COURSE SYLLABUS
LS 4110 – Coastal Water Boundaries
Fall 2015

Instructor Information:
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Sacramento, CA 95811
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Office Hours: TBA

Course Information:
Thursdays, 7:30pm to 8:30pm Mountain Time

Prerequisites:
LS 3110 and LS 3120

Course Description:
This course provides a basic understanding of Natural Boundaries and a more complete understanding of the geophysical, legal and administrative issues effecting rights in real property adjoining tidal waters. Focus areas include the legal issues of navigability and sovereign title; an understanding of oceanic tidal regimes and appropriate methods of physically locating them as a private property boundary; and, International Law regarding jurisdictional, developmental and ownership matters pertaining to resource exploitation on/under the continental shelf.

Coastal Water Boundaries is the first of a two-course sequence addressing the water boundary aspect of cadastral surveying. The courses introduce the student to geomorphology and its role in surveying. This course also introduces the student to the concepts of legal research and reasoning, requiring both regular case briefing as well as an independently developed research project.

Disability Statement:
If you have a physical, learning, sensory or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with, and provide documentation of your disability to University Disability Support Services (UDSS) in SEO, room 330 Knight Hall.

Objectives/Outcomes/Standards:
LS 4110 involves analysis of complex situations involving conflicts of evidence and personal interests, ultimately leading to appropriate courses of action. This necessarily includes effective verbal, written and graphical communication pertaining to the technical, legal and socio-economic-political impacts of professional problem solving.

Within the first week of class all students will provide one or more internet addresses where quizzes, exams and other course communication is to be sent to them.

All quizzes and the Final Exam will be administered via the internet using Microsoft Word.

Text and Readings:
Course Requirements/Assignments:
I expect that all students intend to learn and that they will expend the time and effort to do so; that they will attend all teleconferences and come prepared to fully participate; that they will complete all assignments, quizzes and exams on time; and, that they will be respectful of all persons.

Students are expected to read the entire text by the end of the semester regardless of weekly assignments. The lectures only involve some, non-sequential, portions of the text; they are generally drawn from other materials. Students are also expected to read the Supplemental Materials applicable to each lecture and teleconference.

The instructional design of these courses traces the development of the American Common Law regarding littoral, riparian and lacustrine titles and boundaries from its historical beginnings to its present status. The surveyor’s duty regarding the location of water boundaries cannot be fulfilled without a clear understanding of how these principles of law are actually applied on the ground. No two states being identical, individual examination is required. From a practical point of view that “end-point” cannot be fully accomplished via the lecture/discussion portion of this course. Students will prepare, in electronic format, using Microsoft Word or PDF, a comprehensive report of state legislative, judicial and administrative law pertaining to:

1. The definition of the public-private boundary along tidal waters;
2. The methodologies of determining that location;
3. The definition of “navigability” and how it differs from the ‘federal standard’;
4. The apportionment of accretion (and other exposed land) – specifically with regard to all methods required, approved, rejected, or modified including the rational;
5. The state’s treatment of the applicable federal “Swamp Lands Act(s)” – specifically including federal/state patenting, aliquot/non-aliquot descriptions, and any non-federal surveys used;
6. An electronic copy of a NOAA graph showing 48 hours of tide gauge data at two adjacent stations within the reporting state.

The report shall include verbatim text, LexisNexis, or other citation sufficient to allow the reader to verify assertions made. Citations may appear: (1) in the body of the report; (2) as footnotes; or (3) tabulated as an appendix. The report is to be submitted electronically prior to Session 13. Students may choose the jurisdiction (home or employment) to be researched. If the student neither lives nor works in a “coastal” state the instructor will assign one.

One of the goals of this project is for each student to “discover” where to look for such information. Another is to see the connection between legislated, administrative and judicial law. And last, but not least, to convincingly communicate our expertise. Landowners (clients and adjoiners), administrators and jurists must be persuaded to accept our opinions and monuments – as surveyors we cannot compel such agreement.

