

# COURSE OUTLINE

## ADVANCED ISSUES IN ENVIRONMENTAL LAW & POLICY

### ENVR 4650

Winter 2016

**Time:** Wednesday, 2:30 – 5:15 PM  
**Place:** 318 St. Paul's College  
**Instructor:** Andrew Dias  
**Office Hours:** meetings by appointment  
**Email:** [andrewfrancisdias@gmail.com](mailto:andrewfrancisdias@gmail.com)

#### CALENDAR DESCRIPTION

ENVR 4650 - Advanced Issues in Environmental Law and Policy 3.0 Credit hours

This course provides an in-depth review of Canadian law and policy relating to environmental protection and management. In particular, the course describes the laws governing a variety of topics related to the environment, including constitutional responsibilities, federal and provincial environmental legislation, water law, parks and protected areas, wildlife and fisheries management, species at risk, and international law including climate change.

Prerequisite: a minimum grade of C in ENVR 3160 (or the former ENVR 2650), or permission of department head.

#### Materials:

There are no required textbooks for this course. Various references will be provided on JUMP / Desire 2 Learn" (D2L) including excerpts from legislation, judicial decisions, books, articles, and websites. Handouts will be provided on occasion. At times, students will be expected to use libraries, the media, the Internet and other sources to obtain materials for use during the course.

#### Objectives:

The following general topics will be reviewed:

- The constitutional positions of the federal, provincial, municipal and aboriginal governments as they relate to the environment and natural resources;
- Federal and provincial legislation, regulations and policies related to natural resources management, environmental protection, water quality, greenhouse gas emissions, wildlife & fisheries management, species at risk, and other topics;
- Common law causes of action (e.g. nuisance, negligence) related to environmental issues; and

- Legal and procedural aspects of federal and provincial environmental assessment.

### **Lecture Outline:**

This course focuses on Canadian law and policy related to environmental protection and management. The structure of Canadian government and the sources of law in Canada will be outlined to provide necessary background. Constitutional law related to the environment will be reviewed, and the division of powers among federal, provincial, municipal, and Aboriginal governments described.

Common law causes of action will be discussed, including nuisance and negligence. Study of the enforcement of environmental regulations and prosecution of regulatory offences will follow.

Federal and provincial legislation related to the environment will be extensively reviewed, including law related to hazardous goods transportation, air and water quality, environmental assessment and licensing, recycling, wildlife and fisheries, land use planning, and parks and protected areas. Relevant court decisions will form a part of this study.

The final section of the course reviews law of property and natural resources, including forestry, mines and minerals, and oil and gas. The interplay between property rights in natural resources and the public interest in environmental management of resource users will be described.

### **Evaluation & Grading:**

Mid-term test	40%
Final exam	60%

The final exam will be scheduled during the exam period by the Student Records Office.

### **Final Grade:**

A total mark of less than 50% in the course will result in a grade of **F**. Marks between 50% and 100% will be graded from **D** to **A+**. Tests will be graded and recorded as a percentage. The final letter grade will be assigned based on the total percentage of available marks.

Letter Grade	Percentage	Letter Grade	Percentage
F	0-49%	B	70-74%
D	50-59%	B+	75-79%
C+	60-64%	A	80-89%
C	65-69%	A+	90-100%

### **In-Class Tests:**

Failure to write scheduled tests without a valid medical certificate (original) or compassionate reason (e.g. death of an immediate family member) will normally result in a mark of zero on that test. For those students who do have a valid reason for not writing, the instructor may (1) reschedule the missed test, (2) assign an alternate assignment, or (3) redistribute the percentage value of the missed test among the remaining assignments and/or exams.

### Evaluative Feedback:

All marks will be posted on Aurora. Let your instructor know immediately if you believe that there has been a marking error. Evaluative feedback will be provided by the voluntary withdrawal date for this course, which is March 18<sup>th</sup>, 2016.

### Plagiarism:

Plagiarism and other forms of cheating are prohibited. The full definition of plagiarism and the possible penalties associated with it are outlined in the General Calendar.

### Lecture Outline and Important Dates:

Lecture Date	Topic / Event
January 6 <sup>th</sup>	Introduction. Review of Outline. Discussion of student interest. Structure of government. Sources of law.
January 13 <sup>th</sup>	The Constitution. Federal and provincial jurisdiction.
January 20 <sup>th</sup>	Aboriginal jurisdiction.
January 27 <sup>th</sup>	Municipal jurisdiction.
February 3 <sup>rd</sup>	The courts and judicial review. Common Law actions. Regulatory offences.
February 10 <sup>th</sup>	Federal legislation.
February 15 <sup>th</sup> – 19 <sup>th</sup>	Mid-term break. No lecture.
February 24 <sup>th</sup>	<b>Mid-term test.</b>
March 2 <sup>nd</sup>	Provincial legislation.
March 9 <sup>th</sup>	Water quality.
March 16 <sup>th</sup>	Parks and Protected Areas. Wildlife and Fisheries.
March 18 <sup>th</sup>	<b>Voluntary Withdrawal Deadline.</b>
March 23 <sup>rd</sup>	Natural resources law.
March 30 <sup>th</sup>	Climate change.
April 6 <sup>th</sup>	Review. Topics of student interest.
April 11 <sup>th</sup> – 25 <sup>th</sup>	Final examination period. Final exam will be scheduled by the Student Records Office.