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PROFESSIONAL EXPERIENCE: ACADEMICS

University of Montana School of Law, Missoula, MT (2017-present)

Position: Professor & Director of Natural Resources Clinics

Courses: Public Lands & Resources; Wildlife; Water Law; Env'l Justice; Animal Law; Torts

Awards: Thomas and Ann Boone Faculty Award for Excellence in Scholarship

University of Nebraska College of Law, Lincoln, NE (2004-18)

Position: Robert B. Daugherty Chair (2010-18); Professor (2004-18)

Courses: Natural Resources; Water Law; Envtl. Law; Envtl. Ethics; Disaster Law; Torts

Appointments—University: Faculty Advisory Board, Global Water for Food Institute; Executive Vice-Chancellor Search Committee; Co-Director, Water Resources Initiative

Appointments—Law: Co-chair, Dean's Search Committee; Chair, Honors; Appointments

Awards: Alumni Council Distinguished Faculty Teaching Award

University of Toledo College of Law, Toledo, OH (1998-2004)

Assoc. Professor (2000-04); Asst. Prof. (1998-2000)

Courses: Envtl. Law; Water Law; Natural Resources; Biodiversity Law; Property

Appointments: Co-director, Legal Institute of the Great Lakes; Faculty Editor, Journal of Great Lakes Law, Science & Policy; Advisor, Moot Court

Visitorships:

Pepperdine School of Law, Malibu, CA (2015)

Distinguished Visiting Professor, Disaster Law (Spring Semester)

University of Auckland College of Law, Auckland, NZ (2007)

Visiting Lecturer, Comparative Envtl. Law (Interim Session)

Tulane University School of Law, New Orleans, LA (2001-02)

Visiting Assoc. Professor (Fall 2001); Spetses, Greece (Summer 2002)

Drake University Law School, Des Moines, IA (1997-98)

Visiting Asst. Professor: Property; Natural Resources; Indian Law; Pretrial Advocacy

PROFESSIONAL EXPERIENCE: PRACTICE

U.S. Department of Justice, Washington, DC (1994-97)

Trial Attorney, Environment & Natural Resources Division General Litigation Section

Awards: Attorney General's Special Achievement Award

The Honorable William Wayne Justice, U.S. Dist. Court, E.D. Texas, Tyler, TX (1992-93)

Law Clerk

Faegre & Benson, Minneapolis, MN (1990-92)

Attorney, General Litigation & Environmental Law Practice Groups

EDUCATION

The George Washington University National Law Center, Washington, DC

Degree: LL.M. - Environmental Law, with Highest Honors

Awards: Shaw Fellowship (full teaching scholarship and stipend)

University of South Dakota School of Law, Vermillion, SD

Degree: Juris Doctor, Sterling Honor Graduate (1st in class)

Awards: Joe Robbie Award (full scholarship); Nat'l Order of Barristers; Moot Ct. Board; ABA Moot Ct. Competition (national finals)

Morningside College, Sioux City, IA

Degree: Bachelor of Science, *magna cum laude*

AWARDS, APPOINTED POSITIONS AND BAR MEMBERSHIPS

Clyde O. Martz Teaching Award, Fnd. for Natural Resources & Energy Law (FNREL) (2024)

Senior Specialist, Fulbright Foreign Scholarship Board (2008-11, 2022-25); Specialist Project University of Calgary (2022)

Member, American College of Environmental Lawyers (appointed 2020)

Board of Directors (2016-18), Trustee (2004-19), and Natural Resources Law Teachers Committee (2022-2026), FNREL (formerly Rocky Mt. Mineral Law Fnd.)

