



**GETCHES-WILKINSON CENTER**

**for Natural Resources, Energy, and  
the Environment at Colorado Law**

## **6<sup>th</sup> Annual Martz Winter Symposium**



### ***The Changing Landscape of Public Lands***

**Thursday, February 28<sup>th</sup> and Friday, March 1<sup>st</sup>, 2019**

**Wolf Law Building, Wittemyer Courtroom**

**University of Colorado School of Law**



**COLORADO LAW**  
UNIVERSITY OF COLORADO BOULDER

## 6th Annual Martz Symposium

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Clyde O. Martz was a father of natural resource law in the United States. He was an exemplary teacher, mentor, counselor, advocate, and a professor of natural resources law for 15 years at Colorado Law. Professor Martz was one of the founders of the Rocky Mountain Mineral Law Foundation and of the Law School's Natural Resources Law Center, which later became the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment. In 1951, he assembled and published the first natural resources law casebook, combining the previously discrete subjects of water law, mining law, and oil and gas law.

In 1962, Professor Martz joined the law firm of Davis Graham & Stubbs. During his tenure at Davis, Graham & Stubbs, he took periodic leaves of absence to serve as the Assistant Attorney General of the Lands and Natural Resources Division of the U.S. Department of Justice (1967-69), a Colorado Special Assistant Attorney General (1971-75), and as the Solicitor of the Department of the Interior (1980-81). He retired from the firm in the late 1990s and passed away in 2010 at the age of 89.

The Martz Natural Resources Management Fund was established in memory of natural resources law pioneer Clyde Martz and supports innovative programming at Colorado Law on best practices in natural resources management.

## Conference Introduction

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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. The symposium convenes 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 will speak about the current state of public lands management.

The Getches-Wilkinson Center is hosting the 2019 Martz Winter Symposium in collaboration with the *Colorado Law Review* and the *Colorado Natural Resources, Energy & Environmental Law Review*. It is our hope that this dialogue and the forthcoming law review articles will generate solutions that can be implemented by practitioners on the ground and will inform future lawyers entering the field.

## Thursday, February 28th

### **Martz Spring Symposium Armchair Discussion**

**5:30 *The State of State Public Lands***

**Dan Gibbs**

**Executive Director, Colorado Department of Natural Resources**

Moderator

Alice Madden, Executive Director Getches-Wilkinson Center

**(Reception to follow in Boettcher Hall)**

## Friday, March 1st

### **Martz Spring Symposium**

**(7 CLE credits available)**

**8:00 Registration and Continental Breakfast**

**8:45 Welcome by Dean James Anaya and Executive Director Alice Madden**

**9:00-10:15**

#### **Panel One: Regulating for the Public Good on Public Lands Part 1**

Public lands have been a locus for regulatory innovation as federal agencies struggle to pursue policy goals against a backdrop of shifting environmental conditions, incomplete scientific understanding, and recent efforts to streamline administrative process. Our panelists will discuss innovations and changes to public lands regulation from two different angles: strengthening parks management and conservation, and the increased use ecosystem services across agencies.

Moderator

Michael Gheleta, Riverside Enterprises

Confirmed Speakers

Holly Doremus, University of California, Berkeley School of Law

JB Ruhl, Vanderbilt Law School

James Salzman, UCLA School of Law

**10:15-10:30 Morning Networking Break  
(Refreshments provided in Boettcher Hall)**

**10:30-12:00**

**Panel Two: Energy on Public Lands**

Extracting coal, natural gas, and petroleum from public lands constitutes a cornerstone of public lands management under the Trump Administration. Our panelists will discuss the state of energy regulation on public lands today and will cover topics including efforts to streamline oil and gas leasing, the preservation of resource-rich lands in the public trust, and the regulation of fracking emissions in microclimate air basins.

