

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
July 12, 2016

[Living With Water](#) Principles Taking Root in New Orleans

When a group of concerned stakeholders drafted the [Urban Water Plan](#) for New Orleans a few years ago, there was never any guarantee it would be applied in the city. But now, with support from City Hall and the Sewerage and Water Board, multiple projects are coming up that embrace the concept that pumping away groundwater and lowering ourselves at a time of rising seas and storms isn't the best idea. In the Gentilly neighborhood the [Gentilly Resilience District](#) is taking shape, and in Broadmoor [along Martin Luther King Jr. Boulevard](#), drainage improvements embracing green infrastructure are expected to aid water management in multiple neighborhoods. Ideally, these will be the first of many projects that comprehensively manage our water for the 21st Century, not the 19th century.

Up? Back? Abroad? In a Tree? Where do Landmarks, Cities, & Countries Seek Shelter from Rising Seas?

Assateague Island, like all barrier islands, moves and changes naturally, but in the face of sea level rise and global warming, those changes are becoming less predictable. Unlike neighboring Ocean City, MD, the island is a national seashore and letting nature take its course doesn't mean walking away from millions (or billions) of dollars in property and investment. So, the National Parks Service is preparing to [relax its grip](#) on the island's infrastructure and even move management to the mainland.

Similarly, at Cape Cod National Seashore the Park Service is willing to [retreat from the water](#) as infrastructure like parking lots have begun to be damaged by eroding sand. Here, like in Assateague, managed retreat is, well, manageable because it's not immediately impacting private property through buyback programs or construction bans. Sometimes though, even on the same spit of land and even when it's all public property in question, [accepting managed retreat](#) can be politically unmanageable.

Unlike Assateague Island, nearby [Tangier Island](#) is largely in private hands, so managed retreat, if it is even an option, is a much trickier prospect. Since 1850, the island has lost two-thirds of its landmass, and it appears on its way to join 40 other inhabited islands that have disappeared since Europeans arrived in the region. It could be saved, at least for a while, with breakwaters and pumped in sand and whatnot, but to what end? The island's real estate market has stalled and

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:

The 18th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations
New Orleans, LA
November 4, 2016

[RAE/The Coastal Society Summit on Coastal and Estuarine Restoration](#)

New Orleans, LA
December 10-15, 2016

Water jobs:

[Associate Attorney](#)
Northwest Office of Earthjustice
Seattle, WA

Tulane Institute on Water Resources Law & Policy

6325 Freret Street, 1st Floor
New Orleans, LA 70118
504-865-5982

tulanewater.org

TWITTER: [@TulaneWaterLaw](https://twitter.com/TulaneWaterLaw)

residents appear to be stuck with their homes, even as yards turn to marshes. It's a difficult knot –the same one facing [Isle de Jean Charles](#) and other communities in coastal Louisiana now, and many other coastal communities along the Atlantic Seaboard soon.

Biera, Mozambique is the country's third largest city and an important port for Mozambique and its landlocked neighbors, but it too is [a low-lying city facing the daunting challenge](#) of sea level rise – while also struggling with crumbling infrastructure. Biera is responding with a mix of green and grey infrastructure. A tidal river is being restored and lined with mangrove trees to create a frontline green belt through the city, but there are also plans for new waste and disposal systems and a flood barrier. If the city can keep above water and keep pace with an influx of migrants fleeing a countryside beset by droughts (hello again, global warming), it may serve as a model for other African cities – provided they don't get too late of a start, of course.

So, a beach, a town, a city potentially (or already) lost to sea level rise. That might be something everyone can wrap their head around and even deal with the consequences in a somewhat reasonable and productive manner. But a whole country? That's another story, and one the leaders of several low-lying island nations are dealing with. [Kiribati is one of those island nations](#). There, king tides have gotten higher – high enough to smash through a hospital maternity ward. Studies by [the World Bank and the United Nations](#) paint a bleak picture of the country's future, with coral reefs that fuel the tourist economy degrading, king tides and storms ripping up infrastructure, and saltwater intrusion disrupting freshwater supply before the islands actually submerge. In a move that definitely qualifies as thinking outside of the box, the country bought 6,000 acres in Fiji, a refuge on an island that is much higher than their own. However, the move that seemed to be applauded internationally, was met with skepticism at home, and the party of the president who backed the plan was voted out of power. And many dismiss the government's "migration with dignity" program encouraging citizens to cultivate skills that would allow them to migrate abroad. Having seen World Bank efforts fail to make an impact and just plain fail, the current president has pledged to shift priorities away from climate change to health and education while leaving the "very serious" issue of climate change largely in God's hands. Those Kiribati people who are looking to migrate have their fair share of challenges, still, as one man found out when he applied for asylum in New Zealand as an environmental refugee. He lost and was deported, but the case is being appealed to the Office of the United Nations High Commissioner for Human Rights. Whichever way that appeal ends, it surely won't be the last time we hear about the legal status of climate refugees.

Just Leave a Strip, Farmers!

Nutrient pollution from farm runoff is a problem. [Right, Florida?](#) [Right, Gulf of Mexico?](#) Right, [Lake Erie?](#) But what can be done about it? Well, it's been fairly well known that tree-based buffers along waterways at the edge of fields are an effective way to absorb the soil, water, fertilizers, and pesticides before they hit the streams and make their way out to the lakes and oceans. But tree buffers can hurt crop growth both by placing crops in the shade and by out competing them for water in the soil. However, now [researchers from Mizzou have found](#) that a buffer strip of CRP (Conservation Reserve Program) land between the trees and the crops can prevent those issues. But doesn't this lead to less cropland for the farmers? Yes, but that's the point of the [USDA's Conservation Reserve Program](#)! It reimburses farmers for their conservation efforts! Farmers can still earn a living, and waters can stay clean(ish)! [Genius!](#)

Would Sirs and Madams Like Some Fish with their Plastic?

Hong Kong is one of the world's [great food-centric gastro-destinations](#) with a strong [seafood tradition](#). So that seafood itself must be pristine stuff, right? Wrong. A new study from Greenpeace shows microplastic [pollution has found its way into 170 different seafood species](#) that end up on the plates of Hong Kong's diners. First of all, kudos for coming up with 170 different species to eat. Secondly, given all the trash [washing up on the island](#) and [floating around in the world's oceans](#), how surprised can anyone really be that it's becoming a part of our food?