



washington dc update

September 22, 2009

The Congress is into its third week of session after its August recess and most believe that it will remain in session most of the remainder of the year. While the health care issue and the economy continue to dominate the headlines, a much less noticed and understood process is working that could fundamentally change American society.

We are referring to the parallel tracks concerning water and environmental policy. One track is Executive Orders from the White House, prominently including pending actions on Principals and Guidelines for federal water projects and amendment of the 1977 Executive Order on flood plain management. The other track is Congressional legislation including the Clean Water Restoration Act, the Sustainable Watersheds Protection Act, and others.

In our opinion, it is the Executive Orders which raise the most immediate concern. Congressional legislation is usually subject to hearings, to mark-ups, and to House-Senate negotiations on a conference bill. While this process is moving forward, stakeholders can actively reach out to the elected Representatives, their staff, and Committee staff. But Executive Orders which are the subject of our concern are being developed almost totally out of the public arena. We don't know of any stakeholder who has a copy of the latest draft of either the P&G or the Flood Plain Management EO. And that is very troubling.

Executive Orders have been issued by every President beginning with George Washington. The most famous Executive Order was the Emancipation Proclamation. Perhaps the most controversial was the 1942 Executive Order providing for the internment of all Japanese-Americans living on the west coast. Anybody who doesn't believe that EO's can fundamentally remake American life should soberly consider both of these examples and then think what the implications of the P&G and the Flood Plain Management EO's might mean to you and your community.

WESTCAS members are actively involved in working with their elected representatives but we don't know of anybody who feels that they are currently having much of an impact on the Executive Order process, largely because this process is taking place almost entire behind closed doors.

There was a meeting hosted by the Farm Bureau yesterday to discuss these issues. Approximately 14 interest groups were represented. We had accepted an invitation on behalf of WESTCAS. But Fred was on the road yesterday and ended up on a plane that was ready to push back from the gate but that didn't have a crew. The two options were to sit quietly and patiently in one's seat or to become agitated and attract the attention of security personnel. Fred chose the latter option and eventually made it back to DC. But he missed the meeting.

