



TUWaterWays

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

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Tired of Watching Others Try and Fail, White Earth Nation Taking on Nutrient Pollution

For decades, the EPA, the USDA, the state of Minnesota, and others have tried to reduce nutrient pollution in lakes and streams without using mandates or numerical standards. [It hasn't worked](#). [Everyone pretty much knows that](#). But it's an approach we're all committed to. Well, the White Earth Nation have said "no more!" on their reservation in northern Minnesota. [They have instituted a moratorium on polluting facilities like large livestock facilities and added their own permitting process for water wells that is intended to be more rigorous than the state's permitting](#). Clean, healthy waters, especially those which can support the wild rice that is a staple food and cultural touchstone for the White Earth Band, are central to the people's identity, and that water has been under assault from industrial scale agricultural activities in the region undermining water quality and quantity. If you remember that wild rice, aka "manoomin," from some other legal matter, you're right. It was granted legal personhood by the tribe and [played a part](#) in attempts to stop the Line 3 oil pipeline.

Of course, the effects of industrial agriculture on water quality and quantity is [a problem that's currently affecting the whole state](#), not just the White Earth Reservation. It will be interesting to see not only how these new standards work out on the reservation, but what recourse (if any) the White Earth Nation will have when activities outside of their lands are affecting and violating water quality standards within their lands.

[Like Sand Through an Hourglass](#), the Days of our Lives are Just Cascading Resource Issues

Water isn't the only thing that has a naturally functioning cycle. Sand does, too. And sand's cycle is often ([but not always](#)) water-driven, so let's talk about it here. None of the sand at your favorite beach started there; whether through natural or artificial means, that sand was carried, pushed, or blown in from somewhere else. And, once upon a time, it wasn't sand. [It came from either broken-down, eroded bits of rocks or broken-down eroded bits of itsy-bitsy ocean creatures](#). The point being, that most beaches are formed through natural processes that we have disrupted. Instead of letting sand move from its sources like eroding quartz and feldspar outcroppings, we put up [barriers](#) to its movement through streams and rivers and along floodplains to the ocean, where littoral drift would move it along, piling it up in to nice beaches at a rate to offset the sand removed by wave action (where it's taken down to another beach and/or the ocean floor).

So, then what? Well, we get [sand piling up where it's not wanted](#) and [sand missing where it is wanted](#). In California alone, Palm Springs has tons of the stuff washed down by Hurricane Hilary that it wants to get rid of and Oceanside has not nearly enough to keep the beaches that attracted people there in the first place. So, what to do when you don't have enough sand where you want it? You buy it or mine it from somewhere else. And sure, sand's heavy and you need lots of it, so it's a solution that can play havoc with your budget, but it can also play havoc with the location where it was mined. That's become increasingly clear due to a [new report](#) and [tool](#) from the United Nations Environment Programme. One of the places where you can get sand is from the bottom of the ocean, and it seems that we've gotten really good at it. After all, it's not just for [sculpting](#). It's needed for everything from glass to

construction. Well, this new report from UNEP shows that we're [dredging those marine sands](#) at an incredible rate, leaving [swathes of destruction on the ocean floor](#) in its wake.

The point being that decision after decision has been made to purposefully or incidentally disrupt the natural process that moves sand around the globe, and every new decision has to be made to address the consequences of the previous decision without regard to the consequences of that new decision.

It's like [Burning Man](#) is happening to entire ecosystems around the globe, but they can't just [walk away with Chris Rock](#). But at least [the dredgers have a plan to keep on dredging](#)?

Speaking of Getting Tired of Watching a State Try and Fail to Protect a Resource...

The latest chapter in the demise of (or restoration of?) the Great Salt Lake has begun. It's not a brand new development that the lake is in trouble. Emergency measures were put in place [several months ago](#) to avert a public health disaster, and the Church of Jesus Christ of Latter-day Saints [donated some of its water rights](#) to do the same. This past winter was a wet one, and there were hopes it would help, but it [wasn't enough](#). That latest chapter happened this Wednesday when [conservation groups filed a lawsuit against the state of Utah](#) accusing it of violating its public trust duties when it failed to adequately protect the Great Salt Lake. The state has identified what is healthy and normal for the lake, but not lived up to its reasonability to keep the lake in such a state. The complaint cites a wide range of jurisprudence as well as the state's constitution, upon which many of these [public trust](#) cases rest, such as the [climate change case victory for Montana youths](#) this summer.

Coming Up:

Tulane Environmental Law Summit, New Orleans,
February 23 & 24, 2024 (save the date!)

Water jobs:

[Senior Associate, Ocean Governance](#); Pew Charitable Trusts;
Washington, DC

[Water Program Policy Specialist, Arizona](#); The Nature Conservancy;
Phoenix, AZ

[Associate Attorney](#); San Francisco Baykeeper; Remote



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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