

Index

Abatement actions

Land pollution, **21:16**

Abbreviations

Table of common abbreviations, **1:38**

Abuses

Reclamation Reform Act of 1902,
36:20

Access to justice

See Federal Monetary Liability

Access to land

Generally, **15:1 to 15:27**

Checkerboarded lands under Unlawful Inclosures Act of 1885,
access across, **15:9**

Congressional powers, **4:31**

Contractors, **15:5**

Federal government and licensees
over private land, **15:7 to 15:9**

FLPMA. Rights-of-way across
federal land, below

Hardrock miners, **15:6**

Inholdings. Private access to inholdings,
below

Lessees, **15:5**

Licensees, **15:4**

Permittees, **15:4**

Private access to inholdings

Generally, **15:11 to 15:16**

BLM public lands, **15:15**

National forests, **15:12**

National parks, **15:14**

National wildlife refuges, **15:13**

Wilderness areas, **15:16**

Private property right, **15:3 to 15:6**

Rights-of-way across federal land

Generally, **15:17 to 15:27**

Development of federal land,
15:27

FLPMA

Generally, **15:21 to 15:26**

Access to land—Cont'd

Rights-of-way across federal land
—Cont'd

FLPMA—Cont'd

Application, **15:21**

Costs, **15:23**

Fees, **15:23**

Requirements, **15:22**

Road construction, maintenance,
and financing, **15:24**

Suspension or termination,
15:25

Pre-1976 rights-of-way, **15:18 to 15:20**

Preexisting access rights, **15:18**

Revised statute (R.S.) 2477
highways, **15:19**

Water diversions, access for, **15:20**

State access to landlocked state lands,
15:10

Unpatented mining claims, access
across, **15:8**

Acid deposition

Air pollution, **18:4, 18:16**

Acquired lands

Defined, **1:10**

Public mineral resources management. See Public Mineral
Resources Management

Acquired Lands Act (ALA)

Generally, **40:31 to 40:33**

Acquisitions

Continuing disposition and acquisition of federal land. See
Continuing Disposition and
Acquisition of Federal Land

Endangered and threatened wildlife
and plant species preservation,
29:18

Funding, **6:11**

Acquisitions—Cont'd

- Public water resources development, **36:9**
- Resource development and protection laws, **6:21**

Acreage

- Public mineral resources management, **38:25, 39:15**

Active partners

- Federalism, **5:5**

Additions

- River segment preservation, **26:4**

Adjustment

- See Modification, Change or Adjustment

Administrative law

- Generally, **7:1 to 7:40**
- Appeal and review
 - Air pollution, **18:25**
 - Federal monetary liability, **9:13 to 9:15**
 - Forest Service decisions
 - Generally, **7:29 to 7:40**
 - Appealable decisions, **7:31**
 - Appeal decisions, **7:37.3**
 - Conduct of appeal, **7:37.2**
 - Content and process of appeal, **7:37**
 - Context, appeals in, **7:40**
 - Filing prerequisites, **7:32**
 - Final decisions, **7:33**
 - Healthy Forests Restoration Act, **7:39.60, 7:39.90**
 - Implementing forest plans, **7:31 to 7:33**
 - Levels of appeals, **7:36**
 - Notice of appeal, **7:35**
 - Objections, predecision process under Healthy Forests Restoration Act, **7:39.60, 7:39.90**
 - Objections to forest plan amendments or revisions, **7:30**
 - Occupancy and use of forest system lands, appeals of

Administrative law—Cont'd

- Appeal and review—Cont'd
 - Forest Service decisions—Cont'd
 - decisions relating to, **7:34 to 7:37.3**
 - Predecisional administrative review, **7:39.30**
 - Process of appeal, **7:37**
 - Stays pending appeal, **7:37.1**
 - Forest Service decisions. Appeal of
 - Forest Service decisions, below
 - Hazardous fuel reduction projects, **7:39**
 - Interior Department decisions
 - Generally, **7:21 to 7:28**
 - Context, appeals in, **7:28**
 - IBLA
 - Generally, **7:23 to 7:27**
 - Filing deadlines, **7:24**
 - Final decisions, **7:27**
 - Hearing procedures, **7:26**
 - OHA and, **7:22**
 - Stays pending appeal, **7:25**
 - OHA and IBLA, **7:22**
 - Judicial review. See Judicial Review
 - NEPA, **17:12, 17:40 to 17:43**
 - Public recreation resource, appeal of permit denial, **31:39**
 - Surface mining control and reclamation, **38:40, 38:41**
- Congressional powers, **4:34**
- Continuing disposition and acquisition of federal lands, **13:5, 13:64**
- Decisions
 - Generally, **7:2**
 - Appeal and review, above
 - Federal land management agencies
 - Generally, **7:19, 7:20**
 - Appeal and review. See Judicial Review
 - Interior Department decisions.
 - Appeal and review, above
 - Politics of decisionmaking, **7:2**
 - Science of decisionmaking, **7:2**
- Federalism. See Federalism

INDEX

Administrative law—Cont'd

- Federal land management agencies
 - Generally, **7:3 to 7:11**
 - Adjudication, **7:18**
 - Agency manuals, **7:16**
 - Appeals Reform Act (repealed in 2014), **7:15**
 - Assistant secretaries of Department of Interior, **7:4**
 - Bureau of Land Management (BLM), **7:8**
 - Field organization, **7:11**
 - Fish and Wildlife Service, **7:6**
 - Formal rulemaking requirements, **7:14**
 - Informal decisions, **7:19**
 - Informal rulemaking requirements, **7:14**
 - Interior, Department of, generally, **7:4 to 7:9**
 - Judicial review. See Judicial Review
 - Land use planning, **7:17**
 - Manuals of agencies, **7:16**
 - Multiple and super agency decisions, **7:20**
 - National Forest Service, Department of Agriculture, **7:10**
 - National Park Service, **7:7**
 - Public property exemption, **7:13**
 - Rulemaking, **7:13 to 7:16**
 - Secretary of Department of Interior, **7:4**
 - Super agency decisions, **7:20**
- Federal land use planning, NEPA compliance, **16:46**
- Forests. National Forest Service, below
- Functions of agencies, generally, **7:1**
- Healthy Forests Restoration Act, **7:39.60, 7:39.90**
- IBLA. Appeals and review, above
- Interior, Department of
 - Appeal and review, above
 - Federal land management agencies, above
- Internet access, **1:26**
- Judicial review. See Judicial Review
- Management function, **7:1**

Administrative law—Cont'd

- Manuals, generally, **1:25**
- Modern public natural resources law, **1:19**
- Multiple use, sustained yield management of public surface resources, **33:27**
- National Forest Management Act, NEPA compliance, **16:46**
- National Forest Service
 - Generally, **7:10**
 - Appeal and review, above
- Opinions, generally, **1:25**
- Orders, generally, **1:25**
- Politics of decisionmaking, **7:2**
- Predecisional administrative review, **7:39.30, 7:39.60, 7:39.90**
- Procedural overlay statutes, **6:9 to 6:11**
- Public mineral resources management. See Public Mineral Resources Management
- Regulations, generally, **1:25, 7:1**
- Science of decisionmaking, **7:2**

Adoption

- Federal wildlife and wildlife habitat management programs, **32:29**

Advance payments

- Forest Service timber contracts, **34:32**

Adverse impact

- Mitigation, **27:3**
- NEPA, **17:40 to 17:43**
- Takings, **4:25 to 4:27, 4:30**

Advertisement

- BLM timber contracts, **34:49**
- Forest Service timber contracts, **34:28**

Advisory boards

- BLM livestock grazing regulation, **33:11**
- Forest Service livestock grazing, **33:34**

Affirmative conservation

- Endangered and threatened wildlife and plant species preservation, **29:38**

Agencies

- Administrative law. See Administrative Law
- Diversity, agency-specific, **6:6**
- Federal monetary liability, **9:14, 9:15**
- Judicial review of land management agency decisions, **8:52 to 8:57**
- Legal literature, agency-specific books, **1:31**
- Peripheral statutes, **6:18**

Agriculture

- Administrative law, **7:10**
- Continuing disposition and acquisition of federal lands, **13:22**

Air pollution

- Generally, **18:1 to 18:31**
- Acid deposition, **18:4, 18:16**
- Classification of air quality control regions, **18:21**
- Clean Air Act
 - Generally, **18:6 to 18:18**
 - Acid deposition control, **18:16**
 - Enforcement, **18:10**
 - Federal facilities, **18:14**
 - Hazardous air pollutants, **18:12**
 - Interstate pollution, **18:17**
 - Mobile sources, **18:13**
 - National ambient air quality standards, **18:7 to 18:9**
 - New sources, regulation of, **18:11**
 - Permits, **18:9**
 - State implementation plans, **18:8**
 - Stratospheric ozone protection, **18:15**
- Criteria pollutants, **18:2**
- Federal lands, **18:2 to 18:5**
- Nonattainment, **18:19**
- Permits, **18:9, 18:23**
- PSD (Prevention of Significant Deterioration), **18:20 to 18:23**
- PSD increments and pollutants, **18:22**
- Significant deterioration, prevention of, **18:20 to 18:23**
- Visibility
 - Generally, **18:24 to 18:30**
 - Best available retrofit technology, **18:27**

Air pollution—Cont'd

- Visibility—Cont'd
 - Current visibility issues, **18:28**
 - EPA's regional haze regulations, **18:30**
 - EPA's visibility protection regulations, **18:24**
 - Impairment, **18:3**
 - Integral vistas, **18:27**
 - Interstate pollution, **18:26**
 - 1990 amendments, **18:29**
 - Permits, **18:27**
 - Review of SIPs, **18:25**

Alaska

- Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands
- Endangered and threatened wildlife and plant species preservation, **29:44**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- National wildlife refuge system, **16:9**
- Park system units, **16:5**
- Reservations, **14:23**
- Withdrawal, **14:23**

Alaska National Interest Lands Conservation Act

- Generally, **13:14 to 13:17**

Alaska Native Claims Settlement Act

- Generally, **13:13**

Alaska Statehood Act

- Generally, **13:12**

Allowable cut

- National Forest Management Act, **34:13**

Ambient air

- National ambient air quality standards, **11:6 to 11:9**

INDEX

Amendments or revisions

- Access to federal lands and natural resources, **15:19**
- Administrative law, **7:30**
- Air pollution, 1990 amendments, **18:29**
- Bureau of Land Management's grazing regulations, **33:29**
- Electric Consumers Protection Act amendments, **37:23**
- Federal Power Act (FPA), **37:2, 37:14**
- Forest plan amendments or revisions, **7:30**
- Mining and mineral processing wastes and Bevill Amendment, **20:16 to 20:18**
- Oil and gas wastes and Bentsen Amendment, **20:20**
- Tenth Amendment, **4:36**

Amenity protection

- Modern public natural resources law, **1:22**

Ancient oil shale location claims

- Generally, **40:4, 40:5**

Annual timber sale plans

- BLM timber contracts, **34:50**

Anticipatory demolition

- NHPA, **28:11**

Antidegradation policy

- Nonpoint sources, control of, **19:13**

Antiquities Act of 1906

- Generally, **28:2**

APD notices

- Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), **39:23**

Appeal and review

- Administrative law. See Administrative Law
- Judicial review. See Judicial Review of Land Management Agency Decisions

Appeals Reform Act

- Repealed in 2014, **7:15**

Applications

- Federal hydroelectric projects and licensing, **37:12, 37:25**
- Geothermal resources leasing, **40:25**
- Public coal resource, **38:6, 38:7**
- Rights-of-way across federal land, **15:21**

Apportionment

- Interstate equitable apportionment of water and fish, **5:34**
- Land pollution, general liability standards, **21:21**

Appraisals

- Continuing disposition and acquisition of federal lands, **13:29, 13:36**
- Multiple use, sustained yield management of public surface resources, **34:33, 34:51, 34:61**

Appropriate plaintiffs

- Land pollution damages, **21:44 to 21:46**

Appropriation

- Taking, federal liability for, **12:4**

Appurtenancy

- Federal reclamation projects, **36:15**

Aquatic and wetlands development, control of

- See Water Pollution

Archaeological preservation

- See Federal Land and Resource Preservation Management

Archaeological Resources Protection Act of 1979 (ARPA)

- Generally, **28:3 to 28:6**

Arrangers

- Government liability, land pollution, **21:33**

Assembled land exchanges

- BLM land exchanges, **13:35**

Assessments

- Biological assessment, **29:25**
- ECPA consultation requirements, assessment of, **37:30**
- Environmental assessments
 - Generally, **1:22**
 - Geothermal resources leasing, **40:21 to 40:24**
 - Historical and geographical frameworks of public natural resources law, **2:21**
 - NEPA, **17:5 to 17:12**
 - Public coal resource, **38:7**
- Federal administrative taking assessments, **4:34**
- Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales, **39:21**
- Forest Service planning regulations under National Forest Management Act, **16:45**
- Hardrock mineral resource, **42:21**
- Judicial review of NFMA plans, assessment of, **16:62**
- Land pollution. See Land Pollution
- Public coal resource, environmental assessment of lease issuance, **38:7**
- Public onshore oil and gas resource, pre-lease environmental assessment, **39:7**
- Water pollution, natural resource damage liability and assessment, **19:33**

Assignment

- Public recreation resource, **31:29**
- Public timber resource, **34:62**

Assistant secretaries of Department of Interior

- Generally, **7:4**

Associational standing

- Judicial review of land management agency decisions, **8:24**

Assumptions

- Generally, **1:28**
- Federalism, **5:2**

Attorneys' fees

- Federal monetary liability. See Federal Monetary Liability
- Land pollution damages, **21:62**

AUMs

- BLM livestock grazing regulation, **33:14**

Available lands

- Geothermal resources leasing, **40:17 to 40:19**
- Oil shale leasing and location, **40:6**

Below-cost sales

- Public timber resource, **34:18**

Bentsen Amendment

- Oil and gas wastes, **20:20**

Best available retrofit technology

- Air pollution, **18:27**

Best available science

- Forest Service land management planning regulations under National Forest Management Act, **16:43**

Bevill Amendment

- Mining and mineral processing wastes, **20:16 to 20:18**

Bids and bidding

- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- Public mineral resources management, **39:14**

Binding exchange agreements

- Continuing disposition and acquisition of federal lands, **13:31**

Biodiversity

- National Forest Management Act, **16:59**

Biological assessment

- Endangered and threatened wildlife and plant species preservation, **29:25**

INDEX

BLM

See Bureau of Land Management (BLM)

BLM Reno Plan

Multiple use, sustained yield management of public surface resources, **33:47**

BMPs

Water pollution, nonpoint sources, control of, **19:12**

Bonds

Multiple use, sustained yield management of public surface resources, **34:32, 34:58**

Public mineral resources management, **38:13, 38:37**

Bounties

Endangered and threatened wildlife and plant species preservation, **29:48**

Breach of contract

Multiple use, sustained yield management of public surface resources, **34:42**

Budget

Public water resources development, **36:22**

Bureau of Land Management (BLM)

Access to federal lands and natural resources, **15:15**

Administrative law, **7:8**

Age of conservation, 1872-1964, **2:14**

Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Land

Federal land use planning. See Federal Land Use Planning

Hydraulic fracturing (fracking) regulation, **39:24.10**

Land pollution, **20:4**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of

Bureau of Land Management (BLM)

—Cont'd

Public Surface Resources

National wilderness preservation system, **25:12, 25:16**

Public mineral resources management, **40:38, 42:27, 42:33**

Reservation, **14:8**

Sale and location of unique or uncommon common mineral varieties on BLM public lands, **40:38**

Statutes, **6:16**

Bureau of Reclamation

Public water resources development, **36:4**

Burros

Federal wildlife and wildlife habitat management programs, **32:28, 32:29**

Cancellations

Forest Service livestock grazing, **33:44**

Cappaert and New Mexico decisions

Judicially imposed limitations on state power, **5:36**

Carey Act

Continuing disposition and acquisition of federal lands, **13:3**

Castle case

Hardrock mineral resource, **42:18**

Causation

Judicial review of land management agency decisions, **8:15 to 8:17**

Land pollution, **21:23**

CDCA

Public recreation resource, **31:10**

CERCLA

Land pollution. See Land Pollution

Certainty and uncertainty

Congressional powers, **4:4**

Statutes, uncertainty of legal source, **6:7**

Certification

Public water resources development,
36:32, 37:41

Challenges

Continuing disposition and acquisition of federal lands, **13:64, 13:65**

Land pollution, **21:53, 21:54**

Multiple use, sustained yield management of public surface resources, **31:38**

Change

See Modification, Change or Adjustment

Checkerboarded lands

Access to federal lands and natural resources, **15:9**

Chemical minerals

Public mineral resources management, **40:8 to 40:11**

Statutes, **6:25**

Choice of law

Congressional powers of federal lands and natural resources, **3:8**

Chronological tiering

NEPA, **17:26**

Citizen suits

Endangered and threatened wildlife and plant species preservation, **29:49**

Land pollution, **21:65**

Water pollution, **19:36**

Civil law

Endangered and threatened wildlife and plant species preservation, **29:46**

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales, **39:21**

Land pollution, **21:36**

Claim maintenance fees

Hardrock mineral resource, **42:22**

Claims court

Federal monetary liability, **9:13**

Classification

Generally, **14:19 to 14:22**

Air pollution, **18:21**

FLPMA classification, **14:22**

History, **14:19**

Multiple Use Act, **14:21**

Public watershed resource, **35:13**

River segment preservation, **26:6**

Taylor Act, **14:20**

Clean Air Act

See Air Pollution

Cleanup

Land pollution. See Land Pollution

Clean Water Act

Federal hydroelectric projects and licensing, **37:41, 37:42**

Oil spills, **19:29**

Public timber resource, **34:11**

Wetlands preservation, **27:2 to 27:4**

Clearcutting

National Forest Management Act, **16:54, 34:16**

CMAI

Public timber resource, **34:17**

Coal mining wastes

Land pollution, **20:19**

Coal resource

See Public Mineral Resources Management

Coleman case

Hardrock mineral resource, **42:19, 42:20**

Valuable mineral deposit, **42:19, 42:20**

Color of title

Continuing disposition and acquisition of federal lands, **13:21**

Commerce clause

Federalism, **5:11 to 5:14**

Threats from nonfederal lands and resources, powers over, **3:16**

INDEX

Commercial recreation facilities

National forest system (NFS), **31:33, 31:34**

Common law

Federalism, **5:33**

Common mineral varieties

See Public Mineral Resources Management

Communitization

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), **39:27**

Comparative value

Hardrock mineral resource, **42:17**

Compensation

Taking, federal liability for, **12:9 to 12:11**

Competition

Fertilizer and chemical mineral leasing, **40:11**

Geothermal leasing, **40:27**

Preservation as competing resource, **1:16**

Public coal resource, **38:21**

Public mineral resources management. See Public Mineral Resources Management

Public onshore oil and gas resource, **39:8**

Public watershed resource, **35:34**

Completion

Surface mining control and reclamation, **38:38**

Comprehensive plan requirement

Federal hydroelectric projects and licensing, **37:20**

Computer programs

National Forest Management Act, forest planning mechanism, **16:48**

Concessionaires

Multiple use, sustained yield management of public surface resources. See Multiple Use,

Concessionaires—Cont'd

Sustained Yield Management of Public Surface Resources

National forest system (NFS), **31:31 to 31:35**

Condemnation

Congressional powers of federal lands and natural resources, **3:19, 3:20**

Procedural overlay statutes, **6:11**

River segment preservation, **26:7**

Taking, federal liability for, **12:2 to 12:5**

Conditions

Land pollution, **21:29**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

NEPA, **17:24**

Public water resources development, **37:18 to 37:20**

Conduct of appeal

Administrative law, Forest Service decision, **7:37.2**

Conferences

Endangered and threatened wildlife and plant species preservation, **29:26**

Conflicts

Federalism, **5:22**

Congress

Generally, **3:5 to 3:20**

Choice of law in federal enclaves, **3:8**

“Classical” theory, **3:11**

Condemnation, **3:19, 3:20**

Constitutional law, generally, **3:5 to 3:20, 4:1 to 4:36**

Eminent domain, **3:19, 3:20**

Federal “enclaves,” **3:6 to 3:9**

Federalism. See Federalism

Judicial interpretation, **3:12**

Limitations

Generally, **4:1 to 4:36**

Congress—Cont'd

Limitations—Cont'd

Delegation of legislative powers, **4:35**Federal administrative taking assessments, **4:34**Legislative veto, **4:2 to 4:4**

Regulatory takings doctrine

Generally, **4:6 to 4:19**Background principles exception to Lucas categorical rule, **4:13**Categorical takings, **4:8, 4:9**Denial of all economically viable use, **4:12**Economically viable use, denial, **4:9, 4:12**Economic impact, **4:15**Ends-means connection, **4:17**Geographical conceptual severance, **4:10**Non-categorical takings, **4:15 to 4:17**“Parcel as a whole” rule, **4:10, 4:11**Ripeness of takings claims, **4:14**Substantive due process, **4:7**Temporal conceptual severance, **4:11**Temporary taking, **4:18**Timing of regulatory restrictions, **4:16**Severance, **4:3**

Takings

Generally, **4:5, 4:20 to 4:33**Access restrictions, **4:31**Adverse economic impact, **4:25 to 4:27, 4:30**Endangered species, **4:32**Exhaustion, **4:21**Federal administrative taking assessments, **4:34**Forced transfers, **4:24**Forfeiture cases, **4:22**Nonmineral cases, **4:28 to 4:32**Public mineral cases, **4:22 to 4:27**Ripeness, **4:21**Temporal restrictions, **4:30****Congress—Cont'd**

Limitations—Cont'd

Takings—Cont'd

Threshold definitional questions, **4:23, 4:28**Timing questions, **4:21**Water rights, impact on, **4:29**Wildlife, control of, **4:29**Tenth Amendment, **4:36**Uncertainty, **4:4**Modern public natural resources law, **1:18**Multiple use, sustained yield management of public surface resources, **32:8 to 32:11**Powers, generally, **3:5 to 3:20**Public mineral resources management, **42:7**

