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**PROFESSIONAL EXPERIENCE: ACADEMICS**

**University of Montana School of Law, Missoula, MT (2017-present)**

*Position:* Professor & Director of Natural Resources Clinics

*Courses:* Public Lands & Resources; Wildlife; Water Law; Env'l Justice; Animal Law; Torts

*Awards:* Thomas and Ann Boone Faculty Award for Excellence in Scholarship

**University of Nebraska College of Law, Lincoln, NE (2004-18)**

*Position:* Robert B. Daugherty Chair (2010-18); Professor (2004-18)

*Courses:* Natural Resources; Water Law; Envtl. Law; Envtl. Ethics; Disaster Law; Torts

*Appointments—University:* Faculty Advisory Board, Global Water for Food Institute; Executive Vice-Chancellor Search Committee; Co-Director, Water Resources Initiative

*Appointments—Law:* Co-chair, Dean's Search Committee; Chair, Honors; Appointments

*Awards:* Alumni Council Distinguished Faculty Teaching Award

**University of Toledo College of Law, Toledo, OH (1998-2004)**

Assoc. Professor (2000-04); Asst. Prof. (1998-2000)

*Courses:* Envtl. Law; Water Law; Natural Resources; Biodiversity Law; Property

*Appointments:* Co-director, Legal Institute of the Great Lakes; Faculty Editor, Journal of Great Lakes Law, Science & Policy; Advisor, Moot Court

**Visitorships:**

**Pepperdine School of Law, Malibu, CA (2015)**

Distinguished Visiting Professor, Disaster Law (Spring Semester)

**University of Auckland College of Law, Auckland, NZ (2007)**

Visiting Lecturer, Comparative Envtl. Law (Interim Session)

**Tulane University School of Law, New Orleans, LA (2001-02)**

Visiting Assoc. Professor (Fall 2001); Spetses, Greece (Summer 2002)

**Drake University Law School, Des Moines, IA (1997-98)**

Visiting Asst. Professor: Property; Natural Resources; Indian Law; Pretrial Advocacy

**PROFESSIONAL EXPERIENCE: PRACTICE**

**U.S. Department of Justice, Washington, DC (1994-97)**

Trial Attorney, Environment & Natural Resources Division General Litigation Section

*Awards:* Attorney General's Special Achievement Award

**The Honorable William Wayne Justice, U.S. Dist. Court, E.D. Texas, Tyler, TX (1992-93)**

Law Clerk

**Faegre & Benson, Minneapolis, MN (1990-92)**

Attorney, General Litigation & Environmental Law Practice Groups

## EDUCATION

### **The George Washington University National Law Center, Washington, DC**

*Degree:* LL.M. - Environmental Law, with Highest Honors

*Awards:* Shaw Fellowship (full teaching scholarship and stipend)

### **University of South Dakota School of Law, Vermillion, SD**

*Degree:* Juris Doctor, Sterling Honor Graduate (1<sup>st</sup> in class)

*Awards:* Joe Robbie Award (full scholarship); Nat'l Order of Barristers; Moot Ct. Board; ABA Moot Ct. Competition (national finals)

### **Morningside College, Sioux City, IA**

*Degree:* Bachelor of Science, *magna cum laude*

## AWARDS, APPOINTED POSITIONS AND BAR MEMBERSHIPS

Clyde O. Martz Teaching Award, Fnd. for Natural Resources & Energy Law (FNREL) (2024)

Senior Specialist, Fulbright Foreign Scholarship Board (2008-11, 2022-25); Specialist Project University of Calgary (2022)

Member, American College of Environmental Lawyers (appointed 2020)

Board of Directors (2016-18), Trustee (2004-19), and Natural Resources Law Teachers Committee (2022-2026), FNREL (formerly Rocky Mt. Mineral Law Fnd.)

