

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[June 25, 2021](#)

## Let's All Sing a [Rain Song](#)

...or just get to work on better water and land management. We'll spare you readers from another High and Dry rendition, but [no surprises](#) here – we've got another drought story. Last week, the United Nations released a [special report](#) on worldwide drought, saying that it could become "the next pandemic." We know what you're probably thinking - "but we're still finishing up our last pandemic!" Well, [get ready](#), because without better water and land management, the [megadrought](#) currently happening in the [western U.S.](#) could become the [new \[ab\]normal](#) for much of the world.

Drought has impacted about 1.5 billion people and that number is on track to continue growing as climate change causes more severe weather impacts in a [variety of ways](#). While the effects disproportionately harm developing areas in the hottest parts of the world, the western U.S., Australia, and southern Europe have seen the effects firsthand in recent years as well. As the [report highlights](#), that will likely continue and by the end of the century, the majority of countries worldwide will experience drought in some capacity. And drought can impact all areas of modern life, not just food security and agriculture (although, let's be honest, that's important enough to take it seriously). This just makes work to better manage water resources and to curb climate change all the more important as droughts get worse and worse. And while those of us in the New Orleans area have been [deluged](#) in recent weeks, if these trends continue in years to come, even we may be [only happy when it rains](#).

## [River Run](#)

An answer to the [hot topic](#) of debate in New Mexico over whether the public has the right to fish and swim in rivers, streams, and other waterways that run through private property areas has been delayed a bit longer by the state Game Commission. The Game Commission Chairwoman delayed the decision because of a potential conflict of interest regarding her daughter being offered a job at the firm that represents the private landowners in the case. This postponement would allow time for a full review by the attorney general's (AG) office and the issue would be taken up again once cleared in August. Skeptics, like the landowners' attorney, believe that this is a delay tactic harmful to those landowners, but the Chairwoman dismissed that allegation, stating that she simply believes transparency is important and the AG review is necessary because of the circumstances.

A petition by anglers, rafters, and conservationists on the issue is also pending in front of the New Mexico Supreme Court, and many of them hope that with this delay the court may resolve the issue

The **Tulane Institute on Water Resources Law and Policy** is a program of the Tulane University Law School.

The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and legal stewardship of water.

### Coming up:

[World Commission on Environmental Law: Environmental Law and Biodiversity](#); June 25

[EII: TSCA Reform – Five Years Later](#); June 30

[WHOI: Understanding Human Origins, from the Bottom of the Sea](#); July 2

[Wetland Education Teacher Workshop](#); LDWF Grand Isle Research Lab; July 11-16

[National Marine Educators Conference](#); July 13-17

[EPA Small Drinking Water Systems: Drinking Water Microbes 201](#); July 27

### Water jobs:

[Senior Attorney, Fossil Fuels Program](#); Earthjustice; New Orleans or Texas

[Staff or Associate Attorney \(2 positions\)](#); Sierra Club; Oakland, Denver, or Washington DC

[Environmental Policy Specialist or Environmental Attorney](#); Miami Waterkeeper; Miami, FL

[Water Policy Manager](#); Conservancy of Southwest Florida; Naples, FL

[Law Clerk](#); San Francisco Baykeeper; San Francisco, CA

[Guidance and Regulation Program Coordinator – Water](#); Virginia DEQ; Richmond, VA

[Senior Policy Advisor, Natural Climate Solutions](#); The Nature Conservancy; Arlington, VA

[Blue Bonds Strategy Advisor](#); The Nature Conservancy; location flexible

[Water Policy Advisor](#); Tuvli; Washington, DC

[Senior Manager, Environmental Policy \(EMEA\)](#); Amazon; Brussels, Belgium

[Program Officer – Plastics Initiative](#); The Ocean Foundation; Washington, DC

[Strategic Program Director – Water, Climate Change, and Resilience](#); International Water Management Institute; Colombo, Sri Lanka or other regional office

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before the Game Commission returns to it in August. A similar lawsuit is ongoing in Colorado, where anglers are fighting for use of riverbeds of waterways that cross private land. While the law on the issue varies across the West, some other courts in Montana and Utah over the years have granted more rights to use of those waterways, especially for those [floating on](#) the water and not [walking on](#) the bottom riverbeds. We'll just have to wait and see if the court or the Game Commission in New Mexico gets to the issue first.

### **Ordinary Average Bay?**

Not quite – but the Chesapeake Bay did get an “average” grade on [its latest report card](#). The University of Maryland Center for Environmental Science gave the health of the Bay a C grade, up from its 2019 C- grade, indicating that the Bay is very slowly improving. And the entirety of the Watershed, which includes rivers and basins that connect to the Bay, got a B- for 2020! [Not great](#), but also not [the worst](#). However, it's important to keep in mind that there was a gap in monitoring from March-May and pollution was down last year due to the pandemic, which could be one of the reasons the Bay's health appeared to improve. The grade takes into consideration various indicators of watershed health, including stewardship, protected lands, walkability, and heat vulnerability. However, other reports may show a [different trend](#); for example, the Chesapeake Bay Foundation's (CBF) biannual report released earlier this year actually shows that water quality in the Bay has decreased since the last report (2018). Both that 2018 report and 2020 report gave the Bay a D+ grade. The difference in grades may be because each group uses different water quality indicators to evaluate the overall health of the Bay – or perhaps the University of Maryland is just a [laxer grader](#) than the CBF.

### **The First of Many Meetings**

The Louisiana Legislature is hoping to make community water infrastructure [dreams](#) come true. The recently-passed [House Bill 642](#) lays out the state's new Water Sector Program, [complete with](#) Water Sector Commission. (Water slides probably don't fall under the water infrastructure parameters, unfortunately). The Program would grant money from the Louisiana Rescue Plan Fund to various necessary water infrastructure repairs and improvements. It will be overseen by the corresponding Water Sector Commission, completely made up of legislators, and administered by the state's division of administration, office of facility planning and control, and the office of community development, in consultation with the Louisiana Department of Health and Louisiana Department of Environmental Quality. There will also be a working panel that makes initial determinations on applicants, made up of employees of some of those agencies - the office of facility planning and control and the office of community development, within the division of administration, the office of public health within the Louisiana Department of Health, and the Department of Environmental Quality. Sounds like it could get messy with those levels of bureaucracy, but we'll just have to read through the guidance that the Commission was set to lay out in [its first meeting this week](#) to see if [sweet dreams really are made of this](#).