

University of Montana  
College of Forestry & Conservation

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**Natural Resource Policy & Administration**

FOR/RSCN 422 (undergraduate/graduate credit), Spring 2010, 3 credits, TR 9:40—11:00, FOR #206

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

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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.

**Required Reading:** (1) James Rasband, James Salzman, and Mark Squillace, *Natural Resources Law and Policy*, 2d ed. (New York: Foundation Press, 2009). 1340pp.

\*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.

Recommended Reading: 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)

\*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/>

**Learning Outcomes:** Students successfully completing the course will:

1. Acquire a substantive understanding of natural resources policy and management in the U.S.
  - Understand basic decision making/planning processes
  - Understand key environmental laws and policies and how they work on-the-ground
  - 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)

## 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. I will provide possible test questions at least one week in advance. Exams may have a take-home written component that will be graded on substance and style. **The final exam is on Monday, May 10<sup>th</sup>, 8.00—10.00 am.**

\*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](http://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>Undergraduate Points</u>
90-92: A-	
88-89: B+	Exam 1: 100pts
83-87: B	Exam 2: 100pts
80-82: B-	Final exam: 100pts
78-79: C+	Total: 300pts
73-77: C	
70-72: C-	<u>Graduate Points</u>
68-69: D+	
63-67: D	Midterm: 100pts
60-62: D-	Final: 100pts
59- F	Total: 200pts

## **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**

## **READ BY:**

### **Thinking About Natural Resources Policy**

Introduction: What is public policy  
Drivers of natural resource-based political 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
- III. Tools for Managing Natural Resource—"The Five Ps," pp. 69-74.
- 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. Hodel* (but not including section on 2. Adjudication)

II (B). The Role of Nongovernmental Organizations, pp. 236-241.  
III. Improving Agencies' Environmental Decision-making (NEPA), pp. 258-268, 277-279 (Essential Elements of an EIS), 285-286, 288-289, 290-292.  
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:

Resource Planning on Public Lands, pp. 292-319.

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: MONDAY, MAY 10<sup>TH</sup> 8-10 AM**