

TUWaterWays

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

December 21, 2012

MIT Adds Water Supplies to Climate Change Model – Predicts (Even More) Stressed Colorado, Missouri, Mississippi Rivers

MIT's studies of the social and environmental impacts of climate change have added a tool to measure changes to water supplies. The tool includes predictions of longer, wilder swings between wet and dry cycles. In the United States, these greater changes will have the most impact on rivers that are highly managed under a strict regime. A strict, highly managed regime describes three of our most important rivers: the Colorado, Missouri, and Mississippi.

[Modeling Water Resource Systems under Climate Change: IGSM-WRS, Kenneth Strzepek, et al., MIT Joint Program on the Science and Policy of Global Change, December 2012](#)

Southeast Louisiana Flood Protection Authority – East Investigating Local Project & National Policy

This week's SLFPA-E meeting included two presentations. A proposed levee across the New Orleans East Land Bridge would be designed to limit storm surge into Lake Pontchartrain while also limiting negative impacts outside of the levee. The levee, along with a system of improvements to shoreline along the Land Bridge, would lessen storm surges in the Lake by 1 to 2 feet at a cost of \$1.1 billion.

Also, Tulane Water Institute Director Mark Davis presented on an unfulfilled Corps of Engineers' duty to be consistent with efforts to restore Louisiana coastal wetlands when undertaking projects elsewhere. This duty, contained in the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), is most significant in regards to the Corps' management of the Missouri River, where the majority of sediment for the Mississippi Delta once came from and now builds up behind six large dams.

[Can the Corps of Engineers be forced to deliver more sediment to Louisiana by an unused provision in an existing federal law? Mark Schleifstein, nola.com, December 20, 2012](#)

[New \\$1.1 billion hurricane levee proposed for New Orleans East Land Bridge, Mark Schleifstein, nola.com, December 20, 2012](#)

Louisiana Coastal Protection Authority Still Working on Maximizing Oil Spill Payments on All Fronts

Despite most of the focus being on the Federal case against the responsible parties, the state of Louisiana is also a plaintiff against BP and others. The state is pursuing natural resource damages, maritime law violations, a re-opener agreement to allow the state to ask for more restoration money later, and its own loss of more than \$1 billion in tax revenue. The state's effort to recoup billions could end up complicating the Federal government's negotiations.

[Louisiana looms large in oil spill case, Emily Pickrell, fuelfix.com, December 17, 2012](#)

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:

[January 17, 2013](#)

America's Wetland Foundation
"Big River Provides"
Minneapolis/St. Paul, MN

[February 22-23, 2013](#)

18th Annual Tulane Environmental Summit

[February 27-28, 2013](#)

America's Wetland Foundation
"Big River Moves"
Chicago, IL

[June 5-7, 2013](#)

ABA Section of Environment, Energy & Resources 31st Annual Water Law Conference
Las Vegas, NV

Job Opportunities:

University of Wisconsin-Madison Freshwater Institute, Center for Water Policy

- [Assistant/Associate Professor](#)
- [Assistant Director for Center Coordination](#)
- [Research Manager](#)

National Wildlife Federation, Mississippi River Delta Restoration

- [Senior Policy Specialist](#)

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Senate Bill to Raise Funds for Sandy Raises Eyebrows.

The Senate Appropriations Committee has drafted a \$60.4 billion supplemental to fund Hurricane Sandy response and recovery. Although some [conservatives](#) have claimed the bill is too large, contains measures unrelated to the storm, and needs spending offsets, the National Wildlife Federation and others have opposed parts of the bill that would create environmental loopholes, encourage dangerous redevelopment of floodplains, and give the Corps of Engineers free rein on flood and storm damage reduction projects.

[NWF'S VIEWS ON DRAFT EMERGENCY SUPPLEMENTAL](#)

Frackers Want to Move Wastewater on Ohio River from Wells to... Somewhere Else.

Marcellus Shale drillers who need to move wastewater from their wells to offsite treatment facilities are looking to use Ohio River barges to do so. As of now, the practice is not allowed, but the Coast Guard is reviewing the request. The operators claim that way worse things are already moved by barges on the river. However, one wrinkle is each every well's wastewater is a unique concoction of flowback from the drillers' proprietary formula injected into the well and the naturally occurring water from inside the shale formation. The resulting mixture contains salts, radioactive materials, hydrocarbons, and various fracking chemicals. Any Coast Guard approval of shipping this waste on barges would come with standards of what it can contain – standards that no well could guarantee. Detractors cite the fact that many draw their drinking water from the Ohio, and proponents site the wear and tear on roads that shipping waste by truck causes.

[Shale drillers want to move wastewater on barges, Emily DeMarco, Pittsburgh Post-Gazette, December 16, 2012](#)

Water Shortages on the Plains Drive Caution and Creativity for both Surface and Ground Water Rights.

Farmers and state officials in Kansas and Nebraska are scrambling to deal with the serious drought that is forecast to continue in 2013. In Nebraska, natural resource districts are coming up with plans that include a need to make up a predicted 20,000 acre-feet shortage owed to Kansas under the Republican River Compact. Overuse of the Republican River in the past has led to lawsuits between the two states; the latest is still pending before the Supreme Court.

Meanwhile, in Kansas, more than 2,300 farmers are overdrawn on the groundwater they are allowed from the Ogallala Aquifer. Many took emergency permits when the drought started with the intent of drawing less water when the drought abated, but the drought continues. The state is working on flexible solutions to this water appropriation crunch. Flexible appropriations allow a farmer to manage five years' worth of appropriated water in any manner they choose over that period, and local enhanced management areas would give more regional influence on exercising water rights. As long as the drought continues, expect water disputes in and between these two states to heat up.

[Limited water makes farmers irrigate creatively, Megan Hart, Topeka Capital-Journal, December 15, 2012](#)

[New forecasting methods help Neb. officials anticipate water shortages in the Republican River, Associated Press, December 13, 2012](#)

National Geographic News Profiles Pressures on Freshwater.

A series of articles titled "Water Grabbers: A Global Rush on Freshwater" are worth reading. The series is intended to illustrate how those in power are first in line for the world's limited freshwater resources – usually at the expense of the poor and future generations. [Aquifers](#) are overdrawn worldwide and will not be an available resource in the future. Poor nations' governments are selling their water resources to industrial [agribusiness](#) interests. Dry, rich [Saudi Arabia](#) has drained 80% of their groundwater reserves and now is turning its attention to Africa's water resources.

[Water Grabbers: A Global Rush on Freshwater, National Geographic News, December 2012.](#)

Happy New Year from the Tulane Institute on Water Resources Law & Policy