agreement being negotiated between the United States and eleven Pacific Rim countries, including Australia. During the presentation, Dr. Rimmer provided a critical evaluation of key chapters of the TPP — including the intellectual property chapter; the investment chapter; the environment chapter; and the climate change text.

Various members of the William S. Richardson School of Law attended, including Environmental Law Program faculty and students. The presentation provided the audience with an insightful view of the TPP and its effects on various international environmental aspects.

## ELP Co-sponsors First Hawai‘i Marine Resources Enforcement Conference

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A two-day environmental conference aimed at strengthening Hawaii’s capacity to enforce laws that protect near-shore ocean resources opened July 18, 2014, at the University of Hawaii William S. Richardson Law School. It brought together more than 100 key people – state enforcement officers, judges, prosecutors, public defenders, and community stewardship representatives – involved in enforcing the state’s marine protection laws.

William J. Aila, Jr., chairperson of the Department of Land and Natural Resources (DLNR), said, “The state’s inaugural Hawaii Marine Resources Enforcement Conference examined how Hawaii, despite

severely limited staffing and funding, can better enforce state laws that protect the precious and life-giving coral reefs that surround the islands as well as the health of the state's near-shore fisheries.”

Conference attendees evaluated enforcement policies and practices, assessed whether current laws are strong enough, and discussed cutting-edge issues such as the new “Environmental Court” that adds a new legal tool to the enforcement kit. They also discussed innovative approaches to enforcement such as the highly effective North Maui Community Fisheries Enforcement Unit, which has a specialized boat and team patrolling 13 miles offshore.

“The Law School is honored to join with our state resources enforcement officers and partners to provide this unique forum where everyone in the marine enforcement chain can collaborate to improve the effectiveness of our marine stewardship,” said UH Law School Associate Dean Denise Antolini, one of the key conference planners.

Antolini added: “Everyone agrees that smarter and better enforcement of the marine resources law is a critical priority for Hawaii. The whole idea behind this conference is to find ways to build enforcement capacity and to diversify the state's toolkit so DLNR can address the chronic violations of marine laws through outreach, education, administrative efforts, and criminal enforcement.”

Featured speakers included Chair Aila and Maui's Randy Awo, enforcement chief of DLNR's Division of Conservation and Resource Enforcement (DOCARE). DOCARE serves as state resources enforcement and its officers are dedicated to protect, conserve and manage Hawaii's natural, cultural and historic resources.

Other speakers included: state Sens. Clayton Hee, Gilbert Keith-Agaran, and Malama Solomon; state Reps. Cindy Evans, Faye Hanohano and (Speaker Emeritus) Calvin Say; and DLNR representatives Frazer McGilvray, Erin Zanre, David Sakoda, Edward Underwood, Kuhea Asiu and Brooks Tamaye.

Additional speakers were: Elizabeth Zack of the State Judiciary; Jerry Villanueva of the Public Defender's Office; Mark Fox of The Nature Conservancy; Martha Townsend of the Outdoor Circle; Katherine Kealoha from the City and County of Honolulu Prosecuting Attorney's office; Eric Co from the Harold K.L. Castle Foundation; Jack Kittinger from Conservation International; and, from the Law School, Assistant Professor Malia Akutagawa, Associate Dean Antolini, and DOCARE Law Fellow Kylie Wager.

The conference was sponsored by the following:

- Environmental Law Program, William S. Richardson School of Law
- Division of Conservation and Resource Enforcement, Hawaii State Department of Land and Natural Resources
- Hawaii Fish Trust, Conservation International
- Harold K.L. Castle Foundation
- The Nature Conservancy of Hawaii
- Department of the Prosecuting Attorney, City and County of Honolulu

Media Contact:

Dan Dennison

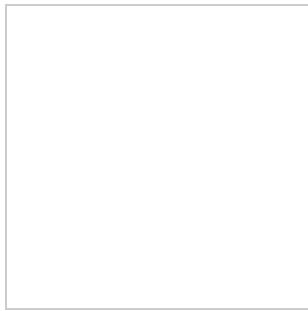
Senior Communications Manager

Department of Land and Natural Resources

(808) 587-0407

## Tuna, Eels, Sharks, and Whales: Wildlife Conservation Laws versus Japanese Food Culture

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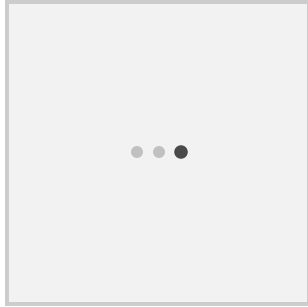


On August 18th, 2014 we were delighted welcome Professor Daryl Arakaki, graduate of William S. Richardson School of Law and Professor at Osaka Gaukin University, Japan. Professor Arakaki's current research interests focus on ecotourism, zoo tourism, and the plight of endangered animal species.

His presentation addressed the status and protections of species often consumed in Japan and around the world, enlightening us on what we can sustainably eat and what we cannot. Through his presentations in Japan, Finland, and most recently here at the University of Hawaii, Professor Arakaki is doing his part to conserve and protect animals often consumed for food and biodiversity around the world.

## Shaelene Kamaka'ala '14 Takes Legal Internship at The Nature Conservancy

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Beginning on August 25th, Shaelene “Shae” Kamaka‘ala ’14 will begin as Legal

Intern at The Nature Conservancy. Shae will work with TNC through the beginning of November, assisting the Marine and External Affairs programs with assembling written records of community-based marine management activities for some of the coastal communities TNC has been working with on Hawai‘i Island and Maui Nui. Organizing a comprehensive written record of community-based planning and outreach activities, which in many cases have been ongoing for years, is an important aspect of successful community-based marine management and rule-making efforts.

Shae is a recent graduate of the UH William S. Richardson School of Law’s Environmental Law Program and a former ELP Research Assistant. Shae is also an active leader involved in community-based management in the Kahana community. As Legal Intern, she will be reporting to Mark Fox, Director of External Affairs, at TNC’s Nu‘uanu office. ELP extends our congratulations to Shae and wishes her the best.

## Lora Reeve ’12 Accepted into the PhD Program at the University of Wollongong

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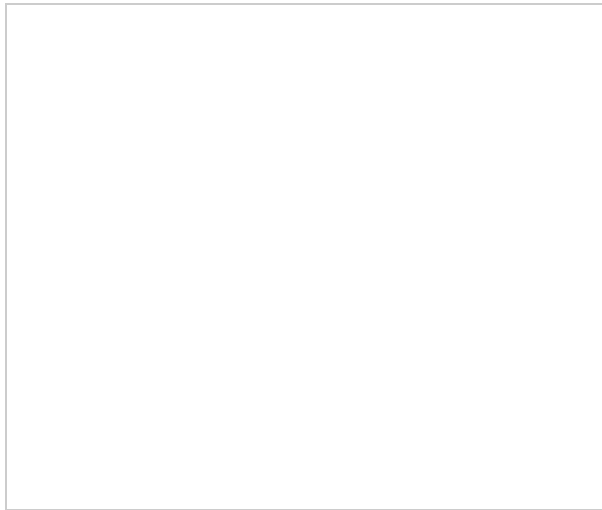


Lora L. Nordtvedt Reeve (’12) has been accepted into the research doctoral program in international ocean law at the Australian National Centre for Ocean Resources & Security (ANCORS) in the University of Wollongong, Wollongong, Australia. Her project is entitled “Acoustic Impact in the High Seas: Developing Global Governance to Manage Anthropogenic Underwater Noise In Areas Beyond National Jurisdiction.” Lora will begin her research in March 2015 and anticipates the award of her PhD in 2018. While she was a student at Richardson School of Law in addition to her JD, Lora completed her Graduate Ocean Policy Certificate, Environmental Law Certificate, and Master of Science in Zoology with a research emphasis in marine mammal acoustics and foraging ecology. She also served as Research Assistant to Professors Jon Van Dyke and Sherry Broder, was awarded an Elizabeth Sharpe Fellowship at the U.S. Fish

and Wildlife Service, and traveled to Warsaw, Poland for an externship with the International Union for Conservation (IUCN) High Seas Task Force. Lora's only advice to environmental law students: Find someone who is doing exactly what you want to do and offer to work for them pro bono.

## ELP Director Meets with Malaysian Chief Justice

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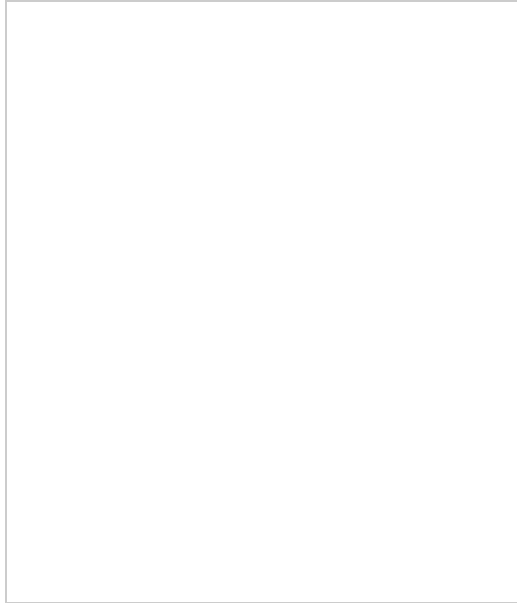


ELP Director David M. Forman '93 met with The

Right Honourable Tun Arifin Zakaria, Chief Justice of Malaysia, on July 17, 2014 in the CJ's chambers at Istana Kehakiman (the Palace of Justice), Putrajaya. Topics covered during their lengthy conversation included Malaysia's establishment of an Environmental Court in September 2012, as well as the CJ's involvement with the Asian Judges Network on Environment and his role as Co-President of the United Nations Environment Programme's World Congress on Justice, Governance and Law for Environmental Sustainability in June 2012. ELP looks forward to additional networking and likely future collaboration as a result of this productive meeting.

## Amy Brinker '11 Named Sustainability Manager with Kamehameha Schools

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Amy Brinker '11, an ELP alumni, was recently named

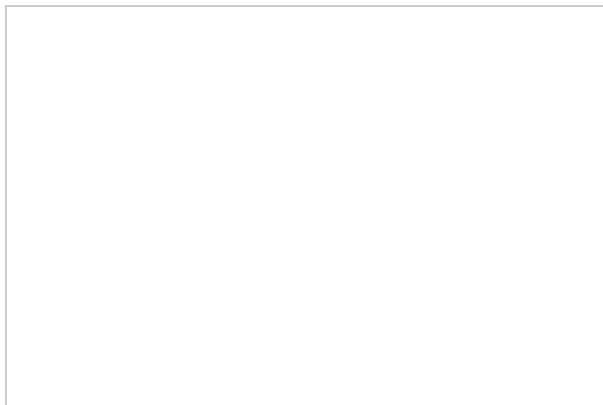
Sustainability Manager with Kamehameha Schools. In her new role, Brinker has been tasked to chair KS's organization-wide sustainability council, while also developing and running a variety of sustainability initiatives and programs. Brinker started her new position with Hawai'i's largest landowner within the last two months and hopes to get KS alumni involved in these sustainability initiatives through internships and other opportunities.

Most recently, Brinker served as Director of Policy at the Honolulu-based firm, KYA Sustainability Studio, where she spent the last three years. Brinker was also recently featured as a member of PBN's Forty Under 40 Class of 2014.

The Environmental Law Program wishes her the best in her new role.

## The ELP Welcomes Two New R.A.s

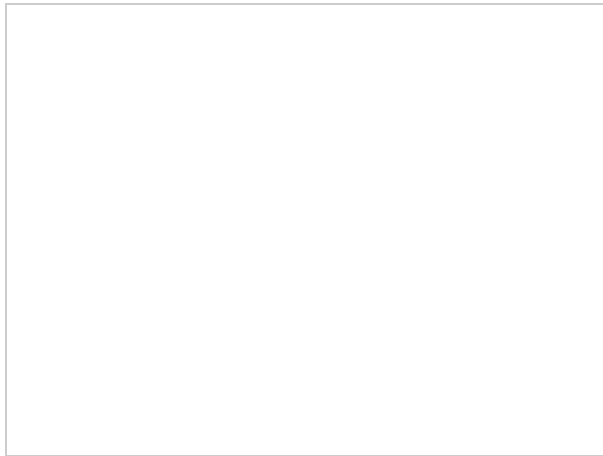
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The Environmental Law Program introduces two new research assistants into the program, Nica Nordyke and Derek Brow.

# ELP Holds 9th Annual Enviromentors

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On Monday, April 14, 2014, ELP held the 9th annual Enviromentors at Cafe Julia in the downtown YWCA. Twenty Enviromentors, professionals from private law firms, public interest groups, non-profits, and governmental entities shared their experiences and expertise with 1L, 2L, and 3L students on everything from jobs and careers to law school classes and hobbies.

ELP extends a special thank you to everyone who participated and to Cafe Julia for making Enviromentors a fun, successful networking event!

Attending Students: Jacqueline Baker ('15), Derek Brow ('16), Raeanne Cobb-Adams ('14), Ana Cornwell ('15), Frannie Demapan ('15), John Foster ('15), Shae Kamaka'ala ('14), Melissa Kolonie ('14), James McKeon ('15), Dorothy Meisner ('14), Nica Nordyke ('16), Kevin Richardson ('14), Maria Robben ('14), Julien Suen (LLM), Mahina Tuteur ('14), Rodney Withall ('15), Toby Yamashiro ('14), Lisa Yang ('14), Joanna Zeigler ('15).

Attending Enviromentors: Christina Aiu (Hawaiian Islands Land Trust), Lorraine Akiba (Public Utilities Commission), Cameron Black (DBEDT), Kevin Chang (Kua'āina Ulu 'Auamo), Lea Hong (Trust for Public Lands), Donna Kalama (Hawai'i State Attorney General), Edward Knox (Hawaiian Electric Co.), Adi Nycz (DLNR), Adam Roversi (Law Clerk), Ian Sandison (Carlsmith Ball), Joshua Strickler (Hawaii Gas), Josh Stanbro (Hawai'i Community Foundation), Onaona Thoene (Carlsmith Ball), Wayne Tanaka (Office of Hawaiian Affairs), Marti Townsend (The Outdoor Circle), Fred Tucher (NOAA), Colin Yost (Revolusun).

## Road-Sharing Movement Update

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On February 17, 2014, a group of young Filipinos submitted to the Philippine Supreme Court a Petition for the Writ of Kalikasan (Nature) against the Philippine Government. In the Petition, they demanded for the Government to divide the roads in half: one-half for non-motorized transportation (safe, wide, covered sidewalks, edible gardens, and all-weathered bike lanes) and the other half for motorized public and private transportation. Details of the filing can be found [here](#). The Full Petition can be found [here](#).

On March 12, 2014, the Department of Public Works and Highways (DPWH) announced that it would be adding more bike lanes in Quezon City this year. A number of Filipinos have been fighting for the use of bikes as an alternative means of transportation. [The Bicyclist Act of 2014](#) proposes the establishment of Local Bikeway Offices in all cities and municipalities in the Philippines. Environmental activist Antonio Oposa, Jr. adds that one lesson to take away from this is that nothing is impossible unless you try. “Oftentimes our efforts take a very, very long time to bear fruit. But sometimes, there are a few things that surprise us sooner than we ever dreamed of.”

On April 19, 2014, the Department of Transportation and Communication (DOTC) announced that it will be working with Mr. Oposa to see how the agency can implement road-sharing. DOTC also noted that it is currently working on various projects, including a bus rapid transit system for Metro Manila and Cebu, more walkways for commuters, and the addition of e-jeepneys.

