



Colorado **Law**
UNIVERSITY OF COLORADO BOULDER

GETCHES-WILKINSON CENTER

FOR NATURAL RESOURCES, ENERGY, AND THE ENVIRONMENT

Newsletter | Fall 2025



The Debate Over Public Lands In Public Hands

by Chris Winter

In 2008, Professor Charles Wilkinson wrote an article entitled “The Public Lands and the National Heritage,” and he opened with a clear message for current and future generations of Americans who care about our shared natural resources.

“The fundamental question in public land law and policy always has been, and always will be as long as we have them, whether the federal lands ought to remain in United States ownership.”

Professor Wilkinson’s message is an important one because, of course, once the land is sold or given away, it is almost impossible to return it to public ownership, and certainly not in its original condition. With one swipe of the pen, a municipal watershed, or habitat for a local herd of deer and elk, or a neighborhood trail system, could easily end up in private ownership and exploited for short-term economic gain. But those natural resources may hold much greater value for all of us if managed over the long-term as a public good.

Over the past few months, recent developments in Washington, DC reignited this debate over whether to keep public lands in public hands, and it generated an intense response from millions of American citizens as well as western politicians from both sides of the aisle. At the Getches-Wilkinson Center, we weighed in and tried to ensure that this conversation, which was unfolding quickly on the national stage, was informed by sound legal analysis and a thoughtful assessment of the public interest.

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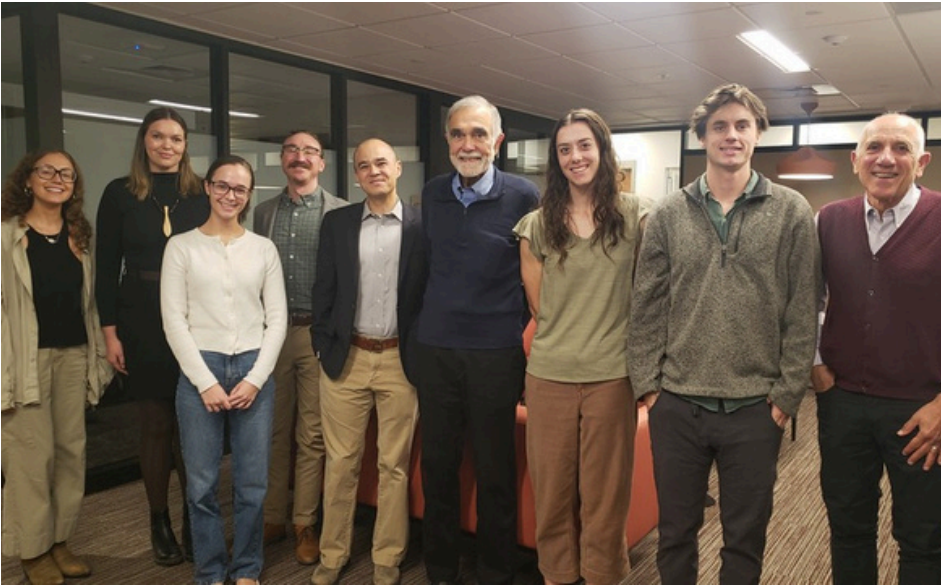
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Dear Friends and Supporters of GWC –

As 2025 draws to a close, all of us here at the Getches-Wilkinson Center are feeling grateful for our wonderful community. Over the past year, so many of you attended one of our events, engaged with the amazing students here at Colorado Law School, or offered us advice on our dynamic and challenging work. Your support helps to power us forward.

In this issue of our newsletter, we are thrilled to welcome Daniel Anderson, a 2025 graduate of Colorado Law School, as our next Water Law Fellow. Daniel shares his research on the cleanup of abandoned mines and the new Good Samaritan law passed by Congress in 2024. It is now up to EPA to implement the program and ensure its success, and we are grateful to Daniel for shining a light on this important work.

We also provide updates on GWC's recent work on public lands. In the last several months, public lands have faced a number of concerning developments, from a Congressional proposal to sell-off millions of acres of public lands to the proposed rollback of bedrock laws and policies. I provide more detailed updates on how GWC is working to ensure that we sustainably manage these special places for the benefit of current and future generations.

