



## NATURAL RESOURCES & ENVIRONMENTAL LAW PROGRAM

### Fall 2022 Newsletter

#### In this edition:

- [Introducing Prof. Nadine Padilla](#)
- [Sec. Haaland Delivers Wide-Ranging Lecture at UNM Law](#)
- [Faculty Scholarship and Presentations](#)
- [Cliff Villa Joins Biden EPA as Senior Advisor](#)
- [NREL Clinic Students Aid Native, Rural Communities with Land and Water Issues](#)
- [Students to Attend CITES Meeting as Observers in Panama](#)
- [New Mexico's Climate Science Judge Visits UNM](#)
- [Jeanette Wolfley Honored as Founding Professor on 5th Anniversary of NREL Clinic](#)
- [Two UNM Law Students Receive Tuition Waivers to Provide Legal Representation to Land Grants, Acequias, Colonias](#)

## Introducing Prof Nadine Padilla

We are excited to announce that Prof. Nadine Padilla has joined the UNM faculty in a tenure-track position. Nadine will be teaching doctrinal courses in the NREL program—including courses that focus on the intersection of indigenous peoples, natural resources, and the environment—and will also be rotating in to supervise the Natural Resources and Environmental Law clinic.

Nadine is Navajo and Pueblo (Isleta/Laguna) from Bluewater Lake, NM. Prior to joining the UNMSOL faculty, she served as the Deputy Cabinet Secretary of the New Mexico Indian Affairs Department. Nadine also practiced environmental law with a non-profit environmental law firm in Santa Fe. Prior to law school, Nadine worked with grassroots organizations to protect sacred sites, including Mt. Taylor in western New Mexico, a mountain sacred to tribes throughout the southwest.

Nadine is a UNM School of Law alum, having graduated with the Natural Resources and Environmental Law Certificate and Clinical Honors. She also served as Co-Editor-in-Chief for the Natural Resources Journal.

---

## Sec. Haaland Delivers Wide-Ranging Lecture at UNM Law



Interior Secretary Deb Haaland, a UNM Law alumna, returned to her alma mater to deliver the Dennis Chavez Memorial Lecture in Law and Civil Rights. She talked about her years in New Mexico, her law school experience, and the significance of her appointment as the first Native American cabinet secretary in U.S. history. Her remarks also covered a wide range of environmental issues, including addressing climate change, conserving lands and wildlife, and

expanding opportunities for federal-tribal co-management of lands. Secretary Haaland is an inspirational figure to many people, especially at UNM Law, where as a Member of Congress she delivered the commencement address in 2019.

---

## Faculty Scholarship and Presentations



Gabe Pacyniak recently had two articles accepted for publication, both on issues related to a “just transition” to a low-carbon economy.

**Gabe Pacyniak’s** article [\*Keeping all the Lights On: A Roadmap to Affordable, Universal Service in the Clean Energy Transition\*](#) will be published in Ecology Law Quarterly. The article identifies innovative electricity policies being implemented by states in four categories, and also describes different funding mechanisms for the policies. He also recently presented another article, [\*State Sequestration: Federal Policy Accelerates CCS, But Leaves Full Climate, Equity Protections to States\*](#) at the University of Oklahoma and at the Loyola University Chicago’s Environmental Law Scholars Workshop. That article will be published in a symposium edition of the San Diego Journal of Climate and Energy Law. Finally, Gabe is serving as a co-convener of a [\*Just Transition Grant Challenge\*](#), an interdisciplinary initiative of UNM to provide research and technical resources to New Mexico communities related to an equitable transition to a low-carbon, climate resilient economy. He will be presenting a related paper on this topic at an AALS works-in-progress session in January.

**Joe Schremmer** recently had his article, [\*A Unifying Doctrine of Subsurface Property Rights\*](#) published in 46 HARVARD ENVIRONMENTAL LAW REVIEW 315 (2022). The article synthesizes the property and tort doctrines governing oil and gas and subsurface “pore space” and develops a formal method of doctrinal interpretation for subsurface property and tort issues. Joe is currently working on two forthcoming pieces that continue to develop this argument for formalism. His article, [\*Subsurface Trespass: Private Remedies and Public Regulation\*](#), forthcoming in Volume 101 of the NEBRASKA LAW REVIEW, extends the formal interpretation of subsurface property rights developed in *A Unifying Doctrine of Subsurface Property Rights* to the topics of private remedies for violations of subsurface property rights and public regulation of the use and development subsurface resources. Joe is also contributing an article to the TEXAS A&M JOURNAL OF PROPERTY LAW’s symposium on natural rights and property: *Ad Coelum and the Design of Property Rights* (forthcoming 2023). The article advances a conceptual account of the *ad coelum* doctrine that explains and justifies the doctrine’s role in the law’s determination about what natural resources may be subject to private ownership and its design of rules for acquisition and use of natural resources property.

