

TUWaterWays

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

[December 12, 2019](#)

Going Up Down in the Levee Town?

The laws of gravity may dictate that what goes up must come down, but don't tell that to the levees and floodwalls that surround New Orleans and protect it (up to a point) from flooding. Facing rising seas and sinking lands, those walls have nowhere to go but up if they are going to keep providing even the minimal level of protection necessary to keep the place insurable (a 1-in-100 year level of flooding risk). At least that is the word from a pair of new reports by the Army Corps of Engineers. Per the Corps, the walls will need to go up by as much as 5.1 feet and this construction will play out over the next 50 years at a cost of \$3.2 billion to contend with subsidence rates and an "intermediate" increase in sea level of 1.8 feet. The idea of investing in a 1-in-250 year level of risk reduction was rejected as not being as cost effective (the cost would increase by \$348 million for the Eastbank part of the system). Hmm. Let us make a couple of predictions: First, the proposed lifts will cost more than \$3.2 billion. Second, sea levels will increase by more than 1.8 feet. And third, opting for a lower level of protection will be something we come to regret—after all it is just the future that is at stake. We would love to be wrong.

This Land is Your Land, this Water is Whose Water?

Last week we reported on Nestlé's (up to this point) unsuccessful efforts to have the filling of plastic bottles with water for sale declared an essential public service in Michigan. For those with short memories, that designation would have allowed Nestlé to pump and bottle water while avoiding local zoning laws. If that was not enough to make the Swiss conglomerate feel unloved, a new legislative move might do the trick. A trio of bills would revamp Michigan groundwater law and restrict exports of groundwater by making groundwater a "public trust resource," expanding state regulatory power over groundwater, and removing an exemption for out of basin exports (found in the Great Lakes Compact) for containers of less than 5.7 gallons. Whether any of those bills will pass is anyone's guess. But, after letting Nestlé extract over 4 billion gallons of water since 2001 and paying the state the princely sum of \$200 per year for the privilege, it seems that Michigan is coming to grips with fact that all water is important and that good stewardship demands more than hoping things go well—and \$200 a year.

Not Such a G'Day Mate

So let's say that you have your doubts about all the plans for saving New Orleans and (Insert Name of your Favorite Coastal Town Here) from rising seas. Maybe it is time to hedge your bets and move

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:

[LA Watershed Initiative Grant Program: Phase II Application Deadline](#); December 13

[Latoya Ruby Frazier: *Flint is Family* Exhibit](#)
Now – December 14; New Orleans, LA

[Audubon Nature Institute Career Fair](#)
December 16; New Orleans, LA

[CPRA Board Meeting](#) and [NFIP & Coastal Insurability Subcommittee of the CPRA Board Meeting](#)
December 18; Baton Rouge, LA

[Oyster Shell Bagging](#)
December 19; Buras, LA

[Draft Fiscal Year 2021 CPRA Annual Plan Public Hearings](#)

January 6; New Orleans, LA

January 7; Houma, LA

January 8; Lake Charles, LA

Water jobs:

[Intern](#); Global Water 2020; Washington, DC

[Assistant Professor- Environmental Science & Policy](#)
University of California-Davis; Davis, CA

[Operations and Land Management Assistant Bureau Chief](#)

Southwest Florida Water Management District;
Brooksville, FL

[Water Policy Advisor to the Office of the Los Angeles Mayor](#)

Liberty Hill Foundation; Los Angeles, CA

[Riparian Restoration Director](#)

Forterra; Seattle, WA

[Bailey Conservation Fellow](#)

The Nature Conservancy; Lansing, MI

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somewhere out of the sea's reach like more and more recommendations suggest. Somewhere in Australia, maybe (assuming you don't already live there). But before your dreams of Fosters and [koalas](#) get ahead of things, you should know that living too close to water is not the only watery reason people will be on the move. Living too far from it will do it too. [That is increasingly the case in parts of Australia where drought, changing climate and economic development priorities have left some regions and communities on the brink of collapse](#). For example, the reservoir at [Burrendong Dam stands at 2.8 percent of its capacity](#). That puts the Macquarie River and the town of Dubbo at significant risk, so much so that some residents are questioning if they can stay. Not so long ago, when the rains forgot to come, wells were a viable option, but today groundwater is also under stress. So maybe Dubbo, Australia is not a migration destination, but where would be? Good question. We can't tell you, but if you take a look at [recent work published by the World Resources Institute](#), you will see that Dubbo and New Orleans are hardly alone. People and nature will undoubtedly adapt to whatever comes next but that does not mean we should be okay with just letting things go. Adaptation can take many paths and they don't all lead to places we should be equally proud of. We have choices to make. So, as we head toward a new year and a new decade, it is not too early to start thinking about New Year's resolutions. We suggest this one: Be smarter—and wiser—about water.