

Cover Sheet: Request 15199

LAW 6XXX - Wetlands and watersheds

Info

Process	Course New Ugrad/Pro
Status	Pending at PV - University Curriculum Committee (UCC)
Submitter	Krista Vaught kfields@law.ufl.edu
Created	7/24/2020 2:34:15 PM
Updated	7/26/2020 2:42:23 PM
Description of request	Proposal for permanent course approval of wetlands and watersheds

Actions

Step	Status	Group	User	Comment	Updated
Department	Approved	LAW - Juris Doctor 012406001	Rachel Inman		7/26/2020
Syllabus - wetlands and watersheds.pdf					7/24/2020
College	Approved	LAW - College of Law	Rachel Inman		7/26/2020
No document changes					
University Curriculum Committee	Pending	PV - University Curriculum Committee (UCC)			7/26/2020
No document changes					
Statewide Course Numbering System					
No document changes					
Office of the Registrar					
No document changes					
Student Academic Support System					
No document changes					
Catalog					
No document changes					
College Notified					
No document changes					

Course|New for request 15199

Info

Request: LAW 6XXX - Wetlands and watersheds

Description of request: Proposal for permanent course approval of wetlands and watersheds

Submitter: Krista Vaught kfields@law.ufl.edu

Created: 7/24/2020 2:29:06 PM

Form version: 1

Responses

Recommended Prefix LAW

Course Level 6

Course Number XXX

Category of Instruction Intermediate

Lab Code None

Course Title Wetlands and Watersheds: Science, Law and Policy

Transcript Title Wetlands and Watersheds

Degree Type Professional

Delivery Method(s) On-Campus

Co-Listing No

Effective Term Earliest Available

Effective Year 2020

Rotating Topic? No

Repeatable Credit? No

Amount of Credit 3

S/U Only? No

Contact Type Regularly Scheduled

Weekly Contact Hours 3

Course Description This course will focus on the implementation of policies for the protection and restoration of wetlands and related resources under the Public Trust Doctrine, the Florida Water Resources Act, the federal Clean Water Act, and related federal legislation. Students will learn the legal basis for regulation under these authorities and will gain practical experience working in teams to determine water boundaries, delineate the landward extent of regulated waters, assess development impacts, and more.

Prerequisites None

Co-requisites None

Rationale and Placement in Curriculum The College of Law is reviewing and updating our curriculum and courses. This course has been offered multiple times in previous years under the special topics course number LAW 6930. This request is part of a broader, ongoing effort to move to permanent course numbers.

Course Objectives Course Objectives: This course will focus on the implementation of policies for the protection and restoration of wetlands and related resources under the Public Trust Doctrine, the Florida Water Resources Act, the federal Clean Water Act and related federal legislation. Students will learn the legal basis for regulation under these authorities and will gain practical experience working in teams to determine water boundaries, delineate the landward extent of regulated waters, assess development impacts and evaluate mitigation plans.

Student Learning Outcomes: By the end of the semester, students will be able to do the following:

1. Identify and describe the legal basis for wetlands and watershed regulations under the federal Clean Water Act, the federal Rivers and Harbors Act and the Florida Water Resources Act.
2. Identify and describe common law principles related to the Public Trust Doctrine.
3. Conduct legal analysis by applying relevant federal and state wetlands statutes,

regulations and case law to a hypothetical fact pattern involving development and other activities that impact wetlands.

4. Perform a basic wetland delineation under Chapter 373 of Florida Statutes to determine state wetlands jurisdiction.

5. Perform a basic Ordinary High Water Line Analysis to determine the extent of sovereign submerged lands.

6. Perform a basic Wetland Impact Assessment and a Wetland Mitigation Assessment using legal methodology.

7. Evaluate a basic mitigation plan using the Florida Uniform Mitigation Assessment Methodology to determine compliance with state regulations.

8. Demonstrate professional behavior in timely completion of all assignments, working in groups and interacting with peers and guest speakers.

Course Textbook(s) and/or Other Assigned Reading There is not a textbook required for this class. Most of the required readings

for the class will be from the "Florida Bar Environmental and Land Use Law Treatise."

To access the Treatise, you must join the Environmental and Land Use Section of the Florida Bar as a Student Affiliate Member. Membership for students is \$20 per year. By becoming a member, not only will you have access to the Treatise (which can be very useful in summer jobs and other courses) but you will also have access to other resources provided by this Bar section.

