

THE FUTURE ENVIRONMENTAL AGENDA: ENVIRONMENTAL LAW & POLICY ISSUES FACING THE NEXT PRESIDENT

EDITOR'S NOTE*

On October 24, 2008, the *Duke Environmental Law & Policy Forum* (DELPF) presented its annual symposium, entitled *The Future Environmental Agenda: Environmental Law & Policy Issues Facing the Next President*, which explored the environmental challenges likely to face the forty-fourth President of the United States.¹ Held just weeks before the 2008 election, the Symposium presented a unique opportunity for the panelists to analyze and propose recommendations for the next administration without being constrained by the practical realities and limitations of which candidate would actually face these challenges. After eight years of Bush Administration policy,² it was clear that either a President Obama or a President McCain would face significant environmental challenges, and that U.S. environmental policy was likely to change course rather dramatically—particularly with regard to climate change.

Dean William Chameides, Dean of the Nicholas School of the Environment at Duke University, delivered the opening remarks, in which he noted that the developing economic crisis would likely have a major impact on the next President's environmental agenda. This theme—that the unfolding economic crisis would present both unique opportunities and limitations for the new administration's environmental policies—was continued throughout much of the day's discussion. The morning's first panel focused on international environmental agreements, and included Amy Fraenkel, Director and Regional Representative for the United Nations Environment Programme; David

* Michael A. Hiatt, Editor-in-Chief, Volume XIX.

1. A webcast of the Symposium can be viewed at DELPF's website: <http://www.law.duke.edu/journals/delpf/>.

2. Readers interested in an analysis of the Bush Administration's natural resources policy at the end of President Bush's first term can see Symposium, *Natural Resources Policy under the Bush Administration*, 14 DUKE ENVTL. L. & POL'Y F. 277 (2004).

Hunter, of Washington College of Law at American University; and Carl Bruch, Co-Director of International Programs at the Environmental Law Institute. The second panel of the morning analyzed natural resources issues, and featured J.B. Ruhl, of Florida State University College of Law; Mark Squillace, of the University of Colorado Law School; and Victor Flatt, of the University of Houston Law Center and visiting professor at the University of North Carolina School of Law.

The final panel of the day focused on pollution, in addition to a broad range of other environmental issues, and included Don Elliott, Partner at Willkie Farr & Gallagher LLP and adjunct professor at Georgetown University Law Center and Yale Law School; Vickie Patton, Deputy General Counsel at Environmental Defense Fund; Robert Percival, of the University of Maryland School of Law; and Noah Sachs, of the University of Richmond School of Law. Finally, Jonathan Wiener, of Duke University School of Law, summarized and wrapped-up the day's discussions in the closing session.

Building upon the analyses and recommendations presented by the Symposium panelists, this Spring 2009 issue features articles written by several of these panelists. The articles that follow present analyses and recommendations for the Obama Administration on issues such as the post-Kyoto climate change negotiations, the legal framework for carbon capture and storage, greening demand for energy consumption, and the potential of the Endangered Species Act to address emerging issues such as climate change and ecosystem services.

DELPH was fortunate to continue its tradition of hosting such a distinguished group of scholars, practitioners, and policymakers at its annual symposium. On behalf of DELPH, I would like to thank all of the panelists for their contributions. I would also like to thank Christopher Schroeder and Ryke Longest, of Duke University School of Law, and Tim Profeta, Director of the Nicholas Institute for Environmental Policy Solutions, for serving as moderators and skillfully leading the panel discussions. Duke Law School, the Nicholas School of the Environment, and the Nicholas Institute for Environmental Policy Solutions all generously contributed to the Symposium, and the faculty and staff at both schools and the Nicholas Institute provided critical support. The Symposium, and this issue of DELPH, would not have been possible without the work and contribution of the entire DELPH staff. In particular, I would like to thank Brianna Menke and Emily Sauter, who planned and organized the Symposium, and Margot Laporte, for her work in ensuring the successful publication of this issue of DELPH.