



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

2018 Martz Spring Symposium



Environmental Law and Policy under the Trump Administration

2018 Clyde Martz Spring Symposium

University of Colorado School of Law

Wolf Law Building, Wittemyer Courtroom

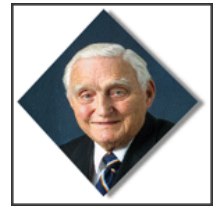
Wednesday, March 21st, 2018

***Presented by the Getches-Wilkinson Center for Natural Resources,
Energy, and the Environment***



COLORADOLAW
UNIVERSITY OF COLORADO **BOULDER**

5th Annual Martz Symposium



Clyde O. Martz was a father of natural resource law in the United States. He was an exemplary teacher, mentor, counselor, advocate, and a professor of natural resources law for 15 years at Colorado Law. Professor Martz was one of the founders of the Rocky Mountain Mineral Law Foundation and of the Law School's Natural Resources Law Center, which later became the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment. In 1951, he assembled and published the first natural resources law casebook, combining the previously discrete subjects of water law, mining law, and oil and gas law.

In 1962, Professor Martz joined the law firm of Davis Graham & Stubbs. During his tenure at Davis, Graham & Stubbs, he took periodic leaves of absence to serve as the Assistant Attorney General of the Lands and Natural Resources Division of the U.S. Department of Justice (1967-69), a Colorado Special Assistant Attorney General (1971-75), and as the Solicitor of the Department of the Interior (1980-81). He retired from the firm in the late 1990s and passed away in 2010 at the age of 89.

The Martz Natural Resources Management Fund was established in memory of natural resources law pioneer Clyde Martz and supports innovative programming at Colorado Law on best practices in natural resources management.

Conference Introduction

A diverse set of experts will address the consequences of new interpretations of environmental regulations at the federal level, associated litigation, and how Tribal, state and local governments, as well as market forces, are responding.

Schedule of Events

Symposium Panels:	8:30 a.m.-5:00 p.m., Martz Spring Symposium
Lunch Discussions:	12:00 p.m. Schaden Commons (Second Floor)
Symposium Keynote:	1:15 p.m., <i>Climate Progress in the Energy Sector</i>
Event Receptions:	A Reception will follow the Symposium and a second reception will follow the Debate
Oxford-style Debate:	6:00 p.m., <i>Pruitt's EPA: Lean or Malnourished?</i>

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Special Thanks to Our Supporters

This symposium is made possible through the generous support of donors who sponsored this year's Martz Spring Sustainability Symposium and those who have invested in our Clyde O. Martz Endowed Fund for Natural Resources Management (including Brian Dolan and Davis Graham and Stubbs LLP). The Martz Natural Resources Management Fund was established in the memory of natural resources law pioneer Clyde Martz and supports innovative programming at Colorado Law in best practices in natural resources management.

Wednesday, March 21st

Martz Spring Symposium

8:00 a.m. Registration and Continental Breakfast

8:30 a.m. Welcome by Dean James Anaya and Executive Director Alice Madden

8:45 a.m.

What are the likely outcomes from changes at EPA, Interior, and other agencies?

Our panelists will discuss the changes to environmental policies taking place at federal agencies; the likely short- and long-term consequences (if any) to our air, water, public lands, and wildlife; and how these changes may affect the federal workforce.

Moderator

Shaun McGrath, former EPA Region 8 Administrator, Denver, CO

Confirmed Speakers

Bob Comer, Norton Rose Fulbright, Denver, CO

Kerrigan Clough, former 30+ year career at EPA, Denver, CO

Jill Cooper, Anadarko Petroleum Corporation, Denver, CO

Heidi McIntosh, Earthjustice, Denver, CO

Genna Reed, Union of Concerned Scientists, Washington, DC

**10:15 a.m. Morning Networking Break
(Refreshments provided in Boettcher Hall)**

10:30 a.m.

Who is fighting these changes and how?

Our panelists will review the various lawsuits, plaintiffs, and legal theories being used to halt or slow perceived environmental degradations.

Moderator

Joan Card, Culp & Kelly LLP, Boulder, CO

Confirmed Speakers

Matt Baca, New Mexico Office of the Attorney General, Santa Fe, NM

Megan Ceronsky, Center for Applied Environmental Law & Policy, Boulder, CO

Lissa Lynch, Natural Resources Defense Council (NRDC), Washington DC

Peter Zalzal, Environmental Defense Fund (EDF), Boulder, CO

12:00-1:15 p.m. Lunch
(Lunch provided in Schaden Commons, 2 floor-West End)

1:15 p.m.

