Meeting Times: TTh 3:00 – 4:15 p.m. (SA 114, RSMAS). I will have to miss classes on FEB. 9, 11, 23 and 25, and we will reschedule these at mutually agreeable times.

Instructor: Daniel Suman, South Grosvenor 126, RSMAS (Tel.: 305-421-4685; 305-742-8762); duman@rsmas.miami.edu and danielosuman@yahoo.com

Office Hours: TTh 1 – 3 p.m. and otherwise by appointment (So. Grosvenor 126, RSMAS).

Overview:

This course will take a broad view of environmental planning and analysis while focusing specifically on the requirements for and preparation of Environmental Impact Statements (EIS). We will look in detail at the statutory requirements and procedures at the federal level. Our approach will rely heavily on judicial opinions that provide compelling examples of environmental disputes and controversies.

We will also read excerpts from policy and social science essays that consider the successes and failures of the EIS process, the effect of the EIS process on bureaucracies, and the participation of the public in environmental planning.

An additional unit will consider some of the substantive requirements of environmental impact analyses, such as assessments of the physical and biological environments, as well as socioeconomic impacts. Students will specialize in an EIS and prepare a case study based on the Environmental Document.

Additional course readings that I will post on Blackboard [B]

**Requirements & Grading:**

You are expected to attend class meetings and participate in discussions. Readings should be completed before class. Grades will be calculated as follows:

- Exercise #1 (written) - 25%
- Exercise #2 (written) - 20%
- Exercise #3 (written) - 20%
- Exercise #4 (Group Project) - 25%
- Class Participation - 10%

Exercise #1 will be an analysis of a current draft or final Environmental Impact Statement or Environmental Assessment. Maximum length will be 4 double-spaced typed pages. During the first two weeks of the semester (before January 28 – Thursday) you must select an EIS (draft or final) from the Federal Register (found in Government Documents of Richter Library or the Law Library) or the Internet and request a copy from the appropriate federal agency or consulting firm. Another source for current EISs is the Uniform Resource Locator for the Council on Environmental Quality (CEQ) Web Site/NEPANet ([http://ceq.eh.doe.gov/nepa/nepanet.htm](http://ceq.eh.doe.gov/nepa/nepanet.htm)) or [http://www.epa.gov/compliance/nepa/index.html](http://www.epa.gov/compliance/nepa/index.html) or one of the many links posted on [www.solano.com/book_links.htm](http://www.solano.com/book_links.htm). This document will be the basis for Exercise #1. Exercises #2 and #3 will be take-home essays based on hypothetical situations that I will provide.

The **Group Project** or Exercise #4 will involve critical analyses of one of several local development projects – the Biscayne National Park Fishery Management Plan EIS and the Lake Belt Supplemental EIS. We will explore various themes related to this project. Potential issues include: the history of project; description of the project; legal bases for the project; the role of natural science in the project; agencies involved in the...
project; relationship to the Endangered Species Act (ESA); other social/economic actors (interest groups) and their stake in the project; potential environmental, social, and economic impacts (both positive and negative) of the project; mitigation plans; relationship to other projects in the nearby area; obstacles to the implementation of the project; funding issues. We will visit their site, interview government regulators and other interested groups, and present their findings in oral and written form during the last week of the course. I will provide guidelines for the case studies later during the semester, and we will select topics upon completion of Exercise #1.

