

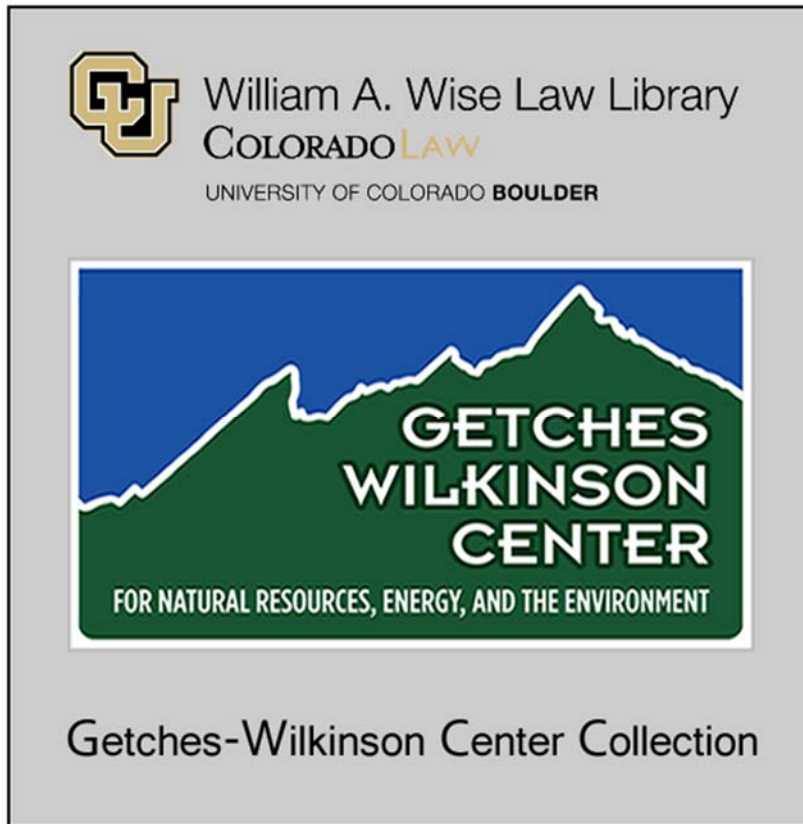
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Getches-Wilkinson Center for Natural Resources,
Energy, and the Environment Newsletter (2013-)

Getches-Wilkinson Center Newsletters

Getches-Wilkinson Center Newsletter, fall 2017

University of Colorado Boulder. Getches-Wilkinson Center for Natural Resources, Energy, and the Environment



GETCHES-WILKINSON CENTER FOR NATURAL RESOURCES,
ENERGY, AND THE ENVIRONMENT NEWSLETTER, fall 2017
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GWC

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

Experiential Learning on the Colorado River

The Colorado River provides water to more than 40 million people for irrigation, municipal, and urban uses. This crucial lifeline for the arid West - without which there would be no Phoenix, no Imperial Valley, no Las Vegas, and a vastly smaller Denver - is dotted with dams. From the headwaters in the Rockies to its delta, the flow is dictated by law. The Colorado River Compact of 1922 divides the Colorado's waters between the upper basin (Colorado, New Mexico, Wyoming, Utah) and lower basin (Nevada, Arizona, California) states. Subsequent statutes, case law, and a Treaty with Mexico further define the River's allocations. During the spring semester of 2017, **Professor Sarah Krakoff** led seventeen second and third-year law students through a study of every aspect of the "Law of the River." The students studied the public lands, environmental, and American Indian law issues that compose the region surrounding the River. **Alice Madden**, the Executive Director of the GWC, and two renowned water law practitioners **Peter Nichols** and **Zach Miller** helped to sponsor the class.

Continued on Page 14



Table of Contents

2	Leadership and Staff
4	A Message from the Executive Director
5	A Message from the Chair of the Advisory Council
6	Native Communities and Environmental Justice
8	Water
10	Faculty News
14	Experiential Learning on the Colorado River cont.
16	Recent Publications
18	New Faculty and Staff
19	Student Group Updates
20	Recent Events
21	Upcoming Events
22	Connect with the GWC
23	Support the GWC

GWC Leadership and Staff

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Boulder, Colorado

A Message from the Executive Director

Alice Madden ('89)



Dear Friends,

As Colorado Law commemorates its 125th anniversary, it seems fitting to celebrate our highly ranked programs, curriculum, and research addressing environmental, energy, and natural resources law—as well as our longstanding reputation for innovative work on water resources, climate change, and energy.

Building Thought Leadership: Our faculty’s extensive scholarly publications position Colorado Law to exert significant influences on legal and public policy debates at the local, national, and international levels. The GWC and Colorado Law host over 25 events a year addressing environmental, natural resources, public lands, energy and climate issues—from workshops and roundtables to multi-day conferences and contemporary lectures. These events are open to our students and many are open to the public.

Supporting Our Communities: The Getches-Green Natural Resources and Environmental Law Clinic is one of the country's first environmental law clinics, and provides free representation to environmental clients. Our strength in American Indian law dates back to the 1970s. We continue to be the leading program in the country, with five faculty members and an American Indian Law Clinic. We also run a free legal services program for low-income Hispanic farmers in the San Luis Valley (the Acequia Project).

