

## AECN 357: ENVIRONMENTAL LAW

*Instructor:* Professor Aiken. *Office:* 103D Filley Hall. *Office hours:* by appointment. *Email:* [daiken@unl.edu](mailto:daiken@unl.edu) (preferred method of communication outside of class). *Phone:* 2-1848 (can leave message 24 hours/day). *Secretary:* Mrs. Pam Holmes 2-1913, 207 Filley Hall. If you need to take a makeup exam, you will take it from Mrs. Holmes in 207 Filley.

*Text:* Salzman & Thompson, *Environmental Law and Policy* (Foundation Press, 2d ed 2007) plus Blackboard (Bb) materials.

*Course coverage:* to introduce students to the fundamentals of state and federal environmental law. Topics include: land use regulation, environmental impact review, water rights, endangered species protection, air and water pollution controls, toxics regulation, solid and hazardous waste regulation and cleanup, environmental compliance, global warming, and international law and the environment.

*Class attendance & preparation.* This course is a traditional lecture-style course. Lecture notes are available on Bb and should be brought to class. If you miss a lecture or do not attend a lecture, you are responsible for obtaining the class notes from another student, not from Professor Aiken. Professor Aiken may need to miss an occasional lecture in order to present an extension program--such absences will be announced in class (if possible), by email (always), and on Bb.

*Bb course materials.* Course materials are accessed via Bb. Under the course documents page you will find lecture notes and review questions for all chapters grouped by exam, as well as the hour exams from last year. The lecture notes focus on important Nebraska topics not addressed in the text. Print out the lecture notes and the review questions and bring them to class. Be sure to mouse click in the Web frame that has the notes or exam questions before you print them; otherwise you may print a different frame.

**Working out the review questions is worth the effort--most exam questions come straight from the chapter review questions.**

*Exams.* Three hour exams will be given during the semester plus an optional final exam. The hour exams are traditional closed-book exams which include fill in the blank, short answer, multiple-choice and true-false questions (up to 100 questions per exam). The maximum score for an exam is 100 points. Exams count 100% of your final grade. No exam grades are dropped. Students have one week after the exams have been returned to discuss exam grade changes. After this date hour exam grades will not be changed. Graded exams not picked up in class will be discarded after one week. Makeup exams are given at the professor's discretion. The final examination is optional, and all questions come from exams 1-3. Taking exam 4 will not replace your low hour exam grade, but will count as a fourth hour exam. Taking exam 4 cannot hurt your grade: if exam 4 raises your grade, it will be counted; if it does not raise your grade, it will not be counted.

*Honors credit.* Students wishing to take the course for honors credit must prepare a 15+ page research paper on a topic proposed by the student and approved by the professor. You must submit the paper topic no later than exam 1, a detailed paper outline no later than exam 2 and a complete finished draft of the honors paper no later than exam 3. A tentative grade will be assigned to the draft paper as well as suggestions for revisions if the student would like to improve the grade. The revised paper must be submitted no later than exam 4. The paper will be graded and will be figured into your course grade as an extra hour exam. Each day you are late for any of the deadlines (topic, outline, paper, and revisions if any) will cost you one percentage point (1%) per day that you are late from your honors paper final grade.

*Grading policy.* Semester grades are awarded as follows:

A+	96.00-100	B+	86.00-88.99	C+	74.00-78.99	D	59.00-63.99	<b>P/NP grading</b>	
A	92.00-95.99	B	82.00-85.99	C	69.00-73.99	F	0-58.99	P	69.00-100
A-	89.00-91.99	B-	79.00-81.99	D+	64.00-68.99			NP	0-68.99

*Email etiquette:* PLEASE indicate that you are in **AECN357** (or simply **357** or **env law**) in your email subject line. In addition, please put your name in the email. Often student email names give no discernible

indication of what the student's legal name is, e.g. HuskerFan1986@hotmail.com. Finally, if you are responding to an email from me please include the original email message that you received in your email to me, so that I will understand your email (otherwise I may not!).

*Reading Assignments.* Assignments are to Saltzman & Thompson. **Students are also responsible for any update materials to the text that are available on the course website.**

Aug 24: course introduction

Aug 26: environmental policy 1-21 (21-41 optional but worthwhile)

Aug 31: legal system

Sep 02: legislation & politics 75-77

Sep 07: Labor Day (no class)

Sep 09: administrative law 57-65 (adm law), 68-70 (delegation doctrine), 13-16 (scientific uncertainty), 32-38 (RIA)

Sep 14: enforcement 77-84 (citizen suits)

Sep 16: federalism 65-68 (federalism), 203-09 (commerce clause)

Sep 21: NEPA 309-21

### **Sep 23: exam 1**

Sep 28: property law

Sep 30: land use 48-49 (TDRs), 70-75 (takings); exam 1 returned

Oct 05: public lands

Oct 07: wildlife law, & endangered species 277-96

Oct 12: surface water law

Oct 14: ground water law

Oct 16: last day to change to/from P/NP

Oct 19: fall break

Oct 21: federal & environmental water law

Oct 26: wetlands, drainage law & soil conservation 261-77

### **Oct 28: exam 2**

Nov 02: common law env remedies 16-21

Nov 04: Clean Air Act 87-111; exam 2 returned

Nov 09: Clean Water Act 137-63

Nov 11: RCRA & CECLA 188-203 (RCRA), 38-41 (env justice), 215-31 (CERCLA)

Nov 13: last day to withdraw from course

Nov 16: TOSCA & FIFRA 165-86

Nov 18: ag chemical regulations

Nov 23: international env law 233-58 (trade), 111-120 (ozone depletion), 209-15 (Basel convention)

Nov 25: Thanksgiving break

Nov 30: global warming 120-35 (climate change), 209-307 (energy)

### **Dec 02: exam 3; course evaluation**

Dec 07: no class

Dec 10: exam 3 returned

Dec 14: **optional exam 4** (made up of questions from exams 1-3) Monday 7:30-9:30 am