Environmental Law for Natural Resource Managers (CES 515)
Spring Semester, 2017
Class Syllabus

Classroom: To be determined
Lecture: Tuesday 3:00 to 5:40
Instructor: Dr. Neal O’Reilly

Contact Information:
Office: 364E
Office Hours: Monday and Thursday 11:00-12:00 or by appointment
Phone: 414.229-2448 (Campus) 414.870.5732 (Cell)
Email: oreillyn@uwm.edu

Course Objectives:
To provide an overview of United States environmental and natural resource law. The purpose of the class is to introduce students to the environmental regulations that they will be involved with in the field of natural resource management. Regulations that will be covered will include; the Clean Water Act, Clean Air Act, the Resource Conservation and Recovery Act, the National Environmental Policy Act, the Toxic Substances Control Act, the Emergency Planning and Community Right-to-Know Act, the Endangered Species Act, the Federal Land Policy and Management Act, the Marine Mammal Protection Act, and Wild and Scenic Rivers Act.

Learning Outcomes:
Following this course students will have an understanding of the major U.S. environmental and natural resource laws and how they apply to university research, government enforcement, and corporate and individual compliance. Students will understand the process that law are created and amended to meet changing society needs. Students will understand how under the U.S. tort system laws are constantly being interpreted and re-interpreted through the court system.

Lectures and Course Format: The class will include a weekly lecture, assigned readings and bi-weekly homework assignments. Copies of each lectures PowerPoint slides will be posted on D2L prior to the class.

Prerequisites: Junior standing, or permission of instructor.


Examinations and Grading: There are a total of 100 possible points in this class.

Undergraduate:

1. Bi-weekly Homework (30 points)
2. Midterm Exam (30 points)
3. Final Exam (30 points)
4. Class Participation (10 Points): It is fully expected that students will attend class each week, contribute comments, ask questions, and actively participate in discussion with guest presenters and classmates.

Graduate:

1. Bi-weekly Homework (15 points)
2. **Midterm Exam (20 points)**
3. **Final Exam (20 points)**
4. **Class Participation (10 Points):** It is fully expected that students will attend class each week, contribute comments, ask questions, and actively participate in discussion with guest presenters and classmates.
5. **Research Paper (35 pts):** In addition to the above undergraduate requirements, graduate students will prepare a research paper on a topic related to one of the environmental or natural resource management laws covered in the class. The paper will be 20 to 30 pages in size and will cover the history of the law, overview of the regulation, any implementation issues, and an overview of any major court challenges that have altered the meaning of the law. The students will prepare a 20 to 30 minute presentation of their research and present in class.

**Grading:** Your final grade for the class will be based on your performance within the total class curve. The sum of your total points, not the average of exam letter grades, will be used to rank your performance within the class. The grading curve may fluctuate with class performance. Maximum breaks-point for percentage of total points needed for letter grades are: A=90%, B=80%, C=70%, and D=55%. The grading curve may be lowered, but not raised above these percentages.

**Late Assignment Policy:** Late submittal of homework, exams, or the graduate research paper will receive a 10% reduction per day late and will not be accepted after one week of the due date.

**Attendance:** Attendance at all lectures is required. If a class is missed without prior notice and approval of the instructor, the student’s grade will be reduced one point for each lecture missed.

**Class Topics:** The following topics are covered in the course:

1. Administrative Law, Constitutional Law and Tort Law generally and as they apply to environmental law.
2. History of the development of Environmental Law in the U.S.
3. Introduction to Environmental Law and Policy.
5. Clean Air Act (CAA).
8. The Toxic Substances Control Act (TSCA).
10. The Emergency Planning and Community Right-to-Know Act (EPCRA).
12. Lacey Act.
15. Archaeological Resources Protection Act (ARPA).
17. Magnuson-Stevens Fishery Conservation and Management Act (FCMA).

