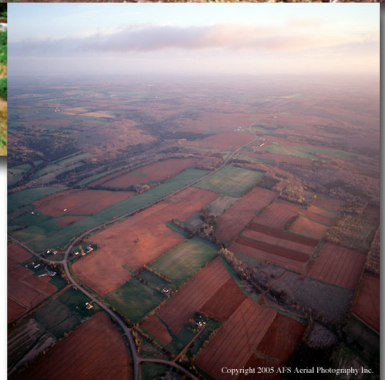
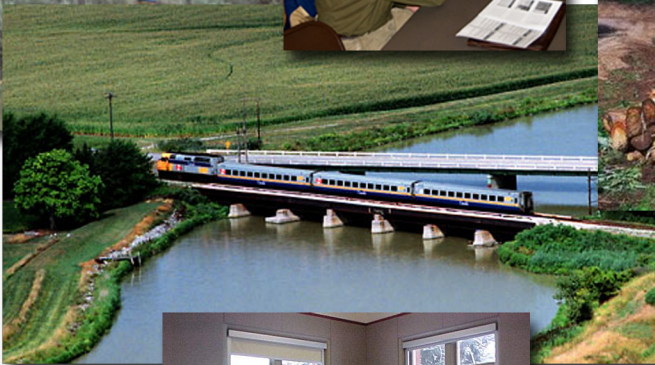


NATURAL RESOURCES Conflict Resolution Program



The University of
Montana

Center for Natural Resources
and Environmental Policy



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UM College of Arts and Sciences
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WHY EARN A CERTIFICATE IN NATURAL RESOURCES CONFLICT RESOLUTION?

Conflicts over natural resources and environmental quality are ubiquitous. Regardless of your chosen profession - law, policy, business, science, management, planning, advocacy, etc. - you most likely will be engaged in multi-party, public processes that have some element of conflict. The Natural Resources Conflict Resolution Program will prepare you to be an effective participant in such situations. It will also provide you with a Certificate of Achievement that will demonstrate to current and future employers your expertise in this subject, and thereby help distinguish you from your colleagues.

The Natural Resources Conflict Resolution Program at The University of Montana is the only graduate-level certificate program of its kind in North America. As an interdisciplinary, university-wide program, it is co-sponsored by the School of Law, the School of Business Administration, the College of Forestry and Conservation, and the College of Arts and Sciences. It regularly includes students and faculty from Anthropology, Communication Studies, Environmental Studies, Forestry, Geography, International Conservation, Law, Political Science, Resource Conservation and Society, Sociology, and Wildlife Biology.

For more information, contact:

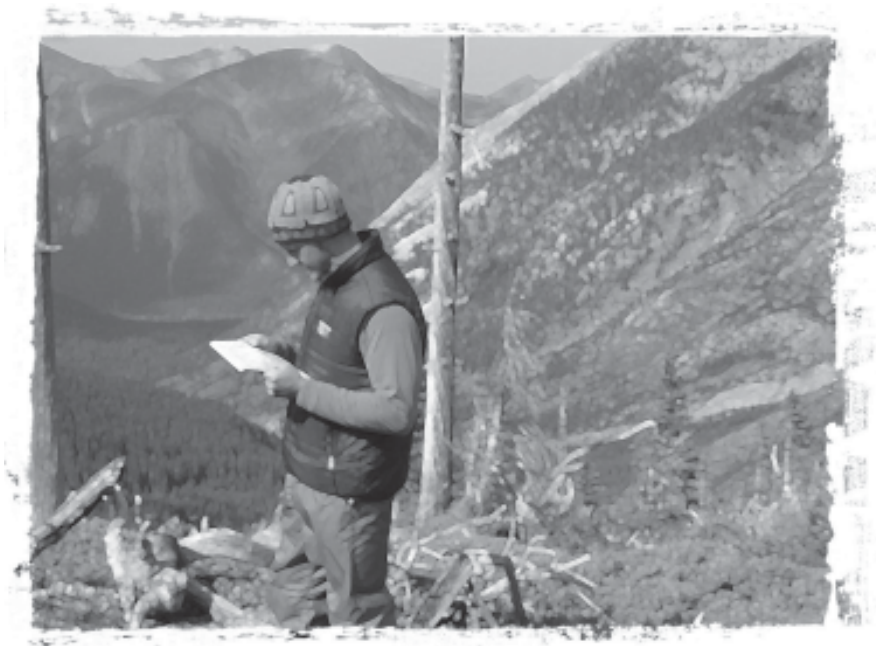
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THE PROGRAM