Regulatory takings doctrine. Limitations, above

River segment preservation, **26:2**State within state, **3:9**Taking, federal liability for, **12:4**

Takings. Limitations, above

Threats from nonfederal lands and resources, powers over

Generally, **3:13 to 3:18**Commerce clause, **3:16**Property clause, **3:14**Treaty clause, **3:17****Connecting trails**Multiple use, sustained yield management of public surface resources, **31:47****Constitutional law**Generally, **3:1 to 5:39**

Congress. See Congress

Construction and interpretation, **3:2 to 3:4, 3:12**Convention, constitutional, **3:3**Courts, powers over public lands and resources, **3:24**Executive discretion in statutory implementation, **3:23**Executive powers over public lands and resources, **3:21 to 3:23**

Federalism. See Federalism

Federal monetary liability, **12:2**

INDEX

Constitutional law—Cont'd

- Inherent presidential power, **3:22**
- Judicial interpretation, **3:12**
- Judicial review of land management agency decisions, **8:11 to 8:14**
- Legislative veto, **4:2 to 4:4**
- Pre-Civil war constitutional litigation, **3:4**
- Pre-constitutional public land law, **3:2**
- Public water resources development, **36:3, 36:31**
- Severance, **4:3**
- Taking, **4:5**
- Threats from nonfederal lands and resources, powers over. Congressional powers of federal lands and natural resources, above
- Uncertainty, **4:4**

Construction and interpretation

- Constitutional law, **3:2 to 3:4, 3:12**
- Federalism, **5:29**
- Public water resources development, **36:16**

Construction work

- Access to federal lands and natural resources, **15:24**
- Multiple use, sustained yield management of public surface resources, **34:36, 34:39**

Consultants and consultations

- Federalism, **5:4**
- Federal land and resource preservation management, **29:24 to 29:35**
- Public water resources development. See Public Water Resources Development

Consumers

- Public water resources development, **37:3, 37:23**

Content of appeal

- Administrative law, appeal of Forest Service decisions, **7:37**

Contests

- Multiple use, sustained yield management of public surface resources, **33:21**

Continuing disposition and acquisition of federal lands

- Generally, **13:1 to 13:66**
- Alaska, disposition of federal lands in
 - Generally, **13:10 to 13:18**
 - Alaska National Interest Lands Conservation Act, **13:14 to 13:17**
 - Alaska Native Claims Settlement Act, **13:13**
 - Alaska Statehood Act, **13:12**
 - Future land ownership, **13:18**
 - History, **13:11**
 - Native selections, **13:16**
 - State selections, **13:17**
 - Title to lands under waters, **13:15**
- BLM land exchanges. Land exchanges, below
- Exchanges. Land exchanges, below
- Forest land exchanges. Land exchanges, below
- Land exchanges
 - Generally, **13:24 to 13:41**
 - Alaska, **13:40**
 - BLM land exchanges
 - Generally, **13:32 to 13:37**
 - Appraisal and related requirements, **13:36**
 - Assembled land exchanges, **13:35**
 - Basic exchange requirements, **13:34**
 - FLPMA, **13:33**
 - Pre-FLPMA, **13:32**
 - Federal land reacquisition.
 - Reacquisition, below
 - Forest Service exchange regulations. National forest land exchanges, below this group
 - National forest land exchanges
 - Generally, **13:25 to 13:31**
 - Appraisal, **13:29**
 - Binding exchange agreements, **13:31**

**Continuing disposition and
acquisition of federal lands
—Cont'd**

Land exchanges—Cont'd
 National forest land exchanges
 —Cont'd
 Environmental requirements,
 13:27
 Equal value, **13:28**
 Forest Service exchange regula-
 tions, generally, **13:26 to**
 13:31
 Proposed exchange agreements,
 13:30
 Statutory authority, **13:25**
 National park land exchanges,
 13:38
 National wildlife refuge land
 exchanges, **13:39**
 Procedures, **13:37**
 Reacquisition, below
 Land grants and sales to private enti-
 ties
 Generally, **13:19 to 13:23**
 Agricultural lands in national
 forests, **13:22**
 Color of title, **13:21**
 Desert Lands Act of 1877, **13:20**
 FLPMA, land sales under, **13:23**
 Land grants to state and local govern-
 ments
 Generally, **13:2 to 13:9**
 Carey Act selections, **13:3**
 Federal Property and Administra-
 tive Services Act, **13:5**
 FLPMA, **13:7**
 In lieu selections, **13:2**
 Recreation and Public Purposes
 Act, **13:4**
 State grant programs, generally,
 13:8
 State land trust responsibilities,
 13:9
 Townsites in national forests, **13:6**
 Local governments. Land grants to
 state and local governments,
 above
 National forest land exchanges. Land
 exchanges, above

**Continuing disposition and
acquisition of federal lands
—Cont'd**

Privatization, **13:1**
 Reacquisition
 Generally, **13:42 to 13:50**
 Alaska, **13:50**
 Bureau of Land Management
 (BLM), **13:47**
 Federal lands, generally, **13:42 to**
 13:50
 Fish and Wildlife Service, **13:49**
 Forest Service, **13:46**
 Land and water conservation fund,
 13:44
 National Park Service, **13:48**
 Resurveys. Surveys, below
 State governments. Land grants to
 state and local governments,
 above
 Surveys
 Generally, **13:51 to 13:66**
 Authority to conduct original
 surveys, **13:54**
 Hiatuses, **13:56**
 History, **13:52, 13:53**
 Mining claims, **13:66**
 Omissions, **13:56**
 Original surveys, **13:52, 13:54 to**
 13:56
 Overlaps, **13:56**
 Resurveys
 Generally, **13:53, 13:57 to**
 13:65
 Administrative challenges,
 13:64
 Authority to conduct, **13:58**
 Challenges, **13:64, 13:65**
 Cooperative resurveys, **13:61**
 Dependent resurveys, **13:59**
 Effects, **13:63**
 Independent resurveys, **13:60**
 Judicial challenges, **13:65**
 Mechanics, **13:62**
 Private resurveys, **13:61**

Continuing violations

Judicial review of land management
 agency decisions, **8:38**

INDEX

Contract Dispute Act

Federal monetary liability. See
Federal Monetary Liability

Contractors

Access to federal lands and natural
resources, **15:5**

Contracts and agreements

Binding exchange agreements, **13:31**

Federal monetary liability. See
Federal Monetary Liability

Multiple use, sustained yield manage-
ment of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

Proposed exchange agreements,
13:30

Controversiality

NEPA, **17:20**

Conversion of grandfathered rights

Geothermal resources leasing, **40:20**

Cooperative conservation

Defined—limitations on state powers,
5:30

Cooperative federalism

Generally, **5:3 to 5:6**

Cooperative resurveys

Continuing disposition and acquisi-
tion of federal lands, **13:61**

Corps of engineers

Federal reclamation projects, Corps
dam projects, **36:10**

Joint EPA-Corps 2015 regulations
defining “waters of the United
States,” **19:21.10**

Corrective action liability

Resource Conservation and Recovery
Act, **20:27**

Cost-benefit analysis

National Environmental Policy Act
(NEPA), Environmental Impact
Statement adequacy, **17:43**

Cost pricing

Public water resources development,
36:29

Costs and fees

Access to federal lands and natural
resources, **15:23**

Federal monetary liability. See
Federal Monetary Liability

Land pollution, **21:62**

Multiple use, sustained yield manage-
ment of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

Public mineral resources manage-
ment, **42:22**

Public water resources development,
37:13

Water pollution, **19:31**

Council on Environmental Quality (CEQ)

Environmental Impact Statement
adequacy, **17:40.1**

Courts

See also topics beginning with
Judicial

Constitutional law, powers over pub-
lic lands and resources, **3:24**

Federal land use planning, reaction to
Bureau of Land Management
land use plans, **16:28**

Credits

Road construction credits, **34:36**

Criminal law

Endangered and threatened wildlife
and plant species preservation,
29:47

Land pollution, **21:36**

Critical habitat

Endangered and threatened wildlife
and plant species preservation,
29:12 to 29:15, 29:36

Cutting

BLM timber contracts, **34:60**

CWA

Permit program for point sources,
19:2

Damages

Federal monetary liability, **9:6**
Land pollution. See Land Pollution
Multiple use, sustained yield management of public surface resources, **32:33, 32:34**
Water pollution, **19:32, 19:33**

Dams

Federal reclamation projects, **36:10**

Decisions

Administrative law. See Administrative Law
Federal monetary liability, **9:13 to 9:15**
Judicial decisions, **1:27**
Judicial review of land management agency decisions. See Judicial Review
Land pollution, **21:54**
Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
National Forest Management Act, **16:50**
NEPA, **17:12**

Declaration of Taking Act

Generally, **12:13**
Federal monetary liability for taking, **12:13**

Defenses

Federal monetary liability. See Federal Monetary Liability
Land pollution, **21:24**

Deference

Judicial review of land management agency decisions, **8:2, 8:48**

Definitions

Hazardous substances, **21:2**
Land pollution, **20:12, 20:13**
Multiple use, **30:3**

Definitions—Cont'd

Natural resources, **21:38**
Renewable resources, **30:2**
Sustained yield, **30:4**
Threshold definitional questions, **4:23, 4:28**
Watershed, **35:7 to 35:10**
Wilderness, **25:3, 25:4**

Delay

Withdrawal, **14:17, 14:18**

Delegation of legislative powers

Limitations, **4:35**

Delisting habitat designation

Endangered and threatened wildlife and plant species preservation, **29:3 to 29:11**

Dependent resurveys

Resurveys, **13:59**

“Derived from”

Land pollution, **20:15**

Description

Environmental Impact Statement adequacy, **17:39**

Desert Lands Act of 1877

Generally, **13:20**

Diligence

Public mineral resources management. See Public Mineral Resources Management

Direct conflict

Federalism, **5:22**

Discovery

Hardrock mineral resource, **42:14, 42:15**

Discretion

Executive discretion in statutory implementation, **3:23**
Federal monetary liability, **10:4 to 10:7**

Discrimination

Federalism, **5:13**

INDEX

Disease

National wilderness preservation system, **25:20**

Diversions

Access to federal lands and natural resources, **15:20**

Diversity

National Forest Management Act, **16:59, 34:15**

Dominant partners

Federalism, **5:6**

Dominant use zoning

National Forest Management Act, **16:61**

Dormant commerce clause

Federalism, **5:11 to 5:14**

Double recovery

Land pollution, **21:41**

Dredge and fill

Federal hydroelectric projects and licensing, **37:42**
Public watershed resource, **35:22**
Water pollution, **19:15 to 19:21**
Wetlands preservation, **27:2**

Drinking water

Land pollution, **20:9**

Due diligence

Public mineral resources management, **38:28**

Due process

Federalism, **5:16**

Duration

National park system (NPS), **31:29**

Earth Island Institute, Summers v.

Judicial review of land management agency decisions, **8:10**

Economic impact

Categorical takings, **4:9, 4:12**
Congressional powers, **4:12, 4:25 to 4:27, 4:30**
Non-categorical takings, **4:15**

Economic interests zone of interest test

Judicial review of land management agency decisions, **8:22**

Economic limitations

Multiple use, sustained yield management of public surface resources, **34:18**

Economic poisons

Generally, **22:2, 22:3**
Registration, **22:4**

Economic suitability

National Forest Management Act, **16:55**

ECPA

See Electric Consumers Protection Act (ECPA)

EIS

See Environmental Impact Statement (EIS)

Electric Consumers Protection Act (ECPA)

Federal hydroelectric projects and licensing, **37:3, 37:23, 37:30, 37:31**

Eligibility

Multiple use, sustained yield management of public surface resources, **33:12**
Public mineral resources management, **39:14**

Emergency circumstances

National Environmental Policy Act (NEPA), **17:11.10**

Emergency leasing

Public mineral resources management, **38:22**

Emergency withdrawals

FLPMA, **14:16**

Eminent domain

Congressional powers of federal lands and natural resources, **3:19, 3:20**

Enclaves

Congressional powers of federal lands and natural resources, **3:6 to 3:9**

Endangered and threatened species

Congressional powers, **4:32**
 Federal hydroelectric projects and licensing, **37:40**
 Federal land and resource preservation management. See Federal Land and Resource Preservation Management
 Multiple use, sustained yield management of public surface resources, **34:10**

Endangered Species Act (ESA)

Enforcement, **29:46 to 29:49**
 Federal hydroelectric projects and licensing, **37:40**
 Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Ends-means connection

Congressional powers, **4:17**

Energy Policy Act

Oil shale leasing and location, **40:5**

Enforcement

Clean Air Act, **11:9**
 Endangered Species Act (ESA), **29:46 to 29:49**
 Resource Conservation and Recovery Act, **20:26**

Entitlement

Public coal resource, **38:6**

Environmental Impact Statement (EIS)

Herbicides, pesticides, and predacides, **22:8**
 Land pollution, **21:40**
 NEPA. See National Environmental Policy Act (NEPA)

Environmental impact statements (eis)

National Environmental Policy Act (NEPA)
 Council on Environmental Equal-

Environmental impact statements (eis)—Cont'd

National Environmental Policy Act (NEPA)—Cont'd
 ity (CEQ), 2020 regulation revisions
 Generally, **17:61 to 17:70**
 Alternatives, **17:65**
 Commenting, **17:69**
 Cost-benefit analysis, **17:68**
 Draft statements, **17:64**
 Environmental impacts, **17:66**
 Final statements, **17:64**
 Incomplete information, **17:67**
 Project implementation, **17:70**
 Purpose, **17:61**
 Records of decisions, **17:70**
 Scope, **17:62**
 Supplemental statements, **17:64**
 Timing, **17:63**
 Unavailable information, **17:67**

Environmental interests zone of interest test

Judicial review of land management agency decisions, **8:20**

Environmental law

Air pollution. See Air Pollution
 Continuing disposition and acquisition of federal lands, **13:27**
 Federal lands. See Land Pollution
 Federal monetary liability, **11:2 to 11:5**
 Hazardous wastes. See Land Pollution
 Herbicides, pesticides, and predacides. See Herbicides, Pesticides, and Predacides
 Historical and geographical frameworks of public natural resources law, **2:21**
 Land pollution. See Land Pollution
 Modern public natural resources law, **1:22**
 Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

INDEX

Environmental law—Cont'd

- NEPA. See National Environmental Policy Act (NEPA)
- Pesticides, and predacides. See Herbicides, Pesticides, and Predacides
- Predacides. See Herbicides, Pesticides, and Predacides
- Procedural overlay statutes, **6:10**
- Public mineral resources management, **38:7, 39:7, 39:24, 39:24.10, 40:21 to 40:24**
- Public water resources development, **36:33, 37:3, 37:39**
- Solid and hazardous wastes. See Land Pollution
- Water pollution. See Water Pollution

Environmental Protection Agency (EPA)

- Air pollution, **18:24, 18:30**
- Joint EPA-Corps 2015 regulations defining “waters of the United States,,” **19:21.10**

Equal Access to Justice Act

- See Federal Monetary Liability

Equal protection

- Federalism, **5:16**

Equal value

- Continuing disposition and acquisition of federal lands, **13:28**

Equitable relief

- Federalism, **5:34**
- Federal monetary liability, **9:6**

Equivalency determinations

- Public water resources development, **36:28**

Erosion

- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources See
- Public mineral resources management, **42:5 to 42:7**

ESA Abroad case

- Judicial review of land management agency decisions, **8:8, 8:9**

Estates

- Geothermal resources leasing, **40:18**
- National wilderness preservation system, **25:5**

Exceptions, exemptions, and exclusions

- Administrative law, **7:13**
- Congressional powers, **4:13**
- Endangered and threatened wildlife and plant species preservation, **29:37**
- Federal land and resource preservation management. See Federal Land and Resource Preservation Management
- Federal monetary liability, **9:2, 10:4 to 10:7, 10:9 to 10:12**
- Federal reclamation projects, **36:29**
- Land pollution. See Land Pollution
- NEPA, **17:7 to 17:11.10**
- Water pollution, **19:23**
- Withdrawals by exclusion, **14:17, 14:18**

Excess lands

- Federal reclamation projects, **36:19, 36:27**

Exchanges

- Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands
- Public mineral resources management, **38:32**
- Resource development and protection laws, **6:22**

Exclusions

- See Exceptions, Exemptions, and Exclusions

Exclusive jurisdiction

- Federal monetary liability, **9:2**

Executive discretion

- Constitutional law, **3:23**

Executive powers

Constitutional law, **3:21 to 3:23**
Extrastatutory executive withdrawal
power, **14:11**

Exemptions

See Exceptions, Exemptions, and
Exclusions

**Exhaustion of administrative
remedies**

Judicial review of land management
agency decisions, **8:34**

Existing rights

Oil shale leasing and location, **40:4**
Surface mining control and reclama-
tion, **38:42 to 38:45**

Expansion

Park system, **16:3**

Expenditures

Federal reclamation projects, **36:8**

Expiration

Preexisting withdrawals, expiration
and revocation of, **14:12**

Exploration licenses

Public mineral resources manage-
ment, **38:19**

Export restrictions

Multiple use, sustained yield manage-
ment of public surface
resources, **34:41**

Express contracts

Federal monetary liability, **9:7**

Express preemption

Federalism, **5:20**

Extensions

Public onshore oil and gas resource,
39:10

External oil and gas leasing

Constraints, **39:6, 39:7**

Extractions

Land pollution, **20:16**

Extralateral rights

Hardrock mineral resource, **42:23**

**Extrastatutory executive withdrawal
power**

Generally, **14:11**

Fair market value

Modern public natural resources law,
1:23

Public mineral resources manage-
ment, **38:26**

FCLAA

Public mineral resources manage-
ment. See Public Mineral
Resources Management

Federal actions

NEPA, **17:13 to 17:17**

**Federal administrative taking
assessments**

Congressional powers, **4:34**

Federal allocation of jurisdiction

Multiple use, sustained yield manage-
ment of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

Federal coal leasing

Generally, **38:1, 38:20**

Federal common law of real property

Federalism, **5:33**

Federal “enclaves”

Constitutional law, **3:6 to 3:9**

Federal financial assistance

Wetlands preservation, **27:9**

**Federal hydroelectric projects and
licensing**

See Public Water Resources Develop-
ment

Federal implied reserved water rights

Judicially imposed limitations, **5:35
to 5:37**

Public watershed resource, **35:24**

INDEX

Federal Insecticide, Fungicide, and Rodenticide Act

Generally, **22:4 to 22:6**

Federalism

Generally, **5:1 to 5:39**

Active partners, **5:5**

Administrative law. State power, limitations on, below

Congress. State power, limitations on, below

Consultants, **5:4**

Cooperative conservation defined, **5:30**

Cooperative federalism, **5:3 to 5:6**

Dominant partners, **5:6**

Federal lands, generally, **5:1 to 5:9**

Federal monetary liability, **10:3**

Historical assumptions, **5:2**

Interference. State power, limitations on, below

Judicially imposed limitations. State power, limitations on, below

Jurisdictional status quo statutes, **5:7**

Limitations. State power, limitations on, below

Partnership, **5:5, 5:6**

State

Active partners, state as, **5:5**

Consultants, state as, **5:4**

Dominant partners, state as, **5:6**

Landowner/litigant, state as, **5:8**

Limitation on power. State power, limitations on, below

State power, limitations on

Generally, **5:10 to 5:17**

Administrative law. Congressionally and administratively imposed limitations, below this group

Burdening and discriminating against interstate commerce, **5:13**

Congressionally and administratively imposed limitations

Generally, **5:18 to 5:31**

Cooperative conservation, **5:30**

Federalism—Cont'd

State power, limitations on—Cont'd

Congressionally and administratively imposed limitations—Cont'd

Direct conflict with federal law, **5:22**

Express preemption, **5:20**

Granite Rock test, **5:27**

Interference with accomplishment of federal purposes, generally, **5:23 to 5:28**

Occupation of entire regulatory field, **5:21**

Post-Granite Rock test preemption, **5:28**

Preemption, **5:19 to 5:29**

Pre-Ventura County preemption law, **5:24**

Ventura County v. Gulf Oil Corporation, **5:25, 5:26**

Cooperative conservation, **5:30**

Due process, **5:16**

Equal protection, **5:16**

Federal/state natural resources revenue sharing, **5:39**

Fiscal federalism, **5:39**

Hoarding natural resources, **5:12**

Interference. Congressionally and administratively imposed limitations, above this group

Intergovernmental immunities, **5:17**

Judicially imposed limitations

Generally, **5:32 to 5:38**

Cappaert and New Mexico, **5:36**

Federal common law of real property, **5:33**

Federal implied reserved water rights, **5:35 to 5:37**

Federal property, **5:38**

Interstate equitable apportionment of water and fish, **5:34**

Post-New Mexico developments, **5:37**

Negative or dormant commerce clause, **5:11 to 5:14**

Federalism—Cont'd

- State power, limitations on—Cont'd
 - Privileges and immunities, **5:16, 5:17**
 - States as land and resource owners, **5:14**
 - Taking, **5:15**

Federal land and resource preservation management

- Archaeological preservation. Historic and archaeological preservation, below
- Endangered and threatened wildlife and plant species preservation
 - Generally, **29:1 to 29:50**
 - Affirmative conservation duty, **29:38**
 - Biological assessment, **29:25**
 - Biological opinions, **29:28 to 29:30**
 - Bounties, **29:48**
 - Challenges, **29:9 to 29:11**
 - Citizen listing initiatives, **29:8**
 - Citizen suits, **29:49**
 - Civil enforcement, **29:46**
 - Compliance with NEPA, **29:14**
 - Conferences and informal consultation, **29:26**
 - Consultation, **29:24 to 29:35**
 - Consultation process, impact of, **29:34**
 - Consultation reinitiation, **29:32**
 - Criminal enforcement, **29:47**
 - Criteria for
 - Designation, **29:12**
 - Listing and delisting, **29:7**
 - Critical habitat, **29:36**
 - Generally, **29:12 to 29:15**
 - Designation, **29:12 to 29:15**
 - Deadlines, **29:8**
 - Delisting habitat designation, **29:3 to 29:11**
 - Designations at critical habitat, **29:12 to 29:15**
 - Determinability, **29:13**
 - Distinct population segment, **29:4**
 - Economic impact, **29:12.20**