Our Students: Colorado Law publishes a highly regarded Environmental Law Journal, has a robust student association called the Environmental Law Society, and offers five related dual degrees & certificates.

A Commitment to Equity & Inclusiveness. I am especially pleased to highlight GWC’s commitment to helping underrepresented groups interested in pursuing careers in environmental, natural resources, climate change, and energy fields. The composition of professionals working in such careers or serving on related boards does not mirror the ethnic, racial, and gender balance of the U.S. population. The ongoing demographic shift in the U.S., paired with increasing retirements of our aging populace, heightens the importance of active recruitment and support of underrepresented groups into these fields.

In all that we do, the GWC strives to ensure equity and inclusiveness. We hope you will join us in our commitment to develop a robust population of diverse leaders who possess multidisciplinary skills, embrace key principles of sustainability, and understand the critical need to address mounting challenges such as environmental justice and climate change.

Contact Alice to learn more: Alice.Madden@colorado.edu

A Message from the Chair of the Advisory Council Scott Miller ('98)



When it comes to natural resources, energy, and environmental law and policy, we are living in a very critical and dynamic time.

In December, President Obama made history by establishing the 1.35 million-acre Bears Ears National Monument in southeast Utah, marking the first time Native American Tribes led the effort to establish a national monument pursuant to the Antiquities Act. As recounted in the GWC's Fall 2016 Newsletter, **Professor Charles Wilkinson** worked closely with the Tribal coalition throughout the successful effort.

Between the Supreme Court's order last year to stay enforcement of the Obama Administration's Clean Power Plan and the D.C. Circuit's mandate to the Trump Administration to enforce the Obama EPA's methane rule, the Getches-Wilkinson Center brought experts from around the country together to preview the changes in natural resources, energy, and public lands law and policy likely to come from the Trump Administration.

While some predicted early-on that President Trump might target the Bears Ears National Monument, no one expected that he would target 26 other national monuments across the country as well. After receiving nearly 3 million comments in just two months, Secretary of the Interior Ryan Zinke failed to submit a final report on August 24th as ordered by President Trump—instead confidentially submitting a “draft”—and the fate of the 27 monuments remains unclear.

The Tribes and other supporters have made clear, however, that any action to diminish the monuments will draw the first lawsuits in history challenging the President's authority to take such actions.

Looking ahead to October, the GWC will hold a first-of-its-kind Women in Energy Law and Regulation Symposium, part of the Center's commitment to supporting diversity, equity, and inclusion in natural resources, energy, and environmental law, policy and practice.

And in the midst of all this dynamic change, the Center has remained a steady and innovative resource and convener for tackling the growing challenges of Colorado River and other water management throughout the West and around the world.

These are just a few of the things the Getches-Wilkinson Center has been up to. Throughout it all, the staff, faculty, and students at the GWC have provided the public, decision-makers, students, and advocates with insights, research, analyses, advocacy, education, and facilitation that has never been more important.

The GWC's Advisory Council is comprised of a diverse set of experts in natural resources, energy, and environmental law and policy. With centuries of combined experience in industry, government, law firms, academia, and the non-profits, the Advisory Council is pleased to advise and support the Center and its increasingly important work.

Native Communities and Environmental Justice

10th Anniversary of the United Nations adoption of the Declaration on the Rights of Indigenous Peoples

By Michelle White, Getches Fellow

In September, Colorado Law partnered with the Secretariat of the United Nations Permanent Forum on Indigenous Issues to host a celebration of the 10th Anniversary of the United Nations Adoption of the Declaration on the Rights of Indigenous Peoples (UNDRIP). The adoption of the Declaration in 2007 was a monumental achievement as it signified acknowledgment of the varying ways in which international actors can protect, respect, and remedy the rights of indigenous peoples. The Declaration also established a universal framework of minimum standards to advocate for the self-determination, dignity, and well-being of indigenous peoples around the world.



Professor Carla Fredericks, Dean S. James Anaya, and UN Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz

Speakers and over 200 participants traveled from all over the world to commemorate the efforts of indigenous peoples, states, and others that resulted in the global recognition of the rights of indigenous peoples. The first day included presentations by persons who worked on the Declaration from its inception to full adoption and provided different perspectives on the implementation progress. Colorado Law **Dean James Anaya**, former Special Rapporteur on the Rights of Indigenous Peoples, and the current Special Rapporteur, Victoria Tauli-Corpuz, sat down together for a fireside chat. Of course, the highlight for many was the end of the day dinner and cultural celebration of worldwide indigenous peoples.

The event was an opportunity to reflect on prior accomplishments and gain insight into current streams of advocacy, with an eye toward development of an agenda to guide ongoing work. To that end, the second day featured in-depth workshops, focused on specific subsections of the Declaration and facilitated by keynote speakers. The structured discussion topics included self-determination, participation in decision-making and consultation, as well as traditional knowledge and identities. Each group worked hard to identify forward-looking strategies and priorities for the coming years. Ultimately, they developed a catalogue of good practices that can be transferred to assist indigenous peoples in all regions, at every level of advocacy, to expedite the implementation of the Declaration through 2027.

