

**RSCN 370S**  
***Wildland Conservation Policy and Governance***  
Spring 2009, M/W 1:30-3:00, JRH 203

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OH: W 3:15-4:45 or by appt.

Main Hall 308  
243-6934

### **Course Description**

This course examines how wildland, protected area, and conservation policies are debated, decided, implemented, and challenged. During the course of the semester we will explore a number of policy processes, including development of statutes, case law, legislative history, voter initiatives, and administrative rulemaking. We will examine these policy processes through a series of case studies focused primarily national parks and wilderness, private lands and growth, and international trade, Western water, climate change, and energy. Each case study will provide a window into political debate and policy processes, as well as substantive issues involved in wildland management and conservation. We will also consider decision-making processes such as collaboration that are parallel to, yet somewhat outside of, the formal policy-making processes, but provide important new avenues for making change.

The course will continually examine the relationship between social forces and conflicts, and wildland and conservation policy. This course is not comprehensive; we will not study every policy related to conservation, nor will we examine every type of policy process. Classroom time will consist of lecture, discussion, guest speakers, and activities. Every student is required to think critically and constructively, and to contribute significantly to the quality of the discussions.

### **Course Objectives**

Specifically, students in this course will:

1. Understand many of the policy processes related to wildlands and conservation
2. Understand how to locate, understand, and analyze policy
3. Understand how policy provides a window into political and social debate, and conflict
4. Understand some of the major policy debates related to wilderness and other undeveloped public lands and related to private lands
5. Understand how policy evolves over time
6. Improve writing, speaking, and analytical skills
7. Gain knowledge of multiple avenues for making change and how they work

### **Course Schedule and Readings**

*Course readings are available on e-reserve through the Mansfield Library (<http://www.lib.umt.edu/students#eres>). The course password is **RSCN370**. Readings will be available at least one week before students are required to read them. Unless specified on syllabus, there will be readings required for each class (for those class meetings without required readings,*

you will find “no reading” printed below the topic). Readings must be completed prior to class. To adequately prepare for class, students should be familiar with the “facts” outlined in the reading (who, what, when, where, how, etc.) and carefully analyze and critique the material presented (making connections to other readings, class discussions, and the policy process as a whole). As you are reading, make notes about key points, questions you have, interesting issues raised, and connections to other topics being covered in the course.

1/26 Introduction: Conservation Politics and Policy Processes

### **Part I: Laws and Agencies: Putting Policy into Practice**

1/28 Federal Lands and Land Management Agencies  
*Excerpts from the film: The Greatest Good*

No Reading

2/2 Federal Lands and Land Management Agencies, cont.

*Rothman, H.K. 1989. A Regular Ding-Dong Fight. Agency Culture and Evolution in the NPS-USFS Dispute, 1916-1937. Western Historical Quarterly 20: 141-161.*

2/4 National Park Service Origins and the Concept of Naturalness

*National Park Service Organic Act (1916)*

*Aplet, G. and D. Cole. The Trouble with Naturalness: Rethinking Park and Wilderness Goals for the 21<sup>st</sup> Century. Draft Book Chapter.*

2/9 The Challenge of Interpreting and Implementing Naturalness

*Yung, L., Cole, D.N., Graber, D.M., Parsons, D.J., and K.A. Tonnessen. Changing Policies and Practices: The Challenge of Managing for Naturalness. Draft Book Chapter.*

2/11 The Fundamentals of Policy and the Emergence of Wilderness

*Scott, D. 2004. The Beginnings of a Wilderness Preservation Policy and Wilderness: “There Ought to be a Law” from The Enduring Wilderness: Protecting our Natural Heritage through the Wilderness Act. Golden, CO: Fulcrum. (pp. 27-56)*

*Hollister, D.C. 2007. A Public Policy Primer. Institute for Educational Leadership. (pp. 1-15)*

2/18 Wilderness Act Hearings: Learning from Legislative History

*Excerpts from Hearing Testimonies during Congressional debate of the Wilderness Act*

**Paper #1 on naturalness due (assignment will be handed out in class)**

2/23 Wilderness Act Language: The Evolving Text

*The 1957 Wilderness Bill*

*The 1964 Wilderness Act*

2/25 Managing Fire in Wilderness: Interpreting the Act I

*Yung, L. 1999. Prescribed Fire in Wilderness: Manipulation or Restoration?*

**Part II: Who Decides?: Public Involvement, Rulemaking, and Judicial Decisions**

3/2 NEPA, Public Involvement, and Agency Decision-Making

*The National Environmental Policy Act of 1969*

**In-class exam on Part I (study guide will be handed out in class)**

3/4 The Roadless Area Conservation Rule

*Nie, M. 2004. Administrative Rule-making and Public Lands Conflict: The Forest Service's Roadless Rule. Natural Resources Journal.*