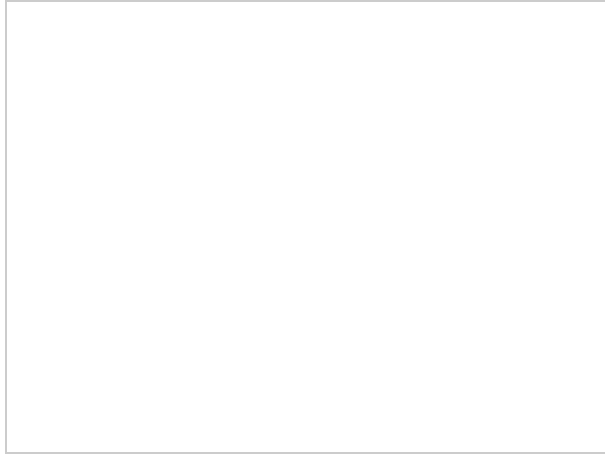
Video footage from the *amazing* ELP Colloquium: The Road-Sharing Movement held on January 28, 2014 is now available.

Link to video: <https://vimeo.com/85576374> Password: wsrelp For more information on the Road-Sharing Movement, please visit their website at [sharetheroads.net](http://sharetheroads.net)

## ELP Jarman Fellowship: Beach Cleanup at Ala Moana Beach Park!

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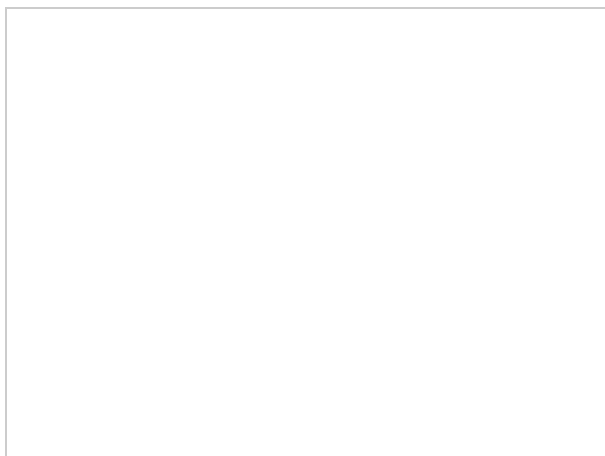


Over a dozen law students took a break from studying for finals to join summer 2013 Jarman Fellow, Joanna Zeigler ('15), at a beach cleanup on Sunday, April 13, 2014 at Ala Moana Beach Park. Joanna shared, "I wanted to thank [everyone] again for doing such a wonderful job with the beach clean up . . . I appreciate everyone sticking through it despite the rain and last minute parking mishaps due to the Hapalua! All of you showing up early on a rainy Sunday morning shows aloha and I can't thank you enough for your help!" A big mahalo goes out to everyone who attended, to Joanna and the ELP RA's for helping to coordinate, and to the Jarman Fellowship for making summer internships and service events such as these possible.

Picture: (bottom left to right) Morgan Evans ('14), Ana Cornwell ('15), Mike Goodman ('16), Dorothy Meisner ('14), Aggie Van den Bergh ('16), Joanna Zeigler ('15); (second row left to right) Nica Nordyke ('16), Representative Chris Lee, Frannie Demapan ('15), Derek Brow ('16), Kaleio Foly ('16), Rachel Meisner, Jordan Davis ('16)

## ELS Spring Break Trip: Planting Natives to Restore Palilia Critical Habitat on Hawai'i Island!

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For spring break 2014, two ELS students, **Joanna Zeigler** ('15) and **Derek Brow** ('16) joined the Mauna Kea Forest Restoration Project (MKFRP) to plant

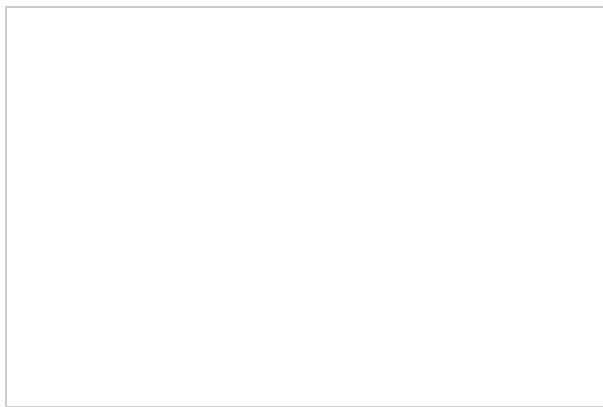
native trees and restore critical habitat of the Palila, a critically endangered native finch-billed species of the Hawaiian Honeycreeper.

Planting took place inside a fenced mitigation area consisting of almost 5200 acres on the Northwest side of Mauna Kea called Pu'u Mali. The trip to Pu'u Mali was a big success, where the crew planted 1,400 native plants including Mamane, A'ali'i, Koa, and 'Iliahi. The crew also enjoyed some extreme weather on Mauna Kea! Mahalo to **Joanna Zeigler** ('15) for organizing the trip and to **Derek Brow** ('16) for joining in on the fun and engaging in positive work to restore native forests and animals! We look forward to next year's adventure!

In the photo from left to right: **Joanna Zeigler** ('15), Forrest Phifer, Laurie Sumiye, Robert Stephens (supervisor for MKFRP), **Derek Brow** ('16), Casey (Americorps volunteer), Cheyanne Rapoza (field crew leader for MKFRP)

## Marine Biological Resources International Seminar

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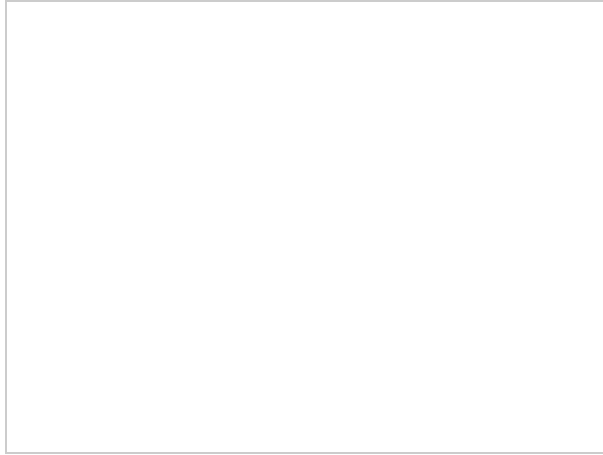


On February 4, 2014, an international seminar titled "Toward Access and a Benefits Sharing Model of Marine Biological Resources in the Asia-Pacific Region" was held at the WSRL. This event was co-sponsored by the Environmental Law Program, Hawaii Procurement Institute, Michael J. Marks Distinguished Professorship for Business Law, East-West Center, Jon Van Dyke Institute of International Law and Justice, Korea Institute of Ocean Science and Technology, and Seoul National University Center for Energy and Environmental Law & Policy. The seminar tackled the topic of access and benefits sharing (ABS) of marine genetic resources by posing technically challenging and legally complex issues, in the context of the Convention of Biological Diversity and its Nagoya Protocol, the United Nations Convention on the Law of the Sea, and other intellectual property instruments. Distinguished speakers included **Jae-Hyup Lee** (Seoul National University), **Erika Techera** (University of Western Australia), **Danielle Conway**, **John Leitner** (Baker Botts, NYC), **Leighton Chong** (Blue Revolutions Hawaii), and **Maria Robben '14**. Conveners and discussants included Maxine Burkett, Jisuk Woo (Seoul National University), David Forman, Sherry Broder, and Hyi Seung Lee (Marine Biotechnology Research, Korea Institute of Ocean Science and Technology) who chaired panels and commented on presentations. The seminar drew participants from Hawaii, Korea, Australia, Brazil, and the mainland U.S. Please click this link to see a list of topics and sponsors.

Photo: Jae-Hyup Lee gave the inaugural presentation

## ELP Colloquium: Energy Alums Panel – April 17, 2014

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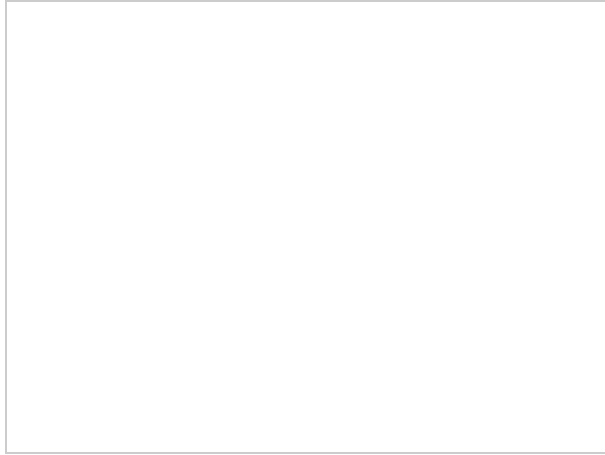
Next week Thursday, April 17th, at 12:30 pm in the

Moot Court Room, the Environmental Law Program will be hosting a colloquia about the field of energy in Hawai'i. Energy is an important and cutting edge field, required to meet the ever continuous demands of Hawai'i's population. A number of distinguished Richardson alumni have taken their legal expertise into this field to face the issues at hand. Please join the Environmental Law Program as we present five of these alumni, who have graciously donated their time to speak about their experiences working in the field of energy in Hawai'i. They are Douglas Codiga '94 (Schlack Ito), Leslie Cole-Brooks '10 (Hawai'i Solar Energy Association), Isaac Moriwake '98 (Earth Justice), Nathan Nelson '06 (Hawai'i Gas), and Malama Minn '09 (Department of Land and Natural Resources). We hope their experiences may inspire and guide us into successful careers in environmental law.

To allow for an accurate food count, please RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu) and don't forget your eco-friendly water bottle!

## Hawaii among top states for clean energy jobs

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“California, Texas, Hawaii, Maryland and Massachusetts were the top five states for growth in solar power-related job announcements in 2013, according to a nonpartisan business group.

This is the second full year Environmental Entrepreneurs has tracked clean energy and clean transportation job announcements.

“Our report makes it clear. When we invest in clean energy and clean transportation, we put people to work in every corner of the country,” said E2 Executive Director Judith Albert, in a statement.

During the past two years, E2 has tracked more than 500 announcements that bore the potential of creating more than 186,500 jobs. Its new report is available online.

<http://cleanenergyworksforus.org/>”

Erika Engle, Hawaii Among Top States for Clean Energy Jobs, Honolulu Star Advertiser, Mar. 12, 2014, [http://www.staradvertiser.com/news/breaking/20140312\\_Hawaii\\_among\\_top\\_states\\_for\\_clean\\_energy\\_jobs.html](http://www.staradvertiser.com/news/breaking/20140312_Hawaii_among_top_states_for_clean_energy_jobs.html).

## Putting the “Wild” Back in Wildlife with Visiting Professor Daniel Rohlf

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Visiting Professor Daniel Rohlf from Lewis and Clark Law School generously donated his time to give a presentation to Richardson students and faculty on “Putting the ‘Wild’ Back in

Wildlife.” Professor Rohlf had been teaching a short course on Wildlife law at Richardson this semester. We thought this colloquium would be a beneficial opportunity for those unable to attend his class to experience a bit of his vast knowledge on the topic.

Professor Rohlf gave half-hour presentation followed by a question and answer session with the audience. His captivating presentation highlighted recovery efforts of endangered species and scrutinized the concept of a “recovered species” versus a “conservation dependant species”. The presentation included a number of interesting case studies on once endangered species that have reached self-sustaining populations in the wild, yet still depend on conservation efforts for future survival. The main question being addressed was whether these species that still depend on human efforts should be considered recovered.

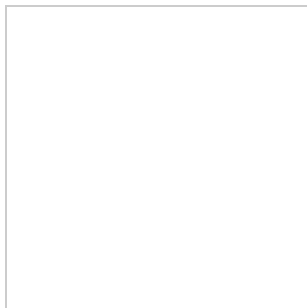
One example Professor Rohlf shared involved wolf conservation efforts clashing with ranching interests. Although the wolf population has significantly recovered, a lack of protection for wolves between forest reserves has forced conservationists to manually transport wolves by truck between these sites to maintain genetic diversity. The second example Professor Rohlf shared pertained to salmon migrations being desolated by hydro-electric dams. In this case conservationists have to capture new-born salmon up river, load them into transport tanks, and either raise them in captivity or release them down river, past the dams.

Professor Rohlf makes the case that these species cannot be declared recovered under the Endangered Species Act because they cannot survive on their own without human intervention, taking the “wild” out of “wildlife”. However, Professor Rohlf was sure to note the balancing of interests that go into these decisions, including community reliance on electricity generated from dams or food coming from ranches.

In closing, Professor Rohlf was sure to answer the range of questions stemming from the audience and enjoy a plate of food from Da Spot. It was a great pleasure to have him as a guest for an ELP colloquium and we hope Richardson will have him back soon. Aloha.

## ELP and the Indigenous Politics Program: Seed Politics and Practices by Allison Carruth

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On February 7, 2014, the Environmental Program and the Indigenous Politics Program co-hosted a colloquium on “Seed Politics and Practices” featuring University of California Los Angeles Professor Alisson Carruth. Professor Carruth presented on seed saving and exchange by

comparing the work of institutional seed banks, such as Svalbard, to grassroots and community-centered seed networks and farmer-saved seeds. The issue was not so much about the pros and cons of industrial farming, but focused on how seeds are central to any model of farming. Professor Carruth stressed that seeds are not just a food, but can generate visions for the future.

The politics of seeds is reclaiming the community-based seeds. And the term “seed bomb” comes out of radical activism, where vacant land is taken back and cultivated. Professor Carruth touched on a novel by Anthony Giddens in which Giddens defined the post-industrial society as a society that manages information to garner power and economic wealth.

Professor Carruth argues that we can see a post industrial food system, whether Monsanto or Syngenta. There is a lot of ways that information technology has been helpful for a variety of systems of farming. The Svalbard Global Seed Vault in Norway is an international consortium of government and non-governmental organizations that have come together.

Professor Carruth received her PhD from Stanford University and her undergraduate degree from Grinnel College. She has done extensive research and writing on food policy and politics issues and is a co-organizer of the Food Justice conference. Mahalo for joining us and check out this vimeo link for video coverage of the colloquium! <http://vimeo.com/87049921>

## ELP Colloquium: Hawaii Legislative Process 101

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ELP and the Filipino Law Student Association (FLSA) partnered to bring FLSA’s first “Anti-Imperialist Lawyering Series: the Hawai‘i Legislative Process 101” featuring law students and FLSA president, Khara Jabola-Carolus (’15) and ELP RA Shae Kamaka‘ala (’14). Khara and Shae took a Legislative Drafting course in the Fall 2013 semester where they learned the ins and outs of the legislative process in Hawai‘i and drafted a drone use regulation bill that was introduced by WSRSL alumna Representative Della Au Belatti (’04) in the 2014 legislative session.

Khara and Shae were inspired to de-mistify the legislative process for Richardson’s law students and make this tool of social change more readily available to our future attorneys. They explained the legislative process through engaging pop quiz questions, gave examples of pono leadership in our state legislature

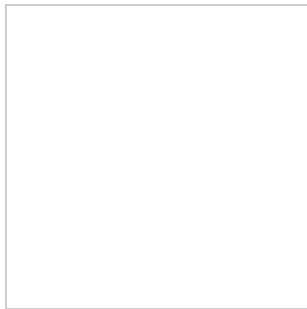
and pro-people legislation, and briefed students on several important bills this session, such as the minimum wage (presented by Morgan Evans ('14), access to justice, and gmo and pesticide related bills.

Students were excited to get involved in the legislative process and to have learned a little more from their own peers. Mahalo to Khara and Shae and to FLSA and ELP for hosting such a great event!

