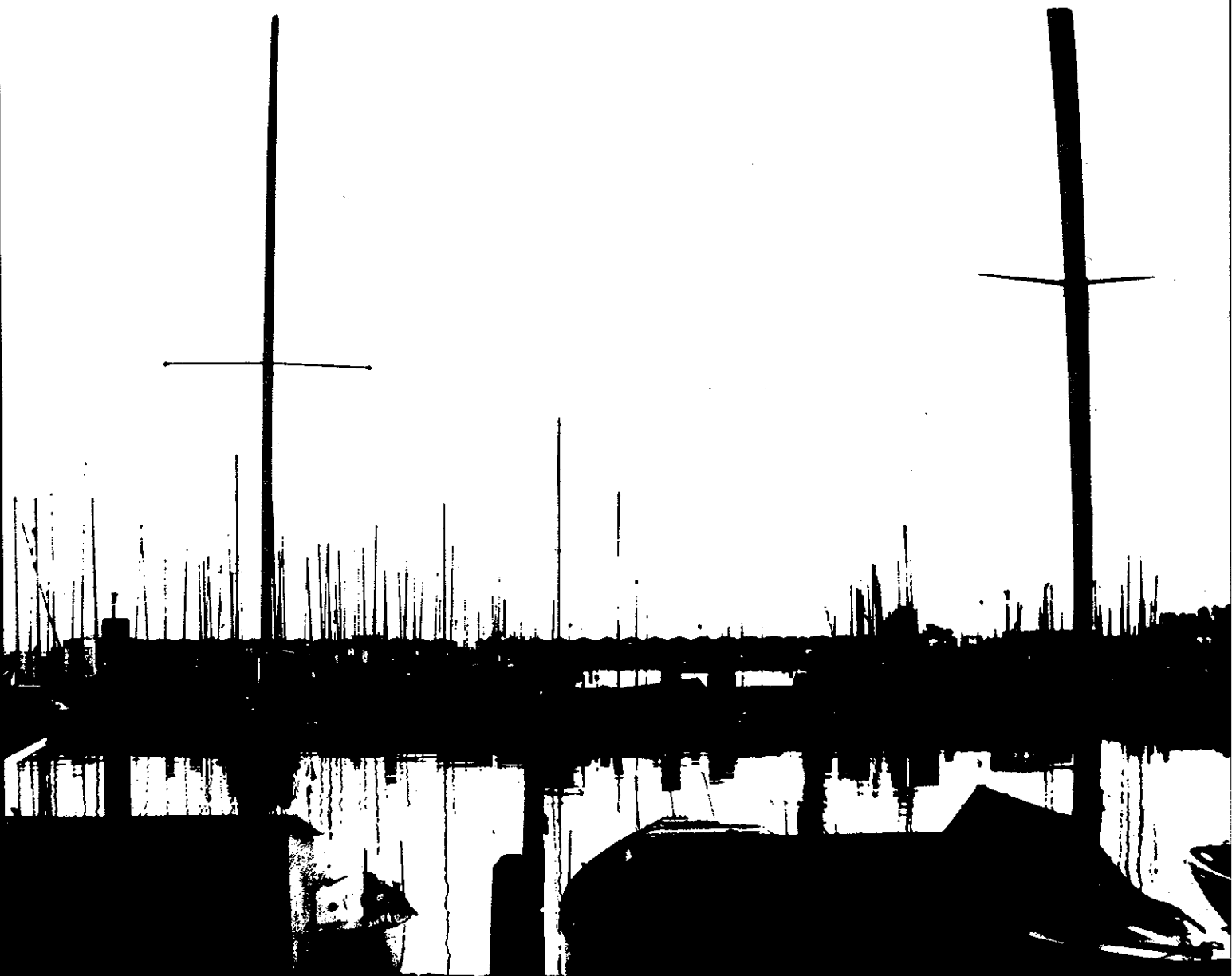


# TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES

**1972 ANNUAL REPORT**



# TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES

## INTRODUCTION

The 1972 Annual Report of the Texas Law Institute of Coastal and Marine Resources, a consortium of state law schools, located at the Bates College of Law, University of Houston, is in two parts. The first reports to the Governor of Texas and members of the Legislature, pursuant to SCR 8 and SCR 9 of the 62nd Legislature (1971), which directed the Interagency Council on Natural Resources and the Environment to work with the Texas Law Institute in analyzing the legal and institutional problems associated with the Coastal Zone Management Program.

