

**Site Review Team's Review of the  
National Sea Grant Law Center  
9-10 November 2010**

*Gene W. Kim*

**Gene W. Kim**  
Chair, Federal Program Officer

*20 Jan 2011*

**Date**

*Nancy N. Rabalais*

**Nancy N. Rabalais**  
Co-Chair, National Sea Grant Advisory Board Member

*12 Jan 2011*

**Date**



## INTRODUCTION

The site review team (SRT) review of the National Sea Grant Law Center (NSGLC) took place from 9-10 November 2010.

The SRT members included (see appendix I for biographical sketches):

<b>Gene Kim (Chair, NSGO Program Officer)</b> National Sea Grant Office Silver Spring, MD	<b>Nancy N. Rabalais (Co-Chair, SG Advisory Board)</b> Louisiana Universities Marine Consortium Baton Rouge, LA
<b>Michael Voiland (SRT member, SG Director)</b> North Carolina Sea Grant College Program Raleigh, NC	<b>M. Casey Leigh (SRT member)</b> University of Hawaii at Manoa Law School Honolulu, HI
<b>Harrison Pittman (SRT member)</b> National Agricultural Law Center, University of Arkansas at Little Rock Law School Little Rock, AR	

Prior to the SRT visit, and in conformance with National Sea Grant Office (NSGO) guidelines, the NSGLC issued a public notice of the upcoming SRT visit inviting interested parties to send written comments to the SRT Chair. The public notice was distributed at least 30 days prior to the SRT via the NSGLC website, the faculty distribution list, and via a press release. The SRT Chair received two letters in response to the public notice. Both letters were highly supportive of the NSGLC and expressed their gratitude for dissemination of important legal and policy information to the Sea Grant Network and practitioners in legal and policy profession. Prior to the site review, the SRT held one conference call and met in person the morning of the site visit.

The site review took place 9-10 November 2010 at the Conference Center at the Inn at Ole Miss on day one and the Lyceum on day two, both on the campus of the University of Mississippi (UM), University, MS. During the review, the SRT met with NSGLC staff and University administration, in addition to phone and video conference calls with federal and Sea Grant Network personnel. On day one, the SRT was welcomed by Mrs. Stephanie Showalter Otts (Director, NSGLC), Mr. William Wilkins (Director, Mississippi Law Research Institute), Mr. Richard Gershon (Dean, UM Law School) and Dr. Alice Clark (Vice Chancellor for Research and Sponsored Programs, UM). In addition to NSGLC staff, the SRT had opportunities to hear from Sea Grant Extension personnel from Virginia and Minnesota. Day two included federal agency partnerships. The SRT heard from NOAA Aquaculture Office staff and other NOAA advisory requests were chronicled by the NSGLC staff (Coastal Services Center; Marine Debris Program). All participants expressed gratitude towards the NSGLC for providing legal and policy information that was deemed relevant and useful. A more detailed agenda with presenters can be found in Appendix II. [Unfortunately, the California Sea Grant Agent (Paul Olin) on the agenda was unavailable; the SRT chair followed up with a phone call.]

The report of the SRT followed the guidelines of the Site Review Team Procedures Manual (NSGO, March 2010). The SRT focused the review and discussion on how well the NSGLC met the three broad SRT categories: 1) Organization and Management of the Program; 2) Stakeholder Engagement; and 3) Collaborative Network Activities. We considered the NSGLC Strategic Plan and NSGLC Implementation Plan when evaluating and used them to guide our

findings, suggestions and recommendations. Within each of these areas, the SRT report presents the findings, recommendations, and suggestions of the SRT.

## **I. ORGANIZING AND MANAGING THE PROGRAM**

### **History of the NSGLC**

The idea for the NSGLC was conceived in 2001, in part as a formalization of the individual efforts that Sea Grant Legal Programs had been doing for over 40 years. A request for proposals resulted in the establishment of the program in 2002. The original funding was part of the Mississippi-Alabama Sea Grant Consortium (MASGC). In 2006, the NSGLC grew after funds were increased, now as Congressionally Directed Spending, and in 2009 the NSGO began directly funding the NSGLC via an award to UM. A grant competition was added in 2007 and also held in 2010. The last review of the NSGLC was a Technical Assessment Team (TAT) review in 2006. That was the first review of the NSGLC since its establishment in 2002. The final TAT report contained 26 recommendations. The NSGLC is evaluated through the Planning, Implementation, and Evaluation system, like all other Sea Grant Programs. In addition, the NSGLC submits annual reports through the Sea Grant National Information Management System and impacts, which are reported to focus teams for review.

- ***Finding:** The majority of the recommendations of the 2006 TAT Report have been effectively addressed. For those not completed, actions or justifications were provided to address why these were not followed.*

### **Leadership**

The NSGLC is in good hands, under the strong leadership of the Director (Mrs. Stephanie Showalter Otts). She has been able to creatively expand the staff, hiring a program manager and a law fellow within the past few months. She has fostered a division of labor among her team that reflects a teamwork approach to their work. The Director provides 0.75 FTE for the NSGLC and 0.25 FTE as Director of the MASGC Legal Program. An additional Adjunct Faculty position at the UM Law School (including teaching opportunities) affords the NSGLC a high degree of visibility, direct contact with law professors and students, and access to the Law Library and online legal research databases (providing thousands of dollars of services). She teaches one course per semester and is Faculty Advisor for the UM Environmental Law Society. The presence of the NSGLC enables the UM Law School to offer a number of environmental law courses that they would not be able to offer otherwise. The Director reports to the Mississippi Law Research Institute Director and appears to be well connected internally with the fiscal host (UM).

