



Getches-Wilkinson Center
for Natural Resources, Energy, and the Environment

Dean Announces Major Funding Initiative to Benefit the Getches-Wilkinson Center

For more than a half century, Colorado Law's natural resources law program has led the nation. And for most of that period, this leadership has been housed in the Getches—Wilkinson Center for Natural Resources, Energy and the Environment (formerly known as the Natural Resources Law Center). In order to continue and strengthen the legacy of the Center, Dean Phil Weiser recently announced a major funding initiative to benefit the Center. Between now and June 30, 2015, Dean Weiser will match every gift made to the Center, dollar for dollar up to \$1,500 per gift, and up to a maximum amount of \$50,000 in matching funds.

In this newsletter, you will read about the critical and innovative work of the Getches-Wilkinson Center, which brings together leaders from government, law, industry, civil society and academia to address key aspects of natural resources, energy and environmental law and policy. Drawing on its legacy of expertise in natural resources, the Center supports research and analysis on critical policy, regulatory, and business issues; provides training to students and professionals; and sponsors a series of public lectures, workshops, and conferences.

Please help the Center to continue its important work, and take advantage of the generous opportunity presented by Dean Weiser to double the impact of a gift. **Please help us claim this \$50,000 in matching funds by making your gift by June 30, 2015.** www.cufund.org/gwc. For more information about this matching gift opportunity, please contact Ellen Goldberg at ellen.goldberg@colorado.edu or 303-735-3689.



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(Cover photo courtesy of Justice Gregory J. Hobbs)

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Dear Friends,

As the 2014-15 academic year draws to a close, we can look back on a highly engaging and productive year here at the Getches-Wilkinson Center for Natural Resources, Energy and the Environment. We have been active on many fronts, including sustainability, energy innovation and water policy.

Last February, we held our second **Martz Winter Symposium** on sustainability, where we explored in detail the ways in which state, tribal and local governments and institutions, private sector innovators and entrepreneurs, social movements, socially-aware investors, and consumers have the potential to drive real solutions to the pressing environmental challenges of our time. Focusing on issues such as climate change, water scarcity, biodiversity, food security, and poverty alleviation, the Symposium provided a platform for a number of local and international experts to explore various drivers behind ground level innovation, including voluntary private initiatives, ethical supply chains and responsible product certification, social entrepreneurship and impact investing, and sub-national governmental collaboration and innovation. It was an exciting conference that will help to frame the work of the Center for the foreseeable future.



Our **Energy Innovation Initiative**, led by Professor William Boyd, brings together leaders from government, law, industry, civil society and academia to address key aspects of energy law and policy and to develop new approaches and solutions to today's energy challenges. Last October, Jim Burke, President & CEO of NGL Energy Partners, delivered the **Schultz Lecture**. Jim's lecture was on the "Water—Energy Nexus," focusing on the increasing importance of water and wastewater handling and disposal for unconventional oil and gas operations. Going forward, the Initiative will continue to focus on three key sets of issues:

- Energy innovation in a carbon constrained world;
- The unconventional oil and gas revolution, particularly issues of community acceptance and efforts to reduce environmental impacts; and
- Grid innovation and the ongoing effort to accommodate increasing amounts of renewables and distributed energy resources.

With respect to grid innovation, we're planning a major conference for the Spring of 2016. And in November 2015, we are pleased to be able to host Governor John Hickenlooper of Colorado, who will deliver the Schultz Lecture and outline his vision for Colorado's energy industry and the interaction of that industry with local communities and the environment.

The Center has been very active with respect to water policy, both in Colorado and throughout the West. In March, Deputy Secretary of the Interior Mike Connor delivered the **Distinguished Lecture**, where he outlined his vision for the future of U.S. water policy, the evolving role of the Bureau of Reclamation, and the need for increased federal-state-tribal cooperation on all dimensions of water policy and management. Deputy Secretary Connor (who is featured later in this newsletter as our Distinguished Alumni) offered a comprehensive overview of current federal water policy, and a summary of his remarks will be published in an upcoming edition of the Colorado Natural Resources, Energy and Environmental Law Review.

As a result of a generous grant from The Gates Family Foundation, the Center has been heavily focused on exploring how Colorado can best adapt its legal and policy structures to address the real potential of a significant water scarcity crisis in the coming years. There is increasing scrutiny regarding whether Colorado water law, as currently written, is flexible

enough to accommodate the conservation and efficiency needed to address such a crisis, while at the same time protecting the rights of established water users. The Center recently convened a group of renowned water policy experts to conduct a detailed review of the recently issued draft **Colorado State Water Plan**, with an emphasis on plan implementation, water management, climate change adaptation, and public water uses. This group's report will be issued later this month, to be followed by a series of workshops on some of the key challenges identified by the group. Last October, we also held a workshop on Colorado's **Material Injury Doctrine**, an aspect of state water law that is often blamed for impeding the flexibility needed to address today's challenges. A summary of that workshop and the ideas that it generated will appear in the July edition of *The Colorado Lawyer*. And next month, the **Martz Summer Conference** will focus on the need for more coordinated and deliberate decision-making throughout the West in order to effectively balance environmental, social, and economic objectives in water policy and management.

Throughout the year, we have enjoyed partnering with our CU colleagues at the American Indian Law Program, the Silicon Flatirons Center, the Colorado Natural Resources, Energy and Environmental Law Review, RASEI, the Center for the American West, and a host of other groups within the University system. We've also had the opportunity to collaborate with a variety of dynamic people and groups from around the country and world, including the Center for the New Energy Economy at CSU, the Houston Advanced Research Center, the Colorado Water Institute at CSU, the Universities of Arizona and New Mexico, the Posner Center for International Development, and RESOLVE Inc.

We are very lucky to have a dedicated group of alumni, friends, and students who provide support, offer guidance, make introductions, speak at and assist with conferences and events, and champion our work and our mission. A special thanks to all of these friends whose help is so crucial to our continued success.

