ENDNOTES


2 Id. (explaining the unreliability of heritage site preservation).

3 See id. at 1150 (explaining that historically it was not customary to protect or preserve old buildings and religious structures).

4 See id. at 1143 (indicating that interest in preserving heritage sites is a newer idea); see also Loes Velpaus, Ana Pereira Roders & Johann J Swart, *Assessing Amsterdam’s Heritage Management Framework* (IAAI 13 Conference Proceedings: Impact Assessment the Next Generation, 2013) 1, https://www.researchgate.net/publication/260124393_Assessing_Amsterdam’s_heritage_management_framework (explaining the difficulties in balancing conservation of World Heritage sites within a continuously changing urban context).

5 See Sax, supra note 1, at 1154-55 (revealing the government’s struggle in deciding whether to favor preservation or destruction of art and historical artifacts as well as Grégoire’s new propositions regarding the value of preservation).

6 See id. at 1152-53 (explaining the people’s desire to move away from many values held before the revolution and interest in using items from that time to fund new government entities).

7 Id. at 1152 (revealing the increased value the public came to see in cultural artifacts under Grégoire’s leadership).

8 Id. (explaining the new Monuments Commission and its duty of preservation).


10 Id.


12 Id.

13 Id.


17 Alberts & Hazen, supra note 14, at 59.

18 Id. at 58.


20 Id.

21 Hereinafter Sustainable Development Goals, supra note 19.


25 UNESCO, supra note 23 at 1.

26 Id.


28 Loes Velpaus, Ana R. Pereira Roders & Bernard J.F. Colenbrander, *Urban Heritage: Putting the Past into the Future*, 4 HIST. ENV’T 3, 9 (2013) (“Amsterdam is truly a historic urban landscape . . . . [the management plan also includes the historic urban landscape approach.”).


31 G.A. Res. 71/256, supra note at 29.

32 Id.


37 Id.

38 Perhaps ironically, “Yetikapı” translates to “New Gate.”


40 Id.


42 Pun not intended.

43 See Ömer Erbil, *Ruins from Neolithic age found in Istanbul*, HURRIYET DAILY NEWS (Jan. 11, 2013, 01:00 AM), https://www.hurriyetdailynews.com/ruins-from-neolithic-age-found-in-istanbul-38775 (according to Culture and Tourism Provincial Manager Emre Bilgili, the discovery of the excavations was a “cause for great joy,” and that a new museum was required for the Neolithic period discoveries).

44 Berlinski, supra note 38.

45 Marmaray and metro archaeological findings may take Istanbul’s history back 6,500 years, HURRIYET DAILY NEWS (Dec. 2, 2013, 01:00 AM), https://www.hurriyetdailynews.com/marmaray-and-metro-archaeological-findings-may-take-istanbuls-history-back-6500-years-58813.

46 See Zeynep Gunay, *Conservation versus Regeneration?: Case of European Capital of Culture 2010 Istanbul*, Eur. Plan. Stud., 1173,1174, 1184 (2010) (concluding that “[i]n a world marked by globalization, cultural heritage has become one of the most powerful instruments for gaining a competitive advantage through harnessing the distinctiveness of cities, and it has helped in generating social and economic discourses leading to new dynamics of regeneration for the last two decades. However, as we can see in Istanbul case, the problem is due to the creation of a balance between conservation of the values of cultural heritage among market-driven regeneration activities.”).

47 Id. at 1174.

48 Id.


50 Id. (detailing examples of how many Istanbulites were horrified by the restorations).

51 Id.

52 History by Year, *Institute of Nautical Archaeology*, https://nauticalarch.org/history/ (last visited Apr. 20, 2022) (describing the creation of the center in Bodrum in 1978).
Amsterdam has been collapsing for years. Now it’s...
Id (“A ‘Normal Condition’ exists when the Secretary determines that sufficient mainstream water is available to satisfy 7.5 million acre-feet (maf) of annual consumptive use in the Lower Division states . . . .”).

Id. at 19,887 (stating that contractors can only receive annual amounts up to: 400,000 acre-feet for California contractors; 125,000 acre-feet for Nevada contractors; and 100,000 acre-feet for Arizona contractors).


Id.

