

TUWaterWays

Water News and More from the Tulane Institute on Water Resources
Law & Policy
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[Green Green Grass](#)

What do you look for when you buy a home? A driveway? A nice porch? Perhaps a big backyard, or a well-manicured lawn? Well, if you live in the Western United States, it might be best to strike that lawn from your list non-negotiables. [Lawns](#) have long been the [symbol of wealth and status](#)—a luxury only afforded by those who have the time to care for them or the money to pay someone else to do it. After all, lawns consume almost 3 trillion gallons of water per year, 200 million gallons of gas, and 70 million pounds of pesticides (and don't get us started on nutrients). Not only does it cost time, it costs money. It's an indicator of your socio-economic status. And if that's the case, drought might be the big equalizer. To conserve water, several states are moving to limit the water usage on maintaining lawns and other water-intensive plants. In Las Vegas, a law passed last year bans patches of grass that are nonfunctional and requires that they be replaced with more desert-friendly landscaping. In Denver, a bipartisan bill will go to the governor for final approval this week. [The bill creates a statewide turf replacement program](#), in which property owners would be paid to replace their lawns with more water-efficient landscaping. This program, while new to Denver, is not new to the rest of the already-parched West. Las Vegas started its program in 1999, saving 163 billion gallons of water to date, and Los Angeles has had a similar program since 2015.

California, too, has had its fair share of drought issues, which they've tried to address via different methods, the latest of which is a [restriction on irrigation](#). Per the new rules, residents can only water once per week—certain to be a death knell for lawns ([almost](#)) everywhere in the area. But if you really like your lawn and don't want to feel guilty for doing so, good news! Lawns aren't all bad! A healthy lawn could actually benefit the environment by acting as a carbon sink; it's the [methods used to maintain them that contributes to climate change](#). By switching to an electric mower, watering less frequently, and using just the right amount of nutrients you can reduce the negative impacts. So, all your dreams of living in a field of green aren't *lawn* gone.

[And A Green Green River](#)

EPA plans to intensify efforts to remedy nutrient pollution and tackle hypoxia—or so it says in its [Nutrient Reduction Memorandum](#). The Memorandum announced EPA's intent to foster and deepen its relationships with the USDA, states, and tribes in furtherance of efforts to meet nutrient reduction goals. It's likely that this support will come in the form of funding, such as the [\\$22.5 million](#) to install stream buffers and plant nutrient-absorbing crops in the Chesapeake Bay.

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.

Coming Up:

[Lessons from Maine: Food, Farms and Forever Chemicals — Understanding and Addressing the Harmful Legacy and Ongoing Challenge of PFAS and Agriculture](#); May 18

Water jobs:

[Sportsmen Outreach Coordinator](#); National Wildlife Federation; New Orleans, LA

[Lead Technology and Innovation Programs](#); Environmental Law Institute; Washington, DC

[Fellowship for Climate Change and Environmental Professionals](#); Atlas Corps; USA

[Colorado Water Center Associate Director](#); Colorado State University; Fort Collins, CO

Expert@ en Derecho Ambiental; American Bar Association; [Honduras](#), [El Salvador](#), and [Guatemala](#)

[Legislative Analyst, Coastal and Flood Resilience](#); Environmental Defense Fund; Washington, DC

[Manager, Resilient Fisheries Policy](#); Environmental Defense Fund; Remote

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Also recently released in the nutrient pollution world is EPA's [Mississippi River/Gulf of Mexico Watershed Nutrient Task Force 2019/2021 Report to Congress](#). Now that's a mouthful. The report provides updates by the 12 member states of the Hypoxia Task Force along with recommendations for implementation of the Hypoxia Action Plan. Among these recommendations was that Task Force members communicate results to the public better, and that they accelerate their actions to meet nutrient reduction goals set forth by the Plan. One notable characteristic of both the report and the memorandum is EPA's emphasis on taking [a supporting role](#) in implementation efforts. So, while they'll be facilitating collaborations, funding projects, and encouraging states to set TMDL standards, they themselves won't be leading the charge. It's an understandable position to take, as each waterbody is different, and arguably, each state knows its resources best. However, if a state doesn't take an aggressive enough approach to hypoxia, that affects not only it, but other states in the watershed. [As TUWW readers and Chateau d'Eau fans all know by now](#), Louisiana's contribution to the Mississippi River's nutrient load isn't nearly as large as upstream states like Iowa and Illinois. However, it and other downstream states experience the consequences more intensely than their neighbors to the North. But that's not to say that southern states are off the hook when it comes to nutrient pollution—actually it's all the more important that Louisiana shows that it's serious about nutrient reduction.

And if states fail to set TMDLs and adequately address the issue, who's [on the hook](#)? It looks like that might be EPA. Earthjustice, along with several other environmental law organizations, brought [suit](#) against EPA this week, demanding that they step in after Florida's failure to maintain water quality standards led to the [die-off of several animal species in the Indian River Lagoon](#). According to the lawsuit, nutrient pollution was, and remains, the cause of harmful algal outbreaks that block seagrass from acquiring enough sunlight to flourish. Because seagrass is the primary food source for manatees in the Lagoon, 1,100 of them have died since 2021—19% of the Atlantic Coast population. Not only is nutrient management better for human welfare and the economy for states like Florida and Louisiana, but states have a duty under the public trust doctrine to protect these natural resources. We're going to go out on a limb and say letting harmful algal blooms form in the water and allowing aquatic life to die off doesn't constitute "protection." Some people seem to agree, as there is currently a push in Florida to add a [state constitutional amendment](#) that would allow people to sue state agencies for harm to waterbodies. The amendment proposal must overcome several hurdles before it can make it onto the ballot, but you can bet your (water)bottom dollar we'll keep an eye on it. Until then, maybe there's a way to [put the excess algae to use](#).