I. HISTORIC PRESERVATION

A. History, Purposes and Background (Text Chapters 1 and 2)
   1. History of the Preservation Movement
   2. Who preserves and Why?
   3. Process Participants
   4. What is the interplay with NEPA and its analogs?
   5. Formal Designation
      a. Federal
      b. State and Local

B. The National Historic Preservation Act (Text Chapters 3 and 6 and Supplemental Materials)
   a. Section 106 Review
      i. Application
      ii. Review Process
      iii. Litigation Issues
   b. Local and State Analogs
      i. New York State Historic Preservation Act Section 14.09
      ii. New York City Landmark Preservation Act
      iii. Processes and Judicial Review

C. Section 4(f) Review (Text Chapter 5 and Supplemental Materials)
   a. Review Process
   b. Judicial Review
   c. Incorporation into NHPA and SHPA review
   d. Case Study: Moynihan Station

D. Constitutional Issues (Text Chapter 7 and Supplemental Materials)
   a. Takings - Penn Central and its progeny
   b. RLUIPA and its common law precursors
c. Free Speech and Artists’ Rights

E. Historic Tax Credits (Text Chapter Eleven (portions) and Supplemental Materials)

II. NEPA (Statutory and Case Law Materials)

A. Text and Legislative History

B. Council on Environmental Quality Regulations

C. Individual Agency Regulations

D. Litigation Issues
   1. What is a “Major Federal Action?”
   2. What is the “Environment?”
   3. How are Impacts Analyzed?
   4. Who Participates in the Review?
   5. Alternatives
   6. Mitigation
   7. Standing
   8. Scope of Review

E. State and Local Analogs
   1. New York State Environmental Quality Review Act (SEQRA)
   2. California Environmental Quality Review Act
   3. Connecticut Environmental Quality Review Act
   4. New York City Environmental Quality Review
   5. How do these differ from NEPA?
   6. How do they differ from each other?
   7. Interplay with NEPA

III. HISTORIC PRESERVATION STATUTES AND IMPACT REVIEW STATUTES: THE INTERPLAY

A. NEPA (Text Chapter Four and Selected Case Law)
   1. NEPA’s substantive requirements re: historic resources
   2. NEPA and NHPA

B. State Statutes
   1. New York City and State
   2. California
   3. Massachusetts