75 Utah Code Ann. § 73-3-1 (West 2021).

76 Utah Code Ann. § 73-3-1(5)(a) (West 2021) (“Between appropriators, the one first in time is first in rights.”).

77 Id. § 73-1-3 (West 2021) (“Beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state.”).

78 See generally Janet C. Neuman, Beneficial Use, Waste, and Forfeiture: The Inefficient Search for Efficiency in Western Water Use, 28 ENVTL. L. 919, 961 (1998) (“[A]ssociate water users, [administrative water] agencies play a largely passive role. They do not seek out wasteful practices for active enforcement. Occasionally, particularly egregious practices may be routed out, such as continually running sprinklers over roads or refusing to install floatmeters to insure pump shut-off when a certain amount of water has been diverted. However, these practices usually come to an agency’s attention by way of complaint rather than through their own investigations. Agencies simply do not actively seek to define and enforce against waste or inefficient water use.”).


80 Id.

81 Utah Code Ann. § 73-3-3(5) (“A person entitled to the use of water may make a change to an existing right to use water” if certain conditions are met). The State Engineer directs the Utah Division of Water Rights, a state agency which administers the use and allocation of the state’s water resources.

82 See id. (“A person entitled to the use of water may make a change to an existing right to use water if [f] the state engineer approves the change—application, consistent with Section 73-3-8.”). See Utah Code Ann. § 73-3-8 (“It shall be the duty of the state engineer to approve an application if there is reason to believe that . . . the proposed use will not impair existing rights or interfere with the more beneficial use of the water.”).

83 Id. § 73-1-4(2)(a) (“W hen an appropriator or the appropriator’s successor in interest abandons or ceases to beneficially use all or a portion of a water right for a period of at least seven years, the water right or the unused portion of that water right is subject to forfeiture. . . .”). Additionally, water rights holders can forfeit portions of their appropriative rights. Delta Canal Co. v. Frank Vincent Family Ranch, L.C., 2013 UT 69 ¶ 28 (“We hold that the successor in interest abandons or ceases to beneficially use all or a portion of a water right [if] . . . the state engineer approves the change—application, consistent with Section 73-3-8.”).


85 See id. § 5.


87 Arizona v. California, 547 U.S. 150, 156 (2006) (consolidated decree) (emphasis added) (excluding reserved rights holders along the Lower Colorado River from the Section 5 contract requirement).

88 373 U.S. 546, 586 (1963) (“It is the [Boulder Canyon Project Act and the Secretary’s contracts, not the law of prior appropriation, that control the apportionment of [Colorado River mainstem] water among the [Lower Basin] States. Moreover . . . we hold that the Secretary in choosing between users within each State and in settling the terms of his contracts is not bound by these sections to follow state law.”).

89 See Reed D. Benson, Whose Water is it? Public Water Rights and Public Authority Over Reclamation Project Water, 16 VA. Envt'l. L. J. 363, 397–98 (1997) (“[U]sers without [Reclamation] contracts have no right to receive project water, even if they have actually applied project water to a beneficial use . . . .”).

90 See generally Dennis Kubly, The Glen Canyon Dam Adaptive Management Program, 11 WATER RESOURCES IMPACT 11, 11–12 (2009), https://www.jstor.org/stable/10.2307/wateresimpact.11.3.0011 (“The GCDAMP is funded primarily from hydropower revenues that are deposited in the Colorado River Basin Storage Project Basin Fund and managed by Western Area Power Administration. The Bureau of Reclamation is the managing agency of the GCDAMP and administers the hydropower revenues expended by the program. In 2009, the GCDAMP budget contained just under $10 million of hydropower funding . . . ”); Glen Canyon Unit, U.S. BUREAU OF RECLAMATION, https://www.usbr.gov/uc/rm/crsp/gc/ (last visited March 27, 2022) (“Glen Canyon Powerplant produces around five billion kilowatt-hours of hydroelectric power annually which is distributed by the Western Area Power Administration to Wyoming, Utah, Colorado, New Mexico, Arizona, Nevada, and Nebraska. In addition, revenues from production of hydropower help fund many important environmental programs associated with Glen and Grand canyons.”). See also Maffly, supra note 106 (“Here we are now in 2021, and the basic underlying assumptions that we’ve been able to rely on are beginning to erode and we can’t count on the hydrology. And when we can’t count on the hydrology we can’t count on the hydropower and hydropower revenues . . .”).
...
electricity in 2020 but is projected to be 20% by 2050 with no change to current laws and regulations. The EIA projects that total electricity generation from renewables will double by 2050.

