

I am pleased to report that 2006 has been a productive and exciting year for the Section. The Board began the year with several priorities concerning coordination with the UNM School of Law and the Utton Center, continuing the very successful Section newsletter, and maintaining the Section's fiscal health. Early in the year the Board petitioned the State Bar to allow the addition of a UNM School of Law student to our Section Board in order to strengthen that connection and facilitate communication. Amanda Wang has provided a wealth of information and energy to the Board as is evidenced by her article in this issue of the newsletter. Our continuing coordination with Marilyn O'Leary and the Utton Center encompasses 3 conferences in 2006; the Rio Grande Reservoir conference in April, the Water for Energy conference in May, and the upcoming Climate Change conference in mid-December. Please join me in thanking Marilyn for her leadership at the Utton Center and on the Section Board, and wishing her the best in retirement.

I hope you can join us at the Annual Meeting which will be held in conjunction with the Climate Change conference on December 15, 2006. At that time I will introduce your 2007 Section Chair, Steve Hattenbach.

Thank you for the opportunity to serve as this year's Section Chair,

*Kyle S. Harwood
Assistant City Attorney, City of Santa Fe*

EPA's Authority and Willingness to Regulate Auto Emissions Affecting Climate Change: Some Insights from *Massachusetts v. EPA*

Samantha M. Ruscavage-Barz

Over the past few years, the climate change debate among scientific and legal professionals has focused on possible strategies for mitigating the effects of climate change, including reduction of greenhouse gas emissions. One of the central issues in this debate is whether the Environmental Protection Agency (EPA) has the legal authority under the Clean Air Act (CAA) to regulate greenhouse gas emissions from motor vehicles. This issue may soon be resolved by *Massachusetts v. EPA*, a case currently before the United States Supreme Court,¹ which presents two questions for the Court's consideration: (1) Whether the EPA Administrator has authority to regulate carbon dioxide and other air pollutants associated with climate change under § 202(a)(1) of the CAA, and (2) whether the EPA Administrator may decline to issue emission standards for motor vehicles based on policy considerations not enumerated in § 202(a)(1).²

Statutory Background

Section 202 of the CAA provides EPA with the authority to regulate pollution from motor vehicles using a two-step process³. First, the EPA Administrator must regulate motor vehicle emissions when, in his judgment, vehicle emissions "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare."⁴ Once the Administrator finds endangerment, he sets the technologically and economically feasible regulatory standards for the pollutants.⁵ The definition of "welfare" includes effects of air pollutants on "weather" and "climate."⁶ The motor vehicle pollutants at issue in the case include carbon dioxide, methane, nitrous oxide, and hydrofluorocarbons.⁷

Case History

In 1999, several parties petitioned EPA to set regulatory standards for the four above pollutants emitted by motor vehicles, claiming that the effects these emissions could have on climate would ultimately endanger public health and welfare.⁸ The EPA declined to set standards for these pollutants due to scientific uncertainty regarding the effects of vehicle emissions on climate change. As additional justification for its decision not to regulate the pollutants, EPA determined that such standards would result in a piecemeal approach to climate change issues and could potentially interfere with foreign policy initiatives. EPA concluded that it lacked the authority to regulate air pollutants associated with climate change.

Several parties challenged EPA's denial of the rulemaking petition in the D.C. Circuit. The issue before the court was whether EPA's denial of a petition to regulate greenhouse gas emissions from new motor vehicles was proper under § 202(a)(1) of the Clean Air Act when that decision was based on policy concerns.⁹ The Court assumed that EPA had the authority to regulate greenhouse gases from motor vehicles, so it did not address EPA's position that it lacked authority to regulate these types of emissions. The Court held that EPA properly declined to exercise its authority to regulate motor vehicle emissions contributing to climate change based on policy concerns, citing the Administrator's considerable discretion under § 202(a)(1) to make a decision based not only scientific evidence for climate change but also based on policy considerations.¹⁰ The Court's evaluation of the scientific evidence

found uncertainty in the linkage between greenhouse gas emissions and climate change.¹¹

