

University of Colorado Law School

Colorado Law Scholarly Commons

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

Newsletters

Fall 2015

Getches-Wilkinson Center Newsletter, fall 2015

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

Follow this and additional works at: https://scholar.law.colorado.edu/gwc_newsletter



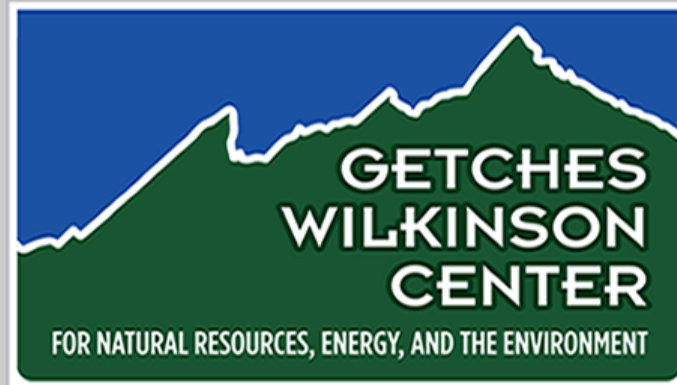
Part of the [Energy and Utilities Law Commons](#), [Energy Policy Commons](#), [Environmental Law Commons](#), [Environmental Policy Commons](#), [Indian and Aboriginal Law Commons](#), [Natural Resources and Conservation Commons](#), [Natural Resources Law Commons](#), [Natural Resources Management and Policy Commons](#), [Oil, Gas, and Energy Commons](#), [Oil, Gas, and Mineral Law Commons](#), [Public Policy Commons](#), [Sustainability Commons](#), [Water Law Commons](#), and the [Water Resource Management Commons](#)

Citation Information

Getches-Wilkinson Center for Natural Resources, Energy, and the Environment Newsletter, fall 2015 (Getches-Wilkinson Ctr. for Natural Res., Energy, and the Env't, Univ. of Colo. Law Sch.).



William A. Wise Law Library
COLORADO **LAW**
UNIVERSITY OF COLORADO **BOULDER**



Getches-Wilkinson Center Collection

GETCHES-WILKINSON CENTER FOR NATURAL RESOURCES,
ENERGY, AND THE ENVIRONMENT NEWSLETTER, fall 2015
(Getches-Wilkinson Ctr. for Nat. Res., Energy & the
Env't, Univ. of Colo. Law Sch.).

Reproduced with permission of the Getches-Wilkinson
Center for Natural Resources, Energy, and the
Environment (formerly the Natural Resources Law
Center) at the University of Colorado Law School.

GWC

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

Former Assistant Secretary of the Interior and Colorado Law Alumna Anne Castle Joins the Getches-Wilkinson Center

Anne Castle, who served as Assistant Secretary for Water and Science in the U.S. Department of the Interior from 2009 to 2014, has joined the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment at the University of Colorado as a Senior Fellow. In that position, she will lead projects on water law and policy issues and draw on her extensive experience to engage with community and governmental leadership and help construct creative and practical solutions to water challenges throughout the West.

“I’m delighted to continue to engage on the most critical natural resource issue of our time – water scarcity – and to work with recognized experts in the field,” said Castle, who is a 1981 alumna of the University of Colorado Law School and has worked on water law matters since the beginning of her career. “There is no more opportune time to make a meaningful difference in how we as a country confront and resolve our water management challenges.”

(Continued on Page 7)



Table of Contents

2	Leadership and Staff
4	Letter from the Executive Director
6	A Message from the Chair of the Advisory Council
8	Native Communities and Environmental Justice
10	Energy and Environmental Innovation
12	Water
15	New Faculty and Staff/Student Group Updates
16	Recent Publications
18	Recent Events
19	Upcoming Events

GWC Leadership and Staff

Board

Sarah Krakoff, Chair
Professor of Law

William Boyd
Associate Professor of Law

Carla Fredericks
Associate Clinical Professor
American Indian Law Program and
Indian Law Clinic Director

Lakshman Guruswamy
Nicholas Doman Professor of
International Environmental Law

Audrey Huang
Associate Clinical Professor

Sharon Jacobs
Associate Professor of Law

Peter Nichols
Berg Hill Greenleaf Ruscitti

Mark Squillace
Professor of Law

Charles Wilkinson
Distinguished Professor
Moses Lasky Professor of Law

Staff

Britt Banks
Executive Director

Carly Hernandez
GCF Senior Project Associate

Douglas Kenney
Senior Research Associate

Shaun LaBarre
Program Manager

Amelia Peterson
GCF Senior Research Associate

Marc Scanlon
Acequia Project Fellow

Colleen Scanlan Lyons
GCF Project Director

Joshua Walker
GCF Project Coordinator

Christina Warner
Getches Fellow

Senior Fellows

Marilyn Averill

Anne Castle

Robert Hallman

Larry MacDonnell

Karin Sheldon

Brad Udall

Senator Timothy Wirth

GWC Advisory Council

Advisory Council

Peter Nichols (Chair)

