

ENVS/POLS 124: Introduction to Environmental Law - Spring 2025



Instructor: Dustin Mulvaney, Ph.D., Environmental Studies Department, San José State University

Office hours/location: Monday/Wednesday 11:00–11:50am, 115 WSQ or zoom – sign up here.

Email: via canvas messaging or dustin.mulvaney@sjsu.edu

Class meeting days / time / room: Monday/Wednesday 3–4:15 pm, 164 DMH

Prerequisites: ENVS 1 or instructor consent.

MYSJSU Messaging and Canvas: Course materials such as the syllabus, assignments, readings, and handouts are posted to canvas. You are responsible for regularly checking with the messaging system through MySJSU <https://one.sjsu.edu/> and canvas <https://sjsu.instructure.com>

Course Description: Development, interpretation, application and enforcement of environmental laws, regulations and legal policies by legislatures, courts, administrative agencies and citizens. Examination of air and water quality, hazardous materials, workplace, land use and wetlands regulation, international, ethical and efficacy issues.

Course Goals and Student Learning Objectives

- Identify and explain the applications of key environmental and natural resource laws in the US
- Describe how environmental issues are handled by elected officials, regulators, and the courts.
- Describe environmental and natural resource policy development in the contexts of North American history and social institutions, including US Federal, State and Tribal governments, interest groups, the media, and international/global relations.
- Understand basic concepts, processes, and practices of American government and civics relating to the development, implementation, and evaluation of environmental and natural resource policy.
- Decipher formal legal writing and apply it to your future (ideal or a hypothetical) environmentally related career or lifestyle (manager, private business owner, private individual)
- Compare how California environmental regulation is often stronger than Federal law

Other learning outcomes:

- Communicate effectively by listening actively; formulating, articulating, and explaining ideas clearly using oral and written techniques
- Develop and apply scientific knowledge (i.e., biological, physical, and socioeconomic) to evaluate and justify environmental and natural resource law creation and on-the-ground management decisions; the relationship between science, law, and policy.

Diversity, Equity, and Inclusivity Statement

San José State University is committed to supporting a diverse community guided by core values of ethical conduct and inclusion and respect for each individual. In accordance with San José State University's Policies, the Student Code of Conduct, and applicable state and federal laws, discrimination based on gender, gender identity, gender expression, race, nationality, ethnicity, religion, sexual orientation, or disability is prohibited in any form. This course also incorporates issues of diversity, equity, and inclusion throughout the semester by addressing how the development and use of environmental law and regulation impacts diverse peoples and the environment.

Land acknowledgement

Mákkín Mak Muwekma, 'Akkoy Mak-Warep, Manne Mak Hiswi!

We Are Muwekma Ohlone, Welcome To Our Ancestral Homeland!

San Jose State University and Surrounding Region Thámien Ancestral Muwekma Ohlone Territory

The San Jose State University community recognizes that the present-day Muwekma Ohlone Tribe, with an enrolled Bureau of Indian Affairs documented membership of over 550, is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Santa Clara, San Jose, and Dolores, during the advent of the Hispano-European empire into Alta California; and who are the successors and living members of the sovereign, historic, previously Federally Recognized Verona Band of Alameda County. Furthermore, the San Jose State University community recognizes that the university is established within the Thámien Ohlone-speaking tribal ethnohistoric territory, which based upon the unratified federal treaties of 1851-1852, includes the unceded ancestral lands of the Muwekma Ohlone Tribe of the San Francisco Bay Area. Some of the enrolled Muwekma lineages are descended from direct ancestors from the Thámien Ohlone tribal territory whose ancestors had affiliation with Mission Santa Clara. The San Jose State University community also recognizes the importance of this land to the indigenous Muwekma Ohlone people of this region, and consistent with our principles of community and diversity strives to be good stewards on behalf of the Muwekma Ohlone Tribe whose land we occupy.

Environmental Studies Library Liaison: Peggy Cabrera, peggy.cabrera@sjsu.edu
https://libguides.sjsu.edu/environmental_studies

Political Science Librarian: Essy Barraso-Ramirez, essy.barroso-ramirez@sjsu.edu
<https://library.sjsu.edu/politicalscience>

Classroom Protocol: You are expected to attend every class on time. Important announcements are made at the start of class. Don't miss them! Classroom participation will be reflected in your final grade.

Dropping and Adding: Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. Add/drop deadlines can be found on the [current academic calendar](#). Students should read the [Late Drop Policy](#) and be aware of the current deadlines and penalties for dropping classes.

