

**PSC/ENV 313W Natural Resources Law and Policy**

Fall 2009  
MW 2:00-3:15

Dr. Susan Buck  
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0520

**How to get in touch with me:**

Office hours: Monday - Thursday 1:00 to 1:45 and by appointment. I'm usually there more than just for office hours. If my door is open, I am available for discussions about anything from class business to dog training.

E-mail: [sjbuck@uncg.edu](mailto: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, come in during office hours or call. If you do send e-mail, don't send attachments.

Home phone: \_\_\_\_\_, **only** between 8:00 and 5:00, M-Th. 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.

**Course Description:** The study of state, federal, and international natural resources policy and law. Topics include acquisition and management of public lands, wildlife, biodiversity, and resource conservation. **Writing intensive.**

**Course Goals**

1. Students will become familiar with the major federal land management agencies such as Bureau of Land Management, National Park Service, Bureau of Reclamation, Fish & Wildlife Service, National Marine Fisheries Service (NOAA), and National Forest Service.
2. Students will learn how natural resources management developed as a public policy issue during the last century.
3. Students will become familiar with key court cases that define the relationships among agencies and citizens.
4. Students will learn how political, economic, and legal factors have changed natural resource management from 1940 to the present.
5. Through the annotated bibliography, students will gain in-depth knowledge of an area of natural resource policy and will learn how to write a bibliographic essay.
6. Students will improve skills in writing and in critical thinking.

**Texts**

1. Strunk, William Strunk, Jr. and E. B. White, *Elements of Style*. 5th ed. Boston: Allyn and Bacon, 2000.
2. Knight, Richard and Courtney White, eds. *Conservation for a New Generation*. Washington, D.C.: Island Press, 2009.
3. High Country News (\$10 non-refundable subscription fee is due in class during the first week)

4. Readings from Knight, Richard and Sarah Bates, eds. *A New Century for Natural Resources Management*. Washington, D.C.: Island Press, 1995. **All on Blackboard**

Anderson, Stanley. "Traditional Approaches and Tools in Natural Resources Management." 61-74

Cutler, M. Rupert. "Old Players with New Power: The Nongovernmental Organizations." 189-208

Knight, Richard and T. Luke George. "New Approaches, New Tools: Conservation Biology." 279-295

Meine, Curt. "The Oldest Task in Human History." 7-35

Nelson, Robert. "The Federal Land Management Agencies." 37-59

Pickett, S. and Richard Ostfeld. "The Shifting Paradigm in Ecology." 261-278

6. Other readings. **Blackboard.**

Buck, Susan. "How to Brief a Case." From *Understanding Environmental Administration and Law* (Island Press, 2006).

Leopold, Aldo. "The Land Ethic." *Sand County Almanac*. Oxford University Press, 1949: 201-226.

**Cases** (note: Some of these cases have similar names. Be sure you have the correct case.)

*Alaska Wildlife Alliance v. Jensen*, 108 F.3d 1065 (9<sup>th</sup> Cir., 1997), standing to challenge commercial fishing in a national park

*Ecology Center Inc. v. Austin*, 430 F.3d 1057 (9<sup>th</sup> Cir., 2005), challenge to Forest Service policy allowing post-fire logging in old-growth forests

*Metcalf v. Daley*, 214 F. 3d 1135 (9<sup>th</sup> Cir., 2000), federal permission for gray whale hunt by Makah tribe

*Sierra Club v. Marita*, 46 F.3d 606 (1995), timber sales in Nicolet & Chequamegon National Forests violate National Forest Management Act

*Sierra Club v. Martin*, 168 F.3d 1 (1999), Forest Service compliance with National Forest Management Act requirements to protect at-risk populations of plants and animals

*Wilderness Public Rights Fund v. Kleppe*, 608 F. 2d 1250 (9th Cir., 1979), commercial and non-commercial rafting on the Colorado River

You should brief each case (except for *Alaska Wildlife Alliance*, which we will do in class on 9 September) and be prepared to answer questions on the facts, the questions, the decision, and the reasoning.

All the cases are in the library and available on the Internet at the FINDLAW site and on LEXIS-NEXIS on the UNCG Library site. FINDLAW cases are in a clearer format. My current favorite source is Open Jurist: <http://openjurist.org> The only problem is that they do not show the original pagination, but the format is extremely clear. An alternate site that may print better is <http://bulk.resource.org/courts.gov/c/F2/> It's not as user-friendly.

#### **Course Requirements:**

100	<i>High Country News (HCN)</i> : In-class discussion and activities (4 classes)
250	Abstracts, case briefs, speaker and field trip reports
450	two in-class exams
200	Annotated Bibliography with Bibliographic Essay

Class participation will be used to decide borderline grades. Class participation involves being present and prepared. It also involves joining in discussions, but do not confuse quantity with quality.

