America’s Public Lands and Waters – Law and Policy
Environmental Studies 193 PL
Fall 2017

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Class Meets: Mondays and Wednesdays 3:30 – 4:45pm; HSSB 1231
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1. Overview of Course

America’s public lands and waters represent an exciting and dynamic crucible for understanding and addressing complex environmental problems and solutions. Often described as America’s best idea, public lands and waters provide tangible and compelling case studies for the cultural, social, legal and political influences upon environmental issues in our society today, as well as in the past. Understanding and managing public lands and waters requires a challenging and intriguing integration of law, policy, scientific, socio-cultural, economic, historical, political and ethical issues.

Public lands and waters matter, and link human and natural systems. The magnitude, proximity, ecosystem services, historical, transcendent and economic contributions, as well as career opportunities, associated with public lands and waters are significant. The federal government owns and manages over 640 million acres of land in the US, which is 28% of the total US land base. In California, the percentage is 45.8%. Over 41% of all US marine waters are in some
form of a Marine Protected area. UCSB is surrounded by federal public lands and waters, including Los Padres National Forest and the Channel Islands National Park and Marine Sanctuary. For many reasons, the exploration of public lands and waters policy provides an exceptional platform to examine complex environmental issues and create sound solutions.

This is going to be an in depth and engaging class, including the opportunity to learn from and interact with some exceptional guest speakers. Together, we will be exploring the real world of public lands and waters, while securing a firm legal, policy, historic, and conceptual foundation for this multi-sector field.

2. Course Objectives and Competencies to be Gained:

- Ability to understand and discuss the scope of, as well as the legal and policy justifications for, federal public lands and waters in the US
- Ability to describe the major acquisition, disposition, and designation laws, policies and actions creating our system of public lands and waters
- Ability to understand and state the primary public land and water laws governing the federal domain
- Ability to describe the major administrative agencies that manage the public lands and waters, and their primary roles and organic acts
- Ability to understand, articulate and engage in public land and water policy conflicts and controversies
• Ability to articulate the overall legal structure (Congressional, Executive, Judicial) that impacts public land management and use
• Ability to describe the contributions of public lands and waters to the nation
• Ability to ask probing and relevant questions about public land and water policy and implementation
• Ability to describe basic career opportunities associated with public lands and waters, both inside and outside of government
• Ability to describe the major policy and legal challenges to and opportunities for current and future public land and water management
• Ability to research and effectively present information in a simulated Congressional or Administrative hearing context about a selected public land or water controversy

3. Required Text and GauchoSpace:

The book is available at the University bookstore and on Reserve at the UCSB library. The rest of the readings are on GauchoSpace (GS).

This syllabus and other important course information are all available on this course’s GauchoSpace site. All assignments will be turned in on GauchoSpace.

4. Evaluation:
Evaluation will be based on the following 5 components:
Preparation and Class Participation:  20%
Final Paper:                      20%
Oral Presentation:               15%
Mid-Term:                        20%
Final Exam:                      25%

• For **preparation and class participation**, evaluation will be based upon the degree to which the student is able, in response to questions, to explain issues from the assigned reading, to draw conclusions from those issues, to present informed opinions and ideas about the issues being discussed in class, and to ask probing and appropriate questions to the guest speakers and to the students when they are presenting their testimony. Students will be responsible for reading assigned materials prior to each class session, and will be expected to be prepared to discuss those materials in class and respond to questions about the materials and explain the significance of the issues raised in the materials. Students will be expected to attend all classes.

• For the **final paper**, evaluation will be based upon the thoroughness of the investigation of the topic, the logic and soundness of the positions advocated by the student, the clear communication of ideas, the persuasive reasoning and sources shown in the paper, the effective use of graphics and images in the paper, and the cogent and proper use of the English language, including careful editing. Plagiarism will result in an automatic failing grade on the paper. For more information about the final paper, see Section 5 below.
• For the **oral presentation**, evaluation will be based upon the student’s familiarity and comfort with the topic, the succinctness and cogency of the oral presentation, the use of influential and appropriate visual aids, and the effective handling of questioning from both the team and the class. For more information about the final paper, see Section 5 below.

