

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
[April 9, 2020](#)

## [Ain't No Sunshine](#)

It seems that in these “[lean on me](#)” times, some parts of the country, such as South Dakota and New Orleans, cannot catch a break. But it's not [just the two of us](#). Some Mississippi River cities and towns have not yet recovered from last year's high flooding and were already running on reserve funds when the COVID-19 pandemic hit. Now, in addition to contending with the pandemic, these cities and towns are also preparing and bracing for the threat of high spring flooding in the coming months. In March, NOAA released its [spring outlook](#), which forecast another year of widespread flooding. In some slightly positive news, the outlook projects that this year's spring flooding will not be as severe or prolonged overall as the historic floods in 2019. Major to moderate flooding is likely in 23 states from the Northern Plains south to the Gulf Coast, with the most significant flood potential in parts of North Dakota, South Dakota, and Minnesota. A recent [analysis](#) by the Union of Concerned Scientists draws attention to potential calamities in rural areas that are being overlooked as the focus of federal officials is on areas hit hardest with COVID-19. In particular, the report highlights South Dakota and Iowa as particularly vulnerable to the dual threat of major flooding and the coronavirus. NOAA defines “major flooding” as that causing “significant evacuations” of people due to extensive inundations of roads and structures.

Closer to home (at least for those of us at Chateau d'Eau), it's not really a [lovely day](#) here either. Though the NOAA outlook predicted moderate flooding for the stretch of land between Arkansas to LaPlace, LA, the Army Corps of Engineers already had to open the [Bonnet Carre Spillway](#) on April 3 to reduce the flood risk for New Orleans. Moreover, the NOAA outlook also predicted above-average rainfall for the lower Mississippi River Basin, which could potentially cause problems for New Orleans' municipal drainage system. [In the past few weeks amid the pandemic](#), members of the Mississippi River Cities and Towns Initiative have been contemplating how to shelter potential flood victims amid orders to avoid groups and to remain at home, as well as wondering if they will be able to rely on volunteer efforts in placing sandbags and other flood-fighting efforts as they have in the past. All together now: when it rains, it pours. In light of the Army Corps having been tapped to help in the fight against COVID-19, [the Army Corps is reassuring people that its work on repairing damage from last year's flooding and preparing for this year's flooding will not be interrupted](#).

## **NBA, NCAA, MLB, and now SCOTUS**

Another one bites the dust. There really are no sporting events to

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:

[What's my ecological footprint? Webinar](#); April 10

[A Studio in the Woods Scholarly Retreat Application Deadline](#); April 13

[Climate Adaptation Data Week](#); April 13-17

[Webinar: The 2010 BP/Deepwater Horizon Disaster: Will History Repeat Itself?](#); April 14

[Public Comment Deadline for Certain CA Groundwater Sustainability Plans](#); April 15

[Coastal Resilience in Alaska](#); April 21

[Summer Sea Turtle Sustainability Grant Application Deadline](#); April 25

[Drinking Water Webinar: Harmful Algal Blooms \(HABs\) and Algal Toxins](#); April 28

[American Water Works Association Webinar: Innovation Roadmap for Utilities](#); April 29

### Water jobs:

[Climate Engineering Fellow](#); UCLA School of Law; Los Angeles, CA

[Attorney Advisor \(environmental\)](#); Department of Transportation, Office of Chief Counsel, Maritime Administration (MARAD); Washington, D.C.

[Delaware River Watershed Fellow](#); The Nature Conservancy; Wilmington, DE

[Idaho Director](#); Western Watersheds Project

[Rachel Carson Environmental Organizing Fellowship for Students](#)

[Various Positions & Locations](#); Earthjustice

[Executive Director](#); Washington Water Trust; Seattle, WA

[Clean Rivers Program Supervisor](#); Guadalupe-Blanco River Authority; Seguin, TX

[Assistant Professor](#); Texas Tech University; Lubbock, TX

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follow these days, even if you consider oral arguments at the Supreme Court to be a sport! On April 3, the Supreme Court postponed oral arguments slated for this month, indefinitely delaying an ongoing dispute—[Texas v. New Mexico](#). The dispute is between—you guessed it—Texas and New Mexico over water allocations from [the Pecos River](#) (fun fact: the dispute itself is older than three of the current justices). Under the terms of the 1948 Pecos River Compact, New Mexico agreed not to deplete the river’s flow. Texas first brought a lawsuit over the compact in 1974, and the case has been live on the Supreme Court’s docket ever since. Each year, the court-appointed river master publishes a report calculating New Mexico’s obligations based on a formula for determining how much water New Mexico must allow to flow across Texas’ border.

Now for the [latest and greatest](#) in the long-running battle: after a weakened hurricane delivered downpours and flooding across that part of the country in 2013, the Red Bluff Reservoir, which sits along the Pecos River near the New Mexico-Texas border, swelled to capacity. Texas asked New Mexico to hold some of the Pecos water to which Texas was entitled under the compact until Red Bluff could hold it. New Mexico agreed, holding about 51,000 acre-feet of water in the Brantley Reservoir, about 50 miles upstream from Red Bluff. Texas gradually released water from Red Bluff, and New Mexico did the same from Brantley starting in August 2015, after concerns over flooding abated. However, by then, the water had been in the reservoir for so long that a significant amount had evaporated. In response to a motion from New Mexico, the river master granted New Mexico water delivery credits in 2018 to account for the amount that evaporated from the Brantley Reservoir back in 2015. Texas objected, arguing it should not be held responsible for the water loss and that the river master does not have the authority to retroactively amend past reports. Thus, the current issue in the case is whether the river master correctly allocated evaporation losses under the compact. Guess we will have to wait a little longer to see how this latest version of the dispute plays out.