Grading Standards:
The greatest value in quizzes and exams is to provide students with a means of assessing their progress. This allows students to identify what they do and do not know and therefore focus their effort where it will be most beneficial. There will be three quizzes, approximately at the ¼, ½, and ¾ points, a Professional Practice Exercise, and a comprehensive, proctored Final Exam.

Quizzes are mostly “Multiple-Multiple Choice” and “Multiple-Matching” questions but may also include “Fill in the Blank”, “Define and Discuss”, and/or “Compare and Contrast” type questions. The Professional Practice Exercise and the Final Exam will include essay type questions.
Do not ‘add to’, ‘subtract from’ or otherwise alter any part of any question. Students may use any and all resources of their choosing. DO NOT PLAGIARIZE.

For “Multiple-Multiple Choice” questions mark all correct answers by underlining them. (All, some, or none of the possible answers may be correct)

For “Multiple-Matching” questions mark all correct answers by inserting the correct number(s). (All, some or none of the possible answers may be used more than once or not at all)

For “Fill in the Blank” questions one or two word responses are usually sufficient. There may be more than one ‘blank’ per question.

For “Define and Discuss” questions the “define” portion may require a sentence or two; the “discuss” portion may require a paragraph or two.

For “Compare and Contrast” questions the ‘compare’ portion seeks a one or two paragraph statement of similarities, while the ‘contrast’ portion seeks a similar statement of their differences.

For “Essay” questions the response should be a complete discussion of the topic. There is no prescribed or suggested length. Exceedingly long answers often indicate a less than full understanding. DO NOT merely quote/paraphrase the text book, my handout, or other source. Demonstrate an understanding by using your own words.

This assessment format is designed to reveal what the student does know as well as what they do not know. The latter is the cornerstone of responsible, self-limiting, professional practice.

Multiple Choice and Matching question “elements” are scored as one point each. Some questions will have more “elements” than others. Fill in the Blank questions are scored as one or two points.

Define portions are scored as two points, while Discuss, Compare and Contrast portions are scored as five points. Partial credit will be assigned as appropriate.

Total Score and Possible Score will be shown at the top of the quiz/exercise/exam when returned.

Correctly marked answers will be highlighted in GREEN. Incorrectly marked answers will be highlighted in RED. Unmarked correct answers will be highlighted in YELLOW. GREEN is plus; RED is minus; YELLOW is neither.

Above 80% is an A; 70 to 79 is a B; 60 to 69 is a C, 50 to 59 is a D; below 50 is an F.

Overall grades will be derived as follows:

Final Exam = 20%
Quizzes = 30% (10% each)
Professional Practice Exercise = 20%
Course Project = 20%
Course Participation = 10% (see note below)

The quizzes and Professional Practice Exercise will be sent to each student and returned to the instructor directly via email. The Final Exam will be proctored by a third-party. Each student must quickly find an
‘approvable proctor’ and submit the pertinent information to Angie Gorman in Exam Support (Outreach School). The testing period is limited to two hours at any time (day or night) acceptable to the proctor between Friday, December 11 and Saturday, December 19. The exam must be taken on a computer (yours or theirs) capable of using MS Word documents. IMMEDIATELY UPON COMPLETION SEND THE EXAM DIRECTLY TO THE INSTRUCTOR.

NOTE: Course Participation – This portion of the overall grade is a reflection of each student’s effort and performance during the teleconferences. While attendance and text reading are not directly included they are factors in the end result.

Attendance/Participation Policy:
University sponsored absences are cleared through the Office of Student Life.

All communication devices (phones, pagers, radios, TV’s, etc.) must be silent during the teleconference. I realize that some students have families and/or roommates but the elimination of background noise is each student’s personal responsibility.

