The New Normal: Adapting Laws and Policies to Changing Environments

National Sea Grant Law Center Overview

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RAE/TCS Summit
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National Sea Grant Law Center

• Established in 2002 to “coordinate and enhance Sea Grant's activities in legal scholarship and outreach related to coastal and ocean law issues.”

• Work includes:
  – Conducting research on current ocean, coastal, and Great Lakes law issues.
  – Providing outreach and advisory services to the Sea Grant network and coastal constituents.

• Staff:
  – Director: Stephanie Showalter Otts
  – Research Counsels: Terra Bowling and Cathy Janasie
  – Law Fellow: Alexandra Chase
  – Law Student Research Assistants
Re: The Commercial Use of Docks on Small Tidal Creeks in Beaufort County, SC (NSGLC-13-04-05)

This product was prepared by the National Sea Grant Law Center under award number NA09OAR4170200 from the National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The statements, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of NOAA or the U.S. Department of Commerce.

Dear Julie,

Please find below our examination of the current state of the law with respect to the commercial use of residential docks along small tidal creeks in Beaufort County. Recently, an oyster farmer wished to use the dock on his property for mariculture activities. The upland property is zoned agriculture, which would allow mariculture activities on the property. A Beaufort County zoning ordinance, however, prohibits the use of the dock for commercial purposes because it is located on a small tidal creek.

In the recent proceedings with the oyster farmer, the Beaufort County Zoning Board of Appeals identified three potential paths forward:

1. Challenge the small tidal creek classification,
2. Seek a variance, or
3. Amend the zoning text currently restricting the use of the dock.

Before discussing these options, this memo first looks at the South Carolina laws and regulations regarding docks and tidal creeks as it provides important context for the local ordinances. Following an analysis of the three options identified by the Zoning Board of Appeals, this memo examines the zoning

RE: Potential Liability of Howard County under its MS4 Permit for Homeowner BMPs (NSGLC-16-04-03)

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Dear Amanda,

Thank you for submitting an advisory request to the National Sea Grant Law Center requesting information about the legal issues involved in Howard County’s (County) new voluntary stormwater Best Management Practices (BMP) program to install residential rain gardens and rain barrels. You informed us that the County will claim the impervious surface treated by these practices toward the requirements of the County’s National Pollutant Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) permit issued by the Maryland Department of the Environment (MDE) under the Clean Water Act (CWA). Under the program, the County will cover 75% of the cost of these BMPs and obtain a 25% cost-share from residents, and residents will be responsible for maintenance after installation. You stated that there is concern about the County’s liability if the BMPs are not properly maintained by the residents. Any action the County takes must be in compliance with its MS4 permit, and the County would be liable for violations. Below is my analysis of how the BMPs fit within the County’s MS4 permit requirements and associated liability concerns.
Project Example:
Aquatic Nuisance Species
Regulatory Review
Project Overview

• Improve regional understanding of the strategies available to access private land for eradication and control of ANS;
• Lay the foundation for the collaborative development of guidance for implementation; and
• Inventory and analyze state laws and regulations.
Analysis of State Laws and Regs

• Compiled provisions related to ANS control efforts on private land:
  – Authority to control ANS, noxious weeds, and plant pests;
  – Researched authority of both Natural Resource agencies and Departments of Agriculture

• Created Short Summaries for each state:
  – Table with quick snapshot of relevant authorities
  – Explanatory notes with more detail

• Sent summaries out for comment and expanded summaries after review period
WATER RESEARCH
Catherine Janasie discusses the Safe Drinking Water Act, lead in water, and the differences between groundwater and surface water.
Florida v. Georgia

The waterways of the Apalachicola-Chattahoochee-Flint (ACF) river basin.
CREDIT STREAMER FROM NATIONALATLAS.GOV
Apalachicola Bay
the oyster industry

90% of Florida's oyster harvest

Franklin County
Oyster harvest in pounds

<table>
<thead>
<tr>
<th>Year</th>
<th>Oyster Harvest</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>2.3 M lbs</td>
</tr>
<tr>
<td>2001</td>
<td>2.3 M lbs</td>
</tr>
<tr>
<td>2002</td>
<td>1.7 M lbs</td>
</tr>
</tbody>
</table>

Fresh water inflows from the river basin bring:
- nutrients
- low salinity levels
- cool temperatures
- less predators
Average Inches of Annual Precipitation in the United States 1961-1990

Equitable Apportionment

• State law is informative, but not controlling

• Equality of Right

• Balance- benefits and interests v. harm

• Avoid extremes
  – Don’t want to complete exclude a state from using a waterbody in its territory
Mississippi v. Tennessee
Safe Drinking Water Act

• EPA directed to regulate contaminants in drinking water that can adversely effect health
  – Then states can apply to become the primary regulatory/enforcement agency

• Applies only to public water systems
  – Private wells are not regulated

• Requires delivery of Consumer Confidence Reports (CCR)
Tri-County Workforce Alliance
Meeting of All Tri-County Workforce Alliance Programs
Magnolia Room  Coahoma Community College

Thursday September 22, 2016

5:30 p.m.

Agenda

➢ Welcome
➢ Dual Enrollment
  ➢ Books
  ➢ ACT
➢ Classes at 18
➢ Attendance
➢ The Bart Program
➢ The Water Project
Thank You!

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http://nsglc.olemiss.edu/

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