

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
April 22, 2014

## Four Years after *Deepwater Horizon* Disaster, and the Gulf Coast is Still a Mess

This week marks the four year anniversary of the *Deepwater Horizon* disaster and oil spill. Actually, the *Deepwater Horizon* spill anniversary is like the anti-Carnival. It just keeps going. Since the spill lasted 87 days, the anniversary will continue until July.

So what has changed after four years of response and/or recovery? Many of the hardest hit areas of [Barataria Bay](#) are still barren and washing away. Animals from [oysters](#) to [turtles](#) to [dolphins](#) are [still hurting](#). Just last week, BP [announced](#) that the Coast Guard had ended the oil clean up response. The Coast Guard, displeased, announced that “they do not speak for the Coast Guard” and that the search for oil continues in some of the hardest hit areas of Louisiana (albeit with fewer people). The greater attention the spill brought to the Gulf has been evident in the number of reports of oil sheens on Gulf waters that have turned out to be unrelated to the Macondo well and just from the [myriad of other spills](#) ongoing in the Gulf.

The litigation from the disaster is ongoing, as well. Just this week the [final phase](#) of the trial to determine the extent of Clean Water Act fines for responsible parties was scheduled for next January.

Drilling in the Gulf seems to have [recovered](#) with the EPA even lifting the suspension on BP’s federal contracts last month. The latter move has spurred more than 50 groups to send a [letter](#) to EPA [petitioning](#) it to reverse that decision and pointing to BP’s oil spill into Lake Michigan last month as evidence that the company’s methods have not changed sufficiently. Also, despite tar balls washing ashore regularly, Alabama beach [tourism](#) seems to be doing [just fine](#), as well.

All in all, seems like the perfect time to say [HAPPY EARTH DAY](#) from all of us at the Institute.

## Water Management Economic Sector on the Rise in Southeast Louisiana as Coastal Parishes Attract Workers but not Residents

A new [report](#) by [the Data Center](#) shows that the “water management” industries are already strong in Southeast Louisiana and has much room to grow and supply more well-paying jobs in the future.

The same Data Center report also shows that many coastal communities are becoming [places to work](#) but not to live. Louisiana’s coast may still be a working coast, but it is less of a living coast than ever. Plaquemines Parish President Billy Nungesser says what few residents are left should welcome as much industry as possible in order to merit federal protection (aka more water management). A different

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:

May 14, 2014

[Horizon Initiative Water Committee](#) Meeting  
Garden Study Center, City Park  
New Orleans, LA

June 4-6, 2014

[32nd Annual Water Law Conference](#)  
Las Vegas, NV

## Water jobs:

[Chief Resilience Officer](#)  
City of New Orleans

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point of view comes from Terrebonne Parish whose President Michel Claudet who believes the increase in commuting says more about the need for [more housing](#) than any shift of residents away from a coast facing a suite of problems (sea level rise, flooding, flood insurance costs, and evacuations).

The report highlights the coming issues facing our coast, but it also places them in national context, showing the growing need for water management to stretch far beyond local issues. With all of our water manipulation, post-Katrina and post-Deepwater Horizon investments, and state and urban water plans, Southeast Louisiana has an advantage over many places where water management will be a growing need. The region fell into a position at the head of the country's water management sector. Let's not waste this silver lining. Also, to this growing recognition that water management is underutilized in our present and important for our future, we can't help but quote [LeBron James](#) to the effect that it is long overdue.

### **It's Official: Ecosystem Restoration is Good Economics**

If the New Orleans based Data Center report was not enough to get you thinking about the role of water management in our economy, on its heels comes a report from the U.S. Fish and Wildlife Service looking at the broader economic impacts of coastal restoration work. The [report](#), replete with graphs, pictures, and diagrams, finds that every dollar spent on local coastal restoration projects by the Fish and Wildlife Service in 2011 leveraged \$6.86 of additional local and private investment that yielded \$12.28 in economic returns. While none of this should be taken to justify every coastal restoration or water management project, it does serve to remind us that these actually are public works projects that, if well-conceived and pursued, have real benefits that range well beyond wildlife habitat (itself a [source](#) of very real, but often much discounted, value).

### **Study Allays Concerns about Lack of Mississippi River Sediment for Coastal Restoration Projects**

The Missouri River gave us the sediment and the Ohio River gave us the water. That has been the quick and dirty way to explain where south Louisiana comes from. Now, the myriad of dams across the basin has limited the transfer of sediment downstream to the lower Mississippi. "It's not the same river" has been a common refrain by those opposed to reconnecting the River to its delta. A [new study published](#) in *Nature Geoscience* shows that, despite the dams, there is [still enough sand](#) in the Lower Mississippi River to replenish the delta for 600 years. Huzzah! Now we just need some more of that "water management" to get it out of the river and into the wetlands.

### **Get Yer Ya-Ya's Out and Get Yer Comments On! EPA and Corps of Engineers Release Proposed Regulations Clarifying Definition of "Waters of the United States" and Reach of the Clean Water Act**

As we covered a [few weeks ago](#), the EPA and Corps of Engineers have proposed regulations to clarify the Clean Water Act and define "the waters of the United States." The [proposed regulations](#) have been finalized, and all concerned parties now have 90 days to submit their comments. We expect tens of thousands to be submitted. We expect several to be cogent.

### **Kill the Trees, Save the Groundwater?**

A [new study](#) published in *Nature Climate Change* looks at the effects of bark-beetles on groundwater contributions to streams in Rocky Mountain National Park. The study delves into the poorly understood interactions of trees with the hydrologic cycle. Most simply, trees (all plants, really) pull water up from the soil that then evaporates into the air. However, trees can also increase precipitation and decrease ground evaporation. How it all balances out is the poorly understood part, but in the alpine forests where mountain pine beetles are killing off large swaths of trees, researchers compared the changes in groundwater contribution to streamflow and found greater groundwater recharge where the beetles have done the most damage. The lesson, perhaps unsurprisingly, is that dead trees draw less ground water than live trees. But since living trees and forests provide lots of important things to people and nature we hope the take away here is not that "I think that I shall never see, a thing as bad for groundwater as a tree" (with deep, deep apologies to Joyce Kilmer).

### **Even as Colorado River Reaches Sea, Water Managers in the Southwest See Trouble on the Horizon**

This spring environmentalists and stewards of the Colorado River have been cheering the return of the Colorado River to its delta – even if only for a limited run engagement. National Geographic has had [great coverage](#) of the River's march back to the sea.

However, modeling to predict the Colorado's future shows a river that may not be able to fill Lakes Powell and Mead sufficiently to generate electricity. The upper basin states appear willing to bend over backwards to keep the lower basin states from issuing a call for water that the upper states can't deliver. The [legality of it all](#) seems to be something best left unquestioned. Meanwhile, cities in the lower basin are scrambling for solutions. 90% of [Las Vegas](#)'s water comes from the Lake Mead, 70% of it goes to lawns and golf courses, and the water authority has been unwilling to raise rates or impose restrictions, yet. [Phoenix](#) gets 47% of its water from the Colorado River and is lining up contingencies in case of prolonged drought, but voluntary cutbacks appear to be the extent of any demand-side measures.