

**TOPICAL ADVISORY TEAM REPORT**  
**NATIONAL SEA GRANT LAW CENTER REVIEW**

**March 20-24, 2006**  
**Oxford, Mississippi**



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**Chair, Topical Advisory Team**

**November 16, 2006**

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**Date**

**Report of the Topical Advisory Team  
Review of the  
National Sea Grant Law Center**

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# **TOPICAL ADVISORY TEAM REPORT**

## **NATIONAL SEA GRANT LAW CENTER REVIEW**

### **I. INTRODUCTION**

This report summarizes the deliberations of the Topical Advisory Team (TAT) that visited the University of Mississippi School of Law in Oxford, MS on March 20-24, 2006. The purpose of the visit, at the request of the Director of the National Sea Grant College Program, was to review the National Sea Grant Law Center (NSGLC). (Appendix B, Charge Letter for the TAT).

The principal issues for the review team to address included the following:

1. During its first three years of existence, has the program been effective?
2. Is the NSGLC structured in a manner that allows it to meet its goals?
3. Are resources adequate to allow the NSGLC to make a significant impact? What would a reasonable build-out plan look like?
4. Can effectiveness of the NSGLC be improved by establishing new and creative partnerships?
5. Given limited resources, what are the most appropriate target audiences for the NSGLC?
6. Are there opportunities for the NSGLC to strengthen its role within NOAA?
7. As NOAA and NSGO move toward a regional approach to ecosystem management, how can the priorities of the NSGLC become better aligned with this approach?
8. What types of performance measures would be appropriate for measuring the effectiveness of the NSGLC in the future? Should it be reviewed as part of the Mississippi-Alabama Sea Grant PAT or separately?
9. Other recommendations to improve the program.

Topical Advisory Team reviews are one of several components of the on-going program evaluation process used within the Sea Grant network. TAT reviews provide the opportunity for a program to receive outside advice by a small team of experts knowledgeable in a specific area or areas of a Sea Grant program. The TAT is responsible for providing a focused, intensive review of one or more specific program elements and for rendering observations and recommendations in a written report in an effort to improve the element or elements reviewed.

This report is the first review of the NSGLC since it was established in February 2002. The University of Mississippi School of Law was selected to serve as the host institution for the NSGLC through a competitive process managed by the National Sea Grant Office. The major objectives of the NSGLC are to provide legal research and advisory services to

Sea Grant Programs and their constituents, conduct legal research on timely marine law topics affecting U.S. coastal areas and disseminate research findings to the ocean and coastal law and policy community, and to educate and train law students in research and writing in ocean and coastal law.

The TAT review began with a dinner meeting with Ms. Stephanie Showalter, Director of the NSGLC, on March 20. The agenda for the four-day visit (Appendix C) included discussions with a wide range of individuals, including members of the NSGLC Advisory Committee, internal and external stakeholders, individuals in the Sea Grant network (directors, extension leaders, legal community), law school students, and high-level University officials. The visitation concluded with presentations of the Team's observations and recommendations to the Director of the NSGLC and the Director and the Associate Director of the Mississippi Law Research Institute.

The TAT consisted of the following members:

Mr. Jeffrey Stephan (Chair)  
Member, National Sea Grant Review Panel  
Manager  
United Fishermen's Marketing Association, Inc.  
Kodiak, AK

Mr. Richard Hildreth  
Director, Ocean and Coastal Law Center  
University of Oregon School of Law  
Eugene, OR

Ms. Megan Agy  
Program Officer  
National Sea Grant College Program  
Silver Spring, MD

Dr. James Murray  
Program Officer  
National Sea Grant College Program  
Silver Spring, MD

## **II. RESPONSES TO QUESTIONS POSED IN THE CHARGE LETTER**

### **Question 1. During its first three years of existence, has the program been effective?**

#### **A. General Structure and Performance**

The Topical Advisory Team (TAT) finds that the National Sea Grant Law Center (NSGLC) has been effective during its first three years of existence. There is an expectation the NSGLC will continue to evolve in the manner in which it addresses regional, national, and international audiences through the provision of national context and leadership in the area of legal scholarship and outreach that is related to coastal and ocean law issues. Coupled with this expectation is recognition by the Sea Grant Network that the recent and significant increment in the appropriation of public funds to the NSGLC comes at the same time that recent trends in appropriated funds for the NSGCP cause other elements of the Sea Grant Network to face significant funding challenges.

The TAT suggests that it may be worthwhile for the NSGLC to examine and pursue opportunities to expand, advance, re-examine and adjust the structure, operation, products, services, and accountability of the NSGLC to meet the opportunities and responsibilities that are presented by the recent increase in the appropriation to the NSGLC, and the expectations for the NSGLC that exist within the Sea Grant Network.

During the first three years of its existence, the NSGLC has been effective in researching and delivering high quality legal analyses to a variety of Sea Grant and non-Sea Grant users. NSGLC products and services have included hard copy and electronic analyses for general distribution, and letter opinions and research memoranda for individuals and entities with very specific requests. The TAT received comment from several individuals who were appreciative and satisfied with NSGLC products and services, including federal agency staff, a Navy attorney, Sea Grant Extension agents, and an attorney in private practice.

The NSGLC entered into a major research contract with the United States Commission on Ocean Policy (USCOP) that encountered some problems. USCOP staff was not satisfied with some of the work products that were submitted by the NSGLC, and, therefore, sought additional help for their completion. While the TAT was not provided with documentation that addressed the successful completion of the NSGLC contribution to the USCOP Report, it was reported that the final product, Appendix 6 to the Commission's report, was ultimately successfully completed, included several chapters that were completed by the NSGLC, and found by USCOP peer reviewers to be of high quality.

The NSGLC has been effective in developing support within the University of Mississippi (UM), the UM School of Law, and the Mississippi Law Research Institute.

The TAT was informed that when the above-mentioned problems developed with the USCOP contract, both the UM and the UM School of Law each agreed to substitute their own funds for federal funds. This substitution of funds contributed to the successful completion of the USCOP project. Moreover, the TAT was informed that the UM School of Law and UM itself are including the NSGLC with two other federally funded UM School of Law research centers in their efforts to renew federal funding.

The NSGLC has been effective in developing support from the Mississippi-Alabama Sea Grant Consortium (MASGC). MASGC staff indicated that they have been assisted by NSGLC legal analyses, and MASGC staff has assisted the NSGLC with the integration of the NSGLC into national and regional Sea Grant networks.

The TAT notes that the information that was provided in the TAT Briefing Book, or otherwise provided prior to the TAT visit, was adequate to provide the TAT with a reasonable opportunity to prepare for, understand, document and recommend with respect to the effectiveness of the NSGLC. However, the TAT may have benefited from more comprehensive, complete and detailed information and documentation. For example, only two, 2-page documents that consisted of a copy of the “MASGC Project Summary Form” for years 2 and 3 of the current grant were provided as the NSGLC Annual Reports. Moreover, information that would permit the TAT to track professional staff levels and responsibilities during the past three years was not easily evident. Nevertheless, indicators of the effectiveness of the NSGLC became reasonably evident during the course of the on-site TAT visit. That is, during the course of the on-site visit, the TAT received a reasonably adequate information base and understanding of the indicators of NSGLC effectiveness in the areas of management, operation, productivity, impact, accomplishments and other performance measures and characteristics. This understanding came as a consequence of the interaction of the TAT with panels, general discussions and scheduled presentations, of comments that were provided to the TAT by NSGLC customers and audiences, and from on-site increased awareness of NSGLC publications and other products and services.

The TAT recommends that the National Sea Grant Office (NSGO) should continue to require that an Annual Report be submitted by the NSGLC. The TAT recommends that the NSGO should clearly stipulate the format and topical content that should be incorporated in the NSGLC Annual Report. Further, the TAT recommends that the NSGO should require that the NSGLC Annual Report include an expansion of relevant, meaningful and detailed information for the purpose of providing an improved understanding and accountability with respect to the investment of public funds in the NSGLC enterprise, and a more complete understanding of the benefits, impacts, outcomes, accomplishments, usage, utility and general performance of this investment. A rigorous, broad and comprehensive NSGLC Annual Report is per se essential; however, it is especially important in light of the significant increment in public funds that are appropriated to the NSGLC, and the expectation of the Sea Grant Network that

the NSGLC will further expand its contribution and service to the Network in the area of coastal and ocean law issues.

It was not evident to the TAT that the NSGLC utilizes the National Sea Grant Law Center Advisory Committee, either in the manner that was originally intended, or as part of a strategy that recognizes the need and seeks to acquire the obvious benefits that are customarily understood and proven to result from effective and efficient use of an advisory committee. The TAT notes that the meaningful involvement of the NSGLC Advisory Committee in strategic planning, determining programmatic priorities, providing accountability, conducting program evaluation, etc. would have proven beneficial to the management and operation of the NSGLC, provided for a more effective connection with the Sea Grant Network, significantly extended the accomplishments and function of the NSGLC outreach effort, and generally added significant value to the NSGLC.

#### B. Products, Services, and Outreach:

The TAT received comment from a diversity of current and potential NSGLC customers and audiences who represent a variety of needs, responsibilities, and opportunities (e.g. for partnerships), and who utilize or otherwise benefit from, or who have desire to benefit from, NSGLC products and services. These comments were generally favorable and approving, and indicated that the NSGLC provides products and services that were judged as relevant, professional, competent, and helpful. Additionally, the TAT received comments that suggested the desire for improved and expanded consultation and inclusion, a diversification and enhancement of NSGLC products and services, and a general enhancement of performance.

The TAT makes favorable note of the means of communication and interaction that is utilized by the NSGLC to serve their customers and audiences, of their general success in advancing legal scholarship and outreach in the area of coastal and ocean law issues, and on the diversity, comprehensiveness, and utility of their publications; for example:

- The SandBar (quarterly national legal reporter)
- The Law and Policy Digest (bi-annual)
- Coastal News (weekly updated marine-related news stories)
- Ocean and Coastal Case Alert
- Federal Legislative and Regulatory Fact Sheets
- Sea Grant Law Center Websites (<<http://www.olemiss.edu/orgs/SGLC>>, and <<http://www.olemiss.edu/orgs/SGLC/lawcenterhome.htm>>)
- The Sea Grant Law Center Advisory Service (a legal research service that is provided free of charge to the Sea Grant College Program and its constituents)
- Water Log (A quarterly legal reporter; while Water Log is a publication of the Mississippi-Alabama Sea Grant Consortium (MASGC), it still carries value for

advancing legal scholarship and outreach to a national audience, and is readily available on the Sea Grant Law Center Website)

One of the strengths of the NSGLC is their training and support of law students in ocean and coastal law. Under the supervision of the NSGLC staff, law students conduct research and write articles for the SandBar and other publications. Training the next generation of coastal legal scholars is a value to the nation which will be enhanced by the expansion of the NSGLC in the future.

As previously noted, the Sea Grant Law Center Advisory Service is a legal research service that is provided free of charge to the Sea Grant College Program and its constituents. The TAT reviewed the “National Sea Grant Law Center Advisory Service Guidelines” that are applied by the NSGLC to govern the process of evaluating the (1) subject matter of requests for identifiable legal questions; (2) the manner and process of submitting requests; (3) the considerations that impact response time to requests; and (4) the format, distribution and use of any research that is produced by the NSGLC in response to requests. The TAT notes that these guidelines appear to be relevant, necessary and reasonable.

The TAT received comment from several individuals who have used the services provided by the Sea Grant Law Center Advisory Service, and also reviewed several examples of responses to requests for NSGLC Advisory Service assistance. The TAT was favorably impressed with the professionalism, content, and quality of those Advisory Service work products that were available to the TAT, and with the positive comment provided by several of those individuals and entities who have received Advisory Service assistance.

While specific statistical tracking and measurement data was not provided, the TAT received anecdotal indications that appear to confirm the distribution, usage, and application of NSGLC publications and other products and services. One indicator of the effectiveness of the NSGLC in addressing the needs of its partners, customers, and audiences is the number and identity of repeat users that occur for NSGLC legal analyses, products, and services.

The TAT notes that there exists an expectation that the increase of appropriated funds to the NSGLC should result in favorable impacts and modifications to the format, distribution, utility, and impact of NSGLC publications and other products and services. The TAT recommends that the NSGLC would benefit from developing or adopting a reasonably straightforward tracking mechanism that seeks to account for the distribution, usage, utility, and application of NSGLC products and services. The NSGLC may wish to seek assistance in this regard from individual Sea Grant Programs, many of which utilize and benefit from such tracking mechanisms.



The NSGLC, in consultation with the NSGLC Advisory Committee and the NSGO, should design and conduct a survey of those who the NSGLC considers as their partners, customers, and audiences. Such a survey should evaluate the utility, usage, and application of NSGLC products and services, and identify the partner, target user, and audience communities who currently utilize such products and services. Such a survey should inform a re-evaluation and re-determination of NSGLC products and services, the target audiences who most need, desire, and benefit from the products and services of the NSGLC, and the manner in which such products and services are delivered. Moreover, this survey should serve to assist a strategic planning effort that should be undertaken by the NSGLC at an early and reasonable opportunity. A survey of this sort should be conducted on a periodic basis.

The TAT recommends that the NSGLC should continue progress toward aligning its extension and outreach initiatives, to the extent possible, with the principles that are included in the publications “Regional and National Sea Grant Extension Programming” (September 2000) and “A Mandate to Engage Coastal Users” (November 2000).”

