

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
October 26, 2012

## ***Too Much of a Good Thing in Saltwater Marshes***

Wetlands' natural function as nutrient sponges is being shown to have limits. While it was previously thought by many that saltwater marshes had unlimited capacity to remove excessive nutrients, a study published in *Nature* last week shows that high levels of nitrogen and phosphorus can cause salt-marsh loss. Although the excess nutrients cause an increase in individual plant growth, most of that growth is above ground without matching root growth. Top-heavy without an adequate anchor, these plants easily fall over under stress. These findings may complicate plans to use wetlands to clean high-nutrient waters, like water treatment outflow or the Mississippi River, by diverting them through salt marshes.

[Why Are Our Salt Marshes Falling Apart? Diana Kenney, Marine Biological Laboratory, October 17, 2012.](#)

[Coastal eutrophication as a driver of salt marsh loss. Linda A. Deegan, et al., Nature, October 17, 2012.](#)

## ***2011 Mississippi River Flood Waters Lead to Delta Growth – To Varying Degrees of Success***

The Spring 2011 floods were historic in more ways than one. Not only was there a record amount of water coming down the river, but the opening of the Morganza Spillway also mimicked the natural, historic pattern of spring floods that built the Mississippi River Delta in the first place. A study published this week in *Nature* compared the sedimentation caused by the huge amount of water coming out of both the Mississippi River and the Atchafalaya. The leveed Mississippi shot water and sediments out into the Gulf of Mexico "like a fire hose." The wide, slow Atchafalaya, on the other hand, produced a great deal of sedimentation and provided a blueprint on how to structure future diversions to maximize sedimentation and wetland growth.

[A Mississippi river diversion helped build Louisiana wetlands, geologists find, phys.org, October 21, 2012](#)

[Linking the historic 2011 Mississippi River flood to coastal wetland sedimentation, Frederico Falcini, et al., Nature, October 21, 2012](#)

## ***The Successful Test of Levees During Isaac Does not Diminish Need for Coastal Wetlands***

Former Times-Picayune Outdoor Editor, Bob Marshall is back at nola.com. This time, he's reminding us that without miles healthy wetlands separating levees from open water, their usefulness will be short-lived. In the past seven years, time and time again, governmental, academic, and NGO have emphasized the importance of multiple lines of defense (varied, healthy wetlands as well as levees and dikes) for storm protection. Yet after witnessing the strikingly different effects Isaac had inside and outside of the levee system, we must not lose sight of the need for multiple lines of defense in a rush to expand the levee system.

[Wetlands 101: Saving Louisiana's refuges, Renee Peck, The Times-Picayune, October 22, 2012](#)

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:**

[LA Hypoxia Working Group Meeting](#)  
Tuesday October 30, 10 am-12 noon  
Room 1215, Energy, Coast, & Environment Bldg  
Louisiana State University, B.R., La

[November 1, 2012 6PM](#)  
Screening of the Academy Award Nominated Documentary *Sun Come Up* at Peltier Auditorium, Nicholls State University

[December 6, 2012](#)  
America's Wetland Foundation  
"Big River Lives"  
St. Louis, MO

[February 22-23, 2013](#)  
18<sup>th</sup> Annual Tulane Environmental Summit

## **Job Opportunities:**

[Lake Pontchartrain Basin Foundation](#)  
New Canal Lighthouse Manager and Curator.  
Deadline Nov. 12, 2012.  
Please email [hazel@saveourlake.org](mailto:hazel@saveourlake.org) or call (504) 836-2215

[Environmental Defense Fund](#)  
Director for the Mississippi River Delta Project. Posted Sept. 11, 2012  
[EDF Online Application](#)

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## ***Despite Settlement Rumor Brouhaha, Deepwater Horizon Litigation Continues***

Although Gulf Coast politicians continue their saber rattling over rumors about the structure of a settlement between BP and the Department of Justice, the case(s) continue. This week, BP had two days to question Marcia McNutt, the director of USGS regarding the calculation of the amount of oil that leaked from the Macondo well. That calculation is a major tent pole in determining the potential Clean Water Act penalties against BP and other responsible parties.

