

**Vermont Law School Public Lands Field Seminar
Missoula, Montana 2019 Summer Session
Professor Jack Tuholske
Professor Chelsea Colwyn**

Class 1: Public Lands: Background Primer

Assigned Readings:

1. Multiple Use Sustained Yield Act (TWEN)
2. NFMA - 16 U.S.C. 1601-1604 (TWEN)
3. *Ohio Forestry* (TWEN)
4. Lives Under the Canopy: Spotted Owls and Loggers in Western Forests; pgs. 1-8, 14-16 (TWEN)
5. Selected NFMA Forest Planning Regulations - comparison of 1982 Regulations, 2005/2008 Bush Administration Regulations and the 2012 Obama Administration Regulations (TWEN).
6. Wildlife Conservation Planning Under the United States Forest Service's 2012 Planning Rule pgs. 1-2; 5-8; 11-15 (TWEN) (reading the entire article is not a bad idea).

Note 1. 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!

Note 2. We may not get to numbers 5 & 6 on day one, so you can read those last. But there is considerable reading for day 2, so if you can read them for today, you will be in better shape for Day 2.

Study Questions:

1. Can you summarize the trends in the management of public lands over the 20th and 21st 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.

4. Under which statutory mandate would the Forest Service prefer to manage National Forests, MUSY or NFMA? Why?