

PSC/ENV 313W Natural Resources Law and Policy

Fall 2007
TTh 2:00-3:15

Dr. Susan Buck
219 Graham, phone 256-0520

How to get in touch with me:

Office hours: I'm usually in my office by 12:30 Monday through Thursday with a class every day at 2:00. My MW class is scheduled for Curry, so I'll be leaving the office about 1:30 on Mondays and Wednesday. I will stay after class if you need to talk to me. If I am in my office and the door is open, I am available for discussions about anything from class business to dog training. If my door is closed, I am busy.

Office phone: 256-0520 (on-campus: 6-0520)

E-mail: sjbuck@uncg.edu I don't check e-mail every day, so if your message is time critical, you should call. If you want to discuss something, e-mail is not an appropriate medium, and I prefer that you come in during office hours or call. Whenever you do send me e-mail, don't send attachments.

Home phone: XXX-XXXX, between 8:00 and 5:00, M-F. If you do not live in the Greensboro calling area, please be sure to include your area code when you leave your phone number, and when you will be available for a return call. Please do NOT call after 5:00 or on weekends.

Note: You should check Class Announcements in Blackboard and your university e-mail regularly; any schedule changes or new assignments will be either posted or e-mailed to you.

This is especially important for this class since we have a flexible schedule.

Course Description: The study of state, federal, and international natural resources policy and law. This semester the emphasis is on the western lands of the United States, particularly water issues (briefly,) rangelands (BLM), national parks (NPS), forests (USFS), and wilderness (very briefly). We will not address wildlife issues: that's a different course. **Writing intensive.**

Course Goals:

1. Students will become familiar with major federal land management agencies.
2. Students will learn how Western natural resources management developed as a public policy issue during the last century.
3. Students will learn how political, economic, and legal factors have changed natural resource management from 1940 to the present.
4. Students will improve skills in grammar, composition, and critical thinking.

Course Requirements:

(1000-975 A+; 974-925 A; 924-900 A-, etc.)

| | |
|-------------------------------|------------|
| Wrong essay | 100 |
| Exams (2@ 200 each) | 400 |
| <i>HCN</i> | 100 |
| Reading responses/case briefs | 300 |
| Field trip/speaker responses | <u>100</u> |
| Total | 1000 |

These are requirements; failure to pass any one of the requirements probably means a failure to pass the class. So, for example, a student with 700 points but no case briefs and only half of the reading responses is unlikely to pass.

A note about class attendance and participation: You are expected to attend all classes; given the nature of this course, it will be difficult to do well on the exams if you don't come to class. You should participate fully in class discussions, which will be impossible if you are not in class or you have not read the material carefully. Don't confuse quantity of participation with quality! Class participation will be used to decide borderline grades; students whose attendance or participation is egregious may lose points.

Honor Policy: Students are required to abide by the University Academic Integrity Policy for all work in this course. All written work submitted for this course must also include your hand-written signature which indicates that you have followed the Academic Integrity Policy. (If your signature is illegible, also print your name.)

Texts:

1. Strunk, William and E. B. White. *Elements of Style*, 4th ed. Needham Heights, MA: Allyn & Bacon, 2000. (Any recent edition will do.)
2. *High Country News (HCN)*. Everyone will subscribe to *High Country News*. This can become a class-management nightmare, so I will collect subscription money from each of you for a semester subscription. Cost is \$10.00 for eight issues. The newspapers will be mailed to my house, and I'll distribute them in class. If you drop the class, you will be able to get your copies on my office door. Since there are eight issues, we will discuss these four times during the semester, usually the class period after we get the 2nd, 4th, 6th, and 8th issues.
4. Readings (either on Blackboard, the web, or as handouts):

Articles: (All can be found through UNCG's Journal Finder unless otherwise indicated.)

Cronon, William. 2000 (1995). The trouble with wilderness; or, getting back to the wrong nature. In *Notable Selections in Environmental Studies*, 2nd ed., ed. T. Goldfarb, 144-151. Guilford, CT: Dushkin/McGraw-Hill. **Blackboard**

Doremus, Holly. 1999. Nature knowledge and profit: The Yellowstone bioprospecting controversy and the core purposes of American's national parks. 26 *Ecology Law Quarterly* 401.

Feller, Joseph. 1993-1994. What is wrong with the BLM's management of livestock grazing on the public lands? 30 *Idaho Law Review* 55.

Keiter, Robert. 1997. Preserving nature in the National Parks: Law, policy, and science in a dynamic environment. 74 *Denver University Law Review* 649.

Klein, Christine. 1999. On Dams and Democracy. 78 *Oregon Law Review* 641.

Morton, Pete. 1999. The economic benefits of wilderness: Theory and practice. 76 *Denver University School of Law* 465.

Pyne, Stephen. 2001. The big blowup. *High Country News*, 23 April. **Blackboard**

Simons, Marlise. 1993. Coral reefs are ravaged by mining. *New York Times*, August 8.

