San José State University College of Social Sciences, Department of Environmental Studies ENVS/PS 124, Introduction to Environmental Law, 02, Fall 2021

Course and Contact Information

Instructor: Dr. Amanda Stasiewicz (she/her/hers)

Pronounced: Stas-uh-witz

Office Location: WSH 115B—meetings will often take place outside or via Zoom for Fall

2021.

Telephone: Email instructor to set up Zoom call (audio or video)

Email: amanda.stasiewicz@sjsu.edu

Office Hours: Mondays- virtual and by appointment only

10:00-10:30; 12-2pm; 3:30-4:00pm

*Other dates, times and in-person meetings available by email request

Office Hours Zoom Link: here

Class Days/Time: M/W- 2:15PM-3:45PM

Classroom: Dudley Moorhead Hall (DMH) 359

Canvas: ENVS/PS 124-02

Zoom Link for guest lectures and virtual meetings

Prerequisites: ENVS 1 or instructor consent

Course Description

Development, interpretation, application and enforcement of environmental laws, regulations and legal policies by legislatures, courts, administrative agencies and citizens. Examination of air and water quality, hazardous materials, workplace, land use and wetlands regulation, international, ethical and efficacy issues.

Course Format

Technology Intensive, Hybrid, and Online Courses

This course is delivered in a synchronous format. We will meet twice a week—oat least once in-person and often once online via Zoom. Please ensure you have access to reliable internet via a smartphone, computer, or other device to both watch lectures and participate in break out rooms, class activities, and discussions. There are typically in-class readings and activities that also utilize the internet. Please bring a wifi-connecting device, such as a smartphone, laptop, or tablet, to in-person lectures.

For this course you will need:

- A computer or tablet with typing capabilities
- A device with Zoom installed so you can join video lectures from during class time and participate in discussions (e.g., has audio capabilities). You can make sure you are set up for virtual office hours and other meetings using Zoom by verifying the system requirements for your PC, Mac, and Linux or iOS and Android devices
- Microsoft Office Suite and/or the "G-Suite" (Google Docs, Sheets, etc.)

- Adobe Acrobat DC: Adobe reader download link, Adobe Flash player download link, and Windows Media player download link.
- Access to Canvas. Canvas Learning Management system is located at https://sjsu.instructure.com/
 - o Basic computer specifications for Canvas: https://guides.instructure.com/m/4214/1/82542-what-are-the-basic-computer-specifications-for-canvas
 - o Browsers supported by Canvas: https://guides.instructure.com/m/4214/l/41056-which-browsers-does-canvas-support

Course Goals

This is a survey course that will give you a broad, practical understanding of important federal environmental statues and case law. Environmental law (aka: environmental and natural resources law) covers regulations; statues; local, national, and international legislation and treaties designed to protect the environment and delineate the legal ramifications of damage towards different actors (e.g., governments, private landowners, businesses).

Environmental law is extremely complex and deep. No one person can master them all, and a single-semester course is not sufficient for exploring each law in-depth (or even covering them all). The goal in this course is to introduce you to the major environmental laws in different segments of environmental regulation, land management, species conservation, etc. to ensure you have familiarity with the environmental laws that structure how we manage our environment and also intrinsically impact natural resource and environmental jobs—from being a summer water quality technician to Chief of the USDA Forest Service or Director of The Nature Conservancy.

Course Learning Outcomes (CLO)

Upon successful completion of this course you will be able to:

- (1) Identify and explain the applications of key environmental and natural resource laws in the US
- (2) Describe how environmental issues are handled by elected officials, regulators, and the courts.
- (3) Describe environmental and natural resource policy development in the contexts of North American history and social institutions, including US Federal, State and Tribal governments, interest groups, the media, and international/global relations.
- (4) Understand basic concepts, processes, and practices of American government and civics relating to the development, implementation, and evaluation of environmental and natural resource policy.
- (5) Decipher formal legal writing and apply it to your future (ideal or a hypothetical) environmentally related career or lifestyle (manager, private business owner, private individual)
- (6) Compare how California environmental regulation is often more stringent than that of the Federal government

Other learning outcomes:

- (1) Communicate effectively by listening actively; formulating, articulating, and explaining ideas clearly using oral and written techniques
- (2) Develop and apply scientific knowledge (i.e., biological, physical, and socioeconomic) to evaluate and justify environmental and natural resource law creation and on-the-ground management decisions; the relationship between science, law, and policy.

