

## OCEAN AND COASTAL LAW - 2021

Tim Eichenberg, Sarah M. Reiter, Caroline Park, and Donald Baur  
Environmental Law Center  
Vermont Law School, Summer Session Term 1  
June 1 – June 17, 2021  
1:00 pm – 4:00 pm

### SYLLABUS

- Required Texts:** Rieser, et al, *Ocean and Coastal Law (OCL)*, West Group (5<sup>th</sup> Edition, 2020) available at bookstore;  
Supplemental Materials (SM) available at Bookstore
- Strongly Recommended:** Baur, Eichenberg, Snusz and Sutton, *Ocean and Coastal Law and Policy*, ABA (2015) available at bookstore
- Recommended Reading (RR):** On reserve in Library or URLs\*
- Office Hours:** By appointment
- Exam:** Open-book, take-home, anonymous grading, due Sunday, June 20, 3:00 pm
- Required Reading:** Advance reading and volunteers asked to present cases for first class
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### June 1-June 4/ Tim Eichenberg & Caroline Park

#### CLASS I:

**Tuesday, June 1:** **State Ownership and Control of Marine Resources and the Public Trust Doctrine**

#### Required Reading:

The Submerged Lands Act and the Tidelands Controversy – **OCL pp. 125-147**  
The Public Trust Doctrine – **OCL pp. 270-295**

**SM 00001-00005** *U.S. v. California*, 332 U.S. 19 (1947)  
**SM 00006-00013** *National Audubon Society v. Superior Court*, 33 Cal. 3d 419 (1983)  
**SM 00014-00021** *San Francisco Baykeeper v. California State Lands Commission*, California Court of Appeals (2018)

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\* RR is not necessary for the class. These materials provide additional information and legal authority for the issues discussed in the corresponding class.

**SM 00022 - 00023** *San Francisco Bay: Protections from costly disasters is being thrown away, scientists say*, Paul Rogers, April 13, 2021, San Jose Mercury News, <https://www.mercurynews.com/2021/04/13/san-francisco-bay-protection-from-future-disasters-is-being-thrown-away-scientists-say/>

**Recommended Reading:**

- RR Gary Kinder, *Ship of Gold in the Deep Blue Sea*, pp. 366-373 and Epilogue (1998)
- RR Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water*, Chapter Two, The Red Queen (1993)
- RR S. Roady, "The Public Trust Doctrine," *Ocean and Coastal Law and Policy*, Chapter 2 (2008)
- RR Susan Steimile, *Corporate Sand Mining in SF Bay Sparks 'Sand Wars,'* KPIX CBS SF Bay Area, December 3, 2018, <https://sanfrancisco.cbslocal.com/2018/12/03/corporate-sand-mining-in-sf-bay-sparks-sand-wars/>

**CLASS II:**

**Wednesday, June 2: Coastal Zone Management**

**Required Reading:**

Saving the Bay: The Nation's First Coastal Management Agency (<https://www.youtube.com/watch?v=H0sY37CUK1k> and slides)  
The Coastal Zone Management Act and Federal Consistency – **OCL pp. 391-403; 423-443**  
Implementing Coastal Management Plans: The California Coastal Act (slides)  
Providing Public Beach Access – **pp. 378-385; 259-270; 350-368**

**SM 00024-00026** Waters of the United States, 33 CFR §328.3

**SM 00027-00033** *Surfrider Foundation v. Martins Beach*, Superior Court of San Mateo County (2014)

**SM 00034-00037** *U.S. Supreme Court declines to take Martins Beach case – a win for California's landmark coastal access law*, Rosanna Xia, Los Angeles Times, October 1, 2018, <https://www.latimes.com/local/lanow/la-me-martins-beach-supreme-court-20181001-story.html>

**SM 00038-00039** *Court ruling on Martins Beach puts public access rights in doubt*, Peter Fimrite, San Francisco Chronicle, November 27, 2019, <https://www.sfchronicle.com/bayarea/article/Court-ruling-on-Martins-Beach-puts-past-public-14864593.php>

