



# The Western Coalition of Arid States

## WESTCAS

January 26, 2011

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#### **WEBSITE/E-MAIL**

WWW.WESTCAS.ORG  
westcas@mindspring.com

The Honorable Nancy Sutley, Chair  
White House Council on Environmental Quality  
722 Jackson Street NW  
Washington DC 20503

Attn: Robyn Colosimo ( [rcolosimo@ceq.eop.gov](mailto:rcolosimo@ceq.eop.gov))

Dear Ms. Sutley:

WESTCAS is a coalition of approximately 125 water and wastewater districts, cities, towns and professional organizations focused on water quality and water quantity issues in the States of Arizona, California, Colorado, Nevada, New Mexico, and Texas. Our mission is to work with Federal, State, and regional water agencies to promote scientifically-sound laws, regulations, appropriations and policies that protect public health and the environment in the arid West.

Representing the arid portion of the country, our members need to have a range of alternatives available to address water resource issues, including maintaining the ability to consider, plan, design and construct water resource projects. Over the past decade, the population of the Western states has grown 19.7 percent—greater than any other region of the United States. The demand for water has increased just as dramatically. Aging infrastructure, increasing environmental mandates, serious forest fires, and prolonged drought conditions have added to this demand, threatening the very communities and economies established throughout the West.

WESTCAS members develop regional scale water projects assisted by funds from the US Bureau of Reclamation (USBR), US Army Corps of Engineers (USACE), and Environmental Protection Agency (EPA). A number of important factors applicable to the arid West should be considered regarding planning water projects:

- In 2005, about 13,000,000 acre-feet per year of surface water was used for public water supply in the eight states in the arid west. Most of that surface water was delivered and stored in reservoirs from within basins and through inter-basin transfers. Public water supplies in the west are dependent on regional-scale water transmission and storage.
- The rapid population growth in the arid West is challenging the districts and municipalities to provide quality water and wastewater services due to the number of existing and new customers and increasing water demand, and new water projects will necessary to meet the demands of growth.

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*770-424-8111 Fax: 770-424-9468*



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- In addition to construction and operation costs for regional scale water, wastewater and reuse projects, the environmental regulations and standards for water production and wastewater treatment are continuing to become more stringent over time regarding both water supply and wastewater treatment, requiring more actions that increase the costs of water supply distribution and consumption and wastewater treatment and discharge. The population growth in the arid West has a significant component of retired and older citizens who are on fixed incomes, and are further challenged financially by the increasing rates charged by utilities to fund their rising costs. The rising cost of water and wastewater services are factors in economic analysis.

WESTCAS shares the concerns expressed in the National Research Council document: “A Review of the Proposed Revisions to the Federal Principles and Guidelines Water Resources Planning Document” by the National Research Council Committee on Improving Principles and Guidelines for Federal Water Resources Project Planning. WESTCAS concurs with the NRC on the fundamental shortcomings of the revised “Principles and Guidelines” and provides more detailed criticism in the following specific comments.

Specific comments on the document are as follows:

### **Finding 1:**

The distinctions among objectives, principles, and standards are not clear and their hierarchical relations are not maintained throughout the document.

### **WESTCAS Comment:**

WESTCAS agrees with both the finding and recommendation offered by the NRC report. A consistent framework, including terminology, is essential to the establishment, consistent use, and maintenance of these terms in the planning process. In the “Principles and Guidelines”, the hierarchical relationship between the terms “objectives”, “principles”, and “standards” should be clarified (a simple flow chart may be useful here.). We also recommend that a defining sentence be placed at the beginning of each standard, before the detailed narrative, to clarify the meaning of the standard. WESTCAS concurs that the terms used in the “Principles and Guidelines” be defined and used consistently within the document.

### **Finding 2:**

It is clear that the proposed revisions will apply to the four traditional water development agencies. It is not clear, however, to which other agencies the proposed revisions will apply. It also is not clear how application of the proposed revisions to additional agencies would be implemented. Finally it is not clear to which types of water resources management programs, studies, and water projects the proposed revisions will apply.

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### **WESTCAS Comment:**

WESTCAS agrees that the new “Principles and Guidelines” must clearly delineate the agencies that the “Principles and Guidelines” apply to and further explain the actions which would require an agency to employ the “Principles and Guidelines”. The fact that both the EPA and the USACE both have construction (funding) and regulatory authorities must be taken into consideration. The document must clarify which actions and in what manner these agencies are required to adhere to the “Principles and Guidelines”. Further, WESTCAS suggests that the specification of the agencies and actions required to use the “Principles and Guidelines” reflect the original intent of Congress.

WESTCAS suggests that the adoption of the “Principles and Guidelines” by all federal agencies would create confusion, cause duplication, and potentially usurp the determinations made by states (for instance those states that have primacy for the implementation and enforcement of the Clean Water Act).

