



22ND ANNUAL TULANE
ENVIRONMENTAL LAW & POLICY SUMMIT

MARCH 10-11, 2017 | NEW ORLEANS, LA

A LETTER FROM THE EXECUTIVE CHAIR

Dear all,

I am proud and honored to welcome you to the 22nd annual Tulane Environmental Law & Policy Summit. Through your active participation and ongoing support, this event has successfully brought together a wide array of experts to discuss and debate pressing environmental issues for more than two decades.

Roughly one year ago, our board met to discuss the direction for this Summit and the issues we hoped to examine and highlight. I can safely say that no one at that table quite expected the year that was to come and few would have anticipated the challenges that we would face today. It is now evident that this is going to be a long dialogue, but then again it always has been.

Two decades ago our first Summit faced an entirely different environmental landscape and the advancements we have made in the interim are striking. We are no longer fighting over the removal of lead from gasoline or the atmospheric effects of CFC's. Alternative sources of electricity were viewed as futurist, even hypothetical in nature. Today, the cost of solar and wind has plummeted and both sources now supply significant percentages of our nation's needs. Now more than ever, it is imperative we reflect on these and other fundamental advancements.

Throughout its history, this Summit has grappled with hundreds of environmental questions. Each year, new challenges arose and new predictions were made. Each year, new students stood together to face these challenges and the community came together to discuss and debate. Each year, our conversations grew and our network expanded. It is this organic, grassroots, and student-run aspect that represents the very heart of the Summit.

With this tradition in mind, our board is proud to offer you a diverse collection of panels that highlight issues across the environmental field. We will examine issues from environmental justice and journalism, to sharks, insects, drinking water, and drone technology in conservation.

We look forward to sharing what we hope will be an informative and most importantly, an enjoyable weekend. We encourage you to engage in each panel as an active participant and push our discussions forward. This board is proud to be part of this strong tradition and we hope you will be as well.

Sincerely,

Alex DeGiulio
Executive Chair

SUMMIT SUPPORTERS

For their support, we would like to thank:

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The Summit on Environmental Law and Policy is completely student-run and funded by the fundraising efforts of the students involved. The success of the 2017 Summit is largely due to our incredible sponsors:



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KEYNOTE SPEAKER

KIM JORDAN

New Belgium Brewing

Co-Founder, Executive Chair

Kim Jordan, Co-founder, Chair of the Board and former CEO of New Belgium Brewing, has developed expertise at the intersection of business, the environment and community to create one of the most respected craft breweries and innovative businesses in America.

Her lifelong commitment to developing healthy communities has informed New Belgium's culture through progressive policies like employee ownership, open-book management, and philanthropic giving. In more than a quarter century as an entrepreneur, Kim has spoken to thousands of people in the business, nonprofit, and academic worlds about how to create a vibrant and rewarding work culture that enhances the bottom line.

Kim has been a director on many diverse Boards over the years including The Brewers Association, 1% for The Planet and The Governor's Renewable Energy Authority Board. She continues to serve on Boards where she believes her progressive business philosophy can make a difference on important issues.

Now as the Executive Chair, Kim serves as a link between New Belgium's highly competent and engaged management group and its Board of Directors. She continues to champion foundational aspects of New Belgium that make it a business role model with fresh thinking about progressive business practices and the marketplace of the future. Kim works to represent New Belgium, speaking with brewers, business people and legislators about the power of progressive business to make positive change in the world. Kim and her two sons launched the New Belgium Family Foundation in 2013 as a way to continue to express their commitment to social and environmental impact through mission-aligned investing and philanthropy.



SUMMIT PANELS

FRIDAY, MARCH 10

7:30 – 10:00 AM: REGISTRATION & BREAKFAST

Weinmann Hall, Multi-Purpose Room

8:00 – 9:00 AM: MINDFULNESS AND PROFESSIONALISM

Weinmann Hall, Room 110

Mindfulness offers presence and clarity in the typically cluttered and overwhelmed mind of a lawyer. Mindful lawyers lead a less stressed life in the office, in court, and at home, resulting in a more professional lawyer. This panel will cover mindfulness and professionalism with a focus on strategies to help become a balanced and more successful lawyer.

