VERMONT LAW REVIEW

VOLUME 49 NUMBER 2

The U.S. Supreme Court
Overrules the *Chevron* Doctrine

WINTER 2024

Stuart Silverman

248

ARTICLES

Introduction: Updating the Environmental Law Toolkit for a Complex Future	Christophe Courchesne, et al.	147
Keynote Address: Teaching and Practicing Environmental Law and Policy in Challenging Times	Vicki A. Arroyo	155
Panel Two: Teaching Numerical and Statistical Literacy in Law School	Mark James, et al.	173
Panel Three: Teaching at the Intersection of Federal Indian Law and Environmental Law Courses	Mia Montoya Hammersley, et al.	202
Debate: Hacking the Planet: Is Geo-Engineering a Salvation or a Curse?	Jenny Rushlow, et al.	230



Vermont Law Review is published four times each academic year: Fall, Winter, Spring, and Summer. Vermont Law Review's mailing address is: Vermont Law Review, Vermont Law & Graduate School, P.O. Box 96, South Royalton, VT 05068. Vermont Law Review can be found on the web at http://lawreview.vermontlaw.edu. E-mail: lawreview@vermontlaw.edu.

Subscriptions: Subscriptions are \$35.00 (domestic) and \$40.00 (foreign) per year, payable in advance. All subscriptions will be renewed automatically unless the subscriber provides timely notice of cancellation. Address changes must be made at least one month before the publication date to ensure proper delivery. Please provide the account number, the old address, and the new address, including zip codes. Please address all correspondence regarding address changes or other requests for subscription information to the Business Manager at lawreview@vermontlaw.edu.

Single and Back Issues: Books from current volumes can be purchased for \$10.00 from *Vermont Law Review*. For back issues, contact *Vermont Law Review* or William S. Hein & Co., Inc., 1285 Main Street, Buffalo, NY 14209-1987. For an inclusive index of prior volumes, please contact *Vermont Law Review*.

Manuscripts: *Vermont Law Review* welcomes the submission of unsolicited articles, comments, essays, and book reviews. Submissions may be submitted through the mail or electronically. Manuscripts cannot be returned unless accompanied by a self-addressed, stamped, postage-paid envelope.

Copyright: © 2024 by Vermont Law & Graduate School. The copyright in each article is owned by the respective author. 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 Law Review* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Law Review* is notified in writing of the use of the material(s).

Production: Vermont Law Review is printed in Times New Roman scalable font by The Sheridan Press, 450 Fame Avenue, Hanover, PA 17331.

VERMONT LAW REVIEW

Volume 49 Number 2

WINTER 2024

Editor-in-Chief ISABELLA M. PICKETT

Senior Managing Editor FAITH M. ORR

Senior Articles Editor JULIA M.N. BLOECHL Senior Notes Editor LINDSEY M. WOOD

Business Manager
MELISSA G. RICKENBAKER

Managing Editors
BRETT FRANCIS
ANDREW HOCKENBERRY
WHITNEY ROTH

Articles Editors
MATT DEDERER
NICHOLAS KISS
TIMOTHY LYONS
GABRIELLA MILLER
MAXWELL MRUS
LESLIE SMITH

Head Notes Editors
ISAAC BAKER
NICHOLAS GLOVER
MARIOT HUESSY

Vermont Editor ANNA PLOOF Symposium Editors CHARLOTTE BIERI LYNDALL GOUDEMOND

Alumni Editor JACOB EINBINDER

Technology Editor
THEODORE ROSE

Editots
HADLEY CHANCE
JOHN-CHARLES K. HEWITT
EVAN KERN
ALYSSA RICHARDSON

Staff Editors

BENJAMIN ALBERTSON
BENJAMIN BEHIMER
KELLY BELL
KELLI CIGELNIK
ALLYSON COHEN
DREW COLLINS
PHOEBE CYKOSKY
EMILY DWIGHT
NAKYSHIA FRALIN
ERIC GRIMES
GAGE JOHNSON
ILINCA JOHNSON

EMILY KARWACKI

ANGELA KAUFMAN
ANDREW LARSON
JOSEPH LEPAK
IAN LOPEZ
KAYA MARK
MATTHEW MCGOVERN
CASSIDY MCMANN
ARIEL MITCHELL
OLIVIA MOULTON
ISABELLA NANGANO

CHRISTIAN PATIERNO
GABRIELA PETERSON
AAMORÉ RICHARDS
ARIANA RICHMOND
LEA RIELL
NATALIE SCHAFFER
AUBURN SCHNITZER
KATHERINE SCOTT
SCOTT SCROIT
THOMAS STANFORD
PAIGE WAGAR
JULIA WICKHAM
ALEXIA ZOLENSKI

Faculty Advisor
PROF. CATHERINE FREGOSI

VERMONT LAW AND GRADUATE SCHOOL

2024-2025

ADMINISTRATION

Rodney A. Smolla, President and Professor of Law Beth McCormack, Dean and Professor

Dan Bromberg, Dean and Professor Cynthia Lewis, Vice Dean for Faculty and Professor

Joseph Brennan, Vice Dean for Students and Professor Shirley Jefferson, Vice President for Community Engagement and Government Affairs and Professor

Beth Locker, Associate Dean of Experiential Learning, Director for the JD Externship Program and Professor Lisa Ryan, Associate Dean for Diversity, Equity and Inclusion

FACULTY

Amerin Aborjaily, Assistant Professor Laurie Beyranevand, Director for the Center for Agriculture and Food Systems and Professor Zachary Broughton, Visiting Professor

