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Challenging Federal Ownership and
Management: Public Lands and Public Benefits
(October 11-13)

1995

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AGENDA: Challenging Federal Ownership and Management: Public Lands and Public Benefits

University of Colorado Boulder. Natural Resources Law Center

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**Challenging Federal Ownership and Management:
Public Lands and Public Benefits**

Wednesday, October 11, 1995

8:30 a.m. - **Welcome** -- Dean Gene R. Nichol, University of Colorado School of Law

8:45 a.m.

A History of the Public Land Debate — Patricia Nelson Limerick, Professor, Department of History, University of Colorado

For a century we've had a continual national debate over whether to retain lands in public ownership -- if so, for what purposes, and if not, on what terms we ought to dispose of them. The speaker will review of the cycles of American thought and the proposals for policy change and the arguments over whether we should retain lands in federal ownership, from the policy shift favoring retention from the early 20th century down to the present.

Discontent With Public Land Policy and Management

9:25 a.m.

Why We're Unhappy — A Panel of Public Land Users and Neighbors, moderated by Michael Gheleta, Associate Director, Natural Resources Law Center

Public land users and neighbors will tell their own stories of how public lands are managed. They will seek to define "the problem" that proponents of change in public land policy seek to address. Panel members are:

Nadine Bailey, Women in Timber, Hayfork, California

Bill Dvorak, Dvorak Expeditions, Nathrop, Colorado

Thomas S. Hendricks, Hendricks Mining Co., Caribou, Colorado

10:20 a.m. Break

10:40 a.m. **Panel resumes**

Rod Kuharich, Utilities Administration, City of Colorado Springs, Colorado

Louise Liston, Garfield County Commissioner, Utah

Jim Martin, Environmental Defense Fund, Boulder

Ken Spann, Spann Ranches, Gunnison, Colorado

11:40 a.m.

Public Land Policy is Ripe for Change — James Huffman, Dean, Northwestern School of Law, Lewis and Clark College

The speaker will summarize and discuss the current proposals for reforming public land policy, and explain why they are being made and what they could accomplish.

12:20 p.m. **Adjourn for lunch**, which will be at the University Memorial Center (UMC), corner of Euclid and Broadway. The UMC is about a 10 minute walk. We will also have busses to take you there.

Wednesday, October 11, (con't)

12:30 p.m. -- **Lunch**, in ballroom, University Memorial Center (UMC), corner Broadway & Euclid.

Luncheon Speech: "Proposals for Public Land Reform: Sorting Out the Good, the Bad, and Indifferent" — Joseph L. Sax, Counselor to the Secretary, U.S. Department of the Interior.

Why Do We Have Public Lands?

2:00 p.m.

Values and the Public Lands — Professor Dale Jamieson, Department of Philosophy, University of Colorado

The federal public lands embody deeply-felt values — economic, historical, social, spiritual, and regard for future generations — in our moral and political traditions. Moreover, U.S. public land policy can inform and influence the solutions to global environmental problems.

2:40 p.m.

Economic Rationales for Continued Government Ownership of Land — John B. Loomis, Professor, Department of Agricultural and Resource Economics, Colorado State University

The speaker argues that deficiencies in private markets and the unique governmental purposes served by our public land systems support a continuation of public property ownership in the United States.

3:20 p.m. — *Break*

3:40 p.m.

The Benefits of Professional Public Land Management — Elizabeth Estill, Regional Director, U.S. Forest Service, Denver

A career land management official explains that only with coordinated and consistent public ownership and control can there be sufficient protection for habitats and corridors necessary to maintain healthy, diverse populations of animals and plants and widely available recreational benefits. Professional land managers ensure that these public interests are promoted.

4:20 p.m.

Public Lands Are Essential to Our National Heritage — Professor Charles F. Wilkinson, Moses Lasky Professor of Law, University of Colorado School of Law.

Our history and our uniqueness as a nation are tied to the spectacular public land estate. With rapid urbanization, population growth, and development throughout the West, the values served by the public lands have never been more important to our culture.

5:00 p.m. — *Reception*, north lawn of Law School (weather permitting), or in the Law School lounge.

Thursday, October 12, 1995

Rethinking Federal Ownership of Public Lands — Disposal Proposals

8:30 a.m.

Back to the Future: Privatizing the Federal Estate — Terry L. Anderson, Professor of Economics, Montana State University and Senior Associate, Political Economy Research Center, Bozeman, Montana

Free Market environmentalism stresses the importance of getting the incentives right in resource management. Privatizing the federal estate offers the best hope of doing this. Sale, lease, transfers to states, and outright giveaways can eliminate the multiple conflicts over multiple uses and restore fiscal stability to federal land management.

9:15 a.m.

Can the States Do a Better Job?: What We Can Learn From Management of State Lands — Sally Fairfax, Associate Dean, College of Natural Resources, University of California, at Berkeley

The speaker will look at the records of several western states and assess the experiences of state agencies in managing school lands and other trust lands to see what lessons might be transferable to federal public lands and how the states might perform if the lands were transferred to them.

