

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
August 30, 2017

Water's Rising, Rain's Still Coming Down

The water is rising, and rain's still coming down in Houston and other parts of the Gulf South today. After making landfall on the Texas coast as a category 4 hurricane on Friday night, rocking [Rockport](#) and other coastal cities with disastrous winds and storm surge, tropical storm Harvey spent the weekend soaking the fourth largest American city and its suburbs with [record-breaking](#) rainfall. Many of the cities on its path ordered evacuations, but [Houston decided against](#) a preemptive mandatory evacuation, worried that folks would be caught in their cars during torrential downpours (something that happened during Hurricane Rita). Thus, the Coast Guard, National Guard, and Louisiana's own [Cajun Navy](#) have begun the process of making necessary rescues, facing up to 50 inches of rain in some areas. Now, mandatory evacuations are taking place due to levee breaches and a rain that just won't quit.

At this point, [30% of Harris County, Texas](#), home to 4.5 million people, is completely underwater. Up to [30 people](#) are dead. The storm continues to batter the Gulf with even more rain, creating perilous conditions for those still on the ground in places like [Port Arthur, Texas](#), and [Cameron, Louisiana](#). And folks in Houston who have thus far evaded Harvey aren't out of the water yet, as [unprecedented moves](#) by the Army Corps of Engineers to release rapidly increasing reservoir water are under way. There are also concerns about damage to [oil and gas](#) infrastructure and [other facilities](#) releasing pollutants into the air and water, and the [timeline for getting power back](#) to homes.

Things are bad ([not shark bad](#)), and recovery is going to take a long time and a lot of money. In spite of [Mr. Trump's promises](#) to quickly fund a federal response, many are concerned about what that response will be, especially in light of the fact that the National Flood Insurance Program is set to expire on September 30th of this year, and is [heavily in debt](#). What, if anything, will keep Houston (and the many other cities affected by [increasingly frequent](#) extreme weather events) afloat? It's up to Congress, now.

Each person in the affected area is in need of help and prayer. How can you contribute? If you are in Houston, Dallas, or another area offering shelter to victims of the storm, and can reach a shelter safely (key word being *safely*), shelters are looking for the basics – packaged food, first aid supplies,

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:

September 8, 2017

[Fourth Annual River Symposium—Teche-Vermilion Watershed: Building on Regional Progress](#)

Vermilionville
300 Fisher Road
Lafayette, LA

September 14, 2017

[Mayoral Forum on Flood Risk](#)

5:30 p.m.

New Orleans Jazz Market
1436 OC Haley Blvd

Water jobs:

[Director of Freshwater and Marine](#)

The Nature Conservancy, Texas
Austin, TX

[Legal Fellow](#) (position # 12226431-071817)

National SeaGrant Law Center
Oxford, MS

[Conservation Director](#)

Friends of the Mississippi River
St. Paul, MN

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blankets, pillows, children's necessities, and toiletries. If you're a lawyer, the [Texas Supreme Court has granted you permission](#) to practice in the state in order to offer assistance to victims of the storm. If you're anyone else, and you are able, you can make a donation through several avenues: Greater New Orleans Foundation & the city's Pay it Forward Fund are accepting donations [here](#). Donations to the Red Cross for those affected by Harvey can be made [online](#), or [text HARVEY to 90999](#). The Donations to the Salvation Army can be made [online](#). Catholic Charities is accepting donations [online](#), or text CCUSADISASTER to 71777 to donate, and the Texas SPCA is accepting donations [here](#).

Too Much, Too Monsoon

Texas is not the only place experiencing devastating flooding and rain right now – in India, Bangladesh, and Nepal, more than 1,800 people have died, and 24 million have been affected, in [unprecedented flooding events](#). Especially hard hit is the financial capital of [India, Mumbai](#), where nearly 20 million people live, and daily life has been brought to a standstill. Aid workers are unable to reach victims, and hospitals have experienced flooding requiring evacuations, and threatening the spread of disease. This paralyzing monsoon season already has many fearing the worst for the heavily populated region, where many live in abject poverty. Those affected have lost their homes, their farmland, and unemployment levels will skyrocket as job prospects dwindle. The good news, Indians are reaching out to their neighbors via social media to find shelter ([and Netflix](#)) in the storm, and the rains are dying down. If willing and able, you can donate to the International Red Cross and Red Crescent [here](#) to help efforts underway.

Look What You Made Me Do

The New Orleans Sewerage & Water Board is facing yet another hurdle on its path to functionality, with the [Fifth Circuit ruling](#) that the federal contractors hired to work on the [Southeast Louisiana Urban Flood Control Program](#) (SELA) cannot be held liable for alleged damages to property owners in New Orleans. SELA, informally known as “the reason you couldn't drive down Napoleon Ave. for months”, is a longstanding partnership between the federal government and the state aimed at improving drainage on New Orleans' streets by creating underground canals. Born to prevent the reoccurrence of the floods of May 1995, the program is expected to be successful at diverting water and managing drainage. However, the construction that comes along with implementation has caused some problems. Unfortunately, some of the work allegedly caused damage to homeowner's property along the routes where the canals now lay. The most recent decision in the case brought by property owners against the S&WB turns on whether the Feds' contractors acted with the approval of the Army Corps of Engineers. Because the Feds are immune from suit, their contractors are too, as long as they had permission to act. The S&WB is saying “wasn't me”, and looking to the contractors to take responsibility for the damage. The contractors are saying “don't look at us, the Feds said we could do it”, which the court seems to agree with. This means the Board may be looking at an \$86 million payout to property owners. With the Board already shelling out cash to [get help maintaining its facilities](#), and [struggling to make quorum](#), this decision could add another task to the already long list of fix-its.