

# SIOB 218: Ocean & Coastal Law and Policy

## Fall 2024

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Lecture: 11:00-12:20 pm, Monday and Wednesday

Discussion session (mandatory): Mondays, 12:30 pm -1:20 pm

Final Exam: Tuesday, December 10, 11:30-2:30

Grade option: must be taken for letter grade; must be taken for 4 units

Class meets in: Eckart 227

Samantha's office hour: Tuesday 1:00-2:00 @ Eckart 203  
and by appointment

Sydney's office hour: Monday, 1:30-2:30 @ Eckart 229  
and by appointment

### Course Learning Expectations and Outcomes

*This course provides an overview of key laws and policies governing U.S. and international ocean and coastal waters; examines timely case studies of these policies in practice; and brings in a variety of perspectives to illustrate complexities of policy-making. It combines lectures with student presentations and in-class exercises. Reading materials are assigned, including statutes, case law, media publications and law review articles. This course will:*

- Enhance understanding of the framework and application of laws, regulations and case law that govern the ocean and coast;
- Allow students to develop critical thinking skills and appreciation for nuance and complexity of the application of laws, regulations and policies;
- Allows students to develop cogent arguments and rationale in explaining legal opinions and case law; and
- Enhance confidence in publicly speaking on law and policy-related topics, specifically to a decision-making audience.

### Name & Gender Pronouns

*I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me early in the quarter so that I may make appropriate changes to my records.*

### Diversity and Inclusion Statement

*I support the values of UC San Diego to "create a diverse, equitable, and inclusive campus in which students, faculty, and staff can thrive." I strive to uphold the values articulated by the Office of the Vice Chancellor for Diversity, Equity, and Inclusion: "[w]e believe that true excellence is achieved through productive relationships among people of diverse perspectives. When the collective talents of our students, faculty, and staff at UC San Diego are united in an*

*environment that is open and inclusive, creativity and innovation prospers.” I hope you will join me in creating a class that upholds these values to further enhance our learning as a community.*

### **Statement on Disabilities and Accommodations**

*Students requesting accommodations for this course due to a disability must provide a current Authorization for Accommodation (AFA) letter (paper or electronic) issued by the Office for Students with Disabilities (link to OSD website). Students are required to discuss accommodation arrangements with instructors and OSD liaisons in the department IN ADVANCE of any exams or assignments. Please contact the OSD for further information: 858.534.4382, [osd@ucsd.edu](mailto:osd@ucsd.edu) <https://osd.ucsd.edu/students/>.*

### **Communication Statement**

*It is my hope that in this course we will develop a supportive learning community that will foster rich discussions through the sharing of personal ideas, experiences, and relationships to course material. Your participation and feedback are important to the success of the course and I welcome your thoughts throughout the quarter on how we might improve class processes that will encourage effective communication and dialogue.*

### **Conditional Policy Statement on GenAI**

*Informed by UC San Diego and University of Waterloo Academic Integrity Offices*

***Please see the full GenAI policy for this course on Canvas.***

*Generative artificial intelligence (GenAI) tools like Chat GPT, DALL-E, or GitHub CoPilot, that generate output may be used in this course in limited ways with proper documentation, citation, and acknowledgement.*

*In accordance with our learning outcomes for the course (see above), you may use the following GenAI tools for the following assignments ONLY: 1) Student-Led Presentation + 2) Public Comments Assignment.*

*NOTE: GenAI is known to fabricate sources, facts, and give false information. It also perpetuates bias. You should also be aware that there are copyright and privacy concerns with these tools. You should exercise caution when using large portions of content from AI sources for these reasons. Also, you are accountable for the content and accuracy of all work you submit in this class, including any supported by generative AI.*

