

University of Colorado Law School

2011 Clyde O. Martz Summer Conference



Navigating the Future of the Colorado River

JUNE 8-10, 2011

**UNIVERSITY OF COLORADO LAW SCHOOL
Wolf Law Building
Boulder, Colorado**

Sponsored by:



Rocky Mountain Mineral Law
Foundation Grants Program



Alcohol will be served at the Thursday (June 9) night reception — sponsored by WESTERN RESOURCE ADVOCATES.

Clyde O. Martz Summer Conference 2011

NAVIGATING THE FUTURE OF THE COLORADO RIVER BASIN

CLE Credits: 16 {15 General, 1 Ethic}

Wednesday, June 8

> **Open to the Public** <

4:30 pm Registration opens

5:30 pm **Welcome:** Mark Squillace, Director, Natural Resources Law Center, University of Colorado Law School

5:45 pm **KEYNOTE ADDRESS:**

Introduction: **David Getches**, Dean and *Raphael J. Moses Professor of Natural Resources Law*, University of Colorado Law School

Patricia Mulroy, General Manager, Southern Nevada Water Authority:

***“And Then There Was Little Left to Fight About.
Can We Get Through the Worst of Times?”***

Thursday, June 9

8:00 am Registration & Coffee

8:30 am Welcome and Opening Comments

Mark Squillace, Director, Natural Resources Law Center, University of Colorado Law School

8:45 am Introduction: **Colorado River 2005-2010**

Doug Kenney, Director–Western Water Policy Program of the Natural Resources Law Center, University of Colorado Law School

9:00 am **KEYNOTE ADDRESS** Introduction: **Mark Squillace**, Director, Natural Resources Law Center, University of Colorado Law School

Michael Connor, Commissioner, US Bureau of Reclamation

“The Colorado River in the Era of Cooperation”

Commentators:

Patricia Mulroy, General Manager, Southern Nevada Water Authority

Pat Tyrrell, Wyoming State Engineer

9:45 am Break

Session 1: The State of the River

10:15 am **Panel A — Understanding Supply & Demand**
Focus will be on the hydrological conditions in the Colorado River Basin—what we know and what we are learning. Speakers will address the Bureau of Reclamation Basin Study, the 2007 Interim Guidelines for Shortage Sharing, and projected impacts of climate change.

Moderator: **Larry MacDonnell**, University of Wyoming College of Law

Panelists:

Terry Fulp, Deputy Regional Director for the Lower Colorado Region, Bureau of Reclamation

Bill Rinne, Director of Surface-Water Resources, Southern Nevada Water Authority

Holly Hartman, Director, Arid Lands Information Center, University of Arizona

Commentators:

Eric Kuhn, Colorado River Water Conservation District

Jennifer Gimbel, Colorado Water Conservation Board

Sharon Megdal, Board Member, Central Arizona Water Conservation District

11:45 am: **BBQ Lunch on the PLAZA** (Sponsored by the **Environmental Law Society** of the University of Colorado Law School)

1:00 pm **Panel Discussions on New and Evolving Agreements in the Basin**

Moderator: **Mark Squillace**, Director, Natural Resources Law Center, Univ of Colorado Law School and Professor of Law

Panel B — Indian Water Rights Settlements

Panelists:

Katie Yellowhorse Gilbert, former Navajo Nation Water Commissioner

Tanya Trujillo, Counsel, Senate Energy & Natural Resources Committee

Panel C — U.S.–Mexico Negotiations

Panelists:

Steve Fitten, Chief Counsel, International Boundary Waters Commission

Jennifer Gimbel, Colorado Water Conservation Board

Mario Lopez Perez, Engineering and Technical Standards Manager, National Water Commission of Mexico

3:00 pm **Break**

Session 2: Is This Our Destination?

3:30 pm **Panel D — Rethinking the Current Path**
Speakers will consider the pressures facing governance structures that frame water management decisions in the Colorado River Basin, consider the views articulated by Basin leaders about the conditions they expect to face in the coming decades, and explore alternative ways of addressing trans-boundary river basin governance, drawing from international examples.

Doug Kenney, Director–Western Water Policy Program of the Natural Resources Law Center, University of Colorado Law School:

How Does Climate Change Impact the Need for, and Direction of, Institutional Reform?