In addition to hosting the UNDRIP celebration, we are proud to announce the recent publication of **Professor Carla Fredericks'** article "Operationalizing Free, Prior, and Informed Consent" in the Albany Law Journal. Published just ahead of the UNDRIP conference, the article focuses on the concept of "free, prior, and informed consent" contained in the Declaration. In the article, Professor Fredericks contends that indigenous peoples must develop and implement their own free, prior, and informed consent model in order to assert their human rights. She also offers a model under United States law for Indian tribes to assert their sovereign and human rights without waiting for member state implementation.

Governor's Climate and Forests Task Force

By William Boyd, Professor of Law, and Colleen Scanlan Lyons, GCF Project Director

The Governors' Climate and Forests Task Force (GCF), along with Earth Innovation Institute (EII), hosted a four-day workshop in Northern California in August, 2017. The workshop examined how subnational governments, and indigenous and traditional communities could better unite around critical forest and climate action. Over the four days, indigenous leaders from Indonesia, Peru, Brazil, Mexico, Peru, and Central America met with representatives of the donor community and civil society. The meeting culminated in a visit to the Yurok Tribe of California, which presented its successful partnership with California, under the state's cap and trade system, which is designed to reduce deforestation.



Three concrete outcomes resulted: First, the formation of an Indigenous and Local Community Working Group, which will carry the agenda forward both regionally as well as in global fora such as within the GCF and up to the UN's Framework Convention on Climate Change. Second, an agreement to finalize a set of guiding principles for subnational governments to indigenous and traditional communities. And, third, a commitment to develop roadmaps for expanding regionally specific processes and best practices to other communities across the GCF. The GCF just held its annual meeting in East Kalimantan, Indonesia and built on the collaborations and successes of the August meeting.

Water

Western Water Policy Program: Charting Sustainable Paths Forward

By Doug Kenney, Western Water Policy Program Director

A relatively wet water year and a change of federal administrations slowed some water policy reforms in the West, but the GWC's Western Water Policy Program (WWPP) continues to push forward on several fronts. Implementing the Colorado Water Plan remains a central focus of several GWC contributors, including **Professor Mark Squillace**, Senior Fellows **Anne Castle** and **Larry MacDonnell**, and WWPP Director **Doug Kenney**. Prominent work includes Castle and MacDonnell's ongoing research on Alternative Transfer Methods (ATM)—tools for promoting mutually beneficial sharing of water between the agricultural and municipal sectors—and water shepherding. These efforts have led to new publications and collaborations with decision-makers charged with modernizing Colorado's management of increasingly limited water supplies. Related WWPP investigations into watershed planning and efforts to better link land-use decisions to water availability address related themes of land/water integration.



Kevin Kelly, General Manager of the Imperial Irrigation District, discussing the Salton Sea



Many of these same topics are part of the WWPP's longstanding focus on the Colorado River, where a combination of drought, climate change, and population growth has created an urgent need for improved management.

Tom Buschatzke, Director of the Arizona Department of Water Resources, discusses drought contingency planning; looking on are Stephen Roe Lewis (Governor, Gila River Indian Community), Jeff Kightlinger (General Manager, Metropolitan Water District of Southern California), and John Entsminger (CU '99) (General Manager of the Southern Nevada Water Authority)

Informed in part by ongoing WWPP projects, including Kenney's coordination of the Colorado River Research Group ([see www.coloradoriverresearchgroup.org](http://www.coloradoriverresearchgroup.org)), several incremental changes in law, policy, and management are currently moving forward. These efforts were the focus of the GWC's Martz Summer Conference (June 2017), which featured an impressive line-up of key decision-makers and over 175 highly engaged participants.

As the new federal administration gets up to speed, and as a new water year begins (starting October 1), hope remains high that the basin "water budget" can be balanced before further declines in water storage occur. The June 2018 conference will focus on some element of this enduring challenge.



Eric Kuhn, General Manager of the Colorado River District, discussing Upper Basin risks, joined by panelists Edalin Koziol (Colorado River Program, Then Nature Conservancy) and Amy Haas (General Counsel, Upper Colorado River Commission)

New Publications from GWC Senior Fellows Anne Castle and Larry MacDonnell

GWC Senior Fellows **Anne Castle** and **Larry McDonnell** have produced several white papers on water issues facing Colorado and the West. Their work has provided guidance on issues such as the Colorado State Water Plan, Alternate Transfer Methods, the cost of "new" water on Colorado's Front Range, and Water-Shepherding in the Colorado River Basin. These documents address "buy and dry" transactions on irrigated farmland, temporary reduction of consumptive uses in the Upper Basin for a storage buffer in Lake Powell, and the most cost-effective options for augmenting water supplies across the Colorado Front Range.