As citizens, advocates, and decision-makers 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 trends, 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 35 years, people who care about the conservation and use of natural resources have realized that one of the most effective ways to prevent and resolve these types of disputes is through collaboration and conflict resolution. These processes often foster more informed decisions, produce more durable and widely supported outcomes, improve working relationships, and minimize the costs of

disputing. They are becoming more common throughout North America and around the world. The *Congress on Promoting Sustainability in the 21st Century* concluded in 2000 that it is imperative that future leaders in the natural resource professions - whether they are elected or appointed officials, lawyers, foresters, resource managers, environmental advocates, or business and industry officials – have a working knowledge of the theory and practice of such processes.

In response to this growing need, The University of Montana created the Natural Resources Conflict Resolution (NRCR) Program in 2005. It is the only graduate-level certificate program in North America specifically designed to provide students a working knowledge of the theory and practice of collaboration and conflict resolution as they apply to land use, natural resources, and the environment. Students will learn how to:

- Foster meaningful citizen participation;
- Promote deliberative dialogue;
- Negotiate effective agreements;
- Resolve multi-party disputes;
- Design and manage collaborative processes; and
- Practice collaborative leadership.

More specific learning objectives and expected competencies are presented in this handbook.



THE LOCATION

The University of Montana provides an ideal location to study and practice natural resource collaboration and conflict resolution. According to Wallace Stegner, the West is the “native home of hope.” It is also the native home of conflict over natural resource issues. Federal lands and natural resources dominate the physical and political landscapes of the West as in no other quarter of the country. The region wrestles with economic and demographic changes as it shifts from a reliance on agriculture, timber, and mining to a more diverse base that includes traditional natural resource industries as well as tourism, recreation, service-oriented businesses, and an emerging high-tech sector. In short, the West is rife with issues, challenges, and opportunities.

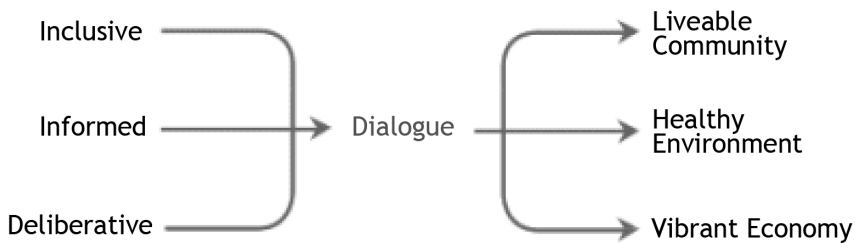
The University of Montana is located in the heart of this landscape, and is emerging as a center of excellence for the study and practice of natural resources policy and conflict resolution. The Center for Natural Resources and Environmental Policy works with communities, regions, and agencies across the country, providing facilitation and mediation, along with policy analysis and education programs. The School of Law regularly sponsors a Public Land Law Conference, and numerous faculty from law, forestry and conservation, environmental studies, communications, and political science conduct research and offer courses in various aspects of preventing, managing, and resolving disputes over natural resources and the environment. These are only some of the university-based resources available to students interested in natural resources conflict resolution.

In addition to these resources, the Missoula region, Montana, and the Rocky Mountain West are home to several agencies, non-government organizations, Native American communities, and private sector businesses involved in shaping and implementing natural resource and environmental policy.

PHILOSOPHY AND APPROACH

Preventing and resolving natural resource disputes is not primarily a scientific or technical challenge, nor is it simply about managing natural resources more effectively and efficiently. At its core, this challenge is about integrating people's diverse needs, interests, visions, and cultures. Throughout the world, there is a growing recognition that the most effective way to promote livable communities, vibrant economies, and healthy landscapes is to create opportunities for the right people to come together with the best available information to address issues of common concern.