### C. Strategic Planning:

It was not evident to the TAT that the NSGLC utilized any reasonably formal process or mechanism to guide and determine the direction of the NSGLC investment. The focus of the investment of NSGLC human and financial resources, and NSGLC products and services, appear to be generally determined by the Director of the NSGLC, and by the nature and topic of requests for information and assistance that are received by the NSGLC. This practice appears to have generally and beneficially aligned with staffing and funding levels that have heretofore been experienced by the NSGLC. The TAT notes that while NSGLC products, services, customers, and audiences appear to be within reasonable balance, the rationale for the choice and prioritization of the NSGLC investment in such elements should be aligned to a strategic plan, and to an implementation plan. The TAT will provide additional discussion and recommendations that address strategic planning under its comments that address Question 2 (i.e., “Is the National Sea Grant Law Center structured in a manner that allows it to meet its goals?”). However, with respect to Question 1, the TAT recommends that the NSGLC engage in a strategic planning process and develop a strategic plan and an implementation plan.

## **Question 2. Is the National Sea Grant Law Center structured in a manner that allows it to meet its goals?**

### A. General

The TAT was impressed with the level of understanding, commitment and support of senior executives of the University of Mississippi and the Mississippi-Alabama Sea Grant Consortium with respect to the mission, goals, management, programmatic outcomes,

responsibility, expectations and promise of the NSGLC. These individuals include Dr. Alice M. Clark (Vice Chancellor for Research and Sponsored Programs), Mr. Patrick S. Brown (Assistant Vice Chancellor for Research and Sponsored Programs), Mr. Samuel M. Davis (Dean, School of Law), Mr. William Hooper, Jr. (Director, Mississippi Law Research Institute), Mr. William T. Wilkins (Director, Mississippi Law Research Institute), Dr. LaDon Swann (Director, Mississippi-Alabama Sea Grant Consortium), and Ms. Stephanie Showalter (Director, National Sea Grant Law Center). The TAT provides a special note of recognition and appreciation to Mr. William Hooper, Mr. William Wilkins and Dr. LaDon Swann for having invested their complete and entire attention to the on-site activities of the TAT, and, importantly, for their sincere effort to rigorously examine opportunities and mechanisms to establish high expectations and exemplary performance for the NSGLC. The dedicated participation of these individuals during the TAT initiative to gather information, understanding and insight will certainly provide these individuals with the ability to provide positive and informed support to the future success of the NSGLC.

The TAT recommends that the University of Mississippi, within the operational and management structure and responsibility of the Mississippi Law Research Institute, and in continuing association with the Mississippi-Alabama Sea Grant Consortium (MASGC), is a favorable placement for the NSGLC. The TAT views the Mississippi Law Research Institute as a logical and practical location to headquarter and associate the NSGLC, especially given the evident awareness of and commitment to the NSGLC that is demonstrated by both the recently retired and incoming Directors of the Mississippi Law Research Institute. Moreover, within the context of the recommended reporting relationship between the NSGLC and the Mississippi Law Research Institute, the TAT recommends that attention be invested to further develop the association and interaction between the NSGLC and the University of Mississippi School of Law.

The TAT recommends that funding for the NSGLC should continue to be treated as a supplemental, pass-through and add-on component of the MASGC. Moreover, the TAT recommends that a continued official and working relationship with the MASGC will provide many benefits to the NSGLC and to the University of Mississippi, including (1) utilization of existing and proven management resources and methodology to assist the NSGLC in the development and distribution of an RFP (in conjunction with the involvement of the NSGLC Advisory Committee); (2) administration, management, and operation of the competition, including pre-proposal review, peer review, technical panel review, final proposal review, proposal selection, etc.; and (3) continuing association with the MASGC Program Officer. This relationship provides the benefit and efficiency of an already established and proven process and mechanism to address reporting, fiscal and competition-related responsibilities. Moreover, a continued and direct association with MASGC will provide a beneficial, necessary, and important link with and to the Sea Grant Network. It was apparent from those who provided comment to the TAT that there existed a prevalent desire for the NSGLC to develop a mechanism to implement expanded connectivity with the Sea Grant Network. Such connectivity is important, not

only for assisting the NSGLC in maintaining relevancy to the greater mission of the NSGCP, but also to the expansion and maintenance of support from the Network. The TAT notes that a continued and official working relationship and connectivity with the MASGC is important to the success of achieving this important objective and purpose.

The TAT notes that the structure of the NSGLC allows it to be flexible and responsive, and that expertise is shared cooperatively to avoid reinventing the wheel in the production of NSGLC legal analyses.

To meet its goals under the build-out plan described in Questions 4 through 9 below, NSGLC staff would increase from 3 to 5 as described in the draft NSGLC budget. The NSGLC Director's FTE would increase from 0.375 to 0.9. A recent law graduate would be selected annually to serve as a fellow to assist with research and outreach. The draft budget shows the Regional Coordinator position as 1.0 FTE.

The NSGLC Director holds the position of MASGC Associate Director for Outreach. The TAT received comment in support of the assertion that the NSGLC would best serve its mission, and best meet the challenges of its responsibilities, if the NSGLC Director were able to focus entirely on the tasks that are directly associated with management and operation of the NSGLC, and not also carry the additional responsibility and distraction of meeting the responsibilities that are associated with the position of MASGC Associate Director for Outreach.

The TAT recommends that the NSGLC Director and the MASGC Director should consult, at the earliest opportunity, to develop a reasonable plan that would allow the NSGLC Director to phase-out of the MASGC Associate Director for Outreach position. The demands of the NSGLC per se, especially in light of the additional NSGLC funding, the need for the efficient deployment of such funds, the expectation for an expanded delivery of NSGLC goods and services as a result of such funds, and the general expectations of the Network, all converge to indicate that the NSGLC Director should not attempt to perform both responsibilities. Nevertheless, as previously suggested, the TAT suggests that opportunities for the Directors of the MASGC and the NSGLC to work together on programmatic issues are important, and can be accomplished through other means. The maintenance and possible redesign of the professional link and working relationship that exists between the NSGLC and the MASGC provides the NSGLC with the important and essential connection to the Sea Grant Network, in addition to providing other benefits to each of the two respective entities, and also to the Network.

The TAT received comment in support of the expectation that the availability of additional funds for the NSGLC will permit it to adjust its organizational and management structure to more rigorously pursue the complimentary objectives of serving as a "law center" and as a "network resource". That is, it is anticipated that the NSGCP will now have adequate funding to expand the reach and impact of its mission and core responsibility, including, (1) to disseminate information about ocean and coastal law and

policies; (2) to provide the Sea Grant Network and coastal citizens with critical analyses that are pursued with the same vigor as the other research, education and outreach components of the Sea Grant Network; (3) to coordinate and enhance Sea Grant's activities in legal scholarship and outreach that are related to coastal and ocean law issues (i.e., to serve as a focal point for Sea Grant law-related issues, and to integrate the efforts of ocean and coastal law researchers and users in the Sea Grant Network); (4) to more fully involve the components of the Sea Grant Network; and (5) to combine and coordinate the activities of additional regional centers in order to promote the growth of a "virtual" Sea Grant legal network.

The TAT notes the expectation that the increase in the appropriated funds that are available to the NSGLC should result in favorable impacts and modifications to the format, distribution, utility, and impact of NSGLC publications and other products and services.

The National Sea Grant Law Center Advisory Committee, established in 2004, includes 12 individuals who possess broad and diverse perspectives and experience with respect to issues that pertain to the National Sea Grant College Program, marine and coastal law and policy, and other related subjects and areas. Moreover, the membership of the NSGLC Advisory Committee includes four individuals who are directly involved in the National Sea Grant College Program (three Sea Grant Directors and one Sea Grant Extension Leader), representatives of Federal and State resource and management entities, representatives of non-governmental organizations, industry representatives, representatives of academic institutions, and individuals with experience in marine and coastal law and policy. As previously indicated, it was not evident to the TAT that the NSGLC utilizes the NSGLC Advisory Committee in a meaningful fashion. The TAT notes that the NSGLC would benefit in meeting its future goals and challenges if it were to incorporate the meaningful involvement and participation of the NSGLC Advisory Committee. Moreover, the TAT believes that the NSGLC Advisory Committee would greatly assist the NSGLC in meeting the important goal of advancing its relationship and interaction with the audience of users, researchers, and decision makers that are intended to benefit from, and have potential to contribute to, Sea Grant's activities in legal scholarship and outreach that are related to coastal and ocean law issues.

## B. Strategic Planning

The TAT recommends that the NSGLC engage in a strategic planning process and develop a strategic plan and an implementation plan. The NSGCP should be expected to plan strategically, set goals, define performance objectives, and develop mechanisms for achieving such goals and performance objectives. The NSGLC should, at the earliest opportunity, engage in a meaningful strategic planning initiative that includes the integral and active involvement of the NSGLC Advisory Committee, and that is tailored to address the vision and mission of the NSGCP.

The TAT recommends that the NSGLC, to the most reasonable extent possible, should follow the general principles that are indicated for strategic planning in the guidelines, requirements and programmatic expectations that are stipulated for individual Sea Grant programs in the Program Assessment Team (PAT) Manual (or that is generally in keeping with any successor process or protocol that may be utilized for individual Sea Grant programs). Individual Sea Grant programs are evaluated in four general categories; one of those being “Effective and Aggressive Long Range Planning.” The effectiveness of performance under this category is measured under three established “Evaluation Criteria” (i.e., “Strategic Planning Process”, “Strategic Plan Quality”, “Implementation Plan”). The effectiveness of performance under each of these three Evaluation Criteria is measured by adherence to standards that have been established for “Expected Performance Benchmarks”, “Indicators of Performance”, and “Suggested Considerations for Evaluators.” There are obviously differences in the structure, expectations, and mission of the NSGLC when compared to those of individual Sea Grant programs. Nevertheless, the PAT strategic planning experience, and the objectives that are included therein, provides many important and meaningful lessons, and significantly useful and applicable guidance.

The TAT suggests that the NSGLC seek assistance in developing a strategic planning process, a strategic plan, and an implementation plan. The NSGLC should examine whether the National Sea Grant Office, the Sea Grant Network, or the National Sea Grant Review Panel may be available to provide assistance and expertise in this regard. Moreover, the Mississippi-Alabama Sea Grant Consortium (MASGC) could probably provide relevant and knowledgeable experience and assistance with respect to strategic planning. Involvement of the MASGC could be beneficial because of the history and relationship between the NSGLC and the MASGC, and that which is anticipated for the future. Additionally, MASGC has extensive experience and a sound strategic planning framework that is aligned to the principles of strategic planning for individual Sea Grant programs.

The NSGLC may wish to consider that the School of Business Administration at the University of Mississippi (UM), or a program within such school, or some other academic unit at UM, may have a member of the faculty, or an academic program, that carries some level of expertise, knowledge, focus, concentration, or familiarity with strategic planning that could be brought to bear in support of the NSGLC need to strategically plan.

The TAT understands that the time frame for the development of a programmatic and budgetary plan for FY 2006 does not provide for the realization of those benefits that result from a strategic planning exercise. Neither does the time frame for an FY 2007 programmatic and budgetary plan seem to provide for the realization of benefits and structure that would otherwise derive from a strategic planning exercise. Nevertheless, the NSGLC should, at the earliest opportunity, begin the process of integrating strategic planning into its enterprise.

To the extent possible, a NSGLC Strategic planning protocol should attempt to draw some alignment to the NSGCP and NOAA strategic plans, e.g. NOAA's strategic priorities and Annual Guidance Memorandum for FY 2009-2013 (in particular, its Ecosystems Goal), and should also attempt to demonstrate, within reason, its alignment to Sea Grant Network Themes.

**Question 3. Are resources adequate to allow the National Sea Grant Law Center to make a significant impact? What would a reasonable build-out plan look like?**

Many individuals who provided comment to the TAT were impressed with how much has been accomplished nationally by the NSGLC on a budget that is more typical of a state legal program (i.e., ~ \$100,000). The NSGLC has made very efficient use of electronic communications, and has a very good Website which provides ready access to the full text of its in-house publications. The NSGLC Director has traveled extensively to deliver the results of NSGLC research, and to establish associations, contact and communication with legal and non-legal Sea Grant staff. As discussed under Questions 4 through 8 below, the NSGLC has developed creditable plans to utilize the increased allocation of Sea Grant funding to the NSGLC (from \$100,000 to \$1 Million) to strengthen both the central operations of the NSGLC, and the provision of legal research throughout the Sea Grant Network. By the end of FY 2006, NSGLC staff has indicated that they plan to develop a 5-year strategic plan for circulation and comment to all the stakeholders described in Questions 4 through 8 below.

The NSGLC made an impressive impact at their prior funding levels of approximately \$100,000. The TAT is confident that the NSGLC is capable of making a significant impact with an approximate \$1 Million funding level.

The TAT recommends that staffing needs of the NSGLC should be addressed at an early opportunity, and with the objective of providing the professional and administrative services that were promised, anticipated, and expected since the onset of the establishment and funding of the NSGLC. While a clearly substantiated accounting of the level of NSGLC professional and administrative staffing on a year-to-year basis since the creation of the NSGLC was not available to the TAT, anecdotal information provided to the TAT indicates that the NSGLC has only been fully staffed during approximately six months of its existence.

Prior to its arrival to the University of Mississippi campus, the TAT was provided with a 4-page document, apparently produced on or about January, 2005, that was titled "Sea Grant Law Center, The University of Mississippi School of Law." This document was apparently intended to provide the programmatic and funding plan, guidance, and detail with respect to a vision that would fund the NSGLC at an approximate \$1.1M level (an anticipated match amount was not provided). Upon arriving at the UM campus, the TAT

was provided with a 2-page document titled “National Sea Grant Law Center Congressional Appropriation One-Pager” (Appendix F). This document provided the most recent vision for a programmatic and funding plan for the NSGLC in the amount of \$1M of federal funds (with a provision for an additional \$416,347 match). Reasonable differences existed between these two visions.

