Natural Resources Law  
(LAW 651)  

Spring 2016  

Professor Grindstaff  

Course Syllabus  

Description  

This course, Natural Resources Law, will explore the primary aspects of the law pertaining to natural resources, including basic legal concepts and frameworks in land, rangelands, timber, hardrock minerals, oil and gas, water, wildlife, and recreation. It will be presented as an introductory course that explores both traditional concepts and modern developments in the field. It will also explore private rights and government regulation of various natural resources, as well as other current developments and considerations in this important area of the law.

The course is taught entirely online, reflecting how technology and electronic communications play an integral role in such specialized areas of law practice.

Course Objectives  

At the end of this course, students will be able to:  

- Discern the role of an attorney in today's world of natural resource transactions, including structural roles of attorneys vs. other professionals, their critical role in crafting legally meaningful yet understandable advice for clients, and how attorneys balance roles in transactional, administrative and litigation roles  
- Know the legal origins of both private and governmental frameworks for natural resources, ownership, and regulation.  
- Identify the core legal concepts and history of resource development across the nation  
- Learn how the astute attorney can help clients wade through the patchwork of local, state, and federal laws and regulations pertaining to various resources and land management frameworks  
- Identify and recite the key jurisdictional differences on each resource studied in the course  
- Recite key challenges on modern natural resource law, and reflect on current events including property rights, energy and other emerging challenges in Illinois and other jurisdictions of note.

Required Texts  

Laitos, Zellmer & Wood, Natural Resources Law (2nd ed. 2012)
Format
This course is an asynchronous distance education course. All instruction and course materials are delivered online via Desire 2 Learn (“D2L”). To access D2L, go to https://online.siu.edu. If you need assistance accessing D2L, please call (618) 453-1024 or email mycourse@siu.edu.

The benefits of this course are that it offers flexibility and autonomy to students, mimicking law practice. However, these benefits make it easy for a student to fall behind. It, therefore, is important to stay organized and keep on schedule with the readings and assignments. You should expect to spend at least the same amount of time you would on any other three-credit course.

Weekly Exercises
Each week you may be assigned exercises from the Laitos text. You should take these exercises seriously and answer them thoughtfully and thoroughly. After the due date for each of these exercises, I either will provide feedback for students via D2L or post a sample answer on D2L under the “Weekly Exercises” folder.

In addition to practicing the concepts you learn, these exercises count toward your grade for the course. Each week’s exercises are worth three points: (i) one point for submitting all of the assigned exercises, (ii) one point for submitting exercises that follow the directions and are free of typographical and grammatical errors, and (iii) one point for accuracy and the use and understanding of relevant concepts and terminology.

Unless otherwise noted each week, these exercises are due by Sunday, 11:59 p.m. Central Time, the week they are assigned. In order to receive credit for these exercises, you must submit them in the designated D2L Dropbox each week. DO NOT e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox.

I will not accept exercises submitted after the deadline. In the event that a D2L outage prevents a timely Dropbox submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

Discussion Board Posts
Periodically during the semester, you must create a thread to a discussion board. Not only must you create your own thread within the discussion board topic, you also must comment on at least one of your classmate’s threads in a meaningful and respectful manner.

Unless otherwise noted, each discussion board assignment is worth 3 points: (i) one point for submitting a thread that follows directions, (ii) one point for responding to posts of at least one of your classmates, and (iii) one point for a thoughtful post and response.

Drafting Assignments
You will complete one drafting assignment comprised of exercises that are assigned via D2L about mid-semester. Given the flexibility this class provides, there are no exceptions to this due date (not even for interviews, illness, or technical issues). I reserve the right to either refuse to accept a late exercise or to deduct points for a late or non-conforming exercise. In order to receive a grade for these exercises, you must submit them in the designated D2L Dropbox. **DO NOT** e-mail these exercises to me. You will receive no credit if you do not submit the exercises using the Dropbox. In the event that a D2L outage prevents a timely submission, please contact me immediately via email. Once you receive an email that D2L has been restored, you must submit your assignment within four hours.

**Calculation of Grade**

<table>
<thead>
<tr>
<th>Weekly Exercises</th>
<th>15%</th>
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<tbody>
<tr>
<td>Discussion Board Posts</td>
<td>15%</td>
</tr>
<tr>
<td>Exercise 1</td>
<td>10%</td>
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<tr>
<td>Final Examination</td>
<td>60%</td>
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**Workload Expectations**

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310 (b)(1), these formulas for this three hour course equate to basically three hours of class/faculty instruction and 6 hours of out-of-class student work per week or an equivalent amount of work over a different amount of time. All told, applying the ABA standard to this class, you should plan on spending a total of roughly 9 hours a week on course-related work.

