



washington dc update

November 24, 2009

We certainly recognize that on this Thanksgiving weekend that WESTCAS members will be sharing time with family and friends, being thankful for their blessings, eating great food, and maybe watching a football game or two or doing some shopping. But our sense is that the water resource professionals who make up WESTCAS probably don't go more than a few days without thinking of the challenges that they face in providing water resources for their customers and clients. Here are two issues that will impact, directly and indirectly on your ability to carry out your responsibilities.

FY10 Appropriations

The good news for WESTCAS members is that the Federal funding programs they depend upon in USEPA, the Corps of Engineers, and the Bureau of Reclamation are contained in FY10 funding bills that have already been signed into law by the President. But the fact remains that 7 out of the 12 FY10 Appropriation Subcommittees have yet to have their bills passed.

As we get into the final three weeks of the legislative year and with issues such as health care taking center stage, there is almost no possibility that stand-alone bills can continue to be passed. And this means that the remaining 7 bills will have to be folded into an omnibus and considered as a whole. But then things get tricky.

Since the omnibus would be "privileged" Senate Republicans could not block consideration by demanding a 60 vote majority before proceeding to consideration. But once the omnibus was on the Senate floor, individual Senators can offer any number of amendments. For example, the Commerce, State, and Judiciary Appropriations bill is expected to be the target of amendments that would forbid the Obama Administration from trying terror detainees in New York City. From the viewpoint of the Democratic Leadership even if this move failed the debate would be embarrassing and time-consuming. And if it succeeded, the Administration would be in a tough spot concerning whether it would sign the bill. Republicans welcome anything that reduces the time available to debate the health care reform bill.

This is much more than just a civics exercise because if the FY10 Omnibus does not clear the Congress before Christmas it will have to be dealt with next year. And the more that FY10 runs into the beginning of the FY11 Appropriations cycle, the more complex and confused things become.

We are watching this issue as events develop and will keep you updated.

The Fish and Wildlife Service is taking comments on a Proposed Strategic Plan for addressing climate change through November 30. See http://www.fws.gov/home/climatechange/strategic_plan.html for more info.

David Reynolds provided us with the NESARC letter; copy attached for your info.



Corps of Engineers Moves to Shut Off Atlanta's Water Supply

Although this issue is hundreds or thousands of miles away from WESTCAS members, the drama playing out in Atlanta will have a far-reaching impact on the entire water community.

As is proper, the Corps of Engineers has begun the administrative process that will shut off the City of Atlanta's access to Lake Lanier by July, 2012. Lake Lanier is the drinking water source for the Atlanta region. This is in response to the recent ruling of Federal Judge Paul Magnuson that orders the City to stop taking water from the lake and to send it instead downstream to Alabama and Florida.

WESTCAS water professionals know that something that is going to happen in mid-2012 in terms of water resources is literally the day after tomorrow. Atlanta has three options for avoiding losing its water supply:

1. It wins its appeal over Judge Magnuson's ruling.
2. It persuades Alabama and Florida to concede some of the rights which they gained under Judge Magnuson's ruling.
3. It can win approval from the Congress providing a reasonable amount of water from Lake Lanier.

If you were an Atlanta water official, which of these options would you pin your hopes on? One clue might be the fact that Atlanta has retained a top attorney to take on its appeal of the ruling. And this attorney has very kindly discounted his hourly fee from \$950 to \$855 an hour. So the folks in Atlanta at least have something to be thankful for this Thanksgiving.

Everybody have a great holiday and weekend.

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