



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
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It's Baaaaaack!

Neil Diamond? [Yes](#), but no. [Leisure suits](#)? No, no—a thousand times no. We could keep you guessing, but we all know the answer: it's the [Waters of The United States Rule](#) (WOTUS), which defines the scope of the federal Clean Water Act. The seemingly endless saga of agency rule-making, litigation, judicial rulings, and Congressional inaction has now entered its latest chapter. On November 20th, the Environmental Protection Agency and the Department of the Army published their latest attempt to conform their definition of just what waters the Clean Water Act applies to with the U.S. Supreme Court's 2023 ruling in *Sackett v. EPA*. The proposed rule is not brand-spanking new but would actually amend a rule the agencies promulgated back in 2023 that never took hold in all of the country due to litigation, injunctions, and the like. Will the new amended rule fare any better? It's too early to tell, but it's not too early for you to read all about it and submit your comments. To make that easier, we are pleased to give you this [link to the proposed rule](#) and this [link to the agencies' Regulatory Impact Analysis for the Proposed Updated Definition of the Waters of the United States](#). Just something else to be thankful for this Thanksgiving season.

What you can expect in the proposed rule is that fewer waters and wetlands will be covered by the Clean Water Act. Proposed changes to the definitions of what constitutes a relatively permanent water and what constitutes a tributary will shorten the reach from the 2023 rule. The proposed rule's definitions of "continuous surface connection" and wetland adjacency, and the elimination of interstate waters from coverage, pretty much guarantee a significant reduction in what wetlands will be federal protected. What really comes through in this proposed rule is its belief that the primary purpose of the 1972 Clean Water Act was not to improve the ecological well-being of the nation and its waters, but rather to protect the primary role of states in preventing, reducing, and eliminating pollution. Considering how the failure and inability of states to do that actually [drove the passage of the Clean Water Act](#), the proposed rule deserves to be closely studied and well understood. You have until January 5, 2026 to comment!

You Got 'Em, Now Share 'Em--Water Songs 2025

One of the high points of any year is the release of our Institute's list of the best water songs of the year. Actually, 'best' or even 'good' has nothing to do with it. If you came across a song or two during the year with water as a theme or as a catchy hook, now is the time to share them with the world. Just send your submissions to cdalbom@tulane.edu, and our team of music curators will handle the rest. You will thank yourself, and we will thank you. Check out our [previous playlists here!](#)

Reminder that there will be no WaterWays next week. See you after Thanksgiving!

Coming Up:

Environmental Law & Policy Summit

Tulane University Law School; New Orleans, LA; March 5–7, 2026

Water jobs:

Staff Attorney, Surfrider Foundation; San Clemente, CA
(remote/hybrid)

Great Lakes Legal Fellow, National Wildlife Federation; Ann Arbor, MI
(hybrid)

Postdoctoral Research Fellowship - Hydrology and Water Resources,
University of Michigan; Ann Arbor, MI



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 legal stewardship of water.

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