The second part summarizes the work of the Texas Law Institute accomplished pursuant to a grant from the National Science Foundation, and includes proposal for further research during 1973-74.

# TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES

October 1, 1972

To the Governor and Members of the Legislature:

The Texas Law Institute of Coastal and Marine Resources, a consortium of state law schools, is located at the College of Law, University of Houston. The 62nd Legislature established the Institute as a line item of the state budget and in two concurrent resolutions--SCR 8 and SCR 9--directed the Interagency Council on Natural Resources and the Environment to work with the Texas Law Institute in its analysis of legal and institutional problems associated with the Coastal Zone Management Program.

This year the Institute published both monographs and articles in the field of coastal law, summarized in the attachments to this letter. These were prepared by professors of law at the University of Houston and the University of Texas and by the professional staff of the Texas Law Institute. The legal studies investigate problems identified by the Coastal Resources Management Program as being of critical importance to the State. Some of the studies were preliminary identifications of gaps in regulatory authority, and the remainder were detailed analyses which suggested alternative solutions for the management of Texas' coastal resources, both interim and long-range.

The Texas Law Institute hopes that these studies will be of benefit to the Coastal Resources Management Program and is always available to assist in every endeavor necessary or desirable for the State.

Respectfully submitted,



Eliezer Erel  
Executive Director  
Texas Law Institute of  
Coastal and Marine Resources

Attachments: List of Publications of the Institute  
Summaries of the Individual Studies

PUBLICATIONS OF  
THE TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES

Funded by NSF Grant GT-26

*Summary of Selected Legislation Relating to the Coastal Zone*  
(published by the Institute)

*Regulation of Activities Affecting Bays and Estuaries: A Preliminary Legal Study* (published by the Institute; out of print)

*The Beaches: Public Rights and Private Use* Proceedings of a Conference (published by the Institute; out of print)

*Recent Environmental Developments in Maritime and Offshore Activities* Proceedings of a Conference (published for the Institute by the Houston Law Review in Volume 9, Issue 4)

*Texas Seashore Boundary Law: The Effect of Natural and Artificial Modifications* by Carol Eggert Dinkins (published for the Institute by the Houston Law Review in Volume 10, Issue 1)

*Texas Navigation Districts and Regional Planning in the Gulf Coast Area* by G. Sidney Buchanan (published for the Institute by the Houston Law Review in Volume 10, Issue 1)

*Legal Assurance of Adequate Flows of Fresh Water into Texas Bays and Estuaries to Maintain Proper Salinity Levels* by Corwin Johnson (published for the Institute by the Houston Law Review in Volume 10, Issue 3)

*Reliance on Government Initiative: The Achilles' Heel in Urban Air Pollution* (published for the Institute by the Houston Law Review in Volume 9, Issue 5)

*Overview of Texas Land Use Law* (to be published by the Institute in December, 1972)

## SUMMARY OF SELECTED LEGISLATION

### RELATING TO THE COASTAL ZONE

#### An Institute Monograph

This study, published by the Texas Law Institute, summarizes federal and state regulation of the coastal zone in terms of authorizing legislation, planning, financing and enforcement to provide a background for the development of further legal studies of coastal zone problems. The summary examines the areas of water supply, drainage, flood control, minerals, water and air pollution, commercial fishing, recreation and conservation, ports and navigation and transportation.

The report examines briefly the relevant federal and state laws and county and city ordinances for each of these topics and identifies the federal, state and local agencies which have some regulatory power.

REGULATION OF ACTIVITIES AFFECTING BAYS AND ESTUARIES:

A PRELIMINARY LEGAL STUDY

An Institute Monograph

This study, published by the Texas Law Institute, is a collection of 20 charts which illustrate the gaps and overlaps in federal, state and local agency regulation of coastal zone activities relating to bays and estuaries. These activities include liquid, solid and gaseous waste disposal; offshore, coastal and inland construction; land canals; landfill, dredging and spoil disposal; fertilizers and biocides; and vehicular travel. The charts identify all federal, state and local agencies having some statutory authority, however slight, to regulate some or all facets of these activities in the coastal zone.

