

JONAS J. MONAST

University of North Carolina School of Law
Van Hecke-Wettach Hall
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EDUCATION

Juris Doctor, Georgetown University Law Center, 2002

Bachelor of Arts, Appalachian State University, 1995 (Minors in Sustainable Development and Appropriate Technology)

PROFESSIONAL EXPERIENCE

University of North Carolina School of Law, 2016-present

- Assistant Professor and C. Boyden Gray Distinguished Fellow
- Director, Center for Climate, Energy, Environment, and Economics (CE³)

Duke University:

- Director, Climate and Energy Program, Nicholas Institute for Environmental Policy Solutions, January 2011-2016
- Senior Lecturing Fellow, Duke University Law School, August 2011-2016.
- Senior Lecturing Fellow (secondary appointment), Nicholas School of the Environment, October 2015-2016.
- Assistant Adjunct Professor, Nicholas School of the Environment, September 2012-September 2015, September 2017-present.
- Co-Director, Climate Change Policy Partnership, Duke University, August 2007-December 2010.

Adjunct Professor of Law, University of North Carolina School of Law, August 2013-May 2015.

Legislative Counsel, Center for Responsible Lending, Durham, NC. January 2006-August 2007.

Associate, Foley Hoag LLP, Washington, DC. September 2002-January 2006.

Legislative Fellow, Senator Paul Wellstone, Washington, DC. September 2001-May 2002.

Summer Associate, Davis Wright Tremaine LLP, Seattle, WA. May - August 2001.

Research Assistant for Professor Robert Stumberg, Georgetown University Law Center, Washington, DC. May-December 2000.

PROFESSIONAL EXPERIENCE (CONT'D)

Legal Intern, Conservation International, Washington, DC. Summer 2000.

Science Teacher, Counterpane School, Fayetteville, GA. July 1998-June 1999.

Director, Haw River Festival, Haw River Assembly, Bynum, NC. January-May, 1996-1998.

BIBLIOGRAPHY

BOOK CHAPTER

Design Issues for Linking Carbon Markets in CLIMATE CHANGE POLICY IN NORTH AMERICA: DESIGNING INTEGRATION IN A REGIONAL SYSTEM, Neil Crank, Isabel Studer, & Debora Van Nijnatten, eds., pp246-272 (Univ. of Toronto Press, 2013) (with Brian Murray & Peter Maniloff).

LAW REVIEW ARTICLES

Jonas J. Monast, *Governing Extinction in the Era of Gene Editing*, N.C. LAW REVIEW, publication forthcoming Spring 2019.

Jonas J. Monast, *Electricity Competition and the Public Good*, UNIVERSITY OF COLORADO LAW REVIEW, publication forthcoming Spring 2019.

Jonas J. Monast, *Editing Nature: Reconceptualizing Biotechnology Governance*, 60 BOSTON COLLEGE LAW REVIEW 2377-2436 (2018).

Jonas J. Monast, *From Top-Down to Bottom-Up Climate Policy: New Challenges in Carbon Market Design*, 8 SAN DIEGO JOURNAL OF CLIMATE AND ENERGY LAW 175-224 (2017).

Jonas J. Monast, Brian C. Murray & Jonathan B. Wiener, *On Morals, Markets, and Climate Change: Exploring Pope Francis' Challenge*, 80 LAW AND CONTEMPORARY PROBLEMS 135-162 (2017).

Jonas J. Monast, *Major Questions about the Major Questions Doctrine: Administrative Law Implications of King v. Burwell*, 68 ADMINISTRATIVE LAW REVIEW 445-489 (2016).

Jonas J. Monast, *Maximizing Utility in Electric Utility Regulation*, 43 FLORIDA STATE LAW REVIEW 135-185 (2016).

Jonas J. Monast & Sarah K. Adair, *Completing the Energy Innovation Cycle: The View from the Public Utility Commission*, 65 HASTINGS LAW JOURNAL 1345-1391 (2014).

Jonas J. Monast & Sarah K. Adair, *A Triple Bottom Line for Electric Utility Regulation: Aligning State-Level Energy, Environmental, and Consumer Protection Goals*, 38 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 1-65 (2013).

BIBLIOGRAPHY (CONT'D)

Jonas J. Monast, Brooks Rainey Pearson & Lincoln F. Pratson *A Cooperative Federalism Framework for CCS Regulation*, 7 ENVIRONMENTAL & ENERGY LAW & POLICY JOURNAL 1-46 (2012).

