Dear Colleagues,

This year saw our Environmental Law and Policy Program continue to grow: establishing a novel Environmental Law LL.M. scholarship with the United Nations Environment Programme; expanding our environmental and energy law curriculum; and hosting numerous events linked to some of today’s most critical issues in environmental, energy, land-use, food, and natural resources law. Further, we are fortunate to have had Mary Nichols, Chair of the California Air Resources Board, join us as a Distinguished Visiting Professor from Practice last winter. Below, we share some highlights of our year.

**Curriculum**

The Georgetown Environmental Law and Policy Program provides opportunities for students to excel in the fields of environmental, energy, natural resources, land use, and food law. As scholars and practitioners, our environmental law faculty provide critical legal knowledge and real-world experience to prepare our students for success. Georgetown’s is among the largest law faculties in the nation, and the professors teaching core environmental courses in our J.D. and LL.M. programs include: Vicki Arroyo, Hope Babcock, William Buzbee, Peter Byrne, Sara Colangelo, Lisa Heinzerling, and Edith Brown Weiss. In addition, Georgetown Law’s exceptional adjunct faculty include several leading practitioners of environmental and energy law and policy. From these experts, our students gain practical skills and first-hand insights into some of the most compelling and current issues, such as renewable energy and hydraulic fracturing.

Two clinics and one on-site center - the Institute for Public Representation, the Harrison Institute for Public Law, and the Georgetown Climate Center - provide hands-on opportunities for our students. In addition, we continue to provide many experiential learning options through our expansive externship program covering governmental, political, NGO, international, judicial, and private sector opportunities.

Our Environmental Law LL.M. degree program is now in its third year, attracting top masters candidates both from the United States and abroad. In addition, we broadened our
already-extensive core curricular and seminar offerings for our students to add: Natural Resources Law: Energy Water and Land Resources (Prof. Patricia Beneke); Federal Litigation Practice: Litigating Challenges to Federal Agency Decisions (Prof. Nancy Firestone and Sheila Jones); Emerging Legal & Regulatory Issues in Oil and Gas (Prof. Doron Ezickson); Negotiation Regarding Climate Change Impacts on Health at World Health Assembly (Prof. Vicki Arroyo); and International Energy Arbitration (Prof. John Bowman).

In addition, we created a Fellowship with The United Nations Environment Programme (UNEP). The UNEP–Georgetown Law Fellowship will give public sector lawyers in developing countries an opportunity to earn an LL.M. in environmental law at Georgetown Law. The program commences a unique international collaboration between UNEP and Georgetown Law to strengthen the environmental capacity of lawyers from developing countries. Lawyers selected for the program will take courses in residence at Georgetown Law’s campus, engage in research, and gain practical experience in various fields of environmental law. The Fellowship will cover the full cost of tuition, travel, and provide a stipend for living expenses. The program will welcome fellows beginning in the summer of 2017. More information about our Environmental Law LL.M. program and the Fellowship application are available here. Please contact Prof. Sara Colangelo with inquiries regarding the scholarship.

**Faculty Achievements**

In the last academic year, our faculty contributed to the Environmental Law community through publications, presentations, and media appearances, and were honored for doing so:

**Publications**

- **Books**

- **Book Chapters**
Paddock, eds.) (Edward Elgar forthcoming 2016)

- **Buzbee, William** - *Transportation as a Climate Policy Wedge and Challenge Under United States Law* in CLIMATE ENCYCLOPEDIA (Daniel Farber & Marjan Peters, eds.) (Edward Elgar forthcoming 2016)

