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Mr. Terry Breyman  
Associate Director for Natural Resources  
President's Council on Environmental Quality  
722 Jackson Place, NW  
Washington, DC 20503

Sent via e-mail to [P&G@ceq.eop.gov](mailto:P&G@ceq.eop.gov)

**Regarding:**        ***Proposed National Objectives, Principles, and Standards for Water and Related Resources Implementation Studies***

Dear Mr. Breyman:

The Interstate Council on Water Policy (ICWP) is pleased to have the opportunity to offer our perspective on and suggestions for the *Proposed National Objectives, Principles, and Standards for Water and Related Resources Implementation Studies*.

The ICWP was established in 1959 and serves as a forum for state, interstate and local water officials to help each other improve water planning and management capabilities and to speak as a group concerning the need for federal policy and assistance on specific issues. What our members have in common is the responsibility for developing policy, managing programs and implementing projects that reduce the risk of flood and drought and balance the needs of human communities with the protection of water quality, wetlands and riparian areas and the species that depend upon them.

The ICWP supports CEQ's proposal to expand the applicability of the Principles and Standards to other federal agencies. There are many on-going initiatives that pertain to water development projects under various national programs, and establishing a single set of guidelines for the federal agencies should be helpful.

The ICWP sees considerable value in the single "National Objective" that the CEQ has proposed and believes that the proposed framework of Planning Principles can be effective

in meeting that Objective with a few refinements<sup>1</sup>. We also believe that the proposed Planning Process should include the consideration of appropriate state, tribal and local agency participation very early in the process<sup>2</sup>. While the draft indicates the federal agencies' studies "shall be shared with" affected state and local agencies, tribal governments and other interested groups, we believe that the appropriate non-federal governmental agencies deserve much greater inclusion than prior federal policies have actually recognized. As indicated below, state, tribal and interstate plans for water management deserve much greater consideration in federal planning studies.

The proposed Planning Process seems to be missing a key element: it should specifically address the need to reduce or eliminate inconsistencies and conflicts among the relevant federal programs and policies. Better federal coordination, coupled with a more open, collaborative process involving the states, would afford all agencies a better opportunity to anticipate conflicts and trade-offs and agree more efficiently on solutions to watershed management problems. We suggest that the CEQ add an element to its Planning Process that increases federal consistency and coordination, perhaps similar to the design of the Coastal Zone Management Act.

There have been many demonstrated successes of such coordination, for example between Clean Water Act §319 and TMDL development programs. In these instances, EPA and states both serve as regulators, but also need to consider information and concerns of watershed stakeholders and local governments. The Yellowstone Intake Project in Montana is another recent example of this need for coordination, in which many state and federal agency biologists agreed that the Intake Project was a high priority in the recovery of pallid sturgeon in the Missouri River Basin. The Corps of Engineers was able to dedicate some of its ESA Recovery Program funds to this project. However, as the original project was under the jurisdiction of the Bureau of Reclamation, and there seemed to be an inordinate amount of federal paperwork that had to be overcome to get the funding allocated and the project moving forward.

A third example is the bi-state Memorandum of Agreement (MOA) between Arkansas and Missouri, which directs the states' efforts to identify water resource priorities, coordinate data collection and monitoring and align future studies within an area of shared concern. The success of this MOA will be greatly enhanced through coordination within and between the federal agencies that have overlapping jurisdictions, different regulatory requirements and independent funding mechanisms; it involves multiple EPA regions and Corps districts within several divisions.

We appreciate and support the emphasis that CEQ gives in Planning Principal A to the need to "protect and restore natural ecosystems and the environment while encouraging sustainable economic development." It is essential that CEQ and the other federal agencies give full consideration to the need to sustain economic vitality, avoid of adverse impacts on natural ecosystems and avoid unwise use of flood plains. Balanced implementation of this objective is as important as it will be complicated.

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<sup>1</sup> There are many confusing references throughout the December 3 draft to "Planning Objectives," i.e., using the plural instead of the singular form.

<sup>2</sup> Perhaps the second step in the proposed process should be to "Identify the appropriate role for state, tribal and local agencies and include their participation in all subsequent steps."

Sound science supported by robust datasets is critical to successful implementation studies. The ICWP is especially supportive of the proposed Planning Principle E that underscores the need to have sound science as we undertake planning studies (and many other applications, including project operation). This is a key element of the ICWP National Water Policy Charter. The ongoing reluctance by this Administration (and its predecessors) to support full implementation of the USGS National Streamflow Information Program (and to match state and local cost-share contributions supporting the USGS Cooperative Water Program) has interrupted many long-term datasets and impaired the science needed to plan reliably for a sustainable water future. Simply accepting the current data collection capability as the “best available” and acknowledging the “degree of reliability of the available information” (as indicated in Planning Principle I) will make planners unnecessarily reliant upon modeling and assumptions.