Sarah Bates, Center for Natural Resources & Environmental Policy, Univ. of Montana:

Leaders' Perspectives: What's Coming?

Lynn Scarlett, former Deputy Secretary of the U.S. Department of the Interior, Visiting Scholar at Resources for the Future:

New Models for River Management

Commentator: **John Fleck**, Western water journalist. Staff Writer, *Albuquerque Journal*

5:00 pm **Adjourn to (2nd floor Café) for Reception and Poster Presentations**

Friday, June 10

Session 3: Mapping a New Course

8:30 am **Panel E** — **Who Should be at the Table, and What Should They be Talking About?**

This session (which will provide one hour of CLE ethics credit) will explore issues related to process, including involvement of Indian tribes, stakeholders, and others in planning and decisions regarding Colorado River management.

Moderator: **Joe Feller**, Professor of Law, Arizona State University

Speaker: **Robert Adler**, James I. Farr Chair in Law, Univ. of Utah S.J. Quinney College of Law

Commentator: **Jim Lochhead**, CEO/Manager, Denver Water

9:15 am **Panel F** — **Some Policy Options and Solutions**
Facilitated Panel and Audience Discussion

This session begins with a report on a study of Colorado River opinion leaders' views and opinions on policy options, and then engages a diverse panel and the conference audience in a facilitated discussion of solutions to identified problems, ranging from interstate water sharing agreements to water supply augmentation.

Moderator: **Bill Travis**, Director, Center for Science and Technology Policy Research/CIRES and Assoc. Professor–Dept. of Geography, University of Colorado–Boulder

Sarah Bates, Center for Natural Resources & Environmental Policy, University of Montana:

Leaders' Perspectives: Options for Moving Forward

Drew Beckwith, Water Policy Manager, Western Resource Advocates

Water Efficiency and 21st Century Alternatives

Bonnie Colby, Dept. of Agriculture & Resource Economics, University of Arizona

Smart Fallowing: New Strategies in Agricultural Forbearance Programs

10:05 am **Break**

10:35 am *continued* — **Panel Discussion on Some Policy Options and Solutions**

Robert Wigington, The Nature Conservancy

Water Banks: Voluntary and Flexible Water Supplies for the Colorado River's Uncertain Future

Eric Kuhn, Colorado River Water Conservation District

Risk Management Strategies for the Upper Colorado River Basin

Les Lampe, Colorado River Water Consultants, Las Vegas, Nevada

Augmentation Options

Larry MacDonnell, University of Wyoming College of Law

Thinking the Unthinkable: Reducing Prospective and Existing Uses

12:15 pm **Lunch on your own**

1:30 pm **Panel G** — **Concluding Thoughts . . . and Looking Ahead**

Moderator: **Guy Martin**, Partner, Perkins Coie – Washington, DC

Panelists:

Terry Fulp, Deputy Regional Director for the Lower Colorado Region, Bureau of Reclamation

Taylor Hawes, Colorado River Program Director, The Nature Conservancy

Jim Lochhead, CEO/Manager, Denver Water

Don Ostler, Upper Colorado River Commission

Lynn Scarlett, former Deputy Secretary of the Interior

Kimery Wiltshire, CEO and President, Carpe Diem West

3:30 pm: **Conference Adjourns**

Pre-Conference Events

June 8 — **Open to the Public:** Univ. of Colorado Law School, Wolf Law Bldg. Courtroom

8:30 am to 1:00 pm —

261st Meeting of the Upper Colorado River Commission

AGENDA

1. Call meeting to order – Roll Call- Introduce audience – Chairwoman Hannay
2. Filing of documents to conform meeting to the By-Laws – Don Ostler
3. Approval of Minutes of December 15, 2010 in Las Vegas, Nevada
4. Welcome and Report from the State of Colorado – Jennifer Gimbel
5. Report of Chairwoman Hannay
6. Report of the Executive Secretary – Don Ostler
7. Discussion and acceptance of the Treasurer's report – Don Ostler
8. Discussion and approval of the Commission budget for 2012 and tentative 2013 – Dennis Strong
9. Report of the Colorado River Salinity Control Forum – Don Barnett
10. Report of the Bureau of Reclamation – Larry Walkoviak
11. Report of Western Area Power Administration – Laverne Kyriss
12. Report of the Fish and Wildlife Service – Tom Chart
13. Report from the National Park Service –
14. Report from the Western Water Assessment--Jeff Lukas
15. Next meeting of the Commission (proposed December 14, 2011 Las Vegas, Nevada)
16. Other business
17. Adjourn Commission meeting

