



Legal Programs Newsletter

Programmatic Updates

August, 2010

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WELCOME

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

National Sea Grant Law Center

The National Sea Grant Law Center is accepting proposals for one-year, legal research and outreach projects addressing coastal and marine issues. Approximately \$295,000 in federal funds is expected for 2011. A funding request of \$25,000 per project is suggested. Letters of intent must be received by 5 p.m. Central Time on Monday, September 13, 2010. Full proposals must be received by 5 p.m. Central Time on Friday, November 19, 2010. Detailed instructions for proposal submission are available at <http://nsglc.olemiss.edu/SGLC%202011%20RFP.pdf>.

In March 2010, the National Sea Grant Law Center organized a symposium entitled *Addressing Uncertainty of Environmental Problems: The Challenges of Adaptive Management*. The proceedings for that symposium have been published in Vol. 3, No. 1 of the Sea Grant Law and Policy Journal, which is now available online at <http://nsglc.olemiss.edu/SGLPJ/SGLPJ.htm>. Topics covered in this volume include adaptive management in the National Marine Sanctuaries, a case study of the Mineral Management Service's policies to protect chemosynthetic communities in the Gulf of Mexico, conservation easements, and adaptive coastal governance in the UK.

In addition, the Law Center published two issues of its newsletter, *The SandBar*, one in July and one in August. After undergoing a redesign this year, *The SandBar* received an Apex Award for "Most Improved Newsletter."

This fall University of Mississippi Law School students have a unique opportunity to participate in a lecture series on the Deepwater Horizon Oil Spill and earn class credit. The series, organized by Tulane University School of Law, will be made available on campus by the National Sea Grant Law Center. Information about the series is available at <http://www.law.tulane.edu/bp/>. Lectures started with an introduction and orientation on August 30 and will conclude on October 18. Due to the extensive interest in this topic, Tulane is webcasting and archiving each lecture and posting reading materials online.

Louisiana Sea Grant Law and Policy Program

During July and August, Law and Policy Director Jim Wilkins, Coordinator Melissa Daigle, and five law clerks have spent much time researching legal issues connected to the Deepwater Horizon disaster. Topics of research include claims made under Louisiana state law, the Jones Act and its role in foreign vessel response, criminal fines that can be connected to the oil spill, securities fraud issues, what is a legitimate claim, freshwater diversion openings and damage to oyster leases, process for the closing and opening of state waters to commercial and recreational fishing, erosion of private property due to oil and what happens to the mineral rights held by the owner, and consistency in oil spill response. Additionally, we were excited to host Heather Kirk, an intern from the Universite de Nice Sophia-Antipolis for the summer. Ms. Kirk spent the summer working on a law review article on the relationship between international law and the Oil Pollution Act for a spill such as the Deepwater Horizon. We expect that our work with oil spill related legal issues will continue sometime into the future.

Melissa attended the Gulf of Mexico Alliance Governor's Implementation and Integration Workshop in Biloxi August 3 - 5. While there she participated on the Resiliency Priority Interest Team, discussing current and future projects that encourage resilient coastal communities. She also attended the 2nd Annual Oil and Gas Symposium, held at LSU August 16-17, and the Center for Planning Excellence Smart Growth Summit held in Baton Rouge August 19-20. Finally, she provided legal support at both the Louisiana Wild Caught Crawfish Task Force meeting and the Louisiana Crab Task Force meeting, both held in August.

Melissa and Jim, as well as Mike Wascom from the LSU Department of Environmental Sciences, have been involved in the revision of the Louisiana coastal zone boundary for a number of months. The draft report, "Defining Louisiana's Coastal Zone: A Science-based Evaluation of the Louisiana Coastal Zone Inland Boundary," was presented to the Coastal Protection and Restoration Authority of Louisiana on Wednesday, August 18. The team examined multiple science-based factors in determining where the coastal zone boundary for the state should fall, as the current boundary is insufficient to adequately manage Louisiana's coastal resources. The report is now under review until the October CPRA meeting. The report and the presentation made to the CPRA can be found online at <http://dnr.louisiana.gov/sec/execdiv/pubinfo/newsr/2010/0818ocm-coastal-zone-bound-study.asp>.

The latest edition of the *Louisiana Coastal Law* newsletter is available online at <http://www.lsu.edu/sglegal/pubs/lcl.htm>. Articles include the legal implications of the Deepwater Horizon disaster, Resolution 60 and changing the coastal zone boundary, and the redfish bowfishing exemption. Please contact Melissa Daigle at mtrosc2@tigers.lsu.edu if you would like to join our mailing or emailing list.

Mississippi-Alabama Sea Grant Legal Program

In July, the MASGLP published a special edition *Water Log* focused on the Deepwater Horizon oil spill. *Water Log* is available online at <http://masglp.olemiss.edu/waterlog.html>.

