

# Natural Resources Policy & Administration

## Course Syllabus

NRSM 422:BO1 – Spring 2021

3 credits, CRN# 30336

MWF 10:00-10:50am

University Center North Ballroom (UC #302)

Synchronous Zoom link:

<https://umontana.zoom.us/j/92289152416?pwd=Q1RJRWYwazlvYjFJSnhxQlJEYjNQdz09>

Passcode: Forestry

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## **Course Description**

Management of natural resources in the U.S. is guided by a robust set of laws and policies—some are designed to influence the use and conservation of specific resources (e.g. Endangered Species Act), while others assert more general influence (e.g. National Environmental Policy Act) over natural resources decision making. In this class, we will explore administration of natural resources law and policy primarily in the context of the Western U.S. and the vast landscape of federal public lands. Our study will foster a deeper appreciation for *how* the current configuration of land ownership and management in the U.S. came to be, and *why* this history matters when addressing contemporary issues such as climate change, increasing energy needs, and shifting federal budgets. We will engage in a number of substantive policy areas, including: national forests, public rangelands, water, wildlife and biodiversity, protected areas, hardrock minerals and mining, as well as public land use planning. Throughout the course, I will introduce multiple approaches to analyze these substantive policy areas with a focus on career preparation for the primary majors in the W.A. Franke College of Forestry & Conservation (forestry, wildlife biology, resource conservation, recreation management (PTRM), and ecological restoration), as well as other environmental science-related disciplines.

## Expected Learning Outcomes

1. Students will acquire a foundational understanding of natural resources law, policy, and management in the U.S., including a substantive working knowledge of:
  - Basic decision-making and planning processes applied to manage natural resources and public lands in the U.S.;
  - Key environmental laws and policies and how they are administered in diverse social and environmental settings; and
  - Common approaches to established and emerging natural resource and public land policy problems (e.g. regulation, incentives, market mechanisms, collaboration, and public engagement, among others).
2. Students will identify, explore, and explain the root causes of conflict that define various natural resource policy problems, including, but not limited to value conflicts, scientific uncertainty, market failures, and common-pool resource challenges.
3. Students will demonstrate an ability to critically evaluate the assumptions, strengths, and weaknesses of various policy reform measures and other policy proposals to approach conflicts over natural resources.
4. Students will articulate, both verbally and in writing, important connections between law and policy and contemporary management challenges in forestry, resource conservation, wildlife management, recreation management, and related environmental science fields.
5. Through discussion and study of contemporary natural resources law and policy challenges, students will appreciate the range of impacts that the administration of natural resources law and policy has on human livelihoods and communities as well as on ecological processes.
6. Students will leave this course with a firm understanding of where to find and how to critically evaluate the most up-to-date, accurate sources of natural resources law and policy information; students will engage with a variety of texts including judicial opinions, proposed and passed legislation, the Federal Register, and public agency policy guidance, among others.

## Required Text

- 1) Rasband J, Salzman J, Squillace M, Kalen S. 2016. *Natural Resources Law and Policy*, 3<sup>rd</sup> ed. (or 2<sup>nd</sup> ed., 2009) New York: Foundation Press. 1597pp.\*\*

2) Occasionally I will post additional required readings (usually short) to Moodle in preparation for special class periods such as guest speakers.

*\*\*The course textbook is outrageously expensive and I apologize for the cost. **Please feel free to use the cheaper 2<sup>nd</sup> edition of the textbook** if you can find it at the UM Bookstore or elsewhere (the syllabus includes page numbers for following along with the 2<sup>nd</sup> edition). I have seen used copies of the 2<sup>nd</sup> edition available on Amazon.com for as little as \$25. Thanks to a generous grant awarded to Dr. Martin Nie of the W.A. Franke College of Forestry & Conservation, 8 copies of the 2<sup>nd</sup> edition of the textbook are on reserve at the library and available for you to check out in 24-hour intervals. Please utilize this resource. The UM Bookstore has paid students a little under half the price of the text during book buyback. I have decided to stay with this textbook because of feedback from prior classes that strongly recommended its continued use.*