Genevieve Byrne, Interim Director of the Energy Clinic and Professor

Jared Carter, Professor Jenny Carter, Professor

Stephanie Clark, Professor Anna Connolly, Associate Professor

Christophe Courchesne, Associate Professor, Director of the Environmental Advocacy Clinic, and Interim Director of the Environmental Law Center

Diana Csank, Assistant Professor, Environmental Advocacy Clinic Jessica Durkis-Stokes, Director of the Academic Success Program and Associate Professor David Firestone, Professor

Tenielle Fordyce-Ruff, Director of the Online Legal Writing Program and Professor

Catherine Fregosi, Professor

Clara Gimenez, Associate Professor

Oliver Goodenough, Research Professor

Chester Harper, Visiting Professor South Royalton Legal Clinic

Donald Hayes, Director of the South Royalton Legal Clinic and Professor

Shannon Heery, Assistant Professor Mark James, Interim Director Institute Energy and the Environment and Associate Professor

Greg Johnson, Director for the Legal Writing Program and Professor

Nicole Killoran, Director of the Small Business Law Clinic and Professor

Michael Kovac, Assistant Professor

Stephanie Kupferman, Associate Professor

Siu Tip Lam, Director for the U.S. Asia Partnerships for Environmental Law and Professor Yanmei Lin, Deputy Director of the U.S. Asia Partnership for Environmental Law and Professor Reed Loder, Professor Emerita

Mary Mason, Assistant Professor South Royalton Legal Clinic

Kirt Mayland, Visiting Professor Energy Clinic

Janet Milne, Director for the Environmental Tax Policy Institute and Professor Mia Montoya Hammersley, Director of the Environmental Justice Clinic and Assistant Professor Margaret Olnek, Associate Professor

Roger Pao, Director of the Online Hybrid JD Program and Associate Professor

Stephen Pimpare, Director of the Master of Public Policy Program and Professor
Lindsey Pointer, Research Professor
Jennifer Rushlow, Professor

Christine Ryan, Associate Professor and Librarian Emerita Robert Sand, Founding Director of the Center for Justice Reform and Professor Emma Scott, Director of the Food and Agriculture Clinic and Associate Professor Jennifer Sekula, Associate Professor

Dayna Smith, Associate Director Academic Success Program and Associate Professor Grant Smith, Assistant Professor

Brett Stokes, Director of the Center for Justice Reform Clinic and Assistant Professor
Peter Teachout, Professor

Benjamin Varadi, Associate Professor Pamela Vesilind, Associate Professor Joan Vogel, Professor Emerita Stephanie Willbanks, Professor

Delcianna Winders, Animal Law Program Director and Associate Professor Jane Woldow, Director of the Julien and Virginia Cornell Library and Professor Guanchi Zhang, Assistant Professor

Xiaoyu Zhang, Director of Master of Legal Studies and Assistant Professor

In Memoriam

Kevin Jones, Director for the Institute for Energy and the Environment and Professor

VERMONT LAW AND GRADUATE SCHOOL

BOARD OF TRUSTEES 2024–2025

OFFICERS

President Rodney A. Smolla
Dean Beth McCormack
Dean Dan Bromberg

MEMBERS

Chair Glenn J. Berger '78 Dean Dan Bromberg

Vice-Chair

Constance J. Neary '89

Secretary
Jessica L. Olson '07

Treasurer

Stephen F. W. Ball, Jr. '07
Jaclyn Brilling '79
Kendra F. Brown '12
Caryn J. Clayman '83
Charles E. DiLeva '78
Holly M. Groschner '88
Susan Lacoste, MSEL '03
Karen McAndrew
Marion McCollom Hampton
Ian A. Montone '95
Jacob B. Perkinson '95
William Reynolds '87
Mark Sciarrotta '96
Fernando Sotelino P'09
John E. Westerman '82

Alumni Trustees
Richard A. Johnson '97
J. Patrick Kennedy '93

Trustees Emeriti
J. Scott Cameron '80
Rick Shafer '77

Student Trustees Nicole Renna '25 Phoebe Cykosky '26

Scott M. Cullen '97

Faculty Representative
Stephanie Clark

Staff Representative Lauren Close



VERMONT LAW REVIEW

SUBSCRIPTIONS

Vermont Law Review is published quarterly each academic year: Fall, Winter, Spring, and Summer. If you wish to order a yearly subscription to Vermont Law Review, please complete and mail the form below or call Vermont Law Review at (802) 831-1253.

Vermont Law Review Subscription Order Form

Mail subscription to: Name (firm or individual) Address	
Check (payable to Vermont Law &	Graduate School) enclosed for:
	\$35.00 (domestic) \$40.00 (foreign)

Vermont Law Review
Vermont Law & Graduate School
P.O. Box 96
South Royalton, Vermont 05068



VERMONT LAW REVIEW

CALL FOR ARTICLES

Vermont Law Review seeks articles, commentaries, essays, and book reviews concerning recent developments in state, federal, Native American, or international law. Interested authors are encouraged to forward their submissions to:

Vermont Law Review
Vermont Law & Graduate School
Attn: Senior Articles Editor
P.O. Box 96
South Royalton, Vermont 05068

For electronic submissions or submissions questions, please e-mail our Senior Articles Editor for 2024–2025, Julia Bloechl, at VLRSeniorArticlesEditor@vermontlaw.edu, or call the *Vermont Law Review* at (802) 831-1253. *Vermont Law Review* encourages double-sided printing of submissions when possible.