

Natural Resources Program Fact Sheet

Academic Year 2008-09

The Natural Resources and Environmental Law Certificate Program allows students to gain a more comprehensive understanding of natural resources and environmental issues and problems. Its curriculum includes all law school courses concerning natural resources and the environment, as well as several related graduate courses offered through other academic units on campus (e.g., biology, economics, civil engineering, geography, geology, political science, public administration, architecture and planning, and the Water Resources Program). Students have two options for obtaining the Natural Resources and Environmental Law Certificate:

This Nutshell provides details of the many choices in these fields of study. Faculty members of the Natural Resources Committee will be pleased to discuss any of these opportunities.

Options

Students have two options for obtaining the Natural Resources and Environmental Law Certificate.

Option One – 21 credits that include:

- 10 Credits - Natural Resources Journal (NRJ) through a write-on competition, completing all four sections. NRJ members can earn 10 credits toward the certificate and 12 credits toward graduation.
- A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.
- An additional 11 credits that include:
 - Mandatory Core Courses
 - Either Administrative Law or Environmental Law.
 - Either Natural Resources Law or Water Law.
 - Other Courses in the Natural Resources/Environmental area
 - See list of courses approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.
 - With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.

- Credit hours from an externship in the natural resources or environmental field.
- An approved moot court competition related to natural resources/environmental issues may also be used to satisfy this requirement.

Option Two – 21 credits that include:

- Mandatory Core Courses:
 - Either Administrative Law or Environmental Law.
 - Either Natural Resources Law or Water Law.
- Mandatory: A natural resources or environmental law topic paper, which can fulfill the law school writing requirement.
- Mandatory: participation in two of the following:
 - An externship in the natural resources or environmental field.
 - Six credits of non-law graduate level courses in natural resources/environmental issues.
 - Moot court related to natural resources/environmental issues.
 - Independent study in natural resources/environmental issues.
- Additional courses
 - See list of courses approved by the Natural Resources Committee. If the student can demonstrate to the committee that he/she has taken an equivalent law school class, these requirements may be waived.
 - With prior approval from the Natural Resources Committee, graduate-level courses from other UNM departments may satisfy as many as six (6) hours of the course requirements.

Before students can receive the certificate, they must submit a completed [Record of Completion](#) for the Certificate Program and an unofficial transcript to the registrar *within the first two (2) weeks of their last semester* in law school. Any courses taken outside of the law school must also be pre-approved by the assistant dean for registration. For additional questions regarding the Natural Resources and Environmental Law Certificate, please check with the Natural Resources Committee, currently chaired by Professor Eileen Gauna.

Sample Courses

- Fall Semester
 - Marsha Baum: Weather in U.S. Law and Society
 - Reed Benson: Water Law
 - Reed Benson and Kristina Fisher: Natural Resources Journal I
 - Gary Conine: Oil and Gas Law
 - John LaVelle: Natural Resources in Indian Country

- Tim Vollman: Indian Water Law
- Spring Semester
 - Reed Benson: Administrative Law
 - Reed Benson: Natural Resources Journal
 - Eileen Cohen: Specialized Legal Research Natural Resources Law
 - Denise Fort: Natural Resources Law
 - Sandy Gaines: International Environmental Law
 - Eileen Gauna: Environmental Law
 - Eileen Gauna: Environmental Law Moot Court Competition
 - Em Hall: N.M. Land Grants and Acqueias
 - Susan Kelly and Darcy Bushnell: Practical Application of Water Law
 - Mindy Benson: Natural Resources Seminar (main campus)
 - Independent Study