SYLLABUS

DATE	TOPIC & ACTIVITY	ASSIGNMENTS
<b>Sept 30</b>	<p><b>Introduction to Course</b></p> <ul style="list-style-type: none"><li>• Class overview</li><li>• Class expectations</li><li>• Grading</li><li>• Class assignments</li></ul> <p><b>Introduction to Law: Ocean Law and Policy</b></p> <ul style="list-style-type: none"><li>• U.S. sources of law</li><li>• How bills become laws</li><li>• Substantive law</li></ul> <p><b><u>12:30-1:20: Intro to Lawsuits</u></b></p> <ul style="list-style-type: none"><li>• Standing</li></ul>	<p><b>Read</b></p> <ul style="list-style-type: none"><li>• Steve Roady's Primer</li><li>• Chapter 1: in Appendix 6: Review of U.S. Ocean and Coastal Law (U.S. Comm'n Ocean Policy)</li><li>• How to Read a Legal Opinion</li><li>• <i>Mass v EPA</i> 127 S.Ct. 1438 (2007)</li></ul> <p><b>Assignment</b></p> <ul style="list-style-type: none"><li>• Take the integrity pledge (in Canvas) by Oct 2 @ 9 am</li><li>• Sign up for student presentations (in Canvas) by Oct 2 @ 9 am</li></ul>
<b>Oct 2</b>	<p><b>Intro to Lawsuits, continued</b></p> <p><b>Agency Deference + Procedure</b></p> <ul style="list-style-type: none"><li>• Administrative Procedure Act</li></ul> <p><b>The Art of Commenting, Part I</b></p> <ul style="list-style-type: none"><li>• How to give compelling public comment at a hearing</li></ul>	<p><b>Read</b></p> <ul style="list-style-type: none"><li>• <i>Chevron v. NRDC</i>, 467 U.S. 837 (1984)</li><li>• <i>NRDC v. Daley</i>, 209 F.3d 747 (2000)</li><li>• ELI Tips for Public Comments</li><li>• Regulations.gov Tips for Commenting</li></ul>
<b>Oct 7</b>	<p><b>11:00-12:10 Art of Commenting, Part II</b></p> <p><b>12:20-1:20 National Environmental Policy Act ***</b></p>	<p><b>Read</b></p> <ul style="list-style-type: none"><li>• Legal Framework of NEPA (CRS (2020))</li><li>• <i>NRDC v Morton</i>, 458 F.2s 827 (1972)</li><li>• Additional readings in Canvas</li></ul>

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**Oct 9 Coastal Zone Management Act, California Coastal Act and Beach Access: Guest Lecturer, Angela Howe (Deputy Attorney General, CA DOJ and former Legal Director, Surfrider Foundation)**

- CZMA
- Coastal Access & Environmental Justice
- California Coastal Act
- California Coastal Commission

**Read**

- CZMA Primer (CRS)
- Addl readings in Canvas

**Oct 14 11:00-11:50**

- Indigenous Peoples Day
- Wrap-up CZMA, as needed
- Legal Research and Writing

**Bring laptop for in-class legal research exercise. Assignment is due October 21 @ 9 am.**

**12:10-1:20 Water Quality & Pollution: Guest Lecturer, Matt O'Malley (Coastal Commissioner and former Executive Director, San Diego Coastkeeper)**

- Clean Water Act
- Once-through Cooling
- Desalination
- Trash and Plastic (incl lawsuits)
- Plastic Treaty & Intl Agreements

**Read**

- CWA: A Summary
- *City of Albuquerque v Browner*
- *County of Maui v. Hawaii Wildlife Fund*
- Addl readings in Canvas

**Oct 16 Offshore Energy**

- Offshore oil and gas exploration in the U.S
- Outer Continental Shelf Lands Act\*\*\*

**Renewables (briefly)**

**Decommissioning**

- Offshore Oil and Gas Development: A Legal Framework
- America-First Offshore Energy Strategy
- *League of Conservation Voters v. Trump* (2018)
- BOEM Renewable Energy website (skim)
- Addl readings in Canvas



