The National Sea Grant Law Center: 

Reducing Barriers and Conflicts through Legal Extension

Stephanie Showalter, Director
Ralph Rayburn Beltway Brown Bag Series
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Establishment

- In 2001, the National Sea Grant Office issued an RFP calling for “the creation of a law center to coordinate and enhance Sea Grant’s activities in legal scholarship and outreach related to coastal and ocean law issues.”

- At the time, three Sea Grant Programs (Louisiana, North Carolina, and Mississippi-Alabama) had state legal programs.

- University of Mississippi hosts the National Sea Grant Law Center.
Mission

To encourage a well-informed constituency by providing legal information and analysis to the Sea Grant community, policy-makers, and the general public through a variety of products and services.
Funding

- Currently $310,000 per year from Sea Grant.
  - An additional $155,000 per year is provided through state matching funds.

- Sea Grant Law Center Staff
  - Director
  - Staff Attorney
  - Web Developer / Publications Manager
  - Law Student Research Associates
Major Responsibilities

- Provide outreach and advisory services to the Sea Grant network and its constituents;
- Conduct research on current national ocean and coastal law issues;
- Disseminate information and analysis; and
- Increase the legal capacity of the individual Sea Grant programs.
Guiding Principles

- Provide neutral, non-biased, legal advice.
- Design research projects around the needs of Sea Grant programs, especially extension agents and their constituents (bottom-up).
- Incorporate all three Sea Grant prongs - research, education, and outreach – to improve understanding of ocean and coastal legal issues.
Law Center Components

- Research
- Advisory Service
- Outreach
- Newsletters
- Education
- Research Associate Program
Research


Outreach - Publications

The SandBar

Summarizes cases impacting ocean and coastal resource management.
Published quarterly.

Fact Sheets

Provide information on new legislation and regulations.
Published as needed.
Current Research and Outreach Projects

- Offshore Alternative Energy
  - White Paper summarizing state of the law with respect to the siting of offshore alternative energy projects (wind, wave, tidal).
  - Targeted outreach materials - fact sheets and presentations.
- Seafood Substitution
- Ballast Water
Education

- Director has adjunct faculty appointment at the University of Mississippi School of Law.
  - Ocean and Coastal Law (3 credits)
  - Wetlands Law and Policy (2 credits)
  - Wildlife Law (2 credits)

- The Law Center also educates and trains law students through its Research Associate Program.
Research Associate Program

- Law students, known as Research Associates, work closely with Law Center attorneys on research projects and contribute articles to Law Center publications.

- Research Associates are drawn from the University of Mississippi and law schools across the country.
  - 1 - 2 students per year are in remote locations.
2007 Grant Competition

- In 2007, the Law Center was the recipient of a federal earmark.
  - Allocated $550,000 to run a grant competition to fund legal research and outreach projects.
- 11 projects were selected from around the country including
  - "Accessing the Maine Coast" website
  - Model Coastal Management Ordinances for Great Lakes Coastal Communities
  - Cooperative Harvesting Agreements Workshop
Advisory Service

- Legal research service provided free of charge to the Sea Grant College Program and its constituents.
  - Federal and state agency personnel may also submit requests.
  - Law Center attorneys are prohibited from providing actual legal advice or becoming involved in litigation.
- Law Center currently completes 12 major advisory requests per year.
Advisory Request Process

1. Constituent (management agency, extension agent, private citizen) contacts Law Center.

2. Law Center attorneys work with constituent to identify discrete legal question.

3. Research conducted by attorney and law students.

4. Final product prepared – memorandum of law, joint publication with constituent, etc.
A California Sea Grant extension agent, on behalf of the California DFG, requested information about the application of state law to aquaculture facilities in federal waters. The Law Center prepared two memos: Summary of the extraterritorial jurisdiction of states and Discussion of the authority of California with respect to escapes and conflicts with other states. Memos assisted agency personnel in assessing feasibility of requiring state registration of facilities in federal waters.
EPA

- The Scientific and Technical Advisory Committee for EPA’s Chesapeake Bay Program asked the Law Center to investigate the legal issues that may emerge as Pennsylvania begins to implement its nutrient trading policy.
- The Law Center prepared a white paper and presented our results at a STAC meeting in December 2007.
- Improved the STAC’s engagement during the comment period.
NOAA’s Office of Ocean and Coastal Resource Management requested assistance investigating state policies pertaining to the removal of structures from the active beach.

The Law Center prepared a memo summarizing the programs and policies of nine coastal states.
Current Requests

- Submerged land leasing for commercial marinas for Virginia Sea Grant.
- Analysis of state fishing regulation for anti-trust violations for Alaska Sea Grant.
- Legal issues associated with reuse/recycle of dredge materials for Minnesota Sea Grant.
Partnership Opportunities

- Utilization of Advisory Service for small research requests.
- Contracting for completion of complex legal studies and reports.
- Development of legal outreach programs to increase understanding or compliance (fisheries).
- Run grant competitions to solicit research on pressing law or policy issues.
Contact Information

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