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Emeritus Professor, University of California College of the Law, San Francisco. [REDACTED]. (Since 2001; tenured since 2002; Emeritus since July 1, 2015)

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A.B. Harvard College, 1966, cum laude; J.D. Harvard Law School, 1969, magna cum laude.

Other employment

Fall semester 2011, Fall semester 2007, Winter term 2006, Spring semester 2004: Visiting Professor, Harvard Law School (teaching Federal Land & Resources Law and Water Law) (on leave from U.C. Law San Francisco, then named U.C. Hastings)

Sept. 2008—Jan. 2009: Co-Chair, Department of the Interior team, for Obama-Biden Transition

July 2005—July 2006: Wyss Foundation, Washington D.C. (on leave from U.C. Law San Francisco)

May 1993—January 2001: Solicitor (General Counsel, Senate-confirmed position) U.S. Department of the Interior, Washington, D.C. (Jan. 1993—May 1993: Assistant to the Secretary of the Interior for Legal Affairs)

Nov. 1992—Jan. 1993: Team Leader, Department of the Interior, for the Clinton-Gore Transition

Aug. 1992—Jan. 1993: Special Counsel to Chair George Miller, Natural Resources Committee, U.S. House of Representatives.

Aug. 1980—March 2002: Professor of Law, Arizona State University College of Law, Tempe, AZ (on leave, July 1992 - March 2002). Courses: State and Federal Constitutional Law, Indian Law, Water Law, Public Land and Resources Law, Law and Social Change, Environmental Law. Grantee of Ford Foundation and Resources for the Future; Robinson Cox Visiting Fellow, University of Western Australia Law School, Perth, Western Australia, Summer 1985; Research Fellow, University of Southampton, England, Fall 1986; Visiting Professor, University of San Diego School of Law, Summer 1990; Adjunct Professor, Georgetown Law School, Spring Semester 2000.

April 1977—July 1980: Associate Solicitor for Energy and Resources, U.S. Department of the Interior, Washington D.C.; Meritorious Service Award, 1980.

Aug. 1972—April 1977: Natural Resources Defense Council, Inc. (nonprofit environmental organization), Palo Alto, California.

Aug. 1969—Aug. 1972: U.S. Department of Justice, Civil Rights Division, Washington D.C., trial and appellate litigation.

Litigation (examples)

In Re Adjudication of Water Rights of Gila River System (subflow issue), 175 Ariz. 382, 857 P.2d 1236 (1993) (lead counsel for The Nature Conservancy at trial and appellate level); lead trial and appellate counsel for plaintiffs in Natural Resources Defense Council v. Arcata National Corp., 59 Cal. App. 3d 959, 131 Cal. Rptr. 1972 (1976); Wyoming Outdoor Council v. Butz, 484 F. 2d 1044 (10th Cir. 1973); and United States v. Choctaw County Board of Education, 446 F. 2d 57 (5th Cir. 1971); lead trial counsel for plaintiff in United States v. Board of School Commissioners of Indianapolis, 332 F. Supp. 655 (D. Ind. 1971), aff'd 474 F. 2d 81 (7th Cir. 1973). Wrote amicus briefs in California Coastal Comm'n v. Granite Rock Co., 480 U.S. 572 (1987) (on behalf of nineteen states); United States v. Locke, 411 U.S. 84 (1985) (on behalf of Sierra Club); Lau v. Nichols, 483 F.2d 791 (9th Cir. 1973), rev'd, 414 U.S. 563 (1974) (on behalf of the United States in 9th Cir., including oral argument).

Legislation (examples)

Witness at dozens of legislative hearings and extensive experience in drafting and negotiating legislation in the U.S. Congress and the Arizona and California legislatures.

Consulting

Clients have included states and state governmental agencies (e.g., State of Arizona, California State Land Commission, New Mexico Attorney General, the Edwards Aquifer Authority (Texas)); the Western Governors' Association; Indian Nations (e.g., the Hopi Tribe); various environmental organizations, foundations, and the Congressional Research Service.

Other

The Wyss Foundation (supports land conservation and related activities around the world): President, Aug. 2002—July 2007; since July 2007, Vice-Chair of the Board.

Member, Board of Directors, Grand Canyon Trust, 1987-1992; 2002-____.

Member, Board of Directors, Natural Heritage Institute, 2002-2010.

Member, Board of Directors, Arizona Raft Adventures, Inc. (operating commercial river trips in the Grand Canyon) 1982-1992; 2002-2008.

Member, Endangered Species Act Working Group on Habitat, Sept. 2005-March 2006 (convened by the Keystone Center at the request of six U.S. Senators to recommend improvements in statute).

Member, City of Phoenix Environmental Quality Commission, 1987-1990.

Member, Arizona Governor's Task Force on Environmental Impact Assessment, 1990.

