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WELCOME

To keep the network better informed about our programs and projects, the Sea Grant Legal Programs have decided to produce a monthly email newsletter. Through this newsletter we will highlight recent publications, staffing changes, and new initiatives. Feel free to contact the directors of the individual Sea Grant Legal Programs for additional information on any of the projects or products mentioned below. For information on how your program can tap into the services of the National Sea Grant Law Center, please contact Stephanie Showalter at sshowalt@olemiss.edu or by phone at (662) 915-7775.

National Sea Grant Law Center

The National Sea Grant Law Center was founded in 2002 to provide legal research, education, and outreach services to the Sea Grant community and its constituents. The Law Center publishes a quarterly legal newsletter, The SandBar, and a scholarly journal, the Sea Grant Law and Policy Journal. The Law Center also offers an advisory service and a variety of outreach materials. For more information, please visit our website at <http://www.olemiss.edu/orgs/SGLC/>.

Some of our recent activities include:

• *Volunteer Liability*

In response to a request to compile liability information for organizers of beach clean-ups, the National Sea Grant Law Center conducted research on liability issues facing volunteers and volunteer organizers. The document "Volunteer Liability" gives an overview of the federal and state volunteer liability laws, as well as additional issues and doctrines that may apply to volunteers and volunteer organizers. The document addresses volunteer, organizational, and corporate liability separately and includes an appendix of state laws that address volunteer liability. The document is available at <http://www.olemiss.edu/orgs/SGLC/National/Volunteer.pdf>.

• *Beach Liability*

Liability issues are a major concern for beach owners. An article published in the Environmental Law Reporter, "From Rip Currents to Flying Umbrellas: Beach Liability Basics and Recent Cases," provides an overview of liability issues resulting from accidents at the beach. In addition to common law, the article looks at available statutory protections, including examples of laws in Hawaii and New Jersey. The article examines the role of adequate warning signs in beach liability cases. The article includes a review of some of the most recent litigation surrounding accidents at the beach caused by rip currents, vehicles on the beach, flying objects, equipment rental, and dog bites.

• *Precautionary Principle*

The precautionary principle is a framework for governments to develop and evaluate health and environmental laws. The principle allows lawmakers to take precautionary measures when science cannot yet fully establish a cause-and-effect relationship, but can provide reasonable evidence of harm. In keeping with the spirit of implementing ecosystem based management through a local government approach, this paper, in publication for September 2008, is intended to help coastal communities incorporate ecosystem-based management and sustainable development principles into planning and management.

Louisiana Sea Grant Law and Policy Program

The recent experiences of Hurricanes Katrina and Rita are costly reminders of the physical impact that coastal storms have on the landscape of south Louisiana. If you live here, history indicates that you have a 1-in-10 chance of being affected by a hurricane.

To improve coastal communities' ability to cope with a storm, the Louisiana Sea Grant Law & Policy Program has prepared the Louisiana Hazard Mitigation Guidebook. The 250-page book - which examines issues from zoning and building siting to construction methods and legal issues - is available for free.

"The intent of the guidebook is to present basic strategies that can help planners, managers and property owners in coastal communities better prepare for and recover from hurricanes," said Jim Wilkins, LSG Law & Policy Program director. "Even though Hurricane Katrina was the most destructive and costliest tropical cyclone in the history of the United States, it is important to remember that many previous storms were likely more powerful and that there are more storms in our future."

"It is up to us, as individuals and local governments, to take the lead in protecting our lives and property and to establish resilient and sustainable communities through our decisions on where and how to build. The techniques discussed in the guidebook can be implemented by local governments as well as individuals without dependence on state or federal governments. In other words, this is a 'self-help' book," Wilkins said.

The strategies outlined in the guidebook will reduce, but not eliminate, the risks from coastal natural hazards such as storm surge, other flooding, subsidence and sea level rise, and are meant to serve as an extra layer of protection or an additional line of defense. The guidebook also demonstrates how communities can adopt a flexible approach to hazard planning and accommodate a wide range of attitudes toward restrictions on the use of property to mitigate hazards.