While we agree that “the data used shall be the best available”, the language in the last sentence of Planning Standard E (1) places too much emphasis on the statement that “no data over five years old shall be used.....” The sentence includes certain exceptions to the less-than-five-years-old requirement, but in the context of these Principles & Standards it often takes many years to get studies completed, so the “best available” data may be more than five years old. Furthermore, many long-term data sets should be directly used to establish historic events, trends and patterns. Good examples are the streamflow and other long term water data collected by the USGS. As a result, we recommend deletion or clarification of this requirement to avoid potential exclusion of important data and to avoid the time that may otherwise be required to justify the use of older data where the planners agree that it is reasonable and helpful.

We agree in concept with the framework suggested in Planning Principle G that encourages multi-objective watershed management, as opposed to focusing mostly on economic development value. In order to implement this successfully, your proposal recognizes a need for careful consideration of the metrics employed for making comparisons. We encourage CEQ and other federal agencies to work openly with states and interstate organizations in developing these metrics and protocols so they can be used in different watersheds with a high degree of acceptance; otherwise they are likely to generate confusion and resistance.

The proposed Principles & Standards consistently acknowledge the need to take a broad perspective and coordinate federal water resources planning with related planning efforts by the states and other entities. The ICWP urges that greater recognition of state and interstate planning accomplishments and management authorities is both necessary and valuable as an element of the new framework to realize comprehensive, practical and better-informed problem resolutions. However, leaving this element to Planning Principle M, “Collaborate Implementation Study Activities Broadly” (and leaving it out of the Planning Process) suggests that it will not get sufficient consideration. The ICWP encourages the CEQ and federal agencies with water responsibilities to utilize this principle to enhance coordination with non-federal agencies and give greater weight to their plans and priorities. The non-federal agencies with water and related responsibilities have invested enormous amounts of time and expertise in good plans, and the federal agencies should encourage that investment and leadership by relying upon those plans and engaging

those leaders as partners. Too often, states and other governing organizations are treated by the federal agencies as constituents to be involved and managed on par with public interest groups and citizens.

Thank you for the opportunity to share our perspectives. The ICWP members are looking forward to working with CEQ and the federal agencies to implement the resulting Planning Priorities and Process. If there is additional information that we can provide, or if you have questions concerning our comments, please contact our Executive Director, Peter Evans ([phe@riverswork.com](mailto:phe@riverswork.com), 703-243-7383).

Sincerely,

A handwritten signature in black ink that reads "Susan Sullivan". The signature is written in a cursive, flowing style.

Susan Sullivan  
Chairman

**Copy to: ICWP Board of Directors  
ICWP Members**

**Attachments: ICWP National Water Policy Charter**



# NATIONAL WATER POLICY CHARTER

The roles of federal, state, regional and local government in water management have evolved over the past 230 years. In response to stronger fiscal, demographic, land use and other significant influences, these roles have recently been undergoing more rapid change. This Charter provides the principles to guide that change.

This Charter has been adopted by the Interstate Council on Water Policy (ICWP), which is an organization of state and regional water management officials with a long history of experience and advocacy in water policy at the state and national levels. The principles in this Charter are rooted in widely recognized precepts and most of them have been advanced by the ICWP and other leadership organizations for many years. The ICWP has added principles in February 2007 that reflect recent progress and new challenges in water resource management. It is our hope that a wide variety of organizations, agencies, and individuals within the broader water community will join in the endorsement, promotion, and integration of these guiding principles.

The principles encompassed by this National Water Policy Charter are stated briefly below and described further in the following pages. Each of these principles has been stated separately to highlight and clarify an essential aspect of water policy, but all seven are interrelated and should be viewed in context as an integrated set.

- Manage water for sustainable, long-term goals recognizing both human needs and the health of water-dependent ecosystems.
- Manage surface and groundwater as an integrated hydrologic system, considering water quality and quantity in all phases of the hydrologic cycle.
- Improve government performance by streamlining, consolidating, and integrating programs and by increasing their responsiveness and effectiveness.
- Develop the information and models needed to set water management priorities based on relative risk, giving consideration to the cost, benefits and uncertainties of management alternatives.
- Invest in and rely on the best science available in setting water policies and making management decisions, including the implementation and operation of projects.
- Improve the quality of public dialogue on water resource issues and alternatives and engage all affected interests in making water policy and program decisions.
- Use incentives to achieve the desired management objectives whenever regulatory mandates can be avoided.

