

ELP Colloquium Series: “To Keep the Country, Country . . . Make the City More City”



Please join ELP for our last colloquium of the semester, featuring Anthony Aalto.

Anthony Aalto has been a foreign correspondent for The Guardian, The Economist, The BBC and most recently Pacific Rim Correspondent for Expresso of Portugal.

He is currently filming a TV series for Oceanic Time Warner called “My Green Hale – How I built the Greenest House in Hawai‘i” and is Chair of the Sierra Club O‘ahu Group.

Mr. Aalto’s presentation, “To Keep the Country, Country . . . Make the City More City,” will discuss the reasons the HART rail project could help protect O‘ahu’s environment.

Tuesday, November 27, 2012 Moot Court Room, 12:00 pm – 1:15 pm Light refreshments will be provided beginning at 11:45 am. *Environmental Law Program Faculty and Research Associates: Interim ELP Director David Forman Onaona Thoene, Teri Wright, Shae Kamaka‘ala, and Kevin Richardson* RSVP to elp@hawaii.edu to help us with the food count. Please feel free to show up even if you do not RSVP! To see the event flyer click [here](#)

ELP Alumni Brent Kakesako ’12 Doing Great Things in Our Community



MidWeek’s Good Neighbor column featured our very own ELP

Alumni, Brent Kakesako ’12. This past May, Brent received his Juris Doctor degree with a Certificate in Environmental Law and he is already doing meaningful work in our community. As the Chief Operating Officer at the Hawai‘i Alliance for Community-Based Economic Development (HACBED) and a founding

member of the Iolani Community Action Network (ICAN), Brent breeds innovative ways that allows him and others to remain committed to service.

Check out Brent's MidWeek feature [here!](#)

ELP Colloquium Series: USFWS's PEIS to Protect Native Species



Please join ELP for our third colloquium of the school year featuring Katie Swift, a Predator Control/Toxicant Registration Specialist with the United States Fish and Wildlife Service (USFWS), Pacific Islands Fish and Wildlife Office in Honolulu.

Katie received her master's degree in zoology from the University of Hawai'i at Mānoa. In this presentation, Katie will discuss the devastating impact of invasive rats and mongooses on native species and the environment. She will also address the development of a programmatic environmental impact statement (PEIS) by USFWS and the Department of Land and Natural Resources, to implement a statewide program for controlling these pests.

Monday, October 25, 2012

Moot Court Room, 11:45 am – 1:00 pm

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

Please email elp@hawaii.edu to RSVP.

Environmental Law Program Faculty and Research Associates:

Interim ELP Director David Forman

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

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

ELP Colloquium Series: Celeste Hammond on GREENING Commercial Leases

On Monday, October 1, ELP featured Celeste Hammond, Professor and Director of the Center for Real Estate Law at the John Marshall Law School in Chicago, Illinois. In ELP's first colloquium series of the school year, Professor Hammond gave a presentation on the development of Green Leases to reflect the goals of both commercial landlords and tenants in supporting sustainability. Professor Hammond detailed the various ratings of LEED certification—platinum, gold, and silver and the categories for certification which include buildings, a company's operations, or a tenant's lease. Benefits of becoming LEED certified include valuable tax incentives and an increased marketability. On the other hand, the absence of a LEED appeals process and remedies for failed ratings are potential areas for LEED development. Professor Hammond also prepares JD candidates at the John Marshall Law School for the LEED certification test.

There was great attendance by law students and the UH community. On behalf of ELP, we would like to thank Professor Celeste Hammond for coming out to the law school and giving an informative presentation. Thanks also to ELP's own Professor David Callies for inviting and introducing Professor Hammond.

2012 Elizabeth Sharpe Fellow Raeanne Cobb-Adams '14



As a 1L, I was fortunate to be the recipient of the summer 2012

Elizabeth Sharpe Fellowship. My interest in Hawai'i's environmental issues paved my interest in climate change and led me to the Pacific Island Climate Change Cooperative (PICCC). PICCC is a "self-directed, non-regulatory conservation alliance whose purpose is to assist those who manage native species, island ecosystems, and key cultural resources in adapting their management to climate change for the continuing benefit of the people of the Pacific Islands."

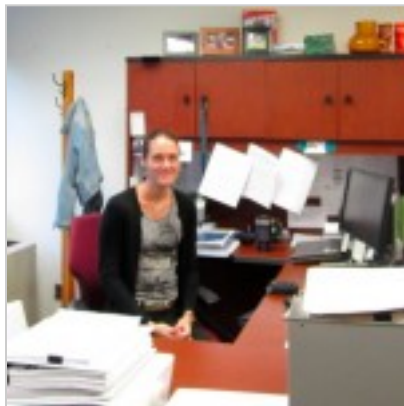
Climate change has emerged as one of the most significant global issues of our time. From droughts to floods, the Intergovernmental Panel on Climate Change's 2007 report along with an increasing number of other studies have begun to show that climate change will intensify extreme weather events as global temperatures increase. So, society is challenged to deal with increasingly frequent and severe weather events. Additional studies examine past extreme flood and drought events to understand specific human responses. This in turn informs adaptation strategies to best prepare for the forecast of more frequent and extreme weather events caused by anthropogenic climate change.

My summer project was a collaboration between the Pacific Island Climate Change Cooperative (PICCC) and The Nature Conservancy (TNC). My research focused on how the effects of a century worth of extreme flood and drought events within the ahupua'a of He'eia affected the local community. He'eia was chosen as the focus of this study because it has many proactive community members and groups who are interested in the impacts of climate change on their community. Several groups within He'eia, including TNC, already began collecting information within the area.

Further, I focused on whether there was a link between major flood or drought events in He'eia and changes in the He'eia community. The presence of links implies community adaptation. I then examined if potential impacts of future flood or drought events would exceed the ability of these communities to cope. My research looked to public media records and oral history interviews of long-time residents to see if major flood or droughts were associated with shifts in agricultural practices or community infrastructure.

–Mahalo Raeanne for sharing with us your summer fellowship experience at the Pacific Island Climate Change Cooperative and The Nature Conservancy. Have a great 2L year and we look forward to what the summer 2013 has in store for you! All the best, ELP

2012 Elizabeth Sharpe Fellow Susan Culliney



This summer I worked in the Fish and Wildlife Service (FWS) Branch of ESA Litigation, in Arlington, Virginia. My duties included tracking lawsuits filed against the FWS, coordinating and communicating with agency attorneys and staff, and working collaboratively on various larger projects. These larger projects included responding to a FOIA request that was subject to litigation and a congressional request from the House Natural Resources Committee. I also helped draft and edit declarations used to support agency positions in litigation.

The main focus of the summer was the relatively recent culmination of a Multi-District Litigation (MDL), which had consolidated numerous challenges to late FWS listing determinations. The resulting settlement agreements require the FWS to work towards a deadline in making listing determinations for many hundreds of petitioned species. Being involved with the numerous peripheral issues stemming from the MDL settlements gave me insight into the listing program, the role of citizen lawsuits in the endangered species process, and an introduction to administrative law.

I also gained perspective on what it is like for a governmental agency to be responsible for rulemaking under a statute with opposing parties challenging the decisions. The experience has made me consider more carefully when to use collaboration and when to use litigation in seeking the ultimate goal of endangered species management.

–Thank you Susan for your thoughtful and informative reflection on your summer fellowship. We look forward to seeing more from you in the future! All the best, ELP

Angelica Zabanal '14 Joins the Returning Members of the International Environmental Law Moot Court Team!



The International Environmental Law Moot Court (IELMC) team is pleased to announce that 2L Angelica Zabanal will join returning team members Doug Raphael '13 and Christilei Hessler '13. Last year's IELMC team advanced to the quarterfinals of the international rounds held at Stetson University School of Law in Florida.

Meet the 2012-2013 National Environmental Law Moot Court Team!



The Environmental Law Program is pleased to present the members of the 2012-2013 National Environmental Law Moot Court Team (NELMC).

Tiara Maumau, originally from Kāneohe, O‘ahu, returns to the NELMC team as a 3L. This past summer Tiara interned at the Department of Justice Environment and Natural Resources Division in Washington, D.C. where she attended hearings at the Montana Water Court and drafted memorandums on tribal water law. Tiara was also exposed to an array of environmental policies while she worked on Capitol Hill in Washington, D.C. as the 2011 Patsy T. Mink Legislative Fellow. In addition to Tiara’s experience with environmental law, she served as a Civil Procedure Tutor for first-year students and prosecutes traffic cases in the Honolulu District Court as a part of WSRSL’s Prosecution Clinic. As the only returning member, Tiara looks forward to passing on moot court tips to her new teammates and learning from these outstanding ladies. Lastly, Tiara hopes to make Jamil Newirth, her former NELMC partner, proud as he fights brain cancer. See <http://www.giveforward.com/helpjamilnewirthfight>

Kylie Wager, originally from the Adirondack Mountain region of upstate New York, joins this year’s NELMC team as a 3L at WSRSL. In addition to pursuing a certificate in environmental law, Kylie also serves as a research associate for the University of Hawai‘i Center for Island Climate Adaptation and Policy (ICAP). Kylie has co-authored and edited various publications and reports on sea-level rise and water resource climate adaptation in Hawai‘i. Kylie’s interest and experiences in climate and energy law continue to evolve. She was fortunate to work for Blue Planet Foundation during the summer of 2012 and has attended several climate and renewable energy workshops and conferences throughout Hawai‘i. She is vice president of the WSRSL Environmental Law Society and a senior editor for the WSRSL Asian-Pacific Law & Policy Journal. With excellent teammates on board and several core environmental law courses complete, Kylie looks forward to expanding and polishing her writing and oral advocacy skills in preparation for the NELMC competition. One of her personal goals during the upcoming semesters is to reserve time for surf and yoga.

Mahina Tuteur is 2L from Kahalu‘u, O‘ahu. Her interest in environmental law developed while traveling abroad where she observed the close interaction between human rights and environmental protection. Mahina hopes to complete certificates in both Environmental Law and Native Hawaiian Law. She is interested in using legal tools to help traditionally underserved communities preserve their natural and cultural resources in the face of development and climate change. Mahina is excited for the opportunity to improve her oral advocacy and brief writing skills during the NELMC competition.

Welcome and congratulations Tiara, Kylie, and Mahina!

(Pictured L-R: Tiara Maumau ('13), Mahina Tuteur ('14), Kylie Wager ('13), and ELP Interim Director David Forman ('93))

ELP Colloquium Series: GREENING Commercial Leases



Please join ELP for our first colloquium of the school year featuring Celeste Hammond, Professor and Director of the Center for Real Estate Law at the John Marshall Law School in Chicago, Illinois. Professor Hammond teaches Property, Alternative Dispute Resolution in Real Estate, Real Estate Finance, Real Estate Transactions, and Commercial Leasing. In this presentation, Professor Hammond will be discussing the development of Green Leases to reflect goals of both commercial landlords and tenants in supporting sustainability. Although use of these GREENING provisions and model GREEN leases is still sporadic, concerns about climate change and protecting the environment suggest that lawyers can expect to negotiate, draft and review these leases in the future.

Monday, October 1, 2012

Moot Court Room, 12:30 pm – 1:30 pm

Light refreshments will be provided beginning at 12:20 pm.

Please email elp@hawaii.edu to RSVP.

Environmental Law Program Faculty and Research Associates:

Interim ELP Director David Forman

Onaona Thoene, Teri Wright, and Shae Kamaka'ala

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

Rosie Brady '15 Attends The Annual Laulima Conference



On August 25, 2012, and with the help of an ELP travel grant, first year student Rosie Brady attended the Annual Laulima Conference, promoted by Keep Hawaii Beautiful and Keep America Beautiful, at the Maui Arts and Cultural Center. This year, the conference featured a discussion on environmental courts. Judge Larry Potter from Memphis, Tennessee spoke about the environmental court that he helped to create. Speakers from a number of local environmental groups discussed their perception of how an environmental court could benefit Hawai'i.

Judge Larry Potter spoke about the resistance that surrounded the idea of an environmental court in Memphis and how that resistance was overcome. Creating an environmental docket was the first step, and illustrated the need for a separate environmental court at no cost. In 1991, Judge Potter drafted an ordinance for the County of Memphis that directed money from the general fund of the state of Tennessee, collected from traffic fines, to create an environmental court. Once there was funding for the court, the resistance faded.

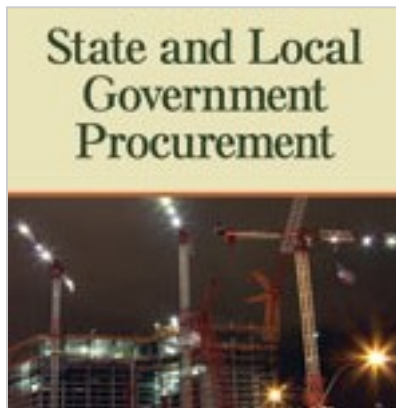
Judge Potter has presided over the environmental court since 1991. He oversees 40,000 cases a year. A common issue is that of cleaning up junk in yards. He stated that often times, fining people for such violations leads to increased property values and improved living conditions. When police investigate or cite someone for dumping garbage or for having too many inoperable vehicles on their property, other issues are often revealed, such as drug use or uninhabitable living conditions for children. The human rights element of environmental litigation is profound and the creation of an environmental court allows for expedient hearings to deal with issues that may never have been litigated or would take years to do so.

Also present were local speakers such as: Alice Greenwood from Nani O Waianae, Judge Michael Wilson of the First Circuit Court, Danny Mateo, Chairman of the Maui County Council, and Gil Keith-Agaran of the House Judiciary Committee. The argument for environmental courts is clear and is supported by those aware of its existence. We have mental health courts, drug courts, and family court, why not an environmental court? In Hawai'i our economy (i.e., tourism) is dependent upon our natural resources so we must value the protection of those resources. The resistance we face in developing an environmental court in Hawai'i is due to a lack of advocates in the judicial and the legislative branches of government. If we can expand on the tangible ways of implementing this court and remove the cost barriers, an environmental court is something that Hawai'i can look forward to utilizing. The law school can help with the first step by researching and outlining possible jurisdiction for such a court.

Rosie says, “[i]f more legislators see that an environmental court can pay for itself, there would be more initiative to institute one in Hawai‘i.”

Pictured: Judge Larry Potter and Rosie Brady '15.

Congratulations to Prof. Conway on her newest book “State and Local Government Procurement”



The law school held a book reception on April 24, 2012 at The Pacific Club to celebrate Prof. Conway’s book release. “State and Local Government Procurement” provides analyses and comments on state and local procurement laws, policies, and best practices. It is available for purchase on the ABA’s website:
<http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5330219>.
We hope you enjoy reading Prof. Conway’s book as much as we did!

Calling All Those Interested In Trying Out for the National Environmental Law Moot Court Team!



NATIONAL ENVIRONMENTAL LAW MOOT COURT (NELMC) TEAM

BACKGROUND INFORMATION AND SELECTION PROCESS

** application deadline Tuesday, September 11, 2012 by 4:00 pm (early submissions welcome!)

The Team: The William S. Richardson School of Law National Environmental Moot Court (NELMC) Team is a three-student team that competes in the Pace University School of Law's National Environmental Law Moot Court Competition (White Plains, New York) in February of each year. For 24 years, our team has consistently placed among the top ranks of this prestigious competition. Despite having no returning members, last year's team – Lehua Kauhane, Jamil Newirth, and Tiara Maumau – barely missed advancing to the quarterfinal round by tenths of a percentage point. Over the last four years, our teams have earned "best oralist" awards in nine of twelve preliminary rounds. The 2008 team – Allan Alicuben, Jael Makagon, and Mits Takahashi – advanced to the final round, placing in the "top 3" of the more than 70 teams from across the country. In 2002, we won the Best Brief in the Appellee category. In 2003, our team won the prestigious Best Overall Brief Award. In 1999, the Law School's team won first place in the oral competition.

The faculty coach for the team is ELP Interim Director David Forman (who was a team member on the very first WSRSL team entered to compete in this competition). The 2012-13 NELMC team will consist of returning team member Tiara Maumau plus two new members. 2Ls and 3Ls in the Day and Evening programs are invited to apply. We are also looking for a 1L "Team Assistant" to assist the team with practice rounds. Applications to serve as Team Assistant are due on Tuesday, September 11 by 4:00 p.m. 1L Applicants should submit a cover letter, resume and writing sample to dmforman@hawaii.edu. Team Assistant interviews will be scheduled at mutually convenient dates/times following selection of the 2012-13 team.

Timing and Commitment: The problem is expected to be released on October 4, 2012. In advance of that date, the team and its coach will meet to discuss the unique nature of this particular competition and discuss some basic principles of Environmental Law since such discussion will not be permitted following release of the problem. The team's brief must be received by the Pace Environmental Moot Court Board by November 29, 2011. Intensive practice oral arguments will begin as soon as possible thereafter, but no later than early January, continuing until the team leaves for the competition in late-February. Practice sessions are 2-4 evenings a week and last 2-3 hours, not including substantial preparation time. Faculty, practitioners, and judges serve as moot court judges for the practice rounds to critique the presentations. Travel to the competition involves taking one week off from school for the

national competition (there is no regional competition for this team), which will take place from February 21-23, 2013. The school excuses team members from class (for limited days; no automatic assignment extensions, including on SYS) and pays a stipend to help cover airfare, lodging, and per diem. Being a successful member of the NELMC requires an extensive time commitment, a passion for the appellate advocacy process, and excellent teamwork skills. Specific background in environmental law is desirable but not required.

The Topic: Each year, Pace selects a topic that involves cutting-edge issues in federal environmental law and three parties to the dispute (a citizens group, a state or federal agency, and a private corporation). The problem typically involves one major federal environmental statute and related issues of statutory interpretation, federal court process, administrative law, and constitutional law. Teams may choose any of the three sides to represent on the brief, but during the competition, all teams must argue all sides. During practice oral arguments, team members extensively practice arguing different positions on the issues and split up the issues.

The Selection Process: The Selection Committee will include ELP Interim Director (and faculty coach) David Forman, Professors Maxine Burkett and Kapua Sproat, with input solicited from the sole returning team member and/or selected team alumni. The application for the team is due on Tuesday, September 11 by 4:00 p.m. (submissions in advance of the deadline are encouraged!). We plan to conduct interviews of prospective team members on Friday, September 14th, or alternative dates if necessary.

– For each year of competition, team members are entitled to one (1) moot court credit towards their law degree along with one (1) additional directed study credit.

The two primary qualifications for the team are brief writing skills and oral argument skills. Students interested in being considered for the team should email the following materials to the Selection Committee at the following addresses: dmforman@hawaii.edu, kapuas@hawaii.edu, and burkettm@hawaii.edu:

(1) A 1-page cover letter explaining why you want to be on the team, along with a current resume, grades, and statements regarding:

(a) the times that you will be available to interview with the Selection Committee on September 14th, or alternative proposed dates/times, and

(b) whether or not you consent to share your confidential application with team alumni and/or the returning team member for purposes of the Family Educational Rights and Privacy Act (FERPA);

(2) A brief attachment detailing your legal writing skills (your Appellate Advocacy brief performance will be given heavy weight; please mention your brief grade and any awards; other brief and legal writing experience should be described); and

(3) A brief attachment detailing your oral argument skills (please mention your performance in any competitions and any awards; other oral argument awards and background, including Appellate Advocacy, high school or college speech and debate, should be described).

Questions? For more information, please feel free to ELP Interim Director David Forman, '11-'12 Team Captain Lehua Kauhane (lehua.kauhane@gmail.com), or '11-'12 Team Assistant Shae Kamaka'ala (shaelene@hawaii.edu). ELP encourages you to join the NELMC team!

ELP Alum Jael Eli Makagon ('08) doing International Environmental Work in Kenya



ELP alum Jael Eli Makagon ('08) is doing great things in the field of international environmental law. In January of this year, Jael left his job at a top notch Honolulu law firm and moved to Cape Town, South Africa to volunteer with an environmental law NGO called Natural Justice: Lawyers for Communities and the Environment. Jael traveled to Maralal, Kenya, a small town in the northern part of Kenya in the Rift Valley. Here, Jael worked with the Samburu, a pastoralist community that faces various pressures, including use of their traditional knowledge and genetic resources without benefit sharing. In 2009, Natural Justice developed a biocultural community protocol (BCP) for this community which documented the community's identity, natural resources, and principles.

In late March, Jael traveled to Lamu, on Kenya's northern coast. The Kenyan government is planning to build a giant port in this pristine area, which is a UNESCO site, without meaningful consultation with the community. Natural Justice has helped the community draft a BCP as part of an attempt to facilitate community participation in the development of the port project.

BCPs are a big part of what Natural Justice does, and they are gaining wider recognition in multilateral environmental instruments. BCPs are essentially a community's constitution, often setting forth the community's vision, identifying its natural resources, setting out relevant national and international law, and establishing appropriate methods for governments and companies to interact with the community.

This is an exciting area of international environmental law that Jael has just become immersed in. Stay tuned for a future ELP colloquium featuring '08 ELP alum, Jael Makagon!

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To learn more about BCPs and Natural Justice, visit:
<http://naturaljustice.org/context/biocultural-community-protocols> OR
<http://www.community-protocols.org>.

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(Picture: ELP alum Jael Makagon '08 with Samburu pastoralists in Maralal, Kenya)

2012 Jarman Fellowship: Melissa Kolonie's Summer with Legacy Lands



As a 1L, I was the proud recipient of the 2012 Jarman Environmental Law Fellowship! It was my interest in conservation land acquisitions that brought me to the Department of Land and Natural Resources (DLNR), Legacy Land Conservation Program (LLCP). The LLCP is a state-funded program that provides grants to non-profits and governmental agencies for conservation land acquisitions, including fee simple purchases and conservation easements. I worked closely with the Program Coordinator of LLCP on a project where I reviewed the structure, enabling statutes, and funding mechanisms of other conservation land acquisition grant programs around the country. While at LLCP, I was also given the opportunity to complete my pro bono requirement with the Chair's Office of DLNR.

My entire Summer was an exciting and empowering experience. I can honestly say that I probably would not have considered working full-time at LLCP if I did not receive the Jarman Environmental Law Fellowship. I would not have been asked to conduct research for the Chair's Office, nor would I had the honor of meeting and working with all of the wonderful people I did. I am so grateful that I was chosen as the 2012 recipient. Thank you, Jarman Environmental Law Fellowship!

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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. Donations to sustain the Jarman Fellowship are most welcome – just click on the “Donate” button on ELP's home page or click [here](#).

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(Photo: Melissa Kolonie ('14) the “tree hugger”, 2012 Jarman Fellow)

Congratulations to the Class of 2012!



The Environmental Law Program congratulates the William S.

Richardson School of Law's 2012 graduates. On May 13, 2012, ELP graduated its 20th class comprised of fourteen hardworking, environment-loving, Environmental Law Certificate recipients.

Congratulations to Mike Howell, Brent Kakesako, Lehua Ka'uhane, Kaleo Nacapoy, Jamil Newirth, Chris Odoca, Ana Won Pat-Borja, Robyn Pfahl, Andrew Porter, Lora Reeve, Adam Roversi, Joanne Sheng, Tricia Sakamoto, and Mellisa Uhl!

ELP wishes each one of these students a long, prosperous, and fulfilling career.