As part of our work on public lands, we host some of the most engaging, timely, and interesting conversations with the leading experts in the country. This fall, we hosted Professor John Leshy, former Solicitor of the Department of the Interior, for the Ruth Wright Distinguished Lecture in Natural Resources. Professor Leshy talked about many of the emerging threats to public lands, and Daniel Anderson shares some of her reflections on his important message.

We also hosted the Martz Symposium on Public Lands, which featured a fascinating fireside chat with Mr. David Bernhardt, former Secretary of the Department of the Interior. Secretary Bernhardt talked about his upbringing in Rifle, Colorado and the way that his experiences inspired his career in public lands and natural resources. Andrea Shipton, current Wyss Scholar, writes about the fascinating program we hosted at the Martz Symposium as she thinks about the start of her own career.

While this year has brought unprecedented change to the field of environmental law, I'm continually inspired by the people in our community and how much they care about this work. This journey is about more than law and policy, it's about how we relate to the natural world around us and how we structure our human relationships, our economy, and our culture and traditions to align with those core values. We each bring our own personal experiences to this work, and by embracing that diversity, we grow stronger as a community.

This work will always require difficult conversations, but those are also vitally important and, at least to me, endlessly fascinating. In these times of change, we must foster a dynamic exchange of ideas, engaging with one another across differing belief systems, and creating a more supportive learning environment for future leaders. While we can't guarantee outcomes, we can control how we work together and move forward. We have the power to shape the future that we want to see for our communities, for the natural world, and for our economies.

Thank you for being a part of this important work.

With gratitude and commitment,

A handwritten signature in black ink, appearing to read "Chris Winter".

Chris Winter
GWC Executive Director



The Debate Over Public Lands in Public Hands

(Continued from page 1)

This summer, Congress took up a new budget reconciliation package, a procedural maneuver that bypasses the Senate's 60-vote filibuster. Senator Mike Lee from Utah set off a firestorm when he attempted to include in this bill a mandate for the Bureau of Land Management and the U.S. Forest Service to sell off million acres of federal public land to raise money for the general fund. The Senate Committee on Environment and Natural Resources released proposed bill language on June 11, 2025. President Trump had declared that the bill would be passed by July 4, but there had been no committee hearings, no public testimony, and very little time to analyze the language of Senator Lee's proposal. The train was quickly leaving the station.

On June 18, GWC published a Rapid Assessment of the Senate's Proposal to Sell Off Public Lands. Our analysis of Senator Lee's bill raised several red flags. For one, the bill went further than simply authorizing the sale of federal land – it mandated that the U.S. Forest Service and Bureau of Land Management sell off from .5% - .75% of their lands with 5 years. That could have resulted in the sale of up to 3 million acres of federal land in a very short period of time. Moreover, while some protected places like National Parks and Wilderness Areas were excluded, many other fragile and irreplaceable landscapes were at risk, including Wilderness Study Areas, Inventoried Roadless Areas, and Late Successional Reserves.

Senator Lee has also promoted his idea as a way to address affordability of housing in western communities, but the actual language of the bill did not include any meaningful sideboards to ensure that this land would be sold for affordable housing. The land could have been used to develop destination resorts, luxury homes, vacation rentals, or wealthy subdivisions.

The bill also failed to include any public notice and comment procedures. BLM and USFS would publish a call for nominations for parcels to be sold and would consult with Governors and Native American Tribes. But there was no public comment or environmental review required by the bill language, and the bill explicitly waived public participation procedures of existing law.

Finally, any proceeds from the land sales would be deposited into the general fund of the U.S. Treasury, which would have marked a significant change in federal policy. Under current law, proceeds from any sales of federal lands must be deposited into the Federal Land Disposal Account and used to purchase other lands that provide recreational access or that are currently landlocked or inaccessible. This would bill set a dangerous precedent, without any hearings or other public debate, that federal lands could be sold to raise money for the general fund.

