

## A. DAN TARLOCK: BIOGRAPHY AND SELECTED PUBLICATIONS

### I. BIOGRAPHY

A. Dan Tarlock, A.B., 1962, L.L.B., 1965, Stanford University. Revising Editor, *Stanford Law Review*, 1964–65.

Assistant Professor, University of Kentucky, 1966–1968; Assistant Professor, Associate Professor, and Professor, Indiana University, Bloomington, 1968–1981; Professor and University Distinguished Professor, Illinois Institute of Technology, Chicago-Kent College of Law, 1981–2017.

Visiting Professor, University of Chicago, Florida State University, University of Hawai'i, University of Kansas, Lewis and Clark College, University of Pennsylvania, Queensland University of Technology, University of Texas, University of Trento, University of Southern California, University of Utah, and Wayne State University.

Honorary Professor, UNESCO Centre for Water Law, Science, and Policy, University of Dundee, Scotland, 2002–2012; National Associate, The National Academies (Science, Medicine and Engineering).

### II. PUBLICATIONS

#### A. Books

1. WATER RESOURCE MANAGEMENT: A COURSEBOOK IN LAW AND PUBLIC POLICY (7 editions, Foundation Press 1971–2014) (with Professors Charles J. Meyers, David Getches, James Corbridge, Reed Benson, and Sarah Bates).
2. SELECTED LEGAL AND ECONOMIC ASPECTS OF ENVIRONMENTAL PROTECTION (Foundation Press 1971) (with Professor Charles J. Meyers).
3. ENVIRONMENTAL LAW AND POLICY (West Publishing Co. 1974) (with Professors Eva and John Hanks). Abridged edition, 1975.

4. LAND-USE CONTROLS (Little, Brown & Co., 1981) (with Professor Robert C. Ellickson).
5. REGULATION, FEDERALISM, AND INTERSTATE COMMERCE (1981) (principal paper by Edmund W. Kitch).
6. ENVIRONMENTAL PROTECTION: LAW AND POLICY (5 editions, Little, Brown & Co. 1984–2007) (with Professors Frederick Anderson, Daniel Mandelker, Robert Glicksman, David Markell, and William Buzbee).
7. LAW OF WATER RIGHTS AND RESOURCES (Clark Boardman Callaghan & Co. & Thompson-Reuters 1988–2018) (annual updates).
8. WATER TRANSFERS IN THE WEST: EFFICIENCY, EQUITY, AND THE ENVIRONMENT (National Research Council, National Academies of Science, 1992) (Chair, National Research Council Committee).
9. WATER IN THE WEST: CHALLENGE FOR THE NEXT CENTURY (Report of the Western Water Policy Review Advisory Commission, 1998) (principal report writer).
10. INTERNATIONAL ENVIRONMENTAL LAW AND POLICY (2d edition, Aspen 2006) (with Professors Edith Brown Weiss, Stephen McCaffrey, and Daniel McGraw).
11. WATER WAR IN THE KLAMATH BASIN: MACHO LAW, COMBAT BIOLOGY, AND DIRTY POLITICS (2008) (with Professor Holly Doremus).
12. PROMOTING EFFECTIVE WATER MANAGEMENT COOPERATION AMONG RIPARIAN STATES (Global Water Partnership Background Paper No. 21, 2015).
13. INTERNATIONAL LAW FOR THE ENVIRONMENT (West Publishing 2016) (with Professors Edith Brown Weiss, Daniel B. McGraw, Stephen McCaffrey, and Stephanie Tai).

#### *B. Articles*

1. *Preservation of Scenic Rivers*, 55 KENTUCKY LAW JOURNAL 746 (1967).