*2001-2008 Roadless Area Conservation Policy Chronology*

3/9 How the Courts Operate, the Role of Lawsuits, and the Nature of Judges

No Reading

3/11 Wilderness Case Law: Interpreting the Act II

*Guest Speaker: George Nickas, Director Wilderness Watch*

*High Sierra Hikers Association versus the United States Forest Service. 2006. District Court Decision/Opinion. (court case on dams in the Sierras)*

*Olympic Park Associates, Wilderness Watch and PEERS versus the National Park Service. 2005. District Court Summary Judgment. (court case on Olympic National Park shelters)*

3/16 Norton vs. SUWA and the Question of Agency Discretion

*Norton v. the Southern Utah Wilderness Alliance. U.S. Supreme Court Opinion*  
*Duke Law analysis of petition*  
*News articles on Norton v. SUWA*

### **Part III: Western Innovations: Place-Based Legislation and Water Policy Challenges**

3/18 Collaboration and Alternative Decision-Making Processes

*Snow, D. Coming Home: An Introduction to Collaborative Conservation.*  
*Brick, P. and E.P. Weber. Will Rain Follow the Plow? Unearthing a New Environmental Movement.*

*From Across the Great Divide: Explorations in Collaborative Conservation and the American West. 2001. Editors: Brick, P., Snow, D. and S. Van de Wetering. Washington D.C.: Island Press.*

*Wondelleck, J.M. and Yaffee, S.F. 2000. Building Bridges to a Sustainable Future. From Making Collaboration Work. Washington D.C.: Island Press.*

3/23 Place-Based Public Lands Legislation

*Guest Speaker: Michael Fiebig, M.S. Environmental Studies (not confirmed)*

Reading TBA

#### **Paper #2 on discretion or public involvement (assignment will be handed out in class)**

3/25 Growth, Climate Change, and Western Water Policy

*Guest Speaker: Sarah Bates, Senior Fellow, Public Policy Institute*

*Bates, S. 2008. Sea Change for West's Water: Climate Change, Population Growth Challenge Traditional Western Water Policies. Three Part Series in Headwaters News. March 2008.*

### **Part IV: Private Property and Regulation: New Tools, New Battles**

4/6 Private Property: What is Property?

No Reading

#### **In-class exam on Part II and III (study guide will be handed out in class)**

4/8 County and State Level Growth Policies

*Guest Speaker: Pat O'Herren, Director, Missoula County Rural Initiatives*

Reading TBA

4/13 The Oregon Takings Initiative

*Regulatory Takings. Georgetown Law.*

*Summary of Measure 37. Compiled by Meg Moore, Research Assistant for the Georgetown Environmental Law & Policy Institute, Spring 2006.*

*Dalmia, S. and L. Gilroy. Taking 'Takings' to the Voters - The California, Idaho, Arizona, and Washington initiatives. The Weekly Standard - October 30, 2006*

*Who Should Control Our Land A point-counterpoint on the property rights issue between James DeLong and John D. Echeverria published in the March 1999 edition of the Washington Time's World & I magazine.*

*Lowry, S. 2008. Oregon Clip's Measure 37's Wings. Planning and Environmental Law, 6(1): 9-10.*

4/15 Conservation Easements

*Conservation Easements: Conserving Land, Water, and a Way of Life. 2003. The Nature Conservancy*

*Byers, E. and K.M. Ponte. 2005. Introduction. The Conservation Easement Handbook. The Land Trust Alliance.*

*Morrisette, P.M. 2001. Conservation Easements and the Public Good: Preserving the Environment on Private Lands. Natural Resources Journal, v 41, p 373-397.*

4/20 Landownership Change in the West: Implications for Conservation

No Reading

**Part V: Policy, Scale, and Conservation Politics**

4/22 Globalization, Trade Policy, and the Environment: Understanding the WTO

*Globalization. Adapted from Wikipedia*

*The World Trade Organization (published by the World Trade Organization)*

**Paper #3 on private property due (assignment will be handed out in class)**

4/27 Globalization, Trade Policy, and the Environment: Proponents and Opponents

*Glassman, J.K. 1998. Trade Briefing Paper no. 1. The Blessings of Free Trade. Cato Institute's Center for Trade Policy Studies (<http://www.freetrade.org>)*

