ENVIRONMENTAL LAW AND ECONOMIC POLICY
ARE 309-001, Spring 2006

INSTRUCTOR: Ted Feitshans 919-515-5195 (3340 Nelson Hall)
e-mail: ted_feitshans@ncsu.edu
TIME AND PLACE: Tuesday/Thursday 10:15-11:05 1206 Nelson Hall
http://www.cals.ncsu.edu/course/are309/
OFFICE HOURS: Tuesdays 11:45 – 1:00 p.m.; Fridays 9:00-11:00 a.m.
Appointment are available upon request. Students are encouraged to contact the instructor by e-mail.

WHAT THE COURSE COVERS:
We will study current federal and North Carolina environmental law and regulation as well as the common law foundations of environment law. The course covers basic environmental issues that students are likely to face in a wide variety of careers including agribusiness, engineering, environmental consulting, science, forestry and others. The course emphasizes the economic environment that has given rise to current environmental laws and regulations. Substantive legal emphasis will be on environmental laws having the greatest relevance in North Carolina, including nuisance law, water and wetlands policy, solid and hazardous wastes, pesticides, clean air, endangered species and environmental impact statements.

COURSE OBJECTIVES:
1. Students will learn to recognize environmental legal issues in their professional and personal lives that may require the attention of legal counsel.
2. Students will develop an understanding of environmental policy from an economic perspective in the United States and North Carolina.
3. Students will recognize activities covered by environmental laws and understand the legal implications of those activities.
4. Students will recognize the spectrum of regulatory techniques that can be used to affect environmental outcomes and understand the limitations, which are inherent in the various approaches. Students will learn how analyses of economic costs and benefits may be applied to regulatory determinations.
5. Students will gain an understanding of the complexities and difficulty of enacting and enforcing environmental laws and regulations in light of technological uncertainty and competing societal interests.
6. Students will gain some familiarity with the legal system of the United States.

TEXTS, ASSIGNMENTS, TESTS AND GRADES

Optional text:
Highly recommended: Coursepack: Available through the Sir Speedy on Hillsborough Street. Contact and order information at: <http://www.sirspeedy.com/Center/ZipSearchResults.asp>. 2526 Hillsborough St., Raleigh, NC 27607 USA 919-834-8128 (phone); 919-832-3806 (fax); e-mail: info@sirspeedyhills.com

Most of the required class readings are included in the coursepack (except for copyrighted material that may be found on electronic reserve).

Required readings are listed in the course schedule. You are expected to complete readings prior to class for which the reading is listed. Statutes may be found through free sources on the web. Cases (edited for the class) may be found on the web site. Other readings are available through electronic reserve at the library web site.

Assignments:

1. Case analyses: Students will write a brief case analysis for all cases assigned for analysis. (Some cases are assigned for reading only, as indicated in the schedule.) An example analysis will be provided. Case analyses are due in class on the day the case analysis is listed as due in the schedule. Case analyses will be graded based upon the understanding and effort reflected in the analysis. Each analysis counts 10 points. There are 200 points are available from case analyses. Twenty cases are assigned for analysis. Extra credit cases may be assigned at the sole discretion of the instructor. In the event of absence (except in the case of serious illness) case analyses may be submitted as a MS Word attachment via e-mail to ted_feitshans@ncsu.edu by 2:45 p.m. on the date assigned. In the event of serious illness the case analyses should be submitted as soon as possible after return to classes together with a copy of evidence of said illness. Late and/or improperly formatted submissions will not be accepted.

2. Final project: Each student shall identify an individual employed in a field in which he/she would like to seek employment after graduation. The student shall interview this person about his/her work. The interview shall focus on how the areas of environmental law that we have studied (as well as other areas of law) affect the interviewee's work. To facilitate preparation of the paper, the student should take written notes during the interview. Project papers must be typed. The paper shall be no less than 10 typed, double-spaced pages, in type neither larger than 12 point nor smaller than 10 point. The name, business address, telephone number, and e-mail address (if it exists) shall be included in the paper so that the instructor may contact the interviewee. Interviews with close relatives are unacceptable (any doubts about the acceptability of the potential interviewee shall be resolved by consulting the instructor). Choice of interviewee is due on Thursday, February 9. Project papers are due on Tuesday, April 20 by 2:45 p.m. (There is a 24-hour grace period for submission of papers after which no papers will be accepted.) Students are encouraged to submit rough drafts for my review sufficiently (at least two weeks) in advance of the due date to give me the opportunity to review them. The final project is worth 80 points. Final projects may be submitted electronically. Pdf format is recommended; however, any format that the instructor can read is acceptable.
3. Class Discussion/Participation and Attendance Policy: Students are expected to participate in class discussions. The instructor, at the instructor’s sole discretion, may assign 30 bonus points for class participation.