#### ***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. I can't give you a refund if you drop the class, but you will be able to get your copies on my office door. Read each issue very carefully, cover to cover, every word (well, 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.

### **Abstracts/Case Briefs/Speakers/Field Trips**

Abstracts: For each of the readings (not the law cases), you must write an abstract. These should be typed, single-spaced, no longer than one-half page. Be sure to put a full bibliographic citation at the top of each abstract. If more than one reading is assigned, it's okay to put the abstracts on the same page, but you still need separate abstracts. These are concise summaries of the content of the readings, not your reaction to them. Don't describe: for example, do not write "This article is about how to brief a case." Instead write "A case brief has five major sections. The first...."

Case Briefs: You must brief the law cases. If you have never briefed a case, read Buck, "How to Brief a Case" and "Finding Case Law" (Blackboard). We will brief *Alaska Wildlife Alliance v. Jensen* (1997) in class; I will not collect or grade the briefs you bring to that class.

Speaker (Dr. Bridle): Provide a brief summary of the content and your reaction. No longer than one-half page, typed and single-spaced.

Field Trip (Guilford Courthouse National Military Park): Summarize what we did or saw or heard, and then provide your reaction. No more than one single-spaced page. **Arrange your schedule so you can stay at the Park until about 4:00. If you have a class at 3:30, come see me about alternative field trip arrangements.**

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, although I may waive a specific assignment if you have a real crisis. You may fax them: 334-4315.

If you know in advance that you will miss class, you may turn abstracts/briefs in early or send them with a classmate. **You may not submit them by email without prior permission;** reasons for e-mail submissions include medical or family emergencies, snow or ice, or similar unexpected circumstances that make it impossible for you to come to class. If you do email, don't send your response as an attachment.

These are graded on a ten-point scale; if your abstract/case brief/speaker-field trip response average is, for example, 8.5, you will earn 85% of the 250 points available for this part of the course requirements.

### **Tests**

These will be identification, short answer, and essay. I will furnish a review sheet about a week before the tests.

### **Annotated Bibliography:**

An annotated bibliography is an **exhaustive** list of all the sources on a particular topic in which each item has been briefly (very briefly) summarized and evaluated. (I have posted examples on BlackBoard.) Here's how to do one:

Choose any broad topic that is related to the course (examples: environmental NGOs, National Forests, USFS, BLM, USFWS, parks (national, state), hard rock minerals, gas/oil, common pool resources, water (rivers, wetlands, but **not** water quality), biodiversity, conservation education, native lands...). Don't choose a wildlife issue: that's a different course. Pick a topic that is broad enough that you can find enough sources but narrow enough that you can find virtually all the important sources.

Each item should have a full bibliographic citation, a brief summary of the content (2 or 3 sentences), and a brief evaluation (1 or 2 sentences). Complete law cases are excellent sources; your summary would be *just* the point of law.

These must be typed. Turn in at least 20 annotations (that's citations and annotations, alphabetized and typed) on **21 October**.

During the final exam period, your *complete list of annotations* (organized in some logical fashion that corresponds to your essay) is due together with a *bibliographic essay*. Items within categories must be alphabetized. We'll discuss how to write a bibliographic essay later in the semester; I have placed sample bibliographic essays on Blackboard.

Look at the Congressional Research Service, government documents, the Readers' Guide to Periodical Literature, PAIS, legal indices.... Your text has sources, too.

**Source requirements** (see cover sheet page at end of syllabus):

\*\* No more than 10% of your sources may be from open websites with no print equivalent. If you think you need more, ask (and ask well before the deadline).

\* At least one-third must be from academic journals or be chapters in scholarly books.

**Due Dates:**

\* The final annotated bibliographies and bibliographic essays are due during the final exam period (14 December at 12:00). Late papers will be penalized; no papers accepted after 3:00.

**Use the tabulation sheet included with the syllabus as the cover page.**

\* Assignments turned in by 5:00 on Tuesday, 8 December, will receive ½ letter grade extra credit.

### **General Rules for Assignments**

1. All assignments must be typed, 12-point or larger font (12-point, 10-point, 8-point), regular margins. Abstracts and annotations/bibliographies should be single-spaced; all other work (including bibliographic essays) must be double-spaced. Use Turabian in-text citation style. Style sheets are available in the library.
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. (Remember that the annotated bibliography project has a cover sheet included in the syllabus.)
3. Remember: If you know in advance that you will miss class, you may turn summaries in early or send them with a classmate. Don't e-mail summaries without permission. You may fax them: 334-4315.

No late work accepted after Reading Day.

4. Page limits and deadlines are absolutes. Don't ask for exceptions or extensions short of catastrophes such as the death of a family member or a life-threatening illness. If you can't turn the work in on time, be prepared to accept the consequences.
6. 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 an assignment 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 it 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: unless otherwise marked, readings are from Knight and White, *Conservation for a New Generation*. Readings marked “BB” are on Blackboard.

