



Colorado **Law**  
UNIVERSITY OF COLORADO **BOULDER**

# GETCHES-WILKINSON CENTER

FOR NATURAL RESOURCES, ENERGY, AND THE ENVIRONMENT

Newsletter | Fall 2021

## WESTERN WATER POLICY

### GWC Water Law Fellows: Quality, Quantity & Equity in Colorado's Rivers



Our inaugural pair of Water Fellows, Chelsea Colwyn and Jaime Garcia, have been working on a variety of collaborations with several stellar external partners. One of their ongoing efforts has been working with the Water & Tribes Initiative on solutions to universal access to clean water for Tribal communities. Now that Congress has passed bipartisan infrastructure legislation that includes significant funding to address this issue, the team is submitting recommendations to the Administration, federal agencies, Congress, and Tribal Governments on ways to ensure appropriated funds are readily accessible to Tribes – both large and small – so they can be used in the communities that most need them. The team's impactful work on these issues was recently highlighted at a presentation during the Colorado Water Congress' Summer Conference, a panel at the National Water Resource Association's Annual Conference, and was featured during several panels at the Center's 41st Annual Colorado Law Conference on Natural Resources (see page 14).

The Fellows are also working with a group of non-profits, including Trout Unlimited, Conservation Colorado, and Western Resources Advocates, to advocate for

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## A Message from the Executive Director



As 2021 draws to a close, we feel incredibly excited about entering the Center's 40th year of operation. Our students are back and we recently hosted our first in person event since February of 2020. This reconnection has made us exceedingly grateful that we have come out of this pandemic stronger than ever.

Our forward momentum is also spurred by this summer's arrival of our new Law Dean, Lolita Buckner Inniss, whose goals for our school certainly align with the Center's: "I'm looking forward to continuing the wonderful trajectory we're on. I hope that I am able to take us even further." We have great faith that she will – welcome Dean Inniss!

From *The Climate Justice Lens is Here to Stay* webinar series to the recent *Equity in the Colorado River Basin* conference, the GWC has continuously given a platform to diverse perspectives in order to examine challenges and develop sustainable solutions. Our inaugural pair of Water Fellows, Chelsea Colwyn and Jaime Garcia, have been instrumental in protecting water quality on the South Platte, addressing supply challenges in the Colorado River Basin, and ensuring access to clean water in tribal communities.

This year presented some notable transitions to the Biden Administration that reflect well on the depth and breadth of the Center's reach. Former Chair of the Center's Board - Professor Sarah Krakoff – is now the Deputy Solicitor for Parks and Wildlife at the Department of Interior. Three of our Advisory Council members also joined the Administration. Daniel Cordalis (Law '11) joins Sarah in the Solicitor's Office as the Deputy Solicitor for Water. Mike Connor (Law '93) is the Assistant Secretary of the Army for Civil Works. And the Honorable KC Becker will be heading Region 8 of the EPA. Bob Anderson, who we were lucky enough to have visit Colorado Law as a professor, is now the Solicitor of the Department of Interior. And Advisory Council Emeritus member, Mike Gheleta (Law '88) recently returned to the public sector and is serving as an Attorney Advisory in the Department of Interior. We wish them all every success.

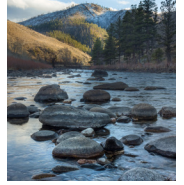
A handwritten signature in blue ink that reads "Alice Madden". The signature is fluid and cursive.

Alice Madden, GWC Executive Director



## GWC Water Law Fellows: Law Reform in the Colorado River Basin

(Continued from page 1)



stronger water quality protections on the South Platte River. This coalition is challenging a decision by the Water Quality Control Commission to classify urban segments of the South Platte River as “use protected,” a designation which provides little to no environmental protections. Looking beyond the important water quality implications, this decision raises alarming environmental justice concerns for the surrounding low-income and minority communities. The coalition is arguing that this decision was erroneous as several parties, including the Water Quality Control Division’s own staff, put forth compelling evidence that these segments of river should be afforded higher levels of protection due to their ability to support a variety of aquatic life.

In addition to water quality projects, the Fellows are tackling the growing challenge of water quantity, or lack thereof, which climate change is exacerbating in the Colorado River Basin. The Fellows are collaborating with a team including The Nature Conservancy and other NGOs to identify opportunities to improve the resiliency of watersheds, with the goal of increasing the available water supply. These efforts include identifying federal support and funding for programs such as reforestation and regenerative agriculture, which are aimed at building natural infrastructure in order to increase water retained through snowpack and runoff.

The Fellows Program has allowed Colwyn and Garcia to interact with key stakeholders across the region on a number of challenging issues. As the inaugural Fellows move into the second half of their two-year fellowships, we have had the opportunity to reflect on their work so far. “The quality of the partnerships and the impact of their top-notch work has blown away even our most optimistic expectations for the program,” declared Executive Director Alice Madden, who supervises the Fellows.

