

## V. How to Influence Agency Decision Makers



# HOW TO WIN FRIENDS AND INFLUENCE PEOPLE

*Dale Carnegie, 1936*

## Don't criticize, condemn or complain

- The only way to get the best of an argument is to avoid it.
- Show respect for the other person's opinions. Never say, "You're wrong."
- Begin in a friendly way; get the other person saying "yes, yes" immediately.
- Try honestly to see things from the other person's point of view.
- Be sympathetic with the other person's ideas and desires.

## Give honest and sincere appreciation

- Begin with praise and honest appreciation.
- Let the other person save face.
- Praise the slightest improvement and praise every improvement.
- Give the other person a fine reputation to live up to.
- Make the other person happy about doing the thing you suggest.

## Arouse in the other person an eager want

- Become genuinely interested in other people.
- Be a good listener. Encourage others to talk about themselves.
- Talk in terms of the other person's interests.
- Make the other person feel important-and do it sincerely.
- Let the other person do a great deal of the talking.
- Let the other person feel that the idea is his or hers.
- Throw down a challenge.
- Appeal to the nobler motives.

# DALE CARNEGIE'S LESSONS APPLIED TO INFLUENCING FEDERAL AGENCY DECISION MAKERS

## Don't criticize, condemn or complain

- Find common areas of agreement and start discussions off with those.
- Get to know about the competing perspectives and multiple-uses.
- Understand the laws, regulations, and policies that govern their decisions.
- Show respect for the difficulties of their decisions.
- Focus concerns on the decision, not the decision maker.
- Offer ideas for solutions instead of just complaints.
- Understand their lack of resources to do the job as well as they would like.
- Provide specific, constructive feedback instead of massive write-in campaigns.
- Be very, very cautious about going over their heads or complaining to elected officials; this is a great way to ruin a working relationship.

## Give honest and sincere appreciation

- Always start and end a conversation on a positive note.
- Tell them when you think they have done something right or good.
- Complement them to others when they have done something right or good.
- Send a letter of thanks or appreciation.
- Don't blindside them in public.
- Complement the work of their staff when they deserve it.
- Write letters to the editor complementing the agency when they deserve it.

## Arouse in the other person an eager want

- Get to know and see them as people, not just bureaucrats.
- Meet with them one-on-one and in private occasionally.
- Find out what "makes them tick" and try to tie into those interests.
- Offer to work cooperatively on projects on the ground.
- Offer to help build coalitions or consensus to make their job easier.
- Help get regional or national attention spotlighted on local opportunities.
- Get them involved early so they can help shape outcomes.
- Understand their incentives and disincentives; risks and rewards.

## Develop Your Own Personal Strategy on How to Work With an Agency Official

- Develop a plan on how you will get to personally know the agency official. Write it down and follow through with it even if it stretches your comfort level.
- Develop coalitions of community members who are already influential with the agency official. It is even better if these community members are not a part of your organization. Coalitions of diverse interests are powerful influences.
- Identify and follow through with a plan for regular communication with the agency official. Meet them for coffee. Join the same bowling team. Ask for quarterly half hour meetings to be brought up to speed on what the agency is working on.
- Keep track of the positive feedback you have given to the agency official and find an excuse to give some if you haven't recently. Put it on your calendar! Look for ways to be positive.
- Continually expand your own knowledge and understanding of the laws, regulations, and policies that the agency official works under. Keep on top of new guidance issued from the Washington Office and the results of new appeals cases.
- Find opportunities to volunteer for the agency out on the ground, even if it is only once a year on Public Lands Day.
- If you find you simply cannot personally connect with the agency official find a partner who can and bring your partner to meetings with the agency official.
- Do all of this and check back with each other in a year and see whether you have made progress in influencing the agency official and being more effective.

**Natural Resource Related Legal and Policy Resources  
For the Non-Legal Professional**



**Natural Resources Law Center  
University of Colorado School of Law**

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## I. INTRODUCTION

The law used to be somewhat of a mystery because legal information was only available at specialty law libraries and from expensive on-line services. Today, many of the laws, regulations and federal policy documents that can help individuals understand issues are available on the internet. Some of these are easier to access than others, but if you know where to look, most everything is available. The following is a simple, step-by-step guide to finding the principal legal and policy documents related to natural resources management in the West.

What we think of as “law” and describe below includes legislation (laws or statutes passed by Congress), cases decided by the courts, and federal agency regulations or rules. Agency policies and guidelines in agency manuals and handbooks are also described for the U.S. Forest Service and Bureau of Land Management although they are not generally enforceable as law. Similarly, other executive branch documents, such as presidential executive orders and Department of Interior public land orders do not carry the same weight as laws or court decisions. This hierarchy of legal and policy guidance is illustrated in the table below. Despite their limitations, these documents indicate how public land is being managed and how public land policy is being developed.

CONSTITUTION		
<p>Article I Legislative Branch Authorizes Congress to make laws</p>	<p>Article II Executive Branch Authorizes President to execute laws</p>	<p>Article III Judicial Branch Authorizes courts to interpret laws</p>
<p>LAWS (U.S. Statutes and U.S. Code)</p>	<p>EXECUTIVE ORDERS (Issued by President; codified in Title 3, Code of Federal Regulations (3 CFR))</p>	<p>LEGAL DECISIONS (Case Law)</p>
	<p>REGULATIONS (Issued by Federal agencies; published in Federal Register and codified in CFR)</p>	
	<p>ADDITIONAL GOVERNMENT-WIDE GUIDANCE</p>	
	<p>INTERNAL AGENCY POLICY AND PROCEDURES</p> <p>Department of Agriculture</p> <ul style="list-style-type: none"> <li>• Departmental Manual (DM)</li> <li>• Departmental Regulations (DR)</li> <li>• National Finance Center</li> </ul> <p>External Procedures</p> <p>Forest Service:</p> <ul style="list-style-type: none"> <li>• Issues regulations at 36 CFR</li> <li>• Issues internal policies and procedures in FSM and FSH</li> <li>• Negotiates master agreement with union</li> </ul>	

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## II. LEGISLATION

Most federal laws start out as bills introduced in a session of Congress. These bills are assigned tracking numbers depending on where they are first introduced. Senate bills originate in the Senate and are designated "S" followed by a number (for example S 507); House bills are originally introduced in the House of Representatives and are designated HR followed by a number (for example, HR 1904). There may be separate Senate and House bills dealing with an issue, or one or the other body of Congress may just use the other's bill. If both the Senate and House pass a bill and it is either signed by the President or vetoed and re-passed by a two-thirds vote of both houses, the bill becomes a "public law" and is given a new number (for example P.L. 94-579). The first part of this number represents the number of the Congress; the second part of the number is simply a consecutive number assigned to the bill by Congress.

After laws are passed, they are organized by subject matter (Titles) and compiled into the U.S. Code.<sup>1</sup>

### IIa. SENATE AND HOUSE BILLS

Both House and Senate bills can be easily found on the internet. Two good sources are the "Thomas" website, maintained by the Library of Congress (<http://thomas.loc.gov/>) and the "GPO Access" site (<http://www.gpoaccess.gov/bills/index.html>), maintained by the Government Printing Office. These sites include the text of the bill and a lot of other information about the bill's progress through Congress including bill sponsors, amendments, congressional testimony, committee reports, and much, much more. Both sites include bills in the current Congress (108<sup>th</sup> Congress) and at least some information on bills back through 1973 (93<sup>rd</sup> Congress). The following provides a step-by-step walk through finding a bill on the Thomas site. The GPO Access site works about the same way, but isn't quite as "user-friendly."

