

Western Producers: Prepare to be Boarded

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With the election season behind us and the 110th Congress ready to convene, Western farmers and ranchers better take a deep breath, hitch up their belts, and get ready to rumble. While final decisions will not be made until late January, you can be assured that the sweeping change that took place in Congress after November 7 will most definitely have an impact on farmers and ranchers and the communities that depend on them. Democratic control of the House and the Senate has resulted in significant changes to the makeup and agendas of the committees that oversee Western water policy and the federal natural resources agencies, and I fear that those changes will not be favorable.

With control of Congress, Democrats will claim the chairmanship of committees and subcommittees and enlarge their membership on those panels. Former Republican chairs will move into the “Ranking Minority Member” positions, and some GOP members will be bumped off their committees as the number of Republican positions is reduced.

At this point, it’s not possible to say with certainty who the new Democratic committee chairs will be. Aside from choosing chairmen, Democrats may rename and re-arrange committees and their jurisdictions, as did the Republicans when they took over in 1995. Typically, it takes both parties until the end of January to complete the organization of their committee assignments for a new Congress. By the end of January, some of the perspective candidates discussed in this column may be eliminated from the running.

However, we do know some very likely possibilities, and the names should definitely raise the eyebrows of those who closely track Western environmental and water issues. Consider the following:

- Ranking Democrat Nick Rahall (WV) is expected to take over the Chairmanship of the House Resources Committee from outgoing Chair Richard Pombo (CA), who was defeated in large part due to the efforts of corporate environmental organizations.
- The Water and Power Subcommittee Chair will likely be Grace Napolitano of Los Angeles, a strong advocate for southern California urban water users.
- The Senate Environment and Public Works Committee, which has jurisdiction over the Corps of Engineers and major environmental laws, including the Clean Water Act (CWA) and the Endangered Species Act (ESA), will be replaced by Barbara Boxer (CA).

- Hillary Clinton (NY) is expected to Chair the Fisheries, Wildlife and Water Subcommittee.
- The new Energy and Water Development Subcommittee chair is expected to be Harry Reid (NV).

In general, the Democratic-controlled committees of the 110th Congress are likely to focus less on new legislative initiatives than on conducting aggressive oversight of Bush Administration policies and actions. Democratic environmental and natural resources initiatives may be previewed in the 110th Congress, but a serious effort to move them forward will probably not be seen until after the 2008 presidential election.

After being on the defensive during 12 years of Republican control of the House, environmental organizations will likely move aggressively to influence the agendas of the natural resources committees. Like pirates boarding a ship, these groups will definitely have irrigated agriculture in their sights. However, their efforts will be hampered, at least in the short term, by the Bush Administration and by the relatively small Democratic majority in the House and a nearly evenly divided Senate.

Democratic control of the Congress will have a significant effect on the Administration's regulatory and policy agenda, which will be subject to oversight and perhaps investigation by Democratic committee leaders who also control the appropriations process. Bush Administration initiatives, such as ESA regulatory reform, may be blocked or driven off the agenda.

For example, Senator Boxer, and her new House counterpart, Rep. James Oberstar (D-MN), who is expected to chair the House Transportation and Infrastructure Committee, have said that they plan to work on a legislative "fix" to the uncertainty in CWA regulation caused by the court decision on *Rapanos v. United States* and *Carabell v. U.S. Army Corps of Engineers*.

All of these matters, of course, have a direct bearing on how resources managers in the West can or can't do business. Western producers now can experience that old Chinese curse: may you live in interesting times.

These will certainly be interesting times; let's hope we can come out on top.

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