Externally, the NSGLC makes use of a 10-member Advisory Board for advice and guidance. The membership of the Advisory Board is comprised of representatives of: Sea Grant Directors, law professors, private attorneys, private industry, non-governmental organizations, and federal agencies. Advisory Board members do not serve for a set term. None of the Advisory Board was present or made available on the phone during the SRT visit.

Interaction with the Board occurs only on an *ad hoc* basis; no regular meetings are scheduled. Input is generally solicited in two instances. The Director receives Board input on questions regarding the NSGLC's work and future initiatives typically via email. Also, input is solicited during major planning activities via conference calls with the full Board membership. For

example, during the 2008-2013 NSGLC Strategic Plan development, several conference calls were held in 2007 to solicit input on priority research areas, future activities, and partnerships.

- **Finding:** *The NSGLC is organized, led, and supported sufficiently to meet the goals of its mission and federal grant.*
- **Finding:** *From a variety of viewpoints, the Advisory Board appears to be under-utilized to help guide the NSGLC in addressing critical local and regional issues and provide input on the relevancy of proposed projects and activities.*
- **Suggestion:** *The NSGLC should more formally constitute and use its Advisory Board. This might be accomplished by diversifying its composition, agreeing on a non-NSGLC staff chair, engaging Board members more formally in key management activities, such as serving as interviewers when hiring staff, and meeting face-to-face at least once a year. Currently, 30% of the Board is Sea Grant Directors, which may be unnecessary. The NSGLC might want to consider reducing the number of Sea Grant Directors by replacing some with Associate Sea Grant Directors or program leaders, and adding another NGO representative and a local or state government representative.*

## **Organization**

The organizational chart is clear with well-defined reporting responsibilities. Given the joint position of the Director, the SRT finds the positioning of the NSGLC within the law school under the auspices of the Mississippi Law Research Institute to be appropriate, providing a win-win situation for all parties. The NSGLC fully utilizes law students to augment its research capabilities and provide training in ocean and coastal law for future attorneys.

The NSGLC is a small organization with a staff of five. In addition to the Director (0.75 FTE), other NSGLC staff includes a Research Counsel (Terra Bowling; staff attorney who conducts legal research, fulfills advisory requests, and produces NSGLC reports and publications; 1.0 FTE), a Website Developer (Waurene Roberson; who designs, maintains, and evaluates the NSGLC's website and both online and paper publications and outreach services; 0.9 FTE), a Program Coordinator (Dominiqua Dickey; who manages day-to-day aspects of the NSGLC's programs, provides administrative support, plans events, and serves as Managing Editor for the NSGLC's publication, *Sea Grant Law and Policy Journal*, overseeing the peer-review process, marketing, and distribution), and an Ocean and Coastal Law Fellow (Nicholas Lund; attorney who conducts legal research, writes articles, and prepares white papers and other materials under the supervision and direction of the Director). This one-year fellowship was established in 2010 and is the only of its kind in the country to focus exclusively on ocean and coastal law. Combined, these five individuals dedicate 4.65 FTEs to NSGLC-related work. They are all housed in one facility, allowing easy collaboration and coordination of work.

Despite the NSGLC being physically separated from the rest of the UM Law School, it is co-located with the Mississippi Law Research Institute and staff of the MASGC Legal Program. This co-location makes sense, given the interaction with the Mississippi Law Research Institute and the staff of MASGC Legal Program (Research Counsel Niki L. Pace and Web Developer Waurene Roberson report to the Director, given Mrs. Otts' joint position). One benefit of the relationship with the UM Law School is the NSGLC's Research Associate Program. Through this program, second- and third-year law students at UM and law schools around the country work closely with staff attorneys on research projects, Advisory Requests, and publications (*The SandBar*). All these efforts within the Law School raise awareness of the NSGLC, offer non-

traditional legal career opportunities, and instill the need for science in resolving legal disputes and creating legal frameworks.

- **Recommendation:** *It is recommended that the NSGLC Director devote full time and attention to the NSGLC and have no responsibilities for the MASGC Legal Program. If this shift were made, both programs would be strengthened. For example, the individual identities of the two programs would be more apparent; the NSGLC Director would have more time to devote to other projects; it would provide enhanced advancement and professional development opportunities for the current MASGC Legal Program Research Counsel; and it would remove the disadvantage caused by MASGC Legal Program's inability to compete for NSGLC competitive grants. Also, a different management scheme for the NSGLC and the MASGC Legal Program may eliminate what appears to be a double position on the Sea Grant Legal Network with regard to Chair rotation. A different management scheme might also require a re-assessment of the physical location and organizational position of the NSGLC, which currently is physically co-located with and reports directly to the Mississippi Law Research Institute. One potential alternative would be a department in the UM Law School.*
- **Suggestion:** *The NSGLC should continue to seek an appropriate working relationship with NOAA General Counsel (separate from interactions with NOAA Regional Counsel).*
- **Suggestion:** *The Director should consider including the organizational chart of both programs when giving presentations to help clarify lines of responsibility.*

