

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
May 14, 2013

Flood Insurance Changes Wrapped into Senate WRDA Bill

The Senate Water Resource Development Act bill hit the floor last week, but it didn't get very far. Senator Mary Landrieu [stopped action](#) on the bill until her amendment to stop the increase to flood insurance premiums was considered. The amendment has been rewritten to avoid increasing the cost of the bill. It seems as though the amendment will be adopted this week before Tuesday's vote to close debate.

[Other amendments](#) to the bill were adopted last week; they addressed the fight against Asian carp, a coastal endowment, an Army Corps water management study, and an adjustment to Harbor Trust Fund use.

Outside of the Senate, other actions are also looking the flood insurance rate hikes. New [flood-risk maps](#) (the ones that threatened to empty several coastal parishes) will be amended to account for non-federal levees. On the House side, Rep. Waters (D-Ca.), who co-authored last year's flood insurance reauthorization bill that instituted many of these changes, has [pledged](#) to work to address these issues.

Senate and House Farm Bills to See Mark-up in Committee This Week

The Senate Agriculture, Nutrition and Forestry Committee will mark up its [Farm Bill](#) Tuesday. The House Committee on Agriculture will mark up its [Farm Bill](#) Wednesday. The Senate bill looks to cut spending by \$23 billion, and the House bill by \$40 billion. The two bills differ on [target price proposals](#). Only the Senate bill links crop insurance subsidies with conservation for wetlands and eroding land. The House bill, on the other hand, cuts \$6.9 billion for in conservation programs.

Mediation for Interstate Water Disputes?

An [op-ed](#) in the Los Angeles *Times* last week suggested using special mediators for interstate water disputes rather than taking these disputes to the Supreme Court. The author, Scott Moore, correctly pointed out several issues with our interstate water law; states laws often contradict each other, there is no single federal agency responsible for water resources and that enforcement and monitoring of interstate compacts is difficult and expensive.

Mr. Moore's foundational premise for the problem is that the country's founders did not anticipate living in deserts (much less tens of millions of people living in arid or semi-arid environments) and accordingly created no really effective mechanism for settling the sort of interstate water hash we are now facing. The op-ed cites the Tarrant Water District Supreme Court case heard last month, as evidence that interstate compacts are just not up to this task—a very fair observation in that particular case and in many others.

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:

[May 15, 2013](#)

[GNOF Urban Water Series](#)

New Orleans BioInnovation Center
1441 Canal Street
New Orleans, LA

[June 6-7, 2013](#)

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

[June 16-21, 2013](#)

EPA Region 6 [Stormwater Conference](#)
New Orleans, LA

[June 18, 2013](#)

NFIP: Preparing for Changes to Flood Ins.
[Louisiana Resiliency Assistance Program](#)
Baton Rouge, LA

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/>

Mandated mediation is an intriguing notion and one worthy of exploration. But whether states will be open to mediation and just what inducements and enforcement powers federal mediators would have that the courts and Congress don't presently have is still a mystery. Perhaps better framed compacts would be a good starting point. After the greatest weakness of compact based water management is that frequently it is not clear just what the parties intended or that they did not in fact intend to do much.

In-Tact Dunes Protected New Jersey Town from Sandy. Can Other Towns Afford to Follow Suit? Can They Afford not to?

EENews.net profiled a few coastal-New Jersey towns last week and their varied responses to post-Sandy life. While some towns want to [stay put](#) and others are looking to [retreat](#) from low areas, at least one [avoided the worst](#) of the damage thanks to proper coastal management. The town of Avalon began investing in coastal dune protection after a 1962 storm, and has benefitted ever since. The dunes had the direct effect of limiting inundation from the storm surge. They have had an indirect effect of leading residents to live "higher" in order to get those desired views over the dunes. Although the process has been costly, and Avalon is a wealthy municipality, between the town already having been raised out of the flood zone and the choices their neighbors are being forced to make, it is clear that proactive, responsible coastal management pays off in the end.

Reminder: GNOF Urban Water Series Starts this Wednesday, May 15, at 4:00

The Greater New Orleans Foundation [Urban Water Series](#) will kickoff this Wednesday at the New Orleans BioInnovation Center at 1441 Canal Street. The topic this week is "Stormwater Challenges: Local and National Perspectives" and Institute director Mark Davis will be one of the speakers.