## **MANAGE WATER FOR SUSTAINABILITY**

Water is an essential and renewable resource, but its availability and utility are limited. We must manage our uses of water, and our activities that affect it, for long-term sustainability as an integral part of our ecosystem.

Our communities expect steadily increasing water supplies to satisfy diverse human needs (for drinking, washing, irrigation, transportation, generating power, recreation, aquatic restoration, *etc.*). However, this expectation presents escalating social, environmental and economic tensions that are becoming familiar in regions of our country where water has been abundant.

At the same time, it is important to recognize the vital need for clean water in the functioning of all ecosystems; environmental functions must be protected or restored. Our municipal, industrial and agricultural activities affect water quantity and quality, requiring better science and closer attention in balancing our needs and expectations within the dynamic limits of the hydrologic system; maintaining that balance is essential in protecting our communities and their sustainability.

Resource conservation and pollution prevention principles must be integrated into our development and management strategies.

The overriding goals of water management should be the sustainability of water uses for the long term and balance among community objectives and the ecological needs within our watersheds.

## **MANAGE WATER AS AN INTEGRATED SYSTEM**

An integrated approach in our management of water resources is the only effective means of informing and updating our stewardship capabilities as we face so many competing and interrelated demands.

Water resources should be managed on the basis of hydrologic units, considering uses and contributing factors in all portions of a watershed and the associated aquifers. Political jurisdictions rarely reflect appropriate geographic or hydrologic boundaries, so it is usually necessary to include all appropriate jurisdictions in the identification and solution of water problems.

All factors affecting the hydrologic cycle, including precipitation, evapotranspiration, infiltration, erosion, sediment and pollutant loading, water storage and consumption, *etc.*, need to be understood and accounted for as part of our water management programs. Surface and groundwater are interrelated, as are water quality and quantity, and they must be managed as an integrated system on a watershed basis.

## **IMPROVE GOVERNMENT PERFORMANCE IN WATER MANAGEMENT**

Clear allocation of resource management responsibilities is essential. Many water management functions are shared among or duplicated by federal, state, tribal, regional, and local government programs. This sharing and duplication often causes inconsistent policy and complicates implementation, reducing the efficiency and effectiveness of our water resource management efforts. It also increases frustration among the regulated community, the public, and the agencies themselves, especially with regard to emergency response.

The federal government's ability to set national priorities, maintain consistent standards and provide financial, scientific and technical assistance continue to be essential so that states, tribes and local governments can develop adequate capability to carry out their responsibilities. Its direct management role, however, should be limited to issues of national priority, intervening only when requested by state, regional, or local governments, and as directed by the Congress.

The federal government should support the states, tribes, local governments, and interstate organizations through nationwide data collection and monitoring activities, and through relevant research. The federal government must also serve an important role in helping to resolve disputes among states and to develop projects that have interstate or international benefits.

The states bear primary responsibility, authority, and accountability for water resource management, and should delegate appropriate responsibilities to regional, local and private-sector institutions with the ability to carry them out. Interstate organizations are especially useful in resolving interstate water issues that require cooperation and coordination among many local, state, tribal and federal interests.

Where it is economically feasible and would improve agency performance, including accessibility and responsiveness to the public, similar water management programs and functions should be consolidated and streamlined. A key objective in this consolidation should be the integration of similar functions and clarification of requirements and responsibilities.

Where consolidation is not desirable, improved coordination and accountability are essential to facilitate efficient problem solving and minimize inconsistency and duplication.

### **EXPAND CAPABILITIES & APPLICATION OF RISK-BASED MANAGEMENT**

Federal and state water agencies should collaborate in the development of new planning and evaluation tools that fully incorporate the costs, benefits, and risks of management actions, including economic, social, and environmental values, so that better informed policy choices can be made.

Techniques for multi-objective evaluation have been available for years to evaluate the cost and benefits of various water management decisions, but they have not been adequately quantified and incorporated non-economic values, such as environmental and social trade-offs. As a result, risk-based decision making has not gained sufficient understanding or support.

Risk assessment is the science of determining a quantitative risk exposure associated with a particular activity (e.g., the cancer risk for an individual exposed to a toxic pollutant). Risk management determines the “acceptable risk” for taking or not taking alternative courses of action and comparing them with the likelihood of achieving the desired management objectives. Comparison of relative risk can be especially valuable in the treatment of management uncertainties and for directing limited staff and financial resources toward the most beneficial water management projects. These comparisons may also prove useful in the allocation of public funds among flood control, drought protection, water quality improvement, power generation, navigation enhancement, habitat restoration and other valued programs.