Keynote Address: *Climate Progress in the Energy Sector: Room for Optimism?*

David Spence, the Herbert Kelleher Professor of Energy Law, University of Texas

Market forces and the states continue to drive decarbonization. Three states in particular -- California, Texas, and New York -- illustrate different ways in which this transition continues, offering a set of natural experiments from which the rest of the country will be able to derive important lessons that will hasten the transition process.

Professor Spence's talk will be followed by a discussion with Professor William Boyd.

2:30 Afternoon Networking Break
(Refreshments provided in Boettcher Hall)

2:45 p.m.

In lieu of federal regulation, what's happening from the "bottom up"?

Hear about the steps many Tribes, states, and local government are taking to protect air and water quality, and battle climate change. Discussions will include the status of the Clean Power Plan, and the role of market forces and advancing technologies.

Moderator

Pam Kiely, Environmental Defense Fund, Boulder, CO

Confirmed Speakers

Emily Fisher, Edison Electric Institute, Washington DC

Angie Fyfe, ICLEI USA, Denver, CO

Governor Bill Ritter, Center for New Energy Economy, Denver Collins, CO

Pilar Thomas, Lewis Roca Rothgerber Christie, Tucson, AZ

4:30 p.m.

Additional Q&A, audience input, and closing remarks

5:00 Symposium Reception
(Refreshments provided in Boettcher Hall)

6:00 p.m.

Oxford Style Debate

Pruitt's EPA: Lean or Malnourished?

Our guests will debate the following statement: *The proposed changes to regulations and changes in enforcement priorities at the EPA will roll back gains made in recent years in protecting human health and the environment.*

Paul Billings, American Lung Association, Washington DC

Emily Fisher, Edison Electric Institute, Washington DC

Moderator

Professor Mark Squillace, University of Colorado School of Law, Boulder, CO

7:00 Event Reception (for registrants only)
(Refreshments provided in Boettcher Hall)

Speaker Biographies (Alphabetical by last name)



Matt Baca

Matt Baca is Senior Counsel to New Mexico Attorney General Hector Balderas. In this position, he is a member of the executive team that assists in supervising and operating the Attorney General's executive agenda and the New Mexico Office of the Attorney General. As one of Attorney General Balderas' primary legal policy advisors, Matt is responsible for assisting in the development and execution the Attorney General's policy initiatives and working on some of the office's most complex and high-profile matters, covering healthcare, technology and privacy, criminal justice, civil rights, environmental and consumer law. Matt is also actively involved in the multi-state AG enforcement and policy processes.



Paul Billings

Paul Billings is the National Senior Vice President Advocacy for the American Lung Association. In this capacity, he oversees the Lung Association's asthma, lung cancer, chronic obstructive pulmonary disease, healthy air and tobacco control advocacy program. During his tenure at the Lung Association, he has led federal advocacy campaigns that resulted in stricter regulations on tobacco products, growth in research funding, improved patient access to preventive services and cleanup of air pollution from motor vehicles and power plants. Paul Billings has worked for the American Lung Association for more than twenty-five years.

Previously, he directed grassroots activities for the National Clean Air Coalition and he was an associate with the FMR Group in Washington, D.C. A graduate of Bates College, he also attended Trinity College in Dublin, Ireland. Paul and his wife Teresa, a public school teacher, reside in Silver Spring, Maryland.



William Boyd

William Boyd is Professor of Law and John H. Schultz Energy Law Fellow at the University of Colorado Law School. He is also Director of the Laboratory for Energy & Environmental Policy innovation (LEEP) and a fellow of the Renewable and Sustainable Energy Institute (RASEI), a joint institute between the National Renewable Energy Laboratory and the University of Colorado, Boulder. Professor Boyd teaches and conducts research in the areas of energy law & regulation, climate change law & policy, and environmental law. His current research focuses on the history of public utility regulation in the United States; the design and regulation of markets for electricity and natural gas; subnational policy innovation on clean energy and climate change; the history of formal approaches to risk in U.S. health, safety, and environmental law; and the role of science and technology in law.



Joan Card

Joan Card is an attorney and a leader in Western water quality, environmental and natural resource issues with more than 20 years of combined local, state, federal, private and non-profit experience in environmental law and administration. She has held senior executive positions at the Region 8 Office of the U.S. Environmental Protection Agency in Denver, at Park City Municipal Corporation in Park City, Utah, and at the Arizona Department of Environmental Quality in Phoenix, Arizona. Her work has taken her from the mountains of Montana to the Colorado River Delta to the halls of Congress and points in between. Joan resides in Boulder, Colorado.



