

**EMPLOYMENT HISTORY**

Professor of Law, University of Colorado Law School, 2005-present, Director, Natural Resources Law Center 2005-2013; Director, Natural Resources, Water, and Public Lands Program, Getches-Wilkinson Center, 2013-present

Faculty website: <http://lawweb.colorado.edu/profiles/profile.jsp?id=189>

Visiting Scholar, University of Edinburgh Law School, Edinburgh, Scotland, Fall, 2012, May-June, 2015

Professor of Law and Director, Natural Resources Law Center, University of Colorado Law School, July 2005 to 2013

*Charles Fornoff Professor of Law*, University of Toledo College of Law, February 2005-July 2005; Professor of Law, August 2002 – February 2005

Professor, University of Wyoming, College of Law, July 1986 - July 2002; *Winston S. Howard Professor of Law*, July 1993-July 1996; Visiting Associate Professor, 1984 - 1985

Special Assistant to the Solicitor, U.S. Department of the Interior, Washington, D. C., May 2000 – January 2001

Visiting Associate Professor of Law, West Virginia University College of Law, Morgantown, West Virginia, 1995-1996

Director of Litigation: Environmental Policy Institute, Washington, DC. (*Legal representation for national environmental organization*), November 1981 - July 1984

Attorney Advisor: U.S. Department of the Interior, Office of the Solicitor, Washington, D.C., (Honors Program, 1978), October 1978 - October 1981

Seismic Analyst: Seismograph Service Corporation (Division of Raytheon Corp.), Alma, Michigan; Algiers, El Golea, and Ouargla, Algeria, July 1974 - August 1975

**EDUCATION**

University of Utah College of Law, Salt Lake City, Utah, J.D., May 1978. Top 10%; Associate Editor, *Utah Law Review*; Associate Editor, *Journal of Contemporary Law*; Co-founder, Natural Resources Law Forum

Michigan State University, East Lansing, MI, B.S.–Mathematics (*magna cum laude*), June 1974

**RECENT U.S. CONGRESSIONAL TESTIMONY**

*Testimony on Federal Oil and Gas Leasing Policy* before the U.S. House of Representatives Investigations, Oversight, and Regulations Subcommittee of the Small Business Committee (8 March 2012)

*Testimony in support of the Obama Administration's Wild Lands Order* before the U.S. House of Representatives Committee on Natural Resources (1 March 2011)

*Testimony on The Consolidated Land, Energy, and Aquatic Resources Act of 2009 (CLEAR Act)* before the U.S. House of Representatives Committee on Natural Resources (17 September 2008)

*Testimony on the Need for Legislation on Coal Ash Disposal* before the U.S. House of Representatives Subcommittee on Energy and Mineral Resources of the House Committee on Natural Resources (10 June 2008)

*Testimony in support of The Clean Water Restoration Act of 2007 (H.R. 2421)* before the U.S. House of Representatives Committee on Transportation and Infrastructure (16 April 2008)

**OTHER PROFESSIONAL TESTIMONY AND ENGAGEMENT WITH GOVERNMENT**

*Testimony before the Nevada Federal Lands Task Force* (On the authority to claim ownership over federal public domain lands.), December 6, 2013

*Meetings with Interior Department Officials on Reforming the Public Land Use Planning Process*, February 20-21, 2014

## PUBLICATIONS

### Books

- THE STRIP MINING HANDBOOK (1990; 2<sup>nd</sup> ed. 2012)  
NATURAL RESOURCES LAW AND POLICY (with Rasband and Salzman) (2004; 2<sup>nd</sup> ed., 2009)  
THE NEPA LITIGATION GUIDE (Co-editor with Al Ferlo and K. Sheldon) (1999; 2d ed. 2012)  
ENVIRONMENTAL LAW, Vol. 1: ENVIRONMENTAL DECISION-MAKING, (1989; 2<sup>nd</sup> ed., 1994 (with Battle and Fischman); 3<sup>rd</sup> ed., 2000 (with Fischman))  
ENVIRONMENTAL LAW, Vol. 3: AIR POLLUTION, (1988; 2<sup>nd</sup> ed., 1992; 3<sup>rd</sup> ed., 1999)  
ENVIRONMENTAL LAW ANTHOLOGY (with Fischman and Lipeles) (1996)

### Recent Book Chapters

- NEPA and Climate Change*, in THE NEPA LITIGATION GUIDE (American Bar Ass'n, 2d ed. 2012)  
*Accounting for Water Rights in the Western United States*, in INTERNATIONAL WATER ACCOUNTING: EFFECTIVE MANAGEMENT OF A SCARCE RESOURCE (2012)  
*Embracing a Civic Republican Tradition in Natural Resources Decision-Making*, in THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY (2010)  
MANAGING COAL COMBUSTION RESIDUES IN MINES, Principal author of *Chapter 5: Current Regulatory Framework*, and a contributor to the entire book; (National Research Council of the National Academies, 2006)  
*The Antiquities Act and the Exercise of Presidential Power: The Clinton Monuments*, in THE ANTIQUITIES ACT: A CENTURY OF AMERICAN ARCHAEOLOGY, HISTORIC PRESERVATION, AND CONSERVATION (2006)

