Resource Law Notes Newsletter, no. 3, Sept. 1984

University of Colorado Boulder. Natural Resources Law Center

RESOURCE LAW NOTES: THE NEWSLETTER OF THE NATURAL RESOURCES LAW CENTER, no. 3, Sept. 1984 (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law).

Resource Law Notes

The Newsletter of the Natural Resources Law Center
University of Colorado, Boulder • School of Law

Number 3, September 1984

Robert F. Burford, Director—Bureau of Land Management, chats with conference participants.

Summer Programs Held

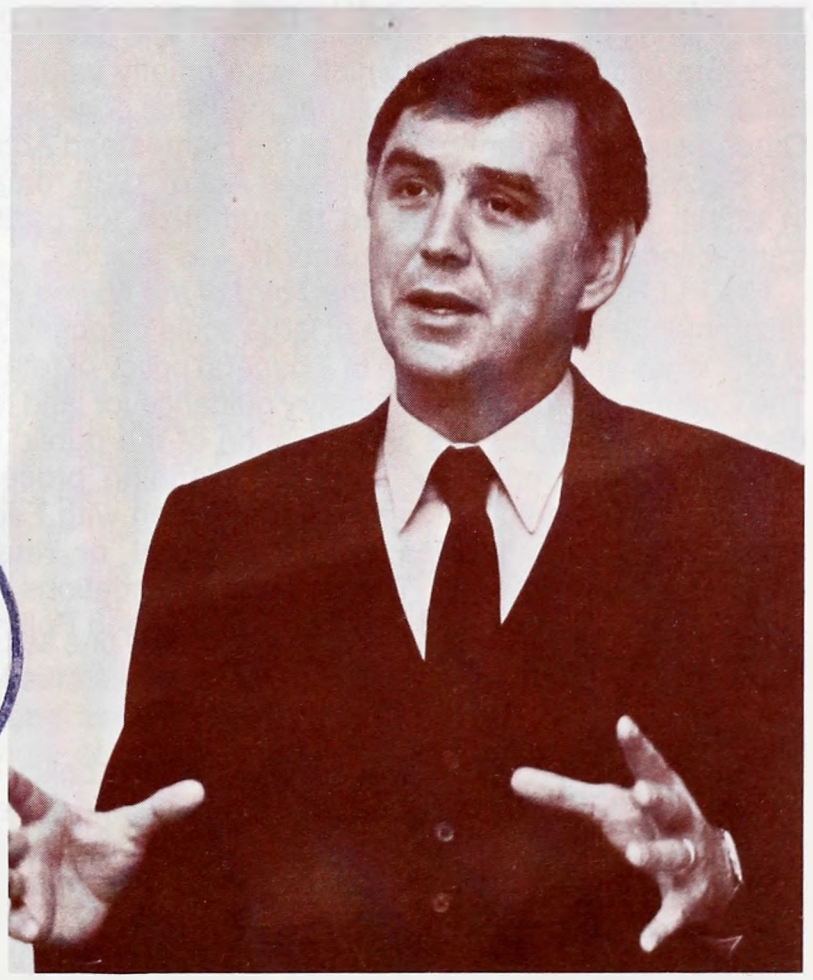
The Natural Resources Law Center hosted two conferences for its Fifth Annual Summer Program. The first, held June 6-8, reviewed the Federal Land Policy and Management Act (FLPMA). The 94 registrants came from 17 states; 30 were with the federal government, 28 with private business, and 11 were attorneys in private practice. Luncheon speakers Robert Burford, Director of the Bureau of Land Management and Colorado Congressman Ray Kogovsek presented views from Washington, D.C. regarding FLPMA. Among the issues addressed by conference speakers were problems of access, mining claim recordation, wilderness review, land withdrawals, and land sales and exchanges.