2:00 to 4:00 pm:

Colorado River Basin-Wide FEDERAL STUDIES – An Update

Multiple Federal agencies are conducting basin-wide studies that address potential climate variability and change in the Colorado River Basin. A selected group of Federal program managers and technical specialists has been invited to provide an overview of their activities and participate in an open discussion of the commonalities, differences, and opportunities for collaboration among these studies.

MODERATOR: Kimery Wiltshire, CEO & Director of Carpe Diem West

STUDIES TO BE PRESENTED/DISCUSSED

Colorado Plateau and Sonoran Desert Rapid Ecoregional Assessments

Dr. Karl Ford, Bureau of Land Management

WaterSMART Colorado River Basin Geographic Focus Study

Bret Bruce, U.S. Geological Survey

Southwest and North Central Climate Science Centers

Dr. David Busch, U.S. Geological Survey

Southern Rockies and Desert Landscape Conservation Cooperatives

Kevin Johnson, U.S. Fish and Wildlife Service

Avra Morgan, Bureau of Reclamation

Pilot Drought Early Warning System for the Upper Colorado River Basin

Dr. James Verdin, U.S. Geological Survey

Colorado River Basin Water Supply & Demand Study

Dr. Terry Fulp, Bureau of Reclamation

June 10 — **8:30 am to 4:30 pm**

Presidential Academy in American History and Civics Education

University of Colorado Law School — Colloquium (Room 480)

About the NRLC Martz Summer Conference

Since 1980, the University of Colorado Law School has convened an annual summer conference on leading issues in natural resources law and policy. The summer conference was instrumental in the decision to establish the Natural Resources Law Center in 1982, and the Center has hosted the summer conference ever since.

The NRLC's popular summer conference is renowned for its success in bringing together the leading lawyers and policy-makers of the day to engage a sophisticated audience in an informed discussion and debate over natural resources policy. The NRLC summer conference regularly attracts prominent national speakers.

In 2009, the NRLC named its summer conference to honor **Clyde O. Martz**. Over his long and distinguished career, Clyde Martz has worn many hats. He began his career as a law professor at the University of Colorado, where he wrote the first casebook on natural resources law, at a time when it was not even recognized as a distinct field of study. Eventually, Clyde left teaching to practice law with the law firm of David, Graham, and Stubbs, where he remained for most of his remarkable career. On two occasions, however, Clyde left practice to enter public service, first to serve as the Assistant Attorney General for Land and Water Resources during the Lyndon Johnson Administration, and subsequently to become the Interior Solicitor during the Jimmy Carter Administration. Beyond his many professional accomplishments, Clyde was a leading promoter of the field of natural resources law. He was a founder and one of the first presidents of the Rocky Mountain Mineral Law Foundation, and he was the chair of the committee that led to the founding of our own Natural Resources Law Center. Naming the summer conference in honor of Clyde reminds us of the important role that the Center has to play in the national debate over natural resources policy. We hope you will join us in shaping that debate.



The NRLC's annual summer conference hosts outstanding faculty, scholars, public officials, and students who gather to discuss the complex and fascinating issues that dominate the field of natural resources law and policy. The NRLC will administer the summer program in a way that honors Clyde's singular contributions to the profession.



For nearly 30 years, the Center has engaged in research to assist the public discussion of natural resource policy issues, and helping resolve the conflicts surrounding resource development and preservation. The NRLC constituents include all levels of government, the natural-resource industry, community and environmental groups, attorneys, Native American Tribes, academics, students, and the general public.