Megan Ceronsky

Megan Ceronsky is Executive Director of the Center for Applied Environmental Law and Policy (CAELP) in Colorado. CAELP works to cultivate innovation and support progress in energy and environmental law and policy. During the Obama Administration Megan served as Special Assistant to the President and Associate Counsel to the President, overseeing a portfolio including energy, climate change and environment, lands, and natural resources issues. Megan first joined the White House as Senior Policy Advisor in the Office of Energy and Climate Change. Previously, Megan was Director of Regulatory Policy and Senior Attorney with the Domestic Climate and Air program at Environmental Defense Fund and before that practiced energy and environmental law at Van Ness Feldman, LLP.



Kerrigan Clough

Kerrigan Clough served for 37 years with the US Environmental Protection Agency, including from 2003-2008 as Deputy Regional Administrator (Chief Operating Officer) of EPA Region 8, Denver, Colorado. In this capacity Clough oversaw all operations including 770 staff and \$320 million annual budget serving 6 states and 27 Indian Reservations covering all USEPA programs including Superfund, Water, Air, Wastes, and Financial Assistance to States and Tribes. Kerrigan has a M.A. in Geography/Earth Science from Central Michigan University and a Bachelor of Science in Geography/Earth Science from Central Michigan University.



Robert Comer

Robert D. Comer has a diverse legal and scientific background focused on achieving business solutions to regulatory, compliance, permitting, operating and transactional challenges in the mining, oil, gas, energy and other natural resource industries. Bob has held senior leadership positions with industry and the federal government and is well known for his ability to design and implement effective solutions to legal challenges impeding permitting, operations and corporate objectives. Robert was the Distinguished Natural Resource Practitioner in Residence at the University of Denver School of Law, a Trustee to the Rocky Mountain Mineral Law Foundation, a Director and Officer of the Colorado Mining Association and has chaired the American Bar Association's National Committees on Mining, Public Lands and Resources and Water Quality and Wetlands. He received his Bachelor of Arts cum laude and Juris Doctor from the University of Colorado, Boulder, and a Master of Forest Science from the Yale University School of Forestry and Environmental Studies.



Jill Cooper

Jill Cooper is a Corporate HSE Director of Environment, Audits, Data and Advocacy for Anadarko Petroleum Corporation. She received her MBA in International Business at Thunderbird School of Global Management and a JD in Environmental Law at the University of Colorado Law School (1996). She was the Senior Advisor to the Executive Director of Colorado Department of Public Health & Environment on environmental matters and Director of the Sustainability Division. She practiced law at Faegre & Benson LLP and was the US Lead of environmental programs for Encana Oil & Gas Inc. She specializes in sustainability, environmental and regulatory legal, management as well as oil and gas.



Emily Fisher

Emily Sanford Fisher is Vice President, Law, and Corporate Secretary for the Edison Electric Institute in Washington, D.C. EEI is the trade association that represents all domestic investor-owned electric utilities. Her primary responsibilities include federal and state energy and environmental regulation, with a focus on distributed and renewable resources, clean energy, air quality, climate change and energy efficiency.

Emily worked at the law firms Dewey Ballantine LLP and Dickstein Shapiro LLP in Washington, D.C. representing investor owned utilities and independent power producers in a range of regulatory proceedings before the Federal Energy Regulatory Commission and the Securities and Exchange Commission. Prior to joining EEI in 2008, Emily was a Foreign Service Officer with the U.S. Department of State. She served at the U.S. Embassies in Bangkok, Thailand and Bogotá, Colombia.

Emily received a B.A. in international affairs with a concentration in economics from the George Washington University and a J.D. from Georgetown University Law Center, where she was the Administrative Editor of The Georgetown Environmental Law Review. She is admitted to practice law in Maryland and the District of Columbia. She was 2014-2017 Co-Chair of the American Bar Association's Committee on Climate Change, Sustainable Development and Ecosystems and is the legal counsel to the Women's Energy Resource Council and a member of the Women's Energy Network National Advisory Council.