**Articles**

- **Arroyo, Vicki**, *The Coming Refugee Crisis: When Home Leaves Us*, THE GUARDIAN (May 2016)
- **Arroyo, Vicki**, *Think Beyond Homes and Roads to Better Prepare for Climate Change*, NEW YORK TIMES (Oct. 2015)
- **Babcock, H.M.**, *What Can Be Done, If Anything, About the Dangerous Penance of Public Trust Scholars to Extend Joseph Sax’s Original Conception Too Far: Have We Produced a Bridge Too Far?*, 23 NYU ENVTL. L.J. 390 (2016)
- **Byrne, Peter and Zyla, Kathryn**, *Climate Exactions*, 75 MD. L. REV. 758-786 (2015)
- **Heinzerling, Lisa**, *The Supreme Court's Clean-Power Power Grab*, 28 GEO. ENVTL. L. REV. 425 (May 2016)
• Contributions to Blogs, & Policy Submissions
  o Buzbee, William, “Federalism Games in the Clean Power Plan Battle,” blog, Center for Progressive Reform, September 2016
  o Weiss, Edith Brown, “Our Voyage into Uncharted Waters,” blog, Georgetown University, September 2016

Presentations & Media

• Vicki Arroyo
  o Presentations include: Paris Conference of Parties US Center Stage, UNFCCC official side events and other venue (December 2015); Inter-American Development Bank (April 2016); Chile’s Congreso del Futuro (January 2016); New Republic Forum on the Next Frontier in Climate Change (December 2015); Chilean Environment Ministry, Aquas Andinas (January 2016); National Building Museum design panel (August 2016); Keynote and Panelist, Tulane Environmental Law Summit (February 2016); Tsinghua University Beijing (June 2016); American Law Institute (February 2016); Energy Independence Summit (February 2016); GU-Anacostia Dialogue (February 2016); New Orleans and Baltimore resilience and equity forums (April 2016); EU-US Dialogue on transportation resilience in Brussels (June 2016); Emory University (September 2015); Getting There From Here: A Conversation About Regional Transportation, Fordham University School of Law (October 2016).
  o Media appearances/quotes include: Why Debate Moderators Avoid Climate Questions (Grist September 2016); The Challenge of Climate Change, Georgetown Global Futures’ Initiative (September 2016); Climate Change and Design (C-Span August 2016); The Clean Power Plan Explained With a Swiffer (Grist June 2016); How Cities and States are Bracing for the Next Disaster (Frontline May 2016); Why We Should Feel Optimistic (NPR May 2016); The Supreme Court Just Did Serious Damage to the Fight Against Climate Change (Mother Jones February 2016); Drivers May Pay for Next Step in Fight Against Climate Change (Bloomberg January 2016); Lamar Smith is Hot (US News & World Report November 2015); Numerous States Prepare Lawsuits (New York Times, October 2015).

• William Buzbee
  o Presentations and testimony include: Introductory Remarks, Greenlaw Environmental Heroes Celebration (October 2016); Book Proposal, PUC Research Collaborative (October 2016); Moderator, Clean Power Plan Advocates Panel Discussion, Georgetown University Law Center (September 2016); Federalism Games and Claims in the Clean Power Plan Battles, Antonin Scalia Law School, George Mason University (September 2016); Comments on works-in-progress at 6th Annual Manne Faculty Forum, Antonin Scalia Law School, George Mason University (September 2016); “Administrative Law Year in Review,” DC Bar Association (July 2016); Congressional Testimony at “Erosion of Expectations and Expansion of Federal Control—Implementation of the Definition of Waters of the United States,” United States Senate (May 2016); Agency Incentives After Hawkes, Hoover Institution (March 2016); Stacked

• Sara Colangelo
  o Presentations include: Moderator for “Crisis in Flint: A Conversation with the Class Action Attorneys” at Georgetown University Law Center (April 2016); Panelist for “Public Interest 101: A Discussion with Public Interest Attorneys” at Georgetown University Law Center (October 2016); Opening Remarks for “The Nature of Injustice: Confronting Race, Class, and the Prison Industrial Complex in the Fight for Environmental Justice” at Georgetown University Law Center (October 2016); Opening Remarks for “An Insider’s View of the Clean Power Plan” at Georgetown University Law Center (September 2016).
  o Media appearances/quotes include: Justice Scalia’s Passing and the Clean Power Plan (Al Jazeera TV February 2016); “Supreme Court stay, vacancy raise questions about Clean Power Plan’s future” (National Catholic Reporter February 2016).

