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ARTICLE

- Avoiding Dam Breaching Through Offsite Mitigation: NMFS's 2000
Biological Opinion on Columbia Basin Hydroelectric
Operations..... 241
Michael C. Blumm and Melissa Powers

Professor Blumm and Ms. Powers analyze the National Marine Fisheries Service's 2000 biological opinion (BiOp) on Columbia Basin hydroelectric operations and the accompanying Federal Caucus plan. The Article concludes that, even if the BiOp survives court challenges, the numerous uncertainties associated with its implementation make it an unlikely vehicle to restore imperiled Columbia Basin salmon runs.

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- The Eagles of Deregulation: The Role of the Courts in a Restructured
Environment..... 297
Steven Ferrey

Professor Ferrey discusses electric deregulation in the context of California's experience. He determines that three salient facets of the environment of electric deregulation are exposed by California's problems: 1) there is a fundamental unresolved legal conflict between state and federal authority to address electricity issues; 2) common law court adjudication will replace the traditional role of regulation; and 3) re-regulation, in the form of reactive legislative responses, will spawn yet more judicial conflict.

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- Renewable Energy Sources for Development..... 331
Richard L. Ottinger and Rebecca Williams

Professor Ottinger and Ms. Williams explore successful

mechanisms used for removing legal barriers and promoting greater use of renewable resources in developing countries. The Article concludes that developed countries and international institutions need to vastly increase resources they devote to funding sustainable energy, technology transfer, and education and training in the developing countries; and that developing countries need an increased commitment to eliminate barriers to adopting sustainable energy measures and to create legislation that encourages private investment in them.

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State and Federal Command-and-Control Regulation of Emissions From Fossil-Fuel Electric Power Generating Plants	369
<i>Arnold W. Reitze, Jr.</i>	

Professor Reitze examines the major command-and-control provisions of the Clean Air Act (CAA) applicable to fossil-fuel electric power generators and discusses the major initiatives designed to more stringently regulate this industry. He asserts that environmental laws, especially the Clean Air Act, will continue to be an active battleground because the compliance costs that are imposed can be an important component of the total cost of electric power.

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The Past and Future of Electricity Regulation.....	435
<i>Joseph P. Tomain</i>	

Professor Tomain examines the continuing regulation of the electricity industry by looking at the past and speculating about the future. He concludes that continued regulation is warranted because the transmission segment of the electric industry maintains natural monopoly characteristics. Further, until there are significant technological advances, for example in distributed generation or fuel cells, regulation is justified.

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COMMENTS

Conspiring to Violate the Lacey Act.....	475
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In her Comment, Ms. Fisher seeks to show that adding a conspiracy count to a Lacey Act prosecution will help combat the illegal wildlife trafficking problem. She examines how to convict under the federal Conspiracy Act, as well as under the Lacey Act, and how the statutes work in conjunction.

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The Great Experiment that Failed? Evaluating the Role of a “Committee of Scientists” as a Tool for Managing and Protecting Our Public Lands 509
Brian Scott Pasko

Mr. Pasko discusses the apparent failure of the two Committees of Scientists to develop a strong system for national forest planning and management under the National Forest Management Act. He concludes that future committees of scientists are likely to be ineffective unless policy makers respect the proper role of science in forming forest policy.

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