2. *Kentucky Planning and Land Use Control Enabling Legislation: An Analysis of the 1966 Revision of K.R.S. Chapter 100*, 56 KENTUCKY LAW JOURNAL 556 (1968).
3. *A Comment on the 1968 Amendments to Kentucky Planning and Land Use Controls Enabling Legislation*, 57 KENTUCKY LAW JOURNAL 83 (1968).
4. *Eminent Domain—Review of Route Selection Made by Public Utility Through Private Wildlife Refuge*, 8 NATURAL RESOURCES JOURNAL 1 (1968).
5. *Not in Accordance with a Comprehensive Plan: A Case Study of Regional Shopping Center Location Conflicts in Lexington, Kentucky*, 1970 URBAN LAW ANNUAL 133.
6. *The Wild and Scenic Rivers Act of 1968*, 55 CORNELL LAW REVIEW 707 (1970) (with Roger Tippy). Reprinted in 8 PUBLIC LAND AND RESOURCES DIGEST 83 (1970), and 1971 ENVIRONMENTAL LAW REVIEW 557.
7. *Environmental Regulation of Power Plant Siting: Existing and Proposed Institutions*, 45 SOUTHERN CALIFORNIA LAW REVIEW 502 (1972) (with Roger Tippy and Frances Francis).
8. *Balancing Environmental Considerations and Energy Demands: A Comment on Calvert Cliffs Coordinating Committee v. AEC*, 47 INDIANA LAW JOURNAL 645 (1972).
9. *Land Use Choice: National Prerogative vs. International Policy*, 13 NATURAL RESOURCES JOURNAL 343 (1973), reprinted in INTERNATIONAL ENVIRONMENTAL LAW (L. Teclaff & A. Utton eds., 1974).
10. *Toward a Revised Theory of Zoning*, 1972 LAND USE CONTROLS ANNUAL 141, reprinted in 1 MANAGEMENT AND CONTROL OF GROWTH (Urban Land Institute 1975).
11. *The Uses of Scientific Information in Environmental Decision-Making*, 48 SOUTHERN CALIFORNIA LAW REVIEW 371 (1974) (with Marcia Gelpe), reprinted in 1975 ENVIRONMENTAL LAW REVIEW 593.

12. *The Application of National Environmental Policy Act of 1969 to the Darien Gap Highway Project*, 7 JOURNAL INTERNATIONAL LAW AND POLITICS 459 (1975).
13. *A Comment on Meyers' Introduction to Environmental Thought*, 50 INDIANA LAW JOURNAL 454 (1975), reprinted in 1976 ENVIRONMENTAL LAW REVIEW 31.
14. *Consistency with Adopted Land Use Plans as a Standard of Judicial Review: The Case Against*, 9 URBAN LAW ANNUAL 69 (1975).
15. *Recent Developments in the Recognition of Instream Uses in Western Water Law*, 1975 UTAH LAW REVIEW 871, reprinted in PUBLIC LAND AND RESOURCES DIGEST.
16. *Oil Pollution on Lake Superior: The Uses of State Regulation*, 61 MINNESOTA LAW REVIEW 125 (1976).
17. *An Environmental Overview of Geothermal Resources Development*, 13 LAND AND WATER LAW REVIEW 289 (1977), reprinted in 1978 ENVIRONMENTAL LAW REVIEW 339.
18. *Water That is Not Water*, 13 LAND AND WATER LAW REVIEW 391 (1978) (with Owen Olpin).
19. *Appropriation for Instream Flow Maintenance: A Progress Report on "New" Public Western Water Rights*, 1978 UTAH LAW REVIEW 211.
20. *No Water for the Woods: A Critical Analysis of United States v. New Mexico*, 15 IDAHO LAW REVIEW 509 (1979) (with Professor Sally K. Fairfax).
21. *Geothermal Development and Western Water Law*, 1979 UTAH LAW REVIEW 773 (with Owen Olpin and Carl F. Austin), reprinted in ENERGY MONOGRAPH SERIES (Callaghan & Co.).
22. *The Recognition of Instream Flow Rights: "New" Public Western Water Rights*, 25 ROCKY MOUNTAIN MINERAL LAW INSTITUTE 24-1 (1979).
23. *Administrative Law: Procedural Due Process and Other Issues*, 56 CHICAGO-KENT LAW REVIEW 13 (1980).

