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Council on Environmental Quality Revises Water Project Guidance

Dec 04, 2009

The White House Council on Environmental Quality on Dec. 3 released a proposal to the National Academy of Sciences (NAS) for their review that would significantly change the principles and guidelines that govern America's water resource planning.

The proposal would require that such projects: help improve the economic well-being of the nation for present and future generations, better protect communities from the effects of floods and storms, help communities and individuals make better choices about where to build based on an understanding of the risk, and protect and restore the environment.

The proposal calls for the development of water resources projects to be based on sound science, increased consideration of both monetary and non-monetary benefits to justify and select a project, improved transparency, and consideration of nonstructural approaches that can solve the flooding problem without adversely impacting floodplain functions. The proposal would also expand the scope of the Principles and Guidelines to cover all federal agencies that undertake water resource projects.

"America's streams, rivers, wetlands, estuaries, lakes and coasts support billions of dollars in commerce, provide drinking water for millions of Americans, help protect communities from the effects of floods and storms, and supply needed habitat for fish and wildlife, among other benefits," said Nancy Sutley, Chair of the White House Council on Environmental Quality. "While the existing document emphasizes economic development alone, the proposed new approach calls for development of water resources projects based on sound science that maximize net national economic, environmental, and social benefits, which is critical for future generations."

The Administration is sending the new draft Principles and Guidelines to both the Federal Register for public comment and, in accordance with Water Resources Development Act of 2007 (WRDA), to the National Academy of Sciences (NAS) for its review. The NAS review is expected to be completed by November 2010. Additionally, CEQ will take public comment on the new draft Principles and Guidelines for 90 days via the CEQ Web site. Federal water planning has been guided by a process that has remained largely unchanged for over 25 years. The first set of "Principles and Standards" was issued in September 1973 to guide the preparation of river basin plans and to evaluate federal water projects. Following a few attempts to revise those initial standards, the current principles and guidelines went into effect in March 1983.

In the Water Resources Development Act of 2007, Congress instructed the Secretary of the Army to develop a new Principles and Guidelines for the U.S. Army Corps of Engineers (Section 2031). In an effort to modernize the approach to water resources development, the Obama Administration is expanding the scope of the Principles and Guidelines to cover all federal agencies that undertake water resource projects, not just the four agencies (i.e., U.S. Army Corps of Engineers, Bureau of Reclamation, Natural Resources Conservation Service and the Tennessee Valley Authority) which are subject to the current Principles and Guidelines. The revised Principles and Guidelines include a number of important changes that modernize the current approach to water resources development in this country, which include: Achieving Co-Equal Goals: The Administration's proposal reiterates that federal water resources planning and development should both protect and restore the environment and improve the economic well-being of the nation for present and future generations. While the 1983 standards emphasized economic development alone, the new approach calls for development of water resources projects based on sound science that maximize net national economic, environmental, and social benefits.

Considering Monetary and Non-Monetary Benefits: The revised Principles and Guidelines shift away from the earlier approach to project selection. Specifically, this revised version will consider both monetary and non-monetary benefits to justify and select a project that has the greatest net benefits – regardless of whether those benefits are monetary or non-monetary. For example, the monetary benefits might capture reduced damages measured in dollars while the non-monetary benefits might capture increased fish and wildlife benefits, or biodiversity.

Avoiding the Unwise Use of Floodplains: The new Principles and Guidelines represent significant progress in the way we manage our floodplain resources. The decision to modify water resources and floodplains will be based on evaluations of the services gained and lost by such an action. Only those actions that provide a net benefit will be further pursued or recommended for construction. For the first time such evaluations must give full and equal consideration to nonstructural approaches that can solve the flooding problem without adversely impacting floodplain functions.

Moving forward the interagency work will focus on the development of the "Procedures" which lay out the detailed methodology for conducting implementation studies under this new Principles and Guidelines.

"For too long, our nation's water resources have been steered by outdated guidelines that favored development over all else," said Andrew Fahlund, vice president of Conservation for American Rivers, "With clear support from Congress, the Obama Administration is beginning to ensure those rules prioritize 21st century approaches to water management that work with nature rather than against it. These Principles and Guidelines should provide a clear and mandatory direction to federal agencies that healthy rivers, wetlands, and floodplains are at the heart of safe and economically sustainable communities. With the looming threat of greater and more intense storms due to global warming, this cannot happen at a more important time. We greatly appreciate the Administration's efforts to this point."

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