Given the level of detail and explanation that was provided to the TAT with respect to the anticipated build-out plan for the NSGLC at an approximate federal investment of \$1M, the TAT is unable to provide specific judgments or recommendations with respect to the programmatic and funding plan that would intend to spend an approximate federal allocation of \$1M.

The TAT also notes that it participated in discussions that address the relationship between, and the manner in which the NSGO will determine, the allocation and distribution of the approximate \$100,000 that has previously been allocated to the MASGC as part of their Omnibus Proposal, and the recent approximate \$1M Congressional Appropriation to the NSGLC. The TAT was provided with a letter (February 21, 2006) from then-NSGO Director Ron Baird to Dr. LaDon Swann (Director, MASGC) that made mention of the relationship between these two categories of funds, and the manner of allocation and distribution of such funds to the NSGLC. The TAT notes that this determination may be important to the level of federal investment and associated matching funds that the NSGLC builds into their programmatic planning for FY 2006 and beyond. The TAT was not requested to provide comment or recommendations about this matter.

**Question 4. Can effectiveness of the National Sea Grant Law Center be improved by establishing new and creative partnerships?**

The NSGLC informed the TAT that they have initiated the establishment of several useful partnerships. The most obvious NSGLC partners are the existing state Sea Grant Legal Programs (e.g., Louisiana, North Carolina, Mississippi-Alabama, and Rhode Island), and the several law school-affiliated non-Sea Grant marine law institutes. The NSGLC informed the TAT that it plans to provide competitive funding opportunities for legal research initiatives that are relevant to the Sea Grant mission, and further, that these funding opportunities will be available to both the Sea Grant Legal Programs, and the law school-affiliated non-Sea Grant marine law institutes. The TAT supports and encourages this competitive funding initiative.

The TAT recommends, as appropriate, and where time allows, that NSGLC partners be afforded an opportunity to review, comment, and advise with respect to draft legal analyses that are produced by either NSGLC staff, or by NSGLC partners.

The TAT recommends that an important goal of the NSGLC should be to strengthen and expand the provision of relevant legal research that is funded with Sea Grant funds, and administered by the NSGLC. The Mississippi-Alabama Sea Grant Consortium has indicated that they are willing and able to assist the NSGLC in this endeavor.

The NSGLC indicated that they have established useful relationships with professional staff at NOAA and several other federal agencies through the provision of NSGLC legal analyses. Further, the NSGLC indicated that they plan to explore formal partnering opportunities with these agencies; e.g., by co-sponsoring workshops and conferences that schedule discussions of the legal implications of agency missions, including scientific research, on such workshop and conference agendas.

The TAT recommends that the NSGLC should attempt to establish a partnership with the Congressional Research Service (CRS). The NSGLC should explore opportunities that make the results of NSGLC research available to CRS staff in a timely manner. Over the longer term, the NSGLC should explore ways in which they may facilitate the provision of CRS research, within the rules that govern how CRS operates, to and through the Sea Grant Network.

The TAT recommends that the NSGLC may wish to explore the opportunity to partner with the U.S. Department of Interior Minerals Management Service with respect to their emerging outer continental shelf renewable energy activities program

The TAT notes that the NSGLC Advisory Committee includes individuals who have relevant understanding, knowledge, and expertise in the area of coastal and marine law and policy. Many of these NSGLC Advisory Committee members could contribute as useful advisors and partners.

The TAT recommends that the NSGLC should act to promote and improve interdisciplinary communication by taking advantage of opportunities that may be available to the NSGLC to participate on relevant Sea Grant Network Theme Teams.

**Question 5. Given limited resources, what are the most appropriate target audiences for the National Sea Grant Law Center?**

Several individuals who provided comment to the TAT suggested that the target audience for NSGLC legal analyses be expanded to include:

- Staff members of the Sea Grant Extension Network who have identified legal issues that are relevant to their work. These Sea Grant Extension staff in turn can help to communicate and distribute the results of NSGLC legal research and other products and services to relevant public, private, and NGO sectors;



- Individual representatives of federal and state agencies who request NSGLC legal research and other products and services. The NSGLC could consider providing a priority to those requests where there appears to be a likelihood to establish future mutually beneficial partnering opportunities as mentioned in Question 4 above; and
- Local decision makers in the public, private, and NGO sectors who request NSGLC assistance with understanding applicable state and federal law.

The TAT recommends that the NSGLC, in their role as the administrative principal and leader of a “Sea Grant Legal Partner Network”, should consider establishing a formal process to refer requests that are received by the NSGLC to partners of such a “Sea Grant Legal Partner Network” on a case-by-case basis.

**Question 6. Are there opportunities for the National Sea Grant Law Center to strengthen its role within NOAA?**

The TAT received several comments that addressed the opportunities and means that may exist for strengthening the role of the NSGLC within NOAA. A recurring theme emerged that cautioned the NSGLC to guardedly consider the possibility that once NOAA becomes familiar with the NSGLC as a beneficial asset that possesses valuable personnel, expertise, knowledge, experience, and credibility in several subject areas in which NOAA may be involved, or otherwise interested, the NSGLC may find itself responding to an inordinate number of requests for products and services that address legal, regulatory, historical, scientific, and management issues, and other needs that may exist at the many NOAA line offices. While it is anticipated that the interaction between the NSGLC and NOAA would occur at the level of the NOAA Office of the General Counsel, it is likely that other line offices and elements of NOAA would soon recognize the utility of the NSGLC for purposes of assisting them with their specific responsibilities. While the TAT is not in a position to suggest the amount of NSGLC effort, or the subjects or issues of interest, or at what NOAA administrative or line-office level cooperation would best occur, it can suggest that the NSGLC should consider that balance and proportionality should be maintained between the possible developing needs and demands of NOAA and other federal agencies, and those of the other partners, customers and audiences that are primarily envisioned as beneficiaries of the products and services of the NSGLC. When considering the type and amount of assets that the NSGLC may wish to invest toward strengthening its role within NOAA, the NSGLC should review the mission, goals and objectives of NOAA as they compare to those of their non-NOAA audiences and customers. Moreover, when determining the fraction of available resources that the NSGLC may wish to invest toward strengthening its role within NOAA, or with any other federal agency, the NSGLC should consider and compare NOAA assets and capabilities with those of other non-NOAA audiences and customers, including (1) availability of human, financial, and legal resources; (2) geographical and functional proximity to problems, issues, locales, impacted entities,

needs, and decision makers; and (3) differences of impacts and added-value that derive from the contribution and assistance of the NSGLC.

The TAT recommends that the NSGLC investigate opportunities to expand their interaction with NOAA, offer targeted assistance to NOAA on specific issues, respond favorably to NOAA requests for assistance, and create opportunities to demonstrate the value of the NSGLC and the NSGCP to NOAA.

The TAT suggests that the issues of marine aquaculture and ocean-based wind power generation offer a propitious opportunity for the NSGLC and NOAA to interact. NOAA is becoming more and more involved with respect to ever-emerging activities that are proposed and anticipated to take place in the oceans, including marine aquaculture and ocean-based wind power generation. The TAT notes that these issues are likely to be of interest to many components of the NSGLC customer, audience and partner base, including individual Sea Grant programs, customers of individual Sea Grant Programs, Sea Grant Legal Programs and other marine and coastal non-Sea Grant legal programs. These issues may offer the NSGLC with the option to provide significant value added assistance to several diverse entities, including NOAA, while at the same time providing awareness of the value and impact of both the NSGLC and the NSGCP to NOAA.

**Question 7. As NOAA and NSGO move toward a regional approach to ecosystem management, how can the priorities of the National Sea Grant Law Center be better aligned with this approach?**

The TAT recommends, as a means to assist NOAA and the NSGO, that the NSGLC should prepare a comprehensive review of the rapidly expanding legal and policy literature that is focused on implementing ecosystem-based management (EBM) at the regional, national, and international levels, including the outputs of the October 19-20, 2006, Rhode Island Sea Grant sponsored conference, "The Evolution of Ecosystem Based Management.: From Theory to Practice." The implementation of EBM at the international level is a priority of the December, 2004, U.S. Ocean Action Plan as advanced by President George W. Bush. This Action Plan is based on recommendations that are contained in the September, 2004, final report of the U.S. Commission on Ocean Policy.

The TAT recommends that the NSGLC may wish to offer technical assistance to Congressional initiatives in both Houses of Congress that propose the inclusion of provisions that mandate the application of EBM principles in federal statute, including ongoing initiatives to reauthorize the Magnuson-Stevens Fisheries Conservation and Management Act. A NSGLC contribution to an informed Congressional initiative in the area of EBM could also serve to increase the awareness and visibility of the mission, value and impact of the NSGLC. The TAT notes that several diverse Congressional and public constituencies possess respectively distinct and sometimes contradictory

interpretations of the concept, principals and application of EBM. Therefore, the NSGLC must exercise caution in maintaining their reputation of providing unbiased, fair and impartial legal analysis with respect to this and similar legislative initiatives.

The TAT recommends that the NSGLC RFP include a specific solicitation of one or more EBM proposals as part of its request for legal research and outreach projects that are related to coastal and ocean law issues. The inclusion of one or more proposals for EMB funding in the NSGLC RFP supports the emerging NOAA-wide initiative to develop an ecosystem approach to management "... that is adaptive, specified geographically, takes into account ecosystem knowledge and uncertainties, considers multiple external influences, and strives to balance diverse social objectives." Moreover, NSGLC funding of EMB proposals may partially and effectively connect the intended future NSGLC funding of regional law centers with the regional research planning initiatives that have recently been funded by the NSGCP in eight regions. In addition to having relevance under Question 7, funding one or more EBM proposals may also have relevance with respect to "Question 4. Can effectiveness of the National Sea Grant Law Center be improved by establishing new and creative partnerships?", "Question 5. Given limited resources, what are the most appropriate target audiences for the National Sea Grant Law Center?", and "Question 6. Are there opportunities for the National Sea Grant Law Center to strengthen its role within NOAA?"

**8. What types of performance measures would be appropriate for measuring the effectiveness of the National Sea Grant Law Center in the future? Should it be reviewed as part of the Mississippi-Alabama PAT or separately?**

The TAT notes that the NSGLC does not appear to be part of a periodic evaluation process that applies performance evaluation standards and criteria that are prescribed by the National Sea Grant Review Panel (NSGRP) or the National Sea Grant Office (NSGO) for the purpose of measuring accountability and performance with respect to the mission of the National Sea Grant College Program (NSGCP), or of the NSGLC itself. Therefore, it does not appear that the NSGLC is officially required to be in conformity with any principles of performance evaluation that may be expected by the NSGRP, NSGO or the NSGCP, and that are otherwise generally applied to individual Sea Grant programs, or that are generally seen as justification of public investments of this sort.

The TAT recommends that the performance of the NSGLC should be evaluated separately from the performance of the Mississippi-Alabama Sea Grant Consortium. This recommendation is supported by a significant number of comments that were provided to the TAT.

The TAT recommends that the performance of the NSGLC should be periodically evaluated in accordance with a standards-based evaluation protocol that is primarily and specifically tailored to the mission of the NSGLC and the NSGCP, while also including

those broader elements of considerations that are customarily used in performance-based evaluations. The TAT visit provided insights that point clearly to the necessity to implement a periodic evaluation of the NSGLC. This TAT recommendation becomes more relevant when considering the level of funding that is now available to the NSGLC, how such funding relates to funding levels of individual Sea Grant programs, the advertised significance of the NSGLC mission, and the general responsibility to validate public investments of this sort. Comments and expectations that were provided to the TAT by representatives of the Sea Grant Network and others expressed that a standards-based performance evaluation of the NSGLC is important to ensuring that the NSGLC will maintain ongoing support for its mission and funding from its customers and clients, provide the NSGLC with an opportunity to demonstrate that its products, services, customers, audiences, outcomes, impacts and accomplishments are relevant to its mission, and offer a necessary pathway for recommendations that continually improve program performance.

The TAT recommends that the National Sea Grant Review Panel (NSGRP) and the NSGO, in consultation with NSGLC personnel and the NSGLC Advisory Committee, should develop a standards-based performance evaluation process that addresses the unique characteristics of the mission and operational structure of the NSGLC. The NSGRP and the NSGO should be charged with organizing and developing an evaluation process for the NSGLC at an early opportunity. Specific target dates for submission of a final draft of such an evaluation protocol to the NSGO and the full NSGRP, and for final NSGO and NSGRP approval, should be established.

The performance evaluation measures that are utilized for the NSGLC should intend objectives that are similar to those that exist for program evaluation of individual Sea Grant Programs by a Program Assessment Team (PAT). There are obvious and significant differences in the mission, and in the management and operational structure of the NSGLC, as compared to those of individual Sea Grant programs. Nevertheless, the PAT experience, taken together with the principles that are embodied in the PAT Manual, provides many important, meaningful, applicable and significantly useful lessons and guidance.

The TAT recommends that an evaluation protocol for the NSGLC should include a PAT that is similar in structure and function to a PAT that is assigned to evaluate an individual Sea Grant Program. For example, such a NSGLC PAT could include four individuals, would be led by a member of the National Sea Grant Review Panel (NSGRP), would include two members of the NSGRP, and in addition include two other individuals who hold administrative and management experience, or other relevant knowledge and experience, from academia or the public or private sector, and who have familiarity with topics and issues that have significance, similarity or other relevance to the mission and objectives of the NSGLC. Such a NSGLC PAT should include the NSGO Program Officer and other appropriate NSGO staff as ex-officio participants. A four-year cycle for an external PAT-type performance review of the NSGLC appears to be reasonable.

