



ENVIRONMENTAL  
LAW • INSTITUTE®



# 2016

## ANNUAL REPORT

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Making law work for people,  
places, and the planet.

## A Message From the President and Chairman

Far-reaching changes are sweeping through environmental law and policy, potentially recasting the roles of the U.S. Environmental Protection Agency and other federal agencies and shifting more responsibility to the states through a rebalancing of cooperative federalism. In 1969, ELI was formed at the advent of the modern environmental law movement. Today, ELI could not be more relevant at this moment of the potential reshaping of our system of clean air, water, and other protections. As the only organization focused exclusively on effective governance and rule of law in the environmental arena, ELI is uniquely positioned to understand the multi-faceted dimensions of what is happening and to provide thoughtful, nonpartisan guidance going forward.



Scott Fulton

Starting in November 2016, we saw an increasing demand for ELI's expertise on regulatory reform and our seasoned perspective on how proposed changes could impact environmental protection. Our March 2017 report, *Regulatory Reform in the Trump Era*, presents a series of brief "fact sheets" on specific legal tools or paths that could be adopted to change the existing environmental protection edifice. Expect more of such incisive, timely analysis going forward.

Last year, ELI continued our internationally esteemed educational and research programs covering both existing laws and policies and those that are emerging. Consistent with our recognition that the U.S.-China relationship's importance will only grow with time, we chose The Honorable Hank Paulson as the recipient of the ELI 2016 Environmental Achievement Award. His visionary leadership in forging an enduring relationship between the two largest economies and his many efforts to advance sustainability align perfectly with ELI's vision of achieving a healthy environment, prosperous economies, and vibrant communities. Over the last year, ELI has expanded our projects in China, working closely with government agencies, foundations, public interest groups, companies, and others to build capacity for administering effective environmental law.

Launched in May 2016, our Vibrant Environment blog has showcased ELI's thought leadership on the environmental issues of the day and reflects our core belief that engaged, knowledgeable discussion and a clear, inclusive vision are essential for durable environmental progress both locally and globally.



Benjamin F. Wilson

To keep pace with the rapidly changing environment—in both the natural world and the legal and policy realms—in 2016, ELI completed a major strategic review. As set forth in *ELI Vision 2021*, we are committed to improving environmental

governance and the rule of law around the world as a primary means of meeting environmental challenges, including global and domestic pollution and sustainability imperatives. Working to reinforce emerging environmental performance drivers, such as private environmental governance and environmental data systems, ELI will continue our mission of creating legal and policy frameworks that advance accountability in an efficient and integrated way. As we move together into an ever-more challenging future, ELI's special niche and expertise is needed now more than ever.

Thanks to your support, ELI ended 2016 and launched into 2017 in great financial and programmatic shape.

Scott Fulton  
President

Benjamin F. Wilson  
Chairman of the Board

## ELI SUCCESSES BY THE NUMBERS

# 127

In 2016, we produced more than **127** educational events, research seminars, and webinars for environmental professionals, governments, and nonprofit organizations both online and in person attended by over 4,000 people.

# 55

On October 25, 2016, over **55** Star Sponsors, the largest number ever, supported ELI's annual Award Dinner—the most financially successful dinner in ELI's history - honoring Hank Paulson, former Secretary of the Treasury, for his visionary leadership to forge an enduring U.S. - China relationship to enhance environmental protection, reduce climate change, and build a sustainable future for our planet.

# 55,000

Since 1991, ELI has trained more than **53,000** lawyers and environmental professionals and **2,000** judges from 27 countries.

# 201

Over a 27-year period, ELI has awarded **201** wetland champions through its annual National Wetlands Awards for exceptional and innovative contributions to wetlands protection. The 2016 National Wetlands Awards recognized the achievements of Peter David, Great Lakes Indian Fish & Wildlife Commission (for Conservation and Restoration); Dr. Pamela B. Blanchard, Louisiana State University's Coastal Roots Program (for Education and Outreach); Dr. K. Ramesh Reddy, University of Florida (for Science Research); Tom Bernthal, Wisconsin Department of Natural Resources (for State, Tribal, and Local Program Development); and Roberto Viquera, Protectores de Cuencas, Inc. (Wetlands Community Leader).

# 12

In addition to working at the national level in the United States, ELI advanced environmental law in 2016 in **12** states.