During the academic year, a number of transitions have or will soon occur here at the Center. First, beginning in January, Professor Sarah Krakoff succeeded Charles Wilkinson as the Chair of the Center's Board of Directors. Second, as of June 2015, Michael Gheleta will step down as Chair of the Center's Advisory Council. Mike has served with distinction in this role for seven years, and much of the Center's past and current success can be attributed to the enthusiasm, energy, focus and professionalism that Mike has brought to the role. He will be greatly missed—but luckily for us, he will remain on the Council as Immediate Past President for at least another year. Mike will be succeeded as Chair of the Advisory Council by Peter Nichols, who already has an impressive record of supporting and advising the Center, the faculty and our students.

Finally, after many years with the Center, Kathryn Mutz announced her retirement as a Senior Research Associate in February. Kathryn has provided invaluable research and support for the Center over the years, most recently as the head of the Intermountain Oil & Gas BMP Project. We offer Kathryn our sincerest thanks for her service to the Center, and wish her the best as she begins this hopefully much more peaceful phase of her life.

I look forward to working with Sarah, Peter, Dean Phil Weiser, and each of you as we continue to build on the legacy of the Center and work to fulfill our vision and mission:

To serve the people of the American West, the nation, and the world through creative, interdisciplinary research, bold, inclusive teaching, and innovative problem solving in order to further true sustainability for our lands, waters and environment.



Britt Banks, Executive Director

A Message from the Chair of the Advisory Committee

By Michael Gheleta

It is with mixed feelings that I write this, my last column as Chair of the Advisory Council of the Getches-Wilkinson Center for Natural Resources, Energy and the Environment.

Seven years ago I was asked to serve as Chair of the Advisory Board of the then-Natural Resources Law Center, and accepted the challenge. The Center was under the capable leadership of NRLC Director Mark Squillace, and had a core of dedicated Advisory Board members, with even greater potential. In the following years, the Advisory Board grew in size, scope and level of participation, adding

members from areas such as the judiciary, private natural resources law practice, public agencies, non-profit groups, and energy and mining companies. The expansion in size and diversity re-energized the Board, and it became a real a pleasure to chair meetings and participate in events involving stimulating high caliber exchanges of ideas. It was especially gratifying to welcome to meetings Dean David Getches, who went from being my Professor to my colleague and friend, and who somehow found the time in his hectic schedule to regularly attend.

It was a fitting tribute to David upon his passing, and to his longtime partner Charles Wilkinson (another former Professor of mine), that the Center evolved to what is now the Getches-Wilkinson Center for Natural Resources, Energy and the Environment. Dean Phil Weiser was instrumental in this effort, and I value the time spent working with him to bring the Board along during the Center's transition. The renewed engagement of the natural resources faculty, integration of the law school's natural resources programs, and diversification of conferences and events, as the Center has evolved have put it on a positive trajectory. The energetic efforts of Charles Wilkinson in getting the reconfigured Center off the ground as Board Chair, and more recently the solid leadership of the Center's Executive Director Britt Banks, have been inspiring. Their involvement has helped me come full circle in a sense, as I recall getting to know both of them over 25 ago in Charles' first Advanced Natural Resources Seminar, where we studied the natural resource issues and culture of the Upper Rio Grande Basin, embarking on a class road trip that was both substantive pinnacle and epic adventure.

But it is now time to pass the baton to new leadership of the Center's Advisory Council. The timing is fortuitous. I have become increasingly pulled by my position as Acting Assistant Solicitor for Water and Power at the U.S. Department of the Interior, including regular trips to my office in Main Interior in Washington DC (see photo with Solicitor Hilary Tompkins). In addition, a new leader has stepped up as incoming Chair, Peter Nichols, who I am certain will elevate the Center to even greater heights. As a CU Law alum, with his water and natural resources law expertise, and with his energy and dedication evident in such efforts as the Acequia Project and the Material Injury Workshop, he is the ideal choice the move the Center ahead. I look forward to continuing my involvement as outgoing-Chair, and watching Peter and the Center continue its journey of excellence into the future.



Michael Gheleta with Solicitor Tompkins

Distinguished Alum Profile

Mike Connor ('93)

Mike Connor grew up in Las Cruces, New Mexico and attended college at New Mexico State University. Connor earned his degree in chemical engineering in 1986, and worked for General Electric after graduation. He was enrolled in the company's manufacturing management program; a two-year program focused on teaching talented recruits how to run a successful business operation. As part of the training program, Connor rotated through different operations centers every few months, and the last of those rotations was in Denver, where he completed the program, working in GE's power generation service business. He was pleased to be back in the West and accepted a permanent job running laboratory operations in GE's Denver service center.

In addition to running laboratory operations, Connor was also responsible for running the location's environmental programs and dealing with related issues. He had developed an interest in environmental and natural resource policy issues during college and welcomed the opportunity to become more involved in these issues as part of his job. Connor eventually grew interested in policy matters as a result of his operation's role and the need to follow environmental compliance guidelines set by company lawyers. It was then that he began thinking about attending law school. Connor applied to Colorado Law, wanting to specialize in environmental law. At Colorado Law, he developed a greater interest in natural resources, taking classes such as water law, natural resources law, and public lands law. He worked in Colorado Law's Natural Resources Law Center for two years, helped edit the late David Getches' casebook on Federal Indian Law, and earned a JD in 1993.

Upon graduation, Connor went to work in the Office of the Solicitor at the U.S. Department of Interior. Because of the strength of the law school's environmental and natural resources curriculum, Colorado Law was a priority for the Department of Interior when recruiting new lawyers. Connor was one of only eight new attorneys nationwide to join the Solicitor's Honors Program. After his first year in the program, he began working full-time on Indian water rights in the Washington, D.C., office, where he stayed for three years. He transferred to the Albuquerque Regional Office in 1997 and then in 1998 moved back to Washington, D.C., to become the deputy director of the Secretary of the Interior's Indian Water Rights Office. He became the office's director after a year, and remained there through the early part of 2001. In May 2001, Connor went to work for Senator Jeff Bingaman at the U.S. Senate Energy and Natural Resources Committee, eventually becoming the staff lead for the Water and Power Subcommittee. He remained there until 2009, when he was recommended by Secretary of the Interior Ken Salazar and nominated by President Obama to serve as Commissioner of the Bureau of Reclamation.