**Weekly Reading Assignments:**

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>23-Jan</td>
<td>• Administrative Law, Constitutional Law and Tort Law</td>
<td>• CHAPTER 1 LEGAL FOUNDATIONS OF ENVIRONMENTAL LAW, Environmental Law, 1st Edition, Kathryn L. Schroeder.</td>
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<tr>
<td></td>
<td></td>
<td>• History of the development of Environmental Law in the U.S.</td>
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<tr>
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<td></td>
<td>• Introduction to Environmental Law and Policy</td>
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<tr>
<td>2</td>
<td>30-Jan</td>
<td>• The National Environmental Policy Act (NEPA)</td>
<td>• CHAPTER 3 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA), Environmental Law, 1st Edition, Kathryn L. Schroeder.</td>
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<td>• THE CLEAN WATER ACT JURISDICTION HANDBOOK to be posted on D2L.</td>
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<tr>
<td>4</td>
<td>13-Feb</td>
<td>• Clean Air Act (CAA)</td>
<td>• CHAPTER 5 CLEAN AIR ACT (CAA), Environmental Law, 1st Edition, Kathryn L. Schroeder.</td>
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<tr>
<td>5</td>
<td>20-Feb</td>
<td>• The Resource Conservation and Recovery Act (RCRA)</td>
<td>• CHAPTER 6 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), &amp; CHAPTER 8 TOXIC SUBSTANCES CONTROL ACT (TSCA), Environmental Law, 1st Edition, Kathryn L. Schroeder.</td>
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<tr>
<td></td>
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<td>• The Toxic Substances Control Act (TSCA)</td>
<td>• Solid Waste Disposal, Selected Environmental Law Statutes: 2014-2015 Educational Edition</td>
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<tr>
<td>7</td>
<td>6-Mar</td>
<td>• The Emergency Planning and Community Right-to-Know Act (EPCRA).</td>
<td>• CHAPTER 10 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA), Environmental Law, 1st Edition, Kathryn L. Schroeder.</td>
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<tr>
<td>8</td>
<td>13-Mar</td>
<td>Spring Break</td>
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3
| Week 10 | 3-Apr | • Lacey Act.  
• Migratory Bird Treaty Act (MBTA).  
• Wild Bird Conservation Act (WBCA).  
 • Copies of the Lacey Act, Migratory Bird Treaty Act (MBTA), and Wild Bird Conservation Act (WBCA) to be posted on D2L. |
|---|---|---|
| Week 11 | 10-Apr | • Magnuson-Stevens Fishery Conservation and Management Act (FCMA).  
• Marine Mammal Protection Act (MMPA).  
 • Copies of the Magnuson-Stevens Fishery Conservation and Management Act (FCMA) and Marine Mammal Protection Act (MMPA) to be posted on D2L. |
| Week 12 | 17-Apr | • Federal Land Policy and Management Act (FLPMA).  
 • Copy of the Federal Land Policy and Management Act (FLPMA) to be posted on D2L. |
| Week 13 | 24-Apr | • Wild and Scenic Rivers Act (WSRA).  
 • Copy of the Wild and Scenic Rivers Act (WSRA) to be posted on D2L. |
| Week 14 | 1-May | • Wisconsin Water Law  
 • Wisconsin Water Law: A Guide to Water Rights and Regulations, Paul Kent and Tamara Dudiak (will be provided on D2L) |
| Week 15 | 8-May | • Wisconsin Water Law (Cont.)  
 • Wisconsin Water Law: A Guide to Water Rights and Regulations, Paul Kent and Tamara Dudiak (will be provided on D2L) |
| Week 16 | 18-May | • Final Exam |


**Accommodations for Religious Observances:** Students will be allowed to complete examinations or other course requirements at an alternative date and time if their participation in a religious observation prevents them from completing the assignment on the scheduled date. The student is responsible for contacting his/her professor during the first two weeks of the semester regarding the need to reschedule the assignment dates.

**Change of Grades:** Professors and instructors may not change a course grade after the grade sheet has been submitted to the Registrar except for an inadvertent error in determining or recording the grade or in the case where the original grade was an incomplete. Any change in a student’s grade or record, including retroactive change to drop, withdrawal, or incomplete, must receive the approval of the Dean of the School or College in which the student was enrolled at the time the course was taken.

**Incompletes:** An incomplete may be given in lieu of a final grade only if the student has completed the course successfully until near the end of the semester/session but, because of an illness or other unusual and substantiated cause beyond his/her control, can not complete a final project/paper or examination. The student must be able to provide his/her professor or instructor with written, verifiable and acceptable proof of a medical or family emergency. This proof must clearly indicate that the emergency prevented the student from completing the assignment(s).

**Equal Treatment:** The principle of equal treatment of all students is a fundamental guide in responding to requests for special consideration. No student shall be given an opportunity to improve a grade that is not made available to all members of the class. This policy is not intended to exclude reasonable accommodation of verified student disability or the completion of work missed as the result of religious observance, verified illness, or justified absence due to circumstances beyond a student’s control.