Picture: (Left to Right, 1st Row) Rachel Gonzalez ('15), Nadine Ortega ('15), Julie Suen ('15); (2nd Row) Sharde Freitas ('14), Leotele Togafau ('15), Justine Chmielewski ('15), Shae Kamaka'ala ('14); (3rd row) Laura Cushman ('15), Daylin Heather ('14), Morgan Evans ('14), Kevin Richardson ('14), Professor Forman ('93), and Khara Jabola-Carolus ('15).

## ELP Colloquium: “The Road-Sharing Movement”

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On January 28, 2014, the WSRL Environmental Law Program hosted a colloquium entitled “The Road-Sharing Movement: Philippine Environmental Law in Action” featuring internationally-renowned environmental advocate, Antonio Oposa Jr. The event came near the tail end of Mr. Oposa’s three-week stay on Oahu where he was also teaching a short course at the law school on Philippine Environmental Law and meeting with members of the Filipino community.

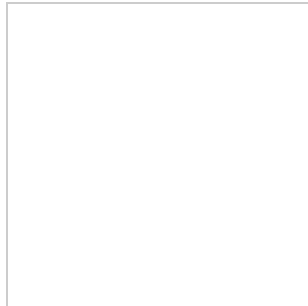
Described by one spectator as “one of the best events I’ve ever attended at the law school,” Mr. Oposa delivered a captivating and eye-opening discussion of the environmental challenges currently facing the Philippines. He briefly discussed his past legal battles, including compelling the clean-up of Manila Bay, halting the misappropriation of the country’s forest resources, and establishing the right to sue on behalf of future generations. He also described his current project—getting the Philippine government to reform the road and transportation system of the entire country. Rather than act on his own as he has in past ventures, Mr. Oposa has made this a movement of the people by engaging them in urban garden and organizing “road closures” to promote walking and biking.

Mr. Oposa ended his colloquium with a karaoke session to “What a Wonderful World” by Louis Armstrong. Members of the faculty joined him, including Dean Denise Antolini, Professor Eric Yamamoto, Professor Mark Levin, Assistant Professor Malia Akutagawa, and Assistant Professor Diane Desierto.

[Pictured above (L-R): Assistant Professor Diane Desierto, Dean Denise Antolini, Prof. Eric Yamamoto, Prof. Emeritus Belinda Aquino (School of Pacific and Asian Studies), Antonio Oposa, and Visiting Scholar Jae-Hyup Lee]

## Doug Cole '10 – Keeping Turtle Bay Lands in Conservation

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At an earlier stage in his working life, Doug Cole ('10) had a real estate license and learned more about development law while he was studying to be an attorney. So he knows all about blueprints.

But in his current position as executive director of the North Shore Community Land Trust, Cole, 36, concerns himself more with “greenprints.” The trust, a nonprofit organization now in the midst of talks about conserving part of the Turtle Bay resort expansion site, devised a “greenprint” plan in consultation with the community.

“We heard loud and clear through that process from the community, that conserving coastal lands and agricultural lands are high priorities,” said Cole, looking out at Kawela Bay, part of the resort site.

The trust pursues various strategies but most recently has put its focus on a tool known as a conservation easement, a permanent restriction a landowner agrees to accept in exchange for assets including a tax benefit. Negotiations that are underway also seek an agreement on cash compensation for waiving development rights.

Cole, a Kahuku High School graduate, grew up in a family deeply involved in community affairs. He went to the University of California at San Diego for his undergraduate degree, but 10 years later was in law school at the University of Hawaii. He lives near campus with his wife, who coaches water polo at UH, and their 3-year-old son. He acknowledged that living in town and commuting to the country is a switch.

“I definitely miss it, but I appreciate it in a new way,” he said. “It’s that much more important to me.

“We have bumper stickers that say ‘We love country’ and it says ‘we’ because it’s all of us. No matter where you’re from, there’s something about the North Shore you can instantly appreciate and see that it’s special.”



**QUESTION:** What are conservation easements, and could they be used more frequently as a tool for land preservation?

**ANSWER:** The thing with a conservation easement, it's a voluntary agreement, legally binding, that runs with the land, so future successors and interests are going to be subject to it.

So it takes a willing landowner, who's willing to place this perpetual restriction on their land. ... That limits the instances, right there, that it's going to be used, because not all landowners want to do that. When they do, you have a variety of land trusts that will work with landowners to negotiate and structure these agreements.

There's no one-size-fits-all; you can accomplish a lot of different things with a conservation easement.

**Q:** It's used in agriculture, too?

**A:** We're doing the ag easement on the (Turtle Bay) mauka ag land. There's a lot of agricultural conservation easements throughout the state.

It's probably more common. On resort-zoned land, I'm not sure there's any examples of conservation easements. This is breaking new ground, in some ways.

But it's a really practical tool in this instance because I think both the landowner and the state can accomplish their goals through a conservation easement. The landowner still wants to be able to manage and take care of the land.

I think the state has a lot of properties to manage and take care of now, so I think what's great about this situation is you accomplish the goals of conserving the property and the resource that it serves while not taking on the tremendous expense of land management and liability.

**Q:** Is there a reason it particularly (would work) in the Turtle Bay case?

**A:** These trails that we're walking on now are tremendous recreational resources. They can offer a resort experience and vacation experience to their guests that no other hotel on the island can offer. I think it puts them in a category of their own. The current management has been really successful in realizing the value of this land around them, and so they have incorporated that into the visitor experience.

To continue their position in the marketplace, so to speak, they stand to benefit by conserving all of this. ... If you talk to people who work at the resort and interact with the guests, they hear that time and time again, that this is what makes staying here worth it. ...

**Q:** Would the easement stop them from doing anything here? Even landscaping?

**A:** They could do some landscaping, I'm sure. If they have indigenous, endangered species and things like that, there's always going to be rules, regulations, both without the easement and through the easement that probably protect those resources. So there's a limit to the type of landscaping, potentially, that's done. ...

And certainly from the community perspective, a lot of people would love to see this remain a natural area.

We shouldn't take it for granted that the trails we're walking on right now — we're on private property, there's absolutely no legal requirement that Turtle Bay continue to let us walk on these. So, at any given point in time they could say, "Sorry, resort guests only."

So what an easement will do is ensure that in perpetuity the public can use these trails. ... These trails are great. You could go for a run here, and the trails go all the way from Kawela Bay out to Kahuku Point. So you've got about five miles of coastline and a trail network all along that that's on private property that the public would have access to forever.

It would be a huge public benefit that I'm not sure people are grasping right now. It's not just stopping the development. ... It's creating a perpetual right for the people to enjoy.

**Q:** Who would enforce the easement rules?

**A:** It depends who holds the easement, who has the right to enforce it. But I think it's very likely that if the state is investing a large amount of money in it, that it would want to hold that easement. The land trust can hold that with the state.

There are examples of conservation easements where you have both public and nonprofit ownership of the easement, in which case each entity has the right to enforce the easement. ...

Say, North Shore Community Land Trust, if we held it, we'd have an annual responsibility to monitor the easement and make sure it's not being violated. So, yeah, if you saw someone constructing in the protected area, the easement outlines the protocol for how you address violations.

**Q:** So that's all going to be laid out?

**A:** It's mapped out in the easement. So usually, there's a notice to the landowner. You give them an opportunity to respond. You try to resolve it, and if you didn't, you could take them to court.

You never want to end up in that situation. And I think it's very rare that that happens. And it usually stems from misunderstanding as to what the easement allows and doesn't allow.

**Q:** Isn't the assumption that the parties are willing to comply?

**A:** Yeah. And you have attorneys on all sides advising both the owner of the easement and the proposed holder of the easement, ... so you understand what you're getting into.

And sometimes it's more if the subsequent owner purchases a property that's already been conserved through an easement, they might not have that clear of an understanding. So you have to educate the new owners on what the easement does and doesn't allow. ...

**Q:** Is there any shielding of the landowner from liability?

**A:** I'm reluctant to say something that's too legal (laughs). ...

Because it's private property, the landowner does have probably the bulk of the liability.

If it's a public easement, then there could be some liability for the state, but I think the most of the liability would fall on the landowner.

I think that's one of the benefits of the conservation easement in this instance. You're not taking on as much liability as the landowner for the state.

And really, what we're looking at right now, this beach, this natural area bordering the beach, the ocean right here, this is the public park. It's experiencing the coastline in this way.

If you're out there paddling in the ocean and looking in at this coastline, it's a different experience than looking in at Waikiki and other parts of the island. And a lot of people really value that.

For someone who likes to go fishing, being able to come here and stand on these rocks and cast out is a very different experience than sitting in the harbor on a jetty and casting out.

So I think by conserving this land, you're allowing these experiences to be perpetuated for future generations. And that's really what makes the quality of life so high on Oahu, is that we have so many wonderful places to go to. And also, a metropolitan city and the conveniences and the quality of life that provides. Oahu really has the best of all worlds. ...

Conserving land in the rural part of Oahu benefits everybody that lives here. ...

**Q:** What's the ultimate goal of the land trust, concerning this property? To bar all expansion of the hotel?

**A:** We see value in preserving all of the undeveloped lands. But we're only going to be able to pursue the conservation of the land the landowner is willing to conserve. So that sort of set the parameters. ...

We would love to conserve Phase 3 of our conservation plan. And I like to think that the door's not closed to that discussion.

But they've made it very clear that they're willing to conserve Phases 1 and 2, and they'd prefer to develop Phase 3. And so, as a voluntary land conservation organization we have to respect that decision that the land-owner has made.

**Q:** Does the land trust's area extend to where development is being proposed in Laie?

**A:** We define our mission area as the ahupuaa from Kahuku Point to Kaena. So basically the northwest tip to the northeast tip of the island.

I don't view our mission area as having a strong black line that we can't cross. ... It's not to say we wouldn't take on a role in helping preserve something outside of that mission area. ...

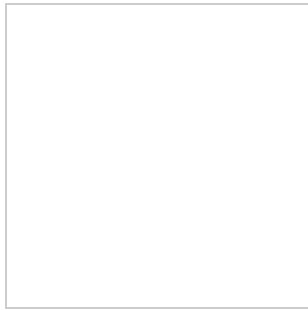
A bigger restriction to getting involved with a discussion in Laie is just the fact that the landowner does not appear to be willing to conserve it at this point in time. As a voluntary land conservation organization, that's a deal-breaker for us.

The article can be accessed on the Star Advertiser:

[http://www.staradvertiser.com/editorialspremium/20140124\\_\\_Doug\\_Cole.html?id=241775451](http://www.staradvertiser.com/editorialspremium/20140124__Doug_Cole.html?id=241775451)

## 2014 IELMC Places 2nd in Regionals!

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Congratulations to the International Environmental Law Moot Court Team Maria Robben '14, Angelica Zabanal '14, and Rodney Withall '15 on their runner-up finish at the IELMC North American Regional competition held on January 24-25 at Denver University's Sturm College of Law. Maria was also named the Third Best Oralist in the Preliminary Rounds, and the team submitted the second ranked memorial in the competition.

Team adviser David Forman '93 wrote, "[i]n the first round, WSRSL prevailed over the Eugene Dupuch School of Law (Bahamas) — which had the second and fourth best oralists during the Preliminary Rounds. In the second round, WSRSL took out 2013 champion Pepperdine. WSRSL then beat American University in the third round. In the power-matched fourth round pitting the two remaining undefeated squads, our team upset the #1 ranked team from Hastings.

WSRSL knocked out Pace University in the semifinal round, earning a rematch with Hastings (which beat Maryland). Following a spirited Final Round, Hastings was named the winner of the regional competition. Both Hastings and WSRSL now advance to the International Rounds to be held April 10-12 at the Stetson University School of Law in Gulfport, Florida.

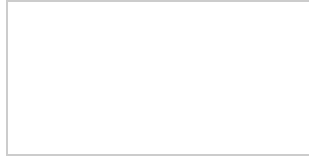
The team would like to extend particular thanks to Prof. Diane Desierto for her invaluable assistance, along with all of the volunteer judges who helped prepare the team to do so well. Mahalo nui loa!"

Congratulations again to the IELMC Team and good luck in Nationals!

Photo (from left): team members Rodney Withall '15, Angelica Zabanal '14, Maria Robben '14, and team adviser David Forman '93

## ELP Alums on 2014 HSBA Natural Resource Section Board

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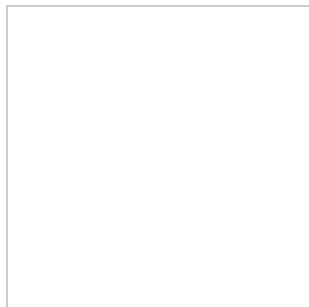
The Environmental Law Program congratulates Richardson alums, Heidi K. Guth '02 (Chair), Adam Roversi '12 (Vice Chair), Molly Schmidt '06 (Secretary), and Mickey Knox '12 (Program Chair), as they join the 2014 Natural Resource Section Board of the Hawai'i State Bar Association along side Jesse Souki (Treasurer). The Natural Resource Section is a forum for lawyers working in environmental law to develop and improve skills, enhance education and communication, and to act upon matters of common interest.

Adam Roversi: "As a member of the section, I have always enjoyed, and learned from the monthly presentations led by community practitioners. So, I wanted to take an active role in perpetuating this program and hopefully making it even better. During law school one is exposed to a diverse array of subjects and a large group of enthusiastic classmates and professors. Transitioning to a professional legal career, whether in a firm or governmental position, tends to be isolating both in terms of subject matter and one's exposure to colleagues. Rather than interacting with large group of classmates and instructors, one's daily work associations may center on a small group of co-workers focused on relatively narrow subject matter. Becoming more actively involved in the Natural Resources Section seemed to me a good way to counter act this isolating tendency and to remain connected with a larger community of folks working on issues I care about. As to my hopes and plans for the new board: I would like to help create more opportunities for continuing legal education on Natural Resource issues, opportunities that qualify for CLE credit; help continue and improve monthly meetings and symposiums; and perhaps connect the Natural Resource Section more actively with ELP at Richardson."

The Environmental Law Program wishes the new board members the best of luck forwarding environmental awareness and education amongst Hawai'i's legal community.

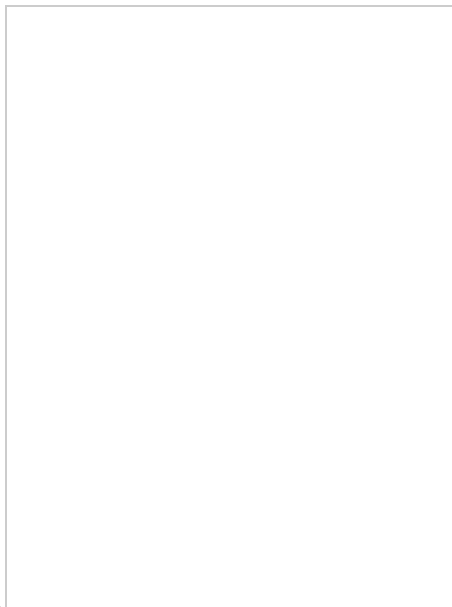
## The Road-Sharing Movement: Philippine Environmental Law in Action

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The Environmental Law Program Colloquium Series presents The Road-Sharing Movement: Philippine Environmental Law in Action featuring internationally-renowned environmental activist Antonio Oposa, Jr.

Considered one of Asia's leading environmental activist, Mr. Oposa has organized enforcement operations against environmental crime syndicates, won an unprecedented legal battle against twelve Philippine government agencies compelling the clean up of Manila Bay, and established the right to sue on behalf of future generations to stop environmental damage today (now known as the "Oposa Doctrine"). In his latest venture, Mr. Oposa, together with a hundred lawyers, representing the carless people of the Philippines, will soon file a petition compelling the Philippine government to reform the road and transportation system of the entire country. Learn from one of the Philippines' foremost environmental litigator, organizer, and activist.