Currently, Connor serves as Deputy Secretary of the U.S. Department of the Interior. President Obama nominated him for the position in July 2013 and the U.S. Senate confirmed him without opposition in February 2014. As Deputy Secretary, Connor is the second highest ranking official at the Interior Department with statutory responsibilities as the Chief Operating Officer of an agency of more than 70,000 employees and an annual budget of approximately \$12 billion. He is a key leader in implementing the Administration's priorities for the Department of the Interior, including water policy and relations in the face of an unprecedented Western drought, as well as serving as the head of the Department's Land Buy-Back Program, the land consolidation component of the Cobell Settlement.



*Deputy Secretary of the Interior,
Michael Connor*

Native Communities and Environmental Justice

The Acequia Project

Building a Network of Colorado Law Students and Alumni to Support Low Income Farmers in the San Luis Valley

Professor Sarah Krakoff, Acequia Project Director

The irrigation season is underway in the San Luis Valley, and Hispanic farmers, whose families came to this high altitude plateau before Colorado was a state, are opening their head gates. Two groups of first-year law students have traveled to San Luis to meet with new clients who want to adopt by-laws that will protect their traditional practices of sharing water in times of scarcity. Another group will head down in May, just after final exams are over. A fourth group, including Megan Gutwein, '16, Michelle White, '17, and Rachel Dingman '17, is working with Cori Hach, '14 on a water rights application.

Cori, a first year associate at Porzak, Browning & Bushong LLP, volunteered with the Acequia Project as a student, and contributed many hours traveling to and from the Valley, drafting portions of the Colorado Acequia Handbook, and developing by-laws for several clients. Cori will co-counsel the new water rights case with Julia Guarino, '13. Julia, who will be starting a PhD program in CU's geography department next year, is also busy putting the finishing touches on an excellent article, co-authored with Will Davis, '15, that explains how a 115-year old consent decree affects water rights in the Culebra watershed today. Julia, Will, Peter Nichols '01, Sarah Krakoff, and Marc Scanlon met with members of the affected acequias in April to discuss the research and possible solutions. Grants from CU's Outreach Council and the Valerie Gates Foundation have enabled us to provide funding for these important projects.



Professor Krakoff and Julia Guarino

As our work in the Valley continues for its fourth year, we are humbled by the clients and community members who allow us to be of use, and proud of our students and recent graduates who are creating a Colorado Law network committed to public service and environmental justice.

Advanced Natural Resources Seminar

Field Trip to the Colorado Plateau

Professor Sarah Krakoff

Nine students and one professor drove two Ford Expeditions from Boulder to Crested Butte, Colorado for their first stop on a 9-day field trip. The field trip is integral to the Advanced Natural Resources seminar, a capstone course in the environmental and natural resources law curriculum. In Crested Butte, we met with Ali Melton and Julie Nania, two young Colorado Law graduates who work for High Country Conservation Advocates, a small non-profit committed to preserving the public lands and waters surrounding Crested Butte. Ali and Julia talked about long-time battles to fend off a molybdenum mine, and newer efforts to improve water quality in the region as we walked along the Slate River valley in the melting snow.

From Crested Butte, we drove to Towaoc, Colorado on the Ute Mountain Ute Reservation, where we met with Celene Hawkins, another Colorado Law graduate who is a staff attorney for the Tribe. Celene described the variety of issues she works on at Ute Mountain as we strolled past ancient puebloan ruins in Canyon of the Ancients National Monument. From Towaoc, we headed to Tuba City, Arizona on the Navajo Nation, stopping for a stunning hike at Navajo National Monument along the way.

In Tuba City, we met with Roger Clark from the Grand Canyon Trust who introduced us to Renae Yellowhorse and Sarana Riggs. Renae and Sarana are Navajo tribal members who have been involved in a grassroots effort to combat a proposed resort development in Marble Canyon, near the confluence of the Colorado and Little Colorado Rivers. Renae explained the religious and cultural significance of the Confluence to us, and described the developer's heavy-handed tactics to try to wear down local residents' opposition. Renae's relatives live in the remote and windswept area just east of Marble Canyon, herding their sheep and tending to the land as they have for decades, and they fear what an industrial scale resort will do to their livelihood and the place that they love.

To everyone's delight, Renae and Sarana then joined our caravan, driving with us to spend two nights at the Grand Canyon Trust's North Rim Ranch. The Ranch is between Marble Canyon and the Kaibab Plateau. Most of us camped under the glittering sky and a few stayed in the old farmhouse. We walked up a creek to its source and drove out to the edge of Marble Canyon to view where a dam was proposed, but never built, which would have flooded the upper reaches of the Grand Canyon.



2015 Advanced Natural Resource Seminar

While we would have liked to stay at the North Rim Ranch longer, or perhaps forever, after the second night we set out for Bluff, Utah, stopping for a tour at Glen Canyon Dam along the way. Our excellent Hopi guide went off-script near the end, filling us in on details of a failed settlement of the Hopi Tribe and Navajo Nation's water rights to the Little Colorado River.

In Bluff, we met Anne Mariah Tapp, '12, who hiked with us on Cedar Mesa and talked about her work combatting proposed Tar Sands development in Utah. Our guide, Vaughn Hadenfeldt, explained about efforts to protect Cedar Mesa, one of the richest

areas for archeological finds in the country, from the ravages of pot hunters and ORVs. Vaughn described the tricky but promising process of uniting environmentalists, Indian nations, and local residents behind a proposed monument plan.

On our last day, half of our group had to head home early to take the MPRE. The remaining four had the good fortune to go on two stunning hikes in Moab, Utah. Liz Thomas, Colorado Law '86, took us up behind the Tombstones, along Kane Creek. From the dizzying summit, we could look down on a proposed ORV route that the Southern Utah Wilderness Alliance, Liz's former employer, has been opposing. In the afternoon, Bill Hedden, Executive Director of the Grand Canyon Trust, led us to a remote corner of Arches National Park and set a brisk pace across slick rock and in and out of a drainage, regaling us with stories of protecting the singular landscapes that we had the privilege to experience. The next morning we piled into our car and drove out of town, up along the Colorado River, then over the spine of the Rockies and back home to Boulder, with memories and laughs to savor and share.

American Indian Law Program

Associate Clinical Professor Carla Fredericks

The American Indian Law Program has had an eventful year, continuing in its tradition of providing students with an immersive Indian law experience, connecting with the community, and contributing to scholarship and dialogue on behalf of Native Americans and indigenous peoples throughout the world. We thank our supporters and colleagues, as well as the Tribes and indigenous peoples we work with to help in our mission to educate the next generation of tribal lawyers and advance research and service in Indian law.