The state of Louisiana has requested a separate jury trial for its civil claims against BP and others. The state's claims are separate from the private claim proposed settlement that has already been reached, and this would separate the state's claims from the nonjury trial scheduled for January.

Finally, a Freedom of Information Act request filed by Greenpeace has shown the federal government suppressed photos and information about the damages to sperm whales that may have been caused by the *Deepwater Horizon* spill.

[BP to question official over oil spill amount, Harry R. Weber, Houston Chronicle, October 22, 2012](#)

[Louisiana Seeks Jury Trial on \\$1 Billion Claim Against BP, Laurel Brubaker Caklins, Bloomberg, October 25, 2012.](#)

[US downplayed effect of Deepwater oil spill on whales, emails reveal, Suzanne Goldenberg, The Guardian, October 24, 2012](#)

## ***Congress Challenged to Create Water Bill Without Earmarks***

Some members of Congress are trying to address the country's water infrastructure needs without violating the legislature's commitment to a pork-free diet. A water resource development act authorizes flood control, navigation, and environmental restoration projects for the country's rivers and harbors. Although they used to be passed every two years, Congress has not passed one since 2007. Although the need for flood control, navigation, and environmental restoration work still exists, water bills (and Corps of Engineers marching orders) were usually pieced-together, conglomerated earmark lists. In order to come up with a new water bill, Congress will either have to get past its aversion to pork or completely rework how flood control, navigation, and environmental restoration work is done in this country. Although such a remaking would likely be well received by those interested in integrated water management, it may be too tall of an order for this Congress to undertake.

[Keeping the Water Bill Afloat Without Earmarks, Nathan Hurst, Congressional Quarterly, October 20, 2012](#)

## ***Former EPA Regional Director and Gas Driller Continue Disputing Water Pollution Charge***

As EPA Region 6 Director, Al Armendariz brought charges in 2010 against Range Resources Corp. for contaminating a drinking well outside of Fort Worth, Texas. After getting bogged down in the court system, the case was dropped in March 2012, and Range agreed to increase its sampling. A month later, after Sen. Inhofe circulated a video of Armendariz talking about how he was getting tough on violators, Armendariz resigned from his position. Now, Armendariz has spoken out about the case. He has stated that he believed the charges to be true when EPA made them and has seen no reason to change his mind about that since. In response, Range has demanded Armendariz stop speaking about the matter and, given Range's history, it would not be surprising if a lawsuit followed; Range sued the actual landowner who brought the complaint for the tainted drinking well in the first place.

[Armendariz sticks by Range water pollution charge, Mike Soraghan, E&E Publishing, October 22, 2012](#)

[Driller fires back at ex-EPA regional administrator, Mike Soraghan, E&E Publishing, October 25, 2012](#)

## ***Italian Court Sentences Scientists for failing to predict L'Aquila Earthquake, Prosecutor Cites Katrina Levee Breaches Case***

Earthquake scientists around the world are outraged by a conviction of seven scientists and experts of manslaughter. After the work of some of Italy's best seismologists was interpreted as disseminated and misconstrued prior to the 2009 earthquake in L'Aquila, Italy, and 308 people were killed. These convictions, indeed the entire trial, show how easily good science can be turned into bad public policy and communication. Also, it's seems clear that Italian courts have no clear grasp on the Katrina Levee Breaches case.

[Italian court convicts 7 for no quake warning, Annalisa Camilli, Associated Press, October 22, 2012](#)

## ***Spanish Earthquake Linked to Groundwater Extraction***

A new study shows that a deadly 2011 earthquake in Lorca, Spain was caused when a fault slipped adjacent to a large water basin that had dropped over 250 meters in the past 50 years.

[Lorca earthquake 'caused by groundwater extraction', BBC News, October 22, 2012](#)

[The 2011 Lorca earthquake slip distribution controlled by groundwater crustal unloading, Pablo J. Gonzalez, et al., Nature Geoscience, October 21, 2012](#)