Justice and Natural Resources: Concepts, Strategies, and Applications

Kathryn M. Mutz
Gary C. Bryner
Douglas S. Kenney
JUSTICE AND NATURAL RESOURCES: CONCEPTS, STRATEGIES, AND APPLICATIONS (Kathryn M. Mutz, Gary C. Bryner & Douglas S. Kenney eds., Island Press 2002) [abstract and table of contents only].

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.
Justice and Natural Resources


This book is inspired by the simple observation that the inequitable distribution of the burdens and benefits of environmental protection reaches well beyond the facility siting and pollution focus of the traditional environmental justice movement. Charges of inequity involving natural resources extraction, management, and preservation are heard increasingly throughout the nation, often emanating from the public lands and American Indian reservations of the rural West. These natural resource equity issues – as distinct from environmental issues – are typically outside the scope of the environmental justice movement, which derived largely from the environmentalism and civil rights movements.

This book explores equity issues across a diverse range of natural resource concerns, engaging readers in a debate over whether natural resource equity issues should be integral elements of the environmental justice agenda, and if so, how they can be addressed. Contributing authors organize this discussion around three integrating questions: What claims are, and should be, the concerns of environmental justice? What communities should have their interests championed under the banner of environmental justice? How do we remedy the existing injustices and prevent future ones?

The book is organized into three major sections. Part One explores frameworks for understanding environmental justice in the natural resources realm; Part Two focuses on specific contextual and conceptual issues of defining justice; and Part Three reviews on strategies for identifying and remedying injustices. A concluding chapter offers thoughts about the future of justice and natural resources.
JUSTICE and NATURAL RESOURCES

Concepts, Strategies, and Applications

Edited by Kathryn M. Mutz, Gary C. Bryner, and Douglas S. Kenney

Foreword by Gerald Torres
JUSTICE and NATURAL RESOURCES

Concepts, Strategies, and Applications

Edited by
Kathryn M. Mutz, Gary C. Bryner, and Douglas S. Kenney

ISLAND PRESS
Washington • Covelo • London
Contents

List of Acronyms xi
List of Cases xiii
List of Statutes xix
Foreword xxix
by Gerald Torres, University of Texas School of Law
Acknowledgments xxxi
Introduction xxxi

Part One. Frameworks

Chapter 1. Beyond "Traditional" Environmental Justice 3
DAVID H. GETCHES AND DAVID N. PELLOW

Chapter 2. Assessing Claims of Environmental Justice: Conceptual Frameworks 31
GARY C. BRYNER

Chapter 3. Water, Poverty, Equity, and Justice in Colorado: A Pragmatic Approach 57
JAMES L. WESCOAT JR., SARAH HALVORSON, LISA HEADINGTON, AND JILL REPLOGLE

Chapter 4. International Environmental Protection: Human Rights and the North-South Divide 87
TSEMING YANG

Part Two. Concepts

Chapter 5. The Coincidental Order of Environmental Injustice 117
JEFF ROMM
Chapter 6. Environmental Justice in an Era of Devolved Collaboration 139
SHEILA FOSTER

Chapter 7. Tribal Sovereignty and Environmental Justice 161
SARAH KRAKOFF

Part Three. Strategies and Applications
Chapter 8. Expanding Civil Rights Protections in Contested Terrain: Using Title VI of the Civil Rights Act of 1964 187
LUKE W. COLE

Chapter 9. Forest Management and Environmental Justice in Northern New Mexico 209
HENRY H. CAREY

Chapter 10. NEPA in Indian Country: Compliance Requirement to Decision-Making Tool 225
DEAN B. SUAGEE

Chapter 11. A Framework to Assess Environmental Justice Concerns for Proposed Federal Projects 253
JAN BUHRMANN

Chapter 12. Protecting Natural Resources and the Issue of Environmental Justice 285
BARRY E. HILL AND NICHOLAS TARG

Chapter 13. Mineral Development: Protecting the Land and Communities 307
KATHRYN M. MUTZ

Conclusion
Chapter 14. Hoping Against History: Environmental Justice in the Twenty-first Century 337
PATRICIA NELSON LIMERICK

About the Authors 355
Index 363