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/.
Pennsylvania Sea Grant requested a presentation on how climate change might affect private ownership and public access along Lake Erie for their 2010 Climate Change in Pennsylvania – How Will it Impact You? Webinar Series.

Pennsylvania Sea Grant sought assistance with development of a legal outreach document on Marcellus Shale drilling. The Law Center, with significant input from Pennsylvania Sea Grant and other legal experts, prepared the Citizens’ Guide to Marcellus Shale Drilling in Pennsylvania. (NSGLC-10-4-09).

A researcher with the Hatfield Marine Science Center at Oregon State University requested information regarding the process of listing the native blue mud shrimp, Upogebia pugettensis, on the lists of endangered or threatened species required under the Endangered Species Act. (NSGLC-10-04-07).

A Wisconsin Sea Grant Extension Agent requested information on water quality trading programs and a lawsuit challenging Pennsylvania’s nutrient trading program.

An Illinois-Indiana Sea Grant Aquatic Invasives Specialist requested information regarding the procedures for changing the market name for Bighead and Silver Carp. (NSGLC-10-04-06).

A Michigan Sea Grant extension agent asked whether local governments in Michigan may shut down a beach area during dangerous conditions and issue citations to violators. (NSGLC 10-04-04).

A South Carolina Sea Grant Fisheries Extension Agent, on behalf of the S.C. Shrimpers Association, requested a summary of pending federal legislation, the Coastal Jobs Creation Act of 2010 (H.R. 4914).

The Cooperative Ecological Studies Units (CESU) National Network requested information on the authority of federal agencies in the CESU Network to enter into cooperative agreements with regards to environmental, natural, and cultural heritage resources. (NSGLC-10-04-05).

The Virginia Sea Grant Marine Extension Program, on behalf of the National Clean Marina Committee, requested information on state laws and regulations mandating sanitary facilities at marinas. (NSGLC-10-04-01).

The Virginia Sea Grant Marine Extension Program requested an analysis of whether groups, such as Seafood Watch, expose themselves to liability for publishing or listing out-of-date restrictions in consumer choice programs. (NSGLC-10-04-03).

The Atlantic Intracoastal Waterway Association, through a referral from Virginia Sea Grant, requested an analysis of the different interstate partnership models for the management of the Atlantic Intracoastal Waterway. (NSGLC-10-04-08).

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 memoranda & 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 fills 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.

**Mid-Atlantic**


**Southeast**


**West Coast**

- 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.