FOREWORD

In our first article, Professor David H. Getches explains that the history of the Colorado River has been characterized by legal and political conflicts over entitlements to its water, and by the federal government's broad authority over the river. Professor Getches notes that although Colorado River issues affect a wide array of interests, the management of the river has ignored some of those interests, resulting in economically wasteful, politically inequitable, and ecologically unsustainable uses of the Colorado River's natural resources. Professor Getches proposes that the Secretary of the Interior exercise his authority to encourage broadly inclusive participatory decisionmaking processes to address the Colorado River's major problems.

In our second article, Professor Charles F. Wilkinson, following the twentieth anniversary of the National Forest Management Act (the "NFMA"), examines recent proposals to reform the NFMA. Professor Wilkinson first sketches the events leading to the passage of the NFMA in 1976. He then assesses various influences on national forest management since 1976 such as population growth in the West, the increasingly diverse work force of the Forest Service, and advances in our scientific understanding of the land. Professor Wilkinson suggests that the current stewardship of national forests under the NFMA is responding to these influences with positive results, and concludes that we should wait to see whether this progress will continue before amending the NFMA.

In our third article, Andrew C. Mergen and Sylvia F. Liu of the U.S. Department of Justice explore the future of the practicably irrigable acreage ("PIA") standard, which is used to quantify Indian reserved water rights. The recent release of Justice Thurgood Marshall's papers shed new light on the standard's future by disclosing the draft opinions in *Wyoming v. United States*, which was decided without a published opinion. The draft majority opinion in *Wyoming* advocated the imposition of a controversial "sensitivity analysis." This analysis would require the consideration of the rights of non-Indian state water users in the quantification of Indian reserved water rights. The authors contend that were this sensitivity analysis to become law, it would have far-reaching impacts on Indian reserved water rights and would conflict with Indian water law precedent.

In our first comment, the author considers the validity of the legal claims that proponents of state or local control of the public lands have asserted to repudiate federal control of the public lands. The author first examines the proponents' contention that the Federal Constitution does not empower the federal government to own the public lands in light of the history and doctrines of public land ownership. Then, the author analyzes the proponents' assertion that the federal government does not own the public lands because title to the public lands passed to the states at statehood. The author concludes that the proponents' contentions do not withstand scrutiny under constitutional principles or case law, and therefore, the movement for local or state control over the public lands lacks support in the law.

In our second comment, the author studies park management and land use planning in the context of the Backcountry Management Plan recently adopted at Canyonlands National Park. The author first sets forth the statutory requirements and administrative guidelines for park management at the national level. The author then demonstrates how park planning processes can effectively address the unique circumstances of individual parks by examining a recent planning effort at Canyonlands, the Canyonlands' Backcountry Management Plan. The author concludes that Canyonlands' Backcountry Management Plan provides an appropriate model of how the National Park Service can balance its dual mandate to further preservation as well as use of national parks.

THE EDITORS