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Shifting Baselines and New Meridians: Water,
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the American West (Summer Conference, June 4-6)

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AGENDA: Shifting Baselines and New Meridians: Water, Resources, Landscapes, and the Transformation of the American West

University of Colorado Boulder. Natural Resources Law Center

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NATURAL RESOURCES LAW CENTER
ANNUAL SUMMER CONFERENCE
JUNE 4-6, 2008
UNIVERSITY OF COLORADO LAW SCHOOL
Wolf Law Building
Boulder, Colorado



Shifting Baselines & New Meridians
*Water, Resources, Landscapes, & the
Transformation of the American West*

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Shifting Baselines & New Meridians

Water, Resources, Landscapes, and the Transformation of the American West

The American West is changing. As we cope with rapid population growth, we also face a changing climate that has already begun to disrupt historical weather patterns. The full brunt of these changes will not likely be known for many years. As the West changes, so too do the pressures on our land, water, and energy resources. The legal and political institutions that evolved to manage these natural resources have, for the most part, served us well. But it is far from clear that these institutions are capable of adapting as quickly and as extensively as may be necessary to serve us in the future. This conference explores these themes and considers how the transformation of the West may foreshadow fundamental changes to our legal and political institutions.

CLE Credits: 21 General, 4 Ethics

Wednesday, June 4

8:30

Opening Remarks

Mark Squillace, Director,
Natural Resources Law Center

8:45–9:45

Living With Limits

Keynote speaker (to be announced)

Our natural resources are not inexhaustible and sooner or later we will have to face that fact. What *can* we do now – what *should* we do now — to promote the better management and use of our finite natural resources?

10:00–10:30 **Morning Break**

10:15–Noon

Session 1:

The Future of Energy

Moderator: **Gary Bryner**, Brigham Young Univ. Dept. of Political Science

Panelists: **Donna House**, consultant to Indigenous NGOs and Navajo Nation Tribe; **Doug Larson**, Western Interstate Energy Board; **Amy Mall**, Senior Policy Analyst, Natural Resources Defense Council; **Vickie Patton**, General Counsel, Environmental Defense Fund.

The West faces a series of energy bottle-necks ranging from the limits of an overloaded transmission grid to increasing conflicts with wilderness designations and tribal sovereignty. This panel will identify practical and sophisticated solutions to overcome these energy bottle-necks and meet the overarching goal of climate neutrality.

12:00–1:15 **Environmental Law Society
Barbeque in the courtyard**

1:15–2:30

Session 2:

Values for the New West

Panel A — *Lessons from our Communities*

Moderator: **Sarah Krakoff**, Univ. of CO Law School

Panelists: **Bob Gough**, NativeEnergy, Inc.;

Heidi van Genderen, Colorado Office of the Governor, Senior Advisor on Climate Change;

Wendy McDermott, Executive Director of High Country Citizens Alliance

How are western communities of various sizes incorporating their values of community sustainability into resource management? This panel from diverse western regions will discuss their ethical approach to protecting precious natural resources.

2:30–3:45

Panel B — *Growing a Sustainable Community*

Moderator: **Maxine Burkett**, Univ. of CO Law School

Panelists: **Sarah Krakoff**, Univ. of CO Law School;

Rebecca Tsosie, Arizona State Univ.–Sandra Day O'Connor College of Law

Is it possible to reorient our understanding of our ethical duties to the environment and to foster more sustainable communities? This panel will consider ethical frameworks and whether they foster changes in attitude and behavior.

3:45–4:15

Break

4:15–5:30

Session 3: Good Stories & Hard

Truths: The Role of Western Journalism

Moderator: **Tom Yulsman**, Univ. of Colorado School of Journalism.

Panelists: **Jerd Smith**, Reporter, *Rocky Mountain*

News; **Jim Stiles**, Publisher & Editor, *Canyon*

Country Zephyr; **Jonathan Thompson**,

Editor, *High Country News*.

This panel will feature journalists who specialize in relating stories about the ways in which communities or regions address the limits of their landscapes. Each writer will discuss a place about which they are most passionate. A more general discussion will follow about the challenges involved in presenting hard truths, particularly in the New West. This panel is meant to generate conversation during the following reception.