### **Programmed Team Approach**

The process that the NSGLC uses to solicit and review grant proposals is similar to other Sea Grant Programs. The general objective is to build the capacity of Sea Grant programs to address legal issues; as such, non-Sea Grant principal investigators (PIs) must incorporate Sea Grant into each proposal, typically as a co-PI, outreach lead, or advisory role. The competitive grant process starts with research prioritization to support the NSGLC Strategic Plan, National Sea Grant Focus Areas, and NOAA Strategic Plans. The Request for Proposals (RFP) solicits pre-proposals for legal research and outreach projects by posting on the NSGLC website and via electronic email listserves (e.g., NOAA, Sea Grant Assembly, Environmental Law Professors). An internal evaluation of pre-proposals reviews compliance with the RFP and budget guidance and whether the proposal addresses a legal research, outreach, or education need. Afterward that step, PIs of pre-proposals are invited to submit a full proposal, which is first subjected to external peer review by at least two reviewers, one of whom is a Sea Grant extension agent and generally the second is someone with law or policy expertise. A technical review panel discusses and evaluates all full proposals and external reviews to make a recommendation that informs the NSGLC's final selection of projects. One condition of receiving NSGLC funding is a requirement that all PIs present research findings and project outcomes at a national coastal management conference (e.g., Coastal Zone or The Coastal Society). The NSGLC organizes the panel sessions and covers up to \$1,000 of the travel costs for each PI.

A recent decline in the number of grant pre-proposals appears to be related to the total funds available and the maximum funding allocation per project. The NSGLC has had two research funding cycles: 2007 and 2010 (there is an anticipated cycle in 2011). The number of pre-proposals dropped from 64 in 2007 to 26 in 2010, concomitant with a reduction from 61 to 24 institutions represented in those same years (none from the home institution). Pre-proposals come from a variety of researchers, academic programs, and institutes throughout the U.S. and from abroad. The distribution of the RFP appears similar between years, and pre-proposals were

due before the Deepwater Horizon Oil Spill, eliminating this possible explanation for the decline. However, in 2010, the maximum funding per research project was lowered from \$75,000 (2007 level) to \$25,000, due to reduced overall funding for the competition. Whereas \$550,000 ultimately funded 11 projects at 11 different institutions in 2007, \$250,000 ultimately funded eight projects at eight institutions in 2010. The difference in funding levels also may have affected the nature of the project themselves. The SRT heard anecdotal findings from the Director that even though proposals for 2010 were smaller, the quality remained high and they may reap larger impacts. Approximately \$295,000 is expected to be available for the 2011 grant cycle and the amount per project is \$25,000.

Following selection, funded projects are uploaded to the National Information Management System and program metrics and impacts are uploaded annually. Previous to 2009, these data were reported as part of the Mississippi-Alabama Sea Grant Consortium. Final products are submitted to the National Sea Grant Library in accordance with NSGO Publication Distribution Guidelines.

- ***Finding:*** *The NSGLC's competitive grant process is consistent with such processes throughout the Sea Grant Network.*
- ***Suggestion:*** *An RFP that allows for larger core grants and small mini-grants is worth consideration. The current amount of grant funding per proposal should be re-evaluated to ensure that it is sufficient to fund projects that result in significant legal and policy impacts. As with state Sea Grant Programs, in its next federal proposal the NSGLC should consider including a program development sub-proposal which would allow for smaller mini-grants of a timely nature to respond to emerging issues. As within other Sea Grant Programs, such mini-grants could be structured such that they are not reduced by indirect costs and do not require matching funds.*

### **Support**

It is apparent that the NSGLC has strong support from the University and the Law School. The position of the NSGLC within the law school under the auspices of the Mississippi Law Research Institute provides it further support, both financially and by providing office space. Because their primary source of funding is Congressionally Directed Spending, championed by one Senator from Mississippi, the source of their support provides additional resources for the Sea Grant Network, but also creates an environment of uncertainty from year to year as the appropriations process unfolds.

- ***Finding:*** *Despite the uncertainty of Congressional appropriations, the NSGLC has taken advantages of opportunities to grow the Program as they have arisen. Although there are benefits from a steady funding stream, the NSGLC has handled the situation quite well.*

## **II. STAKEHOLDER ENGAGEMENT**

### **Extension/Advisory**

The NSGLC engages its stakeholders primarily through the Advisory Service, both by receiving input for new requests and feedback during presentations of completed requests. This Advisory Service is a legal research service that is provided free of charge to the Sea Grant Network and its constituents. This follows the "honest-broker" of information model, given that the NSGLC is prohibited from providing legal advice or becoming involved in litigation. Instead, the NSGLC provides legal research and background needed to understand the law or policy in question. The

primary stakeholder is the Sea Grant Network, and secondary stakeholders include Sea Grant constituents, such as NOAA, other federal agencies, state agencies, local governments, and private citizens, including law professors and private attorneys. This dialogue with constituents allows the NSGLC to anticipate future legal and outreach needs to proactively generate products that can address multiple potential questions. In addition, stakeholder input is solicited at Sea Grant meetings and conferences. During strategic plan development, stakeholders are engaged via personal interviews, conference calls, and web-based surveys.

There is a process to handle Advisory Requests. When approached, NSGLC attorneys work with the requester to identify a discrete legal question and the type of final product needed (e.g., memorandum of law, publication, fact sheet, white paper, letter). Two constituent groups require an additional step before proceeding. If a request is from a state agency or non-profit group, the NSGLC notifies the relevant state Sea Grant program to solicit input and engage their extension personnel. If a request is received from an individual, that person is informed that the request must be made through the state Sea Grant program. Requests received from a Sea Grant program are not prioritized, as long as they are consistent with that Sea Grant program's objectives and the National Sea Grant Strategic Plan. Requests received from all others are accepted and handled on a first-come, first-served basis, if staff time is available and if deemed relevant to the National Sea Grant Strategic Plan. The goal is to handle at least 12 major Advisory Requests per year (i.e., those that result in a memorandum of law or white paper). Typically, about half of the Advisory Requests are from within Sea Grant. To date, no Sea Grant program requests have been rejected.

