The Harvard Environmental Law Review

VOLUME 44 • 2020 • NUMBER 2

Contents

Articles

- 321 On Environmental Law, Climate Change, & National Security Law Mark Patrick Nevitt
- 367 Species Conservation & Recovery Through Adequate Regulatory Mechanisms Sandra B. Zellmer, Samuel J. Panarella, & Oliver Finn Wood
- 417 Risk Assessment & Cost Contamination Natalie Jacewicz
- 473 Transboundary Waters Annie Brett

Student Notes

- 511 U.S. Disaster Displacement in the Era of Climate Change: Discrimination & Consultation Under the Stafford Act Hannah Perls
- 553 Climate-Driven Fishery Shifts: Framing the Problem & Proposing Solutions for Shifts Across Shared Borders Cayla Calderwood

Case Comment

591 Defending Science & Collaborative Conservation: Sage-Grouse & Western Watersheds Project v. Schneider (D. Idaho 2019) Peter O. Daniels

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 44 • 2020 • NUMBER 2

Editors-in-Chief Adam Scheps Frank Sturges

Managing Editors Alex Kontopoulos

Grant Glovin Cole Jermyn

Peter Daniels Sarah Douglas Nicholas Eberhart

Lia Cattaneo Libby Dimenstein Ryan Dunbar Franklin Li

Bryce Burgwyn Jessie Dawe Rose Doda Oscar Heanue Jarrod Ingles Lavran Johnson Article Editors Rebecca Garverman Ross Gitlin** Allison Kolberg* Daniel Sieradzki

Technical Editors Jack Lubin William McConnell Marcus Mitchell

Staff Xinchen Li Eric Macomber Zachary Meskell JP Olinski Tori Oto Gaia Mattiace Tanmay Shukla

Noah Star* Grace Weatherall* Rachel Westrate*

Tori Molyneaux Patrick Montgomery Regina Paparo Eric Wriston

Alexander Schwennicke Aaron Silberman Abe Sutton Lindsay Williams Cindy Wu Andy Xie

* Submissions Reviewer ** Assistant Online Editor

Also served as Submissions Reviewers: Elizabeth Carr, Kevin Chen, Ashley Maiolatesi, Michael Mitchell, Hannah Perls, James Pollack, and Sam Stratton 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 policymakers 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 2020 volume (Volume 44) 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.