

Rio Grande Reservoirs Focus of Symposium

Water experts spent a day in April presenting a big-picture look at the reservoir system along the Rio Grande during a symposium presented by the Utton Transboundary Resources Center and the Natural Resources Journal. The symposium was part of a cooperative effort between the Utton Center and the NRJ that built on the work begun in the late 1970s by the late UNM Law Professor Albert E. Utton, for whom the center is named.

In 1979, working with several law students, including Robert Muelenweg ('80) and Barbara Stephenson ('79), Utton prepared "A Legislative History of the Rio Grande Reservoirs in New Mexico" for the U.S. Army Corps of Engineers. The history tracked congressional legislation for all of the reservoirs on the river, including the major tributaries. In approving the construction of a federal dam, Congress determines the authorized purpose for water storage, which mostly guides how a river will be operated.

Most of the reservoirs were authorized only for flood control and to trap sediment, with the intent to allow the free flow of water to Texas as required under the Rio Grande Compact. Enacted in 1938 by the state legislatures of Colorado, New Mexico and Texas, the compact continues to determine requirements for the storage and delivery of the river's water. However, through the years, additional issues and circumstances that affect management of the reservoirs have arisen that were unforeseen and not addressed in the original congressional authorizations and compact.

Speakers at the symposium tackled various issues facing the reservoir system. They included Regis Pecos of Cochiti Pueblo, who shared the history of Cochiti Lake from the Pueblo perspective. Among the other speakers, Kevin Flanigan, hydrologist for the Interstate Stream Commission, provided an overview of reservoir management and water operations in New Mexico, and Kara Gillon of Defenders of Wildlife, discussed environmental perspectives on progressive management of the reservoirs.

The Natural Resources, Energy and Environmental Law Section of the State Bar of New Mexico sponsored a luncheon featuring keynote speaker Everett Chavez of Santo Domingo Pueblo and chair of the Six Middle Rio Grande Pueblos Water Coalition. April Sanders of the Corps of Engineers and Vince Tidwell of Sandia National Laboratories spoke about interactive planning tools for the Upper Rio Grande. An afternoon presentation about the many challenges of making optimum use of the Middle Rio Grande and its reservoirs was followed by roundtable discussions to gather ideas from the audience.

Susan Kelly, associate director of the Utton Center, is working with Josh Mann and Lara Katz, co-editors of the Natural Resources Journal, to update Utton's 1979 history of the Rio Grande reservoirs. This update will provide information on what has transpired since 1979 and, in particular, address the impact of the Endangered Species Act and Indian water rights issues on management of the reservoirs. These papers and others from the symposium will be compiled in a future edition of the Natural Resources Journal, which will be dedicated to reservoir and river management legal issues.



Everett Chavez of Santo Domingo Pueblo, chair of the Six Middle Rio Grande Pueblos Water Coalition, discussed collaborative efforts and opportunities for better water management during a lunchtime presentation.

Advisory Panel Formed for Energy-Water Project

An advisory committee has been formed to provide policy analysis for a collaborative project between the Utton Transboundary Resources Center and Sandia National Laboratories. This project will identify the major regional and national issues and needs that must be addressed to support a long-term sustainable supply of water that would support electric power generation and energy production in the United States. The Utton Center's role in the project is to identify legal and policy issues that could affect the use of new technologies. When completed, the information will be available on a database currently being established.

"The interconnectedness of water and energy production is unrecognized by many people," says Marilyn O'Leary, director of the Utton Center. "With the support and guidance of these nationally-recognized experts, we hope to provide significant input into the development and deployment of better technologies for processes and materials for energy generation."

Henry Vaux, professor emeritus of resource economics at the University of California at Berkeley, has helped identify persons with expertise in

water policy to serve with him on the committee, which will meet periodically to provide guidance to the Utton Center on this project.

