Deepwater Horizon Oil Spill Spending: the Good, the Bad, and the Ugly

The 2010 oil spill released an unprecedented amount of oil into the waters of the Gulf of Mexico. Through our legal system, an unprecedented amount of money will be spent by, or on behalf of, the affected Gulf States to remedy their damages. It was only a matter of time, then, that some of this money might be spent on questionable projects, inciting public outrage and lawsuits. Well, wait no longer. The lucky project is a combined conference center and lodge in Alabama’s Gulf State Park. Proposed by the State of Alabama for consideration for early Natural Resource Damages Assessment (NRDA) funding, the $58.8 million project was approved by the NRDA Trustees, which include the Departments of the Interior, Agriculture, and Commerce and the Environmental Protection Agency. The Gulf Restoration Network filed suit against the federal agencies, claiming that their approval of the project violates the Oil Pollution Act, which sets the parameters for NRDA spending, and the National Environmental Policy Act, which requires the federal decision-makers consider alternative projects as well as the impact of the projects’ cumulative and connected actions. The crux of the argument is that the nice views from the complex’s windows don’t actually restore the damaged resource, which is required under NRDA.

Alabama possibly took its cue from Mississippi and its use of a $15 million BP handout to help build a stadium to lure a minor league baseball team to Biloxi. What’s the difference, you say? While public information on Mississippi’s use of BP funding on the ballpark is hard to come by, it did not come from early NRDA funding. Therefore, the spending requirements are not the same.

Now for the good. Louisiana is sticking with its comprehensive approach to ecosystem restoration, as evidenced in the state’s recent RESTORE Act Planning document (which includes early NRDA projects as well). For example, the early NRDA funding will be spent on marsh creation, barrier islands, and fisheries enhancement. It helps that Louisiana was already in the process of developing a priority list of projects to restore and protect its coast when the oil spill occurred, but it’s always encouraging to see follow-through on such plans.

Water in Sao Paulo Gives Two Week Notice

We have been covering the severe drought in and around
Sao Paulo, Brazil as it has developed over the last nine months. Well, unfortunately, the city’s worst drought in over 80 years has only gotten worse. Rainfall is 40% below normal, and reservoirs have dropped to about 3-5% of capacity. The city is now projected to be without water in two weeks. Yes, the mega-city of 20 million people could be without water by mid-November if the rainy season doesn’t start to come through or if emergency measures aren’t taken. Astonishingly (perhaps politically motivated due to the[1]tight presidential election that just culminated on Sunday), the city itself is not under a comprehensive water rationing regime. Conditions in favelas on the city’s outskirts, however, are dire and creating a public health crisis.

Texas May Shake It Up with New Regulations on Frack Wastewater Disposal Wells

Citing the significant uptick in seismic activity near wastewater injection wells, the Texas Railroad Commission will soon be voting whether to impose new requirements on new wells and on reporting seismic activity. After accepting public comment, the Commission modified its proposed amendments; however, it neither limited the scope of the regulations nor significantly strengthened them. As they stand, the rules would require operators of injection wells to check with the U.S. Geological Survey about the history of seismic activity in the area before siting a well. Additionally, the Commission would have the authority to modify, suspend, or revoke a permit if the well is suspected of causing an earthquake. Combined with the possible fracking ban in Denton, TX, we’re not sure what to make of the historically anti-regulation Lone Star State these days.

A Man, a Plan, a Canal: Nicaragua?

Palindromes aside, a plan to cut a canal across Nicaragua is raising eyebrows and boiling the blood of communities in and near the canal’s projected path. The 175-mile shipping canal would link the Pacific Ocean with the Caribbean and would dissect Central America’s biggest lake, Lake Nicaragua, which is the country’s main water source. It would be the world’s largest engineering project, outsizing the Panama Canal, and it was approved by the parliament in all of seven days. No public outreach, no environmental assessment, and little parliamentary debate. President Daniel Ortega orchestrated the deal that hands over a 100-year concession to a newly created corporation run by Hong Kong telecommunications billionaire Wang Jing. Exempted from taxes and the Nicaraguan legal system, Wang Jing will have the authority to appropriate land not just for the canal but also for adjacent ports, hotels, free trade zones, and an airport, all with little compensation and no appellate process for the current landowners. Still, roughly half of the Nicaraguan population supports the canal as a means to bring the second poorest nation in the Western Hemisphere out of poverty. With the government saying that work will begin this December, local community leaders are calling for violent resistance from the more than 100,000 people that will be displaced. With Ortega’s legacy now tied to the canal, a change of plans does not seem likely before the next presidential election in late 2016.

Southeast States Looking for Funding of Water Protection and Conservation Measures

In response to the Elk River chemical spill earlier this year, West Virginia passed legislation requiring public water utilities to complete source protection plans by July 1, 2016. Unfortunately for those utilities that need to come up with the plan, little funding accompanied the marching orders. As the utilities are starting to put together budgets, estimates for each plan are ballparked in the $60,000-80,000 range. Some are looking for an extension while others are considering rate increases to pay for the plan. As chairman of the commission overseeing the new law’s implementation Jimmy Gianato put it, ”It appears, as in everything else, it all comes down to one thing: the dollar.”

Florida might be ready to take this truism to heart with respect to its own water resources. On next Tuesday’s ballot, Florida voters will decide whether to amend their state constitution, creating a guaranteed funding source for environmental conservation. Siphoning 33% of an existing “excise” tax on real estate transactions into a Land Acquisition Trust Fund, the constitutional amendment would provide revenue for financing the “acquisition and improvement of land, water areas, and related property and resources for conservation.” The advocacy group behind the amendment estimates roughly $10 billion would go into the Trust Fund over the next 20 years. While a similar amendment failed to muster the 60% voter approval, advocates think the lack of funding for conservation programs in the state budget in recent years might push voters enough to pass the ballot initiative.