### Recent Articles

- Marketing Conserved Water: Lessons from Australia for the Western United States* (with Anthony McLeod, in progress)  
*Rethinking Public Land Use Planning* (in progress)  
*Grazing in Wilderness Areas*, 44 ENVTL. L. 415 (2014)  
*Meaningful Engagement in Public Lands Decisionmaking*, 59 ROCKY MTN. MIN. L. FND. 21-1 (2013)  
*The Tragic Story of the Federal Coal Leasing Program*, 27 NAT. RES. & ENV. 29 (Winter, 2013)  
*Water Transfers for a Changing Climate*, 53 NAT. RES. J. 55 (2012)  
*The Water Marketing Solution*, 42 ENVTL L. REP. 10800 (2012)  
*The Judicial Assault on the Clean Water Act*, 59 FED. LAW. 33 (2012)  
*NEPA, Climate Change, and Public Lands Decision-making* (with Alexander Hood), 42 ENVTL. L. 469 (2012)  
*Climate Change and Institutional Competence*, 41 TOLEDO L. REV. 889 (2010)  
*Rethinking the Great Lakes Compact*, 2006 MICH. STATE L. REV. 1347 (2007)  
*From Navigable Waters to Constitutional Waters: The Future of Federal Wetlands Regulation*, 40 MICH. J. L. REFORM 799 (2007)  
*Let the People Speak: Notice and Comment Rulemaking (Lessons from the Controversial New Source Review Proposal of the Clean Air Act)* (with Victor B. Flatt, Michael O'Hear, and Robert R.M. Verchick). 34 ENV. L. REP. News and Analysis 10115 (2004).  
*The Monumental Legacy of the Antiquities Act of 1906*, 37 GA. L. REV. 473 (2003).

### Recent Editorials

- Let's Protect All Our Nation's Waters*, *High Country News*, Syndicated Column for Writers on the Range series, June, 2014, available at, [http://www.hcn.org/wotr/lets-protect-all-our-nations-water/print\\_view](http://www.hcn.org/wotr/lets-protect-all-our-nations-water/print_view)

*It's No Fun Being a Criminal: Colorado Ought to Allow River Access for All*, Syndicated Column for High Country News, Writers on the Range series, February 19, 2010

*An Endless Journey: Future of Roadless Areas Unresolved*, DENVER POST: PERSPECTIVES, October 15, 2006.

*Nibbling Away at a Good Law*, DENVER POST: PERSPECTIVES, May 21, 2006.

*Time for a Real Energy Plan*, DENVER POST: PERSPECTIVES, August 21, 2005.

## LITIGATION EXPERIENCE

*High Country Citizens Alliance v. Clarke*, 454 F.3d 1177 (10<sup>th</sup> Cir. 2006), cert. denied, 550 U.S. 929 (2007)

(Pro bono author of amicus curiae brief on behalf of administrative law and public lands law professors)

*Coalition for Sustainable Resources v. U.S. Forest Service*, 48 F. Supp.2d 1303 (D. Wyo. 1999) *aff'd.*, 259

F.3d 1244 (10th Circuit Court, 2001) (Pro bono counsel for Intervener, Biodiversity Associates)

*Friends of the Bow v. Thompson*, 124 F.3d 1210 (10th Cir. 1997) (Pro bono counsel: Friends of the Bow)

*Dorrance v. McCarthy*, 957 F.2d 76 1(10th Cir. 992) (Pro bono counsel: Intervener, National Wildlife Federation)

*Powder River Basin Resource Council v. Babbitt*, 54 F.3d 1477 (10th Cir. 1995) (Pro bono counsel for PRBRC)

*Illinois South Project v. Hodel*, 844 F.2d 1286 (7<sup>th</sup> Cir. 1988) Pro bono counsel for Illinois South Project

*National Wildlife Federation v. Hodel*, 839 F.2d 694 (D.C. Cir. 1988) (Pro bono counsel for various plaintiffs)

*Virginia Citizens for Better Reclamation v. Watt*, 20 BNA Env. Rep. Cases 2235 (4th Cir. 1984)

*Holmes Limestone Company v. Watt*, 655 F.2d 732 (6th Cir. 1982)

*Virginia Surface Mining and Reclamation Ass'n v. Andrus*, 483 F. Supp. 425 (W.D. Va. 1980), *rev'd sub nom.*,

