



GETCHES-WILKINSON CENTER

FOR NATURAL RESOURCES, ENERGY, AND THE ENVIRONMENT

Newsletter | Fall 2019

FEATURE

Experiential Learning at Colorado Law

Located at the base of the Rocky Mountains, Colorado Law has set the standard for natural resources, energy, environmental, and American Indian law since the 1950's. The faculty of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (GWC) at Colorado Law are international leaders and scholars who are deeply committed to creative teaching. Our innovative environmental and natural resources curriculum provides a multidisciplinary education in and out of the classroom. While we are proud of our rich history of inclusive teaching, we continue to expand our work to provide students with unprecedented national and international experiential learning opportunities. Our programs provide Colorado Law students with hands-on experience working on issues affecting communities and clients in Colorado and around the world. Recently, our students helped clients with water rights in rural areas of Colorado through our Acequia Assistance Project, followed the path of John Wesley Powell through the Grand Canyon in our Law of the River course, filed lawsuits to protect Sage Grouse and the Chain Lakes Wildlife Habitat Management Area of southern Wyoming in the Getches-Green Clinic, and commenced field work on Mont-Blanc through our Maymester course in Chamonix. The GWC derives its energy from our students who are directly involved in research and problem solving to address the most pressing environmental issues facing their world. In this newsletter, we highlight some of these experiential learning opportunities available at Colorado Law.



Professor Mark Squillace with his Mont Blanc student research team

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A Message from the Executive Director

by Sarah Krakoff, Moses Lasky Professor of Law and Interim Executive Director



The view from my office window is of a busy roadway, a shopping center, a well-used local and regional bus stop, and then the stunning backdrop of the Flatirons that graces every Boulder promotional brochure. The blend of urban and near-wild reminds me daily of today's challenges for the fields of natural resources

and environmental law: how can we create just, equitable, and sustainable futures for our communities near and far, human and non-human? Environmental and natural resources cannot be divorced from concerns about how we will all live together on a planet stressed by climate change, long-term drought, and a necessary shift to renewable energy. Our work at the Getches-Wilkinson Center reflects this broad and urgent mission. Our varied experiential learning opportunities include a seminar about the law of the Colorado River, an interdisciplinary course about climate change in the Alps, a sustainable economic development clinic, and a natural resources and environmental law clinic. Our environmental justice program serves low-income farmers in the San Luis Valley through the Acequia Assistance Project and recently convened a small group of diverse scholars working at the intersection of inequality and environmental protection. Our outstanding guest speakers address urgent topics in energy, public lands, and environmental policy at the local, regional, and national levels. This fall, **Professor Hannah Wiseman** will deliver the 12th Annual Schultz Lecture in Energy on the topic of Energy as a Locally Desirable Land Use. This spring, we are fortunate to have **Professor Robert Anderson**, Charles I. Stone Professor of Law at the University of Washington and a nationally renowned expert in American Indian law, water, and public lands, joining us to teach two courses in the spring.

We also are finding new ways to fund and train the next generation of diverse leaders in environmental and natural resources law. Our GWC Fellows Program will train recent law graduates, chosen through a national competitive search, to advocate for the best law reform policies in water, public lands, energy, and American Indian country. Achieving a more just distribution of environmental benefits will be central to each fellow's work.

And last, but absolutely not least, the GWC faculty are ceaselessly proud of our inspiring students. The Wyss Scholarship provides a full year of financial assistance and additional support for outstanding students committed to protecting lands in the American West, and **Leah Fugere** ('20) was selected as the 2019 Wyss Scholar. Leah and her fellow students give us all hope for the future of Boulder, the West, and the world.

Experiential Learning at Colorado Law

(cont. from page 1)

The Law of the River, 2019

By Colorado Law graduates Eric Dude, Marisa Hazell, and Shelby Krantz

The Law of the Colorado River seminar, taught by **Professor Sarah Krakoff**, is a deep dive into the American West's most important resource: the water of the Colorado River. We studied every aspect of the river and its management; the Colorado River Compact, the two major dams at Glen Canyon and Boulder Canyon, Tribal water rights and the Tribes' involvement in the development of the modern Law of the River, how management is changing in response to aridification in the West, and more. Unlike many other law school courses, the bulk of the course is not about legal arguments in appellate courtrooms. Instead, it focuses on how the stakeholders who rely on Colorado River water have negotiated throughout the last century to prop up an allocation scheme that promises too much from a river that provides less water every year. To cap off the seminar, we took a two-week trip down the Colorado River's mainstem through the entire Grand Canyon from Lee's Ferry to Pearce Ferry...