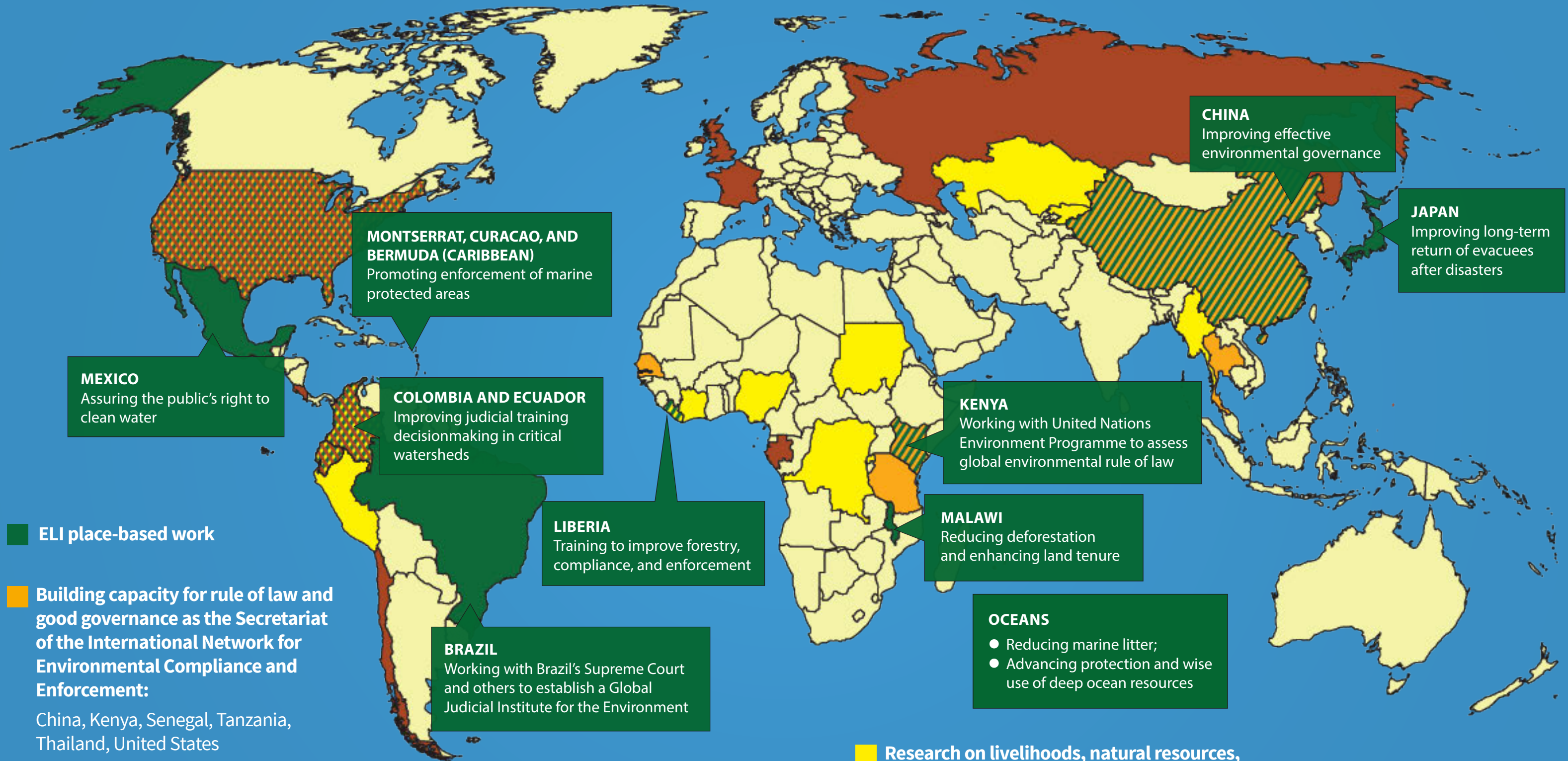
# 37

As part of our global work, ELI advanced environmental law in 2016 in **37** countries.

## ELI—Advancing Environmental Rule of Law and Governance

Whether in the United States, China, Africa, the Caribbean, South America, Mexico, or any of the other places where we work, ELI proudly contributes to improving the global state of environmental rule of law. ELI joins hearts and hands with our many partners both here and abroad to illuminate and safeguard the progress made since 1969 and to help advance a world in which carefully crafted environmental laws, policies, and effective governance regimes serve us all.

