

# THE FUTURE OF PUBLIC LANDS: PEOPLE, PLACE, AND POWER

*2024 MARTZ SYMPOSIUM ON PUBLIC LANDS*



PHOTO BY LEN NECEFER

**Friday, October 4 and Saturday, October 5, 2024**

Wolf Law Building, Wittemyer Courtroom

University of Colorado Law School



Getches-Wilkinson Center

UNIVERSITY OF COLORADO BOULDER

UNIVERSITY OF COLORADO LAW SCHOOL



COLORADO  
ENVIRONMENTAL  
LAW JOURNAL



## 2024 Martz Symposium on Public Lands

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Public lands across the United States provide us with clean water, energy and food production, world-class recreational opportunities, wildlife habitat, and many other important values. Indigenous peoples have deep ties to the land informed by their traditional ecological knowledge. And public lands drive economic opportunities and job creation for rural communities. For all these reasons, the American public broadly supports the protection and sustainable use of public lands, yet they are facing unprecedented threats from resource degradation, climate change, the demands of multiple uses, and challenges in agency funding levels.

The 2024 Martz Symposium will take a deep dive into these rapid changes that are unfolding in real time and how they impact our relationship to the land. The Conference will consider the latest developments and proposed reforms to the laws and policies that govern our management of public lands, including a look at those laws that are standing in the way of progress and others that have helped to pave the way for innovation. And the Conference will convene a diverse and inclusive set of stakeholders, policymakers, academics, and advocates to share ideas on how best we can steward and care for America's public lands for current and future generations.



## Symposium Partners

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# Participate in the Dialogue

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## Slido

We will be utilizing Slido to manage questions during our facilitated discussions. This platform will be used for both remote and in person attendees. To submit questions during the conference, follow these steps:

1. Go to Slido.com
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## Day One: Friday, October 4th

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### Welcome and Introduction: 8:45-9:00

Opening Remarks from Dean Lolita Buckness Inniss (remote) and Chris Winter, Executive Director, Getches-Wilkinson Center.

### Session One: 9:00-10:15

#### BLM's 2024 Public Lands Rule – Conservation and the Multiple Use Framework

Panelists will discuss BLM's new public lands rule, which will guide management of more than 245 million acres of public land in the years to come. Panelists will discuss implementation of the rule and emerging issues, impacts on the agricultural community, and the rule's role in conservation of natural and cultural resources.

Moderator: **Sandra B. Zellmer**, Professor, University of Montana School of Law  
Panelists: **Nada Culver**, Principal Deputy Director, Policy and Programs, Bureau of Land Management  
**Alison Flint**, Senior Legal Director, The Wilderness Society  
**Cort Jensen**, Chief Attorney, Montana Department of Agriculture

### 10:15-10:45 Morning Networking Break (Refreshments provided in Boettcher Hall)

### Session Two: 10:45-12:00

#### The Future of Oil and Gas on America's Public Lands

Panelists will discuss the oil and gas leasing program on federal public lands, including new regulations issued in the last several months by the Biden Administration, recent leasing activities across federal public lands, and role of the federal oil and gas leasing program in the nation's overall energy portfolio and climate change policy landscape.

Moderator: **Mark Squillace**, Raphael J. Moses Professor of Law, University of Colorado Law School  
Panelists: **Steve Feldgus**, Principal Deputy Assistant Secretary for Land and Minerals Management, U.S. Department of the Interior  
**Michael Freeman**, Senior Attorney, Earthjustice  
**Kathleen Sgamma**, President, Western Energy Alliance

### 12:00-1:00 Lunch (Lunch provided in Schaden Commons, 2nd floor-west end)

### **Session Three: 1:00-2:15**

#### **Renewable Energy Development and the Protection of Cultural and Natural Resources**

Panelists will discuss the growth in renewable energy development on federal public lands, including new regulations issued by the Biden Administration in the last several months, priorities in siting new renewable projects, and case studies in recent conflicts.

Moderator: **Bret Birdsong**, Professor of Law, University of Nevada School of Law  
Panelists: **Peter Gower**, Climate and Renewable Energy Program Director for the Western U.S. and Canada Divisions, The Nature Conservancy  
**Mary Greene**, Senior Counsel, American Clean Power  
**Howard M. Shanker**, Attorney General, Tohono O'odham Nation

### **2:15-2:45 Afternoon Networking Break (Refreshments provided in Boettcher Hall)**

### **Session Four: 2:45-4:15**

#### **Debating the Future of the Antiquities Act**

Panelists will discuss recent Presidential proclamations establishing new national monuments as well as ongoing litigation challenging previous monument proclamations under the Antiquities Act. The conversation will include a discussion of the role of the federal courts in reviewing the exercise of Executive authority under the delegation from Congress in the Antiquities Act.

