The 2024 Southeastern Public Interest Environmental Law Conference Agenda

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University of the South at Sewanee

https://new.sewanee.edu/

October 11-13, 2024

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FREE PARKING

In the lot behind Jessie Ball Dupont Library (building 7 below)

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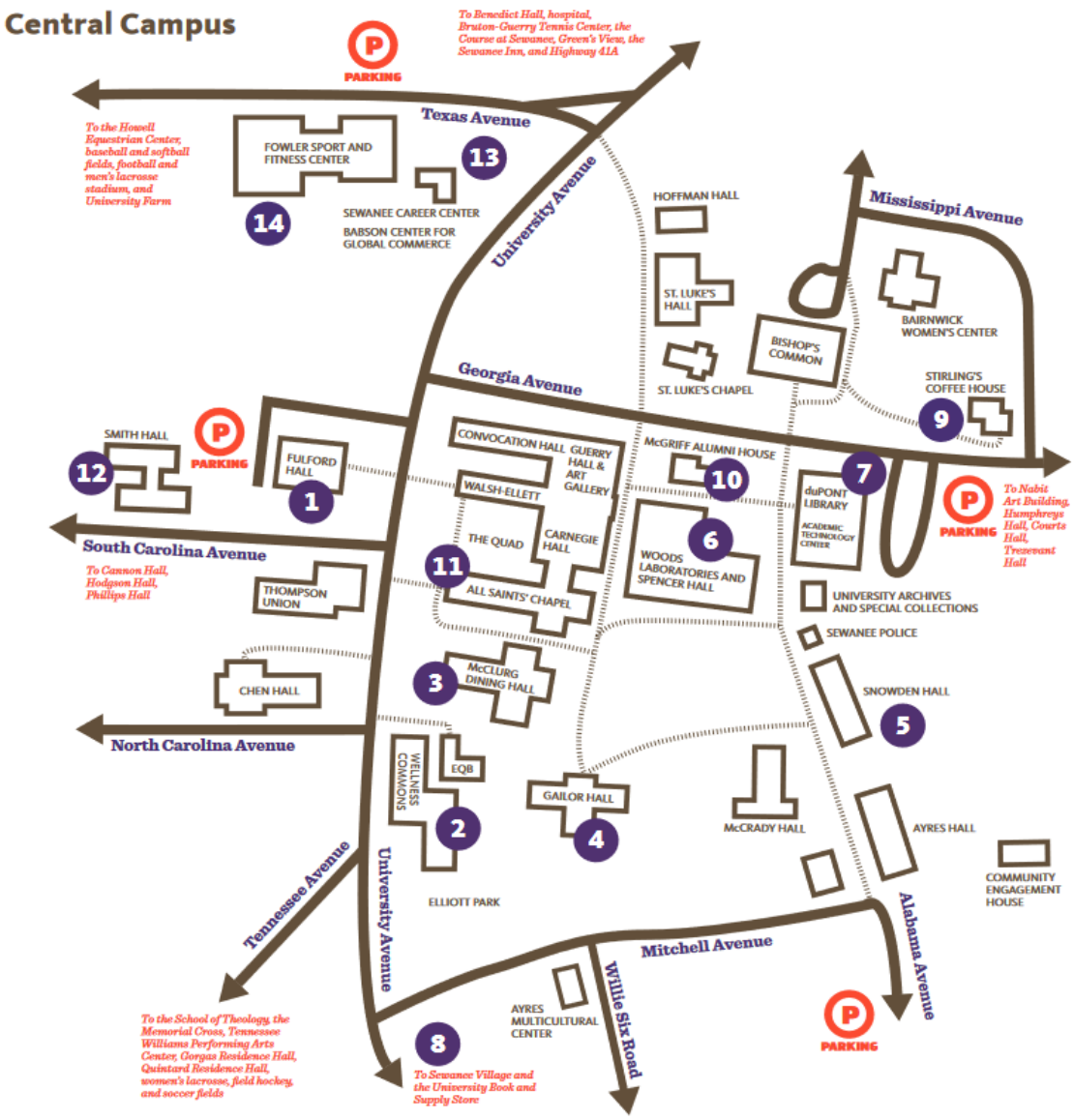
Connect to *'Sewanee-Guest'* and fill out the requested fields.

FIND PRESENTATION HANDOUTS HERE

https://mega.nz/folder/K3QlhIZB#9owsBbAPKNRUnCOBI03-GA

CAMPUS MAP

https://new.sewanee.edu/contact/campus-map/



Most on-campus conference events will take place in **6: Woods Laboratories and Spencer Hall; **4: Gailor Hall**; and **3: McClurg Dining Hall**. Free parking behind **7: Dupont Library**.*

FRIDAY

Friday Evening Welcome Social - As you arrive to town on Friday evening, please join us for a social gathering upstairs at local pub and restaurant *Shenanigans* from 5-8pm. After 8pm, enjoy the bar downstairs as late as you like. Shenanigans, 12595 Sollace M Freeman Hwy, Sewanee, TN 37375. Food and beverages are available for purchase downstairs.

SATURDAY

7:30 am *(6: Spencer-Harris Commons, a.k.a. Spencer Hall atrium)*

Registration – Check in if you have already registered, *pay your conference fees if you did not do so in advance during online registration*, or register and pay on-site at the registration table. Cash or check will be accepted for registration payment at the registration table. Coffee, tea, and snacks will be available at registration. You can also announce a caucus that you're organizing (see below during the lunch hour), sign up for the field trip, and visit the organization tabling area.

8:00-9:15 am

I. **Environmental Law Teaching: A Law-Focused Citizen-Action Generator** [CLE accreditation pending] *(4: Gailor auditorium)*

A. **Speakers**

Zygmunt Plater, University of Maine Law School, Boston College Law *emeritus*, MA

Zygmunt Jan Broël Plater, A.B., Princeton; J.D., Yale; LL.M., S.J.D., Michigan; member of Bars of Tennessee, District of Columbia, U.S. 6th Circuit, U.S. Supreme Court. He has taught on eight law faculties in the U.S. and abroad. At Boston College Law School he taught environmental protection law, administrative agencies, property law, and a program where law students teach college undergrad environmental courses, and coordinated the Land & Environmental Law Program. He chaired the State of Alaska Exxon-Valdez Oil Spill Commission's Legal Research Task Force. He has written and worked on multiple environmental problems—including toxics contamination, endangered species, the BP Deepwater Horizon oil spill, whale entanglements, national parks, strip-mining regulation, predatory land condemnations, and chemical pollution in the USA and abroad. In Ethiopia, Plater drafted major portions of the national parks law, assisted in compiling the empire's Consolidated Laws, and helped coordinate the first African Conference on Human Rights. With his students, Plater carried the nation's first major endangered species case through

congressional and court proceedings, and a presidential Cabinet-level economic review, arguing successfully in the U.S. Supreme Court against Griffin Bell, then Attorney General of the United States. Named Boston College Public Interest Law Professor of the Year in 2011, he received the 2019 Kravchenko Environmental Human Rights Award, and the American Bar Association's 2019 SEER Award for Excellence in Environmental, Energy, and Resources Stewardship. He is senior author of a national environmental law coursebook, ENVIRONMENTAL LAW & POLICY: NATURE, LAW & SOCIETY (Carolina). Plater's glide-path to retirement, after 55 years, crash-landed in June 2023; he's now at UMaineLaw, training law students teaching undergrad environmental law courses in the innovative Environmental Law-Teaching program he co-created at The University of Michigan in 1972 with the mentorship of Joseph L. Sax, the world's first professor of environmental protection law.

Royal C. Gardner, Professor, Institute for Biodiversity Law and Policy at Stetson University College of Law, FL

Professor Gardner is an internationally recognized expert in wetland law and policy. Recent projects include testifying before a World Bank arbitration panel, advising the Government of Oman regarding wetland policy, coauthoring amicus briefs on behalf of environmental scientists, and creating interdisciplinary courses that facilitate discourse among experienced scientists, policymakers, and students. His research and scholarship focus on U.S. and international wetland legal and policy issues, with an emphasis on biodiversity offsets. He has lectured in Africa, Asia, Europe, and North and South America.

B. Panel Description

A panel on teaching environmental law to non-lawyers, EL-T (environmental law-teaching) is a program designed to encourage law students and law schools to teach undergraduates (and potentially other non-lawyers) how to bring critical pressures to bear upon environmental problems that government isn't effectively solving. The EL-T program functioned for several years at the UTK College of Law in Knoxville in the 1970s. Senior law students were trained in pairs during the Fall semester, each then designing their own syllabus and teaching public interest environmental law to sections of college undergraduates. With panel attendees, the EL-T session will discuss the importance of legally-informed citizen action, and how the program can be established in Tennessee and nearby states. The EL-T law students are Instructors-at-Law, *with faculty status*, coordinated in a program seminar by a law faculty facilitator. The process of teaching teachers, in the context of an array of complex regulatory systems, provides a unique opportunity to raise an attorney's level of analytical and communication skills, as well as a

status credential within their professional community. Undergraduates, even those who do not decide to go to law school — have gone on to careers in government, public interest organizations, and businesses armed with what they have learned about legal process and environmental law, including legal efforts to guide regulatory protections. The late beloved Pamela Reeves took the EL-T environmental course as an undergraduate at UT. In her case it propelled her into a public interest legal career, and she went on to become U.S. judge for Tennessee's Eastern District.

