

EARTHRISE

law center



20 YEAR RETROSPECTIVE

HISTORY OF EARTHRISE

AT LEWIS & CLARK LAW SCHOOL

Back in 1991, Lewis & Clark Law School professors Dan Rohlf and Craig Johnston teamed up to offer students an environmental practicum, enabling them to receive credit for working on natural resource and pollution law cases. In 1996, the environmental clinic, the Pacific Environmental Advocacy Center, or PEAC, was created to allow the hiring of a staff attorney, Nicole Cordan, an outstanding alum. This allowed us to take on more cases, train more students, and seek grant funding. Those cases sometimes resulted in fee awards, creating a pathway for future growth.

In 2011, PEAC opened a Boston office—staffed by another terrific alum, Kevin Cassidy—with a view toward expanding both the reach of its litigation and the breadth of opportunities it could provide students. In 2012, PEAC changed its name to the Earthrise Law Center, to reflect the broader geographic scope of the cases the clinic took on.

In addition to generating environmental victories for its clients, over the years Earthrise has served literally hundreds of Lewis & Clark students.

The skills they learned here allowed them to hit the ground running in their future careers. As alumna Marla Nelson said, “Earthrise taught me the practical skills to excel, fostered my passion for the work, and helped me make the connections I needed to build a career in environmental law.” Our clinic’s alumni have gone on to illustrious careers in mayoral, gubernatorial, judicial and congressional offices as well as government agencies like EPA, DOJ and the Army Corps of Engineers. They have worked for, or started their own environmental litigation firms. They’re employed by national organizations like Center for Biological Diversity and Sierra Club, and several have worked here at Earthrise.

Our upward trajectory continues. We have won precedent-setting cases for our clients and the planet. We now have eight lawyers, two fellows, and two program staff. In August, we opened a new San Francisco office, staffed by Nina Robertson, an experienced and talented environmental litigator. We look forward to serving more clients, protecting more environmental resources, and continuing to train the next generation of environmental advocates.

Having this kind of national presence takes a sizeable amount of resources, and we couldn’t do it without the generous support of our alumni, donors and foundation supporters. Thank you! Please consider helping Earthrise continue to pay it forward in helping the planet!



Front row, l to r: Ryan, Lia, Joy, Jamie, Tom. Second row, l to r: Craig, Kevin, Dan, Allison. Not pictured: Claire, Doug, and Nina

Staff

Craig Johnston, *Professor of Law & Clinic Director*
Dan Rohlf, *Professor of Law and Of Counsel*
Tom Buchele, *Clinical Professor & Managing Attorney*
Allison LaPlante, *Clinical Professor & Senior Staff Attorney*
Kevin Cassidy, *Senior Staff Attorney*
Jamie Saul, *Clinical Professor & Staff Attorney*
Lia Comerford, *Staff Attorney*
Nina Robertson, *Staff Attorney*
Joy Keen, *Development & Communications Coordinator*
Claire Valentine-Fossum, *Program Assistant*
Ryan Shannon, *Legal Fellow*
Doug DeRoy, *Legal Fellow*

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Susan Jane Brown	Jackie Miller
Rebecca Channer	Stephanie Parent
Nicole Cordan	Melissa Powers
Bethany Cotton	Karen Smith Geon
Aaron Courtney	Sophia Tzeng
Elle McKay	

Advisory Council

David Howitt	David Pearson
Alison Johnston	Mary Peveto
Dan Mensher	Meg Sheehan



Earthrise Successes Change the Landscape

Saving Old Growth Forests

To address declining habitat and biodiversity in Eastern Oregon Forests, the Forest Service adopted forest plan amendments that protected old growth and large trees. They then adopted site-specific amendments to circumvent those protections and planned on cutting large trees again. Earthrise and the Blue Mountain Biodiversity Project joined with Hells Canyon Preservation Council to file a legal challenge to the Snow Basin Timber Sale, which contained these illegal amendments. After a 4-year legal battle, we finally prevailed and for the first time, a federal court found that the Forest Service's use of site-specific amendments is unlawful.