This course is predicated upon a dialogue between the students as well as with the instructor. Questions are mandatory, differing opinions are to be expected. All “argument” must be intellectual, fact-based, and rational – be prepared to cite your references/authority. Personal disparagement/disrespect will not be tolerated. Previous students have found study groups (through separate telephone/internet connections and/or the university’s discussion thread) to be useful.

Each teleconference will begin with an opportunity to explore/clarify issues arising from previous lectures, readings, etc. This will be followed by a similar opportunity regarding the current material. The instructor may include additional materials. In most teleconferences students will present their brief(s) of the assigned case(s) which will be followed by group discussion. Toward the end of each teleconference students will have an opportunity to ask questions about the next assignment and/or future materials.

Students who have questions regarding specific quiz/exam answers and/or grading should address them via the internet or telephone, teleconference time is usually too short to permit such in-depth discussions. General questions with which other students may be concerned may be discussed – at the instructor’s discretion.

Students are expected to have: read the text assignment, the pertinent supplemental materials, viewed the lectures, and read and briefed assigned cases prior to the teleconference.

Academic Honesty:
UW Regulation 6-802. The University of Wyoming is built upon a strong foundation of integrity, respect and trust. All members of the university community have a responsibility to be honest and the right to expect honesty from others. Any form of academic dishonesty is unacceptable to our community and will not be tolerated [from the University Catalog]. Teachers and students should report suspected violations of standards of academic honesty to the instructor, department head, or dean. Other University regulations can be found at: http://www.uwyo.edu/generalcounsel/new-regulatory-structure/index.html
### Course Outline:

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<tr>
<th>Session 1</th>
<th>Legal Systems, Reports &amp; Case Studies</th>
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| September 3 | Text Reading: Preface  
|             | Complete the Supplemental Materials exercise (Pg. 18 et seq.) |

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<th>Session 2</th>
<th>Natural Boundaries and Riparian Rights</th>
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| September 10 | Text Reading: Chapter 2  
|             | Brief: Panama Ice & Fish v Atlanta |

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<th>Session 3</th>
<th>Sovereign Title</th>
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| September 17 | Text Reading: Page 1 to 6  
|             | Brief: Shively v Bowlby |

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<th>Session 4</th>
<th>Navigability</th>
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| September 24 | Text Reading: Chapter 6  
|             | Brief: U.S. v Appalachian Electric |

**QUIZ 1**

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<th>Session 5</th>
<th>Tides</th>
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| October 1 | Text Reading: Pages 7 to 24  
|          | Obtain a NOAA water level graph from a station in the Atlantic, Pacific,  
|          | Gulf of Mexico and one of the Great Lakes but not in your reporting state |

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<tr>
<th>Session 6</th>
<th>Tidal Boundaries</th>
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| October 8 | Text Reading: Pages 24 to 55  
|          | Brief: Borax Consolidated v Los Angeles |

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<th>Session 7</th>
<th>Changes in the Land-Water Boundary</th>
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| October 15 | Text Reading: unassigned  
|          | Brief: Hughes v State |

**QUIZ 2**

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<th>Session 8</th>
<th>Overview of the Public Land Survey System</th>
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| October 22 | Text Reading: unassigned  
|          | Brief: Hughes v Washington |

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<tr>
<th>Session 9</th>
<th>Water Boundaries of the Public Land Survey System</th>
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| October 29 | Text Reading: Chapter 5  
|          | Brief: Railroad Company v Schumeier |

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<th>Session 10</th>
<th>Swamps, Marshes and Estuaries</th>
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| November 5 | Text Reading: unassigned  
|          | Brief: Phillips Petroleum v Mississippi  
|          | AND read the dissent of Justice O'Connor |
Session 11  
Apportionment of Accretions  
November 12  
Text Reading: Chapter 3 and Chapter 9  
No case study

QUIZ 3

Session 12  
International Law  
November 19  
Text Reading: Chapter 7 and Chapter 10  
Brief: U.S. v California

