

Josh Eagle

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PROFESSIONAL BACKGROUND

University of South Carolina School of Law, Columbia, SC

Solomon Blatt Professor of Law

Founder and Director, The Coastal Law Field Lab

Courses Taught: Property; Environmental Law and Policy; Natural Resources Law; Coastal Law; Ocean Law; Water Law; Constitutional Issues in Property; Coastal Law Field Lab; Private Land Conservation and Climate Change; Beach Law Seminar

Awards: Distinguished Faculty Service Award (from the S.C. Law Rev.) (2015)
Outstanding Faculty Service Award (2013)
Outstanding Faculty Book Award (2012)

University of South Carolina, Columbia, SC

Associate Member, Belle W. Baruch Institute for Marine and Coastal Sciences, 2010-present

Associate Faculty, Marine Science Program, 2006-present

Affiliated Faculty, School of Earth, Ocean, & Environment, 2004-present

Peter Wall Institute for Advanced Studies, Vancouver, BC International

Visiting Research Scholar, 2017-18

Queen's University, Belfast, Northern Ireland

Fulbright Scholar Award in Governance, Public Policy, and Social Research, January - July 2013

Research Associate (Queen's University Marine Laboratory), 2013-present

University of North Carolina School of Law, Chapel Hill, NC Visiting

Professor of Law, Fall 2012

University of Portsmouth, Portsmouth, England Atlantic

Fellow in Public Policy, January-July 2004

Stanford Law School, Stanford, CA

Lecturer in Law and Director, Stanford Fisheries Policy Project, 2000-2004

Courses taught: Environmental Law; Marine Resources Law

Case Study Writer, Environmental and Natural Resources Law and Policy Program/Program in International Law, Business, and Policy, 1998-2000

Stanford University, Stanford, CA

Lecturer, Earth Systems Program, 2001-2003

Outstanding Mentor to American Indian, Alaska Native, and Native Hawai'ian Students, 2003.

Course taught: Ocean Policy

National Audubon Society, Washington, DC

Staff Attorney, 1997-1998

United States Department of Justice, Washington, DC

Trial Attorney, Tax Division (Attorney General's Honor Program), 1990-1995

EDUCATIONAL BACKGROUND

Georgetown University Law Center, Washington, DC Juris

Doctor, 1990

Colorado State University, Fort Collins, CO Master

of Science, Forest Sciences, 1996

Johns Hopkins University, Baltimore, MD

Bachelor of Arts, 1985

University of Chicago, Chicago, IL Undergraduate

Studies, 1981-1982

BOOKS AUTHORED AND CO-AUTHORED

OCEAN AND COASTAL RESOURCES LAW (Aspen Casebook Series, 2023) (with Shi-Ling Hsu).

THE USE OF LIMITED ACCESS PRIVILEGE PROGRAMS IN MIXED-USE FISHERIES (National Research Council, National Academy of Sciences, 2021).

NATURAL RESOURCES LAW AND POLICY (Foundation Press, 2017) (with James Salzman and Barton H. Thompson, Jr.).

COASTAL LAW (Aspen Casebook Series, 2d ed. 2015).

AN ECOSYSTEM SERVICES APPROACH TO ASSESSING THE IMPACTS OF THE DEEPWATER HORIZON OIL SPILL IN THE GULF OF MEXICO (National Research Council, National Academy of Sciences, 2013) (with multiple co-authors).

THE ENDANGERED SPECIES ACT (Stanford University Press, 2001) (contributor).

ARTICLES PUBLISHED IN LAW REVIEWS AND JOURNALS

On the Legal Life-History of Beaches, 2023 ILL. L. REV. 225 (2023).

Are Beach Boundaries Enforceable? Real-Time Locational Uncertainty and the Right to Exclude, 93 WASH. L. REV. 1181 (2018).

Who Owned the Lucas Lots? What “No Property” Looks Like on the Beach, 53 REAL PROP. PROB. & TR. J. 89 (2018).

