

National Agricultural Law Center

University of Arkansas · System Division of Agriculture

NatAgLaw@uark.edu · (479-575-7646) · www.NationalAgLawCenter.org

Agricultural Law Bibliography Updates by Drew L. Kershen

First Quarter 2019

Administrative Law

Tuel, <u>Levee Vegetation Management in California</u>: An Overview of Law, <u>Policy and Science</u>, and <u>Recommendations for Addressing Vegetation Management Challenges</u>, 41 ENVIRONS: ENVTL. L.& Pol'y 369-575 (2018).

Note, An Investigation into the Potential Impact of Carve-Outs for Ranching and Farming Protections through State Constitutional Amendments, 81 ALB. L. REV. 1417-1469 (2017-2018).

Animals — **Animal Rights**

Rubin, Desmond's Law: A Novel Approach to Animal Advocacy, 24 ANIMAL LAW 243-275 (2018).

Fromherz & Sommermeyer [Sea Shepherd Legal], The Endangered Species Act as Applied to Captive Animals: Sea Shepherd Legal's Amicus Brief in *PETA v. Miami Seaquarium*, 24 ANIMAL LAW 277-

301 (2018).

Rally, Baur & McFeeley, Looking Behind the Curtain: Achieving Disclosure of Medical and Scientific Information for Cetaceans in Captivity through Voluntary Compliance and Federal Enforcement, 24 ANIMAL LAW 303-372 (2018).

Note, Justice for All? The Shortcomings and Potentials of the Capabilities Approach for Protecting Animals, 24 ANIMAL LAW 425-456 (2018).

Note, The Wages of Blood, 24 ANIMAL LAW 457-477 (2018).

Comment, Finding Transparency in a "Blackout": The USDA's Removal of Animal Welfare Records from its Public Database, 50 UNIV. PACIFIC L. REV. 103-126 (2018).

Note, Let It Burn: An Argument for an Adaptive Resilience Approach to Federal Wildfire Management in the Western United States, 30 GEORGETOWN ENVTL. L. REV. 695-712 (2018).

Aquaculture

Book Note, Eating the Ocean by Elspeth Probyn, 58 NATL. RESOURCES J. 417-418 (2018).

Wyman, Unilateral Steps to End High Seas Fishing, 6 TEX. A&M L. REV. 259-296 (2018).

Biotechnology

Monast, Editing Nature: Reconceptualizing Biotechnology Governance, 59 B.C. L. REV. 2377-2436 (2018).

Green, House Special is Genetically Modified Corn Chowder: The Spread of Genetically Modified Organisms throughout our Food System, 48 TEX. ENVTL. L. J. 199-216 (2018).

Montenegro de Wit, Gene Driving the Farm: Who Decides, Who Owns, and Who Benefits? Agroecology and Food Systems, J. AGROECOLOGY & SUSTAINABLE FOOD SYSTEMS (2009)

Energy Issues

Wenzlau, Renewable Energy Subsidies and the WTO, 41 ENVIRONS: ENVTL. L. & POL'Y J. 339-367 (2018).

Beresky, From Fracking to the FERC to Finland: An Overview of the Regulatory and Market Factors Impacting the Export of Liquefied Natural Gas, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 133-148 (2017-2018).

Note, Nuclear Energy: Kentucky's New Coal? 10 KY. J. EQUINE, AGRI., & NAT. RESOURSES L. 177-198 (2017-2018).

Environmental Issues

Tuel, Levee Vegetation Management in California: An Overview of Law, Policy and Science, and Recommendations for Addressing Vegetation Management Challenges, 41 ENVORPMS" EMVTL. & POL'Y J. 369-575(2018).

Liben & Tortorice, Act 13 and the Environmental Rights Amendment, 10 KY. EQUINE, AGRI., & NAT. RESOURCES L. 149-176 (2017-2018).

Morgera, Dawn of a New Day? The Evolving Relationship between the Convention on Biological Diversity and International Human Rights Law, 53 WAKE FOREST L. REV. 691-712 (2018).

Comment, Goodbye, Stream Protection Rule: The Choice between Protecting the Coal Industry or Natural Resources, 53 WAKE FOREST L. REV. 767-786 (2018).

Note, Connecticut's Food Waste Problem: Innovation, Anaerobic Digestion, and the Dormant Commerce Clause, 50 CONN. L. REV. 819-847 (2018).

Schaefer, The Standing of Nature: The Delineated Natural Ecosystem Proxy, 9 GEO. WASH. J. ENERGY & ENVTL. L. 70-86 (2018).

MacCarrick & Maogoto, The Significance of the International Monsanto Tribunal's Findings with Respect to the Nascent Crime of Ecocide, 48 TEX. ENVTL. L. J. 217-237 (2018).

Morath, Regulating Food Waste, 48 TEX. ENVTL. L. J. 239-275 (2018).