**To start searching for a bill:** Click on the Thomas address (<http://thomas.loc.gov/>) to get to the Thomas homepage.

**If you know the bill number:** If you know the bill number, you can directly access the bill. Start at the Thomas homepage.

*If it is a current bill (108<sup>th</sup> Congress):* Type the bill number (for example, HR 1904) in the space provided (BILL NUMBER) at the top of the web site; click on SEARCH.

*If it is a bill from a previous Congress:* Click on BILL SUMMARY & STATUS or BILL TEXT in the LEGISLATION column; next click on the number of the Congress in which the bill was introduced or passed; next type the bill number in the space provided (called either BILL NUMBER or BILL, AMENDMENT OR PUBLIC LAW NUMBER) at the top of the web page; click on SEARCH.

**Example:**  
Federal Land Policy and Management Act (FLPMA) was introduced in 1974 in the 94<sup>th</sup> Congress as S 507. It became P.L. 94-579, the 579<sup>th</sup> bill passed in the 94<sup>th</sup> Congress.

FLPMA is in Title 43 of the U.S. Code, from section 1701 to 1785 (43 USC sections 1701 to 1785)

<sup>1</sup> <http://thomas.loc.gov/home/lawsmade.bysec/publication.html> How laws are made § XIX. Publication

**If you want to search by topic:** Start at the Thomas homepage.

*If it is a current bill (108<sup>th</sup> Congress):* Type a key word or phrase in the space provided (WORD/PHRASE) at the top of the web site; click on SEARCH

*If it is a bill from a previous Congress:* Click on BILL SUMMARY & STATUS or BILL TEXT in the LEGISLATION column; next click on the number of the Congress in which the bill was introduced or passed; next type a key word or phrase in the space provided (WORD/PHRASE) near the top of the web page; click on SEARCH.

**If you want to just browse from a list of bills:** Start at the Thomas homepage; click on BILL SUMMARY & STATUS or BILL TEXT in the LEGISLATION column; next click on the number of the Congress in which the bill was introduced or passed; next click on LEGISLATION; next click on whatever category of document you are interested in viewing (for example HOUSE BILLS). You will get a complete consecutive list of House Bills with a short description, list of sponsors, cosponsors and committees, and the latest action taken on the bill. Click on the bill number to get more complete information on the bill.

**Reading a bill or finding a specific part of it:** Once you get to the web page for a particular bill, you will have the choice of many types of information including the text of the actual bill. If you are interested in only one very small part of a large bill you can search for particular language to help you find that part. This is an especially useful feature when Congress buries riders in appropriation bills. An example of this was the stewardship contracting bill – three or four pages buried in a several hundred page appropriations bill.

*To read the bill:* click on TEXT OF LEGISLATION near the bottom of the page; next click on the version you would like to read – there are usually several choices depending on what action Congress has taken on the bill. The most up-to-date version is the last one listed.

*To find a specific part of the bill:* If the bill is short, the text will all appear in one document on the screen and you can search for a specific part. If the bill has several sections and you don't know which section you want, click on PRINTER FRIENDLY DISPLAY near the top right of the screen to give you an easily searchable version of the bill. To search for specific language in a bill, press the Ctrl+F keys (at the same time) to get a search screen; type a key word or phrase into the FIND TEXT box; click on FIND. This search will take you to the first use of your search words in the document; click FIND again to get to the next occurrence of your words.

## **IIb. PUBLIC LAWS**

The best place to search for public laws is Thomas (<http://thomas.loc.gov/>). Public laws from the 93<sup>rd</sup> to the 108<sup>th</sup> Congress are currently available. What you will get on the Thomas site is the law as it was originally passed – essentially the final version of the House or Senate bill. The version you get will not include any subsequent amendments to that law. For some of the earlier years, Thomas may only have a summary of the law rather than the full text. For copies of laws that have been amended through the years, you'll have to go to some specialty sites (like the web site of the agency that implements the law) or to the U.S. Code (see below).

**If you know the Public Law number:** If the law was passed as far back as 1973 and you know the public law number, you can directly access the law -- as it was first passed. Start at the Thomas homepage; click on PUBLIC LAWS in the LEGISLATION column; next click on the number of the Congress in which the bill was introduced or passed (the first part of the public law number); next click on the range of numbers in which your public law number fits; click on SEARCH. You will be given a consecutive list of the laws passed in that Congress. Scroll down the list to find the number of your law; next click on the bill number right next to the number of your public law. Next click on TEXT OF LEGISLATION at the bottom; next click on the last version of the bill that is listed -- this is the version that became law.

**If you want to search by topic:** Start at the Thomas homepage; click on BILL SUMMARY & STATUS in the LEGISLATION column; next click on the number of the Congress in which the law was passed -- you may have to try several different Congresses if you don't know the year it became law. Next type a key word or phrase in the space provided (WORD/PHRASE) near the top of the web page AND scroll down to the section of the page called STAGE IN LEGISLATIVE PROCESS; in the pulldown menu, scroll down to PUBLIC LAW and click on it; next click on SEARCH.

**If you want a public law passed before 1973:** Older public laws are not as easily accessible on-line. Some of them are available through specialty publications or agency web sites. For example, Wilderness.net is a web site sponsored by the Wilderness Institute at the University of Montana College of Forestry and Conservation, the Arthur Carhart National Wilderness Training Center, and the Aldo Leopold Wilderness Research Institute. This site includes all of the laws related to wilderness: <http://www.wilderness.net/index.cfm?fuse=NWPS&sec=legisPolicy> Click on PUBLIC LAW LIBRARY for laws designating individual wilderness areas.

### **IIIc. U.S. CODE**

Once a law is passed, it is printed in the U.S. Code (USC) -- the official compilation of federal statutes (laws). In the USC, statutes are organized, indexed and published in "titles." Each title covers a specific subject matter. The purpose of the USC is to present laws in a concise and usable form. The USC is updated when a law is amended or repealed. The current version of the USC includes only laws that are currently in effect. Unfortunately -- and this can be a frustrating problem -- the official U.S. Code is not updated annually. For example, the most recent changes to the stewardship contracting legislation do not appear in the on-line USC. The most recent official version of the USC is from 2000. Some of the on-line services described here have unofficial updates from as recently as 2002, but many of the newest changes in law are not available through these free, on-line services. For the most up-to-date version, you have to look at the U.S. Code Annotated (USCA) at a law library or through an expensive, private on-line service.

**Example:**  
*Public Land Law* includes law related to FLPMA and is located in Title 43.  
*Conservation* includes laws related to the Park Service and the National Forest Management Act and is located in Title 16.

Several web sites provide free access to the USC. One of the easiest to use is the Cornell University Legal Information Institute site <http://www.law.cornell.edu/federal/> You can access specific sections of a law searching by code title and section (for example 43

USC 1701), by the name of the law ("Federal Land Policy and Management Act"), and through a key word search ("advisory committee").

**To start searching for a statute:** Click on the Cornell site address <http://www.law.cornell.edu/federal/> ; then click on U.S. CODE under LEGISLATIVE BRANCH to get the USC homepage.

**If you know the USC number:** If you know the USC number, you can access it directly. Start at the USC homepage; type the title and section in the space provided (Title and Section); click on GO TO THE TITLE AND SECTION. From here you can read additional sections of the same law by clicking NEXT; you can go back one section by clicking PREV.