The second conference, held from June 11-13, considered The Federal Impact on State Water Rights. This conference drew 141 registrants from 19 states; 37 were practicing attorneys, 37 were with the federal government, 34 with state government, 10 with private business, and 9 with Indian Tribes. A major focus of the conference was Indian reserved water rights. Other presentations addressed federal reserved rights, the Endangered Species Act, Section 404 permits, groundwater controls, and federal hydropower licensing.

Notebooks containing materials prepared by the speakers for each conference are available from the Center for $60.

Clyde Martz speaks to 94 registrants.

H. Robert (Bob) Moore discusses policy issues.



Ray Kogovsek, U.S. Congressman, gives Washington viewpoint.

Federal Land Tenure Policy

by Jon K. Mulford
Aspen, Colorado

Jon K. Mulford

The author is a Colorado attorney specializing in Federal public land acquisition and use. Mr. Mulford was a Visiting Fellow of the Natural Resources Law Center for the Spring Semester 1984, and this article is based on his research on Federal land tenure policy as embodied in recent BLM land use planning. The project was supported by the Center and by a grant from the Rocky Mountain Mineral Law Foundation.

The Taylor Grazing Act, enacted 50 years ago, effectively terminated the long standing policy encouraging large-scale disposal of the public domain. However, the Act contained the statement that this withdrawal of the public domain from further homesteading was made "pending its final disposal." The question of whether to dispose of the public lands or retain them in Federal ownership has been a recurrent issue during this century. This land tenure issue is once again being addressed—this time in the context of Bureau of Land Management (BLM) planning and sales under Sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (FLPMA).

Public Land Law Review Commission

Although the Taylor Grazing Act was passed in 1934, it was not until 30 years later that Congress established the Public Land Law Review Commission (PLLRC) to fully consider disposition of the public lands. The Congressional declaration of policy establishing the Commission recited that "the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public." At the same time legislation was enacted to give temporary authority for sale of lands necessary for orderly growth and development of communities and lands which were chiefly valuable for residential, commercial, agricultural, industrial or public uses. Other disposal authorities such as the Homestead Acts and the Recreation and Public Purposes Act of 1926 remained in effect. Congress continued to authorize for particular transactions where general authority was lacking.

The PLLRC's 1970 report *One Third of the Nation's Land* recommended discontinuance of large scale disposals of the public lands and the adoption of a general policy of retention. The Commission proposed statutory guidance for land tenure decisions, and study and classification of the public lands through a comprehensive land use planning process to include public participation and coordination with Federal, state and local agencies before disposal or retention decisions were made. These recommendations were substantially incorporated into the Federal Land Policy and Management Act of 1976 (FLPMA).

FLPMA Sales

Section 102(a) (1) of FLPMA declares that the policy of the United States is that "the public lands be retained in Federal ownership, unless as the result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest. . . ." Section 102(1) (10) further states that each disposal, acquisition and exchange must be consistent with the prescribed mission of the department or agency involved. FLPMA Section 203 provides BLM with the authority to sell tracts of the public lands excluding Wilderness, Wild and Scenic Rivers, and Trail Systems lands. A prerequisite of any sale is comprehensive land use planning required by Section 202 of the Act, leading to a determination that the particular tract meets one of three disposal criteria. Tracts to be sold must be either (1) difficult and uneconomic to manage as part of the public lands, (2) acquired for a specific purpose and no longer needed for that or any other Federal purpose, or (3) capable of serving important public objectives including community expansion and economic development which cannot be achieved prudently or feasibly on non-public lands and which will outweigh any public benefits of continued Federal ownership.

The first category, tracts which are difficult and uneconomic to manage, includes many thousands of parcels of "leftover" public lands which were not patented for agricultural, mining or other purposes. These are chiefly small, isolated tracts. The second category, lands acquired for a specific purpose and no longer needed, are not numerous or important. The third category, and potentially the most significant in terms of likely changes in present use of the lands, includes tracts proximate to existing or new communities which could facilitate expansion of these communities.

