

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
April 12, 2016

## Hey Feds, Trust Us

The [king](#) couldn't do it, [the King](#) couldn't do it, states can't do it (well not in general) but can the federal government do it? Privatize public water and water bottoms that is. Given that our nation has had only a scant 229 years to answer that question, one should not be surprised to learn that we don't really know. The real question is: Does the Public Trust Doctrine (PTD) apply to the federal government? The U.S. Department of Justice argued before a Federal Magistrate that it does not. In the opinion of that Magistrate, [it most certainly does](#) (at least to the extent that language in an order dismissing a motion to dismiss means anything). Distilled to its essence, the PTD is a common and civil law doctrine that checks the power of sovereigns to alienate and manage vital natural resources—usually navigable waters and water bottoms. Disclosure: The Institute's [work on this issue](#) squares with Magistrate's view.

## California Drought/Snow/Rain

Finally, the snows have returned to California's Sierra Nevada Mountains. Snowpack has always been the state's most vital reservoir, albeit a lovely, fluffy one. Years of drought had decimated those snowpack areas but now thanks to a wet El Niño the good times are back, right? [Not quite. Not hardly.](#) In fact, it takes more than a good year to rebuild the snowcapped peaks that slowly melt through the warm months feeding the streams and rivers long after the snows and rains have stopped. Add to that the fact that rain, which this El Niño has delivered, simply can't do what snow does—which is hang around. So while things are better in the [Golden \(Brown\) State](#), it still has lots of work and hard choices ahead. Thinking otherwise is just [California dreamin', on such a winter's day.](#)

## Calling All Proposals, Calling All Proposals! Be on the Lookout for Restore America's Estuaries/The Coastal Society Summit. That is All.

Face it, you know you want to be in New Orleans in December (10-15) instead of freezing, listening to recycled holiday music, and eating cheese balls and fruitcake, or whatever it is you do in the non-New Orleanian place you're in. Plan now to do something about it, plan now to be a presenter at the Restore America's Estuaries/The Coastal

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:

[River Rally](#)

Mobile, AL

May 20-23, 2016

[State of the Coast 2016](#)

New Orleans, LA

June 1-3, 2016

[RAE/The Coastal Society Summit on Coastal and Estuarine Restoration](#)

New Orleans, LA

December 10-15, 2016

## Water jobs:

[Clean Water Advocate](#)

Environment America

[Staff Attorney](#)

Tennessee Clean Water Network

Knoxville, TN

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Society “Our Coasts, Our Future, Our Choice” Summit. All it takes is for you to submit a [topic/session proposal](#) before the May 2 deadline. This actually is one of the premiere opportunities to present, learn and network with leaders in coastal science, restoration engineering, resilience, law, resilience, etc. So make plans to come and be part of the show.

### **Roll Out the Red Carpet: It’s Water Award Season**

It’s the dream of every red-blooded American kid, either winning Olympic gold or receiving a National Wetland Award from the Environmental Law Institute. Five more dreams just came true as ELI announced this year’s winners: Peter David (Great Lakes Indian Fish and Wildlife Commission); K. Ramesh Reddy (University of Florida Institute on Food and Agricultural Science); Tom Bernthal (Wisconsin Department of Natural Resources); Roberto Viquiera (Protectores de Cuencas); and Pam Blanchard from Louisiana State University, just up the road from us.

If that weren’t enough, The US Water Alliance has also announced its [US Water Prize winners](#). Well done to all, and keep those dreams alive, kids.