Taking the Oceanfront Lot, 91 IND. L.J. 851 (2016).

When Does Flexibility Matter in Environmental Law?, 42 ECOLOGY L.Q. 787 (2015) (with Eric Biber) *reprinted in* LAND USE & ENV'T. L. REV. (J.B. Ruhl & David Callies eds., 2017) (selected as one of “Five Best” environmental or land use law articles published in 2015).

Complex and Murky Spatial Planning, 28 J. LAND USE & ENVTL. L. 35 (2012).

Notional Generosity: Explaining Charitable Donors’ High Willingness to Part with Conservation Easements, 35 HARV. ENVTL. L. REV. 47 (2011).

Ocean Zoning and Spatial Access Privileges: Rewriting the Tragedy of the Regulated Ocean, 17 NYU ENVTL. L.J. 646 (2008) (with James Sanchirico and Barton H. Thompson, Jr.).

The Practical Effects of Delegation: Agencies and the Zoning of Public Lands and Seas, 35 PEPP. L. REV. 835 (2008).

A Window into the Regulated Commons: The Takings Clause, Investment Security, and Sustainability, 34 ECOLOGY L.Q. 619 (2007).

Regional Ocean Governance: The Perils of Multiple-Use Management and the Promise of Agency Diversity, 16 DUKE ENVTL. L. & POL’Y FORUM 143 (2006), *reprinted in* LAND USE & ENVTL.’ L. REV. (A. Daniel Tarlock & David Callies eds., 2007) (selected as one of “Ten Best” environmental or land use law articles published in 2006).

ARTICLES PUBLISHED IN PEER-REVIEWED JOURNALS

Climate Change and the Confluence of Natural and Human History: A Lawyer's Perspective, 2016/2 RACHEL CARSON CTR. PERSP. 21 (2016) (essay).

The Incentives of a Resource Owner: Evidence from a Private Oyster Fishery, 58 MARINE POL'Y 28 (2015) (with Lawrence Eagling and Elizabeth Ashton).

The Role of Discounting and Dynamics in Determining the Economic Efficiency of Time-Area Closures for Managing Fishery Bycatch, 4 THEORETICAL ECOLOGY 513 (2010) (with Paul R. Armsworth, Barbara Block, and Joan E. Roughgarden).

Public Fisheries, 15 ECOLOGY & SOC'Y 10 (2010) (with Amanda Kuker).

Management of Fisheries on Highly Migratory Species: Tuna Fisheries of the Gulf of Mexico, 47 J. APPLIED ECOLOGY 36 (2010) (with Paul R. Armsworth, Barbara Block, and Joan E. Roughgarden).

Comprehensive Planning, Dominant-Use Zones, and User Rights: A New Era in Ocean Governance, 86 BULL. MARINE SCI. 273 (2010) (with James Sanchirico, Stephen R. Palumbi, and Barton H. Thompson, Jr.).

Is a New Mandate Needed for Marine Ecosystem-Based Management?, 6 FRONTIERS IN ECOLOGY & THE ENV'T. 43 (2008) (moderated debate) (with Andrew Rosenberg and Heather Leslie).

Fugitive Salmon: Assessing the Risks of Escaped Fish from Net-Pen Aquaculture, 55 BIOSCIENCE 427 (2005) (with multiple co-authors).

Why Farm Salmon Outcompete Fishery Salmon, 28 MARINE POL'Y 259 (2004) (with Rosamond Naylor and Whitney Smith).

Answering Lord Perry's Question: Dissecting Regulatory Overfishing, 46 OCEAN & COASTAL MGMT. 649 (2003) (with Barton H. Thompson, Jr.).

Salmon Aquaculture in the Pacific Northwest, 45 ENV'T. 18 (2003) (with Rosamond Naylor and Whitney Smith).

The Endangered Species Act and Economic Values: a Comparison of Fines and Contingent Valuation Studies, 26 ECOLOGICAL ECON. 165 (1998) (with David Betters).

