

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
May 28, 2014

## LSU Projection of Storm Surge in 2100 Shows Water Over Nearly All of Coastal Louisiana

By the end of the century, storm surge could reach scores of miles inland from today's coast. Researchers from LSU's Center for Geoinformatics's study [shows](#) surges more than 13 feet deep in New Orleans and covering lands surrounding both Lakes Pontchartrain and Maurepas. The study shows changes in surge depth to worsen the most within levee systems due to increased draining and subsidence, which is why you see many in New Orleans (including this institute) [calling for a change](#) to our approach to urban water management.

## Fish, Endangered Species Act, and Fishermen Could Pay Price for California Drought

Last week, the Senate unanimously passed Sen. Feinstein's (D-CA) bill [S.2198](#) directing federal agencies to temporarily direct more water from the Sacramento-San Joaquin River Delta to cities and farms farther south. Environmentalists and fishermen have voiced concerns over the potential damage to salmon runs and the endangered delta smelt. Sen. Feinstein brushed concerns aside saying enviros "[have never been helpful to me in producing good water policy.](#)"

The validity of that comment aside, much of the concern is based less on the Senate bill than on the upcoming conference with a House bill [H.R. 3964](#) that entirely bypasses Endangered Species Act (ESA) biological opinions that protect the fish. Passing the Senate bill means that passages from the much more drastic House bill may see the light of day. Meanwhile, Republican Senators, including Louisiana's own David Vitter, are using Sen. Feinstein's bill as [fodder](#) in their long standing battle against the ESA.

## National Wildlife Federation and others Sue Corps of Engineers over Mississippi River Navigation Measures

Several environmental groups [sued](#) the U.S. Army Corps of Engineers last week in an effort to stop the Corps from building various control structures until the environmental and flooding impacts of wing dikes, chevrons, and rock dikes are comprehensively evaluated. The groups cite dozens of studies that show the structure worsen flooding on the river. While the Corps has stood by these structures as necessary to maintain the barge channel on the river, the groups filing the complaint hope for a full NEPA evaluation of the methods and their consequences. We'll keep updating the case, and its potential

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:

[Restore America's Estuaries and Coastal Society Summit on Coastal and Estuarine Restoration](#)

November 1-6, 2014  
Washington, DC

## Water jobs:

[Water Resources Manager](#)  
Mississippi River Network &  
National Wildlife Federation  
Washington, DC

[Executive Director](#)  
Center for Climate Change Law,  
Columbia Law School

**Tulane Institute**  
on Water Resources Law & Policy

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

[http://www.law.tulane.edu/tlscenters/  
waterlaw/](http://www.law.tulane.edu/tlscenters/waterlaw/)

TWITTER: [@TulaneWaterLaw](#)

impact on river management, as it progresses.

### **WRDA Passes House and Senate, Awaits President Obama's Signature**

The Water Resources Reform and Development Act of 2014 (WRRDA 2014) has made it through Congress and is expected to be signed into law by the President soon. WRDAs (with only one R) used to be passed every two years, but it has been seven years since the last one. Like a long-awaited comeback album, many are more excited by the concept of a new WRDA bill than its actual content. The Congressional Budget Office says it will [cost](#) \$12.3 billion over the next decade, so fiscal hawks are displeased. It calls for streamlining that may do more to weaken environmental protections than actually speed projects along, so environmentalists are displeased. We're still reviewing the act itself in our shop, and we'll soon share any insights worth passing on.

### **Picking Up the Tab: Utilities Could Shoulder Costs of Dealing with Contaminated Ground Water**

As anyone who follows the news knows, the practice of hydraulic fracturing (fracking) is time tested and completely safe, except when it isn't. The latter possibility is getting more attention from water utilities, which are concerned that fracking could contaminate ground water (albeit other things can too) and then leave the utilities to monitor and treat the water so it is safe to drink and at no small cost. At least that is the view according to a [new report](#) from Fitch Ratings. The report notes that more than half of the fracking activity in the U.S. is happening in places that are facing water shortages and where the competition for water resources is only getting more intense.

### **USDA Names Mississippi River as National Critical Conservation Area**

The 2014 Farm Bill (Yes, a farm bill and a water bill in the same year! What were the odds?) [created](#) the Regional Conservation Partnership Program (RCPP) to focus conservation dollars on critical conservation areas. The program is intended to facilitate public buy-in with USDA's Natural Resources Conservation Service (NRCS). The [RCPP](#) named eight areas as Critical Conservation Areas (CCAs), including the [Mississippi River Basin](#) from Louisiana to Minnesota to Ohio. Much of the USDA's efforts in this CCA will focus on reducing nutrient and sediment loading in the river system and improving water efficiency. [Other CCAs](#) include the Great Lakes, the longleaf pine belt across the Southeast, and the Great Plains (thereby completing coverage of nearly the entire Mississippi River watershed).

### **Saving Water, Saving Time: Lessons from Levi's CEO**

As the world struggles to find ways of coping with water shortages, we can expect bold ideas and challenges to social norms as part of the game. But few had expected an idea as bold and challenging as the one offered by Chip Bergh, CEO Levi Strauss.

The idea: [Stop washing your jeans](#). It will save water and the time it takes to stuff them in the washer. That is what Mr. Bergh has done for two years and he claims things are fine. While this may mostly prove that Mr. Bergh is a guy, it has been offered as a way to conserve water. Now to really save time and water, one would have to stop washing a lot more than blue jeans (they are pretty much free riders with the rest of the laundry), so the implications for hygiene in general and being near Mr. Bergh in particular are rather mind blowing. But every cause needs its pioneers so hats off to Mr. Bergh, though he might not quite be the favorite for next year's Stockholm Water Prize. Yet.