

 <p data-bbox="430 325 950 420"><b>NOVA SOUTHEASTERN UNIVERSITY</b></p> <p data-bbox="219 409 527 451"><b>Oceanographic Center</b></p>	<p data-bbox="1096 199 1323 262"><b>Course Syllabus (Summer 2015)</b></p>
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**Last Date Revised: March 6, 2015**

**I. COURSE NUMBER AND TITLE: Ocean and Coastal Law**

Course/section Number(s):

CZMT-0603-001 Coastal Zone Management electives

MCCC-5400-001 Marine and Coastal Climate Change Certificate

Days: Thursdays 6 p.m. – 7 p.m. from May 11-July 31, 2015

Building & Room: Online

**II. INSTRUCTOR:**

Prof. Brion Blackwelder

Phone: (954) 262-6135

Email: blackwelderb@nsu.law.nova.edu

Office: Room 144 of NSU Law Center (main campus)

Office Hours: most days available in afternoons - appointment preferred

**III. COURSE DESCRIPTION:**

A hodgepodge of laws and policies apply to the oceans and coasts. These govern private landowners, extractors of living and nonliving resources like fish and energy, shipping interests, conservation groups, reef and sanctuary managers, polluters, researchers, and many more. Layers of local, national, and international authorities create regulations and enforce rights and duties. Many living systems are in collapse, with social and economic consequences. Much ocean and coastal law is already a story of failure followed by restructuring. Our course describes legal mechanisms and underlying policies behind them. We look over examples of success and of failure to evaluate the approaches. From this we experience how these laws are created and revised, administered, interpreted, shaped by science, enforced, and how to locate and differentiate the legal provisions. Our task is to survey the six decades or so of law in this area. We look more closely at the main categories as they each develop thru time. Climate change law is evaluated from its origins in air pollution control law development. Fisheries are depicted by major legal controversies and revisions to law. Coastal use conflicts are examined for land and marine areas. Pollution of the oceans and coasts is evaluated for law concerning liability for spills and control of land-based sources. Topics of individual interest to students are emphasized.

**IV. COURSE LEARNING OUTCOMES\*:**

At the conclusion of this course the student will have:

- Basic understanding of principal laws addressed to ocean & coastal resources
- Appreciation of common standards for use of science & planning in legal processes e.g. precautionary principles, adaptive management
- Ability to depict & discuss legal reasoning such as the spectrum of legal tools on local / national / international ocean policy e.g. on climate change, endangered species, coastal development
- Made a study of law in higher detail in an interest area of the student e.g. coastal planning, coral reef management, renewable energy permitting at coasts
- Engaged in related critical thought e.g. how experience with one resource can apply to other ocean issues

\*These are directly related to the Program Learning Outcomes for Marine Biology, Coastal Zone Management and Marine Environmental Science.

## **V. REQUIRED TEXTS AND MATERIALS:**

None required. Weekly postings or web readings are used.

## **VI. COURSE SCHEDULE AND TOPIC OUTLINE:**

The course has a weekly one-hour (available live or via the recording) online class meeting. This takes place Thursday evenings from 6:30 p.m. to 7:30 p.m. In advance of the class meeting, a weekly reading assignment is posted. From the reading and from the class meeting, each student must post to the Discussion location an original two paragraph response, and answer a weekly quiz consisting of ten multiple choice, to reinforce the material. At the end of the course each student posts a power point going into depth on the legal aspects of a topic of high interest to the student, accompanied by a ten page double spaced narrative (keyed to the power point) discussing the slides. There is a two and a half hour Final Exam with 10 short answer (one paragraph) questions, proctored at a location convenient to the student.

