

4-24-2015

Front Matter

Boston College Environmental Affairs Law Review

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/ealr>

Recommended Citation

Boston College Environmental Affairs Law Review, *Front Matter*, 42 B.C. Env'tl. Aff. L. Rev. (2015), <http://lawdigitalcommons.bc.edu/ealr/vol42/iss2/1>

This Front Matter is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Environmental Affairs Law Review by an authorized editor of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.

**Boston College
Environmental Affairs
Law Review**

Volume 42, Number 2,
2015

A Journal of Law, Science, and Policy

Published by

BOSTON COLLEGE LAW SCHOOL

Newton Centre, Massachusetts 02459

Cite this review as B.C. Env'tl. Aff. L. Rev.

The *Boston College Environmental Affairs Law Review* (ISSN 0190-7034) is a journal of law, science, and policy published by Boston College Law School. Email address: ea1r@bc.edu.

Subscription Price: \$35.00 per year

Single Issue: \$10.00

Address all correspondence to Boston College Environmental Affairs Law Review, 885 Centre Street, Newton Centre, Massachusetts 02459.

BOARD OF ADVISORS

Professor Edward A. Fitzgerald, *Wright State University*
Alex Hanafi, *Environmental Defense Fund*
Anne Kelly, *Ceres*
Gregor I. McGregor, *McGregor & Associates, P.C.*
Professor Zygmunt J.B. Plater, *Boston College Law School*
Professor Arnold W. Reitze, Jr., *The George Washington University Law School*
John Richard, *Essential Information*
Mary K. Ryan, *Nutter McClennen & Fish LLP*
Associate Dean Melissa Scanlan, *Vermont Law School*

EDITOR IN CHIEF EMERITUS

Amal Bala

Claims for missing issues will be honored for one year from the date of publication only. Issues from the current and previous years' volumes are available upon request. Back issues of volumes 1–39 of *Boston College Environmental Affairs Law Review* may be obtained from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209–1987, (716) 882–2600. (Back issues in electronic format are available at HeinOnLine <http://heinonline.org/>). Please direct requests for issues from volume 40 onward to Sheridan Press, 450 Fame Avenue, Hanover, PA 17331, (717) 632–3535.

Address changes should be sent at least 45 days before the date of the issue with which it is to take effect. The post office will not forward copies unless subscribers provide extra postage. Direct subscription queries, claims, and address changes to:

Boston College Environmental Affairs Law Review
P.O. Box 465
Hanover, PA 17331
(717) 632–3535 (ask for Subscriber Services)
Fax: (717) 633–8920
Email: pubsvc.tsp@sheridan.com

