The Harvard Environmental Law Review

VOLUME 42 • 2018 • NUMBER 1

Contents

Articles

- 1 Federal Lands and Fossil Fuels: Maximizing Social Welfare in Federal Energy Leasing

 Jayni Foley Hein
- 61 Toward a National Conservation Network Act: Transforming Landscape Conservation on the Public Lands into Law Robert B. Keiter
- 139 Managing the Future of the Electricity Grid: Energy Storage and Greenhouse Gas Emissions
 Richard L. Revesz & Burcin Unel
- 197 Allocating Property Interests in Ecosystem Services: From Chaos to Flowing Rivers

 Kalyani Robbins
- 231 Changing Climate Change, 2009–2016 Cass R. Sunstein

Case Comments

- 287 Murr v. Wisconsin: A Victory for "Fairness and Justice" in the Regulatory Takings Denominator Analysis
 Elisabeth H. Carter
- 305 Atay v. County of Maui James Pollack

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

Harvard Law School

Zygmunt J.B. Plater Boston College Law School
James Salzman UCLA School of Law
Kristen A. Stilt Harvard Law School

Cass R. Sunstein

A. Dan Tarlock Chicago-Kent College of Law

The Harvard Environmental Law Review

VOLUME 42 • 2018 • NUMBER 1

Editors-in-Chief Tessa Gellerson Claire Horan

Managing Editors
Gina Angiolillo
Cayla Calderwood
Joshua Lee
Terrence Neal

Article Editors

Elisabeth Carter Amy Chyao Erik Federman Drew Henderson Christian Hines† James Pollack†

Senior Editors

Kevin Crenny†

Steven Robles

Jim An Nathaniel Levy Technical Editors
Sarah Mackie†

Michelle Melton† Iris Zhang

Nolan Brickwood Elizabeth Carr Kevin Chen Leilani Doktor Grant Glovin Alicia Humphrey Editors
Nathan Keithline
Alex Kontopoulos
Justin Lin
Aisling Murray
Andrew Patterson
Dylan Redor
Mason Reynolds

Adam Scheps Roy Sengupta Francis Sturges Tom Wolfe Yeshu Yang Peiyu Yu

Mark Byrne Justin Bogda Paola Eisner Staff
Rebecca Ellison
Alexander Erwig
Robert Gustafson
Steven Kerns

Kwame Newton Hannah Perls John Sullivan

Harvard Environmental Law Review

Harvard Law School
Caspersen Student Center, Suite 3039
1585 Massachusetts Avenue
Cambridge, MA 02138
hlselr@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 2018 volume (Volume 42) 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 41 will be honored only until January 2019.

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.