Sarah K. Adair, Brooks Rainey Pearson, Jonas Monast, Avner Vengosh, & Robert Jackson, *Considering Shale Gas Extraction in North Carolina: Lessons from Other States*, 22 DUKE ENVIRONMENTAL LAW & POLICY FORUM 257-301 (2012).

David M. Cooley & Jonas J. Monast, *Carbon Offsets and Environmental Impacts: NEPA, the Endangered Species Act, and Federal Climate Policy*, 28 PACE ENVIRONMENTAL LAW REVIEW 377-420 (2011).

Jonas Monast, *Integrating State, Regional, and Federal Greenhouse Gas Markets: Options and Tradeoffs*, 18 DUKE ENVIRONMENTAL LAW & POLICY FORUM 329-346 (2008).

ADDITIONAL JOURNAL PUBLICATIONS

Sarah K. Adair, David C. Hoppock, and Jonas J. Monast, *New Source Review and Coal Plant Efficiency Gains: How New and Forthcoming Air Regulations Affect Outcomes*, 70 ENERGY POLICY 183-192 (2014).

Jonas J. Monast & David Hoppock, *Designing CO₂ Performance Standards for a Transitioning Electricity Sector: A Multi-Benefits Framework*, 44 ENVIRONMENTAL LAW REPORTER 11068-11078 (2014).

Jonas J. Monast, Tim Profeta, Brooks Rainey Pearson & John Doyle *Regulating Greenhouse Gas Emissions from Existing Sources: Section 111(d) and State Equivalency*, 42 ENVIRONMENTAL LAW REPORTER 10206-10215 (2012).

Jonas Monast, *Climate Change and Financial Markets: Regulating the Trade Side of Cap-and-Trade*, 40 ENVIRONMENTAL LAW REPORTER 10051-10065 (2010).

ONLINE REPORTS AND OTHER PAPERS

Heather Payne & Jonas Monast, *Valuing Distributed Energy Resources: A Comparative Analysis*, University of North Carolina School of Law's Center on Climate, Energy, Environment, and Economics (June 2018), <http://www.law.unc.edu/documents/clear/publications/derpaperfinal.pdf>.

Heather Payne, Jonas Monast, Hannah Wiseman & Nicolas Eason, *Transitioning to a Lower-Carbon Energy Future: Challenges and Opportunities for Municipal Utilities and Electric Cooperatives*, Joint publication of the UNC Center for Climate, Energy, Environment, and

Economics and the Florida State University College of Law, Environmental, Energy & Land Use Program (2018), <http://www.law.unc.edu/documents/clear/publications/fsuuncmuni.pdf>.

BIBLIOGRAPHY (CONT'D)

Christina Reichert, Franz Litz, Jonas Monast, Tim Profeta & Sarah Adair, *Revisiting the NAAQS Program for Regulating Greenhouse Gas Emissions under the Clean Air Act*, Nicholas Institute for Environmental Policy Solutions, Duke University (Jan. 2017), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_wp_17-01.pdf.

Jonas Monast, Kate Konschnik, Ari Peskoe, Sarah Adair, Christina Reichert & David Hoppock, *Illuminating the Energy Policy Agenda: Electricity Sector Issues Facing the Next Administration*, Joint publication by the UNC Center on Climate, Energy, Environment, and Economics, Duke University's Nicholas Institute for Environmental Policy Solutions, and Harvard University's Environmental Policy Initiative (October 2016) (with Kate Konschnik, Ari Peskoe, Sarah Adair, and Christina Reichert). https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_r_16-01_final_0.pdf.

Jonas Monast & Christina I. Reichert *Incremental Climate Policy via the Clean Air Act*, 47 ABA Trends 3 (Jan. 2016), <https://www.americanbar.org/publications/trends/2015-2016/january-february-2016/incremental-climate-policy-via-the-clean-air-act.html>.

Jonas Monast, Tim Profeta, Jeremy Tarr & Brian Murray, *Enhancing Compliance Flexibility under the Clean Power Plan: A Common Elements Approach to Capturing Low-Cost Emissions Reductions*, Nicholas Institute for Environmental Policy Solutions, Duke University (March 2015), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_pb_15-01.pdf.

Jeremy M. Tarr & Jonas Monast, *Beyond Carbon Dioxide: Capturing Air Quality Benefits with State 111(d) Plans*, Nicholas Institute for Environmental Policy Solutions, Duke University (May 2014) (with Jeremy Tarr), https://nicholasinstitute.duke.edu/sites/default/files/publications/wp_14-04.pdf.

Jonas Monast & David Hoppock, *Designing CO₂ Performance Standards for a Transitioning Electricity Sector: A Multi-Benefits Framework*, Nicholas Institute for Environmental Policy Solutions, Duke University (April 2014), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_r_14-04_final.pdf.