When our bus pulled up to Lee's Ferry on May 7, we caught our first glimpse of the river we had been studying so closely for the last four months. It was clear and frigid. Just hours before our arrival, this water had been released from the bottom of Glen Canyon Dam, where all of the silt the river carried from the Colorado Plateau settled behind its seven-hundred foot high concrete walls. We settled into our boats (wooden dories) and began our course west as the Kaibab Limestone—the layer of rock that makes up the rim of the Grand Canyon—rose out of the water. For the next two weeks, we would watch this layer rise thousands of feet into the air above us, as each successive layer beneath it added new colors and textures to our canyon landscape.

THESE TWO WEEKS ON THE RIVER ARE, IN MANY WAYS, REDUCIBLE TO SOME MEANINGFUL NUMERICAL FIGURES:

14 days	5 guides	2 Colorado Law professors
277 river miles	12 newly minted JDs	1 public interest lawyer
100+ rapids	3 rising 3Ls	2 Colorado Law alumni donors
5 dory boats	2 conferred LLMs	

But the reducible parts of this trip only provide the barest outline of what we experienced. The story is more satisfyingly filled in, as are most stories in life, by the uncountable:

Waiting to climb behind a limestone waterfall onto a moss-clad ledge to jump into a pool of warm, cerulean spring water, and the cheers that erupted as each of us did so in turn (including one epic belly flop);

The deep relaxation brought on by a warm, sunny lunch break after hours of shivering through cold wind and rain;

The ease of existing in a world not overburdened by connection—two weeks of cell-service-less bliss—and the creativity that flowed from the space created;

The validation of solidifying connections with old friends and creating connections with new ones, and the sweet exhaustion of hours of belly-laughing and late-night sing-alongs;

The panic of realizing on Day 8 that we might run out of beer—and the calm when it all worked out;

The pure joy of riding through rapids with successive twenty-five-foot waves, and that of making it through unscathed;

The incredibly fleeting feeling of cleanliness and refreshment after braving a cold bath in the river;

The pride we felt during our river-side graduation ceremony, and the gratitude of sharing it intimately with important mentors and close friends; and, importantly,

The pure awe of experiencing new and unmatched beauty around every bend in the river through the entire length of the Grand Canyon.

Each person on this trip, undoubtedly, could add pages of their own to this list. While some of these feelings are shared among us, each person took their own important lessons from the trip. Some of us were inspired to add new routines to our personal lives to emulate what we enjoyed on the river—more time dedicated to journaling, reading, or quiet contemplation. Others were encouraged to get back



out for more river trips, more climbing, more hiking. And we each felt driven to prioritize time outside away from the grind in our careers in order to ground ourselves and recharge.

The academic insights were just as numerous and uniquely impactful. Spending the entire semester learning about the history of policy and law on the Colorado River fundamentally changed the experience of rafting down the canyon from merely an immersion in nature to an immersion in history and culture. To us, the trip wasn't just through Grand Canyon National Park; it was through the heart of a river that has always sustained the people of the Southwest.

As we traveled from Lee's Ferry to Pearce Ferry, it was inspiring to run the same rapids as John Wesley Powell and know the hardship his crew faced in the very same spaces. It was humbling to see petroglyphs from centuries ago and picture the tribes that inhabited the canyon before colonization, while at the same time understanding the law and policy that pushed them onto reservations to facilitate western expansion and public lands development. And as our guides read the rapids based on water flows from the Glen Canyon Dam and told stories of higher levels, we understood which government forces were impacting the water we floated on and how the communities that depended on energy and water from the dam were growing because of it (for better or worse).

Watching the moon rise over canyon walls each night, we pictured those before us who had done the same: American Indian tribal members, adventurers, policy makers, and fellow rafters. Each with their own perspective on the canyon and how it should be utilized or preserved. All who had, in their own way, influenced how we were experiencing the canyon. Rafting with this context allowed us to understand how we, as students passionate about protecting spaces like the Colorado River and the Grand Canyon, would be a part of this long connected history. That is, how our future careers are not just about the issues of today or the present state of nature, but build on the fabric of the past and the changes that the law has brought to these landscapes.

Through three years of law school and grueling office internships, our work can feel very detached from the communities and spaces the law impacts. Somewhere along the way, we all get caught up in the culture of law school and the compulsion to always do more, and we lose touch with our original motivations. Many of us came to law school not to engage in the rote application of legal rules but because we wanted to solve problems for communities and environments with compassion and insight. Rafting the Grand Canyon with the knowledge we

gained through this seminar will enable us to do just that. And in the grandeur of billions of years of history displayed through striking rock layers, the trip made us feel a little less small in the world and more connected to it all.

