

## **Level II Proposal to Establish a Natural Resource Conflict Resolution Certificate**

### **Description of Program**

The Natural Resource Conflict Resolution (NRCR) Program will provide graduate students an in-depth knowledge of the theory and practice of building agreements and resolving disputes among people with diverse interests and viewpoints. The program will be administered by one of the participating schools and colleges. The NRCR Program will be co-sponsored by the School of Law, the College of Forestry and Conservation, the School of Business Administration, and the College of Arts and Sciences.

To be admitted to the program, students must first be admitted to a graduate program, such as law, forestry and conservation, environmental studies, public administration, and so on. Students interested in the NRCR Program must then meet with the program director to review the program requirements and discuss potential opportunities for a “practical experience.” Students are required to submit a short application. The applications will be reviewed and acted upon by an Admissions Committee of the faculty.

The requirements for the NRCR Program (an 18 credit curriculum) will be embedded within a student’s graduate program. In some cases, students may be required to spend additional time and effort to achieve the level of specialization offered by the NRCR Program. Graduate students who complete the necessary requirements of the NRCR Program and their respective graduate program will be awarded a Certificate of Achievement in Natural Resource Conflict Resolution.

### **1. Pedagogical Objectives and Competencies**

The Natural Resource Conflict Resolution Program is designed to foster an appreciation and working knowledge of the theoretical and practical aspects of preventing and resolving disputes related to social, economic, and environmental interests.

### **Theoretical Principles and Concepts**

- The history and sources of conflict.
- The legal, institutional, political, and cultural context of natural resource and environmental conflicts and their resolution.
- Alternative approaches to govern natural resources, engage citizens in public decisions, and resolve natural resource and environmental conflicts.
- The role of scientific experts and technical information in shaping public policy and resolving natural resource and environmental disputes.
- Development and analysis of policy options.
- The conceptual framework for multi-party negotiation, defined as inclusive, informed, deliberative approaches to public dialogue
  - Key principles for two-party and multi-party negotiation
  - Four phase process for public dialogues
  - The roles “participants” versus “process managers”

- The application of multi-party negotiation theory to:
  - Community-based collaboration
  - Planning and environmental impact assessment
  - Administrative rulemaking
  - Policy dialogues
  - Inter-agency coordination
  - Multi-jurisdictional disputes
  - Court-annexed alternative dispute resolution
- Alternative methods to evaluate the effectiveness of collaboration and other approaches to shape public policy and resolve natural resource disputes

### Practical Skills and Abilities

- Assess the situation
  - Identify issues and interests
  - Clarify options for citizen participation and public dispute resolution
  - Determine if and when negotiation, collaboration, or consensus building is appropriate
- Design the process
  - Tailor the process to meet the needs and interests of stakeholders, and in a way that respects legal, political, biological, and other constraints
  - Determine who needs to be involved
  - Clarify the role of public officials, scientific and technical experts, and others
  - Clarify what issues will be addressed, and in what sequence
  - Identify what information is needed, and how it will be gathered, analyzed, and interpreted
  - Clarify how decisions will be made, and what will happen if there is no agreement
  - Develop strategies to keep constituents and the general public informed, and to seek their input
- Deliberate and Decide
  - Clarify participant's interests and best alternatives to a negotiated agreement;
  - Create value through brainstorming and other techniques;
  - Claim value by identifying issues and interests that people value differently;
  - Sequence issues and package alternatives
  - Manage communications between representatives and their constituent groups in a way that maintains the flow of information and facilitates organizational commitment to the decision
  - Manage effective meetings
- Respond to Common Problems
  - Link multi-stakeholder dialogues to larger public participation processes
  - Engage unaffiliated citizens
  - Manage scientific and technical uncertainty through joint fact finding
  - Deal with difficult people
  - Link the outcomes of ad hoc collaborative processes to formal decision-making processes

- Monitoring and evaluating implementation through adaptive management.

