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FOR 422.01: Natural Resource Policy and Administration

Martin Nie

University of Montana - Missoula, martin.nie@umontana.edu

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University of Montana
College of Forestry & Conservation

Natural Resource Policy & Administration

FOR/RSCN 422 (undergraduate/graduate credit), Fall 2009, 3 credits, TR 9:40—11:00, ED #312

Prof. Martin Nie
402 Clapp Bldg
Telephone: 243-6795
about: <http://www.cfc.umt.edu/personnel.aspx>

Office hours: 11:30—1:00 TR & by
appointment only.

Course Description: This course examines public land and resources policy, law and administration from multiple perspectives. It covers environmental and administrative decision making and various contemporary resource management problems and conflicts. A number of substantive policy areas are examined including national forests, public rangelands, water, wildlife and biodiversity, and protected areas, among others. These substantive areas are approached and analyzed in a number of different ways.

Required Reading: (1) James Rasband, James Salzman, and Mark Squillace, *Natural Resources Law and Policy* (New York: Foundation Press, 2004). 1277pp.

*This textbook also has a website with access to statutes, cases, agencies, current events, and links to recommended readings: <http://www.naturalresources.byu.edu>

(2) Lecture notes: my lecture notes are available at the bookstore. They are required and students will not be able to follow class sessions without them.

*We will also discuss a number of contemporary issues in natural resource politics. An excellent way to stay up-to-date is provided by the Center for the Rocky Mountain West's *Headwaters News* online at www.headwatersnews.org; *High Country News* online at www.hcn.org; and *Land Letter* online at <http://www.eenews.net/ll/>

Course Objectives: This course is designed to provide students with the following:

(1) Reading, Writing and Critical Thinking Skills: This is a reading and writing-intensive class that asks students to think critically about a number of different issues. This course has been designated as an upper-division writing class.

(2) Information and Knowledge: Students will acquire a fundamental understanding of the basic history, concepts and issues surrounding natural resource politics and policy.

(3) Conceptual and Analytical Skills: Students will also better understand the various approaches to such policies and issues, e.g., values, government, science, markets.

(4) The Student as Citizen & the Natural Resource Professional as Reflective Practitioner: Students should leave this course with a better understanding of natural resource politics and policy from a citizen and professional perspective.

(5) Broadening Debate: The classroom philosophy is one of "multiple advocacy," an orderly and systematic review of several competing ideas and viewpoints.

Student Responsibilities & Grading:

Class Participation: My classes are proactive and conversational in nature. Thus, *all* students must not only have read the reading assignment *prior* to class, but must be ready to discuss the readings on a regular basis. I am seeking input from the entire class, not just from a few committed students. Thus, students need to know when to speak up and when to stay quiet. If discussion is poor, unannounced pop-quizzes may be given. Therefore, it is in the collective interest of the class to participate. Any student who misses class for any reason will be held responsible for all materials covered and all announcements made during his/her absence. Don't ask me for missed handouts or about material that was covered unless you have a validated excuse. Chronic tardiness is rude. Please turn off your cell phones before entering class.

Respect: Given the amount of discussion expected in this course, showing respect for others is paramount and is taken very seriously. We will strive towards an engaging but respectful open forum in which numerous opinions can be discussed and explored. Personal attacks will not be tolerated.

Midterm (100pts) & Final Exams (100pts): Both undergraduate exams are in-class and consist of short answer and/or essay. I will provide possible test questions at least one week in advance. **The final exam is scheduled for finals week on Monday December 14th from 10:10—12:10.**

*Graduate student exams are short-paper take home assignments (roughly 7-10 pages double-spaced in length). Students will have at least one-week to complete them. There is a 5pt penalty for each day that they are late.

Short (1-2 page) Take-Home Writing Assignments (4x10=40pts): There are four short (not to exceed two pages double-spaced) writing assignments focused on different topics/problems/cases as discussed in class. Due dates are announced in class with a possible quick two-day turnaround required (i.e., assignments may be given on a Tuesday and due the following Thursday). Late papers will be penalized 2pts for each day late. The short papers will be graded for substance and writing style. Undergraduate papers will be graded by our teaching assistant.

Academic Honesty: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University. All students need to be familiar with the Student Conduct Code. The Code is available for review online at www.umt.edu/SA/VPSA/index.cfm?page?1321.

Grading Scale: The following scale will be used to translate points into grades.

93-100: A	<u>Points</u> Midterm: 100pts Short papers: 40pts Final exam: 100pts Total possible pts: 240pts
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	

COURSE READINGS & CLASS SCHEDULE

This syllabus is very tentative and may regularly change. Bring this schedule to each class session for regular updates and additional or subtracted readings. *All readings are to be done before class.* Given time constraints, some areas may have to be sacrificed, and individual reading will have to take its place. Students must be willing to read and be responsible for text material that may not be covered in class. Dates have been left open in order to increase flexibility and allow for maximum class participation and discussion. This type of open schedule, however, requires that students come to class to find out where we are and where we're going. I will inform students before upcoming sections of what readings they should pay particular attention.