Weekly Schedule of Topics DATE TOPIC READING

Wednesday, January 15 Introduction

Overview of wetlands and watersheds regulatory structure

Federal wetland jurisdiction

Strand et al, ELI'S WETLANDS

DESKBOOK, Introduction

available on TWEN site

Sutter, Gardner & Perry, Science and Policy of U.S. Wetlands, available on TWEN site

Rapanos SCOTUS case, available on TWEN site

Wednesday, January 22 Wetland Characteristics,

Definitions, Classifications,

Values, Function, Services,

Losses and Consequences

Guest Speaker Dr. Mark

Clark, Associate Professor of

Wetland Ecology, UF

U.S. Fish & Wildlife Service, Report to Congress, Status and Trends of Wetlands

in the Conterminous United States

2004 to 2009 pages 37-80

available on TWEN site

Friday, January 24

FIELD TRIP #1

Moccasins and Muck: The

Wetlands of North Central

Florida

Location: TBD

Wednesday, January 29 Intro to federal and Florida

Wetland permitting

ELULS Treatise chapter 9.1, 9.3 &

9.13

Wednesday, February 5 Wetlands Delineation

Guest Speaker Lance Hart,

SJRWMD

ELULS Treatise chapter 9.7

Rule 62-340, F.A.C.

Wednesday, February 12 Wetlands Mitigation
(UMAM)

Guest Speaker: TBD from
SJRWMD

ELULS Treatise Chapter 9.22
Rule 62-345, F.A.C.

Friday, February 14

FIELD TRIP #2

Wetland Delineation and
mitigation field
determinations

Location: Prairie Creek Preserve

Wednesday, February 19 Mitigation Banking

Guest Speaker, J. Reid

Hilliard, SJRWMD

ELULS Treatise Chapter 9.19

Wednesday, February 26 Sovereign Submerged Lands

Authorizations

ELULS Treatise Chapter 15-1

Wednesday, March 4 NO CLASS

Wednesday, March 11 CLASS CANCELLED MAKE-UP CLASS TBA

Wednesday, March 18 Public Trust and Navigability

Guest Speaker, Richard

Hamann, UF Law

Hamann & Wade, Ordinary High

Water Line Determination: Legal

Issues

Available on TWEN site

Friday, March 20

FIELD TRIP #3

OHWL & Navigability

under Florida law

Location: Newnans Lake and

Prairie Creek

Wednesday, March 25 Florida Springsheds

Guest Speaker, Dr. Robert

Knight, Florida Springs

Institute

Reading: Florida Springs

Conservation Plan, available at

[https://floridaspringsinstitute.org/wpcontent/](https://floridaspringsinstitute.org/wpcontent/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf)

[uploads/2018/11/Springs-](https://floridaspringsinstitute.org/wpcontent/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf)

[Conservation-Plan-final-draft-](https://floridaspringsinstitute.org/wpcontent/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf)

[FINAL.pdf](https://floridaspringsinstitute.org/wpcontent/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf)

Friday, March 27

FIELD TRIP #4

Florida Springsheds Location: Ichetucknee River

Wednesday, April 1

Digging Deeper into

Wetlands regulation

9.16 & 9.17,

Wednesday, April 8 Wetlands issues in ESA &

the Farm Bill & Wrap-up

TBA

Wednesday, April 15 The Everglades Example TBA

Grading Scheme Students, working in small groups, will be required to submit written reports following each of the field sessions. Some of the reports will be written as a group project and some will be individually written. These reports will be graded. A final exam will be given at the end of the semester. The final exam will be open book. Grades will be assigned based on the following percentages:

Field Reports 15% each (45% for the total of the 3 reports)

Final Exam 55%

Instructor(s) Mary Jane Angelo

Attendance & Make-up Yes

Accomodations Yes

UF Grading Policies for assigning Grade Points Yes

Course Evaluation Policy Yes

SYLLABUS

Wetlands and Watersheds: Science, Law and Policy Spring 2020, LAW 6930, §0787, 3 credits

Class Meets: Wednesdays 3:30-5:30 P.M., Room 283, and 4 Friday Field Trips (see schedule)

Professor: Mary Jane Angelo

Office: 309 Holland

Email: angelo@law.ufl.edu

Phone: 352-273-0944

Office hours: Wednesdays: 1:00 pm -3:00 pm or by appointment

Background: Florida is a state with extensive and diverse wetlands. Many types of land uses, including residential and commercial development and agriculture, are affected by a variety of wetland regulatory and non-regulatory programs. These programs are implemented by a number of federal, state, and local government agencies. Many students who graduate from UF are likely to work in some aspect of land use law, environmental law or real estate law, all of which require knowledge of wetlands regulation. This course provides advanced experience in the regulatory framework for managing wetlands and the legal and scientific issues involved in making management decisions. It also provides experience working in teams.

