

## **LEE P. BRECKENRIDGE**

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### **Education**

Harvard Law School, J.D. 1976  
Comments and Notes Editor, Harvard International Law Journal

Yale University, B.A., summa cum laude, 1973  
Phi Beta Kappa, Honors in Russian and Eastern European Studies  
Exchange Student at Leningrad State University, USSR, 1971-72

### **Professional Experience**

Northeastern University School of Law  
Professor of Law, 1996 to present  
Associate Professor of Law, 1990 to 1996  
Adjunct Professor of Law, 1989

Teaching responsibilities and research focus in environmental and natural resources law and land use regulation. Current courses in Environmental Decision-making, Land Use Planning, Environmental Law Topics, and Wildlife and Ecosystems Law. Prior courses in Wetlands Law and Hazardous Waste Law.

Supervisor of student independent study projects in environmental and natural resources law, land use planning, and housing law. Member of faculty for JD/MPH program, a joint public health program of Northeastern University School of Law and Tufts University School of Medicine. Member of affiliated faculty and dissertation advisor for graduate students in Northeastern's Law, Policy and Society Program in environmental areas.

Department of the Attorney General, Commonwealth of Massachusetts  
Chief, Environmental Protection Division, 1986-1990  
Assistant Attorney General, 1982-1990

Supervised attorneys and support staff responsible for environmental litigation on behalf of the Commonwealth and its administrative agencies. Litigated suits to enforce federal and state environmental requirements, including laws governing hazardous and solid waste management, air and water pollution control, wetlands protection, coastal zone management, and leasing of federal submerged lands.

Office of the Attorney General, State of Tennessee  
Assistant Attorney General, 1978-1982

Litigated civil cases in federal and state courts on behalf of the State of Tennessee and its administrative agencies. Brought and defended suits under environmental protection laws, including actions concerning hazardous waste sites, water pollution discharges, and air emissions. Handled civil actions on behalf of state agencies under public health, mental health, housing and civil rights laws.

U. S. Court of Appeals for the Sixth Circuit, Honorable Gilbert S. Merritt  
Law Clerk, 1977-1978

U. S. Environmental Protection Agency, Office of General Counsel, Water Division  
Attorney-Advisor, 1976-1977

Participated in developing regulations under the Federal Water Pollution Control Act, the Safe Drinking Water Act, and the Surface Mining Control and Reclamation Act. Reviewed and recommended action on state applications for delegation of federal water pollution control programs. Assisted the Department of Justice in defending regulations on judicial review.

## **Publications**

### Law Review Articles and Book Chapters

*Can Fish Own Water?: Envisioning Nonhuman Property in Ecosystems*, 20 J. LAND USE & ENVTL L. 293 (2005).

*State Survey: Massachusetts*, in 6 WATERS AND WATER RIGHTS (Robert E. Beck ed., 2d ed.) (forthcoming 2005) (treatise chapter on state water and wetlands law in Massachusetts).

*Maintaining Instream Flow and Protecting Aquatic Habitat: Promise and Perils on the Path to Regulated Riparianism*, 106 W. VA. L. REV. 595 (2004).

*State Survey: Massachusetts*, annual supplement to 6 WATERS AND WATER RIGHTS (Robert E. Beck ed., 1991) (developments in state water and wetlands law, 1996-2003).

*Non-Profit Environmental Organizations and the Restructuring of Ecosystem Management Institutions*, 25 ECOL. L.Q. 692 (1999).

