



Closing the Circle: Environmental Justice in Indian Country

James M. Grijalva

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This book analyzes how an anomalous confluence of federal environmental, administrative and Indian law exacerbates environmental injustice in Indian country, but also offers its most promising solution. The modern environmental law paradigm of federal-state partnerships falters in Indian country where state regulatory jurisdiction is constrained by federal Indian law. A resulting void of effective environmental regulation threatens the cultural survival of American Indian tribes, who face air and water contamination from a legacy of federally encouraged natural resource development. A potential solution for closing the circle of national environmental protection accords sovereign tribal governments a state-like status. The book examines comprehensively the tribal treatment-as-a-state approach first developed by the U.S. Environmental Protection Agency (EPA) and later codified by Congress in amendments to most of the major environmental laws, as well as federal cases brought by states and non-Indians challenging the EPA's and tribes' authority to make binding value judgments about Indian country environmental protection.

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