Building on this trend, the Natural Resources Conflict Resolution Program is designed to promote sustainable communities and landscapes through public processes that are inclusive, informed, and deliberative.



By inclusive participation, we mean that an effort is made to meaningfully engage all viewpoints and interests, including unaffiliated citizens, local and national interests, and decision makers. It also suggests that participants are empowered by the presumption that their input and advice will be considered by the decision makers and will influence the outcome.

An informed process is one where there is an equal opportunity to share views and information. The process fosters mutual learning, common understanding, and consideration of a variety of options. It enables participants to jointly develop and rely on the best available information, regardless of the source.

Deliberative dialogue occurs when people listen to each other, consider the rationale or reason for competing viewpoints (the interests that underlie the positions), and seek solutions that integrate as many interests as possible.

Experience suggests that this principled approach to natural resource and environmental policy:

- *Results in decisions that receive broad public support;*
- *Saves time and money when compared to lobbying, litigation, and other ways of shaping public policy or resolving public disputes;*
- *Provides the most direct and meaningful form of public participation;*
- *Effectively integrates social and political values with scientific and technical considerations; and*
- *Makes implementation easier because the stakeholders have helped shape the proposed policy.*



LEARNING OBJECTIVES AND EXPECTED COMPETENCIES

The Natural Resources Conflict Resolution Program is designed to help students develop practical skills to prevent and resolve natural resources conflicts, as well as to understand the theory underlying collaboration, multiparty negotiation, consensus building, and deliberative dialogue. Students will gain the following knowledge and competencies:

History of Conflict Resolution Strategies – Understand the history of alternative approaches to engage citizens in public decisions, resolve natural resource and environmental conflicts, and govern natural resources.

Assessment – Identify stakeholders and key issues; map the interests and concerns of stakeholders, including decision-makers; clarify options for citizen participation and public dispute resolution; and determine if and when collaboration, consensus building, or conflict resolution is appropriate. Understand the legal, institutional, political, cultural, economic, and scientific context of natural resource conflicts and their resolution.

Process Design – Design public processes that are inclusive, informed, and deliberative. Tailor the process to meet the needs and interests of stakeholders, and in a way that respects legal, political, biological, cultural, and other constraints.

Multi-Party Negotiation – Participate effectively in multi-party public processes. Work with others to find mutual gain solutions. Create and claim value; sequence issues; package options; manage communications between representatives and their constituent groups; build coalitions; and improve communication, and problem-solving skills.

Facilitation and Mediation – Understand the value of impartial, nonpartisan facilitators and mediators in complex, multi-party natural resources issues; develop skills in assessing situations, designing the right process, facilitating meetings, mediating disputes, drafting documents, and monitoring implementation; know when an

independent facilitator or mediator is needed, what to look for in a qualified process manager, and how to select such a person or team.

Collaborative Leadership – Enable people with different viewpoints to accomplish a task that none of them could accomplish individually; lead as a peer, not a superior; encourage and facilitate cooperation, pride, trust, and group identity; foster commitment and team spirit; work with others to achieve common goals and realize a sense of shared accomplishment; and manage effective meetings.

Joint Fact Finding – Help people with diverse viewpoints build a common understanding of complex issues and resolve scientific and technical disputes through mutual learning and joint fact finding. Clarify the role of scientific experts and technical information in shaping public policy and resolving natural resource disputes, integrate local knowledge into decision-making, and examine the principles and strategies of adaptive management.

Applications – Adapt principles and strategies of collaboration to public participation, community-based conservation, administrative rulemaking, environmental impact assessment, resource planning, and legislative policymaking.

Respond to Common Problems - Integrate non-local interests in local decision-making; deal with difficult people; engage unaffiliated citizens; know when and how to disengage; and respond to other common problems associated with multi-party collaboration and conflict resolution, multi-jurisdictional issues, inter-agency coordination, court-connected disputes, intractable disputes, dispute systems design, and international environmental issues.