# International Work in 2016



**■ ELI place-based work**

**■ Building capacity for rule of law and good governance as the Secretariat of the International Network for Environmental Compliance and Enforcement:**

China, Kenya, Senegal, Tanzania, Thailand, United States

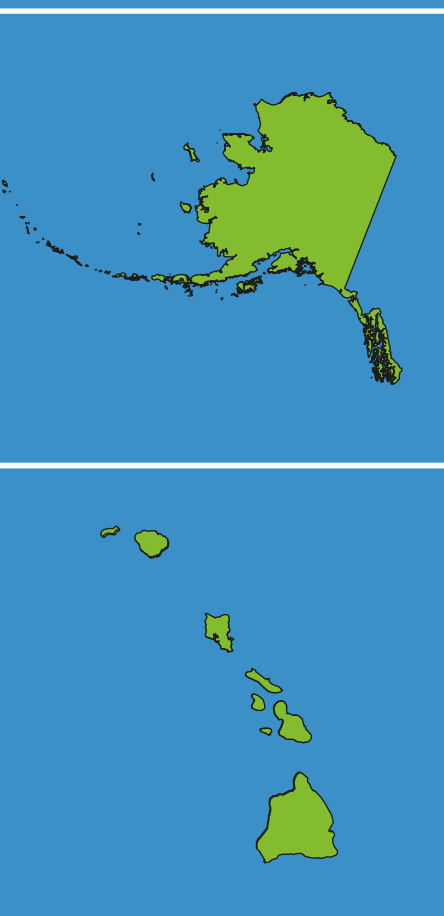
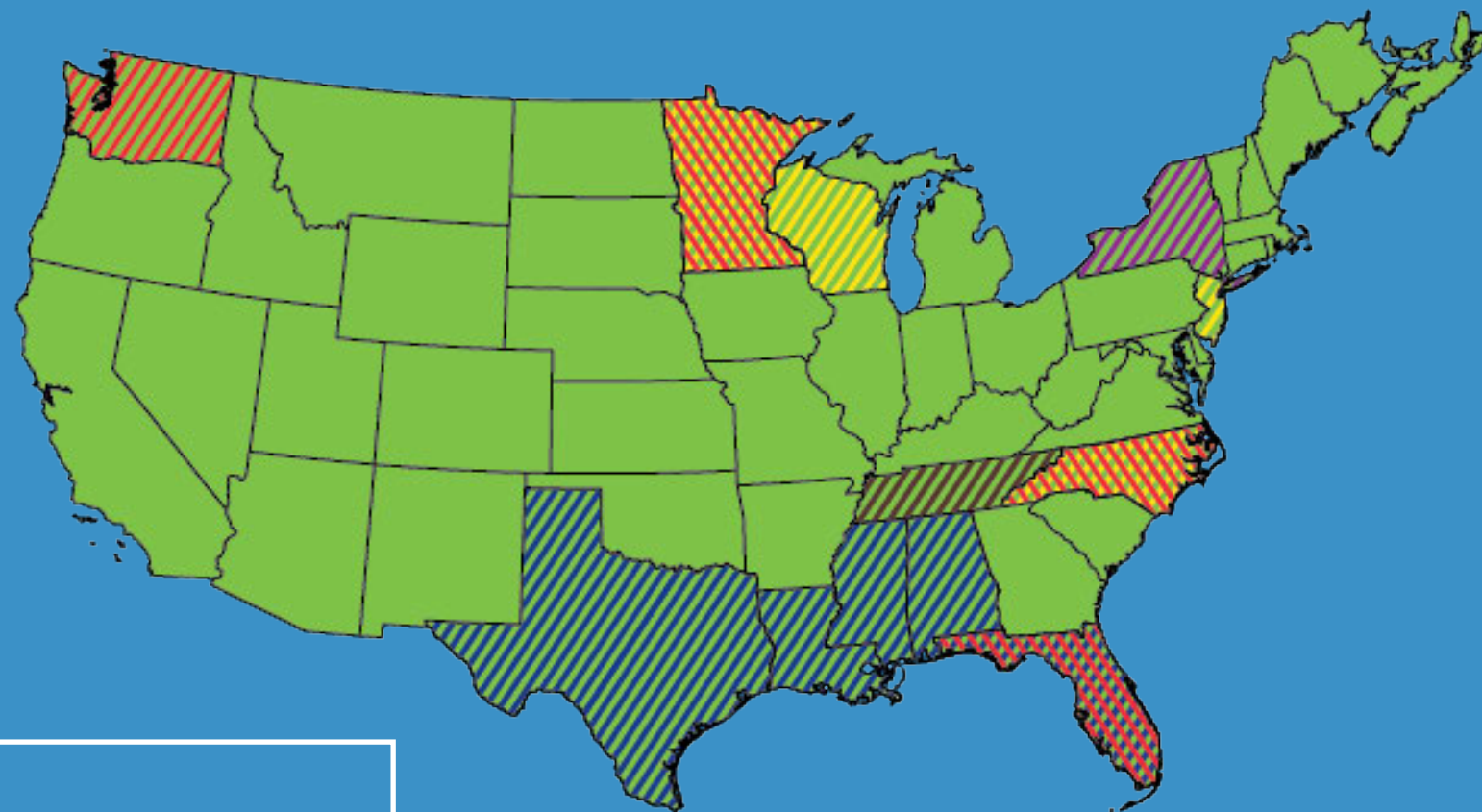
**■ Enhancing Marine Protected Areas under the Pristine Seas initiative:**