### Recommended Reading:

- RR Nadia Popovich, Livia Albeck-Ripka, and Kendra Pierre-Louis, 95 *Environmental Rules Being Rolled Back Under Trump*, "New York Times, December 21, 2019, <https://www.nytimes.com/interactive/2019/climate/trump-environment-rollbacks.html>
- RR Paul Rogers, *Trump administration gives new life to development on huge Cargill Salt property in Redwood City: EPA says Clean Water Act does not apply to Cargill Redwood City property*, <https://www.mercurynews.com/2019/03/11/san-francisco-bay-trump-administration-gives-new-life-to-development-on-huge-cargill-salt-property-in-redwood-city/>
- RR Aldo Toledo, *Cargill drops fight to build 12,000 homes on Redwood City salt ponds*, 4/15/2021, <https://www.mercurynews.com/2021/04/15/cargill-drops-fight-to-build-12000-homes-on-redwood-city-salt-ponds/>
- RR Tim Eichenberg, *The Challenges of Adapting to Climate Change in San Francisco Bay*, 19 *Hastings West Northwest J. of Env'tl. Law & Policy* 393 (2013), [https://repository.uchastings.edu/hastings\\_environmental\\_law\\_journal/vol19/iss2/18/](https://repository.uchastings.edu/hastings_environmental_law_journal/vol19/iss2/18/)
- RR K. Fletcher, "Managing Coastal Development," *Ocean and Coastal Law and Policy*, Chapter 5 (2008)
- RR O. Pilky and Young, *The Rising Sea*, Chapter 1, "Living on the Edge" (2008)

### CLASS III:

#### **Thursday, June 3: Adapting to Climate Change and Sea Level Rise**

#### **Required Reading:**

Protecting Coastal Communities from Climate Change and Sea Level Rise (slides)

Private Interests of Littoral and Riparian Landowners – **OCL pp. 303-313; 321-329**

Regulating Eroding Shorelines to Adapt to Climate Change and Sea Level Rise – **OCL pp. 443-467**

Preventing Climate Change as a Federal Public Trust Obligation – **OCL pp. 478-498**

<b>SM 00040-00051</b>	<i>Walton County v. Stop the Beach Renourishment, Inc.</i> , 998 So. 2d 1102 (2008)
<b>SM 00052-00060</b>	The National Flood Insurance Program: <i>Coalition for a Sustainable Delta v. FEMA</i> , 812 F. Supp. 2d 1089 (2011)
<b>SM 00061-00063</b>	<i>How the New Flood Insurance Reforms Make Costly Future Climate Disasters More Likely</i> , Climate Progress, Ari Phillips, March 26, 2014, <a href="http://thinkprogress.org/climate/2014/03/25/3418323/flood-insurance-program-reforms/">http://thinkprogress.org/climate/2014/03/25/3418323/flood-insurance-program-reforms/</a>
<b>SM 00064-00066</b>	<i>Court Quashes Youth Climate Change Case Against Government</i> , John Schwartz, New York Times, January 17, 2020, <a href="https://www.nytimes.com/2020/01/17/climate/juliana-climate-case.html">https://www.nytimes.com/2020/01/17/climate/juliana-climate-case.html</a>

### Recommended Reading:

- RR C. Tulou, et al “Climate Change and the Marine Environment,” *Ocean and Coastal Law and Policy*, Chapter 18 (2008)
- RR T. Eichenberg, Bothwell and Vaughn, *Climate Change and the Public Trust Doctrine: Using an Ancient Doctrine to Adapt to Rising Sea Levels in San Francisco Bay*, 3 Golden Gate University Environmental Law Journal 243-282 (2010)
- RR Jimmy Tallal, *The Broad Beach Saga Continues*, April 10, 2020, The Malibu Times, [http://www.malibutimes.com/news/article\\_d3bd180c-7afc-11ea-a02b-4342ca6cd3c9.html](http://www.malibutimes.com/news/article_d3bd180c-7afc-11ea-a02b-4342ca6cd3c9.html)
- RR Beth Daley, *House wrecked repeatedly by sea rebuilt with taxes: Multiple damage claims for coastal homes raise flood insurance questions*, New England Center for Investigative Reporting, March 9, 2014, <https://www2.bostonglobe.com/lifestyle/health-wellness/2014/03/09/sea-level-rose-government-paid-nine-flood-claims-scituate-home/P9PvgncnRm3pjdQYt8mxuK/story.html>
- RR Carolyn Lochhead, *Is rebuilding in hurricane zones wise?* San Francisco Chronicle, Jan. 8, 2013 <http://www.sfgate.com/default/article/Is-rebuilding-in-hurricane-zones-wise-4206433.php>

