



National Sea Grant Law Center

2008 Annual Report

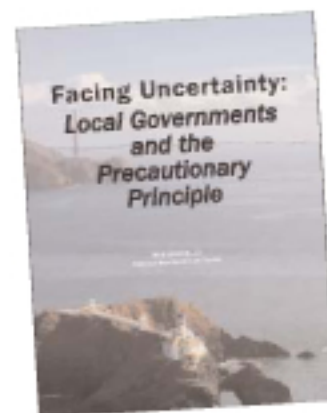


MASGLP-08-019

2008 was another strong year for the National Sea Grant Law Center. Thanks to the support of the National Sea Grant Office and the wider Sea Grant network, our attorneys and staff continue working to increase Sea Grant's legal capacity. **The SandBar** keeps our constituents informed of judicial and regulatory developments. Challenging legal questions are tackled and answered through our Advisory Service. The 2007 grant competition enabled more Sea Grant programs to address legal issues in their respective states. This report highlights just a few of the ways the Law Center contributed to Sea Grant's mission in 2008.

New Publications

The Law Center is excited to announce the development of the new **Sea Grant Law and Policy Journal** which provides a forum for the timely discussion and exploration of legal topics of relevance to the Sea Grant network of extension agents, researchers, coastal managers and users, and local decision-makers. The Journal features concise, 30 - 35 page, articles on a range of subjects. Each spring, the Journal sponsors a symposium and invites papers from academics and practitioners for publication in the June issue. The inaugural symposium focused on coastal resiliency. The theme of the 2009 Symposium is water quantity. The Journal is published on-line on a biannual basis at <http://www.olemiss.edu/orgs/SGLC/National/SGLPJ/SGLPJ.htm>.



In its strategic plan for 2006-2011, NOAA identified ecosystem-based management as one of its five goals. In keeping with the spirit of implementing ecosystem-based management through a local government approach, **Facing Uncertainty: Local Governments and the Precautionary Principle** is intended to help coastal communities incorporate ecosystem based-management and sustainable development principles into planning and management. It is available at <http://www.olemiss.edu/orgs/SGLC/National/Precautionary%20Principle.pdf>.

In response to a request to compile liability information for organizers of beach clean-ups, Terra Bowling, the Law Center's staff attorney, conducted research on liability issues facing volunteers and volunteer organizers. **Volunteer Liability** provides an overview of the federal and state volunteer liability laws, as well as additional issues and doctrines that may apply to volunteers and volunteer organizers. It is available at <http://www.olemiss.edu/orgs/SGLC/National/Volunteer.pdf>.