- Keith Werhan, Ashton Phelps Chair of Constitutional Law at Tulane University Law School

9:00 – 10:00 AM: RECENT DEVELOPMENTS IN LEGAL ETHICS

Weinmann Hall, Room 110

Prof. Dane Ciolino will discuss recent developments in legal ethics, professional responsibility, and the law governing lawyers. He will address recent case law, the rule-making activities of regulators and bar associations, and advisory ethics opinions.

- Dane Ciolino, Alvin R. Christovich Distinguished Professor of Law, Loyola University New Orleans School of Law

10:05 – 10:15 AM: A BRIEF WELCOME TO THE SUMMIT

Weinmann Hall, Room 110

10:15 – 10:30 AM: BREAK

10:30 – 11:50 AM: THE ROLE OF ELECTRONIC DISCOVERY IN ENVIRONMENTAL INVESTIGATIONS AND LITIGATION

Weinmann Hall, Room 251

This panel will discuss current trends and hot topics in the handling of electronic discovery within the framework of federal and state environmental investigations and civil environmental litigation.

- Honorable Karen Wells Roby, S. Magistrate Judge, Eastern District of Louisiana
- Andrew Lee, Partner, Jones Walker LLP
- Lynn Luker (Moderator), J.S., LL.M. in Admiralty, LL.M. Energy and Environmental Law, Tulane Law School

10:30 – 11:50 AM: SUSTAINABLE SEAFOOD

Weinmann Hall, Room 110

Coastal communities around the world depend on seafood for social and economic reasons... plus it just tastes so good! The future of our seafood is threatened by poor fisheries management,

overfishing, and environmental degradation. This panel will explore the law and policy of seafood, conscious consumption, and what is already being done to protect one of Louisiana's most valuable resources.

- Melissa Daigle, Research Associate and Resiliency Specialist, Louisiana Sea Grant Law & Policy Program
- Chef Frank Brigtsen, James Beard Award Winning Chef
- Kimberly Dava Reyher, Executive Director, Coalition to Restore Coastal Louisiana
- John Fallon (Moderator), Assistant Director Outreach & Engagement, Audubon Nature Institute, Gulf United for Lasting Fisheries

11:50 AM – 1:00 PM: LUNCH

Weinmann Hall, Multi-Purpose Room

1:00 – 2:20 PM: AFTER THE SPILL: EFFECTS AND NEW THREATS TO DOLPHINS IN BARATARIA BAY

Weinmann Hall, Room 357

Did you know that there is a unique group of dolphins that live in Barataria Bay, Louisiana and that they are currently in serious peril? There have been significant deaths, strandings, and aborted pregnancies causing the population to decline since the BP oil spill. New threats are further endangering the Barataria dolphins, including a water diversion project planned for the Bay and massive overfishing of the dolphin's food source – a tiny fish called menhaden. The panel will review the need verses impacts of the diversion project, discuss how lack of menhaden fishing regulations prevents the dolphin's recovery, and what legal solutions exist to protect this fragile community.

- Bradley Barth, Project Manager, Coastal Protection and Restoration Authority
- Cynthia Sarthou, Executive Director, Gulf Restoration Network
- Emily Posner, Esq., Recirculating Farms Coalition

1:00 – 2:20 PM: FUTURE OF NUCLEAR ENERGY

Weinmann Hall, Room 251

Nuclear energy is responsible for roughly 19% of the electricity generated in the United States – nonetheless, it is still highly controversial due to, among other matters, the extremely large capital costs, the complexity of the Nuclear Regulatory Commission regulations, the long-term management of nuclear waste, and overall safety concerns. Nuclear power generation has benefited from direct and indirect federal “subsidies,” while providing a very significant percentage of the GHG-free power generation in the U.S. Using examples from the U.S. and across the globe, this panel will focus on some of the key legal and regulatory issues that have to be confronted with respect to the operation of nuclear power plants, including the future of the nuclear power industry in light of current and expected economic conditions.

