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The Evolution of Natural Resources Law and Policy

Lawrence J. MacDonnell

Sarah F. Bates
THE EVOLUTION OF NATURAL RESOURCES LAW AND POLICY
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Natural resources law is a dynamic field of practice, with a rich history that reaches back several centuries. The authors look at current challenges and offer ideas about the future while demonstrating that the federal government's role continues to be a complex one as markets and private actors become more visible participants in the current policy arena. Part I provides foundational analyses of the law, while the second part reviews thematic issues in the area.
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Lawrence J. MacDonnell and Sarah F. Bates, Editors
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Between 1983 and 1994 he served as the initial Director of the Natural Resources Law Center at the University of Colorado School of Law. Under his direction, the Center established nationally and internationally recognized programs of research, publication, and legal education and sponsored a visiting fellows program.

MacDonnell has worked in nonprofits, in private law practice, and as a consultant. His clients have included nonprofits, states, and private industry. MacDonnell has published extensively, primarily in the area of water law and policy. His publications include books, law review articles, and publications in other journals. Much of his writing has emphasized opportunities for changes in existing laws and policies to better meet contemporary needs.

Sarah F. Bates has written and spoken extensively on western water law and policy reform over the past two decades through research appointments with University of Montana and the University of Colorado, in her advocacy positions with Western Progress, the Grand Canyon Trust, and the Sierra Club Legal Defense Fund, and through her consulting work with groups such as the congressionally chartered Western Water Policy Review Advisory Commission.

Bates coauthored the book Overtapped Oasis with Marc Reisner in 1990, and has published four additional books (including Natural Resources Policy and Law, which she coedited with Lawrence MacDonnell),
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Bates is a graduate of the University of Colorado Law School (1988), where she subsequently returned to serve as the associate director of the Natural Resources Law Center from 1991 to 1993. She serves on the board of directors of the Montana-based Clark Fork Coalition and is a member of the advisory board of the Ruckelshaus Institute of Environment and Natural Resources at the University of Wyoming.
Bruce Babbitt served as Attorney General of Arizona from 1975 to 1978, as Governor of Arizona from 1978 to 1987, and as Secretary of the Interior from 1993 to 2001. With degrees in geology, geophysics, and law, Babbitt was elected to statewide office as Attorney General on his first foray into elective politics at age 36. He subsequently served as Governor for nine years. As Governor, Babbitt brought environmental and resource management to the forefront in Arizona. He personally negotiated and steered to passage the Arizona Groundwater Management Act of 1980, which remains the most comprehensive water regulatory system in the nation. In addition, he was responsible for creation of the Arizona Department of Water Resources and the Arizona Department of Environmental Quality as well as a major expansion of the state park system.

Appointed Secretary of the Interior by President Clinton in 1993, Babbitt served for eight years, during which he led in the creation of the forest plan in the Pacific Northwest, restoration of the Florida Everglades, passage of the California Desert Protection Act, and legislation for the National Wildlife Refuge system. As a certified fire fighter, Babbitt brought his frontline experience to creating a new federal wild-land fire policy that emphasizes the role of fire in maintenance and restoration of natural ecosystems. He pioneered the use of habitat conservation plans under the Endangered Species Act and worked with President Clinton to create 22 new national moments, including the Grand Staircase–Escalante National Monument in Utah. Babbitt is perhaps best remembered by American school children as the Secretary who brought the wolves back to Yellowstone.

