AGENDA: The Future of Natural Resources Law and Policy

University of Colorado Boulder. Natural Resources Law Center

Rocky Mountain Mineral Law Foundation

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Natural Resources Law Center 25TH ANNIVERSARY CONFERENCE
and
Natural Resources Law Teachers 14TH BIENNIAL INSTITUTE
University of Colorado Law School
Wolf Law Building
Boulder, Colorado
June 6-8, 2007

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Wednesday, June 6

Opening Remarks
8:15 Mark Squillace, Director, Natural Resources Law Center
David Phillips, Rocky Mountain Mineral Law Foundation

Session 1 - Reflections on Natural Resource Law and Policy
8:30 The Historical Evolution of Natural Resource Law and Policy
Moderator: Sarah Van de Wetering, University of Montana
Sally Fairfax, UC-Berkeley, Helen Ingram, UC-Irvine, and
Leigh Raymond, Purdue University
This presentation will set the stage by summarizing major trends and issues across the natural resources spectrum.

9:15 Natural Resources and Constitutional Law
James May, Widener University School of Law
How evolving constitutional law principles influence natural resources law and policy.

9:45 Discussion

10:00 Morning Break

10:30 PANEL: Changing Perspectives, Paradigms, and Interrelationships
Moderator—Nestor Davidson, University of Colorado School of Law
- Why Care about the Polar Bear? Economic Analysis of Environmental Law and Policy
Lisa Heinzerling, Georgetown Law School
How economic analysis as currently practiced slight the true value of natural resources, with particular reference to the polar bear and the future.

- The Intersection of Environmental Law and Natural Resource Law
Karin Sheldon, Vermont Law School
How the values and ideologies of environmental law - a discipline that has emerged only in recent decades - are, and are not, integrated with resources law.

- Federalism and Natural Resource Policy
Robert Fischman, Indiana University - Bloomington
The shifting balance between federal and state authority over natural resource management, especially public lands.

- The Growing Influence of Tort and Property Law on Natural Resources Law
Alexandra Klass, University of Minnesota Law School
How the development of natural resource law and policy increasingly takes into account issues of tort and property law.

12:15 Discussion

12:30 Lunch on the patio

Session 2 - The New Playing Field and The Public and Private Players
1:30 PANEL: Governance, Planning, & Public Participation
Moderator — Michael Gheleta, Brownstein Hyatt Farber Schreck
- Deciding who Decides: Agencies, Courts and the Public’s Role in Natural Resource Law
Mark Squillace, University of Colorado School of Law
How agencies make resource management decisions, including the use of public participation, as well as how the roles of the legislative and judicial branches have changed over time.

- Tribal Perspectives on Natural Resource Policy
Donald Wharton, Native American Rights Fund
The role of Tribes in natural resource management on Native American lands. What are the appropriate roles of Tribes, State and federal agencies, and the public in decisions affecting tribal resources?

- What is in a name? Why Multiple-Use Management Could, But Rarely Does, Result in Wilderness Protection
James Rasband, Brigham Young Univ. J. Reuben Clark Law School
What does the story of Interior Secretary Babbit’s wilderness re-inventory, the creation of wilderness inventory areas, and their subsequent demise as a result of the federal government’s settlement of a lawsuit with Utah tell us about the importance of naming and labeling in natural resources law? Is planning for preservation possible in a multiple use regime?

3:00 Discussion

3:15 Afternoon Break

3:45 Sources of Stress and the Changing Context of Natural Resources Law and Policy in the New West
Dr. William Travis, Dept. of Geography, Univ. of Colorado
The West will grow faster than the nation as a whole for the foreseeable future, and population growth, economic change, sprawling land development, and even climate change will make the future unlike the past. What are the major trends and what does this changing context mean for resources law?

4:15 Resource Rights and Methods of Accommodating Change - A Functional Approach
Eric Freyfogle, University of Illinois College of Law
Describing the challenge of creating resource use regimes that can successfully address the many conflicts among uses and users that inevitably arise over time - why the current regime of precisely-defined private rights is insufficient, and why we need to think about ways to promote resource governance regimes at a more local level with greater involvement of the resource users.

4:45 Discussion

5:30 Natural Resource Law Center 25th Anniversary Reception and Barbecue

Thursday, June 7

8:30 Understanding Natural Resources Law & Policy through Case Studies
John Nagle, Univ. of Notre Dame Law School

Session 3 - Oil, Gas, and Mining
9:00 The Future of Mineral Development on Federal Lands in the United States
John Leshey, Univ. of California, Hastings College of Law
CASE STUDY PANEL AND DISCUSSION: Oil and Gas Development
John Leshey; Mary Viviano, EnCana; Mike Chiropolos, Western Resources Advocates

10:15 Morning Break
Thursday, June 7

Session 4 - Public Lands and Public Resources

10:45  Trends and Challenges in Protected Land Systems
      Robert Keiter, University of Utah College of Law
      CASE STUDY PANEL AND DISCUSSION: The Roadless Rule and Other Bush Strategies for Protecting Public Lands
      Moderator: Don Barry, The Wilderness Society
      Robert Keiter; Jim Angell, EarthJustice; Sharon Friedman, USDA Forest Service–Rocky Mountain Region

