



Minnesota Sea Grant requested a survey of Great Lake states that may have laws regulating, and specifically prohibiting, the release of genetically modified aquatic organisms. The Law Center compiled summaries of all applicable state laws, noting that no state has an outright prohibition on release. (MASGP 09-008-09)

A **Michigan Sea Grant** extension agent requested information on the rights of property owners on either side of Lexington Harbor. The Law Center prepared a memo concluding that restoration and remedial options for Lexington Harbor may be limited by the rights of the updrift and downdrift property owners. (MASGP 09-008-02)

Ohio Sea Grant requested information on the legal status of fishing gear abandoned on Lake Erie. The Law Center prepared a memo discussing salvage law in general and its application to abandoned fishing gear. (MASGP 09-008-03)

The **National Federation of Regional Associations for Coastal and Ocean Observing** posed questions concerning tort liability issues associated with the Integrated Coastal and Ocean Observation System Act of 2009. The Law Center prepared a memo giving a short overview of the ICOOS Act and an outline of the duties and potential liabilities for Regional Associations under the Act. (MASGP 09-008-07)

The **NOAA Marine Debris Program** requested information on derelict fishing gear provisions for selected fisheries. The Law Center prepared a memo summarizing state laws and programs for derelict fishing gear removal. (MASGP 09-008-04)

The **Program** also requested information on state abandoned vessel laws. The Law Center provided a memo with a summary of state laws and regulations addressing abandoned vessels. The information was presented at an abandoned vessel workshop. (MASGP 09-008-11)

The **NOAA Aquaculture Program** submitted several questions to the Law Center regarding offshore aquaculture. Their request was rather large and resulted in three memorandum of law and one law review article. (MASGP 09-008-08, MASGP 10-008-01, MASGP 10-008-02)

The **NOAA Coral Reef Conservation Program** asked for an assessment of federal legislation related to coral reef ecosystems. The Law Center compiled federal laws that either directly or indirectly protect coral reef ecosystems or grant agency authority to do so. The memo also sought to identify any limitations the laws may have in protecting coral reefs. (MASGP 09-008-10)

Virginia Sea Grant asked for information on comparative fees and mechanisms for the use of state-owned submerged land by commercial marinas. The Sea Grant Law Center compiled a memo with the laws and policies of several states. (MASGP 09-008-06)

The **Middle Peninsula Planning District Commission** in Virginia requested information on how other states and localities regulate and manage floating homes. The Law Center prepared a memo outlining existing state law and policy regarding floating homes (MASGP 09-008-12)

The **Guana-Tolomato-Matanzas National Estuarine Research Reserve** requested information on which states have statutory or regulatory definitions of "community docks." The Law Center prepared a memo summarizing available state definitions. (MASGP 09-008-01)

A **Minnesota Sea Grant** Extension Agent requested information on liability issues for local governments that install rescue stations at public beaches. The Law Center prepared a memo analyzing potential issues, as well as suggestions for procedures for checking and replacing the equipment. (MASGP 09-008-13)

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>.

Grant Competition

As part of our ongoing efforts to increase the legal capacity of the Sea Grant network, the National Sea Grant Law Center requested proposals for our first mini-grant competition. The Law Center was seeking to fund small projects, primarily workshops, which would bring people together or disseminate legal information to non-traditional audiences.

Oregon Sea Grant received funding to host a workshop to encourage fishing community groups (commercial, charter, and recreational fishing businesses) to connect and work together to better engage in the advisory process on some important ocean zoning and legal issues in Oregon: marine reserves and ocean-based energy generation. The audience also included members of the public, agencies, and NGOs.

Alaska Sea Grant received funding to reassemble the Alaska Sea Grant Exxon Valdez Legal Research Team, which conducted seminal legal research that helped lead to an overhaul of Alaska state laws and reshaped federal regulations after the Exxon Valdez oil spill in 1989. The workshop was held in conjunction with a number of anniversary events.

The Rhode Island Sea Grant Legal Program at Roger Williams University School of Law received funding to host a workshop on the legal issues regarding the permitting, siting, and operation of offshore wind energy facilities. The half-day workshop was targeted to managers, lawyers and advisors from Maine, Massachusetts and Rhode Island, as well as federal agencies and national legal experts. The goal of the workshop was to discuss and consider common benefits and legal issues for the three states in considering offshore wind facilities.

MIT received funding to develop a web-based outreach for a symposium co-organized by the Boston College Environmental Law Affairs Review titled "20-Ton Canaries: The Great Whales of the North Atlantic"

Illinois-Indiana Sea Grant received funding for a database on invasive species laws.

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



2009 was another busy 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* and the monthly *Ocean and Coastal Case Alert* keep our constituents informed of judicial and regulatory developments. The *Sea Grant Law and Policy Journal's* spring symposium featured wonderful presentations on current water quantity challenges. Papers from that symposium were included in the June 2009 issue of the *Journal*. We answered challenging legal questions through our Advisory Service. Our first ever mini-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 2009.

Publications

The Law Center released its *Offshore Renewable Energy Regulatory Primer*. The Primer was written for a non-legal audience to provide a broad overview of the legal framework governing the development of offshore renewable energy such as wind, wave, tidal, and ocean thermal energy conversion. The *Primer* also contains information on state authority and local concerns. The primer is available at <http://nsglc.olemiss.edu/offshore.pdf>.



Research performed by Stephanie Showalter at the request of the NOAA Aquaculture Program was recently published in the Hasting West-Northwest Journal of Environmental Law and Policy. (*Will California Law Apply to Hubbs-SeaWorld Research Institute's Offshore Aquaculture Demonstration Project? An Analysis of the Extraterritorial Application of State Aquaculture Laws*, 16 HASTINGS W.-NW. J. ENVTL & POL'Y 223 (2010)). The article examines whether, in the absence of federal aquaculture legislation, states may regulate some aspects of aquaculture operations in federal waters.

Partnership with NOAA Aquaculture Program

As 2008 was ending, the NOAA Aquaculture Office approached the Law Center regarding its need for significant legal research related to offshore aquaculture operations. The Law Center and NOAA Aquaculture forged a unique partnership that we hope can be replicated with other federal offices in the future. Following our initial meeting, a scope of work and a one-year timeline was developed for the legal research. To assist us with the project, NOAA Aquaculture agreed to share a Presidential Management Fellow from their office. The project was a complete success. Brian Fredieu, NOAA Aquaculture's PMF, spent two months in Oxford, Mississippi, working with the Law Center on this advisory request as well as helping out with other Law Center projects. The advisory request resulted in three memorandum of law and one law review article. NOAA Aquaculture was very pleased with the results and is already thinking about their next set of questions.