

TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law and Policy
July 25, 2017

Swiss Re(ef)

The [Mesoamerican Reef](#) is the largest coral reef system in the Western Hemisphere. It stretches from the tip of Mexico's Yucatan Peninsula down to Honduras. The reef fringes the most iconic beaches on Mexico's [Mayan Riviera](#) and is a major tourist attraction for visitors to Tulum, Cancun, and elsewhere. It also provides an essential buffer from storm surge and waves, defending billions of dollars in property and infrastructure. Now, a 40 mile stretch of the reef is about to become the [first natural structure covered by an insurance policy](#).

[Swiss Re](#), one of the largest insurance and reinsurance companies in the world, is working with a group of hotels and local governments in Mexico to write a [policy protecting the Mesoamerican Reef](#). The hotels will hold the policy and pool resources to cover the premiums and SwissRe will pay out in the event of any storm damage. Time is of the essence when restoring damaged reefs and private insurers are able to pay out on claims faster than governments. [SwissRe sees huge potential](#) for growth in insuring natural structures that provide protection for coastal regions. They believe such policies could work for at least 26 other countries and plan to develop policies to cover mangrove swamps and coastal wetlands.

Get the Lead Out

While New Orleans may not have the history of a [Damascus, Istanbul \(not Constantinople\)](#), or even a [London](#), it is an old city by American standards. On the cusp of its [300th birthday](#), the Crescent City is showing its age. While the city invests in much-needed upgrades, the age of some city infrastructure could lead to unintended consequences. Over the next eight years, FEMA-funded repairs will affect [more than 400 miles of roads](#) throughout the city. Those repairs include replacing lead pipes that carry water to many individual properties. According to a [report from the Office of Inspector General](#) (OIG), those replacements can cause lead from the pipes to come loose, falling into the water line where the neurotoxin could eventually make its way into taps. Even pipes not directly affected by the repairs can shed the lead thanks to vibrations from nearby work.

To [paraphrase a great Jedi](#), when 300 years old you reach, look this good, you will not. Most of the repairs are necessary to remove lead in the long-term and ensure a functioning

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:

October 6, 2017

The 20th Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations

**University of Minnesota Law School
Minneapolis, MN**

Water jobs:

[Executive Director and Riverkeeper](#)

Ogeechee Riverkeeper
Savannah, GA

[Planning Division Manager](#)

Puget Sound Partnership
Tacoma, Washington

[Legal Fellow](#) (position # 12226431-071817)
National SeaGrant Law Center
Oxford, MS

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water system. The OIG report cautions against any panic, and notes that the City's Sewage and Water Board has begun to address the issue. Still, it implores the City to do a better job informing residents of the potential dangers, notifying them when work might impact their water, and providing information on [how to prevent lead from getting into their home](#) system.

It's All Going to Pot

Ah, Federalism...America's great experiment in compound government. Federalism operates with a central government holding authority over the aspects of governance best dealt with nationally and the remainder governed by the states. It sounds simple enough, right? Well surprisingly, the division of power doesn't always fit neatly into boxes, and the line between state and federal power is often hard to discern. In recent years, marijuana law has been the [poster child](#) for the tension between the two.

An ancillary issue is the cultivation of industrial hemp, often [legal under state law](#). Varieties of hemp grown in the US [lack a high enough concentration of THC](#), the psychoactive agent in cannabis, to have any effect. It has a variety of uses: textiles can be made of its fibers; its seeds can be pressed for oil. Still, the plant is subject to strict federal regulation that can stymie its value as a cash crop. To make matters worse, there are incongruities even within federal law that frustrate agricultural production. The [2014 farm bill](#) authorized the USDA to license a limited number of industrial hemp growers. But the Bureau of Reclamation, the federal agency responsible for much of the water regulation in the west, [prohibits water under its control](#) to be used on any kind of cannabis crop.

That means farmers like [Kim Phillips](#) who has a license from the DEA to farm hemp in Montana (where it's been [legal since 2001](#)) have to watch their plants die of thirst. A [bill](#) introduced by a cadre of Western-state Senators aims to clarify federal policy and allow farmers to use their water rights on hemp cultivation in states where it's legal. While the bill faces an uphill battle to enactment, it will be interesting to see how the party of small government balances state sovereignty against its [base's general opposition](#) to marijuana legalization.