- Ellen Ginsberg, Vice President, General Counsel and Secretary, Nuclear Energy Institute
- Robert Sloan, Senior Counsel at Sidley Austin LLP; Adjunct Professor of Law at Tulane Law School; Senior Fellow at the University of Chicago's Energy Policy Institute at Chicago (EPIC)

- Tyson Slocum, Energy Program Director, Public Citizens, Inc.
- Kenneth Gelburd (Moderator), Federal Bar Association's Section on the Environment, Energy and Natural Resources

1:00 – 2:20 PM: MASTERING THE COASTAL MASTER PLAN

Weinmann Hall, Room 151

To combat rapid loss of wetlands, subsidence of coastal land, and increased flooding, Louisiana created the 2017 Louisiana Coastal Master Plan. Local experts will analyze the plan, sources of funding, and explain what the plan got right and what needs to be improved.

- Mark Davis, Director, Tulane Institute on Water Resources Law and Policy
- Bren Haase, Head of Planning, Coastal Protection and Restoration Authority
- Len Bahr, Ph.D.
- Kimberly Dava Reyher, Executive Director, Coalition to Restore Coastal Louisiana

2:20 – 2:30 PM: BREAK

2:30 – 3:50 PM: CLIMATE JUSTICE, A WORLD WITHOUT WINNERS AND LOSERS

*Sponsored by Alliance for Affordable Energy
Weinmann Hall, Room 151*

Climate justice is a term used for framing global warming as an ethical and political issue, rather than one that is purely environmental or physical in nature. The panel will discuss the issues of Climate Justice through the lens of Louisiana-local issues. Experts will weigh in on a multitude of issues, including the relocation of the Isle de Jean Charles Native-American community, the Clean Power Plan and Clean Energy Incentive Program, and environmental racism in New Orleans East.

- Monique Harden, Co-Director and Attorney, Advocates for Environmental Human Rights
- Tim Hardy, Partner and Head of the Environmental Law Price Group in Roedel, Parsons, Koch, Blache, Balhoff & McCollister Law Firm
- Joel Waltzer, Partner, Waltzer, Wiygul & Garside, LLC
- Mây T. Nguyen, Esq. (Moderator), Community Outreach Director, Tulane Environmental Law Clinic (TELC)

2:30 – 3:50 PM: THE MARINE ENVIRONMENT AND THE SOUTH CHINA SEA ARBITRATION

Weinmann Hall, Room 251

Environmental issues played a considerable role in the July 2016 UN arbitration decision regarding the South China Sea dispute. China was found to have violated the UN Convention on the Law of the Sea, in part due to their failure to protect and preserve the marine environment. Panelists will present an overview of the relevant environmental issues, China's environmental violations, and the significance of the arbitration to international environmental law.

- Bernard Oxman, Richard A. Hausler Professor of Law, University of Miami School of Law
- James Borton, Adjunct Professor, Center for Asian Studies, Walker Institute at The University of South Carolina

- Hao Jiang (Moderator), Fellow at Tulane Law School, Eason Weinmann Center, J.D., LL.M., S.J.D.

3:50 – 4:10 PM: BREAK

4:10 – 5:30 PM: ACCORDING NATURE ITSELF RIGHTS

Weinmann Hall, Room 251

Is nature the property of humans, or is nature its own legal entity? In 2008 Ecuador gave ecosystems constitutional rights, and in 2012 New Zealand gave the Whanganui River legal personality. While critics contend that these rights cannot be enforced, this movement is gaining support on both the national and international stage. Experts from the United States and abroad will discuss the movement towards nature being afforded legal rights, and the future of this concept.

