



(Illustration: David Vogin; Source Photo: Nicholas Kamm/AFP/Getty Images)

**University of Montana
W.A. College of Forestry and Conservation**

WILDLIFE POLICY

WILD 595, 3 credits, 2:00—3:20; TR. Spring 2020, Prof. Martin Nie

This course examines wildlife law, policy and politics from multiple perspectives. Students are provided an intense introduction to the legal framework of fish and wildlife management in the United States (with coverage of U.S. and state constitutions, Indian treaties, key wildlife statutes, administrative regulations, case law, planning processes, funding schemes, etc.). The political context of wildlife management is provided so that students can better understand the conflicts and tensions in the field. A major part of the class focuses on the Endangered Species Act—its past, present and future. This important law is used as a way to investigate a number of broader challenges and opportunities related to wildlife conservation. The class is organized as a discussion-oriented graduate seminar and students (individually or in teams) will lead most session reviews and discussions.

The class is designed for both policy and non-policy oriented students that want to be more familiar with the laws, regulations, institutions, conflicts and politics shaping wildlife conservation in the U.S. The core themes and foundation of the field are reviewed, with several contemporary issues and cases used for illustration and debate.

The class will consider the big questions, such as whether American laws and institutions can adequately address the biodiversity crisis, and also get into the weeds and meet the devil in the details. The latter will help students develop analytical skills that can be applied by policy and non-policy students alike.

Among other topics, coverage will include:

- A primer on structure and forms of wildlife law (and the relationship between U.S. and state constitutions, statutes, regulations/rules, and case law).
- The constitutional context of U.S. wildlife management (with cases focused on federal preemption, predator control in Alaska, the Migratory Bird Treaty Act, etc.)
- Federal-state relations and why they matter to wildlife conservation



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- The public trust doctrine and applications to wildlife management (including climate change (*Juliana v. U.S.*) litigation)
- Wildlife management on federal public lands (including recent political developments such as Dept. of Interior's Policy on Fish and Wildlife, executive actions that devolve decision making authority to the states, U.S. Forest Service regulations on species diversity, etc.)
- Indian tribal hunting and fishing reserved rights (including recent Wyoming hunting case and Ninth Circuit culverts case; co-management options, etc.).
- State wildlife governance (e.g., state game laws, wildlife funding and budgets, state wildlife commissions, ballot initiatives, and debating the North American Model of Wildlife Conservation.
- The past, present and future of the ESA (from *TVA v. Hill* to the Trump Administration's proposed ESA regulations; ESA reform proposals, delisting and recovery issues, the law and scientific uncertainty, etc.)
- The future of wildlife law and policy?