## THE BEACHES: PUBLIC RIGHTS AND PRIVATE USE

### Proceedings of a Conference

The Texas Law Institute sponsored a conference explaining the rights of the public and private owners to use the beaches of Texas under the Texas Open Beaches Act. The conference was held in Galveston, Texas, on January 15, 1972, and the proceedings were published by the Institute.

The discussion noted the Open Beaches Act provided:

- A. A vehicle whereby the Attorney General, county and district attorneys can enforce public rights by lawsuit;
- B. Presumptions to aid in determining the extent of the public easement;
- C. One of the country's earliest and most precise statutory definitions of the public beach.

The disadvantages of the Texas Open Beaches Act were identified as including the following:

- A. The Attorney General prefers not to sue on the basis of presumption but rather on a basis of prescription since the public otherwise might lose its right to use portions of the beaches which previously it had been allowed to enjoy.
- B. Presently the Office of the Attorney General faces the possibility of having to sue littoral owners of virtually every inch of property fronting the open Gulf. This is an expensive, difficult, and at time even impossible task.

- C. The littoral owner cannot be certain how much of his land he is entitled to use as against the public until some legal determination of the public rights.
- D. If the public does use his property, he faces problems such as the estoppel theory applied in Seaway Co. v. State, the only appellate case decided under the Act, where the landowner was defeated because he had permitted governmental bodies to spend public funds cleaning the beaches.
- E. Appellate court decisions in other states subsequent to the passage of the Texas Open Beaches Act provide more extensive public rights to use the beaches through common law doctrines such as that of ancient custom.

The Conference also brought into focus the fact that once the public's right to use the beaches is established whether by presumption or otherwise, governmental bodies must regulate that use to protect the people in their recreation and to protect the beaches themselves. Yet traffic control, police protection, sanitation and protection of the barrier dunes remain problems of beach use.



RECENT ENVIRONMENTAL LAW DEVELOPMENTS IN  
MARITIME AND OFFSHORE ACTIVITIES  
Proceedings of a Conference

The Texas Law Institute sponsored a symposium to explain recent federal statutory enactments, court decisions and agency regulations that control marine and offshore pollution. The symposium was held at the University of Houston on November 11, 1971, and the proceedings were published in the Houston Law Review, Volume 9 at page 665 (1972).

The symposium dealt with two broad areas--oil discharge from vessels, and the application of various statutes to water pollution resulting from other activities.

A. The topics exploring oil discharge from vessels included:

1. The role of the Federal Maritime Commission under the Water Quality Improvement Act of 1970 in administering the financial responsibility requirements of that Act;
2. Private insurance by shipowners' protection and indemnity associations to cover the costs of oil pollution from vessels to meet the requirements of the 1970 Water Quality Improvement Act; and
3. Agreements of international shippers for providing reimbursement for damage caused by oil pollution from vessels--Tanker Owner's Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP)

and Contract Regarding Interim Supplement to  
Tanker Liability for Oil Pollution (CRISTAL).

B. Discussion of pollution resulting from other  
activities explained:

1. Substantive and procedural effects of the 1899  
Refuse Act;
2. Administration of the Refuse Act permit program  
by the Army Corps of Engineers;
3. The situations requiring an environmental impact  
statement pursuant to the National Environmental  
Policy Act of 1969.

TEXAS SEASHORE BOUNDARY LAW:  
THE EFFECT OF NATURAL AND ARTIFICIAL MODIFICATIONS  
by

Carol Eggert Dinkins

Principal Associate, Texas Law Institute

The study, published by the Houston Law Review in Volume 10, page 43 (1972), analyzes the judicial and statutory law governing the alteration of the shoreline due to accretion, erosion, reliction, avulsion, draining, dredging, landfill, and erection of piers, wharves, jetties and breakwaters. The following problems, for which specific changes are proposed, were identified as requiring legislative attention:

1. Accretion resulting partly from natural forces and partly from artificial works such as piers and jetties erected by someone other than the upland owner;
2. Erosion protection and prevention work by upland owners;
3. Reclamation of land submerged by avulsive changes in the shoreline;
4. Dredging by navigation districts;
5. Building of wharves, piers and similar structures which is totally unregulated in Texas;
6. Dredging of land canals in waterfront developments; and
7. Land subsidence caused by withdrawal of ground water.

