

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
May 20, 2014

## WRRDA Likely to Move this Week

The long awaited and much anticipated [Water Resources Reform and Development Act](#) appears headed for a vote in the House of Representatives this week with Senate action expected soon thereafter. Stay tuned.

## Maxed Out: Nutrient Buffering in Mississippi River System at Its Limits

Once upon a time the solution to pollution was thought to be dilution. Turns out to have been wrong in many, many ways. The solution to the sort of nutrient pollution, nitrates in particular, that cause the infamous “dead zones” in the Gulf of Mexico has long been hoped to be natural buffering. It is well known that plants and wetlands can do wonders removing nutrients from water. Less well known has been the capacity of those natural buffers to do the job. A new study in [Nature Geoscience](#) done by researchers at the University of Texas suggests that we are pretty much at the limits of what those buffers can do. The report finds that [99.6 percent](#) of water in the river network passes through sediment filters along the banks of rivers and streams but that vast amounts of nutrients are still reaching the Gulf.

## The Water Economy: The Future will be Richer, Older, Thirstier and Richer Because We are Thirstier

At least this is the view from the investment advising firm Merrill Lynch. In a new [report](#) from Merrill that looks at market trends between now and 2050, the firm concludes that the world population is going to get mostly older and richer, but it is also going to be a whole lot thirstier. The report singles out water scarcity as an issue that can constrain growth but mostly sees it as an area for economic growth. The report projects that the global water sector will grow to be a \$1 trillion market by 2020, a doubling from what the current \$500 billion level of today. The business of predicting the future is inherently dicey, but even if Merrill is off by a billion dollars or so, the message here seems clear: water matters now and it is only going to matter more.

## Moving On Up: Tropical Storms Moving Out of the Tropics

With the Atlantic hurricane season fast approaching, a report confirms what many might have already suspected, tropical storms are increasingly not confined to the tropics. According to the [National Climate Data Center](#) and University of Wisconsin [report](#) (about to be published in the journal Nature), over the past 30 years storms have been reaching their peak intensity 53

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:

[Restore America's Estuaries and Coastal Society Summit on Coastal and Estuarine Restoration](#)

November 1-6, 2014  
Washington, DC

## Water jobs:

[Chief Resilience Officer](#)  
City of New Orleans

[Executive Director](#)  
Center for Climate Change Law,  
Columbia Law School

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kilometer farther north in the Northern Hemisphere (and 61 kilometers farther south in the Southern Hemisphere) each decade than had previously been the case. The trend is less pronounced in the North Atlantic, however, where the shift was only 6 kilometers, a difference that is comfortably statistically insignificant.

### **Colorado River Diversion Plan Clears Court Hurdle**

The process of bringing California's consumption of Colorado River water into line with its allotted share under the Colorado River Compact has been slow and complicated. An important part of the process has been the reallocation of water within California, namely from the Salton Sea and Imperial Valley to the San Diego area. Although this will have some not so pleasant impacts on the places losing that water, the Department of Interior signed off on an Environmental Impact Statement supporting the shift. Predictably, local governments from the Salton Sea and Imperial Valley were unhappy, and unhappy people tend to challenge EISs. And so it was here. Led by Imperial County, the EIS challenge alleged a failure to consider more than one alternative and disputed the manner in which it incorporated information by reference. The plaintiffs lost before the trial court and now the federal appeals court for the [9<sup>th</sup> Circuit](#) has tossed the appeal finding that Interior acted appropriately. For fans of National Environmental Policy Act law, the opinion is worth reading for its handling of the alternatives, tiering, and even "scrivener's error" issues.

### **In Case You Missed It: TU/ELI Release Report on Deep Water Horizon Funds**

Following the tragic explosion on BP's Deep Water Horizon well, there was wide spread hope that at the least some good might come from that catastrophe in the form of money for good deeds and important projects across the Gulf Coast. In practice, things have moved much slower and more confusion than cash seems to be in circulation. To clarify the picture a bit, the Tulane Institute on Water Resources Law and Policy and the Environmental Law Institute have published [How Much, Going Where, and For What](#), a report that sheds some much needed light on the sources, uses, and in some cases restrictions on uses of funds coming from the Deep Water Horizon spill. Special thanks go to the Tulane Center for Bioenvironmental Research and the Walton Family Foundation for their support of the project.

### **Texas-New Mexico Rio Grande Dispute Moving Progressing at Supreme Court**

The latest chapter of the long-contentious history of management of the Rio Grande is being written at the United States Supreme Court this year. In short, Texas thinks New Mexico is using water it should be delivering to Texas. After receiving a brief from the Solicitor General, the Court has decided to hear the case and allowed Texas to file its complaint and New Mexico its motion to dismiss. The United States has intervened on the side of Texas, and the city of Las Cruces has filed an amicus brief on the side of New Mexico.

The [suit](#) will come down to interpretation of the Rio Grande Compact's language and intent. We will be watching how the arguments progress out of a general interest in interstate compacts and Texas water policy, but we're also curious how groundwater issues are interpreted for a compact that makes no mention of groundwater, only "streams" and "tributaries." We'll keep you updated as the case progresses.