

National Sea Grant Law Center

2010 Annual Report

Our Mission

To encourage a well-informed constituency by providing legal information and analysis to the Sea Grant Community; federal, state, and local agencies; policymakers; non-governmental organizations; and the general public through a variety of products and services.



2010 was a year of highs and lows for U.S. ocean and coastal management. The tragic April 2010 Deepwater Horizon blowout was followed a few months later by the signing of a Presidential Executive Order establishing a National Policy for the Stewardship of the Ocean, Coasts, and Great Lakes. The order, among other things, called for the federal government to engage in coastal and marine spatial planning. Responding to these developments will present challenges to the National Sea Grant Law Center and the wider Sea Grant network. But, as we hope our 2010 activities and impacts reveal, the Law Center is well-positioned to meet them.

Influencing Policy

At the request of Minnesota Sea Grant, Wisconsin Sea Grant, the Duluth Seaway Port Authority, and the U.S. Army Corps of Engineers, the National Sea Grant Law Center conducted an "issue-spotting" exercise to determine what legal rules were relevant to the Erie Pier reuse program and how they might apply during implementation. This first-of-its-kind conversion of a CDF to a processing-reuse facility raised a number of legal issues including, but not limited to, the ability of the states to control placement of materials into the facility, transportation of dredge materials across state lines, state standards for contaminants, responsibility for long-term maintenance, liability, and allocation of costs. Due to the extensive amount of legal research required, the Law Center created two paid summer legal internships. The selected students were enrolled at Marquette University Law School and Hamline University School of Law. The Law Center's final report, *Converting the Erie Pier Confined Disposal Facility to a Processing and Reuse Facility: Is an Interstate Compact a Necessary Component?*, was published in the April 2010 issue of the *Journal of Maritime Law and Commerce*. In addition to creating a relationship (which did not exist before) between the state law schools and Sea Grant programs, the Law Center's research increased cooperation and interaction between the states of Wisconsin and Minnesota and the cities of Duluth and Superior. In March 2010, the City of Superior agreed to accept limited amounts of dredged sediment from Erie Pier.

Replicating Tools

In 2007, the National Sea Grant Law Center funded a grant proposal submitted by Maine Sea Grant and its partners Maine Coastal Program, The Center for Law and Innovation of the University of Maine School of Law, and Island Institute to create an online coastal access resource for fishermen, kayakers, town officials and waterfront property owners. "Accessing the Maine Coast" launched in 2009 to glowing reviews. Since then, Maine Sea Grant and the Law Center have been encouraging the replication of Maine's website in other states. In 2010, through our mini-grant competition, the Law Center provided a small amount of funding to facilitate the transfer of the Maine model to four other Sea Grant programs – New Jersey, Virginia, Mississippi-Alabama and Hawaii. For more information and links to the six individual websites, please visit <http://nsglc.olemiss.edu/>.