TEXAS NAVIGATION DISTRICTS AND  
REGIONAL PLANNING IN THE TEXAS GULF COAST AREA

by

G. Sidney Buchanan

This study, to be published for the Institute in the Houston Law Review, Volume 10, Issue 3 (1972) explores the role that navigation districts should play in regional planning and environmental control. It also analyzes the desirability of state supervision of such districts. The study suggests the need of a review by the state over the districts' rights to purchase, use, and remove minerals from state land and condemn private property. Additionally, the study recommends that the districts be regulated by the state, in a fashion similar to other public and private entities, for the purposes of land use and environmental safeguards.

LEGAL ASSURANCE OF ADEQUATE FLOWS OF FRESH WATER  
INTO TEXAS BAYS AND ESTUARIES TO MAINTAIN  
PROPER SALINITY LEVELS

by

Corwin W. Johnson

Charles I. Francis Professor of Law

The University of Texas

This study, to be published for the Institute in the Houston Law Review, Volume 10, Issue 3 (1972), undertakes to determine the legal requirements to assure an inflow of fresh water to Texas' coastal bays, lagoons and estuaries. The study suggests the need for a legislative estuarine water policy and recommends adoption of specific measures to implement that policy.

RELIANCE ON GOVERNMENT INITIATIVE:

THE ACHILLES' HEEL IN URBAN

AIR POLLUTION CONTROL

by

The Houston Law Review Staff

This study, published for the Institute in the Houston Law Review, Volume 9, page 999 (1972), examines the significant features and problems of air pollution control by federal, state, county, and city agencies in Houston and Harris County and recommends the consolidation of all State environmental programs under one authority. Suggested alternatives to existing enforcement methods include enlargement of the private citizen's participation in the air pollution control process, increased use of self-monitoring equipment on sources, and the availability of emission records and pollution control agency records to the public.

# THE LAW AFFECTING LAND USE IN TEXAS

## An Institute Monograph

The study describes existing planning authorities and regulatory mechanisms affecting land use in Texas. The local level involves city planning commissions, housing and building codes, special purpose districts, zoning and extra-territorial jurisdiction. For regional planning the study refers to council of government organizations and county governments, and on the state level, the Governor's planning council. The study concludes with the federal Department of Housing and Urban Development programs.

TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES

RESEARCH PROPOSAL SUBMITTED  
TO THE NATIONAL SCIENCE FOUNDATION

By The

TEXAS LAW INSTITUTE OF COASTAL AND MARINE RESOURCES  
Bates College of Law  
University of Houston

for

RENEWED SUPPORT FOR THE PROJECT ENTITLED

*ANALYZING COASTAL AND MARINE LAW  
TO DEVELOP AN AUTHORITY FOR COASTAL ZONE MANAGEMENT*

NSF Grant GT-26

Proposed Starting Date: March 1, 1973



## TABLE OF CONTENTS

Synopsis	
Abstract	i
I. Introduction	1
II. Proposals for Grant Renewal	3
A. Research	3
1. Completed Research	3
(a) General	3
(b) Bays and Estuaries	3
(c) Environmental Control	4
2. Proposed Research	7
(a) Land Use	7
(b) Bays and Estuaries	8
(c) Offshore Terminals	8
(d) Constitutional Problems	9
(e) Federal Influence	10
(f) International Problems	10
B. Extension Services	11
C. Publications	14
III. Research Policies	14
A. Professional Research	15
B. Student Assistants	16

Synopsis of the Application

- A. Title of Proposed Research: Renewed Support for the Project entitled: "Analyzing Coastal and Marine Law to Develop an Authority for Coastal Zone Management" funded by NSF Grant GT-26.
- B. Institution: Texas Law Institute of Coastal and Marine Resources located at Bates College of Law at the University of Houston.
- C. Principal Investigator: Professor Eliezer Erel, J.D., Ph.D.
- D. Time at which renewed support is requested to commence: March 1, 1973.

## ABSTRACT

The State of Texas is developing a Coastal Zone Management Program for Texas through the Interagency Council on Natural Resources and the Environment, a consortium of the State regulatory agencies chaired by the Governor of Texas. The Program aims at developing a comprehensive plan to preserve, protect and develop the coastal and marine resources of Texas and to serve as a model for studying interrelated regional environmental problems.