• Lisa Heinzerling
  o Presentations include: University of Southern California Faculty Workshop, "The Power Canons" (April 2016); University of Maryland Faculty Workshop, "The Power Canons" (February 2016); University of Minnesota Faculty Workshop, "The Power Canons" (February 2016).

• Edith Brown Weiss
  o Presentations include: Panelist at Georgetown University event with Cardinal Rodriguez and John Podesta discussing the Pope’s Encyclical on Climate Change (November, 2015); Chairperson and Introductory Remarks, International Law Commission Seminar on Protection of the Environment in Relation to Armed Conflict, United Nations Headquarters, New York (Fall, 2015); Concluding Remarks, Conference on Environmental Rule of Law in the Americas (with Chief Justices and Justices of national courts) Organization of American States, Hall of Americas (February 2016).
Honors

- Prof. Byrne was installed as the Inaugural John Hampton Baumgartner Chair in Real Property, Georgetown University Law Center, April 2016.
- Prof. Brown Weiss became a Resident Scholar for the Rockefeller Foundation in Bellagio, Italy. In that capacity she presented on Poverty and Accountability in June 2016. Prof. Brown Weiss also continued her service on the United Nations Environment Programme’s High Level International Advisory Council for Environmental Rule of Law, Justice, and Governance and became a member of the Advisory Council for the Asian Society of International Law.

Environmental Clinic Activities

Professor Hope Babcock is in her 26th year leading the Environmental Law Section of the Institute for Public Representation (IPR). The Clinic’s recent major legal achievements include:

- Argued a merits briefing in *Kelble, et al. v. Commonwealth*, currently pending in Virginia’s Circuit Court for the City of Richmond. The case, brought on behalf of Potomac Riverkeeper, challenges Virginia’s sewage sludge permit for its failure to adequately protect state water quality;

- Successfully defeated a motion to dismiss the complaint in a case in the D.D.C. regarding a challenge to the Office of Surface Mining’s interpretation of the Surface Mining Control and Reclamation Act;

- Filed a lawsuit in the Western District of Wisconsin against the U.S. Department of Agriculture, challenging the agency’s appointments of individuals to and influence over the National Organics Standards Board;

- Filed a lawsuit challenging EPA’s approval of a total maximum daily load for the Anacostia River that does not comply with the Clean Water Act. IPR represents the Natural Resources Defense Council;

- Filed a lawsuit challenging USDA’s denial of the Animal Legal Defense Fund’s motion to intervene in an administrative enforcement proceeding against a roadside zoo in Iowa.

Significant events calendared for this calendar year include:

- Oral argument in the D.C. Circuit on Sept. 27, 2016 regarding EPA’s Clean Power Plan Final Rule, a matter in which IPR filed an amicus brief in support of EPA on behalf of a coalition of medical and public health organizations;
• IPR expects to file an opposition to the motion to dismiss its complaint in the Western District of Wisconsin. It will also file a merits brief in *Kelble, et al. v. Commonwealth*, currently pending in Virginia’s Circuit Court for the City of Richmond. The case, brought on behalf of Potomac Riverkeeper, challenges Virginia’s construction general permit for its failure to adequately protect state water quality.


**Georgetown Climate Center Activities**

The Georgetown Climate Center continues to play a key role in the development of state and federal initiatives to curb climate change and prepare for impacts. Students are given the opportunity to engage with this work first hand through a Climate Change Practicum (co-taught by Executive Director Vicki Arroyo and Mitigation Program Manager Gabe Pacyniak), the Harrison Policy Clinic, a “Week One,” course and internship opportunities with the Center.

After attending President Obama's announcement of the Clean Power Plan at the White House in August 2015, which built on previous work, Center staff have continued to facilitate state input and engagement on the Clean Power Plan:

• In January 2016, the Center submitted comments on the proposed Clean Power Plan model rule, which built on the dialogue the Center facilitated among states and on prior research conducted by the Center concerning the linking of subnational emissions trading programs.