It is important to note several of the procedural requirements for disposal. FLPMA requires a tract-by-tract analysis before permitting sale of "a tract" or "a particular parcel." However, effective land use planning requires an overview of land ownership patterns and a quasi-zoning approach. As a result, identification of sale parcels proceeds on a two-step basis, with general areas identified for retention or disposal followed by site-specific analysis of individual tracts. The comprehensive land use planning process required by FLPMA must be carried out. In fact, in many planning areas BLM is amending or modifying existing older land use plans to update the land tenure component. In these cases, compliance with FLPMA planning requirements and NEPA analysis may be questionable, particularly with respect to the required public and agency participation. It is likely that sales based upon amended older plans will be scrutinized carefully by sale opponents and perhaps found wanting by the courts.

The most common type of sale tract identified through land use planning and then offered for sale is the difficult and uneconomic to manage tract. The legislative history of FLPMA Section 203 (a) (1) shows clearly that the conjunctive "and" was thoroughly debated and selected in preference to the disjunctive "or" in the statutory language. Nevertheless, many resource management plans phrase disposal criteria in the alternative, and local managers feel obliged only to justify that a tract is either difficult or uneconomic to manage. Some BLM land managers argue that the meanings of the two terms merge in practical application. Opinions also differ widely, as might be expected, as to what it takes to "manage" tracts of the public lands. Some local administrators feel that management is neither difficult nor uneconomic as long as the tract can be ignored and no serious problems are brought to their attention. In general, however, the terms are interpreted to mean a combination of isolation and inability to integrate a tract into a range improvement or other program. The language of this first category of sale lands suggests broad discretion in the local manager to make disposal determinations based on his own perception of difficulty and lack of economic return. The question of whether a tract can be effectively managed as

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part of the public lands seems peculiarly within the judgment of the professional land manager.

Transfers of tracts in the third category, lands which will serve important public objectives, are potentially both beneficial and troublesome. Here Congress addressed the needs of states, local governments, and businesses impacted by adjacent or nearby Federal public lands. The wording of Section 203 (a) (3) is broad enough to allow disposal of public lands for a great variety of community development ends. The qualification that the public objectives cannot be accomplished on other lands may lead to controversy and has proved difficult to interpret. Must the purchaser demonstrate that no state or private lands in the area are suitable or available for the proposed development? Is sale precluded if the purchaser has eminent domain powers and could acquire suitable private land by condemnation? Suppose there are other lands suitable for a proposed private development but which are simply not presently offered for sale? Additionally, the Act requires that the public objectives to be achieved by disposal outweigh the public benefits from retaining the tract in Federal ownership. In most cases this weighing of public benefits will be an apples-and-oranges comparison, with undeveloped Federal land going into non-Federal ownership for a variety of development purposes. On balance, it appears that BLM has great latitude to elect to retain or sell tracts in accordance with its perception of the agency's best interests.

Land Use Planning

Land use plans which include ownership adjustment decisions have only recently begun to appear. The principles of multiple use and sustained yield govern the resource management plans. A systematic interdisciplinary approach which considers physical, biological, economic and other factors is mandated by FLPMA. Both long term and short term benefits of present and potential uses of the public lands must be considered. A complex multi-step process described in 43 CFR Part 1600 directs each resource area manager to undertake the tasks of inventory, issue identification, planning criteria development, analysis of the present management situation, formulation of alternatives, assessment of the effects of each alternative, selection of a preferred alternative, preparation of a draft plan and environmental impact statement, and selection of a final resource management plan, followed by implementation, monitoring and evaluation. Public input must be solicited at the issue identification, criteria development and draft plan review stages. After announcement of the final plan, an aggrieved participant may protest any part of the plan.

One measure of the complexity and thoroughness of the land use planning process is that although land use planning is mandated by the 1976 Act, the first final plan did not appear until June 15, 1983, and the Record of Decision implementing the plan was not signed until January 3, 1984 (Glenwood Springs, Colorado Resource Area). Budget constraints will delay completion of final resource management plans for some resource areas until the early 1990s.