The Texas Law Institute of Coastal and Marine Resources, a consortium of state university law schools--the University of Houston, the University of Texas, and Texas Tech University--is located at the Bates College of Law, University of Houston. The Institute was established in 1971 by the 62nd Legislature as a line item appropriation in the budget of the State to assist in achieving the goals of the Coastal Resources Management Program. The Legislature, in Senate Concurrent Resolution 8, of May 26, 1971, directed the Institute and the Interagency Council to cooperate on the legal problems entailed in the coastal zone management, both as to the development, implementation and administration of, a management plan, as well as the institutional changes and new authority that may be required.

During its first year of existence, beginning in September, 1971, the Texas Law Institute, supported by NSF Grant GT-26, researched and published nine (9) monographs related to the problems of coastal use, particularly those subjects of immediate concern to Texas, as identified by the Office of the Governor, legislative committees and agency personnel. These studies resulted in suggestions for interim measures--both legal and administrative--some of which will be introduced by the Governor and legislative committees in the forthcoming session of the Legislature, and identified the problems and areas where further studies are necessary so as to assure a comprehensive coastal zone management plan and its proper implementation.

The attached grant renewal proposal aims at continuing these long-range studies, and at assuring that interim measures for coastal use management continue to receive attention pending the development and implementation of the Texas Coastal Zone Management Program.

I. Introduction: The Coastal Zone Management Program and the Texas Law Institute

The State of Texas recognizes the great value of its coastal zone and is working on a Coastal Zone Resources Management Program that will foster the development and use of its coastal zone so as to achieve both a clean environment and sound economic growth. The 61st Legislature in 1969 by Senate Concurrent Resolution No. 38 directed the Interagency Natural Resources Council, a consortium of State regulatory agencies chaired by the Governor, to conduct a comprehensive study of the coastal zone and the Gulf of Mexico seaward to the boundary of the State's territorial waters. In an interim report to the 62nd Texas Legislature, the Governor, as Chairman of the Council, presented the Coastal Resources Management Program of Texas, a plan to preserve, protect and develop the coastal and marine resources of Texas, and to serve as a model for studying interrelated regional environmental problems. The Coastal Resources Management Program is presently completing its final report for December, 1972, which will suggest interim regulatory measures and the continuation of long term planning.

The Texas Law Institute of Coastal and Marine Resources, a consortium of state university law schools--University of Houston, University of Texas, and Texas Tech University--is located in Bates College of Law at the University of Houston. The Texas Law Institute was established by the 62nd

Legislature as a line item appropriation in the budget of the State of Texas to assist in achieving the goals of the Coastal Resources Management Program. On May 26, 1971, the 62nd Legislature in Senate Concurrent Resolution 8 directed the Interagency Council on Natural Resources and the Environment to:

"work directly with the [Texas] Institute of Marine and Coastal Law on legalistic problems of coastal resource management."

The legal problems were defined in Senate Concurrent Resolution 9 to comprise:

"A legal analysis of institutional authority and responsibility necessary for the proper implementation of a Coastal Resources Management Program."

Beginning initially in June, 1971, and fully in September, 1971, the Texas Law Institute organized and directed legal research, and provided extension and information services to pertinent legislative committees. The Institute's work related to problems of coastal use, particularly those subjects of immediate concern to Texas, as identified by the Office of the Governor, legislative committees, and agency personnel. The results of these research and extension activities are summarized in the following section.

## II. Proposals for Grant Renewal

### A. Research

#### 1. Completed Research

During the first year of the grant, the Institute conducted the following research activities:

##### (a) General

*Summary of Selected Legislation Relating to the Coastal Zone* (published by the Institute)

This study summarizes federal and state regulation of the coastal zone in terms of authorizing legislation, planning, financing and enforcement to provide a background for the development of further legal studies of coastal zone problems. The summary examines the areas of water supply, drainage, flood control, minerals, water and air pollution, commercial fishing, recreation and conservation, ports and navigation and transportation.

The report examines briefly the relevant federal and state laws and county and city ordinances for each of these topics and identifies the federal, state and local agencies which have some regulatory power.

