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Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Report (5th Marine Law Symposium) (September 9-11, 2004)

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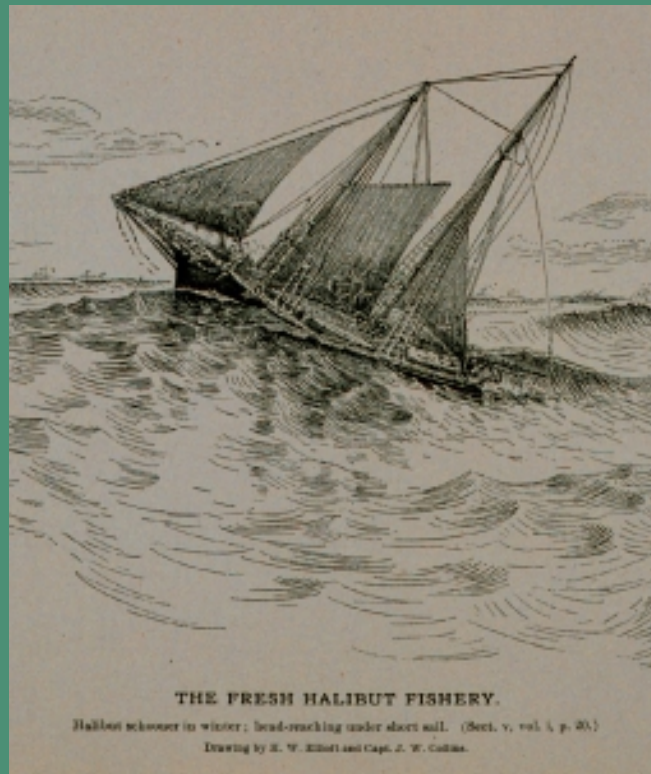
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Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

*September 9-11, 2004
Newport & Bristol, Rhode Island*



THE FRESH HALIBUT FISHERY.

Halibut schooner in winter: head-reaching under short sail. (Sect. v, vol. 3, p. 20.)

Drawing by H. W. Elliot and Capt. J. W. Collins.



Sponsored in part by
Roger Williams University Ralph R. Papitto School of Law
Marine Affairs Institute, Rhode Island Sea Grant, and the
University of Rhode Island Department of Marine Affairs



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

Welcome to Roger Williams University School of Law's 5th Marine Law Symposium!

Thirty-five years after the Stratton Commission issued its report, *Our Nation and the Sea*, the U.S. Commission on Ocean Policy has finalized its recommendations for a National Ocean Policy. These recommendations, with the 2003 Pew Ocean Commission report entitled *America's Living Oceans: Charting a Course for Sea Change*, has generated considerable attention and concern for U.S. ocean policy. The next great challenge is analysis of the reports and planning for effective implementation of the recommendations at the state, regional, national and international levels.

The Marine Affairs Institute at Roger Williams University Ralph R. Papitto School of Law has partnered with the Rhode Island Sea Grant Program and the University of Rhode Island Department of Marine Affairs to feature this historic time as the centerpiece of its 5th Marine Law Symposium. The program presents an overview of key recommendations, especially those related to ecosystem-based management for ocean and coastal areas, and perspectives about implementation of recommendations from the industry, government, academic, and nonprofit sectors.

To complement the Marine Law Symposium, some attendees participated in a discussion of regional governance approaches in Southern New England on Thursday afternoon. Also, symposium participants are invited to the University's first Ocean Technology Expo on Friday afternoon at the Marine Sciences Building to get a close-up view of Unmanned Underwater Vehicles and other technology related to ocean uses and resources.

On behalf of the Symposium Planning Committee and generous sponsors, thank you for your attendance and participation. We are pleased to have you with us during this historic time and look forward to working with you toward the increasing national dialogue on U.S. ocean policy.

Sincerely,

Kristen M. Fletcher
Conference Chair
Director, Marine Affairs Institute, RWU School of Law

On the Cover:

Image provided by NOAA National Marine Fisheries Service. *Halibut schooner in winter, head-reaching under short sail*. Drawing by H.W. Elliott and Capt. J.W. Collins.



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

Thursday, September 9, 2004

1:00 - 5:15p.m.	Southern New England Regional Coastal and Ocean Management Meeting, Newport Marriott
3:00 - 5:30	Registration, Newport Marriott
5:30 - 7:00	Opening Reception, Newport Marriott

Friday, September 10, 2004

All Friday sessions will be held at Roger Williams University School of Law in Bristol.