Boston College Environmental Affairs Law Review

2014–2015

BOARD OF EDITORS

Cory J. Lewis
Editor in Chief

Kellie Fisher
Managing Editor

Colleen Maker
Managing Editor

Michael Tierney
Managing Editor

Benjamin Hanna
Executive Articles Editor

Katherine B. Puccio
Executive Articles Editor

Natalia Cabrera
Executive Articles & Comments Editor

Benjamin Reilly
Executive Notes Editor

Senior Articles Editors

Cadesby Cooper
Alejandra C. Salinas

Senior Notes Editors

David Iannella
Rebecca M. Mitchell

Israel Piedra
Christopher Warren

REVIEW STAFF

Devon Applegate
Andrew Bartholomew
Brian Bieschke
Sarah Gordon
Marisa Kaley

Bradley “Joe” Lance
Hwi “Harold” Lee
Andrew Messer
Elle Metzger
Erica Novack

Matthew Renick
Kathryn Scherpf
Samuel Worth
Timothy Wright

Nick Szydowski
Webmaster

John Gordon
Director of Law Review Publications

Joan Shear
Library Liaison

Zygmunt J.B. Plater
Faculty Advisor

BOSTON COLLEGE LAW SCHOOL

ADMINISTRATION

WILLIAM P. LEAHY, S.J., B.A., M.A., M.Div., S.T.L., Ph.D., *President*
MICHAEL J. LOCHHEAD, B.S., M.B.A., *Executive Vice President*
DAVID QUIGLEY, M.A., Ph.D., *Provost, Dean of Faculties*
VINCENT D. ROUGEAU, A.B., J.D., *Dean*
MARIS ABBENE, B.A., J.D., *Associate Dean for Academic, Career & Student Services*
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S., J.D., *Associate Dean for Library & Computing Services,*
Professor of Law
JESSICA CASHDAN, B.A., M.A., *Executive Director of Advancement & Associate Dean*
JOSEPH P. LIU, B.A., J.D., LL.M., *Associate Dean for Faculty, Professor of Law*
JOHN P. STACHNIEWICZ, A.B., M.A., *Associate Dean for Finance & Administration*
PAUL R. TREMBLAY, B.A., J.D., *Associate Dean of Experiential Learning, Clinical Professor of Law*
TRACEY WEST, B.A., J.D., *Associate Dean for External Relations, Diversity & Inclusion*
HEATHER HAYES, B.A., J.D., *Assistant Dean for Career Services*
RITA C. SIMPSON, B.A., *Assistant Dean for Admissions & Financial Aid*
FREDERICK M. ENMAN, S.J., B.A., J.D., *Special Assistant to the Dean for Students*
JOHN A. GORDON, B.S., J.D., *Director of Law Review Publications*
JOAN MANNA, B.A., M.A., *Operations Manager*

FULL-TIME FACULTY

RICHARD ALBERT, B.A., B.C.L., J.D., LL.M.,
Assistant Professor of Law
ALEXIS ANDERSON, B.A., M.A., J.D., *Associate*
Clinical Professor of Law
FILIPPA MARULLO ANZALONE, A.B., M.S.L.S.,
J.D., *Professor of Law*
PAULO BARROZO, LL.B., M.Jur., Ph.D., LL.M.,
S.J.D., *Assistant Professor of Law*
SHARON BECKMAN, A.B., J.D., *Associate*
Clinical Professor of Law
MARY SARAH BILDEK, B.A., A.M., J.D., Ph.D.,
Professor of Law
ROBERT M. BLOOM, B.S., J.D., *Professor of Law*
E. JOAN BLUM, A.B., J.D., *Associate Professor of*
Legal Reasoning, Research & Writing
MARK S. BRODIN, B.A., J.D., *Professor of Law*
GEORGE D. BROWN, A.B., J.D., *Robert Drinan,*
S.J. Professor of Law
R. MICHAEL CASSIDY, B.A., J.D., *Professor of*
Law
MARY ANN CHIRBA, B.A., M.P.H., Sc.D., J.D.,
Professor of Legal Reasoning, Research &
Writing
DANIEL R. COQUILLETTE, A.B., B.A., M.A.,
J.D., *J. Donald Monan, S.J. Professor of Law*
SCOTT T. FITZGIBBON, B.A., J.D., B.C.L.,
Professor of Law
BRIAN GALLE, A.B., J.D., LL.M., *Associate*
Professor of Law
FRANK J. GARCIA, B.A., J.D., *Professor and*
Associate Dean of Global Initiatives
JANE K. GIONFRIDDO, B.A., J.D., *Professor and*
Director of Legal Reasoning, Research &
Writing
KENT GREENFIELD, A.B., J.D., *Professor of Law*
DEAN M. HASHIMOTO, A.B., M.S., M.P.H., M.D.,
J.D., *Associate Professor of Law*
FRANK R. HERRMANN, S.J., A.B., M.Div., J.D.,
Associate Professor of Law
INGRID M. HILLINGER, A.B., J.D., *Professor of*
Law
MARY HOLPER, B.A., J.D., *Associate Clinical*
Professor; Director, Immigration Clinic
KARI E. HONG, A.B., J.D., *Assistant Professor of*
Law
RENEE M. JONES, A.B., J.D., *Professor of Law*
GREGORY A. KALSCHUR, S.J., B.A., J.D.,
LL.M., M. Div., S.T.L., *Associate Professor of*
Law
DANIEL KANSTROOM, B.A., J.D., LL.M.,
Director, International Human Rights Program,
Professor of Law
SANFORD N. KATZ, A.B., J.D., *Professor of Law*
M. CATHELEN KAVENY, A.B., M.A., J.D., P.Phil.,
Ph.D., *Darald & Juliet Libby Professor of Law*
ELISABETH KELLER, B.A., M.A., J.D., *Associate*
Professor of Legal Reasoning, Research &
Writing
THOMAS C. KOHLER, B.A., J.D., LL.M., *Director,*
Law & Religion Programs, Professor of Law
JOSEPH P. LIU, B.A., J.D., LL.M., *Professor of Law*
DANIEL LYONS, A.B., J.D., *Associate Professor of*
Law
PATRICIA A. McCOY, B.A., J.D., *Liberty Mutual*
Insurance Professor of Law
RAY D. MADOFF, A.B., J.D., LL.M., *Professor of*
Law
JUDITH A. McMORROW, B.A./B.S., J.D.,
Professor of Law
ALAN D. MINUSKIN, B.A., J.D., *Associate*
Clinical Professor of Law
DAVID OLSON, B.A., J.D., *Associate Professor of*
Law
MARY-ROSE PAPANDREA, B.A., J.D., *Professor*
of Law
VLAD PERJU, LL.B., LL.M., S.J.D., *Associate*
Professor of Law
ZYG MUNT J.B. PLATER, B.A., J.D., LL.M.,
S.J.D., *Professor of Law*
BRIAN J.M. QUINN, B.S.F.S., M.P.P., J.D., M.L.S.,
Associate Professor of Law
JAMES R. REPETTI, A.B., M.B.A., J.D., *William J.*
Kenealy, S.J. Professor of Law
DIANE RING, A.B., J.D., *Professor of Law*
JAMES STEVEN ROGERS, A.B., J.D., *Professor of*
Law
EVANGELINE SARDA, B.A., J.D., *Associate*
Clinical Professor of Law
FRANCINE SHERMAN, B.A., J.D., *Associate*
Clinical Professor, Director, Juvenile Rights
Advocacy Project
NATALYA SHNITSER, B.A., M.A., J.D., *David &*
Pamela Donohue Assistant Professor of Law
MARK SPIEGEL, A.B., J.D., *Professor of Law*
JUDITH B. TRACY, B.A., J.D., *Associate Professor*
of Legal Reasoning, Research & Writing
PAUL R. TREMBLAY, B.A., J.D., *Associate Dean of*
Experiential Learning, Clinical Professor of
Law
CATHARINE WELLS, B.A., M.A., Ph.D., J.D.,
Professor of Law
DAVID A. WIRTH, A.B., A.M., J.D., *Professor of*
Law
NORAH WYLLIE, B.A., M.A., J.D., *Visiting*
Assistant Professor of Legal Reasoning,
Research & Writing
ALFRED C. YEN, B.S., M.S., J.D., *Director,*
Emerging Enterprises & Business Law
Programs, Professor of Law
KATHARINE G. YOUNG, B.A., LL.B., S.J.D.,
LL.M., *Associate Professor of Law*

