COURSE DESCRIPTION AND REQUIREMENTS

I. Description
At all levels – local, state, national, and international – environmental problems pose major and increasingly difficult challenges. How we manage/protect natural resource systems – e.g., forests, grazing lands, wetlands, parks, and wildlife resources – is an important subset of the environmental challenges facing the United States. The legal arena constitutes an essential focal point for dealing with natural resource issues.

This course addresses selected topics in resource management law, examining how the American legal system deals with a number of important issues arising out of efforts to develop/use/protect natural resources. It concentrates primarily on the management/protection of natural resources found on lands owned by the federal government and located primarily in the American West. Particular topics addressed include (but are not limited to) constitutional issues raised by federal efforts to manage natural resources, the nature and extent of federal and state power in dealing with those resources, judicial review of administrative agency decisions, the National Environmental Policy Act (hereafter NEPA), the Endangered Species Act (hereafter ESA), water resources control on federal lands, and management of national forests.

The course involves lectures and class discussions, a weekly discussion section, preparation of case briefs and legal research assignments, a mid-term exam, and a final exam. Students taking the course for graduate credit (i.e., CRP 5440) must also complete an extra 6-8 page paper.

The course has been designed for students who have not previously taken a law course. Juniors, seniors, and graduate students are welcome to enroll; sophomores should first check with Professor Booth; and freshmen are not permitted to take the course.

II. Goals and Learning Outcomes
Hopefully each student in this course will expand or acquire the following capabilities:

-- to explain important pieces of American environmental law pertaining to the management and protection of natural resources;

-- to explain the roles and responsibilities of some of the federal agencies that hold major environmental protection responsibilities, the legal powers that these agencies possess, and major legal constraints that surround agency decision-making;

-- to explain basic processes and substantive principles that are widely utilized throughout American law: i.e., processes and principles that extend far beyond the realm of environmental law;
-- to explain the roles played by legislators, executives (e.g., the President), the courts, and administrative decision-makers in the American legal system;

-- to read and interpret legal materials: e.g., court decisions, statutory material, and agency regulations, (and for students taking the course for graduate credit, capacity to read and interpret law review articles);

-- to write clearly and concisely;

-- to summarize, in cogent written form, decisions handed down by the judicial branch; and

-- to find legal materials to be used in research or for other purposes.

NOTE: In terms of the Department of City and Regional Planning’s (CRP) requirements that all CRP courses taught for Master of Regional Planning (MRP) students contribute to the development each MRP student’s Knowledge, Skills and Values, this course makes the following contributions:

**General Planning Knowledge** – develop the student’s understanding of how legal principles fundamentally shape the purpose and meaning of the federal government’s efforts to manage the environmental resources found on its enormous land holdings; develop the student’s understanding of law related to planning efforts undertaken by certain federal agencies that hold major environmental protection responsibilities; develop the student’s understanding of legal principles that govern the outcomes of many resource management conflicts; expand the student’s understanding of how over time the law has contributed to the patterns of federal land management that now exist; and develop the student’s understanding of how legal principles lie at the heart of two fundamental conflicts in the resource management arena – i.e., tensions between the rights of the individual and the government’s general interests and tensions between the interests of different levels of government (e.g., between a state government’s interests and the federal government’s interests).

**Planning Skills** – develop the student’s basic legal research skills; improve the student’s ability to read critically; and improve the student’s writing skills.

**Values and Ethics** -- improve the student’s understanding of ethics in the context of public agency decision-making affecting environmental resources; improve the student’s understanding of how government works in the United States and what limits do/should exist around government exercise of power; improve the student’s understanding of the legal obstacles that can face citizens when they attempt to interact with government agencies responsible for managing environmental resources and their understanding of the ways in which citizens may use the law to attempt to overcome those obstacles; improve the student’s understanding of how social justice may mean very different things to different parties which find themselves at odds over legal issues involved in public agency decision-making that affects environmental resources; and improve the student’s
understanding of what justice may mean for various parties as legal controversies involving citizens and public agencies are resolved.

Planning Concentrations – with regard to the concentration in Land Use and Environmental Planning, improve the student’s understanding of legal powers that agencies hold/exercise in making decisions that affect natural resources (at both federal and state levels) and legal constraints that typically limit actions by those agencies; improve the student’s awareness of how legal principles/concerns fundamentally shape the federal government’s planning endeavors regarding public lands and its environmental management protocols/practices; and expand the student’s awareness of how the law can both promote and hinder efforts to promote environmental quality, sustainability, and community participation in various decision-making practices.

