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1 — US, Mexico reach deal to conserve Colorado River water, ABC, 9/27/17
http://abcnews.go.com/US/wireStory/us-mexico-reach-deal-conserve-colorado-river-water-50141722
The United States and Mexico unveiled an agreement Wednesday to preserve the overtaxed Colorado River, including spending millions of dollars on conservation and environmental projects and drawing up plans to deal with any shortages amid drought and climate change.

2 — Lawsuit says Army Corps should compensate homeowners for flooding their property with reservoir pools, Houston Chronicle, 9/27/17
http://www.houstonchronicle.com/news/houston-texas/houston/article/Lawsuit-says-Army-Corps-should-compensate-12235977.php
Government officials knew for years that water impounded behind Addicks and Barker dams would flood thousands of suburban homes during an extreme storm - and yet did nothing to warn or compensate property owners, according to a civil lawsuit that seeks monetary damages for affected homeowners.

3 — Documents detail concerns about Houston dams — before Harvey, Texas Tribune, 9/28/17
https://www.texastribune.org/2017/09/28/could-houstons-dams-have-failed-during-harvey/
Just how worried is the U.S. Army Corps of Engineers about a possible failure of the Addicks and Barker dams? And how worried should Houston be?

4 — Why is Louisiana's coast shrinking so quickly?, New Orleans Times-Picayune, 9/28/17
http://www.nola.com/environment/index.ssf/2017/09/why_is_the_louisiana_coast_shr.html#incart_river_index
As this video documents, there are many causes of land loss along Louisiana's coast, starting with the construction of levees along the Mississippi River that block the historic dispersal of sediment carried by the river during spring floods into open water and wetlands.

5 — More Mississippi River sediment will mean more problems for Louisiana shrimpers: study, New Orleans Times-Picayune, 9/28/17
http://www.nola.com/environment/index.ssf/2017/09/more_river_sediment_will_mean.html#incart_river_index
Louisiana's quintessential shrimper - the independent, weather-beaten man with a small boat that's seen better days - may be the hardest hit by two sediment diversions planned on the Mississippi River.

6 — Air Force aids local authorities with Hurricane Harvey mosquito control, Houston Chronicle, 9/27/17
http://www.chron.com/news/politics/texas/article/Air-Force-aids-with-Hurricane-Harvey-mosquito-12232931.php
One of the United States Air Force's most recent missions took place over the skies of Texas, battling the smallest of airborne invaders: mosquitoes.

7 — Listen: What's zoning got to do with it?, Houston Chronicle, 9/27/17

http://www.houstonchronicle.com/business/real-estate/looped-in/article/Hurricane-Harvey-Looped-In-podcast-Houston-real-12232903.php
Before Hurricane Harvey's flood waters could even recede, the national media was reporting on Houston's lack of zoning and how it played a role in the floods. Local law professor, land use expert and repeat Looped In guest Matt Festa explains how that's a distorted argument.

8 — When polluting is in a company's rational self-interest, Houston Chronicle, 9/27/17
http://www.houstonchronicle.com/business/texanomics/article/When-polluting-is-in-a-company-s-rational-12232286.php
This week, Harris County announced its intention to sue the French multinational chemical producer Arkema after volatile organic compounds exploded at its flooded plant in Crosby following Hurricane Harvey. The explosion sickened first responders with toxic fumes and exposed the surrounding area to untold amounts of contamination.

9 — Slideshow: For southeast Texas, recovery after Harvey is slow, Texas Tribune, 9/27/17
https://www.texastribune.org/2017/09/27/slideshow-southeast-texas-recovery-after-harvey-slow/
(photo series)

10 — Trade dispute could turn solar boom into a bust, Albuquerque Journal, 9/27/17
https://www.abqjournal.com/1070045/trade-dispute-could-turn-solar-boom-into-a-bust-excerpt-hundreds-of-local-jobs-and-tens-of-thousands-nationally-are-at-stake.html
Solar industry leaders in New Mexico and nationally are anxiously awaiting a federal decision about imposing tariffs and price floors on imported solar cells and panels, which the national Solar Energy Industry Association says could potentially throw 88,000 U.S. employees out of work.

11 — Oka' Institute sustainability conference set for Oct. 10-11, Ada (OK) News, 9/28/17
http://www.theadanews.com/news/local_news/oka-institute-sustainability-conference-set-for-oct/article_b95b91c6-f0d6-55c1-8d19-67f0cf929945.html
The Chickasaw Business and Conference Center on East Central University's campus will be the setting for the 2017 Oka' Institute Sustainability Conference, Tuesday-Wednesday, Oct. 10-11.

12 — Tyson Settles Legal Battle with EPA, KNWA, 9/26/17
http://www.nwahomepage.com/news/tyson-settles-legal-battle-with-epa/819882612
Tyson Foods has settled a legal battle with the EPA over water pollution issues in Missouri. The Springdale-based food processing giant will pay $2.5 million in fines and restitutions. The lawsuit was filed after Tyson killed around 100,000 fish in a Missouri creek. The company also admitted to two violations of the Clean Water Act.

13 — $300M chicken plant set for Northwest Arkansas, Arkansas Democrat-Gazette, 9/28/17
http://www.arkansasonline.com/news/2017/sep/28/chicken-plant-set-for-near-gentry-20170/
Simmons Prepared Foods said Wednesday that it plans to expand its operations in Northwest Arkansas, spending $300 million on a high-tech chicken plant that will create 1,500 jobs.

US, Mexico reach deal to conserve Colorado River water

By MORGAN LEE AND DAN ELLIOTT, ASSOCIATED PRESS
SANTA FE, N.M. — Sep 27, 2017, 9:57 PM ET

U.S. Commissioner of the International Boundary and Water Commission Edward Drusina, right, seated, . . .**more +**

The United States and Mexico unveiled an agreement Wednesday to preserve the overtaxed Colorado River, including spending millions of dollars on conservation and environmental projects and drawing up plans to deal with any shortages amid drought and climate change.

The United States pledged to invest $31.5 million in water conservation projects in Mexico, such as lining irrigation ditches with concrete to reduce leaks and upgrading irrigation equipment to use less water.