- ***Finding:*** *The current Advisory Request prioritization makes sense. Priority is placed to support the SG network before federal agencies. Within federal agencies, there is opportunity to coordinate among NOAA, NSGLC, and NSGO to elevate the visibility of the program and increase advisory support of NOAA programs. Collaborations with other federal agencies need to be approached as opportunities develop, but need to consider the overall mission of the NSGLC and the resources available. Outside of NOAA, federal partnerships should be selected strategically, supporting focal areas with agencies that share similar missions and staffing capacity (e.g., extension agents are in place to deliver advisory findings). Perhaps this will be addressed in the next iteration of the NSGLC Strategic Plan.*

### **Relevance and Relationships**

The NSGLC is engaged with and serves its stakeholders via Advisory Service legal research, outreach (newsletters, journals), and education (research associate program). Relevance and relationships of the NSGLC research portfolio is ensured by requiring researchers to incorporate SG into proposals and submit Advisory Requests via their state Sea Grant program. After one-on-one engagement to satisfy the specific legal research asked or the person who initiated the Advisory Service, the NSGLC communicates those findings that are relevant to a broader audience.

The NSGLC Outreach component distributes legal and policy information to the Sea Grant Network and beyond. These include research reports, *The SandBar* (NSGLC quarterly legal reporter that summarizes cases impacting ocean and coastal resource management), *The Sea Grant Law and Policy Journal* (biannual law journal on ocean and coastal law and policy), and electronic newsletters (Ocean and Coastal Case Alert and the Legal Program Newsletter), in addition to the website, social media (Facebook), an annual law and policy symposium, and

presentations to a variety of Sea Grant and coastal management conferences. In 2009, the website was redesigned and the NSGLC website was separated from the MASGC Legal Program website. Just as important are the many personal contacts through office visits, telephone calls, and letters. These often are initiated by a broad range of people who have come to rely on the NSGLC for unbiased legal and policy information.

- **Finding:** *There are many outstanding products of the NSGLC and capacity for the legal network could benefit from more exposure. After answering the requester and broadcasting the public document widely within Sea Grant, there are other avenues beyond what was highlighted during the SRT visit.*
- **Suggestion:** *Incorporate NSGLC legal products into the National Agricultural Law Center's (and similar programs') website and bibliography, and vice versa. Jointly organize and hold symposia in the future on shared topics (e.g., ecosystem valuation, aquaculture). The benefits of doing this would be to increase the relevance of the national products by exposure to a larger audience, foster new relationships, maximize viewership and impact of legal products, and boost recognition of the NSGLC and the Sea Grant Legal Network. Along with increased exposure comes the potential for increased request work load, which can be effectively addressed via the existing prioritization scheme (though, perhaps in a more formalized manner) and should not distract the NSGLC from its core mission and constituency. However, if the Advisory Service load increases greatly, it might be beneficial to revisit the amount of time spent on Sea Grant networking.*
- **Suggestion:** *To improve continued relevancy, re-examine the policy of not providing model ordinances for Advisory Requests or emerging issues. These offer opportunities for growth of the Sea Grant Network (e.g., many coastal towns will have to adapt to sea level rise). One approach to do this effectively, and still provide neutral legal research and background, would be to survey a range of ordinances and provide interpretations of each.*

### III. COLLABORATIVE NETWORK/NOAA ACTIVITIES

The NSGLC is active in the Sea Grant Network and within NOAA. Most of this interaction stems from the dialogue surrounding Advisory Requests. The NSGLC Advisory Service has worked hard to be responsive to inquiries from the Sea Grant Network and has expanded upon those responses to generate products that have generality (e.g., state-, region- and nation-wide applicability). Examples of using Advisory Requests as the genesis of broader legal and policy information follow.

During the visit, the SRT heard case studies on how specific Advisory Requests were expanded by the NSGLC to be applicable for a larger audience. For example, the Wisconsin and Minnesota Sea Grant Programs requested an “issue-spotting” exercise to determine what legal rules were relevant to a confined dredged-material disposal facility in the Great Lakes. The response satisfied the original request, but also resulted in a law journal article that examined the broader issue of the necessity of inter-state compacts for Great Lakes management. The Virginia Sea Grant Program had an Advisory Request concerning a seafood sustainability list, which was expanded into an advisory report that was useful for fisheries nationwide. Similarly, on the federal level, the response generated for a specific request from the NOAA Aquaculture Program regarding state and territorial limits and regulatory authority for offshore aquaculture now serves as guidance and resources for the entire nation. That request also was notable because of an

agreement to share a Presidential Management Fellow who worked at the level of Research Counsel on aquaculture legal issues, as well as broader coastal and ocean issues. The NOAA Marine Debris Program was preparing for an abandoned vessel workshop and requested a summary of relevant state laws and regulations in the 30 coastal states.

In terms of leadership within the Sea Grant Network, the NSGLC is quite involved despite their small size. The Director serves as Liaison to the Sea Grant Assembly (Extension leaders) and current chair of the Sea Grant Legal Network. The NSGLC is one of five institutional members of the Sea Grant Legal Network: NSGLC, Mississippi-Alabama, Louisiana, North Carolina, and Rhode Island Sea Grant Legal Programs. The chair of this Network rotates and serves as representative to the Sea Grant Association (of Directors) on the Network Advisory Council and Program Mission Committee. Topically, the Director is a member of the Sustainable Coastal Development Focus Team. The Web Developer serves on the Sea Grant Web Developers Network. The new Program Coordinator serves on the Sea Grant Research Coordinators Network. In addition, NSGLC staff is involved in conference planning and support for the Sea Grant Network. This includes the NSGLC Research Counsel organizing a law and policy panel for the 2009 Sea Grant Climate Change Network Workshop and staff serving on the steering and planning committees for the 2010 Working Waterways and Waterfronts National Symposium and the 2011 Sea Grant Assembly meeting.