II. Using Community Science to Advocate for Clean Air, Clean Water, and Environmental Justice *(6: Woods-Blackman auditorium)*

A. Speakers

Keri Powell, Senior Attorney, Southern Environmental Law Center, GA

Keri leads the Air Program at the Southern Environmental Law Center (SELC), the largest nonprofit, nonpartisan environmental legal advocacy organization rooted in and focused on the U.S. South. Keri is widely recognized as one of the nation's leading CleanAir Act experts. She previously served as Senior Clean Air Act Counseling Attorney for the U.S. EPA in Atlanta and as an advisor to U.S. EPA's Office of Enforcement and Compliance Assurance in Washington, D.C. Her legal career also includes litigation of impactful Clean Air Act cases during her tenure with Earthjustice in Washington, D.C. and New York; as leader of the New York Public Interest Research Group's air quality litigation project; and on behalf of Sierra Club, Environmental Integrity Project, Environmental Defense Fund, and others while in private practice. Keri earned a B.A. in Earth Science from Trinity University in San Antonio, Texas, and a J.D. from New York University School of Law. She is licensed to practice law in Georgia, New York, and Washington, D.C.

Matt Hepler, Central Appalachian Environmental Scientist, Appalachian Voices, VA

Originally from Bath County, Va., Matt received his B.A. in geography from Virginia Tech with a concentration in Geographic Information Systems and environmental resources. After working in the GIS field for five years, he spent two years in the master's program at Appalachian State University, focusing on hydrology. Matt returned to Virginia to work for the Southern Appalachian Mountain Stewards in Wise County, leading the group's water program and helping develop litigation strategies against coal companies. He joined Appalachian Voices in 2017, and is based in its Norton, Va., office. Matt is a hiker and square dance caller, and he loves spending time on the rivers of Central Appalachia.

Daisha Wall, Community Science Manager, CleanAIRE NC

Daisha is the Community Science Manager at CleanAIRE NC, where she plays a pivotal role in providing communities across North Carolina with access to localized air quality data. With a strong commitment to environmental justice, Daisha collaborates closely with impacted communities to provide the tools and knowledge needed to understand and improve their air quality. In her role, Daisha oversees the implementation of community-based air monitoring projects, to raise awareness about the health impacts of air pollution and advocate for policies that protect vulnerable populations. Daisha holds a Master of Science in Environmental Policy from Johns Hopkins University and a Bachelor of Science in Sustainable Development from Appalachian State. She has also obtained a graduate certificate in Geographic Information Sciences (GIS); she uses the skills learned to reach communities further and identify patterns of inequity.

Gwen Smith, Founder & Director, Community Health Aligning Revitalization Resilience & Sustainability, GA

Gwen founded Community Health Aligning Revitalization Resilience & Sustainability in 2016, as a non-profit community organization under the name of Collier Heights Assoc. for Revitalization Resilience & Sustainability (CHARRS). CHARRS became tax exempt under Section 501(c)(3) in 2021. The organization is committed to Environmental Justice, environmental health, economic health, education equity, social equity, and health equity. Prior to CHARRS, Gwen worked for Southface Institute; the Georgia Department of Public Health's Environmental Health Section in multiple programs to include: the Chemical Hazards Program, the Healthy Homes Childhood Lead Poisoning Prevention Program, and the Lead Hazard Control Program. Her environmental activism began in 2015 as a member of the inaugural class of the U.S. EPA, Region IV Environmental Justice Academy, and the Partnership for Southern Equity's inaugural Just Equity Academy. She held the first Vice President position and was the second president of the Environmental Justice Academy Alumni Association. In 2020, she was selected as a Robert Wood Johnson Foundation Interdisciplinary Research Leader Fellow, Cohort 5. Gwen graduated from Agnes Scott College with a B.A. degree in Sociology/Anthropology in 2011. She is a member of First Presbyterian Church of Atlanta. Gwen is married, has two children and two granddaughters, Stellar, age 15 and Sacred Jewel, age 1 year.

B. Panel Description

Across the Southeast, environmental and community groups are engaging in community science to assess air and water quality, public exposure to pollutants, and environmental health. This panel will describe some of these projects and ways in which they helped(or

hopefully will help)advocates achieve their goals. We will explore how community science promotes collaborative advocacy, what role data gathered by community scientists might play in obtaining more protective regulations or statutes, and how community science relates to efforts to obtain better facility compliance with pollution limits. Finally, the panelists with describe challenges that arise in setting up and managing community science projects and ways to address those challenges.

9:25-10:40 am

III. Clean Water Act Today: Navigating *Sackett v. U.S. EPA* at the State and Federal Levels [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speakers

Royal C. Gardner, Professor, Institute for Biodiversity Law and Policy at Stetson University College of Law, FL

Royal is Professor of Law and Director of the Institute for Biodiversity Law and Policy at Stetson University College of Law. He has worked on wetland law and policy issues for more than three decades, beginning, oddly enough, at the Pentagon. Recent projects include serving as the Chair of the Scientific and Technical Review Panel of the Ramsar Convention on Wetlands, testifying before a World Bank arbitration panel, and coauthoring amici briefs on behalf of environmental scientists and scientific societies. He was lead counsel for an amici brief filed on behalf of twelve national and international scientific societies in Sackett v. U.S. Environmental Protection Agency, as well as for the amici brief filed for aquatic scientists and scientific societies that the U.S. Supreme Court cited in the case of County of Maui v. Hawaii Wildlife Fund. He was a lead coordinating co-author of the Global Wetlands Outlook, the Ramsar Convention's flagship publication on the state of the world's wetlands. He is also the author of Lawyers, Swamps, and Money: U.S. Wetland Law, Policy, and Politics, which has a small cult following. A forthcoming book, Waters of the United States: POTUS, SCOTUS, WOTUS, and the Politics of a National Resource, is scheduled to be published by Island Pressing December 2024.

Charles R. Miller, IV, J.D., Policy Director, Alabama Rivers Alliance, AL

Charles is the Policy Director at Alabama Rivers Alliance (ARA). He holds a J.D. from the University of Alabama School of Law. Prior to joining ARA, he served as the Policy Manager at Missouri Confluence Waterkeeper, working as a lobbyist in the Missouri Legislature and

on state regulatory issues. He has also interned or clerked at the Southern Environmental Law Center, American Rivers, Black Warrior Riverkeeper, and the EPA's Office of Enforcement and Compliance Assistance (OECA). During his time at OECA he worked on the Agency's efforts to repeal the 2019 Navigable Waters Protection Rule, prior to its vacatur in Pascua Yaqui Tribe v. EPA.

B. Panel Description

Wetlands provide many ecosystem services, from filtering out contaminants such as nitrogen pollution to sequestering carbon. Wetlands store floodwaters and provide habitat for a vast array of plants and animals. They are also places of recreation and refuge for people. Yet, in its March 2024 Wetlands Status and Trends report, the U.S. Fish and Wildlife Service found that net wetland losses had increased by over 50% since the last study period. The report noted that "[v]egetated wetland decreases primarily occurred in the Southeast and Great Lakes regions," including in the coastal watersheds of the Carolinas. Federal efforts to protect wetlands under the Clean Water Act are now more limited in light of the U.S. Supreme Court's decision in *Sackett v. U.S. Environmental Protection Agency* and the EPA's final conforming WOTUS rule, which represent the largest-ever reduction in federal jurisdiction under the Clean Water Act. In the year since *Sackett* was handed down, state legislatures and executive agencies in nearly every state in the Southeast have taken action to clarify, expand, or limit states' jurisdiction over wetlands, non-perennial streams, and groundwater. This presentation will discuss the impact of *Sackett* at the federal level, and the challenges it presents to environmental advocates. This presentation will also provide a complete survey of regulatory, legislative, and interpretive changes in each Southeastern state, as well as attempts to effect such changes.

IV. Freedom of Information Act (FOIA) for Beginners *(4: Gailor auditorium)*

A. Speaker

Davis Mounger, Co-Director, Tennessee Heartwood, TN

Davis is the co-founder of Tennessee Heartwood, a grassroots organization dedicated to the protection and preservation of Tennessee's public lands.

B. Presentation Description

A powerful legal and research tool for professionals and citizens alike, FOIA is invaluable for promoting government transparency. While there is a standard procedure for making a

FOIA request to a government agency, it can seem daunting at first. It doesn't have to be. This workshop is meant to help with writing a request that follows government protocols, while also making the process more efficient and more likely to get needed information. The presentation will also cover real case studies of how FOIA has assisted an organization in its mission, and give examples of common roadblocks that an applicant can face and how to overcome them. We also will address the matters of fee waivers and categorical exemptions.

