

# *NEW BOOKS*

## **Tribal Water Rights: Essays in Contemporary Law, Policy, and Economics**

Edited by John E. Thorson, Sarah Britton,  
and Bonnie G. Colby

University of Arizona Press, May 2006  
355 S. Euclid Ave., Suite 103, Tucson, AZ 85719  
(520) 621-3920. [www.uapress.arizona.edu](http://www.uapress.arizona.edu).  
ISBN 0-81652482-3. 304 pp. \$50.00 cloth.

The settlement of Indian water-rights cases remains one of the thorniest legal issues in this country, particularly in the West. In a previous book, *Negotiating Tribal Water Rights*, Bonnie G. Colby, John E. Thorson, and Sarah Britton presented a general overview of the processes involved in settling such cases; this volume provides more in-depth treatment of the many complex issues that arise in negotiating and implementing Indian water-rights settlements. *Tribal Water Rights* brings together practicing attorneys and leading scholars in the fields of law, economics, public policy, and conflict resolution to examine issues that continue to confront the settlement of tribal claims. With coverage ranging from the differences between surface-water and groundwater disputes to the distinctive nature of Pueblo claims, and from allotment-related problems to the effects of the Endangered Species Act on water conflicts, the book presents the legal aspects of tribal water rights and negotiations along with historical perspectives on their evolution.

Thorson formerly served as special master for Arizona's water adjudications and is co-founder of Dividing the Waters, a project for judges involved in western water adjudications. He now serves as an administrative law judge for the State of California. Britton, a graduate of the University of Arizona College of Law, is an attorney with the Public Defender in Sacramento. Colby is a professor of Agricultural and Resource Economics and the

252 J. ENVTL. LAW AND LITIGATION [Vol. 21, 251

University of Arizona and co-author of *Braving the Currents and Water Markets in Theory and Practice*.

## **Strategies for Environmental Success in an Uncertain Judicial Climate**

Edited by Michael Allan Wolf

Environmental Law Institute, October 2005

2000 L St. NW, Washington, DC 20036

ISBN 1-58576-093-5. 379 pp. \$44.95 paper.

Over the past 30 years, great progress has been made in curbing the most obvious pollution, largely due to effective enforcement of federal and state environmental statutes. Now, however, there is increasing skepticism of the efficiency and even the constitutionality of our bedrock environmental laws from all branches of the federal government, including the courts. This book is the result of lively debate at the conference "Alternative Grounds: Defending the Environment in an Unwelcome Judicial Climate," held November 11, 2004, and co-sponsored by the University of Florida Levin College of Law and the Environmental Law Institute. Topics ranged from U.S. Supreme Court trends in environmental law jurisprudence, to innovative federal and state constitutional and statutory arguments that defend environmental protections, federal provisions most vulnerable to attack on federalism, takings, and separation-of-powers grounds. This thought-provoking and insightful collection of essays provides smart, realistic solutions to the profound and complex legal challenges facing defenders of environmental protections.

Michael Allan Wolf is the Richard E. Nelson Chair in Local Government Law at the University of Florida Levin College of Law and has written extensively in the areas of land use planning, environmental law, property, and local government. Contributions by: Richard J. Lazarus, Sean H. Donahue, Paul Boudreaux, William W. Buzbee, Robert L. Glicksman, Alyson C. Flournoy, Christopher H. Schroeder, Douglas T. Kendall, Susan George, J.B. Ruhl, Donald W. Stever, and Mary Jane Angelo.

## **The RFF Reader in Environmental and Resource Policy (2d ed.)**

Edited by Wallace E. Oates

RFF Press/Resources for the Future, January 2006

1616 P St. NW, Washington, DC 20036

(202) 328-5086. [www.rffpress.org](http://www.rffpress.org).

ISBN 1-933115-16-3. 334 pp. \$34.95 paper.