Moderator: **Chris Winter**, Executive Director, Getches-Wilkinson Center, University of Colorado Law School  
Panelists: **Matthew Campbell**, Deputy Director, Native American Rights Fund  
**Frank Garrison**, Attorney, Pacific Legal Foundation  
**Heidi McIntosh**, Managing Attorney, Rocky Mountain Regional Office, Earthjustice  
**Justin Pidot**, Professor of Law, University of Arizona School of Law

### **4:15-6:00 Conference Reception Wolf Law Building, Schaden Commons (2nd floor-west end)**

**Networking reception for all registered speakers and attendees.**

## Day Two: Saturday, October 5<sup>th</sup>

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**8:45: Welcome Back and Morning Announcements**

### **Session Five: 9:00-10:15**

#### **Evolutions in Tribal Co-Stewardship**

Panelists will talk about recent developments in Tribal co-stewardship of public lands, including recent case studies and policy tools for providing Tribes with greater opportunities for co-stewardship moving forward.

Moderator: **Monte Mills**, Charles I. Stone Professor of Law, University of Washington School of Law

Panelists: **Pat Gonzales-Rogers**, Executive Fellow and Lecturer, Yale School of the Environment

**Tom McDonald**, Vice-Chair of Confederated Salish and Kootenai Tribes

**Taylor Schad**, Policy Advisory on Forest Service and Natural Resources, U.S. Department of Agriculture

**10:15-10:45 Morning Networking Break  
(Refreshments provided in Boettcher Hall)**

### **Session Six: 10:45-12:00**

#### **Mining Reform and the Development of Critical Minerals**

Panelists will discuss recent developments in mining on public lands with a focus on impacts to Tribal communities. The panelists will provide information on Oak Flat as a case study on the potential impacts of mining on Tribal communities, and they will also discuss recent proposals for law and policy reforms.

Moderator: **Mark Squillace**, Raphael J. Moses Professor of Law, University of Colorado Law School

Panelists: **S. James Anaya**, University Distinguished Professor and Nicholas Doman Professor of International Law, University of Colorado Law School

**Chase Velasquez**, Attorney, Rothstein Donatelli LLP

**12:00-1:00 Lunch  
(Lunch provided in Schaden Commons, 2nd floor-west end)**

**Session Seven: 1:00-2:15****Forests, Wildfire, and the Protection of Old-Growth in the Era of Climate Change**

Panelists will discuss recent developments in forest management policy on federal public lands, including the Forest Service's old-growth protection strategy, cultural fire practices, and wildfire prevention and mitigation.

Moderator: **Sarah Matsumoto**, Clinical Associate Professor and Director, Getches-Green Natural Resources, Energy, and Environmental Law Clinic, University of Colorado Law School

Panelists: **Bill Imbergamo**, Executive Director, Federal Forest Resource Coalition  
**Scott Miller**, Senior Regional Director, The Wilderness Society

**2:15-2:45 Afternoon Networking Break  
(Refreshments provided in Boettcher Hall)****Session Eight: 2:45-4:00****Permitting Reform on Public Lands – The Delicate Balance Between Energy, Equity, and the Environment**

Panelists will discuss proposal for how to reform and streamline permitting on federal public lands, including new NEPA regulations issued by the Biden Administration in the last several months and Congressional proposals for further legal reforms.

Moderator: **Jamie Pleuene**, Research Associate Professor, University of Utah S.J. Quinney College of Law

Panelists: **Tommy Beaudreau**, Partner, WilmerHale  
**John Ruple**, Research Professor of Law, University of Utah S.J. Quinney College of Law  
**Pilar Thomas**, Partner, Quarles & Brady

**4:00 Adjourn**



## Speakers

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### **S. James Anaya**

S. James Anaya is a University Distinguished Professor and the Nicholas Doman Professor of International Law at the University of Colorado Law School (USA), where he teaches and writes in the areas of international human rights and issues concerning indigenous peoples. Professor Anaya is a graduate of the University of New Mexico (B.A. in Economics, 1980) and Harvard Law School (J.D., 1983). Among his numerous publications is his acclaimed book, *Indigenous Peoples in International Law* (Oxford Univ. Press, 1996, 2d. ed. 2004) and his widely-used co-authored textbook,

*International Human Rights: Problems of Law, Policy and Practice* (Aspen, 7<sup>th</sup> ed. 2023) (with Hurst Hannum and Dinah Shelton). Professor Anaya served as the United Nations Human Rights Council's Special Rapporteur on the Rights of Indigenous Peoples from 2008 to 2014. In that capacity, he examined and reported on conditions of indigenous peoples worldwide and responded to allegations of human rights violations against them, including through country visits and direct contacts with governments. In addition, Professor Anaya has litigated major indigenous rights and human rights cases in domestic and international tribunals, including the United States Supreme Court and the Inter-American Court of Human Rights. Among his noteworthy activities, he participated in the drafting of the United Nations Declaration on the Rights of Indigenous Peoples and was the lead counsel for the indigenous parties in the case of *Awes Tingni v. Nicaragua*, in which the Inter-American Court of Human Rights for the first time upheld indigenous land rights as a matter of international law.