The water saved would be divided among the two nations and environmental projects.

In addition to the conservation savings, the agreement sets aside another 210,000 acre-feet (260 million cubic meters) of water for environmental projects. One acre-foot (1,200 cubic meters) is enough to supply a typical U.S. family for a year.

The two nations and a coalition of charitable foundations also agreed to contribute a total of $18 million for environmental restoration, research and monitoring.

The nine-year agreement is an amendment to a 1944 treaty that governs how the U.S. and Mexico share and manage the river, which flows through both nations. It expands on a 2012 amendment that expires at the end of this year.

Details of the new amendment were released at a water conference in Santa Fe, New Mexico.

The Colorado River is vital to the southwestern U.S. and northwestern Mexico. It supplies water to about 40 million people and 6,300 square miles (16,300 square kilometers) of farmland in the U.S. alone. Equivalent figures for Mexico weren't immediately available.

The river begins in the Colorado mountains and winds 1,400 miles (2,250 kilometers) to the Mexican states of Sonora and Baja California.

The agreement is a commitment to future generations to solve the river's problems "so that they don't say that our generation stood there with our arms crossed," said Roberto Salmon, Mexico's representative on the International Boundary and Water Commission, a U.S.-Mexican organization that oversees the two nations' boundary and water treaties.

Salmon spoke in Spanish.

Edward Drusina, the U.S. representative, said the agreement provides more certainty to water managers struggling to deal with changing conditions.

"It is not necessarily the complete fix to the system because we don't know what lies around the corner," he said.

The agreement allows Mexico to store some of its share of the river water in Lake Mead in the United States if it cannot use it immediately. Mexico can withdraw it later, subject to some conditions.

That's important because Mexico has few reservoirs in the northwest part of the country, said Osvel Hinojosa of the Mexican conservation group Pronatura Noroeste.

"The idea is to conserve and store and try and avoid a shortage," Hinojosa said, speaking in Spanish.

The charitable foundations "are eager to do their share to make sure the agreement is implemented and successful," said Ted Kowalski, director of the Walton Family Foundation's Colorado River Initiative and one of the groups involved.

The others include the S.D. Bechtel Jr. Foundation, the William and Flora Hewlett Foundation, the Gordon and Betty Moore Foundation, the International Community Foundation and the Water Foundation.

Other provisions of the agreement:

— Both countries will draw up contingency plans to deal with any shortages of water in the river amid drought and climate change.

— Both countries agreed to share the burden of any shortages and the benefits of any surpluses in the Colorado River.

— The International Boundary and Water Commission will study ways to reduce salt levels in the Colorado River that reaches Mexico. The water picks up salt from the soil when it is used for irrigation and returned to the river; too much salt makes it unusable for agriculture and drinking.

Lawsuit says Army Corps should compensate homeowners for flooding their property with reservoir pools

Lawsuit: Residents never were warned about risks nor told to buy insurance

By Lise Olsen | September 27, 2017 | Updated: September 27, 2017 9:21pm

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Photo: Craig Moseley, Staff

IMAGE 1 OF 2
Residents of the Cinco Ranch and Canyon Gate subdivisions evacuate from their homes that are near the west side of the Barker Reservoir in Fort Bend County on Aug. 29.

Government officials knew for years that water impounded behind Addicks and Barker dams would flood thousands of suburban homes during an extreme storm - and yet did nothing to warn or compensate property owners, according to a civil lawsuit that seeks monetary damages for affected homeowners.

The lawsuit was filed against the U.S. Army Corps of Engineers on behalf of Christina Micu, 37, a real estate investor who bought her own home in the Canyon Gate neighborhood of Cinco Ranch in February 2012. During Hurricane Harvey, the house was swamped by about 2 feet of water, she said. She said she didn't have flood insurance and was advised she didn't need it because her home was not in the 100-year flood plain.

Canyon Gate, with 721 homes, was one of the neighborhoods most heavily damaged when the Army Corps allowed the land area submerged behind the dams, called the "flood pool," to reach record size as more than 50 inches of rain fell between Aug. 25 and 29. Many residents of the gated community had to be evacuated by boat from deep floodwaters.

The suit was filed in the U.S. Court of Federal Claims in Washington, D.C., as a class action on behalf of everyone who owns property that flooded behind the two dams.

Other lawsuits have been brought on behalf of property owners downstream of Addicks and Barker dams, whose homes were flooded by water released through the dams' gates. The latest suit is the first to focus on damage caused by the reservoirs' flood pools.

Unaware of threat

More than 30,000 people own property and more than 140,000 live in areas Harris and Fort Bend county officials have identified as subject to inundation from the flood pools,

TRANSLATOR

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according to a Chronicle analysis of evacuation orders issued during Harvey.

Many of those homeowners had no idea the pools posed a threat to their properties, and many did not have flood insurance. The Army Corps doesn't require home buyers to be notified of the risk from flood pools. Nor does Texas law. Nor do mortgage lenders' disclosure practices. Lenders typically require flood insurance for homes in the 100-year flood plain. There is no such requirement regarding flood pools.

In public meetings and in news releases, Corps officials defended their actions during Harvey as necessary to protect the city of Houston from catastrophic flooding. The Corps has subsequently referred all questions about its activities during Harvey to the U.S. Department of Justice. A DOJ spokesman declined to comment on the lawsuit.

Addicks and Barker dams, located 17 miles west of downtown Houston, were built in the 1940s to protect downtown Houston after catastrophic flooding in 1935 caused eight deaths and vast property damage. The dams hold back floodwaters from Buffalo Bayou, which forms the Houston Ship Channel downstream, and from creeks that enter the city from the northwest.

Unlike traditional "lake-forming" dams, Addicks and Barker do not have clearly defined reservoirs and are dry much of the year. The water they impound stretches west into what used to be prairie. The extent of the flood pool varies, depending on rainfall and on Army Corps decisions about how much water to release from the reservoirs.

During Harvey, the Corps deliberately allowed the flood pool to build up to a record 350,000 acre feet, the lawsuit said.

