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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 or by phone at (662) 915-7775.

National Sea Grant Law Center

October marked the start of the National Sea Grant Law Center's 2010 Grants Competition. The Law Center received dozens of Letters of Intent on October 2 proposing to carry out a wide variety of legal research projects. The staff of the Law Center is looking forward to receiving the full proposals on December 11, 2009 and carrying out the review process early next year.

Director Stephanie Showalter traveled to Easton, Maryland in October to participate in the Sustainable Coastal Community Development Focus Group meeting. This was a wonderful opportunity to learn what the 30 Sea Grant programs are doing with respect to coastal development. After reviewing thousands of impact statements, Stephanie and her fellow Focus Group members are confident that the National Sea Grant Office will have several wonderful stories to tell and impacts to report. Stephanie also attended the Fall Sea Grant Association Meeting in Easton, Maryland as the Chair of the Sea Grant Legal Network.

Last week, Stephanie attended the Oceans 2009 conference in Biloxi, Mississippi. As vice-chair of the Marine Technology Society's Law and Policy Committee, Stephanie participated in a Round Table on Marine Spatial Planning and presented her research on the legal challenges to the widespread use of Unmanned Marine Vehicles.

Terra completed an advisory request for the Middle Peninsula Planning District Commission on how local governments in Virginia might regulate floating homes available at <http://nsglc.olemiss.edu/Advisory/floatinghome.pdf>. She also completed an advisory request for Minnesota Sea Grant regarding liability issues associated with a local government's installation of rescue stations at public beaches available at <http://nsglc.olemiss.edu/Advisory/rescue%20stations.pdf>. She continues to edit The SandBar, the Ocean and Coastal Case Alert, and submissions for InfoHub.

Louisiana Sea Grant Law and Policy Program

LSGLPP Director Jim Wilkins and Legal Coordinator Melissa Daigle both participated in Ocean Commotion, hosted by the Louisiana Sea Grant College Program. Ocean Commotion took place on Thursday, October 22, and featured over sixty exhibits relating to coastal, wetlands, and ocean issues. Over 2,000 students from kindergarten through eighth grade, 140 teachers, and 250 chaperons were able to visit the exhibits and speak with experts on a variety of issues.

Melissa Daigle participated in Crab Education Day, held on October 9, as part of her work on the Louisiana Crab Task Force. Crab Education Day, held on Lake Pontchartrain, provided members of the Louisiana State Legislature with the opportunity to experience first hand what goes into getting crabs from Louisiana waters to stores around the nation. Attendees were able to crab on Lake Pontchartrain, then follow the crab as they were sorted, cooked, peeled, and pasteurized. It also gave task force members the opportunity to discuss with legislators issues that are threatening the crab industry.

On October 14, Jim Wilkins gave a presentation at the Gulf of Mexico Alliance, Habitat Conservation and Restoration Team meeting in New Orleans, a two-day working session that focused on the federal standard and beneficial use. Jim's presentation focused on the precedent of legal challenges to the Army Corps of Engineers' implementation of beneficial use practices. The goal of the session was for attendees, including state officials and members the Corps, to become more familiar with the Federal Standard and other policies as they relate to beneficial use of dredged material for habitat conservation and restoration, as well as to begin to develop recommendations for changes that would better facilitate such beneficial use.

Jim and Melissa are continuing their work on the Bayou Bienvenue restoration project with the LSU Coastal Sustainability Studio. Currently they are focusing their research efforts on a body of open water that was once dry land. The goal of the Studio is to present the neighborhood with a range of options for restoration, as well as a plan for what steps need to be taken to achieve each option. Current legal issues being researched include land ownership, permit requirements, and takings law. Options for restoration include turning the area into a brackish marsh, a fresh water marsh, or a swamp forest. The legal team is also creating a guide to compensatory mitigation regulations, in case the community desires to use the restoration project for that purpose. Melissa is also researching federal law issues that have been or will be impacting fisheries in Louisiana, such as co-mingling of domestic and imported seafood, price fixing, and unfair trade practices.

Lastly, Jim and Melissa are members of the Center for Natural Resource Economics & Policy, which will be holding its 3rd National Forum on Socioeconomic Research in Coastal Systems May 26-28, 2010, in New Orleans. The focus for the 2010 conference is on coastal resources and their role in the economic, social, and cultural systems of the world. Abstracts are due February 19, 2010. For more information on the conference, including additional information on abstract submission, visit www.cnrep.lsu.edu.