Board of Directors, Society for Wilderness Stewardship (2016-19)

Distinguished Summer Scholar, Vermont Law School (2014)

ABA Section on Environment, Energy, and Resources

Chair, Marine Resources Committee (2002-04)

Vice-Chair, Public Lands Committee (2012-present)

Member, Water Law Committee (2004-2018)

Faculty Fellow, Robert B. Daugherty Water for Food Institute (2014-2018)

Member, National Academy of Sciences National Research Council--Missouri River Recovery Committee (2008-10) (report published 2011)

Advisor, National Judicial College, Dividing the Waters Law School Network (2011-2018)

Member Scholar, Center for Progressive Reform (2004-present)

Member, World Conservation Union (IUCN) Commission on Env'tl. Law (2006-present)

Member Scholar, Resilience Alliance (2006-12)

Advisor, Council of Great Lakes Governors' Task Force: Reserved Water Rights (2002-04)

Steering Committee, Lake Erie Comm'n Blue Ribbon Panel on Balanced Growth (2001-04)

Member, Minnesota Bar (state & federal courts); Eighth & Ninth Circuit Courts of Appeals

## BOOKS

LEGAL CONTROL OF WATER RESOURCES 6<sup>th</sup> ed. (with Thompson, Leshy & Abrams) (West 2018)

DEVELOPING PROFESSIONAL SKILLS IN ENVIRONMENTAL LAW (with Glicksman) (West 2016)

WATER LAW IN A NUTSHELL (with Amos) (West 2015) (6<sup>th</sup> ed. 2021)

A CENTURY OF UNNATURAL DISASTERS: MISSISSIPPI RIVER TRAGEDIES (with Klein) (NYU 2014)

PRINCIPLES OF NATURAL RESOURCES LAW: HORNBOOK (with Laitos) (West 2014) (2<sup>nd</sup> ed. 2020)

COMPARATIVE ENVIRONMENTAL & NATURAL RESOURCES LAW (Carolina 2013)

NATURAL RESOURCES LAW CASEBOOK (with Laitos & Wood) (West 2006) (2<sup>nd</sup> ed. 2012)

## BOOK CHAPTERS

- Theodore Roosevelt*, in PIONEERS OF ENVIRONMENTAL LAW (ed. Laitos) (12 Tables Press 2021)
- Preemption and Displacement*, in ENVIRONMENTAL DECISIONMAKING (ed. Paddock) (Elgar 2016)
- Floods as Unnatural Disasters*, in WATER IN A CHANGING CLIMATE (ed. Miller) (Taylor 2016)
- Wilderness: Still Relevant and Resilient*, in SOCIAL-ECOLOGICAL RESILIENCE AND LAW (ed. Anderies) (Columbia 2014)
- Wilderness Imperatives and Untrammelled Nature*, in ENVIRONMENTAL LAW AND CONTRASTING IDEAS OF NATURE: A CONSTRUCTIVIST APPROACH (ed. Hirokawa) (Cambridge 2014)
- Missouri River Basin*, in WATERS & WATER RIGHTS (Lexis/Nexis 2010 ed., 2015 ed.)
- Emergence of Environmental Considerations in the U.S.*, in THE EVOLUTION OF THE LAW AND POLITICS OF WATER (ed. Dellapenna) (Springer 2009)
- The Law of Instream Flow Protection*, in INSTREAM FLOWS FOR RIVER STEWARDSHIP (IFC 2009)
- When Congress Goes Unheard*, in PREEMPTION CHOICE (ed. Buzbee) (Cambridge 2008)

