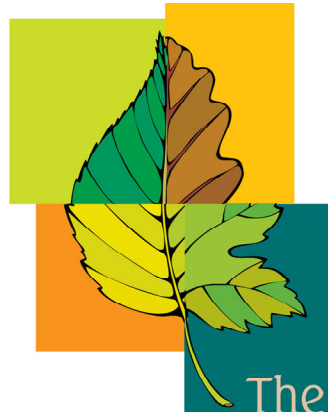
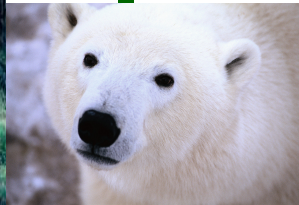
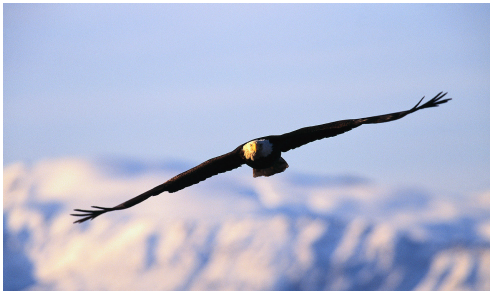


# Natural Resources Law Center 25TH ANNIVERSARY CONFERENCE and Natural Resources Law Teachers 14TH BIENNIAL INSTITUTE

University of Colorado Law School  
Wolf Law Building  
Boulder, Colorado  
June 6-8, 2007



## The Future of Natural Resources LAW & POLICY

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Section of  
**Environment, Energy, and Resources**

*The Premier Forum for Environmental, Energy, and Natural Resource Lawyers*

# 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-Berkley, **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 slights 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 Babbitt'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 Leshy**, Univ. of California, Hastings College of Law  
**CASE STUDY PANEL AND DISCUSSION: Oil and Gas Development**

Moderator: **Clay Parr**, Parr, Waddoups, et al.  
**John Leshy**; **Mary Viviano**, EnCana; **Mike Chiropoulos**, Western Resources Advocates

### 10:15 **Morning Break**

**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**; **Brian Winter**, National Park Service (invited); **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)

**Registration Form**

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

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 Fax: 303-492-1297  
 Email: [nrlc@colorado.edu](mailto:nrlc@colorado.edu)

**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**

# 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](mailto: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](http://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](http://www.bouldercoloradousa.com) for more information on local lodging.

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(303) 499-9922  
Rates: \$115/King size room

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