

DEVELOPMENTS IN THE PUBLIC TRUST

Environmental and Natural Resources Law Symposium **Lewis & Clark Law School**

Friday, April 10, 2015

9:00-9:30 Registration and Light Breakfast

9:30-9:45 Opening Remarks and Dedication

Introduction: Professor Erin Ryan, Lewis & Clark Law School

Dedication to Joe Sax: Assoc. Dean Janice Weis, Director, Environmental and Natural Resources Law Program, Lewis & Clark Law School

9:45-11:15 Panel 1: The Public Trust, Property Theory, and Democracy

Moderator: Professor Erin Ryan, Lewis & Clark Law School

Professor Robin Craig, University of Utah, School of Law: What the Public Trust Doctrine Can Teach Us About the Police Power, Penn Central, and the Public Interest in Natural Resources: A Tribute to Joe Sax

Professor Richard Lazarus, Harvard Law School: Judicial Missteps, Legislative Dysfunction, and the Public Trust Doctrine: Can Two Wrongs Make It Right?

Dean Emeritus Jim Huffman, Lewis & Clark Law School: Why Liberating the Public Trust Doctrine is Bad for the Public

Professor Gerald Torres, Cornell University Law School: The Relationship Between the Public Trust Doctrine, Property Theory, and Democracy

11:15-11:30 Break

11:30-1:00 Panel 2: The PTD and Strategies for Environmental Protection

Moderator: Professor Dan Rohlf, Lewis & Clark Law School

Professor Dan Farber, U.C. Berkeley School of Law: Fencing In and Fencing Out as Strategies for Environmental Protection

Professor Alexandra Klass, University of Minnesota Law School: How State-based Statutory Codifications Can Stunt Evolution of the PTD

Professor Erin Ryan, Lewis & Clark Law School: The Public Trust Doctrine, Private Water Allocation, and the *National Audubon Society* Litigation: The Mono Lake Backstory

1:00-2:00 Symposium Lunch, Legal Research Center

1:30-2:00 Program: Honoring the Contributions of Professor Harrison Dunning

Tribute to Harrison (“Hap”) Dunning: Professor Mike Blumm, Lewis & Clark Law School

Professor Emeritus Harrison Dunning, U.C. Davis School of Law: State Sovereign Ownership and the Public Trust Doctrine

2:00-2:15 Break

2:15-3:45 Panel 3: Perspectives from Governance

Moderator: Assoc. Dean Janice Weis, Lewis & Clark Law School

Chuck Bonham, Director California Department of Fish & Wildlife

Richard Whitman, Director, Oregon Governor’s Natural Resources Office

Janice Schneider, Asst. Secretary, Lands and Minerals Mgmt., U.S. DOI

Geoff McQuilken, Executive Director, Mono Lake Committee

3:45-4:00 Break

4:00-5:30 Future Developments in the Public Trust

Moderator: Professor Tom Buchele, Managing Director, Earthrise Law Center, Lewis & Clark Law School

Professor John Dernbach, Widener Law School: *Robinson Township* and the Role of the Public Trust Doctrine in State Constitutions

Professor of Environmental Practice, Richard Frank, Director, California Environmental Law & Policy Center, U.C. Davis School of Law: The Public Trust Doctrine, Groundwater, and California’s Scott River Litigation

Professor Mike Blumm, Lewis & Clark Law School: The Federal Public Trust Doctrine and Oswego Lake Access: Two Law Professors' Briefs.

Professor Mary Wood, University of Oregon School of Law: The Atmospheric
Trust: Natural Resource Damages for Carbon Dioxide Pollution

5:30-5:35 Closing Remarks

Professor Erin Ryan, Lewis & Clark Law School

5:35-6:30 Reception, Upper Lounge, Legal Research Center