Member, Committee on Onshore Oil & Gas Leasing, National Academy of

Sciences/National Research Council (study mandated by Congress in the Federal Onshore Oil & Gas Leasing Reform Act of 1987) 1989-1990.

Member, Arizona Governor's Task Force on Recreation on Federal Lands, 1985-86.

Member, Board of Directors, Arizona Center for Law in the Public Interest, 1981-1986.

Bar Memberships

Ohio (1969); California (1972); District of Columbia (1977).

Miscellaneous

Distinguished Achievement in Environmental Law and Policy, 2018, American Bar Association Section on Environment, Energy, and Resources

Defenders of Wildlife Legacy Award for lifetime achievement in wildlife conservation, 2013.

Named one of the nation's "best environmental stewards," Vanity Fair magazine, Dec. 2004.

PUBLICATIONS

Books

Our Common Ground (Yale U. Press, 2022)

<https://yalebooks.yale.edu/book/9780300235784/our-common-ground>.

Debunking Creation Myths About America's Public Lands (University of Utah Press, 2018).

Federal Public Land and Resources Law (Foundation Press, starting with the 3rd 1992, 8th ed. 2021) (with George Cameron Coggins, Charles F. Wilkinson,

Jr., Robert Fischman starting with the 6th edition and Sarah Krakoff starting with the 8th edition).

Legal Control of Water Resources (West Pub., starting with the 3^d ed. 2000, and now in its 6th ed. 2018) (with Barton Thompson and Robert Abrams and, until the 5th edition, Joseph L. Sax, and starting with the 6th ed., Sandra B. Zellmer).

The Arizona State Constitution (1993, 2d ed. 2013) (part of the Oxford Commentaries on the State Constitutions of the U.S.).

The Mining Law: A Study in Perpetual Motion (Washington, D.C., Resources for the Future, 1987).

Articles and Book Chapters

“America’s Public Lands: A Sketch of Their Political History and Future Challenges,” 62 *Natural Resources Journal* 341-60 (2022).

“America’s Public Lands: A Look Back, A Look Ahead,” 67 *Rocky Mountain Mineral L. Institute Proceedings* (2021).

“Building Better Conservation Easements for America the Beautiful,” *Harvard Environmental L.Rev. Online* (2021) (with K. King Burnett and Nancy A. McLaughlin).

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3925094&dgcid=ejournal_html_email_uc:hastings:law:legal:studies:research:paper:series_abstractlink

“Still Made for You and Me?” *The American Scholar* (Autumn 2020), 34-47.

“Public Land Policy After the Trump Administration: Is This a Turning Point?” 31 *Colorado Natural Resources, Energy, and Environmental Law Review* 471–507 (Spring 2020).

“Interior’s Authority to Curb Fossil Fuel Leasing,” 49 *Envtl. L. Rep.* 10631 (July 2019).

“The Interaction of U.S. Public Lands, Water, and State Sovereignty in the West: A Reassessment and Celebration,” 41 *Public Land & Resources L.Rev.* 1-25 (2019).

“Are U.S. Public Lands Unconstitutional?,” 69 *Hastings L.J.* 499-581 (2018)

“Legal Wilderness: Its Past and Some Speculations on its Future,” 44 *Environmental Law* 549-622 (2014).

“Reflections on Social Change and Law Reform,” 84 *U. Colo. L. Rev.* 217-228 (2013) (essay in honor of the late Dean David Getches).

“Federal Lands in the Twenty-First Century,” 50 *Nat. Res. J.* 111-137 (2010).

“Notes on a Progressive National Water Policy,” 3 *Harvard L. & Pol’y Rev.* 133-159 (2009)

“Department of the Interior: Natural Resources Serving Society,” chapter in *Change for America: A Progressive Blueprint for the 44th President* (2009) 388-401.

“Where’s the Beef? Facilitating Voluntary Retirements of Federal Lands from Livestock Grazing, 17 *N.Y.U. Env’tl. L. J.* 368-97 (2008) (co-authored with Molly S. McUsic).

“Interstate Groundwater Resources: The Federal Role,” 14 *Hastings W.-NW.J. Env’tl.L. & Pol’y* 1475-1498 (2008).

“In Praise of Joe Sax,” 14 *Hastings W-Nw. J. Env’tl. L.& Pol’y*, 13-18 (2008).

“A Conversation About Takings and Water Rights,” 83 *Texas L. Rev.* 1985-2026 (2005).

“FDR’s Expansion of Our National Patrimony: A Model for Leadership,” in *FDR and the Environment* (Henry Henderson and David Woolner, eds., 2005).

“Contemporary Politics of Wilderness Preservation,” 25 *J. of Land, Resources & Environmental Law* 1-13 (2005).

“Natural Resources Policy in the Bush (II) Administration: An Outsider’s Somewhat Jaundiced Assessment,” 14 *Duke Env’tl L. and Pol’y Forum* 347-62 (2004).