At mile 210 of the Grand Canyon, Professor Krakoff gave us our commencement speech in our chair circle on the beach while Andy, one of our guides, played "You're Gonna Make Me Lonesome When You Go" on his guitar. In that moment, it was impossible not to feel grateful to have come to Colorado Law and been given the opportunity to have this experience as a capstone to our legal education and a catalyst to our legal careers. The trip gave each of us a renewed sense of wonder and purpose. It is the ideal energizing experience to take with us into our careers. We gained perspective on how we wanted to prioritize our lives to ensure they will be meaningful—in our legal careers, as advocates, and as people. We will forever remember the inspiration of the trip, the amazing connections we made together, and the joyful adventure we shared.

Climate Change in the Mont Blanc Region

In May of 2019, **Professor Mark Squillace** began teaching a new course on Climate Change Science and Policy in the Mont Blanc Region. Professor Squillace was joined by 12 students in this Maymester course, who spent two weeks in the classroom studying the Mont Blanc region before heading out to Chamonix, France where they undertook 8 days of further study and field work under the supervision of a terrific local non-governmental organization called CREA-Mont Blanc. We are hoping to offer this course again next year, perhaps as a full semester course in the spring with a delayed trip to Chamonix in late May or early June.



Getches-Green Natural Resources and Environmental Law Clinic

The Getches-Green Natural Resources and Environmental Law Clinic recently filed two lawsuits aimed at enforcing the requirements of the Freedom of Information Act and obtaining information that is essential to protecting public lands in the West.

In *Western Values Project v. U.S. Department of the Interior*, the clinic challenged the federal government's failure to produce a number of documents regarding the recent reduction of sage-grouse protections on lands managed by the U.S. Bureau of Land Management. As the clinic's students emphasized in their complaint, the government's delay in providing Western Values Project with the materials it requested has "directly impact[ed] the Project's ability to provide effective oversight and to disseminate full, accurate, and current information to the public regarding a matter of significant public concern." The case is pending in the U.S. District Court for the District of Columbia.

In *Wyoming Outdoor Council v. U.S. Bureau of Land Management*, the clinic challenged the BLM's failure to produce documents regarding oil and gas operations in the Chain Lakes Wildlife Habitat Management Area of southern Wyoming. In the words of the students' complaint, the Chain Lakes region "includes more than 60,000 acres of habitat for migratory shorebirds, sage-grouse, and other wildlife," and "also provides both winter habitat for antelope and migration corridors for pronghorn moving between their summer and winter ranges." The oil and gas development at issue in the lawsuit accordingly "threatens to devastate an area that is relied upon by wildlife and the public alike." The Wyoming

Outdoor Council's case is also pending in the U.S. District Court for the District of Columbia.

Both lawsuits are the result of careful work by a team of five clinic students: **Hunter Bohannon** ('20), **Bobby DeMarco** ('20), **Erin Hogan-Freemole** ('20), **Shelby Krantz** ('19), and **Cynthia Sanchez** ('20). The litigation will continue, with new students at the helm, during fall of 2019.

Acequia Project Update: A Complex Case Comes to a Close

The Acequia Project recently completed one of its most ambitious and technical cases, spanning four years and nine law students. **Charlie Jacques**, a descendent of one of the original settlers of San Luis and an acequia commissioner, reached out in 2015 for assistance drafting bylaws for his acequia, the Montez Ditch, but it was unclear who exactly had rights to the ditch.

The team quickly recognized that this was not going to be an easy case. There were 22 properties on the Montez Ditch with potential water rights, each of which required a chain-of-title on their complex history, as well as several groundwater springs, and legal questions about an up-stream goldmine.

Water law attorneys **Kelcey Nichols**, **Ryan Jarvis**, and paralegal **Rebecca Moller** joined the case as the students combed through records of the Costilla County Clerk and Recorder's Office. Since the county had only digitized its most recent records, students needed to physically travel to its office. The team made eight-hour roundtrips to examine deeds reaching back prior to Colorado's statehood, often written in Spanish.

As students moved back in time through the indices, handwriting became harder to decipher, they discovered pages and whole books of records were missing, and they feared that the trail would be lost in a community where Anglo-American law and custom were laid over Hispanic culture.



Project came together to celebrate the accomplishment and share what they had learned from the case with the law school community.

Though the Montez case is complete, the Acequia Project's work in southern Colorado remains. Students and their supervising attorneys continue to help acequias write their bylaws, bring unadjudicated water rights into court, and tackle important questions in the community through socially engaged scholarship.

