

The Harvard Environmental Law Review

VOLUME 40 • 2016 • NUMBER 2

Contents

Remarks

- 189 The Enduring Nature of the *Chevron* Doctrine
John C. Cruden and Matthew R. Oakes

Articles

- 211 Settling for Natural Resource Damages
Karen Bradshaw
- 253 Interstate Water Rights: Take No Drop For Granted
Amelia I.P. Frenkel
- 293 Disaggregating Preemption in Energy Law
Hannah J. Wiseman

Student Note

- 351 Reviving the Clean Air Act's Requirement that States Adequately Fund
and Staff Clean Air Programs
Jessica Ranucci

Case Comment

- 383 *Merrick v. Diageo Americas Supply, Inc.*
Nate Bishop

THE HARVARD ENVIRONMENTAL LAW REVIEW
ADVISORY BOARD

Barry Breen	American University Washington College of Law
Emily M. Broad Leib	Harvard Law School
Karen Florini	Environmental Defense Fund
Jody Freeman	Harvard Law School
Jacob E. Gersen	Harvard Law School
Kate Konschnik	Harvard Law School
Richard Lazarus	Harvard Law School
James P. Leape	Stanford University
Amanda Leiter	American University, Washington College of Law
Edward M. Norton	TPG Capital and Conservation Lands Foundation
Zygmunt J.B. Plater	Boston College Law School
James Salzman	UCLA School of Law
Kristen A. Stilt	Harvard Law School
Cass R. Sunstein	Harvard Law School
A. Dan Tarlock	Chicago-Kent College of Law

The Harvard Environmental Law Review

VOLUME 40 • 2016 • NUMBER 2

Editors-in-Chief

Brenden Cline
Rachel Kenigsberg

Managing Editors

Olivia Bensinger
Daniel Carpenter-Gold
Robin Alexander Smith

Senior Article Editors

Kelly Earle
Korey Silverman-Roati
Karl J. Worsham

Article Editors

Nate Bishop
John Bullock

Senior Editors

Cameron Partovi
Luis Urbina

Technical Editors

Claire Horan†
Alice Lee
Joshua Lee†

Editors

Cade Carmichael†
Elisabeth Carter
Kevin P. Crenny
Erik Federman
Tessa Gellerson

Robert Gustafson
Candace J. Hensley
Harrison Hodgins
Jonathan Kim
Isaac Park

Steven Robles
Katalin Sulyok
Maxwell Tenney
Julianne Thomsen
Jesse Vella

Staff

Jim An
Gina Angiolillo

Ryan Deroo
Sara Dewey
Josh Friedmann

Jessica Goodman
Julia Jonas-Day

Harvard Environmental Law Review
Harvard Law School
Caspersen Student Center, Suite 3039
1585 Massachusetts Avenue
Cambridge, MA 02138
hlself@mail.law.harvard.edu
harvardelr.com

The *Harvard Environmental Law Review* is published semiannually by Harvard Law School students. Views expressed in HELR are those of the authors and do not necessarily reflect the views of its members.

Editorial Policy: HELR publishes articles by academics, practitioners, and policy-makers on a broad range of topics related to environmental law, including administrative law, climate change, energy, environmental justice, food law and policy, land use, natural resources, pollution control, property rights, and wildlife.

Submissions: The editors welcome comments on and criticism of present and past volumes. The editors also welcome the submission of articles for publication. Authors interested in submitting manuscripts should consult HELR's website for current formatting requirements and submission instructions.

Subscriptions: Subscription rates for the 2016 volume (Volume 40) are \$42 domestic; \$52 foreign (including Canada). For some international subscribers delivery via air mail may be more reliable than standard service, so please note in your inquiry if you would like surface or air mail. All correspondence concerning subscriptions should be addressed to the Subscriptions Manager, Student Journals Office, Harvard Law School, Caspersen Student Center, Suite 3039, 1585 Massachusetts Avenue, Cambridge, MA 02138; +1 617 495-3694; E-mail to: sprosper@law.harvard.edu. Claims for missing issues of Volume 39 will be honored only until January 2017.

Back Issues: Back issues may be ordered directly from William S. Hein & Co., Inc., 2350 North Forest Road, Getzville, NY 14068. Orders may also be placed by calling Hein at +1 800 828-7571, via fax at +1 716 883-8100, or e-mail to order@wshein.com. Back issues can also be found in electronic format for all your research needs on HeinOnline: <http://heinonline.org>.

Permission to Copy: The articles in this issue may be reproduced and distributed, in whole or in part, by nonprofit institutions for educational purposes including distribution to students, provided that the copies are distributed at or below cost and identify the author, the *Harvard Environmental Law Review*, the volume, the number of the first page, and the year of the article's publication.