### WEEKLY TOPICS

#### **WEEK ONE – A SURVEY OF THE HISTORY OF OCEAN & COASTAL LAW & THE LEGAL DIVISION OF RIGHTS & OBLIGATIONS IN UNCLOS**

*The class this week includes a Power Point about the legal divisions of oceans, principles of International Law, and an historic timeline of the development of Ocean and Coastal Law.*

#### **WEEK TWO – CLIMATE CHANGE LAW I: THE STRUCTURE OF SOLUTIONS - FROM THE CLEAN AIR ACT OF 1970 THRU THE MONTREAL PROTOCOL**

*Readings consider air quality law and impacts of climate change to the marine environment and coasts. The class includes a Power Point about the origins of climate change law. Mitigation and adaptation (prevention and coping with changes) via legal approaches are considered this week.*

#### **WEEK THREE – FISHERIES LAW I: LEGAL LESSONS FROM THE DOLPHIN-TUNA CONTROVERSY**

*The stories of regulation of fisheries and legal protection for marine mammals came together in a sequence of dramatic legal events. A class Power Point develops a time line of the main scientific and legal developments. The controversy tests the viability of international law. Legal principles of interpretation of laws and court review are explored.*

**WEEK FOUR – COASTAL USE CONTROLS I: LAND PLANNING, ZONING, & COASTAL ZONE MANAGEMENT; NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)**

*Due to the vital role of local government, the legal approaches to coastal management and major coastal projects onshore and near shore use different principles. A Power Point explains the consistency provisions of the Coastal Zone Management Act, and zoning and land planning principles arising from the Constitution, and overlay laws like the NEPA. We will analyze questions from famous cases that may apply to new proposals.*

**WEEK FIVE – POLLUTION LAW I: THE CLEAN WATER ACT & COASTAL POLLUTION CONTROL LAW**

*Readings address first “point sources” like industries and sewage plants. This part gives a detailed overview of the environmental permitting that nationally worked well. Non-point source pollution and a system called TMDL are then addressed. The Power Point explains about these and Impaired Water Bodies and the EPA Watershed Planning Program. The Power Point also details the Harmful Algal Bloom issue in Florida, especially the experience of the St. Johns River to Palm Beach County event in summer of 2007. Our goal is to appreciate this long-running legal debate since about eighty percent of ocean pollution is from non-point sources.*

**WEEK SIX – POLLUTION LAW II: OIL POLLUTION, SPILLS, SHIPS AT SEA, AND CRUISE SHIPS, EXOTIC INVASIVE MARINE ORGANISMS, MARINE NOISE, PLASTICS**

*A spectrum of legal measures about ocean pollution are covered. We re-consider the 2010 BP Deepwater Horizon spill that dramatically showed the basics of laws in action. Mainly we gather the basics of the laws about tanker spills and disposal of wastes at sea, updates on spill liability, recommendations of the Graham-Reilly report about the BP spill, the features of the Clean Water Act, cruise ship pollution, invasive organisms, marine noise, and plastics pollution.*

**WEEK SEVEN – FISHERIES LAW II: HIGHLY MIGRATORY SPECIES**

*National fisheries law, and international fisheries are taken a step further to build on the dolphin-tuna controversy discussed earlier. Power Points explain both national management and international approaches to highly migratory species, including Giant Bluefin tuna, shark finning, and use of closures and buoy gear proposals for swordfish.*

**WEEK EIGHT – COASTAL USE CONTROLS II: MARINE PROTECTED AREAS, CORAL REEFS, ECOSYSTEM-BASED MANAGEMENT, RENEWABLES SITING AND PERMITS**

*Ecosystem-Based Management along coasts, Comparative survey of main types of MPAs, Reef protection measures, and the Obama Administration’s initiative on Coastal and Marine Spatial Planning (CMS) are the active current agenda for coasts. Coastal permitting and siting are considered with the example of renewable energy development.*

**WEEK NINE – CLIMATE CHANGE II: SPECIAL LEGAL ISSUES: RIGHTS TO ARCTIC & ANTARCTIC, LOCAL INFRASTRUCTURE AND CODE CHANGES, FLOOD INSURANCE, SEA LEVEL RISE, BEACH LOSSES**