Moderator

Tommy Beaudreau, Latham and Watkins LLP

Confirmed Speakers

Marcilynn Burke, University of Oregon School of Law

Ann Carlson, UCLA School of Law

Amanda Leiter, American University Washington College of Law

**12:00-12:45 Lunch**

**(Lunch provided in Schaden Commons, 2 floor-West End)**

**12:45-1:45**

**Keynote Address: Former Secretary of the Interior Sally Jewell**

*Shaping Public Lands for Future Generations: Respect, Collaboration, Law, Science and the Pursuit of Common Ground.*

Introduction by Professor Charles Wilkinson, University of Colorado School of Law

**1:45-3:15**

**Panel Three: Native Nations, Justice, and Public Lands**

Tribes' formal territory today is typically held in trust by the federal government, but millions of acres of their ancestral homelands lie on federal public lands subject to federal regulatory control. Our panelist will discuss the management of tribal ancestral lands under federal law. This dialogue will include examinations of the successes and failures of co-management agreements, the unique treatment of tribes and public lands in the eastern United States, and the possibility of integrating tribal interests into the management of Grand Canyon National Park.

Moderator

Kristen Carpenter, University of Colorado School of Law

Confirmed Speakers

Gerald Torres, Cornell Law School

Robert Anderson, University of Washington School of Law

Sarah Krakoff, University of Colorado School of Law

**3:15-3:30 Afternoon Networking Break  
(Refreshments provided in Boettcher Hall)**

**3:30-5:00**

**Panel Four: Regulating for the Public Good on Public Lands Part 2**

This final panel will conclude the day by further addressing regulatory innovation in public lands management. Our panelists will discuss the recent efforts to overhaul environmental review in infrastructure permitting, the effect of citizen suits on regulatory enforcement, and how agencies can phase-out ineffective regulations.

Moderator

Heidi McIntosh, Earthjustice

Confirmed Speakers

David Adelman, University of Texas at Austin School of Law

Alejandro Camacho, University of California, Irvine School of Law

Justin Pidot, University of Denver Sturm College of Law

**5:00 Symposium Reception  
(Refreshments provided in Boettcher Hall)**

## Symposium Sponsors

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## **Speaker Biographies (Alphabetical by last name)**

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### **David Adelman**

David E. Adelman teaches and writes in the areas of environmental law, intellectual property law, and climate change policy. Professor Adelman's research focuses on the many interfaces between law and science. His articles have addressed such topics as the implications of emerging genomic technologies for toxics regulation, the tensions between legal and scientific evidentiary standards in regulatory decision making, and development of effective policies for promoting innovation relevant to addressing climate change. Professor Adelman clerked for the Honorable Samuel Conti of the United States District Court for the Northern District of California. Before entering academia, he was an associate with the law firm Covington & Burling in Washington, D.C., where he litigated patent disputes and provided counsel on environmental regulatory matters, and a Senior Attorney with the Natural Resources Defense Council also in Washington, D.C. Professor Adelman was an Associate Professor of Law at the University of Arizona Rogers College of Law from 2001 to 2009.

### **Robert Anderson**

Robert Anderson is a Professor and Director of the Native American Law Center at the University of Washington School of Law, and is the Oneida Indian Nation Visiting Professor of Law at Harvard Law School where he teaches annually. He teaches primarily in the areas of American Indian law, water law, natural resources law, and property law. He is a co-author and member of the Board of Editors of COHEN'S HANDBOOK OF FEDERAL INDIAN LAW (2005) and (2012). He is a co-author of Anderson, Berger, Frickey and Krakoff, AMERICAN INDIAN LAW: CASES AND COMMENTARY (3RD ED. 2015). He 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. He was one of the two attorneys who opened NARF's Alaska office in 1984. From 1995-2001, he served as a political appointee in the Clinton Administration under Interior Secretary Bruce Babbitt, providing legal and policy advice on a wide variety of Indian law and natural resource issues. Bob was the co-chair of the Obama transition team for the Department of the Interior in 2008, and one of five members of the National Commission on Indian Trust Administration and Reform. He is a member of the Bois Forte Band of Ojibwe.