“It has been inspiring to collaborate with thought leaders throughout the Colorado River Basin as we work to tackle some of the most pressing issues in the field of water law. It has been very valuable to have the opportunity to both work on law reform throughout the Basin, and use existing laws to advocate for better water quality here in Colorado,” said Garcia, referring the GWC’s ongoing work and an amicus brief filed in the Colorado Supreme Court in February of this year.

“Ensuring that there is water for everyone and everything that needs it in the West is a complex and multi-faceted problem,” said Colwyn. “Our ability as Fellows to work on a wide range of water issues lets us tackle these problems from multiple angles - the experience has been invaluable.”

*Western Water Policy continues on page 4...*

## Special Thanks to Doug Kenney



Dr. Doug Kenney, Director of the GWC’s Western Water Policy Program, retired in late 2020. Doug joined Colorado Law in 1996. And for many of those years, Doug organized bringing national experts to the law school for our renowned summer conference exploring the major issues in water law and policy – often focused on the numerous and evolving challenges facing the Colorado River Basin.

For over 25 years, Doug served as a leading voice on multiple water-related issues and is the founder of the Colorado River Governance Initiative. He has served as a consultant to a variety of local, state, multi-state, and federal agencies, including several Interior Department agencies, EPA, the U.S. Forest Service, special commissions (e.g., the Western Water Policy Review Advisory Commission), and national governments and NGOs in Asia and Africa. Additionally, Doug has made presentations in 20 states (and DC), seven nations, and four continents.

Thank you Doug for your 25 years of service to Colorado Law and for all you have done for the Colorado River Basin!



## Colorado Supreme Court Affirms the State’s Power to Enforce Solid Waste Regulations



Earlier this year the GWC Water Fellows, with assistance from Professor Sarah Krakoff and recent Colorado Law graduate Leah Vasarhelyi (Law ‘21), filed an Amicus Brief in the Colorado Supreme Court case of *La Plata County v. Colorado Department of Public Health and Environment*. The brief was filed in support of the CDPHE’s position regarding their authority to regulate county owned landfills throughout the state. In addition, the Fellows assisted the Attorney General’s office with preparation for oral arguments.

The Court’s decision in *La Plata County Board of Commissioners v. Colorado Department of Health and Environment* was a resounding affirmation of the State’s solid waste regulations, and the CDPHE’s authority to enforce those regulations where necessary.

This case arose out of an administrative proceeding brought by CDPHE to remedy potential groundwater pollution caused by a closed landfill owned by La Plata County. Before the Court were two key questions: 1) Whether the County was a “person” subject to regulation under the Solid Waste Disposal Sites and Enforcement Act (SWA); and 2) Whether the Colorado Governmental Immunity Act (CGIA) barred enforcement against the County.

(The GWC previously detailed the history of the case as well as the Center’s involvement as counsel for Amici Curiae <https://www.getches-wilkinsoncenter.cu.law/2021/04/12/colorado-supreme-court-considers-the-reach-of-environmental-statutes/> )

The Court declined to address the issue of whether the County was a “person” as defined by the SWA. Instead

of this narrow issue, the Court focused on the broader context of the SWA. The Court reasoned the SWA allows enforcement against a person or the owner/operator of a facility. The Court’s reasoning echoed the arguments put forth by the Attorney General’s office, GWC, and other amici. The Court agreed with the argument that exempting county owned and operated landfills, approximately seventy percent of all landfills in the state, would undermine the purpose of the SWA, an “illogical and absurd” conclusion. The Court highlighted the Legislature’s clear intent to establish a “statewide regulatory regime for managing solid wastes,” which necessarily includes the CDPHE’s broad authority to regulate county owned and operated landfills.

The Court similarly disposed of La Plata’s argument that the CGIA barred enforcement proceedings, noting that CDPHE’s enforcement proceeding was based on the Department’s authority to enforce regulations, and was not an action which “lie[s] or could lie in tort.”

The Court’s decision affirms the CDPHE’s broad authority to enforce environmental regulations across the State. As this case demonstrates, solid waste regulations are an important protection for one of the State’s most important resources, groundwater. The work of the GWC Fellows on behalf of their clients Eco-Cycle and Conservation Colorado, and the participation of several Amici Curiae in support of the CDPHE, underscores the importance and far-reaching impact of environmental regulations.