• The Center briefed states before and after the Supreme Court ordered a stay of the Clean Power Plan in February 2016 on the implications of the stay. After the stay, the Center hosted workshops for states voluntarily continuing to work on complying with the Clean Power Plan, and on state efforts to set mid-term goals for reducing carbon emissions.

• This spring, the Center facilitated a joint letter from 14 states to EPA requesting the agency provide a final model rule for the Clean Power Plan, as well as additional information on the Clean Energy Incentive Program (CEIP). In June, EPA released design details on the CEIP and expects to release the model rule later this year. The Center has regularly conducted calls and webinars to brief state officials and engage with stakeholders and EPA.

• In the coming months, the Climate Center will deliver analysis and tools to assist states with understanding their options under the Clean Power Plan, including papers analyzing what states can do to reduce pollution leakage from new sources of carbon emissions under the Plan; how to develop their state compliance plans in a manner that allows states to link their programs with programs in other states; how to address equity concerns; and how to better integrate environmental concerns into decisions made by state public utility commissions.
Additionally, the Center is updating a report that highlights state progress reducing carbon emissions and promoting clean energy, as well as updating its State Energy Analysis Tool.

In December 2015 Vicki Arroyo served as the point of contact between the federal government and state governors at the United Nations Conference of the Parties in Paris. The Center organized and moderated six events to discuss the work that “subnational” jurisdictions are doing to address and prepare for climate change.

The Center facilitates the Transportation and Climate Initiative (TCI), a collaboration of the transportation, energy, and environment agencies of the 11 northeast and mid-Atlantic states and the District of Columbia working to reduce emissions from the transportation sector. In November 2015, six TCI jurisdictions (Connecticut, Delaware, New York, Rhode Island, Vermont, and the District of Columbia) issued a statement committing to work through TCI to “develop potential market-based policies that, when combined with existing programs, are targeted to achieve substantial reductions in transportation sector emissions and provide net economic benefits.” The commitment by six states was informed by analytical work of the Center and Cambridge Systematics through a report, Reducing Greenhouse Gas Emissions from Transportation: Opportunities in the Northeast and Mid-Atlantic, that found significant emission reductions are possible while growing the regional economy. In 2016, the Center has held three in-person dialogues with officials from ten states to move the conversation forward.

The Center supports state efforts to promote electric vehicles by producing legal and policy resources for state public utility commissions and agency officials, including analysis to support workplace charging and white papers on utility pilot programs to invest in electric vehicle charging infrastructure and electric utility rate structures.

Georgetown Climate Center staff have also continued to play a leading role in assisting federal, state, and local governments prepare for climate change impacts.

• The Center published a new version of its comprehensive Adaptation Clearinghouse, a web-based library that provides access to more than 2,000 climate adaptation resources. Public officials, community-based organizations, and others can use this library to easily identify tools, templates, and guidance relevant to climate adaptation decisions.

• The Center became a key partner in a university-wide research initiative to promote interdisciplinary scholarship and to bolster vibrant communities in underserved areas of Washington, D.C., near the Anacostia River. In February 2016, Vicki Arroyo helped facilitate community dialogue about challenges facing Anacostia-adjacent neighborhoods by providing information on national and local climate impacts and adaptation strategies.

• The Center provided legal and policy support to the District of Columbia to develop citywide flood-resilience strategies, which were included in the District’s July 2016 draft climate adaptation plan. Staff and students identified land-use policy best practices to prepare for the impacts of rising sea-levels and changing precipitation.

• In 2015 and 2016, Center staff and Harrison Institute students worked with an advisory group of local governments and other experts to build an online Green Infrastructure Toolkit—the third toolkit integrated with the Center’s Adaptation Clearinghouse.
• In April 2016, the Center partnered with the Urban Sustainability Directors Network to convene a workshop on equity and climate adaptation, focused on city-level actions that would support social justice goals and prepare communities for climate impacts.

• The Center has developed expertise in helping policymakers navigate barriers to resilience in federal disaster recovery laws. Marking the ten year anniversary of Hurricane Katrina, the Center published Reimagining New Orleans Post-Katrina. This case study documents challenges New Orleans faced in rebuilding with resilience, including rebuilding schools differently and using disaster-recovery funds for green infrastructure to reduce flooding.

