

MELINDA E. TAYLOR
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PROFESSIONAL EXPERIENCE

Sturm College of Law, University of Denver, *Visiting Professor* (Fall 2018)

Courses : Environmental Law, Environmental Impacts of Energy Development. Research impacts of energy development on wildlife habitat and water resources. Comparative analyses of regulatory and legal regimes applicable to oil and gas, wind, and solar development on private and public lands. Analyses of the use of financial and regulatory incentives to conserve wildlife habitat on private land.

University of Texas School of Law

Senior Lecturer (2009-present)

Courses: Natural Resources Law, Endangered Species Act, and Coastal Watersheds. Academic interests include: implementation of the Endangered Species Act; environmental impacts of energy development ; market strategies for environmental compliance; potential impacts of climate change on conservation strategies/land use; and trade-offs between energy development and habitat conservation on private and public lands.

Serves on several university committees, including Integrated Watershed Studies Graduate Portfolio Program, Energy and Earth Resources Program Faculty Advisors. Chairs faculty LLM committee ; chaired search committee for Assistant Dean for Continuing Legal Education ; Selected by University President to serve on UT President's Sustainability Steering Committee; Planning Committee for EarthX, the largest Earth Day conference in the United States 2017 & 2018 ; Advisor to Qatar University's Energy & Environmental Forum; Planning Committee for ABA Section of Environment, Energy and Resources Annual Summit 2012; Planning Committee for Texas Environmental Superconference 2011-2014.

Executive Director, Kay Bailey Hutchison Center for Energy, Law, and Business **(2009-2017)**

Launched the law school's Energy Center in 2009 and catalyzed a merger with the McCombs School's energy center in 2014. The mission of the KBH Center is to promote and carry out interdisciplinary analysis, debate, and discussion of legal and policy issues relevant to energy and the environment. Designs course curricula for students in environmental and energy law and international arbitration, including two new interdisciplinary courses for law students and graduate students in Business, Geosciences, Engineering, Public Policy, and Marine Science. Convenes conferences and symposia on emerging issues, including the challenges posed by climate change for endangered species protection; the wildlife impacts of wind and solar production; and the difficulties associated with implementing domestic environmental laws in the context of international arbitrations. Collaborates with experts on publications. Analyzes legal and policy issues associated with energy production and environmental protection in the United States and other countries, including Mexico, Chile, China, and Brazil. Serves on The Academy of Medicine, Science, and Engineering of Texas Task Force on the Environmental and Social Impacts of Shale Development.

The Cynthia & George Mitchell Foundation, *Project Advisor* (2017-present)

Advises the foundation on all aspects of a major initiative in West Texas to address the environmental impacts of intensive energy development on wildlife habitat, open space, and dark skies. Coordinates with multiple Mitchell Foundation grantees to develop a strategic vision for the project and a workplan with clear objectives. Facilitates communication among the grantees on a range of issues relevant to the project.

***Clinical Professor, Environmental Law Clinic, University of Texas School of Law*
(2006-2009)**

Was the first full-time director of UT Law's Environmental Law Clinic, through which students address environmental problems affecting low income communities and the natural environment in Texas. Supervised students who represented clients in administrative hearings and appeals and citizen suits to address drinking water contamination and violations of the Endangered Species Act.

Smith, Robertson, Elliott, Glen, Klein & Bell

Of Counsel

September 2005-2012

Represented local governments, companies and private landowners on wildlife, land use and environmental issues, particularly Endangered Species Act compliance. Developed a county-wide regional habitat conservation plan for the conservation of the golden-cheeked warbler and black-capped vireo. Crafted conservation banking agreements for three private landowners and coordinated with U.S. Fish and Wildlife Service during the review and approval process. Served as an expert witness in a contract dispute between two wind companies on endangered species issues.

Environmental Defense Fund (EDF)

Program Director for Ecosystem Restoration & Senior Attorney

1993-2005

Extensive experience with state and federal water issues and implementation of the Endangered Species Act on private lands, especially with respect to the use of incentives to encourage private conservation.

- Established EDF's Landowner Conservation Assistance Program (LCAP) with support from a diverse coalition of groups including ranchers, farmers, hunters, government agencies, and environmentalists. The LCAP provides technical assistance and small grants to landowners who agree to restore endangered species habitat on their property.
- Drafted and negotiated a "safe harbor" endangered species permit from the U.S. Fish and Wildlife Service to provide regulatory flexibility to landowners.