## Faculty Fellow Gregor MacGregor Appointed to Colorado Supreme Court's Water Court Committee to Develop *Pro Se* Resources



Gregor MacGregor

Justice Monica Marquez recently invited Acequia Assistance Project Director Gregor MacGregor to join the Water Court Committee to develop pro se resources. The Committee, made up of court officials, practitioners, and representatives from the state, examines ways to improve Colorado's water court system. Water Referee Susan Ryan and retired Justice Greg Hobbs have been at the forefront of advocating expanded access to the water court process and MacGregor will be joining to implement that vision. He is currently producing a series of videos in which court officials explain their roles and what is expected of pro se parties, handbooks for applicants and opposers, and is developing a training course for Self-Represented Litigant Coordinators. "Colorado's constitution declares that the waters of the state belong to the public," MacGregor said, "we need to make sure the public has the legal means to access their water."

## Gregor MacGregor Explores Military Water Rights in Two Upcoming Publications this Fall

The University of Denver Water Law Review will publish *Beyond McCarran: Managing Water Rights on Western Military Installations*, an article by Faculty Fellow Gregor MacGregor. The article examines the complex intersection between state and federal water law on military bases. MacGregor draws on his time as an Army water lawyer for Fort Carson's Office of the Judge Advocate General to outline the ways in which western military bases can manage complex water rights portfolios to maintain combat readiness. Water resources have come to the fore as a training necessity, MacGregor argues, because of the military's proven inability to sustainably provide water to troops in combat and the need to prepare for near-peer conflicts in wetter climates. However, making sufficient water available to address these shortcomings requires installation managers and Judge Advocates to have a deep understanding of military regulations, federal water rights, and state law.

MacGregor's other article to be published in *The Army Lawyer*, *Providing Water for Training in the West: Aligning Resources with Requirements*, serves as a primer for military land managers grappling with operational requirements and the diminishing availability of water due to climate change and increased competition over the resource.

Gregor A. MacGregor, *Beyond McCarran: Managing Water Rights on Western Military Installations*, U. Denv. Water L. Rev. (2021).

Gregor A. MacGregor, *Providing Water for Training in the West: Aligning Resources with Requirements*, *The Army Lawyer* (2021).





## The Initiative on Energy and Natural Resources Law and Policy

This spring, Professor Sharon Jacobs partnered with Professor Morgan Bazilian at the Colorado School of Mines to launch a new Initiative on Energy and Natural Resources Law and Policy. The new initiative, a collaboration between the GWC and The Payne Institute at Mines, was established to bring together legal scholars, practitioners, and policymakers for conversations about the formation of robust pathways towards a low-carbon future. The partnership draws on Colorado Law's history of excellence in energy and natural resources law, and the technical and scientific excellence at the School of Mines.



The initiative held its first two webinars this past semester. The first was a conversation with the new chairman of the Colorado Public Utilities Commission, Eric Blank, and the Director of the Colorado Oil and Gas Conservation Commission, Julie Murphy, about Colorado's leadership in energy law and policy and what lies ahead for the state. In March, Professor Jacobs engaged in conversation with Attorney General (and former Colorado Law Dean) Phil Weiser on his office's role in the protection of natural resources and in energy law and policy. Both webinars are available for viewing at the links below.

Future conversations may address such topics as just energy transitions, public finance, and rethinking energy orthodoxies.

**A Conversation on Energy and Climate with Attorney General Phil Weiser** <https://vimeo.com/553769704/8267d2c093>

**Energy and Climate Law and Policy in Colorado** <https://vimeo.com/518814202/1b03708cba>

## Professor Jacobs Testifies at FERC Workshop on Office of Public Participation

On April 16, Professor Jacobs testified before the Federal Energy Regulatory Commission on the establishment of an Office of Public Participation at the Commission. The Public Utility Regulatory Policies Act of 1978 tasked the Commission with establishing such an office as well as with providing intervenor funding for participants in Commission proceedings. Professor Jacobs was invited to speak to the design of the intervenor compensation program. In her testimony, she discussed the language of the statutory authorization, presented examples from other federal intervenor compensation programs, and made recommendations for the design of FERC's program. In addition to the workshop, FERC held several virtual listening sessions and solicited public comment on how it should establish and operate the new Office. The Commission was required to submit a report to Congress by June 25th on its progress toward establishing the Office.

A video of the workshop is available at: [http://ferc.capitolconnection.org/041621/fercarchive\\_flv.htm](http://ferc.capitolconnection.org/041621/fercarchive_flv.htm)

In addition, four students worked with Professor Jacobs to support comments by Earthjustice on the new Office. The students researched federal participation programs and presented their findings to Earthjustice in a memo. Earthjustice used material from the memo in drafting its comment letter to FERC.



