

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy  
May 13, 2015

## Food's Insatiable Appetite for Water

Sure everybody knows that food and water go together, but it often is not so clear just how dependent the food sector of our economy is on available water. Hoping to shine some light on that, [CERES](#), has released a report evaluating how key companies in that sector are managing their water risks. The [Drinking Ourselves Thirsty](#) report is aimed at informing investors about what is becoming a major risk management factor for many businesses. Try to imagine Coke's business model without abundant cheap water. Well, Coke has in fact done that, leading it to ultimately decide last month not to build an [\\$81 million bottling plant](#) in southern India and helping them earn high marks in the report. Closer to home, [Starbucks](#) has announced it will be moving its Ethos water bottling operations from California to the wetter state of Pennsylvania. The reason? It seems they figured that sourcing its Ethos water in a drought stricken state didn't jive with the brand image of "moral" bottled water. Maybe this water stuff is important after all.

## Speaking of Bottling Plants and Water Shortage, No Need to Look Abroad

With California having recently finalized [emergency regulations](#) for statewide urban water conservation (aiming for a 25% reduction by next February), scrutiny over who is using water – and for what – is ratcheting up. [Almonds](#) (along with other thirsty crops like alfalfa) grew initial ire.

Now people in the Golden State are getting riled up about companies bottling their precious water then turning around and selling it back to them for a premium or, worse, shipping it out of state. It turns out there are some 108 licensed bottled water plants in the state, including some owned by big players like [Nestle](#), [Walmart](#), [Coca-Cola](#), [PepsiCo](#) and Starbucks. With the state still [deep in drought](#) and with most of the [snowpack melted and gone](#), the scrutiny is understandable.

For Nestle, this increased scrutiny has brought to the fore the fact that the company has been piping and bottling water from a national forest despite its permit to do so expiring back in 1988. Bumping it up in the permit backlog, the Forest Service is [examining the issue](#) and will conduct an environmental impact analysis before deciding whether to renew the permit. Curiously, the Forest Service has said that it doesn't actually track how much water permit-holders use, which it claims is a job for the state. The Forest Service said it

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:

[Louisiana Water Network/Horizon Initiative Committee Meeting](#)

Garden Study Center, City Park, New Orleans  
11:30AM May 13, 2015

[ABA Water Law Conference](#)

June 4-5, 2015  
Denver, CO

## Water jobs:

[Campaign Director](#)

Gulf Restoration Network  
New Orleans, LA

[Manager, Coastal Habitat Restoration](#)

National Fish and Wildlife Foundation  
Baton Rouge, LA

[Attorney](#)

Community Water Center  
Sacramento, CA

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will work with the state as it considers the permit renewal and conducts its environmental impact analysis. No word yet on whether it will allow Nestle to continue pumping in the interim. As for the other big companies bottling California water, they're not budging, at least not yet. For its part, the State has stayed out of the debate on which commercial users should have priority, mimicking its policy of not picking agricultural winners and losers.

As is true with all water users, bottling companies play by different rules depending on the source. Companies like Walmart sourcing from municipal supplies will be impacted by the 25% conservation mandate; whereas, companies sourcing from groundwater will have to comply with the state's relatively new [groundwater management law](#). Regardless of the source, the public spotlight raises some [interesting questions](#) about the bottled water industry, its [worldwide popularity](#), and that popularity's impacts – [both good and bad](#) – on the communities where the waters come from. Or perhaps California's recently [approved](#), inaugural [statewide standards](#) for desalination facilities will open a new era of plentiful water and render this who conversation moot.

### **House Passes Energy and Water Appropriations Bill. Take a Gander.**

There's a lot to unpack in the [\\$34.5 billion spending bill](#) and the [accompanying report](#). As written, overall spending on water and energy in 2016 would increase \$1.2 billion from 2015 with the Army Corps of Engineers receiving a budget bump of \$142 million. Of local interest, House Majority Whip Scalise and Rep. Richmond secured [\\$10 million in funding](#) for the Louisiana Coastal Area Beneficial Uses of Dredged Material program. The bill has contentious spending restrictions, though, on such activities as changing the definition of fill material under the Clean Water Act as well as moving forward the implementation of the "Waters of the United States" interpretive rule and the new [Federal Flood Risk Management Standard](#). Needless to say, the president has said that he would [veto the bill](#) as written. Still, worth a gander.

### **Sri Lanka Empowers Women to Protect Mangroves**

A country devastated by a [protracted civil war](#), Sri Lanka has also lost over three quarters of its mangroves over the last century. Primary culprits include shrimp farmers, legally and illegally cutting down mangroves to make room for their farms, as well as residents in need of charcoal for domestic use. However, the importance of mangroves for marine habitat as well as storm surge reduction has led the country to team up with the NGO Small Fishers Federation to protect what it has left. Over the next five years, the partnership will spend [\\$3.4 million to protect all 8,800 hectares \(21,800 acres\) of mangrove forest](#) by providing [15,000 women](#) with alternative job training, microfinance loans, and fuel-efficient stoves. In exchange, the women will be expected to stop cutting down the forests for their own needs and protect the forests from others. Legislative support is purportedly on the way to provide enforcement backup. The program also includes replanting 3,900 hectares of mangroves. Conservationists hope other mangrove-rich countries will follow suit, as nearly half of the world's mangroves have been destroyed or lost over the last century.

### **Danger Developing Near the Poles?**

Media coverage this week has been focused on the Arctic and the Department of the Interior [permitting](#) Shell to drill off the Alaskan coast. Shell still needs additional state and federal permits, including one from Bureau of Safety and Environmental. The approval comports with the President's "all of the above" approach to energy production; however, environmentalists are concerned that [Shell's track record](#), mixed with the harsh, remote location, creates conditions for an eventual disaster. Regardless of the final decision on Shell, the warming ocean waters appear to be opening up an era of Arctic Ocean drilling, and the U.S. [isn't the only country](#) with territory up there.

Down near the South Pole, a [new study](#) published yesterday reveals that an Antarctic ice shelf half the size of Iceland and fourth largest in the world is under assault from two forces – at the top from warming air temperatures and at the bottom from a warming ocean. The study's authors say this settles the debate on what is causing the ice sheets to lose mass. While the ice sheet breaking off will not directly raise sea levels, the glaciers behind it will as they start racing, in their glacial way, unimpeded into the sea. Scientists think this could happen in a century or within the [next few decades](#). But who knows, maybe some [intervening force](#) will change the warming trend.