

ABSTRACTS

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Oliver A. Houck, *Environmental Law in Cuba*, 16 J. LAND USE & ENVTL. L. 1 (2000).

This groundbreaking article describes the evolution of Cuban environmental law. It begins by hazarding a summary of the machinery of government. It then moves to consider early environmental laws and policies, the emergence of a new environmental ministry in 1994, a new framework environmental law in 1997, subsequent programs for environmental impact assessment, coastal zone management, and biological diversity, and first steps towards their implementation. It ends with an assessment of special economic, political and legal challenges Cuba faces and their relationship to environmental policy. The questions are obvious. The answers are not, but their pursuit is very much in play. This article will be an indispensable guide for public and private decision makers in considering the environmental impacts of Cuba's growth and development in the 21st century.

Dustin S. Stephenson, *The Tri-State Compact: Falling Waters and Fading Opportunities*, 16 J. LAND USE & ENVTL. L. 83 (2000).

This timely article reviews the history and current status of the Apalachicola-Chattahoochee-Flint River Basin Compact, a tri-state water compact between Alabama, Florida, and Georgia. In the United States, water rights disputes are common in the arid West, where the supply of water is simply not plentiful when compared to the vast area of land; in fact, the western water rights doctrine dates back to the Gold Rush days of the mid 1800's. However, the Southeastern United States, with its humid climate, lush greenery, and plentiful rainfall, has always had an abundant water supply for its needs. Therefore, the region has been basically immune from the "water wars" that have plagued the west. With such a bounty of water, the Southeast seems an unlikely locale for a water war. But, the sprawling development and booming industry in and around the Atlanta, Georgia, area have sparked a three state dispute between Alabama, Florida, and Georgia over water rights in the Chattahoochee River. Indeed, a water war has begun in the Southeast, and the first battle is over the "Hootch."

Michael N. Schmidt, *Delegation and Discretion: Structuring Environmental Law To Protect The Environment*, 16 J. LAND USE & ENVTL. L. 111 (2000).

This article, winner of the Florida Bar Environmental and Land Use Law Section's 2000 Dean Frank E. Maloney Memorial Writing Contest, reviews the District of Columbia Circuit Court's decision in *American Trucking Associations, Inc. v. United States Environmental Protection Agency*. The D.C. Circuit "sent shock waves through the environmental community" by reviving the nondelegation doctrine, after sixty years of dormancy, in *American Trucking Associations, Inc. v. United States Environmental Protection Agency*. The court used the nondelegation doctrine to restrict the Environmental Protection Agency's (EPA) discretionary decision making capacity, which could have a sweeping effect on Congress' authority to defer to agency decision making in general. However, the decision in *American Trucking* may have a limited effect if it is only applied to narrowly construed circumstances. Subsequent to the publication of this article, the U.S. Supreme Court, in *Whitman v. American Trucking Associations, Inc.*, 531 U.S. 457, limited the D.C. Circuit's interpretation by partially affirming, partially reversing and remanding the case.

Luke Sherlock, *Recent Developments in Land Use And Environmental Law*, 16 J. LAND USE & ENVTL. L. 129 (2000).

This section highlights recent developments in federal and state environmental and land use case law, as well as notable legislation recently passed by the Florida Legislature. In addition to the sources cited in this section, the reader is encouraged to consult the official website of the Florida Legislature at <www.leg.state.fl.us>, the Florida Department of Environmental Protection's website at <www.dep.state.fl.us>, and the Florida Department of Community Affairs' website at <www.dca.state.fl.us>. Other useful sources the reader may wish to consult include the website of the Environmental Land Use Section of the Florida Bar, <www.eluls.org>, and the FLORIDA ENVIRONMENTAL COMPLIANCE UPDATE, available through M. Lee Smith Publishers, LLC, <www.mleesmith.com>.

Nancy Perkins Spyke, *Charm In The City: Thoughts On Urban Ecosystem Management*, 16 J. LAND USE & ENVTL. L. 153 (2001).

This fascinating article concludes that there are great opportunities for cities to become players in the nation's move toward ecosystem management. Certainly, problems arise when humans are injected into the ecosystem equation, and ecosystem management at the city level will not be easy. But the history of environmental regulation has taught us that making the easy choice does not always solve the problem. Further, limiting ecosystem management to rural and wilderness areas can only serve to further compartmentalize our already deeply fragmented environmental policies.

