

**BRET C. BIRDSONG**  
**Professor of Law**  
**William S. Boyd School of Law**  
**University of Nevada, Las Vegas**

Admitted to the Bar in New York and the District of Columbia (limited admission in Nevada)

**ACADEMIC APPOINTMENTS**

**University of Nevada, Las Vegas**  
**William S. Boyd School of Law**

**Professor of Law** (hired as assistant professor, promoted to full in 2006) **2000 to present**

Help shape understanding of conservation law as a nationally respected expert and scholar in public land and water law. Teach Public Land and Natural Resources Law, Water Law, Administrative Law, Environmental Law, Civil Procedure and Property. Authored articles, books and treatises on topics of public land and natural resources law, water law, and food law.

**LEGAL AND POLICY EXPERIENCE**

**U.S. Department of the Interior, Washington, DC**

**Deputy Solicitor for Land Resources**

**2013-2016**

As member of senior political leadership team, provided impactful and expert advice to Secretary Sally Jewell, deputy and assistant secretaries, and bureau chiefs to advance Obama administration's critical conservation initiatives, including creation and protection of numerous national monuments, conservation planning for renewable energy, sage grouse conservation, habitat mitigation law and policy, and climate initiatives. Dynamically led team of solicitors to embrace full extent of Secretary's legal authority to promote conservation and climate objectives in public land management. Given Outstanding Service Award by Secretary Jewell for contributions to President Obama's conservation agenda.

**United States Department of Justice, Washington, DC**

**Environment and Natural Resources Division, General Litigation Section**

**Trial Attorney**

**1994 to 2000**

Handled all aspects of litigation on behalf of federal public land agencies on issues including NEPA, public land management, and federal reserved water rights. Significant cases involved mineral resources ownership and management, Everglades National Park restoration and management, federal reserved water rights for federal agencies in the Snake River Basin Adjudication and other public land issues.

**Ian Axford (New Zealand) Fellow in Public Policy, Wellington, New Zealand**

**1998**

**Law Clerk to Hon. Robert P. Patterson, Jr., S.D.N.Y., New York, NY**

**1993 to 1994**

**EDUCATION**

**University of California, Hastings College of the Law, San Francisco, CA**

**J.D., *summa cum laude*, 1993**

Valedictorian (first in class of 381 graduates)

Tony Patiño Fellow for public service (three-year scholarship)

Order of the Coif

**Princeton University, Woodrow Wilson School of Public and International Affairs, Princeton, NJ**

**A.B., *magna cum laude*, 1987**

R.W. Van de Velde Award for outstanding independent work in public policy, 1986

## MAJOR PUBLICATIONS

### Books and Treatises

Coauthor with Christine Klein, Federico Cheever, Alexandra Klass and Eric Biber, *NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF CASES AND PROBLEMS* (Aspen Law and Business) (4d ed. 2018)

Primary author of chapters on federal public lands decisionmaking (including NEPA), non-federal authority on public lands, federal rangelands, federal minerals, and Indian natural resources.

Editor, *WATERS AND WATER RIGHTS*, Chapters 43-48 (Interstate Waters), and Chapter 37 (Federal Reserved Water Rights) (Lexis/Nexis 2019).

Annual update editor for leading water rights law treatise.

### Law Review Articles

*The Grid and the Grouse: Cooperative Federal-State Conservation Planning in the Ages of Obama and Trump*, 13 *FIU L. Rev.* 103 (2018) (invited symposium essay).

*From “Food Miles” to “Moneyball”:* *How We Should be Thinking about Food and Climate*, 65 *MAINE L. REV.* 409 (2013).

*Mapping the Human Right to Water on the Colorado River*, 48 *WILLAMETTE L. REV.* 117 (2011).

*Seances, Cienegas, and Slop: Can Collaboration Revive the Colorado Delta?*, 8 *NEVADA L. REV.* 853 (2008).

*Justice Scalia’s Footprints on the Public Lands*, 83 *DENVER U. L. REV.* 259 (2005).

*Road Rage and R.S. 2477: Judicial and Administrative Responsibility for Resolving Road Claims on Public Land*, 56 *HASTINGS L. J.* 523 (2005).

*Adjudicating Sustainability: New Zealand’s Environment Court*, 29 *ECOLOGY LAW QUARTERLY* 1 (2002).

### SELECTED PRESENTATIONS AND OTHER WRITING

Panelist and Presenter, “Renewable Energy Projects on Public Lands,” George Washington University Law School symposium – Public Lands and Energy Transitions: Reimagining the role of the federal estate as a climate solution, March 2020.

Panelist and Presenter, “Sage Grouse Conservation: The Challenge of Multi-Jurisdictional Planning,” Wallace Stegner Center 23<sup>rd</sup> Annual Symposium – Public Lands in a Changing West, April 2018.

Panelist and Presenter, “Solicitors’ Panel: The Past and Future of Livestock Grazing on Public Lands,” 2017 Idaho Law Review Symposium – Livestock Grazing on Public Lands: Law, Policy and Rebellion, March 2017.