Chile, Colombia, Costa Rica, Ecuador, France, Gabon, Kiribati, Palau, Russia, United States, United Kingdom, Ross Sea (Antarctica)

**■ Research on livelihoods, natural resources, and post-conflict peacebuilding:**

Burma, Colombia, Cote d'Ivoire, Democratic Republic of the Congo, Ecuador, Kazakhstan, Krygyzstan, Liberia, Nigeria, Peru, Rwanda, Sudan

# Work in the United States in 2016



- ELI national work
  - ✓ Protecting water supplies and clean water
  - ✓ Promoting climate change resilience and mitigation
  - ✓ Protecting wetlands protection, wildlife, and biodiversity
  - ✓ Catalyzing clean energy
  - ✓ Effectively managing natural resources
  - ✓ Improving indoor air quality in schools and homes
  - ✓ Enhancing state and local authority for marine protected areas
  - ✓ Teleconferences on climate change impacts
- Supporting public engagement in Gulf restoration
- Helping communities restore, manage, and connect floodplain buyout properties
- Training on responsible e-waste recycling programs
- Promoting food waste reduction in Nashville (NRDC Project)
- Aligning environmental protection goals where working and natural lands converge with national defense facilities

Map of United States of America with States - Outline by FreeVectorMaps.com



# Strengthening Environmental Governance Around the World

Joining with our numerous partners, ELI's new China Program will be an indispensable convener and source of clear-thinking expertise on governance and enforcement in responding to the government's increasing commitment to environmental protection. In October 2016, as the new Secretariat of the International Network for Environmental Compliance and Enforcement (INECE), ELI organized and led a program on innovative technologies in enforcement with the Subcommittee on Environmental Enforcement, an affiliate of China's Ministry of Environmental Protection (MEP). And we deepened our cooperative program with the Policy Research Center for Environment and Economy (PRCEE), also an MEP affiliate, on the enforcement and compliance side of permitting. In June, ELI served as an expert presenter on climate litigation at a workshop for the Supreme People's Court and on liability for environmental cleanup and restoration at a workshop for more than 200 judges on China's environmental benches.

Almost two decades ago, ELI had the foresight to see the critical role that China and its now 1.4 billion people would play in global environmental protection. ELI began translating our key publications into Chinese, starting with the *Practical Guide to Environmental Management, 6th Edition* in 1995.

This past spring, ELI was an ambassador for INECE's more than 2,000 environmental enforcement practitioners in 150 countries at the World Congress on Environmental Rule of Law, held in Rio de Janeiro. Before the main event, ELI President Scott Fulton joined a smaller gathering of judges, former judges, and legal experts to develop the charter for a new Global Judicial Institute for the Environment that ELI helped conceptualize. This institute is designed to build environmental adjudication capacity within judicial systems around the world.

In 2016, ELI continued our landmark efforts to help conflict-affected countries understand effective approaches and best practices for equitably allocating natural resources and associated profits. Last spring, ELI, the United Nations Environment Programme, the University of Tokyo, and McGill University published a 39-chapter study—*Governance, Natural Resources, and Post-Conflict Peacebuilding*—detailing natural resource governance regimes in 50 conflict-affected countries and territories.

ELI has played a pivotal role in helping ensure that Mexico's constitutional right to water is realized in communities that lack clean and plentiful water. Last year, together with our partner, the Mexican Center for Environmental Law (CEMDA), ELI further strengthened the capacity of several municipalities and communities in the states of Veracruz and Puebla to effectuate this right, while developing a model Municipal Right to Water Implementation Plan for all municipalities to use. ELI and CEMDA also informed the national debate on the scope and content of the legislation required to implement this right, focusing on sustainable water policies that further human rights.

## Environmental LAW

- 法律 Chinese
- loi French
- закон Russian
- sharciga Somali
- ley Spanish
- กฎหมาย Thai

## Building Capacity for Tomorrow, Today!

For almost five decades, ELI has illuminated the path to effective environmental protection laws and policies, establishing us as the go-to organization to help make the law work for people, places, and the planet. In 2016, we held 127 public seminars, briefings, and other educational events attended by over 4,000 people. At our 25th Annual Eastern Environmental Law Boot Camp® held November 2-4 in Washington, DC, outstanding environmental law and policy professionals imparted practical, pragmatic knowledge to a rising generation of lawyers. The ELI Western Boot Camp, held March 15-17 in San Francisco, passed its 12th year, with similar results.