Credit-hour statement: SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (three hours per unit per week or two hours outside of class for every hour in class), including preparing for class, participating in course activities, completing assignments, and so on. This three-unit course requires a minimum of 9 hours per week to complete class-related readings and assignments (roughly 2.5 hours in class and 6.5 hours outside class per week.) Careful time management will help you keep up with readings and assignments and enable you to succeed. More details about student workload can be found in [University Policy S12-3](#).

Grading

20% Participation. It is expected that you will participate in class discussions and activities. Come to class having completed all of the assigned readings and something important from the reading in your notebooks. Also make sure to bring the assigned readings each class. Every article we read should be summarized or noted upon in this notebook. Share your thoughts about the readings when prompted, ask questions about lectures,

answer discussion prompts. Keeping good notes about the main points or views taken by authors of course readings is a good means a facilitating a sustained discussion. You will also be asked to work in small groups at times in class, and you will be expected to be a contributing member to your group. ***Current events in environmental law, policy and regulation*** Bring a news story to the classes' attention **twice** over the semester by (1) posting it to the canvas website in the discussion section with a short description; prepare a few remarks as we'll want to know more than just the headline, (2) describing the story at the start of class.

50% Assignments: As part of the activities in this class, you will complete five graded assignments.

30% Final Research Paper (ALO 3 & 4): Students will individually write a 2,000-word research paper related to renewable or conventional energy technologies and how it shapes communities, landscapes, air and waters, and or other species.

Course Grading: The course grade will be determined based on a total 100 possible points. The grade scale below determines your semester grade.

A+ 97-100	A 92-96	A- 89-91	B+ 86-88	B 81-85	B- 79-80	C+ 76-78
C 72-76	C- 69-71	D+ 67-68	D 64-66	D- 60-64	F < 60	

University policy on academic integrity is strictly enforced. Your commitment as a student to learning is evidenced by your enrollment at San Jose State University. Student Conduct and Ethical Development promotes academic integrity through enforcing the [Academic Integrity Policy \[pdf\]](#) (University Policy F15-7). Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development.

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. If you would like to include your assignment or any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy S07-2 requires approval of instructors.

Campus policy in compliance with the American Disabilities Act

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 or communicate this in some way with me as soon as possible. Presidential Directive 97-03 requires that students with disabilities requesting accommodations must register with the [Accessible Education Center](#) to establish a record of their disability.

Other Campus Resources

- Computers are available for check out at [Clark Hall](#). Computers are also available in the Martin Luther King Library in [student computing resources](#). A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112.
- [Peer Connections](#) is provides free tutoring, mentoring, supplemental instruction, learning assistants, and strengths coaching for students at SJSU. It is designed to assist students in the development of their full academic potential and to inspire them to become independent learners. Peer Connections tutors provide content-based tutoring in many lower division courses (some upper division) as well as writing and study skills assistance. Small group, individual, and drop-in tutoring are available.
- The [SJSU Writing Center](#) is staffed by professional instructors and upper-division/graduate-level writing specialists that are trained to assist all students at all levels within all disciplines to become better writers.
- Student Wellness Center, [Counseling & Psychological Services](#).

Introduction to Environmental Law

1 - Environmental law and policy

Lisa Brown, 2016, [Overview of Environmental Law](#), Assistant Counsel for Enforcement, California Environmental Protection Agency.

Library of Congress, [Environmental Law: A Beginner's Guide](#).

[Separation of Powers and Checks and Balances](#): Crash Course Government and Politics.

2 - Clean Air Act

Schmalensee, R., & Stavins, R. N., 2019. Policy evolution under the Clean Air Act. *Journal of Economic Perspectives*, 33(4), 27–50.

The air we breathe [A story of air quality in the United States for the past and present](#)

[AirNow Air Quality Monitoring](#) Site Data

California Nonattainment/Maintenance Status for [Each County by Year for All Criteria Pollutants](#)

U.S. EPA, National Ambient Air Quality Standards [NAAQS Table](#)

Case law

Boomer v. Atlantic Cement Co.

Madison v Ducktown Sulphur, Copper, and Iron

[Environmental Defense v. Duke Energy Corporation](#)

Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.

[Native Village of Kivalina v. ExxonMobil Corporation](#)

[Massachusetts v. EPA](#) - Agency Discretion to Regulate

3 - Clean Water Act

Federal Water Pollution Control Act statute.

Association of Clean Water Administrators, [50 Years of the Clean Water Act. June 23, 2022.](#)

US EPA, History of the Clean Water Act.