(Pictured L-R, front row: Robyn Pfahl, Lehua Ka'uhane, Ana Won Pat-Borja, Tricia Sakamoto, Elmira Ersoy, Melissa Uhl; back row: Brent Kakesako, Kaleo Nacapoy, Drew Porter, Adam Roversi, Mike Howell, Joanne Sheng, Chris Odoca, and Jamil Newirth. Missing: Lora Reeve).

ELP Sends Tina Aiu to the 25th Annual NAELS Conference



On March 22, the William S. Richardson School of Law Environmental

Law Program, funded a travel grant for me to attend the 25th Annual Conference of the National Association of Environmental Law Societies (NAELS). The title of the conference was “25 Years Back, 25 Years Forward: Environmental Law at the Crossroads;” its purpose was to bring together experts and emerging professionals to engage in dialogue about the history of environmental law and what the future of environmental law must look like to solve some of the worlds pressing environmental problems, such as climate change and food/water security. The NAELS conference featured guest speakers, Richard Lazarus (Professor of Law at Harvard Law School and author of Environmental Law Stories), Bob Perciasepe (Deputy Administrator at the U.S. Environmental Protection Agency), and John Cruden (President of the Environmental Law Institute).

Throughout the two-day conference, I attended private “break out sessions,” small group sessions during which students could interact on a more intimate level with experts in the field. My favorite, though, was one session that featured Detroit’s urban agriculture movement – most of which is illegal due to stringent land use laws. During this session, I was able to draw comparisons between Detroit’s food deserts and Hawaii’s. The session offered some effective strategies to eliminate food deserts by strengthening the local community through education and outreach.

The first half of the conference focused on where environmental law stands today. The second half of the conference focused on the future. Main topics of discussion were climate change and sustainable development. At the end of the conference, students were asked to give input on what we thought the future of environmental law should look like in 50 years.

At the conference, I met and talked with students from many law schools around the country; we all seemed to be united by the same passion for solving environmental problems within our own communities. Mahalo to the Environmental Law Program for giving me the opportunity to be a part of this learning experience.

ELP Welcomes New RA’s



The Environmental Law Program is pleased to welcome aboard Ewan Rayner ('14) and Shae Kamaka'ala ('14) as new research associates!

Ewan and Shae join current ELP research associates, Teri Wright ('13) and Onaona Thoene ('13). We would like to send a huge mahalo and aloha to Brent Kakesako and Christopher Odoca (also current ELP RA's) as they will be graduating with the WSRSL 2012 class on Sunday, May 13. Congratulations Brent and Chris!

As ELP's newest RA's, Ewan and Shae are ready to take on roles of organizing events such as ELP's Colloquium Series and maintaining ELP's website blog and social media sites. Ewan brings his unique experience of countryside management from England and Shae brings her avid passion for land conservation as it pertains to Native Hawaiian issues.

Welcome, Ewan and Shae!

(Pictured L to R: Ewan Rayner ('14) and Shae Kamaka'ala ('14))

ELP Assists Adam Roversi '12 in Attending the Wildlife Society Conference



The Environmental Law Program was proud to provide a travel grant to Adam Roversi '12 to attend the 19th Annual Wildlife Society Conference at Waikoloa on the Big Island. Adam writes...

“In November of 2011, with a generous grant from the William S. Richardson School of Law’s Environmental Law Program, I was able to attend the 19th Annual Wildlife Society Conference at Waikoloa on the Big Island. This conference is one of the premier national gatherings of resource managers and conservationists who are dealing with the science and practice of invasive species management, climate change, habitat restoration, and an array of other environmental topics. Though not directly geared toward the world of law and policy, the conference addressed a myriad of issues that are central to public land management and endangered species protection. As Dean Antolini once told me, in order to protect endangered species and habitats in the court system, a lawyer needs to understand the objects of his or her efforts.

The conference provided an opportunity to participate in a mind-boggling array of panel presentations of national and international scope. I chose to focus my limited time on attending presentations specifically pertinent to Hawaii. Some of the half-day presentations I attended, which were each made up of multiple sub-presentations, included: “Past, Present, Future: Implementing Hawaiian Culture in Conservation”; “Wild Pigs: An Overview of History, Status, and Management”; “Science and Wildlife Conservation on the Hawaiian Islands”; “Hawaii Wildlife and Conservation in the Twenty-First Century”; and, “Invasive Species Management.”

As serendipity would have it, I am currently working on a pro bono project that centers on land management and feral pigs. I was able to call the individuals whose presentations I attended to get research precisely on point with my project. This leads me to my central observation from the conference; there is an amazing body of scientific research being conducted by dedicated and concerned scientists ranging from the reaction of elk herds to natural gas drilling to the use of acoustic deterrents to prevent bat fatality from wind turbines. What is lacking, are solid bridges between the world of science and public policy, between science and public perception, and between science and law. Again and again, someone would close his or her presentation with a call for help or a call for a change in public policy to address a pressing environmental concern. Though not falling on deaf ears, these pleas were heard almost exclusively by other scientists, each equally concerned about their own area of research. There was obvious frustration that long-term and repeated empirical evidence of ecological decline seemed to have so little effect on public perception or government action. So fellow students, it is at least in part, up to us – the policy makers and litigators of tomorrow – to pay attention. These folks are a valuable resource.”

ELP Colloquium: Matthew Adams Follows-up on the Citizen Suit for Pãgat



On Wednesday, April 18, ELP was fortunate to host Matthew Adams, Senior Managing Associate at SNR Denton. His presentation, entitled “Pãgat Under Fire: Follow-up on the Citizen Suit Against the U.S. Department of Defense to Save an Ancient Chamorro Village,” addressed the litigation regarding a potential military build-up in Guam.

The SNR Denton firm is representing the Plaintiffs pro bono, and has extensive experience advising on and litigating various environmental issues. Mr. Adams discussed the year-long litigation that began on November 17, 2010, when the Guam Preservation Trust, We Are Guåhan, and the National Historic Trust for Historic Preservation filed a lawsuit in the U.S. District Court of Hawai'i to challenge the site selection of an ancient Chamorro village known as Pãgat, for a proposed firing range complex. The site selection by the U.S. Department of Defense was part of the Guam and C.N.M.I. Military Relocation Final Environmental Impact Statement (EIS), released on July 28, 2010. The relocation, also known as the “Buildup,” involves the transfer of 8,000 U.S. Marines and their dependents from a U.S. base in Okinawa to Guam. On January 30, 2012, the case was dismissed because the Department of the Navy admitted to conducting a supplemental EIS to address its errors.

Moving forward, the Navy must prepare a Supplemental Environmental Impact Statement (SEIS). Mr. Adams hopes that the SEIS will not only consider the effects on Pãgat, but also the effects on the greater infrastructure of all of Guam. Initial discussions have cut the build-up to half the number of troops originally contemplated. However, Mr. Adams cautions that the final number is still up in the air. Mr. Adams agreed with audience members that the Navy should consider moving the firing range to existing vacant military land, but relayed the Navy's claims that they are saving the area in case native species eventually return. In any event, Mr. Adams believes that the litigation and events leading up to it raised community awareness of the importance of Pãgat and increased general preservation of the area. Mr. Adams recognized the importance that the Guam Legislature, as well as the larger community, played in the process. He also stressed the importance of continued community involvement. Ultimately, Mr. Adams expressed confidence that the community would remain involved in the process, and promised that SNR Denton would also remain engaged.

For a video of the colloquium in its entirety, please click [here](#).

ELP Colloquium: Professor Fred Bosselman on Hawai'i's Energy Plan



On Wednesday, February 29, 2012, ELP hosted Professor Fred Bosselman looked at Hawai'i's state energy plan, which seeks to generate 40% of the state's energy from renewable resources, and asked whether it was akamai or lōlō.

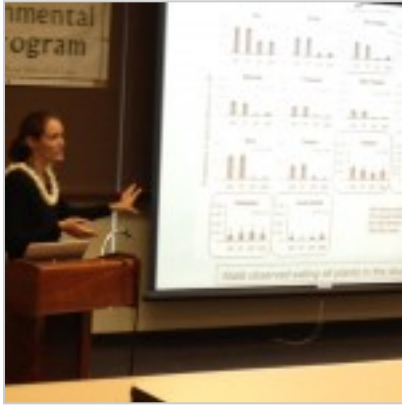
Professor Bosselman questioned whether Hawai'i's energy plan considered the land use, cultural, and environmental impact of such massive development. He proceeded to point to energy efficiency as an area of importance. Professor Bosselman pushed the students to look for opportunities for conservation, even at UH.



Professor Bosselman is a Professor of Law Emeritus at the Illinois Institute of Technology Chicago Kent College of Law and specializes in energy and environmental law. He is co-author of the casebook *Energy, Economics and the Environment* and the books *The Role of Customary Law in Sustainable Development* and *Managing Tourism Growth*. He is a member of the board of the Sonoran Institute and the Santa Lucia Conservancy and formerly served on the board of directors of the National Audubon Society and as president of the American Planning Association.

For a video of the Colloquium, please click [here](#). You may have to scroll down the page to find it.

ELP Colloquium: Susan Culliney on the Ecological Role of the ‘Alalā



On January 19, 2012, Susan Culliney kicked off our Spring 2012 semester’s colloquium series with the presentation of her thesis “The role of the critically endangered ‘Alalā (*Corvus hawaiiensis*) in dispersing seeds of native Hawaiian fruiting plants.”

Susan taught students about the ‘Alalā, Hawai‘i’s largest native frugivore, and its ecological role in establishing and maintaining native Hawaiian forests. She spoke about the ‘Alalā’s unique role in the conservation of threatened and endangered plant species. In fact, it is the only native bird capable of successfully digesting and dispersing the seeds of such species. The ‘Alalā disperses the seeds high above the forest ground into the canopy. As a result, the seeds are safe from ungulate and rodent predation. Overall, Susan thoroughly captivated students with her extremely informative and entertaining presentation.

Thank you Susan! ELP looks forward to collaborating with you again in the future.

International Environmental Law Moot Court Team Reached the Quarterfinals!



The Law School’s Environmental Law Moot Court Team: Christilei Hessler ’13, Eryn Reyes Leong ’12, Doug Raphael ’13, and Thomas Villalon ’13 earned the Third Place

Memorial (brief) award and advanced to the quarterfinal round during the International Environmental Law Moot Court competition, held at the Stetson University Law School in Gulfport, Florida from March 29-31.

(Pictured L-R: Doug Raphael, Christilei Hessler, Thomas Villalon, Faculty Advisor David Forman)

Faculty Advisor David Forman '93 reports:

“Christilei, Doug and Tom went undefeated in the Preliminary Rounds, prevailing over: Southwestern University of Finance and Economics Chengdu, China; Universidade Federal de Minas Gerais (Brazil); Pepperdine University School of Law; and Wake Forest University School of Law. Tom also earned the overall Best Oralist Award during the Preliminary Rounds. In a quarterfinal round rematch, WSRSL won on two out of three judges’ ballots but it was not enough to overcome the difference that resulted from Pepperdine’s Best Memorial Award for the international competition.

A very impressive team from the National Law Institute University, Jodhpur (India) eventually defeated the University of California at Hastings to win the competition. The winning team’s arguments included citation to the work of the beloved Jon M. Van Dyke in this ‘Case Concerning a Nuclear Accident and Sovereign Debt.’”

The WSRSL team previously competed in the North American Pacific Regional competition held February 17-18 at the Sturm College of Law in Denver, Colorado. The team’s memorial scored second ahead of both regional finalists Pepperdine and Hastings, while Tom gave a glimpse of things to come by earning the Best Oralist award during the Preliminary Rounds of the Pacific Regional.

Professor Forman concluded: “On behalf of the team, as well as alumni coaches Seth Harris '01 and Jennifer Woo '06, we would like to express our collective gratitude to all of the justices, judges, alumni (particularly former coach Doug Codiga '94), members of the bar, faculty, and others who selflessly shared their time and knowledge to help the team accomplish so much. Mahalo nui loa!”

Second Annual ELP “Net@Work” Event!



Dear 1Ls interested in Environmental Law, please join the Environmental Law Program for its second annual “ELP Net@Work” Event.

2L and 3L Environmental Law Certificate students will be available to talk about their experiences with Environmental Law courses, pro bono work, externships, SYS, and summer jobs and fellowships.

This is a great chance to meet 2L and 3Ls, learn about environmental law summer opportunities, plan your classes for next year, and to leave better informed about how to build your career in environmental law!

Light lunch and drinks will be provided, so please join us on Monday, April 16th in Classroom 2 from 11:45 am – 1:15 pm. Please RSVP to elp@hawaii.edu (for food purposes) but feel free to show up even if you do not RSVP.

ELP Students Attend the 2nd Annual FD&P Renewable Energy Projects Conference



Thank you to Melissa Uhl for introducing this post:

On January 12, 2012, ELP students Michael Howell, Kylie Wager, Tina Aiu, and Melissa Uhl were luckily selected to attend the Second Annual Financing, Developing & Permitting Renewable Energy Projects in Hawaii Seminar held in Honolulu, Hawai'i, and sponsored by Schlack Ito LLLC and The Blue Planet Foundation. ELP alumnus and program co-chair Douglas A. Codiga, Of Counsel with Schlack Ito LLLC, arranged for the students to attend (Codiga's co-chair was Dawn Lippert, Project Manager with the Hawai'i Renewable Energy Development Venture). The program centered on the topic of Hawai'i's renewable energy potential and future:

“Commercial development of renewable energy and energy efficiency, or clean energy, is critical to Hawaii's energy future. Hawaii's statutory mandate to achieve 70% clean energy by 2030, through increased renewable energy and energy efficiency, presents significant challenges and opportunities. Community relations, site control, and government permits and approvals may present hurdles. Obtaining financing remains a key factor and the financial structures involved are increasingly complex.

We will examine the economic and environmental drivers behind the push for clean energy in Hawaii with a special focus on the financial, legal and technical issues commercial developers of renewable energy and energy efficiency projects must confront, including project finance, the Public Utilities Commission

and the regulatory process, federal and State policy, tax issues, utility perspectives, and permits and environmental review.”

Faculty presenters represented key players from across the renewable energy field such as HECO, the PUC, US Dept. of Energy, renewable energy producers, and tax and energy lawyers. They shared insights on:

- Renewable Energy Development – Status Update
- Financing Renewable Energy Projects – What’s New? What’s Changed?
- Public Utilities Commission View on Renewable Energy Development and Regulatory Structure
- Government Approvals and Regulatory Process for Renewable Energy Projects – What’s New? What’s Changed?
- Electric Utility Viewpoint on Renewable Energy Projects
- U.S. Federal and Hawaii Projects and Incentives
- Distributed Generation at Scale – What’s New, What’s Changed?
- Closing the Deal: Utility Scale Renewable Energy Projects



Tina writes:

“The seminar began with a status update on Hawai‘i’s carbon footprint. Hawai‘i’s oil imports are rising, mainly due to transportation. However, in recent years, oil consumption from electricity use has decreased because of implementation of renewable energy projects. The seminar provided an overview of the challenges and benefits of implementing renewable energy projects in Hawaii. A portion of the seminar focused on legal tools, such as incentive programs, that the State of Hawai‘i has in place to forward renewable energy initiatives. The speakers also stressed the importance of community involvement in developing renewable energy projects. I’m thankful to Doug Codiga for giving me the opportunity to learn about this field.”

Kylie writes:



“The seminar provided a “nuts and bolts” perspective on what it really means to implement Hawai‘i’s clean energy goals. Although Hawai‘i residents generally support the broad goal for expanding renewable energy use throughout the state, developing these projects is a highly complex process that requires savviness in many areas — from finance, land use, and permitting, to local culture, indigenous species, and community engagement. It was interesting to see that we, as aspiring attorneys and policy makers, could perhaps apply our coursework to advising this type of project development. It was equally interesting to note that we still have much to learn in this emerging and rapidly evolving field. Thank you to Doug Codiga for giving us the opportunity to gain a real world perspective on renewable energy development in Hawai‘i.”

Mike writes:



“The takeaway from this seminar is that although Hawai‘i has started on the right track towards becoming energy independent, there is still A LOT of work to be done. However, it is good to know that not only are there highly capable individuals leading the charge on the home front, but also strong support on the federal government side through grants from the American Recovery and Reinvestment Act of 2009. Hawai‘i is the perfect beta for integrating many types of renewable energy technologies, but those projects all begin with one thing... PERMITTING. This seminar was a great introduction to renewable energy permitting in Hawai‘i and I am truly grateful to have had the opportunity to attend.”

DOJ Attorney Jennifer Neumann Speaks to ELP Students



On February 16, 2012, ELP students had the opportunity to meet Jennifer Neumann, an attorney with the U.S. Department of Justice Environment and Natural Resources Division's Appellate Section. That morning, Ms. Neumann argued the Turtle Island Restoration Network v. Hawaii Longline Association case before the 9th Circuit Court of Appeals here at the William S. Richardson School of Law. After the argument, she met with interested students to discuss summer and post-graduation opportunities for law students with DOJ and what she does as a DOJ attorney. Thank you Ms. Neumann for taking the time to speak with ELP students!

Strong Showing by ELP's National Environmental Law Moot Court Team



On February 23-25, 2012, ELP's very own Lehua Kauhane '12, Jamil Newirth '13, and Tiara Maumau '13 flew to White Plains, New York, to compete in the National Environmental Law Moot Court Competition at Pace University Law School. The team was accompanied by Faculty Coach David Forman '93 and Team Assistant Shae Kamaka'ala '14

(Pictured L-R: Lehua, Shae, Jamil, and Tiara)

Faculty Coach Forman reported, “Lehua, Tiara, and Jamil represented the Law School well during this year’s National Environmental Law Moot Court competition at Pace University Law School in White Plains, New York, and Shae provided valuable support throughout the process. Leahua won Best Oralist in the team’s third and final Preliminary Round. During the second round, Jamil and Tiara were part of a group the judges described as ‘superb’ and ‘exponentially better than this morning’s panel’ in an ‘extremely close’ matchup against a team from the University of Denver’s Sturm College of Law, which eventually advanced to the Final Round.” The team narrowly missed advancing to the Quarterfinals by three-tenths of a percentage point.

Congratulations team!

ELP Travel Grant sends Christopher Odoca ‘12 to D.C. to Attend Env’t Law Advanced Course of Study



ELP awarded ELP certificate candidate, Christopher Odoca (3L), with a travel grant to attend the 42nd Annual Environmental Law Advanced Course of Study in Washington D.C. The Environmental Law Institute and ALI-ABA co-sponsored the course, which took place from February 1 – 3 at the Washington Plaza Hotel.

The Environmental Law Advanced Course of Study provided attendees with a broad overview of all the latest developments arising in each of the major areas of environmental law. Some of the major areas that the course covered included the Clean Air Act, Clean Water Act, and CERCLA. The course featured sixteen hours of instruction, covering legislative initiatives, regulatory changes, recent judicial decisions, and new precedent issued by the Obama administration. It was geared to benefit attorneys who are engaged in or are planning to engage in the practice of environmental law.

The course was taught by an array of distinguished presenters, who brought course attendees up-to-date on different areas of environmental law. Among the presenters were:

Lisa Heinzerling, Professor of Law, Georgetown University Law Center, Washington, D.C.;

Katherine “Kit” Kennedy, Natural Resources Defense Council, New York;

Steve Black, Counselor to the Secretary, U.S. Department of the Interior, Washington D.C.; and

Peter Hsiao, Morrison & Foerster LLP, Los Angeles, California.

Christopher writes:

Big thanks to ELP for providing me with a travel grant to attend the environmental law course in Washington, D.C. After law school, I hope to practice in the field of environmental law, and the D.C. course provided me with an invaluable learning and networking experience. The D.C. course exposed me to many major areas of environmental law and connected me to various seasoned practitioners, law professors, and other professionals at advocacy organizations. I hope to use what I learned in D.C. to do some good back home in Guam!

NEPA Workshop Held at Law School



On February 23, 2012, the International Institute for Indigenous Resource Management, Office of Hawaiian Affairs, Hawai`i Community Stewardship Network, Papa Ola Lokahi, and the Nature Conservancy held a one-day workshop on the strategic application of the National Environmental Policy Act (NEPA) in Hawai`i. ELP provided support for the one-day workshop, which was held at the law school.

The one-day workshop provided practicing attorneys, students, and others with practical instruction and assistance on how to use the NEPA process not only as a shield to protect native interests from the encroachments of a proposed Federal activity but also as a sword to advance a wide range of native economic, environmental, cultural, political, and other interests. A number of ELP students attended the workshop, including Ana Won Pat Borja (3L) and Mike Howell (3L).

If you were unable to make the one-day workshop, you can view a video recording of the workshop by clicking on the links below. The password to access the videos is – nepa.

<https://vimeo.com/37976549>

<https://vimeo.com/37976548>

<https://vimeo.com/37976547>

<https://vimeo.com/37976546>

ELP Assists Robyn Pfahl '12 to Attend the 8th Annual ELI Western Boot Camp on Environmental Law

ELP flew Robyn Pfahl '12, an ELP Certificate Candidate, to the Eighth Annual Environmental Law Institute's Western Boot Camp on Environmental Law. The Boot Camp was held on January 24-26, 2012, in San Francisco, California.

Robyn writes:

“With the assistance of an ELP Travel Grant, I recently traveled to San Francisco, CA to attend the Eighth Annual Environmental Law Institute's Western Boot Camp on Environmental Law on January 24-26, 2012. The three-day intensive training was a wonderful opportunity to learn details involved in environmental law practice from leading private practitioners, government lawyers, and enforcers. Long-days of classes were packed with presentations on the Clean Air Act, the Clean Water Act, the National Environmental Policy Act (NEPA), renewable energy, environmental liability in business, CERCLA (commonly known as the Superfund), Resource Conservation and Recovery Act (RCRA), criminal enforcement, environmental ethics, chemicals regulation, and climate change regulations. Networking and discussing practical logistics and contemporary policies with practicing attorneys kept the seminar energy flowing, along with great San Francisco sites. The Boot Camp was a great experience to travel, meet people in the field, and learn environmental law from other valuable perspectives we don't get in school. Mahalo ELP for a wonderful opportunity!”

For more information on the Boot Camp, please click [here](#).

ELP Ranked in the Top 25 for environmental law programs across the nation!



The Environmental Law Program is pleased to announce that it remains one of the top 25 programs in the nation. *U.S. News and World Report* ranked ELP in a tie for the 22nd best program in 2012!

To see the press release, click [here](#).

ELP's Travel Grant Supports Bianca Isaki '13 to Participate in Two Events



ELP's Travel Grant Program supported Bianca Isaki '13 in participating in the O'ahu Resource Conservation and Development Council's "Land Preservation Symposium" on January 12, 2012, and will support her participation in the Law & Society Association's International Conference, "Sociological Conversations Across a Sea of Islands" on June 5-8, 2012.

Bianca writes:

"The Land Symposium opened with Jonathan Scheuer's canny and appropriate observation that land conservation in Hawai'i inextricably intertwined with the political history and ownership of land—a particularly complicated nexus. The Symposium presented a range of broader intellectual inquiries and workshops on the "nuts and bolts" of land conservation easements, tax credits, and land trust organizations.