**Reed D. Benson** has been writing about public rights of recreational access to rivers and streams in the Rocky Mountain states. His latest article, [Public Ownership, Public Rights: Recreational Stream Access Decisions in the Mountain West](#), is forthcoming in Vol. 23 of the Wyoming Law Review (2023), and was also selected for re-publication through the American Law Institute's blog, [The ALI Adviser](#). Reed's op-ed on recreational access for the Writers on the Range series appeared in several regional newspapers, including the Salt Lake Tribune. He served as co-chair of The Foundation for Natural Resources and Energy Law's 2022 Water Law Institute in San Diego. At the Water Law Institute he moderated a panel on Klamath Basin water issues, and also stepped in as a last-minute stopgap speaker, presenting "What is Public? Stream access rights and public water ownership in the Rocky Mountain states." Reed will be on sabbatical in Spring 2023.

**Elizabeth Elia** looks forward to the publication of her recent article, [Servitudes Done 'Properly': Propriety, Not Contract Law](#), in volume 37 of the Journal of Land Use and Environmental Law. On October 13, Elizabeth moderated the ABA's Real Property Trusts and Estates section's Professor's Corner webinar on current issues in siting renewable energy projects. Professor Uma Outka from the University of Kansas and Professor Wyatt Sassman from the University of Denver Sturm College of Law were the panelists in this discussion. Their presentations are archived [here](#). Elizabeth was also appointed to the Foundation for Natural Resources and Energy Law's Law Student Programs Committee. This committee awards [grants](#) to law students to enable their participation in FNREL's extensive range of [conferences, programs, and trainings](#). Elizabeth is pleased to serve as the faculty sponsor for UNM's Environmental Law Society this year, assisting this student organization in the development and execution of numerous networking and educational programs throughout the year. Finally, in the spring, Elizabeth will teach Land Use Regulation, a course included in the NREL certificate program curriculum.

---

## Cliff Villa Joins Biden EPA as Senior Advisor



Professor Cliff Villa has taken a political appointment at the U.S. Environmental Protection Agency (EPA), where he is serving as Senior Advisor to the EPA Office of Land and Emergency Management. Villa is advising the agency on the use of federal resources, including funding from the Bipartisan Infrastructure Law, to support the Biden/Harris Administration's priorities for addressing climate change and promoting environmental justice.

He is taking leave from the UNM Law faculty to work for EPA. “We will miss Cliff while he is away, but his EPA position gives him a great opportunity to help communities and promote environmental justice across the country,” said NREL Program Director Reed Benson.

---

---

## NREL Clinic Students Aid Native, Rural Communities with Land and Water Issues



NREL Clinic students hear from Navajo community members about the devastating health impacts of uranium contamination in Northwestern New Mexico

NREL clinical law students have been working with Navajo community members on contamination issues resulting from decades of uranium mining in western New Mexico. This semester, clinical law students went on a tour of abandoned uranium mines and Superfund sites, as well as the site of proposed new mine sites in Church Rock on the Navajo Nation. The students are exploring legal options for community members who are currently negotiating with EPA on the remediation process and remedies under CERCLA –including ensuring a comprehensive remedy is chosen for this area that is in line with traditional and cultural land use perspectives.

Students in the NREL Clinic have also been working with the Native American Community Academy (NACA) to address zoning and property issues in the development of a new campus on the east side of the Sandia Mountains. NACA is a tuition-free public charter school that focuses on developing identity through culture & language, holistic wellness, community & family, and academic preparation, and whose diverse student body includes students from more than 60 Native American tribes. Clinic students are partnering with engineering faculty and students to address both legal and design issues in developing the campus.

Clinic students have also been working to help community members affected by record-breaking wildfire season in New Mexico. Students helped staff a walk-in legal clinic in Las Vegas, NM, for residents affected Hermits Peak/Calf Canyon Fire, helping community members apply for FEMA assistance.

Prof. Nadine Padilla is supervising the clinic this semester.

