



NSGLC News

— December 2023 —



NSGLC's monthly e-newsletter with publication and research highlights, as well as news alerts on other major activities.

Publications

The NSGLC is pleased to offer the December 2023 issue of the *Ocean and Coastal Case Alert*.

[View Case Alert](#)



The NSGLC is pleased to announce the publication of Volume 12:1 of the Sea Grant Law & Policy Journal. This Journal edition features articles from law and graduate students throughout the country on law and policy issues facing the ocean and our nation's coastal areas. Article topics include:

- Great Lakes restoration and the Public Trust Doctrine, with a focus on Milwaukee;
- Illegal, unregulated, and unreported fishing frameworks to address sea slavery;
- Proposed regulatory changes to protect Florida's sea turtles from climate change; and
- A literature review of the seaweed industry and food safety issues.

[View the Sea Grant Law & Policy Journal](#)

Summer Programs

The National Sea Grant Law Center (NSGLC) is seeking a **Sea Grant Program** partner for the 2024 Sea Grant Community Engaged Legal Internship Program (CELIP). The summer internship provides experiential learning opportunities to law school students from diverse backgrounds in the field of ocean, coastal, and Great Lakes law, with an emphasis on issues facing underrepresented or indigenous communities. The partner institution will provide the intern with the opportunity to contribute to an existing project or program serving an underrepresented or indigenous community. The NSGLC will work collaboratively with the host program to develop a work plan and learning objectives for the 8-week internship. During the internship, the intern will travel to the host Sea Grant program for a one-week placement.

To qualify to serve as a host institution, a Sea Grant Program must (1) identify an existing project or program serving an underrepresented or indigenous community that the intern could contribute legal research to and (2) provide office space and other logistical support to the intern during the one-week placement. Travel expenses for the one-week placement will be covered by the NSGLC. To apply to serve as a host institution, please email Terra Bowling, tmharget@olemiss.edu by Wednesday, January 10th describing your Sea Grant program's interest in serving as a host institutional partner in 500 words or less.

NSGLC Presents!



NSGLC Director Stephanie Otts gave a presentation on legal considerations related to oyster marketing during a recent Mississippi-Alabama Sea Grant Consortium workshop for oyster farmers on December 4th. The presentation covered the basics of shellfish aquaculture permitting in Mississippi and Alabama, additional licenses needed to engage in direct sales of shellfish, and some discussed marketing pitfalls to avoid.

Research

As part of the NSGLC's work on aquatic invasive species in commerce, we conducted research on the accessibility of state aquatic invasive species lists. Read about the main takeaways and see the resulting map here: <https://www.aisincommerce.org/state-regulations>

The proceedings from Oceans 2023 – Gulf Coast includes *Legal Implications of Identification of the Rice's Whale in the Gulf of Mexico* by NSGLC Director Stephanie Otts and Law Fellow Samantha Hamilton. The paper provides an overview of the listing process for the Rice's whale, summarizes the citizen petitions and lawsuits filed to date to ensure federal protections for the Rice's whale are fully implemented and enforced,

and discusses the potential implications of these developments on ocean industries in the Gulf of Mexico.

Top Tweet of the Month



Sea Grant Law Center @SGLawCenter

The December 2023 'Ocean and Coastal Case Alert' is now available. View the complete list of cases for the month:

nsglc.olemiss.edu/casealert

FIFTH CIRCUIT

United States v. Abbott, No. 23-50632, 2023 WL 829157 (5th Cir. Dec. 1, 2023).

The United States sought action to remove a floating barrier placed in the Rio Grande River without the authorization of either Congress or the U.S. Army Corps of Engineers. The structures were placed in the river at the direction of Governor Abbott of Texas. The United States argued that the barrier created an obstruction of the navigable capacity of the water. The district court found that the Rio Grande was historically navigable and susceptible of use for commerce. Further, the district court reasoned that the barrier obstructs the navigable capacity of the Rio Grande and creates a hazard. The Fifth Circuit affirmed the district court's grant of a preliminary injunction against further construction or maintenance of the barriers, reasoning that the term "obstruction" is construed flexibly and the barriers and concrete obstacles employed present a serious risk to watercrafts.

National Sea Grant Law Center

<https://nsglc.olemiss.edu>



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