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Dedication

Brian E. Gray¹

Fourteen years ago, three Hastings students—Deanna Spooner, Greg Sarab, and Karen Scanlan—met with me for advice on the creation of a new environmental law review. I repeated what I told other students who had asked over the years why we did not have an environmental journal: “There are more than twenty specialized environmental and natural resources law reviews; Hastings already has five journals, which is probably one too many; I’m not sure there is enough student interest to sustain a new environmental journal; etc.” Although I didn’t turn them away, I certainly did my best to discourage them from spending additional time and energy in trying to launch a new publication. Fortunately for all of us in the field, they were undeterred by my skepticism.

A few weeks later, Karen, Greg, and Deanna came back to my office with a refined plan. They proposed not a conventional law review, but an interdisciplinary journal that would contribute to an integrated understanding of environmental and natural resources policy. The journal would include articles by legal scholars, practicing lawyers, biologists, economists, engineers, historians, hydrologists, land and resource managers, and other professionals. In recognition of the human element in environmental decisionmaking, the journal also would publish articles by journalists, as well as occasional fiction, poetry, and photography. Following my suggestion that they find a niche for their new publication, Deanna, Karen, and Greg also decided to focus on the environmental and natural resources controversies of California, the Pacific Coast, the interior west, and the Pacific Northwest. Thus, *West-Northwest—Hastings’ Journal of Environmental Law and Policy*—was launched in the spring of 1994.

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It was an auspicious beginning. Volume One, Issue One embodied all of the aspirations of the founding editors. Dan Tarlock published an article on the history of water resources development in California that analyzed the influence of these policies on population growth, over-irrigation of agricultural land, loss of wetlands and other habitat, degradation of water quality, endangerment of aquatic and riparian species, and a panoply of other environmental and resource management problems that plague our state to this day. Richard Wahl brought his expertise as an economist with the Bureau of Reclamation to the subject of water transfer policy and the use of market incentives to improve the efficiency of water use and water allocation in California and the West. Two student authors, Robert McFarlane and Deborah Martin, wrote on topics that have been at the forefront of environmental policy for the past two decades—the Klamath River basin water supply and endangered species crisis and the vexing question of water rights, environmental regulation, and takings. I contributed an evaluation of California's recent experience with the emergency drought water bank created in 1991 and 1992 to facilitate the transfer of water from areas of surplus to areas of acute shortage. This article was based on an interdisciplinary study of the 1991 drought water bank that included analyses by economists, scientists, sociologists, and other specialists, sponsored by the University of California's Water Resources Center.² The late Marc Reisner published an updated chapter to his *magnum opus* *Cadillac Desert*.³ Barry Lopez generously offered a new short story, simply (and aptly) titled *Drought*. There was a poem, *Tasting the Land*, by Jerrold Ramsey. And Joseph Sax contributed an eloquent essay on *Community Rights and the Privatization of Water*, which grew out of his testimony before the National Research Council and its investigation of water transfers in the western states.⁴

To state the obvious, despite my best efforts to dissuade them, Deanna, Greg, and Karen had founded a new

2. HAROLD O. CARTER, HENRY J. VAUX & ANN F. SCHEURING, EDs., *SHARING SCARCITY: GAINERS AND LOSERS IN WATER MARKETING* (UNIVERSITY OF CALIFORNIA 1994).

3. MARC REISNER, *CADILLAC DESERT* (VIKING 1986).

4. NATIONAL RESEARCH COUNCIL, *WATER TRANSFERS IN THE WEST* (NATIONAL ACADEMY PRESS 1992).

interdisciplinary journal of unusual relevance, immediate prominence, and enduring significance.

This Anthology is a fitting tribute to the authors and student editors who have both maintained the high standards set by the inaugural issue and expanded the content and coverage of *West-Northwest* to keep pace with the evolving environmental and natural resource management challenges that we have confronted (and, in many cases, created for ourselves) these past fourteen years. Thus, you will find in the pages that follow insightful and sometimes provocative analyses of federal public lands policy; protection and restoration of the Columbia and Snake River salmon; tribal water rights; urban environmentalism and environmental justice; NAFTA, environmental regulation, and property rights; ocean fishing and marine reserves; water pollution and effluent trading schemes; conjunctive management of surface and ground water supplies; and historical retrospectives on several of our most significant environmental laws and controversies.

For subscribers and regular readers of the Journal, the Anthology will serve both as a collection of "greatest hits" and as a reference guide to many of the essential topics in contemporary environmental law and policy. Indeed, the editors have chosen the articles for this special volume not only for their intrinsic qualities, but also because the articles remain relevant to the issues with which we grapple today. For new readers, it is my fervent hope that this collection will be so illuminating and enticing that you will want to read more.

I am proud of the Hastings students who have been such creative and committed stewards of *West-Northwest* during its young life. You have fulfilled the ambitions of the founding editors, and you have put your own marks on the journal. I also am honored that a series of editors has invited me to publish much of my professional writing in *West-Northwest*. You have consistently improved my prose and have always treated me with appropriate respect as the author of my work. I know that my many colleagues who have written for the journal feel the same. And I want to give special thanks to the current editor-in-chief, Matthew Visick, who has brought renewed vitality, collegiality, and professionalism to the journal. This Anthology is Matthew's inspiration.

Finally, I am pleased that the editors have dedicated the Anthology to Joe Sax, both to recognize his distinguished career as an environmental scholar and advocate and to

celebrate his receipt of the Blue Planet Prize. There would not be a field of environmental law as we know it today without the contributions of Professor Sax. Joe has been a mentor, a colleague, and a good friend. It is a privilege to share these pages with him.