Berg Hill Greenleaf Ruscitti
Boulder, Colorado

Lance Astrella

Astell Law, PC
Denver, Colorado

Marilyn Averill

Center for Science and Technology Policy Research
University of Colorado, Boulder

John Echohawk

Native American Rights Fund
Boulder, Colorado

Kate Fay

Noble Energy
Denver, Colorado

Tom Fredericks

Fredericks Peebles & Morgan LLP
Louisville, Colorado

Ann Getches

Central Building Development Company
Boulder, Colorado

Michael Gheleta

U.S. Department of the Interior
Superior, Colorado

The Honorable Gregory J. Hobbs

Colorado Supreme Court (Ret.)
Denver, Colorado

Scott Miller

The Wilderness Society
Denver, Colorado

Zach Miller

Davis, Graham, and Stubbs
Denver, Colorado

Ann Morgan

Consultant
Denver, Colorado

Clay Parr (Emeritus)

Parr Brown Gee & Loveless
Salt Lake City, Utah

David Phillips (Emeritus)

Rocky Mountain Mineral Law Foundation (Ret.)
Westminster, Colorado

Teresa Rice

Encana Oil and Gas
Denver, Colorado

Karin Sheldon

Four Echoes Strategies
Boulder, Colorado

Stevia Walther (Ex officio)

Rocky Mountain Mineral Law Foundation
Westminster, Colorado

Dear Friends,

As the 2015-2016 academic year draws to a close, we can look back on a productive summer and look forward to an exciting fall here at the Getches—Wilkinson Center for Natural Resources, Energy and the Environment. We have been active on many fronts, including sustainability, energy innovation and security, and water policy.

In June, the **Martz Summer Conference** was entitled “Innovations in Managing Western Water: New Approaches for Balancing Environmental, Social and Economic Objectives.” Based on the premise that many aspects of Western water allocation and management are the product of independent and uncoordinated actions, in many cases based on policies developed a century or more ago, the conference acknowledged that more coordinated and deliberate decision-making is necessary for effectively balancing environmental, social, and economic objectives on water issues. We explored a variety of processes and tools that have emerged to better manage the connections between regions, sectors, and publics linked by shared water systems, with a focus on planning efforts being developed at state, local and river-basin level.



That emphasis on planning has long been a focus of the Center’s water programs, and recently we have been heavily focused on exploring how Colorado can best adapt its legal and policy structures to address the real potential of a significant water scarcity crisis in the coming years. As announced on the front page of this newsletter, the Center is extremely pleased to announce that **Anne Castle**, who served as Assistant Secretary for Water and Science in the U.S. Department of the Interior from 2009 to 2014, has joined the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment at the University of Colorado as a Senior Fellow. She and Larry MacDonnell, another Senior Fellow at the Center, will lead a project over the next year focused on the soon-to-be-finalized **Colorado State Water Plan**, with an emphasis on plan implementation, water management, climate change adaptation, and public water uses. The Center has received funding from an individual donor, the Walton Family Foundation, and the Gates Family Foundation to fund this important work, and we look forward to making a major contribution to the debate on how best to capitalize on the opportunity presented by the Plan to shape the future of sustainable water management in the State of Colorado for the benefit of multiple interests.

Our **Energy Innovation Initiative**, led by Professor William Boyd, brings together leaders from government, law, industry, civil society and academia to address key aspects of energy law and policy and to develop new approaches and solutions to today's energy challenges. In late August, we were pleased to host U.S. **Secretary of Energy Ernest Moniz** at the Law School, who delivered a major policy address on the science-based aspects of the historic Joint Comprehensive Plan of Action (JCPOA) reached between the E3/EU+3 (China, France, Germany, Russia, the United Kingdom, the European Union, and the United States) and Iran. Attendees at the address were given ample opportunity to engage and question Secretary Moniz on key aspects of this agreement.

In November, Colorado **Governor John Hickenlooper** will deliver the **Schultz Lecture**, where he will outline his vision for Colorado's energy future. And in January 2016, the Center will co-host an event with the Silicon Flatirons Center on the **Future of the Grid**, focused on grid innovation and the ongoing effort to accommodate increasing amounts of renewables and distributed energy resources.

Finally, this year marks an important anniversary in the Center's history. Thirty years ago, **Charles Wilkinson**, one of our two namesakes, came to Colorado Law as a Visiting Professor, and he joined the faculty shortly thereafter. Since then, he has had a profound impact on the lives and careers of so many students, fellow academics, lawyers, government and civic leaders, community activists, conservationists, and members of the public. Through his writing, teaching and advocacy, he instilled in many of us a respect and reverence for the American West, its people, wildlife, lands and waters.

This March, the **Martz Winter Symposium** will honor this legacy and celebrate his career here at Colorado Law. The Symposium will be entitled, "A Celebration of the Work of Charles Wilkinson: Served with Tasty Stories and Some Slices of Roast." We will bring together a wide variety of people who have collaborated with and learned from Charles over the years, and we'll focus on the key themes, insights and impacts of his body of work. We'll examine his current research and the issues that are most on his mind today. And we'll save plenty of time to celebrate his life, family, vision and humanity. Those of you who consider Charles to be a friend, mentor and colleague will not want to miss this.