10:50-11:50 am -- KEYNOTE ADDRESS/PLENARY SESSION

Media, Law, the Snail Darter, and Democracy: How a Little Group of Tennesseans Carried a Little Fish through the Corridors of American Power Against a Notorious TVA Dam [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speaker

Zygmunt Plater, University of Maine Law School, Boston College Law *emeritus,* and Plaintiffs' Lead Counsel in *TVA v. Hill*, the country's seminal case establishing the enforceability of ESA protections under law, brought on behalf of Tennessee's snail darter.

Zygmunt Jan Broël Plater, A.B., Princeton; J.D., Yale; LL.M., S.J.D., Michigan; member of Bars of Tennessee, District of Columbia, U.S. 6th Circuit, U.S. Supreme Court. He has taught on eight law faculties in the U.S. and abroad. At Boston College Law School he taught environmental protection law, administrative agencies, property law, and a program where law students teach college undergrad environmental courses, and coordinated the Land & Environmental Law Program. He chaired the State of Alaska Exxon-Valdez Oil Spill Commission's Legal Research Task Force. He has written and worked on multiple environmental problems—including toxics contamination, endangered species, the BP Deepwater Horizon oil spill, whale entanglements, national parks, strip-mining regulation, predatory land condemnations, and chemical pollution in the USA and abroad. In Ethiopia, Plater drafted major portions of the national parks law, assisted in compiling the empire's Consolidated Laws, and helped coordinate the first African Conference on Human Rights. With his students, Plater carried TVA v. Hill, the nation's first major endangered species case through congressional and court proceedings, and a presidential Cabinet-level economic review, arguing successfully in the U.S. Supreme Court against Griffin Bell, then Attorney General of the United States. Named Boston College Public Interest Law Professor of the Year in 2011, he received the 2019 Kravchenko Environmental Human Rights Award,

and the American Bar Association's 2019 SEER Award for Excellence in Environmental, Energy, and Resources Stewardship. He is senior author of a national environmental law coursebook, ENVIRONMENTAL LAW & POLICY: NATURE, LAW & SOCIETY (Carolina). Plater is now teaching at UMaineLaw.

B. Keynote Description

This presentation will follow the development, litigation, and conclusion of the seminal U.S. Supreme Court case establishing the judicial enforceability of the species protections of the Endangered Species Act, *TVA v. Hill*, 437 U.S. 153 (1978). In addition to the substantive legal claims involved under the Act, Plater will address the intersection of the litigation with the far-flung but intertwined fields of biology, grassroots advocacy, legislative maneuvering, and media coverage. Because each of these elements is related to the litigation work and has a direct impact on the success or failure of the litigation, this presentation will afford attorneys an expanded perspective on the necessary, interdisciplinary suite of skills required to bring a controversial environmental lawsuit to a successful conclusion. This presentation will increase participants' professional competence as attorneys by expanding the suite of skills required to bring a controversial, high-stakes environmental case before the courts of the United States. Participants will walk away with a greater appreciation of the many overlapping fields that influence the outcome of controversial, high-stakes environmental litigation.

11:50-1:00 pm -- Lunch

Lunch – We recommend sampling the convenient, diverse, quality dining options at the McClurg on-campus dining hall at Sewanee, but off-campus dining options also exist on and around University Avenue.

Caucuses – Meet in the dining hall or in designated campus classrooms for self-organized discussion groups, mini-presentations, strategy sessions, or to launch new projects or coalitions. You can organize additional caucuses in person by going to the registration table to announce your caucus, or to learn about all of the caucuses you can attend during the conference.

Caucus A: **Science-based, Peer-reviewed Best Management Practices for Watershed Stewardship: Bring Your Experiences** *(3: McClurg Dining Hall)* Sponsor: John Dempsey, Outdoor Voices for Orange County (NC)

What would development practices that address Urban Stream Syndrome look like? We are collecting your ideas and input to help create a template for current, peer-reviewed, science-based Best Management Practices (BMP) designed to protect our watersheds from the universally observed degradation of streams by urban development. Boots in the water? Briefcase in the court? If so, please bring your experiences and ideas for watershed BMP stewardship and help us create a policy template to be used to lobby for development ordinances that are in compliance with the science!

1:00 – 3:50 pm -- FIELD TRIP

Conservation Value of Mature Forests – A Field Discussion *(Sign up at registration)*

Jonathan P. Evans, Ph.D., Professor of Biology, University of the South at Sewanee, TN

Mature forests serve as vital reservoirs of biological diversity within the southern Appalachian landscape. However, the biological integrity of these forests becomes degraded and lost when forest management regimes fail to protect the ecological processes that are critical to their maintenance. This workshop will take place in the field where we will visit forest stands representing different ages and management regimes and discuss how timber harvest, pine conversion, fire restoration, and deer over browse have impacted biodiversity at each site. We will also visit a vernal pool and discuss how the maintenance of breeding populations of amphibians such as spotted salamanders depends on the protection of both the aquatic habitat as well as the terrestrial habitat in the surrounding forest. There is a limit of 20 participants. Sign up at registration to reserve a first-come-first-served seat. Durable footwear is required.

1:00-2:15 pm

V. Using Clean Water Act Permits to Protect Drinking Water Sources [CLE-worthy; attendees must apply for credit independently with their home state bars] *(6: Woods-Blackman auditorium)*

A. Speaker

Meg Parish, Senior Attorney, Environmental Integrity Project, CO

Meg is a Senior Attorney with Environmental Integrity Project. Meg joined EIP in July 2022 and is an expert in Clean Water Act issues. For the three previous years, she managed Clean Water Act permitting for Colorado's Water Quality Control Division. Prior to joining the agency, she was the First Assistant Attorney General for Clean Water Act and Safe Drinking Water Act cases in the Colorado Attorney General's office. Meg has also worked as an Associate Attorney at Earthjustice, an attorney at Hogan Lovells, LLP, and a community organizer with Kentuckians for the Commonwealth. She holds a J.D. from Georgetown.

B. Panel Description

Learn tips and tools for providing meaningful comments on Clean Water Act draft discharge permits that impact drinking water sources. We'll focus particularly on comments for facilities that discharge nutrients and PFAS.

VI. The Empire Strikes Back: Navigating Reliability, Resiliency, and Legislative Roadblocks to a Renewable Energy Future *(4: Gailor auditorium)*

A. Speakers

Tom "Fitz" FitzGerald, Of Counsel, Kentucky Resources Council, KY

Fitz was Director of the Kentucky Resources Council from 1984 until October 1, 2021. He received his Juris Doctor from the UK College of Law in 1980 (Order of the Coif). He was a Reginald Heber Smith Community Lawyer Fellow with the Appalachian Research and Defense Fund of Kentucky from 1980-1982. Fitz has been an Adjunct Professor of Energy and Environmental Law at the Brandeis School of Law at the University of Louisville since 1986 and has published many articles. He received the Environmental Quality Commission Lifetime Achievement Award, the Henry R. Heyburn Public Service Award from the UK College of Law, the Kentucky Nature Preserves Commission Biological Diversity Award, the inaugural Professional Achievement Award from the University of Kentucky College of Law

Alumni Association, the 14th Heinz Award in the Environment Category, and the Brennan-Haly Award from the University of Louisville Department of Political Science.

Byron Gary, Program Attorney, Kentucky Resources Council, KY

Byron is a Program Attorney for the Kentucky Resources Council. He studied political science and philosophy as an undergraduate at the University of Louisville, after which he went on to study law at the U of L Brandeis School of Law. While there, he was President of the Environmental Law and Land Use Society and Co-Editor-in-Chief of the Journal of Animal and Environmental Law. Before joining the Kentucky Resources Council, he worked at the Louisville Public Defender, followed by the Louisville Metro Air Pollution Control District, where he was in charge of regulation development and the Louisville State Implementation Plan.

Audrey Ernstberger, Associate Attorney Fellow, Kentucky Resources Council, KY

Audrey graduated from Centre College and earned her J.D. from the University of Louisville Louis D. Brandeis School of Law in 2019. During law school, her energy law class and her experience as a Resilience Justice Fellow researching equitable environmental access for vulnerable communities inspired her to pursue a career in environmental law. Shortly after law school, she pursued an LL.M. in Energy and Environmental Law from The George Washington University Law School, where she attended classes and worked as a research assistant to identify legal obstacles to preplanning electric grid redevelopment after a natural disaster. Before joining the Council, she worked for the Legislative Research Commission as a Legislative Analyst for the House and Senate Economic Development and Workforce Investment Committee. Her advocacy experience includes her time as a Student Attorney at Harvard Legal Aid Bureau, where she and her co-counsel won a government benefits case on appeal.

B. Panel Description

Across the country great strides have been made toward greening the grid, but like some other "red" states Kentucky's energy mix still remains dominated by fossil fuels. Just as the benefits of the IRA were beginning to make increasing renewable energy in the near future feel like a reality, Kentucky's Republican-dominated legislature began enacting laws making it much more difficult to retire coal plants. Panelists will discuss enactment of Kentucky's SB 4 and SB 349, requiring approval of the state PSC for retirement of fossil fuel plants and creating a new industry-dominated "EPIC" Commission, as well as strategies for countering the coal-funded narrative of "baseload reliability" of fossil fuels and the looming reliability crisis.