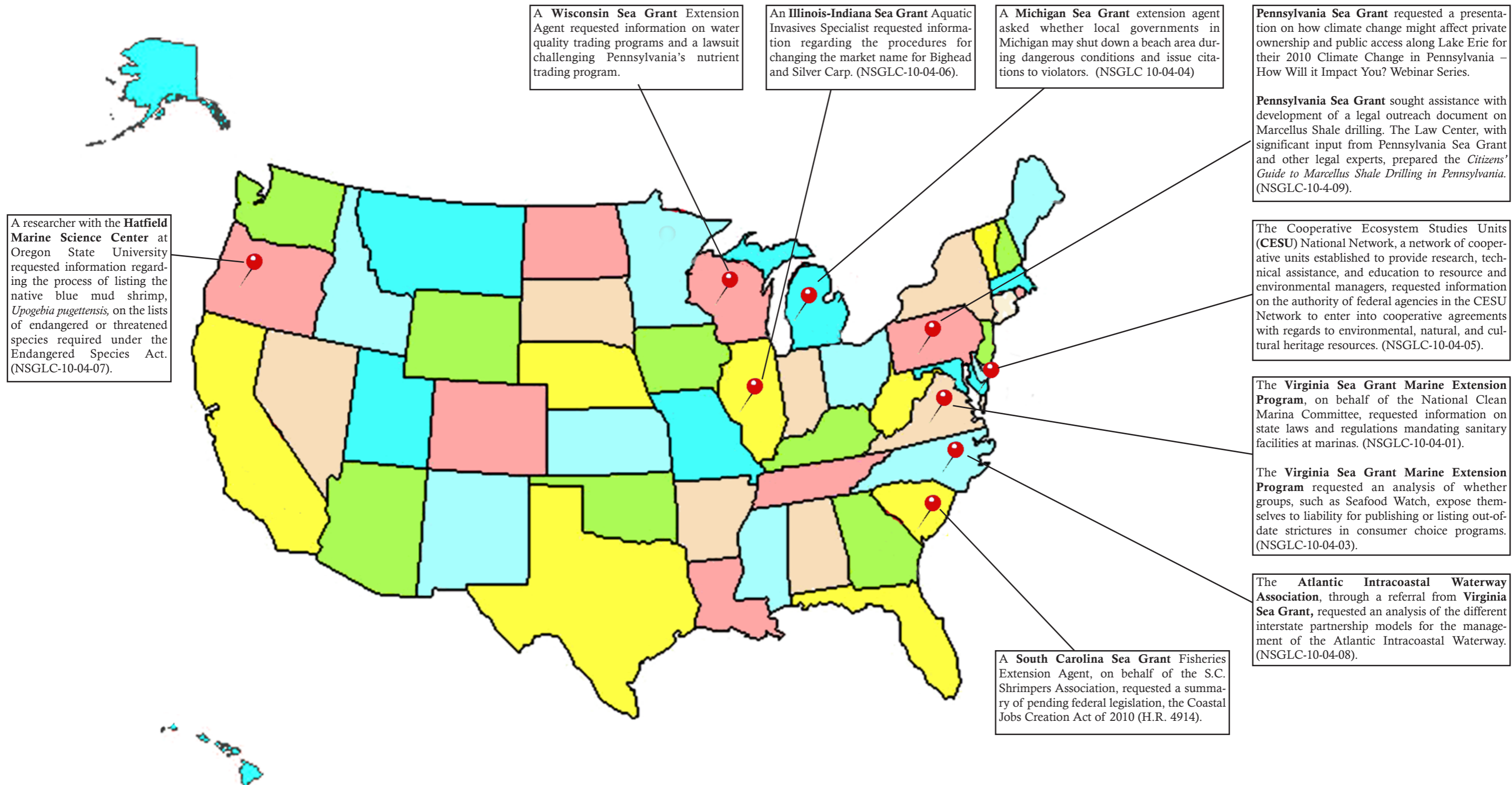
Who We Are

The National Sea Grant Law Center at the University of Mississippi School of Law was established in 2002 to provide legal research to the Sea Grant community and its constituents. The Law Center conducts research on coastal and ocean laws and policies and provides legal advisory and outreach services to agencies, local governments, coastal users, and the general public. The Center's quarterly newsletter, *The SandBar*, informs over 1,000 subscribers about new court cases and legislation affecting coastal resource management.



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Advisory Service

The Sea Grant Law Center Advisory Service is a legal research service provided free of charge to the Sea Grant College Program and its constituents. The advisory request process involves four main steps. First, a constituent (federal or state management agency, Sea Grant extension agent, private citizen, etc.) contacts the Law Center. The Law Center attorneys then work with the constituent to identify the discrete legal question and the type of final product needed. Legal research and analysis is then conducted by the assigned attorney and law students. Finally, a final

product is prepared. Advisory requests result in a variety of products including memoranda of law, white papers, joint publications with extension agents, and conference presentations.

Copies of Law Center Advisory Service memorandums & publications, as well as guidelines for the submission of requests, are available at <http://nsglc.olemiss.edu/advisory.htm>.

Educating the Next Generation of Ocean and Coastal Lawyers

The National Sea Grant Law Center established an Ocean and Coastal Law Fellowship Program at the University of Mississippi School of Law. This fellowship program is the only one in the nation focused exclusively on ocean and coastal legal issues. During the one-year fellowship, each Fellow conducts legal research, writes articles, and prepares white papers and other materials. Our inaugural fellow, Nicholas Lund, received his J.D. in 2010 from the University of Maine School of Law. Nick's research has focused on coastal and marine spatial planning and the use of climate change models in local government decisionmaking.

Building the Legal Capacity of Sea Grant

In 2010, the National Sea Grant Law Center awarded \$200,873 in competitive grants for legal research and outreach projects across the United States. The projects selected support a variety of NOAA and Sea Grant initiatives. The legal and regulatory issues associated with ecosystem-based management and climate adaptation, for instance, are not well addressed in the legal literature, nor are these concepts widely understood among coastal stakeholders and the general public. The Law Center's grant competition helps fill both legal research gaps and the outreach needs.

Northeast

- Jessica Bacher, Pace University School of Law, Land Use Law Center. "Sea-Level Rise Land-Use Leadership Alliance Training Program." \$25,000.
- John Duff, University of Massachusetts, Boston. "Ecosystemic Legal Regime Development in the Gulf of Maine: Efforts and Impediments." \$24,893.
- Kristen Grant, Maine Sea Grant. "Working Waterfront Preservation: Opportunities and Impediments Posed by Tax Policy." \$27,304.

Mid-Atlantic

- Troy Hartley, Virginia Sea Grant. "The Regulatory Governance Network of Ecosystem-based Fisheries Management in Chesapeake Bay: Mapping Institutions and Regulatory Jurisdictions to Assess Integration across Local, State and Federal Scales." \$25,000.
- Kathryn Mengerink, Environmental Law Institute. "Managing Change: Developing a Community-based Ecosystem Management Handbook for the U.S. Arctic Ocean." \$25,000.

Southeast

- Lisa Schiavinato, North Carolina Sea Grant. "Strategies for Managing North Carolina's Estuarine Shorelines." \$23,560.

West Coast

- Izetta Chambers, Alaska Sea Grant. "Education and Outreach Activities in Southwest Alaska in Response to National Environmental Policy Act (NEPA) and North Pacific Fisheries Management Council Processes." \$24,956.
- Steven Gaines, University of California, Santa Barbara. "The Legal Landscape for Marine Spatial Planning in the United States, with Emphases on Territorial Use Rights in Fisheries (TURFS) and Emerging Ocean Uses." \$25,000.

Additional information about these projects can be obtained by contacting the Law Center or the individual Sea Grant programs.