5:30

Reception in the courtyard

Thursday, June 5

8:30–10:15 **Session 4: Water for the 21st Century**

Panel A — Addressing the Big Questions in Western Water

Moderator: **Doug Kenney**, Natural Resources Law Center

Panelists: **Sarah Bates**, Western Progress; **Kay Brothers**, Southern Nevada Water Authority; **David Feldman**, Univ. of California–Irvine; **Bart Miller**, Western Resource Advocates; **David Getches**, Dean, Univ. of Colorado Law School.

Can the challenges facing western water resources be resolved through incremental change, or must the fundamental tenets of how water is allocated, used and managed be re-evaluated and reformed? Do existing regimes of law and governance provide a suitable foundation for reconciling different values and aspirations for the region, and for achieving a vibrant, healthy and sustainable West?

10:15–10:30 **Morning Break**

10:30–12:30 **Panel B — Rethinking Western Water Law**

Moderator: **Mark Squillace**, Natural Resources Law Center

Panelists: **Reed Benson**, Univ. of Wyoming College of Law; **Bonnie Colby**, Univ. of Arizona Dept. of Agriculture & Resource Economics; **Janet Newman**, Lewis & Clark Law School.

Can prior appropriation survive the changing political landscape of the West? What changes should we anticipate, and what changes should we encourage, as the New West evolves? This panel explores these issues and offers a preview of the future of western water law.

12:15–1:45 **Lunch: on your own**

1:45–3:30 **Session 5: Species and Habitats in the Changing West**

Moderator: **Dale Goble**, Univ. of Idaho College of Law

Panelists: **Holly Doremus**, Univ. of California-Davis Law School; **J. Michael Scott**, U.S. Geological Survey; **Kieran Suckling**, Center for Biological Diversity; **Barton “Buzz” Thompson**, Stanford Law School –Woods Institute for the Environment.

This discussion will focus on the West’s biological diversity in light of expanding population and development. The panel will investigate the current state of the Endangered Species Act, and will then turn to potential legal methods of maintaining biodiversity such as Endangered Species Act reform and ecosystem services.

3:30–3:45 **Afternoon Break**

3:45–5:30 **Session 6: The Urbanizing West—Limits to Water, Limits to Growth**

Moderator: **Sarah Bates**, Western Progress

Panelists: **Jim Holway**, Global Institute of Sustainability–Arizona State University; **Lora Lucero**, American Planning Assoc.: Editor - *Planning & Environmental Law*. **Shaun McGrath**, Program Director – Western Governors’ Association

Which, if either, is an appropriate means to better reconcile the apparent disconnect between land-use planning and water planning in water-short areas: (a) try to limit (or at least moderate) growth pressures through water management policies; or (b) try to limit stress on water resources through improved land-use planning decisions? Stated differently, if land-use decisions are placing undue stress on limited water resources, then does the responsibility for addressing this issue rest with the water managers, the land-use planners, both parties working together, or another body, forum, or approach altogether?

5:30 **Adjourn for day**

Friday, June 6

8:30–10:30 **The Politics of Change and Natural Resources**

Moderator: **Patty Limerick**, Center of the American West

Participants: **Lynn Scarlett**, current Deputy Secretary of the U.S. Dept of the Interior; **David J. Hayes**, former Deputy Secretary of the U.S. Dept of the Interior; Latham & Watkins–Washington, DC.

Lynn Scarlett and David Hayes will speak for 15 minutes about the issue of natural resources in the upcoming elections. These presentations will be followed by an lively discussion from questions posed by Patty Limerick.

10:30–11:00 **Morning Break**

11:00–12:00 **The Future of Natural Resources Law and Policy in the West**

David Getches, Dean Univ. of Colorado Law School.

Karin Sheldon, Exec. Director, Western Resource Advocates.

Guy Martin, Perkins Coie (Washington, DC).

A discussion of the overall issues that have evolved during the conference

12:00 Noon: **Conference Adjourns**



2008 SUMMER CONFERENCE

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