Required Texts/Readings

Textbook- There is no required textbook for this course. Readings and assignments will be uploaded to canvas either as a link or .pdf at least one week before the class for you to download or view. Current event readings

may be on shorter notice and/or optional based on important environmental legal issues that arise during the semester.

Course Requirements and Assignments

- (1) **Participation** (5%, 30 points) you will submit an activity or reflection at the end of certain lectures to receive participation points throughout the semester. These will be due at random and during class time. You will receive instructions on how to submit during class.
- (2) **Legislator profile** (~4%, 24 points) Environmental law in the United States is crafted by legislators at the State or Federal level. Pick one of the Legislators who represents you, the location you are living, or a location that you have lived/want to live in the U.S. Write a 1-2-page profile summarizing their attributes as a legislator including the area/population they serve; their voting record (Scorecard) on environmental issues; and their affiliations with Committees, industry, or certain topics they champion. You will examine current environmental legislation they are crafting or supporting (i.e., co-sponsoring), using the Federal Registrar and Congress.gov.
- (3) Case Law Compare and Contrast (~28%, 150 points) one of the oldest adages is natural resource and environmental management is "nothing gets done because those darn environmentalists litigate." In this assignment, you will use online law libraries (e.g., Westlaw) to find two cases on the same environmental topic from the last 10 years where the verdicts on the cases differ; one should represent a case where an environmental interest group won (e.g., blocked a project, got an injunction, forced an agency to change its interpretation of a law) and one where the agency/business/individual was successfully defended (i.e., the environmentalists lost). You will write a 4–8-page (single spaced) report that will include (1) summaries of the cases, (2) your analysis comparing and contrasting the cases, and (3) a section reflecting on what you would do different to win the cases and how cases like these might impact your future environmental career.

This assignment is broken up over multiple due dates throughout the semester to keep you on track.

- a. Cases Picked: October 4th
- **b. Draft due**: October 11th (no instructor feedback)
- c. Peer Review due: October 18th
- **d. Final due**: October 25th
- e. Discussion Board Participation: November 1st
- (4) Law Effectiveness Paper (~20%, 106 points) You will explore a law you are interested in in-depth and turn in a 3-5-page (single-spaced) report. You are responsible for (1) summarizing the legislative history and initiatives/programs/procedures created by the federal law and any amendments; (2) finding and critically analyzing a peer-reviewed academic article assessing the law's effectiveness; (3) identifying a California-state equivalent and comparing/contrasting it to the federal law; and (4) exploring the law's modern-day issues/challenges by analyzing a current event article. You MUST include in-text references, a reference list, and pdfs or links to your peer-reviewed article and the current event/news article.
 - a. Peer-Reviewed/Academic Article Selection and Summary "due": 11/15 (no instructor feedback)
 - b. Final Report due: 12/01
- (5) Quizzes (~28%, 30 points each; 150 points total) five of your six highest quiz scores will be used for calculating your quiz grade. Quizzes will cover material and readings in each topic area/module and we will discuss a study guide before each quiz. Quizzes are all administered online via Canvas outside of class time, are open-book and open-internet, and may consist of multiple choice and/or short-answer questions. Quizzes must be taken individually. The late policy does not apply to quizzes—you will not be able to take a quiz late unless we have discussed your unforeseen circumstances or excused absence. Quizzes will automatically close/log you at 11:59 pm Pacific Time regardless of when you started the quiz and how much time you have left on the quiz clock. If you miss a quiz, the sixth quiz automatically

becomes your "make-up" quiz. If you have an excused or instructor-approved absence for more than 2 quizzes, a make-up quiz will be made available at the end of the semester that may cover content from the entire course.

(6) **Take home final exam** (~15%, 80 points)-the final exam is open-book, open-internet and will cover the range of material from the course. The exam will last approximately 2 hours and you can take it at any time during the 24 hours/day of our scheduled final exam. It will include a random set of multiple-choice questions, short answer questions, and a longer reading-based or essay question.

