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CONSERVATION LAW CENTER

Volume II, Issue 2- February 15, 2018

Featured: Major Win for Hoosiers in the Indiana Supreme Court!

In a Valentine's Day offering to the people of Indiana, on Wednesday the Indiana Supreme Court handed down its decision in the landmark public trust case of *Gunderson v. State*. The Conservation Law Center, with attorney Jeff Hyman leading the litigation, represented environmental groups Alliance for the Great Lakes and Save the Dunes in a bid to protect the public's right to use the Lake Michigan shore as public land. The CLC and its hard-working clinic interns worked on this case for over four years. After partial victories in the trial court and intermediate appellate court, CLC's clients were fully vindicated by the state's highest court. In a unanimous decision (with Justice Slaughter recusing himself), the Court held that the boundary separating public trust land from privately-owned riparian land along the shores of Lake Michigan is the "natural" ordinary high water mark and that, absent an authorized legislative conveyance, the State retains exclusive title up to that boundary. The Court left it to the Indiana legislature to flesh out most public trust uses of the shore but confirmed that walking on the

beach joins other traditional public trust uses. This court's opinion overall may be the most solid statement of the core public trust and equal footing doctrines yet by a Great Lakes state. The decision will be an enduring foundation for future advocacy of public trust rights.

[Read the Indiana Supreme Court opinion here.](#)



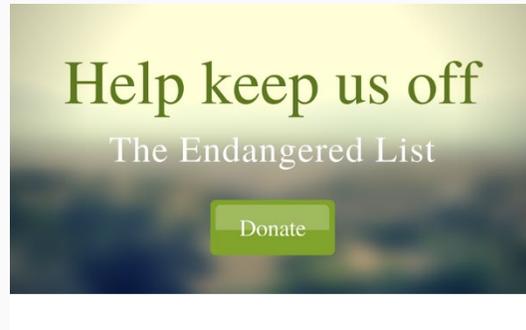
This month's Friend of the Month is Jeffrey B. Hyman.

Jeff, CLC's Senior Staff Attorney, led the litigation for the major Public Trust win. Thanks for your hard work and dedication, Jeff!

Upcoming Events

- **February 26:** CLC Board Meeting
 - **March 1-4:** Sr. Attorney Jeff Hyman will be presenting two panels at the [Public Interest](#)
-

[and Environmental Law Conference](#) (*Public Trust Doctrine Panel and Endangered Species Act Panel*)



This Month's Highlighted Species is the Piping Plover
Status: Endangered in the Great Lakes Region, Threatened Elsewhere

When you're enjoying the beach on the Indiana Lake Michigan shoreline, look out for these beauties. The Piping Plover nests on the Great Lakes shores in the summer and can abandon their nests when disturbed too much by humans.

A Word from Joe

Hello, Friend!

Sitting down to write this piece for the newsletter and reminiscing over my time with the Conservation Law Center, brought me to a startling realization: I had already begun my fifth month with the CLC. Time surely flies when you are busy, but even more so when you are having fun, which aptly describes my time with the CLC.

I could not speak more highly of my colleagues and the work we do here at the CLC. The wealth of experience and opportunity this position offers has been tremendous. As a third year law student, I never could have imagined my first venture into the legal world would give me the chance to work on environmental policy, litigation, and a diversity of transactional work—from nonprofit

governance to assisting landowners
in the USDA's Wetland Reserve
Easement program.

So as I get back to work and end my
reminiscing, I do so with the
privilege of supporting a passionate
team dedicated to protecting our
state and nation's natural
resources.

Thank you,

Joe Brinkman

CLC Graduate Fellow Attorney