The second edition of the popular *RFF Reader* brings together much of the best work published by researchers at Resources for the Future. Many of the articles in the *Reader* were originally published in RFF's quarterly magazine, *Resources*. Wallace E. Oates has supplemented that with material drawn from other RFF books and reports. The readings provide concise, insightful background and perspectives on a broad range of environmental issues including benefit-cost analysis, environmental regulation, hazardous and toxic waste, environmental equity, and the environmental challenges in developing nations and transitional economies. Natural-resource topics include resource management, biodiversity, and sustainable agriculture. The articles address many of today's most difficult public-policy questions, such as environmental policy and economic growth, and "When is Life Too Costly to Save?" New to the second edition is an expanded set of readings on global climate change and sustainability, plus cutting-edge policy applications on topics such as the environment and public health, and the growing problem of antibiotic and pesticide resistance.

For general readers, *The RFF Reader* has been an accessible, non-technical, authoritative introduction to key issues in environmental and natural-resource policy. It has been especially effective in demonstrating the contributions that economics and other social-science research can make toward improving public debate and decision-making. Organized to follow the contents of popular textbooks in environmental economics and politics, it has also found wide use in both introductory and upper-level environmental policy courses.

Oates is a professor of economics at the University of Maryland and a university fellow with Resources for the Future. He has written widely on environmental affairs and is co-author of

254 J. ENVTL. LAW AND LITIGATION [Vol. 21, 251

*The Theory of Environmental Policy* and author of *The Economics of Environmental Regulation*.

## **Adaptive Governance and Water Conflict: New Institutions for Collaborative Planning**

Edited by John T. Scholz and Bruce Stiftel  
RFF Press/Resources for the Future, October 2005  
1616 P St. NW, Washington, DC 20036  
(202) 328-5086. [www.rffpress.org](http://www.rffpress.org).  
ISBN 1-933115-19-X. 300 pp. \$29.95 paper.

Water policy seems in perpetual crisis. Increasingly, conflicts extend beyond the statutory authority, competence, geographical jurisdictions, and political constituencies of highly specialized governing authorities. While other books address specific policy approaches or the application of adaptive management strategies to specific problems, this is the first book to focus more broadly on adaptive governments, or the evolution of new institutions that attempt to resolve conflicts among competing authorities.

*Adaptive Governance and Water Conflict* investigates new types of water conflict among users in the seemingly water-rich Eastern United States. Eight case studies of water quality, water quantity, and habitat preservation or restoration in Florida were chosen to span the range of conflicts crossing fragmented regulatory boundaries. Each begins with a history of the conflict and then focuses on the innovative institutional arrangements—some successful, some not—that evolved to grapple with the resulting challenges. In the chapters that follow, scholars and practitioners in urban planning, political science, engineering, law, policy, administration, and geology offer different theoretical and experience-based perspectives on the cases. Together, they discuss five challenges that new institutions must overcome to develop sustainable solutions for water users: Who is to be involved in the policy process? How are they to interact? How is science to be used? How are users and the public to be made aware? How can solutions be made efficient and equitable?

In its diverse perspectives and unique combination of theory, application, and analysis, *Adaptive Governance and Water Con-*

2006]

*Recently Published Books*

255

*flict* will be a valuable book for water professionals, policy scientists, students, and scholars in natural-resource planning and management.

John T. Scholz is the Frances Epps Professor of Political Science at Florida State University. Bruce Stiftel, FAICP, is Professor of Urban and Regional Planning at Florida State University and co-editor of *Dialogues in Urban and Regional Planning*.

## **The Antiquities Act: A Century of American Archaeology, Historic Preservation, and Nature Conservation**

Edited by David Harmon, Francis P. McManamon,  
and Dwight T. Pitcaithley  
University of Arizona Press, April 2006  
355 S. Euclid Ave., Suite 103, Tucson, AZ 85719  
(520) 621-3920. [www.uapress.arizona.edu](http://www.uapress.arizona.edu).  
ISBN 0-8165-2561-7. 264 pp. \$19.95 paper.

Across this nation lie national parks, monuments, and preserves that, without the Antiquities Act of 1906, might have been destroyed or forgotten about in the passing of time. The Act, one of the most important pieces of conservation legislation in American history, is responsible for the preservation of parks as diverse as Acadia, Grand Canyon, and Olympic National Park, as well as historic and archaeological sites including Thomas Edison's Laboratory and Gila Cliff Dwellings.