The Case before the United States Supreme Court
Petitioners include 12 states (including New Mexico) and several nonprofit organizations. Respondents include EPA, automobile dealer and manufacturing organizations, and 10 states.¹² The petition for a writ of certiorari was submitted after the D.C. Circuit upheld EPA's decision to refuse to set standards for motor vehicle emissions associated with climate change based on policy considerations. Petitioners argue that EPA's assertion that it lacks authority to regulate greenhouse gas emissions from motor vehicles for climate change reasons is based on an over-reading of the Supreme Court's decision in *FDA v. Brown & Williamson*¹³, which stands for the principle that an agency cannot extend its authority to give itself power not authorized by statute.¹⁴ Petitioners contend that Congress explicitly expressed its intent that effects of air pollutants on climate fall within the CAA and, even if this were not the case, precedent exists for allowing an agency to regulate new subject matter in the absence of specific congressional intent relating to the particular issue.¹⁵

Petitioners also argue that the D.C. Circuit erred when it affirmed EPA's decision not to regulate greenhouse gas emissions from motor vehicles based on a policy-based rationale.¹⁶ In doing so, the lower court allowed EPA to significantly deviate from previous precedents regarding statutory interpretation, sanctioning an enormous shift in power to administrative agencies. Under § 202(a) of the CAA, EPA does not have discretion to choose not to regulate based on reasons other than endangerment of public health and welfare as assessed from available scientific evidence.



If the Supreme Court decides in favor of the petitioners, EPA will most likely have to reexamine its decision not to regulate greenhouse gas emissions from motor vehicles by assessing whether these emissions can reasonably be anticipated to endanger human health and welfare. A decision for the respondents would result either in EPA having no regulatory authority over greenhouse gas emissions from motor vehicles or, if the Court finds EPA has such authority, that it has almost unlimited discretion to take factors other than human health and welfare into account, undermining the purpose for which the CAA was intended. If the court finds that EPA lacks the authority to regulate greenhouse gases from vehicle emissions, this

would open the door to state-by-state regulation of these emissions, which could range from strict emissions reduction regulations like California's Global Warming Solutions Act to states choosing not to regulate vehicle emissions in any manner. New Mexico is already emerging as a leader in global warming solutions at the state level with Governor Richardson's proposed energy agenda for the 2007 legislative session, which includes a statewide Clean Cars Program to reduce air pollution and global warming emissions. The long-term fate of this program and those of other states can be more accurately assessed when the court issues its decision in *Massachusetts v. EPA* sometime in June 2007.

Endnotes

1 Oral argument before the U.S. Supreme Court is scheduled for November 29, 2006. (http://www.scotusblog.com/movabletype/archives/2006/10/december_argume_1.html)

2 *Mass. v. EPA*, 2006 WL 558353 (U.S. March 2, 2006).

3 42 U.S.C. § 7521

4 42 U.S.C. § 7521(a)(1)

5 42 U.S.C. § 7521(a)(1,2,4)

6 42 U.S.C. § 7602(h)

7 *Mass. v. EPA*, 2006 WL 558353 2.

8 *Id.*

9 *Mass. v. EPA*, 415 F.3d 50, 53 (D.C. Cir. 2005).

10 *Id.* at 58.

11 *Id.* at 57. Compare with the dissent's evaluation of the scientific evidence which finds that uncertainties chiefly relate to the scope of future global warming, rather than to the connection of global warming with greenhouse gas emissions. *Id.* at 64.

12 Petitioner States include, Massachusetts, California, Connecticut, Illinois, New Jersey, Maine, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington. Respondent

States include Michigan, Texas, Idaho, North Dakota, Utah, South Dakota, Alaska, Kansas, Nebraska, and Ohio.

13 *FDA v. Brown & Williamson Tobacco, Corp.*, 529 U.S. 120 (2000).

14 *Mass. v. EPA*, 2006 WL 558353 23

15 E.G., *Diamond v. Chakrabarty*, 447 U.S. 303 (1980); *PGA Tour, Inc. v. Martin*, 532 U.S. 661 (2001)

16 *Mass. v. EPA*, 2006 WL 558353 4.