In October, the AILP and the NALSA hosted a lunch-time panel on the topic of Native American Mascots in Sports. The panel consisted of AILP program director Carla Fredericks, Native American Rights Fund attorney Melody McCoy, and Professor Kristelia Garcia, who teaches and writes on issues of Intellectual Property at the University of Colorado Law School and works with Silicon Flatirons Center for Law, Technology, and Entrepreneurship

In November, NALSA and the AILP hosted Martha King, Partner at the Fredericks Peebles & Morgan LLP law firm in Louisville, Colorado and member of the Kotzebue IRA Tribe, as the NALSA distinguished speaker. In her talk entitled “The Modern Practice of Indian Law: Operating in and from Tribal Legal Spaces,” Martha shared practice stories, advice, and inspiration from her more than 17 years of experience in the field of Indian Law with students, community members, and fellow practitioners alike.



The American Indian Law Clinic is currently providing advice and counsel to several tribes and organizations, including the following:

- **United Nations Special Rapporteur on the Rights of Indigenous Peoples.** Students traveled to New York City in October to meet with the Special Rapporteur and are attending the United Nations Permanent Forum on Indigenous Issues in April/May 2015
- **The Spokane Tribe of Indians.** Clinic students met with the Spokane Tribe of Indians General Council in October 2014 related to ongoing work on tribal development issues
- **The Ute Mountain Ute Tribe.** Clinic students worked on several matters with the Ute Mountain Ute Tribe at the direction of Associate General Counsel Celene Hawkins '08, as well as traveled to the reservation to attend the Tribe's swearing in ceremony for new General Council members and met with tribal staff on projects
- **Yankton Sioux Tribe.** Clinic students worked with the tribe to develop a comprehensive set of tribal business law materials
- **8(a) contracting.** Students assisted several native-owned businesses with obtaining 8(a) certification
- **ICWA.** Students created education materials for use on the Pine Ridge Indian Reservation, in partnership with the Lakota Peoples Law Project, as well as represented an individual in family court proceedings



For more information on the American Indian Law Program, visit <http://www.colorado.edu/law/academics/programs/indianlaw>

For more information on the Acequia Project, visit <http://www.colorado.edu/law/research/getches-wilkinson-center/about-center/acequia-assistance-project>

Energy and Environmental Innovation

The Governors' Climate and Forests Task Force

Road to Paris: GCF Paves Subnational Pathways to a Low Carbon World

With support from the Gordon & Betty Moore Foundation, the ClimateWorks Foundation, and the Norwegian Agency for Development Cooperation, Professor Boyd and his team (Carly Hernandez, Amelia Chizwala Peterson (CU Law LL.M 2012), Colleen Scanlan Lyons, Joshua Walker and Julie Teel Simmonds) continue to lead the Secretariat of the Governors' Climate & Forests Task Force (GCF), assisted by country coordination teams in four tropical forest regions. Established in 2009, the GCF is a unique subnational collaboration between 26 states and provinces from Brazil, Indonesia, Mexico, Nigeria, Peru, Spain, and the United States that seeks to advance jurisdictional programs for reducing emissions from deforestation and land use and to link these activities with emerging greenhouse gas (GHG) compliance regimes and other pay-for-performance opportunities.

This summer (June 15-18), the GCF will hold its annual meeting in Barcelona, Spain. The meeting will focus on new partnerships and pathways to promote innovative subnational programs for low emissions development.

More than 25 percent of the world's tropical forests are in GCF states and provinces, including more than 75 percent of Brazil's and more than half of Indonesia's and Peru's. The GCF includes states and provinces that are leading the way in building comprehensive, jurisdiction-wide approaches to reducing deforestation and low emissions development as well as the only jurisdiction in the world (California) that is considering provisions that would recognize efforts to reduce emissions from deforestation and forest degradation (REDD+) as part of its GHG compliance system.



For details on the GCF's efforts on the Road to Paris, visit <http://www.gcftaskforce.org/>

LawAtlas & Intermountain Oil and Gas BMP Project

This spring the BMP and LawAtlas project have continued to make substantive additions. The BMP project has added a Public Health Resource Page (http://www.oilandgasbmps.org/resources/public_health.php) in conjunction with Lisa McKenzie and John Adgate from the Colorado School of Public Health. This page introduces the reader to concepts of risk, exposure and types of public health research. The page also highlights potential public health effects of upstream oil and gas development and summarizes best management practices (BMPs) and innovative technologies that have the potential to minimize negative health effects and maximize societal benefits associated with oil and natural gas development.

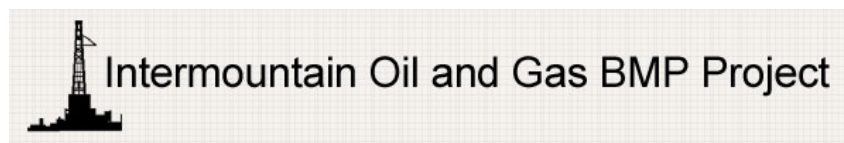


We have also released a comparative legal database for air regulations pertaining to oil and gas development. The database is located at <http://tinyurl.com/q7lhyjr>. This database examines air quality regulations in 12 states: Colorado, Louisiana, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Texas, Utah, West Virginia, and Wyoming. These jurisdictions were chosen because each state is experiencing new or increased shale oil and shale gas development, and several have recently updated their air regulations.

Additionally, we continue to update the currently available resources. These updates include major changes to the Hydraulic Fracturing Resource page and updates to the Federal Regulations page to reflect recently the released BLM Rule to Support Safe, Responsible Hydraulic Fracturing Activities on Public and Tribal Lands.

Kathryn Mutz ('95) and Matt Samelson ('11) have directed the project. Kelleigh Helm joined the staff in February. Additional part-time staff during the year included recent graduates Kate Toan (LLM '13), Daniel Cordalis ('11), Getches Fellow Julia Guarino ('13), and Matt Sura ('11), and CU law students Chloe Bourne, Matt Holleb, Ethan Larson, Jon Nealer, and Ben Petersen, Vermont law student Shaula Eakins, Indiana University Kayleen Glaser and undergraduates Mikhael Gustin and Erica Jacobs.

