

TUWaterWays

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

September 21, 2016

The Monuments Man

At the [Our Ocean](#) conference last week, President Obama announced the creation of a new national marine monument, the first in the Atlantic Ocean. [The Northeast Canyons and Seamounts Marine National Monument](#) comprises two areas totaling nearly 5,000 square miles. This new “underwater Yellowstone” includes vast kelp forests, ancient canyons, and rare deep-sea coral. It’s also home to endangered [sei](#) and [sperm whales](#), [Kemp’s ridley turtles](#), and other [curiosities of the deep](#).

While the monument is the first in the Atlantic Ocean, it’s hardly Obama’s first monument. Last month he expanded the Papahānaumokuākea monument off the coast of Hawaii, making it the [largest protected marine area in the world](#). The 1906 [Antiquities Act](#), one of the country’s oldest preservation laws, gives the President unilateral authority to create protected areas by proclamation. In eight years, President Obama has availed himself of the privilege [more than any of his predecessors](#). And he still has [four months left](#).

As he [announced this latest monument](#), Obama reflected on the humbling power of the ocean, its impact on him as a kid growing up in Hawaii, and the challenge of preserving it for future generations: "Anybody who grows up on an island, certainly those of us who grew up in Hawaii, learned very early on to appreciate the ocean's magic...The notion that the ocean I grew up with is not something I can pass on to my kids and my grandkids is unacceptable, it's unimaginable." As far as anybody knows, none of this is intended as a promotional tie-in to [Disney’s next offering](#). As far as anybody knows.

Water We Doing Here?

Now entering its ninth year, the [Anba Dlo festival](#) at the New Orleans healing center is a unique community festival that celebrates the artistic and cultural heritage of the crescent city. Anba Dlo (pronounced Ahn-BAH-dlo) is Haitian Kreyol for “beneath the waters.” The name alludes not just to the tragic aspects of the city’s history with water, but also to cultural links running beneath the waters around us, connecting the city to the vast Mississippi valley, the Caribbean, Africa, and beyond.

Included in the program this year is a [Water Symposium](#) on Thursday, Oct. 13 at 5:30 PM. The Water Symposium brings together a group of scientists, policymakers, educators, and

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:

[CRCL Coastal Issues Forum: 2016 Senate Race](#)

Baton Rouge, LA
October 6, 2016

[Anba Dlo Water Symposium](#)
New Orleans, LA
October 13, 2016

[Anba Dlo Halloween Festival](#)
New Orleans, LA
October 15, 2016

[CPEX 2016 Louisiana Smart Growth Summit](#)
Baton Rouge, LA
November 1-2, 2016

[The 19th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations](#)

New Orleans, LA
November 4, 2016

[RAE/The Coastal Society Summit on Coastal and Estuarine Restoration](#)
New Orleans, LA
December 10-15, 2016

Water jobs:

[Executive Director](#)
Galveston Baykeeper
Houston, TX

[Energy and Climate Program Director](#)
Coastal Conservation League
Charleston or Columbia, SC

[Supervisory Attorney Advisor \(General\)](#)
US Army Corps of Engineers
Saint Paul, MN

Tulane Institute
on Water Resources Law & Policy

6325 Freret Street, 1st Floor
New Orleans, LA 70118
504-865-5982

other thought leaders working to envision and implement the future of water in New Orleans. After the discussion, stick around for a community pot luck dinner (and [bring a dish!](#)).

Standing Rock Standstill

The Dakota Access Pipeline is a proposed oil pipeline running nearly 1,200 miles from the Bakken oil fields of North Dakota to refineries in southern Illinois. [Project developers say](#) it's a safe and efficient way to move crude to processing centers, and supporters tout the [much-needed jobs](#) it will bring to the region. Opponents, especially members of the Standing Rock Sioux Tribe, have raised concerns over the [impacts to sacred sites](#) and water supply. The pipeline crosses the Missouri River at [Lake Oahe](#), a mile upstream from the Standing Rock Reservation and tribal leaders are concerned, [not without reason](#), that a spill could imperil their drinking supply.

Over the last month, the controversy has become the environmental cause *du jour*, drawing [comparisons to Keystone XL](#). The list of those who [#StandWithStandingRock](#) is long and diverse, from [progressive journalists](#) and [progressive politicians](#), to [progressive actors](#) and [progressive musicians](#). More importantly, however, it's catalyzing broader [discussions of tribal sovereignty](#) and [rousing allies from other indigenous communities](#) in the US and Canada.

The Standing Rock Sioux swung from defeat to victory recently. On September 9, a [federal court declined to enjoin](#) the project. The court, reviewing the pipeline permit, found that the Army Corps of Engineers "likely complied with the [National Historic Preservation Act]" in consulting the tribe. Hours after the ruling, the Obama administration [announced](#) a temporary freeze to construction on Army Corps' land "until it can determine whether it will need to reconsider any of its previous decisions regarding the Lake Oahe site under the National Environmental Policy Act or other federal laws." The D.C. Circuit Court of Appeals then expanded that administrative halt with a [preliminary injunction](#) that stops construction within 20 miles of the lake on either side.

For now, the immediate threat to the water supply has been put on pause, but tribal leaders stress that this is only temporary. Protesters [remain camped](#) at the construction site, next to idle bulldozers, awaiting a resolution.

Take Me to the River

New Orleans rich history, its very reason for being, is intertwined with the Mississippi river. So to the future of the city, and much of South Louisiana, is inextricably linked to the great waterway. Tulane has been a part of that history since 1834 and, with the opening of the [ByWater Institute](#), is poised to be a leader in shaping the city's future.

Tucked between the Port of New Orleans and Mardi Gras World, the ByWater Institute is the centerpiece of the new Tulane River & Coastal Center (TRCC). The building will house a multi-disciplinary team of scientists to focus on research, education and public outreach to elevate the discourse on coastal science, restoration, and water management. [Part of that work](#) will focus on the river's sediment, to help better understand the proposed river diversions that are the cornerstone of the state's Coastal Master Plan.