Throughout the summer, we have enjoyed partnering with our CU colleagues at the American Indian Law Program, the Silicon Flatirons Center, the Colorado Natural Resources, Energy and Environmental Law Review, RASEI, the Center for the American West, and a host of other groups within the University system. We are very lucky to have a dedicated group of alumni, friends, and students who provide support, offer guidance, make introductions, speak at and assist with conferences and events, and champion our work and our mission. A special thanks to all of these friends whose help is so crucial to our continued success.

I look forward to working with each of you over the course of the 2015-2016 academic year as we continue to build on the legacy of the Center and work to fulfill our vision and mission:

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

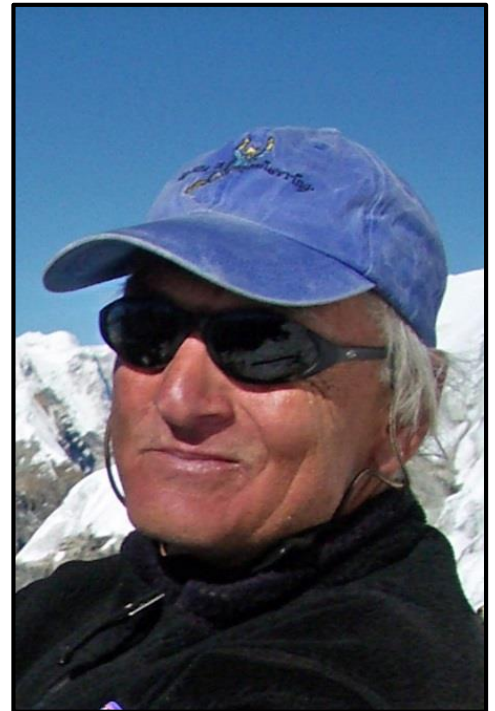


Britt Banks
Executive Director

A Message from the Chair of the Advisory Council

By Peter Nichols

I am honored and excited to be named chair of the Advisory Council, which includes so many personal mentors and colleagues, especially Justice Hobbs and outgoing chair Mike Gheleta. And I am humbled to lead the Council in advising my former professors and mentors Charles Wilkinson, Sarah Krakoff, and Lakshman Guruswamy, among others. That said, I see my new role as an opportunity to give back to the Center and Colorado Law's natural resources program, both of which have played central roles in my law career, from Jim Corbridge and Doug Kenney organizing three years of research into "Water and Growth in Colorado" (which set the stage for creation of the Interbasin Compact Committee and the nascent Colorado Water Plan), David Getches drafting me to take the helm of the infant Colorado Water Trust, and Sarah Krakoff recruiting students for the Acequia Project to meet legal needs I uncovered in San Luis, to Justice Hobbs collaborating on last fall's workshop that discussed the hallowed "no-injury rule" of Colorado water law.



I join my colleagues on the Advisory Council in wanting to assist Colorado Law's natural resources program to both improve its national academic stature, and its relevance to practitioners. To that end, the Council is committed to disseminate the Center's academic work by delivering timely, relevant programs to practitioners. Closer ties to the Center's Board and faculty are key short term goals, as well as increased opportunities for meaningful student engagement.

Cheers - Peter

Anne Castle cont.

While at Interior, Castle oversaw the Bureau of Reclamation, the nation's largest water wholesaler, and the U.S. Geological Survey. She spearheaded the Department's WaterSMART program and was the driving force behind the 2010 Memorandum of Understanding among Interior, the Department of Energy, and the U.S. Army Corps of Engineers addressing the development of sustainable hydropower generation. She directed policy for the USGS Landsat Program, the nation's longest sequential moderate-resolution satellite imaging system. Castle also provided hands-on leadership on Colorado River issues and was the Secretary's designee to, and Chair of, the Glen Canyon Dam Adaptive Management Work Group, and a champion of Minute 319 between the US and Mexico. She instituted the federal Open Water Data Initiative, and chaired the interagency Federal Geographic Data Committee, the Advisory Committee on Water Information, and the Alaska Mapping Executive Committee.



“We are very pleased to welcome Anne back to Colorado Law as a Senior Fellow with the Getches-Wilkinson Center,” said Britt Banks, Executive Director. “Her stature in the water community and extensive experience and knowledge will provide an elevated level of engagement on water issues and will be a tremendous resource for our faculty, contributors, and students, as well as a significant benefit to the water research projects we work on.”

At the Center, Castle will lead a project funded by the Walton Family Foundation and the Gates Family Foundation to explore and develop implementation actions on the new Colorado Water Plan.

Prior to joining Interior, Castle practiced water law with the Rocky Mountain regional law firm of Holland & Hart, where she was elected to chair the firm's management committee. She also received her undergraduate degree from the University of Colorado, College of Engineering, in applied mathematics, in 1973. After leaving Interior, she hiked the 800-kilometer Camino de Santiago in Spain and spent the 2015 spring quarter at the Woods Institute for the Environment at Stanford University as the Landreth Visiting Fellow.

