

Native American Natural Resources Law

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Native American Natural Resources Law

Cases and Materials

THIRD EDITION

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*We dedicate this book to
Indian Law students everywhere who
are concerned about the wise use of the
environment of Indian country.*

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Preface to the Third Edition

We have been quite pleased with the reception the first two editions of *Native American Natural Resources Law* received. It has been especially gratifying to see our efforts encourage the establishment of a new course in the law school curriculum, one which bridges Indian law and natural resources and environmental law. Some of our colleagues have been uncommonly enthusiastic about both the casebook and the subject matter. *See, e.g.,* Debra Donahue, *A Call For Native American Natural Resources in the Law School Curriculum*, 24 *Journal of Land, Resources, and Environmental Law* 211 (2004). We are especially pleased that one of the new generation of Indian law scholars has joined us as an author on this third edition.

In the five years since the second edition, the field of Native American natural resources law has continued to expand, and this edition reflects those developments: in legislatures, in the courts, and in the legal commentary. Recent legislation has been particularly important in the energy field. On the federal judicial level, the tension between Congress and the Supreme Court continues: while the Supreme Court has continued its apparent hostility toward tribal sovereignty, tribal governments continue to gain important regulatory roles under federal statutes. And although some state courts have read tribal water rights extremely narrowly, for the most part tribal property rights continue to gain judicial recognition and protection.

We continue to believe that this book is adaptable to either an advanced course in Indian law for students whose principal interest is Indian law, or an advanced natural resources law course for students whose principal interest is in natural resources law, or for students whose interest lies in the intersection between the two fields. We have tried to design this book so that students need not have taken either the basic Indian law course or the basic natural resources law course to take this course.

A word about editing in this edition: in order to increase the book's readability, we have generally eliminated ellipses in our edits of cases and commentary, retaining ellipses only to indicate material that has been edited out within a paragraph.

We look forward to continuing to follow developments in this dynamic field for years to come. Professor Blumm thanks the Rocky Mountain Mineral Law Institute for research assistant help at an early stage of the development of this casebook. He also wishes to thank Kate Shumway, 2L, Lewis and Clark Law School, for superb editorial work on this edition.

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