### **Tommy Beaudreau**

Tommy Beaudreau is co-chair of WilmerHale's Energy, Environment and Natural Resources and Native American Law Practices. Mr. Beaudreau focuses his practice on a broad range of areas including conventional and renewable energy and large-scale infrastructure projects; environmental regulatory, litigation and enforcement matters; crisis management and response; and Tribal matters. In addition, Mr. Beaudreau leads internal investigations and responses to government investigations and congressional oversight.

Mr. Beaudreau served in senior leadership roles in the United States Department of the Interior for nearly a decade across two administrations. Most recently, he served as the Deputy Secretary of the Interior after being confirmed by the US Senate in June 2021 by a vote of 88-9, reflecting his strong reputation as a bi-partisan problem solver. In this role, Mr. Beaudreau was point on the most pressing and high-profile matters before the Department, including energy development on public lands and waters, water infrastructure and delivery to address sustained drought in the American west, infrastructure permitting and critical minerals development, implementation of the historic investments through the Bipartisan Infrastructure Law and Inflation Reduction Act, and a broad range of priorities relative to Indian Country.

Mr. Beaudreau previously served for nearly seven years at the Department of the Interior (DOI) during the Obama Administration, including as the first director of the Bureau of Ocean Energy Management, Acting Assistant Secretary for Land and Minerals Management, and chief of staff for the Interior Department.

He is a Distinguished Visiting Fellow at the Center on Global Energy Policy (CGEP) at Columbia University's School of International and Public Affairs.



### **Bret Birdsong**

Bret Birdsong is a Professor of Law at the Boyd School of Law at the University of Nevada Las Vegas, where he joined the faculty in 2000. His academic work focuses on conservation, public lands, natural resources, and water law. He is a co-author of a leading casebook on natural resources law, widely adopted in law schools across the country. In addition to his work in academia, Professor Birdsong has extensive experience in government. He served as Deputy Solicitor for Land Resources at the Department of the Interior during the Obama administration, where he worked extensively on sage

grouse conservation, the creation and expansion of numerous national monuments, and the design of plans to provide for both renewable energy and habitat conservation on public lands.

Professor Birdsong also served on the Biden/Harris Presidential Transition Team in 2020 as a member of the agency review team for the Department of the Interior.

Professor Birdsong graduated from Princeton University and University of California, Hastings College of the Law. Before joining the U.S. Department of Justice through the Attorney General's Honors Program, he clerked for Judge Robert P. Patterson, Jr., on the U.S. District Court for the Southern District of New York.



### **Matthew Campbell**

Matthew joined the Native American Rights Fund as a staff attorney in March of 2013 and became the Deputy Director in 2022. Prior to joining NARF, Matthew was an attorney with Cuddy & McCarthy, LLP, in New Mexico, and clerked for the Arizona Court of Appeals, Division One, with now retired Judge Patrick Irvine in 2008.

Matthew received his J.D. from the Sandra Day O'Connor College of Law at Arizona State University in 2008, and his B.A. from Fort Lewis College.

Matthew is an enrolled member of the Native Village of Gambell on the Saint Lawrence Island in Alaska.



### **Nada Wolff Culver**

Nada Wolff Culver is the Principal Deputy Director of the Bureau of Land Management, overseeing policy and programs for the agency. Prior to being appointed to her current role in the BLM, Nada served as the Vice President, Public Lands and Senior Policy Counsel at the National Audubon Society. Before joining Audubon, Nada was the Senior Counsel and Senior Director for Policy and Planning at The Wilderness Society. Nada began her career in the private sector, working on a variety of environmental issues including energy development and environmental

remediation, and was a partner with the law firm of Patton Boggs. She is a graduate of Northwestern University and the University of Pennsylvania School of Law.



### **Dr. Steven Feldgus**

Dr. Steven Feldgus has served as Principal Deputy Assistant Secretary for Land and Minerals Management since January 2024, after serving as Deputy Assistant Secretary for Land and Minerals Management for the preceding two and a half years. Prior to joining the Biden-Harris Administration, Steve served on the House Natural Resources Committee for seven years, including as Deputy Staff Director under Chair Raúl M. Grijalva and Staff Director for the Subcommittee on Energy and Mineral Resources. He also served in a variety of other roles in the legislative and executive branches over 21 years

in government. Born and raised in Philadelphia, Steve has a Bachelor of Science in chemistry from the University of Massachusetts at Amherst and a Ph.D. in physical chemistry from the University of Wisconsin—Madison.





### **Alison Flint**

Alison Flint (she/her) is Senior Legal Director at The Wilderness Society (TWS), where she manages and directs the organization's programmatic legal work focused on eliminating climate-changing emissions from public lands, securing a resilient, continental network of protected landscapes, and transforming conservation policy and practice to ensure all people benefit equitably from public lands. Before joining TWS in 2014, Alison litigated environmental cases with the Rocky Mountain Office of

Earthjustice and served as a law clerk for the late Justice Gregory Hobbs Jr. on the Colorado Supreme Court. She graduated *Order of the Coif* from the University of Colorado Law School in 2009, where she served as a research assistant for the late Charles Wilkinson. Alison lives in Bozeman, MT and is raising two spirited children to love and respect our shared public lands.



