

## Introduction to the 2026-1 Edition

The 2026-1 Edition keeps your treatise thoroughly up to date with all the developments affecting the law of federal management and allocation of our natural resources, including:

- Coverage and analysis throughout Chapter 17 of the Supreme Court's decision in *Seven County Infrastructure Coalition v. Eagle County* and its impact on implementation of and judicial review under NEPA
- Coverage throughout Chapter 7 of the new procedural rules governing the Interior Board of Land Appeals
- Discussion in § 8:56 of the Supreme Court's decision in *Trump v. CASA, Inc.* concerning universal (or nationwide) injunctions
- Treatment in §§ 4:30 and 31:51 of the Federal Circuit's latest decision in *Sauer West* on when the Surface Transportation Board's issuance of a Notice of Interim Trail Use constitutes a temporary taking of a property owner's reversionary interest without just compensation
- Coverage in § 4:6 of a Court of Federal Claims case holding that the owners of a ranch used to raise and sell beef cattle and to run stables for recreational horseback riding stated a claim for a compensable physical taking against the Forest Service due to its construction of a fire line
- Discussion in § 7:25 of the IBLA's revised treatment of stay applications
- Description in § 10:6 of a 2025 Ninth Circuit decision (*Chang v. United States*) describing when the discretionary function exception under the Federal Tort Claims Act applies to decisions involving policy implementation or routine maintenance
- Coverage in § 17:6 of a 9th Circuit decision holding that by eliminating or severely shortening the public comment periods for scoping and other phases of the oil and gas lease sale process without providing a reasoned explanation for changing its processes, the BLM violated NEPA and acted arbitrarily
- Treatment in § 29:5 of a D.C. Circuit decision approving the FWS's downlisting of the American Burying Beetle from endangered to threatened, and of the agency's consideration of the fate of the species in the "foreseeable future"
- Discussion in § 29:6 of a Montana district court decision finding arbitrary and capricious the Fish and Wildlife Service's determination that listing under the ESA of a distinct population segment of gray wolves in the Western

United States was not warranted, in part based on the agency's erroneous interpretation of the term "significant portion of its range"

- Description in § 29:39 of a district court decision holding that the FWS may issue regulations applying the take prohibition to a threatened species only if it first finds that doing so is "necessary and advisable to provide for the conservation of such species," and that the cost of compliance is relevant to the determination of whether a measure is necessary and advisable
- Coverage in § 32:19 of a 9th Circuit decision (*CBD v. BLM*) holding that the BLM, in approving oil and gas development in the National Petroleum Reserve-Alaska, did not violate the Alaska National Interest Lands Conservation Act's requirement to evaluate alternatives that minimize use of public lands needed for subsistence purposes
- Treatment in § 32:22 of a decision by the Alaska Supreme Court holding that allocation of hunting permits to nonresidents did not violate the state constitution's "equal access" provisions
- Discussion in § 32:28 of the Tenth Circuit's decision in *American Wild Horse Campaign v Raby*, in which it analyzed the nature of the BLM's duty under the Wild Free-Roaming Horses and Burros Act to achieve and maintain a thriving ecological balance