

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
July 30, 2013

## **Wowza (Con't). Louisiana Flood Protection Authority Suit Draws Rebuke from Governor but Authority Stands Pat.**

It has been quite a week for the Southeast Louisiana Flood Protection Authority-East following the filing of its law suit against scores of oil and gas firms alleging that their actions are impairing the flood protection efforts to protect the metro New Orleans area on the east side of the Mississippi River. Governor Jindal has demand that the suit be withdrawn, the Authority has respectfully demurred, the oil and gas industry has vowed to resist the suit, and others have hailed it. Pundits and commentators have also begun to weigh in from various points of view—including one from Institute Director Mark Davis.

This is all unfolding in real time so where it goes is not so clear right now, though the head of the Louisiana Coastal Protection and Restoration Authority and the Authority are slated to meet to discuss the suit, their respective duties, and one would hope constructive steps forward. Stay tuned.

## **Twenty Years of Trouble—New Anthology Tracks Global Water Woes**

If you ever had the sense that water problems are nothing new but needed proof, help is at hand. The July issue of [Environmental Development](#) features a collection of articles reflecting on a range of water issues that have arisen around the globe over the past twenty years. The compilation is the result of collaboration between the Global Environment Facility and the United Nations University (a possible future homecoming opponent for Tulane perhaps?).

## **2013 Dead Gulf Dead Zone Numbers In: Bad but Not as Bad Expected**

According to the last [information](#) from the Louisiana Marine Consortium, the 2013 “Dead Zone” off the coast of Louisiana (more accurately called an area of low oxygen or hypoxia) measured 5,800 square miles. This hypoxia is linked to the levels of nutrients in the Mississippi River which stimulate the excess growth of phytoplankton that, as it decomposes, depletes the Gulf waters of oxygen. While there have been years with larger dead zones, this year is larger than the historical average and larger than the average over the past 5 years. Based on spring flows in the Mississippi River, researchers had expected this year’s zone could have been as large as 7,300-8,600 square miles.

## **Now for Something Completely Different: Rethinking Fertilizer Could Improve Water Quality**

The previous story explained what can happen when excessive levels of nutrients get into rivers, lakes and the Gulf of Mexico. The source of many of those nutrients is fertilizer that is used in great

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:

[July 30 & 31, 2013](#)

[Toledo Bend Hydroelectric Project FERC Public Meetings](#) for Draft EIS  
Orange, TX & Many, LA

[October 24-26 2013](#)

[Lake Pontchartrain Basin Foundation Basics of the Basin 2013](#)  
New Orleans, LA

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quantities on farm fields, yards, and golf courses. Since most plants get nitrogen (an important fertilizer) from the soil it is no surprise that most fertilizer is applied to the ground so plants can take it up. Unfortunately lots of the fertilizer runs off into our rivers and lakes and ultimately in places like the Gulf. There is now news of a [breakthrough](#) that might just change that picture. According to the University of Nottingham, researchers have developed a way to get plants to absorb nitrogen from the air. Commercial applications of the new technology are expected in two to three years.

### **Cruising for a Bruising? Durbin Bill Would Restrict Cruise Ship Waste Discharges**

Vacation cruises can be a relaxing way to get away from it all but as their popularity has risen and ships have gotten larger concerns have also grown about where they dump the waste water from what effectively is a floating town. A [bill](#) recently filed by Illinois Senator Dick Durbin would extend coverage of the National Pollution Discharge Elimination System provisions of the Clean Water Act to cruise ship's sewage, grey-water, and bilge water. It would also prohibit discharges within 12 miles of land. Currently ships may discharge untreated water once they are 3 miles from shore.

### **Calling All Abstracts: 2014 State of the Coast Conference Set for New Orleans March 18-20**

The 2014 edition of the biennial State of the (Louisiana) Coast Conference will be held March 18-20 in New Orleans at the Morial Convention Center. Anyone interested in presenting at the conference should submit an abstract by September 19, 2013. More information is available at [www.StateoftheCoast.org](http://www.StateoftheCoast.org). The conference is sponsored by the Coalition to Restore Coastal Louisiana, The Water Institute of the Gulf and the Louisiana Coastal Protection and Restoration Authority. Act fast to beat the spring break crowd.

### **Hard Choices Department: Corps Opts For Flood Protection Over Water Quality**

Florida's Lake Okeechobee is a well-known mess. The large shallow lake is surrounded by levees (the Herbert Hoover Dike) of questionable quality and it is filled with waters with nutrients and animal waste. Heavy rains have raised lake levels to the point that risk of levee failure has become unacceptable according to the Army Corps of Engineers, especially with the heart of hurricane season yet to come. To reduce that risk the Corps has begun [drawing down](#) the lake levels but discharges into the surrounding rivers and their estuaries to the great displeasure of folks who care about those natural resources. The safety versus pollution Gordian Knot will not likely be cut until either the dike or the water quality is improved—maybe even both.