Native Communities and Environmental Justice

The Acequia Project

Professor Sarah Krakoff, Acequia Project Director

The Acequia Project assists low-income farmers and irrigators in the San Luis Valley of Colorado by providing free legal representation in cases involving water rights and governance of acequias. Acequias are irrigation ditches that operate according to traditional cultural principles of equity, communal governance, and mutual support. Last spring, student attorney **Mike Simpson** played a crucial role in achieving a final decree for several of our clients, securing permanent water rights for their ditch. The Project's volunteer attorneys **Peter Nichols**, **Cori Hach**, **Julia Guarino**, and **Drew Peternell** are also supervising student attorneys **Chloe Bourne**, **Megan Gutwein**, **Rachel Dingman**, **Michelle White**, and **Kari Garren** in five additional ongoing water rights cases. **Marc Scanlon** has been the Project's invaluable Fellow for the past year, and has taken on several by-laws and incorporation cases, as has **Sarah Pizzo**, another Colorado Law alum.



Sarah Krakoff, **Allan Beezley**, **Marie Vicek**, **Sarah Parmar**, and **Peter Nichols** will provide a training about the Acequia Project at the Annual Land Trust Alliance Rally in Sacramento, California this fall.

American Indian Law Program

NARF's 45 Anniversary CLE

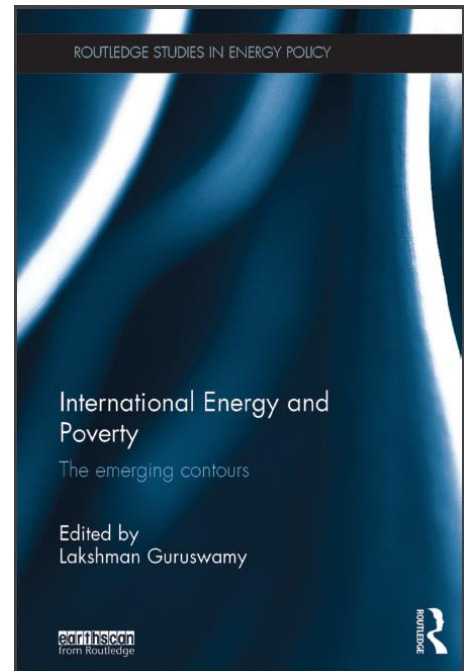
The Native American Rights Fund (NARF) is celebrating its 45th anniversary. NARF is the oldest and largest nonprofit law firm dedicated to asserting and defending the rights of Indian tribes, organizations, and individuals nationwide. NARF's work includes the preservation of tribal existence, the protection of tribal natural resources, the promotion of Native American human rights, the accountability of governments to Native Americans, and the development of Indian law and educating the public about Indian rights, laws, and issues.

In honor of NARF's anniversary, NARF, CU Native American Law Students Association and the CU American Indian Law Program are hosting a Continuing Legal Education event: "Celebrating 45 Years of NARF: Respecting Our Past, Building the Future." The CLE will take place on Thursday, November 5, 2015 in the Wittemyer Courtroom at the University of Colorado Law School. Registration is located at: <https://narf.ejoinme.org/cle>.

The Other Third

Professor Lakshman Guruswamy launched a new book: *Energy and Poverty: The Emerging Contours* on September 11, 2015 at the Posner Center for International Development. The book integrates the hitherto fragmented approaches to access to energy for all within an interdisciplinary framework. Five chapter authors formed the panel introducing the book. The book launch was part of a larger program on *Access to Energy for All* sponsored by the GWC, the University of Denver, Nanda Center and the International Law Association.

The full program involved the drafting of model national laws on access to energy for lighting for developing and developed countries. Lakshman is the General Editor of the Model Laws on Access to Energy. The drafting of model laws on the Dissemination of Clean Cook Stoves was completed in 2012. At the September 11, 2015 Symposium, the developing country drafting session was chaired by Professor Audrey Huang of the GWC, and the rapporteurs were two law students from CU Boulder. The model laws will be published by the Denver Journal of International Law and Policy.



Lakshman will be delivering the Myers McDougal Distinguished Lecture at the University of Denver Law School on Oct. 10, 2015 at 12:00 pm. The title of his talk is: ***Global Energy Justice: The Jurisprudential Lineages***. He is also Chairing a panel on **Sustainable Energy for All** at the Sutton symposium being held on October 10th at the University of Denver Law School. In addition, he will be speaking about his book at the International Law Association meeting in New York on November 7th.

Colorado/Duke Summer Climate Works-in-Progress Symposium

It was another terrific year for the Colorado/Duke summer works-in-progress symposium. **William Boyd** and **Sarah Krakoff**, along with their Duke co-hosts **Jed Purdy** and **Jim Salzman**, hosted colleagues from around the country in a two-day seminar to discuss papers and book chapters addressing a wide range of issues in the field. This year's attendees were: **Ann Carlson (UCLA)**, **Doug Kysar (Yale)**, **Buzz Thompson (Stanford)**, **Todd Aagard (Villanova)**, **Bruce Huber (Notre Dame)**, **Jonas Monast (Duke)**, **Shelley Welton (Yale)**, **Cymie Payne (Rutgers)**, **Sarah Schindler (Maine)**, and **Vanessa Casado Perez (Stanford)**. We also had a record-high attendance at the post-workshop hike, which took us to Chasm Lake, an alpine pool nestled at the foot of Long's Peak.