• For the **mid-term**, there will be a multiple choice and fill in the blank in-class exam.

• For the **final**, there will be an in-class essay exam at the conclusion of the class, consisting of 2 or 3 questions.

**5. Final Paper and Oral Presentation**

To prepare and present the final paper --

Students will be responsible for working in groups of four to:

1. agree upon a federal public land or water policy topic;
2. agree upon a proposed legislative or regulatory change;
3. divide the group into
   - (a) an NGO or corporate proponent of the change,
   - (b) an NGO or corporate opponent of the change,
   - (c) a Congressional/agency proponent of the change, and
   - (d) a Congressional/agency opponent of the change;
4. for group members (a) and (b), prepare and present written testimony (10 to 15 pages, double spaced), and one presentation exhibit;
(5) for group member (c), prepare 3 questions for (b) and an opening or internal decision-making statement (8 to 13 pages double spaced) and one presentation exhibit;
(6) for group member (d) prepare 3 questions for (a) and an opening statement or internal decision-making statement (8 to 13 pages double spaced) and one presentation exhibit;
(7) The papers will be due one week prior to the students’ class presentation. The paper is expected to be based mainly on primary-source research materials.
(8) The guidelines for the presentation will be posted on GauchoSpace by Week 2 of class.

6. Resources
• The Writing Lab at the Campus Learning Assistance Services is available to help students with many aspects of writing, including general writing skills, getting started, organizing ideas, making revisions, editing, and proofreading. To schedule an appointment, come to Student Resource Building (SRB) 3231 or visit my.sa.ucsb.edu/clas.

• The Mental Health Peer Program (MHPP) is a UCSB campus resource offering guidance with regard to stress management, anxiety, depression and other related challenges. They offer a range of resources, including psychological counseling services and the Test Anxiety Program (for students experiencing mild to moderate anxiety before and/or during an exam). MHPP is located in Counseling and Psychological Services (CAPS), Building 599. Phone consultations are available 24 hours: (805) 893-4411.
• **Students with disabilities** are encouraged to contact the Disabled Students Program to get documentation of needs and to generate suggestions for reasonable accommodation (room 2120 Student Resources Building, phone: 805.893.2668; email: [DSP.Help@sa.ucsb.edu](mailto:DSP.Help@sa.ucsb.edu)).

**Clarifications.** If you are ever unclear about any of my policies, class materials, subject matter, or assignments, please visit me after class or during office hours for assistance.

7. **Class Parameters**

• **Technology**: Because this class involves so much engagement, computer or phone usage is not allowed by students in the classroom, unless you have documented special needs that require such usage. All electronic products should be turned off during class at all times (including cell phones, PDAs, iPads, and any other handheld device). Usage of such devices during class time will be grounds for your removal. Instead, please bring a paper notebook, writing instrument(s), and the week’s reading materials. Notetaking is highly encouraged.

• **Academic Integrity vs. Misconduct**: You will be responsible for the integrity of your work. Disciplinary action will be pursued in all instances of academic misconduct. Academic misconduct includes (among other things): cheating on assignments or tests;
plagiarizing any part of work done by someone else; and submitting the same (or substantially similar) work for two courses without the professor’s consent. For more information, see the Office of Judicial Affairs page on “Academic Integrity”:
http://judicialaffairs.sa.ucsb.edu/AcademicIntegrity.aspx

• **Class Participation Ground Rules:** The number one ground rule in the classroom is to engage in respectful and considerate discussion and debate. As evident throughout the nation, public lands and waters generate a wide range of opinions. In this class, we will only be engaging in civil discourse. Abusive and disrespectful language will not be tolerated. We are all responsible for keeping harassment and intimidation out of the classroom.

