

David Getches contributions to natural resources; Fall Amicus

Written by Ann J. Morgan, Vice President Public Lands, The Wilderness Society

He has been called a hero, kind, modest, brilliant, visionary, idealistic and tireless. And David Getches was all of that when he put his energy toward conserving and managing the West's precious resources including his beloved Colorado Plateau and the Colorado River Basin. In combination with his dedication to public service, his contributions to natural resources spans founding new institutions, serving on the boards of non-profit organizations, serving in government at the state and federal level, and of course teaching and writing about water and natural resources law. Just as a stone dropped into a high alpine lake causes ripple after ripple out into the world, so has David touched, and taught and inspired into conservation action many, many lives.

David exuded trustworthiness and integrity and he gained respect immediately with everyone he interacted with—whether they agreed with him or not. This allowed David to be listened to by all sides, to serve as an honest broker, and to have his creative, and sometimes outlandish ideas be considered and eventually adopted. His strategic thinking, his values, and his deep knowledge of the land, law, economies and people have influenced hundreds of decisions made throughout the West. While his name may not be found on all of the papers that document the West's recent natural history, his values, influence and quiet modesty have shaped the region.

It can be said that David lodged his dreams in institutions; believing in the power of bringing great minds together to solve common problems and re-envision the future. David's vision and belief in policy and law as the foundation for a fair and livable world led him to found the Native American Rights Foundation, the Land and Water Fund of the Rockies (now Western Resources Advocates) and the Natural Resources Law Center at the University of Colorado, School of Law. The creation of each of these outstanding institutions was as timely as it was long lasting as they each continue decades of dedication to tackling critical and complex natural resources and environmental justice issues important to society.

His groundbreaking and innovative work on tribal treaty rights in the Pacific Northwest through the Boldt decision not only righted long-standing injustices, it set the stage for the stewardship of fisheries resources for generations to come. Tribal co-management of the salmon and shellfish resources of the northwest has resulted in more integrated, ecosystems thinking for the forests, rivers and estuarine resources that both fish and people rely on.

David took leave from his teaching long enough to answer the call to serve in Governor Lamm's administration as the Executive Director of the Department of Natural Resources from 1983 to 1987 responsible for Colorado's water, wildlife, minerals, and parks. As Executive Director, David was uniquely qualified to address longstanding conflicts over water and treaty rights when he negotiated a resolution to the contentious Animas La Plata project that was less environmentally harmful while still meeting tribal needs. David succeeded in making water conservation the hallmark of Governor Lamm's term as chair of the Western Governors Association even though 1983 saw such high flows on the Colorado River that there was significant spill from the Glen Canyon Dam and Lake Powell was overflowing.

It is fair to say that David knew the Colorado River better than anyone ever has, the laws that govern it; its conflicts, dams and diversions; its history and importance to us as a people and to the ecology of the region; and the lands in the upper and lower basins over which it flowed.

David was selfless in his service on non-profit boards including the Board of trustees of the Grand Canyon Trust, Governing Council of The Wilderness Society, Board of Directors of Defenders of Wildlife, Board of trustees of the Rocky Mountain Mineral Law Foundation, and the boards of the Natural Resources Law Center at Colorado Law, American Rivers, the Trust for Public Land, the Colorado Water Trust, and Western Resources Advocates, among others. His advice, guidance and legal understanding of pressing natural resources and environmental issues helped identify innovative legal approaches to issues associated with the protection of wild lands, water and wildlife.

Whether it was corralling law professors to sign on to letters to government officials reminding them of their legal authorities and responsibilities or his active engagement in solving complex water rights issues, he brought his keen intellect and creativity to a wide range of issues. He was instrumental in ensuring that when Congress protected wilderness they also protected the rivers running through the wilderness including over 600,000 acres protected under the Colorado Wilderness Act of 1993, the North St. Vrain Creek from its headwaters in Rocky Mountain National Park down into the Roosevelt National Forest, and the stream flows within the Dominguez Canyon Wilderness. David always gave generously of his time and expertise believing that this kind of public service was vital for us all.

It would be hard to number those who learned water, public lands, Indian and natural resources law from sitting in David's classes at the University of Colorado, School of Law, but it is fair to say that the influence he has had can be felt today from the continuing contributions of his students. From Governor Bill Ritter to attorneys, judges and public servants across the state and nation, David's students are contributing to the thoughtful debate and wise stewardship of our waters and lands. David authored, co-authored or contributed to dozens of seminal books and articles on water law and natural resources law that will be referenced for years to come.

Just as we have lost a dear friend and colleague, so have the wild lands and rushing rivers of the West.