Energy and Environmental Innovation

The Governors' Climate and Forests Task Force

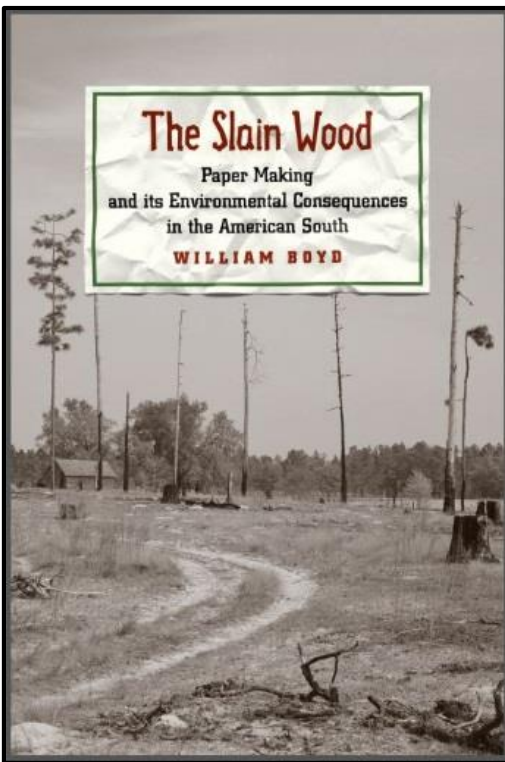
Led by Professor William Boyd and his team, the [Governors' Climate & Forests Task Force \(GCF\)](#) continues to grow and advance the agenda of subnational leadership and innovation on climate and forests. At the GCF's [2015 annual meeting](#) in Barcelona, Spain, hosted by GCF member, Catalonia, the Government of Norway's Special Envoy on Climate Change announced a substantial contribution to the GCF Fund (200 million Krone or approximately \$25 million USD), recognizing the importance of the GCF states and provinces in leading the way on subnational climate action with the [Rio Branco Declaration](#) and their broader efforts to advance jurisdictional approaches to REDD+ and low emissions development. The meeting was attended by twelve GCF Governors and featured new and renewed commitments to the Rio Branco Declaration, including the addition of Mato Grosso, Para, and Tocantins as signatories; mobilization of additional support for the Under 2 MOU; and many important exchanges with civil society, the private sector, and indigenous peoples organizations. Governor Teras Narang of Central Kalimantan announced an innovative agreement with the Roundtable on Sustainable Palm Oil (RSPO) to pursue a province-wide approach to certification under the RSPO standard. Former Governor Bill Richardson also addressed the plenary session of the annual meeting, calling upon GCF Governors to join him in a Governors Club on Restoration and to help advance the Global Restoration Initiative. The GCF also welcomed three new members: Rondonia, Brazil; Belier, Ivory Coast; and Cavally, Ivory Coast, bringing its membership to twenty-nine states and provinces in eight different countries. Jalisco (Mexico) was elected as the incoming chair of the GCF for 2016 and will host the annual meeting in Guadalajara next year.

Building on the success of the 2015 annual meeting, the GCF has continued to advance high-level political engagement and regional collaboration. In July, the six GCF Indonesian provinces agreed on an Indonesia Roadmap to implement the commitments detailed in the Rio Branco Declaration. Other regional meetings in Mexico, Brazil, and Peru over the course of 2015 illustrate the power of the GCF network in bringing governments, donors, civil society, and traditional and indigenous communities together in a collaborative effort to protect forests, reduce emissions, and enhance livelihoods. As world leaders prepare for the UN Climate talks in Paris later this year, GCF states and provinces and their partners continue to demonstrate the power of subnational climate action.



Energy Innovation Initiative

On August 31, the [Energy Innovation Initiative](#) at Colorado Law cosponsored a lecture by Secretary of Energy Ernest Moniz. The Initiative is also co-sponsoring the annual Schultz lecture on energy, presented this year by Governor John Hickenlooper. In January 2016, Dean Phil Weiser together with Professors William Boyd and Sharon Jacobs will convene Future Grid, a conference co-sponsored by the Silicon Flatirons Center for Law, Technology, and Entrepreneurship and the Energy Innovation Initiative. Professor Boyd continues to collaborate with researchers at the National Renewable Energy Laboratory and the Joint Institute for Strategic Energy Analysis on various projects related to natural gas and electricity. His recent 2014 article, *Public Utility and the Low Carbon Future*, 61 UCLA L. REV. 1614 (2014) was recently selected as one of top five articles for 2014 by the Environmental Law Institute and the Vanderbilt Law School Environmental Law & Policy Annual Review and reprinted (condensed version) in 45 ENV. L. REPT. 10727 (2015).



New Book from Professor William Boyd

When the paper industry moved into the South in the 1930s, it confronted a region in the midst of an economic and environmental crisis. Entrenched poverty, stunted labor markets, vast stretches of cutover lands, and severe soil erosion prevailed across the southern states. By the middle of the twentieth century, however, pine trees had become the region's number one cash crop, and the South dominated national and international production of pulp and paper based on the intensive cultivation of timber.

