Native American Natural Resources Law
Spring 2019 · Tuesday & Thursday 2:00-3:15 p.m. · Room 108

Required Text

Reading Assignments
All “casebook reading” assignments are from the required text. Unless otherwise noted, all “Other Reading” is available on BBLearn.

Office Hours
Thursday 3:15-4:15 p.m. in room 206. Emailed questions are encouraged and welcome.

Course Description & Objectives
Native American Natural Resource Law provides an overview of the law surrounding tribal land, water, subsistence, and environmental rights. The format for this course will be applied; class members will be split into two teams, each of which will work together to analyze and develop arguments surrounding fact patterns using research provided by the professor. Fact patterns to be analyzed will include subsistence rights (hunting, fishing, gathering); ownership of submerged lands; water rights; reservation boundaries; tribal regulatory authority; Natural Resource Damage Assessment; tribal consultation; development of natural resources in Indian country; and breach of trust. Each student will be responsible for arguing at least one fact pattern during the course of the semester.

Course Grade, Quiz, Participation, Final Exam
Your grade will be composed of an assessment of your argument (worth 15%), peer assessment from your team (25%), participation in group discussion (15%), and a final exam or paper (45%). You may not use notes, books, or material posted on the course website during the exam.

Native American Law Emphasis Writing Requirement/Upper Level Writing Requirement
A maximum of six students will be allowed to use Native American Natural Resource Law to write a substantial paper to meet the Upper Level Writing Requirement and/or the Native American Law Emphasis Writing Requirement. A student must seek my approval by handing in a one page abstract of the proposed substantial paper by the beginning of class on Thursday, January 24th, 2019. I will notify the selected students on the basis of priority for those taking the Native American Law Emphasis receiving first consideration and general Upper Level Writing Requirement students receiving second priority.

Attendance
Attendance will be taken by way of sign-in sheet circulated during each class, which you must initial. If you are late to class, you must email me and may not initial the sign-in sheet without my permission. Your tardiness may count as an absence. If you miss six or more classes, your final grade will be lowered by one letter grade. These policies will be strictly enforced.
Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (jdodge@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center’s confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Center for Disability Access and Resources (CDAR) Reasonable Accommodations

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

Recording Class Sessions:

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.
Credit Hours for Coursework
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined above with respect to materials and assignments, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

<table>
<thead>
<tr>
<th>Week</th>
<th>Coverage</th>
<th>Date</th>
<th>Casebook</th>
<th>Other Reading</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Guest Lecture: Caj Matheson, Director, Coeur d’Alene Tribe Natural Resources Department</td>
<td>1/8</td>
<td>N/A</td>
<td><a href="#">David Getches</a>, A Philosophy of Permanence: The Indians’ Legacy for the West; <a href="#">Rebecca Tsosie</a>, Land, Culture, and Community: Reflections on Native Sovereignty and Property in America.</td>
</tr>
<tr>
<td></td>
<td>Comparison and Contrast of Western vs Indigenous world views of natural resources protection and development</td>
<td>1/10</td>
<td>N/A</td>
<td><a href="#">David Getches</a>, A Philosophy of Permanence: The Indians’ Legacy for the West; <a href="#">Rebecca Tsosie</a>, Land, Culture, and Community: Reflections on Native Sovereignty and Property in America.</td>
</tr>
</tbody>
</table>