**Honor Code and Recording of Classes**

The Honor Code requires that all students submit their own individual work. Plagiarism, or the submission of someone else's work as your own, is unethical and is in violation of the Honor Code. Moreover, **all work done by you for this class, whether graded or ungraded and whether written or oral, may not be reviewed by anyone**, not even for typographical errors, grammatical errors, or for clarity. Furthermore, **you may not discuss any assignment, graded or ungraded, with anyone except me**. Unauthorized recording of any kind with equipment or devices other than authorized viewing of recorded lectures is prohibited. Any unauthorized creation of a recording or distribution of it is considered a violation of the Honor Code for this course.

**Netiquette Rules**

Netiquette refers to acting in a respectful and professional manner while interacting with your professor and classmates online. Keep the following rules in mind during this course:

- This course is more than learning facts; you are preparing for a career. You are learning to interact with classmates as you would in your future professional life.
- Everyone is entitled to have an opinion. In discussion forums, everyone is encouraged to share them in a polite and respectful manner.
- People have the right to disagree. However, disagreement should never be personal
• Review your posts before you publish them, and reread them for unintended meanings.
• Cultural influences can influence communication in terms of phrasing and word choice. The lack of visual and auditory clues may affect meaning, as well. Before jumping to conclusions, ask for clarification.
• Respond honestly but thoughtfully and respectfully, using language which others will not consider foul or abusive.
• Always sign your name to any contribution.
• Respect your own privacy and the privacy of others by not revealing information which you deem private or which you feel might embarrass you or others.
• Be constructive in your responses to your classmates.

If you experience any questionable or outright inappropriate behavior from a classmate, please let me know immediately. I have the sole discretion to deduct points or remove a student from the course for conduct or communications violating these rules.

**Contact Information**
Shawn Grindstaff
Adjunct Professor of Law
sgrindstaff@siu.edu (USE THIS)
(618) 616-1987

**Office Hours**

Given the online format of this course, I will not hold formal office hours during the semester. However, I will be available via D2L, the SIU e-mail and telephone as needed. I strongly encourage you to submit questions using the Discussion Board so that your fellow students may benefit from the exchange.

**Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress- physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714 or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is (618) 453-3135.

**Disability Policy**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. http://disabilityservices.siu.edu/. Upon completion of a Disability
Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Emergency Procedures:** Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety’s website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Course Schedule**

The Course Schedule is broken down by weekly readings, lectures, exercises, discussion boards, and drafting assignments. References to anything other the Laitos texts are available on the D2L course site. You are required to perform each week’s assignments, which include, but are not limited to, reading from the texts, watching a recorded lecture, or reviewing other materials posted to D2L. **Students may not distribute, post, or reproduce any material posted to D2L via any medium (email, Internet, hardcopy, or otherwise) for any purpose or reason.** Each week’s materials will post to D2L no later than the Sunday before the respective week.

**Assignments (Tentative, but assume reading, D2L discussions and an activity each week)**

- **Week 1-** Economics and Biodiversity (Sections 1,2,4,5 and 7 of Chapter 1, Ch. 2 66-70, 110-120)
- **Week 2-** Constitutional and Administrative Law Themes (Chapter 3)
- **Week 3-** NEPA and Environmental Decisionmaking (Chapter 4)
- **Week 4-** Public Lands (Chapter 5)
- **Week 5-** Tribes (Chapter 6)
- **Week 6-** Local and State Land Regulation (Chapter 7)
- **Week 7-** Federal Land Regulation (Chapter 7) and Selections on Rangeland (Chapter 8)
- **Week 8-** Timber (Chapter 9)
- **Week 9-** Minerals (Chapter 10)
- **Week 10-** Energy Law (oil and gas, coal, renewables, etc.) (Chapter 11)
- **Week 11-** Water Law (Chapter 12)
- **Week 12-** Wildlife Law, Part 1 (Chapter 13)
- **Week 13-** Wildlife Law, Part 2 (Chapter 13)
- **Week 14-** Recreation and Preservation (Chapter 14)
- **Final week-** Current Developments and Online Semester Review Class (TBA)

**Week 1-** Economics and Biodiversity (January 19-24)

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Discussion Topic for Week 1

Post a brief description of your interests, background and experience with natural resource law topics or emerging issues associated with the class. You should also tell me what you hope to learn from the course. Postings are due by noon on Sunday, January 23rd. You are not required to post comments on postings of your classmates for this week’s assignment.

Week 2- Constitutional and Administrative Law Themes (January 25-31)

Assigned reading: Laitos, see above (selections will be posted by January 22, 2016)

Discussion Topic for Week 2

Post your initial response to this week’s discussion topics by noon on Friday, January 29 by 5 p.m. Post responses to a classmate’s posting by 11:59 p.m. Sunday, Sept. 6th. Your initial postings and reply postings should display your comprehension of the subject. You are encouraged to offer comments based on your personal experiences and/or provide links or citations to law and non-law related articles or other materials.

Drop Box Assignment for Week 2- To be determined

Weeks 3 to 15- Will be posted in general by January 22nd, 2016 and weekly on the class D2L page.