## 2. Requirements

Graduate students enrolled in the Natural Resources Conflict Resolution Program must complete the following 18-credit curriculum:

|                                                                                                                                                                                            |                                                                                      |           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-----------|
| LAW 613                                                                                                                                                                                    | Natural Resource Dispute Resolution                                                  | 3 credits |
| FOR 473                                                                                                                                                                                    | Collaboration in Natural Resource Decisions                                          | 3 credits |
| LAW/FOR/EVST/BUS/COMM                                                                                                                                                                      | Practical Experience (1)                                                             | 3 credits |
| Choose 9 credits from at least two different departments or schools, to be approved by the program director and the dean of the participating school or college. Suggested courses follow: |                                                                                      |           |
| • LAW 672                                                                                                                                                                                  | Alternative Dispute Resolution                                                       | 3 credits |
| • LAW 641                                                                                                                                                                                  | Negotiation                                                                          | 2 credits |
| • COMM 595                                                                                                                                                                                 | Rhetoric and Environmental Decisions                                                 | 3 credits |
| • EVST 531                                                                                                                                                                                 | Citizen Participation in Environmental Decisions                                     | 3 credits |
| • FOR 595                                                                                                                                                                                  | Advanced Problems in Natural Resources<br>Policy                                     | 3 credits |
| • Other courses                                                                                                                                                                            | Upon approval of the Faculty Advisory Committee and the Academic Oversight Committee |           |

All of these courses are currently available on the Missoula campus.

### **Documented Need**

As citizens and leaders struggle to integrate social, economic, and environmental interests with the intent of sustaining both communities and landscapes, the governance of natural resources is increasingly defined by an endless stream of disputes. These disputes are often characterized by multiple parties, competing values and interests, changing demographic and economic variables, complex scientific and technical information, fragmented political geography, conflicting legal mandates, and concern over the fundamental question of who should decide how resources should be used. During the past 30 years, people who care about natural resources and sustainable development have realized that one of the most effective ways to resolve these types of disputes is through negotiation, collaboration, and consensus building. These processes are becoming more common throughout North America as well as the world. Consequently, it is imperative that future leaders in the natural resource profession have a working knowledge of the theory and practice of such processes.

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<sup>1</sup> To test and refine the knowledge, skills, and abilities they have learned in the classroom, students will be required to gain “real-world practical experience” that provides a balanced view of all viewpoints in natural resource and environmental conflict resolution. This requirement will be fulfilled through an appropriate internship, clinic, or other venue, culminating in a project that allows the student to demonstrate a balanced understanding of the issues. Students will work with the program director to identify appropriate practical experiences, using the Internship Office and other university resources. The program director and the student’s primary advisor must approve the practical experience prior to initiation. After the real-world experience, the student must prepare and present a written memorandum that critically reflects on the practical experience within the context of the theory and skills they have learned through the academic courses. Students must present their findings and conclusions at an appropriate colloquium that would be open to anyone who would like to participate. The memorandum should be about ten pages, and will be reviewed by the program director.

Surprisingly, there is no academic program within an institution of higher learning in the Rocky Mountain West that specializes in research and education on the most effective ways to resolve natural resource and environmental conflicts. The University of Montana, with the active support of an interdisciplinary team of faculty from its School of Law, College of Forestry and Conservation, School of Business Administration, and the College of Arts and Sciences, proposes to create a Natural Resource Conflict Resolution Program at The University of Montana, Missoula. Given the uniqueness of such a program in the Rocky Mountain West, along with the tremendous resources available at UM and throughout Montana, such a Program has the potential to emerge into a “destination” program at UM.

### **Additional Courses**

No additional courses are required to establish the proposed program. However, there is some interest among a number of faculty in developing a course (down the road) on international, cross-cultural environmental conflict resolution, and some of the faculty have already started talking about how to revise their courses to create a more robust curriculum.

### **Adequacy of Current Resources**

The costs to initiate and administer this program (staff time, brochures, web site) will be absorbed by the Vice President for Research and Development.

### **Accreditation Status**

Not applicable.

### **Assessment Plan**

The Deans of the School of Law, College of Forestry and Conservation, and the College of Arts and Sciences, along with the Dean of the Graduate School, will serve as the *Academic Oversight Committee*. The Committee will meet at least once every year to review the academic integrity and success of the program, and respond as necessary to any issues or concerns. The Committee will include:

E. Edwin Eck, Dean, School of Law  
Perry Brown, Dean, College of Forestry and Conservation  
Jerry Fetz, Dean, College of Arts and Sciences  
Larry Gianchetta, Dean, School of Business Administration  
Dave Strobel, Dean, Graduate School

Interested faculty from each of the co-sponsoring academic units will serve on a *Faculty Advisory Committee*, periodically meeting to assess progress and to identify and resolve problems. To date, the following faculty have agreed to participate on the *Faculty Advisory Committee*:

Jill Belsky, Professor, Department of Society and Conservation  
Jim Burchfield, Associate Dean, College of Forestry and Conservation  
Len Broberg, Associate Professor, Environmental Studies Program  
William Corbett, Professor, School of Law  
Maureen Fleming, Professor, Department of Marketing and Management  
John Horwich, Professor, School of Law  
Charles Keegan, Research Professor, School of Business Administration  
Martin Nie, Assistant Professor, Department of Society and Conservation  
Steve Schwarze, Associate Professor, Department of Communication Studies  
Fritz Snyder, Associate Dean, School of Law  
Jon Tompkins, Chair, Department of Political Science

To demonstrate achievement of the pedagogical objectives and competencies, each student enrolled in the program will be required to develop a portfolio of the activities they participate in relative to the program. The portfolio may include research papers, letters of reference from faculty or employers, presentations, conferences attended, and so on.

#### **Additional Faculty Requirements**

None.

#### **Impact on Facilities**

None.

#### **Cost Analysis**

No new resources are required to create and administer this program. The costs to initiate and administer the program (staff time, brochures, web site, and so on) will be absorbed by the Vice President for Research and Development.

Resident Graduate tuition (\$3812.40 for 12 credit hours/year) for 5 students in the first year (\$19,062) and 10 students in the subsequent years (\$38,124) will offset costs of the program (.25 FTE administrator = \$23,660; communications costs \$1500).

**BUDGET ANALYSIS**

|                                                                |               |             |               |             |               |             |
|----------------------------------------------------------------|---------------|-------------|---------------|-------------|---------------|-------------|
| <b>Proposed Program: Natural Resources Conflict Resolution</b> |               |             |               |             |               |             |
| <b>Campus: The University of Montana--Missoula</b>             |               |             |               |             |               |             |
|                                                                | <b>Year 1</b> |             | <b>Year 2</b> |             | <b>Year 3</b> |             |
| <b>Estimated Enrollment</b>                                    | 5             |             | 10            |             | 10            |             |
| FTE Enrollment                                                 | 5             |             | 10            |             | 10            |             |
| <b>Estimated Incremental Revenue</b>                           |               |             |               |             |               |             |
| Use of Current General Operating Funds                         |               |             |               |             |               |             |
| State Funds                                                    |               |             |               |             |               |             |
| State Funding for Enrollment Growth                            |               |             |               |             |               |             |
| Tuition Revenue                                                | \$19,062      |             | \$38,124      |             | \$38,124      |             |
| A. Gross Incremental Tuition Revenue                           |               |             |               |             |               |             |
| B. Reductions to Incremental Tuition                           |               |             |               |             |               |             |
| C. Net Applied Tuition Revenue (A-B)                           | →             | \$19,062    | \$38,124      | \$38,124    |               |             |
| Program Fees                                                   |               |             |               |             |               |             |
| External Funds                                                 |               |             |               |             |               |             |
| Other Funds                                                    |               |             |               |             |               |             |
| <b>TOTAL Estimated Revenue</b>                                 |               |             |               |             |               |             |
| <b>Estimated Incremental Expenditures</b>                      |               |             |               |             |               |             |
|                                                                | <b>FTE</b>    | <b>Cost</b> | <b>FTE</b>    | <b>Cost</b> | <b>FTE</b>    | <b>Cost</b> |
| Personal Services                                              | .25           | \$23,660    | .25           | \$23,660    | .25           | \$23,660    |
| Operating Expenses                                             | \$1500        |             | \$1500        |             | \$1500        |             |
| Equipment                                                      |               |             |               |             |               |             |
| Start-up Expenditures                                          |               |             |               |             |               |             |
| <b>TOTAL Estimated Expenditures</b>                            |               |             |               |             |               |             |
| <b>Estimated Revenues Over/Under ( - ) Expenditures</b>        | (-\$4,748)    |             | \$13,964      |             | \$13,964      |             |

## **Enrollment Impact**

As mentioned above, there apparently is no academic program in the Rocky Mountain West that focuses on natural resource and environmental conflict resolution. Given the growing number and intensity of such disputes, both regionally and around the globe, this program has the potential to become a “destination” program. In the future, people from different disciplines, sectors, and countries are likely to come to The University of Montana specifically to take advantage of the university’s emerging expertise in all aspects of preventing and resolving disputes involving social, economic, and environmental interests.

The first year enrollment is expected to be five students, and the second year enrollment is expected to be 10 students. The maximum enrollment given current available resources is 10 students.

