

# Western Resources Legal Center

Training Legal Advocates to Represent Natural Resource Users

2013 Newsletter

## Students Applaud WRLC

### IN THIS ISSUE

- Students Applaud WRLC
- Lecture Series a Success
- Forest Roads Case Victory
- New Fellowship Program Launched
- WRLC Welcomes New Board Members
- Update from the Executive Director



**Western Resources  
Legal Center**

5100 SW Macadam Ave, Suite 350  
Portland, OR 97239  
503.222.0628  
www.wrlegal.org

Executive Director Caroline Lobdell  
clobdell@wrlegal.org



David Martin

As a former WRLC student, I am pleased to express my support for this amazing program that prepared me for my current position as an associate at K&L Gates LLP. While my practice is primarily focused on commercial litigation, I have been active on a number of projects involving resource development. My time at WRLC trained me for all aspects of my current job. On the civil litigation side, WRLC was the only class where I truly learned the ins and outs of the civil litigation process. I learned everything from drafting complaints and interrogatories, to tracking and correctly billing my time.

At WRLC, I gained invaluable experience working on natural resource issues. To have a truly successful law practice in Alaska, every attorney must have a strong understanding of state and federal natural resource issues. Caroline's instruction in the classroom and the hands-on experiences at WRLC provided me with the foundational understanding that I needed to launch a successful practice.

My wife, Nikki Campell Martin, and I believe we would not have obtained our current positions of employment if not for WRLC and Caroline's leadership. It is an honor to be some of the first WRLC alumni. We are proud to support this wonderful organization.

- **David J. Martin, Associate,**  
K&L Gates LLP



Bobby Schroeder

I originally transferred to Lewis & Clark Law School from the University of Hawaii, William S. Richardson School of Law. As an applicant to transfer law schools, I was accepted into many other law schools but my decision to attend Lewis & Clark Law School relied heavily on acceptance into the WRLC program. I was interested in both business and environmental law and this program, unlike any other in the country, provided its students with opportunities to advocate on behalf of small businesses and individuals reliant upon natural resources.

In addition to the practical skills acquired through the WRLC, the

(continued on page 2)

program also provided me with many other legal opportunities. Last year, I applied for a clerkship program at the Lower Colorado River Authority ("LCRA") in Austin, TX. A local Portland attorney, who was also a former WRLC student, clerked with the LCRA and recommended me to the agency. I was ultimately hired by the LCRA and I earned credit through Lewis & Clark's externship program for Summer and Fall 2012. More recently, I obtained a clerkship with a local firm, Dunn Carney, L.L.P., as a result of my experiences with and tenure from the WRLC. In addition, Caroline Lobdell provided me with amazing recommendations for both positions. In short, these opportunities would not have been available to me without the experiences gained from the WRLC and the recommendations of WRLC staff and alumni.

- **Bobby Schroeder,**  
Clerk, Dunn Carney LLP

## Lecture Series a Success

Over 250 people gathered at Lewis & Clark College on March 18, 2013 to hear Judge Kenneth Starr speak at the inaugural James L. Huffman Lecture Series. The lecture series, in honor of WRLC, was established in October 2011 to recognize Huffman's contributions to the Law School and to stimulate debate on important economic, environmental and natural resources issues.

Judge Starr captivated the audience with his presentation on the legal aspects of global warming and educated them about the implications for natural resource industries. One attendee stated, "For all his involvement in hallmark legal proceedings and his exceptional litigation prowess, Judge Starr also has a very welcoming and enjoyable presentation style that allowed this non-lawyer to absorb his lecture."



## Forest Roads Case Victory

Last fall, WRLC and the American Forest Resource Council filed an amicus brief with the U.S. Supreme Court in *Decker v. Northwest Environmental Defense Center*, commonly referred to as the Forest Roads Case. WRLC represented the National Cattlemen's Beef Association and the Public Lands Council. The brief focused on the consequences of applying the National Pollutant Discharge Elimination System (NPDES) permit requirements to federal lands.

On March 20, 2013, the Court ruled 7-1 to overturn the Ninth Circuit's decision that forest roads are subject to the NPDES permit requirements of the Clean Water Act. The Court found that the EPA interprets its own regulations to exclude logging roads from NPDES requirements and that, because the agency's interpretation is reasonable, it should be accorded deference by the courts. This is a significant victory for public land ranchers and the timber industry who depend on federal forest land for their livelihood.

## New Fellowship Program Launched

WRLC recently launched a new partnership with Lewis & Clark College to help law school graduates further their professional development in

natural resources law. Each year one graduate will be selected to join WRLC as a full-time fellow. "The fellowship is a great new opportunity for graduates to work more in-depth as practicing lawyers immediately upon graduation," said WRLC executive director Caroline Lobdell.

