

**REVIEW: *ENVIRONMENTAL LAW FOR BIOLOGISTS* BY
TRISTAN KIMBRELL**

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A law student or lawyer who picks up *Environmental Law for Biologists* by Tristan Kimbrell hoping for a quick, digestible way to understand the national and international laws that govern environmental impacts will be disappointed. This in-depth, well-researched book is no shortcut. Instead, it analyzes many of the environmental concerns and controversies of our time and carefully dissects the substantive laws regulating species, land, water, and air. The end result is a handy reference book for any environmental lawyer, biologist, and perhaps especially, a policymaker.

The book's premise is that ecology and wildlife biology students are not taught environmental laws, despite the fact that those laws determine which species are protected, which pollutants are prohibited, and where development is encouraged. But, the book is also meant for law students who are interested in understanding how environmental laws influence species and ecosystems. In bringing these two disciplines together, Kimbrell explores their fundamental conflict: ecologists attempt to understand the interconnectedness of species, lawyers focus on discrete problems. Thus, the Endangered Species Act protects individual species rather than the ecosystems that support multiple species.¹ An ecologist would rewrite the Act to take a more holistic approach. However, Kimbrell, who is both an ecologist and a lawyer, cautions that a "fuzzy definition" of ecosystems in the law would give politicians room to avoid protecting them at all.²

One of the book's most valuable contributions is Kimbrell's attempt to explain the state of the ecological research related to specific laws and regulations and highlight areas where additional research is needed. The impetus, according to Kimbrell, is for scientists to identify areas in which environmental laws fail to protect the environment and suggest improvements.³ The insights are equally valuable for lawyers and policymakers. For example, in the Species section of the four-part book,

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1. Endangered Species Act, 16 U.S.C. §§ 1531–1544 (2012).
 2. TRISTAN KIMBRELL, *ENVIRONMENTAL LAW FOR BIOLOGISTS* 77 (2016).
 3. *Id.* at 21.

Kimbrell explains that a state's hunting laws can determine how a species evolves.⁴ More research into the correlation between hunting and selection pressures could lead to changes in the law. But, the author then adds a dose of reality, opining that states are generally more concerned with the economic value of hunting than its ecological and evolutionary effects.⁵

Perhaps, because *Environmental Law for Biologists* is geared more toward the biologist than the lawyer, it is exceedingly light on case law. In the Water section, Kimbrell details how the Clean Water Act (CWA) and federal regulations treat concentrated animal feeding operations, or CAFOs.⁶ But, there is no mention of the seminal cases that have interpreted those laws. Any lawyer writing a brief about the same subject would be compelled to mention *Concerned Area Residents for the Environment v. Southview Farm*, a Second Circuit case that stands for the notion that poor farming practices do not qualify for the agricultural discharge exemption under the CWA.⁷ The exemption is available only if rain causes the discharge.⁸

But, Kimbrell does delve into the case law when required, as in his description of the United States Supreme Court's evolving interpretation of which water bodies fall under the CWA.⁹ A split decision in *Rapanos v. United States* has left the United States Environmental Protection Agency with two standards under which a wetland may be regulated.¹⁰ The first is a continuous surface connection to a traditionally navigable waterway, which clearly falls under the CWA; the second is a "significant nexus" that affects the "chemical, physical and biological integrity" of the navigable waterway.¹¹ Kimbrell's write-up includes a research opportunity for a biologist to find ways in which traditionally non-navigable waters influence navigable waters. Finding those connections "will hopefully influence regulators in deciding when a significant nexus to a traditionally navigable water exists, and thus in determining which water bodies fall under the CWA."¹²

Whether you are a biologist, a lawyer, or a Congressperson, this is a book worthy of your library.

4. *Id.* at 52.

5. *Id.* at 54.

6. *Id.* at 183–85.

7. *See Concerned Area Residents for the Env't v. Southview Farm*, 34 F.3d 114, 120, 122 (2d Cir. 1994).

8. *Id.* at 120–21.

9. KIMBRELL, *supra* note 2, at 212–16.

10. *Rapanos v. United States*, 547 U.S. 715, 715–18 (2006); KIMBRELL, *supra* note 2, at 216.

11. *Rapanos*, 547 U.S. at 742, 780; KIMBRELL, *supra* note 2, at 214–15.

12. KIMBRELL, *supra* note 2, at 216.