In June, I will participate on a panel entitled, “Immigration and Indigeneity,” by presenting a paper on settler colonial state-sponsored conservation strategies at Ka‘ena Point, O‘ahu. My paper addresses the panel theme by pressing claims that immigrant diasporics have common cause with Native Hawaiians to consider more fully the literal space of that common ground. Where do these interests get aligned and how does the literal place in which those commons happen orient a common cause against settler colonialism? For reasons I elaborate in my paper, that ‘place’ cannot be the settler state, and instead look to Hawaiian conceptions of place in direct action land struggles.”

Great work Bianca! Please keep a look out for more information on the June panel!

ELP Colloquium: U.S. Fish and Wildlife Service Enforcement Officer Keith Swindle



Please join the Environmental Law Program in our fourth colloquium of the year featuring U.S. Fish and Wildlife Service Enforcement Officer Keith Swindle.

Keith Swindle is a Special Agent with the United States Fish and Wildlife Service. Federal Agents with the U.S. Fish and Wildlife Service enforce a wide range of federal laws intended to protect wildlife populations around the world from overexploitation. Three of the primary laws that Fish and Wildlife agents attempt to enforce via investigations are the Lacey Act (16 USC 3371-3378, 18 USC 42-43), the Endangered Species Act (16 USC 1531-1544), and the Migratory Bird Treaty Act (16 USC 703-715). Agent Swindle will deliver a presentation entitled: “Enforcement of Federal Wildlife Protection Laws.” The talk will summarize several of the significant cases investigated in the past year in the western United States, including Hawai‘i. Mr. Swindle will also take student questions on opportunities with FWS at the end of the talk.

Please join us Wednesday, March 21, 2012 in the Moot Court Room from 12:00 pm – 1:30 pm.

Light refreshments will be provided beginning at 11:45 am.

RSVP to 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

Chris Odoca, Brent Kakesako, Onaona Thoene, & Teri Wright

ELP Colloquium: Seoul National University Law School Protected Areas Symposium



On February 13, 2012, the Environmental Law Program and the Center for Energy and Environmental Law and Policy hosted the second colloquium of the year as students from Seoul National University Law School (SNU) presented in the Protected Areas Symposium. The student presentations were followed with a lively discussion between the SNU students and our very own ELP students.

Hyesoo Won is a graduate of the SNU Law undergraduate program and is an entering 1L at SNU Law School.



Hyesoo Won presenting on green growth.

She was a member of the 2009 International Law Moot Court Team and has interned at SNU's Center for Public Interest & Human Rights and the Korea Ministry of Justice, International Legal Affairs Division.

Hyesoo presented on the South Korean government's new economic policies that emphasizes Green Growth and the resulting challenges in implementing such policies. Hyesoo recognized Green Growth as a subset of sustainable development but also commented on the gap between developed and developing companies. Hyesoo emphasized that in order for such policies to be effective, they must be refined and more clearly articulated. Ms. Won closed by asking: "Can we actually continue growing our economy without harming the planet?"

Jeong Min Choi is a PhD candidate at Seoul National University Graduate School of Public Administration.



Jeong Min Choi on the Four Rivers restoration project.

She has a Master of Arts in Public Administration from SNU and a Bachelor of Arts in Public Administration from Hankuk University of Foreign Studies in Seoul, Korea. Jeong Min has published three articles, An Empirical Analysis of the Effect of the Real-Name System on Internet Bulletin Boards: How the Real-Name System and User Characteristics Influence the Use of Slandorous Comments and Swear Words and A Study on the Policy Effect Analysis of KT Privatization: Focusing on the Model of Stakeholder, both of which were published in the Korean Journal of Public Administration, and A study of Authors' Attitudes about Copyright Ownership and Enforcement and Distribution of Scholarly Works, published in the Korean Journal of Broadcasting. She has also written a book entitled A Policy Study on the Open Access to Research Outcomes Funded by Public Institutions. Jeong Min presented on environmental policy communication, with special emphasis on the Four Rivers Restoration Project in Korea. Overall, the project aims at ecological restoration, water conservation, protection against flooding, improvement of water quality, and promotion of the local economy. Opposition to the project comes from a variety of sources including environmental, religious, and a civic litigation group. Jeong Min revealed that the project may actually be hurting water quality, have a negative effective on local development, and reveal the problems that currently exist with the democratic process. Jeong Min concludes that the Four Rivers Restoration Project actually serves as an example of failed government PR.

Koya Choi is a graduate of SNU undergraduate college.



Koya Choi on public trust concepts.

He majored in law and is currently applying to J.D. programs in the U.S. Koya was a member of the 2005 champion JESSUP Moot Court Team in the National Rounds and was awarded Best Oralist. Koya has worked as a Student Ambassador in the SNU Office of International Affairs and as a United Nations Peacekeeper in Tyre, South Lebanon. Koya presented on the National Trust movement and related laws in Korea. Koya reviewed the national trust movement and its grassroots foundation and commented on the current problems surrounding the movement in Korea, including conflict, lack of incentives, and lack of awareness and public participation. Koya emphasized the need to keep the grassroots approach to the national trust movement by including multiple organizations, removing government involvement, offering incentives, and encouraging public participation through educational events or festivals.

Comments by ELP students Bianca Isaki '13, Adam Roversi '12, and Joanne Sheng '12 touched on a variety of issues and served to initiate conversations within the room.

For those who were not able to make it, a link to the presentation is [here](#).

ELP Colloquium Series featuring Susan Culliney on January 19th



Please join the Environmental Law Program in our first colloquium of the new year featuring the law school's very own Susan Culliney presenting her thesis on the 'Alalā.

Susan is a first year law student. She received her M.S. degree from the department of Fish, Wildlife and Conservation Biology at the Warner College of Natural Resources at Colorado State University. Susan will present her thesis, which stemmed from her studies at Colorado State University, titled "The role of the critically endangered 'Alalā (*Corvus hawaiiensis*) in dispersing seeds of native Hawaiian fruiting plants."

Despite presumption of its extinction in the wild, the 'Alalā, or Hawaiian Crow, (*Corvus hawaiiensis*) continues to persist in captivity. Susan's thesis explores the 'Alalā's ecological role as the largest native frugivore in establishing and maintaining native Hawaiian forests by dispersing seeds for a wide variety of native plants. To advance conservation of 'Alalā and Hawaii's forests, she investigated both the ecological and cultural roles of this unique species.

Please support Susan in her presentation on January 19th in Classroom 1 from 12:00p-1:00p! Light refreshments will be provided. Please RSVP to elp@hawaii.edu (for food purposes) but feel free to show up even if you do not RSVP.

A Night Filled with Food and Fellowship at our 7th Annual Enviromentors Event!



Environmental practitioners and ELP students gathered on December 1, 2011, at Downtown Restaurant in the Hawai'i State Art Museum to discuss career paths and opportunities.

Professionals from private law firms, public interest groups, non-profits, and governmental entities shared their experiences and expertise with students on everything from jobs and careers to law school classes and hobbies. A big big mahalo to Keoni and Downtown Restaurant for the delicious food and wonderful atmosphere! Everyone enjoyed the night and many connections were made between practicing attorneys and students as well as reconnecting between many of our William S. Richardson School of Law alumni!

Bidding a Fond Farewell to ELP Founder M. Casey Leigh at Her Retirement Party



A packed Moot Court Room paid tribute to Professor M. Casey Leigh on Dec. 7, 2011, celebrating her retirement after more than twenty-four years at the law school. Alumni, students and colleagues praised Professor Leigh's work as both a professor and a community servant, protecting environmental and natural resources in Hawai'i for the benefit of all.

In addition to literary tributes from Dean Avi Soifer, a hula performance by Professor Melody MacKenzie, a moving guitar solo by LLM student Wensheng Gao, and the crowd joining Professor Eric Yamamoto to serenade our guest of honor, current students put together a touching video tribute that expressed how much Professor Leigh will be missed. Professor Laurie Tochiki put together a scrapbook entitled Na Lei

Hali'a (a Lei of Memories), with help from Professor Calvin Pang, ELP Interim Director David Forman, and countless others. Former ELP Director (now Associate Dean for Academic Affairs) Denise Antolini spoke eloquently about how much Casey meant to all of us, then presented her with a photo by Jack Jeffrey of an 'io or native Hawaiian hawk, as a token of our appreciation.

Professor Leigh offered the metaphor of “going off to college” in Volcano, promising to make frequent trips “home” for visits. We will all miss you Professor Leigh, but we promise to carry on your legacy for decades to come. A hui hou!

ELP Joins the WSRSL Community in Mourning the Loss of Professor Jon M. Van Dyke



The Environmental Law Program joins the legal community in mourning the loss of Professor Jon M. Van Dyke. Professor Van Dyke was a renowned constitutional and international law scholar and an esteemed ELP faculty member.

Dean Avi Soifer had the following words to offer:

“I have the awful task of informing you that Professor Jon Van Dyke passed away earlier today while at a conference in Australia. I am personally so very sorry to have to give you this news.

Jon was admired, loved, and vitally important throughout a remarkable number of different circles of people stretching far beyond our Law School, but we were particularly and truly blessed to have the direct benefit of his many years of inspirational teaching and scholarship, remarkable public service, and deep and abiding friendship.

There is and will be no other like him.

Jon apparently died in his sleep and we are awaiting further details about memorial arrangements.

Wednesday we will gather for an All School Memorial during what would have been his Constitutional Law 1 class, beginning at 1:30pm in Classroom 2, and there will be another Evening Memorial beginning at 5:30 pm, also in Classroom 2, when his evening Constitutional Law 1 class would have been held.

Throughout the day, members of the community are invited to come to the Moot Courtroom to share memories, to mourn, and to comfort one another.

Our thoughts and prayers are with his wife, Sherry Broder, and with their children and family.

A book for condolences will be available.

Any students who feel that they cannot attend other classes or meet other obligations will be excused. We are in the process of arranging counseling and making appropriate adjustments for his classes and for Law School exams.

Like so many others, I find it virtually impossible to think about the Law School and our community without picturing Jon working away and bringing his extraordinary array of different skills to bear on all kinds of genuinely important projects and commitments.

Jon Van Dyke will certainly not be forgotten, but he will be hugely missed.

Aloha,

Avi”

--

A few words from Associate Dean Denise Antolini:

“Dear ELP students, alumni, and friends:

With very heavy heart, I share the tragic news with you that Professor Van Dyke has passed away yesterday.

Please see the Dean’s message below from last night to the Law School community.

You are all welcome to join us at the school today for the assemblies and at the moot court room for remembrances.

Jon was the most senior faculty member of the Law School and of the Environmental Law Program.

His intellect, scholarship, and expertise in a wide range of fields — environmental and beyond — was truly unparalleled.

His passion and devotion for serving the community, local and global, on top of all the masterful teaching he did for so many years, is beyond measure.

We will really really miss our dear friend and colleague.

Please join us in sending your thoughts and prayers to his family and friends, and each other.

We will keep you posted on plans for memorials and remembrances.

Professor Antolini”

--



Professor Van Dyke shown here supporting his wife Sherry Broder at an ELP Colloquium on “Black Carbon.” Pictured left to right is Associate Dean and Former ELP Director Professor Denise Antolini, Professor Van Dyke, Sherry Broder, Dean Avi Soifer, and Professor Maxine Burkett.

Congratulations to Britt Bailey on the Publication of her Article!

The Hawaii State Bar Association’s Real Property & Financial Services Section recently published Britt Bailey’s article, “From Sea to Rising Sea: How Climate Change Challenges Coastal Land Use Laws.”

Britt is currently clerking for Third Circuit Chief Judge Ronald Ibarra. She will be graduating this upcoming December 2011. Britt’s article analyzes possible climate change induced legal disputes and the tensions that may arise between private and public property rights. She explained that “rather than misrepresent or distort common law doctrines that underpin adaptation responses, courts should embrace the changing nature of common law in response to climate change.” Britt’s article originally appeared in the University of Hawaii Law Review (Vol. 33, No. 1, p. 289 (2010)). The article may be viewed at <http://bit.ly/vs76Bc>.

Better Late than Never . . . ELP Welcomes New RAs!



The Environmental Law Program is pleased to welcome aboard Teri Wright ('13) and Onaona Thoene ('13) as new research associates! Teri and Onaona join current ELP research associates, Brent Kakesako ('12) and Christopher Odoca ('12).

As ELP's newest RAs, Teri and Onaona are poised to take on a number of duties. Teri and Onaona will assist Brent and Chris in maintaining ELP's website blog and social media sites. Additionally, they will help organize events, including ELP's Colloquium Series, information sessions, networking events, and fundraisers.

(This post is a bit past due, but at least we now have pictures of our new RAs in action!)

Welcome, Teri and Onaona!



Meet the Members of the 2011-2012 National Environmental Moot Court Team!



The Environmental Law Program is pleased to present the members of the 2011-2012 National Environmental Moot Court (NEMC) team.

Lehua Ka‘uhane, currently a 3L at WSRSL, comes from Hawai‘i Island. Motivated by the relationship between community and the environment, Lehua is pursuing both the Environmental and Native Hawaiian Law Certificates while completing a Master’s in Urban and Regional Planning. As a student in the Environmental Law Program, Lehua has taken and enjoyed classes such as Environmental Law, Conservation Transactions, and Climate Change Law and Policy; she also attended the 2010 National Land Conservation Conference. Lehua’s desire to pursue a career in environmental law was solidified by an internship at the U.S. Department of Justice’s Environmental and Natural Resource Division and a subsequent externship with the Environmental Protection Agency. She is looking forward to the grooming and preparation that National Environmental Moot Court members receive from professors, judges, practitioners, and alumni—an invaluable experience before heading out into the real world as a practicing environmental law attorney. Lehua says that “[b]eing a member of the NEMC team will be the capstone of what has been an amazing experience in the Environmental Law Program!”

Jamil Newirth is a 3L from Maui who is also pursuing the Environmental Law Certificate. Jamil’s work experiences include pro bono work with a Maui environmental non-profit, an externship at the Hawai‘i State Energy Office, and a summer associate position with Bickerton Lee Dang & Sullivan. Each of Jamil’s positions presented environmental issues, making him aware that environmental law plays a major role in Hawai‘i’s legal landscape. Jamil says that he is “excited to be a member of the NEMC team” and looks “forward to this being a very practical experience. Having great teammates and superb coaching is not bad either. I am sure this will be one of my most memorable law school experiences.”

Tiara Maumau, currently a 2L at WSRSL, is from Kane‘ohe, O‘ahu. Tiara gained invaluable exposure to environmental policies through her 2011 Patsy Mink Congressional Fellowship in Washington D.C. This experience sparked Tiara’s recent exploration into environmental law. Tiara is excited to undergo NEMC’s rigorous conditioning in oral advocacy, legal writing, and cutting-edge environmental laws.

Welcome and congratulations Lehua, Jamil, and Tiara!

(Pictured L-R: Jamil Newirth, Lehua Ka‘uhane, Tiara Maumau, ELP Interim Director David Forman)

Congratulations to the 2011 ELP Certificate Recipients



The Environmental Law Program sends a special congratulations to fifteen of William S. Richardson School of Law's 2011 graduates.

Congratulations to Carolyn Aguilar, Amy Brinker, Elena Bryant, Aya de Leon, Amanda Donlin, Summer Fergerstom, Anna Fernandez, Ha`aheo Kaho`ohalahala, Kelly Kohlhofer, Masao Shimamuki, Danielle Seress, Miya Tsukazaki, Trevor Tamashiro, Charlie Taylor, and Stewart Yerton. On May 15, 2011, all fifteen of these hardworking, environment-loving graduates received their Certificate in Environmental Law. ELP wishes each one of these students a long, prosperous, and fulfilling career.

ELP Colloquium Jarman Lecture: Contesting the Case for a Thirty-Meter Telescope on Mauna Kea



On October 20, 2011, the Environmental Law Program Colloquium Series presented the Jarman Lecture, hosted by 2011 Jarman Fellow Bianca Isaki '13.

The speakers included Lea Hong '91, Marti Townsend '05, and Lehua Ka'uhane '12.

(Pictured L-R: Bianca Isaki '13, ELP Interim Director David Forman '93, Marti Townsend '05, Lea Hong '91, Professor M. Casey (Jarman) Leigh, Lehua Ka'uhane '12, and Associate Dean Denise Antolini)

Marti Townsend is the staff attorney for KAHEA: The Hawaiian-Environmental Alliance and a plaintiff in the ongoing contested case against the State of Hawai'i Board of Land and Natural Resources' preliminary approval of the University of Hawai'i's conservation district use application for a Thirty-Meter Telescope on Mauna Kea.

Lea Hong is the Hawaiian Islands Program Director of the Trust for Public Land (TPL). Prior to joining TPL, she worked pro bono on a case in 2006 contesting the issuance of a conservation district use permit for the University of Hawaii Institute of Astronomy's construction of six 1.8 meter Outrigger Telescopes on Mauna Kea. The state case resulted in an order requiring a comprehensive management plan for Mauna Kea. Lea Hong also worked on a case concerning NASA's NEPA compliance. The federal case resulted in a finding that NASA's Environmental Assessment was inadequate and an order that NASA complete an Environmental Impact Statement.

Lehua Ka'uhane is a third-year law student at the William S. Richardson School of Law and worked with Cultural Surveys Hawai'i on the preparation of the Cultural Impact Assessment for the TMT Project. Leahua has also worked at the Department of Justice's Environmental and Natural Resources Division, externed with the Environmental Protection Agency, and is a member of the National Environmental Moot Court Team.

Bianca Isaki is co-director of the Environmental Law Society, and previously earned a PhD in Political Science. Bianca interned with KAHEA this past summer, focusing on the Mauna Kea Thirty-Meter Telescope project.



The event was well attended by members of the law school and other University of Hawai'i disciplines. The panel presentations were impressive and informative. Attendees participated as well by asking questions and keeping the discussion going.

Thank you Marti, Lea, Leahua, and Bianca for a wonderful presentation!

Professor Maxine Burkett on Climate Change



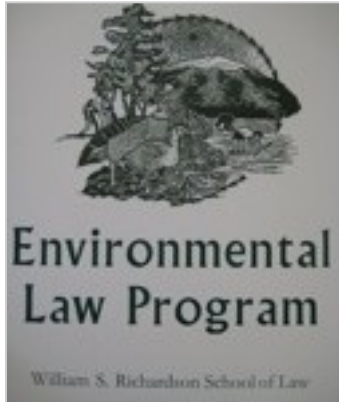
On September 20, 2011, the Spark M. Matsunaga Institute for Peace & Conflict Resolution and the Environmental Law Program hosted a presentation on climate change featuring our very own Professor Maxine Burkett. Posing the question: “Is Climate Change a Threat to World Peace?”

In recognition of Peace Day, Professor Maxine Burkett, Associate Professor of Law and Director of the Center for Island Climate Adaptation and Policy, shed light on climate change vulnerability and the challenge of climate-induced migration. Professor Burkett has presented her research on climate change and justice throughout the world in places such as West Africa, Europe, Asia, the United States, and the Caribbean.

Professor Burkett explained the devastating effects of climate change on low-lying islands in the Pacific and worldwide caused by rising ocean levels. Low-lying islands are at risk of immersion. Inhabitants of these islands would be forced to migrate elsewhere. Large-scale migrations will not only be limited to these vulnerable islands. Professor Burkett identified multiple indicators of vulnerability to climate change; including exposure to climate change-related events, the strength of human and natural systems, and existing adaptive capacity. She emphasized that weather events and climate-change related events occurring in sensitive economic systems could force massive movements of peoples and communities. These movements threaten to reverse human development gains globally and increase the possibility of conflict.

The audience was captivated by this presentation. Following the presentation, Professor Burkett was flooded with questions and applauded for her moral take on climate change. ELP would like to thank Professor Burkett along with Professor Carole Peterson for hosting such an amazing event.

ELP is Looking to Hire a New Director!



We are proud to announce that we have an opening for a tenure track professorship who will also serve as the Director of the Environmental Law Program (ELP). Former ELP Director and Associate Dean Denise Antolini personally invites interested and qualified candidates to apply for this unique opportunity.

Dear ELP Alumni, Colleagues, and Students:

This time, ELP is announcing its own “ELP job” opening!

As you may know, the Environmental Law Program is celebrating its 24th year as a leading program at the Law School. Starting with just a few courses back in 1988, the program has grown to seven full- and part-time faculty, features a host of wonderful adjunct lecturers, and offers a great variety of courses and extra-curricular activities. We have graduated over 160 environmental law certificate students who are working in the Hawai‘i State Legislature, Hawai‘i and mainland private law firms, local and far-flung nonprofits, the U.S. Department of Justice, Iraq, and Liberia.

Many of you may have already heard that our beloved founder of the Environmental Law Program, Professor M. Casey Leigh (formerly Jarman), will retire at the end of December after over two decades of devoted service to the Law School and ELP. We will greatly miss Casey, but forever treasure her contributions to our program and our students!

Although I have greatly enjoyed serving as the ELP Director for the past seven years following Professor Leigh term as the director, I recently have accepted a two-year appointment as the Associate Dean of Academic Affairs at the Law School (again, following in her big footsteps). I will continue to teach Environmental Law and work directly with the program in an advisory capacity but I can no longer serve as the Director.

This past summer, Assistant Faculty Specialist David Forman accepted our invitation to serve as the Interim ELP Director; in addition to his new ELP program and teaching roles, he also supports the Ka Huli Ao Center for Excellence in Native Hawaiian Law and the Health Law Program.

As a result, the Law School is seeking a new full-time tenure-track faculty member to join the ELP faculty and to direct the Environmental Law Program. The search is already started with the recent placement of ads locally and nationally, including in [Work@UH](#) (see below). Applications are welcome now and until filled. We would like to share this very special job announcement with you, urge you to consider applying for this fantastic position, and ask you to share this announcement with colleagues and friends.

Please direct any applications for the position to Dale Lee (dalelee@hawaii.edu), but feel free to ask me or any of our ELP faculty about this rare opportunity to join our amazing ELP team!

Best regards,

Denise Antolini

Associate Dean of Academic Affairs

Description: The successful candidate will be a full time member of the tenured or tenure track faculty and will direct the Law School's Environmental Law Program. His or her primary teaching, scholarship, and service responsibilities will center on the areas of environmental and administrative law. As Director of the Environmental Law Program, the successful candidate will oversee the Law School's certificate program in Environmental Law, and develop and manage the Program's curricular and extra-curricular initiatives relating to environmental law and policy. Environmental law is conceived broadly to include natural resources law, wildlife law, environmental law, land use law, and other subjects bearing on environmental sustainability at the local, regional, national, and international levels.

Assistant Professor Minimum Qualifications

A record of academic excellence, a Juris Doctor degree or equivalent, and manifest potential for excellence in teaching, scholarship, and professional service. The successful candidate must have strong interpersonal skills sufficient to inspire and work effectively with diverse groups of students, staff, faculty, alumni, government officials and members of the bar, and must be able to work effectively in multi-cultural and multi-disciplinary contexts.

Associate Professor Minimum Qualifications

The above, plus at least five years of experience at the Assistant Professor level or in high-level legal practice or other legal work, and a record of excellence in teaching, scholarship, and service appropriate to the Associate Professor level.

Professor Minimum Qualifications

All the above, plus three years at the Associate level or equivalent and a record of excellence in teaching, scholarship, and service commensurate with the rank of Full Professor.

Desirable Qualifications

Demonstrated experience in program administration, including foundation and major donor cultivation, strategic planning, stakeholder relations, and community outreach.

