TUWaterWays

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

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Looking to Shake Things Up?

If you are thinking of packing your bags, quitting your job, bringing your closest friends, and founding your own town, kudos to you and best of luck. But, as you're heading into the distance, you might ask yourself, "well, where should my town be located?" You should consider this: historically, towns are created based on different factors, like mountains for protection or climate for comfort, but the most popular determining factor is water. You see, water helps with everything, from access to hydration, to a higher possibility of finding food, and keeping you clean. All those reasons make choosing a location of a town much easier, just follow the water… until the water runs out or water isn't sustainable anymore.

An example of this dire scenario is The Ogallala Aquifer, which spans across 8 different states, and was definitely a town magnet back in the day. And still, to this day, it represents 30% of all water used for irrigation in the United States, and supplies water to 20% of the nation's corn, cotton, wheat, and cattle production. But this is a tale as old as time, as water intensive industries become more and more popular, people start overusing its supply, eventually it drying it up. The Ogallala Aquifer, AKA the High Plains aquifer, is being depleted at a fast pace, with farming accounting for more than 90% of the use; for many years these practices were unregulated, allowing farmers to overpump the aquifer, and resulting in the dramatic decline we see today. Recently, a study from the Kansas Geological Survey estimates that some parts of the aquifer have lost 100 feet of water since the 1950s. With water levels of the aquifer getting dangerously low, the cities built around the Ogallala Aquifer are taking a big hit in agricultural production, which make up most of their economic income. But don't think for a second that farmers are the only ones feeling the effect, citizens and local governments in the cities dependent on the aquifer are starting to realize that this is a tap water crisis, too.

Another way of using water resources without getting involved with agriculture, but still being able to supply food for your new community, can be fishing. Except, this may bring its own set of problems. Fishermen in Texas and Louisiana have noticed that fish, shrimp, and other commercial species are swimming farther away from the Mississippi River Delta in order to escape the oxygen-void hypoxic zone in the Gulf of Mexico. This dead-zone, created by the accumulation of nitrogen and phosphorus in the water, which is concentrated in an area 18 times bigger than Chicago. EPA's Hypoxia Task Force recently convened to hear updates on states' progress towards addressing pollutant runoff. A big contributor to this runoff is the state of Illinois, since all of its waterways feed into the Mississippi River. Having promised to reduce 15% of their nitrogen and 25% of their phosphorus contamination to the Mississippi River by 2025, this is starting to seem far from reality since Illinois's 2023 Biennial Report shows an increase by 35% of their phosphorus and 4.8% of their nitrogen contamination; call us skeptic, but we are starting to doubt the state's ability to reach this goal in two (now one) years.

All of this to say, if you are feeling motivated to run a town, then maybe it's better to unpack your bags, and try to help create awareness to impact your town's lawmaking decisions and protect this necessary, but limited resource, or better yet, run for mayor!

Water We Lacking?

Regulations? Funds? Security for the future? Yes, to all the above. Today was supposed the date when FEMA's National Flood Insurance Program lapsed and required reauthorization to continue. But, if you have been actively refreshing your preferred news outlet wondering why no one is making a big deal out of the lapse, don't worry, on January 19 the president signed legislation by Congress that extends the NFIP 's authorization to March 8, 2024. Let's say out louder for the people in the back: MARCH 8. NEW REAUTHORIZATION DEADLINE.

Just to refresh your mind, the National Flood Insurance Program gives homeowners, renters, and businesses… well… flood insurance. The Senate Committee on Banking, Housing, and Urban Affairs held a meeting to hear testimonies in favor of and against reauthorization. As the clock ticks, and the countdown continues, tensions between lawmakers rise. In September, FEMA announced new lower rates for at least one million policy holders *camera pans to Louisiana*, but Sen. John Kennedy was having none of it as he called to reform the NFIP after accusing FEMA of lying to homeowners about their insurance rates. As always, we appreciate passionate debates and testimonies, but we cannot emphasize enough how much we recommend you watch this hearing.

World Wetlands Day!

Today, February 2, 2024, is World Wetlands Day, and we would like to honor this day by looking back at everything wetlands have done for the world: Wetlands are home to 40% of the world's species, including half of North American bird species that nest in them, and 1/3 of endangered species that rely on wetlands for survival. Wetlands don't just help animals, but humans too; wetlands are the first line of defense in absorbing water from floods and mitigating hurricane damages. Besides, wetlands are the kidneys of the ecosystem – they filter, clean and store water. If we're talking money, by 2018, wetlands were the home of more than half of commercially sold species, including shellfish, adding up to a $5.6 billion harvest.

In a perfect world, everyone would understand the pressing necessity for this particular ecosystem; sadly, it is not the reality we live in. In 2018, the United Nations Framework Convention on Climate Change published an article reveling that wetlands are disappearing 3 times faster than forests. About 40% of the coastal wetlands are found in the Mississippi River Delta in Louisiana, but the state's coastline is vanishing, losing a football field of land every 100 minutes. And of course, let's not forget that the Supreme Court's decision in Sackett v. EPA rolled back legal protection for the majority of wetlands in the United States.

You see, wetlands are part of the reason why humans and other species have survived for so long; it supports our livelihood and existence. To expose wetlands to annihilation is to expose ourselves to our own extinction. On this important day, we encourage you to go hug a wetland – No, we're just kidding, we don't want an alligator to hug you back. But in all seriousness, we know we don't need to remind you how special wetlands are, but sometimes it's good to take a moment to appreciate all the work a natural ecosystem puts in to protect us, even if humans don't do the same for them.

Coming Up:

Tulane Environmental Law Summit; New Orleans, LA; February 23 & 24, 2024

Water jobs:

Policy Manager, Mississippi River Water Initiative; National Audubon Society; Holly Springs, MS

National Environmental Leadership Fellow; Rachel Carlson Council; Washington, DC

Planet Reimagined New Futures Fellowship; Mississippi River Delta

Law Associate Post-Graduate Fellow; Center for Water Law & Policy, Texas Tech University; Lubbock, TX

Legal Internships; Bayou City Waterkeeper; Houston, Texas

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.

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