- **Finding:** *The NSGLC is focused on identifying themselves as part of Sea Grant that benefits both Sea Grant and the nation, as well as facilitating other programs in NOAA.*
- **Finding:** *The NSGLC addresses all aspects of the Sea Grant model—research, outreach and education. The research is obvious with all the advisory services that are provided. The outreach is obvious in that the advisory products and services are funneled directly into information for outreach, down to the level of the county/parish extension agent. Education is a bit less identifiable, but as Faculty to the UM Law School, clearly the NSGLC is training future generations of ocean and coastal law literate attorneys and is building a capacity with the coastal states to better address the impending needs (e.g., climate change mitigation and adaptation, conflicts among uses of waterfronts, coastal and marine spatial planning).*
- **Finding:** *A continued effort is needed in addressing the importance of the NSGLC among the Sea Grant College Programs as an equal member, albeit with a different mission. The four priorities within the National Sea Grant Program should continue to be a focus. This is a continuing effort of the NSGO, and all efforts among Sea Grant programs, including the NSGLC, help preserve the value of the National Sea Grant College Program, and its components.*
- **Suggestion:** *There are opportunities to enhance the role of the NSGLC in the Sea Grant context and the federal context. Sea Grant Knauss Fellows would benefit from knowing about the products and services of the NSGLC. Many of these fellows are new to legal and policy issues and would benefit from a primer. Further, they can be a conduit for meaningful Advisory Requests from NOAA and other federal offices. Finally, these fellows often emerge as future leaders of research, policy, or legislative groups; hence, exposure to the NSGLC could form a basis for future opportunities. Also, the NSGLC could incorporate the NSGLC and its Advisory Service into training for new Sea Grant extension agents. Two potential venues are at the National Sea Grant Academy or the National Aquaculture Extension Conference, both in 2011.*

- **Suggestion:** *The role of the NSGLC as a part of Sea Grant and as a part of NOAA needs continuing emphasis. This includes making sure that all relevant logos show up on all publications, hard copy and on the web. This may seem minor, but is important. Also, what may seem minor is the suggestion for a more legible logo (reduce shading around “Sea Grant”) for the NSGLC that clearly identifies the Sea Grant part of it.*
- **Suggestion:** *The NSGLC could partner with the Sea Grant Education Network for dissemination of its products. Many of these products would be extremely helpful to the Sea Grant educators in better understanding coastal legal and policy issues (e.g., coastal and marine spatial planning, marine debris, invasive species) in the education programs that they develop for students and for educators towards the goal of a public that is literate on coastal and ocean issues. Even something as simple as the “Volunteer Liability” research report (mentioned during the SRT visit) would help those using volunteers for activities, such as beach cleanups and marsh grass plantings. Outside of Sea Grant, NSGLC products would be quite useful for programs, such as the NOAA National Estuarine Research Reserves and U.S. EPA National Estuary Programs.*

#### IV. FINDINGS, RECOMMENDATIONS and SUGGESTIONS

This section recapitulates the findings, recommendations, and suggestions from the text above and indicates the section in which each can be found.

Note: A *recommendation* is a formally prescribed course of action for which the Sea Grant Program is accountable. The Sea Grant Program is expected to respond to each recommendation, explaining how it *has* implemented, how it *plans* to implement, or why it *chooses not* to implement each course of action. A *suggestion* is an idea that is presented for consideration. The Sea Grant Program is not accountable for responding to suggestions, but is encouraged to consider implementing those deemed useful and appropriate by program leadership. The best management practices identified by the SRT will be shared with other Sea Grant Programs.

##### Findings

- **Finding:** The majority of the recommendations of the 2006 TAT Report have been effectively addressed. For those not completed, actions or justifications were provided to address why these were not followed. [Section I-History]
- **Finding:** The NSGLC is organized, led, and supported sufficiently to meet the goals of its mission and federal grant. [Section I- Leadership]
- **Finding:** From a variety of viewpoints, the Advisory Board appears to be under-utilized to help guide the NSGLC in addressing critical local and regional issues and provide input on the relevancy of proposed projects and activities. [Section I- Leadership]
- **Finding:** The NSGLC’s competitive grant process is consistent with such processes throughout the Sea Grant Network. [Section I-Programmed Team Approach]
- **Finding:** Despite the uncertainty of Congressional appropriations, the NSGLC has taken advantages of opportunities to grow the Program as they have arisen. Although there are benefits from a steady funding stream, the NSGLC has handled the situation quite well. [Section I – Support]
- **Finding:** The current Advisory Request prioritization makes sense. Priority is placed to support the SG network before federal agencies. Within federal agencies, there is opportunity to coordinate among NOAA, NSGLC, and NSGO to elevate the visibility of the program and increase advisory support of NOAA programs. Collaborations with other federal agencies need to be approached as opportunities develop, but need to consider the

overall mission of the NSGLC and the resources available. Outside of NOAA, federal partnerships should be selected strategically, supporting focal areas with agencies that share similar missions and staffing capacity [e.g., extension agents are in place to deliver advisory findings]. Perhaps this will be addressed in the next iteration of the NSGLC Strategic Plan. [Section II – Extension/Advisory]

