

FOR 489/689: Natural Resource Law and Policy

Syllabus – Spring 2016

INSTRUCTOR: Dr. Robert W. Malmshaimer
Office: 305 Bray Hall Mailbox: 320 Bray Hall
Email: rwmalmsh@esf.edu Phone: 470-6909

TEACHING ASSISTANT: Holly Granat
Office: 411 Bray Hall Mailbox: 303 Bray Hall
Email: nhenger@syr.edu Office Hours: TBA

CLASS TIME AND LOCATION: 8:00 to 9:20 Tuesdays and Thursdays in 148 Baker Hall.

OFFICE HOURS: 12:45 – 2:00 Tuesdays and Thursdays and by appointment.

COURSE DESCRIPTION: This course examines the law governing the management of natural resources. We analyze the history and constitutional basis of natural resources law, wildlife and biodiversity law, marine fisheries law, protected lands law, water law, minerals law, and forest law.

MAJOR CONCEPTS OR METHODOLOGIES: This course uses lectures, classroom discussions of readings, and assignments to teach students:

1. Natural resources law, including: the history and constitutional basis of natural resources law, wildlife law, marine fisheries law, water law, and minerals law.
2. Natural resources laws' effect on administrative agencies, and private and nongovernmental natural resources management organizations and landowners.
3. Reading and analyzing legal cases to find legal principles.

COURSE OBJECTIVES: After completing this course, students will be able to:

1. Explain how laws govern the use of natural resources and natural resources management,
2. Recognize the structure of a legal case and analyze cases to find legal principles, and
3. Engage in Socratic dialogues with professors.

PREREQUISITES: The course requires: 1) junior or senior undergraduate status, or 2) graduate or law student status. If students have questions about their ability to complete the course goals and objectives successfully, they should see Dr. Malmshaimer.

REQUIRED TEXTBOOK: Rasband, J., J. Salzman, and M. Squillace. 2009. *Natural Resources Law and Policy*. 2nd edition. Foundation Press.

E-MAIL REQUIREMENT: All students are required to have a .syr.edu e-mail account and to check their .syr.edu e-mail account *regularly* for class announcements. Dr. Malmshaimer does not use Blackboard for communicating with students or any other purpose.

GRADES:

Undergraduate Student Grades will be calculated based upon on the following:

1. Three examinations (250 total points)
2. Attendance (25 points).

Graduate Student Grades will be calculated based upon on:

1. Three examinations (300 total points).

Students will receive a letter grade based on their percentage of the total possible points:

A = 93% or greater B+ = 89.9% – 87.0% C+ = 79.9% – 77.0% D = 69.9% – 65.0%
A- = 92.9% – 90.0% B = 86.9% – 83.0% C = 76.9% – 73.0% F = 64.9% or less
B- = 82.9% – 80.0% C- = 72.9% – 70.0%

No portion of students' grades are based on class participation.

Except as noted below (see "Extra Credit"), students will receive the grade they earn based on the course requirements. I will not adjust grades or provide students with "additional assignments" to raise their grade.

Examinations (250 or 300 total points): There are three (3) examinations during the course of the semester.

Each examination is worth 100 points and consists of short answer, multiple choice, and true/false questions that assess students' knowledge of class materials.

- **Undergraduates' Lowest Examination Worth One-Half Other Two Examinations.**

Undergraduate students' lowest examination grade will be worth one-half (1/2) of their examination grades on their other two (2) examinations. This grade will be calculated by dividing the lowest examination by one-half (1/2) of students' grade; thus undergraduate students' final course grade will be based on 250 points.

- **No Final Examination.** There is no final examination during Final Examination Week; the last examination is non-cumulative.

- **Graduate Student Examinations.** Graduate students are expected to more completely understand course concepts, so graduate students answer additional questions on examinations.

Attendance (Undergraduate Students ONLY – 25 Points): Undergraduate students are required to attend

class every day – graduate students are expected to be in class everyday. To encourage undergraduate student attendance, 9 percent of undergraduate students' grades are based on attendance. Attendance grades will be assigned as follows:

- Students who miss zero (0) or one (1) classes will receive twenty-five (25) attendance points;
- Students who miss two (2) classes will receive twenty-two and one-half (22.5) attendance points;
- Students who miss three (3) classes will receive twenty (20) attendance points;
- Students who miss four (4) classes will receive seventeen and one-half (17.5) attendance points;
- Students who miss five (5) classes receive fifteen (15) attendance points;
- Students who miss six (6) classes receive ten (10) attendance points;
- Students who miss seven (7) classes receive five (5) attendance points;
- Students who miss eight (8) to nine (9) classes will receive zero (0) attendance points; and
- Students who miss ten (10) or more classes will receive zero (0) attendance points **and** lose twenty-five (25) points from their total course grade.

b. Students who miss class for an approved reason will be excused from class. To be officially excused from class, students **must**: 1) miss class because of illness, attendance at a professional conference, death in their family, or a professor-approved reason, and 2) **email Ms. Granat** the reason for their excused absence within seven (7) days of missing class.