Jeremy M. Tarr, Sara Hayes & Jonas Monast, *Energy Efficiency and Greenhouse Gas Limits for Existing Power Plants: Learning from EPA Precedent*, Nicholas Institute for Environmental Policy Solutions, Duke University (June 2013), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_r_13-04_0.pdf.

Jeremy M. Tarr, Jonas Monast & Tim Profeta, *Regulating CO₂ under Section 111(d) of the Clean Air Act: Options, Limits, and Impacts*, Nicholas Institute for Environmental Policy Solutions, Duke University (Jan. 2013), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_r_13-01.pdf.

BIBLIOGRAPHY (CONT'D)

Brooks Rainey Pearson, Jonas Monast, Jeremy M. Tarr & Jessalee Landfried, *Tackling CO₂ Emissions from Existing Coal-Fired Power Plants – Deploying Low-Carbon Coal Technologies Series*, Nicholas Institute for Environmental Policy Solutions, Duke University (March 2013), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_wp_13-04.pdf.

Sarah K. Adair, David Hoppock, Jonas Monast & Dalia Patino Echeverri, *Deploying Low-Carbon Coal Technologies: The State Role in Technology Innovation*, Nicholas Institute for Environmental Policy Solutions, Duke University (February 2013), https://nicholasinstitute.duke.edu/sites/default/files/publications/ni_wp_13-01.pdf.

Jonas Monast & Jeremy M. Tarr, *Primer on GHG Regulation of Stationary Sources under the Clean Air Act: Interaction of Tailoring Rule and Proposed NSPS*, Nicholas Institute for Environmental Policy Solutions, Duke University (May 2012), <https://nicholasinstitute.duke.edu/sites/default/files/publications/primer-on-ghg-regulation-of-stationary-sources-under-the-clean-air-act-paper.pdf>.

Brian Murray, Jonas Monast, Chi-Jen Yang & Justine Chow, *The United States, China, and the Competition for Clean Energy*, Nicholas Institute for Environmental Policy Solutions, Duke University (July 2011), <https://nicholasinstitute.duke.edu/sites/default/files/publications/us-china-competition-for-clean-energy-paper.pdf>.

Joshua Schneck & Jonas Monast, *Financial Market Reform and the Implications for Carbon Trading*, Nicholas Institute for Environmental Policy Solutions, Duke University (Jan. 2011), <https://nicholasinstitute.duke.edu/sites/default/files/publications/financial-market-reform-implications-carbon-trading-paper.pdf>.

Jonas Monast, Tim Profeta & David Cooley, *Avoiding the Glorious Mess: A Sensible Approach to Climate Change and the Clean Air Act*, Nicholas Institute for Environmental Policy Solutions, Duke University (Oct. 2010), <https://nicholasinstitute.duke.edu/sites/default/files/publications/avoiding-the-glorious-mess-paper.pdf>.

David Hoppock & Jonas Monast, *Residential Energy Efficiency and the American Clean Energy and Security Act HR 2454*, Climate Change Policy Partnership, Duke University (July 2009), <https://nicholasinstitute.duke.edu/sites/default/files/publications/residential-energy-efficiency-and-the-american-clean-energy-and-security-act-hr-2454-paper.pdf>.

Jonas Monast, Jon Anda & Tim Profeta, *U.S. Carbon Market Design: Regulating Emission Allowances as Financial Instruments*, Nicholas Institute for Environmental Policy Solutions, Duke University (Feb. 2009), <https://nicholasinstitute.duke.edu/sites/default/files/publications/u.s.-carbon-market-design-regulating-emission-allowances-as-financial-instruments-paper.pdf>.

BIBLIOGRAPHY (CONT'D)

Jonas Monast, *From Carbon Capture to Storage: Designing an Effective Regulatory Structure for CO₂ Pipelines*, Climate Change Policy Partnership, Duke University (Dec. 2008), <https://nicholasinstitute.duke.edu/sites/default/files/publications/from-carbon-capture-to-storage-designing-an-effective-regulatory-structure-for-co2-pipelines-paper.pdf>.

Chi-Jen Yang, Eric Williams & Jonas Monast, *Wind Power: Barriers and Solutions*, Climate Change Policy Partnership, Duke University, (Nov. 2008), <https://nicholasinstitute.duke.edu/sites/default/files/publications/wind-power-barriers-and-policy-solutions-paper.pdf>.