The project staff works in partnership with colleagues from CU and the Environmentally Friendly Drilling group (efdsystems.org/index.php/alliance/). It is funded with grants from the U.S. Department of Energy, through the Research Partnership to Secure Energy for America, the National Science Foundation, through the Air, Water, Gas Sustainability Research Network, and grants from the CU Outreach program and the Rocky Mountain Mineral Law Foundation.



For more information on the Oil and Gas BMP Project, visit
<http://www.oilandgasbmps.org/index.php>



For more information on LawAtlas, visit
<http://lawatlas.org/welcome>

Water

Western Water Policy Program

The GWC's Western Water Policy Program (WWPP) continues its work on many fronts. The California drought and the record low storage level in Lake Mead have brought renewed national attention on western water scarcity, a topic that dovetails nicely with several ongoing WWPP projects.

In the Colorado River Basin, WWPP Director Doug Kenney serves as the chair of the Colorado River Research Group (CRRG), a new partnership among ten prominent Colorado River researchers assembled to provide policy-relevant insights and "hard truths" about the status of the river. Thus far, the group has issued three major reports (at www.coloradoriverresearchgroup.org):



- *The Case for Conservation* (May, 2015)
- *The First Step in Repairing the Colorado River's Broken Water Budget* (available as both a Summary Report and a full Technical Report) (December, 2014)
- *Charting a New Course for the Colorado River: A Summary of Guiding Principles* (December, 2014)

Two student projects have been center stage this year under the Colorado River Governance Initiative umbrella. The first, a group master's thesis completed for the WWPP by students at the University of California Santa Barbara, examines impacts to water deliveries, hydropower generation, recreation, and the environment as storage in Lake Mead potentially falls further from already historically low levels. A second paper, from a master's and law student based at the University of Wyoming, reviews the economic value of water in various uses throughout the Colorado Basin. (Both available at www.waterpolicy.info)

Further attention on the Colorado River will be part of our upcoming Martz Summer Conference, the 35th annual event that focuses this year on "Innovations in Managing Western Water". Also featured in that event are GWC research projects with a State of Colorado focus, including the review of Colorado's draft Water Plan led by GWC Senior Fellow Larry MacDonnell (highlighted on the opposite page), and the work of GWC's Mark Squillace, Doug Kenney and others focused on so-called "alternative transfer mechanisms" for promoting short-term, ag-friendly ag-to-urban water transfers. As part of this work, incoming GWC Advisory Board Chair, Peter Nichols convened a special roundtable in October 2014 to examine the role of "no injury" standards in shaping water transfers in the state. A summary of the results of this roundtable will appear in the July 2015 edition of *The Colorado Lawyer*. Also, Mark Squillace, in partnership with GWC Visiting Scholar Tony McLeod, prepared a comparative look at US-Australia water transfers, a study presented by Squillace at a recent conference in Edinburgh, Scotland.

Summer is a time for transition at the WWPP, as many of the aforementioned projects conclude, and efforts shift to planning follow-on projects and new endeavors. Given the growing attention on water scarcity in the West, it seems likely that the Colorado River, water transfers, and state water planning efforts will remain high on our agenda.



For more information on the Western Water Program, visit <http://www.waterpolicy.info/>

Colorado State Water Plan Review

The Getches-Wilkinson Center recently convened a group of renowned water policy experts to conduct a detailed review of the draft Colorado State Water Plan, which was issued late last year. The report of the GWC's Colorado Water Working Group, which focuses on plan implementation, water management, climate change adaptation, and public water uses, was finalized in April and is now available through the Center in hard copy and online. The report is entitled, "Navigating a Pathway Toward Colorado's Water Future: A Review and Recommendations on Colorado's Draft Water Plan." The Executive Summary of the report is reprinted below.

Executive Summary

The Colorado Water Plan represents a unique opportunity to shape and direct Colorado's water future. The Draft Plan summarizes the remarkable efforts of many people over a ten-year period to define that course. Important progress has been made in determining current supply and demand conditions, projecting a range of demand futures, and considering alternative approaches to meeting these demands. Broad agreement has been reached that conservation measures should be implemented to manage future demand, that alternative forms of transfers of water from irrigated agriculture should be encouraged and permanent transfers discouraged, and that additional water supply projects will be necessary. The Draft strongly embraces efforts to maintain and enhance watershed health. But, in its current form, the Draft lacks any guiding mechanisms for directing actions towards these ends in a manner consistent with the Draft.

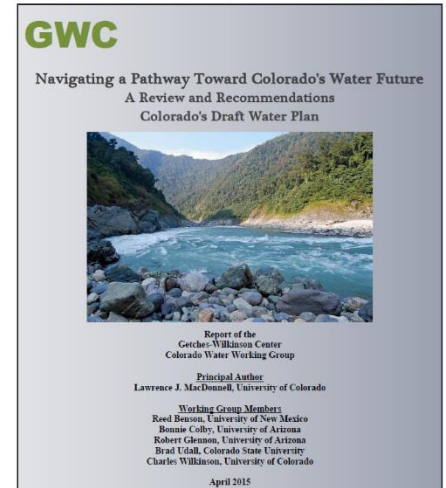
This report provides conclusions and recommendations in five areas. First, it calls for a concise Final Plan that sets forth a clear vision for Colorado's water future, with specified objectives and with well-defined processes for achieving those objectives consistent with articulated state policies.

Second, the report supports adoption of policies that emphasize the importance of actively managing projected demands through implementation of best conservation practices, that commit the state to implement facilitated alternative transfer procedures for moving some water from agriculture to other uses while discouraging permanent water transfers, that promote new or expanded water supply projects that are consistent with maintenance and enhancement of watershed health, and that support continued efforts to find a basis under which additional transmountain/transbasin projects might be acceptable. We propose strengthening the role of basin roundtables in evaluating proposed projects and activities for inclusion in basin plans on the basis of well-defined review criteria. We suggest encouraging proponents to submit proposals to basin roundtables by making proposals adopted in basin plans potentially available for state funding and by promising them broad governmental support for review and permitting processes.