III. Required Texts
1) Coggins, Wilkinson, Leshy, and Fischman, Federal Public Land and Resources Law (Foundation Press, 7th ed., 2014) (hereafter COGGINS); STUDENTS ARE URGED TO BUY THIS TEXT AND TO WRITE NOTES IN IT AND UNDERLINE KEY PASSAGES.

2) Glicksman and Coggins, Modern Public Land Law In Nutshell, (Thomson/West, 2012, 4th edition) (hereafter GLICKSMAN);

3) Course Readers I and II – Selected Materials In Resource Management and Environmental Law (2017) prepared by Professor Booth. Each student will receive a copy of Course Reader I. Each student will purchase a copy of Course Reader II; it will be available after the start of classes because it is not needed during the first part of the course.

4) Any additional materials Professor Booth hands out in class.

IV. Required Readings and General Course Outline
1) Reserved Readings: The Reserve Desk in the Fine Arts Library has the following on Reserve for this course -- Carper, et al., Understanding The Law (West Publishing, 6th edition, 2012.) Chapters 1, 2, 3 and 5 are strongly recommended.

2) Course Readers I and II: Students should complete the readings in the readers as Professor Booth announces.

3) GLICKSMAN: Students should read this text throughout the semester. It is a background reading and will not generally be discussed in class.

4) OTHER MATERIALS: Students should read any other materials handed out by Professor Booth.

5) COGGINS: Students should complete the readings in COGGINS in accord with the following schedule and general outline:
   WEEK 1 -- Week of January 23 – Introduction: pp. 1-13 (through last full paragraph), 17-28 (bottom of the page), 29 (from 7) - 32, 43-44.
WEEK 2 -- Week of January 30 – Federal Public Land History I: pp. 45-52, 56-63 (through second paragraph under (a) to “United States:”), 72-77 (through note 5) and 90 (from Comment …) -108 (to bottom of page).

WEEK 3 -- Week of February 6 – (A) Federal Public Land History II AND (B) NEPA and ESA I: (A) pp. 473-479 (through note 4), 731-740, and 347-348. (B) pp. 240-263.

WEEK 4 -- Week of February 13 – NEPA and ESA I: pp. 263-303 (through Comment: Reintroduction of Species).

WEEK 5 -- Week of February 20 (no class Monday and no discussion sections this week) – (A) Agency Procedures and Judicial Review AND (B) Federal Power To Manage Federal Lands/ Limits On Federal Power I: (A) pp. 205-209, 211-212 (notes 2-3), 213 (from note 5) - 220 (through note 2), 225 (from Comment …) - 230 (to 1), 233 (only paragraph under C), 237 (from note 3) - 239 (through bottom of page). (B) pp. 131-132 (through paragraphs under 1), 140-155.


WEEK 7 -- Week of March 6 – (A) Federal Power To Manage Federal Lands/ Limits On Federal Power III AND (B) Water Resources on Federal Lands I: (A) pp. 1016-1029 (through end of court’s majority opinion), 1032 (from Notes And Questions) - 1033, and 77 (from The Public Trust Doctrine) – 80. (B) pp. 427-444 (end of the majority opinion).


WEEK 10 -- Week of March 27 – Forest Resources On Federal Lands I: pp. 651-685.

Week of April 3 – SPRING BREAK


WEEK 15 -- Week of May 8 (last day of classes Wednesday, May 10) -- Recreation on

NOTE: This listing of reading assignments is ambitious. It will be modified if necessary.
Students should complete assigned readings by the time they are discussed in class; as a general
rule, for each class students should read 15-20 text pages beyond where the discussion ended
during the previous class. Reading legal materials, particularly judicial decisions, requires
considerable effort, and students should develop the habit of going over assigned readings a
number of times (again, particularly judicial decisions).

V. Class Attendance
Classes will be held on Mondays, Wednesdays, and Fridays at 11:15 am – 12:05 pm; they
will be in 208 West Sibley; and attendance will be taken. Classes will involve a combination of
lectures and discussions, and students are strongly encouraged to participate in these discussions.

