



Tulane Institute on Water Resources Law & Policy

LAW, POLICY, AND THE FUTURE OF WATER

TUWaterWays

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

April 21, 2023

It's All Part of the Plan

There is officially a [new plan](#) for Louisiana's coast! On Wednesday, the Coastal Protection and Restoration Authority's board unanimously approved the final version of the [2023 Coastal Master Plan](#). This is the fourth iteration of the plan since its first edition in 2007. The final version strongly resembles the [draft plan](#) that was released in January with only a few differences. Most notable is an [additional \\$75.3 million for four ridge restoration projects](#). The plan still requires legislative approval before it officially has the green light, and approving the master plan won't be the only coastal matter on state lawmakers' minds—this [Monday, April 24 is Coastal Day at the Louisiana Legislature!](#) If you're in the Baton Rouge area, stop by to connect with coastal stakeholders and learn about coastal projects and programs!

A Styrofoam Deep Sea Landfill

All over the world, coastal communities are shedding habitable terrain like a Siberian husky in springtime; meanwhile, the middle of the ocean is serving up a master class in community building. According to a new study, the [Great Pacific Garbage Patch](#) has grown so large and persisted so long it [now hosts a thriving ecosystem of coastal and marine creatures](#). That's right—there's enough plastic out there to support coastal species thousands of miles away from any shore. And these little guys aren't just hitchhikers; they're reproducing and creating new generations of [garbage patch kids](#). Besides the innate novelty of coast dwellers relocating to the open ocean, scientists are also unsure how the [interaction between the coastal and marine species might impact larger ecosystems](#). It's an impressive feat, but credit where credit's due—the Patch is really just ripping off Boston, who's been [using trash to turn open water into neighborhoods since the early nineteenth century](#).

The horrible news (unless you're hoping to make the Garbage Patch your new [island retreat](#)) is that despite [an international treaty](#) and an increasingly straw-less mainstream society, [we're producing more single-use plastic waste than ever](#). Plastic packaging is a primary culprit, as well as the inability of recyclers to scale to meet the growing demand. The reality is that, despite an increasing awareness of plastic's pitfalls, we're calling on the petrochemical product more and more. For example, we recently wrote about [plans across the nation to swap out lead pipes](#), but a new report warns that [replacing the pipes with PVC poses similar threats to drinking water](#). The report suggests [copper and stainless steel would be ideal alternatives](#). Do you think anyone's [floated that idea Coca-Cola's way](#)?

The Waters of the Ohio

American Rivers released its annual [list of the most endangered rivers in America](#) this week. On a positive note, the Mississippi River didn't make the cut this year despite ringing in at number six last year. The selection criteria includes whether there's a major public decision in the coming year, the significance of the river to people and

nature, and the magnitude of the threat. So, while the Mississippi could have been eliminated because there's no hope or no one cares, we're going to choose to believe it's because the [threat has been neutralized!](#)

To no one's surprise, the Colorado River topped the list for the second year of the row. Taking home silver is another major national waterway—the Ohio River. This may also come as little surprise as the Ohio River has been in the limelight recently after [contamination from the train derailment in New Palestine started turning up in tributaries](#). This aroused serious concern because the Ohio River is more than just [Johnny Appleseed's](#) preferred thoroughfare; it provides drinking water for more than five million people.

A handful of those people launched a [petition this week to amend the Ohio Constitution to include an Ohio River Watershed Ecosystem Bill of Rights](#). In some ways, the proposed amendment is reminiscent of other [rights of nature](#) efforts such as the Lake Erie Bill of Rights, which originally passed but was [eventually invalidated by a federal judge for being unconstitutionally vague](#). However, the Ohio proposal also differs from pure [rights of nature](#) endeavors and broaches [right to a healthy environment](#) territory. Although the concepts are often conflated, they are distinguishable as [rights of nature](#) establishes legal personhood for natural entities while [right to a healthy environment](#) creates a cause of action for impacted citizens. [Right to a healthy environment](#) appears to have a little more traction than [rights of nature](#). For example, in 2022 the [UN recognized the right and called on member states to protect it](#), especially in light of threats from climate change. A year before that, [New York passed a constitutional amendment](#) granting each person the “right to clean air, and water, and a healthful environment.” The downside of the [right to a healthy environment](#) approach is that it perpetuates an anthropocentric perspective. However, the advantage is that it aligns better with those existing systems than [rights of nature](#). It remains to be seen whether taking a kind of combined approach will pay off for the Buckeye State.

Coming Up:

[Lower Mississippi River Science Symposium](#);

April 27-28; New Orleans, LA

[Blue Carbon Law Symposium](#); May 17-18;

Athens, GA

[2023 State of the Coast Conference](#); May 31-

June 2; New Orleans, LA

Water jobs:

[Policy Coordinator](#); The Water Collaborative; New Orleans, LA

[Legislative Director, Healthy Communities](#); Earthjustice; Washington, D.C.

[Drinking Water Policy Coordinator](#); National Wildlife Federation; various Great Lakes offices

[Lead Policy Advocate](#); James River Association; Richmond, VA



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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