

Environmental Impact Analysis – ENST 560.01

Spring 18

12:30-1:50 Tu & Th

Professor: Len Broberg

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Office Hours: M 11-1230 am, W 1-2:30 pm

Course Content & Purpose

This course is designed to introduce students to the laws, procedures and legal institutions that influence environmental impact analysis and the basic techniques of environmental impact assessment. There will be a mix of presentations, workshops and discussion about the course topics. Basic environmental impact analysis skills will also be emphasized in the course. Students will complete a midterm and several analytical assignments for the course. Students will also select an environmental assessment to critique and make a final presentation to the class on their assessment on April 26 through May 3rd.

Texts: 1) Environmental Impact Assessment: A practical guide, Betty Bowers Marriott
2) Moodle materials (designated below as *Moodle*)
3) Cases or Law Reviews through the Mansfield Library databases (Lexis Academic or LegalTrac for instance)- designated *Lexis* on syllabus

Tentative class schedule:

- Jan. 23 Class Intro & Federal and State court structure/Use of Lexis-Nexis database and how to read cases
- Jan. 25 Introduction to federal administrative structure and administrative law
Moodle: *Administrative Law*
- Jan 30 Standing/Reviewability issues
 Read: **Moodle:** *Massachusetts v. EPA (Through Section IV), Norton v. SUWA,*
 Lexis: *NRDC v. United States Department of State, DC Dist of Columbia 2009, 658 F Supp 2d 105*
- Feb 1-6 National Environmental Policy Act- the statutory framework and CEQ rules and Agency Deference
 Moodle: NEPA text; CEQ Rules, **Lexis-Nexis:** *Lands Council v. McNair, 537 F.3d 981*
- Feb 8 Interdisciplinary Teams, Scoping, Categorical Exclusions and Environmental Assessments- Scoping Assignment handed out **Marriott:** Chapter 3 **Moodle:** *O'Brien-NEPA, NEPA- significance-CE-E, USFS NEPA Procedures, USFS Categorical Exclusions*
- Feb 13 Water and wetlands- the Clean Water Act and it role in EIA-Scoping assignment due **Marriott:** Chapter 18 **Lexis-Nexis:** *Rapanos v. United States, 547 U.S. 715*
Moodle: *Clean Water*

Act

- Feb 15 Water and wetlands workshop **Marriott:** Chap 20
- Feb. 20 Wildlife habitat assessment and the Endangered Species Act
Marriott: Chapter 18; **Moodle:** *ecological-processes-eia-pg* **Water Assignment Due**
- Feb 22 Wildlife habitat assessment workshop
- Feb 27 Alex Dunn- USFS NEPA process
- Mar 1 Saha- NEPA and Environmental Justice **Marriott:** *Chap 6*
- Mar 6 Air pollution impacts and the Clean Air Act **Marriott:** *Chap 14-* **EIA Critique Proposal Due**
- Mar 8 Coal plant permitting under CAA- Reading TBA- **Wildlife Habitat Assignment Due**
- Mar 13 Visual impact analysis **Marriott:** *Chap 13*
- Mar 15 Visual impact analysis workshop
- Mar 20 Climate change and cumulative impacts- **Visual Impact Assignment due**
- Mar 22 Constitutional limits on regulation (takings, "wise use" & police power)
Read: PAG 1127-1165 New 904-923
Moodle: Meltz et al, *Takings*
- Mar 27-29 Spring Break- No class
- Apr 3-5 Montana Environmental Policy Act and EQC rules **Moodle:** *Montana EQC MEPA Handbook*
- Apr 10 Mining Law- **Marriott:** *Chap 17* **Moodle:** *Montana Mining Law*; Golden Sunlight case; *MEIC v. DEQ*
- Apr 12-17 National Forest analysis- the 2012 Planning rules **Marriott:** 16.3 and 16.4
- Apr 19 Attorneys fees- **Moodle:** Buckhannon case
- April 24- May 3 Student presentations
- May 3 EIA critique due

Grading – The course will use +/- grading system

Assignments	30%
EIA Critique	40%
Class Participation	30%