Federal land and resource preservation management —Cont'd

- Endangered and threatened wildlife and plant species preservation
 - Cont'd
- Enforcement of ESA, **29:46 to 29:49**
- ESA, generally, **29:1**
- Evaluation of critical habitat designation, **29:15**
- Exemptions. Taking and related prohibitions, below this group
- Foreseeable future, **29:5**
- Forfeitures, **29:48**
- Formal consultation, **29:27**
- FWS, consultation with, **29:24 to 29:35**
- God Squad exemption, **29:37**
- Imprudence, **29:13**
- Jeopardy, avoidance of, **29:36**
- Judicial review, **29:30**
- Land acquisition, **29:18**
- Listing habitat designation, **29:3 to 29:11**
- Mitigation measures, **29:31**
- NOAA Fisheries opinions, **29:29**
- NSO, **29:2**
- Protection, **29:16 to 29:19**
- Recovery plans, **29:17**
- Reinitiation of consultation, **29:32**
- Related questions, **29:33**
- Salmon, **29:29**
- Section 7, generally, **29:20 to 29:38**
- Significant portion of range, **29:6**
- States, role of, **29:19**
- Statutory deadlines, **29:8**
- Sufficiency, **29:33**
- Taking and related prohibitions
 - Generally, **29:39 to 29:45**
 - Alaskan natives, **29:44**
 - Exemptions, generally, **29:41 to 29:45**
 - Federal agencies, **29:41**
 - Hardship exemptions, **29:43**
 - Incidental takings, **29:41, 29:42**
 - Individuals, **29:42**

INDEX

Federal land and resource

preservation management

—Cont'd

- Endangered and threatened wildlife and plant species preservation
 - Cont'd
 - Timing, **29:33**
 - Unoccupied areas, **29:12.10**
- Endangered species and natural resources development, **29:50**
- ESA. Endangered and threatened wildlife and plant species preservation, above
- Exemptions. Endangered and threatened wildlife and plant species preservation, above
- Forest, wilderness designation in national forest system, **25:8 to 25:11**
- Historic and archaeological preservation
 - Generally, **28:1 to 28:11**
 - Anticipatory demolition, **28:11**
 - ARPA and federal land use, **28:6**
 - National Historic Preservation Act, **28:8 to 28:10**
 - National register of historic places, **28:9**
 - NHPA and resource development, **28:10**
 - 1906 Antiquities Act, **28:2**
 - 1935 Historic Sites Act, **28:7**
 - 1979 Archaeological Resources Protection Act, **28:3 to 28:6**
 - 2009 Paleontological Resources Preservation Act, **28:6.1 to 28:6.3**
 - Penalties, **28:6.3**
 - Permits, **28:5, 28:6.2**
 - Prohibitions, **28:4, 28:6.3**
- Judicial review, endangered and threatened wildlife and plant species preservation, **29:30**
- National forest system, wilderness designation in—national wilderness preservation system, **25:8 to 25:11**
- National park and wildlife refuge systems, wilderness designation in, **25:7**

Federal land and resource

preservation management

—Cont'd

- National park system
 - Generally, **23:1**
 - Commodity use, **23:4**
 - External threats, **23:5**
 - Monuments, **23:2 to 23:4**
 - Other park system units, **23:6**
- National wilderness preservation system
 - Bureau of Land Management (BLM) public lands, **25:12, 25:16**
 - Definition of wilderness, **25:3, 25:4**
 - Designation, generally, **25:2 to 25:6**
 - Federal split-estate lands, **25:5**
 - Grazing, **25:21**
 - Hard or soft release, **25:10**
 - Insect and disease prevention, **25:20**
 - Logging, **25:19**
 - Management of wilderness areas, generally, **25:18**
 - Management of wilderness study areas, **25:13 to 25:17**
 - Minerals, **25:23**
 - National forest, **25:8 to 25:11, 25:14**
 - National park and wildlife refuge, **25:7, 25:17**
 - Parker reprinted, **25:15**
 - RARE I, II, and III, **25:9**
 - Recreation, **25:24**
 - Roadless area, **25:15**
 - Water development, **25:22**
 - Water rights, **25:11**
- National wildlife refuge system
 - Generally, **24:1**
 - Commodity use, **24:3**
 - Compatibility
 - 1997 NWRSA, **24:4 to 24:6**
 - Pre-1988 compatibility conflicts, **24:2, 24:3**
 - Hierarchy of uses under 1997 NWRSA, **24:5**

**Federal land and resource
preservation management
—Cont'd**

- National wildlife refuge system
 - Cont'd
 - Pre-1988 compatibility conflicts, **24:2, 24:3**
 - Recreational use, **24:2**
 - Transition, **24:6**
- Parks
 - National park system, above
 - National wilderness preservation system, **25:17**
- Plant species. Endangered and threatened wildlife and plant species preservation, above
- River segment preservation
 - Generally, **26:1 to 26:12**
 - Classification, **26:6**
 - Condemnation, **26:7**
 - Congressional designation, **26:2**
 - Designation of wild and scenic rivers, **26:2, 26:3**
 - Establishment, **26:5 to 26:8**
 - Federal designation, **26:3**
 - Management, **26:9 to 26:12**
 - Management plans, **26:8**
 - Mineral development, **26:11**
 - Potential system additions, protection of, **26:4**
 - Protection, **26:9 to 26:12**
 - Purchase, **26:7**
 - State designation, **26:3**
 - Water development projects, **26:10**
- Species. Endangered and threatened wildlife and plant species preservation, above
- Taking and related prohibitions. Endangered and threatened wildlife and plant species preservation, above
- Threatened wildlife and plant species. Endangered and threatened wildlife and plant species preservation, above
- Wetlands preservation
 - Generally, **27:1 to 27:9**
 - Clean Water Act Section 404, **27:2 to 27:4**

**Federal land and resource
preservation management
—Cont'd**

- Wetlands preservation—Cont'd
 - Dredge and fill permit requirements, **27:2**
 - Federal planning and transactional programs, **27:7 to 27:9**
 - Incentive-based programs, **27:6**
 - Mitigation of adverse impact, **27:3**
 - Planning requirements, **27:7**
 - Public natural resources, **27:4**
 - Restrictions, **27:8, 27:9**
- Wilderness. National wilderness preservation system, above
- Wildlife
 - Endangered and threatened wildlife and plant species preservation, above
 - National wildlife refuge system, above

Federal land management

- See also Federal Land Use Planning
- Administrative law. See Administrative Law
- Judicial review of decisions. See Judicial Review
- Land pollution, **20:3 to 20:6**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

**Federal Land Policy and
Management Act (FLPMA)**

- Access to federal lands and natural resources. See Continuing Disposition and Acquisition of Federal Land
- Classification, **14:22**
- Continuing disposition and acquisition of federal lands, **13:7, 13:23, 13:33**
- Federal land use planning. See Federal Land Use Planning
- Multiple use, sustained yield management of public surface resources, **33:6, 33:36**

INDEX

Federal Land Policy and Management Act (FLPMA)

—Cont'd

Withdrawal. See Withdrawal

Federal lands

Generally, **1:1 to 1:7**

Access. See Access to Land

Air pollution, **18:2 to 18:5**

Constitutional law. See Constitutional Law

Continuing disposition and acquisition of federal land. See Continuing Disposition and Acquisition of Federal Land

Defined, **1:13**

Federalism. See Federalism

Federal public natural resources, **1:3 to 1:6**

Herbicides, pesticides, and predacides, **22:2, 22:3**

Historical and geographical frameworks of public natural resources law, **2:11 to 2:14**

Judicial review of land management agency decisions. See Judicial Review

Land pollution. See Land Pollution

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

National wealth, public natural resources as sources of, **1:4**

Noneconomic satisfaction, public natural resources as sources of, **1:5**

Pollution. See Land Pollution

Public concern, public natural resources law as focus of, **1:6**

Public mineral resources management, **38:35 to 38:38, 38:40, 38:41, 39:28**

Public water resources development, **37:5, 37:6, 37:19**

State-owned public lands, **1:7**

Use planning. See Federal Land Use Planning

Water pollution, **19:10**

Federal land use planning

Generally, **16:1 to 16:62**

Alaska, park system units in, **16:5**

Assessment of Forest Service's planning regulations under National Forest Management Act, **16:45**

Best available science, Forest Service land management planning regulations under National Forest Management Act, **16:43**

Bureau of Land Management (BLM) public lands

Generally, **16:17 to 16:28**

FLPMA planning provisions

Generally, **16:19 to 16:23**

Effect of plans, **16:23**

Inventories, **16:20**

Procedures, **16:21**

Substance, **16:22**

History, **16:18**

Judicial reaction to BLM land use plans

Generally, **16:24 to 16:28**

Courts, **16:28**

Nonplanning, **16:27**

Review, procedural, **16:25**

Review, substantive, **16:26**

Environmental management systems, Forest Service land management planning regulations under National Forest Management Act, **16:38**

Evaluation and monitoring, Forest Service land management planning regulations under National Forest Management Act, **16:39**

Expansion of park system, **16:3**

Fish and Wildlife Service's refuge planning policy, **16:16**

FLPMA planning provisions. Bureau of Land Management (BLM) public lands, above

Forests. National forests, below

Forest Service land management planning regulations. National forests, below

Individual park system units, **16:4**

Judicial reaction to BLM land use plans. BLM public lands, above

Federal land use planning—Cont'd

- Multiple uses of forest lands, Forest Service land management planning regulations under National Forest Management Act, **16:40**
- National Environmental Policy Act (NEPA) compliance and other administrative planning procedures, National Forest Management Act, **16:46**
- National Forest Management Act. National forests, below
- National forests
 - Generally, **16:29 to 16:62**
 - Assessment of judicial review of NFMA plans, **16:62**
 - Forest Service land management planning regulations. National Forest Management Act, below this group
 - History, **16:30, 16:31**
 - Judicial reaction to Pre-NFMA planning, **16:31**
 - National Forest Management Act
 - Generally, **16:32 to 16:61**
 - Assessment of Forest Service's planning regulations, **16:45**
 - Assessment of judicial review of NFMA plans, **16:62**
 - Best available science, use of, **16:43**
 - Biodiversity, **16:59**
 - Clearcutting, **16:54**
 - Computer programs, **16:48**
 - Consequences of plan, **16:49**
 - Dates of transition, **16:44**
 - Diversity, **16:59**
 - Dominant use zoning, **16:61**
 - Economic suitability, **16:55**
 - Environmental management systems, **16:38**
 - Evaluation and monitoring, **16:39**
 - Forest Service land management planning regulations, generally, **16:36 to 16:45**
 - General unit planning requirements, **16:34**
 - Inventories, **16:58**

Federal land use planning—Cont'd

- National forests—Cont'd
- National Forest Management Act—Cont'd
 - Judicial review of Forest Service planning decisions, **16:47**
 - Multiple uses, plan components and suitability of land for, **16:40**
 - NEPA compliance and other administrative planning procedures, **16:46**
 - Nontimber resources, generally, **16:57 to 16:61**
 - Planning responsibilities, **16:37**
 - Procedures, **16:35**
 - Public participation and objection process, **16:42**
 - Quantity of harvest, **16:53**
 - Restocking, **16:56**
 - Suitability of land, **16:52**
 - Suitability of land for timber harvest, generally, **16:51 to 16:56**
 - Timber harvest considerations, generally, **16:51 to 16:56**
 - Timber harvest standards, **16:52 to 16:56**
 - Timing of analysis and decisions, **16:50**
 - Valid existing rights, **16:41**
- Pre-NFMA planning, **16:30**
- Timber harvest considerations. National Forest Management Act, above this group
- National park system, **16:2 to 16:5**
 - Generally, **16:2 to 16:5**
 - Alaska park system units, **16:5**
 - Expansion of park system, **16:3**
 - Individual park system units, **16:4**
- National wildlife refuge system
 - Generally, **16:6 to 16:16**
 - Alaskan refuges pre-1988 FWS planning, **16:9**
 - Alaska refuge, **16:9**
 - Consequences post 1997 NWRSA, **16:15**
 - Contents post 1997 NWRSA, **16:14**

INDEX

Federal land use planning—Cont'd

- National wildlife refuge system
 - Cont'd
 - Fish and Wildlife Service's refuge planning policy, **16:16**
 - Lower 48, **16:8**
 - Lower 48 pre-1988 FWS planning, **16:8**
 - National, **16:7**
 - National and regional pre-1988 FWS planning, **16:7**
 - National Wildlife Refuge System Improvement Act
 - Generally, **16:10 to 16:16**
 - Consequences of plan, **16:15**
 - Contents of plan, **16:14**
 - Fish and Wildlife Service's refuge planning policy, **16:16**
 - Procedure, **16:13**
 - Purpose, **16:12**
 - 1997 NWRSA, planning following, **16:10 to 16:16**
 - Overview of NWRSA, **16:11**
 - Planning policy of FWS, **16:16**
 - Post-1997 planning. National Wildlife Refuge System Improvement Act, above this group
 - Pre-1988, **16:7 to 16:9**
 - Pre-1998 FWS planning, **16:7 to 16:9**
 - Procedures post 1997 NWRSA, **16:13**
 - Purposes post 1997 NWRSA, **16:12**
 - Regional, **16:7**
 - National Wildlife Refuge System Improvement Act. National wildlife refuge system, above
 - NEPA compliance and other administrative planning procedures, National Forest Management Act, **16:46**
 - Objection process, Forest Service land management planning regulations under National Forest Management Act, **16:42**
 - Public participation and objection process, Forest Service land

Federal land use planning—Cont'd

- management planning regulations under National Forest Management Act, **16:42**
- Timber harvest considerations. National forests, above
- Valid existing rights, Forest Service land management planning regulations under National Forest Management Act, **16:41**

Federal monetary liability

- Generally, **9:1 to 12:14**
- Access to justice. Attorneys' fees, federal liability for, below
- Attorneys' fees, federal liability for
 - Generally, **11:1 to 11:10**
 - Amounts, **11:5**
 - Equal Access to Justice Act
 - Generally, **11:6 to 11:10**
 - Amounts, **11:10**
 - Defenses to government fee liability, **11:8**
 - Prevailing parties, **11:7**
- Fee-shifting provisions in federal environmental statutes, **11:2 to 11:5**
- Success in the merits, **11:3**
- Contract, federal liability in
 - Generally, **9:1 to 9:16**
- Contract Dispute Act
 - Generally, **9:10 to 9:16**
 - Agency board decisions, appeals from, **9:15**
 - Agency boards of contract appeals, appeals to, **9:14**
 - Appeals from agency board decisions, **9:15**
 - Appeals of contracting officers' decisions, **9:13, 9:14**
 - Claims court suits, appeals of contracting officers' decisions, **9:13**
 - Contracting officers, procedures before, **9:12**
 - Forum shopping, **9:16**
 - Scope of CDA, **9:11**
- Tucker Act
 - Generally, **9:2 to 9:9**

Federal monetary liability—Cont'd

Contract, federal liability in—Cont'd

Tucker Act—Cont'd

Exclusive jurisdiction, **9:2**Money damages versus equitable relief, **9:6**Property compared to contract, **9:4**Sovereign acts defense, **9:8**“Statutory” claims compared to contract, **9:5**Substantive federal law of express and implied contracts, **9:7**Tort compared to contract, **9:3**

Contract Dispute Act. Contract, federal liability in, above

Defenses. Tort, federal liability in, below

Equal Access to Justice Act.

Attorneys' fees, federal liability for, above

Fees. Attorneys' fees, federal liability for, above

Justice, access to. Attorneys' fees, federal liability for, above

Limitations. Taking, federal liability for, below

Recreational use. Tort, federal liability in, below

State Recreational Use Statute defenses. Tort, federal liability in, below

Statutes

Federal Torts Claims Act, **10:1 to 10:3**Taking, federal liability for Declaration of Taking Act, **12:13**General Condemnation Act, **12:5, 12:12**Limitations of federal condemnation power, **12:6 to 12:8**Statutory power of condemnation, **12:3 to 12:5**Taking, federal liability for Generally, **12:1 to 12:14****Federal monetary liability—Cont'd**

Taking, federal liability for—Cont'd

Condemnation power

Generally, **12:2 to 12:5**

Limitations of federal condemnation power, below this group

Congressional authority or appropriation, **12:4**Constitutional power of condemnation, **12:2**Declaration of Taking Act, **12:13**General Condemnation Act, **12:5, 12:12**Inverse condemnation, **12:14**Inverse condemnation actions, **12:14**

Limitations of federal condemnation power

Generally, **12:6 to 12:10**Authorized uses, **12:6**Compliance with other statutes, **12:7**Condemnee options, **12:8**Interest payment, **12:11**Just compensation requirement, **12:9 to 12:11**Measure of compensation, **12:10**Property interests for which compensation is due, **12:9**Statutes, **12:6 to 12:8**Statutory power of condemnation, **12:3 to 12:5**

Tort, federal liability in

Generally, **10:1 to 10:14**Discretionary function exception, **10:4 to 10:7**Federalism, **10:3**Federal Torts Claims Act, **10:1 to 10:3**Non-recreation cases, **10:5**Recreation cases, **10:6**

State Recreational Use Statute defenses

Generally, **10:8 to 10:12**Exceptions, **10:9 to 10:12**Fees, **10:10**Flood damages, **10:13**Invitees, **10:12**

INDEX

Federal monetary liability—Cont'd

- Tort, federal liability in—Cont'd
 - State Recreational Use Statute defenses—Cont'd
 - Malicious misconduct, **10:11**
- Tucker Act. Contract, federal liability in, above

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales

- See Public Mineral Resources Management

Federal Power Act (FPA)

- Public water resources development.
 - See Public Water Resources Development

Federal power and reclamation development

- Multiple use, sustained yield management of public surface resources, **35:26**

Federal preemption

- Federal hydroelectric projects and licensing, **37:8 to 37:10**

Federal Property and Administrative Services Act

- Continuing disposition and acquisition of federal lands, **13:5**

Federal public natural resources

- Generally, **1:3 to 1:6**

Federal “regulatory” water rights

- Multiple use, sustained yield management of public surface resources, **35:27**

Federal Timber Contract Payment Modification Act

- Multiple use, sustained yield management of public surface resources, **34:45, 34:63**

Federal Torts Claims Act

- Federal monetary liability, **10:1 to 10:3**

Fees

- See Costs and Fees

Fee-shifting provisions

- Federal monetary liability, **11:2 to 11:5**

FERC

- Fish and wildlife consultation process, **37:21 to 37:23**

Fertilizer and chemical mineral leasing

- Generally, **40:8 to 40:11**
- Competitive leasing, **40:11**
- Noncompetitive leasing, **40:10**

Field organization

- Administrative law, **7:11**

Fill

- See Dredge and Fill

Final decisions

- Administrative law, **7:27, 7:33**
- Judicial review of land management agency decisions, **8:30**

Financial assistance

- Wetlands preservation, **27:9**

Financial responsibility

- Land pollution, **21:6**

Financing

- Access to federal lands and natural resources, **15:24**

First Iowa case

- Federal hydroelectric projects and licensing, **37:8**

Fiscal federalism

- State power, limitations on, **5:39**

Fish and fishing

- See also Fish and Wildlife Service (FWS)
- Federalism, **5:34**
- Federal reclamation projects, **36:14**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Fish and fishing—Cont'd

Public water resources development.
See Public Water Resources
Development

Fish and Wildlife Coordination Act

Federal hydroelectric projects and
licensing, **37:37**

Fish and Wildlife Service (FWS)

Administrative law, **7:6**
Continuing disposition and acquisition
of federal lands, **13:49**
Endangered and threatened wildlife
and plant species preservation,
29:24 to 29:35
Multiple use, sustained yield management
of public surface
resources, **32:16**
Refuge planning policy, **16:16**
Statutes, **6:15**

Flexible deference

Judicial review of land management
agency decisions, **8:48**

Flood control

Federal reclamation projects, **36:12**

Floods

Federal monetary liability, **10:13**

FLPMA

See Federal Land Policy and
Management Act (FLPMA)

FONSI

NEPA, **17:5**

Forced transfers

Congressional powers, **4:24**

Foreclosure

Judicial review of land management
agency decisions, **8:34**

Forests

Administrative law, **7:10, 7:38**
Continuing disposition and acquisition
of federal lands. See
Continuing Disposition and
Acquisition of Federal Lands

Forests—Cont'd

Federal land and resource preservation
management, **25:8 to 25:11, 25:14**

Federal land use planning. See
Federal Land Use Planning

Historical and geographical
frameworks of public natural
resources law, **2:12**

Land pollution, **20:5**

Multiple use, sustained yield management
of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

National Forest Grazing Act, **33:32 to 33:34**

National Forest Management Act

Federal land use planning. See
Federal Land Use Planning

Multiple use, sustained yield
management of public surface
resources. See Multiple Use,
Sustained Yield Management
of Public Surface Resources

National forests

Access to federal lands and natural
resources, **15:12**

Continuing disposition and
acquisition of federal lands.
See Continuing Disposition
and Acquisition of Federal
Lands

Federal land and resource preservation
management, **25:8 to 25:11, 25:14**

Federal land use planning. See
Federal Land Use Planning

Historical and geographical
frameworks of public natural
resources law, **2:12**

Multiple use, sustained yield
management of public surface
resources. See Multiple Use,
Sustained Yield Management
of Public Surface Resources

