



*Conferences that Inspire Solutions*

## ***Re-Imagining Environmental and Natural Resources Law***

***March 21-23, 2019***

### ***Sponsored by:***

- The Johnson Foundation at Wingspread
- George Washington University Law School
- Environmental Law Institute

### ***Statement of Purpose:***

The purpose of this meeting is to look ahead to the beginning of the next 50 years of environmental and natural resource law, drawing upon lessons learned over the past 50 years to achieve the following objectives:

- Identify a few of the most important environmental and natural resource issues for which environmental law needs to change in significant ways to adequately address the issues (see proposed starting list of such issues below);
- Discuss how some of the new tools of environmental governance can aid in addressing public governance (i.e., laws and regulations) of these critical environmental and natural resources issues, including:
  - The interplay between public and private environmental governance;
  - The application of citizen science and advanced technology to these unresolved challenges; and
  - New forms of environmental democracy, including layered local, state, and federal governance, as well as new forms of distributed governance; and
  - New approaches to address environmental justice and equity issues, including how to address inequality in the distribution of environment harms.
- Begin conceptualizing how a new consensus supporting legal change could be constructed; and
- Determine potential next steps to expand the dialogue towards change including needed research or white papers, and the possibility of a larger follow on event in Fall 2019.

## About The Johnson Foundation at Wingspread

The Johnson Foundation at Wingspread convenes the right people on timely and compelling topics and empowers them to find innovative solutions with sustained impact. Our meetings among leaders and experts are small and intimate: the issues they address are big and important. Our neutrality creates a unique oasis of trust so the diversity of perspectives around the table are heard and respected. World-class facilitation inspires provocative, yet collaborative, dialogue. Interesting things begin to happen. A common vision emerges. A new path is discovered. Alliances are built. Transformational change takes root.

The Foundation has been a catalyst for lasting change in a variety of areas for more than 50 years. We played an instrumental role in conceiving the National Endowment for the Arts, National Public Radio, and the International Criminal Court. From 2008 to 2014, the Foundation developed a groundbreaking national dialogue on freshwater challenges and solutions called Charting New Waters.

More recently, we have tackled important challenges to create positive and lasting change benefitting our local communities with our unique convening for impact model. This includes partnering with a variety of organizations to form the Racine Collaborative for Children's Mental Health (C2MH) to design and implement a plan to improve the mental health of Racine's youth. More than a hundred public, private and non-profit partners are actively engaged in the C2MH effort. The Foundation also helped launch the Greater Racine Collaborative for Healthy Birth Outcomes, a coordinated approach to reduce by half African American infant mortality in Racine.

Today, the Foundation is directing its energy and expertise on catalyzing greater coordination and collaboration among leaders and stakeholders to enhance our quality of life, drive economic vitality and ensure a stronger, better future for all of our communities within the Greater Racine region and beyond.

We know problems can only be solved when diverse partners share their ideas, concerns and commitments in a way that leads to real understanding and positive change. We strive to be the catalyst for that change.

Who we are reflects the passions and values of the Johnson Family. Three generations of this successful Midwestern business family have guided our work. Their enduring commitment to a better world is also our vision.

The Frank Lloyd Wright-designed Johnson family home known as Wingspread, completed in 1939, is nestled amid 36 wooded acres near the western shore of Lake Michigan. It was donated to the Foundation in 1959 to promote "the free exchange of constructive and purposeful ideas." The Johnson Foundation at Wingspread occupies a singular place among conference facilities and conveners with its combination of focused vision, mission, historic and stimulating natural setting and unique convening model.

