

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

[September 19, 2019](#)

WOTUS Woes

We're back with more WOTUS updates, we know you've missed them ([we haven't](#))! To briefly remind you of the situation: last year, President Trump [proposed to weaken the Clean Water Act](#) ("CWA") with a new WOTUS (Waters of the United States) rule that would roll back Obama-era protections. Specifically, wetlands without surface water connections to larger waterways and small waterways that only flow after rainfall would lose protection under the CWA. The EPA finalized this rule in 2018, which became further complicated by two district courts' decisions to vacate the rule, meaning that the Obama rule was effective in 23 states, while the Trump rule was effective in the other 22 states. If you need more of a refresher on why this is all problematic, give our [comments](#) another look.

Last [Thursday](#), the Trump administration [announced](#) the [finalized repeal](#) of the 2015 Obama rule, which will be promulgated when published in the next Federal Register. This CWA rollback is one of [many](#) environmental deregulatory efforts of the Trump administration. Some states, like [California](#), will not be affected by the repeal, because they have implemented stricter CWA permitting regulations. However, this repeal will have widespread consequences for states like Louisiana, where our wetlands are [enormously important](#) and where we do not regulate beyond the requirements of the CWA. We are told to expect a new rule from the EPA and Army Corps of Engineers by the end of the year, providing "greater regulatory certainty" and loosening permitting requirements. Until then, opponents of the rollback and those 23 states still using the Obama WOTUS rule will [likely continue to rely on the judicial system](#) for answers.

You know, when Lil Jon and the East Side Boyz talked about getting low, they weren't talking about protections for the waters we all depend on. What were they talking about? Uh, don't worry about it.

Mississippi Queen

Guess who's journeying down the Mississippi River? No, not [Huck Finn](#), but water quality sensors! [American Queen Steamboat Company](#) has [opened its cruise ships](#) to these sensors in order to better understand and hopefully curb pollution, especially from agricultural runoff. These boats voyage from Minnesota to Louisiana, so attaching the sensors may be crucial in lowering nutrient pollution contributing to the Gulf [dead zone](#). According to U.S. Geological Survey director Jim Reilly, this will be the [first time](#) that they are monitoring water quality moving through the river. Previously, water quality sensors (3,700 of them!) have been placed at fixed locations throughout the

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:

[National Conference on Ecosystem Restoration Session Proposal Deadline](#)

September 20

[International Coastal Cleanup](#)

September 21; Elmer's Island, LA

[Healthy Community Services: The Green Block and Work & Learn Rain Garden Installation](#)

September 22; New Orleans, LA

[Atchafalaya River Basin Project Public Meeting](#)

September 23 & 26; Morgan City, LA and Morganza, LA (respectively)

[Coalition to Restore Coastal Louisiana: Holly Beach Dune Restoration](#)

September 28; Cameron, LA

[Coalition to Restore Coastal Louisiana: Bayou Bonfouca Marsh Restoration Planting](#)

October 3; Slidell, LA

Water jobs:

[Attorney](#)

California State Water Resources Control Board; Sacramento, CA

[Coastal Scientist](#)

Lake Pontchartrain Basin Foundation; New Orleans, LA

[Executive Director](#)

Network of Oregon Watersheds; Salem, OR

[Research Engineer](#)

ULL Watershed Flood Center; Lafayette, LA

[Staff Attorney](#)

Western Environmental Law Center; Helena, MT

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river but now the USGS and the Army Corps can get a more comprehensive picture of water quality throughout the Mississippi. Tourists cruising downriver on the steamboats will also have access to information about the river's water quality and these new sensors so they can learn about water quality and the dead zone while they [vacation!](#)

In other positive research news, [Louisiana universities will get a new flagship vessel](#) for Gulf exploration and scientific study thanks to the National Science Foundation. Expect to find their tourism facilities lacking, however.

Under the City

Remember a few weeks ago when the New Orleans sewerage utility explored and began clearing a clogged up underground drainage canal near Lafitte Greenway, with [cars](#) and [over 20K tons](#) of debris stuck down there? Well the Sewerage and Water Board decided they [should investigate](#) more underground drainage canals! After the flooding late last month, officials noticed that the water in the CBD was pooling but not draining, possibly indicating a blockage in those drainage canals as well. So, they took to the sewers to check out drainage canals under the Central Business District, hypothesizing maybe those were also full of [junk](#). But, after examination, they have found [nothing](#) like the situation in Mid City. So what could [it](#) be that's plaguing the downtown sewers? Could it just be crumbling, aging [infrastructure](#)? Pipes that are severely lacking in inspection and maintenance? Just too much water? An ancient curse and a [dancing clown](#)? Public Works and the Sewerage and Water Board will continue to search for answers – answers that could be terrifying, or, um, [hilarious](#).

[R.A.I.N. in the U.S.A.](#)

The Mississippi River has been inundated for the better part of this year so far, predominantly due to historic rainfall in the Midwest. If you'd like to view that inundation in a sleek composite, last week the New York Times provided us with [this fun graphic](#)! It demonstrates how much the Mississippi flooded from January 2019-June 2019 and provides little tidbits of information on your journey downriver. Comparing the river to the flooded area alongside it for essentially its entire length seems alarming. However, when one looks at the [Mississippi's floodplain](#), it just appears to be the water taking its natural course in occupying said floodplain, as though we should have been a bit more judicious about developing right on the river all along...

That's not to say that the amount of rain and the flooding are not alarming, especially for those of us so far downriver. As the piece points out, the Bonnet Carré spillway has been opened twice this year: an unprecedented event which has had [devastating consequences](#) on the Gulf because of our inability to manage [nutrient pollution in the river basin](#). (but that was before we had riverboat sensors!) This summer gave the United States [record-breaking](#) heat and precipitation, with [more to come](#) for the Missouri River! What summer flood activities will we have [to look forward to](#) next year?

[Strike!](#)

Speaking of historic rainfall and heat, the [United Nations' Climate Action Summit](#) is happening next week and, in anticipation for it, a [global climate strike](#) is taking place this Friday, September 20. Greta Thunberg, the sixteen year old Swedish climate activist who has been [making headlines since last fall](#) when she went on a personal school strike to sit on the steps of Swedish Parliament and demand climate action, is the primary inspiration for the upcoming strike. Greta has been here in the United States (she [sailed](#) across the Atlantic instead of flying to mitigate her carbon footprint) [leading protests](#) and [meeting with President Obama](#) prior to this Friday's Climate Strike and the Summit.

The strike is set to be fairly monumental, as [multiple companies](#) have agreed to close their stores in solidarity and [New York Public Schools](#) are allowing students to leave with parental consent to join in the Strike. Want to join or help out? Whether you can get away or cannot leave work, several sites have outlined the [basics of the Strike](#) and [some options](#), such as finding and joining a protest during your lunch break, posting a [selfie](#) with a hashtag ([hashtag activism](#), not necessarily the least we can do!), and more.

Healthy Community Services and Greater Treme Consortium Events

On Saturday, September 21 from 10am-11:30am at the Nora Navra Library, join Healthy Community Services for a Community Meeting and Preliminary Survey Results, the topic of which is “Reforestation of the 7th Ward: Understanding Health Outcomes and Social Behaviors Caused by The Heat Island Effect.”

Later, from 3pm-5pm on Saturday, September 21, join the Greater Treme Consortium for a Rain Barrel Build and Installation at 823 N. Claiborne Ave., New Orleans, LA. Please contact Angela Chalk if you have questions about these events: achalk.hcs@gmail.com.