



NATURAL RESOURCES & ENVIRONMENTAL LAW PROGRAM

Fall 2023 Newsletter **In this edition:**

- Natural Resources Journal, NM House Speaker Host Just Transition Symposium
- Clinic Represents Community Members in Nation-Leading Cumulative Air Pollution Rulemaking
- Introducing Clinic's Climate Justice Fellow – Kylie Rosabal
- Faculty Scholarship and Activities
- Alumnus Spotlight: Padilla, UNM Class of '22, Works on Climate Adaptation for Native Communities
- UNM Awards Level II Grand Challenge to Interdisciplinary "Just Transition" Team
- UNM Law Students Earn Publications, Scholarships, Certificates

Natural Resources Journal, NM House

Speaker Host Just Transition Symposium



Just Transition symposium panelists, from left: Ahtza Chavez, Exec. Dir., Naeva (and MSL '20); Joseph Lee, Business Agent, International Union of Operating Engineers; and Prof. Gabriel Sanchez, Dept. Of Political Science and Just Transition Grand Challenge.

UNM's *Natural Resources Journal* and New Mexico House of Representatives Speaker Javier Martínez hosted a Symposium on New Mexico's Just Transition, focusing on ways New Mexico can create paths to clean energy transition while providing equitable opportunities for all communities. The program featured a diverse array of voices on New Mexico's clean energy transition, including grassroots community groups, frontline workers, legislators, executive branch officials, business representatives, and University of New Mexico faculty. Panels considered energy transition challenges and opportunities for workers and frontline communities, equitable and sustainable economic development policy, and structural barriers to a Just Transition while maximizing federal funding.

NRJ students (especially Symposium Editor Melanie Coffing) worked closely with the Speaker's office to stage a well-attended and successful event, with support from the Utton Center, the NREL Program, and UNM's Just Transition Grand Challenge (see related story). The symposium was livestreamed, and a [recording is available on UNM Law's YouTube channel](#).

Clinic Represents Community Members in Nation-Leading Cumulative Air Pollution Rulemaking



Clinic Student Annalisa Miller argues a motion in front of the Albuquerque Bernalillo County Air Quality Control Board.

Natural Resources and Environmental Law Clinic (NREL Clinic) students are representing a community intervenor, Dr. Sofia Martinez, in a formal hearing on a proposed Health, Environment, and Equity Impacts regulation in front of the Albuquerque and Bernalillo County Air Quality Control Board. The proposed regulation would significantly limit new increases in air pollution if the increases would add to the risk of health harms in communities already disproportionately affected by air pollution.

The Clinic and the New Mexico Environmental Law Center are the only two legal organizations representing community members in the week-long, trial-like proceeding, currently scheduled to start Dec. 4. If promulgated, the rule would be one of the first cumulative impacts ordinances in the country.

Clinic students are currently also working with Native American Pueblos to identify legal strategies to protect Tribal waters after *Sackett v. EPA*, preparing to represent a Land Grant in a trial to quiet title to common lands, and intervening in an appeal challenging ozone precursor regulations for oil and gas sources.

Introducing Clinic's Climate Justice Fellow – Kylie Rosabal



The NREL Clinic is excited to announce the hiring of a first-ever Climate Justice Fellow, Kylie Rosabal. Kylie will work on matters that will both reduce climate pollution and conventional health-damaging air pollution in frontline communities. She will work alongside Clinic faculty supervisors Nadine Padilla and Gabe Pacyniak to co-supervise students, handle cases independently, and conduct related publishable research.

Kylie is a recent graduate from the UNM School of Law, and she also holds a Master's degree in community and regional planning from the UNM School of Architecture and Planning. While studying she focused primarily on environmental, water, and administrative law, which led her to her interest in work involving harmful air pollutants and emissions.

Prior to entering law school, Kylie worked first as an environmental youth educator and then as a legal assistant at a California civil rights law firm challenging human rights violations. Before becoming the Clinic's Fellow, she was employed by the UNM Bureau of Business and Economic Research as a data specialist.

Faculty Scholarship and Activities



Reed Benson speaking at the University of Wyoming's annual Trelease Dinner.

