

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
August 20, 2013

## And in this Corner: Florida to Square off Against Georgia Over River Flows

After 20 plus years of wrangling over rivers and reservoirs, Florida is taking its fight for water from Georgia to the Supreme Court. Florida Governor Scott [announced](#) that the state is seeking an “equitable” allocation of the River flows into the Apalachicola River. The suit pits the growing demands of Georgia including expanding demands of Atlanta against the Florida’s needs for river flows to sustain its fishing and tourism economies in Apalachicola Bay. The fisheries in that bay were recently declared a natural disaster. One way or another it looks like this long-simmering dispute is reaching a boil.

## Kansas Revisits Taking Water from the Big Mo to Stem Aquifer Decline

In 1982 the Army Corps of Engineers studied the costs of sending “excess” Missouri River water to southwest Kansas. At the time the then \$3.6 billion idea went nowhere. Faced with declines in the Ogallala Aquifer, The Kansas Water Authority has [requested](#) \$300,000 (half from the Army Corps) to revisit that idea. Whether it will be any more feasible this time or if there is actually any excess water in the river (keep in mind the needs of a disappearing Mississippi River delta) remains to be seen.

## IPCC Climate Draft—Its Bad and We are The Reason, But You Did Not Hear That Yet

The Intergovernmental Panel on Climate Change is readying its fifth Assessment Report for the United Nations’ climate report. The [findings](#) were “leaked” over the weekend and the results are in (albeit in a draft sort of way). According to the still draft report, human activity has triggered the global warming of the past few decades and sea level rise could be more than three feet by the end of the century. Another problem will continue to trouble governments and businesses while providing fodder for climate-change deniers; global climate shifts can be predicted, but local effects cannot. An IPCC spokesman asked that conclusions not be drawn from the leaked draft since it is still subject to change, but as the IPCC does no research of its own and bases its assessment on published scientific literature, and that literature won’t likely be changing between now and the official report release date, no one should be surprised if the report’s findings remain the same.

## The New Orleans Levee System Fully Online for Height of Hurricane Season

The new levee system is in place and should provide [protection](#) to the areas inside the levees such that even a 500 year storm will cause little [flooding](#) behind the walls. Areas outside of the levee system – including the North Shore, the River Parishes, and parts of

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 stewardship of water.

## Coming up:

[August 28, 2013](#)  
[Restore Act Council Meeting](#)  
New Orleans, LA

[September 23-26, 2013](#)  
U.S. Water Alliance  
[One Water Leadership Summit](#)  
Los Angeles, LA

[October 24-26 2013](#)  
Lake Pontchartrain Basin Foundation  
Basics of the Basin 2013  
New Orleans, LA

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Jefferson & Plaquemines Parishes – are still hoping for expanded levee protection in the future – protection that would not only improve chances against a hurricane, but also against hikes in flood insurance. Operations and maintenance for the system on the East Bank of the Mississippi River will soon fall to the Southeast Louisiana Flood Protection Authority – East—the same group that is suing the oil and gas industry for wetlands damages that have it says have increased the costs of protecting the metro area. It's also the same group that is now facing a leadership \_ as part of Governor Jindal administration's response to the suit. Regardless of who sits on that Authority it can expect the challenge of funding the operations and maintenance of the flood protection system to be a big one with real consequences (such as higher insurance rates) if the system is not maintained to the 1-in-100 year flood event standard.

### **The Shoe Drops on Lake Powell—Bureau of Reclamation Foresees Lower Colorado Flows and Lower Reservoir Discharges**

Just because it was expected doesn't mean it is not news. In its latest rolling 24 monthly projection of Colorado River reservoir operations, the [Bureau of Reclamation forecasts](#) that the Lake Powell reservoir will only be able to discharge 7.48 million acre-feet of water in 2014, the lowest amount since the Lake was filled in the 1960s. Since Lake Powell feeds Lake Mead (behind Hoover Dam), that lake is projected decline an additional 8 feet in 2014. While there is probably enough in the Lake Mead to allow to allow it users (Nevada, Arizona, California, Mexico, and Indian tribes) their customary withdrawals in 2014, the prospect of withdrawal limitations in the future are looming larger. The area is an historic 14 year drought and climate change predictions (see the previous story) offer little hope for relief. Southern Nevada Water Authority General Manager, [Pat Mulroy](#), sees tough times ahead not only from the chronic drought but from the game changing possibilities of climate change that “keeps me up at night”.

### **Hurricane Sandy Task Force Report Calls for Strategic Infrastructure Investment and Planning of Changing Climate**

The Hurricane Sandy Rebuilding Task Force issued a [report](#) this week making 69 recommendations for rebuilding in areas hit by the storm last year. Foremost among those recommendations is to rebuild in a manner that plans for climate change and sea level rise. Unfortunately, FEMA's flood maps, the National Flood Insurance Program, and challenges to the Biggert-Waters Act make doing that currently a dicey proposition. Although the report recognizes this difficulty, it does not have any recommendations for this particular conundrum. The report also places substantial focus on green infrastructure and improved electricity distribution strategies that would not “rebuild” the region, but strengthen it in the face of a changing climate.

### **Did Aussie Rains Lower Ocean Levels?—New Report Says Yes**

So, with all of the growing consensus that climates are warming, seas are rising, and we need to plan for that how did sea levels manage to fall in 2010-2011? That unexpected development sent scientists scurrying to find reasons, and no come [reports](#) that we may have one. New research about to be published in the journal [Geophysical Research Letters](#) (gift subscriptions probably available) from the National Center from Atmospheric Research concludes that unusually heavy rains in Australia in a land locked basin could account for the anomaly. More recent years have apparently shown sea level rise rates rebounding to even higher levels than before.