- **Finding:** There are many outstanding products of the NSGLC and capacity for the legal network could benefit from more exposure. After answering the requester and broadcasting the public document widely within Sea Grant, there are other avenues beyond what was highlighted during the SRT visit. [Section II – Relevance and Relationships]
- **Finding:** The NSGLC is focused on identifying themselves as part of Sea Grant that benefits both Sea Grant and the nation, as well as facilitating other programs in NOAA. [Section III – Collaborative Network/NOAA Activities]
- **Finding:** The NSGLC addresses all aspects of the Sea Grant model—research, outreach and education. The research is obvious with all the advisory services that are provided. The outreach is obvious in that the advisory products and services are funneled directly into information for outreach, down to the level of the county/parish extension agent. Education is a bit less identifiable, but as Faculty to the UM Law School, clearly the NSGLC is training future generations of ocean and coastal law literate attorneys and is building a capacity with the coastal states to better address the impending needs [e.g., climate change mitigation and adaptation, conflicts among uses of waterfronts, coastal and marine spatial planning). [Section III – Collaborative Network/NOAA Activities]
- **Finding:** A continued effort is needed in addressing the importance of the NSGLC among the Sea Grant College Programs as an equal member, albeit with a different mission. The four priorities within the National Sea Grant Program should continue to be a focus. This is a continuing effort of the NSGO, and all efforts among Sea Grant programs, including the NSGLC, help preserve the value of the National Sea Grant College Program, and its components. [Section III – Collaborative Network/NOAA Activities]

#### **Recommendation [items the Program must consider]**

- **Recommendation:** It is recommended that the NSGLC Director devote full time and attention to the NSGLC and have no responsibilities for the MASGC Legal Program. If this shift were made, both programs would be strengthened. For example, the individual identities of the two programs would be more apparent; the NSGLC Director would have more time to devote to other projects; it would provide enhanced advancement and professional development opportunities for the current MASGC Legal Program Research Counsel; and it would remove the disadvantage caused by MASGC Legal Program’s inability to compete for NSGLC competitive grants. Also, a different management scheme for the NSGLC and the MASGC Legal Program may eliminate what appears to be a double position on the Sea Grant Legal Network with regard to Chair rotation. A different management scheme might also require a re-assessment of the physical location and organizational position of the NSGLC, which currently is physically co-located with and reports directly to the Mississippi Law Research Institute. One potential alternative would be a department in the UM Law School. [Section I –Organization]

#### **Suggestions [ideas the Program may want to consider]**

- **Suggestion:** The NSGLC should more formally constitute and use its Advisory Board. This might be accomplished by diversifying its composition, agreeing on a non-NSGLC

staff chair, engaging Board members more formally in key management activities, such as serving as interviewers when hiring staff, and meeting face-to-face at least once a year. Currently, 30% of the Board is Sea Grant Directors, which may be unnecessary. The NSGLC might want to consider reducing the number of Sea Grant Directors by replacing some with Associate Sea Grant Directors or program leaders, and adding another NGO representative and a local or state government representative. [Section I – Leadership]

- **Suggestion:** The NSGLC should continue to seek an appropriate working relationship with NOAA General Counsel (separate from interactions with NOAA Regional Counsel). [Section I – Organization]
- **Suggestion:** The Director should consider including the organizational chart of both programs when giving presentations to help clarify lines of responsibility. [Section I – Organization]
- **Suggestion:** An RFP that allows for larger core grants and small mini-grants is worth consideration. The current amount of grant funding per proposal should be re-evaluated to ensure that it is sufficient to fund projects that result in significant legal and policy impacts. As with state Sea Grant Programs, in its next federal proposal the NSGLC should consider including a program development sub-proposal which would allow for smaller mini-grants of a timely nature to respond to emerging issues. As within other Sea Grant Programs, such mini-grants could be structured such that they are not reduced by indirect costs and do not require matching funds. [Section I – Programmed Team Approach]
- **Suggestion:** Incorporate NSGLC legal products into the National Agricultural Law Center’s [and similar programs’] website and bibliography, and vice versa. Jointly organize and hold symposia in the future on shared topics [e.g., ecosystem valuation, aquaculture]. The benefits of doing this would be to increase the relevance of the national products by exposure to a larger audience, foster new relationships, maximize viewership and impact of legal products, and boost recognition of the NSGLC and the Sea Grant Legal Network. Along with increased exposure comes the potential for increased request work load, which can be effectively addressed via the existing prioritization scheme [though, perhaps in a more formalized manner] and should not distract the NSGLC from its core mission and constituency. However, if the Advisory Service load increases greatly, it might be beneficial to revisit the amount of time spent on Sea Grant networking. [Section II – Relevance and Relationships]
- **Suggestion:** To improve continued relevancy, re-examine the policy of not providing model ordinances for Advisory Requests or emerging issues. These offer opportunities for growth of the Sea Grant Network [e.g., many coastal towns will have to adapt to sea level rise]. One approach to do this effectively, and still provide neutral legal research and background, would be to survey a range of ordinances and provide interpretations of each. [Section II – Relevance and Relationships]
- **Suggestion:** There are opportunities to enhance the role of the NSGLC in the Sea Grant context and the federal context. Sea Grant Knauss Fellows would benefit from knowing about the products and services of the NSGLC. Many of these fellows are new to legal and policy issues and would benefit from a primer. Further, they can be a conduit for meaningful Advisory Requests from NOAA and other federal offices. Finally, these fellows often emerge as future leaders of research, policy, or legislative groups; hence, exposure to the NSGLC could form a basis for future opportunities. Also, the NSGLC could incorporate the NSGLC and its Advisory Service into training for new Sea Grant extension agents. Two potential venues are at the National Sea Grant Academy or the

