March 1984

Table of Subjects

Ecology Law Quarterly

Follow this and additional works at: http://scholarship.law.berkeley.edu/elq

Recommended Citation
Available at: http://scholarship.law.berkeley.edu/elq/vol11/iss4/6

Link to publisher version (DOI)
http://dx.doi.org/https://doi.org/10.15779/Z38XZ51

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Ecology Law Quarterly by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcerz@law.berkeley.edu.
# TABLE OF SUBJECTS

## A

### ADMINISTRATIVE AGENCIES
See *Fish & Wildlife*

### ADMINISTRATIVE LAW
Judicial deference to agency decisions .................... 720-23

### AGRICULTURE
See also *Groundwater Management*

Activities that pollute the environment .................... 135-40

Farmland Protection ..................................... 480-83

Managing Pollution

- Clean Air Act ........................................ 157-59
- Clean Water Act ...................................... 146-56
- Common law nuisance ... 140-45, 160-79
- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) ..................... 156-57
- Resource Conservation and Recovery Act .................. 159-60
- Zoning to separate agricultural activities .................. 179-86

### AIR POLLUTION

Clean Air Act

- Emissions Trading ..................... 346-48
- New source netting, definition of “source” ............ 365-67
- New source netting in nonattainment areas ............. 343-72
- Purpose of nonattainment provisions ..................... 367-72

Enforcement Strategies

- Alternatives to prevention of serious deterioration ........ 457-58

Regulation of airborne benzene

- Permits v. charges ..................... 456-57

### AIRPORTS
See *Noise Pollution*

### B

### BANKRUPTCY

Bankruptcy Code (Bankruptcy Reform Act) .................. 671-98

Bankruptcy courts .................................. 675, 679-81, 683-87, 694-95, 696-98

Jurisdiction of ..................................... 679-81

Bankruptcy and environmental protection ................. 671-701

Liquidation proceedings ..................... 673-74

Manville Corporation ......................... 677-79, 681, 686-87, 701

Reorganization Proceedings

(Chapter 11) .................................. 673-701

Reorganization by solvent debtors . 675-87

Avoidance of punitive damages ........ 676, 678-79

Automatic stay provision .................. 687-98

### C

### CITY PLANNING
See *Land Use, Zoning*

### COASTAL ZONE MANAGEMENT

Cooperative federalism .. 403, 405, 415-34

Federal activities directly affecting a state’s coastal zone........ 401, 402, 404, 405, 424-32, 445-50

Geographic dual federalism .. 403, 414-15

State input into offshore leasing decisions .................. 434-50

### COMMON LAW
See also *Agriculture, Land Use, Nuisance*

California public trust doctrine ... 28-35

Trusts

- See *Resource Management*

### CONSERVATION
See also *Coastal Zone Management, Resource Management*

Water ..................... 228-38

### CONSTITUTIONAL LAW
See also *State-Federal Relations*

California

- Public trust doctrine .................. 35-37

- Commerce Clause ..................... 217-38

- Due process “takings”

- Challenges to state right-to-farm laws .................. 169-73, 176

- Privileges and immunities clause .. 217

### CONTINENTAL SHELF
See also *State-Federal Relations*

### D

### DAMAGES
See also *Bankruptcy*
Availability of damages for harm caused by obstruction of solar access .......... 60-62, 65

DUE PROCESS
Taking without compensation under the public trust doctrine ........ 25

EASEMENTS
"Ancient Lights" easements to sunlight ........ 48-68

ECONOMICS
See also Resource Management

ENDANGERED SPECIES
Causes of extinction ...................... 116-17

ENERGY RESOURCES
Effect of state coastal management programs on national energy interests ................ 420, 422-23

ENVIRONMENTAL DECISIONMAKING
Elitism v. progress ....................... 95-118
Role of science .............................. 114-17

ETHICS
Intergenerational equity .................... 495-540

F

FEDERAL COURTS
See Bankruptcy, Judicial Review

FISH & WILDLIFE
Endangered Species
A Canadian perspective ............. 267-304
Canadian provincial ecological reserves legislation ........ 296-302
The Canadian classification system ....................... 279-83
The Canadian statutory framework
New Brunswick & Ontario .......... 289-302
Administrative discretion ........ 290-92
Offences & penalties ................. 293-94
The value of, ....................... 269-79

G

GENETIC ENGINEERING
Scientific risk assessment ............... 117

GROUNDWATER MANAGEMENT
Effects of overdraft .................... 387-88, 399-400
In California ....................... 373-400
Judicial allocations ................... 375-86, 388-90

User districts ......................... 390-400

HOUSING
See also Land Use
Costs ........................................ 471-75

INTERNATIONAL AGENCIES AND PROGRAMS
U.N. International Law Commission
History and operation .................. 189-92
International environmental crimes ....................... 211-14
International liability arising from lawful activities ........ 206-11
International watercourses ............. 192-206
Conservation of cultural resources 559-63
Conservation of natural resources 544-59
Resource monitoring programs .......... 552,
 .............................................. 559-62

INTERNATIONAL LAW
Environmental crimes ....................... 211-14
Helsinki rules on the uses of the waters of international rivers .. 194-95
Intergenerational equity .................. 540-45
Ombudsmen for future generations ........ 572-76
Standing to represent future generations ........ 564-72
Law of the sea
Deep seabed ....................... 199-200
Liability arising from lawful activities ........ 206-11
Watercourses ..................... 192-206
Treaties
Intergenerational aspects of ........... 540-72

INTERSTATE COMPACTS
Water .................................... 231-32

J

JUDICIAL REVIEW
Degree of deference owed to EPA under the Clean Air Act .......... 361-65
Equitable judicial discretion under federal statutory law .......... 84-91
Obstructions of light and air ........ 68-69
Strict scrutiny standard .............. 228-29