7:30 a.m.	Bus departs for Roger Williams University School of Law from the Main entrance of the Newport Marriott.
8:00 - 8:45	<i>Continental Breakfast at School of Law</i>
8:45 - 9:00	<i>Welcome</i> Dean David Logan, Roger Williams University School of Law President Roy Nirschel, Roger Williams University
9:00 - 10:00	<i>Setting the Stage: Thirty-Five Years Beyond Stratton</i> Opening Remarks: Barry Costa-Pierce, Rhode Island Sea Grant Program The Symposium will open with a member of the Stratton Commission, Dr. John Knauss, and a member of the U.S. Commission on Ocean Policy, Dr. Andrew Rosenberg. Dr. Knauss will share his perspectives on how <i>Our Nation and the Sea</i> , the Stratton Commission's Report, influenced the development of the country's marine policy. Dr. Rosenberg will offer the key themes and recommendations from the U.S. Commission on Ocean Policy which finalized its report this year and his perspectives on implementation. John Knauss, University of Rhode Island Member, Stratton Commission <i>The Stratton Commission and Its Role in the Development of Marine Policy</i> Dr. Andrew Rosenberg, University of New Hampshire Commissioner, U.S. Commission on Ocean Policy <i>Key Recommendations from the U.S. Commission on Ocean Policy</i>
10:00 - 10:30	Lawrence Juda, University of Rhode Island Department of Marine Affairs <i>The Emergence of and Problems in Operationalizing Ecosystem-Based Management of Ocean/ Coastal Areas</i> This presentation briefly examines changing approaches to the management of ocean/coastal space and the growing attention being given to ecosystem-based management. Movement toward such management will necessitate significant institutional, policy, and social change and will present a number of substantial challenges in development and implementation.
10:30 - 10:50	<i>Coffee Break</i>



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

10:50 – 11:40

Panel: The Evolution & Implementation of Ocean Policy

Gerhard Kuska, Science and Technology Corporation, formerly of U.S. Commission on Ocean Policy

Ocean policy has developed considerably since the Stratton Commission issued its report in 1969. With the delivery of the U.S. Commission on Ocean Policy's Final Report to the President and Congress, the nation has an historic opportunity to improve the way in which it manages and uses ocean and coastal resources. This presentation will cover the evolution of the U.S. Commission on Ocean Policy's work, particularly as it relates to ocean governance. It will include an overview of the considerations and steps taken to ensure that the Commission's report is a realistic blueprint for the oceans in the 21st century.

Jamison (Jamie) Hawkins, National Ocean Service, NOAA

The stage is set for a realignment of the Nation's ocean policy. No matter how "good" these new policies are, the follow through will matter most. The degree of success in implementing a new national ocean policy will be directly related to the level of commitment to the policy. This presentation will share a few observations from a career bureaucrat's perspective including a few practical points about government inertia, the "push and pull" of policy implementation, and some observations for near and long term implementation.

11:50 a.m.

Bus departs in front of School of Law to transport participants to the Herreshoff Maritime Museum and will return to School of Law following lunch.

Noon - 1:15

Lunch at Herreshoff Maritime Museum, Bristol

Participants are invited to visit the Museum during the lunch break. Founded in 1971, the Museum preserves the unique accomplishments of the Herreshoff Manufacturing Company which operated from 1863 to 1945 producing yachts on the cutting edge of design and engineering at the hands of two brothers: naval architect Captain Nathanael Greene Herreshoff and businessman John Brown Herreshoff. Herreshoff designs include Rhode Island's oldest boat, SPRITE, (claimed to be the oldest existing private yacht in the US), and RELIANCE, the largest America's Cup boat ever built. Their most legendary accomplishment was the construction of eight consecutive successful defenders of the America's Cup from 1893 to 1934. Featuring yachts and models, the Museum also has catalogued and displayed hundreds of artifacts and memorabilia significant to the documentation of the Herreshoff legacy. This impressive collection includes ENTERPRISE's bronze stemhead, RESOLUTE's capstan, and the first fiberglass hull ever produced. Photographs, correspondence, silver and china, tools and even Capt. Nat's notes and spectacles are on display.

1:45 – 2:45

Perspectives on Next Steps I

Malcolm Williams, U.S. Commission on Ocean Policy

Addressing Marine Transportation and Resource Management Issues in a Regional Context

An important component in the U.S. Ocean Commission's national ocean policy framework is the development of flexible and voluntary regional approaches to facilitate efforts to move toward ecosystem-based management. This presentation will discuss Commission recommendations in the areas of marine commerce and transportation and resource management from a regional perspective, focusing on the need to develop comprehensive regional approaches that can account for and effectively balance widely divergent interests. The presentation will also suggest actions that can be taken now to begin implementing Commission marine transportation and resource management recommendations and strengthen regional coordination.



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

1:45 – 2:45

Perspectives on Next Steps I (cont.)

Kathy Metcalf, Chamber of Shipping of America

The A B Seas of Change

This presentation will examine the substantive issues raised in the Ocean Commission and Pew Commission Reports as applied to the commercial shipping industry. The commercial shipping industry has operated on the world's oceans for thousands of years, most of which has been without regulatory oversight. It is only within the past century that legal requirements relating to marine resources and environmental protection have been imposed on this industry. It is only within the past two decades that this oversight has shifted focus from mitigation of marine casualties to routine operations that may impact the marine environment. The presentation will provide substantive overviews of key issues and provide recommendations on how this industry can continue its proactive approach to the protection of the global marine environment.

Roger Fleming, Conservation Law Foundation

New Tools for Ecosystem-Based Management: One NGO's Perspective

Both commission reports delivered the clear message that our oceans are endangered by a host of environmental threats. Rapid advances in technology, population, and international trade have led to substantial increases in the demands on marine resource systems. These demands are also having an enormous impact on the health of our marine and coastal ecosystems. The only way to accommodate this growing multitude of uses, while ensuring the ecological integrity of the marine ecosystem, is to approach management from a comprehensive, proactive systems planning perspective. Marine ecosystem protection must become the organizing principle for a new management paradigm. The success or failure of this move toward ecosystem-based management will depend upon our ability to enforce existing laws and to develop new tools designed to ensure the long-term health of our marine resources, including marine protected areas and progressive fisheries management policies that support ecosystem-based approaches.