Two years later, the students had assembled enough documents to write an opinion on each of the properties' rights to water on the ditch. The final report totaled 400 pages, representing the group's collective 875 hours of pro bono work. In April 2019, the Acequia

Students and supervising attorneys who worked on the Montez Ditch Case:

RYAN JARVIS

KELCEY NICHOLS

PARALEGAL REBECCA MOLLER

ANDREW BALL '17

WILL HAUPTMAN '17

MARIAH JOHNSTON '17

GENEVIEVE GEIGER '19

LJ KUHLMAN '19

GREGOR MACGREGOR '19

BRIANNA CHAMP '20

LEAH FUGERE '20

CHARLES GOODSON '20



Investing in Our Future:

Announcing the Getches-Wilkinson Center Fellows Program

Residents of the West, the nation, and the world live in challenging times in terms of protecting our natural resources. Rivers, airsheds, old-growth forests, red-rock landscapes, and wild lands face new and daunting risks. Fires, glacier loss, drought, and violent storms serve as calls to action to ensure a sustainable, just, and equitable future for all. In Colorado and beyond, there is a rising demand for thoughtful policy initiatives at all levels of government. At the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (GWC), we see an opportunity to help address this unmet need while training the next generation of outstanding leaders in natural resources, energy, and water law.

After examining how we could best leverage the strengths of the GWC to meet this urgent demand, we are launching the GWC Fellows Program. This unique and multidisciplinary training program will be open to recent law graduates, former judicial clerks, and lawyers early in their careers. Four fellows chosen through a national competitive search will conduct reform-oriented research on the most pressing issues in their fields and interact with public- and private-sector leaders to inform policymaking. Each fellow will serve a two-year commitment and specialize in a certain area (e.g., water, energy, or natural resources). Fellows will be mentored by a faculty member who will oversee their substantive work. Further, they will receive formal training in leadership and communication skills. Colorado Law and the GWC are uniquely situated to recruit excellent and diverse candidates, assist them in producing impactful work, and accelerate their careers upon completion.

The GWC is pleased to announce it has received a pivotal matching grant of \$420,000 through the generosity of **David Bonderman**, a lawyer, businessman, and significant supporter of conservation initiatives. We are actively seeking to match this gift, which will allow us to initiate the program for four years. Our ultimate goal is to obtain, over time, sufficient funding to endow a permanent program of four fellows serving two-year commitments.

The Work

The GWC Fellows Program will provide a matchless educational experience in which fellows will produce innovative work that advocates for the public good in natural resources law. Fellows will engage at every level—federal, state, tribal, county, city, and international. They will operate a “rapid response” team that will quickly address significant breaking events, sharing their findings with the public through a blog and social media. Fellows will produce white papers, often building upon rapid-response subjects. They will also identify administrative and legislative proposals where formal comments would be productive and generate amicus briefs for concerned organizations. Fellows will learn how government agencies, policymakers, related NGOs, and businesses interact—and how to create change.

“This program will launch a new kind of postgraduate fellowship. Over two years, these diverse, superbly qualified fellows will do research, develop deep expertise, and then take it out to federal and state legislatures and agencies to help reform existing law in critical natural resource areas. This combination of scholarship and real-world experience will help build the next generation of environmental stewards and leaders to the great benefit of all communities and the land, water, and air.”

—Charles Wilkinson,
Distinguished Professor Emeritus

Get Involved

There is a compelling need for this fellows program, and to launch it, we need your support. Once operational, we are confident the program will be recognized as worthy of a full endowment, to make this intensive training program permanent. We invite you to become a founding member of the GWC Fellows Program alongside David Bonderman. To learn more, please contact **Shaun LaBarre** at shaun.labarre@colorado.edu.

Colorado Law Hosts Congressional Hearing on the Climate Crisis

In August, Colorado Law hosted the U.S. House of Representatives' Select Committee on the Climate Crisis. The U.S. House Select Committee on the Climate Crisis is charged with delivering ambitious climate policy recommendations to Congress "to achieve substantial and permanent reductions in pollution and other activities that contribute to the climate crisis." The committee was authorized by House Resolution 6 on January 9, 2019 and will publish a set of public recommendations by March 31, 2020. Its members include experts in environmental justice, coastal flooding, clean energy development and other issues that are vital for addressing the climate crisis. In opening statements, **Representative Kathy Castor**, the committee's chair, set up the theme of the hearing by focusing on research.

"One of the most important things we can do as policymakers is make sure clean energy technology can move from the lab to the market," Castor said.