**If you know the public law name:** You can find many statutes of interest if you know the public law name. Start at the USC homepage; click on TABLE OF POPULAR NAMES in the right hand column; next click on the PART number corresponding to the alphabetical listing of titles (for example, Part 19 for the National Environmental Policy Act); next scroll down to National Environmental Policy Act and click on the name. This process gives you the first section (42 USC 4321) of NEPA; click on NEXT to get more of NEPA as it has been incorporated into the U.S. Code.

**If you want to just browse in a list of subject areas:** If you are not interested in a particular section, you can look at a list of law topics. Start at the USC homepage; scroll down to TABLE OF CONTENTS (BY-TITLE LISTING) and click on the title of interest; next click on the chapter of interest; next click on the Subchapter or Section of interest.

**If you want to search by topic:** Topic or key word searches in the USC can be very frustrating. The search function on the Cornell site will not search for phrases -- even if you put them in quotation marks -- and includes variations of your key words (for example contract, contracting, and contractor if you search for "stewardship contracting"), so your search result might include a lot of statutes in addition to the one you want. Start at the Thomas homepage.

**To search in the entire USC:** Click on SEARCH ENGINE in the right column; Next type your key words separated by "AND" (for example, advisory AND council) into the space provided (FIND INFORMATION ON); Next click on USE BOOLEAN OPERATORS so that the search only gives you code sections that include both of your key words; Click on SEARCH. This search will give you 439 separate code sections which include both "advisory" and "council." But don't despair!

**Limit your search as much as possible by first choosing a particular title:** Scroll down to TABLE OF CONTENTS (BY-TITLE LISTING) and click on SEARCH next to the title of interest (for example, next to title 43). Follow the rest of the instructions for conducting a search. This search will give you only 13 separate code sections including both advisory and council. If you don't use the AND and click on the USE BOOLEAN OPERATORS box, you will get 35 code sections that include either "advisory" or "council."

**USC Titles of particular interest:**

Title 16: Conservation  
Title 30: Mineral Lands and Mining  
Title 43: Public Lands

**Other internet sites for the U.S. Code:** The Cornell web site works for most searches in the U.S. Code, but it isn't perfect. For unknown reasons, other sites provide better results for some topic or public law searches. On these sites, it can help to limit your search by putting a phrase in quotation marks. Other web sites for searching the U.S. Code include

- GPO Access site, <http://www.gpoaccess.gov/uscode/index.html>
- U.S. House of Representatives web site, <http://uscode.house.gov/search/criteria.php>
- FindLaw for Legal Professionals web site <http://www.findlaw.com/casecode/uscodes/>

## **II.d. LINKS TO SELECTED FEDERAL LAWS**

**APA: Administrative Procedure Act**

- Text online with links to each section: <http://www.oalj.dol.gov/libapa.htm#apa>
- Other related links: <http://laws.fws.gov/lawsdigest/admin.html> - ADPRO

**ARPA: Archeological Resources Protection Act**

- Text online with links to each section: <http://www2.cr.nps.gov/laws/archprotect.htm>
- PDF: [http://www.cr.nps.gov/local-law/FHPL\\_ArchRsrcsProt.pdf](http://www.cr.nps.gov/local-law/FHPL_ArchRsrcsProt.pdf)

**CAA: Clean Air Act**

- PDF: <http://ocw.mit.edu/NR/rdonlyres/Political-Science/17-32Environmental-Politics-and-PolicySpring2003/B799F75F-D1D4-4974-A9C8-A418B1E6BC02/0/cleanairact.pdf>
- Other related links: <http://www.redlodgeclearinghouse.org/legislation/cleanair.html>

**CWA: Clean Water Act**

- <http://www.epa.gov/region5/water/cwa.htm>: summary of CWA and links to download codified sections

**ESA: Endangered Species Act**

- <http://endangered.fws.gov/esa.html> - contains both downloadable pdfs and organized listing of the ESA that is easily navigable on the website
- Other related links available: <http://www.redlodgeclearinghouse.org/legislation/esa6.html>

**FACA: Federal Advisory Committee Act**

- Text online with links to each section: [http://www.archives.gov/federal\\_register/public\\_laws/acts.html](http://www.archives.gov/federal_register/public_laws/acts.html) (scroll down on website for information)
- Other related links available: <http://www.redlodgeclearinghouse.org/legislation/faca5.html>

**FLPMA: The Federal Land Policy and Management Act**

- PDF: <http://www.blm.gov/flpma/FLPMA.pdf>
- Stewardship contracting web site [http://www.blm.gov/nhp/spotlight/forest\\_initiative/stewardship\\_contracting/](http://www.blm.gov/nhp/spotlight/forest_initiative/stewardship_contracting/)

FOIA: Freedom of Information Act

- PDF and text: <http://www.sba.gov/foia/textonly/act.html>
- Text online:  
<http://www.hqmc.usmc.mil/foia/foiaweb.nsf/0/b0482727a3937e24852567c10058f14c?OpenDocument>

GML: General Mining Law of 1872

- Text online: <http://www.greatbasinminewatch.org/generalmininglaw.html>;  
<http://www4.law.cornell.edu/uscode/30/ch2.html>;

HFRA: Healthy Forest Restoration Act

- Original 2003 Healthy Forest Restoration Act :  
<http://www.theorator.com/bills108/hr1904.html>
- Healthy Forest Initiative and Healthy Forests Restoration Act Interim Field Guide  
<http://www.fs.fed.us/projects/hfi/field-guide/>
- Other related sites:  
<http://www.redlodgeclearinghouse.org/legislation/healthyforestsrestorationact.html>

MLA: Mineral Leasing Act

- PDF: [http://www.nm.blm.gov/rfo/forms/aaform\\_Mineral\\_Leasing\\_Act.pdf](http://www.nm.blm.gov/rfo/forms/aaform_Mineral_Leasing_Act.pdf);  
[http://www.ca.blm.gov/pdfs/pa\\_pdfs/minerals\\_pdfs/1920act/pages-i\\_19b.pdf](http://www.ca.blm.gov/pdfs/pa_pdfs/minerals_pdfs/1920act/pages-i_19b.pdf)

MUSYA: Multiple-Use Sustained Yield Act

- PDF: <http://www.fs.fed.us/emc/nfma/includes/musya60.pdf>
- Other related links available:  
<http://www.redlodgeclearinghouse.org/legislation/nfm7.html>

NEPA: National Environmental Policy Act

- Text online: <http://ceq.eh.doe.gov/nepa/regs/nepa/nepaeqia.htm>
- Other related links available:  
<http://www.redlodgeclearinghouse.org/legislation/nepa6.html>

NFMA: National Forest Management Act

- PDF: <http://www.fwp.state.mt.us/wildrefmanual/SectionI/SectionF.pdf>
- Stewardship Contracting Website:  
<http://www.fs.fed.us/forestmanagement/projects/stewardship/handbook/index.shtml>
- Text Online:  
<http://www.redlodgeclearinghouse.org/legislation/nationalforestmanagement.html>

NHPA: National Historic Preservation Act

- Text online: <http://www2.cr.nps.gov/laws/NHPA1966.htm>
- PDF: <http://www2.cr.nps.gov/laws/NHPA.pdf>

#### NPSOA: National Park Service Organic Act

- Text online: <http://www.nps.gov/legacy/organic-act.htm>;  
<http://www.wilderness.net/index.cfm?fuse=NWPS&sec=legisorganic>

#### RS2477: Right of Way Claims

- R.S. 2477 Memo of Understanding online text: <http://www.doi.gov/news/mou.htm>
- R.S. 2477 fact sheet: <http://www.doi.gov/news/moutalkingpoints.htm>