Textbook: There is not a textbook required for this class. Most of the required readings for the class will be from the “Florida Bar Environmental and Land Use Law Treatise.” To access the Treatise, you must join the Environmental and Land Use Section of the Florida Bar as a Student Affiliate Member. Membership for students is \$20 per year. By becoming a member, not only will you have access to the Treatise (which can be very useful in summer jobs and other courses) but you will also have access to other resources provided by this Bar section. Information about joining the Bar Section as a Student Affiliate is available here:

<http://eluls.org/membership/>

The membership application can be found at this link:

http://eluls.org/wp-content/uploads/2012/01/Membership_Application_01-29-15.pdf

Additional assigned readings will be provided electronically through the TWEN site that has been established for this course. It is your responsibility to check the TWEN site regularly for updates.

Course Objectives: This course will focus on the implementation of policies for the protection and restoration of wetlands and related resources under the Public Trust Doctrine, the Florida Water Resources Act, the federal Clean Water Act and related federal legislation. Students will learn the legal basis for regulation under these authorities and will gain practical experience working in teams to determine water boundaries, delineate the landward extent of regulated waters, assess development impacts and evaluate mitigation plans.

Student Learning Outcomes: By the end of the semester, students will be able to do the following:

1. Identify and describe the legal basis for wetlands and watershed regulations under the federal Clean Water Act, the federal Rivers and Harbors Act and the Florida Water Resources Act.
2. Identify and describe common law principles related to the Public Trust Doctrine.
3. Conduct legal analysis by applying relevant federal and state wetlands statutes, regulations and case law to a hypothetical fact pattern involving development and other activities that impact wetlands.
4. Perform a basic wetland delineation under Chapter 373 of Florida Statutes to determine state wetlands jurisdiction.
5. Perform a basic Ordinary High Water Line Analysis to determine the extent of sovereign submerged lands.
6. Perform a basic Wetland Impact Assessment and a Wetland Mitigation Assessment using legal methodology.
7. Evaluate a basic mitigation plan using the Florida Uniform Mitigation Assessment Methodology to determine compliance with state regulations.
8. Demonstrate professional behavior in timely completion of all assignments, working in groups and interacting with peers and guest speakers.

Methods: There will be a two hour class each week that will consist of lectures and discussion of a specific topic related to the overall goals of the course and intended to prepare the students for a subsequent field experience. Four full-day field trips that will be scheduled on Fridays are integral parts of the course. You are required to attend and participate at least three of the four field trips. Students will be accompanied to the field by one or more experts in the activity to be conducted, given instruction and guidance in the procedures to be used and then asked to conduct the activity themselves. A full report must be prepared on the field experience and submitted for grading for at least three of the field trips. Reports will typically be approximately 6-8 pages in length. Students will be required to apply knowledge gained in the previous classes and demonstrate that in the report.

Evaluation and Grading: Students, working in small groups, will be required to submit written reports following each of the field sessions. Some of the reports will be written as a group project and some will be individually written. These reports will be graded. A final exam will be given at the end of the semester. The final exam will be open book. Grades will be assigned based on the following percentages:

Field Reports 15% each (45% for the total of the 3 reports)

Final Exam 55%

The grade may be increased by one half of a grade for significant and meaningful class participation. The grade may be decreased by one half of a grade for frequent lack of preparation.

The law school's mean and mandatory distributions are posted on the College's website. Grading will be done in compliance with the College's posted grading policy with the following letter grades:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Class Attendance: Students are expected to attend all classes; participation in field sessions is mandatory. Pursuant to ABA guidelines, if you miss more than 6 hours of class (three 2-hour classes) you will not be eligible to receive a passing grade for the course. The only excused absences are for the observance of religious holidays. You are required to attend at least three of the four field trips.

