

ENVIRONMENTAL LAW
Lewis & Clark Law School

INDEX

Volume 37
2007

1252

ENVIRONMENTAL LAW

[Vol. 37:1251]

TABLE OF TITLES**ARTICLES**

The Art of the Unsolvable: Locating the Vital Center of Science for Environmental Law & Policy <i>David E. Adelman</i>	935
Biodiversity and a New “Best Case” for Applying the Environmental Statutes Extraterritorially <i>Paul Boudreaux</i>	1107
Bioregional Conservation May Mean Taking Habitat <i>Jamison Colburn</i>	249
The Complementary Roles of Common Law Courts and Federal Agencies in Producing and Using Policy-Relevant Scientific Information <i>Thomas O. McGarity</i>	1027
Emerging Commons and Tragic Institutions <i>Brigham Daniels</i>	515
From the USA with Love: Sharing Home-Grown Hormones, GMOs, and Clones with a Reluctant Europe <i>Cinnamon Carlarne</i>	301
Incorporating Emery Synthesis into Environmental Law: An Integration of Ecology, Economics, and Law <i>Mary Jane Angelo & Mark T. Brown</i>	963
Irrigation Return Flow or Discrete Discharge? Why Water Pollution from Cranberry Bogs Should Fall within the Clean Water Act’s NPDES Program <i>Andrew C. Hanson & David C. Bender</i>	339
Law, Environmental Dynamism, Reliability: The Rise and Fall of CALFED <i>Dave Owen</i>	1145
Mediating Sustainability: The Public Interest Mediator in the New Zealand Environment Court <i>Stephen Higgs</i>	61
Missing the Link: The Importance of Keeping Ecosystems Intact and What the Endangered Species Act Suggests We Do About It <i>Kalyani Robbins</i>	573
OMB and the Politicization of Risk Assessment <i>Sidney A. Shapiro</i>	1083
The Politics of Risk: Pre-Litigation Site Assessment in Houston, Texas <i>Gregg P. Macey</i>	15

2007]	<i>VOLUME INDEX</i>	1253
The Protection of Environmentally-Displaced Persons in International Law		
	<i>Aurelie Lopez</i>	365
Reconstructing the Wall of Virtue: Maxims for the Co-Evolution of Environmental Law and Environmental Science		
	<i>J.B. Ruhl</i>	1063
Remembering Rain		
	<i>Troy L. Payne & Janet Neuman</i>	105
Science, Law, and the Environment: The Need for a Modern Discipline		
	<i>Deborah M. Brosnan</i>	987
Science, Risk, and Risk Assessment and Their Role(s) Supporting Environmental Risk Management		
	<i>Robert G. Hetes</i>	1007
ESSAYS & REMARKS		
Energy Independence and Global Warming		
	<i>Richard J. Pierce, Jr.</i>	595
Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping		
	<i>Robert Glennon</i>	3
What Are Lobbyists Saying on Capitol Hill? Climate Change Legislation as a Case Study for Reform		
	<i>Sybil Ackerman</i>	137
NOTES & COMMENTS		
Cartesian Eco-Fundamentalism: She Comes from the Earth, Therefore We Are		
	<i>Troy L. Payne</i>	201
Common Law on Ice: Using Federal Judge-Made Nuisance Law to Address the Interstate Effects of Greenhouse Gas Emissions		
	<i>Dan Mensher</i>	463
Confronting Toxic Work Exposure in China: The Precautionary Principle and Burden Shifting		
	<i>Monique Lee Hawthorne</i>	151
Defenders of Appalachia: The Campaign to Eliminate Mountaintop Removal Coal Mining and the Role of Public Justice		
	<i>Mark Baller & Leor Joseph Pantilat</i>	629
Israeli-Palestinian Water Literature's Misplaced Dependence upon Customary International Law		
	<i>Ian J. Silverbrand</i>	603

1254 *ENVIRONMENTAL LAW* [Vol. 37:1251

The Politics of Preemption: An Application of Preemption Jurisprudence and Policy to California Assembly Bill 1493 <i>Sara A. Colangelo</i>	175
The Power of the Sea: Using Ocean Energy to Meet Florida's Need for Power <i>Lisa A. Kelley</i>	489
Questionable Authority: A Recent CEQ Guidance Memorandum <i>John C. Grothaus</i>	885
The Quick and the Dead: Earth Island v. Forest Service and the Risk of Forest Service Financial Bias in Post-Fire Logging Adjudications <i>Austin D. Saylor</i>	847
Repudiation and Regret: Is the United States Sitting Out the Kyoto Protocol to Its Economic Detriment? <i>Eric Shaffner</i>	441
Sequestration, Science, and the Law: An Analysis of the Sequestration Component of the California and Northeastern States' Plans to Curb Global Warming <i>Elizabeth C. Brodeen</i>	1217

AMICUS BRIEF

Brief for Natural Resources Defense Council as Amici Curiae Supporting Respondent, United States v. Atlantic Research Corp. No. 06-562 (U.S. Apr. 5, 2007) <i>Craig Johnston</i>	411
---	-----

TRIBUTE

Dean James L. Huffman <i>Micheal C. Blumm</i>	v
<i>William Funk</i>	ix
<i>Ronald B. Lansing</i>	i
<i>Susan F. Mandiberg</i>	xii
<i>Erica J. Thorson</i>	xvii

POEM

The Lawyer Speaks of Rivers <i>Jean Stefancic</i>	xxi
--	-----

2007]