*State Enforcement and Settlement Policies Regarding Internal Compliance Programs*, in 5 CORP. CONDUCT Q. No. 4 (1997) (co-author)

*Fractal Federalism: Evolving National-State Relations in U.S. Environmental Law*, in GOVERNMENT STRUCTURES IN THE U.S.A. & THE SOVEREIGN STATES OF THE FORMER U.S.S.R.: POWER ALLOCATION AMONG CENTRAL, REGIONAL, AND LOCAL GOVERNMENTS 275 (James E. Hickey, Jr. & Alexej Ugrinsky eds., Greenwood Press, 1996)

*Reweaving the Landscape: The Institutional Challenges of Ecosystem Management for Lands in Private Ownership*, 19 VT. L. REV. 363 (1995)

*Protection of Biological and Cultural Diversity: Emerging Recognition of Local Community Rights in Ecosystems under International Environmental Law*, 59 TENN. L. REV. 735 (1992)

*Making Waste Recoverable: European Waste Oil Programs*, in AMERICA'S FUTURE IN TOXIC WASTE MANAGEMENT 131-156 (Gary Davis & Bruce Piasecki eds., 1987).

### Student Law Review Articles

Comment, *Non-Recognition of Foreign Abandonment Decrees in United States Adoption Proceedings*, 18 HARV. INT'L L.J. 137-150 (1977)

Note, *War Risks*, 16 HARV. INT'L L.J. 440-456 (1975)

### Papers and Presentations

#### Lectures, Conference Papers and Colloquium Presentations

University of the Pacific-McGeorge School of Law, International Law Conference: Transboundary Freshwater Ecosystem Restoration: The Role of Law, Process and Lawyers, presented paper on "Special Challenges of Transboundary Coordination in Restoring Aquatic Ecosystems," February 18, 2005.

Florida State University College of Law, faculty workshop, "Water Rights and Biological Integrity," February 24, 2004.

Florida State University College of Law, Journal of Land Use and Environmental Law Distinguished Lecturer series, lecture on "Can Fish Own Water? Envisioning Nonhuman Property in Ecosystems," February 23, 2004.

Northeastern University School of Law Conference on Progressive Lawyering: Rethinking Ideology and Strategy, organizer and moderator of panel on "Global Markets, Global Pollution," November 7, 2003.

West Virginia University College of Law, Symposium on Water Issues in the Appalachian Region, presented paper on "Maintaining Instream Flow and Protecting Aquatic Habitat: The Promise and Perils of Regulated Riparianism," October 2, 2003

New England School of Law, New England Journal of International and Comparative Law, Symposium on Assessing the Present and Exploring the Future of International Environmental Law, moderator of panel on "Human Rights: Negotiating Stewardship," March 10, 2003.

Georgetown University Law Center, Environmental Research Workshop, presented paper entitled "Envisioning Nonhuman Property in Ecosystems," October 17, 2002.

Stanford Law School, Environmental and Natural Resources Law and Policy Program, Environmental Workshop, presented paper on "Diversity and Differentiation in Environmental Law," April 29, 2002.

Boston College Law School, Environmental Law Colloquium, speaker on Environmental Policy Changes in the New Administration, Nov. 27, 2001

Eleventh Institute for Natural Resources Law Teachers, Ecosystem Services and the Law program, speaker on Integrated Watershed Management: Lessons from the Charles River Watershed, in the session on Applying Ecosystem Services to Watershed Management: Extending the Concept to Natural Resource Policy, June 2, 2001. Paper published in Rocky Mountain Mineral Law Foundation, Eleventh Institute for Natural Resources Law Teachers (2002).

Fordham University School of Law, Symposium on The New York City Watershed in the 21st Century: Preserving a Vital Resource, speaker on "Regional Watershed Management," March 28, 2001.

Tufts University School of Medicine and Northeastern University School of Law, Conference on Law and Public Health: A Partnership in Action, speaker on "Protecting Public Health through Environmental Law" in the plenary session on The Role of Law in Improving Public Health, November 10, 2000. Remarks published in the Journal of Public Health Policy (23:2)

Crossing Boundaries Conference of the International Association for the Study of Common Property, speaker on "Modes of Ecological Decision-making in Institutional Context" (examining the evolution of institutions for collaborative management of resources), June 14, 1998

Annual Meeting of the Association of American Geographers, speaker on "Roles of Watershed Organizations in Fostering Place-Based Environmental Governance", in the session on Rethinking Institutions for Managing the Regional Landscape, March 26, 1998.

