

Welcome to Environmental Law. Our names are Paul Merwin and Bill Hefner. We are Adjunct Professors. Paul presently works as a Senior Land Use Attorney for the League of Minnesota Cities. Bill is a partner in The Environmental Law Group, Ltd. Previously, we were Assistant Attorneys General in the Environmental Protection Division, representing the Minnesota Pollution Control Agency.

We do not have regular hours at the law school. Paul's office is nearby at Rice and University in St. Paul; Bill's office is at 133 First Avenue North in Minneapolis. You may contact Paul at his office via telephone at 651-281-1278 or email at pmerwin@lmc.org. You may contact Bill at his office at 612-623-2362 or email at whefner@envirolawgroup.com.

The casebook for this class is Environmental Regulation: Law, Science, and Policy, 6th edition, Percival, Miller, Schroeder and Leape, Aspen Publishers. We will also assign cases and statutory or rule readings as appropriate and you will be responsible for obtaining these materials on your own.

As you will note from the syllabus, we will cover a wide range of topics. Environmental law covers a number of different regulatory programs. To the extent possible, we will identify central themes and examine how they play out in each program. We will use a number of real-world examples to examine important issues and how they have played out. We may also have of the occasional guest speaker who will provide cutting-edge information about environmental law topics.

Classroom discussion will provide a large part of the course material. We will not formally take attendance, but the material provided in class will go beyond that found in the readings or in commercial study aids or outlines. You will not be well served if you choose to forego class and attempt to rely on such materials. Come to class prepared and ready to debate [participate?]. We reserve the right to adjust grades slightly based on classroom performance. Our policy on laptops in class is that you can do whatever you like so long as you are prepared and not distracting anyone else.

Because we are practitioners, we may have to miss or reschedule some classes if both of us have conflicts on the same day. We will provide notice as best we can in these situations.

There will be a single final exam in this class, which will be three hours long. It will be designed to test your knowledge across a broad range of environmental issues. It will be open book. You may bring any materials with you to the exam.

DATE	TOPIC	ISSUES	ASSIGNMENT
Jan. 18 (Class 1)	Introduction	Overview Ethics and Ecology Oil Drilling in ANWR	1-14, 53-60
Jan. 20 (Class 2)	Environmental Values State of the Earth	Ethics, Economics and Ecology Tragedy of the Commons	26-38, 49-53 Penguin Handout
Jan. 25 (Class 3)	Common Law	Nuisance; Trespass Historical Cases Application today?	61-88 (make sure you read the cases in the notes at pp. 64-67)
Jan. 27 (Class 4)	Development of Modern Law	Historical Perspective; Chronology of Significant Federal Legislation; Federalism	88 – 91, 99-104 115 – 129 <i>Wis. Public Intervenor v. Mortier</i> , 501 U.S. 597
Feb. 1 (Class 5)	Development of Modern Law	Regulatory Options and Strategies ; Risk Assessment; Precautionary Principle	181-198 139 – 150 152 – 155 218 – 224
Feb. 3 (Class 6)	Administrative Action	Rulemaking Process; Judicial Review	159 - 180
Feb. 8 (Class 7)	Administrative Action	Regulation's Impact on Common Law; Standing;	99 – 115 1070-1082
Feb. 10 (Class 8)			Mock argument re: <i>American Electric Power Co., et al., v. Connecticut, et al.</i> , (materials and details will be provided)