Reading the Text: I'm sure you have noticed the density of our text for this semester. I have chosen it because of its integrated and comprehensive approach to public land and resources policy, law and administration. Previous surveys of this course also informed me that a majority of students wanted a comprehensive and detailed text that they could keep and use as a future resource and reference. Please don't be intimidated by this book: we will work our way through it and I will tell you exactly what you are to read and understand. In general though, it's a good idea to read the selected sections while skipping the extended question sections and case law sections, as this will make the reading much lighter. Those students really interested in the subject matter can of course read all of it and then some. You are also not expected to memorize the cases, nor understand the intricacies of the American legal system. Again, I will tell you what you need to know and why it is important. I've also placed on e-reserve a few tutorials on how to read legal cases, see "An Introduction to Legal Research and Citation," and "Understanding Legal Citations."

TOPICS & READINGS

READ BY:

Thinking About Natural Resources Policy

Forces shaping natural resources policy
Introduction to public policy
Political conflict and natural resources policy

Reading: Chapter 1 focusing on:

- I. (B) Why Should We Protect or Use Natural Resources, pp. 11-24.
 - II. Why Are Natural Resources Difficult to Manage, pp. 35-56
- Case Study: The Arctic National Wildlife Refuge, pp. 66-67

Natural Resource Policy Implementation

Constitutional context of natural resource policy
The federal natural resource agencies
Organizational values, behavior and change
Role of interest groups
Statutory language and implementation problems
Environmental/Administrative decision making (including a discussion of rulemaking and NEPA)

Reading: Chapter 3 focusing on:

- I. The Federal Natural Resource Agencies, pp. 207-216.
- II. Improving Agency Decision-making, pp. 220-227
- II (B). The Role of Nongovernmental Organizations, pp. 233-240, 251-253

III. Improving Agencies' Environmental Decision-making (NEPA and resource planning), pp. 253-263, 271-273, 283-294.
(Recommended reading: Chapter 2 (IV) Federal Power Over Natural Resource Management, pp. 144-204)

Political Actors, Interest Groups and Natural Resource Politics

Theories and models from political science (including group theory, elite theory, and public choice theory)

The role of power in natural resource politics

Reading: Review Chapter 3 focusing on:

II (B). The Role of Nongovernmental Organizations, pp. 233-240, 251-253
and Chapter 1, II (G), Institutional Adequacy (and public choice theory), pp. 58-62.

The Lords of Yesterday: A Brief History of American Natural Resources Law

Importance of historical context and the Western frontier

Examples: Mining policy and R.S. 2477

Reading: Chapter 8 focusing on:

I. An Introduction to Mining, pp. 980-984
III. Mining on the Public Lands, pp. 1033-1041
V. Environmental Regulation of Mining, pp. 1121-1136
and Chapter 6, VIII(B) Rights of Way, pp. 676-682.
(Recommended reading: Chapter 2, I—III)

Western Water Policy

As lord of yesterday

Basics of water law

Prior appropriation doctrine

Challenges to this lord of yesterday

Dealing with water scarcity and conflict in the future

Reading: Chapter 7 focusing on:

II. Understanding the Water Resource, pp. 703-727.
III. The Law of Water Allocation, pp. 727-794.
IV. Water Federalism, pp. 794-802.

Public Rangeland Policy

Scope and history

The ranching “policy regime”

TGA, FLPMA & PRIA

The public lands ranching policy debate

Reading: Chapter 8 focusing on:

II. Home on the Range, pp. 880-896
IV. Environmental Law Comes to the Range...Slowly, pp. 915-921, 937-938
V. Rangeland Reform, pp. 940-969

MIDTERM: _____

Forest Policy

Forest policy history/regimes
Organic Act, MUSYA, NFMA
Planning politics
The roadless rule

Reading: Chapter 10—please read all of this chapter, with question and case law sections optional (but please do read *West Virginia Div. of Izaak Walton League of America, Inc. v. Butz* (1975) on pp.1182-1186. Please also review planning discussion on pp. 283-294.

Wildlife and Biodiversity Policy

The Endangered Species Act
State wildlife management
Wolf policy and management case study

Reading: Chapter 4 focusing on:

- I. Life on Earth, pp. 310-328
- II. Managing the Wildlife Commons, pp. 328-332
- III. The Endangered Species Act, pp. 339-425

Protected Lands Policy

Reading: Chapter 6 focusing on:

- I. Introduction, pp. 553-558
- II. The Case for Preservation, pp. 558-572

National Parks, Monuments and Wildlife Refuges

1916 Organic Act & NPS interpretations
Park enabling statutes/establishment legislation
1997 National Wildlife Refuge System Improvement Act
Dominant and multiple use management regimes

Reading: Chapter 6 focusing on:

- III. National Parks, pp. 574-593
- IV. National Monuments, pp. 593-609
- VI. National Wildlife Refuges, pp. 641-644

Wilderness Policy

Wilderness history
The 1964 Wilderness Act
The wilderness critique
Next steps for wilderness preservation/conservation

Reading: Chapter 6 focusing on:

V. Wilderness, pp. 609-641

VI(B). Wild and Scenic Rivers, pp. 644-645

IX. Alternatives to Public Lands Preservation, pp. 690-700

Semester Review and Discussion

Review and analysis

Options and alternatives in public lands and resources policy

FINAL EXAM: MONDAY DECEMBER 14TH @ 10:10—12:10