The Public Trust Doctrine made simple:

Taking the Mystery out of the Moniker
aerial photo of Misquamicut '39
area of fill as depicted on Palazzolo application
cross-section of Misquamicut Barrier Beach
Governmental Control of Waterways

Federal
- Supremacy
  - Regulatory (indirect control)
    - COMMERCE POWER REGULATION
  - Proprietary (direct control)
    - FEDERAL NAVIGATIONAL SERVITUDE

State
- Supremacy
  - POLICE POWER
  - PUBLIC TRUST DOCTRINE
Submerged Lands Act § 6, 43 USC § 1314(a), in part:

(a) The United States retains all its navigational servitude and rights in and powers of regulation and control of said lands and navigable waters for the constitutional purposes of commerce, navigation, national defense, and international affairs, . . .
CONSTITUTION OF THE UNITED STATES
Amend. 5

. . . Nor shall private property be taken for public use, without just compensation.
The Takings Clause

“…nor shall private property be taken for public use, without just compensation.”

Direct Condemnation
a.k.a. Eminent Domain
a.k.a. *De Jure*
Condemnation a.k.a.
Formal Condemnation

Inverse Condemnation
a.k.a. Constructive
Condemnation a.k.a.
*De Facto*
Condemnation

Physical
Occupation

Regulatory
Taking

Lucas

Penn Central
Royal Charter
depiction of Palazzolo site
marshlands
photo from Palazzolo site
photo of Palazzolo site marshlands
plat map as depicted in Palazzolo's appraisal