AGENDA: Water Quality Control: Integrating Beneficial Use and Environmental Protection

University of Colorado Boulder. Natural Resources Law Center

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Wednesday, June 1, 1988

THE CLEAN WATER ACT: SELECTED ISSUES

8:15 Registration and Coffee

9:00 Welcome and Introduction

9:15 The Water Quality Legal Framework
William H. Rodgers, Jr., Professor of Law, University of Washington

The basic legal framework governing water quality has been in place for more than 15 years. This presentation will sketch this framework, its evolution (with particular reference to the 1987 amendments), and will evaluate its effectiveness in achieving its stated policy objectives.

10:15 Break

10:35 Assessment of Water Quality Progress and Problems In the West
David H. Getches, Professor of Law, University of Colorado School of Law

A survey of state and federal water quality programs shows mixed results: cleaner water but many continuing problems; uneven state efforts and federalism tensions; new federal initiatives but inadequate coordination of existing programs. Experience has produced several lessons for the federal government and for the states as they seek to improve their water pollution programs.

11:15 Section 404: The Nasty Business of the Clean Water Act
Oliver A. Houck, Professor of Law, Tulane University Law School

Section 404, the most far-reaching and controversial provision of federal water law, has just survived its eighth year of an Administration hostile to its very existence. The questions are: What's left, in what strength, and where is it likely to go?

Noon Lunch Speaker: James J. Scherer, Regional Administrator, EPA Region VIII Implementing Federal Water Quality Standards While Addressing State Concerns

1:30 A Practitioner's Perspective on Section 404 Permitting—or—How to Survive the Daze from the Hazy Maze
Marcia M. Hughes, Hughes, Duncan & Dingess, Denver

With so many players—the Corps of Engineers, EPA, Fish & Wildlife Service and Division of Wildlife—who do you try to satisfy? And what do you say when your client says "Just tell me what the law requires"?

2:10 Pretreatment Issues
Sue Ellen Harrison, Assistant City Attorney, Boulder, and Commissioner, Colorado Water Quality Control Commission

Pretreatment requirements date from the Clean Water Act of 1972, but only in the last five years has EPA placed a high priority on this program. This presentation examines the present status of the program and regulations, with an emphasis on the problems municipalities encounter in implementation and enforcement.

2:50 Break
3:10 Enforcement Issues in Water Pollution Control
Henry W. Ipsen, Holme Roberts & Owen, Denver

This presentation discusses the array of federal enforcement remedies under Section 309 of the Clean Water Act and Sections 312, 313 and 314 of the Water Quality Act of 1987; "overfiling" problems caused by dual federal/state enforcement responsibility; and the role played by citizen suits in enforcement of the Act.

3:50 The Effluent Charge Approach to Water Quality Control
Ralph Johnson, Professor of Law, University of Washington
Gardner Brown, Professor of Economics, University of Washington

Recently effluent charge systems for water pollution control have been adopted in France, the Netherlands, Hungary, Poland, and West Germany as a whole (in addition to the Ruhr district). The United States has rejected effluent charges in favor of standards and regulations. Brown and Johnson will describe the European effluent charge systems and will evaluate the utility of this approach in the United States.

5:00 Adjourn for day
6:15 Cookout on Flagstaff Mountain

Thursday, June 2, 1988

GROUNDWATER QUALITY

8:45 Federal Groundwater Pollution Law
Robert L. Glicksman, Professor of Law, University of Kansas

Unlike other environmental media such as air, land, and surface water, groundwater is not covered by a comprehensive federal statute to prevent and redress pollution. This presentation will survey the existing patchwork scheme of federal groundwater quality law and discuss possible future directions in that law.

9:35 Pesticide Contamination of Groundwater—Superfund Liability?
David R. Andrews, McCutchen, Doyle, Brown & Enerson, San Francisco

EPA is currently considering whether to list on the National Priorities List sites that have been contaminated by pesticides. This talk will discuss the legal and policy implications of a decision to list these sites.

10:15 Break

10:35 State Legislative Options for Protecting Groundwater Quality
Larry Morandi, Program Director—Natural Resources, National Conference of State Legislatures, Denver

State governments have taken the initiative away from the Congress and EPA in formulating groundwater protection policies. State legislation has played a significant role in aquifer classification and standard-setting programs and in regulating discharges from point and nonpoint sources. This presentation examines statutory approaches available to states in developing groundwater protection policies.

