

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
[June 12, 2020](#)

## Bright Lights, Dry City?

[Miami, Florida, what a place](#). Art deco, pastels, palm trees, scruffy hip cops and wet feet. [What, wet feet?](#) That's not the image we are used to, but increasingly that is the reality as rising seas and surging [King Tides](#) make flooded streets a common occurrence even on bright, sunny days. Built more for tourists and appearances than endurance, Miami is in the process of re-envisioning itself and retooling for the future. A big piece of that is baked into a [\\$4.6 billion plan prepared by the Army Corps of Engineers](#). Aimed at providing protection from a 1 in 100 year flooding event by the year 2079 (whatever that might mean by then), [the plan](#) relies more on building walls, 6 miles of them, and less on buying out flood prone properties than earlier proposals. In any event, just getting the rights to build those defenses is projected to cost more than \$400 million, dollars that somebody other than the federal government has to come up with (here's looking at [Big Spender](#)—or more likely you, local taxpayers). The next step in the process, other than thoughts and prayers, is public meetings and the long, long road toward Congressional authorization and funding.

## Mortgaging Our Futures with [Freddie Mac](#) and [Fannie Mae](#)

If the \$4.6 billion plan to keep Miami drier covered in the story above seems a bit ambitious—not to mention the big plans for Coastal Louisiana—maybe a little context would help. It turns out that sooner or later, people notice that they are flooding and it gets expensive to deal with it. When those people include the folks who keep our mortgage driven real estate sector afloat, it can get serious. That seems to be the road those pillars of federally backed mortgage lending [Fannie Mae](#) and [Freddie Mac](#) are on. A [recent story run in Politico](#) paints a picture of how shrinking participation in the National Flood Insurance Program by homeowners in flood prone areas (even if technically required) leaves Fannie and Freddie as the risk holders for a growing body of mortgages. The combination of fewer insured properties and growing risk drivers bodes ill for the security and stability of real estate markets and values. In short, when bad things happen—as they will—somebody bears that risk, and if it is Fannie and Freddie that means the US taxpayer (a notoriously unpredictable critter). Without their willingness to subsidize that risk and the continued development or even occupation of flood prone areas, the impacts will be felt across the country and in places like Miami and coastal Louisiana. Should that happen, it could happen fast and hit hard. Maybe the time to do something about this is before the worst happens. Maybe [time has come today](#).

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 less stewardship of water.

### Coming up:

[2023 Coastal Master Plan Technical Modeling Workshop Webinar](#); June 16

[Basics of the Clean Water Act Webinar](#); June 16

[CPRA Board Meeting](#); June 17

[Public Comment Deadline re 2020 Louisiana Water Quality Inventory: Integrated Report](#); June 17

[Funding Application Deadline: Bureau of Reclamation's Desalination and Water Purification Research Program](#); June 17

[Internet of Water Webinar: Ask the Data Architect](#); June 17

[CPRA Facebook Live Webinar Wednesday: Coastwide Reference Monitoring System \(CRMS\)](#); June 24

[Webinar: Water Reuse for Agricultural Purposes](#); June 24

[PFAS Webinar: TOP Assay: One Way to Look at Future Risk from Precursors](#); June 30

[CPRA Facebook Live Webinar Wednesday: Restoration of the Terrebonne Basin Barrier Islands](#); July 1

### Water jobs:

[Program Officer \(Corporate Water Stewardship\)](#); World Wide Fund for Nature (WWF); Washington, D.C.

[Policy Specialist or Intern](#); Massachusetts Rivers Alliance; Cambridge, MA

[Senior Legislative Counsel/ Representative](#); Earthjustice; DC

[Staff Attorney](#); Waterkeepers Chesapeake; Takoma Park, MD

[Policy Director](#); Environmental and Energy Study Institute; Washington, DC

Fall 2020: [Communications & Policy Internship](#); [Development Internship](#); or [Policy Internship](#); Environmental and Energy Study Institute; Washington, DC

[Internship](#); Global Water 2020; Washington, DC

[Beveridge & Diamond Diversity Law Clerk](#); [Jim Rubin International Fellow](#); or [Law Clerk](#); Environmental Law Institute; Washington, DC

[Environment Reporter](#); The Texas Tribune; Austin, TX

[Resilience Planner](#); Dewberry; Fairfax, VA

[Senior Conservation Project Manager](#); The Freshwater Trust; Sacramento, CA

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## Things Could be a Dam Site Better

Ever wonder why we have environmental and public safety laws and rules? How about why we allow lawsuits against businesses? Are they really just about killing jobs, employing pesky activists, and lining the pockets of lawyers? Without getting overly defensive about things, the answer almost always is “no.” We have those laws and remedies because we need them. Really. If you need proof, look at [Midland, Michigan](#). On most days before May 19, the Edenville Dam on the [Tittabawassee River](#) looked to be a dam holding water back as dams are supposed to do. To the casual observer the dam operator Boyce Hydro LLC looked like just another business doing its business, albeit one that had its share of critics. Then it rained hard, and the [dam failed](#). And, things looked very different, especially with allegations growing that the failure was due more to how Boyce Hydro managed the dam than to the rain. At times like these it is important to know what caused the disaster and who should bear the burden of dealing with damage. That is why we have courts and why we allow people to use them. Which is exactly what is now happening in Michigan where the State [is suing Boyce Hydro to hold them accountable](#). Of course, Boyce gets to have its say too. Isn't that a wonderfully civilized way to find out who did what and who is liable to whom? Of course it is. Too bad that the trend right now is to presume that all development is well thought out and that environmental laws and public oversight just gets in the way of great things happening. We may lose sight of the importance of why we need those laws and oversight, but there will be reminders down the road. Count on it. It was true after Johnstown, Love Canal, Three Mile Island and Hurricane Katrina and now maybe Tittabawassee.

## We Thought You Might Like to Know

Our beat at the Institute on Water Resources Law and Policy is water, but more broadly it is water in the context of nature, human society, stewardship, and justice. The connections between our work and things like the social movements that have been energized on the heels of the tragic deaths of George Floyd, Breonna Taylor and too many others may not be obvious, but to us they are real. You cannot do water work and not know that access to clean water and vulnerability to water-driven risks are not evenly distributed. You cannot not know that disparities in access to resources, opportunities and justice cut across a wide spectrum of issues and communities. And, you cannot not know that meaningful progress cannot be pursued without considering equity and justice across the board. Black lives matter on our streets and when they turn on the tap. Black lives matter when it comes to who pays for water service and who gets it for free. And black lives matter when it comes to who gets flood protection and who does not. The Black Lives Matter movement marks the front lines of an overdue accounting of society. We stand in solidarity with it.