#### WA: Wilderness Act

- Text online: <http://www.wilderness.net/index.cfm?fuse=NWPS&sec=legisAct>
- Original 1964 Wilderness Act in PDF:  
<http://planning.nps.gov/wilderness/document/WildernessAct.pdf>;  
[http://www.cfr.washington.edu/classes.common/comweb/Case%20Studies/usa/yellowstone/yellowstone/Project1/Yellowstone\\_Docs/Wilderness%20Act%20of%201964.pdf](http://www.cfr.washington.edu/classes.common/comweb/Case%20Studies/usa/yellowstone/yellowstone/Project1/Yellowstone_Docs/Wilderness%20Act%20of%201964.pdf);
- PDF containing annotations to codified sections:  
<http://www.fsa.usda.gov/dafp/cepd/epb/statutes/WildernessAct.pdf>

#### WSRA: Wild and Scenic Rivers Act

- Text of the act: <http://www.nps.gov/rivers/wsract.html>;
- Variety of materials available related to the act:  
<http://www.nps.gov/rivers/publications.html>

#### WHBA: Wild Horse and Burro Act

- Text of the act: <http://www.wildhorseandburro.blm.gov/92-195.htm>
- BLM Protection, Management, and Control of Wild Horses:  
<http://www.wy.blm.gov/wildhorses/4700regs.htm>

### III. PRESIDENTIAL EXECUTIVE ORDERS

Executive Orders issued by the President are usually intended to direct or guide government agencies and officials. There is no law defining the term. Some orders are binding, others are not. When issued pursuant to a statutory mandate or congressional delegation, these orders are binding as law. Otherwise, they serve more as a general guide to the executive branch. Congress, however, has only specifically reversed an Executive Order twice: when President Truman's placed all steel mills under Federal control and when President Clinton ordered that no Federal contracts could go to companies employing "scabs." For over a hundred years, Executive Orders were quietly issued and often lost. It was not until 1907 that the State Department began numbering Executive Orders, starting with President Lincoln's Emancipation Proclamation of 1862. Many orders, however, remained unnumbered. Today, an order from 1789 to 1941 may be numbered or unnumbered. Since 1935 and the Federal Register Act, all Executive Orders must be filed with the Office of the Federal Register. Since 1936, all orders have been published in the Federal Register.

For a useful background on Executive orders, see *Presidential Directives: Background and Overview* by the Congressional Research Service:  
<http://www.fas.org/irp/crs/98-611.pdf>



The online Federal Register archives contain information on Executive Orders dating from 1937. These are organized by administration and year of signature.

- *For orders signed before the Clinton administration*, the information on these orders is limited to the number, date of signing, Federal Register volume, number and issue date, title, amendments, and current status. The listings are informational and not legal authority.
- *For orders signed during and after the Clinton administration*, a link is available to a PDF format file of the text of the order as it appeared in the Federal Register. To read the file, you must download a free copy of Adobe Acrobat Reader.
- *For the Clinton and George W. Bush administrations*, there is a useful subject index as well.

Starting at [http://www.archives.gov/federal\\_register/executive\\_orders/executive\\_orders.html](http://www.archives.gov/federal_register/executive_orders/executive_orders.html), you can click on the link either to DISPOSITION TABLES (of the orders signed since 1936) or search all the orders passed since this time. The Federal Register archive site is of limited utility for older orders as it provides very limited information on each order.

The full text for Executive Orders starting with order 7316 appears in the sequential editions of Title 3 of the Code of Federal Regulations (CFR). Unfortunately, only Executive Orders signed after January 1, 1997 are currently in the online CFR database. To search Title 3, first go to <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>. Then click on the year you are interested in to go to a search window. Finding and ordering a specific Executive Order from the Code of Federal Regulations may seem like a daunting task. It can also be an expensive one. These books must be ordered from the GPO; for ordering information, see: <http://bookstore.gpo.gov/index.html>.<sup>2</sup>

Various agencies and organizations keep links to relevant executive orders. For example:

- U.S. Fish and Wildlife Service maintains a list of pertinent orders here: <http://laws.fws.gov/lawsdigest/eoindex.html#11375>.
- Environmental Protection Agency maintains a list and full text of pertinent environmental Executive Orders here: <http://laws.fws.gov/lawsdigest/eoindex.html#11375>
- Center for Disease Control (CDC) has a list of orders pertinent to their work here: <http://www.cdc.gov/omh/AboutUs/executive.htm>.

## IV. AGENCY REGULATIONS

Congress gives agencies power to make rules to carry out the purposes of its legislation. These rules are called regulations and they are enforceable as law. Sometimes the statutes themselves specify that the agency will make rules and regulations. Agency regulations are supposed to carry out the intent of the law, to guide the activity of the agency and those regulated by the agency, and to ensure uniform application of the law. Regulations are created through a public

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<sup>2</sup> Customer service can be reached at 1-866-512-1800. It is considerably easier to obtain older orders from a Federal Repository Library. A list of these can be found at <http://www.gpoaccess.gov/libraries.html>



process that includes publishing proposed and final regulations in the Federal Register, which is the federal government's official daily "newspaper." After a regulation is finalized, it is published in the Code of Federal Regulations (CFR).

#### **IVa. CODE OF FEDERAL REGULATIONS**

The Code of Federal Regulations (CFR) is a collection of agency regulations that were published as final rules in the Federal Register. When a proposed or final rule is published in the Federal Register, it indicates the title and section of the CFR that the new rule will create or modify. The CFR is organized into fifty titles, and each title covers a specific subject.

New editions of the CFR are published each year. Titles 1-16 are published on January 1; Titles 17-27 are published on April 1; Titles 28-41 are published on July 1; and Titles 42-50 are published on October 1. These publication dates are important because they also indicate about when the on-line CFR version is updated. For example, if a new rule for Title 43 is published in the Federal Register in January, it won't appear in the on-line CFR until October.

**CFR Titles of particular interest:**

Title 30: Mineral Resources  
Title 36: Parks, Forest and Public Property  
Title 40: Protection of Environment  
Title 43: Public Lands: Interior  
Title 50: Wildlife and Fisheries

The GPO Access web site (<http://www.gpoaccess.gov>) and the Cornell web site (<http://www.law.cornell.edu/federal/>) are both good places to search in the CFR by title and section number or by topic.

**To start searching for a CFR section:** Click on the GPO Access web site address <http://www.gpoaccess.gov>; next click on CODE OF FEDERAL REGULATIONS under EXECUTIVE RESOURCES to get to the CFR homepage.

**If you know the title and section of the CFR:** If you are looking for a particular section of the CFR (for example 43 CFR 1600), click on BROWSE AND/OR SEARCH THE CFR under 1996 THROUGH 2003; next scroll down to title 43; click on the date of the most recent CFR update if you are looking for the current regulation; next click on the range of parts that includes 1600 (1000-9999); next click on the part you are interested in (1600); next click on TXT or PDF of the subsection of your choice.

**If you want to search by topic:** Type key words or phrases (in quotation marks, for example "mineral leasing") in the space provided (QUICK SEARCH) under MOST CURRENT DATA (2003-2002); next click on SUBMIT; click on TEXT, PDF or SUMMARY for the section of your choice.