2:45 – 3:45

Perspectives on Next Steps II

Donna Christie, Florida State University School of Law

Living Marine Resources & Ecosystem-Based Management

Perhaps one of the most obvious indicators of the health of ocean ecosystems is the state of living marine resources. Proposals for achieving sustainable fisheries and improving the management of marine mammals and marine endangered species through a scientifically-based, ecosystem approach are among the most important, most difficult to achieve and most politically sensitive recommendations of the Ocean Commission. This presentation will discuss some of recommendations that will achieve significant steps toward ecosystem management.

Jennifer Brewer, Office of Congressman Tom Allen

View from the Hill

Several legislative initiatives have emerged in the wake of the U.S. Oceans Commission and Pew Commission Reports. The broadest in scope is the Ocean Conservation, Education and National Strategy for the 21st Century Act (OCEANS 21), introduced by the four co-chairs of the bipartisan Oceans Caucus in the U.S. House of Representatives. This presentation will discuss the bill in terms of policy content and political context, including related legislation and more general Congressional debates.



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

Saturday, September 11, 2004

Sessions at the Newport Marriott

7:30 - 8:30 a.m.

Continental Breakfast

8:30 -10:30

Small Group Breakout Sessions

Special Thanks to our Facilitators:

Robert Albright, AIM Consulting

Kevin Bryan, Meridian Institute

Bruce Dalcher, U.S. Coast Guard Commander (Ret.)

Gary Donato, U.S. Coast Guard Academy

Kristen M. Fletcher, Roger Williams University Marine Affairs Institute

Gerhard Kuska, Science and Technology Corporation

Patrick Newman, U.S. Coast Guard Academy

10:30 -10:50

Coffee Break

10:50 – 11:45

Reports from Groups

Facilitator: Kevin Bryan, Meridian Institute

11:45 – Noon

Concluding Thoughts on Implementation

Kristen M. Fletcher, Roger Williams University Marine Affairs Institute



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

SPECIAL SESSIONS

Southern New England Regional Coastal and Ocean Management Meeting

Thursday, September 9, 1:00 – 5:15 p.m., Newport Marriott

Sponsored in part by the Rhode Island Sea Grant Program, invited attendees will be convened to discuss regional coastal and ocean issues and the potential needs for coordinating efforts across state waters in Southern New England. It is an opportune time for key institutions in Massachusetts, Rhode Island, Connecticut, and New York to discuss coastal and ocean issues in our state waters that may impact other states, or in fact could benefit from a regional focus.

This special session builds upon an initial discussion at The Coastal Society Conference in Newport in May 2004 where a consensus emerged that the states from Cape Cod to New York need to develop a regional agenda. Potential issues that cross state waters within this region include economics of defense industry, marine transportation (including ballast water), energy, and fisheries, and the delineation of regional ecosystems (such as large marine ecosystems) may provide a framework for such regionalization. Regional governance has been a successful approach to address both key regional economic opportunities and environmental challenges and may provide some insight for future collaboration in the region.

For more information, contact Amber Neville at amber@gso.sun1.gso.uri.edu.

Ocean Technology Expo

With the issuance of the Commission reports, attention is turning to the emergence of key ocean technologies to assist in the management of marine resources. To complement the legal and policy research presented at the Symposium, the University's first Ocean Technology Expo is being held on Friday afternoon and is open to all conference registrants. On display in the Marine Sciences Building will be both model and full-scale UUVs (unmanned undersea vehicles) and samples of the undersea research and technology from the region.

The Turbulence REMUS, a custom unit used to study ocean turbulence.

(Graphic courtesy of Naval Undersea Warfare Center Division Newport.)



Featured displays include:

Autonomous Undersea Systems Institute
Benthos, Inc.
Falmouth Scientific
Farsounder
Gulf of Maine Ocean Observatory System
Maritime and Ocean Technology Network
Naval Undersea Warfare Center
SubChem
University of Massachusetts Dartmouth School of Marine Science and Technology
University of Rhode Island
Webb Research
Woods Hole Oceanographic Institution



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

KEYNOTE ADDRESS SPEAKER



Harry N. Scheiber

Director, Law of the Sea Institute and the Stefan Riesenfeld Professor of Law and History,
Boalt Hall School of Law, University of California, Berkeley

Harry N. Scheiber is the Director of the Earl Warren Legal Institute, the Stefan Riesenfeld Professor of Law and History, and the Director of the Sho Sato Program in Japanese and U.S. Law at Boalt Hall School of Law at the University of California, Berkeley. Scheiber did postdoctoral work in law while a fellow at the Center for Advanced Study in the Behavioral Sciences. He taught at Dartmouth from 1960 through 1971, and then became a professor of American History at UC San Diego. He joined the Boalt faculty in 1980. From 2000 to 2001, Scheiber served as director of the Center for the Study of Law and Society.

