

# TUWaterWays

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

[May 14, 2021](#)

## Extended Deadline

Back in March, the Army Corps released the Draft Environmental Impact Statement for a major upcoming coastal Louisiana project, the Mid-Barataria Sediment Diversion. The document is thousands of pages in total, and many pushed for an extension to the public comment period, which would have been only 60 days. Those groups' [wish was granted](#), the public comment period has been extended to 90 days - now due by [June 3](#). A document that large is extremely daunting, so [we took the liberty of reading the DEIS \(well, most of it anyways\)](#), and then [compiled our notes on the sections most directly related to water for those of you readers who would rather have a brief overview than a deep dive. For those interested, our notes on those sections can be found here](#). Feel free to utilize them if you'd like to submit comments, or just read them for [fun](#)! We hope you find them at least somewhat helpful.

## Where's the Groundwater?

Ever found yourself with too much ground and not enough water? Do you often wonder where it all went? And do you live in California? Well, hold onto your seats! INTRODUCING: [The Rosedale-Rio Bravo Water Accounting and Trading Platform](#), the latest development in water management tools. Groundwater is often used a source of drinking water and agricultural irrigation in many countries, which makes it a crucial resource. However, overuse and climate impacts are causing it to become scarcer, with [almost a quarter of the world's groundwater is a risk of disappearing](#). Millions of wells are running dry and it's likely going to disproportionately affect lower-income and smaller communities, which tend to have less access to groundwater sources. For years, California lacked a comprehensive groundwater management policy; that is, until it passed the Sustainable Groundwater Management Act in 2014, which requires local agencies to meet groundwater sustainability goals by 2040 and 2042. The California Water Data Consortium, the Environmental Defense Fund (EDF), and several state water agencies have [teamed up to create an open-source groundwater accounting platform](#) that will allow users, like landowners, to track their annual water budgets and usage in real time, as well as [buy and sell additional water allocations](#). It's like a Craigslist for water! Except, you won't have to meet a stranger in a back-alley.

## Flood Resiliency is the Name of the Game

In contrast, do you find that you have *too* much water? Does it feel like it's been [raining every night](#) for the past week? And maybe you now find yourself in [rising waters](#)? Well, you're likely not alone.

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:

[ABA Resiliency National Institute](#); May 12-19

[EPA Small Drinking Systems Webinar Series: Harmful Algal Blooms and Algal Toxins](#); May 25

[Webinar: Community-enabled Lifecycle Analysis of Stormwater Infrastructure Costs](#); May 26

[State of the Coast 2021](#); June 2-4

[Comments due for Mid-Barataria Sediment Diversion Draft Environmental Impact Statement](#); June 3

## Water jobs:

[Legal Fellowship – Tribal and Federal Natural Resources Mitigation Law and Policy](#); Environmental Policy and Innovation Center; Washington, D.C.

[Federal Policy Manager – Plastic Pollution Campaign](#); Oceana; Washington, D.C.

[Director, Sustainable Land Science](#); Conservation International; Arlington, VA

[Lands and Rivers Senior Policy Analyst](#); Western Resource Advocates; New Mexico

[Vice President of Regional Conservation](#); American Rivers; Washington, DC

[Climate Adaptation Planner](#); Center for Planning Excellence; Baton Rouge, LA

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

[Attorney III](#); State Water Resources Control Board; Sacramento, CA

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Flooding is a huge problem in [many cities](#), even the ones that don't depend on [an antiquated pumping system](#). As climate change increases risks of floods due to more frequent storms, flood resiliency is getting a lot of attention. [Back in February](#), we talked about FEMA's plan update the National Flood Insurance Program (NFIP), which will likely lead to rate changes. And in April, FEMA released a snippet of its new update, dubbed [Risk Rating 2.0: Equity in Action](#), which goes into effect October 1, 2021. FEMA says the new policies go beyond elevation to determine rates; they look at factors such as flood frequency (wait, we flood quite a bit), storm surge (huh...we get storm surge, too), coastal erosion (...uh), and heavy rainfall (oh no...). Sounds like [trouble](#). [What this means is that many communities that are already bearing the brunt of flood impacts](#) will likely also have to endure increased flood premiums.

Speaking of floods and FEMA, East Baton Rouge homeowners whose houses were flooded in 2016 may soon find that they'll have to tango with the federal agency once again. A 2019 audit revealed that East Baton Rouge and Livingston Parishes did not properly assess damage and permits after the 2016 floods. If homes in flood-prone areas aren't elevated to at least one foot above base flood elevation, the homeowners have to either take a buyout or risk being unable to get flood insurance. [At least 1,800 homes in EBR fall under this category](#), but many homeowners haven't been notified yet, because the city is still in talks with FEMA officials.

That sounds bad, right? Well...it is. But the good news is all this bad stuff is pushing states to take a more active role in ensuring flood resiliency, and they'll soon be getting more help. Several organizations got together and formed the [State Resilience Partnership](#), a group of nonprofits, academic institutions, and practitioners in various levels of government to promote and craft policies and strategies to increase flood resilience. And guess who was chosen to join. [Us, your favorite water-based newsletter-producing shop!](#) The partnership will work to support state-level resilience to natural disasters, and heaven knows we need that. We're [movin' on up](#) in the world—sort of. But don't worry, dear readers, TU WaterWays will still be landing in your spam folder weekly.

## **Back to the Lake**

Great Scott! The Louisiana Department of Wildlife and Fisheries came to an [agreement](#) with private property owners last week to keep Lake Martin accessible to the public. The lake has been the center of controversy for some time now, sometimes about ownership and sometimes about the public trust doctrine. [This time, it was about access](#). For those who are unfamiliar, [deep down in Louisiana](#), there is a lake by the name of Lake Martin. While the lake, itself, is owned by the state, the land encircling it is privately-owned. On the north-east side of it, at the junction of Rookery Road and the lakeshore, lies a boat launch that is in dire need of repair. The property owners became concerned of possible liability issues and closed the launch, which made it difficult for the public to access the lake, as the only other launch site is owned by The Nature Conservancy and requires you to get out of your DeLorean and make a trek. Now, the trek is not terrible. That is—unless you're carrying a 60-lb canoe with you. Naturally, the closure didn't sit well with frequenters of the lake. While an interim agreement was reached in November and kept the lake open temporarily, this consent agreement gives the public a perpetual, uninterrupted, and encumbered servitude across the property and the State will indemnify the property owners of liability. What all this legal gobbledygook means is that the boat launch can now remain open for public access for the foreseeable future and the property owners won't have to worry about someone tripping over on their land. While this won't resolve all the issues that concern the lake, it does drop the temperature a few degrees.