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Introduction to the Legal Foundation of Federal  
Land Management (December 1-3)

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12-1-2004

# AGENDA: Introduction to the Legal Foundation of Federal Land Management

University of Colorado Boulder. Natural Resources Law Center

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# **Introduction to the Legal Foundation of Federal Land Management**

December 1-3, 2004  
Natural Resources Law Center  
University of Colorado School of Law

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# I. Introduction

## Ia. Purpose

This course is organized around key federal land management decisions and processes that participants have to engage in, in their everyday work. This course encourages discussion of various laws, policy, and regulations, but in a context that is applied to the real-world. Three in-depth case studies will be discussed as a way of introducing the implications of federal laws, regulations and agency guidance on agency decision making and the opportunity to influence agency outcomes. All participants must read the case studies in depth prior to the training.

Participants should come away from this training with the following:

- A general understanding of the basic land management statutes guiding the U.S. Forest Service and the Bureau of Land Management (BLM).
- Familiarity with key policies and regulations related to managing off-road vehicles, oil and gas development and logging/vegetation treatment on public lands.
- A general understanding of the National Environmental Policy Act and its relationship to decisions under the Federal Land Policy and Management Act and the National Forest Management Act.
- A practical understanding of how other laws, such as the Endangered Species Act, the Clean Water Act, National Historic Preservation Act, and others can affect public land management decisions.
- A resource guide on how to find relevant legal information on the internet.

**Please note:** The schedule is very tight, we will send the case study materials out in advance and *participants will need to have read them* by the time they arrive for the training. Participants will be encouraged to eat lunch in the cafeteria and not leave NCAR to go into Boulder to eat lunch.

## **Ib. Instructors**

### **Charles Wilkinson**

Charles Wilkinson graduated from Stanford Law School in 1966, practiced with private firms in Phoenix and San Francisco and with the Native American Rights Fund, and is now the Moses Lasky Professor of Law at the University of Colorado. He has received numerous awards including; Distinguished University Professor, 2002 Hazel Barnes Prize, the Earle A. Chiles Award and the National Wildlife Federation presented him with its National Conservation Award. He has served on the boards of The Wilderness Society, Northern Lights Institute, and the Western Environmental Law Center, and is currently Board Chair of the Grand Canyon Trust.

Over the years, Professor Wilkinson has taken on many special assignments for the Departments of Interior, Agriculture, and Justice. He served as special counsel to the Interior Department for the drafting of the Presidential Proclamation, establishing the Grand Staircase-Escalante National Monument in Utah. He was appointed as a member of the Committee of Scientists, which resulted in the 2000 Forest Service planning regulations. Professor Wilkinson acted as facilitator in negotiations between the National Park Service and the Timbisha Shoshone Tribe concerning a tribal land base in Death Valley National Park. He is currently serving as mediator in two sets of negotiations, between the City of Seattle and the Muckleshoot Indian Tribe and the Oglala Sioux Tribe and the National Park Service.

Professor Wilkinson has written broadly on law, history, and society in the American West. His twelve books include the standard law texts on federal public land law and Indian law.

### **Sarah Krakoff**

Sarah Krakoff is the Acting Director of the Natural Resources Law Center and an Associate Professor at the Law School. Professor Krakoff came to CU in 1996 as Director of the Indian Law Clinic and joined the tenure track faculty in 1999. Before coming to the University of Colorado, Professor Krakoff worked on the Navajo Nation for DNA-People's Legal Services as Director of DNA's Youth Law Project, where she litigated cases about educational equality for Native American children. Prior to that, she clerked on the 9th Circuit Court of Appeals for Judge Warren Ferguson. Professor Krakoff's law degree is from Boalt Hall, University of California at Berkeley and her undergraduate degree is from Yale.

Professor Krakoff has published law review articles and book chapters on federal Indian law, environmental justice, outdoor recreation and environmental ethics, and public lands.

### **Kathryn Mutz**

Kathryn Mutz is a Staff Attorney with the Natural Resources Law Center. She has a background in both law and natural resources management. For the twelve years prior to entering law school, she worked throughout the West for government and private industry on a variety of public policy and scientific issues, including work on wetlands, endangered species, and reclamation of disturbed lands. Kathryn holds a Bachelor's degree in Geography from the University of Chicago, a Master's degree in Biology/Ecology from Utah State University, and a J.D. from the University of Colorado, concentrating in natural resources and environmental law. Most

recently, her legal research has focused on environmental justice, forestry and mineral development

**Ann Morgan**

Ann Morgan has been an Adjoint Professor at the University of Colorado School of Law since 2002. She received her BS in natural resources management from the University of California at Berkeley and her MBA at Golden Gate University. Previous to her position at the law school, she served as the Colorado State Director for the Bureau of Land Management, U.S. Department of the Interior. She has also served as the BLM state director in Nevada. Prior to joining the federal government Ann worked for the Washington State Department of Natural Resources as Division Manager for Aquatic Lands and as an engineering and construction project manager for an investor-owned utility company.