## Jacqueline Patterson, Senior Director of the NAACP's Environmental and Climate Justice Program, Visits Energy Law Class

Director Patterson joined recent Colorado Law graduates Natasha Viteri (Law '21) and Cynthia Vitale (Law '21) for a wide-ranging discussion of her work to rectify the unequal distribution of benefits and burdens around energy, environmental, and climate law and policy; on issues of intersectionality; on the false trade-off between justice and jobs; and on opportunities for our students and graduates to bring a justice focus to their work.

## Acequia Project Completes Several Firsts in 2021

The Acequia Assistance Project is back in Southern Colorado helping farmers with their water rights after COVID forced a travel hiatus. Director Gregor MacGregor (Law '19) attended the August Mini-*Congreso* to announce the Project's new services for acequias, which include mediation, historical use documentation, and limited water engineering. These services will help the community deal with an influx of new residents unfamiliar with acequia practice and dovetail with the recommendations from the ongoing watershed assessment for the Culebra River.



Nicholas Matera said it was “one of the best experiences I’ve had in law school.” Joining Matera were 2Ls Jessica Eller, Robyn Smith, and Brianna Mathias.

We would like to congratulate outgoing Deputy Directors Natasha Viteri and Matt Nadel on their recent graduations in May, and thank the ongoing work of the current Deputy Directors Johnsie Wilkinson, William Raley, Grace Jimenez, Cameron Abatti, Mary Slosson, and Kasey Moraveck as well as our supervising attorneys and community partners.

## Four Corners Rising to Focus on Energy and Economic Transition

Established in mid-2020, Four Corners Rising is a GWC partnership program working to assist communities throughout the four corners region in making a rapid and meaningful transition to a green and sustainable economy.

The intent is to honor culture and tradition, while addressing the root causes of poverty and improving the quality of life for all. A core principle is that community members and grassroots advocates know best what kinds of support will allow them to break from unsustainable and unjust patterns of development. Community wisdom and vision will structure the path forward.

The need for a more strategic transition is clear. In mid-November 2019, the Navajo Generating Station (NGS), a 45-year old coal-fired

power plant, ceased production. The plant and the coal mines that fed it were central components of the Hopi Tribe and Navajo Nation's economies. The NGS closure resulted in the loss of several hundred well-paying jobs held by tribal

members, many of whom are the sole wage earners in families with few other employment options. The tribal governments also face serious revenue losses in the face of the closure. Coal revenue constitutes eighty-three percent of the Hopi Tribe's annual budget and a smaller but still significant percentage of the Navajo Nation's budget. The San Juan Generating Station, another coal plant on the eastern side of the Navajo Nation, is scheduled to close in 2022, which will cause further revenue losses to tribal communities and



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the border town of Farmington, New Mexico.

In a scenario that plays out in rural, resource-dependent communities across the country, those who have borne the environmental harms of coal's legacy are also forced to bear the costs of plant and mine closures. These inevitable economic transitions have prompted the passage of a New Mexico law—the Energy Transition Act—aimed at achieving a zero-carbon economy without entrenching inequality. Tribal governments are engaged in similar planning and are investigating expanded solar plants as well as broad-based and multi-sector sustainable economic investments.

These emerging laws and policies provide opportunities for communities to engage with and envision the changes that are underway, but resources and infrastructure are necessary to build capacity and focus the vision and talent of local activists and community members.

This work led by Founding Director, Julia Guarino (Law '13), is supported by funding from the W.K. Kellogg Foundation, the WCF Building Communities Network, and a CU Outreach Grant. With this support, Four Corners Rising has been helping communities engage more effectively with governments, non-profits, and the private sector during the imminent economic transition from a fossil-fuel economy.

## GWC Webinar Series: The Climate Justice Lens is Here to Stay

In the spring of 2021, in light of the pandemic, the GWC reconfigured what would have been the Eighth Annual Clyde O. Martz Symposium into a virtual series. The Center convened diverse stakeholders to discuss how we can forge a path to a sustainable — and equitable — future. We heard from leaders in the Biden Administration, policymakers, Tribal leaders, and NGOs.

Addressing climate change is the defining issue of our time, and without strategic action in the very near-term, meaningful mitigation will become more difficult, expensive and elusive. Insufficient action will leave our most vulnerable populations facing the greatest risk. We are also living in a defining moment; the current social and political environment offers the opportunity for transformative change. How that change proceeds however, is paramount. Solutions must be developed and implemented in manners that will withstand inevitable legal challenges and shifts of political winds.

The severe impacts are unprecedented in both speed and scale. In addition to widespread recognition of the physical changes to the Earth, society is increasingly making the connection to the human toll. From public lands and water management, advancing clean energy development, to scaling up new energy technologies - truly sustainable solutions must include a lens that focuses on environmental, social, and climate justice.