However, risk management policy choices tend to be value-laden and decision-makers who rely on risk assessment and risk management techniques should clearly acknowledge and explain the information and assumptions used to determine both the cost and benefits of reducing risk. For example, a wide range of opinion will exist as to the “acceptable risk” of losing lives and suffering property damage and economic loss from floods, droughts, pollution, etc., of any given magnitude. It is important to continue developing a greater understanding of the utility and limitations of risk-based decision making and to improve the consistency of methods across programs and environmental media.

## **INVEST IN AND RELY ON SOUND SCIENCE**

Regardless of our objectives, authorities, partnerships, *etc.*, the quality of our measurements, our analytical methods and our interpretive abilities must always provide the foundation for effective community protection, economic development and environmental stewardship. If it doesn't get measured, it won't get managed. The clarity, objectivity, and utility of our water data (and the interpretive and forecasting models and other scientific methods we use to understand them) require continuous investment of effort, creativity and funding.

Information on water use, its availability and quality, environmental relationships, and the results being achieved by water supply, flood protection, pollution control, conjunctive use, instream flow protection and other programs need to be more accurately quantified. The same is true for our projections of future water needs and the consequences of future management options.

Paradoxically, as the complexity of these interrelated uses and limitations continues to increase, the basis to sustain and extend good scientific information is eroding. As we identify significant gaps in our collection and management of water quality and ground water data, we are losing hundreds of vital stream gages.

We must sustain our investment in acquiring the best data and developing the best science possible if we expect them to support our future needs in setting water policies, making management decisions and in implementing and operating projects.

## **IMPROVE PUBLIC DIALOGUE & INCLUDE AFFECTED INTERESTS**

Our nation, its citizens and government leaders need to be more aware of and more informed about our water resources and management alternatives.

The long-term success of any water policy depends upon consistent leadership and sustained public support. Ultimately, it is the public, through their judgment of the value and effectiveness of the policy, who will determine the extent and nature of continued efforts.

Survey after survey shows that the public is concerned about clean and abundant water, yet most citizens become vocal and active only at times of real or perceived crisis. Clearly, however, times of conflict or crisis are not the best for constructive exploration of the underlying issues.

In too many situations, plenty of information is available about our water resources and problems, but little of that information is presented in a clear understandable and usable form. Much of it is, therefore, susceptible to confusion or misrepresentation of motives and management options in service to narrow objectives. When we cannot agree on the basic measurements, for example, it is even more difficult to agree on problem definition or potential solutions.

Involving the interested stakeholders and the public in setting priorities and planning the implementation activities, water management programs gain greater commitment and support for the decisions and the results. Working in collaboration, government officials, community leaders, water users, land owners, business managers and groups representing other interests should share and build upon past experience, reducing divisive influences and competition for scarce resources.

Most government agencies recognize that many diverse interests and stakeholders have legitimate concerns with water management decisions and seek effective ways to keep them informed and involved. It is, therefore, important for government agencies and private organizations to improve understanding of each other's perspectives on water issues, to enable and extend more constructive dialogue on water policy and management decision making.

All our agencies should improve opportunities for informed participation and effective collaboration in the development and implementation of water management programs.

## **USE INCENTIVES TO ACHIEVE OBJECTIVES**

Most of our water management programs develop and adapt in response to problems that communities and the marketplace didn't resolve on their own. As a result, regulatory approaches have been the preferred method of water management by government.

There is increasing recognition, however, that command-and-control methods are less efficient in terms of their ability to achieve broader water management goals in many circumstances. While regulatory programs provide an important level of protection, especially for new and persistent problems, a variety of financial and market-based incentives should be developed to promote more environmentally responsible behavior. For example, fees based on the quantity of pollutants discharged have proven to be effective incentives for pollutant reduction and may be more cost-effective and quicker at achieving water management objectives.

Wherever appropriate, existing programs should incorporate non-regulatory strategies, using a mix of tools that will most effectively achieve the desired objectives. Financial incentives and implementation flexibility can be tied to clear regulatory standards to encourage investments in measures that go beyond minimum regulatory requirements. Examples include reduced permit fees, increased permit length, watershed compliance points and subsidized financing in order to reward partnership, innovation, and investment in water conservation, wastewater reclamation, pollution reduction, habitat restoration, stormwater controls and other stewardship functions.



*ICWP and its members are working to implement these principles and we pledge to work with others who support them. We will strive to see them implemented through federal and state laws, programs and policies throughout the United States. The ICWP will use this Charter to evaluate water policy proposals under consideration by Congress, state legislatures, and executive agencies.*

***We invite you to join us!***

### ***Interstate Council on Water Policy***

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