## **Student & Instructor Expectations**

### **Participation**

Class discussion is an integral aspect of my courses and is essential for gaining a broader view of the impacts of natural resources law and policy, not only on the biophysical landscape, but on human communities as well. To facilitate this type of discussion in class, I ask students to come prepared for class; read the assigned readings prior to class and be prepared to discuss the readings each day. I seek input from the entire class, not just from a few committed students, and at times I will ask all students to share their thoughts so that I may assess comprehension of difficult topics and encourage discussion. Given the challenges of COVID-19 and our switch to a blended environment where some students are joining the class virtually on any given day, class discussion can be difficult. I will do my best to engage the entire class and will occasionally opt for a 'Zoom only' class in order to facilitate small group discussions that are socially-distant and safe. I ask for your help in making this class as inclusive and participatory as possible. Students who miss class are responsible for all materials covered and all announcements made during their absence. I will post all class lecture recordings to our Moodle course page—please use our Moodle page early and often.

The UM “Class Attendance/Absence Policy” can be found in the [UM Catalog Academic Policies and Procedures](https://montana-catalog.coursedog.com/academics/policies-procedures) (<https://montana-catalog.coursedog.com/academics/policies-procedures>).

### **Respect, Inclusiveness and Diversity of Thoughts, Ideas and People**

In teaching courses, I believe and act upon the idea that all students are entitled to and deserve respect, courtesy and tolerance, regardless of their race, background, religious affiliation, gender identity, sexual orientation, disability, or any other perceived difference. Likewise, faculty, staff, and fellow students deserve the same treatment from other students. Therefore, within the bounds of my courses and my professional responsibilities as a university instructor, I

make every effort to promote and create a safe space for diverse thoughts, regardless of the form of communication. I ask that you do the same.

Given the amount of discussion expected in this course, showing respect for others is paramount and is taken very seriously. We will strive toward a respectful, open, civil, and inclusive forum in which numerous approaches to the course material can be explored.

### **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](http://www.umt.edu/student-affairs/community-standards/default.php) (<http://www.umt.edu/student-affairs/community-standards/default.php>).

### **Plagiarism**

I will not tolerate plagiarism in any form. Students need to be familiar with plagiarism and how to properly cite references and attribute the ideas of others to original sources in their work. The following is taken directly from the [UM Catalog Academic Policies and Procedures](https://montana-catalog.coursedog.com/academics/policies-procedures) (<https://montana-catalog.coursedog.com/academics/policies-procedures>):

*“Plagiarism is the representing of another's work as one's own. It is a particularly intolerable offense in the academic community and is strictly forbidden. Students who plagiarize may fail the course and may be remanded to Academic Court for possible suspension or expulsion.*

*Students must always be very careful to acknowledge any kind of borrowing that is included in their work. This means not only borrowed wording but also ideas. Acknowledgment of whatever is not one's own original work is the proper and honest use of sources. Failure to acknowledge whatever is not one's own original work is plagiarism.”*

### **Equal Access**

The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors and [Disability Services for Students](http://www.umt.edu/dss/) (<http://www.umt.edu/dss/>) (DSS). If you think you may have a disability adversely affecting your academic performance, and you have not already registered with DSS, please contact DSS in Lommason 154 or call 406.243.2243. I will work with you and DSS to provide an appropriate modification.

### **Basic Needs Security Statement**

Any student who faces challenges securing their food or housing and believes this may affect their performance in the course is urged to contact the [Office for Student Success](#)

(<http://www.umt.edu/oss/>) for support. Furthermore, please notify me if you are comfortable doing so. This will enable me to provide any resources to which I have access.