Faculty

Tenured, Emeritus and Adjunct Faculty

- Mindy Benson – Assistant Professor Geography
- Reed Benson – UNM Law Faculty
- Marsha Baum – UNM Law Faculty
- Darcy Bushnell – Utton Center, Director Joe M. Stell Ombudsman Program
- Gary Conine - UNM Law Faculty
- Kristina Fisher – Faculty Adjunct
- Denise Fort - UNM Law Faculty
- Eileen Gauna - UNM Law Faculty
- Sandy Gaines - Faculty and Executive Director, Utton Center
- Em Hall- UNM Law Faculty Emeritus
- Susan Kelly, Associate Director, Utton Center
- John Lavelle - UNM Law Faculty
- Tim Vollman – UNM Law Faculty Adjunct

Current Faculty Activities – Below are current activities of some of the faculty working in the natural resource, energy and environment area. Faculty teaching in this area will be happy to talk about environmental and resource issues with interested students.

- **Reed Benson** is working on several writing projects relating to water resources. He is currently writing a book chapter on the litigation surrounding efforts to settle the reserved water rights for Black Canyon National Park in Colorado; this chapter will be part of a book resulting from a recent Utton Center/American Indian Law Center conference on the centennial of the Winters Doctrine. He recently completed the annual update to the Federal Reclamation Law chapter of the multi-volume Waters and Water Rights treatise (edited by Robert Beck). Benson is also wrapping up work on a new 6th edition of the Water Resource Management casebook, joining longtime co-authors Dan Tarlock, Jim Corbridge and David Getches. In January 2009, he will be part of a panel addressing public interest issues in water law at the Northwest Water Law Conference in Oregon.

- **Darcy Bushnell** leads the Utton Center's Joe M. Stell Ombudsman Program, which provides adjudication information and procedural guidance to unrepresented claimants through printed materials, telephone contact, videos and public meetings. The program also has work-study opportunities for law and natural resource program students.
- **Denise Fort** is involved in state and national discussions over greenhouse gas control and she closely follows international developments in this area. In the fall of 2008, she joined environmental law faculty from around the globe in Ottawa to discuss North-South perspectives on climate change. She also is the environmental representative to the New Mexico Water Trust Board. She is working on a paper that describes a plan for protecting and restoring New Mexico rivers and as part of that project is involved with people with citizens living near the Gila River, the last free flowing river in the state and one that is threatened by plans for diversions. In the fall of 2008, she presented a paper on adaptation to climate change at the ABA's Fall Environmental Meeting.
- **Eileen Gauna** is working on the second edition of a casebook on environmental justice, with co-authors Clifford Rechtschaffen and Catherine O'Neill. She is also working with the Center for Progressive Reform, co-authoring a white paper titled "By the Stroke of a Pen: Seven Crucial Protections for Public Health and the Environment the New President can Accomplish in the First 100 Days of His Administration." In addition, she currently co-chairs a work group that will submit recommendations to the EPA's National Environmental Justice Advisory Council on methodologies for identifying communities of concern. In October, Professor Gauna gave a presentation at a workshop at the University of North Carolina on Adapting Legal Regimes in the Face of Climate Change and at the January 2009 annual conference of the American Association of Law Schools she will be on a panel discussing environmental justice in the U.S./Mexico border region. She also serves on two ABA committees and on the New Mexico Environmental Justice Working Group.
- **Susan Kelly** is the associate director of the Utton Transboundary Resources Center. She currently works on a variety of projects related to the center's mission of promoting sustainable management of natural resources that cross national, state, tribal or other jurisdictional boundaries. She also works with agencies such as the Interstate Stream Commission (ISC) and various stakeholder groups on water planning and management issues, including the Middle Rio Grande Endangered Species Act Collaborative Program. In partnership with the ISC and the New Mexico Water Dialogue, she represents the Utton Center in supporting the work of a group of local governments in the Middle Rio Grande growth corridor (between Santa Fe and Elephant Butte), loosely called "Upstream-Downstream." Kelly also produces a volume for the New Mexico Legislature each year entitled *Water Matters!* The volume is full of information on water topics, with helpful maps and other information. She has presented a workshop on the integration of land use planning and water availability and will work with various constituencies to follow up with policy activities.