ELI joined with Vanderbilt University Law School for the 2015-2016 Environmental Law and Policy Annual Review Conference, which brought together policymakers and leading academic thinkers to advance cutting-edge ideas for improving environmental quality. Topics highlighted include regulatory permits—theory and practice, health-based standards and cost-benefit analyses, and non-transmission alternatives for electricity.

ELI also continues to provide vital information and clarity on the most critical and pressing environmental issues, policies, and developments through such periodicals as the *Environmental Law Reporter*® and *The Environmental Forum*®. These nationally and internationally well-regarded resources help shape effective environmental laws and policies.

### Western Boot Camp in 2016 | San Francisco



#### Among last year's engaging environmental education topics were:

- The Circular Economy: Regulatory and Commercial Law Implications (Master Class);
- Environmental Markets: The Master Class;
- The Endangered Species Act Today: Eco-Pragmatism & State Conservation Efforts;
- The Story of the Toxic Substances Control Act (TSCA) Reform;
- Emerging Issues in Environmental Law;
- The Republican and Democratic 2016 Party Platforms; and
- Issues for the New Administration: Trade and the Environment

## Informing Climate Policy Domestically and Abroad

In October, weeks before the Paris Agreement went into effect, ELI released a straightforward model law to help countries that are seeking to give the force of domestic law to their policy-level plans for greenhouse gas reductions, or Nationally Determined Contributions. The model law was translated into the six United Nations languages (plus Portuguese) to facilitate its use around the world and to serve as a starting point for the important legislative work ahead facing committed countries.

Also in October, our webinar on *The Law and Policy of Sea-Level Rise Adaptation: Planning Considerations and Legal Risks in California* brought together experts to discuss legal risks and other key issues for states as they develop strategies aimed at adapting to a predicted one-to-two-meter sea-level rise by 2100.

We kicked off our 2016 educational events with the ELI Monthly Climate Change Briefing in January, followed by a series of seminars, webinars, and other events throughout the year. As always, ELI topics imparted critical knowledge to the community of legal practitioners to enhance their knowledge of environmental law and policy.

When the five states of the Mid-Atlantic Regional Council on the Ocean (MARCO) and its Climate Change Action Team needed to understand the state-of-practice for prioritizing wetlands that will be useful in climate risk reduction and resilience, they turned to ELI. With our hallmark focus on practical measures, and tapping into the advice of an expert panel, ELI produced *Developing Wetland Restoration Priorities for Climate Risk Reduction and Resilience in the MARCO Region*. It proposes a framework to support continuous improvement while allowing states (or smaller jurisdictions) to pursue tailored opportunities.

Working with partners, ELI helped develop a roadmap for Liberia to implement its program to reduce emissions from deforestation and forest degradation, to foster conservation and sustainable management of forests, and enhance the ability of the country's forests to act as carbon sinks. This is part of ELI's long-standing work to help the Liberian government advance policies, practices, and enforcement capacity to address deforestation.

Whether through our Monthly Climate Change Briefing series, book reviews, lectures, and articles in ELI publications, we made sure our diverse audiences stayed abreast of key developments and thinking on this most important issue.

