TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
August 6, 2015

It's Something in the Water: Gulf of Mexico "Dead Zone" Bigger than Usual and Pressure Builds to Do Something About It

Beaujolais Nouveau, swallows to Capistrano, and a massive hypoxic "dead zone" in the Gulf of Mexico. There things we have all come to expect each year. Except for the swallows, for some reason they pretty much stopped coming (they could be protesting the tiered water pricing.) But the nutrient rich waters of the Mississippi River keep on coming, and this year's long high-water season has brought more than usual. The result is an area of very low oxygen, with close to no oxygen in some spots, in the Gulf. This year it is larger than Connecticut and Rhode Island combined. This makes it a very hard place for fish to live and for fishing folk to make their livings. It also raises questions about the usability of the river for coastal restoration work. The culprit is nutrients, many of which come from fields up river. Under pressure to reduce the size of the hypoxic zone, the EPA formed Mississippi River/Gulf of Mexico Watershed Nutrient Reduction Task Force (try finding that in a song title) released an action plan in 2008 that aimed to reduce the size of the zone to about 1,900 square miles by 2015. After 8 years of action this year's zone is estimated to be 6,474 square miles or about 3 times larger than the target. Or the original target to be accurate. Earlier this year the Task Force reset the target date for getting below 2,000 square miles to 2035. Taking a different view of what "action" and "nutrient reduction" might be supposed to mean, a number of conservation groups have filed suit against EPA to force it to set firmer reduction goals. That case is pending in Federal Court in New Orleans. On a different, non-litigious track, Tulane University has opened registration for its $1 million Nutrient Reduction Challenge. See the following story for more on that.

Stop the Dead Zone, Win Big Prizes—The Tulane Nutrient Reduction Challenge

Hoping, meeting, planning and more hoping have not made the Gulf of Mexico's persistent hypoxia problem go away. The explanation for that is that the same cycle of hoping, meeting, planning and more hoping has not reduced the levels of nitrogen in the Mississippi River, which is also a problem for upstream drinking water supplies not just fish and wetlands on the downstream end. It turns out that regardless of the goals and efforts of the Nutrient Reduction Task Force

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
University of Maryland School of Law
Baltimore, MD

Coastal Candidates Forum
August 18, 2015
4:00 P.M.
Nichols State University
Peltier Auditorium
Thibodaux, LA

Public Forum on Hypoxia in the Gulf of Mexico
August 13, 2015
9 A.M till Noon
University of New Orleans

Water jobs:

Southern Environmental Law Center
Virginia Energy Attorney
Charlottesville, VA

Attorney
Community Water Center
Sacramento, CA

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(see previous story) there too many forces—market and policy sourced—that drive farming and land management to stay the fertilizer course. To counter those incentives, Tulane University has opened registration for its Nutrient Reduction Challenge. If you can figure a way to significantly reduce the runoff of nitrogen without reducing crop yield you might find yourself getting a check for $1 million. You will also probably stand to make more than that in the market place. So put on your thinking caps and tell your friends. Registration closes soon.

Show Me the Money

Two things are certain about the efforts to counter Louisiana's slide into the sea. One, it will take money and two, it will take political capital. Neither of those things are easy to come by in an election year, but maybe, just maybe there is enough at stake in Louisiana this year to make those twin realities an issue in the state's gubernatorial race. An editorial in the Houma *Courier*, an important Louisiana daily newspaper, and one op-ed in the New York *Times*, another daily newspaper, have raised the questions of dollars and commitments. Next stop, the Coalition to Restore Coastal Louisiana's Coastal Candidates Forum where one hopes our next governor will go on record about the challenge and what they plan to do about it.

¡Olé! Alcohol-Free Mezcal, the Latest Craze from Texas?

Drinkers of mezcal, a popular liquor similar to tequila, know they have the real deal when there is a worm (dead) in the bottom of the bottle. But what if you aren't up for the alcohol side of the mezcal experience but still want to fit in? An answer may be to drink tap water from the Old River-Winfree suburb of Houston, Texas where small worms have been coming out of taps and showerheads. So far the local water utility has offered no explanation or solution (nor have they embraced this genius "alcohol-free mescal" marketing angle, nor this one). We are not chemists, but we would note that if you have worms in your water you just might want to be testing to see what else might be there.

Less Water= Fewer Trees=More Carbon

Well, maybe it is not really a simple equation, but a study published in the journal Science does suggest that persistent drought can lead to the loss of the planets ability to buffer carbon dioxide, an important greenhouse gas. How? Forests, or rather the lack of them. Droughts are hard on forests, making it hard for them to grow and more prone to fire. Those same forests can be valuable carbon sinks, absorbing atmospheric carbon that could otherwise contribute to climate change. The deeper importance of the study is its conclusion that forests can take years to rebound following a drought, which is contrary to the assumption in many current climate models that predict quicker recovery.

So Nice They Built it Twice: Suez II

What could be better than on really swell Suez Canal? Why two of course, which is exactly what the world will have a year from now if things go according to plan. Egypt has kicked off the 22 mile $8.2 billion project to construct a second canal with the aim of finishing it within a year. Really. For people who are accustomed to waiting weeks to get plumber to show up this may sound like something from Lewis Carroll or Hunter Thompson but it is the plan. Perhaps there will be no environmental impact statement or wetlands permits needed.