Scheiber has held Guggenheim, Rockefeller, American Council of Learned Societies, National Endowment for the Humanities, and Social Science Research Council Fellowships. He was a Distinguished Fulbright Lecturer in Australia, and he has been president of the Agricultural History Society, the Council for Research in Economic History, and the ACLU of New Hampshire. From 1994 to 1995, he served as chair of the UC Berkeley Academic Senate. In 1998, he received an honorary doctorate of laws from Uppsala University in Sweden. He was elected in 1999 as an honorary fellow of the American Society for Legal History.

Scheiber has written extensively in American legal history, especially on the history of law and public policy, on federalism, and on constitutional development. He has also led research projects and written on aspects of environmental law, especially Law of the Sea and ocean resources policy. His other research has been in the fields of modern judicial reform, Japanese-U.S. relations and ocean policy, and Japanese fisheries law and development.

His primary books include *Law of the Sea: The Common Heritage and Emerging Challenges*; *Legal Cultures and the Legal Profession*; *Inter-Allied Conflict and Modern Ocean Law Origins, 1945-52*; *American Law and the Constitutional Order*; *American Economic History*; *Ohio Canal Era—A Case Study of Government and the Economy*; *The Wilson Administration and Civil Liberties*; *The Old Northwest—Studies in Regional History*; *Perspectives on Federalism*; *Federalism and the Judicial Mind*; and *The State and Freedom of Contract*.

He teaches American Legal History, American Federalism, Coastal and Ocean Law and Policy, and Jurisprudence and Social Policy. In 2003, he was elected to the American Academy of Arts and Sciences.



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

MEET THE SPEAKERS

Jennifer Brewer
Sea Grant Fellow
Office of Congressman Tom Allen

Jennifer Brewer is a Sea Grant Fellow in the Office of Congressman Tom Allen who represents Maine's first district. He sits on the Energy and Commerce Committee, including Subcommittees of Energy and Air Quality, Environment and Hazardous Materials, and Oversight and Investigations. He is a co-chair of the bipartisan House Oceans Caucus. Ms. Brewer's role is that of Legislative Assistant in the area of oceans and fisheries. She develops legislation, prepares briefings, writes speeches, facilitates constituent relations, and staffs the Congressman's activities relating to the Oceans Caucus.

Ms. Brewer is a Ph.D. Candidate in Human-Environment Geography at the Graduate School of Geography at Clark University. She holds an M.S. in Marine Policy from the School of Marine Sciences at the University of Maine, and a B.A. from the University of Michigan. Her doctoral dissertation investigates the co-management of Maine's lobster and groundfisheries. She has worked on numerous projects with fishermen, scientists, coastal community members, and fisheries managers in Maine and New England, receiving research grants from the National Science Foundation and Northeast Consortium.



Kevin T. Bryan
Meridian Institute

Kevin T. Bryan is a Mediator at the Meridian Institute, where he works with other professionals to design, convene, and facilitate multi-party problem solving interactions to resolve public policy problems of mutual interest. Bryan helps parties identify critical issues, build relationships and trust, construct innovative solutions, and implement the results. His projects address homeland security, biological data sharing, oceans policy, and community-based research. Participants in these efforts include stakeholders from government, the private sector, and non-governmental organizations.

Previously, Bryan worked as a Facilitator and Senior Coordinator for the National Wind Coordinating Committee (NWCC) at RESOLVE, Inc. In this position he identified opportunities for the NWCC to work with individuals and stakeholder groups on wind energy issues. He also provided facilitation services for a number of other projects, including government and local agency strategic planning and state transportation projects. Bryan has also worked with federal agencies to help establish guidelines for stakeholder involvement in environmental decision making. And with local governments to address issues and develop solutions for small businesses and residents to implement energy efficiency improvements in their facilities and homes.

Bryan received a B.S. in Civil Engineering from Howard University in 1994 and received the Patricia Roberts Harris Fellowship in 1996 while undertaking graduate work there in public administration. He was selected in 2002 as a fellow with the Environmental Leadership Program (ELP).



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



Donna R. Christie
Florida State University School of Law

Donna R. Christie is the Elizabeth C. and Clyde W. Atkinson Professor of Law and Associate Dean for International Programs at the Florida State University College of Law. She graduated from the University of Georgia in 1969 with a specialized B.S. degree in Chemistry. She also attended the University of Georgia School of Law and The Hague Academy of International Law, and from 1978-1980 was a Postdoctoral Fellow in the Marine Policy and Ocean Management Program at Woods Hole Oceanographic Institution. Christie has served as chair of the Natural Resources Law Section of the Association of American Law Schools and has been a member of the American Law Institute since 1995. She teaches and writes in many areas of marine policy and coastal management and is co-author of *COASTAL AND OCEAN LAW*, the major textbook in the field. In Florida, she has worked with two governors in developing ocean policy for the state and was a member of the Florida Governor's Ocean Committee. Internationally, she served as a consultant to the government of Belize in drafting legislation for coastal and marine resource management. She has been a visiting scholar in Australia and the Czech Republic, speaking and advising on environmental and natural resources issues. She recently served on a committee of legal scholars to draft a report on legal issues in ocean policy development for the U.S. Commission on Ocean Policy.