Committee member **Representative Joe Neguse**, a 2009 graduate of Colorado Law, of Boulder, echoed Castor's sentiments in a written statement, noting Boulder was a perfect place for the hearing.

"The state of Colorado—and the 2nd Congressional District in particular—is an epicenter for climate change research, home to both renowned research facilities at the University of Colorado Boulder and Colorado State University and the federally funded labs and facilities at the forefront of climate and environmental research," he said.

After opening statements, **Gov. Jared Polis** kicked off witness testimony, discussing the ways Colorado is leading in green technology. The GWC faculty and staff along with many Colorado Law students were privileged to have the opportunity to witness these important discussions.



GWC Interim Executive Director and Moses Lasky Professor of Law Sarah Krakoff with Representative Joe Neguse ('09)

Events

Recent Events

Each year the Getches-Wilkinson Center convenes the top legal scholars and thought leaders on the most pressing environmental issues of the day. We would like to thank all our speakers, sponsors, and partners who help make these important events possible. From Energy Law to Interim Guidelines for the Colorado River, we covered a lot of ground in 2019.

11th Annual Schultz Lecture in Energy

Climate and Energy Law in the Trump Administration

Thursday, January 24, 2019

Professor Jody Freeman

**Harvard Law School, Archibald Cox Professor of Law
Director, Environmental and Energy Law Program**

Professor Freeman discussed the major policy reversals on climate and energy during the Trump administration and described their implications and legal vulnerabilities. Among other things, she covered the administration's rules freezing fuel efficiency standards, rescinding and replacing the clean power plan, and rolling back methane standards.



6th Annual Clyde O. Martz Winter Symposium

The Changing Landscape of Public Lands

Thursday, February 28 and Friday, March 1, 2019

The Symposium opened with a look at natural resource challenges at the state level, including the future of oil and gas regulations and western water issues.

On Friday, we turned to federal issues. As the Trump administration enters the second half of the president's term in office, the time is ripe for an exploration of the past, present, and future of public lands law. The administration's management of public lands has become a flashpoint for many of the controversies of our day. These efforts intersect with numerous policies and an array of legal issues, from the constitutional authority of the president to regulatory design. We were joined by scholars, former political appointees, and practitioners across a range of specialties to address these issues in a manner that has broad practical import for policymakers, litigators, the outdoor recreation industry, and those who enjoy our public lands. In her keynote address, former **Secretary of the Interior Sally Jewell** spoke about the current state of public lands management.



40th Annual GWC Summer Conference

Charting a Better Course for the Colorado River:

Identifying the Data and Concepts to Shape the Interim Guidelines Renegotiation

Thursday, June 6 and Friday, June 7, 2019

On June 6-7, 1869, John Wesley Powell's expedition down the Colorado was prepping for passage through the Canyon of Lodore, an arduous journey that ultimately cost the expedition a ship and a third of the expedition's provisions. Exactly 150 years later, we geared up for a journey through Colorado River rapids of a different kind: How best to navigate upcoming negotiations of the new Interim Guidelines. The existing Interim Guidelines (IG)—which expire after 2026—have been instrumental in slowing reservoir declines, delaying curtailments, and establishing a collaborative environment for subsequent innovations, but truly sustainable water management is still an unrealized goal. With the help of emerging drought contingency plan (DCP) programs, is the new negotiation (IG 2.0) the last best opportunity to craft a lasting solution to the river's broken water budget? If so, what data, concepts, frameworks, and principles are key to success?

The 2030 Sustainable Development Goals: The Energy Nexus

Special Address by Dr. Kandeh Yumkella, former United Nations Under-Secretary General and CEO of Sustainable Energy for All

Monday, September 30, 2019

Dr. Kandeh Yumkella discussed the Global Energy Justice Initiative at CU Boulder as a part of his Energy Nexus for Africa.

ALL GWC PAST EVENT VIDEOS AND CONTENT CAN BE ACCESSED AT:

www.getches-wilkinsoncenter.cu.law/category/past_events/

12th Annual Schultz Lecture in Energy

Energy as a Locally Desirable Land Use

Thursday, October 17, 2019

Wolf Law Building, Wittemyer Courtroom

Professor Hannah Wiseman

Attorneys' Title Professor and

Associate Dean for Environmental Programs

Florida State University College of Law

Energy generation is a classic example of a locally undesirable land use (LULU). Everyone needs energy, but many residents fervently oppose proposals to build a wind farm on a local mountaintop or hydraulically fracture a gas well near their neighborhood. The response is therefore typically a “not in my back yard,” argument. But changes in technology, markets, and the law are making energy different from other LULUs. These changes allow communities to make more choices about the types of energy they prefer and to better address concerns about undesirable energy development within their locality. From a technological perspective, advances in energy storage and distributed (on-site) energy generation mean that large generating equipment and transmission lines can sometimes be avoided in places where there is strong opposition to these land uses. Technological changes such as horizontal drilling also allow oil and gas companies to locate miles from the target formation, thus avoiding certain surface locations. In terms of markets, energy development is moving towards economically competitive distributed solar and mid-scale renewable generation coupled with battery storage—also aided by subsidies and mandates. Finally, a range of legal solutions, such as community choice aggregation, updated building and zoning codes, locally applicable taxes on hydraulically fractured wells, and bonding requirements increasingly empower communities to better align energy development with residents' preferences, or, at a minimum, to better address the damages of energy development.



6th Annual Ruth Wright Distinguished Lecture in Natural Resources

Professor John Leshy, UC Hasting College of Law

Thursday, February 27, 2020

Wolf Law Building, Wittemyer Courtroom

FOR MORE INFORMATION ON UPCOMING GWC EVENTS PLEASE VISIT:

www.getches-wilkinsoncenter.cu.law/events/

GWC Continues its Focus on the Fate of the Colorado River

The ongoing focus of the GWC on the fate of the Colorado River continued over the summer with our 40th annual June water conference, entitled Charting a Better Course for the Colorado River: Identifying the Data and Concepts to Shape the Interim Guidelines Renegotiation. The event drew over 250 attendees to the Wittemyer Courtroom at Colorado Law exactly 150 years after the expedition of John Wesley Powell passed through the Canyon of Lodore. As its sub-title suggests, the event's focus was on the upcoming renegotiation of the Interim Guidelines, which dictate how Lakes Powell and Mead

are managed, and when and how water curtailments will be implemented to address declining storage levels. The renegotiation of those rules begins in 2020, and will be led (or informed) by many of the people participating in the conference, including: **Terry Fulp**, regional director of the Lower Colorado River Office, Bureau of Reclamation; **Tom Buschatzke**, director of the Arizona Department of Water Resources; **Chris Harris**, executive director of the Colorado River Board of California; **Pat Mulroy**, former head of the Southern Nevada Water Authority; **Amy Haas**, executive director of the Upper Colorado River Commission; and law grads **John Entsminger**, general manager of the Southern Nevada Water Authority, and **Anne Castle**, former assistant secretary of the Department of the Interior and a senior fellow at the GWC.



Doug Kenney, GWC Western Water Policy Program director, moderates the “My Vision for Sustainable Colorado River Management” panel at the 40th Annual Summer Conference.

The renegotiation of the Interim Guidelines was a focal point in two publications released by the Colorado River Research Group (chaired by the GWC’s Doug Kenney) over the summer. *Thinking About Risk on the Colorado River* (May 2019) and *The Emerging Tribal Role in the Colorado River Basin* (August 2019) both addressed some of the issues and people that need to be part of the upcoming process. These, and other Colorado River Research Group publications can be found online at: www.coloradoriverresearchgroup.org.

Professor Sharon Jacobs to Publish Article in Yale Law Journal on Federal Energy Policy

In October, the Yale Law Journal will publish *The Statutory Separation of Powers*, an article by **Professor Sharon Jacobs** highlighting the increasingly tempestuous relationship between the Department of Energy and the Federal Energy Regulatory Commission. The tension between these agencies has mounted as President Trump pushes his “Energy Dominance” policy and seeks to revive—or at least to postpone the demise of—America’s ailing coal industry. Professor Jacobs argues in her article that Congress intended this friction when it created the two agencies. Inspired by constitutional design, Congress separated powers between the DOE and FERC and created statutory checks and balances between them, ensuring that neither agency would have unbridled control over federal energy policy. The article argues, however, that separating and balancing powers is a complicated business, and that the balance must be monitored, and adjusted, over time to avoid policy dominance by a single agency. Today, the DOE is asserting its authority much more aggressively than in the past, and its efforts threaten FERC’s ability to serve as an independent counterweight to DOE policy.

Annual Symposium on Environment and Natural Resources Law and Policy

This summer’s Colorado Law/UCSB Bren School of Environment’s twelfth annual summer works-in-progress symposium was held at the Bren School in Santa Barbara, California. Scholars from across the country came together for a substantive exchange of ideas. Professor Sharon Jacobs presented a project on energy ratemaking settlements, while former **Professor William Boyd**, now at



UCLA School of Law, discussed his ideas for a project on land use and climate change. Professor Boyd’s project builds on his work with the Governors’ Climate and Forest Task Force, which continues to be housed within the Laboratory for Energy and Environmental Policy innovation (LEEP) at CU Boulder. The symposium returns to Boulder next August.