Boston College Environmental Affairs Law Review

Volume 42

Number 2

Articles

- SUBVERTING CONGRESS' INTENT: THE RECENT
MISAPPLICATION OF SECTION 10 OF THE ENDANGERED
SPECIES ACT AND ITS CONSEQUENT IMPACTS ON
SENSITIVE WILDLIFE AND HABITAT
William S. Eubanks II 259
- STANDING UP FOR INDUSTRY STANDING IN
ENVIRONMENTAL REGULATORY CHALLENGES
Charles H. Haake & Raymond B. Ludwiszewski 305
- BRINGING SOUTHERN BLUEFIN TUNA BACK FROM THE
BRINK: ENHANCING UNDERSTANDING OF THE SCIENTIFIC
PROCESS IN THE WESTERN AND CENTRAL PACIFIC
FISHERIES COMMISSION
Chris Wold, Emi Kondo & Erika Hamilton 347

Notes

- Rule 10b-5 at the Intersection of Greenwash and Green Investment: The
Problem of Economic Loss
Cadesby B. Cooper 405
- Iceberg Harvesting: Suggesting a Federal Regulatory Regime for a New
Freshwater Source
Cory J. Lewis 439
- Strict Liability in Cycling Laws to Ready the Roads for Environmentally
Friendly Commuting
Colleen Maker 473
- People of the Outside: The Environmental Impact of Federal Recognition
of American Indian Nations
Rebecca M. Mitchell 507
- Free Riders on the Firestorm: How Shifting the Costs of Wildfire
Management to Residents of the Wildland-Urban Interface Will Benefit
Our Public Forests
Benjamin Reilly 541

Comments

Staged CERCLA Remediation vs. Biogeochemical Cycling: How the Seventh Circuit Compartmentalized the Environment in <i>Frey v. EPA</i> , and Why Polychlorinated Biphenyls Don't Care <i>Joe Lance</i>	577
Bucking <i>White Stallion</i> : Why EPA Should Have Prohibited Cost Considerations from Clean Air Act EGU Regulatory Designations and Why the D.C. Circuit Would Have Upheld It <i>Samuel Worth</i>	593

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by nonprofit educational institutions, so long as copies are distributed at or below cost and provided that the author and journal are identified and that proper notice of copyright is affixed to each copy.