Our analysis was widely discussed and circulated among Congressional offices and members of the media. Millions of Americans called and wrote to their elected members of Congress. And a bipartisan coalition emerged in Congress, which eventually defeated Senator Lee's proposal.

We are thankful that calmer heads prevailed, and Congress rejected Senator Lee's proposal. There are many other concerning developments in public lands and policy, and Professor Leshy discussed many of those in his recent lecture. I encourage you to learn more. Future generations of Americans will continue to debate whether we should keep public lands in public hands – and how we should manage them, and GWC will help to prepare them for that work.



Ruth Wright Distinguished Lecture with John Leshy

By Daniel Anderson

On October 22nd, the Getches-Wilkinson Center hosted the 2025 Ruth Wright Distinguished Lecture in Natural Resources with John Leshy. The theme of his lecture was “On Shaky Ground: America’s Public Lands Face an Uncertain Future”.

Leshy began his day over breakfast with a small group of GWC students. Students asked questions on topics ranging from specific litigation procedure to the vitality of NEPA.

Over lunch, Chris Winter and John Leshy had an informal discussion about Leshy’s career in public service with a packed room of Colorado Law students. Among other things, Leshy shared his experiences promoting national monument protection and leading the Interior Department transition teams for Presidents Clinton and Obama.

That evening, Leshy presented his lecture on the challenges facing public land today. He discussed attempts to sell off and industrialize millions of acres of public land and the recent slashing of personnel and budgets impacting public land management. But before considering these current concerns, Leshy reminded folks to look to the past and learn from previous eras of disruption and reform. Specifically, Leshy drew convincing connections between the Gilded Age and our current era – both moments of enormous wealth inequality that bookend a century of efforts to manage federal public lands for all Americans.

In 2025, it’s easy to get swept up in the frequent announcements of federal environmental protection rollbacks and the shirking of responsibility to protect public lands. But Leshy reminded us that there have been difficult eras for America’s public lands before. And now more than ever, Americans overwhelmingly support a vision of conservation, preservation, and thoughtful decision-making for our federal public lands.

The Ruth Wright Distinguished Lecture is made possible by the generosity of Ruth Wright and we are grateful for her continued commitment to GWC and the Colorado Law School.



Martz Symposium on Public Lands

by Andrea Shipton

The Getches-Wilkinson Center hosted a wonderfully engaging Martz Symposium on Public Lands on October 23rd & 24th at Colorado Law School. This year's symposium, titled "Public Lands in Public Hands – Reflections on 50 Years of Retention Policy" brought together experts in public lands law and policy, including Tribal leaders, advocates from across the political spectrum, and many other key voices. From thought-provoking panels about the land back movement, affordable housing opportunities, agency funding, and multiple-use management, to powerful speeches about the past and future of U.S. public lands, the symposium offered a fantastic opportunity for law students and career natural resources attorneys alike to reflect on and learn from five decades of developments in U.S. public lands law and policy.

A key highlight of the symposium took the form of a passionate debate between former Solicitor of the Department of the Interior John Leshy and Pacific Legal Foundation attorney Ethan Blevins about the Constitutional foundation of Utah's argument for state ownership of federal lands within its boundaries. Any current or recent law student studying natural resources law has doubtless come across countless articles and casebook excerpts written by John Leshy discussing everything from mining law reform to national monuments challenges. Meeting John Leshy and hearing him speak so powerfully about the federal retention authority over our nation's magnificent and diverse public lands was truly a highlight of my—and surely other students'—law school experience. I am so grateful for the GWC, John Leshy, and all of the other incredible panelists for contributing to such a phenomenal program.

Recordings and photographs of the symposium can be found on the GWC website. Stay tuned for the Colorado Environmental Law Journal's symposium issue (estimated publication: May 2026), where some of our panelists will publish articles on their talks.



Getches-Green Natural Resources, Energy, and Environmental Law Clinic

by Sarah Matsumoto

It's a challenging time for public interest environmental organizations and lawyers. We face aggressive rollbacks and threats at the federal level, and foundational concepts and approaches in administrative law and environmental law are in flux. Nonetheless, the NREL Clinic remains committed to advocating for its clients who seek to push back on these harmful cuts to federal environmental protections while also engaging in local and state processes.