7 Springer, supra note 4, at 14-15.

8 Id. at 3 (Along with their competitive costs, renewables have the potential to provide thousands of jobs, contribute billions in capital investments, and reduce dependency on dirty fossil fuels and foreign oil).

9 Patrick Devine-Wright, Rethinking NIMBYism: The Role of Place Attachment and Place Identity in Explaining Place-protective Action, 19 J. OF CMTY. & APPLIED SOC. PSYCH. 426-441 (Jan. 5, 2009) (explaining that NIMBYism is an acronym describing the concept of “Not In My Backyard,” and is commonly used to explain public opposition to new development near homes and communities, particularly arising from energy technologies such as wind farms or electricity pylons).

10 For example, wind power is particularly land-intensive and can have significant adverse impacts on species habitats and can interfere with open space and wilderness values. Moreover, large-scale offshore wind farms require construction of transmission lines in state tidal and navigable waters protected by the public trust doctrine or in federal territorial seas subject to federal environmental protection mandates. Alexandra B. Klass, Renewable Energy and the Public Trust Doctrine, 45 U.C. DAVIS L. REV. 1021 (2012); see also Miller, C.A., Richter, J. SOCIAL PLANNING FOR ENERGY TRANSITIONS, CURR. SUSTAINABLE RENEWABLE ENERGY REP 1, 77-84 (2014). https://doi.org/10.1007/s40518-014-0010-9; Nathaniel Logar, When the Fast Track Hits the off Ramp: Renewable Energy Permitting and Legal Resistance on Western Public Lands, 27 COLO. NAT. RESOURCES ENERGY & ENVTL. L. REV. 361 (2016).


12 See A vision for responsible renewable energy on public lands, WILDERNESS SOC.: BLOG (Apr. 28, 2021), https://www.wilderness.org/articles/blog/vision-responsible-renewable-energy-public-lands# (Congress passed the Energy Act of 2020, which set a target of permitting 25 gigawatts of renewable energy on public lands by 2025—a threefold increase in the projects approved to date and enough to power over 10 million homes.).


14 George C Coggins et al., Federal Public Lands and Resources Law 418 (7th ed. 2014)[hereinafter Coggins].

15 Id.

16 See e.g., The Federal Land Management Agencies, CONG. RESCH. SERV. (Feb. 16, 2021) (“NPS law, regulations, and policies emphasize the conservation of park resources in conservation/use conflicts, and the systems lands and resources generally receive a higher level of protection than those of BLM and FS.”)


18 Coggins, supra note 14, at 416 (FLPMA, for example, is the organic legislation that forms the basis of how BLM operates).

19 Current organic legislation requires that each major public land system implement and adhere to “comprehensive planning,” or comprehensive unit-level plans that contain certain elements. George Coggins et al., Federal Public Land and Resources Law 420 (Foundation Press, 7th ed. 2014) (asserting unit-level plans must contain several elements: (1) consideration of permitted uses; (2) public participation; (3) interdisciplinary analysis; (4) consideration of applicable overlapping state/local plans; and (5) zoning maps defining which regions are slated for more intensive development, protective proscriptions, or visitor facilities).

20 36 C.F.R. § 219.8 (defining connectivity, in part, as ecological conditions facilitating range shifts in response to climate change).

21 Id.; see also, Coggins, supra note 14, at 420.


23 Coggins, supra note 14, at 419.

24 See id.

25 Coggins, supra note 14, at 12.

26 Id.

27 43 U.S.C. § 1702(c).


30 Id. at 11.

31 Id. at 12-13.

32 Id.

33 Coggins, supra note 14, at 614.

34 Id.


36 GeoVision: Harnessing the Heat Beneath Our Feet, U.S. DEP’T OF ENERGY (2019), https://www.energy.gov/eere/geothermal/downloads/geovision-harnessing-heat-beneath-our-feet (concluding that geothermal energy could support about 8.5% of the total national electricity demand by 2050, compared to the 0.4% of total generation it provides today).

37 Jenkins, supra note 5 (Section 390 of the Energy Policy Act of 2005 created a categorical exclusion for drilling small wells [“unconventional” wells that use advanced extraction such as directional drilling and fracking] on public lands. Advanced geothermal wells are drilled with the same equipment, workforce, and surface footprint as oil and gas wells; they’re just drilling for heat instead of oil.).
Pedal into the Future

continued from page 21

24 Id.
25 See id.
27 See generally id.
30 See id.
33 See generally id.
34 See generally id.
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