

Environmental Impact Assessment and Decision Methods

Syllabus – Spring 2018

Instructor Information

Name: Helen Serassio
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Biography: Hi, welcome to this course. A little about me: I am environmental attorney and have spent my career working in the Federal government on environmental policy and environmental compliance. My experience includes over 14 years at the US Department of Transportation, working in the General Counsel's Office on a variety of environmental issues including NEPA, the Clean Air Act, climate change, invasive species, endangered species, environmental justice, and the Clean Water Act. In addition, I worked at the Council on Environmental Quality as the Deputy Associate Director for NEPA Oversight. More recently, as the Director of Environmental Compliance I assisted in the creation of a new independent Federal agency, the Gulf Coast Ecosystem Restoration Council. Currently, I am on a special assignment with the Federal Transit Administration as legal counsel to Hurricane Sandy recovery. I live in Washington DC and spend part of my time working in Manhattan. This is fourth year teaching with Rhey at Johns Hopkins.

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Biography: Hi; glad to have you on board! A little about me: I'm retired from the Federal Government where I was Assistant Director for Ecosystem Management Coordination in the national headquarters of the U.S. Forest Service. I managed the oversight of NEPA for the Forest Service. I worked 28 years for the agency, with a brief stint of about 1 year working for a member of Congress and another year for the Council on Environmental Quality out of the

offices of the White House. My academic background is in natural resource management, with an MS in hydrology. My career has involved jobs in hydrology, project planning, environmental analysis and strategic planning. I have been teaching in the part-time graduate program at Johns Hopkins for 20 years. I am married with two children: my son is an auditor with Morgan Stanley in Dallas, TX, and my daughter works for the FAA as an Energy and Environment Program manager. My wife and I and have a business training NEPA implementation, facilitating, team building and consulting on organizational management -- <http://www.EandTSolutions.com>

Required Texts

Required Texts: **Reading Materials.** No required Text--All resources are available on-line, or we will send them to you via E-mail. Materials include readings from government publications, such as the Council on Environmental Quality's Annual Reports, reports of EPA's Science Advisory Board and of various committees of the U.S. House of Representatives and the Senate, as well as court opinions. All of these materials will be made available through the Milton S. Eisenhower Library WEB site, will be provided in E-mail, or will be the responsibility of the students to secure through the Internet, with guidance from the instructors. Additional textbooks and other authoritative materials may be suggested for students who care to supplement their required reading.

Course Description

Course Description: This course introduces the process of environmental impact assessment and decision making as required under the National Environmental Policy Act (NEPA). Students will consider NEPA's legislative history in an effort to discern Congress' intent in passing section 102(2) of the act. The way in which NEPA has evolved, particularly as an impact assessment tool, will be compared and contrasted with the perceived legislative intent. NEPA's implementing regulations and other guidance issued by the President's Council on Environmental Quality, as well as judicial interpretations of the act, will be examined; practical exercises designed to foster an understanding of how abstract procedural rules play out, "on the ground," will be provided. The "mechanics" of impact assessment preparation will be considered; topics include identification of purpose and need statements, development of objectives and decision criteria, and techniques for assessing impacts and comparing alternatives for environmental intervention. Some special considerations, including cumulative impact assessment, will be explored. The strengths and weaknesses of various approaches to impact assessment will be

evaluated. The importance of scientific credibility and public acceptance will be demonstrated with case studies and class exercises. The course will run for 14 weeks, although it is broken down into 7 units, most of which will last approximately 2 weeks. We have purposefully avoided establishing a strict schedule; students' reasonable, but not altogether predictable, needs in this on-line course will help establish the appropriate pace of learning. We expect that the pace will be somewhat slower during the first few weeks when we are becoming familiar with the technology and establishing solid lines of communication, as well as getting used to a new routine. There is one unit in the course that will be only one week long. Please be prepared to devote at least 13 hours a week to this on-line course.

Course Objectives

Course Objectives:

- a) Gain a working knowledge of environmental analysis with specific reference to the National Environmental Policy Act and Implementing Regulations.
- b) Understand how to conduct an environmental impact assessment (process and content)
- c) Learn principles and methods of environmental analysis.
- d) Understand the influence of case law on environmental impact assessment.
- e) Gain knowledge of the legal, social, and political processes that limit and influence environmental impact assessment.
- f) Know how to review and comment on an environmental impact statement, environmental assessment and environmental regulations.

Grading Policies

Grading Policies: Graded work:

30 percent - Threaded Discussions (credit here is awarded mainly for participation; only failure to participate actively and fairly frequently would be grounds for achieving an inferior grade). See the section below on grading of Threaded Discussions.

