

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
April 11, 2019

## ICYMI: Warring Over Wetlands

Not to beat a dead horse, but wetlands are important. For example, [a new study](#) confirms that rebuilt wetlands can protect shorelines better than hard structures, such as walls. Wetlands are so important that last week California's State Water Resources Control Board [adopted new rules](#) to protect the state's remaining wetland resources, including the adoption of a statewide definition of wetlands. Not to beat another dead horse, but wetlands are threatened. They are at risk to lose protection under [President Trump's proposed new WOTUS rule](#). And, in Louisiana, our wetlands are "[being violently destroyed](#)."

In light of all of this, New Orleans Mayor LaToya Cantrell [filed a lawsuit](#) on March 29 against Entergy New Orleans, Chevron U.S.A. Inc, ExxonMobil Pipeline Company and eight other oil and gas companies, demanding they repair damage caused by exploration, production and pipeline construction activities to wetlands along the city's eastern edge. The lawsuit is similar to dozens of other suits filed against oil and gas firms by six Louisiana parishes. Like the other suits, the city's filing argues that in exploration, development, and operation of oil and gas wells and pipelines, the energy companies violated provisions of the state's Coastal Zone Management Act, either by not restoring damage (such as manmade canals and spoil banks), or by not cleaning up hazardous and radioactive waste produced during drilling operations. The suit contends the companies failed to follow regulations requiring them to backfill canals; repair lost wetlands; clean up wastes; and, in some instances, failed to get the permits required to work in the wetland areas. Industry and business groups quickly criticized the lawsuit, citing jobs and the economic impact of the energy industry in the city. The suits are reminiscent of the recent one filed by the Southeast Louisiana Flood Protection Authority-East, which failed after federal appellate judges upheld a lower court ruling finding that the federal laws cited in the case did not require the companies to make the repairs. Chevron has asked for the suit to be [removed to federal court](#), claiming that the case involves federal laws that take precedent over the state law cited in the city's suit. Stay tuned for updates.

## Providence Casts Off For-Profit Water Idea

Mayor Jorge Elorza of Providence, Rhode Island, has [dropped his support](#) for legislation to monetize the city's public water system. Mayor Elorza originally supported the legislation as a way to pay down the city's ominous \$1 billion pension deficit. But sustained opposition from the public, politicians, and environmentalists derailed his (and previous) efforts. Most of the objection was based on fears of a for-

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:

[Pointe-au-Chien Living Shoreline Project](#)

April 12 and 14, 2019

Pointe aux Chenes Reserve Boat Launch, LA

["A Fractured Nation: Private Property and the Fracking of the Rural West"](#)

April 15, 2019

New Orleans, LA

[CPRA Board Meeting](#)

April 17, 2019

Baton Rouge, LA

[Urban Water Series Class & Lecture](#)

April 22, 2019

New Orleans, LA

## Water jobs:

[Fellowship](#)

Environmental Protection Agency  
Washington, DC

[Climate Change Adaptation and Governance Analyst](#)

International Centre for Integrated Mountain Development  
Kathmandu, Nepal

[Wisconsin Water Resources Fellowship](#)

Univ. of Wisconsin Water Resources Inst.  
Madison, WI

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profit entity running a public service that many consider a human right (cough Flint, Michigan, cough). Opponents also envisioned higher fees, reduced water quality, and loss of public oversight. Mayor Elorza said he is seeking to avoid declaring bankruptcy, citing other cities (cough Detroit, Michigan, cough) which lost residents after declaring bankruptcy. Surely, cities across the country that are in need of water utility overhauls (cough New Orleans, Louisiana cough) will continue to come up with creative options or at least closely monitor the creative solutions their peers come up with. After all, why innovate when you can copy?

### **Hope Floats . . . And Cities Might Too**

A nonprofit called Oceanix is building a prototype floating island as an experimental solution for coastal cities that are crowded and threatened by climate change. Developers estimate that a small-scale version prototype could be ready within months. The buoyant islands would be linked together into floating, self-sustaining cities, which rise with sea levels and are built to withstand hurricanes. Each platform would house 300 people. Markets, farms, low-rise apartments and solar panels would stack atop the platforms. Oceanix envisions that the islands will power and feed themselves. In addition to the solar panels, turbines in the air above the platforms and water below would provide energy. Rain and desalination systems would provide fresh water. Greenhouses, aeroponic farms and aquatic gardens would provide food. Moorings of Biorock, electrically charged structures that attract minerals and coral, would tether the platforms in place. Unlike "seasteading," the islands proposed by Oceanix would follow local laws. While the idea might sound as outlandish as the technology in Back to the Future II, plans resemble communities that already exist, such as the houseboats in Sausalito, California; floating homes in the Netherlands; the Tanka who live in China's southern waterways; and the Uros tribe living on reed islands in Peru's Lake Titicaca. Plus, Hollywood already built a floating city in Waterworld. Hey, that gives us an idea . . .

### **Feels Like It's Time for a Movie List**

Besides talking about and thinking about water, here at Chateau D'Eau we also like talking about and thinking about movies. So here it is: a call for suggestions for a list of movies featuring water. Think along the lines of The Waterboy, Signs, Rango, Mad Max: Fury Road, and Chinatown. You've got your marching orders. E-mail suggestions to Chris at [cdalbom@tulane.edu](mailto:cdalbom@tulane.edu). Good luck and good hunting!

### **Come One, Come All: Urban Water Series Technical Master Class & Public Lecture**

Join the Greater New Orleans Foundation and the City of New Orleans for the Urban Water Series Technical Master Class and Public Lecture on Plants + Water: Strategies for Improving Water Quality on Monday, April 22. The discussion will focus on the best techniques for using plants to achieve water quality goals, and how these techniques can be adapted to our local climate and culture. Bryan Seipp and Dan Somers, both of whom have tremendous experience in the Chesapeake Bay area, will discuss their lessons learned with Wes Michaels, a landscape architect practicing in New Orleans, who will translate these lessons to the local landscape. The technical mater class will happen from 8:30am-2:00pm at 919 Saint Charles Avenue and is well-suited for those in the design, planning, engineering, and construction communities. Professional credits can be earned by participants. The free public lecture will happen from 5:30-7:00pm at the Norman Mayer Library at 3001 Gentilly Blvd. [Register here](#).