Board of Directors, Society for Wilderness Stewardship (2016-19)

Distinguished Summer Scholar, Vermont Law School (2014)

ABA Section on Environment, Energy, and Resources

Chair, Marine Resources Committee (2002-04)

Vice-Chair, Public Lands Committee (2012-present)

Member, Water Law Committee (2004-2018)

Faculty Fellow, Robert B. Daugherty Water for Food Institute (2014-2018)

Member, National Academy of Sciences National Research Council--Missouri River Recovery Committee (2008-10) (report published 2011)

Advisor, National Judicial College, Dividing the Waters Law School Network (2011-2018)

Member Scholar, Center for Progressive Reform (2004-present)

Member, World Conservation Union (IUCN) Commission on Env'tl. Law (2006-present)

Member Scholar, Resilience Alliance (2006-12)

Advisor, Council of Great Lakes Governors' Task Force: Reserved Water Rights (2002-04)

Steering Committee, Lake Erie Comm'n Blue Ribbon Panel on Balanced Growth (2001-04)

Member, Minnesota Bar (state & federal courts); Eighth & Ninth Circuit Courts of Appeals

BOOKS

LEGAL CONTROL OF WATER RESOURCES 6th ed. (with Thompson, Leshy & Abrams) (West 2018)

DEVELOPING PROFESSIONAL SKILLS IN ENVIRONMENTAL LAW (with Glicksman) (West 2016)

WATER LAW IN A NUTSHELL (with Amos) (West 2015) (6th ed. 2021)

A CENTURY OF UNNATURAL DISASTERS: MISSISSIPPI RIVER TRAGEDIES (with Klein) (NYU 2014)

PRINCIPLES OF NATURAL RESOURCES LAW: HORNBOOK (with Laitos) (West 2014) (2nd ed. 2020)

COMPARATIVE ENVIRONMENTAL & NATURAL RESOURCES LAW (Carolina 2013)

NATURAL RESOURCES LAW CASEBOOK (with Laitos & Wood) (West 2006) (2nd ed. 2012)

BOOK CHAPTERS

- Theodore Roosevelt*, in PIONEERS OF ENVIRONMENTAL LAW (ed. Laitos) (12 Tables Press 2021)
- Preemption and Displacement*, in ENVIRONMENTAL DECISIONMAKING (ed. Paddock) (Elgar 2016)
- Floods as Unnatural Disasters*, in WATER IN A CHANGING CLIMATE (ed. Miller) (Taylor 2016)
- Wilderness: Still Relevant and Resilient*, in SOCIAL-ECOLOGICAL RESILIENCE AND LAW (ed. Anderies) (Columbia 2014)
- Wilderness Imperatives and Untrammelled Nature*, in ENVIRONMENTAL LAW AND CONTRASTING IDEAS OF NATURE: A CONSTRUCTIVIST APPROACH (ed. Hirokawa) (Cambridge 2014)
- Missouri River Basin*, in WATERS & WATER RIGHTS (Lexis/Nexis 2010 ed., 2015 ed.)
- Emergence of Environmental Considerations in the U.S.*, in THE EVOLUTION OF THE LAW AND POLITICS OF WATER (ed. Dellapenna) (Springer 2009)
- The Law of Instream Flow Protection*, in INSTREAM FLOWS FOR RIVER STEWARDSHIP (IFC 2009)
- When Congress Goes Unheard*, in PREEMPTION CHOICE (ed. Buzbee) (Cambridge 2008)