Anne Castle discusses the future of the Colorado River at the 2017 Martz Summer Conference

Find Anne Castle and Larry MacDonnell's recent work at:
www.colorado.edu/law/western-water-policy-program#overlay-context=research/gwc

Faculty News

The Fate of Our National Monuments

By Michelle White, Getches Fellow

When President Obama announced the designation of the 1.35 million-acre Bears Ears National Monument in December, it included the unprecedented notion that the tribes will engage with federal agencies in collaborative management at Bears Ears. **Professor Charles Wilkinson** served as a main architect of that effort, working on behalf of the Inter-Tribal coalition that is made up of five tribes—Hopi, Navajo, Ute Mountain Ute, Uintah and Ouray Ute, and Zuni.

Incoming President Trump ordered an expansive review of 27 National Monuments, including Bears Ears. **Professor Mark Squillace** co-authored an op-ed in the New York Times and an article in the Virginia Law Review in which he discussed the history of the Antiquities Act and questioned the President's authority to reduce or eliminate monuments. Squillace pointed out that the Antiquities Act has been used over 150 times, by presidents of both parties. In the case of the Grand Canyon, Olympic and the Grand Tetons, monument designation was a stepping stone to Congressional designation as a National Park.



Charles Wilkinson, University of Colorado Law School, Moses Lasky Distinguished Professor of Law

No president has ever overturned a monument designation and the extent of the president's powers to modify borders has never been fully litigated. **Zach Miller**, a partner at Davis, Graham, and Stubbs and GWC Advisory Council member also weighed in with a blog on the American College of Environmental Lawyers website entitled, "Bears Ears Monument Designation Was the Right Decision at the Right Time." Miller details the high level of thought and care that went in to the Obama Administration's designation decision and argues the President does not have the power to rescind monument designations.



Image courtesy of Josh Ewing, Friends of Cedar Mesa

Most recently, there has been speculation that Secretary of the Interior Ryan Zinke has recommended shrinking several monuments under his review, including Bears Ears and the Grand Staircase Escalante, by substantial margins. However, Zinke's recommendations to the President have not yet been officially released. Throughout the saga, Professor Wilkinson has continued to work closely with the Inter-Tribal coalition. He was quoted in a recent New York Times article, stating the tribes would view any reduction in the size of Bears Ears would be regarded as an "attack on a significant part of the foundation of American conservation law." Stay tuned...

Getches-Green Environmental and Natural Resources Law Clinic



Adjunct Professor Karin Sheldon has stepped in to teach in the Getches-Green Environmental and Natural Resources Law Clinic this year while a search is conducted for a permanent faculty member to replace previous Clinic Director, **Audrey Huang**. Sheldon is a Senior Fellow of the GWC and serves on the Advisory Council. She has been an adjunct professor at Colorado Law since 2006, and has taught Water Law, Public Land Law, Foundations of Natural Resources Law, and Wildlife Law.

During her career, Sheldon served as President of Western Resource Advocates and the Wilderness Society, and as a staff attorney with Earth Justice. She was also Associate Dean for the Environmental Law Program, Professor of Law, and Director of the Environmental Law Center at Vermont Law School. Her law practice specialized in western public lands and natural resources issues. She has represented environmental organizations in precedent-setting cases subsequently included in federal lands casebooks.

“It is a privilege to teach in the Environmental and Natural Resources Law Clinic,” said Professor Sheldon. “The ENRLC is a significant component of Colorado Law’s strong environmental and natural resources law program. I am pleased to give students an opportunity to gain experience in the practice of law from a public interest perspective. In the Clinic, students begin to understand how to use the power of the law to defend the environment. They also learn about the distinctive responsibilities involved in representing clients and the many dimensions of the lawyer-client relationship.”

This semester the ENRLC is undertaking several projects focused on important wildlife issues. One project is for the Western Environmental Law Center (WELC), a regional non-profit organization dedicated to defending the West’s wildlands and wildlife and safeguarding the climate. WELC has asked the Clinic to identify and evaluate the legal options for challenging the practice of baiting black bears in the National Forests of Idaho and Wyoming. The practice is legal in these two states, and the Forest Service has acquiesced in its occurrence, even in the habitat of grizzly bears, which are listed as endangered under the Endangered Species Act. Since the baiting is indiscriminate, it is likely that Grizzlies will be attracted to the bait and possibly shot – in violation of the federal law.

The second project is a bit south of the Intermountain West. Students will represent the Turtle Island Restoration Network (TIRN), a non-profit organization whose mission is to protect marine life in the Gulf of Mexico. TIRN has requested that the Clinic prepare a petition to the U.S. Fish and Wildlife Service to designate Critical Habitat for the Kemp’s-ridley Sea Turtle, the smallest and most endangered sea turtle in the Gulf. It is listed under the Endangered Species Act, yet its Critical Habitat has not been designated, even though the ESA contemplates that this be done simultaneously with listing. The Kemp’s-ridley is losing nesting habitat from beach development and as the waters of the Gulf rise in response to climate change. A Critical Habitat designation will provide protections to address these impacts and help prevent further decline in turtle populations.

