

# Introduction to Environmental Law Section 01

## ENVS 124

Spring 2024 3 Unit(s) 01/24/2024 to 05/13/2024 Modified 02/14/2024

### Contact Information

---

dustin.mulvaney@sjsu.edu

Dr. Dustin Mulvaney

Email: [dustin.mulvaney@sjsu.edu](mailto:dustin.mulvaney@sjsu.edu)

Office: 115A Washington Square Hall -WSQ

#### Office Hours

Tuesday, 12pm–1:30pm

115A Washington Square Hall - WSQ

### Course Information

---

Hugh Gillis Hall 223

#### Lecture

Tuesday, 3:00 PM to 5:45 PM, Hugh Gillis Hall 223

### Course Description and Requisites

---

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.

Prerequisite: ENVS 1 or Instructor Consent.

Letter Graded

## \* Classroom Protocols

---

You are responsible for regularly checking with the messaging system through MySJSU. Course materials such as the syllabus, assignments, readings, and handouts will be found on [canvas \(https://sjsu.instructure.com\)](https://sjsu.instructure.com).

## ☰ Program Information

---

The Environmental Studies Department offers three Environmental Studies [Undergraduate Degrees \(https://www.sjsu.edu/envs/undergraduate/undergraduate-programs.php\)](https://www.sjsu.edu/envs/undergraduate/undergraduate-programs.php):

### **Bachelor of Science Degree**

The Bachelor of Science degree in Environmental Studies is designed to prepare students for career opportunities in water resource management, biological resource protection, sustainable agriculture, renewable energy, environmental health and safety, environmental impact assessment, environmental restoration, and wilderness, park, and open space resource management.

### **Bachelor of Arts Degree**

The Bachelor of Arts degree is designed to prepare students for career opportunities in environmental resource management, environmental communications, environmental design, environmental regulation and policy, integrated waste management, human ecology, government agencies, non-governmental organizations, environmental planning and environmental advocacy.

### **Bachelor of Arts Degree, Preparation for Teaching**

This major is designed for students interested in teaching in elementary school or middle school. Students who wish to pursue a high school teaching career should complete a BA or BS in Environmental Studies in consultation with the advisor.

These programs share the following program learning objectives:

**PLO 1** Write a logical analytical paper using good writing style and construction supported by appropriate research.

**PLO 2** Determine, apply and interpret appropriate basic statistical or other quantitative analyses to environmental data.

**PLO 3** Develop proficiency in the interdisciplinary sustainability principles that are the foundations of environmental studies; they will know the key environmental challenges facing the planet, know relevant interdisciplinary information about these challenges, and be able to develop/identify feasible solutions.

**PLO 4** Productively conduct group/team work to deliver professional quality presentations and reports and also engage in community service and democratic participation.

**PLO 5** Demonstrate in-depth knowledge and skills in a science or technical field (BS) or non-science field (BA and Preparation for Teaching).

## Course Goals

---

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.

This is a survey course that will give you a broad, practical understanding of important federal environmental statutes and case law. Environmental law (aka: environmental and natural resources law) covers regulations; statutes; 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 (CLOs)

---

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.

## Course Materials

---

There is no required textbook for this course. Readings and assignments will be uploaded to canvas either as a link or .pdf

## Course Requirements and Assignments

---

30% of your grade will be for three to four assignments.

50% of your grade will be a midterm exam and a cumulative final exam.

20% of your grade will be participation in class activities and discussions.

## Grading Information

---

A+	96–100%
A	93–95%
A-	90–92%
B+	86–89%
B	83–85%
B-	80–82%
C+	76–79%
C	70–75%
D	60-69%
F	59% or less

# Breakdown

50%	Exams - midterm and final exam
30%	Assignments - 3 or 4 assignments throughout the semester
20%	Participation & preparation

## University Policies

---

Per [University Policy S16-9 \(PDF\)](http://www.sjsu.edu/senate/docs/S16-9.pdf) (<http://www.sjsu.edu/senate/docs/S16-9.pdf>), relevant university policy concerning all courses, 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) are listed on the [Syllabus Information](https://www.sjsu.edu/curriculum/courses/syllabus-info.php) (<https://www.sjsu.edu/curriculum/courses/syllabus-info.php>) web page. Make sure to visit this page to review and be aware of these university policies and resources.

## Course Schedule

---

### Week 1 - Environmental law and policy

Lisa Brown, Overview of Environmental Law

Library of Congress, Environmental Law: A Beginner's Guide.

Separation of Powers and Checks and Balances: Crash Course Government and Politics

### Week 2 - Clean Air Act

Schmalensee, R., & Stavins, R. N. (2019). Policy evolution under the clean air act. *Journal of Economic Perspectives*, 33(4), 27-50.

The air we breathe A story of air quality in the United States for the past and present.