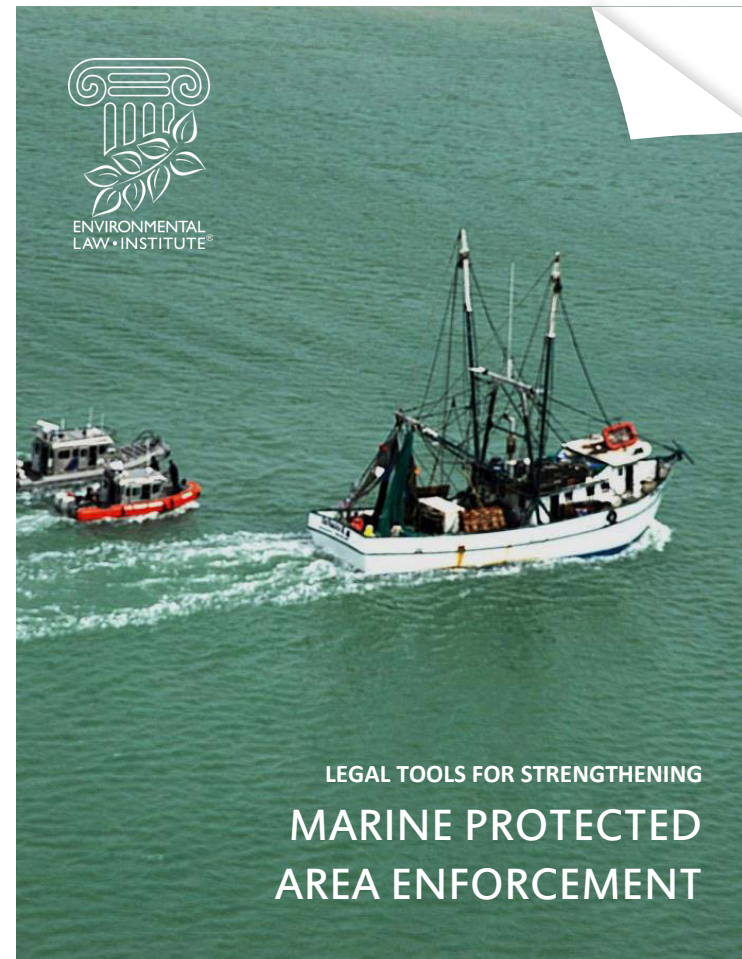


## Protecting the World's Waters

In September, at the 2016 **Our Ocean Conference** in Washington, DC, ELI released an analysis that furthers the stewardship of Marine Protected Areas (MPAs): *Legal Tools for Strengthening Marine Protected Area Enforcement: A Handbook for Developing Nations*. The Handbook introduces principles and legal tools to guide policymakers and legal drafters to improve MPA enforcement and compliance, while providing sample legal provisions that countries may use to implement these reforms. During the conference, ELI also became a founding member of the Safe Ocean Network, an international community of countries and institutions seeking to strengthen all aspects of the fight against illegal fishing, including detection, enforcement, and prosecution.

In December 2016, ELI completed and shared with representatives of the Bermudian government and other local partners its report on the *Legal Context for Nearshore Marine Spatial Planning in Bermuda*. This report provides Bermuda with regulatory options for the implementation of a marine spatial planning approach to help ensure more effective management of the marine environment to meet ecological, economic, and social objectives.

ELI continues its work—now in its seventh year—to support meaningful public engagement in the restoration processes that were set up in the wake of the *Deepwater Horizon* oil disaster, where an estimated 3.2 million barrels of oil spilled into the Gulf of Mexico. ELI has served as a crucial resource through its analyses of restoration processes, and its efforts to translate complex restoration topics into language a variety of stakeholders can understand.



From left to right: Ben Wilson, Vice Chair of ELI Board of Directors; The Honorable Hank Paulson, recipient of the 2016 Environmental Achievement Award; Scott Fulton, President of ELI; Martha Rees, Chair of ELI Board of Directors; and Luis Alberto Moreno, President, Inter-American Development Bank

## Empowering Private Environmental Governance

*At the 2016 ELI Award Dinner, honoree Hank Paulson noted, "It takes business, NGOs, and government working together to get some things done," a view at the heart of ELI's collaborative work.*

Recognizing the great potential for private environmental governance to advance sustainable development goals, the ELI five-year strategic plan released last year underscores our increased commitment to private-sector partnerships. To that end, in 2016, we launched our new Private Environmental Governance Initiative to explore both the biggest opportunities and the most significant challenges for voluntary standards, eco-labels, and other market mechanisms to promote environmental stewardship.

Additionally, at the 2016 ELI Corporate Forum held in conjunction with the annual Award Dinner, we brought together an expert panel on "The Business of Water." Panelists from the business and nonprofit sectors engaged in an in-depth discussion on the roles that law, policies, and private initiatives are expected to play in future water resource governance. Later that afternoon, the 2016 ELI-Miriam Hamilton Keare Policy Forum invited a multidisciplinary panel to explore the vital topic of "The Paris Agreement and Private Actors: Extra-Jurisdictional Considerations of the Climate Agreement." The panel considered steps that private actors and others in the climate arena can take, outside of those required or incentivized by regulation, to prevent worsening climate conditions.



## Tackling Complex Emerging Issues

In 2016, ELI established a new Technology, Innovation, and the Environment Project that will seek to bring clarity and guidance to topics such as biotechnology, nanotechnology, 3-D printing, big environmental data, and other cutting-edge issues confronting the world's technology-driven economies.

In October, ELI launched a project to explore uncharted terrain: the energy and environmental implications of the exploding sharing economy, including such platforms as Uber and Airbnb that have multi-billion dollar valuations and growing market shares. Along the same lines, in November, ELI and New Harvest announced a new project to explore public perceptions and attitudes toward synthetically engineered food, alternative approaches to food production that may need consideration as a means to feed the planet's ever-growing population.