• **Regarding Trigger Warnings:** According to 2014 UCSB A.S. “Resolution to Mandate Warnings For Triggering Content in Academic Settings,” students are hereby informed that some course materials may include references to, descriptions of, and/or presentations of content that could conceivably trigger post-traumatic stress disorder symptoms for persons who have experienced severe trauma. I will do my best to warn students ahead of time if there are materials that might fall within the parameters of this Resolution. Students can opt out of reviewing such materials with no penalty.
Course Schedule
(Please Note: This Schedule and Its Content Are Subject to Change)


Week 1 (October 2 and 4): Federal Public Lands and Waters – Overview of Class and Public Lands
   Class 1
   --Scope/Size, Map and Significance of Federal Public Lands and Waters
   --Introduction to Instructor (me) and what public lands/waters mean to me – played lots of parts in public lands arena
   --Overview of Class, Assignments, and Grading – Need to be Prepared (real life)
   -- For next class: 1) 1st Written Assignment: “What federal public lands/waters in general or in particular mean to you” (1 page); 2) read Wilson, 39-59 and Wilson, Appendix A

Class 2
   --2 readings from students called at random of “What federal public lands/waters mean to you.”
   --Overview of legal system and policy system (constitution, laws, regs, admin action, courts)
--Who are the players? Congress (including relevant committees); White House (including relevant entities like CEQ and OMB); the Agencies (noting both political and non-political EEs); the judiciary; NGOs
--Role of public in public lands/waters
--How it worked as Presidential Appointee and how it worked as ED of an NGO
--Job Opportunities
--Tragedy of the Commons


Week 2 (October 9 and 11): Acquisition of Public Domain and Overall Protection

Class 1
--Acquisition: Original colonies; foreign nations; Indian Tribes; Donation; Purchase (Land & Water Conservation Fund, Migratory Bird Conservation Fund (Duck Stamps)); restoration $’s like EVOS
--Disposition: Homestead
--Constitutional Provisions (State vs. Feds)
--Protection – Withdrawal and Reservation
--Congressional Acts
--Executive Acts: Antiquities Act
--Agency Regulations and Management Plans

--**For next class read:** Read: 1) Wilson, 179-218; 2) lightly skim FLPMA ([https://www.blm.gov/or/regulations/files/FLPMA.pdf](https://www.blm.gov/or/regulations/files/FLPMA.pdf)); 3) “BOR About Us – Fact Sheet” ([https://www.usbr.gov/main/about/fact.html](https://www.usbr.gov/main/about/fact.html))

**Class 2**

-- BLM – Overview
-- History, Mission, FLPMA, Major Challenges/Opportunities
-- Bureau of Recreation (BOR)


**Week 3 (October 16 and 18):**

**Class 1**

-- Forest Service – Overview
-- History, Mission, Major Challenges/Opportunities
-- Discuss case
-- Form groups/ examples of issues (choose issue by end of Week 4)

--**For next class:** 1) read Roadless Rule recommended by Mike Dombek ([https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5050459.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5050459.pdf)), read carefully pages 3244 – 3254 (stop at Tongass discussion) and 3272-3273; skim the rest; 2) Read Biographical
Information about Mike Dombeck and list two sites; 3) prepare 3 questions for guest speaker; 4) read about American Indian Reservations and American Indian and Alaska Native status (https://www.bia.gov/FAQs/); 5) CA tribal lands map (https://www3.epa.gov/region9/air/maps/pdfs/air1100040_3.pdf)

Class 2
-- Indian Reservations
-- Special Guest Speaker: Mike Dombeck, former Chief of the U.S. Forest Service and former Acting Director of the Bureau of Land Management

Week 4 (October 23 and 25):

Class 1
--National Wildlife Refuges – Overview and Major Issues
--History, Mission, Major Challenges/Opportunities
--Department of Defense Lands
-- For next class read: 1) Wilson, 63-104; 2) NPS Organic Act (https://www.nps.gov/parkhistory/online_books/anps/anps_1i.html); very, very lightly skim Channel Islands General Management
Plan:

Class 2
-- National Parks – Overview and Major Issues
--History, Mission, Major Challenges/Opportunities
--For next class: 1) read Wilson, 219-253; 2) Read Wilderness Act (https://wilderness.nps.gov/document/wildernessAct.pdf); 3) prepare brief group statement about what issue you selected and why, what positions you will be taking, and what venue you will be using (1-2 pages)

Week 5 (October 30 and November 1):

  Class 1
  --Wilderness, National Scenic Trails, Wild and Scenic Rivers – Overview
  --History, Major Challenges/Opportunities
  --Students make statements in class about what issue they selected and why
  --Discuss test
  --For next class: Prepare for test

Class 2
-- Test
--Overview of Major Issues and Threats/Opportunities
-- For next class: 1) Read:
2) Read Supreme Court Case (only majority opinion required) Babbitt v. Sweet Home Chapter, Communities for Great Ore. 515 U.S. 687 (1995) (pages 687-708) (https://supreme.justia.com/cases/federal/us/515/687/); 3) Read Biographical Information about Bruce Babbitt and list two sites; 4) prepare 3 questions for guest speaker

Week 6 (November 6 and 8)

Class 1
-- Very Special Guest speakers – Secretary Bruce Babbitt

Class 2
-- Major Management Issues on Public Lands/Waters – Part 1
-- How Rulemaking works (filming example)
-- Climate Change, Fires, Invasive Species, Endangered Species
-- For next class: 1) Reading list from Lois Schiffer (TBA); 2) Read Biographical Information about Lois Schiffer and list two sites; 4) prepare 3 questions for guest Speaker
Week 7 (November 13 and 15)

Class 1
--Public Marine Waters, Marine Sanctuaries, Other
--Guest Speaker: Lois Schiffer, NMFS and DOJ

Class 2
--Major Management Issues on Public Lands/Waters – Part 2
--ORV’s, Inholding/Access, Infrastructure, Concessions, Interpretation, Predators/F&G Management
--Selling Public Lands/ State Control
--Jobs
--For Next Class Read: 1) United States v. Weiss, 642 F. 2d 296 (9th Cir.1981) (https://www.leagle.com/decision/1981938642f2d2961851); 2) Reading list from Rance Wall (note, this looks long but almost every link is only one page: http://aoghs.org/offshore-history/offshore-oil-history/; https://www.boem.gov/ocs-lands-act-history/; https://coast.noaa.gov/czm/act/ (one page summary only; reading legislation entirely optional); https://www.boem.gov/Federal-Offshore-Lands/; https://www.bsee.gov/who-we-are/history; https://www.data.bsee.gov/Production/OCSProduction/Default.aspx);
Prepare 3 Questions for Speaker

Week 8 (November 20 and 22)

*Class 1*
Energy and Mineral Resources on Public Lands/Waters
--NPR-A
--Guest Speaker: Rance Wall, Deputy Regional Director BSEE
--**For next class**: Review student materials and Prepare 4 questions

*Class 2*
--No Class -- Thanksgiving

Week 9 (November 27 and 29)

*Class 1*
--Student Presentations (2)
-- 35 minutes each:
  If Congressional legislation:
  --Opening Statements (5 min/per)
  --Presentations by Advocates (5 min/per)
  --Questions from Panel and Answer (1 each – 2.5 min/per)
  --Questions from Class (4 questions/answers – 2.5 min/per)
If Agency regulation:
--Presentation by Advocates (5 min/per)
--Questions from Panel and Answer (1 each – 2.5 min/per)
-- Questions from Class (4 questions/answers – 2.5 min/per)
--Presentations to Secretary/Director (5 min/per)
-- **For next class:** Review student materials and Prepare 4 questions

**Class 2**
-- Student Presentations (2)
-- **For next class:** Review student materials and Prepare 4 questions

Week 10 (December 4 and 6))

**Class 1**
-- Student Presentations
-- **For next class:** Review student materials and Prepare 4 questions

**Class 2**
-- Student Presentations
-- **For end of class:** Prepare for Final

Week 11 – Final – Establish Date/Time