Coloradans know that protecting water remains an issue of vital importance, especially in an era of climate change. The NREL Clinic is proud to be representing multiple clients on water-related matters around the state. First, we are involved in the state rulemaking proceeding concerning Colorado's proposed regulatory program to protect state waters from discharges of "dredge and fill" material. In that proceeding, we represent a coalition of 14 organizations who are involved in a range of river and wetland-focused restoration and protection projects. As advocates for the coalition, the NREL Clinic submitted an opening and response brief addressing the state's proposed regulatory language, engaged in negotiations with stakeholders, and will offer testimony during the three-day rulemaking hearing in December. Second, the NREL Clinic continues to represent an organization as an opposer in a change proceeding in water court. The case is proceeding through discovery now, and students have been reviewing discovery responses and the applicant's expert reports. With trial set for next June, we expect our work to ramp up in the coming months. Lastly, we represent additional clients on issues involving water rights and enforcing discharges from certain industrial operations.

Beyond the water context, the NREL Clinic advocates for clients seeking to protect themselves from environmental harms. We are pleased to continue our long-standing work on behalf of a local organization who is actively engaged in the oil and gas permitting process. NREL Clinic student attorneys have advised the client in both local and state rulemaking proceedings, and have supported the client in challenging specific permit applications. We also recently began advising a landowner who has concerns about how their property may be impacted by activities on adjacent parcels, including by potential pollution exposure. Lastly, we helped to educate a community group and members of the public about state "notice and comment" opportunities on a remediation project, and worked with a technical expert to draft a comment on the proposed cleanup plan. For all of these local clients, NREL Clinic students have been able to conduct site visits and gain a better understanding of their clients' pollution concerns, seeing first-hand how clients' homes and special places might be impacted.

Outside of Colorado, the NREL Clinic has been engaged on public lands and climate-related issues. We represent a client in southwest Oregon who challenged BLM's broad vegetation management program for fire resilience. We were thrilled to receive a favorable decision on one of our claims, and NREL Clinic student attorneys drafted a brief arguing for our client's proposed remedy in the case. A student will argue the issue in federal court in January. Elsewhere, we continue our air quality work with an environmental organization, and have served as counsel for amici curiae on a range of matters. Some of that work has provided an opportunity to collaborate with Getches-Wilkinson Center staff and other Colorado Law colleagues, and we look forward to continuing to find those opportunities for collaboration.



Sydney Stellato Named Conscience Bay Company Western Water Policy Fellow

University of Colorado Law School student Sydney Stellato ('26) is this year's Conscience Bay Company Western Water Policy Fellow. The Conscience Bay Company Western Water Policy Fellowship, initiated in 2023 by leaders of the Conscience Bay Company, is awarded each year to a Colorado Law student on the basis of academic performance, commitment to public service, and interest in the study of Western water law and policy. To the extent practicable, each Conscience Bay Company Western Water Policy Fellow will focus on a specific project in advancing innovative solutions for sustainable management of water in the Western United States.

Sydney Stellato is a 2L student at the University of Colorado Law School, where she is exploring her interest in water law, public lands, and the intersection of conservation and community. She graduated from the University of Texas with degrees in Sustainability Studies and Geography. While at UT, her studies centered on the relationship between people and waterways, culminating in a senior project where she developed a citizen science project to monitor stream health. Before law school, she worked with the Texas Conservation Corps where she focused on conservation, trail work, and sustainability programs. At CU, she is involved with the Environmental Law Society, OUTLaw, and the Environmental Law Journal. She looks forward to applying her background in environmental work to the Fellowship while learning how Western water law can balance resource management, conservation, and community needs. In her free time she enjoys skiing, hiking, and indoor rock climbing.



