

Texas Coastal & Ocean Law (Fall 2023)
3 credit hours
Tuesday & Thursday 7:30 – 9:00 pm
Room 312

Prof. Charles Irvine
Work: 713 533 1704 Cell: 713 269 9370
charles@irvineconner.com
<https://chaz.wordpress.com/>

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 only be used during class for note-taking and class purposes. Environmental Law is NOT a prerequisite for this class. There is no casebook; instead readings will be posted each week on this website: <https://chaz.wordpress.com/>

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

Mental Health and Wellness Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website: <https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Please note that the instructor may need to make modifications to the course syllabus. Notice of such changes will be announced as quickly as possible through the class website.

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Generated Text

The software technology known as artificial intelligence has recently expanded its capability to generate text (AI Generated Text). Examples of the technology include what are known as "generative" large language models (LLMs), and a specific implementation what is well known in the general public is ChatGPT. These systems can generate text in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Text, appears to have human-mimicking "intelligence" and is thus potentially usable as a substitute for written work product one might generate themselves. AI Generated Text can include computer code or programs as well as human language content.

Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to not prompt, generate, obtain, read, or use any AI Generated Text in relation to any activity or assessment in this course. This applies to AI Generated Text from yourself or others. This pledge includes that your assessment work product in the course is without any contribution from AI Generated Text. This specifically extends to the plagiarism policy and unauthorized aid/materials parts of the Honor Code: AI Generated Text will be treated as from another/other in applying the plagiarism policy to this course. The term "assessment" means any work product generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Text may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a "take-home" final examination.

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.