Tuesday, January 28, 2014

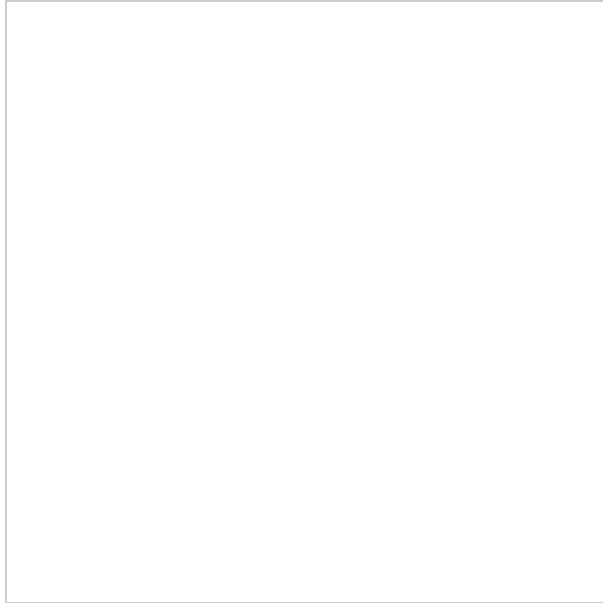
WSRSL Moot Courtroom

11:30 am – 12:30 pm

Lunch will be provided. RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu)

## ELP students volunteer at 3rd Annual Benefit for the Country

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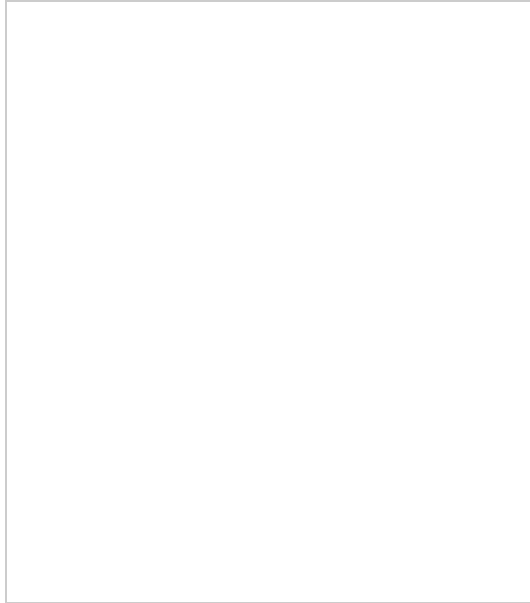


On November 2, 2013, ELP students, Jen Cha ('16), Shae Kamaka'ala ('14) and WSRSL alumn, Zach Dilonno ('13) volunteered at the North Shore Community Land Trust's (NSCLT) 3rd Annual Benefit for the County dinner, held at the breathtaking Sunset Ranch in Pūpūkea, O'ahu. The benefit dinner featured some of Hawai'i's best entertainment and food catered from Town Restaurant, who served a fantastic dinner made with all local ingredients! The NSCLT has been very active in protecting land slated for development on the North Shore. To date, NSCLT and its partners has conserved 1,600 acres of land and is continuing its efforts to protect another 4,754 acres of land to ensure that the "natural landscape, cultural heritage, and rural character" of the North Shore will be preserved for us and for our future generations.

Photo: Some of the entertainment from the 3rd Annual Benefit for the Country, (top, left-to-right) Kawika Kahiapo and Ledwad Ka'apana, and (bottom, left-to-right) Mike Love, Paula Fuga, and Jack Johnson.

## Dean Antolini wins Lifetime Achievement Award

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The Surfrider Foundation hosted its annual John Kelly

Awards on Saturday November 16, 2013 in Waimea Valley. The event commemorated those working hard in the environmental movement in Hawaii. There were three awards that went out and one of them was given to Denise Antolini for a lifetime commitment to improving and protecting the environment. Several students and faculty attended to celebrate Dean Antolini's accomplishment. The night hosted food, wine, live music and a silent auction. The other awards, for professional surfer and environmentally friendly business went to Crystal Thornburg-Homey and the Black Cat hair salon in Kaimuki.

Dean Antolini's contributions to the environment have been long-term and widespread, here is a short-list of her accomplishments that led to her nomination for the lifetime achievement award:

She serves on the State Water Commission Nominating Committee (2013), was the inaugural Chair of the Honolulu City Council's Clean Water and Natural Lands Commission, and is past Chair of the State Environmental Council. She spent eight years practicing public interest law with the Sierra Club Legal Defense Fund (now Earthjustice) in Seattle and Honolulu, serving as Managing Attorney of the Honolulu office from 1994 until 1996. Dean Antolini litigated several major citizen suit environmental cases involving coastal pollution, water rights, endangered species, environmental impact statements, and Native Hawaiian rights. She served on the legal team that represented the plaintiffs in the PASH (traditional and customary Native Hawaiian rights) decision and was lead counsel on the legal team for the Windward parties in the early stages of the Waiāhole Water case (1993-1995). She is a founding and current member of the North Shore Community Land Trust (advisory board), the Save Waimea Valley Coalition, and Mālama o Pūpūkea-Waimea (President, 2005-present). Not to mention, she has inspired hundreds of students to defend the environment in addition to her own activism.

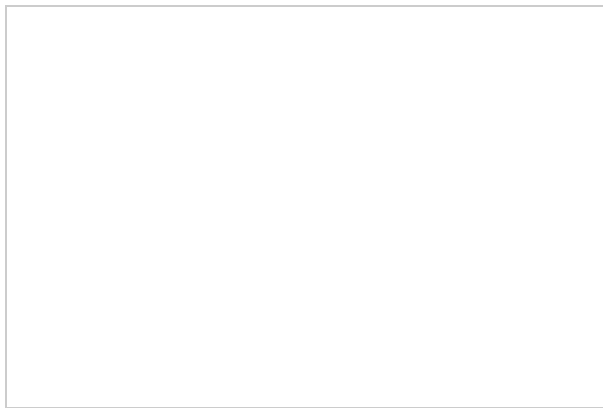
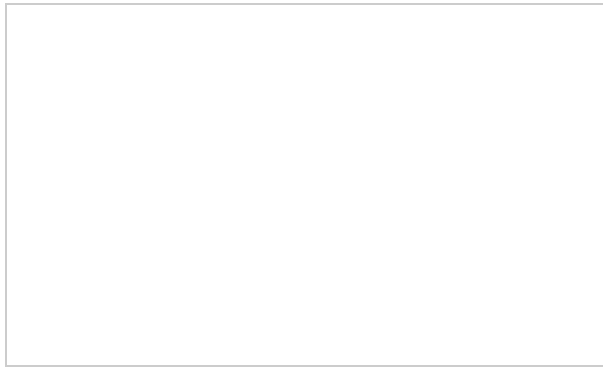
ELP Colloquium: "An Environmental Court in Hawai'i?"

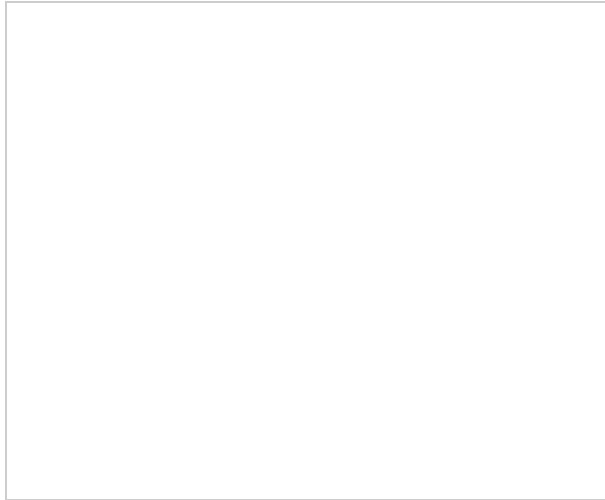
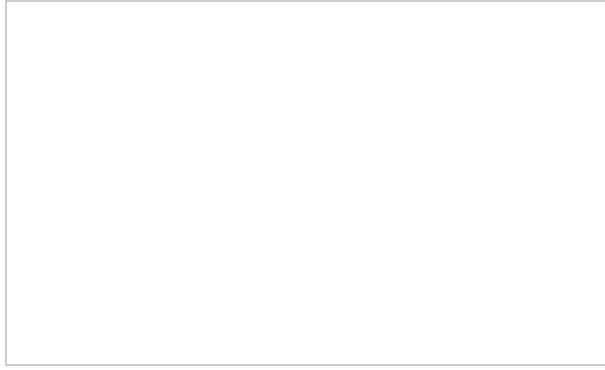
IMG\_5323 On Thursday, Nov. 21, ELP hosted a colloquium discussing the possibilities of "An Environmental Court in Hawai'i?" Three esteemed panelists shared their and insight and explored the



potential of establishing an environmental court in Hawai'i. The panel featured the Honorable judge Michael D. Wilson a judge of the O'ahu First Circuit Court's Criminal Division, former Chairperson of the Department of Land and Natural Resources (DLNR) and Governor Neil Abercrombie's nomination for associate justice to the Hawai'i Supreme Court. The panel also featured William Tam, the Deputy Director for the Commission on Water Resource Management and Randy Awo, DLNR's Division of Conservation and Resources Enforcement (DOCARE) Chief.

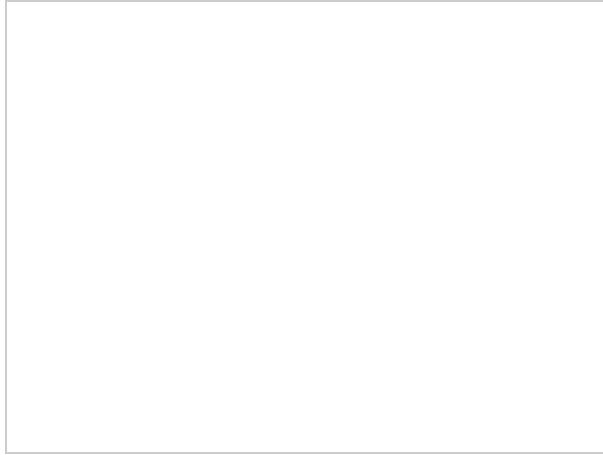
The three panelists discussed the possibility of implementing an environmental court in Hawai'i, looking to the example of other successful environmental courts established in the United States and foreign countries like India. They also discussed the growing success and use of civil penalties through a DNLN administrative hearing process thereby reducing the need to process minor offenses through the criminal justice system.





ELP Colloquium: “An Environmental Court in  
Hawai‘i?”

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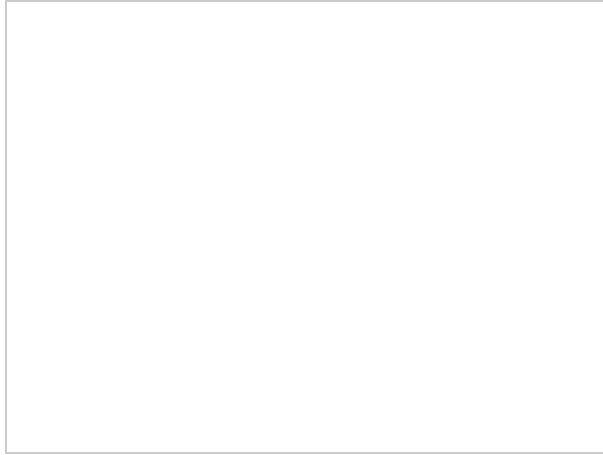


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The three panelists discussed the possibility of implementing an environmental court in Hawai‘i, looking to the example of other successful environmental courts established in the United States and foreign countries like India. They also discussed the growing success and use of civil penalties through a DNLR administrative hearing process thereby reducing the need to process minor offenses through the criminal justice system.

## ELP Travel Grant Sends Shae Kamaka‘ala ‘14 to an Aha Moku Advisory Council Meeting on Kalaupapa, Moloka‘i

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ELP RA, Shae Kamaka‘ala ‘14, had the pleasure of joining Professor Malia Akutagawa ‘97 at an Aha Moku Advisory Council (AMAC) meeting held at Kalaupapa, Moloka‘i on September 21-22, 2013. It was a wonderful two days in a peaceful heaven with the warm hospitality of the Kalaupapa patients, park staff, and even the playful monk seals on the beach!

Passed in February 6, 2013, Act 288 was the enacting legislation for AMAC, which held its first meeting on Kaho‘olawe, where po‘o (head), of each island then held community meetings to gather input. Kalaupapa was AMAC’s second meeting. In attendance were the various Aha Moku Po‘o (head), from the different islands and even moku, or districts, within each island, Representatives and Senators, Western Pacific Fishery Council (WesPac), the Office of Hawaiian Affairs (OHA), Department of Land and Natural Resources (DLNR), National Park Services Rangers, and Kalaupapa patients. AMAC held a very efficient and inclusive meeting where each representative shared concerns that came straight from their communities that they represent.

Professor Akutagawa presented on konohiki rights and kūleana (responsibility), which served as a strong foundation for re-establishing traditional models of resource management in the State. Mac Poepoe then shared about his on the ground experience with co-managing Mo‘omoni Bay on the north-western shore of Moloka‘i. This konohiki co-management model, which is also founded upon the forthcoming Community Based Subsistence Fishing Area designation, has been extremely successful in Mo‘omomi. After these two presentations, the group worked to collectively strategize ways to make co-management structures such as these possible.

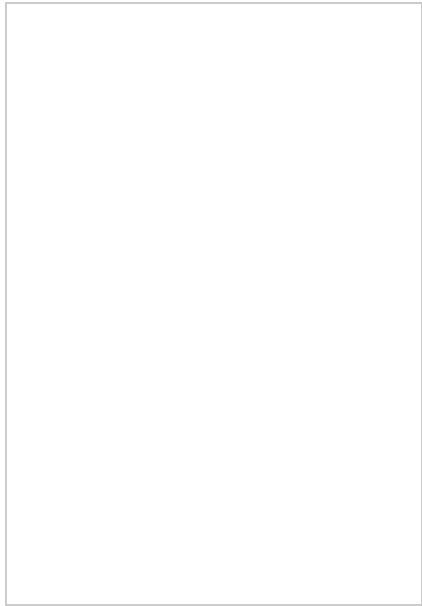
I also learned a lot about AMAC and its new role within DLNR to serve in an advisory capacity on issues related to land and natural resource management, to the Chairperson of the Board of Land and Natural Resources (BLNR), whom is currently William J. Aila, Jr. The purpose of AMAC is to integrate traditional Hawaiian resource management and best practices into a contemporary framework. AMAC seeks to address concerns over the conditions of the ecosystem of the main Hawaiian Islands. It was a great experience to meet various professionals in this kind of intimate setting and to see how AMAC works first hand. Mahalo to ELP’s generous donors for making this experience possible!

Picture: Professor Malia Akutagawa ‘97 presenting on Konohiki rights and kūleana at the AMAC meeting in Kalaupapa, Moloka‘i

To help raise funds to provide more ELP travel grants for students, please click this link to donate to the Environmental Law Program! <http://blog.hawaii.edu/elp/about/support-elp/>

## Catching Up With ELP Alumnus Marti Townsend

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ELP took a few minutes to catch up with ELP alumnus Marti

Townsend ('05) and find out more about her work as the Executive Director of the Outdoor Circle. The Outdoor Circle was formed by seven women in 1912 as part of the then – Kilohana Club. For over 100 years, the Circle has helped to keep Hawai'i clean, green, and beautiful through environmental advocacy, beautification projects, and public education. Its accomplishments include: the statewide ban on billboards, statewide protections for "Exceptional Trees," protected Diamond Head as a state monument and park, statewide requirement to underground utility lines in new residential areas, defended Chapter 343. The Outdoor Circle's branches throughout the islands engage in hands-on beautification projects, including: a 10-acre nature park in Waimea, 275-foot predator fence to protect Uhiuhi and Wiliwili in Waikoloa, 4-mile bike path near Haleiwa, hydroponic vegetable garden at the Women's Community Correctional Center in Waimanalo, Malama the Trees Educational Conference on Maui, hundreds of tree plantings and give aways, plant sales, and community workdays throughout the state.