BOOK CHAPTERS AND ENCYCLOPEDIA ENTRIES

Climate, Oceans, and the Law of Special and General Adaptation, in THE OXFORD HANDBOOK OF INTERNATIONAL CLIMATE CHANGE LAW (Cinnamon Carlarne et al. eds. 2016) (with U. Rashid Sumaila).

Domestic Fishery Management, in OCEAN AND COASTAL LAW AND POLICY (Donald C. Baur et al. eds., 2d ed., 2015). (with Monica Goldberg and Jack Sterne).

Food Security, Fisheries, and Ecosystems, in THE LAW OF ADAPTATION TO CLIMATE CHANGE (Michael Gerrard & Katrina Kuh eds., 2012) (with Cinnamon Carlarne).

Ocean Zoning, in THE ENCYCLOPEDIA OF SUSTAINABILITY: THE LAW AND POLITICS OF SUSTAINABILITY (Klaus Bosselmann et al. eds., 2011).

Domestic Fishery Management, in OCEAN AND COASTAL LAW AND POLICY (Donald C. Baur et al. eds., 2008).

Response of Fishermen to Aquaculture and the Salmon Crisis, in GLOBALIZATION: EFFECTS ON FISHERIES RESOURCES (William W. Taylor et al. eds., 2007) (with Rosamond Naylor and Whitney Smith).

Issues and Approaches in the Regulation of the Horseshoe Crab Fishery, in LIMULUS IN THE LIMELIGHT: A SPECIES 350 MILLION YEARS IN THE MAKING AND IN PERIL (John Tanacredi ed., 2001).

MONOGRAPHS

Pathway to Ocean Ecosystem-Based Management: Design Principles for Regional Ocean Governance in the United States, NICHOLAS INSTITUTE FOR ENVIRONMENTAL SOLUTIONS, DUKE UNIVERSITY (2006) (minority report).

Democracy and Natural Resources: British and American Approaches to Public Participation in Fishery Management, BRITISH COUNCIL (2004).

Taking Stock of the Regional Fishery Management Councils, PEW OCEAN SCIENCE SERIES (2003) (with Barton H. Thompson, Jr. and Sarah Newkirk).

SERVICE ON GOVERNMENT COMMITTEES AND COMMISSIONS

National Research Council Committee on the Impacts of Limited Access Permit Programs on Mixed-Use Fisheries, 2020 - 2021.

National Research Council Committee on the Effects of the Deepwater Horizon Mississippi Canyon-252 Oil Spill on Ecosystem Services in the Gulf of Mexico, 2010-2013.

South Carolina Blue Ribbon Committee on Shoreline Management, 2010- 2012.

City of Columbia (SC) Planning Commission, 2010-2012.

South Carolina Shoreline Change Advisory Committee, 2008-2009.

INVITED TESTIMONY

“Pending Shoreline Bills,” South Carolina Senate, Committee on Agriculture and Natural Resources, January 2018.

“Dam Safety,” South Carolina House of Representatives, Committee on Agriculture, October 2016.

“Beachfront Management,” South Carolina Senate, May 2015.

“Coastal and Marine Spatial Planning,” South Carolina House of Representatives, Committee on Agriculture, March 2012.

“Perspectives on State-Federal [Ocean] Jurisdiction,” White House Council on Environmental Quality, Interagency Ocean Policy Task Force, September 2009.

“Energy Development on the Continental Shelf and the Future of the Oceans,” United States Congress, House of Representatives, Committee on Natural Resources, March 2009.

PEER REVIEWER FOR:

Fulbright Awards, 2016-17.

National Academy of Science, National Research Council, 2013.

Gordon and Betty Moore Foundation, 2012.

MacArthur Foundation, MacArthur Fellowships, 2010.

David and Lucile Packard Foundation, 2009.

And, numerous law, marine science, environmental policy, and political science journals.

SELECTED PRESENTATIONS AND WORKSHOPS

“Impacts of the *Sackett* decision on South Carolina Wetlands,” College of Charleston, South Carolina SeaGrant, March 6, 2024.