The TAT notes that similar national-context programmatic investments exist within the NSGCP. These investments are intended to provide national context and leadership in addressing large regional, national, and international audiences that are generally beyond the capability and programmatic objectives of any one Sea Grant Program (e.g., the NSGLC, the National Ports and Harbors Extension Program, the Coastal Community Development Program, etc.). As an aside, but still within the context of this element of the NSGLC TAT report, it may be worthwhile to consider the possible necessity to develop an evaluation protocol for all national-context investments. Since the nature and missions of these national-context investments are respectively different and diverse, such an evaluation protocol should not only include a “common set” of evaluation criteria that would be applied to all national-context investments (i.e., organization and management of the program, connections with users, strategic planning, production of significant results), but also include a “program-specific set” of criteria that would be individually suited to the specific mission of each national-context investment. The “common set” of evaluation criteria would be much less detailed than those used in the PAT process for evaluating individual Sea Grant programs; nevertheless, the above-indicated specific general categories would be useful (i.e., organization and management of the program, etc.). The August, 2005, charge letters that requested the NSGRP to convene Task Groups to conduct reviews of the three above-indicated national-context programmatic investments, including the NSGLC, included respectively distinct “... ‘Principle issues’ for the review to address ...” for each of these three investments; similar “principle issues” could become the “program-specific set” of criteria that would add to the “common set” of evaluation criteria. There is no doubt that the level of performance evaluation that is directed to national-context programs must be balanced in view of the lesser funding levels and significantly different missions that categorize such programs. As previously indicated, the level of funding that is now available to the NSGLC, together with the advertised significance of its mission, appears to justify a careful and comprehensive programmatic evaluation.

The TAT recommends that the Director of the NSGLC should be invited, at an early opportunity, to participate in a PAT visit to an individual Sea Grant Program. This experience should provide a meaningful context to any initiative that seeks to formalize a periodic standards-based evaluation protocol that is specifically tailored to the mission of the NSGLC. Moreover, the Director of the NSGLC should be somehow included in the ongoing initiative that addresses the response of the Sea Grant Network to the recent National Research Council Report titled, "Evaluation of the Sea Grant Program Review Process."

### **Question 9. Other recommendations to improve the program**

The NSGLC is an essential and unique element of the greater Sea Grant Network, and should make a concerted effort to reach out to and communicate with such Network. The

TAT recommends that the NSGLC and the Sea Grant Network would mutually benefit from and should mutually commit to the development of a mechanism to enhance opportunities for frequent communication and meaningful engagement with each other. This may include the provision of a regular opportunity for the NSGLC to address the Sea Grant Association at each of their major meetings, of some form of written or in-person report to meetings of the National Sea Grant Review Panel, and of an opportunity to address the entire Sea Grant Network at one of the all-hands general assemblies that occur during Sea Grant Week. Additionally, the NSGLC should develop a process by which it engages and communicates with the Sea Grant Communications Network, the Assembly of Sea Grant Extension Leaders, and the Sea Grant Educators Network.

## APPENDIX A

### RECOMMENDATIONS

**Recommendation #1.** The TAT recommends that the National Sea Grant Office (NSGO) should continue to require that an Annual Report be submitted by the NSGLC. The TAT recommends that the NSGO should clearly stipulate the format and topical content that should be incorporated in the NSGLC Annual Report. Further, the TAT recommends that the NSGO should require that the NSGLC Annual Report include an expansion of relevant, meaningful and detailed information for the purpose of providing an improved understanding and accountability with respect to the investment of public funds in the NSGLC enterprise, and a more complete understanding of the benefits, impacts, outcomes, accomplishments, usage, utility and general performance of this investment.

**Recommendation #2.** The TAT recommends that the NSGLC would benefit from developing or adopting a reasonably straightforward tracking mechanism that seeks to account for the distribution, usage, utility, and application of NSGLC products and services. The NSGLC may wish to seek assistance in this regard from individual Sea Grant Programs, many of which utilize and benefit from such tracking mechanisms.

**Recommendation #3.** The TAT recommends that the NSGLC should continue progress toward aligning its extension and outreach initiatives, to the extent possible, with the principles that are included in the publications “Regional and National Sea Grant Extension Programming” (September 2000) and “A Mandate to Engage Coastal Users” (November 2000)."

**Recommendation #4.** The TAT recommends that the NSGLC engage in a strategic planning process and develop a strategic plan and an implementation plan.

**Recommendation #5.** The TAT recommends that the University of Mississippi, within the operational and management structure and responsibility of the Mississippi Law Research Institute, and in continuing association with the Mississippi-Alabama Sea Grant Consortium (MASGC), is a favorable placement for the NSGLC.

**Recommendation #6.** Within the context of the recommended reporting relationship between the NSGLC and the Mississippi Law Research Institute, the TAT recommends that attention be invested to further develop the association and interaction between the NSGLC and the University of Mississippi School of Law.

**Recommendation #7.** The TAT recommends that funding for the NSGLC should continue to be treated as a supplemental, pass-through and add-on component of the MASGC. Moreover, the TAT recommends that a continued official and working relationship with the MASGC will provide many benefits to the NSGLC and to the

University of Mississippi, including (1) utilization of existing and proven management resources and methodology to assist the NSGLC in the development and distribution of an RFP (in conjunction with the involvement of the NSGLC Advisory Committee); (2) administration, management, and operation of the competition, including pre-proposal review, peer review, technical panel review, final proposal review, proposal selection, etc.; and (3) continuing association with the MASGC Program Officer.

**Recommendation #8.** The TAT recommends that the NSGLC Director and the MASGC Director should consult, at the earliest opportunity, to develop a reasonable plan that would allow the NSGLC Director to phase-out of the MASGC Associate Director for Outreach position.

**Recommendation #9.** The TAT recommends that the NSGLC, to the most reasonable extent possible, should follow the general principles that are indicated for strategic planning in the guidelines, requirements and programmatic expectations that are stipulated for individual Sea Grant programs in the Program Assessment Team (PAT) Manual (or that is generally in keeping with any successor process or protocol that may be utilized for individual Sea Grant programs).

**Recommendation #10.** The TAT recommends that staffing needs of the NSGLC should be addressed at an early opportunity, and with the objective of providing the professional and administrative services that were promised, anticipated, and expected since the onset of the establishment and funding of the NSGLC.

**Recommendation #11.** The TAT recommends, as appropriate, and where time allows, that NSGLC partners be afforded an opportunity to review, comment, and advise with respect to draft legal analyses that are produced by either NSGLC staff, or by NSGLC partners.

**Recommendation #12.** The TAT recommends that an important goal of the NSGLC should be to strengthen and expand the provision of relevant legal research that is funded with Sea Grant funds, and administered by the NSGLC.

**Recommendation #13.** The TAT recommends that the NSGLC should attempt to establish a partnership with the Congressional Research Service (CRS).

**Recommendation #14.** The TAT recommends that the NSGLC may wish to explore the opportunity to partner with the U.S. Department of Interior Minerals Management Service with respect to their emerging outer continental shelf renewable energy activities program.

**Recommendation #15.** The TAT recommends that the NSGLC should act to promote and improve interdisciplinary communication by taking advantage of opportunities that



may be available to the NSGLC to participate on relevant Sea Grant Network Theme Teams.

**Recommendation #16.** The TAT recommends that the NSGLC, in their role as the administrative principal and leader of a “Sea Grant Legal Partner Network”, should consider establishing a formal process to refer requests that are received by the NSGLC to partners of such a “Sea Grant Legal Partner Network” on a case-by-case basis.

**Recommendation #17.** The TAT recommends that the NSGLC investigate opportunities to expand their interaction with NOAA, offer targeted assistance to NOAA on specific issues, respond favorably to NOAA requests for assistance, and create opportunities to demonstrate the value of the NSGLC and the NSGCP to NOAA.

**Recommendation #18.** The TAT recommends, as a means to assist NOAA and the NSGO, that the NSGLC should prepare a comprehensive review of the rapidly expanding legal and policy literature that is focused on implementing ecosystem-based management (EBM) at the regional, national, and international levels.

**Recommendation #19.** The TAT recommends that the NSGLC may wish to offer technical assistance to Congressional initiatives in both Houses of Congress that propose the inclusion of provisions that mandate the application of EBM principles in federal statute, including ongoing initiatives to reauthorize the Magnuson-Stevens Fisheries Conservation and Management Act.

**Recommendation #20.** The TAT recommends that the NSGLC RFP include a specific solicitation of one or more EBM proposals as part of its request for legal research and outreach projects that are related to coastal and ocean law issues.

**Recommendation #21.** The TAT recommends that the performance of the NSGLC should be evaluated separately from the performance of the Mississippi-Alabama Sea Grant Consortium.

**Recommendation #22.** The TAT recommends that the performance of the NSGLC should be periodically evaluated in accordance with a standards-based evaluation protocol that is primarily and specifically tailored to the mission of the NSGLC and the NSGCP, while also including those broader elements of considerations that are customarily used in performance-based evaluations.

**Recommendation #23.** The TAT recommends that the National Sea Grant Review Panel (NSGRP) and the NSGO, in consultation with NSGLC personnel and the NSGLC Advisory Committee, should develop a standards-based performance evaluation process that addresses the unique characteristics of the mission and operational structure of the NSGLC.

**Recommendation #24.** The TAT recommends that an evaluation protocol for the NSGLC should include a PAT that is similar in structure and function to a PAT that is assigned to evaluate an individual Sea Grant Program.

**Recommendation #25.** The TAT recommends that the Director of the NSGLC should be invited, at an early opportunity, to participate in a PAT visit to an individual Sea Grant Program.

**Recommendation #26.** The TAT recommends that the NSGLC and the Sea Grant Network would mutually benefit from and should mutually commit to the development of a mechanism to enhance opportunities for frequent communication and meaningful engagement with each other.



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Sea Grant College Program  
1315 East-West Highway  
Silver Spring, Maryland 20910

AUG 1 2005

Dr. Jerry R. Schubel (Chair)  
National Sea Grant Review Panel  
Aquarium of the Pacific  
320 Golden Shore, Suite 100  
Long Beach, California 90802

Dear Jerry:

As follow-up to the recent Panel meeting, this is a formal request to the National Panel to convene a Task Group to conduct a review of the National Sea Grant Law Center. Under current FACA regulations, it is incumbent that at least one panel member be a member of the Task Group. In this instance, I note that Jeff Stephan is a member of the Law Center's advisory committee, but there are several other Panel members who would also be good candidates for such an undertaking.

I would envision a small group of three individuals. From the academic side, possible external members you may wish to consider include; Craig Allen, University of Washington School of Law, who was formerly with the Coast Guard and works on maritime and shipping issues; Dick Hildreth, University of Oregon, co-author of the ocean and coastal law textbook and well-respected in the field; and Casey Jarmin, University of Hawaii, who was formerly with the University of Mississippi's maritime law program. On the non-academic side, Tim Eichenberg, now a private consultant, was formerly at the Ocean Conservancy and then Oceana; Mike Helmsley, Ocean.US has used the services of the National Sea Grant Law Center and could provide a user perspective and Braxton Davis, currently with the Baruch Institute at the University of South Carolina, utilized the services of the Law Center while he was with NOAA's Coastal Service Center and could provide a NOAA perspective.

The charge is to complete a preliminary review of the National Sea Grant Law Center prior to the November meeting of the Panel, with a final report submitted by January 1. The principal issues for the review to address include the following:

- 1) During its first three years of existence, has the program been effective?
- 2) Is the National Sea Grant Law Center structured in a manner that allows it to meet its goals?
- 3) Are resources adequate to allow the National Sea Grant Law Center to make a significant impact? What would a reasonable build-out plan look like?



- 4) Can effectiveness of the National Sea Grant Law Center be improved by establishing new and creative partnerships?
- 5) Given limited resources, what are the most appropriate target audiences for the National Sea Grant Law Center?
- 6) Are there opportunities for the National Sea Grant Law Center to strengthen its role within NOAA?
- 7) As NOAA and NSGO move toward a regional approach to ecosystem management, how can the priorities of the National Sea Grant Law Center be better aligned with this approach
- 8) What types of performance measures would be appropriate for measuring the effectiveness of the National Sea Grant Law Center in the future? Should it be reviewed as part of the Mississippi-Alabama PAT or separately?
- 9) Other recommendations to improve the program.

Note that there is a \$1M plus up in the '06 Senate language for the law center. Plans for Law Center expansion should be an integral part of this discussion.

Jim Murray, assisted by Megan Agy, will act as the NSGO liaison to the Committee. When a Chair has been chosen, please ask him/her to call Jim to discuss next steps and determine needs for staff support to the Panel.

