


6-11-2002

Disconnects Between Water and Land Use Resource Management [abstract]

Dan Tarlock

Lora A. Lucero

Follow this and additional works at: <http://scholar.law.colorado.edu/allocating-and-managing-water-for-sustainable-future>

 Part of the [Natural Resources Management and Policy Commons](#), [State and Local Government Law Commons](#), [Sustainability Commons](#), [Water Law Commons](#), and the [Water Resource Management Commons](#)

Citation Information

Tarlock, Dan and Lucero, Lora A., "Disconnects Between Water and Land Use Resource Management [abstract]" (2002). *Allocating and Managing Water for a Sustainable Future: Lessons from Around the World (Summer Conference, June 11-14)*.
<http://scholar.law.colorado.edu/allocating-and-managing-water-for-sustainable-future/52>



Dan Tarlock & Lora A. Lucero, *Disconnects Between Water and Land Use Resource Management* [abstract], in *ALLOCATING AND MANAGING WATER FOR A SUSTAINABLE FUTURE: LESSONS FROM AROUND THE WORLD* (Natural Res. Law Ctr., Univ. of Colo. Sch. of Law 2002).

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

Disconnects Between Water and Land Use Resource Management

By: Dan Tarlock and Lora A. Lucero

Dan Tarlock

Chicago-Kent College of Law

555 West Adams Street

Chicago, Illinois 60661

Phone: (312) 906-5217

Fax: (312) 906-5280

Email: dtarlock@kentlaw.edu

Lora A. Lucero

American Planning Association

122 S. Michigan Ave. Suite 1600

Chicago, Illinois 60603

Phone: (312) 431-9100

Email: Llucero@planning.org

Professor Tarlock, who joined the Chicago-Kent faculty in 1981, is an internationally recognized expert in environmental law and the law of land and water use. He has published a treatise, *Law of Water Rights and Resources*, and is a co-author of four casebooks, *Water Resource Management*, *Environmental Law*, *Land Use Controls*, and *Environmental Protection: Law and Policy*. He is a frequent consultant to local, state, federal and international agencies, private groups and law firms, and is an elected member of the American Law Institute.

From 1989 to 1992 he was the chair of a National Academy of Sciences/National Research Council committee to study water management in the western United States. In 1996-97 he was the principal report writer for the Western Water Policy Review Advisory Committee. Professor Tarlock received his bachelor's and law degrees from Stanford University, where he was an officer of the Stanford Law Review. He is a member of the California Bar. Professor Tarlock is currently one of three United States special legal advisors to the NAFTA Commission on Environmental Cooperation. He teaches courses in Land Use, Property, Energy and Natural Resource Law, Environmental Policy, International Environmental Law, and the Law of the People's Republic of China.

Lora A. Lucero, AICP, Esq. is staff attorney at the American Planning Association and the Editor of Land Use Law & Zoning Digest. Prior to joining APA, Ms. Lucero consulted with counties and municipalities in New Mexico, drafting innovative land use regulatory tools and lobbying for reform of the planning and land use statutory framework in the New Mexico Legislature. Ms. Lucero frequently speaks at CLE programs on topics related to planning and land use laws.

ABSTRACT

No state or municipality has tied growth to a demonstrated, foreseeable water shortage or to a defensible sustainable development plan. Water supply has seldom been a factor in local government land use planning and controls. Unfortunately, the disconnects between our water resources and our land use resources are pervasive - including how we plan, how we regulate, and how we permit the use and allocation of these resources. The disconnect even involves jurisdictional issues between federal, state, tribal and local governments. If these

disconnects cannot be mended, our good intentions for integrating environmental, cultural and other values will be undermined.

Outline of the paper:

1. Introduction & Purpose - nature of the problem and brief description of the paper;
2. Disconnects between water and land use -regulations, -planning, -permitting systems, jurisdictions;
3. Survey of how states are addressing the disconnects - (a) statutory reforms, (b) regulatory reforms;
4. Survey of how the courts are addressing the disconnects -- synopsis of key cases within past 5-10 years; and
5. Recommendations for mending the disconnects.