

**Josh Eagle**

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Columbia, SC 29208  
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**PROFESSIONAL BACKGROUND**

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**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**

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**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**

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

**OCEAN AND COASTAL RESOURCES LAW** (Aspen Casebook Series, 2020) (with Shi-Ling Hsu).

**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**

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***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**

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***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**

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***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**

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***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**

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**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**

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**“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:**

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**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**

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**“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* 25<sup>th</sup> 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**

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**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**

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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**

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**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**

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

**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**

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**Member, Maryland Bar, 1990-present (currently inactive status)**