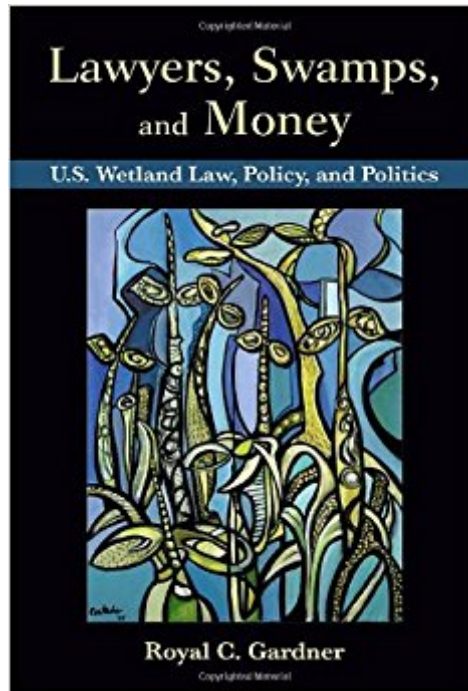




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# Lawyers, Swamps, And Money: U.S. Wetland Law, Policy, And Politics



## Synopsis

*Lawyers, Swamps, and Money* is an accessible, engaging guide to the complex set of laws governing America's wetlands. After explaining the importance of these critical natural areas, the book examines the evolution of federal law, principally the Clean Water Act, designed to protect them. Readers will first learn the basics of administrative law: how agencies receive and exercise their authority, how they actually make laws, and how stakeholders can influence their behavior through the Executive Branch, Congress, the courts, and the media. These core concepts provide a base of knowledge for successive discussions of: the geographic scope and activities covered by the Clean Water Act the curious relationship between the U.S. Army Corps of Engineers and the Environmental Protection Agency the goal of no net loss of wetlands the role of entrepreneurial wetland mitigation banking the tension between wetland mitigation bankers and in-lieu fee mitigation programs wetland regulation and private property rights. The book concludes with insightful policy recommendations to make wetlands law less ambiguous and more effective. A prominent legal scholar and wetlands expert, professor Royal C. Gardner has a rare knack for describing landmark cases and key statutes with uncommon clarity and even humor. Students of environmental law and policy and natural resource professionals will gain the thorough understanding of administrative law needed to navigate wetlands policy-and they may even enjoy it. A

## Book Information

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## Customer Reviews

"Lawyers, Swamps, and Money explains the importance of America's wetlands and the threats they face, and examines the evolution of federal law, principally the Clean Water Act, designed to

protect them. Roy Gardner's writing is simultaneously substantive and accessible to a wide audience "from policy makers to students to citizen activists." (Environmental Law Professor Blog)"Swamps seldom are an engaging topic of conversation, let alone of a book. Lawyers, Swamps, and Money is the exception....Overall, the book is an excellent addition for collections on law, public policy, and the environment." (CHOICE)"For a legal lesson, the book is surprisingly readable. Gardner sprinkles it with swamp humor and insights "from Shakespeare to Gary Larson. In conclusion, Gardner comes across as an optimist, proposing a laundry list of reforms to lead regulators and administrators out of the, er, swamp of wetlands management." (Natural Hazards Observer)"Gardner, unquestionably one of the nation's leading experts on wetland law and policy, has provided something for everyone interested in the field. Lawyers, Swamps, and Money will serve as an invaluable primer for students and others just entering the mystifying world of wetlands, and it is also chock full of insights and information that will add to any expert's appreciation and understanding." (J.B. Ruhl Professor of Property, Florida State University College of Law)"With a clear, logical, and humorous style, Gardner describes the antics of land owners, regulators, and justices "all of which would be funnier if they weren't true and if the stakes were not so high. Those who want to understand why we don't have clean water, and all who want to correct the problems, need to begin by reading this book!" (Joy B. Zedler Aldo Leopold Chair of Restoration Ecology, University of Wisconsin-Madison)"Want to be entertained reading about wetlands law? Written with wit and solid research, Roy Gardner has converted the complex legal history of federal wetlands law into a delightful, good read." (Margaret "Peggy" Strand partner, Venable LLP)"Lawyers, Swamps, and Money pulls off several neat tricks: It not only threads a clear path through the present complexity of wetlands protection law while thoughtfully charting important national win-win strategies for the future, but it also does so in a style that is helpful for both citizen activists and environmental attorneys." (Zygmunt Jan Brodzki Plater Professor of Law, Boston College Law School)"In conclusion, Lawyers, Swamps, and Money is both comprehensive and complete. Professor Gardner brings to bear his considerable experience in wetland law to create a book that is both concise and refreshing in its treatment of the issues at hand. Throughout the book, Gardner's humor adds a pleasant touch that keeps the reader turning the pages. In the end, the reader is left with a strong impression that wetland policy is in need of change; just how to implement that change in the face of economic and environmental pressures is the intellectual challenge. In short, this book is a must read for anyone interested in learning about or hoping to change wetland policy in the United States." (Ocean and Coastal Law Journal)"...if a normal law book is like eating your brussels sprouts, this book is guacamole funny. Mr. Gardner has a light tone