**CLASS IV:**  
**Friday, June 4:**

**Fisheries: U.S. Federal and International Conservation and Management**

**Required Reading:**

- SM 00067-00070** Magnuson-Stevens Fishery Conservation and Management Act and National Standard 1 Guidelines: excerpts
- SM 00071-00074** *Natural Resources Defense Council v. Daley*, 209 F.3d 747 (D.C. Cir. 2000)
- SM 00075-00077** *Flaherty v. Bryson*, 850 F.Supp.2d 38 (D.D.C. 2012)
- SM 00078-00081** *Gulf Fishermens Ass’n et al. v. National Marine Fisheries Service et al.*, 968 F.3d 454 (5<sup>th</sup> Cir. 2020)
- SM 00082-00087** Letter from State of New York regarding Petition for Rulemaking to amend the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan and its implementing regulations (March 23, 2018)
- SM 00088-00090** International Convention for the Conservation of Atlantic Tunas (ICCAT), May 14, 1966, 673 U.N.T.S. 63.
- SM 00091-00094** ICCAT Recommendation 20-06: Western Atlantic Bluefin Tuna
- SM 00095-00096** M. Godfrey, “Inadequacy of US screening system for IUU risks laid bare in trade study,” *SeafoodSource* (April 7, 2021) <<https://www.seafoodsource.com/news/environment-sustainability/inadequacy-of-us-screening-system-for-iuu-risks-laid-bare-in-trade-study>>.
- SM 00097-00102** M. Masterton & B. Sewell, “Fish Habitat – a Safety Net for Ocean Fisheries – Needs Stronger Protections,” Blog (April 12, 2021) <<https://www.nrdc.org/experts/molly-masterton/fish-habitat-safety-net-ocean-fisheries-needs-stronger-protections>>

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**June 7-10 / Donald Baur**

*NOTE: \* indicates a case for which a volunteer student presentation is requested*

**CLASS V:**

**Monday, June 7: PART I: International Authorities – Species Conservation/  
Whales and Whaling**

**Required Reading:**

- SM 00103-00113\*** *Japan Whaling Ass'n v. American Cetacean Society*, 478 U.S. 221 (1986)
- SM 00114** Letter from Department of the Interior to the President regarding Iceland and the Fisherman's Protective Act (Jan. 31, 2014)
- SM 00115-001165** "'Whale Wars' Leader: 'Arrest Me or Shut Up,'" *New York Times* (June 4, 2011)
- SM 00117** "Whale Wars – Eco-Terrorism as Reality TV", *Huffington Post* (June 5, 2009)
- SM 00118-00121\*** *Institute of Cetacean Research v. Sea Shepherd Conservation Society*, 708 F.3d 1099 (9th Cir. 2013)
- SM 00122** United Nations, Japan Declaration Under Article 36(2) Rescinding ICJ Jurisdiction (October 6, 2015)
- SM 00123** Statement by Japan's Ministry of Foreign Affairs on decision to withdraw from the IWC (December 26, 2018)
- SM 00124-00144** "In Japan's 'city of whales,' an uncertain future after last Antarctic hunt" *Washington Post*, (April 5, 2019)  
[https://www.washingtonpost.com/news/world/wp/2019/04/05/feature/japan-whaling-research-hunts-end-and-defiant-commercial-era-begins/?utm\\_term=.395fd4d216a1](https://www.washingtonpost.com/news/world/wp/2019/04/05/feature/japan-whaling-research-hunts-end-and-defiant-commercial-era-begins/?utm_term=.395fd4d216a1)
- SM 00145-00148** "Season Ends for Taiji's Dolphin Drive Hunts", The Dolphin Project, (March 1, 2021)

**Taiji Dolphin Hunt (video shown in class) - Recommended Viewing - *The Cove***

**Recommended Reading:**

- RR** *Institute of Cetacean Research v. Sea Shepherd Conservation Society*, 774 F.3d 935 (9<sup>th</sup> Cir. 2014)
- RR** P. Hoare, *The Whale: In Search of the Giants of the Sea*, Chapter 12 (2010)
- RR** R. Ellis, *The Empty Ocean*, Chapter 4 (2003)

- RR R. Gambell, “The International Whaling Commission and the Contemporary Whaling Debate,” *Conservation and Management of Marine Mammals*, Chapter 8 (1999)
- RR Whaling in the Antarctic, *Australia v. Japan*, *Int’l Court of Justice* (March 3, 2014)

