

Public Lands Field Seminar – Vermont Law School
Spring 2018

This class is a “Vermont” version of the annual summer field seminar, taught in the wilds of Montana and Idaho. It’s not summer, and it’s not Montana, but I intend to use an experiential approach to learning about public lands for this class as well. Using a hands-on approach, this field seminar will explore themes of resource utilization versus preservation, the changing legal framework for public land management, current controversies over salvage logging, motorized vehicle use, conflicts between wildlife management and recreationists, ecosystem restoration, and the role of fire on public lands.

The goal of this seminar is to immerse students in the realities of public land management. We won’t just sit around and read endless NEPA cases about the logging debate or recreational conflicts, we will view the sites, talk with the stakeholders, spend some time in the woods to understand the issues. I am contemplating some optional trips as well, for those who don’t mind donning skis or muck boots. The National Forests of Vermont and New Hampshire offer plenty of opportunities for on-going controversies that we’ll use as case studies.

The Syllabus is a work in progress, and I’ll share it with students in the class as it evolves.

The goals and learning objectives of the course are:

1. To provide an in-depth look at National Forest management and perhaps other public lands in the Northeast from a historical, legal and scientific perspective;
2. To gain a thorough understanding of NEPA, MUSY, NFMA, the ESA, the Wilderness Act, and statutes governing recreation;
3. To understand the basic principles of judicial review under the APA, principles of deference in the context of environmental law, and the role of the courts in public land management;
4. To examine the legal and philosophical basis of Wilderness in the U.S.;
5. To explore the current controversy over projects within Eastern National Forests;
6. To appreciate the role of politics in resource management;
7. To recognize the impacts of climate change on the forest ecosystems as well as the role of National Forests in carbon sequestration.

Right now the class is scheduled to meet once a week with a couple of all day field trips during the term. Frankly, that is not enough class time compared to the summer course, where we actually have the equivalent of the usual 3 credit, twice a week class. So I am working on fitting the class into the new format. In the summer, I front load some reading so we hit the ground running so to speak.

First Class Reading:

I don’t want you to buy a case book because most of the readings are materials that I have designed. For the first class we use the Coggins text/case book: Federal Public Land and Resources Law – 7th edition (soon to be on reserve at VLS). The 6th edition will also work, and I have asked for copies of that to also be put on reserve in case there is a “crunch” for the reserve

material. It is important that you read this material before you start the seminar – it provides important background that will be vital to understanding the lectures the first day.

The pages listed are for the 7th edition. However, the reading topics should align with the 6th edition, and much of the reading will be the same.

Chapter 9 – The Forest Resource

Section A – Introduction, pp. 651-654

Section B – Traditional Forest Service Management, pp. 654-660

Section C – The Watershed (Monongahela Decision), pp. 660-666

Section D – The National Forest Management Act. 660-706

***Note – I do not expect you to know the finer points of the cases, but I do want you to understand the basics of the NFMA and how it's been interpreted by the courts.**

Optional Reading:

This material covers the history of public lands in the U.S. I will lecture about this material during the first class session. It is important for background, but not critical to your ability to understand the central themes of the course.

Chapter 2, pp. 45 - 120

Subparts A and B – Acquisition and Disposition of the Public Domain (You can skip the State Lands and Trust Doctrine materials in part 2)

Subpart C -- Reservation, Withdrawal and Reacquisition (through page 120)