

## BOOK REVIEW

**NATIONAL RESOURCES LAW HANDBOOK:** Governmental Institutes, Inc. (1991) Contributions by Baur, Barnard, Gosliner, Klise, Leggette, Lundquist, Macleod, Martin, McBride, Means, Murray, Parenteau, Quarles, Sobeck, Somach.

*Reviewed by Mary E. Baluss\**

This is an extremely useful and surprisingly readable survey of the federal laws that regulate the development and use of federal lands. Federal laws that regulate private land use are also discussed. These are broad topics, and this compact text necessarily provides only an overview. The book, however, is generously provided with footnotes that allow ready access to lead cases, regulations, and other materials that open up the survey subjects. Most helpfully it is accompanied by two resource volumes: the text of all statutes surveyed in the Handbook and a 250-page "Natural Resources Glossary". The three-volume set has a legitimate claim to a place in almost any energy practitioner's library.

The book opens with a survey of the history of federal national resources law with its transition from comparatively wide-open land development and economic access to the current emphasis on management and preservation. It touches briefly on the political imperatives of each era and notes that elements of both the old and the new approaches are present in every substantive area of natural resources law. The overview chapter also provides a useful list of both federal agencies and congressional committees that develop resource law policy.

Each of the substantive topics is covered in chapter fashion by an established practitioner in the area—including several who are federal regulators. The chapter titles convey the reach of the book:

Public Lands: Right of Way and Access

Minerals and Mining

Oil and Gas Resources

Coal Resources

National Forests and Forestry

Water Rights

Federally Protected Areas

Wildlife and Fisheries Laws

Wetlands Regulation

The chapters reflect their different authors. Several are more detailed than others. Some are more practice-oriented and others more academic. Each also reflects the hard choices that have to be made when a field of practice is boiled down to forty-five or fifty pages. For example, a reader who is familiar with Outer Continental Shelf activities will find little in the descrip-

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tion of regulatory structures that differentiates gas from oil development in the chapter on "Oil and Gas Resources." That fact may be important to the closely involved practitioner, but it does not distract from the quality of the chapter as an overview. Similarly, the coal resources section focuses heavily on the Surface Mining Control and Reclamation Act (SMCRA). The other sections, including leasing and royalty management, are less detailed.

Each chapter provides a cogent summary of not only the organic structure, but the regulatory history and case law. Only the chapter on federal water law does so in an overly cursory way—perhaps because federal law plays a significant second fiddle to state water law. A reader will come away from any chapter with a good understanding of what the current regulatory structure is and the major issues that are in flux.

The book expressly warns that it is not a primer on federal environmental law, central though the environmental laws are to development. Nonetheless, where necessary, the tension between environmental and land use acts is very usefully explored. For example, the chapter on wetlands regulation under the Clean Water Act includes detailed and interesting explanation of the pull and tug between the Corps of Engineers and the Environmental Protection Agency. Similarly, the Coal Resources Chapter provides at least an introductory level of detail on the impact that the Clean Air Act has on coal resource development.

Each of the chapters also looks to trends in its area of specialization. Reading the whole it is apparent—as the overview chapter suggests—that federal resources law is a reflection of broader social and economic trends. The authors believe generally that natural resources law is rapidly changing and is developing different constituencies as it evolves.

A closing word on volumes II and III: Volume II is a compact collection of twenty-five governing statutes referenced in the survey. Without an update, it will become less useful as the changes the authors expect are played out in statutory reevolution. For now, however, it is extremely useful. Topics covered in the chapters become instantly available for deeper research and detailed consideration. The Glossary, Volume III, is a mixed value. It provides the definition of technical terms as set out in the statutes and regulations and cites to their general sources. That is extremely helpful. The definitions, however, are often opaque at best. Taken out of context in the Glossary, they are even less useful. It would be far more helpful if the citations were more specific—to a precise CFR or statutory section rather than to the CFR title or the statute so that context is readily available. In sum, the pattern of the chapters, put together, leaves the reader with insights of his own that are useful separately from the proffered overview of a complex and important area of law.