<b>Nov 4</b>	<b>Mid-term exam</b>	<b>Administered in-class</b>
<b>Nov 6</b>	<b>Election De-brief</b>	<b>Read</b> <ul style="list-style-type: none"><li>• Addl readings in Canvas</li></ul>
<b>Nov 11</b>	<b>NO CLASS (Holiday)</b>	
<b>Nov 13</b>	<b>International Protections</b> Convention on International Trade in Endangered Species ***	<b>Read</b> <ul style="list-style-type: none"><li>• CITES text</li><li>• CBD Aichi Targets</li></ul>
	<b>US Protected Species: Marine Mammal Protection Act ***</b> <ul style="list-style-type: none"><li>• Marine Mammal Protection Act ***</li><li>• Import Provisions Rule</li></ul>	<b>Read</b> <ul style="list-style-type: none"><li>• <i>NRDC v. Ross</i> (2018, 2019 and 2020)</li><li>• NOAA website: MMPA</li><li>• MMPA Import Provisions Rule</li><li>• Additional readings in Canvas</li></ul>
<b>Nov 18</b>	<b>U.S. Protected Species: Endangered Species Act I</b> <ul style="list-style-type: none"><li>• Endangered Species Act</li><li>• <i>TVA v. Hill</i> ***</li></ul>	<b>Read</b> <ul style="list-style-type: none"><li>• Endangered Species Act: A Primer (2016)</li><li>• <i>TVA v. Hill</i>, 437 U.S. 153 (1978)</li><li>• ESA regulatory revisions</li><li>• Addl readings in Canvas</li></ul>
<b>Nov 20</b>	<b>U.S. Protected Species: Endangered Species Act II</b>	<b>Read</b> <ul style="list-style-type: none"><li>• Addl readings in Canvas</li></ul>
<b>Nov 25</b>	<b>11:00-12:20 U.S. Protected Species: Endangered Species Act III</b>  <b>12:30-1:20 MPAs I: Intro to Marine Protected Areas Philosophy</b> <ul style="list-style-type: none"><li>• Large, remote MPAs</li><li>• International MPAs + Global Treaty and High Seas MPAs</li><li>• 30 x 30</li></ul>	<b>Read</b> <ul style="list-style-type: none"><li>• Addl readings in Canvas</li></ul>
<b>Nov 27</b>	<b>U.S. MPAs (Remote lecture on Zoom)</b> <ul style="list-style-type: none"><li>• National Marine Sanctuaries Act</li></ul>	<b>Read</b> <ul style="list-style-type: none"><li>• Addl readings in Canvas</li></ul>

- Antiquities Act

<p><b>Dec 2</b></p> <p><b>11:00-12:20 MPAs III, continued</b></p> <p><b>12:30-1:20 Case Study: Marine Life Protection Act</b></p>	<p><b>Read</b></p> <ul style="list-style-type: none"> <li>• Addl readings in Canvas</li> </ul>
<p><b>Dec 4</b></p> <p><b>11:00-12:20 Climate Change Litigation</b></p> <ul style="list-style-type: none"> <li>• <i>Juliana v US and PCFFA v Chevron</i> ***</li> </ul>	<p><b>Read</b></p> <ul style="list-style-type: none"> <li>• <i>Juliana v. U.S.</i>, 217 F Supp.3d 1224 (2016); also 2020 case</li> <li>• <i>PCFFA v. Chevron</i> (2018)</li> <li>• Addl readings in Canvas</li> </ul>
<p><b>Dec 6</b></p> <p><b>Final Paper due by 5 pm</b></p>	<p><b>FINAL PAPER DUE: 5 pm Pacific Time (via Canvas).</b></p>

**Dec 10** Final Exam @ 11:30 -2:30

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## CLASS REQUIREMENTS

### READINGS

Students will read all assigned readings and be prepared to answer questions in class, based on readings.

Readings found in Canvas are the most current; where a discrepancy exists between the syllabus and Canvas, please rely on Canvas.

