

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
July 29, 2022

The Tunnel That Will Not Go Away Comes Back

California. You know it. Big state. Big economy. Lots of people. Lots of farms. Some really wet parts. Lots of really dry parts. You also probably know that, going back to the days of Spanish haciendas and the 1849 Gold Rush, the business behind all the other business in California has always been the business of moving water around. The [next big \(potential\) project](#) in that business has been unveiled by the state's Department of Water Resources. The project calls for a 45-mile tunnel to move water from the Sacramento River near [the state capital](#) under the Sacramento-San Joaquin River Delta to the State Water Project that carries water south to the Central Valley and Southern California. Though it's an idea that's [been around for decades](#), and it's [a scaled back version](#) of the twin tunnel project the previous administration proposed, [this tunnel's not getting a lot of love](#). What's the deal?

Well, the situation sucks, and that's not some pun on the tunnel sucking water out of the river. It sucks for farmers in the Delta. It sucks for endangered fish, from smelt to salmon. And it sucks for the farmers and towns to the south that don't have enough water. So, every administration that comes in wants to do... [something](#). But whatever that something is, it's going to make a bad situation worse for some stakeholders while trying to address the needs of others. And the stakeholders who are being helped probably wish it would do more than it does. So everyone's [coming at this news from different angles](#) and hating it for different reasons. Luckily for Californians, the whole thing is [currently up for public review and comment through late October](#). It's doubtful that [the new Yinjiangbuan Tunnel](#) (way bigger!) going from Three Gorges Dam to Beijing will get put through the same review process.

Where the [Mighty Mississippi's](#) Nutrient Pollution Starts and Ends

Every summer, [a massive dead zone develops](#) off the coast of Louisiana due to nutrient pollution brought down by the Mississippi River. Researchers, every year, [make predictions](#) as to how big it's going to be, and it's always way bigger than we [set out to make it decades ago](#). In recent years, the only time it's been much smaller than those predictions has been when hurricane activity in the Gulf of Mexico has churned up the waters. Something along the lines of, "Good news! This MMA fighter can't beat you up as effectively as they could, but it's because another MMA fighter is also beating you up and they're getting in each other's way." You're still getting beaten, badly.

Where is all that pollution coming from? Some from city stormwater runoff from lawns and golf courses and such; some from

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.

Coming Up:

[ABA SEER 30th Fall Conference](#); Sept 21- 24

[Louisiana Climate Initiatives Task Force Fall Meeting and Workshop](#); October 22

Water jobs:

[Water Quality Technician](#); Pontchartrain Conservancy; Metairie, LA

[Adapting the Existing Built Environment Earth Network Fellowship](#); Columbia Climate School; New York, NY

[Clinical Instructor Tulane Environmental Law Clinic](#); New Orleans, LA

[Associate Attorney, Senior Attorney, and Paralegal](#); Earthjustice; Multiple Locations

[Coordinator – Resisting Dirty Energy Campaign](#); Healthy Gulf; New Orleans, LA

[Climate Risk Legal Fellow](#); Environmental Defense Fund; Boulder, CO

6325 Freret Street, 1st Floor
New Orleans, LA 70118
504-865-5982

tulanewater.org

TWITTER: [@TulaneWaterLaw](#)

INSTAGRAM: [@TulaneWaterLaw](#)

wastewater treatment plants (but the Clean Water Act's regulations on them are pretty substantial); and a whole lot from agricultural runoff. It largely comes from fertilizer spread farms across the Mississippi River basin, and especially the Corn Belt in the Midwest. And very little of it comes from Louisiana itself (unless you count how much of that fertilizer is actually produced in Louisiana before being shipped across the country). So, what are they doing about it up there in [corn country](#)? Well, [in Iowa](#) they're spending a whole lot of money to improve water quality within their state, but, similar to Louisiana, they're pretty data poor as to the actual water quality because they use models instead of actual in-stream sensors. It's hard to manage for something if you don't really know what you're managing. Farther upstream, in [the Crow River basin](#), Minnesotans are trying to get a handle on nutrient pollution where it really begins for the Mississippi. Above the Crow, there's very little agricultural land and, therefore, very little nutrient pollution in the Mississippi, but the Crow is the first tributary that drains a lot of farmland—farmland that largely uses tile drainage, which hurries water (and pollution) into the stream to keep fields farmable. Because agriculture is largely exempted from the Clean Water Act, federal laws haven't been able to do much about it. And until someone wants to commit political suicide, state laws aren't going to do a ton about it. Therefore, anyone looking to improve the quality of systems like the Crow River has to largely rely on voluntary efforts. Researchers [currently surveying the Gulf of Mexico](#) will let us know just how much or how little those efforts are making a difference. While plenty of people, groups, and agencies are trying to make a dent in all this, don't [hold your breath](#) for good news.