“On the Legal Life History of Beaches,” Marshall M. Criser Distinguished Faculty Workshop, University of Florida Levin College of Law, February 20, 2023.

“Beaches and Climate Adaptation,” South Carolina Bar Convention, January 20, 2023.

"The Customary Use Doctrine," Florida Shore and Beach Preservation Association, Virtual, June 9, 2021.

"Theories of Perpendicular Access," UCLA/Duke/Colorado Environmental Law Workshop, Santa Barbara, CA, August 8, 2018.

"Who Owned the *Lucas* Lots?," *Lucas v. South Carolina Coastal Council* 25th Anniversary conference, University of South Carolina School of Law, Columbia, SC, November 4, 2017.

"The Beach: Property Without Bounds," Peter A. Allard School of Law, University of British Columbia, Vancouver BC, September 2017.

"Takings for the Environment," Litigating Takings Conference, Tulane Law School, New Orleans, LA, November 4, 2016.

"Thoughts on *Horne v. USDA: The Role of Subjective Determinations of Harm in Takings Law*," Nelson Symposium, University of Florida School of Law, Gainesville, FL, February 5, 2016.

"Offshore Energy," South Carolina Chamber of Commerce, Competitiveness Agenda Series, Columbia, SC, May 19, 2015.

"Law and Governance of Global Fisheries in the Era of Climate Change," Toward a Sustainable 21st Century: Ocean Health, Global Fishing, and Food Security, University of California Irvine School of Law and the University of California Irvine, Irvine, CA, November 19, 2014.

"Natural Resource Management and Legal Flexibility," Research Roundtable on Climate Change and Natural Preservation, Northwestern University School of Law, Chicago, IL, July 18, 2014 (with Eric Biber).

"Adaptation and Ocean Law: Geoengineering and International Fisheries," Research Roundtable on Climate Change and Natural Preservation, Northwestern University School of Law, Chicago, IL, July 18, 2014.

"Spatial Regulation of Ocean Use: Toward a Standardized Lexicon," Law and the Environment 2013 Conference, University College Cork, Cork, Ireland, April 24, 2013.

Aspen Institute Energy & Environment Program, Ocean Community Dialogue, San Francisco, CA, December 4-7, 2012.

"Incorporating the Ecosystem Services Concept into Oil Spill Liability Regimes," Interdisciplinary Environmental Theory Seminar, University of Miami, Rosenstiel School of Marine and Atmospheric Science, Miami, FL, October 26, 2012.

Searle Center Research Roundtable on Climate Change, Adaptation, and Biodiversity, Northwestern University School of Law, Chicago, IL, October 4-5, 2012.

“Five Reasons to be Pessimistic about the National Ocean Policy,” Florida State University College of Law, 25th Anniversary Symposium for the Journal of Land Use and Environmental Law’s Distinguished Lecture Series, Tallahassee, FL, March 14, 2012.

“Evaluating Spatial Governance Initiatives,” Societies, Estuaries and Coasts: Adapting to Change, Coastal and Estuarine Research Foundation Annual Conference, Daytona Beach, FL, November 8, 2011.

“The Council System and the Magnuson-Stevens Act, 1976-2010,” Roger Williams Law School, Bristol, RI, November 4, 2010.

“Explaining Charitable Donors’ High Willingness to Part with Conservation Easements,” Environmental Law Workshop, Stanford Law School, Stanford, CA, October 11, 2010.

“Environmental Law Research: Structure and Methods,” Interdisciplinary Environmental Theory Seminar, University of Miami, Miami, FL, September 22, 2010.

“The History of the Marine Conservation Movement, 1990-2010,” Bevan Series on Sustainable Fisheries, University of Washington, Seattle, WA, March 11, 2010.

“Improving the Efficiency of Conservation Easement Subsidies,” Florida State University School of Law, Tallahassee, FL, November 9, 2009.

“The Social Psychology of the Marine Conservation Movement, 1990-2009,” Duke University Marine Laboratory, Beaufort, NC, July 13, 2009.