With best regards,

  
Ronald C. Baird  
Director

cc: J. Murray  
M. Agy  
S. Showater  
L. Swann  
N. Robinson

## **Overview: National Sea Grant Law Center Review**

### Background

- National Sea Grant Law Center officially established at the University of Mississippi in February 2001 through a competitive process managed by the National Sea Grant Office
- Mississippi-Alabama Sea Grant Legal Program (created in 1972) is operated in conjunction with the National Sea Grant Law Center
- Provides legal research through outreach and advisory services to the National Sea Grant College Program and its constituents
- \$100,000 provided to the Law Center annually, which is administered through the Mississippi-Alabama Sea Grant Consortium
- Matching funds are contributed by the state of Mississippi, the MS-AL Legal Program and the University of Mississippi
- Staff: Director (Stephanie Showalter), Research Counsel (Jason Savarese) and Media Coordinator (Waurene Roberson)
- Law Center activities include 1) Coordinating the research and outreach efforts from existing Sea Grant Legal Programs, Sea Grant-funded marine policy researchers, and marine law institutes across the country; 2) Publishing a law digest, a quarterly legal reporter, and an Internet site; 3) Conducting research on legal issues affecting the nation's oceans and coasts and disseminating research results through publications, presentations, and on-line resources; and, 4) Preparing answers to law and policy questions of federal and state agencies and Sea Grant College Programs.
- Has appointed a 14 member Advisory Committee

### NSGO will provide the Panel with the following background information:

- Request for Proposals for the National Sea Grant Law Center competition in 2000
- Progress reports from the National Sea Grant Law Center for activities from February 2002 to present, including areas of emphasis, leveraged funds, partnerships and accomplishments
- Expansion plan which includes proposed future initiatives for the National Sea Grant Law Center
- Other information as requested by the Panel

### Issues for Review Panel to Consider

- 1) During its first three years of existence, has the program been effective?
- 2) Is the National Sea Grant Law Center structured in a manner that allows it to meet its goals?
- 3) Are resources adequate to allow the National Sea Grant Law Center to make a significant impact? What would a reasonable build-out plan look like?
- 4) Can effectiveness of the National Sea Grant Law Center be improved by establishing new and creative partnerships?

- 5) Given limited resources, what are the most appropriate target audiences for the National Sea Grant Law Center?
- 6) Are there opportunities for the National Sea Grant Law Center to strengthen its role within NOAA?
- 7) As NOAA and NSGO move toward a regional approach to ecosystem management, how can the priorities of the National Sea Grant Law Center be better aligned with this approach
- 8) What types of performance measures would be appropriate for measuring the effectiveness of the National Sea Grant Law Center in the future? Should it be reviewed as part of the Mississippi-Alabama PAT or separately?
- 9) Other recommendations to enhance the program.

## APPENDIX C

### AGENDA

#### National Sea Grant Law Center Topical Advisory Team Visit (TAT) March 20 – 24, 2006

##### Monday, March 20: Travel and arrival day

**5:00 PM:** Meet in the lobby of the Inn at Ole Miss (Jeff, Dick, Megan, Stephanie)

**5:00 – 8:00 PM:** Dinner for TAT

**8:00 – 9:00 PM:** Executive Session for TAT

##### **Tuesday, March 21**

**7:15 – 8:00 AM:** Breakfast at hotel with Stephanie and William Hooper, Jr., current director of Mississippi Law Research Institute

**8:00 AM:** Depart for meeting - *Lyceum, Room 110*

**8:15 – 10:30 AM:** Meeting with Stephanie Showalter, Director of the National Sea Grant Law Center (NSGLC)

- History of Law Center, description (plan of work), proposals, staff management hierarchy, institutional structure, network relations, impacts, relationship to University of MS, Advisory Board

**10:30 – 10:45 AM:** Break

**10:45 - 11:30 AM:** Meeting with LaDon Swann, Director of the Mississippi-Alabama Sea Grant Consortium

- Overview of Mississippi-Alabama Sea Grant Consortium
- Focus on how NSGLC fits into Sea Grant at present
- Thoughts on future of NSGLC

**11:30 -12:15 PM:** Meeting with Dean Samuel Davis, University of Mississippi School of Law

- Overview of the University of Mississippi School of Law
- Perspective on NSGLC and how it fits into the School of Law
- Thoughts on future of NSGLC

**12:30 – 1:40 PM:** Lunch with invited guests from the morning meetings (catered)

**1:45 – 2:45 PM:** Meeting with NSGLC Advisory Committee

- Gene Buck, Congressional Research Service
- Margaret Davidson, NOAA Coastal Services Center
- Ed Sheppard, Thompson Coburn LLP

**2:45 – 3:45 PM:** Meeting with External Stakeholders (non-Sea Grant)

- Mike Helmsley (Ocean.US)
- Mark Van Waes (NOAA Coast Survey)
- Richard Barfield (Navy)
- Braxton Davis (Baruch Institute)

**3:45 – 4:00 PM:** Break

**4:00 – 5:00 PM:** Meeting with Internal Stakeholders (Sea Grant)

- Leigh Johnson (California Sea Grant)
- Frank Lichtkoppler (Ohio Sea Grant)
- Jeff Gunderson (Minnesota Sea Grant)
- Jim Fawcett (USC Sea Grant)
- Bill Walton (WHOI Sea Grant)

**5:00 – 5:15 PM:** Briefing with Stephanie

**5:30 – 7:00 PM:** Reception at the Memory House

**7:00 – 8:30 PM:** Dinner for TAT

## **Wednesday, March 22**

**7:15 – 8:15 AM:** Breakfast at hotel with Stephanie and William Wilkins, incoming director of Mississippi Law Research Institute

**8:15 AM:** Depart for meeting - *Lyceum, Room 200*

**8:30 – 9:00 AM:** Assembly of Extension Sea Grant Program Leaders

- Nancy Balcom, Chair of Assembly and CT SG Extension Leader
- Ralph Rayburn, Past Chair of Assembly and TX SG Extension Leader
- Jack Thigpen, Chair-elect of Assembly and NC SG Extension Leader

**9:00 – 9:30 AM:** Sea Grant Directors

- Barry Costa-Pierce, RI Sea Grant Director
- Jeff Reutter, OH Sea Grant Director



- Paul Anderson, ME Sea Grant Director

**9:30 – 10:15 AM:** Sea Grant Legal Community

- Walter Clark, Policy Specialist for NC Sea Grant
- Jim Wilkins, Director of LA Sea Grant Legal Advisory Service
- Josh Clemons, Research Counsel for MS-AL Sea Grant Legal Program
- Kristen Fletcher, Director of RI Sea Grant Legal Program

**10:15 – 10:30 AM:** Break

**10:30 – 12:00 PM:** Discussion with a focus on the new Congressional appropriation

- Stephanie and University people

**12:00 – 1:15 PM:** Lunch with Stephanie and University people (catered)

**1:15 – 2:30 PM:** Continue discussion with a focus on the new Congressional appropriation

**2:30 – 2:45 PM:** Break

**2:45 – 5:00 PM:** Executive Session for TAT

**5:00 – 5:30 PM:** Briefing with Stephanie

**6:00 – 8:00 PM:** Dinner for TAT

**8:00 PM:** Writing time

## **Thursday, March 23**

**7:30 – 8:30 AM:** Breakfast (optional)

**9:00 AM:** Depart for meeting – *Lyceum 123*

**9:30 – 10:00 AM:** Meeting with Chancellor Robert Khayat

**10:00 – 12:00 PM:** Writing time for TAT - *Eastland Room, Law School Library*

**12:00 – 1:00 PM:** Lunch

**1:00 – 5:00 PM:** Writing time for TAT

**5:00 – 5:30 PM:** Briefing with Stephanie

**6:00 – 8:00 PM:** Dinner for TAT

**8:00 – 10:00 PM:** Editing of TAT Report

**Friday, March 24**

**7:30– 8:30 AM:** Breakfast for TAT and debriefing rehearsal

**8:45 AM:** Depart for debriefing - *Eastland Room, Law School Library*


**9:00 – 10:30AM:** Final debriefing



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Sea Grant College Program  
1315 East-West Highway  
Silver Spring, Maryland 20910

MAY 21 2001

MEMORANDUM FOR: Sea Grant Directors

FROM: Ronald C. Baird   
Director

SUBJECT: Request for Proposals for Two New Programmatic Investments

The National Sea Grant College Program is requesting proposals for two new programmatic investments that will be funded in FY 2002: a Sea Grant National Ports and Harbors Specialist and a Sea Grant Law Center. The specific requests are attached. These initiatives were first proposed in my memorandum of Oct 17, 2000, and subsequently were discussed in several Sea Grant forums. The intent of the investments is to be able to address large regional, national, and international audiences that are generally beyond the capability and programmatic objectives of any one Sea Grant Program, by providing national context and leadership. They will increase the visibility of Sea Grant and provide the framework for expanding the Sea Grant resource base. In addition, products and services developed by the two new programs will be made available to augment individual efforts within the network.

#### Attachments

cc: Sea Grant Review Panel  
Christophe Tulou  
National Sea Grant Office



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## **Request for Proposals Sea Grant Law Center**

### **Introduction**

The National Sea Grant College Program plays a leading role in the sustainable development of the Nation's marine resources. It accomplishes this through an extensive program of research, education, and outreach. Sea Grant meets national needs by providing information to citizens pertaining to a diverse set of concerns ranging from how best to educate K-12 children on coastal issues to advanced scientific research. However, as the development of various marine resources evolves, matures, and receives greater attention nationally and worldwide, it becomes increasingly important to address the legal issues that pertain to such development. Efforts to disseminate information about ocean and coastal law and policies, and to provide the Sea Grant College Programs and coastal citizens with critical analyses need to be pursued with the same vigor as the other research, education, and outreach components of Sea Grant.

This announcement calls 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. It is envisaged that such a center will ultimately involve a number of state Sea Grant Programs organized as a "virtual" center. It is designed to combine and coordinate the activities of additional regional centers in order to create a "virtual" network for nationwide law efforts. The major responsibilities of such a center would be:

- 1) To integrate the efforts of ocean and coastal law researchers and users in the Sea Grant network nationwide;
- 2) to conduct research on current national ocean, coastal, and Great Lakes law issues;
- 3) to provide outreach and advisory services to the Sea Grant Network and NOAA;
- 4) to disseminate information and analysis through periodic workshops and conferences as well as publications;
- 5) to serve as a focal point for Sea Grant's law-related issues, and to promote the growth and development of a "virtual" Sea Grant legal network.

These activities are intended to ensure that Sea Grant is actively involved in legal research on timely issues of ocean and coastal law at the state, regional and federal levels. Such issues might include, for example, statutes and amendments to coastal laws and regulations, case law as it affects coastal resources, and trends in marine resource use and conservation.

## **Request for Proposals**

Proposals are requested from current Sea Grant College and Institutional Programs (or consortia of programs) to provide a center to perform the above tasks. A minimum of \$100,000 will be available for the Law Center in FY2002; outyear funding can be expected to continue for a minimum of four years, depending on appropriation levels. Funding beyond that time will be dependent on an evaluation of the Center's benefits to the NSGCP. Proposals are due at the National Sea Grant Office on August 15, 2001, and will be evaluated by a panel of reviewers. The criteria used to evaluate the proposals will be:

- 1) The potential for the proposed effort to meet or exceed the objectives stated above;
- 2) the qualifications of the personnel involved, including institutional experience in marine resource law and outreach;
- 3) the adequacy and efficiency of the proposed organizational structure; and
- 4) the commitment of the host institution(s) to the center, as shown by cost-sharing or leveraging of other resources and personnel.

## **Proposal Guidelines and Instructions for Submission**

Only current Sea Grant Colleges and Institutional Programs are eligible for these awards. Proposals for the program described above must be received by the National Sea Grant Office by August 15, 2001. Projects may be for a maximum of four years' duration. Awards will be amended to the FY 2002 omnibus award of the successful applicants, for an amount not to exceed \$100,000 of Federal funds per year. Matching funds do not have to be allocated specifically to these projects, but there must be sufficient matching funds available in the omnibus award. However, as noted above, the commitment of the host institution, as shown by cost-sharing or leveraging of other resources and personnel, will be considered in proposal selection.

Each proposal should have a title page signed by the Principal Investigator and the appropriate institutional representative, and a project summary (SG Form 90-2). The project description should not exceed 15 pages and should be written in at least a 10-point font. Tables and visual materials, literature citations, CV's, letters of support, and other appendices may be included in addition to the project description. There should be separate budgets (SG Form 90-4) for each year of the project as well as a cumulative annual budget and budget description for the entire project. Subcontracts should have a separate budget page.

Proposals should be addressed to: National Sea Grant Office, NOAA-R/SG, Room 11708, 1315 East-West Highway, Silver Spring, MD 20910, Attn: R. Randall Schneider.

## APPENDIX E

### Grant Document for the National Sea Grant Law Center (FY2006)

#### National Sea Grant Law Center Project Abstract

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." Founded in 2002 to provide legal research to the Sea Grant community and its constituents, the Sea Grant Law Center conducts research on marine laws and policies, coordinates ocean and coastal law researchers, and disseminates information to coastal and ocean policy-makers. For the past four years, the Sea Grant Law Center has effectively addressed the legal needs of the Sea Grant community. The need for these services continues.

U.S. ocean and coastal law is a complicated matrix of international, federal, state, tribal, and local law. Sea Grant extension agents and their constituents need to understand the legal system in order to successfully navigate the permitting processes and comply with the law. With the release of the final report of the U.S. Commission on Ocean Policy and the Bush Administration's *U.S. Ocean Action Plan* in late 2004, significant legislative activity related to the management of the U.S. oceans and coasts is expected over the next several years. The Sea Grant community and its constituents need to stay informed of legislative and regulatory changes.