“A Property Clause for the 21st Century,” 75 *U. Colo. L. Rev.* 1101-25 (2004).

“The Federal Role in Managing the Nation’s Groundwater,” 11 *Hastings West-Northwest J. of Env’tl L. & Policy*, 1-19 (2004).

“Mining Law Reform Redux, Once More,” 42 *Nat. Res. J.* 461-490 (2002)

“Water Rights for New Federal Land Conservation Programs: A Turn-of-the-Century Evaluation,” 4 *U. Denv. Water L. Rev.* 271-89 (2001).

“Shaping the Modern West: The Role of the Executive Branch,” 72 *U. Colo. L. Rev.* 287-310 (2001).

“The Babbitt Legacy at the Department of the Interior: A Preliminary View,” 31 *Environmental Law* 199-227 (2001).

“Public Lands at the Millennium,” 46 *Rocky Mountain Mineral L. Inst. Proceedings* 1-1 through 1-26 (2000).

“Putting the Antiquities Act in Perspective,” chapter in R. Keiter, et al., eds., *Visions of the Grand Staircase-Escalante* (Utah Museum of Natural History and Wallace Stegner Center, 1998).

“Whither the Federal Public Lands,” 41 *Rocky Mountain Mineral L. Inst. Proceedings* 3-1 through 3-45 (1995) (co-authored with Jerome Muys).

"Natural Resources Policy in the Clinton Administration: A Mid-Course Evaluation from Inside," 25 *Environmental Law* 101-08 (1995).

"Challenges to Environmental Law," 25 *Environmental Law* 967-72 (1995).

"The State of Constitutional Law in the States of the United States: Are There Any Lessons for Australia?" *U. of W. Australia L. Rev.* 373-408 (1990).

"The Prior Appropriation Doctrine of Water Law in the West: An Emperor with Few Clothes," *Journal of the West* (July 1990), pp. 5-13.

"Arizona Law Where Ground and Surface Water Meet," 20 *Ariz. St. L.J.* 657-748 (1988) (co-author).

"Reforming the Mining Law: Problems and Prospects," 9 *Pub. Land L. Rev.* 1-29 (1988).

"The Making of the Arizona Constitution," 20 *Ariz. St. L.J.* 1-113 (1988).

"Wilderness and Water/Law and Politics," *XXIII Land and Water L. Rev.* 389-417 (1988).

"Granite Rock and the States' Influence over Federal Land Use," 18 *Environmental Law* 99-129 (1987).

"Indigenous Peoples, Land Claims and Control of Mineral Development: U.S. and Australian Legal Systems Compared," 8 *University of New South Wales Law Journal* 271-313 (1985).

"Natural Resources Policy in the Reagan Administration," chapter in P. Portney, ed., *Natural Resources and the Environment: The Reagan Approach* (Washington, D.C., Urban Institute Press, 1984), pp. 13-46.

"Sharing Federal Multiple Use Lands: Lessons from History and Speculations for the Future," chapter in S. Brubaker, ed., *Rethinking the Federal Lands* (Washington, D.C., Resources for the Future, Inc., 1984), pp. 235-74.

"Special Water Districts--The Historical Background," in Special Water Districts: Challenge for the Future (Natural Resources Law Center, U. of Colorado, 1983) 11-30.

"Irrigation Districts in a Changing West--An Overview," 1982 Ariz. St. L.J. 345-76.

"Wilderness and Its Discontents: Wilderness Review Comes to the Public Lands," 1981 Ariz. St. L.J. 361-446.

"Unraveling the Sagebrush Rebellion: Law, Politics and Federal Lands," 14 U. Cal. Davis L. Rev. 317-55 (1980).

"Management of Federal Coal Reserves," 24 Rocky Mountain Mineral L. Inst. Proceedings 139-96 (1978) (co-author).

"Interlocutory Injunctive Relief in Environmental Cases - A Primer for the Practitioner," 6 Ecology L.Q. 639-76 (1977).

"Federal Coal Leasing and Development Policy, Legal Aspects," 9 Natural Resources Lawyer 495-502 (1976).

"Computers and Federal Regulation," 21 Admin. L. Rev. 287-318 (1969) (co-author).

Book reviews, op-eds and miscellaneous

"Utah Wants to Disable the Law that Led to the Creation of Four of Its Magnificent National Parks," New York Times, March 5, 2023, <https://www.nytimes.com/2023/03/05/opinion/national-parks-bears-ears-monuments.html>.

"The Public Lands," Colorado Plateau Advocate (Spring/Summer 2021), <https://www.grandcanyontrust.org/advocatemag/spring-summer-2021/Public-Lands-John-Leshy>.

