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5-2015

### Newsletter (May 2015)

Virginia Coastal Policy Center, William & Mary Law School

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# WILLIAM & MARY LAW SCHOOL

VIRGINIA COASTAL POLICY CENTER

## VA CoastLines

End of 2014- 2015 Term (May 2015)

### W&M Presents The Virginia Coastal Policy Center

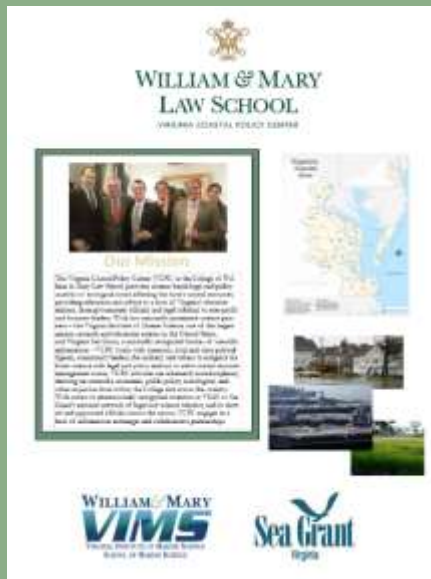
In recognition for the success of the Virginia Coastal Policy Clinic since its 2012 inception, the significant demand for the legal and policy analyses of pressing coastal issues in the Commonwealth, and the broad interdisciplinary and stakeholder involvement in exploration of these issues, William & Mary announces the creation of the Virginia Coastal Policy Center. The Center will share the same goals and ideology as the Clinic but with a broader message and array of activities, responsibilities, and partnerships.

According to Law School Dean Davison Douglas, “The creation of the Center reflects our commitment to addressing the extraordinary environmental challenges that face coastal Virginia. We see a great opportunity for our students to help the Commonwealth navigate these difficult issues.”

The rebranding comes at the close of a period of swift growth and high visibility with initial partners at the Virginia

Institute of Marine Science (VIMS) and Virginia Sea Grant. The new Center designation reflects the inclusion of a new partners such as the William & Mary Thomas Jefferson Program in Public Policy; the newly minted collaborative work between the Center and both the Student Environmental & Animal Law Society and the William & Mary Environmental Law and Policy Review; the incorporation of an advisory council of distinguished experts from across Virginia from the legal, scientific, and philanthropic communities, as well as the private sector; and the institutionalization of such activities as the *Conservation Dialogues* with the Virginia Office of the Attorney General.

“This is the beginning of an exciting new phase,” noted Roy A. Hoagland, the Center’s director and newly appointed Professor of Practice at the Law School. “The new designation reflects the great work the students have done to date and the potential for greater accomplishments in the future.” **Continued on Page 2**



## About the Center

The Virginia Coastal Policy Center (VCPC) at the College of William & Mary Law School provides science-based legal and policy analysis of ecological issues affecting the state's treasured and diverse coastal resources, and provides advice to a host of key figures across the state including government officials and legal scholars to business, military, and non-profit leaders.

### Center Director:

Roy A. Hoagland, Esq.



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## VCPC Student Profiles



Matthew Hubbard Nate Flanders

Matthew Hubbard has had a lifelong interest in the environment and conservation. As a child, he volunteered with the Chesapeake Bay Foundation (CBF). As a BaySaver, he grew seagrass in black tubs underneath heat lamps to help restore local aquatic vegetation. This passion for nature as a child developed into an interest in environmental law.

Last semester, Matthew returned to CBF as a Virginia Legal Intern where he conducted research and policy analysis of wetlands regulations.

Nate Flanders believes that having work experience prior to starting law school was a critical part of preparing him for a legal career. He has worked for the United States Postal Service

and the claims section of the Coast Guard while at William & Mary Law School. Nate wanted to experience a hands-on and practical side of the law at a local level as a Virginia Coastal Policy Center (VCPC) student.

As VCPC students this semester, Matthew and Nate worked together to examine the complexities facing the ownership of drainage ditches in Matthews County, VA. Specifically, they worked to establish a protocol to identify ownership and maintenance responsibility.

“The fact of the matter is, with sea level rise, it’s going to be such a different area,” says Nate.

This system of drainage ditches across the county often floods nearby roads and properties. With increasing sea level rise, the county will likely see significant changes in the coming years. Matthews County is one of the lowest-lying counties in coastal Virginia and the drainage system is critical to everything from farming to transportation.

“I have family in Matthews County, and this has been an issue for a while,” says Matthew. In fact, his grandmother is the librarian at the Public Library and was excited that her grandson was helping to tackle this issue.

