

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
April 2, 2013

A Matter of Principle(s)

In our last edition of TUWW, we let our readers know about the long-awaited [Principles and Requirements for Federal Investments in Water Resources](#), which was released by the Obama administration on March 22, 2013. Since its release, the water community has taken a closer look and is [abuzz](#) with the changes. The comment period is open (click [here](#) to submit comments). Praises reflect on how the guidelines focus on healthy ecosystems and nonstructural options such as expanding levees. The guidelines direct lead water management agencies on how to select, locate, and design water projects and instruct the agencies to develop their own procedures for implementing the guidelines. There are some that believe this will grind the process to halt, particularly for the Army Corps. Click [here](#) to read more.

Ch-Ch-Ch-Changes: Turn & Face the Strain—Part Two

Last week, we also discussed the recent [recommended changes](#) to flood insurance risk assessments. With the deadline for the changes in flood insurance quickly approaching, FEMA is hosting public meetings explaining the effects of the proposed changes to individual home owners. The reception is anything but warm as citizens throughout Louisiana face the brutal reality that they simply cannot afford the new flood insurance. From [St. Charles Parish](#) to [Plaquemines](#), citizens are expressing their concerns over whether they will be able to stay in their homes. More importantly, does it make sense to spend \$760 million in projects designed to protect coastal communities, if those communities are no longer there? Click [here](#) to read more.

Can Diversions Help Anglers?

A Closer Look at Caernarvon Freshwater Diversion

Ever since the Caernarvon Freshwater Diversion was completed in 1991, anglers across the state have voiced their disapproval. Referring to it as a [“watery hell”](#) that drowns the nearby marshes, angler communities such as [Rodnreel.com](#) do not mince their words. Long-time diversions critic Capt. George Ricks says land increase from diversions causes land erosion and that dredging is the solution for rebuilding the delta. After all, [600 acres](#) were created thanks to a recent Army Corps dredging project (only 2000+ left to go!) However, the Department of Natural Resources shows an increase in freshwater marshes surrounding diversions, such as Caernarvon, which is a great thing considering sediment diversions are important for [building land](#) in the Mississippi River Delta. That being said, Caernarvon does not allow enough sediment through; therefore, the diversion does not necessarily build land the way sediment diversions do. This is not necessarily a bad thing. Brian Piazza, director of freshwater and marine science for the Nature Conservancy, conducted research from 2005-2008 that shows a [boom](#) in those fisheries.

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 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

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Charles City, IA—Permeable Streetscapes are a Reality

Conservation Design Forum recently released information on their latest project: permeable streetscapes in historic downtown Charles City, IA that also improved the city's stormwater drainage. The project included permeable paving, parkway bioretention, bioretention intersection narrowings, and infiltration beds. The project will add value and amenity to the city, not to mention improve water quality and reduce flooding. Click [here](#) to learn more about the project.

No Water for You!

Reminiscent of the Seinfeld Soup Nazi, the U.S. Bureau for Reclamation [announced](#) major water cuts for the Central Valley Project that will have a direct and adverse impact on California farmers. The recent cuts stem from the nationwide record-drought conditions and will force farmers to rely more heavily on groundwater. The reduction means that farm water contractors in the Valley can expect to receive less than 400,000 acre-feet of water from their contracted supply of under 2 million acre-feet. Click [here](#) to learn more.

Meanwhile in New Mexico...

Tensions are high between the north and south. Historically, northern New Mexico has pumped groundwater, while the south has relied on surface water. Now that drastic drought conditions have left the Pecos River at record-low levels, the local water board announced its farmers would only receive one-tenth of their normal water allotment this year. Farmers are calling on their elected representatives to declare a priority call on the state's water supply. It is a rare maneuver and would require the state to return to the West's basic principle of water distribution: first in time, first in right...in this case, farmers. However, although the state Constitution says, first in time, first in right, the practice is very different. Click [here](#) to read more.

Drought? What Drought? Have You Seen My Luscious Lawn?

Despite the 2012 drought and the ongoing effects of climate change and water shortages in neighboring states, the grass on lawns, golf courses, and parks are still green in Texas. Although some Texan cities have lawn watering restrictions that include fines for water hitting the streets, to alternating which zip codes can water on certain days, lawn watering restrictions are far from the norm. With St. Augustine coming in as the most popular type of lawn, as well as the thirstiest, cities are feeling the effects. Wichita Falls could be one of the next cities to be without water in the next 180 days. And it seems like lawmakers in Austin, TX are finally starting to take notice. With as many as a dozen water bills being introduced this year, it seems like Texans are [beginning](#) to get the message: we are in a nationwide drought. The key bills (HB 4 and its companion bill, SB 4) would take \$2 billion from the state's Rainy Day fund to create the State Water Implementation Fund for Texas (SWIFT), which would act as a revolving account to finance projects in the [State Water Plan](#). [The Rainy Day Fund](#) acts like the state's savings account, with money coming from excess oil and gas production taxes and unspent general revenue. Priority is given to projects affecting the biggest population, followed by assistance to a diverse urban and rural population. The Rainy Day funds would act as seed money for loans that would be repaid, whereby replenishing the funds. If passed, it would be the first time Texas spends money from its Rainy Day fund. But lawns are still green in Texas. Why? Should home owners be allowed to keep lush, thirsty blades of grass despite these known water shortages? And what happens if your home owner association won't allow you to stop watering that green, luscious lawn? In addition to the previously mentioned water laws, the Texas Senate has started working on legislation that would allow home owners to switch to native grasses, that require less water, without legal retribution from home owner associations. Click [here](#) to learn more.

Whoops. Did We Forget to Mention? Climate Change Will Affect South Carolina

At least, that's what it feels like when a state agency "[forgets](#)" to publish a study. Two years after completing a report on the effects of climate change on South Carolina, the state's Department of Natural Resources will finally *plan* to release its 102-page study to seek public comment and review. The study focuses on how global rising temperatures can and will affect the state in the form of invasive Florida species, dying salt marshes, coastal flooding and increased diseases in wildlife. Agency Director Alvin Taylor says "it won't be long" before the report is officially published.