

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
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## **Sure, If You Build It, They Will Come, but Can You Keep Them Safe?**

For better or worse, [it seems pretty easy to build a new city](#). Get you some land. Get you some people with a whole lot of money who are interested in making a whole lot more. Get you a government that isn't going to tell you "no," and you've got yourself [a brand new city](#).

It turns out, that the difficulties really start once your city has, you know, [people living in it](#). And keeping them safe and well-served? That's no walk in the park either. Just ask our [mayor](#)! Keeping a city safe involves a three way dance between what people need, what risks they face, and what they're willing and able to pay for those needs to be met. The need for drinking water, for example, never changes, but infrastructure that provides it can go from asset to danger. And the people's capacity to pay for it can change over the same period of time. It's the [Flint](#) story. It's the [Newark](#) story. It's the story of so many places.

But what about new dangers cities have to protect against? In addition to [Chitauri invasion](#), New York now has to protect its citizens from hurricanes and sea level rise in ways that Fiorello LaGuardia never had to consider. To that end, Mayor de Blasio has recently [proposed](#) a new plan to protect Southern Manhattan from sea level rise for the low, low price of \$10 billion. The plan calls for pushing the edge of the city out another 500 feet into the East River to create a barrier against both storm surge and sea level rise. Of course, that only would cover one small (and extremely heavily invested-in) part of the whole [New York-New Jersey Harbor and Estuary](#).

Santa Fe, New Mexico, had an old problem (wastewater treatment), identified a solution to a newer problem (carbon neutrality to fight climate change), and used a new method (green bonds for a wastewater upgrade) to [address](#) both. Other cities will have to come up with creative ways to solve both these [old problems](#) and the [new ones](#).

## **Floods Happen**

From [Mozambique](#) to [Missouri](#), destructive flooding is consistently uprooting land and lives all around the world. Here in the United States, we rely on flood insurance to soften the blow. For decades, now, that has been almost entirely the job of the federal government through the National Flood Insurance Program (NFIP) run by the Federal Emergency Management Agency. Several attempts have been made to make NFIP solvent over the past decade, but there is a constant tension between "fiscal responsibility" and the realities of homeowners on the ground in flood prone areas. Recently, FEMA has said they are opening up the NFIP rules again to try to eliminate the debt the program owes to taxpayers (though it's hard to imagine

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:**

### [Tulane Environmental Law Summit](#)

March 22-23, 2019

New Orleans, LA

## **Water jobs:**

### [Fellowship](#)

Environmental Protection Agency  
Washington, DC

### [Postdoctoral Researcher](#)

US Department of Agriculture  
Research Triangle Park, NC

### [Sector Analyst](#)

Water.org  
Kansas City, MO

[This is a cop-out, but there are a ton of interesting looking gigs out there right now!](#)

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taxpayers themselves receiving any of that debt) and discourage building in high risk areas. As GNO, Inc. President and CEO said, "[the devil is in the details.](#)" Better mapping that takes into account everything that affects the flood potential of each property sounds like a great idea (though that might be tough if President Trump [doesn't fill out FEMA's Technical Mapping Advisory Council.](#)), but beware of claims that the changes FEMA makes benefit everyone. There will be losers in this. Anyone who tells you otherwise is lying to you. Yes, private insurers are [making noise](#) about expanding into flood insurance. But at the same time, the [rising risks](#) associated with climate change have to make decision makers, both private and public, nervous about what they're getting into, and [ratepayers absolutely terrified.](#)

### **How About Some Good News? (If You're Into That)**

[Burn On, big river, no more!](#) The thirteen-times-on-fire Cuyahoga River that helped to ignite (sorry) the environmental law movement and the National Environmental Protection Act is now home to fish that are safe to eat, if you eat them just [once a month](#), that is. That's because the EPA has now [lifted the fish consumption restriction](#) on the Cuyahoga River watershed. This is surely good news, and it is the third impairment (as designated by the implementation of the Clean Water Act) that the EPA has lifted on the river in the past year and a half. The glass-is-half empty types would point out that there are still seven other impairments on the river and this is the same EPA who told everyone that Flint's water was safe to drink for two years when it most certainly wasn't. To those people, well, here's [an article about dolphin and whale autopsies.](#)

The Cuyahoga flows into Lake Erie, home to ice fishermen who like to take it... [to the extreme!](#) At the other end of Lake Erie is Toledo, where, [as we told you](#) a couple of weeks ago, voters recently created a bill of rights for the lake to give it legal standing. We noted that there were no other laws like it in the country. Well, we're big enough to admit that we didn't get that one entirely right. It turns out that a bunch of places in the US have created (less aggressive) ordinances to give rights to nature, like [Santa Monica!](#) If you want to get waaaay into the weeds on the rights of nature and the intricacies of that *Sierra Club v. Morton*, check out [one of our favorite writers.](#) Exciting times on the planet's eleventh largest lake as measured by surface area.