



WESTERN SPACES

WESTERN PLACES / WESTERN SPACES

DISRUPTION, INNOVATION, AND PROGRESS:

PLANNING FOR AN UNCERTAIN FUTURE

MARCH 8-9, 2018

BONUS WORKSHOP / MARCH 7
The Real Estate Law For Planners

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WESTERN PLACES/WESTERN SPACES: DISRUPTION, INNOVATION, AND PROGRESS

How do we plan for the future when we don't know what it holds? This is a common dilemma for planners and land use practitioners everywhere. Despite the best-laid plans, new practices or technology can disrupt the entire process. The sharing economy—with the advent of Uber, Lyft, Airbnb, and others—has already made an impact on transportation and housing. Cities are exploring how to become smarter through the use of responsive infrastructure, but question how to integrate this model into the existing city-scape. And with fleets of driverless cars on the horizon, what will this mean for our mobility networks and parking structures?

Disruptive influences impact more than just cities. Landscape managers can now track livestock and grazing, map remote areas, and monitor plant and animal species using drones and GIS mapping. The rise of e-commerce is disrupting both big-box stores and Main Street shops. What additional impacts will drone delivery have on brick-and-mortar retail? And how can rural communities improve their communication and data networks so their residents can also benefit from the smart economy?

In addition to all the change being brought about by technology and innovation, communities also have to contend with the disruptions brought on by natural processes. How do communities embed resilience and adaptation in their long-range planning to address potential impacts caused by climate change, for example, including prolonged droughts, heat waves, and extreme weather events? What adaptive strategies can cities employ to protect public health and safety in the face of extreme weather? How do rural communities manage the risk of wildfire at the wildland-urban interface?

In a world full of disruptions, how do we build infrastructure and craft policies that not only meet our present-day needs, but also have the flexibility to adapt to future scenarios? These questions will help frame our discussions at the 2018 Western Places/Western Spaces conference.

WESTERN SPACES COURSE

The Western Spaces course celebrates the spaces that characterize the Western landscape. These sessions examine the conservation efforts at work in both rural and urban areas, as well as how changing policies and regulations impact conservation efforts.

COLLABORATIVE CONSERVATION AND SAGE GROUSE: INNOVATING TO DISRUPT FEDERAL INTERVENTION

The Sage Grouse Initiative, an innovative collaborative effort that brings together public agencies, private landowners, and non-profit partners, has been working across eleven Western states to conserve the greater sage grouse and the range on which it depends in order to prevent continued population decline and a listing decision under the Endangered Species Act. This panel will explore the details of how the Initiative came together, its successes, and the challenges it faces in an era of changing land management priorities.

SPEAKER INFORMATION

MODERATOR:

John Swartout

Rural Policy & Outreach Director, Office of Governor John Hickenlooper
Denver, CO

John Swartout is the Colorado point man for the greater sage grouse. The 57-year-old Highlands Ranch resident has worked for two Republican politicians, former U.S. Sen. Wayne Allard and former Gov. Bill Owens, handling western and environmental issues. Swartout also served as executive director of Great Outdoors Colorado and the Colorado Coalition of Land Trusts.

SPEAKERS:

Bob Budd

Executive Director, Wyoming Wildlife and Natural Resource Trust
Cheyenne, WY

Bob Budd is the Executive Director of the Wyoming Wildlife and Natural Resource Trust, a program established to enhance wildlife habitats and the natural resource heritage of Wyoming. Prior to helping launch the WWNRT program, Budd was manager of Red Canyon Ranch, and Director of Land Management for The Nature Conservancy in Wyoming. In his work there, he was credited with developing and maintaining large-scale ecological process, while maintaining economic production on a working cattle ranch. Before his tenure with TNC, Bob spent 15 years with the Wyoming Stock Growers Association, ten as Executive Director. Bob Budd has a Master of Science degree in Range Management, and Bachelor of Science degrees in Agricultural Business and Animal Science, all from the University of Wyoming. He is also trained in Holistic Resource Management, and is a Certified Professional in Rangeland Management. He is a past-president of the international Society for Range Management and the Wyoming Chapter of the Wildlife Society. He has facilitated development of management plans for the Big Sandy River, Sage-grouse, and Bighorn Sheep in Wyoming.