JURISDICTION
See Bankruptcy
ECOLOGY LAW QUARTERLY

L

LAKES & RIVERS
International controls .......... 192-206

LAND USE
See also Agriculture, Mediation,
Public Lands, Water Resources,
Zoning
Development exactions .......... 470-73
Free market deregulation ....... 475-78
Right-to-farm laws
Immunity from nuisance liability .................................. 160-79
Policy considerations in
landowner's right to use land ... 62-68
Social stratification .......... 129-30, 132
Solar access,
History of .................... 54-56
Vested rights .................. 478-79
Zoning to protect farm land . 173, 179-86

M

MEDIATION
As legitimizing imbalances of
power .......................... 10-11, 13
Definition bias favoring
development .................... 13-18
Imbalances of power ........... 6-13
Nonnegotiable issues .......... 17
Nuclear power .................. 16-18
Participation based on clout .... 7-9
Potential for cooptation ....... 3-6, 11-13
"Responsible" development ..... 13-16
Subtle coercions present ...... 10
Superior expertise ............ 9-10
Value choices redefined as interest
conflicts ........................ 14-16

N

NATURAL RESOURCES
See also Water Resources
Federal enforcement efforts
Criticism of, support for, ...... 102-06

NOISE POLLUTION
Regulation of aircraft noise ...... 455-56

NUCLEAR ENERGY
See also Mediation

NUISANCE
Agricultural activities as common
law nuisance .............. 140-45, 160-79, 186-88
Private nuisance
Hypersensitivity defense ...... 69-71
Reasonable use doctrine ..... 52, 59-72

Restatement of Torts definition . .................................. 51, 61, 69
Solar energy user's access to
sunlight .......................... 47-72

O

OIL & GAS
See also Coastal Zone
Management, State-Federal
Relations
Leasing oil & gas resources of the
continental shelf .......... 413-15, 434-51
State-federal environmental
protection in offshore
development .................. 404-05, 433

P

POLICE POWER
Regulation of water resources .... 229-38
State ownership of resources ... 218-21, 232-35

POLLUTION CONTROLS
Enforcement techniques
Favoring big business over
entrepreneurs ............... 106-12
Market based approaches .......... 451-69

POPULATION
Zero population growth .......... 112-14

PUBLIC LANDS
Public trust doctrine
Application to swamp and
overflowed lands ............. 37-42
California common law ....... 28-35
California constitutional law .. 35-37
Historical origin ............. 26-28
Landowners' rights .......... 42-44
Nontidal waters ............. 21-45

R

REGIONAL PLANNING
Administration of the public trust . 44-45

REMEDIIES
See also Nuisance
Agricultural nuisance liability ...... 134-44
International actions ........... 206-14

RESOURCE MANAGEMENT
See also Groundwater Management,
International Law, International
Agencies and Programs
Economics
Development and conservation . 537-40
Efficient use of resources ........... 516-21
Strategies
Applicability of trust principles ........ 502-40
Conservation of nonrenewable resources ............. 528-30
Preservation of biological diversity ........... 526-28
Preservation of cultural resources ........... 530-31
Trusts at common law .......... 499-500, 503-10, 512-23

S

SOLAR ENERGY
Increased social importance of, ... 64-66
Nuisance doctrine as alternative to easement of light and air ........ 47-72
Solar access permits ................ 54
Solar heating systems ............ 49
Statutory protections of solar access .......... 57-58

STANDING TO SU
See also International Law

STATE-FEDERAL RELATIONS
See also Coastal Zone Management
Lease and management of offshore oil resources
Federal lease of tracts off the central and northern California coast ........... 440-49
Consistency requirement .......... 424-32, 445-49
State influence on, ............. 434-51
Management of Coastal Resources ........... 415-34
Coastal Zone Management Act of 1972 ........... 415-34
Federal grants and loans for the development of state coastal management programs ........... 417-22
Outer Continental Shelf Lands Act (OCSLA) ........... 413-15
Submerged Lands Act ........ 410-13
Ownership and regulation of submerged lands ........... 405-17
Preemption of state agricultural pollution laws ........... 161-62

W

WATER POLLUTION
Clean Water Act
Applicability to dams and hydroelectric facilities ........... 703-29
Dam as causing “addition of a pollutant” ............ 710, 713-16
Dam as “point source” .......... 707-10, 716-22
Dissolved oxygen as “pollutant” ........... 707-13
NPDES permit program as applicable to dams ........... 717-19, 721-22, 724-26, 728-29
Dam Pollution
Effects of dams and hydroelectric facilities on dissolved oxygen ........... 705-07, 727-28
Costs and benefits of control ........ 725-26, 727-28
Federal Water Pollution Control Act
Congressional intent regarding enforcement provisions ........ 91-94
Enforcement of federal violations ........... 93-94
Exercise of equitable judicial discretion ........... 78-91
Overview of provisions ........... 74-77
Overview of federal law ........... 74-75
Oxygen depletion ........... 703-29

WATER RESOURCES
See also Groundwater Management, State-Federal Relations
Boulder Canyon Project ........... 127-29
Consumption ........... 215-16
Imperial Valley irrigation ........... 126-27
Perfected water rights ........... 132
Reclamation Act
160 acre limitation ........... 125-26, 129, 131, 133
Reclamation & irrigation ........... 125-33
State ownership doctrine ........... 232-35
State regulation of interstate transfers ........... 222-28
United Nations International Law Commission ........... 192-206

WILDLIFE
See Fish & Wildlife, Resource Management

Z

ZONING
See also Land Use
Protecting solar energy access ........ 47, 61-63
To limit business competition ........... 479-80