

**PSc 403g/603g: Land and Water Policy**  
Class Time: Tuesday, Thursday, 5:30-6:45pm, AB 110

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Instructor:	Derek Kauneckis, Ph.D.	Office:	MSS, Room 237
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Hours:	or by appointment		

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**Description:** This course will examine the theory and practice of natural resource policy. While focusing exclusively on land and water resources, the principles and approaches covered are applicable to a wide range of resource management issues. The course is designed to provide an introduction to a variety of theoretical approaches to natural resource policy, as well as cover a number of specific substantive issues in land and water policy. The study of public policy stands at the edge of law, economics and politics, and as such, we will draw from literature in all three fields. Land policy will focus on property rights and land use regulation, public land management and regional approaches to terrestrial resource management. Water policy will examine water rights and regulations, theoretical approaches to water management, and watershed approaches. We will also look at contemporary policies for dealing with problems at the land/water interface in terms of coastal management, contaminated sediments and wetlands. By the end of the semester students will have been introduced to a number of theoretical approaches to natural resource policy, as well as having developed in-depth knowledge of a variety of specific policy areas.

**Prerequisites:** While there are no prerequisites for this course, it is assumed that students have taken at least one policy-related course in law, political science or economics. If not, please speak with the instructor and you will be provided with a short list of introductory readings.

**Required Texts:** There are two books required for this course as well as various individual readings that have been posted to WebCT. It is your responsibility to read each assignment before the date a reading has been assigned. I recommend printing course material from WebCT well in advance of due dates, since there are often technical problems with the server that prevent accessing material at the last minute. Supplemental readings may also be handed out in class.

Swimming Upstream: Collaborative Approaches to Watershed Management, Ed. Sabatier, Paul, Will Focht, Mark Lubell, Zev Trachtenbert, Arnold Vedlitz, and Marty Matlock. MIT Press: Cambridge.

Common Waters, Diverging Streams: Linking Institutions and Water Management in Arizona, California, and Colorado. Wiliam Blomquist, Edella Schlager, and Tanya Heikkila. RFF Press: Washington, D.C.

Additional readings are posted on WebCT.

**Requirements:**

Class Participation (10%): Class participation is critical to your success in this course. There are numerous in-class activities that require attendance and the class is designed as a mix of lecture and discussion. Students are expected to stay abreast of current events in the media and be prepared to discuss them in class. It is important that you are vocal and raise interesting issues throughout the class. You activity earn your participation credit throughout the course and all students begin with zero participation points. Periodically check your participation score in WebCT to determine your status.

Attendance will be taken using in-class exercises. There are no make-ups for in-class assignments if you are late or miss a class. You are allowed to miss up to 3 classes without penalty. Every additional absence will count as 3% of your grade. There are no excused absences for any reason, so please use your three absences wisely and plan for contingencies.

Mini-Essay Exercises (30%): There are a total of 8 short written exercises. These are an important part of your class grade as well as being critical for exam preparation. Rather than write a large research paper at the end of the semester, you will be writing a series of very short essays based on the readings. Mini-essays will address specific questions associated with each week's readings. These one-page essays are a way to organize ideas prior to class meetings as well as provide useful study guides for the exams. Each student will be required to write a total of 6 mini-essays on reading that they will be assigned. These will be graded from 1-10 points and should be written with the same care you would give an essay assignment. Mini-essays must be submitted to the instructor by 6pm the day prior to when we will be covering that reading. Late assignments will not be accepted under any circumstances. Early submissions are always welcome. The format of the mini-essay is one-page of single spaced text in 12-point font with one inch margins. Some mini-essays must be submitted by everyone (indicated by \* on the reading list), others are left to the student to choose (indicated by a letter designation). Not doing a mini-essay does not excuse a student from not doing that week's readings you are still expected to have done the reading and will be expected to know the material for exams and answering questions during class.

Midterm Exam (30%): The midterm will cover material from the first half of class. It will include a mix of fill-in questions, short answer and multiple choice.

Final Exam (30%): The final is comprehensive; however it will focus on material from the second half of class.

**Course Policies:** All assignments are due at the beginning of the class period when they are due.

If you cannot turn in an assignment on time, it is your responsibility to contact the instructor at least three days before the deadline. If you have an emergency situation, please leave a message at the office. Late assignments will only be accepted under exceptional circumstances, with advanced permission from the instructor, and may receive a 10% reduction per day.

I expect all students to treat the class as a professional event. This means extending common courtesy to classmates and providing work in a timely and acceptable manner. Class work should be of the same quality you would submit to an employer. All assignments should be stapled, typed, have standard one-inch margins and use 12-point font. Sloppy, handwritten, unstapled assignments may not be accepted, and at a minimum will receive a 10-20% reduction. If you disagree with a grade you have received, you may discuss it with the instructor during office hours only. Email messages requesting grade changes will not receive a reply.

