

Geography 473 (Environmental Law)
Fall Term, 2005
Dr. Craig Caupp

Description

2206.473, A survey of federal and state environmental laws and regulations. History and role of environmental regulation related to air and water pollution, waste disposal, and resource development.

Course Objectives Students will:

1. Evaluate the factors influencing the need and development of environmental law.
2. Develop an understanding of the structure and origin of the legal system of the United States.
3. Learn how to locate legislation covering aspects of environmental analysis and land development.
4. Develop an understanding of the major environmental legislation.
5. Learn to use sites on the WWW to track current environmental law issues.

Readings and Text

Selected readings both in handouts, library reserve and on the INTERNET along with the textbook: *Environmental Law and Policy*, James Salzman and Barton Thompson, Foundation Press. 2003

COURSE EXAMINATIONS:

The exams include questions from your text readings, lecture notes, and exercises. Types of questions include multiple choice, matching, fill-in-blank, short answer essay, and design problems.

Three exams will be given. The first exam will occur in the fifth or sixth week, the second in approximately the tenth week and the last during the scheduled final exam period. Make-up exams will be given only if the student is ill or a personal emergency occurs and the absence is reported to the instructor prior to the examination period and supported by proper written documentation.

Exercises. 100 points will be from short assignments (examples library exercise locating statutes and code, use of INTERNET locate current and pending court cases and legislation, writing a letter to elected federal or state legislator, **QUIZZES**, etc). 75 points will be from final project. The final project will be a report on one aspect of environmental law. The student will identify an important Federal and/or state statute, provide a short history of the legislation, and discuss its current importance.

Grades -- determined by total points accumulated:

Exam 1	100	A = 450 or more
2	100	B = 400 to 449
Final	125	C = 350 to 399
Exercises	100	D = 300 to 349
Final Proposal	5	F = 299 and below
Final Proj.	<u>70</u>	
Total	500	

Final Exam Tuesday Dec 13, 2005, 11:15 AM - 1:45 P.M.

Attendance Policy

Attendance will not be taken. Students assume responsibility for information and handouts missed due to absence. Lab exercises are expected to be done on time. Lab exercises missed due to absence will not be accepted.

Office GU 205 (ext. 4755) Hours I have an open door office policy, stop by with your question at any time. Office hours: Tue, Thur 9:30 - 10:30 AM., Wed 2:00-4:00, Friday 12:00-1:00.

Academic Dishonesty is defined to include giving or receiving aid on exams, any form of cheating, or plagiarism. Students found guilty of academic dishonesty will receive an automatic course grade of "F" and will be referred to the Campus Judicial System. For a discussion of Academic Dishonesty refer to statement in the PATHFINDER.

Disruption of class or any behavior in class which interferes with an effective learning environment will not be tolerated, and will result in expulsion from the classroom. Please consult the Pathfinder.

Tentative Schedule Geography 473 Fall 2005	
Aug	30 Introduction: Need for Environmental Laws
Sept	1 Tragedy of the Commons, Two Views of the World, Text pages 1-39 Approaches to Dealing with Environmental Problems Text 40-52 Evolution of the American Legal System, Sources of Environmental Law Civil Law compared to Criminal Common Law compared to Civil Law (regulatory) Text pages 40-43, (Constitutional material will covered in more detail later in course Handout starting with definition of law
	6 Litigation process, Standing, Ripeness, Adversary System, Court System Text pages 72-75, handout on <i>Briefs</i> and standing
	8 Brief due for Sierra Club Vs Morton, Scrap I, Lujan v. Defenders of Wildlife
	13 Handout starting with definition of law, section on Nuisance Text pages 41-43, Dahl vs. Utah Oil Refining Co, Holman vs Athens Empire Laundry
	15 Boomer v. Atlantic Cement Co., Spur v. Del E. Webb Development Company

	20 Trespass, Martin v. Reynolds Metals, Ryan v. Emmetsburg, Vosburg v. Putney R. L. Renken v. Harvey Aluminum, Inc, Strict Liability
	22 Negligence, Reasonable Man Test, Proximate Cause Test, McElwain v. Georgia Pacific Palsgraf v. Long Island R. Co, Reynolds Metals Co. v. Yturbide
	27 Movie A Civil Action
	29 Finish A Civil Action, Review
Oct	4 Test 1 Chapter 1, 2, 3, page 72-75, handouts, notes
	6 Constitutional Basis of Environmental Law Legal Eagles, Cloud Cover, Text pages 59-72 Constitutional Law Handout
	11 Taking and Property Rights, Duke Power Beachfront Bailout, Lucas v. South Carolina, handout and internet
	13 United States v. Causby, Shelly v. Kraemer, Griswold v. Connecticut, Introduction to Written Code and Administrative Law, APA, Role of Agencies
	18 Internet-Library exercise
	20 Citizens to Preserve Overton Park v. Volpe, NEPA copy of Statute, Text pages 53-68 Surface Mining Reclamation Law, Hodel v. Virginia Surface Mining and Reclamation Association
	25 List of Constitutional questions raised in Hodel v. Virginia Surface Mining Reclamation Act v. United States Atomic Energy Commission, Text Chapter 10
	27 Application of NEPA to Two Forks Dam project, current status of NEPA Internet-Library exercise DUE 1 paragraph proposal for Final Paper DUE
Nov	1 Test 2 pages 53 -72, Chapter 10, handouts, exercises
	3 Environmental Legislation, overview
	8 Water Law, Rivers and Harbors Act, Maryland Wetlands, Bass Anglers Sportsman Society v. United States Steel, Zabel v. Tabb, Text 68-77, Chapter 5
	10 Clean Water Act History of CWA, State Standards, NPES permits, TMDL, Wetlands
	15 Citizen Suits, Union Oil, Humpty Dumpty,
	17 Clean Air Act, Text Chapter 4
	22 Natural Resources, Wildlife Law, Public Trust Doctrine Text Chapter 9
Dec	29 Endangered Species Act TVA v Hill
	1 Toxic Substances, Waste Management Text Chapter 6 and 7
	6 International Environmental Law, Trade Chapter 8

8

Dec

13

11:15

Final