In the process, thousands of homes were damaged in Houston and in Fort Bend and Harris counties, though a full tally has not been released. At least 4,000 properties - including single-family homes, apartment complexes and businesses - were damaged by water from Barker reservoir alone, both counties said.

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EVERQUOTE

Corps: Releases necessary

Downstream, homes and buildings in the center of Houston were also flooded by releases from the dams the Corps deemed necessary to manage the massive storm.

Micu, the plaintiff in the class action, has become an activist post-Harvey, using social media to draw attention to flood-pool damage and her lawsuit. In an interview, she said she's taking a stand for herself and other homeowners who are struggling to make their mortgage payments, pay for emergency lodging and repair their homes, all without insurance.

"I'm suing the Army Corps of Engineers for taking a flood easement on my property and not compensating me or any of the previous owners," she said in a Facebook post. "I'm going to do what I believe is the right thing to do. Ultimately, I'm the one taking care of my family and no one else is."

Elsewhere in the United States, the Army Corps has blocked development around its reservoirs - at times purchasing land for "flood storage easements" around dams or levees in areas where it

expects to divert or store floodwater, said Charles Irvine, the Houston-based lead attorney in the lawsuit.

That never happened here, and homeowners are owed compensation, Irvine argues.

"The Corps has been discussing this but no one took it beyond that - not in terms of disclosing it to the neighborhoods and certainly took no steps to offer to purchase a federal flood easement in exchange for some money," Irvine said.

A recent informational meeting about the case drew more than 100 homeowners from Canyon Gate and from other subdivisions that flooded during Hurricane Harvey, attorneys said. Irvine said that only five raised their hands when he asked who had flood insurance.

Ada, OK: This Brilliant Company Is Disrupting A $200 Billion Industry
EVERQUOTE

In Mississippi and Louisiana, the Corps has taken steps to inform people and compensate those whose property could be subject to inundation in areas near levees and rivers, Irvine said. That was not done with the West Houston dams.

Small-print warnings

Over the years, public officials continued to approve developments around both reservoirs even after the Corps' measurements recorded record flood pools time after time. Ten of the 11 largest pools in the reservoirs' history have been measured since 1990. Harvey generated the largest.

Fort Bend County officials added small-print warnings about the flood pools to subdivision maps beginning in 1994: "This subdivision is adjacent to Barker Reservoir and is subject to extended controlled inundation under the management of the U.S. Army Corps of Engineers."

But few home buyers consult the maps, known as plats. Harris County, which has far more homes threatened by the flood pool, never included advisories about the reservoirs on its plats.

Harris County Commissioner Steve Radack said he didn't believe warnings were necessary. He said all Harris County homeowners should be aware of risks of flooding posed by the area's many creeks and bayous - and by the reservoirs. Radack said that for 20 years he had been warning constituents about the flood pool, but most paid little attention.

"We knew the water would leave the federally controlled land and would flood neighborhoods in Fort Bend and Harris counties," he said. "The reservoir had never been tested to capacity."

Lise Olsen

Investigative Reporter,
Houston Chronicle

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Documents detail concerns about Houston dams — before Harvey

How concerned is the U.S. Army Corps of Engineers about the integrity of Addicks and Barker reservoirs? The agency has never answered the question clearly, but documents offer new clues.

BY **NEENA SATIJA** AND **KIAH COLLIER** SEPT. 28, 2017 9 HOURS AGO

An afternoon thunderstorm forms over Barker Dam and Reservoir, where construction is being done on its floodgates in Houston on Monday, Sept. 18, 2017. The U.S. Army Corps of Engineers released water from the dam three weeks earlier as historic rainfall from Hurricane Harvey filled the reservoir.
Michael Stravato for The Texas Tribune

Just how worried is the U.S. Army Corps of Engineers about a possible failure of the Addicks and Barker dams? And how worried should Houston be?

The agency has long been criticized for providing few specifics on that issue, even after it found voids in the walls of the dams years ago, and classified them in 2009 as "unsafe" with an "urgent and compelling" need for action.

Both dams withstood Hurricane Harvey's historic floods a month ago, but the Army Corps, which operates and maintains them, is offering little information about how the added stress may have affected the integrity of the dams — or how worried they were about them failing during the storm.

The two earthen structures in west Houston, built by the Army Corps in the 1940s, are designed to hold floodwaters and protect central Houston — but only during major

rainstorms. The land behind the dams is dry most of the time, dotted with parks, soccer fields and other recreational areas.

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Now both dams are holding back billions of gallons of floodwater from Harvey that will take months to safely release — something they weren't designed to do for more than short periods.

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“Addicks and Barker were not designed to impound large pools behind them for an extended period of time,” an Army Corps official wrote in a 2011 email, which was made public through a lawsuit the Sierra Club filed against the Corps over a road project near the reservoirs. “These larger and longer lasting pools ... [are] increasing the threat to both dams.”

Another Corps document, this one from 2010, shows that the agency was using terms like "risk of catastrophic failure" for the dams for flood events much smaller than what Houston experienced during Harvey.

That 2010 "interim reservoir control action plan" sets what it calls "maximum pool" levels for Addicks and Barker at elevations well under 100 feet, levels that could be expected during a 25-year storm — which has a 4 percent chance of occurring in any given year. Such a storm is about 30 times smaller than the rains generated by Harvey.

"The purpose of this ... is to reduce the risk of catastrophic failure by [releasing water from the dams] quicker and increasing embankment surveillance," the document says, adding that at 25-year levels, the dams "need to get additional attention."

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The document, which also became part of the 2011 Sierra Club lawsuit against the Army Corps, doesn't specify what the true risk of dam failure might be at such levels. It also

doesn't say what exact actions the Army Corps would take when water reached that point.

How the Corps reacts to rising water in the reservoirs has become the focal point of questions — and now lawsuits — following Harvey. Despite the Corps' reassurances about the dams during Harvey, many have wondered whether the fear of dam failure was the main factor in the agency's decision to release an unprecedented amount of water from the reservoirs, which caused thousands more homes to flood downstream than otherwise would have.