#### **IVb. FEDERAL REGISTER**

The Federal Register is published five days a week and is organized into yearly volumes. For example, Volume 68 contains 2003 documents. You can search for documents in the Federal Register by volume and page number, by date, or by topic. Documents you locate on-line in the Federal Register can be useful because they often have direct links to other related documents that may be useful. The GPO Access web site <http://www.gpoaccess.gov> provides easy access to Federal Register documents.

**To start searching for a Federal Register document:** Click on the GPO Access web site address <http://www.gpoaccess.gov> ; Next click on FEDERAL REGISTER under EXECUTIVE RESOURCES to get to the Federal Register homepage.

**If you know the year and page number:** If you have seen a Federal Register document cited (68 FR 44597), you have the volume (68) and page number (44597). Start on the Federal Register homepage.

*If the document was published in the current year, you can use a "quick search."* Type "page 44597" in the space provided (QUICK SEARCH); next click on SUBMIT; Click on HTML or PDF for the document of your choice.

*If the document was published in a previous year between 1994 and the current year:* Click on SEARCH: SIMPLE under 1994 (VOLUME 59) THROUGH 2003 (VOLUME 68); Next click on the volume and year of your publication (for example Volume 66 (2001)) AND type the page number (for example "page 44597") in the SEARCH space provided; Next click on SUBMIT; Click on HTML or PDF for the document of your choice.

**If you know the date that the document was published and the agency that published it:** Start on the Federal Register homepage; click on BROWSE THE TABLE OF CONTENTS FROM BACK ISSUES under 1994 (VOLUME 59) THROUGH 2003 (VOLUME 68); next use the drop-down menu to choose the year of your choice (for example 2003); next click on GO; next click on the date of your document (for example July 29, 2003). Your search will give a list of all the documents published that day in the Federal Register; they will be organized by agency (for example Forest Service or Land Management Bureau (BLM)); scroll down to the agency of your choice; click on TEXT, PDF or SUMMARY for the document of your choice.

**If you want to search by topic:** Start on the Federal Register homepage. If the document was published in the current year, you can use a "quick search" to search by topic. Type key words or phrases (in quotation marks, for example "stewardship contracting") in the space provided (QUICK SEARCH); next click on SUBMIT; click on HTML, PDF or SUMMARY for the document of your choice.

*If the document was published in a previous year between 1994 and the current year:* Click on SEARCH: ADVANCED under 1994 (VOLUME 59) THROUGH 2003 (VOLUME 68). Next, select one or more year by clicking on the box(es) next to the year under SELECT A VOLUME(S). Next, type key words or phrases (in quotation marks, for example "stewardship contracting") in the space provided (SEARCH); next click on SUBMIT; click on HTML, PDF or SUMMARY for the document of your choice.

**If you want to browse by agency:** The National Archives and Records Administration (NARA) has an on-line index to Federal Registers from 1994 to the present. The index is organized by federal agency. Within each agency, the index is organized by three categories: "rules," "proposed rules," and "notices." Within these categories, documents are organized by topic. This website does not provide a direct link to Federal Register documents, but provides the page number that can be plugged into the "If you know the year and page number" search.

To start browsing in the index, go to the NARA Federal Register homepage [http://www.archives.gov/federal\\_register/index.html](http://www.archives.gov/federal_register/index.html) ; click on THE FEDERAL REGISTER under RESOURCES; next click on INDEX & TABLE OF CONTENTS.

*If you want to browse in the current year:* Click on the letter or range of letters that includes your agency of interest (for example F for Forest Service); next scroll down to Forest Service and look for documents of interest.

*If you want to browse in a previous year:* Click on ANNUAL INDEXES SINCE 1994; next scroll down to the year of interest (for example, 2002) AND click on the letter or range of letters that includes your agency of interest (for example F for Forest Service); Next scroll down (way down!) to Forest Service and look for documents of interest. For example, under "Proposed rules" you will find "National Forest System lands; projects and activities; notice, comment, and appeal procedures, 77451"-- the Forest's Service's proposal to change its appeals procedure. Under "Notices" and "Grants and cooperative agreements," you will find "Forest products demonstration projects; small-diameter material and low-valued trees, uses, 39951" -- a request for proposals to develop uses for small diameter trees.

## V. OTHER AGENCY GUIDANCE

Most agencies have internal handbooks, manuals or other documents (directives, memoranda, bulletins) that contain detailed guidelines for conducting agency business. Some of these are published in the Federal Register (see directions above for finding these by volume and page number, by date, and by topic.) For many of these documents, the agencies' web sites are the best places to look.

### Va. U.S. FOREST SERVICE

The web site for many U.S. Forest Service documents is <http://www.fs.fed.us/im/directives/>. The Forest Service's manuals and handbooks include the agency's policies, practices, and procedures. Both the manuals and handbooks provide national level, regional level and forest specific guidance. New or revised continuing direction is issued by amendment; short-term direction is issued by interim directive; and direction supplementing that issued by an external or higher level is issued by supplement.

- The Forest Service Manual contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service employees.
- Forest Service Handbooks are the principal source of specialized guidance and instruction for carrying out the direction issued in the Forest Service Manual.

**For an overview of Forest Service directives:** go to the Forest Service Directive homepage and click on OVERVIEW.

**To start searching for Forest Service guidance:** Click on <http://www.fs.fed.us/im/directives/> for the Forest Service Directives homepage.

**To browse by topic in an index:** Start on the Forest Service Directives homepage. Both Forest Service manuals and handbook are organized into (1) SERVICE-WIDE ISSUANCE (national level guidance), and (2) FIELD ISSUANCE (regional or forest-specific guidance). To start browsing, click on one of these or on ALL ISSUANCES; next click on one of eight general topics:

- ORGANIZATION AND MANAGEMENT
- NATIONAL FOREST RESOURCE MANAGEMENT
- STATE AND PRIVATE FORESTRY
- RESEARCH
- PROTECTION AND DEVELOPMENT
- MANAGEMENT SERVICES
- ENGINEERING
- INTERNATIONAL FORESTRY

Continue to click on more and more specific topics in each index screen that appears.

**To search by topic:** Start on the Forest Service Directives homepage; Type key words or phrases into the space provided (ENTER SEARCH WORD(S)) (for example, "categorical exclusions"); click on SEARCH. This search produces a list of 29 documents that includes the phrase "categorical exclusion." Click on the title of the document of choice. To find your key words in the document, press the Ctrl+F keys (at the same time) to get a search screen; Type your key words, or any other words, into the FIND TEXT box; Click on FIND. This search will take you to the first use of your key words in the document; Click FIND again to get to the next occurrence of your words.

## **Vb. BUREAU OF LAND MANAGEMENT (BLM)**

The BLM's manuals provide detailed information to agency employees on how to implement federal legislation. Handbooks elaborate in more detail on the procedures and information provided in manuals. Access to BLM manuals and handbooks are provided through BLM's Freedom of Information Act (FOIA) homepage (<http://www.blm.gov/nhp/efoia/>).

**For an overview of BLM directives:** Click on <http://www.blm.gov/nhp/efoia/> for BLM's FOIA homepage; next click on CLICK HERE FOR DETAILED DEFINITIONS under BLM'S POLICY AND INTERPRETATIONS NOT PUBLISHED IN THE FEDERAL REGISTER

**To start searching for BLM guidance:** Click on <http://www.blm.gov/nhp/efoia/> for BLM's FOIA homepage; next click on HEADQUARTERS/WO under ELECTRONIC READING ROOMS to get to the BLM Directives homepage.

**To browse a manual or handbook by topic in an index:** Start on the BLM Directives homepage; click on either MANUAL or HANDBOOK; then click on the MANUAL SECTION or HANDBOOK SECTION of interest (for example, M-1601 Land Use Planning or H-1601-1 Land Use Planning Handbook).

