

7-1-1972

# Natural Resources Journal, Annual Report 1971 - 1972

UNM School of Law

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## Recommended Citation

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## NATURAL RESOURCES JOURNAL

University of New Mexico School of Law

Annual Report

For the Fiscal Year July 1, 1971 - June 30, 1972

A six per cent net gain in paid subscriptions during the fiscal year was continuing indication that NRJ is timely, gaining well deserved recognition, and almost unlimited in potential. At a time when environmental concerns are a foremost topic of the day, NRJ enjoys a reputation as one of the top scholarly publications in the area.

"You're Not Getting Older, You're Getting Better"

Professor Joseph Sax of the University of Michigan School of Law, while leading an Environmental Law seminar at Ghost Ranch in August, 1971, devoted one session to listing essential books for attorneys practicing in the environmental law area. He said "NATURAL RESOURCES JOURNAL, published by the University of New Mexico Law School, is the best environmental publication in the law field."

Professor Irving J. Fox, Director of the Westwater Research Center of the University of British Columbia, wrote as follows: "Let me begin by commending you on the uniformly high quality of the articles included in the JOURNAL. I know you must have a difficult task in sifting from among the many manuscripts that are offered, but in my judgment, you can rest assured that your selections have been good ones. As a result, the JOURNAL has become well established as the leading one in the area of natural resources policy and institutions."

Dr. Edward A. Ackerman, Executive Officer of the Carnegie Institution of Washington, D.C., writes: "I am pleased to have this opportunity to tell you that I consider the JOURNAL a worthwhile production. You have maintained a high scholarly standard, a consistently oriented "relevant" point of view, and the technical editing has been excellent."

ASIL-UNM Regional Conference

A new undertaking for the JOURNAL was the co-sponsoring, along with the UNM School of Law, the American Society of International Law, and the World Peace Through Law Committee of the New Mexico State Bar, of a regional meeting of the ASIL on April 29, 1972.

Devoted to the topic "Pollution and Political Boundaries: U.S.-Mexican Environmental Problems", the papers presented at the conference will be published as a symposium in the October 1972 issue. Henry Rivera, editor for that issue, and his assisting editors and staff served as hosts and hostesses for the out-of-town panelists and honored guests, each being responsible on an individual basis for one particular guest. These gentlemen, other attendees, and registrants have sent such enthusiastic commendations to the ASIL on our conference being the best planned regional meeting that they had ever attended, with uniformly high quality of presentations, that the ASIL is now planning to hold a regional meeting next year in Mexico City.

Panelists and their topics which will be published in Volume 12, issue 4, were:

- |   |  |
|---|--|
| Steve Reynolds, State Engineer<br>State of New Mexico                                 | The Water Quality Problem on<br>the Colorado River   |
| Cesar Sepulveda, formerly Dean<br>National University of Mexico.<br>School of Law     | International Water Quality<br>Problems Between Mexico and<br>the United States: Prospects<br>and Perspectives |
| David A. Gantz, Office of the<br>Legal Adviser<br>U.S. State Department               | U.S. Approaches to Salinity<br>Problems on the Colorado River  |
| Alejandro Sobarzo, Professor<br>of International Law<br>National University of Mexico | The Salinity of the Colorado<br>River and the Interpretation<br>of Treaties                                    |
| Ray Jay Davis, Professor of Law<br>University of Arizona                              | The U.S. and Mexico: Weather Tech-<br>nology, Water Resources, and<br>International Law                        |
| Guillermo Davila, Engineer,<br>Pan American Health Organization                       | International Considerations and<br>Air Pollution Control on the<br>U.S.-Mexico Border                         |
| John Morrison, El Paso City-<br>County Health Engineer                                | The El Paso-Juarez Experience in<br>Dealing With Pollution and Po-<br>litical Boundaries                       |
| John Ross, First Assistant City<br>Attorney<br>City of El Paso                        | Air Quality Litigation in the El<br>Paso-Juarez Area   |
| Juaquin Tello, Engineer<br>Mexico Secretariat of Health and<br>Assistance             | Mexican Approaches to Transboundary<br>Air Quality Problems  |