Asset Management Program

In the midst of this effort to plan for Federal land ownership a new factor was injected by President Reagan's Executive Order No. 12348, issued February 25, 1982, which directed all Federal agencies to inventory and evaluate their real property holdings with the goal of disposing of lands not needed for Federal programs. The Order, and subsequent statements by the Property Review Board established by the President to oversee this program, made it clear that the overriding concern was Federal budget deficits and a perceived need to convert underutilized real property assets into cash. The President's initiative, sometimes referred to as privatization of the public lands, became known as the Asset Management Program. The Property Review Board moved aggressively to compel the larger land-owning departments and agencies to quickly identify unneeded real property with substantial values. The agencies chiefly subject to scrutiny and prodding by the Board were the BLM, Forest Service, General Services Administration and Department of Defense.

The President's Asset Management Program was promptly condemned by environmentalists, state and local governments, the media and the public generally as proof that the Sagebrush Rebels were firmly in control of public land policies in the executive branch. Under prodding by the Property Review Board the BLM produced estimates of acreages and dollar values of public lands that might be sold, and the Forest Service released maps showing areas suitable for sale or further study for disposal. The Forest Service mapping included parcels which the agency managers surely knew would be highly controversial. The response was predictable; conservation groups, state and local governments, private landowners bordering the public lands, newspapers and television networks all reacted with cries of dismay and outrage. Concerned senators introduced the "Federal Land Retention Act of 1983" (S.891, 98th Cong. 1st Sess.) and both the House Interior Committee and the Senate Energy Committee conducted oversight hearings to grill Property Review Board members, the Director of Office of Management and Budget, the Secretaries of Interior and Agriculture and any other administration official who might have a hand in the threatened "sell-off" of the nation's landed heritage. By July 1983 even Interior Secretary Watt opted out of the controversial program, stating that BLM land disposals would be limited to small isolated tracts. The Forest Service, not having any general land sale authority available, drafted legislation for review within the administration but no senators or congressmen could be found who would sponsor a general Forest Service sale bill.

BLM Instruction Memoranda Numbers 83-203 and 83-204, issued December 29, 1982 to implement the Asset Management Program, clearly were at odds with the policies of FLPMA Sections 102(a) (1) and 203. The directives sought to liberalize and expand the statutory sale criteria and to develop a classification procedure otherwise inconsistent with existing regulations and agency practice. The memoranda were designed to broaden and enlarge the pool of potentially saleable public domain lands, and stressed non-statutory factors such as devotion of public lands to higher and better uses, cutting the costs of government and reduction of the national debt. Asset Management was intended to apply private sector business management principles and common sense to the disposition and retention of real estate—laudible goals which only infrequently enter into Congressional thinking.

Review of subsequently issued resource management plans shows that BLM field managers gave the Asset Management Program a limited amount of lip service, but that land tenure decisions continue to be governed by the conservative FLPMA mandates. No startling amounts of the public domain have been proposed for sale through the resource management planning process. The acreage

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generally recommended for disposal ranges between 1.5% and 2.0% of the BLM administered Federal lands. Interviews with resource area managers suggest that the professionals quickly recognized that the Reagan program would be unpopular and, if vigorously pursued, would hinder their ability to deal with pressing land ownership adjustment problems that had been awaiting the completion of the required land use plans. In general, the results at the crucial land use planning phase of the sale program followed well-established policy lines. The ambitious program of the President, regardless of the extent to which it incorporated the political agenda of the Sagebrush Rebels and assorted fiscal revisionists, made little impact on BLM long-range planning. BLM professionals clearly perceived the Reagan sale initiative as a short-term aberration when compared to the long-term Congressional policy of retention and management so clearly set out in FLPMA.