10:00 a.m. — Break

10:20 a.m.

Thinning the Blood of the National Parks — James Ridenour, Director, Eppley Institute for Parks and Public Lands, Indiana, University, Bloomington

Proposals in Congress assert that it is too costly to maintain all our parks and some should return to other land management status. What do these proposals mean? A former Director of the National Park Service advocates that we should consider eliminating some National Parks.

11:05 a.m.

Privatizing the Public Lands: A Bad Idea -- Scott Lehmann, Associate Professor, Department of Philosophy, University of Connecticut

The author of a new book, *Privatizing Public Lands*, argues that the classical efficiency justifications for privatizing public lands (or marketizing their management) are inadequate and that a case for continued public ownership and non-market management can be constructed from their defects.

11:50 a.m. — **Lunch**, in tent, north lawn of the Law School (weather permitting). If bad weather, lunch will be in Law School lounge, and talk will be given in the courtroom.

Luncheon Speech: "The Clinton Administration and Privatization: Public Benefits and Public Responsibilities" — John D. Leshy, Solicitor, U.S. Department of the Interior

The Administration has inventoried several thousands of acres of public land that could be sold or exchanged. It also has made proposals for transferring water projects and

other federal assets out of federal ownership. The speaker will describe these proposals and discuss several legal issues and policy problems such as endangered species protection and fulfillment of present contractual obligations to private parties.

Thursday, October 12, Afternoon

**Alternatives to Disposal:
Using Market Forces to Improve Public Land and Resource Management**

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1:15 p.m.

Motivating Land Managers With Market Incentives — Randal O'Toole, Director, The Thoreau Institute, Oak Grove, Oregon

Below-cost timber sales and other practices of the federal agencies are to blame for poor resource management and decisions that favor values and uses inappropriately. Managers need the motivation of market forces to manage lands and natural resources well, and those forces can be brought to bear without necessarily transferring federal title to lands.

2:00 p.m.

Charging Public Land Users for Minerals, Grazing, and Recreational Uses — Chip Dennerlein, National Parks and Conservation Association, Anchorage, Alaska

The most fundamental improvement in public land management would be to impose user fees closer to fair market value for all public land commodities and uses. Better management and allocation of all resources are possible and revenues would contribute to balancing federal budgets.

2:45 p.m. — *Break*

3:05 p.m.

Critique of the Proposals — Panel of Commentators, moderated by Elizabeth Rieke, Director, Natural Resources Law Center

Experts will discuss the pros and cons of various proposals and address the whether they would remedy the concerns identified on Monday morning. Audience discussion will be encouraged. Panel members are:

Cathy Carlson, National Wildlife Federation, Boulder

Stanley Dempsey, Chairman and CEO, Royal Gold, Inc.

Charles Howe, Professor of Economics and Director, Environmental and Behavior Program, Institute for Behavioral Sciences, University of Colorado

Dale Oesterle, Montfort Professor of Commercial Law, University of Colorado

Jerry Taylor, Director of Natural Resource Studies, Cato Institute

5:00 p.m. — Recess for the Day

Friday, October 13, 1995

Sharing Public Land Decision Making

8:30 a.m.

Public-Private Partnerships —

Mary Chapman, Delta-Montrose Partnership, Delta, Colorado;
Mike Jackson, Quincy Library Group, Quincy, California

A study of several western communities where land management shows opportunities for partnerships in which traditionally governmental decisions and policies are made with local, private people and groups taking leadership. The speakers will discuss the experiences of several partnerships and look in detail at one in Quincy, California.

9:15 a.m.

Watershed-Based Efforts —

Teresa Rice, Senior Staff Attorney, Natural Resources Law Center, University of Colorado School of Law;
Jack Shipley, Applegate Partnership, Applegate, Oregon

Grass-roots groups are beginning to organize themselves along watershed lines to tackle resource problems, including public lands issues traditionally left to the federal agencies. The Natural Resource Law Center has recently completed a study of such watershed efforts. After an overview of these efforts the speakers will focus on the Applegate Watershed in southern Oregon where 70% of the land is federally owned.

10:00 a.m.

Cooperative Federalism as a Model — Hope Babcock, Professor of Law, Georgetown University Law Center

The federal Clean Water Act may be implemented locally if consistent with national standards. The Coastal Zone Management Act authorizes states with approved plans to block inconsistent federal activities. The national Estuary and Great Lakes programs provide regional, intergovernmental frameworks for developing protective plans. Are these models of cooperative federalism transferable to public land management?

10:45 a.m. -- Break

11:05 a.m.

What the Federal Government Can and Cannot Abdicate: Two Perspectives--

George C. Coggins, Frank Edwards Tyler Professor of Law, University of Kansas;
Margaret Shannon, Associate Professor, Environmental Policy Administration and Center for Environmental Policy & Administration, Syracuse University.
Moderated by: Elizabeth Rieke, Director, Natural Resources Law Center.

