Request Form for General Education Certification:
Social Science Requirement: (Except FYSM, please include a syllabus)
Faculty Member(s): Kevin Keenan (course is taught by Melinda Lucka)
Course Number: URST 361
Course Name: Water Use Law
This Course is currently Listed in the Undergraduate Catalog  Yes___  No x
(If your answer is “No”, please explain the status with the curriculum committee)

I have submitted the request to the Curriculum Committee. The course content has
been offered for 2 semesters under URST 399 (special topics). The URST 399
special topics counts towards general education in the social sciences.

Department of faculty member(s): Urban Studies Program

Course Description:

This course examines the legal issues related to the uses of water in the U.S., particularly
around the land-water interface, regulatory bodies that oversee water issues,
environmental/ecological concerns, and the use of water for energy. Topics covered include
deep water drilling, dredging, marina regulations, cruise ship issues, beach renourishment,
ocean power/wind turbines, and the controlling laws, permitting, and enforcement of uses
related to those uses and their urban environments. This class compliments URST 360 “Land
Use Law,” though it is not required for a student to have taken URST 360 to understand the
material in this class.

I. Explain how the proposed course satisfies each of the following Approval
Criteria for Social Science:
1. Have as its primary purpose to provide explanations for human behavior,
social interaction, and/or social institutions.

The primary purpose of this course is to understand water use law and the regulatory
apparatus that has been built up around it. The law is a purely human construct, and
in the field of urban planning, it directly impacts both human behavior and the
possibilities of human interaction. For example, if you build cities with no public
parks, and no sidewalks, you will have minimal societal interaction (people will be
confined to the private places of their home, or they will access places via payment that will be exclusive). As is intricately shown by scholars such as Michael Frisch, land use law (the cousin of water use law), also directly affects societal ideas (or institutions) about proper ways to live. For example, ideas about the purpose of the house are shown to support heterosexual ideals of the family (and this was literally spelled out in the reasoning of court cases as the courts defined the proper role for urban planning in the U.S.).

2. By providing a survey of a particular social science discipline or by demonstrating ways in which the (more narrowly focused) material being covered in the course connects to other areas in the social sciences more generally, a course must:
   a. Expose students to empirical evidence and the varieties of social scientific methods of inquiry.

   The students will read actual court cases at the state and federal levels, along with a variety of other sources that shape the water use law environment. In each of these documents, there is often a host of empirical data used to support different positions and desired societal outcomes. The students will be exposed to a range of social science evidence, as well as critiques of that evidence.

   b. Examine the impact the social sciences have on society.

   In this course, the students do not just read about content related to Water Use Law, but they go out in the world and observe these concepts in action right here in the Lowcountry. They directly experience the impact of the social sciences on our society right here.

II. Please provide an example of a signature assignment that the proposed course would use to enable assessment of the social science learning outcome, using the evidence and grading rubric for the respective outcome

I am providing the assignment for URST 360 “Land Use Law” that was used for general education assessment. URST 360 is taught by the same instructor. A similar assignment will be crafted for URST 361.

**Student Learning Outcome 1:** Students apply social science concepts, models or theories to explain human behavior, social interactions or social institutions. (List SLO 1 on syllabus.)

**Evidence:** Written assignment or essay on exam (embedded assignment). Students must use a disciplinary social science concept(s), model(s) or theory(ies) to explain a hypothetical or case study example of human behavior or social life. Students must first provide a synopsis of the
theory, model or concept, and then explain how these describe, provide an interpretation of, or predict human behavior, social interactions or social institutions. (Written assignment or essay on exam (embedded assignment)).