Tentative Schedule and Reading Assignments: (Schedule may change to accommodate guest speakers and to accommodate student schedules for Field Trips).

DATE	TOPIC	READING
Wednesday, January 15	Introduction Overview of wetlands and watersheds regulatory structure Federal wetland jurisdiction	Strand et al, ELI'S WETLANDS DESKBOOK, <i>Introduction</i> available on TWEN site Sutter, Gardner & Perry, <i>Science and Policy of U.S. Wetlands</i> , available on TWEN site <i>Rapanos</i> SCOTUS case, available on TWEN site
Wednesday, January 22	Wetland Characteristics, Definitions, Classifications, Values, Function, Services, Losses and Consequences Guest Speaker Dr. Mark Clark, Associate Professor of Wetland Ecology, UF	U.S. Fish & Wildlife Service, Report to Congress, <i>Status and Trends of Wetlands in the Conterminous United States 2004 to 2009</i> pages 37-80 available on TWEN site
Friday, January 24 FIELD TRIP #1	Moccasins and Muck: The Wetlands of North Central Florida	Location: TBD
Wednesday, January 29	Intro to federal and Florida Wetland permitting	ELULS Treatise chapter 9.1, 9.3 & 9.13
Wednesday, February 5	Wetlands Delineation Guest Speaker Lance Hart, SJRWMD	ELULS Treatise chapter 9.7 Rule 62-340 , F.A.C.
Wednesday, February 12	Wetlands Mitigation (UMAM) Guest Speaker: TBD from SJRWMD	ELULS Treatise Chapter 9.22 Rule 62-345 , F.A.C.
Friday, February 14 FIELD TRIP #2	Wetland Delineation and mitigation field determinations	Location: Prairie Creek Preserve
Wednesday, February 19	Mitigation Banking Guest Speaker, J. Reid Hilliard, SJRWMD	ELULS Treatise Chapter 9.19
Wednesday, February 26	Sovereign Submerged Lands Authorizations	ELULS Treatise Chapter 15-1
Wednesday, March 4	NO CLASS	

	SPRING BREAK	
Wednesday, March 11	CLASS CANCELLED	MAKE-UP CLASS TBA
Wednesday, March 18	Public Trust and Navigability Guest Speaker, Richard Hamann, UF Law	Hamann & Wade, Ordinary High Water Line Determination: Legal Issues Available on TWEN site
Friday, March 20 FIELD TRIP #3	OHWL & Navigability under Florida law	Location: Newnans Lake and Prairie Creek
Wednesday, March 25	Florida Springsheds Guest Speaker, Dr. Robert Knight, Florida Springs Institute	Reading: Florida Springs Conservation Plan, available at https://floridaspringsinstitute.org/wp-content/uploads/2018/11/Springs-Conservation-Plan-final-draft-FINAL.pdf
Friday, March 27 FIELD TRIP #4	Florida Springsheds	Location: Ichetucknee River
Wednesday, April 1	Digging Deeper into Wetlands regulation	9.16 & 9.17,
Wednesday, April 8	Wetlands issues in ESA & the Farm Bill & Wrap-up	TBA
Wednesday, April 15	The Everglades Example	TBA

Preparation: I expect you to come to class prepared and ready to participate in classroom discussion. You should expect extensive questions about the problems and the main cases assigned, as well as detailed questions about the assigned statutory language.

If you are unprepared for class, I will call on you the next day that we are covering difficult material. If you are unprepared more than once, I will exercise discretion in deducting points from your final exam score.

Workload/class preparation:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This Course has an average of 3 “classroom hours” of in-class and/or field instruction each week, requiring on average at least 6 hours of preparation outside of class. I will assign about 50 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written

preparation, you should spend at least one hour on every 10-15 pages of reading. Reading assignments are posted on the TWEN site.

Etiquette: Late arrivals and early departures are distracting and rude. If on a particular day you are not able to avoid arriving late, please do not walk in front of the classroom where you will distract me and other students. Instead, please quietly take a seat in the back of the room. Please turn off cell phones before class. It is absolutely forbidden to surf the Net, check your email, text, or play computer games during class -- I reserve the right to deduct points from your final grade if I catch you.

Academic honesty: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Online Course Evaluation Process: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>."

Accommodations: Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Disclaimer: This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Such changes, communicated clearly, are not unusual and should be expected.