Government Accountability Office (GAO), 2022. [50 Years After the Clean Water Act—Gauging Progress](#)
[Federal Water Pollution Control Act statute](#)

Case law

American Farm Bureau Federation v. United States Environmental Protection Agency

Sackett v. United States Environmental Protection Agency (2023)

PUD No. 1 Jefferson County v Washington Department of Ecology

South Florida Water Management District v. Miccosukee Tribe of Indians

U.S. v. Riverside Bayview Homes, Inc.

Rapanos v. United States

Upper Blackstone Water Pollution Abatement Dist. v. U.S. EPA

Coeur Alaska, Inc. v. Southeast Alaska Conservation Council

NRDC v. Costle

4 - National Environmental Policy Act

National Environmental Policy Act statute.

Capone, M. K., & Ruple, J. C. (2017). NEPA and the energy policy act of 2005 statutory categorical exclusions: what are the environmental costs of expedited oil and gas development?. *Vermont Journal of Environmental Law*, 18(3), 371-399. <https://www.jstor.org/stable/26104182>

Fleischman, F., Struthers, C., Arnold, G., Dockry, M., & Scott, T., 2020. US Forest Service implementation of the National Environmental Policy Act: Fast, variable, rarely litigated, and declining. *Journal of Forestry*, 118(4), 403–18. <https://doi.org/10.1093/jofore/fvaa016>

Case law

Calvert Cliffs' Coordinated Committee v. Atomic Energy Commission, 449 F.2d 1109 (D.C. Cir. 1971), *cert. denied*, 404 U.S. 942 (1972).

Natural Resources Defense Council v. Morton, 458 F.2d 827 (D.C. Cir. 1972)

Hanley v. Kleindienst, 471 F.2d 823 (2d Cir. 1972), *cert. denied*, 412 U.S. 908 (1973)

Minnesota Public Interest Research Group v. Butz, 498 F.2d 1314 (8th Cir. 1974)

Vermont Yankee Nuclear Power Corp. v. NRDC (1978)

Marsh v. Oregon Natural Resources Council

Kleppe v. Sierra Club (1976)

Strycker's Bay Neighborhood Council v. Karlen

5 - Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act

Congressional Research Service, 2013, The Endangered Species Act: A Primer. RL31654

Malcom, J. W., & Li, Y. W., 2015. Data contradict common perceptions about a controversial provision of the US Endangered Species Act. *Proceedings of the National Academy of Sciences* 112(52), 15844–9.

Rohlf, D. J., & Reynolds, C., 2022. Restoring The Emergency Room: How To Fix Section 7(a)(2) of the Endangered Species Act. *Environmental Law* 52(4), 685–746. <https://www.jstor.org/stable/48712102>

Case study: Lithium mining and Center for Biological Diversity's petition to list USFWS Tiehms buckwheat. New Mine Plan Would Condemn Rare Nevada Wildflower to Extinction

Case law

Babbitt v. Sweet Home Chapter of Communities for a Great Oregon (1995)

Thomas v. Peterson

[*Weyerhaeuser Co. v. U.S. Fish and Wildlife Service*, Dkt. No. 17-71](#)

6 - Hazardous waste, toxics, circular economy: RCRA, TSCA, CERCLA

Chambers, J. C., & McCullough, M. S. (1995). From the cradle to the grave: An historical perspective of RCRA. *Natural Resources & Environment*, 10(2), 21–74.

Rayasam et al. 2022. Toxic substances control act (TSCA)- Implementation how the amended law has failed to protect. *Environmental Science & Technology*. 56.

California Department of Toxic Substances Control. <https://dtsc.ca.gov/about-dtsc/our-history/>

Case law

[*City of Chicago v. Environmental Defense Fund* \(1994\)](#)

American Mining Congress v. EPA

California River Watch v. City of Vacaville

Georgia-Pacific Consumer Products v. International Paper Company

7 - Forestry Policy, Law, and Regulation

Stone, C. D. (2017). Should trees have standing?—Toward legal rights for natural objects. In *Environmental Rights* (pp. 283-334). Routledge.

Vaux, H. J., 1986. The regulation of private forest practices in California: a case in policy evolution. *Journal of Forest History*, 30(3), 128–34.

Speece, D. F. 2018. From Corporatism to Citizen Oversight: The Legal Fight over California Redwoods, 1969–1999. *Cal. Legal Hist.*, 13, 57.

Case law

[*Scenic Hudson Preservation v. Fed. Power*](#)

[*Sierra Club v. California Bd. of Forestry*](#)

[*California Forestry Ass'n v. Thomas*](#)

8 - Marine fisheries and coastal zone management

Congressional Research Service, 2024. [Ecosystem-Based Fisheries Management](#).