Both projects are exciting and demanding. “Neither will be easy,” says Sheldon, “but I am confident that the students who have chosen to join the ENRLC this semester will meet the challenge and provide clients with first-rate products. I am already inspired by their interest and enthusiasm for this work.”

Ninth Annual Climate Change Law and Policy Workshop

Professors **Sarah Krakoff** and **William Boyd**, together with their colleagues Jim Salzman (UCSB/UCLA) and Jed Purdy (Duke) convened their annual summer workshop at Colorado Law on climate change law and policy. In addition to Krakoff, Boyd, Salzman, and Purdy, this year's gathering was attended by Colorado Law **Professor Sharon Jacobs**, Ann Carlson (UCLA), Doug Kysar (Yale), Alex Camacho (UC Irvine), Brigham Daniels (Brigham Young University), Alex Pearl (Texas Tech University), Sara Gosman (University of Arkansas), Greg Dotson (University of Oregon), Noah Sachs (University of Richmond), James Coleman (SMU), and Sanne Knudsen (University of Washington). As in the past, this year's two-day workshop ended with a beautiful hike in the Indian Peaks wilderness.



Professor Krakoff Delivers the Inaugural Colorado Law Talk



Colorado Law recently launched a new lecture series, **Colorado Law Talks**, which brings members of our faculty into the community to talk about their current research and discuss the questions and ideas that motivate, influence, and shape their work. Colorado Law's professors are working on an extraordinary array of diverse projects that we want to share with the larger community. The first lecture was delivered by **Professor Sarah Krakoff** at David Graham & Stubbs in Denver. Professor Krakoff talked about her work involving the Colorado River and the many legal and policy issues that affect the river, including tribal consultation, endangered species, uranium mining, and the Colorado River compact.

On the Road with Professor Squillace

It was a busy beginning to the summer for **Professor Mark Squillace** and it never seemed to let up. In late May he presented a paper at the World Water Congress in Cancun, New Mexico with his colleague, Liber Martin from the Universidad Nacional de Cuyo in Mendoza, Argentina. The paper is titled *Water Resources and the Public Interest*, and is now being expanded into a longer law review article. Then, Squillace flew straight from Cancun to Banff, Alberta where he joined more than 100 natural resources law teachers at a terrific conference organized by his dear colleague from the University of Denver Sturm College of Law, Fred Cheever. As many may be aware, Fred died tragically shortly after this conference while on a river trip with his family. Fred was a terrific person who is sorely missed by his many friends and colleagues. Fred also had a CU Law School connection having served as a Fellow at the Natural Resources Law Center early in his career.



Shortly after Squillace returned from Banff, he became involved as the lead author on a short article with several colleagues that lays out the case against allowing presidents to rescind or shrink national monuments designated by their predecessors. The article was picked up by the Virginia Law Review Online and has proved to be quite popular apparently because of the timeliness of the legal issue that it confronts. See *Presidents Lack the Authority to Abolish or Diminish National Monuments*, 103 VA. L. REV. 55 (2017).

Squillace then rushed off to Washington D.C. where he gave testimony on oil and gas production on public lands to the Subcommittee on Energy and Mineral Resources of House Natural Resources Committee (June 29, 2017). His testimony was recently cited favorably in an op-ed that appeared on August 28, 2017 in the New York Times.

Testimony complete, Squillace headed off to Chamonix, France where he had been invited by a local NGO based in Chamonix called the Research Center for Alpine Ecosystems (CREA). The goal was to help design one or more field courses on climate change in the Mont Blanc ecosystem. CREA is an organization of dedicated scientists and Squillace looks forward to future collaboration to develop an appropriate course that might engage law students and other graduate students interested in gaining better understanding of climate change and the challenges associated with managing natural resources in a high alpine environment.

The advent of the Trump Administration has afforded Squillace numerous opportunities to publish editorials and otherwise engage colleagues on pressing issues of environmental and natural resources law. These editorials – all published this year – are noted on the Recent Publications page.

Experiential Learning on the Colorado River, cont.

Then, with their heads filled with knowledge about the Colorado River basin, they set out to raft the remaining “wild” portion of it—the 225-mile segment of the River that flows from Lee’s Ferry, below Glen Canyon Dam, to Diamond Creek on the Hualapai Nation, just above Lake Mead. Led by the expert oar and paddle boat guides at

AzRA (Arizona Raft Adventures,) the students experienced the Canyon’s huge rapids, and explored its stunning rock layers. They saw the proposed dam site in Marble Canyon, which would have flooded one quarter of what is now the Grand Canyon. They visited the confluence with the Little Colorado River, and contemplated how a proposed development project would affect the aquamarine waters sacred to the Hopi, Zuni, Navajo, Hualapai, and Havasupai Tribes. They delivered summaries of their research papers in the fading evening light, and stared at the star-filled night sky before drifting to sleep each night.

At various points throughout the trip, the students read aloud from John Wesley Powell’s account of his exploration of the Colorado River in 1869. Powell put in at Green River Wyoming and somehow made it to the mouth of the Virgin River in what was then utterly unknown territory. Today, rafting but a fraction of Powell’s journey, the students could not only appreciate his legacy, they could re-live

some aspect of the adventure and wonder of it, and reflect as he did on the lifetime it would take to appreciate all aspects of its complicated power and beauty.