**Standard** At least 80% of students score 3 or 4 on each dimension of rubric.

**Rubric for SLO 1**

<table>
<thead>
<tr>
<th>Dimension</th>
<th>Does not meet expectations 1</th>
<th>Approaches expectations 2</th>
<th>Meets expectations 3</th>
<th>Exceeds expectations 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identify or justify relevant theories/models/concepts</td>
<td>Unable to identify or justify</td>
<td>Incomplete identification or justification, lacks specificity, minor inaccuracies</td>
<td>Accurately summarizes at least one relevant concept, model or theory. Offers some insights</td>
<td>Accurately identifies or justifies core concept(s)/model(s)/theory(ies) and synthesizes other relevant concept(s)/model(s)/theory(ies)</td>
</tr>
<tr>
<td>Describe relevant theories/models/concepts</td>
<td>Inaccurate or absence of description provided</td>
<td>Satisfactory understanding, but lacked detail, specificity and accuracy</td>
<td>Accurate, complete description</td>
<td>Clear, coherent, sophisticated, multifaceted description that demonstrates insight and/or mastery of material</td>
</tr>
<tr>
<td>Apply relevant theories/models/concepts</td>
<td>Incorrect or no application, failure to distinguish between fact and opinion</td>
<td>Inconsistently applies theories, models and/or concepts</td>
<td>Some connections between theory/models/concepts but little depth of analysis</td>
<td>Multiple logical connections, original analysis, subtlety of thought</td>
</tr>
</tbody>
</table>
III. SYLLABUS REQUIREMENT
Syllabi should include the following:
"General Education Student Learning Outcomes" section where the general education outcomes are listed. After listing the outcomes, there should be a clear statement indicating where those outcomes will be assessed “These outcomes will be assessed in...final exam, essay 2, etc”. The name of the assignment will have to match the one given under Evaluation/Grading Distribution and it should indicate clearly the percentage of the grade that the assignment has in the course. Example:

<table>
<thead>
<tr>
<th>General Education Student Learning Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Students apply social science concepts, models or theories to explain human behavior, social interactions or social institutions.</td>
</tr>
</tbody>
</table>

This outcome will be assessed on the SHORT ESSAY #3 (you must specify which one!!!)

LATER IN THE SYLLABUS.....it should show the weight in the grade

Grades

Grades on individual assignments reflect the quality of your work in terms of how it meets the respective goals for each project. Your final grade will be calculated according to the following formula:

- Homework and Discussion 10%
- Quizzes 10%
- Short Essays (3, 2-3 pgs. each, in-class and take home) 15%
- Midterm Exam 20%
- Comparative Analysis Paper (6-8 pgs.) 20%
- Final Exam 25%

The appropriate text appears on the syllabus for the proposed URST 361.
WATER USE LAW - URBAN STUDIES 361

PERMITTING, REGULATIONS, AND OVERSIGHT OF PUBLIC WATER USES
SPRING 2015/TUESDAYS 5:30 PM to 8:30 PM ROOM _____

MELINDA A. LUCKA
Attorney at Law
LuckaM@CofC.Edu
(843) 830-0718

Course Description
This course examines the legal issues related to the uses of water in the U.S., particularly around the land-water interface, regulatory bodies that oversee water issues, environmental/ecological concerns, and the use of water for energy. Topics covered include deep water drilling, dredging, marina regulations, cruise ship issues, beach renourishment, ocean power/wind turbines, and the controlling laws, permitting, and enforcement of uses related to those uses and their urban environments. This class compliments URST 360 "Land Use Law," though it is not required for a student to have taken URST 360 to understand the material in this class.

Student Learning Outcomes
Students successfully completing this course should be able to do the following things:

1. Explain the diverse regulatory needs for aquatic environments in the U.S., including the land-water interface.
2. Identify different regulatory agencies involved in water use law, and develop an understanding as to how the uses are permitted, and what oversight methods are used for each use.
3. Discuss the major problems and prospects related to water uses in urban, suburban, and rural environments.

Urban Studies Program Information

This course counts as a core or elective class in the Urban Studies Program. The mission of the Urban Studies Program is to provide students with the academic foundation necessary to understand and be sensitive to the problems and potential of the city and its environment. As such, the assignments and activities in this class—to the extent possible—will use the City of Charleston as a case example to enhance your understanding of key concepts and ideas.

GENERAL EDUCATION SOCIAL SCIENCE LEARNING OUTCOME:

This class counts toward general education. This means that students must demonstrate mastery of the following general education student learning outcome for the social sciences: Students can apply social science concepts, models or theories to explain human behavior, social interactions or social institutions. This outcome will be assessed using a question in your mid-term exam.

Office Hours: I am available to meet before and after class, and other times as scheduled in advance. Please call, or send a text message or an email if you have questions or would like to meet.

Please notify me by email or text message if you have to miss a class. Students are responsible for obtaining notes from other students and turning in all assignments if a class is missed.

Assignments
The course grade will be based upon class participation (20%), homework assignments (20%), mid-term exam (30%), and a final project (30%). Participation includes weekly discussions of current water related events and reading assignments, and attending and active involvement in field trips that we may take. The mid-term exam will be an objective assessment of the material that we cover prior to Spring Break, along with a section for in-depth analysis to demonstrate understanding of the impacts of water uses on water and urban environments.