“Ocean Zoning,” Resources for the Future, Washington, DC, September 16, 2008.

“Ocean Zoning and Spatial Access Privileges: Rewriting the Tragedy of the Regulated Ocean,” Breaking the Logjam Conference, New York University School of Law, New York, NY, March 28, 2008.

“Problems in Government Ownership of Marine Resources,” American Association for the Advancement of Science, Boston, MA, February 14, 2008.

“Ecosystem-based Fishery Management,” American Fisheries Society, Columbia, SC, November 9, 2007.

“Institutional Aspects of Ocean Zoning,” American Bar Association, Section on International Law, San Francisco, CA, August 11, 2007.

“American Pelagic Fishing Co. v. United States: A Window into the Regulated Commons,” University of California, Berkeley - Boalt Hall School of Law, Berkeley, CA, October 27, 2006.

“Legislative and Administrative Responsibilities in Ocean Zoning,” California and the World Ocean 2006 Conference, Long Beach, CA, September 19, 2006.

“Marine Fish Farming: Questions and Answers,” Association of American Law Schools Annual Meeting, Washington, DC, January 8, 2006.

“Regional Ocean Governance,” Duke University Law School, Durham, NC, October 21, 2005.

“Ecosystem Effects of Fishing: Policy Implications,” National Academy of Sciences, Ocean Studies Board, Washington, DC, June 31, 2005.

“A Political Argument for Ocean Wilderness,” Stanford Law School/Center for Environmental Science and Policy, Stanford, CA, April 8, 2005.

“Wild and Farm Salmon,” Princeton University, February 20, 2005.

“International Fisheries,” Stanford University, Stanford, CA, October 14, 2004 (moderator).

“Uncertainty and Fishery Management,” American Association for the Advancement of Science, Seattle, WA, February 13, 2004.

“Law, Science, and Managing Fisheries,” Sea Grant Conference on Ocean and Coastal Law, Athens, GA, June 14, 2003.

“The Status of Salmon: The Market,” Association of American Law Schools Annual Meeting, Washington, D.C., January 4, 2003.

“Measuring Science-Fidelity in Fisheries Management,” University of Washington School of Law, National Fishery Law Symposium, Seattle, WA, November 2, 2001.

“The Use of Science in U.S. Fisheries Management,” University of Hawai'i Law School, Best Available Science Workshop, Honolulu, HI, March 9, 2001.

CONFERENCES CO-ORGANIZED

Balancing Private and Public Rights in the Coastal Zone in the Era of Climate Change: The Fifteenth Anniversary of *Lucas v. South Carolina Coastal Council*, University of South Carolina School of Law, September 20-21, 2007.

Bridges to Marsh Islands, University of South Carolina School of Law, September 7-9, 2006.

DISSERTATION COMMITTEES

Morgan Gopnik, Duke University, Department of Marine Science and Conservation, graduated 2013.

Kazuyuki Shimamura, Stanford Law School JSD program, graduated 2004.

PROFESSIONAL AND COMMUNITY SERVICE

AALS Section on Agricultural Law, 2005-present

Vice-Chair, Marine Resources Committee, Section on Environment, Energy, and Resources, American Bar Association, 2004-2007

Board Member, South Carolina Environmental Law Project, Georgetown, SC, 2010-present

Golf Coach, Special Olympics of Northern California, 1998-2003

SELECTED DEPARTMENT AND UNIVERSITY SERVICE

Member, University Committee on Tenure and Promotion, 2015-2018

Chair, School of Law Curriculum Committee, 2023-2024

Chair, School of Law Admissions Committee, 2014-2015

Chair, School of Law Appointments Committee, 2011-2012; 2013-2014, 2018-2019

Member, School of Law Executive Committee, 2008-2010

Chair, Udall Scholarship Committee, 2008-2012

Member, University Fellowships and Scholarships Advisory Committee, 2008- present

BAR MEMBERSHIP

Member, Maryland Bar, 1990-present