Energy Emergencies White Paper

The GWC and Harvard Law School's Environmental & Energy Law Program have jointly published a white paper on energy emergency authority, co-authored by Professor Sharon Jacobs and **Ari Peskoe**, director of Harvard's Electricity Law Initiative. The paper, available on the GWC website, argues that existing energy statutes limit the president and the Department of Energy's authority to make fundamental transformations of the electricity grid by invoking emergency powers. In particular, it explains why the DOE lacks the statutory power to support ailing coal and nuclear plants. Ten days after the paper's release, **Energy Secretary Rick Perry**, who until now has been a staunch advocate of federal support for coal and nuclear plants, publicly admitted that DOE lacks authority to provide such support.

ENERGY EMERGENCIES VS. MANUFACTURED CRISES IS AVAILABLE AT:

<https://www.getches-wilkinsoncenter.cu.law/libraryarchive/recent-publications/>

Intersectional Environmentalism Workshop

Moses Lasky Professor of Law Sarah Krakoff hosted the Intersectional Environmentalism Workshop June 14 to address issues of environment, race, and inequality. Participants included **Shalanda Baker** (Northeastern School of Law), **Ann Eisenberg** (University of South Carolina School of Law), **Sharmila Murthy** (Suffolk Law School), and **Michalyn Steele** (BYU Law School).

Colorado Law alumni and students **Edyael Del Carmen Casaperalta** ('18), Leah Vasarhelyi ('21), and **Natasha Viteri** ('21) also participated in the workshop.

"As we hurtle toward dangerous levels of greenhouse gas emissions and at the same time live in a world marked by extreme economic inequality, the time is right to reshape discussions about environmental law so that they always automatically include questions of inequality, racial discrimination, and redistribution," said Krakoff, who also serves as interim executive director of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment. "One way to think of this is that we are participating in the broader movement to provide intellectual support for the Green New Deal."



Student Group Updates

Colorado Natural Resources, Energy & Environmental Law Review

The Colorado Natural Resources, Energy & Environmental Law Review (ELR) will publish its 31st volume this academic year. Composed of two issues, one to be published in January and one in June, the overall theme of Volume 31 is climate change and other international environmental issues.

Six Colorado Law students will have their work published in Volume 31, with three appearing in the January issue and three in the June issue. Topics covered in student notes will include: bee conservation efforts; the ongoing trade war and its effects on U.S. industries; the Federal Emergency Management Agency (FEMA); and Olympic site selection.

The ELR staff and editorial board are hard at work to make Volume 31 the best yet. If you are an alumnus of the journal or are someone who would like to learn more about publishing opportunities, please contact ELR leadership at:

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Josh Naftulin, *Executive Editor*
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Environmental Law Society

It was fantastic meeting so many members of the 1L class during the student activities fair at Orientation! ELS looks forward to hosting a diverse set of events and an illuminating speaker series throughout the year. We are excited to work with the GWC to build on our momentum and ensure that students have access to the broad array of environmental and natural resources programs at Colorado Law. We also look forward to building new engagement with other student groups to bring a robust focus to issues of environmental justice. Please reach out to the GWC if you are interested in attending a networking event with ELS members this year. For an updated list of planned ELS events, please follow us on Facebook. Law students can also look for us on TWEN, or MyLaw.

www.colorado.edu/law/tab-student-group-environmental-law-society-els

Native American Law Students Association

Colorado Law's Native American Law Student Association (NALSA) welcomes the Class of 2022! We are gearing up for an exciting academic year and will be focusing on building community by reaching out to other Native focused organizations and programs to collaborate and hopefully plan some events together. As an organization, we have already started planning events to engage 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 celebration. We are so excited for the new year and can't wait to meet the new class of students!

If you would like to keep up with our events and outings, please follow us on Facebook at www.facebook.com/CULAWNALSA/ and if you have any questions feel free to contact Evan DeWitt at william.dewitt@colorado.edu.

Announcements

Robert Anderson to serve as Visiting Professor Spring 2020

Robert Anderson is a professor and director of the Native American Law Center at the University of Washington School of Law. He teaches primarily in the areas of American Indian law, water law, natural resources law, and property law. Among the many positions he has held over the years, Professor Anderson previously spent twelve years as a staff attorney for the Boulder-based Native American Rights Fund, where he litigated major cases involving Native American sovereignty and natural resources. Professor Anderson will join Colorado Law as a visiting professor to teach classes this spring.