In public statements, the Corps indicated that some of the "controlled releases" were done to relieve stress on the dams. But it mostly said it was concerned that water would spill around the sides of the dams and be harder to control.

To Cynthia Neely, whose house flooded mostly due to the downstream releases, the reason is clear: "If the dams had failed, there wouldn't be a Houston at all," she said.

Corps officials declined to answer most questions about the 2010 document and its flood response procedures, citing lawsuits it is facing over how it operated the dams during Harvey, but they said the document is outdated.

Still, newer documents only reiterate that the Corps continues to be concerned about the integrity of the dams: "Studies conducted since 2004 have determined that the existing dams ... are a high risk of failure due to seepage and piping issues," the agency wrote in an undated report that references actions taken as late as 2012.

"I think that the documents, and I think that the issues, are clear," said Jim Blackburn, a Houston environmental lawyer who filed the Sierra Club lawsuit. "The consequences of failure are horrific, and it would be truly frightening to the public if they really knew what the worst-case scenario looked like."

Blackburn said the failure of the Army Corps to make the 2010 document public is just one example of the agency's hesitance to address the risk of a dam breach.

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"I think they have not wanted to have an honest conversation about it, for some reason."

Matthew Zeve, the Harris County Flood Control District's director of operations, said he had not seen the 2010 document before the Tribune sent him a copy. But he said he

didn't think the document expressed concern about the dams actually failing at such low water levels but rather indicated a "trigger" for when the agency should be continuously monitoring the dams and doing whatever it can to diminish risk.

“It’s not, ‘Oh, we think it’s going to fail,’” he said, stressing that he was not speaking for the Corps but offering his personal interpretation of the document.

People walk along the Barker Reservoir Dam in Houston on Tuesday, Aug 29, 2017. Torrential rains from Hurricane Harvey caused the U.S. Army Corps of Engineers to release water from the reservoir, aggravating flooding in neighborhoods below the dam. Michael Stravato for The Texas Tribune

Even though the documents indicate the Corps was concerned about a 25-year rain event, the dams held up during Harvey, which was was an "800-year" storm, and in April 2016 they handled the Tax Day flood, which also pushed the reservoirs to levels far higher than the 25-year threshold.

But both of those floods created huge lakes behind the dams that would stay in place for months, and the Army Corps has long said that could be a problem.

In a 2016 interview with the Tribune, Richard Long, the reservoir project manager, said the reservoirs "were never intended to hold pools as large or for as long as they have in recent years."

Another Corps official, Robert Van Cleave, added at the time: "As the pool rises, that increases pressure on your foundation. As that happens over time, and the repetitive nature of the pools going up and down, that causes stress the original designers didn't anticipate."

After the Tax Day flood, it took months for the Corps to drain the reservoirs, and it will take even longer after Harvey.

In its most recent manual for operating the reservoirs, the Corps noted that "prolonged storage of rainfall" behind the dams in the past has "resulted in a serious seepage problem" through the permeable sections of the dam's walls, which are largely made of clay and sand. The Corps has plugged some of the voids where seepage might happen, but officials have said that many of those solutions are just "temporary measures."

Since 2009, the Army Corps has identified more than $100 million in major repairs needed in order to safely maintain the dams in the long term. Not all of those have happened yet. In 2015, a $74 million project to replace the dam's gates — sometimes known as "outlet works" — began, but the Army Corps said in mid-August that the project wouldn't be complete until February 2020. Now, after Harvey, the agency says the completion date has to be pushed back further.

It's unclear how much local and state officials have discussed the possibility of a dam failure. Asked if he had concerns about the integrity of the dams, Houston Mayor Sylvester Turner told the Tribune in an interview this week that he hadn't studied the issue and that was a determination for the Corps to make.

A spokesman for Houston's emergency management office said the city does have an evacuation plan in place for such a scenario but did not elaborate. (Army Corps officials wrote in 2013 that Houston-area officials should develop evacuation plans for areas that might flood because of a dam breach.)

Lt. Gov. Dan Patrick, who is from Houston, said in an interview that he asked the Corps about the prospect of dam failure in the "critical days" during Harvey and was told it's not a concern. "If they were worried about imminent failure, then I think they would be doing the responsible thing and telling the governor and telling me," he said.

Leonard Waterworth, former commander of the Army Corps' Galveston District, said the agency has done everything it can to address the issue but has been hamstrung by an uninterested Congress.

"Congress has the power of the purse string," said Waterworth, who is now a professor at Texas A&M University in Galveston. "So if it's important to Congress, they're going to fund it. If not, we need to find out another way to protect our people."

LOUISIANA ENVIRONMENT AND FLOOD CONTROL

Why is Louisiana's coast shrinking so quickly?

Updated on September 28, 2017 at 6:11 AM
Posted on September 28, 2017 at 6:10 AM

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By Mark Schleifstein, mschleifstein@nola.com,
NOLA.com | The Times-Picayune

As this video documents, there are many causes of land loss along Louisiana's coast, starting with the construction of levees along the Mississippi River that block the historic dispersal of sediment carried by the river during spring floods into open water and wetlands.

That was the main way the river built new land before humans "tamed" it.

The construction of jetties at the river's mouth keep sand bars from forming by narrowing and speeding the flow of water through Southwest Pass and South Pass. But those jetties also direct the river's sediment load offshore, making it less likely to drift back into coastal areas when it leaves the river.

The loss of sediment from both of those human-made causes reduces the chances that sediment from the river and new plant growth can overcome the natural subsidence, or sinking, of land in many locations along the coast.

Beginning soon after the turn of the 20th century, exploration and production of oil and gas in Louisiana's wetlands spurred the construction of more than 10,000 miles of canals that cris-crossed the state's wetlands. The spoil banks along those canals disrupted the natural flow of water and the canals acted as pathways for saltwater intrusion, both of which helped speed the loss of interior wetlands.

Watch the video for more information about the causes of land loss along the state's fragile coast.