### MID-TERM AND FINAL EXAM: 40% (@ 20% each)

- We will have two exams over the course of the quarter.
- Both exams will be taken in class, in-person.
- The mid-term exam will be: November 4 @ 11:00-1:20.
- The final exam will be: December 10, 11:30-2:30
  - Any student who cannot take the final exam at this time should reach out to Samantha immediately to schedule an oral exam.
- The answers to the exams will be directly related to the materials covered in class by Samantha, in student-led presentations and by guest lecturers.

### ATTENDANCE AND PARTICIPATION (15%)

- Participation will be measured based on the following:
  - Regular class attendance and engagement in class discussions

- Can miss 2 days of class and get full participation credit
  - However, without answering questions or engaging in discussion, will not receive full participation points.
- Student demonstrates they have read the readings
- Student answers questions in class when asked by professor
- Participates in in-class exercises and discussions and submits legal research worksheet by October 21 @ 9 am
- Pays attention during class; not multitasking
- Rubric
  - 15 points: missed no more than 2 classes, completes class assignments on time and with significant effort, engages in class and answers questions
  - 14 points: missed no more than 2 classes, but does not answer questions; or answers and engages, but missed more than 2 classes
  - 12/13 points: missed 3-4 classes, varying levels of engagement
  - 10/11 points: missed 5+ classes, varying levels of engagement
- Please let *Samantha and Sydney* know if you are not able to come to class due to sickness.

### STUDENT-LED PRESENTATIONS (12.5%)

- For all class topics notated with a **\*\*\***, 4-5 students will work together to provide a brief group overview of an assigned law or case to be discussed in class that day. This presentation will be in person and no more than 10 minutes long.
- Please sign up for one presentation slot by 9 am on October 2, 2024. Sign-up is in Canvas.
- This presentation will be a starting point for that topic's discussion and relevant legal framework.
- For presentations about:
  - **A specific law:** students should research and share information about the issue in the broad sense. It can include, for example, the following: history of the law, details of how it is applied/implemented, positive aspects of the law, and any legal challenges to the law.
  - **An event/issue:** students should research and share information about the issue in the broad sense. It can include, for example, the following: history of the issue/event, why it happened, how it happened, what laws/policies govern the issue, details of what the resolution was, and what the ramifications were following this event, as well as any controversy.
  - **A legal case:** identify the plaintiffs and defendants, the facts of the case, the law at issue and the legal holding and reasoning from the court (if it has been decided). You may also discuss whether/how this case has been applied since the legal opinion and whether/why it has been controversial.
- Please keep your presentation to 10 minutes. You can use PowerPoint if you so choose, but are not required to do so.

- Student presenters will also answer 10 mins of questions about their presentation/topic in class on their scheduled day.

### **PUBLIC TESTIMONY (12.5%)**

Students will attend a commission/council meeting or administrative hearing on a public policy issue of their choice (ideally ocean or coastal) by December 13, 2024. Students will do the following:

- Attend the hearing for at least 1.5 hours;
- Give testimony on a policy issue;
- Submit the **written version of the testimony on Canvas by 5 pm December 13, 2024** (please also include the meeting link if you have it, **with minute mark** of your testimony); and
- Submit a **1-2 page (maximum) write-up by 5 pm December 13, 2024** that summarizes the following:
  - What struck you about the meeting/hearing?
  - Was it what you expected?
  - Was the committee/commission/council professional?
  - How did you feel about your comment? What would you have done differently?
  - Which other public commenters were compelling (or not)? Why?

You may go to any hearing or public meeting you like. If it is in San Diego or So Cal, we strongly encourage you to attend in person! You will learn more, meet people, and get more out of the experience. That said, a silver lining of COVID-19 is that many meetings will allow public participation by Zoom or another virtual platform, regardless of location.