Nada Culver

Senior Counsel & Director, The Wilderness Society
Denver, CO

Nada is Senior Counsel and Director of The Wilderness Society's BLM Action Center. In her role as Senior Counsel and Director of the Action Center, Nada provides technical advice and support to citizens and conservation groups working to protect America's public lands. The BLM Action Center, located in Denver, Colorado, assists and encourages people to participate in land use planning processes and management decisions, including those addressing transmission, renewable energy, fossil fuel development and protection of wilderness. The BLM Action Center also seeks to influence national policy on management of our federal public lands. Before joining The Wilderness Society, Nada practiced law in the private sector for more than 10 years, working on a variety of environmental issues including energy development and environmental remediation, and was a partner with the law firm of Patton Boggs. She is a graduate of Northwestern University and the University of Pennsylvania School of Law.

Terry Fankhauser

Executive Vice President, Colorado Cattlemen's Association
Arvada, CO

Terry Fankhauser was named Executive Vice President of the Colorado Cattlemen's Association in October of 2001. Fankhauser joined CCA as the Director of Membership in 2000 where he worked with membership recruitment and retention, industry issues; and served as a beef quality assurance coordinator for Colorado. Terry also serves as a board member and executive director of Partners for Western Conservation. The organization, founded by CCA, seeks to implement market-based conservation and ecosystems services to benefit wildlife, the environment, landowners, and the regulated community. Prior to his tenure at CCA, Fankhauser worked as a ruminant nutrition consultant throughout Kansas, Wyoming, and Colorado. While working on his Masters of Science curriculum in Ruminant Nutrition and Management at Kansas State University, Fankhauser managed the Kansas Bull Test and served as an extension assistant to the state's cooperative extension service. Fankhauser also received a B.S degree in Animal Sciences from Kansas State University. A native Kansan, Fankhauser grew up on a cow-calf operation in the Flint Hills. Fankhauser and his wife Hidi, are actively involved in the fourth generation operation.

OUTLINE:

1. Sage grouse, habitat needs, and landscape scale impacts
2. ESA listing process/litigation history
3. Politics/history of state/local intervention
4. Tools: nuts and bolts of collaborative conservation efforts (e.g., conservation easements, land use planning/regulations, state and local policy approaches
5. Progress to date/conservation outcomes/collaborative outcomes (e.g., species conservation, changes in land use, relationships)
6. Threats to progress/where we go from here
7. Q&A

LEARNING OBJECTIVES:

- Knowledge of Endangered Species Act, listing species, and the role of litigation.
- Understanding of the status of the sage grouse, its habitat needs, population, and science of its conservation.
- Understanding of how agencies are working together to create a conservation plan for the sage grouse.

FEDERAL LANDS IN THE TRUMP ERA

Much of the literature on public land and resource management focuses on agencies' authority to manage adaptively to respond to climate change. In the Trump administration, however, the most imminent threat to America's abundant natural heritage is not rigid management but abdication of any responsibility to preserve and protect that heritage for the benefit of future generations. We respond to that threat in three ways. First, we review the principal land and resource management statutes to affirm what heretofore all have assumed—that land and resource management agencies have both the authority and the obligation to conserve and protect the resources under their care, and to balance numerous competing use demands. Because this administration's "energy first" management strategy fails to balance extractive uses with conservation and environmental uses, therefore, the strategy is not only unwise but unlawful. Second, we argue that even if this administration disclaims its conservation authority, and courts defer to that cramped statutory interpretation, familiar administrative law doctrines ensure that this administration's interpretation will not meaningfully constrain future administrations from reprioritizing conservation. That said, future administrations' ability to again reinterpret governing law is not a cure-all for resource mismanagement during this administration, as specific decisions to authorize extractive uses in environmentally sensitive locations may prove legally and politically difficult to unwind. A bigger risk to future conservation efforts, however, may arise from changes in institutional structure, not legal interpretation. Specifically, as we discuss in part three, this administration's ongoing efforts to shuffle personnel in the land and resource management agencies, to defund and otherwise deprioritize science, to disband public advisory groups, and to eschew openness and transparency, could have the practical effect of limiting or at least delaying the conservation efforts of future administrations.