Meryl Compton Named Charles N. Woodruff Fellow

University of Colorado Law student Meryl Compton ('27) was awarded the Charles N. Woodruff Fellowship. The Charles N. Woodruff fellowship was established in memory of Charles Woodruff, a highly successful water resources lawyer, to promote excellence in the practice of natural resources law.

Meryl is a 2L student at the University of Colorado Law School. She is primarily interested in energy and public utilities law and hopes to contribute to regulatory solutions that facilitate a clean, equitable energy future. Meryl's interest in western land management and sustainable energy was inspired by her experience growing up in Colorado and spending time throughout the West.

Meryl graduated from Davidson College, where she majored in environmental studies and economics. At Colorado Law, Meryl is involved with the Environmental Law Society, Acequia Assistance Project, and Environmental Law Journal. She is also a Legislation and Regulation tutor. As the current Woodruff Fellow, she is working on a research project related to a federal insurance program for grazing land. She looks forward to connecting with everyone at the GWC this year!



Research Assistants Enrich the GWC Team

Corinne Griffin

Corinne grew up in Orlando, Florida, and found her passion for the environment after she assisted her community in flora rebuilding after hurricanes hit the state of Florida. She attended the University of Florida. She received a BA in Environmental Science, with a double minor in Agricultural and Natural Resource Law/Environmental Justice and Policy. She always knew she wanted to go to law school, but found a keen interest in environmental justice through her undergraduate honors thesis, where she wrote about how COVID-19 exacerbated environmental justice concerns across the United States. Through the GWC RA position, she hopes to learn more about public land law, mining law, tribal law, water law, and any environmental issues impacting the West.



Jake Lehrman

Jake first joined the GWC this past summer as a Research Assistant, where he focused on researching the public's right to access waterways in Colorado and the broader Mountain West region. His work explored the legal, historical, and policy dimensions of public access, contributing to ongoing conversations about how to balance recreation and private property interests. Beyond his research, Jake volunteered at the 45th Annual Colorado Law Conference on Natural Resources, Turning Hindsight into Foresight: The Colorado River at a Crossroads, where he had the opportunity to learn about the complex issues surrounding the Colorado River's management. Now continuing his work as a Research Assistant, Jake is excited to delve even deeper into the evolving landscape of public access rights to Colorado's waters.



Tori Matson

Tori first connected with GWC after receiving the 2024 Harrison Fellowship for her 1L summer which allowed her to intern at the Legal Resources Centre, an environmental nonprofit organization in Durban, South Africa. She helped plan and execute the "Effect of Executive Orders" event panel with GWC RA Catie Pursifull. As a Spring 2025 Research Assistant, she contributed to GWC projects on pertinent public lands issues such as the nondelegation doctrine. She looks forward to continuing to support GWC's research and programming this upcoming year!



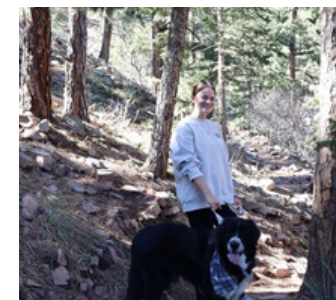
Lex Padilla

Lex is a second-year law student with a focus on toxic torts and environmental justice. She earned her B.A. in Political Science from the University of San Diego, where she also studied environmental science and conducted chemical research. Growing up amid drought and air pollution in Phoenix and studying near sites of environmental injustice such as Barrio Logan, CA and the Tijuana Sewage Crisis, shaped her commitment to advancing equity through environmental law.



Catie Pursifull

Catie is currently researching the expansion of renewable energy on federal public lands and the level of the government's compliance with their requirements of tribal consultation on tribal ancestral lands. This topic is especially interesting to her given her previous experience working with renewable energy developers, and she is excited to learn more about how/if developers can meaningfully and equitably engage in the consultation process with tribes.



Could Good Samaritans Fix America's Abandoned Hardrock Mine Problem?

This fall, Water Law Fellow Daniel Anderson published his paper, *Could Good Samaritans Fix America's Abandoned Hardrock Mine Problem?* He discusses the need to clean up America's toxic legacy mines and the pilot program created by Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024. It considered the key provisions of the pilot program and the core questions facing the Environmental Protection Agency, who is charged with implementing the pilot permitting system. Daniel will continue to share news and provide analysis on the pilot program's progress as it rolls out in 2026. The following is a portion of Daniel's Good Samaritans publication.

