



# washington dc update

September 10, 2013

## Washington Returns to Business

After a six week summer vacation, Washington is awakening from its August slumber. All sorts of issues which have been bubbling away on the back burner have now moved to the front. WESTCAS is a water resources related organization, so we will steer clear of questions of war and peace which have so captured public attention and concentrate on selected updates for water resources issues that impact the Arid West.

**Summary & Take-Away.**

**Congress Awakes from the August Recess**

Foreign policy issues aside, the Congress will consider important water resources legislation that will have significant impacts on Western water.

We are monitoring the emerging WRDA bill from the House T&I Committee. A briefing is scheduled for tomorrow where the long-awaited contents of the House bill will be presented. HRA will provide a WESTCAS update on this important briefing.

WESTCAS took the lead on addressing the proposed USFWS regulation that would allow the agency to claim a Categorical Exclusion for adding species to the Lacey Act. That may be fine, except for species that could affect the transfer of water in the West. The full NEPA process should be considered in these special cases.

And of course it would not be the fall without a budget battle in Congress—the forces are lined up. Stay tuned.

**Water Resources Development Act Reauthorization**

Momentum is growing for a WRDA reauthorization in the 113<sup>th</sup> Congress. In the spring the Senate passed its own version of a reauthorization by an 83 to 14 vote. On September 19, the House Transportation and Infrastructure Committee will mark up a House WRDA. Floor time for full House debate is anticipated in October. The current WRDA reauthorization will almost certainly include major policy changes with regard to Federal management of water resources and should be a concern to all WESTCAS members.

Hicks-Ray is monitoring this process closely and will keep you updated. WRDA could be in House/Senate conference by the time of the WESTCAS fall conference and we will be prepared to not only update all participants with regard to differences in the two versions of the bill but also to solicit your ideas for what positions WESTCAS should take with regard to a final bill.

**US Fish and Wildlife Service Categorical Exclusion Rule**

When a species is added to the Lacey Act, it is the policy of the US Fish and Wildlife Service to implement policies that ban interstate transportation of that species. Proposed changes in the listing protocol followed by USFWS, known as “categorical exclusion,” would greatly streamline and shorten the process. Quagga mussels exist throughout the upper and lower Colorado River Basin. If quaggas are listed in the Lacey Act as an invasive species, how could the Arid West survive if current USFWS policies are applied?

At the request of WESTCAS and other interested parties, the USFWS has extended the public comment period with regard to its proposed changes in the categorical exclusion process for listing a species under the Lacey Act. Interested parties can file their comments through October 15. WESTCAS submitted its comments back in July but we are currently working with other interested water stakeholders to encourage them to join us in submitting comments.

**FY14 Appropriations**

As usual, the start of the new federal fiscal year is looming on October 1 and none of the FY14 Appropriations bills have been passed. This will require that Congress adopt a continuing resolution to keep the government open after October 1. It had been thought that this CR process should be straightforward and easy with both Houses passing and the President signing into law a CR lasting until December 15. The hope is that over the next 90 days that some accommodation on spending for FY14 can be agreed upon and another year-long CR avoided.

However, a fight has broken out within the House Republican caucus with moderates and appropriators favoring the straightforward CR approach and more conservative members of the caucus insisting on another vote to defund the Affordable Care Act, including a rule that would force the Senate to vote on the defund provision before considering the CR.

WESTCAS members have major concerns with the FY14 Energy and Water Appropriations bill which funds both the Corps and the Bureau of Reclamation and also the Interior/Environment Appropriations bill which funds USEPA and most of the non-Bureau programs of the Department of Interior. The longer and more contentious the fight of a FY14 CR, the more muddled the prospects for these bills.

