

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
October 18, 2018

## Ten Year Tipping Points

The Intergovernmental Plan on Climate Change (IPCC) issued a [new report](#) stating that the world has just 10 years to cut greenhouse gas emissions by a staggering 40% or the planet will be locked in to dramatic impacts from warming before the end of this century, including sea level rise high enough to swamp most of Louisiana below I-10. Thus, [some have pointed out](#) Louisiana's coastal future is now tied largely to how much, and how quickly, the world can reduce carbon emissions.

Currently the CPRA has enough money to stay on schedule with the Louisiana's master plan for roughly 10 years (thanks to Deepwater Horizon disaster settlements). Experts agree that after that money runs out, Louisiana needs a dependable recurring funding for its coastal plan, or it will have to begin dramatically reducing the number of projects or abandon the plan for other options, including retreat. If only someone could think up [ways to pay for such necessary work](#).

## The Latest on [Hurricane Michael](#)

In the wake of [Hurricane Michael](#)'s devastation and an [above average hurricane season](#), FEMA chief Brock Long is upset by what he calls "hurricane amnesia"—that the country forgets about how devastating hurricanes can be between storms and does not do enough to prevent the damage. He encouraged preparation before the next storm by shoring up building codes and reforming flood insurance. The need for pre-disaster mitigation has been reinforced by stark images of only a [few houses left standing](#) in Mexico Beach, Florida. In promising news, and as discussed in [last week's TUWaterWays](#), the [bill](#) reauthorizing FEMA now allows up to 6% of FEMA's Disaster Relief Fund to be used for competitive community pre-disaster mitigation grants. That, combined with communities learning from [the Sand Palace of Mexico](#) Beach and setting building codes to meet such high standards, could conceivably lead to a dramatic drop in devastation in coming years.

In other [Hurricane Michael](#) news, experts hypothesized that the storm's strong waves and 155 mph winds might help break up the red tide in Florida but have concluded that this likely did not come to fruition. Though hurricanes can bring oxygen back into dead zones caused by red tides, they can also cause storm surges that increase nutrient runoff from land, which can feed the blooms. So that silver lining turned out to be [red](#), yet again.

## Water Infrastructure Bill Awaiting Presidential Approval

["America's Water Infrastructure Act"](#) is headed to [President Trump's desk](#). The Act is the most comprehensive infrastructure

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:

[CPRA Board Meeting](#)

October 24, 2018

Cameron, LA

[Summit on the Master Plan and Beyond](#)

November 7, 2018

Baton Rouge, LA

[Restore America's Estuaries Summit](#)

December 8-13, 2018

Long Beach, CA

## Water jobs:

[Executive Vice President/Executive Director](#)

American Water Resources Association  
Middleburg, VA

[Mississippi River Network Policy Manager](#)

Mississippi River Network  
Chicago, IL or location near MS River

[Postdoctoral Fellow](#)

River and Coastal Science & Engineering at  
Tulane University  
New Orleans, LA

[Assistant Professor, Environmental Law and Policy](#)

Colorado College  
Colorado Springs, CO

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legislation passed this Congress. It will authorize over \$6 billion in federal spending on ports, harbors, and waterways; approve funding for an EPA project that provides money to improve drinking water infrastructure at the state level; extend a federal program aimed at improving the drinking water in Flint, Michigan; and address the water needs of marginalized communities by requiring each regional EPA office to tap at least one employee as the point person for minority, tribal, and low-income communities (you hear that minority, tribal and low-income communities? You'll have someone at the EPA whose job is to care about you, and you only have to share that one person with two to seven other states!). It also includes a provision that requires the government to prioritize low-income communities for lead testing programs. [Additionally, in uncharacteristic fashion, it will deauthorize spending on water projects that have been deemed inefficient.](#)

## **Sea Level Rise Snippets**

### ***Flooding Forecast***

In anticipation of [Election Day](#), the [Union of Concerned Scientists](#) has released an [interactive map](#), which identifies the number of homes at risk from chronic flooding over the coming decades due to sea level rise for every coastal Congressional district in the Lower 48. The map also details how much money these houses are collectively worth today; how many people live in them; and how much money the houses contribute to the local property tax base. If only it also identified homes that will be at risk of flooding from increased storm activity and at risk of wildfire due to increased drought intensity!

### ***Susceptible Sites***

A new [study](#) published in the journal *Nature Communications* has concluded that more than 90% (47 out of 49) of the Mediterranean region's World Heritage sites will be at risk from sea level rise and coastal erosion by the end of the century. The most vulnerable sites include [Venice](#); the Italian city of [Ferrara](#), which is a lasting testament to Renaissance culture and urban planning; the ancient [Basilica](#) in the Italian city of Aquileia; and the Lebanese city of [Tyre](#), which is an ancient Phoenician metropolis and cultural hub, sitting on a tiny peninsula jutting directly into the Mediterranean Sea. These are not unique to the Mediterranean: a [2014 study](#) found that about 19% of World Heritage sites around the world would be threatened by sea level rise with a temperature increase of 3 degrees Celsius (the warming expected under the current commitments to the Paris climate agreement), while another [2014 report](#) focused on how U.S. national landmarks, such as Ellis Island and Cape Canaveral, might be affected by climate change impacts, including sea-level rise. The scientists behind the Mediterranean study are encouraging large-scale global climate action to avoid extreme climate scenarios and prevent as much additional risk to the World Heritage sites as possible. They also suggest that immediate adaptation measures are called for in many locations and that governments may want to consider the possibility of [moving some sites on up to higher ground](#).

### ***Disobedient Del Mar***

The council of Del Mar, a California coastal city, passed a resolution [rejecting potential "managed retreat"](#) overseen by the [California Coastal Commission](#) and vowed to follow its own adaptation plan instead. The commission contends that rising waters will drown sandy beaches if sea walls in front of homes block the sand from moving inland. Thus, the commission has argued that removing oceanfront homes to save beaches from rising seas will preserve the beach for all residents. This battle of local versus state interests might seem familiar to Louisianians because it is [playing out here too](#) in terms of proposed Mississippi River diversion projects.

## **Wild Wild West**

### ***Rio Grande Rift***

In a 2016 lawsuit filed by WildEarth Guardians, the group sought to have the Office of the State Engineer require the irrigation district that serves farmers throughout central New Mexico to prove the [beneficial use](#) of the water from the [Rio Grande](#) that it delivers under a decades-old permit. However, the district court judge recently ruled that it is within the state engineer's discretion to uphold the requirement for proof of beneficial use. In the midst of persisting [drought conditions](#), the environmentalists are [challenging that court ruling](#).

## ***Colorado River Compromise***

In positive western water news, seven southwestern states have [tentatively agreed](#) on management plans for the overtaxed Colorado River amid drought conditions. The River supports 40 million people and 6,300 square miles of farmland in the U.S. and Mexico; but, a nearly twenty year drought has drained its largest reservoirs, Lake Mead and Lake Powell. Though the levels have not yet fallen low enough to trigger a shortage, California has agreed to voluntarily reduce its use by about 6% if conditions become bad enough, The agreements likely won't be approved until next year by the multiple states and agencies involved, as well as the U.S. government.