William Enriquez, Law Student  
University of Arizona

International Legal Implica-  
tions of Industrial Develop-  
ment Along the Mexican-U.S.  
Border

### Requests For Permission to Reprint

Requests for permission to reprint articles from Volumes 3-12 were received during the past year as follows:

Prof. Melvin Albaum  
Univ. of Colorado  
GEOGRAPHY & CONTEMPORARY ISSUES  
New York: John Wiley & Sons

The Perception of Natural Haz-  
ards in Resource Management, by  
I. Burton and R. Kates  
V. 3 # 3

Prof. Peter Haggett  
Univ. of Bristol  
THE STRUCTURE OF GEOGRAPHY  
New York: Harper & Row

same article as above

William Bowers  
Attorney at Law  
Police Department Publication

Note: Police Power and the Design  
of Buildings, by William Bowers  
V. 5 # 1

Prof. R. Gordon Pirie  
Univ. of Wisconsin  
"Collection of Fifty Readings"

National Jurisdiction and the Use  
of the Sea, by L.M. Alexander  
V. 8 # 1; and  
Marine Resources and the Freedom  
of the Seas, by F.T. Christy  
V. 8 # 3; and  
Control of Estuarine Pollution, by  
J.B. Gilbert and R.B. Robie  
V. 11 # 2

Ms. Anne S. Witkos, Editor  
Journal of Solar Energy  
Cambridge, Massachusetts

Economics of House Heating With  
Solar Energy, by O.G. Lof and  
R. Tybout  
V. 10 # 2

Prof. R. D. Hamrin and  
Prof. R. R. Haveman  
Univ. of Wisconsin  
ECONOMIC POWER & FEDERAL POLICY  
New York: Harper & Row

The System of Government Subsidies  
To The Oil Industry, by Walter  
J. Mead  
V. 10 # 1

Prof. John R. Fonseca  
SUNY Albany  
Casebook With Materials

Military Requirements for Inter-  
national Airspace: Evolving  
Claims to Exclusive Use of a

- Res. Communes Natural Resource,  
by G.S. Robinson  
V. 11 # 1; and  
International Law and Marine Pollution: Radioactive Waste and 'Other Hazardous Substances',  
by E.D. Brown  
V. 11 # 2; and  
A Proposal for Participating in Natural Resources Development, Starting With the High Seas, by D.J. Edwards  
V. 11 # 4; and  
The Economics of Vanishing Species, By F.T. Bachmura  
V. 11 # 4; and  
Solving the Air Pollution Problem: A Social Scientist's Perspective, by P.B. Downing  
V. 11 # 4; and  
Economic Policy for Water Resources and Placement Flows, by M. Gisser  
V. 11 # 4; and  
The Need for a Noise Pollution Abatement Act, by W. Brogan  
V. 11 # 4
- A Proposal For Participating in Natural Resources Development Starting With the High Seas, by D.J. Edwards  
V. 11 # 4
- Evaluating Benefits of Environmental Resources With Special Application to Scenic Resources, By J.V. Krutilla  
V. 12 # 1
- Determining Optimum Capacity for Low-Density Resource Based Recreational Facilities, by J.V. Krutilla  
V. 12 # 3

Mr. John Bhan, Director  
Advanced Management Research  
New York, N.Y.  
"for management meeting use"

Mr. Norman Pearson, Director  
Centre for Resources Development  
Univ. of Guelph  
"for publication in the Centre's  
Lecture Series"

Mr. Henry Jarrett, Director of  
Publications  
Resources for the Future  
NATURAL ENVIRONMENTS: STUDIES  
IN THEORETICAL AND APPLIED  
ANALYSIS  
John V. Krutilla, Editor

#### Review of Publication Year

The October 1971 and January 1972 issues contained articles of

varied general interest, with the July 1971 issue devoted to a symposium entitled "Environmental Policy: Theory, Concepts and Problems", and the April 1972 issue a symposium entitled "The Human Environment: Toward An International Solution." This symposium was scheduled to coincide with the UN Stockholm Conference on Environmental Problems. The July 1971 issue was the first issue of the JOURNAL to be completely sold out on a single copy basis in less than six months after date of publication. Negotiations are underway with Praeger Publishers to republish the content of the July 1971 issue, along with the content of the April 1972 issue, as a paperback book.

