

2015 NINTH CIRCUIT  
ENVIRONMENTAL REVIEW

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2015 NINTH CIRCUIT ENVIRONMENTAL REVIEW

*Editor*

NORA COON

*Members*

DASHIELL FAREWELL

DMITRIY GOLOSINSKIY

DYLAN HALLMAN

RYAN ICHINAGA

ELIZABETH KUHN

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## NINTH CIRCUIT REVIEW EDITOR'S NOTE

It is my privilege to present the 2015–2016 Ninth Circuit Review. This review contains twenty-four summaries of Ninth Circuit Court of Appeals decisions on environmental and natural resources topics issued between May and December 2015. The review also includes two chapters authored by Ninth Circuit Review members. Both chapters closely examine issues raised by the summarized opinions.

In the first chapter, Dashiell Farewell explores the Ninth Circuit's approach to critical habitat designation under the Endangered Species Act through the lens of *Bear Valley Mutual Water Co. v. Jewell* and *Building Industry Ass'n of the Bay Area v. U.S. Department of Commerce*. He examines the court's refusal to impose unnecessary procedural barriers that would exceed those required by the text of the Endangered Species Act. Based on environmental policy considerations and the statutory language, he argues that the court should encourage efficient critical habitat designation. Ultimately, he concludes that courts have a meaningful role to play in promoting critical habitat designation.

In the second chapter, Ryan Ichinaga uses *Chinatown Neighborhood Ass'n v. Harris* to examine the tensions in state and federal efforts to conserve sharks. Walking through the history of state and federal fishery management, including the Magnuson-Stevens Act, he identifies the unique difficulties of regulating shark fisheries to slow the precipitous decline in shark populations. After exploring the Ninth Circuit's preemption analysis, he argues that the Ninth Circuit correctly concluded that the Magnuson-Stevens Act does not preempt California's state shark fin ban.

The Ninth Circuit Review consists of five Environmental Law members. Each member is responsible for writing and editing complex summaries in addition to regular source-checking duties. This year's members displayed careful attention to detail and passion for writing and editing. The format and scope of these summaries is intended to provide readers with an overview of each case to allow further investigation into those cases that may prove useful. This journal remains committed to chronicling how the Ninth Circuit addresses the dynamic and ever-important environmental and natural resource issues.

NORA COON  
2015–2016 NINTH CIRCUIT REVIEW EDITOR