Barry A. Costa-Pierce
Rhode Island Sea Grant College Program, URI Graduate School of Oceanography

Barry A. Costa-Pierce is Director of the Rhode Island Sea Grant College Program, Associate Director of the Coastal Institute and Joint Professor of Fisheries, Animal & Veterinary Science & Professor of Oceanography at the University of Rhode Island. He has research interests in the natural/social ecology of aquaculture and fisheries ecosystems; the ecological design/engineering of mixed aquatic/terrestrial food/fiber production systems; the impacts of dams/reservoirs on the fisheries of rivers and estuaries; the use of aquaculture as a means of environmental/social restoration; and the invasion science/conservation biology of invasive fish species. Costa-Pierce became the 3rd director of Rhode Island Sea Grant in August 2001.

From 1998-2001, he was the Director of the Mississippi-Alabama Sea Grant Consortium. Before joining Sea Grant, Costa-Pierce spent three years as a Staff Consultant in the Post-Evaluation Office of the Asian Development Bank and a Staff Consultant in the Environment & Social Policy Division of The World Bank while holding academic appointments in California. From 1985-93, he was a Project Director and Research Scientist for the International Center for Living Aquatic Resources Management (ICLARM): based as a Research Scientist/Team Leader at the Institute of Ecology in Indonesia; then as Director of ICLARM's Malawi office, in the African Great Lakes region.

Costa-Pierce has ~90 peer-reviewed publications, is the International Editor of the Husbandry and Management Section of the scientific journal *Aquaculture* and lectures widely on fisheries, aquaculture and coastal ecology issues. He received his Ph.D. in Oceanography from the University of Hawaii, M.S. in Zoology from the University of Vermont and B.A. in Zoology from Drew University.



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



Denise M. Crimmins
Naval Underwater Warfare Center Division Newport

Denise M. Crimmins is a senior engineer and program manager at the Naval Undersea Warfare Center Division Newport. Her interests involve the transitioning of applicable research and technology to the civilian sector to advance scientific efforts that have a common theme. She is currently working with various state and federal agencies and academic institutes that are looking to upgrade their ocean technology infrastructure through collaboration. Crimmins is focusing her efforts on environmental monitoring and ocean exploration techniques using autonomous underwater vehicles. She has worked at NUWC for over 18 years with a background in weapons systems, torpedo systems and environmental management. Crimmins is a graduate of the University of Rhode Island with a Bachelor's Degree in Electrical Engineering and a Masters in Marine Affairs.



Roger Fleming
Conservation Law Foundation

Roger Fleming is a Senior Attorney with the Conservation Law Foundation (CLF) in CLF's Maine Advocacy Center. CLF is a regional not-for-profit organization that works to solve the environmental problems that threaten the people, natural resources, and communities of New England.

Fleming began working for CLF in 2001 and is a member of CLF's Marine, Natural Resources, and Maine Coastal Defense programs. His current areas of concentration include fisheries management, marine planning, marine habitat protection, aquaculture reform, coastal pollution, coastal sprawl, and public trust doctrine. Prior to joining CLF, he was an Honor's Attorney Fellow for the US EPA's New England Regional Office in Boston where his work focused on Water Quality and Endangered Species issues. Fleming also clerked for the US Department of Justice in its Environmental Enforcement Section and helped found the Indian Country Environmental Justice Clinic at Vermont Law School.

Fleming received his J.D. *cum laude* from Vermont Law School where he was part of Vermont Law School's Environmental Law Center.



Kristen M. Fletcher
Roger Williams University Marine Affairs Institute

Kristen M. Fletcher is the Director of the Marine Affairs Institute at Roger Williams University and Lecturer of Marine Law at the School of Law where she teaches Ocean and Coastal Law and Natural Resources Law and assists students enrolled in the J.D./Master of Marine Affairs Joint Degree Program with the University of Rhode Island. Prior to joining the Institute, Fletcher directed the Mississippi-Alabama Sea Grant Legal Program at the University of Mississippi where she advised researchers, agencies, and other Sea Grant constituents on ocean and coastal law issues. During her tenure, she was editor of the *Water Log* for five years and led the effort to create the National Sea Grant Law Center, serving as its first director in 2002.

Fletcher joined the Marine Affairs Institute in October 2003, expanding the efforts of the Institute to include legal research opportunities for students through the Sea Grant Legal Program in which information is provided to Sea Grant constituents such as state and federal agencies, policy makers, and coastal user groups in the New England region. Recent activities include serving as a fellow with the Environmental Leadership Program and leading a team of scholars which analyzed ocean and coastal laws for the U.S. Commission on Ocean Policy. She earned her B.A. in Political Science and Spanish from Auburn University, J.D. from the University of Notre Dame School of Law, and LL.M. in Environmental and Natural Resources Law from Lewis & Clark Law School.



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



Jamison Hawkins
National Ocean Service, NOAA

Jamison Hawkins was named Deputy Assistant Administrator for NOAA's Ocean Service in July, 2001. Hawkins began his 24 year career in NOAA as a satellite meteorologist, and held key management positions in NOAA's real-time satellite products programs. He was a co-developer of the NOAA Coast Watch program in 1988, which delivers satellite data to coastal decision makers. He served as special assistant to NOAA's Assistant Administrator for Satellite and Information Services, and to the NOAA Deputy Under Secretary where he helped develop the agency's first strategic plan.

