

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[March 13, 2020](#)

By The Way, We Shared Our Thoughts About NEPA With The Federal Government

As we told you last week, the public comment period for the rollback of the National Environmental Protection Act closed this Tuesday. A [hearing](#) in court in Virginia did not end in keeping the comment period open, but did yield an [order](#) to the White House Council on Environmental Quality to produce the documents that it has denied to environmental groups for the past couple of years.

In the spirit of the effort to protect the continued usefulness of NEPA, we thought we'd share the [substantial comments](#) crafted by environmental law professors that we were able to help craft and sign.

No Flood Protection Until Eminent Domain?

A New York *Times* [article](#) this week about eminent domain being exercised on flood prone properties caught people's attention and left us all with more questions than answers. The Corps issued [clarification](#) over four years ago that if a flood control project were to go forward, the non-federal (city/county/state) partner would need to affirm that it could and would exercise eminent domain (buying property whether the owner wants to sell or not) on homes at great risk. Well, now it's actually happening – specifically it's already happened in Nashville. Other places, like Miami have said, “no, thanks” while places like Atlanta have said, “yes. No, wait. No?”

How this gets implemented going forward is a great unknown for a couple of reasons. One, climate change is changing what “at great risk” means, especially since the Corps estimates damage 50 years in the future. How this plays out under a president who doesn't call climate change a “hoax” is another wrinkle. And two, it puts the non-federal partner (usually a local government) in the position of having to choose between Corps funding for flood protection projects and buying out property owners who are not only their own constituency but who fund just about everything else the local government does through property taxes.

Prince Had [Purple Rain](#). Madness Had [The Sun And The Rain](#). But None of Them Had Iron Rain (Not Even [Iron Maiden](#))

But you know who does have iron rain? Who is so metal? Maybe even more metal than [Lemmy](#)? Okay, fine no one. But planet [WASP-76b](#), a huge exoplanet with a mass on par with Jupiter, looks like it is so hot and so metal that it could, indeed, have iron rain (so, way, way more metal than [W.A.S.P.](#)). Scientists studying the planet's atmosphere have found evidence that its proximity to its star means that it's so hot that iron vaporizes during the day and condenses to

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:

[SOUL Tree Planting Event](#); March 14; New Orleans, LA

[Tina Freeman: Lamentations at NOMA](#); Now – March 15; New Orleans, LA

[Info Session: Small Center Request for Project Proposals from Community-Based Organizations](#); March 16; New Orleans, LA

[CPRA Board Meeting](#); March 18; Chalmette, LA

[LA Watershed Initiative Projects Grant Program: Local and Regional – Round 1 funding opportunity Webinar](#); March 18

[Rain or Shine: Soaking Up Success Symposium](#); March 25; Los Angeles, CA

[Abstract Submission Deadline for EPA Drinking Water Workshop](#); March 26

[Louisiana SciComm Virtual Summit](#); March 27

[Green Infrastructure Financing & Economic Development: Best Practices from Milwaukee](#); March 27; New Orleans, LA

[Coastal Stewardship Awards](#); March 27; Baton Rouge, LA

[Party for the Planet: Spring into Action](#); March 28; New Orleans, LA

[Drinking Water Webinar: Drinking Water Regulations 101 and Best Practices for Training Utilities](#); March 31

[Application Deadline: Small Center Request for Project Proposals from Community-Based Organizations](#); April 1

Water jobs:

[Ocean Innovations Fellow](#); World Economic Forum & Stanford University; San Francisco & Stanford, CA

[Director](#); University of Wisconsin-Milwaukee Center for Water Policy; Milwaukee, WI

[Attorney](#); Water Resources Control Board; Sacramento, CA

[Climate Engineering Fellow](#); UCLA School of Law; Los Angeles, CA

[Rachel Carson Environmental Organizing Fellowship for Students](#)

[Various Positions & Locations](#); Earthjustice

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form droplets at night. Now, it is a gas giant planet, so there's not really a surface for it to fall on like [the plains down in Africa](#), but, still, pretty darn cool – er, hot. Your move, [Slayer](#).

Do You Ever Think About Dams? Our Governments Probably Should Think About Them More

Dams. They hold back water – for flood control, for water supply, for hydropower – and when they fail, it's a big disaster. Just ask [Saruman](#). Sometimes, the government does something about it. For instance, the largest water supply reservoir in Santa Clara County, CA – [that place where they do computer things](#) – is [being drained](#) after regulators at [FERC](#) decided the likelihood of dam failure was too great. Similarly, in Mississippi plans are underway to [replace a dam](#) that threatened failure this winter under the stress of heavy rains and high waters. Back in California, [monitors](#) are being placed on Oroville Dam, the dam that threatened to fail in 2017 and prompted evacuations of people downstream. [Cave Creek Dam](#) in Nevada is undergoing rehab now, too.

It's not all under control, though. Most [major dams in California](#) don't have emergency plans. Dams across the South, where there's been an abundance of rain recently, don't have emergency plans, either. The worst case scenario is what happened in January 2019 in Brazil, where a mining company dam failed and 250 people died. At the very least, the mining executives responsible are [facing murder charges](#). All we know is that [beavers](#) would never allow any of this to happen.

Time for Pollution Songs! Hooray!

We asked. Some of you delivered. So, here it is. Our newest playlist of water related songs. Our [Pollution Songs playlist](#) does step beyond the bounds of water to include air pollution ([the particulate matter](#) and the [carbon](#) types), noise pollution (or [the lack there of](#)), and litter in addition to water pollution (be it [oil](#), [plastic](#), [coal](#), [industrial](#), etc.). We did, however, try to eliminate the more general "[hooray for the Earth](#)" type songs. A few gems turn out to be YouTube only miracles, so they're not on the list, but worthy of our time (to varying degrees) nonetheless. As always, [these playlists](#) are living things, so it's never too late to send in a suggestion. Thanks and enjoy!