National Forest Service, Department
of Agriculture, **7:10**

Public mineral resources management,
40:39

INDEX

Forests—Cont'd

- National forests—Cont'd
 - Reservation, **14:5**
- Public mineral resources management, **40:39, 42:28 to 42:30, 42:32**
- Reservation, **14:5**
- Sale and location of unique or uncommon common mineral varieties on national forests, **40:39**
- Statutes, **6:17**

Forest Service

- Federal land use planning. See Federal Land Use Planning

Forfeitures

- Endangered and threatened wildlife and plant species preservation, **29:48**
- Takings, **4:22**

Forum shopping

- Federal monetary liability, **9:16**

Fossil fuel and chemical minerals

- Statutes, **6:25**

Fossil resources

- Paleontological Resources Preservation Act, **28:6.1 to 28:6.3**

Fraud

- Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales, **39:20**

Fuels

- Fossil fuel and chemical minerals, **6:25**

Full-cost pricing

- Federal reclamation projects, **36:29**

Fungicide

- Federal Insecticide, Fungicide, and Rodenticide Act, **22:4 to 22:6**

FWS

- See Fish and Wildlife Service (FWS)

Gas

- See Oil and Gas

General Condemnation Act

- Federal monetary liability, **12:5, 12:12**
- Federal monetary liability for taking, **12:12**

General forest service authority

- Multiple use, sustained yield management of public surface resources, **31:31**

General harvesting restrictions

- Multiple use, sustained yield management of public surface resources, **34:14**

General liability standards

- Land pollution. See Land Pollution

General Mining Law (GML)

- Hardrock mineral resource, **42:4 to 42:7**

General quasi-legal sources

- Legal literature, **1:30**

General response authority

- Land pollution, **21:7**

Generators

- Resource Conservation and Recovery Act, **20:21**

Geography

- See History and Geography

Geothermal resources leasing

- See Public Mineral Resources Management

Geothermal Steam Act (GSA)

- Public mineral resources management. See Public Mineral Resources Management

God Squad exemption

- Endangered and threatened wildlife and plant species preservation, **29:37**

Good faith/all permits test

- Surface mining control and reclamation, **38:44**

Governmental interests zone of interest test

Judicial review of land management agency decisions, **8:21**

Government fee liability

Federal monetary liability, **11:8**

Government regulation of private activities

Land pollution, **21:34**

Grandfathered rights

Geothermal resources leasing, **40:20**

Granite Rock test

Federalism, **5:27**

Grants

Resource development and protection laws, **6:21**

Grazing

Federal land and resource preservation management, **25:21**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Grazing Regulations case

Public rangeland resource, **33:9**

Groundwater

Water pollution, **19:6.10**

Hammer clause

Federal reclamation projects, **36:23**

Hard look

Judicial review of land management agency decisions, **8:2**

Hard or soft release

National wilderness preservation system, **25:10**

Hardrock mineral resource

Access to federal lands and natural resources, **15:6**

Administrative regulation of mining claims, **42:37**

Public mineral resources management. See Public Mineral

Hardrock mineral resource—Cont'd
Resources Management

Statutes, **6:24**

Hardship

Endangered and threatened wildlife and plant species preservation, **29:43**

Public coal resource, **38:12**

Harvesting

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Hazardous air pollutants

Clean Air Act, **18:12**

Hazardous fuel reduction projects

Administrative law, **7:39**

Hazardous Substance Superfund

Land pollution, **21:12 to 21:15**

Hazardous wastes

Land pollution. See Land Pollution
Resource Conservation and Recovery Act, **20:32**

Haze

Visibility protection, **18:30**

Health

Multiple use, sustained yield management of public surface resources, **33:28**

Healthy Forests Restoration Act

Authorized projects, predecisional objections process, **7:39.90**

Unauthorized projects, predecisional objections process, **7:39.60**

Hearings

Administrative law, **7:26**

Federal hydroelectric projects and licensing, **37:26**

Herbicides, pesticides, and predacides

Generally, **22:1 to 22:10**

Economic poisons, use of federal lands, **22:2 to 22:4**

INDEX

Herbicides, pesticides, and predacides —Cont'd

- Environmental Impact Statement (EIS) adequacy, **22:8**
- Federal Insecticide, Fungicide, and Rodenticide Act, **22:4 to 22:6**
- Federal lands, **22:2, 22:3**
- FIFRA, registered substances under, **22:7**
- Land pollution, **21:19**
- National Environmental Policy Act (NEPA), **22:7, 22:8**
- Predator control, **22:3**
- Registration, **22:4, 22:7**
- Restrictions on use, **22:5**
- State controls, **22:6**
- Vegetation and pest control, **22:2**
- Wildlife protection laws, **22:9**

Hiatuses

- Continuing disposition and acquisition of federal lands, **13:56**

Highways

- Access to federal lands and natural resources, **15:19**

Historic Sites Act of 1935

- Generally, **28:7**

History and geography

- Generally, **2:1 to 2:26**
- Age of conservation, 1872-1964
 - Generally, **2:9**
 - BLM public domain, closing of, **2:14**
 - Federal lands systems, creation of, **2:11 to 2:14**
 - Legacy of era, **2:15**
 - National forest system reservations, **2:12**
 - National park and monument reservations, **2:11**
 - National wildlife refuge system reservations, **2:13**
 - Public domain, closing of, **2:14**
- Age of disposition, 1787-1934
 - Generally, **2:2 to 2:9**
 - Civil War, to, **2:3**
 - Civil War to 1934
 - Generally, **2:4 to 2:8**

History and geography—Cont'd

- Age of disposition, 1787-1934
 - Cont'd
 - Civil War to 1934—Cont'd
 - Miners, grants to, **2:5**
 - Railroads, grants to, **2:6**
 - Settlers, grants to, **2:8**
 - States, grants to, **2:7**
 - Legacy of era, **2:9**
- Age of preservation, 1964-present
 - Generally, **2:16 to 2:23**
 - Environmental assessment laws, **2:21**
 - Non-commodity lands systems, **2:17**
 - Pollution laws, **2:19**
 - Public land management laws, **2:22**
 - Substantive and procedural law, growth of, generally, **2:18 to 2:23**
 - Wildlife preservation laws, **2:20**
- Federalism, **5:2**
- Federal land and resource preservation management. See Federal Land and Resource Preservation Management
- Modern public natural resources law, **2:24 to 2:26**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- NEPA, geographical tiering, **17:27 to 17:32**
- Public mineral resources management, **39:2, 40:2, 40:14, 41:2**
- Public water resources development, **37:21 to 37:23**
- Trails, national scenic and historic trails, **31:45**
- Understandings, assumptions, and practices, **1:28**

Hoarding natural resources

- Federalism, **5:12**

Horses

- Multiple use, sustained yield management of public surface

Horses—Cont'd
resources, **32:28, 32:29**

Hunting
Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Hydraulic fracturing (fracking)
Public mineral resources management, Bureau of Land Management, **39:24.10**

Hydroelectric projects and licensing
Public water resources development. See Public Water Resources Development

IBLA
Administrative law, **7:22 to 7:27**
Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Imminent hazards
Land pollution, **20:28**

Implied contracts
Federal monetary liability, **9:7**

Implied rights
Federalism, **5:35 to 5:37**

Improvements
Multiple use, sustained yield management of public surface resources, **33:38**

Incentives
Water pollution, **19:26**
Wetlands preservation, **27:6**

Incidental takings
Endangered and threatened wildlife and plant species preservation, **29:41, 29:42**

Independent resurveys
Continuing disposition and acquisition of federal lands, **13:60**

Independent utility
NEPA, **17:29**

Indirect costs
Land pollution damages, **21:62**

Individual park system units
Generally, **16:4**

Individuals
Endangered and threatened wildlife and plant species preservation, **29:42**

Industrial uses
Federal reclamation projects, **36:13**

Informal consultation
Endangered and threatened wildlife and plant species preservation, **29:26**

Inherent presidential power
Constitutional law, **3:22**

Inherent reconsideration authority
Judicial review, **8:49.10**

Inholdings
Access to federal lands and natural resources. See Continuing Disposition and Acquisition of Federal Land

Injunctions
Judicial review of land management agency decisions, **8:54 to 8:56**

Injury in fact
Judicial review of land management agency decisions, **8:11 to 8:14**

In lieu selections
Continuing disposition and acquisition of federal lands, **13:2**

Insecticides
Federal Insecticide, Fungicide, and Rodenticide Act, **22:4 to 22:6**

Insects
National wilderness preservation system, **25:20**

INDEX

Instream flow statutes

Multiple use, sustained yield management of public surface resources, **35:30**

Integral vistas

Air pollution, **18:27**

Interest payment

Federal monetary liability for taking, **12:11**

Interference

Federalism. See Federalism

Intergovernmental immunities

Federalism, **5:17**

Interior, Department of

Administrative law. See Administrative Law

Land pollution. See Land Pollution

International obligations

Multiple use, sustained yield management of public surface resources, **32:23**

Internet access

Administrative materials, **1:26**

Interstate commerce

Federalism, **5:13**

Public water resources development, **37:4**

Interstate equitable apportionment

Federalism, **5:34**

Interstate pollution

Air pollution, **18:17, 18:26**

Intervention

Judicial review of land management agency decisions, **8:25**

Inventories

BLM public lands, **16:20**

National forests, **16:58**

Inverse condemnation actions

Federal monetary liability, **12:14**

Invitees

Federal monetary liability, **10:12**

Irrigation

Federal reclamation projects, **36:5, 36:12**

Jeopardy

Endangered and threatened wildlife and plant species preservation, **29:36**

Judgment

Judicial review of land management agency decisions, **8:53**

Judicial challenges

Continuing disposition and acquisition of federal lands, **13:65**

Judicial decisions

Generally, **1:27**

Judicial interpretation

Constitutional law, **3:12**

Judicially imposed limitations

Federalism. See Federalism

Judicial reaction

Federal land use planning. See Federal Land Use Planning

National forests, **16:31**

Judicial review

Administrative law. Federal land management agency decisions, below

Federal land and resource preservation management, endangered and threatened wildlife and plant species preservation, **29:30**

Federal Land management agency decisions

Generally, **8:1 to 8:58**

Actions committed to agency discretion, **8:44**

Administrative law, generally, **8:1 to 8:4**

Administrative record, **8:50**

Agencies, relief in suits against, **8:52 to 8:57**

Agency discretion, **8:44**

Deference, **8:2**

Delay of agency action, reviewability, **8:45**

Judicial review—Cont'd

- Federal Land management agency decisions—Cont'd
 - Discretion of agency, **8:44**
 - Equitable discretion, **8:55**
 - ESA Abroad case, **8:8, 8:9**
 - Exhaustion of administrative remedies, **8:34**
 - Federal lands, generally, **8:1 to 8:4**
 - Finality, **8:30**
 - Flexible deference, **8:48**
 - Foreclosure, **8:34**
 - Frivolous litigation, **8:58**
 - Harassing litigation, **8:58**
 - Hard look, **8:2**
 - Injunctions, **8:54 to 8:56**
 - Kinds of injunctive relief, **8:56**
 - Mootness, **8:35**
 - Preclusion. Timing and preclusion doctrines, below
 - Primary jurisdiction, **8:29**
 - Private rights, **8:3**
 - Public rights, **8:3**
 - Public Trust Doctrine, **8:51**
 - Reviewability, **8:42 to 8:45**
 - Ripeness, **8:31 to 8:33**
 - Scope of review, **8:46 to 8:50**
 - Sovereign immunity, **8:4**
 - Standing
 - Generally, **8:5 to 8:26**
 - Associational and organizational standing, **8:24**
 - Causation and redressability, **8:15**
 - Challenges to land use plans, **8:12**
 - Constitutional criteria, **8:11 to 8:14**
 - Economic zone of interest test, **8:22**
 - Environmental interests zone of interest test, **8:20**
 - ESA Abroad case, **8:8, 8:9**
 - Governmental interests zone of interest test, **8:21**
 - Government plaintiffs, **8:13**
 - Informational injury, **8:14**
 - Injury in fact, **8:11 to 8:14**

Judicial review—Cont'd

- Federal Land management agency decisions—Cont'd
 - Standing—Cont'd
 - Intervention, **8:25**
 - Mineral King and SCRAP, **8:6**
 - Mootness, **8:26**
 - Procedural injury, **8:14**
 - Programmatic actions, **8:19 to 8:22**
 - Prudential standing requirements, **8:23**
 - Statutory criteria, **8:18 to 8:22**
 - Summers v. Earth Island Institute case, **8:10**
 - Withdrawal Revocation case, **8:7, 8:9**
 - Zone of interest tests, **8:20 to 8:22**
- Statutory interpretations by agency, **8:47**
- Summary judgment, **8:53**
- Summers v. Earth Island Institute case, **8:10**
- Timing and preclusion doctrines
 - Generally, **8:28 to 8:41**
 - Continuing violation and claims, **8:38**
 - Equitable tolling, **8:39**
 - Exhaustion of administrative remedies, **8:34**
 - Finality, **8:30**
 - Foreclosure, **8:34**
 - Laches, **8:41**
 - Land use plans, **8:32**
 - Limitation of action, **8:36 to 8:40**
 - Mootness, **8:35**
 - Preclusion by statute, **8:43**
 - Preclusion doctrine, **8:28**
 - Primary jurisdiction, **8:29**
 - Ripeness, **8:31 to 8:33**
 - Subject-matter specific statutes of limitation, **8:37**
- Timing doctrine, **8:28 to 8:33**
- Withholding of agency action, reviewability, **8:45**

INDEX

Judicial review—Cont'd

- Federal Land Management agency decisions
 - Limitation of actions
 - Generally, **8:36**
 - Continuing violations, **8:38**
 - Equitable tolling, **8:39**
 - Federal government suits, **8:40**
 - Subject matter-specific statutes, **8:37**
- Federal land use planning, **16:25, 16:26, 16:47, 16:62**
- Inherent reconsideration authority, **8:49.10**
- Land pollution, **21:64**
- Modern public natural resources law, **1:20**
- Multiple use, sustained yield management of public surface resources, **30:5, 31:30, 33:45**
- National Forest Management Act, judicial review of Forest Service planning decisions, **16:47**
- Public water resources development, **36:34, 37:31**
- Standing. Federal Land management agency decisions, above
- The major questions doctrine, **8:47.10**
- Timing and preclusion doctrines. Federal Land management agency decisions, above
- Withdrawal revocation. Federal Land management agency decisions, above

Jurisdiction

- Federal monetary liability, **9:2**
- Judicial review of land management agency decisions, **8:29**

Jurisdictional status quo statutes

- Federalism, **5:7**

Jury trial

- Land pollution damages, **21:43**

Just compensation requirement

- Federal monetary liability, **12:9 to 12:11**

Justice, access to

- See Federal Monetary Liability

Laches

- Judicial review of land management agency decisions, **8:41**

Land and water conservation fund

- Continuing disposition and acquisition of federal lands, **13:44**

Land base erosion

- Hardrock mineral resource, **42:5**

Land exchanges

- Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands Statutes, **6:22**

Land grants

- Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands

Landlocked state land

- Access to federal lands and natural resources, **15:10**

Landowner

- Federalism, **5:8, 5:14**

Land pollution

- Abatement actions, **21:16**
- Assessment
 - Damages, below
 - General liability standards, **21:32**
- Authorized uses of Hazardous Substance Superfund, **21:12**
- BLM regulation, **20:4**
- CERCLA. See lines throughout this index topic
- Citizen suits, **21:65**
- Claims procedures of Hazardous Substance Superfund, **21:14**
- Cleanup
 - CERCLA, generally, **21:7 to 21:11**
 - General liability standards, **21:32**
 - General response authority, **21:7**
 - Limitations on response authority, **21:8**

Land pollution—Cont'd

Cleanup—Cont'd

National Contingency Plan and
Cleanup Standards, **21:9 to
21:11**

National priorities list, **21:9 to
21:11**

Damages

Generally, **21:37 to 21:63**

Appropriate plaintiffs, **21:44 to
21:46**

Assessment process

Generally, **21:55 to 21:59,
21:61**

Planning phase, **21:57 to 21:60**

Post-assessment phase, **21:60**

Preassessment phase, **21:56**

Type A assessments, **21:58**

Type B assessments, **21:59**

Attorneys' fees and indirect costs,
21:62

Definition of natural resources,
21:38

Designation of trustees, **21:47**

Double recovery, prohibition
against, **21:41**

EIS, resources covered by, **21:40**

Exemptions from liability, **21:39 to
21:41**

Federal government, **21:44**

Interior, Department of, measure of
damages

Generally, **21:50 to 21:54**

Challenges to initial regulations,
21:53

Challenges to regulations on
remand from Ohio deci-
sion, **21:54**

Private resources, application to,
21:51

Trustees compliance with
regulations, effect of, **21:52**

Jury trial, right to, **21:43**

Measure of damages, generally,
21:50 to 21:63

Municipalities, **21:45**

National Contingency Plan provi-
sions, **21:47 to 21:49**

Land pollution—Cont'd

Damages—Cont'd

1980, damages incurred before,
21:39

Notification of trustees, **21:48**

Prerequisites, **21:42**

Private persons, **21:46**

State government, **21:44**

Trustees, **21:47 to 21:49**

Definitions

Hazardous substances, **21:2**

Hazardous waste, **20:13**

Natural resources, **21:38**

Resource Conservation and
Recovery Act, **20:12, 20:13**

Solid waste, **20:12**

Exceptions, exemptions, and exclu-
sions

Damages, **21:39 to 21:41**

General liability standards, **21:19,
21:20**

Petroleum exclusion of CERCLA,
21:4

Resource Conservation and
Recovery Act, below

Federal agencies, liability of. General
liability standards, below

Federal lands

Federal land management agency,
20:3 to 20:6

Liability for hazardous waste dis-
posal on, generally, **21:1 to
21:66**

Solid and hazardous waste on
federal lands, regulation of,
generally, **20:1 to 20:35**

Federal regulatory statutes

Generally, **20:7 to 20:11**

Reporting requirements for pollu-
tion prevention and toxic
chemicals, **20:10**

Resource Conservation and
Recovery Act, **20:7**

Safe Drinking Water Act,
underground injection control
under, **20:9**

Toxic Substances Control Act,
regulation of PCBs under,
20:8

INDEX

Land pollution—Cont'd

- Financial responsibility, **21:6**
- Forest Service regulation, **20:5**
- General liability standards
 - Generally, **21:17 to 21:36**
 - Apportionment, **21:21**
 - Categories of liability, **21:17**
 - Causation, **21:23**
 - Civil penalties, **21:36**
 - Conditions, settlements, **21:29**
 - Criminal penalties, **21:36**
 - Defenses, **21:24**
 - Exceptions and exemptions, **21:19, 21:20**
- Federal agencies, liability of
 - Generally, **21:30 to 21:34**
 - Assessment and cleanup responsibilities, **21:32**
 - Government as owner, operator or arranger, liability for, **21:33**
 - Government regulation of private activities, **21:34**
 - Notice, **21:31**
- Federally permitted releases, **21:20**
- Liens, **21:27**
- Limitation of actions, **21:25**
- Limits on liability, **21:26**
- Other laws, liabilities under, **21:35**
- Pesticide applications, **21:19**
- Potentially responsible parties, **21:18**
- Retroactivity, **21:22**
- Settlements, **21:28, 21:29**
- Statutory liens, **21:27**
- Hazardous Substance Superfund, **21:12 to 21:15**
- Hazardous waste disposal on federal lands, liability for, generally, **21:1 to 21:66**
- Hazardous waste on federal lands, regulation of, generally, **20:1 to 20:35**
- Interior, Department of, measure of damages. Damages, above
- Judicial review, **21:64**
- Liability for hazardous waste disposal on federal lands, generally, **21:1 to 21:66**

Land pollution—Cont'd

- Limitations on claims, Hazardous Substance Superfund, **21:15**
- Limitations on uses of Hazardous Substance Superfund, **21:13**
- Mining wastes, application of CERCLA to, **21:3**
- National park service regulation, **20:6**
- Natural resources defined, **21:38**
- Notice, **21:5**
- Permits, **20:24**
- Petroleum exclusion of CERCLA, **21:4**
- Public onshore oil and gas resource, Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), waste prevention, **39:24.20**
- Reporting, **21:5**
- Resource Conservation and Recovery Act
 - Generally, **20:7, 20:12 to 20:28**
 - Coal mining wastes, **20:19**
 - Corrective action liability, **20:27**
 - Definitions, **20:12, 20:13**
 - Enforcement, **20:26**
 - Exemptions
 - Generally, **20:16 to 20:20**
 - Mineral processing wastes, **20:17**
 - Mining and mineral processing wastes and Bevill Amendment, **20:16 to 20:18**
 - Mining extraction and beneficiation wastes, **20:16**
- Federal government, application to, **20:31 to 20:34**
- Generators, regulation of, **20:21**
- Hazardous waste defined, **20:13**
- Hazardous waste management regulation, **20:32**
- Imminent hazards, **20:28**
- Listed and characteristic hazardous wastes, **20:14**
- Mining wastes, regulation under Subtitle D, **20:30**
- Mixture and “derived from” rules, **20:15**
- Monetary liability, **20:34**

Land pollution—Cont'd

- Resource Conservation and Recovery Act—Cont'd
 - Nonhazardous solid waste, regulation of, **20:29, 20:30**
 - Oil and gas wastes, **20:20**
 - Solid waste defined, **20:12**
 - Solid waste disposal regulation, **20:33**
 - Sovereign immunity waiver, **20:31**
 - Transporters, regulation of, **20:22**
 - Treatment, storage, and disposal (TSD) facilities, **20:23, 20:24**
 - Underground storage tanks, **20:25**
 - Solid and hazardous waste on federal lands, regulation of, generally, **20:1 to 20:35**
 - Statutes. Federal regulatory statutes, above
 - Subtitle D, **20:30**

Land rights

- Public water resources development, **36:9**

Land use planning

- Administrative law, **7:17**
- Federal land use planning. See Federal Land Use Planning
- Modern public natural resources law, **1:21**