Third, the report promotes the use of watershed planning to identify the status of watershed health in water management areas and to develop specific actions to be taken to improve and maintain desired watershed conditions.

Fourth, the report calls for increased attention to water management to identify ways that Colorado's water resources can serve a broader range of interests and values.

Fifth, the report urges a commitment to actions that will help manage the risks associated with climate change, including the formation of a task force charged with highlighting those areas of risk and identifying actions that can be taken to manage their adverse effects.



Faculty Updates

Mark Squillace

Mark Squillace will be spending almost two months in Europe this summer. He is presenting a paper, co-authored with Anthony McLeod, the Executive Director of the Murray-Darling Basin Authority titled Marketing Conserved Water: Lessons from Australia for the Western United States at the World Water Congress in Edinburgh, Scotland on May 25, 2015. From Scotland, Professor Squillace will be traveling to Lyon, France where he will be teaching a course on International Water Law at the Jean Moulin Université through a program sponsored by the Louisiana State University Law Center.

His research this summer will include completing work on the World Water Congress paper as well as finishing an article on reforming public land use planning. He also is close to finishing work on two textbooks – a 3rd edition of Natural Resources Law and Policy (with Rasband, Salzman, and Kalen) and a new book on Environmental Decision-making.

Charles Wilkinson

Professor Charles Wilkinson published the seventh edition of his pioneering casebook, *Federal Public Land and Resources Law* (Foundation Press; 2015) (7th ed.) (with Coggins, Leshy & Fischman). He also completed a short article, *The Greatest Good of the Greatest Number in the Long Run*, 26 Colo. Nat. Resources, Energy & Env'tl. Law 69 (2015), which was originally presented at the Center's 2014 Martz Winter Symposium. He travelled to Club 20 in Grand Junction at the request of Club 20 to address the proposal to transfer federal lands in Colorado to the State. Charles also was the Huxley Speaker at the University of Western Washington in October 2015 on tribal water rights, and a presenter at "As True as the Water to the Sea," an exploration of Native views of water sponsored by the Vine Deloria Jr. Distinguished Indigenous Scholars Series at the University of Arizona. He received the Grand Canyon Trust's 2014 John Wesley Powell Award, presented to "exceptional individuals who have accomplished significant conservation for the Grand Canyon and the Colorado Plateau."

Faculty Updates Continued

Lakshman Guruswamy

Professor Lakshman Guruswamy's new book is titled, *INTERNATIONAL ENERGY AND POVERTY: THE EMERGING CONTOURS* (In Press, Routledge, 2015)

Globally, around 2.8 billion people (the “Other Third” or “energy poor”) have little or no access to beneficial energy that meets their needs for *cooking, heating, water, sanitation, illumination, transportation, or basic mechanical power*. The dearth of energy applies to their households, their chances of making a living whether by way of agriculture, industry, or crafts, and to the hospitals and schools serving their communities. More than 95% of the energy poor live in sub-Saharan Africa or developing Asia, predominantly (84%) in rural areas. They cook by burning polluting energy such as biomass, resulting in 4 million deaths every year, primarily of women and children. A lack of energy for illumination prevents women and children from studying at night, affects the functioning of schools and hospitals, and makes life dangerous after dark. Polluted drinking water causes 3.5 million deaths largely among children. The lack of motive power or mechanical energy for pumping water for domestic and agricultural use, plowing fields, transport, metal works, and agro-processing, such as grinding food, thwarts any livelihoods requiring energy. The lack of energy impairs hospitals and schools. Not surprisingly, access to efficient and affordable energy services is also a prerequisite for achieving the Millennium Development Goal (MDG) relating to poverty eradication. All of these things are reasons the United Nations (UN) declared 2012 the International Year of Sustainable Energy for All ***and it declared this entire decade the Decade of Sustainable Energy for All***. Moreover, the UN announced a goal of universal, primarily electrical, energy access, by 2030.

This book integrates the hitherto segmented and fragmented approaches to the challenge of access to energy. It breaks new ground by crafting a unified and cohesive framework for analysis and action that:

- Explains the factual and sociopolitical phenomenon of the energy poor who lack clean energy for cooking, illumination, sanitation, drinking water, and mechanical or motive power.
- Demonstrates why energy is one of the primary determinants of human progress.
- Restates the conceptual and theoretical grounds found in moral and political philosophy, religious social teaching, and jurisprudence positing that the world ought to remedy the lack of access to energy.
- Makes the case for using ASETs to supplement the quest for electricity and provide an intermediary source of energy during the transition to electricity.
- Recognizes the paucity of compelling information that promotes awareness of the negative impacts of energy poverty.
- Addresses the behavioral issues associated with the successful deployment of ASETs, which include human dignity and cultural concerns.
- Outlines the practical economic frameworks of energy sustainability based on quantitative metrics for how the lack of access to energy could be answered by electricity and ASETs.

New Faculty and Staff



Kelleigh Helm, GWC Energy Law and Policy Research Associate

Kelleigh Helm joins Colorado Law as Energy Law and Policy Research Associate at the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment.

Prior to coming to the GWC, she was a hydraulic fracturing academic researcher for Hannah Wiseman at Florida State University College of Law. She earned a JD from FSU in May 2014. While pursuing her degree, Kelleigh worked extensively with the Medical Legal Partnership Clinic, where she represented low-income clients in social security and immigration matters. She also assisted Afghan translators working for the US Military apply for Special Immigrant Visas.

Kelleigh's BS is in Environmental Science and Policy from University of South Florida. She has had a wide range of experience working in environmental fields including: public outreach and education, environmental mitigation monitoring, and wildlife rehabilitation.



Marc Scanlon, Acequia Project Fellow

Marc Scanlon is a 2014 graduate of the University of Colorado Law School. During law school, Marc found a passion for Western water law and policy after spending a summer working with the Getches-Wilkinson Center researching water policy issues on the Colorado River. Marc's interest in the Rio Grande River Basin was piqued after taking a week-long trip through the New Mexico as part of the Natural Resource Law Seminar at CU.

Marc fell in love with the West when he visited Colorado on a ski trip at the age of 12. After graduating from Penn State University in 2010, Marc moved to Colorado to take advantage of Colorado's outdoor opportunities and attend law school. When he is not working, Marc enjoys skiing, hiking, and camping all around the state.