* Please note that one question in the mid-term exam will be used for the Social Science General Education learning
outcome. This question will count towards your overall grade on the exam.

Sources
This class utilizes resources from state and federal agencies, through their websites and publications. Additionally, there will be visits from professionals in the fields related to some of the water uses covered in class (e.g., scientists from the U.S. Army Corps of Engineers and the S.C. D.H.E.C-Ocean and Coastal Resource Management Offices have spoken about dredging, beach renourishment and the consequences of development along coastlines in the past). Students will be introduced to the state and federal permitting processes, laws, and policies involved with the permitting and general regulation of a variety of water uses, as they relate to urban studies.

Course Structure

I. Water use as it affects our urban, suburban, and rural environments

II. Water use/Land use regulations: interface and contrasts

III. Overview of primary state and federal regulatory agencies that control the use of public waters:


   D. U.S. Environmental Protection Agency http://www2.epa.gov/science-and-technology/water-science

   E. NOAA/National Oceanic and Atmospheric Administration http://coast.noaa.gov/?redirect=301ocm

   F. SCDNR/Department of Natural Resources http://www.dnr.sc.gov/marine.html


IV. Survey of water uses: applicable laws, permitting processes, oversight, impact on water and land environments

   A. Beach renourishment
   B. Cruise ship issues
   C. Deep water drilling and submerged Land Agreements
   D. Desalinization
   E. Docks and Marinas
   F. Dredging
   G. Hydropower and ocean wind turbines
   H. Regulation of chemical spills and nuclear disasters

Textbook: Water Use Law—West Publishing
Sections from The World is Blue—Sylvia Earle

Office Hours: I am available to meet before and after class, and other times as scheduled in advance. Please notify me by email or text message if you have to miss a class. Students are responsible for obtaining notes from other students and turning in all assignments if a class is missed.
1) CHOOSE: ONE OF THE TOPICS FROM BELOW:
* Condemnation/Eminent Domain
* Inverse Condemnation/Regulatory Takings

Land Use Law
Professor Lucka
November 17, 2014

In the case of eminent domain, under the Fifth Amendment of the U.S. constitution, private property can be taken from a person, by the local, state or national government, for a public use, as long as just compensation is paid. This law can be executed in many forms; for example, the government may take an easement of one's property for the installation of a utility line and in such case they must pay the landowner just compensation. This is defined as a per-sat-taking. The regulation of an easements, which allows for the use of someone private property, without it being considered forced entry, falls under land use regulations and is generally looked at with careful consideration. These types of takings are very narrow and must be proven by the court, very diligently, as an important public use. In other cases land can be taken for a government building, road or highway, public utility, or if it is considered a safety hazard. Property can also be condemned and then distributed to a third party to use for beneficial development purposes. For example someone's private property can be condemned for the use of
a new development that is supposed to increase jobs, strengthen their tax base, revitalize neighborhoods and stabilize property value. If the land owner is not willing to sell to the government at a negotiated price it is left to the courts to decide if the taking is just. In sum if private property is taken, through eminent domain, it must be for the public good, to benefit the safety, wealth fare, and health of the people and the property owner must be receive just compensation.

When someone’s private property is taken from them it can often be traumatic and devastating to the owner. Business whose property are condemned maybe up-rooted and the compensation paid may only cover the value of the land and building, but not including what machinery they may have lost or the loss of production that could be halted because of the taking. There are also many cases where the government has settled on a just compensation, but payment is not made in a timely manner. It is also extremely difficult to find, and pay for, an appraiser that can fight against the courts appraiser’s value on one’s property, therefore, the compensation might not be just and can cause the land owner to fall into an economic depression. The power of condemnation can become very fickle in some cases and may cause more loss then benefits; however, if just compensation is paid and the purpose of the taking does benefit the public good then it is fair to argue the rightfulness of condemnation under the law.
IV. APPROVAL AND SIGNATURES.

1. Signature of Department Chair or Program Director:

_________________________ Date: 1-16-15

Kevin Keenan

2. Signature of Academic Dean:

_________________________ Date: 11/15/15

3. Signature of Provost:

_________________________ Date: 3/26/15

4. Signature of Committee on General Education Chair:

_________________________ Date: 3-26-15

Karen Smad

5. Signature of Faculty Senate Secretary:

_________________________ Date: 

Date Approved by Faculty Senate: ___________________