**For an Instruction Memoranda or Information Bulletin:** Start on the BLM Directives homepage; next, click on HEADQUARTERS/WO in the center of the page. Documents are organized into Instruction Memoranda and Information Bulletins from either the Washington BLM office or the Director's Office. Coverage begins in 1998. Currently, these links are not searchable, which can make it difficult to find a particular document. Knowing the approximate time the directive was issued is helpful.

**Other BLM documents:** A useful place to start to get an idea of the scope of available publications is at the library of the Department of the Interior: <http://library.doi.gov/doiinfo.html#BLMPubs>. Starting at the FOIA homepage also provides links to frequently requested BLM documents such as [Data Quality Guidelines](#). This page also provides information on how to [file a FOIA Request with the BLM](#).

## VI. CASE LAW

Any legal research requires using and understanding court cases. While statutes and other materials contain "the law," the courts are charged with interpreting the law. Court cases are a useful way to see how a law has been interpreted, and are important sources of "precedent." Once a court decides that a law is interpreted a certain way, other courts will tend follow this interpretation. This allows individuals, agencies, and companies to rely on a court decision and to shape their affairs around a stable body of decisions. "Lower" courts are required to follow a decision on a particular issue by a "higher" court. The U.S. Supreme Court is our highest legal authority, and each decision made by this body binds all other courts to follow their interpretation of a law. The Supreme Court, however, does not hear cases dealing with every possible issue, and other high courts such as the U.S. Court of Appeals and the supreme courts of each state are also quite important.

In recent years, more and more court decisions have made their way into free internet databases. A useful rule of thumb is that the more recent decision, the more likely it will be available for free on the internet. Coverage is wildly inconsistent and depends on each particular court. Below are some useful sites for finding case law. Remember, however, that nearly all cases are available in print for free from public law libraries. Libraries are still often the reference source of choice for lawyers and researchers on a tight budget.

### VIa. SUPREME COURT CASES

#### THE U.S. SUPREME COURT

The U.S. Supreme Court web page at [www.supremecourtus.gov](http://www.supremecourtus.gov) has slip opinions posted from 2001 until the present. The "slip" opinion is the second version of an opinion. It contains revisions and corrections not appearing in the "bench" opinion issued at the decision itself. The Court reminds users that the opinions posted are not exactly "official" because they are replaced by the U.S. Reports bound volume issued approximately one year after the decision. If so, what are they good for? These slip opinions appear on the Supreme Court website within hours of the decision – the next best thing besides actually hearing the decision yourself. If you are looking for resolution on a specific issue and are waiting for a decision, this is a good site to watch.

**To find recent decisions:** Go to the home page of the U.S. Supreme Court ([www.supremecourtus.gov](http://www.supremecourtus.gov)) and click on the OPTIONS link. The term opinions of the court are organized by year. There is some other useful information here, including lists of counsel and precise dates for older decisions dating back to the West v. Barnes case of August 3, 1791.

#### **FINDLAW**

Findlaw ([www.findlaw.com](http://www.findlaw.com)) is a commercial site that has fast become a standard source for free and low cost research on case law. Findlaw has a searchable database of Supreme Court decisions from 1893. According to Findlaw, this service is "free and will remain free." This makes it an extremely useful resource.

**To use the Findlaw database:** At the top of the home page, click on the link for cases and codes. You will be at <http://www.findlaw.com/casecode/> with a list of the material available at Findlaw. US SUPREME COURT - OPINIONS & WEB SITE is the first link under "Case Law." It will take you to a searchable database of cases from 1893. It is only necessary to know a little about the case you are searching for – one party name, the year, or a particular word you are looking for in the text will bring back relevant results.

#### **CORNELL UNIVERSITY LAW SCHOOL**

The Cornell University Law School carries all Supreme Court decisions from 1990 to the present.

**To use the database:** Start at <http://www.law.cornell.edu/>. There will be a link on the left side to COURT OPINIONS. Running the mouse over this link will reveal a sub-link to SUPREME COURT OPINIONS. At <http://supct.law.cornell.edu/supct/> you will find a menu bar along the left side to choose from CASES PENDING, ORAL ARGUMENT, CASES ARGUED, SUPREME COURT CALENDAR, and the all important ARCHIVE OF DECISIONS. Some of these links head back to the official U.S. Supreme Court web site.

#### **FEDWORLD**

The United States Department of Commerce maintains a site called "Fedworld" <http://www.fedworld.gov/> whose mission is simply to make information from the Federal Government more accessible. This site also happens to maintain the complete text for every Supreme Court decision from 1937-1975, which translates to volumes 300 through 422 of U.S. Reports.

**To use Fedworld:** Click on the SUPREME COURT link towards the bottom of the home page. This will take you to <http://www.fedworld.gov/supcourt/index.htm>. From here, you can search for either a party name or perform a full text search for a particular word. The site warns that this can take quite a bit of time, and those with a slower internet connection may have some trouble searching.

#### **Vib. OTHER FEDERAL CASES**

Many decisions by the Federal District Courts and the Federal Court of Appeals are available online. Unfortunately, this can be a hit or miss process and can depend on the particular court and how far back you are looking.



## Federal Courts Finder

A helpful place to start for the somewhat confusing process of finding free online Federal Court decisions is the Emory University School of Law Federal Courts Finder. At <http://www.law.emory.edu/FEDCTS/>, you find a color-coded map of the United States. From here, you can click on a state or part of the country to find federal courts for that area.

**How to use the finder:** There are different resources for each court, and the Federal Courts Finder is a good way to find both a court and what is available from the court website.

**Example:** To find *Southern Utah Wilderness Alliance v. Norton* as originally decided by the Tenth Circuit Court of Appeals (this case was then appealed to the Supreme Court, see above), start at the map provided at the Emory Law School Federal Courts page. Click on the state of Utah. This shows the relevant federal courts for Utah. Next,

clicking on the link TENTH CIRCUIT COURT OF APPEALS brings you to the Court web site. At this page, there are a few different ways to search for this case: by party, docket number, filing date, and by date the opinion was added to the web site. Tenth Circuit started putting all decisions online October 1, 1997, and this case falls after this date. Since at least one party is known, click on PLAINTIFF/DEFENDANT CASE NAME. This reveals a long list of cases. Scroll down to the case under "S." There, we find the docket number, filing date, and a link to the text of the opinion. Note that this case can also be located by scrolling down to "N" for "Norton." While this may not be the easiest or most useful way to research case law, starting with homepages for the various federal courts is a useful way to start searching and to gain information about court rules, procedures – and, yes, even cases.

## Findlaw

Findlaw is useful for finding cases from the various federal courts, but coverage depends on what the each particular Circuit Court publishes online. For a description of Findlaw go to: [www.findlaw.com](http://www.findlaw.com).

**Example:** Start at the Findlaw CASES AND CODES page <http://www.findlaw.com/casecode/index.html> The U.S. Court of Appeals are listed underneath the Supreme Court links. To find a case in the 5<sup>th</sup> Circuit, click on the tab for this court. Here (<http://www.findlaw.com/casecode/courts/5th.html>) you will find that the Findlaw database for these cases is comprehensive from 1997 to the present. This database is searchable by year, docket number, case title, and full text. Findlaw asserts "this is a free service that will remain free." By contrast, the database for the 10<sup>th</sup> Circuit provides cases back to November 1995. Each Circuit is slightly different in coverage. Unfortunately, Findlaw does not provide any more than links to the various District Court home pages.