Mission and Vision: *To inform and influence natural resource laws, policies, and decisions.*

Through a comprehensive program of research, education, and advice, the NRLC seeks to inform and influence legal and policy decisions on western natural resources. Working with our network of leading legal and policy decision-makers, natural resource administrators, researchers, stakeholders, and concerned citizens — and in conjunction with the University of Colorado Law School and the broader University of Colorado community and regional and national natural resources institutions — the NRLC focuses intellectual and practical expertise on natural resources issues of importance in the American West.

To achieve this mission, the NRLC will:

- provide governments, conservation organizations, business groups, community members, and other decision makers in the West with timely, practical, problem-solving research;
- help national policy makers understand western trends, challenges, and innovations; and will foster national policies that reflect western realities
- continue to expand our audience of decision makers, broaden our network of partners and collaborators, and improve communication with our constituents.

Supporting the Center

The NRLC is a self-sustaining program within the Colorado Law School. Our work is possible only because of generous grants and support.

To contribute ...

On-line:

<http://www.cufund.org/giveonline/index.php?ID=28#> .

Scroll down to “Natural Resources Law Center”

By Mail:

Make your check payable to the **University of Colorado Foundation**

Send to:

Natural Resources Law Center
University of Colorado Law School
401 UCB – Wolf Law Building
Boulder, CO 80301-0401

SUMMARY OF CONFERENCES (1980-2010)

1. July 28- August 1, 1980 **Federal Lands, Laws and Policies and the Development of Natural Resources**
 2. June 8-11, 1981 **Water Resources Allocation: *Laws and Emerging Issues***
 3. June 7-10, 1982 **New Sources of Water and Energy Development and Growth: *Interbasin Transfers***
 4. June 6-9, 1983 **Groundwater: *Allocation – Development – Pollution***
 5. June 6-8, 1984 **The Federal Land Policy and Management Act**
 6. June 3-5, 1985 **Western Water Law in Transition**
 7. June 2-4, 1986 **Western Water: *Expanding Uses/ Finite Supplies***
 8. June 1-3, 1987 **Water as a Public Resource: *Emerging Rights and Obligations***
 9. June 1-3, 1988 **Water Quality Control: *Integrating Beneficial Use and Environmental Protection***
 10. June 5-7, 1989 **Boundaries and Water: *Allocation and Use of a Shared Resource***
 11. June 6-8, 1990 **Moving the West's Water to New Uses: *Winners and Losers***
 12. June 5-7, 1991 **Innovation in Western Water Law and Management**
 13. June 15-17, 1992 **Uncovering the Hidden Resource: *Groundwater Law, Hydrology and Policy in the 1990s***
 14. June 14-16, 1993 **Water Organizations in a Changing West**
 15. June 13-15, 1994 **Regulatory Takings and Resources: *What are the Constitutional Limits?***
 16. June 12-14, 1995 **Sustainable Use of the West's Water**
 17. June 9-12, 1996 **Biodiversity Protection: *Implementation and Reform of the Endangered Species Act***
 18. June 2-4, 1997 **Dams: *Water and Power in the West***
 19. June 8-10, 1998 **Outdoor Recreation: *Promise and Peril in the New West***
 20. June 8-11, 1999 **Strategies in Western Water Law and Policy: *Courts, Coercion and Collaboration***
 21. June 7-9, 2000 **Water and Growth in the West**
 22. June 13-15, 2001 **Two Decades of Water Law and Policy Reform: *A Retrospective and Agenda for the Future***
 23. June 11-14, 2002 **Allocating and Managing Water for a Sustainable Future: *Lessons from Around the World***
 24. June 15-17, 2003 **Water, Climate and Uncertainty: Implications for Western Water Law, Policy and Management**
 25. June 16-18, 2004 **Groundwater in the West**
 26. June 8-10, 2005 **Hard Times on the Colorado River: *Drought, Growth and the Future of the Compact***
 27. June 7-9, 2006 **Climate Change and the Future of the American West: *Exploring the Legal and Policy Dimensions***
 28. June 6-8, 2007 **The Future of Natural Resources Law and Policy**
 29. June 4-6, 2008 **Shifting Baselines and New Meridians: Water, Resources and Transition of the American West**
 30. June 3-5, 2009 **Western Water Law, Policy & Management: *Ripples, Currents and New Channels for Inquiry***
 31. June 4-6, 2010 **The Past, Present, and Future of Our Public Lands: Celebrating the 40th Anniversary of the Public Land Law Review Commissions' Report — *One Third of the Nation's Land***
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Other Events: Symposia, Workshops, Hot Topics