The uncertainty that would be created by the adoption of “Principles and Guidelines” by all federal agencies is exemplified by the Buckman Direct Diversion Project for the City and County of Santa Fe, New Mexico. This is a drinking water supply project using surface water diversion to allow for conjunctive use of the area’s surface water and groundwater resources. Conjunctive use projects are becoming common in the arid southwest as local and state agencies try to leverage their water resources in a sustainable manner. The project is located on lands managed by the US Forest Service and Bureau of Land Management, who were lead agencies on the Environmental Impact Statement. It went through an Endangered Species Act Section 7 consultation with the US Fish and Wildlife Service. It has received funding from the Drinking Water Revolving Loan fund and from the Bureau of Reclamation. It was issued a CWA Section 404 Permit from the US Army Corps of Engineers and a CWA Section 401 certification from the State of New Mexico. In addition, it was issued a NPDES Permit by EPA which was also certified by the State of New Mexico. Likely, significant delays, additional costs and confusion would result if each of the agencies involved in projects like this were required to independently apply the procedures defined in the “Principles and Guidelines.” Further, the “Principles and Guidelines” is completely silent on how NEPA documents (e.g. Environmental Impact Statements – FONSI, EIS, ROD) would be incorporated into the planning process.

WESTCAS agrees that interagency collaboration is a worthy goal. However, it seems it will be a daunting task to achieve by adopting better “Principles and Guidelines”. Gaining input and consensus among all effected agencies on implementation of their water resource responsibilities appears well beyond the scope and direction of the CEQ. It would require agreement on program contraction and expansion by numerous federal and state agencies, redistribution of budgets and staffing, and have serious implications on the capacity of those agencies to provide service to the nation. WESTCAS considers this scope too expansive to achieve CEQ’s goals. . WESTCAS suggests that the CEQ acknowledge the similarities between the interagency collaboration within the proposed revisions of the “Principles and Guidelines” and the interagency consultation process under NEPA. The interagency collaboration process is already well established and could be used to identify opportunities where future collaborations would improve service and reduce redundancy.

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**Finding 3:**

The proposed revisions contain both general planning principles, and steps and concepts that could be part of a planning process. The planning principles are highly abstract and not fully consistent, while the planning steps collectively are confusing and lack sufficient coherence for practical implementation. As such, the proposed revisions have only limited value as policy guidance and are inadequate as an operation or “decision” document.

The CEQ should consider whether they wish this document to be used as general policy guidance, as a decision document that specifies planning steps to be followed, or both. If the proposed revisions are to provide a document that specifies planning steps and analytical procedures, the many challenges that would attend creating a document to be uniformly applied to the large range of modern water projects—locks and dams, levees, navigation channels, ecosystem restoration, flood risk management, watershed protection, water supply projects — managed across an array of federal agencies, should be considered carefully.

**WESTCAS Comment:**

Similar to NRC Finding 1, significant improvement to the overall planning and procedural guidance intended in the “Principles and Guidelines” revisions requires agreement on the appropriate content, framework and language of the document. While planners have many available and appropriate tools to apply, a more comprehensive development process should be first applied to the scope, scale and procedures that should be integrated into the revisions to the “Principles and Guidelines”. Ambiguity in the terms must be eliminated. Idealism must be traded in for a clear, concise and pragmatic approach. Consideration must be made of the scheduling, cost and technical data gathering requirements commensurate with each of the planning tools recommended for use. Further, the planning process and tools must be flexible enough to allow for local control and decision making. While water projects may be part of the national objective, it is the state and local agencies that have to live with it and they should have an appropriate level of control.

**Finding 4:**

The statement of National Objectives is confusing and inconsistently applied. The National Objective for water resources development and management activities should be stated more clearly and should be followed throughout the document.

**WESTCAS Comment:**

As articulated in our comment relative to Finding 1, it is critical to the effectiveness and consistent use of the revised “Principles and Guidelines” that the determination that a project meets the National Objective moves to the forefront and any ensuing changes remain consistent with that Objective.

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**Finding 5:**

Section 2031(b)(3)(A) of the 2007 Water Resources Development Act requires that the P&G revision ensure the use of best available economic principles and analytical techniques. However, the proposed revisions contain concepts, advice, and language that are carryovers from historical practices and documents and are not fully consistent with contemporary best practices in decision science and economics. This relates to both how analysis is conducted and the roles that it plays informing decisions. Future revisions to the P&G document should acknowledge that many considerations beyond strict benefit-cost comparisons are important in water resources decision making and are necessary to meet societal objectives.

**WESTCAS Comment:**

Similar to the comment on Finding 3, the requirement for consistency in the application of engineering, planning and other technical tools, the revised “Principles and Guidelines” must use state of the art economic analysis in developing recommendations and requirements. Again, the exercise of pragmatism is necessary to result in realistic and affordable economic analysis that can be completed in a reasonable amount of time. This may require a reduction of the economic analysis that can reasonably be achieved, and or the development of regional and or national metrics that can be adopted for local project specific use.

**Finding 6:**

The proposed revisions contain many examples of vague, conflicting, and inconsistent terminology. In future revisions, the CEQ should more carefully present and explain broad water resources concepts. The CEQ also should recognize conflicts and inconsistencies among those concepts, and seek to minimize consequences of these conflicts.

**WESTCAS Comment:**

As previously stated, WESTCAS concurs that this issue requires a significant review of the intended purpose, goals and scope of the “Principles and Guidelines”.

Sincerely,

Robert Hollander  
President

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