**Maggie Fox**

Maggie Fox currently serves as Deputy Executive Director of the Sierra Club, where she has worked for over 20 years in a number of positions including Director of the Southwest Regional Office and the Western Public Lands and Resources Specialist. Maggie worked extensively on issues as varied as western public lands and water resources, growth and sprawl, global warming and energy policy. She has worked on and led numerous national political and environmental campaigns in the last 20 years.

Prior to her Sierra Club career, Maggie lived and worked on the Navajo and Hopi Reservations as a tribal school teacher and community organizer. For over a decade, Maggie worked for the National Outward Bound Schools as an instructor, course director, program director and consultant. During her tenure as a wilderness educator, Maggie traveled and led high altitude mountaineering expeditions throughout the United States, Canada, South America, and Asia.

She earned her B.A. from the University of North Carolina, a Masters in Education from the University of Colorado, a teaching certificate and graduate work in teaching English as a second language from Northern Arizona University, and received a law degree with an emphasis in Indian and Environmental Law in 1982 from Lewis and Clark, Northwestern School of Law.

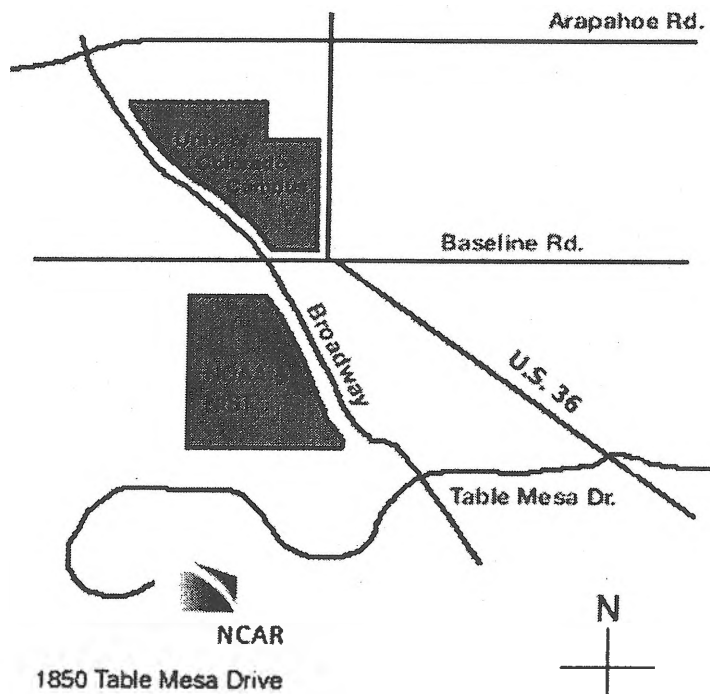
### Ic. Location

The training will be held at the National Center for Atmospheric Research (NCAR) in Boulder in the Damon Room.

NCAR is a working research laboratory located in the hills west of Boulder on a site maintained as a nature preserve. In addition to beautiful walking trails, the NCAR facility offers guided and self-guided tours, science exhibits, and the NCAR science store.

NCAR is located at 1850 Table Mesa Drive. From Denver, take U.S. Highway 36 to Boulder and exit at Table Mesa Drive; go west for three miles. From Highway 93, turn west on Table Mesa Drive. Free parking is available.

NCAR is not served by public transit.



## II. Agenda

### Wednesday December 1<sup>st</sup>

- Before 5pm Hike/explore NCAR trails
- 5:00-5:30 Mixer with wine and beer
- 5:30-6:30 Dinner catered by NCAR in the Damon Room
- 6:30-9:00 Evening talk by Professor Charles Wilkinson

### Thursday December 2<sup>nd</sup>

- 8:00-12:00 Professor Sarah Krakoff gives an overview of major laws
- 12:00-1:30 Lunch on your own (cafeteria downstairs); walk the trails
- 1:30-5:00 Travel Management Case Study  
1:30-1:45 Go over case study (previously read by participants)  
1:45-2:15 Break into small groups and discuss assigned questions  
2:15-4:00 Each group takes 20 minutes to report back and discuss  
4:00-5:00 Add special use permit for 2-day ATV event in citizen proposed wilderness; full group discussion and Q&A's

### Friday December 3<sup>rd</sup>

- 8:00-8:30 Agency cultures and how to work with agency officials
- 8:30-12:00 Oil and Gas Development Case Study  
8:30-8:45 Go over case study (previously read by participants)  
8:45-9:15 Break into small groups & discuss assigned questions  
9:15-9:45 Break  
9:45-11:30 Each group takes 20 minutes to report back  
11:30-12:00 Group discussion and Q&A's
- 12:00-1:00 Lunch on your own (cafeteria downstairs); walk the trails
- 1:00-4:00 Timber/Fuels Reduction Case Study  
1:00-1:15 Go over case study (previously read by participants)  
1:15-1:45 Break into small groups & discuss assigned questions  
1:45-3:30 Each group takes 20 minutes to report back & discuss  
3:30-4:00 Group discussion and Q&A's
- 4:00-4:15 Break
- 4:15-4:45 Inspirational wrap up by Maggie Fox
- 4:45-5:15 Wrap up and feedback on course