

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
February 17, 2023

[The Thin Ice of Modern Life](#)

The TUWaterWays editorial staff generally tries to keep the doom and gloom to a minimum so we don't send you into the weekend wallowing. But there's only so much we can do when the headlines are riddled with news about [hazardous train derailments](#) straight out of a [disaster movie](#) and the literal "[Doomsday Glacier](#)." This is the not-at-all-terrifying nickname for the Florida-sized Thwaites Glacier in West Antarctica that scientists have warned is rapidly melting and whose collapse could drive catastrophic sea-level rise. New studies published in *Nature* this week provided a classic [good news-bad news](#) update on the ice shelf holding the Thwaites at bay: the [underneath of the shelf is melting slower than previously thought, but deep cracks and "staircase" formations in the ice are melting much faster](#).

The renewed threat of rising sea levels must have caught the attention of UN general secretary Antonio Guterres as he [warned the UN security council on Tuesday to expect "a mass exodus of entire populations on a biblical scale."](#) New research suggests a scenario of rapid retreat is inevitable to an extent, although keeping global warming below 1.5 C will at least slow the rate of sea-level rise. This may seem like an increasingly unrealistic pipedream as each day brings more news like [Pakistan quadrupling its coal capacity](#) or [BP leaning back into fossil fuels after a year of record profits](#). While a lot of the return to dirtier fuels can be blamed on the war in Ukraine, the general sense of energy insecurity across the globe has actually prompted steep [progress in the green transition, perhaps even knocking 10 years off the projected timeline](#). [So we're telling you there's a chance!](#) The threat of rising seas will demand a lot from laws, policies, and governance structures. This will mean learning [lessons from imperfect past programs](#) and developing new approaches to new problems as many are left vulnerable, homeless, or even stateless where entire countries are swallowed up by the sea.

Water We Fighting About?

It may or may not have been Mark Twain who first said, "Whiskey is for drinking, [water is for fighting](#) over." Whoever said it, the truth is that [access to water and violence often go hand-in-hand](#). For example, an estimated death toll of 300,000 in Mexico has been attributed to cartel warfare and the war against drugs. However, an opinion in *Scientific American* published on Wednesday suggests "that [disappearances and confirmed murders are disproportionately concentrated in areas where water reserves are strained](#)." Or consider Jackson, Mississippi—the U.S. city with the highest homicide rate that has been in a potable water crisis since last summer. This week, [state leaders proposed legislation targeted at the city's water](#)

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:

[28th Annual Tulane Environment 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

[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

[Legal Fellow](#); Bayou City Waterkeeper; Houston, TX

[Policy and Partnerships Manager](#); Bayou City Waterkeeper; Houston, TX

[Legal Director](#); Orange Country Coastkeeper; Costa Mesa, CA

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[supply and criminal justice system](#). Both bills take a similar approach: give the state more control. [Hey, it worked for Flint!](#) This extenuates a paradox that has underwritten much of the conflict over the last year—Mississippi’s state leadership is not politically or culturally representative of its capital city. The unfortunate common thread here is that neither Mexico nor Jackson are innately arid environments. The water access issues are not due to scarcity, but policy decisions that lead to breakdowns in resource management.

The Water’s Always Bluer on the Other Side

California has a [reputation for moving water around](#), because you can’t grow palm trees or almonds in a desert. Then this week, a public interest nonprofit, a Native American tribe, industry groups, and the Governor suddenly said—“Wait, maybe we should keep some of this water where it is.” So, everybody’s finally on the same page, right? Well, not exactly.

Back in December, the Mono Lake Committee urged California state officials to [declare a state of emergency and halt all surface water diversions from Mono Lake](#). Mono Lake sits on the edge of the Sierra Nevada and has provided water for Los Angeles for over a century. Now, as [salt lakes across the West are disappearing](#), the continued withdrawals present a particular threat. This Wednesday, members of the Mono Lake Committee (originally formed in 1978 when the lake was on the brink of collapse) appeared before the state Water Resources Control Board to [reassert the harm diversions cause the lake’s ecosystem](#), especially the habitat for millions of migratory birds. Representatives of the Kootzaduka Tribe that has called the Mono Lake-area home for thousands of years were also at the meeting asserting water rights and a cultural connection with the lake.

This hearing came two days after California’s Governor Newsom passed an [executive order authorizing the Water Board to consider modifying state requirements](#) on flows into San Francisco Bay to allow for more reservoir storage. Minimum flow rates are in place to protect Chinook salmon and Delta smelt, but in the midst of a drought and drastic conservation calls, farm groups, legislators, and municipal water suppliers were upset when floodwaters from last month’s storms were “wasted” instead of held in reservoirs. [Sound familiar?](#) The same sentiment has fueled [proposals to divert the Mississippi River](#) westward instead of “wasting” all that water in the Gulf of Mexico. [We recently compiled some of our thoughts on these proposals and other emerging considerations for sustainably managing the Mississippi River](#).

The Water Board hasn’t made any decisions yet on what to do about Mono Lake or the San Francisco Bay. On the one hand, they could try to keep water where it is to protect wildlife. On the other hand, they could try to keep water where it is and end up harming wildlife. At the end of the day, the issue is not and never has been that the water isn’t where it needs to be, but simply that there isn’t enough of it to meet all the various needs (wants?) of the Golden State.

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.