Restoring Rivers

Earthrise's legal work to conserve salmon and steelhead in the Columbia Basin predates even the clinic itself. Partnering with Earthjustice, Earthrise has used the Endangered Species Act to bring a series of legal challenges that played a key role in reversing the decline of the Northwest's most iconic species. Federal judges have rejected every plan to operate the dams on the Columbia and Snake Rivers since 2000 as insufficient to protect listed salmon runs, and court-ordered spill operations have helped juvenile fish survive their perilous journey to the ocean in increasing numbers. In 2016, a court ordered federal dam managers to perform a comprehensive analysis of how to finally recover the imperiled runs, including an evaluation of whether to remove one or more of the dams that have contributed to salmon's precarious status.

Protecting Endangered Species

The Endangered Species Act makes it illegal to destroy or adversely modify the critical habitat of threatened and endangered species, like the northern spotted owl. However, the U.S. Fish and Wildlife Service's political reluctance to tie legal protections to specific habitat areas caused the agency to not only ignore this important part of the ESA, but even adopt regulations that rendered these habitat provisions meaningless. However, Earthrise attorney Stephanie Parent convinced the Ninth Circuit to declare the agency's regulation unlawful – a step courts take only rarely. The court's decision in *GP Task Force v. FWS* forced FWS to change its regulations and set an important precedent – still cited by federal courts today – emphasizing that Congress designed the ESA's habitat protections to foster the recovery of listed species.



Preventing Water Pollution

When large vessels take on ballast water for stabilization, and then later discharge it in a foreign port, they inadvertently become a primary source for the spread of invasive species that out-compete native species, damage habitats, alter existing food webs, and damage human infrastructure. Earthrise, in conjunction with our clients including Northwest Environmental Advocates, and the Stanford Environmental Law Clinic, has been working for almost two decades on this problem. Led by an Earthrise student in 1999, we petitioned the EPA to withdraw its regulation exempting vessels from the Clean Water Act's permitting program. EPA refused, so we took the agency to court.

In 2008, we achieved a significant legal ruling from the Ninth Circuit concluding that EPA's exemption was unlawful. Thus EPA finally, after thirty years, was required to begin regulating vessel discharges through a permitting program. EPA's first permit had no teeth and in 2011, Earthrise won another major victory with a settlement agreement requiring EPA to complete two

in-depth scientific reviews to identify and encourage the development of effective ways to eliminate invasive species from ballast water discharges, and issue a new permit based on this science. At the end of April 2013, EPA issued this new permit. While this one was better than the first, it was still a far cry from what was necessary to stop the environmental devastation caused by aquatic invasive species.

We once again took EPA to the mat. And in October 2015, we received a precedent-setting ruling from the Second Circuit concluding that EPA's permit did not protect water quality and that EPA had not adequately considered advancements in technology that would more effectively remove invasive species from ballast water. The court sent EPA back to the drawing board. In addition to achieving a great victory for our clients and the environment, we also set legal precedent on several issues under the Clean Water Act. This 17-year long litigation exemplifies Earthrise's tenacity when it comes to fighting the important environmental battles.

Where Are They Now?



Liz Crosson '08

I am the Water Policy Advisor for the Office of Los Angeles Mayor Eric Garcetti. For the last five years, I was the Executive Director for Los Angeles Waterkeeper and before that I worked for Lawyers for Clean Water. Now I work to implement Los Angeles' Sustainable City Plan, including the City's local water goals to reduce the purchase of imported water by 50%

by 2025 and to locally source 50% of its water by 2035. I coordinate with City departments, regional entities, and local stakeholders on developing policies and initiatives to diversify the City's water portfolio by increasing conservation, recycled water, groundwater recharge, and storm water capture. Working at PEAC prepared me to jump right into a public interest law career. My most memorable moment is the first time that Melissa and Allison asked my opinion on our legal strategy. Day after day, they gave me the confidence to use what I was learning in an impactful way.

