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RSCN 370S.01: Wildland Conservation Policy and Governance

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RSCN 370S
Wildland Conservation Policy and Governance
Spring 2009, M/W 1:30-3:00, JRH 203

Instructor: Laurie Yung
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OH: W 3:15-4:45 or by appt.

Course Description
This course examines how wildland, protected area, and conservation policies are debated, decided, implemented, and challenged. During the course of the semester we will explore a number of policy processes, including development of statutes, case law, legislative history, voter initiatives, and administrative rulemaking. We will examine these policy processes through a series of case studies focused primarily on national parks and wilderness, private lands and growth, and international trade, Western water, climate change, and energy. Each case study will provide a window into political debate and policy processes, as well as substantive issues involved in wildland management and conservation. We will also consider decision-making processes such as collaboration that are parallel to, yet somewhat outside of, the formal policy-making processes, but provide important new avenues for making change.

The course will continually examine the relationship between social forces and conflicts, and wildland and conservation policy. This course is not comprehensive; we will not study every policy related to conservation, nor will we examine every type of policy process. Classroom time will consist of lecture, discussion, guest speakers, and activities. Every student is required to think critically and constructively, and to contribute significantly to the quality of the discussions.

Course Objectives
Specifically, students in this course will:

1. Understand many of the policy processes related to wildlands and conservation
2. Understand how to locate, understand, and analyze policy
3. Understand how policy provides a window into political and social debate, and conflict
4. Understand some of the major policy debates related to wilderness and other undeveloped public lands and related to private lands
5. Understand how policy evolves over time
6. Improve writing, speaking, and analytical skills
7. Gain knowledge of multiple avenues for making change and how they work

Course Schedule and Readings

Course readings are available on e-reserve through the Mansfield Library (http://www.lib.umt.edu/students#eres). The course password is RSCN370. Readings will be available at least one week before students are required to read them. Unless specified on syllabus, there will be readings required for each class (for those class meetings without required readings,
you will find “no reading” printed below the topic). Readings must be completed prior to class. To adequately prepare for class, students should be familiar with the “facts” outlined in the reading (who, what, when, where, how, etc.) and carefully analyze and critique the material presented (making connections to other readings, class discussions, and the policy process as a whole). As you are reading, make notes about key points, questions you have, interesting issues raised, and connections to other topics being covered in the course.

1/26 Introduction: Conservation Politics and Policy Processes

Part I: Laws and Agencies: Putting Policy into Practice

1/28 Federal Lands and Land Management Agencies

*Excerpts from the film: The Greatest Good*

No Reading

2/2 Federal Lands and Land Management Agencies, cont.


2/4 National Park Service Origins and the Concept of Naturalness

*National Park Service Organic Act (1916)*


2/9 The Challenge of Interpreting and Implementing Naturalness


2/11 The Fundamentals of Policy and the Emergence of Wilderness


2/18 Wilderness Act Hearings: Learning from Legislative History

Excerpts from Hearing Testimonies during Congressional debate of the Wilderness Act

Paper #1 on naturalness due (assignment will be handed out in class)

2/23 Wilderness Act Language: The Evolving Text

The 1957 Wilderness Bill
The 1964 Wilderness Act

2/25 Managing Fire in Wilderness: Interpreting the Act I

Yung, L. 1999. Prescribed Fire in Wilderness: Manipulation or Restoration?

Part II: Who Decides?: Public Involvement, Rulemaking, and Judicial Decisions

3/2 NEPA, Public Involvement, and Agency Decision-Making

The National Environmental Policy Act of 1969

In-class exam on Part I (study guide will be handed out in class)

3/4 The Roadless Area Conservation Rule


2001-2008 Roadless Area Conservation Policy Chronology

3/9 How the Courts Operate, the Role of Lawsuits, and the Nature of Judges

No Reading

3/11 Wilderness Case Law: Interpreting the Act II

Guest Speaker: George Nickas, Director Wilderness Watch

High Sierra Hikers Association versus the United States Forest Service. 2006. District Court Decision/Opinion. (court case on dams in the Sierras)

3/16 Norton vs. SUWA and the Question of Agency Discretion

Norton v. the Southern Utah Wilderness Alliance. U.S. Supreme Court Opinion
Duke Law analysis of petition
News articles on Norton v. SUWA

Part III: Western Innovations: Place-Based Legislation and Water Policy Challenges

3/18 Collaboration and Alternative Decision-Making Processes

Snow, D. Coming Home: An Introduction to Collaborative Conservation.


3/23 Place-Based Public Lands Legislation

Guest Speaker: Michael Fiebig, M.S. Environmental Studies (not confirmed)

Reading TBA

Paper #2 on discretion or public involvement (assignment will be handed out in class)

3/25 Growth, Climate Change, and Western Water Policy

Guest Speaker: Sarah Bates, Senior Fellow, Public Policy Institute


Part IV: Private Property and Regulation: New Tools, New Battles

4/6 Private Property: What is Property?

