

[About HeinOnline](#)[Blog](#)[Wiki](#)[Contact Us](#)[Log-in](#)

22 J. Land Use & Envtl. L. 207 (2006-2007)
 Ecosystem Services in the Klamath Basin: Battlefield Casualties or the Future; Tarlock, A. Dan

**ECOSYSTEM SERVICES IN THE KLAMATH BASIN:
 BATTLEFIELD CASUALTIES OR THE FUTURE?**

A. DAN TARLOCK*

I.	THE KLAMATH CONFLICT: FISH AND BIRDS BUT NOT ECOSYSTEM.....	208
	A. <i>The Imposition of a Working Landscape on an Ecosystem</i>	208
	B. <i>Ecosystem Restoration Proxies Emerge</i>	210
	C. <i>Environmental Change Comes to the Klamath</i>	211
	D. <i>A Possible Role for Ecosystem Services</i>	213
II.	ECOSYSTEM SERVICE PROVISION: THE WAY OF THE FUTURE?	216
	A. <i>The Ecosystem Service Idea</i>	216
	B. <i>From Theory to Action: Some Hard Questions</i>	218
III.	GEOGRAPHICAL SCALE MATTERS.....	219
	A. <i>The Physical Features of the Klamath Basin</i>	219
	B. <i>The Geography of Interests</i>	221
IV.	THE PROS AND CONS OF UNLEASHING THE ESA PIT BULL.....	222
	A. <i>The Catalyst Theory of the ESA</i>	222
	B. <i>Counter-Culture Reactions</i>	225
V.	COASE IN THE KLAMATH OR PROPERTY RIGHTS ASSIGNMENTS ALSO MATTER.....	227
	A. <i>The Necessity for Property Rights</i>	227
	B. <i>Property Rights in the Klamath: Entrenched Entitlements Resist Change</i>	229
	C. <i>Ecosystem Service Property Rights</i>	230
	1. <i>Public and Group Property Rights</i>	230
	a. <i>Klamath Wildlife Refuge Rights</i>	232
	b. <i>Indian Water Rights</i>	236
	2. <i>Are Coasian Bribes Possible in the Klamath?</i>	238
	3. <i>The ESA</i>	240
VI.	CONCLUSION.....	242

* Professor of Law, Chicago-Kent College of Law, A.B., 1992, LL.B., 1965, Stanford University. This Article is drawn from a forthcoming book on the Klamath conflicts co-authored with Professor Holly Doremus, Professor of Law, University of California, Davis School of Law. The manuscript was submitted to the publisher in July, 2007. The article was largely written in late 2005 — early 2006, and no attempt has been made to incorporate systematically developments since that time.

[Purchase Short-Term Access to HeinOnline](#)

Prices starting as low as \$29.95

Short-term subscription options include access for 24 hours, 48 hours or 1 week to HeinOnline's Law Journal Library. This includes access to more than 1,450 Law Journals

Prices starting as low as \$29.95!



Already a Subscriber?

[Login to HeinOnline](#)

[What Is HeinOnline?](#)

[Learn More About the Law Journal Library \(pdf\)](#)

We also offer annual subscriptions to universities, colleges, law firms, organizations, and other institutions. To request a quote please visit <http://home.heinonline.org/subscriptions/request-quote/>

Please note: the content in the Law Journal Library is constantly changing and some content has restrictions as required per the license. Therefore, please review the available content via the following link to ensure the material you wish to access is included in the database. For a complete list of content included in the Law Journal Library, please view <http://www.heinonline.org/HOL/CSV.csv?index=journals&collection=journals>