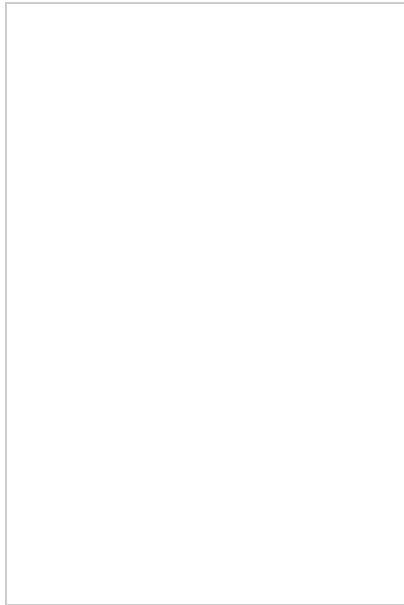
Marti was hired as the Executive Director in 2012. She first became familiar with the Circle in 1999 as a volunteer on the campaign to prevent a 138 kV electrical line over Wa'ahila Ridge in Manoa. Reviewing the Environmental Impact Statement for that project was one of the reasons she became interested in environmental law.

The Outdoor Circle is always in need of interns and currently has two spots available per season. From administrative hearings involving public utilities to legal and legislative mechanisms for improving enforcement, law students are needed to help research issues, interpret information, and make the administrative, legislative, and legal processes more accessible to members. If you are interested in

working with the Circle for credit or pro bono hours, then please email Marti at [marti@outdoorcircle.org](mailto:marti@outdoorcircle.org) with a cover letter and resume.

## ELP Welcomes New DOCARE Legal Fellow Anna Ishikawa Fernandez!

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ELP would like to welcome Anna Ishikawa Fernandez as the new

DOCARE Legal Fellow! DOCARE is the Division of Conservation and Resource Enforcement within the Department of Land and Natural Resources. DOCARE is responsible for enforcing all of the state's laws and regulations that protect Hawaii's natural, cultural, and historic resources. DOCARE's jurisdiction ranges from the tip of the mountains to three miles out to sea for the eight main Hawaiian islands and the Northwestern Hawaiian Islands. Approximately 1.3 million acres of State lands and 3 million acres of ocean and coastal water, as well as 750 miles of coastline. There are DOCARE branch offices on O'ahu, Maui, Kaua'i, and the Big Island. Each island presents its own unique enforcement challenges.

The DOCARE Legal Fellowship is a newly created 16-month position, which commenced on August 1, 2013. Under the direction of DOCARE Administrator Randy Awo, Anna's tasks include: working on bridging the gap with the Prosecuting Attorneys department through case tracking, working on starting up a civil system to handle resource violations in-house, working on putting together a Marine Enforcement Conference (inaugural-date to be determined), and working on several legal issues and projects to support Randy Awo and his branch chiefs throughout the state. Any students looking for pro bono or externship opportunities with DOCARE are encouraged to contact Anna, she is currently seeking assistance with several projects.

# ELP and Ka Huli Ao's Maoli Thursday: Mauna Kea and the Health Impacts of the Proposed Thirty Meter Telescope

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On Thursday, October 3, 2013, ELP and Ka Huli Ao

sponsored a joint Maoli Thursday lunch panel entitled “Aloha ‘Āina, Aloha Kanaka: Protecting Sacred Sites for the Well-Being of Native Hawaiian Communities.” The panel was based upon the current litigation surrounding Mauna Kea, Kānaka Maoli’s most sacred of sites, and the proposed development of the Thirty Meter Telescope (TMT). The panel featured Kealoha Pisciotta, a Native Hawaiian practitioner of traditional and customary cultural and religious practices on Mauna Kea, Dr. Maile Tauali’i, a Kanaka Maoli epidemiologist, and law Professor Linda Krieger.

Kealoha Pisciotta has traveled around the world to advocate for the greater protection of sacred sites and for the betterment of the conditions of all indigenous peoples globally. She is also the President of the Mauna Kea Anaina Hou, a petitioner in the Thirty Meter Telescope (TMT) contested case. Kealoha shared that “backwards thinking” is bringing what is traditional to the forefront, “sacred landscape” teaches us how to be in the world in a pono (righteous) ways and is our about our revered behavior for a place, and that the “sacredness” of Mauna Kea is codified in its name and in its traditional land use. She shared a touching story about a kūpuna (elder) sitting on her porch in her rocking chair, sharing the news with ‘ohana (family) about yet another Hawaiian who ua hala, who had simply died of a broken heart. Kealoha shared that many Hawaiians died of this kind of broken heart, but today, we just have fancy names for this, such as diabetes, heart attack, or stroke. Hawaiians have always identified their negative health impacts with the way their lands have been systematically destroyed and their culture has been systematically suppressed.

Dr. Tauali’i shared a study where a majority of high school students expressed that “when the land is destroyed, I am injured.” And with no coincidence, Native Hawaiian youth have the highest percentage of suicide rates, attempted and completed. This kind of data demonstrates that these issues are a result of cultural trauma and with threats such as the TMT, this trauma is current. Dr. Maile Tauali’i, is a Kanaka Maoli epidemiologist whose work focuses on research and the use of public health data to inform policy decisions. She is also a professor at the University of Hawai’i — the first Native Hawaiian professor in the Office of Public Health Studies, the Director of the Native Hawaiian and Indigenous Health Masters in

Public Health program, and she is the Director of the Native Hawaiian Epidemiology Center whose goal is to improve the health status and well-being of Native Hawaiians.

The third panelist, Professor Linda Krieger, presented on how to legally frame the theory about the public health and welfare effects on Kanaka Maoli due to the systematic destruction of cultural and sacred places. She touched upon the need to develop a peer review literature validating the theory of cultural trauma and the need to build a robust pool of data from legal-medical, community based, and practitioner partnerships. Professor Krieger is a law professor and the director of the Ulu Lehua Program. Professor Krieger teaches a variety of legal courses and while at the Stanford School of Law, she taught the course of evidence. Moderator and ELP RA, Shae Kamaka'ala ('14), wrote her second-year seminar paper on these issues under the supervision of Professor Krieger.

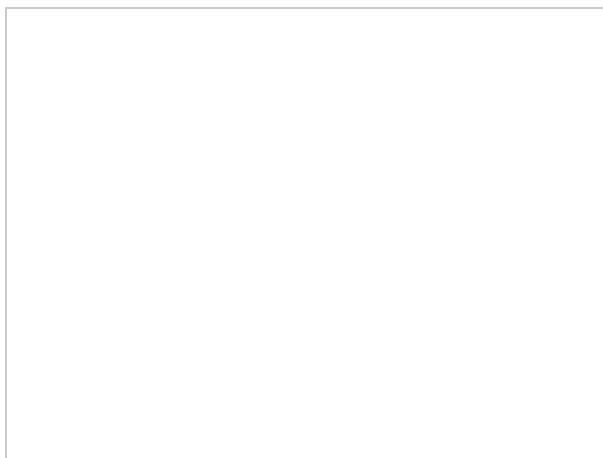
This Maoli Thursday luncheon panel was a great movement towards to strengthening ties amongst various professionals within the different fields of study and the community.

Mahalo to our panelists, Ka Huli Ao, the Enviromental Law Program, and to ELP RA Shae Kamaka'ala ('14) and Sharde Freitas ('14) who made this joint Maoli Thursday panel possible.

Pictured (left to right): Panelists Professor Linda Krieger, Dr. Maile Tauali'i, Kealoha Pisciotta, and moderator and ELP RA, Shae Kamaka'ala ('14).

## ELP Presents the 2013-2014 National Environmental Law Moot Court Team

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ELP is excited to present our 2013-2014 National

Environmental Law Moot Court (NELMC) Team! Joanna Ziegler ('15) is the returning NELMC team assistant and is joined by Mari Feiteira ('14), Lida Duke Angier ('15), and team assistant Derek Brow ('16) who will bailiff and assist coordinate moot court practices. Good luck to the three NELMC team members/oralists as they are hard at work on their appellate briefs and will begin preparing for oral arguments over the winter break...all for the 2014 NELMC competition at Pace Law School in White Plains, New York. Check out below for a bio about each NELMC team member and team assistant!



Joanna Zeigler ('15): Team member/oralist (returning NELMC team assistant)

I am originally from California and moved to Hawai'i to do forest restoration on the Big Island of Hawai'i. I received a degree in Environmental Science from Humboldt State University. Currently, I am the co-director of the Environmental Law Society, a staff writer on Law Review, and working towards receiving the Environmental Law Certificate. In my free time I enjoy hiking, going to the beach, and taking my dog for a run.

Mari Feiteira ('14): Team member/oralist

I was born and raised in Kāne'ohe, Hawai'i and received my Bachelor's degree in Political Science from the University of Hawaii at Mānoa. I am the current President of the Student Animal Legal Defense Fund and also actively involved in Phi Delta Phi, the Environmental Law Society, Advocates for Public Interest Law, Lambda Law Society and Ete. When I have free time, I like to figure skate, hike, hang out with family and friends, and go to the beach.

Lida Duke Angier ('15): Team member/oralist

I'm originally from Chicago and moved to Hawai'i to go to UH Mānoa. Here, I obtained my Bachelors degrees in Political Science and Philosophy with a focus on Law and Society and Social Philosophy. I am currently on the board for Law for Youth Empowerment, am a member of APIL and PALSO, and am interning at the Office of Hawaiian Affairs. In my free time I like to sail and hike, and I try to stay involved in volunteer work.

Derek Brow ('16): team assistant

I was Born and raised in Hong Kong. Graduated from the University of Hawai'i at Manoa in 2009, where I received a Bachelor's Degree (B.A.) in Economics and a Minor in Chinese. Lived in Beijing for two years,

where Derek attained a Master's (LL.M.) Degree in Chinese Civil and Commercial Law and interned for a Chinese environmental law firm.

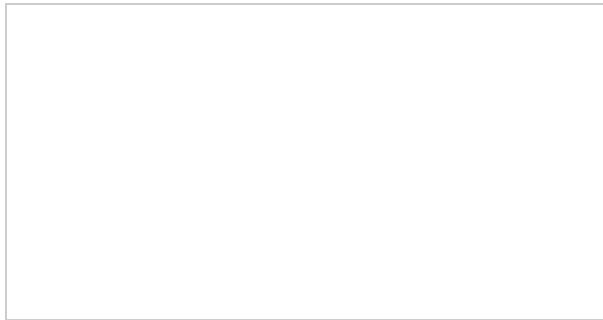
Pictured left to right: Mari Feiteira ('14), Joanna Ziegler ('15), Lida Duke Angier ('15), and NELMC team assistant Derek Brow ('16)

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To help raise funds to send the NELMC team to the national competition in New York, please click this link to donate to the Environmental Law Program! <http://blog.hawaii.edu/elp/about/support-elp/>

## Recap on Grassroots Organizing for Hawaii's Food Movement

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On Wednesday, Oct. 2, 2013, the Environmental Law

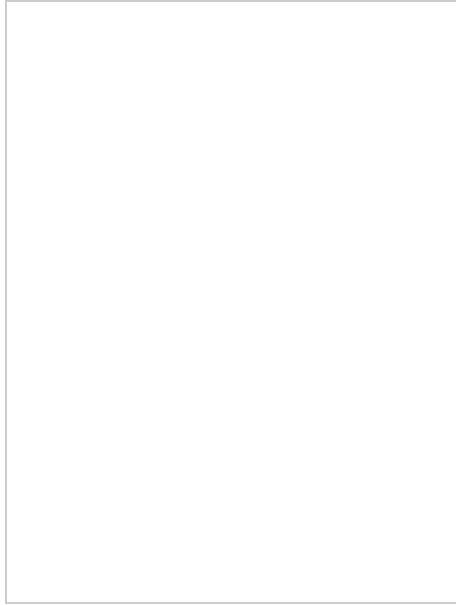
Program hosted a colloquium entitled **Grassroots Organizing for Hawaii's Food Movement**, featuring Senator Suzanne Chun Oakland and Hawaii Food Policy Council President Amy Brinker. Amy started off the presentation by talking about the unique way in which she has put her legal degree to use. Amy graduated from WSRSL in 2011 with certificates in both Native Hawaiian Law and Environmental Law. Following law school, she sought for ways to incorporate her other passions (cooking, sustainable building, and community organizing) into a legal career. She found it through KYA Sustainability where she currently serves as Director of Policy. Amy also talked about the birth of HFPC, its strategic and action plans, and the many ways in which the organization aims to gather supporters and make food policy fun.

Senator Oakland talked about her main role as a community organizer rather than an legislator. She specifically focused her talk on the nuts and bolts of her Food Self-Sufficiency bill, SB 524. Sen. Oakland also addressed local farmer issues, the potential of hydroponic systems in Hawaii, and the shipping issues that have prohibited the shipping of more local goods from the neighbor islands to Oahu.

Thank you to our panelists and audience members for another great ELP event!

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## Summer 2013 Jarman Fellow Joanna Zeigler



As a Jarman Fellow, I worked with the attorneys at National

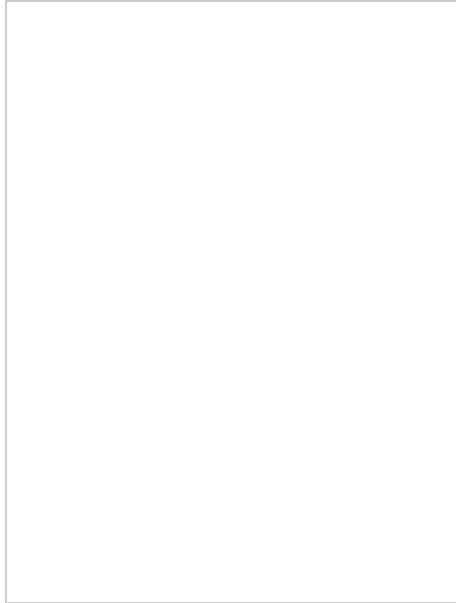
Oceanic Atmospheric Administration (“NOAA”) Office of General Counsel. Throughout the summer, I was exposed to a variety of work that takes place in the office, such as sitting in on phone conferences and client meetings, drafting sections of motions, researching particular elements of the Endangered Species Act and Marine Mammal Protection Act, and reviewing documents for legal sufficiency.

I also became more familiar with the federal statutes that NOAA regularly adheres to. In addition, I gained a better understanding of the role an attorney plays within a government agency and how he or she assists clients to comply with the law.

This summer was an incredible learning experience for me. I found myself looking forward to going into the office each day. Having the opportunity to work for NOAA Office of General Counsel re-affirmed my decision to go to law school and I am extremely grateful for the Jarman Fellowship award, which greatly assisted me through this journey of discovery.