*Glasser, E. 2006. Trading in Myth. Blueprint Magazine.*

*The WTO on Agriculture: Food as a Commodity, Not a Right  
The WTO's Environmental Impact: First, Gattzilla Ate Flipper  
Excerpts from Wallach, L. and P. Woodall. Whose Trade Organization? The  
Comprehensive Guide to the WTO. Published by Public Citizen.*

*Top Ten Reasons to Oppose the World Trade Organization. Global Exchange.  
Ten Ways to Democratize the Global Economy. Global Exchange.*

5/4 Energy Policy

*Guest Speaker: Gail Gutche, Montana Public Service Commission (not confirmed)*

Reading TBA

5/6 Climate Change Adaption: A Policy Exercise

*Kareiva, P., Enquist, C., Johnson, A., Julius, S.H., Petersen, B., Pitelka, L., Shaw, R., and J.M. West. 2008. Synthesis and conclusions. In Preliminary review of adaptation options for climate-sensitive ecosystems and resources. In Julius, S.H. and J.M. West (Eds) U.S. Climate Change Science Program and the Subcommittee on Global Change Research. Final Report, Synthesis and Assessment Product 4.4. p. 9.1-9.40.*

5/12 3:20-5:20

**In-class exam on Part IV and V (study guide will be handed out in class)**

The Wild and Scenic Rivers Act, National Monuments, and the Upper Missouri River:  
Livelihood and Conservation

No Reading

5/14 **Paper #4 on bill proposed in Montana State Legislature due (assignment will be handed out in class)**

## Evaluation

Class Participation	10%
In-Class Exams (4 @ 10% each)	40%
Written Assignments	50%

## Course Assignments

### General Grading and Attendance Policies

Because your presence in class has an important affect on your learning, attendance will be recorded and counted toward your participation grade. If you have an emergency that interferes with attendance, please let me know and I will take the circumstances into account (but please know that I may ask for documentation).

Written assignments are due at the beginning of class on the specified due date. If you miss class at any time, you are responsible for inquiring about any new assignments. Late papers will be accepted, but your grade will be lowered at least one letter grade (and potentially more depending on your circumstances and how late the paper is – *bottom line: if you are late with a paper, you should still turn it in, but get it to me as soon as possible*).

### In –Class Exams (40%)

There will be three short (20 minutes) in-class exams during the semester. These exams will consist of short answer questions based on the preceding section or sections of the course. Exams will cover material presented in course readings as well as material presented in class. I will provide a study guide for each of these exams.

### Papers (50%)

There will be four papers spread throughout the semester, focused on specific course topics. Each of these assignments will be 3-4 pages in length. Assignments will be handed out at least a week prior to the due date and will include detailed instructions and criteria for evaluation. Written assignments will not require reading or research beyond required course readings. *If there is a topic that really interests you, and you would like to propose an alternate question for one or more of your written assignments, you are welcome to do so. You will need to provide me with a draft question 10 days prior to the due date of that assignment. Questions are subject to approval and I will likely work with you on the wording and focus of the question. Approved alternate questions will be made available to the entire class, so that other students have the opportunity to choose these assignments as well.*

### Class Participation (10%)

Students are expected to take an active role in their education in this course, and course grades will be based, in part, on student participation. Participation includes attendance, punctuality, attentiveness, effort, and being prepared for class (having completed any assignments, including the reading for that day). Participation also means offering one's thoughts, ideas, opinions, and questions during class. There will be frequent opportunities for discussion during class, providing time for you to explore the complexity of the policy process and, in particular, work on issues you find confusing. Your participation grade is not based on knowing the "right" answers or the quantity or length of your comments (in fact, concise and succinct comments, where appropriate,

are favorable), but rather on your willingness to contribute, evidence that you have completed and thought through material presented in the reading, and the quality of your contributions. In addition to talking in class, participation includes respect for differing opinions. Students who arrive late, miss class, fail to do readings on time, and/or do not engage in class discussions will be penalized.

### **Assignment Due-Dates**

Paper #1 due on 2/18

In-class exam on Part I on 3/2

Paper #2 due on 3/23

In-class exam on Part II and III on 4/6

Paper #3 due on 4/22

In-class exam on Part IV and V on 5/12

Paper #4 due on 5/14

### **Grading Scale**

Final course grades will be determined based on the following scale:

93-100	A
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