University of Florida Fourth Annual Public Interest Environmental Conference, plenary session speaker, "Connecting People with their Environment: Changing Laws and Institutions," March 7, 1998.

University of California at Berkeley, Ecology Law Quarterly Symposium on Power, Politics and Place, presented paper on "Emerging Roles of Non-Profit Organizations in Ecosystem Management," February 21, 1998.

The Environment and Justice, Summer Seminar on Halki '97, presented paper on "Organizing to Achieve Environmental Justice: Legal Perspectives on Protecting Community Autonomy and Fostering Public Participation," July 1997. The Ecumenical Patriarchate, Istanbul, sponsored the seminar series.

Yale Center for Environmental Law and Policy (of the Yale School of Law and the Yale School of Forestry and Environmental Studies), member of a study team and participant in the Expert Symposium on Property Rights and Responsibilities convened as part of The Next Generation Project, an environmental policy reform initiative, May-September 1996, which resulted in the publication of THINKING ECOLOGICALLY: THE NEXT GENERATION OF ENVIRONMENTAL POLICY (Marian R. Chertow & Daniel C. Esty eds., 1997)

Joint Meetings of the Law and Society Association and the Research Committee on the Sociology of Law of the International Sociological Association, speaker on "The Role of Intermediary Organizations in Restructuring Institutions for Ecosystem Management," July 1996.

Institute of Politics, John F. Kennedy School of Government, Harvard University, Science and Public Policy Study Group, speaker on legal disputes concerning natural resources management on the Outer Continental Shelf, February 27, 1996.

Vermont Law School, Northern Forest Lands Symposium, presented paper on "Localism, Centralization, or Partnership: The Ecological Debate over Ownership and Control of the Northern Forests," September 30, 1994.

Seventh Institute for Natural Resources Law Teachers, Session on Innovative Techniques to Enrich the Environmental Law Curriculum, speaker and discussion moderator, May 15, 1993. Materials prepared for this presentation were published as *Innovative Techniques to Enrich Curriculum and Relieve Boredom: Environmental Law*, in SEVENTH INSTITUTE FOR NATURAL RESOURCES LAW TEACHERS 3A-1 to 3A-97 (Rocky Mt. Min. L. Fdn. 1993) (compilation of teaching materials with introductory discussion).

University of Cincinnati School of Law Faculty Seminar, speaker on "Rights of Indigenous Peoples and Local Communities in Ecosystems under International Environmental Law, December 4, 1992.

Government Structures in the U.S.A. and the Sovereign States of the Former U.S.S.R.: Power Allocation Among Central, Regional and Local Governments Conference, Hofstra University, presented paper on "Fractal Federalism: Evolving National-State Relations in U.S. Environmental Law," April 10, 1992.

Global 2000 Faculty Colloquium, Northeastern University, speaker on "Diversity and Uniformity in Environmental Law: Issues of Local Autonomy and Central Control," March 11, 1992.

#### Legal Education Programs for Professionals (since 1990)

Boston Bar Association, Continuing Legal Education Conference on Administrative Law and Litigation, speaker on Administrative Law Practice in the Environmental Law Context, June 13, 2002.

American Public Health Association, training course on Environmental Justice and Public Health (Continuing Education Institute #1009), speaker and author of course materials on Environmental Justice: Trends in the Law, November 11, 2000. Program presented in collaboration with the Boston Public Health Commission and Alternatives for Community and Environment (ACE), at the APHA 2000 Annual Meeting. Written materials published by APHA, 2000.

Massachusetts Continuing Legal Education (MCLE), Environmental Law Conference 2000, speaker on Environmental Zoning and Watershed Management, April 27, 2000

Recent Developments in Environmental Law, seminar for the judges of the Massachusetts Superior Court, November 26, 1991.

Environmental Policy: Development and Implementation, training program for developing country officials conducted by the Environmental Law Institute (sponsored by the Institute for International Education and funded by the U.S. Agency for International Development), speaker and author of training simulation, September 1991.

