

PIELC Water Panels

Friday, March 6

Ocean Defenders: Recent Wins in Federal Fishery Management (LAW 142)

9:00-10:15 am (Panel 2)

Problems with the lower Snake River dams in southeast Washington State continue to pile up. Today's status quo is illegal; it is unsustainable for salmon and orca and unaffordable for people. Taxpayers have spent \$16B on restoration activities over the past twenty-five years, though federal agencies have yet to recover a single population. Communities are suffering and Northwest orcas teetering on the brink of extinction. Without big changes, our region will lose our most defining species and ways of life. Join this panel discussion about how a shifting landscape, changing markets, and emerging leadership are creating new hope and opportunity for solutions in the Columbia Basin. *Panelists: Tara Brock, Oceana; Kristen Monsell, Center for Bio-logical Diversity; Andrea Treece, Earthjustice; moderated by Jesse Caldwell*

The Right to Water: Utilizing the Public Trust Doctrine to Protect Precious Water Resources (LAW 184)

10:30-11:45 am (Panel 2)

Climate change threatens the availability and quality of the water resources upon which we all rely. Depleted water systems are under unrelenting stress as human demands continue to increase. These problems implicate the public trust doctrine, which places a responsibility on states to manage natural resources for the benefit of present and future generations. In light of this responsibility, panelists will examine current federal and state groundwater protection mechanisms, consider public trust principles in existing state water codes and implementation thereof, and discuss how the public trust doctrine can bolster groundwater quality protections in addition to water quantity. Panelists will then highlight recent cases in which the doctrine is used to protect strained water sources in California and Iowa. *Panelists: Yee Huang, Environmental Law and Policy Analyst; Jim Wheaton, Environmental Law Foundation; Brent Newell, Public Justice Food Project; Michelle Smith, Environmental and Natural Resources Law Center; moderated by Grace Brahler*

Clean Water Act Year in Review (LAW 241)

10:30-11:45am (Panel 2)

We will recap the most interesting developments in CWA law the last 12 months, like record-setting citizen suit penal-ties and water quality certifications. From WOTUS to SCOTUS, practice pointers to wonky regs, this panel should have something for everyone who likes their water fishable, swimmable, and drinkable. *Panelists: Claire Tonry, Smith & Lowney PLLC; Marc Zemel, Smith & Lowney PLLC; Emma Bruden, Kampmeier & Knutsen PLLC; Kevin Cassidy, Earthrise Law Center; Albert Ettinger, Solo Practitioner*

Pure Mussel (LAW Lewis Lounge)

10:30-11:45 am (Panel 2)

The Willamette River, its channels, and its tributaries sustain a wide array of native aquatic species, with some of these at risk. One family of species that are not very well known to most people are freshwater mussels. Mussels are filter feeders who remain in the same general area for

most of their lives, and they can live to be 70-100 years old. Our surveys suggest that some populations are not reproducing. The biggest threat to this species is the modification of habitat, toxic pollutants, and changing water quality conditions. This panel will discuss freshwater mussel species, Willamette Riverkeeper surveys, and Clean Water Act law and policy relative to the species' health and survival. *Panelists: Travis Williams, Willamette Riverkeeper; Celeste Searles Mazzacano, CASM Environmental, LLC; Elisabeth Holmes, Willamette Riverkeeper*

CAFO Litigation (LAW 241)

2:30-4:30 PM (Workshop 3)

This workshop will provide a comprehensive overview of litigation tools and strategies available for combating environmental pollution from Concentrated Animal Feeding Operations or "CAFOs." Presenters Charlie Tebbutt and Dan Snyder have extensive experience litigating citizen suits against CAFOs across the country. Topics will include case development, litigation under the Clean Water Act, litigation under the Resource Conservation and Recovery Act ("RCRA"), and available remedies. The panel will also explore how similar RCRA strategies may be employed against other types of polluting facilities and other forms of solid and hazardous waste. *Panelists: Dan Snyder, Law Offices of Charles M. Tebbutt, PC; Charlie Tebbutt, Law Offices of Charles M. Tebbutt, PC*

Something Fishy for Dinner: Issues in the U.S. Seafood Trade (LAW 175)

4:00-5:15pm (Panel 5)

Over 90 percent of the seafood that ends up on our dinner tables is imported, and our hunger for more seafood drives serious environmental and other problems. This panel will examine issues in the U.S. seafood trade, including overfishing, the bycatch of marine mammals and other species, and labor issues. It will also brainstorm potential solutions to clean up the seafood supply chain. *Panelists: Chris Eaton, Earthjustice; Tara Brock, Oceana; Jesse Caldwell, Oceana; Irene Gutierrez, Natural Resources Defense Council*

Saturday, March 7

Dark Waters (film)

9:00-11:30 am (EMU Redwood Auditorium)

Dark Waters tells the shocking and heroic story of an attorney who risks his career and family to uncover a dark secret hidden by one of the world's largest corporations and to bring justice to a community dangerously exposed for decades to deadly chemicals.

