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

Registration is open for the Sea Grant Law and Policy Journal’s 2010 Symposium on Adaptive Management. The Symposium will be held in Oxford, MS on March 30-31, 2010. The Symposium will feature presentations on a variety of topics including the adaptive management experiences of the National Marine Sanctuaries Program and the Mineral Management Service, adaptive management and climate change, a case study of the Columbia River Basin, and the challenges of managing conservation easement land adaptively. For the first time, we are also organizing an optional field trip to historic sites in Oxford, including a tour of Rowan Oak, William Faulkner’s home. The brochure, which includes the registration form, is available at [http://nsglc.olemiss.edu/symposiumtrifold10.pdf](http://nsglc.olemiss.edu/symposiumtrifold10.pdf).

Director Stephanie Showalter, with the assistance of law students in Wisconsin and Minnesota, completed research on the conversion of a confined disposal facility to a processing/reuse facility. Last year, extension agents with the Minnesota and Wisconsin Sea Grant Programs asked the Law Center to examine the legal issues surrounding this first-of-its kind conversion. A number of issues were examined, including beneficial use standards in the two states, long-term liability, and whether an interstate compact should be pursued. Stephanie has submitted the article to several law reviews in Wisconsin and Minnesota and is currently awaiting publication offers. A pre-publication version is available upon request.

Terra, as editor of The SandBar, launched a redesign of the publication with the goal of providing more in-depth coverage on current issues in ocean and coastal law and making the pages more enjoyable for the reader. In January, she completed an advisory request for the NOAA Aquaculture Program on issues regarding self-positioning sea cages and the legal implications of defining offshore aquaculture as agriculture. Terra is currently working on an online tutorial on the public trust doctrine for the Law Center’s web site. She continues to edit the Ocean and Coastal Case Alert and submissions for InfoHub.

Louisiana Sea Grant Law and Policy Program

Director Jim Wilkins and Coordinator Melissa Daigle, along with former Director Mike Wascom and law clerk Seth Bagwell, have been involved in the creation and future implementation of a scientifically designed coastal zone boundary. The LSGLPP is currently drafting the legal section of a report that will be presented to the Louisiana Coastal Protection and Restoration Authority. They are also assisting in drafting of model legislation; the team will present at least three different versions of the legislation, each allowing for a different implementation scenario.

Melissa attended the January Louisiana Wild Caught Crawfish Task Force meeting. The task force is still in the process of creating a crawfish management plan. While the goal of the meeting was to submit comments to the proposed crawfish management plan, the task force mostly discussed property rights issues and anger over the requirement that wild-caught crawfish be accompanied by a trip ticket (documentation showing who brought in the catch, the weight of the catch, and where the catch was made) while pond-raised crawfish do not need such documentation. Due to the confusion over access to public resources in the basin, Melissa volunteered to do a presentation on the applicable state and federal law at the next meeting, which will be held at the end of March.

Our law clerks are working on a variety of projects. In addition to being very involved in the coastal zone boundary work, Seth Bagwell completed a research article on the legal issues surrounding water-monitoring devices in Bayou St. John. This article will be posted on the Bayou St. John website. Simone Cifuentes is currently researching some of the legal issues arising in connection with our work on the Coastal Sustainability Studio, including how to attain and protect servitudes or easements for coastal restoration work. Duncan Kemp is working with the Twin Parish Port Commission in the city of Delcambre to help commercial fishermen, primarily shrimpers, market their product directly to consumers. Beaux Jones is examining the legal framework needed to create a state seashore, as well as researching the implications of the recent MRGO court decision (In re Katrina Canal Breaches Consolidated Litigation).

Jim and Melissa both sit on the planning committee for the Center for Natural Resource Economics & Policy 2010 conference. The conference will be held May 26-28 in New Orleans, and planning activities are really gearing up. The third call for abstracts was recently sent out. Abstracts are due February 19, and more information can be found at www.cnrep.lsu.edu. Lastly, the latest edition of Louisiana Coastal Law Email Update has been completed and will be posted to our website and sent out to our email list in the next few weeks. If you would like to be added to the SGLPP emailing list, please contact Melissa Daigle at mtrosc2@tigers.lsu.edu.

Mississippi-Alabama Sea Grant Legal Program

In January, Niki participated in the Alabama Working Waterfront Access Study Committee’s final meeting in Spanish Fort, Alabama. The Study Committee will be submitting its final recommendations to the Alabama Legislature later this month. Niki presented a guest lecture on Marine Pollution Regulation to the Gulf Coast Research Lab in Ocean Springs, Miss. Niki also met with extension agent Bill Walton to discuss strategies for overcoming hurdles to oyster farming in Alabama with the end goal of developing aquaculture guidance specific to that area and potentially proposing model regulations and/or holding a workshop this summer.