The Sea Grant Law Center currently provides a number of services, which are in great demand and utilized by a wide range of organizations inside and outside of the Sea Grant community. Law Center attorneys conduct scholarly research on a variety of developing ocean and coastal policy issues including aquaculture, access to public beaches, and invasive species, and research findings are frequently published in leading legal publications such as the *Environmental Law Reporter* and *Vermont Law Review*. The Law Center's quarterly legal newsletter, *The SandBar*, informs over 1,200 subscribers about new court cases and legislation affecting coastal resource management. The Law Center's website is a source of critical information about marine law and is a tool for the integration of marine law and policy into the National Sea Grant network. The demand for these services will only increase as Congress passes laws and administrative agencies develop new regulatory programs for emerging coastal activities. Through its advisory service, the Law Center has provided legal research and assistance to a wide range of entities, but the vast majority of advisory requests come from Sea Grant College Programs.

The Law Center requests support to continue to fulfill its three primary components: 1. Outreach efforts through advisory research, national and regional presentations, and the publication of *The SandBar*, now in its fourth year; 2. Research of timely marine law topics affecting the coastal areas of the United States; and 3. Education and training of law students in research and writing in ocean and coastal law. The activities proposed by the Law Center are vital elements in helping the National Sea Grant College Program achieve the national priorities outlined in its 2003-2008 Strategic Plan, *Sea Grant in the New Century*.

## National Sea Grant Law Center Project Narrative

### Introduction

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.” Founded in 2002 to provide legal research to the Sea Grant community and its constituents, the Sea Grant Law Center conducts research on marine laws and policies, coordinates ocean and coastal law researchers, and disseminates information to coastal and ocean policy-makers. For the past four years, the Sea Grant Law Center has effectively addressed the legal needs of the Sea Grant community.

The need for these services continues. In fact, it has never been greater. Significant legislative activity related to the management of the U.S. oceans and coasts is expected over the next several years. The reports of the U.S. Commission on Ocean Policy and the Pew Oceans Commission called attention to numerous problems with the current management regimes governing ocean and coastal resources. The U.S. Ocean Commission in its final report, *An Ocean Blueprint for the 21<sup>st</sup> Century*, urged Congress to amend the Coastal Zone Management Act (CZMA), the Magnuson-Stevens Fishery Conservation and Management Act, the National Aquaculture Act, the Marine Mammal Protection Act (MMPA) and several other ocean and coastal statutes. In its *U.S. Ocean Action Plan* issued in December 2004, the Bush Administration committed to a number of legislative initiatives including a NOAA Organic Act, reauthorization of the MMPA and CZMA, and statutory regimes for offshore aquaculture and non-traditional offshore energy projects such as wind and wave energy. Congress will be examining ocean and coastal issues at a level unheard of in decades.

U.S. ocean and coastal law is a complicated matrix of international, federal, state, tribal, and local law. Few coastal activities fall under the jurisdiction of one single agency and permitting process. On the federal level alone, there are 20 agencies (administering over 140 laws) with some authority over ocean waters and resources. Individuals seeking to conduct offshore aquaculture, for example, must secure permits from five federal agencies – the Coast Guard, the Minerals Management Service, the Environmental Protection Agency, the National Marine Fisheries Service, and the Army Corps of Engineers. Sea Grant extension agents and their constituents need to understand the legal system in order to successfully navigate the permitting processes and comply with the law.

Sea Grant extension agents, coastal managers, fishermen, developers, oil companies – everyone involved with coastal resources – will be confronted with new laws and regulations in the coming years. Activities which are currently legal may be deemed illegal or be severely restricted by Congress. Offshore projects, such as wind farms and liquefied natural gas terminals, might be permitted by a different federal agency or prohibited entirely. As the U.S. aquaculture industry develops, new laws and regulations are inevitable. Numerous other coastal industries and resource users will also be impacted by legislative and regulatory changes.

While the activities falling within some Sea Grant thematic areas, such as aquaculture and fisheries, are heavily regulated, others, such as development of robots, sensors, and ocean observing systems, are not. Technology often outpaces regulatory regimes, whose adaptability is hindered by the legislative process and administrative agency resources. Autonomous Underwater Vehicles, or AUVs, are an example. AUVs are the cutting edge of technology used to explore the world's oceans and recent advances have made AUVs, once the exclusive purview of the U.S. Navy and academic institutions, more accessible to the private sector. Unlike tethered and remotely operated vehicles, which are simple extensions of the research vessel, AUVs are separate entities. The AUV's autonomous nature creates a regulatory gap. No legal framework currently exists to regulate the use of AUVs. AUVs may or may not be vessels as defined by U.S. maritime laws and their use is virtually unregulated by the federal government.

Legal research is currently needed to determine whether AUVs are vessels under U.S. law and to explore other legal questions arising from the widespread use of AUVs, such as liability and salvage rights. A comprehensive study on the law governing the operation of AUVs was published by the Society for Underwater Technology in 2000, but the report focused on the legal regimes applicable to a UK operator. NOAA's Office of Ocean Exploration, MIT Sea Grant, and other institutions owning and operating AUVs need legal research support to explore the issues mentioned above and identify policy options for addressing legal gaps and conflicts.

Ocean.US and the newly formed National Federation of Regional Associations (NFRA) are encountering similar problems as they embark on the implementation phase of the Integrated Ocean Observing System (IOOS). In addition to the basic questions of liability associated with government or academic institutions producing charts or streaming data via the web, there are a number of unanswered legal questions regarding proper formation of regional associations, intellectual property rights, and salvage.

In 2004, the Sea Grant Law Center received an advisory request from Ocean.US seeking information about the legality of federal agencies participating in 501(c)(3) organizations. Since that initial contact, the Law Center has provided on-going research support to Ocean.US, NFRA, and other affiliated organizations, answering a number of legal questions related to such topics as the Federal Tort Claims Act and the enforceability of memoranda of understanding. Additional legal issues will arise as IOOS moves forward.

The Sea Grant Law Center currently provides a number of services, which are in great demand and utilized by a wide range of organizations inside and outside of the Sea Grant community. This demand will only increase as Congress passes laws and agencies develop regulatory programs for emerging coastal activities, such as offshore wind and wave energy projects. Law Center attorneys conduct scholarly research on a variety of developing ocean and coastal policy issues including aquaculture, public access, and invasive species, and research findings are frequently published in leading legal publications such as the Environmental Law Reporter and Vermont Law Review. The Law Center's website (<http://www.olemiss.edu/orgs/SGLC>) is a source of critical information about marine law and is a tool for the integration of marine law and policy into the National Sea Grant network. Law Center fact sheets update Sea Grant College Programs and coastal managers on legislative developments on both a national and state level.



The Law Center's quarterly legal newsletter, *The SandBar*, informs over 1,200 subscribers about new court cases and legislation affecting coastal resource management. *The SandBar* is published in both electronic and print format. Hard copies are provided to subscribers free of charge. A recent issue featured articles on the following topics: whether a dredge is a vessel under federal law; the Massachusetts offshore windfarm project; the legality of a court-order wetlands excavation to mitigate pollution; the voiding of a development lease in Hawaii for lack of sufficient environmental review; the U.S. Supreme Court's extension of federal admiralty jurisdiction inland; the applicability of the National Historic Preservation Act to the construction of a U.S. military base in Japan; the right of the Makah Indian Tribe to a percentage of the Pacific whiting harvest; the responsibilities of an online fish auctioneer to Alaskan fishermen; and the liability of the Corps of Engineers for placement of dredge material on a Puerto Rican beach. *The SandBar* mailing list has steadily increased over the years and is distributed to attorneys, coastal managers, and private citizens across the nation and around the globe. International subscribers include organizations and individuals in Saipan, Singapore, South Korea, Russia, Japan, Italy, France, Australia, Canada and England.

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. While the Law Center is prohibited from providing legal advice or becoming involved in litigation, Law Center attorneys provide the Sea Grant community and its constituents with the background information needed to understand the law and determine whether to seek independent legal counsel. 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 prepared. Advisory requests result in a variety of products including memoranda of law, white papers, joint publications with extension agents, and conference presentations.

Through its advisory service, the Law Center has provided legal research and assistance to a wide range of entities, but the vast majority of advisory requests come from Sea Grant College Programs. In 2004 the Law Center had 12 major advisory requests, with eight submitted by Sea Grant Programs. The Extension Leader for California Sea Grant asked whether California Assembly Bill 1805, which attempted to ban the possession, purchase or sale of farm-raised salmon in California, would survive a court challenge if passed. The Associate Director of Minnesota Sea Grant sought information about Minnesota and Wisconsin laws regulating the interstate sale and transportation of bait minnows. The Associate Director of Rhode Island Sea Grant was concerned about the potential liability of a Sea Grant program arising from the publication of ocean observing system data on the Web. The Program Leader for Washington Sea Grant's Marine Advisory Service wondered whether there were any legal barriers in Washington State which would prevent commercial fishermen from taking tourists out on their boats.

The Law Center also assisted with the publication of a marine extension bulletin on the potential liability of shellfish farmers in Massachusetts for WHOI Sea Grant. The bulletin was

mailed to over 250 shellfish aquaculturists in Massachusetts. As a result of this joint project, shellfish aquaculturists are better informed about their potential liability and the extension service is better prepared to address community concerns as they arise.

For Alaska Sea Grant, the Law Center examined the effect of glacio-isostatic uplift on the public-private property boundary of the Mendenhall Wetlands State Game Refuge in Juneau. The California Sea Grant Extension Program commissioned a white paper on the legal regime to control hull fouling and the transport of invasive species via ships' hulls to support the Program's ongoing aquatic invasive species research, education, and outreach activities. Finally, Law Center attorneys provided Ohio Sea Grant with ongoing legal research support related to a property dispute between the state of Ohio and Lake Erie shorefront property owners.

Additionally in 2004, the Law Center provided NOAA Coastal Services Center with information on enforcement actions related to U.S. marine protected areas and assisted the Southern Division of Naval Facilities Engineering Command with interpreting Essential Fish Habitat regulations. The Law Center also compiled information on 501(c)(3) organizations and lobbying for the National Association of Marine Laboratories and answered the questions of Ocean.US related to federal agency participation in the Regional Associations (RAs) that are forming to implement the integrated and sustained ocean observing system (IOOS).

The large number of advisory requests and the wide array of topics reflect the broad range of activities undertaken by Sea Grant programs and the increasing use and exploitation of U.S. ocean and coastal resources. The need for non-biased legal information is overwhelming. Although all universities have a general counsel's office, to which Sea Grant Programs have access, few university attorneys are familiar with marine law or have the time to conduct the background research and answer the questions of extension agents or researchers. Furthermore, lawyers are trained as advocates to vigorously argue a position on behalf of their clients. While this is a valuable skill in the courtroom, it can cause problems for Sea Grant agents who must remain neutral when designing and conducting outreach programs for their constituents. The Law Center advisory service provides an essential service to the Sea Grant community. The increased understanding of the law gained by Sea Grant extension agents and their constituents improves the regulated communities' relationships with management agencies and increases compliance with existing law, as individuals are more likely to follow laws and regulations they understand.

The Law Center is also actively involved in educating and training law students in research and writing on ocean and coastal law topics and enhancing the marine law curriculum. The PI lectures as adjunct faculty at a number of institutions and recently designed and taught a seminar at the University of Mississippi School of Law entitled *Developing Issues in Ocean and Coastal Law*. Students were encouraged to study and analyze, in-depth, several emerging issues in ocean and coastal law. The PI covered a variety of issues, including offshore aquaculture, windfarms, private property rights in fisheries, preservation of underwater cultural heritage, and liquefied natural gas terminals. The jurisdictional and management issues associated with each subject were examined, as were environmental and public policy concerns. The PI also teaches a freshman composition course in which students explore the challenges facing today's fisheries managers by writing about past, present, and developing fisheries management conflicts.

In addition to its formal education activities, the Law Center enhances the educational experiences of law students in Mississippi and across the nation by providing opportunities to gain invaluable experience working on “real world” marine legal issues. Sea Grant Law Center Research Associates (RAs) work closely with Law Center attorneys on research projects and regularly contribute articles to Law Center publications. Over the past four years, RAs have co-authored law review articles, researched advisory requests, and assisted with conference and workshop preparation. One student recently presented the results of Law Center invasive species research to the Mississippi Aquatic Invasive Species Task Force. This was a wonderful professional development experience rarely available to law students studying ocean and coastal law. During the course of their employment, RAs hone critical thinking, research, and writing skills highly valued by future employers, be they law firms, federal agencies, state governments, or private sector companies.

The Sea Grant Law Center proposes to build on the above mentioned services by continuing to conduct legal research, formal and informal educational activities, and outreach projects that assist the Sea Grant community and its constituents in understanding the legal issues that surround the use of coastal and marine resources and the options for resolving conflicts. The activities proposed by the Law Center are vital elements in helping the National Sea Grant College Program achieve the national priorities outlined in its 2003-2008 Strategic Plan, *Sea Grant in the New Century*. The Law Center proposes to emphasize certain thematic areas and priority areas during the 2006-2010 timeframe. They are (1) Sea Grant Theme Area # 1: Aquaculture; National Priority # 6: Public Policy and Law; (2) Sea Grant Theme Area # 5: Digital Ocean; National Priority # 4: Supporting Offshore Industry; and (3) Sea Grant Theme Area # 10: Urban Coasts; National Priority # 3: Managing Coastal Resources.