**CLASS V:**

**Monday, June 7: PART II: Federal Marine and Coastal Protected Areas**

**Required Reading:**

- SM 00149-00151** J. Lubchenco, “Making Waves: The Science and Politics of Ocean Protection” (October 15, 2015)
- SM 00152-00153** “To Save Fish and Birds,” *New York Times* (February 15, 2014)
- SM 00154-00162** [Maintaining Unimpaired Ocean Resources and Experiences: A National Park Service Ocean Stewardship Strategy](#) (2004)
- SM 00163-00164\*** *United States v. Brown*, 552 F.2d 817 (8th Cir. 1977)
- SM 00165-00168** *Organized Fishermen of Florida v. Watt*, 590 F. Supp. 805 (1984), aff’d 775 F.2d 1544, 11th Cir. 1984)
- \*Marine Sanctuaries – **OCL pp. 987-993** (*Personal Watercraft Industry Association v. Department of Commerce*)
- SM 00169-00180\*** *Massachusetts Lobstermen’s Ass’n v. Ross*, 945 F.3d 535 (D.C. Cir. 2019); cert denied 592 U.S. \_\_\_\_\_ (2021) (Roberts Statement)
- SM 00181-00182** Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, Section 216 86 Fed. Reg 7619-7633 (February 1, 2021)
- SM 00183-00193** “The U.S. Commits to Tripling It’s Presidential Lands. Here’s How It Could Be Done” *National Geographic*, (January 27, 2021)

**Recommended Reading:**

- RR K. Connolly, “Marine Protected Areas,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 18 (2015)
- RR Baur, Irvin, Misenko, “Putting Protection into Marine Protected Areas,” 28 *Vt. L. Rev.* 497 (2004)
- RR R. Ellis, *The Empty Ocean*, Chapter 12 (2003)

**CLASS VI:**

**Tuesday, June 8: The Marine Mammal Protection Act**

**Required Reading:**

Background on MMPA, ESA - **OCL pp. 787-791**

- SM 00194-00206\*** *UFO Chuting of Hawaii v. Young*, 327 F. Supp. 2d 1220 (D. Hawaii 2004) The Moratorium and Take/Import Prohibitions and the Exceptions
- SM 00207-00216** *Committee for Humane Legislation v. Richardson*, 540 F.2d 1141 (D.C. Cir. 1976)
- SM 00217-00219** *Center for Biological Diversity v. National Science Foundation*, 55 ERC 1873 (N.D. Cal. 2002)
- SM 00220-00228\*** *Strong v. Secretary of Commerce*, 5 F.3d 905 (5th Cir. 1993); *United States v. Hayashi*, 5 F.3d 1278 (9th Cir. 1993)

**Keiko and the MMPA, Whale Sanctuary Project  
(videos shown in class)**

- SM 00229-00245\*** *Conservation Council for Hawaii v. NMFS*, 97 F. Supp. 3d 1210 (D. Hawaii 2015) (also discussed under Endangered Species Act on June 14)

Fisheries Incidental Take/Domestic – **OCL pp. 875-878**

Fisheries Incidental Take/Foreign – **OCL pp. 864-870**

- SM 00246-00248** Courtney Columbus, “Navy defends asking Congress for leeway to kill marine mammals” (August 22, 2018)
- SM 00249-00259\*** *Earth Island Institute v. Hogarth*, 494 F.3d 757 (9th Cir. 2007)
- SM 00260-00262** “Mexico Loses 10-Year WTO Battle Over US Tuna Labeling.” *VOA News* (December 14, 2018)

**Recommended Reading:**

- RR D. Baur, M. Gosliner, N. Young, K. Sedlacek “The Law of Marine Mammal Conservation,” *Ocean and Coastal Law and Policy*, 2d Ed, Chapter 14 (2015)
- RR R. Ellis, *The Empty Ocean*, Chapter 11 (2003)
- RR G. Meffe, W. Perrin, P. Dayton, “Marine Mammal Conservation: Guiding Principles and their Implementation,” *Conservation and Management of Marine Mammals*, Chapter 20 (1999)
- RR Timeline of US-Tuna II (Mexico) Dispute Settlement. [DS381: United States — Measures Concerning the Importation, Marketing and Sale of Tuna and Tuna Products.](#) *World Trade Organization.*



RR *NRDC v. Ross*, 331 F. Supp3d 1338 (Ct. Int'l Trade, 2018), 348 F. Supp. 3d 1306 (Ct. Int'l Trade, 2018)

**CLASS VII:**

**Wednesday, June 9:      Marine Endangered Species**

**Required Reading:**

Listing and Critical Habitat

**SM 00263-00273** C. Safina, “In Defense of Biodiversity: Why Protecting Species from Extinction Matters,” *Yale Environment* 360

