TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
March 17, 2015

Work with Us! We are Now Accepting Applications for Senior Research Fellow Position

Ever wished YOU could edit TUWaterWays? Enjoy getting all wonky about water, and want to play an important role in shaping the future of water law and management in New Orleans, Louisiana, the Gulf Coast, the Mississippi River, and beyond? Well, if you’re a recent law school graduate (or soon to be one), we just might have the perfect gig to position you to be at the forefront of a growing area of law and policy. Check out our job posting, contact us if you have any questions, and submit your application by March 29th.

See you at the 5th Annual Water Challenge March 23rd

See cutting edge responses to Louisiana’s water issues next week at The Chicory. Water Day at New Orleans Entrepreneur Week has presentations from both entrepreneurs gunning for funding and important figures in New Orleans water discussing the present and future of water management in the city.

Ohio River Flood Waters Headed to a Lower Mississippi River Near You, but Then What?

Lots of rain and melting snow had led to the highest levels the Ohio River has seen since 1997. All that water, sediment, and, um, other stuff will be coming down the Mississippi River soon. The Corps of Engineers New Orleans District is getting ready and will limit work along the River as it reaches high water stage later this month. Of course, it was high water events like this one that spilled through crevasses to build South Louisiana. So what will this high water do Louisiana? Well, not much. It seems that this water and its sediment will shoot out of the Bird’s Foot into deep water like “usual.” Given that the future of the coast depends on using this water and sediment productively, it feels like we’re watching $100 bills go by in the gutter and right down the drain.

Plans for Two Water Towers in Uptown New Orleans Roll On – and It’s Time for You to Get Involved

Months ago, TUWaterWays reported on the twin water towers coming to the Carrollton neighborhood. Back then, there were complaints about the drabness of the planned towers and you, our dear readers, were encouraged to pass along to us ideas for what the towers should look like. Well, for some reason, FEMA (who is footing the bill for the towers) is not content to just let the TUWaterWays readership do all the work. Their historic preservation team is taking ideas –
even crazy ones, they say – for reducing the potentially jarring impact of the two new 200 foot towers. **Comments will be taken** (and then be read) up until March 25th. So, if, for some reason, you were hesitant to trust your spectacular idea to the TUWaterWays crew before, have no fear, and take your genius directly to those who will be designing what we reckon are reminders of humankind’s ability to store water.

**Lawsuits Against Oil and Gas Companies in Louisiana’s Coast Continue, more or less.**

The [high-profile suit](#) by The Southeast Louisiana Flood Protection Authority-East against more than 80 oil and gas companies may have been [dismissed](#) by US District Court Judge Nannette Brown on Friday the 13th (back in February), but that battle is not over. The Authority has voted to [appeal](#) the dismissal. Expect to hear or read arguments from both sides in coming months. Meanwhile, some less high-profile suits by Jefferson and Plaquemines Parishes have been [remanded](#) back to state court, where defendant oil and gas companies didn’t want them to be. More suits by the parishes are pending, and could soon join their siblings back in state court. Expect these to continue developing in coming months, as well.

**Ready, Set, G…, Ready. Baton Rouge Area Delays Consideration of New Fee to Fund Fight Against Saltwater Intrusion**

All systems were go for the Capital Area Ground Water Conservation Commission (CAGWCC) to [consider](#) imposing a $5 fee to fight saltwater intrusion into their wells. But upon convening this morning it was [decided](#) that any discussion of the possibility of charging high-volume users to help preserve the multilayered aquifer would be better left till next year. Even if they do decide to push for a fee increase, change won’t come without approval from the legislature. Stay tuned.

**Water, Water, Everywhere, Let’s Get on a Spaceship and Have a Drink!**

We are not alone. In having water. A year ago NASA announced that Mars has watery, well, icy remains of its former oceans. Now, however, it seems as though there may be water all over the solar system. This week scientists announced evidence of water on Jupiter’s moon Ganymede and Saturn’s moon Enceladus. In fact, our system may have water in as many as twenty-three places. As much fun as a joke about Ganymede using prior appropriation and Enceladus using riparianism would be, it is conceivable that this century will see international/interplanetary water law developed from scratch. Pretty cool stuff if you’re a water law jock. Almost as cool as the ice on Ceres!

**Water Conflict Coming to Siberia. Yes, Siberia**

The world’s largest freshwater lake, Lake Baikal, is in trouble. It’s lower than it’s been in more than 30 years. Hydropower plants fed by the lake’s outlet need to keep the electricity on for the region. Fishermen on the lake need to have access to fish, and communities on the shore need their potable water source, but global warming is expected to mess with usual weather patterns that bring the precipitation to fill the lake’s tributaries. Conflict between the regions that depend on the lake (Irkutsk and Buryatia) is expected to increase. Oh, and the lake itself is filling with an [invasive algae](#), spirogyra, that feeds on biological waste, washes up on shore, and rots in the sun. The jokes about jazz fusion just write themselves.

**Waters of the United States and the Supreme Court of the United States: a Clarification.**

The last TUWaterWays reported on various Clean Water Act rulemakings and related, various Supreme Court proceedings. We know it is a confusing matter, but fear that we may have added to the confusion last week. The interpretive rule that the Corps of Engineers and EPA [withdrew](#) was different from the ongoing rulemaking that is intended to clarify the term “waters of the United States.” That rulemaking is not an interpretive rule, but a legislative rule. It was unaffected by last week’s [Perez](#) decision.