- Mari Margill, Associate Director, Community Environmental Legal Defense Fund
- Erin Daly, Professor of Law, Widener University Delaware Law School and Co-Director, Dignity Rights Project
- Daniel Norona, LLB (Moderator)

4:10 – 5:30 PM: GEO-ENGINEERING AS A SOLUTION TO CLIMATE CHANGE

Weinmann Hall, Room 151

The anthropogenic manipulation of earth's processes, commonly known as geo-engineering, has been presented as a potential weapon to combat climate change and ocean acidification. Scientists have suggested methods such as iron fertilization and solar radiation management; however these geo-engineering methods may be scientifically far fetched and unfit for current regulatory regimes. Experts will examine geo-engineering strategies and whether they are scientifically and legally plausible, with a particular focus on Louisiana.

- Edward P. Richards, Director, Program in Law, Science, and Public Health, Clarence W. Edwards Professor of Law, LSU Law Center
- Dr. Kanchan Maiti, Assistant Professor, Department of Oceanography and Coastal Sciences, Louisiana State University
- Robert R.M. Verchick (Moderator), Gauthier-St. Martin Eminent Scholar and Chair in Environmental Law, Loyola University of New Orleans; Senior Fellow at Tulane University's Disaster Resilience Leadership Academy

4:10 – 5:30 PM: ILLEGAL WILDLIFE TRADE AND CITES

Weinmann Hall, Room 357

In 2016, the 17th Conference of the Parties (CoP) to the Convention on International Trade in Endangered Species (CITES) took important steps to combat illegal wildlife trade across the globe. This panel will review current efforts to regulate wildlife trade and how these efforts are being implemented. Additionally, experts will discuss the affected species and proposed methods to protect them.

- Carney Anne Nasser, Associate Director, Captive Animal Law Enforcement, PETA Foundation
- Jordan Lesser, Counsel, Office of New York Assemblywoman Lifton

- Rachel Kramer, Senior Program Officer, Wildlife Conservation & TRAFFIC, World Wildlife Fund
- Brett Korte (Moderator), Staff Attorney and Director of Associates at the Environmental Law Institute

RECEPTION

*Sponsored by Restore the Mississippi River Delta
Weinmann Hall, Multi-Purpose Room*

SATURDAY, MARCH 11

8:00 – 9:00 AM: CHECK-IN & BREAKFAST

9:00 – 10:20 AM: DRONE TECHNOLOGY AND CONSERVATION

Weinmann Hall, Room 151

Unmanned Aerial Systems (colloquially called drones) are becoming increasingly popular for private video and camera footage, and their use now extends to wildlife management and research. While this technology provides a unique view for research and conservation, drone usage in the U.S. is tied up in legal uncertainty regarding privacy rights and Federal Aviation Administration rules. Experts will examine the legal limits of drone use, and show how they have implemented drones into wildlife management.

- Rachel Kramer, Senior Program Officer, Wildlife Conservation & TRAFFIC, World Wildlife Fund
- Brandon Brown, General Counsel, Louisiana Department of Transportation and Development
- Dr. Jeff Kerby, Dartmouth PostDoc, National Geographic Grantee
- Rock Palermo (Moderator), Partner, Veron, Bice, Palermo & Wilson LLC

9:00 – 10:20 AM: WHAT DO WE DO ABOUT DRINKING WATER?

*Sponsored by The Sierra Club
Weinmann Hall, Room 251*

Is Louisiana's drinking water safe? The United Nations considers access to clean drinking water a human rights issue, yet here in Louisiana, lead and copper contaminate our drinking water. This panel will focus on contaminated and unsafe drinking water in Louisiana, and how environmental policy can affect water quality in the State. Panelists will address examples such as Flint MI, St. Joseph's Parish, and Washington D.C. to see what policy works and what can be improved upon.