Research and Evaluation - Apply alternative methods to evaluate the effectiveness of collaboration and other approaches to shape public policy and resolve natural resource disputes. Research and document best practices, lessons learned, and case studies.

THE CURRICULUM

The curriculum for the Natural Resources Conflict Resolution Program includes a total of 18 credits, including 3 required courses and 3 elective courses. It is designed to be embedded within a student's graduate program, or it may be completed as a stand-alone certificate. With proper planning, completion of the certificate program should not require any additional coursework or time. Graduate students who complete the necessary requirements of the NRCR Program will be awarded a Certificate of Achievement in Natural Resources Conflict Resolution.

REQUIRED COURSES

Foundations of Natural Resources Conflict Resolution (LAW 613, 3 credits)

This course examines alternative approaches to prevent and resolve natural resource and environmental conflicts. It emphasizes the history, theory, and methods of collaboration. By the end of the course, students will be able to identify the causes, dynamics, and consequences of natural resource and environmental conflicts; tailor collaboration and conflict resolution processes to the unique needs and interests of citizens, stakeholders, and decision-makers; participate effectively in multi-party public processes; understand the role and value of facilitators and mediators; and examine a number of issues such as clarifying the role of scientific and technical experts; engaging unaffiliated citizens; managing intractable environmental disputes; responding to regional, transboundary issues; and exploring alternative forms of governance. This course may also be taken for credit under NRSM 513 and ENST 513.

Multiparty Negotiation and Facilitation (NRSM 595, 3 credits)

This course prepares students to effectively engage in multiparty

negotiation on natural resource and environmental issues. It is the second of three courses required for the Natural Resources Conflict Resolution Program. It is highly recommended that students take Foundations of Natural Resources Conflict Resolution prior to taking this course, but it is not required. This course provides an opportunity to learn theory and develop practical skills for (a) participants trying to formulate a strategy and execute tactics before, during, after the negotiation process; and (b) facilitators, mediators, and other process managers charged with convening and coordinating multiparty negotiations. While this course focuses on natural resource and environmental issues, the theory and methods of multiparty negotiation and facilitation are applicable to a variety of professions and policy areas. This course may also be taken for credit under ENST 595 and COMM 595.

Practicum in Natural Resource Conflict Resolution (ENST 579, 3 credits)

This three-credit practicum is the capstone experience of the Natural Resources Conflict Resolution Program. It provides students practical experience in conflict assessment, process design, multiparty negotiation, facilitation and mediation, and the examination of current issues related to collaboration and conflict resolution. Students may design their own practicum in consultation with the Chair of the NRCR Program, or participate in an annual practicum organized and convened by the Chair of the NRCR Program. Individual projects may be conducted year-round. The focus of the annual practicum changes but is typically based upon some geographical area where numerous natural resource issues converge. It is available to students that are enrolled in the program and have completed the core classes in natural resource conflict resolution and negotiation. In any given semester, students conducting a practicum meet on a regular basis to discuss progress, problems, and lessons learned. Students may also take the practicum for credit under NRSM 579 or LAW 679.

ELECTIVE COURSES

Students must complete 9 credits from at least two different departments or colleges. The elected courses must be approved by the Chair of the NRCR Program and the student's faculty advisor. The purpose of elective courses is to provide additional context for the role of conflict resolution and collaboration in policy. In selecting elective courses, students should consider past course work and practical experience, and seek to build some capacity in each of the four disciplines presented below. *The following list of courses is only suggested; other courses may be appropriate electives.*

Natural Resources Policy and Administration

Natural Resources Policy and Administration, FOR 422 (3 credits)
Social Forestry, FOR 424/SOC 424 (3 credits)
Advanced Problems in Environmental Policy, FOR 622 (3 credits)
Public Administration, PSC 501 (3 credits)
Policy Analysis, PSC 503 (3 credits)
Organization Theory, PSC 504 (3 credits)
Administrative Law, PSC 523 (3 credits)