## ARTICLES AND ESSAYS

- Conservation as Multiple Use*, 66 Ariz. L. Rev. (forthcoming 2024)
- A Critical 21<sup>st</sup> Century Role for Public Land Management: Conserving 30% of Lands and Waters Beyond 2030* (with Glicksman), 54 Ariz. St. L.J. 1313 (2023)
- Charting a Course to Conserve 30% of Freshwaters by 2030*, 64 Wm. & Mary L. Rev. 169 (2022)
- Seeking Solace in Open Spaces*, Book Review of John D. Leshy, *Our Common Ground: A History of America's Public Lands*, 63 Nat. Res. J. (2023)
- Species Conservation and Recovery Through Adequate Regulatory Mechanisms*, 44 HARV. ENV. L. REV. 367 (with Panarella and Wood) (2020)
- Waiving Sovereign Immunity in Original Actions Between States*, 53 MICH. J. L. R. 101 (2020)
- Mitigating Malheur's Misfortunes: The Public Interest in the Public's Lands*, 31 GEORGETOWN ENV. L.REV. 509 (2019)
- Restoring Beavers to Enhance Ecological Integrity in National Forest Planning*, 33 NAT. RES. & ENV. 43 (with Bates and Brown) (2019)
- Takings, Torts, and Background Principles*, 52 WAKE FOREST L. REV. 101 (2017)
- Fish and Wildlife Management on Federal Lands: Debunking State Supremacy*, 47 ENV. L. 797 (with Nie et al.) (2017)
- Wilderness in National Parks and Wildlife Refuges*, 44 ENV. L. 497 (2014)
- Treading Water While Congress Ignores the Environment*, 88 NOTRE DAME L. REV. 2323 (2013)
- The Shallows Where Federal Reserved Water Rights Founder: State Court Derogation of the Winters Doctrine*, 18 DEN. W. L. REV. 261 (with Huber) (2013)
- Assessing Institutional Ability for Adaptive Water Management*, 91 NEB. L. REV. 805 (with Hoffman) (2013)
- Water, Wilderness, and Climate Change*, 42 ENV. L. 313 (2012)
- Managed Relocation: Integrating the Scientific, Regulatory, and Ethical Challenges*, BIOSCIENCE 62: 732-43 (with Schwartz, et al.) (2012)
- Throwing Precaution to the Wind: NEPA and the Deepwater Horizon*, 2 G.W. J. E.E.L. 83 (with Mintz & Glicksman) (2011)
- Preemption by Stealth*, 45 HOUSTON L.REV. 1659 (2009)

*Unbundling Property in Water*, 59 ALA. L. REV. 679 (with Harder) (2008)  
*The Anti-Speculation Doctrine's Implications for Water Management*, 8 NEV. L. J. 994 (2008)  
*Two Imperiled Rivers: Reflections from a Post-Katrina World*, 59 FLORIDA L. REV. 599 (2007)  
*Mississippi Stories: A Century of Unnatural Disasters*, 60 S.M.U. L. REV. 1471 (with Klein) (2007)  
*A New Corps of Discovery for Missouri River Management*, 83 NEB. L. REV. 305 (2004)  
*A Preservation Paradox: Political Prestidigitation and Wildness*, 34 ENVTL. L. 1015 (2004)  
*Managing Interjurisdictional Waters*, 18 N. RES. & ENV. 8 (with Squillace) (2003)  
*Sustaining Geographies of Hope: Cultural Resources on Public Lands*, 73 COLO. L. REV. 413 (2002)  
*Biodiversity in and Around McElligot's Pool*, 38 ID. L. REV. 473 (with Johnson) (2002)  
*The Protection of Cultural Resources on Public Lands*, 39 PUBLIC LD & RES. L. DIGEST 101 (2002)  
*The Virtues of Command and Control Regulation*, 2000 U. ILL. L. REV. 1233 (2000)  
*The Devil, the Details, & the Dawn of the 21<sup>st</sup> Century Administrative State*, 32 AZ. ST. L.J. 941 (2000)  
*Conserving Ecosystems Through the Secretarial Order on Tribal Rights*, 14 N.R. & ENV. 162 (2000)  
*Indian Lands as Critical Habitat for Indian Nations & Species*, 43 S.D. L. REV. 381 (1998)  
*Sacrificing Legislative Integrity at the Altar of Appropriations Riders: A Constitutional Crisis*, 21 HARV. ENVTL. L. REV. 457 (1997)

## **CONFERENCES, PRESENTATIONS, AND MIXED MEDIA**

### ***Planning/Coordination:***

Chair, 1<sup>st</sup> Annual Water Law, Policy & Science (WLPS) Conference, UNL (2004); Planning Committee, Annual WLPS Conferences (2005-08); Planning Committee, Global Water for Food Inst. Annual Conference, UNL, Daugherty, and Gates Foundation (2009-13)  
Chair, 12<sup>th</sup> Inst. for Natural Resources Law Teachers, Rocky Mt. Mineral Law Foundation (RMMLF) (2003); Co-Chair (2009) and Planning Committee (2019, 2022), RMMLF 15<sup>th</sup> & 25<sup>th</sup> Teachers Inst.; Planning Committees, RMMLF Annual Inst. (2014) and Public Lands Inst. (2020); Co-Chair, RMMLF Wildlife Institute (2019)  
Founder and Organizer, UNL Half-Baked Faculty Colloquium Series (2009-14)  
Planning Committee, ABA Section on Env., Energy & Resources (SEER) Annual Water Law Conferences (2007-15)  
Chair, Ecosystem Approach to Fisheries Management, National SeaGrant and ABA SEER (2003)

