



**Sea Grant**  
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*Photograph courtesy of NOAA's Ark - Animals Collection, photographer Captain Budd Christman, NOAA Corps.*

# Editor's Note

The second issue of the Sea Grant Law and Policy Journal features five articles authored by law students from across the country. The Journal is proud to feature the work of these young professionals.

Brian Shrader summarizes federal and international regulation of marine diesel engines on ocean-going vessels, such as container ships, cruise ships, and tankers, before and after the U.S. ratification of MARPOL Annex VI. Annex VI came into force in the U.S. on January 8, 2009 following the passage of the Marine Pollution Prevention Act of 2008. EPA has regulated marine diesel engines for years, so implementation of Annex VI will not result in drastic regulatory changes. However, there will be some small changes and new opportunities for state governments that individuals involved with the shipping industry should be aware of.

Melanie King examines the failure of the international fisheries regime to protect traditional fishing communities from commercial fishing pressures. Enforcement of international treaties and regional management regimes is often quite limited and has led to widespread illegal, unregulated, unreported (IUU) fishing. King highlights several key problems with the international fishery framework and offers several possible solutions to protect traditional communities and fisheries worldwide.

Emily Brand analyzes a recent petition filed by the Center for Biological Diversity, Oceana, and Turtle Island Restoration Network asking the National Marine Fisheries Service to designate the Pacific leatherback's foraging waters in the Pacific Ocean as critical habitat under the Endangered Species Act (ESA). Brand asserts that although the critical habitat designation would provide the best overall protection for species, federal fisheries law may afford a more direct means to curtail the most serious threat to the Pacific leatherback, the incidental take of turtles by commercial fishing boats.

Austin Diamond examines whether the federal Fishery Management Councils (FMC) are unconstitutional. Under the Appointments Clause of the U.S. Constitution, Congress may only vest the appointment of inferior officers in the President, in the courts, or in department heads. Diamond argues that FMC members are inferior officers. Currently, approximately twenty-five percent of members are appointed by someone other than the President, the judiciary, or a federal department head.

Finally, Alicia Schaffner provides a detailed overview of the lengthy battle between the Natural Resources Defense Council and the U.S. Navy over the use of mid-frequency sonar in training exercises. The U.S. Supreme Court weighed in on the matter in November 2008 when it remanded the case to the lower courts on procedural grounds. The issues raised in this litigation are likely to reoccur as the Navy is planning training exercises in other areas.

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