Your success in this course requires you to spend three hours per unit per week (9 hrs/week) for instruction, preparation/studying, or course related activities. Readings and lecture time will not take up this entire time. Please use this time to study for quizzes and work on your assignments.

Final Examination or Evaluation

The take-home final exam may involve multiple-choice questions, short-answer, and essay or reading assessment questions.

Grading Information

A rubric will be provided for every assignment on the assignment description page before that activity is assigned.

Determination of Grades

• Letter grades are assigned as follows:

Grade	Points	Percentage
A plus	518 to 540	96 to 100%
A	502 to 517	93 to 95%
A minus	486-501	90 to 92%
B plus	464-485	86 to 89 %
В	448-463	83 to 85%
B minus	432-447	80 to 82%
C plus	410-431	76 to 79%
C	394 to 409	73 to 75%
C minus	378 to 393	70 to 72%
D plus	356 to 377	66 to 69%
D	340 to 355	63 to 65%
D minus	324 to 339	60 to 62%

- **Late submission** of written assignments will result in a 10% reduction of grade for each day late. After 10 days, your grade will be a 0.
- Quizzes are to be completed on your own time within the 24 hours they are assigned. There is no partial or late credit for quizzes. Quizzes may be multiple choice, short answer, or ask you to apply concepts or lessons from class to an environmental situation or case.
 - o The first quiz you miss will be your one quiz grade you drop.
 - Make-up quizzes will be made available if the student has an excused absence and has reached out to the instructor for an accommodation.
- These are crazy and uncertain times. <u>Accommodations</u> can and will be made for excused absences and <u>unforeseen circumstances</u>. Please communicate with the instructor as early in the process as possible to discuss extensions or make-ups.
- Written assignments will be graded on accuracy of content, quality, effectiveness of message and presentation, diction, punctuation, correct citations, and spelling.

• **Plagiarism** will not be tolerated—this includes quiz answers that copy directly from the PowerPoint and not appropriately citing the work you are referencing to write an assignment. Your argument/writing gets stronger with in-text citations, too. Please use them!

University Policies

There are several University Policies that will frame our work together. We will go over these policies and our expectations of each other on the first day of class, and we will update the syllabus as needed with these rules to guide our work together. The framework of policies that represent the backbone of our semester can be found here: University Policy S16-9 (http://www.sjsu.edu/senate/docs/S16-9.pdf), and cover topics such as student responsibilities, academic integrity, accommodations, dropping and adding, consent for recording of class, etc. and available student services (e.g. learning assistance, counseling, and other resources). In addition, please always feel free to contact me if you cannot find a resource or information you are interested in, and I will be happy to assist you. More information on portions of these resources that are particularly relevant can be found in the following sections.

Use of Camera in Class

- I highly encourage you to use your camera in our Zoom-based classes, especially for break-out room activities and discussions. However, there are a variety of reasons you may not want to appear onscreen. I respect these circumstances and boundaries. Please be able to turn on your mic when instructed so you can actively participate in activities and break-out rooms.
- If you cannot participate in a break-out room or discussion any given day, reach out and let me know so I can accommodate you accordingly.

Recording of Zoom Classes

This course or portions of this course (i.e., lectures, discussions, student presentations) will be recorded for instructional or educational purposes. The recordings will only be shared with students enrolled in the class through Canvas. The recordings will be deleted at the end of the semester. If, however, you would prefer to remain anonymous during these recordings, then please speak with the instructor about possible accommodations (e.g., temporarily turning off identifying information from the Zoom session, including student name and picture, prior to recording).

Students are not allowed to record without instructor permission

Students are prohibited from recording class activities (including class lectures, office hours, advising sessions, etc.), distributing class recordings, or posting class recordings. Materials created by the instructor for the course (syllabi, lectures and lecture notes, presentations, etc.) are copyrighted by the instructor. This University policy (\$12-7) is in place to protect the privacy of students in the course, as well as to maintain academic integrity through reducing the instances of cheating. Students who record, distribute, or post these materials will be referred to the Student Conduct and Ethical Development office. Unauthorized recording may violate University and State law. It is the responsibility of students that require special accommodations or assistive technology due to a disability to notify the instructor.