##### (b) Bays and Estuaries

*Legal Assurance of Adequate Flows of Fresh Water into Texas Bays and Estuaries to Maintain Proper Salinity Levels* by Professor Corwin Johnson, University of Texas School of Law (published for the Institute by the Houston Law Review in Volume 10, Issue 3)

This study undertakes to determine the legal requirements to assure an inflow of fresh water to Texas' coastal bays, lagoons and estuaries. The study suggests the need for a legislative estuarine water policy, and recommends adoption of specific measures to implement that policy.

*Regulation of Activities Affecting Bays and Estuaries:  
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This study is a collection of 20 charts which illustrate the gaps and overlaps in federal, state and local agency regulation of coastal zone activities relating to bays and estuaries. These activities include liquid, solid and gaseous waste disposal; offshore, coastal and inland construction; land canals; landfill, dredging and spoil disposal; fertilizers and biocides; and vehicular travel. The charts identify all federal, state and local agencies having some statutory authority, however slight, to regulate some or all facets of these activities in the coastal zone.

(c) Environmental Control and Land  
Use in the Coastal Zone

*Texas Navigation Districts and Regional Planning in  
the Gulf Coast Area* by Professor G. Sidney  
Buchanan, University of Houston College of  
Law (published for the Institute by the  
Houston Law Review in Volume 10, Issue 3)

This study explores the role that navigation districts should play in regional planning and environmental control.



It also analyzes the desirability of state supervision of such districts. The study suggests the need of a review by the State over the districts' rights to purchase, use and remove minerals from state land and condemn private property. Additionally, the study recommends that the districts be regulated by the State in a fashion similar to other public and private entities for the purposes of land use and environmental safeguards.

*Texas Seashore Boundary Law: The Effect of Natural and Artificial Modifications* by Carol Dinkins,  
Principal Associate, Texas Law Institute  
(published for the Institute by the Houston  
Law Review in Volume 10, Issue 1)

This study analyzes the judicial and statutory law governing the alteration of the shoreline due to accretion, erosion, reliction, avulsion, draining, dredging, landfill, and erection of piers, wharves, jetties and breakwaters. The following problems, for which specific changes are proposed, were identified as requiring legislative attention:

- (1) Accretion resulting partly from natural forces and partly from artificial works such as piers and jetties erected by someone other than the upland owner;
- (2) Erosion protection and prevention work by upland owners;
- (3) Reclamation of land submerged by avulsive changes in the shoreline;
- (4) Dredging by navigation districts;
- (5) Building of wharves, piers and similar structures which is totally unregulated in Texas;

- (6) Dredging in land canals in waterfront developments; and
- (7) Land subsidence caused by withdrawal of ground water.

*Reliance on Government Initiative: The Achilles' Heel in Urban Air Pollution* (published for the Institute by the Houston Law Review in Volume 9, Issue 5)

This study examines the significant features and problems of air pollution control by federal, state, county, and city agencies in Houston and Harris County and recommends the consolidation of all State environmental programs under one authority. Suggested alternatives to existing enforcement methods include enlargement of the private citizen's participation in the air pollution control process, increased use of self-monitoring equipment on pollution sources, and the availability of emission records and pollution control agency records to the public.

*Overview of Texas Land Use Law* (to be published by the Institute in December, 1972)

The study describes existing planning authorities and regulatory mechanisms affecting land use in Texas. The local level involves city planning commissions, housing and building codes, special purpose districts, zoning and extra-territorial jurisdiction. For regional planning the study refers to council of government organizations and county governments, and on the state level, the Governor's planning council. The study concludes with the federal Department of Housing and Urban Development programs.

All of the research activities were coordinated through the Governor with non-legal research done by, or for, the Texas Coastal Zone Management Program. Monthly meetings of all the project leaders assured proper interdisciplinary coordination, and a cohesive end-product of proposed action in terms of legislative proposals, to be submitted by the Governor, as Chairman of the Interagency Council on Natural Resources and the Environment, to the January, 1973 session of the Legislature.

