

ABSTRACTS

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David L. Callies, *Fred Bosselman and the Taking Issue*, 17 J. LAND USE & ENVTL. L. 3 (2001).

As the first of four tribute pieces to Professor Bosselman, this article is an overview of three works by Professor Fred Bosselman which had a significant impact on the takings issue: *The Quiet Revolution in Land Use Control*, *The Taking Issue*, and A Model Land Development Code. All three had a tremendous influence on land use law as current practitioners know it. The author offers unique insight from the position of one who worked with Professor Bosselman on the first two projects as well as helping Professor Bosselman with the implementation of the Model Code in Florida.

Daniel R. Mandelker, *Fred Bosselman's Legacy to Land Use Reform*, 17 J. LAND USE & ENVTL. L. 11 (2001).

This tribute describes two state-level control techniques that Professor Bosselman pioneered: the regulation of Areas of Critical State Concern and the control of Developments of Regional Impact. The critical area technique has become accepted by state and local governments in land use regulation. The DRI has also gained acceptance, notably in Florida.

Craig A. Peterson, *Twenty-five Years of Taming Tourism*, 17 J. LAND USE & ENVTL. L. 23 (2001).

This tribute discusses Professor Bosselman's contributions to understanding, conceptualizing and managing tourism growth. The author includes a discussion of Professor Bosselman's works: *In the Wake of the Tourist: Managing Special Places in Eight Countries*, and *Managing Tourism Growth: Issues and Applications*. As a co-author of the second work, the author offers a unique insight into the mind of one of the leaders in land use and environmental law.

A. Dan Tarlock, *Fred Bosselman as Participant-Observer Lawyer: The Case of Habitat Conservation Planning*, 17 J. LAND USE & ENVTL. L. 43 (2001).

In the final tribute piece, the author, a colleague and close friend of Professor Bosselman's at Chicago-Kent, shares his insight

into the world of Professor Bosselman as the “Participant-Observer.” Specifically the author discusses Professor Bosselman’s contributions to Habitat Conservation Plans and their implementation in California.

John T. Cardillo, *Recent Developments in Land Use & Environmental Law*, 17 J. LAND USE & ENVTL. L. 183 (2001).

This section highlights recent developments in federal and state environmental and land use case law. The section also summarizes Florida Legislation from the 2001 Legislative session. Readers may also research these topics online at the official website of the Florida Legislature, www.leg.state.fl.us, the Florida Department of Environmental Protection’s website, www.dep.state.fl.us, and the Florida Department of Community Affairs’ website, www.dca.state.fl.us.

Fred Bosselman, *What Lawmakers Can Learn from Large-Scale Ecology*, 17 J. LAND USE & ENVTL. L. 207 (2002).

Professor Fred Bosselman of the Chicago-Kent College of Law specializes in energy, land-use, and environmental law. In his ground-breaking article, *What Lawmakers Can Learn From Large-scale Economy*, Professor Bosselman argues that laws regulating management of natural resources and environmental protection must be amended to incorporate current scientific knowledge. Today, ecological scientists have dramatically expanded their ability to study the natural world in large quantities, both spatially and temporally. Although ecology still gains many insights from analysis of small-scale phenomena, large-scale ecology is beginning to make us realize that ecological systems are more than just the sum of their parts. Current research in large-scale ecology offers interesting lessons that should be useful in fashioning the environmental laws of the twenty-first century. For example, we have learned that if humans can keep their alteration of nature within parameters that ecological systems have experienced in the past, the systems are likely to retain existing ecological functions over broad scales of time and place. The key question is whether scientists can identify the limits beyond which we risk ecological collapse, and whether we can develop laws and policies that will keep us within those limits.

Hoang Dang, *New Power, Few New Lines: A Need for a Federal Solution*, 17 J. LAND USE & ENVTL. L. 333 (2002).

In this article, winner of the *Journal of Land Use & Environmental Law's* Patsy Ford & David Bloodworth Memorial Scholarship, the author discusses the problems facing the electric industry as the chains of monopolistic power and intense regulation are removed and the industry is transformed into a deregulated and competitive market. Looking back at key pieces of federal legislation and regulation, the author maps out the road that was intended to lead to a healthy array of increased competition and significant benefits to consumers but, instead, delivered the industry into a quandary of transmission congestion, safety risks, and negation of consumer savings. The author then discusses the Federal Energy Regulatory Commission's efforts to respond to this problem through the development of regional transmission organizations (RTOs), intended to be responsible for the planning and expansion of transmission lines, and the barriers impeding federal efforts to effectuate positive change through construction and expansion of transmission lines. Next, the author provides the reader with a thorough discussion of proposed solutions to the current state of affairs and recommends a proposal involving a combination of state reform measures and federal preemption. Finally, the author progresses into an analysis of the constitutional implications of her recommended solution under the Commerce Clause and Tenth Amendment and concludes that retention of exclusive control over transmission siting by the states is not in the best interest of an industry having significant national implications and that amendment to federal legislation is both necessary and feasible to solve the electric industry's quandary of transmission congestion, safety risks, and waste of consumer benefits.

Sidney F. Ansbacher & Joe Knetsch, *Negotiating the Maze: Tracing Historical Title Claims in Spanish Land Grants and Swamp and Overflowed Lands Act*, 17 J. LAND USE & ENVTL. L. 357 (2002)

This article discusses the treatment of submerged sovereignty lands transferred to the United States through quitclaim transactions; states acquiring such lands were instructed that they be used to benefit the public interest and, as such, transfer was prohibited unless it would advance such interests. For comparison, the article also traces the acquisition and treatment of those lands which Florida took title to upon statehood as swamp and overflowed lands to be used, conversely, for purposes of internal improvement. To distinguish between the treatment of the lands acquired through

the different methods, the article traces the various state and federal legislative acts enacted to deal with both. The ultimate goal of the authors in this article is to address the difficulty in properly evaluating the validity of public and private claims to submerged sovereignty lands and swamp and overflowed lands that arise as a result of the differing treatments.

John T. Cardillo, *Recommended Web Sites For National and Florida Parks*, 17 J. LAND USE & ENVTL. L. 469 (2002).

Many fond memories are created during vacations. This section provides readers with a brief review of websites for national and Florida parks which will hopefully facilitate memorable journeys. 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 issues. Past reviews include Endangered Species and Ocean and Coastal law.

Kara J. Berlin, *Recent Development in Land Use & Environmental Law*, 17 J. LAND USE & ENVTL. L. 483 (2002).

This section highlights recent developments in federal and state environmental and land use case law. Readers may also research these topics online at the official website of the Florida Legislature, www.leg.state.fl.us, the Florida Department of Environmental Protection's website, www.dep.state.fl.us, and the Florida Department of Community Affairs' website at www.dca.state.fl.us.

Roman Ortega-Cowan, Book Review: WELL GROUNDED: USING LOCAL LAND USE AUTHORITY TO ACHIEVE SMART GROWTH. By John R. Nolon. 17 J. LAND USE & ENVTL. L. 497 (2002).

Professor Nolon presents a large body of interesting and important information in an easily accessible format. Although the focus is primarily on New York land use law, the book serves a dual purpose: New York citizens and officials may use it as a practical guide and students throughout the country may use it to learn of a valuable strategy that may (and arguably should) be employed by all fifty states.