Other members are:

A. Dan Tarlock, director of environmental and energy law, Chicago-Kent College of Law;

William Graf, geography professor, University of South Carolina;

Helen Ingram, Warmington Endowed Chair in Social Ecology, University of California at Irvine;

William Blomquist, political science professor, Indiana University-Purdue University at Indianapolis;

Robert Abrams, professor at Florida A&M College of Law;

David H. Moreau, director of the Water Resources Research Institute, University of North Carolina.

In Brief

Lara Katz and **Josh Mann**, below, co-editors of the *Natural Resources Journal*, offered an overview of Utton Center projects they have worked on at the 2006 Student Water Symposium at the UNM Student Union Building in late March. The symposium brought together UNM students from all disciplines related to water, along with students of all levels from other New Mexico universities to showcase creative water research statewide. In addition to presentations, poster sessions took place throughout the daylong event.



Peter Pino, tribal administrator and former governor of the Pueblo of Zia, discussed the issue of water and culture during a World Water Day celebration at the UNM School of Law on March 22. The event included a showing of the video "Voices of the Jemez River", which describes how a water-sharing agreement was reached among water-rights owners in the Rio Jemez Valley community. The primary water users on the stream are Jemez and



Peter Pino

Zia pueblos and a group of non-Indian acequia farmers. The program was co-sponsored by the Environmental Law Students Association and the Utton Transboundary Resources Center.

Marilyn O'Leary, director of the Utton Transboundary Resources Center, served on a panel at the 31st annual conference of the National Association of Environmental Professionals, which took place in Albuquerque in late April. She spoke on the

role of legal and regulatory policy in the implementation of new water technologies. The panel's topic was, "Energy Water Nexus: Research Direction for Energy & Water," and focused on a project led by Sandia National Laboratories to identify critical policy issues related to the mutual dependence of water and energy productions. The conference theme was titled, "Global Perspectives on Regional Issues: The Future for Environmental Professionals in the Next 30 Years."

Emily White Hat Receives Scholarship

Emily White Hat, a second-year law student, has received a one-semester scholarship from the Rocky Mountain Mineral Law Foundation.



Emily White Hat

White Hat, a member of the Rosebud Sioux Tribe (Sicangu Lakota), impressed the scholarship committee with a personal statement in which she pledged to pursue a career working on behalf of Indian tribes in the protection and management of their natural resources and land tenure issues. She also hopes to implement traditional Lakota beliefs into management of the land and resources on the Rosebud Sioux Reservation, where she grew up.

"It is an honor to receive the Rocky Mountain Mineral Law Foundation Scholarship," she says. "I developed an interest in natural resources and an appreciation for our land as a young girl when I would go horseback riding with my father through the canyons of our reservation. Later I continued this appreciation when I worked as a firefighter and in forestry, and eventually learned about land management and policy when I was elected to the Rosebud Sioux Tribal Land Enterprise Board of Directors."

The goals of the foundation are to foster and encourage the study of the law and applicable regulations relating to oil and gas, mining, water, public land management, land use, conservation and environmental protection. The UNM School of Law is a member of the Denver-based foundation. The objective of the scholarship program is to encourage the study of natural resources law by students who have the potential to make significant contributions to scholarship in that area.

Wild Friends Help Outlaw Cyberhunting

Computer-assisted hunting, or cyberhunting, has been outlawed in New Mexico, thanks to the efforts of students in the Wild Friends Program. The program, aimed at school-age youth, is a component of the Center for Wildlife Law at the University of New Mexico Institute for Public Law, the public service arm of the UNM law school.

Cyberhunting came to national attention when it was discovered a Texas website allowed people with computers to shoot live game via a camera-equipped rifle. Texas and other states, now including New Mexico, have since banned remote-controlled game hunting.

In New Mexico, Wild Friends students drafted the bill, which was sponsored by Sen. Michael Sanchez ('76) of Belen. About 400 of those students, accompanied by 60 adults, including parents, teachers, school administrators and volunteers, traveled to Santa Fe during the 2006 legislative session to lobby for the bill.