Reed D. Benson received the 2023 Frank Trelease Award from the University of Wyoming College of Law, and spoke at the College of Law's annual Trelease Dinner. The award is named for longtime UW law professor Frank Trelease, one of the all-time great water law scholars. Reed's latest article, *Green Money for Western Waters: New Environmental Grant Programs and Federal Water Policy*, is forthcoming in *Environmental Law Reporter* (January 2024). The article examines the Bureau of Reclamation's recently authorized environmental grant programs, for which Congress has provided nearly half a billion dollars in funding, and addresses what these programs could mean for western waters and federal water policy. Reed spoke at a University of New Mexico Alumni Association event on the ongoing "megadrought" and its implications for water in the Southwest; the panel of four speakers was organized and moderated by longtime water judge and scholar John Thorson.

Elizabeth Elia taught Land Use Regulation in Spring 2023 and is teaching a writing seminar on Renewable Energy Development this fall. As the faculty sponsor of the Historic Preservation Law Society, she accompanied students on a tour of Acoma Pueblo's Sky City earlier this month. Professor Elia accepted the role of chair of the ABA Real Property Trusts and Estates Section's Continuing Education group for the 2023-2024 Bar Year. In that role, she moderated a discussion with Professors Tara Righetti and Joe Schremmer about [Subsurface Property Rights](#) in September. In November, she served as a panelist in a Professors Corner webinar about state and local housing voucher discrimination laws. In February of 2024, she will moderate a Professors' Corner discussion about Legislative Exactions and oral arguments in *Sheetz v. County of El Dorado*. Professor Elia will provide an update on legislative exactions and the Sheetz case at the ABA's Real Property Trusts and Estates National CLE conference in May of 2024.

Gabe Pacyniak recently published [State Sequestration: Federal Policy Accelerates Carbon Storage, But Leaves Full Climate, Equity Protections to States](#), 14 San Diego J. Climate & Energy L. 95 (2023), and [Keeping All the Lights On: A Roadmap to Affordable, Universal Electricity Service in the Clean Energy Transition](#), 50 Ecology L.Q. 93 (2023). Gabe was also recently named as a recipient of the "Leadership in Energy Efficiency" Awards for 2023 by the Southwest Energy Efficiency Project (SWEET) for the work that he and the

NREL Clinic have done on programs and policies to ease the energy burdens of underserved New Mexicans.

Nadine Padilla will complete her article, “Abandoned Mines and Abandoned Treaties: The Navajo Nation’s Struggle to Remediate Uranium Contamination on the Reservation,” in Spring 2024. This Article focuses on recent settlement agreements with potentially responsible parties to clean up abandoned mines on the Navajo Nation. Professor Padilla was appointed to the Pueblo of Isleta’s Appellate Court, which hears cases involving property, land disputes, and probate issues. She also serves as a Board Member for DNA People’s Legal Services, a nonprofit legal aid organization that provides free civil legal services to low-income people on the Navajo and Hopi reservations. Professor Padilla was appointed as a Board Member for Conservation Voters New Mexico, an advocacy organization committed to ensuring a healthy environment.

Alumnus Spotlight: Padilla, Class of '22, Works on Climate Adaptation for Native Communities



Damian Shapes Padilla outside the White House in Washington, D.C.

Damian Shapes Padilla, Class of '22, is working in a new position at the Georgetown Climate Center (GCC) after serving a year as a GCC fellow after

graduating from UNM Law in 2022. He is involved with a variety of climate adaptation projects across the country, especially those focusing on assisting underserved communities. A member of Isleta Pueblo and a descendant of the Turtle Mountain Band of Chippewa, Padilla is working to expand the GCC's Equitable Adaptation Toolkit, adding more information and resources to help Tribes and indigenous communities adapt to climate change.

"My time at the Georgetown Climate Center has been transformative for my legal career," said Padilla. "I'm grateful to UNM Law and the NREL program for the unwavering support in guiding my journey into environmental and tribal policy."