During NOAA's decade-long weather modernization, Hawkins became the primary satellite-program liaison for product requirements and system development. In 1992 he received the NOAA Administrator's Award for leading the development of an innovative system to acquire, process, and distribute weather images from geostationary spacecraft for forecasters.

In the mid-1990s, Hawkins led the Planning, Requirements, and Integration team of NOAA's Satellite and Information Service. He organized interagency review of system requirements for oceanographic, meteorological, and climate remote sensing. Hawkins has served details in NOAA's Fisheries and Weather Services, and was appointed as co-chair of the White House Subcommittee on Natural Disaster Reduction in 2000. He joined NOAA's Weather Service as chief of Services Division in 1999, and later was named chief of the Programs and Science Planning.

Since joining the National Ocean Service, he has led efforts to integrate strategic agency activities in habitat restoration, marine protected areas, and maritime navigation and commerce.



Lawrence Juda
University of Rhode Island Department of Marine Affairs

Lawrence Juda earned his Ph.D. in Political Science/International Relations at Columbia University and he is a Professor of Marine Affairs at the University of Rhode Island where he teaches graduate courses in international ocean law and management, the role of international organizations in ocean management, and U.S. ocean policy. He has served as Chairman of the Department of Marine Affairs from 1980-1998 and 2002-present and is a member of the editorial board of the journal *Ocean Development and International Law*. In 1991 and 1999, Juda was a Visiting Professor of International Relations at the Graduate Institute of International Studies in Geneva, Switzerland.

Juda is the author of *INTERNATIONAL LAW AND OCEAN USE MANAGEMENT: THE EVOLUTION OF OCEAN GOVERNANCE* (London: Routledge, 1996) and more recent publications include "Dredging Navigational Channels in a Changing Scientific and Regulatory Environment" (*Journal of Maritime Law and Commerce*, 2004; Richard Burroughs, co-author), "Obstacles to Ecosystem-Based Management" (Intergovernmental Oceanographic Commission, Preconference Proceedings, Global Conference on Oceans, Coasts, and Islands, 2003), "Changing National Approaches to Ocean Governance: The United States, Canada, and Australia" (*Ocean Development and International Law*, 2003), and "Considerations in Efforts to Effectuate Regional Ocean Governance" (Workshop on Improving Regional Ocean Governance in the United States, 2002). His ongoing research focuses on efforts at the international and national levels to accommodate the need for integrated, ecosystem-based management of ocean/coastal areas.



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



John A. Knauss

**University of Rhode Island Graduate School of Oceanography
Commissioner, Stratton Commission**

John A. Knauss is an Emeritus Professor of Oceanography and Dean of the Graduate School of Oceanography at the University of Rhode Island. He served as a Member on the Stratton Commission, was the provost for marine affairs at the University of Rhode Island from 1969 – 1982 and founded the Graduate School of Oceanography at the University of Rhode Island, serving as its first dean in 1962. He left in 1987 to head the U.S. National Oceanic and Atmospheric Administration (NOAA).

One of the “founding fathers” of Sea Grant, Knauss has received numerous honors, appointments, and awards. In 1988, an act of Congress changed the Sea Grant Fellowship Program to the Dean John A. Knauss Fellowship Program. He is a fellow of the American Association for the Advancement of Science, the American Geophysical Union, and the Marine Technology Society. He has been President of the Association of Sea Grant Program Institutions, Chairman of the University-National Oceanographic Laboratory System (UNOLS), and a founder of the Law of the Sea Institute. More than a decade after his official retirement from URI, Knauss continues to serve the oceanographic community. His areas of research include ocean circulation, marine affairs, and U.S. marine policy. Knauss received a Ph.D. from the University of California, M.S. from the University of Michigan, and B.S. from the Massachusetts Institute of Technology.



Gerhard Kuska

Science and Technology Corporation

Gerhard Kuska currently serves as a Senior Scientist with Science and Technology Corporation, working with NOAA's Office of Program Planning and Integration to improve coordination and performance across the agency as it works to achieve its strategic goals. Prior to this, he worked as a Policy Associate for Governance with the U.S. Commission on Ocean Policy. As part of his responsibilities to the Commission, Kuska provided advice to the commissioners and staff on ocean governance issues, including national and regional coordination and the federal structure, and contributed to the drafting of the Commission's preliminary and final reports.

Before coming to the U.S. Commission on Ocean Policy, Kuska served in various maritime and ocean-related positions with congressional, international, academic and private sector organizations over the past twenty years. He has worked with U.S. Senators on both sides of the aisle, the United Nations, the University of Delaware, and several multi-national corporations in the cargo logistics and the chemical industries, dealing with a broad range of issues, including international freight forwarding and shipping, maritime transportation security, integrated coastal management, water and air quality, fisheries management, and national and global governance. Several of his postings in the private sector were in Germany.

Kuska is also completing his doctoral dissertation in marine policy at the University of Delaware, where he has been conducting research on U.S. federal interagency collaboration in the ocean policy arena.