Natural Resources and Environmental Law

Environmental Law for Non Lawyers, ENST 502 (3 credits)
Intro to Environmental Law, ENST 563/LAW 650 (3 credits)
Environmental Law II, ENST 564/LAW 649 (3 credits)
Land Use Planning, ENST 561/GEOG 561/LAW 687 (3 credits)
Public Land and Resources Law, ENST 565/LAW 654 (3 credits)
Advanced Public Land and Resources Law, ENST 566/LAW 619 (2 credits)
Water Law, ENST 567/LAW 663 (3 credits)
Federal Indian Law, LAW 648 (3 credits)

Natural Resources and Environmental Science

Environmental Economics, ECON 440/ENST 440 (3 credits)
Scientific Approaches to Environmental Problems, ENST 501 (3 credits)
Environmental Impact Analysis, ENST 560 (3 credits)
Seminar in Planning, GEOG 560 (3 credits)
Planning Principles and Processes, GEOG 465 (3 credits)

Public Participation and Conflict Resolution

Alternative Dispute Resolution, LAW 614 (3 credits)
Citizen Participation in Environmental Decision-making, ENST 531 (3 credits)
Communication and Conflict, COMM 412 (3 credits)
Rhetoric and Environmental Controversy, COMM 575/ENST 575 (3 credits)
Communication Across the Sciences, COMM 595 (3 credits)
Political Theory, PSC 550 (3 credits)

Special Topics

Transboundary Environmental Issues, ENST 542 (3 credits)
International Resource Management, CFC 571 (3 credits)
U.S. Environmental History, HIST 564 (3 credits)
The American West, HIST 566 (3 credits)

FACULTY ADVISORS

Matthew McKinney is the Chair of the Natural Resources Conflict Resolution Program and Director of the Center for Natural Resources and Environmental Policy at The University of Montana. Prior to his current position, Matthew served as the founding Director of the Montana Consensus Council for 10 years. During the past 20 years, he has designed, facilitated, and mediated over 50 public dialogues, including public participation and multi-party negotiations on issues related to federal land management, water policy, fish and wildlife, land use planning, and a variety of other public issues. He received a Ph.D. in Natural Resource Policy and Conflict Resolution from The University of Michigan. Matthew has published numerous articles in journals and books, and is co-author of *The Western Confluence: A Guide to Governing Natural Resources* (Island Press, 2004). He is an Adjunct Professor at The University of Montana's School of Law; a faculty associate at the Lincoln Institute of Land Policy; and a senior partner with the Consensus Building Institute. Matthew was a research fellow at the John F. Kennedy School of Government, Harvard University in 2000 and 2002.

Jill M. Belsky is Professor of Rural and Environmental Social Science and Director of the Bolle Center for People and Forests at The University of Montana. Prior to her current position she served as Professor and Chair of the Department of Sociology at The University of Montana where she founded the "Rural and Environmental Change" emphasis for both undergraduate and graduate sociology majors. Jill received a Ph.D from Cornell University in 1991, with specialties in international agriculture and natural resource sociology. She has conducted extensive field research on the intersections of forest livelihoods and resource management in the Philippines and Indonesia, serving as a consultant on national policy for these governments, NGOs and USAID. She has researched and written on a variety of topics related to sustainable livelihoods and community-based forestry,

ecotourism and conservation in Belize, Bhutan and Montana, and works closely with grassroots watershed groups on social assessments, public participation processes and establishing community conservation areas and community forests. She serves on a number of boards supporting field education programs and participatory research and has published widely, including in *Society and Natural Resources*, *Rural Sociology*, *Human Organization*, and *Parks*.

Len Broberg is Director and Associate Professor of the Environmental Studies Program at The University of Montana. Len has training and experience in law and conservation biology. He received a J.D. from Wayne State University in 1981, practiced law for nine years, and returned to receive his Ph.D. in biology from the University of Oregon in 1995. His research interests include land management policy, biodiversity conservation planning, watershed restoration, and response of animal communities to management. He has published in several journals including *BioScience*, *Journal of Forestry*, and *Ecological Restoration*. He has been an active participant in land management disputes on behalf of conservation organizations for the past nine years.