*Regional and global impacts that are addressed by an altered legal regime and “adaptation” in the face of climate changes are described. Emphasis is on new dynamics of regions and local situations implicated by the climate disruptions, and the “adaptive” measures law must undertake at many levels.*

**WEEK TEN – CLIMATE CHANGE LAW III: CLIMATE CHANGE LAW AND NATIONAL RESPONSES**

*On March 29, 2010 EPA announced regulations for Greenhouse Gas Emissions from Stationary Sources (like smokestacks of factories) and from Motor Vehicles. The sequence from the Massachusetts v. EPA decision to what EPA is attempting, and current activities is considered. The Power Point traces the sequence from the UNFCCC and Kyoto Protocol to the Mass. v. EPA decision and the various options from cap-and-trade to feed-in tariffs and renewable portfolio standards. Assessing the effectiveness and status of the options for this “mitigation” activity is the goal.*

**WEEK ELEVEN – INDIVIDUAL TOPICS ARE TO BE SENT IN BY JULY 23.**

**EXAM AVAILABLE JULY 25 THRU JULY 30, 2015 (TWO AND A HALF HOURS ALLOWED)**

Note: This is a tentative schedule that may be changed. Students will be provided a minimum one week advance notice of any change when possible.

## **VII. GRADING CRITERIA**

- **20 % ten weekly multiple choice quizzes**
- **20 % ten weekly discussions**
- **40 % student power points with written narrations**
- **20 % final exam (proctored)**

## **VII. COURSE REQUIREMENTS AND POLICIES:**

### **ATTENDANCE**

As a requirement for accreditation, regular attendance is necessary. Each professor has the responsibility to enforce class attendance. To fulfill this requirement, students must have logged in, accessed, and/or interacted with the majority of online course requirements (e.g. assignment submissions, asynchronous discussion) by the first week of the session or they may be withdrawn from the course by the instructor through the Program Office. For this reason, if students anticipate or encounter any reason why they may be unable to engage with their online coursework for an extended period during a term, they must communicate this to their instructor and the Program Office as soon as possible. Students do have the option of requesting an Incomplete; if this is granted by their instructor, they then have 3-months from the end of the term date to submit the required course work as decided with the instructor. An incomplete grade agreement form must be

completed and filed with the distance education office. An instructor reserves the right to request original written documentation to substantiate any such absences. A falsified excuse is cause for disciplinary action. An Incomplete course graded I must be completed in one semester or the grade is changed to F. All students are referred to the section

3.5.2. of the Oceanographic Center catalog (<http://nova.edu/ocean/forms/nsuoc-2014-2015-catalog.pdf>) for details on course withdrawals and refunds.

## ACADEMIC HONESTY

In order to ensure the highest standards of academic honesty and ethical behavior, the NSU policies on cheating and plagiarism will be strictly enforced. See the NSU Student Handbook for more information at <http://www.nova.edu/cwis/studentaffairs/forms/ustudenthandbook.pdf>. I am empowered by the policy to penalize a student suspected of academic dishonesty, plagiarism, or otherwise misrepresenting work and I will do so and report that student to the Dean of the OC. Nova Southeastern University has contracted with **turnitin.com** to provide plagiarism detection services, and I will submit any suspicious documents to this service.

The use of cell phones, or any other electronic devices not specifically allowed by me, during an exam is not permitted. The use of such devices for any reason will be assumed to be for the purposes of cheating and will result in your dismissal from class and administrative action up to permanent expulsion from all NSUOC programs. If you need the phone for emergency notifications, or the like, leave the phone with me or the proctor at the start of class. You will be immediately notified if there is an incoming call.

## EXPECTATIONS

You can expect that I will arrive on time for lectures and be well prepared. You can expect that I will be clear about my expectations and the criteria I use in assigning grades and that I will be fair and equitable. I will treat everyone in the class with consideration and respect.

