

Faculty of Science -- Department of Environmental Science

Introduction to Environmental Law ENVS 3200, Course Syllabus

Winter 2019

Instructor: Jamie Simpson **Email:** jamie@juniperlaw.ca

Teaching Assistant: Ms. Megan Pagniello (Email: megan.pagniello@dal.ca)

Lectures: 4:00 – 5:30 Mondays and Wednesdays **Location:** Life Sciences Centre, Room 206

Office: NA; **Office hours:** By appointment only. After class usually works well.

Course Description

Our class will explore law as part of the fabric of society, including private and public law, sources of law, the rule of law, the relationship between the courts and government, environmental rights, and the role of the Constitution. We will examine the application of law to environmental issues at the federal and provincial level, including, among others, species-at-risk; ground, air, and water pollution; natural resources; and protected areas. Classes will be part lecture and part class discussion.

CREDIT HOURS: 3; FORMAT: Lecture; LECTURE HOURS PER WEEK: 3

Course Prerequisites

Must be a third-year student.

Course Objectives & Learning Outcomes

Students will complete the course with an understanding of (a) law as a fundamental part of society, (b) the role of different levels of government in environmental issues, (c) the key elements of the array of legal avenues to address environmental issues, (d) enforcement of and compliance with environmental regulation, and (e) the intersection of environmental law and First Nation issues.

Required Course Materials

Paul Muldoon et al, *An Introduction to Environmental Law and Policy in Canada, Second Edition*, Emond Montgomery Publications: Toronto, 2015.

Course Assessment

| <u>Component</u> | <u>Weight (% of final grade)</u> | <u>Date or Due Date</u> |
|-------------------------|---|----------------------------------|
| Assignment 1 | 20 | February 5, 8:00pm (brightspace) |
| Mid-Term Quiz | 20 | February 12 |
| Assignment 2 | 20 | March 18, 8:00pm (brightspace) |

Bonus Marks Presentation +3

Sign up in advance (details provided in class)

Bonus Bonus Marks +3

Letter to the Editor on an environmental issue

OR, up to 3 Environmental News of the Day Reports (give a short review of your news item to the class, then send me a link to the news article; must be a story in Canada)

Final exam 40

TBA

Other Course Requirements: None.

A list of required readings will be posted to Brightspace.

Course Content (Dates of lecture topics, guest speakers and class field trip are all subject to change)

January 6: CLASS POSTPONED! (Unfortunately, I have to be in court for this time)

January 8 & 13: An Introduction to Environmental Law and Environmental Rights: The Romance, the Reality & Some Contaminated Drinking Water

January 15: An Unreasonably Brief and Overly Broad Survey of Sources of Law, Branches of Law, Courts, and Government Powers

January 20 & 22: For Life and Liberty (and Security of the Person): Canada's Constitution and Charter

January 27: The (Un)Common Law in Environmental Issues

January 29: Guest Presentation

February 3 & 5: A Thrilling Review of Administrative Law

February 10: Judicial Review, Part I: Courts, Governments and their Delicate Dance (and Mid-term Review)

February 12: Mid-term exam

February 17-21: Winter Break – Yay!

February 24: Judicial Review, Part II

February 26: Guest Lecture

March 2: Legal Battles and Climate Change

March 4: Field Trip – to court! (this date may be changed)

March 9: Biomass Energy, Driven by Law; & Forestry, Largely Lawless

March 11: Biomass Energy Part II

March 16: High Stakes Law: Species at Risk

March 18: Environmental Assessments: Rubber Stamping or Progressive Regulating?

March 23: Enforcement of and Compliance with Environmental Regulation

March 25: A Role for Municipalities?

March 30: Intersection of Aboriginal and Environmental Law

April 1: Last Class – Exam Review

Final Exam: TBA

Conversion of numerical grades to Final Letter Grades follows the Dalhousie Common Grade Scale:

A+ (90-100) B+ (77-79) C+ (65-69) D (50-54)

A (85-89) B (73-76) C (60-64) F (<50)

A- (80-84) B- (70-72) C- (55-59)

Course Policies

Assignments submitted late will be penalized 10% per day. The only exception to this policy is if the delay is justified by a doctor's note or another extenuating circumstance beyond the control of the student which is brought to the instructor's attention as soon as possible by the student.

Plagiarism, in addition to being morally reprehensible, will result in a mark of 0 for that assignment. Please note, a sample of written assignments will be audited with plagiarism software.