There are limits on what federal land management agencies can delegate. Some are in statute and others are just good policy. Should some laws, like multiple use mandates and the Federal Advisory Commission Act, be changed? Two speakers will present

their views on the debate about how far we can and should go in devolving authority to local communities and how much federal authority must stay in federal hands. The Moderator will pose several "tough questions" in public land policy for response by Professors Coggins and Shannon, by the other speakers, and by members of the audience.

12:30 p.m. — *Lunch*, in tent, north lawn of the Law School (weather permitting). If bad weather, lunch will be in Law School lounge, and talk will be given in the courtroom.

Luncheon Speech: "The 104th Congress and Changing Public Land Policy," -- Senator Frank H. Murkowski, Chairman, U.S. Senate Energy and Natural Resources Committee (confirmed subject to U.S. Senate Calendar)

2:00 p.m. **Conference adjourns.**

Challenging Federal Ownership and Management: Public Lands and Public Benefits

October 11-13, 1995

CONFERENCE ORGANIZERS

DAVID H. GETCHES (A.B. Occidental College, 1964; J.D. University of Southern California, 1967) is Professor of Law at the University of Colorado School of Law, teaching environmental, water, public land, and Indian law. He has published seven books, including *Controlling Water Use: The Unfinished Business of Water Quality Control*, with MacDonnell and Rice (1991), *Water Law in a Nutshell* (1990), and *Water Resource Management*, with Meyers, Tarlock and Corbridge (1993). He served as Executive Director of the Colorado Department of Natural Resources from 1983-86. He was the founding Executive Director of the Native American Rights Fund (NARF) in Boulder and has litigated Indian water law cases. He serves on the boards of the Grand Canyon Trust, the Land and Water Fund of the Rockies (LAW Fund), and the Rocky Mountain Mineral Law Foundation. He spent the academic year 1989-90 living and working in Costa Rica under a Ford Foundation grant, providing assistance to non-profit organizations dedicated to the pursuit of sustainable use of natural resources, and helping to establish CEDARENA, a center for natural resources and environmental law.

MICHAEL A. GHELETA (B.A. University of California, Berkeley, '82; M.A. Colorado State University, '88; J.D. University of Colorado, '88) became Associate Director of the Natural Resources Law Center in July, 1995. Between 1990-95 he was a Trial Attorney with the U.S. Department of Justice, Environment and Natural Resources Division, General Litigation Section, in the Sacramento and Denver Field Offices. In this position he was responsible for conducting litigation in federal and state courts throughout the West, concerning water, reclamation law, public lands, and other natural resources issues. He was also an instructor in the Justice Department's annual Environmental Law Institute. He is the author of "Water Use Efficiency and Appropriation in Colorado: Salvaging Incentives for Maximum Beneficial Use," 58 U. Colo. L. Rev. 657 (1988). Between 1988-90 he was an Associate in the Water and Power Section of the Sacramento firm of McDonough, Holland & Allen.

TERESA RICE (J.D. University of Colorado, '85) has been a Senior Staff Attorney, Natural Resources Law Center, University of Colorado School of Law, since 1988, serving as Interim Associate Director from January-June, 1995. She was in private law practice with Baker & Hostetler in Denver from 1985-88. She has written and spoken extensively on water resource protection strategies for federal lands and trends in state land management. For the past two years she has been involved in a Center research project looking at watershed-based resources management in the western states. She has presented results of this research at the 1995 Colorado Water Workshop in Gunnison and to the Western States Water Council among

other programs. For the Center, she has just completed two studies of state lands, one for the Washington State Department of Natural Resources and one for the Colorado State Land Board. From 1990-94 she was a member of the Scientific Working Group, an outside professional advisory group to the U.S. Forest Service on its Revised Management Plan for the Arapaho-Roosevelt National Forest.

ELIZABETH ANN (BETSY) RIEKE became Director of the Natural Resources Law Center in August 1995, after serving as Assistant Secretary for Water and Science in the U.S. Department of the Interior, where she had supervisory responsibility over the Bureau of Reclamation, the U.S. Geological Survey and the U.S. Bureau of Mines. During her tenure as Assistant Secretary she focused on complex regional water disputes that typically included endangered or threatened species. She is credited with helping water interests in California reach a truce in the battles over the Sacramento-San Joaquin Delta, resulting in the Bay-Delta Accord announced on December 15, 1994. Before her appointment as Assistant Secretary by President Clinton, she served from 1991-93 as Director of the Arizona Department of Water Resources. From 1987-91 she practiced law, representing a variety of clients on water law and administrative and legislative matters. Her undergraduate degree is from Oberlin College (1965) in Ohio; her law degree, with highest distinction, is from the University of Arizona (1981).