As explained above, students must first be admitted to a graduate program, such as law, forestry and conservation, environmental studies, public administration, and so on. Students interested in the NRCR Program must then meet with the program director to review the program requirements and discuss potential opportunities for a “practical experience.” Students will be required to submit a short application to the program describing their background, aspirations, and how this program may help them achieve their goals.

Students who complete the program will receive a Certificate of Achievement in Natural Resource Conflict Resolution, which will help them communicate to future employers that they have acquired a working knowledge of the theory and practice of preventing and resolving natural resource disputes. Given the controversies around natural resources, this is an increasingly valuable, if not imperative, set of skills for people who plan to work in any natural resources arena.

## **Relationship to Other Campus Programs**

The NRCR Program is an interdisciplinary program, will be administered by one of the participating schools and colleges--School of Law, College of Forestry and Conservation, School of Business Administration, and the College of Arts and Sciences.

## **Relationship to Other Institutions**

Not applicable.

## **Description of Proposal Development Process**

The Director of the Public Policy Research Institute consulted with all of the deans and faculty mentioned above, along with the Provost, in developing this proposal. He also consulted with colleagues at the MIT-Harvard Program on Public Disputes, the University of Virginia’s Institute for Environmental Negotiation, and the University of Michigan’s School of Natural Resources and Environment.

## **Comments on the Natural Resources Conflict Resolution Program**

10/10/04

Matt McKinney

Re: Natural Resource Conflict Resolution Program

Dear Matt:

Have reviewed the documents submitted on October 4th and would suggest the following additions and or modifications.

Required Courses:

Which selected public meetings will be attended and would these meetings be based on finding a compromise solution, (ie: environmentally sound natural resource extraction) or would the public meetings be agenda driven?

Alternative Dispute Resolutions:

Within the "wisdom of Soloman", mediation must be based on bringing a balance to the two opposing sides and by being neutral to the dispute.

Elective Courses: (add)

A required course should be an introduction to the successful environmentally sensitive extraction disciplines which manage our natural resources and protect our environment. A field trip would be mandatory for students to experience, in a hands on experience, the extraction of our natural resources, be it timber, minerals or gas/oil. This course would provide an overview study of various land management options based on the best available science and best forest management techniques.

Partners in Practice

Included with the "Partners in Practice" should be a representative from the Mt. Logging Association, or the Mt. Coal Council, or the Mt. Mining Association.

Learning Objectives and Competencies

Included within this section should be that the basis of the course is to identify common ground and reach a consensus agreement based on the best available science without predetermined agendas.

Environmental Studies Program: (Overview)

It would appear that the current environmental studies program has an emphasis on restricting, reducing or eliminating any natural resource extraction industry. The committee we formed to review the direction of the environmental studies program has struggled with the content of the

program as well as it's obvious bias against the extraction industry. Add balance to this program by placing the emphasis on finding an environmentally sound way to promote the extraction industry based on the best available science. Let us together look for solutions to manage our resources, create high paying jobs and protect our environment. Our nation will require those natural resources for future generations. Would it not be better to promote extraction in the United States which has in place environmental controls rather than in a third world country which has no controls at all?

Sincerely,

Senator Rick Laible

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Matt,

I think this program is a good idea, I think it has great promise in other areas also. I think it should be expanded to include things like hunter/landowner access issues, reclamation of gas and oil sites, conflicts of lease agreements between landowners and oil companies and many others. There are many areas of conflict in the state -- how flexible will the curriculum be?

Later,

Senator Jon Tester

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Hi Matt, John, and George,

I certainly think this is a step in the right direction and am supportive of this move. I do believe however that it may improve the concept to augment or add (in the first semester) more and perhaps, on the ground, background from the various stakeholders, so that the students are thoroughly exposed to the broad spectrum of viewpoints at the outset of the program. How ever you choose to pursue this , I think program has merit and hope the regents will too. Thanks also for the opportunity to comment. Senator

Senator John Esp  
Big Timber

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Matt-

The Montana Contractors' Association is pleased to see the University of Montana initiate the Natural Resources Conflict Resolution Program. We believe this is a positive step toward more constructive public policy debates on issues critical to Montana, and we appreciate the University addressing our concerns in a proactive manner.

Please let us know if we can assist in identifying speakers or programs. Thank you for keeping us apprised of developments.

Cary Hegreberg,  
Montana Contractors' Association

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Hi Matt:

Great job and good to see you the other evening. I wasn't able to attend the rest of the conference as I was at the WETA meeting in Kalispell, but I've heard good comments.

Julie Altemus  
Montana Logging Association

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