

# Legal Programs Newsletter

## Programmatic Updates

February 28 , 2009

If you have a problem viewing this email, please go to <http://www.olemiss.edu/orgs/SGLC/Newsletter.htm>

## WELCOME

What a winter we are having! Last month, as I was preparing this newsletter, it was sleeting. As unbelievable as that was, yesterday it was snowing! At least it melted quickly. My thoughts are with those of you in New England. I hope you can dig out soon.

--Stephanie

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

### National Sea Grant Law Center

Registration is now open for the Sea Grant Law and Policy Journal's March 24-25, 2009 Symposium entitled "Water Quantity: Ongoing Problems and Emerging Solutions." The Symposium, which will be held in Oxford, Mississippi, opens with a dinner and keynote address by Alan Cameron, an Oxford attorney representing the state of Mississippi in its lawsuit against the City of Memphis for allegedly misappropriating water from an underground aquifer. On March 25, six speakers from across the country will address legal and policy issues related to water quantity, including the new Great Lakes Compact, the Georgia drought, and local government planning efforts. The agenda and registration form is available at <http://www.olemiss.edu/orgs/SGLC/National/SGLPJ/SGLPJ.htm> . For additional information, please contact [Stephanie Showalter](#).

The advisory requests have been streaming in this year. In February, the Law Center fulfilled three requests. An Ohio Sea Grant extension agent requested information about the application of salvage law to equipment and fishing gear abandoned on Lake Erie. A Michigan Sea Grant educator sought information on the rights of coastal property owners with respect to accretion and erosion caused by a harbor project. The Coastal Training Program at Guana-Tolomato-Matanzas National Estuarine Research Reserve requested information on state statutory and regulatory definitions of "community docks." All three memos are available at <http://www.olemiss.edu/orgs/SGLC/National/advisory.htm> .

### Louisiana Sea Grant Law and Policy Program

The Louisiana Sea Grant Program hosted a presentation by Dr. Hans Brix, the current John P. Laborde Endowed Chair, on February 6, 2009. The presentation focused on the different systems of pollution control that utilize man-made wetlands to remove nutrients from various types of waste-water. Director Jim Wilkins and Legal Coordinator Melissa Daigle, as well as the law clerks, were able to attend. Both Jim and Melissa are currently editing two papers submitted by our law clerks for publication. Additionally, the Law and Policy program is working on updating their summaries on Louisiana Shrimp Laws and Louisiana Oyster Laws, which will be available on their website upon completion. Finally, their Louisiana Coastal Law email update was completed and will be sent out the first week in March.

### Mississippi-Alabama Sea Grant Legal Program

In collaboration with faculty and staff at the law schools at the University of Florida and Louisiana State University, as well as the Harte Law and Policy Institute at Texas A & M University, Timothy Mulvaney submitted a pre-proposal seeking a federal grant to support research on developing implementable policies to address sea-level rise on the Gulf Coast in light of modern takings and nuisance jurisprudence. In addition, Timothy was invited to speak at the Coastal Zone 2009 conference in Boston, MA and the annual national symposium of the American Fisheries Society in Nashville, TN on his research surrounding instream flow management.

Timothy continues writing and editing MS-AL Sea Grant's quarterly publication, *Water Log*. The spring edition of *Water Log* tentatively will include articles on waterfront zoning and access easements in Mississippi, several Florida takings claims, and Louisiana's Mississippi River-Gulf Outlet. This semester, he is teaching a course in land use law at the University of Mississippi School of Law and assisting Stephanie Showalter in teaching Law and Policy for Hydrographers at the University of Southern Mississippi. Timothy also is serving on a Coastal Storms Program grant proposal review panel.

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

In February 2009, Center co-directors Lisa Schiavinato and Joseph Kalo published the draft report of the ocean policy study, a partnership between the Center, NC Sea Grant and the NC Division of Coastal Management (DCM). The Center and DCM worked with an ocean policy steering committee over the last 12 months to identify emerging ocean resource issues for the State of North Carolina, provide background and technical information on the issues, and then develop recommendations on how to address them. The steering committee, a 14-member body, is comprised of representatives from state and federal agencies, academia, the private sector and nonprofit organizations. Schiavinato and Kalo chair the steering committee and are responsible for writing the report, which will be submitted to the NC Coastal Resources Commission in late April. A copy of the draft report is available at the Center's website at [www.nccoastallaw.org](http://www.nccoastallaw.org) .

