

# TUWaterWays

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

[What day is it? October 3, 2019](#)

## Do oil and water mix after all?

In terms of oil and gas money funding coastal restoration, the answer might be a very tentative “yes.” Lawyers representing coastal Louisiana parishes have settled with Freeport-McMoRan Inc., which is [one of the oil and gas companies that has been sued](#) on allegations of damaging the state’s coast. In particular, the lawsuits allege that oil and gas firms failed to follow the conditions of their Coastal Use Permits when drilling wells; building canals; disposing of waste; and restoring the land and wetlands. Though the terms of the settlement have not been made public, an attorney for the parishes [stated that Louisiana will receive payments totaling up to \\$100 million](#) in cash and environmental credits over many years, which must be spent by the state or local governments to restore coastal marshes and wetlands. Specifically, Freeport will make an upfront payment of \$15 million upon formally signing the settlement; pay an additional \$4.25 million each in 2023 and 2024, conditioned on the creation of a special fund by the Legislature to receive the money; and contribute up to \$76.5 million more based on the proceeds of the sales of environmental credits. How that all shakes out? TBD. (We gave [some thoughts](#) on this to our local NPR station this week, too.)

Though the settlement is being touted as a “possible breakthrough” and an opportunity to “speed the state’s coastal restoration,” the deal still requires the approval of 12 coastal parish governments (Plaquemines, Jefferson, St. John, Cameron, Vermilion, St. Bernard, Lafourche, Terrebonne, St. Charles, St. Mary, St. Martin and Iberia). Moreover, as of right now, it is uncertain whether other oil and gas companies might follow suit. However, if other companies do follow Freeport’s lead, an attorney for the parishes explained that Freeport’s wells account for only 4% of the wells drilled in the coastal zone since 1911. Thus, this \$100 million could be just a drop in the future settlement bucket – a bucket that will still likely be nowhere near big enough to answer all of Louisiana’s coastal needs.

At the same time, a multi-state group, which calls itself the GOMESA Revenue Sharing Coalition, [seeks a bigger percentage of the royalties that the federal government receives from drilling on the Outer Continental Shelf](#) to be put toward hurricane protection and coastal restoration. The group, which formed in August and lobbied Congress in September, features representatives from Louisiana, Alabama, Mississippi, and Texas. Their goal is to increase the coastal states’ share of royalties under the Gulf of Mexico Energy Security Act ([GOMESA](#)) from 37.5% to 50% and to remove the \$500 million cap on revenues allocated to states.

This is not the first attempt at increasing the states’ share of royalties, but this renewed effort coincides with some bills [making](#)

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:

[Atchafalaya River Basin Project Public Meetings](#)

October 2 & 3; Henderson & Plaquemine, LA

[LA Wildlife & Fisheries Commission Meeting](#)

October 3; Baton Rouge, LA

Bayou Bonfouca Marsh Restoration Plantings

October 3, 4, 5, 17, & 19; Slidell, LA

[Envl. Law at the Supreme Court Webinar](#)

October 4; online or in-person (Washington DC)

[Community Conversation on Climate Change](#)

October 4; New Orleans, LA

[Water Collaborative All Hands Meeting](#)

October 5; New Orleans, LA

[Basics of the Basin Research Symposium](#)

October 8; Hammond, LA

[Coastal 101](#): October 10; Avondale, LA

Oyster Shell Bagging

[Oct. 12](#); [Nov. 16](#); & [Dec. 19](#); Buras, LA

[LA Watershed Initiative Phase I Deadline](#); October 15

[Virginia Coastal Policy Center Resilience Conference](#)

Williamsburg, VA; November 15, 2019

### Water jobs:

[Associate Coastal Economist](#)

NOAA; Silver Spring, MD or Charleston, SC

[Deputy Director](#) or [Communications Associate](#)

Nat’l. Audubon Society; New Orleans, LA

[Grants & Finance Specialist I \(Water Program\)](#)

World Resources Institute; Washington, DC

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[their way through Congress](#). A pair of bills seek to allocate a greater portion of the federal offshore royalties toward outdoor recreation and addressing the maintenance backlog at national parks.

Meanwhile, a different bill by U.S. Representatives Cedric Richmond (LA) and Garret Graves (LA) aligns with the Coalition's goal to increase the Gulf States' share of offshore revenue to 50%. It would be equivalent to the share that states receive from oil and gas production on federal lands onshore. As of right now, the Gulf bill has no additional sponsors, while the effort to use offshore revenues to for recreation and the national parks has more than 300 sponsors. So, to put it [bluntly](#), it's not looking too great for the Gulf States right now.