November 26 - Thanksgiving Break

COURSE PROJECT DUE

Session 13  
Submerged Lands and the Continental Shelf  
December 3  
Text Reading: Chapter 8  
Brief: U.S. v Texas

Session 14  
Critique of our text and Course Review  
December 10  
Text Reading: Chapter 4  
No case study

Session 15  
FINAL EXAM

The instructor may make changes to the syllabus as the course proceeds. If necessary, these changes will be announced in class. Substantive changes made to the syllabus shall be communicated in writing to the students.
SAMPLE QUIZ

24/30 = A

1. During the Northern Hemisphere’s summer:  
   a) Earth is closer to the sun than other times of the year  
   b) Australia is experiencing its winter  
   c) Due to the inclination of Earth’s axis of rotation in relationship to the plane-of-the-ecliptic the sun is more directly overhead than other times of the year  
   d) The Sun appears to set further north each day.  
   e) The United States gets more hours of sunlight at the beginning than at the end

2. Match the correct “number(s)” to the “letters”.  
   a) “Gulf” coast state 2 6  
   b) Boarders on Canada 4 3  
   c) Part of the Original 13 Colonies 1 4  
   d) Part of the Louisiana Purchase 5  
   e) “Atlantic” coast state 2  

3. The three branches of our federal government are: the President (Executive); and, the Legislative; and, the Judicial.  
   The Executive Branch is comprised of more than just the President; it includes the Vice-President, the Cabinet and other appointed officials, as well as the military and civil services, independent operating agencies, etc.  
   The Legislative Branch is entirely comprised of the House of Representatives and the Senate, often referred to collectively as “Congress”.

4. Define and discuss Equinox.  
   a) Define: The two times of the year (~3/20 & ~9/22) when the axis of Earth’s rotation points to the center of the Sun.  
   b) Discuss: At noon on the equinox the Sun is directly overhead at the Equator. In March its apparent motion is towards the north, while in September it appears to be moving south. The term derives from Latin meaning “equal night” because there are twelve hours of sunlight and twelve hours of darkness everywhere on Earth. Because the Sun is many times larger than Earth, and because the astronomic calculations are to its center, sunlight from the upper limb shines on Earth prior to sunrise and after sunset. Moreover, the light is refracted approximately one solar radius by Earth’s atmosphere, resulting in 12 hrs. 07 mins. of daytime and 11hrs 53 mins. of nighttime on the equinox (rather than being equal).  
   Between the March and September equinox’s the Northern Hemisphere experiences more “day time” and less “night time” because the Sun rises North of East and sets North of West; between the September and the March equinox’s it experiences more “night time” and less “day time because the Sun rises South of East and sets South of West.
5. Compare and contrast Equinox and Solstice.

   a) Compare: An Equinox and a Solstice each occur twice a year at specific (and opposite) points along Earth’s path of revolution about the Sun. They mark the days when, at local noon, the Sun is directly over the equator (Equinox) or the Tropic of Cancer/Capricorn (Solstice), and are the points in the calendar year when the seasons change.

   b) Contrast: The Equinoxes occur on ~3/20 and ~9/22, while the Solstices occur on ~6/21 and ~12/21. The Sun is furthest from Earth at the June Solstice and closest at the December Solstice; whereas the Earth-Sun distance is essentially the same at the Equinoxes (this is due to the ‘elliptical’ path that Earth follows as it travels around the Sun). Depending upon which hemisphere the observer is in, there is maximum or minimum daylight at all locations on the day of the Solstices; whereas day and night are essentially equal at all locations on the day of the Equinox.

Because the axis of rotation is inclined by 23° 27’ in relationship to the ecliptic, the Northern Hemisphere receives more direct sunlight during its summer than during its winter (the situation is the same in the Southern Hemisphere but at the opposite times of the year). There is more caloric exposure in “southern summers” than “northern summers” because Earth is closest to the sun during that period.