In *The Slain Wood*, William Boyd chronicles the dramatic growth of the pulp and paper industry in the American South during the twentieth century and the social and environmental changes that accompanied it. Drawing on extensive interviews and historical research, he tells the fascinating story of one of the region's most important but understudied industries.

The Slain Wood reveals how a thoroughly industrialized forest was created out of a degraded landscape, uncovers the ways in which firms tapped into informal labor markets and existing inequalities of race and class to fashion a system for delivering wood to the mills, investigates the challenges of managing large papermaking complexes, and details the ways in which mill managers and unions discriminated against black workers. It also shows how the industry's massive pollution loads significantly disrupted local environments and communities, leading to a long struggle to regulate and control that pollution.

The Slain Wood Available here:

[**The Slain Wood: Paper Making and its Environmental Consequences in the American South \(Johns Hopkins University Press, 2015\)**](#)

Water

Western Water Policy Program

The most significant activity for the Western Water Policy Program since the spring semester was the hosting of the Martz summer conference on June 11-12, 2015 entitled: “Innovations in Managing Western Water: New Approaches for Balancing Environmental, Social and Economic Objectives.” Roughly 170 attendees enjoyed presentations focused on water planning, urban and agricultural conservation, Colorado River management, and various legal innovations—such as the new groundwater code in California.



2015 Martz Summer Conference
Innovations in Managing Western Water

In one of many side meetings occurring during the event, the contours of the 2016 event emerged. Reprising a theme last visited in 2002, we are embarking on an international conference tentatively entitled “‘Never Waste a Good Crisis’: What Colorado River Managers Can Learn from Water Scarcity in Other Prominent Basins Worldwide.” As part of that event, we plan to host a variety of specialized workshops, part of a week-long series of activities (June 6-10, 2016). Given the broad scope and unavoidably high cost of this international event, planning and fundraising activities are already well underway. (Please share thoughts and suggestions with Doug Kenney, douglas.kenney@colorado.edu).

Our work on “alternative water transfer mechanisms” (ATMs) continues to move forward, with a synthesis report now in review on the GWC’s efforts over the past year. This review pulls together several threads of GWC research, including our initial review of the Colorado Water Plan, our no-injury workshop, a review of legislative activity regarding ATMs from 2000-2015, a comparative study of US/Australian water marketing frameworks, and related efforts. As part of this effort, Mark Squillace’s latest research on “Marketing Conserved Water,” which draws in part on his collaborations with Tony McLeod of the Murray-Darling Basin Authority, is nearing completion. ATMs will continue to be a major focus of projects going forward.

A few key projects are currently transitioning to a new year of work. Chief among these is the second year of effort on the GWC’s review of Colorado’s Draft Water Plan. Given that the effort is scheduled for completion by December, our focus now is to translate the broad ideas of the plan into on-the-ground implementation. Proposals for moving forward will be developed in five areas: (1) conservation and demand management, (2) multiple-benefit water development, (3) strengthening Colorado’s irrigated agricultural economy, (4) adapting to the water-related effects of climate change, and (5) improving natural systems and watershed health. This phase of the project will largely be led by the GWC’s newest Senior Fellow, Anne Castle (see cover story).

Doug Kenney will continue to lead the Colorado River Research Group (www.coloradoriverresearchgroup.org) for another year, with participation from GWC Fellows Larry MacDonnell and Brad Udall. The CRRG will continue to speak the “hard truths” about the state of the river, advocating for science-based solutions promoting long-



term river sustainability. Fielding calls from the media continues to be a major component of this work, with inquiries this summer coming from a broad spectrum of outlets including the *New York Times* and *BBC Radio*. Many smaller projects, publications, and events continue to march forward as well, as the GWC maintains its historic focus on water issues. In addition to the main GWC website, look for updates on the newly refurbished website of the GWC's Western Water Policy Program at www.waterpolicy.info.

Mark Squillace

In late April, Professor Squillace submitted comments to the Colorado Water Conservation Board on the Colorado Water Plan. His main point was to encourage the State to adopt "specific, measurable, achievable, realistic, and time-bound" goals for the State's water resources (SMART goals), and then devise an adaptive plan that can achieve those goals. He also plans to submit comments to the Department of the Interior on their coal leasing reform initiative. Here, Professor Squillace argues that Interior must recognize that coal is in serious decline and as a major coal owner, especially in the IntermountainWest, Interior has a responsibility to manage that decline to minimize local impacts and to help coal communities gradually transition away from coal. He has been a frequent commentator on coal leasing reform in the news media.

On May 25, 2015, Professor Squillace presented a paper, co-authored with Tony McLeod, at the World Water Congress in Edinburgh, Scotland. An article derived from this paper, titled *Marketing Conserved Water*, will be published next spring in *Environmental Law*. The article focuses on "conserved" water, which is narrowly defined to include only water that results from reduced consumption and that is carried out so as to allow farmers to keep farming. The article explains how conserved water practices could free up significant new water supplies for important uses even while protecting agricultural communities.

