

Office: TUII-120  
Email: rbhudson@central.uh.edu  
Phone: (281) 713-0222 (cell)  
Best way to contact me: **email**

**OFFICE HOURS:** available by appointment (Mondays are best)

## **OVERVIEW AND GOALS OF THE COURSE**

Natural Resources Law is increasingly moving to the forefront of legal and political debates. Global overfishing concerns, the role of forests in addressing climate change, the scarcity of water worldwide, the development of traditional and alternative energy sources, and the pressures placed on biodiversity by development and increasing populations—among other issues—make it an exciting time to explore natural resource issues. The goal of this course is to examine both legal frameworks and resultant policy debates surrounding natural resources management, and to discuss ways in which law and policy should be preserved—or changed—in order to facilitate proper management of natural resources both in the United States and worldwide. In doing so, we will see that there is no single answer for how to manage natural resources. What is “natural” is not always clear, nor is the concept of “resource use.” As such, decision-making in natural resources law is often as much “problem-solving focused” as it is “legal focused.” Furthermore, some management techniques are appropriate for some resources, while not for others.

We will explore these and related issues by reading thought-provoking essays and other materials on these subjects, as well as by looking at case studies aimed at exemplifying some of the primary conflicts that arise from the management of finite and limited resources for the benefit of an ever-increasing population. Furthermore, we will discuss the cross section of natural resources law and policy with many other areas of law, including environmental, administrative, property and land use, constitutional, and international law.

## **REQUIRED TEXT**

RASBAND, SALZMAN, SQUILLACE & KALEN, *Natural Resources Law and Policy* (3<sup>rd</sup> ed. Foundation Press, 2016)

I may assign PDFs of supplemental readings from time to time. These may be found under “supplemental reading materials” on TWEN. If you have trouble accessing TWEN for any reason, please let me know.

## LAPTOP/MOBILE DEVICE POLICY – \*PLEASE NOTE\*

Due to the small enrollment size of this course I do not allow laptop or mobile device (iPhone, iPad, etc.) use in the classroom. While I appreciate that this is an inconvenience to those who prefer typing their notes during class, after having taught both ways I have found that a seminar setting without the distractions created by laptops and mobile devices results in a much better learning environment.

## ATTENDANCE AND PARTICIPATION

This is a vigorous seminar that relies heavily on student participation and attendance is mandatory. Students missing **4 or more** classes may be penalized up to one full grade point. Sick days, etc. **must** be utilized out of **this** allotment. In accord with ABA rules, students missing **6 or more** classes may not be permitted to complete the course. Moreover, quality of attendance—including class participation—will be evaluated (see below) and students should be prepared to meet this requirement. To adequately meet this requirement, students should miss as few classes as possible, if any at all.

Class participation and preparation are required. All students are encouraged to volunteer comments and questions. I expect you to complete the assigned readings and that you are prepared to participate. Participation and preparation are not based upon *quantity* of comments, but rather *quality*. General level of interest demonstrated outside the classroom can count toward your participation score. Participation will make up **25%** of your final grade.

Beginning with **class 1**, and continuing through the remainder of the reading assignments, class participants are required to submit **1** short (150-250 word each) question/observation elicited by any assigned reading materials, along with explanation of why you think it an interesting or significant question/observation. Questions are due **by 10 pm** the Monday or Wednesday night before **each class**, or earlier if you are able. Your question/observation should demonstrate sincere contemplation, rather than a hurried query. You can e-mail them to me at **[rbudson@central.uh.edu](mailto:rbudson@central.uh.edu)**. Please type/paste your questions/observations **directly into the body of the email**. Questions are factored into your class participation grade, which as noted, will make up 25% of the final grade. No credit will be given for late reading responses. **Please note** that the readings in the course are frontloaded, and reading assignments (and question/observation assignments) only occur during the first 2/3 of the course.

## PAPER AND PRESENTATION

Each student will be required to produce one original research paper of publishable quality on a topic of special interest to you. We will have an ongoing writing process throughout the semester in order for you to receive as much feedback as possible prior to the submission of your final draft. I will work with you throughout the process to help you write an excellent paper, culminating in a presentation at the end of the semester where the class and I will provide constructive feedback. We will also pair students for a peer-review editing process, so that you can get feedback on your draft from a classmate.