2:25-3:40 pm

VII. Navigating a Post-*Chevron* World & a Review of Major Questions Doctrine Developments [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speakers

Tom "Fitz" FitzGerald, Of Counsel, Kentucky Resources Council, KY

Fitz was Director of the Kentucky Resources Council from 1984 until October 1, 2021. He received his Juris Doctor from the UK College of Law in 1980 (Order of the Coif). He was a Reginald Heber Smith Community Lawyer Fellow with the Appalachian Research and Defense Fund of Kentucky from 1980-1982. Fitz has been an Adjunct Professor of Energy and Environmental Law at the Brandeis School of Law at the University of Louisville since 1986 and has published many articles. He received the Environmental Quality Commission Lifetime Achievement Award, the Henry R. Heyburn Public Service Award from the UK College of Law, the Kentucky Nature Preserves Commission Biological Diversity Award, the inaugural Professional Achievement Award from the University of Kentucky College of Law Alumni Association, the 14th Heinz Award in the Environment Category, and the Brennan-Haly Award from the University of Louisville Department of Political Science.

Zygmunt Plater, University of Maine Law School, Boston College Law *emeritus*, MA

Zygmunt Jan Broël Plater, A.B., Princeton; J.D., Yale; LL.M., S.J.D., Michigan; member of Bars of Tennessee, District of Columbia, U.S. 6th Circuit, U.S. Supreme Court. He has taught on eight law faculties in the U.S. and abroad. At Boston College Law School he taught environmental protection law, administrative agencies, property law, and a program where law students teach college undergrad environmental courses, and coordinated the Land & Environmental Law Program. He chaired the State of Alaska Exxon-Valdez Oil Spill Commission's Legal Research Task Force. He has written and worked on multiple environmental problems—including toxics contamination, endangered species, the BP Deepwater Horizon oil spill, whale entanglements, national parks, strip-mining regulation, predatory land condemnations, and chemical pollution in the USA and abroad. In Ethiopia, Plater drafted major portions of the national parks law, assisted in compiling the empire's Consolidated Laws, and helped coordinate the first African Conference on Human Rights. With his students, Plater carried the nation's first major endangered species case through congressional and court proceedings, and a presidential Cabinet-level economic review, arguing successfully in the U.S. Supreme Court against Griffin Bell, then Attorney General of the United States. Named Boston College Public Interest Law Professor of the Year in 2011,

he received the 2019 Kravchenko Environmental Human Rights Award, and the American Bar Association's 2019 SEER Award for Excellence in Environmental, Energy, and Resources Stewardship. He is senior author of a national environmental law coursebook, ENVIRONMENTAL LAW & POLICY: NATURE, LAW & SOCIETY (Carolina). Plater's glide-path to retirement, after 55 years, crash-landed in June 2023; he's now at UMaineLaw, training law students teaching undergrad environmental law courses in the innovative Environmental Law-Teaching program he co-created at The University of Michigan in 1972 with the mentorship of Joseph L. Sax, the world's first professor of environmental protection law.

B. Panel Description

This presentation will follow recent substantive law developments in federal administrative law regarding the overruling of the *Chevron* doctrine in the *Loper Bright Enterprises v. Raimondo* case, 144 S. Ct. 2244 (2024), and the Major Questions doctrine, e.g., the *West Virginia v. EPA* case, 142 S. Ct. 2587 (2022). All of these recent legal developments are highly relevant to the practice of federal administrative law, which is typically required in order to practice environmental law at the federal level. Potential litigation advantages and disadvantages of these recent developments for public interest environmental litigators will be explored in detail. This presentation will increase participants' professional competence as attorneys by sharpening their knowledge of the federal administrative law landscape, per recent developments from the U.S. Supreme Court.

VIII. BioMESS: The True Costs to the Climate, Forests, and Southern Communities of the Woody Biomass Industry's Greenwashing *(4: Gailor auditorium)*

A. Speakers

Patrick Anderson, Staff Attorney, Southern Environmental Law Center, GA

Patrick earned his J.D., magna cum laude, from Georgia State University College of Law in May 2017. He joined Powell Environmental Law in 2017, where he represented environmental and community organizations in administrative advocacy and judicial pertaining to Clean Air Act permitting. As Of Counsel for the Environmental Integrity Project, Patrick worked to bring numerous wood pellet plants across the U.S. South into compliance with the Clean Air Act by filing dozens of public comments, bringing necessary permit challenges, and litigating an effective Clean Air Act citizen suit. In 2023, Patrick joined the Southern Environmental Law Center to help lead its Clean Air Act team. In

addition to his J.D., Mr. Anderson holds a BFA in Writing from The School of the Art Institute of Chicago.

Heather Hillaker, Senior Attorney, Southern Environmental Law Center, NC

A native of Florida, Heather graduated magna cum laude from the University of Florida and received a law degree order of the coif from the University of North Carolina. Heather joined SELC after serving as a clerk for Senior Judge James J. Brady in the Middle District of Louisiana and for Associate Justice Cheri L. Beasley in the Supreme Court of North Carolina. Heather helps lead SELC's regional biomass work, which aims to stop the burning of Southern forests to produce carbon-polluting biomass energy. Her advocacy spans from the European Union and United Kingdom to D.C., where she fights efforts to incentivize biomass energy. Heather also works alongside community members throughout the South to oppose the expansion of the wood pellet industry in the region.

B. Panel Description

Over the past decade or so, biomass facilities—industrial wood pellet plants in particular—have exploded in number throughout the South, shipping millions of tons of southern trees abroad to be burned for electricity. These biomass companies falsely tout themselves as clean energy, but the industry emits more carbon pollution than fossil fuels and causes long-lasting damage to forests and wildlife. The wood pellet plants themselves also emit substantial—and often illegal—amounts of harmful and toxic air pollution and are typically located in poor, overburdened southern communities. The industry is now seeking substantial new subsidies from the federal government to further bolster their rapid expansion. This presentation will discuss the long-running campaign to counter the industry, including successful efforts to require stringent and expensive new emissions control technology at pellet plants, as well as the current landscape of advocacy. Key current issues include efforts to reject these "clean energy" subsidies and to further require better emissions controls under the Clean Air Act's Maximum Achievable Control Technology requirements.

3:50-5:05 pm

IX. The Unnatural Explosion of Methane Gas Build-Out in the Southeast: Overlapping Legal Jurisdictions on Environmental Issues in Energy Infrastructure [CLE accreditation pending] *(4: Gailor auditorium)*

A. Speakers

Trey Bussey, Staff Attorney, Southern Environmental Law Center, TN

Trey's work centers on helping communities develop solutions to climate change and environmental injustice, with a focus on Tennessee's energy sector. One example is SELC's collaboration with local partners in Memphis to shut down the Byhalia crude oil pipeline that would have run through low-wealth, Black communities and wellfields for public drinking water.

Deirdre Dlugoleski, Associate Attorney, Southern Environmental Law Center, VA

On SELC's Regional Gas Team, Deirdre works in conjunction with SELC's state offices to oppose new investment in gas infrastructure. She helps with litigating gas-related cases before administrative agencies and state and federal courts. Deirdre came to SELC from Earth Rights International, anon-governmental non-profit organization that litigates in state and federal court in defense of human rights and environmental justice. A large part of her work focused on opposing the Line 3 oil pipeline project in Minnesota, which threatens Indigenous rights, water, and the climate.

Rachel James, Staff Attorney, Southern Environmental Law Center, VA

On SELC's Virginia Energy Team, Rachel participates in proceedings before the State Corporation Commission and applies her expertise in energy justice across cases. She moved to Virginia from Hawai'i, where as a staff attorney at the Hawai'i Public Utilities Commission, she worked on the integration of energy justice into energy planning processes, distributed energy resources, electrification of transportation, energy efficiency, and grid service purchase agreements.

B. Panel Description

This panel is designed to inform lawyers and environmental advocates about the unique environmental considerations that the recent increase of methane gas plant proposals bring to light. Utility predictions for substantial growth in electricity demand across the region are driving increased investment in gas infrastructure. To meet electricity load growth in the face of climate change requires utilities, regulators, and customers to reimagine grid infrastructure development. Extreme heat, rising sea levels, wildfires, and

increasingly extreme weather events necessitate immediate action to move away from fossil fuel power generation. Yet Southeastern utilities plan to dramatically expand new gas-fired power plants—33,000 megawatts in SELC's six-state footprint over the next 10 to 15 years—which will put emissions reduction goals firmly out of reach. Panelists will separate and discuss the overlapping jurisdictions related to methane gas used for electricity generation. SELC attorneys will discuss the federal, state, and locality-based considerations associated with methane gas build out, and why the approach is outdated and ill-advised. The panelists will highlight recent policy changes that support the transition to a more resilient, equitable, and clean electric grid and will introduce efforts communities have taken to engage in transformation.

