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MISSOURI ENVIRONMENTAL LAW AND POLICY REVIEW



Articles

**Of Square Pegs, Round Holes and Recalcitrants Lying in Weeds:
Superfund's Legal Lessons for Everglades Restoration**

Alfred R. Light

**A Proposal To Greatly Expand National Parks in the Lower
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William A. Wines

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Lindsay Counte

**Standing Alone: The Fight to Get Citizen Suits Under the
Clean Water Act Into the Courts**

Ben McIntosh

EDITOR'S PERSPECTIVE

In Volume 12, Issue 1 of the Missouri Environmental Law and Policy Review, the Board and Staff focused on the costs associated with environmental regulations. While costs must always be considered in any worthwhile and sustainable environmental policy, Issue 2 will focus on how key decision makers will go about implementing environmental programs. More specifically, we will look at what procedures should be followed in order to balance such interests as efficiency, public involvement, public use and the protection of our natural resources.

In our first lead article, Professor Alfred R. Light of the St. Thomas University School of Law examines the procedures used by the federal government and the state of Florida to conserve the Florida Everglades. Professor Light focuses on the public participation and the judicial review processes that surround the Comprehensive Everglades Restoration Plan ("CERP") and suggest that the current procedures used by the National Environmental Protection Agency while implementing CERCLA would allow for increased benefits and allow for more timely responses to public concerns.

Our second lead article is from Professor William A. Wines of the Richard T. Farmer School of Business Administration at Miami University, Oxford, Ohio. Professor Wines examines the administration of wilderness areas under the control of the United States, and suggests that all wilderness lands currently held by the Forestry Department be turned over to the National Parks Service. In support of his argument, the author looks at current mating trends in such endangered species such as the grizzly bear. Professor Light also points out that the expansion of National Park land in the lower forty-eight has come to screeching halt, and current expansion is taking place in areas outside of the vacation reach of the average American.

In our case notes we hear from Lindsay Counte who looks at the last ten years of litigation surrounding snowmobiling in Minnesota's Voyageurs in *Voyageurs National Park Association v. Norton*. Ms. Counte points out that the current round of litigation has done nothing to establish a mode of decision making that the Park can rely on to prevent future litigation. In our second case note, Ben McIntosh looks at citizen standing under the Clean Water Act in *Ailor v. City of Maynardville*. Mr. McIntosh suggests that citizen suits are a more economical way to enforce environmental laws, and argues that traditional rules of standing and mootness should not apply in the environmental context. Finally, Jason Scherer looks at the escape doctrine in state sponsored environmental clean up laws in *Kennedy Building Associates v. Viacom, Inc.* In that case the court ruled that the escape doctrine did not apply to subsequent buyers of the contaminated land where the pollutant originated. Mr. Scherer argues that it is absurd to create a rule that allows every neighbor surrounding a plot of land to collect against the prior owner, but not allow the subsequent purchaser any right to recover under the same theory.

Finally, as always, we bring you environmental case summaries from around the country. Please enjoy Volume 12, Issue 2.

James C. Chostner
Editor-In-Chief
February 2005

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