Until the passage of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980, miners across the American West extracted gold, silver, and other valuable "hardrock" minerals—and then simply walked away. Today, tens of thousands of these abandoned hardrock mines continue to leak acidic, metal-laden water into pristine streams and wetlands. Federal agencies estimate that over a hundred thousand miles of streams are impaired by mining waste. Nearly half of Western headwater streams are likely contaminated by legacy operations. Despite billions already spent on cleanup at the most hazardous sites, the total cleanup costs remaining may exceed fifty billion dollars.

So how did we end up here? In short, the General Mining Law of 1872 created a lack of accountability for historic mine operators to remediate their operations, but CERCLA and the Clean Water Act (CWA) arguably add an excess of accountability for third parties trying to clean up abandoned mines today.

The first legislation to address this problem was introduced in 1999. Many iterations followed and failed, even in the wake of shocking images and costly litigation due to the Gold King Mine spill that dyed the Animas River a vibrant orange in 2015. Finally, in December, 2024, Congress passed the Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2024 (GSA).

The GSA is a cautious, bipartisan attempt to empower volunteers to clean up this toxic legacy. The law creates a short pilot program and releases certain "Good Samaritans" from liability under CERCLA and the CWA, which has long deterred cleanup by groups like state agencies and NGOs. EPA has oversight of the program and the authority to issue permits to Good Samaritans for the proposed cleanup work.

Despite the promise of this new legislation, critical questions remain unanswered about the GSA and how it will work. Only time will tell whether EPA designs and implements an effective permitting program that ensures Good Samaritans complete remediation work safely and effectively. EPA now has the opportunity as the agency that oversees this program to unlock the promise of the GSA.

The GSA left some significant gaps unanswered in how the pilot program will be designed and directed EPA to issue either regulations or guidance to fill in those gaps. EPA missed the statutory deadline to start the rulemaking process (July, 2025) and is now working to issue guidance on how the program will move forward. EPA must provide a 30-day public comment period before finalizing the guidance document according to the GSA. With EPA's hopes of getting multiple projects approved and shovels in the ground in 2026, the forthcoming guidance is expected to be released soon.

The GSA represents a breakthrough after decades of gridlock. It addresses the key fears of liability that stymied cleanup. Yet its success will depend on how effectively the EPA implements the pilot program and the courage of Good Samaritans who are stepping into some uncertainty. If it fails, America's abandoned mines will continue to leak toxins into its headwaters for generations to come. But if the program succeeds, it could become a model for collaborative environmental restoration. For now, the EPA's forthcoming guidance could mark the first steps toward success through clear permitting requirements and by setting flexible yet strategic goals for the pilot program.



Kristen Carpenter

Council Tree Professor of Law • Director of the American Indian Law Program

Professor Carpenter has been named University Distinguished Professor, the highest honor bestowed upon faculty across the four-campus University of Colorado system. She participated as a co-author in the 8th edition of *Federal Indian Law* (West Academic Publishing 2025) (with Robert A. Williams, Jr., Matthew L.M. Fletcher, and Wenona T. Singel), a casebook originally written and edited by David H. Getches and Charles F. Wilkinson. Her work has been featured in the Environmental Law Institute's podcast, *Indigenous approaches to international law*, with host Sebastian Duque Rios and legal scholars Jonathan Liljeblad and Margaret Palaghicon Von Rotz), Oct. 8, 2025. Together with past President of the Pawnee Nation Walter Echo-Hawk, and colleagues at the Native American Rights Fund, Professor Carpenter and AILP Fellow Hannah Ahders contributed to a practice-focused publication, *The Tribal Guide to Implementing FPIC in the Context of Conservation and Development* (2025).



