

VERMONT JOURNAL OF ENVIRONMENTAL LAW
VERMONT LAW SCHOOL

Volume 11, Issue 3

Spring 2010

ARTICLES

Why <i>Lingle</i> Is Half Right <i>Thomas W. Merrill</i>	421
Environmental Land Use Restriction and Property Values <i>Jeffrey A. Michael & Raymond B. Palmquist</i>	437
Takings and the Problem of Value: Grappling with Truth in Land- Restriction Cases <i>Laura S. Underkuffler</i>	465
Temporary Takings: Settled Principles and Unresolved Questions <i>Daniel L. Siegel & Robert Meltz</i>	479
Bundled Rights and Reasonable Expectations: Applying the <i>Lucas</i> Categorical Taking Rule to Severed Mineral Property Interests <i>Patrick C. McGinley</i>	525
Is Regulation of Water a Constitutional Taking? <i>John D. Echeverria</i>	579
Rising Seas and Common Law Baselines: A Comment on Regulatory Takings Discourse Concerning Climate Change <i>J. Peter Byrne</i>	625
Some Unorthodox Thoughts About Rising Sea Levels, Beach Erosion, and Property Rights <i>Joseph L. Sax</i>	641

VERMONT JOURNAL OF ENVIRONMENTAL LAW

Vermont Law School
P.O. Box 96
South Royalton, Vermont 05068
(802) 831-1024
vjel@vermontlaw.edu

www.vjel.org

Cite to this *Journal* as: 11 VT. J. ENVTL. L. ____ (2010).

The views expressed in this issue are those of the authors and do not represent the position or views of VJEL or Vermont Law School.

Submissions: VJEL welcomes the submission of unsolicited articles, comments, essays, and book reviews. Manuscripts can be submitted to the above addresses.

Subscriptions: The current bound volume can be purchased for \$12.95. Law libraries can subscribe through William S. Hein & Co. Others can subscribe by directly contacting VJEL.

Copyright: © Copyright 2010 by Vermont Law School. All rights reserved. Except as otherwise provided, the author of each article in this issue has granted permission for copies of that article to be made for classroom use, provided that: (1) copies are distributed at or below cost; (2) the author and *Vermont Journal of Environmental Law* are identified on the copied materials; (3) each copy bears the proper notice of copyright; and (4) *Vermont Journal of Environmental Law* is notified in writing of the use of the material(s).



The *Journal* is published by Western Newspaper Publishing Co. on 100% recycled paper and uses a soy-based ink.

VERMONT JOURNAL OF ENVIRONMENTAL LAW
VERMONT LAW SCHOOL

Volume 11, Issue 3

Spring 2010

2009–2010

EDITORIAL BOARD

EDITOR-IN-CHIEF

Kristin L. Hines

ADMINISTRATIVE EDITOR

Lillian Kortlandt

SENIOR MANAGING EDITOR

Andrew J. Klimkowski

SENIOR ARTICLES EDITOR

Joseph Barnett

SENIOR NOTES EDITOR

Jessica Scott

MANAGING EDITORS

Emily Cobb
Ferrell Ryan

SYMPOSIUM EDITOR

Genesis Wren Miller

HEAD NOTES EDITORS

Markell Ripps
Nathaniel Smith
Laurie Wheelock

WEB EDITOR

Sam Weaver

EVENTS EDITORS

Joseph Starnes
Louisa Yanes

ARTICLES EDITORS

Kevin Cooke
Shannon Sawyer
Andrew Schwartz
Abel Russ

PRODUCTION EDITORS

Daniel D. Burke
Christiana Cooley
Noel Hudson
Andrew Jacob Rouchka
Adam Sherwin
Tyler Soleau

INACTIVE MEMBERS

Caroline Jelavich
Ashley Santner

EDITORIAL STAFF

James Abraham

Scott Allen

Alice Baker

Addison Barnhardt

Mary Beth Blauser

Brent Bowden

Clare Cragan

Mark H. Foster, Jr.

Brandon Gillin

Crystal Heide

Ashley Hintz

Eric Hutchens

Kirby Keeton

Jenna Kennett

Melissa Krah

Dudley Loew

Brian E.J. Martin

Heather Marie McCarthy

Edalin Michael

Stephen Nadeau

John (Jack) Peters

Nathan Rectanus

Jessica Reiss

Shannon Salembier

Brian Selogie

Ian Sinderhoff

Sarah Stein

Laurie Stern

Andrew Stone

Peter Vetere

VERMONT JOURNAL OF ENVIRONMENTAL LAW
VERMONT LAW SCHOOL

Volume 11, Issue 3

Spring 2010

FACULTY ADVISORS

Jason J. Czarnecki
Professor of Law

Tseming Yang
Professor of Law

Christine Ryan
Environmental Research Librarian

ADMINISTRATION

Geoffrey B. Shields
President, Dean, and Professor of Law

Gil Kujovich
Vice Dean for Academic Affairs and Professor of Law

Lorraine Atwood
Vice President of Finance and Administration

Kathleen Hartman
Associate Dean for Enrollment Management

Shirley Jefferson
Associate Dean for Student Affairs and Diversity

Dorothy Behlen Heinrichs
Vice President for Institutional Advancement

VERMONT JOURNAL OF ENVIRONMENTAL LAW
VERMONT LAW SCHOOL

Volume 11, Issue 3

Spring 2010

FACULTY

Susan Apel	Cheryl Hanna	Craig M. Pease
Tracy L. Bach	Hillary M. Hoffmann	Brian Porto
Betsy Baker	Gregory Johnson	Robert Rachlin
Alexander W. Banks	Martha L. Judy	Anthony Renzo
Laurie Beyranevand	Donald Kreis	Giuliana Robertson
Teresa Clemmer	Gil Kujovich	Hilary Robinson
Liz Ryan Cole	Siu Tip Lam	Geoffrey B. Shields
Jason J. Czarnezki	Mark Latham	Linda Smiddy
Johanna Dennis	Reed E. Loder	Gus Speth
Michael Dworkin	Michelle Martinez Campbell	Pamela J. Stephens
Stephen Dycus	James May	Peter Teachout
John Echeverria	Michael McCann	Pamela Vesilind
Arthur C. Edersheim	David Mears	Joan Vogel
Peg Elmer	Philip Meyer	Jeff White
Stephanie Farris	Marc Mihaly	Stephanie Willbanks
Paul S. Ferber	Janet E. Milne	L. Kinvin Wroth
David B. Firestone	Laura Murphy	Tseming Yang
Jackie A. Gardina	Sean Nolon	Carl A. Yirka
Oliver R. Goodenough	Cathryn C. Nunlist	Maryann Zavez
John M. Greabe	Patrick Parenteau	

VISITING FACULTY

Robert Gagnon	Betsy Schmidt
Robert Sand	Jack Tuholske

ADJUNCT FACULTY

Robin Barone	Eric Janson	Sheldon Novick
Gary Brooks	Walter Judge	Larry Novins
Nolan Burkhouse	Julie Kalish	Donald Powers
Jennifer Emens- Butler	Robert Keiner	Linda Purdy
John Evers	Peter Kunin	Anna Saxman
Catherine Feeney	Craigh Leonard	Jan Sensenich
Jamie Gallagher	Jingjing Liu	Stefanie Sidortsova
Clara Gimenez	Randy Mayhew	Susanne Terry
Kevin Griffin	Larry Meier	

