ENVIRONMENTAL LAW AND ECONOMIC POLICY
ARE 309, sections 001 and 601, Spring 2010

INSTRUCTOR:  Ted Feitshans  919-515-5195 (3340 Nelson Hall)
e-mail: ted_feitshans@ncsu.edu
TIME AND PLACE:  Tuesday/Thursday 1:30-2:45  1404 Williams Hall (section 001)
http://www.cals.ncsu.edu/course/are309
http://moodle.wolfware.ncsu.edu/
http://elluminate.wolfware.ncsu.edu/  (Elluminate)
OFFICE HOURS:  Tuesday 9:00 a.m. -9:50 a.m., 11:45 a.m. - 1:00 p.m., 3:30 p.m. - 5:00 p.m.  Appointments are available upon request.

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.
Communication

E-mail to the instructor should have “ARE 309-001” in the subject line for section 001 students and “ARE 309-601” for section 601 (Distance) students. There is no guarantee that e-mail without these designations in the subject line will be read in a timely fashion.

TEXTS, ASSIGNMENTS, TESTS AND GRADES

Highly recommended: Coursepack: Available through the Sir speedy on Hillsborough Street. Contact/order information at: <http://www.sirspeedy.com/centers/raleighnc340/>. 2526 Hillsborough St., Raleigh, NC 27607 USA 919-834-8128 (phone); 919-832-3806 (fax); e-mail: info@sirspeedyhills.com

The required class readings are included on the course website (and in the coursepack), or on electronic reserve. Required readings are listed in the course schedule. You are expected to complete readings prior to the date 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 (and in the coursepack). Other readings are available through electronic reserve at the library web site. All materials in the coursepack are also available through the course website.

All classes are recorded using Elluminate. Section 601 students are expected to either participate in real time or listen to the recordings. Section 001 students who miss class are expected to listen to the recording.

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 that 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 100 points are available from case analyses. Ten cases are assigned for analysis. Extra credit cases may be assigned at the sole discretion of the instructor. All case analyses for section 001 students shall be submitted in class. Late and/or improperly formatted submissions will be accepted at the sole discretion of the instructor and may be accepted at reduced point value if accepted.

Section 601 students will submit case analyses through Moodle. Late and/or improperly formatted submissions will be accepted at the sole discretion of the instructor, subject to a reduction in points.

TOTAL 100 points

2. News analysis: Students will follow a particular topic in environmental law/science over an 8-10 week period, using the Wall Street Journal and other sources. Students are expected to work in groups of 5 students. Team work is essential in most employment settings. Part of the purpose of this exercise is to practice teamwork. At the end of the project, each project member shall e-mail the instructor with an assessment of their fellow team members. Each group will prepare a
final report to present orally to the class in a 5-10 minute presentation. Each oral report shall be
accompanied by a 1-2 page summary of sources. I will call on group members to provide interim
reports on an unannounced basis. In summary:

- Thursday, February 4 – topic and group members names due 10 points
- Tuesday, March 30 – written reports due/oral reports begin 20 points
- Unannounced interim reports 20 points
- Team member assessments – due April 20 Instructor discretion
- Details will be provided in the rubric.

TOTAL 50 points

All students who fail to join a group shall receive no credit for this assignment. Any student who
fails to assess all the members of his/her team shall lose 10 points. I will discuss options for
accessing the Wall Street Journal during class. Section 601 students shall conduct the
discussion and presentation portions of this assignment through Moodle.

Late and/or improperly formatted submissions will be accepted at the sole discretion of the
instructor, subject to a reduction in points.

3. Final projects: Students will prepare a preliminary environmental site assessment (very much
abbreviated) of a commercial (or farm) property. Assessments of residential properties are not
acceptable. An example will be provided. Each assessment shall include a copy of the tax
record, the tax map (if available), one deed or other document of transfer, 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, February 25. Projects are due on Thursday, April 22 by
5:00 p.m. 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. Your choice of site is worth 10 points and the final project paper is worth 90 points.

Section 601 students may submit final projects at my office, through Moodle, by e-mail
attachment or by mail. Please keep a copy of your final project in the event that it gets lost in
transit. Details are provided in the rubric.