Also in February, the Center and DCM held the first two of the four planned public meetings of the ocean policy study. The purpose of these meetings is to present the draft recommendations in the report to the public and to allow the public a chance to ask questions about the study and to comment on the recommendations in the draft report. After the series of public meetings have concluded, the Center and the steering committee will discuss the public comments and take them into consideration as the final report is prepared for the Coastal Resources Commission. The final report also will be presented to the State's Environmental Management Commission and Marine Fisheries Commission.

Schiavinato attended the first wind technical advisory group meeting in February. This group is charged with providing guidance to the NC Environmental Management Commission (EMC) as it begins the process for developing technical standards and permitting guidelines for wind energy development projects in the State. The group will continue to meet throughout the spring and then provide a report to the EMC.

Schiavinato continues to work as a member of Sea Grant's sustainable coastal community development network's executive committee, which is in the process of planning its annual meeting and a training session to be held at the Coastal Zone 2009 conference in Boston this summer.

### Rhode Island Sea Grant Legal Program

#### Roger Williams University School of Law's Environmental Moot Court Team

The 2009 National Environmental Law Moot Court Competition was held in February at Pace Law School in White Plains, New York. This year's *extremely* complex problem, described as "Pirates of the Caribbean meets Environmental Law" by one team's coach, involved a shipwreck off the US coast, an exploration company seeking title to the wreck, the US claiming permits were required for the salvage, and the Kingdom of Spain also seeking title to the wreck.

Coached by Marine Affairs Institute research counsel, Megan Higgins, this year's team is **Greg Klipp (3L)**, **Ashley Medeiros (3L)**, and **Jackson Parmenter (2L)**. A variety of experts helped prepare the team, including RWU SOL professors (Dennis Esposito, Susan Farady, Jared Goldstein, Dean David Logan, Jane Rindsberg, and Dean David Zlotnick), admiralty attorneys/adjunct professors (William Coffey, Robert Collins, Robert Falvey, and Dennis Nixon), Special Assistant Attorney General (RI) and Environmental Advocate (Tricia Jedelee), practitioners (Michael Rauworth, Ned Bartlett, and Erika Ueberbacher) and a Stellwagen Bank National Marine Sanctuary expert (Leila Hatch).



Sixty-eight teams from across the country competed, and over 400 students, advisors, and judges attended the three-day competition. Those with the highest combined scores for both the written brief and oral argument segments advance to succeeding rounds. Ashley received "best oralist" in Preliminary Rounds I and III, and Jackson received "best oralist" in Preliminary Round II. The Team advanced to the Quarterfinal Round, an impressive feat which culled the competitors from 68 teams to 24. The Team did not move on to the Semifinal Round, despite an impressive performance. All three team members should be congratulated on their efforts. For the second consecutive year, the overall winner of the competition was Lewis & Clark Law School. Congratulations to all three members on a job well done!

#### ***The Making of New International Maritime Law -UNCITRAL and the 2009 ROTTERDAM Rules***

April 16, 2009, 4:00 - 6:30 PM (program and reception)  
Room 283 - Law School

A 1924 convention, the "Hague Rules", governing liability for loss and damage to cargo in international trade, is soon to be replaced. UNCITRAL (United Nations Commission on International Trade Law) recently completed work on the "Rotterdam Rules". This program will examine the 6-year negotiation process and implications for marine cargo interests and carriers. Attorneys who served on the U.S. UNCITRAL delegation from government and private practice will provide their insights into the intricate process of creating new international law, review the content and status of the Rotterdam Rules, discuss prospects for ratification, and examine the ramifications for U.S. ocean and intermodal commerce.

Panel:  
**Chester D. Hooper**, Holland & Knight LLP, New York City, NY  
**David T. Maloof**, Maloof Brown & Eagan LLC, Rye, NY  
**Jennifer Mehaffey**, Liebman Associates, Washington, DC and '07, RWU School of Law

Moderator:  
**William J. Coffey**, Beaufort Maritime Group LLC & RWU School of Law Adjunct Professor

### Other Sea Grant-Funded Legal Activities

#### *Governance of the California Current Large Marine Ecosystem Website*

The laws pertaining to the management of the California Current ecosystem have been compiled into a publicly accessible, searchable online database. The database, funded by the California Ocean Protection Council and California Sea Grant, contains over 1,400 state, federal, and international laws. The site, which allows users to perform keyword searches, will hopefully help identify gaps, overlaps, and inconsistencies in the management of the California Current Ecosystem. The web address is [www.cclme.org](http://www.cclme.org) . The May 2009 issue of Marine Policy will feature an article detailing the techniques for using the database to analyze overlaps in marine policies and correspondence on the criteria used to assemble the database. For more information, contact Christina S. Johnson, [csjohnson@ucsd.edu](mailto:csjohnson@ucsd.edu), (858) 822-5334.