Natural Resources Faculty Committee

The Natural Resources Faculty Committee, which has two student representatives, is working on building a more robust natural resources program at the UNM law school. Input is important and welcomed.

Chair, Professor Eileen Gauna, **Members**: Professor Reed Benson, Darcy Bushnell, Eileen Cohen, Professor Gary Conine, Professor Denise Fort, Professor Sandy Gaines, Derek Garcia, Keri Hatley, Susan Kelly, Professor John LaVelle. **Administrative Support**: Sunne Preston

Natural Resources Journal

Students try out for the National Resources Journal through a competition in the summer after their first year at the UNM School of Law. The editors select 12 students for the NRJ staff, and as 2Ls these students will cite-check articles and write a major paper through the NRJ writing seminar (Advanced Writing in Natural Resources). These students then become NRJ editors as 3Ls, taking on responsibilities for selecting and editing articles for the journal. The NRJ publishes some of the papers written by editors and staff.

The NRJ is the nation's oldest law school journal focusing on natural resource matters. For nearly 50 years, the NRJ has published influential articles on water resources, public lands, energy, endangered species and a wide range of other topics. The NRJ has always been an interdisciplinary journal, examining not only legal issues, but also the scientific, economic and other dimensions of natural resource policy and management. For more information on the NRJ, please contact Professor Reed Benson.

Opportunities Outside the Classroom

Externships

The following is a sampling of firms and agencies that are likely to accept a student extern. Please contact a member of the Natural Resources Committee if you are interested in discussing these or other externship possibilities. If you are interested in pursuing a particular externship, please contact Roberta Remington in the law clinic.

New Mexico

- Advocates for the West (Albuquerque)
- Defenders of Wildlife (Albuquerque)
- Domenici Law Firm, P.C. (Albuquerque)
- Institute of Public Law Center for Wildlife Law (Albuquerque)
- Interstate Stream Commission (Albuquerque)
- Law and Resource Planning Associates (Albuquerque)
- National Resources Defense Council (Albuquerque)
- Nature Conservancy (Albuquerque)
- U.S. Dept Agriculture (Forest Service) (Albuquerque)
- U.S. Regional Solicitor's Office (Albuquerque)
- Utton Transboundary Resources Center (Albuquerque)
- Legal Aid of New Mexico (*acequia* issues)(Santa Fe)

- New Mexico Environment Department (Santa Fe)
- New Mexico Environmental Law Center (Santa Fe)
- Office of the State Engineer (Santa Fe)
- Public Regulation Commission (Santa Fe)
- Wilderness Guardians (Santa Fe)
- Western Environmental Law Center (Taos)

Out of State

- U.S. Department of Justice (Washington, D.C.)
- U.S. Environmental Protection Agency (Washington, D.C.)
- Western Resource Advocates (Boulder)
- Advocates for the West (Boise office)
- Trout Unlimited Western Water Project (CO,UT,WY,MT)
- National Wildlife Federation (Boulder)

UNM Law Clinic

On occasion, the UNM law clinic works with community groups and community partners on land use issues and environmental matters. For example, last year the clinic worked with the Pajarito Mesa Mutual Domestic Water Consumers Association to obtain a water supply system for their community and is currently working with the New Mexico Water Lawyers' Association, a nonprofit organization.

Environmental Law Moot Court

The Pace Environmental Law Moot Court Competition is the preeminent environmental law moot in the United States, attracting competitors representing more than 70 national and Canadian law schools. Participants write and debate about an environmental topic that involves issues drawn from real cases. The competition is unique in that three teams argue the issues, reflecting the fact that environmental litigation frequently involves multiple parties – the government, a public interest group and a member of the regulated community. Teams write and file their briefs for their respective parties in early December and travel to Pace in White Plains, NY in February for the oral phase of the competition.