## **Assignments & Assessment**

### **Exams**

There will be two midterm exams and one final exam in this course consisting of a variety of question types including short answer essay questions. The final will be cumulative, but I will place an emphasis on the material covered since the last midterm exam. **All exams in this course will be online and administered via our Moodle course page.** I will provide flexibility in when students can take exams, generally over a period of 2 days. Given this, make-up exams will only be given for University-excused absences on the days of exam and they will be re-scheduled at my convenience. Please inform me early if you know you will need to request a reschedule of any of our exams.

### **Policy Engagement Assignments**

During the semester, I will ask you to complete two (2) “policy engagement assignments” generally consisting of a **1-page, single spaced, typed** essay response to a writing prompt or questions that I will provide to you at least two weeks before the assignment due date. I expect you to respond to the writing prompt or questions based on a combination of your assessment of the readings and additional research or reading as necessary. In some cases I will ask you for your opinion, but I will require you to support your opinion with evidence from the text or other sources. If you need to cite a resource other than the text (e.g., newspaper, magazine, or law review article), please list the reference at the end of your essay following APA citation guidelines. A great reference for how to format citations in APA style can be found on the [Purdue University Online Writing Lab website](https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_style_introduction.html) ([https://owl.purdue.edu/owl/research\\_and\\_citation/apa\\_style/apa\\_style\\_introduction.html](https://owl.purdue.edu/owl/research_and_citation/apa_style/apa_style_introduction.html)). Some important details about the policy engagement assignments: (1) they are to be **submitted in Moodle by the designated due date and time**—late work will not be accepted without my approval; (2) try not to submit more than one page of writing (practice writing concisely and to the point), if you spill over to a second page, that is fine, but keep it to a minimum; and (3) Use 12-pt font, Times New Roman or Calibri, no bigger, no smaller. (4) Put your Name, 790# and Assignment number at the top of the page like this:

First and last name  
790-XXX-XXX  
Assignment name or title

### **Reading Questions**

Most weeks I will post a set of questions on Moodle designed to help guide you through reading the textbook. Answers to these questions will require only short responses, generally 2-

4 sentences. You will submit your answers on Moodle by Friday of each week that reading questions are due. These questions are designed to highlight important points or concepts in the text and focus your attention while reading. Answers to the reading questions will help enhance our discussions in class and will help you study for the exams.

### Grading Scale & Points

This course is graded on the traditional A – F letter grade scale only, it is not offered under the credit/no credit option. Upon completion of the course, your points earned on exams, policy reflection papers, reading questions, and in-class quiz/writing assignments will be expressed as a percentage of total points possible in the course and translated into a letter grade as follows:

<b>Grading scale</b>	<b>Points available</b>
A 93-100%	Exam 1: 75 points Exam 2: 75 points Final Exam: 100 points Policy reflection papers: 50 points (2 @ 25 points each) Readings questions: 100 points  <u>Course total:</u> 400 points
A- 90-92%	
B+ 88-89%	
B 83-87%	
B- 80-82%	
C+ 78-79%	
C 73-77%	
C- 70-72%	
D+ 68-69%	
D 63-67%	
D- 60-62%	
F 59% and below	

### Course Withdrawal Deadlines Statement

Important Dates Restricting Opportunities to Drop a Course Spring 2019:

<b>Deadline</b>	<b>Description</b>	<b>Date</b>
To 15 <sup>th</sup> instructional day	Students can drop classes on CyberBear with refund & no “W” on Transcript, last day to change to Audit	February 1, @5 PM
16 <sup>th</sup> to 45 <sup>th</sup> instructional day	A class drop requires a form with instructor and advisor signature, a \$10 fee from registrar’s office, student will receive a ‘W’ on transcript, no refund.	February 2 – March 22 @5 PM