### **Research/Outreach Plan**

#### ***Objectives***

For the 2006-2010 time period, the major objectives of the Sea Grant Law Center are to:

1. Provide legal research and advisory services to the National Sea Grant Office, the Sea Grant College Programs, and their constituents;
2. Help ensure that Sea Grant extension agents understand the existing legal regimes governing coastal resources and activities and are fully aware of any legislative and regulatory developments;
3. Conduct legal research on timely marine law topics affecting U.S. coastal areas and disseminate research findings to the ocean and coastal law and policy community; and

4. Educate and train law students in research and writing in ocean and coastal law and facilitate the incorporation of developing ocean and coastal legal issues into the curriculums of leading legal education institutions;

### ***Approach and Methodology***

The Sea Grant Law Center meets its objectives by using a four-step approach. First, the investigators gain a thorough understanding of the factual elements. Second, the attorneys locate and analyze relevant federal and state statutes authorizing or requiring regulation of activities under review to determine legislative intent and to assess the authority and responsibilities of the government agencies involved. Third, the attorneys analyze the administrative regulations issued under authority of the legislative mandate. Finally, the attorneys review judicial decisions interpreting the statute and the regulations for their effect on the development of law and policy decisions.

Program investigators complete their work at the University of Mississippi Law School and Mississippi Law Research Institute which provides the largest law library in the state, computer-based research tools, and faculty expertise to draw upon. Staff and managerial support is provided by the Law Research Institute, and publications and the web site are designed in-house by a full-time Publications Designer. In February 2002 the Mississippi-Alabama Sea Grant Legal Program began operating in conjunction with the National Sea Grant Law Center, established that year to coordinate and enhance Sea Grant's activities in legal scholarship and outreach related to coastal and ocean law issues. The Legal Program employs upper level law students drawn from the University of Mississippi Law School student body on a competitive basis to contribute to the research.

### ***Plan of Work***

#### Cross-Cutting Projects

- Information on developing ocean and coastal legal issues impacting U.S. coastal communities will be disseminated through the quarterly publication of *The SandBar*, the legal reporter of the National Sea Grant Law Center. *The SandBar* will publish analyses of state and federal case law from across the nation. *The SandBar* will be organized on a regional basis, currently covering legal developments in New England, Mid-Atlantic, Southeast, the Great Lakes, Alaska, the Pacific Northwest, California, Hawaii, and Puerto Rico.
- 5 – 6 fact sheets will be developed each year to educate the Sea Grant community and its constituents about federal legislative developments.
- One Congressional briefing for senators and representatives and their staffs on a pending legislative issue will be organized and hosted each year.
- Fifteen organizations within the Sea Grant Community (Sea Grant programs, extension agents, constituents, federal and state agencies) will receive timely legal research and advice

on legal problems related to ocean and coastal resources every year. An emphasis will be placed on increasing the number of requests by 20 % in each of the next two years.

- Ten students from law schools other than the University of Mississippi will receive training in writing and research on ocean and coastal issues each year. Special efforts will be made to provide non-monetary compensation for the students through independent study programs. An emphasis will also be placed on increasing the number of students participating in the Law Center's remote research associate program. The goal of these efforts is to increase the number of students trained each year by 30 %.
- Each year, 5 case studies will be developed and disseminated to marine law faculty at law schools throughout the country to facilitate the incorporation of legal issues related to Sea Grant research activities into the curriculum of the leading legal institutions. A database of the case studies will be maintained on the Law Center's website.

#### Aquaculture

- A Law Center attorney will become a member of the Aquaculture Theme Team to improve knowledge of Sea Grant aquaculture research, education, and outreach projects and provide legal information and research support to the Theme Team and its members.
- Thirty Sea Grant extension agents will be educated about the legal issues surrounding offshore aquaculture, including barriers associated with utilizing decommissioned oil rigs.
- Fact sheets will be prepared as aquaculture-related laws are passed by Congress and state legislatures and regulations are promulgated by federal and state management agencies.

#### Digital Ocean

- A Law Center attorney will become a member of the Digital Ocean Theme Team to improve familiarity with Sea Grant research, education, and outreach projects in this area and provide legal information and research support to the Theme Team and its members.
- Ocean.US, the National Federation of Regional Associations, and related organizations will receive information on the legal issues associated with the implementation of the Integrated Ocean Observing System (IOOS). A workshop will be conducted in 2006 to educate the IOOS community about the legal issues, facilitate communication between scientists and lawyers, and develop strategies to address legal conflicts and risks.
- Coordinating with NOAA's Office of Exploration, the Marine Technology Society, and related organizations, Law Center attorneys will increase awareness and understanding of the legal issues surrounding the use of Autonomous Underwater Vehicles and similar research devices. Law Center attorneys will publish articles on the management challenges posed by these cutting-edge technologies, make presentations at national and international conferences, and host and organize a workshop or panel at a major conference in 2007.

## Urban Coast

- A Law Center attorney will become a member of the Urban Coast Theme Team to improve familiarity with Sea Grant research, education, and outreach projects in this area and provide legal information and research support to the Theme Team and its members.
- On May 19, 2005, international regulations to control harmful emissions from ships' exhausts contained in Annex VI of the MARPOL Convention entered into force. Information will be provided to Sea Grant ports and harbor specialists, port authorities, and other interested individuals on the International Maritime Organization's treaty negotiation process, the implementation obligations of member nations, and the new regulations.
- Research will be conducted regarding the level of responsibility that individual municipalities, as opposed to dischargers, have for limiting nonpoint source discharges under the Clean Water Act. Research findings will be published in law review format.
- The public and coastal community leaders in 2 states will gain increased knowledge on the latest developments in the regulation of cruise ships. Fact sheets and other educational material will be developed to disseminate information. Presentations at meetings with interested parties will be conducted as needed.

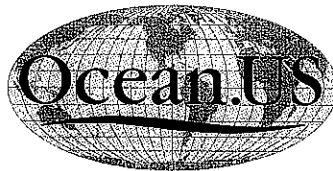
### ***Project Personnel***

The team of three individuals associated with the Sea Grant Law Center is outlined below with the position titled of each team member and the amount of time devoted to the Center in man-months for each year. (*Note: Brief CV's for each staff member are included as attachments*).

Stephanie Showalter	Director	4 man-months
Jason Savarese	Staff Attorney	12 man-months
Waurene Roberson	Publications Editor	6 man-months

### **Anticipated Benefits and Outcomes**

It is anticipated that the increased knowledge and heightened public awareness of marine legal issues will improve the management of the nation's ocean and coastal resources. Greater understanding of federal and state legal regimes will reduce confusion and increase compliance. Identification of conflicts and gaps in state and federal laws through scholarly legal research will facilitate the adoption of more effective laws and regulations. Law students at the University of Mississippi and other law schools will gain a greater understanding of the legal framework governing our ocean and coasts and valuable work experience, thereby preparing them to work in the ocean and coastal law and policy field.



2300 Clarendon Boulevard • Suite 1350 • Arlington, VA 22201-3667 • USA  
tel: 703-588-0855 • fax: 703-588-0872 • www.ocean.us.net  
The National Office for Integrated and Sustained Ocean Observations

April 21, 2005

Ms. Stephanie Showalter  
Director, MS-AL Sea Grant Legal Program  
Kinard Hall, Wing E, Room 254  
PO Box 1848  
University, MS 38677-1848

Dear Ms. Showalter:

Ocean.US and the regional groups working to form Regional Associations have undertaken the establishment of an integrated and sustained ocean observing system (IOOS) for the United States. Since no one has tried to do this before, we are often exploring the unknown. This is especially true when trying to unravel the intricate legal issues associated with forming organizations comprised of federal, state, and local agencies, educational institutions, tribal governments, non-governmental organizations, and the private sector. It is a daunting process.

On several occasions over the last few months, the Law Center has done research to suggest answers to the questions we face. That research has kept us from being stymied and has helped to continue moving us toward our goal of a truly integrated system.

It is my understanding that you are proposing to organize a workshop that would provide a forum for legal experts, federal agencies and regional associations to develop a strategy for addressing legal issues confronting the formation of partnerships among government agencies, private sectors, and academia, as well as liability issues related to IOOS operations and the use of IOOS data. Ocean.US strongly supports this proposal and looks forward to working with you to further develop the concept.

Thank you for the work you and your team have done for Ocean.US and our regional groups. I look forward to working with you in the future to help us understand and address the legal issues associated with implementing and operating a sustained system of integration ocean observations, analysis and applications.

Sincerely,

Thomas C. Malone  
Director

## **NATIONAL FEDERATION OF REGIONAL ASSOCIATIONS**

Alaska Ocean Observing System (AOOS) ♦ Northwest Association of Networked Ocean Observing Systems (NANOOS) ♦ Central and Northern California Ocean Observing System (CeNCOOS) ♦ Southern California Coastal Ocean Observing System (SCCOOS) ♦ Pacific Island Integrated Ocean Observing System (PacIOOS) ♦ Gulf of Mexico Coastal Ocean Observing System (GCOOS) ♦ Caribbean Integrated Ocean Observing System (CarIOOS) ♦ Southeast Coastal Ocean Observing Regional Association (SECOORA) ♦ Mid-Atlantic Coastal Ocean Observing Regional Association (MACOORA) ♦ Gulf of Maine Ocean Observing System (GOMOOS) ♦ Great Lakes Observing System (GLOS)

c/o Dr. David L. Martin, Chair  
1013 NE 40th Street  
Seattle, WA 98105-6698

*Providing the Regional Teamwork to Develop an Integrated Ocean Observing System*

Ms. Stephanie Showalter  
Director, MS-AL Sea Grant Legal Program  
Kinard Hall, Wing E, Room 254  
PO Box 1848  
University, MS 38677-1848

Dear Ms. Showalter:

On behalf of the National Federation of Regional Associations (NFRA), I offer our strong support for your proposal to renew funding for your law center for the next four years. The NFRA is a new organization that represents Regional Associations from eleven regions of our country that are being formed to bring relevant ocean information to users through an integrated ocean observing system.

The development and integration of coastal ocean observation systems represents a significant step forward in providing our society with high-quality, timely information on our nation's coastal waters and, as this is a new endeavor involving Regional Associations comprised of federal, state, and local agencies, educational institutions, tribal governments, non-governmental organizations, and the private sector, some of the legal issues we have been faced with have been quite complex. We greatly appreciate and value the assistance your law center has been able to provide to us and look forward to a continuing relationship with you including participation in Workshops focusing on legal issues relevant to the NFRA.

Thank you for the work you and your team have done for the NFRA and our Regional Associations. We look forward to continuing to work with you in the future as we mutually explore and solve legal issues relevant to this national enterprise.

Sincerely,



David L. Martin, Co-Chair

National Federation of Regional Associations Governing Committee

***National Federation of Regional Associations***

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AOOS, NANOOS, PacIOOS, CeNCOOS, SCCOOS, GCOOS, CarIOOS, SECOORA, MACOORA, GOMOOS, GLOS





May 19, 2005

Ms. Stephanie Showalter  
Director, Sea Grant Legal Program  
MS-AL Sea Grant Legal Program  
The University of Mississippi  
262 Kinard Hall, Wing E  
University, MS 38677

Dear Stephanie:

As both Extension Program Leader for the Texas Sea Grant College Program and the Assembly of Sea Grant Extension Program Leaders chair for this year, I wish to express gratitude for your leadership and the contributions being made by the Sea Grant Legal Program.

I have found the publications and advisory services provided by the program to be of the highest caliber. These elements help ensure that Sea Grant extension agents understand the existing legal regimes governing coastal resources and activities and are fully aware of any legislative and regulatory developments. A mark of success I recently noted was the response to your participation in the Gulf of Mexico and Caribbean Regional Sea Grant Extension Program meeting, which continues to have a positive resonance.

Your organization and utilization of the Sea Grant Legal Program Advisory Committee has also proven a useful and proactive initiative for contributing to the program's continued success.

Thank you again for the fine work you and the Legal Program are doing in support of the Sea Grant Extension Programs. It has been a positive addition to the resources available to us.

Best wishes,

Ralph Rayburn  
Associate Director and  
Extension Program Leader

**Ohio Sea Grant College Program**

Franz Theodore Stone Laboratory  
Great Lakes Aquatic Ecosystem Research Consortium (GLAERC)  
Center for Lake Erie Area Research (CLEAR)  
Arca 100 Research Center  
1314 Kinnear Road  
Columbus, OH 43212-1194

20 May 2005

Phone (614) 292-8949  
Fax (614) 292-4364  
www.sg.ohio-state.edu

**Stephanie Showalter, Director  
National Sea Grant Law Center  
Kinard Hall, Wing E - Room 256  
P.O. Box 1848  
University, MS 38677-1848**

Dear Stephanie,

I am writing to support your proposal for continued funding for the Sea Grant Law Center. I have been very pleased with the support and advisory services you have provided to Ohio Sea Grant, the National GOOS Steering Committee, Ocean.US, the National Federation of Regional Associations (NFRA), and the National Association of Marine Laboratories (NAML).


With regard to Ohio Sea Grant, your assistance has been invaluable as our state struggles with defining the boundary of coastal property ownership of private lands. Your insight and review of case history was very helpful. I hope you will be able to continue to provide assistance as various bills addressing this issue move through our state legislature.

I serve on the GOOS Steering Committee. We were struggling with a number of issues regarding formation of IOOS and the NFRA. I called and asked if you could help and forwarded your contact information to Ocean.US, the GOOS Chair, and the NFRA leadership. I have heard nothing but glowing reports from all three groups about the advise and guidance you have provided.

Finally, as President of NAML, I have been very pleased with the advice you have provided as we have moved to enhance our capabilities and impact in governmental affairs. This was quite a complex issue because we are a 501(C)3 organization with federal, academic and private sector partners.

Bottom line, I have called on you several times during the past 2 years for a variety of reasons and I have always been very pleased with the quality and speed of the response. You have been an asset to our program and you have represented the National Sea Grant College Program very well. You have made Sea Grant look good in the eyes of many outside groups. Continuing the Law Center should be a high priority for Sea Grant!

