

# TUWaterWays

Water News and More from the Tulane Institute on Water  
Resources Law and Policy  
March 11, 2013

## ***In Taking Next Step to New Clean Water Act Guidelines, EPA Puts Out a Call for Nominations to Scientific Advisory Board***

The EPA has put out a call in the [Federal Register](#) for experts in hydrology, ecology, and freshwater biology for a panel to review a draft of the report "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence." This report was written by EPA staff and is intended to [clarify](#) Clean Water Act jurisdictional issues caused by a pair of Supreme Court cases. This study is intended to show how individual water resources connect with each other and downstream waters.

## ***State Treasurer Kennedy Finds Issue with BP's Tourism Promotion Arrangement. Others Watching Where Future BP Funds Will Head***

Two years ago, BP and then Interim-Lt. Governor Scott Angelle's office [arranged](#) for funds to promote Louisiana seafood and tourism to be given to two non-profits. Kennedy and others take issue with this money circumventing the state treasury and legislature. Others are more concerned with money anticipated to be entering the state from BP and other responsible parties. The RESTORE Act provides no role for the state legislature, something the legislative audit committee is scheduled to address. Outside groups, says Steve Cochran of EDF, are watching to make sure that money meant for the coast does not get diverted by any branch of state or federal government.

## ***Diversions and Dredging on the Mississippi in Plaquemines Parish Continue--For Now***

Last week we reported on the issue of the Mardi Gras Pass on the East Bank of the Mississippi River below Pointe a La Hache. Although there has been no change on the status of Mardi Gras Pass, we would like to direct your attention to Bob Marshall's [article](#) about the Pass & his fine summary of larger complexities of coastal restoration. Also, the West Bay Diversion is the site of another round of [dredging](#) for land creation. This time in the amount of 2 million cubic yards.

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:

**[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 31<sup>st</sup> Annual Water Law Conference**  
Las Vegas, NV

### Job Announcement:

**[Upper Mississippi River Basin Association Executive Director](#)** (March 26 deadline)

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## ***A North American City Founded by French Considering Reinstating a Water Tax to Pay for Crumbling Water Infrastructure – Sound Familiar?***

In [January](#), Montreal saw a water main break in downtown that submerged in ice a large section McGill University. The city was already involved in a billion dollar effort to renovate the city's water infrastructure. Now, a "[water tax](#)" that was suspended last year may be [on its way back](#). The city would have a 1.2% property tax dedicated to water infrastructure. Expect to see more on this topic – and not just from Montreal.

## ***Libya Looking to Spend BIG on Water Infrastructure***

Libya has announced that it has more than one hundred water and wastewater infrastructure projects planned. The country is planning a major [investment](#) in infrastructure coming on the heels of its revolution. The total price tag on 100 new sewerage treatment projects and 10 new water treatment plants? \$200 billion. Of course, actually seeing these through is another matter entirely.

## ***The Bureau of Reclamation Has No Duty to Deliver Set Water Amount to California Farmers, Court Says***

The Bureau of Reclamation controls a system of dams, reservoirs, canals, pumping stations that delivers water throughout California's Central Valley. Although the Bureau had delivered sufficient water for irrigation for decades, plaintiff farmers claimed they had been getting less water and fish and wildlife had been getting more. It turns out that the Central Valley Project has several priorities. According to the Ninth Circuit Federal Court, following the SUWA case of 2004, the Bureau did not have to take "[discrete action](#)" to change the allocation of water in order to meet its obligations under state and federal law.

## ***U of Washington Scientists Studying Sediment Changes from Dam Removal in Real Time***

The continued survival of South Louisiana depends on the delivery of riverine sediment from the Mississippi and Atchafalaya Rivers. That is why we continue to keep an eye on the Elwha River in Washington's Olympic Peninsula. Two dams were removed on the Elwha last year, and although one third of one still stands, more than 34 million cubic yards of sediment have been freed. Now, scientists are able to [study](#) the effects of this dam removal as they happen both on the river and at the river's mouth. If two dams on this one small river held enough sediment to raise 10 square miles of Louisiana coastline more than three feet (admittedly not accounting for settling), imagine what is sitting behind the thousands of dams across the Mississippi River Basin.