

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
December 16, 2022

You've Gotta Spend (Federal) Money to Spend (State) Money to Save the World

The [influx of federal climate subsidies](#) offers a glimmer of hope for our ambitious but necessary climate goals. But you know what they say...[no money no problems](#). The effectiveness of these incentives in the Inflation Reduction Act hinge on many outside factors that are far from resolved. Program monitoring under the Department of Energy and new IRS rules are needed to prevent waste and fraud. Sure, there are a lot of details to iron out, but that's showbiz baby.

Despite its difficulties, the funding comes as good news to state and local governments making commitments to achieve net zero emissions, including Louisiana. Earlier this week, the state's Climate Initiatives Task Force released a [draft of the first annual progress report](#) under the Climate Action Plan. Decisions made in the energy sector over the next few years could define a generation. Which might help explain why a [local runoff election for a seat on Louisiana's Public Service Commission made national headlines](#). Having defeated incumbent Lambert Boissiere III, Davante Lewis has big plans for the Baton Rouge/New Orleans region that prioritize utility oversight, renewable portfolios, and enhancing grid reliability against future hurricanes. Lewis had support from major environmental groups across the country and even got [Mark Ruffalo's stamp of approval](#). Perhaps the Hulk's green skin was a metaphor representing the dangers of environmental degradation ([perhaps not](#)).

'Tis the Season

And by that we mean the [seasons of... Flood](#). But really, how do you measure a year? In terms of infrastructure, it's all about risk. In case you missed it, [Congress is making big investments](#) in the Water Resources Development Act. Part of the bill requires the Army Corps to consider increasing flood protection for the New Orleans levee system to protect against [200-year floods](#). While language requires the Corps to consider higher protection, it still allows considerable discretion in making those final decisions, especially with regard to the cost-benefit analysis. Whether the Corps had authority to enhance protection has been a hot topic (never fear, [we have a resource for that](#)). Despite Congress's blessing to consider higher protection, if the Corps were to agree to 200-year standards, the cost would still have to be approved by Congress [down the road](#).

Flood control projects are critical for coastal communities but can have adverse impacts to our ecosystem. In the U.S., a third of [endangered and threatened species rely on wetlands](#) for survival. Now, a proposed dam on the Pearl River has heightened concerns for a rare turtle species in Louisiana. The [Center for Biological Diversity is](#)

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:

Tulane Environmental and Energy Law Summit; March 17-18; New Orleans, LA

[2023 State of the Coast Conference](#); May 31-June 2; New Orleans, LA; [Proposal Submission Deadline](#), January 17

Water jobs:

[Assistant Professor of Marine Affairs: Fisheries Management and Policy](#); University of Rhode Island; Kingston, RI

[Restoration Programs Director](#); Coalition to Restore Coastal Louisiana; New Orleans, LA

[Regional Watershed Coordinator](#); Capitol Region Planning Commission; Baton Rouge, LA

[Water Quality Technician](#); Pontchartrain Conservancy; Metairie, LA

[Associate Attorney, Senior Attorney, and Paralegal](#); Earthjustice; Multiple Locations

[Staff Attorney](#); WaterWatch of Oregon; Portland, OR

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[suing the U.S. Fish and Wildlife Service](#) over its failure to implement protections for the Pearl River map turtles and [alligator snappers](#). While the Endangered Species Act provides a strong mechanism for habitat protection, getting a species listed under federal law is [difficult](#) to say the least. The loss of these rare species has broad, adverse impacts on ecosystem balance, water quality, and agriculture, to name a few.

Luckily, these concerns have prompted international efforts. This week, [world leaders arrived in Montreal](#) to discuss the [Global Biodiversity Framework](#) after a two-year pandemic delay. The meeting is part of a UN convention with a structure similar to the Paris Climate Accords—but for species. One major target of the agreement is a goal to conserve 30% of the world’s waters. As you may have guessed, the definition of “conservation” has sparked debate and [raised concerns for Indigenous communities](#). Any commitment that results from the meeting will be one to watch.

Water is the Messenger Delivering the Bad News of Climate Change

But don’t shoot the messenger! [New concerns have arisen](#) in Europe concerning this year’s [record-setting drought](#). However bad everyone thought it was pales in comparison to how bad it actually is. Recent satellite data revealed that Europe’s freshwater availability is rapidly declining to the tune of 84 billion tons per year. Persistent drought conditions and increased pumping mean aquifers can’t recharge. And yet the urgency of the situation hasn’t seemed to alter [Tesla’s motivation to drill for new water sources](#) as it pushes forward with plans to double the capacity of its electric vehicle plant in Germany. It seems our relationship with the ever-mysterious nature of ground water is [complicated at best](#).

There’s a real need for comprehensive groundwater data on an intercontinental scale to help nations plan for better management of shared resources. To which NASA said, “We got this... ([with a little help from our friends](#)).” During his recent visit to D.C. (a trip that also included a [stop in La Nouvelle Orleans for a meeting with Elon Musk](#)), French President Emmanuel Macron highlighted plans for a [joint mission with the French National Centre for Space Studies](#) scheduled for this Thursday. However, the launch has been delayed a day while the French celebrate their recent World Cup victory over Morocco. Okay, that’s probably not why. Actually, it was ironically delayed due to an issue with a SpaceX rocket launch. The Surface Water and Ocean Topography (SWOT) satellite, now [set to launch today](#), will use [new radar technology](#) to track elevation changes, movement, and incorporate data on smaller water bodies that could not be studied under previous methods. Experts hope this project will provide new insight into [how climate change affects the global water cycle](#). Maybe we will get closer to understanding the [Way of Water](#).

[Hey! You!](#)

[We are once \(for the last time!\) again asking](#) you to help us find the top water song of 2022. Our [panel of experts](#) are reviewing submissions and compiling the definitive playlist. There may even be a [meaningless award](#) for the top tune. This is more important to the economy than your holiday shopping. Vote early, vote often! [We even made this Google form for your submissions!](#)