

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
May 3, 2016

## A New Kind of Refugee

We have all heard countless heartbreaking stories of the trials and tribulations of the Syrian (and other Middle Eastern countries) refugees as they attempt to enter the EU; however, a new type of refugee story is about to flood (quite literally) your evening news: climate refugees. As sea levels rise and swallow entire island communities, states, nations wholesale, their residents will be forced to move. The question remains: how are we going to handle the projected millions of people that will be needing a dryer home? And no, teaching them all to scuba and live in the lost city of [Atlantis doesn't count as an answer](#). But government funded relocation does. Louisiana's own [Isle de Jean Charles](#) is the beneficiary of \$48 million HUD grants will make it one of the few attempts to move a community *en masse* (and by *masse*, we mean roughly 60 people). There are already countless issues cropping up, whether legal, cultural, or logistical. Some in the community feel that this is a fresh start and inevitable. Others swear they will die on that island just as their ancestors had. The two Native American Tribe Chiefs have differing opinions of who is even included. This move will in no way shape or form be easy. But it will be necessary. And if all goes to plan, their experience will be the foundation of climate refugee relocation plans across the country. But that is a big if right now. 60 people have already proved a logistical nightmare. What will happen when its hundreds, thousands, even millions (looking at you, South Florida)? We are on the edge of a new era of refugees, one that I am not sure we are prepared to handle.

## Environmental Justice for Some

This past year, news outlets have flooded our TVs, tablets, smart phones, Google Glasses, and [every other piece](#) of technology available with images, stories, and statistics from the lead crisis in Flint Michigan. And rightly so. The failing infrastructure of the U.S. needs to be put on display so perhaps we can avoid another Oh-This-Is-Cheaper induced catastrophe. However, something that by our count almost *every national news outlet* has failed to mention is the continued water crisis of the Navajo (Dine') Nation. There, where many [water rights are senior](#) to those of the states', still meager water resources are let down by even worse water infrastructure. Nearly 40 percent of the residents of the Navajo reservation, which spans across parts of Arizona, New

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:

**Louisiana State Law Inst. Water Code Meeting**  
Baton Rouge, LA  
LSU Law School  
May 6, 2016  
(contact us with questions)

### [River Deltas: Sink or Swim](#)

New Orleans, LA  
Woldenberg Art Center  
May 13, 2016

### [River Rally](#)

Mobile, AL  
May 20-23, 2016

### [State of the Coast 2016](#)

New Orleans, LA  
June 1-3, 2016

### [RAE/The Coastal Society Summit on Coastal and Estuarine Restoration](#)

New Orleans, LA  
December 10-15, 2016

## Water jobs:

### [Staff Attorney](#)

Chesapeake Legal Alliance

### [Clean Water Advocate](#)

Environment America

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Mexico, and Utah, do not have running water in their homes. Instead they resort to using snow to wash dishes, make a two hour round trip, when the road is passable, to the nearest town to collect water, use a public hose, or wait for the water lady ([Darlene Arviso](#)) to show up with her tanker truck. For those who don't have access to these, groundwater wells are the only option, and many are contaminated with uranium, coal, and other mining refuse accumulated over the decades. Given its ridiculously limited resources, the tribe's members without running water have limited their water consumption to ten gallons a day. To put that in perspective, the [World Health Organization and the United Nations](#) agree that the minimum necessary amount of water to meet the human right to water is 100 liters per day per person. That's just over 26 gallons. So the Navajo, United States Citizens, are living on less than half of the human right to water a day (but let's not get too caught up in the Human Right to Water as the United States [doesn't actually recognize it](#)). The fact of the matter remains that water in the U.S. is far from equally distributed, far from completely safe, and far from the mind's eye of those of us lucky enough to turn on a faucet every morning. Flint is a lesson for us all, but so are the Navajo, so are small towns in Appalachia, and Louisiana, and Pennsylvania. There can't be environmental justice for some; it has to be environmental justice for all.

### **Won't Someone Please Think of the Brackish Aquifers!?!**

Well, some in Texas are at least starting to. There, the cities of San Antonio and El Paso already desalinate brackish groundwater for municipal supply, and a new [report](#) out of Rice University examines the potential for making brackish aquifers a productive natural resource. The report [cautions](#), however, that all water resources need to be regulated and managed in a way that doesn't harm those very resources. Given that many states can't manage that for their freshwater aquifers, and that in under [federal law and in states like Louisiana](#), brackish aquifers aren't even acknowledged by law and have become repositories for hazardous and nonhazardous waste, this resource may be severely damaged before it can even put to use. Sooner or later, the fact that all water resources have value is going to catch on.

### **Perhaps Justice for Berta Caceres**

Speaking of environmental justice, four people, two with ties to the hydropower dam that Berta Caceres successfully stopped, [have been arrested](#) in an investigation into her March murder. We reported on Caceres' murder in [March](#), highlighting the fact that Honduras is the most deadly country for environmental activists. Caceres had reported both men to the authorities for threatening her life, one of them just days before her murder. There is still rampant mistrust of the government despite the arrests. Many are putting pressure on the government to allow for an international investigation into the famed environmentalist's murder. There is yet hope for justice for Berta.

### **Public Affairs Research Council of Louisiana Recommends Transparency**

Yesterday, The Public Affairs Research Council, a Louisiana based good-government organization, released a [commentary](#) on the funds Louisiana is poised to receive and the need for transparency in the decision making process for coastal restoration project implementation and funding. This, PAR believes, will demonstrate to its various funders and its citizens that the coastal restoration program is well run and the funds well spent. Such transparency will also allow for stakeholders and communities to better participate in public meetings and will build back trust in the process. With an entire coast and culture on the line, trust through transparency will be key.