24. *Western Water Law and Coal Development*, 51 UNIVERSITY OF COLORADO LAW REVIEW 511 (1980).
25. *An Economic Analysis of Direct Voter Participation in Zoning Change*, 1 UCLA JOURNAL OF ENVIRONMENTAL LAW AND POLICY 31 (1980).
26. *Western Coal in Context*, 53 UNIVERSITY OF COLORADO LAW REVIEW 315 (1982).
27. *Anywhere But Here: An Introduction to State Control of Hazardous Waste Facility Location*, 2 UCLA JOURNAL OF ENVIRONMENTAL LAW AND POLICY 1 (1982), reprinted in 14 LAND USE AND ENVIRONMENTAL LAW REVIEW (1983).
28. *Federal Proprietary Water Rights for Western Energy Development: An Analysis of a Red Herring?*, 3 JOURNAL OF ENERGY LAW AND POLICY 1 (1982) (with Professor Sally K. Fairfax).
29. *Euclid Revisited*, 34 LAND USE LAW AND ZONING DIGEST, no.1, 1982, at 4.
30. *Professor Hagman's Legacy to Legal Scholarship*, 29 UCLA LAW REVIEW 770 (1982) (with Professor Daniel R. Mandelker), reprinted in 14 LAND USE AND ENVIRONMENTAL LAW REVIEW (1983).
31. *So It's Not "Our Water," Why Can't We Still Keep It? A First Look at Sporhase v. Nebraska*, 18 LAND AND WATER LAW REVIEW 137 (1983).
32. *An Overview of Comparative Environmental Law*, 13 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 85 (1983) (with Professor Pedro Tarak).
33. Introduction, *Water Rights Symposium*, 24 WILLIAM AND MARY LAW REVIEW 535 (1983).
34. *Land Use Issues in Hazardous Waste Facility Siting*, 35 LAND USE LAW AND ZONING DIGEST, no. 4, 1983, at 4.
35. *National Power, State Resource Sovereignty and Federalism in the 1980's: Scaling America's Magic Mountain*, 32 UNIVERSITY OF KANSAS LAW REVIEW 111 (1983).

36. *State versus Local Control of Hazardous Waste Facility Siting—Who Decides in Whose Backyard?*, 7 ZONING AND PLANNING REPORT, nos. 1 & 2, 1984, reprinted in 1985 ZONING AND PLANNING LAW HANDBOOK 141 (J. Benjamin Gailey ed., 1985), and RESOLVING LOCATIONAL CONFLICT, ch. 8 (R. Lake ed., 1987).
37. *Siting New or Expanded Treatment, Storage and Disposal Facilities: The Pigs in the Parlors of the 1980s*, 17 NATURAL RESOURCES LAWYER 429 (1984).
38. *The Endangered Species Act and Western Water Rights*, 20 LAND AND WATER LAW REVIEW 1 (1985), reprinted in 22 PUBLIC LAND AND RESOURCES LAW DIGEST 196 (1985).
39. *The Law of Equitable Apportionment Revisited, Updated, and Restated*, 56 UNIVERSITY OF COLORADO LAW REVIEW 381 (1985).
40. *Prevention of Groundwater Contamination*, 8 ZONING AND PLANNING LAW REPORT 121 (1985).
41. *Supplemental Groundwater Irrigation Law: From Capture to Sharing*, 73 KENTUCKY LAW JOURNAL 695 (1985).
42. *An Overview of the Law of Groundwater Management*, 21 WATER RESOURCES RESEARCH 1751 (1985).
43. *Inter and Intrastate Usage of Great Lakes Waters: A Legal Overview*, 18 CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW 67 (1986).
44. *The Changing Meaning of Water Conservation in the West*, 66 NEBRASKA LAW REVIEW 145 (1987).
45. *Protection of Water Flows for National Parks*, 22 LAND AND WATER LAW REVIEW 29 (1987).
46. *One River, Three Sovereigns: Indian and Interstate Water Rights*, 22 LAND AND WATER LAW REVIEW 631 (1987).
47. *Challenging Biased Zoning Board Decisions*, 10 ZONING AND PLANNING LAW REPORT, no. 2, 1987, at 97.