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LOUISIANA ENVIRONMENT AND FLOOD CONTROL

More Mississippi River sediment will mean more problems for Louisiana shrimpers: study

Updated on September 28, 2017 at 6:58 AM
Posted on September 28, 2017 at 6:01 AM

Shrimpers and dock workers unload and measure shrimp at Ditcharo Jr. Seafoods in Buras, Thursday, May 18, 2017 and placed on a flatbed trailer. (Photo by Ted Jackson - NOLA.com | The Times-Picayune) (Ted Jackson)

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By Tristan Baurick, tbaurick@nola.com,
NOLA.com | The Times-Picayune

Louisiana's quintessential shrimper - the independent, weather-beaten man with a small boat that's seen better days - may be the hardest hit by two sediment diversions planned on the Mississippi River.

A new report indicates many shrimpers will need help adapting, possibly in the form of grants, subsidies and job re-training, once the diversions begin funneling fresh water and sediment into Barataria Bay and Breton Sound. The sediment is likely to alter the distribution, abundance and types of shrimp in areas where shrimpers have fished for decades.

Most vulnerable will be shrimpers with small, one-boat operations who are middle-aged or older and cannot easily transition to another career, according to the report by the Coalition to Restore Coastal Louisiana, a Baton Rouge-based nonprofit group.

Sediment diversions are a new and largely untested method of channeling river water rich in silt, sand and other sediments into estuaries that have been cut off from these land-building and land-restoring inputs. The Mississippi's

extensive levee system has, for more than a century, severely limited the flow of sediments into its delta, exacerbating the state's land loss crisis.

The Louisiana Coastal Protection and Restoration Authority plans to build a series of sediment diversions along the lower Mississippi as part of the state's 50-year, $50 billion coastal plan. The $1 billion Mid-Barataria diversion would be the largest. Planned for the West Bank at Myrtle Grove, the project would divert as much as 75,000 cubic feet of sediment and water per second into Barataria Bay.

River levees have been a big factor in the bay's transformation. It's now saltier and less marshy, with larger expanses of open water than it had prior to the levee system. These changes may have benefited shrimpers, but the larger ecosystem has suffered, diversion advocates say.

The coastal authority's initial strategy of keeping the diversion open about half the year likely would have caused the rapid changes feared by the shrimpers and others, including fishers and oyster growers. A group of scientists tasked with helping the state develop its diversion plans recently recommended a slower, more measured approach that weighs land-building goals against the effects on fisheries.

The coalition's report is the first look at how a specific population segment would be affected by such diversions. The coalition hosted meetings and conducted surveys with shrimpers at five fishing communities in Plaquemines, Jefferson and St. Bernard parishes in April and May. Most of the 50 participants worry that diversions will push shrimp into deeper water, necessitating longer fishing trips in rougher conditions. Shrimp may also be smaller and fewer in number, shrimpers say.

Their concerns aren't unfounded. Diversions are designed to bring about large-scale environmental changes, and it's likely that alterations in water salinity, temperature, and other factors will shift shrimp populations, the report notes, citing research by the state Department of Wildlife and Fisheries.

Coalition executive director Kimberly Reyher said diversions are "a vitally important project" for the state. Also important, she said, is Louisiana's shrimp industry, which leads the nation, netting 90 million pounds of shrimp in 2015, according to the most recent federal fisheries report. Despite the state's shrimping prowess, the catch was down 17 percent over the previous year and prices have fallen steeply over the past two decades.

"We need to make this critical strategy work for everyone (and) address concerns on the front end," Reyher said.

The coalition found that a shrimper's vulnerability is directly related to his or her business operation (boat size, gear types, trip lengths), age, English language skills, education and whether or not they or their family have alternative incomes.

"A shrimper who is much older, didn't finish high school and has only been a shrimper their whole life, and has invested significant capital in their business, is much higher on a scale of vulnerability and consequently less resilient," the report says.

Several of the report's participants were non-English speakers from Cambodia and Vietnam, or were illiterate, and would have a hard time tranitioning to a job outside commercial fishing.

To adapt, shimpers said they'd likely have to work more, catch more or find other sources of income. "These adaptations would constitute a sacrifice of quality of life" and could require large and risky investments, the report says.

Solutions proposed in the report included fuel subsidies or rebates and financial assistance to upgrade boats and gear. For shrimpers pushed out of the industry, the report proposed increased opportunities for job re-training, boat and house buyout programs, and help transitioning to other fisheries, such as crab and oysters.

A higher price for shrimp would also help. The report notes that dockside prices in Louisiana have fallen sharply as cheaper imports have flooded the U.S. market. Solutions to this problem included tariffs on imported shrimp and better marketing of domestic shrimp. Shimpers generally believe consumers would pay more for local shrimp if it was better promoted on restaurant menus and store packaging.

The Louisiana Shrimpers Association hopes the report will elevate shrimpers' concerns as the state develops its diversion plans.

"It is crucial for a plan to be made for fishermen who will be affected by diversions," said Acy Cooper, the association's president. "Fishermen and their families are at stake, and they need to be listened to."

Read the coalition's full report.

*Tristan Baurick covers Louisiana's coastal environment for NOLA.com | The Times-Picayune. Email: tbaurick@nola.com * Twitter: @tristanbaurick * Facebook: Tristan Baurick and Louisiana Coastal Watch.*

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Air Force aids local authorities with Hurricane Harvey mosquito control

By Paul Cobler **Updated 4:29 pm, Wednesday, September 27, 2017**

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IMAGE 1 OF 3

Brazoria County officials and the U.S. Department of Defense are seeking to address mosquitoes in the aftermath of Hurricane Harvey.

One of the United States Air Force's most recent missions took place over the skies of Texas, battling the smallest of airborne invaders: mosquitoes.

Local pest controls across the affected areas were quickly overwhelmed by the rains of Hurricane Harvey, leading to the Air Force Reserve Command's 910th Airlift Wing being called in to perform aerial sprays starting Sept. 8 across more than a million acres of land, according to Master Sgt. Bob Barko Jr., superintendent of public affairs for the wing.

"The last time that we did an area of this size was in 2005 in the aftermath of Katrina," Barko said.

Despite the magnitude of flooding from Harvey, the wing completed spraying Sept. 21, four weeks faster than the six-week operating time for Hurricane Katrina in 2005, Barko said.

