“... to protect a resource, one needs a law and a process.” Earl Epstein

Course Description: This course concerns water policy objectives and the law and legal process that influence decisions about the use of water resources.

Implementation of policy objectives and the legal process occur in a cultural context with historical antecedents. Accordingly, the first class discussions will consider ideas about the historical, political and geographical circumstances in which water resource management institutions are created and sustained, with a focus on the allocation of power in societies where water resource management is important or critical to sustenance of the society.

The second discussions focus on public and private rights in water resources in the context of property rights (including the Public Trust Doctrine). The two major systems of water rights law among the American states are covered. Distinctions between surface, groundwater and diffused groundwater regimes are made. The distribution of power to decide about uses of water resources between the federal and state governments is discussed.

The third set of discussions concern federal and state water pollution laws. Details of the federal and Ohio water pollution control laws and administrative regulations are discussed. The impact of these laws on public and private control and use of water resources is considered.

Finally, the course considers a selection of issues that reflect current controversies over administration and management of water resources, including, but not limited to:

- Lake Erie shorelines
- Antidegradation rules
- The Great Lakes Compact
- Wetlands Administration

Group Presentation: Students will divide into groups of 2 or 3 and present to the class regarding selected sections from a book to be selected. The assignment will be to articulate the information in a particular section and to offer an opinion relative to the information presented in the chapter.

Materials from the following sources will also be used:


Major Problems in American Environmental History. Merchant and Heath, editors. 1993

Grading:

The Ohio State grading system will be followed. Points will accumulate as follows: by totaling the points from 3 stand-alone tests, 5 points for a written assignment concerning the Water Policy Documentary “Gasland” and 10 points for a class presentation from a book to be selected. In addition to the totaled test and homework points, 2 points may be earned based on attendance and 2 points for classroom participation.