Some examples for this Fall include the following (this is non-exhaustive!):

- **California Coastal Commission hearing**
  - October 9-11, 2024
    - Agenda: <https://www.coastal.ca.gov/meetings/agenda/#/2024/10>
    - Location: San Diego, CA AND virtual (encourage you to attend in person!)
  - Nov 12-14, 2024
    - Agenda: Not yet available
    - Location: Rohnert Park, CA and virtual
  - December 10-12, 2024
    - Agenda: Not yet available
    - San Diego, CA and virtual
- **California Fish and Game Commission meeting**
  - October 9-10, 2024

- Agenda:
  - <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=225378&inline>
  - Location: Sacramento, CA and virtual
- Nov 6-7, 2024: Marine Resources Subcommittee
  - Location: Sacramento and virtual
- December 10, 2024: Tribal Subcommittee
  - Location: Sacramento and virtual
- December 11-12, 2024
  - Location: Sacramento and virtual
  
- **Pacific Fisheries Management Council meeting**
  - November 13-19, 2024
    - Location: Garden Grove (and virtual)
    - Agenda (will be posted in coming weeks):
      - [https://www.pcouncil.org/council\\_meeting/november-2024-council-meeting/](https://www.pcouncil.org/council_meeting/november-2024-council-meeting/)
  
- **California State Lands Commission meeting**
  - October 17, 2024
    - Location; San Diego (and virtual)
    - Agenda (will be posted in coming weeks)
    - <https://www.slc.ca.gov/meetings/>

## FINAL PAPER (20%)

- Each student will conduct a legal and policy analysis on a timely ocean or coastal topic that is relevant and complex enough to have contested legal/policy issues or multiple legal interpretations.
- The paper should include an analysis of specific cases (decided or pending) related to your topic.
- The paper will be from one of the pre-assigned topics in Canvas.
  - If you absolutely do not want to write about one of these topics, please contact Samantha with your alternative idea by **October 18, 2024**.
- Further guidance:
  - The paper should pull apart, tease out and compare cases and legal holdings. Did the court(s) distinguish the cases? Why? Are the outcomes different? Did the court get it right? Why or why not? If an undecided case, what is the likely outcome? Is the outcome likely to be different from what other courts have held?
  - Your paper could instead dissect a single, complex case and look at the issues and holdings within that case. Is there existing precedent that guided this court? Did this court get the holding(s) right, based on the facts of the case? Why or why not?

- This paper should *not* be a high-level overview or Wikipedia entry on a topic or ocean policy issue. Please go deep and narrow on this analysis.
  - See examples and further guidance in Canvas.
- The paper should be 2,500 words (maximum). This word count excludes graphics and references.
  - Over limit papers: 5% OFF FOR EVERY 20 WORDS OVER THE LIMIT
- **The final paper is DUE by 5 pm Pacific Time on Friday, December 6, 2024 (via Canvas)**
  - Late Papers: 15% OFF FOR EVERY DAY IT IS LATE

### **Structure and Content**

- Exec Summary
  - Briefly introduce topic and provide reader with a summary of the paper, including your recommendation/conclusion
- Intro and Background
- Body
  - Present more detailed 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 analysis of the problem, arguing for or against the issue.
  - Use subheadings to separate/organize the issues!
- Recommendations and/or Conclusions
  - Policy recommendations: if you have these, they should be well thought out and not be an afterthought; three recommendations is plenty; OR
  - Conclusions: did the court get it right? If still pending, how do you think the court should rule and why? Anything else that should be considered?
- References
  - References should be from primary literature and original sources, including actual legal opinions, statutes and regulations. May also reference secondary sources (e.g., journal articles), but not Wikipedia and blogs.
  - 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**.
  - **References should be in footnotes**. You can use whatever style you would like, but please be consistent throughout the paper. **No parenthetical citations**.
  - A bibliography is not necessary.
  - Any legitimate style is acceptable, though the preferred citation format is Bluebook.
    - Blue Book Guide: <https://guides.ll.georgetown.edu/bluebook>.
    - Here is a resource for how to format: <https://www.law.cornell.edu/citation/2-200>. It describes how to cite each category of legal literature with several examples, including how to cite a dissent.

