

TUWaterWays

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

June 25, 2013

Public Comment Period for Gulf Coast Ecosystem Restoration Council's Draft Initial Comprehensive Plan Extended until July 8

After hosting a series of public meetings across the Gulf, the Gulf Coast Ecosystem Restoration Council ("Council") has extended the public comment period on the draft Initial Comprehensive Plan they released in May. The extended period applies to the draft programmatic environmental assessment for the Plan, as well. Although this extension means that the finalized Initial Comprehensive Plan will not be finished in time to meet the deadline set forth by Congress in the RESTORE Act, the Council received many appeals to extend the deadline at public meetings. Nearly every deadline set out in the RESTORE Act has been blown, but at least this blown deadline was at the behest of the public and not simply a function of the law's unrealistic timetable.

For the Second Year in a Row, Comprehensive Farm Bill Fails in House of Representatives

The comprehensive farm bill that was to be enacted before last year's temporary measure expires was defeated last week. The defeat is seen as an embarrassing failure of the Republican leadership. Much of the contention came over cuts to food stamp programs that many Democrats found too steep and many Republicans found not steep enough. The farm bill can have wide-ranging effects on agricultural conservation efforts, and the Northeast Midwest Institute has done an admirable job keeping track of the beast. Though it is possible for the House to take up the bill or aspects of the bill again, for now we are left without any congressional leadership on agricultural conservation, and the Senate is not interested in passing another extension. We at TUWW are reminded how much that leadership is needed by the following story...

Record-Breaking Dead Zone Forecast for Gulf of Mexico

Researchers from LUMCON and LSU have predicted that this year's Dead Zone off the coast of Louisiana and Texas will be the biggest since monitoring began in 1985. This year's zone is predicted to be so large because of high concentrations of nitrogen in Mississippi River water this spring and summer. Huge amounts of nitrogen and phosphorous come from upriver farms – farms where conservation could be improved by a comprehensive farm bill.

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:

June 26, 2013

Greater New Orleans Foundation
Urban Water Series

"Innovative Financing Options for Green Stormwater Infrastructure"
New Orleans, LA

June 28, 2013

Louisiana Hypoxia Working Group
10:00a.m.
LSU School of the Coast and Environment
Room 1215
Baton Rouge, LA

October 24-26 2013

Lake Pontchartrain Basin Foundation
Basics of the Basin 2013
New Orleans, LA
Call for papers

Tulane Institute
on Water Resources Law & Policy

6329 Freret Street, Suite 155G
New Orleans, LA 70118
504-865-5982

<http://www.law.tulane.edu/enlaw/>

Debate over River Diversions Continues More Than One Year After Master Plan was Approved

Criticism of Mississippi River diversions in the State Coastal Master Plan peaked (for now) at a meeting in Chalmette last week. The contentious nature of the meeting has been [well covered](#). Our thoughts on the topic can be found in this [clip](#) that includes an interview with Institute director Mark Davis. Perhaps the most concerning aspect of the “discussion” taking place is the lack of ideas or support for improving Mississippi River quality and sediment load despite near-constant reminders of the unsafe nature of the water and that it “isn’t the same river” that it once was.

Truly Terrifying Water News

This just in from the “this can’t be true and if it is it shouldn’t be” department. According to a news story in the [Nashville Tennessean](#), a Tennessee environmental official in the course of reminding folks how seriously the state takes the protection of water quality went on to warn them that unsubstantiated complaints of water quality problem could be “considered under Homeland Security an act of terrorism”. The idea that our security laws can not distinguish between uninformed or even goofy complaints and actual terrorism is truly disturbing, especially when it can discourage citizens from raising public health concerns for fear that they may find themselves on no fly lists or worse for their troubles.

Back to the Well: Researchers Find Evidence of Fracking Impacts on Drinking Water

The latest chapter in the ongoing debate on whether hydraulic fracturing to produce oil and gas can affect drinking water supplies comes from a [new study](#) done by researchers at Duke University. The new study finds that there are heightened levels of methane, ethane and propane in drinking water wells in the Marcellus Shale area and that the likely source is either faulty or inadequate steel casings or from imperfections in the cement seals that are intended to segregate the fracked well from the surrounding environment. This study follows builds on an earlier study that had drawn criticism from oil and gas interests.

Struggling to Get a Grip on National Flood Insurance Program Changes Around the Country and on Capitol Hill

In an attempt to make the National Flood Insurance Program (“NFIP”) solvent, last year Congress passed the Biggert Waters Act. The act calls for decreases flood insurance subsidies that will have wide-ranging effects across the country. Communities in [Louisiana](#), [Florida](#), and [North Carolina](#), among others, are all trying to figure out how to deal with the changes. Politicians from Louisiana and other affected states are trying to [walk back](#) some of the rate hikes that are otherwise coming down the pike to soften the potentially dire impacts on community property values and markets that significant rate hikes can produce.

These changes in policy are happening at the same time as changes to the reality of flooding are becoming more understood. FEMA commissioned a [study](#) of climate change’s effects on NFIP. The study [shows](#) that by 2011 more 80% properties are going to be at flood risk and the loss from floods could increase by 90%.

Danish Skatepark Design Pushes Creative Boundaries of Urban Drainage Solutions

Roskilde, Denmark’s [response](#) to climate change includes bowls, rails, transfers and other skatepark features. The town is receiving more rain than before, and street and basement flooding has increased. An improved drainage system was needed. Rather than build pipelines or inaccessible canals, the city designed a drainage system through a city park that would double as a skatepark. Cities across the world, including [New Orleans](#), are trying to address their drainage (not to mention skateboarding) problems – often brought on by shifts in climate. Multipurpose approaches like Roskilde’s park open up a wider range of approaches, educate the community on the importance of water issues and include them in the solutions.

Wetlands at mouth of Bayou St. John Taking Shape

The Lake Pontchartrain Basin Foundation is currently in the process of [creating](#) marsh habitat just hundreds of feet away from New Orleans neighborhoods. The marsh will provide needed habitat for Pontchartrain’s fish and crabs, help to improve the biological connectivity between the Bayou and the Lake, and provide educational opportunities for New Orleanians. The [Foundation](#) is looking for volunteers to lend a hand in making this project come to life. Those interested can email saintjohnwetland@gmail.com.