## Marine Law Fellow John Foster

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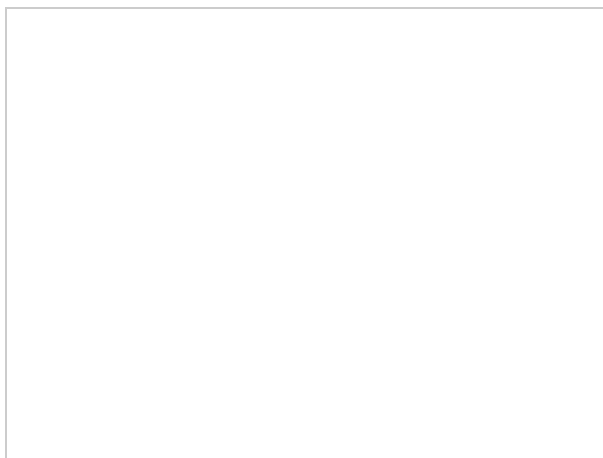


John Foster, Class of '15, served as the Division of Aquatic

Resources (DAR) Marine Law Fellow during the summer. DAR is a division with the State Department of Land and Natural Resources. John worked with Legal Fellow David Sakoda '10 and other DAR staff on management, planning, and scoping for regulation of Hawaii's marine resources. He became intimately familiar with the Department's rule making procedures under HRS Chap. 91. He did research and drafted memos on Community Based Subsistence Fishing Areas (CBSFAs), civil penalties for natural resource violations, and the State's Makai Watch program. Makai Watch seeks to protect coastal and marine resources by establishing partnerships with community groups to monitor resources and report violations.

## Recap on the Water Quality Colloquium

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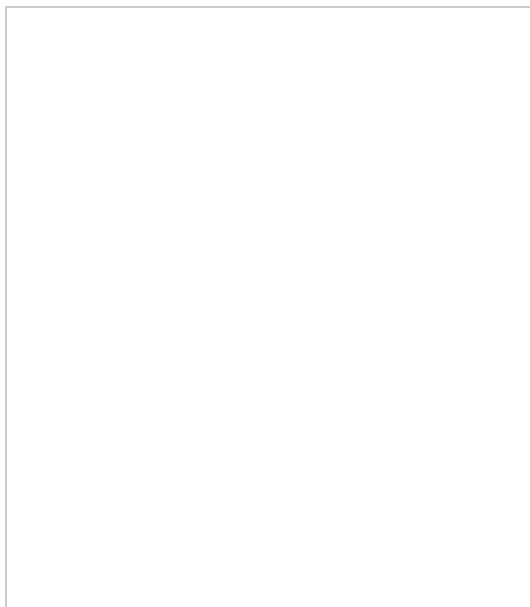
The September 12th Water Quality Colloquium

turned out great. DOH Deputy Director Gary Gill could not have come at a better time to discuss water quality. The massive molasses spill occurred only a few days prior to the colloquium, so the law school audience got an inside scoop on the state's effort to clean up the harbor. Stuart Coleman, from the

Surfrider Foundation, gave an excellent speech about non-profit's efforts to ensure Hawaii has great ocean water quality. The lawsuits on Maui, to discourage the use of waste water injection wells, are an effort that Surfrider is currently undertaking. Gary Gill gave his perspective on injection wells and the permitting process. The talk made for a great discussion with both the governmental and non-profit perspective on attempts to keep Hawaii's water clean! Lunch was catered by Da Spot. Please join us for the next ELP colloquium!

## 2013-2014 International Environmental Law Moot Court Team

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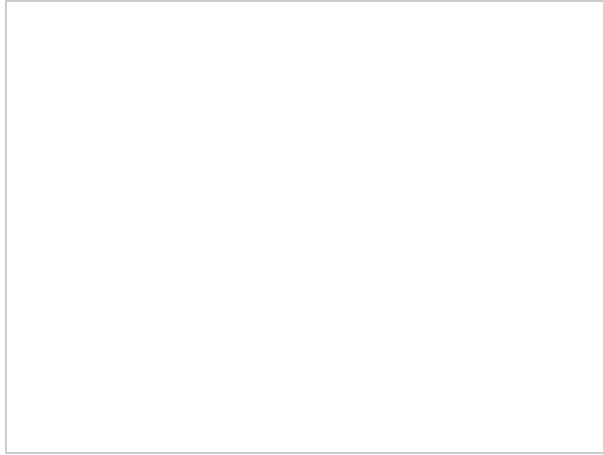


Congratulations to the new members of the 2013-2014

International Environmental Law Moot Court Team, Rodney Withall ('15) and Maria Robben ('14)! They will be joining returning member, Angelica Zabanal ('14). This school year, the team will be competing at the University of Denver Sturm College of Law from January 24-26, 2014.

## What is ELP? And Catching Up With ELP Alumni!

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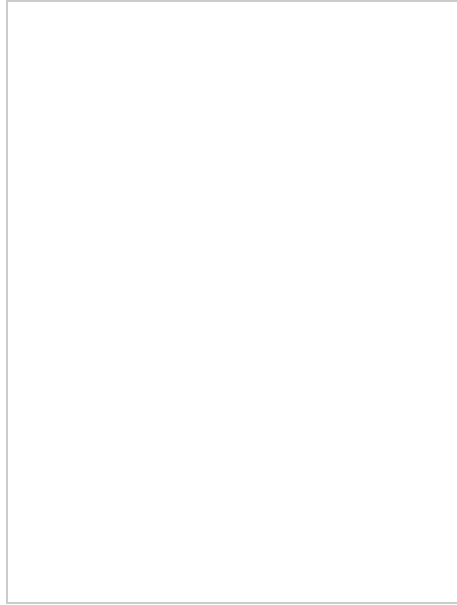
On Tuesday, September 24th, ELP held an informational session about the program. In addition, recent ELP alumni, Anna Ishikawa Fernandez ('11) and David Sakoda ('10) shared their stories about law school, life after law school, and how the ELP certificate is working to shape their career path!

Anna Fernandez (pictured right) is the new Department of Land and Natural Resources' (DLNR) Division of Conservation and Resource Enforcement (DOCARE) Legal Fellow. David Sakoda (pictured left) is the current Marine Law Fellow at the DLNR, Division of Aquatic Resources (DAR). In this role, he works closely with staff biologists and a program manager to address marine law issues, reviews reef and fisheries related statutes and administrative rules for amendment, and provides support for the enforcement of DAR resource damage cases before the Board of Natural Resources. David also worked closely over the summer with Marine Law Summer Intern John Foster ('15).

Both Anna and David shared their unique experiences as legal fellows and their most recent efforts to establish an administrative system for natural resource violations. ELP is proud to feature its alumni who are hard at work in the government sector!

## Grassroots Organizing for Hawaii's Food Movement

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ELP presents **Grassroots Organizing for Hawaii's Food Movement**, featuring Senator Suzanne Chun Oakland and Amy Brinker. The event will take place on Wednesday, Oct. 2nd at 11:30 am in the Moot Courtroom.

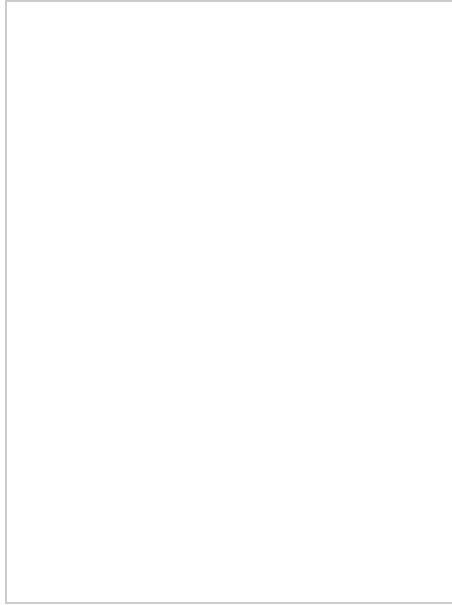
Sen. Oakland has served in the State Legislature for 23 years and currently represents Hawaii's 13th Senatorial District, which includes Liliha, Palama, Iwilei, Nu'uanu, Pacific Heights, Pauoa, Lower Tantalus, Chinatown, Downtown and part of Kaka'ako. She chairs the Senate Human Services Committee and is also a member of the Energy and Environment Committee. She recently authored a bill to establish an agricultural development and food security program to increase the amount of locally grown food consumed by Hawaii residents.

Amy Brinker is currently the President of the Hawaii Food Policy Council and Director of Policy at KYA Sustainability Studio. She is also a facilitator of the Honolulu Living Building Challenge Collaborative and a member of the State Water Conservation Advisory Board. Amy graduated from WSRSL with certificates in both Native Hawaiian and Environmental Law.

Please RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu) by 10/1. Refreshments will be served.

## Aloha 'Āina, Aloha Kānaka: Protecting Cultural Sites for the Well-Being of Native Hawaiian Communities

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Come join ELP and Ka Huli Ao for another great Maoli Thursday

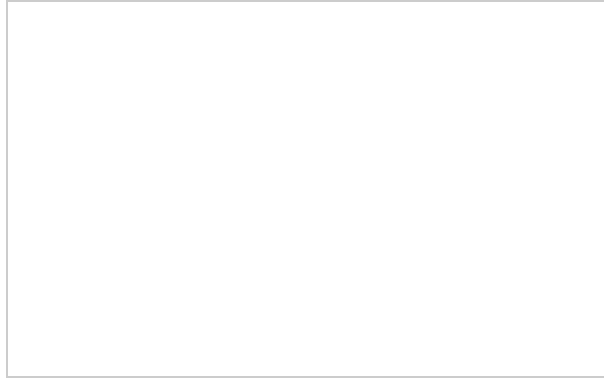
colloquium! Kealoha Pisciotta, a Native Hawaiian practitioner, Dr. Maile Tauali'i, a Professor of UH public health programs, and Linda Krieger, a Professor of Law will shed a broad light on how the systematic destruction over time of places and institutions of cultural significance and/or sacred value to Kanaka Maoli and the struggle that this poses on affiliated Kanaka Maoli, relates to the transmission of traumatic stress or other related feelings (termed trans-generational trauma transmission). The struggles identified by the cultural practitioners will be analyzed by an academic health professional through the lens of medical and public health research on trans-generational trauma transmission that negatively affects the health and welfare of culturally affiliated Kanaka Maoli. We will then see how this information can be used in contested case hearings and related litigation regarding development affecting places of cultural and spiritual significance to indigenous communities.

Please RSVP online by 10/1 at [www2.hawaii.edu/~kahuliao](http://www2.hawaii.edu/~kahuliao)

## ELP Colloquium: Water Quality Issues in Hawaii- Thursday, September 12th

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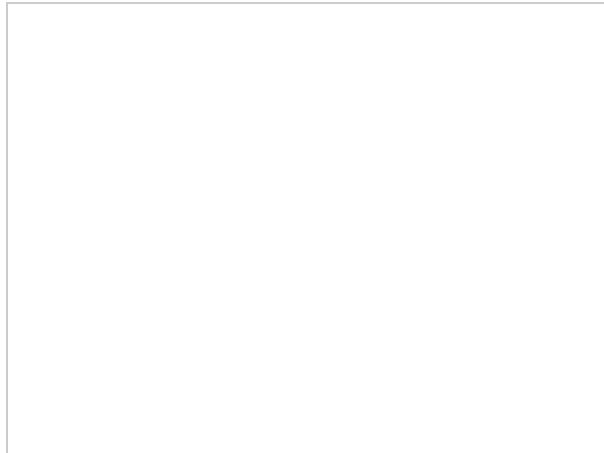




Please join the Environmental Law Program and the Summer 2013 Jarman Fellow Rosie Brady in hosting a panel discussion on water quality issues affecting Hawaii. The panel will feature Gary Gill, the Deputy Director of the Department of Health, and Stuart Coleman, the Hawaii Regional Coordinator for the Surfrider Foundation, to discuss water quality. Lunch will be provided! The panel is in the moot courtroom from 12:30-1:30pm on Thursday September 12th.

## Update from D.C.: 2013 Alum Mele Coleman Working as a Sea Grant Knauss Marine Policy Fellow with NOAA

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Aloha from D.C.! I just wanted to update my Richardson 'ohana on how my fellowship is going. First, for those of you who don't know me, I moved to D.C. after J-term to start working as a Sea Grant Knauss Marine Policy Fellow in the National Oceanic and Atmospheric Administration (NOAA) Office of Program Planning and Integration (PPI) as a National Environmental Policy Act (NEPA) Specialist. While most of the 2013 class of Knauss fellows work at NOAA, some work at other federal agencies or for Congress.

I'm seven months into the one-year long fellowship and I am so grateful for this wonderful experience. In addition to having a position that allows me to use my legal skills to do important, interesting, and challenging work, I'm having a terrific time! Opportunities for learning and networking are truly endless in D.C., especially as a Knauss fellow; it's definitely an exciting city. There are plenty of opportunities to relax or play in nature as well, although I am not so happy about having to drive about three hours to get to the ocean! But the D.C. area has great parks, hiking trails, and biking routes, and paddling on the Potomac is great when the weather is good.

If you are a 1L or 2L and at all interested in marine policy, contact the Hawai'i Sea Grant program to discuss the fellowship—applications for the 2015 fellowship are due in February 2014. And if you have any questions about the fellowship, contact me!

Best,

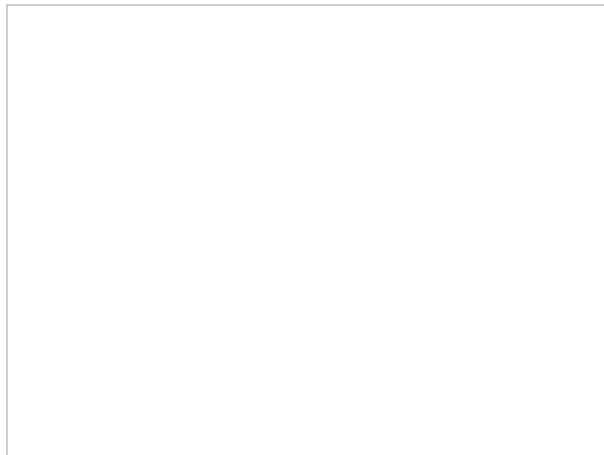
Mele N. Coleman

melecoleman@gmail.com

Picture: Mele Coleman ('12)

## Tryouts for the International Law Environmental Moot Court are Now Open!

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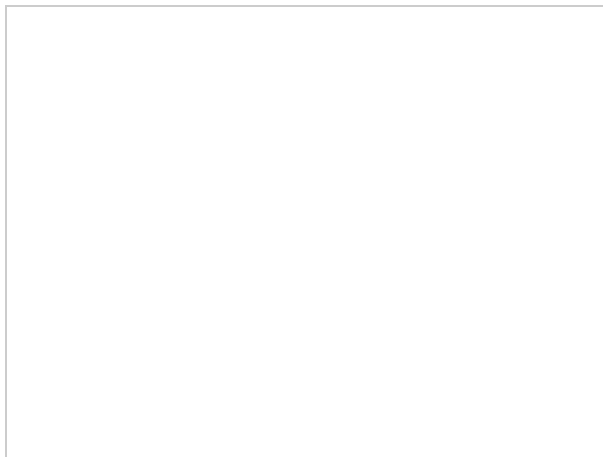


The Stetson International Law Environmental Moot Court Competition (IELMC), Phillip C. Jessup International Law Moot Court Competition (Jessup), and Manfred Lachs Space Law Moot Court Competition (Space Law), provide students with exciting opportunities to learn more about international law in general, and as applied to particular hypothetical situations. These competitions dramatically improve writing and oral advocacy skills, and provide exposure to judges and practicing lawyers in our legal community.

More importantly, for students who are interested in exploring international law career opportunities (whether primary or in intersections with US legal practice), today's prestigious moot competitions create gateways for recruitment and advancing student interests in international legal research, internships at top global firms and international courts and tribunals, international and nongovernmental organization work, among others.

