NRSM 422.01: Natural Resource Policy & Administration

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Natural Resource Policy & Administration  
NRSM 422 (undergraduate/graduate credit), Fall 2011, 3 credits, TR 9:40—11:00, HS #207

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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.


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

Recommended reading for graduate students: Martin Nie, *The Governance of Western Public Lands: Mapping Its Present and Future* (Lawrence: University Press of Kansas, 2009) (this recommended book may help students understand how various topics covered in class play out in contemporary cases and lead to possible reform measures). All author profits to be given to Kettlehouse foundation/brewery.

*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](http://www.headwatersnews.org); *High Country News* online at [www.hcn.org](http://www.hcn.org); and *Land Letter* online at [http://www.eenews.net/ll/](http://www.eenews.net/ll/)

Learning Outcomes: Students successfully completing the course will:

1. Acquire a substantive understanding of natural resources policy and management in the U.S.
   - Understand the relationship between law and policy and resources management in the U.S., with a focus on the primary majors in the College of Forestry and Conservation (forestry—as required by SAF, wildlife biology, resource conservation, recreation, restoration, and other environmental sciences).
   - Understand basic decision making/planning processes
   - Understand key environmental laws and policies and how they work on-the-ground in a management setting
   - Understand various approaches to different sets of policy problems

2. Be able to think critically about a number of natural resource policy problems and solutions.
   - Understand the nature of various policy disputes
• Evaluate the assumptions, strengths, and weaknesses of various reform measures and policy proposals
• Approach problems and issues in an integrated and intellectually rigorous fashion

3. Have the ability to apply acquired knowledge to their field of study or professional/personal interest(s)

• To make connections between policy and law to real-world management problems in forestry, resource conservation, wildlife management, recreation, and the environmental sciences.

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.

3 Exams (100pts each): There are three undergraduate exams consisting of short answer and/or essay. The final exam is comprehensive. I will provide possible test questions at least one week in advance. The final exam is on Wednesday, Dec. 14th 10.10 am—12.10pm.

*Graduate student exams are short-paper take home assignments (roughly 8-10 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.

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.

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<thead>
<tr>
<th>Undergraduate Points</th>
<th>Graduate Points</th>
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<tbody>
<tr>
<td>Exam 1: 100pts</td>
<td>Midterm: 100pts</td>
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<tr>
<td>Exam 2: 100pts</td>
<td>Final: 100pts</td>
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<td>Final exam: 100pts</td>
<td>Total: 200pts</td>
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<td>Total: 300pts</td>
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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.”

*Unless otherwise noted, case law and question sections in the following readings are optional.

TOPICS & READINGS

Thinking About Natural Resources Policy
Introduction: What is public policy
Natural Resources: Why are they difficult to manage? Why so much conflict?

Reading: Chapter 1 focusing on:

II. Why Are Natural Resources Difficult to Manage, pp. 36-62
Case Study: The Arctic National Wildlife Refuge, pp. 67-69
Recommended: Nie, Introduction, Chapter 1.

The Historical and Constitutional Geography of Natural Resources Policy
Historical context of federal lands management
Constitutional context of natural resources policy

Reading: Chapter 2 focusing on:

I. Introduction, pp. 80-82
II. Acquisition of the Public Lands, pp. 82-88
III. Allocating the Nation’s Lands and Natural Resources, pp. 94-95, 115-126, 129-133, 139-141 (#s 4, 5).
IV. Federal Power Over Natural Resource Management (no assigned reading, but lecture will roughly follow pp. 146-207)

Agency Decision Making and Planning
Administrative rulemaking
Environmental decision making and NEPA

**Reading:** Chapter 3 focusing on:

I. The Federal Natural Resource Agencies, pp. 214-220

II. Improving Agency Decision-making, pp. 223-233, including *Northern Spotted Owl v. Hodgkins* (but not including section on 2. Adjudication)

II (B). The Role of Nongovernmental Organizations, pp. 236-241.


Recommended: Nie, Chapters 2 & 3.

**Hardrock Mining: History, Law, and Politics**

**Reading:** Chapter 9 focusing on:

I. An Introduction to Mining, pp. 1022-1026.

III. Mining on the Public Lands, pp. 1077-1086

V. Environmental Regulation of Mining, pp. 1170-1174


**Western Water Policy**

**Reading:** Chapter 7 focusing on:

II. Understanding the Water Resource, pp. 739-758

III. The Law of Water Allocation, pp. 758-825

IV. Water Federalism, pp. 825-888.

**Public Rangeland Policy**

**Reading:** Chapter 8 focusing on:

II. Home on the Range, pp. 913-934

IV. Environmental Law Comes to the Range...Slowly, pp. 949-973, 1011-1015

V. Rangeland Reform, pp. 975-983

Recommended: Nie, pp. 56-60.

**Forest Policy and Resources Planning**

**Reading:** Chapter 10—please read all of this chapter, with question and case law sections optional. And Chapter 3 focusing on:


Recommended: Nie, pp. 45-51, Chapters 4 & 5

**Wildlife and Biodiversity Policy**

**Reading:** Chapter 4 focusing on:
I. Life on Earth, pp. 320-338
II. Managing the Wildlife Commons, pp. 338-348
III. The Endangered Species Act, pp. 348-426
Recommended: Nie, pp. 63-68.

**Protected Lands Policy**

**Reading:** Chapter 6 focusing on:

I. Introduction, pp. 577-582
II. The Case for Preservation, pp. 582-599
III. National Parks, pp. 599-619
IV. National Monuments, pp. 619-635
VI. National Wildlife Refuges, Wild and Scenic Rivers, and LWCF, pp.662-673
V. Wilderness, pp. 636-661
IX. Alternatives to Public Lands Preservation, pp. 727-738
Recommended: Nie, pp. 51-56, 60-63

**Semester Review and Discussion**

Review and analysis
Options and alternatives in public lands and resources policy
Recommended: Nie, Chapter 6 & Conclusion

**FINAL EXAM: Wednesday, Dec. 14th 10.10 am—12.10pm**