### Session One

***The Water & Tribes Initiative: Tribal Water Rights & a Sustainable Vision for the Colorado River Basin***

<https://www.youtube.com/watch?v=7i7xCBws70k>

Leaders of the Water and Tribes Initiative discuss the role of tribes and other sovereigns and stakeholders in advancing a sustainable vision for the Colorado River (Tuesday, April 27, 2021).

### Session Two

***Farther & Faster: The Integral Role of Technology in an Equitable Clean-Energy Economy***

[https://www.youtube.com/watch?v=rUbf\\_ZZPI2A](https://www.youtube.com/watch?v=rUbf_ZZPI2A)

Two strong voices for creative entrepreneurship, Executive Director of the Department of Energy's Loan Program, Jigar Shah and Colorado Attorney General, Phil Weiser, discuss what it will take to scale up the varied technologies needed to advance an equitable clean-energy economy (Friday, April 30, 2021).

### Session Three

***Land, Water, & People: The Natural Resource Priorities of the Biden Administration***

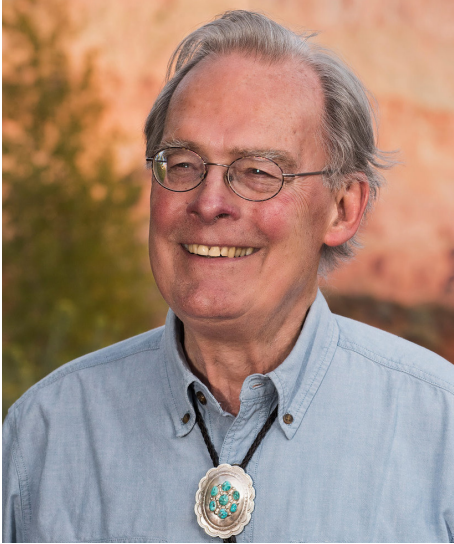
<https://www.youtube.com/watch?v=JFKnt0hkzP4>



Colorado Law Dean, S. James Anaya leads a moderated conversation with Secretary of the Interior Deb Haaland and Congressman Joe Neguse (Law '09) exploring both agency and legislative priorities regarding public lands/water management, a Civilian Climate Corps, clean energy development, and related tribal issues - with an environmental/climate justice lens (Thursday, May 13, 2021).



## Celebrating the Legacy of Professor Charles Wilkinson



### 2021 Colorado lifetime Achievement Book Award

This summer, the Colorado Center for the Book and Colorado Humanities honored Charles Wilkinson with the Colorado Book Awards Lifetime Achievement Award for his contributions to the Colorado and national literary, history, and legal communities. The announcement included this:

“Writer, advocate, and distinguished university professor emeritus, Wilkinson is the author of numerous articles, chapters, and books, including *Messages from Frank’s Landing* and *Blood Struggle—the Rise of Modern Indian Nations*, winners of the 2000 and 2006 Colorado Book Awards respectively for History.

“Charles earned his law degree from Stanford University in 1966. He moved to Colorado in 1971 to help found and serve as a Staff Attorney for the Native America Rights Fund and began teaching at University of Colorado in 1984, becoming the Moses Lasky Professor of Law in 1989. In 1997, he was named by the Regents of the University of Colorado a Distinguished Professor. In his over

32 continuous years at Colorado Law, Charles has become one of the most widely celebrated names in not only American Indian law, but also in the history of the American West, public land law, water law, and environmental law—even being labeled by *Outside Magazine* as “the West’s leading authority on natural resource law.”

Congratulations Charles!



### Law Week Colorado Three-part Series: Charles Wilkinson, Leading “Law of the West” Practitioner, Scholar and Teacher

A special thanks to attorney and journalist, Hank Lacey, who this summer wrote a three-part series on Charles Wilkinson as he celebrates 50 years as a leading practitioner, scholar, and teacher of federal Indian law, natural resources law, and water law in 2021. During that near half-century, Wilkinson built a legacy as one of the nation’s foremost scholars of the peoples, public lands and waters of the West. In addition to writing 14 books and nearly five dozen scholarly articles, he has been a faculty member at the University of Colorado School of Law since 1987 and, before that, taught for 12 years at the University of Oregon Law School.

This is just one passage from Lacey’s three-part series:

“Charles has been a pathbreaking paragon of modern engaged scholarship on Indian, water and public land law, as well as a great storyteller, illuminating key events and trends across those fields, including where they intersect...”

-John Leshy, Harry D. Sunderland Distinguished Professor Emeritus, University of California-Hastings College of Law and a former Solicitor of the U.S. Department of the Interior

Check out the series at:

<https://www.lawweekcolorado.com/article/charles-wilkinson-beloved-longtime-cu-law-professor-marks-50-years-as-leading-law-of-the-west-practitioner-scholar-and-teacher/>



## Professor Krakoff named Deputy Solicitor for Parks and Wildlife



Secretary of the Interior, Deb Haaland has named University of Colorado Law School Professor Sarah Krakoff, Deputy Solicitor for Parks and Wildlife, a key role on the U.S. Department of the Interior leadership team. In this role, Sarah will represent the National Park Service and the Fish and Wildlife Service and work with Solicitor Robert Anderson and the other deputy solicitors to fulfill Haaland's mission for the Department of the Interior.