Case Management and Discovery Issues in Environmental Litigation, Boston Bar Foundation Continuing Legal Education Seminar, speaker on state environmental litigation issues, June 12, 1991.

New England Judges' Conference on Environmental Law, sponsored by Environmental Law Institute and Flaschner Judicial Institute, speaker on State Environmental Law: The Administrative Process and the Role of the Courts, co-author (with Andrew Savitz) of training simulation, and discussion moderator, April 26-27, 1991.

Natural Resource Damages Claims and Litigation Conference, Executive Enterprises, Inc., speaker on the assessment of natural resources damages, April 15-16, 1991.

Other Law-Related Presentations (since 1990)

Boston Bar Association, Environmental Law Section, speaker on Riparian Water Rights and Instream Flow, November 18, 2003.

Boston Bar Association, Environmental Law Section, speaker on The Bush Administration's Emerging Environmental Policy: The First 100 Days, May 15, 2001

Northeastern University, Colloquium on Earth Day at 30: Looking Back, Looking Forward (sponsored by the Political Science Department), panel speaker, April 20, 2000.

Boston Bar Association, Environmental Litigation Section, speaker on Citizens' Standing to Enforce Environmental Requirements: Recent Developments in the Law, March 1999.

Massachusetts Department of Environmental Protection, colloquium series sponsored by the General Counsel's Office, speaker on the evolution of agency roles and the development of new organizational arrangements in the field of environmental law, January 1999.

National Association of Environmental Law Societies Annual Meeting, panel discussion moderator on the Boston Harbor litigation, March 17, 1995.

Boston 2000 Conference, Northeastern University, organizer and moderator of panel on Environmental Justice and Urban Development, June 24, 1994.

New England Environmental Conference, Tufts University, speaker on the development of international environmental law to protect biological diversity, March 20-21, 1993. Paper published as *Conservation of Biological Diversity: Who Should Own the Rainforest?* 1-4, in RECORD OF PROCEEDINGS OF THE FIFTEENTH NEW ENGLAND ENVIRONMENTAL CONFERENCE (1994).

Northeastern University American Society of Civil Engineers Student Chapter Spring 1992 Lecture Series, speaker on Environmental Law, Politics, and the Oil Industry, May 14, 1992.

Northeastern University School of Law, Alumni Day, speaker on Environmental Politics: Law and the Oil Industry, October 19, 1991.

Santa Fe Council for Environmental Excellence, member of program planning committee, 1990-1992. Presented paper on The Challenge of Environmental Management: Defining New Goals, New Strategies and New Alliances, at meeting in Santa Fe, N.M., May 30, 1991.

Southern Environmental Enforcement Network Conference, Charleston, S.C., speaker on the development of environmental law programs for judges, March 28, 1991.

Northeastern University School of Journalism, panel discussion, From Love Canal to the Exxon Valdez: Environmental Journalism 20 Years After Earth Day, speaker on media reporting of developments in environmental law, April 19, 1990.

New England Environmental Expo '90, Superfund Enforcement: Using the Settlement Process to Achieve Cleanups, panel member, April 10, 1990.

New England Environmental Law Society, City Living in the 1990's: A Day of Urban Environmental Issues Conference, panel discussion moderator, March 31, 1990.

### Guest Lectures in Law School and University Courses (since 1990)

Northeastern University Law, Policy, and Society Program, regular lecturer in course taught by Professor Richard Daynard. Provide instruction on property law concepts and the management of “common pool” resources.

Bard College, Annandale-on-Hudson, New York, Environmental Policy Graduate Program, provided a series of guest lectures on environmental law topics, in 2001, 2002, 2003, 2004.

Northeastern University Civil Engineering Department, lecturer on environmental legislation and regulation, in course on Environmental Protection and Management taught by Professor David Langseth, January 15, 2002 and January 21, 2004.

Tufts University Center for Environmental Management, United Nations Environment Programme/Tufts Post-graduate Program in Environmental Management for Developing Country Professionals, lecturer on natural resource ownership systems and implications for the conservation of biological diversity, December 6, 1993.