Zoom Classroom Etiquette

- **Mute Your Microphone:** To help keep background noise to a minimum, make sure you mute your microphone when you are not speaking.
- **Be Mindful of Background Noise and Distractions:** Find a quiet place to "attend" class, to the greatest extent possible.
 - O Avoid video setups and learning spaces where people may be walking behind you, people talking/making noise, etc.

- O Avoid activities that could create additional noise, such as shuffling papers, listening to music or television in the background, etc.
- **Position Your Camera Properly:** Be sure your webcam is in a stable position and focused at eye level.
- Limit Your Distractions/Avoid Multitasking: You can make it easier to focus on the meeting by turning off notifications, closing or minimizing running apps, and putting your smartphone away (unless you are using it to access Zoom).
- Use Appropriate Virtual Backgrounds: If using a virtual background, it should be appropriate and professional and should NOT suggest or include content that is objectively offensive or demeaning.

Resources

<u>Accessible Education Center:</u> If you need course adaptations or accommodations because of a disability, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with AEC to establish a record of their disability. <u>Academic Senate Policy F06-2.</u> Please reach out to me if you have any concerns or questions about this process.

<u>Writing Center</u>: Many of our assignments are written. A portion of each graded assignment is grammar, spelling, and the clarity of the ideas you present. It is expected that all the assignments you hand-in are your original work. I encourage you to utilize peer review (partner with a classmate to edit each other's papers) and the additional resources available to you through SJSU. The San José State University Writing Center offers a variety of resources to help students become better writers, and all of their services are free for SJSU students.

"Our mission is to enhance the writing skills of SJSU students so they can communicate clearly in any setting (informal, academic, or professional). We accomplish this goal through creating original writing resources, offering workshops, and conducting one-on-one and small-group tutoring sessions.

The SJSU Writing Center has two locations: We conduct drop-in tutoring sessions in Clark Hall, Suite 126; we conduct scheduled appointments on the second floor of the MLK Library. We also offer online tutoring sessions using the Zoom web conferencing platform. All appointments can be made online at sisu.mywconline.com (Links to an external site.). All our writing tutors have gone through a rigorous hiring process, and they are well trained to assist all students at all levels within all disciplines to become better writers. In addition to tutoring services, the Writing Center also offers workshops every semester on a variety of writing topics. To make an appointment, register for a workshop, or to refer to the numerous online resources offered through the Writing Center, visit the Writing Center website (Links to an external site.)"

Land Acknowledgement

We acknowledge the land on which SJSU rests as the traditional home of the Puichon Ohlone-speaking people and the present day Muwekma Ohlone Tribe. The Puichon Ohlone were missionized into both missions Dolores and Santa Clara. The present-day Muwekma Ohlone Tribe is comprised of all known surviving Native American lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions San Jose, Santa Clara, and Dolores and the historic federally recognized Verona Band of Alameda County. In the Muwekma Ohlone language, Cocenyo: Muwekma means "the people." Without them, we would not have access to this gathering. We take this opportunity to thank the original caretakers of this land.

^{*}Note that all federal, state, CSU system, and campus regulations on conduct including harassment and discrimination against other students or faculty apply to the online environment, just as in face-to-face instruction.

ENVS/PS 124/ Intro to Environmental Law, Fall 2021, Course Schedule

*Our schedule is subject to change. My goal is to allow us to explore new opportunities as they arise (e.g., current events, new laws, meetings) or spend more time on sections of the course we are collectively more interested in. Changes to assignments, readings, or due dates will occur at least 1 week in advance or as optional/supplementary materials. We will discuss these changes in advance during lecture time, and you will be notified/reminded of these changes via email and Canvas. Updates and assignments will always be posted to the syllabus on our Canvas page.

