



New Orleans Chapter Newsletter

Society of Independent Professional Earth Scientists
February 2016

Kelly M. Haggar



Chairman's Column

Last month we had a very good turnout for Chris McLindon's talk about his "subsidence/sea level" project. Thirty-eight members and guests were in attendance.

This month, our guest speaker will be Kelly Haggar, with Riparian, Inc. in Baton Rouge, who will discuss "Geology, Law and Coastal Change". Kelly gave this talk to the Houston Geological Society last month, with excellent feedback.

We received an email recently from API Delta Chapter regarding the joint societies meeting, held in November at the Roosevelt Hotel. Apparently API is considering a move to August and possibly a different meeting place. If the change is made, we will have to decide how to handle it, since currently it is part of our regular meeting program.

Al Brown's membership application has been submitted and will be approved at the February board meeting. Welcome aboard Al!

Roy Walther reports a good dues response, but a few of you are still out. Check your records! In case you haven't heard, I was just told that the new Commissioner of Conservation will be Richard Ieyoub, who at one time was state Attorney General. I don't think he has any significant oil and gas background.

Louis E. Lemarié

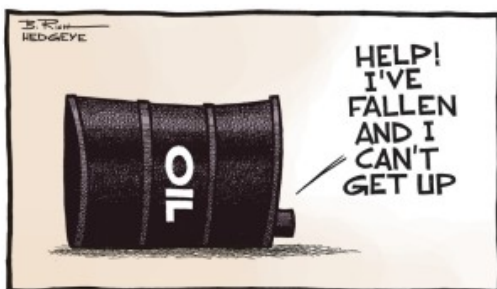
Geology, Law and Coastal Change

Tuesday, February 16th
Andrea's - Metairie

Registration & Networking - 11:30 AM
Lunch and Talk - Noon

Reservations and guests: Carol St. Germain - 504-267-3466

Kelly M. Haggar earned a Bachelor's degree in Political Science from Louisiana State University in 1973 and a commission in the USAF on scholarship in the Reserve Officer's Training Corps. While on active duty, he earned a Master's in Public Administration from the University of Oklahoma in 1987; his thesis was on the Legal Services Corp. He served in the USAF as a B-52 pilot and flight safety officer from 1974 to 1994. After retiring from the USAF, he joined Riparian, Inc., a small wetland services company in Slidell, La. Riparian had been founded by a 19 year veteran of the oil patch (Chevron and Greenhill; Master's Geology, Tulane 1978) who later earned a second MS in Biology (Ecological; Southeastern, 2000). Thus, he operated in a geology-enhanced company environment while helping to delineate and permit thousands of acres of wetlands in Texas, Louisiana, and Mississippi. In 2002, he was admitted to LSU law school, where he was selected for law review. His not-yet-published paper on a divorce problem resulted in a change in the law on the treatment of goodwill before graduation and admission to the bar in 2005. As a result, the interaction between wetlands, geology, and law combined with lessons learned in flight safety and aircraft engineering to produce this briefing series on coastal change and the legal effects flowing from it.



Geology, Law and Coastal Change

ABSTRACT

Coastal change is unlikely to require new law but properly dealing with its effects and planning our response to them will require more than just a good understanding of present law. Statutes rest on fundamental - - but often unstated - - societal assumptions favoring some outcomes and denying others. For example, Western societies presume land should remain in commerce and always be productive.

Virtually all of the major cases and controversies concerning water and/or coastal issues arising around the nation in recent years - - property damage and land loss during hurricanes due to exploration and production (E & P) canals, increased expenses to levee boards from a subset of those same E & P canals, diversions affecting oyster beds, beach front lot owners objecting to beach restoration projects, Anthropogenic Climate Change causing increasing hurricane damage - - were all resolved by applying existing law. Many of those laws are not just based upon Roman laws going back over 2000 years; some are almost word-for-word copies of them.

Unfortunately, much of the general public either does not understand the basic principles of land use and tort or perhaps simply wishes for different outcomes despite existing (and well-settled) laws. Worse, there does not seem to be sufficient appreciation of the underlying geological factors driving changes in and along our coasts, marshes, and swamps.

Law as an institution has never attempted to "control nature" per se but it most assuredly attempts to specify and control who gains and who loses - - and why - - when a river changes course, when new land forms at the beach, and when a dispute breaks out as to "Where is the beach?" and "Who owns it?"

A general overview of the major cases and an explanation of why they turned out as they did will better enable coastal planners to find - - and stay within - - more realistic limits of what can and cannot be accomplished within the framework of our existing laws. Moreover, if American society does determine a new direction in coastal programs is needed, a fuller understanding of current law will likely allow better choices to be consciously made. However, since law can only help illuminate the choices and assign the risks to various parties, ultimately geology - - not law - - is the key to future decisions about our coastlines.





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