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EDITOR'S PERSPECTIVE

Cassandra Barnum authored our first article which was the recipient of the 2009 Irving Oberman Memorial Award for best essay in the field of environmental law. This article explores current environmental standing law and argues that there is a need to change the environmental standing doctrine, focusing on the injury in fact requirement. Using the Court's recent decision in *Summers v. Earth Island Institute*, Barnum demonstrates the inadequacies of modern environmental standing law. The article concludes that the modern standing doctrine has no rational basis in constitutional analysis or even reasoned jurisprudence.

Michael J. Donovan, Ph.D. authored our second article which examines genetically modified (hereinafter "GM") insects, specifically addressing why we need GM insects and how such should be regulated. Donovan discusses motivations for, criticisms of, and possible drawbacks to GM insects. The various agencies charged with regulating GM insects are also discussed. Donovan posits that regulation will help balance the competing concerns and benefits of GM insects. Concluding, Donovan states that there needs to be greater clarity concerning which agency will regulate GM insects and more information needs to be gained concerning international regulation.

Our final article, authored by Kamaal R. Zaidi, explores solar energy policy in Canada. He begins by describing a basic overview of solar energy and then discusses the legal aspects of solar energy including recent legal principals from the United States and England. Zaidi then outlines some active solar energy projects in Canada and explains how such policy is derived from other jurisdictions. The article concludes with a discussion of some emerging trends, such as Solar Power Satellite and solarwalls, and recommendations for those considering the development of solar energy policy in Canada.

Our first case note, written by Chelsea R. Mitchell, examines the fight between the Nebraska Natural Resource District and the Nebraska Department of Natural Resources over the inclusion of groundwater sources in water appropriation right determinations. Ultimately, the Nebraska Supreme Court takes a step to preserve water and sides with the Natural Resource District. Mitchell explores Missouri groundwater law

and concludes with some recommendations to protect this finite resource for both Nebraska and Missouri.

Abbie Hesse Rothermich, in our next case note, examines the decision in *Fund for Animals v. Kempthorne*, which upheld the validity of the Fish and Wildlife Service's Depreciation Order for double-crested cormorants. Rothermich argues that the Second Circuit sets a dangerous precedent by using erroneous analysis and overly deferring to agency interpretation, and finishes the note with a discussion of the possible consequences of this decision.

The third case note, written by Nicole Hutson, discusses the Ninth Circuit's recent shift in analysis concerning what constitutes a "hard look" at an agency's decision to not conduct an Environmental Impact Statement, as required by the National Environmental Policy Act. Hutson argues that the Ninth Circuit, being a leading circuit for environmental law, needs to develop a standard, yet flexible set of guidelines that all courts could apply in every situation.

Brian Hamilton authored the final case note which examines the Missouri Court of Appeals decision in *Citizens for Ground Water Protection v. Porter* and, in doing so, also examines Missouri groundwater law. Hamilton emphasizes the importance of the word "manufacturing" in the court's decision, compares this decision with the Missouri Court of Appeals decision creating the *Higday* rule, and questions how far future courts will take the new, broadened *Higday* exception that the *Porter* case endorses.

The first installment of this volume finishes with twelve updates which summarize recent court holdings that impact environmental law.

As always, recognition and thanks should be given to the executive board, members, and associates who put in the hard work and long hours in order to make these editions possible. Thanks also to Professor Lambert for serving as our faculty advisor.

ERIN P. SEELE
EDITOR-IN-CHIEF