

## Endangered Species & Biodiversity Law

3 credit hours

Mon/Weds 7:30 – 9 pm

Room:

Prof. Charles Irvine

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<http://chaz.wordpress.com>



Environmental Law is NOT a prerequisite for this class. There is no casebook, instead readings will be posted each week.

**Exam:** The final will be a time-limited take home exam during the normal examination period. The exam will consist of several questions, of varying length and complexity. I will indicate the points available for each question. The exam will be open book. The exam will cover issue-spotting, policy questions and the substantive laws that we covered in class. We will discuss more details about the exam later in the semester.

**Grading:** Based on the final, but I may adjust your final grade by one grade point based on class participation (*e.g.* from a B to B+). Grades must comply with the ULHC policy (*i.e.* the ‘curve’ applies, although it’s actually an average, not a curve).

**Classes:** First class: Aug. 21. Last class: Nov. 27. No class on Nov. 22 (Thanksgiving). I will attempt to keep my work schedule free, but situations may arise that require me to be absent (either due to work, weather, etc.). I will let you know about any cancelled classes as early as possible. If I cannot find a guest speaker, the class will be cancelled. I will discuss with you how we will make up any lost time. I will keep track of actual teaching time whenever class runs a few minutes over, and it's likely we'll gain enough time to avoid having to schedule additional make-up classes. You must attend 80% of the classes, and I am obligated to keep track of attendance. I will contact you if your attendance becomes a concern to me. Laptops may be used during class but for note-taking and class purposes only.

**SPECIAL NOTE:** I will be out of the country between Aug. 30 through Sept. 14. The five classes during this period will be taught by Prof. Kristen Schlemmer, an environmental lawyer with my firm.

**Class Preparation:** I expect you to have completed the reading assigned for each class, and to be prepared to make meaningful contributions to the discussions. To facilitate class discussions, each student must email me two questions, or observations for discussion from that week's reading before each class. I will also ask open questions to the class, or call on you individually. Failure to be prepared in more than two classes may count against your final grade. Reading assignments will be posted on a website: <http://chaz.wordpress.com>. I may use powerpoints during class, and when I do, I will make them available to you. However, powerpoints will be used as an aid to the materials taught, and will not contain all the information covered in class.

**Office Hours:** I will make myself available after each class should you have any questions. I will also be available by appointment, contact me by email or phone. If you have any concerns about the class, the materials we cover or anything else, please let me know so I can address your concerns.

## Draft Syllabus (Fall 2017)

1. Introduction (logistics, reading materials, class participation, exam and grading)
2. An overview of biodiversity and conservation biology
  - a. What is biodiversity
  - b. Why we care about biodiversity
  - c. How to protect biodiversity
3. The Endangered Species Act (ESA)
  - a. Purpose and definitions (Sections 2 & 3)
  - b. Listing: identifying which species to protect (Section 4)
  - c. Federal government responsibilities
    - i. Designation of critical habitat (Section 4)
    - ii. Recovery plans (Section 4)
    - iii. Interagency consultation and the conservation duty (Section 7)
  - d. The “take” prohibition (Section 9)
    - i. Direct taking
    - ii. Habitat destruction
    - iii. Indirect taking and vicarious liability
  - e. Incidental Take Permits and Habitat Conservation Plans (Section 10)
  - f. Landowner incentives
  - g. Enforcement and citizens’ suits
  - h. ESA and constitutional takings
4. Other federal laws protecting species
5. Ecosystem diversity
  - a. Wilderness
  - b. National Parks
  - c. Wildlife Refuges
  - d. Coastal & Marine
  - e. Biodiversity hotspots
6. Threats to biodiversity & ecosystems
  - a. Invasive species
  - b. Impact of climate change
  - c. Other laws regulating hunting, harming or killing
  - d. Biodiversity, climate mitigation and climate adaptation
7. International biodiversity
  - a. Extraterritorial application of domestic environmental laws
  - b. Treaties
  - c. Convention on International Trade in Endangered Species
  - d. International Convention for the Regulation of Whaling
  - e. Convention on Biological Diversity
  - f. European Union Directives
8. Review