

TUWaterWays

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

[October 9, 2020](#)

Adding Insult to Injury, Delta Takes Aim

As another week draws to a close another hurricane—Delta—takes aim at southwestern Louisiana just weeks after Hurricane Laura came ashore in much the same place. No one ever needs a hurricane, but if anyone ever deserved a pass, it would be the folks in and around Cameron and Lake Charles, LA. Clean up and recovery from Laura is still in its early phases and will be further complicated by Delta, though at this point, we can't know how. These are not easy times for anyone but we do ask that you keep in mind the folks impacted by this year's storms—Laura, Sally, and now, Delta. And learn from them. For some, this will be a tipping point in whether they can keep living where and as they were. There are harbingers of changes coming to many other places and lessons are being taught about how adaptation to coastal and climate change works or doesn't. It would be a good idea to learn from this. Also, the fact that two major storms can hit the same place in the same year is a reminder that the [law of averages](#) is not really a law and that describing storms as 1 in 100 (200 or 300) year events is not a guaranty of infrequency. Planning for low probability but high consequence extremes is making more and more sense.

Now a Word from... Science

If our last item did not convince you that the way we plan for water should be driven more by the extremes than the norms, then maybe science will. A new [study published in the journal Climatic Change](#) looks at how climate change is affecting water in California, a state prone to both floods and droughts. The [researchers conclude](#) that climate change projections show that shifts in the timing and intensity of rain and snow events will lead to greater variability in water resources, something water managers should pay greater attention to. In short, when it comes to water planning and management, extreme events should command more attention than average events, and now is the time to [jump](#) on the bandwagon. Of course, they can choose to stand pat and figuratively [dance the night away](#) but, like [runnin' with the devil](#), that could lead to [regrets](#) down the road.

Investing in Disaster: The Flint Saga Continues

The story of how the narrow pursuit of cost savings led to the [poisoning of Flint, Michigan's water supply](#) is well known now. It's a lesson to budget hawks that cost cutting can be extremely expensive in terms of dollars, lives, and lost trust. To recap, back in 2014, the emergency financial manager who had taken over management of the strapped city's finances decided that it would be cheaper to use the

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:

[ASBPA National Coastal Conference](#); October 13-16

[Deadline to Submit Comments on MR&T MRL SEIS](#); October 13

[Deadline to Submit Projects for the Atchafalaya Basin Program](#); October 15

[CPEX Virtual Growth Summit: Time to Define the New Normal: Dr. Michael Oppenheimer on Our Future Climate](#); October 20

[CPRA Board Meeting](#); Baton Rouge, LA; October 21

[Council on Watershed Management Meeting](#); October 22

[CPEX Virtual Growth Summit: Climate and COVID-19: The Diabolical Duo](#); October 22

[Drinking Water Webinar: Disinfectants and Disinfection Byproducts](#); October 27

[Health Effects Associated with Harmful Algal Blooms and Algal Toxins](#); October 28

Water jobs:

[Public Information Specialist](#); Mojave Water Agency; Apple Valley, CA

[Staff Attorney, Fossil Fuels Program](#); Earthjustice; New Orleans, LA or Texas

[Associate Attorney](#); Earthjustice; Seattle, WA

[Policy Specialist \(Resilient Coasts & Floodplains\)](#); NWF; D.C.

[Senior Specialist \(Water Stewardship\)](#); Gap, Inc.; San Francisco, CA

[Hydraulics and Hydrology Lead](#); Dewberry; Raleigh, N.C.

[Great Lakes Equity and Justice Partnerships Senior Coordinator](#); National Wildlife Federation; Chicago, IL

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Flint River for its water supply instead of buying water from nearby Detroit (where the water comes from the Detroit River and Lake Huron. Have you heard of it? It's pretty great). The more acidic river water liberated lead from the water pipes causing massive public health, financial and political fall out. But where someone is trying to save money, there is often someone trying to make it—and Flint was no different. Shifting the water supply would cost money, too, and someone needed to finance it. [At least three someones according to a lawsuit filed this week on behalf of young people impacted by the increased lead exposure—JP Morgan Chase, Wells Fargo, and Stifel Nicolaus.](#) Those firms underwrote the bonds used to pay for the switch, a role that is not remotely unusual. What may be unusual, if proven, is that the suit alleges the underwriters knew that the improvements they helped finance could not have been implemented by the time the switch was to occur and that without the financing, the switch would not have happened. That would make the bankers complicit in the switch and the injuries that followed according to the suit. Time will tell whether this approach gets traction, but at the least it is part of a growing trend to required financial risk analysis to look beyond traditional risk/return factors when sizing up and marketing business opportunities. [Once the rockets are up maybe you have to care where they come down.](#)

Jump Back - What's That Sound?

It's just us reminding you to comment on the Draft Supplemental Environmental Impact Statement (SEIS) for the Mississippi River and Tributaries Project, Mississippi River Mainline Levees [again!](#) Our friends at the Water Protection Network [have really got us](#) with a wonderful set of comprehensive comments, that you can read [here](#), and your organization is welcome to sign on [here](#). And of course, we still encourage you to [read the Draft SEIS](#) and submit your own comments on the document by October 13th.