June 11-13, 1984	The Federal Impact on State Water Rights
June 10-11, 1985	Issues and Directions Leasing: <i>Public Lands Mineral</i>
June 9-10, 1986	Getting a Handle on Hazardous Waste Control
September 14-16, 1986	External Development Affecting the National Parks: Preserving "<i>The Best Idea We Ever Had</i>"
June 8-10, 1987	The Public Lands During the Remainder of the 20th Century: <i>Planning, Law, and Policy in the Federal Land Agencies</i>
March 18, 1988	Workshop on the <i>Federal Onshore Oil and Gas, Leasing Reform Act of 1987</i>
March 31- April 1, 1988	Instream Flow Protection in the Western United States: <i>A Practical Symposium</i>
June 8-10, 1988	Natural Resource Development in Indian Country
September 7, 1988	Workshop on the <i>Regulations Implementing the Amendments to the Mineral Leasing Act of 1920</i>
October 12-13, 1989	New Challenges for Environmental Protection: <i>Second Sino-American Conference on Environmental Law</i>
November 27-28, 1989	Air Quality Protection in the West
May 3-4, 1990	Oil and Gas Joint Operating Agreement
October 18, 1991	The Law of International Watercourses: <i>The United Nations International Law Commission's Draft Rules on the Non- Navigational Uses of International Watercourses</i>
November 19, 1993	Wetland Issues in Resources Development in the Western United States
September 28-30, 1994	Who Governs the Public Lands: Washington? The West? The Community?
January 26-27, 1995	Oil and Natural Gas Pipelines — Wellhead to End User
August 2, 1995	Western State Water Planning Symposium
October 11-13, 1995	Challenging Federal Ownership and Management: <i>Public Lands and Public Benefits</i>
February 1, 1996	Restoring the West's Waters: <i>Opportunities for the Bureau of Reclamation</i>
September 16-18, 1996	The National Forest Management Act in a Changing Society: <i>How well has it worked in the past 20 years? Will it work in the 21st Century?</i>
May 4-5, 1998	Rights-of-Way—<i>How Right is Your Right-of-Way?</i>
April 7-8, 2001	Cartography of Governance— Exploring the Province of Environmental NGO's
October 9, 2001	Native American Sacred Lands Forum (and Film Screening)
November 16, 2001	Public Lands Symposium (FLPMA)
November 27, 2001	Roundtable on <i>Energy & the Environment</i>
April 4-5, 2002	Coalbed Methane Development
April–September 2002	Discussion Series: <i>The Silence of the Lands: Noise and Our National Parks</i> — Endangered Species Act Workshop
August 11-16, 2003	Energy Field Tour 2003

May 12-13, 2004	Workshop on <i>Best Management Practices and Adaptive Management in Oil & Gas Development</i>
August 4-6, 2004	Energy Field Tour 2004
December 1-3, 2004	Workshop on the <i>Introduction to the Legal Foundation of Federal Land Management</i>
June 16-19, 2005	Community Forests: <i>Possibilities, Experiences, and Lessons Learned</i> (held in Missoula, Montana)
October 9, 2006	Celebrating the Centennial of the Antiquities Act
March 16–17, 2007	Symposium on <i>The Climate of Environmental Justice — Taking Stock</i>
May 10, 2007	<i>HOT TOPIC</i>: Wetlands Regulations after Rapanos
March 21, 2008	<i>HOT TOPIC</i>: Securing Environmental Flows on the Colorado River in an Era of Climate Change: Issues, Challenges & Opportunities
December 11, 2008	Workshop on <i>Evolving Regional Frameworks for Ag-to-Urban Water Transfers</i>
December 16, 2008	<i>HOT TOPIC</i>: Managing Oil & Gas Development in Colorado: <i>The New COGCC Rules</i>
February 5, 2010	Symposium on <i>The Promise & Peril of Oil Shale Development</i>
November 12, 2010	Symposium on <i>Shale Plays in the Intermountain West</i>