This unique seminar experience would not have been possible without support from **Dean James Anaya**, the Colorado Law Student Fee Committee, The Colorado Natural Resources, Energy, and Environmental Law Review,

“The bonds formed with classmates - and thus future colleagues and leaders in the natural resource and environmental law field - were unparalleled. I can't imagine an experience that can bring a group of people closer together than paddling through rapids together, sharing meals for two weeks straight, and adventuring through slot canyons to waterfalls. I am incredibly grateful for the opportunity I had to connect with classmates on a close level, and I'm excited to see what everyone goes on to achieve in their legal careers.”

-Emily Ferrell, Colorado Law '17



and numerous alumni and other supporters. We are also grateful to **Julia Guarino**, Colorado Law '13, who provided crucial planning and organization.

Student seminar participants: **Andy Ball, Riley Cutner, Rachel Dingman, Emily Ferrell, Kendra Hartmann, Jeremiah Jones, Mirko Kruse, Julia LaManna, Clare Miller, Tag Mosholder, Justin Manusov, Gunnar Paulsen, Laura Shields, John Sittler, Stephen Tarnowski, Nicholas Trevino, Kamran Zafar**

“The wonders of the Grand Canyon cannot be adequately represented in symbols of speech, nor by speech itself. The resources of the graphic art are taxed beyond their powers in attempting to portray its features. Language and illustration combined must fail.”

- John Wesley Powell

“Floating the Colorado River through the Grand Canyon was the perfect ending to law school. Being immersed in the Canyon for fourteen days reminded me of the reasons I decided to become a lawyer. It reminded me that the Colorado River is much more than a commodity - more than dams, inter-state agreements, CFS, and delivery obligations. It is a River with significant historic, ecological, and spiritual value. These qualities are sometimes easy for lawyers to forget when talking about the River, but, being able to experience them first-hand will forever influence me and my career.”

-Rachel Dingman, Colorado Law '17

Origin of Colorado Water Law

By **Eric Dude**, Class of 2019

On June 17th, **Professor Krakoff** led four students on an “Origin of Colorado Water Law” hike in the Indian Peaks Wilderness. The trip’s goal was to illustrate the origin of Colorado water law by locating the Left Hand Ditch, the controversial diversion site which led to the *Coffin v. Left Hand Ditch Co.* litigation and, ultimately, Colorado’s prior appropriation doctrine. While the diversion is well known, it is not well marked. Consequently, the trip served not only as a valuable historical illustration of an impactful doctrine, but as an exercise in old-fashioned orienteering as well. The diversion, however, was found just above the St. Vrain trailhead, a few miles below Brainard Lake. The students on the hike were: **Meredith Healey, Zack Mueller, Eric Dude, and Katherine Struthers**, all rising 2Ls.



Recent Publications

S. James Anaya

Mitigating State Sovereignty: The Duty to Consult with Indigenous Peoples, 67 U. Toronto L.J. (forthcoming 2017).

William Boyd

Just Price, Public Utility, and the Long History of Economic Regulation in America (symposium essay) 35 Yale J. Reg. ___ (forthcoming 2018).

The Clean Air Act's National Ambient Air Quality Standards: A Case Study of Durability and Flexibility in Program Design and Implementation, in *The Future of U.S. Energy Policy: Lessons from the Clean Air Act*, Carlson and Burtraw eds. (Cambridge University Press, forthcoming 2018).

Water is for Fighting Over: Papermaking and the Struggle Over Groundwater in Coastal Georgia, 1930s-2000s, in *Coastal Nature, Coastal Culture*, Pressly and Sutter eds., (University of Georgia Press, forthcoming 2018)

Highly Reliable Organizations in the Onshore Natural Gas Sector: An Assessment of Current Practices, Regulatory Frameworks, and Select Case Studies, Joint Institute for Strategic Energy Analysis, NREL/SR-6A50-67941, 1-81 (NREL 2017) (with E. Paranhos and T. Kozak).

Accidents of Federalism: Rate Design and Policy Innovation in Public Utility Law, 63 UCLA L. Rev. 810 (2016) (with Ann E. Carlson).

Environmental Law, Big Data, and the Torrent of Singularities, 64 UCLA L. Rev. Disc. 544 (2016) (Symposium Essay).

Lakshman Guruswamy

International Environmental Law in a Nutshell, (West Academic, 5th ed. 2017).

International Energy and Poverty: The Emerging Contours, (Routledge, 2016).

Global Energy Justice: Law and Policy, (West, 2016).

Introduction to Model Laws on Lighting, 44 Denv. J. Int'l L. & Pol'y 323, 336 (2016).

Model Law on Lighting for Developing Countries, 44 Denv. J. Int'l L. & Pol'y 337, 368 (2016).

Sharon Jacobs

Agency Innovation in Vermont Yankee's White Space, 32 J. Land Use and Environmental Law. 523 (with Emily S. Bremer) (2017).