Corporate environmental defense attorney Rob Bilott has just made partner at his prestigious Cincinnati law firm in large part due to his work defending Big Chem companies. He finds himself conflicted after he's contacted by two West Virginia farmers who believe that the local DuPont plant

is dumping toxic waste in the area landfill that is destroying their fields and killing their cattle.

Hoping to learn the truth about just what is happening, Bilott, with help from his supervising partner in the firm, Tom Terp, files a complaint that marks the beginning of an epic 15-year fight—one that will not only test his relationship with his wife, Sarah, but also his reputation, his health and his livelihood.

Film: 126 minutes.

Collaborative Governance Solutions to Salmon Recovery in the Columbia River Basin (EMU 104)

9:00-12:15 am (Panel 6)

Recent articles in the media have declared, “Courts can’t keep Columbia and Snake River salmon from the edge of extinction.” These articles call on a “political fix” to recover Columbia River Basin salmon and steelhead. This panel will discuss recent efforts—rooted in a collaborative governance model—to create the political fix. These initiatives bring key stakeholders to the table, where they collectively craft a solution that is then delivered to legislative and executive branch leadership for implementation. The panel will discuss the following initiatives, led by Tribal, State, and Federal entities: (1) Yakima Basin Integrated Plan; (2) Idaho Governor’s Salmon Workgroup; (3) Southern Resident Orca Task Force; and (4) Columbia Basin Partnership. *Panelists: Katherine Cheney, NOAA Fisheries; BJ Kieffer, Spokane Tribe; Guy Norman, Northwest Power and Conservation Council; Urban Eberhart, Kittitas Reclamation District; Erik Neatherlin, WA Governor’s Salmon Recovery Office; moderated by Matthias Fostvedt*

Protecting Oregon’s Wild and Scenic Rivers (EMU 119)

9:00-10:15 am (Panel 6)

Senator Ron Wyden has announced that he plans to intro-duce legislation to protect a significant number of Wild and Scenic Rivers around the state this year. We’ll explore the Wild & Scenic Rivers Act and what a designation entails. This designation and protection is helpful in creating landscapes that are more resilient to climate change. River corridors store large amounts of carbon and provide migration/adaptation routes for wildlife. It’s also good news for clean water and recreation on our cherished rivers. *Panelists: Erik Fernandez, Oregon Wild; Chandra LeGue, Oregon Wild*

The Case for Forest Waters Protection (LAW 142)

9:00-10:15am (Panel 6)

Rural Oregonians are leading the effort to reform Oregon’s logging laws. Oregon has the weakest logging regulations in our region, but the impacted communities that live near the clearcuts are ready for change in 2020. *Panelists: Micha Gross, Myrtle Glen Farm; Dan Pennington, Myrtle Glen Farm; Jason Gonzales, Oregon*

Community-scale Strategies to Address Water Pollution and Flooding Problems (LAW 242)

10:30-11:45 am (Panel 7)

The panel will focus on laws and policies regarding water as it affects communities in in both municipal and rural settings. We will address the impact of a combination of problems such as nitrate pollution of drinking water supplies, urban flooding, and sewage backups. The concept of “One Water” or integrated water management is not new. Coordinating the investment in infrastructure, permit development and program implementation for municipal drinking water, stormwater and wastewater management is being discussed in many large cities around the world. But what does that mean at a neighborhood scale? In particular, what does that mean for

neighborhoods that have not historically been involved in the identification of water problems that need solving - such as communities of color and low income, immigrant and indigenous communities - and how these problems impact their lives day-to-day. This panel will discuss neighborhood-scale “integrated” water problems; regulations, permits and laws that are relevant to those problems; and a story about how to address the problems through replicable, community-driven strategies. These challenges are not only applicable in urban settings. The panel will also discuss that current federal and state law does not address cancer and other problems arising from high nitrate levels in rivers and groundwater and potential legal theories to address this problem under the Clean Water Act and the Safe Drinking Water Act. The panel will directly assist lawyers to better understand the laws and policies affecting communities drinking water supplies and prevention of flooding and pollution. *Panelists: Albert Ettinger, Attorney; Gayle Killam, Water Policy Pathways*

ANNUAL DAVID BROWER LIFETIME ACHIEVEMENT AWARD CEREMONY

(EMU Ballroom)

12:30 P.M. – 1:00 P.M.

