

# TUWaterWays

Water News and More from the Tulane Institute on Water  
Resources Law and Policy  
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## **Spring 2013:**

### ***Water Bills are the New Black***

Call it a trend, call it an awakening, call it what you want, but there are now five different water bills currently being introduced and discussed among our lawmakers. Among the most significant for Louisiana is the Water Resources Development Act (WRDA). After six years of waiting, the U.S. Senate Environmental and Public Works Committee unanimously voted and approved a [new](#) Water Resources Development Act. Sen. Barbara Boxer (D-Calif.) and Sen. David Vitter (R-LA), cosponsors of the bill, have both applauded the result, stating the bill is impressive not only because of the bipartisan cooperation that went into drafting the bill, but because of the reforms to the Corps, which will include a [shortened time](#) for project delivery and more federal investments in projects such as deepening ports and improving river quality. Others have already raised concerns about the scope of the bill. House Transportation and Infrastructure Committee Chairman Rep. Bill Shuster (R-Pa.) believes the bill grants [too much authority](#) to the executive branch. Click [here](#) for a condensed summary of the other water bills currently being introduced.

### ***Obama Administration Releases Updated Principles and Requirements for Federal Water Projects***

We can finally stop holding our breath: the Council on Environmental Quality [released](#) the long-awaited [Principles and Requirements for Federal Investments in Water Resources](#) as well as [draft interagency guidelines](#) for public review and comment. Some of the more notable changes apply to the planning and design phases of levees, locks, and dams, with a greater emphasis on environmental considerations and a holistic approach to water resource planning. The updates allow agencies to evaluate and expedite water projects boosting the economy and protecting communities from floods, droughts, and storms. However, not everyone is impressed with the enforceability of the new updates, given the change in agency direction. Melissa Samet, senior water resources counsel for the National Wildlife Federation, continues to review the documents but is skeptical as to whether the updates' teeth are sharp enough. Click [here](#) for more information.

### ***'Cuz Baby, It Ain't Over 'Til It's Over***

While the eyes of the nation focus on the legal battle and finger pointing colloquially referred to as the *Deepwater Horizon* trial, those in the know—particularly those in New Orleans—have their eyes on a bigger prize. The RESTORE Act, the bill responsible for funneling an unprecedented amount of civil fines and penalties to the newly established Trust Fund, passed in June of 2012...for better or for worse. Bob Marshall [digs below](#) the surface and exposes how and why the public needs to keep tabs on the implementation of the bill and a mindful watch on the Department of the Treasury...now more than ever.

*Parental Advisory: The author of the article relies heavily on information provided by the Tulane Institute for Water Resources Law and Policy.*

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:

[March 24-26, 2013](#)

Center for Natural Resources and Economic Policy (CNREP)

"CNREP 2013: Challenges of Natural Resources and Economic Policy"  
New Orleans, LA

[May 10, 2013](#)

Coalition to Restore Coastal Louisiana's  
Coastal Stewardship Award Banquet  
Baton Rouge, LA

[June 6-7, 2013](#)

American Bar Association's  
31<sup>st</sup> Annual Water Law Conference  
Las Vegas, NV

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## ***Did Someone Say Barge Gate? What Could Possibly Go Wrong?***

Bob Turner from the South Louisiana Flood Protection Authority can think of a few things that could go wrong with what the Corps refers to as the “barge gate on the Gulf Intracoastal Waterway.” Designed to swing a 190-foot long, 70 feet wide, and 40 feet deep barge into a 190-foot gap in the Lake Borgne Surge Barrier, the gate has been met with controversy since its inception. From questions as to whether it would actually close as designed, to whether the cost of maintenance would outweigh its benefits, to whether there aren’t any design flaws at the onset of the gate have continued to plague the project. Click [here](#) to learn more.

## ***Next up—Phoenix v. Los Angeles: Battles over Colorado River Water Continue***

Arizona and California historically have approached their state water use as conservationists. The state laws favor beneficial uses of water in light of the fact that neither have reliable and consistent water supplies. However, record drought conditions have caused water supplies to drop and tensions between states to rise as cities battle for the same water supply. This is particularly the case for Phoenix and Los Angeles, both large metropolitan cities that rely heavily on the Colorado River to provide its citizens with fresh water by flowing into Lake Mead. Given the mismanagement of the Colorado River and the increasing trend that shows a risk of shortages in the future. [The Colorado River Basin Study](#) projects a 10% probability that 25 years from now, Lake Mead will not be able to make releases to water users downstream because it simply will not have enough. Click [here](#) to learn more about the battle between Los Angeles and Phoenix.

## ***Out with the Old and In with the New (Secretary of Interior) ...but First, a Quick Visit to Big Branch Marsh***

President Barack Obama recently appointed Sally Jewel to succeed Ken Salazar as Secretary of the Department of the Interior. As part of his final tour of duty, Salazar stopped and paid [visit](#) to the Big Branch Marsh here in Louisiana, at almost the exact same spot he visited in 2010, shortly after the Deepwater Horizon Oil Spill. The area has received much attention since the spill, specifically \$21 million dollars of attention that brought sediment from Lake Ponchartrain for invasive plant species to take root, insulate the shoreline from storm surge erosion, and provide habitat for waterfowl. Salazar [praised the efforts](#) and claimed this to be a great model for future joint efforts for federal-state wetland protection.

## ***Ch-ch-ch-Changes: NAS Recommends NFIP Turn and Face the Strain***

A new [report](#) from the National Research Council of the National Academy of Sciences shows the National Flood Insurance Program needs to think about changing its approach for flood insurance. The report calls for a more modern approach for determining the risk of flooding behind levee walls, a scene with which most New Orleansians are all too familiar. Insurance for communities living behind levee walls are currently based on levee height; but this doesn’t take into consideration other common risks such as structure failures or open gates. What would this mean for your insurance policy? Click [here](#) to learn more.

## ***And the Winner of The 2013 Water Challenge is...***

Congratulations to Webster Pierce from Cut Off, Louisiana for winning the [2013 Water Challenge](#) with his device, the Wave Robber. Pierce will receive \$50,000 as seed money to help develop the Wave Robber, which is a plastic step structure used to break down energy in waves and storm surges, while simultaneously catching sediment. Not everyone shares the enthusiasm. Pointing to his prior experience as director of the Governor’s Office of Coastal Activities, Len Bahr from Baton Rouge likens them to coastal “mouse traps”. Click [here](#) for more on Bahr’s impressions.

## ***Congratulations to the 2013 Coastal Stewardship Award Recipients!***

The Coalition to Restore Coastal Louisiana is proud to announce its winners for this year’s Coastal Stewardship Awards. The Coastal Stewardship Award is offered to those that have demonstrated an outstanding commitment to the coast through significant contributions to the preservation and restoration of Louisiana’s coastal wetlands. There were many qualified nominations, with the final awards given to five individuals and four organizations. Click [here](#) for a complete listing of this year’s recipients.