- Adrienne Katner, D.Env., M.S., Louisiana State University Health Center - School of Public Health
- Wilma Subra, President of Subra Company and Technical Advisor to Louisiana Environmental Action Network
- Hayes Town, B.S. & M.S. Professional Engineer
- Mark Davis (Moderator), Director, Tulane Institute on Water Resources Law and Policy

9:00 – 10:20 AM: WHERE THERE'S MUCK THERE'S BRASS

Weinmann Hall, Room 257

The Resource Conservation and Recovery Act (RCRA) is the basis for proper management of hazardous and non-hazardous solid waste in the U.S. This panel will examine various perspectives of the imminent and substantial endangerment provision of RCRA. Experts will explore RCRA's cleanup provisions, including whether the imminent and substantial endangerment provision can be used as a tool for enforcing contaminated site cleanups.

- Richard Webster, Environmental Enforcement Attorney, Public Justice
- Andy Jacoby, Partner, Scott Vicknair Hair & Checki, LLC
- Robert Brager, Esq., Beveridge & Diamond PC
- Court VanTassell (Moderator), Liskow & Lewis

10:20 – 10:30 AM: BREAK

10:30 – 11:50 AM: GREENING OF LOUISIANA COMMUNITIES

Weinmann Hall, Room 257

New Orleans has become a poster child of resilience. In the face of numerous environmental threats, communities are reinventing traditional urban landscapes through the incorporation of sustainable development. Experts will delve into the importance of sustainable development and how it will positively shape future communities in New Orleans.

- Prisca Weems, Founding Partner, FutureProof
- Charles Allen, III, Resilience Outreach Manager, City of New Orleans
- Ella Delio, Director of Environmental Programs, Greater New Orleans Foundation
- Michelle Pyne (Moderator), Director, New Orleans Office, Global Green USA

11:10 – 2:30 PM: TOTALLY BUGGIN' OUT

*Sponsored by Jones, Swanson, Huddell & Garrison, LLC
Weinmann Hall, Room 251*

Did you know honeybees help produce a third of our food? Despite their massive contributions, these silent workers are dying off due to pesticide use and other human activities. This panel will discuss the pressing issues facing honeybees and other important bugs, explore potential legal intervention, and discuss available policy actions that can protect our tiny friends.

- Tamara Zakim, Deputy Attorney General, California Department of Justice
- Zack Lemann, Entomologist, Audubon Butterfly Garden and Insectarium
- Bessie Daschbach (Moderator), Member, Jones, Swanson, Huddle & Garrison, LLC

10:30 – 11:50 AM: SHARK MANAGEMENT AND LAW

*Sponsored by Tulane University Graduate Studies Student Association
Weinmann Hall, Room 151*

Sharks have a bad rap for being mindless eating machines, but in reality, humans are more dangerous to sharks than they are to humans. To combat the anthropogenic threats they face, shark conservation and management is governed by laws and policy at

the regional, national, and even international level. Panelists will address shark management across these levels, and whether these laws are adequate.

- Caroline Park, Deputy Section Chief, Fisheries and Protected Resources Section, National Oceanic and Atmospheric Administration
- Jason Adriance, Finfish Program Manager, Louisiana Department of Wildlife and Fisheries
- Dr. Martin O'Connell, Director, Nekton Research Laboratory Pontchartrain Institute for Environmental Sciences, University of New Orleans
- Guyer Bogen (Moderator), 2016 Tulane Environmental Law Summit Speaker Chair and Third-Year Law Student, Tulane University Law School

11:50 – 1:10 PM: LUNCH

Weinmann Hall, Multi-Purpose Room

1:10 – 2:30 PM: ENVIRONMENTAL JUSTICE: WHAT HAPPENED TO TITLE VI?

Weinmann Hall, Room 151

The focus of this panel will be based on how environmental justice cases are transforming into civil rights issues, becoming one in the same. We will also discuss how that has and will continue to affect Title VI.