**SM 00274-00287\*** *Center for Biological Diversity v. Lohn*, 296 F. Supp.2d 1223 (W.D. Wa. 2003)

Critical Habitat - **OCL pp. 817-824** (*CBD v. Evans*)

\*Recovery Plans - **OCL pp. 909-918** (*California Sea Urchin Comm'n v. Bean*)

**SM 000288-00295\*** Consultation and Jeopardy – (*Greenpeace Foundation v. Mineta*) 122 F. Supp. 2nd 1123 (D. Hawaii, 2000)

**SM 00296-00300** *Oceana v. BOEM*, 2014 WL 1281996 (D.D.C. Mar. 31, 2014)

\*The Take Prohibition and its Exceptions - **OCL pp. 888-894** (*Strahan v. Coxe*)

**SM 00301-00302** *Drifting in Static*, National Geographic (Jan. 2011)

**SM 00303 - See Class V\*** *Conservation Council for Hawaii v. NMFS*, 2015 WL 1499589 (D. Hawaii, Mar. 31, 2015)

**Recommended Reading:**

RR J. Horwitz, *War of the Whales: A True Story* (2015)

RR M. Rowland, “The ESA and Marine Species,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 17 (2015)

RR D. Baur, Wm. R. Irvin, *ESA: Law, Policy and Perspectives*, Chapters 2, 6, 11, 15-17 (2010)

RR R. Ellis, *The Empty Ocean*, Chapter 5 (2003)

RR D. Domning, “Endangered Species: The Common Denominator” *Conservation and Management of Marine Mammals*, (1999)

**CLASS VIII:**

**Thursday, June 10:**

**PART I: Offshore Energy**

**Required Reading:**

Offshore Oil and Gas Energy Development –OCL pp. 547-550

**SM 00304-00316\*** OCSLA Background -- *Center for Biological Diversity v. DOI*, 563 F.3d 466 (D.C. Cir. 2009)

**SM 00317-00322** [“Presidential Executive Order Implementing an America-First Offshore Energy Strategy,”](#) *The White House press release* (April 28, 2017)

**SM 00323-00326** “Drilling? Expect Few to Dive In,” *The New York Times* (Jan. 24, 2018)

\*OCS Withdrawals - OCL pp. 629-643

**SM 00327-00335** *PEER v. Hopper*, 827 F.3d 1077 (D.C. Cir 2016)

**SM 00336-00338** [“What really toppled Cape Wind’s plans for Nantucket Sound,”](#) *Boston Globe*, (Jan. 30, 2015)

**SM 00339-00345** “Fact Sheet: Biden Administration Jump Starts Offshore Wind Energy Projects” (March 29, 2021)

**SM 00346-0352** “Biden Wants to Move Energy Offshore, But Choppy Seas Are Ahead” *Washington Post* (May 8, 2021)

**SM 0353-0356** White House deal sets state for floating-turbine boom

**Guest Speaker -- Marissa Knodel Advisor, Bureau of Ocean Energy Management (VLS 2012)**

**CLASS VIII:**

**Thursday, June 10:**

**PART II: Ocean Policy**

**Required Reading:**

**SM 00357-00362** Executive Order 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes (July 19, 2010)

**SM 00363-00395** National Ocean Implementation Plan (April, 2013)

**SM 00396-00400** Ocean Action Agenda - Ocean Priorities for the Trump Administration

**SM 00401-00407** Executive Order Regarding the Ocean Policy to Advance the Economic, Security, and Environmental Interest of the United States (June 19, 2018)

## Recommended Reading:

- RR D. Baur, P. Parenteau, G. Hancock Snusz, “Legal Authorities for Ecosystem-Based Management in U.S. Coastal and Ocean Areas,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 21 (2015)
- RR E. Laschever, F. Baptiste, N. Band, “Oil Spill Liability,” *Ocean and Coastal Law and Policy*, 2d Ed. Chapter 13 (2015)
- RR P. Smyth, M. Mason, “Offshore Mineral Development,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 12 (2015)
- RR A. Powers, O. Smith, “Emerging Ocean Uses,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 15 (2015)
- RR J. Wood, I. Gutherz, “Offshore Renewable Energy,” *Ocean and Coastal Law and Policy*, 2d Ed., Chapter 14 (2015)
- RR S. Chasis, “Reforms in U.S. Ocean Policy and Law in Response to Calls for Urgent Action,” *Ocean and Coastal Law and Policy*, Chapter 23 (2015)
- RR [Deepwater: The Gulf Oil Disaster and the Future of Offshore Drilling, Report to the President, National Commission in the BP Deepwater Horizon Oil Spill and Offshore Drilling](#) (Jan. 2011)
- RR “Scientific, Legal and Policy Lessons from the Deepwater Horizon Disaster,” *Environmental Law Reporter* (Nov. 2010)