"With Harvey we were able to bring in an extra aircraft and update some of our methods which enabled us to get about the same area done in a third of the time, about 2 weeks," Barko said. "It's a pest insect, and for the folks trying to rebuild and trying to repair the area, they were reporting about 40 mosquito bites a minute. After application, they were down to about five a minute."

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Dr. Mustapha Debboun, director of the Mosquito Control Division for Harris County Public Health, said local efforts were rendered ineffective after roads across the county closed due to flooding.

"In a situation like this, you have mosquitoes pretty much everywhere," Debboun said. "We couldn't use the trucks in some areas because they're under water. We need the aerial spray to go over and cover large areas."

The insecticide Naled was used for the spraying, but Debboun and Barko said there were never concerns of adverse human or environmental impacts because of the spray.

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We used this product three years ago, right here in Houston," Debboun said. "When we had a large number of West Nile Virus cases, I decided to use Naled to get rid of the mosquitoes. The only difference from 2014 to 2017 is we used smaller planes or contracted civilian planes. The only difference now is when people see a C-130, they worry, and they shouldn't."

Naled has been registered with the Environmental Protection Agency for use in the United States since 1959 and is one of the most widely used pesticides in the U.S. for mosquito control, according to the EPA's website. Naled is currently undergoing a routine re-evaluation by the EPA, as required by law, but the pesticide doesn't pose any significant threat to humans, pets or the environment when properly applied, according to the EPA's website.

In 2016, at least 2.5 million bees were killed in South Carolina due to Naled being sprayed at dawn, when bees are active, instead of dusk. Barko said the wing's operations took place at dusk over the two week operating period in Texas.

"The analogy is about a shot glass an acre, and it comes out in a very fine mist," Barko said. "The droplets are measured in microns and the product is designed the way we use it according to EPA direction, it evaporates before it even hits the ground."

Without the aid of the military, Debboun said he thinks the mosquito control operations would have been nearly impossible.

"This case is a unique case," Debboun said. "A Phenomenal case. A disaster case. This is Harvey. Harvey is a magnitude of a hurricane the world hasn't seen. When you have any huge flooding due to the magnitude of a hurricane, we can't do it all by ourselves. We do the best we can under the circumstances, but Harvey was not normal."

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TEXANOMICS

When polluting is in a company's rational self-interest

By Lydia DePillis | September 27, 2017

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Photo: Godofredo A. Vasquez, Staff

IMAGE 1 OF 7
Richard Rennard, president of the acrylic monomers division at Arkema, talks to media about the explosion of organic peroxide inside the plant Thursday, Aug. 31, 2017, in Crosby,Texas.

This week, Harris County announced its intention to sue the French multinational chemical producer Arkema after volatile organic compounds exploded at its flooded plant in Crosby following Hurricane Harvey. The explosion sickened first responders with toxic fumes and exposed the surrounding area to untold amounts of contamination.

Public officials allege that, having had ample warning about the approaching storm, the company could've taken measures to neutralize the dangers before everything went so terribly wrong. Arkema strongly disagrees, saying it took every possible precaution — but if Harris County is right, it wouldn't be the first time a company weighed the benefits of doing the right thing and decided they didn't outweigh the potential costs.

That's the conclusion of a remarkable case study just released by researchers at the University of Chicago's Booth School of Business on litigation faced by another chemical giant familiar to Houstonians: DuPont.

At this point, the long-running fight over DuPont's liability for diseases caused by releases of the compound known as C8, which is used in the production of Teflon for products such as non-stick pans, have received significant public attention. The New York Times, the Huffington Post, and the Intercept have all detailed the suffering of DuPont's former workers and residents of communities on the banks of the Ohio River, into which the chemical was released for decades.

RELATED: SEC sanctions Dallas company on claims of Harvey relief activities

But back in the 1980s, when the company was just starting to find out about the risks of C8 — which it only stopped using in 2013 — DuPont's scientists and executives were the only ones who knew.

Reams of internal documents were revealed in the course of the 3,550-person class action lawsuit, which settled for $671 million earlier this year. Memos and meeting minutes showed that DuPont had been repeatedly warned about the potential impacts of C8 on human health, particularly pregnant women. (Later, independent scientists found probable links between C8 contamination in Ohio and West Virginia and diseases such as ulcerative colitis, thyroid disease, and testicular and kidney cancer).

However, the documents also showed that ceasing the use of C8 would be costly, and the likelihood of being found out was low.

Specifically, the University of Chicago researchers used DuPont's own financial estimates to calculate that expected profits from continuing to use C8 vastly outweighed the potential cost from any damages paid as a result of litigation, given that the chances of a lawsuit succeeding were slim.

"Currently, none of the options developed are...economically attractive and would essentially put the long-term viability of this business segment on the line," read an internal memo from 1984. "From a broader corporate viewpoint, the costs are small."

To this day, DuPont maintains that it did nothing wrong. In a statement about the University of Chicago paper provided to the Chronicle, spokesman Daniel Turner said that the C8 trials and settlement had not been decided on the basis of "actual scientific evidence" about the effects of exposure to the chemical, which is still not regulated by the Environmental Protection Agency.

"Documents cited in the paper reflect that actions taken by DuPont, at all relevant times, were guided by the company's good faith belief that low levels of C8 exposure do not pose a health hazard," Turner said.

THERE WAS CONSENSUS REACHED THAT THE ISSUE WHICH WILL DECIDE FUTURE ACTION IS ONE OF CORPORATE IMAGE, AND CORPORATE LIABILITY. LIABILITY WAS FURTHER DEFINED AS THE INCREMENTAL LIABILITY FROM THIS POINT ON IF WE DO NOTHING AS WE ARE ALREADY LIABLE FOR THE PAST 32 YEARS OF OPERATION. CORPORATE IMAGE DISCUSSION CENTERED AROUND THE PERCEIVED DILIGENCE VERSUS OUR POLICIES IF WE ELECTED TO STOP WORK.