UNM Awards Level II Grand Challenge to Interdisciplinary "Just Transition" Team



UNM awarded a Level II "Grand Challenge" to an interdisciplinary team working to support a "Just Transition to Green Energy." Prof. Gabe Pacyniak serves as one of the co-convenors of the team, along with UNM faculty from Population Health, Political Science, and Management.

The UNM Grand Challenges program provides funding for interdisciplinary teams that are working to "address the grand challenges of our time." The Just Transition team is working on helping ensure that benefits of the transition to a low-carbon and resilient economy flow equitably to all New Mexican communities, including to fossil-fuel worker communities, low-income communities, and communities of color. The Level II award provides funding for two years for project staff, convening, and community engagement, with the goal that the teams will apply for major external funding during that time.

"We are thrilled that UNM is supporting our work, and the work of our community and external partners in this critical area" said Pacyniak. "We are hopeful that we can provide real-time technical assistance and policy-relevant research to communities who are struggling to understand how they can share in the benefits of this transition."

The team has already collaborated on [research about the climate and health impacts of large greenhouse gas emitting facilities](#) in the state and on focus group research with fossil fuel workers in the Permian Basin.

UNM Law Students Earn Publications, Scholarships, Certificates



Chance Mitchell (left) and Morgan Pettit received prestigious scholarships from the Foundation for Natural Resources and Energy Law.

Four UNM Law students (or 2023 graduates) are **publishing law journal articles** based on papers they originally wrote in Spring 2023 for Prof. Gabriel Pacyniak's Climate Change Seminar. These authors, their paper titles, and the journals that will publish their work are:

- Steve Earsom, *Striking Before the Iron Is Hot: How Tribes in the East Can Assert Their Winters Rights to Mitigate Climate Change* (Virginia Environmental Law Journal).
- Chance Mitchell, *Climate Change & Farm Bill Reauthorization: An Evaluation of the 118th Congress' Challenged Capacity to Address Climate Change in the 2023 Farm Bill* (Drake Journal of Agricultural Law).
- Morgan Pettit, *Confronting Sustainable Mining Challenges: Will Permitting Processes Adapt in Time for Alaska to Capitalize on the Green Energy Transition* (Alaska Law Review).
- Katherine Tara (with John Fleck), *Last Call: The Limitations of New Mexico's Existing Water Management Framework in the Face of Reduced Colorado River Water Deliveries* (University of Colorado Environmental Law Journal).

Two UNM Class of 2024 students received **scholarships from the Foundation for Natural Resources and Energy Law (FNREL)**. Students at over 40 law schools in the U.S. and Canada compete for FNREL scholarships, and this year saw a record number of applications for these prestigious awards. Morgan Pettit received both a Legacy and Recognition Fund Scholarship and the David P. Phillips Award, named after the Foundation's

longtime executive director. Chance Mitchell received a Foundation Scholarship.

The UNM Law Class of 2023 saw 16 students earn the Natural Resources and Environmental Law Certificate along with their J.D. degree – a **new record for NREL Certificates** in a graduating class. One additional student obtained the NREL Concentration along with her Master of Studies in Law degree. Four of these graduates earned special awards for their work in the NREL field, including a new Environmental Justice Award funded by recent UNM Law alumni.

About the Natural Resources and Environmental Law Program

New Mexico is a place with a stunning variety of scenic beauty and natural and cultural resources, which makes it an ideal backdrop for the study of natural resources and environmental law and policy on a national scale. UNM Law's [natural resources and environmental law \(NREL\) program](#) offers students a robust variety of experiences, including a full range of [courses](#) in the field, the [NREL certificate program](#), the [NREL clinic](#), the [Natural Resources Journal](#) (the oldest U.S. law review in the field), the [Utton Transboundary Resource Center](#) (a research center dedicated to natural resources and environmental issues), an externship program, and the [Environmental Law Society](#). Students can also earn a dual degree in law and water resources.

© UNM School of Law
Contact: NRELprogram@law.unm.edu



University of New Mexico School of Law | MSC11-6070, 1 University of New Mexico,
Albuquerque, NM 87131

Unsubscribe_carey@law.unm.edu

[Update Profile](#) | [Constant Contact Data
Notice](#)

Sent by unmlaw@law.unm.edu powered by



Try email marketing for free today!