No Reading

In-class exam on Part II and III (study guide will be handed out in class)

4/8 County and State Level Growth Policies

Guest Speaker: Pat O’Herren, Director, Missoula County Rural Initiatives
Reading TBA

4/13 The Oregon Takings Initiative

Regulatory Takings. Georgetown Law.

Summary of Measure 37. Compiled by Meg Moore, Research Assistant for the Georgetown Environmental Law & Policy Institute, Spring 2006.


4/15 Conservation Easements


4/20 Landownership Change in the West: Implications for Conservation

No Reading

Part V: Policy, Scale, and Conservation Politics

4/22 Globalization, Trade Policy, and the Environment: Understanding the WTO

Globalization. Adapted from Wikipedia

The World Trade Organization (published by the World Trade Organization)
Paper #3 on private property due (assignment will be handed out in class)

4/27 Globalization, Trade Policy, and the Environment: Proponents and Opponents


The WTO on Agriculture: Food as a Commodity, Not a Right
The WTO’s Environmental Impact: First, Gattzilla Ate Flipper

Ten Ways to Democratize the Global Economy. Global Exchange.

5/4 Energy Policy
Guest Speaker: Gail Gutche, Montana Public Service Commission (not confirmed)

Reading TBA

5/6 Climate Change Adaption: A Policy Exercise


5/12 3:20-5:20

In-class exam on Part IV and V (study guide will be handed out in class)

The Wild and Scenic Rivers Act, National Monuments, and the Upper Missouri River: Livelihood and Conservation

No Reading

5/14 Paper #4 on bill proposed in Montana State Legislature due (assignment will be handed out in class)
Evaluation

Class Participation 10%
In-Class Exams (4 @ 10% each) 40%
Written Assignments 50%

Course Assignments

General Grading and Attendance Policies
Because your presence in class has an important affect on your learning, attendance will be recorded and counted toward your participation grade. If you have an emergency that interferes with attendance, please let me know and I will take the circumstances into account (but please know that I may ask for documentation).

Written assignments are due at the beginning of class on the specified due date. If you miss class at any time, you are responsible for inquiring about any new assignments. Late papers will be accepted, but your grade will be lowered at least one letter grade (and potentially more depending on your circumstances and how late the paper is — bottom line: if you are late with a paper, you should still turn it in, but get it to me as soon as possible).

In-Class Exams (40%)
There will be three short (20 minutes) in-class exams during the semester. These exams will consist of short answer questions based on the preceding section or sections of the course. Exams will cover material presented in course readings as well as material presented in class. I will provide a study guide for each of these exams.

Papers (50%)
There will be four papers spread throughout the semester, focused on specific course topics. Each of these assignments will be 3-4 pages in length. Assignments will be handed out at least a week prior to the due date and will include detailed instructions and criteria for evaluation. Written assignments will not require reading or research beyond required course readings. If there is a topic that really interests you, and you would like to propose an alternate question for one or more of your written assignments, you are welcome to do so. You will need to provide me with a draft question 10 days prior to the due date of that assignment. Questions are subject to approval and I will likely work with you on the wording and focus of the question. Approved alternate questions will be made available to the entire class, so that other students have the opportunity to choose these assignments as well.

Class Participation (10%)
Students are expected to take an active role in their education in this course, and course grades will be based, in part, on student participation. Participation includes attendance, punctuality, attentiveness, effort, and being prepared for class (having completed any assignments, including the reading for that day). Participation also means offering one's thoughts, ideas, opinions, and questions during class. There will be frequent opportunities for discussion during class, providing time for you to explore the complexity of the policy process and, in particular, work on issues you find confusing. Your participation grade is not based on knowing the "right" answers or the quantity or length of your comments (in fact, concise and succinct comments, where appropriate,
are favorable), but rather on your willingness to contribute, evidence that you have completed and thought through material presented in the reading, and the quality of your contributions. In addition to talking in class, participation includes respect for differing opinions. Students who arrive late, miss class, fail to do readings on time, and/or do not engage in class discussions will be penalized.

**Assignment Due-Dates**

Paper #1 due on 2/18  
In-class exam on Part I on 3/2  
Paper #2 due on 3/23  
In-class exam on Part II and III on 4/6  
Paper #3 due on 4/22  
In-class exam on Part IV and V on 5/12  
Paper #4 due on 5/14

**Grading Scale**

Final course grades will be determined based on the following scale:

- 93-100     A  
- 90-92      A-  
- 88-89      B+  
- 83-87      B  
- 80-82      B-  
- 78-79      C+  
- 73-77      C  
- 70-72      C-  
- 68-69      D+  
- 63-67      D  
- 60-62      D-  
- 59-         F