CURRENTLY, NONE OF THE OPTIONS DEVELOPED ARE, FROM A FINE POWDER BUSSINESS STANDPOINT, ECONOMICALY ATTRACTIVE AND WOULD ESSENTIALLY PUT THE LONG TERM VIABILITY OF THIS BUSSINESS SEGMENT ON THE LINE. FROM A BROADER CORPORATE VIEWPOINT THE COSTS ARE SMALL.

A section of a DuPont meeting memo on C8 from 1984 released as part of litigation settled in 2017.

In recent months, corporate screwups have gained the public's attention relatively quickly — think fake accounts at Wells Fargo, or the massive data breach at Equifax — and resulted in severe fallout, including the firing of chief executives and enormous reputational damage.

But in the case of something like environmental contamination, public relations crises aren't inevitable. It takes decades and significant financial resources to discover and prove that a particular chemical release made people sick. (It's perhaps indicative that Arkema has refused to make its chemical inventory available to the public.)

Media attention isn't usually sustainable over that kind of timeframe, beyond which executives are usually long gone anyway. That's why, in the moment, it can make perfect sense for executives to keep engaging in risky but lucrative behavior, and for shareholders to look the other way.

"This conclusion is disturbing," write the authors, law professor Roy Shapira and economist Luigi Zingales. "If the decision to pollute is not a product of incompetence or myopic fly-by-night companies, but rather a calculated, rational decision by a reputable company, perhaps socially harmful corporate behavior is more endemic and less solvable than we acknowledge."

Shapira and Zingales do have some ideas for fixing the problem. Imposing fines for delays in disclosing harmful mistakes (or intentional wrongdoing) would lower the barriers to bringing successful legal actions. Individually prosecuting executives would make them think harder about the risk to their personal fortunes. Promoting whistleblowing and resisting gag orders on settlements would help information come to light more quickly.

Such measures would come too late for the Arkema debacle, and for the many other toxic releases that have likely resulted from the Gulf Coast's refining and petrochemical industries. But they might at least give citizens greater recourse, and down the road, shift the calculus that prompts corporations to take such risks in the first place.

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Trade dispute could turn solar boom into a bust

By Kevin Robinson-Avila / Journal Staff Writer

Published: Wednesday, September 27th, 2017 at 11:40pm
Updated: Wednesday, September 27th, 2017 at 11:39pm

Albuquerque-based Array Technologies supplied solar tracking systems for the majority of this 80-acre power plant near Alamosa, Colo. (Courtesy of Array Technologies)

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Solar industry leaders in New Mexico and nationally are anxiously awaiting a federal decision about imposing tariffs and price floors on imported solar cells and panels, which the national Solar Energy Industry Association says could potentially throw 88,000 U.S. employees out of work.

That includes hundreds in New Mexico, where local solar equipment manufacturers and installation companies are bracing for price hikes on cells and panels that could dramatically slash market demand.

Companies in the utility-scale solar market, like Array Technologies, would be most affected by any new tariffs as cells and panels account for about half the cost of large-scale systems. (Dean Hanson/Journal)

Albuquerque-based Array Technologies Inc. says it could be forced to cut up to two-thirds of the 300 people it employs in local operations, which include a 70,000-square-foot manufacturing plant. Array makes solar trackers that tilt and turn panels to follow the sun, increasing electric output from photovoltaic systems.

“We’re facing a huge impact,” said Array President and CEO Ron Corio. “This could kill the domestic market for us.”

The International Trade Commission in Washington, D.C., ruled Friday that cheap solar panel imports, mostly from China and other Asian countries, have harmed domestic producers. The commission will now recommend import tariffs or other relief measures to President Donald Trump, who will make the final decision.

U.S. industry leaders say tariffs and price floors might help a few domestic panel makers, but it would devastate the rest of the industry, which employs about 260,000 workers in everything from equipment supply to system installation. About 14 percent are in manufacturing, but only a few of them are in solar cell or panel production.

About 3,000 people are employed in New Mexico at more than 100 firms, according to the national Solar Foundation. That includes 16 manufacturers for things like trackers, mounting systems and electrical components.

Cheap imports have helped cut prices for solar cells and panels by about 70 percent since 2010, generating a huge, yearslong boom in solar development nationwide. If the levies requested by the ITC petitioners are approved, projected solar development over the next five years would fall by about two-thirds, from an estimated 72.5 gigawatts of new capacity now expected to come online to just 25 gigawatts, according to GTM Research in Boston, which tracks market trends for the Solar Energy Industry Association.

The issue arose from two bankrupt panel makers operating in the U.S. – Suniva and SolarWorld Americas. They petitioned the ITC for two new import levies, including a 40-cent-per-watt tariff on solar cells and a price floor on fully assembled solar panels equal to 78 cents per watt.

There are no broad tariffs on imports today, and panels currently cost about 38 cents per watt. If the government imposes those measures, it would effectively double the price for solar cells and panels, said Regina Wheeler, CEO of the local installation firm Sunpower by Positive Energy Solar.

A typical solar panel of between 300 watts and 400 watts currently costs between $120 and $160 wholesale. With the new levies, that would climb to between $240 and $320, Wheeler said.

Both the petitioning companies are majority-owned by foreign firms – SolarWorld by a German company and Suniva by Hong Kong-based Shunfeng International Clean Energy. Ironically, Shunfeng opposes the ITC petition, but it’s backed by UK-based venture firm SQN Capital, which wants to recover a $55 million investment in Suniva.

Companies in the utility-scale solar market, like Array, would be most affected, because cells and panels account for about half the cost of large-scale systems. Array’s pipeline of projects is based on today’s price of 38 cents a watt, Corio said.

Ron Corio, CEO of Array Technologies

“At 78 cents a watt, our project pipeline would simply go away,” Corio said.

Residential and commercial-scale solar businesses might be less affected, but their markets could also suffer, said Ryan Centerwall, CEO of Albuquerque-based installation company Affordable Solar. Affordable also manages utility-scale projects, such as three solar facilities it’s developing for Public Service Company of New Mexico to supply electricity to Facebook in Los Lunas.

“This is a meaningful threat to our business, and to the industry as a whole,” Centerwall said, although he declined to discuss the impact on the PNM Facebook contract.

