

**AREC 253 – Sec. 400 – Evolution of U.S. Environmental and Natural Resources Law  
4 Credits**

**Spring 2008**

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*Course Description:*

This course provides a general introduction to federal environmental law and policy in the U.S. It familiarizes students with basic legal institutions and concepts of the American legal system, outlines the transition of environmental policy from its common law roots to its modern administrative law form, and gives an overview of the major federal environmental statutes. Relationships among legal theory and process and economic principles are emphasized.

*Text and Readings:*

Text: Kubasek, Nancy K. and G. S. Silverman (K&S). “Environmental Law”, 6<sup>th</sup> Ed., Pearson Prentice Hall, 2008.

Additional readings posted on Blackboard.

*Course Outline (tentative):*

*Readings*

- |      |   |  |
|------|---|--|
| I.   | Introduction  |  |
| II.  | The American Legal System   | K&S Ch. 1                                    |
|      | 1. Sources of Law   |  |
|      | 2. Classifications of Law   |  |
|      | 3. Constitutional Principles Underlying the American Legal System |  |
| III. | Legal Procedure   | K&S Ch. 2                                    |
|      | 1. Litigation (The Adversary System)                              |  |
|      | 2. The U.S. Dual Court System                                     |  |
|      | 3. Judicial Decision Making                                       |  |
| IV.  | Markets, Economic Efficiency, and the Environment                 | Field & Field Ch. 4;<br>K&S Ch. 4, p.129-131 |
|      | 1. Economic Efficiency  |  |
|      | 2. Market Outcomes  | Seelye, NYT May 02                           |
|      | 3. Market Failures  | Goodheart, NYT Feb. 04                       |

- V. Common Law Remedies for Environmental Harms
  - 1. Property Law Remedies for Environmental Harms
    - a. Property Rights and Incentives
    - b. Economics of Property Law
    - c. The Coase Theorem
  - 2. Tort Law Remedies for Environmental Harms      K&S, Ch.5, p. 132-134
    - a. Economics of Tort Law
  - 3. Property Rules and Liability Rules                      *Boomer v. Atlantic Cement*  
*Meehan v. State*
  
- VI. Administrative Law    K&S Ch. 3
  - 1. Functions of administrative agencies
  - 2. Limitations on Agency Powers
  - 3. Important Agencies Affecting the Environment
  
- VII. Environmental Law and Policy in the U.S.
  - 1. Historical Background    K&S Ch. 4, p. 138-146  
*Madison v. Ducktown*  
*Sulphur, Copper, & Iron Co.*
  - 2. How to Regulate    K&S Ch. 4, p. 134-137
  - 3. Air Quality    K&S Ch. 5
  - 4. Water Quality    K&S Ch. 6
  - 5. Toxic and Hazardous Substances                              K&S Ch. 7, 8.  
Roosevelt, Time, Apr. 04
  - 6. Environmental Enforcement
  - 7. Endangered Species    K&S Ch. 10, p. 409-416  
Booth, WP, Apr. 97  
Kilpatrick WSJ Oct. 02
  - 8. Climate Change    K&S Ch. 5, p. 179-186.

*Grading:*

The following dates for the exams indicate the time window during which the exam will be available on Blackboard.

Exam 1: 27% - Tuesday, April 22<sup>nd</sup>, 9:00 AM – Thursday, April 24<sup>th</sup>, 9:00 PM

Exam 2: 27% - Tuesday, May 13<sup>th</sup>, 9:00 AM - Thursday, May 15<sup>th</sup>, 9:00 PM

Exam 3: 26% - Monday, June 8, 9:00 AM – Wednesday, June 10, 9:00 PM

4 short assignments: 20% - Due dates TBA in class/online and posted on Blackboard.

There are no exceptions to these dates. Please plan accordingly. There are no makeup exams or extra credit assignments. Any unexcused absence from an exam will receive a grade of zero. An absence will be excused only with appropriate documentation.

### *Students with Disabilities*

Accommodations should be approved through Services for Students with Disabilities (SSD). Students with accommodations approved through SSD are responsible for contacting me prior to or during the first week of the term to discuss accommodations. If you believe you are eligible for accommodations but have not yet obtained approval, contact SSD at 737-4098.

### *Student Conduct*

OSU policies with regard to academic dishonesty and disruptive behavior will be strictly followed. Oregon State University defines academic dishonesty as: “An intentional act of deception in which a student seeks to claim credit for the work or effort of another person or uses unauthorized materials or fabricated information in any academic work.” Academic dishonesty includes: Cheating, Fabrication, Assisting, Tampering, Plagiarism. More information is available at: <http://oregonstate.edu/admin/stucon/achon.htm>