

26th Annual International Submerged Lands Management Conference

Global Warming in the Great Lakes: Emerging Issues in Submerged Lands Management

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Abstract: Each of the eight states in the Great Lakes Basin has ownership and management authority for the bed of the lakes between the water line (the state's riparian property line) and the international boundary with Canada. Global climate change is projected to decrease the size and volume of the Great Lakes as evaporation exceeds precipitation. Rapidly changing shoreline wetland habitats and riparian zones are possible, as waterlines recede and marshes, islands or other lands and habitats emerge. Our research explores how the existing legal framework may apply to such conditions, and how it may need to be modified to adapt to changing conditions. We are examining a number of legal and policy issues affecting these lakebottom lands, including: Who will own the formerly submerged lands, according to legal rules such as the public trust doctrine and traditional property principles such as avulsion, accretion, and reliction? Will shoreline owners have a legal right to extend docks, dig channels, and build structures in order to preserve their access to retreating waters? As important habitat areas such as wetlands and fish spawning reefs and shoals shift or disappear, how can environmental managers and land use planners preserve ecosystem functions and values and maintain public access rights? Our presentation would provide an overview of the legal issues relating to submerged land management in this changing landscape, applying Lake Erie case studies as a platform for illustrating the legal principles described above.

Speaker Information: Barry Boyer, Professor, University at Buffalo Law School, Environmental Law and Policy Clinic. Barry Boyer specializes in Environmental Law and Administrative Regulation. He was Dean of the UB Law School from 1992 to 1998, and prior to that served two terms as Associate Dean and was Director of the Baldy Center for Law and Social Policy at UB Law School from 1978-1992. Professor Boyer's current research involves regional performance indicators for environment, economy, and government services, as well as work on an environmental legal history of Western New York. He is Co-Director of the State of the Region project sponsored by the UB Institute for Local Governance and Regional Growth, which received an award for "Outstanding Project in Public Education" from the New York Upstate Chapter of the American Planning Association in 2000. He is a founder and board member emeritus of the Buffalo Niagara Riverkeeper, and has served as President, Vice-President, and Secretary of that organization. He was named Conservationist of the Year 2001 by the Niagara Frontier Chapter of the Adirondack Mountain Club, and also received environmental awards from Great Lakes United (1996) and the Environmental Law Section of the New York State Bar Association (1991).

Speaker Information: Roberta Vallone, Clinical Instructor, University at Buffalo Law School, Environmental Law and Policy Clinic. Roberta Vallone has been the Director of the Environmental Law and Policy Clinic since 2004, overseeing projects that include the

Cattaraugus Creek watershed protection strategy, various hydropower reform matters for New York Rivers United, assistance to the Buffalo Niagara Riverkeeper in research for the Buffalo River Remedial Action Plan; and legal research on numerous Great Lakes issues such as aquatic nuisance species and global warming impacts with Great Lakes United. Ms. Vallone's professional experience includes several years in private practice at law firms in Buffalo and Albany, New York, working in all areas of environmental law. She currently serves on the Erie County Environmental Management Council and West Seneca Environmental Commission.