**SYLLABUS**

**SPRING 2019 UF LAW MARINE AND COASTAL FIELD COURSE**

**A DAY AT THE BEACH: THE LAW, POLICY AND FUTURE OF FLORIDA’S BEACHES**

**LAW 6930: SECTION 1F04**

**PROFESSOR ANKERSEN**

1. **COURSE OBJECTIVES AND GOALS**

This one credit field course will address the legal issues surrounding Florida’s beaches. Students will gain a general understanding of coastal law and policy in Florida as it applies to Atlantic and Gulf beaches and the Florida Keys. Topics include: overview of Florida coastal management law and policy framework; the ambulatory boundary law framework and its relation to cyclical tides and sea level rise; the common law of beach access and recent statutory modifications; beach-dependency and protected species law, legal and policy frameworks for coastal resiliency including living shorelines permitting processes, the 2016 peril of flood statute and “adaptation action planning areas.”

1. **STUDENT LEARNING OBJECTIVES**

Students will understand the relationship between complex coastal processes and the law, and the implications that sea level rise and coastal erosion has on property rights and the conservation of beach dependent species. Students will gain a deeper appreciation of the role that science plays in the formulation of law and policy. Students will gain practical skills in the tools of stakeholder engagement in the policy formulation process. Student will address legal issues in the field.

1. **REQUIRED COURSE MATERIALS**

Course materials will be consist of readings authored and curated by the instructors and guest lecturers, as well as background readings to enhance a deeper understanding. Students should read the assigned materials before each class and be prepared to discuss the assigned materials during class. Reading assignments may be changed or added as the semester progresses.

**Text:** Course materials will be made available online and/or distributed prior to the sessions for which they are relevant.

1. **METHOD OF EVALUATING STUDENTS AND DETERMINING GRADES**

Final grades will be based on a final exam and satisfactory completion of short reflective essays after each field trip. (100%), and the relaxed curve associated with a class of fewer than 15 students.

**Classroom Expectations & Field Trip Participation:** Each student is expected to participate in class and field discussions. Students may be called on to answer questions. Voluntary participation is encouraged. Students may miss 1 of the 4 field trips. However, course content delivered at these may be on the final exam.

**Out-of-Class Expectations:** In conformance with ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

**Final Exam:** The final exam will address topics covered on each field trip, and all assigned readings. Students should expect a combination of multiple choice, short answer, and short essay questions. The final exam will constitute 100% of the final grade.

**Grades:** Grades will be assigned based upon the standards required by the law school, and applicable to a class with fewer than 15 students. The UF Frederic G. Levin College of Law grading policy is located at <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>

**Grading Scale:** The following chart describes the specific letter grade/grade point equivalent.

|  |  |
| --- | --- |
| Letter Grade | 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 |

**Information on UF Law Grading Policies:** The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

 **Policy related to make-up exams or other work:** The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#12>.

1. **STUDENT COURSE EVALUATIONS:** Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.
2. **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>.
3. **Statement related to accommodations for students with disabilities:** Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**SCHEDULE OF FIELD TRIPS, LECTURES AND READINGS**

1. **Syllabus Review/ Logistics Meeting (Jan. 10)**

Overview of Coastal Law and Policy in Florida

1. **Field Trip # 1 (Jan. 18 – Jan. 19) – The Atlantic Coast & Florida’s High Energy Beaches**

Venue: UF Whitney Lab, Marineland, Florida

Housing (Whitney Lab dorms); Transport & meals other than working lunch on your own

**Friday, Jan. 18th 12:00 PM – 3 PM working lunch**

Lecture 1 – Ambulatory Boundaries – Alyson Flournoy

Reading: Alyson C. Flournoy, *Beach Law Cleanup: How Sea-Level Rise Has Eroded the Ambulatory Boundaries Legal Framework*, 42 Vermont L. Rev. 89 (2017)

Lecture 2 – Determining the Mean High Tide – Nick Di Gruttulo, PhD

Reading: Nick DiGruttulo, The Surveyor’s Method: Implications of Tidal Effects on Sea Level Rise Adaption Planning and Littoral Property Boundary Determination (Dissertation excerpts, 2018).