Compensation: Commensurate with qualifications and experience.

To Apply: Please submit a cover letter indicating how you satisfy the minimum and desirable qualifications, names, contact information (including e-mail addresses) of 3 professional references, and resume to the address below.

William S. Richardson School of Law

Attention: Dale Lee

2515 Dole Street

Honolulu, HI 96822

Please direct inquiries to:

Dale Lee, Chief Operating Officer

808-956-8636

dalelee@hawaii.edu

ELP Colloquium: Linda Sheehan on Legal Rights for Nature



On October 4, 2011, Linda Sheehan, Executive Director of the Earth Law Center, joined us via Skype for a lunchtime colloquium! The colloquium was titled “Legal Rights for Nature: Listening to the Lorax.”

Drawing on almost 20 years of environmental advocacy experience, Linda first discussed the fundamental limits of our environmental laws in ensuring a healthy environment. She then described an alternative “Earth law” system that recognizes our interconnectedness with the environment and allocates necessary legal rights to the natural world.

As Executive Director of Earth Law Center, Linda uses research, education, and advocacy to develop new governance models that acknowledge the natural world’s rights to exist, thrive and evolve. She holds a B.S. in Chemical Engineering from the Massachusetts Institute of Technology, a Masters in Public Policy from the University of California, Berkeley’s Goldman School of Public Policy, and a J.D. from the University of California, Berkeley’s Boalt Hall School of Law. She was most recently Executive Director of California Coastkeeper Alliance, a member of the 200-strong international network of Waterkeepers.

**A special message from Linda Sheehan: In case you or your friends would like to follow some of what we are working on, please look at our website at www.earthlawcenter.org and “Like” us on our new Facebook site at www.facebook.com/earthlawcenter.*

ELP Colloquium: Jenny Grote Stoutenburg on Threatened Island States



On September 1, 2011, Jenny Grote Stoutenburg, international environmental law scholar and Ph.D candidate at the University of Hamburg in Germany, presented her research entitled “Threatened Island States: The Impact of Sea Level Rise on Maritime Entitlements and State Continuity” for the year’s first Colloquium of the Environmental Law Program (“ELP”). Mrs. Grote Stoutenburg is a former Visiting Scholar at the University of California, Berkeley Boalt Hall School of Law and holds law degrees from the University of Cologne, Germany, and the Université Paris I (Pantheon-Sorbonne), France. Mrs. Grote Stoutenburg has written several articles relating to small island states, international environmental law, ocean law, and environmentally-induced migration.

(Photo L-R: Associate Dean Denise Antolini, Professor John Van Dyke, Eric Stoutenburg, Jenny Grote Stoutenburg, Associate Professor Maxine Burkett, ELP Research Associate Brent Kakesako '12, and Interim ELP Director David Forman '93)

Mrs. Grote Stoutenburg demonstrated that as sea levels rise, island states might lose their maritime entitlements due to the reclassification of islands as rock or low-tide elevation based on current rules of the international law of the sea. Moreover, the loss of land reduces the baselines of the island states, which means that their maritime zones will also shrink, thus hurting their economies that rely on the resources found in these zones. Mrs. Grote Stoutenburg argues that unilateral strategies to fix maritime zones are insufficient, as for instance coastline protection is expensive and often ineffective; maritime boundary delimitation agreements cannot address all maritime limits; and unilateral attempts to create new customary international law will generate legal uncertainties. Mrs. Grote Stoutenburg recommends that small island states should seek a collective solution in the United Nations General Assembly with outcomes such as a Resolution on Stable Maritime Zones or an Implementation Agreement on Sea Level Rise.



In addition to a loss in maritime entitlements, Mrs. Grote Stoutenburg demonstrated that a rise in sea level might also lead to a loss of statehood. Effective statehood is defined by four criteria: defined territory, a permanent population, an effective government, and factual and legal independence. Mrs. Grote Stoutenburg argues that island states might survive as “deterritorialized” states once sea level rise forced the island state’s last “population nucleus” to leave the remaining land. Despite being based on the territory of a host state, the “deterritorialized” island state would then continue to benefit from the presumption of sovereign equality of states and could continue to administer its maritime zones and protect its people.

On a personal note, ELP would also like to congratulate Jenny on her recent marriage to Eric. Hope you two enjoyed your stay in Hawai‘i!

Elizabeth Sharpe Fellowship Recipient Kaleo Nacapoy '12 Lights Up The Future!



Kaleo Nacapoy '12, this summer's Elizabeth Sharpe Fish and Wildlife Law Fellowship recipient worked at the United States Fish and Wildlife Service, Ecological Services of Honolulu Branch. Under the advising of Jess Newton of the United States Fish & Wildlife Service (“USFWS”), Joy Browning, Endangered Species Recovery Program Leader for the USFWS, and Lisa Oshiro, Policy Analyst for the United States Department of the Interior, Office of Native Hawaiian Relations, Kaleo developed a strategy to implement a functional and descriptive lighting ordinance system for the State of Hawai‘i.

The U.S. Fish and Wildlife Service (FWS), Ka Huli Ao Center for Excellence in Native Hawaiian Law, and ELP began offering this fellowship in 2009 in memory of Elizabeth Sharpe, a 2003 graduate of the William S. Richardson School of Law and Environmental Law Certificate recipient. The Elizabeth Sharpe Fish and Wildlife Law Fellowship honors her commitment to environmental protection through government service. The Sharpe Fellowship supports students seeking to explore career opportunities with the FWS in areas of particular importance to Hawai'i, including the connection between protected species and indigenous communities.

The goals of the project met this summer were to:

- Research and define light pollution and similar terms of art.
- Research current and proposed lighting ordinances at the State and County levels.
- Conduct interviews with possible stake-holders involved and those knowledgeable generally in lighting and its legal issues.
- Read and review lighting and conservation ordinance related bills that went through the 2011 Legislative Session.
- Research the biological impacts of lights on species listed under the Endangered Species Act and other natural resource Acts.
- Read and review the applicable federal, state, and county laws. These laws include, but are not limited to, the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), and the Marine Mammal Act (MMA).
- Analyze the competing interests of the state, private parties, and the community, with focus on the concerns of Hawai'i's Native Hawaiian population.
- Conduct a comparative analysis with other states and regions that have successfully strategized and implemented lighting conservation ordinances.
- Use findings to provide recommendations to implement an effective state-wide or county-by-county lighting ordinance system that may be proposed at an upcoming Legislative Session.
- Promote educational and community outreach through the PowerPoint presentation created by Isaiah Sato (undergraduate PIPES intern of UH Hilo) and Kaleo Nacapoy entitled "Kalamakūokeauhō" and eventually through a handbook or written form of the Kalamakūokeauhō presentation.

Kalamakūokeauhō means "the light that marks the dawn of new era" symbolizing how a new lighting ordinance and program in Hawai'i could signify a positive change for Hawai'i and its protected species. New lighting ordinances in Hawai'i must incorporate conservation priorities and identify the significant agencies and policies that could aid in these re-structuring efforts. Furthermore, new lighting ordinances must balance the competing interests of:

- 1) The United States Federal Government, 2) The State of Hawai'i, 3) The counties of Kaua'i, O'ahu, Maui, and Hawai'i, 4) The applicable laws and its purpose, 5) The possible stakeholders involved, and 6) The

concerns of Hawai'i citizens, specifically the Native Hawaiian population, which is the host culture of Hawai'i.

Ultimately, this fellowship along with future summer fellowships will culminate with drafting new Hawai'i lighting ordinances to be used to propose a new lighting bill in upcoming Legislative sessions and garner enough support to enact the proposed bill into law. Great start Kaleo!

Pictured: Joanne Sheng '12 and Kaleo Nacapoy '12

ELP Holds Information Sessions



It's official. School is back in full swing . . . and so is the Environmental Law Program! On September 8, 2011, ELP held two information sessions at the law school to explain how interested students could become a part of — and benefit from — ELP's growing 'ohana. As students indulged in the 'ono food provided by ELP, they received a taste of what it would be like to be a part of the program.

David Forman, energized in his new role as the Interim ELP Director, described how ELP continues to provide students with a gateway to a number of amazing opportunities in the environmental field. For example, Forman explained how ELP has provided travel grants to students whose externships took them overseas, networked students with seasoned attorneys through ELP's annual "Enviromentors" event, and helped place students in amazing internships and jobs in the environmental field.

Forman also explained how students interested in environmental law could benefit from earning an Environmental Law Certificate from the program. According to Forman, recipients would join over 160 other UH Law graduates with Environmental Law Certificates who are contributing to environmental law and policy in Hawai'i and throughout the world. Forman directed students who were interested in learning more about the Environmental Law Certificate to check out ELP's website or to stop by his office.

(Click [here](#) to find out more about the Environmental Law Certificate.)



As an added perk to those in attendance, students who have been working toward the Certificate were among the audience to share their experiences and provide a bit of advice. At the lunchtime information session, Adam Roversi (3L) explained how the Environmental Law Society awarded him a summer grant. Roversi discussed how the summer grant enabled him to work with staff attorneys at Earthjustice to protect native species from the threats of habitat destruction, overfishing, and harmful sonar use. At the evening information session, Kaleo Nacapoy (3L) gave everyone a glimpse of what it was like to work on lighting ordinance initiatives at the Fish and Wildlife Service as one of this year's Elizabeth Sharpe Fish and Wildlife Law Fellows.

Most importantly, students who stopped by either of the information sessions were introduced to the wonderful ELP faculty. Among the ELP faculty members who were present were two of ELP's long time Directors – Professor Casey Leigh and Associate Dean Denise Antolini. A big mahalo to all the professors who were able to stop by and also to those who were unable to make the event. You were there with us in spirit!



Needless to say, the information sessions exposed students to a treasure trove of knowledge, experience, 'ono food, and fun! A few lucky students even left with additional takeaways (or perhaps *giveaways* would be the appropriate term). At each information session, ELP awarded students who were able to correctly answer ELP-related trivia questions with some hot-looking schwag – Environmental Law Society t-shirts!

*Interim ELP Director, David Forman, invites students interested in developing a career path in environmental law to drop by his office in room 248 to talk story.

ELP Grant takes Lena Mobin '12 to the International Union for Conservation of Nature in Germany



This summer, Lena Mobin '12, worked at the International Union for Conservation of Nature (IUCN)'s Environmental Law Center (ELC) in Bonn, Germany. Lena spent the summer drafting and researching a policy paper on the governance of marine protected areas beyond national jurisdiction, which is currently being addressed at the international level.

Lena also attended several United Nations climate change conferences held in Bonn, where she observed various delegations, particularly African nations, call for capacity-building mechanisms in their countries to cope with climate change.

Additionally, Lena had the opportunity to work with many international environmental law attorneys and with fellow legal interns from around the world. She says that "[i]t was an opportunity of a lifetime."

Pictured: Lena Mobin (center, back row) with a group of IUCN legal interns and visiting international environmental law attorneys.

Former ELP Director Denise Antolini now Associate Dean & David Forman '93 appointed as ELP Interim Director!



ELP's very own Denise Antolini started this school year off busier than ever in her new position as Associate Dean for Academic Affairs. David Forman, WSRS Class of 1993 and

one of the first certificate graduates of the Environmental Law Program, has been appointed to the position of Interim Director of the Environmental Law Program.

Professor Antolini has been a part of the Richardson faculty since 1996 and Director of the nationally recognized Environmental Law Program since 2004. Along with being the Director of ELP, she has taught Torts, Legal Practice, and Domestic Ocean and Coastal Law and continues to teach Environmental Law courses. She has helped numerous students and alumni successfully complete the Environmental Law Certificate Program and find internships and jobs in the environmental law field. Her enthusiasm for all that she does will surely continue in her new role as Associate Dean. Congratulations Professor Antolini!

Professor Forman has been an active part of the Environmental Law, Health Law Policy, and Ka Huli Ao programs since joining the law school faculty in 2010. Professor Forman has taught Legal Practice II and Administrative Law courses. This year he is teaching a new, cross-discipline course entitled Food Security. Professor Forman continues to serve as the faculty advisor for the Environmental Law Society and the National Environmental Law and International Environmental Law Moot Court teams. He is very familiar with ELP and has worked hard with Professor Antolini and the rest of the ELP faculty to make the Environmental Law Program one of the best in the nation. Congratulations on your new position Professor Forman!

Interested in ELP? ELP to Hold Information Sessions – Thursday, September 8



Join us at one of our information sessions in **CR1** on **Thursday,**

September 8 to learn more about the Environmental Law Program. We will hold the first information session during the **lunch break from 12:00 pm – 1:00 pm.** `Ono light lunch will be provided for the first 20 students, staff, and faculty! We will hold our second information session later that **evening from 5:00 pm – 6:00 pm.** Brownies, coffee, and tea will be provided for everyone to enjoy!

Come to learn about the Environmental Law Certificate requirements, our colloquia (lunch-talk) series, the Enviromentors program, summer fellowships, career options, and much more! You will also have the opportunity to meet and talk story with ELP faculty and students. Be sure to stop by to find out what the buzz is all about!

See you there!

*Click [here](#) for more information and a downloadable version of the event's flyer.

ELP Alumna Anyaa Vohiri '98 to Speak at The Liberia Environmental Sustainability Forum



The National Council for Science and the Environment will be hosting the first Liberia Environmental Sustainability Forum in Washington, D.C. on September 21-22, 2001 where ELP alumna Anyaa Vohiri '98 will be one of the renowned speakers at this forum. The National Council for Science and the Environment (NCSE) is working with Africa Environment Watch and other organizations in collaboration with the Environmental Protection Agency of Liberia to hold this conference.

Liberia, having recently emerged from nearly a decade and a half of brutal civil war, is at a critical point with respect to the sustainable management of its natural resources for the well-being of its people. The country is rebuilding its infrastructure and government, including an Environmental Protection Agency and a set of environmental laws modeled after the US. It faces tremendous capacity-building challenges as it utilizes its substantial rain forest, marine environment and other natural resources for national development.

The Forum will bring together leading scientists, environmentalists, government managers and others from the US and other countries to meet with their Liberian counterparts to discuss how to work together in assistance of Liberia, its people and its environment.

Speakers include Liberian and US government officials including Hon. Toga G. McIntosh, Liberia Foreign Minister; Hon. Linda Thomas-Greenfield, US Ambassador to Liberia; Hon. Amara Konneh, Liberia Planning and Economic Affairs Minister; Hon. Anyaa Vohiri, Executive Director, Liberia EPA; and officials from USEPA and other agencies, along with representatives from the Global Environment Facility, the United Nations, and various nongovernmental organizations, businesses and universities in Liberia and the US.

The first day of the Forum will educate participants about the current situation in Liberia and opportunities for partnership in capacity-building. A banquet featuring Liberian cultural performances

will conclude the day. These events will take place at the Hyatt Regency Hotel, Arlington, VA. On the second day, participants will meet at the University of the District of Columbia in breakout groups to discuss strategies for helping Liberia's EPA to implement its strategic plan.

Anyaa Vohiri obtained a Bachelor of Arts in Political Science from Boston University and completed her Master of Arts in Asian studies from the University of Hawaii at Manoa in 1972. She graduated from the William S. Richardson School of Law in 1998 and is an Environmental Law Program Certificate recipient. In 2004, she received a certificate from the Beahrs Environmental Leadership Program at the University of California, Berkeley. In 2002, Ms. Vohiri became a project manager for Fauna & Flora International (FFI) and was responsible for implementing the Liberia Forest Reassessment Project. Eventually, she became the FFI's Country Manager and was responsible for the FFI's entire multi-million dollar project portfolio.

Ms. Vohiri was appointed to the position of Executive Director of the Environmental Protection Agency in 2010. Ms. Vohiri's extensive experience in the international community and in running a major international project implementing conservation organization made her a natural candidate for Executive Director. Prior to taking her current position as Executive Director, Ms. Vohiri was directly involved in and helped to draft most of the environmental-related laws of Liberia, including the Environment Protection Agency Act and the Environment Protection and Management Law of the Republic of Liberia.

To read more on Anyaa Vohiri's background, please click [here](#).



Anyaa with the WSRSL Fall 2011 Environmental Law class

Registration for the entire event, including the banquet is only \$125.

To register, please click on the link below.

<http://www.trunity.net/africaenvironmentalwatch/>

ELP Colloquium Series: International Environmental Law Scholar, Jenny Grote Stoutenburg – September 1



Join us on Thursday, September 1, 2011 in Classroom 1 from 12:00 pm – 1:00 pm as we kick off the school year with our first colloquium of the semester! Thursday's colloquium, featuring International Environmental Law Scholar, Jenny Grote Stoutenburg, is titled "**Threatened Island States: The Impact of Sea Level Rise on Maritime Entitlements & State Continuity.**" Jenny Grote Stoutenburg will present her research on the effects of sea level rise on the maritime zones and sovereign existence of low-lying small island states.

Jenny Grote Stoutenburg is a Ph.D. candidate at the University of Hamburg, Germany, and a former Visiting Scholar at the University of California Berkeley Law. She holds law degrees from the University of Cologne, Germany, and the Université Paris I (Panthéon-Sorbonne), France. She has worked at the Max Planck Institute for International Law, the Federal Foreign Office of Germany, and the German Institute for Human Rights. Her publications include articles relating to small island states, international environmental law, ocean law, and environmentally

induced migration.

Hope to see you there!

We will serve light refreshments beginning at 11:45 am. If you are unable to join us, you can stream the event live online through our [Livestream Channel](#).

Click [here](#) for more information and a downloadable version of the event's flyer.

ELP Colloquium: Pågat Under Fire



On February 15, the Environmental Law Program sponsored a Colloquium Series discussion titled “Pågat Under Fire: A Citizen Suit Against the U.S. Department of Defense to Save an Ancient Chamorro Village,” in the Moot Court Room at the Law School.

The discussion featured Matthew Adams, senior managing associate with SNR Denton, the firm representing the Guam Preservation Trust, We Are Guåhan, and the National Historic Trust for Historic Preservation and Carl Christensen, local counsel for Plaintiffs and visiting assistant professor of Historic Preservation Law at the William S. Richardson School of Law.

Adams and Christensen provided an overview of the issues involved in the lawsuit filed in the U.S. District Court of Hawai‘i challenging the selection of Pågat, an ancient Chamorro village, as the site of a proposed firing range complex. The proposed firing range at Pågat is part of the Guam and C.N.M.I. Military Relocation Final Environmental Impact Statement, which was prepared by the U.S. Department of Defense and released on July 28, 2010. The relocation, also known as the “Buildup,” involves the transfer of 8,000 U.S. Marines and their dependents from a U.S. base in Okinawa to Guam. Plaintiffs’ claims arise under the National Environmental and Policy Act and the National Historic Preservation Act.

In 2010, Pågat Village was nominated by the National Trust for Historic Preservation as one of America’s eleven Most Endangered Historic Places, and its selection for the firing range complex has caused much controversy due to the possibility of impeded public access and degradation of Chamorro cultural resources.

(Pictured L to R: Front: Ana Won-Pat Borja, Christopher Odoca. Back: Professor David Forman, Matthew Adams, ELP Director Denise Antolini, Associate Dean Casey Leigh, Professor Carl Christensen.)

ELP Interview: Professor Dan Bodansky of Arizona State University



Professor Dan Bodansky was also able to join the Richardson family here in Hawai`i this summer to teach International Environmental Law.

Professor Bodansky teaches at Arizona State University's School of Sustainability. His focuses include international environmental law, public international law, and sustainability. Professor Bodansky's lessons emphasize how international environmental regimes emerge, develop, and influence behavior. He has written three books along with many articles on international law, international environmental law, and climate change policy.

Q: Where are you from?

A: I'm from Seattle originally and grew up there. That's actually where I met Denise Antolini. We both were in Seattle working at the Legal Defense Fund. Right now I'm teaching at Arizona State University in Scottsdale.

Q: Where did you graduate from?

A: I went to Harvard for undergraduate school and then Yale for law school.

Q: What led you to pursue a career in Environmental law?

A: I was at the state department. That was my first job straight out of law school. I began working in a legal office on international issues. I started with human rights, after a few years on doing that I then went into environmental law. In my undergrad I enjoyed the sciences. I started working international issues first. I always liked environmental issues. Many start in environmental law and then go into international law.

Q: Did you know while in high school that you were interested in environmental law?

A: I liked environmental sciences. In college, one of the things I thought I would enjoy was the marine sciences, but ended up not doing that. So, I would say it was more of an evolutionary process.

Q: Are there any steps you recommend taking to pursue a career in international environmental law?

A: There are lots of different paths. Some people work in law firms, other governmental. I do more governmental work. A lot of people go to work for NGO's initially. I started my path by working for the government. There isn't one way to do it, there are many ways. Any of these three paths would work.

Q: What courses do you recommend ELP students take?

A: Well, for Domestic, US environmental law is definitely important. For International environmental law, I recommend taking international law and ocean law. It depends on how much you want to focus on the international side of things. But, if you want to focus on the international law side of things the more you understand international law the better.

Q: What internships do you recommend?

A: There are many great ways to get into it initially. The problem is getting your foot in the door initially. There aren't many jobs. I encourage all of my students to get into internships. One of my students, at Arizona, works in traffic regional office in Kuala Lumpur. I think he just surfed the web and found as many that he could apply to and got this opportunity. The Traffic offices have regional offices all over the world. It's really exciting. A lot of the UN agencies take interns, like the UN climate change secretary. This is a great way of getting into the process. Also, look for grants because many of these internships are unpaid. For those who can swing it, they are great opportunities. It is a great way of getting a job afterwards.

Q: What do you think is the biggest issue for climate change?

A: Climate change is just so slow and there are so many domestic politics. I would say the biggest problem is that the political process is too tolling; the amount of time to deal with the issue isn't that much. There is sort of a disconnect, not saying that we might not get there politically. The odds of getting something significant soon, the odds are limited.

Q: Do you think Hawai'i is at risk for being inundated with water due to climate change?

A: I don't know enough about the elevation, Hawaii is not so low lying. Some of the coast areas could be inundated. Hawaii is not like a low lying island like Nauru. I think the bigger issue for Hawaii would be the trade winds. If the trade winds shut down, then Hawaii temperature would rise. Hawaii temperature is dependent on the trade winds. If there is a change in the circular patterns of wind, then Hawaii might become much hotter.

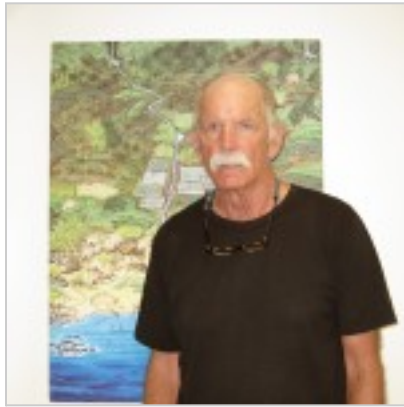
Q: What do you like to do on your free time?

A: I like to travel. I like to travel to various places in Europe, but also Asia and South America. One thing I like to do here is snorkeling. I would like to take up scuba diving.

Q: What has been the best thing about spending your summer in Hawaii?

