CONTENTS

BREAKING THE LOGJAM:
Environmental Reform for the New Congress and Administration

The Breaking the Logjam Project .......................................................... 1

ARTICLES

PANEL I – HOW DID WE GET INTO THE LOGJAM, AND HOW DO WE GET OUT OF IT?

Panel Summary .................................................. Panel Participants: 18
 Lawrence S. Huntington, Chair;
 Philip Sharp, Keynote Speaker;
 E. Donald Elliott; and
 David S. Buente, Jr.

Portage Strategies for Adapting Environmental
Law and Policy During a Logjam Era......................... E. Donald Elliot 24

PANEL II – SETTING PRIORITIES

The Managerial Turn in Environmental Policy..........Cary Coglianese 54

Framing Rules: Breaking the
Information Bottleneck ..............................................Bradley C. Karkkainen 75

Cause or Cure? Cost-Benefit Analysis
and Regulatory Gridlock ................................. Michael A. Livermore 107

Improving the Government’s
Environmental Science ......................... Angus Macbeth & Gary Marchant 134

A Complex(ity) Strategy for
Breaking the Logjam ......................... Beth S. Noveck & David R. Johnson 170
The Logjam: Are Our Environmental Laws Failing Us or Are We Failing Them? ........................................................... Peter Lehner 194

PANEL III – CLIMATE CHANGE, U.S. DOMESTIC REGULATION, AND THE FUTURE OF THE CAR

Radiative Forcing: Climate Policy to Break the Logjam in Environmental Law.................................Jonathan B. Wiener 210

Adapting Environmental Law to Global Warming Controls ......................................................... William F. Pederson 256

Air Pollution: Building on the Successes ...........David Schoenbrod, Joel Schwartz & Ross Sandler 284

The Next Generation of Mobile Source Regulation ........................................................................ Andrew P. Morriss 325

PANEL IV – PROTECTING ECOSYSTEMS ON LAND


A New Land Initiative in Nevada .........................Kai S. Anderson & Deborah Paulus-Jagrič 398

Agriculture and Ecosystem Services: Strategies for State and Local Governments..........................J.B. Ruhl 424

Ecosystem Services & Natural Capital: Reconceiving Environmental Management ....................Barton H. Thompson, Jr. 460

Rethinking the ESA To Reflect Human Dominion Over Nature...............................................Katrina M. Wyman 490

PANEL V – URBAN ISSUES

The Implications of the Breaking the Logjam Project for Smart Growth and Urban Land Use.............. Harry W. Richardson & Peter Gordon 529

Salmon Protection in the Pacific Northwest: Can It Succeed? ......................................................... Chang-Hee Christine Bae 559

PANEL VI – PROTECTING AQUATIC ECOSYSTEMS

A Bargain for Clean Water .................................................. Jonathan Cannon 608

Establishing Markets for Ecological Services: Beyond Water Quality to a Complete Portfolio ................. G. Tracy Mehan III 638

Ocean Zoning and Spatial Access Privileges:
Rewriting the Tragedy of the Regulated Ocean ....................... Joshua Eagle, James N. Sanchirico & Barton H. Thompson Jr. 646

The Federal Role in Water Resource Management .................. James L. Huffman 669

PANEL VII – MANAGING WASTE

Waste in the 21st Century: A Framework for Wiser Management .................. Kate Adams & Brian D. Israel 703

Reforming Our Wasteful Hazardous Waste Policy ..................... Jonathan H. Adler 724

The Temporal Dimension of Land Pollution: Another Perspective on Applying the Breaking the Logjam Principles to Waste Management ........................................... John S. Applegate 757

U.S. Nuclear Waste Law and Policy:
Fixing a Bankrupt System .................................................. Richard B. Stewart 783

PANEL VIII – CHANGE GOING FORWARD: INSTITUTIONS AND POLITICS

Panel Summary ........................................................................ Panel Participants: Leslie Carothers, Chair;
Richard Lazarus
Felicia Marcus
Paul Portney
Marcia Bystryn

Breaking the Environmental Law Logjam:
The International Dimension .............................................. Daniel C. Esty 836
STUDENT ARTICLES

Mandatory Corporate Greenhouse Gas Emissions Disclosure to Encourage Corporate Self-Regulation of Emissions Reduction.........Soo-Yeun Lim 854

A New Standard: Finding a Way to Go Beyond Organic ..............................................Kimberly Ong 883

Has Congress Made It Harder to Save the Fish? An Analysis of the Limited Access Privilege Program (LAPP) Provisions of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 ........................................Peter Schikler 908

The Role of U.S. Agriculture in a Comprehensive Greenhouse Gas Emissions Trading Scheme ........ Nick Smallwood 936

Creating Safe and Effective Carbon Sequestration ................. Sumit Som 961

From the States Up: Building a National Renewable Energy Policy ......................................Shelley Welton 987

Fire and Federalism: A Forest Fire Is Always an Emergency .......................................Lauren Wishnie 1006

SYMPOSIUM AGENDA.................................................................................................. 1047