

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
September 11, 2013

It's a Brave New World: Urban Water Plan Unveiled for Metro New Orleans

As previewed in TUWW two weeks ago a new comprehensive Urban Water Plan was unveiled at the Port of New Orleans on September 6. The [plan](#) was [well received](#) but questions about how its estimated \$6.2 billion cost will be paid for, when and by whom have predictably come up. The plan actually addresses those issues in an [implementation volume](#), at least to the extent such things are possible in a conceptual plan. \$6.2 billion is a big number but it is actually not as big a number as staying the region's current course. The plan in fact estimates that investing in its recommended actions, particularly those that would slow the region's soil subsidence rates, would produce over \$10 billion dollars in savings and billions more in spin off economic development. When soils don't sink, pipes don't break, streets don't crumble, and foundations don't shift the way they currently do. And when soils don't sink, it is easier to get a handle on localized flooding that can lead to repetitive losses that can lead to very expensive insurance rates. The plan was sponsored by Greater New Orleans Inc. and compiled by a team led by the architectural firm, Waggoner and Ball. The Tulane Institute's director Mark Davis and research assistants Harry Vorhoff and Fredric Augonnet were also member of the planning team.

House Releases Water Resources Bill, Adds an R and Sets the Stage for Water Public Works Action on the Hill

The long awaited House version of the Water Resources Development Act has been released with at least one major change from previous WRDAs and the version that has already been taken up in the Senate, and that is the addition of an additional "R" for Reform. [The Water Resources Reform and Development Act](#), HR 3080, contains sundry project and study authorizations, deauthorizations, planning directives, and "streamlining" features to expedite, for good or ill, water project actions. To be honest we are still reviewing the bill and will be commenting on it later. Rest assured it will not please everyone.

Forgotten but Not Necessarily Gone, Old Rivers Channels May Still Take Mississippi Flows

Once upon a time the Mississippi River spread across parts of coastal Louisiana via a series of distributary channels, what we might call bayous today. Those channels carried freshwater, nutrients and some sediments to the delta landscape building and nourishing it. According to a new [paper](#) published in the Journal of Hydrology (whose authors include several scientists with ties to Tulane) they may still be doing that, at least with fresh water, even though they were long ago buried and considered inactive (the channels, not the scientists). Lead author Dr. Alex Kolker calls these old bayous a

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 23-26, 2013

U.S. Water Alliance

One Water Leadership Summit

Los Angeles, LA

October 19th 12:00pm – 4:00pm

Second Annual Anba Dlo Water Symposium

New Orleans Healing Center

New Orleans, LA

October 24-26, 2013

Lake Pontchartrain Basin Foundation

Basics of the Basin 2013

New Orleans, LA

February 21-23, 2014

Tulane Environmental Law Summit

New Orleans, LA

Tulane Institute
on Water Resources Law & Policy

6329 Freret Street, Suite 155G

New Orleans, LA 70118

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[http://www.law.tulane.edu/tlscenters/
waterlaw/](http://www.law.tulane.edu/tlscenters/waterlaw/)

[“missing river”](#) that may help explain how the current river actually works and how it may influence waters and wetlands not some distance from the River itself.

Uncle Sam (Olen) Wants You...

If you are a lawyer and interested in defending Georgia in its “Water War” with Florida. Or at least he was until September 10. Sam Olen is the Attorney General of Georgia and he means to defend the State and its rivers from the efforts of its neighbor to the south to secure flows from the Apalachicola River and he needs your [help](#). You may recall, that Florida Governor Rick Scott recently announced (previously covered in TUWW) that Florida will be suing Georgia for messing up the flows of the Apalachicola and by extension the fisheries in Apalachicola Bay. For any lawyers interested in this gig, we regret that General Olin’s deadline for submitting letters of interest was September 10.

Water for Snow Rule Prompts State/Fed Water Contest

It really does not take much to get folks’ backs up when it comes to water in the West as a U.S. Forest Service Directive changing the way water rights will be handled with Ski Area Permits proves. It is not news that many ski areas are located on federal land and that those resorts need water to make snow is not news. Also not news is the fact that the U.S Forest Service has been trying to amend the way water rights are handled when it issues ski area permits; that has been going on for a couple of frustrating and contentious years. What is news is a possible effort to legislatively resolve those water rights in favor of state law and ski resorts. Colorado Congressman Scott Tipton has indicated that such [legislation](#) may be necessary to prevent an assault on the West (presumably by the federal government).

The issue of water and ski permits is actually complex and needlessly muddied by the previous failure of the Forest Service to follow the proper procedures in issuing its new directive. For an interesting perspective on the issue you can check out an article in the Tulane Environmental Law Journal (Volume 26, Issue 2) by Paul Tilley that parses the distinctions between the procedural and substantive issues surrounding the directive.