Josh Walker, GCF Project Coordinator

Josh Walker recently relocated to Boulder to join the Governors' Climate and Forest Task Force as the International Project Coordinator. He has a passion for social and environmental justice and is an experienced grant writer, project manager, community organizer and event planner. Prior to joining the GCF, Josh supported senior staff in the acquisition, construction and rehabilitation of affordable housing communities at the Palo Alto Housing Corporation, a non-profit affordable housing developer in Palo Alto, CA.

Josh graduated from the University of Wisconsin-Madison in 2010 with a B.A. in international studies and a certificate in environmental studies. Originally from Washington, DC, Josh began his career as the senior executive assistant to the CEO of the Foundation for the National Institutes of Health, a health related non-profit in Bethesda, MD that supports the mission of the National Institutes of Health. Josh is a committed environmentalist and outdoor enthusiast who also has experience as an environmental educator and organic farm-hand. He has travelled extensively throughout Central and South America and speaks conversational Spanish. With his time outside of the office, Josh enjoys cooking, gardening and hiking with his wife, Anna, and their dog, Otto.

Student Group Updates

Colorado Natural Resources, Energy and Environmental Law Review

The Colorado Natural Resources, Energy & Environmental Law Review (ELR), formerly the Colorado Journal on International Environmental Law & Policy (CJIELP), will publish Volume 26 Issue 2 in June. ELR will publish articles with topics ranging from a call for an international environmental court that increases the level of participation of non-state actors, and Acequia water rights administration on the Rio Culebra in Colorado, and the current approaches for managing western water.

Additionally, the journal will publish three student notes concerning conservation of endangered species in Indian Country, fugitive methane emissions from the conventional natural gas system, and energy conservation's place in the renewable energy discussion

ELR is currently preparing for an exciting year with the incoming Volume 27 executive board and staff writers. If you are alum of ELR or CJIELP, or would like to learn more about publishing opportunities with the journal, please contact us at envtl.law.review@colorado.edu.

Environmental Law Society

Please join ELS in welcoming its Executive Board for the 2015-16 academic year! This group of ten upcoming 2Ls has a host of new ideas for next year, including fundraising events, campus speakers, career forums, and robust involvement with the GWC. The Board is especially excited about plans to increase outdoor volunteer and recreational opportunities for its members, as well as the addition of an energy law component to many of our events.

In recent news, the outgoing ELS Board hosted a stirring talk regarding the various uses of water from the Colorado River. The three speakers discussed the history of the river, its current state, and various hypotheses regarding its future. Community members were especially interested in the Colorado River's future with regards to the current drought.

We loved seeing so many alumni and community members at our events this year, and we hope you will join us next year as well! Stay up to date with ELS by joining our Facebook page (CU Environmental Law Society) or contacting our Alumni and Community Outreach Liaisons, Jaclyn Brass (jaclyn.brass@colorado.edu) and David Hrovat (david.hrovat@colorado.edu).

Recent Publications

William Boyd

The Slain Wood: Papermaking and its Environment Consequences in the American South, (Forthcoming from Johns Hopkins University Press 2015)

Public Utility and the Low Carbon Future, 61 UCLA L Rev. 1614 (2014)

More Food, More Forests, Fewer Emissions, Better Livelihoods: Linking REDD+, Sustainable Supply Chains, and Domestic Policies in Brazil, Indochina, and Columbia. 4 CARBON MANAGEMENT 639 (2013) (with D. Nepstad, et. al.).

Responding to Climate Change and the Global Land Crisis: REDD+, Market Transformation, and Low-Emissions Rural Development, 368 Phil. Trans. R. Soc. B 20120167 (2013) (with D. Nepstad, C. Stickler, T. Bezerra, and A. Azevedo).

Natural Gas and the Transformation of the U.S. Energy Sector: Electricity, Joint Institute for Strategic Energy Analysis, NREL/TP-6A50-55538, 1-240 (NREL 2012) (with J. Logan, G. Health, E. Paranhos, H. Carlson, K., and J. Macknick).

Genealogies of Risk: Searching for Safety, 1930s-1970s, 39 ECOLOGY LAW QUARTERLY 895 (2012).

Law, Environment, and the Non-Dismal Social Sciences, 8 ANNUAL REVIEW OF LAW & SOCIAL SCIENCE 183 (2012) (with Douglas A. Kysar & Jeffrey J. Rachlinski).

Ways of Seeing in Environmental Law: How Deforestation Became an Object of Climate Governance, 37 ECOLOGY LAW QUARTERLY 843 (2010), selected for publication in 43 LAND USE & ENVIRONMENTAL LAW REVIEW 295 (2012).

Kristen Carpenter

The Jurisgenerative Moment in Indigenous Human Rights, 102 CALIFORNIA LAW REVIEW (with A. Riley) (forthcoming 2014).

THE INDIAN CIVIL RIGHTS ACT AT FORTY, (UCLA American Indian Studies Center Publications) (with M. Fletcher and A. Riley, co-eds.) (2012).

Julia Guarino

Julie Nania & Julia Guarino, *Restoring Sacred Waters: A Guide to Protecting Tribal Non-Consumptive Water Uses in the Colorado River Basin* (2014).

Julia Guarino, *Tribal Advocacy and the Art of Dam Removal: The Lower Elwha Klal-lam and the Elwha Dams*, 2 AMERICAN INDIAN LAW JOURNAL 115 (2013).

Lakshman Guruswamy

Development and Dissemination of Clean Cookstoves: A Model Law for Developing Countries, 24 COLORADO NATURAL RESOURCES, ENERGY & ENVIRONMENTAL LAW REVIEW 319 (2013).

Sharon Jacobs

Bypassing Federalism and the Administrative Law of Negawatts, 100 Iowa L. Rev. (Upcoming) (2015).

The Administrative State's Passive Virtues, 66 Admin. L. Rev. (Upcoming) (2014).

Recent Publications Continued

Doug Kenney

Douglas et al. 2014. *Research Needs in the Colorado River Basin: A Summary of Policy-Related Topics to Explore Further in Support of Solution-Oriented Decision-Making*. Boulder: Colorado River Governance Initiative; Getches-Wilkinson Center for Natural Resources, Energy and the Environment. June.