## Program

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**Thursday**  
**March 21, 2019**

**1:45 p.m.**  
*Living Room-  
Guest House*

GATHERING AND OVERVIEW OF ACCOMMODATIONS

**2:00 p.m.**  
*Prairie—  
Conference  
Center*

PLENARY SESSION

Welcome to The Johnson Foundation at Wingspread

**Roger C. Dower**

President

The Johnson Foundation at Wingspread

Welcome, Introduction, Agenda Review

*Speakers:*

**LeRoy Paddock**

Associate Dean for Environmental Law

George Washington University

**Scott Fulton**

President

Environmental Law Institute

**Tim Mealey**

Senior Partner and Managing Director

Meridian Institute

*Following these opening remarks, participants will be asked to provide a brief introduction of themselves and their hopes and expectations for the workshop.*

**2:45 p.m.**

PLENARY SESSION

Presentation and Group Discussion: Lessons Learned from Re-  
Imagining Australian Environmental Law

- *Overview of the development and contents of the recent “Blueprint for the Next Generation of Australian Environmental Law”*
- *Lessons learned from the Australian process relevant to this process*
- *Questions and group discussion*

*Speaker:*

**Rob Fowler**

Adjunct Professor

University of South Australia

## Program

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Thursday  
March 21, 2019

3:15 p.m.

### PLENARY SESSION

#### Presentation and Group Discussion: Ecosystem of Environmental Governance Drivers

- *Overview of the 4-quadrant model of environmental governance drivers presented in “A New Environmentalism: The Need for a Total Strategy for Environmental Protection”*
- *Questions, group discussion, and identification of other useful frameworks for addressing the objectives of the workshop*

*Speaker:*

**Scott Fulton**

President

Environmental Law Institute

3:45 p.m.

BREAK

4:15 p.m.

### PLENARY SESSION

#### Presentation and Group Discussion: Leading Environmental Concerns of this Era

*Review and refine or add to the following four topics, which the workshop organizers have identified as among the most critical areas of environmental concern that have not yet been adequately addressed by current law and will benefit from applying forward-thinking new approaches to environmental governance:*

- GHG emissions/decarbonization*
  - Non-point source water pollution (or more generally diffuse sources of air and water pollution)*
  - Ecosystem degradation and loss of biodiversity*
  - Materials use and reuse / waste minimization*
- *Questions and group discussion*

*Speaker:*

**Jessica Hellmann**

Director

Institute on the Environment at the University of Minnesota

## Program

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**Thursday**  
**March 21, 2019**

**5:15 p.m.**

Group Discussion: Group Visioning

- *Facilitator presents proposed approach to Day 2*
- *Group discussion of any friendly amendments or modifications to the proposed approach for Day 2 of the workshop*
- *Solidify plans for Day 2 breakout groups*

*Facilitator:*

**Tim Mealey**

Senior Partner and Managing Director  
Meridian Institute

**5:45 p.m.**

ADJOURN

**6:00 p.m.**

*Wingspread*

HOSPITALITY AND OPTIONAL TOUR OF WINGSPREAD

**6:45 p.m.**

*Wingspread*

DINNER

**8:00 p.m.**

*Living Room—  
Guest House*

EVENING HOSPITALITY

## Program

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**Friday**  
**March 22, 2019**

**7:00 -8:45 a.m.** BREAKFAST  
*Living Room—  
Guest House*

**9:00 a.m.** PLENARY SESSION  
*Prairie—  
Conference  
Center* Recapping Day One and Objectives for the Day

**Tim Mealey**  
Senior Partner and Managing Director  
Meridian Institute

**9:15 a.m.** BREAKOUT SESSIONS

*Divide into 4 breakout groups corresponding to the four substantive challenges raised on Day 1 (GHG emissions; non-point source water pollution; ecosystem degradation; conservation of materials). Each breakout group will discuss the following questions:*

- *What are the key legal tools and strategies for making tangible progress towards addressing if not eliminating the environmental challenge?*
- *Are there gaps and/or insurmountable impediments to applying “traditional” legal tools and strategies to addressing this challenge?*
- *How might other governance approaches (as per the Fulton-Rejeski Framework) contribute to making tangible progress, including:
 
  - a. *Private environmental governance;*
  - b. *Autonomous monitoring and correction systems (i.e., technology-based approaches to governance); and*
  - c. *Community-based approaches including citizen science, big data sharing platforms, and grassroots advocacy.**

