

**DAVE OWEN**  
University of California, Hastings College of the Law  
200 McAllister Street, San Francisco, CA 94102  
owendave@uchastings.edu – 415-703-8285

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### **ACADEMIC EMPLOYMENT**

Professor of Law, University of California, Hastings College of the Law  
*Winner of the Rutter Award for Teaching Excellence, 2017*

Professor of Law and Associate Dean for Research, University of Maine School of Law (2013-15)

Visiting Professor of Law, University of San Diego School of Law (Spring 2014)

Associate Professor of Law, University of Maine School of Law (2007-13)

Affiliated Scholar, Center for Progressive Reform (2014 – present)

### **PUBLICATIONS**

#### **Book**

*Practicing Environmental Law* (Foundation Press, 2017) (with Todd Aagaard & Justin Pidot).

#### **Articles in Legal Journals**

[\*Water and Taxes\*](#), 50 U.C. DAVIS L. REV. 1559 (2017).

[\*Little Streams and Legal Transformations\*](#), 2017 UTAH L. REV. 1.

[\*Regional Federal Administration\*](#), 63 UCLA L. REV. 58 (2016).

Selected for reprinting in 48 Land Use & Envtl. L. Rev. (2017) as one of the top five environmental law articles of 2015-16.

[\*Trading Dams\*](#), 48 U.C. DAVIS L. REV. 1043 (2015) (co-authored with Colin Apse)

Recipient of the Morrison Prize for Sustainability Scholarship; selected for presentation at the 2014 Harvard-Stanford-Yale Junior Faculty Forum.

[\*Interdisciplinary Research and Environmental Law\*](#), 41 ECOLOGY L.Q. 887 (2015) (coauthored with Caroline Noblet).

Selected for presentation at the 2014 Harvard-Stanford-Yale Junior Faculty Forum.

[\*Taking Groundwater\*](#), 91 WASH. U. L. REV. 253 (2014).

[\*Mapping, Modeling, and the Fragmentation of Environmental Law\*](#), 2013 UTAH L. REV. 219.  
Reprinted in 46 LAND USE & ENVTL. L. REV. (2015) as one of the top 6 environmental law articles of 2013-14. Reprinted in the *Environmental Law and Policy Annual Review*, 45 Envtl. L. Rep.

10796 (2015) for receiving honorable mention as one of the top environmental law and policy articles of 2013.

[\*The Mono Lake Case, The Public Trust Doctrine, and the Administrative State\*](#), 45 U.C. DAVIS L. REV. 1099 (2012)

[\*Critical Habitat and the Challenge of Regulating Small Harms\*](#), 64 FLORIDA L. REV. 141 (2012), Reprinted in the *Environmental Law and Policy Annual Review*, 43 ENVTL. L. REP. 10662 (2013), as one of the top environmental law and policy articles of 2012.

[\*Urbanization, Water Quality, and the Regulated Landscape\*](#), 82 U. COLORADO L. REV. 431 (2011). Selected for presentation at the 2010 Stanford-Yale Junior Faculty Forum.

[\*Probabilities, Planning Failures, and Environmental Law\*](#), 84 TULANE L. REV. 265 (2009), Reprinted in 42 LAND USE & ENVTL. L. REV. (2011) as one of the top 5 environmental law articles of 2009-10.

[\*Climate Change and Environmental Assessment Law\*](#), 33 COLUM. J. ENVTL. L. 57 (2008).

[\*Law, Environmental Dynamism, Reliability: The Rise and Fall of CALFED\*](#), 37 ENVTL. L. 1145 (2008).

[\*Technocracy and Democracy: Conflicts Between Models and Participation in Environmental Law and Planning\*](#), 56 HASTINGS L.J. 901 (2005) (co-authored with James Fine).

[\*The Disappointing History of the National Marine Sanctuaries Act\*](#), 11 N.Y.U. ENVTL. L.J. 711 (2003).

[\*Prescriptive Laws, Uncertain Science, and Political Stories: Forest Planning in the Sierra Nevada\*](#), 29 ECOLOGY L.Q. 747 (2003).

Note, *Gibbs v. Babbitt*, 28 ECOLOGY L.Q. 377 (2001).

### **Articles in Peer-Reviewed Journals**

[\*The Importance of Institutional Design for Distributed Local-Level Governance of Groundwater: The Case of California's Sustainable Groundwater Management Act\*](#), MDPI Water (2017).

[\*Overallocation, Conflict, and Water Transfers\*](#), 9 ENVTL. RES. LETTERS (2014)

[\*Collaboration, Clean Water Act Residual Designation Authority, and Collective Permitting: A Case Study of Long Creek\*](#), 1 WATERSHED SCI. BULLETIN 25 (2010).

[\*Legal constraints, environmental variability, and the limits of innovative environmental governance\*](#), 12 ENVTL. SCI. & POL'Y 684 (2009).

[\*Explaining the Klamath\*](#), 22 CONSERVATION BIOLOGY 1664 (2008) (book review).