## GRADING

Your final course grade will be based on the following breakdown:

- 20% mid-term
- 20% final exam
- 15% participation
- 12.5% student-led presentations
- 12.5% public testimony
- 20% final paper

Grades will be assigned based on the following scale:

- A+: 98-100
- A: 93-97
- A-: 90-92
- B+: 88-89
- B: 83-87
- B-: 80-82
- C+: 78-79
- C: 73-77
- C-: 70-72
- D: 60-69
- F: <60

## OVERALL COURSE EXPECTATIONS

What you can do to support your success in the course:	What I will do to support your success in the course:
Read the syllabus and stay current with course information	Be prepared and bring my enthusiasm for teaching to each session
Keep up with readings, as each one builds on the previous one.	Respond to emails and provide timely feedback on assignments / submissions.
Contribute to the learning environment with <a href="#">fairness, cooperation, and professionalism</a>	Establish a learning environment with fairness, cooperation and professionalism, and will take action if these principles are violated.
Treat your classmates, instructional assistants and myself <a href="#">honestly and ethically</a>	Treat you honestly and ethically, and will address any concerns you might have

Commit to excel with integrity <sup>1</sup> . Have the courage to act in ways that are honest, fair, responsible, respectful & trustworthy.	Uphold integrity standards and create an atmosphere that fosters active learning, creativity, critical thinking, and honest collaboration.
Communicate with me if you determine that a deadline cannot be met due to extenuating circumstances	Consider requests for adjustments and will make reasonable exceptions available to all students when approved

**RESOURCES FOR SUPPORT & LEARNING**

<b>Learning and Academic Support</b>	
<p><b><u><a href="#">Ask a Librarian: Library Support</a></u></b> <i>Chat or make an appointment with a librarian to focus on your research needs</i></p> <p><b><u><a href="#">Course Reserves, Connecting from Off-Campus and Research Support</a></u></b> <i>Find supplemental course materials</i></p> <p><b><u><a href="#">First Gen Student Success Coaching Program</a></u></b> <i>Peer mentor program that provides students with information, resources, and support in meeting their goals</i></p> <p><b><u><a href="#">Office of Academic Support &amp; Instructional Services (OASIS)</a></u></b> <i>Intellectual and personal development support</i></p>	<p><b><u><a href="#">Writing Hub Services in the Teaching + Learning Commons</a></u></b> <i>One-on-one online writing tutoring and workshops on key writing topics</i></p> <p><b><u><a href="#">Supplemental Instruction</a></u></b> <i>Peer-assisted study sessions through the Academic Achievement Hub to improve success in historically challenging courses</i></p> <p><b><u><a href="#">Tutoring – Content</a></u></b> <i>Drop-in and online tutoring through the Academic Achievement Hub</i></p> <p><b><u><a href="#">Tutoring – Learning Strategies</a></u></b> <i>Address learning challenges with a metacognitive approach</i></p>

**Support for Well-being and Inclusion**

**Basic Needs at UCSD**

*Any student who has difficulty accessing sufficient food to eat every day, or who lacks a safe and stable place to live is encouraged to contact: [foodpantry@ucsd.edu](mailto:foodpantry@ucsd.edu) | [basicneeds@ucsd.edu](mailto:basicneeds@ucsd.edu) | (858) 246-2632*

**Counseling and Psychological Services**

*Confidential counseling and consultations for psychiatric service and mental health programming*

**Triton Concern Line**

*Report students of concern: (858) 246-1111*

**Office for Students with Disabilities (OSD)**

*Supports students with disabilities and accessibility across campus*

**Community and Resource Centers**

**Office of Equity, Diversity, and Inclusion**

*As part of the Office of Equity, Diversity, and Inclusion the campus community centers provide programs and resources for students and contribute toward the evolution of a socially just campus  
(858).822-.3542 | [diversity@ucsd.edu](mailto:diversity@ucsd.edu)*

**Get Involved**

*Student organizations, clubs, service opportunities, and many other ways to connect with others on campus*

**Undocumented Student Services**

*Programs and services are designed to help students overcome obstacles that arise from their immigration status and support them through personal and academic excellence*