Urban ecosystem management is not an oxymoron. It can be achieved at various levels by implementing two dominant principles. The first will require cities to confront and celebrate their unique places within ecosystems. This stands in sharp contrast to the patterns of post-war urban development that have resulted in the bland, homogenous cityscapes we know today. Second, cities must acknowledge that the human species dominates their eco-regions and must accordingly make ecosystem management choices that will enhance human health and spirit. Thus, the twin concepts that should guide urban ecosystem management are celebration of place and respect for human well-being. In order to put these concepts into practice city residents, planners, and elected officials need to experience their ecosystems and build upon that experience.

Heather Darden, *Wastewater in the Florida Keys: A Call for Stricter Regulation of Nonpoint Source Pollution*, 16 J. LAND USE & ENVTL. L. 199 (2001).

This article addresses nonpoint source pollution and its detrimental effects on the environment. Through a focus on the devastating problems wastewater has caused in the Florida Keys, the author shows how pollution of this kind, not properly regulated, can have life threatening impacts on our environment. This article describes the current systems used in the Florida Keys, and the downfalls of such systems. Further, this paper also provides an overview of the sources of water pollution and the resources for regulation of such pollution, while also providing recommendations for strengthening these regulatory schemes. As the bulk of current federal regulation of water pollution is aimed at identifiable point sources, the author calls for strengthening of regulation of nonpoint source pollution, in an effort to protect our national waters, particularly those in the Florida Keys region.

Brittany Adams, *From Lucas To Palazzolo: A Case Study of Title Limitations*, 16 J. LAND USE & ENVTL. L. 225 (2001).

This Note examines what state courts and lower federal courts have found to be “background principles” of property and nuisance law that fit into the Lucas exception. The Note examines recent case law that applies the Lucas exception to determine how the law has developed. The Note then explains the facts of *Palazzolo v. Rhode Island* and discusses how the Court should rule on the issues in light of the difficulty the courts have had in applying Lucas. The Note concludes that the Court must consider the importance of the right to own property in America. The Court should take a firm stance to protect property rights—and democracy—by making sure that the government follows the Constitutional mandate to pay just compensation when it regulates property in a way that results in a taking.

Jeanne B. Curtin, *Recent Developments in Land Use And Environmental Law*, 16 J. LAND USE & ENVTL. L. 265 (2001).

This section highlights significant recent developments in federal and state environmental and land use case law. In addition to the sources cited in this section, the reader is encouraged to consult the official website of the Florida Legislature at <www.leg.state.fl.us>, and the website of the Environmental and Land Use Section of the Florida Bar <www.eluls.org>. Other useful sources the reader may wish to consult include the website of the Florida Department of Environmental Protection <www.dep.state.fl.us>, the Environmental Protection Agency's website <www.epa.gov>, and Enviro-Net <www.enviro-net.com> for recent news stories.

Michael Purdue, Book Review, *HALSBURY'S LAWS OF HONG KONG: TOWN PLANNING*, 16 J. LAND USE & ENVTL. L. 285 (2001).

In his thoughtful treatise, Professor Anton Cooray, Professor, School of Law, City University of Hong Kong, examines town planning laws in Hong Kong. This work is the first comprehensive work on Hong Kong planning law and must have involved considerable research. Professor Cooray sets out in considerable detail the main regulatory systems and the many other more specialist regulations that apply such as advertisement and conservation control. The treatment follows the standard Halsbury formula with numbered paragraphs with extensive footnotes. The complex subject matter is set out clearly and logically. The reader is taken gently along in that the main principles are first set out and then there is further elaboration and explanation. Because of the format chosen by the author, the treatment is mainly descriptive and analytic though, as indicated, it does include an evaluation of the system. There are detailed footnotes that reveal the author's expert knowledge of both the United Kingdom and Hong Kong planning law. It is an essential source for anyone who wishes to understand town planning in Hong Kong.

Luke Sherlock, *2001 Recommended Web Sites For Threatened And Endangered Species*, 16 J. LAND USE & ENVTL. L. 291 (2001).

The internet contains a wealth of free information on just about any issue a legal practitioner can come across. Locating the information, though, can be a time consuming and frustrating task. The Journal's annual website review attempts to assist the legal practitioner in taking advantage of the free resources available on the internet when researching environmental and land use law issues. This article is designed to make surfing the net for information more efficient and productive. Past reviews have focused on topics such as Ocean and Coastal law and Wetlands law. This year's review will focus on Endangered Species Web Sites.