

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
July 12, 2018

## A New Aquaman for the Justice League?

The team here had barely dusted off our resumes before POTUS nominated Judge Brett Kavanaugh to fill the SCOTUS vacancy left by the retirement of Associate Justice Anthony Kennedy. So we, like most of TUWW readers, are left to speculate about just what a Justice Kavanaugh might mean for the nation's water and environment and [whether he is really prepared for this job](#). The broad expectation is that he will be civil but look at environmental laws narrowly while [showing limited deference to enforcement agencies](#). With interstate water fights escalating, we were hoping to get a read on how a Justice Kavanaugh might see things in a case like *Florida v Georgia* (dealing with use of the Apalachicola/ Chatahoochee/Flint River system), but it may not be fated to be, even if he is confirmed. It turns out that Judge Kavanaugh [has already seen those two states \(and Alabama\) in court](#) in a related case and might feel compelled to recuse himself (he ruled in favor of GA, for those keeping score).

## Nothing Says Summer Like NEPA

Like it or not, America is entering an era of important decisions - decisions about infrastructure, environment, public health and a lot more. Making those decisions won't be easy, but they will likely be better and more defensible if they are based on a strong and transparent record. Exactly the sort of thing the [National Environmental Policy Act](#) was created to deal with. Or not, depending on how a proposed revamp of the NEPA rules by the White House Council on Environmental Quality turns out. CEQ was fast tracking that revamp, but the word on the street (and the Federal Register) is that the public [comment period will be extended an additional 31 days until August 31](#). So now you can take the kids to the beach and still get those comments in. [Surfs up!](#)

## Going Deep, Going Long

The old saying goes that water doesn't flow downhill but, rather, toward money. And if you needed any proof of that we offer this week's Exhibit A courtesy of the Golden State. The Metropolitan Water District of Southern California (MWDSC for short) affirmed its decision to spend \$11 billion tunnel that would take water under the Sacramento-San Joaquin Delta so it can fulfill its dream of being southern California water. [Actually, the decision was taken on a revote after objections were raised about the way the decision was being made, pretty much the kinds of objections we just discussed that NEPA is supposed to help avoid](#). Now, this is not a NEPA case, but it should be a reminder that sometimes doing things fast only slows things down and breeds mistrust. On the plus side, if Prince

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:

[World Water Week](#)

August 26-31, 2018

Stockholm, Sweden

## Water jobs:

[Research Associate](#)

Public Policy Institute of California  
San Francisco, CA

[Analyst in Environmental Policy](#)

Library of Congress  
Washington, DC

[Director/Staff Attorney](#)

UC Irvine Center for Land, Environment,  
and Natural Resources  
Irvine, CA

[Director, Water and Wetlands](#)

WWF  
Hong Kong, China

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Harry and Princess Meghan visit California, there may be enough tap water available for them to [not rely on bottled water to slake their apparently massive royal thirsts](#).

### **The Envelope Please**

While the rest of the world has been fixated on the World Cup and Wimbledon, a growing number of sophisticates (you know who you are) have been waiting for one of the big events of the year—The [US Water Prize winner announcement](#) from the US Water Alliance. While once again the Institute was shut out (massive vote fraud, no doubt) [we congratulate this year's winners](#) and so should you.