Northeastern University Chemical Engineering Department, lecturer on hazardous waste law, in course taught by Professor Donald L. Wise, November 7, 1991.

### **Professional Affiliations and Boards**

ENVIRONMENTAL MANAGEMENT (Springer-Verlag), member of the editorial board, since January 2004.

American Association of Law Schools. Member, Environmental Law Section, since 1990; Section Chair, 1999-2000; Member of Section Executive Committee 1994-2001. Member of Natural Resources Law, Property Law, and State and Local Government Law Sections. Member of Property Law Section Professional Development Conference Proposal Committee (Jan.-May 2003) for conference on Teaching Property Law for the 21st Century (June 2004).

IUCN (The World Conservation Union), Commission on Environmental Law (CEL), Member, appointed in 1998.

Bard College, Annandale-on-Hudson, New York, Affiliated Faculty Member, Environmental Policy Graduate Program, 2000 to 2003. Member, Advisory Board, since 2003.

Eastern Mineral Law Foundation, member, 1990 to present. Regular participant in the Institutes for Natural Resources Law Teachers, co-sponsored by the Eastern Mineral Law Foundation and the Rocky Mountain Mineral Law Foundation.

American Bar Association, member, 1990 to present.

Advisory Board of ENVIRONMENTAL OUTLOOK JOURNAL, a publication of Albany Law School, 1995-2003.

## **Reviews of Manuscripts, Grant Applications, and Scholarship**

Aspen Publishers, review of textbook proposal and partial manuscript, 2004.

LAND USE AND ENVIRONMENTAL LAW REVIEW, member of articles review panel, since 2002.

ENVIRONMENTAL MANAGEMENT (Springer-Verlag), review of manuscript, 2002. Additional reviews as member of editorial board, since January 2004.

Capital University Law School, 2001, review of scholarship at the request of the tenure committee.

National Science Foundation, 2000, review of grant proposal in political science.

Vermont Law School, 1994, review of textbook, at the request of the tenure and retention committee.

The African-American Institute, 1993, interview and report (with two other faculty members) on application for lectureship, University of Zimbabwe Department of Public Law.

Little, Brown & Co., 1992, 1993, review of textbook manuscripts.

The Mary Ingraham Bunting Institute, Radcliffe College, 1990, review of application to Bunting Institute Fellowship Program.

## **University and Law School Service**

### University Committees

Evaluation Committee for the Dean of the College of Criminal Justice, 1996 (appointed by Senate Agenda Committee)

Search Committee for the Chair of the Department of Political Science, 1995

Coordinating Committee, Law, Policy and Society Program, 1991-1992

Board of Advisors, Center for Biotechnology Engineering, 1990-1991

### Law School Committees

Search Committee for Associate Director of the Law Library, 2004

Admissions Committee, 2001-2004

Writing Requirement Committee, 2003-2004; Chair, Spring 2004

Coop Committee, 2002-2003

Law, Culture and Difference Course Committee, 2000-2001

Building Committee, 2000-2002

Task Force on the Business-Related Curriculum, 2000-2001

Chair, Merit Review Policy Task Force, 1999-2000

Faculty Advisor to the NU Forum, 1998-2000

Chair, Merit Review Committee, 1998-1999

Task Force on Preparations for ABA Self-Study Report, 1998

Admissions Committee, 1995-1997

Faculty Appointments Committee, 1996-1997

Chair, Task Force on Faculty Appointments Policy, 1996-1997

Clinics Committee, 1996-1997

Curriculum Committee, 1993-1995

Chair, Faculty Appointments Committee, 1991 to 1993

Chair, Academic and Student Affairs Committee, 1990-91

Search Committee for Associate Dean, 1991

Search Committee for Assistant Dean for Student Services, 1990-91

Search Committee for Assistant Dean for Legal Placement, 1990

### Teaching Responsibilities Beyond the Classroom

Independent Studies. Supervised numerous independent study projects by law students in environmental and natural resources law, land use planning, and animal law, 1989 to present.