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Sally McGee
Environmental Defense
Member, New England Fishery Management Council

Sally McGee is a Marine Conservation Advocate with Environmental Defense. Based in Mystic, CT, Sally McGee works throughout New England building coalitions with the commercial and recreational fishing industries, federal, state and local natural resource agencies, and other non-governmental organizations in support of sustainable marine fisheries. She is a member of the New England Fishery Management Council. Prior to joining Environmental Defense, Sally worked in the U.S. House of Representatives for the Chairman of the House Resources Subcommittee on Fisheries Conservation, Wildlife and Oceans. She also holds a 100-ton U.S. Coast Guard merchant mariner's license. She has an M.A. in Marine Affairs from the University of Rhode Island and a B.A. in Economics from Smith College.



Kathy Metcalf
Chamber of Shipping of America

Kathy Metcalf is the Director of Maritime Affairs for the Chamber of Shipping of America, a maritime trade association which represents a significant number of U.S. based companies that own, operate or charter oceangoing tankers, container ships, and other merchant vessels engaged in both the domestic and international trades. She has held this position since 1997 and in her capacity represents maritime interests before Congress, federal and state agencies and in international fora. Prior to coming to the Chamber of Shipping, Metcalf served in various positions in the energy industry including deck officer aboard large oceangoing tankers, marine safety and environmental director, corporate regulatory and compliance manager and state government affairs manager. Metcalf is a 1978 graduate of the U.S. Merchant Marine Academy (B.S. in Marine Transportation and Nautical Sciences) and a 1988 graduate of the Delaware Law School (J.D.).



Dennis W. Nixon
University of Rhode Island, College of the Environment and Life Sciences

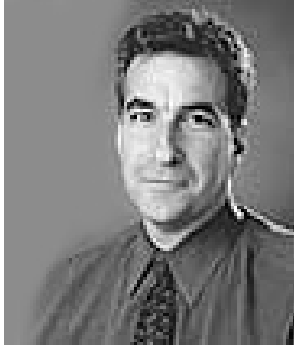
Dennis W. Nixon is a Professor of Marine Affairs and Associate Dean for Academic Affairs at the College of the Environment and Life Sciences, University of Rhode Island. He received his J.D. from the University of Cincinnati Law School.

He researches in the areas of admiralty law, with particular reference to research and fishing vessels; fisheries law and management; coastal zone law; marine pollution law; and marine insurance. Selected publications include "The Legal and Regulatory Environment of Fisheries Licensing in Rhode Island" (Rhode Island Bar Journal 2001), "Recent Developments in Oceanographic Research Vessel Law" (Proceedings: Ocean 2000, Marine Technology Society), and "The Legacy of the North Cape Spill: A New Legal Environment for the Tug and Barge Industry" (Ocean & Coastal Law Journal 1999). Sponsored Research includes Regulatory Issues in the Development of Smart Terminals through the URI Transportation Research Center and Risk Management, Marine Insurance, and Legal Support for the University National Oceanographic Laboratory System through the National Science Foundation.



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



Andrew A. Rosenberg
University of New Hampshire
Commissioner, U.S. Commission on Ocean Policy

Dr. Andrew A. Rosenberg is a Professor of Natural Resources Policy and Management in the Institute for the Study of Earth, Oceans, and Space at the University of New Hampshire and has served as a Commissioner on the U.S. Commission on Ocean Policy since 2001. Prior to April 2004, he was Dean of the College of Life Sciences and Agriculture at the University of New Hampshire. Prior to assuming the dean's position in June 2000, he was the Deputy Director of the National Marine Fisheries Service (NMFS) in the National Oceanic and Atmospheric Administration. He was also the Northeast Regional Administrator for NMFS for four years. He has served as the U.S. representative to international organizations including the Food and Agriculture Organization of the United Nations and the Northwest Atlantic Fisheries Organization. With his expertise in marine biology and living marine resource conservation, Rosenberg has earned recognition from such diverse organizations as the U.S. Coast Guard and the World Wildlife Fund.



Malcolm Williams
U.S. Commission on Ocean Policy

Malcolm Williams currently is the Associate Director for Stewardship for the U.S. Commission on Ocean Policy. In that capacity, he is responsible for coordinating staff input on Commission issues relating to living marine resource management and ocean and coastal pollution, and for providing advice in a variety of other areas including maritime commerce, vessel safety and security, and international issues.

He previously served with the Coast Guard for 30 years, most recently as head of the Coast Guard's Office of Maritime and International Law, where he developed and implemented policy and legal advice in support of all Coast Guard operations. He headed the U.S. delegation to the International Maritime Organization's Legal Committee, and was instrumental in developing new Coast Guard initiatives for the enforcement of environmental laws and protection of living marine resources.

During his career, Williams was assigned as a Captain of the Port, commanded a Marine Safety Office and Vessel Traffic System, headed the law teaching faculty at the Coast Guard Academy, served as a Federal On-Scene Coordinator for pollution prevention and response, and represented the Coast Guard at Western Pacific Regional Fishery Management Council meetings. He also served in a variety of other legal and operational assignments ashore and afloat. His experience includes marine environmental and natural resource protection, pollution prevention and response, maritime safety, port security, and enforcement of federal maritime laws and regulations.



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GENERAL INFORMATION

Badges

All registrants must present the official Marine Law Symposium badge to be admitted to the Symposium events. Lobster dinner tickets are behind our badge holder. Badges have been provided for guests and should be presented at Symposium events.

Food & Beverage

Symposium registration includes: admission to all symposium programs, opening reception on Thursday evening, luncheon on Friday, lobster dinner on Friday evening, and Saturday morning breakfast.