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*VCPC students experience legislative policymaking at the VA general assembly*

“As a result of the pressing needs met by the Clinic, and its maturation beyond its original scope, the time is right to expand the activities and partnerships,” said Professor Patricia Roberts who directs William & Mary Law’s clinical programs. “We want the Center to provide a multitude of services to the citizens, businesses, and governments of coastal Virginia while also providing the best possible experience for our students. The creation of the Center

will help us meet these goals.” For instance, one of the Center’s newest projects includes assisting the communities of Virginia’s Middle Peninsula with FEMA insurance education, in partnership with Wetlands Watch, the Middle Peninsula Planning District Commission, and Old Dominion University.

Students will continue to have an experiential curriculum opportunity by enrolling in the Virginia Coastal Policy Practicum offered by the Center. But the Center will also offer a number of unique opportunities for students such as assistance with externship placements with conservation and governmental organizations; competition for summer and post-graduate fellowships; publication opportunities in the environmental arena; participation in a robust speaker series from noted experts in both the scientific and legal communities; and leadership in the creation and execution of the conferences and symposia.

## Environmental Law and Policy Review Hosts Symposium on Water Quality



On March 27<sup>th</sup>, and March 28<sup>th</sup>, William & Mary's Environmental Law and Policy Review hosted its annual symposium entitled: "What's in *Your* Water? A Discussion of Threats to Virginia's Water Quality." Joint hosts were the Student Environmental and Animal Law Society (SEALS) and the Virginia Coastal Policy Center (VCPC).

Speakers at the symposium highlighted some of the critical environmental, legal and policy issues facing the quality and health of Virginia's waters.

In spite of progress from years of pollution prevention and management, the health of the waters of Virginia remain under threat from traditional pollutants such as PCBs and pharmaceuticals and from new practices such as hydraulic fracturing and offshore oil drilling. Over 16,000 miles of Virginia's 100,000 river miles are polluted, according to Virginia Department of Environmental Quality reports.

"What's In *Your* Water?" brought The Honorable Robert Wittman, US Representative from District 1, and The Honorable Brian Moran, Virginia Secretary of Public Safety and Homeland Security, along with a host of governmental (both federal and state), academic, industry, and NGO leaders and experts from across Virginia to address these issues.

Congressman Wittman, in his presentation, focused on the need for adaptive management in the protection of the Chesapeake Bay. He highlighted that not only agencies responsible for this management need to be adaptive, but stated "Congress has to be an adaptive manager, too."

Proceedings from the Symposium will soon be posted on the VCPC website.

## 1L's GRF-ful to Work with the VCPC

This year, the VCPC was lucky to have three hardworking 1Ls assigned to the Center through William & Mary's Graduate Research Fellowship (GRF) program. The GRF program pairs students with professors and organizations on campus based on student preferences and past experiences. Three 1Ls, Emily Gabor, Laura Hoey, and Jonathan Gonzalez worked with the VCPC over the entire school year.

Jonathan's interest in environmental law began during his policy debate years where environmental issues commonly hold pivotal roles in debates.

"Everyone in debate wants to talk about climate change because it is such a pressing issue globally and a substantial body of scientific literature exists on both sides. Climate debates are normally super in-depth and fun compared to other topics."

Laura Hoey's interest in the environment was also sparked prior to entering law school. After she gave up meat, she experienced a greater connection with the environment, difficult as that may have been living in DC's sprawling metropolis. Laura claims that working with the VCPC has been a pleasure and she hopes to continue next year.

"I think Roy's great," Laura said. "He's done a great job organizing all of the different symposiums and conferences and he's been a great resource."

The center's third 1L GRF, Emily Gabor, was drawn to William & Mary in part for its extensive environmental curriculum and international opportunities. Emily plans to spend her 1L summer abroad in Uganda.

"Working with the VCPC has been a great experience," Emily said. "Roy knows everyone and he's been a great resource for all of us."

All of the Center's GRFs plan to register for the Practicum in the future.

## VCPC Student Profiles:

*Howl Bean II*



Howl Bean II sought a graduate program that would unite “academics working together to improve the lives of other people.” William & Mary provided him with the opportunity to study in an academically driven and socially conscious community. Howl hopes to use the law as a tool to preserve the environment for future generations.

Howl attended Murray State University in Kentucky and graduated with a degree in mathematics. He is in his second year at William & Mary Law School, where he is writing a note for the *Bill of Rights Journal* on welfare drug testing.

Rosemary Hambricht never dreamed that she would attend law school. However, backpacking Southeast Asia for two months transformed her perspective on the legal profession. Rosemary witnessed firsthand the shocking environmental degradation caused by unguided development and exploitation of local indigenous groups. She went on to work with a criminal defense attorney for an international NGO in rural Cambodia providing legal aid to people in impoverished areas accused of illegal logging.