A: Whenever we come to Hawaii, as soon as I get off the plane, I'm happy. I love the climate, love the water basically. Love the ocean. The people are always so amazing. My kids love it. They love the whole environment here. I would say it's a combination of things, life is good here, the weather is great, the ocean is great, and there are so many great things to do on Oahu. I've loved Hawaii for ages. In college I had an internship here. If I hadn't gotten a job at the state department out of law school, I would've come back to Hawaii. I applied to clerkships here, but my school schedule conflicted.

Professor Richard Hildreth of the University of Oregon on Rising Sea levels and Ocean Acidification



The William S. Richardson School of Law is blessed not only with our year-round environmental law faculty, but also with visiting professors that make the trek to teach environmental law here in Hawai`i. We interviewed this year's visiting professor, Professor Richard Hildreth of the University of Oregon on rising sea levels and ocean acidification.

Professor Hildreth teaches Property and Environmental Law courses. This summer, Professor Richard Hildreth of the University of Oregon joined us to teach Domestic Ocean and Coastal Law. This is Professor Hildreth's third summer teaching here at Richardson. He also taught here in 2000 as a visiting professor. Professor Hildreth is a natural land lover and enjoys doing anything outdoors when he is not teaching. He says that, "Hawai`i is not just Waikiki, it's much more than that. A whole new world."

Professor Hildreth grew up in Michigan. He attended the University of Michigan and graduated with a degree in Engineering and Physics. He continued at the University of Michigan School of Law to get his Juris Doctor and focused on labor law. He graduated from law school in 1968 with Richardson's Professor David Callies.

Environmental Law was not taught in the 1960s. Upon graduating from law school, Professor Hildreth received an offer to work at a private law firm in San Francisco where he worked for two years as a corporate practitioner. While in San Francisco, local environmental issues caught his attention. He began attending Young Lawyers environmental meetings and doing pro bono for them. This, he says, is what got him interested in environmental academia and eventually led to teaching Property and Environmental law at the University of San Diego and now teaching at the University of Oregon.

The course at USD was one of the first environmental law courses ever, in 1973. Professor Hildreth relates that about "ten people were teaching environmental law in the U.S. in 1973, there were no casebooks, so you had to do it yourself, it was interesting time to be working in environmental law, and now here we are, many years later, climate change is upon us. As I look back, it's like, why didn't we see this coming sooner. Not giving up, but it is interesting to think about. As I look back at to who was writing what, some people's crystal balls were better than others. So hopefully we can turn things around."

See below for the rest of the interview of Professor Hildreth that took place on Tuesday, July 15, 2011.

Q: How do you know Dean Leigh?

A: “We go way back, from through ocean circles when she was at the University of Washington, University of Mississippi, then here and just kept rolling and she really taught me what I know about Hawai`i, she and her partner Bill, made me a little more aware.”

Q: I noticed that you focus on climate change and rising sea levels. Professor Burkett attended a conference on rising sea levels and displaced peoples and was recently quoted in a New York Times article on her “nation ex situ.” Any thoughts?

A: “That was an internationally significant event.” Professor Burkett co-taught climate change at Eugene with Professor Hildreth and he says that it was “a unique experience with her last fall.” She helped to launch his casebook. Professor Hildreth says that he is “really indebted to her for that . . . she is one of the leading lights on adaptation.”

To read the New York Times article on displaced peoples, rising sea levels, and Professor Burkett’s “nation ex situ,” please click [here](#).

Q: Do you think that the UN should extend refugee status to those who are displaced as a result of rising sea levels?

A: “Yes I would say from my perspective that would be helpful. Whether it’s the best most fair thing to do, not so sure, but whatever is the most rapidly available, I would favor. Time is short. There may be some pitfalls to refugee status that I’m not aware of. I can’t even remember if that’s at their request or is it imposed on them because I would certainly rather favor letting islanders decide. I’ve been in Micronesia, the closest analogy would be the Marshall islands which was used for atomic testing after World War II, people had to be relocated off their home islands to make way for atomic testing. It’s a sad situation. It just goes on and on that sad story. Yes they’re on an island but it isn’t their home island, and it will never be home. I guess they’re atomic refugees. That’s a concrete experience that hopefully some lessons will be learned on how to handle sea-level rise refugees and how best to handle it. Doing something soon, rather than later, because they’re sort of the first victims that could lose it all.”

Q: When it comes to sea-level rise and displaced populations, what timetable are we looking at?

A: “This is 1990 in the capital of Marshall islands flooding. No one back then was talking that it was climate change and sea level rise. It’s borderline now. I don’t know when someone will say it’s so much more frequent or so much more worse now and whether or not someone will force evacuation.” The Maldives and the Seychelles are in a similar situation to the Marshalls.

Q: Do you think the Seychelles and Maldives are worse off than the Marshall Islands?

A: Professor Hildreth thinks that the Seychelles and Maldives have more resources to relocate. “The Marshalls did not have the resources to do that on their own.”

Q: Do you think that Hawaii will ever be at risk for this kind of displacement?

A: “I’ve somewhat naïvely thought that it is a high island with contours but then I’ve seen the maps about what 2 meters would do to the Ala Wai, to Waikiki, and it does not look good. Both Oregon and Hawai`i just got a little bit of blow from the tsunami event from Japan. Even coast that are vertical more, there could be major disasters and longer term issues.

I have always been cautiously optimistic that sea level rise, that we are capable of adapting to sea level rise with expenditures and some suffering, but it's gradual enough that maybe, maybe things could be done in time. When you look at some other climate rise scenarios, either because of their abruptness or their violence, it's like hurricane Katrina scenarios and not really manageable. So thinking about legal responses is that much more difficult to plan ahead for. So I feel that sea level rise law is in better shape than some other branches of climate change law because partly, the relative gradual nature of it provides possibilities to re-nourish beaches, harbors, some parts of the coast, that takes money, but planning and some investments may lead to positive decisions about what are the priority areas that could be relatively rationally done. I see little Rhode Island is out in front for planning for sea level rise, and Hawai`i, Oregon and others, are not far behind."

Q: On that note, do you think that all landmasses would become underwater at some point or will there be areas that will remain habitable?

A: "There's good possibility that habitable areas will remain. I compare Palau in Micronesia to the Marshalls Islands, which are low-lying atolls. "Palau is very vertical, 3dimensional, population imbalance with resources, I saw boy, if there's an island nation that can gradually retreat, keep growing crops, keep fishing, maybe they can pull it off. I look at Hawai`i as maybe a bigger version of that in physical capability, to keep one step ahead of where things are headed."

Q: Is climate change the biggest issue in your field?

A: Professor Hildreth is hoping to focus on climate change for the rest of career, including rising sea levels and ocean impacts of climate change, including sea level rise and ocean acidification. "The longer term prospects from some of these threats are worrisome. You look around to legal responses to ocean acidification, international or domestic, they're almost non-existent. So that's why in a sense feels better about sea level rise because there already are programs, laws, possible scenarios to reduce suffering." But those responses are not present for acidification. The ocean is currently buffering us. It's buffering us on co2 levels and temperature increases. He says that, "from chemistry we know that, co2 plus water equals carbonic acid. Sea level rise is regional; acidification affects the entire world. Acidification is going to rapidly globalize. Scientist say that even for acidification, there are hot spots where local sources of acidification combine with global." In a nutshell: this is bad news for coral reefs and shellfish.

Acidification "makes it difficult for shellfish to form their shells, oysters, clams, and other shellfish can't get to that stage of their development. As acidification worsens, pH goes down. Coral reefs are in danger; acidification is a relatively immediate threat to coral function."

Q: What are the Impacts of acidification on the human population? Would it become unsafe to eat fish from the ocean, swim?

A: "I don't think we're very close to that. It's more ocean ecosystem changing, with species reacting maybe with detriment to our commercial fishing industries. Some oyster farmers are already seeing the impacts on oyster crops. It's happening now so to speak!"

Q: What courses do you strongly recommend as environmental law staples?

A: “Administrative law because a lot of environmental law and ocean law is federal judicial review of federal agency decision making, like the clean water act, fishers laws. That cross-over course is a very helpful foundation for picking and choosing the most interesting branches of environmental law.”

Professor Hildreth also recommends energy related courses because they “have a key role to play. Part of the climate change solution is moving away from fossil fuels and becoming more efficient. Things are happening in Hawaii that look impressive trying to change over the energy supply. Here, whether there is one or more courses, it’s a living laboratory, with the legislature downtown, very timely things going on in the surrounding city.”

Q: What internships and externships do you recommend?

A: Professor Hildreth recommends internships and externships with government agencies, NGO’s, private firms, environmental practioners, and also participating in environmental law clinics. “Those are great additions to law school curricula that are well in place now but are not that old. For getting kind of a feel for the different niches and career paths outside of the classroom.” These activities “look impressive and you’re helping with real-live problems so it’s almost a public service activity.” He says that there are “so many more opportunities than before; great service activities, doing good while broadening the education portfolio is a win-win.”

Q: What’s to come in the future for Professor Hildreth?

A: He’s hoping “to help us get somewhere on acidification, if we can, and keep the ball rolling on sea level rise where I think there is potential adaptation.”

Professor Hildreth would eventually like to see an environmental law exchange program between Oregon and Hawai`i students. He believes that Richardson is attractive to the University of Oregon students not only because of our Environmental Law Program but also because Hawai`i is the mid-point of the pacific and students have the opportunity to learn much about the Asia-Pacific experience though a variety of Asian-Pacific classes offered here. Likewise, the University of Oregon is attractive to Richardson students because Oregon is well connected to mainland west coast.

Q: What advice do you have for current and future environmental law students?

A: “Be flexible, especially in today’s job market. Be aware of and open to clever-lateral moves.”

Q: Who are the biggest environmental international players?

A: The International Maritime Organization (IMO). The IMO originally focused on shipping issues, then pollution from ships, then marine protective areas. Professor Hildreth says that it’s a “relatively obscure” organization but is UN connected. The IMO has the staff, secretariat, support and important resources available. The IMO is currently challenging ships as emitters of carbon dioxide. Carbon dioxide emissions from diesel fueled ships account for 4-7% of global emissions. Like aviation, shipping is presented with the challenge of greening fuel. He has “a sense that they are a can-do international organization” even though they are not as well known. Professor Hildreth says that they the IMO is “kind of a sleeper that deserves attention and support.”

Professor Hildreth also recommends the Center for Biological Diversity, a “U.S. NGO that takes climate change to heart.”

Professor Hildreth ended the interview saying,

“This is a time for your generation to really make an impact, to shape the future.”

For some interesting reads on the subjects of marine resource management and marine police, Professor Hildreth recommended two articles:

The first article is entitled Science and Marine Policy by Professor Richard Hildreth and our own Professor Casey Jarman (now Leigh). This article speaks of the challenge of keeping a “separation of science and values” in the marine policymaking process. The challenge is that “even science itself can be value-laden.” Ultimately, “for effective use of science in marine policymaking, scientist need to be more involved with policymaking bodies . . .[a]t minimum, scientist need to know the legal constraints agencies work under and consider and communicate more carefully and understandably the policy implications of their work; simultaneously, policymakers need to recognize the need for better understanding of the scientific basis of their policy prescriptions.” Richard Hildreth & Casey Jarman, Science and Marine Policy, Sea Technology (Jan. 2008).

The second article entitled Roles for a Precautionary Approach in U.S. Marine Resources, by Professor Richard Hildreth, Professor Casey Jarman, and Maggie Lenglas, details the scientific approach to ocean resource management using a precautionary approach, under which “resource managers are more cautious when information about the impacts of proposed new marine resource uses is uncertain, unreliable, or inadequate.” Richard Hildreth, Casey Jarman & Maggie Lenglas, Roles for a Precautionary Approach in U.S. Marine Resources, 19 Nat. Resources & Env't. 64, (2004). This article reviews the Pew Oceans Commission report, America's Living Oceans: Charting a Course for Sea Change.

This report was the first to be conducted in over three years and represents a nationwide study of the oceans that took place over three years. The report “provides ample evidence that the current and past management regimes have failed to ensure the sustainability of the ocean's living natural resources.” Overfishing, bycatch, and aquaculture are among the greatest threats. Id.

The article next discusses views on how to best apply the precautionary approach as a legal tool for ocean resource managers. Lastly, the article reviews those U.S. laws and international treaties that already use a precautionary approach and stresses the need for greater use of the precautionary approach to attain sustainability.

UH Manoa Sakamaki Extraordinary Lecture Focuses on Climate Crises, Policy and The Law In The Asia-Pacific Region

This year, APEC Trade Ministers recognised climate change as “one of the biggest challenges confronting the world...” Climate adaptation experts deem the Asia-Pacific region, and Southeast Asia in particular, as a climate change ‘hotspot’ due to multiple and imminent hazards coupled with large populations and important natural and economic assets at high risk.

UH Manoa Outreach College continues the Sakamaki Extraordinary Lectures with Climate Change Adaptation, Migration, and the Law: Issues Relevant to the Asia-Pacific Region with Maxine Burkett, Associate Professor of Law and Director of the Center for Island Climate Adaptation and Policy (ICAP). The lecture is on Wednesday, July 27 at 7:00pm in the UHM Architecture Auditorium and is free of charge. For info: ww.outreach.hawaii.edu/summer or 956-3411.

In this presentation, Prof. Maxine Burkett identifies the multiple indicators of vulnerability to climate change – exposure to climate change-related events, the strength of human and natural systems, and existing adaptive capacity – and suggests that vulnerabilities that are complex in nature require multidisciplinary responses. With a particular focus on the phenomenon of climate-induced migration and the loss of Pacific island nations, Prof. Burkett identifies climate crises for which the law and policy can provide novel solutions as well as more climate resilient communities.

Maxine Burkett is an Associate Professor of Law at the William S. Richardson School of Law, University of Hawai'i and serves as the inaugural Director of the Center for Island Climate Adaptation and Policy (ICAP), at the University of Hawai'i Sea Grant College Program.

She has written in the area of Race, Reparations, and Environmental Justice. Currently, her work focuses on "Climate Justice," writing on the disparate impact of climate change on poor and of-color communities and the ethical and legal obligation owed to these communities. Her March 2007 conference "The Climate of Environmental Justice," at the University of Colorado, brought together leading academics, activists, and legal practitioners in the Environmental Justice field to consider the emerging interplay between race, poverty, and global warming.

Professor Burkett has presented her research on Climate Justice throughout the United States and in West Africa, Asia, Europe and the Caribbean. She most recently served as the Wayne Morse Chair of Law and Politics at the Wayne Morse Center, University of Oregon, as the Fall 2010 scholar for the Center's "Climate Ethics and Climate Equity" theme of inquiry. She is the youngest scholar to hold the Wayne Morse Chair.

As the Director of ICAP, she leads projects to address climate change law, policy, and planning for island communities in Hawai'i, the Pacific region, and beyond. In its first eighteen months, ICAP has completed several climate change adaptation related policy documents for Hawai'i and other Pacific Island nations, specifically the Federated States of Micronesia. It has also hosted numerous outreach and education programs on island resiliency and climate change and engaged planning agencies in all four counties in Hawai'i and seven state agencies and offices, as well as several federal entities and many state legislators. Most notably, ICAP has partnered with the Hawai'i State Office of Planning to conduct early planning and assessment for a statewide Climate Change Adaptation Plan.

Originally from the island of Jamaica, Professor Burkett attended Williams College and Exeter College, Oxford University, and received her law degree from Boalt Hall School of Law at the University of California, Berkeley. She has worked in private practice in Honolulu with Davis, Levin, Livingston and Paul, Johnson, Park & Niles, and served as a law clerk with The Honorable Susan Illston of the United States District Court, Northern District of California. Prior to her appointment at the University of Hawai'i, Professor Burkett taught at the University of Colorado Law School.

The Sakamaki Extraordinary Lectures are an annual summer series extending the intellectual resources of the University of Hawai'i to the community. The 2011 lectures support Outreach College's summer theme, Advancing Asia-Pacific, and provide an enriching public forum for viewpoints and discussion prior to

Hawai'i's hosting of the Asia-Pacific Economic Cooperation (APEC) summit in November 2011. Funded in part by the Shunzo Sakamaki Extraordinary Lecture Endowment at the University of Hawai'i Foundation.

*Thank you to Ann Brandman for this information!

Lora Reeve '12 Externs at The International Union for Conservation of Nature High Seas Task Force



Lora Reeve received an Environmental Law Program travel grant for her externship with the International Union for Conservation of Nature (IUCN) High Seas Task Force this summer. For several weeks, Lora was based in Warsaw, Poland and worked under the guidance of Kristina Gjerde, the Policy Advisor for the Task Force.

Lora's itinerary involved quite a bit of traveling. During the first two weeks, Lora attended the Global Ocean Biodiversity Initiative Pelagic Working Group meeting followed by the International Marine Conservation Congress, both in beautiful Vancouver Island, Canada. Lora then traveled to Warsaw with Kristina to begin work on two research papers. The first paper is a legal technical assistance document to help the Sargasso Sea Alliance pull together the international legal bases for the world's first marine protected area completely in the high seas. The second paper will be published in the Ocean Yearbook and is entitled, "The future of high seas marine protected areas." Lora took the lead for the research and writing of this paper and is honored to be the first author.

A week later, Kristina and Lora traveled to New York City, where they attended a meeting at United Nations Headquarters as members of the IUCN delegation. This was the fourth meeting of the UN Ad hoc working group on biodiversity in areas beyond national jurisdiction. According to Lora, "It is intriguing to watch the States' delegates at the hard bargaining on the conference room floor and in small groups in the corners of the room during breaks. No one expected major progress, but there was a breakthrough in the negotiations that led to substantive recommendations to be sent to the UN General Assembly for deliberation and, we hope, acceptance."

Kristina and Lora headed back to Warsaw for two more weeks of work on several high seas issues. Lora thoroughly enjoyed herself and stated that, "It was great fun. Kristina is a very gracious hostess and a

great pleasure to work with.” Lora also spent some time exploring the old section of the city. Poland has a very interesting and unique history.

Kristina and Lora next returned to New York for one more week as IUCN delegates to attend the meeting of the UN working group on the Law of the Sea. Lora said the process of UN negotiations is fascinating: “There are specific rules for debate among the State delegates and then responsive ‘interventions’ by inter-governmental (quasi-UN organizations such as IUCN) and non-governmental organizations (such as Greenpeace, National Resources Defense Council, World Wildlife Fund, and Pew Environment). To indicate the desire to speak, the State delegate raises a small sign with the name of her/his country. To make an intervention, the IGO or NGO delegate requests of the co-chairs that the name of her or his organization be put on the speakers’ list. The two co-chairs of this meeting/group are Mauritius and New Zealand.”

The special highlight of Lora’s externship was meeting so many wonderful people who are committed to furthering global marine conservation, and who are working at a decision-making level where they can really make a difference. Lora said that she is “grateful for ELP’s assistance.”

Pictured: Lora Reeve at the United Nations as a member of the IUCN delegation.

Read ELP Alumnus Doug Codiga’s Journal About His Travels Around Asia



ELP Alumnus Doug Codiga '94 traveled to Japan to teach a course entitled “Climate Change and Clean Energy Law and Policy in Hawaii and the Asia Pacific Region” at Shinshu University. In his travels he also he also gave presentations in Singapore and Shanghai and reports on the growing interest climate change and clean energy law.

Read his journal below:

It turns out climate change and clean energy are popular topics here as well as in Hawaii and elsewhere. A total of seventeen students enrolled in the course. A few dropped out after the first day, but there has certainly been critical mass for discussions and group exercises. In addition to the Japanese students, there are three Chinese nationals, two Vietnamese, and one Malaysian. Of course, for the most part English language ability is poor to average. I carefully reviewed your sage e-mail guidance before I left and

simplified the syllabus and readings. Despite this, the materials remain very challenging for most if not all of the students – a real stretch. And yet, my sense is that rather than becoming frustrated they have applied themselves and risen to the challenge. To make it easier and more valuable for them, each day I have spent ample time building their vocabulary (I suspect they are among very few Japan undergraduates with a solid understanding of feed-in tariffs), correcting grammar, etc. – essentially teaching English as well as basic U.S. environmental law, international law, and climate and clean energy. I also used breakout sessions in which they were allowed to speak Japanese to synthesize concepts and reinforce the course substance.

For our final class today (review and exam tomorrow), we had a mock United Nations treaty negotiation with three teams representing Hawaii/U.S., Japan and China hammering out greenhouse gas emissions limits, technology transfers for windmills, and penalty provisions. They were seriously into it, first identifying their priority laws and policies, then making demands, and finally reaching agreement on key terms. A great way to round out the week. I was very proud of them.

They had a major boost from Saturday's public symposium. I am not sure how many of you I mentioned this to, but it turns out the university holds an international symposium I believe about once a year. Based on my recent presentations at the Inter-Pacific Bar Association conference in Singapore, and the guest lectures at Shanghai Jiao Tong University law school (arranged by Larry) and at Renmin law school in Shanghai, the Shinshu folks decided to organize a symposium with me as the featured speaker on climate change and clean energy law (the attached poster, which does say my name and UH law school, was up all over campus and there was an article in the local paper that drew members of the public). The other three speakers were a fairly high ranking official from the Japanese government's Ministry of the Environment who is heavily involved in energy policy, a finance expert from the Development Bank of Japan, and a local commercial renewable energy entrepreneur. We had a lively exchange – aided by simultaneous translation. Shinshu was able to obtain funding from the American Center of the U.S. Consulate in Nagoya, so there were two translators in a glass booth in the back of the large auditorium and everyone in the audience had a radio device and earpiece. I was the only person in the room (about 90 in attendance, I'm told) tuned to Channel 2, Japanese to English. Two officials from the U.S. Consulate took the train up from Nagoya for the symposium so I got to share a little with them about our great law school. And we had a wonderful reception with the university president and many law and economics faculty in the faculty lounge after the four-hour long event concluded – the sake was flowing. Shingo said it was perhaps the most successful of their international symposia ever.

Matsumoto is a fine little city, even with some mushiatsui weather. My hotel, charmingly named "Hotel Dormy Inn," has a river rock hot spring – on the roof! The water is true hot spring water from deep beneath the property, but because the hotel is centrally located in the city they put the hot spring literally on the roof. That is where I can be found after a day of teaching, soaking away and watching the sunset. Also went for a great day hike deep in the forested mountains outside of the city. And of course, the Matsumoto Bon Bon, which totally blew me away (Shingo took pictures to send to John as proof that were there), and Takigi Noh. I plan to climb Fuji right after the course ends and spend the weekend in Kyoto before my return Aug. 16.

ELP Grant takes Mele Coleman '13 to the Fish and Wildlife Service in Arlington, Virginia!



Mele Coleman '13 was awarded one of the William S. Richardson School of Law Environmental Law Program's travel grants this summer. The travel grant helped to pay for the airfare to Arlington, Virginia, where Mele is working for ten weeks as a summer law-intern at the U.S. Fish and Wildlife Service's (USFWS) National Office of Endangered Species Act Litigation (OEL).

While at OEL, Mele has been learning about ESA litigation, writing memorandums, responding to Freedom of Information Act requests, and working on several other projects relating to Endangered and Threatened Species (E&T).

Mele is working for Gina Shultz, the Chief of OEL. Ms. Shultz used to be the Deputy Field Supervisor at the Pacific Islands Fish and Wildlife Office (PIFWO), where Mele worked as a law-intern since January 2010.

At PIFWO, Mele worked with biologists to write documents relating to compliance with the Endangered Species Act and the National Environmental Policy Act. Mele was also involved in several other projects relating to E&T.