CHARLES F. WILKINSON (B.A. Denison University; LL.B. Stanford University) joined the faculty at the University of Colorado School of Law in June 1987. He was formerly Professor of Law at the University of Oregon School of Law and Visiting Professor of Law at Michigan and Minnesota. A former staff attorney with the Native American Rights Fund, his books include *Federal Public Land and Resources Law*, 3rd ed. (1993) (with Coggins and Leshy); *Cases and Materials on Federal Indian Law*, 3rd ed. (1994) (with Getches and Williams); *Land and Resource Planning in the National Forests* (1987) (with Anderson); *American Indians, Time and the Law - Native Societies in a Modern Constitutional Democracy* (1987); *The American West - a Narrative Bibliography and a Study in Regionalism* (1989), *The Eagle Bird - Mapping A New West* (1992) and *Crossing the Next Meridian - Land, Water and the Future of the West* (1992). He has received teaching awards from students at Colorado, Michigan, and Oregon. He received the University of Oregon's Faculty Excellence Award in 1986 and the University of Colorado's Overall Faculty Excellence Award in 1988. The National Wildlife Federation awarded him its 1990 National conservation Achievement Award for outstanding contributions to the wise use and management of the nation's natural resources.

FACULTY

TERRY L. ANDERSON is Professor of Economics at Montana State University and a Senior Associate with the Political Economy Research Center, a think-tank in Bozeman, Montana. His outstanding teaching has won him the Phi Kappa Phi teaching award and the College of Letters and Science outstanding teaching award. His research helped launch the tide of free market environmentalism, the subject of one of his twelve books. He has just

finished a book on American Indian economies and is currently writing a new book with Donald Leal entitled *Enviro-Capitalists*. Professor Anderson has been a visiting scholar at Oxford University (England), the University of Basil (Switzerland), Canterbury University (New Zealand), as well as Stanford and Cornell Universities. He is also an avid outdoorsman, enjoying archery hunting, fishing, skiing, and ice climbing.

HOPE BABCOCK, graduate of Yale Law School and Smith College, is an associate professor of law at Georgetown University Law Center where she teaches environmental law. Professor Babcock is also an Associate Director of the Institute for Public Representation, a public interest law firm and clinical legal education program at Georgetown. Her work at IPR has focused on providing legal services on environmental issues to economically disadvantaged and minority populations in the District of Columbia. Formerly she was general counsel to the National Audubon Society and Deputy Assistant Secretary for Energy and Minerals at the U.S. Department of the Interior. She has taught environmental law at the University of Pennsylvania, Yale, Pace University, Catholic University, and Antioch law schools and currently serves as a member of the Enforcement Subcommittee of the U.S. Environmental Protection Agency's National Advisory Committee on Environmental Justice as well as on a National Academy of Sciences Committee on Industrial Competitiveness and Environmental Protection.

NADINE BAILEY, daughter of a third-generation logger and married to a timber faller, was frustrated by the effects of the Northern Spotted Owl situation on her company and community and decided to become involved. She started a group called Concerned Citizens of Trinity County, which includes local business people and a cross-section of the community. They have filed a lawsuit against the U.S. Fish & Wildlife Service on behalf of several small businesses. She has traveled all over the state helping other grassroots groups organize. She works as a field representative for the California Forestry Association, and is vice-chair of California Women in Timber. Vice President Quayle met with her during a visit to Northern California in February 1993. In April 1994 she participated in the "Timber Summit." She has met with the President's Council on Competitiveness to discuss forest products issues and survival of timber-dependent communities. As of October 1995, she is en route to a new position with the Timber Producers of Wisconsin and Michigan.

CATHY CARLSON is the Legislative Representative for the National Wildlife Federation's Rocky Mountain Natural Resources Center in Boulder, specializing in mineral development and natural resource issues on public lands in the western U.S., with extensive expertise in livestock grazing, hard rock and coal mining, oil and gas leasing and development, and fisheries and wildlife habitat conservation. Recent publications include two reports for the NWF on the top livestock permittees using Bureau of Land Management grazing lands: "Big Profits at a Big Price;" and the impacts of hard rock mining on the environment and the economy: "The Last Free Lunch on the Old Frontier - Hard Rock Mining and Reform of the 1872 Mining Law." She has a B.S. in wildlife management and a minor in range science from Humboldt State University in California. Prior to joining NWF in 1986, she worked at the Office of Technology Assessment on a variety of agricultural and natural resource projects, including the 1986 Biological Diversity assessment published by the Office of Technology Assessment.

MARY MARGARET CHAPMAN, a fourth generation rural Coloradan who lives in Delta, Colorado, earned her undergraduate degree in psychology and her Ph.D. in public administration at the University of Colorado. She has over 2 decades experience dealing with the boom and bust cycles of the rural West, including 10 years as a senior manager for a major regional electric utility. Since 1991, Ms. Chapman has worked as a researcher and consultant to rural Western communities on economic and environmental issues and plays an instrumental role in the Delta/Montrose Public Lands Partnership in western Colorado. She also serves as a Senior Fellow for the Center for the New West, and is a member of numerous local and regional economic and environmental advisory boards. She is a frequent public speaker on public lands decentralization and the changing West, and has taught university courses on these and other rural policy issues.

