

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
October 5, 2017

Letting It All Soak In

China has had enough of flooding and coping with rising temperatures, and it is throwing in the sponge. Or more accurately, it is [becoming the sponge, at least in the case of 30 Chinese cities](#). Say what? The idea: by combining green roofs and facades with urban wetlands and waterways, some of the troublesome aspects of heat and water can be lessened. Truth be told, the techniques are not all that new, but the scale of the plan is pretty impressive. And after a summer that has seen flooding in Houston, New Orleans, and Jacksonville and a late [September Midwestern heat wave](#), maybe this sort of thinking is less ambitious than it is necessary.

Its So Nice Getting Along

The Colorado River is one mighty fine river, one that folks just can't get enough of. Literally. Just ask the seven states, two countries, the dozen or so [Native American tribes](#), and the ecosystems that depend on it. Aiming to take some of the edges off the competition for the Colorado, the US and Mexico have inked a [new agreement](#) to improve the conservation of the River's water and the stewardship of its ecosystems. The two countries and a host of charities will put up \$49.5 million over 9 years to improve water conservation and do ecosystem enhancement work. Beyond the dollars, the agreement sets aside 210,000 acre-feet of water for environmental restoration and enhancement projects. Will it be enough to resolve the ugly feud between the [raise-the-river clan and the move-the-ocean gang](#)? That may be too much to ask, but it is a reminder that there is hope and that whether you live on the Colorado, the [Red River](#), the [Crystal River](#), or are just a [lover of the bayou](#), now is the time to [save your water](#).

Note to readers: Anyone doubting the importance of Native American water rights should take a look at this new Court of Claims [decision](#). Also, we understand that you really can't ask the River's ecosystems anything but that may change if a [pending lawsuit to give the River legal standing to sue](#) succeeds. The matter of how a river can hire and pay its lawyers is a separate matter.

Left Behind—Ready to Leave But Nowhere to Go

People who live along coasts and rivers know there are risks but they don't [scare easy](#). But with the risk and frequency of flooding on the rise, the question becomes do

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:

[Sustainable Water Resources Roundtable](#)

October 26 & 27 2017

Tulane River and Coastal Center
New Orleans, LA
October 27, 2017

[Rights of Nature Symposium](#)

Friday, October 27, 2017

8:30 a.m.

Tulane University Law School
6329 Freret Street
New Orleans, LA

Water jobs:

[Senior Policy Advisor, Intl. Climate Policy](#)

The Nature Conservancy
Washington, DC

[Conservation Director](#)

Friends of the Mississippi River
St. Paul, MN

[Manager, Coastal Projects and Programs](#)

Environmental Defense Fund
New Orleans, LA or Washington, DC

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you stay or do you go. If one has carried flood insurance, there is always the option to collect and rebuild—again, and again, and again, though at some point that is just [the wrong thing to do](#), for you and the flood insurance program. But moving isn't so easy when there is no one there to buy your house, especially when lots of your wealth was tied up in your now flooded home. What's a person to do? One option is to turn to the Federal Emergency Management Agency and ask for a buy-out. In a world of economical rational actors backed by economically rational governments, that would make sense, and indeed, it is a tool in the FEMA tool box. But like a chain saw without gas, it is not much of a tool, and for the same reason. Simply put, [Congress gives FEMA much more money](#) to rebuild homes (even repeatedly) than it does to buy them out. Despite years of whitepapers, hearings, and speeches decrying the wastefulness of this, it is likely to continue for simple reasons: Most people who vote want to stay in their homes, and most communities are not looking for ways to shrink their populations and tax bases.

Damn the Torpedoes-- Aquifer Storage in GA Set to Move Ahead?

Reservoirs are good for lots of things. Swimming, sailing, fishing, and building nice homes around. They can also store water so people will have water to drink, irrigate with, and such. But surface reservoirs take up lots of land (that has to be acquired from someone) and tend to lose lots of water to evaporation. There must be another way, and the State of Georgia is on the case. The idea, is to inject surface water into aquifers (groundwater for our non-hydrologist readers) and pump it out as needed. As is so often the case, this [is not a brand new idea, and there are reasons it hasn't been used more often](#) (we will not dwell on the “worst vacation destination” aspect). It turns out that some surface waters are not exactly what you want in your aquifer due to various contaminants that they can carry with them. Add to that the complications of getting the geophysics right, and sorting out the rights of private well owners, and you get the drift. Back in July, the Georgia Environmental Protection Division released a [draft report](#) that looked at the adequacy of the regulatory regime to deal with Aquifer Storage and Recovery systems, and that cleared the path for ASRs in Georgia after a previous moratorium expired in 2014. The Georgia [Board of Natural Resources has urged caution](#) in proceeding even in light of the draft report and the imminent development of supporting guidelines. Regardless of how this turns out for Georgia, lessons are there for the learning.

Miscellany

Any glance at the news recently is enough to turn [inside out](#) even the most optimistic of souls, but the flipside of tragedy is hope and possibility. Great things have been done in the face of overwhelming odds and ingrained injustice and can be again. It may not seem it, but [something good is coming](#).