**Ocean and Coastal Law Syllabus**

Fall 2020

Professor Annie Brett

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Office Hours: Monday 4:15-5:15, Tuesday 11:30-1, or by appointment

**Required Coursebook**

Rieser, Christie, Kalo & Hildreth, Ocean and Coastal Law (4th Ed. 2013)

Additional readings will be available on the course Canvas site.

**Class Meetings**

Monday 2:30-3:55

Wednesday 2:45-4:10

Our class will meet simultaneously in person and virtually, via the link which can be accessed from our course Canvas page. In the event that UF moves classes to a completely virtual format, we will switch to meeting exclusively online in our existing timeslot.

**Course Description**

This course addresses the public and private law governing use of the coastal zone and its resources. U.S. coastal lands and Exclusive Economic Zone resources are some of the richest in the world. Technological innovation is opening new avenues for exploitation of these resources at the same time as environmental change has put the continued productivity of many ocean ecosystems in doubt. This course begins by addressing how private property rights are allocated in the coastal zone, a question of increasing importance as coastal systems become more dynamic. We will then look to the major regulations governing coastal and ocean resource use, as well as how U.S. law intersects with international law in the governance of transboundary resources and management of the high seas.

**Learning Outcomes**
By the end of this course, students should be able to:

* Understand and analyze the major regulations governing U.S. coastal and ocean resources
* Identify private property rights in the coastal zone and how these interact with relevant public law
* Situate recent policy and science developments in the landscape of marine resource law

**COVID Policies**

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

* You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, Dean Inman will also report your noncompliance to the relevant state board of bar examiners.
* This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
* Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class.
* Follow your TA’s guidance on how to enter and exit the classroom.  Practice physical distancing to the extent possible when entering and exiting the classroom.
* If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return too campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
* Course materials, including recordings of any missed lectures, will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work.<https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

**Attendance Policy**

Per ABA requirements, please attend all classes (either in-person or remotely) unless you have a compelling reason not to do so, in which case you should email me beforehand. Attendance will be taken by our TA. Students participating remotely will need be on video in order to be counted as in attendance. If this poses a problem, please email me.

**Class Participation**

Active participation is an essential component of this class. I ask that each of you arrive to class having done the readings and prepared to meaningfully engage in discussion, regardless of whether you attend in person or remotely.

I will be splitting the class into four groups. One group will be on call for each class session, as noted in the reading assignments below. I will expect members of that group to be most prepared to answer questions and participate in discussion (though of course expect other members of the class to participate as well). If you are unable to attend class synchronously on a day your group is scheduled, please email me in advance. We will email group assignments out in the first week of class.

**Virtual Norms**

For those of you attending class virtually, please respect the following norms:

* Please refrain from any behavior that may distract your classmates
* Keep your video on to the extent that you are able
* Mute yourself to limit background noise if you are not speaking
* Use the chat or raise hand feature to participate
* Respect the privacy of your fellow students (no screengrabs or pinning)

I know that some of you may be logging in from locations that are not always quiet, private or distraction-free. I ask that we all treat any interruptions, be they on my end or your fellow classmates, with flexibility and good humor.

**Recordings**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online.  Students failing to follow this rule will be referred to the College of Law Honor Code Council and the university’s Office of Student Conduct and Conflict Resolution.

All classes will be recorded and made available to students who are unable to attend class for an excused absence or have an ADA accommodation. In either case, please contact Rachel Inman for access to recordings.

**Office Hours**

I encourage you all to come to office hours, this semester more than ever. I will hold my office hours virtually, Monday 4:15-5:15 and Tuesday 11:30-1. The link is posted on Canvas. I will use the waiting room feature to allow students to meet with me individually without appointments. If you wish to come to office hours join the Zoom meeting and I will let you out of the waiting room when I am finished speaking with the previous student (do not worry if you are waiting for a few minutes). I am happy to make appointments outside of office hours for those who are not able to attend during these times.

**Evaluation**

This class will have a take-home, open-book final examination that will account for 80% of your final grade. We will do practice problems and review in preparation for this at the end of the semester.

The remaining 20% of your grade will be based on brief ­exercises completed throughout the class. I anticipate 5 of these exercises (some of which will be in class) of which I will keep your 4 highest scores.

**UF Law Grading Policies**

This course will be graded in accordance with the law school’s grading policy.

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| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0  |

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

**Accommodation for Students with Disabilities**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**UF Law Honor Code:**

Students are bound by the UF Law Honor Code, which can be found here:

https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor- code-and-committee/honor-code.

**Reading Assignments**

Please focus your attention on the cases in each reading section. Notes and background material can be skimmed. Per ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

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| **Assignment** | **Topic** | **Readings** | **On Call Group** |
| **Introduction** |  |
| 1 | Introduction | Ian Urbina, ‘[*Sea Slaves’: The Human Misery that Feeds Pets and Livestock*](https://www.nytimes.com/2015/07/27/world/outlaw-ocean-thailand-fishing-sea-slaves-pets.html)*,* NY Times (July 27, 2015) and Ian Urbina, [*Palau and the Poachers*](https://www.nytimes.com/2016/02/21/magazine/palau-vs-the-poachers.html), NY Times (Feb. 17, 2016) | All |
| 2 | Jurisdictions  | pp. 30- 36, 102-110, 125-127 | All |
| **Public Trust Doctrine** |  |
| 3 | PTD overview | pp. 127-142 | 1 |
| 4 | Limits on private ownership | pp. 147-160 | 2 |
| **Private Rights in the Coastal Zone** |  |
| 5 | Land gain and loss | pp. 163-179 | 3 |
| 6 | Right of access & view | pp. 179-193 | 4 |
| 7 | Loss of littoral rights | pp. 193-212 | 1 |
| 8 | Public shore access | pp. 227-238, 239-242 | 2 |
| **State Waters** |  |
| 9 | CZMA | pp. 249-254, 284-308  | 3 |
| 10 | Coastal development | pp. 312-335 | 4 |
| 11 | Takings | pp. 342-346, 365-379 | 1 |
| 12 | Sea level rise | John Nolon, [*Regulatory Takings and Property Rights Confront Sea Level Rise: How Do They Roll*](https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1822&context=lawfaculty)*?, 21* Widener L. J. 1 (2012). | 2 |
| 13 | Sea level rise and local government | Readings TBD (Canvas) | 3 |
| **Biological Resources in Federal Waters** |  |
| 14 | Magnuson-Stevens Act | pp. 610-628, 640-646 | 4 |
| 15 | Fisheries Access | pp. 666-674, 680-684, 694-701 | 1 |
| 16 | Pelagic Fisheries | pp. 703-712, 715-729 | 2 |
| 17 | MMPA | pp. 752-764, 787-791 | 3 |
| 18 | ESA and Marine Mammals | pp. 809-815, 819-832 | 4 |
| 19 | Marine Reserves | pp. 951-969 | 1 |
| **Offshore Energy** |  |
| 20 | Ocean renewable energy and PTD | pp. 491-510 | 2 |
| 21 | Ocean renewable energy | pp. 518-539 | 3 |
| 22 | OCSLA | pp. 403-436 | 4 |
| 23 | Marine Spatial Planning | MSP readings (Canvas) | All |
| 24 | Beaufort Sea Negotiation | Negotiation readings (Canvas) | All |
| 25 | Emerging Topics | Emerging topics readings (Canvas) | All |

**Online Course Evaluation Process**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.