11:20 A Proposal for an Outrageous, Albeit Effective, Strategy to Prevent Groundwater Pollution
George Cameron Coggins, Tyler Professor of Law, University of Kansas

Neither federal nor state governments have been able to control groundwater pollution. This presentation outlines a multifaceted legal strategy whereby states can prevent future groundwater pollution. Because this strategy ignores conventional political wisdom, state legislators probably will not consider it seriously unless they do not understand it.
QUALITY/QUANTITY ISSUES

1:45 Water Rights Implications of Water Quality Regulation in Colorado
Lawrence J. MacDonnell, Director, Natural Resources Law Center

Colorado has attempted to insulate water rights use from the effects of water quality regulation. Nevertheless, conflicts have resulted in litigation and administrative action. This presentation will address issues in Colorado concerning the 401 certification process, federal antidegradation requirements, and protection of water quality as they relate to the exercise of water rights.

2:30 Effluent: Making Use of a Valuable Resource in Arizona
Kathleen Ferris, Bryan, Cave, McPheeters & McRoberts, Phoenix

Effluent is a valuable resource in arid Arizona, but conflict over its legal character has clouded how it may be used. This presentation will review that conflict, other obstacles to full use of effluent and the purposes for which effluent is currently being used.

3:15 Break

3:35 Effects of Upstream Transfers on Water Quality Permitting
Lee Kapaloski, Parson, Behle & Latimer, Salt Lake City

This presentation analyzes potential legal conflicts between water right holders and water quality permits (e.g. NPDES) as a result of upstream diversions. Focus will be on federal/state law compatibility, rights of intervention, and relations between priorities of permits.

4:10 Panel: Water Rights and Water Quality—Finding an Accommodation
Respondent: David R. Sturges, Delaney & Balcomb, Glenwood Springs, and Commissioner, Colorado Water Quality Control Commission

RECEPTION
Friday, June 3, 1988

LAND MANAGEMENT AND NONPOINT SOURCE POLLUTION

8:45 Introduction: Land Management, Soil Erosion, and Nonpoint Source Pollution
Charles F. Wilkinson, Professor of Law, University of Colorado School of Law

9:00 The 1987 Nonpoint Source Pollution Amendments and State Progress under the New Program
John Davidson, Professor of Law, University of South Dakota

The Clean Water Act amendments of 1987 have brought new attention to nonpoint source control programs. The speaker will examine the new nonpoint program and its likely effect on state and local governments, farmers, miners and operators of other potential source facilities. Descriptions of some noteworthy nonpoint control programs will be included.

9:40 Antidegradation and Nonpoint Source Pollution in the West
H. Michael Anderson, Forest Planning Specialist, The Wilderness Society, Washington, DC

Land management practices often degrade high-quality waters through sedimentation and other nonpoint source pollutants. This presentation focuses on current efforts in Idaho to develop an effective program to control nonpoint sources consistent with federal antidegradation policy.
10:10 Break

10:30 Soil Erosion, Agrichemicals and Water Quality: A Need for a New Conservation Ethic?
Christine Olsenius, Vice-President for Education, Freshwater Foundation, Navarre, Minnesota

Agriculture raises a number of problems for water quality, both of surface and ground water. This presentation will discuss the current situation and assess future policy options.

11:00 Timber Harvesting on Private Lands: the Washington Timber-Wildlife-Fish Agreement
John P. McMahon, Vice-President, Timberlands, Weyerhaeuser Co., Tacoma

This presentation will discuss the evolution of forest practices regulation in the state of Washington. It will focus on the Timber-Fish-Wildlife Agreement—how it originated and what it involves. Expectations and experience to date with this Agreement will be considered.

11:30 Cattle Grazing and Riparian Ecosystems in the Semi-Arid West
Richard H. Braun, Stoll, Stoll, Berne, Fischer & Lokting, Portland, Oregon

Riparian condition can have a big impact on water quality, and even in some streams, on quantity. This presentation will focus on developing legal obligations of land managers to restore degraded riparian ecosystems.

12:00 Lunch Speaker: Gary E. Cargill, Regional Forester, U.S. Forest Service, Rocky Mountain Region
Water & Multiple Use Management in National Forests in the Rocky Mountain Region

1:30 The San Joaquin—Sacramento Delta
David R. Beringer, California State Water Resources Control Board

About 70% of precipitation in California falls in the northern third of the state, with 80% of water use in the southern two-thirds. The California legislature, recognizing this supply-demand imbalance, adopted a statewide distribution plan in the early 1900's. Two major projects, one federal and one state, were constructed. Both projects transport water through the fertile 3/4-million acre Sacramento-San Joaquin River Delta Estuary to the south. The State has been wrestling with environmental problems of that transport scheme ever since.