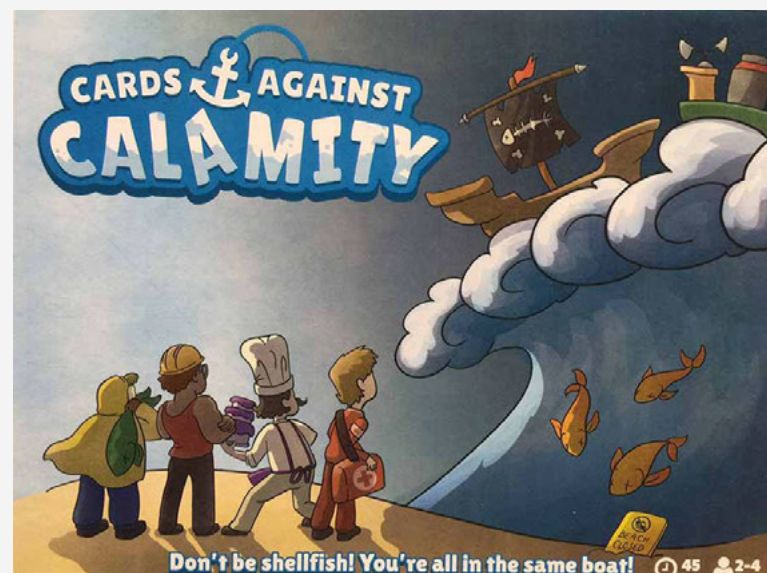
With data and other support from the National Oceanic and Atmospheric Administration, ELI developed a prototype board game, *Cards Against Calamity*, designed to raise public awareness and help coastal communities develop strategies to improve resilience. We also analyzed almost 50,000 games played using the on-line national budget game, *Fiscal Ship*, finding that the game promoted an understanding of policies to address climate change, reduce inequality, and improve investments in the future. These games are part of ELI's effort to use new media technologies and approaches to enhance its impact and reach.

**“ELI is bringing much needed attention to an issue with potentially far-reaching energy and environmental consequences for the rapidly changing twenty-first century economy.”**

—**Evan S. Michelson**, Director of the Sloan Foundation's Energy and Environment program that funded the project on the environmental implications of the exploding sharing economy, including such platforms as Uber and Airbnb

Additionally, in February, an ELI webinar co-sponsored with the National Invasive Species Council explored whether sophisticated gene editing could be a next-generation tool for managing invasive species, including herbicide-resistant weeds, rats on islands, and Asian carp. In August, ELI helped tell the story of massive sand mining taking place around the world on the popular National Public Radio *Diane Rehm Show*, bringing awareness to thousands of listeners about the health and environmental impacts of sand's use in concrete, hydraulic fracturing, beach nourishment, shoreline protection, and barrier island construction.

ELI completed its research and convening since 2014 on deepening the understanding of the ethical and disciplinary constraints on scientists, lawyers, and media professionals who deal with and communicate scientific uncertainty. With robust participation by members of the American Meteorological Society and the Society of Environmental Journalists, ELI hosted April and December workshops on “Scientific Uncertainty and Professional Ethics,” the final two events on lessons learned and possible improvements in communicating science by comparing how the respective professions view and shape the public dialogue and how they approach complex environmental and public health issues, such as genetically modified organisms and climate change.



ELI game to raise awareness about coastal resilience

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Annual Report written by  
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Individual donors are essential to the success of ELI. We gratefully acknowledge gifts received from all of our individual donors during 2016.

The ELI Leadership Council (noted in bold) is the Institute's group of the most prominent environment, energy, and natural resource leaders in the nation, which also provides generous annual donations each year to ELI. The Council recognizes these leaders for their commitment of resources, time, and valued input to help ELI advance its vision of a healthy environment, prosperous economies, and vibrant communities founded on the rule of law. **Kathy Robb** serves as the Leadership Council President; in italics are members of the Leadership Council Steering Committee.

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Members of the ELI Legacy Society have indicated the Environmental Law Institute as a beneficiary in their will, trust, or other estate planning documents. By taking this important step, Legacy Society members provide crucial support for ELI into the future. Those considering the Legacy Society should consult with a tax attorney or accountant to determine the best way to carry out their lifetime and testamentary objectives.

We are grateful to the following individuals for including ELI in their estate plans.