The Effect of Global Warming on Native Peoples and How They are Responding

Abby Wear

Global warming is a transboundary universal source of destruction. It does not care what color you are or how much money you have. Although everyone will feel the effects of global warming, Native Peoples will be affected in a way that is unique to their traditions and heritage.

Native Peoples who attempt to maintain their traditional ways of life are more vulnerable to the effects of global warming than the average person.

Temperature increases, caused by the trapping of greenhouse gases in the atmosphere, will have many dire consequences. First, they will produce an increase in evaporation in some areas¹ that will result in drier soil and reductions in water level in lakes and rivers.² Many Native Peoples still rely on farming to provide for their families, both financially and monetarily. A reduction in the water supply is likely to leave these people without any way to irrigate their crops, leaving these people without a source of food or income. Also, many Native Peoples practice fishing to feed their families and to generate income. A lower water level also means there will be fewer fish available for these purposes.³ Warmer temperatures will also take a toll on the vegetation of the Earth. Global warming reduces agricultural yield and alters the geographic distribution of forests.⁴ This means less food for Native Peoples dependent on agriculture for sustenance and less income for those living in an agrarian economy.

The lack of the forest habitat also decreases the habitat for the wildlife on which the people depend for food, shelter, and clothing.⁵

Global warming also affects Native Peoples in non-physical ways. The loss of certain animals, through the loss of their habitat, deprives many tribes of what is needed for religious rites and medicinal purposes. The same is true of plant loss. In the case of the Inuit and other tribes in colder climate global warming is also creating a

decrease in the teaching of traditional knowledge to younger generations.⁶ The ability to predict the weather in the arctic region is very important to the Inuit people. Inaccurate weather predictions can lead to a bad hunting schedule and lack of food.⁷ Traditional ways of telling the weather (cloud formations and wind patterns) are no longer being passed down because global warming has rendered them inaccurate.⁸



The effects of global warming have been noticed by Native Peoples around the world. One way Native Peoples are confronting these effects is through the global legal system. Tuvalu, a small island four hundred miles north of Fiji with a population that is 96% Polynesian, threatened to file a lawsuit against the United States and Australia in 2003 in the International Court of Justice (ICJ) for the countries' contributions to global warming and their refusal to sign the Kyoto Protocol.⁹ This lawsuit alleges that global warming

has caused sea levels to rise so dramatically that by the year 2054 the island will be completely subsumed by the ocean.¹⁰ Since scientists say it is probably too late to reverse the damage to the island, it is likely that Tuvalu will seek monetary damages.

The main obstacle that Tuvalu will face in this lawsuit is one of jurisdiction. Because the United States and Australia are not participants in the

Kyoto Protocol the ICJ does not have jurisdiction over them in this matter.¹¹ The United States and Australia would have to consent to the Court's jurisdiction.¹² Although this lawsuit has yet to be filed, the very threat of it has brought world wide media attention to the tiny island and to the effects of global warming.¹³

The people of Tuvalu are not the only Native Peoples attempting to get redress through the international legal system. During the last fifteen to twenty years, Inuit hunters and elders have noticed major impacts of climate change.¹⁴ Increasing temperatures have led to the melting of sea ice,¹⁵ the solid layer of ice that forms on top of polar oceans.¹⁶ The melting of this sea ice means a shrinking habitat for many forms of wildlife such as polar bears, ice-living seals and walrus.¹⁷ These are animals that the Inuit depend on for food, shelter, and clothing.¹⁸ Furthermore, the Inuit use the sea ice as a critical resource for travel to hunting and harvesting locations.¹⁹ Higher temperatures have also resulted in a shorter snow season.²⁰ This means there will be less dense

deep snow available for igloo building, as well as less snow for those Native Peoples who still use sleds as a mode of transportation.²¹

In December 2005, Sheila Watt-Cloutier, chairperson of the Inuit Circumpolar Conference submitted a petition to the Inter-American Commission on Human Rights on behalf of Inuits in Alaska, Russia, Canada, and Greenland.²² This petition claims that the United States has violated the human rights of the Inuit with its contribu-

tions to global warming.²³ The legal theory of this petition is that the United States is bound by international law to protect the environmental rights of the Inuit including the United States' acceptance of the American Declaration of the Rights and Duties of Man, its position as a party to the International Convention on Civil and Political Rights, and as a signatory to the International Convention on Economic, Social, and Cultural Rights.²⁴

