

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
October 11, 2017

Announcing [an addition to tulanewater.org](http://tulanewater.org)!

You don't have to work in water law and policy too long before one legal mechanism seems to have the potential to be like [alcohol, the cause of and solution to all of life's problems!](#) That mechanism is the good ol' interstate compact. An interstate compact is simply a congressionally approved contract between two or among several states. In the context of water law, it's usually intended to collectively manage (or just divvy up) an interstate waterbody. They're great, because if you don't have a compact, it seems like an ideal way to solve a problem, just ask [Florida and Georgia](#). But if you do have a compact, then the compact just becomes the problem, just ask [Texas and New Mexico](#).

Louisiana is party to two interstate water compacts, the Sabine River Compact and the Red River Compact. There should be a place for all perfectly fascinating information about those two compacts to be publicly available, shouldn't there? Well, now there is! [A page on the two compacts is now available on our website](#). We hope anyone needing any information about the two compacts will find it helpful, and would welcome any suggestions about how to make it more useful and complete.

A tip of the hat goes out to Research Assistant Margaret Wilbourne for helping the project.

SCOTUS Weighs Fate of WOTUS

The question of whether [Wotus](#) belongs in the bigs or should be sent back down seemed settled, but here we are waiting for the U.S. Supreme Court to make the call. In this case we are not talking about the great Ron Wotus, but the Waters of the United States (aka WOTUS) (aka trying to implement Justice [Kennedy's Rapanos opinion](#)) rule. The rule has had a rough ride and was widely challenged after it was promulgated in 2015. Now, one aspect of that challenge is being argued in front of the Supreme Court this week. That aspect is [whether those lawsuits challenging the rule should be filed in district courts or courts of appeals](#)? How SCOTUS rules will affect how these challenges play out, but there are [strange bedfellows](#) here, such as the Trump administration and the Natural Resources Defense Council both favoring these cases being kept at the appeals court level.

Actually, if the Trump administration had their way, this case would have been stayed since they're simultaneously [repealing](#) the rule in hopes of replacing it with one aimed at codifying the far narrower jurisdictional view of late Justice

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:

October 24, 2017

[Anba Dlo IV Water Symposium](#)

The Healing Center,
2372 St. Claude Ave., New Orleans

October 27, 2017

[Rights of Nature Symposium](#)

8:30 a.m.
Tulane University Law School
6329 Freret Street, New Orleans

November 7-8, 2017

[Louisiana Smart Growth Summit](#)

Shaw Center for the Arts, Baton Rouge

Water jobs:

[Intern for Water Policy](#)

Northeast-Midwest Institute
Washington, DC

[Senior Manager, Investor Engagement, Water Program](#)

Ceres
Boston, MA

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Scalia's *Rapanos* opinion. Central to EPA's attempt to rewrite the existing EPA promulgated rule is a [recalculation of the economic benefits](#) of clean water and wetlands; using a methodology that entirely discounts the ecologic values and services provided by wetlands. Calculating costs and benefits of rules and programs is never a precise business but there are the shifts in methodology proposed by the Trump EPA are dramatic as a [new study](#) published in *Science* notes. As that paper make clear there is more at stake than just a rule. When there is such a disparity between the two administrations' analyses it threatens the credibility entire concept of honest cost-benefit analysis. Caution noted, but is anyone listening?

On October 24th, Anba Dlo, the Most Interesting Water Symposium in the World, Returns!

There's no other water symposium like it, and, luckily, it's open to the public. So, [check it out](#) at 6:00pm October 24th at the Healing Center in Café Istanbul down on St. Claude Ave. in New Orleans. It features a keynote address from Brentin Mock, a panel of heavy hitters (plus our own Mark Davis), and a community potluck afterwards.