Babbitt is the author of Cities in the Wilderness, recently issued by Island Press, in which he lays out a new vision of land use in America. He currently serves as a Chairman of the World Wildlife Fund.
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Robert B. Keiter is the Wallace Stegner Distinguished Professor of Law and Director of the Wallace Stegner Center for Land, Resources, and the Environment at the University of Utah S. J. Quinney College of Law. He holds a JD degree with honors from Northwestern University and a BA with honors from Washington University. He has taught at the University of Wyoming, Boston College, and Southwestern University, and served as a Senior Fulbright Scholar at Tribhuvan University in Kathmandu, Nepal. Professor Keiter teaches natural resources law, constitutional law, administrative law, and federal courts. His books include *Keeping Faith with Nature: Ecosystems, Democracy, and America's Public Lands* (2003); *Reclaiming the Native Home of Hope: Community, Ecology, and the West* (1998); *Visions of the Grand Staircase–Escalante: Examining Utah's Newest National Monument* (1998); and *The Greater Yellowstone Ecosystem: Redefining America's Wilderness Heritage* (1991). He has also written numerous book chapters and journal articles on the public lands and natural resource law, many addressing ecological management topics. Professor Keiter's board service includes the National Parks Conservation Association, Sonoran Institute, Greater Yellowstone Coalition, Rocky Mountain Mineral
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*William H. Rodgers, Jr.* began teaching at the University of Washington School of Law in 1967, then spent seven years at Georgetown University Law School. In 1979, he returned to the University of Washington where he continues to teach today. Professor Rodgers specializes in natural resource law and is recognized as a founder of environmental law. He teaches environmental law and oceans and coastal law. Professor Rodgers is actively involved in the Berman Environmental Law Clinic. He has produced the first volume of his two-volume treatise entitled *Environmental Law in Indian Country* (Thomson West, 2005) and coauthored the recently published *The Si’lailo Way: Salmon, Indians and Law on the Columbia River* (Carolina Academic Press, 2006). He has been actively involved in the Exxon Valdez “reopener,” including publishing “The Exxon Valdez Reopener: Natural Resource Damage Settlements, and Roads Not Taken” in the *Alaska Law Review*. The topics of his seminars have included Puget Sound, the
Duwamish River, Hanford, sacred Native American sites, and forest practices. Professor Rodgers was selected as the UW recipient of the Bloedel Professorship of Law from 1987 to 1992. In 1999, he was selected as the first University of Washington Stimson Bullitt Professor of Environmental Law and is serving his second five-year appointment.

**J. B. Ruhl** is the Matthews and Hawkins Professor of Property at Florida State University College of Law, where he teaches courses on environmental law, land use, and property. Professor Ruhl is a nationally regarded expert in the fields of endangered species protection, regulation of wetlands, ecosystem management, environmental impact analysis, and related environmental and natural resources fields. His extensive publications in these fields include recent articles in the *Stanford Law Review*, *Georgetown Law Review*, *Minnesota Law Review*, *Washington University Law Review*, and *Ecology Law Quarterly*. He is also coauthor of the recently published casebook, *The Law of Biodiversity and Ecosystem Management* (Foundation Press, 2nd ed. 2006), which is the first casebook to organize environmental law under these emerging themes, and *The Law and Policy of Ecosystem Services* (Island Press 2007), the first book-length treatment exploring the integration of ecosystem services into law and policy. Prior to entering full-time law teaching, Professor Ruhl was a partner in the law firm of Fulbright and Jaworski, LLP, practicing environmental and natural resources law in the firm’s Austin, Texas office. He has also been a visiting professor at Harvard Law School and George Washington University Law School. Professor Ruhl received his BA (1979) and JD (1982) degrees from the University of Virginia, his LLM (1986) in environmental law from George Washington University, and his PhD (2006) in Geography from Southern Illinois University.

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Corps of Engineers and contributor to the synthesis report, *U.S. Army Corps of Engineers Water Resources Planning: A New Opportunity for Service* (2004). In 1998, he was the chief writer for the Western Water Policy Review Advisory Commission report, *Water in the West*, which was one of the first major federal publications to examine the relationship between urban growth and water use. He is a special legal advisor to the Submissions Unit of the Commission on Environmental Cooperation in Montreal, Canada, which administers the NAFTA Environmental Side Agreement. He has lectured on the problems of ecosystem, natural resources, and river basin management in Austria, Australia, Brazil, Canada, China, Germany, Israel, Italy, Kazakhstan, Kyrgyzstan, the Netherlands, and Scotland as well as throughout the United States.