# 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  
Tracts  
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*
Availiability 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

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

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

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
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
Definitional 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

REMEDIES
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

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 SUE
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

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

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

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