Danielle Lazore-Thompson named American Indian Law Program Fellow

We are pleased to welcome **Danielle Lazore-Thompson** as the new American Indian Law Program Fellow. A member of the St. Regis Mohawk Tribe, Danielle is a graduate of Tufts University and Cornell Law School. She has previously served as an attorney for the St. Regis Mohawk Tribe, the Seneca Nation of Indians, the Mohawk Nation Council of Chiefs and most recently as an advisor to Senator Murray Sinclair in Ottawa. At the Law School, Danielle will work with the AILP director and faculty, the Native American Law Students Association Center for Native American and Indigenous Studies, and external partners.

2019 Wyss Scholarship recipient Leah Fugere

The Wyss Foundation, a charitable organization that promotes land conservation in the American West, has selected **Leah Fugere** ('20) as a 2019 Wyss Scholar. The Wyss Scholars Program supports graduate level education for promising leaders in western land conservation. Recipients receive generous financial assistance to cover the full cost of attendance for one year of graduate school. Additionally, funds are provided for internship opportunities, research assistance, and post-graduate support as part of the program. In fall 2017, Colorado Law was selected as one of six schools nationwide to be included in the prestigious Wyss Scholars Program. One Wyss Scholar from Colorado Law will be selected each year.



Shaun LaBarre named GWC Deputy Director

Shaun LaBarre, the GWC's invaluable Program Manager, will step into a new leadership role as Deputy Director. Over the last five years Shaun has played a pivotal role in the development and stewardship of the Center's operational, programmatic, and financial operations. In Shaun's ever-expanding role, he will focus on several new initiatives focused on student scholarship and advancement, while continuing his day-to-day administration of GWC activities.

GWC Leadership and Staff

Board

Sarah Krakoff

Chair, Moses Lasky
Professor of Law

Kristen Carpenter

Council Tree Professor of Law

Lakshman Guruswamy

Nicholas Doman Professor of
International Environmental Law

Sean Helle

Associate Clinical
Professor

Sharon Jacobs

Associate Professor of Law

Teresa Rice

Encana Oil and Gas

Mark Squillace

Raphael J. Moses
Professor of Law

Charles Wilkinson

Distinguished Professor of Law
Emeritus and Moses Lasky
Professor of Law Emeritus

Staff

Sarah Krakoff

Chair, Moses Lasky
Professor of Law

Douglas Kenney

Senior Research
Associate

Shaun LaBarre

Deputy Director

Danielle Lazore-Thompson

American Indian Law Program
Fellow

Taylor Schad

Student Research Fellow

Advisory Council

Teresa Rice

Chair, Encana Oil and Gas

Marilyn Averill

Vice Chair, Center for Science
and Technology Policy Research

Scott Miller

Past Chair,
The Wilderness Society

Lance Astrella

Astrella Law PC

Michael Connor

WilmerHale LLP

Daniel Cordalis

Humboldt State University

John Echohawk

Native American
Rights Fund

Kate Fay

Environmental
Communications
Associates

Eli Feldman

Conscience Bay Company

Tom Fredericks

Fredericks Peebles & Morgan
LLP

Ann Getches

Retired

Michael Gheleta

Attorney

Zach Miller

Davis, Graham, and Stubbs

Peter Nichols

Berg, Hill, Greenleaf,
and Ruscitti

Erin Overturn

Western Resource Advocates

Karin Sheldon

Four Echoes Strategies

Alex Ritchie

(Ex-officio) Rocky Mountain
Mineral Law Foundation

The Hon. Gregory J. Hobbs

(Emeritus) University of Denver

Clay Parr

(Emeritus) Parr Brown Gee &
Loveless

David Phillips

(Emeritus) Rocky Mountain
Mineral Law Foundation (Ret.)

Senior Fellows

Marilyn Averill

Britt Banks

Anne Castle

Robert Hallman

Larry MacDonnell

Karin Sheldon

Brad Udall

The Hon. Timothy Wirth

A big thanks to departing GWC board member
Ann Morgan (The Trust for Public Land)



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Founded in 1983 as the Natural Resources Law Center (NRLC) and now known as the Getches-Wilkinson Center for Natural Resources, Energy and the Environment, the center is the oldest and preeminent law school institute in the country dedicated to natural resources law. The Getches-Wilkinson Center has expanded upon the legacy of the NRLC with a broader agenda and aspirations for deeper influence in law, policy and practice. We proudly support our mission:

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.

Connect



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