

Texas Coastal & Ocean Law (Spring 2020)
3 credit hours
Mon. & Weds., 7:30 – 9:00 pm
3BLB

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Environmental Law is NOT a prerequisite for this class. There is no casebook; instead readings will be posted each week.

Exam: Time-limited take-home exam and you can use any materials or research sources you want. You may schedule this time period as best suits your other commitments, but it must be completed before the last day of the regular exam period. The exam will consist of several questions, of varying length and complexity. I will indicate the points available for each question, and the number of pages you have to fit your answer into. The exam will cover issue-spotting, policy questions and the substantive laws that we covered in class. We will discuss more details about the exam later in the semester.

Grading: Based on the final exam, but I may adjust your final grade by one grade point based on class participation (e.g. from a B to B+). Grades must comply with the ULHC policy (i.e. the ‘curve’ applies, although it’s actually an average, not a curve).

Classes: I will attempt to keep my work schedule free, but situations may arise that require me to be absent (either due to work, weather, etc.). I will let you know about any cancelled classes as early as possible. If a class is cancelled, I will discuss with you how we will make up the lost time. I will keep track of actual teaching time whenever class runs a few minutes over, and it’s likely we’ll gain enough time to avoid having to schedule additional make-up classes. You must attend 80% of the classes, and I am obligated to keep track of attendance. I will contact you if your attendance becomes a concern to me. Laptops may be used during class but for note-taking and class purposes only.

Class Preparation: I expect you to have completed the reading assigned for each class, and to be prepared to make *meaningful contributions* to the discussions. To facilitate class discussions, I may ask open questions to the class, and call on you individually. Failure to be prepared in more than two classes may count against your final grade. Reading assignments will be posted on a class website. I may use powerpoints during class, and when I do, I will make them available to you. However, powerpoints will be used as an aide to the materials taught, and will not contain all the information covered in class.

Office Hours: I will make myself available after each class should you have any questions. I will also be available by appointment, contact me by email or phone. If you have any concerns about the class, the materials we cover or anything else, please let me know so I can address your concerns.



This course explores laws and policies that affect decisions on United States ocean and coastal resources, with particular emphasis on Texas. The coastal zone is at the same time a very sensitive area, a very useful area, and an economically important area. We will examine statutes, regulations, attitudes, and cases that shape how the federal government and the State use, manage, and protect the coasts and oceans. We cover government and private approaches to coastal and ocean resources, including beaches, wetlands, estuaries, reefs, fisheries, endangered species, and special areas. Specific statutes of importance are the federal Coastal Zone Management Act, and the Texas Coastal Coordination Act, Coastal Management Plan, and Open Beaches Act. Many other environmental laws and issues come into play in the coastal zone, including NEPA, CWA, ESA, APA, flooding, the role of permitting, energy production, water rights, sea level rise, zoning, and these all operate on local, state and federal levels, both private and governmental. The course will emphasize the practical application of these laws and policies and we will be discussing actual cases and examples from around Texas.

1. Introduction (logistics, reading materials, class participation, exam and grading)
2. The Texas Gulf Coast (a tour of places and issues)
3. Geography of the Dynamic Texas Coastline
4. Overview
 - a. What is the 'coastal zone'?
 - b. Major issues in the coastal zone
 - c. Summary of applicable laws
5. Constitutional Doctrines and Public/Private Rights in the Coastal Zone
6. Public Access to Beaches and the Texas Open Beaches Act
7. The Federal Coastal Zone Management Act
 - a. CMP approval process
 - b. Federal consistency
 - c. State Consistency
8. State Laws and the Texas Coastal Management Plan
 - a. Coastal Coordination Act
 - b. Dune Protection Act
 - c. Texas water rights law, instream flows and maintaining healthy bays
9. Climate change, hurricane risk, flooding and coastal defenses
10. Energy Policy in the Coastal Zone
 - a. Oil and Gas
 - b. LNG
 - c. Nuclear
 - d. Wind
11. Wetlands
12. Habitats, Wildlife and Endangered species
13. Fisheries
14. Pollution
15. The Law of the Sea and International Law

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.