Extra Credit (0-5 Points): Student feedback greatly improves my teaching and the class. Unfortunately since ESF instituted an on-line course evaluation, the percentage of students completing these evaluations is extremely low (15-40%) for most courses. To encourage student evaluations of the course, I will add points to students' *total points for the course* (not course average) based on the percentage of students who complete the course online course evaluations by the assigned due date – note percentages are based on the total number of undergraduate and graduate students in the course. Extra credit will be assigned as follows:

- If 75% to 80% of the students complete evaluations, students will receive one (1) extra point;
- If 80% to 85% of the students complete evaluations, students will receive two (2) extra points;
- If 85% to 90% of the students complete evaluations, students will receive four (4) extra points;
- If 90% to 95% of the students complete evaluations, students will receive six (6) extra points; and
- If 95% to 100% of the students complete evaluations, students will receive eight (8) extra points.

ACADEMIC DISHONESTY: I assume that as juniors, seniors, and graduate students, you understand that academic dishonesty is a breach of trust between a student, one's fellow students, or the professor. By registering for courses at ESF, you acknowledge your awareness of the ESF Code of Student Conduct (<http://www.esf.edu/students/handbook/StudentHB.05.pdf>) and that academic dishonesty includes, but is not limited to, plagiarism and cheating, and other forms of academic misconduct. The Academic Integrity Handbook contains further information and guidance (<http://www.esf.edu/students/integrity/>). Infractions of the academic integrity code may lead to academic penalties as per the ESF Grading Policy (<http://www.esf.edu/provost/policies/documents/GradingPolicy.11.12.2013.pdf>). If you have questions about this policy, please ask the professor because the ESF Code of Student Conduct will be *strictly* enforced.

CLASSROOM LEARNING ENVIRONMENT: To maintain the best possible environment for learning, all students in this class **will**:

- Be on time for class and not leave early,
- Not have conversations among themselves during class that distract other students or the instructor,
- Not read the newspaper or other non-classroom materials (*including email or internet content*) during class,
- Turn off all cell phones before entering the class, and
- Not taunt or belittle other students or use vulgarity or profanity in class.

Students who violate these standards will be given one warning. Another violation of these rules will result in the student being dropped from the class *and* being reported to the ESF Office of Student Affairs for disciplinary action.

CLASS TAPE RECORDING POLICY: Students are prohibited from recording classes.

INTERNET USE IN THE CLASSROOM POLICY: Unless approved by the Professor, students are prohibited from accessing the Internet during class.

ACCOMMODATIONS FOR STUDENTS WITH LEARNING AND PHYSICAL DISABILITIES: SUNY-ESF works with the Office of Disability Services (ODS) at Syracuse University, who is responsible for coordinating disability-related accommodations. Students can contact ODS (804 University Avenue, Room 309, 315/443-4498) to schedule an appointment and discuss their needs and the process for requesting accommodations. Students may also contact the ESF Office of Student Affairs (110 Bray Hall, 315/470-6660) for assistance with the process. To learn more about ODS, visit <http://disabilityservices.syr.edu>. Authorized accommodation forms must be in the professor's possession one week prior to any anticipated accommodation. Since accommodations may require early planning and are not provided retroactively, please contact ODS as soon as possible.

**FOR 489/689: Natural Resources Law and Policy
Spring 2016 Course Schedule**

Date	Topic	Readings
1/19	Course Introduction & History of Public Lands	Skim 80-88, 94-101, 115-128, 129-133, 139-141
1/21	The Legal System and Reading Cases	Skim 146-162
<i>Constitutional Basis for Natural Resources Law and Wildlife Law</i>		
1/26	Constitutional Foundation: The Property Clause	Read 146-162
1/28	Constitutional Foundation: Commerce Clause	Read 162-174
2/2	Wildlife I: Wildlife Laws & ESA Listing	Skim 320-342; Read 342-352
2/4	Wildlife II: ESA Listing and Conservation	Read 354-369
2/9	Wildlife III: ESA Conservation	Read 369-381
2/11	Wildlife IV: ESA Prohibited Takes	Read 384-405
2/16	Wildlife V: ESA Prohibited Takes & Vicarious Takes	Read 405-417
2/18	Wildlife VI: ESA Incentives and Exam Review	Read 417-426
2/23	Examination I	
<i>Salt Water Fisheries and Water Rights</i>		
2/25	Marine I: Fisheries	Skim 441-466; Read 466-489
3/1	Marine II: Marine Mammals	Read 528-543, 549-557
3/3	Water I: Riparian Rights	Skim 739-758; Read 758-769
3/8	Water II: Prior Appropriation	Read 777-784, 790-797
3/10	Water III: Water Federalism	Read 825-848
3/15	No Class – Spring Break	
3/17	No Class – Spring Break	
3/22	Water IV: Ground Water	Read 810-825
3/24	Water V: Wetlands	Read 851-870
3/29	Examination II	
3/31	<i>No Class</i>	
<i>Mineral Rights</i>		
4/5	Minerals I: Leasing Options on Private Lands	Skim 1021-1043; Read 1043-1055
4/7	Minerals II: Oil and Gas on Private Lands	Sylvester and Malmshemer (2015) – <i>Handout</i>
4/12	<i>No Class</i>	
4/14	Minerals III: Oil and Gas on Private Lands	
4/19	Minerals IV: Oil and Gas on Private Lands	
4/21	Minerals V: Hardrock Mining on Public Lands	Read 1076-1095
4/26	Minerals VI: Hardrock Mining on Public Lands	Read 1097-1098, 1102, 1103-1104, 1111, 1119-1120, 1122, 1135-1136, 1139-1141
4/28	Minerals VII: Softrock Mining on Public Lands & Course Conclusion	Read 1146-1168
5/3	Examination III	