Course Schedule

Week	Topics	Readings, Assignments, Exams
1. Players and Process: the US Government and making of Environmental Policy		
Week 1 Monday 8/23 (In-person)	M- Environmental Law and the legislative Branch	Assignments due: Getting to know you post on Canvas Discussion Board (due 8/25)
Wednesday 8/25 (In-person)	W- Executive branch 1: Powers of the President	Legislator Profile introduced: due 8/30 Watch: (1) If you aren't familiar with or could use a refresher on the branches of government and their roles, Start Here: Crash Course: Separation of Powers, Checks and Balances) (2) Required: Crash Course: Federalism (roles of the federal and state governments) ***Take notes! (be prepared to discuss in class) (3) Required: Executive Order Activity (see Canvas)
Week 2 Monday, 8/30 (Online)	M- Exec 2: Cabinet and Agencies	<u>Reading</u> : No Reading; Work on your Legislator Profile! Due!: Legislator Profile (8/30)
Wednesday, 9/1 (In-person)	W- Judicial Branch	Reading: Wald, P.M. (1991). The Role of the Judiciary in Environmental Protection. Pp. 519- 527; 529- 537 Complete: Answer the reading comprehension questions Introduced: Case Law Comparison (draft due 10/11; peer review due 10/18; final due: 10/25)
Week 3 Monday, 9/6 (NO CLASS)	M- Labor DayNO CLASS!	NO CLASS
Wednesday, 9/10 (In-person)	W- The Policy Process	<u>Reading:</u> TBA
	2. Tackling Polluti	on: Air, Water, Earth
Week 4 Monday, 9/13	M- Clean Air Act (CAA) of 1970	Reading: Pappalardo, C. 2019. What a difference a state makes: California's authority to regulate motor vehicle emissions under the Clean Air Act Section 1: Back to the Future pp. 2-8 &

Week	Topics	Readings, Assignments, Exams
1. Players and Process: the US Government and making of Environmental Policy		
Wednesday, 9/15 (In-person)	W- CAA 2	Section III. California's Authoritypp. 14-26 top. Optional: You can read the entire article for additional detail, especially if you are interested in Energy Policy Quiz #1 Policy Players and Process Reading: TBA
Week 5 Monday, 9/20	M- Clean Water Act (CWA)	Readings: (1) Watch: Cadillac Desert: Part 1: Mulholland's Dream (90 minute documentary)-see reading comprehension questions (2) Northey, H. (2021). Clean Water Act Exclusive: Trump rule imperils more than 40,000 waterways
Wednesday, 9/22 (In-person)	W- CWA part 2, Safe Drinking Water Act	Reading: (1) Politico article: What Broke the Safe Drinking Water Act? (see Canvas for pdf and/or link) (p. 1- 10) (2) CBS News (2021). "Staggering": 25,000 barrels found at toxic dump site in Pacific Ocean off Los Angeles coast
Week 6 Monday, 9/27 Wednesday, 9/29	M- Pollution and Hazardous Materials: CERCLA (aka: the Superfund Act)	<u>Watch: Love Canal,</u> New York Times Retro Report, 2013 <u>Due:</u> Superfund Activity: (see Canvas for worksheet) https://www.epa.gov/superfund/search-superfund-sites-where-you-live
(In-person)	W- Mining Law: from Gold Rush to space	Readings: (1) Watch: The Future of Cerro Gordo Is in Danger (noticed the pinned comment by the author about public involvement in these processes!) (2) Read: Space Mining, the new Gold Rush
3. Tl	he big ones—NEPA, ESA	A, and Land Preservation Laws
Week 7 Monday, 10/4 (Online/Zoom)	M- Case Law Paper Work Day	Readings: Your two cases need to be selected and read by today! Mandatory work day via Zoom Meeting in groups via Zoom to discuss the cases you have found and progress on your Case Law draft. A progress report is due at the end of class as your participation points for today.
Wednesday, 10/6 (In-person)	W- National Environmental Policy Act (NEPA)	 <u>Due:</u> Quiz #2, Water, Air, CERCLA, Mining <u>Reading:</u> Mandelker, 2010. The National Environmental Policy Act: A Review of Its Experience and Problems <u>Activity:</u> See Canvas for details, <u>portal to EIS page</u>