Respondent: Thomas J. Graff, Environmental Defense Fund, Oakland
Respondent: Stuart L. Somach, McDonough, Holland & Allen, Sacramento

3:00 Adjourn
WATER QUALITY CONTROLS INTEGRATING BENEFICIAL USE AND ENVIRONMENTAL PROTECTION

June 1-3, 1988

CONFERENCE ORGANIZERS

DAVID H. GETCHES (A.B. 1964, Occidental College; J.D. University of Southern California Law School, 1967) is a Professor at the University of Colorado School of Law. From August 1983 - January 1987 he was on leave from the School of Law to serve as Executive Director of the Colorado Department of Natural Resources. Previously he practiced law in Boulder and San Diego, and for several years was an attorney for the Native American Rights Fund, of which he was the Founding Director. He has taught at the University of Denver School of Law, the University of Alaska Center for Northern Education Research, and the University of California at San Diego. His publications include Water Resources Management (with Meyers, Tarlock and Corbridge; Cases and Materials on Federal Indian Law (with Wilkinson); Water Law in a Nutshell, and several law review articles on water and other natural resources topics.

LAWRENCE J. MACDONNELL (B.A. University of Michigan, 1966; J.D. University of Denver College of Law, 1972; and Ph.D. Colorado School of Mines, 1974) became Director of the Natural Resources Law Center in November 1983. Prior to that he was a research economist at the Denver Research Institute and Adjunct Professor at the Graduate School of Business and Public Management at the University of Denver, 1980-83. He has worked as Assistant Professor in the Dept. of Mineral Economics at the Colorado School of Mines, as a Special Consultant to the Interior and Insular Affairs Committee of the U.S. House of Representatives, and as an instructor and course director for the Colorado Outward Bound School. He edited the recent Natural Resources Law Center publication, Tradition, Innovation, and Conflict: Perspectives on Colorado Water Law (1987). He is a member of the Colorado Bar Association and the Association of Environmental and Resource Economists.
CHARLES F. WILKINSON (B.A. Denison University; LL.B. Stanford University) joined the law faculty at the University of Colorado Law School in June 1987. He was formerly Professor of Law at the Oregon Law School and has been Visiting Professor at the Michigan and Minnesota Law Schools. He has written numerous books and articles on western resources law and on Indian law. He is the author of Western Water Law in Transition, 56 U. Colo. L. Rev. 317 (1985) and has examined federal water rights issues in Federal Public Land and Resources Law (2d ed. 1987) (with Coggins) and the book-length law review article, Land and Resource Planning in the National Forests, 64 Ore. L. Rev. 1 (1985) (with Anderson).

CONFERENCE FACULTY

MICHAEL ANDERSON is an attorney and forest planning specialist for The Wilderness Society in Washington, DC. He received a B.A. from Yale University and J.D. from the University of Oregon. He is co-author of Land and Resource Planning in the National Forests (Island Press, 1987) and Water Quality and Timber Management in the National Forests (Wilderness Society, in press).

DAVID R. ANDREWS splits his time between the Washington, DC, office and the San Francisco office of McCutchen, Doyle, Brown & Enersen, managing that firm's environmental practice which has 25 lawyers. His practice includes air, water, toxic substance and pesticide matters, as well as Washington representation of clients with respect to matters before EPA and the Dept. of Interior, and legislative matters before Congress. He served as Regional Counsel for EPA, Region IX (1975-77), Legal Counsel and Special Assistant for Policy at EPA in Washington (1977-80), and Deputy General Counsel and acting General Counsel of the Dept. of Health and Human Services (1980-81). He is a director of the Environmental Law Institute, a Washington, DC non-profit research institute, and has been a Vice-Chairman of the ABA Natural Resources Section Committee on Hazardous Waste.
DAVID R. BERINGER has been supervising Water Resources Control Engineer and Program Manager for the California State Water Resources Control Board since August 1985. He designed the process and managed the hearings to establish new and revised water quality standards for the San Francisco Bay/Sacramento - San Joaquin Delta Estuary. He is a graduate of the University of Pittsburgh, with advanced education in environmental engineering from the University of California both at Davis and at Irvine. He has studied extensively with IBM on computer system design and analysis. Previously he worked for Harris Engineers, Pennsylvania based consultants.