### **Marcilynn Burke**

Dean Marcilynn A. Burke studies leadership, property, environmental and natural resources law. At Oregon Law, she serves as the Dean and Dave Frohnmayer Chair in Leadership and Law. Her scholarly works have included features in the Notre Dame Law Review, the Land Use and Environmental Law Review, the University of Cincinnati Law Review, and the Duke Environmental Law & Policy Forum. From 2009-2013, Dean Burke served in the Bureau of Land Management of the U.S. Department of the Interior, initially as Deputy Director for Programs and Policy, and then as the Acting Assistant Secretary for Land and Minerals Management following a 2011 appointment by President Barack Obama. In that role, she helped develop the land use, resource management, and regulatory oversight policies that are administered by the BLM, the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement, with a geographic scope that encompassed the continental U.S. and Alaska. Following her term at the BLM, she resumed her role as associate dean and associate professor of law at the University of Houston Law Center, where she had served as a member of the faculty since 2002. Dean Burke earned her bachelor's degree from the University of North Carolina at Chapel Hill, having been named to Phi Beta Kappa. She then earned her law degree from Yale Law School, where she was an editor for both the Yale Journal of Law and Feminism and the Yale Journal of International Law. She clerked for the Honorable Raymond A. Jackson of the Eastern District of Virginia, and later joined the law firm of Cleary, Gottlieb, Steen & Hamilton where her practice focused on environmental law, antitrust, and civil and criminal litigation. Dean Burke had also served as a visiting professor of law at Rutgers School of Law in Camden, NJ in 2001.

### **Alejandro Camacho**

Professor Camacho's expertise is in environmental law, land use regulation, and government organization, with a particular focus on adaptive management, collaborative governance, and climate change. His writing in environmental law explores how both the design and goals of the law and legal institutions must and can be reshaped to more effectively account for the dynamic character of natural and human systems. His legal scholarship includes articles published in the Washington University Law Review, Yale Journal on Regulation, UCLA Law Review, Emory Law Journal, North Carolina Law Review, Colorado Law Review, BYU Law Review, Harvard Journal on Legislation, Columbia Journal of Environmental Law, and Stanford Environmental Law Journal.

### **Ann Carlson**

Ann Carlson is the Shirley Shapiro Professor of Environmental Law, and the inaugural Faculty Director of the Emmett Institute on Climate Change and the Environment at the UCLA School of Law. She is also on the faculty of the UCLA Institute of the Environment.

Professor Carlson is one of the country's leading scholars of climate change law and policy. Two of her articles, *Iterative Federalism and Climate Change* and *Takings on the Ground*, have been selected by the *Land Use and Environmental Law Review* as among the top five environmental articles of the year, and her work has been published in leading journals including the *UCLA*, *California*, *Northwestern* and *Michigan* law reviews. She is co-author (with Daniel Farber and Jody Freeman) of a leading casebook, *Environmental Law* (8th ed.). She recently served on a National Academy of Sciences panel, *America's Climate Choices: Limiting the Magnitude of Future Climate Change*, and she is currently serving on an American Academy of Arts and Sciences panel studying the future of America's energy systems. Carlson is also a frequent commentator and speaker on environmental issues, particularly on climate change.

### **Holly Doremus**

Holly Doremus is a leading scholar and teacher in the areas of environmental law, natural resources law, and law and science. Doremus brings a strong background in life sciences and a commitment to interdisciplinary teaching and scholarship to her work at Berkeley Law. She earned her PhD in Plant Physiology from Cornell University and was a post-doctoral associate at the University of Missouri before making the transition to law. In addition to her law school teaching experience, she has taught in the graduate ecology program at UC Davis, in the College of Natural Resources at UC Berkeley, and at the Bren School of Environmental Science and Management at UC Santa Barbara. She has been a principal investigator on two major NSF IGERT interdisciplinary training grants and a multidisciplinary grant dealing with hydropower relicensing in California. She has co-authored papers with economists and ecologists, and has been a member of two National Research Council review committees.

