

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
November 10, 2015

[Flipper's Frustration](#)

The [dolphins of Barataria Bay](#) certainly are not living in Flipper's world of wonder under the sea. The Louisiana dolphins are still suffering the consequences of the BP oil spill. A study released last week indicates that the Barataria dolphins are decades away from full recovery, with low adult survival rates and even lower birth rates. Dolphins only reproduce every three to five years, and are pregnant for twelve and a half months, which makes recovery times much longer than most species. The team monitored ten dolphins over a calving period that started seven to thirteen months after the flow of oil was stopped. Overall, at least one of the mothers was never seen again and there was only a 20% birth success rate, compared with the 83% success rate in Sarasota Bay. Despite the BP wells having been capped, oil lingered into the bay throughout the study time frame. Many of the animals that were monitored were emaciated, and necropsies of those that had died revealed severe and chronic lung lesions. This study isn't alone in finding severe effects from the oil in dolphin populations. In 2013, [NOAA](#) reported that Barataria's dolphins had lung lesions and adrenal hormone abnormalities not previously seen in other dolphin populations. Sadly, Barataria's dolphins are not the only Gulf population that has suffered. The Mississippi River Delta's dolphins lost about 71 percent of its population and the Mississippi Sound lost about 62 percent. Given the long life spans and slow reproductive rates, it may be a long time before the Gulf dolphin populations fully recover, and it is likely they will continue to suffer from oil exposure for years to come.

[Fly Me to the Moon\(s\)](#)

Old blue eyes may get his wish to see spring on Jupiter as scientists are discovering that moons may be the go-to spot for alien life. Last week, NASA's Cassini spacecraft was able to fly within 30 miles of the surface of Saturn's moon Enceladus, which a few weeks ago was [shown to have an ocean](#) under that thick icy surface, and [collect a sample of the icy](#) debris the moon so kindly spits out periodically. Scientists are hoping that the hydrothermal vents responsible for spewing this debris are shooting organic material capable of supporting life. Cassini, though not able to detect life, is capable of analyzing the particles it managed to capture to see if the next big vacation destination could be Enceladus. But Enceladus is not the only moon spewing life-giving possibilities, Jupiter's Europa also

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:

[State of the Coast: Call for Abstracts and Session Proposals](#)

Open until Nov. 30, 2015

[Online Here](#)

[Aqua Drinks](#)

November 19, 2015

5:30 at Pulbiq House

4528 Freret Street

[Lake Pontchartrain Basin Foundation Tree Plantings](#)

November 14 and 21, 2015

Maurepas

Water jobs:

[Clean Water Advocate](#)

Environment America

[Habitat Restoration Program Coordinator](#)

Coalition to Restore Coastal Louisiana

Baton Rouge, LA

[Virginia Energy Attorney](#)

Southern Environmental Law Center

Charlottesville, VA

[MRD & Natural Infrastructure Economist](#)

(Two Year Postdoc Position)

Environmental Defense Fund

Washington, DC, New York City, or Boston, MA

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likely has a large ocean, and follows Enceladus' lead by periodically spewing plumes of water (not nearly as cool as [washcloths of water](#) or [water balloons](#)). Europa's most fascinating feature is a large jumbled patch of salt and minerals that scientist believe might be a coating from these plumes. And just to round out the solar system's water news, dwarf planet Pluto might have [ice volcanoes](#) (attn.: sci-fi directors, hurry up. We want to watch a movie about ice volcanoes), and it turns out solar wind is what's to blame for real planet [Mars losing its atmosphere](#), and in turn its water, a few billion years ago. Fear not, Earthlings, our atmosphere is protected by the planet's magnetic field. Never mind that Mars used to have a magnetic field, as well. No, sci-fi directors, we don't want to watch that one. Too scary. They have yet to land a spacecraft on Margaritaville, but NASA is [hiring](#). Maybe the lucky new recruit will get to take part in the planned fly-by missions set for 2020. Personally, we don't want to go to space until we can be on the [Toon Squad](#).

Everything the Water Touches

Once again the EPA's new Waters of the U.S rule finds itself in the crosshairs of conservative and liberal political views. Last week, the Senate passed a [resolution to scrap the WOTUS rule](#), which would void the new rules if approved by the House and the President. The White House has already vowed to veto the resolution. Conservatives and rural Democrats in states with large agricultural sectors are concerned about the breadth of the new rule. As we have reported before, the new rule is meant to clarify the existing WOTUS case-by-case analysis that follows the [Supreme Court's mandate](#) and safeguards drinking water for millions of Americans while maintaining the exemptions under the Clean Water Act, including those for agriculture. It is likely that the new WOTUS rule won't be implemented fully any time soon as there are multiple lawsuits pending in Federal District Courts around the country. It will likely find itself in front of the Supreme Court once again, hopefully this time with a clearer outcome than [Rapanos](#).

Now What Will We Talk About?

On November 6, President Obama [definitively removed](#) one weapon from the arsenal of those battling for his job: the Keystone XL Pipeline. To the chagrin of many and the relief of the general public subjected to those awful, [poorly shot political ads](#) every five minutes, the presidential candidates will have to find another controversial environmental topic (see above and/or every other issue of TUWW for some examples) to beat one another with as the pipeline has officially (finally) been vetoed. The President maintained the position that the pipeline would not be a great boon to the American economy, with only 35 permanent jobs created, but it wouldn't be an environmental disaster either as environmentalists said it would be with its proximity to the Ogallala Aquifer. It appears that his stance is that the project simply wasn't worth it. This veto comes shortly after TransCanada, the company hoping to build the controversial pipeline, asked for the review of its permit to be [put on hold](#). Some believed such a request was a political ploy to wait out the Presidential elections in the hopes of a Republican winning the job, especially given that both of the front runners for the Democratic nomination have declared their opposition to the project. But now we will never know if a Canadian [is truly capable](#) of such a calculating [political ploy](#). The pipeline is no more ([for now](#)). Environmentalists rejoiced, Republicans and some Democrats grumbled about American will, American jobs, other 'Murica things, and the [world spun madly on](#).

Catching the [Last Train Between the Waters](#)—Allan Toussaint, 1938-2015

[Allan Toussaint](#), who for more than fifty years embodied the soul of New Orleans and for all we know the soul of the universe, has died. He was an indispensable part or rock and roll, rhythm and blues, funk and jazz music and by all accounts a remarkably decent human being. Following Hurricane Katrina, Toussaint moved into the spotlight as a performer and ambassador for the city and people of New Orleans copping a Grammy nomination for his collaboration with Elvis Costello for The River in Reverse, showing that he understood a thing or two about the way water works in his home town. More than anything else he will be remembered for leaving things much better than he found them and doing things with passion, grace and style. As we look at the challenges facing us, our waters, and communities we can't help but think there is a lesson to be learned in there somewhere. Allan Toussaint died [on the way down](#) to the [infirmiry](#) following a concert in Madrid, Spain.

Shameless Plug

Last week, our very own Institute released its second installment of Financing the Future, detailing what funds the State currently has, what it stands to receive from the BP settlement, and how much it will need to find in order to fully fund the 50 year Coastal Master Plan. Read it [here](#) on our brand spanking new website, tulanewater.org! Do let us know if you have suggestions for improving that website, by the way.