Law, Policy and Society Program. Member of committees for state-of-the-art papers and dissertations for students in the Law, Policy and Society Program. Currently serving on dissertation committees for two students in the program. Past service: Democracy, Participation and Interest Groups in American Political Life, committee member 1995 to 1998 (addressing issues related to use of popular referenda in environmental law). Environmental Law, Policies and Institutions for the Protection of Lake Victoria, committee member, 1993 to 1996. Faculty supervisor of independent study on global climate change and international development, spring quarter 2005. Faculty supervisor of independent study on Regional Control of Urban Sprawl, spring quarter 1995.

Law, Culture and Difference (LCD) Course. Occasional faculty adviser for student projects. Presenter on property law issues, September 2005. Developed teaching materials and conducted large group sessions, 1992 and 1993.

### Student Advising

Faculty Advisor, Environmental Law Forum and Animal Law Defense Fund (student organizations).

Advisor for students pursuing issues in environmental and natural resources law. Provide advice on coursework, co-op placements, and career decisions. Offer guidance on research on environmental law issues in projects supervised by other faculty members.

### Community Service

#### Government Advisory Committees (since 1990)

Advisory Committee for the New Charles River Basin Master Planning Project, 1992 to present. Designee of Massachusetts Secretary of Environmental Affairs on committee formed to address master plan for the extension of parkland along both banks of the Charles River from the Museum of Science to Boston Harbor.

Wastewater Advisory Committee to the Massachusetts Water Resources Authority, member, 1992 to 2002. Appointed by MWRA Board to committee established to address water pollution issues.

Administrative Hearing Reform Advisory Committee, 1993-1994. Appointed by Massachusetts Commissioner of Environmental Protection to committee established to develop revisions to the administrative procedures of the Department of Environmental Protection.

Focus Meetings for the Redesign of the Federal Superfund Program, 1994. Participated at the request of the U.S. Environmental Protection Agency Regional Administrator in a series of meetings to recommend changes in the implementation of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Bridge Design Review Committee, 1991-1993. Designee of Massachusetts Secretary of Environmental Affairs on advisory committee established to address land use controversies and environmental impacts related to the Central Artery Project in Boston.

Study Committee for Waste Site Cleanup Program Improvements and Long-Term Funding, 1990-1992. Appointee of Massachusetts Commissioner of Environmental Protection on advisory committee established by legislature to recommend statutory and regulatory changes in the Massachusetts hazardous waste site program.

### Other Community Service

Charles River Watershed Association, Board of Directors, 1995 to present. Active in efforts to address pollution and development impacts and enhance recreational opportunities in the major watershed of the Boston metropolitan area. Participate on behalf of the association in advocacy efforts to develop integrated water management requirements, wisely allocate water withdrawal rights, preserve wetlands, and control urban sewage and stormwater discharges.

Massachusetts Instream Flow Task Force (MIFF), participant in meetings of a coalition formed to address issues of instream water flows and protection of aquatic habitat.

Newton Conservators, Board of Advisors, since 2002. Member, Board of Directors, 2000-2002. Local organization focused on preservation and management of municipal and privately owned open space in the City of Newton, Mass.

Advisory Panel, Institute for Cultural Landscape Studies, concerning the formation of public-private partnerships to protect cultural landscapes, 1999. The Institute for Cultural Landscape Studies of the Arnold Arboretum focuses on training practitioners in the protection of cultural landscapes through historic preservation, natural areas conservation and land use planning.

### Fellowship

German Marshall Fund of the United States, recipient of Environmental Fellowship to study used oil and solvents management in the European Communities, May to July 1985.

### Bar Admissions

Admitted to practice law in the state courts of Massachusetts, New Jersey, and Tennessee (inactive status); the United States District Courts for the District of Massachusetts, the Middle District of Tennessee, and the District of New Jersey; the United States Court of Appeals for the First Circuit; and the United States Supreme Court.