### [Do You Know What It Means to Miss New Orleans?](#)

What about Boston, New York City, and Miami with no chance of a [homecoming](#)? A new [mapping tool](#) by Climate Central presents the potential impacts due to flooding from projected sea-level rise on coastal communities around the world. The hope is that this tool will help communities affected by sea level rise to consider and begin or continue planning for the future presented in the Climate Central analysis. The tool is quite timely, considering it is hard to avoid sea level rise, managed retreat, and adaptation in the news these days. For example, the [California Coastal Commission is ordering homes to be placed farther from the water](#) in response to climate change. And, in the name of adaptation, the prime minister of Barbados, Mia Mottley, has been [storm-proofing her island’s finances](#) by championing natural disaster clauses in sovereign debt contracts, which give the government a break from principal and interest payments in the event calamity strikes. Meanwhile, in a recent [study](#), an engineering team from Princeton University designed a retractable sea wall called a “roof canopy,” which essentially works like [a giant umbrella](#). The idea is that the roof canopy would stand upright most of the time to create a long path of shade along beach boardwalks. But, during storm surges, the canopy could be tipped on its side to create a temporary sea wall that protects beachfront property. [Come Sunday](#), who knows what condition the world will be in, but hopefully these measures provide some relief to the climate change problems plaguing coastal areas.

### [Paradise Lost](#)

In 2004, Hurricane Ivan tore through the Gulf of Mexico, and, in the process, picked up close to 10 feet of sand from the seabed. This revealed an [“underwater forest,”](#) not a [reef](#), complete with actual trees—roots, leaves, and all! The forest now lies 60 feet underwater in Mobile Bay off the coast of Alabama, home of an [angel from Montgomery](#). It was once a bald cypress tree swamp approximately 100 miles inland before becoming 60,000 years ago. Now, it provides a [home](#) for numerous species, such as grouper, red snapper, mantis shrimp, crabs, anemones and, most importantly, shipworms. Very few people have visited the underwater forest, and its location has been kept a secret for the most part, lest greedy people try to plunder it. However, with a grant from NOAA, a group of scientists is collecting these shipworms, not as [souvenirs](#), but to study them and other marine wood-loving creatures that moved into the forest when it emerged. Why? The scientists explain that these shipworms could be critical for drug discovery, particularly as aging populations increase worldwide and as antibiotic resistance threatens public health. Of the 100 strains of bacteria found in the collected shipworms, many of them are novel, and twelve are currently undergoing DNA sequencing to evaluate their potential to make

new drug treatments. This is not just a [pipedream](#): previous research on shipworm bacteria has already resulted in at least one antibiotic being studied as a drug to treat parasitic infections. The scientists will also study the new samples to see whether they can be applied in production of paper, textiles, food, animal feeds, fine chemicals, and renewable fuels. We wish them [all the best](#) in their endeavors. This is not the only [secret forest](#) recently discovered that can give us answers about the past, present, and future: [a new study](#) finds that Antarctica was a rainforest during the time of the dinosaurs. Whoever said that science isn't cool? We love this stuff almost as much as we [love rock and roll](#).

### Ten Years Later

With everything else going on right now, some people may not realize that we are approaching the [ten-year anniversary of the BP Deepwater Horizon oil spill](#). When the rig exploded, it led to one of the greatest environmental and human catastrophes in our nation's history. Coming to terms with the size of the spill and its consequences has been an ongoing challenge. As we approach the 10th anniversary of this tragedy, it is fair to ask: What has changed? What did we learn? Is there more we should do to avoid and respond to future spills? Those questions will be the topic of an online media briefing on April 14, 2020 hosted by yours truly, the Tulane Institute on Water Resources Law and Policy, and SkyTruth. Please [click here](#) for more information and to register. We hope you will join!

### Have some extra time on your hands?

Every U.S. coast is facing adaptation challenges due to rising sea levels, storm surge, and other coastal hazards. There is a tremendous amount of data for scientists and planners to use when making decisions about climate adaptation. But, what data is most useful; how can it be made more accessible to coastal decision makers on the ground; and what policies and programs are helping communities make data-based adaptation decisions? The Environmental and Energy Study Institute (EESI) invites you to a briefing series on coastal climate adaptation data needs and applications. This week-long briefing series will explore programs around the country that have been collecting and using geographic and climate data to inform adaptation planning, and how federal action can help or hinder those efforts. Join for your lunch break or your morning coffee, depending on your time zone, to hear experts discuss their program for 20 minutes followed by 25 minutes of Q&A. A live webcast will be streamed from 12:00 – 12:45 PM EDT at <https://www.eesi.org/livecast> April 13-17. The schedule is:

- [Monday, April 13](#): Localizing Sea Level Rise Projections for Decision-Makers
- [Tuesday, April 14](#): Assessing National Park Asset Flood Risk: Retreat, Adapt, Fortify?
- [Wednesday, April 15](#): Coastal Historical Sites and Climate
- [Thursday, April 16](#): Bridging the Gap Between Science and Decision-Making
- [Friday, April 17](#): Weather and Social Data to Inform Participatory Planning Initiatives

If any (or all) of these topics pique your interest, [click here to RSVP](#).