- Tim Hardy, Partner and Head of the Environmental Law Price Group in Roedel, Parsons, Koch, Blache, Balhoff & McCollister Law Firm
- Colette Pichon-Battle, Esq., Executive Director, US Human Rights Network
- Robert Wiygul (Moderator), Partner, Waltzer, Wiygul & Garside LLC

1:10 – 2:30 PM: A REVOLUTION IN PROPERTY RIGHTS: THE STRANGE HISTORY OF THE SUBSEQUENT PURCHASER DOCTRINE AFTER EAGLE PIPE

Sponsored by Veron, Bice, Palermo & Wilson, LLC

Weinmann Hall, Room 251

This panel will untangle the inconsistent lower court rulings on the applicability of the subsequent purchaser theory in oilfield contamination cases.

- Bessie Daschbach, Member, Jones, Swanson, Huddle & Garrison, LLC
- Rob McNeal, Shareholder, Liskow & Lewis
- Rock Palermo (Moderator), Partner, Veron, Bice, Palermo & Wilson, LLC

2:30 – 2:40 PM: BREAK

2:40 – 4:00 PM: ENVIRONMENTAL JOURNALISM, TRUMPED?

Weinmann Hall, Room 257

While words like global warming and climate change disappeared from the Whitehouse.gov website on inauguration day, it's doubtful that President Donald Trump or his cabinet will be able to stop coverage on those and other pressing environmental issues in the next four years. Our panel of journalists will talk about

potential obstacles to their work, and what the hot environmental topics will be during the Trump administration.

- Bob Marshall, Environmental Journalist, *The Lens*
- Mark Schleifstein, Environmental Reporter, *The Times-Picayune*
- Debbie Elliott (Moderator), National Correspondent, *NPR News*

2:40 – 4:00 PM: THE LEGALITY OF ORCAS IN HUMAN CARE

Weinmann Hall, Room 151

This panel dive into the legal issues surrounding the future of orcas in human care facilities. Critics of these human care facilities believe the animals' rights have been violated, and, through litigation, have successfully banned breeding and incorporated new practices into Sea World's policies. However, many members of the marine mammal care community feel changes are not only potentially harmful to the species, but also directly impede the valuable research, rescue, and rehabilitation abilities of these facilities. The panelists will discuss both sides of these legal and ethical arguments, including the future of orcas and marine mammals in human care.

- Carney Anne Nasser, Associate Director, Captive Animal Law Enforcement, PETA Foundation
- Robin B. Friday, Sr., Founder, Wildlife International Network; Chairman of the Board and Chief Executive Officer, Ocean Embassy, Inc. and Wildlife International Network, Inc.

2:40 – 4:00 PM: PERMITTING DISASTER: BATON ROUGE AREA FLOODS OF 2016

Sponsored by Louisiana Sea Grant

Weinmann Hall, Room 251

This panel will focus on the historic August 2016 flooding that devastated Baton Rouge and the surrounding areas. While some tried to blame this destruction on plain bad luck, experts say the flooding occurred due to cumulative poor planning decisions. This panel will go into detail regarding environmental and urban mismanagement, focusing on the build up of improper policy in Louisiana.

- Edward P. Richards, Director, Program in Law, Science, and Public Health, Clarence W. Edwards Professor of Law, LSU Law Center
- Craig Colten, Carl O. Sauer Professor of Geography, Ph.D., Louisiana State University
- Amelia Hoppe (Moderator), Esq., Program Director, Louisiana Civil Justice Center