Sales Results

The actual experience of BLM during Fiscal Year 1983 suggests that public land sales would probably never have approximated the President's goal even if the Congress and the public had accepted the suggested change in policy direction. Public lands offered for sale in F.Y. 1983 under Section 203 aggregated approximately 30,000 acres; of the lands offered for sale, only 10,000 acres were sold. The combination of a depressed market for Western real estate, the nationwide recession and the FLPMA restriction that no public lands be sold for less than fair market value combined to keep sales at a low level. Even more importantly, the preponderance of tracts offered for sale were of such an isolated and remote nature, often without legal access, that few potential buyers could be found. Frequently the adjoining rancher, who already held a cheap grazing permit on the sale tract, was the only prospective buyer.

Sales receipts for the fiscal year totaled slightly less than $3,000,000—about 1% of the dollar volume which the Property Review Board hoped to achieve in the first year of the Asset Management Program. BLM area managers seem disappointed with the sale results, and many question whether the painstaking and expensive sale preparation procedures are worth pursuing unless there is a strong indication of market interest for a particular sale tract. As a partial response to slow sales, BLM has proposed to amend 43 CFR Part 2700 (48 Federal Register 54656, December 6, 1983) to streamline sales procedures, to inject some flexibility into the payment requirements and to more closely approximate market practices in the sale and conveyance of lands. When compared to the private real estate market, however, BLM is still seriously disadvantaged by not having an established financing program, and by being required to sell for no less than fair market value as determined by its own appraisal staff. The tendency among agency appraisers, adhering to the Uniform Standards for Federal Land Acquisitions (highly legalistic instructions developed for Federal eminent domain litigation) has been to place relatively high values on the public tracts to avoid any suggestion of giveaways or favoritism. Lack of seller financing, the inability to negotiate price and terms, and the minimum fair market value price combine to discourage purchasers. The result has been few completed transactions. Overall transaction costs are high and the sale record is disappointing.

Future Directions

Does this latest skirmish in the Sagebrush Rebellion and the collapse of the Reagan administration Asset Management Program simply confirm the end of widespread and regular transfers of public lands to other ownership? In my opinion the disappointing results of recent sales efforts simply reflect the undesirable character of the lands offered for sale—the difficult to manage, uneconomic, isolated parcels identified by BLM as suitable for disposal. These are truly the lands no one wanted, and most of them continue to have limited value to all but the adjacent private landowners. Some transfers of these isolated tracts will continue to occur; however, BLM will be more selective about devoting limited personnel resources to sale tract preparation, concentrating on those parcels where interested purchasers give strong assurances of their willingness and ability to buy.

I believe that the number of other Federal land tenure adjustments will increase as public uses are identified by state and local governments. Land use planning will bring into sharper focus the significant changes that have occurred in land use and development patterns. Lands passed over in earlier times may today have significant values due to their proximity to urban development, rural recreational facilities or energy boom towns. A growing recognition of the importance of maintaining privately owned prime agricultural land in production and the detrimental effects of conversion to nonagricultural uses will direct development attention to nonarable lands, large blocks of which remain in public ownership. The adaptability of dry, steep or rocky lands to residential or other community development needs will lead to increased utilization of Federal public domain lands to fill community objectives.

Federal land transfers will continue on a regular basis, but no great progress will be made on the disposal of difficult and uneconomic tracts unless Congress provides for a different method of pricing and a sales financing program. Perhaps reduced prices for marginal public lands suitable for farm and ranch uses can be justified by requiring only agricultural use for a period of years, similar to the discounted prices offered by other Federal agencies on real estate used for recognized public purposes. Such an approach would require explicit recognition of the benefits of open space and continued agricultural use—a policy which the Congress has been slow to adopt. Transfers of the third class of sale lands should increase as community needs are identified, although the requirement that no other lands be available may need to be modified.

Selected Reference Materials

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Gates, P. *History of Public Lands Law Development*. 1970.

Gregg, F. *Federal Land Transfers in the West*. 1982 Utah L. Rev. 499.

Senate Committee on Energy and Natural Resources. *Legislative History of the Federal Land Policy and Management Act (Public Law 94-579)*. 1978.