I expect you to come to class, arrive on time, and be prepared for lecture and lab. I expect you to turn off your cell phones, pagers, and hand-held electronic devices as a gesture of reciprocal respect. If you bring a computer to class, I expect you to use it to take notes and record classroom information. I expect you to stay awake, take notes, participate in discussions and ask questions. I expect you to turn in your assignments on time and in good condition.

## X: UNIVERSITY-WIDE POLICY STATEMENTS

**A. Academic Misconduct:** Academic misconduct appears in a variety of forms (including plagiarism). It is a violation of NSU academic policy and may be punished in a variety of ways, from failing the assignment and/or the entire course to academic probation, suspension or expulsion. If you have questions about what constitutes academic misconduct before handing in an assignment, see your instructor or the NSU Student Handbook at <http://www.nova.edu/cwis/studentaffairs/forms/ustudenthandbook.pdf>.

**B. ADA Policy:** Nova Southeastern University provides accommodations for students with documented disabilities. If you have a disability for which you believe you require accommodation, please contact Academic Services (<http://www.nova.edu/disabilityservices/>, 954-262-7189).

**C. Last Day to Withdraw:** Due to the compressed nature of this course you will be able to obtain a full refund of your tuition up to only July 1, 2015. There will be no refund after that date. None of the lab fee is refundable; however you will own the airline ticket that was purchased for you. It is your responsibility to formally withdraw by completing the appropriate forms to obtain a refund (<http://www.nova.edu/ocean/coursepolicy.html>). A request for tuition refund must be made in writing at the time of withdrawal. Refunds will be made solely at the option of the university and will be based on the legitimacy of the reason for withdrawal. Should you fail to appropriately withdraw from this course, and then earn a grade below your expectations, I will do what I can to see that the grade is reported on your transcript. I will NOT backdate paperwork so that you can avoid earning a grade lower than you like.

**D. Email Policy:** All email communications between students and faculty must be conducted via NSU email accounts (<http://www.nova.edu/common-lib/policies/emailcomm.policy.html>). This requirement will assist NSU in communicating more effectively and protecting your privacy. Emails sent to faculty from non-NSU accounts will be returned to the sender with instructions to resend the communication from your NSU account. To set up an NSU email account or to get help with an existing account, go to [https://www.nova.edu/sbin/account\\_request](https://www.nova.edu/sbin/account_request). Also, the computer help desk is available to assist you with questions regarding your NSU email account. It can be reached at 954-262-HELP (4357).

**E. Student Course Evaluations:** Student comment and feedback evaluating each college class is an important tool to evaluate program effectiveness. Participation in this process is a responsibility of each student.

## **F. Grading System**

The following system is used to grade academic performance:

<b>GRADE</b>	<b>DESCRIPTION</b>
<b>A</b>	Excellent
<b>B</b>	Satisfactory
<b>C</b>	Marginal Pass
<b>D</b>	Poor
<b>F</b>	Failure
<b>W</b>	Withdrawal: Given after the third class week or termination by the instructor for non-completion of the course by the student.
<b>I</b>	Incomplete: Given when most (80 percent), but not all, work has been completed.
<b>Au</b>	Audit
<b>P</b>	Pass

Professors may use + or – in grading. **However, the grading scale ranges from A to D-, no A+ or F+ are awarded.** A grade of incomplete (I) must be requested from the instructor, have the Associate Dean’s approval, and be

accompanied by a **completed contract specifying outstanding course requirements and completion dates**. Completion of the course graded incomplete must occur within one semester (or 3 months) of the end of the course and the incomplete be changed to a different grade. If the course is not completed in 3 months, or the student has not withdrawn and received a W, the incomplete will automatically be converted to a grade of F. Under unusual circumstances students may request a time-extension to complete the course. Such requests must be submitted to, and approved by, the Associate Dean of Academic Programs prior to the end of the 3-month time limit. **There are no exceptions to this rule. Securing the completed and signed incomplete contract forms is the responsibility of the student.**