4:00 – 4:15 PM: BREAK

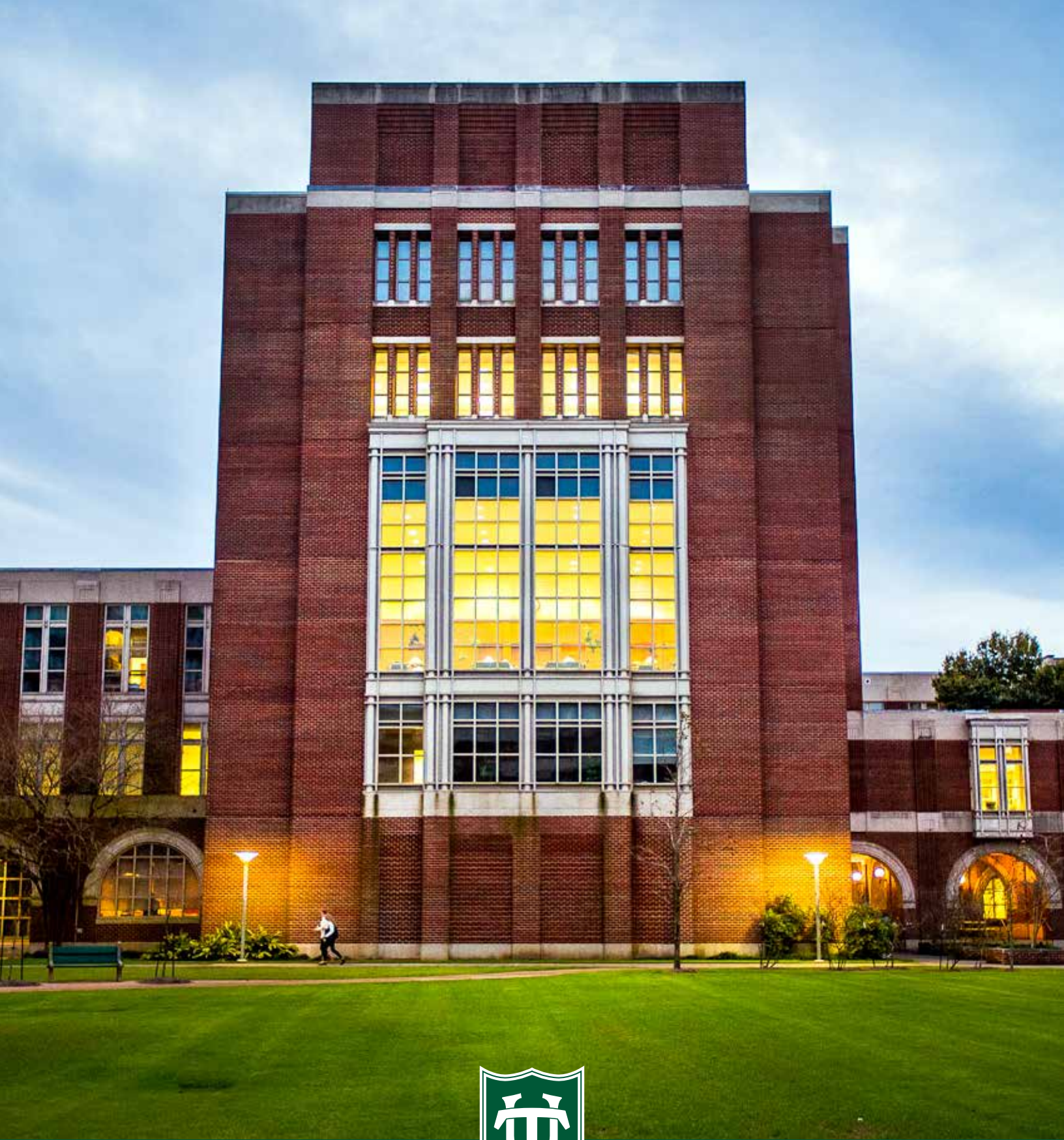
4:15 PM: KEYNOTE ADDRESS: KIM JORDAN

Sponsored by Tulane Law School Student Bar Association and Tulane University Graduate and Professional Students Association
Weinmann Hall, Room 110

Co-Founder, Chair of the Board, and Former CEO of New Belgium Brewery

CLOSING RECEPTION

Weinmann Hall, Multi-Purpose Room



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