

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy
June 18, 2019

Our (almost) weekly installment of WOTUS woes

Confused about the status of the Clean Water Act's Waters of the United States Rule? Don't worry, so is Congress. Here's a quick refresher on all the WOTUS drama: last year, the EPA [finalized a rule](#) that would change the Obama-era definition of "waters of the United States" that are regulated by the Clean Water Act. But then two federal district courts enjoined and [vacated the Trump EPA's 2018 rule](#), so now the 2015 Obama rule applies in 23 states, and the 2018 Trump rule [applies in all the rest](#).

But wait, there's more! Last week the Senate Environment and Public Works Committee had a hearing on the Clean Water Act where pretty much everybody involved [got the law wrong](#). The confusion seemed to center on whether or not states would have a responsibility, under the 2018 rule, to maintain and regulate their wetlands, and other bodies of water. Some states, like Louisiana (by and large), don't regulate discharges into their waterways beyond the bounds of the Clean Water Act, so any retrenchment of the Clean Water Act means that pollution into many waterways will be completely unregulated at both the state and federal level. The US Geological Survey has already estimated that at least 51% of the country's wetlands and 18% of streams will [no longer be protected](#) under the new, 2018 rule.

Are you even more confused now? Read our (deceptively short) comments on the new rule [here](#).

Who run the world? These girls.

[Down in New Orleans, we're no strangers](#) to invasive species. But some high school girls in Kerala, India, have managed to create [environmentally sustainable sanitary pads](#) out of an invasive species that threatens their aquatic ecosystems. The students used sterilized [water hyacinth](#) (which, if left unchecked in the wild, can choke out native aquatic species) to create pads they're going to sell for only 3 rupees. That works out to around only 4 cents over here. (Fun Fact: Water hyacinth [arrived in Louisiana in 1903 courtesy of the Cotton Exposition](#) and now spends its days choking water ways and [daring kids to try to eradicate it](#).)

Single-use menstrual products are actually pretty bad for the environment- sanitary pads [can be almost 90% plastic](#). So not only are these students providing safe sanitary pads to people who might not otherwise be able to afford them, but they're eliminating plastic waste AND helping to eradicate an invasive species. The girls had to rely on third parties to manufacture their initial products, but are now planning on [buying their own equipment](#) and handling the manufacturing themselves.

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:

[CPRA Board Meeting](#)

June 19, 2019
Houma, LA

[At What Point Managed Retreat? Resilience Building in the Coastal Zone](#)

June 19-21, 2019
New York, New York

Water jobs:

[Postdoctoral Research Associate](#)

University of Virginia
Charlottesville, VA

[Climate Action Summit Team Intern](#)

United Nations
New York, NY

[Environment Program Associate](#)

Doris Duke Charitable Foundation
New York, NY

[Project Manager \(Political Affairs\)](#)

Environmental Defense Fund
Washington, DC

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But this isn't the first time water hyacinth have been used to create cheap, environmentally friendly sanitary pads. A similar, biodegradable product has [been available in Kenya](#) for some time.

This week in [cute marine mammals](#)

Move over, [Russian spy whale](#), Marium the baby [dugong](#) is this week's viral marine mammal. Marium was somehow separated from her mother, and then got lost [near the coast of Thailand](#). She was rescued and then subsequently released into a dugong habitat near another island, but she tends to stay away from the resident dugong herd there. Since then, Marium has become [very attached to her human caretakers](#), and may or may not think their canoe is another dugong (the similarity in the spellings of "dugong" and "[dugout](#)" could easily confound a young cetacean). Marium is currently under constant surveillance, which is probably good because, without a mom to keep watch, she's already managed to beach herself a few times. Her caretakers have to feed her up to 15 times a day, which is a big mood. Much like her Russian spy counterpart, Marium has become a hit on social media, and people have started flocking to the island where she lives just to see her.

Beachfront blues

It's summer, so you know what that means! It's [time to hit the beach](#), which means it's also time to restrict public beach access. The Ritz-Carlton in Half Moon Bay, California recently agreed to pay a \$1.6 million fine to the California Coastal Commission for violating a [number of coastal laws](#). The hotel was required, by law, to build and maintain free public parking for beach visitors, but instead used the spots for valet parking for customers and paying guests. Pretty much all of California's beaches are free and open to the public, but that didn't stop the hotel from trying to prevent the public from accessing the beach by the hotel anyway.

But California's not the only state struggling with public beach access. New Jersey recently passed legislation aimed at safeguarding public beach access, after localities tried to come up with [creative ways](#) to prevent the public from hitting the beach. Some have tried to charge members of the public for beach access, while others have tried to cut down on public parking, for example. [Beachfront home owners in Rhode Island](#) have even put up a sign that suggests that there is no public access to the beach in front of their homes, and they've gone so far as to hire a security guard to patrol "their" beach. And, in [Duck, North Carolina](#), the allegedly public beaches are actually all completely inaccessible to the public- because private landowners own all of the access points. And in Louisiana, many popular fishing canals are actually [privately owned](#), and members of the public who enter them are technically trespassing.