The David Brower Lifetime Achievement Award is presented to activists and attorneys who exemplify David Brower’s spirit and accomplishments. This year’s award recipient is Robert Bilott. (Currently the subject of a major motion picture, *Dark Waters*)

Dammed to Extinction (film)

2:15-3:45pm EMU Redwood Auditorium)

For eons, a one-of-a-kind population of killer whales has hunted chinook salmon along the Pacific Coast of the United States. For the last 40 years, renowned whale scientist Ken Balcomb has closely observed them. He’s familiar with a deadly pattern, as salmon numbers plummet orcas starve. The orcas need roughly a million salmon a year, where to find a million fish? The solution, says Balcomb, is getting rid of four fish-killing dams 500 miles away on the largest tributary to what once was the largest chinook producing river on earth.

Film: 55 minutes.

Legal Strategies to Remove Deadbeat Dams that Block Migrating Salmon and Starve Orcas (EMU 231)

4:00-5:15pm (Panel 9)

Panel will focus on the past, present, and future legal efforts to protect rivers, migrating salmon, and Southern Resident Killer Whales in the Pacific Northwest. Panelists will talk about the threats to these iconic species that are central to the environment and culture of the region and highlight the importance of removing the deadbeat four Lower Snake River dams to protect these species. This panel is meant to be a follow-up or lead-in to the screening of the film Dammed to Extinction. *Panelists: Meg Townsend, Center for Biological Diversity; Joseph Bogaard, Save Our Wild Salmon; Tara Brock, Oceana*

Hidden Rivers

4:00 – 5:30 pm EMU Redwood Auditorium)

Hidden Rivers is a 1-hour film that explores the rivers and streams of the Southern Appalachian region, North America’s most biologically rich waters. The film follows the work of

conservation biologists and explorers throughout the region - revealing both the beauty and vulnerability of this aquatic life - and how many people are finding ways to protect these ecosystems.

Film: 60 minutes.

Sunday, March 8

Native American Water Rights and Other Environmental Issues (EMU 104)

9:00-10:15 am (Panel 10)

This panel will discuss the intersection of managing and securing Native American Water Rights. How Congress has the right to reserve water for federal lands, whether the reservation has the right to water sources within or bordering the reservation, competing users, and the amount of water reserved for Indian use of both surface water and groundwater; and the colonial history of environmental legislation, including the Endangered Species Act. We will discuss the need for indigenized framework in conservation, and how environmental law needs to recognize Native American environmental rights. *Panelists: Howie Arnett, University of Oregon School of Law; Kyle Keeler, Graduate Student at the University of Oregon; Michael Karnosh, Confederated Tribe of the Grand Ronde; Haley Case-Scott, Tribal Climate Change Project*

Coastal Planning and Management in Response to Erosion and Climate Change (LAW 175)

10:30-11:45 am (Panel 11)

Climate change is contributing to the dynamic nature of the geological and geomorphological characteristics of Oregon's coastline and modifying how natural hazards manifest on the coast. In addition to increasing erosion, flood, and other hazards, sea level rise is contributing to the landward migration of estuaries. These changes give rise to a host of legal and policy questions including land ownership of newly inundated lands, impacts to existing development and infrastructure, development rights on undeveloped but now frequently flooded parcels, and effects on habitat, wildlife and natural processes. This presentation will discuss related state and federal laws, the Oregon Department of Land Conservation and Development's understanding of how climate change is likely to affect coastal communities, and strategies the State is undertaking and exploring to adapt to these challenges, including assisting local governments in updating their Natural Hazard Mitigation Plans and updating the Oregon Climate Change Adaptation Framework, a multi-agency, integrated climate change adaptation program designed to direct assistance and investments to areas most affected by climate change.

Panelists: Christine Shirley, Oregon Department of Land Conservation and Development; Heather Wade, Oregon Department of Land Conservation and Development; Sarah Adams-Schoen, University of Oregon School of Law

Forest to the Sea - Ecological and Social Change - From the NW Forest Plan to Shorebird Migration Patterns of the Red Knot to Ocean Issues Productivity to Plastics (EMU 231)

10:30-11:45am (Panel 11)

Janet will share stories about the Red Knot and its unique shorebird migration patterns within 5 different flyways around the world. The main focus being the Pacific flyway with spectacular art inspired by stop-over locations within the various flyways. Art and science will be linked through this relatively unknown shorebird. The use of art and science to share information as

well as inspire is a movement that is gaining momentum in the educational community. Colleen will share information about the southern resident Orca population. The plight of this Orca population results from salmon population declines and other stressors in the U.S. and Canada ocean waters will be discussed. Debra will share the battles to protect water quality from herbicide applications in the forest lands of the Coast Range. Lincoln County, OR was the first county in the nation to ban helicopter application of herbicides. She will speak to the social process of building a movement and the growing international recognition of the Rights of Nature. *Panelists: Janet Essley, Red Knot Story Art & Science; Colleen Wieller, Orca Project; Debra Fant, Forest & Watershed Conservation*