

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
February 18, 2013

Climate Change and Sea Level Rise. Acting on It? or Just Worrying about It?

In last week's State of the Union Address, President Obama [pledged](#) federal action on climate change. If Congress won't pass new legislation, the executive branch will forward new regulations on pollution and new energy sources, he claims. In the Senate, a [panel](#) of scientists told the Environment and Public Works Committee that climate change and rising sea levels will destroy New Orleans and Atlantic City and much of Florida, New York City, and Boston.

Meanwhile, at the local and state level, more vulnerable communities are starting to take prevention seriously. [Delaware](#) is proceeding with plans for adapting to sea level rise. [Hoboken](#), NJ is seeking hurricane protection thought unnecessary in a pre-Sandy & Issac world. Others, like New York Governor Cuomo, are looking to the Dutch for [guidance](#) on living with changing waters. They are finding, however, that the world's most celebrated dike builders are now – rather than keeping it out – letting water in.

Just as the Dutch have learned that rising seas and a high ecological cost make leveeing out the ocean untenable in the 21st century, vulnerable parts of the United States, like New York City, with their proposed buyback program for homes in floodplains, seem to be getting the message.

Ivor van Heerden Settles with LSU

The long struggle between coastal researcher Ivor van Heerden and Louisiana State University is apparently coming to an end via an out of court settlement. After Hurricane Katrina's levee failures, van Heerden was an outspoken critic of the Corps of Engineers. In return, LSU fired him. Van Heerden countered with a lawsuit three years ago. For more see both the [opinion](#) by Jed Horne and Bob Marshall's [article](#) from "The Lens." Although both sides are still quiet about details of the settlement, [emails](#) filed in the court record show attempts to muzzle van Heerden by both university and state officials.

The Corps of Engineers, the CPRA, and the Gulf Coast Ecosystem Restoration Council All Hosting Public Meetings This Week

As we reported last week, the Gulf Coast Ecosystem Restoration Council will host three [meetings](#) in Louisiana and one in Mississippi this week. The Louisiana meetings in Houma, New Orleans, and Lake Charles will [double](#) as public meetings for the CPRA's [annual update](#) to the 2012 Coastal Master Plan. Also, the Corps of Engineers will host a public meeting to discuss proposed [operating procedures](#) for the IHNC Surge Barrier and Seabrook Floodgate Complex on Tuesday in New Orleans.

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:

[February 22-23, 2013](#)

18th Annual Tulane Environmental Summit
New Orleans, LA

[February 27-28, 2013](#)

America's Wetland Foundation
"Big River Moves"
Chicago, IL

[March 1, 2013](#)

Great Lakes Natural Resource Governance
Robert H. McKinney School of Law
Indiana University
Indianapolis, IN

[March 7-9, 2013](#)

"Building Resiliency Workshop IV: Adapting to Uncertainty"
New Orleans, LA

[March 24-26, 2013](#)

Center for Natural Resources and Economic Policy (CNREP)
"CNREP 2013: Challenges of Natural Resources and Economic Policy"
New Orleans, LA

[May 10, 2013](#)

Coalition to Restore Coastal Louisiana's Coastal Stewardship Award Banquet
Baton Rouge, LA

[June 6-7, 2013](#)

American Bar Association's 31st Annual Water Law Conference
Las Vegas, NV

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/>

Deepwater Horizon Disaster Legal Bouillabaisse Keeps Bubbling

Last week, Judge Jane Triche Milazzo approved a criminal [plea deal](#) between the Federal government and Transocean, the owner of the *Deepwater Horizon* rig. The deal will contribute \$150 million to the National Fish and Wildlife Foundation for the same projects included in BP's criminal plea deal approved last month. Another \$150 million will fund programs through the National Academy of Sciences. Transocean has also reached a settlement over its civil charges which will be reviewed by another judge in the Eastern District of Louisiana. That settlement would contribute \$1 billion to the Gulf Coast Ecosystem Restoration Trust Fund set up by the RESTORE Act.

Meanwhile, BP's oil spill civil trial is scheduled to start on February 25th, and BP is trying to limit its [exposure](#) from the number of barrels of spilled oil agreed upon in Transocean's settlement. Of course, the BP civil case is expected to make the greatest contribution to the RESTORE Act funds. Even though that Trust Fund is still currently empty, as payments come into focus, many are increasingly [concerned](#) about that money being diverted from its intended purpose. All those who worked so hard to get the RESTORE Act passed last year need to remain vigilant in [guarding](#) the RESTORE Act money.

Troubles Continue for Mississippi Department of Marine Resources

Approximately \$4 million from the state Tidelands fund has been "spent" without knowing on what it was spent. Interim director Danny Guice, who replaced director Bill Walker after he was fired at the end of December, is "[looking for it.](#)" This same agency has been subject to an audit for more than a year by both state and federal officials. Guice himself admits that the agency "just hasn't been managed well," but we fear just how great of an understatement that may be.

Tulane's Studio in the Woods Announces New Environmental Residencies

The Studio in the Woods, Tulane's program for artists has opened [applications](#) for five-week residencies between October 2013 and April 2014. These residencies are part of the *Ebb & Flow* series - designed to create "Dialogues between art and water, addressing the ecological challenges exemplified by Southern Louisiana."

California Continues to Attempt to Balance Los Angeles' Thirst Against, well, Everything Else

Pumps sending water south to Southern California from the Sacramento-San Joaquin River Delta suck more than just water through hundreds of miles of pipeline. Too many endangered [delta smelt](#) have also been getting sucked up causing pumping to be curtailed. It remains to be seen how much of a hardship this will be for Southern Californians - who import water from several sources. However, those pushing for a huge project to carry water underneath the Delta claim this development would have been avoided in their plan.

Elsewhere in California, the benefits of budgeting water for something beyond export to the south are making a dramatic and speedy showing. As the result of a Sierra Club lawsuit, the Owens River is being allowed to flow again for the first time in decades. In just one year, vegetation, fish, and birds have returned to the valley. Sierra Club and local environmentalists hope the development continues and Los Angeles holds up its end of the bargain and maintains monitoring of the project. Read this [article](#) about the river's comeback. Then go watch Chinatown to see how the situation got so bad in the first place (We don't care if you have seen it already. Watch it again).

Georgia General Assembly, Eyeing Tennessee River, Is Ready to Move State Boundary

Like the Los Angeles of the South, Atlanta's thirst for more water is a driving force for politics across multiple states. Most recently, Georgia has renewed [claims](#) that the Georgia-Tennessee border is in the wrong place. If it were in the right place for a certain mile and half strip, they would have access to the Tennessee River. Tennessee is dismissive, but we doubt this is the last of Georgia trying to siphon water out of the Tennessee River.

Reminder: the Tulane Environmental Law Summit is Fast Approaching

The 18th annual, student-run Summit is February 22 & 23. Multiple panels will highlight current water issues and feature members of the Tulane Institute on Water Resources Law & Policy. Also, lawyers, remember that CLE credits are available – including professionalism and ethics. Information can be found [here](#).



18TH ANNUAL
TULANE
SUMMIT ON
ENVIRONMENTAL
LAW & POLICY

KEYNOTE SPEAKER:
YVON CHOUINARD

FOUNDER OF PATAGONIA

FEBRUARY 22-23 2013
TULANE LAW SCHOOL, WEINMANN HALL
NEW ORLEANS, LOUISIANA

ADMISSION FREE
SUMMIT.LAW.TULANE.EDU
FACEBOOK.COM/TULANEENVIRONMENTALSUMMIT