“The Facts About the Antiquities Act and the Courts,” Salt Lake Tribune, April 10, 2021, <https://www.sltrib.com/opinion/commentary/2021/04/19/john-d-leshy-facts-about/>.

“A Trump Plan Breaks a Great Deal for Ranchers and Park Lovers,” New York Times, March 3, 2020, <https://www.nytimes.com/2020/03/03/opinion/environment-ranchers-trump.html>

“Secretary Bernhardt Says He Doesn’t Have a Duty to Fight Climate Change. He’s Wrong,” Vibrant Environment Blog, Environmental Law Institute, June 19, 2019. [URL](#)

“Outdated Mining Law Lets Industry Use and Abuse Public Lands for Free,” The Hill, May 6, 2019. [URL](#)

“A Paradigm Shift in the Politics of Public Lands,” The Hill, Feb. 28, 2019. [URL](#)

“The Endangered Antiquities Act,” N.Y. Times, Mar. 31, 2017 (with Mark Squillace).

“The Trump Judiciary Threatens Federal Public Lands,” The Hill, Nov. 28, 2017 (with John D. Echeverria).

“Unsatisfied Mining Industry Wants More from the Taxpayer,” Morning Consult, Mar. 23, 2017 (with Roger Flynn).

“Exploding the Myth that Federal Lands are Unconstitutional,” Colorado Plateau Advocate (Spring 2017)

“Lands Transfer to States? It Would Take Another Dred Scott Decision,” Salt Lake Tribune, Jan. 30, 2016.

“Our Turn: 2 Bills Undermine Arizona’s Water Supply,” Arizona Republic, Feb. 23, 2016 (with Robert Glennon)).

“Litigation Versus Settlement in Non-Indian Federal Reserved Rights,” and “The Future of Winters,” in *The Future of Indian and Federal Reserved Water Rights: The Winters Centennial* 270, 307 (Cosens & Royster, eds., 2012).

“The Future of Mineral Development on Federal Lands,” in *The Evolution of Natural Resources Law and Policy* 346 (MacDonnell and Bates, eds., 2010).

Preface to *Endangered Species Act: Law, Policy, and Perspectives* (Baur and Irvin, eds., ABA Section of Environment, Energy and Resources (2002)

"The Arizona Constitution," chapter 1 in K. Shimpock-Vieweg and M. Alcorn, *Arizona Legal Research Guide* (Hein Pub. Co., 1992).

Book Review, *The Records of the Arizona Constitutional Convention of 1910*, 23 Ariz. St. L.J. 1163-68 (1992).

"Mining Law Reform Reaches a Critical Phase," *Colorado Plateau Advocate* (Summer 1991) 8-9.

"Solving Water Rights Conflicts," *J. of American Water Works Ass'n* (March 1991) 36-43 (roundtable).

"Implications of Arizona Public Service v. Long for Water Management in Arizona," in *Effluent: Yours, Mine, Ours* (AZ. Chapter of American Water Resources Ass'n, Oct. 1989).

"Mining's Diminished Future," *High Country News*, vol. 20, no. 20 (Oct. 24, 1988) 28-29; reprinted in *Reopening the Western Frontier* (E. Marston, ed. 1989) 242-47.

Book Review, *Cadillac Desert*, *Washington Monthly* (Nov. 1986) 59-60.

"Strategies to Protect Streamflows in Arizona's Dwindling Riparian Areas," *Arizona Waterline* (Fall 1986) and *A.S.U. Law Forum* (Fall 1986).

Book Review, *Justice Downwind*, 27 *Jurimetrics* 77-81 (1986).

"The Law and the Hydrological Staircase," Arizona Waterline (Spring 1986).

"Implications of Federal Water Project Cost-Sharing for Arizona," Arizona Waterline (Spring-Summer 1985).

Book Review, *How to Create a Water Crisis*, Amicus Journal (Summer 1985).

Book Review, *A River No More*, New Times of Phoenix (Feb. 1982).

"The Federal Judiciary and National Forest Management," Journal of Forestry (1977).

"Working in the System," Environmental Action (1977).

"A Black Mark--Failure of the Federal Coal Leasing Policy," Environment (December 1975) (with Dr. Terry Lash).

Formal Lectures

"America's Public Lands: A Political and Conservation Success Story," Edwin Way Teale Memorial Lecture, U. of Connecticut, Nov. 17, 2022.

"The Interaction of U.S. Public Lands, Water, and State Sovereignty in the West: A Reassessment and Celebration," Frank and Elvira Jestrab Water Lecture, U. of Montana Law School, September 26, 2018.

"Debunking Creation Myths about America's Public Lands," Wallace Stegner Lecture, University of Utah S.J. Quinney College of Law, March 14, 2018 (published by U. of Utah Press).

"Our Common Ground: Public Lands and America's Greatness," Riley Memorial Lecture, UC College of the Law San Francisco, September 25, 2017.