2. Proposed Research Activities

The following research activities are proposed by the Institute pursuant to the grant renewal:

(a) Land Use in the Coastal Zone

The overview to be published by the Institute in December, 1972, will be the starting point for future studies to arrive at some concrete proposals for managing future coastal zone land use in Texas. The overview notes the present framework of Texas law affecting land use and development and points out specific problem areas. These problem areas, and others as they are identified by the interim legislative committee on land use, will be studied in detail. The problems already identified include regional planning such as county zoning, special purpose utility districts including their bonding powers, and municipal extra-territorial jurisdiction.

(b) Freshwater Flow to Estuaries

During this past year the Institute sponsored two studies relating to bays and estuaries. This is a problem of prime importance to Texas because of its large number of estuaries which support both commercial and recreational sport fishing. The scientific, technical aspects of this problem are now being studied under another NSF grant, and the Institute proposes additional legal investigation for formulating the legal solutions most viable for Texas. These comprise interstate river compacts, international treaties with Mexico, the construction of new state and regional freshwater surface reservoirs, control of industrial and agricultural discharges, and the regulation of dredge and fill activities in bays and estuaries.

(c) Offshore Oil Terminals for the Gulf of Mexico

The federal government through the Army Corps of Engineers and other departments and agencies is studying the feasibility of building a deep draft port (superport) in the Gulf of Mexico. The State of Texas this coming year will begin preparing a plan for such a facility off the coast of Texas, and legal analyses of international, state and federal laws affecting such a facility are essential. The 62nd Legislature enacted a law in October, 1972, creating a superport study commission for Texas, and the legislative provision directing development of a plan for an offshore terminal specifically relates to legal problems:

... The plan shall include consideration of the legal jurisdiction for construction, maintenance and operation of the terminal facility; the legal aspects of financing and ownership of the facility, determination of responsibility and limits of liability for spills, pollution and other involvements resulting from operation of the terminal; necessary legislation to create an offshore terminal authority or other entity as a vehicle for the operation of the terminal; and any other important legal problems and considerations which must be answered before such an offshore terminal should be constructed. (emphasis added)

The Institute foresees the topic as being of great importance to the proper management of the coastal zone and to the Institute's future work.

(d) Constitutional Problems of the Texas Coastal Zone Management Program

Preliminary research by the Institute for its report, to be submitted to the 63rd Legislature, indicates that the proper administrative authority for the management of the coastal zone will require changes in the Constitution of Texas. A constitutional revision amendment, to be voted upon in November, gives the Legislature the option of proposing a major revision of the Constitution or of drafting a totally new document. Should that indeed occur, the Institute will be able to advise the constitutional revision committees on the alternatives for coastal resources protection and development by explaining the advantages and disadvantages of organizational changes effected by other states when confronted with an opportunity to reorganize and restructure their

administrative programs affecting coastal zone and water use. Even without a major constitutional overhaul, the Institute needs to develop the specific constitutional amendments that will be necessary to assure an adequate and comprehensive management of the coastal zone.

(e) Federal Influence on Texas' Coastal  
Zone Management Program

The Institute, in studies made preparatory to proposing changes in Texas' present management of coastal resources, repeatedly referred to the proposed federal legislation on coastal zone management already approved by the Congress. The Institute proposes to analyze the minimum constitutional, statutory and regulatory changes necessary to conform with the federal requirements, should the State wish to qualify for federal funds that will be available for the administration of the Coastal Zone Management Program. Indeed, such studies are required by the legislation which calls for:

"(4) an identification of the means by which the State proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;"

(f) Identification of International  
Environmental Problems and  
Planning of Research

Texas and Mexico, its neighbor to the South, share an international river and the Gulf of Mexico as their common boundary. Like any other rivers and waters, the Rio Grande, the Colorado River and the Gulf are subject to appropriative

and riparian rights, industrial discharges, commercial and recreational navigation, reservoir impoundment, fishing, oil spills, and use of water to cool power plants. The Texas Law Institute proposes to utilize a portion of the renewed support for the preliminary identification of international environmental law which may merit further legal research and analysis, including the international implications of a coastal management program enacted pursuant to the federal coastal zone management bill.

B. Extension Services

Although the Texas Law Institute works primarily with, and through the Office of the Governor and the Coastal Zone Management Program, development and implementation of the program requires that the Institute extend its studies and facilities to pertinent legislative committees and commissions. The Management Program is within the primary responsibility of the Interagency Council on Natural Resources and the Environment, but the scope and comprehensiveness of the program make it necessary that interim solutions to specific problems be found. These are within the particular competency of legislative committees as well as planning commissions, and are necessary, as well as desirable, as short-term steps, from the Coastal Zone Management point of view.