David Hoppock, Jonas Monast & Eric Williams, *Transforming Utility and Ratepayer Support for Electrical Energy Efficiency Nationwide*, Climate Change Policy Partnership, Duke University (Nov. 2008), <https://nicholasinstitute.duke.edu/sites/default/files/publications/transforming-utility-and-ratepayer-support-for-electrical-energy-efficiency-nationwide-paper.pdf>.

RECENT PRESENTATIONS

Moderator and Presenter, "The Role of Competition in Driving Innovation," *PowerShift Regional Conference*, Texas A&M University School of Law, Dec. 14, 2018.

Presenter, "Governing Extinction in the Era of Gene Editing," *North Carolina Law Review Symposium*, Oct. 5, 2018.

Presenter, "Electricity Competition and the Public Good: Rethinking Markets and Monopolies," *Colloquium on Environmental Scholarship*, Vermont Law School, Sept. 22, 2018.

Presenter, "Governing Extinction in the Era of Gene Editing," *Wiet Life Science Law Scholars Conference*, Loyola University Chicago School of Law, Sept. 7, 2018.

Presenter, "Editing Nature," 2018 IUCN Academy of Environmental Law Colloquium University of Strathclyde, Glasgow, Scotland, UK, July 6, 2018.

Presenter, "Rethinking Markets in the Modern Electricity Sector," Tenth Annual Meeting of the Society for Environmental Law and Economics, Notre Dame Law School in Chicago, June 16, 2018.

Presenter, "Competition and the Public Utility" at the 2nd annual North American Environment, Energy and Natural Resources Conference, University of Houston Law Center, May 4, 2018.

Presenter, "Editing Nature," Sandra Day O'Connor College of Law faculty workshop, Arizona State University, Mar. 27, 2018.

RECENT PRESENTATIONS (CONT'D)

Presenter, "Editing Nature," Wiet Life Science Law Scholars Conference, Loyola University Chicago School of Law, Oct. 13, 2017.

Presenter, "Editing Nature," Southeast Junior-Senior Faculty Workshop, Washington University Law School, Oct. 6, 2017.

Presenter, "Editing Nature," Colloquium on Environmental Scholarship, Vermont Law School, Sept. 22, 2017.

Presenter, "Editing Nature," Sabin Colloquium on Innovative Environmental Law Scholarship, Columbia Law School, May 5, 2017.

Commenter, "Stationary Sources, Movable Rules: Intransigence and Innovation under the Clean Air Act" by Hannah J. Wiseman, AAAS Workshop on Durability and Adaptability in Energy Policy, Washington, D.C., March 3, 2017

Panelist, "Trends in Energy and Climate Policy," 2017 UNC Clean Tech Summit, March 2, 2017.

Presenter, "Environmental Law Symposium: Energy Issues for the New Administration," Festival of Legal Learning, UNC School of Law, Feb. 11, 2017.

Presenter, "On Morals, Markets, and Climate Change," Tulane University School of Law faculty workshop, Jan. 23, 2017.

Presenter, "From Top-Down to Bottom-Up Climate Policy: New Challenges in Carbon Market Design," *Eighth Annual Climate & Energy Law Symposium*, University of San Diego School of Law, Nov. 4, 2016.

Presenter, "Expanding Dimensions of Prudency," *2016 J.B. & Maurice C. Shapiro Environmental Law Symposium: The Electricity Mix of the Future: Environment, Economics, and Governance*, George Washington University Law School, Mar. 10, 2016.

Panelist, *States' Implementation of EPA's Clean Power Plan: What Are the Prospects and Options?*, Brookings Institution, Feb. 22, 2016.

Presenter, "EPA's Clean Power Plan," *Festival of Legal Learning*, UNC School of Law, Feb. 13, 2016.

Panelist, "The Importance of State Engagement," *EPA Workshop for Environmental Justice Communities on the Clean Power Plan*, Arlington, VA, Dec. 16, 2015.

Moderator, "Designing a Regulatory System that Adapts to Emerging Risks, Technologies," *Leadership in a Time of Rapid Change: Envisioning Solutions to Environmental Challenges*, Nicholas Institute for Environmental Policy Solutions, Duke University, Oct. 22, 2015.

RECENT PRESENTATIONS (CONT'D)

Moderator, "Creating the Electricity Sector of the Future," *Leadership in a Time of Rapid Change: Envisioning Solutions to Environmental Challenges*, Nicholas Institute for Environmental Policy Solutions, Duke University, Oct. 22, 2015.

Presenter, "Major Questions about the Major Questions Canon," *6th Annual Colloquium on Environmental Scholarship*, Vermont Law School, Oct. 3, 2015.

