

COURSE OUTLINE

ADVANCED ISSUES IN ENVIRONMENTAL LAW & POLICY

ENVR 4650

Winter 2020

Time: Wednesday, 2:30 – 5:15 PM

Place: 217 Wallace

Instructor: Andrew Dias

Office Hours: meetings by appointment

Email: Andrew.Dias@umanitoba.ca

CALENDAR DESCRIPTION

ENVR 4650 – A01 – 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 climate change policy.

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 UM Learn including excerpts from legislation, case law, books, articles, and websites. Handouts will be provided on occasion. At times, students may be required to use libraries, the media, the Internet and other sources to obtain information for use during the course.

TOPICS OF STUDY

- 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, wildlife & fisheries management, species at risk, water quality, greenhouse gas emissions, and other topics.
- Civil causes of action (e.g. nuisance, negligence) and regulatory offences related to environmental issues.
- Legal and procedural aspects of federal and provincial environmental assessment.
- Current policy developments.

Lecture Outline:

This course is a study of Canadian law and policy related to environmental protection and management. A description of the structure of government and the sources of law in Canada will provide necessary background. An examination of the Constitutional division of powers between federal and provincial authorities will clarify the issue of jurisdiction over the environment and resources. Later, the source and extent of municipal authority in this area will also concern us.

A study of federal and provincial legislation and of corresponding administrative agencies will serve to demonstrate how Canadian governments act to achieve environmental protection and assessment objectives. A study of administrative law will show to what extent administrative decisions are subject to appeal and to judicial review.

Criminal offences and civil causes of action (both statutory and common law) related to the environment and to property will be discussed, as well as the associated penalties and remedies. Types of offences will be distinguished.

The complex legal status of Aboriginal People in Canada will form an important section of the course. Aboriginal rights, treaty rights, and aboriginal title will be defined and distinguished. The law of natural resources and of property will follow, including discussion of onshore and offshore minerals, forestry, and hydroelectricity.

The oil and gas policy of the current federal government and the recent history of pipeline approvals will be observed from political and legal angles.

Federal and provincial legislation related to parks and protected areas, fisheries, water rights, and species at risk will also receive our attention. Our final lecture will survey the developing law and policy related to greenhouse gases, climate change, pipelines, and the carbon tax.

At each stage, relevant case law will be presented to clarify the prevailing interpretation of law.

Evaluation & Grading:

Mid-term test	35%
Assignments	25%
Final exam	40%

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 18th, 2020.

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:

Date	Lecture / Event
January 8 th	Government, Courts and Sources of Law
January 15 th	The Constitution (federal vs provincial jurisdiction)
January 20 th	Registration Deadline
January 22 nd	Pollution Prevention (federal <i>CEPA</i>)
January 29 th	Pollution Prevention - Environmental Assessment (provincial <i>EA</i>)
February 5 th	Municipalities – Appeals & Review - Offences & Causes of Action
February 12 th	Aboriginal People in the Law of Canada.
February 18-21 st	Winter term break. No lecture.
February 26 th	Mid-term test
March 5 th	Natural Resources – National Parks
March 12 th	Fisheries – Water Rights
March 18 th	Voluntary Withdrawal Deadline
March 19 th	Conservation – Species at Risk
March 26 th	Climate Change – Pipelines – Carbon Tax
April 2 nd	Review
April 11-26 th	Final Exam period. Date and time yet to be scheduled.

Dates of topics and events not in bold type are subject to change, depending upon the pace of the class.