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Dean's Column

BY GUEST WRITER BRET BIRDSONG, PROFESSOR OF LAW

NEVADA'S PUBLIC LANDS AND THE BOYD SCHOOL OF LAW

Nevada, of course, has the highest percentage of federally-owned land of any of the United States, and I'd be willing to bet that UNLV's Boyd School of Law has more public land within 200 miles than any other law school in the country. The point is driven home by a map in my office that shows land ownership in the state. It is an overwhelming sea of yellow (BLM land), green (Forest Service), pink (Nellis Air Range), brown (Nevada Test Site) and purple (National Park Service). There are a few islands colored white. These are the areas of private land, which make up only about 15 percent of the land area of the state.

Amid this sea of public land, one might expect Nevada's students to know plenty about it before they get to law school. But the paradoxes of the American west are nowhere more apparent than in Nevada. Despite the openness of the landscape, an openness enforced by aridity, the west has the most urbanized population in the country. Why? Because nearly all the people in the state live on the little islands of private land, and that is where, for the most part, their economic activities take place. For incoming law students from these urban archipelagos, the public lands are more often an afterthought than a frame of historical and cultural perspective. So it falls to the law school to provide a solid foundation in both the history of public land law and the importance of the public lands for the future of the state.

There are four main components to Boyd's offerings on public land law for students. First, we offer two foundational survey courses. Environmental Quality Law focuses on the fundamental strategies that law can employ to achieve environmental goals: disclosure, prohibition, life-cycle regulation, market entry gatekeeping, health-based standards, technology-based standards and market-based measures (e.g., cap and trade). Students in Public Land and Natural Resources Law study the history and legal underpinnings of federal ownership and control of the public lands, the allocation of federal and state authority on the public domain, and the

specific legal regimes governing mineral development, forestry, livestock grazing, wildlife protection, recreation and wilderness preservation.

Second, in order to further enrich our students' understanding of natural resource development on public lands, we offer two courses that take a more in-depth look at the subject. In this arid region, precious water is often found flowing upon or under the public lands. Water law, a staple in western law schools, explores the legal control of this state-controlled resource for both human and environmental uses. As a Department of Justice trial attorney litigating cases for federal agencies, I found I often understood legal and factual issues much better after visiting the particular place in dispute and spending time on the ground with the agency employees closest to the case. In the Natural Resources Law Field Seminar, students have the opportunity to study several hotly disputed natural resources issues in the Grand Canyon region in the same way. Along with law students from Arizona State University, Boyd students study in depth the links between law, policy and science, traveling to the Grand Canyon area to discuss issues such as endangered species in the Colorado River, forest management and federal grazing permits with environmentalists, state and federal land managers, and industry representatives.

Boyd's partnership with the Rocky Mountain Mineral Law Foundation (RMMLF) offers a third way for students to pursue their interest in the public lands. The RMMLF is an educational foundation that offers high quality conferences and institutes on public land and mineral law topics. Each year, the foundation generously provides significant funding to allow Boyd students to travel to and attend their institutes. In the past several years, Boyd students have attended and participated in institutes on protecting water, archeological and cultural resources, NEPA on the public lands, and oil and gas law, as well as the RMMLF's annual summer institute. In addition to enriching students' understanding of legal developments concerning the

public lands, these conferences offer a chance for students to meet many of the best lawyers working on public land issues. Reports from students attending the programs over the past several years have been enthusiastic.

A fourth way that Boyd students can engage the public lands is through research. Each year, several students pursue independent research projects on topics relating to the public lands. In the past few years I have supervised student papers on the imperiled sage grouse, mining taxation, the agency process for NEPA compliance and other issues. In addition, Boyd students have assisted me in my own research, including the preparation and revision of a casebook on natural resources law: *Klein, Cheever, and Birdsong, NATURAL RESOURCES LAW: A PLACE-BASED BOOK OF PROBLEMS AND CASES*, 2d ed. (Aspen 2009) (3d edition forthcoming in 2013), a book used in numerous law schools, from Berkeley to Georgetown.

A student at Boyd who takes advantage of these offerings will take away more than a solid grounding in the laws governing the public lands. Equally important, in my view, the student will gain a sense of place in the bull's eye of the public lands. ■

BRET BIRDSONG is a professor of law at the William S. Boyd School of Law. Before joining the Boyd faculty in 2000, he worked at the Department of Justice, serving as a trial attorney and focusing on public land and natural resources litigation. In 1998, Birdsong was an Ian Axford Fellow in Public Policy, studying environmental regulation in New Zealand. Birdsong teaches public land and natural resources law, water law, environmental law, administrative law and property. His research focuses on food law, water law, and federal land and resources management.