Mississippi-Alabama Sea Grant Legal Program

At the end of October, MASGLP sponsored a successful CLE on Post-Katrina Insurance Developments and Other Legal Issues in Biloxi, Miss. Speakers included Rich Lewis of Reed Smith, NYC; David Rossmiller, Portland, OR; Harold Flanagan, New Orleans, LA; Peter Murphy, NOAA; John Jopling, Miss. Center for Justice, and David Kulberg, FEMA. The CLE was attended by coastal attorneys from Mississippi, Alabama, and Louisiana. Once permission has been secured from the speakers, PowerPoint presentations will be posted on the Legal Program's website.

Niki participated in a Living Shorelines advisory meeting led by Chris Boyd of the Mississippi-Alabama Sea Grant Consortium. Meeting attendees included participants from various state and federal government branches in Alabama. The group discussed obstacles to living shorelines in Alabama and strategies for coordinating government permitting to facilitate greater use of living shorelines.

Law clerk research continued on the "Accessing the Coast" website project for Mississippi and Alabama and well as the disaster handbook project for the two states.

North Carolina Coastal Resources Law, Planning and Policy Center

In October 2009, Lisa Schiavinato and Joseph Kalo hosted their Advisory Board at the Center's annual Board meeting and dinner. At the meeting, Center co-directors discussed with the Board their activities over the past year. Other topics included future Center projects and future partnerships.

This month, the Center also hosted its annual Continuing Legal Education program called "Shape of the Coast." The program included approximately 90 attendees from the legal profession, academia, law students, graduate students and local government officials. Attorneys, scientists and policy makers presented at the program. Program topics were an overview of the hydro-geology of the North Carolina coast; water allocation issues; annual update from the Chair of the NC Coastal Resources Commission; a panel on coastal insurance, particularly in light of the state's recently passed "Beach Plan"; and the potential future of wind energy development off the NC coast.

The Center also published its fall 2009 issue of the *Legal Tides* newsletter. In this issue, Center co-director and UNC School of Law Professor Joseph Kalo discusses the *Stop the Beach Nourishment* case, focusing on the Florida Supreme Court's decision and rationale and potential implications for North Carolina. This issue can be downloaded from the Center's website at <http://www.nccoastallaw.org>. Since the publication of the article, Kalo and Schiavinato have received requests from local governments on further interpreting the Florida Supreme Court's decision and to distinguish Florida law from North Carolina law on the legal issues presented in the case. The Center will follow-up on the case when the Supreme Court of the United States hands down its decision.

Schiavinato hosted coastal resource management graduate students to discuss career development in coastal management and policy. She also met with 2010 Knauss fellows from North Carolina to discuss her work with the Center and North Carolina Sea Grant.

Rhode Island Sea Grant Legal Program

New England Regional Ocean Law and Policy Workshop

The Marine Affairs Institute/Rhode Island Sea Grant Legal Program with support from the National Sea Grant Law Center will hold a workshop entitled "New England Regional Ocean Law and Policy Workshop: *Offshore Wind Facility Siting*" on November 4, 2009 in Newport, Rhode Island. Held in conjunction with the Ronald C. Baird Sea Grant Science Symposium on offshore wind energy, this workshop will explore the legal issues faced by New England state and federal managers and legal researchers in contemplating offshore wind energy facilities and consider opportunities for more coordinated regional efforts to examine these legal issues.

Roger Williams University School of Law/University of Rhode Island Faculty Dinner

The semi-annual faculty dinner for the URI's Marine Affairs faculty and RWU's marine and maritime faculty will be held on November 10, 2009 at the University of Rhode Island. These dinners provide opportunities for faculty to convene and share ideas, while learning about each other's scholarship. Prof. Seth Macinko from URI will be the evening's speaker, presenting a talk on his fisheries work.

Susan Farady Presents Ocean Policy Talks

RISG Legal Program Director Susan Farady was invited to speak to the undergraduate class at SEA Semester in Woods Hole, MA and the Marine Affairs Seminar at the University of Rhode Island. In October, Ms. Farady presented on "Ocean Management and Reform: Stratton to Oceans 21," reviewing the history of ocean policy and highlighting recent activities in Massachusetts, Rhode Island, and the President's Interagency Ocean Task Force.