## WRLC Welcomes New Board Members

WRLC is pleased to announce the addition of four Board of Directors members - Dave Baker, Tom Insko, Patrick Ryan and Galen Schuler.

Prior to his retirement, Dave Baker was Vice President of Sales at Ash Grove Cement and served on the company's Executive Board. He is an active member of the community, having served on numerous industry group boards, as well as the Oswego Lake Country Club Board of Directors. Baker's experience provides an opportunity to expand WRLC's current portfolio of representation to the cement industry.

A native of eastern Oregon, Tom Insko is the Inland Region Manager of Boise Cascade. In 2012, Insko was appointed by Governor John Kitzhaber to the Oregon Board of Forestry where he guides the activities of the Oregon Department of Forestry. With years of experience in operations management

in the wood products industry, Insko offers WRLC an intimate understanding of the unique challenges facing timber interests in the Northwest.

Patrick Ryan is a partner at Perkins, Coie LLC in the Environment, Energy & Resources practice. He has over 15 years of experience advising large and small public and private clients with innovative compliance counseling, strategic assessments, negotiation and dispute resolution efforts under federal and state environmental, land use and natural resource laws. WRLC is excited to have such an accomplished natural resource expert join the team.

Galen Schuler is the Vice President of General Counsel and Corporate Affairs for Green Diamond Resource Company, a private forest products company that owns and manages forest lands in Washington and California. As an attorney with extensive experience representing forest product companies and agricultural interests throughout Washington, Galen opens up opportunities to broaden WRLC's involvement in the state.

## Update from the Executive Director

WRLC continues to provide legal support to natural resource users nationally on issues ranging from water use rights to forest land management policies and endangered species listings. Some of our recent successes include influencing the U.S. Supreme Court to overturn onerous regulations concerning federal lands in the Forest Roads Case and successfully petitioning the U.S. Supreme Court to review *Pacific Rivers Council v. Forest Service*. I continue to be impressed by the high quality work that our students produce. This year, students are actively engaged in several significant cases.

***Hage v. United States*** – WRLC filed a U.S. Supreme Court amicus brief on this constitutional takings case that threatens 1866 vested stock water rights of Nevada ranchers.

***Lemire v. Pollution Control Hearings Board*** – WRLC represented ranching interests by submitting a Washington State Supreme Court amicus brief in a case involving the overreach of a state agency in imposing unfounded conditions on a ground water use permit in the State of Washington.

***U.S. Forest Service v. Pacific Rivers Council*** – WRLC prepared an amicus brief supporting a petition before the U.S. Supreme Court urging the Court to overturn a previous decision that precludes necessary forest management that would prevent catastrophic wildfires in National Forests in the Sierra Nevada region of California.

***Federal Forest Resource Coalition v. Vilsack*** – WRLC students are actively representing grazing interests in a case challenging the Forest Service's new Planning Rule, which governs the development, amendment and revision of national forest land management plans. The new rule follows a long line of unsuccessful attempts to replace the 1982 Forest Planning Rule which guided the development of all Forest Plans currently in existence.

***Snow Basin*** – WRLC students currently represent forestry interests by intervening in a case involving the Snow Basin project on the Wallowa-Whitman National Forest. They are actively working to address complaints raised under federal environmental policies in order to protect sales of over 40 million board feet.

WRLC helped a number of students land prestigious positions at organizations where they will continue to build their portfolios of experience in natural resources law.

- Sarah Wright attributes the unprecedented legal education experience and guidance she received at WRLC to her ability to secure a trial court judicial clerkship in Alaska with Judge Moran.

- WRLC helped place Veronica Keithley with the Environment and Natural Resources Division of the U.S. Department of Justice in Washington, D.C. this summer.

- WRLC alum Nikki Campbell Martin recently accepted a position as the regulatory and legal affairs manager of the Alaska Oil and Gas Association.

- Andy King was awarded a Public Interest Law Project (PILP) stipend through Lewis & Clark Law School to work at WRLC this summer. His work will focus on the voice of natural resource users and commonsense law and regulation.

With the support of the WRLC Board of Directors, our generous sponsors and Lewis & Clark Law School, I look forward to expanding educational opportunities for WRLC students and winning legal battles for natural resource users.