Large withdrawals

- FLPMA, **14:15**

Leasing

- Access to federal lands and natural resources, **15:5**
- Public mineral resources management. See Public Mineral Resources Management
- Public water resources development, **36:26**

Legal literature

- Generally, **1:29 to 1:34**
- Agency-specific books, **1:31**
- General quasi-legal sources, **1:30**
- Policy-oriented books, **1:33**
- Resource-specific books, **1:32**
- Specialized periodicals, **1:33**

Legal standard for federal land management

- Multiple use, sustained yield management of public surface resources, **30:6 to 30:8**

Legislation

- Delegation of legislative powers, **4:35**
- NEPA, **17:15**
- Public water resources development, **36:3**
- Veto, **4:2 to 4:4**

Levels of appeal

- Administrative law, Forest Service decisions, **7:36**

Licenses and permits

- Access to federal lands and natural resources, **15:4, 15:7 to 15:9**
- Air pollution, **18:9, 18:23, 18:27**
- Federal land and resource preservation management, **27:2, 28:5, 28:6.2**
- Land pollution, **20:24, 21:20**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- Public mineral resources management. See Public Mineral Resources Management
- Public water resources development. See Public Water Resources Development
- Water pollution, **19:2 to 19:6, 19:15 to 19:21**

Liens

- Land pollution, **21:27**

Limitation of actions

- Judicial review of land management agency decisions
 - Generally, **8:36**
 - Continuing violations, **8:38**
 - Equitable tolling, **8:39**
 - Federal government suits, **8:40**
 - Subject matter-specific statutes, **8:37**

INDEX

Limitation of actions—Cont'd

Land pollution, **21:25**

Limitations and restrictions

Congress. See Congress

Constitutional law. See Constitutional Law

Federalism. See Federalism

Federal land and resource preservation management, **27:8, 27:9**

Federal monetary liability. See Federal Monetary Liability

Herbicides, pesticides, and predacides, **22:5**

Land pollution, **21:8, 21:13, 21:15, 21:26**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public mineral resources management, **38:25, 39:6, 39:7, 39:15**

Public water resources development. See Public Water Resources Development

Lists

Endangered and threatened wildlife and plant species preservation, **29:3 to 29:11**

Land pollution, Resource Conservation and Recovery Act, **20:14**

Literature

See Legal Literature

Livestock grazing

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Local governments

Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands

Lodes

Hardrock mineral resource, **42:12**

Logging

National wilderness preservation system, **25:19**

Logical mining units

FCLAA, **38:31**

Maintenance

Access to federal lands and natural resources, **15:24**

Geothermal resources leasing, **40:28**

Hardrock mineral resource, **42:22**

Major questions doctrine

Judicial review, **8:47.10**

Malicious misconduct

Federal monetary liability, **10:11**

Manuals

Administrative law, **1:25, 7:16**

Internet access, **1:26**

Marketability

Hardrock mineral resource, **42:19**

Maturity (CMAI)

Multiple use, sustained yield management of public surface resources, **34:17**

McDowell

Multiple use, sustained yield management of public surface resources, **18:22**

Merits

Federal monetary liability, **11:3**

Mineral King case

Judicial review of land management agency decisions, **8:6**

Mines and minerals

Access to federal lands and natural resources, **15:6, 15:8**

Congressional powers, **4:22 to 4:27**

Continuing disposition and acquisition of federal lands, **13:66**

Federal land and resource preservation management, **25:23**

Hardrock mineral resource. See Hardrock Mineral Resource

Mines and minerals—Cont'd

- Historical and geographical frameworks of public natural resources law, **2:5**
- Judicial review of land management agency decisions, **8:6**
- Land pollution
 - CERCLA, application to, **21:3**
 - Resource Conservation and Recovery Act, **20:16 to 20:19, 20:30**
- Public mineral resources management. *See* Public Mineral Resources Management
- River segment preservation, **26:11**
- Statutes, **6:24, 6:25**

Mitigation

- Federal land and resource preservation management, **27:3**
- Modern public natural resources law, **1:22**
- NEPA, **17:24, 17:41**

Mixture and “derived from” rules

- Land pollution, **20:15**

Mobile sources

- Air pollution, **18:13**

Modern public natural resources law

- Generally, **1:15 to 1:23**
- Amenity protection, **1:22**
- Congressional control, **1:18**
- Environmental assessment, **1:22**
- Fair market value, **1:23**
- Historical and geographical frameworks of public natural resources law, **2:24 to 2:26**
- Interrelationships of resources, **1:15**
- Judicial review, **1:20**
- Land use planning and phased development, **1:21**
- Mitigation, **1:22**
- Preservation as competing resource, **1:16**
- Standard, detailed administrative procedures and public participation, **1:19**
- Statutes, generally, **1:17 to 1:23**

Modification, change, or adjustment

- Bureau of Land Management's grazing regulations, **33:29**
- Federal land and resource preservation management, **29:36**
- Forest Service timber contracts, **34:44**
- Multiple use, sustained yield management of public surface resources, **33:44, 34:45, 34:63**
- Public mineral resources management. *See* Public Mineral Resources Management

Monetary liability

- Federal. *See* Federal Monetary Liability
- Land pollution, **20:34**

Money damages

- See* Damages

Monopolies and preference renewal rights

- Multiple use, sustained yield management of public surface resources, **31:18, 31:25**

Monuments

- Commodity use, **23:4**
- Federal land and resource preservation management, **23:2 to 23:4**
- Historical and geographical frameworks of public natural resources law, **2:11**
- Recreation, **23:3**
- Reservation, **14:4, 23:3**

Mootness

- Judicial review of land management agency decisions, **8:25, 8:35**

Motorized recreation

- Multiple use, sustained yield management of public surface resources. *See* Multiple Use, Sustained Yield Management of Public Surface Resources

Multiple and super agency decisions

- Administrative law, **7:20**

INDEX

Multiple mineral development

See Public Mineral Resources
Management

Multiple use

Defined, **30:3**

Forest Service land management
planning regulations under
National Forest Management
Act, **16:40**

Multiple Use, Sustained-Yield Act

Generally, **33:35**

Multiple use, sustained yield management of public surface resources

Generally, **30:1 to 35:34**

Alaska, subsistence taking in. Public
wildlife resource, below

Bids and bidding, public timber
resource

BLM timber contracts, **34:53 to
34:57**

Forest Service timber contracts,
34:29, 34:43

Bureau of Land Management (BLM)

Public rangeland resource, below

Public recreation resource, below

Public timber resource, below

Public watershed resource, **35:5,
35:16**

Public wildlife resource, **32:11,
32:17**

Concessionaires. Public recreation
resource, below

Conditions

Public rangeland resource, **33:16**

Public recreation resource, **31:29**

Public timber resource, below

Contracts

Public recreation resource, below

Public timber resource, below

Costs and fees

Public rangeland resource, **33:7,
33:15**

Public recreation resource, **31:3,
31:28, 31:41**

Public timber resource, **34:18**

Recreation fees, **31:3**

Multiple use, sustained yield management of public surface resources—Cont'd

Definitions

Generally, **30:2 to 30:4**

Multiple use, **30:3**

Renewable resources, **30:2**

Sustained yield, **30:4**

Environmental regulations. Public
rangeland resource, below

Erosion. Public timber resource,
below

Federal allocation of jurisdiction.
Public wildlife resource, below

Federal lands

Legal standard for federal land
management, **30:6 to 30:8**

Public watershed resource, below

Public wildlife resource, below

Federal wildlife and wildlife habitat
management programs. Public
wildlife resource, below

Fishing. Public wildlife resource,
below

Forests

National forests

Public recreation resource,
below

Public timber resource, below

Public watershed resource,
below

Public rangeland resource, below

Public recreation resource, below

Public watershed resource, below

Future, **30:7, 30:8**

Grazing. Public rangeland resource,
below

Harvesting. Public timber resource,
below

History and geography

Public rangeland resource, **33:2,
33:19**

Public timber resource, **34:2**

Public watershed resource, **35:2 to
35:6**

Public wildlife resource, **32:31**

Hunting, fishing, and trapping on
federal lands. Public wildlife
resource, above

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

- IBLA decisions. Public recreation resource, below
- Judicial review, **16:5, 33:43**
- Jurisdiction of wildlife management. Public wildlife resource, below
- Legal standard for federal land management, **30:6 to 30:8**
- Licenses and permits
 - Public rangeland resource, below
 - Public recreation resource, below
 - Public watershed resource, **35:22, 35:29**
- Limitations and restrictions. Public timber resource, below
- Livestock. Public rangeland resource, below
- Motorized recreation. Public recreation resource, below
- Multiple use defined, **30:3**
- National Environmental Policy Act (NEPA), **33:39**
- National forests. Forests, above
- National park system. Public recreation resource, below
- National recreational trails. Public recreation resource, below
- 1986 BLM Reno Plan decision, public rangeland resource, **33:47**
- Park system. Public recreation resource, below
- Payments
 - Public timber resource
 - BLM timber contracts, **34:58, 34:59, 34:63**
 - Forest Service timber contracts, **34:32 to 34:36, 34:45**
- Permits. Licenses and permits, above
- Public lands. Public recreation resource, below
- Public rangeland resource
 - Generally, **33:1 to 33:48**
 - Bureau of Land Management (BLM)
 - Environmental regulation of livestock grazing
 - Generally, **33:19 to 33:29**

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

- Public rangeland resource—Cont'd
 - Bureau of Land Management (BLM)—Cont'd
 - Environmental regulation of livestock grazing—Cont'd
 - History, **33:19**
 - Priorities of BLM, **33:20**
 - Public interest contests, **33:21**
 - 2006 revisions, **33:29**
 - “War on the west,” below this group
 - Livestock grazing regulation
 - Generally, **33:8 to 33:29**
 - Allocation of AUMs, **33:14**
 - Capacity, **33:13**
 - Forest Service trespass regulations, **33:18**
 - Grazing advisory boards, **33:11**
 - Grazing Regulations decisions, **33:9**
 - Permits, **33:12, 33:15 to 33:17**
 - Purposes and policies, **33:10**
 - Regulations, generally, **33:11 to 33:18**
 - Responsibility, **33:8, 33:9**
 - Trespass regulations, **33:18**
 - 2006 revisions, **33:29**
 - 1986 BLM Reno Plan decision, **33:47**
 - 2006 revisions to grazing regulations, **33:29**
 - Decisions, **33:9**
 - FLPMA, **33:6**
 - Forest Service livestock grazing
 - Generally, **33:30 to 33:45**
 - Advisory boards, **33:34**
 - Federal Land Policy and Management Act, **33:36**
 - Judicial review of permit decisions, **33:45**
 - Modification and cancellation of permits, **33:44**
 - Multiple Use, Sustained-Yield Act, **33:35**

INDEX

Multiple use, sustained yield management of public surface resources—Cont'd

- Public rangeland resource—Cont'd
 - Forest Service livestock grazing—Cont'd
 - National Environmental Policy Act (NEPA), **33:39**
 - National Forest Grazing Act, **33:32 to 33:34**
 - National Forest Management Act, **33:37**
 - Permits, **33:33, 33:42 to 33:44**
 - Public Rangelands Improvement Act, **33:38**
 - Rancher-permittee's property interest, **33:42**
 - Regulation, generally, **33:41 to 33:45**
 - Statutes, generally, **33:31 to 33:40**
 - Future, **33:48**
 - Grazing
 - Bureau of Land Management (BLM), above this group
 - Subsidized grazing fee, **33:7**
 - "War on the west," **33:25 to 33:28**
 - Grazing Regulations, **33:9**
 - History, **33:2**
 - Licenses and permits
 - Bureau of Land Management (BLM), **33:12, 33:15 to 33:17**
 - Forest Service livestock grazing, **33:33, 33:42 to 33:44**
 - Rancher-permittee's property interest, **33:4 to 33:7**
 - Revocable license, **33:4 to 33:7**
 - Livestock. Bureau of Land Management (BLM), above this group
 - 1934-1995, theory and practice, **33:46**
 - 1986 BLM Reno Plan decision, **33:47**
 - Rancher-permittee's property interest, **33:4 to 33:7**
 - Revocable license, **33:4 to 33:6**

Multiple use, sustained yield management of public surface resources—Cont'd

- Public rangeland resource—Cont'd
 - Statutes. Forest Service livestock grazing, above this group
 - Subsidized grazing fee, **33:7**
 - Taylor Act, **33:5**
 - 2006 revisions to BLM's grazing regulations, **33:29**
 - "War on the west"
 - Generally, **33:22 to 33:28**
 - Administrative remedies (subpart 4160), **33:27**
 - Authorized grazing use (subpart 4130), **33:26**
 - Fundamentals of rangeland health and standards and guidelines for grazing administration (subpart 4180), **33:28**
 - Grazing management (subpart 4120), **33:25**
 - Penalties (subpart 4170), **33:27**
 - Prohibited acts (subpart 4140), **33:27**
 - Qualifications and preferences (subpart 4110), **33:24**
 - Unauthorized grazing use (subpart 4150), **33:27**
- Public recreation resource
 - Generally, **31:1 to 31:52**
 - Bureau of Land Management (BLM) public lands
 - Generally, **31:36 to 31:42**
 - Appeal of permit denial, **31:39**
 - Challenges to permit issuance, **31:38**
 - Conditions of permit, **31:40**
 - Fees, **31:41**
 - IBLA decisions, generally, **31:37 to 31:42**
 - Motorized recreation, **31:9 to 31:11**
 - Sanctions, **31:42**
 - Contracts. National park system (NPS), below this group
 - Fees, **31:3**

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

- Public recreation resource—Cont'd
 - IBLA decisions. Bureau of Land Management (BLM) public lands, above this group
 - Licenses and permits, **31:2, 31:32 to 31:35, 31:38 to 31:40**
 - Motorized recreation
 - Generally, **31:4 to 31:11**
 - BLM public lands, **31:9 to 31:11**
 - National forest system, **31:8**
 - National park system, **31:6**
 - National wildlife refuge system, **31:7**
 - ORVs in the CDCA, **31:10**
 - Wilderness and wilderness study areas, **31:5**
 - National forest system (NFS)
 - Generally, **31:31 to 31:35**
 - Commercial recreation facilities, **31:34, 31:35**
 - General Forest Service authority, **31:31**
 - Permittee and concessionaire rights and remedies, **31:32 to 31:35**
 - Private recreational facilities, **31:35**
 - Ski areas, **31:33**
 - National park system (NPS)
 - Generally, **31:13 to 31:30**
 - 1965 Concessions Policy Act
 - Generally, **31:14 to 31:20**
 - Contractual relationship, generally, **31:16 to 31:20**
 - Initial solicitation and award of concession contracts, **31:17**
 - Monopolies and preference renewal rights, **31:18**
 - Opportunity to profit, **31:20**
 - Park service authority, **31:15**
 - Possessory interests, **31:19**
 - NPS Concessions Management Act of 1998
 - Generally, **31:21 to 31:30**

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

- Public recreation resource—Cont'd
 - National park system (NPS)
 - Cont'd
 - NPS Concessions Management Act of 1998—Cont'd
 - Assignability, **31:29**
 - Conditions, **31:29**
 - Contractual relationship, generally, **31:23 to 31:29**
 - Duration, **31:29**
 - Fees, use of, **31:28**
 - Initial solicitation and award of concessions contracts, **31:24**
 - Judicial review, **31:30**
 - Monopolies and preference renewal rights, **31:25**
 - Opportunity to profit, **31:27**
 - Park Service authority, **31:22**
 - Possessory interests, **31:26**
 - Terms and conditions, **31:29**
 - Propriety, **31:13**
 - National recreational trails
 - Generally, **31:43 to 31:51**
 - Connecting trails, **31:47**
 - Designations, **31:44 to 31:47**
 - Management, **31:48, 31:50**
 - National scenic and historic trails, **31:45**
 - Planning, **31:48, 31:49**
 - Rails to trails, **31:51**
 - Side trails, **31:47**
 - Recreation concessionaires and permittees
 - Generally, **31:12 to 31:42**
 - Bureau of Land Management (BLM) public lands, above this group
 - Forest system, above this group
 - National park system, above this group
 - Public timber resource
 - Generally, **34:1 to 34:64**
 - Bureau of Land Management (BLM) timber contracts
 - Generally, **34:48 to 34:63**

INDEX

Multiple use, sustained yield management of public surface resources—Cont'd

Public timber resource—Cont'd
Bureau of Land Management
(BLM) timber contracts
—Cont'd
Advertisement, **34:49**
Annual timber sale plans, **34:50**
Appraisal, **34:51**
Assignment, **34:62**
Authorization to sell, **34:48**
Bid deposits, **34:54**
Bidding procedure, **34:55**
Conditions, **34:52**
Conduct of sales, generally,
34:53 to 34:57
Federal Timber Contract Pay-
ment Modification Act,
34:45, 34:63
Length of contract, **34:60 to**
34:62
Measurement and appraisal,
34:51
90-day sales, **34:56**
Performance and payment
bonds, **34:58**
Periodic payments, **34:59**
Preparation for sale, **34:50,**
34:51
Pricing and payment terms,
34:58, 34:59
Qualification as high bidder,
34:57
Reappraisal, **34:61**
Terms, **34:52, 34:58, 34:59**
Time for cutting and removal,
34:60
Bureau of Land Management
(BLM) timber harvesting
Generally, **34:46 to 34:63**
Bureau of Land Management
(BLM) timber contracts,
above this group
Oregon and California (O & C)
lands, **34:47**
Chapter limitations, **34:1**
Conditions. Forest Service timber
contracts, below this group

Multiple use, sustained yield management of public surface resources—Cont'd

Public timber resource—Cont'd
Conduct of sales. BLM timber
contracts, above this group
Contracts
Bureau of Land Management
(BLM) timber contracts,
above this group
Forest Service timber contracts,
below this group
Erosion. Zoning, below
Forest Service timber contracts
Generally, **34:26 to 34:45**
Advance payments, **34:32**
Advertisement of contract,
34:28
Appraisals and pricing, **34:33**
Authorization to sell, **34:27**
Award of contract, **34:30**
Bidding, **34:29, 34:43**
Breach, remedies for, **34:42**
Conditions, generally, **34:27 to**
34:42
Export restrictions, **34:41**
Federal Timber Contract Pay-
ment Modification Act,
34:45
Length of contract, **34:31**
Operation plans, **34:37**
Performance bonds, **34:32**
Periodic payments, **34:34**
Post-bid contract alterations,
34:44
Pricing and payment terms,
34:32 to 34:36
Rejection of all bids, **34:43**
Revegetation, **34:40**
Road construction credits, **34:36**
Road construction standards,
34:39
Termination, **34:31**
Terms, generally, **34:27 to 34:42**
Utilization standards, **34:38**
Volume determination and
stumpage rates, **34:35**
Forest Service timber sales
Generally, **34:27**

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

Public timber resource—Cont'd
 Forest Service timber sales
 —Cont'd
 Clean Water Act, **34:11**
 Endangered and threatened species, **34:10**
 Future NEPA/timber issues, **34:23**
 National Forest Management Act, below this group
 NEPA, **34:20 to 34:23**
 Post-1985 cases, **34:22**
 Pre-1985 cases, **34:21**
 Procedural legal constraints, generally, **34:19 to 34:25**
 Substantive legal constraints, generally, **34:9 to 34:18**
 Zoning, below this group
 History, **34:2**
 Limitations and restrictions
 Chapter limitations, **34:1**
 Forest Service timber contracts, **34:41**
 National Forest Management Act, **34:14, 34:18**
 Multiple use, sustained yield management and planning, **34:64**
 National Forest Management Act
 Generally, **34:2, 34:12 to 34:18**
 Allowable cut, **34:13**
 Below-cost sales, **34:18**
 Clearcutting, **34:16**
 Diversity, **34:15**
 Economic limitations, **34:18**
 General harvesting restrictions, **34:14**
 Maturity (CMAI), **34:17**
 Sales
 Bureau of Land Management (BLM) timber contracts, above this group
 Forest Service timber contracts, **34:27**
 Zoning
 Generally, **34:3 to 34:8**

**Multiple use, sustained yield
management of public surface
resources—Cont'd**

Public timber resource—Cont'd
 Zoning—Cont'd
 Erosion of land base, generally, **34:4 to 34:8**
 Wild and scenic rivers, **34:7**
 Wilderness, **34:6**
 Withdrawals, reservations, and forest plans, **34:5**
 Public watershed resource
 Generally, **35:1 to 35:34**
 Competing source, **35:34**
 Definition of watershed, **35:7 to 35:10**
 Federal implied reserved water rights, **35:24**
 Federal land management, multiple use in
 Generally, **35:12 to 35:19**
 Classification laws, **35:13**
 Forest Service, **35:15**
 Land Management Bureau, **35:16**
 Federal land management laws
 Generally, **35:14 to 35:19**
 Bureau of Land Management (BLM), **35:16**
 Forest Service, **35:15**
 NEPA, **35:17**
 “Unified federal policy,” **35:18**
 Federal “nonreserved” water rights, **35:25**
 Federal permitted conservation water rights, **35:29**
 Federal power and reclamation development, **35:26**
 Federal “regulatory” water rights, **35:27**
 Federal riparian water rights, **35:28**
 History, **35:2 to 35:6**
 National forests
 Generally, **35:2 to 35:4**
 BLM public lands, **35:5**
 Organic Act, **35:3**
 Nonpoint source water pollution controls, **35:21**
 Public interest requirements, **35:32**