Angie Fyfe

Angie Fyfe is the Executive Director of ICLEI USA and a member of ICLEI's global senior management team. Since 1990, ICLEI has built and served a movement of local governments pursuing deep reductions in carbon pollution and tangible improvements in sustainability and resilience. Angie's previous experience includes serving as the Associate Director of the Colorado Governor's Energy Office, where she was part of the team to develop and implement 57 pieces of clean energy legislation under Governor Bill Ritter; as the Executive Director of the U.S. Green Building Council Colorado Chapter; and as a Real Estate Product Manager of global corporate relocation services firm.



Pam Kiely

Pam Kiely is the Senior Director of Regulatory Strategy at Environmental Defense Fund and works at the intersection of state and federal regulatory policy for the U.S. Climate team. Pam currently spearheads EDF's subnational carbon markets work outside of California. Previously, Pam led EDF's work with states and power companies on Clean Power Plan design and implementation, as well as efforts to secure major state-level transitions of power generation infrastructure from high-emitting to clean sources. Prior to joining EDF, Pam founded PK Strategies and consulted for a wide range of clients on climate and energy issues with a specific focus on regulatory and legislative efforts across the Intermountain West. Earlier in her career Pam led the advocacy organization Environment Colorado, managing the group's statewide political and policy work. Across these positions, Pam has focused on accelerating renewable energy deployment, designing and implementing successful greenhouse gas mitigation policies, and developing holistic policy solutions to address multi-pollutant emission reduction challenges. A graduate of Harvard University, Pam is a former competitive cyclist and sailboat captain for Outward Bound.



Lissa Lynch

As a staff attorney in NRDC's Climate & Clean Energy Program, Lissa Lynch advocates for and defends policy efforts to cut greenhouse gas emissions that are fueling climate change. Her work includes litigation and regulatory advocacy to limit carbon pollution from the power sector, reduce use and emissions of hydrofluorocarbons, and promote energy efficiency. Prior to joining NRDC, she was an associate at the Georgetown Climate Center, where she worked with state and federal officials to support development and implementation of federal carbon pollution limits for the power sector. She began her career as a contractor to the U.S. Environmental Protection Agency.



Alice Madden

In July of 2016, Alice Madden was named the Executive Director of the Getches-Wilkinson Center where her priorities include bridging the gap between research and practice by drawing on the perspectives of diverse stakeholders. Alice worked in high tech for several years before earning her JD from Colorado Law. Her practice focused on employment law, civil rights and anti-discrimination efforts. Madden was elected to the Colorado House of Representatives in 2000 and served as Majority Leader from 2005 – 2008. Her legislative priorities included helping build the foundation for a sustainable energy economy. Madden served as Climate Change Advisor and Deputy Chief of Staff to former Colorado Governor Bill Ritter and later held the Timothy E. Wirth Chair in Sustainable Development at CU Denver. She accepted an appointment to the U.S. Department of Energy in 2013 where she served as the Principal Deputy Assistant Secretary for Intergovernmental & External Affairs.



Shaun McGrath

Shaun McGrath's career in public policy has stretched across three decades and at every level of government, including local, state, federal and international. Most recently, Shaun served as the Regional Administrator of the U.S. Environmental Protection Agency for Region 8 in Denver, Colorado, under Administrator Gina McCarthy. During the first two years of the Obama Administration he was the Deputy Director for the White House Office of Intergovernmental Affairs acting as liaison between the White House and the Nation's governors. Shaun was the Mayor of Boulder, Colorado, from 2007-2009, and was elected twice to the Boulder City Council (2003 & 2005). Shaun spent 14 years with the bi-partisan Western Governors' Association as a Program Director in Denver and WGA lobbyist in D.C. He also worked in Congress as a legislative aide to Rep. Jim Slattery (D-KS). His career started in Kansas where he ran the statewide environmental group, the Kansas Natural Resource Council, followed by positions in the Kansas state government, including Trade Manager for the Kansas Department of Commerce's European Office in Stuttgart, Germany. Shaun has a Master's of Public Administration from the University of Kansas, and a Bachelor of Arts in Political Science and German from Kansas State University.



Heidi McIntosh

Heidi McIntosh is managing attorney of the Rocky Mountain regional office in Denver, Colorado. She came to Earthjustice in 2012 with more than two decades of environmental litigation experience as staff attorney, legal director, conservation director, and associate director of the Southern Utah Wilderness Alliance.

Heidi received a BA in Political Science and German from the University of Arizona and her J.D. from Georgetown University Law Center in Washington DC. She received an LLM degree in environmental law from the University of Utah School of Law.