### **Book Chapters, Essays, Briefs, and Other Publications**

*Auctions, Taxes, and Air*, 66 UCLA L. Rev. Discourse \_\_ (forthcoming 2017).  
Comments of the Center for Progressive Reform on the Proposed Waters of the United States Rule, Sept. 25, 2017.

*The Future of Natural Resources Law*, 47 ENVTL. L. REP. NEWS & ANALYSIS 10197 (2017).

*Brief of Members of Congress as Amici Curiae in Support of Respondents*, In re Environmental Protection Agency and Dept. of Defense, Final Rule: Clean Water Rule (6th Cir. 2017) (with Jamison Colburn, Kim Dianna Connolly, and Sam Kalen)

*After the TMDLs*, 17 VT. J. ENVTL. L. 841 (2016)

*The Law of Environmental Planning*, in Environmental Decision Making (Lee Paddock & Robert Glicksman, eds. 2016)

*Brief of Amicus Curiae Law Professors*, Mineral County et al. v. Walker River Irrigation District et al., (9th Cir. 2016) (with Richard M. Frank).

DESIGNING EFFECTIVE GROUNDWATER SUSTAINABILITY AGENCIES: CRITERIA FOR EVALUATION OF LOCAL GOVERNANCE OPTIONS (with Michael Kiparsky et al.).

*Brief of Amicus Curiae Law Professors*, San Francisco Baykeeper v. California State Lands Commission (Cal Ct. App. 2015)

[\*The Endangered Species Act\*](#), in GLOBAL CLIMATE CHANGE AND UNITED STATES LAW (Michael B. Gerrard and Jody Freeman eds., 2nd ed. 2014).

*Brief of Amicus Curiae Law Professors*, Siskiyou County Farm Bureau v. California Department of Fish & Wildlife (Cal. Ct. App. 2014).

*Proposed Regulation of Greenhouse Gas Would Benefit Nation, World, Maine*, PORTLAND PRESS HERALD, June 17, 2014.

Dave Owen & Sean Mahoney, *Waterfront Ordinance Protects Quality of Life and Existing Uses*, PORTLAND PRESS HERALD, October 19, 2013.

[\*Environmental Groups File Residual Designation Authority Petitions for EPA Regions 1, 3, and 9\*](#), THE SANDBAR, October, 2013.

Robert J. Lillieholm et al., [\*Alternative Futures Modeling in Maine's Penobscot River Watershed: Forging a Regional Identity for River Restoration\*](#), Lincoln Institute for Land Policy Working Paper (2012).

[\*Sea Level Rise and the Endangered Species Act\*](#), 73 LOUISIANA L. REV. 119 (2012)

Brian Lessels and Dave Owen, *Legal Liabilities for Salt Use Reduction* (November 2011) (prepared for the Maine Salt Management Task Force).

Joseph L. Sax and David R. Owen, *Brief of Amici Curiae Law Professors in Support of The United States Petition for Rehearing and/or Rehearing En Banc, Casitas Municipal Water District v. United States* (Fed. Cir. 2008).

Editor, Environmental Law Profs Blog, [http://lawprofessors.typepad.com/environmental\\_law/](http://lawprofessors.typepad.com/environmental_law/), August 2011 – present.

### **OTHER RESEARCH ACTIVITIES**

Advisory Board Member, [Future of Dams Research Project](#)

### **PRESENTATIONS, LECTURES, AND WORKSHOPS**

Panelist, *Water and Social Justice*, UC/CEB Public Service Law Conference, UCLA Law School, September, 2017.

Panelist, Recent Environmental Law Cases in the Federal Courts, San Francisco Bar Association, September, 2017.

*Water and Taxes*, Pace University Law School and University of Maryland School of Law, January 2017

*Moderator, Delta Land Use Panel*, California Water Law Symposium, University of San Francisco School of Law, January 2017

Panelist, *The Future of Natural Resources Law*, United States Department of Justice, November 2016

*Panelist, Water Rights Reform*, California State Bar Environmental Law Conference, October, 2016.

*Technology and Environmental Compliance*, International General Counsel Symposium, UC Hastings, September, 2016

*Trading Dams*, Second Annual Sustainability Conference of American Legal Educators, Arizona State University School of Law, May, 2016

*The Evolving Law of Headwater Streams*, University of San Francisco School of Law, February, 2016

*Moderator, Urban Stormwater Recovery Panel*, California Water Law Symposium, University of the Pacific/McGeorge School of Law, January, 2016

*The Evolving Law of Headwater Streams*, University of California, Berkeley School of Law, January, 2015

*The Evolving Law of Headwater Streams*, UCLA Law School, November, 2015

[After the TMDLs](#), Vermont Law School, October, 2015 (keynote address)

[Stegner Center Young Scholar Lecture](#), University of Utah, S.J. Quinney School of Law, October, 2015

*Moderator, Water Law Panel*, Natural Resources Law Teachers' Institute, Salt Lake City, Utah, May, 2015.

*Regional Federal Administration*, Florida State University Law School, February 2015.

*Regional Federal Administration*, University of Tel Aviv, January, 2015.

[Trading Dams](#), Mitchell Center for Watershed Research, University of Maine, October, 2014.