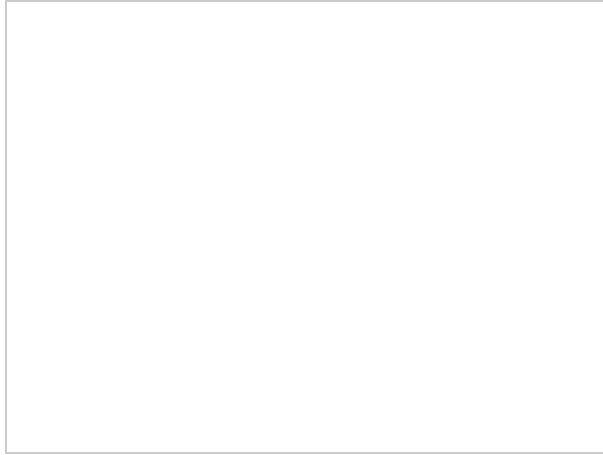
There are generally three stages to each of the respective competitions. First, the team must write and submit a memorial (the international equivalent of a brief). Second, the team travels to a regional competition for oral arguments against other law schools. If the team does well enough in the regional competition, it proceeds to the International Finals.

Applications to try out are due SEPTEMBER 3, 2013 by 5:00PM. You must be a 2L or 3L to apply. You must turn in your application packet to Diane Desierto ([desierto@hawaii.edu](mailto:desierto@hawaii.edu)), David Forman ([dmforman@hawaii.edu](mailto:dmforman@hawaii.edu)), or Vicki Syzmczak ([vjs777@hawaii.edu](mailto:vjs777@hawaii.edu)). You may also contact them if you have questions or need an application packet.



## ELP Welcomes New Research Associates

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The Environmental Law Program is pleased to welcome aboard Rosie Brady ('15) and Frannie Demapan ('15) as new research associates. Rosie and Frannie join current research associates, Kevin Richardson ('14) and Shae Kamaka'ala ('14).

As ELP's newest members, Rosie and Frannie will take on the role of planning and executing ELP's Colloquium Series, maintaining ELP's website and social media sites, and providing online and office support to the Interim Director. Rosie brings her passion for environmental conservation and knowledge from working in the solar industry as well as for the Surfrider Foundation. Frannie brings her knowledge and experience as a marketing manager and love for the South Pacific region.

Mahalo and Congratulations to our outgoing ELP RAs – Teri Wright ('13) and Onaona Thoene ('13) for graduating from WSRSL this past May.

Photo: Frannie Demapan ('15) and Rosie Brady ('15), new ELP Research Associates.

## Summer 2013 Jarman Fellow Rosie Brady works for Surfrider Foundation

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Rosie Brady is a recipient of the 2013 Jarman Fellowship. The fellowship offers a stipend for volunteering with an environmental non-profit or government agency during the summer. Rosie has had a chance to practice her oral advocacy skills by testifying at the Honolulu City Council in support of the Cigarette Smoking Ban at all beaches on O'ahu, which unanimously passed. The ban will go into effect January of 2014. The fellowship has also given Rosie a chance to practice her legal research and writing skills by working with the Surfrider staff attorney Angela Howe in writing a memo on how genetically modified organisms may lead to violations of the federal Clean Water Act. Working for a non-profit calls for a certain skill set and through the Jarman Fellowship, these skills have been advanced. Coordinating with other community leaders, organizing beach clean ups, drafting directions for technology use (specifically IPAD usage), and researching potential issues per Surfrider's mission to maintain clean beaches are a few of the tasks accomplished during the summer.

If you are interested in learning more about the Surfrider Foundation check out their website at [oahu.surfrider.org](http://oahu.surfrider.org) or come check out the Magic Island Beach Clean Up on August 24!

Here is a picture of Rosie testifying at the Honolulu City Council for the Cigarette Smoking Ban on Oahu Beaches.



## David Penn Attends ABA Water Law Conference

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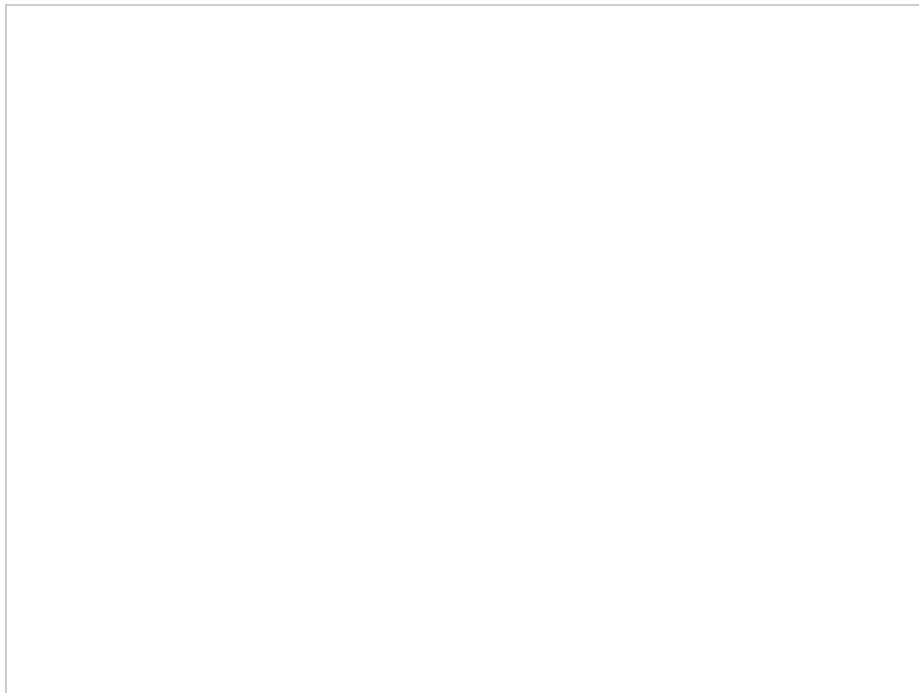
Part-time student David Penn '14 (pictured fourth from the left) just returned from the American Bar Association Water Law Conference in Las Vegas, thanks to sponsorship from ELP and the ABA Section of Environment, Energy, & Resources. The summer 2013 conference featured insights on key issues and trends such as mandatory and voluntary corporate disclosure of water and climate risk; strengths and weaknesses of federal initiatives to regulate stream flow; and the application of Endangered Species Act provisions in water management contexts. As is the section's custom, the conference began with a public service project. Scenes from the project site at Red Rock Canyon National Conservation Area (attached) include a group photo with local staff from the National Park Service, the Bureau of Land Management,

and the Friends of Red Rock Canyon. We spent a few hours rehabilitating BLM's hand tools, then hiked up see the "Red Spring" and surrounding rock art carved by nature and several tribal cultures that dwelled in the area over time.

Student travel grants are made possible by our generous donors! If you would like to support the ELP Program, check out <http://blog.hawaii.edu/elp/about/support-elp/>

## Lisa Higa '14 Attends the Environmental Law Institute's 9th Annual Western Boot Camp

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Thanks to a generous travel grant provided by The William S. Richardson School of Law Environmental Law Program, I was able to attend the Environmental Law Institute's Ninth Annual Western Boot Camp on Environmental Law in San Francisco, California from March 13-15, 2013. As the name implies, Boot Camp's purpose is to give an intensive, basic overview of environmental law to attorneys new to the practice area. Law students and other professionals also attended.

Boot Camp hosted workshops on topics such as the Clean Air Act, the Clean Water Act, chemical regulation, resource conservation, and environmental enforcement. Each faculty member (i.e., senior practitioner on the topic) created a slide show and shared his or her experiences working with clients, the court, and state and federal agencies. All Boot Camp participants received a manual containing the slide show presentations along with access to online supplemental materials, created by the faculty, to use in their own practices. The small workshop size facilitated informal and frank discussion about issues participants encounter daily and created an open forum for comments and asking questions.

What I appreciated most about Boot Camp was that in the limited amount of time given, the faculty highlighted the key points of environmental law and explained what we needed to know to be successful practitioners. Three days was not enough time to delve into the finer points of environmental law, but it was enough to give participants a flavor of current trends in the industry and what to expect in practice. I came away from Boot Camp wanting to know more and I intend to take environmental law courses this upcoming school year.

I highly recommend Boot Camp for law students who have an emerging interest in environmental law and for those who wish to learn from top experts. Mahalo to the Environmental Law Program for the opportunity to attend Boot Camp!

Student travel grants are made possible by our generous donors! If you would like to support the ELP Program, check out <http://blog.hawaii.edu/elp/about/support-elp/>

Pictured (left to right): Lisa Higa '14 and Chandra Middleton, Director of the Associates Program for the Environmental Law Institute

## Doug Raphael '13 Awarded the Edmunds Award for Civility and Vigorous Advocacy

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International Environmental Law Moot Court (IELMC) team member Doug Raphael '14, was awarded the Edmunds Award for Civility and Vigorous Advocacy at the April 24th Moot Court Luncheon. Attorney John Edmunds, a long-time supporter of the Law School and its Student Competitions program, established the award to recognize students who exemplify civility together with vigorous and effective advocacy during moot court competition. IELMC team member Christlei Hessler '13 said, "Angelica and I truly believe that Doug epitomizes everything that his award stands for! Congratulations!" Job well done Doug, and good luck to the IELMC team for this upcoming school year.

Student travel grants are made possible by our generous donors! If you would like to support the ELP Program, check out <http://blog.hawaii.edu/elp/about/support-elp/>

Pictured (left to right): Angelica Zabanal '14, Doug Raphael '14 and Christilei Hessler '13.

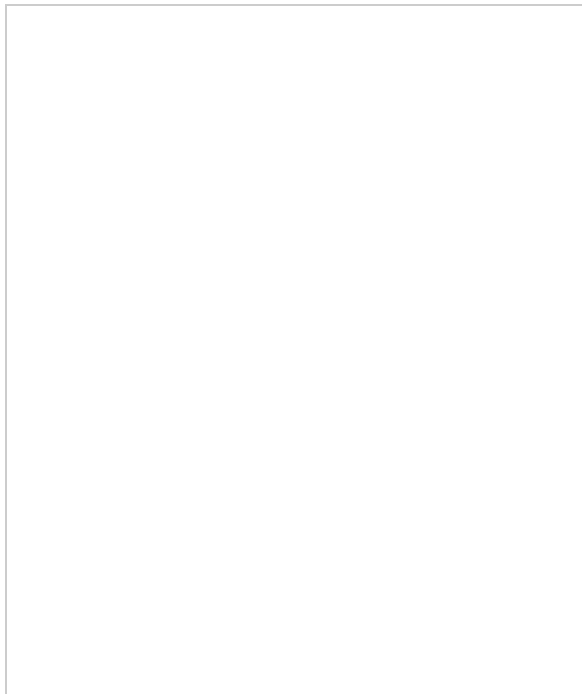
## Lauren Goodmiller '14 Attends the 31st annual Public Interest Environmental Law Conference

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WSRSL student, Lauren Goodmiller '14, had the opportunity to attend the 31st annual Public Interest Environmental Law Conference (PIELC) in Eugene, Oregon with Dean Antolini and two fellow students! The PIELC hosted many fascinating panels on a wide array of topics including Water Law, Climate Change, Forest Health, and much more! Lauren particularly enjoyed the lectures on the Endangered Species Act (ESA) and said it was really great to meet so many of the faces and minds behind some of our nation's most famous ESA cases!

Lauren highly recommends attending the conference to Environmental Law Program students!

Student travel grants are made possible by our generous donors! If you would like to support the ELP Program, check out <http://blog.hawaii.edu/elp/about/support-elp/>



Pictured (left to right): Tina Aiu '13, Dean Antolini, Lauren Goodmiller '14, and Kahina Ounadi

# Tina Aiu '13 Travels to Jeju Island for the International Union for the Conservation of Nature

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In September 2012, I was one of more than 40 delegates to represent Hawai'i at the International Union for the Conservation of Nature (IUCN) World Conservation Congress (WCC). The Congress brought together more than 10,000 environmental experts, scientists, and former and incumbent heads of state from around the world to discuss how to improve nature's resilience. Much of the discussion focused on the issues of climate change, food security, people and governance, and economic development.

While in Jeju, our delegation worked to showcase Hawai'i's conservation efforts. Hula, Hawaiian music, and free macadamia nuts drew Congress attendees to the Hawai'i exhibit booths, where we networked with international representatives and shared Hawai'i's story with the rest of the world. The Congress featured talks and poster presentations by some of Hawai'i's leading conservation experts as well as a stunning cultural performance by Halau Unukupukupu.

Every day of the conference was filled with opportunities to learn from world leaders and network with other environmental professionals. One of my favorite talks featured religious leaders from around the world who talked about the connection between religion and environmental stewardship. While at the conference, I connected with people from all over the world who are all facing the same kind of environmental problems we are facing here in Hawai'i. Perhaps the best part of attending the WCC was my time spent outside of the Conference Center, mingling with the people of Jeju. Throughout the duration of the conference, locals marched outside the Conference Center, in protest of the proposed naval base to be built on the island.

This was truly an amazing experience for me, as it was my first time ever getting to travel abroad. This incredible opportunity would not have been possible without the support of the William S. Richardson School of Law Environmental Law Program and the Hawai'i Conservation Alliance.

Check out this video made by Tina! <http://vimeo.com/58417443>

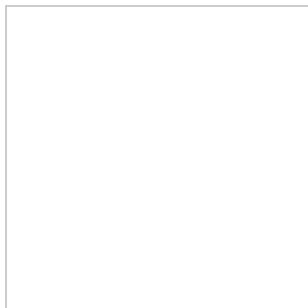
Student travel grants are made possible by our generous donors! If you would like to support the ELP Program, check out <http://blog.hawaii.edu/elp/about/support-elp/>



Pictured: Tina Aiu '13 at a traditional tea ceremony

## 1Ls Get the “Lo-Down” at ELP’s Net@Work Event

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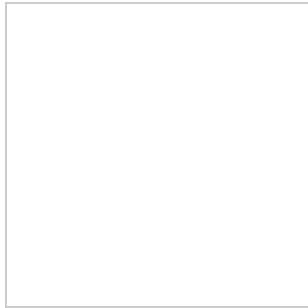
It’s that time of the year again. LPII deadlines, SYS deadlines, Finals and...REGISTRATION! As registration begins tomorrow (4/17/13), prospective 1L ELP certificate students were able to get some guidance on choosing courses, externships, pro bono work, SYS topics and much more at ELP’s annual “Net@Work” event. An outstanding group of 3L and 2L ELP students came out to help mentor students on the upcoming two years ahead. Happy registration day everyone!

Photo (left to right): Front Row: Elika Stimpson (3L), Shae Kamaka’ala (2L), Onaona Thoene (3L), Rosie Brady (1L), Joanna Zeigler (1L), Loren Seehase (1L), Ana Cornwell (1L), Frannie Demapan (1L); Back Row: Nicole O’Kief (1L), Dean Antolini, Ewan Rayner (2L), Teri Wright (3L), Scott Mead (3L), Sarah

Sheffield (1L), Professor Forman, Jacqueline Baker (1L), Alese Lesser (1L), Shauna Imanaka (1L), ‘Olu Campbell (1L)

## ELP Holds 8th Annual Enviromentors

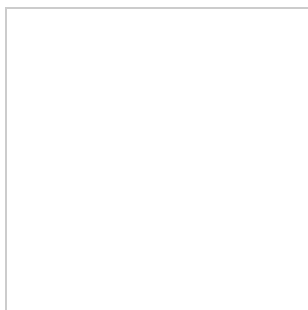
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On Tuesday, March 12, 2013, ELP held the 8th annual Enviromentors at Cafe Julia in the downtown YWCA. Twenty Enviromentors, professionals from private law firms, public interest groups, non-profits, and governmental entities shared their experiences and expertise with first-, second-, and third-year law students students on everything from jobs and careers to law school classes and hobbies. ELP extends a special thank you to everyone who participated and to Cafe Julia for making Enviromentors a fun, successful networking event!