A century after its passage, this book presents a definitive assessment of the Antiquities Act and its legacy, addressing the importance and breadth of the act—as well as the controversy it has engendered. Authored by professionals intimately involved with safeguarding the nation's archaeological, historic, and natural heritage, it describes the applications of the Act and assesses its place in this country's future.

With a scope as far-reaching as the resources the Act embraces, this book offers an unparalleled opportunity for today's stewards to reflect on the Act's historic accomplishments, remind fellow professionals and the general public of its continuing im-

portance, and look ahead to its continuing implementation in the twenty-first century. *The Antiquities Act* invites all who love America's natural and cultural treasures to learn not only about the Act's rich legacy, but also to envision its next one hundred years.

David Harmon is executive director of the George Wright Society. Headquartered in Hancock, Michigan, it works to protect cultural and natural parks and reserves. Francis P. McManamon is chief archaeologist of the National Park Service and co-editor of the volume *Cultural Resource Management in Contemporary Society: Perspectives on Managing and Presenting the Past*. Dwight T. Pitcaithley is former chief historian of the National Park Service and currently teaches at New Mexico State University.

## **Environmental Law for Sustainability**

Edited by Benjamin J. Richardson and Stepan Wood

Hart Publishing, 2006

920 NE 58th Ave., Suite 300, Portland, OR 97213

(503) 287-3093. [www.isbs.com](http://www.isbs.com).

ISBN 1-84113-544-5. 487 pp. \$40.00 paper.

This volume of new essays presents critical new scholarship on law for sustainable development. Its contributors provide international and comparative perspectives on the current state of environmental law and its future directions. Aimed at both students and scholars in law and other social sciences, it goes beyond conventional descriptions of environmental law and policy to a theoretical and interdisciplinary analysis of the role of law in sustainable development. Starting from the premise that ecological sustainability requires environmental law systems to be sensitive to a wide array of institutional, social, and economic issues, and to emerging forms of environmental governance beyond conventional legal regulation, the book explores: future directions in command regulation; changing forms of public administration; risk assessment and precautionary regulation; ecological justice; public participation in environmental decision-making; indigenous peoples and the environment; industry self-regulation; economic instruments; sustainable finance; the state of in-

2006]

*Recently Published Books*

257

ternational environmental law; and environmental law in developing countries.

Benjamin J. Richardson and Stepan Wood are professors at Osgoode Hall Law School of York University in Toronto, Ontario. Contributors include Carolyn Abbot (Manchester, England), Klaus Bosselmann (Auckland, New Zealand), David Driesen (Syracuse, NY), Steve Dovers (Australia), Jaye Ellis (Montreal, Quebec), Elizabeth Fisher (Oxford, England), Richardson and Wood.

## **Assessments of Regional and Global Environmental Risks**

Edited by Alexander E. Farrell and Jill Jäger  
RFF Press/Resources for the Future, November 2006  
1616 P St. NW, Washington, DC 20036  
(202) 328-5086. [www.rffpress.org](http://www.rffpress.org).  
ISBN 1-933115-05-X. 301 pp. \$34.95 paper.

As environmental challenges grow larger in scale and implications, it is increasingly important to apply the best scientific knowledge in the decision-making process. Editors Alexander E. Farrell and Jill Jäger present environmental assessments as the bridge between the expert knowledge of scientists and engineers on the one hand and decision makers on the other. When done well, assessments have a positive impact on public policy, the strategic decisions of private firms, and, ultimately, the quality of life for many people.

This book is the result of an international, interdisciplinary research project to analyze past environmental assessments and understand how their design influenced their effectiveness in bringing scientific evidence and insight into the decision-making process. The case studies feature a wide range of regional and global risks, including ozone depletion, transboundary air pollution, and climate change.

*Assessments of Regional and Global Environmental Risks* offers several important contributions. It provides a clear account of the choices faced in the design of environmental assessments and a clear description of the lessons learned from past assess-

ments. It illustrates why assessments are social processes, not simply reports. And, while they identify no universal, one-size-fits-all design, the authors find that, to be effective, environmental assessments must be viewed by those who produce and use them as being salient; credible in their scientific support; and legitimate, or fair in design and execution.

Farrell is an assistant professor in the Energy and Resources Group at the University of California, Berkeley. Jäger is an independent scholar in Vienna, Austria.