12:00  Lunch (on your own)

Session 5 - Conservation and Restoration

1:30  Restoration of Ecosystems and Other Natural Resources
      William Rodgers, University of Washington Law School
      CASE STUDY PANEL AND DISCUSSION: Dam Removal on the Elwha River
      Moderator: Guy Martin, Perkins Coie, DC
      William Rodgers; Tim Randle, Bureau of Reclamation; Russ Busch, Lower Elwha Klallam Tribe

2:45  Wildlife and Biodiversity Conservation
      J.B. Ruhl, Florida State University Law School
      CASE STUDY PANEL AND DISCUSSION: Klamath River Basin
      Moderator: Larry MacDonnell, Lawrence J. MacDonnell, P.C.
      J.B. Ruhl; Greg Jaeger, Marzulla & Marzulla; Dan Tarlock, Chicago-Kent College of Law

6:00  Natural Resources Law Teachers Reception
      Millennium Hotel (hosted by Rocky Mountain Mineral Law Foundation)

Friday, June 8

Session 6 - Water

8:15  Currents in Water Resources Law and Policy
      David Getches, Dean, Univ. of Colorado School of Law; A. Dan Tarlock, Chicago-Kent College of Law
      CASE STUDY PANEL AND DISCUSSION: Can Prior Appropriation Survive? What Might Replace It?
      Moderator: Doug Kenney, Natural Resources Law Center
      A. Dan Tarlock; David Getches; Justice Greg Hobbs, Colorado Supreme Court; Matt Jenkins, High Country News

9:45  Morning Break

Session 7 - Forests and Rangeland Management

10:15  Forests and Range
      Debra L. Donahue, Univ. Wyoming College of Law
      Federico Cheever, University of Denver Sturm College of Law
      CASE STUDY PANEL AND DISCUSSION: NEPA Compliance for Timber & Grazing Permits
      Moderator: Jonathan Hanna, Research Fellow, Natural Resources Law Center
      Debra Donahue; Glen Cassamassa, Forest Supervisor Arapahoe-Roosevelt National Forest; Federico Cheever

Session 8 - The Future of Natural Resources Law and Policy

11:30  Speculations on Natural Resources Law and Policy in the Next Administration
      David Getches; Sally Fairfax; John Leshy; Ann Morgan, Charles Wilkinson
      Discussion

12:30  Conference Adjourns

Registration Form

To register online, please visit the conference website at www.colorado.edu/law/centers/nrlc. Or, fill out the following information and mail or fax it back to the NRLC office.

Name: ________________________________
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401 UCB — Wolf Law Building
Boulder, CO 80309-0401
Phone: 303-492-1286
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Email: nrlc@colorado.edu

Conference approved for 21 CLE credits by the Colorado Supreme Court
The Future of Natural Resource Law and Policy

GENERAL INFORMATION: Refunds, minus a non-refundable $50 fee, will be made if written cancellation notice is received no later than June 3rd. No refunds will be issued after that time. Early registration ends, May 21, 2007. Scholarships, based on need, may be available. Contact Mark Squillace at Mark.Squillace@colorado.edu; (303) 492-1287 to apply.

TRANSPORTATION FROM THE AIRPORT (DIA): Denver International Airport (DIA) is 40 miles from the University of Colorado campus. Hourly Supershuttle run from the airport from 6:10am to 11:10 pm. The shuttles stop at major Boulder hotels ($20 one way, $38 round trip) and at residences ($26 for the first person and $10 for each additional.) Call (303) 444-0808 for more information. In addition, RTD provides express bus services from DIA to Boulder and around Boulder and Denver. Many people find this to be the most convenient means of transportation to and from the airport. Please visit their website www.rtd-denver.com and click on sky-ride for more information.

ACCOMMODATIONS: Rooms have been blocked at discount rates at the Best Western, Homewood Suites by Hilton, and the Millennium Harvest House. Blocks will be released on May 5th. Mention the “Natural Resources Law Center” for discount. The Best Western is a 5-minute walk from the Law School, the Harvest House is a 20-minute walk, and the Hilton Homewood Suites is a 10-minute shuttle ride (provided by hotel). Visit www.bouldercoloradousa.com for more information on local lodging.

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<thead>
<tr>
<th>Best Western Boulder Inn</th>
<th>Millennium Harvest House</th>
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<tbody>
<tr>
<td>770 28th Street</td>
<td>1345 28th Street</td>
</tr>
<tr>
<td>(303) 449-3800</td>
<td>1 (800) 545-6285</td>
</tr>
<tr>
<td>Rates: $89 single/$99 double</td>
<td>Rates: $134 per room</td>
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<tr>
<td><a href="http://www.boulderinn.com">www.boulderinn.com</a></td>
<td><a href="http://www.milleniumhotels.com">www.milleniumhotels.com</a></td>
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Homewood Suites by Hilton

4950 Baseline Road
(303) 499-9922
Rates: $115/King size room

}[Room block under “RMMLF”]