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June 14-17 / Sarah Reiter

**CLASS V:**

**Monday, June 14:      International Marine Law: Emergence and Principles**

**Reading:**

Refer to Canvas for required and recommended readings on the sources of international law, principles of international environmental law, and the “constitution of the ocean,” the United Nations Convention on the Law of the Sea (UNCLOS)

- **Treaty: (202 pages)**
  - **UNCLOS, in particular, Articles 87-89, 136, 137, 192, 194, 197**
- **Law Review Article(s): (7 pages)**
  - **D. Freestone, Modern Principles of High Seas Governance: The Legal Underpinnings (2009) 39 International Environmental Policy and Law 49, 7 p.**

**CLASS VI:**

**Tuesday, June 15:      International Marine Law & The Ocean-Climate Nexus**

**Reading:**

Refer to Canvas for required and recommended readings on bridging the gap between UNCLOS and the United Nations Framework Convention on Climate Change (UNFCCC) through study of GHGs, ocean acidification, and requirements under UNCLOS and the Paris Agreement

- **Treaties: (52 pages)**
  - **UNFCCC, 25 p.**
  - **The Paris Agreement, 27 p.**
- **Decisions: (4 pages)**
  - **COP25 Decision text (referring to Joint Proposal on Ocean-Climate Nexus) 4 p.**
- **Law Review Article(s) and additional resources (81 pages)**
  - **IPCC SROCC Summary for Policymakers, 36 p.**
  - **Susan Biniaz, Comma but Differentiated Responsibilities: Punctuation and 30 Other Ways Negotiators Have Resolved**

**Issues in the International Climate Change Regime, 6 Mich. J. Envtl. & Admin. L. 37 (2016), 28 p.**

- **Gallo, N., Victor, D. & Levin, L. Ocean commitments under the Paris Agreement. Nature Climate Change 7, 833–838 (2017) 5 p.**
- **Oral, N., Ocean Acidification: Falling between the legal cracks of UNCLOS and the UNFCCC?. 45 Ecology L.Q. 9 (2018) 12 p.**

## **CLASS VII:**

### **Wednesday, June 16: International Marine Law & Biodiversity on the High Seas**

#### **Reading:**

**Refer to Canvas for required and recommended readings on integrated ocean governance and the International legally binding instrument under UNCLOS on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction**

- **Treaties: (50+ p.)**
  - **Draft BBNJ Text, 50 p.**
  - **Proposed comments on BBNJ, 350 p. (skim)**
- **Resolutions**
  - **UNGA 59/24, 69/292, 72/249**
- **Law Review Articles: (126 pages)**
  - **Gjerde, K.M., Clark, N., Harden-Davis, H., (2019), “Building a platform for the future: The relationship of the expected new agreement for marine biodiversity in areas beyond national jurisdiction and the UN Convention on the Law of the Sea,” Ocean Yearbook 33: 3-44, 44 p.**
  - **Wright, G., Rochette, J., Gjerde, K., Seeger, I. (2018). The long and winding road: negotiating a treaty for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. IDDRI, Studies N°08/18, 82 p.**

**CLASS VIII:**

**Thursday, June 17: International Marine Law & 30X30**

**Reading:**

Refer to Canvas for required and recommended readings on the Convention on Biological Diversity (CBD) and safeguarding human existence through protection of 30% of land and water by 2030.

**Treaties: (25 pages)**

- CBD, 25 p.
- **Decisions and Orders: (18+ pages)**
  - COP 10 Decision X/2, Strategic Plan for Biodiversity 2011-2020 (13 pages)
  - Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad (January 2021)
  - California's 30x30 and Working Lands Executive Order N-80-20 (October 2020) (5 pages)
- **Secondary sources and scientific literature (79+ pages)**
  - Global Biodiversity Outlook 5 Summary for Policymakers (19 pages)
  - Quick guides to the Aichi Biodiversity Targets (42 pages)
  - An Introduction to National Biodiversity Strategies and Action Plans (18 pages)
  - Sala, E., Mayorga, J., Bradley, D. et al. Protecting the global ocean for biodiversity, food and climate. *Nature* (2021).
  - A Triple Win for Oceans, Climate and Us (March 2021).

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