Notes and Comments published during the year included:

- |  |                                |
|--|--------------------------------|
| The Standing Problem--Sierra Club<br>v. Hickel   | V. Henry Rothschild III        |
| The Need for a Noise Pollution<br>Abatement Act  | William Brogan                 |
| Applying the Fairness Doctrine<br>to Environmental Issues--<br>Friends of the Earth v. FCC   | Bruce Wiggins                  |
| National Environmental Policy<br>Act Interpreted as Requiring<br>Strict PROCEDURAL Compliance<br>of Federal Agencies--Calvert<br>Cliff's Coordinating Comm.<br>v. Atomic Energy Commission | Tom Stribling                  |
| Subdivision Planning Through<br>Water Regulation in New Mexico   | Charles Noya and Tom Stribling |
| Citizen Enforcement of the Ref-<br>use Act: Qui Tam Pro Domino<br>Rege Quam Pro Se Ipso In Hoc<br>Parte Sequitur Flops; Manda-<br>mus Next?  | John Boyd                      |

#### Outline of Plans For Next Year

The July 1972 and April 1973 issues will be of varied composition with articles from the following, among others:

- |   |   |
|---|---|
| Prof. Edgar S. Bagley<br>Kansas State Univ. | The Ground Water Depletion Al-<br>lowance Under Federal Income<br>Tax Law |
|---|---|

Prof. Andrew Whinston  
Purdue University and  
Dr. Terry A. Ferrar  
Penn. State University

Taxation and Water Pollution  
Control

Mr. John V. Krutilla and  
Mr. Frank Fisher  
Resources for the Future

Determining Optimum Capacity  
for Low-Density Resource-  
Based Recreational Facili-  
ties

W. Burhenne, founder  
International Council on En-  
vironmental Law, Bonn, and  
William Zimmer  
U.S. Army JAG Corps

Airfield Noise Abatement in  
the Federal Republic of Ger-  
many

Dr. Perry R. Hagenstein  
Wayland, Mass.

Proposed Changes in the Mining  
Law

Mr. William Siegel  
USDA, Southern Forest Experi-  
ment Station  
New Orleans

Impacts of Reallocation of Re-  
sponsibilities for Public  
School Financing on Property  
Taxation of Forest and Other  
Conservation Lands

Walter Keichel, Jr., Esq.  
US Dept. of Justice

Sierra Club v. Morton Decision  
(comment).

Prof. Joseph L. Sax  
Univ. of Michigan Law School

Sierra Club v. Morton Decision  
(comment).

S. Byron Mock, Esq.  
Salt Lake City

Can Public Land Managers Be Al-  
lowed To Manage: Breaking the  
Impasse

The October 1972 issue, a symposium to be entitled "U.S.-Mexican Environmental Problems" was fully detailed under the heading "ASIL-UNM Regional Conference", on page 2.

Planned for January 1973 is a symposium "Providing an Information Basis for Both Public and Private Decision-Making in the Natural Resources Field," with Professor Irving Fox as co-editor. Scheduled authors and their contributions are:

Anthony H.J. Dorsey  
Univ. of British Columbia

Effluent Charge Systems and  
Regulations Combined With  
Cost-Sharing and/or Financial  
Penalties

Irving Fox  
Univ. of British Columbia

Information Generation for Arriving  
at Suitable Water Levels

Helen Ingram  
Univ. of Arizona

Sources and Content of Information  
Which Will Be Important To Water  
Resources Development in the  
Future

James E. Krier, Esq.  
U.C.L.A.

The Legal Aspects Involved in Na-  
tural Resource Decision-Making  
Information

William Lord  
Ford Foundation, Mexico City

Public Water Resources Project  
Planning

Vincent Ostrom  
Indiana University

Theory Relevant to Providing In-  
formation for Resources Decision-  
Making

A July 1972 mail solicitation of about 4,000 potential subscribers, made from lists of persons now subscribing to land economics, mineral law, and water resources periodicals, is hoped to increase the number of new subscriptions for 1972-73 above the 6% of 1971-72.