X. Protecting North Carolina's Waterways through Field Investigations, Local Advocacy and Science-Backed Policy Change *(6: Woods-Blackman auditorium)*

A. Speakers

Samantha Krop, Neuse Riverkeeper and Director of Advocacy with Sound Rivers, NC

In her role as Riverkeeper, Samantha is an educator, water quality scientist and advocate working to protect the Neuse River for the many communities who rely on it. Originally from the coastal swamps of Florida, Samantha spent a decade working as a public school educator and public lands advocate in the Pacific Northwest before coming out to the Neuse watershed in North Carolina, where she plans to stay. She has taught at the high school and University levels, led field teams collecting data in forests and creeks, and has a decade of experience working on land protection and climate campaigns. She earned her Masters in Education from the University of Oregon, and continues to apply her tools as an educator to her work as an environmental advocate.

Kemp Burdette, Cape Fear Riverkeeper, NC

Kemp works to protect and improve the water quality of the Lower Cape Fear River. He is a Wilmington native who grew up exploring the waterways and swamps that make our area so special. Kemp has lived and traveled around the world as a US Navy search and rescue swimmer, a Fulbright Scholar, and a Peace Corps volunteer. At home and abroad Kemp has always been interested in the way humans interact with the environment. His academic background is in geology and history, graduating from UNCW magna cum laude with honors, and he holds a Master of Public Administration, also from UNCW. He also holds a certificate in nonprofit management from Duke University. Kemp spends most of his free

time with his two daughters Olivia and Caroline, working in his garden, or tinkering in his workshop, or exploring the waterways and swamps of the Lower Cape Fear Region.

Ryan Carter, Policy Manager, Catawba Riverkeeper, NC

Ryan is responsible for developing and executing efforts to address legislative barriers to the wellbeing of our basin at the local, state, and federal levels. Ryan works with members of the public, civic leaders, and elected officials to create systems change to protect and enhance our waters. Ryan is a Charlotte native and 10th-generation Carolinian. Ryan graduated from Wofford College with a BA in Government and double minors in Business and History. His passion for community advocacy started with his time at United Way in South Carolina and has led him through the Congressional Financial Services Committee and locally with Habitat for Humanity. Ryan is an avid kayaker and enjoys exploring waterways across the basin. In his free time, Ryan can also be found digging in his garden, reading a good non-fiction book, or diving into a philosophical conversation about his hero, Theodore Roosevelt.

Emily Sutton, Haw Riverkeeper, NC

Emily joined the staff of Haw River Assembly in 2016, managing citizen science projects to watchdog against sediment pollution and monitor the tributaries and mainstem of the Haw River. As Riverkeeper, she is now leading the fight against pollution in the Haw River on many fronts, including emerging contaminants, Jordan Lake nutrients, and sediment pollution. Emily grew up paddling rivers in the Midwest, and moved to North Carolina to receive her BA at Appalachian State University in Sustainable Development, where she studied Agroecology, Watershed Ecology, and Outdoor Education. Emily lives in Durham, NC.

John Dempsey, Outdoor Voices for Orange County, NC

Since 2019, John and his wife Margo Lakin have been active in lobbying local Town and Orange County, North Carolina officials and agencies to improve watershed stewardship. He focuses on recent research done on Urban Stream Syndrome and creating land use policy based on that research. He has worked with, and helped to organize, a variety of grassroots groups of citizens in Orange County on a variety of up-zoning and land use issues impacting watershed Best Management Practices, including RTLP, Buc-ee's, Buckhorn Area Plan, Greene Tract Forest, and Lawrence Road development. John has also lobbied for current, peer-reviewed, research-driven reforms to Uniform Development Ordinances that address Urban Stream Syndrome. He, Margo, and their allies work loosely under the name of Lone Creek Council in homage to Mary Sinclair and the Lone Tree Council, with whom John worked as a youth in Midland, Michigan. He was a Fisheries and

Wildlife major as an undergraduate at Michigan State University until turning to a degree in Fine Arts, which he puts to work as a landscape painter. John considers his efforts on behalf of our watersheds as a vital part of his studio practice.

B. Panel Description

Riverkeepers work at the intersection of science, advocacy and community organizing to monitor and protect our waterways. In this panel, Riverkeepers from around North Carolina will share how they use a wide variety of tactics including field work, local and state policy initiatives, grassroots organizing, and litigation to hold polluters accountable and achieve clean water protections for our watersheds. Through these case studies, we'll explore how impacted community members, legal nonprofits and advocacy professionals can work with their local Riverkeepers to gain place-based victories and build stronger movements for clean water protection.

Also, the term Urban Stream Syndrome describes the consistently observed ecological degradation of streams draining urban land. This panel will include a collaborative, interactive process to help generate a template for Watershed Neutral Planning and Development by identifying and gathering guiding principles and best practices for local Unified Development Ordinance (UDO) reform based on current, peer-reviewed research addressing Urban Stream Syndrome. This final template of updated principles and Best Management Practices could then be offered publicly for people and groups to use to lobby County and Town jurisdictions in promoting the Uniform Development Ordinance reforms necessary to better steward water resources through future development. This is particularly critical in areas of rapid urban growth such as in the Triangle area of North Carolina, and is needed to address the widening gap between the publicly stated environmental goals of local government jurisdictions and the actual impacts of their current UDO and development policies on streams within urban areas.

5:15-6:00 pm

XI. Record Making and Record Breaking– Taking on Agency Deliberative Process Claims [CLE accreditation pending] *(4: Gailor auditorium)*

A. Speaker

Robert Wiygul, Attorney and Partner, Waltzer Wiygul & Garside, MS

Robert graduated from Millsaps College in 1981 and received his law degree from the University of Mississippi where he was the Editor in Chief of the Mississippi Law Journal. He

clerked for Judge W. Eugene Davis of the U.S. Court of Appeals for the Fifth Circuit, and afterwards was in private practice in New Orleans. In 1990 he was selected as the Burlington Northern Fellow in Natural Resources Law at the University of Colorado School of Law. From 1990 to 2001 he was with the non-profit environmental law firm Earthjustice in New Orleans and later as the managing attorney of its Rocky Mountain office in Denver. In 2001 he co-founded Waltzer Wiygul & Garside, which has offices in New Orleans and Ocean Springs, Mississippi. The firm specializes in environmental work, including representing landowners, injured workers, and non-profits. He's received a number of awards, including the Sierra Club's William O. Douglas award for exemplary use of environmental law. He is a member of the Louisiana, Mississippi and Colorado bars, and is an instructor at the Tulane University School of Law. He represents individuals and conservation groups in property injury, toxics, Clean Water Act, National Environmental Policy Act and other matters.

B. Presentation Description

Every environmental lawyer knows that the general rule in Administrative Procedure Act cases is that the case is decided on the administrative record that was before the agency. That record is supposed to be the "whole record," which some courts and agency regulations have defined as all documents that were directly or indirectly considered by the agency decisionmaker. Agencies have frequently worked to narrow the scope of the record to exclude documents that might undercut their final decision, often through invoking the "deliberative process" privilege. Requiring disclosure through a privilege log of documents withheld from the administrative record has always been a check on this kind of agency behavior. However, a couple of poorly reasoned decisions from the D.C. Circuit and the Ninth Circuit have allowed agencies to assert that they can withhold documents based on an assertion of deliberative process with no privilege log and no other identification of the withheld documents to the parties or the court. Public interest environmental attorneys have been fighting this assertion with mixed results. This panel would place this latest battle in the context of other issues involving completing and supplementing the administrative record, and also cover best practices for insuring that there is a check on mass withholding of documents.

XII. View from the Midst: Exploring the Rights of Nature for the Swannanoa River

(6: Woods-Blackman auditorium)

A. Speakers

Amy Knisley, Professor of Environmental Policy, Warren Wilson College, NC

Amy is Professor of Environmental Policy and Associate Academic Dean at Warren Wilson College in Swannanoa, NC. She earned her PhD in philosophy, with an emphasis in environmental ethics, from the University of Colorado, Boulder. She earned her Masters of Environmental Law and Policy from Vermont Law School. In her 12 years at Warren Wilson she has worked with students and community members to advance understanding of and protections for the Swannanoa River and the watershed.

Emily Kerscher, Swannanoa River Watershed Resident & Advocate, NC

Emily is a 2024 graduate of Warren Wilson College, majoring in Environmental Studies. Through experiences as diverse as a natural disaster-response internship focused on flooding in eastern N.C., to drafting rights of nature ordinances, she is an engaged citizen of the watershed, seeking its protection.

Katharine Winship, Swannanoa River advocate, NC

Katharine is a Black Mountain, N.C. resident and blogger on rights of nature for the Swannanoa River.

Kevin D. Jones, Impact Investment Fund Developer, NC

Kevin is a self-acknowledged serial entrepreneur who has been exploring the rights of nature as a protection option for the Swannanoa River watershed along with his co-panelists. He has a specialty in impact investment that supports focused, community-scale projects, such as Black business owners' access to small business loans in our region, and market development for shade-grown medicinals.