WebCT is an important component of the class, and will generally be used to communicate with other students and post grades. Communications to students will generally occur via WebCT or your UNR email account, so it is important that you check those accounts periodically. Contact with the instructor should be via the above email address, not WebCT.

There is an extremely strict policy against plagiarism in this course. While you are encouraged to work with other students, you must submit your own written work. If you have any doubt what constitutes plagiarism, please check with the instructor or the campus writing center. You are responsible for knowing the guidelines. Plagiarized work will receive a failing grade for the course and be reported as academic misconduct for further disciplinary action. Expulsion from the University will be recommended.

Students with documented disabilities should contact the instructor as soon as possible in order to ensure adequate accommodations.

## Course Outline

<i>Date</i>	<i>Topic</i>	<i>Reading / Assignment</i>	<i>Mini-essay</i>
Tu 8/29	Class introduction	Syllabus	
Th 8/31	Foundations of Natural Resource Policy	Hardin, Garrett (1968), "The Tragedy of the Commons", <i>Science</i> , 162:1243-48.  Schmidt, Allen (1995), "The Environment and Property Rights Issues", <u>Handbook of Environmental Economics</u> , Daniel Bromley (ed.).  Bromley, Daniel (1991), "Property, Rights, and Property Rights", Ch. 1, <i>Environment and Economy</i> . Blackwell Press: Cambridge.	
<b>The Property Rights Approach to Natural Resource Management</b>			
Tu 9/5	Private Property	"The Owner as Planner". Ch 7, In <u>Land Use and Society: Geography, Law and Public Policy</u> , Rutherford Platt (2004), Island Press: Washington D.C.  de Alessi, Louis, "Gains from Private Property", From <u>Property Rights: Cooperation, Conflict and Law</u> , Ed. Terry Anderson and Fred McChesney (2003).	1a
Th 9/7	Common Property	Ostrom, Elinor, Joanna Burger, Christopher Field, Richard Norgaard, David Policansky (1999), "Revisiting the Commons: Local Lessons, Global Challenges." <i>Science</i> (9 April), v. 284.  Ostrom, Elinor. (2000). "Private and Common Property Rights." In Bouckaert, Boudewijn and Gerrit de Geest (Ed.), <u>Encyclopedia of Law and Economics, Civil Law and Economics</u> (Vol. II, pp. 332-379). Cheltenham, England: Edward Elgar.	1b
Tu 9/12	Government Property and the Public Trust Doctrine	Wiebe, K., A. Tegene, and B. Kuhn (1998). "Land Tenure Land Policy, and the Property Rights Debate" in <u>Who Owns America?, Social Conflict Over Property Rights</u> , Ed. Harvey Jacobs.  Sax, Joseph. (1970). "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention." <i>Michigan Law Review</i> , 68 (471).	1c
Th 9/14	The Takings Issue	Epstein, Richard (2002), "The Ebbs and Flows in Takings Law: Reflections on the Lake Tahoe Case", <i>Cato Supreme Court Review</i> .  Radin, Margaret Jane, (1988). "The Liberal Conception of Property: Cross Currents in the Jurisprudence of Takings", <i>Columbus Law Review</i> , 88(1667), 1668-78.	1d
Tu 9/19	Beyond the Public / Private Dichotomy	"Rousseau's Revenge: The Demise of the Freehold Estate, Daniel W. Bromley (1998)." in <u>Who Owns America? Social Conflict Over Property Rights</u> , Harvey Jacobs, University of Wisconsin, Madison.  "Property Pluralism", Charles Geisler (2000), in <u>Property and Value: Alternatives to Public and Private Ownership</u> .	2a