RICHARD H. BRAUN (B.A. Social Psychology, '75, J.D. '84, with Environmental and Natural Resources Law Certificate, University of Oregon) recently joined the law firm of Stoll, Stoll, Berne, Fischer & Lokting, in Portland, Oregon. Last year he was interim Special Project Attorney for the Environmental Defense Fund in Boulder, with duties including Clean Air Act litigation, groundwater protection, and federal land management issues regarding the Two Forks dam and reservoir project. He was a Fellow with the Natural Resources Law Institute, Northwestern School of Law, Lewis and Clark College ('85-86) and an attorney with Bruce MacGregor Hall, P.C. in Portland ('84-85). Publications include: "Emerging Limits on Federal Land Management Discretion: Livestock, Riparian Ecosystems, and Clean Water Law," 17 Env. L. 43 (1987).

GARDNER M. BROWN, JR. (A.B. Antioch College, '59; M.A., Ph.D. University of California-Berkeley '64) has been Chairman of the Dept. of Economics at the University of Washington since 1985. He came to the University of Washington in 1965 as Assistant Professor of Economics and while there has served as Director of the Institute for Economic Research and has taught in the Institute for Environmental Studies. He has been a Visiting Professor in France at the University de Droit, d'Economie et des Sciences, Aix-Marseille. He has published extensively, including a 1985 report with Ralph Johnson for the EPA Office of Policy Analysis on "The Effluent Charge System in The Federal Republic of Germany."
GARY E. CARGILL was named regional forester for the five-state Rocky Mountain Region of the USDA Forest Service in June 1986, responsible for the administration of over 22 million acres in 17 national forests and 7 national grasslands and cooperative efforts with state and private landowners in Colorado, Kansas, Nebraska, South Dakota, and eastern Wyoming. He has a bachelor's in forestry from New York State University in Syracuse ('58). He has worked in numerous national forests, including Sequoia and Stanislaus (California), Santa Fe and Lincoln (New Mexico), and Coconino (Arizona). He has served in Washington, DC, on the Aviation and Fire Management Staff, becoming associate deputy chief before accepting his current position.

GEORGE CAMERON COGGINS, Tyler Professor of Law at the University of Kansas, is a coauthor (with Wilkinson) of Federal Public Land and Natural Resources Law - Cases and Materials, now in its second edition. His A.B. is from Central Michigan University ('63) and J.D. from the University of Michigan Law School ('66). 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 Law School. He has written and lectured widely in the area of natural resources law.

JOHN H. DAVIDSON (B.A. Wake Forest University, LL.B. University of Pittsburgh Law School, LL.M. George Washington University National Law Center) is Professor of Law at the University of South Dakota School of Law. He is admitted to practice in South Dakota, Pennsylvania and various federal courts. He currently serves as a Trustee to the Rocky Mountain Mineral Law Foundation and is an active member of the Advisory Group to the ABA's Forum Committee on Rural Lawyers and Agribusiness. He is co-author of Agricultural Law: Cases and Materials (1984, West) and Editor/Co-author of a treatise, Agricultural Law (Shepards).
KATHLEEN FERRIS is an attorney with the law firm of Bryan, Cave, McSheeters & McRoberts in Phoenix, Arizona, concentrating on water matters. She was formerly the Director of the Arizona Dept. of Water Resources where she had previously served as the Department's first Chief Counsel. Before that she was the Executive Director of the Arizona Groundwater Management Study Commission which was established in 1977 to rewrite Arizona's groundwater laws. She participated in the negotiation and supervised the drafting of a new Arizona Groundwater Code which in 1986 was selected by the Ford Foundation as one of the nation's ten most innovative programs in state and local government.

ROBERT LEWIS GLICKSMAN has just returned to the University of Kansas School of Law after a visiting professorship at the University of Miami (spring 1988). He has been at Kansas since 1982, teaching Environmental Law, Energy Law, Property and Land Use Planning. Formerly he was with the law firm Cleary, Gottlieb, Steen & Hamilton in Washington, DC, from 1976-81. His A.B. is from Union College, New York, ('73); M.A. in European History from Harvard, ('74); and J.D. Magna Cum Laude from Cornell Law School ('77). He has written extensively on pollution and hazardous waste issues, including a report (with G. Coggins) for the Kansas Dept. of Health and Environment on "A Proposed Strategy to Prevent Groundwater Contamination in Kansas."

