

Ocean Law and Policy: Fall 2016

Instructor: Kathryn J. Mengerink | kmengerink@ucsd.edu | (858) 822-5821

GRADE OPTION: LETTER GRADE

SCHEDULE

DATE	TOPIC & ACTIVITY	ASSIGNMENTS
Sept 26	Introduction <ul style="list-style-type: none"> Class overview U.S. law overview and procedure Legal Research <ul style="list-style-type: none"> Law & policy research Legal research exercise 	Read <ul style="list-style-type: none"> Chapter 1: in Appendix 6: Review of U.S. Ocean and Coastal Law (U.S. Comm'n Ocean Policy) Steve Roady's Primer The Art of Commenting Bring <ul style="list-style-type: none"> Come to class with laptops for law and policy research exercise
Oct 3	Coastal Zone Management, Guest Lecturer, Angela Howe (Surfrider)	Read: <ul style="list-style-type: none"> TBD
Oct 10	Fisheries management, 3 case studies <ul style="list-style-type: none"> Alaskan pollock Barbuda lobster International tuna Quiz 1 <ul style="list-style-type: none"> Intro materials 	Read: <ul style="list-style-type: none"> Domestic Fisheries Management (Eagle) Barbuda Blue Halo NOAA Fisheries Pollock Int'l mgmt. of tuna fisheries
Oct 17	Water Quality, 3 case studies <ul style="list-style-type: none"> <i>Deepwater Horizon</i> oil spill Runoff Invasive species Quiz 2 <ul style="list-style-type: none"> Fisheries management 	Read: <ul style="list-style-type: none"> Gulf 101 Summary (ELI) Ch. 7. Coastal Water Quality Protection (Craig) <i>NW Env'tl Advocates v EPA (2005)</i>
Oct 24	Protected species, 3 case studies <ul style="list-style-type: none"> Humpback whales delisting in US Sea turtles in Tonga Caribbean corals Quiz 3 <ul style="list-style-type: none"> Water quality 	Read <ul style="list-style-type: none"> NOAA website Huffington Post article (humpback whale delisting) Pacific Whale Foundation Opposing Testimony CITES overview Sea Turtles of Tonga NOAA Coral website
Oct 31	Non-Renewable Resources, 2 case studies <ul style="list-style-type: none"> Oil & gas in the US International deep seabed mining Quiz 4 <ul style="list-style-type: none"> Protected species 	Read: <ul style="list-style-type: none"> Advancing Deep Ocean Stewardship Offshore oil and gas overview
Nov 7	Arctic Management & Indigenous Peoples <ul style="list-style-type: none"> International Arctic Management Bowhead Whale Co-Management 	<ul style="list-style-type: none"> TBD
Nov 14	Public Participation Discussion	Read:

	Quiz 5	<ul style="list-style-type: none"> No reading
	<ul style="list-style-type: none"> Arctic management 	
Nov 21	No Class	Students will attend an administrative hearing on a public policy issue of their choice prior to November 14, in lieu of class this week.
Nov 28	Guest Lecture: TBD	Read: <ul style="list-style-type: none"> TBD
Dec 3-10	Finals Week	FINAL PAPER DUE: Wednesday, December 7, 2016

Links to Readings

NOAA Fisheries Pollock: <http://www.afsc.noaa.gov/species/pollock.php>

Barbuda Blue Halo: <http://waittinstitute.org/bluehaloinitiative/barbuda/>

International Management of Tuna Fisheries: <http://www.fao.org/docrep/012/i1453e/i1453e00.pdf>

Huffington Post Article: http://www.huffingtonpost.com/entry/humpback-whales-removed-endangered-species-list_us_57cdbac1e4b0a22de096a4c9

Pacific Whale Foundation Opposing Testimony:

http://www.pacificwhale.org/sites/pacificwhale.org/files/Pacific%20Whale%20Foundation%20Testimony%20Opposing%20NPHBW%20Delisting_1.pdf

CITES Overview: <https://cites.org/sites/default/files/eng/news/meetings/IFS-05/IFS05-principle.pdf>

Sea Turtles of Tonga: <https://www.livingoceansfoundation.org/sea-turtles-of-tongs/>

NOAA Coral Website: <http://www.nmfs.noaa.gov/pr/species/invertebrates/elkhorncoral.htm>

Offshore Oil and Gas Overview:

http://www.eia.gov/pub/oil_gas/natural_gas/feature_articles/2005/offshore/offshore.pdf

CLASS REQUIREMENTS

QUIZES (50%)

- We will have 5 short-answer quizzes over the course of the quarter covering the materials learned in the previous week. The answers to the quizzes will be directly related to the materials covered in class.

PARTICIPATION (20%)

- Participation will be measured based on 2 major factors:
 - Weekly class attendance and engagement in class discussions (10%)
 - Short presentation to class of assigned topic—each week 1-2 students will provide a brief (10 minute) overview of one of the topics to be discussed that week. This presentation will be the starting point for the class lecture/discussion of a given topic.

FINAL PAPER (30%)

- Each student will conduct a legal and policy analysis on an ocean topic and write a 2,500 word maximum paper (excluding references).
- **The paper is DUE by 5 pm Pacific Time, Wednesday, December 7, 2016.**
- **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 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
- 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 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.