

Energy, Environment & Natural Resources Practicum - Syllabus

Course Number: 6933

Professor: Adjunct (Sharon Buccino; BA, Yale; JD, Stanford Law School)

Credit Hours & Type of Credit: 3

Semester Offered: Fall 2021

Required: No (an elective upper-level course)

Prerequisites: N/A

Office hours: By appointment

Classroom: Annex facility (across Grand Avenue in basement of Old Farm Bureau Building)

Class Time: Tuesdays, 3:00-4:20

Course Overview: This practicum course will provide students an experiential learning opportunity in the field of energy, environmental and natural resources law and policy. The class will meet once a week for 1 hour and 20 minutes in a seminar setting. Discussion during class time will include key issues regarding implementation of federal statutes and cases governing natural resource and energy law. Class time will also be used to discuss research and writing tips related to practicum projects. During the course, students will draw on pertinent and practical legislative and administrative materials. While the focus will be on federal law, students will have the opportunity to explore the important roles state and local governments play in natural resource and energy law issues.

Guest speakers of various types will offer a diverse perspective on the practice of energy, environmental and natural resource law. Selected readings will provide a framework for discussing and solving energy, environmental and natural resource issues. Past faculty who have taught the course include Temple Stoellinger (Univ. of Wyoming) and Robert Mathes (Occidental Petroleum Corporation).

EENR Excellence Luncheon Series: During the fall semester, students in the course are invited to participate in the EENR Excellence Luncheon Series. The topic this year is "Challenges to the Energy and Natural Resource Industry in Wyoming. A List of Guest speakers is provided below.

Students in the practicum course do not engage in legal representation of clients. The practicum projects are simulations of real world issues impacting local, state and federal decision-makers tackling pressing legal and policy issues.

Learning Objectives: Students successfully completing this course will:

1. Gain exposure and hands on experience with different aspects of practicing energy, environmental and natural resource law.
2. Acquire detailed knowledge of particular areas of energy, environmental and natural resource law.
3. Improve written and oral advocacy skills.

Course Requirements and Grading:

Students will receive 3 credits for completing the class. Successful completion requires

submission of weekly timesheets totaling 150 hours for the semester. Time spent in class counts as part of the 150 hours.

The grade for the course will be determined as follows:

25% -- Class participation (including work on initial group project)

25% -- One individual short assignment related to current events. The assignment will consist of 1-2 single spaced briefing paper and a 10-minute oral presentation followed by discussion of the issue involved. Each short assignment will be designed to reflect a task that a lawyer with expertise in energy and natural resource law might be called upon to do with a quick turn-around.

Each student will sign up for a particular week to submit the short assignment. The student will receive their assignment in class on the Tuesday before the date upon which she/he has signed up. She/he will submit the written briefing paper to the class members and professor via email by 5pm on the day before the date upon which she/he has signed up to present.

The assignments may involve preparation for a meeting with Congressional staff; a state or federal agency official; or a reporter or editorial board. Alternatively, the assignment might involve preparation of remarks for a public meeting involving an action by a federal agency affecting energy or natural resources. The remarks might be prepared for an oil and gas company, a local outdoor shop, the Wyoming Business Council or a local fishing group.

50% -- Student written work for joint practicum project. The written work consists of three pieces: (1) initial issue summary and work plan; (2) draft work product; and (3) final work product. Each student will be graded individually on the contribution he/she makes to the written work product. Students will receive a numeric grade (1-100) four times over the course of the semester as indicated in syllabus reflecting professor's evaluation of the individual contribution of each student.

Class Attendance: In accordance with the College of Law Attendance Requirement and American Bar Association requirement of regular and punctual attendance, you must attend at least 75% of the class meetings. Instructors will take attendance and enforce this requirement. As part of the course, students also are invited to participate in the 2021 Landscape Discussion on Energy Law & Policy in the Rockies and the College's EENR Excellence Luncheon Series with invited speakers providing a variety of viewpoints on topical subjects. This year's topic is "Challenges to the Energy and Natural Resource Industry in Wyoming."

Disability Support: The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a physical, learning, sensory or psychological disability and require accommodations, please let me and the Associate or Assistant Dean know as soon as possible. You will need to register with and provide documentation of your disability

to University Disability Support Services (UDSS) in SEO, Room 330 Knight Hall. For more, go to <http://www.uwyo.edu/udss/> and <http://www.uwyo.edu/udss/accommodations-and-services/>.