Managed EDF's Land, Water and Wildlife Program: approximately 25 attorneys, scientists, economists, and policy analysts based in 6 offices across the U.S. Responsible for fundraising and administering an annual budget in excess of \$6 million. Directed the program's strategic planning initiatives, set program priorities, and oversaw the program's work plans. Analyzed trends in philanthropic giving and scientific data on threats to biodiversity to identify new program opportunities. Served as principal liaison for the program to executive management team and the EDF Board of Trustees.

- Raised the largest single foundation grant ever awarded to EDF at the time, a \$5 million/5 year grant from the Doris Duke Charitable Foundation to establish the Center for Conservation Incentives at EDF in 2003. The mission of the Center is to promote the use of incentives to conserve biodiversity on private lands.

- Raised \$2.5 million from four Texas foundations to launch the Texas Living Waters project in 2001.

From 1993-1996, served as director of the North Carolina office of EDF. Supervised North Carolina and Southeastern projects designed to improve air and water quality, wetlands protection, and habitat restoration.

- Increased the annual income of the North Carolina office by 35% in 3 years
- Negotiated settlement agreement with Weyerhaeuser Company that resulted in permanent protection of the last remnant of the East Dismal Swamp in North Carolina.
- Negotiated a policy with the Environmental Protection Agency that protects forested wetlands in the Southeast U.S.

Henry, Lowerre & Taylor, Austin, Texas.

Partner

1991-1993

Represented citizens and environmental groups in administrative proceedings involving water discharge, air quality, and hazardous waste permits, and citizens suits involving water pollution, endangered species protection, and violations of the National Environmental Policy Act. Co-counsel for the Sierra Club in *Sierra Club v. Babbitt*, the federal endangered species case that led to creation of the Edwards Aquifer Authority and the regulation of groundwater pumping in Central Texas.

National Audubon Society, Washington, D.C.

Deputy General Counsel

1989-1991

Managed Audubon's litigation docket and directed the organization's toxics program, which focused on pollution caused by oil and gas production wastes and mining wastes.

Bracewell & Patterson, Washington, D.C.

Associate

1986-1989

Represented a range of businesses, including financial institutions, chemical manufacturers, and industrial facilities, in matters related to environmental compliance.

EDUCATION

J.D., University of Texas at Austin, 1986.

B.A., University of Texas at Austin, 1983. Major: Plan II, Liberal Arts Honors Program, concentration in economics. *Phi Beta Kappa, cum laude.*

SOCIETY AFFILIATIONS

Fellow, American College of Environmental Lawyers
 IUCN Commission on Environmental Law
 Texas Bar Association
 American Association of Law Schools
 American Bar Association
 Biodiversity Works

REFERENCES

Ward Farnsworth, Dean
University of Texas School of Law

David Spence, Professor
University of Texas McCombs School of Business and
School of Law

Hope Babcock, Professor
Georgetown University Law Center

SELECTED PUBLICATIONS AND PRESENTATIONS

“Production and Delivery of Low-carbon Gaseous Fuels,” Chapter 26 of Legal Pathways to Deep Decarbonization in the United States, M. Gerard and John Dernbach, eds. (ELI 2019).

“Environmental and Community Impacts of Shale Development in Texas,” The Academy of Medicine, Engineering, and Science of Texas (2017). Task Force on Environmental and Community Impacts of Shale Development in Texas. Lead author of Chapter 4, Land Resources.

“Protecting Species or Hindering Energy Development? How the Endangered Species Act Impacts Energy Projects on Western Public Lands,” Environmental Law Reporter, 46 ELR 10924 (Nov. 2016). (with Romany Webb and Vanessa Puig Williams).

“Habitat Conservation Plans and Climate Change: Recommendations for Policy,” Environmental Law Reporter, 45 ELR 10863 (Sept. 2015).

“The Conflict between Endangered Species and the State Water Plan: Will New Listings under the Endangered Species Act Thwart the State Water Planning Process?” White Paper published by UT Law Energy Center (April 2014) (with Vanessa Puig-Williams).

“The Ethics of Water and Environmental Law,” Presentation at Conference on Texas Water Law Sponsored by CLE International in San Antonio, TX (March 2014).

“Market Approaches to Endangered Species Protection: The Promise of Wetlands Mitigation and Conservation Banks to Promote Recovery,” 59 Rocky Mt. Min. L. Inst. 24-1 (2013).

“U.S. Regulations Governing Off-shore Oil Production and Environmental Protection”. Presentation at Conference Cosponsored by Peking University Law School and U.T. School of Law in Beijing, China entitled “Oil and Gas Development Offshore: Comparative Legal Approaches to Preventing Spills and Addressing Liability” (August 2012).