In addition to serving on the faculty of Colorado Law since 1999, Sarah has been an important and beloved member of the GWC community, where she founded the Acequia Assistance Project and Four Corners Rising, and served for several years as the Board Chair.

Sarah joins a rich history of connection between Colorado Law and the Department of the Interior leadership. GWC Senior Fellow Anne Castle (Law '81) served as Assistant Deputy Solicitor Secretary for Water and Science from 2009-2014. Michael Connor (Law '93), a GWC Advisory Council member, served as Deputy Secretary of the Interior from 2014-2017 (and was recently named Assistant Secretary of the Army for Civil Works). And Daniel Cordalis (Law '11) was recently appointed as Deputy Solicitor for Water.

On behalf of all of us at the GWC, thank you Sarah and good luck in your new endeavor.

Learn more about Professor Krakoff's career and interior appointment:

<https://www.colorado.edu/law/2021/05/12/professor-sarah-krakoff-named-interior-department-leadership-team>



## Welcome Gregor MacGregor (Law '19)

We are pleased to welcome Gregor MacGregor (Law '19) to the law school as the Acequia Assistance Project (AAP) Director and instructor for the Law of the River Natural Resources Seminar next spring. Gregor is joining us from Justice Melissa Hart's chambers of the Colorado Supreme Court and has deep ties to both AAP and Colorado Law. As a student, Gregor participated in both the Acequia Project and several natural resources seminars.

During his time as a clerk at the Colorado Supreme Court, Gregor has been relied upon for his extensive water law knowledge and understanding of Colorado's natural resource history. Gregor served in the US Army for eight years and was Fort Carson's primary water attorney before transitioning to private practice. He has several upcoming publications on military water rights management, is developing resources for pro se parties in water court in conjunction with the Water Court Committee of the Colorado Supreme Court, while also running a thriving home bakery.

"I'm very excited to lead these two unique programs," Gregor said. "Not only do our students become invested in meaningful issues while they prepare for practice, they also have the opportunity to make a positive impact in our greater community."

As a 1L, Gregor volunteered to lead a complex water rights research case for the AAP. By graduation, he had completed more than 500 hours of volunteer work and created the Deputy Director position to identify and develop students who would help manage the AAP. He wrote a comprehensive handbook for the Project's student attorneys and revised the Colorado Acequia Handbook.

Gregor also spent his time at the law school planning, fundraising, and participating in both the Colorado Plateau and Law of the River seminars. From his work in these courses he published a paper titled *When Navajo Generating Station Closes, Where Does the Water Go?* and *Navajo Generating Station: An Opportunity for Renewable Energy Project Finance*, which was featured by the American Bar Association's Native American Resources Committee. He also claims to be the only man to raft the Grand Canyon in full cap, gown, and hood, but that hasn't been verified.

We are looking forward to welcoming Gregor back to Colorado Law!



## Getches-Green Natural Resources, Energy, and Environmental Law Clinic

Associate Clinical Professor and Getches-Green Clinic Director, Jonathan Skinner-Thompson has been engaging students on some important cases and projects so far this year. Colorado Law students are working on two projects with Western Resource Advocates, including COGCC rulemaking on oil and gas financial assurances and a water policy project. Students had the opportunity to challenge timber harvests in California forests in support of the Environmental Protection Information Center, and engaged on environmental justices issues related to air pollution with the Greater-Birmingham Alliance to Stop Pollution. Most recently, the Clinic petitioned for rulemaking under the Clean Air Act with the Center for Biological Diversity.



Spring Semester Clinic students helped to research and draft a report recently released by the National Parks Conservation Association, *The Case for Fixing and Building Out National Parks Air Monitoring Networks* · National Parks Conservation Association ([npca.org](http://npca.org))

<https://www.npca.org/resources/3368-the-case-for-fixing-and-building-out-national-parks-air-monitoring-networks>



## GWC Deputy Director Named to Inaugural CU Sustainability Council

Colorado Law and the Getches-Wilkinson Center would like to congratulate Shaun LaBarre, GWC Deputy Director, for his recent appointment to the inaugural University of Colorado Sustainability Council.

Chancellor DiStefano first announced the formation of the Council during the 28th Campus Sustainability Summit in April as part of his Call to Climate Action. The Call to Climate Action also includes the goal of carbon neutrality for the campus by 2050 and advancing the campus to STARS (The Sustainability Tracking, Assessment & Rating System) Platinum status.



