

SYLLABUS

Spring 2012: Federal Wildlife Law

Professor Jay Tutchton

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720-301-3843

Tuesdays and Thursdays 9 AM – 10:15 AM

Room 145

Text: Wildlife Law: Cases and Materials, 2nd Ed., Foundation Press, Dale D. Gobel & Eric T. Freyfogle

January 12th - Guest Lecturer: Ashley Wilmes, Staff Attorney WildEarth Guardians: Introduction to Wildlife Law, Text pp. 1-30, What is “Wildlife”?, *State v. Couch*, Roles of Wildlife Law, Exploitation.

January 17th - Guest Lecturer: Ashley Wilmes, Staff Attorney WildEarth Guardians: Roles of Wildlife Law continued, Text pp. 30-59, Conservation, *State v. Bradley*, *Strong v. United States*, Captive African Antelope Rule, Ecology, *Scofield v. State of Nebraska*, *Department of Natural Resources*.

January 19th - Guest Lecturer: Ashley Wilmes, Staff Attorney WildEarth Guardians: Roles of Wildlife Law continued, Text 59-101, Ethics, Leopold & the Land Ethic, *State v. Cleve*, Animal Rights vs. Animal Welfare, *Citizens to End Animal Suffering & Exploitation, Inc. v. New England Aquarium* (Kama’s case), *The Cetacean Community v. Bush*, *State v. LeVasseur*, Animal Rights, Descartes, Kant, Bentham, Regan.

January 24th - Guest Lecturer: Ashley Wilmes, Staff Attorney WildEarth Guardians: Biodiversity, Text pp. 1032-1088, Quammen, Noss, Values of Biodiversity, Leopold, Rate of Species Loss, Eldredge, Causes of Species Loss, Wilcove, Exotics, Enserink, Climate Change, Conservation Biology, Noss, Houck.

January 26th - Introduction to Major Project: ESA Listing Petition (presentation of species for selection), catch-up and review concerning Ashley Wilmes lectures.

January 31st – Endangered Species Act Overview, Text pp. 1089-1122, *TVA v. Hill*, Listing, *Maine v. Norton*, DPS Policy. Species selection for ESA Listing Petition due.

February 2nd – Listing Continued, Text pp. 1122-1156, *Defenders of Wildlife v. Norton*, Significant Portion of Range, Listing Determinations, *Home Builders v. FWS*.

February 7th – Preventing Extinction, Critical Habitat Designations, Text pp. 1156-1173, *Arizona Cattle Growers v. Kempthorne*.

February 9th – Consultation, Text pp. 1173-1215, *Forest Guardians v. Johanns, NWF v. NMFS*

February 14th – Prohibitions and Penalties, Text pp. 1215-1238, *Babbitt v. Sweet Home, U.S. v. McKittrick, U.S. v. Clavette*.

February 16th – Incidental Take Permits, Text pp. 1238-1267, *NWF v. Babbitt, God Squad*

February 21st – Recovery, Text pp. 1267-1296, *Sierra Club v. Lujan, Defenders of Wildlife v. Babbitt, Pyramid Lake v. Navy, House v. USFS*

February 23rd – Presentation of Minor Project (Recovery Plan Notice Letters)

February 28th – Reintroducing Listed Species, Text pp. 1296-1324, *Wyoming Farm Bureau Federation v. Babbitt, Delisting as Recovery, Defenders of Wildlife v. Hall, Section of Species for Recovery Plan Notice Letters*

March 1st – First Draft of Major Project: ESA Listing Petitions Due, International Wildlife Law, Text pp. 585-606, Sources and Principles of International Law, *The Paquete Habana, Behring Sea Fur-Seals Case (Great Britain v. U.S.)*

March 6th – Species-Based Conservation: Whales, Species-Based Preservation, Elephants, Text pp. 606-647.

March 8th – Habitat-Based Preservation: Wetlands, Trade, Sea Turtles & Shrimp, Dolphins & Tuna, Text pp. 648-674.

March 13th – Recovery Plan Notice Letters Due, Class Discussion & Presentation of Notice Letters

March 15th – Class Discussion and Presentation of Notice Letters con't

March 27th – Second Draft of ESA Listing Petitions Due, Class Discussion of Presentation on ESA Listing Petitions

March 29th – Class Presentations of ESA Listing Petitions

April 3rd – Class Presentations of ESA Listing Petitions

April 5th – Class Presentations of ESA Listing Petitions

April 10th – Introduction of Final Minor Project: Recovery Plan Complaints, Discussion of Complaint Basics

April 12th – Extra Day to Allow for Make-up and Review

April 17th – Extra Day to Allow for Make-up and Review

April 19th – Extra Day to Allow for Make-up and Review

April 24th – Recovery Plan Complaints Due, The Final Draft of ESA Listing Petitions are due on or before the last day of the finals period.

GRADING

Your grade will be based on 4 components each worth a specific number of points. The major written project, the ESA Listing Petition will be worth a total of 300 points. Only the final draft will be graded, however, the Classroom presentation of your Listing Petition will be worth up to 75 points of the final grade. The two minor written projects, the ESA Notice Letter and Complaint will be each be worth 100 points. Your Classroom presentation of the Notice Letter will be worth up to 25 points of your total grade for the Notice Letter. Additionally, 100 points will be available if you offer a written criticism of another student's ESA Listing Petition. Each written criticism of another student's ESA Listing Petition is worth up to 25 points and must be given to both the student whose Petition you are reviewing and to the Professor.