

ENV/PSC 314 W Wildlife Law and Policy
Spring 2010
MW 2:00-3:15

Dr. Susan Buck
office: 219 Graham
256-0520

How to get in touch with me:

Office hours: Monday through Thursday, 1:00 to 1:45 and by appointment. 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.

e-mail: sjbuck@uncg.edu I don't check email 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 email, don't send attachments.

home phone: _____, **only** between 9:00 and 5:00, Monday through Thursday. If you do not live in the Greensboro calling area, include your area code when you leave your phone number.

Keeping current: You should check "class announcements" in Blackboard and your university e-mail regularly; any schedule changes or new assignments with either be posted or e-mailed to you. If you do miss class, check with a classmate to see what you have missed. It is your responsibility to keep current.

Honor Policy: Students are required to abide by the University Academic Integrity Policy for all work in this course: <http://academicintegrity.uncg.edu/complete>

Electronics: I do not allow the use of computers, cell phones, or any other electronic devices during class unless you have been given permission. Students who violate this policy may be asked to leave class.

Course description: Evolution of American wildlife law with focus on private property , federal-state relations, and federal protection of species, habitat, and Biodiversity; the role of zoos in conservation.

Course objectives: On completion of this course, students will understand the historical development of American Wildlife law and the role of conservation organizations in wildlife protection. They will have improved their analytic and writing skills through analysis of federal court cases and research on assigned topics.

Course requirements and grading:

- | | |
|---------------------------------------|----------------|
| 1. Wrong essay | 50/1000 points |
| 2. In Class Exams (2) 325 points each | 650 |
| 3. Final Exam (take home) | 300 |

I may give short quizzes at the beginning to class to ensure that you are reading the cases and articles. They won't count directly on your numerical grade, but poor scores will affect how much, if at all, I round up when calculating your final grade. I

Attendance policy: I do not generally require class attendance; however, in this class, attendance for field trips is required. The final exam will be based on these field trips. Students who wish to do well in this course should attend all classes; exams are drawn from lectures and class discussions as well as from readings.

Required texts:

Strunk, William, Jr. and E. B. White. 2000. *Elements of Style*, 5th ed. Boston: Allyn and Bacon. (Any edition will do but you must bring it to class on February 1. I do not recommend spending the money for a hardcover version or the silly one with illustrations or the most recent one with a third author.)

Note: Because you will need to pay entry fees for the field trips, I have not required a major text.

Additional resources on reserve at UNCG Library:

Bean, Michael and Melanie Rowland. 1997. *Evolution of National Wildlife Law*, 3rd ed. Westport, CT: Praeger.

Required cases:

All of these cases are available on either Lexis-Nexis (UNCG Library website) or Findlaw.com. Cases on Findlaw are easier to read, so try Findlaw first. make sure you get the right case; often several cases have the same name, so you need to match citations, not names. Cases in **bold** are the ones we will discuss in the most detail in class.

Babbitt v. Sweet Home Chapter, 515 U.S. 687 (1995 (habitat modification on private land))

Baldwin v. Fish and Game Commission of Montana, 436 U.S. 371 (1978) (Montana has differential fee for out of state elk hunters)

Center for Biological Diversity v. Norton, 254 F. 3d 833 (2001, 9th Cir.) (power and obligation of Sec. Interior to list species) [If you search for this one under FINDLAW, spell "Biological" as "Bio logical." It is misspelled on the 9th Circuit's entry in FINDLAW.]

Geer v. Connecticut, 161 U.S. 519 (1896) (state ownership doctrine)

Hughes v. Oklahoma, 441 U.S. 322 (1979) (ban on exporting minnows; state ownership doctrine)

Hunt v. United States, 278 U.S. 96 (1928) (states cannot regulate wildlife on federal land)

Kleppe v. New Mexico, 426 U. S. 529 (1976) (state removed burros from federal land)

Manchester v. Commonwealth of Massachusetts, 139 U.S. 240 (1891) (state can prohibit purse seines)

McCready v. Virginia, 94 U.S. 391 (1876) (Virginia bans out-of-state fishermen planting oysters)

Missouri v. Holland, 252 U. 416 (1920) (state ownership v. treaty power)

New Mexico Cattle Growers Assn. v. United States Fish and Wildlife Service, 248 F. 3d 1277 (2001, 10th Cir.) (critical habitat for flycatcher)

Sierra Club v. United States Fish and Wildlife Service, 245 F. 3d 434 (2001, 5th Cir.) (critical habitat designation)

Smith v. Maryland, 59 U.S. 71 (1855) (federal license overrides state law)

TVA v. Hill ("Snail Darter"), 437 U.S. 153 (1978) (interpretation of ESA)

United States v. Abeyta, 632 F. Supp. 1301 (D.N.M. 1986) (Native Americans may possess eagle parts)