Th 9/21	A Framework for Property Rights Analysis	Schlager, Edella, & Elinor Ostrom. (1992). "Property-Rights Regimes and Natural Resources: A Conceptual Analysis." <i>Land Economics</i> , 68 (3), 249-262.	2b
<b>Land Resources</b>			
Tu 9/26	Land Regulations and Zoning	Doebele, William. (1983). "Concepts of Urban Land Tenure." In <u>Urban Land Policy: Issues and Opportunities</u> . New York: Oxford University Press.	2c
Th 9/28	Compensable Regulation and Transferable Development Rights	Kopits, Elizebeth, Virginia McConnell and Margaret Walls (2003), "Market Approach to Land Preservation." RFF, Resources (Spring).	2d
Tu 10/3	Public Goods on Private Lands	Merenlender, A., L. Huntsinger, G. Guthey, and S. Fairfax (2004), "Land Trusts and Conservation Easements: Who is Conserving What for Whom?", <i>Conservation Biology</i> , 18(1): 65-75.	3a
Th 10/5	Community Land	Souder, Jon and Sally Fairfax (2000) "In Land we Trusted: State Trust Lands as an Alternative Theory of Public Land Ownership", in <u>Property and Value: Alternatives to Public and Private Ownership</u> .	3b
Tu 10/10	Local Government Land Management	"Local Government Perspectives of Federal Land Management in Nevada", Simon, Christopher and John Dobra (2003). <i>Land Use Policy</i> , 20: 275-290.	3c
Th 10/12	Federal Lands Management	Lehmann, Scott, "Federal Lands, Past and Present", (1995), Ch. 2, <u>Privatizing Public Lands</u> , New York: Oxford University Press.  McGreggor, R. and John Freemuth, "A Critique of the Multiple Use Framework in Public Lands Decisionmaking", (1997) in <u>Western Public Lands and Environmental Politics</u> , ed. Davis.	3d
Tu 10/17	The Debate on Privatizing Public Lands	Lehmann, Scott, "The Case for Privatization" & "The Ethics of Privatization." (1995), Chs. 3 & 4, from <u>Privatizing Public Lands</u> , New York: Oxford University Press.	4a
Th 10/19		<b>Midterm Exam</b>	
Tu 10/24	Regional Approaches – Ecosystem Management	Welner, Jon (1995), "Natural Communities Conservation Planning: An Ecosystem Approach to Protecting Endangered Species", <i>Stanford Law Review</i> , 47(2): 319-361.  "Land Programs: Regional, State, Federal". Ch. 11, In Rutherford Platt, (2004), <u>Land Use and Society: Geography, Law and Public Policy</u> . Washington D.C.: Island Press.	4b

Water Resources			
Th 10/26	Water Rights	“Currents and Eddies: An Introduction to Water Resource Issues.” pp: 1-20; “Riparian Rights” pp: 20-30; “Prior Appropriation” pp: 98-150.; in <u>Legal Control of Water Resources</u> , (2000) Sax, Joseph, Barton Thompson, John Leshy, Robert Abrams. West Group: MN.	5 *
Tu 10/31	Water Markets	Bauer, Carl, “Bringing Water Markets Down to Earth: The Political Economy of Water Rights in Chile, 1976-95”, <i>World Development</i> , 25(5): 639-656.  Breetz, Hanna L., Karen Fisher-Vanden, Hannah Jacobs, and Claire Schary (2005), “Trust and Communication: Mechanisms for Increasing Farmers' Participation in Water Quality Trading”, <i>Land Economics</i> , 81(2): 170-190.	4c
Th 11/2	Water Management Approaches in the US	Wilds, Leah and Richard Acton, “The Saga Continues: Implementing the Negotiated Settlement.” <i>Nevada Historical Society Quarterly</i> , Summer (2005), 315-332.  <u>Swimming Upstream</u> , Sabatier, et al., Ch. 1-3	6a
Tu 11/7	Collaborative Processes in Watersheds	<u>Swimming Upstream</u> , Sabatier, et al., Ch. 4, 5, 6.	6b
Th 11/9	Explaining the Success of Watershed Partnerships	<u>Swimming Upstream</u> , Sabatier, et al., Ch. 7-9.	6c
Tu 11/14	Institutional Approaches to Water Management	<u>Common Waters, Diverging Streams</u> , Blomquist, et al., Ch. 1-3	7a
Th 11/16	How Institutions Matter	<u>Common Waters, Diverging Streams</u> , Blomquist, et al., Ch 4-6	7b
Tu 11/21	Policy Change	<u>Common Waters, Diverging Streams</u> , Blomquist, et al., Ch. 7-8.	7c
Th 11/23	<i>Thanksgiving</i>		
Tu 11/28	Policy Recommendations	<u>Common Waters, Diverging Streams</u> , Blomquist, et al., Ch. 9.	7d

Resources at the Land/Water Interface			
Th 11/30	Wetlands: Regulatory approach	O'Leary, Rosemary (1994). "The Bureaucratic Politics Paradox: The Case of Wetlands Legislation in Nevada." <i>Journal of Public Administration Research and Theory</i> , 4(4): 443-68.	8a
Tu 12/5	Wetlands: Market-based approach	The Future of Wetlands Mitigation Banking, Leonard Shabman and Paul Scodari, Choice, 2005, 20(1).  "Paving the Road to Wetlands Mitigation Banking." Neal, Jennifer. <i>Boston College Environmental Affairs Law Review</i> , Fall 99, Vol. 27 Issue 1.	8b
Th 12/7	Coastal Management	Titus, James, (1998) "Rising Seas, Coastal Erosion, and the Takings Clause: How to Save Wetlands and Beaches without Hurting Property Owners." <i>Maryland Law Review</i> , 57(4).  Lubell, Mark. (2004). "Resolving Conflict and Building Cooperation in the National Estuary Program." <i>Environmental Management</i> , 33 (5), 677-691.	8c
Tu 12/12	Review		
Tu 12/19		<b>Final Exam, 4:30 – 6:30pm</b>	

Note: Like most things in life, this syllabus is a work in progress. Thus I reserve the right to change the schedule to accommodate any unforeseen circumstances. All changes will be announced in class and posted online.