

2014 NINTH CIRCUIT
ENVIRONMENTAL REVIEW

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NINTH CIRCUIT REVIEW INTRODUCTION

It is my privilege to present the 2014–2015 Ninth Circuit Environmental Review. This review contains twenty-nine summaries of Ninth Circuit Court of Appeals’ decisions on environmental and natural resources topics, issued between March 2014 and March 2015. The review also includes two chapters authored by Ninth Circuit Review members. Both chapters closely examine issues raised by two summarized opinions.

In the first chapter, Lindsay Bregante Myers analyzes the Ninth Circuit’s discretionary approach to preliminary injunctive relief exemplified in *League of Wilderness Defenders v. Connaughton*. Through a detailed discussion of each part of the four-factor test set forth in the Supreme Court’s *Winter v. Natural Resources Defense Council* decision, she shows that the Ninth Circuit did not faithfully apply the Supreme Court’s preliminary injunction standard. Ultimately, she concludes that environmental plaintiffs have benefited from the lack of clarity in the Ninth Circuit’s approach to preliminary injunctions, but that those plaintiffs should be wary of unsettled legal standards when seeking preliminary injunctive relief.

In the second chapter, Nora Coon uses the Ninth Circuit’s recent decision in *Montana Environmental Information Center v. Stone-Manning* as a lens to explore the elision of standing and ripeness in the Ninth Circuit. Through a review of Ninth Circuit cases, she demonstrates the court’s frequent failure to distinguish between standing and ripeness issues. She argues that the Ninth Circuit should abandon the tripartite structure that it currently employs—standing, constitutional ripeness, and prudential ripeness. She concludes that the Ninth Circuit should instead recognize only two separate doctrines: a constitutional standing doctrine and a prudential ripeness doctrine.

The Ninth Circuit Environmental Review consists of five *Environmental Law* members. Each member is responsible for writing and editing complex summaries in addition to regular source-checking duties. This year’s members displayed outstanding attention to detail and zeal for writing and editing. The format and scope of these summaries is intended to provide readers with an overview of each case to allow further investigation into those cases that may prove useful. This journal remains committed to chronicling how the Ninth Circuit addresses dynamic and ever-important environmental and natural resource issues.

Corey Moffat
2014–2015 NINTH CIRCUIT REVIEW EDITOR

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