The petition requests that the Commission:

1. Make an onsite visit to investigate and confirm the harms suffered by the named individuals whose rights have been violated and other affected Inuit;

2. Hold a hearing to investigate the claims raised in this Petition;

3. Prepare a report setting forth all the facts and applicable law, declaring that the United States of America is internationally responsible for violations of rights affirmed in the American Declaration of the Rights and Duties of Man and in other instruments of international law, and recommending that the United States:

a. Adopt mandatory measures to limit its emissions of greenhouse gases and cooperate in efforts of the community of nations – as expressed, for example, in activities relating to the United Nations Framework Convention on Climate Change – to limit such emissions at the global level;

b. Take into account the impacts of U.S. greenhouse gas emissions on the Arctic and affected Inuit in evaluating and before approving all major government actions;

c. Establish and implement, in coordination with Petitioner and the affected Inuit, a plan to protect Inuit culture and resources, including, *inter alia*, the land, water, snow, ice, and plant and animal species used or occupied by the name individuals whose rights have been violated and other affected Inuit; and mitigate any harm to these resources caused by US greenhouse gas emissions;

d. Establish and implement, in coordination with Petitioner and the affected Inuit communities, a plan to provide assistance necessary for Inuit to adapt to the impacts of climate change that cannot be avoided;

e. Provide any other relief that the Commission considers appropriate and just.²⁵

When a petition is submitted to the ICC it is reviewed by the commission to verify that all remedies of the domestic legal system have been exhausted.²⁶ Once this determination is made the petition is heard in front of the ICC who then determines what course of action to take. This petition is currently pending in front of the Commission.

Native Peoples are also responding to the impact global warming is having on their lives by increasing their use of renewable energy. In 1994 ten tribes from South Dakota, North Dakota, and Nebraska joined together to form the Intertribal Council on Utility Policy (ICOU).²⁷ The ICOU provides policy analysis and recommendations to tribes about energy use.²⁸ It also organizes workshops to educate tribes about climate change, energy efficiency, energy planning, and renewable energy.²⁹ The ICOU puts a heavy emphasis on the use of wind energy. According to the ICOU 535 billion of the 3,853 billion kilo-

watt hours per year of the total energy consumed by the United States could be generated by wind on tribal lands.³⁰

In August 2005 the ICOU acquired a majority interest in NativeEnergy,³¹ a privately held Native American company that helps tribes build and operate renewable energy projects.³² For example, in 2002 it helped the Rosebud Sioux to build the first large-scale Native American owned and operated wind turbine.³³ Recently this company joined with movie studios to make the production of "An Inconvenient Truth" the first carbon neutral documentary film. In addition, NativeEnergy helped the film offset 100% of its carbon dioxide emissions from production and promotional activities.³⁴ Currently NativeEnergy has begun a campaign to sell Renewable Energy Credits.³⁵ RECs are a commodity that consist of the rights to claim the emissions reductions and other environmental benefits of green power. RECs became a commodity because people who want to buy green power often don't have it available to them. No matter where you live, you can achieve the same environmental benefits of buying green power by buying RECs to "green-up" the generic electricity you get from your utility. Utilities often buy RECs on your behalf to provide you green power. RECs are also referred to as "green tags" and tradable renewable certificates.³⁶

Unchecked, the effects of global warming will be devastating to the way of life of many Native Americans. Seeking redress through the international legal system and taking control of the production and use of energy on tribal lands is a step toward the goal of the use of renewable energy and reduction of greenhouse gases. Hopefully this activism on the part of tribes will continue and set a standard for countries worldwide.

Endnotes

1 Noel Brown, *Global Change and Global Warming: Framing the Issues*, 1 CO. J. of Int'l Env Law and Policy 11, 15 (1990).