Leslie Carothers  
Stephen Dujack  
Ridgway M. Hall, Jr.  
Craig Mathews  
Elissa Parker  
Ann Powers

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# Financial Statements

## Statements of Financial Position

Years Ended December 31,	2016	2015
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	\$2,211,547	\$1,310,462
<b>Accounts receivable</b>		
Grants and contracts	713,472	638,840
Other	16,161	17,425
Allowance for doubtful accounts	(7,729)	(2,729)
Net accounts receivable	721,904	653,536
Contributions and foundation grants receivable	1,122,683	295,789
Investments	4,034,094	3,735,295
Prepaid expenses and inventory	128,569	135,571
Total current assets	8,218,797	6,130,653
Contributions and foundation grants receivable, noncurrent	-	377,800
<b>Property and equipment, at cost</b>		
Furniture, equipment and software	366,464	346,278
Leasehold improvements	748,408	748,408
Total	1,114,872	1,094,686
Less: Accumulated depreciation and amortization	(403,902)	(297,197)
Property and equipment, net	710,970	797,489
<b>Other assets</b>		
Security deposit	64,115	64,115
<b>Total assets</b>	<b>\$8,993,882</b>	<b>\$7,370,057</b>
<b>Liabilities and Net Assets</b>		
<b>Current liabilities</b>		
Accounts payable and accrued liabilities	\$365,296	\$355,386
Accrued payroll and vacation	322,646	252,700
Deferred revenue	440,562	433,084
Deferred rent	91,158	82,340
Total current liabilities	1,219,662	1,123,510
Deferred rent, noncurrent	928,994	1,020,152
Total liabilities	2,148,656	2,143,662
<b>Net assets</b>		
Unrestricted	4,179,757	3,787,211
Temporarily restricted	2,665,469	1,439,184
Total net assets	6,845,226	5,226,395
<b>Total liabilities and net assets</b>	<b>\$8,993,882</b>	<b>\$7,370,057</b>

Additional financial information can be obtained from [www.eli.org](http://www.eli.org).

## Statements of Activities and Changes in Net Assets

	Year Ended December 31, 2016			Year Ended December 31, 2015		
	Unrestricted	Temporarily Restricted	Total	Unrestricted	Temporarily Restricted	Total
<b>Operating revenues</b>						
Federal awards and contracts	\$983,806	-	\$983,806	\$922,880	-	\$922,880
Contributions and grants	721,145	2,784,234*	3,505,379	865,640	1,537,934	2,403,574
Publication sales and subscriptions	449,114	-	449,114	477,276	-	477,276
Membership revenue	750,648	-	750,648	759,205	-	759,205
Award dinner	474,100	-	474,100	398,625	-	398,625
Interests and dividends, net	73,039	-	73,039	88,339	-	88,339
Other Revenue	295,495	-	295,495	255,823	-	255,823
Net assets released from restriction -satisfaction of grant requirements	1,529,993	(1,529,993)	-	1,252,200	(1,252,200)	-
<b>Total operating revenues</b>	<b>5,277,340</b>	<b>1,254,241*</b>	<b>6,531,581</b>	<b>5,019,988</b>	<b>285,734</b>	<b>5,305,722</b>
<b>Operating expenses</b>						
<b>Program services</b>						
Research, policy and training	2,596,981	-	2,596,981	2,616,201	-	2,616,201
Publications and educational material	529,156	-	529,156	623,563	-	623,563
Membership and outreach	853,053	-	853,053	839,030	-	839,030
Total program services	3,979,190	-	3,979,190	4,078,794	-	4,078,794
<b>Supporting services</b>						
Fundraising	530,771	-	530,771	747,963	-	747,963
Management and general	630,469	-	630,469	582,151	115,553**	697,704
Total supporting services	1,161,240	-	1,161,240	1,330,114	115,553**	1,445,667
<b>Total operating expenses</b>	<b>5,140,430</b>	<b>-</b>	<b>5,140,430</b>	<b>5,408,908</b>	<b>115,553**</b>	<b>5,524,461</b>
Net operating income (loss)	136,910	1,254,241*	1,391,151	(388,920)	401,287**	(218,739)
Net realized and unrealized gains	227,680	-	227,680	(211,346)	-	(211,346)
Changes in net assets	364,590	1,254,241*	1,618,831	(600,266)	401,287**	(430,085)
Transfer between unrestricted accounts	-	-	-	(115,553)	115,553**	-
Net assets, beginning of year	3,787,211	1,439,184	5,226,395	4,503,030	1,153,450	5,656,480
<b>Net assets, end of year</b>	<b>\$4,151,801</b>	<b>\$2,693,425*</b>	<b>\$6,845,226</b>	<b>\$3,787,211</b>	<b>\$1,439,184</b>	<b>\$5,226,395</b>

\*Includes \$27,956 of Unrestricted Board Designated funds.

\*\*Includes \$115,553 of Unrestricted Board Designated funds.

Additional financial information can be obtained from [www.eli.org](http://www.eli.org).

