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School of Law Library  
MSC11 6080  
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Telephone (505) 277-0939  
FAX (505) 277-0068

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Examination No. \_\_\_\_\_

580 ENVIRONMENTAL LAW

Semester I, 2003

UNM School of Law  
Professor Denise Fort  
Final Examination  
Three Credits

You have eight hours from the time that you pick up the exam to complete it. The exam must be returned to Janet Cox by 5 PM on the date that you pick it up. You may use a personal computer or other computer to type this final paper/exam.

#### INSTRUCTIONS

A. This is a take-home, open-book examination. You may use:

1. All materials supplied in connection with the course in Environmental Law;
2. the statutes;
3. materials prepared by you, including class notes, any outlines or notes you have prepared as a study aid; and
4. the assigned casebooks.

You may not use any commercial outlines or nutshells.

B. You may not discuss any of these questions with any person, ask any person's assistance in research, nor discuss these questions until the end of the exam period.

C. Organize your answers to questions and be complete, but not verbose. Do provide citations to authority (cases, statutes, etc.).

D. For question Three you may use the Internet or go to the library to review the state's water quality statutes and regulations.

Have a good vacation; enjoy the environment!

Question One. Risk.

See Attachment A from the Albuquerque Journal. (Given to Janet Cox for attachment).

You work for a U.S. Senator who has asked your opinion about this editorial, concerning the arsenic issue in New Mexico. Based on your understanding of risk in environmental law, please write a memorandum to the Senator, explaining how risk should be understood in this context.

Question Two. Environmental remedies

A neighborhood exists in uneasy relationship to a farming operation. The farm had been established years earlier, and people had gradually filled in the land near it. About 2,000 people live within a few mile radius of the farm. Economic pressures on the farm led to a modernized operation, with intensive dairy farming. Your clients believe that the farm is polluting groundwater, and that the odors from the farm are injurious to their health. There are several stacks that emit visible plumes. There is also a pond that holds liquid wastes from the operation.

What questions would you have for your clients?

What legal remedies would you investigate?

Question Three.

Can the federal government protect prairie potholes and other isolated waters in New Mexico? Can the state?