B. Panel Description

The U.S. Supreme Court's May 2023 ruling in Sackett v. EPA brought new focus and urgency to river protection efforts across the country. Since fall 2023 here in the Swannanoa River watershed of western N.C. a little group of citizens has taken up "rights of nature" as a mechanism for conferring protection on the Swannanoa, its watershed, and the ecosystem depending upon it. In consultation with various stakeholders and points of view, including Town of Black Mountain staff, a state General Assembly representative, indigenous leaders, out-of-state community members advancing Rights of Nature ordinance, and the

Community Environmental Legal Defense Fund, we have drafted a town ordinance, considered a resolution to the county, and explored state legislation based on a bill currently before the NC General Assembly. We are learning fast and excited for next steps. In this presentation we will share our process and current status, seeking generative discussion of how rights of nature can fit into a citizen-action toolkit.

6:00-8:00 pm

Dinner – Consider attending the free mixer for dinner (see below). You can also sample the convenient, diverse, quality dining options at the on-campus dining hall at Sewanee (the dining hall is open 7am-8pm), but off-campus dining options also exist along University Avenue.

Mixer courtesy of the Sewanee Integrated Program for the Environment – (*6: Spencer-Harris Commons*) From 6-7pm, this is a great networking opportunity for students, environmental professionals, and grassroots advocates to mix while enjoying free, catered dinner courtesy of the Sewanee Integrated Program for the Environment. And it's right around the corner from the film screenings (see below).

Environmental Film Screening – (*6: Woods-Blackman auditorium*) Please join us for a screening of environmental short films, courtesy of Alabama Rivers Alliance. Join us for The Cost of Forever, Mussel Memory, Forces of Nature, and Philopatry.

8:00 pm – Late (*Angel Park, 35 University Ave, Sewanee, across from the Blue Chair Tavern*)

Party – Join us for fun on the dancefloor with Chattanooga's own Rock and Soul outfit The Dose! Drinks available across the street at the Blue Chair Tavern.

SUNDAY

7:30 am *(6: Spencer-Harris Commons, a.k.a. Spencer Hall atrium)*

Registration – If you are just now arriving to the conference or didn't take care of it on Saturday: check in if you have already registered, *pay your conference fees if you did not do so in advance during online registration*, or register and pay on-site at the registration table. Cash or check will be accepted for registration payment at the registration table. Coffee, tea, and snacks will be available at registration. You can also announce a caucus that you're organizing (see below during the lunch hour), and visit the organization tabling area.

8:00-9:15 am

XIII. Recent Federal Actions to Reduce Greenhouse Gas Emissions from the Transportation Sector [CLE accreditation pending] *(4: Gailor auditorium)*

A. Speaker

Brian Gist, Senior Attorney, Southern Environmental Law Center, GA

Brian is a Senior Attorney in the Atlanta office of the Southern Environmental Law Center. He has a B.A. in Biology from the University of Cincinnati and a J.D. from the University of Virigina School of Law. For over a decade, Brian has worked on the intersection of air quality, transportation, and land use issues in the Southeast. He has extensive experience under federal environmental laws as well as the laws governing the planning and funding of transportation projects. Brian has worked to reduce the environmental impacts of our transportation system through litigation, legislation, and administrative action.

B. Presentation Description

Through the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and regulatory actions, the Biden Administration has taken a variety of steps to reduce greenhouse gas emissions from the transportation sector. Also, recent federal caselaw developments that have upheld or struck down transportation emissions limits. This session will provide an overview of new planning requirements, funding opportunities, and regulatory actions to reduce the transportation sector's greenhouse gas emissions and improve infrastructure resilience, along with the ways that recent caselaw developments have supported or constrained these efforts. The session will also discuss the comparative success of financial incentives rather than regulatory requirements to advance greenhouse gas reductions goals in the current political and judicial environment.

XIV. Factory Farm Fights Across the South: An Overview *(6: Woods-Blackman auditorium)*

A. Speakers

Charline Whyte, Staff Attorney, Socially Responsible Agriculture Project, AL

Charline provides direct support and guidance to SRAP staff and communities for advocacy purposes. She's a Cum Laude graduate from the Birmingham School of Law, where she has

since served a s a professor. As a practicing attorney, Charline has worked with the Latino community in personal injury, Federal labor Standard Act violations, and family law. Charline came to SRAP after serving as a senior representative for Sierra Club's Beyond Coal campaign.

Maia Hutt, Staff Attorney, Southern Environmental Law Center, NC

Maia's work focuses on the environmental and public health impacts of swine-waste pollution in North Carolina. She conducts research and develops advocacy strategies and cases aimed at alleviating the industrial animal agriculture industry's impact on water quality, air quality, and human health. Maia also works to promote federal, state, and local policies that treat rooftop solar customers and independent solar companies fairly and help accelerate a clean, just energy transition.

B. Panel Description

The southeastern U.S. is home to billions of hogs and poultry raised for food. Industrial factory farms pollute our air, water, landscapes, and ruin quality of life for people living near them. SRAP offers free assistance to communities fighting factory farms, offers water testing trainings, advocates for broader policy change, and helps contract growers transition out of the integrator model of food production. SRAP works in concert with local, state, and regional organizations like SELC to push for change. Come hear about some of the work SRAP and SELC are doing with communities to fight factory farms, and the procedures citizens go through to advocate for their rights.

9:25-10:40 am

XV. Protecting Imperiled Southern Species from the Scourge of Coal Mining: Where SMCRA Meets the ESA [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speakers

Perrin de Jong, Senior Attorney, Center for Biological Diversity, NC

Perrin is a litigator in the Center's Southeast Program. He advocates for endangered species, climate protection and environmental health throughout many of the Southeastern and Central Appalachian states. Working with Tierra, he successfully brought about the listing and critical habitat designation of numerous Southeastern aquatic species

under the Endangered Species Act, which protections for two of these species he now seeks to enforce through the litigation described in this panel. Before working for the Center, he worked in private practice. He also worked as a campaigner and clerk with organizations such as the Chemical Weapons Working Group, Kentucky Heartwood, Mountain Justice Summer, and the CRAG Law Center to practice self-defense and mutual defense against coal mining, oil drilling, military toxics, exploitation of public lands, and environmental injustice. He thanks Lewis & Clark Law School for his J.D., and Berea College for his B.A. in Sociology.

Tierra Curry, Senior Scientist, Center for Biological Diversity, KY

Tierra is a senior scientist at the Center, where she leads the Saving Life on Earth campaign to end extinction, working nationally with individuals and groups in support of celebrating and protecting biodiversity. Prior to joining the Center in 2007 she worked as an amphibian field biologist, environmental educator and community organizer. She holds a bachelor's in English from Berea College and a master's in biology from Portland State University. She grew up between two strip mines on Troublesome Creek and currently lives and works on traditional Shawnee lands on the dammed body of the Cumberland River.

B. Panel Description

Since the 1977 passage of the Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328 ("SMCRA"), the federal government's coal mine permitting program has operated almost entirely without regard for the imperiled species protections of the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1544 ("ESA"). In this interdisciplinary panel, we will explore the interplay between the SMCRA Title V permitting program, the imperiled species protections of the ESA, and our scientific understanding of the biodiversity of the Southeast. We will explore in detail the multiple rounds of the Center's litigation that have been required to: a) overturn the U.S. Fish and Wildlife Service's 1996 programmatic biological opinion on surface mining; and b) begin to trigger state and federal compliance with Section 7 of the ESA in the implementation of the SMCRA Title V program.

XVI. Modeling the Effectiveness of Various Policies to Address Climate Change in Real Time Using the EN-ROADS Climate Simulator *(4: Gailor auditorium)*

A. Speaker

Alan Leiserson, Tennessee State Coordinator for Citizens' Climate Lobby, TN

Alan grew up in Nashville, Tennessee and received his JD from Northeastern University 1980, ultimately joining the Tennessee State Bar. He began his legal career in general practice before beginning a career in state government, ultimately obtaining the status of General Counsel and Legal Services Director for the Tennessee Department of Environment and Conservation. Until his retirement in 2013, he handled cases before state environmental boards, represented the department in the General Assembly, and provided legal advice to Commissioners, Directors and other staff, as well as the environmental boards in rulemaking and other matters other than contested cases. In retirement, he serves as state coordinator for Citizens Climate Lobby, advocating for effective action on climate change. He has been the CCL liaison to Senator Alexander, and Reps. Jim Cooper and Andy Ogles. He has published guest editorials in The Tennessean on topics of climate change and the energy transition. He is also an EN-ROADS Climate Ambassador.

B. Presentation Description

This is an interactive presentation to demonstrate what the EN-ROADS model developed by MIT and a non-profit indicates the climate impact of various actions would be. The actions we can explore using this global model include changes in:

- energy sources, i.e., limiting or closing fossil fuel plants, increased renewables, pricing carbon emissions;
- energy usage, i.e., electrification and energy efficiency in transportation, buildings and industry;
- CO2 removal both with nature and with technology; and
- reducing waste and leakage.

The audience will be able to propose policies and then see their effectiveness. The model shows the resulting difference in terms of greenhouse gas concentration, temperature, air pollutants, decrease in crop yield, deaths from extreme heat, and species loss.