United States v. Boynton, 63 F. 3d 337 (1995) (hunting over baited areas)

United States v. Lee, 937 F.2d 1388 (1991) (importing salmon taken illegally in N. Pacific)

United States v. Fejes, 232 F. 3d 696 (2000, 9th Cir.) (hunting guide liability under Lacey Act)

United States v. FMC Corporation, 572 F. 2d 902 (1978, 2nd Cir.) (migratory birds killed in corporate waste pond)

United States v. Moon Lake Electric Association, 45 F. Supp. 2d 1070 (1999) (protective measures on power lines)

United States v. Thirty-eight Golden Eagles or Eagle Parts, 649 F. Supp. 269 (1986, D. Nevada) (Native Americans may not keep Golden Eagle parts)

Wyoming Farm Bureau Federation v. Babbitt, 199 F. 3d 1224 (10th Cir, 2000) (experimental populations under ESA)

Other required readings for law and policy:

Goble, Dale, J. Michael Scott, and Frank Davis, eds. 2006. *The Endangered Species Act at Thirty*. Washington, DC: Island Press. **Three** selections on Blackboard; the third one is the references for the other two, so you really don't need to read it:

“ESA:History and Numbers”;

“ESA: Habitat”; and

“ESA: Bibliography.”

Buck, Susan J. 2006. “Wild Free-Roaming Horses and Burros Act” in *Understanding Environmental Administration and Law*, 3rd ed. Washington, DC: Island Press, 158-161. Blackboard

Required zoo readings:

History of zoos and ethical concerns

Maple, Terry. 1995. Toward a responsible zoo agenda. In *Ethics on the Ark: Zoos, Animal Welfare, and Wildlife Conservation*, ed. Bryan Norton, Michael Hutchins, Elizabeth Stevens, and Terry Maple, 20-30. Washington, DC: Smithsonian Institution Press. Blackboard

Stevens, P.M.C. and E. McAlister. 2003. Ethics in zoos. *International Zoo Yearbook* 38: 94-101. Journal Finder

Reintroduction; Captive breeding

Beck, Benjamin. 1995. Reintroduction, zoos, conservation, and animal welfare. In *Ethics on the Ark: Zoos, Animal Welfare, and Wildlife Conservation*, ed. Bryan Norton, Michael Hutchins, Elizabeth Stevens, and Terry Maple, 155-163. Washington, DC: Smithsonian Institution Press. Blackboard

Beck, B. B., L. G. Rapaport, M.R. Stanley Price, and A. C. Wilson. 1994. Reintroduction of captive-born animals. In *Creative Conservation: Interactive management of wild and captive animals*, ed. P.J.S. Olney, G.M. Mace, and A.T.C. Feistner, 265-286. London: Chapman & Hall. Blackboard

Wharton, Dan. 2005. Miracle Under Fire. In *State of the Wild*, ed. Sharon Guynup, 256-264. Washington, DC: Island Press. Blackboard

Enrichment

Markowitz, Hall and Cheryl Aday. 1998. Power for captive animals: contingencies and nature. In *Second nature: environmental enrichment for captive animals*, ed. David Shepherdson, Jill Mellen, and Michael Hutchins, 47-58. Washington: Smithsonian Institution Press. Blackboard

Mason, G., R. Clubb, N. Latham, and S. Vickery. 2007. Why and how should we use environmental enrichment to tackle stereotypic behaviour? *Applied Animal Behaviour Science* 102: 163-188. (Notice how “Behaviour” is spelled.) Journal Finder

Poole, Trevor. 1998. Meeting a mammal’s psychological needs: basic principles. In *Second nature: environmental enrichment for captive animals*, ed. David Shepherdson, Jill Mellen, and Michael Hutchins, 83-94. Washington: Smithsonian Institution Press. Blackboard

Seidensticker, John, and Debra Forthman. 1998. Evolution, ecology, and enrichment: Basic considerations for wild animals in zoos. In *Second nature: environmental enrichment for captive animals*, ed. David Shepherdson, Jill Mellen, and Michael Hutchins, 15-29. Washington: Smithsonian Institution Press. Blackboard

Shepardson, D. 1994. Creative Conservation: Interactive management of wild and captive animals. In *Creative Conservation: Interactive management of wild and captive animals*, ed. P.J.S. Olney, G.M. Mace, and A.T.C. Feistner, 167-177. London: Chapman & Hall. Blackboard

Swaigood, Ronald. 2007. Current status and future directions of applied behavioral research for animal welfare and conservation. *Applied Animal Behaviour Science* 102: 139-162. (Notice how “Behaviour” is spelled.) Journal Finder

