

Agriculture & Natural Resource Law

Antonin Scalia Law School – George Mason University

Fall 2026

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Introduction

Welcome to Agriculture & Natural Resource Law! This course is meant to be an introduction to a number of niche areas of law including, but not limited to: agriculture, public lands, water, tribal, and mineral law. We will cover these areas at an important time – roughly 91% of the American west is in a drought, the number of farms in the United States has plummeted, and the federal government owns (more to be discussed later) roughly 30% of U.S. land. It is my contention, and I believe that by the end of this course you will agree with me, that these issues are the most important issues facing the United States today.

Discussion and a healthy exchange of ideas and opinions will be encouraged.

Class/Office Hours

We will meet on Mondays and Wednesdays from 8:10pm to 9:35pm. You are required to attend at least 80% of scheduled classes – meaning you can miss no more than five classes in this course. Additionally, if you miss more than 20% of any one class period – that will be considered an absence. Office hours will be by appointment, after class, or Friday afternoon (if noticed).

Required Texts

- Agricultural Law In a Nutshell (ISBN: 978-1-68328-257-0) (ALN)
- Modern Public Land Law In a Nutshell, 5th Ed. (ISBN: 978-1-68328-357-7) (MPL)
- Water Law In a Nutshell, 6th Ed. (ISBN: 978-1-64020-414-0) (WLN)

All other texts will either be provided or publicly accessible.

Grading

Class grades will be assessed as follows: 15% Participation / 85% Final Paper. The final paper for the course will be on a topic chosen by the student, approved by the instructor, and must relate to issues covered in the course. It will be 25 pages in

length, double-spaced with footnotes as appropriate. The final paper will be due by 11:59pm on December 14, 2026.

Part 1 – Water Law & Issues

- **Monday, August 17, 2026**
 - Class Intro/Syllabus Walkthrough
 - Icebreakers
 - WLN Chs 1-3 (don't worry about being called on; just make sure you're generally familiar with the material (e.g., riparian vs. prior appropriation) for class; I'd recommend reading the entirety of Ch. 1 and 3 and skimming Ch. 2)
- **Wednesday, August 19, 2026**
 - NO CLASS
- **Monday, August 24, 2026**
 - NO CLASS – RESCHEDULED to 8/29
- **Wednesday, August 26, 2026**
 - *Kansas v. Colorado*, 206 U.S. 46 (1907)
 - *Winters v. United States*, 207 U.S. 564 (1908)
 - *Wyoming v. Colorado*, 259 U.S. 419 (1922)
 - *Arizona v. California*, 373 U.S. 546 (1963)
 - *Cappaert v. United States*, 426 U.S. 128 (1976)
 - 1922 Colorado River Compact
 - May provide various provisions from statutes prior to class (as relevant)
 - **Guest Speaker**: Becky Mitchell, Colorado River Commissioner, State of Colorado
- **Friday, August 29, 2026 (CLASS MAKEUP 8/24)**
 - Federal Water Pollution Control Act, 33 U.S.C. 1361-1365
 - *United States v. Riverside Bayview Homes, Inc.*, 474 U.S. 121 (1985)
 - *Solid Waste Agency of Northern Cook County v. U.S. Army Corps*, 531 U.S. 159 (2001)
 - *Rapanos v. United States*, 547 U.S. 715 (2006)
 - *National Association of Manufacturers v. Dept. of Defense et al*, 583 U.S. 109 (2018)
 - *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023)
 - "Updated Definition of "Waters of the United States," 90 Fed. Reg. 52498
- **Monday, August 31, 2026**
 - WLN Ch. 5
 - *Mississippi v. Tennessee*, 595 U.S. 15 (2021)

- *Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District*, 849 F.3d 1262 (9th Cir. 2017)
- *Diamond Nat. Res. Prot. and Conservation Ass'n vs. Diamond Valley Ranch*, 138 Nev. Adv. Op. 43 (June 16, 2022)

- **Wednesday, September 2, 2026**

- WLN Ch. 6-7
- *County of Maui v. Hawaii Wildlife Fund*, 590 U.S. 165 (2020)

Part 2 – Public Lands

- Monday, September 7, 2026
 - LABOR DAY – NO CLASS
- Wednesday, September 9, 2026
- Monday, September 14, 2026
- Wednesday, September 16, 2026
- Monday, September 21, 2026
- Wednesday, September 23, 2026

Part 3 – Agriculture

- Monday, September 28, 2026
- Wednesday, September 30, 2026
- Monday, October 5, 2026
- Wednesday, October 7, 2026
- Monday, October 12, 2026
 - FALL BREAK – NO CLASS
- Wednesday, October 14, 2026

Part 4 – Tribal Law & Issues

- Monday, October 19, 2026
- Wednesday, October 21, 2026
- Monday, October 26, 2026
- Wednesday, October 28, 2026
- Monday, November 2, 2026

Part 5 – Critical Minerals

- Wednesday, November 4, 2026
- Monday, November 9, 2026
- Wednesday, November 11, 2026
- Monday, November 16, 2026

Class Review

- Wednesday, November 18, 2026