Environmental Law Society

The Mission

- Promote awareness of environmental, natural and cultural resource issues and their legal, political and socio-economic implications.
- Facilitate environmental, natural and cultural resource activism through example, education and community involvement.
- Encourage communication and collaboration between the conservation, social justice and political/legal communities.
- Enhance the law school experience for students interested in environmental, natural, and cultural resource issues confronting New Mexico and our world.

American Bar Association Summer Diversity Fellowship in Environmental Law

For the past three years, the American Bar Association, the New Mexico Environment Department and the New Mexico Hispanic Bar Association have provided funds for eligible students to intern with nonprofit organizations representing traditionally underserved groups, nonprofit environmental organizations and local, state and federal governmental organizations with environmental responsibilities.

The program is open to students from underrepresented or underserved groups who have completed their first or second year of law school and are in good academic standing. In the past, the New Mexico Environment Department, the New Mexico Environmental Law Center and New Mexico Legal Aid have provided placements in New Mexico for these fellows. The students each received a \$5,000 stipend (two students each summer). The program is open to all ABA accredited schools. Please see Professor Eileen Gauna for more information.

Resources

UNM Law Library

The UNM Law Library supports the Natural Resources/Environmental Law education and research component of the law school by providing both instruction and access to a wide range of print and electronic resources. A list of electronic sources includes:

- Climatewire - <http://www.eenews.net/cw/>
- Energy Mosaic - <http://www.knowledgemosaic.com/EM/Default.asp>
- Environment & Energy Daily - <http://www.eenews.net/eed/>
- Environment Reporter [BNA] - <http://news.bna.com/erln/>
- Environmental Compliance Library [CCH] - <http://hr.cch.com/primesrc/bin/highwire.dll>
- Federal Energy Guidelines Library [CCH] - <http://business.cch.com/primesrc/bin/highwire.dll>
- Greenwire - <http://www.eenews.net/gw/>
- Health Care Reimbursement Library [CCH] - <http://hr.cch.com/primesrc/bin/highwire.dll>
- International Environment Reporter [BNA] - <http://news.bna.com/ieln/>
- Land Letter - <http://www.eenews.net/ll/>

The Utton Center

The Utton Transboundary Resources Center at the University of New Mexico School of Law supports collaborative natural resource management using multidisciplinary expertise and inclusive, diverse stakeholder involvement. The center develops processes that help parties with differing views of resource use come together in an environment of respect and learning to work on management options and solutions. The center's transboundary work crosses political, disciplinary and cultural boundaries in fulfilling its mission to promote equitable and sustainable management and utilization of transboundary resources using impartial expertise.

In addition to supporting collaborative resource management, the Utton Center collaborates with other disciplines, such as economics, hydrology, biology, and social science. It partners with other universities, national labs, community groups, tribes and diverse political entities and believes that collaborative approaches among non-traditional partners are needed to reduce conflict and resolve management issues.

Institute of Public Law

The Institute of Public Law (IPL) at the UNM School of Law has been assisting state and local government in the development of environmental regulatory programs since 1986. Over the years IPL has completed a number of projects focusing on the protection of groundwater resources in the Albuquerque-Bernalillo County area. IPL staff recently assisted the Utton Center for Transboundary Resources and the Office of the State Engineer in conducting a comprehensive review of statutory schemes for governing water and wastewater systems in New Mexico. IPL also houses the Center for Wildlife Law. Since 1990, the center has provided expertise in wildlife and biodiversity law and policy, including training, youth education, facilitation, legislation, research, teaching and publication.

Interplay With Indian Law

The UNM law school currently has a certificate program in Indian Law. There is some substantial overlap between the two areas as many of the issues in Indian Country involve natural resources and energy related matters. Some students elect to obtain a certificate in both Indian Law and Natural Resources Law. Some courses that are offered regularly, such as “Natural Resources in Indian Country” satisfy the requirements for both certificates. For more information on the Indian Law Certificate, please contact Professor John LaVelle.

REVISED: January 20, 2009