

**LAW AND ENVIRONMENT ENVS 411/511**  
**Fall 2011 / Tues. & Thurs. 10:00-11:50 AM / Columbia 142**  
**University of Oregon Environmental Studies Program**

**Course Syllabus**

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**Course Description**

This course provides students with an understanding of laws that regulate the environment as well as the skills to analyze and apply these laws to current issues. By the end of this course, students will be able to communicate with agencies, lawyers, businesses and individuals about environmental laws and determine whether and how to use legal tools to resolve environmental issues. Topics include the structure and operation of the legal system, the development of environmental laws, policy issues and risk assessment, federal and state laws applicable to habitat and species protection, air quality, water quality, toxic substances, solid and hazardous waste, energy production, government agency regulation and enforcement, citizen and public enforcement, and international environmental law.

**Prerequisites**

ENVS 201 and junior or senior standing for undergraduates taking ENVS 411.

**Textbook and Course Materials**

*Environmental Law,*

Kubasek & Silverman

(7<sup>th</sup> Edition 2011).

Additional course materials will be posted on Blackboard.

**Attendance & Class Conduct**

Attendance is required.

Class presentations and discussions are a key component of the learning process in this course. Computers, cell phones and other electronic devices must be put away.



## Accommodation

The University of Oregon provides reasonable accommodation to qualified students with disabilities. If you need accommodation, please contact me for further information.

## Grading

- 30% Blackboard Summaries of Cases Assigned to Entire Class; Class Participation
- 25% Individual Legal Case Summary: Paper and Oral Presentation
- 25% Group Project: Environmental Comment to Agency; Written and Oral Presentation
- 20% Final Exam

## Assignments

Textbook chapter assignments are listed in the course outline. Case assignments and titles of other readings will be listed on Blackboard for the course dates they are applicable. Reading the assigned materials before each class will enhance understanding and retention of the material as well as class discussion. Familiarize yourself with the Abbreviations and Acronyms in the Appendix of the textbook as those terms will be used in class and appear in the readings.

Graded assignments include:

**1. Brief Summaries of Cases To Discussed in Class:**\* Assigned reading will include legal cases on each of the topics to be discussed in class. Cases will be uploaded to Blackboard and short summaries of cases will be required to be submitted by each student on Blackboard *prior* to the class in which the case will be discussed. The case summary for each case should include:

- a. Facts of the case, in three sentences or less
- b. Issues in the case, in three sentences or less
- c. Decision of the court, in three sentences or less
- d. Reasoning of the court, in three sentences or less

\*NOTE #1: These are short assignments to be done by each student for *every* case.

Assignment #2, described below, is an in-depth analysis of one case, a written paper and an oral presentation to the class, for which only one case will be assigned per student.

**2. Written Case Analysis & Oral Presentation\*\*** (due on chosen topic day). Sign-ups during the first week of class. Copies of selected court cases will be made available to students and cases will be posted on Blackboard. Each student will review a separate case. Write and turn in a report and present the case to the class in 10 minutes. Maximum 8 pages, double-spaced. Include the following information, labeled as indicated below and in the order listed:

- a. Name the parties to the case (who is suing who) and the date of the case
- b. Summarize the case in one paragraph—the elevator speech
- c. Describe the court or agency making the decision
- d. Describe the claim/complaint
- e. Summarize the facts of the case
- f. Summarize the decision of the current court (aka the holding)
- g. Summarize the court's reasoning in reaching its decision
- h. Define two terms in the case that were new to you
- i. State *your* analysis of the case (1 page or less)
- j. List two takeaways from the case (why did we read it/what does it tell us)
- k. Prepare two questions about the case for class discussion and lead the discussion.

**3. Group Project: Preparation of Comments to Government Agency regarding Agency Action (rulemaking; permitting; etc.) and Background Paper\*\*** (date comments are due will vary; each assignment will list a specific due date specified by the Oregon Department of Environmental Quality; group class presentations due Nov. 22): Students will work in groups to research an environmental action on which a government agency has invited public comment. After conducting research, students will prepare written comments to be submitted to the agency. Each group will make an oral presentation to the class in 20 minutes or less outlining the research done to prepare the comments and why they chose their particular position. Each group member must participate in the presentation. Comments to the agency are limited to 5 pages, double-spaced. Some questions to consider:

- a. What documents should you review to prepare your comments—government documents; scientific papers or research; laws and regulations; or other?
- b. Are there government agency employees with whom you should consult?
- c. Are there scientists or specialists in the field with whom you should consult?
- d. What laws or regulations apply?
- e. Is there more than one option to propose in your comments?

**\*\*NOTE #2, APPLICABLE TO ASSIGNMENTS 2 & 3:** Oral presentation will comprise 20% of the grade of the individual case assignment and group assignment. A PowerPoint presentation is not required, however, you may utilize that tool if you feel it will help you make a clear and succinct presentation to the class. Please keep in mind that “less is more” when using PowerPoint slides. Too much information, text or graphics on a slide is distracting from your oral presentation.

**4. Final Exam:** written in class, closed book; primarily short answer and a limited number of multiple-choice questions. There will be questions relating to class lectures, concepts from assigned cases, discussion topics and presentations by any guest speakers. You will not be allowed to leave the classroom during the exam so please plan accordingly.

**Daily Course Outline**

<b>TOPIC</b>	<b>DATES</b>	<b>READINGS</b>
<b>Welcome &amp; Introductions, Syllabus Review, Course Goals, Overview of the Legal System</b>	Sept. 27	Syllabus & Chapter 1
<b>Tools for Resolving Env. Disputes, Sample Case Review</b> Sign-ups for Legal Case Summary Topics	Sept. 29	Chapter 2
<b>Administrative Law &amp; Agencies</b> Agency employee info.	October 4	Chapter 3

<b>Needs &amp; Bases for Regulation NEPA, CEQ, EIS &amp; EA</b>	October 6	Chapter 4
<b>Regulation of Air Quality</b> Legal Case Presentations on Air Issues Due	October 11 & 13	Chapter 5 & Blackboard Documents
<b>Regulation of Water Quality</b> Legal Case Presentations on Water Issues Due	October 18 & 20	Chapter 6 & Blackboard Documents
<b>Regulation of Toxic Substances</b> Legal Case Presentations on Toxic Issues Due	October 25 & 27	Chapter 7 & Blackboard Documents
<b>Regulation of Solid &amp; Hazardous Waste</b> Legal Case Presentations on Solid & Hazardous Issues Due	Nov. 1 & 3	Chapter 8 & Blackboard Documents
<b>Regulation of Energy Production</b> Legal Case Presentations on Energy Issues Due	Nov. 8 & 10	Chapter 9 & Blackboard Documents
<b>Regulation of Public Lands</b> Legal Case Presentations on Public Lands Issues Due	Nov. 15 & 17	Chapter 10 & Blackboard Documents
Oral Presentation on Group Projects Due NOTE: Comments to agency must be submitted on date due as specified in assignment	Nov. 22	
<b>NO CLASS – THANKSGIVING</b>	Nov. 24	
<b>Environmental Due Diligence in Property Transactions</b>	Nov. 29	Blackboard Documents
<b>International Environmental Law</b>	Dec. 1	Chapter 11 & Blackboard Documents
<b>Final Exam</b>	<b>Dec. 8 @ 8:00 AM</b>	