Sincerely,

  
Jeffrey M. Reutter, Ph.D.  
Director



Form 90-4 (Adapted)

# MASGC BUDGET FORM

<b>PROJECT STATUS:</b> New <input checked="" type="checkbox"/> Continuing <input type="checkbox"/> Check if separate project grant <input type="checkbox"/>				
<b>GRANTEE:</b> Mississippi-Alabama Sea Grant Consortium			<b>PROJECT NUMBER:</b>	
<b>PROJECT TITLE:</b> National Sea Grant Law Center				
<b>PRINCIPAL INVESTIGATOR(S):</b> Stephanie Showalter			<b>DURATION:</b> 12 months 2007	
	<b>NO. OF PERSONNEL</b>	<b>MAN MONTHS</b>	<b>SEA GRANT FUNDS</b>	<b>GRANTEE SHARE</b>
<b>A. SALARIES &amp; WAGES</b>				
1. SENIOR PERSONNEL				
a. (Co) Principal Investigator:	1	4.0		20,433
b. Associates (Faculty/Staff):	1	12.0	40,098	
Sub Total:	2	16.0	40,098	20,433
2. OTHER PERSONNEL				
a. Professionals:				
b. Research associates:				
c. Research asst. grad. students:				
d. Prof. school students:				
e. Pre-Bac. student(s):				
f. Secretarial-clerical:	1	6.0	12,600	
g. Technicians:				
h. Other:				
Total Salaries and Wages: (A1 through A2h)			52,698	20,433
<b>B. FRINGE BENEFITS (Charged as direct cost):</b>			13,643	5,290
Total Salaries (A and B):			66,341	25,723
<b>C. PERMANENT EQUIPMENT</b>				
<b>D. EXPENDABLE SUPPLIES AND EQUIPMENT</b>				
<b>E. TRAVEL</b>				
1. Domestic U.S.			2,103	3,000
2. International				
Total Travel:			2,103	3,000
<b>F. PUBLICATION &amp; DOCUMENTATION COSTS:</b>			1,000	5,500
<b>G. OTHER COSTS:</b>				
1. Computer Costs				
2. Telephone/Postage/Fax				500
3. Reference Materials				
4. Professional Fees				
5. Support Services				
6.				
7.				
8. Scholarships/Awards/Tuitions				
9. Sub-contracts				
TOTAL OTHER COSTS (G1 through G9)			0	500
TOTAL DIRECT COSTS (A through G)			69,444	34,723
<b>H. F &amp; A COST</b>	1. On Campus	44%	of	
	2. Off Campus	%	of	
TOTAL F & A COST (H1 + H2)			30,556	15,277
<b>TOTAL COSTS (A through H)</b>			100,000	50,000

# BUDGET JUSTIFICATION

2007

	SG FUNDS	GRANTEE
<b>A. SALARIES AND WAGES:</b>		
S. Showalter, .25 FTE x \$82,400		20,433
J. Savarese, 1 FTE x \$40,098	40,098	
Publications Editor, .5 FTE x \$25,200	12,600	
<b>B. FRINGE BENEFITS</b>		
S. Showalter \$5,290 (25.89% of \$20,433)		5,290
J. Savarese \$10,381 (25.89% of \$40,098)	10,381	
Publications Editor \$3,262 (25.89% of \$12,600)	3,262	
<b>C. PERMANENT EQUIPMENT</b>		
<b>D. EXPENDABLE SUPPLIES &amp; EQUIPMENT (itemize)</b>		
<u>amount</u>		
<b>E. TRAVEL (itemize)</b>		
<u>amount</u>		
SGA Meetings - 2 at \$1,500	2,103	3,000
Nat'l and Int'l Conferences - \$2,103		
<b>F. PUBLICATIONS &amp; DOCUMENTATIONS COSTS (itemize)</b>		
<u>amount</u>		
The SandBar - 4 issues at \$1,500	6,000	1,000
Law Review Articles	500	500
<b>G. OTHER COSTS (itemize)</b>		
<u>amount</u>		
Postage/Telephone	500	500
<b>TOTAL DIRECT COSTS</b>	<b>69,444</b>	<b>34,723</b>
<b>H. FACILITIES &amp; ADMINISTRATIVE COSTS</b>		
On Campus <u>44</u> % of \$ _____	30,556	15,277
Off Campus _____ % of \$ _____		
<b>Totals:</b>	<b>100,000</b>	<b>50,000</b>

Form 90-4 (Adapted)

**MASGC BUDGET FORM**

<b>PROJECT STATUS:</b> New <input checked="" type="checkbox"/> Continuing <input type="checkbox"/> Check if separate project grant <input type="checkbox"/>				
<b>GRANTEE:</b> Mississippi-Alabama Sea Grant Consortium			<b>PROJECT NUMBER:</b>	
<b>PROJECT TITLE:</b> National Sea Grant Law Center				
<b>PRINCIPAL INVESTIGATOR(S):</b> Stephanie Showalter			<b>DURATION:</b> 12 months 2006	
<b>A. SALARIES &amp; WAGES</b>	<b>NO. OF PERSONNEL</b>	<b>MAN MONTHS</b>	<b>SEA GRANT FUNDS</b>	<b>GRANTEE SHARE</b>
1. SENIOR PERSONNEL				
a. (Co) Principal Investigator:	1	4.0		20,433
b. Associates (Faculty/Staff):	1	12.0	40,098	
Sub Total:	2	16.0	40,098	20,433
2. OTHER PERSONNEL				
a. Professionals:				
b. Research associates:				
c. Research asst. grad. students:				
d. Prof. school students:				
e. Pre-Bac. student(s):				
f. Secretarial-clerical:	1	6.0	12,600	
g. Technicians:				
h. Other:				
Total Salaries and Wages: (A1 through A2h)			52,698	20,433
<b>B. FRINGE BENEFITS (Charged as direct cost):</b>			13,643	5,290
Total Salaries (A and B):			66,341	25,723
<b>C. PERMANENT EQUIPMENT</b>				
<b>D. EXPENDABLE SUPPLIES AND EQUIPMENT</b>				
<b>E. TRAVEL</b>				
1. Domestic U.S.			2,103	3,000
2. International				
Total Travel:			2,103	3,000
<b>F. PUBLICATION &amp; DOCUMENTATION COSTS:</b>			1,000	5,500
<b>G. OTHER COSTS:</b>				
1. Computer Costs				
2. Telephone/Postage/Fax				500
3. Reference Materials				
4. Professional Fees				
5. Support Services				
6.				
7.				
8. Scholarships/Awards/Tuitions				
9. Sub-contracts				
TOTAL OTHER COSTS (G1 through G9)			0	500
TOTAL DIRECT COSTS (A through G)			69,444	34,723
<b>H. F &amp; A COST</b>	1. On Campus	44%	of	
	2. Off Campus	%	of	
TOTAL F & A COST (H1 + H2)			30,556	15,277
<b>TOTAL COSTS (A through H)</b>			100,000	50,000

# BUDGET JUSTIFICATION

2006

	SG FUNDS	GRANTEE
<b>A. SALARIES AND WAGES:</b>		
S. Showalter, .25 FTE x \$82,400		20,433
J. Savarese, 1 FTE x \$40,098	40,098	
Publications Editor, .5 FTE x \$25,200	12,600	
<b>B. FRINGE BENEFITS</b>		
S. Showalter \$5,290 (25.89% of \$20,433)		5,290
J. Savarese \$10,381 (25.89% of \$40,098)	10,381	
Publications Editor \$3,262 (25.89% of \$12,600)	3,262	
<b>C. PERMANENT EQUIPMENT</b>		
<b>D. EXPENDABLE SUPPLIES &amp; EQUIPMENT (itemize)</b>	<u>amount</u>	
<b>E. TRAVEL (itemize)</b>	<u>amount</u>	
SGA Meetings - 2 at \$1,500	2,103	3,000
Nat'l and Int'l Conferences - \$2,103		
<b>F. PUBLICATIONS &amp; DOCUMENTATIONS COSTS (itemize)</b>	<u>amount</u>	
The SandBar - 4 issues at \$1,500	6,000	5,000
Law Review Articles	500	500
<b>G. OTHER COSTS (itemize)</b>	<u>amount</u>	
Postage/Telephone	500	500
<b>TOTAL DIRECT COSTS</b>	<b>69,444</b>	<b>34,723</b>
<b>H. FACILITIES &amp; ADMINISTRATIVE COSTS</b>		
On Campus <u>44</u> % of \$ _____	30,556	15,277
Off Campus _____ % of \$ _____		
<b>Totals:</b>	<b>100,000</b>	<b>50,000</b>

## APPENDIX F

March 2006

### National Sea Grant Law Center Congressional Appropriation One-Pager

For FY 06, Congress appropriated a \$1 million earmark for the National Sea Grant Law Center. The earmark provides the National Sea Grant College Program with an unprecedented opportunity to rapidly build the legal capacity of the Sea Grant Network. The additional funding will benefit the entire Sea Grant network as the Law Center expands the scope of its services and establishes a funding mechanism to encourage the development of new Sea Grant legal programs. In addition to the above activities, the Law Center will continue to produce its quarterly legal newsletter, THE SANDBAR, and to provide legal research to its constituents through our Advisory Service.

Approximately 65 percent of the appropriation will be dedicated to expanding the Law Center's core program located at the University of Mississippi. First, the staff of the Law Center will increase from three to five. A Regional Projects Coordinator will be added to manage the grant competition and provide support to the regional PIs. The Law Center will also create a Sea Grant Legal Fellowship Program. Each Fellow will work at the Law Center for one year, assisting staff attorneys with publications and outreach activities in addition to conducting his/her own scholarly research.

Second, the Law Center will develop and host a number of workshops on a yearly basis. The Law Center will work with the National Sea Grant Office to design an orientation workshop for incoming classes of Knauss Fellows to familiarize them with the major ocean and coastal law statutes. Although some Knauss Fellows are attorneys, many are not familiar with the federal laws and regulations governing the U.S. oceans and coasts. Particular attention will be paid to statutes which will be the subject of Congressional action that year. The Law Center will also increase the number of workshops it organizes, either as stand-alone events or as part of larger conferences and meetings, on legal topics such as the Endangered Species Act, the Public Trust Doctrine, and liability. Participants will be informed of the applicable legal regime and opportunities to avoid and/or mitigate conflicts.

The remaining funds will be used to competitively fund legal research projects/programs at other Sea Grant institutions. In FY 06, with the stability of the earmark remaining unknown, 5 – 7 legal research projects will be funded for a total of \$350,000. The amount of funding ultimately available will depend on whether the Law Center's base funding of \$100,000 is subsumed by the Congressional appropriation. If it is, less money will be available for the grant program. Proposals will be requested for legal, not policy, research. Examples of competitive projects would include the legal ramifications of pending federal or state legislation, the impacts of existing or new agency interpretations, or an analysis of a proposed permitting regime. Project outcomes could include law review articles and workshop proceedings.

If the Congressional appropriation proves stable, in FY 07 the Law Center will seek to fund three legal programs modeled after the Mississippi-Alabama Sea Grant Legal Program. This grant program will provide seed money to Sea Grant programs to enhance their legal capacity with the expectation that funded programs will be self-sustaining after four years. Selected programs will be fully funded for the first two years with funding gradually decreasing over the next two years. For example, approximately \$125,000 would be provided to a Sea Grant program to fund a staff attorney and associated travel and publications costs each year for two years. In Year 3, funding would decrease to \$90,000, and in Year 4, to \$75,000. As funding decreases for the original grantees, additional proposals will be funded. This rotational structure will allow the Law Center to involve more of the Sea Grant Network in a shorter period of time. By the end of the first cycle, a total of five legal programs will have participated or will be participating in the grant program. It is anticipated that of those five, 2 – 3 will be self-sustaining.



## Budget Justification - Hypothetical

	SG FUNDS	MATCH
<b>A. SALARIES AND WAGES:</b>		
S. Showalter, .9 FTE x \$90,000	32,400	48,600
Staff Attorney, 1 FTE x \$50,000	50,000	
Webmaster, 1 FTE x \$35,000	35,000	
Regional Coordinator, 1 FTE x \$35,000	35,000	
SGLC Fellow, 1 FTE x \$40,000	40,000	
<b>B. FRINGE BENEFITS</b>		
S. Showalter \$24,675 (30.8% of \$81,000)	9,979	14,969
Staff Attorney, \$15,400 (30.8% of \$50,000)	15,400	
Webmaster; \$10,780 (30.8% of \$35,000)	10,780	
Regional Coordinator, \$10,780 (30.8% of \$35,000)	10,780	
SGLC Fellow, \$12,320 (30.8% of \$40,000)	12,320	
<b>C. PERMANENT EQUIPMENT</b>		
<b>D. EXPENDABLE SUPPLIES &amp; EQUIPMENT (Itemize)</b>		
<u>amount</u>	1,569	
<b>E. TRAVEL (Itemize)</b>		
<u>amount</u>	20,000	
<b>F. PUBLICATIONS &amp; DOCUMENTATIONS COSTS (Itemize)</b>		
<u>amount</u>	10,000	
<b>G. OTHER COSTS (Itemize)</b>		
Telephone/Postage	1,216	
Workshops	10,000	
Regional Competition	400,000	200,000
<b>TOTAL DIRECT COSTS</b>	<b>694,444</b>	<b>263,569</b>
<b>H. FACILITIES &amp; ADMINISTRATIVE COSTS</b>		
On Campus <u>44</u> % of \$ _____	305,556	152,778
Off Campus _____ % of \$ _____		
<b>Totals:</b>	<b>1,000,000</b>	<b>416,347</b>