**Course Schedule:**

**INTRODUCTION**

**Class 1** - Course Overview

Bregman & Mackenthun, "Purpose of the Environmental Impact Statement" [B]

Bregman & Mackenthun, "The Environmental Impact Statement Process" [B]


**Class 2** - *Citizens to Preserve Overton Park* [FS 122]

**THE ADMINISTRATIVE PROCESS**

**Class 3** - *Chevron U.S.A. v. NRDC* [FS 139]

**INTRODUCTION TO NEPA, ESA & NHPA**

**Class 4** - *Calvert Cliffs* [FS 150]

**Class 5** - *Northern Spotted Owl v. Hodel* [FS 173]  
*TVA v. Hill* [FS 203]

**Class 6** - *Defenders of Wildlife* [FS 179]
Pueblo of Sandia v. US [FS 185]

Exercise #1 due

SUBSTANTIVE EFFECTS ON DECISIONMAKING

Class 7 - Strycker's Bay Neighborhood Council [FS 191]
Baltimore Gas & Electric [FS 195]

Class 8 - Kreske, Environmental Impacts Statements, Chapter 3, pp. 49-90 [B]

THE DECISION TO PREPARE ENVIRONMENTAL DOCUMENTS

Class 9 - Hanly II [FS 227]
Conner v. Burford [FS 236]
Kreske, Environmental Impact Statements, Chapter 4, pp. 107-121 [B]

Class 10 - Marsh v. ONRC [FS 244]
Scottsdale Mall [B]
Defenders of Wildlife [FS 253]
Department of Transportation v. Public Citizen, 541 U.S. 752 (2004) (B)

Class 11 - Metropolitan Edison v. PANE [FS 264]
SIPI [FS 270]
Kleppe v. Sierra Club [FS 277]
Kreske, Environmental Impact Statements, Chapter 7, pp. 165-171

Class 12 - E.O. 12114 [FS 304]
EDF v. Massey [FS 306]
Lujan v. Defenders of Wildlife [FS 315]
Kreske, Environmental Impact Statements, Chapter 6, pp. 151-163

Exercise #2 distributed
NEPA: THE SUBSTANCE OF AN EIS

Classes 13 & 14 -

Gilpin, EIA Methodologies, pp. 35-62 [B]
Rau, "Summarization of Environmental Impact" [B]

Class 15 -
Kreske, Environmental Impact Statements, Chapter 8, pp. 173-202 [B]

Classes 16 & 17 -

Erickson, "Introduction to Assessment of Impacts: Physical Environment" [B]

THE SCOPE OF NEPA AND ESA DOCUMENTS

Class 18 -
NRDC v. Morton [FS 319]
Vermont Yankee [FS 325]
Citizens Against Burlington [FS 331]

Class 19 -
Thomas v. Peterson [FS 352]
Taxpayers Watchdog [FS 360]

Class 20 -
CEQ, Considering Cumulative Impacts under NEPA [B]

Class 21 -
Sylvester v. U.S. Army Corps of Engineers [FS 366]
Methow Valley [FS 373]
Cabinet Mountain Wilderness [FS 381]
Roosevelt Campbello [FS 387]

NEPA & CLIMATE CHANGE

Class 22 -
POLICY ASPECTS OF THE EIS PROCESS

Class 23-24 -

Sax, "The (Unhappy) Truth about NEPA" [B]
Cramton & Berg, "On Leading a Horse to Water: NEPA and the Federal Bureaucracy" [B]
Fairfax, "A Disaster in the Environmental Movement" [B]
Renwick, "Eclipse of NEPA as Environmental Policy" [B]
Mazmanian & Nienaber, Can Organizations Change?: Environmental Protection, Citizen Participation, and the Corps of Engineers (Brookings Institute, 1979) [B]

Class 25 -

Erickson, "Consultants and the Assessment Process" [B]
Manheim, "Ethical Issues in Environmental Impact Assessment" [B]
Susskind & Dunlap, "The Importance of Nonobjective Judgments in Environmental Impact Assessments" [B]

Class 26 - Bregman & Mackenthun, "Public Participation" [B]
Jain, "Public Participation" [B]
Gilpin, Public Participation, Inquiries, and Mediation, pp. 63-73 [B]

Exercise #3 distributed

Class 27 -

NEPA Task Force, Modernizing NEPA Implementation, Executive Summary [B]

Class 28 - CLASS PRESENTATIONS: Exercise #4