Eduardo Capulong directs the in-house Mediation Clinic at The University of Montana. He also supervises students in external civil clinics and teaches Advanced Mediation, Mediation Advocacy, and Cause Lawyering. Prior to joining The University of Montana law faculty, Professor Capulong was Acting Assistant Professor of Lawyering at New York University School of Law, Director of Public Interest and Public Policy Programs, and Lecturer in Law and Urban Studies at Stanford Law School. He received his undergraduate degree in political science and journalism from NYU and law degree from the City University of New York School of Law, where he was a Patricia Roberts Harris Scholar and Davis-Putter Fellow.

Jeffrey Greene is a Professor in the Department of Political Science. He specializes in public administration, public policy, and state/local/urban politics. He is also the coordinator of the MPA program.

Michelle Bryan Mudd teaches in the law school's environmental program, including the Land Use Planning and Water Law courses. She is also Director of the Land Use Clinic, which works on behalf of Montana local governments and is among only a few such clinics nationwide. Professor Bryan Mudd was drawn to the fields of land use and water law because of her background growing up in ranching and farming communities in the West. Before joining the law school faculty, she was in private practice specializing in land use and water law in both the transactional and litigation contexts. She worked with a variety of clients including local governments, private landowners, non-profits, developers, and affected neighbors and community groups. She brings this diversity of perspective to her work with students and government clients. Her current research interests include the relationship between land and water use, the balancing of environmental and land use rights, and the evolution of eminent domain law.

Martin Nie is Associate Professor of Natural Resource Policy in the College of Forestry and Conservation. His courses cover such topics as public lands and resources policy, environmental policy, property, and conservation strategies and tools. He has a particular interest in political conflict and much of his research examines public lands governance—the political institutions and decision making processes used to handle difficult policy problems. His latest book is *The Governance of Western Public Lands: Mapping Its Present and Future* (University Press of Kansas, 2008). When not thinking about public lands, he likes to hike, ski, float, hunt, and fish on them.

Steve Schwarze is Chair and Associate Professor in the Department of Communication Studies. He teaches courses in rhetoric and public

discourse, and his principal research interest is in the rhetoric of environmental controversies. Steve earned his Ph.D. from the University of Iowa in 1999 and wrote his dissertation on the public discourse surrounding management disputes in the Boundary Waters Canoe Area Wilderness. Since coming to The University of Montana in 2000, he has conducted research on the rhetorical strategies used by environmental groups to frame post-fire management of the national forests, and has written several essays on the public discourse surrounding asbestos contamination in Libby, Montana. He has published in the journals *Rhetoric and Public Affairs*, *Argumentation and Advocacy*, and *Management Communication Quarterly*. In 2002, he was awarded a Summer Research Fellowship from the Center for the Rocky Mountain West, and in 2004 he was awarded the Helen and Winston Cox Educational Excellence Award from the University's College of Arts and Sciences for excellence in teaching and mentoring.

Robin Saha is an Associate Professor in the Environmental Studies Program. Robin is an environmental justice scholar-activist with ten years of experience working across racial, class and ethnic boundaries to assist disproportionately impacted community in participating effectively in environmental decision making processes. Robin is co-author of *Toxic Wastes and Race at Twenty*, a commemoration and update of a landmark report that launched the environmental justice movement. He has special interests in Superfund and facility siting processes. Robin received his M.S. and Ph.D. from the University of Michigan School of Natural Resources and Environment. He uses community-based participatory research (CBPR) as a strategy to develop collaborative partnerships to build community capacity to resolve persistent environmental problems. He has worked intensively with the Superfund community of Opportunity, Montana, and is currently using CBPR to resolve community conflicts on Blackfeet Reservation. Robin also teaches about tribal natural resource management issues and recently helped organize and evaluate the 8th National Conference on Tribal Environmental Management.

Dave Shively is an Associate Professor in the Department of Geography. Dr. Shively is a broadly trained geographer who completed graduate work in the areas of geomorphology, riverine ecology, hydrology, watershed processes, land use and environmental planning, and in water resources planning and management. His doctoral research focused on the regional dynamics and local effects of water right marketing in New Mexico's Rio Grande Basin. He has extensive field experience in air quality surveys, fisheries, land use analysis, and fluvial geomorphology. He taught land use and environmental planning, physical, and human geography courses at Oregon State University, and at Central Michigan University for four years before coming to The University of Montana in 2004. His current research projects include air toxins coming from snowmobiles in North America, water policy and planning in Montana, and the spatial diffusion of the McKenzie River Drift Boat in North America. He also works closely with the Clark Fork River Basin Task Force, a collaborative consensus-based group.