### **Michael Freeman**

Michael Freeman is a senior attorney with Earthjustice in Denver, Colorado where his practice focuses on public lands and energy law in the Rocky Mountain West. Mike has represented conservation and sportsmen groups in successful efforts to protect Colorado's Roan Plateau and Thompson Divide from oil and gas leasing, and in ongoing litigation to protect the greater sage-grouse. Mike also represents Native American tribes in litigation and administrative proceedings over oil and gas and environmental matters. In addition, Mike has represented

citizen groups in numerous proceedings before Colorado's Energy and Carbon Management Commission (formerly known as the Oil and Gas Conservation Commission). Mike graduated from the University of Chicago Law School and received his undergraduate degree from the University of California at Berkeley.



## Frank Garrison

Frank Garrison is an attorney in Pacific Legal Foundation's Separation of Powers practice. He primarily litigates cases on the Clean Water Act, the Antiquities Act, and commercial fishing, among other issues.

Frank was inspired to become a constitutional litigator in law school when he read Professor Randy Barnett's book, *Restoring the Lost Constitution*, which describes how the Supreme Court during the New Deal eviscerated the Constitution's protection of private property rights and all

but abandoned the Constitution's separation of powers. Frank decided from that moment to dedicate his career to restoring the Constitution's protections of individual freedom.

His commitment to constitutional rights led him to a clerkship with PLF after law school, where he discovered his passion for litigating environmental law cases. During his time at PLF, he saw firsthand how federal administrative agencies use broad delegations in environmental statutes like the Endangered Species Act and the Clean Water Act to invade peoples' property rights. Frank then worked as a legal associate in the Cato Institute's Center for Constitutional Studies, where he authored amicus curiae briefs before the United States Supreme Court. He then defended the individual rights of employees as a staff attorney with the National Right to Work Legal Defense Foundation. Frank returned to PLF because it is the nation's most relentless organization fighting against unconstitutional government overreach.

Frank was born on a small farm in Indiana and earned his undergraduate degree from Indiana University (go Hoosiers!). He also obtained a J.D. from St. Thomas University College of Law and an LL.M in environmental law from American University's Washington College of Law.

When he is not fighting for liberty, Frank enjoys watching and playing sports, reading, traveling, and listening to the Grateful Dead.



### **Pat Gonzales-Rogers**

Pat Gonzales-Rogers is a Distinguished Practitioner in Residence at the Yale Center for Environmental Justice and Lecturer at the Yale School of the Environment as well as a Fellow of Practice and a Visiting Resident Fellow and the Distinguished Simpson-Hewett Lecturer for the Yale School of Divinity. Pat supervises the staff and the direction of the tribal land management plans for the Bears Ears Monument, which the Biden White House has called as its most important conservation accomplishment to date. He also serves on the board of the America the Beautiful for All

Coalition and the Windward Fund. Prior to coming to the Bears Ears Inter-Tribal Coalition, Pat was most recently the Senior Tribal Policy Advisor at EPA. He has also served as the Director of the Office of Hawaiian Affairs (OHA) Washington, DC Office, where he was in charge of OHA's Federal Advocacy, legislation and congressional affairs. Previous to OHA, Pat was at the Yale School of Management where he was the Interim-Director of the Executive Management Programs for Tribal Leaders. From 2007 to 2012 Pat was the Senior Advisor for Tribal Affairs, as well as the Chief of Congressional and Legislative Affairs for the US Fish and Wildlife Service. Prior to joining the Fish and Wildlife Service he was a "special policy consultant" to the Democratic Governors Association in 2005. In 2004 Patrick was the Director of Policy for Governor Bill Richardson of New Mexico. He has also served as Senior Policy Advisor for the US Affiliated Pacific, Special Assistant at the Administration for Native Americans, and as Assistant General Counsel to the US Senate Indian Affairs Committee, then chaired by US Senator Daniel Inouye. Pat holds a Bachelor's degree from UH Mānoa, where he also played football, and is a graduate of the University of New Mexico School of Law.



### **Peter Gower**

Peter Gower is the Climate and Renewable Energy Program Director for The Nature Conservancy's Western US and Canada Division. In this role, he works across 11 western states and Canada to advance balanced and equitable renewable energy and other climate solutions. Peter's professional experience is in land use and environmental planning, specializing in NEPA compliance, urban sustainability, and renewable energy siting. He holds a master's degree in land use planning and is a certified environmental planner. Peter lives in Reno, Nevada.



### **Mary Greene**

Mary serves as Senior Counsel for the American Clean Power Association. As part of ACP's legal team, she represents the clean energy industry on a range of issues including siting, permitting, and offshore wind. Mary has extensive experience in energy and environmental law and worked for the Solar Energy Industry Association prior to joining ACP. Mary has a law degree from Georgetown University Law Center and a Masters in Environmental Management from Duke University.