GEORGE CAMERON COGGINS is the Frank Edwards Tyler Professor of Law at the University of Kansas School of Law. He has written dozens of articles on public lands and natural resources law and recently published the treatise *Public Natural Resources Law*. He is co-author with Charles Wilkinson of the legal text *Federal Public Land and Natural Resources Law - Cases and Materials*. His A.B. is from Central Michigan University (1963) and his J.D. from the University of Michigan Law School (1966). He practiced law with the firms of Pillsbury, Madison & Sutro, and McCutchen, Doyle and Enersen, both in San Francisco, before coming to the University of Kansas in 1970. He has been a visiting professor at the University of Notre Dame, Northwestern Law School Lewis and Clark College, University of North Carolina Law School, and the University of Denver College of Law.

STANLEY DEMPSEY is Chairman and CEO of Royal Gold, Inc., and president of Denver Mining Finance Company, and of Environmental Strategies, Inc. A geologist and lawyer, Dempsey spent much of his career with AMAX Corporation, first in legal positions, then as senior vice president of Climax Molybdenum Co., as vice president of AMAX and chairman of AMAX Australia. He was AMAX's first Director of Environmental Affairs and helped create many of the environmental laws that now govern mining. He headed the American Mining Congress committee that worked with the U.S. Forest Service to develop surface management regulations for mining. He is currently Director and Chairman of the Lands Committee of the National Mining Association, and is a past president of the Colorado Mining Association and the Rocky Mountain Mineral Law Foundation. He holds degrees in law and geology from the University of Colorado, and completed Harvard Business School's Program for Management Development. A member of the American Alpine Club and former National Director of Trout Unlimited, he is the author of a paper on land use in Britain titled: "Mineral Development in the United Kingdom; A Streamlined Planning Process."

CHIP DENNERLEIN, who has twenty years of experience in Alaska in the field of natural resources and has been responsible for management of local and state park systems, was recently appointed by Secretary of Interior Bruce Babbitt to the National Park System Advisory Board. The 1995 recipient of the NPS Partnership Leadership Award, Dennerlein also serves as Alaska Regional director for the National Parks and Conservation Association, America's only private nonprofit citizen organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. He has extensive experience with

the Alaska State Legislature and the U.S. Congress, including work on the Alaska National Interest Lands Conservation Act. His writings on northern park management have been published by the National Park Service and Parks Canada. He has lectured at Cornell University and written for a textbook to be published by the University of Washington.

WILLIAM (BILL) D. DVORAK, owner and operator of Dvorak Kayak & Rafting Expeditions Inc., received his B.S. degree in physical Education from Brigham Young University and his Master's Degree in Alternative and Experimental Education from the University of Colorado. He has also managed the Monarch Mountain Ski Rental Shop and serves as a substitute school teacher for the Sawatch School District. Active in most outdoor activities, Dvorak has traveled to Bali, Java, and Thailand in South East Asia and the United Kingdom observing and volunteering at outdoor education centers including Outward Bound Schools in Singapore, Malaysia, Wales and England. In 1984 he became the first certified Rescue 3, swift water rescue technician instructor for Colorado and has served as a mountaineering instructor for the Colorado Outward Bound School, the University of Colorado, and the City of Boulder.

ELIZABETH ESTILL became Regional Forester of the USDA Forest Service Rocky Mountain Region, Denver, in 1992, responsible for the administration of over 22 million acres in 17 National Forests and seven National Grasslands, as well as cooperative efforts with state and private landowners in Colorado, Kansas, Nebraska, South Dakota and eastern Wyoming. She has both a B.S. and M.S. in Ecology from the University of Tennessee, and served at Harvard as a Loeb Fellow in Advanced Environmental Studies, focusing on public administration and teaching at Harvard's Graduate School of Design. Previously she was Associate Deputy Chief of the National Forest System. She has also been Director of Recreation, Cultural Resources, and Wilderness Management with the Forest Service in Washington, DC. She has developed partnership programs and cost sharing ventures that are not only significant for the future of the agency, but also for the future of government. During her 14 years at the Tennessee Valley Authority, she directed the only federal recreation demonstration area and also worked with the President's Commission on Americans Outdoors.

SALLY FAIRFAX (B.A. Hood College, '65; M.A. New York University, '69; M.A. in Forestry, and Ph.D. Political Science and Public Administration, Duke University, '73) is Professor of Natural Resources Law and Policy in the Department of Forestry and Resource Management and in the Department of Environmental Planning at the University of California at Berkeley, and Associate Dean of the College of Natural Resources. She is a student of public resource administration, focusing primarily on federal/state relations as they affect federal land management. Her most recent work explores state school trust lands. She has recently served as a consultant to the Natural Resources Law Center on projects relating to state lands for the States of Washington and Colorado. She is co-author, with Carolyn Yale, of *The Federal Lands* (Island Press) She is also an underwater photographer of great enthusiasm and very little renown.