_Students are free to discuss written assignments, but each student must write the assignments individually. I reserve the right to add homework assignments._

4. Examinations

There will be two, 75-minute exams and a comprehensive final exam. Each exam has a value of 80 points. The final exam is worth 160 points. The first exam is scheduled for Thursday, February 9. The second exam is scheduled for Tuesday, March 21. The final exam is scheduled for Thursday, May 2, from 8:00 a.m. to 11:00 a.m. Students will have 3 hours for the final exam. **No late exams will be given, except by prior arrangement with the instructor or due to documented illness or other emergency.** The instructor will announce the format and material covered in class in advance of each exam. The format of all make-up exams (which may be oral) is within the sole discretion of the instructor.

Exams are open book except that no notes taken by an individual other than the student may be used. No laptops or other electronic devices may be used as the source of notes.

Grading Summary - Points assigned by assignment:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case analyses</td>
<td>200</td>
</tr>
<tr>
<td>Final project</td>
<td>80</td>
</tr>
<tr>
<td>Exams</td>
<td>160</td>
</tr>
<tr>
<td>Final Exam</td>
<td>160</td>
</tr>
</tbody>
</table>

**TOTAL** 600

Final grades: Feedback on student performance will be given in class after each of the two scheduled exams. Plus/minus course grades will be given on the following basis, (where $x$ is the percentage of total points earned):

<table>
<thead>
<tr>
<th>Letter Grade</th>
<th>Percentage of total points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>$x \geq 97%$, plus exceptional class and/or online participation, awarded at the sole discretion of the instructor.</td>
</tr>
<tr>
<td>A</td>
<td>$93% \leq x &lt; 97%$</td>
</tr>
<tr>
<td>A-</td>
<td>$90% \leq x &lt; 93%$</td>
</tr>
<tr>
<td>B+</td>
<td>$87% \leq x &lt; 90%$</td>
</tr>
<tr>
<td>B</td>
<td>$83% \leq x &lt; 87%$</td>
</tr>
<tr>
<td>B-</td>
<td>$80% \leq x &lt; 83%$</td>
</tr>
<tr>
<td>C+</td>
<td>$77% \leq x &lt; 80%$</td>
</tr>
</tbody>
</table>
C  73% ≤ x < 77%
C-  70% ≤ x < 73%
D+  67% ≤ x < 70%
D   63% ≤ x < 67%
D-  60% ≤ x < 63%
F   x < 60%

Preparation time:  6 - 10 hours per week.

**Late and make up policy:** See individual assignments.

**Students who add the class after the first day of classes are responsible for all missed work**
**(to be completed within 72 hours of adding the class).**

**Attendance Policy**

**Students are expected to attend class.**

See <http://www.ncsu.edu/policies/academic_affairs/pols_regs/REG205.00.4.php> for the university policy on excused absences. In the event of an absence for an approved university activity, students are expected to complete assignments in advance of anticipated absence. For excused absences caused by a verified emergency, such as illness or a death, students are expected to contact the instructor as soon as possible, and in no event more than a week after return to classes.

**Students with more than 6 excused and/or unexcused absences may have difficulty successfully completing the course.** Such students are seriously urged to consider a late drop or an incomplete. In any event such students must discuss their situation with the instructor as soon as reasonably possible.

**A STUDENT'S DUTY:**

1. To read and understand the schedule, this policy statement, and all other administrative materials relevant to this class.
2. To read assignments before due and participate in all class discussions.
3. To notify the instructor promptly of any situations likely to affect the student’s performance in the class.
4. **To understand the responsibilities placed upon students under the Code of Student Conduct.** See: http://www2.ncsu.edu/prr/student_services/student_conduct/POL445.00.1.htm In particular, students are on their honor to avoid discussion of tests and test content prior to the return of the tests to the class.

**Students with Disabilities**
Students with disabilities should provide the instructor with their accommodation letter as soon as possible. Students with disabilities who do not have an accommodation letter should contact the office of Disability Services for Students (DSS) at 919.515.7653 (voice) or 919.515.8830 (tty). DSS is located at 1900 Student Health Center on the corner of Cates Avenue and Dan Allen Drive. Their web site is at: <http://www.ncsu.edu/equal_op/dss/>. Reasonable accommodations will be provided to students with disabilities based upon the accommodation letters provided.

Adverse Weather Policy
In the event that the University determines to operate under the adverse weather or other emergency policy, assignments, including examinations, shall be shifted to the next day upon which such conditions are not applicable.
See: http://www.ncsu.edu/policies/campus_environ/health_safety_welfare/POL04.20.1.php
So long as the University is open and classes have not been officially cancelled, class will be held.

Class listserv®
Information about the class listserv® will be provided on the website and at the first class meeting. All students are expected to enroll in the listserv and maintain a valid e-mail address on said listserv®. Important communications, including those provided pursuant to the Professor Notification Act, Student Senate Resolution 22, shall be provided through the class listserv®. Failure to enroll or maintain enrollment to the correct listserv® is not an excuse for failure to comply with notices sent through the listserv®.

Academic integrity: Students are expected to read, understand, and follow the North Carolina State University Code of Student Conduct (Honor Code). Students are encouraged to discuss assignments with other members of the class; however, each student must write his/her own assignments. All work shall be one's own. Any student who becomes aware of a violation of the Honor Code is bound by duty and honor to report the violation to the instructor.

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