### ***Select Presentations:***

*Conservation as Multiple Use*, Univ. of Utah Works-in-Progress Colloquium (2023)  
*Conserving 30% of Lands and Waters Beyond 2030*, Univ. of Calgary Faculty of Law (2022); Canadian Inst. of Resources Law (2022); Fnd. for Nat. Resources & Env'l Law Annual Inst. (2022)  
*Comparative Law: CAN-US Climate Initiatives*, ASU Sustainability Conference (2021)  
*The Environmental Legacy of the 45th President*, Vermont Law Review Symposium (2021)  
*Conserving Public Lands, Water, and Wildlife: 30 x 30*, GWU Shapiro Env'l Law Symposium (2021)  
*Species Conservation & Recovery*, Harvard Law School Author Symposium, Cambridge MA (2020)  
*Recent Developments in Environmental Law: 9<sup>th</sup> Circuit*, Cal. Env't'l Law, Yosemite (2020)  
*Public Lands & Climate Adaptation*, George Washington Law School-CPR Symposium, DC (2020)  
*Species Conservation and Climate Change*, ASU Sustainability Conference, Phoenix (2019)

*Interstate Disputes Before the Supreme Court*, ABA Annual Water Law Conference, Denver (2019)  
*Wilderness Stewardship National Training*, Carhart Wilderness Center, Montana (2010-11, 2014-18)  
*NEPA Debate* (with Pidot and Laitos), Carver Colloquium, Univ. of Denver (2018)  
*Wildlife Federalism on Public Lands*, Lewis & Clark Symposium: Env'l Law under Trump (2018)  
*The Nature of Private Interests in Public Lands*, RMMLF Public Lands Inst., Santa Fe, NM (2017)  
*A Century of Unnatural Disaster* (with Klein), Yale Center for Env'l Law (2015)  
*Takings, Givings, and the Inherent Restrictions of Vulnerable Properties*, Stanford Center for the American West (2015)  
*Global Challenges in Water Governance*, World Water Congress, Edinburgh, Scotland (2015)  
*Water Security and Peacebuilding: Avenues for Cooperation*, Yale-UN Conference on Env'l Governance and Democracy, Yale University (2014)  
*Portaging Around Environmental Logjams*, Florida State Law Symposium (2014)  
*Legal Issues for Protected Areas*, IUCN World Parks Congress, Sydney, Australia (2014)  
*Congress's Apathy Toward the Environment*, Notre Dame Law Symposium on Gridlock (2012)  
*Water Law, Conservation & Climate Adaptation*, IUCN Comm. on Envl. Law, Jeju, Korea (2012)  
*Water, Climate, and Wild Lands*, Law & Society, Honolulu, HI (2012)  
*U.S. Water Law ABC's*, M.S. Swaminathan Foundation, Chennai, India (2011)  
*Cultural and Historic Resources*, RMMLF Public Lands Institute, Albuquerque, NM (2003)  
*Reserved Water Rights & Tribal Fisheries*, Council of Great Lakes Governors, Quebec, CA (2002)  
*Preserving Cultural & Historic Resources*, ALI-ABA Envtl. Law, Washington, DC (2001)  
*National Park Service Regulatory Authorities*, Dept. of Interior, Salt Lake City, UT (1999)  
*U.S. Water Law: Great Lakes Diversions*, International Joint Commission, Ontario, CA (1999)  
*Cultural Resource Management*, Fed. Bar Ass'n Indian Law Conference, Abq., NM (1997)