In June-July, 2015, Professor Squillace taught a course on international water law at the Jean Moulin Université in Lyon, France. The course was offered through a program sponsored by the Louisiana State University Law Center.

Professor Squillace recently secured a contract with Carolina Academic Press to publish a textbook on Environmental Decisionmaking. The book grew out of a new course that he is currently teaching at the law school. The manuscript is expected to be delivered to the publisher in January, 2016. He is also working with three co-authors on a 3rd edition of *Natural Resources Law and Policy* (with Rasband, Salzman, and Kalen) published by Foundation Press. The manuscript for that book will be delivered this fall.

Professor Squillace also hopes to complete work by late winter on an article titled *Rethinking Public Land Use Planning*. The article focuses on the land use planning processes at the federal multiple use land agencies and concludes that they should be restructured in fundamental ways to promote a more adaptive approach.

Finally, in late September, Professor Squillace will present a paper on the environmental impacts of unconventional oil and gas development at a law review symposium at Vermont Law School titled, *Habitat for Human Rights: Recognizing the Impacts of Environmental Degradation on Human Suffering*.

Charles Wilkinson

By Christina Warner

Charles Wilkinson has been dedicating a majority of his time to a new book project entitled *Thunderbolt: The Northwest Tribes, Judge Boldt, and the Stunning Break from Salmon Wars to Rightful Justice*. The book will be a history of the “Boldt Decision,” a 1974 ruling in *United States v. Washington* which held that tribes are entitled to fifty percent of the salmon harvest in Northwest Washington. The late Billy Frank Jr. was a main proponent of having Wilkinson write the book. To facilitate the project, the Northwest Indian Fisheries Commission, of which Frank was chairman, provided a grant to subsidize travel and the work of research assistants.

Wilkinson first learned of the case after it had been filed in 1970. At the time, he was working as an attorney for the Native American Rights Fund. NARF represented several of the tribes involved in the case, with David Getches as the lead attorney. Although not involved in the case himself, Wilkinson’s interest was piqued, driven by both his love of fishing and his own work with treaty rights in Oregon.

In 2014, Wilkinson began work on the book and has since undertaken a great deal of historical research and writing. This past summer, he and his wife Ann spent two months in Seattle, where two of their sons live with their families. While in Washington, he conducted interviews and did archival research.

The Boldt Decision is a landmark civil rights case that brought justice to dispossessed peoples; the ripples of the powerful decision can still be felt today. And yet, this case is unknown and under-reported. Wilkinson hopes to produce a comprehensive account, integrating the history of the tribes and their treaties with the century of tension prior to the court case and its turbulent aftermath. There has not yet been a book that chronicles the history and captures the remarkable tale of the Salmon People whose resilience forever changed the landscape of the law, race relations, fisheries, and co-management in the Pacific Northwest.



Charles Wilkinson sits in the courtroom, reflecting on the long struggle and great strength of the tribes which led to the filing of the case. Now out of use, this room was the very place Judge George H. Boldt handed down the historic decision.

New Faculty and Staff



Christina Warner, Getches Fellow

Christina Warner currently serves as the Getches Fellow. Christina's research supports Professor Charles Wilkinson's forthcoming book on the Boldt decision in the Pacific Northwest. She also provides support to Carla Fredericks and the American Indian Law Clinic in their work with the United Nations Special Rapporteur on the Rights of Indigenous Peoples. Her own research focuses on violence against women and how the intersection of colonialism, law, and gender affects the remedies available to Native women. Christina graduated from the University of Colorado Law School in May 2015 with a certificate in American Indian Law. She graduated from the Johns Hopkins University with a BA in Writing Seminars.

Student Group Updates

Environmental Law Society

The Environmental Law Society kicked off the year with a bang with a record enrollment of incoming 1Ls. We've got lots of exciting events in the works (details pending) including several THACs, an environmental film series, trash clean-up walks, hikes, lectures and several lunch events with speakers from all sectors of the environmental law field. Visit our TWEN page for more details on these upcoming events.

Colorado Natural Resources, Energy and Environmental Law Review

The Colorado Natural Resources, Energy & Environmental Law Review (ELR), will publish Volume 27 this fall. ELR will publish articles on a wide variety of topics including tribes, fish, and farming in the Klamath River Basin, the challenges and opportunities of the expiration of the Columbia River Treaty, and the evidentiary standard in for designating wilderness areas.

Additionally, the journal will publish three student notes. The notes address the use of collaboration in developing conservation areas, the role of the courts in assessing environmental impact statements analyzing the impacts of water development projects throughout the West, and new technologies for reduction of mine methane emissions.

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

Native American Law Students Association

The Native American Law Students Association (NALSA) recently held its annual Welcome Potluck at the home of Professor Kristen Carpenter. NALSA and the American Indian Law Program (AILP) welcomed new and continuing NALSA members to the 2015-2016 school year. The newly-elected board is excited for the upcoming year.