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Center Reaches Fund Raising Goal

A major fund raising effort to provide support for the activities of the Natural Resources Law Center has just been completed. The fund raising campaign was initiated by a challenge grant of $250,000 offered by **Marvin Wolf** of Wolf Energy Company. To meet the $250,000 challenge it was necessary to raise an additional $500,000 from other sources. **Clyde O. Martz, Esq.** of the Denver law firm of Davis, Graham & Stubbs chaired the development committee established to seek these funds. The two-year effort gained support from a large number of contributors including individuals, law firms, corporations and foundations. The generous support of these contributors is gratefully acknowledged.

David S. Dale and **A. C. Etheridge** of Milestone Petroleum, Inc. present a check for $10,000 on behalf of the Burlington Northern Foundation to **Dean Betsy Levin** and **Professor James N. Corbridge, Jr.** Such support enabled the Natural Resources Law Center to reach its fund raising goal of $500,000.

International Mineral Law Practice—An Interview with Stan Dempsey

H. Stanley Dempsey

H. Stanley Dempsey is an attorney with Arnold & Porter in Denver. He is on leave from AMAX Inc. where he has held the positions of Chairman, AMAX Australia and Vice-President of AMAX Inc. Mr. Dempsey is a graduate of the University of Colorado School of Law ('64). Among his many professional activities, Mr. Dempsey is a member of the Advisory Board of the Natural Resources Law Center. He is a former president of the Rocky Mountain Mineral Law Foundation and a former president of the Colorado Mining Association.

This interview is based on remarks made by Mr. Dempsey during a talk with the student Doman International Law Society and the Environmental Law Society at the Law School on March 20, 1984.

Q: I would be interested in hearing about your background.

A: I graduated from CU in geology and ran small mining operations in Boulder County. Then I went to work at the Climax mine as an engineer. I then attended the Law School. My class is having its 20th anniversary this spring. From here I went back to Climax, joining the legal department there in 1964.

Q: When did you start getting involved in international work?

A: While I was in law school I examined a mine and handled negotiations to acquire an interest in a mine in Nicaragua. I have been working in mining, much of it international, ever since.

Q: Is a corporation a good place to get into international law?

A: Yes, major corporations are an excellent place to start. Some law firms also have an international practice. I would guess that in the Rocky Mountain region in the next few years we will provide service to investors who want to come into this country; everyone in the world wants to move money to the safety of the U.S. There will be jobs here for people who want to do international work.

Q: What kind of international work have you been involved with?

A: Most of my experience is with U.S. national firms working in other nations. Much of it has been related to mining—securing mineral rights, making agreements with local firms for service or construction, setting up joint ventures and complying with host country regulations. I lived for two years in Australia, managing a branch of a U.S. based mining company that was active in Australia, Papua, New Guinea, and Indonesia, and which sold its products in Asia and Europe.

Q: What do you find that is different about international practice?

A: One thing is finding the law. If you want to find the current mineral code for Thailand, it's not simple.

Q: What is the best way to find out the law of the country in which you are working?

A: In many cases laws are very out of date and it is very difficult to try to work from your own primary sources. Obviously the normal thing to do is to associate yourself with a law firm abroad. This is not as easy as it sounds.

Lawyers vary in approach from country to country. It is often a shock to U.S.-based lawyers to find out just how differently the average U.K. solicitor or barrister views the profession. The very large firms in London do not take very much interest in business planning or any kind of preventive law approach. You hire a lawyer in U.K. after you are in trouble. This is starting to change.

The City firms are excellent in handling large corporate matters, but it has been my experience that when working with mineral rights problems in the U.K. I have done a lot better by using practical, high quality country town lawyers who will take an interest in land and mineral rights. The top flight commercial lawyers in the City of London really aren't very interested in it and will not take it on.

Q: Are the governments themselves good sources of information regarding the laws?

