

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
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New York Upholds Local Fracking Ban

Local zoning tends to control where you can open bars, dumps, apartment complexes, law offices, and restaurants but when it comes to where you can put an oil well the answer is not always so clear. In many states, including Louisiana, the prevailing view is state permitting decisions preempt local land use controls even where the state does no significant review of the neighboring land uses. In other states, local governments have a bigger say, and now New York has joined those ranks. In the case of *Norse Energy v Town of Dryden*, New York's highest court [ruled](#) that state oil and gas law does not trump local zoning, in this case a local ordinance that banned oil and gas drilling and hydraulic fracturing.

There's Always Another Fish in the Sea—Well Maybe Not

At least there may not be as many or they may not be in the places we used to find them. According to a new [report](#) from the Global Ocean Commission, the world's oceans are in bad shape, and it is effectively policy for them to get worse. Since so many people and communities depend on oceans for their well-being—think fisheries, tourism, medical and other researchers—it might be worth considering whether these changes are things we are inducing and whether there might be smarter ways of managing our ocean resources.

That's Trillion with a "T": Value of Lost Wetlands Pegged at \$2.7 Trillion Annually

More than small part of our current developed world used to be something very different, namely wetlands. While the things we got from draining and filling those historically friendless landscapes can be obvious, the cost in the value of lost natural services is anything but. A [new study](#) tries to even the scales a bit. According to the [study](#) published in the journal *Global Environmental Change* the loss of global freshwater wetlands amounts to a loss in value of \$2.7 trillion per year, and that is just freshwater wetlands. Actually, the report, which updates an earlier report, takes a broader look at the value of the services that natural ecosystems provided to human society. Wetlands and other natural systems provide important services such as storm water storage, water purification, and providing habitat for things people care about. Those services, when lost, need to be replaced by things that cost real money or, if lost forever, show up in measurable changes to our economies. The report specifically notes how the loss of wetlands in the upper

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:

[Restore America's Estuaries and Coastal Society Summit on Coastal and Estuarine Restoration](#)

November 1-6, 2014
Washington, DC

[Chicago Water Summit](#)

July 21, 2014
Chicago, IL

Water jobs:

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Everglades Law Center, Inc.
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Columbia Law School
New York, NY

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Barataria-Terrebonne National Estuary
Program
Chauvin, LA

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Mississippi River basin may have contributed to downstream flooding—and flood damage—during the floods of 2011.

There's No Debating We Have a Water Crisis

But there is plenty of room to debate what should be done about it: change where we live, change what we eat, change how we allocate water, leave things be...the list of possibilities goes on. The [New York Times](#) recently (and commendably) brought the debate to more useful public level with a series of expert perspectives that fueled even more public commentary online. Though the Times focused on the water woes facing the western United States, it can—and should—be read to apply more broadly.

St. John the Baptist Parish Moves to Improve Water Supply for LaPlace Louisiana

The water supply for LaPlace Louisiana (upriver from New Orleans) has had trouble for years. Unlike most of the rest of St. John the Baptist Parish which relies on the Mississippi River for drinking water, LaPlace has counted on two wells in the Manchac swamps east of the community. The trouble is, those wells have been getting saltier (they are on the edge of the Lake Pontchartrain and Lake Maurepas estuaries) and the 15 mile pipeline is aging and prone problems that can drop water pressure to unacceptable levels—sometimes zero. To [remedy those problems](#) the Parish has made backup arrangements for water from neighboring St. Charles Parish and plans are in the works to move the communities water supply to the Mississippi River. For folks trying to plan for the future, or just wash their hair, this has to come as good news.