Lecture 3 – Whose beach is it? – Tom Ankersen, Alyson Flournoy & Sasha Alvarenga

Reading: Alyson Flournoy, Thomas T. Ankersen & Sasha Alvarenga, Recreational Rights to the Dry Sand Beach in Florida: Property, Custom & Controversy, Draft Publication (2019).

**3 pm – 7:00 pm Activities**

* + Beach hike (coastal dynamics)
	+ MHWL determination – with Nick Digruttulo
	+ Sea Turtle hospital tour – Cat Eastman
	+ Oyster roast – Matanzas Riverkeeper

**Saturday, Jan. 19th**

* + Optional sunrise hike in Marineland River to Sea Preserve
	+ Optional kayak excursion on the Mantanzas River (Self-funded)
1. **Field Trip # 2 (Feb. 1 – Feb. 2) – The Gulf Coast Big Bend & Florida’s Low Energy Beaches**

UF Nature Coast Biological Station, Cedar Key, Florida

Housing (Old Fennimore condos); Transport & meals other than working lunch on your own

**Friday February 1, 1:00 – 2:00 working lunch**

Lecture 1 – Living Shorelines (Tom Ankersen/Mark Clark/Savanna Barry)

Reading: Thomas T. Ankersen, Alexandra Barshel & Valerie Chesnut, Streamlining Resiliency: Regulatory Considerations in Permitting Small-Scale Living Shorelines in Florida,, UF IFAS / Florida Sea Grant Technical Publication 233 (April, 2018)

 Lecture 2 – Peter Frederick, Oyster reefs as marsh makers

J. R., W. E. Pine, III, P. Frederick, L. Sturmer, and M. Berrigan. 2011. Decadal changes in oyster reefs in the Big Bend of Florida’s Gulf Coast. Ecosphere 2(10):114. doi:10.1890/ES11-00205.1

Site visit # 1: Joe Rains Beach Living Shoreline; G-Street & Airport Road living shoreline proposals.

**Sat. Feb. 2nd 8:30 – 9:30 – Working Breakfast**

Lecture 3 – Travis Taylor, PhD Candidate, Beach dependency: “The Current Status and uncertain future of the Diamondback Terrapin in the coastal marshes of Florida”

Reading: Bill White & Sean Sharp, Diamondback Terrapin: A Sentinel For Sea Level Rise (University of Florida Conservation Clinic, April, 2014)

Artificial nesting habitats as a conservation strategy for turtle populations experiencing global change, Integrative Zoology 2013: 8:309-221

Site Visit 2: boat trip to salt marsh beaches and offshore oyster reef

**Activities:**

* + Salt marsh/living shoreline beach hike
	+ Clam boil
	+ Oyster reef visit
1. **Field Trip # 3 Public Interest Environmental Conference - Friday, Feb. 8th Beaches & Islands panel**

 Holly Parker, Florida Director, Surfrider Foundation

 Prof. Michael, Savarese, Florida Gulf Coast University

 David Migut, City Attorney, Marathon, Florida Keys

 Jesse Reiblich, Center for Ocean Solutions, Stanford University

1. **Field Trip # 4 (Feb. 28 – March 1) – The Florida Keys – Stakeholder Engagement in Sea Level Rise**

Venue: Elizabeth Moore International Center for Coral Reef Research and Restoration & City of Marthon City Hall

Housing (Mote Marine Lab Dorms); Transport 15 passenger UF IFAS van; Working lunch/Dinner /other meals on your own

**Thursday, Feb. 28th Travel Day**

**Fri. March 1st** Stakeholder engagement exercise - City of Marathon resiliency planning initiative

Reading: William H. Butler, Robert E. Deyle & Cassidy Mutnansky, Low-Regrets Incrementalism: Land Use Planning Adaptation to Accelerating Sea Level Rise in Florida’s Coastal Communities, 36:3 Journal of Planning Education & Research 319-332 (2016).

Rainey Booth, Scenario Analysis/Planning Methodologies Literature Review (Unpublished Memo prepared for UF Law Scenarios Workshop, 2016)

**Sat. March 2nd – Travel day**

1. **Exam (TBD- Within 10 days After Spring Break)**