

Volume 28, Issue 1
Spring 1998

REMARKS

Are Humans Part of Ecosystems?

Oliver A. Houck

Professor Houck's Distinguished Visitor Lecture advises those concerned about the environment to use signals from nature, rather than human actions, as a measure of health of our ecosystems.

ARTICLES

Restoring the Rio Grande: A Case Study in Environmental Federalism

Denise D. Fort

Professor Fort recounts the watershed management experience of the middle Rio Grande, and in this context discusses the successes and failures of local and national watershed management in order to better inform future efforts.

Protecting Ecological Integrity Within the Balancing Function of Property Law

Terry W. Frazier

Professor Frazier addresses the failure of property law policy makers to take into account the need to balance ecological integrity with individual liberty and community interests.

Beating Plowshares into Townhomes: The Loss of Farmland and Strategies for Slowing its Conversion to Nonagricultural Uses

Jeanne S. White

Ms. White examines the threats to farmland and to farming communities posed by development pressures. She discusses the importance of farming to communities and the track records of efforts to preserve farmlands in some specific location in the United States, including programs utilizing agricultural districts, exclusive agricultural zoning, taxation methods, and conservation easements.

The 1872 Mining Law and the 20th Century Collide: A Rediscovery of Limits on Mining Rights in Wilderness Areas and National Forests

Laura S. Ziemer

Ms. Ziemer examines the 1872 Mining Law and its potential effects on extralateral mining rights within this nation's public domain lands. She argues that the terms of the Law should be strictly enforced in order to place significant restrictions on overaggressive mining.

COMMENTS

Separate But Equal: Double Jeopardy and Environmental Enforcement Actions

Katherine C. Kellner

Ms. Kellner discusses the double jeopardy implications of the ability of federal and state authorities to prosecute a permitted entity twice for the same permit violation. Ms. Kellner argues that this runs afoul of the Fifth Amendment when environmental permitting authority has been delegated to a state because the federal and state authorities do not qualify as separate sovereigns.

Searching for the Definition of "Discharge": Section 401 of the Clean Water Act

Alia S. Miles

Ms. Miles examines the hazards of federally permitted nonpoint source activities and argues that the tools of statutory construction support a broad interpretation of the term "discharge" under section 401 of the CWA.

BOOK REVIEW

Making Sense of Growth and Sustainable Development: Several Responses to Herman Daly's Latest Book

Michael Wenig

In his Essay, Mr. Wenig reviews the latest book by Dr. Herman Daly, an economist who has been leading the challenge to society's economic growth paradigm and offering an alternative "steady state" economic model. Wenig questions the practical utility of Daly's no-growth model and critiques Daley's views regarding the ethic necessary to support a steady state economy. Wenig also dissects the "limits to growth" debate in order to better understand the issues that lie at its core.