• The Center worked with New York, New Jersey, and New York City—winners of the Rebuild by Design competition (a design competition led by the U.S. Department of Housing and Urban Development to encourage resilient rebuilding after Hurricane Sandy)—to document the challenges that were encountered in implementing the innovative resilience projects developed through the competition.

• The Center provides a leading source of information for transportation agencies that are seeking to incorporate resilience into transportation planning and decisionmaking. With support from the Federal Highway Administration, the Center developed 175 case studies demonstrating how state, regional, and local transportation agencies have considered climate change impacts. The Georgetown Climate Center was also invited to participate on the planning committee for the first International Conference on Surface Transportation Resilience to Climate Change and Extreme Weather Events, hosted in September 2015 by the Transportation Research Board.

• The Center has also worked with a group of regional climate collaboratives in California to document innovative approaches by neighboring jurisdictions to share limited resources and coordinate policy, planning, and other initiatives.

For its work, the Center received an award from the Environmental Business Journal, recognizing it as one of the top non-governmental organizations during the past year. Kate Zyla, deputy director of the Georgetown Climate Center, was also recognized for her work by C3E Women in Energy, receiving honors in the law and finance category.

**Student Engagement:**

The *Georgetown Environmental Law Review* (GELR) is entering its second year under its new name (it was previously known as the *Georgetown International Environmental Law Review*). The new name has helped GELR increase both the quantity and quality of its submissions and publish on a wider array of legal subjects, while maintaining a focus on international topics through its annual international issue. Last February, GELR held a symposium, *Legal Innovation Within Old Laws: Solving New Environmental Challenges*. The symposium, and its corresponding issue of the Law Review (Volume 28.3), featured articles and speeches from Vickie Patton, Vicky Arroyo, Mitchell Bernard, William Buzbee, Emily Hammond, Lisa Heinzerling, Michael Burger, Ann Carlson, Michael Gerrard, Jayni Foley Hein, Jason A. Schwartz, and Keith J. Benes. Next year, GELR will celebrate its 30th anniversary.
The Environmental Law Society (ELS) brings faculty, practitioners, and students together, organizes social and public service events, and hosts proceedings with experts on environmental law issues. This fall ELS will hold a symposium on October 27, 2016 entitled, “The Nature of Injustice; Confronting Race, Class, and Gender in the Fight for Environmental Justice.” This program will feature a keynote address by Georgetown’s own Leslie Fields, Director of the Sierra Club’s Environmental Justice and Community Partnerships Program. ELS is also thrilled to announce the participation of distinguished faculty Edith Brown Weiss, and Vicki Arroyo, along with Howard’s Patrice Simms and many other eminent leaders in the field. The Symposium has been made possible by support from the Georgetown Environmental Law and Policy Program, the Georgetown Climate Center, the Black Law Students Association, and the National Lawyers Guild. For more information visit http://thenatureofinjustice.blogspot.com/ or email thenatureofinjustice@gmail.com. In addition, ELS continues to offer its traditional programing, including conducting an Anacostia River Clean-up, and fostering new relationships with other DC law schools to coordinate hikes, film screenings, and networking opportunities.

Finally, the Georgetown Environmental Law and Policy Program wishes to congratulate a group of our LL.M. students who designed an environmental stewardship project selected for “100 Projets pour le Climat” by the French Government. The project, “Verde Gesell,” is among the projects chosen to speed up the emergence of citizen-led initiatives to combat climate change. It builds upon the momentum from the Paris Agreement reached at the United Nations Framework Convention on Climate Change COP21. Specifically, Verde Gesell will create and implement a waste management awareness campaign in the coastal city of Villa Gesell in Argentina. This mission calls upon the younger generation to become agents of change by teaching their community how to recycle and by providing an award to local neighbors and businesses that engage in good practices. The team of students and Fulbright Scholars behind the project will also work closely with the city council and educational ministry to implement the project and foster a culture to reduce, reuse and recycle.