This course is focused primarily on constitutional principles and federal environmental laws. We will review the development of the field of environmental law, beginning with ethical, cultural and legal principles that provide the foundation for our current legal system. We will cover the administrative and judicial processes that apply to environmental policy and litigation, and the roles that various agencies play in formulating environmental policy and implementing laws and regulations. Class discussions will include guest speakers and provide an opportunity to relate course readings to current topics and issues.

Instructor: Linda Krop, lkrop@cox.net (cell 805-636-3345-for emergencies only)
Office hours: Wednesdays, 4:45 – 5:45 p.m., Bren 4015.

Schedule:
Wednesdays, January 17 – March 14, 2016, 6:00 – 8:50 p.m., Phelps 1425
Final exam: Friday, March 23, 2016, 7:30 - 10:30 p.m., Phelps 1425

Supplemental materials are posted on the course website.

Grading: Students will be graded on a midterm (40%), final exam (40%), and writing assignment (20%). Class attendance and participation will also be a factor. Class attendance is very important, because the class meets only once a week. Attendance will be taken at the beginning and end of class. More than two absences will result in a reduction in your grade.

SYLLABUS

Students should read each assignment prior to class to facilitate a meaningful learning experience and an informed discussion. The posted lecture previews will provide guidance for the classes.

Week 1 (1/17)
Introduction and Background; Legal System; Administrative Law; Standing
Environmental Law, Chapter 4 - “An Introduction to Environmental Law and Policy,” pp. 125-135
Sierra Club v. Morton
“Should Trees Have Standing,” Christopher Stone
Optional: “The Relationship between People and the Land,” Jimmie Begay
Optional: “A Sand County Almanac,” Aldo Leopold
Optional: “Political Requirements for Preserving our Common Heritage,”
Garrett Hardin
Optional: “The Closing Circle,” Barry Commoner

Week 2 (1/24)

**Litigation Process; Common Law Tort Theories**

Common Law Tort cases:
- *Hulbert v. California Portland Cement*
- *Weston Paper Co. v. Pope*
- *Renken v. Harvey Aluminum, Inc.*
- *Spur Industries, Inc. v. Del E. Webb Development Co.*
- *Reynolds Metals Company v. Yturbiade*
- *Branch v. Western Petroleum, Inc.*

Optional: *County of Santa Barbara v. Plains Pipeline*

Week 4 (1/31)

**National Environmental Policy Act**

*Environmental Law,* Chapter 4, pp. 135-144
Santa Barbara Declaration of Environmental Rights
*Calvert Cliffs Coord. Comm. v. Atomic Energy*
*Robertson v. Methow Valley Citizens Council*
*Muckleshoot Indian v. Forest Service*

Optional: “The Santa Barbara Oil Spill: A Retrospective,” Keith C. Clarke
Optional: “It's the Sustainable Economy,” Lisa P. Jackson
Optional: CEQ Guide to NEPA

**Guest Speaker: Jeff Kuyper, Executive Director, Los Padres ForestWatch**

Week 3 (2/7)

**Endangered Species Act**

*Environmental Law,* Chapter 10, “Natural Resources,” pp. 367-372
U.S. Fish & Wildlife Service Fact Sheets re: ESA
*Tennessee Valley Authority v. Hill*

Optional: *National Association of Home Builders v. Babbitt*
Optional: Citizen Guide to the ESA
Optional: GAO report re ESA decision-making
Optional: Forum article re ESA
Optional: FWS memo re MacDonald notes
Optional: Obama ESA memo 3-3-09
Optional: 5-4-09 Rule re ESA Consultation

**Film:** "Threatened: The Controversial Struggle Of The Southern Sea Otter"

*Writing Assignment will be explained and is due February 28.*
Week 5 (2/14) Midterm

Week 6 (2/21) **Clean Air Act**
*Environmental Law*, Chapter 5 – “Air-Quality Control” (Except section on Climate Change)

*Guest Speaker: Mary Byrd, Community Programs Supervisor, Santa Barbara County Air Pollution Control District*

Week 7 (2/28) **Clean Water Act**
*Environmental Law*, Chapter 6 – “Water-Quality Control”

*Headwaters v. Talent Irrigation District*

Optional: Clean Water Act Citizen Guide

*Guest Speaker: Jenna Driscoll, Watershed and Marine Program Associate, Santa Barbara Channelkeeper*

**Writing Assignment due**

Week 8 (3/7) **Wetlands; Public Trust Doctrine**
*Environmental Law*, Chapter 10, “Natural Resources,” pp. 357-361 (wetlands); Chapter 1, pp. 38-40 (public trust)

*Rapanos v. United States*

Optional: “Justices divided on protections for wetlands”

The Public Trust Doctrine and Related Common Law Property Concepts”

*Illinois Central Railroad v. Illinois*

*National Audubon Society v. Superior Court*

*CBD v. FPL Group*

Optional: Article re Public Trust Doctrine

Optional: Article re Public Trust and Wildlife

*Guest Speaker: Candice Meneghin, Southern California Conservation Program Manager, CalTrout*

Week 9 (3/14) **Climate Change**

*Massachusetts v. EPA*

Endangerment Finding

*American Electric Power v. Connecticut*

Optional: “As Arctic Ice Continues Record Melting, Leading Scientists, Legislators and Public Petition for Polar Bear Protections under the Endangered Species Act”

Optional: Petition to list Polar Bear; Action Timeline re Polar Bear listing; *In Re Polar Bear Endangered Species Act Listing and Section 4(d) Rule Litigation*

Optional: Links to various websites regarding climate change litigation

**Final Exam: March 23, 7:30 – 10:30 p.m.**