10 percent - Worksheet on NEPA, its implementing regulations, and other guidance

5 percent -- Purpose and Need - Alternative case studies

5 percent -- No-action alternative case study,

25 percent - NEPA topic paper,

25 percent - Final exam

Grading criteria:

Note: These criteria apply to papers, not to threaded discussions and class exercises for which "conversational" (but not abominable) grammar, spelling, and punctuation are acceptable.

NOTE: Students should also refer to the "rubrics" section (in the "Course Management" tab) which will be used as a guide for grading all assignments and the threaded discussions, also called "forums."

Written work will earn 90 per cent or more of available points when it is of excellent quality, showing thorough understanding of issues and relationships among and between issues. Solid examples are presented to describe and explain concepts, as appropriate. All statements or arguments are well supported in a clear and organized fashion.

Writing is in essay form, free of grammatical and spelling errors. Written work will earn between 80 and 90 per cent of available points when it is of high quality, showing understanding of the issues and how they are related. Concepts are defined and described using appropriate examples. Statements or arguments made are supported in a clear and organized fashion. Writing is in essay form, free of grammatical and spelling errors.

Written work will earn between 70 and 80 per cent of available points when it demonstrates understanding of concepts involved. Writing is in essay form, free of grammatical and spelling errors.

Threaded Discussions (Forums):

Threaded discussions (Forums) will account for 25 percent of your grade. It is, therefore, important that you understand how these threaded discussions will be graded.

The "graded" Threaded Discussions are noted in the "Discussions" Section. There are a number of Threaded Discussions that are used to share ideas and perspectives that are not graded. So pay attention to those Threads that are graded.

To earn an "A" on any threaded discussion (A "Forum") will require you to participate at least 4 times in each threaded discussion by, (1) respond to the initial instructor question with an idea or

perspective not brought forward by another student, (2) respond to a perspective or idea expressed by another student, and (3) respond with a thought that provokes discussion or input--perhaps a question of your own. All discussion, where appropriate, should be supported by references to papers, regulations, law, or case law. Links to Internet sites will greatly enhance your grade as well.

To earn a "B" , you must (1) participate at least 3 times to each "Topic", (2) respond to the question with an idea or perspective not brought forward by another student, and (3) comment on another student's input.

To earn a "C" you must participate at least 2 times and comment on another student's perspective with a different idea of your own.

These threaded discussions ("Forum") will be graded subjectively. If the instructors believe you are not contributing at an acceptable level, we will let you know via private e-mail. We will provide grades for the Threaded Discussions at the end of the Units so you will have an idea of how well you are doing in the Threaded Discussions. If you have questions about how you are doing in your threaded discussions throughout the course, send us an E-mail and we will provide you with a response to your questions.

NOTE: We do assess when students begin to engage in the TD. If you wait until the last few days open for each threaded discussion topic to submit your thoughts and responses, you may not get full credit for your work since others cannot engage in discussions with you as you are late with your contributions. Note for most units we have two discussions, begin the first discussion in the early part of the first week, the second discussion early in the second week, if not sooner.

We should point out that an "open" threaded discussion is made a part of each unit. This "open" threaded discussion is to be used by the students to discuss topics not discussed in other threaded discussions. This is an "open" forum to share ideas. We have found that "chat" rooms don't work really well, so we thought we would post this open discussion to see if that will work better. Also, if you want to contribute an idea to the open discussion, but have reservations about doing so because you don't want the input linked back to you, send Helen or Rhey an e-mail and we will post your idea, comment, or question as if it were from us--you become anonymous.

General Policies

General Policies: The following are general policies for this on-line course.