ARTICLES AND ESSAYS

- Conservation as Multiple Use*, Ariz. L. Rev. (forthcoming 2024)
- A Critical 21st Century Role for Public Land Management: Conserving 30% of Lands and Waters Beyond 2030* (with Glicksman), 54 Ariz. St. L.J. 1313 (2023)
- Charting a Course to Conserve 30% of Freshwaters by 2030*, 64 Wm. & Mary L. Rev. 169 (2022)
- Seeking Solace in Open Spaces*, Book Review of John D. Leshy, *Our Common Ground: A History of America's Public Lands*, 63 Nat. Res. J. (2023)
- Species Conservation and Recovery Through Adequate Regulatory Mechanisms*, 44 HARV. ENV. L. REV. 367 (with Panarella and Wood) (2020)
- Waiving Sovereign Immunity in Original Actions Between States*, 53 MICH. J. L. R. 101 (2020)
- Mitigating Malheur's Misfortunes: The Public Interest in the Public's Lands*, 31 GEORGETOWN ENV. L.REV. 509 (2019)
- Restoring Beavers to Enhance Ecological Integrity in National Forest Planning*, 33 NAT. RES. & ENV. 43 (with Bates and Brown) (2019)
- Takings, Torts, and Background Principles*, 52 WAKE FOREST L. REV. 101 (2017)
- Fish and Wildlife Management on Federal Lands: Debunking State Supremacy*, 47 ENV. L. 797 (with Nie et al.) (2017)
- Wilderness in National Parks and Wildlife Refuges*, 44 ENV. L. 497 (2014)
- Treading Water While Congress Ignores the Environment*, 88 NOTRE DAME L. REV. 2323 (2013)
- The Shallows Where Federal Reserved Water Rights Founder: State Court Derogation of the Winters Doctrine*, 18 DEN. W. L. REV. 261 (with Huber) (2013)
- Assessing Institutional Ability for Adaptive Water Management*, 91 NEB. L. REV. 805 (with Hoffman) (2013)
- Water, Wilderness, and Climate Change*, 42 ENV. L. 313 (2012)
- Managed Relocation: Integrating the Scientific, Regulatory, and Ethical Challenges*, BIOSCIENCE 62: 732-43 (with Schwartz, et al.) (2012)
- Throwing Precaution to the Wind: NEPA and the Deepwater Horizon*, 2 G.W. J. E.E.L. 83 (with Mintz & Glicksman) (2011)
- Preemption by Stealth*, 45 HOUSTON L.REV. 1659 (2009)

Unbundling Property in Water, 59 ALA. L. REV. 679 (with Harder) (2008)
The Anti-Speculation Doctrine's Implications for Water Management, 8 NEV. L. J. 994 (2008)
Two Imperiled Rivers: Reflections from a Post-Katrina World, 59 FLORIDA L. REV. 599 (2007)
Mississippi Stories: A Century of Unnatural Disasters, 60 S.M.U. L. REV. 1471 (with Klein) (2007)
A New Corps of Discovery for Missouri River Management, 83 NEB. L. REV. 305 (2004)
A Preservation Paradox: Political Prestidigitation and Wildness, 34 ENVTL. L. 1015 (2004)
Managing Interjurisdictional Waters, 18 N. RES. & ENV. 8 (with Squillace) (2003)
Sustaining Geographies of Hope: Cultural Resources on Public Lands, 73 COLO. L. REV. 413 (2002)
Biodiversity in and Around McElligot's Pool, 38 ID. L. REV. 473 (with Johnson) (2002)
The Protection of Cultural Resources on Public Lands, 39 PUBLIC LD & RES. L. DIGEST 101 (2002)
The Virtues of Command and Control Regulation, 2000 U. ILL. L. REV. 1233 (2000)
The Devil, the Details, & the Dawn of the 21st Century Administrative State, 32 AZ. ST. L.J. 941 (2000)
Conserving Ecosystems Through the Secretarial Order on Tribal Rights, 14 N.R. & ENV. 162 (2000)
Indian Lands as Critical Habitat for Indian Nations & Species, 43 S.D. L. REV. 381 (1998)
Sacrificing Legislative Integrity at the Altar of Appropriations Riders: A Constitutional Crisis, 21 HARV. ENVTL. L. REV. 457 (1997)

CONFERENCES, PRESENTATIONS, AND MIXED MEDIA

Planning/Coordination:

Chair, 1st Annual Water Law, Policy & Science (WLPS) Conference, UNL (2004); Planning Committee, Annual WLPS Conferences (2005-08); Planning Committee, Global Water for Food Inst. Annual Conference, UNL, Daugherty, and Gates Foundation (2009-13)
Chair, 12th Inst. for Natural Resources Law Teachers, Rocky Mt. Mineral Law Foundation (RMMLF) (2003); Co-Chair (2009) and Planning Committee (2019, 2022), RMMLF 15th & 25th Teachers Inst.; Planning Committees, RMMLF Annual Inst. (2014) and Public Lands Inst. (2020); Co-Chair, RMMLF Wildlife Institute (2019)
Founder and Organizer, UNL Half-Baked Faculty Colloquium Series (2009-14)
Planning Committee, ABA Section on Env., Energy & Resources (SEER) Annual Water Law Conferences (2007-15)
Chair, Ecosystem Approach to Fisheries Management, National SeaGrant and ABA SEER (2003)

Select Presentations:

Conservation as Multiple Use, Univ. of Utah Works-in-Progress Colloquium (2023)
Conserving 30% of Lands and Waters Beyond 2030, Univ. of Calgary Faculty of Law (2022); Canadian Inst. of Resources Law (2022); Fnd. for Nat. Resources & Env'l Law Annual Inst. (2022)
Comparative Law: CAN-US Climate Initiatives, ASU Sustainability Conference (2021)
The Environmental Legacy of the 45th President, Vermont Law Review Symposium (2021)
Conserving Public Lands, Water, and Wildlife: 30 x 30, GWU Shapiro Env'l Law Symposium (2021)
Species Conservation & Recovery, Harvard Law School Author Symposium, Cambridge MA (2020)
Recent Developments in Environmental Law: 9th Circuit, Cal. Env't'l Law, Yosemite (2020)
Public Lands & Climate Adaptation, George Washington Law School-CPR Symposium, DC (2020)
Species Conservation and Climate Change, ASU Sustainability Conference, Phoenix (2019)

Interstate Disputes Before the Supreme Court, ABA Annual Water Law Conference, Denver (2019)
Wilderness Stewardship National Training, Carhart Wilderness Center, Montana (2010-11, 2014-18)
NEPA Debate (with Pidot and Laitos), Carver Colloquium, Univ. of Denver (2018)
Wildlife Federalism on Public Lands, Lewis & Clark Symposium: Env'l Law under Trump (2018)
The Nature of Private Interests in Public Lands, RMMLF Public Lands Inst., Santa Fe, NM (2017)
A Century of Unnatural Disaster (with Klein), Yale Center for Env'l Law (2015)
Takings, Givings, and the Inherent Restrictions of Vulnerable Properties, Stanford Center for the American West (2015)
Global Challenges in Water Governance, World Water Congress, Edinburgh, Scotland (2015)
Water Security and Peacebuilding: Avenues for Cooperation, Yale-UN Conference on Env'l Governance and Democracy, Yale University (2014)
Portaging Around Environmental Logjams, Florida State Law Symposium (2014)
Legal Issues for Protected Areas, IUCN World Parks Congress, Sydney, Australia (2014)
Congress's Apathy Toward the Environment, Notre Dame Law Symposium on Gridlock (2012)
Water Law, Conservation & Climate Adaptation, IUCN Comm. on Envl. Law, Jeju, Korea (2012)
Water, Climate, and Wild Lands, Law & Society, Honolulu, HI (2012)
U.S. Water Law ABC's, M.S. Swaminathan Foundation, Chennai, India (2011)
Cultural and Historic Resources, RMMLF Public Lands Institute, Albuquerque, NM (2003)
Reserved Water Rights & Tribal Fisheries, Council of Great Lakes Governors, Quebec, CA (2002)
Preserving Cultural & Historic Resources, ALI-ABA Envtl. Law, Washington, DC (2001)
National Park Service Regulatory Authorities, Dept. of Interior, Salt Lake City, UT (1999)
U.S. Water Law: Great Lakes Diversions, International Joint Commission, Ontario, CA (1999)
Cultural Resource Management, Fed. Bar Ass'n Indian Law Conference, Abq., NM (1997)

Select Mixed Media:

Interviews, *First Climate Trial Begins, Led by Kids*, [Scientific American](#); Montana PBS Impact; PBS Newshour (2023)
Blog, *Will the 30 x 30 Initiative Protect 30 Percent of Freshwater Resources by 2030?*, ACOEL, <https://acoel.org/will-the-30-x-30-initiative-protect-30-of-freshwaters-by-2030/> (2021)
[Report](#) and [video](#), *Federal Public Lands Policy and the Climate Crisis*, Progressive Reform (2020)
Conference Paper, *Pervasive Federal Involvement in Interstate Water Management But Few Hooks for Supreme Court Resolution*, ABA WATER LAW CONF. (2019) (Best Paper Award)
SCOTUS Blogs, *Sturgeon v. Frost* (2018-19)
Editorial, *U-turn on Twin Metals a Massive Giveaway*, Duluth News (with Klass) (2018)
Webinar, *The Battle to Conserve National Monuments*, ABA Professors' Corner (2018)
Blog, *Trump's Plan to Dismantle National Monuments Comes with Steep Cultural Costs*, The Conversation (with Bryan and Mills) (2017)
Blog, *Unnatural Disasters and Environmental Injustice*, Oxford Press (with Klein) (2016)
Podcast, *Finding Agency Through Humility*, Yale Center for Env'l Law (2015)
Blog, *Floodplain Landowners Seeking a "Double Take" from Taxpayers*, Env. Law Prof. (2014)
Blog, *Natural Storms, Unnatural Disasters*, The Hill (2014)

- Blog, *State Department's Keystone XL Pipeline EIS Fails Legal Scrutiny and Common Sense* (2013)
- Blog, *The CWA's Antidegradation Policy*, Progressive Reform (with Glicksman) (2012)
- White Paper and Blog, *Why the Convention on Biodiversity Should be Ratified*, Progressive Reform (ed. Knox) (2012)
- Editorial, *Species Conservation Not a Factor in Flooding*, OMAHA WORLD-HERALD (2011)
- Blogs, *The Pipeline that Refuses to Die*, and *TransCanada Says Bill Unconstitutional: Here's Why They're Wrong*, Progressive Reform (2011, 2012)
- White Paper, *Making Use of Adaptive Management*, Progressive Reform (2011) (ed. Doremus)
- Blog, *Atrazine, Confidential Data, and the Five Stages of Grief*, Alternet.org (reprinted in Pesticide Action Network as *Why is My Family Dying*) (2010)
- Conference Paper, *Anti-Speculation: Ghost-Busting, Trust-Busting, or Beneficial Use*, 2008 ABA WATER LAW CONF. (Best Paper award)
- Editorial, *Fishermen Entitled to Punitive Damages*, MINN. STAR TRIB. (with Klass) (2008)
- Editorial, *Women Warriors*, DES MOINES REGISTER and IOWA CITY PRESS (2007)
- Editorial, *Supreme Court Drops the Ball on Wetlands Protection*, HIGH COUNTRY NEWS (2006)

GRANT AWARDS

- Fulbright Specialist, U.S. Dept. of State, Bureau of Educational & Cultural Affairs (\$4000). 2022.
- Principle, RMMLF scholarship research grants (\$12,500 for student researchers). 2014-19.
- Co-Investigator, U-MT & USDA, *Wildlife on Federal Lands* (PI Nie) (\$18,500). 2016-17.
- Supervisor, Global Water for Food—Environmental Defense Fund, *Sustainable Groundwater Management Act Implementation/Recommendations* (\$5,000 for student researchers). 2016-17.
- Collaborator, NSF, Integrative Graduate Education & Research Traineeship (IGERT), *Resilience in Stressed Watersheds* (PI Allen) (\$3,200,000). 2009-14.
- Co-Investigator, NSF, *Building Information Tools to Adaptively Manage Hydrological Resources* (PI Samal) (\$500,000). 2006–08.
- Co-Investigator, NSF, *Building a US-China Water Collaboratory* (PI Samal) (\$50,000). 2007-08.
- Co-Investigator, UNL, Program of Excellence Grant (PI Hoagland) (\$450,000). 2003-07.