Mele highly recommends that other law students interested in environmental law and E&T consider working with USFWS.

To learn more about the U.S. Fish and Wildlife Service visit www.fws.gov or click [here](#).

(Pictured: Mele Coleman in Washington D.C.)

ELP Explores the North Shore Less Travelled in Waimea Valley



On May 28, 2011, William S.

Richardson School of Law students, Randall Wat, Eric Seeleman, and Onaona Thoene, Professor Denise Antolini and Hawai`i Magazine's Maureen O'Connell and photographers Robert and Sharon Smith, were fortunate to explore Waimea Valley on the North Shore.

The six-mile South Ridge Loop hike was guided by Hoku Haiku of Hi`ipaka LLC and Jasmine Smith. This is the longest hike that is offered and explores both the North and South Valleys. The hike begins at the base of the South valley where gardens are arranged by place of origin as well as type of plants. Hikers make their way up to the South Ridge to see beautiful views of Ka`ena point, Kawiko`ele and Kamananui Streams, and Waimea Valley.



(Pictured: Professor Denise Antolini, Eric Seeleman, Onaona Thoene, and Randall Wat)

Native and indigenous plants, including Koa and Hau trees used for making canoes, are visible along the



path.

(Left: A glimpse of the Koa tree between its young and adult stages; Right: Hoku Haiku, Randall Wat, Onaona Thoene, and Eric Seeleman).

The site of a future wind farm is also visible from the path (a perfect stop for a quick environmental law lesson compliments of Professor Antolini).

At a lunch break on the banks of the Kamananui Stream, hikers are able to swim in its cool waters.





Also hidden on the trail are the remains of past activities to which Waimea Valley was home to, including the North Shore Cooling Station and a rope swing that will make you reminisce childhood.



For those who are interested in seeing a part of the North Shore that many do not know exists, visit www.waimeavalley.net or click [here](#). Ask for Hoku, he was a great guide!

Professors Maxine Burkett and Jon Van Dyke on Climate Change and Rising Sea Levels



Associate Professor of Law Maxine Burkett was quoted in the New York Times article entitled “Island Nations May Keep Their Sovereignty of Rising Seas Make Them Uninhabitable” by Nathaniel Gronewold of ClimateWire.

The article discusses options for nations that may in the future have no territory to govern due to rising sea levels. Professor Burkett offers the option of a “nation ex situ” in which a “displaced population could organize the offices and functions of their displaced government, under a type of informal ‘trusteeship’ that they run with the financial backing of a host government.”

This is a very interesting article and particularly important to our brothers and sisters living in the Pacific region as well as to us here in Hawai`i. To read the article and learn more about Professor Burkett’s “nation ex situ” please click [here](#).



Professor Jon Van Dyke chaired a session on Resettlement at the “Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate” conference on May 23-25, 2011. The conference was hosted by the Columbia Center for Climate Change Law and the Republic of the Marshall Islands and addressed legal questions that have and will arise from the impacts of global climate change and rising sea levels on small island nations. Also in attendance at this conference were the University of Hawaii’s own Professor Maxine Burkett, Professor Sherry Broder, and coastal geologist Murray Ford.



The Marshall Island delegation surrounding the President of the Marshall Islands, Jurelang Zedkaia.



Professor Maxine Burkett and Ambassador Dessima Williams, Grenada's ambassador to the United Nations and Chair of the Alliance of Small Island States.

Congratulations to Adam Roversi '12 as this year's Environmental Law Society Summer Grant Recipient



The Environmental Law Society is proud to present its annual summer grant to Adam Roversi '12 who will be working at Earthjustice.

Adam will be working with staff attorneys to further the office's goals as it "protects the island's native species from the threats of habitat destruction, overfishing, and harmful sonar use," and "[partners] with local Hawaiian organizations to restore the islands' waterways." For more information on the work of the Honolulu office of Earthjustice please click [here](#). Congratulations again Adam!

Sustain ELP Students E-Telethon



“Sustain ELP Students,” the campaign to raise funds for Environmental Law Program students, kicked off with the first ever ELP E-Telethon on April 29, 2011 and will continue through the summer. Over twenty ELP students and faculty dedicated their efforts to calling and emailing supporters. Many donations and pledges came in. We’ll keep you posted on the progress toward our \$50,000 goal. Don’t forget to give your gift now – go to the ELP web page and click “donate.”

(Pictured L to R: Front: ELP Director Denise Antolini, Onaona Thoene, Miya Tsukazaki, Sasha Hamada, Joanne Sheng, Chris Odoca, Drew Porter, Tricia Sakamoto, Melissa Uhl, Teri Wright. Back: Brent Kakesako, Adam Roversi, Lauren Goodmiller, Chad Kumagai, Danielle Seress, Kylie Wager, Lena Mobin (peaking out), Charlie Taylor, Haaheo Kahoohalahala, Professor David Forman.)

Visiting Professor Seong Wook Heo On Climate Change and Social Discount Rate



On April 25, 2011, Professor Seong Wook Heo from Seoul National University Law School (SNU) spoke about his work on climate change and social discount rate theories. The talk was co-sponsored by SNU’s Center for Energy and Environmental Law and Policy (CEELP),

Pacific-Asian Legal Studies (PALS), Center for Island Climate Adaptation & Policy (ICAP), and our Environmental Law Program (ELP).

(Pictured L to R: ELP Director Denise Antolini, Visiting Professor Tae-ung Baik, Visiting Professor Jae-Hyup Lee, Professor Seong Wook Heo, Dean Avi Soifer, Professor Danielle Conway, Professor Mark Levin, and Professor Maxine Burkett). Professor Heo is a member of SNU's Center for Energy and Environmental Law and Policy (CEELP), which is a partner with WSRSL's Environmental Law Program. The two programs have sponsored faculty exchanges and CEELP is planning a future international conference in Hawaii.

Social discount rates refer to certain calculations that assign a certain value to social benefits, such as reducing carbon emissions with regards to climate change. The rates are highly controversial as they attempt to value qualitative factors and are used in cost-benefit analyses, which affect quantitative resource allocation decisions.

ELP Students Blog from the 2011 Public Interest Environmental Law Conference



Environmental Law Program (ELP) Certificate Candidates, Miya Tsukazaki, Jo Sheng, and Melissa Uhl, traveled to the University of Oregon School of Law in Eugene, Oregon to attend the 2011 Public Interest Environmental Law Conference (PIELC). Here's what they had to say:

PIELC was amazing! I learned a lot — especially after taking Environmental Law with Prof. Antolini and Environmental Litigation with Prof. Sproat. PIELC was a fantastic opportunity to learn from and network with activists, attorneys (primarily from CA, WA, and OR), (law and science) students, and Oregon community members. I attended most of the Endangered Species Act (ESA) related panels since my summer job with the Fish & Wildlife Service will be focused on ESA listing. It was especially interesting to learn the broader picture for ESA listing procedures from the point of view of counsel from the Center for Biological Diversity. I also attended panels involving: bringing ESA Section 9 citizen suits, using the ESA to protect marine wildlife, starting up your own environmental law public interest

practice, genetically engineered organism litigation, using the FOIA, strategies for litigating against CAFOs, and issues with solar development. I would highly recommend going to this conference!

During my stay, I was hosted by Ian Tsuda (a 1L University of Oregon law student from Hawai`i), his girlfriend Kirsten, and their handsome weiner dog Poncho. They were gracious and wonderful hosts – thank you for sharing your home!

-Jo Sheng

ELP Certificate Candidate '12



PIELC, what a great trip! From debates about the first Supreme Court opinion on GMOs to a session called “How to Avoid Getting Arrested While Protesting,” the range of interesting topics at the conference was well covered. It was inspiring to see so many different kinds of people and interests all gathered in one beautiful setting with the common goal of making our natural environment a better place, for people and critters alike.

-Melissa Uhl

ELP Certificate Candidate '12



“Bag It” Screening Hosted by ELS



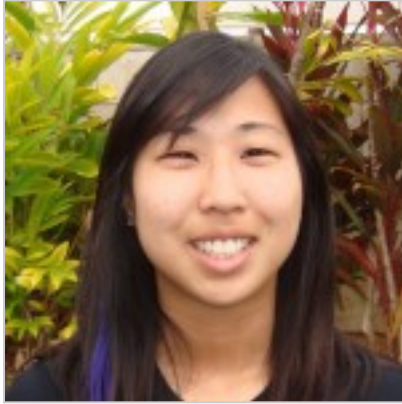
On March 10, 2011, the Environmental Law Society, in conjunction with the Surfrider Foundation UH Mānoa Chapter, was proud to host a free screening of the award-winning film *Bag It* (www.bagitmovie.com) at the William S. Richardson School of Law to support Surfrider’s Rise Above Plastics Campaign, which seeks to educate people about the prevalence of plastic marine debris. The screening drew more than 70 attendees from the law school, the broader UH community, and the general public and concluded with a Q&A session regarding the single-use plastic bag ban and fee bills that were passing through the Hawai‘i State Legislature.

*“We were excited about showing *Bag It* at the University of Hawai‘i because it’s such a timely, important, and entertaining film,”* said Stuart Coleman, Hawai‘i coordinator of the Surfrider Foundation. *“The documentary taps into the worldwide movement to reduce plastic pollution and the local groundswell to ban or impose a fee on all single-use plastic and paper bags in Hawai‘i.”*

Coleman conducted the Q&A session with second-year Richardson student Mele Coleman, who drafted the bill that evolved into S.B. 1363 along with J.D. candidates Noa Ching and Jeremy Hicks. The bill, which imposes a fee on all non-reusable plastic bags, currently continues to pass through the legislature. If enacted, Hawai‘i will be first in the nation to impose statewide restrictions on single-use plastic bags.

For video coverage from the screening, click [here](#).

Congratulations to Sasha Hamada ’13 as this Summer’s DLNR Marine Law Intern!



ELP is pleased to announce that Sasha Hamada '13 will work this summer at the State Department of Land & Natural Resources as the DLNR Marine Law Intern, under the supervision of Wayne Tanaka '09, ELP's post-grad DLNR Marine Law Fellow. Sasha will assist Wayne on projects involving coral reef regulations and natural resources enforcement.

The DLNR Marine Law Fellowship and Internship arise from a partnership started in 2006 among ELP, DLNR, and the Attorney General's office through funding provided by the Harold K.L. Castle Foundation and the National Oceanic & Atmospheric Administration's Local Action Strategies program administered by DLNR.

ELP is Proud to Name Bianca Isaki '13 as our 2011 Jarman Environmental Law Fellow!



ELP is proud to announce the selection of first-year student Bianca Isaki '13 as the Summer 2011 Jarman Environmental Law Fellow, named in honor of ELP's founder Professor Casey Jarman (Leigh). Bianca will work this summer at KAHEA: The Hawaiian-Environmental Alliance.

ELP alumni created the Jarman Fellowship in 2005 to allow first-year students to gain summer job experience in the government and public interest sectors of environmental law. Donations to sustain the Jarman Fellowship are most welcome – just click on the “Donate” button on ELP's home page or [here](#).

1st Annual ELPNet@Work Event Brings Together 1Ls and Upperclassmen



On April 11, 2011, the Environmental Law Program was proud to hold its first annual ELPNet@Work event, in which the program introduced some of its upperclassmen to 1Ls interested in earning an Environmental Law Certificate and answered a variety of questions. (Pictured: 3L Environmental Law Certificate Candidates)



2L Environmental Law Certificate Candidates

The event began with introductions of the 3L and 2L candidates and a selection of their accomplishments and accolades. The 3Ls and 2Ls were then split into different groups as based on their work and externship experience into three groups: Government, Private, and Public Interest. The 1Ls then rotated amongst the groups to ask related questions and pick the minds of the 3Ls and 2Ls. The session ended with questions related to courses. All in all it was a great first event to bring together some of the veteran ELP students and some of the potential Certificate candidates.

2nd Annual Jarman Lecture Series: Conservation in a Changing Climate



On March 3, 2011, ELP was proud to present Deanna Spooner, Coordinator of the Pacific Islands Climate Change Cooperative, as the speaker for the second annual Jarman Environmental Law Lecture Series. The lecture series is run in conjunction with the summer Jarman Environmental Law Fellowship. Andrew Porter '12, the Summer 2010 Jarman Fellow and candidate for the Environmental Law Certificate, organized and hosted the event. (Pictured L-R: Professor Denise Antolini, Andrew Porter '12, Dean Casey (Jarman) Leigh, Deanna Spooner, and Liam Skilling '07)

Mrs. Spooner spoke on the role of conservation in a changing climate. The lecture focused on the biocultural impacts of climate change on coastal habitats, species, and cultural uses. Mrs. Spooner emphasized that, while climate change mitigation is crucial, there also needs to be a dialogue about adaptation to the inevitable environmental consequences created by a changing climate. Small islands in the Pacific are particularly susceptible to climate change; therefore, the dialogue and planning for adaptation to these changes should begin now, while there is still time to develop effectual adaptation and conservation measures.

Congratulations to our International Environmental Law Moot Court Team for placing 2nd in the Int'l Finals!



On March 20, 2011, our very own International Environmental Law Moot Court Team, consisting of team members (pictured L-R) Eryn Reyes '12, Laura Chen Allen '11, and

Doug Raphael '12 placed second at the 15th Annual Stetson International Environmental Moot Court Finals in Baltimore, Maryland!

In the preliminary rounds, the team performed superbly and Doug earned Fourth Best Oralist in the round. In the Quarterfinal round, they prevailed over a team from India (which submitted the third best brief in the competition). In the semifinals, they beat one of two teams from the Philippines (which submitted the top two briefs in the competition) advanced to the Final Round. The team narrowly lost to the Law Society of Ireland and finished in second place, but Laura earned the Best Oralist award for the Final Round.

Special thanks goes out to alumni coaches Seth Harris '01 and Jennifer Woo '05, faculty advisor Professor David Forman '93, and Professor Denise Antolini, along with all the volunteers who mooted the team during their numerous practice rounds!

Please click [here](#) for links to video of the team in action!

Updated

Here are some additional links:

- (1) [Stetson Moot Court Semi-Finals](#)
- (2) [Stetson Finals 160 Arguments](#)
- (3) [Stetson Finals Comments](#)
- (4) [Stetson Finals Awards](#)

ELP Students Attend Renewable Energy Seminar



On January 12, 2011, ELP Students, Michael Howell '12, Amy Brinker '11, Joanne Sheng '12, (pictured L-R), and Edward 'Mickey' Knox '12 (not pictured) attended a seminar on 'Financing, Developing, and Permitting Renewable Energy Projects in Hawai'i.' The seminar looked at the financial, legal, and technical issues that renewable energy developers face, including project financing, Federal and State incentives, tax issues, utility perspectives, and permits and environmental review.

Joanne Sheng '12 writes:

“Commercial development of renewable energy is critical to Hawai`i’s energy future. The ‘Financing, Developing, and Permitting Renewable Energy Projects in Hawai`i’ seminar was an excellent opportunity to learn about the future of renewable energy in Hawai`i – straight from the key players in the government, non-profit, and business sectors. One of the most interesting aspects of the seminar (aside from the mass panic that ensued when the coffee urns ran empty) was its focus on challenges and methods to obtain financing for renewable energy projects. As a result of this seminar, I enrolled in Federal Income Tax because I realized how important knowledge of tax programs and business development can be for achieving environmental goals.”

A special thank you to ELP alumnus Doug Codiga, '94, a leading Honolulu practitioner in renewable energy law and a key speaker at the conference, who graciously arranged for the four ELP students to attend this seminar for free.

For a schedule of the day and short bios of the speakers please click [here](#).

ELP faculty, alumni, students, and friends return to Hakalau



Each year Professor Denise Antolini takes students from her Environmental Law Class to the U.S. Fish and Wildlife Refuge at Hakalau on Hawai`i Island. A small group of ELP faculty, alumni, and students enjoyed their first experience at Hakalau so much they got together for a return trip in February 2011. At Hakalau, the “Extinct Mint Crew” planted over 500 trees in just four hours! After their morning of planting the crew cultivated extinct (in the wild) mint plants at the refuge green house under the supervision of refuge horticulturist Baron Horiuchi. The group enjoyed the cultivation so much they adopted the name “Extinct Mint Crew.” The Extinct Mint Crew also saw many native plants and birds including ‘iwi, ‘elepaio, and ‘io.

Visiting Professor Holly Doremus joined the group for her first trip to Hakalau. Professor Doremus describes her experience: *“What an amazing trip! Start with an opportunity to contribute to native forest restoration by planting out native trees and shrubs and transplanting cuttings of a mint that’s extinct in the wild. Follow that with a bird walk which allowed us to see the endangered forest birds our planting efforts would benefit. Add in sunny weather, great views of Mauna Kea, nene strolling around the cabin, and warm fellowship. It’s hard to imagine what more anyone could want from a weekend.”*



The Extinct Mint Crew looks forward to their reunion trip in 2012.

Photo (L to R) front row: Baron Horiuchi, Holly Doremus, Leslie Karst, Noah Gibson '10, Kau'i Yamane '10, Dave Sakoda '10. Back row: Casey Leigh, Ha'a Kaho'ohalahala '11, Danielle Seress '11, Melissa Farris '10, Jamila Jarmon '10.

Congratulations to our National Environmental Law Moot Court Team!



Our very own National Environmental Law Moot Court Team, Chad Kumagai '11, Elena Bryant '11, and Danny Patel '11 (pictured seated L to R, with coach Professor David Forman '93 standing), reached the Quarterfinals at Pace Law School in White Plains, New York on February 26, 2011. The competition is recognized as the preeminent environmental law moot court event in the United States and attracts teams from across the United States and Canada.

Each round has three teams (six oralists) and the team was required to switch clients three times — an arduous competition that underscores the accomplishments of this year's team!

In preliminary Round 1, Danny/Chad argued for the Intervenor (State of New Union). Danny earned the coveted "best oralist" award despite battling a cold. The judges commented that it was the most intense and competitive preliminary round that they had experienced in all their years of judging.

In preliminary Round 2 later that afternoon, Danny/Elena argued for the Appellant citizen group (CARE). This time the "best oralist" award went to Elena.



Pictured L to R: Chad Kumagai '11, Professor David Forman '93, Elena Bryant '11, Mele Coleman '12, Ian Hlawati '02, and Danny Patel '11

During preliminary Round 3 the following day, Elena/Chad argued for the government agency (EPA). In the Quarter-final round that afternoon, Danny/Elena were both graceful and composed under intense pressure from a hostile panel. Despite Danny's impressive thinking-on-his-feet and a powerful rebuttal by Elena, Brooklyn Law School advanced to the Semi-final round instead.

The team's brief placed fifth out of seventy-seven briefs submitted for the competition, and they were ranked eighth out of the seventy-three teams that actually participated in the preliminary rounds.

A hearty congratulations to Elena, Chad, and Danny for their tremendous accomplishment and a big mahalo to student advisor Mele Coleman '12 and faculty coach Professor David Forman for all their hard work and support!

ELP Colloquium: Bruce Rich on a Global Economy Requires a Global Ethic



On February 22, 2011, Bruce Rich, international environmental attorney and renowned author, spoke about his work on a global ethic founded in the philosophies of

ancient India. (Pictured L to R: Brent Kakesako '12, Bruce Rich, Chris Odoca '12, and Ha'aheo Kaho'ohalahala '11)

In his book *To Uphold the World: A Call for a New Global Ethic from Ancient India*, Bruce searches for a new global order based on a common global ethic and global justice based on the lives of two influential figures of ancient India, Ashoka and Kautilya. Ashoka ruled the largest, richest, and most powerful multi-ethnic state and tried to create a secular state ethic of non-violence and reverence for life. Kautilya wrote the world's first treatise on political economy. Both addressed questions of political realism and idealism, the role of force and violence in international relations, and tensions between economics and ethics. Through retelling mythical and historical accounts, Bruce distilled the message of Ashoka and Kautilya to help us uphold our world in the 21st century. Bruce spoke to the open minds and willingness for both rulers to sacrifice their personal power for the sake of their state.

Drew Porter to Host Second Annual Jarman Fellowship Lecture



On Thursday, March 3, 2011, join Andrew “Drew” Porter (2L) as he hosts the Second Annual Jarman Fellowship Lecture titled *Conservation in a Changing Climate: The Biocultural Impacts of Climate Change on Coastal Habitats, Species, and Cultural Uses* in Classroom 3 at the Law School from 5:30 – 6:45 pm. The lecture features Deanna Spooner, Coordinator of the Pacific Islands Climate Change Cooperative.

Drew is the 2010 “Jarman Environmental Law Fellow.” As the 2010 Jarman Environmental Law Fellow, Drew conducted legal research and writing for the Honolulu office of the Nature Conservancy (TNC) over the summer. Among other things, Drew worked on projects related to marine management in Hawaii and the Pacific. According to Drew, “Working with TNC’s Marine Program was an exciting opportunity to learn from both scientists and legal experts about the problems facing our oceans and the many possible solutions.”

The Jarman Fellowship is supported by an endowment started in 2005 by alumni and friends of the Law School’s Environmental Law Program (ELP). It is named to honor ELP founder and Law School faculty member Professor M. Casey Leigh (formerly Casey Jarman), and to celebrate her twenty-three years of public service and her high standards of excellence in teaching. The endowment provides a summer

stipend to a law student who seeks career development opportunities in the public interest or government sectors of environmental law.

According to Law Professor and ELP Director Denise Antolini, “Thanks to the Jarman Fellowship and other Law School grants offered to students, the Environmental Law Program has significantly expanded opportunities for our students directly through placing them in summer jobs and externships that match their passion with potential career opportunities, and with public sector agencies and groups in our community that need assistance. It’s a win-win-win.”

Virginia Tice '09 Speaks in Iraq on Environmental Law



Virginia Tice ('09 Environmental Law Certificate Recipient), a lawyer for Nature Iraq, spoke at a recent conference in Iraq on environmental law. The Deutscher Akademischer Austausch Dienst German Academic Exchange Service (DAAD) sponsored the conference, titled *First Iraqi-German Universities' Network Conference Symposium on Resource Management in the Development of Iraq*, which took place at Salahaddin University, Erbil's Cultural Centre from November 29 – December 1, 2010.

Through the conference, DAAD sought to enhance the network of the five Partnership Programmes that are part of the German-Iraqi University Partnerships scheme: the Technical University Berlin, the Technical University Dortmund, the University of Erlangen-Nuremberg, and the Technical University Bergakademie Freiberg, as well as a number of leading Iraqi Universities, including the University of Salahaddin-Hawler, the University of Technology Bagdad, the University of Baghdad, the University of Sulaimani, the University of Al-Mustansiriya, the University of Diyala, the University of Basra and the University of Dohuk.

At the conference, Tice addressed the management of Geo Resources. Specifically, Tice focused on *The Environmental Laws of Iraq: International Obligations and Domestic Legislation*.

International Environmental Law Moot Court Team Advances to the Finals



(L-R): Prof. David Forman '93, Laura Chen Allen '11, Eryn Reyes '12, Doug Raphael '12

On January 28-29, 2011, the International Environmental Law Moot Court Team, which consists of team members Laura Chen Allen '11, Eryn Reyes '12, and Doug Raphael '12, traveled to the University of Denver for the Stenson International Environmental Law Moot Court Competition. The team came away as the runner-up thereby earning a spot in the finals on March 17-20 at the University of Maryland.

