

Sanford Gaines Named Utton Center Director

Sanford Gaines will bring a broad knowledge of national and international natural resources law when he takes over as director of the Utton Transboundary Resources Center on July 1. His career also is marked by building understanding and consensus among diverse groups on environmental issues.



Marilyn O'Leary with Sanford Gaines.

Gaines is a 1974 graduate of Harvard Law School. He has been a member of the University of Houston Law Center's faculty for the past 21 years, and currently is Law Foundation Professor of Law. From 1992-1994, he served as the deputy assistant U.S. trade representative for environment and natural resources for President Bill Clinton. In that capacity,

he was involved in the negotiation of the North American Free Trade Agreement and its environmental side agreements as well as the agreements creating the World Trade Organization.

He later chaired the National Advisory Committee relating to the North American Commission for Environmental Cooperation. Gaines also has consulted on energy and environment conferences in China and India for the United Nations Industrial Development Organization and on international trade issues for Environmental Defense and the National Wildlife Federation.

Outgoing Utton Center Director Marilyn O'Leary has agreed to stay on to help Gaines transition into the position.

"The center has blossomed under the direction of Marilyn O'Leary," says Dean Suellyn Scarnecchia. "We are thrilled that Professor Gaines has agreed to use his impressive experience and skills to move the center to further national and international prominence. The management of our natural resources across borders of all kinds requires the continued focus of the Utton Center and the law school."

Look for a more in-depth article about Gaines in the Autumn issue of UNM LAW.

2008 Celebration Will Highlight Winters Decision

The Utton Transboundary Resources Center and American Indian Law Center are coming together to present a centennial celebration of a 1908 U.S. Supreme Court decision that established the doctrine of federal reserved water rights, in particular, Indian reserved water rights.

The 2008 celebration will feature a video presentation and historical reenactments of the *Winters v. United States* case in which the United States Supreme Court held that upstream water users did not have a right to divert water that was reserved for the Gros Ventre and Assiniboine people living in the Fort Belknap Reservation. The *Winters* doctrine was later expanded to reach other federal lands.

Discussions will focus on how the landmark decision has impacted tribal and federal lands and take a look at the future of federal reserved water rights under the doctrine. A major goal of the gathering will be to bring together reserved rights claimants and policymakers to build a common understanding of the nature and need for these rights.

The idea for the celebration came during an Utton Center Advisory Board meeting. John Thorson, Lynn Slade ('76) and Tom Kinney ('94), all members of the board, volunteered to lead the planning effort.

"As drought and population explosion have increased competition for water in the West, the future of unasserted Indian and other federal land claims to water is unclear," says Marilyn O'Leary, director of the Utton Center. "By bringing together people affected by the decision, we hope to increase the understanding of the *Winters* case, its legal and policy implications and its ongoing importance. We also hope this symposium will attract top policymakers in the reserved rights field and advance the dialogue on all sides."

The celebration will take place from June 9-12, 2008 at the Hyatt Regency Tamaya Resort. For up-to-date planning information, check the Utton Center website at uttoncenter.unm.edu.

Iris Augusten Receives Mineral Law Foundation Scholarship



Iris Augusten

Not long after moving to Taos in 2001, Iris Augusten was struck by how New Mexico's population could keep climbing despite a limited supply of water resources. As a volunteer for the Western Environmental Law Center she learned more about the challenges of managing natural resources, an issue she knows close up.

Augusten grew up in a small logging town in western Maine. Her family's home had no electricity, plumbing or driveway, and every morning, she either walked or snow-shoed the half-mile to the school bus stop.

At the UNM School of Law, she has focused on natural resources law and serves as student editor-in-chief of the *Natural Resources Journal*. For her commitment to resources management, she received a one-semester scholarship from the Rocky Mountain Mineral Law Foundation.

"I am fascinated by water law, particularly its historical backdrop," she says. "New Mexico faces many complex challenges in this area, not only internally, but also with respect to delivery requirements under compacts, treaties and ESA-based court opinions."

The UNM School of Law is a member of the Denver-based

Kristin Casper Advocates for Renewable Energy



Kristin Casper

Global warming is high on Kristin Casper’s radar. In fact, she has made it her priority for years now, and has continued to bring attention to the issue during her first year at the UNM School of Law.

As an intern with Environmental Defense, a national environmental advocacy organization, she worked with a grassroots coalition to support clean renewable energy bills in the New Mexico Legislature. She is proud that the coalition was able to get 13 bills passed,

including one that requires investor-owned utilities to provide 20 percent of their power from renewable energy sources by 2020.

Casper spent even more of her time working to successfully defeat a bill to give an \$85 million tax credit to Desert Rock, a proposed coal-fired power plant that would be built on the Navajo Nation near Farmington. On this issue, she wrote fact sheets, made phone calls, encouraged supporters to write letters to the editor and generated activity on blogs.

The high point of this effort came after the session ended when she helped organize a Difficult Dialogue at the law school, where representatives from both sides of the issue squared off. The event was sponsored by the Native American Law Students Association, the Business Law Society and the Environmental Law Society, of which Casper is secretary and soon-to-be vice president.

“It was important to educate the law-school community on this issue,” she says. “Climate change is so important that we can’t wait until we get out of law school to start it. We have to do it now.”

She also serves on the UNM Provost’s Committee on Sustainability, which released a draft policy for the entire campus in late April.

Casper has been an environmental activist as long as she can remember. At Lewis & Clark College, she was co-founder of the college’s most active

student organization, SEED (Students Engaged in Eco-Defense) and worked as a renewable energy advocate for the Greenhouse Network, which was started by Eban Goodstein, a Lewis & Clark economics professor.

After earning a degree in environmental studies, she worked for Greenpeace in California, pounding the streets from San Diego to San Francisco, campaigning for the development of strong renewable energy goals. She even took her campaign to Mexico and as far away as Australia. A highlight came in 2002 when she was chosen to represent the youth of the United States at the United Nations World Summit on Sustainable Development.

The more she went up against large corporations in her advocacy work, the more she knew she needed more skills, which is what brought her to the UNM School of Law.

“A legal education will help in so many facets of my life and I know these skills will help me become an even better advocate,” she says.

This summer, Casper will continue her renewable energy advocacy work as an intern with Western Resource Advocates. She looks forward to learning more about utility and energy law, splitting her time between the nonprofit’s offices in Boulder and Santa Fe.

Convinced that climate change is the most important and challenging issue facing the world, she believes that being a part of a global shift away from fossil fuels is the best way to focus her own unlimited energy.

“Every morning I wake up feeling motivated, so I must be doing something right,” she says.

Rocky Mountain Mineral Law Foundation. The scholarship is designed to encourage the study of natural resources law by students with the potential to make significant contributions to scholarship in that area.

After graduation in 2007, Augusten would like to work on water adjudication issues and help the Taos community with water management issues.

With her husband, she lives off the grid, in a house built of recycled tires, cans and bottles that is designed to be self-sufficient. Once again, she has no electricity or a well. This time, it’s her choice.



Panelists at Difficult Dialogue on Desert Rock included from l-r: Elouise Brown, president of Dooda Desert Rock; Ben Luce, director of the New Mexico Coalition for Clean Affordable Energy; Patrick Redmond, treasurer of the Environmental Law Society; Steven Begay, general manager of Diné Power Authority.