2 *Id.*

3 Brown, *supra* note 1.

4 *Id.*

5 *Id.*

6 *Id.* at 5.

7 *Id.*

8 *Id.*

9 Rebecca Jacobs, *Treading Deep Waters: Substantive Law Issues in Tuvalu's Threat to Sue the United States in the International Court of Justice*.

14 Pacific Rim Law & Policy Journal 103, 128 (2005).

10 *Id.*

11 *Id.* At 115.

12 *Id.*

13 *Id.*

14 Sheila Watt-Cloutier, *Petition to the Inter-American Commission on Human Rights Seeking Relief from Violations Resulting from Global*

Warming Caused by the Acts and Omissions of the United States, 3 (2005).

15 *Id.*

16 *Id.* at 4.

17 *Id.*

18 *Id.*

19 *Id.*

20 *supra* note 13.

21 *Id.*

22 *Id.*

23 *Id.*

24 *Id.*

25 *Id.*

26 Rules of Procedure of the Inter-American Commission on Human Rights, *available at* <http://www.cidh.org/Basicos/basic16.htm> (Last visited November 19, 2006).

27 Intertribal Council on Utility Policy Mission Statement, *available at* <http://www.intertribalcoup.org/mission/index.html> (last visited November 6, 2006). These tribes

include Cheyenne River; Flandreau Santee; Lower Brule; Mandan, Hidatsa, and Arikara; Omaha; Rosebud; Sisseton; Spirit Lake; Pine Ridge and the Standing Rock Sioux Tribes. *Id.*

28 *Id.*

29 *Id.*

30 *Id.*

31 About Native Energy, <http://www.nativeenergy.com/about.html> (last visited November 6, 2006).

32 *Id.*

33 *Id.*

34 NativeEnergy September Newsletter, *available at* <http://www.nativeenergy.com/NE9806.pdf> (Last visited November 19, 2006).

35 NativeEnergy "Renew Us" Campaign, *available at* http://www.nativeenergy.com/WB_RenewUS.html?RenewUS# (Last visited November 19, 2006).

36 *Id.*

Law School Update

Amanda Wang

The Natural Resources Certificate - Let us know what you think!

In the past, membership on the Natural Resources Journal (Journal) was required in order to earn a Natural Resources Certificate (Certificate). Journal participation restricted the number of students eligible for the Certificate and posed two problems. Some students who were interested in the Certificate did not want to be on the Journal and not all students who tried out for the Journal could be awarded a spot.

In response to the growing interest in the Certificate, requirements are being reworked in order to allow everyone the opportunity to earn the Certificate. Interim requirements have been set in place for the next two years that will allow both Journal and non Journal students to earn the Certificate. During the interim, the law school will work to revamp the Certificate requirements.

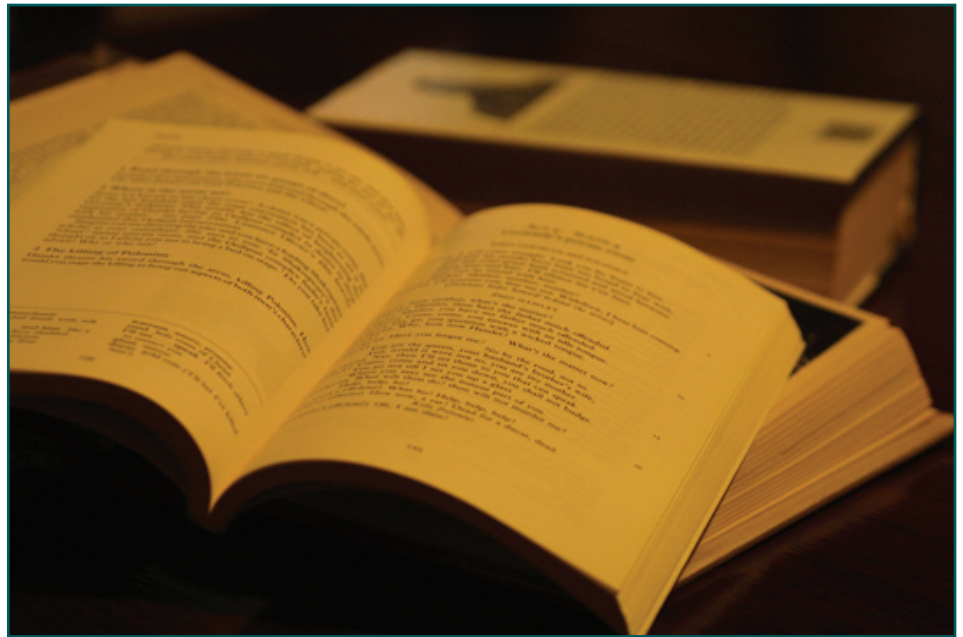
In the past, students earned the Certificate by participating with the Journal for 2 years and earning twelve credits. They completed an additional 12 credits of NREEL related classes for a total of 24 credits. The interim requirements allow students to earn the Certificate via the previous requirements or if they are not on the Journal they may earn the Certificate by completing 24 credits of NREEL related classes. In order to maintain the rigorous and academic nature of the Certificate, if a student is not on the Journal they must do two of the following when completing their 24 credits:

