

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
[March 5, 2020](#)

If You've Got Some Thoughts About NEPA, Now's The Time To Share Them – With The Federal Government

We [mentioned it](#) a couple of months ago when proposed regulations implementing the National Environmental Protection Act were published in the Federal Register. Well, appeals to lengthen the comment period for this huge shift in environmental policy have been denied, so the comment period is about to end. If you'd like to get your comments in, just [go to this page right here](#) and hit that "comment now" button. You don't have to submit a treatise on the entire thing, but something about the value of the NEPA process in your world versus all the disastrous projects that went forth before NEPA (Hello, [MRGO!](#)) would be instructive. If you want to get legal-y, you can start with the fact that the proposed regulations state that "NEPA's purpose is... to provide for informed decision making and foster excellent action" yet then proceed to make achieving that purpose impossible through an emphasis on widespread exemptions from the process, and then you can go from there.

Anyways, public comments are due on March 10th, so it's probably worth taking a few minutes this weekend [to go to this page right here](#) and submit a thought or two.

Can President Trump Speak Water Into Existence in California?

As you probably know, California's water is a whole thing or several whole things. It's the subject of the latest battle between the White House and Sacramento. A couple of weeks ago, just in time for a rally in Bakersfield, the Trump administration [changed the rules](#) for water distribution to take more water out of the San Joaquin Delta to move it to large agricultural water networks in the Central Valley. A move that was immediately met with a lawsuit claiming that said move ignored both science and procedural laws. In the few weeks since, there has been movement to raise a dam to increase storage capacity and a change in contracting between water authorities and the Bureau of Reclamation. But you know what there hasn't been? Water. A nasty drought has only [worsened](#), and promises of opening the taps are looking hard to meet.

At the micro-level, the level of individual farmers in California, this stuff is a matter of survival. When there has been drought and less water being delivered through state or federal water systems, farmers have traditionally turned to groundwater to keep their crops – often fruit and nut trees that are multiple year investments, unlike row crops like corn or soybeans that only live for several months – from dying. Making due with fossil water was probably always unsustainable, but in the face of increasing droughts and more intensive agriculture, it's become drastically unsustainable. California

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:

[River and Rain Gauge Network Webinar](#); March 6

[Rural Climate Action in the U.S. and China Forum](#); March 6; Washington, DC or via webcast

[Heritage at Risk: A Dialogue on the Effects of Climate Change](#); March 6; Washington, DC

[Tulane Environmental Law & Policy Summit](#); March 6-7; New Orleans, LA

[SOUL Tree Planting Events](#); March 7 & 14; New Orleans, LA

[Water Supply & Demand Assessment Workshop](#); March 9; Sacramento, CA

[Film Screening & Happy Hour](#): Last Call for the Bayou; March 10; New Orleans, LA

[Public Comment Deadline for NEPA Revisions](#); March 10

[Water Ways: Dutch Lessons for a Changing Coast](#); March 11; New Orleans, LA

[Louisiana Fisheries Forward Summit](#); March 11; Kenner, LA

[Council on Watershed Management Meeting](#); March 11; Baton Rouge, LA

[Coastal Connections](#); March 12; Violet, LA

[Public Comment Deadline Re: CA Public Implementation Guidance for the State Wetland Definition & Procedures for Discharges of Dredged or Fill Material to Waters](#); March 13

[Tina Freeman: Lamentations at NOMA](#); Now – March 15; New Orleans, LA

Water jobs:

[Executive Director](#); Old Dominion Institute for Coastal Adaptation and Resilience; Norfolk, VA

[Healthy Streams Fellow](#); Nature Conservancy; Topeka, KS

[Ocean Innovations Fellow](#); World Economic Forum & Stanford University; San Francisco & Stanford, CA

[Director](#); University of Wisconsin-Milwaukee Center for Water Policy; Milwaukee, WI

[Attorney](#); State Water Resources Control Board; Sacramento, CA

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finally responded to that problem by passing [the Sustainable Groundwater Management Act](#) in 2014. The act is a long-term plan to get groundwater use under control. That's all well and good, but it begs the question: does proper groundwater management have [a place for small farmers](#)? It's unclear, but many fear that huge industrial agricultural interests will keep all of the smaller pie for themselves. What is clear is that something has to be done, even if it is [too late for many rural communities](#).

Tired of Floods, Some in the UK saying “[We Gotta Get Out of This Place](#)”

While we in The US of A were busy Super Bowl-ing, caucusing, and Valentine's Day-ing, England and Wales received 144% of their usual rainfall and dealt with bomb cyclones like [Ciara](#) and [Dennis](#). One result was widespread flooding across Wales and the north of England. Places in Yorkshire have faced [six floods in five years](#) and business owners are ready to [throw in the towel](#).

At least homeowners can get relief via a government flood insurance program launched in 2015. What's that? Some 70,000 homes were built in high risk areas since 2009 and [aren't eligible](#) for that flood insurance? Well, at least that problem has been identified, and more homes aren't going to be built in such precarious spots. What's that? Another 11,000 homes are [currently slated](#) to be built in such spots?

The UK government says it's got things [under control](#), but others beg to differ. Given the pattern of storms hitting the Isles over the past few years, this is surely not the last we'll hear of it. There might be one silver lining though, a study of [beavers released in Devon](#) has found that the engineering that they offer up (without signing a single contract!) has reduced flooding and pollution in the water system. And, wouldn't you know it, people are lining up – sorry – [queueing up](#) to reintroduce the native species to other streams around the country.

Adios, Beaches?

Could [Rockaway Beach](#) be gone by the end of the century? [Brighton Beach](#)? [Redondo Beach](#)? [West Palm Beach](#)? Yeah, if they're like half of the beaches in the world, maybe they could. This news comes via a [new study](#) released last week that finds that the combination of sea level rise and onshore activities that disrupt beach replenishment cycles (shoreline buildings, upstream dams, roads all over the place) puts [beaches around the world](#) in danger of disappearing. Rest assured, however, that [Plastic Beach](#) probably isn't going anywhere any time soon.

One More Call for Pollution Songs

Speaking of Plastic Beach, we haven't forgotten our latest song-gathering effort. So send your songs about pollution in to Chris Dalbom (cdalbom@tulane.edu) this week, and you'll be rewarded with a new playlist next week!