*Hodel v. Virginia Surface Mining Ass'n*, 452 U.S. 264 (1981)

## RECENT INVITED PRESENTATIONS

- *Marketing Conserved Water: Lessons from Australia for the Western United States*, World Water Conference XV, Edinburgh, Scotland, May 25-29, 2015
- *NEPA Workshop*, Bill Cohen Summit, December 2-3, 2014, Perkins Coie, Washington, DC
- *Creating a Sustainable Water Supply*, United Nations Association of Boulder, UMC, October 26, 2014
- *Emerging Issues at the Intersection of Energy and Water*, Louisiana State University Law Center, October, 3, 2014
- *Grazing in Wilderness Areas*, Lewis & Clark Law School, April 10, 2014
- *Landscape Planning on Public Lands*, George Washington University Law School, March 13, 2014
- *Federal Lands Task Force (On the authority to claim ownership over federal public domain lands.)*, December 6, 2013
- *Great Lakes Workshop*, SUNY Buffalo Law School, August Testimony before the Nevada, October 3-4, 2013
- *Whistle Stop Tour on the Federal Coal Leasing program*, Four presentations in Cheyenne, Wyoming, Billings, Montana and Helena Montana over the course of three days (August 20-22, 2013)
- *Meaningful Engagement in Public Lands Decisionmaking*, 59 ROCKY MTN. MIN. L. FND. 21-1 (2013)
- *Water Marketing and the Colorado River*, Georgia State University Law Review Symposium, February 8, 2013
- *The Tragic Story of the Federal Coal Leasing Program*, Stanford University, Fossil Fuels Class, February 4, 2013
- *Accounting for the Social Cost of Coal in Decisionmaking*, University of Dundee, December 5, 2012; University of Edinburgh, December 2, 2012
- *The Environmental Impacts from Unconventional Oil and Gas Development*, University of Aberdeen, November 30, 2012
- *Instructor, Surface Mining Control and Reclamation Act Training Workshop*, Pittsburgh, PA, July 29-31, 2011; Boulder, CO, June, 2012

- *The Future of the Colorado River*, Colorado River District's Annual Water Seminar, Grand Junction, CO, September 15, 2011
- *Downsizing Dependence on the Colorado River*, California Water Policy Conference, Los Angeles, CA, March 3-4, 2011
- *The Monumental Legacy of the Antiquities Act*, National Park Service, Page, Arizona, April 23, 2010
- *Climate Change and Institutional Competence*, University of Toledo Law Review Symposium, March 26, 2010

### SIGNIFICANT SERVICE

Water Resources Advisory Board, City of Boulder, 2013-present (*appointed by Boulder City Council*)

Board of Directors, Earthworks, 2013-present

Advisory Board, Western Mining Action Project, 2012-present

Trustee, Rocky Mountain Mineral Law Foundation, 1996-2002, 2009 to present

Editor, Mineral Law Newsletter, Rocky Mountain Mineral Law Foundation, 1991 to present

Vice-Chair, Public Lands and Land Use Committee, Section on Natural Resources, Energy and Environmental Law, American Bar Association, 1988–1998

Chair, Book Publications Committee, Section on Natural Resources, Energy and Environmental Law, American Bar Association, 1998-2001; Vice-Chair, 1995–1998, 2003 to present.

Member-at-Large (elected University-wide), University of Colorado Boulder Faculty Assembly, August 2008 – May, 2011

Member, Steering Committee, IUCN (The World Conservation Union), Environmental Law Commission, 1997 - 2005

Member, National Academy of Sciences, Committee on Mine Placement of Coal Combustion Wastes, November, 2004 – 2006

Board of Directors, Great Lakes United, 2004-2005

Chair, AALS Executive Committee on Environmental Law, January 2001 – January 2002 (Committee member, 1997-2003)

### OTHER ACHIEVEMENTS

Visiting Professor, Jean Moulin Université, Lyon, France Summer, 2015, (taught International Water Law through a program sponsored by Louisiana State University)

Visiting Professor, University of Edinburgh Law School, Fall, 2012, (co-taught Comparative Environmental Law)

Clyde Martz Distinguished Teaching Award, Rocky Mountain Mineral Law Foundation, 2012

Visiting Professor, Oxford University, England, Summer 2010 (taught International Environmental Law through the Study Abroad program at University of San Diego)

Committee Chairperson of the Year, University of Wyoming Faculty Senate Award, 1999-2000

Visiting Professor, Northwestern School of Law, Lewis & Clark College, Summer 1999

Distinguished Visiting Professor, Dickinson School of Law, October 1996

Fulbright Lecture/Research Award, The Australian National University, Canberra, Australia, 1993

Included one week at the University of the South Pacific, Fiji, and lectures throughout Australia  
Legal Volunteer Award, Wyoming Outdoor Council, 1992