A: Most embassies have commercial attaches who are very helpful. They sometimes need some help in formulating an approach to their own bureaucracy and will usually come through with current statutes. Lawyers in many countries seem to rely mainly on a call to the government to ask what the law is. I find that very off-putting. Government lawyers can be very helpful, but they represent the government. There is a danger in relying completely on government officials for all of one's information.

(continued page 6)

Stan Dempsey, continued

Q: Let us talk about mining law. How are mining rights established in other countries?

A: Many countries have mining laws similar to ours. I think that comes as a surprise to many people. But there are still many places around the world where one can initiate mineral rights simply by going out on open land, finding something, and setting up a claim. Australia and Chile are examples. However, many of these countries have added more and more governmental control over the years, and governments are anxious to participate in the rewards of mining. Other nations, particularly in the Third World, have gone to concession arrangements where you basically negotiate with the government—where big company and big government negotiate.

Q: What are some major issues in establishing a mining concession?

A: Much to my surprise when I started doing major mining deals abroad, I found that we did not argue much about royalties or how much we should develop the mine before taking title. The real issues were things like import duties and employment of local labor. A waiver of duties on the importation of mining equipment for the first five years of a project may be more important than the royalty rate. Many less developed nations rely on import duties as their primary tax, their main source of revenue. American lawyers have forgotten that such was the case in the early years of this republic.

Alien ownership restrictions are also a real problem in many places. We need to remember that although our country is not nearly as economically nationalistic as most other countries in the world, this country has such restrictions. Countries like Canada and Australia have elaborate foreign investment review guidelines.

Aboriginal rights are also important in many places around the world. Any mining lawyer who works abroad will sooner or later run into this issue. And it can be a major constraint on development. It certainly is in Canada; it is in Australia. Most countries have about the same sort of problems that we are having in sorting out native claims.

Q: Did you enjoy working abroad—and would you recommend it to others?

A: Yes. Very much. Living and working abroad is an exciting and rewarding experience. I've enjoyed my work in places like London, Paris, Sydney, Perth, Hong Kong, Tokyo, and Suva. But I think before you sign up for five years in a hot, wet land and one that is off the main line, you should think it through pretty carefully.

Q: Are the environmental restrictions on mining very different overseas than in the U.S.?

A: No. Pollution havens are largely a myth. The Conservation Foundation did some useful work in a program funded by the German Marshall Fund, showing that major firms find little respite from controls abroad. Europeans are more pragmatic about environmental control. If they permit pollution, they know exactly what they are doing. It will be a part of a major social and economic policy for systematically eliminating pollution, but doing it in a way that does not wreck their economy. When they impose controls they do so effectively.

The Third World is tougher in some respects. The more exotic the place, the more difficult it is to pollute. I'll give you an example. I had a call from a geologist who said "I've finally found a place where we can mine and nobody will say anything about how we dispose of the waste." His find was a beach sand deposit on the northern coast of New Guinea. What he didn't know was that the site was less than five miles from an ecological experiment station run by an American university. They had more ecologists running around the New Guinea coast than you find west of Boulder! There really is no place to hide!

Q: It's been said there are no surface evident deposits left in the United States and I assume that going abroad is an attempt to find surface evident deposits that are available in other parts of the world. Are we going to see a sophistication in exploration techniques, in the United States and eventually see those applied abroad?

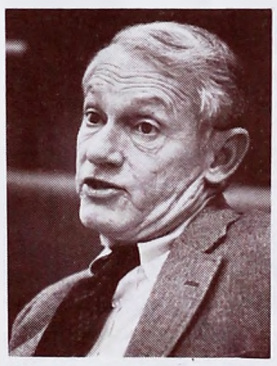
A: Let me quarrel with the thesis first. I don't think we have found all the outcropping ore deposits in the United States. For example, the U.S. Borax discovery at Quartz Hill in Alaska, the major molybdenum find, was an outcropping deposit.

