

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
August 24, 2012

Mississippi River Traffic Still Stop and Go

The Coast Guard recently re-opened the Mississippi River to boat traffic after closing it due to low-water conditions. This is not the first incident of having to close and later re-open the river to traffic. Recent news articles highlight the effect of this summer's drought on the river's low-water conditions. Mississippi port operations along Missouri, Tennessee, and Arkansas have all seen closures. To alleviate the problem, the Army Corps is dredging channels that are used to reach stuck vessels and barges in an effort to redirect them to navigable water. The Coast Guard plans on staggering and slowing traffic down until conditions improve and to continue dredging channels. Low-water conditions are expected to continue until October.

[Army Corps: Low Mississippi River levels to continue to fall, water levels near record-low. Associated Press, Aug 21, 2012](#)

[Coast Guard partially reopens Mississippi River. Holbrook Moh. Associated Press, Aug 23, 2012](#)

The Great Divide: The State and The Corps Argue

The monetary impact on river traffic and industries is not the only risk associated with this summer's low-water conditions. As saltwater continues to creep up the Mississippi, more parishes are becoming concerned with how it will affect drinking water supplies. After Plaquemines Parish declared a state of emergency, the Army Corps responded by building a sill that would eventually protect New Orleans water supply intakes on the river. However, the State and the Corps have conflicting opinions on how to accomplish this task. The Coastal Protection and Restoration Authority and Col. Ed Fleming of the Army Corps exchanged words this past Wednesday at the group's monthly meeting. The crux of the discussion is that the material the Corps intends on using for the sill was previously designated as sediment for the state's coastal restoration projects.

[Corps of Engineers, state confrontation turns tense at meeting Wednesday. Mark Schlieffstein, Times Picayune, Aug 22, 2012](#)

NPR's *All Things Considered* also takes a look at the saltwater invading the Mississippi River. Click on the link below for segment that also features an interview with Institute Director Mark Davis: [NPR: All Things Considered "Saltwater from Gulf Invades the Mississippi". Aug 21, 2012](#)

Does Drilling Affect Water Quality? USGS Takes a Look

The U.S. Geological Survey recently undertook a study on water quality effects from unconventional drilling and hydraulic fracturing. The conclusion was not the epiphany many had expected. Thus far, the study shows that despite the 150 years of experience and over 4 million wells, very little is known about the extraction methods' effect on water quality. Researchers hope to publish a manuscript of their findings by summer or fall of 2013.

[U.S. Geological Survey's Fact Sheet](#)

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:

[September 19, 2012](#)

Louisiana Water Resources Commission and Advisory Committee Meeting
11:00 a.m.

House Committee Room 1, State Capitol
Baton Rouge, LA

[September 25-27, 2012](#)

America's Great Watershed Initiative Summit
St. Louis, MO

[October 2012 \(date TBD\)](#)

America's Wetland Foundation
"Big River Thrives"
Memphis, TN

[October 20-25, 2012](#)

Restore America's Estuaries Conference
Tampa, FL

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Lessons from the BP Deep Water Horizon Spill

The following article examines the laws and energy policies of the United States and how they influenced and led to the BP Deep Water Horizon spill. Institute Director Mark Davis analyzes two central assumptions inherent to the policies for the Central and Western Gulf of Mexico's oil and gas industry. The first tenant is Americans have an overwhelming need for oil; the second is oil and gas extraction can and has occurred without any serious environmental effects. A better understanding of these erroneous traditions will help improve the balance of our nation's energy and environmental priorities.

[Lessons Unlearned: The Legal and Policy Legacy of the BP Deepwater Horizon Spill](#)

What's In Your Wallet? SEC Adopts Reporting Rule

The U.S. Securities and Exchange Commission (SEC) voted to adopt regulations that would require oil and gas companies to publicly report payments made to foreign governments in exchange for minerals. The Global Financial Industry (GFI), an organization actively involved in the transparency movement, is thrilled with this development. GFI has estimated an average loss of \$1 trillion per year to crime in countries like Libya, Angola, and Nigeria. GFI's hope is that through tough regulations, the SEC will help curtail corruption, money laundering, and corporate tax evasion.

[SEC Said Set to Make Energy Firms Reveal Payments to Governments, Jesse Hamilton, Bloomberg Businessweek, Aug 21, 2012](#)

[SEC Adopts Transparency Rules for Landmark Extractives Industry Law, Equities.com, Aug. 22, 2012](#)

A Seaworthy Power Source

The U.S. Federal Trade Commission (FERC) has approved the building of a 2.5 megawatt, grid-connected wave power station off Reedsport, Oregon. Ocean Power Technologies (OPT) and its subsidiary company, Reedsport OPT Wave Park, LLC, is the first company of its kind in the United States to receive this type of license. Through PowerBuoy© the power station will provide electricity to approximately 1,000 homes. The license grants the company the rights for grid-connected wave energy production for up to thirty-five years. The power station harnesses ocean wave resources that generate clean and reliable energy.

[Ocean Power Technologies Awarded FERC License for Oregon Wave Power Station, Yahoo!Finance, Aug 20, 2012](#)

Morganza to the Gulf: Time Keeps on Slipping Into the Future

The Army Corps confirmed they will not complete the signed Chief's Report on the Morganza to the Gulf hurricane protection project on time. Major General John Peabody, the commander of the Mississippi Valley Division for the Corps, broke the news to Sen. Mary Landrieu earlier this week; Sen. Landrieu intends to "do everything [she] can to urge the Corps to complete the Chief's Report as soon as possible." The Morganza project was congressionally authorized in 2000, assuming a signed chief's report would exist by the end of the year. The Corps did not produce that report until 2002; the project was reauthorized and priced at \$880 million. Since 2002, regulations have become stricter and the price of completing the Morganza project is estimated to be \$10.6 billion. However, even if this new price tag is approved and the project moves forward, it will merely join the queue of other approved Corps projects also waiting for funding. There is an estimated \$30 to \$90 billion backlog of Corps projects currently waiting for funding.

[Army Corps study on Morganza-to-the-Gulf to be delayed past December deadline, Jonathan Tilove, The Times Picayune, Aug 22, 2012](#)

Protecting the Big Apple from Big Hurricanes

Shortly after Hurricane Katrina, scientists began talking about ways to protect New York City from similar hurricane damage. At the time, ideas such as closing gates and walls that would rise up from the Hudson Bay were discussed, but the city took no concrete action. But times they are changing. Hurricane Irene served as a wake-up call for the area and city officials are now taking a second-look at ways to protect the city against hurricane damage.

[Hurricane Irene: New York Considers Sea Barriers One Year After Storm, Jennifer Peltz, Huffington Post, Aug 23, 2012](#)