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DEDICATION

**Andrea Swanner Redding**  
*Dean James L. Huffman*

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IN MEMORIAM

**Edmund Sixtus Muskie**  
*Vice President Al Gore*

Vice President Al Gore Celebrates the life and accomplishments of Edmund Sixtus Muskie, father of the Clean Water Act. Vice President Gore encourages bipartisan efforts by elected officials to continue Ed Muskie's work.

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REMARKS

On April 19, 1996, *Environmental Law* celebrated the year's accomplishments at its annual banquet. The celebration featured a keynote speaker who teaches environmental and natural resources law at the University of Oregon.

**Environmental Scholarship for a New Millenium**

*Mary Christina Wood*

Professor Wood is an Associate Professor of Law at the University of Oregon School of Law. Urging students and scholars of environmental law to break the intellectual apathy in this important field, Professor Wood suggested scholars interested in preventing ecological disaster should take to "millennium scholarship," marked by revealing the environmental crisis, assessing the effectiveness of our legal system, and refocusing on the ethical question of human responsibility toward the earth.

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ARTICLES

**Residents at Risk: Wildlife and the Bureau of Land Management's Planning Process**

*Kelly Nolen*

Ms. Nolen evaluates the Bureau of Land Management's planning process under the Federal Land Policy and Management Act (FLPMA). After concluding that wildlife does not receive adequate consideration, she offers several solutions including amending FLPMA and increasing funding for BLM wildlife and planning programs.

**Multilateral Environmental Agreements and the GATT: Conflict and Resolution?**

*Chris Wold*

Mr. Wold, Instructor of Law at Northwestern School of Law of Lewis & Clark College, grapples with the underlying conflicts between international trade rules as declared in the General Agreement on Tariffs and Trade (GATT) and the trade provisions of various multilateral environmental agreements. Although Mr. Wold concludes that the parties of environmental trade agreements should assert the primacy of those agreements' trade provisions, he notes that reconciling GATT and the environmental agreements would be a more effective means of achieving environmental goals.

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NOTE

## **Unleashing the Rule of Lenity: Environmental Enforcers Beware!**

*David E. Filippi*

Mr. Filippi discusses the tension between the rule of lenity and the public welfare status of environmental laws in the Second Circuit's decision in *United States v. Plaza Health Laboratories*. In light of recent Supreme Court decisions, he argues, the interest in protecting public health and the environment should take precedence over the rule of lenity where a reasonable person should know that certain conduct is subject to regulation and may threaten the community's health or safety.

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## 1995 NINTH CIRCUIT ENVIRONMENTAL REVIEW

### **Warrantless Administrative Searches Under Environmental Laws: The Limits to EPA Inspectors' Statutory Invitation**

*David A. Christensen*

Mr. Christensen reviews the development of the administrative search exception to the search warrant requirement of the Fourth Amendment, including the Ninth Circuit's recent holding in *United States v. V-1 Oil Co.* He explores whether an EPA warrantless administrative search under selected federal environmental laws would be constitutional, and concludes that the exception has limited application to administrative searches under these laws as currently written.

### **When Plain Language May Not Be Plain: Whether CERCLA's Preclusion of Pre-Enforcement Judicial Review Is Limited to Actions Under CERCLA**

*Karla A. Raettig*

Ms. Raettig examines decisions applying a 1986 CERCLA amendment that precludes pre-enforcement judicial review of challenges to response actions, finding that courts differ on the question of whether the preclusion is limited to suits brought under CERCLA. She argues that the amendment extends to suits brought by any plaintiff under any environmental statute unless they fit under a statutory exception.

### ***Bennett v. Plenert*: Environmental Citizen Suits and the Zone of Interest Test**

*Kathleen C. Becker*

Ms. Becker analyzes the current split in the circuits regarding the use of the zone of interest test in the environmental citizen suit context. She concludes that the U.S. Supreme Court should overrule *Bennet v. Plenert*, but should allow the use of the zone of interest test to limit standing to parties who are regulated or benefitted by an environmental statute.