Tony Derron

Associate Professor of Law

Unwritten Administrative Law and the Regulatory Last Mile, 173 U. Pa. L. Rev. 1657 (2025)

- Selected as one of the four best environmental law articles of the year by the Environmental Law Institute and Vanderbilt University
- Yale Journal on Regulation SSRN Reading List (SSRN Top Downloads)
- Reviewed in the Regulatory Review
- Featured in the State Court Report Scholarship Roundup

Professor Derron presented a work-in-progress on the ratifying history of the four original state environmental rights provisions, titled *Environmental Rights, Original Meaning, and the Separation of Powers*, at the inaugural Texas A&M conference on the Frontiers of Federalism in Washington, D.C., and the University of Florida's Early Environmental Law Scholars Conference in Gainesville, Florida.



Sarah Krakoff

Moses Lasky Professor

We have a new edition of our American Indian law casebook. Anderson, Krakoff, Mills & Washburn, *American Indian Law: Cases and Commentary* 5th edition (2025).



Sarah Matsumoto

Clinical Associate Professor • Director, Environmental Law Clinic

Articles

Greenwashed Forest Management and Wildfire Resilience, 36 Colo. Env't. L. J. 247 (2025)

Presentations

"Orphans and end-of-life: a framework to guide state remediation of oil and gas wells," selected panelist, Closure Liabilities in the Energy Sector, 1st International Colloquium, University of Calgary, Alberta, CAN, October 3, 2025.

"Land Oligarchs: how ultra-wealthy people exploit land management tools to privatize public lands," CAPALF & WLTC 2025 Conference "Transformative Justice in a World on Fire," Honolulu, HI, June 28, 2025.



Michael Pappas

Associate Dean for Faculty Affairs and Research • Professor of Law • John H. Schultz Energy and Natural Resources Law Fellow

- 1) My article "Climate Last Resorts" is forthcoming the UC Irvine Law Review. The article examines how state insurance regulations, and particularly state "Insurer of Last Resort" programs, serve as important and underappreciated drivers of climate change adaptation.
- 2) I have published a property law casebook entitled "Property: Principles, Values, and Tradeoffs" (West Academic 2025, Michael Pappas, Sally Brown Richardson, and Peter Gerhart)
- 3) I have joined as a coauthor in the 4th edition of a natural resources law casebook entitled "Natural Resources Law and Policy" (West Academic 2025, 4th ed., James Salzman, Mark Squillace, Sam Kalen, Michael Pappas, and James Rasband)



Vanessa Racehorse

Associate Professor of Law • Core Faculty Member of the American Indian Law Program

Professor Vanessa Racehorse joined the Colorado Law faculty in Fall 2024 and joined the GWC Faculty Board in Spring 2025. Her recent and forthcoming publications and presentations include:

- Chaco Roads: Connecting Cultural Resources Protection with Environmental Justice, 97 Colorado Law Review (forthcoming 2026).
- Rematriation and Restoration of Ancestral Homelands, in Land Back: Restoring Native Control of Land in the United States (forthcoming 2026) (book chapter).
- Cultivating Hope: A Future with Ethics Towards People and Places, 96(3) Colorado Law Review 594 (2025) (invited contribution) (foreword).
- Teaching at the Intersection of Federal Indian Law and Environmental Law Courses, 49 Vermont Law Review 202 (2025) (with Mia Montoya Hammersley, Heather Tanana, Nadine Padilla, and Gerald Torres) (conference transcript).
- Tribal Health Self-Determination: The Role of Tribal Health Systems in Actualizing the Highest Attainable Standard of Health for American Indians and Alaska Natives, 56 Columbia Human Rights Law Review 183 (2025).
 - Reviewed by Ezra Rosser, Improving Health Services for Tribal Communities, Jotwell (July 1, 2024).
 - Highly recommended by Matthew L.M. Fletcher, Vanessa Racehorse on Tribal Health Self-Determination, Turtle Talk (Apr. 10, 2024).
- The Land Back Movement and Federal Public Lands, Moderator, Martz Symposium, Getches-Wilkinson Center, University of Colorado Law School, Boulder, CO (Oct. 23, 2025).
- What is the Land Back Movement?, BBC News, What in the world podcast (June 30, 2025).