ACADEMIC OVERSIGHT COMMITTEE

The Deans of the School of Law, School of Business Administration, College of Forestry and Conservation, and College of Arts and Sciences serve as the Academic Oversight Committee of the NRCR Program. The Committee meets at least once every year to review the academic integrity and success of the program, and to respond as necessary to any issues or concerns. The Committee includes:

Jim Burchfield, Dean, College of Forestry & Conservation,
Christopher Comer, Dean, College of Arts and Sciences
Larry Gianchetta, Dean, School of Business Administration
Irma Russell, Dean, School of Law

AD HOC UNIVERSITY ADVISORY COMMITTEE

Faculty from several departments provide input and advice to the Center for Natural Resources and Environmental Policy on a range of issues, including the Natural Resource Conflict Resolution Program. The Ad Hoc University Advisory Committee currently includes:

David Aronofsky, Chief Legal Counsel and Adjunct Professor, School of Law
Jill Belsky, Professor, Department of Society and Conservation
Len Broberg, Professor/Director, Environmental Studies Program
Martin Burke, Professor, School of Law
Eduardo Capulong, Associate Professor, School of Law
William Corbett, Professor, School of Law
Ray Cross, Professor, School of Law
Wayne Freimund, Professor, Department of Society and Conservation
Jeffrey Gritzner, Chair, Department of Geography
Jeff Greene, Professor, Department of Political Science
Kari Jo Harris, Associate Professor and Acting Chair, Programs in Public Health
Sarah Halvorson, Associate Professor, Geography
Andrew King-Ries, Professor, School of Law
Charles Keegan, Research Professor, School of Business Administration
Otto Koester, Mansfield Center
Mehrdad Kia, Associate Provost for International Programs
Greg Larson, Professor, Department of Communication Studies
James Lopach, Chair, Department of Political Science
Michelle Bryan Mudd, Assistant Professor, School of Law
Martin Nie, Associate Professor, Department of Society and Conservation
Curtis Noonan, Assistant Professor, Center for Environmental Health Sciences
Dan Pletscher, Professor and Chair, Wildlife Biology Program
Steve Schwarze, Associate Professor, Department of Communication Studies
Dane Scott, Director, Center for Ethics
David Shively, Associate Professor, Department of Geography
Steve Siebert, Professor and Director, International Resources Management
Alan Sillars, Professor, Department of Communication Studies
Jon Tompkins, Associate Dean, College of Arts and Sciences

GUIDELINES FOR STUDENTS

To be admitted to and complete the NRCR Program, students must:

- Be admitted to a graduate program such as law, forestry, resource conservation, environmental studies, business, public administration, or other related fields.
- Meet with the chair of the program to review curriculum requirements, including opportunities for a practicum.
- Submit a letter of intent to the Admissions Committee, which includes the Chair of the NRCR Program and the student's faculty advisor.
- The letter of intent may be submitted at any time and should include:
 1. A statement of interest.
 2. How the NRCR Program fits with the student's academic and professional goals.
 3. A proposed list of courses –including both required and elective courses– to meet the required number of credits for the program as well as other courses for your graduate degree. Elective courses that are not listed on the suggested list of elective courses must be approved by the NRCR Program Chair and the faculty advisor. To substitute an appropriate course for one of the required courses, it is necessary to petition the Admissions Committee.
- Complete the required and elective courses.
- Prepare a final evaluation of knowledge, skills, and abilities, and meet with the chair of the NRCR program for an exit interview.
- Receive a Certificate of Achievement in Natural Resources Conflict Resolution.
- Participate in the NRCR Program alumni network.

Please visit the Center for Natural Resources and Environmental Policy's website at <http://cnrep.org> for all of the required documents, as well as other useful information.



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