Smith, Robert. 1996. Livestock production: The unsustainable environmental and economic effects of an industry out of control. 4 *Buffalo Environmental Law Journal* 45.

Stephenson, Dustin. 2000. The Tri-State Compact: Falling waters and fading opportunities. 16 [Florida State University] *Journal of Land Use and Environmental Law* 83.

Vincent, Carol. 2006. Grazing fees: An overview and current issues. CRS Report. **<http://www.ncseonline.org/NLE/CRSreports/06jun/RS21232.pdf>**

Wuerthner, George. 1994. Smokey the Bear's legacy on the West. In *Wildfire!: An Endangered Ecosystem Process*. Cascadia Fire Ecology Education Project, Vol.1. Find at **http://www.fire-ecology.org/research/smokey_bear_legacy.htm**

Websites:

1. Bureau of Land Management: **read**

About the BLM: http://www.blm.gov/wo/st/en/info/About_BLM.html

optional:

Wild Horse & Burro home page: <http://www.wildhorseandburro.blm.gov/index.php>

Wild Horse & Burro fact sheet:

http://www.blm.gov/wo/st/en/prog/wild_horse_and_burro/NR0503_2.html

2. National Park Service: www.nps.gov **Read** “Organization,” “Mission,” and “History” in “About us” section: <http://www.nps.gov/aboutus/index.htm>

Cases:

Sierra Club v. Espy, 38 F.3d 792 (5th Cir 1994). Clearcutting. Use LexisNexis Academic in UNCG library databases

Southern Utah Wilderness Alliance v. Dabney, 822 F.3d 819 (10th Cir. 2000). Off-road vehicle use in Canyonlands National Park. Best to use Findlaw.com.

5. Other readings (for example, statutes) as assigned.

Wrong essay:

Write on any topic you choose, incorporating as many errors of usage and composition as possible. Identify the errors (using *Elements of Style*) in the right hand margin, by numbering each error consecutively and then, in the margin, identifying the error by label and page number in *Elements of Style*. **BRING YOUR COPY OF *ELEMENTS OF STYLE* TO CLASS.**

Page limit: 2 typed, double-spaced pages. Your score depends on the number of errors, but each kind of error only counts once! We will "grade" these in class: plus one point of each type of error, and minus one for each mistake which is not marked or is marked incorrectly. First place gets a free cappuccino (or a similar nifty drink!) from Tate Street Coffee House. Students who make a good-faith effort (my call!), follow directions, and turn the wrong essay in on time will earn full credit.

Sample:

Each student needs to carefully place their punctuation (for example, periods, commas, etc.) within quotation marks.

Exams:

These are short identification and essays. I will give you a review sheet about a week before the exam. (If you have a disability and need extra time or other arrangements for exams, please let me know early in the semester.)

High Country News:

Read each issue very carefully, cover to cover, every word (except maybe not all the classified). Be prepared to summarize stories and to critique them. You may be asked to propose follow-up stories, or to offer alternative perspectives, or to discuss policy implications of the stories' content. I might ask for a "letter to the editor" or an impromptu play based on one of the stories. You might be asked about job applications, or western culture, or your opinion of the federal-Indian relationship. Read carefully and think about what -- and who -- is behind the stories and what this means for public policy.

Reading Responses, Case Briefs/ and Field Trip/Speaker Responses

Reading responses are due on the day of the discussion; field trip and speaker responses are due the next class period. Under no circumstances will I accept a response after class is dismissed on the day it was due. Of course, you may turn one in early or send it with a classmate. You may fax them: 334-4315. **I will not accept email responses unless you have prior permission;** for example, I'll probably take an e-mailed response if you are out of town for a family emergency. If you do email, don't send your response as an attachment. I'll grade these on a ten-point scale; if your reading response/case brief average is, for example, 8.5, you will earn 85% of the 300 points available for this part of the course requirements.

1. On days we have more than one reading, do ONE response that covers all of the day's assignments.
2. They may be handwritten (I'm grateful for typing) but must be legible. If I can't read your writing easily, you'll have to type. Correct grammar and punctuation count.
3. Maximum length: one single-spaced page if typed or two pages handwritten. Longer is not better; it is just easier.
4. These should do two things. First, they summarize the main ideas of the readings/speakers/field trips; keep this part very brief – the main purpose here is to remind you of the content (one of two sentences). Second, they provide your reactions: why do you agree or disagree? do you have further questions? how does this connect to other course material?

A note about case briefs: If you have never briefed a cases, look at Buck, "How to Brief a Case" and "Finding Case Law." **Blackboard**

General Rules for Assignments:

1. Any typed assignment must be 12-point or larger font, regular margins.
2. No cover pages or folders or title pages. It wastes trees. However, only use one side of each page, although I realize that wastes trees as well.