VOLUME INDEX

1255

EDITOR'S NOTE

Remembering Our Roots

Corey Tolliver..... 1**TABLE OF AUTHORS**

Sybil Ackerman, <i>What Are Lobbyists Saying on Capitol Hill? Climate Change Legislation as a Case Study for Reform</i>	137
David E. Adelman, <i>The Art of the Unsolvable: Locating the Vital Center of Science for Environmental Law & Policy</i>	935
Mary Jane Angelo & Mark T. Brown, <i>Incorporating Emergy Synthesis into Environmental Law: An Integration of Ecology, Economics, and Law</i>	963
Mark Baller & Leor Joseph Pantilat, <i>Defenders of Appalachia: The Campaign to Eliminate Mountaintop Removal Coal Mining and the Role of Public Justice</i>	629
Micheal C. Blumm, <i>The Bow-tie Era of Lewis and Clark Law School: Dean Jim Huffman, 1993-2006</i>	v
Paul Boudreaux, <i>Biodiversity and a New "Best Case" for Applying the Environmental Statutes Extraterritorially</i>	1107
Elizabeth C. Brodeen, <i>Sequestration, Science, and the Law: An Analysis of the Sequestration Component of the California and Northeastern States' Plans to Curb Global Warming</i>	1217
Deborah M. Brosnan, <i>Science, Law, and the Environment: The Need for a Modern Discipline</i>	987
Cinnamon Carlarne, <i>From the USA with Love: Sharing Home-Grown Hormones, GMOs, and Clones with a Reluctant Europe</i>	301
Sara A. Colangelo, <i>The Politics of Preemption: An Application of Preemption Jurisprudence and Policy to California Assembly Bill 1493</i>	175
Jamison Colburn, <i>Bioregional Conservation May Mean Taking Habitat</i>	249
Brigham Daniels, <i>Emerging Commons and Tragic Institutions</i>	515
William Funk, <i>A Tribute to Dean James Huffman</i>	ix
Robert Glennon, <i>Tales of French Fries and Bottled Water: The Environmental Consequences of Groundwater Pumping</i>	3
John C. Grothaus, <i>Questionable Authority: A Recent CEQ Guidance Memorandum</i>	885
Andrew C. Hanson & David C. Bender, <i>Irrigation Return Flow or Discrete Discharge? Why Water Pollution from Cranberry Bogs Should Fall within the Clean Water Act's NPDES Program</i>	339

Monique Lee Hawthorne, <i>Confronting Toxic Work Exposure in China: The Precautionary Principle and Burden Shifting</i>	151
Robert G. Hetes, <i>Science, Risk, and Risk Assessment and Their Role(s) Supporting Environmental Risk Management</i>	1007
Stephen Higgs, <i>Mediating Sustainability: The Public Interest Mediator in the New Zealand Environment Court</i>	61
Craig Johnston, <i>Brief for Natural Resources Defense Council as Amici Curiae Supporting Respondent, United States v. Atlantic Research Corp. No. 06-562 (U.S. Apr. 5, 2007)</i>	411
Lisa A. Kelley, <i>The Power of the Sea: Using Ocean Energy to Meet Florida's Need for Power</i>	489
Ronald B. Lansing, <i>The Crowning of Hearts: A Tribute to Dean Huffman</i>	i
Aurelie Lopez, <i>The Protection of Environmentally-Displaced Persons in International Law</i>	365
Gregg P. Macey, <i>The Politics of Risk: Pre-Litigation Site Assessment in Houston, Texas</i>	15
Susan F. Mandiberg, <i>Jim Huffman: Free Market and Laissez Faire in the Dean's Office, 1993-2006</i>	xiii
Thomas O. McGarity, <i>The Complementary Roles of Common Law Courts and Federal Agencies in Producing and Using Policy-Relevant Scientific Information</i>	1027
Dan Mensher, <i>Common Law on Ice: Using Federal Judge-Made Nuisance Law to Address the Interstate Effects of Greenhouse Gas Emissions</i>	463
Dave Owen, <i>Law, Environmental Dynamism, Reliability: The Rise and Fall of CALFED</i>	1145
Troy L. Payne & Janet Neuman, <i>Remembering Rain</i>	105
Troy L. Payne, <i>Cartesian Eco-Femdarkanism: She Comes from the Earth, Therefore We Are</i>	201
Richard J. Pierce, Jr., <i>Energy Independence and Global Warming</i>	595
Kalyani Robbins, <i>Missing the Link: The Importance of Keeping Ecosystems Intact and What the Endangered Species Act Suggests We Do About It</i>	573
J.B. Ruhl, <i>Reconstructing the Wall of Virtue: Maxims for the Co-Evolution of Environmental Law and Environmental Science</i>	1063
Austin D. Saylor, <i>The Quick and the Dead: Earth Island v. Forest Service and the Risk of Forest Service Financial Bias in Post-Fire Logging Adjudications</i>	847
Eric Shaffner, <i>Repudiation and Regret: Is the United States Sitting Out the Kyoto Protocol to Its Economic Detriment?</i>	441
Sidney A. Shapiro, <i>OMB and the Politicization of Risk Assessment</i>	1083
Ian J. Silverbrand, <i>Israeli-Palestinian Water Literature's Misplaced Dependence upon Customary International Law</i>	603

2007]	<i>VOLUME INDEX</i>	1257
Jean Stefancic, <i>The Lawyer Speaks of Rivers</i>		xxi
Erica J. Thorson, <i>Dean Huffman's Entrepreneurial Spirit and Wise Investments: An International Environmental Law Perspective</i>		xvii
Corey Tolliver, <i>Remembering Our Roots</i>		1