48. *Remedying the Irremediable: The Lessons of Gautreaux*, 64 CHICAGO-KENT LAW REVIEW 573 (1988).
49. *Earth and Other Ethics: The Institutional Issues*, 56 TENNESSEE LAW REVIEW 43 (1988).
50. *The Illusion of Finality in General Water Rights Adjudications*, 25 IDAHO LAW REVIEW 271 (1989).
51. Introduction, *New Challenges to State Water Allocation Sovereignty*, 29 NATURAL RESOURCES JOURNAL 331 (1989) (with Professor Charles DuMars).
52. *Private Land Use Controls: What is the Public Interest?* 41 LAND USE LAW AND ZONING DIGEST, no. 9, 1989, at 3.
53. *New Duties on Developers to Avoid Wetlands Use*, 12 ZONING AND PLANNING LAW REPORT, no. 10, 1989.
54. Foreword, Symposium on the Prevention of Groundwater Pollution in the Great Lakes Region, 65 CHICAGO-KENT LAW REVIEW 345 (1989) (with Professor Stuart Deutsch).
55. Foreword, Symposium on Eastern Water Law, *Discovering The Virtues of Riparianism*, 9 VIRGINIA ENVIRONMENTAL LAW JOURNAL 249 (1990).
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57. *New Water Transfer Restrictions: The West Returns to Riparianism*, 27 WATER RESOURCES RESEARCH 987 (1991).
58. *Western Water Law, Global Warming, and Growth Limitations*, 24 LOYOLA OF LOS ANGELES LAW REVIEW 979 (1991).
59. *Upstream, Downstream: Rationalizing Different Water Quality Standards on Interstate Streams*, 37 ROCKY MOUNTAIN MINERAL LAW INSTITUTE 23-3 (1991).

60. *The Shifting Presumption of Constitutionality in Land Use Law*, 24 URBAN LAWYER 1 (1992) (with Professor Daniel R. Mandelker), *reprinted in* 1993 LAND USE AND ENVIRONMENTAL LAW REVIEW.
61. *Stewardship Sovereignty: The Next Step in Former Prime Minister Palmer's Logic*, 42 WASHINGTON UNIVERSITY JOURNAL OF URBAN AND CONTEMPORARY LAW 21 (1992).
62. *Now, Think Again About Adaptation*, 9 ARIZONA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 169 (1992).
63. *Environmental Protection: The Potential Misfit Between Equity and Efficiency*, 63 UNIVERSITY OF COLORADO LAW REVIEW 871 (1992).
64. *The Role of Non-Governmental Organizations in the Development of International Environmental Law*, 68 CHICAGO-KENT LAW REVIEW 61 (1992), *reprinted in* 1 INTERNATIONAL ENVIRONMENTAL LAW (Library of Essays in International Law) (Paula M. Pevato ed., 2003).
65. *Local Government Protection of Biodiversity: What Is Its Niche?*, 60 UNIVERSITY OF CHICAGO LAW REVIEW 555 (1993), *reprinted in* 1994 LAND USE AND ENVIRONMENTAL LAW REVIEW.
66. *Water Management in an Era of Change*, 8 FORUM FOR APPLIED PUBLIC POLICY RESEARCH 78 (1993).
67. *The Wild and Scenic Rivers Act at 25: A The Need for a New Focus*, 4 RIVERS 81 (1993) (with Carolyn Raffensperger).
68. *The Nonequilibrium Paradigm in Ecology and the Partial Unraveling of Environmental Law*, 27 LOYOLA OF LOS ANGELES LAW REVIEW 1121 (1994), *reprinted in* 1995 LAND USE AND ENVIRONMENTAL LAW REVIEW, *excerpted in* LAW AND THE ENVIRONMENT: A MULTIDISCIPLINARY READER (Robert V. Percival & Dorothy C. Alevizatos eds., 1997).
69. *City versus Countryside: Environmental Equity in Context*, 21 FORDHAM URBAN LAW JOURNAL 461 (1994).
70. *From Natural Scarcity to Artificial Abundance: The Legacy of California Water Law and Politics*, 1 WEST-NORTHWEST JOURNAL OF ENVIRONMENTAL LAW-POLICY-THOUGHT 71 (1994).



