

# Ocean Law and Policy: Fall 2014

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GRADE OPTION: LETTER GRADE

## FALL 2014 SCHEDULE

| DATE   | TOPIC & ACTIVITY  | ASSIGNMENTS  |
|--------|---|--|
| Oct 6  | <b>Lecture: Introduction to class and topic:</b> <ul style="list-style-type: none"> <li>class overview</li> <li>U.S. law overview and procedure (APA &amp; NEPA)</li> <li>Law &amp; policy research</li> <li>Legal research exercise</li> </ul> | Read: <ul style="list-style-type: none"> <li>Chapter 1: in Appendix 6: Review of U.S. Ocean and Coastal Law (Appendix to the U.S. Commission on Ocean Policy Report)</li> <li>Steve Roady's Primer</li> </ul> Bring: <ul style="list-style-type: none"> <li>Come to class with laptops for law and policy research exercise</li> </ul> |
| Oct 13 | <b>Lecture: Protected species</b>   | Read: <ul style="list-style-type: none"> <li>Winter v NRDC</li> <li>Reynolds et al. (legal implications)</li> <li>Juneau Empire article</li> <li>Delisting petition</li> <li>Delisting review announcement (NOAA)</li> </ul> Turn in: <ul style="list-style-type: none"> <li>Legal research exercise</li> </ul>                        |
| Oct 20 | <b>Exercise: Humpback whale delisting decision</b>  | <b>Delisting presentations DUE</b>   |
| Oct 27 | <b>Lecture: Oil Spills, Deepwater Horizon</b> oil spill and implications: Oil Pollution Act, RESTORE Act  | Read: <ul style="list-style-type: none"> <li>Gulf 101 Summary (ELI)</li> </ul> In Class Exercise: <ul style="list-style-type: none"> <li>Designing restoration recommendations</li> </ul>  |
| Nov 3  | <b>Lecture: Fisheries Management</b>  | Read: <ul style="list-style-type: none"> <li>The Art of Commenting</li> <li>Domestic Fisheries Management (Eagle)</li> <li>National Standard 1 regulations</li> <li>National Standard 1 advance notice of proposed rule-making</li> </ul>  |
| Nov 10 | <b>Exercise: Fisheries Management:</b> notice of proposed National Standard 1 guidelines  | <b>Comment and discussion DUE</b>  |
| Nov 17 | <b>Lecture: Ocean Water Quality:</b> Clean Water Act, Coastal Zone Management Act   | Read: <ul style="list-style-type: none"> <li>Ch. 7. Coastal Water Quality Protection (Craig)</li> <li><i>Northwest Environmental Advocates v EPA, 2006 U.S. Dist LEXIS 69476 (2006)</i></li> </ul>   |
| Nov 24 | <b>Lecture &amp; Exercise: National Ocean Policy and Marine Spatial Planning</b>  | Read: <ul style="list-style-type: none"> <li><i>Executive Order (July 19, 2011), Stewardship of our Coasts, the Ocean and the Great Lakes</i></li> <li>U.S. Ocean Policy Task Force final recommendations, Executive Summary</li> </ul>  |

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|                  |                                    | Exercise:  |
|                  |                                    | <ul style="list-style-type: none"> <li>Come to class prepared to engage in NOP exercise</li> </ul> |
| <b>Dec 1</b>     | <b>Guest Lecture -- TBA</b>        |  |
| <b>Dec 8</b>     | <b>Lecture: Arctic Stewardship</b> | Read: TBA  |
| <b>Dec 13-20</b> | Finals week                        | <b>PAPER DUE (5 pm Pacific)</b>  |

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## CLASS REQUIREMENTS

### PARTICIPATION (30%)

- Students are expected to participate in the class by attending, reading required reading assignments, and participating in discussions and class exercises.
- Excused absences possible with approval from instructor and may require additional reading and/or written assignment.

### MID-COURSE ASSIGNMENTS (10% EACH)

- Late assignments:** 15% OFF FOR EVERY DAY IT IS LATE.

### FINAL PAPER (30%)

- Each student will conduct a legal and policy analysis on an ocean topic and write a 2,500 word maximum paper (body).
- The paper is DUE by 5 pm Pacific Time, Friday, December 14, 2012.**
- Late Papers:** 15% OFF FOR EVERY DAY IT IS LATE.

## FINAL PAPER

### Structure and Content

- Introduction
  - 1 page, briefly introduce topic and provide reader with a summary of the paper
- Body
  - present facts and provide background to lay the groundwork for legal analysis;
  - present legal structure that informs issue that will be addressed by the paper; and
  - conduct a legal and normative analysis of the problem, arguing for or against the issue.
- Conclusion
  - 1 page summary of key issues and recommendations
- Footnotes

- Prefer references as footnotes. You can use whatever style you would like for references, but please be consistent throughout the paper.
- References
  - References should be from reliable sources (e.g., not Wikipedia) and work should be appropriately referenced (if it is not your opinion, cite it). Be sure to put quoted material in quotes and cite. Plagiarism will result in a **zero**.

## POTENTIAL PAPER TOPICS

### INTERNATIONAL

- Legal basis for Icelandic whaling
- International ballast water regulation
- Legality of flags of convenience (what is a “genuine link”)
- International management of the Arctic
- International mechanisms to address illegal, unreported and unregulated fishing
- Loss of land due to sea level rise and potential legal solutions
- International mechanisms to address bottom trawling
- Legal mechanisms to create high seas marine protected areas
- Marine Stewardship Council certification of fisheries
- WTO decision regarding U.S. dolphin-safe tuna label

### U.S. DOMESTIC

- Legal implications of the new Ocean Stewardship Executive Order
- Legal analysis of the federal catch share policy
- Potential legal ramifications of use of dispersants in the Gulf of Mexico oil spill
- Implications and implementation of the RESTORE Act
- Raising genetically modified salmon in ocean aquaculture pens
- Liability in the Gulf of Mexico Oil Spill
- Legality of NEPA categorical exclusions granted to oil and gas industry in the Gulf of Mexico
- Legality of aquaculture regulation under the Magnuson-Stevens Fishery Conservation and Management Act
- Analysis of *NRDC v Winters* (Navy sonar case)
- Endangered species designation of marine species due to climate change impacts
- Analysis of Kivilina case and similar cases
- Reauthorization of the National Marine Sanctuaries Act
- Reauthorization of the Coastal Zone Management Act
- Legal mechanisms to address marine debris
- Development of an ocean TMDL
- Developing trash TMDLs
- Legal mechanisms to address noise in the ocean generally or specifically by Navy, commercial shipping, or oil and gas exploration
- Sea level rise and takings
- Legal mechanisms to address benthic habitat impacts (e.g. sand dredging for beach renourishment)

### NON-U.S. DOMESTIC

- Fine to choose topic beyond U.S. jurisdiction. Need to make sure you have access to laws, regulations, case-law, etc.