Oysters on Acid—It’s a Bad Scene, Man

Lovers of good food know that an acidic twist of lemon can some zing to a plate of raw oysters. But what is good on the table is not so good in for oysters where they live according to a new report published in the journal Nature Climate Change. According to the report, authored by a number of academic and public interest scientists, the increasing acidification of our oceans bodes ill for shellfish like oysters, clams, and mussels. Those creatures are sensitive to changes in water chemistry and, unlike many other forms of sea life, can’t just swim to a better place. As a result, shellfish appear to be under growing strain in many places. Ocean acidification has been linked to several causes including global warming, nutrification (essentially the over-fertilization of the water), and increases in freshwater flows into coastal waters. Whatever the cause(s) the need to better understand what is happening and to manage for it has taken on a measure of urgency in New Orleans, a town with deep connections to oysters and oystering. The supply of oysters to the venerable P&J Oyster House dropped by 75%, threatening the seafood supplier’s business model and future.

Just Add Water—A Recipe for Confusion Where Land and Oil are at Stake

On a map—and on local tax rolls—it all looks so clear when it comes to who owns a plot of land. Land is land, water is water and who owns what seems fixed unless somebody makes a deal to buy or sell the land. But it is not that simple where land and water meet and when the lands are eroding or sinking or the when the seas are rising. When that happens, privately owned lands can become publicly owned water bottoms just by virtue of the land giving way to navigable waters. That is because, as a general rule, navigable waters and water bottoms belong to the state. That is not new, it has been that way under our legal traditions for centuries. But when the landscape is substantially altered by human activity and mineral rights get thrown into the mix, a body has to figure someone at some time will say “Hey, can they do that?” Well, figure no more, that time has come, at least in Louisiana. A suit* has been filed against the state of Louisiana alleging that, under the circumstances, the state can’t just claim ownership of the new water bottoms and the minerals that may be beneath them, at least without some due process and some compensation. (*Apologizes for the sideways pdf.) If
nothing else, the case should take the issue of land ownership off of cruise-control and get people thinking about the true consequences of coastal land loss and sea level rise.

Come One, Come All to the 20th Annual Tulane Environmental Summit on Law and Policy

Every year around this time the students in the Environmental and Energy Law Society at Tulane Law School put on a most remarkable event: The Annual Tulane Environmental Summit on Law and Policy. Don’t let the wonkish title fool you. This is a gathering for anybody interested in issues that are shaping environmental thinking in Louisiana and across the globe. Better yet, it is free. For you water mavens, we are delighted to report several sessions will have water related themes. If that is not enough, Ms. Pat Mulroy, a leader in the international water community, will be keynoting the 20th Annual Tulane Environmental Law Summit. As general manager of the Southern Nevada Water Authority for 25 years, Pat was responsible for acquiring, treating, and distributing water to two million Nevadans and 40 million annual visitors. Bring your family and friends. For our lawyer readers, continuing legal education credits are available for most sessions for at a modest charge.

The Report on Reports Says to Expect FEMA Flood Insurance Report in the Fall of 2015

A new report from the Government Accountability Office takes the pulse of the Federal Emergency Management Agency’s efforts to implement changes to the National Flood Insurance Program (NFIP) and finds the road to NFIP reform is a rocky one. FEMA has struggled to comply with congressionally mandated changes to the NFIP. Congress has been trying to make the NFIP more actuarially sound (via the Biggert-Waters Flood Insurance Reform Act of 2012) while also trying to prevent the largely inevitable consequences of such a set from landing too heavily on communities and property owners (e.g. via 2014’s Homeowner Flood Insurance Affordability Act (HFIAA)). FEMA is supposed to be developing improved flood risk map, more market based insurance rates, and better alternatives for mitigating flooding risk. GAO’s conclusion is that FEMA is making progress but still has a ways to go. That should not be surprising given both the complexity of implementing Biggert-Waters and HFIAA undoing parts of Biggert-Waters midstream.

Waves of Energy—First Wave Powered Energy Plant Goes on Line

When you flip a light switch at Australia’s largest naval base in Stirling, Australia, the electricity powering that light may be coming from an unusual source—the ocean. The new power station went online this week and produces enough electricity to power 1,500-2,000 homes. In reality, the power will be used to help power the naval base and a desalination plant. The $100 million project was financed with both private and public funds. Officials are touting the project as just the beginning, saying that wave power has the potential to supply more than twice the nation’s power needs. If true, this could be the start of something big.