

This Supreme Court Term features a number of environmental cases. We're now about three-quarters of the way through the Term, so I thought it might be helpful to update my earlier post about the Court's environmental agenda. I've also added links to postings about the cases. My impression is that the Court is interested in environmental law to the extent that it seems to impinge on the rights of individual property owners. But the Court doesn't seem take much of an interest in risk regulation or air pollution, despite their importance for the economy and for public health. Anyway, here's the list:

Case Name	Issue
Arkansas Game & Fish Comm'n v. U.S.	Takings clause - recurrent flooding, held to be potentially a taking.
Decker v. Northwest Env. Def. Center , Georgia-Pacific West v. Northwest Env. Def. Center	Clean Water Act, review of permitting rules, logging roads as point sources
LA County Flood Dist. v. NRDC	Water movement within same waterway is not a point source under the Clean Water Act
Koontz v. St. John River Management Dist.	Takings and permit conditions

There are also two cases dealing with air and water, but not with environmental statutes. [American Trucking Associations, Inc. v. City of Los Angeles](#) addresses the preemptive scope of the Federal Aviation Administration Authorization Act (FAAAA), in the context of efforts to control air pollution from port activities in [L.A. Tarrant Regional Water District v. Herrmann](#) is a water law case that could turn out to have significant things to say about the relationship between federal law and state water law.

Some non-environmental cases with possible relevance to environmental issues:

Clapper v. Amnesty Int'l	Standing
Cable, Telecom, and Tech. v. FCC	<i>Chevron</i> doctrine
Mutual Pharm Co. v. Bartlett	Preemption