Kenney, Douglas S. 2014. Understanding Utility Disincentives to Water Conservation as a Means of Adapting to Climate Change Pressures. *Journal-American Water Works Association*, 106(1):36-46, January.

Sarah Krakoff

Parenting the Planet (In progress)

AMERICAN INDIAN LAW: CASES AND COMMENTARY, 3^d ed. (Thomson/West, 2015) (with Anderson, Berger & Frickey)

Sustainability and Justice, in *Rethinking Sustainability to Meet the Climate Change Challenge* (ELI, forthcoming 2015).

Race, Membership, and Constitutional Concern, 9 *Florida International Law Review* 295 (2014)

Law, Violence, and the Neurotic Structure of American Indian Law, 49 *Wake Forest Law Review* 473 (2014)

Sustainability and Justice in *ELI News & Analysis*, 2013

(with Jon-Daniel Lavallee), *Natural Resource Development and Indigenous Peoples*, in *CLIMATE CHANGE AND INDIGENOUS PEOPLES: THE SEARCH FOR LEGAL REMEDIES* 199 (Randall S. Abate ed., 2013)

Mark Squillace

Grazing in Wilderness Areas, 44 *ENVTL. L.* 415 (2014)

Meaningful Engagement in Public Lands Decisionmaking, 59 *ROCKY MTN. MIN. L. Fnd.* 21-1 (2013)

Water Transfers for a Changing Climate, 53 *NATURAL RESOURCES JOURNAL* 12-02 (2013).

The Tragic Story of the Federal Coal Leasing Program, 27 *NATURAL RESOURCES & ENVIRONMENT* No. 3 (winter, 2013).

Accounting for Water Rights in the Western United States, in *INTERNATIONAL WATER ACCOUNTING: EFFECTIVE MANAGEMENT OF A SCARCE RESOURCE* (2012)

NEPA, Climate Change, and Public Lands Decision-making (with Alexander Hood), 42 *ENVTL. L.* 469 (2012)

Charles Wilkinson

Heeding the Clarion Call for Sustainable, Spiritual Western Landscapes: Will the People Be Granted a New Forest Service?, 33 *PUBLIC LAND & RESOURCES LAW REVIEW* 1 (2012) (with Daniel Cordalis).

Cases and Materials on Federal Indian Law (6th ed. 2011) (with David H. Getches, Robert A. Williams, Jr. & Matthew L. M. Fletcher).

The People Are Dancing Again: The History of the Siletz Tribe of Western Oregon (2010).

Recent Events



2014 Schultz Lecture

James Burke, President and CEO, NGL Energy Partners

On October 30th 2015, the 7th Annual Energy Innovation Schultz Lecture was delivered by James Burke, President of NGL Energy Partners. NGL Energy Partners is a leading gatherer, transporter, and marketer of crude oil and NGLs (Natural Gas Liquids) and a growing provider of oilfield water and wastewater handling and disposal services. The lecture discussed the "Water-Oil Nexus," focusing in the increasing importance of water and wastewater handling and disposal for unconventional oil and gas operations.

Lecture video and content available at:

<http://lawweb.colorado.edu/events/mediaDetails.jsp?id=5587>



2015 Martz Winter Symposium

On February 12th and 13th the GWC hosted the Martz Winter Symposium. This year's conference focused on the belief that global institutions and frameworks are failing to generate necessary progress on issues such as climate change, water scarcity, biodiversity, food security, and poverty eradication; and that state, tribal and local governments and communities, innovative companies, social and technology entrepreneurs, NGOs, impact investors, consumers and philanthropists increasingly are taking the lead in creating bottom-up solutions to these challenges.

The conference explored this dynamic in detail, with an emphasis on the drivers behind these ground level innovations, and on how they can better "filter up" to inform the global conversations occurring on how best to address the various dimensions of "global change". On Thursday evening Linda Escalante with the Natural Resources Defense Council delivered stirring keynote address.

Lecture video and content available at:

<http://lawweb.colorado.edu/events/mediaDetails.jsp?id=5939>



2015 Getches-Wilkinson Center Distinguished Lecture

Mike Connor, Deputy Secretary of the Interior

On March 10th, 2015 Mike Connor, Deputy Secretary of the Interior delivered the 2nd Annual GWC Distinguished Lecture. Mr. Connor outlined his vision for the future of U.S. water policy, discussed the evolving role of the Bureau of Reclamation, and provided a comprehensive overview of current federal water policy.

Lecture video and content available at:

<http://lawweb.colorado.edu/events/mediaDetails.jsp?id=5940>

Upcoming Events

2015 Martz Summer Conference

Innovations in Managing Western Water: New Approaches for Balancing Environmental, Social, and Economic Outcomes

Coming June 11th and 12th

University of Colorado, Boulder

Wolf Law Building, Wittemyer Courtroom

Many aspects of western water allocation and management are the product of independent and uncoordinated actions, several occurring a century or more ago. However, in this modern era of water scarcity, it is increasingly acknowledged that more coordinated and deliberate decision-making is necessary for effectively balancing environmental, social, and economic objectives. In recent years, a variety of forums, processes, and tools have emerged to better manage the connections between regions, sectors, and publics linked by shared water systems. In this event, we explore the cutting edge efforts, the latest points of contention, and the opportunities for further progress.

More information, event agenda, and registration available at:

<http://www.colorado.edu/law/research/gwc/events>

8th Annual Schultz Lecture

Featuring Governor John Hickenlooper

Coming Thursday, November 12th

5:30 p.m.

University of Colorado, Boulder

Wolf Law Building, Wittemyer Courtroom

More information and registration coming soon to:

<http://www.colorado.edu/law/research/gwc/events>

2016 Martz Winter Symposium

Celebrating the Life and Career of Professor Charles Wilkinson

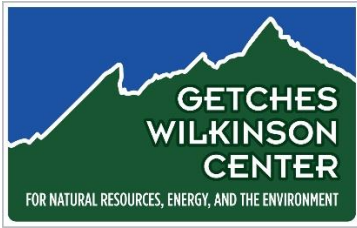
Coming March 10th and 11th, 2016

University of Colorado, Boulder

Wolf Law Building, Wittemyer Courtroom

More information and registration coming soon to:

<http://www.colorado.edu/law/research/gwc/events>



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