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Foreword: Eastern Water Law Symposium: Integrating Land Use Law and Water Law: The Obstacles and Opportunities

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EASTERN WATER LAW SYMPOSIUM: INTEGRATING LAND USE LAW AND WATER LAW: THE OBSTACLES AND OPPORTUNITIES

Foreword

Water law is becoming increasingly important in the Eastern United States and the link between water law and land use law increasingly close. Rapid economic development, intensifying land uses, erratic weather patterns, water shortages, floods aggravated by rapid runoff, the aging of water treatment infrastructure, growing concerns about nutrient levels and the multiple demands on water resources increasingly pose difficult problems that require creative solutions. The quantity and quality of ground and surface waters, and their multi-faceted uses, depend especially upon land uses, and the associated management of nonpoint sources of pollution. Managing watersheds, tributaries, or groundwater therefore depends upon local responsibility and leadership. The existing nonpoint legal structures for nonpoint sources are an amalgam of regulations, 'soft law,' and voluntarism. To ensure sustainable use of water resources, more is required: a more comprehensive legal structure that integrates land use considerations and a more critical consideration of the balance between federal, state, and local laws, and private and public duties. Local comprehensive planning is an important candidate instrument to serve as an innovative legal bridge connecting federal and state laws on one side and local laws on the other in a way that better protects water quality and quantity.

In recognition of the importance of these issues, the Pace Environmental Law Review, in conjunction with the Pace University School of Law, the Pace Land Use Law Center, the Government Law Center at the Albany Law School, and the New York State Water Resources Institute at Cornell University sponsored a three-part colloquium in the fall of 2005 and the spring of 2006. The first event, held on September 9, 2005, was a dialogue among

stakeholders in the watershed and local land use systems to identify current problems surrounding the interface of water law and land use law and to discuss how better results can be obtained. The second event, the Symposium held at Pace University School of Law on October 22, 2005, explored the legal frameworks for water and land use management, commented on the results of the stakeholders' conversation, and sought to identify novel approaches to solve water problems by better engaging the land use system. The final session, held in 2006, focused on what is needed from the Legislature to convert the dialogue and ideas from the Symposium into concrete methods of change.

This issue of the Pace Environmental Law Review features three articles resulting from the October Symposium. Like the Symposium, these articles explore the growing interaction between water law and land use law with the specific purpose of identifying better approaches to integrating land use and water law in ways that encourage rational development, better protect water quality, and help maintain water quantity.

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