Academic Honesty: The College of Law Honor Code applies at all times. The University of Wyoming College of Law is built upon a strong foundation of integrity, respect, and trust. All members of the University community have a responsibility to be honest and the right to expect honesty from others. Any form of academic dishonesty is unacceptable to our community and will not be tolerated. The College of Law Honor Code can be found at: http://www.uwyo.edu/law/_files/docs/academics/law-honorcode-final.pdf. See also University Regulation 6-802 “Procedures and Authorized University Actions in Cases of Student Academic Dishonesty,” http://www.uwyo.edu/generalcounsel/_files/docs/uw-reg-6-802.pdf.

Additional items incorporated by reference: Information on topics such as diversity, duty to report, and student and campus resources can be found in the class shell on WyoCourses under the tabs “Classroom Climate & Conduct” and “Learning Tools.”

Course Mission Statement:

The University is a marketplace of ideas committed to expanding the spectrum of knowledge in all subjects and providing an atmosphere for debate and scholarly inquiry. No University can function unless both students and faculty enjoy an environment conducive to speculation, experiment and creation and free from the pall of orthodoxy over the classroom. Scholarship cannot flourish in an atmosphere of suspicion and distrust. Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise, our civilization will stagnate and die.

Chief Justice Earl Warren, *Sweezy v. State of New Hampshire*, 354 U.S. 234 (1957)

SCHEDULE OF CLASSES AND MEETINGS

August 24	Introduction to the course, course overview (syllabus/class mechanics) Sign Up for Individual Assignments
August 31	Group Project 1: assessing applicable law to protect property owner’s rights to groundwater; outline for memo and assignments for drafting memo
September 7	Group Project 1(con’t): discuss work on draft memo; schedule individual team meeting
September 14	<i>Individual Presentation 1;</i> <i>Practicum projects:</i> check-in
September 21	Group Project 1 (con’t): review draft memo; DUE: PROJECT ISSUE SUMMARY AND WORK PLAN (Group Projects 2 and 3)

- September 28 Group Project 1 (*con't*): FINAL MEMO DUE
 Invited Guest Speaker: Governor Dave Freudenthal
 EENR Luncheon Series Speaker: Wyoming Governors Dave Freudenthal,
 Mike Sullivan, and Matt Mead
 “Challenges to the Energy and Natural Resources Industry in Wyoming: A
 Governor’s Perspective”
- October 5 *Individual Presentation 2; Practicum projects: check-in*
- October 7 EENR Luncheon Series Speaker: Alex Obrecht, BakerHostetler
 “Challenges to the Energy and Natural Resources Industry in Wyoming: A
 Regulatory Lawyer’s Perspective”
- October 8 Annual Landscape Discussion on Energy Law & Policy in the Rockies
 [Tentative Conference Agenda attached]
- The University of Wyoming College of Law’s Center for Law & Energy Resources in the
 Rockies and the UW School of Energy Resources are once again excited to bring together
 stakeholders with collaborative interests to engage in a thought provoking discussion on
 key energy topics currently at play in Wyoming, the region and the nation. This one-day
 symposium has an exciting line-up of speakers sure to facilitate robust discussion on issues
 warranting attention for securing a sustainable natural resource future.
- October 12 Group Project 2: Wildlife Migration Corridors
 Group Project 3: Outdoor Recreation
INDIVIDUAL PRESENTATION 3
- October 19 Group Projects 2, 3 (*con't*): discuss initial research
 Invited Guest Speaker: Kris Koski
 EENR Luncheon Series Speaker: Kris Koski
 “Applicable laws and current regulatory and legal hurdles in pore space
 development in Wyoming”
- October 26 Group Projects 2, 3 (*con't*): check in
INDIVIDUAL PRESENTATION 4
- November 2 Group Project 3: Tribal Environmental Codes
Practicum projects: check-in
 Invited Guest Speaker: Paul Hickey, Hickey & Evans, LLP
 EENR Luncheon Series: Paul Hickey
 “Challenges to the Energy and Natural Resources Industry in Wyoming: A
 Regulatory Attorney’s Perspective”
- November 9 *INDIVIDUAL PRESENTATION 5*
Practicum projects: check-in
- November 16 *INDIVIDUAL PRESENTATION 6*

Group Project 3 (con't)
Practicum projects: check-in

- November 23 Invited Guest Speaker: Brad McKim, former General Counsel, BP Global
Practicum projects: check-in
EENR Luncheon Series Speaker: Brad McKim
“Challenges to the Energy and Natural Resources Industry in Wyoming”: A
General Counsel’s Perspective”
- November 30 Last Day of Class: Review/Reflections
DUE: FINAL PROJECT WORK PRODUCT

List of Invited Guest Speakers:

Dave Freudenthal, former Governor of Wyoming, JD, Univ. of Wyoming College of Law
Mike Sullivan, former Governor of Wyoming, JD, Univ. of Wyoming College of Law
Matt Mead, former Governor of Wyoming, JD, Univ. of Wyoming College of Law
Chris Koski, Director, Professional Land Management Program, Univ of Wyoming School of
Energy Resources
Brad McKim, former General Counsel, BP Global; JD, Univ. of Wyoming College of Law
Jim Magana Executive Vice President, Wyoming Stock Growers Association
Paul Hickey, Partner, Hickey & Evans, LLP, JD, University of Wyoming College of Law
Alex Obrecht, Partner, BakerHostetler, JD, University of Wyoming College of Law
Joe Evers, Senior Landman, Occidental Petroleum Corp.; JD, Univ. of Wyoming College of Law
Additional speakers to be determined

Note: In-person speaking arrangements may be impacted by the COVID-19 situation, and are therefore subject to change.

Practicum Project Descriptions:

1. Wildlife Mitigation Corridors – Accessing Federal Funds to Deliver Results

Background

Wildlife such as mule deer, pronghorn and elk shape the identity of the American West. In Wyoming, these animals fill an essential part of life – whether for watching or hunting them or simply knowing they roam the land around us. Science has shown the importance of specific lands across which these animals migrate with the seasons. By enacting measures to keep existing migratory corridors functioning and restore some that have been severed, policymakers at the state and federal levels can help keep the nation’s vast natural spaces connected, make highways safer, and ensure that the iconic big-game species of the American West have room to roam.

Students meet with county/city planners to identify ways to assist counties with the challenges of migration corridors

Initial set of resources for the student

<https://www.doi.gov/pressreleases/us-departments-interior-agriculture-and-state-wyoming-commit-enhancing-wildlife>

Governor Mark Gordon, Executive Order, Wyoming Mule Deer and Antelope Migration Corridor Protection (2020-1)(February 13, 2020),

<https://drive.google.com/file/d/1TLuj1UGcRTjOvBklmP4qwjehSVmGjch8/view>

Advisory groups: Platte Valley, Baggs, Sublette

University of Wyoming, Wyoming Migration Initiative, <https://migrationinitiative.org/>

Wyoming Wildlife Federation, <https://wyomingwildlife.org/migration-conservation/>

Alumni/ae contacts: Bailey Brennan, Natural Resource Attorney, Wyoming Association of County Commissioners

2. Outdoor Recreation – Enhancing Visitor Experience for All

Background

Increasing demands are being placed on our national parks and other public lands. We want to provide access to them – including to those who have not previously used them – but need to manage increased interest and use in a way that protects our public lands and waters for others to enjoy. The 150th anniversary of the creation of the world’s first national park – Yellowstone – offers the opportunity to examine what we need from our national parks today and mechanisms of governance to meet these needs.

Questions:

1. What are the different ways in which people engage with federal public lands?
2. What are different tools that have been used to balance these different demands and satisfy as many as possible?

Initial set of resources for students

Robert B. Keiter, *The Emerging Law of Outdoor Recreation on the Public Lands*, 51 *Envtl. L.* 89, 91 (2021).

https://www.wyomingnews.com/rocketminer/news/state/visits-swell-at-national-parks-tourism-increases-as-pandemic-subsides/article_accbf5a6-8dbd-5277-b3fa-cac0a792f92d.html

<https://www.nps.gov/yell/learn/management/visitor-use-management.htm>

Written Product for the Project:

1. Literature review – changing uses of public lands;
2. Toolkit of best practices/list of references for designing effective public outreach and engagement

Alumni contacts: Connor Nicklas, Budd-Falen Law Offices

3. Tribal Environmental Codes – Promoting Protection of Natural Resources

Background

Tribal nations are looking for increased leverage to protect the environment both on and off reservation. The Cheyenne River Sioux Tribe has explored putting in place a comprehensive environmental code. A draft code has been developed. The tribe's Attorney General is now considering how to move forward with some or all of the code.

Research Questions

1. What issues is the tribe facing regarding environmental protection and natural resources?
2. What additional regulations might the tribe want to adopt? What kind of staffing might the tribe want to invest in?

Initial set of resources for students

Draft Environmental Code for Cheyenne River Tribe
<https://www.cheyenneriversiouxtribe.org/>

Department of Environment and Natural Resources
<http://www.crstepd.org/>
David Nelson, DENR Director dnelson@crstepd.org

Tracey Zephier, Tribal Attorney General, crstag1868@gmail.com
https://narf.org/nill/tribes/cheyenne_river_sioux.html

Written Product for the Project

1. List of economic development resources – outreach to tribal colleges
2. Implementation plan

Alumni/ae contacts: Brandon Reynolds, former Director, Office of Tribal Engineer, Wind River Reservation