71. *The Influence of Ecological Science on American Law: An Introduction*, 69 CHICAGO-KENT LAW REVIEW 847 (1994) (with Professor Fred Bosselman).
72. *Biodiversity Federalism*, 54 MARYLAND LAW REVIEW 1315 (1995).
73. *Biodiversity Protection in the Pacific Rim: The Land Use Challenge*, 4 ASIA PACIFIC LAW REVIEW 107 (1995).
74. *International Water Law and the Protection of River System Ecosystem Integrity*, 10 BYU JOURNAL OF PUBLIC LAW 181 (1996).
75. *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon: The Court Protects Endangered Species Habitat From Destruction*, 5 RIVERS 216 (1996) (with Patrick Parteneau).
76. *The Futile Search for Environmental Laws Based on "Good Science,"* 1 INTERNATIONAL JOURNAL OF BIOSCIENCES AND THE LAW 9 (1996).
77. *Federalism Without Preemption: A Case Study in Bioregionalism*, 27 PACIFIC LAW JOURNAL 1629 (1996).
78. *Two Cheers for Shifting the Presumption of Validity: A Reply to Professor Hopperton*, 24 BOSTON COLLEGE ENVIRONMENTAL AFFAIRS LAW REVIEW 103 (1996) (with Professor Daniel R. Mandelker).
79. *Environmental Law: Ethics or Science?*, 7 DUKE ENVIRONMENTAL LAW AND POLICY FORUM 193 (1996).
80. *Safe Drinking Water: A Federalism Perspective*, 21 WILLIAM AND MARY ENVIRONMENTAL LAW AND POLICY REVIEW 233 (1997).
81. *Exclusive Sovereignty versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management*, 32 TEXAS INTERNATIONAL LAW JOURNAL 37 (1997).
82. *The Influence of International Environmental Law on United States Pollution Control Law*, 21 VERMONT LAW REVIEW 759 (1997).
83. *River Management in the Twenty-First Century: The Vision Thing*, 6 RIVERS 43 (1997).

84. *The Missouri River: The Paradox of Conflict Without Scarcity*, 2 GREAT PLAINS NATURAL RESOURCES JOURNAL 1 (1997).
85. *The Law and Policy of Drought Response in Australia and the United States of America: A Comparative Perspective*, 4 AUSTRALASIAN JOURNAL OF NATURAL RESOURCES LAW AND POLICY 1 (1997) (with Professor Helen Stacy).
86. *Water Supply as a New Growth Management Tool*, 50 LAND USE LAW AND ZONING DIGEST, no. 11, 1998, at 3.
87. *Touch and Concern is Dead, Long Live the Doctrine*, 77 NEBRASKA LAW REVIEW 804 (1998).
88. *The Creation of New Risk Sharing Water Entitlement Regimes: The Case of the Truckee-Carson Settlement*, 25 ECOLOGY LAW QUARTERLY 674 (1999).
89. *Growth Management and Western Water Law: From Urban Oases to Archipelagos*, 5 HASTINGS WEST-NORTHWEST JOURNAL OF ENVIRONMENTAL LAW AND POLICY 163 (1999) (with Sarah B. Van de Wetering), *reprinted in* 36 PUBLIC LAND AND RESOURCES LAW DIGEST (1999).
90. Lecture, *The Current Global Environmental Outlook: How Is Industry Doing in Meeting the Rio Declaration Goals*, 32 JOHN MARSHALL LAW REVIEW 289 (1999) (with Helene Genot and Dixie Lee Laswell).
91. *Can Cowboys Become Indians? Protecting Western Communities as Endangered Cultural Remnants*, 31 ARIZONA STATE LAW JOURNAL 539 (1999).
92. *Multi-Stakeholder Involvement in the Hong Kong Environmental Assessment Process*, 7 ASIA PACIFIC LAW REVIEW 177 (1999).
93. *Contested Landscapes and Local Voice*, 3 WASHINGTON UNIVERSITY JOURNAL OF LAW AND POLICY 513 (2000).
94. *The Future of Environmental "Rule of Law" Litigation*, 17 PACE ENVIRONMENTAL LAW REVIEW 237 (2000).