Zoos and the future

Burke, Katherine. 2005. Searching for a nexus between trust, compassion, and regulation: Colorado’s search for standards of care for private, non-profit wildlife sanctuaries. *12 Animal Law* 39. (Note this citation is in law journal format; the article starts on p 39. It runs to p. 70 but much of it is footnotes which you don’t have to read, so don’t bother to print them.) Journal Finder

Hutchins, M. 2003. Zoo and aquarium animal management and conservation: current trends and future challenges. *International Zoo Yearbook* 38: 14-28. Journal Finder

Hutchins, M. and B. Smith. 2003. Characteristics of a world-class zoo or aquarium in the 21st century. *International Zoo Yearbook* 38: 130-141. Journal Finder

Wrong essay: due 1 February

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*. **Page limit: 2 pages.**

Your score depends on the number of errors, but each kind of error only counts once. We will score these in class: one point for 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.

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. (I realize that *Elements* doesn't cover every possible error, but you should try not to make errors that aren't in *Elements*.)

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 score these in class: one point for 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. NOTE: It's okay to insert the markings by hand. I did the sample on the computer only so it would be easier to load on Blackboard.

Sample:

1	2	
3		

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

1. split infinitive (58)
2. agreement (10)
3. etc. (45)

Exams: 1 March, 5 April, and take-home exam due no later than noon, May 12th. Exams turned in by noon on May 5 will receive 1/2 letter grade extra credit.

In-class exams are short identification and essay. I will post a review sheet about one week before the exam. The final is essay format and may require research.

Writing guidelines:

- * All assignments must be typed, normal margins, 12-point or larger type. The final exam should be double-spaced and on one side of the paper.
- * Do not put an extra space between paragraphs. If your computer program does this automatically, figure out how to fix it.
- * Do NOT use quotations in the final.
- * Use Turabian (Chicago School), parenthetical reference citations:
<http://library.uncg.edu/depts/ref/qil/styles.asp#apa>
- * No folders, covers, or cover pages (it wastes trees).
- * Keep a copy of all work.

- * 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.

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 it 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!

Schedule: subject to revision!

Jan	20	Introduction
Jan	25	lecture: What is wildlife?
	27	lecture continued: Public trust, states rights in wildlife policy
Feb	1	WRONG ESSAY DUE
	3	<i>Smith, McCready, Manchester, and Geer</i>
Feb	8	Federal gov't ascendant & treaty power: Missouri v. Holland , <i>Hughes, Baldwin</i>
	10	State power on fed. land: Hunt , <i>Kleppe</i>
Feb	15	lecture: Federal protection for species (Lacey Act)
	17	United States v. Fejes , <i>Lee</i>
Feb	22	Movie: <i>Wildlife for Sale</i> exam review posted
	24	topic: Migratory Bird Treaty Act; <i>U.S. v. FMC Corp.</i> ; U.S. v. Boynton
Mar	1	Exam 1
	3	topics: Bald Eagle Protection Act, Wild Bird Conservation Act: <i>Abeyta</i> ; <i>U.S. v. Thirty-eight Golden Eagles or Eagle Parts</i> , U.S. v. Moon Lake Electric Assoc.
Mar	8	SPRING BREAK
	10	SPRING BREAK
Mar	15	Read: Buck, "Wild Free-roaming Horses and Burros Act." Movie: <i>Varmints</i>
	17	lecture: Federal-state cooperation: Pittman-Robertson Act (1937), Dingell-Johnson Act (1950), Land and Water Conservation Fund Act (1963)
Mar	22	topic: Endangered Species Act. Read Goble et al. (three selections on BB), <i>TVA v. Hill</i> , Center for Biological Diversity
	24	ESA experimental populations: Wyoming Farm Bureau Federation
Mar	29	topic: Critical Habitat: <i>New Mexico Cattle Growers</i> ; Sierra Club . Private property: <i>Babbitt v. Sweet Home</i> exam review posted
	31	movie: <i>The God Squad</i> .
Apr	5	Exam 2

7 Read all articles under **History of zoos and ethical concerns** and **Reintroduction: Captive breeding**.

Apr 12 speaker: Dr. Ken Bridle, Piedmont Land Conservancy

14 Read all articles under **Enrichment** and **Zoos and the Future**

Saturday April 17: meet at Carolina Tiger Rescue in Pittsboro at 10:30:
<http://www.carolinatigerrescue.org/>

Apr 19 No class

21 No class

Saturday April 24: North Carolina Zoo field trip. Meet at zoo education building (outside the North American area) at 10:30.

Apr 26 No class

28 No class.

Friday April 30: Natural Science Center (Greensboro). Meet at walkway into main building at 1:45.

May 3 Field trips discussion in class. Final exam posted.

Final Exam due May 12 at my office no later than noon. Exams turned in by noon on May 7 will receive 1/2 letter grade extra credit.