and peppers the book with humorous illustrations and anecdotes, while sneaking in nutritious law and policy. ... So in short, you should buy this book if you are: a U.S. wetland regulator, policy-maker, lawyer, banker, in-lieu fee provider, researcher, or consultant." (Madsen Environmental)

Royal C. Gardner is Professor of Law and Director of the Institute for Biodiversity Law and Policy at Stetson University.

Lawyers, Swamps and Money explains Mitigation Banking, the permitting process, and more. For me, it filled in a lot of questions I had after taking Wetland permitting classes. I don't normally write reviews but I wanted people to know that this book is informative, entertaining, and easy to read. I highly recommend it.

Excellent. Great way to tell a story. easy to read.

I am a wetland scientist who deals with the issues covered in this book on a regular basis. This book is an excellent summary of the topic of wetland legislation and regulation and is written in a very readable style. I enjoyed it very much and would highly recommend it.

I work in wetlands and really enjoyed this perspective.

Explains CWA Law clearly and with added humor. I would recommend this for students and CWA Regulators coming into the Program.

I had a great time reading this book. I am not an expert in this field, but the author helps through a reader to understand and think about various issues involving environment, money, and the law. After reading this book, I have become more interested in environmental law and ready to read more!

Gardner does a great job of making the arcane principles of wetlands regulation understandable. Fascinating case histories, personal stories, and cartoons enliven the text. Every nationally important legal battle of wetlands regulation is addressed: Lucas v. South Carolina, SWANCC, etc. Major Florida legal cases are also highlighted (or at least summarized): Disney Wilderness

Preserve, Pembroke Pines Mitigation, Zabel v. Tabb, Florida Rock, Old Cutler Bay, etc.

(Interestingly, there is only one reference to Craig Pittman's 2010 book *Paving Paradise: Florida's Vanishing Wetlands and the Failure of No Net Loss* on wetlands regulation in Florida.) This book is explicitly aimed at the issues of wetland permitting and does an excellent job of hitting that target. I suggest, however, that the biggest threats to wetlands today are not old-fashioned "dredge-and-fill" permitting like that covered thoroughly in this new book. In 1980, Nelson Blake's book *Land into Water-Water into Land: A History of Water Management in Florida* on water management in Florida had an apt title because flood and drainage facilities continued to very actively degrade the state's water resources. However, as Gardner notes, the pace of permitted wetlands conversion has slowed significantly in recent decades. The biggest threats today fall outside the scope of traditional wetland permitting. For example, Gardner notes the major problems created by invasive species but doesn't focus on them. This major problem is not covered by "373" (Florida) or "404" (U.S.) permitting. Some of the current plant and animal invaders have caused enormous damage and more may be coming. Climate change is an even bigger long-term threat to Florida coastal wetlands but escapes any mention here. This is an excellent book but we should keep in mind that wetland permitting is only one part of an overall wetland (or water resource) strategy.

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