

Natural Resources Law
Spring 2021
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Classes Hours: Mon, Wed & Fr 4:00 PM – 4:50 PM
Location: Hulston Hall 4

Office Hours: Tue & Th 3:00 – 4:00 pm and by appointment

Course description:

This course examines laws relating to the ownership, consumption, and conservation of energy resources, with a focus on renewable energy sources such as sunlight and wind. The course explores and analyzes laws that allocate interests in energy resources and that regulate energy production and delivery strategies so as to promote economic efficiency and to mitigate adverse impacts on the natural environment.

Learning outcomes:

At the end of this course, you should be able to identify the rules, understand the doctrines and policies, and advise a client in the following substantive areas: non-renewable energy, wind energy policy, property and land use issues relating to wind energy, solar energy policy, and other renewable energy strategies.

Required Text:

- Troy A. Rule, *Renewable Energy: Law, Policy and Practices* (West Academic) (1st ed. 2018)

The Casebook is available for purchase online and in the university bookstore. Please note that this syllabus and the assigned readings may change during the course of the semester according to the pace of our discussions and current events. For example, if new legislation passes or new regulation is introduced, we may devote class time to studying them.

Some reading assignments will have questions or problems to help you prepare for class discussion (even if we don't always address all of them in class explicitly). You should also read all statutes and regulations that are pertinent to the assigned statutory problems.

The syllabus, as well as any assigned readings that are not in the Casebook, can be found on course Canvas as Supplemental Materials (SM).

Class Participation: Vibrant class participation is essential to our collective experience in this course. The class will involve a variety of learning experiences, including small group work, simulations or presentations, and class discussions. I expect all of us to be well-prepared every time we meet and to make thoughtful contributions to class discussions and exercises.

You are expected to read the assigned materials before class and to arrive on time and prepared to discuss them. If, for some reason, you are not able to come to class, please email me explaining the reason for your absence, preferably before the class meets.

If you would rather not volunteer in a particular class, you may also choose to email your thoughts or questions related to topics covered in class or current news events that relate to the course, preferably before the class.

Grading: You will be evaluated based a final examination. At the end of the semester, there will be a final 3-hour examination. The exam mode is **Open Laptop + Network**. You may consult your casebook, casebook update, statutory supplement, class notes, handouts distributed in class, and any other class materials. You may not consult any other texts, study aids, commercial outlines, or other materials. You may not access the internet during the course of the three hours. Further instructions will be provided at or before the exam.

Computer Use Policy: Studies show that even the most committed students cannot resist the urge to check email or browse the web from time to time. Such behavior not only compromises your own learning, but it also significantly impacts that of classmates seated near you. Studies also show that students seated next to classmates who multitask on a computer, but who do not engage in such activities themselves, perform worse in comprehending the material. Please exercise discretion if you decide to use laptops and other electronic devices in classes.

Law School Disability Policy: The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you anticipate barriers related to the format or requirements of this course, please let Associate Dean Ben Trachtenberg trachtenberg@missouri.edu or Denise Boessen (BoessenN@missouri.edu) know to make necessary arrangements.

Statement for Academic Dishonesty: Academic integrity is fundamental to the activities and principles of a university. All members of the academic community must be confident that each person's work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The academic community regards breaches of the academic integrity rules as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion. Consult me when in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating.

Decreasing the Risk of COVID-19 in Classrooms: To provide safe, high-quality education amid COVID-19, we will follow several specific campus policies in accordance with the advice of the Center for Disease Control and Boone County health authorities. Please note the following safety rules and standards.

- **If you are experiencing any COVID-related symptoms**, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately. COVID symptoms include: fever greater than 100.4 or chills; cough,

shortness of breath or difficulty breathing; fatigue; unexplained muscle or body aches; headache; new loss of taste or smell; sore throat; congestion or runny nose; nausea or vomiting; diarrhea.