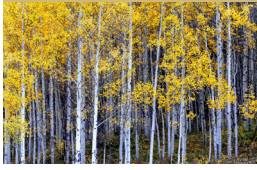
The Sustainability Council's mission is to integrate sustainability efforts across all aspects of the university. It will make policy program guidelines and investment recommendations to the chancellor and campus leadership, and facilitate campus-wide sustainability efforts.

Shaun has spent the last fifteen years working on sustainability issues in Colorado and the west, having served as Deputy Director of the Getches-Wilkinson Center since 2014. Prior to joining CU Shaun served in several roles, including as Senior Director, for the Boulder-based Center for Resource Conservation. In addition to joining the Campus Sustainability Council, this summer he completed the Harvard Kennedy School's Public Leadership Program.

Thank you Shaun from all of us at Colorado Law for taking on this leadership role for our campus community.

**Chancellor names inaugural members of University Sustainability Council:**

<https://www.colorado.edu/sustainability/2021/07/23/chancellor-names-inaugural-members-university-sustainability-council>



## Johnsie Wilkinson (Law '22) Named Newest Colorado Law Wyss Scholar

Colorado Law School student Johnsie Wilkinson (Law '22) has been named this year's Wyss Scholar. The Wyss Scholarship, given to one Colorado Law student each year, supports graduate-level education for promising leaders in western land conservation. Recipients receive generous financial assistance to cover the full cost of one year of law school, as well as funds for internship opportunities, research assistance, and postgraduate support. Wilkinson (no relation to Charles!) is Colorado Law's fourth Wyss Scholar.

Johnsie has worked on air quality and environmental injustice issues with the Getches-Green Natural Resources Law Clinic, in which she learned the interconnected nature between land use, access, and pollution. She is currently writing two notes for the Colorado Natural Resources, Energy, and Environmental Law Review. One note analyzes the failure of the nexus of NEPA and NHPA in protecting public and native lands in the Ambler Mining Road project in Alaska, and the other analyzes the successes and failures of the CAA's Regional Haze Program in protecting our federal public lands from climate change conditions. Additionally, Johnsie is researching the history of racial and gender discrimination in the four federal public land agencies, which has driven her to further the field's efforts in becoming more inclusive. This summer, Johnsie served with the Colorado Attorney General Natural Resources Section on a variety of natural resources and public lands issues. This fall, Johnsie continues her public lands conservation work for Earthjustice as legal volunteer protecting public lands from oil and gas extraction externalities. Johnsie plans to pursue a career in federal land-use planning.



## Students Volunteer to Clean Local Rivers

The Environmental Law Society began the semester with two days of community service. Students spent a beautiful day cleaning the banks of Boulder Creek and then joined University of Denver law students in maintaining Globeville Landing Park. In addition to giving back to the community, students from both schools enjoyed developing a rapport with their fellow future attorneys.





## Environmental Law Society

It was fantastic meeting so many 1Ls at our interest meeting and ushering in our new 2021-2022 officers! ELS looks forward to hosting a diverse set of events throughout the year and we pride ourselves on inviting speakers from a wide variety of career paths, including folks from the conservation, government, and energy industry. We organize various outdoor adventures (e.g. Hikes with Professors and Boulder Creek Cleanups), lunchtime

speakers (e.g. a Career Panel at which local attorneys discuss career options in environmental law), and service outreach activities each semester. We also help connect the student body to the GWC. Additionally, ELS provides opportunities for students to attend environmental law conferences around the country each year. Students can follow us on Canvas, MyLaw, or our Instagram @cuboulder\_els.

We are so happy to be back on campus and connecting with students again!

## Native American Law Students Association

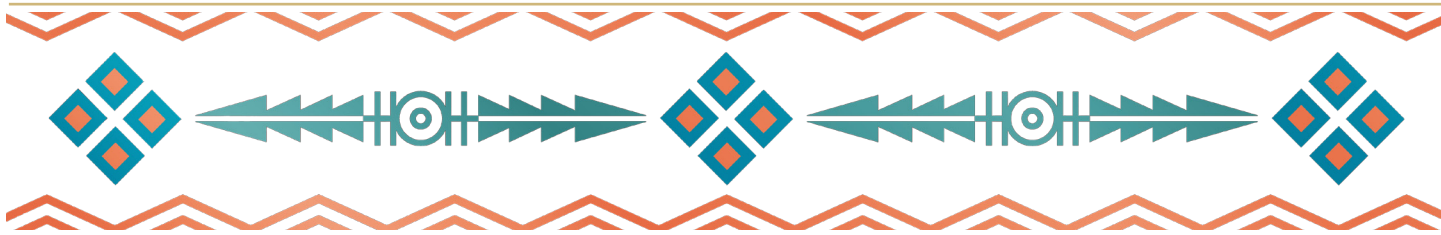
Colorado Law's Native American Law Student Association welcomes the Class of 2024! We are happy to be back on campus after a long year of distance learning and gathering. NALSA is excited to resume hosting our annual events such as the Fall Harvest Feast, where we invite students, faculty, families, and friends to gather together for dinner and celebration. In addition to our annual events, our chapter will be hosting the National NALSA Moot Court Competition in February of 2022. This event brings together students from law schools across the country to participate