1. "Attendance" and presence are required for this class. Students are expected to log on a minimum of twice a week and are expected to post substantive contributions to threaded discussions that may be going on at the time. Simply saying "hello" or "I agree" is not considered to be a substantive contribution. Students must support their positions, raise new issues, or add value somehow to the discussions in which they participate.
2. Students cannot pass this course without participation in the online discussions. Indeed, participation accounts for 25 per cent of each student's overall grade.
3. Assignments, including a worksheet on NEPA, two short assignments on the Purpose and need and no-action alternative, a short paper expanding on a NEPA Topic (student choice of topic), and the final exam. Students are encouraged to comment on and provide feedback to one another on their contributions in the Threaded Discussions and your NEPA Topic paper. The NEPA Topic paper will be shared with other students to facilitate learning.
4. Although we strongly suggest that all issues, questions, and problems be dealt with collectively on-line, students are welcome to e-mail us directly (hserassio@gmail.com) or (MrRhey@aol.com) with questions or problems.
5. If you have a disability that may require accommodations, please contact Rebecca Barron, Director of Student and Financial Services, at rbarron@jhu.edu or (202)452-0983, to discuss your specific needs. http://web.jhu.edu/administration/jhuoie/disability/accommodations_students.html Let us also highlight one very important part of the Student Checklist that you need to be aware of and are held accountable to – the JHU-AAP Code of Conduct. There's a link here to the PDF of the Code of Conduct. Be sure to download the code, read it and learn it. It establishes the rules we need to have the safe and open community a Hopkins education depends on. There are important parts concerning serious issues like harassment and plagiarism. You are expected to know the code and follow it. Violations of the code can have serious repercussions including failure or even expulsion. Not knowing the code is never an acceptable defense so read the code. If you have any questions about it contact Student Services for clarification. Code of Conduct <http://advanced.jhu.edu/wp->

content/uploads/2013/01/AAP1101_CodeofConduct.pdf

6. Use good "netiquette," such as
 - a. Check the threaded discussion frequently and respond appropriately and on subject.
 - b. Focus on one subject in each message and use pertinent subject titles.
 - c. Capitalize words only to highlight a point or for titles. Capitalizing otherwise is viewed as SHOUTING!
 - d. Be professional and sensitive with respect to your on-line interactions.
 - e. When posting a long message, it is generally considered courteous to warn readers at the beginning of the message that it is a lengthy post. You can often avoid needless length to posts by thinking through just what you want to post before you begin keyboarding.
 - f. It is considered rude to forward someone else's personal messages without first seeking his or her permission.
 - g. It is O.K. to use humor on-line, but use it carefully. The absence of face-to-face cues, including body language, can often cause "humor" to be misinterpreted as criticism or "flaming" (angry antagonistic criticism).

Course Syllabus

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Course Syllabus UNIT SUMMARIES

Unit 1: Introduction to the National Environmental Policy Act and the Environmental Impact Assessment Process Topics: Early congressional concern for environmental quality; the National Environmental Policy Act's (NEPA) legislative history; NEPA, itself; and the section 102(2) environmental impact assessment requirements

Start Date: January 8 **End Date:** January 21

Graded Assignments: Two graded threaded discussions

Unit 2: NEPA's Implementing Regulations and Other Guidance Topics: A close look at the regulations for implementing the procedural provisions of NEPA that help define the extent of environmental impact assessment; library research lecture; applying the implementing regulations and guidance to fact patterns/questions developed in a worksheet

Start Date: January 22 **End Date:** February 4

Graded Assignments: One graded threaded discussion, and "worksheet" (due February 4)

Unit 3: Decision Making with the Environmental Impact Statement Topics: Connections among environmental documents; environmental impact statements, environmental assessment, and categorical exclusions: threshold limits for preparing an EIS: content requirements for an EIS, and the EIS analysis process
Start Date: February 22 End Date: March 6.

Graded Assignments: One graded threaded discussion, and "P&N - Alternatives" graded exercise (due February 18), and select NEPA Topic Paper (due February 18) (topic paper due March 25th).

Unit 4: Decision Making with Environmental Assessments Topics: Continuation from Unit 3 on the NEPA flowchart; categorical exclusions and how they are used; content and analysis requirements for environmental assessments; and findings of no significant impact and mitigated FONSI
Start Date: February 19 End Date: March 4

Graded Assignments: Two graded threaded discussions, and "no-action alternative" graded exercise (due March 4)

Unit 5: NEPA Litigation and the Role of the Courts Topics: How persons "aggrieved" by final agency action, including allegedly inadequate NEPA process, seek access to the courts; the role of the courts, including limitations on relief that they can grant; some landmark cases and more obscure case law
Start Date: March 5 End Date: March 18

Graded Assignments: Two graded threaded discussions

SPRING BREAK—MARCH 19 – MARCH 25

Unit 6: Other Related Topics: Comparison of state environmental analysis statutes; integration of NEPA with other federal environmental statutes and executive orders; international application of NEPA, and special CEQ initiatives

Start Date: March 26 End Date: April 8

Graded Assignments: Two graded threaded discussions, and "NEPA Topic Paper" (due March 25)

Unit 7: The Future of NEPA and Environmental Analysis
Topics: The CEQ study of NEPA's effectiveness over the first 25 years; exploring possible legislative and regulatory changes that would improve environmental analysis

Start Date: April 9 End Date: April 21

Graded Assignments: One graded threaded discussion, and final exam (due April 22)