In August, Director Stephanie Showalter Otts and Research Counsel Niki Pace attended the Gulf of Mexico Alliance All-Hands meeting in Biloxi, Mississippi. Stephanie worked with the Habitats Team to develop a scope of work for the Team’s request for research assistance related to coastal management policies affecting habitat restoration and beneficial use of dredged materials in the Gulf of Mexico. Niki presented an update of the Legal Program’s research on land use planning tools to the Resilience Team. Niki also participated in NOAA’s Gulf of Mexico Climate and Resiliency Engagement Panel (C-REP) Annual Meeting earlier that week.

North Carolina Coastal Resources Law, Planning and Policy Center

In June, Center co-director Lisa Schiavinato attended The Coastal Society conference in Wilmington, NC. In addition to her role as conference chair, she also presented as part of a panel on wind energy development in North Carolina. Other panelists included experts from the University of North Carolina and Duke Energy. In July and August, the Center continued its study on emerging issues for North Carolina’s estuarine coast, also known as the Inner Banks. A steering committee was convened to assist the Center with identifying the emerging issues, provide technical information and development management recommendations. The 15-member steering committee is comprised of experts in various disciplines, such as water resources, hydrology, agriculture, erosion control, and includes representation for academia, the private sector, state agencies and local government. The steering committee had its first meeting in August and made significant headway in identifying the emerging issues that will be the subject of further study. The steering committee’s next meeting will be in October.

During the summer, the Center hired two law clerks to assist with background research for the study. From this research, two white papers were produced, one of land use planning on the North Carolina coast and the other on the use of erosion control structures along the Inner Banks.

The Center finalized content and speakers for its annual “Shape of the Coast” continuing legal education program, which will be held in November. In addition, Schiavinato was invited to present on the legal regime for sand rights at the American Shore and Beach Preservation Association’s national coastal conference in Charleston and on the law and policy issues associated with wind energy development at the North Carolina Conservation Network conference in Chapel Hill, both this fall. The Center’s other co-director, UNC School of Law professor Joseph Kalo will team present with Schiavinato at the NCCN conference. Schiavinato also was invited to participate in a meeting hosted by the U.S. Bureau of Ocean Energy Management, Regulation and Enforcement and the N.C. Department of Commerce on the soon-to-be convened N.C. renewable energy task force. The BOEMRE, formerly known as the Minerals Management Service, issues leases, easements, and rights-of-way for renewable energy development activities on the Outer Continental Shelf. The task force, which will include representatives from BOEMRE, state agencies, local governments, Indian tribes and other stakeholders, will discuss renewable energy development on the Outer Continental Shelf as it relates to North Carolina.

Along with Vicky Carrasco of Maryland Sea Grant and Kristen Grant of Maine Sea Grant, Schiavinato is on the planning team for the annual business meeting of the Sustainable Community Development Network, which will be held on September 30, 2010 in Portland, Maine. For more information, go to: <http://sgsccdn.ning.com/>.

Rhode Island Sea Grant Legal Program

Marine Affairs Joint Degree Students

As the law school begins another school year, five of its law students are enrolled in the J.D./Master of Marine Affairs joint degree program with the University of Rhode Island. These third year law students will continue their classes at the law school while simultaneously taking classes at URI. Upon graduation next spring, they will take bar exams in late July and then continue their final semester in the MMA program next fall. This year’s students are: Benjamin Goetsch, Jacqueline Roller, Peter Spencer, Calvin Skeirik, and Irene Tsipolitis.

Marine Affairs Roundtable Luncheon

The Institute continues its roundtable luncheons on September 15 by showcasing current students’ experiences at internships in Washington, DC. Jacqueline Roller, a third year law student enrolled in the MMA joint degree program with the University of Rhode Island, will talk about her legal internship with NOAA’s Office of General Counsel for International Law. Sarah Parker, a second year law student and the law school’s 2010 ABA Diversity Fellow in Environmental Law, will discuss her assignment as a legal intern for NOAA’s Office of General Counsel for Ocean Services.

Meet the Bay Field Trip

Incoming first-year law students interested in the Marine Affairs Program will join Professor Susan Farady, Director, and Julia Wyman, Staff Attorney, along with representatives from Save The Bay on Friday, September 24 aboard the *Alletta Morris*. The two and a half-hour trip will include a sample trawl to view creatures with which we share the Bay and discussion of current events affecting Narragansett Bay.

8th Marine Law Symposium – RWU School of Law

The Marine Affairs Institute will hold its 8TH Marine Law Symposium entitled *Taking Stock: The Magnuson-Stevens Act Revisited* on November 4-5, 2010 at Roger Williams University School of Law, Bristol, Rhode Island. Since passage in 1976, the Magnuson-Stevens Act has been the basis of one of the most compelling natural resource management issues of our time: the sustainable management of our nation’s fisheries. The law has been amended several times and the subject of contentious debate and litigation in response to rapidly evolving information and policy objectives. This Symposium will examine the current and future state of this body of law as a resource management scheme, including the complex integration of scientific, economic, and social information. An agenda, registration form and hotel accommodations are available at <http://law.rwu.edu/academics/institutes-programs/marine-affairs-institute/symposia>.