THOMAS J. GRAFF is senior attorney with the Environmental Defense Fund in Oakland, California. He has been a lecturer at the University of California-Berkeley (Boalt Hall), and, while on leave from EDF, was visiting Professor of Law at Harvard Law School (1979) and served on the staff of Governor-elect Edmund G. Brown, Jr (1974-75). Prior to that he was an associate with Howard, Prim, Smith, Rice & Downs, Attorneys (1970-71); was legislative assistant to Mayor John V. Lindsay in New York City's Washington Office (1969-70); and was Frank Knox Fellow at London University (1967-68). He has served with the Colorado River Board of California, the Berkeley Law Foundation, Californians for Nuclear Safeguards, and the Delta Environment Advisory Committee, among others.
SUE ELLEN HARRISON (B.A. Economics, '70; J.D. '74, University of Colorado) has been Assistant City Attorney for the City of Boulder since 1974, with responsibility for environmental (water quality, hazardous waste, pesticides, air quality) and real estate issues. Prior to that she was in private practice in Boulder (1983-84); served with the U.S. EPA, Office of Regional Counsel (1980-82); practiced with Musick, Williamson, Schwartz, Leavenworth & Cope in Boulder (1978-80); and was a member of the Natural Resources Section in the Office of the Colorado Attorney General (1975-78). She is currently a Commissioner on the Colorado Water Quality Control Commission (1987-present).

OLIVER A. HOUCK is a graduate of Harvard College (1960) and Georgetown Law Center (1967), with three intervening years in the U.S. Army. He was an Assistant United States Attorney in Washington, DC (1967-1971), and General Counsel and Vice President of the National Wildlife Federation in Washington, DC (1971-1981), before joining the Tulane Law School faculty in 1981, where he is presently a Professor of Law. He has litigated, researched and published widely on wetlands and coastal issues. His most recent law publication was "Ending the War: Towards a Strategy to Save America's Coastal Zone," Maryland Law Review (Feb. 1988).

MARCIA HUGHES (B.A. '72, University of Colorado; J.D. with Honors '76, George Washington University National Law Center) has been a partner in the Denver firm of Hughes, Duncan & Dingess since 1987, where she has worked extensively on the Environmental Impact Statement for the Two Forks dam project. She has served as Chairperson of the Colorado Water Congress Special Committee on Wildlife Mitigation. Before that she was a partner with Cockrell, Quinn & Creighton (1984-86); an associate with Rothgerber, Appel & Powers (1981-84); Special Assistant to the Executive Director of the Colorado Department of Health (1979-81); and Assistant Attorney General, State of Colorado (1977-79). She is a past chairperson of the Environmental Law Section of the Colorado Bar Association.
HENRY W. IPSEN (B.A. and J.D. University of Wisconsin) is with the law firm of Holme Roberts & Owen in Denver, having previously been with the Denver firm, Kirkland & Ellis. He has served as Assistant Attorney General of the Environment Division in the State of Washington, and as Chief of the Water Enforcement Section of the U.S. Environmental Protection Agency, Region VIII. His law practice has concentrated in the natural resources area, with special emphasis on environmental regulatory matters. He has represented mineral extraction industries before various administrative boards and commissions, and in federal and state courts.

RALPH W. JOHNSON (J.D. University of Oregon School of Law, '49) is a Professor of Law at the University of Washington School of Law, specializing in water and American Indian law, and honored as "Outstanding Teacher" in 1984. He has published numerous articles and is co-author of the book "Cleaning Up Europe's Waters" (with Dr. Brown, economist). He has served as Chief Consultant to the U.S. Senate Committee on Interior and Insular Affairs on national water policy, as consultant to the Committee on Water of the National Academy of Sciences, and the National Water Commission. He has received Ford Foundation, National Science Foundation, and EPA grants to study and write about water management in Europe. He taught water law at Harvard Law School (1981-82) and at UCLA (1986-87), and has lectured in England, Israel, Canada, and China.

