

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 14, Issue 4

Summer 2013

---

---

**ARTICLES**

Ecoscapes: The Future of Place-Based Ecological  
Restoration Laws  
*Anastasia Telesetsky*.....493

Pacific Environmental Migration in a Warming  
World: Is There an Obligation Beyond State  
Borders?  
*Gil Marvel P. Tabucanon*.....549

Transcript of the Federalist Society’s 2012 National  
Lawyers Convention: Environmental Law,  
Federalism, and the Energy Revolution: Can State  
and Federal Regulators Adapt to Innovations?  
*Jason B. Hutt, James R. May, Craig Segall,  
& Joel B. Burcat*.....575

**NOTES**

Legal Impediments to Sustainable Architecture  
and Green Building Design  
*Danielle Changala*.....611

Finding a Dog that Will Hunt: Solutions for  
Intragency Permit Consultation Delays Related to  
Prevention of Significant Deterioration Permits in  
the Wake of Avenal Power Center v. EPA  
*Jameson Pierce Marlborough Wiegard*.....635

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**

Vermont Law School  
P.O. Box 96  
South Royalton, Vermont 05068  
(802) 831-1024  
vjel@vermontlaw.edu

**[vjel.vermontlaw.edu](http://vjel.vermontlaw.edu)**

Cite to this Journal as: 14 VT. J. ENVTL. L. \_\_\_\_ (2013).

*The views expressed in this issue are those of the authors and do not represent the position or views of VJEL or Vermont Law School.*

**Submissions:** VJEL welcomes the submission of unsolicited articles, comments, essays, and book reviews. Manuscripts may be submitted to the above addresses.

**Subscriptions:** The current bound volume can be purchased for \$12.95. Law libraries can subscribe through William S. Hein & Co. Others can subscribe by directly contacting VJEL.

**Copyright:** © Copyright 2012 by Vermont Law School. All rights reserved. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed at or below cost; (2) the author and *Vermont Journal of Environmental Law* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Journal of Environmental Law* is notified in writing of the use of the material(s).



The *Journal* is published by Western Newspaper Publishing, Co. on 100% recycled paper and uses a soy-based ink.

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 14, Issue 4

Summer 2013

---

---

**2012–2013 EDITORIAL BOARD**

**EDITOR-IN-CHIEF**

Robert Reagan

**ADMINISTRATIVE EDITOR**

Daniel Fineberg

**SENIOR MANAGING EDITOR**

Robert Reagan

**SENIOR ARTICLES EDITOR**

Pierce Wiegard

**SENIOR NOTES EDITOR**

Juliette Balette

**MANAGING EDITORS**

Rachel Stevens  
Danielle Changala

**SYMPOSIUM EDITOR**

Thomas Broderick

**WEB EDITOR**

Mary Stubblefield  
Clemmensen  
Melissa Marks

**ARTICLES EDITORS**

Jeffrey Aslan  
Amanda Dumville  
Andrew Fiscella  
Sara Imperiale

**EVENTS EDITORS**

Alex Funk  
Walter Sainsbury

Marcelo Betti

**HEAD NOTES EDITORS**

Cindy Hurt  
Graham Jesmer

William Sullivan

Zjok Durst  
Zachary Price

**PRODUCTION EDITORS**

Jay Eidsness  
Daniel Niedzwiecki  
Douglas Johnson  
James E. Smith

Keenan Hawkins  
Zephyr Jost

**EDITORIAL STAFF**

Molly Armus  
Jordan Asch  
Abigail Barnes  
Jared Bianchi  
Will Bittinger  
Jonathan Blansfield  
Andrew Bolduc  
Emily Burgis  
Kate Durost  
Kalika Elofson

Andrew Fowler  
Rob Glover  
Jacqueline Goodrum  
Molly Gray  
Bob Harper  
Christopher Keach  
Will Labate  
Lara Maierhofer  
Megan McLaurin  
Marissa Meredyth

Christine Mertens  
Emily Migliaccio  
Eric Mortensen-Nemore  
Emily Rimmel  
Casey Ryder  
Jared Schroder  
Scott Seigal  
Christopher Smith  
Noah Strebler  
Sam Weihman

**VERMONT JOURNAL OF ENVIRONMENTAL LAW  
VERMONT LAW SCHOOL**

---

---

Volume 14, Issue 4

Summer 2013

---

---

**FACULTY ADVISORS**

Janet Milne  
*Professor of Law*

Christine Ryan  
*Environmental Research Librarian*

**ADMINISTRATION**

Marc Mihaly  
*President, Dean, and Professor of Law*

Mark Latham  
*Vice Dean for Academic Affairs and Professor of Law*

Lorraine Atwood  
*Vice President of Finance and Administration*

Kathleen Hartman  
*Associate Dean for Enrollment Management*

Shirley Jefferson  
*Associate Dean for Student Affairs and Diversity*

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 14, Issue 4

Summer 2013

---

---

**FACULTY**

Susan Apel	Oliver R. Goodenough	Patrick Parenteau
Tracy L. Bach	Cheryl Hanna	Craig M. Pease
Betsy Baker	Hillary Hoffman	Brian Porto
Alexander W. Banks	Gregory Johnson	Rebecca Purdom
Laurie Beyranevand	Martha L. Judy	Laurie Ristino
Margaret Barry	Laurie C. Kadoch	Doug Ruley
Richard O. Brooks	Kenneth R. Kreiling	Betsy Schmidt
Matt Carluzzo	Kevin Jones	Linda Smiddy
Christine Cimini	Donald Kreis	Benjamin Sovacool
Jason Czarnecki	Gil Kujovich	Pamela J. Stephens
Liz Ryan Cole	Siu Tip Lam	Gus Speth
Sheryl Dickey	Mark Latham	Jennifer Taub
Michael Dworkin	Yanmei Lin	Peter Teachout
Stephen Dycus	Jingjing Liu	Joan Vogel
John Echeverria	Reed E. Loder	Jessica West
Arthur C. Edersheim	Michelle Martinez-Campbell	Jeff White
Peg Elmer	James May	Stephanie J. Willbanks
Stephanie Farrior	Beth McCormack	L. Kinvin Wroth
Paul Ferber	Philip Meyer	Tseming Yang
David B. Firestone	Marc Mihaly	Hanling Yang
Jackie A. Gardina	Janet E. Milne	Carl Yirka
Clara Gimenez	Laura Murphy	Maryann Zavez
	Sean Nolon	
	Cathryn C. Nunlist	

**VERMONT JOURNAL OF ENVIRONMENTAL LAW**  
**VERMONT LAW SCHOOL**

---

---

Volume 14, Issue 4

Summer 2013

---

---

**VISITING FACULTY**

Robert Gagnon

Jack Tuholske

Robert Sand

**ADJUNCT FACULTY**

Bonnie Barnes

Kevin Griffen

Sheldon Novick

Robin Barone

David Hall

Larry Novins

Gary Brooks

Martina Hofmann

Tad Powers

Jared Carter

Michael Hogan

Linda Purdy

Matt Chapman

Eric Janson

Dan Richardson

Michele Childs

Elizabeth Kruska

Anabel Rideau

Teresa Clemmer

Benoit LeBars

Anna Saxman

Jennifer Emens-Butler

Mathew Levine

Belinda Sifford

John Evers

Eric Lopez

Nonny Soifer

Catherine Feeney

Randy Mayhew

Martha Smyriski

Catherine Gjessing

Billie Munroe Audia

Ann Vessels