National Aquaculture Extension Conference, both in 2011. [Section III – Collaborative Network/NOAA Activities]

- **Suggestion:** The role of the NSGLC as a part of Sea Grant and as a part of NOAA needs continuing emphasis. This includes making sure that all relevant logos show up on all publications, hard copy and on the web. This may seem minor, but is important. Also, what may seem minor is the suggestion for a more legible logo [reduce shading around “Sea Grant”] for the NSGLC that clearly identifies the Sea Grant part of it. [Section III – Collaborative Network/NOAA Activities]
- **Suggestion:** The NSGLC could partner with the Sea Grant Education Network for dissemination of its products. Many of these products would be extremely helpful to the Sea Grant educators in better understanding coastal legal and policy issues [e.g., coastal and marine spatial planning, marine debris, invasive species] in the education programs that they develop for students and for educators towards the goal of a public that is literate on coastal and ocean issues. Even something as simple as the “Volunteer Liability” research report [mentioned during the SRT visit] would help those using volunteers for activities, such as beach cleanups and marsh grass plantings. Outside of Sea Grant, NSGLC products would be quite useful for programs, such as the NOAA National Estuarine Research Reserves and U.S. EPA National Estuary Programs. [Section III – Collaborative Network/NOAA Activities]

## V. BEST MANAGEMENT PRACTICES

- Not applicable.
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**APPENDIX I - National Sea Grant Law Center Review Team (SRT) Brief Biographies  
9-10 November 2010, Oxford, MS**

**Gene Kim (SRT Chair; National Sea Grant Office, NSGO)** - Gene Kim is the federal program officer for the Gulf of Mexico Sea Grant Programs (TX, LA, MS-AL, FL, National Sea Grant Law Center) and NSGO Program Director for Aquaculture. Based in Silver Spring, MD, he also directs the NSGO aquaculture competitive grants, collaborates with the NOAA-NMFS Aquaculture Program, coordinates and chairs several NOAA international aquaculture exchange programs, and orchestrates a national network of Sea Grant aquaculture extension agents. His work experience includes the NOAA Research Office of Policy, Planning, and Evaluation (NOAA Ecosystem Research Program Coordinator), the U.S. House Natural Resources Committee's Fisheries Wildlife, and Oceans Subcommittee (Knauss Legislative Fellow), and the Great Lakes Fishery Commission (Peer Review Coordinator). He holds a PhD from The Ohio State University where he focused on fisheries and aquaculture issues: water quality, invasive species, benthic communities, and dietary transfer of organic contaminants. His MS research at Auburn University examined larval fish ecology and his undergraduate studies at Miami University yielded degrees in Zoology (BS) and Philosophy (BA).

**Nancy N. Rabalais (SRT Co-Chair; National Sea Grant Advisory Board Member)** - Nancy Rabalais is the Executive Director and a Professor at the Louisiana Universities Marine Consortium (LUMCON). Dr. Rabalais' research interests include the dynamics of hypoxic environments, interactions of large rivers with the coastal ocean, estuarine and coastal eutrophication, benthic ecology, and science policy. She is an author of 3 books, 29 book chapters, and over 100 peer-reviewed publications. She is active in many panels, advisory boards, and professional organizations. She currently serves on a National Research Council committee, the Council for the University-National Oceanographic Laboratories, the Executive Board for the Consortium on Ocean Leadership, the National Sea Grant Advisory Board, and Board of Directors for the Gulf of Mexico Coastal Ocean Observing System. Dr. Rabalais is an American Association for the Advancement of Science Fellow, an Aldo Leopold Leadership Program Fellow, and a National Associate of the National Academies of Science and has earned several research awards. She earned her Ph.D. in Zoology from The University of Texas at Austin in 1983.

**Michael Voiland (SRT member; North Carolina Sea Grant Executive Director)** - Michael Voiland is Executive Director of the North Carolina Sea Grant College Program and Director of the Water Resources Research Institute of the University of North Carolina. Prior to that, he served in assistant director roles with Cornell University Cooperative Extension, the Cornell University Agricultural Experiment Station, and the Cornell University Office of Government Affairs. From 1976 to 1994, he served as a regional extension specialist, extension program leader, and associate director with the New York Sea Grant Institute. His fields of specialization include natural resource policy making, waterfront access, and coastal recreation/tourism development. Voiland holds degrees in geography from SUNY at Albany, and a Ph.D. in natural resource management from the SUNY College of Environmental Science and Forestry at Syracuse University.

**M. Casey Leigh (SRT external member)** - Casey Leigh is a Professor of Law and Associate Dean for Academic Affairs at the William S. Richardson Law School at the University of Hawai'i. Prior to joining the law school faculty in 1987, Casey was Director of the Marine and Coastal Law Program at the University of Mississippi. She was the founder and first Director of

the Environmental Law Program at the William S. Richardson of Law School. She has a J.D. from the University of Mississippi Law School and a LL.M. in Coastal and Marine Law from the University of Washington.

**Harrison Pittman (SRT External member)** - Harrison M. Pittman is Director of the National Agricultural Law Center at the University of Arkansas, a faculty member of the University of Arkansas Dale Bumpers College of Agricultural, Food, and Life Sciences, Department of Agricultural Economics and Agribusiness, and Legal Risk Coordinator for the Southern Risk Management Education Center. He has taught at the University of Arkansas at Little Rock William H. Bowen Law School as part of the Ben J. Altheimer Distinguished Professorship for Agricultural Law and is the recipient of the 2010 Excellence in Agricultural Law Award from the American Agricultural Law Association. Harrison has authored articles and presented on numerous subjects, including the National Organic Program, the Perishable Agricultural Commodities Act, agritourism, states' recreational use statutes, legal issues associated with the structure of the livestock industry, agricultural bankruptcy issues, and environmental regulation of agriculture. The Center also serves as the lead institution for the eXtension Agricultural Law Community of Practice.