Grant Competition

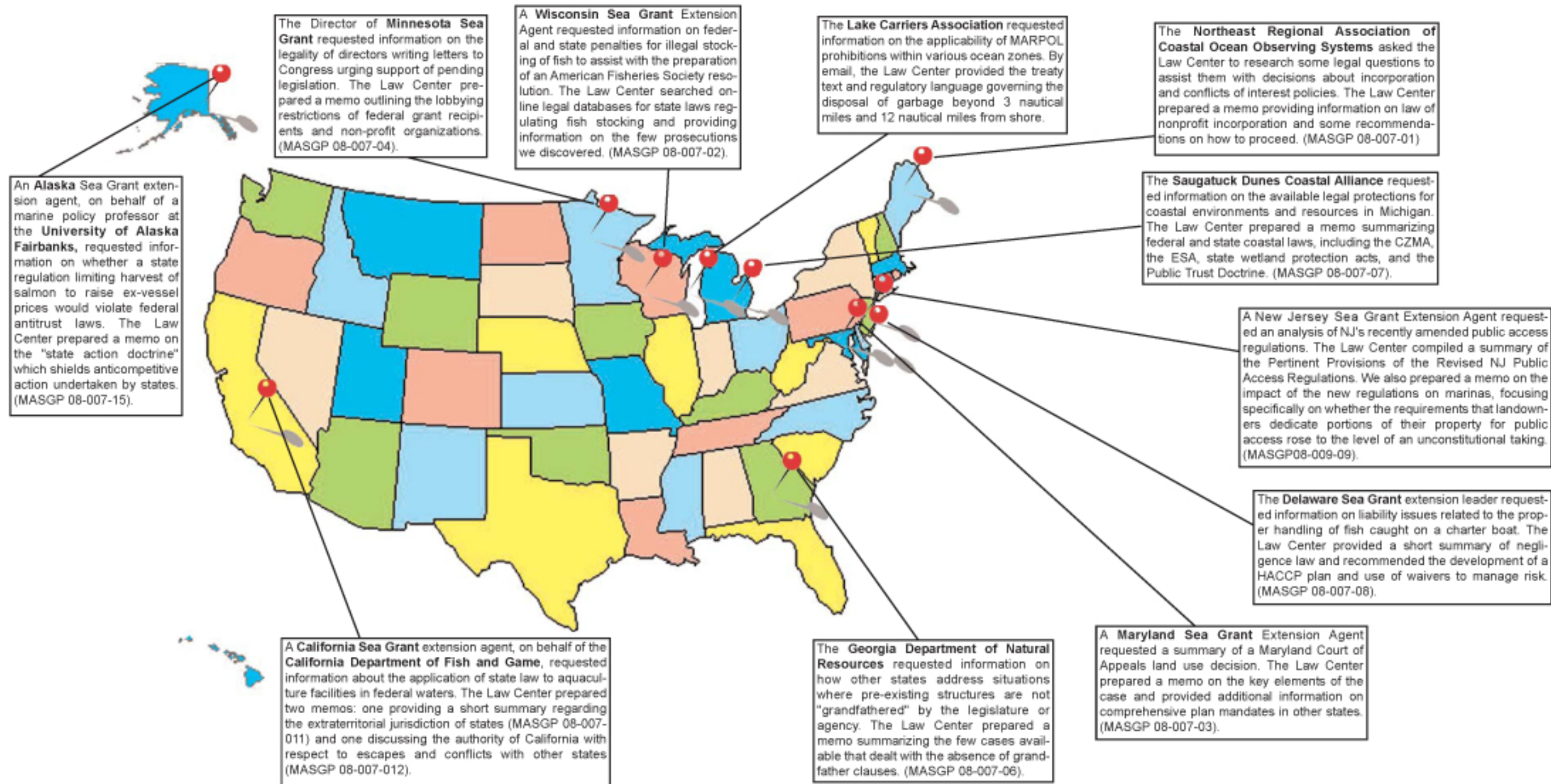
In 2007, the National Sea Grant Law Center Grant Competition awarded \$550,000 in competitive grants for legal research and outreach projects addressing coastal and marine issues relevant to the National Sea Grant Program's mission of conducting research, education, training, and extension projects to foster environmental stewardship, long-term economic development, and responsible use of America's coastal, ocean, and Great Lakes resources.

The grant competition was funded by the National Sea Grant College Program and administered by the National Sea Grant Law Center at the University of Mississippi. The law center awarded funding for 10 projects to develop courses to improve understanding of wetlands and fisheries laws; study the governance structure of the new Northwest Hawaiian Islands National Monument, working waterfront laws in Maine and the public trust doctrine in South Carolina; and organize workshops on cooperative harvesting agreements and community-based management. Here are just two examples of the outcomes and impacts of these projects.

The University of Wisconsin received a \$58,483 grant to develop model ordinances for the regulation of development by local governments along the Great Lakes coasts of Wisconsin. This project resulted in the publication of **Protecting Coastal Investments: Examples of Regulations for Wisconsin's Coastal Communities** (<http://urpl.wisc.edu/people/ohm/Protecting%20CoastalInvestments.pdf>). Updating work done over 25 years ago to provide technical assistance to local governments attempting to address coastal issues, *Protecting Coastal Investments* provides "best practices" for addressing coastal hazards in Wisconsin. Intended to serve as a resource guide, *Protecting Coastal Investments* includes ordinance language that can be included in local ordinances to address locally identified needs. The publication has already had an impact on Wisconsin's coastal communities. Bayfield County on Lake Superior is using sections from the ordinance language included in *Protecting Coastal Investments* in a major revision of the County's coastal protection ordinance.

The University of Maine School of Law received a \$38,082 grant to convene a meeting of attorneys, economists, industry representatives, and members of the regulatory and environmental communities to discuss creation of binding and effective harvest cooperative agreements for New England fisheries. A workshop was held on November 1 - 2, 2007 to discuss specific provisions of operating agreements for groundfish "sectors" in New England. Over 40 people participated, including 14 attorneys. The Gulf of Maine Research Institute's legal counsel, building on the knowledge gained during the workshop and through GMRI's relationship with the University of Maine School of Law developed a term sheet and model sector contract that should serve as templates for New England groundfish sectors grappling with issues such as allocation, liability, and indemnification.

As funding allows, the Law Center also supports the legal research, education, and outreach activities of the Sea Grant programs through our mini-grant competition. In 2008, Oregon Sea Grant received approximately \$5,500 to cover the costs of a workshop that would engage fishing community groups (commercial, charter, and recreational fishing businesses) into the advisory process on some critically important ocean zoning / policy / legal issues for Oregon: marine reserves and ocean-based energy generation. About 70 individuals attended the November workshop.



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://www.olemiss.edu/orgs/SGLC/National/advisory.htm>.