Jonathan Skinner-Thompson

Associate Professor of Law

Forthcoming article: *The Idea of Air*, 2025 UTAH LAW REVIEW 1

Forthcoming book: *Enforcing Environmental Penalties* (Lexis)

Presented a work in progress: *Reimagining Air*, presented at:

Cambridge Centre for Environment, Energy, and Natural Resource Governance Seminar Series, University of Cambridge and

Pan-Pacific Sustainability Scholars' Workshop, University of Utah

Guest speaker: NOAA's Chemical Sciences Laboratory and NARF's Clean Water Act Convening.



Mark Squillace

Raphael J. Moses Professor of Law

While enjoying my sabbatical, I managed to complete work on an article addressing the stream access issue I have focused on now for several years. The article comes on the heels of the release of Cody Perry's movie, *Common Waters*, which chronicles the struggles to bring Colorado's stream access laws in line with most other Western states. The Environmental Law Society hosted the premiere of that movie this past October, and it is now set to be screened in communities all over the state. The article will be published next year in our own Colorado Environmental Law Journal.

I am also closing in on a second article titled, *The Abuse of the Good Cause Exemption from Notice and Comment Rulemaking*. It follows from a report that I prepared last year on the general topic of the good cause exemption for the Administrative Conference of the United States.

Early next year, I will be traveling to Kathmandu, Nepal to work with the Kathmandu University Law School on improving their LLM program in energy law. This is a project that came about through my current association with the Fulbright Specialist program. I expect to be in Nepal for about 6 weeks.

Upon my return I will be getting ready to travel to the Netherlands where I will serve for another 5-6 weeks as a resident scholar at the Roosevelt Institute for American Studies in Middelburg, Netherlands. I plan to use that time to work on a book, tentatively titled, *Governing in the Public Interest*. The idea is to address what I see as a fundamental failure of government agencies around the world to take seriously their responsibility to make decisions that reflect the public interest, even when that is explicitly required by the laws that govern their actions. In my view, this failure stems, at least in part, from the failure to define the public interest, and to recognize that the public interest should reflect our shared public values, and not an economic assessment that seeks to maximize profits or support private interests. While in Europe I expect to share my preliminary research for the book with several law schools in the regions that I will be visiting.

2025 Match Challenge for the Getches-Wilkinson Center

2025 was a year of change and uncertainty in the field of natural resources and environmental law. The stakes are high, not just for our quality of life but also for the amazing students at Colorado Law School who will continue this work. Your support is more important than ever before.

Please make a gift today and support our work to shape the law and mentor the next generation of committed leaders.

Through all this change and uncertainty, GWC has demonstrated the leadership qualities that define Colorado Law School and the many amazing people who built this institution, people like Professors Getches and Wilkinson.



During this season of giving, thanks to the generosity of Colorado Law Dean Lolita Buckner Inniss and Don and Karen Brown, your financial support for GWC will go twice as far. Every gift given to GWC through December 31, 2025 will be matched dollar-for-dollar up to \$20,000.

Please make your gift by December 31st to double your impact for the Getches-Wilkinson Center at: <https://cu.law/GivingGWC>. We depend on your support to continue this work.

Thank you for your commitment to GWC and our legacy of leadership for the Colorado Law community, our student leaders, and our shared natural legacy.

SAVE THE DATE

2026 Conference on the Colorado River
June 4 & 5, 2026

Co-conveners:
The Getches-Wilkinson Center
Water & Tribes Initiative

Registration Opens January 15, 2026
<https://www.colorado.edu/center/gwc>

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Council Tree Professor of Law
Director, American Indian Law
Program

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Vanessa Racehorse

Associate Professor of Law
Core Faculty Member of the
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GWC advances the truly sustainable management and conservation of natural resources, with a focus on the American West, by:

- Influencing natural resources law and policy, including issues of water, land, climate change, and the rights of Tribes and Indigenous Peoples; and
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Our name comes from the contributions of two iconic figures in the law school's environmental law history, David Getches and Charles Wilkinson.

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