REGULATING THE MARINE ENVIRONMENT
FALL SEMESTER 2016

WEDNESDAY, 3:35-5:15 P.M.
OAKES 207

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Office hours by appointment

PRELIMINARY SYLLABUS
8/15/16

Course Materials:


Paper or Examination:

You have the option of writing a paper or taking an examination.

(1) The paper is to be of at least 20 pages, including footnotes, and may be on any topic approved by me not later than Friday, October 7, that is relevant to the general subject-matter of the course. It may qualify for the AWR, or other writing requirement, by mutual agreement. If the paper is for the AWR, you must work out a schedule of drafts with me per the Student Handbook, § II.A.2(d). At the end of the semester, each student who writes a paper will be asked to make a brief oral presentation of it to the class. The final paper must be handed in (or e-mailed as an attachment) to me not later than 5:00 p.m., Thursday, December 22.

(2) The exam will be a take-home that may be picked up at 9:00 a.m. on Wednesday, December 14, at the Registrar’s office, or on any day thereafter during normal business hours, and must be handed in at the Registrar’s Office not later than 5:00 p.m., Thursday, December 22.

Course Description:

This course examines the interaction of state, federal, and international regimes in the regulation of the marine environment. After a brief introduction, the course looks at private rights, the public trust, and the police power in the context of state authority over
coastal lands and navigable waters. We then consider the sources of federal power over marine and maritime matters and the relationship of federal preemption of state law and federal incentives for state regulation. The course also briefly addresses the interplay between these domestic regulatory powers and applicable principles and rules of international law. These relationships will be illustrated primarily through issues raised by the marine environment as a source of energy—on the one hand, the nonrenewable resources of the seabed and, on the other hand, the winds, waves, currents, and temperatures of the sea itself.

Assignments:

August 31. Introduction: Division of Jurisdiction. RCKH 1-7, 16 (q. 2)-31, 73-92.


October 5. The Coastal Zone. Federal Interests: Coastal Zone Management Act (CZMA).

October 7. Paper topic approval deadline.

October 12. The Coastal Zone. Beach Erosion, Sea Level Rise, Climate Change: Legal and Institutional Solutions?

October 19. Offshore Waters: Who Owns the Sea?


November 2. No class—Monday Schedule followed.


November 23. TBD.
November 30. Individual paper presentations.

December 7. Individual paper presentations.

December 14. First day to pick up take-home examinations.

December 22. Last day for take-home examinations to be turned in at the Registrar’s Office and for papers to be handed or e-mailed to me.

THE END