

Council on Environmental Quality
Attn: Terry Breyman
722 Jackson Place, NW
Washington, DC 20503

Subject: WESTCAS Comments on December 3, 2009, “Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies”

Mr. Breyman:

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, Idaho, Nevada, New Mexico, Oregon, and Texas. Our mission is to work with Federal, State, and regional water quality and quantity 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 are acutely interested in 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.

A number of important factors applicable to the arid West should be considered regarding planning water projects:

- In 2000, about 9,500 acre-feet per year of surface water was used for public water supply 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 water transmission and storage.
- The rapid population growth in the arid West is challenging the districts and municipalities to provide quality utility services for water and wastewater due to the sheer number of potential customers, their water demands, and the volumes of wastewater produced requiring treatment.
- Environmental regulations and standards 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 aged citizens who are on a fixed and/or limited financial budget, and who cannot afford the escalating utility costs being distributed to the local customer base.

WESTCAS appreciates the opportunity to provide comments on the “Proposed National Objectives, Principles and Standards for Water and Related Resources Implementation Studies.” An overarching comment on the document and the process it proposes is that is it duplicative

with the National Environmental Policy Act (NEPA) requirements. In fact, there are a number of references in this document that point out the analogous requirement under NEPA. Given the similarities it is not clear why two documents, containing the same information and analysis, would be required for water projects. A single document that: identifies the problem, purpose and need; evaluates alternative with respect to the impacts; and recommends a preferred alternative should be sufficient for any project. To require two documents unnecessarily adds to the time and expense of water projects and will have a hampering effect on water projects in the west where they are most urgently needed.

Specific comments on the document are as follows:

Preamble Section 3, National Objectives of Water Resources Planning

The “National Objectives” are referenced repeatedly within the document, but the objective is only articulated in this one section that is outside of the document (not even a page number). The “National Objectives” should be included in the body of the document. Further, only one objective is expressed. Thus it should be the “National Objective”.

Page 1; Chapter I, Section 1, Principles

Twelve “principles” are presented. Half of them refer directly to ecosystems. This represents an emphasis on environmental considerations rather than the balance of “economic, environmental and social benefits” that is called for in the “National Objective”.

Page 2; Chapter I, Section 2, Overview of the Planning Process; B

The second step, “B. Identify and assess the water and related resources problems, needs, and opportunities relevant to the planning setting associated with the study objectives” should be the first step in the process. Until the problem has been identified, there is no basis for developing study objectives.

Page 2; Chapter I, Section 2, Overview of the Planning Process; G

It cannot be determined if an alternative will be in compliance with existing environmental statutes until it has been designed, analysis has been conducted, and permits have been obtained. This requirement should be reworded to indicate that an alternative can be designed to comply with existing environmental statutes.

Page 4, Chapter II, Section 1, Implementation Studies

The phrase “significant structure” should be defined here or in the glossary.

Page 5, Chapter II, Section 2, Planning Standards

These planning standards are a reiteration of the “Planning Principles” in Chapter I. There is no need to repeat them, just describe them once, with one appellation (principles or standards).

Page 6, Chapter II, Section 2, Planning Standards, C(1)

This section would severely restrict the ability to build dams and reservoirs that are the backbone of the western water supply system. This statement should be removed and the costs, benefits, and impacts of project alternatives should be analyzed to determine if it represents a net benefit without the perfunctory dismissal of these alternatives.

Page 6, Chapter II, Section 2, Planning Standards, C(2) – (4)

These are educational and/or local land use responsibilities that should not be required in alternatives for water projects.

Page 6, Chapter II, Section 2, Planning Standards, D

There should be the recognition that using the watershed approach does not always mean that the effects or impacts of a project will be exaggerated. Using a larger watershed scale can also have the effect of minimizing the impacts of a project, when those impacts are applied over a much larger area. An example would be a project that changes the flow in one segment of a watershed, may not result in a significant change over the entire watershed. In the cases where this does occur, there should not be a double standard where the watershed approach is only used when the project impacts are inflated.

Page 10, Chapter II, Section 2, Planning Standards, H(2)

The sequence of: avoid, minimize, compensate of impacts to ecosystem services should be evaluated in consideration of the costs and presented to the stakeholders. The people who will shoulder the burden of paying for the project should have to opportunity to understand the trade-offs and cost associated with whether an ecosystem service is avoided or minimized.

Page 12, Chapter II, Section 2, Planning Standards, L

There is an inherent disconnect in projects with that have to show net National benefit and the local public who have to live with the project and, most likely, pay for the project. The scope of public outreach and involvement should be focused on the public in proximity to the project and their input should not be drowned out by the larger public that may take an interest in the project.

On behalf of WESTCAS, I wish to thank the Council on Environmental Quality for this opportunity to provide comments.

Yours very truly,

Robert Hollander
President, WESTCAS