Administrative Dissents, 59 Wm. & Mary L. Rev. (forthcoming 2017).

The Energy Prosumer, 43 Ecology L.Q. (2016).

Energy Deference, 40 Harv. Envtl. L. J. F. 49 (2016).

Doug Kenney

K. A. Miller, A. F. Hamlet, D. S. Kenney and K.T. Redmond. *Water Policy and Planning in a Variable and Changing Climate*. CRC Press. (2016).

Recent Publications Continued

Mark Squillace

Don't Blame Water Markets for Trouble with Western Rivers, *Water Deeply*, June 16, 2017.

National Monuments: Presidents Can Create Them, but Only Congress Can Undo Them with E. Biber, S. Hecht, & N. Bryner), *The Conversation*, April 27, 2017.

The Endangered Antiquities Act, (with John Leshy), *New York Times*, March 31, 2017.

Even Trump can agree that polluters and not taxpayers should pay to clean up our mines, *The Hill*, February 21, 2017.

Why Obama's National Monument Decisions Should Stand, (with John Bernetich), *CNN*, Feb. 8, 2017.

Sarah Krakoff

Public Lands, Conservation, and the Possibility of Justice, *Harvard Civil Rights-Civil Liberties Law Review*—(forthcoming 2017)

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Indigenous Peoples and Climate Change, in *Climate Change Law*, Vol. 1 of *Elgar Encyclopedia of Environmental Law* (Dan Farber and Marian Peeters, eds.) (2016).

Environmental Impacts of the Border Wall, 47 *E.L.R.* 10477 (2017).

Charles Wilkinson

David H. Getches, Charles F. Wilkinson, Robert A. Williams, Jr., Matthew L.M. Fletcher, & Kristen A. Carpenter, *Cases and Materials on Federal Indian Law* (West Academic 7th ed. 2017).

Andy Mergen, Holly Doremus, Charles Wilkinson, and Dave Owen, *The Future of Natural Resources Law*, 47 *Environmental Law Reporter News and Analysis* 10197 (2017).

Charles Wilkinson, *Introduction: Listening to the Old People, the Land, and the Long Future: "The Authenticity, Passion, and Tightness of Protecting Bears Ears," and Introduction to the Proclamation, in Red Rocks Stories: Three Generations of Writers Speak on Behalf of Utah's Public Lands*, 13 *Torrey House Press* (2017).

New Faculty and Staff



Karin Sheldon

Getches-Green Environmental and Natural Resources Law Clinic

Karin Sheldon is President of Four Echoes Strategies, a consulting firm that provides policy analysis and strategic thinking on Western conservation issues. From 2007 to 2013 she was President of Western Resource Advocates, a regional non-profit environmental organization working to promote clean energy and conserve the West's land, water and natural resources.

Prior to 2007, Sheldon was Associate Dean for the Environmental Law Program, Professor of Law, and Director of the Environmental Law Center at Vermont Law School. Before joining the faculty at Vermont Law School in 1994, Sheldon was President of The Wilderness Society in Washington, D.C., a staff attorney with Earth Justice in Colorado, a partner in a public interest law firm, and one of Ralph Nader's original "Raiders".

Sheldon has been an adjunct professor at Colorado Law since 2006 where she has taught Water Law, Public Land Law, Foundations of Natural Resources Law, and Wildlife Law. She is a Senior Fellow of the GWC and serves on the Center's Advisory Council. She is a member of the Board of Directors of the Western Environmental Law Center. She has also been a member of the Boards of Directors of Defenders of Wildlife, EarthWorks, the Environmental Law Institute, and the Hubbard Brook Research Foundation.

She received her AB in Political Science from Vassar College and her J.D. from the University of Washington School of Law.



Michelle White

Getches Fellow

Michelle White is the 2017 Getches Fellow and will be supporting the GWC and the Governor's Climate and Forests Task Force (GCF). White graduated from the University of Colorado School of Law in May 2017 and received the 2017 GWC Outstanding Student Award. While in law school, White volunteered with the Acequia Assistance project and interned with the GWC, Department of Interior, and the Natural Resources Defense Council.

White received both a BS in Business Management and a BA in Biological Science from the University of Connecticut.

Student Group Updates

Colorado Natural Resources, Energy and Environmental Law Review

The Colorado Natural Resources, Energy & Environmental Law Review (ELR) will publish its 29th Volume this year. The Volume will be composed of two issues. The first issue will feature content cautioning against the privatization of public lands and the risks associated with weakening environmental regulations.

Additionally, six Colorado Law students will also have their work published this year, with three student notes coming out in the January issue and three in June. Topics covered in student notes will include reducing methane leaks attendant to oil and gas production, cap-and-trade programs to address ozone attainment, climate issues, tribal consultation, and national parks preservation.

ELR's new staff and board are hard at work preparing for this year's issues. If you are an alumnus of the journal or would like to learn more about publishing opportunities, please contact ELR leadership at: envtl.law.review@colorado.edu

Environmental Law Society

It was fantastic meeting so many of the 1L class at the student activities fair during orientation! ELS kicked off the school year with a well-attended hike at Chautauqua Park and plans on hosting a diverse set of events and speaker discussions throughout the year including an after-class trivia social hour on **Thursday, October 12th**. ELS is excited to work with the GWC to build upon this momentum, and ensure students have access to the broad array of environmental and natural resource programs at Colorado Law. Please feel free to reach out to the GWC if you are interested in attending a networking event with ELS members this year!