We are just now benefitting from all the work that has been done in geology during this last 15 or 20 years, and it is a wonderful time to be alive if you are a geologist, to see all these things happening. Geologists now are not just picking around on outcrops. They are starting to think about geological principles. Our chief geologist in Australia had wonderful theories about New Guinea. He could demonstrate with his hands how mountains went up and erosion took place, and how ore deposits were put here and there; and then he would go out and find the mineral deposits, just exactly where he said they would be.

Q: What kind of experience gives you the first job with a major mineral or oil and gas company, in a business law situation?

A: Corporations often recruit from law firms. They would rather let a law firm train a young lawyer for two or three years. Obviously, if you are interested in international work you probably would do better on one of the coasts. However, much of the hard minerals exploration industry is in Denver, so if you join a mining firm here, it won't be very long until you will be climbing on an airplane headed for someplace else in the world.

Meyers Visits Law School



Charles J. Meyers, Esq.

Charles J. Meyers, Esq. was the Natural Resources Law Center Distinguished Visitor at the Law School on April 3. Mr. Meyers, who is with the Denver office of Gibson, Dunn & Crutcher, was on the faculty at Stanford Law School for 20 years and was Dean for the last six of those years. He is a graduate of the University of Texas and Columbia University School of Law. He has authored leading casebooks in the areas of oil and gas and water law as well as numerous articles related to natural resources topics.

During his visit at the University of Colorado Law School Mr. Meyers lectured the combined water classes on the development of the law related to the Colorado River. He gave an informal noontime presentation to the students regarding the practice of natural resources law. He met informally with the faculty and exchanged ideas on a number of subjects related to legal education.

The Natural Resources Law Center

The Natural Resources Law Center was established at the University of Colorado School of Law in the fall of 1981. Building on the strong academic base in natural resources already existing in the Law School and the University, the Center's purpose is to facilitate research, publication, and education related to natural resources law.

The wise development and use of our scarce natural resources involves many difficult choices. Demands for energy and mineral resources, for water, for timber, for recreation and for a high-quality environment often involve conflicting and competing objectives. It is the function of the legal system to provide a framework in which these objectives may be reconciled.

In the past 15 years there has been an outpouring of new legislation and regulation in the natural resources area. Related litigation also has increased dramatically. As a result, there is a need for more focused attention on the many changes which are taking place in this field.

The Center seeks to improve the quality of our understanding of these issues through programs in three general areas: legal and interdisciplinary research and publication related to natural resources; educational programs on topics related to natural resources; and a distinguished visitor and visiting research fellows program.

For information about the Natural Resources Law Center and its programs, contact:

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Publications of the Natural Resources Law Center

- "The Federal Impact on State Water Rights," 365 page notebook of outlines and materials from 3 day, June 1984 conference. $60.
- "The Federal Land Policy and Management Act," 350 page notebook of outlines and materials from 3 day, June 1984 conference. $60.
- "Nuisance and the Right of Solar Access," Adrian Bradbrook, Reader in Law, University of Melbourne, Australia. NRLC Occasional Papers Series. 54 pps. $5.
- "Tortious Liability for the Operation of Wind Generators," Adrian Bradbrook, Reader in Law, University of Melbourne, Australia. NRLC Occasional Papers Series. 74 pps. $5.
- "The Access of Wind to Wind Generators," Adrian Bradbrook, Reader in Law, University of Melbourne, Australia. NRLC Occasional Papers Series. 77 pps. $5.
- "Groundwater: Allocation, Development and Pollution" 450 page notebook of outlines and materials from 4-day, June 1983 water law short course. $55.
- "New Sources of Water for Energy Development and Growth: Interbasin Transfers," 645 page notebook of outlines and materials from 4-day, June 1982 water law short course. $55.
- "Contract Solutions for the Future Regulatory Environment," 434 page notebook of outlines and materials from Natural Gas Symposium, March 1983. $25.
- "Implied Covenants in Oil and Gas Leases" reprint of two articles by Stephen F. Williams, Professor of Law, University of Colorado. 40 pages. $4.50.