

Spring 2-1-2018

# ENST 560.01: Environmental Impact Analysis

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# **Environmental Impact Analysis – ENST 560.01**

Spring 18

12:30-1:50 Tu & Th

Professor: Len Broberg

104 Rankin Hall

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len.broberg@umontana.edu

Office Hours: M 11-1230 am, W 1-2:30 pm

## **Course Content & Purpose**

This course is designed to introduce students to the laws, procedures and legal institutions that influence environmental impact analysis and the basic techniques of environmental impact assessment. There will be a mix of presentations, workshops and discussion about the course topics. Basic environmental impact analysis skills will also be emphasized in the course. Students will complete a midterm and several analytical assignments for the course. Students will also select an environmental assessment to critique and make a final presentation to the class on their assessment on April 26 through May 3rd.

**Texts:** 1) Environmental Impact Assessment: A practical guide, Betty Bowers Marriott  
2) Moodle materials (designated below as *Moodle*)  
3) Cases or Law Reviews through the Mansfield Library databases (Lexis Academic or LegalTrac for instance)- designated *Lexis* on syllabus

## **Tentative class schedule:**

- Jan. 23            Class Intro & Federal and State court structure/Use of Lexis-Nexis database and how to read cases
- Jan. 25            Introduction to federal administrative structure and administrative law  
**Moodle:** *Administrative Law*
- Jan 30            Standing/Reviewability issues  
                      Read: **Moodle:** *Massachusetts v. EPA (Through Section IV), Norton v. SUWA,*  
                      **Lexis:** *NRDC v. United States Department of State, DC Dist of Columbia 2009, 658 F Supp 2d 105*
- Feb 1-6            National Environmental Policy Act- the statutory framework and CEQ rules and Agency Deference  
                      **Moodle:** NEPA text; CEQ Rules, **Lexis-Nexis:** *Lands Council v. McNair, 537 F.3d 981*
- Feb 8             Interdisciplinary Teams, Scoping, Categorical Exclusions and Environmental Assessments- Scoping Assignment handed out **Marriott:** Chapter 3 **Moodle:** *O'Brien-NEPA, NEPA- significance-CE-E, USFS NEPA Procedures, USFS Categorical Exclusions*
- Feb 13            Water and wetlands- the Clean Water Act and it role in EIA-Scoping assignment due **Marriott:** Chapter 18 **Lexis-Nexis:** *Rapanos v. United States, 547 U.S. 715*  
**Moodle:** *Clean Water*

*Act*

- Feb 15 Water and wetlands workshop **Marriott:** Chap 20
- Feb. 20 Wildlife habitat assessment and the Endangered Species Act  
**Marriott:** Chapter 18; **Moodle:** *ecological-processes-eia-pg* **Water Assignment Due**
- Feb 22 Wildlife habitat assessment workshop
- Feb 27 Alex Dunn- USFS NEPA process
- Mar 1 Saha- NEPA and Environmental Justice **Marriott:** *Chap 6*
- Mar 6 Air pollution impacts and the Clean Air Act **Marriott:** *Chap 14-* **EIA Critique Proposal Due**
- Mar 8 Coal plant permitting under CAA- Reading TBA- **Wildlife Habitat Assignment Due**
- Mar 13 Visual impact analysis **Marriott:** *Chap 13*
- Mar 15 Visual impact analysis workshop
- Mar 20 Climate change and cumulative impacts- **Visual Impact Assignment due**
- Mar 22 Constitutional limits on regulation (takings, "wise use" & police power)  
Read: PAG 1127-1165 New 904-923  
**Moodle:** Meltz et al, *Takings*
- Mar 27-29 Spring Break- No class
- Apr 3-5 Montana Environmental Policy Act and EQC rules **Moodle:** *Montana EQC MEPA Handbook*
- Apr 10 Mining Law- **Marriott:** *Chap 17* **Moodle:** *Montana Mining Law*; Golden Sunlight case; *MEIC v. DEQ*
- Apr 12-17 National Forest analysis- the 2012 Planning rules **Marriott:** 16.3 and 16.4
- Apr 19 Attorneys fees- **Moodle:** Buckhannon case
- April 24- May 3 Student presentations
- May 3 EIA critique due

**Grading** – The course will use +/- grading system

Assignments	30%
EIA Critique	40%
Class Participation	30%