SPEAKER INFORMATION

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Nada Culver

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Noah Koerper

Regional Director, Office of U.S. Senator Michael Bennett
Denver, CO

Justin Pidot

Professor, University of Denver Sturm College of Law
Denver, CO

Justin Pidot graduated with high honors from Wesleyan University before attending Stanford Law School, where he graduated with distinction and was editor in chief of the Stanford Environmental Law Journal. Professor Pidot served as the Deputy Solicitor for Land Resources for the Department of the Interior during the Obama Administration. He also clerked for Judge Judith W. Rogers of the U.S. Court of Appeals for the District of Columbia Circuit. Prior to joining the University of Denver faculty, he was an appellate litigator at the Environment and Natural Resources Division of the U.S. Department of Justice, where he presented argument in more than a dozen federal appellate cases and acted as the staff attorney on two cases before the United States Supreme Court. Professor Pidot also completed a fellowship at the Georgetown Environmental Law & Policy Institute. Professor Pidot's scholarship and teaching focus on environmental law, natural resources law, and federal courts.

OUTLINE:

1. Review of existing land and resource management statutes
2. Role of administrations
3. Role of institutional structures

LEARNING OBJECTIVES:

- Understanding of what existing land and resource management statutes can and can't do.
- Understanding of an administration's ability to adjust existing laws.
- Understanding of the role of institutional structures on land and resource management

MOVING BEYOND "LOVING OUR PARKS TO DEATH"

"Loving it to death" is not a new phrase used to describe increasing visitor use across public lands in the Rocky Mountain West. In fact, that term is overused and it is time for land managers—and visitors themselves—to move beyond a "woe is me" approach to tangible strategies and actions that focus on long-term stewardship while providing high quality visitor experiences. This session will provide an overview of the Interagency Visitor Use Management Council's Visitor Use Management Framework and case studies from Zion National Park and the Maroon Bells-Snowmass Wilderness Area on the White River National Forest.

SPEAKER INFORMATION

MODERATOR:

Rachel Franchina

Visitor Use Specialist, U.S. Forest Service
Golden, CO

Rachel has worked for the Forest Service since 2002 as a recreation program manager and planner. She has a bachelor's degree in recreation management and a master's in forestry with a natural resources recreation emphasis. Primary duties include: Managing and providing technical expertise on regional, forest and district level recreation planning and implementation projects. Her areas of specialization include needs assessment and visitor capacity planning, recreation fee program management and review and sustainable recreation planning. She also provides professional facilitation for meetings and planning projects.

SPEAKERS:

Scott Babcock, AICP, PMP

Project Manager, National Park Service
Denver, CO

Visitor use management at Zion National Park; AICP and PMP certified. Support national park units around the country through creative, effective, and efficient planning. As project manager, lead diverse and skilled planning teams in developing visitor use management plans, general park management plans, backcountry/wilderness plans, foundation documents, special resource studies, and providing overall assistance with natural resource planning and associated environmental compliance.

Kay Hopkins

Recreation Planner, White River National Forest
Glenwood Springs, CO

Kay Hopkins has been the Outdoor Recreation Planner for the White River National Forest since 2008 and is based in Glenwood Springs, Co. Prior to working for the USFS she worked as a recreation planner for 16 years for BLM in Colorado, ran a bike shop in Grand Junction and worked for both Colorado and California State Parks. Her degree is a BS - Parks and Recreation Resource Management. She lives on a small ranch with her husband Brian and her 4 mules north of New Castle. Kay's passions include horse and mule riding and packing, fly-fishing, boating, hiking, biking, snowboarding, painting, welding and gardening.

OUTLINE:

1. Introduce moderator and presenters
2. Overview of IVUMC Visitor Use Management Framework and the role of establishing a visitor capacity to achieve or maintain desired conditions – 10 minutes
 - **Case Study 1:** Zion National Park – 20 minutes
 - Outline the purpose and need, and objectives of the Zion National Park Visitor Use Management Plan (currently in progress).
 - Overview public involvement and stakeholder outreach efforts and overall planning progress to date.
 - Discuss some of the park management strategies and actions that are being considered as part of this plan, including a parkwide and/or site specific reservation system.
 - **Case Study 2:** Maroon Bells-Snowmass Wilderness Area Management Plan, White River National Forest – 20 minutes
 - Outline the need for management plan/action in the Maroon Bells-Snowmass Wilderness Area.
 - Discuss alternatives considered and decision made, including the role of public involvement.
 - Discuss management strategies being implemented and role of monitoring to assess effectiveness

3. Moderated Q&A with presenters

Potential questions:

- Why do you think many land managers focus on visitor capacity as the primary management strategy?
- You shared other management strategies in your case study presentation. Are there other strategies you've seen used effectively and why?
- Crowding and overuse are subjective concepts based on value judgments. What information and resources are needed to identify and decide upon appropriate desired conditions for visitor experience.
- Resource impacts from visitor use, on the other hand, are tangible and measurable. But same question: What information and resources are needed to identify and decide upon appropriate desired conditions for resource conditions?
- Visitor use management problems are often called "wicked" and "messy". Why do you believe they're perceived to be this way? How do tools like the Visitor Use Management Framework help us move beyond wicked and messy to well managed and cared for public lands that connect people to the outdoors?