Doremus received her JD and Environmental Law Certificate from Berkeley Law, where she was an articles editor for the *Ecology Law Quarterly* and a member of the Order of the Coif honor society. She then clerked for Judge Diarmuid F. O'Scannlain of the U.S. Court of Appeals for the Ninth Circuit, practiced municipal and land use law with the firm of Eickelberg & Fewel in Corvallis, Ore., and taught at the University of Oregon and Oregon State University before beginning her law teaching career at UC Davis in 1995. She is a Member-Scholar of the Center for Progressive Reform and an elected member of the American Law Institute. She was honored as a UC Davis Chancellor's Fellow for 2001-2006.

### **Sally Jewell**

Sally Jewell was U.S. Secretary of the Interior from 2013 to 2017. During her tenure, Jewell was recognized for using a science-based, landscape-level, collaborative approach to natural resources management. Her work included championing the importance of science and sharing data to better understand the earth's systems, encouraging investments for more sustainable use of water in the West, deepening relationships with indigenous communities and long-term conservation of the nation's most vulnerable and irreplaceable natural, cultural and historic treasures. She demonstrated a commitment to connecting people to nature, particularly youth, with efforts to encourage tens of millions of young people to play, learn, serve and work on public lands. Jewell was previously president and CEO of REI, a \$2.6 billion retailer dedicated to facilitating outdoor adventures. Earlier in her career, she served for 19 years in commercial banking across a wide range of industries and began her career as an engineer in the energy sector. She has been active in governance and board leadership for corporations and nonprofit organizations, including serving as a Regent of the University of Washington where she is currently a Distinguished Fellow in the College of the Environment.

### **Sarah Krakoff**

Sarah Krakoff is the Moses Lasky Professor of Law at the University of Colorado. Her areas of expertise include American Indian law, natural resources and public land law, and environmental justice. She is the co-author of *American Indian Law: Cases and Commentary* (with Bob Anderson and Bethany Berger), and co-editor of *Tribes, Land, and Environment* (with Ezra Rosser.) Professor Krakoff's articles appear in the *Stanford Law Review*, the *California Law Review*, and the *Harvard Environmental Law Review*, among other journals. She also runs the Law School's Acequia Project, which provides free legal services to low-income farmers in the San Luis Valley of Colorado. Professor Krakoff has authored amicus briefs in the 6th, 7th, 9th, and 10th Circuits, as well as the Supreme Court of the United States. Before joining the Colorado Law tenure-track faculty, Professor Krakoff directed CU's American Indian Law Clinic and secured permanent University funding to ensure the Clinic's future. Professor Krakoff started her legal career at DNA-Peoples Legal Services on the Navajo Nation, where she initiated DNA's Youth Law Project with an Equal Justice Works fellowship. She received her BA from Yale and her JD from U.C. Berkeley, and clerked for Judge Warren J. Ferguson on the 9th Circuit Court of Appeals.

### **Amanda Leiter**

Professor Leiter is a Professor of Law and the Director of the Program on Environmental and Energy Law at American University's Washington College of Law. She teaches environmental law, administrative law, and torts, and her research interests include administrative law and process, and domestic environmental law and policy. From August 2015 – January 2017, Leiter served as a Deputy Assistant Secretary for Land and Minerals at the U.S. Department of the Interior, advancing Department priorities related to oil and gas and renewable energy development on public lands both on- and offshore. Before joining the WCL faculty in the fall of 2011, Professor Leiter was an associate professor at Catholic University's Columbus School of Law. Prior to that, she was a Beagle/HLS fellow at the Natural Resources Defense Council, where she developed and pursued federal appeals court challenges to EPA rules governing industrial air pollution. Professor Leiter clerked for Judge Nancy Gertner of the Federal District Court for the District of Massachusetts; for Judge David Tatel of the U.S. Court of Appeals for the D.C. Circuit; and for Supreme Court Justice John Paul Stevens. She is admitted to practice before the District of Columbia, the States of Colorado and Massachusetts, and the U.S. Supreme Court.

