

**Natural Resources Law
(LAW 651)**

**FALL 2019
Course Syllabus**

**Professor Grindstaff
sgrindstaff@siu.edu**

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, hard rock 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

Jan G. Laitos, *Natural Resources Law* (3rd ed. 2019)

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. Online lectures and other presentations are typically delivered via Echo360. More details are to come on this and any other new developments or platforms.

The benefits of this course are that it offers flexibility and autonomy to students, reflecting law practice. However, these benefits make it easy for a student to fall behind. Therefore, it’s 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 hour course.

Weekly Exercises

Each week you may be assigned exercises from or related to the Laitos text subjects. You should take these exercises seriously and answer them thoughtfully and thoroughly. After the due date for any exercises, I either will provide feedback for each student individually via D2L or post a sample answer on D2L via the available platforms. Periodically, these exercises will take the form of an ongoing simulation that generates exercises and activities.

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

These exercises are generally due by Sunday, 11:59 p.m. Central Time, the week they are assigned. Deviations from this will be posted on D2L.

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 and Weekly News Items

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.

Each discussion board assignment is worth ten points: (i) four points for submitting a thread that follows the directions, (ii) two points for responding to posts of at least one of your classmates, and (iii) four points for a reflective and thoughtful post and response.

Likely subject matter for these discussion board assignments will come from current events that directly interface with the Laitos text or our subject matter regarding natural resource jurisdictions, public policy, and the challenges of 21st century oil, gas and energy law. To this end, it is recommended that you set up Google news alerts (or some other equivalent service) to keep track of news, media accounts, blogs, and topics related to relevant subjects.

Drafting Assignments

You will complete one written assignment during this course. The Memorandum Exercise is due by Friday, October 11th, 2019 at 11:59 p.m. Central Time. This exercise will be based on a likely simulation used in class and feedback will be given.

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.

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.

If 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

Weekly Online Exercises	20%
Discussion Board Posts	20%
Memorandum Exercise	10%
Final Examination	50%

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 for 15 weeks 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. Please plan accordingly.

Honor Code

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. This can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation. The Honor Code defines plagiarism as:

Passing off another's ideas, words, or work as one's own, including written, oral, multimedia, or other work, either word for word or in substance, unless the student author credits the original author and identifies the original author's work with quotation marks, footnotes, or other appropriate designation in such a way as to make clear the true author of the work.

Unless expressly authorized by the Professor in a structured activity or simulation, **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 the Professor.**

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 (Honor Code I.E.1.g). Any live lectures that may be held at the School of Law will be handled in accordance with current school policy on recorded lectures.

When in doubt about how to proceed, ask the Professor.

Online Class Etiquette Rules

Online Class etiquette 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 your 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 with you. 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)

I will consult with students on alternative means to communicate as is necessary.

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 e-mail and telephone as needed, as well as availability via D2L to set up conversations. I strongly encourage you to submit questions using the Discussion Board so that your fellow students may benefit from the exchange.

Course Schedule

The Course Schedule is broken down by weekly readings, lectures, exercises, discussion boards, and other possible assignments. References to anything other than 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, simulation activities, discussions, watching a recorded lecture, and 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.

Online Attendance Policy

For purposes of this course, an online presence via D2L and in associated activities are mandatory every week of this course except the finals period. This means that each weekly exercise and activity must feature some interaction between the student and professor in whatever manner fits the weekly news items and task lists within D2L. A week or more of an online absence will result in a points reduction depending on the assignments. These details will be discussed by the professor in class on D2L.

**Natural Resources Law (LAW 651)
Fall 2019**

Professor Grindstaff

Course Activities

Assignments (Tentative, but assume reading, D2L discussions/activities each week)

Week 1- Seeking Context for the Course- The Big Picture

Four Troubled Eras of Natural Resources and Environmental Law (Chapter 4, 189-203)
Economics and Natural Resources Law (Chapter 1, 3-72)

Week 1- August 19th to 24th

Assigned reading: Laitos, (see above)
D2L materials and tutorials as needed

Discussion Topic for Week 1

Post a brief description (two paragraphs) 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, August 25th. You are not required to post comments on postings of your classmates for this week's assignment.

Week 2- Constitutional and Administrative Law Themes (Chapter 2, 73-116)

August 25-31

Discussion Topic for Week 2

Post your initial response to this week's discussion topics by noon on August 30th by 5 p.m. Post responses to a classmate's posting by 11:59 p.m. Sunday, September 1st. 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.

Exercise/Simulation Assignment for Week 2- To be posted on D2L Announcements

Week 3- Environmental Decision-making: NEPA (Chapter 3, 117-186)

September 1-7

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 4- Public Lands (Chapter 5, 205-249)

September 8-14

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 5- Water Law (Chapter 8, 371-393, selected mid-chapter small readings)
State Materials (posted online)
Simulation Activity

September 15-21

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 6- Water Law, Part 2 (Chapter 8, 422-457)

September 22-28

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 7- Timber (Chapter 7, 293-369)

September 29-October 5

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 8- Minerals (Chapter 9, 459-512)

October 6-12

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 9- Minerals, Part Two (Chapter 9, 512-546)

October 13-19

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 10- Energy Law (oil and gas, coal, renewables, etc.) (Chapter 10, 547-596)

October 20-26

Discussion Topics TBD via D2L

Exercise/Simulation TBD via D2L

Week 11- Energy Law, Part Two (finish up, renewables and the future) (Chapter 10, 596-619)

October 27-November 2
Discussion Topics TBD via D2L
Exercise/Simulation TBD via D2L

Week 12- Wildlife Law, Part 1 (Chapter 11, 623-669)

November 3-9
Discussion Topics TBD via D2L
Exercise/Simulation TBD via D2L

Week 13- Wildlife Law, Part 2 (Chapter 11, 669-713)

November 10-16
Discussion Topics TBD via D2L
Exercise/Simulation TBD via D2L

Week 14- Recreation and Preservation on Public Lands (Chapter 12, 715-789)

November 17-23

Final week or TBD- Online Semester Review Class (TBA and likely in person)

November 23-December 1- Thanksgiving Holiday

Reading Day- December 2, 2019

Online Final Examination- TBD within a defined time span during School of Law designated period