To the extent that the work of the legislative committees and planning commissions relates to the coastal zone and is of benefit to its Management Program, the Institute has provided legal services to such bodies. These services took various forms:

1. The Institute has been asked by the Chairman of the Senate Interim Coastal Zone Study Committee to assess, through public hearings, the present Texas Open Beaches Act, so as to enable the Committee to suggest necessary or desirable modification. The Institute and the Committee co-sponsored a conference, the proceedings of which appear in *The Beaches: Public Rights and Private Use* (published by the Institute). The conference evaluated the Open Beaches Act and suggested possible legislative amendments, some of which will be introduced by the Interim Committee at the forthcoming session of the Legislature.

2. The Institute has been asked by the Chairman of House Interim Committee on Solid Waste Management to prepare information on the present law, federal and state--Texas as well as other states--and, based on the Committee's hearings, suggest and prepare possible legislative solutions. The Institute detailed a student assistant to work with the Committee, and the success of this activity brought a similar request from another House Committee dealing with navigation and ports.



3. Legislative and administrative interest in the effect of recent federal legislation on coastal zone activities led the Institute to hold a symposium on the subject, appearing as *Recent Environmental Developments in Maritime and Offshore Activities* (published for the Institute by the Houston Law Review in Volume 9, Issue 4).

4. The recent activities of the State, culminating in the establishment of a commission to develop a plan for an offshore terminal consistent with optimal environmental protection persuaded the Institute to co-sponsor with the American Society of International Law a conference entitled *Offshore Oil Terminals: Are They Compatible with Present International and Federal Law?* The conference is scheduled for February 8, 1973, and its proceedings, like all other activities of the Institute, will be published.

The Institute proposes to continue these extension services pursuant to the grant renewal, through requests from chairmen of legislative committees, and after due evaluation by the Institute as to their feasibility and value. Similarly, the Institute proposes to hold additional conferences or workshops on its own initiative as, in the Institute's judgment, the need arises.

The Institute's growing activities, both on the executive level and as well as on the legislative and regulatory levels

of state government, persuaded the Institute to establish a branch office in Austin, to be done during the grant renewal period.

C. Publications

The Institute publishes all its studies and activities, either itself or through the Houston Law Review. The Institute publications, totaling nine (9) during the first grant period, are distributed free of charge to state legislators and congressmen, the executive branch of the state and federal government, and to regulatory administrative agencies-- federal and state. The Institute proposes to continue its policies as to publication and distribution during the grant renewal period.

III. The Institute Research Policies

The Institute has initiated, during the first grant period, distinct research policies. The proof of their validity appear in the scope and variety of the Institute's work, the number of its publication and the fact that law professors working during the summer not only completed, within the time limit called for, their assignment, but by and large, in a form that allowed publication in a Law Review. These policies, described below, will therefore continue during the grant renewal period.

The research activities are conducted by, and under the supervision of the Principal Investigator, by the Institute

Research Associates, by law professors representing the three state law schools, and by student assistants working under the supervision of the Institute Research Associate or the research professors.

A. Professional Research

Since professors devote only two summer months to their research activities, some assurance is needed that they will complete their work, in publishable form, within this time limit. This assurance is achieved by:

1. Selection. The Principal Investigator is careful to select professors whose past work and present reputation demonstrate expertise, ability, and promptness.
2. The professor prepares an outline of the research, to be approved by the Principal Investigator, which he deems possible to be complete, in publishable form, by the end of the summer.
3. The Institute, if so requested, provides a professor with a student assistant, not exceeding 10 hours a week, as soon as the research outline is approved by the Principal Investigator.
4. Half of the professor's two month salary is conditional upon timely receipt (usually no later than September 15), in acceptable form, of the final research product.

5. The two month summer salary is in lieu of any other work during the period, whether teaching or otherwise, and a letter of agreement to this effect is forwarded to the respective law school deans.

B. Student Assistants

The Institute's policy is to engage only mid-year or senior students, with no less than a B average, and with classroom experience in the fields of environmental law,