This fall, we plan to assist the Native American Rights Fund in celebrating its 45th anniversary by co-hosting a continuing education event with sessions on tribal sovereignty, environmental stewardship, and human rights. Later this year, we plan to work with the AILP to bring speakers to the law school to discuss recent developments in tribal energy. We are also working with the Environmental Law Society to bring the Navajo Supreme Court to Colorado Law. Additionally, we will continue our annual tradition of celebrating Native American Heritage Month by holding a Harvest Feast in late November. In the spring we plan to send participants to the National NALSA Moot Court Competition and the American Bar Association's Federal Indian Law Conference.

Stay up to date on NALSA and AILP events by joining our Facebook page (University of Colorado American Indian Law Program) or by following us on Twitter (@CUAILP).

Recent Publications

William Boyd

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

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

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

A Review of Water and Greenhouse Gas Impacts of Unconventional Natural Gas Development in The United States, 2 MRS ENERGY & SUSTAINABILITY: A REVIEW JOURNAL 1-21 (2015) (with D. Arent et al.).

Controlling Methane Emissions in the Natural Gas Sector: A Review of Federal & State Regulatory Frameworks Governing Production, Gathering, Processing, Transmission, and Distribution, Joint Institute for Strategic Energy Analysis, NREL/TP-6A50-63416, 1-79 (NREL 2015) (with E. Paranhos, T. Kozak, J. Bradbury, D. Steinberg, and D. Arent).

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

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

Kristen Carpenter

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

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

Julia Guarino

Julia Guarino, *Tribal Food Sovereignty and the Law in the American Southwest*, 11 Journal of Food Law & Policy 83 (2015).

Will Davidson & Julia Guarino, *The Hallett Decrees and Acequia Water Rights Administration on the Rio Culebra in Colorado*, 26 Colorado Natural Resources, Energy, and

Lakshman Guruswamy

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

Sharon Jacobs

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

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

Recent Publications Continued

Doug Kenney

Improving the Viability of Alternative Transfer Mechanisms (ATMs) in Colorado: A Synthesis of Research and Findings from the Getches-Wilkinson Center, 2014-2015. Getches-Wilkinson Center for Natural Resources, Energy and the Environment. Forthcoming.

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

Sarah Krakoff

Parenting the Planet (In progress)

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

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

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

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

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

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

Mark Squillace

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

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

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

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

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

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

Charles Wilkinson

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

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

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

Recent Events

2015 Getches-Wilkinson Center Distinguished Lecture

Mike Connor, United States Deputy Secretary of the Interior

Tuesday, March 10th, 2015

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

Lecture video and content available at:

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

2015 Martz Summer Conference

Innovations in Managing Western Water:

New Approaches for Balancing Environmental, Social, and Economic Outcomes

Thursday and Friday, June 11th and 12th, 2015

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

Lecture video and content available at:

<http://lawweb.colorado.edu/events/mediaDetails.jsp?id=6180>

2015 Getches-Wilkinson Center Special Guest Lecture

Dr. Ernest Moniz, United States Secretary of Energy

Monday, August 31st, 2015

On August 31st, 2015 Dr. Ernest Moniz, United States Secretary of Energy visited Colorado Law to deliver his definitive remarks on the Iran nuclear deal, in a lecture titled *Science for Security: The Role of the Department of Energy in Nuclear Security and Nonproliferation*.

Lecture video and content available at:

<http://lawweb.colorado.edu/events/mediaDetails.jsp?id=6428>

Upcoming Events

8th Annual Schultz Lecture
Featuring Governor John Hickenlooper

Coming Thursday, November 12th
5:30 p.m.

University of Colorado, Boulder
Wolf Law Building, Wittemyer Courtroom

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



Future Grid Conference
Co-hosted with the Silicon Flatirons Center

Coming Thursday, January 14th
1:00-7:00 p.m.

University of Colorado, Boulder
Wolf Law Building, Wittemyer Courtroom

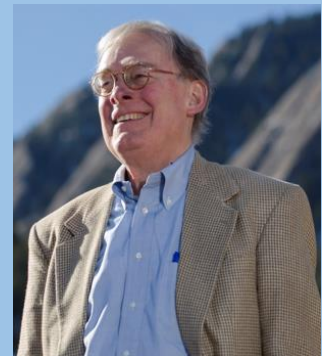
More information and registration available at:
<http://www.silicon-flatirons.org/events.php?id=1610>



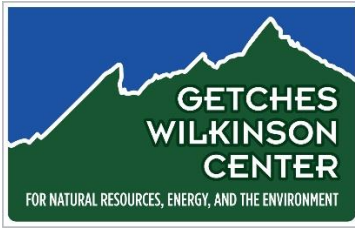
2016 Martz Winter Symposium
A Celebration of the Work of Charles Wilkinson

Coming March 10th and 11th, 2016
University of Colorado, Boulder
Wolf Law Building, Wittemyer Courtroom

More information and registration coming soon to:
<http://www.colorado.edu/law/research/gwc/events>



Information, Registration, and Updates on upcoming GWC Events can be found at:
<http://www.colorado.edu/law/research/gwc/events>



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

Phone: 303-492-1286
Email: gwc@colorado.edu
Web: <http://www.colorado.edu/law/research/gwc>



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.

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