THOMAS S. HENDRICKS, who has hands-on experience in virtually every phase of underground gold mining and has been an active hardrock underground gold miner for the past 26 years, founded the Hendricks Mining Company and started the Cross Gold Miner operation in Caribou, Colorado in 1973 as a one-man pick-and-shovel mine. A former President of the Boulder County Metal Mining Association, and the Jones and Donnelly Ditch Company in Boulder, Hendricks continues to serve as an advisory council member for the Colorado Abandoned Mined Land Program, a member of the Colorado Bureau of Mines Task Force and the Boulder County Historic Preservation Board. He has been featured in numerous news articles, as well as on radio and television programs. In 1994 he received the Nederland Nugget Award for assisting the Town of Nederland on community service projects, and the Duke Rudman Heroism Award for a dangerous mine rescue.

CHARLES W. HOWE (B.A. Rice University, '52; Ph.D. Stanford University, '59) is Professor of Economics and Director of the Environment and Behavior Program, Institute of Behavioral Science, University of Colorado. He has had considerable international experience, having been a Visiting Professor at the Gadjah Mada University in Indonesia; a Fulbright Scholar at Wageningen Agricultural University in The Netherlands; and a River Basin Planning Consultant with the Senegal River Basin and the Gambia River Basin Commissions for the USAID. He has frequently collaborated on research projects with the Natural Resources Law Center, including "Water Banking in the West," (1994). Other recent publications include "The Economic Impacts of Agricultural-to-Urban Water Transfers on the Area of Origin: A Case Study of the Arkansas River Valley," and "The U.S. Environmental Policy Experience: A Critique with Suggestions for the European Community."

JAMES L. HUFFMAN is Dean and Professor of Law at Northwestern School of Law, and Director of the Natural Resources Law Institute at Lewis and Clark College. He has been a Fulbright Professor at the University of Athens (1988), and a visiting professor in Guatemala and New Zealand. He serves on the Board of Trustees for the Rocky Mountain Mineral Law Foundation, and teaches environmental law courses for the Army Corps of Engineers. He has a J.D. from the University of Chicago, and an M.A. from the Fletcher School of Law and Diplomacy, Tufts University. Among his numerous articles are: "*Dolan v. City of Tigard*: Another Step in the Right Direction," (Environmental Law, 1995); "Managing the Northern Forests: Lessons from the West," (forthcoming, Vermont Law Review), and a forthcoming chapter in *Wildlife in the Marketplace* entitled, "In the Interests of Wildlife: Overcoming the Tradition of Public Rights."

MICHAEL B. JACKSON (J.D. University of California, Hastings College of the Law, 1972) has practiced both criminal and environmental law. He has represented environmental groups in many state and federal actions dealing with the National Environmental Policy Act, California Environmental Quality Act, National Forest Management Act, Endangered Species Act, Water Code and State Fish and Game Code. He is counsel for the California Sportfishing Protection Alliance and has been a participant in the State Water Resources Control Board hearings on the Bay/Delta and Yuba, Santa Ynez, Carmel, and Mokelumne Rivers. He is attorney for the City of Adelanto in a complex water-rights adjudication. On December 17, 1993, he and Bill Coates were named Citizens of the Year by the Quincy Main Street Chamber of Commerce for founding and promoting the Quincy Library Group.

DALE JAMIESON (Ph.D., University of North Carolina, Chapel Hill) is Professor of Philosophy and former Director of the Center for Values and Social Policy at the University of Colorado. He is the only CU faculty member to have won both the Dean's award for research in the social sciences and the Chancellor's award for research in the humanities. He also serves as Adjunct Scientist in the Environmental and Social Impacts Group at the National Center for Atmospheric Research. Dr. Jamieson, whose work has been translated into Polish, Italian, German, Dutch and Japanese, currently teaches a graduate seminar in environmental philosophy, and is completing a book on the philosophical dimensions of global environmental change and a project on pollution prevention for the U.S. Environmental Protection Agency. He has been a visiting professor at Cornell University, and a visiting fellow of New College, Magdalen College, and St. Anne's College at Oxford University.

ROD KUCHARICH is the Intergovernmental Affairs Manager, responsible for intergovernmental activities for Colorado Springs Utilities. He has a B.A. in Political Science from St. Ambrose College and an M.S. in Environmental Planning from Southern Illinois University. He is a member of the Advisory Board for the Colorado Water Resource Research Institute and a member of several committees of the Colorado Water Congress, including Management and Budget, State Affairs, Federal Affairs, and Water Quality. He is also a principal in the Public Policy Group, an organization conducting conferences on public policy issues for local and state elected and appointed officials. He is Chairman of the Manitou Springs Planning Commission and a member of the Governor Environment 2000 Committee.

SCOTT LEHMANN, whose academic specialty is formal logic, is Associate Professor of Philosophy at the University of Connecticut and the author of *Privatizing Public Lands* (Oxford University Press, 1995). His interest in the privatization proposal derives in part from the challenge it poses to his extra-curricular environmental concerns and dates from 1984-85, when he was a Visiting Fellow at the University of Colorado's Center for Values and Social Policy.