INDEX

Multiple use, sustained yield management of public surface resources—Cont'd

- Public watershed resource—Cont'd
 - Public trust doctrine, **35:31**
 - State instream flow statutes and doctrines, **35:30**
 - Threats and consequences, **35:11**
 - Water law innovations, generally, **35:23 to 35:33**
 - Water pollution, **35:20 to 35:22**
 - Water production versus resource protection, **35:8**
 - Watershed versus water rights, **35:9**
 - Wetlands and dredge and fill permit program, **35:22**
- Public wildlife resource
 - Generally, **32:1 to 32:35**
 - Alaska, subsistence taking in
 - Generally, **32:18 to 32:23**
 - International obligations, **32:23**
 - McDowell, **32:22**
 - Pre-McDowell, **32:21**
 - Federal allocation of jurisdiction.
 - Jurisdiction of wildlife management, below this group
 - Federal wildlife and wildlife habitat management programs
 - Generally, **32:24 to 32:34**
 - Adoption, **32:29**
 - Damage to and by wildlife, liability for, **32:33, 32:34**
 - Federal lands, **32:32**
 - History, **32:31**
 - Multiple use decisions, **32:27**
 - “Ownership” liability, **32:33**
 - Predator and pest control, **32:30 to 32:32**
 - Wild, free-roaming horses and burros, **32:28, 32:29**
 - Hunting, fishing, and trapping on federal lands
 - Generally, **32:12 to 32:23**
 - Alaska, subsistence taking in, above this group
 - BLM public lands, **32:17**

Multiple use, sustained yield management of public surface resources—Cont'd

- Public wildlife resource—Cont'd
 - Hunting, fishing, and trapping on federal lands—Cont'd
 - FWS hunting regulation responsibilities, **32:16**
 - National forest system, **32:17**
 - National park system, **32:14**
 - National wildlife refuge system, **32:15, 32:16**
 - Nature of interest, **32:13**
 - Refuge for hunting, **32:15**
 - Jurisdiction of wildlife management
 - Generally, **32:2 to 32:11**
 - BLM public lands, **32:11**
 - Congressional exercise of power, **32:8 to 32:11**
 - Federal allocation of jurisdiction, generally, **32:6 to 32:11**
 - Federal Wildlife Law, **32:5**
 - National forests, **32:11**
 - National parks, **32:9**
 - National wildlife refuges, **32:10**
 - State allocation of jurisdiction, generally, **32:6 to 32:11**
 - State ownership doctrine, **32:3, 32:4**
 - Predator and pest control, **32:30 to 32:32**
 - State allocation of jurisdiction.
 - Jurisdiction of wildlife management, above this group
 - Subsistence taking. Alaska, subsistence taking in, above this group
 - Taking. Alaska, subsistence taking in, above this group
 - Wildlife, generally, **32:35**
 - Wildlife management jurisdiction.
 - Jurisdiction of wildlife management, above this group
 - Recreation. Public recreation resource, above

Multiple use, sustained yield management of public surface resources—Cont'd

- Renewable resources defined, **30:2**
- Sales. Public timber resource, above
- State allocation of jurisdiction. Public wildlife resource, above
- Statutes. Public rangeland resource, above
- Subsistence taking. Public wildlife resource, above
- Sustained yield defined, **30:4**
- Taking. Public wildlife resource, above
- Trails. Public recreation resource, above
- Trapping. Public wildlife resource, above
- 2006 revisions to Bureau of Land Management's grazing regulations, **33:29**
- Watershed resource. Public watershed resource, above
- Wildlife, generally, **32:35**
- Wildlife management jurisdiction. Public wildlife resource, above
- Zoning. Public timber resource, above

Multiple Use Act

- Classification, **14:21**

Municipalities

- Land pollution damages, **21:45**
- Public water resources development, **36:13**

National ambient air quality standards

- Clean Air Act, **11:6 to 11:9**

National contingency plan and cleanup standards

- Land pollution, **21:9 to 21:11, 21:47 to 21:49**

National Environmental Policy Act (NEPA)

- Generally, **17:1 to 17:75**
- Absence of alteration of physical environment, **17:23**

National Environmental Policy Act (NEPA)—Cont'd

- Action vs. inaction, proposals for, **17:14**
- Amendments, **17:4.10**
- Chronological tiering, **17:26**
- Context and intensity, **17:19**
- Controversiality, **17:20**
- Cost-benefit analysis, Environmental Impact Statement adequacy, **17:43**
- Council on Environmental Equality (CEQ), 2020 regulation revisions
 - Generally, **17:51 to 17:75**
 - Applicability, **17:53**
 - Applicant preparation, NEPA documents, **17:71**
 - Categorical exclusions, **17:54**
 - Definitions, **17:55**
 - Effects, **17:55**
 - Emergencies, **17:73**
 - Environmental assessments, **17:57, 17:58**
 - Environmental impact statements
 - Generally, **17:61 to 17:70**
 - Alternatives, **17:65**
 - Commenting, **17:69**
 - Cost-benefit analysis, **17:68**
 - Draft statements, **17:64**
 - Environmental impacts, **17:66**
 - Final statements, **17:64**
 - Incomplete information, **17:67**
 - Project implementation, **17:70**
 - Purpose, **17:61**
 - Records of decisions, **17:70**
 - Scope, **17:62**
 - Supplemental statements, **17:64**
 - Timing, **17:63**
 - Unavailable information, **17:67**
 - Judicial review impact, **17:74**
 - Level of review, **17:56**
 - Major federal action, **17:55**
 - Mitigation, **17:55**
 - Public involvement, **17:72**
 - Purpose and policy, **17:52**
 - Scoping, **17:59**
 - Tiering, **17:60**

INDEX

National Environmental Policy Act (NEPA)—Cont'd

- Council on Environmental Equality (CEQ), 2020 regulation revisions—Cont'd
- Validity litigation, **17:75**
- Council on Environmental Quality (CEQ), Environmental Impact Statement adequacy, **17:40.1**
- Direct effects, **17:21**
- Emergency circumstances, **17:11.10**
- Endangered and threatened wildlife and plant species preservation, **29:14**
- Environmental assessment
 - Generally, **17:5 to 17:12**
 - Categorical exclusions, **17:11**
 - Conflicts in statutes, **17:9**
 - Emergency circumstances, **17:11.10**
 - Enforcement, **17:8**
 - Exemptions and exclusions from obligations, **17:7 to 17:11.10**
- FONSIs, **17:5**
- Functional equivalence, **17:10**
- Procedures, **17:6**
- Retroactive application, **17:7**
- Territorial application, **17:7**
- Environmental Impact Statement adequacy
 - Generally, **17:33 to 17:49**
 - Adverse environmental effects, analysis of, **17:40 to 17:43**
 - CEQ guidance on climate change, **17:40.1**
 - Cost-benefit analysis, **17:43**
 - Cumulative impacts, **17:35**
 - Discussion of alternatives, **17:44 to 17:48**
 - “Federal” component treatment, **17:38**
 - Geographic scope, **17:36**
 - Herbicides, pesticides, and predacides, **22:8**
 - Mitigation, **17:41**
 - “No action” alternative, **17:47**
 - Preparation procedure, **17:34**
 - Proposal description, **17:39**
 - Range of alternatives, **17:48**

National Environmental Policy Act (NEPA)—Cont'd

- Environmental Impact Statement adequacy—Cont'd
 - Rejection of alternatives, **17:46**
 - Review, standard of, **17:40**
 - Scope, generally, **17:35 to 17:38**
 - Standard of purpose and need, **17:45**
 - Supplemental EISs, **17:49**
 - Temporal scope, **17:37**
 - Tiering, **17:35**
 - Worst case analysis, **17:42**
- Exemptions and exclusions from obligations, **17:7 to 17:11.10**
- Federal action proposals
 - “Federal” actions, **17:16**
 - Inaction as action, **17:14**
 - Ministerial acts, **17:17**
 - Threshold requirement, **17:13 to 17:15**
 - Time of proposal, **17:13**
- Federal hydroelectric projects and licensing, **37:39**
- Federal land use planning and National Forest Management Act, NEPA compliance and other administrative planning procedures, **16:46**
- FONSIs, **17:5**
- Geographical tiering
 - Generally, **17:27**
 - Avoidance of site-specific analysis, **17:31**
 - Connected actions, **17:28**
 - Cumulative actions, **17:29**
 - Independent utility, **17:29**
 - Land use plans, **17:32**
 - Programmatic statements used to avoid site-specific analysis, **17:31**
 - Similar actions, **17:30**
- Herbicides, pesticides, and predacides, **22:7, 22:8**
- Indirect effects, **17:21**
- Intensity, **17:19**
- Judicially relevant significant factors, **17:22**
- Legislation, proposal for, **17:15**

National Environmental Policy Act (NEPA)—Cont'd

Living with NEPA, **17:50**

Environmental Success Story, **17:50**

Unwarranted Obstruction, **17:50**

Major, significant actions, generally, **17:18 to 17:32**

Mitigating conditions, **17:24**

Multiple use, sustained yield management of public surface resources, **34:20 to 34:23, 35:17**

National Forest Management Act, NEPA compliance and other administrative planning procedures, **16:46**

Nonaltering of physical environment, **17:23**

Procedural overlay statutes, **6:10**

Proposals for federal action, **17:13 to 17:17**

Proposal threshold requirement, **17:13 to 17:15**

Public mineral resources management, **40:23, 42:37**

Public rangeland resource, Forest Service livestock grazing, **33:39**

Public watershed resource, **35:17**

Review of EIS preparation decisions, standard of, **17:12**

Statutes, **17:2 to 17:4**

Tiering, **17:25 to 17:32**

National forests

See Forests

National Historic Preservation Act

Generally, **28:8 to 28:10**

National interest

Continuing disposition and acquisition of federal lands, **13:14 to 13:17**

National monuments

Reservation, **14:4**

National parks

See Parks

National priorities list

Land pollution, **21:9 to 21:11**

National recreational trails

See Multiple Use, Sustained Yield Management of Public Surface Resources

National register of historic places

Federal land and resource preservation management, **28:9**

National scenic and historic trails

Multiple use, sustained yield management of public surface resources, **31:45**

National wealth

Federal lands, **1:4**

National wilderness preservation system

See Federal Land and Resource Preservation Management

National wildlife refuge

See Wildlife

Nationwide dredge and fill permits

Aquatic and wetlands development, control of, **19:25**

Native claims

Continuing disposition and acquisition of federal lands, **13:13**

Native selections

Continuing disposition and acquisition of federal lands, **13:16**

Natural gas extraction

Hydraulic fracturing (fracking), regulation by Bureau of Land Management, **39:24.10**

Natural resources

Defined, **21:38**

Navigable Waters Protection Rule

Water pollution, **19:21.30**

Negative or dormant commerce clause

Federalism, **5:11 to 5:14**

NEPA

See National Environmental Policy Act (NEPA)

INDEX

New Melones Dam cases

Public water resources development,
36:17

New Mexico case

Federalism, **5:36**

NHPA

Anticipatory demolition, **28:11**

Federal land and resource preservation management, **28:10**

90-day sales

Multiple use, sustained yield management of public surface resources, **34:56**

Nonattainment

Air pollution, **18:19**

Northwest Power Act

Public water resources development,
37:33 to 37:36

Northwest Power Planning Council

Public water resources development,
37:34

Notice

Administrative law, **7:35**

Land pollution, **21:5, 21:31**

Land pollution damages, **21:48**

Public mineral resources management, **39:23**

NSO

Endangered and threatened wildlife and plant species preservation,
29:2

Objections

Administrative law, **7:30**

Forest Service land management planning regulations under National Forest Management Act, objection process, **16:42**

Occupancy

Administrative law, **7:34 to 7:37.3**

Federalism, **5:21**

OHA

Administrative law, **7:22**

Ohio case

Land pollution, **21:54**

Oil and gas

Land pollution, **20:20**

Public minerals resources management. See Public Mineral Resources Management

Spills. See Water Pollution

Oil Pollution Act of 1990

See Water Pollution

Oil shale leasing and location

See Public Mineral Resources Management

Oil spills

See Water Pollution

Omissions

Continuing disposition and acquisition of federal lands, **13:56**

Omnibus Budget Reconciliation Act of 1987

Federal reclamation projects, **36:22**

Onshore oil and gas resource

See Public Mineral Resources Management

Operators or operations

Approval of mining operation plan,
42:34 to 42:36

Forest Service timber contracts operation plans, **34:37**

Land pollution, government ownership or operation, liability for,
21:33

Public coal resource, FCLAA, lessee operations, **38:30 to 38:32**

Opinions

Administrative regulations, manuals, orders, and opinions, **1:25**

Internet access, **1:26**

Opportunity to profit

Multiple use, sustained yield management of public surface resources, **31:20, 31:27**

Options

Federal monetary liability, **12:8**

Orders

Administrative regulations, manuals, orders, and opinions, **1:25**

Internet access, **1:26**

Oregon and California (O & C) lands

Multiple use, sustained yield management of public surface resources, **34:47**

Organic Act

Public mineral resources management, **42:30**

Organic Act (OA)

Public mineral resources management, **42:30**

ORVs

Multiple use, sustained yield management of public surface resources, **31:10**

Overlaps

Continuing disposition and acquisition of federal lands, **13:56**

Overlay

Access to lands. See Access to Federal Lands

Classification. See Classification

Continuing disposition and acquisition of federal land. See Continuing Disposition and Acquisition of Federal Land

Federal land use planning. See Federal Land Use Planning

Reservation. See Reservation

Withdrawal. See Withdrawal

Overriding royalties

Public mineral resources management, **38:12**

Ownership

See Title and ownership

Ozone

Air pollution, stratospheric ozone protection, **18:15**

Paleontological Resources

Preservation Act of 2009 (PRPA)

Generally, **28:6.1 to 28:6.3**

Parks

Federal land and resource preservation management, **25:17**

Federal land use planning, **16:2 to 16:5**

Historical and geographical frameworks of public natural resources law, **2:11**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

National parks

Access to federal lands and natural resources, **15:14**

Administrative law, **7:7**

Continuing disposition and acquisition of federal lands, **13:38, 13:48**

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Federal land use planning, **16:2 to 16:5**

Land pollution, **20:6**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Reservations, **2:11, 14:3, 14:4**

Statutes, **6:14**

Wildlife refuge, **25:7, 25:17**

Public mineral resources management, **40:24**

Reservations, **2:11, 14:3, 14:4**

Statutes, **6:14**

Parties

Federal monetary liability, **11:7**

Land pollution, **21:18, 21:44 to 21:46**

Partnership

Federalism, **5:5, 5:6**

INDEX

Patenting

Hardrock mineral resource, **42:24**

Payments

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

PCBs

Toxic Substances Control Act, **20:8**

Pedis possessio

Public mineral resources management, **42:9**

Penalties

Land pollution, **21:36**
Multiple use, sustained yield management of public surface resources, **33:27**
Public mineral resources management, **39:21**
Public onshore oil and gas resource, **39:21**
Public water resources development, **37:17**
Water pollution, **19:35**

Performance and payment bonds

Multiple use, sustained yield management of public surface resources, **34:58**

Performance bonds

Multiple use, sustained yield management of public surface resources, **34:32**

Performance standards

Public mineral resources management, **38:38**

Periodic payments

Multiple use, sustained yield management of public surface resources, **34:34, 34:59**

Periodic readjustment

Public mineral resources management, **38:29**

Permits

See Licenses and Permits

Pest control

Herbicides, pesticides, and predacides, **22:2**
Multiple use, sustained yield management of public surface resources, **32:30 to 32:32**

Pesticides

See Herbicides, Pesticides, and Predacides

Petitions

Public mineral resources management, **38:46**

Petroleum

Land pollution, **21:4**

Phased development

Modern public natural resources law, **1:21**

Physical discovery

Public mineral resources management, **42:14**

Placers

Public mineral resources management, **42:12**

Plant species

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Point sources

Water pollution, **19:2 to 19:8**
Addition, **19:3**
Navigable waters, **19:5**
Point source, **19:6**
Pollutant, **19:4**
Scope of CWA permit program, **19:2**

Poisons

Herbicides, pesticides, and predacides, **22:2, 22:3**

Policy-oriented books

Legal literature, **1:33**

Politics

- Administrative law, **7:2**
- Public mineral resources management, **40:34**

Pollution

- Air pollution. See Air Pollution
- Historical and geographical frameworks of public natural resources law, age of preservation, 1964-present, **2:19**
- Water pollution. See Water Pollution

Pooling

- Public mineral resources management, **39:27**
- Public onshore oil and gas resource, **39:27**

Possessory interests

- Multiple use, sustained yield management of public surface resources, **31:19, 31:26**

Potentially responsible parties

- Land pollution, **21:18**

Potential system additions

- Federal land and resource preservation management, **26:4**

Power generation

- Limitations on use of reclamation project water, **36:12**

Preclusion doctrines

- Judicial review of land management agency decisions, **8:34 to 8:41**

Predacides

- See Herbicides, Pesticides, and Predacides

Predator control

- Herbicides, pesticides, and predacides, **22:3**
- Multiple use, sustained yield management of public surface resources, **32:30 to 32:32**

Preemption

- Federalism
- Generally, **5:19**

Preemption—Cont'd

- Federalism—Cont'd
- Direct conflict with federal law, **5:22**
- Express preemption, **5:20**
- Interference with accomplishment of federal purposes, generally, **5:23 to 5:28**
- Occupation of entire regulatory field, **5:21**
- Statutory interpretation, **5:29**
- Public water resources development, **37:8 to 37:10**

Preexisting access rights

- Rights-of-way across federal land, **15:18**

Preexisting withdrawal

- Expiration and revocation of preexisting withdrawals, **14:12**

Preferences

- Multiple use, sustained yield management of public surface resources, **31:18, 31:25, 33:24**
- Public mineral resources management, **38:6, 38:7**
- Public water resources development, **37:16**

Preliminary permits

- Public water resources development, **37:11**

President of United States

- Constitutional law, inherent presidential power, **3:22**

Prevailing parties

- Federal monetary liability, **11:7**

Prevention of Significant Deterioration (PSD)

- Air pollution, **18:20 to 18:23**

Pricing

- Multiple use, sustained yield management of public surface resources, **34:32 to 34:36, 34:58, 34:59**
- Public water resources development, **36:29**

INDEX

Primary jurisdiction

Judicial review of land management agency decisions, **8:29**

Priorities

Land pollution, **21:9 to 21:11**

Multiple use, sustained yield management of public surface resources, **33:20**

Prior law

Public water resources development, **36:24**

Private access

See Continuing Disposition and Acquisition of Federal Land

Private activities

Land pollution, **21:34**

Private hydropower development

Public water resources development, **37:7**

Private land

Access to federal lands and natural resources, **15:7 to 15:9**

Private persons

Land pollution damages, **21:46**

Private property right

Access to federal lands and natural resources, **15:3 to 15:6**

Private recreational facilities

Multiple use, sustained yield management of public surface resources, **31:35**

Private resources

Land pollution damages, **21:51**

Private resurveys

Continuing disposition and acquisition of federal lands, **13:61**

Private rights

Access to federal lands and natural resources, **15:3 to 15:6**

Judicial review of land management agency decisions, **8:3**

Privatization

Continuing disposition and acquisition of federal lands, **13:1**

Privileges and immunities

Federalism, **5:16, 5:17**

Judicial review of land management agency decisions, **8:4**

Land pollution, **20:31**

Public water resources development, **36:34**

Profit and loss

Multiple use, sustained yield management of public surface resources, **31:20, 31:27**

Programmatic actions

Judicial review of land management agency decisions, **8:19 to 8:22**

Programmatic statements

NEPA, avoidance of site-specific analysis, **17:31**

Property clause

Constitutional law, **3:14**

Propriety

Multiple use, sustained yield management of public surface resources, **31:13**

Prospecting permits

Public coal resource, **38:5**

Prudential criteria

Judicial review of land management agency decisions, **8:23**

Prudent man test

Hardrock mineral resource, **42:18**

PSD (Prevention of Significant Deterioration)

Air pollution, **18:20 to 18:23**

Public coal resource

See Public Mineral Resources Management

Public concern

Federal lands, **1:6**

Public domain

Defined, **1:9**
 Historical and geographical
 frameworks of public natural
 resources law, **2:14**

Public hydropower development

Federal Power Act (FPA), **37:7**

Public interest

Multiple use, sustained yield manage-
 ment of public surface
 resources, **33:21, 35:32**

Public land management laws

Historical and geographical
 frameworks of public natural
 resources law, age of preserva-
 tion, 1964-present, **2:22**

Public lands

Generally, **1:8 to 1:13**
 Access to federal lands and natural
 resources, **15:15**
 “Acquired lands,” **1:10**
 Constitutional law, **3:2**
 Defined, **1:13**
 Definitions, **1:8 to 1:13**
 Federal land and resource preserva-
 tion management, **25:12, 25:16**
 “Federal lands,” **1:13**
 Multiple use, sustained yield manage-
 ment of public surface
 resources. See Multiple Use,
 Sustained Yield Management of
 Public Surface Resources
 “Public domain,” **1:9**
 “Public lands,” **1:13**
 Public mineral resources manage-
 ment, **40:38**
 “Reacquired lands,” **1:10**
 Reservation, **14:8**
 “Reserved lands,” **1:11**
 “Withdrawn lands,” **1:12**

Public mineral cases

Congressional powers, **4:22 to 4:27**

**Public mineral resources
 management**

Generally, **38:1 to 42:37**

**Public mineral resources
 management—Cont’d**

Acquired lands, mineral leasing on
 Generally, **40:29 to 40:34**
 Acquired Lands Act (ALA), **40:31
 to 40:33**
 Litigation and politics, **40:34**
 Receipts, **40:33**
 Adjustments. Public coal resource,
 below
 Administrative regulation of mining
 claims
 Generally, **42:25 to 42:37**
 Approval of mining operation plan,
42:34 to 42:36
 Bureau of Land Management
 (BLM) powers, **42:27**
 Bureau of Land Management
 (BLM) regulations
 Generally, **42:31, 42:33**
 Approval of plan, **42:34**
 NEPA and hardrock mining,
42:37
 Non-WSA mining operations
 plan, **42:35**
 WSA mining operations plan,
42:36
 Forest Service mining regulations
 Generally, **42:31, 42:32**
 Approval of plan, **42:34**
 NEPA and hardrock mining,
42:37
 Non-WSA mining operations
 plan, **42:35**
 WSA mining operations plan,
42:36
 Forest Service powers, **42:28 to
 42:30**
 Hardrock mining, **42:37**
 Mining property rights, **42:26**
 NEPA and hardrock mining, **42:37**
 Non-WSA mining operation plan
 approval, **42:35**
 Organic Act (OA), **42:30**
 Regulatory powers, **42:26**
 Statutes, **42:29, 42:30**
 Surface Resources Act (SRA),
42:29

INDEX

Public mineral resources

management—Cont'd

Administrative regulation of mining claims—Cont'd

WSA mining operation plan approval, **42:36**

Approval of mining operation plan, **42:34 to 42:36**

Bureau of Land Management (BLM) regulations

Administrative regulation of mining claims, above

Hydraulic fracturing (fracking), **39:24.10**

Common mineral varieties. Sale and location of common mineral varieties, below

Competitive lease sales. Public onshore oil and gas resource, below

Diligence

Hardrock mineral resource, **42:21, 42:22**

Public coal resource, **38:15, 38:28**

Public onshore oil and gas resource, **39:26**

FCLAA. Public coal resource, below

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales. Public onshore oil and gas resource, below

Fertilizer and chemical mineral leasing, **40:8 to 40:11**

Gas. Public onshore oil and gas resource, below

Geothermal resources leasing

Generally, **40:12 to 40:28**

Application for noncompetitive geothermal leasing, **40:25**

Competitive geothermal leasing, **40:27**

Geothermal Steam Act (GSA)

Generally, **40:16 to 40:24**

Available lands, **40:17 to 40:19**

Conversion of grandfathered rights, **40:20**

Environmental assessment, **40:21 to 40:24**

NEPA, **40:23**

Public mineral resources

management—Cont'd

Geothermal resources leasing —Cont'd

Geothermal Steam Act (GSA) —Cont'd

Parks, **40:24**

Reserved mineral estates, **40:18**

Significant thermal features, **40:19**

History, **40:14**

Maintenance and management, **40:28**

Noncompetitive geothermal leasing, **40:25, 40:26**

Pre-1970 geothermal law, **40:15**

Rents and royalties from noncompetitive geothermal leasing, **40:26**

Geothermal Steam Act (GSA).

