

United States Senate
WASHINGTON, DC 20510

May 17, 2011

The Honorable Nancy Sutley
Chairwoman
Council on Environmental Quality
730 Jackson Place, NW
Washington, DC 20503

Dear Chairwoman Sutley:

To ensure that federal water resources planning meets the needs and challenges of the 21st Century, Congress established a national water resources planning policy in the Water Resources Development Act (WRDA) of 2007 and directed the modernization of the Economic and Environmental Principles and Guidelines (P&G) to implement that policy.

We recognize the challenging nature of this undertaking and appreciate the efforts that the Council on Environmental Quality (CEQ) has taken to date. We are encouraged by the fact that CEQ is working to improve the draft of the P&G released in December 2009 to respond to important issues raised by the National Academy of Sciences, federal agencies, and stakeholder organizations.

As CEQ moves forward with this round of revisions, we want to reiterate the importance of ensuring that the final P&G implements the Congressionally-mandated national water resources planning policy. That policy requires that the nation's water resources projects reflect national priorities, encourage economic development, and protect the environment by: (1) seeking to maximize sustainable economic development; (2) seeking to avoid the unwise use of floodplains and flood-prone areas and minimizing adverse impacts and vulnerabilities where such areas must be used; and (3) protecting and restoring the functions of natural systems and mitigating any unavoidable damage to those systems.


This policy establishes a new framework for water resources planning and compels development of a new structure for the P&G. To this end, we reiterate the request many of us made in November 2009, and ask you to ensure that the final P&G sets forth clear and compulsory policies and criteria to guide federal water project planning that balance the goals of promoting sustainable economic development, avoiding unwise use of floodplains, and protecting and restoring functions of natural systems. These should include clear directives to avoid adverse environmental impacts to the maximum extent possible, along with specific requirements that ensure compliance with longstanding federal law. For example, a clear requirement to utilize non-structural and restoration approaches to solve a water resources problem, where practicable, would provide the type of direction needed. Clear requirements that reflect the policy in WRDA 2007 would produce projects that preserve and restore the natural systems so critical for protecting communities from floods, droughts, and sea level rise, and for providing vital habitat to fish and wildlife.

Such policies and criteria are critical to project selection. As the National Academy of Sciences and many others have made clear, benefit-cost analysis alone cannot ensure that projects are appropriate for federal investment, comply with federal law, or will meet societal obligations that include protecting public safety and the environment. As the NAS found, a benefit-cost analysis that simply requires that benefits outweigh costs “does not incorporate all concerns that appear to be referenced in the national objective.” Accordingly, the P&G should include additional factors beyond strict benefit-cost comparisons in its decision making process.

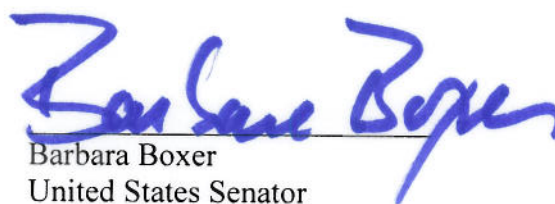
We also urge CEQ to address other important issues raised in connection with the December 2009 draft, including ensuring that the final P&G will not undermine the planning and ecological effectiveness of restoration projects. The National Academy of Sciences and others have also highlighted the importance of improving the management of existing projects and of encouraging strong interagency collaboration on water resources planning.

Again, we urge you to fully implement the national water resources planning policy enacted in 2007 and to develop P&Gs that implement the principles established by Congress. We look forward to working with you to fundamentally transform the nation’s water resources planning process for the benefit of the environment and the American taxpayer. Please do not hesitate to contact Mike Burke of Senator Cardin’s staff at mike_burke@cardin.senate.gov or 202-224-4524 for additional information or clarification.


Sincerely,




Benjamin L. Cardin
United States Senator



Barbara Boxer
United States Senator



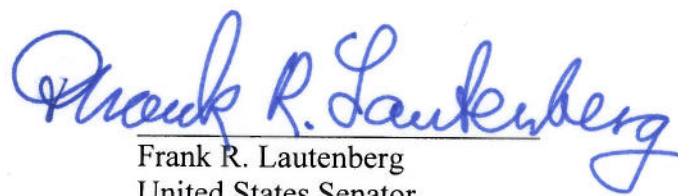
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