---

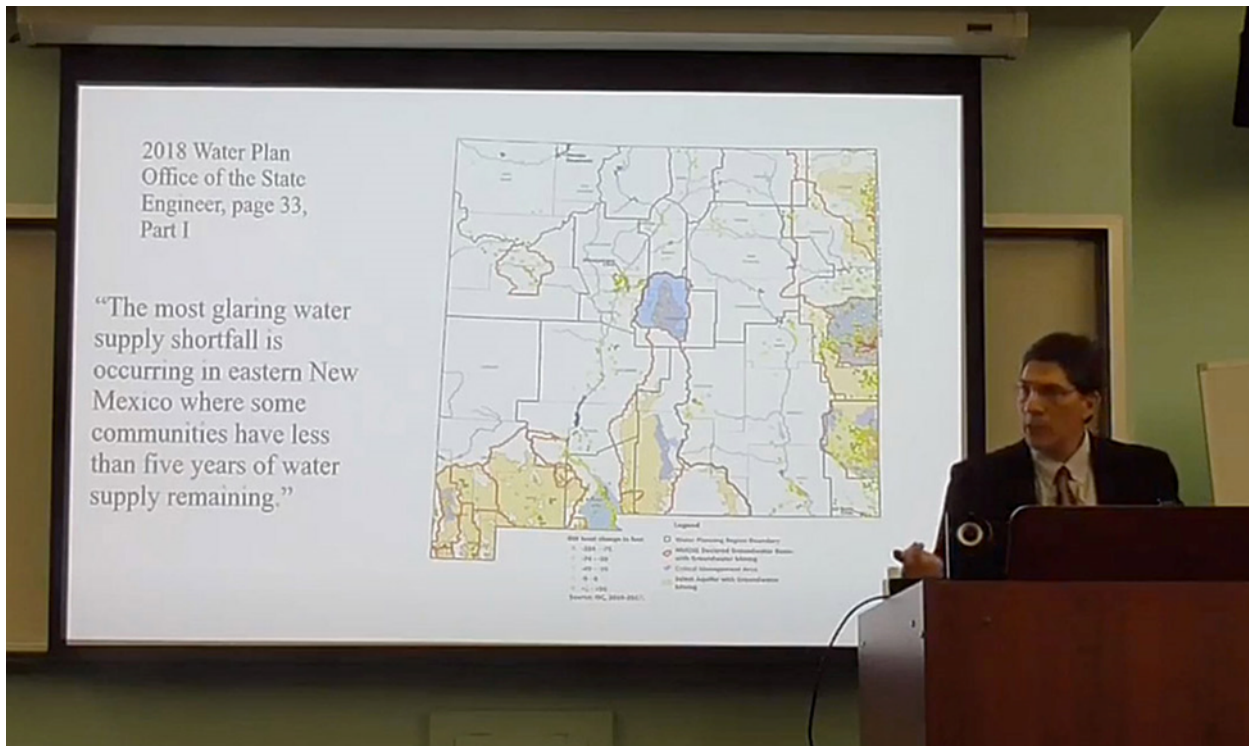
## Students to Attend CITES Meeting as Observers in Panama



J. Spenser Lotz, Katherine Tara, Deanna Warren, Brian Yardman-Frank, and Téa Davidson

A group of UNM Law students will be attending the Conference of the Parties of the Convention on International Trade in Endangered Species (CITES), which will be held this month in Panama City, Panama. The students successfully petitioned for the University of New Mexico to have Observer status at the CITES conference. Originally inspired by Prof. Cliff Villa's International Environmental Law course, these students will now be attending a major international negotiating session. "We are thrilled to be attending the 19th Conference of Parties to CITES in furtherance of our academic and professional goals," they said.

---



Judge Manuel Arrieta, New Mexico's "Climate Science Judge," presenting to UNM Law students on climate change and water management.

## New Mexico's Climate Science Judge Visits UNM

District Judge Manuel Arrieta serves as New Mexico's Climate Science Judge under a program of the National Judicial College. The "Judicial Leaders in Climate Science" Program invites each state to nominate one judge to participate in this program that aims to build knowledge and capacity in state judiciaries. Judge Arrieta, who is both Chief Judge and Water Judge for New Mexico's Third Judicial District based in Las Cruces, visited UNM Law in October to talk with faculty and students about climate change and its implications for law and resource management in New Mexico. "Judge Arrieta's visit sparked a lot of interest in these issues, and we are grateful that he made a priority of speaking at UNM," said NREL Program Director Reed Benson.

---

## Jeanette Wolfley Honored as Founding Professor on 5th Anniversary of NREL Clinic



Gabe Pacyniak presents a plaque to Jeanette Wolfley.

The NREL Program honored recently-retired Prof. Jeanette Wolfley during a celebration of the fifth anniversary of the NREL Clinic held this past September. Jeanette established the clinic in Spring 2017 and served as its first supervising faculty member. In front of a sizeable group of clinic alumnae, clients, and allies, the NREL Program faculty presented Jeanette with a plaque that recognized her role as the “founding professor” of the clinic. The inscription noted that “Prof. Wolfley emphasized the importance of community lawyering, service to underserved communities, and mentorship of students,” a legacy the clinic hopes to emulate for years to come.

---

## **Two UNM Law Students Receive Tuition Waivers to Provide Legal Representation to Land Grants, Acequias, Colonias**





Third year law students Elisabeth Gutierrez (right) and Victoria Lovato (left) will be the first law students to participate in a new program that seeks to increase pro bono legal services to underrepresented rural communities in New Mexico.

Gutierrez and Lovato were selected to participate in the Community Governance Attorney Act program earlier this year. The program, enacted by the state legislature, offers a tuition- and cost of living-waiver to third year law students who agree to work for two years at an organization that provides pro bono legal services to Land Grants, Acequias, and Colonias. After finishing their final year of law school, Gutierrez and Lovato will work for New Mexico Legal Aid, which has a program to serve these communities.

The program builds on a partnership between the NREL Program, the Utton Center, the NREL Clinic and UNM's Land Grant Studies program to increase knowledge about and pro bono resources for these communities.

---

## 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.

---

© 2022 [UNM School of Law](#)  
Contact: [NRELprogram@law.unm.edu](mailto:NRELprogram@law.unm.edu)