<i>Studio</i>	Group 1, GHG emissions	Leads: <b>John Dernbach &amp; Michael Gerrard</b>
<i>Board Room</i>	Group 2, Non-point pollution	Leads: <b>Felicia Marcus &amp; Peggy Strand</b>
<i>Prairie</i>	Group 3, Ecosystem degradation	Leads: <b>J.B. Ruhl &amp; James Salzman</b>
<i>Lower Level A</i>	Group 4, Conservation of materials	Lead: <b>LeRoy Paddock</b>

**10:45 a.m.** BREAK

## Program

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**Friday**  
**March 22, 2019**

**11:15 a.m.**

PLENARY SESSION

Report Outs from Breakout Groups

- *Report outs from the breakout groups*
- *Select from options of post-lunch break out groups*

*Facilitator:*

**Tim Mealey**

Senior Partner and Managing Director  
Meridian Institute

**12:15 p.m.**

*Wingspread*

LUNCHEON

**1:15 p.m.**

*Prairie—  
Conference  
Center*

BREAKOUT SESSIONS

*This section of the agenda will be flexible based on outcomes from morning breakout groups. Options for this section include:*

- A breakout group focused on issues related to environmental justice and equity, how to address inequality in the distribution of environment harms
- Return to one or more of the original issue-specific breakout groups from the morning to build upon new ideas sparked by report outs;
- *Focus on one or more additional environmental challenges and pose the same questions to those challenges as discussed in the morning breakout groups*
- *Some combination of the above.*

Breakout group facilitators TBD

**3:00 p.m.**

BREAK

**3:30 p.m.**

*Prairie—  
Conference  
Center*

PLENARY SESSION

Report Outs from Breakout Groups

- Report outs from the breakout groups
- *Questions and discussion*

*Facilitator:*

**Tim Mealey**

## Program

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**Friday**  
**March 22, 2019**

**4:30 p.m.**

PLENARY SESSION

Plenary Discussion and Wrap-Up for the Day

*This discussion will focus on refining the framework set forth in the 4-quadrant model of environmental governance drivers presented in *A New Environmentalism: The Need for a Total Strategy for Environmental Protection*; **AND/OR** introducing other useful frameworks that have emerged during the discussions.*

- *How can either the 4-quadrant framework or an alternate framework be applied to address governance issues related to the persistent environmental challenges?*

*Facilitator:*

**Tim Mealey**

Senior Partner and Managing Director  
Meridian Institute

**5:30 p.m.**

ADJOURN

**5:30 p.m.**  
*Wingspread*

HOSPITALITY

**6:00 p.m.**

DINNER

**7:30 p.m.**  
*Living Room—*  
*Guest House*

EVENING HOSPITALITY



## Program

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**Saturday  
March 23, 2019**

**7:30-8:45 a.m.** BREAKFAST  
*Living Room—  
Guest House*

**9:00 a.m.** PLENARY SESSION  
*Living Room—  
The House*

Stocktaking

- Refine useful framework or frameworks for analyzing how environmental challenges can and should be addressed in the coming decades.
- Discuss opportunities for a “new consensus,” harnessing new dynamics and environmental energy in youth movements.

*Facilitator:*

**Tim Mealey**  
Senior Partner and Managing Director  
Meridian Institute

**10:30 a.m.** BREAK

**10:45 a.m.** PLENARY SESSION

Brainstorm Next Steps and Voluntary Commitments

*Discuss and agree on next steps from the meeting, particularly pertaining to preparation for a larger follow-up meeting possibly to be conducted at Airlie House in Fall 2019.*

*Facilitator:*

**Tim Mealey**  
Senior Partner and Managing Director  
Meridian Institute

## Program

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**Saturday**  
**March 23, 2019**

**11:40 a.m.**

Closing Remarks

*Speakers:*

**LeRoy Paddock**

Associate Dean for Environmental Law  
George Washington University

**Scott Fulton**

President  
Environmental Law Institute

**12:00 p.m.**

***Living Room—  
Guest House***

ADJOURN AND LUNCHEON