Panelist, “The Wilderness Act at 50,” Federal Bar Association Tri-State Conference, 2015.

Nevada Reporter, Water Law Newsletter, Rocky Mountain Mineral Law Foundation (2010-2013):

*Ninth Circuit Holds that Surface Water and Groundwater Connectivity Must Inform Analysis of Ruby Pipeline Impacts on Threatened and Endangered Species* (2013)

*Nevada Supreme Court Clarifies District Court Jurisdiction for Judicial Review of State Engineer Decisions*, *In re Nevada State Engineer Ruling No. 5823*, 277 P.3d 449 (Nev. 2012) (2012)

*Ninth Circuit and Nevada Supreme Court Address State Engineer’s Groundwater Rulings Appealed by*

*Pyramid Lake Paiute Tribe* (2011)

*Nevada Supreme Court Adopts Public Trust Doctrine for Lands Submerged by Navigable Waterways at Statehood*, Lawrence v. Clark County, 254 P.2d 606 (Nev. 2011) (2011)

*Nevada Supreme Court Revisits SNWA Groundwater Permits Decision and Invalidates Reno's Annexation of Cold Springs for Failure to Consider Water Services Infrastructure* (2010)

"*Arizona v. California: 50 Years Later*," CLE International Conference on Western Water Law, November 2012.

"Critical Rice Theory: Expanding the Values at the Food Law Table," Association for the Study of Law, Culture, and Humanities Conference, Las Vegas (2011), and University of Colorado Food Law Scholarship Workshop (June 2012).

"Everything Is Connected: Why Mexico's Problems are Everyone's Problems on the Colorado River, and the Other Way Around," to the North American Energy-Water Nexus Roundtable, a conference co-sponsored by the UNVL Urban Sustainability Initiative, the Desert Research Institute, and the Canadian Consulate (Los Angeles) (May 2011).

*Habitat Conservation Planning under the Endangered Species Act: What it means for Southern Nevada*, 27:9 COMMUNIQUE 23 (September 2006).

"Modern Day Land Rush: Landmark Legislation Challenged by its Own Success," 14:1 UNLV MAGAZINE 27 (Spring 2006) (assessing the Southern Nevada Public Land Management Act).

"NEPA and the Endangered Species Act: How they Work Together," CLE International NEPA Conference, Las Vegas, April 2007.

"NEPA and Adaptive Management," CLE International NEPA Conference, Las Vegas, April 2006.

"The State (and Federal) of the Sagebrush Rebellion," Nevada State Bar CLE Program, December 2001.

"The Fate of the Late-Breaking Clinton Initiatives," Nevada State Bar CLE Program, June 2001.

"The Competing Demands of Forest Health, Clean Water and Access for Recreation and Commodity Users," ABA-SONREEL Conference on Resources Law, April 2001 (panelist).

*Adjudicating Sustainability: New Zealand's Environment Court and the Resource Management Act of 1991*, prepared for the Ian Axford (New Zealand) Fellowship, October 1998.

Contributing author, *The Back Forty* (a newsletter on conservation easements)

*Setting Priorities for Land Conservation: National Research Council Report Reveals Lessons for Federal Agencies and Land Trusts*, *The Back Forty*, Sept.-Oct. 1993, at 14.

*Government Takeouts: The Story of the Lujan Policy Guidelines*, *The Back Forty*, July-Aug. 1993, at 9.

*Qualifying a Land Trust as a Satellite under § 509(a)(3)*, *The Back Forty*, Mar.-Apr. 1993, at 6.

*The Best Surprise is No Surprise - Drafting Conservation Easements to Provide Adequate Notice of Subsequent Transfers*, *The Back Forty*, Nov.-Dec. 1992, at 21.

"Federal Enterprise Zones: Panacea or Palliative for the 1990s?," presented to the annual meeting of the American Tax Association (November 13, 1990).

*Administration's Enterprise Zone Proposal and H.R.6, the Enterprise Zone Improvement Act of 1989: Hearings before the Committee on Ways and Means, House of Representatives, 101st Cong., 1st Sess., 181* (1989) (statement of Bret C. Birdsong, The Urban Institute).

## **SERVICE AND OTHER ACTIVITIES**

Trustee, The Nature Conservancy, Nevada Chapter, 2019-present.  
Chair, External Affairs Committee  
Member, Executive Committee

Trustees Council (Representative of UNLV), Rocky Mountain Mineral Law Foundation, 2010 to present.

Co-Planning Chair (with Rebecca Watson), Public Land Section, Rocky Mountain Mineral Law 59<sup>th</sup> Annual Institute, July 2012.

Board Member and President, Nevada Wilderness Project, 2006-2008.

President, McNeil Neighborhood Association, 2008-2012.

Various law school and university committees, including curriculum (chair), promotion and tenure, appointments, dean's advisory, and appointments.