

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy

July 15, 2015

So Much In Common: New Orleans, Minneapolis, and Las Vegas

They are all in North America, they all depend on water, and they each placed in the top three cities at risk due to climate change, at least according to the [Weather.com Climate Disruption Index](#). The finished first, second and third respectively though Minneapolis was ranked without reference to its neighbor/twin St. Paul so who knows what that might have done to the ranking.

Clemency for Lawn Watering Scofflaws

Homeowners facing stiff fines for violating the strict lawn watering rules in some California communities were thrown a life line when Governor Jerry Brown signed [A.B. 1](#). The new law bars local governments from imposing fines against people who don't (yes, we said don't) keep their lawns lush and green. But as is often the case these new freedoms to do what one wants on his/her own property or to make a statement about the value of water or the color brown by not watering the lawn are not unlimited. The relief from fines is limited to times when the Governor has declared a state of emergency due to drought conditions. Nonetheless, this is big step toward water sanity in a state that saw homeowners facing fines from the state for not conserving water and from homeowner associations and local governments if they didn't keep green lawns. The state acted to [restrict fines by homeowner associations](#) in 2014 but left local governments free to impose fines, which [some did](#). Just goes to show that [Kermit](#) was right, it's not easy being green.

Tough Times, Tough Choices and a Veto Threat

Staying with the Golden-brown State for one more bit, it is not just green lawns feeling the bite of drought (and chronic climate change and excessive water demand). Next up might be the hard fought hard won effort to restore the ecologic health of San Joaquin River and its salmon fisheries, if Congress passes [HR 2898](#), the Western Water and Food Security Act of 2015. The bill would repeal the San Joaquin River Restoration Settlement Act, loosen environmental restrictions on shifting water to farms and cities, and expedite studies of new reservoir projects in the West. Fundamentally the bill reflects the view that while environmental stuff is nice, when push comes to shove it needs to yield to agricultural and public water supply demands. The Obama administration is

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:

[18th Annual Conference on Litigating Takings Challenges to Land Use & Environmental Regs.](#)

September 25, 2015

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Baltimore, MD

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New Orleans, LA

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not so convinced and has threatened to veto the bill if it is passed. Mother Nature may offer a time out if the current El Nino delivers the [record wet winter](#) some are expecting. One way or the other though, this is likely to be a long-running show and one that most likely will presage the competition for water elsewhere. Friends of coastal Louisiana, the Everglades and Chesapeake Bay take note.

High Water and Low Pressure—A Louisiana Double Whammy?

There are rhythms to life in New Orleans and along the lower Mississippi River. Mardi Gras in late winter or early spring. Football in the fall. And we worry about river floods in late spring and hurricanes in the summer. But what happens when the river is near flood stage during hurricane season? We may be in the process of finding out since [high water](#) is expected on the River through the end of July. The River is currently around [15ft.](#) and rising. Flood stage is 17 ft. Most years it could easily be 10 ft. lower making the river a very good place to absorb hurricane storm surges which can be very useful since hurricanes can push lots of water up the river. If a low pressure system were to develop that threatened to spawn a tropical storm, it might be possible to lower the river levels by opening one or more of the [floodways](#) on the lower river, but that might be easier said than done. In the meantime, [here's to](#) continued fair weather in the Gulf.