

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
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Someone's Going to Pay for Decades of Laissez Faire Suburban Sprawl in Baton Rouge

And it seems that it's going to be up to the Corps of Engineers to decide who. Well, it's going to come from public funds, so we'll all pay, but as far as whose lives will be subject to further upheaval, that's going to be a Corps decision. As Baton Rouge grew over the years, it spread out from its lofty (for South Louisiana) perch at the junction of the Mississippi River and the [Pleistocene Terrace](#) to the south and east into neighboring parishes and the lower [Amite River Basin](#). Though people outside of the region may not have heard of it, the Amite is the largest tributary to Lake Pontchartrain (via Lake Maurepas) and at the worst of the 2016 floods had a discharge more than twice the usual flow of the Missouri River. And, like all rivers sooner or later, it floods. Its flooding isn't new. After all, once it dropped out of piney hills down onto the coastal floodplain, it wound its way through bottomland hardwood forests characterized by periodic inundation. Like [in the land of make believe](#), people spent much of the 20th century developing and moving into the area with little to no restriction on how and where to build. As early as the 1960s, projects like the [Comite River Diversion](#) were proposed to shunt flood waters from one Amite tributary into the Mississippi River (that project is under construction now). Another project long discussed for the basin has been the [Darlington Dam](#). Once envisioned as a large reservoir to be held back by a three-mile earthen dam, the project now is for a dry dam, that only holds back waters during flood events, and so only periodically drowns an area stretching up to the Mississippi border. Nonetheless, the project would mean buying out property owners, buying flowage easements, and elevating homes in that rural stretch of the state. But now, the Corps of Engineers is "[taking a step back](#)" and looking at the option of elevating and floodproofing the homes and businesses that were built in the floodplain, instead of spending more than \$2 billion on the dry dam project that would have zero positive effect on the upstream parishes and disproportionately harm Black populations. Progress? Perhaps, but the Corps isn't going to be able to just [walk on by](#). The 2016 floods won't be the last. Sea level rises, lessening the capacity of the Basin. Temperatures increase, amplifying the intensity of the storms. Land use intensifies, and local governments have shown no new love for restrictive planning. Pressures to do something—anything—are only going to increase.

Is This a [Magic Moment](#) for Maurepas or [Blue on Blue](#)?

Downstream from the Amite, there's plenty of action, too! Two decades of work have led to the upcoming [groundbreaking](#) on 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:

[Tulane Environmental Law & Policy Summit](#); March 17-18; New Orleans, LA

[Blue Carbon Law Symposium](#); May 17-18; Athens, GA

[2023 State of the Coast Conference](#); May 31-June 2; New Orleans, LA

Water jobs:

[Communications Director](#); Healthy Gulf; Multiple Locations

[Senior Research Fellow](#); Tulane Institute on Water Resources Law & Policy; New Orleans, LA

[Assistant General Counsel – Water](#); Sandia Resort & Casino; Albuquerque, NM

[Assistant Professor of Marine Affairs: Fisheries Management and Policy](#); University of Rhode Island; Kingston, RI

[Senior Analyst, Water Policy](#); Environmental Policy Innovation Center; remote

[Policy and Advocacy Director](#); Save the Harbor/Save the Bay; Boston, MA

[Regional Watershed Coordinator](#); Capitol Region Planning Commission; Baton Rouge, LA

[Water Policy & Legislative Specialist](#); The Freshwater Trust; Portland, OR

[Water Quality Technician](#); Pontchartrain Conservancy; Metairie, LA

[Associate Attorney, Senior Attorney, and Paralegal](#); Earthjustice; Multiple Locations

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Maurepas Swamp revitalization project that will bring a relatively small amount of Mississippi River water and nutrients to the cypress swamp south of the Lake after more than a century of being cut off from the processes that helped create it. The project will be funded in large part from the settlements that came after the Deepwater Horizon disaster. What a way to fund restoration!

At the same time, there remains plenty of uncertainty and [controversy](#) in the area over an [Air Products project](#) to build a multi-billion dollar facility to create “blue hydrogen” from natural gas and inject the left over carbon dioxide into the earth below Lake Maurepas. Whether or not this project fits under [the gains trumpeted](#) by the governor’s office a year after launching the state’s climate action plan is unclear. [Critics have pointed out](#) that producing “green hydrogen” instead would have a greater impact on lessening climate change, not be tied to the volatile natural gas market, and not subject a delicate ecosystem that might be on the verge of a comeback to a largely unproven technology in carbon dioxide injection wells. Nevertheless, Louisiana will certainly remain an important center for the hydrogen (and carbon) economy going forward. How well it will go for us and for ecosystems like Lake Maurepas will depend on decisions being made right now. As one local writer put it, [“Louisiana is seeing economic gold at the end of the hydrogen rainbow.”](#) We all know the pot of gold at the end of a rainbow is a myth, right?

Reminder: We’re Hiring!

[The hiring process for our next postgraduate research fellow](#) has begun! The next fellow will join our team in August and be a vital contributor to our work for up to two years. Because it is intended as a postgraduate career launcher position it is only open to recent law school grads (including graduating this spring), so apologies if that’s not you, but please share the posting with someone you know who fits the bill.

Feeling Lucky?

It might be the fact that two of the biggest green events of the year are just around the corner. You heard correctly—it’s time for the [28th Annual Tulane Environmental Law & Policy Summit](#)! It’ll be held at Tulane Law School March 17 and 18. In addition to [good times](#), CLEs will be available. [St. Patrick](#) might try, but he can’t top everyone’s favorite student-run environmental law event.