

Briana Cahill is the teaching assistant for this class. She will hold office hours from 2:00-3:00 Tuesdays by zoom and can also meet with you by appointment. The best way to contact Briana is by e-mail (bcahill2@u.rochester.edu)

TEXTS:

Royal C. Gardner, *Lawyers, Swamps and Money*, Island Press, 2011

James Salzman and Barton H. Thompson, Jr., *Environmental Law and Policy*, 5th ed. Concepts & Insights Series, Foundation Press, 2019

Richard J. Lazarus and Oliver A. Houck (eds), *Environmental Law Stories*, Foundation Press, 2005

Additional readings will be available on the internet. All readings are *required* and should be read before class to enhance the value of both the lectures and the discussion.

ASSIGNMENTS:

Written assignments: Directions will be provided (and posted on Blackboard) for each assignment. Be sure to comply with all instructions, including *minimum* page limits.

Congress can, and in some cases currently are, changing environmental law and policy. Students will develop their skills in discussing these issues via student led discussion, class discussion, and through team-based group project work inside and outside of the classroom.

ACADEMIC SUPPORT SERVICES: Students are encouraged to utilize academic support services: the Writing Speaking and Argument Program, <https://writing.rochester.edu> ; Center for Excellence in Teaching and Learning (CETL), www.rochester.edu/college/cetl/

Sept. 3 Historical underpinnings, purpose, and scope of ESA listing process for
: Shift in societal attitudes
towards wildlife, passage and purpose of ESA, the role of USFWS and NMFS. How does
ESA work? T&E species, listing process, critical habitat designations, and take
prohibition. Role of science.

Reading: Salzman, ch. 10 (pp 293-307); ESA statute *sections 3-4, 9 only*

Sept. 8 ESA, Federal Agencies & TVA v. Hill: Section 7 consultation requirement,
biological opinions and jeopardy opinions by the Services, impact on federal agency
actions (is this a veto power?), TVA v. Hill

Reading: *Environmental Law Stories: The Story of TVA v. Hill*, pp 108-140;
ESA statute *Sec. 7 only*

In class: Group discussion of TVA v. Hill case study

Sept. 10 The ESA and private lands: The challenge of balancing T&E species

property/development interests (ITPs, habitat conservation plans, safe harbor agreements,
CCAAs).

Reading: Salzman, ch. 10 (pp 307-313); ESA statute sections 4(d), 9, 10

Sept. 15 Biodiversity Crisis, Climate Change & ESA: IPBES Report and the
biodiversity crisis. What does climate change portend for the effectiveness of the ESA?
To what degree should climate change be factored into listing decisions and ESA
implementation? Is the ESA a good tool to address climate change mitigation or

Listen to NEPA webinar (May 14, 2019) on YouTube,
<https://www.youtube.com/watch?v=LTRG9kvLKmE>

Oct. 8 Review for Test 2

Test 2 due by Midnight Oct.9th

IV. The Clean Water Act

Oct. 13 Historical context, purpose and structure of the CWA: Shift in public perception and evolving scientific understanding of wetland functions and values; *Riverside Bayview Homes* & the hydrologic cycle; extent of conversion of historic wetlands; activities and physical jurisdiction; core of 404 regulatory program (404(b)(1) Guidelines steps of avoidance, minimization and mitigation); roles of Army Corps of Engineers, US EPA, and states; general permits.

In class: Group discussion of *American Trucking* case study

Nov. 12 CAA and Climate Change: *Massachusetts v. EPA*, Obama
Clean
subsequent EPA actions.

Reading: Salzman, Ch. 6, pp. 152-172

Nov. 24 Resource Conservation Recovery Act (RCRA): Why RCRA? Preventing future Superfunds. RCRA: recordkeeping and waste disposal; the exemption for and climate change?

Reading: Salzman, ch. 9, pp. 235-252

Nov. 26 NO CLASS HAPPY THANKSGIVING

**Dec. 1 Test 4 Review
Test 4 due by midnight Dec. 4th**

VII. Climate change

Dec. 3 U.S. and climate change The 2015 UN Paris Climate Change Agreement, 2018 National Climate Assessment report & the Intergovernmental Panel on Climate Change (IPCC) scientific assessments, continued discussion of Trump executive order. What is the current status?

16, 2015)