Under the tutelage of coaches Seth Harris '01 and Jennifer Woo '05 and faculty advisor David Forman '93, the team won all three of their preliminary round matches against Southwestern, Kansas, and University of California-Hastings. In the regional final, the team lost a close rematch with UC-Hastings, but the team's record had already earned them a berth in the International Law Moot Court Finals.

The team coaches send out the following mahalo:

“On behalf of the team, we would like to thank all those who volunteered to judge practice oral arguments and cheer on the team as they prepared their memorials and went through oral argument practice. The team could not have come so far without your generous tutelage and encouragement. We also owe many thanks to our faculty advisor, Professor David Forman who joined the team in Denver for the competition and cheered the team first hand as they progressed through their rounds. We also owe big thanks to Professor Antolini, the Environmental Law Program, Dean Soifer, and the entire law school community. We look forward to everyone's continued support as the team prepares for even tougher competition at the International Finals.”

Congratulations 2011 Elizabeth Sharpe Fish and Wildlife Law Fellows!



The Fish and Wild Life Service selected Environmental Law Certificate candidates Kaleo Nacapoy (2L) and Joanne Sheng (2L) to be this year's Elizabeth Sharpe Fish and Wildlife Law Fellows. The Elizabeth Sharpe Fish and Wildlife Law Fellowship was developed in honor of Elizabeth Sharpe, a 2003 graduate of the William S. Richardson School of Law and Environmental Law Certificate recipient. The Sharpe Fellowship enables students to explore career opportunities with the Fish and Wildlife Service, specifically looking at the connection between protected species and indigenous communities.

Kaleo and Joanne begin their work at the Ecological Services Branch in Honolulu this summer. Kaleo and Joanne will build on the momentum of a current legal settlement pertaining to the Newell's Shearwater in Kauai County. Among other things, Kaleo and Joanne will review and summarize lighting ordinances set by each of five counties in Hawai'i, determine the threat level that each lighting ordinance may pose to animals listed under the Endangered Species Act and Migratory Bird Treaty Act, and recommend necessary changes. Additional goals include devising a strategy for how best to incorporate conservation priorities into lighting ordinances in Hawai'i and identifying the most appropriate participatory roles for the Fish and Wildlife Service and partners in other agencies. Depending on how far these efforts progress, Kaleo and Joanne's findings may be part of a possible wildlife and lighting forum at the Hawai'i Conservation Conference in late summer 2011.

ELP Colloquium: Visiting Professor Jae-Hyup Lee on Reforestation Efforts in Northeast Asia



Visiting Professor Jae-Hyup Lee, from Seoul National University Law

School in Korea, spoke to a packed room of faculty, students, and alumni on January 20 at a joint colloquia presented by the Environmental Law Program and the Pacific-Asian Legal Studies Program. Professor Lee focused on the private and governmental efforts in Northeast Asia, and Mongolia in particular, to collaborate on joint reforestation projects as part of the global effort to combat climate change.

The Clean Development Mechanism (CDM), as defined in the Kyoto Protocol, is a mechanism that allows an industrialized country with an emission-reduction or emission-limitation commitment to earn saleable certified emission reduction (CER) credits by implementing an emission-reduction project in a developing country. Only afforestation and reforestation qualify as A/R CDM projects. REDD initiatives, on the other hand, offer credit for the active preservation of existing forests.

Professor Lee's personal and professional insights into the practical, legal, and political challenges of implementing afforestation and reforestation Clean Development Mechanism projects (under the Kyoto Protocol) in Mongolia provided a vivid picture for his audience of the difficult on-the-ground obstacles that need to be overcome in moving ahead with international agreements on climate change. Professor Lee taught comparative environmental law with a focus on Asia at WSRSL for J-term and will be here through the Spring 2011 Semester on sabbatical.

ELP welcomes baby E.J.



There's a new branch on the ELP family tree! Environmental Law Program Faculty Support Specialist Josie Danielson and her husband Edward Danielson are proud to announce the

arrival of their son, baby Edward Danielson, Jr. (E.J). E.J. arrived on August 5, 2010. Congratulations



Josie and Edward and welcome baby E.J.

Professor Jon Van Dyke Stays Busy on Sabbatical



Professor Jon Van Dyke has been on sabbatical this academic year, and during the fall he traveled extensively, attending conferences and working on a range of international and environmental issues. He gave presentations on the controversies over maritime boundaries in the South China Sea at New York University; at the Council on Foreign Relations in both New York and Washington, D.C.; at a meeting of the Taiwan Society of International Law in Kaohsiung, Taiwan; and at meetings organized by the Mansfield Foundation in Busan and Seoul Korea. He gave the Douglas Johnston Memorial Lecture at the Dalhousie University Law School in Halifax, Nova Scotia, speaking on the controversy over building liquid natural gas (LNG) terminals in Eastern Maine, discussing whether the ships bringing the LNG would be entitled to pass through waters claimed by Canada. He spoke at the Law of the Sea Institute's meeting in Hamburg, Germany on the Regional Seas Programmes of the United Nations Environmental Programme. He spoke on the approach toward climate change issues in the United States and in Europe at the World Ocean Forum in Busan, Korea. And he worked with colleagues at Earthjustice to develop ideas for the Pacific Island nations facing dire consequences from sea-level rise.

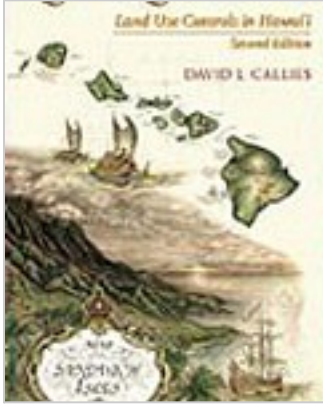
This spring semester, Professor Van Dyke will be a Visiting Professor at the University of California at Berkeley, teaching Constitutional Law and International Law, and then will return to the William S. Richardson School of Law in the fall semester to teach those same two courses. In May 2011, he will participate in meetings hosted by the Mansfield Foundation on the South China Sea in Hong Kong and Jakarta; will speak at the Chinese Society of International Law in Taipei, Taiwan; and will be spending time in the Marshall Islands in connection with a project to codify the customary law of the Marshalls. The following month, he will be teaching International Human Rights in Strasbourg, France, in a program

run by the Dickenson Law School, at Penn State University, and then will speak at a series of meetings in Korea.



Professor Jon M. Van Dyke (second from the left) at Dalhousie University Law School where he spoke in October 2010, with (from left to right) Dalhousie Professor David VanderZwaag, Van Dyke, Dalhousie Professor Aldo Chircop, and Dalhousie Dean Kim Brooks

Professor Callies Releases the Second Edition of Regulating Paradise



Benjamin A. Kudo Professor of Law and ELP Faculty Member David Callies recently released the second edition of his *Regulating Paradise*. Professor Callies's work guides readers through the many layers of laws and regulations that govern the land use process in Hawai'i, which is considered the most intensely regulated in the United States.

ELP Alumnus Lea Hong, Hawaiian Islands Program Director for the Trust for Public Land's O'ahu Office states: "Callies has vibrantly depicted the complexity, conflicts, and conundrums of navigating land use laws and regulations in Hawai'i in a clear and entertaining manner."

Students and Practitioners Mingle at the Annual Enviromentors Event



On November 19, 2010, students from the Advanced Environmental Law class practiced semester long lessons on professionalism as they networked with over twenty practicing lawyers in the community. The Enviromentors event was the culmination of a semester's learning where the students discussed various topics including interviewing skills, proper dress, basic etiquette and socializing do's and don't's in a professional setting.

Professionals from private law firms, public interest groups, non-profits, and governmental entities spoke about their experiences with students in a speed dating-type setting at Downtown Restaurant in the Art Museum. It was an enjoyable night with great food and allowed for students to connect with practicing attorneys and for the many WSRL alumni to reconnect!

Advanced Environmental Law Students Take Part in Mock Legislative Hearing



On November 18, 2010, students from the Advanced Environmental Law class presented bills that they worked on in class to Senate Committee on Energy and the Environment Chair Mike Gabbard and the House of Representative Committee on Energy and Environmental Protection Chair Hermina Morita as well as Representatives Chris Lee, Della Au Belatti, Denny Coffman, Cynthia Thielen, and Gil Riviere

The topics of students' bills included: plastic bag fee, deposit fee for supplement and wine bottles, incorporation of cultural assessments in environmental impact statements, BPA pan from children's containers, incorporation of environmental justice considerations in general plans, creation of community-based subsistence fishing areas, and on-bill energy financing, as well as a resolution for a feasibility study on the use of polystyrene alternative products. ([click here](#)).

The students took on various roles for and against their respective bills and legislators peppered them with questions in the simulated legislative hearing. It was a great learning experience for the students and a few bills may be adopted by some of the legislators for this year's legislative session!

ELP Colloquium: James Koshiba on the Role of Law Students in a Movement for More Sustainable, Compassionate, and Resilient Societies



On November 10, 2010, the Environmental Law Program welcomed James Koshiba, Executive Director of Kanu Hawai'i, to discuss the role of law students in a movement for more sustainable, compassionate, and resilient societies. Kanu Hawai'i is a non-profit organization based on O'ahu that combines online tools with traditional organizing to push its almost 13,000 members worldwide to promote an "island style" activism that focuses on personal commitments to change before banding together in demonstrations based in kuleana.

(Pictured L-R: Brent Kakesako '12, James Koshiba, Dean Avi Soifer). Kanu was started by forty friends, including James, who gathered to discuss their worries about the present and their hopes for the future. They came to the realization that the very things that constrained Hawai'i were its strengths: island-style living that focused on living within our means with a mind always to community. The friends found that simple commitments on a personal level aggregated into larger impacts on their community.

Expanding to the legal community, James offered a few tidbits of advice for law students:

- 1) Don't just talk amongst fellow lawyers and attorneys but expand that conversation to include the wider community.
- 2) Follow your gut and don't forget why you came into law school.

James also mentioned the possibility of carrying out pro bono or externship opportunities with Kanu. For more information, please contact James at james@kanuhawaii.org or Brent Kakesako at kakesako@hawaii.edu

ELP Colloquium: Legislative Session 2011: Actively Participating to Protect Hawaii's Environment



On November 22, 2010 the Environmental Law Program hosted panelist Marjorie Ziegler, Executive Director, Conservation Council for Hawai'i, Robert D. Harris, Director, Sierra Club Hawai'i Chapter, and Mark Fox, Director of External Affairs, The Nature Conservancy of Hawai'i. This was also the second colloquium livestreamed by ELP.

Panelist talked about the important role the Legislative process plays in shaping the future of Hawai'i's environment. Marjorie, Robert, and Mark shared their experiences working with legislators and within the legislative process with a room full of eager law students, faculty, and community members. Each panelist also suggested ways the public can get involved and make a difference for the environment within the legislative process and in the upcoming 2011 session. As the 2011 legislative process grows near, remember these simple suggestions made by each panelist:

Students and community members should get to know their legislators better especially your district representatives. – *Mark Fox*

Try to stand out and be unique when drawing support, for example creating a unique youtube video helped draw support in the past. – *Robert Harris*

Don't be discouraged sometimes bigger bills take longer. – *Marjorie Ziegler*

ELP Colloquium: Ala Loop Homeowners Association



On October 14, 2010, the Environmental Law Program hosted a captivating panel discussion entitled "Ala Loop Homeowners: Recognizing a Private Right of Action under

the Hawai'i Constitution to Enforce Land Use and Environmental Laws." ELP's own Professor David Callies moderated a four-person panel including: Thomas L.H. Yeh (Tsukazaki Yeh & Moore); Charleen M. Aina (Deputy Attorney General); David Kimo Frankel (Native Hawaiian Legal Corp.); and, Lisa Woods Munger (Goodsill Anderson Quinn & Stifel). A videotaped recording of the panel discussion is available online at <http://www.vimeo.com/15890111>.

Among other things: Tom noted his client's unsuccessful efforts to get the county to enforce the land use laws before going to court; Charleen contended that the lawsuit should have been barred by state sovereignty and other jurisprudential principles; Kimo responded that government must be accountable for its failure to enforce environmental laws (in addition to ethics violations and other issues); Lisa argued that the decision dramatically changed the law and, as a result, the legislature needs to adopt reasonable



limits to remove uncertainty for the business community.

Interested persons may wish to access the following links and resources for additional information:

Haw. Ct. App. summary disposition order,
<http://www.state.hi.us/jud/opinions/ica/2009/ica27707sdo.htm>

Haw. S. Ct. oral arguments,
http://www.courts.state.hi.us/courts/oral_arguments/archive/oasc27707.html

Haw. S. Ct. majority opinion, http://www.courts.state.hi.us/docs/opin_ord/sct/2010/jul/27707.pdf

Haw. S. Ct. conc./dissenting opinion,
http://www.courts.state.hi.us/docs/opin_ord/sct/2010/jul/27707.pdf

In addition, please send an email to elp@hawaii.edu if you are interested in receiving .pdf copies of the Hawai'i Supreme Court briefs and/or links to other online resources related to the Ala Loop Homeowners case, including:

- Ala Loop Homeowners' opening brief
- Wai'ola Waters of Life Charter School's answering brief
- Ala Loop Homeowners' reply brief
- Native Hawaiian Legal Corp. amicus brief

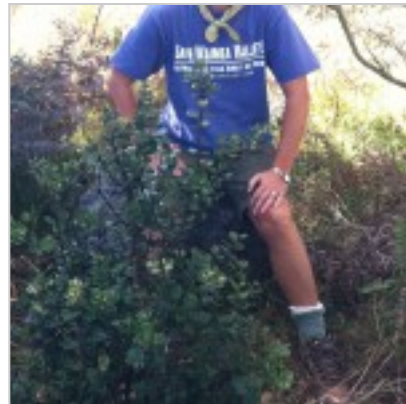
-Hawaii's Thousand Friends amicus brief

Env. Law Students Enjoy Annual Service Trip to Hakalau National Wildlife Refuge



Fifteen students from Prof. Antolini's Environmental Law Class

enjoyed ELP's annual service trip, with host Jack Jeffrey, to the Hakalau National Wildlife Refuge, at the end of October 2010. The students gathered seeds from rare native plants for the Refuge greenhouse overseen by plant wizard Baron Horiuchi, experienced top-notch birdwatching of Hawaii's rare and endangered forest birds guided by Jack, and saw first-hand how the Refuge (with the effort of volunteers like our students) is restoring the native koa-`ohia forest, controlling invasive species, and propagating rare plants. This was ELP's eighth annual excursion to Hakalau and, in that time, the progress is visible and encouraging, including the growth in the `ohia tree planted by ELP – compare the photos from 2009



(L) and 2010 (R)!

Professor Antolini journals about her trip to Seoul National University Law School



Prof. Antolini & Prof. Jae-Hyup Lee, SNU Law School

My recent trip to Seoul National University Law School (Oct. 26-Nov 1), hosted by WSRSL's friend Prof. JaeHyup Lee, was really delightful. I gave two lectures (one on how to build successful Environmental Law Programs and another on the Endangered Species Act) and participated in Prof. Lee's and Prof. Hong-Sik Cho's conference on climate change (REDD+) with Indonesian and Korean leaders. Another highlight was that four of Prof. Lee's environmental law students were my most cheerful and hearty guides for a weekend of hiking in Odeasan National Park (22 km of hiking!). The fall colors were superb, the people were warm, and the food was fantastic. What a great introduction to Korea. WSRSL welcomes Prof. Lee as a visiting scholar for J-Term and for his sabbatical in Hawaii for the Spring 2011 semester. ELP faculty Prof. Burkett and Prof. Van Dyke, as well as Dean Soifer, have also visited SNU Law School. All around, the partnership between our programs is exciting and growing – stay tuned!

ELP Announces the 2010-11 Environmental Moot Court Team



ELP is proud to introduce the two new members who have been selected for ELP's National Environmental Law Moot Court Team: Danny Patel ('11) and Chad Kumagai ('11). They will join returning team member Elena Bryant ('11) and be supported by Team Assistant Mele Coleman ('12). (Pictured L-R: Danny, Elena, and Chad).

Faculty coach David Forman ('93) was a member of the school's inaugural National Environmental Moot Court Team in 1991.

ELP Student Lehua Kauhane '12 shares her experience at the 2010 Land Trust Alliance Rally



While enrolled in Conservation Transactions I became increasingly curious and excited about the possibilities land trusts can play in environmental protection. I was fortunate that the WSRL Environmental Law Program encouraged me to explore this area of environmental law by providing me a travel grant to attend the 2010 Land Trust Alliance (LTA) Rally in Hartford, Connecticut on October 2-5, 2010. (Pictured L-R: Laura Ka'auka (WSRL/ELP Alum) of Trust for Public Land, Kevin Chang of OHA, and Lehua ('12))

The LTA Rally is an annual convention that brings together land trusts and conservation organizations from around the United States and internationally to share insights and strategy on topics such as funding sources, ensuring the perpetuity of easements, managing land trusts, and connecting land and people.



Farmington River Dam

As a new student to this area of environmental law I was particularly excited to learn that the idea of “conservation” makes room for sustainable utilization of land and can include priorities such as agricultural protection, building community gardens, and connecting youth in underserved urban communities with the natural environment. With over 1,800 people in attendance, the LTA Rally was also a great networking opportunity.



Hard at work!

I met people from the Trust for Public Lands, The Nature Conservancy, Maui Coastal Land Trust (which will soon be merged with land trusts on the other islands), the Army’s Compatibility Use Buffer program, and attorneys from places like New York and Maine who are working in conservation transactions. The LTA Rally seems to be THE event in the conservation transaction world and I am so grateful to ELP for giving me this opportunity to travel so far from home, meet people involved in the field, and learn more about this area of environmental law!

ELP Students attended Conservation Council for Hawai’i’s Annual Dinner



ELP Students Amy Brinker ’11, Lora Reeve ’11, Mele Coleman ’12 and Visiting Scholar Dr. Erika Techera (Macquarrie Law School, Sydney) joined Majorie Ziegler, Executive Director of Conservation Council for Hawai’i, at the organization’s Annual Dinner on October 16, 2010.

Amy comments: “The live Hawaiian music, gold mine of a silent auction, and amazing food paled in comparison to CCH’s hardworking members and initiatives celebrated this year.”

(as pictured from L-R: Amy Brinker ’11, Mele Coleman ’12, Majorie Ziegler, Lora Reeve ’11, and Dr. Erika Techera)

The Environmental Law Society Cleans Manoa Stream



The semi-annual ELS

Manoa Stream Cleanup was a huge success! ELS is very thankful for all the participants that volunteered their time and energy. Noah Gibson, recent graduate and glutton for stream cleanup brought his much needed tools to cut through the overgrowth. Lauren Goodmiller was also a huge help in allowing ELP to load up her truck with the trash they collected from the stream. In addition, Iwalani Sato from the City & County of Honolulu helped by providing the gloves, trash bags, t-shirts, and organizing the trash pickup.

Great job ELS! We are looking forward to another great clean up next semester.



Alumnus David Forman Joins ELP as Faculty Specialist



In August, the Law School welcomed David Forman '93 as the new Assistant Faculty Specialist for ELP, the Health Law Policy Program, and the Ka Huli Ao Center for Excellence in Native Hawaiian Law. David will be assisting Professors Antolini, Beh, and MacKenzie in strengthening these key programs as well as in developing new fundraising and cross-programming opportunities. One of the first Certificate graduates of the Environmental Law Program, David was also a member of the 1991

award-winning Environmental Law Moot Court Team (with alumni Ian Sandison and Lea Hong), and the national-champion Jessup Moot Court Team. Among David's many responsibilities for ELP and the other programs, he is supervising ELP's International Environmental Law Moot Court Team and the National Environmental Law Moot Court Team, serving as the faculty supervisor for the Environmental Law Society, and coordinating ELP's Colloquia Series.

After graduating from the Law School, David had a distinguished career in the Hawai'i bar, starting with his clerkship with Justice Klein, followed by his work at the Native Hawaiian Legal Corporation, the Hawai'i Appleseed Public Interest Law Center, Alston Hunt Floyd & Ing, and, most recently, as a staff attorney with the Hawai'i Civil Rights Commission. He is an avid softball and basketball player, a leader in the Filipino Bar, and has been a lecturer at the Law School for over five years.

ELP Part-Time Student Information Session



On September 20, 2010, Professors Antolini, Callies, and Forman met with interested part-time JD students to provide information on the Environmental Law Program (ELP). 2L and 3L students and ELP alumni explained some of the opportunities that ELP provides. For example, Melissa Uhl (2L) shared her summer experience working with the Environment and Energy Group in the Bureau of Development Policy under the United Nations Development Programme in New York. Professor Antolini encouraged new students to similarly take advantage of job, externship, fellowship, and grant opportunities that the program has to offer.

ELP Colloquium: Dr. Erika Techera on So. Pac. Marine Protected Areas, Cultural and Community-Based Mgmt.



The Environmental Law Program welcomed special Guest Dr. Erika Techera who journeyed from Australia and gave a presentation on September 27, 2010, about her research on protected areas in the South Pacific and issues involving cultural and community-based management. Dr. Techera's research centers on "how to legally regulate marine areas to sustainably use marine resources whilst meeting the social and cultural needs of the people" in the South Pacific.

Dr. Erika Techera is Senior Lecturer and Director for the Centre for International and Environmental Law at Macquarie University, Australia. Dr. Techera used the islands of Fiji, Vanuatu, and Samoa as case studies to look at the customary marine management laws of each island and their interplay with modern marine governance laws. The local governments of each island accept the respective customary laws and include them in varying degrees thus leading to different challenges for each island. Yet Dr. Techera offered a few hybridization options that would promote a sustainable and culturally-sensitive approach to managing marine resources. One option includes legitimizing community-managed areas by designating community-based marine protected areas or empowering villages to enforce local fishery rules. A second option includes taking an integrated approach that fosters collaboration between the government and the local communities, encouraging capacity-building, and strengthening local networks.

Please keep a look out for the book that Dr. Techera is looking to release on her research later this year. As for her next project, Dr. Techera is focusing on...sharks!!

Strong showing by ELP students and alumni at the 2010 Landshark Invitational



ELP students and alumni joined lawyers throughout the community as a part of the 2010 Landshark Invitational on September 25, 2010, at Kewalo Basin. Lea Hong '91, a proud graduate from our Environmental Law Program and the Hawaiian Islands Director for the Trust for Public Land's O'ahu Office, spearheaded the event that saw more than 40 lawyers and 26 law students participate in the contest.

Lea organized the event and partnered with Girls Who Surf and Ku'au Rescue and sponsors XCEL, Alston Hunt Floyd & Ing, Cronin Fried Sekiya Kekina & Fairbanks, Bickerton Lee Dang & Sullivan, Na Loio He'e Nalu, and LEXIS-NEXIS and due to such overwhelming support the Landshark Invitational will be donating \$400 to the William S. Richardson School of Law "Realizing the Dream Fund."