My first publication came from a Natural Resources Law & Policy seminar paper. Learning this process is an important skill to acquire to further your career, whether you are working in public or private legal practice, as in-house counsel or in many other areas of law,

policy, or resource management. The paper must be at least 7,500 words, including footnotes (which will count as a bibliography). More detailed information on the requirements for the paper will be provided once the semester is underway. In addition, each student must prepare a 15-20-minute presentation based on the paper topic chosen. The presentation will be an opportunity to preview the thesis to the class, and the student is encouraged to make use of this process in (re-)drafting the paper.

## **GRADING**

The grade in the course will be based on three items: participation, the paper, and the presentation. As noted, participation—including weekly questions elicited by the readings—will constitute 25% of the final grade. The presentation will be evaluated on a (√), (√-), or (√+) basis, and will be applied to the paper grade after the student paper has been evaluated. For most presentations a (√) will be appropriate, and the student's paper grade will not be affected. An unusually strong presentation will receive a (√+), which will serve to raise the paper grade one notch (thus a B+ becomes an A-), and an unusually deficient presentation will receive a (√-), lowering the paper grade one notch (thus an A- would become a B+). Each presentation will be evaluated on its organization, clarity, overall quality, the preparation it reflects, and the extent to which it generates interaction and discussion among the students.

## **CLASS RESCHEDULING**

It is possible that I may need to cancel classes for professional or personal reasons. If I anticipate the need to cancel classes, I will either arrange a guest speaker, arrange make-up classes to cover the affected dates, or allow you to utilize the class period to perform research for your paper. I will do my best to ensure that make-up classes do not conflict with any of your other classes. For anyone unable to attend a make-up class and with an unusual situation preventing attendance, please let me know and we will address it.

## **REQUIRED READINGS**

Rather than attempt to plan the day-to-day discussions months in advance, I will post assignment sheets on TWEN in two week intervals in order to maintain flexibility in our approach (under “assignment sheets” on TWEN). You should receive each new assignment sheet on the Friday prior to that assignment. This will allow you plenty of time to read the Tuesday assignment before class on that day. There is a fair amount of reading, though much of it is less densely-packed than the usual legal reading. In addition, the reading will lighten significantly as we near the last month of the semester, as we will spend more time on your papers and presentations.

Over the course of this semester, we will endeavor to read RASBAND, SALZMAN, SQUILLACE, AND KALEN chapters 1-2, 4-5, and 7, although skipping portions of certain chapters. We will try to cover between 25 and 35 pages of text in each class. The chart below represents what we will cover, but this is only meant as a general guideline for what we will attempt to accomplish this semester. We may not cover every topic listed below, and I may change the assignments or even dispense with entire topics if necessary. Also, I may add reading materials, although you will be given plenty of time to read these in advance.

## COUNSELING AND PSYCHOLOGICAL SERVICES

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS ([www.uh.edu/caps](http://www.uh.edu/caps)) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. [http://www.uh.edu/caps/outreach/lets\\_talk.html](http://www.uh.edu/caps/outreach/lets_talk.html).

### **CHAPTER 1: THINKING ABOUT NATURAL RESOURCES**

What is a Natural Resource?

Why Are Natural Resources Difficult to Manage?

Tragedy of the Commons

Tools for Managing Natural Resources—“The Five P’s”

### **CHAPTER 2: THE HISTORICAL AND CONSTITUTIONAL GEOGRAPHY OF NATURAL RESOURCES LAW**

The Public Trust Doctrine

Federal Constitutional Authority Over Natural Resource Management

The Takings Clause

### **CHAPTER 4: WILDLIFE AND BIODIVERSITY**

Biodiversity

Managing the Wildlife Commons

The Endangered Species Act

### **CHAPTER 5: LIVING MARINE RESOURCES**

Fisheries Management

Marine Mammals

### **CHAPTER 7: WATER**

Understanding the Water Resource

The Law of Water Allocation

Groundwater