

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
February 21, 2018

## We're Hiring!

The Tulane Institute on Water Resources Law & Policy is in the market for a new postgraduate research fellow or two! If you're graduating from law school (JD or LLM) this year or graduated in 2017 and you're interested in joining us here at Chateau d'eau, then check out [this job posting](#) and get your application in by March 1<sup>st</sup>!

## Diverting Dolphins?

Any ten year old can tell you how [dolphins make decisions](#). But when it comes to decisions that affect dolphins things are murkier. Thanks to the [Marine Mammal Protection Act](#), dolphins (the sleek mammal type, not [the fish type](#)) are not to be messed with lightly. While not protected in quite the same way endangered species are, the MMPA is intended to protect marine mammal populations, not just individuals, from being killed, captured, or harassed without a permit. This can include changes to their habitats. Needless to say, in a world of fishing boats, navigation channels, off-shore oil and gas development, and navies doing the things navies do, the lines between if and how the MMPA applies are not crystal clear. Add to that list, coastal restoration and sea-level rise adaptation. Cases in point: the Mid-Barataria and Mid-Breton Sound Sediment Diversion projects and the Calcasieu Ship Channel Salinity Control project which are slated to be constructed to help keep some of coastal Louisiana—and a fair amount of fish and wildlife habitat—in existence. The rub is, that introducing Mississippi River water and sediment (which nature used to do all on its own) will change the habitats and maybe the well-being of resident dolphin populations. Of course, not doing that will allow rising seas (and sinking lands) to change the dolphins' habitat and maybe their well-being, along with the habitats, of lots of other creatures, including people. What's a body to do? (a) Get a permit? (b) Flip a coin? (c) Something else? The answer is (c) in this case thanks to a waiver contained in the bowels of the [spending bill recently passed by Congress](#). To be honest, [the waiver](#) reads more like a general permit than an out and out waiver, but the fact remains that keeping faith with important longstanding laws and policies while making a new generation of decisions is going to take work. Doing smart things well is no slam dunk in this changing world.

## Doing the D.O. Limbo

Doing things that change dolphin habitat can be dicey, as we just saw. How about changes to the homes of your more run of the mill fish and water critters? Turns out that the bar is lower, but just how much lower is on the table in Louisiana where EPA has approved significantly lower dissolved oxygen standards for many Louisiana

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 1-2, 2018

[Coastal Law in Louisiana](#)

New Orleans, LA

March 9-10, 2018

[23<sup>rd</sup> Annual Environmental Law and Policy Summit](#)

Tulane Law School

New Orleans

## Water jobs:

[Post Graduate Legal Fellowships in Water Resources Law and Policy](#)

Tulane Institute on Water Resources Law and Policy (yes, us)

[Staff Attorney or Policy Analyst - Water](#)

National Resource Defense Council

Chicago IL

[Environmental Policy Fellow](#)

Duke University

Durham, NC

[Water Rights Specialist](#)

State of Washington

Ellensburg, WA

[Program Officer](#)

Walton Family Foundation

Washington, DC

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streams and rivers. This matters because [oxygen, like love, is something you can't do with too little of](#). In response, several public interest groups, represented by Tulane's Environmental Law Clinic, have [filed suit to block the move](#). The [complaint](#) argues that the approval fails to square with the Clean Water Act and would allow for more pollutants to go into those waters. Any dolphins in those rivers?

### **23<sup>rd</sup> Annual Environmental Law and Policy Summit—Tulane Law School**

For 22 years the students in Tulane's Environmental and Energy Law Society have pulled off a miracle of a conference that welcomes all, covers nearly every topic you can imagine, and leaves attendees feeling better and more informed. The magic happens again on March 9 and 10 at Tulane Law School as our students roll out the [23rd Annual Environmental Law and Policy Summit](#). If Mardi Gras is the greatest free show on Earth, this Summit has to come in second. If you have been before, come again. If you haven't, make plans to come for the first time. Regardless, you won't be disappointed.

### **12<sup>th</sup> Annual Louisiana Water Conference**

March 27 and 28. The place Baton Rouge, Louisiana. The venue, LSU's Energy Coast and Environment Building. The reason? The 12 Annual Louisiana Water Conference, of course. Cap off your month with a trip to the Red Stick and hang with some of coolest kids on the block and learn something to boot. Click [here](#) for more information.

### **And Finally, Coastal Law: Nothing Says You Care Quite Like It**

And what a March it is for water lovers. Specifically water law lovers. So treat yourself and a loved one to a seat at the [Coastal Law in Louisiana](#) on March 1 and 2 in New Orleans. Sponsored by The Seminar Group and the Tulane Institute on Water Resources Law and Policy this program will be useful for lawyers, planners, engineers, (continuing education credits available) and many others. Water law—it's not just for lawyers anymore.