

ENVIRONMENTAL LAW

Northwestern School of Law
of Lewis & Clark College

VOLUME 30

SUMMER 2000

NUMBER 3

ARTICLES

- A Game of Climate Chicken: Can EPA Regulate Green Gases Before the
U.S. Senate Ratifies the Kyoto Protocol? 491
Veronique Bugnion and David M. Reiner

Ms. Bugnion and Mr. Reiner explore the various scientific, political, and legal debates regarding the action necessary to reverse the negative effects of global warming. They also discuss the United States Environmental Protection Agency's (EPA) ability to use provisions of the Clean Air Act (CAA) to promulgate and implement emissions standards addressed by the Kyoto Protocol. Finally, the authors conclude that, although EPA's authority to implement such standards is unclear, Congress could amend the CAA to explicitly authorize EPA to promulgate standards for limiting greenhouse gas emissions.

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- Idaho Sporting Congress v. Thomas* and Sovereign Immunity: Federal
Facility Nonpoint Sources, the APA, and the Meaning of "In the
Same Manner, and to the Same Extent as Any Nongovernmental
Entity" 527
Robin Kundis Craig

Professor Robin Craig discusses *Idaho Sporting Congress v. Thomas* and the Ninth Circuit's interpretation of sovereign immunity for federal facility nonpoint sources under the Clean Water Act. She argues that, contrary to the Ninth Circuit's approach, courts should instead focus on the relevant state's nonpoint source management program rather than generally requiring federal facility nonpoint sources to comply with the state's water quality standards.

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Mr. Lacy discusses the Ninth Circuit's defeat of Oregon Natural Desert Association's attempt to classify runoff from livestock grazing as a point source of pollution. Although Mr. Lacy describes the Ninth Circuit's decision as a significant environmental defeat because federal environmental legislation fails to provide adequate controls for nonpoint source pollution, he suggests two alternative remedies under the Clean Water Act for solving the problem of pollution from nonpoint sources.

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The Wolves May Have Won the Battle, But Not the War: How the West Was Won Under the Northern Rocky Mountain Wolf Recovery Plan.....	677
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Ms. Li discusses current efforts toward recovery of gray wolves in the western United States through the experimental population provision of the Endangered Species Act (ESA). The Ninth Circuit upheld the current recovery program in *United States v. McKittrick*; however, she argues that limitations within the experimental population provision and applicable agency regulations may be insufficient to bring about long-term recovery as mandated by the ESA.

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The Federal Indian Trust Doctrine and the Bald and Golden Eagle Protection Act: Could Application of the Doctrine Alter the Outcome in <i>U.S. v. Hugs</i> ?.....	701
<i>Matthew Perkins</i>	

Mr. Perkins discusses the Ninth Circuit's recent affirmation of the criminal convictions of Frank and William Hugs, members of the Crow Indian Tribe, for violating the Bald and Golden Eagle Protection Act even though the tribe members claimed their actions were protected by the First Amendment's free exercise of religion. Mr. Perkins outlines the history of Native American religious rights and suggests that the federal Indian Trust Doctrine is a viable basis upon which Native American religious freedom arguments may be asserted.

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