

Advanced Environmental Law

ES/PS 125, Fall 2015

1. Course Information

Class hours & location: Wednesdays 3 to 5:45 p.m., Clark Hall, Room 303

Instructor: Terry Trumbull, Environmental Studies Department

Office: Room 115, Washington Square Hall

Office hours: Monday/Wednesday, Noon-1:15 p.m.

Home telephone: 650-321-7538

Instructor's e-mail: terryt1011@aol.com

2. Course Information.

a. Course Description.

The goal of the course is to develop an understanding of how the environmental regulatory system works, including legislation, administrative agencies, and the courts. In addition, the course evaluates pollution control and natural resource issues. Students use an interdisciplinary approach, combining evaluation of technical data with review and application of law and policy. There are several legal analysis writing assignments.

b. Course Format.

Students should read the text as needed to refresh themselves for classes. Lecture will be minimized, but will probably take 20% of class time. Experts in different environmental or legal areas will speak at several class meetings.

c. Prerequisites:

EnvS 1; EnvS 100W (or equivalent in other departments); EnvS/PolSci 124.

d. Student learning objectives for Advanced Environmental Law:

- Understand how an environmental lawsuit is handled by the courts.**
- Understand how environmental legislation is handled by state and federal legislative bodies.**
- Understand how an administrative agency develops a regulation.**
- Understand how an administrative proceeding works.**
- Understand unique areas to environmental law, such as insurance, land use, environmental impact analysis, and contaminated property cleanup; and**
- Understand the kinds of writing used in environmental law and regulatory system.**

e. Text.

Herson and Lucks, California Environmental Law and Policy, Solano Press Books, 2008.

f. Class website.

The class website is trumbulllaw.weebly.com. There are some files there, such as suggestions on writing for class, and others will be added as the semester progresses.

3. Course Requirements.

a. Grading:

Class participation	12%
Article evaluation	4%
Environmental legislation analysis	10%
Environmental regulation review	12%
Environmental law review evaluation	12%
Take home quizzes (2)	10%
Environmental mediation	5%
Presentation	15%
Take home final- due Dec. 14	20%

b. Class participation:

Basically, you should plan on talking during every class. If we have a speaker, you should turn in a question for the speaker at the start of class. Similarly, you will need to prepare a question for the candidates in the Assembly debate on Oct. 14. For the debate, you will also be given other assignments-such as timekeeping, signing in students, assisting candidates, collecting questions, and assessing questions.

4. Academic Information

a. Your commitment, as a student, to learning is evidenced by your enrollment at San Jose State University. The [University Academic Integrity Policy S07-2](http://www.sjsu.edu/senate/docs/S07-2.pdf) at <http://www.sjsu.edu/senate/docs/S07-2.pdf> requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development. The [Student Conduct and Ethical Development website](http://www.sjsu.edu/studentconduct/) is available at <http://www.sjsu.edu/studentconduct/>.

b. If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. [Presidential Directive 97-03](http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf) at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf requires that students with disabilities requesting accommodations must register with the [Accessible Education Center](http://www.sjsu.edu/aec) (AEC) at <http://www.sjsu.edu/aec> to establish a record of their disability.

C. Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of forty-five hours over the length of the course for preparation/studying or course related activities.

5. Course Schedule*

Class	Date	Topic	Reading
1	Aug. 26 Aug. 28	Overview of class; Self introduction; <i>Not required</i> - tour of federal courthouse with ES/PS124, 9:30 am- 12:15 p.m. (Location- see Sept. 2)	Ch. 1
2	Sept. 2	Court trial of environmental case- <u>People v. Goldilocks</u> Meet in courtroom of Hon. Arthur Weissbrodt, Third floor, 280 S. First St.(at San Carlos), San Jose. Article evaluation due.	
	Sept. 9	Permitting	Ch. 18
4	Sept. 16	Auditing Environmental Legislation analysis due	Ch. 19
5.	Sept. 23	Speaker: Gary Patton, CEQA/NEPA/Land Use	Ch. 2-4, 12
6	Sept. 30	Fish and Wildlife Environmental regulation analysis due	Ch. 14
7	Oct. 7	1:30 Attend LAFCo meeting, Ground Floor, 70 W. Hedding, SJ 95110 Civic Center light rail stop- NOT REQUIRED 3 p.m. Ground Protection/Recycling	Ch. 7-9
8	Oct. 14	5-5:45 p.m. Discuss state regulation and legislation with Matt Read, governmental advocate for Breathe California 6-7:30 p.m. Assist in 27 th Assembly District candidates debate	Ch. 5-6
9	Oct. 21	Water rights	Ch. 10, 11, 13 & 15
	Quiz 1 due		
10	Oct. 28	Forests Quiz 2 due	Ch. 16
	Nov. 3	Vote, if election in your area	
11	Nov. 4	Federal lands/mining Environmental law review analysis due	

- 12 Nov. 11 Discuss Environmental Law review evaluations**
13 Nov. 18 Environmental mediation with student role playing;
Alternative dispute resolution
Nov. 25 No class
- 14 Dec. 2 Presentations**
15 Dec. 9 Air District Hearings; LAFCo hearing on incorporation of San Martin
Take home final due by 3 p.m. on Dec. 14 in my box in the Environmental Studies Dept.
*Subject to change based on availability of speakers