



# Legal Programs Newsletter

Programmatic Updates

JANUARY 2010

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## WELCOME

For information on how your program can utilize the services of the National Sea Grant Law Center, please contact Stephanie Showalter, Director, at [sshowalt@olemiss.edu](mailto:sshowalt@olemiss.edu) or by phone at (662) 915-7775.

### National Sea Grant Law Center

Happy New Year! I hope everyone had a happy and safe holiday season. Last month, the Law Center was pleased to receive word that our strategic planning documents received final approval from the National Sea Grant Office. We are looking forward to implementing our strategic plan over the next four years and highlighting our program and its successes during our site visit.

Planning is well underway for the *Sea Grant Law and Policy Journals* 2010 Symposium on Adaptive Management. The Symposium will be held in Oxford, MS on March 30-31, 2010. The Symposium will feature presentations on a variety of topics including the adaptive management experiences of the National Marine Sanctuaries Program and the Mineral Management Service, adaptive management and climate change, a case study of the Columbia River Basin, and the challenges of managing conservation easement land adaptively. For the first time, we are also organizing an optional field trip to historic sites in Oxford, including a tour of Rowan Oak, William Faulkner's home. Brochures will be mailed in early January. To be added to the distribution list or for more information, contact Stephanie Showalter at [sshowalt@olemiss.edu](mailto:sshowalt@olemiss.edu).

Last month, the Law Center received 13 proposals for funding through our 2010 Grants Competition. The review process has begun and the Law Center looks forward to announcing the projects selected for funding in early February 2010.

In November, Terra attended the Sea Grant Climate Change Workshop held in Charleston, South Carolina, November 8-11 and moderated a panel on policy and legislative issues in adaptation and mitigation. Terra also worked on an advisory request for the NOAA Aquaculture Program on issues regarding self-positioning sea cages and the legal implications of defining offshore aquaculture as agriculture. She continues to edit *The SandBar*, the Ocean and Coastal Case Alert, and submissions for InfoHub.

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### Louisiana Sea Grant Law and Policy Program

Law & Policy Legal Coordinator Melissa Daigle attended the Sea Grant Climate Change Workshop held in Charleston, South Carolina, November 8-11. The Workshop covered topics such as the science behind climate change, social science and climate change, ways of implementing climate change work into the Sea Grant focus areas, and policy and legislative issues in adaptation and mitigation. One of the main messages of the workshop was for extension agents and other Sea Grant personnel to find ways to incorporate climate change into existing projects. The SGLPP intends to include climate change issues in many of its current and upcoming projects, as well as researching specific climate change legal issues. For example, Jim Wilkins, SGLLP Director, is presenting on the "Legal Implications of Innovative Planning Strategies for Sea Level Rise in the Gulf of Mexico" panel at the 2010 Sea Level Rise Conference, which is being held in Corpus Christi, Texas, in March.

Melissa attended the December Louisiana Wild Caught Crawfish Task Force meeting. The Task Force is in the process of creating a crawfish management plan, as the crawfish industry is one of the few remaining fisheries in the state without one. The Task Force heard from two scientists who have been studying crawfish biology in order to determine if there is a need for set seasons or an increase in mesh size limits, as these are both issues that will need to be addressed in the management plan. The Task Force also discussed issues with property rights disputes between landowners and fishermen, as well as optimum water levels in the Atchafalaya Basin.

The latest edition of *Louisiana Coastal Law* has been published and mailed out. It includes three articles: one covering updates from the most recent legislative session, one addressing the recent opening of Elmer's Island to the public, and one explaining the Clean Water Restoration Act. It is available online at <http://www.lsu.edu/sglegal/pubs/lcl.htm>. If you would like to be added to the SGLPP mailing list, please contact Melissa Daigle at [mtrosc2@tigers.lsu.edu](mailto:mtrosc2@tigers.lsu.edu).

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### Mississippi-Alabama Sea Grant Legal Program

In December, Director Stephanie Showalter and Research Counsel Niki Pace attended the Gulf of Mexico Alliance Resiliency Team meeting in Ocean Springs, Mississippi. Stephanie presented an overview of takings issues related to sea level rise. Niki participated in the "Toolkit" workgroup sessions. MASGLP will be working over the next year to research state-specific policy and planning frameworks guiding coastal development along the Gulf of Mexico for the workgroup.

Law clerk research continued with the "Accessing the Coast" website project for Mississippi and Alabama and well as the disaster handbook project for the two states. Niki began preparing factsheets on research questions proposed by local counsel for this project as well.

Niki also prepared legislative updates for Mississippi and Alabama in anticipation of the February edition of Water Log.