“Fact-Based Regulation for Environmental Protection in Unconventional Resource Development.” (December 2012).

“Wind and Solar Development in the United States and Texas: Lessons for the Gulf Region?” Presentation at conference entitled “Future Energy Summit: Renewable and Nuclear Energy in the Middle East” convened by Qatar University Law School (May 2012).

Environmental Regulation of Shale Gas Operations. Invited speaker to American Chamber of Commerce in Beijing, China (January 2011)

"How Can They Make Me Do That? Sources of Authority and the Power of Administrative Agencies." Presented to UT CLE Conference Essential Administrative and Environmental Law for Energy Projects (November 2010).

"Environmental Impacts of Wind Power." Presentations to CLE International conferences, and UT CLE conference in 2009 and 2010.

"Minimizing the Environmental Impacts of Oil and Gas Development: The Challenge of Finding the Right Regulatory Balance," White Paper presented to Petrobras (Brazilian national oil company) in June 2008.

The Environmental Impacts of the Border Wall Between Texas and Mexico, (UT Working Group on Human Rights and The Border Wall) (with Lindsay Eriksson) (2010).

"Environmental Issues Associated With Oil and Gas Development" in Revista Brasileira de Direito do Petroleo, Gas e Energia, Universidade do Estado do Rio de Janeiro (2009).

"The Politics of Climate Change: What to Expect from the New Legislation." Presented at the Center for American and International Law Conference The Law of Climate Change (November 2008).

"Myths and Facts About Groundwater Conservation Districts: A Guide For Landowners and Conservation Districts" (with Laura Marbury). (Environmental Defense, 2007).

"Moving Away from Command and Control: The Evolution of Incentives to Conserve Endangered Species on Private Lands," Chapter 26 in Biodiversity Conservation Handbook: State, Local, and Private Protection of Biological Diversity, Robert B. McKinstry, Jr., Coreen Ripp & Emily Lisy, eds. (Environmental Law Institute 2006).

"Progress in Texas with Endangered Species Protection: Using Carrots Rather than Sticks to Encourage Habitat Protection on Private Land." Texas Environmental Law Journal, (Winter 2003-04), vol. 34, no. 2.

"Protecting Species for Profit: The Promise of Conservation Banking." Presented to Continuing Legal Education International conference on the Endangered Species Act in Austin, TX (October 15, 2004).

“Protecting Environmental Flows.” Presented to Continuing Legal Education International conference on Texas Water Law, Austin, TX (October 3, 2003). (written with Mary E. Kelly).

“Brush Management: Myths and Facts.” (Environmental Defense, 2003).

“Regulatory and Financial Incentives for Private Landowners for Endangered Species Protection.” Presented to Texas County Extension Agents at training sponsored by the Institute of Renewable Natural Resources, Texas A&M University. (October 15, 2002).

Co-chair, CLE International conference on the Endangered Species Act and Habitat Conservation Planning, Austin, Texas, September 12-13, 2002. *“Flexibility for Private Landowners: Safe Harbor, No Surprises and Mitigation Banking for Endangered Species.”*

“Saving Endangered Species on Private Land: Using Incentives to Achieve Results.” Presented to American Bar Association, Section of Environment, Energy & Resources, Conference on Environmental Law (March 15-16, 2002).

Co-chair, CLE International conference on the Endangered Species Act and Habitat Conservation Planning, Austin, Texas, September 10-11, 2001. *“Innovative Programs for Conserving Rare Species: Safe Harbor and No Surprises.”*

“Protecting Texas' Aquatic Resources in the 21st Century.” Presented to Texas Water Law Institute, Water Law for the New Millennium (September 30-October 1, 1999).

“The Safe Harbor Policy: A Legal Tool for Restoring Habitats and Populations of Endangered Species.” Ecological Restoration, (Spring/Summer 1999), vol. 17, nos. 1&2.

“Promoting Recovery or Hedging a Bet Against Extinction: Austin, Texas's Risky Approach to Ensuring Endangered Species' Survival in the Texas Hill Country” Environmental Law, (1993), vol. 24:581.

Co-author, *A Partnership in Conservation: The Weyerhaeuser-EDF Management Plan for The Parker Tract, the Last Remnant of the East Dismal Swamp.* (EDF 1997).

Co-author, *“Soiled Streams: Cleaning Up Sediment Pollution in North Carolina Waters.”* (EDF 1998).

Co-author, *Recommendations for Purchasing and Using Environmentally Preferable Paper*, The Paper Task Force (Duke University, EDF, Johnson & Johnson,

McDonald's, The Prudential Insurance Company of America, Time, Inc.). 1995.