

TUWaterWays

Water News and More from the Tulane Institute on Water
Resources Law and Policy
February 4, 2013

President signs \$50.5 Billion Superstorm Sandy Aid Bill

President Obama [signed](#) the Superstorm Sandy Bill, which will provide \$50.5 billion in disaster relief to those affected by last year's super storm. Congress gave its final approval late Monday night and the bill was signed the following evening. The aid package is in addition to the \$10 billion Congress approved earlier this month for recovery efforts. However, the combination of the aid packages still falls short of the \$82 billion requested by the governors in affected states. Click [here](#) to read more about who will benefit from the bill.

BP Pays \$4 billion in Criminal Fines, Settles Criminal Charges

U.S. District Judge Sarah Vance [accepted](#) BP's plea agreement this past Tuesday to pay \$4 billion in criminal fines. In addition to the fines, the company also offered to plead guilty to 11 counts of felony manslaughter, one count of felony obstruction of Congress, and a variety of environmental crimes. Judge Vance did state that federal law prohibits her from dictating the agreement; she may only accept or reject it and a rejection would allow BP to change its plea to not guilty and go through with a jury trial. The [next step](#) will be the much anticipated civil fines; the first phase of the trial is scheduled to begin February 25.

The Path Forward: RESTORE Council Outlines Proposed Path

Earlier this week, the Gulf Coast Ecosystem Restoration Council published *The Path Forward to Restoring the Gulf Coast: A Proposed Comprehensive Plan*, whereby initiating the process of drafting an initial comprehensive plan to allocate the Clean Water Act civil and administrative penalties stemming from the BP Deepwater Horizon oil spill. Click [here](#) for the actual text of the proposed comprehensive plan. The RESTORE Act requires the Council to publish a proposed comprehensive plan within 180 days of its enactment, which--give or take twenty days--was satisfied by *The Path Forward*. The draft plan clearly commits 30 percent of RESTORE funds to Gulf Ecosystems and was warmly received by leading restoration organizations, Environmental Defense Fund, National Wildlife Federation, National Audubon Society, The Nature Conservancy, and Ocean Conservancy. Click [here](#) for a brief summary of their comments. However, in the days preceding the announcement, language on the Council's website led to a heated debate among Capitol Hill, The Commerce Department, and environmental groups over who takes priority over Pot #2: ecosystems and economy. Click [here](#) for Bob Marshall's summary.

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:

[February 22-23, 2013](#)

18th Annual Tulane Environmental Summit
New Orleans, LA

[February 27-28, 2013](#)

America's Wetland Foundation
"Big River Moves"
Chicago, IL

[March 1, 2013](#)

Great Lakes Natural Resource Governance
Robert H. McKinney School of Law
Indiana University
Indianapolis, IN

[March 7-9, 2013](#)

"Building Resiliency Workshop IV: Adapting to Uncertainty"
New Orleans, LA

[March 24-26, 2013](#)

Center for Natural Resources and Economic Policy (CNREP)
"CNREP 2013: Challenges of Natural Resources and Economic Policy"
New Orleans, LA

[May 10, 2013](#)

Coalition to Restore Coastal Louisiana's Coastal Stewardship Award Banquet
Baton Rouge, LA

[June 6-7, 2013](#)

American Bar Association's
31st Annual Water Law Conference
Las Vegas, NV

Tulane Institute
on Water Resources Law & Policy

6329 Freret Street, Suite 155G
New Orleans, LA 70118
504-865-5982

<http://www.law.tulane.edu/enlaw/>

Drought Affecting Upstream States Has Consequences for Louisiana

Last summer's intense drought, which affected states nationwide, has also had an affect here in Louisiana. The Mississippi River faced dangerously low levels due to the lack of rainfall in 2012. Because of this, the freshwater that normally pushes down and out of the mouth of the river has decreased in volume, whereby allowing saltwater from the Gulf to creep up river. Denser than freshwater, the saltwater travels on the bottom of the river in what is referred to as a "wedge." The Corps spent \$5.8 million to create a sill that would prevent the salt from travelling upstream, which helped diminish the problem but not in time for those in Plaquemines Parish. Click [here](#) for a link to a sound bite from NPR's *All Things Considered*.

Don't Mind Us, Mississippi, We're Just Building Our Levees

Louisiana's proposed levee systems are drawing the attention of our neighbors, specifically Mississippi. Officials in Hancock County [oppose](#) the suggested 24-foot barrier levee that would close or partially close Lake Pontchartrain to protect St. Tammany Parish. They believe the altered storm surge resulting from the levee would essentially channel the water towards other coastal areas including Hancock County. Garret Graves from Louisiana's Coastal Protection and Restoration Department went on the record to say they "don't have any plans to send additional flood waters to Mississippi." U.S. Rep. Steven Palazzo, R-Miss, has asked the National Oceanographic and Atmospheric Administration to look into the effects of closing off Lake Pontchartrain and the impact Mississippi would feel as a result of this closure. The Southeast Louisiana Flood Protection Authority requested comments on that proposal and others in its New Orleans East Land Bridge Study. Many counties in Mississippi are filing letters objecting the proposal.

Climate Change is No Longer a Four-Lettered Word—Obama and Kerry Publicly and Politically Weigh In on Climate Change

The term climate change is not new in politics, but having the President [mention](#) it in his inaugural address and make a moral case is new. Margie Alt, executive director for Environment America, went so far as to compare it to a moral mandate. Click [here](#) for a transcript of the President's speech. The sentiment was later echoed by incoming Secretary of State, John Kerry, but focused on this being a matter of national security. [According](#) to Kerry, America's foreign policy "is defined by life-threatening issues like climate change" and the solution to climate change is a better energy policy.

It Takes a Village...To Move A Village: Climate Change Refugees

Twelve indigenous communities in Alaska are facing the drastic effects of climate change, including flooding, collapsed buildings due to erosion, and polluted water. As sea levels rise, members of the Alaskan communities move to higher ground, which is continuously becoming more difficult because there is little to no state or federal support for relocation. The bottom-line is a lack of legal framework to relocate entire towns with no governmental approval or funding. On the state level, government agencies have denied previous requests to move because the new location's permafrost was also likely to melt in the future. The Alaska Climate Change Impact Mitigation Program, which began providing funding in 2008, was never reauthorized by Gov. Sean Parnell and has not met since 2011. On the federal level, the problem of relocation is completely ignored and individuals seeking to relocate cannot access disaster relief funding. Alaskan human rights attorney Robin Bronen believes this [problem will spread](#) to other coastal communities. If sea levels continue to rise, then relocation and the challenges it brings will not be isolated to these twelve Alaskan communities.

NASA and GOMI: New Techniques for Monitoring the Gulf

NASA recently held a workshop in New Orleans to unveil the results of 48 projects related to GOMI, which is a way of integrating satellite imagery, modeling and other techniques to monitor the Gulf of Mexico. One project that is getting a lot of attention provides a technique for the remote monitoring of cypress forests. Click [here](#) for more information.

Remembering Mike Voisin

With sadness but fond memories we say [farewell](#) to Mike Voisin who passed away far too soon over the weekend. Mike, the President of Motivait Seafood was a leading and progressive figure in the oyster-farming and processing industry as well as an early champion of restoring coastal Louisiana. His all too rare combination of firm resolution and a gentle manner will be very much missed.