**Ocean and Coastal Law Syllabus**

**Spring 2022**

Professor Annie Brett

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Office Hours: Tuesday, 10:30-11:30 and 3:00-4:00, 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**

Tuesday, Wednesday 9:00-10:25am, HH 285D

**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

**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. Participation will account for 20% of your final grade.

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to speak and listen honestly, thoughtfully, and respectfully and allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

**Evaluation**

This class will have an open-book final examination that will account for 80% of your final grade. The remainder of your grade will comprise participation (20%), which may include several very short writing exercises and in-class exercises. The law school policy on exam delays and accommodations can be found [here](http://www.law.ufl.edu/student-affairs/current-students/forms-applications/exam-delays-accommodations-form)

**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: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

**Attendance Policy**

Per ABA requirements, please attend all classes unless you have a compelling reason not to do so, in which case you should email me beforehand. Missing more than 2 classes may negatively impact your grade.

**Preferred Name**It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class.  If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise.  I would like to acknowledge your preferred name, and pronouns that reflect your identity.  Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

**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.

**Recordings**

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled.  The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding.  All other purposes are prohibited.

Specifically, students may not publish recorded lectures without the written consent of the instructor. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.”

**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

**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/>.

**Reading Assignments**

This syllabus is offered as a guide to the direction of the course, and it will be updated on Canvas with specific reading assignments and may be adjusted based on new developments. You are responsible for making sure you stay up to date with Canvas. 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** |
| **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) |
| 2 | Jurisdictions  | pp. 30- 36, 102-110, 125-127 |
| **Public Trust Doctrine** |
| 3 | PTD overview | pp. 127-142 |
| 4 | Limits on private ownership | pp. 147-160 |
| **Private Rights in the Coastal Zone** |
| 5 | Land gain and loss | pp. 163-179 |
| 6 | Right of access & view | pp. 179-193 |
| 7 | Loss of littoral rights | pp. 193-212 |
| 8 | Public shore access | pp. 227-238, 239-242 |
| **State Waters** |
| 9 | CZMA | pp. 249-254, 284-308  |
| 10 | Coastal development | pp. 312-335 |
| 11 | Takings | pp. 342-346, 365-379 |
| 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). |
| 13 | Sea level rise and local government | Readings TBD (Canvas) |
| **Biological Resources in Federal Waters** |
| 14 | Magnuson-Stevens Act | pp. 610-628, 640-646 |
| 15 | Fisheries Access | pp. 666-674, 680-684, 694-701 |
| 16 | Pelagic Fisheries | pp. 703-712, 715-729 |
| 17 | MMPA | pp. 752-764, 787-791 |
| 18 | ESA and Marine Mammals | pp. 809-815, 819-832 |
| **Offshore Energy** |
| 19 | Ocean renewable energy and PTD | pp. 491-510, 518-539 |
| 20 | OCSLA | pp. 403-436 |
| 21 | Marine Spatial Planning | MSP readings (Canvas) |
| 22 | Beaufort Sea Negotiation | Negotiation readings (Canvas) |
| 23 | Emerging Topics | Emerging topics readings (Canvas) |