LEE KAPALOSKI (B.S. Geography '67, and 2nd B.S. Economics, '68, University of Utah; M.A., Environmental Planning '72, San Diego State; Ph.D. in Natural Resource Policy, '75, University of Colorado; J.D. '78, University of Utah) practices with the Salt Lake City law firm, Parson, Behle & Latimer, in environmental law, public land law, natural resources law, water law and zoning law. He is president of the Legal Future Research Institute (since 1980), and legal consultant to the Utah State Water Research Laboratory (since 1978). Previously he served as legal consultant to the Center for Public Affairs and Administration, University of Utah (1980 - '83) and as Special Planning Consultant to the Utah State BLM office (1977-79). He is an Adjunct Assistant Professor in the Dept. of Geography, University of Utah.
JOHN P. McMAHON (B.S., '60, and M.S. '64, in forestry, University of Montana) is Vice President for Timberlands in the Weyerhaeuser Company. He joined Weyerhaeuser in 1964, serving in several capacities. From 1978-81 he worked for Scott Paper Company's Northwest operations as Forest Products Improvement Manager. He returned to Weyerhaeuser in his present capacity in 1981. He is currently serving his second term on the Washington Forest Practices Board. He is also president of the Washington Forest Protection Association, serves on the Public Timber Division of the National Forest Products Association and the American Forest Council. He is a retired Commander of the United States Naval Air Reserve.

LARRY MORANDI is director of the Natural Resources Program for the National Conference of State Legislatures in Denver, Colorado. He has specialized in water resources and land use management policy in his eight years with NCSL. His prior legislative experience includes staff positions with the Colorado and Connecticut legislatures and Congressman Jerome Waldie of California. He holds undergraduate and graduate degrees from the State University of New York in political science.

CHRISTINE OLSHENIUS directs the Freshwater Foundation's national programs and publications which are designed to update the business, medical, governmental and environmental community, as well as the general public on major trends, changes and implications of water issues. She holds positions on several regional and national task forces, among them the National Water Alliance Groundwater Task Force and the National Water Alliance Education Task Force. She has recently assisted the medical and health care community in establishing a national health and environment network which disseminates information on the health effects of various contaminants. The Freshwater Foundation is a non-profit, non-advocacy organization which supports scientific research and public education programs regionally and nationally.
WILLIAM H. RODGERS, JR. (B.A. '61, Harvard; J.D. '65, Columbia University School of Law) served on the faculty at the University of Washington School of Law from 1970-72. From 1972-79 he was Professor of Law at Georgetown University Law Center, before returning to the University of Washington as full professor in 1979. He has been a member of the Board on Environmental Studies and Toxicology of the National Academy of Sciences since 1985. Recent publications include "Guerilla Decisionmaking: Judicial Review of Risk Assessments," Journal of Hazardous Materials, Amsterdam, 1987, and a 2-volume Treatise on Environmental Law, Air and Water, published by West Publishing Co. in 1986.

JAMES J. SCHERER (Graduate of Univ. of Notre Dame - 1958) is the Regional Administrator of the Environmental Protection Agency, Region VIII. He spent seven years on the Island of Yap in the South Pacific as a business advisor to local people. He came to Denver, Colorado in 1969 to begin his own car rental and leasing business, which grew from one office to 40 in 11 years. He then served two terms in the Colorado Legislature (1983 - 1987) and was Chairman of the House Education Committee, before being appointed to his current position with the EPA in April 1987.

STUART L. SOMACH (B.A. '70 and M.A. program '73-75, San Jose State University; J.D. '79, McGeorge School of Law, University of the Pacific) has been a shareholder in the Sacramento law firm, McDonough, Holland & Allen since 1984. Prior to that he served in the Land and Natural Resources Division, U.S. Department of Justice in Sacramento (1983-84), responsible for all federal water rights and water related litigation in the State of California. From 1981-83 he was Assistant U.S. Attorney, Eastern District of California, with a case load primarily in water related litigation and environmental law. Recent publications include "The Institutional Response to Water Quality/Water Quantity Conflicts: The California Experience," 2 Natural Resources and Environment, fall 1986, and "The Excess in Environmental Regulation of the Water Resource" (to be published July 1988 by the Pacific Law Journal, McGeorge School of Law).
DAVID R. STURGES (B.A. Political Science, '63, DePauw University; J.D. '66 University of Michigan Law School) is an attorney with the Glenwood Springs law firm Delaney & Balcomb, specializing in natural resources development, environmental law, and state and local land use planning. Previously he worked at the Peabody Coal Company's Western Division as Regional Counsel for environmental and land use compliance (1976-78); as Regional Counsel for the Federal Energy Administration, Region V (1974-76); and as Assistant U.S. Attorney and Chief of the Environmental Protection Unit for the Northern District of Illinois (1973-74). He served on the Colorado National Areas Council (1983-87) and is currently a Commissioner with the Colorado Water Quality Control Commission.