



TUWaterWays

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

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You Say You Want a Revolution, We'd All Love to See the Plan

Elections bring with them the prospect, even the promise, of big changes. And for Louisiana's new pro-oil and gas Governor that means changes aimed at making oil and gas development easier, cheaper and faster—even if some of those changes look like a solution in search of a problem. Case in point, Governor Jeff Landry's idea to restructure the State's vaunted Coastal Restoration and Protection Program. One of Governor Jeff Landry's first acts was to issue an [executive order](#) instructing the Secretary of the Department of Energy and Natural Resources to investigate and make recommendations for reorganizing the state's Coastal Protection and Restoration Authority (currently housed in the Governor's Office) and moving its functions into DENR (yes, [the "E" is new](#)). According to the Executive Order, this will centralize all of the state executive branch's energy and natural resource management responsibilities under one roof to create greater regulatory efficiency and reduce inefficiency and redundancy, all while creating an environment more conducive to business development.

What the Executive Order does not do is point to any inefficiencies, redundancies, conflicts, or regulatory burdens that CPRA has created, or any competencies or efficiencies that DENR would bring to the table. After all, the CPRA exists for two reasons: First, to draw up and update science-based [coastal master plans](#) to increase the odds that the wetlands and estuaries of coastal Louisiana and the communities, cultures, and economies that depend on them (including, but not limited to, the energy sector) have their best shot at surviving and prospering. And second, to implement the projects developed in those plans (more than \$50 billion worth) as they have been endorsed by the legislature. That's pretty much it. CPRA does not regulate anything, it does not bring enforcement actions, and it coordinates and reconciles the actions of other state agencies with narrower missions and constituencies (including DENR) to minimize harm to the coast. DENR, on the other hand, does regulate, does enforce, and does promote certain resource uses and users, as do the Departments of Wildlife and Fisheries, Health, and Transportation and Development, none of which are proposed for merger into DENR.

Before deciding to propose any changes to the Legislature, it might be worth remembering that those limitations and duties are the reasons the coastal restoration and protection effort were placed in the Governor's Office in the first place and why DENR's predecessor, the Department of Natural Resources, actually saw its role diminished. There are good reasons to suggest that this might be a good time to take a fresh look at the coastal program and CPRA's role given [startling new sea level rise information](#) and a looming financial cliff as funds from the Deepwater Horizon disaster settlement payout (there are [other ways to pay](#) for saving the coast, but for now state leadership seems content to pray for more disasters).

But is floating a presumptive reorganization on February 9 with a 12- day comment period (which includes two weekends and Mardi Gras) and a requirement that the Secretary of DENR deliver a report within two days of that comment period (February 23) really the best way size up the situation, form thoughtful recommendations, and foster government efficiency, fairness, and transparency as the Executive Order says it wants to? Some [experienced coastal hands have expressed their doubts](#). Regardless of what the DENR Secretary recommends, legislation will

likely be necessary to make any of it happen. If you have thoughts, you can express them at the [Governor's comment site](#), but do it by February 21, 2024 (Wednesday!).

Annual Tulane Environmental Law and Policy Summit—Come One, Come all

Unless you have given up learning for Lent, you should attend the [29th Annual Tulane Environmental Law & Policy Summit](#), hosted by our very own Environmental and Energy Law Society at Tulane Law School. This year's keynote speaker is Professor Richard Lazarus of Harvard Law School (it's like the Tulane of Cambridge, MA)! You are in for a weekend of thought-provoking panels, lots of networking with distinguished professionals, and fierce note taking. The Summit will be held on February 23rd and 24th, so what are you waiting for? [Register here!](#)

Why Can't We Just Get Along? Wait, Maybe We Can

Long before Congress decided that seeking consensus about anything is a bad idea, water users pioneered the concept. Even in the face of drought, growing competition for water, and good, [old-fashioned reality](#), it seems like getting folks to face the fact that making changes to how we use water and who gets it is inevitable, but it was too much to expect. Until now. News of an [agreement among the Department of Interior, tribes, farmers and ranchers to collaborate on planning and supporting projects in the Klamath Basin](#) to improve water supply, fisheries, the ecosystem, and drought resilience comes as a welcome relief. The fact that there are billions of federal dollars for ecosystem restoration and infrastructure improvement on the table probably helped, but let's not be cynics. Here's to hoping this spirit of cooperation and common purpose is contagious.

Coming Up:

[Tulane Environmental Law Summit](#); New Orleans, LA; February 23 & 24, 2024 (save the date!)

Water jobs:

[Gulf of Mexico Campaign Manager, Offshore Wind Energy](#); National Wildlife Federation; Gulf Region

[Policy Manager, Mississippi River Water Initiative](#); National Audubon Society; Holly Springs, MS

[National Environmental Leadership Fellow](#); Rachel Carlson Council; Washington, DC

[Law Associate Post-Graduate Fellow](#); Center for Water Law & Policy, Texas Tech University; Lubbock, TX

[Advocacy Director](#); The Coalition to Restore Coastal Louisiana; New Orleans, Louisiana



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 legal stewardship of water.

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