Presenter, "The Role of Environmental Policy in Our Transitioning Energy Sector," *Energy Industry Fundamentals*, Duke University Energy Initiative, Sept. 8, 2015.

Presenter, "Major Questions about the Major Questions Canon," University of Colorado Law and Duke University School of Law Climate Change, Energy, and Natural Resources Law & Policy Works-in-Progress Symposium, August 6, 2015.

Presenter, "On Best Systems and Major Questions," University of Washington Junior Environmental Law Scholars Workshop, July 9, 2015.

Presenter, "The Moral Dimensions of Instrument Choice," Duke Law School Faculty Workshop, July 1, 2015 (with Brian Murray).

TEACHING ACTIVITIES 2016-2018

Fall 2018

Research in Ecology (UNC Graduate School) (1 student)

Supervising Master's Project for Leah Kaiser (thesis title TBD) (dual degree student—J.D. and Masters in Environment & Ecology)

Serving on PhD committee for Trey Murphy (dissertation title TBD) (Geography Dept.)

Spring 2018

Property Law (71 students)

Energy, Environment, and the Law (Duke University's Duke Environmental Leadership Program) (12 students)

Fall 2017

Energy Law: Resources & Electricity (22 students)

Independent Study (1 student)

Spring 2017

Natural Resources Law (16 students)

Fall 2016

Energy Law: Electricity & Resources (22 students)

PROFESSIONAL SERVICE

Director, Center for Climate, Energy, Environment, and Economics (2017-present)

Chair, Appointments Committee (2018-2019)

Member, Appointments Committee (2017-2018)

Co-Director, Center for Climate, Energy, Environment, and Economics (2016-2017)

Member, Faculty Speakers Committee (2016-2017)

RESEARCH STATEMENT

My primary research interests include climate policy, electricity sector governance, environmental law, and emerging technology governance. My early law review articles were generally published in specialty journals and analyzed issues arising in federal and state climate policy debates. My more recent articles explore broader questions regarding electricity-sector regulation, statutory interpretation, moral arguments regarding market-based environmental policy, and carbon market design. Since joining the Carolina Law faculty, I have continued to focus on electricity-sector governance while also expanding my research to explore the intersection of biotechnology and natural resources law.

TEACHING STATEMENT

I teach Energy Law, Natural Resources Law, and Property Law, and have developed a proposal for a new seminar on regulation of emerging technologies. My approach to Energy Law focuses on three themes: (1) the role of state and federal law in determining the current makeup of the electricity sector, (2) current economic and technological developments that are challenging existing energy laws, and (3) the interaction between energy law and environmental protection. I use these themes to challenge students to consider the value choices that will determine how the energy system evolves in the coming decades. Class meetings are primarily lecture-based, but I incorporate interactive activities and group case studies throughout the semester. Natural Resources Law is a rigorous writing experience (RWE) seminar. Each class meeting focuses on a distinct natural resource issue (e.g., public lands, minerals, timber, endangered species), the federal or international laws that apply, and current policy debates about ownership or management of the resource. I work closely with students as they develop their paper topics and begin their research. Students present their drafts to the class at the end of the semester, allowing them to refine their ideas and gain experience providing constructive feedback to their peers. I taught Property Law for the first time during the Spring 2018 semester. Class discussions generally focused on the assigned cases for the day, but I also incorporated some small-group exercises that challenged students to consider the nature of property and provided opportunities to apply their knowledge to real-world problems.

SERVICE & ENGAGEMENT STATEMENT

My primary area of service to the Law School is directing the Center on Climate, Energy, Environment, and Economics (CE³). The Center has two interrelated missions. First, CE³ is expanding opportunities for Carolina Law students to develop a deep understanding of the critical energy and environmental challenges of the day. I accomplish this goal by involving students in research projects, funding a new course on renewable energy finance, bringing speakers to campus, and inviting students

to participate in stakeholder workshops. I am currently working with the Law School's advancement staff and the CE³ advisory board to raise money for scholarships.

The second prong of CE³'s mission is informing decision-making at the state and federal levels through non-partisan, objective analysis and stakeholder engagement. I accomplish this by convening workshops to foster interaction between legal scholars, government officials, and energy practitioners. I also organize webinars and coauthor white papers to educate stakeholders and policymakers on current issues in energy and environmental law. For a more detailed description of my CE³-related service activities, please see the Center's 2016-17 and 2017-18 annual reports.

In addition to my work with CE³, I have also served on the Speakers Committee (2016-2017) and the Admissions Committee (2017-2018) and will chair the Admissions Committee this academic year.