



TUWaterWays

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

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This Thanksgiving, Feed Your Guests' Hunger for Knowledge

Whether their tastes run local, national, or worldwide, there's a plate of information to satisfy any guest. First up, Louisiana released the [Draft Priority Climate Action Plan](#) on Wednesday! This iteration builds off of the priorities and initiatives from the [2022 plan](#) as part of EPA's ongoing [Climate Pollution Reduction Grant](#) program. It highlights plans for offshore wind development in state waters, solar, industrial decarbonization, transit, and coastal restoration, just to name a few. Public comments are due on November 30, so if you need an excuse to get out of the annual [Turkey Trot 5k](#) that your family members guilted you into running, just tell your loved ones that your civic duty is calling. Which reminds us, TUWaterWays will be taking next week off for [Thanksgiving](#).

If you're looking for a something bigger, the [Fifth National Climate Assessment](#) also came out this week. This congressionally mandated report analyzes climate risks by topic and geographic region. A [big focus of the report looked at future water challenges](#) across the country, whether they be drought, sea level, or inland flooding. It's latest edition since 2018, which the [released on Black Friday, for some reason](#). Along with the release of the Assessment, [President Biden announced an additional \\$6 billion](#) in funding to update water infrastructure and bolster the electric grid.

Last, but certainly not least in the rotation, is [UNICEF's newest report, The Climate-Changed Child](#), highlighting risk indicators and vulnerability among children by geographic region. It found that one in three children live in severely water-scarce areas. For North African, Middle Eastern, and South Asian regions, that that number is even higher. Even in North America, researchers estimate 16% of children are exposed to water scarcity. With [COP28 just around the corner](#), this report comes at a critical time in the international arena. Developing countries have been putting more pressure on wealthier countries that contribute more to GHG emissions. Officials announced that the [European Union would be making a big financial contribution to an international climate fund](#) to assist countries in their mitigation and adaptation efforts. U.S. officials have also indicated willingness to contribute, but given that we can barely keep our own government funded, it seems unlikely that an international climate spending measure would pass through the current Congress.

We can't seem to get a break from deflating thoughts even during [Thanksgiving](#)

Just when you thought the Mid-Barataria Sediment Diversion saga couldn't get more [thrilling](#), there's a new legal challenge! [The lawsuit, brought by Plaquemines Parish](#), alleges that the diversion will increase flood risk in parts of the community and could potentially jeopardize the community's eligibility to participate in FEMA's National Flood Insurance Program. Though the project is meant to build land to reduce impacts of storm surge and sea level rise, the parish is pointing on impacts to [base flood elevation levels](#). The parish's chief building official and floodplain manager, who implements FEMA floodplain standards, claim they never received calculations and models that are necessary to determine whether the project's construction and operation would raise base flood levels by over a foot. This comes [immediately after oystermen sent a notice of violation regarding Mid-Barataria](#), indicating a separate potential legal [challenge](#). You'll have to stay tuned on these.

The tensions among fisheries, rising insurance costs, and government intervention at the heart of the Mid-Barataria disputes are a microcosm of much larger, tougher questions facing South Louisianans. For the folks of Plaquemines Parish—particularly those in the southernmost portion—water issues compounded by climate change pose a fundamental challenge to the future of communities. The parish is seeing some of the highest flood insurance premium increases across the country (which is also [making its way through the courts](#)). Across the river from the Mid-Barataria project, in [Pointe a la Hache, where flood insurance rates are expected to rise by over 1,000%](#), residents live in homes that sit twenty feet above ground. Intensifying hurricanes and population decline have left little economic opportunity for those in the area. Moreover, continued sea levels rise and drought conditions in the Mississippi Valley have put basic necessities out of reach. Those living [south of the sill constructed by the Army Corps are still dealing with saltwater intrusion](#), threatening the daily lives of residents and the livelihood of small businesses. Currently, there are no permanent plans to update drinking water intakes to deal with future low river and saltwater intrusion. Some fear this could be the final straw for folks after decades of storms, river breaks, oil spills ([and not even the oil spills you're thinking of](#)), and other climate conditions. As [liquefied natural gas](#) and other industries grow in the parish and locals are priced out, who will get to call it home?

How Low Can You Go? All the Way to the Core?

[Scientists have discovered that surface water can reach the outer layer of the Earth's core](#). The chemical interaction between water and core-mantle boundary led to the formation of the [E prime layer](#), comprising of silica. While this might not impact daily affairs up here on the Earth's surface, the study's findings demonstrate that our water cycle is more extensive than previously thought. It still hurts knowing the core is being stingy with all that water, especially as drought [troubles](#) even water-rich regions, like the Southeastern US. Water restrictions are in place for roughly [ten million residents across North and South Carolina](#). [Alabama declared a state of emergency](#) over drought conditions. And [you oughta know](#) already about the [conditions along the Mississippi River](#). New challenges require new management practices and government oversight, which is a big task for state and local governments that have not comprehensively planned for such prolonged water shortages. However, Iowa just implemented its [first drought emergency plan](#)! [Cheers](#) to our friends upriver. If all else fails, perhaps we will look inward to all the water beneath the earth's surface. But it's anyone's guess what legal doctrine would govern those water rights anyway. Presumably there's already a Texan wanting to apply [rule of capture](#).

Coming Up:

[Gulf Hypoxia Task Force Meeting](#); Fayetteville, AR; December 6, 2023

Tulane Environmental Law Summit; New Orleans, LA; February 23 & 24, 2024 (save the date!)

Water jobs:

[Associate, Programs](#); Restore America's Estuaries; Remote (US)

[Senior Policy Manager, Water](#); National Audubon Society; Sacramento, CA

[Law Fellow \(2024 – 2026\)](#); Environmental Law Institute; Washington, DC

[Water Policy and Science Communications Graduate Student Research Fellowship](#); University of Wisconsin-Milwaukee; Milwaukee, WI



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.

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