Recording of class lectures will only be permitted with the consent of the class.

University Policies and Statements

This course is governed by the academic rules and regulations set forth in the University Calendar and by Senate

Academic Integrity

At Dalhousie University, we are guided in all of our work by the values of academic integrity: honesty, trust, fairness, responsibility and respect (The Center for Academic Integrity, Duke University, 1999). As a student, you are required to demonstrate these values in all of the work you do. The University provides policies and procedures that every member of the university community is required to follow to ensure academic integrity.

Information: https://www.dal.ca/dept/university_secretariat/academic-integrity.html

Accessibility

The Advising and Access Services Centre is Dalhousie's centre of expertise for student accessibility and accommodation. The advising team works with students who request accommodation as a result of a disability, religious obligation, or any barrier related to any other characteristic protected under Human Rights legislation (Canada and Nova Scotia).

Information: https://www.dal.ca/campus_life/academic-support/accessibility.html

Student Code of Conduct

Everyone at Dalhousie is expected to treat others with dignity and respect. The Code of Student Conduct allows Dalhousie to take disciplinary action if students don't follow this community expectation. When appropriate, violations of the code can be resolved in a reasonable and informal manner—perhaps through a restorative justice process. If an informal resolution can't be reached, or would be inappropriate, procedures exist for formal dispute resolution.

Code: https://www.dal.ca/dept/university_secretariat/policies/student-life/code-of-student-conduct.html

Diversity and Inclusion – Culture of Respect

Every person at Dalhousie has a right to be respected and safe. We believe inclusiveness is fundamental to education. We stand for equality. Dalhousie is strengthened in our diversity. We are a respectful and inclusive community. We are committed to being a place where everyone feels welcome and supported, which is why our Strategic Direction prioritizes fostering a culture of diversity and inclusiveness

Statement: <http://www.dal.ca/cultureofrespect.html>

Recognition of Mi'kmaq Territory

Dalhousie University would like to acknowledge that the University is on Traditional Mi'kmaq Territory. The Elders in Residence program provides students with access to First Nations elders for guidance, counsel and support. Visit or e-mail the Indigenous Student Centre (1321 Edward St) (elders@dal.ca).

Information: https://www.dal.ca/campus_life/communities/indigenous.html

Important Dates in the Academic Year (including add/drop dates)

https://www.dal.ca/academics/important_dates.html

University Grading Practices

https://www.dal.ca/dept/university_secretariat/policies/academic/grading-practices-policy.html

Missed or Late Academic Requirements due to Student Absence (policy)

https://www.dal.ca/dept/university_secretariat/policies/academic/missed-or-late-academic-requirements-due-to-student-absence.html



Student Resources and Support

Advising

General Advising https://www.dal.ca/campus_life/academic-support/advising.html

Science Program Advisors: <https://www.dal.ca/faculty/science/current-students/academic-advising.html>

Indigenous Student Centre: https://www.dal.ca/campus_life/communities/indigenous.html

Black Students Advising Centre: https://www.dal.ca/campus_life/communities/black-student-advising.html

International Centre: https://www.dal.ca/campus_life/international-centre/current-students.html

Academic supports

Library: <https://libraries.dal.ca/>

Writing Centre: https://www.dal.ca/campus_life/academic-support/writing-and-study-skills.html

Studying for Success: https://www.dal.ca/campus_life/academic-support/study-skills-and-tutoring.html

Copyright Office: <https://libraries.dal.ca/services/copyright-office.html>

Fair Dealing Guidelines <https://libraries.dal.ca/services/copyright-office/fair-dealing.html>

Other supports and services

Student Health & Wellness Centre: https://www.dal.ca/campus_life/health-and-wellness/services-support/student-health-and-wellness.html

Student Advocacy: <https://dsu.ca/dsas>

Ombudsperson: https://www.dal.ca/campus_life/safety-respect/student-rights-and-responsibilities/where-to-get-help/ombudsperson.html

Safety

Biosafety: <https://www.dal.ca/dept/safety/programs-services/biosafety.html>

Chemical Safety: <https://www.dal.ca/dept/safety/programs-services/chemical-safety.html>

Radiation Safety: <https://www.dal.ca/dept/safety/programs-services/radiation-safety.html>

Scent-Free Program: <https://www.dal.ca/dept/safety/programs-services/occupational-safety/scent-free.html>