**APPENDIX II - SRT Agenda for National Sea Grant Site Review of the National Sea Grant Law Center, 9-10 November 2010, Oxford, MS**

<b>Tuesday, November 9</b>		
8:00 a.m.	<b>Welcome Site Review Team (SRT)</b> <ul style="list-style-type: none"> <li>• Stephanie Showalter Otts, Director</li> <li>• William Wilkins, Director, Mississippi Law Research Institute</li> <li>• Richard Gershon, Dean, University of Mississippi Law School</li> <li>• Dr. Alice Clark, Vice Chancellor for Research and Sponsored Programs</li> </ul>	McMillan Boardroom
8:15 a.m.	<b>Site Review Team Presentation on Purpose of Site Review</b>	McMillan
<b>Program Management and Organization</b>		
8:45 – 9:15 a.m.	<b>History of the National Sea Grant Law Center</b> <ul style="list-style-type: none"> <li>• Establishment (Why created? How? Original structure, etc.)</li> <li>• Evolution of projects, audiences, needs</li> <li>• Funding and history</li> <li>• 2006 TRT and Response</li> </ul>	McMillan
9:15 – 10:15 a.m.	<b>Program Management</b> <ul style="list-style-type: none"> <li>• Institutional Setting</li> <li>• Staff Roles and Responsibilities</li> <li>• Management Structure</li> </ul>	
10:15 – 10:30 a.m.	<b>Break (Food: Fitness Break and Coffee)</b>	McMillan
10:30 – 12:00 p.m.	<b>Program Management</b> <ul style="list-style-type: none"> <li>• Program Evaluation</li> <li>• Strategic Planning</li> <li>• Submission of Annual Proposals to NSGO</li> <li>• Reporting to NIMS and the NSG Library</li> <li>• Major Partners</li> </ul>	McMillan
12:00 p.m.	Lunch	The Inn
1:00 p.m.	<b>Grant Competition</b> <ul style="list-style-type: none"> <li>• RFP Process</li> <li>• Funding Priorities</li> <li>• Incorporation of Extension</li> </ul>	McMillan
<b>Stakeholder Engagement</b>		
1:30 - 3:30 p.m.	<b>Advisory Service</b> <ul style="list-style-type: none"> <li>• Submission Process and Guidelines</li> <li>• Communication of Research Results</li> <li>• Relevance to Stakeholders (Constituent Panel via WebEx) <ul style="list-style-type: none"> <li>○ Local, Regional, and National Examples</li> <li>○ Tom Murray – 2:00 to 2:20 p.m. via Skype</li> <li>○ Dale Bergeron – 2:20 to 2:40 p.m. via Skype</li> <li>○ Paul Olin – 2:40 to 3:00 p.m. via telephone</li> </ul> </li> </ul>	McMillan
3:15 p.m.	<b>Catering arrives with cookies and coffee</b>	McMillan
3:30 p.m.	<b>Break (Food: Cookies and Coffee)</b>	McMillan
3:45 p.m.	<b>Outreach and Education</b> <ul style="list-style-type: none"> <li>• Publications (<i>SandBar</i>, Journal, Ocean and Coastal Case Alert, others)</li> <li>• Website</li> <li>• Research Associate Program (UM and Remote)</li> </ul>	McMillan
5:00 p.m.	<b>Adjourn</b>	
5:00 p.m.	<b>Site Review Team Closed meeting</b>	McMillan
6:00 p.m.	<b>Reception</b>	Bouré
<b>Wednesday, November 10</b>		
<b>Collaborative Network/NOAA Activities</b>		

8:00 a.m.	<b>NOAA Activities</b> <ul style="list-style-type: none"> <li>• Partnership with NOAA Aquaculture <ul style="list-style-type: none"> <li>○ Brian Fredieu conference call at 8:15 a.m. approx. 30 mins.</li> </ul> </li> <li>• Advisory Requests <ul style="list-style-type: none"> <li>○ OCRM – Illinois CZM</li> <li>○ Marine Debris</li> </ul> </li> </ul>	Lyceum 110
9:15 a.m.	<b>NSGLC Network Activities</b> <ul style="list-style-type: none"> <li>• Sea Grant Legal Network, Chair</li> <li>• SGA Network Advisory Council, Legal Network Representative</li> <li>• Sea Grant Assembly, NSGLC ex-officio member</li> </ul>	Lyceum 110
10:00 a.m.	<b>Break</b>	
10:30 a.m.	<b>NSLGC: Adding Value to the Law School</b> <ul style="list-style-type: none"> <li>• Curriculum</li> <li>• Research Assistant Program (UM and Remote)</li> <li>• Raising Awareness</li> </ul>	Lyceum 110
11:30 a.m.	<b>One-on-One Session with NSGLC Director</b>	Lyceum 110
12:00 p.m.	<b>Lunch</b>	The Inn
12:30 – 12:45 p.m.	<b>Catering arrives with cookies and coffee</b>	
1:00 p.m.	<b>Closed Session for Site Review Team</b>	Griffin
3:45 p.m.	<b>Site Review Team meets with NSGLC Director and Staff</b>	Griffin
4:30 p.m.	<b>Site Review Team meets with University Officials</b>	Griffin
5:00 p.m.	<b>Adjourn</b>	