## ELP and the Federalist Society: Do Property Rights Matter?

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On February 21, 2013, ELP and the Federalist Society sponsored a joint colloquium on property rights, featuring ELP’s very own Professor Burkett and James Burling, the Director of Litigation at the Pacific Legal Foundation (PLF). Burling opened the colloquium with a presentation that focused on the inter-relationship of property rights and individuals’ freedoms and the rise of environmental regulation. Professor Burkett provided a response that called for reasoned democracy and responsible and collaborative governance. She shared that climate change is a product of our continued disregard for nature and our relationship with it. She further posed that Polynesians have a unique relationship with the land and are experiencing dire impacts of climate change. Burling and Burkett provided further comments and opened the forum up for questions from the audience. On behalf

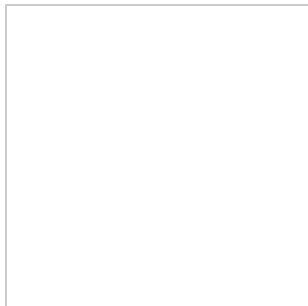
of the Environmental Law Program, we would like to thank Mr. Burling and Professor Burkett for providing our law school students with a very passionate, yet balanced forum on property rights, individuals' freedom and issues of climate change.

Thanks to our IT department, check out the video here! <http://vimeo.com/60284259>

Photo (left to right): James Burling and Professor Maxine Burkett

## ELP Welcomes New Marine Law Fellow David Sakoda!

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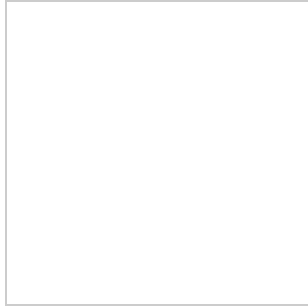


David Sakoda is the new Marine Law Fellow at the Department of Land & Natural Resources, Division of Aquatic Resources. In this role, he will work closely with staff biologists and program managers to address marine law issues, review reef- and fisheries-related statutes and rules for amendment, and support for the enforcement of DAR resource damage cases before the Board of Land and Natural Resources.

Prior to this fellowship, David served for two years as the law clerk for The Honorable Gary W. B. Chang. He received his Juris Doctor from the William S. Richardson School of Law in 2010 with an Environmental Law Certificate, and he holds a Bachelor of Science Degree in Biology from Wheaton College. In addition, as a lifelong fisherman, free-diver, and ocean enthusiast, David brings with him a unique understanding of Hawaii's marine resource conservation and management issues.

## ELP Holds Third Annual Net@Work

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Dear 1Ls Interested in Environmental Law, you are invited to participate in ELP's third annual NET@WORK!

A fun career building and course-planning event organized just for you!

Tuesday, April 9, 2013, 11:45 am – 1:15 pm

Moot Court Room

Light Lunch & Drinks will be provided

Join the 2L and 3L Environmental Law Certificate students to hear about their experiences with ELP courses, pro bono, externships, SYS, and summer jobs and fellowships

Get in the ELP pipeline for free career advice

Learn about environmental law summer opportunities for 1Ls

Leave better informed about how to secure your dream job and build your own career!

To attend, please RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu) to help us with the food count. Please feel free to show up even if you do not RSVP!

Don't forget to review ELP's Hawai'i Environmental Law Careers

Directory, on our web site [www.hawaii.edu/elp](http://www.hawaii.edu/elp)

And get inspired by checking the Jobs Archive on ELP's Careers Page

<http://blog.hawaii.edu/elp/career/job-postings-archive/>

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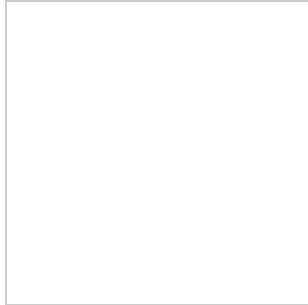
Environmental Law Program Faculty and Research Associates:

Interim Director David Forman

Onaona Thoene, Teri Wright, Shae Kamaka'ala & Kevin Richardson

# ELP Colloquium Series Featuring Scott Hempling on Renewable Energy and Regulation

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ELP's first evening colloquium of the semester featuring attorney Scott

Hempling was a success! Scott Hempling, members of the community and students shared their thoughts on a number of renewable energy law and policy issues. To see the video of the presentation, click [here](#). [Click here to download the handout from the presentation.](#)

Scott Hempling has taught the law of public utilities to a generation of regulators and practitioners. As an attorney, he has assisted clients from all industry sectors—regulators, utilities, consumer interests, independent competitors and environmental organizations. He has also appeared as a seminar presenter domestically and internationally and has testified as an expert witness, before various state commissions and legislatures and before committees of the U.S. Congress. His articles have appeared in *The Electricity Journal*, *Public Utilities Fortnightly*, *ElectricityPolicy.com* and other professional publications, covering such topics as mergers and acquisitions, the introduction of competition into formerly monopolistic markets, corporate restructuring, ratemaking, utility investments in nonutility businesses, transmission planning, renewable energy and state-federal jurisdictional issues. From 2006 to 2011, he was the Executive Director of the National Regulatory Research Institute.

Hempling is an adjunct professor at the Georgetown University Law Center, where he teaches a course on public utility law. His book of essays, *Preside or Lead? The Attributes and Actions of Effective Regulators*, was published in 2010. His treatise, *Public Utility Performance: Legal Principles and Modern Applications*, will be published by the ABA in Fall 2013. Hempling received a B.A. cum laude in (1) Economics and Political Science and (2) Music from Yale University, where he was awarded a Continental Grain Fellowship and a Patterson research grant. He received a J.D. magna cum laude from Georgetown University Law Center, where he was the recipient of an American Jurisprudence award for Constitutional Law. More detail is available at [www.scotthemplinglaw.com](http://www.scotthemplinglaw.com).

Scott Hempling presented two topics. The first topic, “Renewable Energy: Can We Integrate Five Good Ideas Into a Single Coherent Policy?” discussed how the nation (and Hawai‘i) has four distinct policies: the Public Utility Regulatory Policies Act, net metering, renewable portfolio standards and feed-in tariffs. These programs, along with energy efficiency efforts, carry out multiple praiseworthy objectives. But their overlaps and conflicts make for confusion, inefficiency, and difficulties in measuring effectiveness. The second topic, “Preside or Lead? The Attributes and Actions of Effective Regulators,” offered examples of successful and unsuccessful utility regulation, with a focus on how personality and politics can enhance or undermine the public interest.



[Click here for event flyer.](#)

Tuesday, March 5, 2013

Classroom 2, 7:15-8:30 pm

Light refreshments will be provided

RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu) to help us with the food count.

Please feel free to show up even if you do not RSVP!

Environmental Law Program Faculty and Research Associates:

Interim ELP Director David Forman

Onaona Thoene, Teri Wright, Shae Kamaka'ala, and Kevin Richardson

## The IELMC Team Makes it to the Semifinals!

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Congratulations to Angelica Zabanal '14, Doug Raphael '13, and Christilei

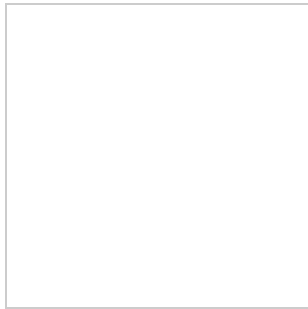
Hessler '13 for achieving the distinction of finishing as semifinalists at the North America Regional Round of the 2013 International Environmental Moot Court Competition. Unlike previous years, there was only one regional competition held in the United States in 2013. Doug, Christilei and Angelica represented WSRSL well by prevailing in three preliminary rounds against higher ranking teams from Wake Forest, Hastings (Runners-up, 2012 International Rounds) and host American University. Our IELMC team again defeated American in a quarterfinal rematch, before falling to Hugh Wooding Law School (Trinidad) in the semifinals. By split decision, Pepperdine (Semifinalists, 2012 International Rounds) earned the 2013 National Championship by defeating Trinidad in the final round, avenging a preliminary round upset by Trinidad the day before.

Along with Christilei, Doug, and Angelica, faculty advisor David M. Forman '93, and alumni coaches Seth Harris '01 and Jennifer Woo '06 extend their thanks to the judges who volunteered to moot the team during practice arguments: Prof. Carole Peterson, Tom Villalon '13, the Honorable Catherine Remigio '92, Prof. Jae-Hyup Lee, and Doug Codiga '94 (original IELMC coach). We also appreciate the on-site moral support provided by WSRSL alumnae, and current John Marshall Law School Professor, Kim Chanbonpin '03; Prof. Chanbonpin's team earned the Best Memorial Award.

(Pictured L-R: Angelica Zabanal '14, Doug Raphael '13, and Christilei Hessler '13)

## ELP Colloquium Series: Anthony A. Oposa, Jr.

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On January 29, 2013, Mr. Anthony A. Oposa Jr., one of Asia's leading voices in the global arena of environmental law, gave an enlightening presentation that attracted a large crowd of law students, professors, esteemed members of Hawai'i's legal community and more. Mr. Oposa touched upon a ten year legal battle he won in 2008, against twelve Philippine government agencies that were compelled to clean up Manila Bay, a pristine fishery that has been the victim of years of unwarranted and flagrant pollution. Mr. Oposa is a strong advocate for the environment and has come up with creative ways to help his country adopt environmentally sustainable practices. In Sibul, you can find edible gardens along the roadside and streets turned into parks. "Mass transit" systems include a self-peddling rail system and solar powered and windmill driven transit vehicles. It was inspirational to hear that after Mr. Oposa's residence was destroyed in a typhoon, he took it as an opportunity to make his home sustainable. Mr. Oposa is a prime example of how one can live "green" and his grass roots problem-solving techniques for sustainability were an inspiration for everyone.

ELP would like to thank Mr. Oposa and everyone who joined us for this great ELP colloquium.

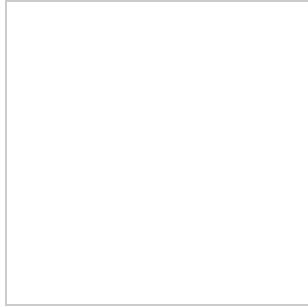
(Pictured above: June Dela Cruz (LL.M. '13), Elena Clariza, David Forman ('93), Antonio Oposa, Jr., Belinda Aquino and Fred Magdalena.)

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To learn more about how you can support the Environmental Law Program, visit <http://blog.hawaii.edu/elp/about/support-elp/>.

## Jarman Fellowship Service Trip to the Honouliuli Forest Reserve

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The morning was crisp and inviting as we drove to the trailhead at the top of the Honouliuli Forest Reserve, located amidst the Wai‘anae Mountain Range. Celeste Ventresca and Kim Welch of the Oahu Army Natural Resources Program (OANRP) hosted several law students for the Jarman Fellowship Service Trip. Molly Schmidt of the State Legacy Land Conservation Program (LLCP) also accompanied us and educated the law students about LLCP and its involvement in the conservation of the 3,500 acre forest reserve. The Honouliuli Forest Reserve watershed feeds O‘ahu’s largest drinking water aquifer, and is home to 35 threatened and endangered species, including 16 endemic species. The State of Hawai‘i’s Division of Forestry and Wildlife (DOFAW) owns the Reserve and has partnered with OANRP to protect and maintain this critical habitat for Hawai‘i’s threatened and endangered species.

The hike to the work site was beautiful, with vast views of green ridgelines and the blue Pacific Ocean in the background. Our work site for the day was a small forest clearing, where OANRP had previously cleared invasive plants, such as strawberry guava (*psidium cattleianum*) and soapbush (*clidemia hirta*). Our group’s task was to weed the area and clear more invasive plant species, in order to give native plants a chance to grow. After a day’s work, Celeste and Kim surprised us with a special hike to see Kahuli tree snails (*Achatinella mustelina*), a snail species only found in the Wai‘anae mountains, and happy face spiders (*Theridion grallator*), which are endemic to several Hawaiian islands. The day was magical and the volunteers were amazing.

As the Summer 2012 Jarman Fellow recipient, I want to thank everyone who was involved in making the Jarman Fellowship possible. I would also like to thank Molly and everyone at LLCP for an invaluable summer internship and Celeste and Kim at OANRP for an amazing service trip to Honouliuli. For more photos of the service trip, check out ELP’s Facebook page [here](#).

The Jarman Fellowship was created by ELP alumni in 2005 to allow first-year students to gain summer job experience in the government and public interest sectors of environmental law. The summer 2012 Jarman Fellow, Melissa Kolonie (‘14), interned at DLNR’s Legacy Land Conservation Program (LLCP). LLCP is a state-funded program that provides grants to non-profits and governmental agencies for conservation land acquisitions and helped fund the acquisition of the Honouliuli Forest Reserve.

To learn more about how you can support the Jarman Fellowship, visit <http://blog.hawaii.edu/elp/about/support-elp/>.

## 2012 DLNR Marine Law Summer Intern Kevin Richardson '14

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This past summer I was fortunate enough to receive the Hawai'i Department of Land and Natural Resources (DLNR) Marine Law Summer Internship. The internship was based out of the Division of Aquatic Resources (DAR), a division within DLNR. My interest in Hawai'i's marine resources and conservation fit perfectly with DAR's role as a governmental agency tasked with managing all of the state's aquatic resources and ecosystems.

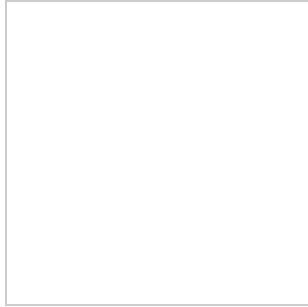
The internship is like no other, mostly because of the different opportunities I was presented with on a daily basis. One morning I would be sitting at a desk working on the constitutionality of a proposed operating permit and that afternoon I would join in on a ride along with a state conservation and resource officer. The way the internship is structured is to provide a wide range of experiences. Instead of working on one or two big issues over the summer, I was exposed to all the various facets of a functioning state agency. Popping in to the Capitol, sitting in on meetings with the DLNR Chairperson, being surrounded by DAR biologists, being exposed to the rulemaking process, and working with community development organizations, all helped me understand how the government side of resource management and conservation functions.

I worked closely with the DLNR Marine Law Fellow and WSRSL alumnus Wayne Tanaka '09. He kept me busy with projects relating directly to DAR, but also broader resource issues as well. The short list of projects I worked on this summer included: legal research relating to the dormant commerce clause, federal preemption of commercial boating regulations, and coral settlement agreements by the state; rulemaking for a proposed Community Based Subsistence Fishing Area in Kaua'i; legislative history research into state accounting laws; attending the Hawai'i Conservation Conference; and participating in an international Marine Enforcement and Compliance Workshop. I was even able to conduct "field research" and throw net in Maunalua Bay.

The experience was much more than a typical summer internship and I would highly recommend the DLNR Marine Law Summer Internship!

## ELP Colloquium Series: Featuring Antonio A. Oposa, Jr.

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Please join ELP for our first colloquium of the semester, featuring Antonio A.

Oposa, Jr., one of Asia's leading voices in the global arena of environmental law. In *Minors Oposa v. Factoran* (1993), the Philippine Supreme Court gave standing to the petitioners-children to take legal action on their behalf and on behalf of generations yet unborn, enforcing the principle of inter-generational responsibility. In 2008, after a ten-year legal battle against twelve Philippine government agencies, he won another unprecedented case to compel these agencies to clean up Manila Bay. Attorney Oposa will speak about youth-led global legal action on climate change, in addition to the "Road Revolution" that seeks to reform transportation systems so that "those who have less in wheels . . . have more in road."

***Tuesday, January 29, 2013***

***Moot Court Room, 11:35 am – 1:00 pm***

***Light refreshments will be provided beginning at 11:35 am.***

RSVP to [elp@hawaii.edu](mailto:elp@hawaii.edu) to help us with the food count. Please feel free to show up even if you do not RSVP!

Environmental Law Program Faculty and Research Associates:

Interim ELP Director David Forman

Onaona Thoene, Teri Wright, Shae Kamaka'ala, and Kevin Richardson