- an externship at an NREEL related firm, non profit, or government agency
- NREEL related moot court
- main campus, graduate class on an NREEL related topic
- independent study on an NREEL related topic

Additionally, students must complete their writing requirement on an NREEL related topic with two faculty readers (only one is currently required by the law school).

An advantage of the interim Certificate requirements is that it may now be possible for students to earn both the Natural Resources and Indian Law Certificates (as Journal participation before made this virtually impossible). While most are pleased that the Certificate is now available to all interested students, there are concerns that the removal of the Journal requirement will dilute the Certificate experience.

We are interested in your comments on future Certificate requirements because you know what



makes law students marketable. Additionally, as UNM SOL alumni you may have written for the Journal and earned the Certificate. What do you think? Do you think Journal participation be required? Do you have any suggestions for other ways to make the Certificate more rigorous or multi-faceted?

Please e-mail comments and questions to wangam@law.unm.edu. I will share your comments with the committee working on permanent Certificate requirements.

WE NEED EXTERNSHIP MENTORS!

Students participation in UNM SOL's externship program will now count towards the Natural Resources Certificate. As a result I would like to compile a list of NREEL related externship opportunities to share with law students on the NREEL website. Please sign up if you would like to be included on this list. Participating firms, agencies and organizations, etc, will be recognized at the Annual Meeting, in Section Publications and on our Section website.

Students are eligible to participate in the externship program upon completion of their first year of law school. They must attend an externship class which consists of readings and discussion about the rules and regulations of externship participation and submit reports every two weeks about their externship experience.

Externs will volunteer in your office for 8-12 hours each week for a semester. Your job as a mentor is to supervise your student extern to gain knowl-

edge and legal experience. You will also complete a confidential evaluation of your student at the end of the externship which will be used in determining whether or not the student receives credit for their externship.

Please e-mail wangam@law.unm.edu if you would like to sign up or have any questions.

THE NATURAL RESOURCES JOURNAL

This year the Student Editors-in-Chief are Iris Augusten and Chris Supik. The Journal selected a great group of 2-Ls for the staff. Congratulations to: Jennifer Benoit, Margaret Blonder, Mark Bolton, Isaac Estrada, Kristina Fisher, Tina Gooch, Kristopher Houghton, Cassandra Malone, Dean Manglona, Patrick Redmond, Frieda Simons and Amy Williams.

Chris is working to organize our spring symposium on Energy Law. We are also looking for practioners to write book reviews on NREEL related topics.

In keeping with the forty-five-year mission of the *Natural Resources Journal*, upcoming issues of the journal will cover a wide range of topics and disciplines. The next issue to be published is a symposium issue, in collaboration with the American Indian Law Center, that examines the status of the U.S. government's trust relationship with Indian tribes. The authors provide insight into the history of the trust and suggest methods for improving the trust relationship in the twenty-first century.