- **Caroline Lobdell**, Executive Director



# WRLC Corporate Sponsors

**Board commitment to WRLC's mission is uncompromising and is demonstrated by 100% board contribution to WRLC.**

Aggregate Resource Industries, Inc.  
Agri Beef Management  
Allen & Gibbons Logging  
Ash Grove  
Banks Lumber Company  
Baker County Farm Bureau  
Baker County Livestock  
Baker Rock  
Barrett Livestock  
Boise Cascade  
Columbia Helicopters  
Coos Curry County Farm Bureau  
Coquille Indian Tribe  
DR Johnson Lumber  
Douglas County Farm Bureau  
Douglas Timber Operators  
Dunn Carney  
Freres Lumber  
Gila County Cattle Growers  
Giustina Land & Timber  
Giustina Resources  
Grant County Farm Bureau  
Grant County Stockgrowers  
Green Diamond Resource Company  
Haglund, Kelley, Jones & Wilder  
Hammond Ranches  
Harney County Cattlewomen  
Harney County Farm Bureau  
Hawaii Cattlemen's Council  
Hellyer Limited Partnership  
Idaho Cattle Association  
Indian Hill, LLC  
Ireland Trucking  
Josephine County Farm Bureau  
Laird Ranch  
Livingston Ranch  
Lochmead Farms  
Lone Rock Timber  
Marion Ag Service

McCandless Land & Cattle  
MDU Foundation  
Moore Smith Buxton & Turcke  
Nicholson Ranches  
OCAPA  
Oregon Cattlemen  
Oregon Farm Bureau  
Oregon Women in Agriculture  
Oregonians for Food & Shelter  
PacWest Communications  
Perkins Coie LLP  
Porter Yett Company  
Public Lands Council  
Rocky Mountain Mineral Foundation  
Rough and Ready Lumber  
Schroeder Law Offices  
Schwabe Williamson & Wyatt  
Seneca Jones Timber  
Silver Butte Timber Company  
Simplot  
Skinner Ranches  
Starfire Lumber  
Starker Forests  
Stimson Lumber  
Swanson Group  
The Dalles Concrete  
TUMAC Lumber Company Fund of the Oregon  
Community Foundation  
Umatilla County Farm Bureau  
Union County Cattlemen  
Union County Farm Bureau  
Washington County Farm Bureau  
Wallowa County Stockgrowers  
Washington Cattlemen's Association  
West Coast Resources  
Wildish Sand & Gravel  
Windsor Rock Products  
Women for Ag Yamhill County  
Yamhill County Farm Bureau

## WRLC Board of Directors

### OFFICERS

**Sean Smith - Chairman**  
Starfire Lumber

**Timothy Bernasek - Vice Chairman**  
Oregon Farm Bureau

**Rick Sohn - Secretary/Treasurer**  
Umpqua Coquille LLC

### BOARD MEMBERS

#### Dave Baker

Former Ash Grove Cement VP

#### Mark Dunn

J.R. Simplot Company

#### Scott Horngren

American Forest Resource Council

#### Jim Huffman

Dean Emeritus, Lewis & Clark Law School

#### Tom Insko

Boise Cascade

#### Katie Jeremiah

Aggregate Resource Industries, Inc.

#### Kirk Johansen

Schwabe, Williamson & Wyatt

#### Valerie Johnson

D.R. Johnson Lumber Company

#### Roger Nicholson

Nicholson Ranches

#### Patrick Ryan

Perkins, Coie LLC

#### Galen Schuler

Green Diamond Resource Company

#### Bob Skinner

Skinner Ranches

#### Doug Whitsett

Oregon State Senator

#### Steve Wildish

Wildish Land Company

## Get Involved

Given the current economic environment of natural resource based industries WRLC needs your help now more than ever. You can help WRLC in its mission to help natural resource users while training the extraordinary legal minds of future lawyers, judges, educators and politicians.

### • Make a financial contribution to WRLC

Your tax deductible donation is essential to the continuation of this important work.

### • Tell a friend about WRLC's important work.

If you know someone who works in a natural resource field or whose livelihood (which is most of us) depends on natural resources, encourage them to become involved with WRLC.

### • Send our newsletter far and wide.

Tell people about our website [www.wrlegal.org](http://www.wrlegal.org) or send them a copy of our newsletter.

### • Invite WRLC to speak at your meeting.

Let us come and tell this important message to your group. Contact us at 503.222.0628.

### • Welcome a WRLC student to intern with your organization's legal department.

### • Tell us about your potential case or legal issue.

## Do You Need WRLC's Help?

WRLC seeks cases and issues that allow students to build practical skills and learn environmental and/or natural resources law while advocating for natural resource entities. If you have a potential case or issue please go to our website [www.wrlegal.org](http://www.wrlegal.org) and download a "Request for Legal Services Form" and submit it to us today!