

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
[July 17, 2020](#)

Bad News and **Good News** in the Algal Bloom World

We'll start with the bad news. In Central Florida's Lake Okeechobee, a new algal bloom has been recorded. In Lake Okeechobee, these typically contain high amounts of cyanotoxins, which can make people and pets sick and harm wildlife. Even the Trump Administration's EPA promulgated guidance on cyanotoxin limits for states to follow. Last year, the Center For Biological Diversity petitioned the state of Florida to set strict limits on cyanotoxins for the safety and welfare of Floridians. [According to one of their lawyers](#), the state responded that it would consider imposing cyanotoxin limits, but the state still—one year later—has not indicated whether this will actually be implemented. And, even worse, the state is proceeding to take over multiple Army Corps dredge and fill permits which will destroy wetlands – an essential filter of nutrients and contaminants that build up and cause algal blooms in waterbodies.

On the good news side, [NOAA predicts](#) that the algal bloom in Lake Erie will be smaller this summer than previous ones. The bloom was forecasted by NOAA as a 4.5 on a 1-10 scale, which is a "moderate" rating. It still isn't by any means great, but at least it's some improvement. For example, in 2019 it was forecast to be a 7.5 and was in actuality a 7.3. These blooms not only cause environmental damage and recreational problems, but in Lake Erie they also can contaminate drinking water. Although a moderate bloom this summer is good news, NOAA's acting director reminds local leaders that they should not become [complacent](#).

In other freshwater hypoxia news, the comment due date for the EPA's guidance on nutrients in lakes and reservoirs has been [extended from July 21 to August 20](#)! We are planning to read through the submitted comments and do another short comment primer, which will be up on our website once it's finished. Our major point so far is that the EPA should be developing numeric, not simply narrative criteria for each eco-region in order to help states in these regions better implement and enforce nutrient limits. So far only eleven comments have been received. Submit your own [comments here](#) by August 20!

Save [the Great Salt Lake](#)

And all of the other, lesser-known salt lakes in the West. Last year, the Great Salt Lake Advisory Council commissioned two reports on the public health concerns surrounding the slow disappearance of saline lakes in the West. [One of these reports](#) surveyed eight saline lakes, while [the other report](#) specifically focused on Utah's Great Salt Lake. (Each has a summary report [here](#) if you want the condensed versions). The reports detail the public and environmental health ramifications

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 less stewardship of water.

Coming up:

[State of the Water Sector: An Interactive Workshop](#); July 16

[Mid-Breton Sediment Diversion Scoping Meeting](#); July 16

[ELI Webinar: Environmental Justice](#); July 21

[Drinking Water Webinar: Small Systems Compliance](#); July 28

[Water Reuse for Agriculture Purposes Webinar](#); July 29

[Association of California Water Agencies Virtual Conference: Resiliency Rising](#); July 29-30

[Governor's Advisory Commission Meeting](#); New Orleans, LA; August 12

[CPRA Board Meeting](#); Lake Charles, LA; August 19

Water jobs:

[Staff Attorney](#); Western Environmental Law Center; Taos or Santa Fe, New Mexico

[Mississippi River Coordinator](#); National Caucus of Environmental Legislators; D.C.

[Senior Legislative Counsel/ Representative](#); Earthjustice; DC

[Policy Director](#); Environmental and Energy Study Institute; Washington, DC

[Climate Strategy Director](#); League of Conservation Voters; Remote/Home-Based

[Senior Environmental Specialist](#); The World Bank; D.C.

[East River Community Resilience Fellow](#); The Nature Conservancy; Green Bay, WI

[Water Resource Program Administrator I](#); North Dakota Water Commission; Bismarck, ND

[Water Equity Program Assistant](#); Tree People; Los Angeles, CA

[Communications Manager \(The Water Center\)](#); University of Pennsylvania; Philadelphia, PA

[Deputy Director](#); Splash; Seattle, WA

[Water Resources Director](#); Shoshone Paiute Tribes; Owyhee, NV

[Environmental Specialist II](#); Washoe Tribe; Gardnerville, NV

[Drinking Water Contaminants Research](#); EPA; Chapel Hill, NC

[Watershed Coordinator](#); Utah Department of Agriculture and Food; Richfield, UT

6325 Freret Street, 1st Floor

New Orleans, LA 70118

504-865-5982

tulanewater.org

TWITTER: [@TulaneWaterLaw](#)

that stem from the loss of these saline lakes. When saline lakes dry up, not only do millions of migrating birds throughout the West lose crucial habitat, it also can cause severe human health problems. Large areas of dry saline lakebeds create airborne dust and particles that are particularly harmful to neighboring communities. In response, Senators Romney (Utah) and Merkley (Oregon) have introduced [bipartisan legislation](#) to monitor and assess these salt lakes in the Western United States, in an effort to protect them from disappearance and thus protect human health and important ecosystems. In addition, the bill is meant to enhance water management in the West using the research on how these salt lakes change throughout time.

[Wild, Wild West?](#) More Like Dry, Hot West

This summer, states across the West and Southwest are facing what researchers are calling a megadrought. Parts of [Colorado, New Mexico, Utah, and Arizona](#) are all experiencing severe drought conditions this summer. This area in the Southwest has been plagued by drought for much of the last twenty years; but, with climate change exacerbating these conditions, many have now deemed it to be in a megadrought. This is dangerous because millions of people, as well as agriculture and industry in the region, rely on two major rivers, the Colorado River and the Rio Grande River. If those rivers continue drying up the area will be in big trouble. Some thought that 2020 would provide a bit of relief because of a cool 2019 spring followed by large fall and winter snowpack; but, because this year's spring was so warm, the snowpack rapidly melted, causing low stream flows right now during the dry summer months. It's all much [more complicated than just precipitation totals](#).

If that isn't enough drought for you, in this century [Texas](#) is facing its driest conditions in the past 1,000 years. Researchers used climate models to project drought conditions and found that Texas is getting both hotter and drier and will continue to do so. They believe that Texas will likely see similar megadrought conditions throughout the century, and therefore leaders must act quickly to better manage and conserve water resources throughout the state. Texas has a current water plan that deals with these issues, but it does not account for this predicted climate change, and therefore it will likely fall [short](#).

NEPA, You're [Not the Same](#)

The Trump Administration's sweeping overhaul of the National Environmental Policy Act is here. [Trump announced](#) the publication of the final rule yesterday at an event in Georgia. As we noted when it was in the final comment stages before publication last month, the EPA somehow read hundreds of thousands of comments on the proposed rule in just a couple of weeks! Maybe they are really fast [readers](#). Maybe most of the comments were just "attaboys". Or maybe they missed some things. We'll see once we read the responses to the comments. You can find the final redlined rule, responses to comments, and more [here](#). The Trump Administration touts it as a streamlining process for NEPA, which will allow construction of major infrastructure projects, like that of I-75 south of Atlanta, to be done more quickly and easily without all of the red tape. Environmentalists believe it is more of an attack on NEPA that will allow unfettered construction without the previously required careful considerations of environmental impacts. Our shop will be doing a reading through the final rule for any differences between it and the proposed rule and get back to you all. Hundreds of thousands of comments must amount to something besides the ability to sue over them later (which is almost certainly imminent), [right?](#)