### **Bill Imbergamo**

Bill Imbergamo was named the founding Executive Director of the Federal Forest Resource Coalition (FFRC) in September 2011. In his three-decade career in Washington, Imbergamo has held leadership roles at major forest sector organizations, including the National Association of State Foresters, the American Forest & Paper Association, and the Federal Forest Resource Coalition which he helped found. In addition to his work at these associations, Imbergamo served as Senior Professional Staff to the House Agriculture Committee (2003 to 2006), and to the Senate Agriculture,

Nutrition and Forestry Committee (2009 – 2011). He has played a role in the passage of every major forestry bill enacted since arriving in Washington, including the Healthy Forest Restoration Act of 2003 and every Farm Bill Forestry title since 1996. Imbergamo is a member of the Society of American Foresters and was appointed to the Virginia Board of Forestry in 2011. An avid angler, hunter, and mediocre golfer, Imbergamo lives in Vienna, Virginia with his wife and teen-age son.



### **Cort Jensen**

Cort Jensen was raised on a farm and ranch in Circle, Montana. He went to college at Concordia College in Moorhead, MN before returning to his home state to go to law school. Mr. Jensen has been a state attorney for over twenty-three years. For the last 15 years, he has served as the chief attorney for the Montana Department of Agriculture, but as of August 24<sup>th</sup> he is now the Chief Attorney for the Montana Board of Investments. Mr. Jensen has previously served as the head of the governmental section of the Montana State Bar and still serves on the State Bar's Technology and the

Law working group. He serves on the board of the American Agricultural Law Association and has previously been awarded their Excellence in Governmental Law Award. In his spare time, he loves to play board games and teaches Food and Agricultural Law at the University of Montana Law School.



### **Sarah Matsumoto**

Sarah Matsumoto is a Clinical Associate Professor and Director of the Getches-Green Natural Resources & Environmental Law Clinic at Colorado Law. Sarah previously directed and taught in environmental clinics at Willamette University College of Law in Salem, Oregon, and the University of Denver Sturm College of Law.

In the law clinic, Sarah works with teams of students who advocate on behalf of individuals and communities seeking to protect themselves from environmental harms. She also works with clients seeking to better engage and collaborate with local, state, and federal agencies to solve pressing environmental problems. Sarah began her legal career as a public interest attorney in Oregon, where she worked with clients to enforce the Clean Water Act and Resource Conservation and Recovery Act.

Sarah writes about environmental justice, particularly in the context of water quality and extreme heat, and has published articles in the University of Missouri-Kansas City Law Review, Pace Environmental Law Review and Alaska Law Review. Her current project, presented to the 2024 Sabin Colloquium on Innovative Environmental Law Scholarship, examines federal land exchanges and the concentration of land ownership among ultra-wealthy individuals in the western United States.



### **Tom McDonald**

Tom McDonald is a member of the Confederated Salish & Kootenai Tribes on the Flathead Indian Reservation. He has a bachelor's degree from The Evergreen State College in wildlife biology and natural resource management and planning. Tom's work career over the past fifty years included work as an outdoor youth counselor, rafting guide and business owner, ski patrolman, wildland helitack crewman and smokejumper, fisheries researcher, hydrologist technician, Mission Mountains Tribal Wilderness manager, and for two decades as the manager for the Tribe's

Fish, Wildlife, Recreation and Conservation Division. Beginning in January of 2022, Tom was elected as the CSKT Tribal Council Representative at Large and served as the Tribal Chairperson for two years and is the current Tribal Council Vice Chairperson. Tom has served as a board member for the Five Valleys Land Trust, Ronan Parks Commission, Mission Valley Mariners, Lake County Parks, and as a Ronan City Council Representative. He currently volunteers with Flathead Reservation Push Play Committee, a member of the Wildlife Restoration Foundation Board and assists as an advisor to the Native Americans in Philanthropy.



### **Heidi McIntosh**

Heidi McIntosh is the managing attorney of Earthjustice's Rocky Mountain Office. In that role, she works with an enthusiastic and talented team of lawyers, litigation professionals, and policy advocates to fast forward the transition from dirty fossil fuels to clean energy sources, hold polluters accountable for their impact on vulnerable communities, and to protect critically important wildlife habitats and public lands. With a background in public lands law, her own cases have focused on issues like national monument protection, needlessly destructive mining

proposals that threaten environmental and Native American values, and using the Endangered Species Act to protect species on the brink of extinction. Before joining Earthjustice, she was the legal director of the Southern Utah Wilderness Alliance, where she worked to hold the line against development in the magnificent canyons, mesas, and Great Basin landscapes within the America's Redrock Wilderness Act. A native of Tucson, Arizona, Heidi now lives in Denver with her family and gets outdoors as much as possible for bird watching, hiking, and decompressing.