Native American Law Students Association

Colorado Law's Native American Law Student Association (NALSA) welcomes the Class of 2020! We anticipate a lively academic year and have already started planning events that will engage with members of the Native community and educate students about Native issues. This includes our annual Fall Harvest Feast, where we invite students, faculty, families and friends to gather together for dinner and a celebration. We are excited for the new year, and look forward to collaborating with the GWC to strengthen and improve the platform for addressing Native concerns.

If you would like to keep up with our events and outings, please follow us on Facebook at www.facebook.com/CULAWNALSA/

Recent Events

2016 Martz Spring Symposium

Natural Resources, Energy, and Public Lands: What Happens Next?

April 10th and 11th, 2017

University of Colorado School of Law

Wolf Law Building, Wittemyer Courtroom

Symposium video available at:

www.colorado.edu/law/research/getches-wilkinson-center/gwc-events/gwc-past-events

38th Annual Martz Summer Conference

Fighting Back on the Colorado River: Carving out Progress on Multiple Fronts

June 8th and 9th, 2017

University of Colorado, Boulder

Wolf Law Building, Wittemyer Courtroom

Conference video available at:

www.colorado.edu/law/research/getches-wilkinson-center/gwc-events/gwc-past-events

2017 Distinguished Lecture

Atmospheric Trust Litigation: Securing a Constitutional Right to a Stable Climate System

Professor Mary Wood, Philip H. Knight Professor, University of Oregon

Faculty Director, Environmental and Natural Resources Law Center

Wednesday, September 20th, 2017

University of Colorado School of Law

Wolf Law Building, Wittemyer Courtroom

Lecture video available at:

www.colorado.edu/law/research/getches-wilkinson-center/gwc-events/gwc-past-events

Upcoming Events

10th Annual Schultz Lecture in Energy

**Colette Honorable
Former FERC Commissioner
Partner, Reed Smith LLP**

Thursday, October 19th

5:30 p.m.

**University of Colorado School of Law
Wolf Law Building, Wittemyer Courtroom**

More information and registration available at:
www.colorado.edu/law/research/gwc/events



Women in Energy Law and Regulation

Friday, October 20th

8:00 a.m.-5:00 p.m.

**University of Colorado School of Law
Wolf Law Building, Wittemyer Courtroom**

More information, event agenda and registration available at:
www.colorado.edu/law/research/gwc/events



Connect with the GWC

Join our Listserv

Learn about our upcoming events, recent research, and publication releases by signing up for our email alerts.

Send us an email at GWC@colorado.edu and we will get you signed up.



Like us on Facebook @GetchesWilkinson



Follow us on Twitter @CUBoulderGWC



Support the GWC

Law School Students

Each summer, the faculty associated with the GWC hire current law students as Research Assistants to be assigned to specific ongoing projects. Research Assistants gain greater understanding of environmental law, as well as develop research and writing skills.

Undergraduate Student Internships

We hire work-study undergraduate students to help support the center operations - duties may include managing databases, website management, and event coordination.

We also hire undergraduate students as full-time interns for the summer who directly support center operations. Internships run from the beginning of June through mid-August.

Volunteer

You can make an important contribution by volunteering your time and experience to the Getches-Wilkinson Center and Colorado Law. We are always looking for enthusiastic and energetic people to give back by helping support the center. We have a variety of opportunities available.

Donate

2017 Dean's Match Challenge-Double Your Gift to the GWC

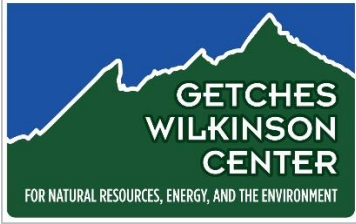
We hope you enjoy learning about the GWC's critical work to address the ever-changing challenges in natural resources, energy and environmental law and policy. We want to ensure that experts from government, law, industry, civil society and academia view the GWC as a trusted and relevant resource on the forefront of developing innovative solutions. And the GWC is committed to developing a robust population of diverse leaders who understand the critical need to tackle these mounting challenges.

In order to keep up this powerful momentum, we are incredibly pleased to announce that Dean James Anaya has agreed to match gifts to the GWC made by the end of the year. We hope you will help the GWC thrive on its expanded path forward, and take advantage of this opportunity to double the impact of your gift.

If you ***make a gift to the GWC by December 31, the Dean will match that gift up to \$2,000 per gift up to a \$30,000 total match.*** You can make a gift online at www.giving.cu.edu/GWC

More Information

For more information on how you can support the GWC, please contact Shaun LaBarre, GWC Program Manager at: shaun.labarre@colorado.edu or 303.492.1286.



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Serving 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.

[Colorado.edu/law/gwc](http://colorado.edu/law/gwc)