JOHN D. LESHY became the Solicitor of the Department of the Interior in May 1993. In the previous ten months he had served as Special Counsel to Chairman George Miller of the House Natural Resources Committee, as Interior Department team leader for the Clinton-Gore Transition, and as special assistant for legal affairs to Secretary of Interior Bruce Babbitt. Leshy is on leave from his position as Professor of Law at Arizona State University, a position he assumed in 1980. From 1977-80 he was Associate Solicitor for Energy & Resources at Interior. He was on the staff of the Natural Resources Defense Council (NRDC) in California from 1972-77, and the Civil Rights Division of the Department of Justice from 1969-72. He is a graduate of Harvard College and Harvard Law School.

PATRICIA NELSON LIMERICK (B.A. University of California, Santa Cruz, '72; Ph.D. American Studies, Yale University, '80) joined the faculty of the History Department of the University of Colorado in 1984, focusing on the history of the American West, both before and after 1850. She is also co-chair of the Center of the American West. Her book *The Legacy of Conquest: The Unbroken Past of the American West* (1987) was widely acclaimed as pointing new directions in western historical research. She has coauthored and edited

several other books, including *A Society to Match the Scenery* (1991) and *The Frontier in American Culture: Essays by Richard White and Patricia Nelson Limerick* (1994). She has two books in progress: *Something in the Soil* and *The Atomic West* (both under contract with W.W. Norton). She was named State Humanist of the Year in 1992 by the Colorado Endowment for the Humanities, and very recently has been named a MacArthur Fellow for 1995-2000.

LOUISE LISTON is a commissioner from Garfield County, serving in her third term. Her roots are deeply planted in the land she loves through her rich pioneer heritage. A graduate from the College of Southern Utah, she was a past officer of the Utah Association of Counties and now sits on the boards of various state and national steering committees. In September of 1992, she was appointed chairman of the National Association of Counties' Public Lands Steering Committee. As the first woman to hold that position, she held that position for two years and presently chairs the Community Stability Subcommittee. She has testified before several congressional hearings on public land issues and is dedicated to preserving both the land and the people whose livelihoods and quality of life depend on it.

JOHN B. LOOMIS (B.A. California State University, Economics, M.A. California State University, Economics, Ph.D. Colorado State University, Economics) is currently a professor at the Department of Agriculture and Resource Economics at Colorado State University. He is the recipient of The Wall Street Journal Award, 1973, and the Quality Performance Award from the US Fish and Wildlife Service, 1985. John Loomis who holds membership in a number of economic and environmental societies, is author of *Integrated Public Lands Management*, as well as over 70 journal articles dealing with economic valuation of non-marketed natural resources such as fishing, wildlife viewing, wilderness, wetlands, instream flow and old-growth forests.

JAMES B. MARTIN, senior attorney with the Environmental Defense Fund since late 1994, has specialized in water resources issues in the western United States for nearly fifteen years. From 1984-86 he represented EDF in a proceeding before the Federal Energy Regulatory Commission in a successful effort to defeat a hydroelectric project that was proposed on the last free-flowing tributary of the upper Colorado River, and represented EDF and other conservation organizations in drafting a joint federal/state/private program for conserving endangered fish species of the upper Colorado River. From 1986-93 he served Senator Tim Wirth as counsel for energy, environment, and natural resources and as the senator's state director. During that time he was the principal architect of water rights language that broke a ten-year impasse over wilderness designation in Colorado. In addition to water policy, he has experience in a number of federal land and resource management policies and statutes. His undergraduate degree in Biology is from Knox College and J.D. from Northwestern School of Law of Lewis and Clark College in Portland, Oregon.

FRANK MURKOWSKI has served as United States Senator for the State of Alaska since 1980. As one of the Senate's representatives (rank of Ambassador Extraordinary and Plenipotentiary) at the United Nation's General Assembly in 1994, he also led the successful effort to get the U.N. to reduce international bycatch that results in the waste of fish resources and is an expert on Taiwan defense and business issues and on Vietnam policy. As a member

and former chairman of the Senate Veterans Affairs Committee, the Senator led the early efforts to search for American POW/MIAs in Southeast Asia. He has helped bring about the reuniting of Alaskan Eskimos with their counterparts in the Soviet Far East, and helped lead the 1988 "Friendship Flight" that broke the "Ice Curtain" between the U.S. and former Soviet Union. As a member of the Indian Affairs Committee and the Energy Committee, the Senator in 1989 guided major amendments to the Alaska Native Commission, and more recently, has lead efforts to immunize Natives against Hepatitis B, developed a Native Languages Preservation program, and worked to improve water and sewer facilities in Alaska's villages.

DALE ARTHUR OESTERLE became Monfort Professor of Commercial Law at the University of Colorado in 1992, having taught at Cornell Law School from 1979-92. He was the Sir William Henry Cooper Foundation Fellow at the University of Auckland, New Zealand, in the summer of 1992. His books include: *The Law of Mergers, Acquisitions and Reorganizations* (1992) and two in progress: *The Law of Corporations* and *The Regulation of Modern Financial Instruments*. He has both a J.D. from the University of Michigan Law School and a Masters of Public Policy from the Institute of Public Policy Studies, Rackham Graduate School, University of Michigan.