### Example: *Southern Utah Wilderness Alliance v. Norton*

- Start at the Findlaw Supreme Court search page: <http://www.findlaw.com/casecode/supreme.html>.
- You can search by year, by citation, by party name search, or by searching the whole text of the online court opinions.
- Since you already know both parties, enter one of the parties in this text box. Try to judge what name might be "rarer:" will produce fewer documents. Searching by "Southern Utah Wilderness Alliance" produces only one case from 2004 – this is the relevant decision. Searching by "Norton," on the other hand, results in fifteen separate decisions dating back to 1915.
- To find the Tenth Circuit decision on *Southern Utah Wilderness Alliance v. Norton* that was appealed to the Supreme Court, see below.

## Cornell University Law School

The Legal Information Institute of the Cornell University Law School (described above) provides links to Federal Circuit Court materials.

**Example:** Start at the web page: <http://www.law.cornell.edu/federal/opinions.html>. There will be a list of U.S. Court of Appeals down the page. As at Findlaw, coverage depends on the Circuit. For example, clicking on the U.S. Court of Appeals (4<sup>th</sup> Circuit) link provides a web page organized by the Emory University School of Law. Cases from January 1995 to July 2001 are available. These are searchable by date, through an alphabetical listing, or by keyword. A link is provided to the 4<sup>th</sup> Circuit web site that provides access to newer cases. By contrast, clicking on the link for U.S. Court of Appeals (7<sup>th</sup> Circuit) reveals a somewhat stark gray page with a few text boxes or searching judicial opinions. Cases can be located through case number or party name only. A useful function here (<http://www.ca7.uscourts.gov/op3.fwx>) is a box to get decisions from only the past day, week or month. This can be a useful tool for those waiting for a decision.

## VII. ADMINISTRATIVE DECISIONS

### VIIa. INTERIOR BOARD OF LAND APPEALS

The Interior Board of Land Appeals (IBLA) is part of the Office of Hearings and Appeals, Office of the Secretary of the Interior, and is specifically authorized to review decisions of departmental agencies and departmental administrative law judges. The IBLA was created in 1970, and replaced the "A" decisions (also called "Solicitor's Opinions) produced by the Department of the Interior (DOI).

In this capacity, the IBLA makes important decisions on resources law and operation of the agencies that govern public lands. Appeals from the Board are heard by the Federal District Court in the state where the dispute arose. Appeals from the U.S. District Court then head to the U.S. Court of Appeals and may eventually be appealed to the U.S. Supreme Court.

#### **Example: Coalbed Methane**

In 2002, the IBLA considered whether the BLM's review of resources in the Powder River Basin sufficiently addressed the impacts of coalbed-methane development. The IBLA said, "no." Eventually, the Tenth Circuit Court of Appeals decided that the IBLA decision was correct and ordered the BLM to produce studies to comply with the National Environmental Policy Act (NEPA.)

To see the 10<sup>th</sup> Circuit's decision on *Pennaco Energy, Inc. v. D.O.I.*, see <http://pacer.ca10.uscourts.gov>. For access to the case text an account on PACER (Public Access to Court Electronic Records) is required and the service costs seven cents a page for access.

Over the years, important decisions from the Department have been published under various names and with varying consistency:

- From 1881 to 1929, these decisions were called "Land Decisions" and dealt mainly with the General Land Office. These decisions are available exclusively at the Department of the Interior law library in Washington, D.C.
- From 1930 to 1970, certain important decisions, along with Interior Board of Indian Appeals (IBIA), Interior Court of Contract Appeals (IBCA) and Solicitor's Memorandum Opinions ("M" Opinions) were published in Decisions of the Department



of the Interior (I.D). These are also available only in at the Department of Interior law library.

- In 1970, the IBLA was created to consolidate various DOI appeal functions. All unpublished decisions began to be filed into loose leaf binders at the DOI law library. Important decisions were reprinted into Decisions of the Department of the Interior.
- From December 2000 to the present, the Office of Hearings and Appeals has provided a web site with full texts of IBLA decisions.

**To find an IBLA opinion:** Start at the DOI web site <http://hearingsandappeals.doi.gov> or [www.doi.gov/oha](http://www.doi.gov/oha) and click on EFOIA. [As of 10 29 04, this site was unavailable so a detailed description for obtaining documents cannot be provided.]

**To find an IBLA decision when the DOI site is down:** Another site, [www.ibiadecisions.com](http://www.ibiadecisions.com), created by a retired judge from the Interior Board of Indian Appeals, provides full texts of IBLA decisions from December 1992 to the present in PDF format. Cases "affecting Indian and Alaska Native interests" are searchable alphabetically or chronologically starting from <http://www.ibiadecisions.com/Ibla/iblamainpage.html>.

Hard copies of IBLA decisions are available free from IBLA for up to 50 pages at one time. Fore more than 50 pages, IBLA charges 10 cents per page. To order, contact: Interior Board of Land Appeals, 801 North Quincy Street, MS 300-QC, Arlington, VA 22203. Phone (703) 235-3799.

## VIIb. PUBLIC LAND ORDERS

Public Land Orders are issued by the Secretary of the Interior and are used to make, modify, extend or revoke land withdrawals. Authority for these orders comes from the congressional statutory mandate of the Federal Land Policy and Management Act of 1976 (FLPMA).

According to the BLM website ([www.blm.gov/nhp/what/plo](http://www.blm.gov/nhp/what/plo)), "A withdrawal removes an area of Federal land from settlement, sale, location, or entry under some or all of the general land laws, for the purpose of limiting activities under those laws to maintain other public values in the area or reserving the area for a particular public purpose or program. Withdrawals are also used to transfer jurisdiction over an area of Federal land from one department, bureau, or agency to another."

**To retrieve public land orders online:** This process requires using two web sites in conjunction, and only orders published since 1994 are available online. Start first at the BLM website TABLE OF PUBLIC LAND ORDERS at [www.blm.gov/nhp/what/plo](http://www.blm.gov/nhp/what/plo). Here, all land orders since 1942 are organized by year and by number. It is not essential to know the exact date of the order in order to find it using this system – the approximate year is useful, but groups of orders can be searched. Click on the appropriate range of order numbers based on the approximate date; use CTRL+F to search for a keyword in the order name. Once you have found the number of the order, use the number on the right side of the screen to find the order in the Federal Register.

**Example:** Suppose you live in Oregon and you were looking for the Public Land Order removing National Forest Lands to protect the North Fork of the Smith River. If you click on the

link 7545-7567 OCTOBER 24, 2002 – APRIL 25, 2003, USE CTRL+F and type in “Smith” or “North Fork” and you will find that on March 5, 2003, public land order 7558 was passed protecting land along the North Fork of the Smith River. On the right hand part of the page, you will find a Federal Register reference for this land order: 68 FR 13726.

Next, go to the Federal Register Search page at <http://www.gpoaccess.gov/fr/index.html>. Notice again that the Federal Register can only be searched online back to 1994, limiting the practicality of this function. Since you know the page number from the BLM website, click on SIMPLE (1994 FORWARD) underneath the words 1994 (VOLUME 59) THROUGH 2004 (VOLUME 69). At the simple search page (<http://www.gpoaccess.gov/fr/search.html>), click on the appropriate year. Notice that the first part of the Federal Register reference for this public land order is the same as the volume we are looking for: 68. In the SEARCH text box, type in only the relevant page: 13726. Since you have already picked the correct year/volume number, the search engine will find the right page. The correct document appears as the third result. The first result returned is the table of contents for the entire year’s Federal Register. The second result is another document appearing on the same page as the public land order. The third result reveals the public land order and a brief description of both the lands and the nature of the withdrawal. Here, the lands, subject to valid existing rights, were withdrawn from United States mining laws, but not from mineral leasing laws.