John Krallman '11

I currently work for the Air & Radiation Law Office in US EPA's Office of General Counsel in D.C, working predominantly on Title V and Prevention of Significant Deterioration (PSD) issues. Previously I worked as Staff Attorney for Neighbors for Clean Air in Portland, OR. I helped raise awareness of, and addressed issues associated with, urban air toxics. That included negotiating a Good Neighbor Agreement (GNA) with Vigor Industrial and Intel. I assisted on the implementation of the GNA that had been negotiated by Aubrey Baldwin with ESCO. The ESCO GNA, one of the first of its kind in Oregon, included significant emission reduction projects and a community based ambient air monitoring project that I worked to get off the ground. My most memorable experience with PEAC was from the summer of 2010 when Allison, Aubrey, George Hays, and I traveled up to Seattle to EPA Region 10 to present our case: *Sierra Club v. PGE*. I was able to work closely with the attorneys as a summer clerk and our presentation included an analysis I helped craft. A couple of months later, the EPA issued a Notice of Violation to PGE Boardman!



Erica Maharg '09

After graduation, I worked at EPA and a public interest private firm before my current position as Staff Attorney at San Francisco Baykeeper in Oakland, California. I spend my days working to protect and restore San Francisco Bay and its tributaries. I mostly focus on Clean Water Act enforcement

cases, although I also spend a lot of time working under the California Environmental Quality Act and whatever other statutes and actions we can take to address the varied threats facing the Bay. Pretty much every time I write a brief, I still think back fondly on working with Allison during my year with Earthrise, particularly the processes of brainstorming and editing – two very different acts that are crucial to the brief-writing process. But mostly I think my time with Earthrise left with me an amazing network of colleagues and friends that I still rely on today.



Tanya Sanerib '02

After graduating from Lewis & Clark, I worked at Meyer, Glitzenstein & Eubanks and CRAG Law Center. I currently live in Portland, OR and work for the Center for Biological Diversity as a Senior Attorney. My most memorable clinic experiences were getting to argue the critical habitat claims in the GP Task Force case in the district court with Stephanie Parent, and the drawing a classmate made of me on the PEAC work room white board illustrating the administrative record for the GP Task Force case being 5 times my size. Of course, the story everyone else always tells is about how I stayed at the law school until the early morning hours with Stephanie Parent and Susan Jane Brown getting our reply brief ready for filing and completely missed the awesome birthday party that my friends threw for me.



Earthrise Alumni

Paul Abbate '97	Brian Busch '16	Marc Fink '95	Logan Hollers '11	Diane Lloyd '07	James Neu '96	Mike Sargetakis '17	Steven Thiel '15
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Bullitt Foundation
Burning Foundation
Deer Creek Foundation
Giles W. and Elise G. Mead Foundation
Jackson Foundation
Lazar Foundation
Mountaineers Foundation
Patagonia

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Celebrating 20 Years of Victories



1996

SW Center for Biological Diversity v. Babbitt

Court overturned Fish & Wildlife Service's listing decision and forced it to promulgate policy defining "distinct population segment" under the Endangered Species Act



2004

Gifford Pinchot Task Force v. U.S. Fish & Wildlife Service

Precedent-setting case under the Endangered Species Act regarding logging in spotted owl habitat



PHOTO: MICHAEL DURHAM

2006

Oregon Natural Desert Association v. U.S. Forest Service

Successful Ninth Circuit challenge to the Forest Service's mismanagement of grazing on the Malheur National Forest



2007

National Wildlife Federation v. National Marine Fisheries Service

Precedent-setting Ninth Circuit opinion affirming court-ordered changes to dam operations to protect Columbia Basin salmon and steelhead