Genna Reed

Genna Reed is the Lead Science & Policy Analyst with the Center for Science and Democracy at the Union of Concerned Scientists where she works on political and corporate influence on science-informed decisionmaking. Previously, Reed was a researcher at Food & Water Watch focused on agricultural policy and was a National Network for Environmental Management Studies fellow with the Environmental Protection Agency. She holds an M.A. in Environmental Policy and a B.A. in Biology from Lehigh University.



Governor Bill Ritter Jr.

Governor Bill Ritter was elected Colorado's 41st governor in 2006. During his four-year term, Ritter established Colorado as a national and international leader in clean energy by building a New Energy Economy. After leaving the Governor's Office, Ritter founded the Center for the New Energy Economy at Colorado State University, which works with state and federal policy makers to create clean energy policy throughout the country. Governor Ritter has authored a book that was recently published entitled, *Powering Forward – What Everyone Should Know About America's Energy Revolution*.



David Spence

David B. Spence is the Herbert D. Kelleher Professor of Business Law at the McCombs School of Business, and Professor of Law at the School of Law, at the University of Texas at Austin. Professor Spence's research and teaching focuses on the law and politics of regulation, particularly of the energy industry (broadly defined to include both oil & gas as well as the electricity sector). His research concerns both the economic and environmental regulation of industry, and has been published in a variety of scholarly journals, including the *Cornell Law Review*, the *Journal of Legal Studies*, the *California Law Review*, *Public Administration Review*, the *University of Pennsylvania Law Review*, the *Texas Law Review*, and more. He is co-author of the leading energy law casebook, *Energy Economics and the Environment* (4th Ed. Foundation Press, 2015). Professor Spence has a Ph.D in political science from Duke University, a J.D. from the University of North Carolina, and a B.A. from Gettysburg College.



Mark Squillace

Professor Mark Squillace joined the faculty at the University of Colorado Law School in 2005 and served as the Director of the Natural Resources Law Center there 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, including most recently, *Environmental Decisionmaking for the 21st Century* (2016). 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 previously served as the Deputy Director for the Office of Indian Energy Policy and Programs at the U.S. Department of Energy, where she was responsible for developing and implementing policy and program efforts within the department and federal government to achieve the office's policy objectives, particularly the promotion of energy development, electrification, and infrastructure improvement on tribal lands. She spearheaded federal agency efforts to coordinate and collaborate on tribal energy development efforts, in partnership with the White House Council on Native American Affairs, the Departments of the Interior, Agriculture, Commerce and Environmental Protection Agency.

She is the former Deputy Solicitor of Indian Affairs for the U.S. Department of the Interior, where she provided legal advice to the Secretary, Assistant Secretary-Indian Affairs, and other department officials on decisions related to tribes and matters related to federal Indian law, tribal law, administrative law, Indian lands and natural resources, treaty rights and water rights.

She has served as the Interim Attorney General and Chief of Staff to Chairwoman Herminia Frias of the Pascua Yaqui Tribe, of which she is a member. As Interim Attorney General, Pilar provided legal advice and representation for the Tribe, Tribal Council, Divisions, Departments, Commissions, and Enterprises on extensive legal issues, including employment law, gaming law, environmental law, self-determination contracting, tribal constitutional law, and internal policies.

In 2002, Pilar was appointed to the position of trial attorney in the U.S. Department of Justice, Environment and Natural Resources Division, Indian Resources Section. Her practice included Indian treaty rights, water rights, and regulatory litigation.

Ms. Thomas graduated from the University of New Mexico School of Law, magna cum laude, with a Certificate in Indian Law. She received her bachelor of arts in economics from Stanford University.



Peter Zalzal

As a member of EDF's Domestic Climate and Air legal team, Peter Zalzal works to secure clean air and support climate change mitigation through policy initiatives and strategic litigation. Peter works with businesses, public health groups, States, environmental groups and other allies to advocate and defend efficient policies to curb emissions that are destabilizing the climate and harming human health.

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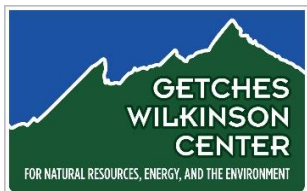
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University of Colorado Law School



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.

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



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.

Upcoming Events

2018 GWC Summer Water Conference

What Lies Beneath? Reasons to Care about Groundwater in the Southwest

June 7-8, 2018

University of Colorado School of Law

Wittermyer Courtroom

More information and registration: <http://www.colorado.edu/law/research/gwc/events>