#### Automated Billing

In March, 1972, the results of a study to automate the manual billing system were received from Mr. Louis R. Leuring, Director, Data Processing Center. The study had been requested to determine whether it might be financially feasible to go to computer billing, thus removing from the expanding number of demands on the secretary's time the annual typing of renewal notices and invoices. Estimated cost of setting up such a procedure was approximately \$3,000., and estimated cost of annual updating and billing was approximately \$650., based on 1,400 subscribers. The matter has been temporarily shelved.

#### Finances

Five issues were published and billed during the year, with the April 1971 issue coming out tardily this fiscal year. Total billed printing cost for the five issues was \$14,555.25, plus reprints billed at \$1,749.30. The Ten Year Index also was billed during this year. These circumstances combined to deplete most of the reserve which was on hand at the close of fiscal 1970-71. Four issues are budgeted for 1972-73 and there can be no deviation from this without an increase in the budget. Printing costs have dropped somewhat, with each issue now running closer to \$3,000. than to \$4,000., as they had run during the previous year.



Statement of Receipts and Expenditures

<u>RECEIPTS</u>	<u>FY 1970-71</u>	<u>FY 1971-72</u>
Allocations	\$ 3,000.00	\$ 4,000.00
Contributions	3,000.00	
Exchanges	501.00	519.00
Miscellaneous	214.00	951.30 *
Sale of Advertising	53.12	396.12
Sale of Reprints	530.50	533.27
Sale of Single Copies	4,485.10	478.83
Subscriptions	<u>12,168.95</u>	<u>12,977.26</u>
Total Receipts	23,912.77	19,855.78
Less Allocations	<u>6,000.00</u>	<u>4,000.00</u>
Earned Income	17,912.77	15,855.78
Plus Accounts Receivable June 30, 1972		950.05

EXPENDITURES

Equipment	\$ 79.81	\$ 59.67
Labor	1,354.15	2,021.70
Mailing	426.96	829.21
Miscellaneous	2,077.86	5,173.13 **
Non-Issue Printing	400.20	591.50
Organizational Functions		278.16 ***
Printing, Journal	13,137.08	14,555.25 +
Printing, Reprints	1,112.50	1,749.30
Reference Material	40.75	93.27
Subscription Refunds	53.95	45.50
Supplies	43.21	33.14
Travel	<u>379.50</u>	<u>324.77</u>
Total Expenditures	19,035.98	23,732.90

\* Sales of index, \$829.75; sales of bibliography, \$26.00; banquet fees, \$33.22; mailing refund, \$30.00; refund on books, \$32.33.

\*\* Ten Year Index, \$4,834.18; A.A.L.S. membership fee, \$7.50; Conference registration fee, \$20.00; luncheons for editors and staff, \$29.85; author's charges for changes in page, \$68.40 refund for back issues ordered but out of stock, \$6.00; bank charges on foreign checks, \$10.33; ASIL Conference, \$196.87.

\*\*\* Included in "Miscellaneous" 1970-71.

+ Five issues billed in 1971-72.

## Circulation Statistics, 6/30/72 (April 1972 issue)

## Current Subscribers - Paid

United States	1,149
Foreign	166
Exchanges, U.S.	52
Exchanges, Foreign	<u>3</u>
	1,370

## Complimentary Subscriptions by Mail

NRJ Advisory Board	26
UNM Offices	11
Past Journal Editors	10
In Exchange for Indexing and/or Advertising	20
Miscellaneous	<u>2</u>
	79

## Complimentary Copies by the Issue

Law Faculty Members	17
Advertisers	6
Contributors	16
Law Library	2
NRJ Office	3
Seniors on Board of Editors	<u>17</u>
	61

TOTAL DISTRIBUTION: 1510

## Readership Survey, June 30, 1972

## United States

Federal Agencies	137
State Agencies	88
City & County Agencies	<u>32</u>
	257

## Colleges and Universities

Libraries	463
Other Departments	<u>71</u>
	534

## Companies/Organizations

216

## Individuals

Attorneys or Law Firms	160
Other Occupations	<u>161</u>
	321

## Foreign Subscribers

Government Agencies	51
Universities	105
Companies	8
Individuals	<u>18</u>
	182

TOTAL READERSHIP, APRIL 1972 ISSUE: 1,510