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 (<u>bcahill2@u.rochester.edu</u>)

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:

<u>Written assignments:</u> 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/

ACADEMIC HONESTY: All assignments and activities associated with this course must be performed in accordance with the University of Rochester's Academic Honesty Policy.

More information is available at: www.rochester.edu/college/hon2fe4\550.246 0 1\(\pi\)-2(h)2(o)-1\(\phi\))2(2\frac{2}{2}\text{E4}\550.246)

Sept. 3 <u>Historical underpinnings, purpose, and scope of ESA listing process for</u>

: Shift in societal attitudes towards wildlife, passage and purpose of ESA, the role of USFWS and NMFS. How does

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

Reading: *Environmental Law Stories: The Story of <u>TVA v. Hill</u>*, 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 <u>Biodiversity Crisis, Climate Change & ESA</u>: 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 <u>Historical context, purpose and structure of the CWA</u>: 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.

Oct. 27 <u>Clean Water Act Enforcement:</u> CWA as a strict liability statute with criminal and civil penalties. Enforcement role of EPA, states and citizens. Discharge Monitoring Reports (DMRs), citizen suits, and constraints.

Reading: Environmentented Winds The Hell 1998 St. 2015 on Hell 199

In class: Group discussion of Laidlaw case study

Oct. 29 <u>Clean Water Act, Waterbody Health, Stormwater & Climate Change</u>: How are the water quality standards and TMDL process supposed to work to protect the health of waterbodies? Issue of polluted runoff from nonpoint sources, dead zones, algae hange considerations addressed?

Reading: Salzman, ch. 7, pp. 189-202

Nov. 22, 2009)

(Mother Jones, Aug. 14, 2013)

Optional reading:

Nov. 3 Review for Test 3
Test 3 due by Midnight Nov. 6th

V. Clean Air Act and Climate Change

Nov. 5 <u>Context, purpose and regulatory strategy of the Clean Air Act</u>: Historical air quality and public health concerns, the ambitious goals and regulatory strategy of the CAA, Uniform National Ambient Air Quality Standards (NAAQS), state implementation plans (SIPs) & balancing state/federal roles, nonattainment zones, new source performance standards (NSPSs) for stationary sources.

Reading: Salzman, ch. 5, pp. 115-137

Nov. 10 Whitman v. American Trucking

In class: Group discussion of American Trucking case study

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

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

Nov. 24 <u>Resource Conservation Recovery Act (RCRA)</u>: 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>U.S. and climate change</u> 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)