### **Scott Miller**

Scott Miller is The Wilderness Society's Senior Regional Director for the Southwest Region, where he oversees its programs in Arizona, Colorado, Nevada, New Mexico and Utah and works on an array of national policy priorities. Scott has focused on federal public land, natural resources, energy, and Indian law and policy during his career in federal government service, academia, and the nonprofit sector.

Scott was appointed by the Secretaries of the Interior, Agriculture, and Homeland Security as a member of the national Wildland Fire Mitigation and Management Commission, which issued its final report to Congress in September 2023. He also has served as a Visiting Assistant Professor and Adjunct Professor at the University of Colorado School of Law (2013-present) and as the Chair of the Advisory Council for the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment. Scott was Senior Counsel for the U.S. Senate Committee on Energy and Natural Resources (2003-2012), an Honors Program attorney and Attorney-Advisor in the Office of the Solicitor in the Department of the Interior (1998-2003), and a Biological Technician for the National Marine Fisheries Service (1992-1993).



### **Monte Mills**

Monte Mills currently serves as Charles I. Stone Professor of Law and the Director of the Native American Law Center (NALC). He teaches American Indian Law, Property, and other classes focused on Native American and natural resources related topics.

Monte's research and writing focuses on the intersection of tribal sovereignty and natural resources as well as race and racism in the law and legal education. He has published several law review articles and serves as a co-author on two textbooks: American Indian Law, Cases and Commentary and Native American Natural Resources Law. Monte also co-authored A Third Way: Decolonizing the Laws of Indigenous Cultural Protection.

Prior to joining the UW faculty, Monte was a professor and Co-Director of the Margery Hunter Brown Indian Law Clinic at the Alexander Blewett III School of Law at the University of Montana. Prior to joining that faculty, Monte was the Director of the Legal Department for the Southern Ute Indian Tribe in Colorado.



### **Jamie Pleune**

Jamie Pleune is an Associate Professor of Law (Research) at the S.J. Quinney College of Law, University of Utah and a member of the Law & Policy Program at the Wallace Stegner Center for Land Resources and the Environment. Prior to joining the faculty, she was a shareholder at Richards Brandt Miller Nelson. She studied law at the University of Utah, where she graduated Order of the Coif. Subsequently, she clerked for Justice Parrish on the Utah Supreme Court. She earned her L.L.M. from Georgetown Law, where she also worked as a staff attorney and teaching fellow at the Institute for Public Representation. Her research focuses on environmental review, permitting, climate change, and conservation. Her most recent publications include *BLM's Conservation Rule and Conservation as a "Use,"* 53 *Env'tl L. Rep.* 10824 (Nov. 2023); *This Permit Reform Works. Why Aren't Mining Projects Using It?* 53 *ENVIRONMENTAL LAW REPORTER* 10463 (June 2023); *Playing the Long Game: Expediting Permitting Without Compromising Protections*, 52 *ENVIRONMENTAL LAW REPORTER* 10893 (Nov. 2022); *Evidence-Based Recommendations for National Environmental Policy Act Implementation*, 47 *COLUMBIA J. ENVTL. L.* 273 (Spring 2022).





### **Justin Pidot**

Justin Pidot holds the Ashby Lohse Chair in Water & Natural Resources and is co-director of the environmental law program at the University of Arizona James E. Rogers College of Law. He served as the General Counsel at the White House Council on Environmental Quality during the first 3 ½ years of the Biden Administration, as the Deputy Solicitor for Land Resources at the Department of the Interior during the Obama Administration, and as an appellate litigator at the Environment and Natural Resources Division of the U.S. Department of Justice. Professor Pidot clerked for Judge

Judith W. Rogers of the U.S. Court of Appeals for the District of Columbia Circuit and completed a fellowship at the Georgetown Environmental Law & Policy Institute. He previously taught at the University of Denver Sturm College of Law.



### **John Ruple**

John Ruple is a Research Professor of Law at the University of Utah's S.J. Quinney College of Law, and Director of the Wallace Stegner Center for Land, Resources & the Environment's Law and Policy Program. He recently returned to the College of Law after serving as Senior Counsel in the White House Council on Environmental Quality where he provided legal advice on a range of issues involving federal public land management and preservation, mining law and critical mineral supply chain reform, transnational water pollution control, and National Environmental Policy

Act review implementation. John has published widely on topics including permitting reform and national monument protection, and his work appears in leading academic journals including the Harvard Environmental Law Review, Columbia Journal of Environmental Law, and U.C. Berkeley's Ecology Law Quarterly. When not working, you can find him recreating in the mountains of Utah and Idaho, and (still) trying to teach his 12-year old dog to swim.