TOTAL 100 points

Late and/or improperly formatted submissions will be accepted at the sole discretion of the
instructor, subject to a reduction in points.

4. Class Discussion/Participation and Attendance Policy: Students are expected to participate
in class discussions. The instructor, at the instructor’s sole discretion, may increase the class
grade by up to one letter grade for class participation. All students who miss a class are expected
to listen to the Elluminate recording. Class participation for section 601 students is generally
through the Moodle discussion tools. Section 601 students will be provided with additional
information about participation options after classes begin. Section 601 students are expected
to listen to the Elluminate recordings of live classes or participate live at their option.
5. Quizzes: There are quizzes for most units. There are 50 points available from quizzes. Section 601 students will take quizzes through Moodle. Notes and materials are permissible; however, assistance from another person is not permissible. No late (make-up) quizzes will be given, except by prior arrangement with the instructor or due to documented illness or other emergency. The format of all make-up quizzes (which may be oral) is within the sole discretion of the instructor.

TOTAL 50 points

6. Examinations: There will be two, 75-minute exams. Each exam has a value of 75 points. The first exam is scheduled for Thursday, February 18. The second exam is scheduled for Tuesday, March 23. The instructor will announce the format and material covered in class in advance of each exam. One 3X5 notecard of handwritten notes (front & back) permitted. No late (make-up) exams will be given, except by prior arrangement with the instructor or due to documented illness or other emergency. The format of all make-up exams (which may be oral) is within the sole discretion of the instructor.

There is no final exam because the final project is in lieu of a final exam.

TOTAL 150 points

Exams are closed book, except as noted above. Except for section 601 students taking their exam via computer, no laptops, cell phones or other electronic devices may be used during any exam. Use of such a device shall be deemed a violation of the Code of Student Conduct [<http://www.ncsu.edu/student_conduct/>] and shall be reported as such. Section 601 students who take their exam via computer may not access any other part of the course website, or any other website, during the exam.

Section 601 students: For students who plan to take their examinations through DELTA Proctoring Services please go to: http://distance.ncsu.edu/testing-services/index.php You may contact Proctoring Services by phone: 919.513.1513, or e-mail: deproctor@ncsu.edu

For those students who cannot arrange to take exams locally please arrange remote proctoring through DELTA Proctoring Services.

Grading Summary - Points assigned by assignment:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case analyses</td>
<td>100</td>
</tr>
<tr>
<td>News analysis</td>
<td>50</td>
</tr>
<tr>
<td>Quizzes</td>
<td>50</td>
</tr>
<tr>
<td>Choice of site – Final Project</td>
<td>10</td>
</tr>
<tr>
<td>Final project</td>
<td>90</td>
</tr>
<tr>
<td>Exams</td>
<td>150</td>
</tr>
</tbody>
</table>

TOTAL 450
Final grades: Feedback on student performance will be given in class after each of the three 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>
<tr>
<td>C</td>
<td>$73% \leq x &lt; 77%$</td>
</tr>
<tr>
<td>C-</td>
<td>$70% \leq x &lt; 73%$</td>
</tr>
<tr>
<td>D+</td>
<td>$67% \leq x &lt; 70%$</td>
</tr>
<tr>
<td>D</td>
<td>$63% \leq x &lt; 67%$</td>
</tr>
<tr>
<td>D-</td>
<td>$60% \leq x &lt; 63%$</td>
</tr>
<tr>
<td>F</td>
<td>$x &lt; 60%$</td>
</tr>
</tbody>
</table>

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

Section 001 students are expected to attend class. Section 601 students are expected to participate via the Moodle, Elluminate and other tools provided.

See <http://www.ncsu.edu/policies/academic_affairs/courses_undergrad/REG02.20.3.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, 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. 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://www.ncsu.edu/student_conduct/>. 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 Student Health Center (2815 Cates Avenue, Suite 1900, 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/REG04.20.7.php>. So long as the University is open and classes have not been officially cancelled, class will be held.

Important communications, including those provided pursuant to the Professor Notification Act, Student Senate Resolution 22, shall be provided through e-mail.

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. See <http://www.ncsu.edu/policies/student_services/student_discipline/POL11.35.1.php> for additional information.

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