**Participation by Students with Disabilities:** Students who need accommodations to meet the requirements in any course should contact the professor, instructor, or teaching assistant of the course no later than two weeks after the beginning of the course.
Grievance Policy and Procedure: If, for any reason, you believe that you are being treated unfairly within this course your first step is to see me, the instructor. If the perceived problem cannot be satisfactorily resolved through instructor-student mediation, you must next make an appointment to see the chairperson of the Department of Geography. Information regarding the policies and procedures applicable to this course are available on request at the Geography Department main office, Bolton 410 or on line: http://www.uwm.edu/letsci/grievance_procedure.pdf.

Sexual Harassment: Sexual harassment will not be tolerated by the University of Wisconsin-Milwaukee. If you believe you have been sexually harassed by a member of the instructional or administrative staff of the Department of Geography, you should contact the Chair of the Department of Biological Sciences, the Associate Dean of Social Sciences, or the Dean of the College of Letters and Science.

Academic Integrity and Academic Misconduct: Each student has an obligation to act with honesty and integrity, and to respect the rights of others in carrying out all academic assignments. Academic Misconduct may result in the immediate failure of the course in which the misconduct occurs. Academic misconduct will be reported to the Investigating Officer of the College of Letters and Science and additional sanctions may be recommended. A student may be found to have violated this obligation and to have engaged in academic dishonesty if during or in connection with any academic evaluation, if he/she:

A. Engages in any form of academic deceit, (including cheating, fabrication, and plagiarism);
B. Refers to materials or sources or employs devices (e.g., audio recorders, crib sheets, calculators, solution manuals, or commercial research services) not authorized by the instructor for use during the academic evaluation;
C. Possesses, buys, sells, obtains, or uses, without appropriate authorization, a copy of any materials intended to be used for academic evaluation in advance of its administration;
D. Acts as a substitute for another person in any academic evaluation;
E. Uses a substitute in any academic evaluation;
F. Depends on the aid of others to the extent that the work is not representative of the student's abilities, knowing or having good reason to believe that this aid is not authorized by the instructor.
G. Provides inappropriate aid to another person, knowing or having good reason to believe the aid is not authorized by the instructor;
H. Engages in plagiarism;
I. Permits his or her work to be submitted by another person without the instructor's authorization; or
J. Attempts to influence or change any academic evaluation or record for reasons having no relevance to class achievement.

"Cheating" is defined as "intentionally using or attempting to use unauthorized materials, information or study aids" in any academic exercise. Examples: a) Gaining unauthorized access to a copy of an exam; b) Working with other students on an exam without the express permission of the instructor; c) Submitting the same paper or substantial portions of a paper for multiple classes without the express permission of the instructor.

"Fabrication" involves the "intentional and unauthorized falsification or invention of any information or citation in an academic exercise. Examples: a) Fabricating data and/or creating a scientific lie; b) Creating quotations or inventing a journal article, book reference, etc.

"Plagiarism" means using another's words, ideas, materials or work without properly acknowledging and documenting the source. Students are responsible for knowing the rules governing the use of another's work or materials and for acknowledging and documenting the source appropriately. Examples: a) Failing to cite any major idea created by some other person or entity; b) Failing to cite and/or enclose in quotation marks all words, phrases or sentences copied from another source’ c) Failing to cite paraphrased work of others; d) Acquiring a paper or project from a research service or another source and submitting it as your own work for academic evaluation.
**Workload:**

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<thead>
<tr>
<th>Activity</th>
<th>Hour per week</th>
<th>Hours per Semester</th>
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<tbody>
<tr>
<td>Lecture</td>
<td>2 hours, 40 minutes</td>
<td>37.3 hours</td>
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<tr>
<td>Out of class reading and review</td>
<td>4 hour</td>
<td>64 hours</td>
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<tr>
<td>Completion of take home exams and homework</td>
<td>3 hours</td>
<td>48 hours</td>
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<tr>
<td>Completing of graduate research paper¹</td>
<td></td>
<td>36 hours</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>5.67 hours</strong></td>
<td><strong>149.3 hours (Undergraduate)</strong></td>
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<td></td>
<td></td>
<td><strong>185.3 hours (Graduate)</strong></td>
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¹. Graduate students only