

## **CONSTITUTIONAL BASES FOR ENVIRONMENTAL LAW**

1. AGREEMENT BETWEEN STATES-  
ULTIMATE POWER BETWEEN LOCAL, STATE & FEDERAL

2. BASES FOR ENVIRONMENTAL LAW:

- INTERSTATE COMMERCE/NAVIGABLE WATERS
- FOREIGN RELATIONS (TREATY POWER) /NATIONAL DEFENSE
- FEDERAL LANDS (COAST)
- ADMIRALTY
- POWER TO TAX

3. CHALLENGES TO FEDERAL ENV'TAL LAW

- DUE PROCESS (FIFTH - FEDERAL AND 14TH AMENDMENTS - EXTENDS DP TO STATES)
- PROCEDURAL - NOTICE, RIGHT TO BE HEARD, UNBIASED DECISIONMAKER
- TAKINGS - FIFTH AMENDMENT
- EQUAL PROTECTION (14TH AMENDMENT)
- SEARCH & SEIZURE (4TH AMENDMENT)
- DELEGATION

4. STATE AUTHORITY

- STATE CONSTITUTION
- PUBLIC TRUST DOCTRINE
- MONO LAKE

5. LOCAL AUTHORITY

- WHATEVER STATES AUTHORIZE
- POLICE POWER (PROTECT PUBLIC HEALTH AND SAFETY)