### **Justin Pidot**

Justin Pidot graduated with high honors from Wesleyan University before attending Stanford Law School, where he graduated with distinction and was editor in chief of the Stanford Environmental Law Journal. Professor Pidot served as the Deputy Solicitor for Land Resources for the Department of the Interior during the Obama Administration. He also clerked for Judge Judith W. Rogers of the U.S. Court of Appeals for the District of Columbia Circuit. Prior to joining the University of Denver faculty, he was an appellate litigator at the Environment and Natural Resources Division of the U.S. Department of Justice, where he presented argument in more than a dozen federal appellate cases and acted as the staff attorney on two cases before the United States Supreme Court. Professor Pidot also completed a fellowship at the Georgetown Environmental Law & Policy Institute. Professor Pidot's scholarship and teaching focus on environmental law, natural resources law, and federal courts.

### **J.B. Ruhl**

J. B. Ruhl is an expert in environmental, natural resources and property law, and also studies the legal industry and legal technology. He was named director of Vanderbilt's Program on Law and Innovation in 2014 and serves as the Co-director of the Energy, Environment and Land Use Program. Before he joined Vanderbilt's law faculty as the David Daniels Allen Distinguished Chair of Law in 2011, he was the Matthews & Hawkins Professor of Property at the Florida State University College of Law, where he had taught since 1999. His influential scholarly articles relating to climate change, the Endangered Species Act, ecosystems, governance, and other environmental and natural resources law issues have appeared in the California, Duke, Georgetown, Stanford and Vanderbilt law reviews, the environmental law journals at several top law schools and peer-reviewed scientific journals. His works have been selected by peers as among the best law review articles in the field of environmental law ten times from 1989 to 2016. Over the course of his career, he has been a visiting professor at Harvard Law School, George Washington University Law School, the University of Texas Law School, Vermont Law School, and Lewis and Clark College of Law. He began his academic career at the Southern Illinois University School of Law, where he taught from 1994 to 1999 and earned his Ph.D. in geography.

### **James Salzman**

James Salzman is the Donald Bren Distinguished Professor of Environmental Law with joint appointments at the UCLA School of Law and at the Bren School of the Environment at UC Santa Barbara. He formerly held joint appointments at Duke University as the Samuel F. Mordecai Professor of Law and Nicholas Institute Professor of Environmental Policy. In nine books and more than ninety articles and book chapters, his broad-ranging scholarship has addressed topics spanning drinking water, trade and environment conflicts, policy instrument design, and the legal and institutional issues in creating markets for ecosystem services. A 2012 study by Phillips and Yoo ranked him as the fifth most cited environmental law professor in the field. There have been over 100,000 downloads of his articles.

### **Gerald Torres**

Gerald Torres is a leading figure in critical race theory, environmental law and federal Indian Law. He previously served as the Bryant Smith Chair in Law at the University of Texas School of Law and taught at The University of Minnesota Law School, where he served as Associate Dean. He is also a former president of the Association of American Law Schools (AALS). Torres has served as deputy assistant attorney general for the Environment and Natural Resources Division of the U.S. Department of Justice in Washington, D.C., and as counsel to then U.S. attorney general Janet Reno.

### **Charles Wilkinson**

Charles Wilkinson is the Moses Lasky Professor of Law Emeritus at the University of Colorado. He has also been named as Distinguished Professor, one of just twenty-five on the University of Colorado-Boulder campus. After graduating from Stanford Law School and practicing with Phoenix and San Francisco firms, Wilkinson joined the Native American Rights Fund in 1971 as a staff attorney. Since 1975, he has taught at the Oregon and Colorado law schools, receiving many teaching and research awards.