Integrating Legal Data into Spatial Decision-Support Tools

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National Summit on Coastal and Estuarine Restoration and Management
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“I should apologize, perhaps, for the style of this bill. I dislike the verbose and intricate style of the English statutes. . . . You, however, can easily correct this bill to the taste of my brother lawyers, by making every other word a “said” or “aforesaid,” and saying everything over two or three times, so that nobody but we of the craft can untwist the diction, and find out what it means....”

-Thomas Jefferson
GIS and the Law – Emerging Synergies?

2010

Public Law 111–274
111th Congress

An Act

To enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Plain Writing Act of 2010”.

SEC. 2. PURPOSE.

To improve the effectiveness and accessibility of the Government to the public by promoting clear and accessible Government documents the public can understand and follow.

2013

Presidential Documents

Federal Register
Vol. 78, No. 93
Tuesday, May 14, 2013

Title 3—
The President

Executive Order 13642 of May 9, 2013

Making Open and Machine Readable the New Default for Government Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. General Principles. Openness in government strengthens our democracy, promotes the delivery of efficient and effective services to the public, and contributes to economic growth. As one vital benefit of open government, making information resources easy to find, accessible, and usable can fuel entrepreneurship, innovation, and scientific discovery that improves Americans’ lives and contributes significantly to job creation.

Executive Order 13642, May 9, 2013.
Federal Statutes

Federal statutes cover a broad variety of legal restrictions and permitted activities within state and U.S. federal waters. It is important to know these statutes and where they are applicable before planning for any activities in these waters. Those listed below occur within the area of interest outlined in this report. Please note that other federal statutes with complex or uncertain geographic boundaries may exist in the area and can be found by using the Ocean Law Search tool.

- Abandoned Shipwreck Act
- Clean Water Act
- Coastal Zone Management Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Endangered Species Act
- Energy Policy Act
- Marine Debris Research, Prevention and Reduction Act
- Marine Mammal Protection Act
- Marine Pollution Prevention Act
- National Environmental Policy Act
- Outer Continental Shelf Lands Act
Indexing Spatially-Defined Legal Information
Legal Decision Support

MA-ShellfAST
Massachusetts Shellfish Aquaculture Siting Tool
Where Can New Farms Go?
Useful Non-Legal Data
Permitting Implications of (Existing) Data

**North Atlantic Right Whale Critical Habitat Area**

- Shellfish leases in this area under Massachusetts General Permit 21 require pre-construction notification to the U.S. Army Corps of Engineers, which may result in permit conditions if the proposed activity poses a threat to whales.
- Vertical line restrictions and other permit considerations may apply to activities not covered by MGP 21.

See sections in Legal and Regulatory Context for Shellfish Aquaculture and Permitting in Massachusetts:
- North Atlantic Right Whale
- Endangered Species Act
- Marine Mammal Protection Act
- Massachusetts Endangered Species Act

**Layer List**

- Aquaculture
- Resources To Avoid
- Mass. Coastal Boat Launches
- Eelgrass Beds - Current
- Eelgrass Beds - Historic
- NOAA Charted Submarine Cables
- U.S. Army Corps Federal Navigation Projects
- Shellfish Suitability Areas
- Property Ownership
- Coastal Town Permitting for Aquaculture
- Mass. Ocean Management Planning Area
- Designated Shellfish Growing Areas
- Areas of Critical Environmental Concern
- NHESP Priority Habitats of Rare Species
- NOAA Raster Nautical Chart

**North Atlantic Right Whale Critical Habitat**
(New) Municipal Ordinance Data
Creating a Spatially Defined Tool for Marine Shellfish Aquaculture Siting and Permitting

Legal and Regulatory Context

July 2017

Siting and permitting are key barriers to the continued development of the marine shellfish aquaculture industry in New England. When designing projects, growers must select sites that avoid and minimize environmental impacts and conflicts with a wide array of other uses and where they can obtain all required permits. Successful siting therefore requires growers—and the agency staff reviewing applications—to understand and apply complex scientific, practical, and regulatory information.

This report supports development of sustainable shellfish projects in Massachusetts by providing an overview of the legal and regulatory requirements for shellfish aquaculture in state waters.
Legal Integration - Guidance

Site areas must be a minimum of 25 feet from eelgrass beds.

Survey Year: 2,013

This layer was compiled by SeaPlan and represents the most current data available covering the coast of Massachusetts. It is possible that eelgrass may no longer be present in some areas depicted here. It is also possible eelgrass may be present in areas not included in this layer. Therefore, a site survey is necessary to determine if there is eelgrass present in your area of interest.

See sections in Legal and Regulatory Context for Shellfish Aquaculture and Permitting in Massachusetts:

Zoom to
Legal Integration: Permitting
Lessons Learned

• Build legal experts into system design at the start
• Base legal content on audience and intended purpose
• May require custom build for certain functionality
• Stakeholder input and extension are critical for actual use
• 75% solution – doesn’t replace real-world analysis or (gasp) lawyers
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