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Oka' Institute sustainability conference set for Oct. 10-11

Submitted Story 1 hr ago

The Chickasaw Business and Conference Center on East Central University's campus will be the setting for the 2017 Oka' Institute Sustainability Conference, Tuesday-Wednesday, Oct. 10-11.

This year the, institute is excited to offer two optional tours as well as a student research poster competition. Participants can choose to tour Byrds Mill Spring or the EPA Robert S. Kerr Environmental Research Center, both located in Ada, on Tuesday afternoon beginning at 1 p.m. The Student Research Poster Competition is for undergraduate students from regional universities in the state of Oklahoma and will kick off the evening at 4.

The poster competition will continue through the 5 p.m. reception, followed by dinner at 6 p.m., when Chickasaw Nation Gov. Bill Anoatubby will deliver the keynote address shortly after dinner. Anoatubby will be introduced by Chancellor Glen Johnson, of the Oklahoma State Regents for Higher Education.

Featured speakers for Wednesday, Oct. 11 include Dr. David Zoldoske, executive director of water initiatives at California State University-Fresno and Stephen Greetham, executive officer, general counsel to the Chickasaw Nation Division of Commerce. Zoldoske will give the luncheon keynote, and Greetham will be giving the morning keynote.

Activities continue Wednesday with two panel discussions: Policy/Projects that Move Oklahoma Forward, where we will hear from Owen Mills and Dr. Saba Tahmassebi, and Data and Research that Move Oklahoma Forward in which Cody Holcomb, Duane Smith and Dr. Bill Andrews will speak.

Other topics to be discussed include drought contingency, ecosystem services of the Oklahoma Blue River, trends and major issues in water law and policy and water cluster development. Also scheduled to speak are Kris Patton, Dr. Barney Austin, Tom Graham, Tom Lokey and Jona Tucker. Dr. Richard Lowrance, with the Robert S. Kerr Environmental Research Center, along with Dr. Randall Ross, Dr. Jim Weaver, Dr. Steve Hutchins, and Dr. Tim Canfield, will address the various ways the USEPA is moving Oklahoma forward.

In addition, the ECU faculty Summer Research Opportunity award winners, Dr. Randall Maples, Dr. James Bruce Moring, Dr. Terrie Becerra, Dr. Erick Ananga and Dr. Nicholas Jacob, will give a final report on their research. To end the day, a legislative panel made up of Sen. Greg McCortney, Sen. Frank Simpson, Rep. Todd Thomsen and Rep. Brian Renegar will address water policy at the Capitol.

This conference has been approved for seven CLE credits from the Oklahoma Bar Association. Professional Engineer continuing education credits will also be offered.

Registration for the full conference is $200 per person, which includes dinner on Oct. 10 and a light breakfast and lunch on Oct. 11. Various ticket options and prices are also available. Registration closes on Oct. 2. You can register at www.okainstitute.org/2017-sustainability-conference.

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Randy Mitchell

$300M chicken plant set for Northwest Arkansas

Simmons Foods plans 1,500 jobs

By Nathan Owens
This article was published today at 4:30 a.m.

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SILOAM SPRINGS -- Simmons Prepared Foods said Wednesday that it plans to expand its operations in Northwest Arkansas, spending $300 million on a high-tech chicken plant that will create 1,500 jobs.

The plant will be built between Decatur and Gentry and will employ 2,300 workers by 2022, the company said. The 315,000-square-foot facility will produce roughly 850 million pounds of fresh and frozen chicken products annually.

Simmons Foods, the parent company of Simmons Prepared Foods, also said it has plans to increase starting pay at production facilities later this year.

Some processing operations in Decatur will shift to the new chicken facility when construction at the 870-acre site is completed in 2019, Simmons Foods said.

The company said it will create new contracts with local chicken growers to meet the plant's output. Hundreds of chicken houses will be needed in the area to meet Simmons Foods' production goals.

This project is supported by the Arkansas Economic Development Commission, the Arkansas Development Finance Authority and the state's Department of Transportation.

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According to the state's economic development proposal, the project qualified for four financial incentives: a seven-year payroll rebate program; a sales and use tax refund on construction

materials; a grant program for the facility's new infrastructure and the extension of water and wastewater lines from the city of Decatur; and a partnership with the Transportation Department to add a turning lane and stoplight at Arkansas 59 and Y City Road.

Simmons Foods affiliates operate a feed mill, hatchery, chicken processor and a dry pet food facility in Decatur.

The privately owned company hasn't disclosed when it will start construction on the project.

Two months ago, subsidiary Simmons Feed Ingredients broke ground on a new pet food ingredient facility in Siloam Springs. That project will mean 78 new jobs for the area.

"Simmons Foods is one of those families that makes Northwest Arkansas what it is today," said Barry Moehring, county judge for Benton County.

"We are happy to facilitate that."

Wednesday's announcement comes a week after the sudden closing of the Sager Creek Vegetable plant in Siloam Springs that employed more than 230 people.

"We had a plant close, and that was bad news," Gov. Asa Hutchinson said during a Wednesday afternoon news conference. "But now we can adjust to that."

On Sept. 20, Del Monte Foods announced that it had sold its Sager Creek subsidiary to McCall Farms Inc. The Siloam Springs production plant, which employed 238 people, closed immediately after Del Monte's announcement.

Wayne Mayes, president and chief executive officer of the Siloam Springs Chamber of Commerce, said last week that other companies, including Simmons Foods, would help displaced workers find new jobs.

"Some jobs move on, some move in -- and this one is a great success story," Hutchinson said.

At an event near Hot Springs earlier Wednesday, Hutchinson said the number of people employed in Arkansas has reached an all-time high.

"Our aggressive recruiting nationally and around the world is paying off as more and more industries expand or relocate to Arkansas," Hutchinson said. "From our computer science initiative to the state's strong workforce, companies are taking notice. While there's always more work to be done, these statistics are a good indication that Arkansas' economy continues to trend in the right direction, and -- more importantly -- that Arkansans are finding work."

Simmons Foods said it chose the Arkansas location over potential sites in Oklahoma and Missouri. Based in Siloam Springs, the company employs about 3,700 people in Arkansas.