### **[“Boy, they're an ugly-looking thing” \(Or not\)](#)**

Not only are nutria ugly, but they're becoming [a source of great concern in California](#). As we in Louisiana know, by burrowing into riverbanks and eating the roots, shoots, and leaves of plants, these 20 pound swamp rats destroy wetlands and degrade soil. In particular, the California Department of Fish and Wildlife is worried that the large rodents might make their way into the infrastructure and water supply of the Sacramento-San Joaquin River Delta, which contains a network of more than 1,000 miles of canals and levees that protect the area from flooding; provide drinking water to millions of Californians; and irrigate farms in the agriculture-heavy region. Nutria were believed to have been eradicated in California in the 1970s; but, one turned up in a beaver trap in 2017, and more than 700 nutria have been trapped and killed in the state since then. The California Department of Fish and Wildlife has \$10 million in state funds to address the nutria problem. The agency plans to hire 46 dedicated staff; launch a program that places radio collars on surgically sterilized nutria in the hopes that the social animals will lead the team to other nutria; genetically test the nutria to determine where they came from; and employ dogs trained to sniff out the rodents. Representative Josh Harder (CA) even brought a taxidermy nutria, which he named [Nellie the Nutria](#), to a meeting of the House Natural Resources Committee to bring attention to the problem. Better than a [snowball](#).

Meanwhile in Louisiana, [the nutria bounty rose from \\$5 to \\$6 this summer](#) after wildlife officials conducted a flyover and estimated that nutria damaged 14,600 acres across the state, with much of the damage found in coastal Terrebonne Parish. A 2017 documentary called [“Rodents of Unusual Size”](#) (turns out they [do exist](#), Wesley!) explores the threat posed to Louisiana's wetlands by nutria. In an effort to create a market for nutria, one Louisiana company, Marsh Dog, uses nutria meat [to produce dog treats](#). And, a blog called [“Can't Beat 'Em, Eat 'Em”](#) even features recipes like nutria fettuccini, nutria soup, and nutria à l'orange. You know the old saying: “Save a horse; ride a cowboy. Save a wetland; eat an invasive rodent.”

### **Though she be but little, she is fierce!**

With climate change threatening everything from [the New England moose population](#), the [last glacier in Venezuela](#), the [gardens of Versailles](#), [salmon farms in Australia](#), [Roman and medieval settlements on the British coastline](#), and [dairy cows' ability to produce milk](#) (is anything safe???), last week the United Nations' Intergovernmental Panel on Climate Change (IPCC) released the [Special Report on the Ocean and Cryosphere in a Changing Climate](#). Among other things, [the report warns](#) that sea levels are rising faster than previously thought; glaciers and ice sheets are rapidly melting, again faster than previously thought; and the fisheries that feed millions of people are shrinking. The UN also held its Climate Action Summit last week, and Greta Thunberg, the sixteen-year-old Swedish climate activist, was a star. In [jousting](#) with Representative Garrett Graves, Greta [more than held her own](#); she gave [an impassioned speech](#); she stared down President Trump in a manner [reminiscent of The Office](#); she updated her Twitter bio [to include language from a tweet by President Trump](#) appearing to mock her; she [re-tweeted a parody video](#) advertising a helpline for adults angry at her; she [won a 2019 Right Livelihood Award](#) AKA an “alternative Nobel Prize”; she has [joined the death metal scene](#); and she even got to [fist bump](#) President Obama. Along with 15 other young climate activists, she also [filed a complaint with the United Nations](#), alleging that five of the world's major economies have failed to uphold their obligations under the Convention on the Rights of the Child and have violated their human rights by not taking adequate action to stop the unfolding climate crisis. Honestly, we're worn out just writing about the busy week she had. The best part is that she's not alone—check out these [other young climate activists](#).

## Should we forecast water like we forecast weather?

That's what Sonaar Luthra thinks according to his recent [TED Talk](#). He thinks that we could forecast water shortages and risks with a global data collection effort. If water forecasting comes to fruition, hopefully it is more accurate than [weather forecasting](#).

## Friends, Romans, countrymen, send in your proposals

[ResCon](#), which focuses on resilience and disaster management, is now accepting [presentation proposals](#) from September 25 to **November 15, 2019**. The conference will focus on the following educational tracks: resilient people (socio-economic resilience); places (critical infrastructure and the built environment); finances (insurance, risk, and investment); technologies (cybersecurity and other tools); and organizations (the culture of Resilience). ResCon will take place April 28-30, 2020 in New Orleans.

## Ask not what your country can do for you—ask what you can do for your country: submit public comments

As discussed in [last week's TUWaterWays](#), the Army Corps of Engineers published [draft guidelines](#) for public comment in accordance with Section 5014 of the [WIIN Act](#), which requires the Coastal Wetlands Planning, Protection, and Restoration Act ([CWPPRA](#)) Task Force to issue guidelines for the use, maintenance, and oversight of environmental banks in Louisiana, after public notice and opportunity to comment. Written comments regarding the draft Guidelines should be submitted by **October 15, 2019**:

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## Get your public comments submitted! Is there an echo in here?

No, but there is something else for which you should consider submitting public comments. On September 26, the Council on Watershed Management posted the state's [draft Action Plan](#) for spending \$1.2 billion in [Community Development Block Grant Mitigation funds](#). The draft Action Plan, which describes the state's approach to funding projects, data collection, modeling and policy measures, aligns with the [Louisiana Watershed Initiative](#)'s long-term resilience objectives. The state is accepting public input on the draft Action Plan as it works to translate and post the document in Spanish, at which point the 45-day public comment period required by HUD will begin. There are several ways to submit a public comment:

Online: Review the draft Action Plan and provide comments [here](#)

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