The Chevron Doctrine: what it is and why it matters that the Supreme Court might kill it

Massachusetts v. EPA pt.1 - Agency Discretion to Regulate

AirNow Air Quality Monitoring Site Data

California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants

NAAQS Table from the EPA

### Week 3 - Clean Water Act

50 Years of the Clean Water Act

US EPA, History of the Clean Water Act

50 Years After the Clean Water Act—Gauging Progress Links to an external site.

#### **Week 4 - National Environmental Policy Act**

Murchison, K. M. (1983). Does NEPA matter-An analysis of the historical development and contemporary significance of the National Environmental Policy Act. *U. Rich. L. Rev.*, 18, 557.

Fleischman, F., Struthers, C., Arnold, G., Dockry, M., & Scott, T. (2020). US Forest Service implementation of the national environmental policy act: Fast, variable, rarely litigated, and declining. *Journal of Forestry*, 118(4), 403-418.

#### **Week 5 - Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act**

Malcom, J. W., & Li, Y. W. (2015). Data contradict common perceptions about a controversial provision of the US Endangered Species Act. *Proceedings of the National Academy of Sciences*, 112(52), 15844-15849.

Rohlf, D. J., & Reynolds, C. (2022). RESTORING THE EMERGENCY ROOM: HOW TO FIX SECTION 7(A)(2) OF THE ENDANGERED SPECIES ACT. *Environmental Law*, 52(4), 685–746.

<https://www.jstor.org/stable/48712102>

#### **Week 6 - Hazardous waste/RCRA/TSCA/CERCLA/circular economy**

Chambers, J. C., & McCullough, M. S. (1995). From the cradle to the grave: An historical perspective of RCRA. *Natural Resources & Environment*, 10(2), 21-74.

Rayasam et al. 2022. Toxic substances control act (tsca)-implementation how the amended law has failed to protect.

#### **Week 7 - Forestry Policy, Law, and Regulation**

Vaux, H. J. (1986). The regulation of private forest practices in California: a case in policy evolution. *Journal of Forest History*, 30(3), 128-134.

Speece, D. F. (2018). From Corporatism to Citizen Oversight: The Legal Fight over California Redwoods, 1969-1999. *Cal. Legal Hist.*, 13, 57.

#### **Week 8 - Marine fisheries management**

Lackey, R. T. (1999). Salmon policy: science, society, restoration, and reality. *Environmental Science & Policy*, 2(4-5), 369-379 Links to an external site.

#### **Week 9 - Rangelands management**

Skillen, J. R. (2020). Public Lands Rebellion. *Utah Historical Quarterly*, 88(2), 108-114.

#### **Week 10 - Groundwater management & water law**

Leach, W. D., An, B. Y., & Tang, S. Y. (2021). Evaluating California's Sustainable Groundwater Management Act: The first five years of governance and planning. *JAWRA Journal of the American Water Resources Association*, 57(6), 972-989.

#### [History of the Water Boards](#)

[https://www.waterboards.ca.gov/about\\_us/water\\_boards\\_structure/history\\_water\\_rights.html](https://www.waterboards.ca.gov/about_us/water_boards_structure/history_water_rights.html).

#### **Week 11 - Climate & Energy Policy**

Bistline et al. 2023. Emissions and Energy Impacts of the Inflation Reduction Act

#### **Week 12 - Mining and Extractive Industries Law**

[Backyard Problems Extractive industries keep leaving toxic messes across the West. Will history continue to repeat itself? \(https://storymaps.arcgis.com/stories/3fe6fa7da3144d2a9f35ac0576f333f2\)](https://storymaps.arcgis.com/stories/3fe6fa7da3144d2a9f35ac0576f333f2).

[Recommendations to Improve Mining on Public Lands FINAL REPORT SEPTEMBER 2023.](https://www.doi.gov/media/document/mriwg-report-final-508-pdf)

<https://www.doi.gov/media/document/mriwg-report-final-508-pdf>

#### **Week 13 - Global Environmental Law**

Scheidel, A., Del Bene, D., Liu, J., Navas, G., Mingorría, S., Demaria, F., ... & Martínez-Alier, J. (2020). Environmental conflicts and defenders: A global overview. *Global Environmental Change*, 63, 102104.

#### **Week 14 - Environmental Justice**

Fernandez-Bou, A. S., Ortiz-Partida, J. P., Dobbin, K. B., Flores-Landeros, H., Bernacchi, L. A., & Medellín-Azuara, J. (2021). Underrepresented, understudied, underserved: Gaps and opportunities for advancing justice in disadvantaged communities. *Environmental Science & Policy*, 122, 92-100.

[A Progressive Take on Permitting Reform: Principles and Policies to Unleash a Faster, More Equitable Green Transition \(https://rooseveltinstitute.org/publications/a-progressive-take-on-permitting-reform/\)](https://rooseveltinstitute.org/publications/a-progressive-take-on-permitting-reform/)