

ENVIRONMENTAL LAW

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ARTICLES

- Seattle's Legal Legacy and Environmental Reviews of Trade
Agreements..... 501
James Salzman

Professor Salzman discusses the history and difficulty of conducting environmental reviews of trade agreements. In this Article, he explores the requirements of Executive Order 13,141 and the policy implications it carries for non-government organizations, the United States Trade Representative, and the Bush administration. Professor Salzman concludes that although reviews of trade agreements pose difficulties that may not be easily overcome, the review process can result in trade policy that truly promotes sustainable development and shifts the trade and environment debate from conflict to complement.

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- Conflicts Between Livestock and Wildlife: An Analysis Arising from
Reindeer and Caribou Competition on the Seward Peninsula of
Western Alaska..... 549
Harry R. Bader and Greg Finstad

Professor Bader and Professor Finstad explore the various legal liabilities and duties of Alaska, federal agencies, and Native Tribes associated with the recent domestic reindeer and wild caribou competition on the Seward Peninsula. Although reindeer herders may be able to obtain compensation in the courts for economic losses resulting from this competition, the authors suggest that this is unlikely and potentially detrimental to the co-management of the Peninsula. The authors conclude that proactive legislation that takes into account the competing interests of wildlife management and reindeer herding is necessary before litigation threatens this otherwise collaborative atmosphere.

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BOOK REVIEW

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Elizabeth D. Mullin's <i>The Art of Commenting</i>	581
Joel A. Mintz	

In his essay, Professor Mintz reviews Elizabeth D. Mullin's book, *The Art of Commenting*. The book provides an excellent and practical guide to preparing, writing, and following up on comments to agency documents. The work also contains appendices with useful information regarding available government web sites and published research guides, pertinent environmental statutes and regulations, and the submission of Freedom of Information Act requests. Although it contains some minor flaws, *The Art of Commenting* is a graceful, incisive, and well-crafted volume that merits a wide audience.

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H. Scott Althouse	

Mr. Althouse explores the Ninth Circuit decision of *United States v. Idaho*, which held that the Coeur d'Alene Indian Tribe is the beneficial owner of the lands underlying Lake Coeur d'Alene. The Chapter discusses the main rule and the two exceptions to the Supreme Court case, *Montana v. United States*, which governs tribal regulatory authority over non-Indian activity inside Indian reservations. The author concludes that the Ninth Circuit in *Idaho* carved out a much needed third exception to *Montana* for tribal jurisdiction over non-Indian activity that threatens or directly effects environmental and natural resource management in Indian country.

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Municipal Separate Storm Sewer Systems: Is Compliance With State Water Quality Standards Only a Pipe Dream?	767
Stacy D. Harrop	

Ms. Harrop examines the Municipal Separate Storm Sewer System (MS4) program under the Clean Water Act. The Chapter discusses the Ninth Circuit decision of *Defenders of Wildlife v. Browner* and argues that the holding furthers the trend not to require MS4s to meet objective goals or standards that can be measured and

enforced. The author concludes that in order for the MS4 program to further the goal of attaining water quality standards, the program needs uniform monitoring, objective standards and goals, and to integrate TMDLs into MS4 permits for water quality-limited waters.

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