

**BRET C. BIRDSONG**  
**Professor of Law**  
**William S. Boyd School of Law**  
**University of Nevada, Las Vegas**  
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Admitted to the Bar in New York and the District of Columbia

## **ACADEMIC APPOINTMENTS**

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

**2006 to present**  
**2003 to 2006**  
**2000 to 2003**

Teach Public Land and Natural Resources Law, Natural Resources Law Field Seminar, Administrative Law, Water Law, Environmental Quality Law, Civil Procedure and Property. Supervise students on independent research projects. Write articles, books and treatises on topics of public land and natural resources law, water law, and food law.

## **LEGAL AND POLICY EXPERIENCE**

**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**

Awarded year-long fellowship for mid-career public policy professionals to conduct research and exchange ideas with government and nonprofit organizations in New Zealand. Studied the role of New Zealand's Environment Court in administering the law of sustainability.

**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

Thurston Honor Society

HASTINGS LAW JOURNAL, Member, 1991-92, and Assistant Notes Editor, 1992-93

**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 and Federico Cheever, *NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF CASES AND PROBLEMS* (Aspen Law and Business) (2d ed. 2009) (3d ed. forthcoming Spring 2013).

Primary author of chapters on federal public lands decision-making (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 2012).

Annual update editor for leading water rights law treatise.

### Law Review Articles

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

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

*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**

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

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

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, deans advisory (chair) and appointments, 2000-2013.