Lackey, R. T., 1999. Salmon policy: science, society, restoration, and reality. *Environmental Science & Policy*, 2(4-5), 369–79.

Case law

Me. Lobstermen's Ass'n v. Nat'l Marine Fisheries Serv. (D.C.Cir. June 16, 2023, No. 22-5238)

Banning Ranch Conservancy v. City of Newport Beach

National Audubon Society v. Superior Court: The expanding public trust doctrine

9 - Rangelands management

Skillen, J. R., 2020. Public Lands Rebellion. *Utah Historical Quarterly*, 88(2), 108-114.

Brunson, M. Rangeland Policy and Management in a Changing West. *Political Marginalization and a Crisis of Trust*. <https://open.oregonstate.edu/environmentalpolitics/chapter/rangeland-policy/>

Case law

Western Watersheds Project v. U.S. Bureau of Land Management

Natural Resources Defense Council, Inc., v. Morton

10 - Mining and extractive industries law

Backyard Problems Extractive industries keep leaving toxic messes across the West. Will history continue. To repeat itself? <https://storymaps.arcgis.com/stories/3fe6fa7da3144d2a9f35ac0576f333f2>

What's in the Interagency Working Group report on mining?

Recommendations to Improve Mining on Public Lands, 2023.
<https://www.doi.gov/media/document/mriwg-report-final-508-pdf>

Case law

[*California Coastal Commission v. Granite Rock Co. \(1987\)*](#)

11 – Water and groundwater law and policy

Leach, W. D., An, B. Y., & Tang, S. Y. (2021). Evaluating California's Sustainable Groundwater Management Act: The first five years of governance and planning. *JAWRA Journal of the American Water Resources Association*, 57(6), 972-989.

Womble et al. 2018. Indigenous communities, groundwater opportunities. A U.S. court decision unlocks vast potential to improve sustainable freshwater management. <https://www.science.org/doi/10.1126/science.aat6041>

History of the Water Boards.

https://www.waterboards.ca.gov/about_us/water_boards_structure/history_water_rights.html

Case law

National Audubon Society v. Superior Court (Cal. 1983)

[*Environmental Defense Fund, Inc. v. East Bay Municipal Utility District \(1977\)*](#)

12 - Climate & energy policy

Bistline et al. 2023. Emissions and Energy Impacts of the Inflation Reduction Act. *Science*. 2023 Jun 29;380(6652):1324–1327. doi: [10.1126/science.adg3781](https://doi.org/10.1126/science.adg3781)

Case law

Michigan v EPA (2015)

Oliver v. U.S. Bureau of Ocean Energy Mgmt.

Held v. Montana

Genesis B. versus EPA.

People of the State of California v. Big Oil

NOTE - ENVS 140 - ENERGY POLICY – will be offered in Fall 2025

13 - Global Environmental Law

Scheidel, A., Del Bene, D., Liu, J., Navas, G., Mingorría, S., Demaria, F., & Martínez-Alier, J. (2020). Environmental conflicts and defenders: A global overview. *Global Environmental Change*, 63, 102104.

Case law

Sea Shepherd New Zealand v. United States, 606 F.Supp. 3d 1286 (Ct. Int'l Trade 2022)

Tuna-Dolphin GATT Case (I and II)

WTO Shrimp and turtle case

14 - Environmental Justice

California Coastal Commission – Environmental Justice Policy. <https://www.coastal.ca.gov/env-justice/>

Bay Area Air Quality Management District – California Environmental Quality Act Environmental Justice Guidelines. <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-2-environmental-justicefinal-pdf.pdf?rev=724445e52f394fe1ab3d3b1636b6d023>

Fernandez-Bou, A. S., Ortiz-Partida, J. P., Dobbin, K. B., Flores-Landeros, H., Bernacchi, L. A., & Medellín-Azuara, J. (2021). Underrepresented, understudied, underserved: Gaps and opportunities for advancing justice in disadvantaged communities. *Environmental Science & Policy*, 122, 92-100.

Wang, J., Ulibarri, N., Scott, T. A., & Davis, S. J. (2023). Environmental justice, infrastructure provisioning, and environmental impact assessment: Evidence from the California Environmental Quality Act. *Environmental Science & Policy*, 146, 66-75.

Chowkwanyun, M. 2023. Environmental Justice: Where It Has Been, and Where It Might Be Going. *Annual Review of Public Health*. 44:93–111. doi: [10.1146/annurev-publhealth-071621-064925](https://doi.org/10.1146/annurev-publhealth-071621-064925)

Final Research Paper Due