95. *Safeguarding International River Ecosystems in Times of Scarcity*, 3 UNIVERSITY OF DENVER WATER LAW REVIEW 231 (2000).
96. *Putting Rivers Back in the Landscape: The Revival of Watershed Management in the United States*, 6 HASTINGS WEST-NORTHWEST JOURNAL OF ENVIRONMENTAL LAW AND POLICY 167 (2000).
97. *How Well Can International Water Allocation Regimes Adapt to Global Climate Change*, 15 JOURNAL LAND USE AND ENVIRONMENTAL LAW and JOURNAL OF TRANSNATIONAL LAW AND POLICY (JOINT ISSUE) 423 (2000), *translated in* 1 CHINESE YEARBOOK OF INTERNATIONAL LAW (Wang Xi ed. 2002).
98. *Reconnecting Property Rights to Watersheds*, 25 WILLIAM AND MARY ENVIRONMENTAL LAW AND POLICY REVIEW 69 (2000).
99. *Prior Appropriation: Rule, Principle, or Rhetoric*, 76 NORTH DAKOTA LAW REVIEW 881 (2000).
100. *Water Policy Adrift*, 16 FORUM FOR APPLIED RESEARCH AND PUBLIC POLICY 63 (2001).
101. *What the Report of the World Commission on Dams Might Mean for the Western Water Community*, 5 UNIVERSITY OF DENVER WATER LAW REVIEW 225 (2001).
102. *The Future of Prior Appropriation in the New West*, 41 NATURAL RESOURCES JOURNAL 769 (2001), *reprinted in* PUBLIC LAND AND RESOURCES LAW JOURNAL (2001).
103. *Ideas Without Institutions: The Paradox of Sustainable Development*, 9 INDIANA JOURNAL OF GLOBAL LEGAL STUDIES 35 (2001).
104. *The Changing Environment of International Water Management*, 12 JOURNAL OF WATER LAW 351 (2001).
105. *Fred Bosselman as Participant-Observer Lawyer: The Case of Habitat Conservation Planning*, 17 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 43 (2001).
106. *Connecting Land, Water, and Growth*, 54 LAND USE LAW & ZONING DIGEST, no. 4, 2002, at 3 (with Lora Lucero).

107. *Biodiversity Conservation in the United States: A Case Study in Incompleteness and Indirection*, 32 ENVIRONMENTAL LAW REPORTER 10,529 (2002).
108. *Who Owns Science?*, 10 PENN STATE ENVIRONMENTAL LAW REVIEW 135 (2002).
109. *The Future of Environmental "Rule of Law" Litigation and There Is One*, 19 PACE ENVIRONMENTAL LAW REVIEW 611 (2002) (Lloyd K. Garrison Lecture Special Edition).
110. *The Potential Role of Local Governments in Watershed Management*, 20 PACE ENVIRONMENTAL LAW REVIEW 149 (2002), reprinted in NEW GROUND: THE ADVENT OF LOCAL ENVIRONMENTAL LAW 213 (John R. Nolon ed., 2003).
111. *Slouching Toward Eden: The Eco-Pragmatic Challenges of Ecosystem Revival*, 87 MINNESOTA LAW REVIEW 1173 (2003).
112. *The Recovery of the Colorado River Delta Ecosystem: A Role for International Law?*, 14 COLORADO JOURNAL OF INTERNATIONAL ENVIRONMENTAL LAW AND POLICY (2002 YEARBOOK) 9 (2003).
113. *Fish, Farms, and the Clash of Cultures in the Klamath Basin*, 30 ECOLOGY LAW QUARTERLY 279 (2003) (with Professor Holly Doremus).
114. *Water Supply and Urban Growth in New Mexico: Same Old, Same Old or New Era?*, 43 NATURAL RESOURCES JOURNAL 803 (2003) (with Lora Lucero).
115. *Is There a There There in Environmental Law?*, 19 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 213 (2004), reprinted in 3 INDIAN JOURNAL OF ENVIRONMENTAL LAW 12 (2004).
116. *Water Law Reform in West Virginia: The Broader Context*, 106 WEST VIRGINIA LAW REVIEW 495 (2004).
117. *A Brief Examination of the History of the Persistent Debate About Limits to Western Growth*, 10 HASTINGS WEST-NORTHWEST JOURNAL OF ENVIRONMENTAL LAW AND POLICY 155 (2004).