An electronic copy of the book can be downloaded from the LSG Law & Policy Program Web site (www.lsu.edu/sglegal), or a printed copy can be ordered by contacting Jessica Schexnayder, 105 Sea Grant Building, Louisiana State University, Baton Rouge, LA 70803. Please include a check or money order for \$5 when ordering a printed copy to cover shipping and handling. For general information about obtaining a book, e-mail jschel5@lsu.edu.

Mississippi Alabama Sea Grant Legal Program

The Mississippi-Alabama Sea Grant Legal Program recently welcomed a new staff attorney, Timothy Mulvaney. Prior to assuming his current position, Tim served as a Deputy Attorney General in the New Jersey Attorney General's Office from 2005-2008, primarily advising the State on a variety of environmental and land use issues. A frequent lecturer on public trust issues, he is the co-author of "Waterlocked: Public Access to New Jersey's Coastline," 34 E.L.Q. 579 (Fall 2007). Tim received a B.A. in economics from Haverford College in 2000, and a J.D. from the Villanova University School of Law in 2004, where he served on the Villanova Law Review.

In addition to editing a quarterly legal newsletter, Water Log, Tim will initially be working to complete a report for the Mississippi Department of Wildlife, Fisheries, and Parks summarizing Mississippi's regulation of in-stream flow. This report is expected to be complete in September 2008. More information about the Legal Program is available at <http://www.olemiss.edu/orgs/SGLC/msalhome.htm>.

North Carolina Coastal Resources Law, Planning and Policy Center

Every day is "decision day" somewhere along the coast. Local, state and federal officials, as well as residents and business owners, make choices that reflect increasing demands on limited coastal resources. North Carolina Sea Grant coastal law, policy and community development specialist Lisa C. Schiavinato assists policymakers and the public and helps facilitate discussions of controversial issues.

In 2004, the North Carolina Coastal Resources Law, Planning and Policy Center was established through a cooperative agreement among North Carolina Sea Grant, UNC School of Law and UNC Department of City and Regional Planning. The Center provides timely and usable legal and planning information to coastal managers, communities, businesses and citizens. Lisa Schiavinato, lschiav@gw.fis.ncsu.edu, and Joseph Kalo, jjkalo@unc.edu, a professor at the UNC School of Law, co-direct the Center.

The Center is a research, advisory, and educational entity intending informational support to state agencies, state advisory groups, local governments the legal community, and community organizations in their efforts to address ocean, coastal, and development issues. In addition, the Center engages in long-term coastal use and development trends and issues. These results are communicated through white papers available on the Center's Web site, as well as through the semi-annual publication of Legal Tides, a newsletter that reaches more than 1,400 attorneys, state agency and local government personnel, and community organizations. Legal Tides is available for download in PDF format at <http://www.nccoastallaw.org/coastallawnc/publications.htm> and also available to view online at <http://blogs.ncseagrant.org/legaltides/>.

The Center also sponsors conferences and other educational programs in its efforts to extend pertinent information to coastal management professionals, community organizations, and others with an interest in coastal issues. One such program the Center sponsors and hosts is an annual Continuing Legal Education program called "Shape of the Coast." This program, designed for attorneys and laypersons alike, focuses on timely coastal and planning issues for North Carolina. The 2008 program will be held on October 24 in New Bern, North Carolina.

One of the projects the Center is currently working on is assisting the North Carolina Division of Coastal Management update its ocean policy. This study, with the assistance of the ocean policy steering committee, will provide the State with research and recommendations for management strategies on emerging ocean resource issues for North Carolina.

For more information about the Center, please visit <http://www.nccoastallaw.org/coastallawnc/index.html>.

