

# TUWaterWays

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

[March 12, 2021](#)

## Earmarking 2.0

A couple of potential exciting happenings are on the horizon for Army Corps of Engineers projects. House Democrats are [moving forward](#) to end a long-standing ban on appropriations earmarking. But, with practices like earmarking, ethics can be a [delicate](#) matter, and there can be a [fine line](#) between what is okay and what is corrupt, and as such, the practice has a long history of bi-partisan opposition. Earmarking was banned in 2011 after it was plagued by scandal; therefore, House Democrats are proceeding cautiously and have introduced [new rules](#) to be a full reformation of the practice, but some [Republicans](#) are saying “[don’t start now](#)” to the practice. Under these new rules there are some qualifications as to what kind of projects for which earmarked funds can be used. House members will be able to make requests to earmark money for “community funding projects.” This could be especially beneficial to perpetually underfunded Army Corps ventures, as well as a boost for vital water resource management projects. So, for long-suffering water project boosters [it’s a good day to see](#) this development - just after December’s passage of 2020 Water Resources Development Act (WRDA) as part of a larger Covid-19 relief bill. Even after a WRDA passes, the projects and studies included still require appropriations to get off the ground, so perhaps this earmarking advancement means that [one day](#) WRDA will be better funded.

Speaking of the Corps and WRDA, the Corps recently opened up a public comment period for all provisions in WRDA. The Corps is asking for any comments on how it should implement provisions of the act, which ranges from navigation to ecosystem restoration, to flood management, and more all over the United States. If you’re interested, read the [text of WRDA 2020](#) and/or this [section-by-section summary](#). Comments are due May 7, 2021 and instructions to do so can be found [here](#). And, in case [you forget them](#), we’ve also got a [dynamite](#) collection of all the public meetings over in our upcoming events section.

## Well, Dam

A new Stanford [study](#) shows how humans interact with freshwater levels in lakes and reservoirs worldwide. Water levels in these storage areas rise and fall as part of natural seasonal cycles, and it’s obvious that man-made water management has an effect on those changes, but new satellite data shows just [how much influence](#) humans really have. [The scientists](#) at Stanford who conducted the study said that it shows that humans “have a dominant effect on Earth’s water cycle,” primarily due to practices like reservoir damming. For example, the satellite data showed that freshwater levels naturally change about

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:

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Inland and Coastal Navigation Provisions](#); March 16

[Ecological Drought: Impacts on Coastal Ecosystems](#), Mar. 17

[SLU Summit for Water: Navigating the Currents of Water Research](#); March 22

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Flood Risk and Coastal Risk Storm Damage Provisions](#); March 23

[ASBPA Coastal Summit](#); March 23-25

[EPA Small Drinking Water Systems Webinar: Disinfection Byproducts Control](#); March 30

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Ecosystem Restoration and Nuisance Species Provisions](#); March 30

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Water Supply and Hydropower Provisions](#); April 6

[WRDA 2020 Army Corps Implementation Comment Stakeholder Session: Any Provisions](#); April 13

[ABA 50<sup>th</sup> Spring Conference on Environmental Law](#); April 27-30

## Water jobs:

[Assistant Director For Policy and Assistant Professor in Environmental Policy and Ecology](#); University of Georgia; Athens, GA

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

[Manager of Equity and Resilience Programs](#); Groundwork USA; New York City, NY and Boston, MA

[Director, Sustainable Land Science](#); Conservation International; Arlington, VA

[Associate Research Scientist, Marine Protected Areas and Climate Change](#); Conservation International; Santa Barbara, CA

Multiple Intern Positions with Conservation International: [Geospatial Trainer](#); [Conservation and Sustainable Development](#); [Climate Change Adaptation](#); [Climate Change and Biodiversity](#)

[New Orleans Policy Manager](#) and [Climate Coordinator](#); Alliance for Affordable Energy; New Orleans, LA

[Senior Staff Attorney](#); San Francisco Baykeeper; San Francisco, CA

8.6 inches between wet and dry seasons, while human-managed reservoirs change about four times as much. The regions with the highest variability between seasons are also some of the most water-stressed areas: the western United States, southern Africa, and the Middle East. Although storing up water during the wet season to disperse during the dry season sounds good in theory and does come with other positives, like flood protection, it also creates other environmental problems, such as greenhouse gas production and harm to fish species. With this type of new data and technology constantly advancing, sustainable water management is more attainable.

### **[Dance Yrself Clean, Mississippi River](#)**

[Plastics pollution](#) has been a serious problem for the environment since the days of [Benjamin Braddock](#), but it was underscored for the Mississippi River last fall by a [massive nurdle spill](#) which [no one seems to want to clean up](#), and we are still seeing the effects of [here in New Orleans](#). There have been a number of potential solutions to plastics pollution, like [this method](#) of turning it into [gasoline](#), but another glaring problem in aquatic settings is the lack of tracking data we have on it. One group now addressing that is the [Mississippi River Cities and Towns Initiative](#) (MRCTI), which held its annual meeting last week. The meeting was a gathering of mayors from cities all along the [Mississippi River](#) to discuss issues and programs unique to the region. The meeting formally announced a new [plastics pollution initiative](#), which will partner the MRCTI with the UN, National Geographic Society, and University of Georgia. It empowers citizen volunteers, trained on a plastics pollution tracking app, to help generate data collection in order to map out plastics pollution along the Mississippi River. Tracking is a great start to the larger plastics pollution problem, but issues like liability for cleanup are most pressing for those downriver currently, so hopefully this program kickstarts a larger understanding of the problem and leads to a cleanup initiative, sooner rather than later.

### **It's Finally Here!**

The Army Corps of Engineers [released](#) the long-awaited Draft Environmental Impact Statement for the Mid-Barataria Sediment Diversion project. The [project](#) as well as the [Mid-Breton Sediment Diversion project](#), which is still in earlier stages of the permitting process, are proposed by the Louisiana Coastal Protection and Restoration Authority ("CPRA"). The Mid-Barataria diversion will redirect up to 75,000 cfs of sediment-laden water from the Mississippi River into the Barataria Basin to restore wetlands and slow coastal land loss. These sediment diversions mimic natural processes that would occur if not for the complex levee system along the lower Mississippi River, and have been determined to achieve restoration better than other methods, such as dredging. Although that all sounds good, the project is controversial due to adverse impacts to oysters, other fisheries, and dolphins. Back in 2018, NOAA granted a [Marine Mammal Protection Act Waiver](#) for the project's harmful impacts to bottlenose dolphins in the area, and just this past December the agency released a [study report](#) detailing those potential harms. We're still reading the DEIS ourselves (it's quite large), but in general the Corps found that overall the long-term benefits of the project outweighed those negative impacts. Comments for the DEIS are due May 4, 2021 and public meetings will be held with the dates TBA. All information and instructions for commenting and meetings, as well as the documents, can be found [here](#).