

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
November 20, 2012

## ***DOJ and BP Reach \$4.5 Billion Criminal Settlement on Deep Water Horizon: \$2.4 Billion Earmarked for Coastal Conservation and Restoration***

Two years and seven months after BP's Deep Water Horizon well blow out, BP has pled guilty to 12 felony counts and 1 misdemeanor counts related to the Company's conduct leading up to and after the disaster that claimed 11 lives and spilled roughly 5 million barrels of oil into the Gulf. Under the settlement nearly \$2.4 billion will be paid to the National Fish and Wildlife Foundation to fund coastal restoration work in Louisiana (\$1.2 billion) and coastal conservation and land acquisition in the other four Gulf states. It is important to note that though the Department of Justice characterized BP's conduct as grossly negligent, BP has not admitted to that, a factor that will be central to the determination of civil penalties under the Clean Water Act.

<http://www.justice.gov/iso/opa/resources/43320121115143613990027.pdf>

<http://www.nytimes.com/2012/11/16/business/global/16iht-bp16.html?hp>;

[http://www.nola.com/news/gulf-oil-spill/index.ssf/2012/11/bps\\_profits-first\\_culture\\_prom.html#incart\\_river](http://www.nola.com/news/gulf-oil-spill/index.ssf/2012/11/bps_profits-first_culture_prom.html#incart_river)

## ***Challenges on the Mississippi, Part 1: Water for the Missouri or the Mississippi***

Every year at this time the Army Corps of Engineers lowers the flow of water through dams on the Missouri River to begin to restore water levels in the Missouri River reservoirs for use in spring and summer. But because of the deep drought in the Upper Mississippi basin, this is not like most years. In low water years like this the Missouri can make up as much as 60% of the Mississippi River's flow at St. Louis. With navigation already on a knife's edge due to low water, some are objecting to reducing Missouri flows at this time.

<http://minnesota.cbslocal.com/2012/11/16/15-senators-urge-action-on-river; /http://news.stlpublicradio.org/post/army-corps-moving-forward-plans-reduce-flow-missouri-river>

## ***Challenges on the Mississippi, Part 2: Shifting Mouth Could Mean Change to River Users and Manager***

If low water were not enough of a headache, there is growing concern about changes at the mouth of Mississippi River that could bring major changes to river navigation and management in the future. Specifically, the mouth of the River wants to migrate north, which if not planned for could have serious negative consequences for commerce. Just how that might happen, what it might mean, and what might be done about it were topics of discussion at a recent forum at Louisiana State University. For more see:

<http://theadvocate.com/news/neworleans/4408269-148/forum-prepare-for-river-shift>

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:

December 5, 2012

Louisiana Water Resources Commission  
617 N. 3<sup>rd</sup> Street  
LaBelle Room  
Baton Rouge, LA

December 6, 2012

America's Wetland Foundation  
"Big River Lives"  
St. Louis, MO

January 17, 2013

America's Wetland Foundation  
"Big River Provides"  
Minneapolis/St. Paul, MN

February 22-23, 2013

18<sup>th</sup> Annual Tulane Environmental Summit

February 27-28, 2013

America's Wetland Foundation  
"Big River Moves"  
Chicago, IL

### Job Opportunities:

University of Wisconsin-Madison  
Freshwater Institute



Assistant-Associate Professor Water Policy Center



Assistant Dir Water Policy Center



Research Manager Water Policy Center

[Job Details and Online Application](#)

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## ***U.S. and Mexico Ink New Pact for Colorado River Water***

A new chapter is unfolding on the Colorado River with the execution of a new agreement between Mexico and the United States over how the water of the Colorado will be managed between the two countries. The Colorado is subject to an array of state and federal laws, international and tribal treaties that make up what is called the “Law of the River”. However the River that now flows and that is expected to flow in the future is not the same river that the river planners expected some 90 years ago. Under a treaty with Mexico, the US must deliver 1.5 million acre feet of river water to Mexico each year. Growing water demand, lower precipitation and an overly generous baseline flow budget place greater and greater demands on the River increasing the both the need for more reservoir storage and scaled back demand in times of water shortage. The new pact, which is styled as a 5-year trial, is aimed at both of those critical issues.

<http://www.lvrj.com/news/colorado-river-water-pact-could-be-model-for-other-nations-179573071.html>