10:50 am - 12:05 pm

XVII. The Aluminum Paradox: Environmental Law Issues in the Aluminum Cycle

[CLE accreditation pending] *(4: Gailor auditorium)*

A. Speakers

Ashley Wilmes, Executive Director and Attorney, Kentucky Resources Council, KY

Ashley is Executive Director of Kentucky Resources Council. She graduated from Centre College and the University of Oregon School of Law, earning a specialty certificate in Environment and Natural Resources Law. Before joining the Council, she practiced environmental law as a solo practitioner, served as a visiting lecturer at the University of Denver Sturm College of Law, and worked as in-house counsel for the environmental advocacy organization WildEarth Guardians. Ashley has represented organizations across the country on environmental matters and has argued cases before the U.S. Courts of Appeal for the Ninth and Tent Circuits.

Meg Parish, Senior Attorney, Environmental Integrity Project, CO

Meg is a Senior Attorney with Environmental Integrity Project. Meg joined EIP in July 2022 and is an expert in Clean Water Act issues. For the three previous years, she managed Clean Water Act permitting for Colorado's Water Quality Control Division. Prior to joining the agency, she was the First Assistant Attorney General for Clean Water Act and Safe Drinking Water Act cases in the Colorado Attorney General's office. Meg has also worked as an Associate Attorney at Earthjustice, an attorney at Hogan Lovells, LLP, and a community organizer with Kentuckians for the Commonwealth. She holds a J.D. from Georgetown.

Sunny Lee, Attorney, Environmental Integrity Project, DC

Sunny is an attorney with Environmental Integrity Project. Lee joined EIP in 2018 after receiving his J.D. and LL.M in Environmental Law from Georgetown University Law Center. During law school, he clerked at EIP, the GULC Institute for Public Representation, the North Carolina DOJ's Environmental Division, and the Texas Civil Rights Project. He graduated from Davidson College in 2011 with a B.S. in Psychology.

B. Panel Description

As climate change accelerates, aluminum has taken a lead position in the race for a lower carbon, less polluting industrial future. Global aluminum demand is projected to be 40 percent higher in 2030 than in 2020. Yet the aluminum industry accounted for 1.2 billion tons of global greenhouse gases in 2021, the same amount as the energy used by over 150

million U.S. homes—and its contribution to climate change is only set to grow alongside demand. This panel will address the aluminum paradox - vital for clean energy, but also a major source of greenhouse gases, and air and water pollution, and the legal landscape for cleaning up these facilities. Panelists will discuss air pollution from aluminum smelters and petcoke calciners, including the sulfur dioxide pollution created by aluminum smelters and the sulfur dioxide, particulate matter, and hazardous air pollutants created by petcoke calciners. This panel will also discuss the water quality impacts of aluminum smelters and petcoke calciners, which process the anodes needed for aluminum smelting. This panel deals primarily with substantive legal issues directly related to the practice of environmental law. Legal elements will include a discussion of State Implementation Plans (SIPs) under the Clean Air Act and technology-based limits under the Clean Water Act. Panelists will also discuss the outdated and weak nature of the existing aluminum smelting effluent limitations guidelines and standards (ELGs) under the Clean Water Act and EIP's Ninth Circuit litigation to obtain reconsideration of EPA's decision not to revise these ELGs, the lack of ELGs for petcoke calciners, and EIP's petition for EPA to identify petcoke calciners as a category needing ELGs in an upcoming plan.

XVIII. Community Organizing vs. Methane Infrastructure & Turning TVA from Climate Laggard to Climate Leader *(6: Woods-Blackman auditorium)*

A. Speakers

Emily Sherwood, Campaign Organizer, Sierra Club, TN

Emily is a Campaign Organizer at the Sierra Club. She is an experienced grassroots organizer working with communities across Tennessee to stop the Tennessee Valley Authority's methane gas buildout. She holds a BA in Environment and Sustainability from Sewanee: The University of the South.

Gaby Sarri-Tobar, Energy Justice Campaigner, Center for Biological Diversity, DC

Gaby works to advance a just and equitable transition to 100% clean, democratic and distributed energy across the country. Before joining the Energy Justice team at the Center, she worked with the Chesapeake Climate Action Network on a campaign that successfully passed clean energy legislation in Maryland. She worked as a legislative intern in Rep. Jamie Raskin's congressional office and with Our Children's Trust on the Juliana v. United States case, mobilizing members of Congress to support children's fundamental rights and a climate recovery plan. She holds a bachelor's in biology from Oberlin College.

Delany King, Associate Attorney, Southern Environmental Law Center, TN

Delany serves as an Associate Attorney at the Southern Environmental Law Center. She represents Sierra Club and Appalachian Voices in lawsuits against the Tennessee Valley Authority's methane gas buildout.

Tracy O'Neill, Founder, Preserve Cheatham County, TN

Tracy is a founding member of Preserve Cheatham County (PCC), a grassroots community group that formed in opposition to the methane gas plant and pipeline proposed in Ashland City, Tennessee. She lives across the street from the proposed methane gas plant in Cheatham County and would be economically, environmentally, and socially directly impacted if the project were to move forward. She is an experienced government and public relations specialist with a profound dedication to grassroots organizing and advocacy.

Erin Walker, Founder, Safe Affordable and Good Energy for Tennessee, TN

Erin is a founding member of Safe, Affordable, and Good Energy for Tennessee (SAGE), a grassroots community group that formed in opposition to the proposed methane gas plant and pipeline in Kingston, Tennessee. She is the owner of a wilderness foraging business that could be directly impacted by environmental damages caused by building a pipeline through her service area.

Amy Kelly, Beyond Coal Campaign Manager, Sierra Club, TN

Amy is a 7th generation Tennessean working to achieve a just and clean energy transition in the southeast with former and current focuses on grassroots leadership in green jobs, anti-racism, and transitioning fossil fuel utilities. She holds a master's degree in Community Development and her most recent study focused on applying participatory economic development models in coal-dependent regions of Appalachia.

B. Panel Description

This panel will showcase the powerful role of grassroots organizing in rural communities, specifically focusing on the mobilization against methane plants and pipelines. The Tennessee Valley Authority (TVA) currently has the largest planned gas buildout in the nation in the next decade. Rural areas often face unique challenges when industrial projects, such as methane infrastructure, threaten their environment, health, and way of life. This session will explore successful strategies, challenges faced, and lessons learned from grassroots campaigns in these communities. Furthermore, it will cover how we can work across capacities (legal, academic, and community) to achieve measurable outcomes.

12:05-1:30 pm -- Lunch

Lunch – We recommend sampling the convenient, diverse, quality dining options at the McClurg on-campus dining hall at Sewanee, but off-campus dining options also exist on and around University Avenue.

Caucuses – Meet in the dining hall or in designated campus classrooms for self-organized discussion groups, mini-presentations, strategy sessions, or to launch new projects or coalitions. You can organize additional caucuses in person by going to the registration table to announce your caucus, or to learn about all of the caucuses you can attend during the conference.

1:30-2:45 pm

XIX. Why Everyone Needs to Know about Land Applications of Biosolids and Animal Processing Facility Waste in Tennessee and Surrounding States [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speakers

Sarah Levy, County Attorney, Haywood County, TN

Sarah is the attorney for Haywood County, TN. She received her J.D. from the University of Arkansas at Little Rock School of Law in 1990 and served as Assistant Attorney General for the State of Arkansas. After moving to Haywood County, she served as Assistant District Attorney and later as Clerk & Master for Chancery Court. Levy has also worked in the private sector with McNabb, Bragorgos & Burgess. She has received certificates of completion from Mediation and Conflict Management Services of St. Louis, WestStar, University of Tennessee Institute for Public Service, and the Professional Development Academy. When she is not serving Haywood County, she can be found on her family's flower farm (Willow Oaks) growing and selling plants for people, pollinators, and the planet. She is a member of the Sierra Club and the Hatchie River Conservancy.

Daniel Firth, Ph.D., Chair, Sierra Club Tennessee Chapter Solid Waste Committee, TN

Daniel is an analytical chemist and adjunct faculty at East Tennessee State University. He lives in Kingsport, TN and works on solid waste, coal and coal mining, and energy issues as a volunteer with the Tennessee Chapter of the Sierra Club and other environmental

nonprofits. He is an avid outdoors enthusiast and has spent many hours exploring northeast Tennessee and southwest Virginia. He is an active trail maintainer with the Tennessee Eastman Hiking and Canoeing Club maintaining the Appalachian Trail, trails at Bays Mountain Park and other trails in northeast Tennessee.

Scott Banbury, Conservation Director, Sierra Club Tennessee Chapter, TN

Scott is the Tennessee Chapter of the Sierra Club's Conservation Director. In this role, he works with and organizes communities across Tennessee as they work to protect the natural resources and quality of life in their communities. Scott is also the registered lobbyist for the Tennessee Chapter of the Sierra Club. Scott started working on environmental issues when he was 15 years old and has spent the subsequent years immersed in urban environmental justice, water and air quality, rural resource extraction, voting rights, and open government issues. Scott has helped form and grow numerous local and regional organizations, including the Tennessee Clean Water Network, Tennessee Forest Council, Frack-Free Tennessee, Protect Our Aquifer and the Dogwood Alliance. He lives in McMinnville, TN on the banks of the beautiful Collins River.

