



TUWaterWays

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

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\$8.6 Million for Swampland in Louisiana, but Only if You're Connected?

One of the problems with taking care of the environment is that it is not always possible to put a price on the things you value. Is your next breath worth what you pay for it? Who would you pay anyway? Same goes for all the things that wetlands do for us. They filter and clean water, they buffer storms and floods, they [serve as homes and nurseries for all sorts of critters](#). How much is all that worth, and how can you put a price on it? Well, you really can put a price on how much Louisiana values wetland protection. And that price is \$3,583 per acre based on an \$8.6 million deal for 2,400 acres of forested wetlands in coastal Louisiana negotiated by the Louisiana Department of Wildlife and Fisheries. To be sure the details matter and we don't know all of them, but in this case those details include a stipulation in the appraisal that the swamp would be used as a wetland mitigation bank and a seller with curiously strong political ties. [On closer inspection the State of Louisiana concluded that maybe it was overpaying given that the appraisal was based on a use \(mitigation\) for which the land did not qualify and was negotiated under the tenure of a LDWF Secretary who has since resigned](#). Further complicating things is the US Supreme Court's ruling in *Sackett v EPA* which almost certainly will curtail the reach of the Clean Water Act—and its mitigation requirements. Since Louisiana places such a high value on its swamps and expects damage to them to be mitigated, we presume this transaction is its understated way of saying it will enact laws to protect them even if Federal doesn't anymore. Right?!?

The Power of Tap Water

[JD Power is about much more than rating car models](#), something that many Americans may be unaware of. But it is true, and the company has now found something to rate that is even more fundamental to life in these United States than cars. Tap water. In a world where [nothing seems to matter unless it gets ranked](#) (See, e.g. YouTube Channels, [greatest singers](#), [best steak houses](#), [best doctors](#), etc...) it was only a matter of time until water got its moment. Not bottled water —[that has so been done](#)—but tap water, the stuff that most people actually drink. Now, thanks to [JD Power](#), we know [which states have the best and worst tap water](#), something that might matter if you are deciding where to live or do business. First let's brag a little—Louisiana came out on top, though for some reason the study spelled the Bayou State K-e-n-t-u-c-k-y. Second, before you pack up and move there, you should know that the study really measured customer satisfaction with water utility service more than it did water quality, water supply, and the state of infrastructure. The study also ranks tap water by state when that is not how most tap water handled. Most tap water comes from local sources such as utilities that serve a metropolitan area or from wells that are not actually serviced by any organization. So, are the ratings useful? It depends on what they are used for. Do they correlate with other studies? Since Alabama comes out last in the Power study but [11th in another study](#), there seems to be room for improvement or at least calibration of the methodologies. Regardless, since water and who has it is becoming a bigger deal, get used to seeing these rankings and, as when choosing a steak house or lawyer, be prepared to look beyond rankings if you want to make a good decision.

We are Farmers....

... and we are moving out. [Bum ba dum bum bum bum bum](#). Out of Florida that is. Florida is many things to many people—vacation destination, retiree paradise, a place where [alligators may be legal tender](#), and just maybe a lens on what [the future of American governance](#) and business might look like. What it isn't is a place where homeowners and property insurance is affordable or even available. The latest confirmation of that last fact comes courtesy of Farmers Insurance, which has announced it will no longer write policies in Florida, leaving more than 100,000 policy holders scrambling to find coverage elsewhere. Increasingly that means turning to the State-run property insurance pool. Since private insurance is one of the best barometers of how the free market views the safety of a place or type of activity, it will be interesting to see how this all shakes out. [Farmers claims that it made a business decision based on the inability to manage risk](#) (i.e., [they know a thing or two about insurance](#)). If that is right, then Florida's future—which is very much based on growth—is in question. On the other hand, [Florida officials see the “woke” hand of “sustainable insurance” and environmentally sensitive investment priorities at play here and they don't like it one little bit](#). No matter what, it's clear that the cost of insurance and living in Florida is going up. We hope they figure it out, especially since whatever happens there will echo across other states. Maybe if they allow premiums to be paid with alligators.

Didn't it Rain, Children

... oh, yes. Vermonters can be forgiven if they thought [Sister Rosetta Tharp](#) had them in mind when she sang those lines. [Following a 7 inch, 1 in 100 year](#) deluge that left its capital city and other areas awash in flood waters and misery, Vermont residents have been wondering not only how this can happen but how it could have happened again. Similar rains hit the state in 2011 but those were linked to Hurricane Irene and there was no such storm this year (yet). Two “100” year events occurring in a 12-year period can raise eyebrows. And when you put those events into a fuller context, [like the folks at First Street did recently](#), then it becomes clear that precipitation patterns are changing and the more intense and more frequent rain events are the “new normal” in a number of places, such as the Northeastern USA (which is where Vermont is for our less geographically oriented readers). If those precipitation patterns persist, then patterns of living will likely be changing too and issues of community relocation, elevating homes and insurability (see previous story) now mostly associated with coastal areas may be coming to hilly community near you. [It may finally be time to admit that the waters around you have grown....For the times they are a-changing.](#)

Coming Up:

[14th Louisiana Water Conference, Baton Rouge, LA, August 2-3](#)

Tulane Environmental Law Summit, New Orleans, February 23 & 24, 2024 (save the date!)

Water jobs:

[Senior Campaign Coordinator](#); National Wildlife Federation; New Orleans, LA

[Deputy Director](#); Bayou City Waterkeeper; Houston, TX

[Senior Fellow \(Water Security\)-Global Food Security Program](#); Center for Strategic & International Studies; Washington, DC



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.

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