LEARNING OBJECTIVES:

- Share some of the challenges associated with managing increasing levels of visitor use within national parks.
- Help the audience better understand federal legal requirements that are designed to ensure that that lands are preserved and protected in perpetuity.
- Share guidance from the Federal Interagency Visitor Use Management Council (IVUMC) related to visitor use management.
- Share and exchange ideas on tools and resources that are available to public land managers to help manage and monitor visitor use over time.
- Discuss ways that all agencies can work more proactively across jurisdictional boundaries to address these issues.

A SHOT OF VITAMIN N: PLANNING FOR NATURE IN URBAN ENVIRONMENTS

The West is characterized by our grand natural landscapes, yet 85% of our population live in urban environments and that percentage is growing. We can no longer afford to think of nature as “out there.” Making nature and its benefits accessible to all means meeting people where they live, work and play every day—primarily urban areas. This session examines opportunities to improve and naturalize urban spaces where people can benefit from nature on a daily basis. We will explore the opportunities and benefits of naturalizing public and private urban spaces through municipal action and citizen engagement. Whether you are a city planner, land manager, business owner or resident, nature can improve the quality of citizens’ lives and address urban problems.

SPEAKER INFORMATION

MODERATOR:

Brian Kurzel

Regional Executive Director, National Wildlife Federation
Denver, CO

Brian Kurzel is the Regional Executive Director of the National Wildlife Federation’s [ROCKY MOUNTAIN REGIONAL CENTER](#). Brian oversees the National Wildlife Federation’s work on protecting public lands, sustaining fish and wildlife populations, promoting responsible energy development, connecting people to nature and partnering with tribal governments on education and conservation. Brian joined the National Wildlife Federation in 2015 after about 10 years with Colorado Parks and Wildlife, where he most recently served as a senior manager focused on policy and planning initiatives. Brian has also served as Colorado’s natural areas program manager, overseeing a statewide, science-driven natural resource conservation effort focused on species and habitat protection. He was a scientific consultant for the Colorado State Forest Service, researcher at the University of Colorado-Boulder and has experience in inner-city, school-based and outdoor science education. Brian earned a master’s degree in science from CU-Boulder, with concentrations in forest ecology and biogeography, and a Bachelor of Science degree from Cornell University’s Department of Ecology and Evolutionary Biology.

SPEAKERS:

Louise Turner Chawla
Professor Emeritus, University of Colorado
Boulder, CO

Louise Chawla is a Professor in the Environmental Design Program in the University of Colorado Boulder. She is Associate Director of the Children, Youth and Environments Center for Community Engagement (CYE Center) and Co-editor of the journal *Children, Youth and Environments*. As a member of the Executive Committee of Growing Up Boulder, she helps lead a partnership between the CYE Center, Boulder Valley School District, and the City of Boulder’s Departments of Community Planning and Sustainability, Parks and Recreation, and Transportation, along with numerous community organizations, to integrate the ideas of children and youth into urban planning and design. As International Coordinator of the Growing Up in Cities program of UNESCO from 1996-2006, she revived an initiative that has involved young people in cities around the world in evaluating and improving their urban communities. She has written two books and many book chapters and journal articles on children and nature, children in cities, and the development of active care for the natural world.

Beth Conrey
Owner, Bee Squared Apiaries
Berthoud, CO

Beth Conrey began beekeeping some 18 years ago after reading a series of newspaper columns on beekeeping by Tom Theobald. She has always been a bit “buggy,” collecting insects as a 4H project in both Maryland and New Mexico. Tom’s articles inspired her to take a beekeeping class and the rest, as they say, is history.

