

typically clears and mows an area much greater than the required recovery zone. As with the lawns, if all the highways were only mowed to the edge of the recovery zone instead of the edge of the right of way, what would be the change in Global Stability?

Much of the impetus to prepare these thoughts came from my involvement in a group attempting to prepare printed guidelines for sustainable development. In this work, I found that two observations were made repeatedly. The first was the entry point of the professional. In every scenario and case study that was examined, the project was already in a negative sustainable development posture prior to the involvement of the professionals. In each case an owner or investor had already selected many of the values for variables that contribute to the sustainability of the development. To achieve a positive sustainable development rating, the other variables were forced to overcompensate and always led to failures. The guidelines were not structured to deal with the entry point problem and the drafts often resembled a list of things to do instead of an aid to assessing sustainability.

The second observation comes from the first. I have chosen it as the closing statement for this paper because I can see no progress until we can deal with this tenet. This idea has its foundation in our very constitution and will be difficult to challenge. It is the tenet that a property owner has a right to develop property to *its highest and best use*. In the context of our national history, highest and best use has been largely defined in economic terms. Any restriction of this use by government was considered a compensable taking leading government to avoid restrictions. In the context of moving towards a positive Global Stability, I suggest that the first step must be the redefinition of *highest and best use* in terms of those uses which will sufficiently contribute to the nullification of the above four positions stated in this article.

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## What's in a Name?

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The Environmental Conservation Organization. The Citizens for the Environment. The National Wetlands Coalition. The National Wilderness Institute. These sound like grassroots environmental organizations, don't they? Have you heard of them? What do they actually advocate about the environmental laws and regulations and federal power in environmental issues? Welcome to the new world of "astroturf lobbying," so called to distinguish it from true grassroots efforts. I have been looking into the specifics on one of these groups, the National Wetlands Coalition.

Despite its name, the National Wetlands Coalition, appears to be working to lower the standards for protection of wetlands. The Coalition represents the regulated community — groups that want to develop wetlands and are not happy with current environmental regulations. Since its inception in 1989, it has been active lobbying Congress for an overhaul of Section 404 of the Clean Water Act and has positions quite different from the Wetlands Campaign of the National Audubon Society and other environmental groups — groups that have been working on environmental issues for decades.

The purpose of the National Wetlands Coalition is to publicize problems with the federal wetlands regulatory program, and to enact legislation to overhaul the program. In its web page ([www.thenwc.org](http://www.thenwc.org)) it criticizes the federal wetlands program as "a leading example of Federal regulatory excess [which] is sorely lacking in common sense." It hopes to influence legislation in a way it maintains "will inject reason, balance, and fairness into this regulatory morass." According to its web page, the mission of the Coalition includes the following elements (list not complete):

- Expand activities covered by the permitting program to include drainage, excavation and channelization of wetlands
- Remove Section 404(a) authority of the EPA to veto Corps permit decisions.
- Focus on mitigation and mitigation

banking, rather than "solely on 'avoiding' all economic activities in wetlands areas . . ."

The Coalition has been active in Washington, D.C. It has testified before several committees of the House of Representatives and the US Senate, as well as the Wetlands Task Force of the Bush Administration and the White House Task Force of the Clinton Administration. It promoted several pieces of legislation that environmental groups such as the Natural Resources Defense Council, Sierra Club and Audubon Society were actively working against, such as HR 961 and S. 851 introduced in the 104<sup>th</sup> Congress.

A look at the membership of the Coalition reveals that its goals accurately reflect the needs of its members. It is a group of about 70 private and public sector groups, including oil and gas pipeline industry and oil and gas producers, the mining industry, construction industry, electric utilities, the development community, agriculture groups, and municipal and county governments.

The Chairman of the National Wetlands Coalition is H. Leighton Steward who has been the Chairman and Chief Executive Officer of the Louisiana Land and Exploration Company, the largest owner of coastal wetlands in the country. Recently, the Louisiana Land and Exploration Company became part of Burlington Resources and Leighton Steward is the Vice Chairman of that company. Burlington Resources is the largest independent oil and gas company in the United States, based on domestic gas reserves.

Other important figures in the Coalition are Dean Kleckner, President of the American Farm Bureau Federation, and Darrel Seibert, President of Seibert Development and Vice President of the National Association of Home Builders, both of whom serve as Vice Chairmen. Ron Forman, the CEO of the Audubon Institute, is being used to "green" the Coalition. Forman runs the Audubon Zoological Gardens in New Orleans and in return the Institute has received contributions from Coalition members.

The Coalition is staffed by the law firm of

Van Ness, Feldman and Curtis of Washington, D.C. Robert Szabo, their attorney, also represents the National Endangered Species Act Reform Coalition that backs legislation to weaken or overhaul the Endangered Species Act. These people are *not* folks one would expect to agree with the National Audubon Society's position on wetlands. In fact, the National Wetlands Coalition is the nemesis of the New Orleans Audubon chapter that has been particularly active in wetlands protection.

The Wetlands Coalition is not the only political group to take on a name that could be confusing. The Environmental Conser-

vation Organization is a property rights group; the Citizens for the Environment is a group dedicated to environmental deregulation; the National Wilderness Institute is a property rights, anti-government regulation group—the list goes on, and not only in the environmental field. The American Civil Rights Institute in the states of Washington and California successfully pushed for the dismantling of affirmative action in these states.

The regulated community has a legitimate role in influencing environmental legislation and regulation development. All sides need to give their input for Congress to

make fair and environmentally prudent decisions. There is a place, however, for "truth in advertising." Groups that take on names that are ambiguous or deliberately misleading make for a confused public and perhaps even a confused member of Congress. "Astroturf lobbying" is a trend that should keep us all on our toes as we make personal, political and professional decisions. What's in a name? Sometimes deception.

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