*Trading Dams*, Harvard-Stanford-Yale Junior Faculty Forum, Stanford Law School, June, 2014.

*Interdisciplinary Research and Environmental Law*, Harvard-Stanford-Yale Junior Faculty Forum, Stanford Law School, June, 2014

*TMDLs 2.0*, National Association of Attorneys General, Little Rock, Arkansas, April, 2014.

*Trading Dams*, University of Denver School of Law, February, 2014.

*Interdisciplinary Research and Environmental Law*, University of California, Berkeley School of Law, February, 2014.

*Trading Dams*, University of San Diego School of Law, January, 2014.

*The Penobscot River Restoration Project and the Future of Hydropower Law*, Camden Conference/Portland Public Library, December, 2013.

*The Law of Stormwater*, Maine Stormwater Conference, South Portland, ME, November, 2013.

*Trading Dams: The Penobscot River Restoration Project and the Future of Hydropower Law*, Bates College, November, 2013.

*Trading Dams*, Vermont Law School Environmental Law Colloquium, October, 2013.

*Critical Habitat and the Consultation Process*, Natural Resources Law Teachers' Institute, Flagstaff, AZ, May 2013.

*The Clean Water Act Goes to the Mall*, Bates College, May, 2013.

*Critical Habitat and the Challenge of Regulating Small Harms*, Environmental Law and Policy Annual Review Conference, Washington, D.C., March 2013.

*Taking Groundwater*, Conference on Litigating Regulatory Takings, University of California, Hastings School of Law, November 9, 2012.

*Mapping, Modeling, and the Fragmentation of Environmental Law*, University of Washington Junior Environmental Scholars Colloquium, Seattle, Washington, July, 2012.

*Maine Water Law: Putting it all Together*, CLE Seminar, South Portland, Maine, April 2012.

*Sea Level Rise and the Endangered Species Act*, Symposium: Coastal Land Loss in the Gulf Coast and Beyond, Louisiana State University Law Center, March 2012.

*Mapping, Modeling, and the Fragmentation of Environmental Law*, Association for Law, Property, and Society Annual Meeting, Georgetown University Law School, March 2012.

*Critical Habitat and the Challenge of Regulating Small Harms*, United States Department of Justice, Environmental and Natural Resources Division, March, 2012.

*Mapping, Modeling, and the Integration of Environmental Law*, University of Maine Sustainability Solutions Institute, January 2012.

*Maps, Models, and the Integration of Environmental Law*, Vermont Law School Environmental Law Colloquium, September 2011.

Maine Water Conference: Conference Co-Chair; Chair, Panel on Urban, Urbanizing, and Undeveloped Watersheds, Augusta, Maine, March 16, 2011.

*Administering an Ecological Public Trust*, Symposium: The Public Trust Doctrine: 30 Years Later, University of California, Davis School of Law, March, 2011.

*The Curious Case of Critical Habitat*, Vermont Law School, October, 2010.

*Urbanization, Water Quality, and the Regulated Landscape*, Vermont Law School Environmental Law Colloquium, October 2010.

*Urbanization, Water Quality, and the Regulated Landscape*, Yale-Stanford Junior Faculty Workshop, Yale Law School, June 2010.

Panelist, *When State Law Conflicts with Good Planning*, Maine State Planning Association, June 2010.

*Is Regulation of Water Rights a Taking?*, Georgetown-Vermont Annual Conference on Litigating Regulatory Takings, Vermont Law School, November, 2009.

*Urbanization, Water Quality, and the Regulated Landscape*, University of Maine Department of Wildlife Ecology, October 2009.

*Litigating Climate Change*, Presentation to the Maine Judicial Council, July, 2009.

*Physically Taking the Intangible: The Federal Circuit's Decision in Casitas Municipal Water District v. United States*, Federal Circuit Bar Association Panel, March 2009.

Panelist, Conference on NEPA and Climate Change, Villanova Law School, October 2008.

*'The Most Complex and Extensive Ecosystem Restoration Project Ever Proposed': Lessons from the CALFED Program*, Senator George J. Mitchell Center for Environmental and Watershed Research, University of Maine, Orono, April, 2008.

## **EDUCATION**

University of California, Berkeley School of Law (Boalt Hall), J.D. 2002

*Honors: Order of the Coif*

*Activities: Editor-in-Chief, Ecology Law Quarterly*

Amherst College, B.A., Geology 1996

*Honors: Magna cum laude*

## **PRIOR EMPLOYMENT**

2003-2007 Associate Attorney, Rossmann and Moore, San Francisco, California.

*Sample projects included representing Nevada in its opposition to the Yucca Mountain Nuclear Waste Repository; representing environmental groups in opposition to increased water withdrawals from the Sacramento-San Joaquin Bay-Delta; representing Imperial County, California in litigation over Colorado River Water transfers; defending Imperial County against takings claims based on regulation of groundwater rights; and representing parties in multiple FERC relicensing proceedings.*

2002-2003 Clerk to Judge Samuel Conti, United States District Court, Northern District of California.

1996-2000 Geologist/Environmental Auditor, Woodard & Curran, Inc., Dedham, Massachusetts.