in a moot court competition focused on a Native issue. We look forward to meeting and working with the new class of students on this and all of our events!

If you would like to keep up with our events and outings, please follow us on Facebook:

<https://www.facebook.com/CULAWNALSA>

If you have any questions feel free to contact Siena Kalina at [siena.kalina@colorado.edu](mailto:siena.kalina@colorado.edu)



## Colorado Environmental Law Journal

The Colorado Environmental Law Journal, formerly known as the Colorado Natural Resources, Energy & Environmental Law Review, will publish its 33rd Volume this year. Changing the journal's name is part of a broader revamp that we hope will boost the reach of our publication. We believe the new name more succinctly reflects the scope of the articles that we publish.

The Volume will be composed of two issues. The first issue features articles spanning several topics in environmental law, including how to ensure meaningful collaboration between tribes and the federal government, ways to improve economic efficiencies in oil and gas development, and whether Colorado should create state requirements to supplement the Clean Water Act. The second issue is dedicated to the topic: The Future of Energy and the Just Transition Away From Fossil Fuels. This issue will focus on



shorter, nontraditional articles in an effort to make the journal accessible to a more diverse set of authors.

Six Colorado Law students will also have their work published in Volume 33, with four appearing in the January issue and two in the June issue. Topics covered in student notes include the intersection of NEPA and NHPA, Colorado's SB 19-181, impacts of the global land trade, fishery observer requirements, jurisdiction over net metering rates, and critical infrastructure protest legislation.

CELJ's new staff and editors are already hard at work preparing this year's issues. If you are an alumnus of the journal or are someone who would like to learn more about publishing opportunities, please contact CELJ leadership at: [celj@colorado.edu](mailto:celj@colorado.edu).



### Indigenous Peoples and Climate Change: Preparing for COP26

Wednesday, October 20, 2021

<https://un-declaration.narf.org/indigenous-peoples-and-climate-change-preparing-for-cop26/>



## 41st Annual Colorado Law Conference on Natural Resources Equity in the Colorado River Basin: How to Sustainably Manage a Shrinking Resource

Thursday, September 30 and Friday, October 1, 2021

<https://www.youtube.com/watch?v=CBdO3iPbMrE&list=PLwFq2GL-i5UiEOoTn936L1Ygxuj6SmsSk>

## 2021 Ruth Wright Distinguished Lecture in Natural Resources

### Are We Saved? Tempering Our Expectations for Natural Resources Management under the Biden Administration

Wednesday, April 7, 2021

### Marcilynn A. Burke

Dean and Dave Frohnmayer Chair in Leadership and Law - University of Oregon School of Law

<https://www.youtube.com/watch?v=miucRcyAp3U>



## 13th Annual Schultz Lecture in Energy



### Climate Change and Innovative Paths to a Sustainable Future

Thursday, March 4, 2021

### Dr. Steven Chu

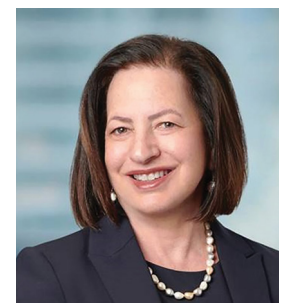
U.S. Secretary of Energy 2009-2013

William R. Kenan Jr. Professor of Physics and Professor of Molecular and Cellular Physiology  
Stanford University

<https://www.youtube.com/watch?v=aH7Rpb1LYI0/>

## 14th Annual Schultz Lecture in Energy Coming Spring 2022

Keep an eye out for more information on the 14th Annual Schultz Lecture in Energy featuring Audrey Zibelman, Vice President of X's Moonshot for the Electric Grid - coming this spring.





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### Gregory J. Hobbs Jr. 1944 - 2021

Justice Gregory Hobbs died peacefully on November 30 with his wife and children by his side.

Please see our tribute here:  
<http://bitly.ws/k8GX>



# Colorado **Law**

UNIVERSITY OF COLORADO **BOULDER**

Getches-Wilkinson Center  
University of Colorado Law School  
2450 Kittredge Loop Road, Room 322  
Boulder, CO 80309

Founded in 1982 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.**

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