**Select Mixed Media:**

Interviews, *First Climate Trial Begins, Led by Kids*, [Scientific American](#); Montana PBS Impact; PBS Newshour (2023)  
Blog, *Will the 30 x 30 Initiative Protect 30 Percent of Freshwater Resources by 2030?*, ACOEL, <https://acoel.org/will-the-30-x-30-initiative-protect-30-of-freshwaters-by-2030/> (2021)  
[Report](#) and [video](#), *Federal Public Lands Policy and the Climate Crisis*, Progressive Reform (2020)  
Conference Paper, *Pervasive Federal Involvement in Interstate Water Management But Few Hooks for Supreme Court Resolution*, ABA WATER LAW CONF. (2019) (Best Paper Award)  
SCOTUS Blogs, *Sturgeon v. Frost* (2018-19)  
Editorial, *U-turn on Twin Metals a Massive Giveaway*, Duluth News (with Klass) (2018)  
Webinar, *The Battle to Conserve National Monuments*, ABA Professors' Corner (2018)  
Blog, *Trump's Plan to Dismantle National Monuments Comes with Steep Cultural Costs*, The Conversation (with Bryan and Mills) (2017)  
Blog, *Unnatural Disasters and Environmental Injustice*, Oxford Press (with Klein) (2016)  
Podcast, *Finding Agency Through Humility*, Yale Center for Env'l Law (2015)  
Blog, *Floodplain Landowners Seeking a "Double Take" from Taxpayers*, Env. Law Prof. (2014)  
Blog, *Natural Storms, Unnatural Disasters*, The Hill (2014)

- Blog, *State Department's Keystone XL Pipeline EIS Fails Legal Scrutiny and Common Sense* (2013)
- Blog, *The CWA's Antidegradation Policy*, Progressive Reform (with Glicksman) (2012)
- White Paper and Blog, *Why the Convention on Biodiversity Should be Ratified*, Progressive Reform (ed. Knox) (2012)
- Editorial, *Species Conservation Not a Factor in Flooding*, OMAHA WORLD-HERALD (2011)
- Blogs, *The Pipeline that Refuses to Die*, and *TransCanada Says Bill Unconstitutional: Here's Why They're Wrong*, Progressive Reform (2011, 2012)
- White Paper, *Making Use of Adaptive Management*, Progressive Reform (2011) (ed. Doremus)
- Blog, *Atrazine, Confidential Data, and the Five Stages of Grief*, Alternet.org (reprinted in Pesticide Action Network as *Why is My Family Dying*) (2010)
- Conference Paper, *Anti-Speculation: Ghost-Busting, Trust-Busting, or Beneficial Use*, 2008 ABA WATER LAW CONF. (Best Paper award)
- Editorial, *Fishermen Entitled to Punitive Damages*, MINN. STAR TRIB. (with Klass) (2008)
- Editorial, *Women Warriors*, DES MOINES REGISTER and IOWA CITY PRESS (2007)
- Editorial, *Supreme Court Drops the Ball on Wetlands Protection*, HIGH COUNTRY NEWS (2006)

#### GRANT AWARDS

- Fulbright Specialist, U.S. Dept. of State, Bureau of Educational & Cultural Affairs (\$4000). 2022.
- Principle, RMMLF scholarship research grants (\$12,500 for student researchers). 2014-19.
- Co-Investigator, U-MT & USDA, *Wildlife on Federal Lands* (PI Nie) (\$18,500). 2016-17.
- Supervisor, Global Water for Food—Environmental Defense Fund, *Sustainable Groundwater Management Act Implementation/Recommendations* (\$5,000 for student researchers). 2016-17.
- Collaborator, NSF, Integrative Graduate Education & Research Traineeship (IGERT), *Resilience in Stressed Watersheds* (PI Allen) (\$3,200,000). 2009-14.
- Co-Investigator, NSF, *Building Information Tools to Adaptively Manage Hydrological Resources* (PI Samal) (\$500,000). 2006–08.
- Co-Investigator, NSF, *Building a US-China Water Collaboratory* (PI Samal) (\$50,000). 2007-08.
- Co-Investigator, UNL, Program of Excellence Grant (PI Hoagland) (\$450,000). 2003-07.