RANDAL O'TOOLE has studied public land issues as a forester and economist for more than twenty years. He is currently the director of the Thoreau Institute, a research group that seeks ways to solve public resources issues without big government. O'Toole has prepared studies of the Park Service, the BLM, the U.S.D.A. animal damage control program, and 150 state resource agencies. He is now studying the Endangered Species Act and community growth problems and policies.

JAMES M. RIDENOUR (B.S., Recreation & Parks Administration, Indiana University; M.S., Recreation & Parks Administration, Indiana University; Masters, Public Administration, Colorado University) is the founder and first Director of the Eppley Institute, which is responsible for public policy analysis, research, lectures, consulting and technical assistance in environmental issues. Prior to this, Mr. Shipley was the Director of the National Park Service, where he established policy, administered and managed. He is the author of a new book, *The National Parks Compromised: Pork Barrel Politics and America's Treasures*.

JOSEPH L. SAX is Counselor to Secretary of the Interior Bruce Babbitt and Deputy Assistant Secretary for Policy. He came to Interior from the University of California, Berkeley, where he was the James H. House and Hiram H. Hurd Professor of Environmental Regulation. He has written extensively on Western public land and water issues, national parks, the public trust doctrine, and the "taking" clause of the Constitution. He is the author or co-author of such books as *Legal Control of Water Resources* and *Mountains Without Handrails: Reflections on the National Parks*, and of more than a hundred articles on natural resources and property rights in both scholarly and general interest journals. Among recent articles is a study of the U.S. Supreme Court opinion "*Lucas v. South Carolina Coastal Council*, Property Rights and the Economy of Nature," *Stanford Law Review*. Sax is a graduate of Harvard College and the University of Chicago Law School. He has served on the faculty at the University of Colorado, the University of Michigan, and at Berkeley.

MARGARET SHANNON, (B.S. '73; M.S. '77, the University of Montana; Ph.D. Wildland Resource Science, University of California at Berkeley, '89) currently holds positions at both the University of Washington as the Corkery Professor of Forest Resources and as an Associate Professor of Public Administration at the Maxwell School of Citizenship and Public Affairs at Syracuse University, New York. In January 1996, she will be only at the Maxwell School, where in addition to serving on the faculty of Public Administration she will also be affiliated with the newly created Center for Environmental Policy and Administration. She is a social scientist whose scholarship, research and teaching focus on natural resources policy and governance institutions, the formation of policy communities for effective policy design and implementation, public leadership in administrative agencies, and the institutions necessary for public problem-solving in civic life. Previously she was on the Forest Faculty at SUNY/ESF, President of Resource Policy Analysis in Buffalo, New York, and a Senior Fellow in the Natural Resources Law Institute at Lewis & Clark Law School in Portland.

JACK SHIPLEY (B.S., Horticulture and Park & Recreation Administration, Texas Technological College; M.S., Planning and Administration, University of Oregon) has two passions: environmental protection and flying — both of which he accomplished as chairperson of the North Applegate Watershed Protection Association and board member of the Applegate Partnership in southwest Oregon. As a resource planner, Shipley worked on the Oakridge District of the Williamette National Forest and the Green Belt system for the City Planning office in Helsinki, Finland. He also served as the Park and Recreation Director for the City Grants Pass and was later appointed Director of Public Works. Currently he pursues humanitarian volunteer activities and has participated in a medical aid program with Rotary International in Baja, Mexico and volunteer construction work with Architects and Planners in Support of Nicaragua in Mateguas, Nicaragua.

KEN SPANN, owner and operator of Spann Ranches in Gunnison, Colorado, is a fifth generation cattle rancher. He currently serves as Chairman of the Federal Lands committee of the National Cattlemen's Association and has direct responsibility for the implementation of NCA's policies relating to federal lands at the national level. In 1993, he was one of 14 Coloradans invited by Governor Romer to meet with Secretary Bruce Babbitt on grazing issues. Spann, who holds a B.S. in Animal Sciences from Colorado State University, and a law degree from the University of Colorado, lives with his family on his ranch in Almont, Colorado.

JERRY TAYLOR, an adjunct scholar at the Institute for Energy Research, is the director of natural resources studies at the Cato Institute and associate editor of *Regulation* magazine. Prior to his position at Cato, Mr. Taylor served as Legislative Director for energy and environmental policy at the American Legislative Exchange Council. Taylor, who is an active lecturer and author on sustainable development, Superfund, and solid waste management, has been a frequent guest on radio and television talk shows including: NPS, PBS, CNBC, America's Talking, Political Newstalk Network and CNN's "Crossfire." He has also contributed to several anthologies such as: *Market Liberalism: A New Paradigm for the 21st Century*, and most recently, *The Cato Handbook for Congress*. He is also the author of a *Natural Resources Policy Agenda for the 1990's*, and is editor of the upcoming anthology entitled, *Environmental Regulation Reconsidered*.