There is a separate fee for guests attending the lobster dinner.

Continuing Legal Education (CLE) Credit

The Rhode Island MCLE Commission has granted ten (10) credits by attending the Symposium. Please note rules differ in each jurisdiction.

Directions to Roger Williams University School of Law

After exiting the Newport Marriott parking lot, cross America's Cup Avenue straight through the traffic light onto Marlborough Street. Turn left onto Broadway. Follow Broadway - it turns into Route 114 North (West Main Road). Follow for 5-6 miles - until you reach a fork - stay left and continue on Route 114. At light, turn left onto Turnpike Avenue, (Route 114 North). At next light, turn left onto the Mount Hope Bridge. Roger Williams University is to your right at the base of the bridge. The main gates will be approximately 500 yards ahead on your right. Security will direct you to the reserved parking area.

No Smoking

Roger Williams University has a no smoking policy in effect within all buildings.

Telephones

There are three public telephones located in the School of Law; two located on the main floor next to the elevators and one on the lower level far side of the cafeteria near the mailboxes.



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ACKNOWLEDGMENTS

The Marine Law Symposium would like to acknowledge the generous support of the Rhode Island Sea Grant Program and University of Rhode Island Department of Marine Affairs and to those individuals who lent significant time and energy to the symposium through program planning, ideas, logistics and generally keeping the boat afloat!

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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

Thanks also to the following for significant effort toward the Special Sessions:

Southern New England Regional Coastal and Ocean Management Meeting

Virginia Lee

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Dennis Nixon, University of Rhode Island, College of the Environment and Life Sciences

Harry Scheiber, Boalt Hall School of Law, UC Berkeley



Following the Commissions: Analysis and Implementation of the Ocean Commission and Pew Commission Reports

Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004

MARINE AFFAIRS INSTITUTE

In partnership with Rhode Island Sea Grant and the University of Rhode Island Department of Marine Affairs, the Marine Affairs Institute provides analysis of legal issues affecting oceans and coasts, research opportunities for law students in ocean, coastal and maritime law, and outreach to practitioners and policy makers. Located on Narragansett Bay in "The Ocean State" of Rhode Island, the Institute is uniquely suited to address local matters such as coastal and marine pollution, shipping and maritime issues, and coastal zone management. Research conducted by the Institute provides analysis relevant to coastal partners as other regions and countries struggle to use and preserve their marine resources.

Research conducted by Institute students and faculty contributes to the increasing national dialogue on U.S. ocean policy. The Institute works closely with the Maritime Law Society, a student organization comprised of students with interests in admiralty, maritime, and marine law. Institute staff assists the Society in establishing an annual speakers' series bringing experts to the School of Law to share their perspectives on maritime law and are helping students to establish an Environmental Law Society.

Students interested in concentrating their law school education in marine law can avail themselves of elective course offerings in pollution and environmental regulation, coastal zone law, fisheries, traditional admiralty law and practice, and related international law courses. The School of Law, in conjunction with URI's Department of Marine Affairs, offers a joint degree program for students interested in extensive study of legal issues relating to the marine environment. The joint degree program allows students to complete the Juris Doctor and Master of Marine Affairs degrees by combining course work at the two institutions to reduce the overall time necessary for the two degrees. The program provides a wide variety of courses in law and policies regarding the environment and natural resources, coastal zone, maritime and admiralty issues, and related international topics.

Building on an existing partnership with the Rhode Island Sea Grant College Program, the School of Law recently created the Rhode Island Sea Grant Legal Program which supports professional and student legal research and analysis regarding marine resources. The Legal Program provides an excellent opportunity for law students to receive training in the identification and resolution of marine resource management and conservation issues. These efforts will build on the existing research of the Marine Affairs Institute and represent one of only four Sea Grant legal and policy efforts in the nation.

For more information, visit the Marine Affairs Institute website at:

<http://law.rwu.edu/Academics+and+Institutes/Marine+Affairs+Institute.htm>



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Roger Williams University Ralph R. Papitto School of Law • 5th Marine Law Symposium • September 9-11, 2004



ROGER WILLIAMS UNIVERSITY RALPH R. PAPITTO SCHOOL OF LAW BRISTOL, RHODE ISLAND

Founded in 1992, the Roger Williams University School of Law is a young, dynamic institution that has made its mark in the professional and educational legal communities in an unprecedented short period of time. The School of Law earned full accreditation approval from the American Bar Association by February 1997, the earliest possible time under ABA rules and procedures. Also in 1997 the University Board of Trustees voted to honor the Board Chairman whose vision led to the law school's creation. It was rededicated as the Roger Williams University Ralph R. Papitto School of Law.

With students from throughout the United States and other nations, the School of Law is rapidly building a diverse and multicultural community—a dynamic community of rigorous, spirited legal analysis and scholarly debate. Approximately 400 students from 23 states are currently enrolled, in both Day and Extended (Evening) Divisions. Essentially half (over 48 percent) of our students are women, and 11 percent are members of minority groups. Over the past three years, our students have come to us from an average of 103 different colleges and universities worldwide. The manageable size of the enrollment enables us to provide an optimal faculty-student ratio that, for the current academic year, has averaged approximately 17 to 1.