Week 8	W- California Environmental	Optional: A Citizen's Guide to NEPA (2021 English): citizens-guide-to-nepa-2021.pdf download A Citizen's Guide to NEPA (2007 version, Spanish): citizens-guide-spanish.pdf Video: Watch Dr. Thomas's CEQA video (see Canvas),
Monday, 10/11	Quality Act (CEQA)	Reading: Bland, A. (2019). Weakling or Bully? The battle over CEQA, the state's iconic environmental law
Wednesday, 10/13 (In-person)	W- Endangered Species Act	Due! Case Law Comparison Draft!!! 10/11 Readings:
Week 9 Monday, 10/18	M- ESA wrap-up	Reading: Cities in the Wilderness Chapter 2 p. 55-76 (pdf provided on Canvas) Case Law Comparison Peer Review due!!! 10/18
Wednesday, 10/20	W- Rivers: Floods, damns, and 50 years of the Wild and Scenic Rivers Act	Reading: TBA
	4. Natural F	Resources Laws
Week 10 Monday, 10/25 (Online/Zoom)	M- The Wilderness Act—Guest Lecture from Dr. Catrin Edgeley, Northern Arizona University	Readings: (1) Solomon, C. (2017). Op-Ed: 5 lies being used to get mountain bikes in Wilderness. Outside Magazine

		(2) Peruzzi, M. (2017). An eminently reasonable take on MTB v. Wilderness. <i>Outside Magazine</i> Due!!! Case Law Comparison FINAL due!!! 10/25
Wednesday, 10/27 (In-person)	W: Rangeland Policy- grazing, the Sagebrush Rebellion, and the impact of anti-public lands movements	Watch: The Fight for America's Public Lands (1 hour, 35 min video; see Canvas for comprehension questions to turn in Due: Quiz #3: NEPA, CEQA, ESA and Land Preservation In class reading, but you can start early if you want extra time: Controversial federal grazing fees not a great deal for anyone
Week 11 Monday, 11/1	M- Forests 1: Our forests, Multiple-Use Sustained-Yield Act (MUSYA), and National Forest Management Act (NFMA)	Reading: None Due: Comments on Case Law Submissions!-11/1
Wednesday, 11/3 (In-person)	W- Forests 2: Inyo Forest Management Plan Case Study	Reading: Inyo National FMP *Come prepared for group to discuss assigned portion of FMP *Critiques and criticisms from public involvement process
Week 12 Monday, 11/8 (Online/Zoom)	M- Panel with Inyo NF Managers on environmental law	No Reading: Come with questions!
Wednesday, 11/10 (In-person)	W- Wildlife resource management, hunting laws	Reading: TBA
	5. Oceans: Fisheries, M	ammals, and Preservation
Week 13 Monday, 11/15	M- Oceans 1: Fisheries	Reading: Alaska salmon fishery case study (see Canvas module)
		Optional, but strongly encouraged: Watch the Seaspiracy Documentary (on Netflix and Disney+)
		Quiz #4: Land Management (Forests, range, and hunting) Due: Peer-Reviewed/Academic Article Selection and Summary 11/15
Wednesday, 11/17 (In-person)	W- Oceans 2: Marine Mammal Protection Act (MMPA)	Reading: MMPA group activity (See Canvas)
Week 14 Monday, 11/22	M- Oceans 3: MMPA finish	Readings: (1) Johnson, G. (2019). The Makah tribe's multidecade fight to get subsistence whaling rights. The Associated Press (2) Dasgupta, S. (2021). How Shipping Has Become a Great Threat to Whales? Marine Insight
Wednesday, 11/24 (NO CLASS)	W- NO CLASS!!! Enjoy Fall Break	

6. Energy Policy and International Cases		
Week 15 Monday, 11/29	M- Energy Policy 1: the Energy situation	Reading: TBA Quiz #5: Wildlife, fisheries, and oceans
Wednesday, 12/1 (In-person)	W- Energy 2: Transportation—problems and opportunities	Reading: What comes next for ANWR?: 1) Watch (~6 minutes):
Week 16 Monday, 12/6 (IN-PERSON)	M- International Environmental Law Case Studies & Final Exam Review Day	Reading: International Case Law Activity-Treaties: see Canvas for specific instructions for your assigned topic (1) Who owns Antarctica? (2) Environmental disasters: The Aral Sea (3) Conserving the Amazon: indigenous partnerships and REDD+ Quiz #6- Energy and international environmental law
Final Exam (take home, online)	Morning Section (ENVS/POLS 124-01): Wednesday, Dec 8, 9:45am- 12:00pm PT	*Your final exam is take home (open book, open internet) and can be taken anytime on your exam dayaka: You do not need to take the final exam at the time the schedule says*