“I realized that a career in law could be different from what I grew up thinking it could be,” says Rosemary. Rosemary was drawn to William & Mary Law School because of its strong international law program and course options like the Virginia Coastal Policy Center (VCPC), which discuss critical environmental issues and provide hands-on experience with clients.

Rosemary is from Beaumont, Texas, and completed her undergraduate studies at Washington and Lee University. She double-majored in English and environmental studies. Rosemary is in her second year at William & Mary Law School, where she is an active member of the Student Environmental & Animal Law Society (SEALS).

As Virginia Coastal Policy Center students this semester, both Howl and Rosemary worked with the James River Association, a non-profit advocacy group, to assess the storage of unregulated chemical substances. They examined the potential risks that storage of these chemicals present to the River. They also researched the legislative action other states have taken to address this issue and made recommendations on ways Virginia might respond to address the risks.



*Rosemary Hambricht*

## Virginia Coastal Policy Center On The Road

The Virginia Coastal Policy Center has been spreading its work throughout the region to a variety of audiences. In April, VCPC participated in the 2015 “Shape of the Coast” conference in North Carolina, a segment of the University Of North Carolina School Of Law’s “Festival of Legal Learning.” The coastal session was co-sponsored by the N.C. Coastal Resources Law, Planning and Policy Center; North Carolina Sea Grant; and the UNC-Chapel Hill School of Law.

The 2015 “Shape of the Coast” program included “a great mix of topics for those interested in coastal policies,” said Lisa Schiavinato, Center co-director and partner with the VCPC. Ms. Schiavinato and VCPC Director Roy Hoagland presented papers focusing on the issue of “social vulnerability” in the work of coastal resiliency.

VCPC also presented an overview of Virginia activity in response to the challenges of recurrent flooding and sea level rise at a meeting of the Real Property Section of the Virginia State Bar as part of a Continuing Legal Education seminar. Partnering with Jim Redick

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of the City of Norfolk, Skip Stiles of Wetlands Watch, and Speaker Pollard of Williams Mullen, the VCPC and its partners presented an overview of the current state of the law as well as a snapshot of ‘what’s happening’ at the local, regional, and state level. VCPC provided a similar overview to this year’s class of the Sorensen Institute. Skip Stiles partnered with Roy Hoagland, again, as did Carl Hershner of the Virginia Institute of Marine Science.

“William & Mary Law School’s recognition as a go-to place for reliable legal and policy information about coastal issues, including sea level rise and recurrent flooding, continues to grow as a result of the unique role that the Virginia Coastal Policy Center plays,” noted Roy Hoagland.

### **SEALS Give Back for Arbor Day**



Members of SEALS on a hike with their pets.

As citizen lawyers, community service stands as one of the great traditions of the William & Mary

Law School community. The Student Environmental and Animal Law Society (SEALS) demonstrates that commitment to public service through activities such as hosting the law school’s cutest pets competition with proceeds going to the Heritage Humane Society and volunteering time at the William & Mary Botanical Gardens. For Arbor Day this spring, SEALS, working with the VCPC, undertook a new activity that it hopes will blossom into a long term partnership.

“We worked in collaboration with several William and Mary organizations and the Southeast CARE Coalition to plant trees

around the Southeastern community in Newport News,” said Emily Gabor, Vice President of SEALS. “This project is the beginning of William and Mary’s partnership with the CARE Coalition to promote environmental justice in this Newport News community.”

SEALS planted tree saplings in several locations throughout Newport News, including several schools. Along with local arborists, students engaged children and members of the community in first-hand environmental science with the planting, helping to grow environmentally sustainable communities, literally from the ground up.

At the Marshall Early Learning Center, a public Pre-K and Kindergarten school in Newport News, the Southeast Care Coalition dedicated the tree planted there to William & Mary Law School and the students who participated in the Arbor Day activity.

This event grew out of the VCPC December coastal adaptation conference at which the Southeast CARE Coalition participated as a panelist addressing the issue of social vulnerability. As a result of the conference, SEALS member Joe Carroll, a 3L, launched forward with the Arbor Day effort.

“Hats off to Joe for being the driver of this effort,” said Roy Hoagland, VCPC Director. “The man has boundless energy and commitment. W&M is lucky and proud to have students like him representing the law school.”

SEALS hopes to lay the roots for a long term partnership with the VCPC, the Black Law Students Association, SEALS, and the non-profit CARE Coalition to foster an improved environment for this Newport News community.

Prepared by Jonathan Gonzalez, William & Mary Law 1L Graduate Research Fellow with contributions by Tess Mackey, Virginia Sea Grant Correspondent.