Food and Drug Law

Lovvorn, Clean Food: The Next Clean Energy Revolution. 36 YALE L. & POL'Y REV. 283-314 (2018).

Fink, Galperin & student Schluntz, Food Localization: Empowering Community Food Systems through the Farm Bill, 14 J. FOOD L. & POL'Y 181-270 (2018).

Note, The National Bioengineered Food Disclosure Standard: a Solution to the GMO Labeling Political Debate? UNIV. ILL. J. LAW, TECH. & POL'Y 457-480 (2018).

Meyer, The Crazy Maze of Food Labeling and Food Claims Laws, 92 ST. JOHN'S L. REV. 233-282 (2018).

Hunger and Food Security Issues

Ramsey, Community Orchards and Food Security in Appalachia, 120 W. VA. L. REV. 1063-1087

(2018).

Negowetti, The SNAP Sugar-sweetened Beverage Debate: Restricting Purchases to Improve Health Outcomes of Low-income Americans, 14 J. FOOD L. & POL'Y 83-110 (2018).

Dunyak, The End of the Ramen Diet: Higher Education Students and SNAP Benefits, 14 J. FOOD L. & POL'Y 154-180 (2018).

Tai, Food Sustainability in the Age of Complex, Global Supply Chains, 71 ARK. L. REV. 465-480 (2018).

Hunting, Recreation and Wildlife

Long, The Lacey Act and Civil Forfeiture: Can the Government Sell Forfeited Wildlife and Plants? 31 GOR. ENVTL. L. REV. 65-85 (2018).

Note, Canis Rufus: How the U.S. Fish and Wildlife Service is Failing the Red Wolf, 10 KY. J. EQUINE, AGRI., & NAT. RESOURCES L. 199-217 (2017-2018).

Land Reform

Meadows, Who Owns North Carolina? Econometric, Geospatial, and Interview Analyses of Land in Appalachian North Carolina for Land Policy Reform in the Appalachians: A Research Design and Findings to Date, 120 W. VA. L. REV. 1089-1106 (2018).

Land Use Regulation

Comment, Collaborative Management as a Mechanism for Incentivizing Private Landowners and Protecting Endangered Species, 6 TEX. A&M L. REV. 297-322 (2018).

Note, Conflicts in Groundwater and Mineral Estates in Texas, 48 TEX. ENVTL. L. J. 299-311 (2018).

Leases, Landlord-Tenant

Note, Wind Advisory: Navigating Wind Lease Negotiations and Ethics, 48 TEX. ENVTL. L. J 277-297(2018).

Livestock and Packers & Stockyards

Michaels, Three Alternatives for Managing Free-roaming Horses and Burros: A Legal Reform, 58 NAT. RESOURCES J. 365-416 (2018).

Comment, "From Frisbees to Flatulence": Regulating Greenhouse Gases from Concentrated Animal Feeding Operations under the Clean Air Act, 48 ENVTL. L 891-913 (2018).

Pesticides, Herbicides, Insecticides, Fungicides, Fertilizers

Knox, Sowing the Seeds of Controversy: What the Dicamba Debacle Reveals about the Modem Pesticide Registration Process and Why the EPA Must Act, 48 ENVTL. L. 835-843 (2018).

Public Lands

McElfish Jr., Developments in Standing for Public Lands and Natural Resources Litigation, 48 ENVTL. L. REP. NEWS & ANALYSIS 11098-11122 (2018).

Casenote, Mining for Answers: The Supreme Court of California Addresses the State's Ability to Exercise Its Police Powers on Federal Land in *People v. Rinehart*, 29 VILL. ENVTL. L. J. 283-307 (2018).

Rural Development

Martin & Powell, Parallel Worlds: Comparing Rural Development to Development in Global Communities, 120 W. VA. L. REV. 1107-1134 (2018).

Sustainable and Organic Farming

Damewood, Strengthening the National Organic Program with State Organic Programs, 14 J. FOOD L. & POL'Y 111-153 (2018).

Water Rights: Agriculturally Related

Woody, The Regulatory Framework of Produced Water in New Mexico and why N.M. Stat. Ann. §72-12-25(B)(1) (2009) Should Be Amended, 58 NAT. RESOURCES J. 223-245 (2018).

Wilhere & Quinn, How Wide is Wide Enough? Science, Values, and Law in Riparian Habitat Conservatio, 58 NAT. RESOURCES J. 279-318 (2018).

Anderson, Indigenous Rights to Water & Environmental Protection, 53 HARV. C.R.-C.L. L. REV. 337-379 (2018).

Craig, Drought and Public Necessity: Can a Common-law "Stick" Increase Flexibility in Western Water Law? 6 TEX. A&M L. REV. 77-105 (2018).

Note, In Good Times and in Bad: An International Water Law Analysis of Minute 323, 31 GEO. ENVTL. L. REV. 157- 182 (2018).