<u>Week</u>	<u>Topic/Assignment</u>
1	Aug 24 <b>Introduction</b> Aug 26 Meine, “Oldest Task in Human History” (BB) Meine, “This Place in Time”
Aug 31	Leopold, “The Land Ethic” (BB) White, “Land Health” Budd, “Where Will the Moose Live?” Sept 2 <b>Meet in Computer Lab in MHRA Bldg, Room 1305</b>
3	Sept 7 <b>No Class: Labor Day</b> Sept 9 Buck: “How to Brief a Case” (BB) <u>no summary due</u> <b>Read <i>Alaska Wildlife Alliance v. Jensen</i> (1997)</b> We will use this case to learn how to brief. At a minimum, read it carefully before class, but it would be even better to try to brief it. I will not be collecting anything. <b>Bring your copy of the case to class.</b>
4	Sept 14 Nelson, “Federal Land Management Agencies” (BB) Sept 16 Cheng, “Natural Resource Agencies: The Necessity for Change” movie: <i>The Greatest Good</i>
5	Sept 21 <i>High Country News</i> discussion 1 Sept 23 case brief due: <i>Ecology Center Inc. v. Austin</i> (2005)
6	Sept 28 case brief due: <i>Sierra Club v. Martin</i> (1999) Sept 30 Adams, “Parks and Protected Areas: Conserving Lands Across Administrative Boundaries”
7	Oct 5 case brief due: <i>Sierra Club v. Marita</i> (1995) <u>Test 1 review handed out</u> Oct 7 <b>Field Trip: Guilford Courthouse National Military Park (plan to stay until at least 4:00)</b>
8	Oct 12 <b>FALL BREAK</b> Oct 14 <b>TEST 1</b>
9	Oct 19 <i>High Country News</i> discussion 2 Oct 21 case brief due: <i>Wilderness Public Rights Fund v. Kleppe</i> (1979) <b>First 20 annotations due</b>
10	Oct 26 Anderson, “Traditional Approaches and Tools in Natural Resources Management” (BB) Pickett & Ostfeld, “The Shifting Paradigm in Ecology” (BB) Knight & George, “New Approaches, New Tools: Conservation Biology” (BB)

- Oct 28 Cutler, “Old Players with New Power: The Nongovernmental Organizations”(BB)  
Ginn, “Conservation at the Speed of Business”
- 11 Nov 2 *High Country News* discussion 3  
Nov 4 movie: *Buffalo War*
- 12 Nov 9 movie: *Empty Oceans, Empty Nets*  
Nov 11 Crona, “Communication Networks, Leadership, and Conservation in an African Seascape”  
Deweese, “Innovators Down Under: New Zealand’s Fisheries”  
Forbes, “Reciprocity: Toward a New Relationship”
- 13 Nov 16 case brief due: *Metcalf v. Daly* (2002)  
Nov 18 Hilty & Groves: “Conservation Planning: New Tools and Approaches”  
Kelly, “California North Coast Forest Conservation Initiative”  
Andrew: “Farmer as Conservationist”  
Dagget, “Collaboration as Teacher”
- 14 Nov 23 **guest speaker: Dr. Ken Bridle, Piedmont Land Conservancy**  
Nov 25 Sherrod, “Working Wildlands”(yes, it’s due on this date)  
**THANKSGIVING BREAK**
- 15 Nov 30 Propst, Davis, Shepard, & Chambers: “Economic Incentives: Conservation That Pays”  
Davis: “What’s Sauce for the Goose...”  
Test 2 review handed out  
Dec 2 *High Country News* discussion 4
- 16 Dec 7 **TEST 2**

**12:00 December 14 (Final exam period): Annotated bibliography and essay due. Extra credit (½ letter grade) if turned in by noon on Reading Day, December 8.**

### Report Form for Annotated Bibliography

Student Name \_\_\_\_\_

Bibliography Topic \_\_\_\_\_

\_\_\_\_\_ **Total number** of annotated sources

\_\_\_\_\_ Total number of academic journal articles

\_\_\_\_\_ Total number of book chapters in scholarly books

\_\_\_\_\_ **Percentage** of academic journal articles or book chapters in scholarly books  
(At least one-third of your sources must be in this category)

\_\_\_\_\_ Total number of online sources with print equivalent

\_\_\_\_\_ **Percentage** of online sources with print equivalent

\_\_\_\_\_ Total number of open website sources with no print equivalent

\_\_\_\_\_ **Percentage** of open website sources with no print equivalent (no more than 10%)

No more than 10% of your sources may be from open websites with no print equivalent. If you think you need more, ask (and ask well before the deadline). Fewer is better.