TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
January 3, 2019

We're Hiring!

The Tulane Institute on Water Resources Law & Policy is in the market for our next postgraduate research fellow to start up in August 2019! If you're graduating from law school (JD or LLM) in Spring 2019 or already graduated in 2018, and you're interested in joining us here at the Tulane Institute on Water Resources Law & Policy, then check out this job posting and send your resume on in! (Ability to quickly and confidently speak aloud the name of our institute not required.)

The Taylor Energy oil spill is still going strong

We've previously written about the Taylor Energy oil spill in the Gulf, but now Taylor Energy is suing the Coast Guard and a Coast Guard contractor in an attempt to stop them from plugging up the leak (which, again, has been going since 2004). Taylor Energy argued in court filings that the Coast Guard is only trying to stop the spill because of bad publicity from a Washington Post story on it, saying that the spill really isn't that bad. Might they even call it relatively tiny?

Basically, Taylor Energy is arguing that its due process rights were violated when the Coast Guard forced it to hire a specific contractor to contain the spill (rather than either of the two Taylor Energy had wanted). Taylor Energy refused to work with the Coast Guard's chosen contractor, at which point the Coast Guard federalized the spill response, giving them hiring authority (and taking it away from Taylor). Taylor Energy apparently decided that the Coast Guard contractor shouldn't miss out on all the fun, so they filed suit against the contractor as well, arguing that they don't have the right to go on Taylor Energy's property, i.e., the rig that is currently spewing oil. As of right now, the Taylor Energy rig has spilled up to 140 million gallons of oil into the ocean, and the federal government projects that the spill could keep going for up to the next 100 years.

Missing: a layer of the Earth's crust

Behold the power of water to even obliterate a chunk of geologic history! According to new research published in the Proceedings of the National Academy of Sciences of the United States of America (or PNAS, since PNASUS was apparently too long), glaciers may be to blame for large chunks of the Earth's crust that are apparently missing. Known as the Great Unconformity, layers of rock between 250 million and 1.2 billion years old are nowhere to be found, and nobody knows for sure why. The Great Unconformity is present pretty much all over the earth, making it a uniform unconformity. The new research basically posits that the glaciers that may have covered the

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:

Gulf Hypoxia Task Force Meeting
January 29, 2019
Baton Rouge, LA

Coastal Law CLE
March 14-15, 2019
New Orleans, LA

CPRA Board Meeting
January 16, 2019
Baton Rouge, LA

Tulane Environmental Law Summit
March 22 & 23, 2019
New Orleans, LA

Water jobs:

Senior Research Fellow
Institute on Water Resources Law & Policy
New Orleans, LA

Clean Water for All Coalition Director
National Wildlife Federation
Washington, D.C.

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Earth during a period known as Snowball Earth eroded away those layers of rock and sediment.

FEMA giveth, and FEMA taketh away. And then FEMA giveth again.

As a result of the government shutdown, FEMA suspended the sale of National Flood Insurance Program policies on December 26th. That only lasted for about two days, however, and they resumed sale and renewal of policies shortly thereafter. FEMA originally shutdown the program, arguing that any disruption of policy sales was not enough of a hit to the economy to qualify for an exemption to continue operating during the shutdown. Louisiana lawmakers were among the most vocal of those calling for FEMA to reverse its initial guidance, as there are over 500,000 NFIP policy owners in Louisiana alone. NFIP has now been authorized through May 31 of this year, in a bill that was written by Louisiana Congressmen.

As the WOTUS turns

We've covered WOTUS before, but one thing we haven't discussed is the proposed rule's impact on the so-called restoration economy. Under the Clean Water Act, developers are required to either offset or mitigate any damage they may cause to federal streams and wetlands. This can take the form of either preserving or restoring other waters nearby, and developers can do the restoration themselves or pay someone else to do it. As a result, a number of mitigation banking companies have sprung up, which basically do restoration work in the hopes that developers will later buy from them any credits that they may need for a given project. There are also other companies that developers can pay to do restoration work for specific projects. But, given the fact that the new proposed rule would remove 51% of wetlands and 18% of streams from Clean Water Act purview, the restoration economy seems poised to take a significant hit. This is because fewer developments would require mitigation, and because many of the restoration projects that mitigation banks have already completed are no longer covered by the CWA, making them worthless. This is a big deal, because the restoration economy directly employs about 126,000 people and creates around $9.5 billion in direct sales annually. The effect of the new WOTUS proposal will primarily be felt in states where there are no state wetland protections, i.e., those where federal regulations are the only legal protections for wetlands. States with strong state-level protections, like California, won't be impacted nearly as much.

The Seas They Are A-Changin'

New research in the journal Nature has shown that sea levels are rising in some parts of the East Coast faster than others. Sea levels grew higher in the Mid-Atlantic Bight than the Gulf of Maine and South Atlantic Bight. And, subsidence is worse along the coasts of North Carolina, Virginia, and Maryland, which are all more or less within the Mid-Atlantic Bight. The study lists variations in ocean currents, deglaciation, and the redistribution of water and ice on the Earth's surface as the major factors. The lead author has said that the main cause is post-glacial rebound, which is basically where the Earth rises after gigantic blocks of ice from the most recent glacial period have melted away. If you'd like to learn more, too bad. NOAA's websites on the subject are currently down because of the government shutdown.