

FEDERAL PUBLIC LAND
AND
RESOURCES LAW

SIXTH EDITION

GEORGE CAMERON COGGINS

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JOHN D. LESHY

ROBERT L. FISCHMAN

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FEDERAL PUBLIC LAND AND RESOURCES LAW

SIXTH EDITION

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*

PREFACE TO THE SIXTH EDITION

When George Coggins and Charles Wilkinson first introduced these materials in 1980, their preface justified the departure from the private-law orientation of prior natural resources casebooks, especially the seminal one by Clyde Martz. The rise of the public interest as the central principle animating judicial opinions, legislation, and extensive regulation is no longer breaking news. It has now withstood decades of challenge, and continues to serve as the foundation for this book.

This edition of **FEDERAL PUBLIC LAND AND RESOURCES LAW** seeks to re-emphasize the smooth pace and lively context of the book. While expanding the scope of coverage and revising materials to focus attention on more recent cases, we have resisted the temptation to make the notes in this casebook encyclopedic. Professor Coggins and Glicksman already succeed as thorough compilers in their treatise on **PUBLIC NATURAL RESOURCES LAW**.

Instead of burdening the casebook with more excerpts and ancillary materials (especially maps), we have established a web site on which we post a rich assortment of supplemental materials. Please visit it at: www.law.indiana.edu/publicland

This updated edition reflects some substantial reorganization. In general, our aim is to allow classes to cover the material in chapters 1-5 more efficiently before getting to the resource-specific chapters. Chapter 1 now contains the primer on the federal lands as they are organized today. A new selection of perspectives has notes and questions. Chapter 2 is more concise and focused more narrowly on the old cases and doctrines that continue to exert influence on current conflicts. All of the trust materials are now consolidated in chapter 2. Courses may now cover the historical materials more briefly, and with less repetition later in the term. However, sufficient case materials remain in the chapter to provide fodder for class discussion and analysis.

Chapter 3 addresses the ubiquitous concern of state-federal relations, with special emphasis on constitutional law. Chapter 4 consolidates four overarching legal issues that pervade natural resources law along with many other subjects of public administration. Chapter 5 closes in on other cross-cutting issues peculiar to federal land management, including access.

Chapters 6–12 address the law resource-by-resource. While we expect all courses to cover at least parts of each of the first five chapters, we have designed the book so that teachers may pick and choose which resources to

cover. This book works equally well as a survey to touch upon many resource issues, or as an in-depth exploration of three or four resources.

The Sixth Edition Statutory Supplement is a useful accompaniment to this casebook for courses that seek to stress the skills of statutory interpretation. It collects relatively complete versions of just about all of the laws discussed in the principal cases and notes.

Overall, we strive to provide teaching materials that challenge students while conveying the sense of human drama and place that attracted each of us to this legal specialty.

A word about the editing form and style used throughout. We have sought to be rigorous in eliminating irrelevant or tangential matters. Discussions of repetitive procedural defenses, common statements of law (particularly boilerplate recitations on the scope of judicial review), and string citations are generally excluded. Thus, any case or article reproduced below is not necessarily complete—it probably is not—and we advise the researching student to consult the original.

Most original footnotes have also been omitted. Where footnotes are retained, they still bear the court's or author's original number. Footnotes inserted by the editors are preceded by an asterisk instead of a number. Textual deletions are indicated by “* * *,” but omissions of authorities have not been signaled.

We of course accept full responsibility for the inevitable errors and omissions commonly associated with these ventures.

Thanks in the preparation of this edition go to Brad Daniels, Ryan Murray, Angela King, and Mark Rohr, law students who provided superb research assistance, and to Lara Gose for excellent secretarial support. As with prior editions, a number of colleagues and friends made helpful suggestions and provided vital information: Deb Donahue, John Echeverria, Daniel Feller, Joe Feller, Eleanor Huffines, Bob Keiter, Karin Sheldon, Deborah Williams, and Ted Zukoski. They join the ranks of helpful reviewers and commenters on prior editions: Gail L. Achterman, Harrison C. Dunning, Kent Frizzell, David H. Getches, Arthur D. Smith, Sally K. Fairfax, H. Michael Anderson, Maryanne Chambers, Cameron LaFollette, Darius M. Adams, Kaid Benfield, Grove Burnett, Larry McBride, Zygmunt Plater, Deborah Reames, Johanna Wald, Molly McUsic, Federico Cheever, David Watts, Bruce Kramer, Henry Smith, Patty Beneke, Ken Weiner, Armin Rosen-cranz, Amy Kelley, Peter Appel, Bob Anderson, and Jamie Grodsky.

Errors of course are ours (especially Fischman's). As always we welcome feedback from users (send to rfischma@indiana.edu).

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