Geothermal resources leasing, above

Hardrock mineral resource

Generally, **42:1 to 42:37**

Assessment work, **42:21**

Claim maintenance fees, **42:22**

Congressional “withdrawals,”

42:7

Diligence, **42:21, 42:22**

Discovery of ore body, **42:14, 42:15**

Extralateral rights, **42:23**

Federal filing under FLPMA, **42:13**

Federal location requirements, **42:12, 42:13**

General Mining Law (GML), **42:4 to 42:7**

Land base erosion, **42:5**

Location system, generally, **42:2, 42:8 to 24:24**

Lodes versus placers, **42:12**

Mineral base erosion, **42:6, 42:7**

Mineral location system, generally, **42:8 to 24:24**

Patenting, **42:24**

Pedis possessio, **42:9**

Physical discovery of ore body, **42:14**

Public mineral resources**management—Cont'd**

Hardrock mineral resource—Cont'd

State location requirements, **42:11**

Valuable mineral deposit

Generally, **42:16 to 42:20**Castle, **42:18**Coleman, **42:19, 42:20**Comparative value, **42:17**Marketability, **42:19**Prudent man test, **42:18**History of other public minerals, **40:2**

Hydraulic fracturing (fracking),

regulation by Bureau of Land

Management, **39:24.10**Leasing. See lines throughout this
index topicLicenses and permits, public coal
resourceFCLAA, **38:19**Pre-1971 prospecting permits, **38:5**Surface mining control and
reclamation, **38:36, 38:43,**
38:44

Multiple mineral development

Generally, **41:1 to 41:8**History, **41:2**Information, **41:5**Leasable minerals, locatable
versus, generally, **41:2 to**
41:7Leasable versus leasable minerals,
41:8Locatable versus leasable minerals,
generally, **41:2 to 41:7**Multiple Mineral Development Act
of 1954 (MMDA), generally,
41:2 to 41:7Reconciliation, **41:4**Relinquishment, **41:6**Multiple Mineral Development Act
of 1954 (MMDA), generally,
41:2 to 41:7Non-WSA mining operation plan
approval, **42:35**Oil and gas. Public onshore oil and
gas resource, below

Oil shale leasing and location

Generally, **40:3 to 40:7****Public mineral resources****management—Cont'd**

Oil shale leasing and location

—Cont'd

Ancient oil shale location claims,
40:4, 40:5Available lands, **40:6**Energy Policy Act, **40:5**Hydraulic fracturing (fracking),
39:24.10Management regulations,
39:24.10, 40:7.10Terms of lease, **40:7**Valid existing rights, **40:4**Onshore oil and gas. Public onshore
oil and gas resource, belowOrganic Act, **42:30**

Public coal resource

Generally, **38:1 to 38:47**Adjustment and regulation of pre-
FCLAA coal leasesGenerally, **38:9 to 38:12**Bonds, **38:13**Diligence, **38:15**Hardship reductions, **38:12**Overriding royalties, **38:12**Resource management plans,
38:16Royalty adjustment, **38:10 to**
38:12Surface coal, royalty adjustment,
38:10Term readjustments, **38:14**Timing, **38:9**Underground coal, royalty
adjustment, **38:11**Valuation, **38:12**Environmental assessment of lease
issuance, **38:7**

FCLAA

Generally, **38:18 to 38:32.10**Competitive lease sales, **38:21**Emergency leasing, **38:22**Exchanges, **38:32**Exploration licenses, **38:19**Federal coal lease planning and
tract selection, **38:20**

Federal coal lease terms

Generally, **38:23 to 38:29**

INDEX

Public mineral resources

management—Cont'd

Public coal resource—Cont'd

FCLAA—Cont'd

Federal coal lease terms
—Cont'd

Acreage limitations, **38:25**

Due diligence, **38:28**

Fair market value, **38:26**

Periodic readjustment of lease
terms, **38:29**

Period of lease, **38:24**

Rentals and royalty amounts,
38:27

Royalty amounts, **38:27**

Lessee operations, **38:30 to**
38:32

Logical mining units, **38:31**

2016 leasing suspension,
38:32.10

Federal coal leasing practices prior
to adoption of FCLAA, **38:1**

Leasehold entitlement, **38:6**

Leasing

FCLAA, above this group

Federal coal leasing practices
prior to adoption of
FCLAA, **38:1**

Pre-1976 federal coal leasing,
generally, **38:4 to 38:17**

Rents and royalties from
noncompetitive geothermal
leasing, **40:26**

Pre-1971 prospecting permits, **38:5**

Pre-1976 federal coal leasing, gen-
erally, **38:4 to 38:17**

Pre-1976 preference right lease
applications, **38:6, 38:7**

Prospecting permits, pre-1971
prospecting permits, **38:5**

Reclamation. Surface mining
control and reclamation,
below this group

Suitability. Surface mining control
and reclamation, above this
group

Surface mining control and
reclamation

Generally, **38:33 to 38:47**

Public mineral resources

management—Cont'd

Public coal resource—Cont'd

Surface mining control and
reclamation—Cont'd

All permits and takings tests,
38:43

Bonds, **38:37**

Designation of land as unsuit-
able, generally, **38:39 to**
38:46

Federal lands, **38:35 to 38:38**

Federal lands review, **38:40,**
38:41

Good faith/all permits test,
38:44

Performance standards and
completion of operations,
38:38

Permit process, **38:36**

Petition process for unsuitability
designations, **38:46**

Regulatory unsuitability criteria,
38:41

State program requirements,
38:39

Statutes, **38:40**

Stream Protection Rule of 2016,
38:33.1

Suitability of land, designation
as unsuitable, generally,
38:39 to 38:46

Surface Mining Control and
Reclamation Act
(SMCRA), general regula-
tion, **38:34**

Unsuitability for mining other
than coal mining, **38:37,**
38:47

Valid existing rights, **38:42 to**
38:45

Suspension of coal leasing under
FCLAA, **38:32.10**

Public onshore oil and gas resource

Generally, **39:1 to 39:28**

Competitive lease sales. Federal
Onshore Oil and Gas Leasing
Resource Act (FOOGLRA)
lease sales, below this group

Public mineral resources**management—Cont'd**

Public onshore oil and gas resource

—Cont'd

Extending life of federal oil and gas lease, **39:10**External oil and gas leasing constraints, **39:6, 39:7**Federal lands, **39:28**

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA)

Generally, **39:12 to 39:27**Acreage restrictions, **39:15**Agency authority, **39:22**APD notices, **39:23**Civil assessments and penalties, **39:21**Communitization, **39:27**Competitive lease sales, generally, **39:13 to 39:18**Diligence, **39:26**Eligible bidders, **39:14**Environmental evaluation, **39:24**Fraud, **39:20**Lease sales, generally, **39:12 to 39:21**Noncompetitive lease sales, **39:19**Pooling, **39:27**Procedure, **39:16**Reclamation, **39:25**Rentals, **39:17**Royalties, **39:17**Spacing, **39:27**Terms, **39:18**Unitization, **39:27**Waste prevention, **39:24.20**History, **39:2**Hydraulic fracturing (fracking), regulation by BLM, **39:24.10**

Leasing

Post-1987 onshore oil and gas leasing, generally, **39:11 to 39:21**Pre-1987 federal oil and gas leasing, generally, **39:3 to 39:10****Public mineral resources****management—Cont'd**

Public onshore oil and gas resource

—Cont'd

Noncompetitive leasing before 1987, **39:9**Post-1987 onshore oil and gas leasing, generally, **39:11 to 39:21**Pre-1987 competitive oil and gas leasing, **39:8**Pre-1987 federal oil and gas leasing, generally, **39:3 to 39:10**Pre-lease environmental assessment, **39:7**Secretarial leasing authority, **39:5**Substantive constraints, **39:6**

Reclamation. Public coal resource, above

Rents and royalties from noncompetitive geothermal leasing, **40:26**

Sale and location of common mineral varieties

Generally, **40:35 to 40:39**BLM public lands, unique or uncommon common mineral varieties on, **40:38**National forests, unique or uncommon common mineral varieties on, **40:39**Unique or uncommon common mineral varieties, **40:37 to 40:39**

Statutes

Acquired Lands Act (ALA), **40:31 to 40:33**Energy Policy Act, **40:5**General Mining Law (GML), **42:4 to 42:7**Organic Act (OA), **42:30**Surface mining control and reclamation, **38:34, 38:40**Surface Mining Control and Reclamation Act (SMCRA), **38:34**Surface Resources Act (SRA), **42:29**Stream Protection Rule of 2016, **38:33.1**

INDEX

Public mineral resources

management—Cont'd

- Suitability. Public coal resource, above
- Surface mining control and reclamation. Public coal resource, above
- Surface Resources Act, **42:29**
- Suspension of coal leasing under FCLAA, **38:32.10**
- Valuable mineral deposit. Hardrock mineral resource, above
- Waste prevention, Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), **39:24.20**
- WSA mining operation plan approval, **42:36**

Public onshore oil and gas resource

- See Public Mineral Resources Management

Public participation

- Forest Service land management planning regulations under National Forest Management Act, objection process, **16:42**
- Modern public natural resources law, **1:19**

Public property exemption

- Administrative law, **7:13**

Public purpose

- Continuing disposition and acquisition of federal lands, **13:4**

Public rangeland resource

- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public Rangelands Improvement Act

- Generally, **33:38**

Public recreation resource

- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public rights

- Judicial review of land management agency decisions, **8:3**

Public surface resources

- See Multiple Use, Sustained Yield Management of Public Surface Resources

Public trust doctrine

- Judicial review of land management agency decisions, **8:51**
- Multiple use, sustained yield management of public surface resources, **35:31**

Public water resources development

- Generally, **36:1 to 37:43**
- Consultation process. Federal hydroelectric projects and licensing, below
- Federal hydroelectric projects and licensing
 - Generally, **37:1 to 37:43**
 - Clean Water Act, **37:41, 37:42**
 - Consultation. Fish and wildlife consultation process, below this group
 - Dredge and fill permits, **37:42**
 - Endangered Species Act, **37:40**
 - Federal development agencies, effect on, **37:35**
 - Federal Power Act (FPA)
 - Generally, **37:2 to 37:7**
 - Amendments, **37:2**
 - Electric Consumers Protection Act, **37:3**
 - Environmental effects of hydropower projects, **37:3**
 - Federal lands, **37:5, 37:6**
 - Federal reservations, **37:5**
 - Interstate commerce, **37:4**
 - Licensing authority, **37:4 to 37:7**
 - Public versus private hydropower development, **37:7**
 - Federal Power Act (FPA) licensing process
 - Generally, **37:11 to 37:20**

**Public water resources development
—Cont'd**

Federal hydroelectric projects and licensing—Cont'd
 Federal Power Act (FPA) licensing process—Cont'd
 Amendments to license, **37:14**
 Applications, **37:12**
 Comprehensive plan requirement, **37:20**
 Conditions, **37:18 to 37:20**
 Federal lands, projects on, **37:19**
 Fees, **37:13**
 Penalties, **37:17**
 Preferences, **37:16**
 Preliminary permits, **37:11**
 Renewals, **37:15**
 Take-overs, **37:15**
 Terms, **37:18 to 37:20**
 Transfer of license, **37:14**
 Federal preemption and state water rights, **37:8 to 37:10**
 Federal Water Power Act, **37:3**
 First Iowa, **37:8**
 Fish and wildlife consultation process
 Generally, **37:21 to 37:31**
 Application requirements, **37:25**
 Assessment of ECPA consultation requirements, **37:30**
 Electric Consumers Protection Act amendments, **37:23**
 FERC's history, **37:21 to 37:23**
 Judicial review of ECPA consultation requirements, **37:31**
 Licensing hearings, **37:26**
 Original licensing, **37:24 to 37:26**
 Pre-filing consultation, **37:24**
 Relicensing, **37:27 to 37:29**
 Resource agency recommendations, **37:26**
 Scenic Hudson, **37:22**
 Udall, **37:22**
 Fish and Wildlife Coordination Act, **37:37**
 Licensing. Federal Power Act (FPA) licensing process,

**Public water resources development
—Cont'd**

Federal hydroelectric projects and licensing—Cont'd
 above this group
 National Environmental Policy Act, **37:39**
 Northwest Power Act, **37:33 to 37:36**
 Northwest Power Planning Council, **37:34**
 Rock Creek case, **37:9, 37:10**
 State certification process, **37:41**
 Statutes, generally, **37:32 to 37:42**
 Wild and Scenic Rivers Act, **37:38**
 Wildlife. Fish and wildlife
 consultation process, above this group
 Federal Power Act (FPA) licensing process. Federal hydroelectric projects and licensing, above
 Federal reclamation projects
 Generally, **36:1 to 36:35**
 Bureau of Reclamation, **36:4**
 Constitutional authority for legislation, **36:3**
 Future reforms, **36:35**
 Irrigation districts, **36:5**
 Limitations on use of reclamation project water
 Generally, **36:12 to 36:19**
 Appurtenancy, **36:15**
 Authorized uses, **36:12 to 36:14**
 Beneficial use, **36:15**
 Construction and interpretation of Section 8 of Reclamation Act, **36:16**
 Excess lands and residency requirements of 1902 Act, **36:19**
 Fish protection, **36:14**
 Flood control, **36:12**
 Industrial uses, **36:13**
 Irrigation, **36:12**
 Municipal uses, **36:13**
 New Melones Dam case, **36:17**
 Post-New Melones Dam cases, **36:18**
 Power generation, **36:12**

INDEX

Public water resources development —Cont'd

- Federal reclamation projects—Cont'd
 - Limitations on use of reclamation project water—Cont'd
 - Recreation, **36:14**
 - State law, compliance with, **36:16 to 36:18**
 - Water transfers, **36:15**
 - Wildlife protection, **36:14**
- Reclamation fund
 - Generally, **36:7 to 36:11**
 - Acquisition, land and water rights, **36:9**
 - Corps of engineers dam projects, **36:10**
 - Expenditures, **36:8**
 - Sale of lands not needed, **36:11**
- Reclamation reform
 - Generally, **36:20 to 36:34**
 - Abuses of Act of 1902, **36:20**
 - Certification requirements, **36:32**
 - Constitutionality of RRA, **36:31**
 - Environmental protection, **36:33**
 - Equivalency determinations, **36:28**
 - Excess land sales, **36:27**
 - Exemptions from RRA ownership limitations and full-cost pricing requirements, **36:29**
 - Hammer clause, **36:23**
 - Judicial review, **36:34**
 - Leased land, **36:26**
 - 1982 reforms, **36:21, 36:22**
 - 1987 reforms, **36:21, 36:22**
 - Omnibus Budget Reconciliation Act of 1987, **36:22**
 - Prior law recipients, **36:24**
 - Qualified and limited recipients, **36:25**
 - Reclamation Reform Act of 1982, **36:21**
 - Reporting requirements, **36:32**
 - Residency requirements, **36:30**
 - Sovereign immunity, **36:34**
 - Water conservation, **36:33**

Public water resources development —Cont'd

- Federal reclamation projects—Cont'd
 - Statutes
 - Generally, **36:2, 36:4 to 36:6**
 - Construction and interpretation of Section 8 of Reclamation Act, **36:16**
 - Excess lands and residency requirements of 1902 Act, **36:19**
 - Omnibus Budget Reconciliation Act of 1987, **36:22**
 - Reclamation Reform Act of 1982, **36:21**
 - Water users, **36:6**
 - Fish and wildlife consultation process. Federal hydroelectric projects and licensing, above
 - Hydroelectric. Federal hydroelectric projects and licensing, above
 - Licensing. Federal hydroelectric projects and licensing, above
 - Limitations on use of reclamation project water. Federal reclamation projects, above
 - Reclamation fund. Federal reclamation projects, above
 - Reclamation reform. Federal reclamation projects, above
 - Statutes
 - Federal hydroelectric projects and licensing, above
 - Federal reclamation projects, above
 - Wildlife consultation process. Federal hydroelectric projects and licensing, above
- ### **Public watershed resource**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- ### **Purchases**
- See Sales and Purchases
- ### **Qualifications**
- Multiple use, sustained yield management of public surface

Qualifications—Cont'd

resources, **33:24, 34:57**
Public water resources development,
36:25

Railroads

Historical and geographical
frameworks of public natural
resources law, age of disposition,
1787-1934, **2:6**
Multiple use, sustained yield management
of public surface
resources, **31:51**

**Rancher-permittee's property
interest**

Multiple use, sustained yield management
of public surface
resources, **33:4 to 33:7**

Range

Statutes, **6:27**

Rangeland resource

Multiple use, sustained yield management
of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

Rapanos case

Water pollution, **19:21**

RARE I, II, and III

National wilderness preservation
system, **25:9**

Rates

Multiple use, sustained yield management
of public surface
resources, **34:35**

Reacquired lands

Defined, **1:10**

Reacquisition

Continuing disposition and acquisition
of federal lands. See
Continuing Disposition and
Acquisition of Federal Land

Readjustment

Public mineral resources management,
38:14, 38:29

Reappraisal

Multiple use, sustained yield management
of public surface
resources, **34:61**

Receipts

Public mineral resources management,
40:33

Recipients

Public water resources development,
36:24, 36:25

Reclamation

Multiple use, sustained yield management
of public surface
resources, **35:26**
Public mineral resources management. See Public Mineral
Resources Management
Public water resources development.
See Public Water Resources
Development

Reclamation, Bureau of

Generally, **36:4**

Reclamation Act

Construction and interpretation of
Section 8, **36:16**
Excess lands and residency requirements
of 1902 Act, **36:19**

Reclamation Reform Act of 1982

Generally, **36:21**

Recommendations

Public water resources development,
37:26

Reconciliation

Public mineral resources management,
41:4
Public water resources development,
36:22

Records and recording

Administrative law, **7:24, 7:32**
Judicial review of land management
agency decisions, **8:50**
Public mineral resources management,
42:13
Public water resources development,
37:24

INDEX

Records and recording—Cont'd

Water pollution, **19:24**

Recovery plans

Endangered and threatened wildlife and plant species preservation, **29:17**

Recreation

Federal land and resource preservation management, **23:3, 25:24**

Federal monetary liability. See Federal Monetary Liability

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public water resources development, **36:14**

Statutes, **6:29, 13:4**

Recreation and Public Purposes Act

Continuing disposition and acquisition of federal lands, **13:4**

Redressability

Judicial review of land management agency decisions, **8:15 to 8:17**

Reductions

Public mineral resources management, **38:12**

Reference renewal rights

Multiple use, sustained yield management of public surface resources, **31:18**

Reforms

Public water resources development, **36:21**

Regional

National wildlife refuge system, **16:7**

Registration

Herbicides, pesticides, and predacides, **22:4, 22:7**

Historic and archaeological preservation, **28:9**

Release

Land pollution, **21:20**

Release—Cont'd

National wilderness preservation system, **25:10**

Relicensing

Federal hydroelectric projects and licensing, **37:27 to 37:29**

Relinquishment

Public mineral resources management, **41:6**

Remand

Land pollution, **21:54**

Removal

Multiple use, sustained yield management of public surface resources, **34:60**

Paleontological resources located on federal land, **28:6.3**

Water pollution, **19:31**

Renewable resources

Defined, **30:2**

Renewal rights

Multiple use, sustained yield management of public surface resources, **31:18, 31:25**

Renewals

Public water resources development, **37:15**

Rentals

Public mineral resources management, **38:27, 39:17**

Reports and reporting

Land pollution, **20:10, 21:5**

Public water resources development, **36:32**

Reservation

Generally, **14:2 to 14:8**

Alaska, **14:23**

Bureau of Land Management (BLM) public lands, **14:8**

Geothermal resources leasing, **40:18**

National forests, **14:5**

National monuments, **14:4**

National park system, **14:3, 14:4**

National wildlife refuges, **14:6**

Reservation—Cont'd

- Public watershed resource, federal implied reserved water rights, **35:24**
- Wilderness and special purpose areas, **14:7**

