

julie Schaffer

STUDENT INTERN, FRIENDS OF THE SAN JUANS,
in her own words

Third-year student Julie Schaffer is no stranger to the environmental issues facing the waterfront. During her second year at the law school, she worked for American Rivers and Earthjustice. She spent last summer as an intern at Friends of the San Juans, an environmental nonprofit in Friday Harbor.

July 2007

I am working in a beautiful place on issues I care deeply about, and my projects are an interesting mix of policy and law related to the health of the marine environment. San Juan County is updating its Critical Areas Ordinance, as mandated by the Growth Management Act, and I am researching the cases, state regulations, and code language from other jurisdictions that apply to this environment. I'm reading interpretations of the Shoreline Management Act and decisions from growth management hearings boards. Docks, boating activity, and shoreline development all pose threats to forage fish spawning grounds and eelgrass habitat, crucial components of the marine ecosystem here, and I'll be recommending changes that will better protect the county's marine nearshore environment.

The Marine Resources Committee in San Juan County is hoping that the Washington State Department of Natural Resources (DNR) will designate all of San Juan County as an aquatic reserve. I am helping the committee draft a proposal to DNR explaining that San Juan County's unique marine environment deserves the environmental protection that reserve status could provide.

So far, life is good, especially when, after a day of engaging work, I retreat to the water to enjoy an evening paddle in a kayak, always searching for dorsal fins.

August 2007

I have been reviewing and commenting on proposed shoreline development applications, including one where the developer sought a variance to build a home closer to the shore than is legally allowed. I wrote a letter to the hearing examiner explaining why a variance was inappropriate in these circumstances and led a community meeting to educate neighbors about the proposal and their involvement in the application review process. Then I presented the case to the hearing examiner at a public hearing.

The most rewarding part of this experience was being able to visit the property and work closely with the people most affected by the proposal. One couple took me on their boat so that I could get a better view of the shoreline erosion, and another couple graciously invited me to stay in their home because I had missed the last evening ferry from Lopez to San Juan Island. I will never forget the wonderful people that invited me into their community.



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Now back in law school, I am still involved in environmental law through the Environmental Law Clinic where I'm working on real cases. I was pleased to learn that my summer projects are making a difference. The variance on Lopez was denied, and San Juan County is reviewing my recommendations in updating the Critical Areas Ordinance.

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jon Hemingway

natural gas, resulting so far in a 77% reduction in nitrogen oxide emissions and a 93% reduction in particulate matter. Carrix is three years ahead of the schedule set by EPA for improvement in the air impacts of its equipment. In recognition of its efforts, Carrix received an Air Quality Improvement Award from the Port of Long Beach.

Now partners with Goldman Sachs, a world leader in asset management and financial services, Carrix continues to grow, adding two new projects in Vietnam, expanding its Manzanillo facility, which is the largest container port in Mexico, and developing a large container terminal on the Blair Waterway in Tacoma with the Puyallup Tribe.

As Carrix CEO for the past 20 years, Hemingway has seen the company grow into an international leader in port facilities management. Entrepreneurial by nature, Hemingway credits his law school experience with giving him the skills and experience to succeed in business as Carrix entered the world of joint ventures, both public-private and international, and large financing arrangements.

"I was lucky to get into the UW law school," he said. "It not only gave my uncle an excuse to hire me but gave me the confidence and the self-esteem to do my part."

Clinic Provides Practical Experience on the Waterfront



When it comes to being on the waterfront, no other UW law school program puts more students there than the Berman Environmental Law Clinic. From experiences like Julie Schaffer's summer work with Friends of the San Juans to confronting the Environmental Protection Agency (EPA) on behalf of environmental groups, the clinic offers students hands-on, practical legal experience.

"Having a client is very inspiring," said 2L and clinic participant Darcey Goelz. "Classroom experience is necessary, but working for a client has made me realize why I am in law school."

Berman Clinic clients include government agencies and nonprofit organizations. Last year, the Skagit County Prosecutor's Office asked the clinic to help with a complex project which involved determining whether certain facilities might be exempt from a shellfish assessment. The assessment provides monetary support to the county to clean up polluted waters.



Students get first-hand experience on the waterfront.

Students researched the issue and drafted a legal opinion to determine if certain properties in Skagit County were exempt under the Clean Water Act as non-point source (e.g. pollution runoff) and were thus also exempt from the county's shellfish assessment.

"Diking districts, drainage districts, agricultural runoff—almost everything here applies as a non-point source," said Will Honea '02, chief civil deputy with the Skagit County Prosecuting Attorney's Office.

The clinic's legal opinion stated that the exemption did not apply to non-point discharge.

"The students did fantastic work," said Honea. "The scholarship was superb and really well done." He added that the opinion allows for greater funding for cleanup in Skagit County.

Clinic projects can have nationwide impact. Last year, for example, the clinic made headlines when it filed a lawsuit against the EPA on behalf of Friends of the Earth, a nonprofit network of environmental groups, seeking an immediate response to a seven-year-old cruise ship pollution petition.

The original petition had been filed in 2000 on behalf of 53 organizations asking the EPA to assess and regulate pollution from cruise ships docking at American ports. Because the EPA did not respond to the original petition, the groups asked the clinic to file a lawsuit on their behalf.

"The lawsuit only asks the court to require the EPA to do what the law says it must: respond to [the] petition," said Professor Michael J. Robinson-Dorn, clinic director. "Since this petition was first filed seven years ago, we've seen tremendous growth both in the cruise ship industry and in the research that shows the impacts from cruise ships on our nation's waters. Yet, the EPA has chosen to do nothing in response to this research, just as it has done nothing to respond to the Friends of the Earth petition."

The lawsuit was filed with the U.S. District Court for the District of Columbia, but so far, there has been no action in the case.

The work is tough and the cases are often complicated, but students say they find the clinic a rewarding experience.

"Fighting towards a client's goals makes the hard work worthwhile," said Goelz. "On the first day of class, Professor Robinson-Dorn explained each of the clinic's current cases, and at that moment, I realized what environmental law truly had to offer."