3. No late work accepted; no email submissions without prior permission.
4. Be aware of the dangers of plagiarism. I will automatically fail any assignment containing plagiarized material if I feel there has been a deliberate effort to use another's work as your own, and I will reduce the grade of a paper with careless plagiarism.

Having a problem with your computer, or the printer, or compatibility between your system and someone else's is not a valid reason for missing an assignment or for being late.

A Note on Plagiarism

Plagiarism is using the language, ideas, or data of another scholar without acknowledging the source. The faculty view this as an extremely serious offense. Sanctions for plagiarism range from failing the plagiarized assignment to expulsion from the University.

There are three central reasons to acknowledge the work of other scholars. First, scholars' works are their professional products. To use them as your own is stealing, and your own work becomes a forgery. Second, other scholars may wish to build on your work or to explore some idea further. If you have provided good documentation, their work is simplified. Third, your source may be wrong. If you use the information without attribution, you are responsible for the error.

Remember: be honest, be helpful, be safe.

Here's the Golden Rule of Citations: **when in doubt, cite**. No one ever got in trouble for too many citations.

Myths:

1. Paraphrasing eliminates the need for citations. FALSE. It only eliminates the need for quotation marks.
2. Any data found in three places is "common knowledge" and needs no citation. FALSE. "Common knowledge" is a pit for the unwary. The safe test is whether an average person would know this information. Thus, that the Declaration of Independence became official on 4 July 1776 is probably common knowledge, but a reference to *Brown v. Board of Education* needs a citation. Remember the Golden Rule of Citations: when in doubt, cite.
3. Tables, charts, and diagrams don't need citations. FALSE. They are data and their design is creative. Cite!

Preliminary Class Schedule: Because I don't know exactly when *HCN* will show up, we may need to juggle the schedule. There are, however, some firm dates:

August 28 Wrong essay due (bring Stunk & White to class)

September 11 Labor Day: no class

September 24-28 Payne & Harrow <http://www.seachangeinstitute.org/inner/about.html>). You should attend their main performance and try to get to their extra activities (if any) as well. We do not have class on October 2, and this substitutes for class. You must write a response paper to their performance, due October 4

October 2 No class

October 16 Fall Break: no class

October 18 Midterm

October 30 Field trip to Guilford Courthouse National Military Park. This will probably take until 4:00, so clear that afternoon's schedule.

November 22 Thanksgiving: no class

December 6 Final Exam

Schedule (subject to change)

- 1 Aug 21 Introduction
23 lectures: What are natural resources?
- 2 28 **Wrong Essay Due**
30 Why do we need to protect natural resources?
- 3 Sept 4 Why are natural resources hard to manage, and what are the management tools?
6 *High Country News 1* or **reading:** Simons, "Indian Ocean Coral Reefs..." (If we have two issues of *HCN* & discuss them, we will not do Simons at all.)
- 4 11 **NO CLASS: LABOR DAY**
13 **Reading:** Stephenson, "The Tri-State Compact"
- 5 18 **Reading:** Klein, "On Dams and Democracy"
20 **Film:** *American Nile*
- 6 25 Rangeland lecture. **Reading:** BLM web information
27 **speakers: Payne & Harrow**
- 7 Oct 2 *I will be out of town on October 2. During Week 6, attend "Sea Change" (Payne & Harrow, <http://www.seachangeinstitute.org/inner/about.html>). The response is due on October 4.*
4 **Reading:** Feller, "What is wrong..." and Vincent, "Grazing Fees"
- 8 9 **Reading:** Smith, "Livestock Production"

- 11 *High Country News 2*
- 9 16 **FALL BREAK**
18 **MID-TERM EXAM** (through October 9)
- 10 23 **Reading:** NPS web assignment and Keiter, “Preserving Nature in the National Parks
25 **Reading:** Doremus, “Nature, Knowledge and Profit”; *Southern Utah Wilderness Alliance v. Dabney*. 822 F.3d 819 (10th Cir. 2000) (ORV use in parks)
- 11 30 **Field Trip: Guilford Courthouse National Military Park (until 4:00).**
www.nps.gov/guco/
- Nov 1 *High Country News 3*
- 12 6 lecture: Forest policy history
8 **Speaker:** Mike Cusimano
- 13 13 film: *The Greatest Good*
15 **Speaker:** Jason Ortegren
- 14 20 **Reading:** Pyne, “The Big Blowup”; Wuerthner, “Smokey the Bear’s Legacy...”;
film: *Raging Planet: Fire*
22 **THANKSGIVING**
- 15 27 **Reading:** *Sierra Club v. Espy*, 38 F.3d 792 (5th Cir 1994). (Clearcutting.)
29 **Reading:** Cronon, “The Trouble with Wilderness”; Morton, “Economic Benefits...”
- 16 4 *High Country News 4*
6 **FINAL EXAM**