PUBLIC LAND LAW

Reading Assignments

The casebook is Coggins, Wilkinson & Leshy, Federal Public Land and Resources Law (Fifth edition). You should also have the 2003-2004 Statutory Supplement. In addition, the text will be supplemented from time to time with more current materials.

We will use the TWEN site for class notices. You will be able to access all or most of the supplemental materials from the site.

“Review” in this syllabus refers to material that has already been covered in Foundations; you should just skim the “Review” material.

Assignments marked with an asterisk(*) are ones for which you should bring your Statutory Supplement to class.

Your grades will be based on a three-hour, in-class, open-book essay examination. I will be readily available by appointment or e-mail.

CHAPTER 1: INTRODUCTION
1. The Field of Public Land Law
   Pages 1-33

CHAPTER 2: HISTORY
2. Disposition—Acquisition, Early Policy, and Statehood
   Pages 34-61

3. Disposition—Statehood, Homesteading, and Railroads
   Read: pages 61-72
   Review: pages 72-81; 85-91
   Read: pages 91-98

4. Reservation and Withdrawal
   Review: pages 98-102
   Read: pages 102-112
   Review: pages 112-119; 127; 129-137
   Read: pages 137-147

5. Access
   Pages 147-171

CHAPTER 3: FEDERAL-STATE RELATIONSHIP
6. Federal Enclaves; The Property Clause
   Pages 172-177 (through note 3); 182-203

- 1 -
7. Federal Preemption
   Pages 206-232

CHAPTER 4: THE EXECUTIVE AND THE COURTS
8. Judicial Review

9. Withdrawals
   Read: pages 321-322; 339-341
   Review: pages 119-125 (Midwest Oil opinion)
   Read: pages 341-348 (Pickett Act and FLPMA withdrawals); 353-354 (Antiquities Act); 144-147 (Alaska withdrawals); 354-360 (Clinton withdrawals)

10. Exchanges and Sales*
    Pages 364-381

CHAPTER 5: OVERARCHING LEGAL DOCTRINES
11. The Public Trust Doctrine
    Pages 382-389; 1056-1068

12. NEPA; Planning
    Read: pages 389-392
    Review: pages 392-400
    Read: pages 417-434

13. Endangered Species Act*
    Read: pages 434-435
    Review: pages 435-445
    Read: pages 445-459

14. Endangered Species Act*
    Read: pages 459-477
    Review: pages 477-487
    Read: pages 487-490

15. Endangered Species Act*
    Pages 490-508

CHAPTER 7: HARDROCK MINING
16. Locatable Minerals; Location; Pedis Possessio*
    Pages 583-603

17. Discovery; Patenting; Modern Legislation*
    Pages 603-626
18. Modern Legislation*  
Pages 627-642

19. FLPMA Filings; Split Estates*  
Pages 232-238; 679-695

CHAPTER 8: THE TIMBER RESOURCE  
20. Multiple-Use Management; NFMA Planning  
Pages 704-726

21. NFMA Planning  
Pages 726-751

22. NFMA Planning; Forest Service Regulations in 1982, 2000, and 2005; Roadless Rule  
Pages 751-758; excerpts from 2000 and 2005 planning regulations; 758-759; 768-772

CHAPTER 9: THE RANGE RESOURCE  
23. Common Law Grazing; Taylor Grazing Act; FLPMA  
Pages 777-797; 800-808

24. Clinton Reforms; Grazing Reductions; Judicial Review  
Pages 809-829

25. Modern Range Management, including Retirement from Grazing  
Pages 829-851

CHAPTER 12: WILDERNESS  
26. Wilderness Act of 1964; Expanding the System—Forest Service*  
Pages 1104-1117; 1124-1136

27. Expanding the System—BLM*  
Pages 1136-1156

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