Deadline	Description	Date
Beginning 46 <sup>th</sup> instructional day	<i>Students are only allowed to drop a class under very limited and unusual circumstances.</i> Not doing well in the class, deciding you are concerned about how the class grade might affect your GPA, deciding you did not want to take the class after all, switching majors, and similar reasons are not among those limited and unusual circumstances. If you want to drop the class for these sorts of reasons, make sure you do so by the end of the 45 <sup>th</sup> instructional day of the semester. Requests to drop must be signed by the instructor, advisor, and Associate Dean (in that order) so if you pursue this request, <b>leave sufficient time to schedule meetings with each of these individuals</b> (generally this will take at least 3-5 working days). A \$10 fee applies if approved. Instructors must indicate whether the individual is Passing or Failing the class at the time of request.	March 23 – April 30 @5 PM

## Course Readings & Class Schedule

### Reading the Text

You have likely noticed (or will soon) the density of our text for the semester. I have chosen this text because of its integrated and comprehensive approach to public land and natural resources policy, law, and administration. Previous students have indicated that they prefer a comprehensive and detailed text to keep and use as a future resource and reference. Please do not be intimidated by this book: we will work our way through it together and I will tell you exactly what pages to read and what concepts are important. In general, it is a good idea to read the selected sections (see below) while skipping the extended question and case law sections, as this will make the reading much lighter. Students interested in the subject matter, however, are encouraged to read more in the textbook and beyond (see “additional resources” section below and in each topic folder on our Moodle course page).

Below are major topics we will cover this semester and the assigned readings for each topic. The daily class schedule for this course is relatively fluid, as sometimes we need to spend more time on a particular topic. In addition, I like to take advantage of local guest speakers and engage the class in current events relevant to course topics, which may alter our progress. Thus, in addition to this course syllabus, I will post a “course schedule” on our Moodle course page. I will consistently update the course schedule as needed to reflect our pace in covering the material—I will also announce any changes to the schedule in class. It is your responsibility to keep on top of course material. Please attend class and check the Moodle course page often.

## Course topics and assigned readings

### **The Historical and Constitutional Geography of Natural Resources Policy**

- Historical context of federal lands management
- Constitutional context of natural resources law and policy

Readings: Chapter 2 focusing on:

- I. Introduction, pp. 91-93 (2nd ed. pp. 80-82)
- II. Acquisition of the Public Lands, pp. 93-100 (2nd ed. pp.82-88)
- III. Allocating the Nation's Land and Natural Resources, pp. 109-117 (2nd ed. 94-104)
- IV. Federal Disposition of the Nation's Resources, pp. 129-144, 146-150, 157-159 (2nd ed. pp. 115-126, 129-133, 139-141)
- V. Federal Power Over Natural Resource Management, pp. 163-172, 174-177, 208-210 (2nd ed. pp. 146-153, 156-158, 184-185)

### **Agency Decision Making and Planning**

- Administrative rulemaking; Administrative Procedures Act (APA); Judicial review and agency decision making
- The National Environmental Policy Act (NEPA)

Reading: Chapter 3 focusing on:

- I. The Federal Natural Resource Agencies, pp. 231-240 (2nd ed. pp. 214-220)
- II. Improving Agency Decision-making—The Administrative Procedure Act, pp. 245-247, 249-259 (2nd ed. pp. 223-225, 227-233)
- III. The Role of Nongovernmental Organizations, pp. 263-271 (2nd ed. pp. 236-241)
- IV. Improving Agencies' Environmental Decision-making (NEPA), pp. 291-302, 314-316, 324-330 (2nd ed. pp. 258-268, 277-279, 285-286, 288-289, 290-292)

### **Western Water Policy**

- Riparian doctrine and prior appropriation doctrine
- Indian reserved water rights and federal reserved water rights
- Public trust doctrine

Reading: Chapter 7 focusing on:

- I. Understanding the Water Resource, pp. 819-840 (2nd ed. pp. 739-758)
- II. The Law of Water Allocation, pp. 842-908 (2nd ed. pp. 758-825)
- III. Indian and Federal Reserved Water Rights, pp. 926-949, including *Winters v. United States* 1908 (2nd ed. pp. 825-888, including *Winters v. United States* 1908)