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Section CLE News

Marilyn O'Leary

The Section co-sponsored two CLEs with the University of New Mexico School of Law this past Spring. The first was a symposium co-sponsored with The Utton Center and the Natural Resources Journal on April 22, 2006 to discuss the reservoirs on the Rio Grande. The purpose of the symposium was to raise the level of understanding of water managers, attorneys, and other professionals on the issues associated with legal authorizations for reservoirs, historic issues, and the constraints and opportunities that may exist for optimizing management of the reservoirs. There were close to 100 participants at the symposium.

Breakout groups at the end of the day were intended to provide a chance for the participants to share ideas on a potential process for exploring how to optimize the use of the reservoirs, including looking beyond existing legal authorities: who could lead it, who should participate, what tools might be used, and what would the steps be. The discussion ranged widely among the groups. Although everyone seemed to agree there are things that should be looked at to improve flexibility of

the reservoirs, there is no clear direction on what this process should be. This is a thorny topic since it involves the state, federal agencies, the region, intra- and interstate issues, and Pueblos. Many of the participants encouraged the Utton Center to continue to work on the reservoir issues. The law school is working on an edition of the Natural Resources Journal that will cover many of the subjects from the symposium, including an updated History of the Rio Grande Reservoirs. More information on the symposium can be found at http://uttoncenter.unm.edu/Reservoir_Symposium.html.

The Section also co-sponsored the Third Annual Water Policy CLE with the University of New Mexico School of Law's Utton Transboundary Resources Center on May 19, 2006. The CLE explored the interrelation between water and energy, and the legal and policy implications of that nexus. Erik Webb of Senator Domenic's office made a presentation on congressional concerns related to the energy/water nexus. Mike Conner of Senator Bingaman's staff discussed the effect of

global warming on water supply. Gene Whitney of the White House Office of Science Technology Policy gave a presentation on federal research and development priorities related to water and energy. State practitioners and policy makers discussed various state approaches and policies. The program and selected power points can be found at http://uttoncenter.unm.edu/pdfs/CLE_Program_4-6-06.pdf.

The Water Policy CLE, held at the School of Law, was followed by a reception sponsored by the section and the Rodey Law Firm. We wish to thank the Rodey Law Firm for its help.

Law School Update

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In its forty-five years of publishing, the NRJ has established a history of examining issues dealing with water around the globe. Upcoming issues will continue that tradition with articles examining the Ebro Water Transfer controversy in Spain, the marketing of water across state boundaries in the United States, the water supply in areas of Mexico where tanneries are a major portion of the economic base, the sustainability and economic carrying capacity of the Phoenix regional water supply, and land use dynamics and policy implications in the Jinghe watershed of western China. In an early issue for 2007, the NRJ, in conjunction with the Utton Transboundary Resources Center, will publish the Model Interstate Water Compact, which carries on a tradition begun by Professor Al Utton, to whom the compact is dedicated: Al Utton's "practice of preventive diplomacy and authorship of 'Transboundary Groundwaters: The Bellagio Draft Treaty' brought to reality his values of inclusivity and mutual respect in the sustainable management of transboundary natural resources."

But please don't think that the NRJ is only a water journal. Upcoming issues of the journal will also include articles covering many other resource areas and issues, including large-scale ecosystem management, a comprehensive renewable energy legal framework, wildland fire management, seal bounty and seal protection laws, condemnation and the anticommmons, ecosystem goods and services, climate change, coalbed methane, and much more.

We hope that you will have the opportunity to partake of this rich mix of articles on important and timely resource matters. If you would be interested in subscribing, please call our business manager at 505-277-8659. If you would be interested in submitting an article for the journal's consideration, please call our managing editor at 505-277-4910. We would love to talk with you about the *Natural Resources Journal*.

For more information about the journal, the website is <http://lawschool.unm.edu/nrj/index.php>

or feel free to e-mail Iris at augustir@law.unm.edu or Chris at supikch@law.unm.edu.

THE ENVIRONMENTAL LAW SOCIETY

This year President, Samantha Ruscavage-Barz, Vice President, Kristina Fisher and Secretary, Patrick Redmond are looking forward to working with the NREEL community to provide students interested in the NREEL field with advice, and learning experiences. ELS is also involved with several environmental activism projects. Please e-mail them at unm-els@law.unm.edu.

