



Natural resources law: How people can use the parts of the environment

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DESCRIPTION

The first major task natural resources law performs is to choose who has ownership rights to the resources on the land. The landowner typically has these rights, particularly in reference to soil, plants, light, wind, and animals that are present on the land at the time of capture. However, there are many instances where this can be not the case, and these will vary from state to state or town to town.

A landowner may technically "own" the trees on her land, as an example, but thanks to environmental concerns, could also be legally prohibited from removing the trees. Natural resources law also governs how people may extract the take pleasure in the resource.

Wind by itself isn't very useful, but it's important for maintaining air quality and for providing energy. Technically, landowners may have rights to the wind and air around their house, but probably wouldn't be allowed to erect a windmill on their property because it might become a nuisance to the neighbors.

Natural resources law also helps define how natural resources is also bought or sold. Once someone has rights to a resource, she may generally sell those rights in any manner she chooses, although there are exceptions for a few public policy initiatives.

Natural resources lawyers are frequently employed by businesses like energy companies, who are within the business of gathering natural resources and converting them into energy. Governments also hire resource lawyers to defend the public's right to access resources. Private landowners may additionally use resource laws to determine or protect their right to use natural resources on their property.

However, few lawyers who cater to individuals exclusively practice natural resources law. It's rather more likely that local property attorneys would have the expertise and skill to help a personal with a matter about natural resources law. To set the stage for understanding the commonalities among natural resources courses, as currently taught, I conducted a casual survey of around forty natural resources law teachers.

The survey indicated that everyone covers public land and wildlife issues (generally including the ESA). It's not surprising that public lands should reside at the core of the present natural resources law class, but the ESA may be a bit unexpected because it also receives coverage in many environmental law courses. Some three quarters of the natural resources law teachers include NEPA, another environmental law stalwart, in their natural resources curriculum. Three-quarters also include a unit on water, on minerals/mining, and on a minimum of one in all what I call the "phyto-renewables" (grazing, timber, and agriculture).

In general, the strongest distinction between the 2 new casebooks is that Rasband takes a more comprehensive, encyclopedic teaching approach. It packs more information in each page and chapter than the opposite casebooks. Rasband offers more policy-making instruction, particularly through economics. With the exception of wetlands, conservation easements, takings, and also the trust doctrine, the Rasband book has more extensive coverage of personal and state natural resources law issues. Only Rasband has significant material addressing international natural resources law.