### **Taylor Schad**

Taylor Schad serves as a policy advisor in the U.S. Department of Agriculture's Office of Tribal Relations in the Office of the Secretary. The Office of Tribal Relations leads the intergovernmental role for the Department with Tribes and serves as a single point of contact for Tribal issues. In this role Taylor provides coordination across Forest Service, Natural Resources, and Indigenous Knowledge related programming for Tribes. She covers policy work that includes Joint Secretarial Order 3403, Tribal Co-Stewardship, Incorporation of Indigenous Knowledge practices,

Indigenous Seed Saving, and coordination on the Tribal Treaty Database. Taylor earned a Juris Doctor with certificates in American Indian Law; Energy, Environmental and Natural Resources Law and Policy; and International Law from the University of Colorado Law School where she focused most of her studies on International Indigenous Rights and Treaty Rights. She received her Bachelor of Arts in Native American Studies with honors in education from Stanford University. Taylor is a citizen of the Cheyenne River Sioux Tribe in South Dakota and grew up in the Black Hills, which are part of the traditional homelands of the Great Sioux Nation.



### **Howard M. Shanker**

Attorney General Howard M. Shanker provides legal advice on all matters of interest to the Tohono O'odham Nation and representation of the Nation in tribal, state, and federal courts. Mr. Shanker oversees the Office of the Attorney General, and the Office of the Nation's Prosecutor. Prior to his appointment as Attorney General, Mr. Shanker was in private practice where he, in part, represented Tribes, Native American organizations, environmental organizations, and communities in complex constitutional, statutory, environmental, and natural resource-based counseling and

litigation. AG Shanker was also an adjunct professor at the Arizona State University, Sandra Day O'Connor College of Law, where he taught upper-level courses in environmental justice and environmental litigation. AG Shanker previously served a three-year term, as an appointee of President Clinton, on the National Environmental Justice Advisory Council ("NEJAC"), Enforcement Subcommittee, where he worked to create policy to mitigate disparate negative impacts on low income and minority communities. Mr. Shanker also previously served as Chief Judge for the Paskenta Band of Nomlaki Indians. AG Shanker has been a guest lecturer at Berkley, Boalt Hall, Univ. of Ariz. Law School, Vermont, and Indiana Law Schools.



### **Kathleen Sgamma**

Kathleen Sgamma is the President of Western Energy Alliance, a trade association that sustains environmentally responsible exploration and production of oil and natural gas industry in the West. Kathleen has testified before several congressional committees and is regularly quoted on energy and environmental issues in national and international media including the *Wall Street Journal*, *New York Times*, *BBC*, *Fox News*, and *Washington Post*. Prior to joining the Alliance in 2006, she spent eleven years in the Information Technology sector, including establishing a German subsidiary for a software company; and three years as an intelligence officer in the U.S. Army. She holds a BS in Political Science/Defense and Arms Control Studies from the Massachusetts Institute of Technology and an MS in Information Technology from Virginia Tech.



### **Mark Squillace**

Professor Mark Squillace joined the faculty at the University of Colorado Law School in 2005 where he served as the Director of the Natural Resources Law Center until 2013. Before joining the Colorado law faculty, Professor Squillace taught at the University of Toledo College of Law where he was named the Charles Fornoff Professor of Law and Values. Professor Squillace has also taught at the University of Wyoming College of Law, and at Wyoming he served a three-year term as the Winston S. Howard Professor of Law. He is a former Fulbright scholar and the author or co-author of numerous articles and books on natural resources and environmental law. In 2000, Professor Squillace took a leave from law teaching to serve as Special Assistant to the Solicitor at the U.S. Department of the Interior. In that capacity he worked directly with the Secretary of the Interior, Bruce Babbitt, on a wide range of legal and policy issues.



### **Pilar Thomas**

Pilar Thomas (Pascua Yaqui) is a partner in Quarles & Brady's Energy, Environment & Natural Resources Practice Group. She provides strategic legal advice to tribes, tribal enterprises, and renewable energy companies related to clean energy development, finance and transactions and economic development on Indian lands. Ms. Thomas previously served as the Deputy Director for the Office of Indian Energy in the US Department of Energy, Deputy Solicitor of Indian Affairs for the US Department of the Interior, Interim Attorney General and Chief of Staff for

Pascua Yaqui Tribe, and a trial attorney in the US Department of Justice, Environmental and Natural Resources Division, Indian Resources Section. She is a Professor of Practice at both the University of Arizona School of Law and Arizona State University College of Law, where she teaches Indian Energy Law. She also serves as a board member for Grid Alternatives, the Foundation for Natural Resources and Energy Law and the Native American Bar Association of Arizona.

She received her J.D. from the University of New Mexico School of Law, magna cum laude, and her B.A. in Economics from Stanford University.



### **Chase Velasquez**

Chase Velasquez is an Associate with Rothstein Donatelli LLP. Chase, an enrolled member of the White Mountain Apache Tribe, has worked as in-house counsel for the San Carlos Apache Tribe, Pascua Yaqui Tribe, and the Navajo Nation. Chase also served as the San Carlos Apache Tribe's Special Assistant United States Attorney. He began his career as a legal fellow for Professor S. James Anaya, the former United Nations Special Rapporteur on the Rights of Indigenous Peoples, where he assisted with the legal representation of Maya indigenous peoples and villages in

Belize to secure and protect land rights. Chase previously served as a Visiting Clinical Law Professor and the Interim Director of the American Indian Law Program at the University of Colorado Law School. Chase has taught Tribal Nation Economics and Law at the University of Idaho College of Law and International Indigenous Law at Mitchell Hamline School of Law. In 2023, the White Mountain Apache Tribal Council appointed Chase as a Judge for the White Mountain Apache Tribal Court of Appeals.





