Hicks-Ray Associates

washington dc update

## CEQ "Listening Session" on Principles & Standards Draft

**April 8, 2010**

On Wednesday we joined other water related groups in participating in a "listening session" at the White House Council on Environmental Quality [CEQ] concerning the "Principals and Standards" policy they are working on. CEQ was represented by its Chief of Staff John Larson and by Terry Breyman who has the lead in writing these standards. You will recall that this was formerly termed "Principals and Guidelines" but it was explained yesterday by CEQ that they have re-defined the current exercise as "Principals and Standards" to reflect that they don't wish to issue "Guidelines" until they have a firm handle on the "standards that they should be based on.

The reason this process is so crucial to all WESTCAS members is that the standards being prepared by CEQ will impact all Federal agencies and this, in turn, will govern whether you can receive a permit to build virtually any future project, whether you are receiving Federal funding or not.

What CEQ is trying to do is to determine the proper balance for permitted projects among environmental, economic, and human safety. The consensus among the stakeholders at the meeting was that the draft P&S gives undue balance to environmental impacts at the expense of the other two. The group asked CEQ to withdraw and re-write its draft P&S to reflect concerns that the economic and human safety aspects of the standards be given greater weight.

CEQ refused to do this but did note that the review of the National Academy of Science would probably take over a year and that they would be working closely with water resource related stakeholder groups during this period to try to ensure that our concerns are reflected in the final rule.

**A number of responses to the water groups' concerns should be noted:**

- WESTCAS comments included concerns with how the role of NEPA will be handled, basically, "Is the P&S duplicating mandates already set in place by NEPA?" Jon Carson said the language would be examined because CEQ did not intent add to or confuse, but to have the P&S "work to fulfill the NEPA requirements."
- Jon Carson appreciated the comments, however negative, because the process can become very theory-oriented and the actual words may send the wrong message. He assured the group that the drafters of the P&S were "no crazy enviros", but included many federal agencies, including agency heads, in a government-wide effort.
- CEQ's main "take away" from the comments offered was to work on "better stating the process flow" (implying that a number of comments could be addressed by wording changes in the Standards).
- Jon Carson saw a fundamental difference in CEQ's and the water groups' perspective: "We (CEQ) are not pitting the environment against the economy; that the Administration is clear that the environment is a tool for a vibrant economy." Recognizing non-monetary benefits is the only way to solve this dilemma and make better decisions.
- CEQ will not set aside and start-over, but is willing to engage, both our water group and environmentalists and other stakeholders to help resolve the "thorny details" and to help implement across the country.
- The "how to" part is not in the Standards. CEQ is putting "Teams" together to help "put the flesh on the bones." The Team process will probably take a year; but, Teams are given latitude in how to address the issues assigned and to engage outside resources on those issues.
- Jon Carson asked for volunteers to engage with the CEQ in future discussions. Each group represented was willing to take on meaningful collaboration and the P&G process continued.

WESTCAS
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