B. Panel Description

Tennessee is increasingly the target of the land application of biosolids emanating from Municipal wastewater treatment plants. Dan Firth of the TN Chapter of the Sierra Club has been testing these materials and discovered that levels of PFAS have exceeded EPA's guidance levels. Tennessee has also been targeted for land application of effluents from animal processing plants. Haywood County attorney Sarah Levy has worked to address these issues. Scott Banbury with the TN Chapter of the Sierra Club has worked to bring together concerned members of the communities impacted by these activities. Attendees will learn about the relevant Tennessee statutes, regulations, and programs implicated in the dryland disposition of biosolids, a significant source of soil, air, and water contamination. The laws and regulatory programs of surrounding states will be covered as well, including current litigation and current or recently adopted legislation. We will explain where 40 C.F.R. § 503 stops and state regulations begin and illustrate the problematic diversity of regulations among different states. We will also give examples of local zoning regulations that may be applicable and new legislation that was introduced in Missouri. Attorney Sarah Levy will provide an update on court cases and enforcement actions recently taken in multiple states.

2:55-4:10 pm

XX. Using Legal Land Designations to Protect Public Land [CLE accreditation pending] *(6: Woods-Blackman auditorium)*

A. Speakers

Katie Bilodeau, J.D., Legislative Director and Policy Analyst, Wilderness Watch, ID

Katie earned her M.S. in Water Resources (2009) and J.D. (2012) from the University of Idaho. She clerked for an Idaho judge, and went on to establish her own practice, representing environmental and veteran clients. In 2018, Katie served as a staff attorney for Friends of the Clearwater, a small watchdog nonprofit focused on protecting and defending Wild Clearwater Country in north-central Idaho, which is some of the largest amount of wildest country remaining in the Lower 48. In January, Katie joined Wilderness Watch, a national nonprofit focused on defending the 1964 Wilderness Act and advocating for the preservation and proper stewardship of the National Wilderness Preservation System. Katie serves as a legislative director and policy analyst, tracking federal legislation and analyzing agency project proposals for their compliance with the 1964 Wilderness Act. She is licensed to practice law in Idaho and Virginia.

David Nickell, President, Between the Rivers Inc., KY

David is a sixth-generation resident of Between the Rivers and a retired professor of philosophy and sociology. He is President of Between the Rivers, Inc., an organization of former residents of what is now Land Between the Lakes National Recreation Area, and Council Chair of Heartwood. He raised and trained draft horses for over 30 years and resides on his maternal grandparents' farm. He attended the University of Kentucky, Western Kentucky University, University of Colorado at Boulder, and Southern Illinois University.

Davis Mounger, Co-Director, Tennessee Heartwood, TN

Davis is the co-founder of Tennessee Heartwood, a grassroots organization dedicated to the protection and preservation of Tennessee's public lands.

B. Panel Description

There is a grab bag of potential land-designations that can protect what we value on our public lands. Wilderness, Wild and Scenic Rivers, National Conservation Areas, National

Parks, National Wildlife Refuges, and National Monuments are just a few examples. These land designations are created in different ways, are governed by different laws, and permit and prohibit different activities and management styles. Not every land designation above is the best fit for every piece of public land we seek to protect. Join our panelists as we discuss important differences between these pieces of legislation, including an overview of the governing statutes, how to keep the designation categories themselves as strong as possible, and cases to consider when pursuing these designations. We will cover the Organic Act, the Antiquities Act, the Wild and Scenic Rivers Act, and the Wilderness Act, as well as National Wildlife Refuges. We will discuss how each of the land-management designations are created (by legislation or executive order), and some of the challenges with those process, with special mention of the legal principles at play in Bears Ears National Monument. We will further address management and activities that are permitted or restricted with each of these designations. Specifically, we will discuss how some of the nonconforming exceptions added to bills that propose to designate units under the 1964 Wilderness Act could interfere with trying to protect wildlife using the statute, and the unintended downstream for making exceptions for administration of Wilderness under the 1964 Wilderness Act. This panel will include an overview of the governing statutes, how to keep the designations as strong as possible, and cases to consider when pursuing these designations. Recent caselaw developments regarding the durability of National Monument designations under the Antiquities Act will be covered.

XXI. Chandler Mountain SAVED: A Success Story, with the Community Members Who Saved Their Land *(4: Gailor auditorium)*

A. Speakers

Fran Summerlin, Save Chandler Mountain, AL

Fran grew up in Attalla, Alabama and graduated from the Anniston Academy. She graduated from the University of the South with a degree in Forestry in 1977 and worked for the USDA Soil Conservation Service for several years. Her father bought her farm in Steele, Al in 1976. She started her equestrian business, Summerworth Down, LLC in the 80's and has trained horses and riders in Dressage and Eventing. Many of her horses and students have gone on to international success. Fran has lived in Steele for about 50 years and loves the land, the community and the people. She has always been a proponent of nature, wildlife and the environment.

Ben Lyon, Save Chandler Mountain, AL

Ben resides on the front slope of beautiful Chandler Mountain near Steele, Alabama with his wife and six-year-old daughter. As a lifelong outdoor enthusiast, having rock climbed, hiked, and paddled throughout the Southeastern United States, water quality, impacts to the watershed, and the future of our natural resources are very important to Ben and his family. When he is not in the woods, goofing off, or spending time with his family, Ben can usually be found operating his steel fabrication and mobile welding business, which he founded in Steele in 2017.

Mark Smith, Save Chandler Mountain, AL

Mark is the Communications Director for Save Chandler Mountain, Inc. Outside of that role, he is Director of Operations for Gorrie-Regan and Associates, Inc. in Homewood, AL. Mark lives near Little Canoe Creek in Etowah County with his wife, Suzanne, and their two daughters. No stranger to our rivers, Mark was the coach of the Southside High School Bass Fishing team while their son was in school. He enjoys fly fishing, traveling, hiking, carpentry, and working the land.

B. Panel Description

"Save Chandler Mountain!" could be seen and heard all across Alabama this past summer when a group of concerned community members joined together to fight one of the largest corporations in Alabama and keep it from destroying their community, their local creek, their land, and their lifestyle. Meet the people who organized their neighbors, leveraged partnerships, did their research, showed up and spoke out so their mountain could be saved. Learn how they saved Chandler Mountain, and how they plan to continue to work together to save the land and waters in their community for generations to come.

4:20-5:35 pm

XXII. Human Health and Climate Change: Which Diseases Will Worsen, Who is Most Vulnerable, and What Policies Should We Adopt? *(6: Woods-Blackman auditorium)*

A. Speaker

Curtis L. Baysinger, M.D., Professor of Anesthesiology, Vanderbilt University School of Medicine, TN

Dr. Baysinger has a degree in chemical engineering and worked in academic anesthesiology for the majority of his 41-year clinical career, the last 17 of which was with the Department of Anesthesiology at Vanderbilt University. Since clinical retirement, his area of academic interest has been the effects of climate change on human health and health care systems. He is faculty for the elective course "Ecology and Health: Climate, Food, and Justice" in the Vanderbilt University School of Medicine, peer reviewer for the Journal of Climate Change and Health, is faculty lead on the School of Medicine's initiatives for changes to the medical student curriculum on climate change's current and future impacts on human health. He lectures frequently to both medical and non-medical audiences on climate change and policy initiatives to mitigate its effects on human health.

B. Presentation Description

Three years ago, 220 of the World's medical journals, including the New England Journal of Medicine, the Lancet, and the British Medical Journal simultaneously published editorials stating that climate change and resulting decreases in biodiversity are currently the largest threat to human health. The continued release of greenhouse gases due to fossil fuel exploitation will increase human heat stress, exacerbate food insecurity, worsen air quality, promote diseases from human migration, and shift infectious disease patterns and increase their intensity. These effects will not be borne equally as more wealthy populations will be less affected than poorer, minority ones. This presentation will discuss the effects of climate change on human health, how health systems can react to mitigate its effects, and how social justice can be achieved by wise policy choices. Since both global and U.S. health care systems have been slow to adopt changes to reduce their greenhouse gas impacts, changes to governmental and regulatory policies to improve their performance will be discussed.

5:45-6:15 pm

Organizing Meeting for SPIEL 2025 – *(6: Spencer-Harris Commons, a.k.a. Spencer Hall atrium)* If you're interested in helping to organize next year's SPIEL conference, pop in to sign up and give your feedback on what went well and what could be improved from SPIEL 2024 as we look forward to next year's event.

Helpful Navigational Hints:

- ✓ The number before the location of the listed events corresponds to the number assigned to the building on the map found on page 3 of this agenda.
- ✓ Take note that the building identified as "6" on the map goes by multiple names. Often referred to as "Spencer Hall," it is also referred to as "*Woods Laboratories and Spencer Hall" and sometimes "Woods."*
- ✓ Gailor auditorium is found on the bottom floor of 4: Gailor Hall.

THANK YOU FOR BEING A PART OF SPIEL 2024! SAFE TRAVELS HOME AND WE HOPE TO SEE YOU NEXT YEAR.