- We will all wear **face coverings while in the classroom**, unless you have a documented exemption due to a disability or medical condition.
- We will maintain a **6-foot distance from each other at all times**.
- You will receive a Seating Chart with your assigned seat number. We will enter the classroom and **fill the room starting at the back**, filling all the way across a row. When class ends, we will exit the row nearest to the door first; I will give the signal for the next row to exit, in the same manner.
- This course may be recorded for the sole purpose of sharing the recording with students who can't attend class. I will take care not to disclose personally identifiable information from the student education records during the recorded lesson.
- Compliance with these guidelines is required for all; anyone who fails to comply will be subject to the accountability process, as stated in the University's Collected Rules and Regulations, Chapter 200 Student Code of Conduct.
- **Accommodation** If you are unable to attend class because you have symptoms of the coronavirus, you tested positive for coronavirus, you have been contacted because you were in close contact with someone who tested positive, or your COVID-19 Accommodations Request for Remote Learning, class will be conducted synchronously through, recorded and uploaded to the course site on Canvas. In the event that there is no video recording, the course will be audio recorded and that recording will be uploaded to the course site on Canvas. If you have a need for an accommodation that manifests during the semester, **please reach out and let me know to discuss the best way to support you during your absence from class**.
- **Pivot:** If the University of Missouri or the School of Law is required to go remotely with no in-person or face-to-face classes, the classes will continue to be held at the same time on the days currently scheduled. The course will be taught online synchronously and will utilize zoom as the mode of course engagement and interaction. The course may also use breakout rooms in zoom, videos posted on Canvas, and other tools of online engagement to foster small group discussions.

Mental Health: The University of Missouri is committed to supporting student well-being through an integrated network of care, with a wide range of services to help students succeed. The MU Counseling Center offers professional mental health care can help you find the best approach to treatment based on your needs. Call to make an appointment at 573-882-6601. Any student in crisis may call or go to the MU Counseling Center between 8:00 – 5:00 M-F. After hours phone support is available at 573-882-6601.

Visit <https://wellbeing.missouri.edu> to take an online mental health screening, find out about workshops and resources that can help you thrive, or learn how to support a friend. Download Sanvello, a phone app that teaches skills and strategies to help you maintain good mental health. Log in with your Mizzou e-mail to unlock all the tools available through Sanvello at no cost to you.

Office Hours: My online office hours are Tuesday and Thursday from 3:00 – 4:00 pm. Please sign up by emailing me. If my regular online office hours do not work for you, please email me to set up an appointment at another time. I encourage all of you to make an appointment to meet online at least once during the semester. I want to get to know you, so please email me to have a zoom meeting.

Office Hours: My office hours are Tuesday and Thursday 3:00 – 4:00 pm. Please sign up by emailing me. If my regular office hours do not work for you, please email me to set up an appointment at another time. I encourage all of you to make an appointment to see me at least once during the semester. I want to get to know you, so please come by and say hi.

Reading assignments
Installment #1
January 20 –

CLASS #	DESCRIPTION	READINGS & QUESTIONS*
Unit 1: Background and Non-Renewable Energy Strategies		
Jan. 20	What is Renewable Energy? The Existing Energy Industry Landscape	pp. 1-22; <i>SM-A</i> *** <u>Qs</u> ** : p. 5, 1-3; p. 9, 1-2; p. 21, 1-5
Jan. 22	The Basics of Utility Regulation	pp. 22-38; <u>Qs</u> : p. 27, 1-2; p. 34, 1-4; p. 37, 1-2
Jan. 25	Fossil Fuels (Coal, Oil, and Natural Gas)	<i>SM-B</i>
Jan. 27	Nuclear Energy Policy	<i>SM-C</i>
Jan. 29	Factors Driving the Transition to Renewables; <i>Unit 1 Review</i>	pp. 45-69; <u>Qs</u> : p. 48, 1-4; p. 67, 1-3
Unit 2: Wind Energy Policy		
Feb. 1		pp. 71-94 & 123-125; <u>Qs</u> : p. 75, 1-3; p. 94, 4-7

	Addressing Wind Energy's Intermittency Problem; Incentivizing Wind Energy Development	
Feb. 3	Addressing Wind Energy's Locational Constraints; Renewable Portfolio Standards	pp. 95-123 & 132-137; <u>Qs: p. 136, 1-3</u>

* Unless otherwise noted, all page numbers for reading assignments refer to pages in the casebook.

** On this schedule, "Qs" refers to Questions and Practice Problems appearing in the casebook. Although assigned questions and problems are not graded, students are strongly encouraged to prepare answers to them before class.

*** Supplemental Materials (denoted as *SM*) will be posted on the course TWEN prior to class for these class periods. Most of these supplemental materials contain ungraded sets of questions. Students are strongly encouraged to prepare answers to these questions before class.