

**Vermont Law School Public Lands Field Seminar  
Missoula, Montana 2018 Summer Session  
Professor Jack Tuholske, VLS**

**FIRST ASSIGNMENT**

The Tuholske/Brennan NFMA law review article also should be read before class starts. Students should read the [add page numbers] in the Coggins, Wilkinson and Leshy text book as well as *The Big Burn* by Timothy Egan, all of which are available on Reserve in the library. I have been unable to obtain copyright clearance for the text book from the publisher; otherwise I would post the chapter on TWEN.

**Class 1: Public Lands: Background Primer**

**Assigned Readings:**

1. Tuholske and Brennan, "NFMA: Judicial Review of a Substantive Statute," *Public Land Law Review* (1994) (TWEN)
2. *Ohio Forestry* (TWEN)
3. NFMA - 16 U.S.C. 1601-1604 (TWEN)
4. Multiple Use Sustained Yield Act (TWEN)
5. *Lives Under the Canopy: Spotted Owls and Loggers in Western Forests*; pgs. 1-8 (TWEN)

Note - the reading from the Coggins textbook serves as important background for this lecture and the entire first week of the course. Make sure you have finished it before this class!

**Study Questions:**

1. Can you summarize the trends in the management of public lands over the 20<sup>th</sup> and 21<sup>st</sup> centuries?
2. What are the procedural and substantive aspects of NFMA?
3. Be prepared to explain the significance of *Ohio Forestry* in terms of the binding nature of Forest Plans before and after the decision. Did the authors of the NFMA law review article (i.e. your Professor) "miss the boat" in terms of not foreseeing that such a decision would arise?
4. Under which statutory mandate would the Forest Service prefer to manage National Forests, MUSY or NFMA? Why?