118. *A First Look at a Modern Legal Regime for a "Post-Modern" United States Corps of Engineers*, 52 UNIVERSITY OF KANSAS LAW REVIEW 1285 (2004).
119. *The New Development of Water Law in China*, 7 UNIVERSITY OF DENVER WATER LAW REVIEW 243 (2004) (with Patricia Wouters, Desheng Hu, Jiebin Zhang, and Phillip Andrews-Speed).
120. *The Law of Later-Developing Riparian States: The Case of Afghanistan*, 12 N.Y.U. ENVIRONMENTAL LAW JOURNAL 711 (2005) (with James C. McMurray).
121. *Science, Judgment, and Controversy in Natural Resources Regulation*, 26 PUBLIC LAND AND RESOURCES LAW REVIEW 1 (2005) (with Professor Holly Doremus), *reprinted in* 2006 LAND USE AND ENVIRONMENTAL LAW REVIEW.
122. *General Stream Adjudications: A Good Public Investment?*, 133 JOURNAL OF CONTEMPORARY WATER RESEARCH AND EDUCATION 52 (2006).
123. *Western Growth and Sustainable Water Use: If There Are No "Natural Limits," Should We Worry About Water Supplies?*, 27 PUBLIC LAND AND RESOURCES LAW REVIEW 33 (2006) (with Sarah B. Van de Wetering), *reprinted in* 38 ENVIRONMENTAL LAW REPORTER 10,582 (2008), and VANDERBILT ENVIRONMENTAL LAW AND POLICY ANNUAL REVIEW (2008).
124. *Five Views of the Great Lakes and Why They Might Matter*, 15 MINNESOTA JOURNAL OF INTERNATIONAL LAW 21 (2006).
125. Commentary, *Three Challenges for Professor Nolan*, 23 PACE ENVIRONMENTAL LAW REVIEW 697 (2006).
126. *Environmentalism: Postmodern Evangelism or Unitarianism?*, 56 CASE WESTERN RESERVE LAW REVIEW 643 (2006).
127. *Possible Lessons from a Comparison of the Restoration of the Danube and Colorado Deltas*, 19 PACIFIC MCGEORGE GLOBAL BUSINESS & DEVELOPMENT LAW JOURNAL 61 (2006).

128. *The Strange Career of the Dormant Commerce Clause and International Trade Law in the Great Lakes Anti-Diversion Regime*, 2006 MICHIGAN STATE LAW REVIEW 1375.
129. *The Great Lakes as an Environmental Heritage of Humankind: An International Law Perspective*, 40 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 995 (2007).
130. *Are Shared Benefits of International Waters an Equitable Apportionment?*, 18 COLORADO JOURNAL OF INTERNATIONAL ENVIRONMENTAL LAW AND POLICY 523 (2007) (with Professor Patricia Wouters).
131. *Ecosystem Services in the Klamath Basin: Battlefield Casualties or the Future?*, 22 JOURNAL OF LAND USE AND ENVIRONMENTAL LAW 207 (2007).
132. *Land Use Regulation: The Weak Link in Environmental Law*, 82 WASHINGTON LAW REVIEW 651 (2007).
133. *Water and Western Growth*, 59 PLANNING & ENVIRONMENTAL LAW, no. 5, 2007, at 3 (with Sarah B. Van de Wetering).
134. *Water Security, Fear Mitigation and International Water Law*, 31 HAMLINE LAW REVIEW 703 (2008).
135. *The International Joint Commission and Great Lakes Diversions: Indirectly Extending the Reach of the Boundary Waters Treaty*, 54 WAYNE LAW REVIEW 1671 (2008).
136. *Fat and Fried: Linking Land Use Law, the Risks of Obesity, and Climate Change*, 3 PITTSBURGH JOURNAL OF ENVIRONMENTAL AND PUBLIC HEALTH LAW 31 (2009), reprinted in 2010 ZONING AND PLANNING LAW HANDBOOK 563 (P. Salkin ed., 2010).
137. *The Federal versus Local Role in Wind Farm Location in the United States*, 9 TIJDSCHRIFT VOOR BOUWRECHT 797 (2009) (Neth.).
138. *Four Challenges for International Water Law*, 23 TULANE ENVIRONMENTAL LAW JOURNAL 369 (2009).