OUTLINE:

- Series of 4 10-15 minute presentations on the benefits of and opportunities for introducing natural features into urban spaces.
- Discussion of multiple benefits of naturalizing urban spaces.
- Discussion of tangible actions, policies and planning considerations to enhance nature in urban spaces.

LEARNING OBJECTIVES:

- How to incorporate natural designs and features into urban landscapes
- The benefits of green spaces
- Policies and regulations that enable urban greenspaces.

WHERE THE WILD THINGS WANT TO BE: CRAFTING CUTTING-EDGE WILDLIFE HABITAT PROTECTION REGULATIONS FOR YOUR COMMUNITY

This session will start with a brief history of wildlife habitat protection efforts in the West and a summary of key habitat protection principles to consider when drafting new standards. Speakers will then discuss regional growth and wildlife habitat protection initiatives in the Greater Yellowstone ecosystem and next focus on Teton County's innovative regulations. Topics will include what the county has learned over the past two decades regarding habitat protection standards and revisions the community is now considering. Additionally, speakers will also explain the county's sophisticated new habitat mapping effort that will establish a science-based, legally defensible foundation for the updated regulations.

SPEAKER INFORMATION

MODERATOR:

Chris Duerksen

Senior Counsel, Clarion Associates
Chokoloskee, FL

Chris Duerksen, Esq., is Senior Counsel at Clarion Associates. Mr. Duerksen was co-author of True West and has drafted numerous wildlife habitat protection regulations for local governments across the United States including Blaine County, ID, Pitkin County, CO, and Summit County, CO. He has spoken and written extensively about wildlife habitat protection standards and is co-author of Nature-Friendly Communities: Habitat Protection and Land Use Planning published by Island Press (2005), and Habitat Protection Planning: Where the Wild Things Are published by the American Planning Association (1997). He is a graduate of the University of Chicago School of Law.

SPEAKERS:

Megan Smith

Wildlife Biologist, Alder Environmental
Jackson, WY

Megan Smith is a senior Wildlife Biologist/Ecologist with Alder Environmental in Jackson, WY. She has a Master of Science Degree in conservation biology from Antioch College. Megan has worked on numerous wildlife field studies and habitat assessment projects for state and local governments. Additionally, she has hands-on experience representing landowners and developers in development review processes in Teton County and other jurisdictions in the West, including drafting environmental analyses and natural resource review reports.

Randy Carpenter

Project Director, Future West
Bozeman, MT

Randy Carpenter is project director for Future West, a Bozeman, Montana, non-profit. Future West works to realize a future where communities have a shared sense of place, robust economies, and sound stewardship of natural, cultural, and community assets. Future West helps communities identify, choose, and achieve their desired future. Carpenter has spent many years working with community leaders in the Northern Rockies, helping them understand the challenges that come with growth and change, and tailor locally-based solutions to those challenges. Before joining Future West in 2014, Randy was a community planner in Iowa, followed by 13 years with the Sonoran Institute's Northern Rockies Program. He holds an undergraduate degree in history and a graduate degree in urban and regional planning, both from the University of Iowa.

PROPOSAL INFORMATION

Format: Panel

OUTLINE:

Moderator Chris Duerksen will give a brief history and overview of wildlife habitat protection regulatory efforts in the West and present a summary of key habitat protection principles to consider when drafting new standards. He will be followed by Randy Carpenter, Project Director for Future West, who in the course of his work with counties in the Greater Yellowstone Ecosystem has analyzed their growth rates and patterns, and Roby Hurley, Principal Planner with Teton County who has been in charge of the update of the county's natural resource protection standards. Megan Smith, Senior Wildlife Biologist/Ecologist with Alder Environmental, will next provide an assessment of the prior and proposed standards from a development consultant's perspective as well as an overview of the Focal Species Habitat Mapping project which she directed for the county.

LEARNING OBJECTIVES:

- To make planners, land use attorneys, and development community representatives aware of key planning principles for habitat protection efforts, how to establish a legally defensible basis for regulations, and a menu of innovative protection standards to consider.
- The proposed session relates directly to the conference theme of "planning for the future when we don't know what it holds." The impacts of climate change, shifting agricultural economics, constrained local government budgets, and fluid demographics in the West promise to challenge the best planning and land-use regulatory efforts. Teton County is one of the first jurisdictions to face these forces as it seeks to update and improve its respected wildlife habitat protection efforts.

AUDIENCE PARTICIPATION:

Ample time will be provided for audience Q&A