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

- 1872 Hardrock/General Mining Law; brief contrast to Mineral Leasing Act
- The politics of mining reform

Reading: Chapter 9 and Chapter 10 focusing on:

- I. An Introduction to Mining, pp. 1134-1140 (2nd ed. pp. 1022-1026)
  - a. See Congressional Research Service (CRS) report posted on Moodle: Humphries, Marc. 2008. "Mining on Federal Lands: Hardrock Minerals." Washington, D.C.
- II. The General Mining Law of 1872, pp. 1183-1193 (2nd ed. pp. 1077-1086)
- III. Environmental Regulation of Mining, pp. 1269-1277 (2nd ed. pp. 1170-1174) & read also public choice section on pp. 72-73, 241-242 (2nd ed. pp. 219-220)
- IV. The Mineral Leasing Act, pp. 1305-1310 (2nd ed. pp. 1153-1157)

## **Public Rangeland Policy**

- Public rangelands managed by BLM
- Multiple use management mandate

Reading: Chapter 8 focusing on:

- I. Home on the Range, pp. 1012-1036 (2nd ed. pp. 913-934)
- II. Environmental Law and Rangelands, pp. 1036-1080 (2nd ed. pp. 949-973, 1011-1015)
- III. Rangeland Reform, pp. 1082-1122 (2nd ed. pp. 975-983)
- IV. Key Rangelands Court Cases to pay close attention to in the above listed readings:  
*Natural Resources Defense Council v. Hodel*, 624 F. Supp. 1045 (D. Nev. 1985); and  
*National Wildlife Federation et al. v. BLM*, 140 I.B.L.A. 85 (1997)

## **Forest Policy and Resources Planning**

- The National Forest System
- National Forest planning

Reading: Chapter 11 (please skim all; 2nd ed. Chp. 10) and Chapter 3 focusing on:

- I. Introduction to America's forests, use, and allocation, pp. 1386-1417 (2nd ed. pp.1195-1227)
- II. Forestry Law—the National Forests, pp. 1422-1495 (2nd ed. pp. 1227-1316)
- III. Resource Planning on Public Lands, pp. 332-361 (2nd ed. pp. 292-319)

## **The Endangered Species Act (ESA)**

Reading: Chapter 4 focusing on:

- I. Life on Earth, pp. 365-377 (2nd ed. pp. 320-338)
- II. The Endangered Species Act, pp. 395-491 (2nd ed. pp. 348-426)

## Protected Lands Policy

- Politics of preservation
- National Parks and Monuments
- The Wilderness Act and wilderness politics
- The Wild and Scenic Rivers Act

Reading: Chapter 6 focusing on:

- I. Introduction to Protected Lands, pp. 636-641 (2nd ed. pp. 578-582)
- II. The Case for Preservation, pp. 641-658 (2nd ed. pp. 582-599)
- III. National Parks, pp. 661-684 (2nd ed. pp. 599-619)
- IV. National Monuments, pp. 686-702 (2nd ed. pp. 619-635)
- V. Wild and Scenic Rivers, and LWCF, pp. 743-746 (2nd ed. pp.662-673)
- VI. Wilderness, pp. 707-735 (2nd ed. pp. 636-661)
- VII. Preservation on Multiple Use Lands, pp. 748-761 (2nd ed. pp. 673-683)

## Additional Resources

There are an incredible amount of internet resources available (of various quality) to learn more about Natural Resource Policy & Administration. I recommend the following websites:

- NRS 422 [YouTube Channel](#) (Definitely subscribe!)
- Redlodge Clearinghouse "[Know the Law](#)" Legal Summaries *News Coverage*
- Greenwire, Energywire or Climatewire by [Energy & Environment Publishing](#)
- [Headwaters News](#)
- [Congress.gov](#)