### VIIc. INTERIOR BOARD OF INDIAN APPEALS

The official Department of the Interior web site providing Interior Board of Indian Appeals (IBIA) decisions is currently not available. Many decisions, however, are provided in PDF format at [www.ibiadections.com](http://www.ibiadections.com). The site is maintained by Anita Vogt, “retired IBIA judge,” who writes, “This site contains decisions issued by the Interior Board of Indian Appeals (IBIA) from its inception in 1970 through July 30, 2004. This is an unofficial site and is not associated...with the Department of the Interior. The site...will remain on-line until the official website...returns.” This site also contains Indian Self-Determination Act (ISDA) appeals decided by the Department of the Interior together with the Department of Health and Human Services. According to Vogt, “Although reasonably complete, this index should not be considered absolutely comprehensive.”

Decisions on this site can be searched alphabetically, alphabetically by volume, and chronologically. The site has also been “indexed” by the Google ([www.google.com](http://www.google.com)) and Yahoo ([www.yahoo.com](http://www.yahoo.com)) search pages. The main page of [www.ibiadections.com](http://www.ibiadections.com) provides detailed instructions on how to use this to find a particular case.

**Example:** To find the case Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation v. Sacramento Area Director using Google, first go to the Google home page and click on ADVANCED SEARCH on the left-hand side of the screen. There you could enter any of the words in either the case name or the text of the case into the “find results” text boxes. Below, find the “Domain” text box and make sure the “only” box is highlighted. Then, by entering [www.ibiadections.com](http://www.ibiadections.com) into the text box, only decisions with the particular words entered into the search engine will be returned. For example, typing “Utu” into the search box returns Utu Utu Gwaitu Paiute as the first result.

## VIIId. FOREST SERVICE ADMINISTRATIVE DECISIONS

Certain decisions by the Forest Service can be appealed to a higher agency authority for review. Special use permits, mining locations, mineral rights, grazing and livestock permits and other environmental decisions may be appealed. Several statutes are used to guide the Forest Service when deciding an appeal, including the Land Resource Management Plan, Regional Guide, and compliance with the National Environmental Policy Act (NEPA). Reviews of a decisions made by a particular national forest are made by personnel at a Forest Service Regional Office. These reviews are not the decisions of a court, but only provide administrative review. Review is guided by both the Resources Planning Act Program, the Regional Guide and the Land and Resource Management Plan. An appeal of decision by the Regional Office is forwarded to the Forest Service Chief's Office in Washington, D.C., where the appeal and records are reviewed. Typically, all administrative processes must be exhausted before a person can bring a court action (litigation) associated with an environmental planning decision.

Regional Appeal Decisions by the Forest Service are found at [http://www.fs.fed.us/emc/applit/appeal\\_decisions.htm](http://www.fs.fed.us/emc/applit/appeal_decisions.htm). Decisions are organized by region, so the first step to finding a particular decision is to know what region the matter concerns. Regional divisions are illustrated at this site: <http://www.fs.fed.us/contactus/regions.shtml>.

Each region organizes its appeals using a different system:

### **Northern Region (1):**

The Northern Region organizes Final Appeal Decisions by National Forest (e.g. Beaverhead-Deerlodge National Forest). The decisions in each National Forest are organized alphabetically. Decisions for this Region appear to date from 1997.

**Rocky Mountain Region (2):** <http://www.fs.fed.us/r2/projects/nepa/decisions.shtml>  
Appeals are organized by year starting with 1997. Within each year, decisions are organized by National Forest.

**Southwestern Region (3):** <http://www.fs.fed.us/r3/planning/appeals/>  
Currently unavailable.

**Intermountain Region (4):** <http://www.fs.fed.us/r4/reading/>  
Appeals are organized by forest; then alphabetically by name of the appeal.

**Pacific Southwest Region (5):** <http://www.fs.fed.us/r5/ecoplan/appeals/2004.htm>  
Appeals are organized by fiscal year (1997-2004). Once in a particular year, appeals are organized by forest.

**Pacific Northwest Region (6):** [http://www.fs.fed.us/emc/applit/appeal\\_decisions.htm](http://www.fs.fed.us/emc/applit/appeal_decisions.htm)  
There is one page that organizes appeal decisions by National Forest and by year. Only the Winema National Forest dates back to 1997. The rest have decisions starting from 1998.

**Southern Region (8):** <http://www.southernregion.fs.fed.us/appeals/default.shtml>  
Currently unavailable

**Eastern Region (9):** <http://www.fs.fed.us/r9/appeals/index.php>

The national forests are listed along the left-hand side of the screen. Once in a particular forest, then search by year.

**Northern Region (10, Alaska):** <http://www.fs.fed.us/r10/ro/projects-plans/litigation/index.shtml>

Decisions are organized by type of claim: NEPA Appeals, Special Use Permit Appeal Decisions, Tongass Land Management Plan Appeal Decisions, Recent Tongass Planning and Appeal Decisions (currently unavailable). Within each category, decisions are organized alphabetically. Clicking on APPEALING PARTY produces a PDF document of the decision.

## VIII. OTHER RESOURCES

*Crossing the Next Meridian; Land, Water and the Future of the West*

Charles F. Wilkinson, 1992, Island Press

An exploration of the laws, policies and ideas that found their origin in the nineteenth-century westward expansion but still dominate our nation's management of its natural resources.

*Modern Public Land Law in a Nutshell*

Robert L. Glicksman and George Cameron Coggins, 2001, West Group

Part of the "law in a nutshell" series, this book focuses on the major authorities in a condensed fashion and keys to two case books: *Federal Public Land and Resources Law* and to *Public Natural Resources Law*.

*From Conquest to Conservation; Our Public Lands Legacy*

Michael P. Dombeck, Christopher A. Wood, and Jack E. Williams, 2003, Island Press

Through writings and essays, this book gives the history of the public lands, an overview of ecological and restoration issues, and discussion of current topics such as the roadless rule and challenges for the new century.

Federal Web Locator

<http://www.infoctr.edu/fwl/>

The Federal Web Locator is intended to be one-stop shopping for federal government information on the web. The site includes links to all three government branches and divisions within those branches.

FirstGov

<http://firstgov.gov/>

On FirstGov, you can search more than 186 million web pages from federal and state governments, the District of Columbia and U.S. territories. Most of these pages are not available on commercial websites. FirstGov has the most comprehensive search of government information anywhere on the Internet.

U.S. Government Accountability Office

<http://www.gpoaccess.gov/gaoreports/>

Contains audits, surveys, investigations and evaluations of Federal programs conducted by the U.S. Government Accountability Office. The site can be searched by topic (for example, "healthy forests").

**National Archives Web Site**

[http://www.archives.gov/federal\\_register/index.html](http://www.archives.gov/federal_register/index.html)

The National Archives and Records Administration maintains an index to the Federal Register on its website, along with links to public laws, the Code of Federal Regulations and Presidential orders.

**National Library for the Environment**

<http://www.ncseonline.org/NLE/>

One of this site's useful features is a gathering of over 1200 reports by the Congressional Research Service. This organization provides non-partisan reports to Congress on extremely varied topics and are a useful point of departure for research into environmental issues.