VI. Discussion Sections
Professor Booth will hold 3 discussion sections each week. Students are required to
attend one of them, and attendance will be taken. The purpose of the discussion sections is to
provide students with greater opportunities to talk about materials dealt in the course and other
related matters and to ask questions. Students are strongly encouraged to participate actively in
these class discussions. The discussion sections will be held as follows: Mondays – 2:30-3:20
PM; Tuesdays -- 11:15 AM – 12:05 PM and 1:25-2:15 PM. All discussion sections are
scheduled for Room 208 West Sibley.

NOTE: Discussion sections will begin during the week of January 30.

VII. Written Assignments
1) Case Briefs Each student will complete five 1-page (typed) case briefs that
summarize assigned court decisions. A sheet describing these case brief assignments will be
handed out early in the semester. Grades on the briefs will reflect their substance, clarity,
organization, and quality of writing.

2) Legal Research Assignments Each student will complete 3 (typed) legal research
assignments designed to allow him/her to develop basic skills in finding legal materials.
While these assignments will not be graded, they must be completed. Students may work
in groups on these assignments, but each student is required to locate the applicable
materials and prepare (including typing) his or her answers for each assignment.

Students are urged to attend one of the two voluntary EVENING sessions Professor
Booth will hold during the week of January 30 to discuss legal materials. (THESE LEGAL
MATERIALS SESSIONS WILL BE OFFERED ONLY DURING THE WEEK OF JANUARY
30).

3) Graduate Credit – Paper Requirement Each student taking this course for graduate
credit (i.e., CRP 5440) will write a 6-8 page paper in addition to other requirements. This
assignment will be handed out during the second or third week of classes. It will be due at the end of classes.

VIII. Exams

There will be a mid-term exam and a final exam. The mid-term will be given on two different evenings outside of class as announced by Professor Booth (each student will select one of those two nights to take the exam.) The final exam will be given according to the University’s exam schedule.

IX. Grades

Student grades will be based on the following approximate percentages:

For students taking CRP 4440 or NTRES 4440: Case Briefs – 30%; Mid-term Exam – 25%; Final Exam – 45%.

For students taking CRP 5440: Case Briefs – 25%; Mid-term Exam – 20%; Grad Paper – 15%; Final Exam – 40%.

X. Office Hours

Professor Booth’s office is in 117 West Sibley (office phone: 255-4025; home phone: 272-6573). Please feel free to call him. He will post his office hours and weekly sign-up sheets on the door of his office. Additional meeting times may be scheduled by calling Professor Booth to do so. All students in the class are strongly encouraged to meet with Professor Booth during his office hours or at such other convenient times as may be arranged.

Professor Booth will answer questions regarding the course schedule and assignment dates by e-mail, by telephone, or in person. Professor Booth will not answer student questions about course CONTENT, an individual student’s GRADES, or other SUBSTANTIVE ISSUES via e-mail; students should talk to him directly re those types of questions.

XI. IMPORTANT POLICIES – Illustrative, Not Exhaustive.

1) Each student is required to comply with the Cornell University Code of Academic Integrity at all times and under all circumstances. All work submitted by a student for academic credit (including signing an attendance sheet) must be the student's own work.

2) Professor Booth will be available to discuss appropriate academic accommodations that may be required for students with disabilities. Except for unusual circumstances, requests for academic accommodations should be made during the first weeks of the semester, so arrangements can be made.

3) Courtesy to everyone involved in the class is essential to the success of this course – and is expected and required at all times. Intentional misbehavior that disrupts a class will be unacceptable at all times.
4) All written assignments must be submitted to Professor Booth in hard copy form. In special circumstances Professor Booth may make a specific exception to this requirement for a particular student regarding a particular written assignment.

5) Written assignments will be due at the times specified by Professor Booth. Grade reductions will typically be assigned to late written assignments; any late assignments must be handed in by the end of classes.

6) Students may use computers to take notes during lectures and/or discussion sections, but NOT for other purposes. If this policy is abused, Professor Booth may eliminate all use of computers during class.

7) Students may NOT use telephones or other forms of electronic communication during lectures or discussion sections.

8) Professor Booth will adhere strictly to University policy regarding the issuance of any “incomplete” grade for the course.

9) The grades of A-, A, and A+ will be assigned only for excellent work, both with regard to individual assignments and overall course grades.

10) Professor Booth reserves the right to reduce a student’s grade to reduce a student’s course grade for poor class attendance, poor attendance at the weekly discussion sections, missing assignments, and/or for other appropriate reasons.