Niki continued editing the February edition of Water Log and reviewing student research for the Mississippi & Alabama “Accessing the Coast” website project.

North Carolina Coastal Resources Law, Planning and Policy Center
In January, Co-director Lisa Schiavinato attended the North Carolina Sea Level Rise Forum, a two-day event hosted by the NC Division of Coastal Management, which featured presentations and discussion on the science, policy, and management issues that North Carolina will face as it plans adaptation strategies for sea level rise along the coast. She also attended the NC Main Street conference. This two-day conference, geared toward elected officials, city and town managers, planners and business owners, promotes downtown revitalization based on economic development within the context of historic preservation. This conference was held in New Bern, NC. It is significant the 2010 conference was held in this city because this year marks the 300th anniversary of the establishment of New Bern, which also served as North Carolina’s first state capital.

Ms. Schiavinato also attended a meeting of the NC Coastal Resources Commission. In response to the work the Center did for the ocean policy study (in partnership with the NC Division of Coastal Management), the CRC and DCM are in the process of making regulatory amendments in direct response to recommendations made in the final report of the ocean policy study. The rule changes will focus on wind energy development in coastal waters. The draft amendments are: Wind Energy Facility Amendments to 15A NCAC 7M .0400 (Coastal Energy Policies); 15A NCAC 7H .0208 (Use Standards); and 15A NCAC 7H .0106 (General Definitions). Discussion began at the October 2009 CRC meeting, continued through the month of December, and an update will be provided at the January 2010 CRC meeting. At the October 2009 CRC meeting, commissioners agreed to consider utility-grade wind turbines as water-dependent structures. This reversed 2005 CRC guidance that wind turbines were non-water dependent structures, which meant that wind turbines could be permitted in coastal Areas of Environmental Concern only through a variance. This also is in response to a recommendation in the ocean policy study's final report. This reversal allowed for DCM to move ahead with drafting language for the regulation amendments presented to the CRC at the January 2010 meeting.

Ms. Schiavinato also began planning for a coastal resources policy graduate course that she will team-teach this spring at East Carolina University. This course will be part of ECU's coastal resources management PhD program, and her part of the course will focus on the U. S. political system and legal regime, and the role the law and the court system play in the development and implementation of coastal and marine resources management strategies. The course also will provide an overview of the laws relevant to coastal and marine resource management and major case law.

Rhode Island Sea Grant Legal Program

Rhode Island Sea Grant Legal Program is pleased to announce the publication of the second edition of Marine and Coastal Law, co-authored by Director Susan Farady. This extensively updated and enhanced new edition of author Dennis Nixon's classic casebook provides students with an essential grounding in the leading legal decisions and statutory provisions in U.S. marine and coastal law. This rapidly evolving and contentious area of the law has seen a steady stream of landmark decisions and legislation in the years since the publication of the first edition of Marine and Coastal Law: Cases and Materials. The second edition is updated with twenty-five percent new post-1994 landmark case material and is enhanced, due in part to two new coauthors, with valuable new pedagogic features, including editorial commentary for all cases, examples to support study questions after each case, and chapter introductions.

Ms. Farady coauthored this edition with Dennis W. Nixon, a professor of marine affairs and associate dean for research and administration at the Graduate School of Oceanography of the University of Rhode Island, RI; and Michael Daly, Esq., an associate with Pierce Atwood LLP in Providence, RI and marine affairs joint degree graduate of Roger Williams University School of Law and the University of Rhode Island, with research assistance from third year law student Jackson Parmenter.

Marine Affairs Director Susan Farady was a guest of Roger Williams University President Roy Nirschel for Celine Cousteau’s appearance as part of the University’s Civil Discourse Distinguished Lecture Series on November 3. The granddaughter of legendary ocean explorer Jacques Cousteau and daughter of filmmaker Jean-Michel Cousteau, Ms. Cousteau explored the issues of sustainability and social change, including her work in the Amazon and on the PBS show “Jean-Michel Cousteau: Ocean Adventures.” Said Director Farady, “Jacques Cousteau’s amazing work was a significant reason why I decided to pursue a career in ocean issues, including the important work we are doing here at the Marine Affairs Institute to train the next generation of marine law professionals. It was a great opportunity to be able to meet Celine Cousteau and inspirational to learn more about her work.” Ms. Cousteau is currently the international program coordinator for the Ocean Futures Society, a global organization exploring the world’s oceans while inspiring and educating people to act responsibly for its protection.