Oregon Natural Resources Council v. Brong

Precedent-setting Ninth Circuit case protecting late successional reserves from salvage logging



PHOTO: FRANCIS EATHERINGTON

2008

NWEA v. EPA

Precedent-setting Ninth Circuit ruling that EPA's vessel exemption from the Clean Water Act was illegal



2011

Sierra Club v. Portland General Electric

Federally enforceable settlement agreement with PGE, requiring Oregon's only coal-fired power plant in Boardman to stop burning coal



2012

NWEA v. EPA

Successful challenge to federal agencies' approval of Oregon's water quality standards and loopholes that allowed lethal temperatures for salmon



Buffalo River Watershed Alliance v. USDA

Protected Buffalo River, a national river, by getting first court order requiring federal agencies to fully comply with the National Environmental Policy Act and the Endangered Species Act when financing concentrated animal feeding operations



Schulz Family Farms v. Jackson County

Successfully defended a Jackson County Ordinance banning genetically engineered crops against a legal challenge that claimed the Ordinance violated Oregon's Right to Farm Act

2014

Gifford Pinchot Task Force v. Perez

Twice stopped the Forest Service from approving mineral prospecting for open pit mine near Mt. St Helens, setting legal precedent

PHOTO: EWEN ROBERTS



League of Wilderness Defenders/ Blue Mountains Biodiversity Project v. Connaughton

Reversed, for the first time, the Forest Service's use of site specific forest plan amendments, and caused the Forest Service to cancel its plans to log thousands of old-growth trees



2015

NWEA v. EPA

Precedent-setting ruling from the Second Circuit overturning EPA's regulation of pollution such as invasive species from vessels

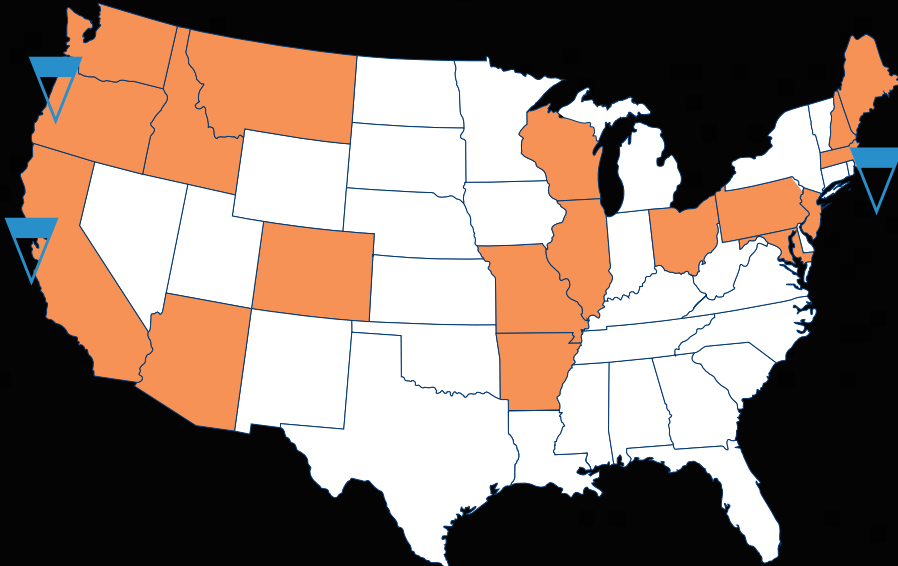


Wishtoyo Foundation v. Six Flags Magic Mountain

Protected the only free-flowing river in Southern California from pollution from theme park

EARTHRISE

Earthrise Cases Across the Country



Support us!

Earthrise Law Center at Lewis & Clark Law School is a team of impassioned attorneys and staff working to achieve targeted environmental improvement while teaching the next generation of advocates to do the same. We wouldn't be here without the support of people like you! Please consider making a donation with with enclosed envelope so we can continue to protect the environment.



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