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### North Carolina Coastal Resources Law, Planning and Policy Center

In November 2009, the Center co-director Lisa Schiavinato wrote an article for *Coastwatch* magazine on the North Carolina Ocean Policy Study and federal Interagency Ocean Policy Task Force. She also attended two webinars hosted by the International Submerged Lands Management conference on model wind bylaws and marine spatial planning.

As Secretary-Treasurer and executive committee member of the Sea Grant Sustainable Coastal Community Network, she helped plan a quarterly conference call and participated in a meeting with SCCD Network Chair Vicky Carrasco and Vice-Chair Kristen Grant regarding drafting network bylaws. As co-chair of The Coastal Society's 22nd conference, Ms. Schiavinato organized and hosted three conference calls associated with planning TCS 22. As president-elect of TCS and as member of its nominations committee, she helped to organize 2009 elections process for the society's Board of Directors. As member of the editorial board of the *Sea Grant Law and Policy Journal*, she participated in discussion with the National Sea Grant Law Center to choose a topic for 2010 symposium and potential presenters and keynote speaker.

Ms. Schiavinato also attended a meeting of the NC State University Extension Operations Council, a university-wide group of extension professionals. At this meeting, she represented NC Sea Grant. Along with NC Sea Grant's coastal construction specialist Spencer Rogers, Ms. Schiavinato assisted the American Beach and Shore Preservation Association in editing North Carolina-related content for its November 2009 newsletter.

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### **Rhode Island Sea Grant Legal Program**

As 2009 drew to a close, the Rhode Island Sea Grant Legal Program took stock of the important work conducted by our Law Fellows during the fall semester. Law Fellows are selected RWU law students who are matched with outside organizations to conduct hands-on legal research on today's marine law issues. The Marine Affairs Institute oversees the Fellows' work, in partnership with Rhode Island Sea Grant. This fall, the following students produced quality legal work for municipalities, state agencies, and researchers:

Brian Fielding '10 and Ryan Smith '11 conducted legal research for the East Bay Energy Consortium, nine Rhode Island cities and towns developing a wind farm feasibility study. Brian researched the options for a group of municipalities interested in acting as one legal entity for purposes of cooperatively siting and operating wind energy facilities. Ryan researched the existing legal and regulatory framework in Rhode Island regarding the siting of wind energy facilities. Both students presented their research at Consortium meeting held at RWU on December 7, 2009.

Ashley Texeira '11, worked with the Rhode Island Emergency Management Agency (RIEMA) to support StormSmart Coasts Rhode Island, a collaboration between RIEMA, the University of Rhode Island Coastal Resources Center, RI Coastal Resources Management Council and the RI State Building Commissioners Office. This project is being designed to help coastal communities address challenges of storms, floods, sea level rise, and climate change, and provide tools for successful coastal floodplain management

Kathleen Haber '10 prepared research on offshore wind siting activities in Maine, Massachusetts and Rhode Island and relevant state and federal regulations and policies. Her background paper was used at the New England Regional Ocean Law Collaborative workshop held on November 4, 2009 in Newport, Rhode Island with support from the National Sea Grant Law Center. The workshop gathered state and federal authorities to review legal issues related to regional offshore wind energy siting, and explore opportunities for collaborative research.

Ronald Rose '10 researched and developed a background document summarizing the legal and policy issues presented by the development of offshore wind farms, which was used in conjunction with the Rhode Island Sea Grant's 2009 Ronald C. Baird Science Symposium held on November 2, 2009 in Newport, Rhode Island.

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### **University of Florida School of Law Conservation Clinic**

The University of Florida Environmental and Land Use Law Program and Conservation Clinic, with support from Florida Sea Grant, will be conducting a field course/workshop in Coastal and Marine Law and Policy during Spring Break of 2010. The workshop will take place at Marineland, Florida on Florida's northeast coast. Marineland is home to the Marineland Oceanarium and Dolphin Conservation Center, the University of Florida Whitney Marine Science Laboratory and the Town of Marineland, whose economic vision includes the development of marine science and education-based tourism. Marineland is also lies within the Guana-Tolomato-Matanzas National Estuarine Research Reserve (GTM-NERR). The workshop will deploy 3 UF Environmental Law LLM students to serve as research assistants to 15 law students who will create a package of policy relevant issue papers under the supervision of UF Law faculty and Sea Grant statewide extension specialists Tom Ankersen and Richard Hamann. The workshop will include guest lecturers and public outreach events and is expected to serve as a prototype for future extension and continuing education initiatives at the Marineland complex.