SUMMER JOB OPPORTUNITIES?

Please let the law school know if you have any summer job opportunities for law students or permanent positions for graduating 3-Ls. Assistant Dean for Career and Student Services, John Feldman can be reached at (505) 277-1001 or feldman@law.unm.edu and Assistant Director of Career Services, Bonnie Stepleton, can be reached at (505) 277-0886 or stepleton@law.unm.edu.

CLIMATE CHANGE IMPACTS, LAWS AND POLICIES

Friday, December 15, 2006
State Bar Center, Albuquerque

3.8 General, 1.0 Ethics, & 1.0 Professionalism CLE Credits

Co-Sponsor: Natural Resources, Energy & Environmental Law Section



8:00 a.m.	Registration	12:15 p.m.	Lunch (provided at the State Bar Center) and Annual Meeting
8:30 a.m.	Welcome and Introduction <i>Kyle Harwood, Esq., Chair, Natural Resources, Energy & Environmental Law Section</i>	1:15 p.m.	New Mexico's Response to CO2 Emissions: The Role of Energy Producers <i>Jason Marks, Esq., Commissioner, NM Public Regulation Commission</i>
8:35 a.m.	Keynote <i>Congressman Thomas (Tom) S. Udall (invited)</i>		<i>Steve Michel, Esq., NM Industrial Energy Consumers</i>
9:00 a.m.	Effects Of Global Climate Change <i>Professor David Gutzler, Department of Earth and Planetary Science, University of New Mexico</i>		<i>Rick Alvidrez, Esq., Miller Law Firm</i>
10:00 a.m.	Break	2:15 p.m.	Solutions: What Can Industry Do? <i>Coal - Vickie Patton, Esq., Environmental Defense; Sheryl Carter, NRDC</i>
10:15 a.m.	Do We Have an Ethical Obligation to Future Generations? Who Bears the Burden of Inaction? (1.0E) <i>Dr. Larry Rasmussen, Author of Earth Community, Earth Ethics</i>		<i>Oil and Gas -- Eric Ames, Esq., Western Resource Advocates</i>
	<i>Denise Fort, Esq., University of New Mexico School of Law</i>	3:30 p.m.	<i>Brent Moore, Esq., Moderator</i>
	<i>Kyle Harwood, Esq., Moderator</i>	3:45 p.m.	Break
11:15 a.m.	What Is Government Doing About Climate Change? <i>Federal Government - John Peschke, U.S. Senate Energy and Natural Resources Committee and Jonathan Black, U.S. Senate Energy and Natural Resources Committee</i>	4:45 p.m.	Professionalism: I Call It Climate Change, You Call It Global Warming: Difficult Dialogues – How to Represent Clients on Climate Change Issues and Maintain Your Professional Demeanor and Civility <i>Dean Suellyn Scarnecchia, UNM School of Law</i>
	<i>State Government – Jim Norton, Director, NM Environmental Improvement Division</i>	4:50 p.m.	Closing Remarks <i>Steve Hattenbach, Esq., USDA Office of General Council</i>
	<i>Local Governments - David Coss, Mayor, City of Santa Fe</i>		Adjourn and Reception (State Bar Center)
	<i>Denise Fort, Esq., Moderator</i>		

REGISTRATION – Climate Change Impacts, Laws and Policies

Friday, December 15, 2006 • State Bar Center, Albuquerque

3.8 General, 1.0 Ethics and 1.0 Professionalism CLE Credits

☐ Standard Fee - \$169 ☐ NREEL Section Member, Government, Legal Services Attorney, Paralegal - \$159

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Please Note: No auditors permitted.

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Amanda Wang, UNM Student Liaison

State Bar of New Mexico

Natural Resources,
Energy and
Environmental
Law Section

A graphic element for the Vista logo, consisting of a dark teal shape on the left that tapers into a white swoosh on the right, which frames the word "Vista".

Vista

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Albuquerque, NM 87199
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Non-profit Organ
U.S. POSTAGE
P A I D
Permit No. 275
Albuquerque, N.M.

Designed and printed by the State Bar of New Mexico