

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
January 28, 2012

## ***Georgia (Litigation) on My Mind***

Salt water continues to seep into wells in two South Carolina counties spurring a dispute with its neighboring state, Georgia. The [issue at hand](#) is the amount of water being pumped from the Upper Floridan Aquifer that supplies both the Savannah area and South Carolina counties with fresh drinking water. If Georgia does not agree to decrease the amount of water it pumps from the aquifer, the dispute will head to court.

## ***Adjusting for “Resiliency”: Corps’ Minor Changes to Chalmette Levee Now Open for Public Review and Comment***

The second safety requirement for Corps projects is “resiliency,” which measures the levee and wall’s ability to withstand storm surges from a 500-year storm. The Army Corps is [proposing three projects](#) to the Chalmette Loop hurricane levee to increase the area’s resiliency. The projects include a 15-foot-wide road for maintenance vehicles, a swing gate across Bayou Bienvenue to give crews access to a six-mile stretch of the levee between Bayou Bienvenue and Bayou Dupre, and increasing the height of a portion of the floodwall and levee to 26 feet above sea level. The estimated cost is between \$5 million and \$15 million. The public has until Feb 15<sup>th</sup> to review and comment.

## ***Wetland Buffers Not Required? Not in Georgia***

A Georgia Administrative Law Judge [ruled](#) that State regulators will have to enforce a 25 foot vegetative buffer for most waterways in Georgia. At the crux of the matter is the elusive definition of waterway; although Georgia law defines what is protected, the wording has allowed the state’s environmental protection department to enforce less stringent standards for wetland buffers. Not anymore. Because the buffer requirement will have a ripple-effect on wetlands across the state and particularly the Georgia coast, it will likely be appealed to Georgia’s Superior Court.

## ***Coastal Louisiana: What’s it Worth to You?***

Scott Madere from the Coalition to Restore Coastal Louisiana provides an [excellent summary](#) of the many values provided by coastal Louisiana. From clean water, to economic incentives, to basic storm protection, Louisianans are beginning to see firsthand the need for protecting our coast. Madere urges Louisianans to become familiar with the many benefits the coast provides, both locally and nationally, and to spread the word. The next step is placing a national priority on Louisiana coastal restoration. Louisiana citizens must continue to make the case on Capitol Hill and Baton Rouge and to advocate for better protection and coastal restoration.

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:**

[February 22-23, 2013](#)  
18<sup>th</sup> Annual Tulane Environmental Summit  
New Orleans, LA

[February 27-28, 2013](#)  
America’s Wetland Foundation  
“Big River Moves”  
Chicago, IL

[March 1, 2013](#)  
Great Lakes Natural Resource Governance  
Robert H. McKinney School of Law  
Indiana University  
Indianapolis, IN

[May 10, 2013](#)  
Coalition to Restore Coastal Louisiana’s  
Coastal Stewardship Award Banquet  
Baton Rouge, LA

[June 6-7, 2013](#)  
American Bar Association’s  
31<sup>st</sup> Annual Water Law Conference  
Las Vegas, NV

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## ***Adjustments to Hurricane Sandy Relief Leaves Some Isaac Victims Wanting***

The Hurricane Sandy Appropriations Supplement is coming closer to becoming law now that it is on the Senate floor awaiting review. A point of controversy from the beginning, the bill underwent recent changes by the House Republicans, who [stripped it of provisions](#) that could have provided relief for Louisiana communities impacted by Hurricane Isaac. Some of the provisions stripped include \$150 million in assistance to local fisheries and fisheries affected by disasters in Alaska. Funding for community development block grants was modified so that Isaac projects would find it harder to receive funding. However, not everyone is grumbling at these new changes. Senator Mary L. Landrieu [applauds the Sandy bill](#), stating Louisiana stands to benefit from the increased funding to FEMA's Disaster Relief Fund, the Corps of Engineers, and USDA programs. Other advantages include reforms to federal policies on disaster recovery, including streamlining the FEMA Public Assistance procedures and drawing down up to 25 percent of hazard mitigation funding from Hurricane Isaac to expedite mitigation planning and project formulation. Senate Majority Leader Harry Reid (D-Nev.) was [quoted](#) on Tuesday for saying the Senate could move quickly to pass the bill. The Senate is scheduled to vote [today](#).

## ***Coastal Erosion? There's an App for That***

Sandra Maina, a student at the Florida International University, the National Center for Atmospheric Research and the South Louisiana Wetlands Discovery Center are in the process of developing a web app to track coastal erosion. "Vanishing Points" will serve as a portal for community members to document memories and photos of places disappearing due to coastal erosion. Click [here](#) to learn more about the project.

## ***CWPPRA Task Force Approves Wetland Restoration Projects***

The Coastal Wetlands, Planning, Protection and Restoration Act Task Force [approved construction](#) of a \$26 million project to restore wetlands at the mouth of Bayou Bonfouca on the Lake Pontchartrain shoreline in St. Tammany Parish, and a \$32 million project to rebuild more than 500 acres of wetlands near Lost Lake in Terrebonne Parish. It also approved \$12.4 million for initial design work on four new restoration projects. The 2 year-old CWPPRA Task Force includes representatives of the Army Corps of Engineers, Environmental Protection Agency, Departments of Agriculture, Commerce and Interior, and the state of Louisiana.

## ***Possible Land Project in Barataria Basin***

Construction on a 13-mile pipeline that will deliver Mississippi River sediment into the Barataria Basin [to create coastal land](#) could start later this year. The project removes sand from the river and puts it where it's needed, whereby mimicking the natural process of Mother Nature. When all is said and done, Bayou Dupont will create 196 acres of marsh and nourish 93 acres of existing marsh. The Long Distance Sediment Pipeline project area will create 415 acres of marsh.

## ***WRDA on Track, But Final Destination is Still Unknown***

Senator David Vitter and Senate EPW Chairwoman Barbara Boxer continue to work on the Water Resources Development Act (WRDA). Vitter is [quoted](#) as saying a bipartisan draft will be available in February that will include Corps reform. However, no further details were provided as to which reforms would take priority.

## ***Where's the Beef?***

Unconstitutional takings. We've all heard of them: if the government takes your property right without just compensation, it's unconstitutional. So how does a case make it all the way to the Supreme Court, only to have Justice Scalia and Justice Sotomayor ask point-blank questions like "Taking what?" "Why are we here?" and of course, "Where's the taking?" Click [here](#) to read more about how the outcome of this case could further narrow the ever-shrinking definition of takings.

## ***Digital Flood Insurance Rate Maps Bring Mixed News to New Orleans Area.***

FEMA's National Flood Insurance Program [released new maps](#) that might mean great news for residents of Orleans, Jefferson, St. Bernard, St. Charles and Plaquemines parishes. The maps reflect the new improved hurricane levee system, which could mean stabilized and lowered flood insurance premiums for some residents. However, the information provided by the maps is a double edged sword. Residents of Braithwaite will likely face higher building requirements, up to seven feet higher in some cases. Parishes are holding public meetings to allow residents to review the maps.