Rhode Island Sea Grant Legal Program

The Marine Affairs Institute at Roger Williams University School of Law was created in 1996 as a research institute focusing on analysis of legal and policy issues raised by the development and use of the ocean and coastal zone. Initially, the Institute's goal was to encourage discussion and research within the context of a three-fold emphasis: traditional admiralty law and practice, environmental regulation, and the international law of the sea. Geared toward law students and practicing professionals, the Institute's efforts included a lecture series, an annual symposium, faculty exchanges, and scholarly publications on marine affairs issues.

During the first ten years of the School of Law, the Institute also provided students interested in acquiring a specialty in marine affairs with the elective course offerings in pollution and environmental regulation, coastal zone law, fisheries, and traditional admiralty law and practice, in addition to the Joint Degree Program in which students acquire a J.D. from Roger Williams and a Masters of Marine Affairs from the University of Rhode Island.

Building on these existing strengths, the Institute hired its first full-time director and established the Rhode Island Sea Grant Legal Program in 2003. Since then, the Institute has expanded course offerings and programs to include ocean, coastal and environmental law and policy and expanded its staff to the three full-time positions of Director, Research Counsel, and Program Coordinator.

Susan Farady will join the Marine Affairs Institute as Director on August 1, 2008. She will also direct the Rhode Island Sea Grant Legal Program. Susan joins the school after serving at the Ocean Conservancy, Portland, Maine, where she has been the New England Regional Director.

• *Research*

In recent years, the Institute has contributed to the body of research in marine law and policy through reports, law review articles, and book chapters. Topics include: Conservation of Submerged Lands; Public Trust Doctrine; Ecosystem Based Management; Regional Ocean Governance; Fisheries Law and Policy; Takings and Private Property Rights on the Coasts; and Sea Level Rise

• *Law and Policy Outreach, Programs and Events*

The Marine Affairs Institute outreach has focused on programs and symposia and, with the addition of Sea Grant support in 2004, research and analysis conducted by Sea Grant Law Fellows and Institute attorneys. The outreach arm focuses on the research needs of state, regional and national entities including government agencies, nonprofits and the private sector.

The principal event offered by the Institute is the biennial Marine Law Symposium (renamed in 2004 from the "Maritime Law Symposium") which offers a two day program on recent topics in maritime and ocean and coastal law. The 7th Marine Law Symposium entitled "A Viable Marine Renewable Energy Industry: Solutions to Legal, Economic and Policy Challenges" will be held on October 23-24, 2008.

For more information, please visit the Legal Program's website at <http://seagrant.gso.uri.edu/law/>.

University of Florida School of Law Conservation Clinic

Faculty and students affiliated with the Conservation Clinic at the University of Florida School of Law have been working with Florida Sea Grant to address the legal and policy issues facing Florida waterways and waterfronts. Their website, <http://www.law.ufl.edu/conservation/waterways/>, offers a variety of tools for state and local entities to consider in planning for the sustainable management of Florida's waterways and the preservation of its working waterfronts. For example, the Conservation Clinic's publication, "Anchoring Away: Government Regulation and the Rights of Navigation in Florida" represents a comprehensive review of federal and state laws on the regulation of anchoring which boaters and local government policymakers can use to understand their respective rights and authority. A wide variety of resources are available including powerpoint presentations, model ordinances, and policy analyses.

Florida Sea Grant's partnership with the Conservation Clinic has expanded beyond the initial waterways and waterfronts project to include work on smart growth and sustainable development. Most recently, the Conservation Clinic helped draft the language for the City of Gainesville's Green Building Program. This incentive-based program incorporates a variety of energy efficient construction and landscape criteria that builders must follow in order to build homes that are certified by the Florida Green Building Coalition. The Conservation Clinic has also provided model language for various covenants, conditions and restrictions to help homeowner's associations do their part to protect and conserve Florida's water resources using science-based information generated by University of Florida.

For more information on the Conservation Clinic, its partnership with Florida Sea Grant, and its programs, please contact the Clinic's Director, Tom Ankersen, ankersen@law.ufl.edu.