ENVIRONMENTAL LAW AND ECONOMIC POLICY
ARE 309-001, ARE 309-601  Spring 2004 (ARE 495)

INSTRUCTOR:      Ted Feitshans  919-515-5195  (3340 Nelson Hall)
e-mail: ted_feitshans@ncsu.edu
TIME AND PLACE:  Tuesdays and Thursdays, 2:35 p.m. – 3:50 p.m., room 1404 Williams
                Hall; on-line: http://www.cals.ncsu.edu/course/are309/index.php
OFFICE HOURS:    Tuesdays 8:30 a.m. – 9:15 a.m., 11:30 a.m. - 1:30 p.m., and by walk-in or
                appointment.  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

Highly recommended: Coursepack.  (Available through the Sir Speedy on Hillsborough Street.
Contact and order information at: http://www.sirspeedy.com/Center/CenterDetail.asp/)  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, except for the first. (Some cases are assigned for reading only, as indicated in the schedule.) An example analysis for the first case will be provided. Case analyses are due in class (by midnight for online students) 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 effort. Each analysis counts 5 points. There are 20 analyses assigned so there are 100 points are available from case analyses.

2. **Final project:** Students will prepare a preliminary environmental site assessment of a commercial (or farm) property. Assessments of residential property are not acceptable. An example will be provided. Each assessment shall include a copy of the tax record, the tax map, one deed, a description of the property based upon visual observation, an assessment of likely environmental problems which are evident from visual inspection of the property and a study of the chain of title, an interview with the owner or lessee of the property, and recommendations for further action. **Under no circumstances should students enter private property without permission of the owner.** Your choice of site is due on Thursday, March 4. Projects are due on Tuesday, April 20. Projects must be typed, double-spaced. Students are encouraged to submit rough drafts for my review sufficiently 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. **Classwork:** Short quizzes will be given in most classes. Online students will receive a discussion question(s) on the topic(s) for most weeks (or timely current events). For online students, the deadline for response will be included in the e-mail. (75 total points available.)

4. **Class Discussion/Forum Participation:** Students are expected to participate in class discussions. Online students are expected to participate in the forum at least twice per week. Student participation is expected to advance the discussion of each unit in a meaningful way. (50 points)

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

There will be two full period exams and a comprehensive final exam. Each exam has a value of 80 points. The final exam is worth 155 points. **One 3x5 card of notes may be used on exams; no other materials may be used.** The first exam is scheduled for February 17. For online students, the first exam will be available from Monday, February 16 through Friday, February 20. The second exam is scheduled for Tuesday, March 30. For online students, the second exam will be available from Monday, March 29 through Friday, April 2. The final exam will be given on Thursday, May 6 from 1:00 p.m. to 4:00 p.m. For online students, the final exam will be available from Monday, May 3 through Friday, May 7. Students will have the full 75 minute class period in which to complete their exams, and the full 3 hours for the final exam. Online students are expected to arrange their exams through the proctoring service by calling Karen Potter at (919) 515-2265 (fax: (919) 515-4690; e-mail: karen_potter@ncsu.edu) or by arrangement with the instructor if located outside the region. **No final exams will be given early, except in the event of a conflict as defined in university regulations.**

**Grading Summary**

Points assigned

Assignments:

- Case analyses 100
- Classwork 75
- Final project 80
- Class/Forum participation 50
- Exams 160
- Final Exam 155

**TOTAL 620**

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

**Letter Grade**  **Percentage of total points**

- A+ $x \geq 97\%$, plus exceptional class participation, awarded at the sole discretion of the instructor.
- A $93\% \leq x < 97\%$
- A- $90\% \leq x < 93\%$
- B+ $87\% \leq x < 90\%$
- B $83\% \leq x < 87\%$
B-  80% ≤ x < 83%
C+  77% ≤ x < 80%
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:** Case analyses are due in class, and for online students by midnight of the date assigned; however, an automatic 48 hour grace period is applicable to all deadlines for case analyses. No case analyses will be accepted after the expiration of the grace period (except for verified emergencies).

The Final Project is due on the date assigned, with an automatic 48 hour grace period. No Final Project will be accepted after the expiration of the grace period (except for verified emergencies).

Classwork and class participation cannot be made up. An adjustment will be made for excused absences.

Make-ups for examinations are by written, 15-page, double-spaced, 10-12 point type paper. The paper should discuss all of the material covered on the missed examination in a succinct fashion, without copying assigned materials, and relate that material to environmental protection, economic growth in the nation and the state, and the student’s own life. The paper is due 10 days after the scheduled date of the examination, or, in the event of a verified emergency, 10 days after the return to class.

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

See http://www.ncsu.edu/policies/academic_affairs/pols_regs/REG205.00.4.php for the university policy on excused absences. For absences that are anticipated, such as those for field trips, each student is expected to provide written proof in advance and make arrangements with the instructor to makeup any work missed. 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 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.

Online students: Since the online environment is inherently flexible, an excused absence will rarely justify missed work. Students with anticipated excused absences are expected to submit all required work in advance. Verified emergency situations will be handled on an individual basis. Students with emergency situations are expected to discuss their situation with the
instructor as soon as reasonably possible. Since flexibility in scheduling is built into the testing schedule, it is expected that an emergency situation will rarely justify writing a paper as a makeup for a missed examination. Verified emergency situations that cause students to lose more than three weeks of work will generally be handled by dropping the class or taking an incomplete.

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 forum 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

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.

ARE 495 Students
Graduate students may take ARE 309 as ARE 495. Each student exercising this option must complete a 10-page paper of publishable quality, in addition to the other requirements of ARE 309. The topic is to be one that is mutually agreeable to the instructor and the student.

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