Participants enjoying the surf (Photo courtesy of Joanne Sheng '12)

Lea commented that, "Surf conditions were spectacular with light winds and chest high surf throughout the day. More than 40 lawyers and 26 law students participated in the day of fun, sun, fellowship, surf, and potluck picnic. Highlights of the competition include Greg Lui Kwan's '82 triumph for the third year in a row in the John Lim Costume Contest — this year as Sponge Bob Square Pants. Even the tourists riding out of Kewalo Harbor recognized Sponge Bob and yelled their encouragement. Law student Ramsey Ross received the unofficial "Most Likely To Need Water Rescue Award" for his gorilla suit outfit that weighed about 40 pounds wet (mercifully, he did not fall off his board and need rescuing). Jeff Kent '07 was disqualified for a Spam Musubi costume made of styrofoam that instantly disintegrated when it hit the water, causing illegal/disqualifying marine debris which he was forced to track down and pick up."

The results of the friendly day of surf are below:

Women's Longboard 30 and under

1st Mele Coleman '12

2nd Sunny Unga

3rd Ivy Kinney

Women's Longboard Over 30

1st Dawnie Ichimura

2nd Lea Hong '91

3rd Bianca Isaki

Men's Longboard Makule (55+)

1st Bill Saunders

2nd David Nakashima '77

3rd Stuart Gasner

Men's Longboard Loio (40-54)

1st Craig Stockl

2nd Kent Pelt

3rd Jim Bickerton

Men's Longboard Opio (under 40)

1st Napali Souza '09

2nd Blake McElheny '99

3rd Nate Roehrig '03

Women's Shortboard 30 & Under

1st Ivy Kinney

2nd Sunny Unga

3rd Jo Sheng '12

Women's Shortboard Over 30

1st Dawnie Ichimura

2nd Bianca Isaki

3rd Linda Aragon

Men's Shortboard Makule (55+)

1st Stuart Gasner

2nd John Nishimoto

3rd Gordon Kim '84

Men's Shortboard Loio (40-54)

1st Jim Bickerton

2nd Mark Fox

3rd Kent Pelt

Men's Shortboard Opio (Under 40)

1st Napali Souza '09

2nd Koa Ramos Saunders

3rd Nate Roehrig '03

Women's Bodyboard

1st Dawnie Ichimura

2nd Mihoko Ito

3rd Bianca Isaki

Men's Bodyboard

1st Wilson Unga '11

2nd John Choi

3rd Makia Minerbi '08

Novice Open

1st Wilson Unga '11

2nd Mike Schwartz

3rd Bart Howk

Men's Stand-Up

1st Blake McElheny '99

2nd David Nakashima '77

3rd John Choi

Women's Stand-Up

1st Mihoko Ito

John Lim Costume Contest

1st Greg Lui Kwan (Sponge Bob) '82

2nd Mihoko Ito (Candy Corn Witch)

3rd Lea Hong (Suzie Wong) '91

Best Wipeout

Mele Coleman '12

Aloha Spirit Award

Jonathan Ching '12

ELP Students and Faculty attend the 2nd Annual Green School Symposium



Summer Fergerstrom ('11), Amy Brinker ('11), and Jonathan Ching ('12) joined ELP Director & Professor Denise Antolini at the "2nd Annual Green Schools Symposium" held at Punahou School on September 11, 2010. After a series of great speakers in the morning in the Case

Middle School LEED Gold Certified buildings, the group toured the new Omidyar K-1 (LEED Platinum Certified) buildings. Professor Antolini is chair of the Law School's Building Committee, which is moving ahead with plans for a LEED Platinum expansion and modernization of the law school buildings in the not-too-distant future. Stay tuned!



Punahou School, Omidyar K-1 Building, PV Panels Shading Drop Off Area

ELP is proud to release its 2010 Environmental Law Careers Directory



The eighth edition of the 2010 Environmental Law Careers Directory is a rich resource full of environmentally-related job, externship, and pro bono opportunities with a variety of organizations from public interest groups and non-profit organizations to private firms and governmental entities here in Hawai'i and beyond. There is also a section devoted to further environmentally-related educational opportunities. A big mahalo to ELP RAs Ha'aheo Ka'aho'ohalahala ('11) and Brent Kakesako ('12) and ELS Co-Directors Melissa Uhl ('12) and Joanne Sheng ('12) for spending numerous hours over the summer and fall updating the numerous entries. For an electronic copy, please visit our front page or click [here](#) to download one.

ELS Fishpond Restoration at Maunalua Bay



The Environmental Law Program would like to recognize Environmental Law Society members: Joanne Sheng, Kumu Belcher, Scott Mead, Bianka Isaki, Michelle Higashi, Andrew Cha, Puananionaona Thoene, and Adrianna Nycz for volunteering (and being exceptionally talented trench-diggers) at last Saturday's ELS event. ELS helped Malama Maunalua with fish pond restoration efforts at Lucas Pond, Kalauha'iha'i, by digging out the wai connecting the pond and the ocean. Great job ELS and keep up the good work!

ELP New Student Information Session



On September 8, 2010, the

Environmental Law Program (ELP) held its annual Information Session, welcoming students interested in learning more about becoming part of the ELP family. ELP offers students an excellent career pathway through the Certificate in environmental law. Professor Denise Antolini, ELP Director, explained how the program also provides students with countless other opportunities along the way.

As students enjoyed sustainable eats provided by a local caterer, Professor Antolini described how ELP provides a diverse array of job, externship, fellowship, and grant opportunities in the environmental field as well as a significant number of exciting and varied courses in Environmental Law. A number of 2L and 3L ELP student recipients who had benefited from various opportunities were on hand to share their wonderful experiences. For example, Charlie Taylor shared his summer externship experience working on ocean policy at the National Oceanic and Atmospheric Administration (NOAA) in Washington D.C. under Andy Winer, NOAA's External Affairs Director.

Professor Antolini also explained how ELP encourages students to get involved with a number of environmentally related student organizations and activities. Students representing the Environmental Law Society, the International Environmental Law Moot Court team, the Environmental Law Moot Court team, and Sustainable Richardson invited interested students to become a part of these exciting activities.

Students unable to attend this event or who just wish to learn more about ELP are welcome to attend ELP's second information session, focused on part-time J.D. students on Monday, September 20, 2010. The event will be held in the Moot Court room from 4:00 – 5:00 p.m. Brownies, coffee, and tea will be



served!

ELP Welcomes New Research Associates



ELP is pleased to welcome aboard Chris Odoca ('12) and Brent Kakesako ('12) as new research associates joining the program. They will be assisting current RA's Miya Tsukazaki ('11) and Ha'aheo Kaho'ohalahala ('11) with organizing ELP events, colloquia, and the Enviromentors. Chris and Brent will be working closely with Professors Antolini and Forman as well as Miya and Ha'a to maintain the website, track our calendar, and expand ELP's reach with social media tools.

Welcome aboard Chris and Brent!

ELP Colloquium: Andy Winer on NOAA, Outreach Strategies, Ocean Policy, and the Obama Administration

On April 26, 2010, the Environmental Law Program welcomed Andy Winer, External Affairs Director at the U.S. National Oceanic & Atmospheric Administration (NOAA), to provide students and community members with an insider's view of NOAA's outreach strategies and ocean policy under the Obama administration. Describing himself as a "former legal practitioner later bitten by the political bug," Mr. Winer discussed his rise from the ranks of running local campaigns in Hawai'i to becoming a Presidential appointee in the Obama administration.

As a former Hawai'i resident, Mr. Winer made it a priority to be in a position to have a direct impact in the islands. At NOAA, Mr. Winer has helped develop the "One NOAA" concept, centered on the significant

expansion of the NOAA regional collaboration framework to enhance the engagement network at the local level. Putting the One NOAA concept to action, Mr. Winer explained how it requires spending a lot of time with various recreational fisherman groups and other constituencies to garner consensus before implementing policy.

Making community engagement a top priority and a part of the agency's main message, Mr. Winer sees the External Affairs division as "a creative force within NOAA that markets the people behind our science, service, and stewardship missions." Mr. Winer believes that he is in a unique position "to create vibrant outreach efforts that engage our constituents and the public at large." As a parting message, Mr. Winer assured the audience that the External Affairs of NOAA "will serve as the conduit for identifying NOAA's constituent base, growing that base, and working with constituents for the benefit of the agency and the public at large."

International Environmental Law Moot Court Team Selects New Members

ELP's International Environmental Law Moot Court Team has selected two new members for the 2010-11 season: Eryn Reyes and Douglas Raphael. They will join returning team member Laura Chen Allen and be supported by team alumna Amy Brinker. Team alumni co-coaches Seth Harris and Jennifer Woo (formerly Tsou) will continue to provide terrific support to this team, heading into its 11th year of competition at the regional and international level.



2009-2010 International Environmental Law Moot Court Team with Alumni Coaches

2010-2011 Environmental Law Society Officers Selected

The Environmental Law Program and the Environmental Law Society congratulates the newly selected ELS executive board for the 2010-2011 school year.

The new ELS Officers are: Co-Directors – Joanne Sheng and Melissa Uhl, Secretary – Erica Castillo, Treasurer – Nikki Thomas, Event Coordinators – Scot Matayoshi, Jonathan Ching, and Robyn Pfahl, and Stream Clean-Up Coordinator – Kumau Pineda.

Congratulations and best of luck in the upcoming school year!

Environmental Law Society Awards Summer Grant

ELP and ELS would like to congratulate the Environmental Law Society Summer Grant recipient for 2010, Melissa Uhl (1L). Melissa will be working with the Environment and Energy Group in the Bureau of Development Policy under the United Nations Development Programme (UNDP) in New York.

She will be working on a land tenure, rights, and a governance action plan that surveys 120 member nations of the UN and seeks to identify the various human development priorities and how these can be tackled with several key Millennium Development Goals (reduce hunger, poverty, and mitigate climate change). Melissa will be working closely with the Legal Empowerment Team on the “property rights pillar,” which emphasizes legal access to property rights as one of the foundations of human empowerment. Melissa will be looking at two landscape scale categories for potential development investment: (a) avoidance of ecosystem destruction, and (b) transformations of landscapes into carbon sinks. It is not clear, yet, what the impacts of such investments will be on people living in or with a claim to such resources. Melissa’s research will contribute to setting up a system that the UNDP could use to ensure that the land rights of local people are institutionalized in the UNDP’s work relating to large land use stewardship and policy changes. Congratulations Melissa!

ELP Colloquium: Climate Change in Hawai‘i: Concerns for Native Hawaiians and Their Guests



Kamakakūokalani Center for Hawaiian Studies, the Environmental Law Program, Ka Huli Ao Center for Excellence in Native Hawaiian Law, and Center for Island Climate Adaptation and Policy kicked off Earth Week on April 19, 2010 by hosting a panel discussion on community perception of climate change and its current and future impacts on Hawai'i and Native Hawaiians.

Carlos Andrade, Director of the Center for Hawaiian Studies, joined guest panelist Eric Enos, Program Director and Founder of Ka'ala Farms Inc., and Chip Fletcher, Professor of Geology and Geophysics at



University of Hawai'i to discuss future Climate Change impacts.

Mr. Fletcher presented scientific updates on both global and local Climate Change impacts. Climate Change impacts include changes to Hawai'i's environment; Mr. Fletcher presented coastal transformative predictions to areas of O'ahu's coastline. Mr. Enos talked about the importance of self-sufficiency in Hawai'i including the need to move away from food shipping reliance. Panelist and community members engaged in dialogue on different ways to improve Hawai'i's sustainability. To watch this panel discussion online go to <http://uhm-nativehawaiianlaw.blogspot.com/>.

ELP Colloquium: Sherry Broder on Black Carbon

On April 12, 2010, the Environmental Law Program welcomed Sherry P. Broder, Esq., to talk about implementing changes to reduce air pollution from the Global Shipping Industry.

Ms. Broder talked to eager law students and faculty on the devastating environmental impacts caused by the Global Shipping Industries. Ships generate large amounts of smog by releasing Black Carbon into the

atmosphere. Ms. Broder's discussion included the lack of current laws that regulate these shipping industry emissions and highlighted the importance of reducing these emissions as a critical step in reducing air pollution throughout the world. Climate Change is a growing concern that requires reduction of air pollution. Thus, it is critical to shape good domestic and international policies as a first step in



reducing the Shipping Industries pollution.

Ms. Broder is married to our esteemed Professor Jon Van Dyke. Ms. Broder is a distinguished solo practitioner in Honolulu, who specializes in human rights, personal injury, and complex civil litigation. For more information or to contact Sherry Broder, go to: <http://www.sherrybroder.com/>

Jarman Fellowship Colloquia: Environmental Justice in Wai`anae



On April 6, 2010 second year law student and 2009 Jarman fellow, Stewart Yerton and distinguished ELP alumnus Marti Townsend hosted a panel discussion on Environmental Justice in Wai`anae. The panel included Alice Greenwood, community activist, Walterbea Aldeguer, life-long Wai`anae Coast resident, and Kamuela Enos, Education Resource Specialist at Ma`o Farms.

In a move strongly opposed by some community groups, developers are seeking to build an industrial park on fertile agricultural land in Wai`anae. Panel members described project requirements including plans for the City and County of Honolulu to dramatically alter the Wai`anae Community Sustainability

Plan, which now confines industrial uses to lands along Farrington Highway. Wai'anae has long been used for landfills, military bombing exercises, and other projects that substantially harm the environment.

Panelist and citizens see the industrial park as yet another high-impact project and have called on the City and County to keep all industrial uses focused along the highway, as the current sustainability plan does. But under pressure from the developers, the City and County's consultant has drafted a new plan featuring a stark purple spot designating industrial use in the middle of a sea of green agricultural land. This "purple-spot plan" is being set forth for approval by the Honolulu City Council. Panelist as well as Waianae Coast residents, are shocked because this is not what they agreed to in their community sustainability planning process.

As the 2009 Jarman Fellow, Mr. Yerton spent his summer working at KAHEA with Program Director and 2005 WSRSL ELP alum Marti Townsend. KAHEA advocates for the proper stewardship of our resources and for social responsibility by promoting multi-cultural understanding and environmental justice. For more information on environmental justice in Wai'anae or to learn about KAEHA go to <http://www.kahea.org/>.

ELP Colloquium: DBEDT Energy Planning & Policy Branch



On February 23, 2010, the Environmental Law Program hosted a colloquium featuring the Energy Planning and Policy Branch of the Strategic Industries Division at the State of Hawai'i Department of Business, Economic Development, and Tourism (DBEDT). WSRSL and ELP alumni Joshua Strickler, State Renewable Energy Coordinator, and Malama Minn, Renewable Energy Projects Special Assistant, gave a presentation about the Hawai'i Clean Energy Initiative (HCEI) and renewable energy projects across the state. Josh focused on the Interisland Cable Project, that would transmit clean energy generated by wind farms on Lana'i and Moloka'i to O'ahu via an undersea cable. The cable is a potentially large clean energy generator and is currently undergoing the EIS process. Malama spoke about legislation introduced this year for Clean Energy Bonds for local homeowners as a way to help facilitate home or small business clean energy projects. Both of these renewable energy projects can significantly assist Hawai'i in reducing its dependence on imported oil. The price of oil has gone up 111% in the last year and 90% Hawai'i's power comes from imported oil. The DBEDT Energy Planning and Policy Division has numerous projects to support the HCEI, which seeks to ensure dependable, efficient, and economical energy; increased energy self-sufficiency; greater energy security;

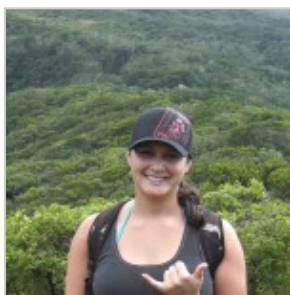
and reduction of greenhouse gas emissions. For more information, visit <http://hawaii.gov/dbedt/info/energy>.

ELP Publishes Richelle Thomson's Paper on State Conservation Tax Credits

ELP has published a paper by alumna Richelle Thomson (Class of 2007) on state conservation tax credits as part of its "He Mau Mo'olelo Kanawai o ka 'Aina" (Stories of the Law of the Land) series of excellent student scholarship. To read the paper, click [here](#). Richelle's paper surveys twelve states' efforts to encourage private land conservation through income tax credits for donations of property interests. She also discusses Hawai'i's passage, in 2008, of a conservation tax credit bill, which was vetoed by the Governor. Hawai'i's legislature is likely to take up the issue again in the future, and Richelle's paper will be a useful reference for landowners, policymakers, and other interested stakeholders working on this important issue.

Richelle attributes her interest in this topic to an innovative ELP course focused on land conservation transactions, first taught in 2007 by adjuncts Melinda Ching (The Nature Conservancy of Hawai'i) and Jean Campbell (Carlsmith Ball LLP), which inspired Richelle to wonder why Hawai'i had not yet adopted a conservation tax credit law. With the support of an ELP Travel Grant, Richelle attended the national Land Trust Alliance (LTA) Rally in Wisconsin, further sparking her interest in this issue. Richelle lives and works on Maui with Ivey Fosbinder Fosbinder LLC, where she specializes in property law, estate planning, taxation, and environmental law.

Mālama Ahupua'a Law Fellow Selected for Summer 2010



The Hawaii Community Stewardship Network (HCSN) and the William S.

Richardson School of Law, Environmental Law Program are pleased to announce that Ha'aoheo Kaho'ohalahala (Class of 2011) has been selected as the Mālama Ahupua'a Law Fellow, for Summer 2010. HCSN empowers communities to improve their quality of life through caring for their environmental heritage, and Ms. Kaho'ohalahala will complete legal research to directly assist communities in their resource management efforts. This is the first time HCSN and ELP have offered this fellowship.

After law school, Ms. Kaho‘ohalahala, who is a Research Associate for ELP, hopes to focus her career on assisting communities in Hawai‘i that face natural and cultural resource legal issues.

HCSN Director Debbie Gowensmith said, “Our community partners regularly come up against legal questions. We are so excited to host this new fellowship, which will directly impact the ability of these communities to pursue their natural and cultural resource management goals. We are also excited about providing this new training opportunity in partnership with the Environmental Law Program, which does such a great job of preparing students to contribute to the community.”

The Harold K. L. Castle Foundation supports community-based near-shore marine conservation throughout the state and has provided the funding for this fellowship. The law firm of Alston, Hunt, Floyd & Ing is providing pro bono supervision of the Fellow through associate and ELP alumnus Blaine Rogers. HCSN is hosted by O‘ahu Resource Conservation and Development Council, a nonprofit organization.

ELS Director Travels to the Public Interest Environmental Law Conference

Environmental Law Society Director, Charlie Taylor, had the opportunity to attend the Public Interest Environmental Law Conference (PIELC) at the University of Oregon School of Law from February 25-28, 2010 in Eugene, Oregon, thanks to an ELP Travel Grant. The PIELC is an annual gathering of environmental law students, activists, and practitioners from all over the country. Participants presented panel discussions on a diverse range of environmental topics throughout the week, and Charlie had a great time. Topics included mountain-top removal in Appalachia, marine spatial planning and the Obama Administration’s Ocean Policy Task Force, direct-action environmental strategies, and tips on how to start your own private practice in environmental law. Charlie’s only criticism?: “There were too many great panels and no way to attend them all!”

Environmental Law Moot Court Team Returns with Honors

The 2009-10 WSRSL Environmental Law Moot Court Team — 3Ls Kristen Yamamoto and Jamila Jarmon and 2L Elena Bryant — did a terrific job in the three preliminary rounds of the national Environmental Law Moot Court Competition, which started on Feb. 18 and ended on Feb. 20 at Pace Law School, in White Plains, New York. Each of the team members scored the coveted “best oralist” award in the preliminary rounds: Kristen in Round 1, Jamila in Round 2, and Elena in Round 3. Each round has six oralists and this competition requires the teams to switch clients each round, so this is a great achievement.

Although the team did not advance to this year’s quarter-final round, they come home with a strong and well-deserved sense of individual and shared accomplishment, icing on the cake after months of very hard work. The team’s student advisor 2L Haaheo Kahooalahala, who accompanied the team to New York, was a great help with scheduling, logistical, and moral support.

The winner for the 84-team competition was Lewis & Clark Law School; the Univ. of Houston Law Center and Univ. of Wyoming were also in the final round.

Congratulations to the team, and many thanks to their friends, families, and colleagues — and the faculty and Honolulu (and DC and NY ELP alumni) practitioners — who supported them throughout their intense preparation and practice schedule.

International Environmental Moot Court Team – 3d Best Memorial



The International Environmental Law Moot Court team was honored for the third best memorial in the recent Pacific Regional competition held on January 29-30th, 2010 at Chapman University School of Law in Orange California. This year's competition problem involved marine mammals and ocean noise.

Team member Laura Allen '11 reported that the team made a strong showing against finalist University of California at Hastings. Team member Amy Brinker '11 added, "We had two close rounds, and a tough final round against Hastings, which our UH team won. The UH brief was less than one point behind the second place brief (Hastings, again). The competition host said it was one of the closest competitions she'd seen."

Congratulations to the team on all of their accomplishments, and many thanks to their coaches, friends, families, and colleagues — and the many faculty and Honolulu practitioners — who supported them throughout their intense preparation and practice schedule.

Pictured from left to right are Team members Laura Allen '11, Leslie Cole-Brooks '10, and Amy Brinker '11, along with their Alumni Coaches Seth Harris, Jennifer Woo, and Doug Codiga.

ELP Professor Attends United Nations Climate Change Conference in Copenhagen



On January 27, 2010, the Environmental Law Program proudly presented Professor Maxine Burkett, Associate Professor of Law and Director of the Center for Island Climate Adaptation and Policy, who spoke about her recent trip to the Copenhagen Climate Change Conference. In Prof. Burkett's presentation entitled "*Copenhagen: Path to Progress or Global Precipice*," she shared her experience at the Climate Change Conference with eager law students as well as several community members. The presentation included Climate Change Conference discussions on current scientific research used to predict global warming levels, negotiations between different countries to come up with a global plan, chance encounters, and much much more. To read more on Prof. Burkett's trip please visit her blog at <http://islandsatrisk.org/> or view the full presentation by clicking [here](#).

Colloquia Series: Doug Codiga on Hawai'i Clean Energy Law



On October 27, 2009, the Environmental Law Program welcomed distinguished ELP alumnus Doug Codiga, an environmental law attorney with the law firm of Schlack Ito Lockwood Piper & Elkind, LLC to speak about the recent developments in Hawai'i Clean Energy Law and Policy. Mr. Codiga engaged law students and faculty in a discussion outlining "clean energy," a combination of energy efficiency and renewable energy. The discussion started off with a look at the current energy situation in Hawai'i – a staggering 77% of our electricity comes from petroleum. In 2007, Hawai'i spent \$6.21 billion for energy, 10% of our state budget. With massive amounts of capital flowing outside the state, in the Legislature passed HRS § 196-1(1), a bill stating, "Oil dependence is a threat to public health and safety." This bill sparked a lengthy discussion of the different avenues through which Hawai'i is proceeding to become more energy independent and energy sustainable. As Mr. Codiga concluded, the trend of energy law and policy in Hawai'i has moved markedly towards a convergence between environmental and economic interests – a great starting point, given these two interests historically never "saw eye to eye." He encouraged students to consider career opportunities in this exciting and emerging field of law.

Congratulations to the ELP Certificate Graduates from the Class of 2009!



(L-R): Kate Bryant-Greenwood, Evan Silberstein, Everett Ohta, Sunny Greer, Jodi Higuchi, Ryan Keesey, George White, Madeline Reed, David Fanelli, Virginia Tice, and Jacqueline Tryon.