Spring 2-1-2007

**EVST 302.01: Introduction to Environmental Regulation**

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Purpose: The purpose of this class is to introduce the student to the history, law and theory of environmental regulation in the United States using public and private land regulation mechanisms as case studies. Basic principles of constitutional and administrative law relevant to environmental regulation, substantive public land use law and the history of environmental problems and their regulation will be covered.

Text: C. Wilkinson, Crossing the Next Meridian, Island Press, Washington, DC.
FacPac on Ereserve- marked with Eres in syllabus

Tentative Syllabus:
Readings are identified below by the first authors name and. The last few year’s Faculty Pac will work. There is a copy on reserve. The readings are on E-Reserve and there are no new hard copies for sale. The E-Res web address is http://eres.lib.umt.edu. The password is “takings”.

STUDENTS MUST COMPLETE ALL THREE PAPERS TO PASS THE COURSE!!!!

Jan 25-Feb. 1 Federalism- The balance of State and Federal Power; E-Res: All Power Relationships and Administrative Law
Feb 6- Democracy in Environmental Regulation- The National Environmental Policy Act and Access to Information E-Res: Access to Decisions and Data and National Environmental Policy Act
Feb 8 Paper 1 Due
Feb 8-13 Clean Air Act E-res: Pollution Law- Air Pollution Salzman and Thompson
Feb 15 The Endangered Species Act Eres Berghoffen et
Feb 20 The Federal Land Policy and Management Act- it’s provisions and implementation - Wilkinson Chap 3, Eres USDI al
Feb 22 - Discussion day
Feb 22 Paper 1 Returned- Students must meet with paper reviewer prior to revision!
Feb 27 –March 6 The takings clause and environmental regulation Eres Gest, Meltz
March 1 Discussion Day
March 6 Paper 1 Revisions Due

March 8- No class- makeup is BMP field trip

March 13- Private Conservation: HCPs, Land Trusts and Conservation Easements

March 15 Discussion Day

March 20 National Parks Organic Act *Eres Keiter and Coggins et al* (SUWA case and notes following)

**March 20- Paper 2 due**

March 22- Discussion Day

March 27-29 No class Spring Break

April 3 & 5 Organic Act , Multiple Use Sustained Yield Act and National Forest Management Act

April 10 Montana’s approach - State Trust Lands, the Forestry Practices Act and Streamside Protection Act *Eres Schulte* and web pages

April 12 Discussion Day

April 17 Julia Altemus- Montana Logging Association- Best Management Practices

**April 17- Paper 3 due**

April 19 Julia Altemus- Logging Association- Best Management Practices continued

April 20 BMP Field Trip- half day

April 24 Mining Law of 1872 and Montana’s approach- The State Constitution and Reclamation

April 26 Discussion Day

May 1 Zoning and local land use regulation *Eres Missoula City/County Office of Planning and Grants* and *Arendt*

May 3 Discussion Day

**Monday, May 7, 8-10 am, Test 1**

**Grading:** Three papers and one test will be given in the course of the term. The grade will be based on the three best scores (30% each) plus 10% class participation and will be on a plus/minus system. **All students must complete 3 papers to pass the course.** The final exam will be cumulative over the material for the entire term. It is optional, for those seeking to improve their grade following the papers. Grading will be on a curve. If all of the class is doing well the curve may be "high" with more students getting higher grades, or if the converse is true the curve may be "low".
**Papers:**
The paper topics will be supplied by the instructor. They will relate to some aspect of the course covered in that section of the course. Papers will be expected to be approximately 5 pages in length, typewritten and double-spaced. They will require the student to reference outside sources to support the positions taken in the paper. Paper 1 will be revised following comments and resubmitted for final grading. Papers with major writing errors will not receive an "A". Papers containing plagiarism or material not written by the student that is not attributed will receive an "F" and the student will be referred to the appropriate academic discipline procedure. All writing is to be the student’s own work, with references properly documented to outside sources.

Papers are due at the beginning of class on the due date. Late papers will receive a grade reduction of one "-" per day they are late (an "A" paper will receive an A- for one day late, a B+ for two days late, a B for three days, etc.). No after-the-fact excuses will be accepted. The late paper penalty can only be waived by prior approval of the instructor before the beginning of the class in which it is due. If you are sick, call before the due date to get an extension.

**Following the return of the first draft of Paper 1, each student must schedule an appointment with a Teaching Assistant or Instructor to review their comments on the paper before the revision is turned in. Failure to meet with the Teaching Assistant or Instructor that reviewed the first draft will result in a full grade deduction on the final grade for the revision and will result in a lower score for class participation.**

**Final:**
The final will be short answer essay of approximately 6 questions. No early or late makeups will be allowed, unless specifically authorized by University policy (e.g., multiple exams on the same day).

**Class Participation**

Attendance will not be taken, but participation will be noted and accounted for during the class. A large part of the class participation grade will be based on the student’s performance in the class discussion leader role on the assigned day. Each student will be assigned one class day to participate as a discussion leader. A pre-paper will assigned and will count toward the class participation grade.

**Office Hours:**
The Instructor and the Teaching Assistants will be available for consultation during their scheduled office hours. These are the hours where "drop-ins" can see the teaching staff. If you want to meet in another time contact the teaching staff by phone or e-mail or during office hours and schedule an appointment.

**The Final Date to Drop this class with a late fee, but without a petition is 3/5/07**
Introduction to Environmental Regulation
EVST 302.1

Course Goals

The goals of the course include:

1. Understanding of the need for regulation of environmental impacts.

2. Understanding the various methods of regulation possible and the contexts in which they are appropriate.

3. Developing written communication skills.

4. Understanding the current land use regulatory framework.

5. Understanding the relationship between government and private property.

6. Understanding the relationship between different branches of government under the US Constitution.

Expectations of Students

By the end of the course students are expected to demonstrate the following skills:

1. Coherent, logical writing on topics of environmental regulation.

2. Ability to identify the issues surrounding environmental regulation in a particular context, including the relevant agencies and actors.

3. Ability to discuss and analyze possible regulatory alternatives for land use regulation.

4. Basic composition and grammar skills at a level commensurate with upper-division undergraduates.

5. Demonstrate an informed knowledge of the regulatory systems currently in use for land use in the United States.

6. Show basic research skills for locating and analyzing outside sources.

7. Ability to formulate and articulate a well-supported and reasoned argument.

Niche in the EVST Major

Environmental problem solving in the United States requires knowledge of regulatory mechanisms and the alternatives for avoiding or mitigating environmental impacts. This course serves as a basic introduction to the regulatory framework for land use and environmental protection in the United States. It also provides basic knowledge of regulation under the governmental system in place in this country. Students in an Environmental Studies major should be knowledgeable of regulation and the options for a given problem in order to be effective problem-solvers.