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Natural Resource Industries and the
Sustainability Challenge (Martz Winter
Symposium, February 27-28)

2014

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AGENDA: Natural Resource Industries and the Sustainability Challenge

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

University of Colorado Boulder. The Colorado Law Energy Innovation Initiative

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The 2014 Martz Winter Symposium: Natural Resource Industries and the Sustainability Challenge

February 27 - 28, 2014
Wolf Law Building, Boulder, Colorado

An International Conference hosted by The Getches-Wilkinson Center for Natural Resources, Energy, and the Environment and The Colorado Law Energy Innovation Initiative



For more than two decades, sustainability has gained currency as a broad organizing principle for efforts to develop and use energy, natural resources, and the environment in ways that allow society to meet its needs without compromising the ability of future generations to meet their needs. More recently, sustainability has been embraced by businesses across multiple sectors as part of a broader movement of corporate social responsibility. Hardly a day goes by without news of another corporate initiative on sustainability. Much of the enthusiasm for sustainability

in the business community has been centered in “new economy” sectors and among retail giants such as Wal-Mart. Much of it has likewise been motivated by the realization that companies can actually save money by embracing more sustainable practices.

In the traditional natural resources industries, there is an increasing recognition of the considerable challenges facing efforts to operationalize this broad concept in the context of resource extraction and development. In the long run, the promise of sustainability will depend on the natural resource industries—those that provide energy, water, fiber, and raw materials for a growing population—translating this concept into action.

This conference will draw together people from different disciplines and backgrounds to discuss the specific challenges confronting efforts to operationalize sustainability in the context of natural resource industries broadly understood. The symposium will discuss the idea of sustainability and how it is taking shape in particular places and sectors; rigorously explore current efforts to re-organize certain business practices under the rubric of sustainability; and endeavor to identify practical, meaningful actions to deepen ongoing efforts to make sustainability a central tenet of our economic, social, and environmental future.

This will be the first annual Martz Winter Symposium hosted at the University of Colorado Law School. The goal of the Martz Winter Conference is to address the important natural resource, energy, and environmental challenges of our time in a forum that includes all of the stakeholders and in an atmosphere in which all views are solicited and evaluated in a respectful but rigorous manner, and from which thoughtful solutions can emerge. By bringing together thought leaders from industry, government, the professions, NGOs and the community at large, the Conference will endeavor to promote a more effective understanding and help forge commonsense, workable policy solutions.

Agenda

Thursday, February 27, 2014

Welcome and Introduction

- [Phil Weiser](#), Dean, University of Colorado Law School
- [William Boyd](#), Associate Professor, University of Colorado Law School

5:15-
5:30pm

Opening Keynote: Reflections on the Sustainability Challenge

- [Jeff Bingaman](#), former Chair of the Senate Energy and Natural Resources Committee and U.S. Senator from New Mexico

5:30-
6:30pm

Reception

6:30pm

Friday, February 28, 2014

Opening Roundtable: A Sustainability Agenda for Natural Resource Industries

- [Michael Connor](#), Deputy Secretary of the Interior Designate 9:00-
- [Dave Freudenthal](#), Senior Counsel, Crowell Moring; former Governor of Wyoming 10:00am
- [Gale Norton](#), former Secretary of the Interior (invited)
- [Ken Salazar](#), partner WilmerHale, former Secretary of the Interior

Moderator: [Phil Weiser](#), Dean, University of Colorado Law School

Session 1: Sustainability: The History of an Idea

This session will trace the history of the idea of sustainability in various fields, including natural resources and environmental law, economics, international development policy, and business. In doing so, it will explore the different meanings and understandings of sustainability through time, its manifestation in the environmental history of particular places such as the American West, and its growing use by the business community. 10:00-11:00am

- [Charles Wilkinson](#), Professor, University of Colorado Law School
- [Paul Sutter](#), Associate Professor, University of Colorado Department of History

Moderator: [William Boyd](#) Associate Professor, University of Colorado Law School

Break

11:00-11:15am

Session 2: Practicing Sustainability in Natural Resource Industries

This session will address the growing attention to sustainability in traditional natural resources industries and the increasing recognition of the considerable challenges facing efforts to operationalize this broad concept in the context of resource extraction and development. Specific topics will include the changing role of chief sustainability officers, the trends in industry compliance efforts, and the emerging rating systems for sustainability “performance” by companies. It will also discuss 11:15am-12:45pm

the role of different stakeholders and the challenges of new models of governance (that is, different from traditional command-and-control regulation) that enable the sustainability norm to be internalized by industry participants and guided by emerging collaborative governance initiatives.

- [Stan Dempsey](#), Chairman, Royal Gold
- Teri Shanahan, Head of Sustainability, International Paper
- [Heidi McIntosh](#) Managing Attorney, EarthJustice Rocky Mountain Office
- [Jim Lochhead](#) CEO, Denver Water
- [Markus Funk](#) Co-Chair, Social Responsibility and Supply Chain Practices, Perkins Coie
- [Gary Libecap](#), Professor, Corporate Environmental Management, University of California Santa Barbara

Moderator: [Phil Weiser](#) Dean, University of Colorado Law School

Lunch

12:45-
2:00pm

Session 3: Sustainability, Resource Extraction, and Social License to Operate

This session will discuss the growing discussion of the "social license to operate" concept, as used in natural resources development, including hard rock mining, and oil and gas development. The topic will examine carefully ongoing conflicts in the United States regarding local control over shale gas development and examine the perspective of American Indian tribes as to their concerns over a lack of a "shared value" perspective.

2:00-
3:15pm

- [Kristen Carpenter](#), Associate Professor and Director, American Indian Law Program, University of Colorado Law School
- [Vickie Patton](#), General Counsel, Environmental Defense Fund
- [Elaine Dorward-King](#), Executive Vice President of Sustainability and External Relations, Newmont Mining Corporation
- [Bill Ritter](#), Director of the Center for the New Energy Economy at Colorado State University; former Governor of Colorado

Moderator: [Britt Banks](#), Executive Director, Getches-Wilkinson Center for Natural Resources, Energy, and the Environment; former General Counsel, Newmont Mining

Oxford Style Debate: Should local communities have control over oil and

3:15-
4:00pm

gas development within their jurisdictions?

- [David Neslin](#), Partner, Davis Graham & Stubbs
- [Barbara Green](#), Partner, Sullivan Green Seavy

Moderator: [Howard Boigon](#), Partner, Hogan Lovells

Break (and voting)

4:00-
4:15pm

Closing Address

- [John Mork](#), CEO, Energy Corporation of America

4:15-
5:00pm

Selected Background Reading

- [American Industry and Fracking: From Sunset to New Dawn](#), The Economist, Nov. 16-22, 2013.
- Sheila Bonini, [The Business of Sustainability](#)(McKinsey & Co. 2012). Joe Nocera, [Fracking's Achilles' Heel](#), New York Times, Nov. 18, 2013.
- Amy Harder, [Fracking Boom Fractures the Environmental Movement](#), National Journal, Nov. 20, 2013.
- Bernard D. Goldstein, et. al., [Challenges of Unconventional Shale Gas Development: So What's the Rush?](#), 27 Notre Dame J.L. Ethics & Pub. Pol'y 149 (2013)
- Thomas Dietz, Elinor Ostrom & Paul C. Stern, [The Struggle to Govern the Commons](#), 12 Sci. 302 (2003).