Reserved lands

- Defined, **1:11**

Residency

- Public water resources development, **36:19, 36:30**

Resource Conservation and Recovery Act

- See Land Pollution

Resource-specific books

- Legal literature, **1:32**

Responsible parties

- Land pollution, **21:18**

Restocking

- Federal land use planning, **16:56**

Restrictions

- See Limitations and Restrictions

Resurveys

- Continuing disposition and acquisition of federal lands, **13:53**

Retroactivity

- Land pollution, **21:22**

Revegetation

- Multiple use, sustained yield management of public surface resources, **34:40**

Revenue

- Federalism, **5:39**

Review

- See Appeal and Review

Revisions

- See Amendments or Revisions

Revocation

- Multiple use, sustained yield management of public surface resources, **33:4 to 19:6, 33:17**
- Preexisting withdrawals, **14:12**

Rights-of-way across federal land

- Access to federal lands and natural resources. See Continuing Disposition and Acquisition of Federal Land

Riparian water rights

- Multiple use, sustained yield management of public surface resources, **35:28**

Ripeness

- Judicial review of land management agency decisions, **8:31 to 8:33**

Rivers

- Federal land and resource preservation management. See Federal Land and Resource Preservation Management
- Multiple use, sustained yield management of public surface resources, **34:7**
- Public water resources development, **37:38**

Riverside Bayview case

- Water pollution, **19:19**

Road construction, maintenance, and financing

- Access to federal lands and natural resources, **15:24**
- Multiple use, sustained yield management of public surface resources, **34:36, 34:39**

Rock Creek case

- Federal hydroelectric projects and licensing, **37:9, 37:10**

Rodenticide

- Federal Insecticide, Fungicide, and Rodenticide Act, **22:4 to 22:6**

Royalties

- Public mineral resources management, **38:10 to 38:12, 38:27, 39:17, 40:26**

RRA

- Constitutionality, **36:31**
- Exemptions from RRA ownership limitations and full-cost pricing

INDEX

RRA—Cont'd

requirements, **36:29**

Rulemaking

Administrative law, **7:13 to 7:16**

Sackett case

Dredge and fill, **19:21.05**

Safe Drinking Water Act

Land pollution, **20:9**

Sales and purchases

Federal land and resource preservation management, **27:8**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public mineral resources management, **38:21**

Public water resources development, **36:11, 36:27**

River segment preservation, **26:7**

Statutes, **6:21**

Sanctions

Multiple use, sustained yield management of public surface resources, **31:42**

Scenic rivers

Federal land and resource preservation management, **26:2, 26:3**

Public water resources development, **37:22, 37:38**

Scenic trails

Multiple use, sustained yield management of public surface resources, **31:45**

SCRAP

Judicial review of land management agency decisions, **8:6**

Secretarial leasing authority

Public mineral resources management, **39:5**

Secretary of Department of Interior

Administrative law, **7:4**

Settlement

Continuing disposition and acquisition of federal lands, **13:13**

Historical and geographical frameworks of public natural resources law, **2:8**

Land pollution, **21:28, 21:29**

Severance

Constitutional law, **4:3**

Sewage sludge

Water pollution, **19:14**

Shale leasing and location

See Public Mineral Resources Management

Sharing

Federalism, **5:39**

Side trails

Multiple use, sustained yield management of public surface resources, **31:47**

Significant deterioration

Air pollution, **18:20 to 18:23**

Significant thermal features

Public mineral resources management, **40:19**

SIPs

Air pollution, **18:25**

Ski areas

Multiple use, sustained yield management of public surface resources, **31:33**

Small withdrawals

FLPMA, **14:14**

Soft release

Federal land and resource preservation management, **25:10**

Solicitation

Multiple use, sustained yield management of public surface resources, **31:17, 31:24**

Solid and hazardous wastes

See Land Pollution

Sovereign acts defenseFederal monetary liability, **9:8****Sovereign immunity**Judicial review of land management agency decisions, **8:4**Land pollution, **20:31**Public water resources development, **36:34****Spacing**Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), **39:27**Public mineral resources management, **39:27****Specialized periodicals**Legal literature, **1:34****Special purposes**Reservation, **14:7****Split-estates**Federal land and resource preservation management, **25:5****States**Access to federal lands and natural resources, **15:10**Air pollution, **18:8**Constitutional law, **3:9**

Continuing disposition and acquisition of federal lands. See Continuing Disposition and Acquisition of Federal Lands

Federalism. See Federalism

Federal land and resource preservation management, **26:3, 29:19**Federal lands, **1:7**

Federal monetary liability. See Federal Monetary Liability

Herbicides, pesticides, and predacides, **22:6**Historical and geographical frameworks of public natural resources law, **2:7**Land pollution, **20:24, 21:44**

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of

States—Cont'd

Public Surface Resources

Public mineral resources management, **38:39, 42:11**Public water resources development, **36:16 to 36:18, 37:8 to 37:10, 37:41**Water pollution, **19:11****Status quo**Federalism, **5:7****Statutes**Generally, **1:24, 6:1 to 6:30**Agency-specific diversity, **6:6**Alaska National Interest Lands Conservation Act, **13:14 to 13:17**Alaska Native Claims Settlement Act, **13:13**Alaska Statehood Act, **13:12**Appeals Reform Act (repealed in 2014), **7:15**Carey Act, **13:3**Chapter purposes, **6:1**Chronological diversity, **6:3**

Clean Air Act. See Air Pollution

Clean Water Act, **34:11**Continuing disposition and acquisition of federal lands, **13:3 to 13:5, 13:20, 13:25**

Contract Dispute Act. See Federal Monetary Liability

Desert Lands Act of 1877, **13:20**Diversity of legal source, **6:2 to 6:6**

Equal Access to Justice Act. See Federal Monetary Liability

Federal Insecticide, Fungicide, and Rodenticide Act, **22:4 to 22:6**Federalism, **5:7, 5:29**Federal Land Policy and Management Act, **33:36**

Federal monetary liability. See Federal Monetary Liability

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA) lease sales. See Public Mineral Resources Management

Federal Property and Administrative Services Act, **13:5**

INDEX

Statutes—Cont'd

- Federal public land management statutes
 - Generally, **6:14 to 6:18**
 - Agencies, peripheral, **6:18**
 - Fish and Wildlife Service, **6:15**
 - Forest Service, **6:17**
 - Land Management, Bureau of, **6:16**
 - National Park Service, **6:14**
- Federal Timber Contract Payment Modification Act, **34:45, 34:63**
- Fee-shifting provisions in federal environmental statutes, **11:2 to 11:5**
- General land designation statutes, **6:12**
- Geothermal Steam Act (GSA). See Public Mineral Resources Management
- Judicial review of land management agency decisions, **8:18 to 8:22**
- Land pollution. See Land Pollution
- Land-specific diversity, **6:5**
- Modern public natural resources law. See Modern Public Natural Resources Law
- Multiple Mineral Development Act of 1954 (MMDA), **41:2 to 41:7**
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- Multiple Use Act, **14:21**
- National Environmental Policy Act (NEPA), **17:2 to 17:4, 22:7, 22:8**
- National Forest Grazing Act, **33:32 to 33:34**
- National Forest Management Act
 - See also Federal Land Use Planning
 - Generally, **33:37**
- National Historic Preservation Act, **28:8 to 28:10**
- National Wildlife Refuge System Improvement Act. See Federal Land Use Planning

Statutes—Cont'd

- 1906 Antiquities Act, **28:2**
- 1935 Historic Sites Act, **28:7**
- 1979 Archaeological Resources Protection Act, **28:3 to 28:6**
- 2009 Paleontological Resources Preservation Act, **28:6.1 to 28:6.3**
- Oil Pollution Act of 1990. See Water Pollution
- Organic Act, **35:3**
- Procedural overlay statutes
 - Generally, **6:8 to 6:13**
 - Condemnation and acquisition funding, **6:11**
 - General administrative procedure, **6:9 to 6:11**
 - National environmental policy, **6:10**
- Public mineral resources management. See Public Mineral Resources Management
- Public Rangelands Improvement Act, **33:38**
- Public water resources development. See Public Water Resources Development
- Recreation and Public Purposes Act, **13:4**
- Resource Conservation and Recovery Act. See Land Pollution
- Resource development and protection laws
 - Generally, **6:19 to 6:30**
 - Fossil fuel and chemical minerals, **6:25**
 - Hardrock minerals, **6:24**
 - Land, **6:20 to 6:22**
 - Land exchanges, **6:22**
 - Preservation, **6:30**
 - Range, **6:27**
 - Recreation, **6:29**
 - Sales, grants, and acquisitions, **6:21**
 - Timber, **6:26**
 - Water, **6:23**
 - Wildlife, **6:28**
- Resource-specific diversity, **6:4**
- Resource-specific procedural statutes, **6:13**

Statutes—Cont'd

Revised statute (R.S.) 2477
highways, **15:19**
Taylor Act, **14:20, 33:5**
Tucker Act
See also Federal Monetary
Liability
Generally, **9:5**
2009 Paleontological Resources Pres-
ervation Act, **28:6.1 to 28:6.3**
Uncertainty of legal source, **6:7**
Unlawful Inclosures Act of 1885,
15:9

Stay

Administrative law, **7:25, 7:37.1**

Stratospheric ozone protection

Clean Air Act, **18:15**

Study areas

National wilderness preservation
system, **25:13 to 25:17**

Stumpage rate

Multiple use, sustained yield manage-
ment of public surface
resources, **34:35**

Subsidized grazing fee

Multiple use, sustained yield manage-
ment of public surface
resources, **33:7**

Subsistence taking

Multiple use, sustained yield manage-
ment of public surface
resources. See Multiple Use,
Sustained Yield Management of
Public Surface Resources

Success in the merits

Attorneys' fees, federal liability for,
11:3

Suitability

Public mineral resources manage-
ment. See Public Mineral
Resources Management

Summary judgment

Judicial review of land management
agency decisions, **8:53**

Summers v. Earth Island Institute

Judicial review of land management
agency decisions, **8:10**

Super agency decisions

Administrative law, **7:20**

Superfund

Land pollution, **21:12 to 21:15**

Supplemental EISs

NEPA, **17:49**

Surface coal

Royalty adjustment, **38:10**

**Surface mining control and
reclamation**

Public mineral resources manage-
ment. See Public Mineral
Resources Management

Surface resources

See Multiple Use, Sustained Yield
Management of Public Surface
Resources

Surface Resources Act (SRA)

Administrative regulation of mining
claims, **42:29**

Surveys

Continuing disposition and acquisi-
tion of federal lands. See
Continuing Disposition and
Acquisition of Federal Land

Suspension

Access to federal lands and natural
resources, **15:25**
Multiple use, sustained yield manage-
ment of public surface
resources, **33:17**
Public mineral resources manage-
ment, coal leasing under
FCLAA, **38:32.10**

Sustained yield

See Multiple Use, Sustained Yield
Management of Public Surface
Resources

SWANCC

Water pollution, **19:20**

INDEX

Tables

Abbreviations, common, **1:38**

Take-overs

Public water resources development, **37:15**

Takings

Congress. See Congress

Federalism, **5:15**

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Federal monetary liability. See Federal Monetary Liability

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Public mineral resources management, **38:43**

Taylor Act

Classification, **14:20**

Multiple use, sustained yield management of public surface resources, **33:5**

Public rangeland resource, **33:5**

Temporal restrictions

Congressional powers, **4:30**

Temporary taking

Congressional powers, **4:18**

Tenth Amendment

Limitations, **4:36**

Termination

Access to federal lands and natural resources, **15:25**

Multiple use, sustained yield management of public surface resources, **34:31**

Tests

Public mineral resources management, **38:43, 38:44, 42:18**

Threshold

Congressional powers, threshold definitional questions, **4:23, 4:28**

NEPA, proposal threshold requirement, **17:13 to 17:15**

Tiering

NEPA, **17:25 to 17:32**

Timber

Resource development and protection laws, **6:26**

Timber harvest

Federal land use planning. See Federal Land Use Planning

Time

Administrative law, **7:24**

Congressional limitations—regulatory takings doctrine, timing of regulatory restrictions, **4:16**

Multiple use, sustained yield management of public surface resources, **34:60**

Public mineral resources management, **38:14, 38:24, 39:10**

Timing

Congressional powers, **4:21**

Federal land and resource preservation management, **29:33**

Federal land use planning, **16:50**

Public mineral resources management, **38:9**

Title and ownership

Continuing disposition and acquisition of federal lands, **13:15, 13:18, 13:21**

Land pollution, government liability, **21:33**

Multiple use, sustained yield management of public surface resources, **32:3, 32:4, 32:33**

Public water resources development, **36:29**

Torts

Federal monetary liability. See Federal Monetary Liability

Towns

Continuing disposition and acquisition of federal lands, **13:6**

Toxic chemicals

Land pollution, **20:10**

Toxic Substances Control Act

Land pollution, **20:8**

Traditional public land law

Generally, **1:14**

Trails

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Transfers

Multiple use, sustained yield management of public surface resources, **33:12**

Public water resources development, **37:14**

Transporters

Land pollution, **20:22**

Trapping

Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources

Treatment, storage, and disposal (TSD) facilities

Land pollution, **20:23, 20:24**

Treaty clause

Constitutional law, **3:17**

Trespass

Multiple use, sustained yield management of public surface resources, **33:18**

Trusts

Land pollution, **21:47 to 21:49, 21:52**

Multiple use, sustained yield management of public surface resources, **35:31**

Trusts—Cont'd

Water pollution, **19:34**

TSD (Treatment, storage, and disposal) facilities

Land pollution, **20:23, 20:24**

Tucker Act

See Federal Monetary Liability

Type A assessments

Land pollution damages, **21:58**

Type B assessments

Land pollution damages, **21:59**

Udall case

Federal hydroelectric projects and licensing, **37:22**

Underground coal

Adjustment and regulation of pre-FCLAA coal leases, **38:11**

Underground injections

Land pollution, **20:9**

Underground storage tanks

Land pollution, **20:25**

Understandings

Historical understandings, assumptions, and practices, **1:28**

Unified federal policy

Defined, **35:18**

Unique or uncommon common mineral varieties

Sale and location of common mineral varieties, **40:37 to 40:39**

Unitization

Federal Onshore Oil and Gas Leasing Resource Act (FOOGLRA), **39:27**

Public mineral resources management, **39:27**

Unlawful Inclosures Act of 1885

Access to federal lands and natural resources, **15:9**

Unpatented mining claims

Access to federal lands and natural resources, **15:8**

INDEX

Utilization standards

Multiple use, sustained yield management of public surface resources, **34:38**

Validity

Forest Service land management planning regulations under National Forest Management Act, valid existing rights, **16:41**

Oil shale leasing and location, **40:4**

Surface mining control and reclamation, **38:42 to 38:45**

Value and valuation

Continuing disposition and acquisition of federal lands, **13:28**

Modern public natural resources law, **1:23**

Public mineral resources management. See Public Mineral Resources Management

Vegetation and pest control

Herbicides, pesticides, and predacides, **22:2**

Ventura County v. Gulf Oil Corporation

Federalism, **5:25, 5:26**

Veto

Congressional powers, **4:2 to 4:4**

Visibility

Air pollution. See Air Pollution

Volume

Multiple use, sustained yield management of public surface resources, **34:35**

Waiver

Land pollution, **20:31**

Water and water pollution

Generally, **19:1 to 19:37**

Access to federal lands and natural resources, **15:20**

Aquatic and wetlands development, control of

Generally, **19:15 to 19:26**

Water and water pollution—Cont'd

Aquatic and wetlands development, control of—Cont'd

Criteria for issuance of dredge and fill permits, **19:24**

Delegation to states, **19:22**

Dredge and fill permits

Addition of dredged and fill materials, **19:16**

Criteria for issuance of dredge and fill permits, **19:24**

Exemptions, **19:23**

Nationwide dredge and fill permits, **19:25**

Navigable waters, **19:18**

NPDES permit program, **19:17**

Program, generally, **19:15**

Rapanos, **19:21**

Riverside Bayview, **19:19**

Sackett Case, **19:21.05**

SWANCC, **19:20**

Incentives to preserve wetlands, **19:26**

Joint EPA-Corps 2015 Regulations defining “waters of the United States,” **19:21.10**

Nationwide dredge and fill permits, **19:25**

Navigable Waters Protection Rule, **19:21.30**

Rapanos, **19:21**

Riverside Bayview, **19:19**

States, **19:22**

Certifications of water quality, **19:8**

Citizen suits, **19:36**

Clean Water Act, **19:2 to 19:6, 19:29**

Congressional powers, **4:29**

Continuing disposition and acquisition of federal lands, **13:15, 13:44**

Federalism, **5:34 to 5:37**

Federal land and resource preservation management, **15:10, 25:11, 25:22, 27:2 to 27:4**

Groundwater, **19:6.10**

Land pollution, **20:9**

Licenses and permits, **19:2 to 19:8, 19:15 to 19:21**

Water and water pollution—Cont'd

Multiple use, sustained yield management of public surface resources, **34:11, 35:8, 35:9, 35:20 to 35:22**

Nonpoint sources, control of

Generally, **19:9 to 19:14**

Antidegradation policy, **19:13**

Beneficial application of sewage sludge, **19:14**

Federal lands, **19:10**

State water quality management plans, **19:11**

Water quality standards and BMPs, relationship between, **19:12**

NPDES permit program scope, **19:2**

Oil Pollution Act of 1990, liability under. Oil spills, above

Oil spills

Generally, **19:27 to 19:35**

Clean Water Act, liability under, **19:29**

Federal response authority, **19:28**

Oil Pollution Act of 1990, liability under

Generally, **19:30 to 19:34**

Damages, **19:32**

Natural resource damage liability and assessment, **19:33**

Oil spill liability trust fund, claims against, **19:34**

Removal costs, liability for, **19:31**

Penalties, **19:35**

Point sources

Generally, **19:6**

Addition, **19:3**

Certifications of water quality, **19:8**

Control of, **19:2 to 19:8**

Navigable waters, **19:5**

Obligations under permit program, **19:7**

Pollutant, **19:4**

Scope of permit program, **19:2**

Point sources, control of, **19:2 to 19:8**

Water and water pollution—Cont'd

Public water resources development.

See Public Water Resources Development

States

Aquatic and wetlands development, control of, **19:22**

Water quality management plans, **19:11**

Statutes, **6:23**

“Waters of the United States”

2023 regulations, **19:21.40**

Joint EPA-Corps 2015 regulations defining, **19:21.10**

Wetlands development. Aquatic and wetlands development, control of, above

Watershed

See Multiple Use, Sustained Yield Management of Public Surface Resources

“Waters of the United States”

2023 regulations, **19:21.40**

Joint EPA-Corps 2015 regulations defining “waters of the United States,” **19:21.10**

Website

Administrative materials, Internet access, **1:26**

Wetlands

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Multiple use, sustained yield management of public surface resources, **35:22**

Water pollution. See Water Pollution

Wild, free-roaming horses and burros

Multiple use, sustained yield management of public surface resources, **32:28, 32:29**

Wild and scenic rivers

Multiple use, sustained yield management of public surface resources, **34:7**

INDEX

Wild and Scenic Rivers Act

Federal hydroelectric projects and licensing, **37:38**

Wilderness

Access to federal lands and natural resources, **15:16**

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Multiple use, sustained yield management of public surface resources, **31:5, 34:6**

Reservation, **14:7**

Wilderness study areas

Multiple use, sustained yield management of public surface resources, **31:5**

Wildlife

Administrative law, **7:6**

Congressional powers, **4:29**

Continuing disposition and acquisition of federal lands, **13:39, 13:49**

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Herbicides, pesticides, and predacides, **22:9**

Historical and geographical frameworks of public natural resources law, **2:13, 2:20**

Public water resources development. See Public Water Resources Development

Statutes, **6:15, 6:28**

Wildlife refuge

National wildlife refuges

Access to federal lands and natural resources, **15:13**

Continuing disposition and acquisition of federal lands, **13:39**

Federal land and resource preservation management. See Federal Land and Resource Preservation Management

Wildlife refuge—Cont'd

National wildlife refuges—Cont'd

Federal land use planning. See Federal Land Use Planning

Historical and geographical frameworks of public natural resources law, **2:13**

Multiple use, sustained yield management of public surface resources, **31:7, 32:10, 32:15, 32:16**

Reservation, **14:6**

Wild rivers

Federal land and resource preservation management, **26:2, 26:3**

Withdrawal

Generally, **14:9 to 14:18**

Alaska, **14:23**

Expiration and revocation of preexisting withdrawals, **14:12**

Extrastatutory executive withdrawal power, **14:11**

FLPMA

Generally, **14:13 to 14:18**

Delay, withdrawals by, **14:17, 14:18**

Emergency withdrawals, **14:16**
“Exclusions,” withdrawals by, **14:17, 14:18**

Large withdrawals, **14:15**

Small withdrawals, **14:14**

Multiple use, sustained yield management of public surface resources, **34:5**

Pre-FLPMA withdrawal legacy, **14:10 to 14:12**

Public mineral resources management, **42:7**

Withdrawal Revocation case

Judicial review of land management agency decisions, **8:7, 8:9**

Withdrawn lands

Defined, **1:12**

Worst case analysis

NEPA, **17:42**

WSA

- Federal land and resource preservation management, **25:14 to 25:17**
- Public mineral resources management, **42:36**

Zone of interest tests

- Judicial review of land management agency decisions, **8:20 to 8:22**

Zoning

- Generally, **14:1**
- Classification. See Classification
- Multiple use, sustained yield management of public surface resources. See Multiple Use, Sustained Yield Management of Public Surface Resources
- Reservation. See Reservation
- Withdrawal. See Withdrawal