### **Chris Winter**

Chris Winter is Executive Director of the Getches-Wilkinson Center at Colorado Law School. He's an attorney and advocate with 25 years of experience in the field of natural resources and environmental law. Over the course of his career, he has developed an expertise in public land management, environmental justice, climate change, and fossil fuel infrastructure projects, and he has extensive experience working with and representing Indigenous communities. He's litigated environmental and natural resources cases at all levels of the federal court system.

Chris co-founded the Crag Law Center in Portland, Oregon, a non-profit law firm serving public interest clients across the Pacific Northwest. He also served as Executive Director of Access Fund, a national advocacy organization working at the intersection of outdoor recreation and public land management, spearheading its work to restore Bears Ears National Monument, promote human powered outdoor recreation, and conserve public lands.

Chris previously taught as an adjunct professor at Lewis and Clark Law School, and he is a frequent speaker on environmental and natural resources issues. Chris received his J.D. from the University of Michigan Law School and his B.A. from Cornell University.



### **Sandra B. Zellmer**

Sandra B. Zellmer is a Professor and Director of Natural Resources Clinics at the University of Montana School of Law, where she teaches natural resources, wildlife law, water law, torts, and related courses. Professor Zellmer has published dozens of law review articles as well as several casebooks, nutshells, and other books. She was awarded the Clyde O. Martz distinguished teaching award in 2023, and also received Fulbright Specialist status in 2021 and a Fulbright project award with the University of Calgary Faculty of Law in 2022. She is an elected member of the

American College of Environmental Lawyers and a trustee of the Foundation for Natural Resources and Energy Law. Before teaching, she was a trial attorney at the U.S. Department of Justice Environment and Natural Resources Division. She also practiced law in Minneapolis, Minnesota, and clerked for the Honorable William W. Justice, U.S. District Court, Eastern District of Texas.

## Getches-Wilkinson Center for Natural Resources, Energy, and the Environment

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The Getches-Wilkinson Center for Natural Resources, Energy, and the Environment endeavors to serve the people of the American West, the nation, and the world through creative, interdisciplinary research, bold, inclusive teaching and innovative problem solving in order to further true sustainability for our use of the lands, waters, and environment. Major programs and initiatives focus on natural resources, water and public lands issues in Colorado and the West; energy and environmental security in the developing world; electricity regulation and energy policy; climate change law and policy; and native communities and environmental justice. The name comes from the contributions of two iconic figures in the law school's environmental law history, David Getches and Charles Wilkinson.

<https://www.colorado.edu/center/gwc/>

## American Indian Law Program

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The American Indian Law Program (AILP) is committed to education and advocacy in Indigenous Peoples' Law. Accordingly, the Program offers a full slate of doctrinal and clinical classes to prepare students for tribal, federal, and international law practice. Drawing from the legacy of our earliest alumni, including the famous legal intellectual Vine Deloria '70, and our relationship with the Native American Rights Fund, our approach to American Indian Law is deeply grounded in Indian Country and in Indigenous communities throughout the world. Our students, faculty, and staff work closely with tribal governments in the United States, especially on issues of treaty rights, natural resources, cultural property, religious freedoms, and economic development. The AILP is also active at the United Nations, where we work to advance Indigenous Peoples' human rights through The Implementation Project.

<https://www.colorado.edu/law/academics/areas-study/american-indian-law-program>

# Colorado Environmental Law Journal

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COLORADO  
ENVIRONMENTAL  
LAW JOURNAL

The Colorado Environmental Law Journal (CELJ) provides a forum for natural resources, energy, and environmental law and policy on local, regional, and global scales. CELJ works to empower unique perspectives and outlooks on complex environmental legal issues. These topics include but are not limited to natural resources, energy, and environmental law and policy on local, regional, and global scales. The Colorado Environmental Law Journal is proud to be an active part of the environmental law community at Colorado Law.

<https://celj.cu.law/>

# University of Colorado Law School

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Established in 1892, the University of Colorado Law School is one of the top public law schools in the United States. Colorado Law School's diverse student body is selected from among the statistically best applicants from every corner of the nation representing over 100 undergraduate institutions, and its highly published faculty is dedicated to interacting with students both inside and outside the classroom. The school's state-of-the-art green building is located at the base of the Rocky Mountains in beautiful Boulder, Colorado. With about 500 students and a low student to faculty ratio, Colorado Law School is a thriving academic community where the study of law is embraced to create leaders who recognize the civic responsibilities essential to the legal profession.

<https://www.colorado.edu/law/>



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# Opening the Tap:

## Accessing EPA's Bipartisan Infrastructure Law Water Assistance Programs



Frannie Monasterio  
Water Law Fellow  
Getches-Wilkinson Center