139. *Addressing Climate Change at the State and Local Level: Using Land Use Controls to Reduce Automobile Emissions*, 2 SUSTAINABILITY 1742 (2010) (with Rachael Medina).
140. *Reframing the Water Security Dialogue*, 20 JOURNAL OF WATER LAW 53 (2010) (with Patricia Wouters).
141. *How California Local Governments Became Both Water Suppliers and Planners*, 4 GOLDEN GATE UNIVERSITY ENVIRONMENTAL LAW JOURNAL 7 (2010).
142. Introduction, *New Directions in Environmental Law, Environmental Law: Then and Now*, 32 WASHINGTON UNIVERSITY JOURNAL OF LAW AND PUBLIC POLICY 1 (2010) (symposium translated into Chinese in 2018).
143. *Tribal Justice and Property Rights: The Evolution of Winters v. United States*, 50 NATURAL RESOURCES JOURNAL 471 (2010).
144. *Water Demand and Energy Production in a Time of Climate Change*, 5 ENVIRONMENTAL AND ENERGY LAW AND POLICY JOURNAL 325 (2010).
145. *How Well Can Water Law Adapt to the Potential Stresses of Global Climate Change?*, 14 UNIVERSITY OF DENVER WATER LAW REVIEW 1 (2010).
146. *The Legal-Political Barriers to Ramping Up Hydro*, 86 CHICAGO-KENT LAW REVIEW 259 (2011).
147. *Do Water Law and Policy Promote Sustainable Water Use?*, 28 PACE ENVIRONMENTAL LAW REVIEW 642 (2011).
148. *Is a Substantive, Non-Positivist United States Environmental Law Possible?*, 1 MICHIGAN JOURNAL OF ENVIRONMENTAL AND ADMINISTRATIVE LAW 159 (2012).
149. *The Legacy of Shodde v. Twin Falls Land and Water Company: The Evolving Reasonable Appropriation Principle*, 42 ENVIRONMENTAL LAW 37 (2012).
150. *Takings, Water Rights, and Climate Change*, 36 VERMONT LAW REVIEW 731 (2012).

151. *Can the Clean Water Act Succeed as an Ecosystem Protection Law?*, 4 GEORGE WASHINGTON JOURNAL OF ENERGY AND ENVIRONMENTAL LAW 46 (2013) (with Professor Holly Doremus).
152. *New Challenges for Urban Areas Facing Flood Risks*, 40 FORDHAM URBAN LAW JOURNAL 1739 (2013) (with Debbie M. Chizewer).
153. *The Third Wave of Normativity in Global Water Law: The Duty to Cooperate in the Peaceful Management of the World's Water Resources: An Emerging Obligation Erga Omnes?*, 23 JOURNAL OF WATER LAW 51 (2013) (with Professor Patricia Wouters).
154. *Mexico and the United States Assume a Legal Duty to Provide Colorado River Delta Restoration Flows: An Important International Environmental and Water Law Precedent*, 23 REVIEW OF EUROPEAN, COMPARATIVE AND INTERNATIONAL ENVIRONMENTAL LAW 76 (2014).
155. *Why There Should Be No Restatement of Environmental Law*, 79 BROOKLYN LAW REVIEW 663 (2014).
156. *No Restatement, Please!*, 32 ENVIRONMENTAL FORUM, no. 1, 2015, at 41.
157. *Toward a More Robust International Water Law of Cooperation to Address Droughts and Ecosystem Conservation*, 28 GEORGETOWN ENVIRONMENTAL LAW REVIEW 261 (2016).
158. *Living with Water in a Climate-Changed World: Will Federal Flood Policy Sink or Swim?*, 46 ENVIRONMENTAL LAW 491 (2016) (with Deborah M. Chizewer).
159. *Potential Constitutional Constraints on the Regulation of Flood Plain Development: Three Case Studies*, 11 JOURNAL OF FLOOD RISK MANAGEMENT 48 (2016) (with Juliana Albrecht).
160. *California Adapts to Prolonged Drought: Any Lessons for the Humid Midwest?*, 51 VALPARAISO UNIVERSITY LAW REVIEW 519 (2017).
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*C. Published Conference Proceedings and Book Chapters*

1. *The Legal System: Structure or Constraint for Systems Analysis Decision-Making*, in NATURAL RESOURCE SYSTEMS MODELS IN DECISION-MAKING: PROCEEDINGS OF A WATER RESOURCES SEMINAR 178 (Gerrit H. Toebes ed., 1970).
2. *Regulation over Siting and Design of Power Plants*, in PROCEEDINGS OF THE CONFERENCE ON INTERNATIONAL AND INTERSTATE REGULATION OF WATER POLLUTION 175 (Cormac K.H. O'Malley ed., Columbia University School of Law 1970).
3. *Current Trends in the Development of an Environmental Law Curriculum*, in LAW AND THE ENVIRONMENT 297 (Malcolm Baldwin & James K. Page, Jr. eds., 1970).
4. *Reserving and Allocating Water for Various Uses on a Wild or Scenic River—Legal and Economic Aspects*, PROCEEDINGS: NATIONAL SYMPOSIUM ON WILD, SCENIC, AND RECREATIONAL WATERWAYS 196 (U.S. Department of Interior 1970).
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