



S A C O G

## Land Use & Housing Committee

Item #10-2-2  
Action

January 27, 2010

### **Board Principles for Public Comment on the Principles and Guidelines for Water and Land Related Resources**

**Issue:** Public comment on the Principles and Guidelines for Water and Land Related Resources

**Recommendation:** Staff recommends that the Land Use & Housing Committee recommend that the Board approve the principles for public comment on the Principles and Guidelines for Water and Land Related Resources document.

**Discussion:** On December 3, 2009, the White House Council on Environmental Quality (CEQ) released to both the Federal Register for public comment and, in accordance with WRDA 2007, to the National Academy of Sciences (NAS), a draft update to the Principles and Guidelines for Water and Land Related Resources, which would significantly change the mandates that currently govern the nation's water resources. The NAS review is expected to be completed by November 2010. CEQ will take public comment on the new draft Principles and Guidelines for 90 days via the CEQ website ([www.whitehouse.gov/ceq](http://www.whitehouse.gov/ceq)).

As stated by CEQ, "The proposal would require that such projects help to improve the economic well-being of the Nation for present and future generations, better protect communities from the effects of floods and storms, help communities and individuals make better choices about where to build based on an understanding of the risk, and protect and restore the environment." The proposal calls for the development of water resources projects to be based on sound science, increased consideration of both monetary and non-monetary benefits to justify and select a project, improved transparency, and consideration of nonstructural approaches that can solve the flooding problem without adversely impacting floodplain functions. The proposal would also expand the scope of the Principles and Guidelines to cover all federal agencies that undertake water resource projects.

Federal water planning has been guided by a process that has remained largely unchanged for over 25 years. The first set of "Principles and Standards" was issued in September 1973 to guide the preparation of river basin plans and to evaluate federal water projects. Following a few attempts to revise those initial standards, the current Principles and Guidelines went into effect in March 1983.

In the Water Resources Development Act of 2007, Congress instructed the Secretary of the Army to develop new Principles and Guidelines for the U.S. Army Corps of Engineers (section 2031). In an effort to modernize the approach to water resources development, the Obama Administration is expanding the scope of the Principals and Guidelines to cover all federal agencies that undertake water resource projects, not just the four agencies (i.e., U.S. Army Corps of Engineers, Bureau of Reclamation, Natural Resources Conservation Service, and the Tennessee Valley Authority) which are subject to the current Principles and Guidelines.

Late last year, SACOG Executive Director Mike McKeever and Consultant Stacey McKinley initiated conversations regarding the revision to the Principles and Guidelines with Terry Breyman, Deputy Director for Natural Resources, at CEQ. Given the potential implications to the six-county region, SACOG, through committee direction, engaged and has effectively established a voice in the decision-making process. SACOG is now positioned to potentially be utilized as a real-time pilot and sounding board as work, which has been launched via the release of the proposed Principles and Guidelines and is currently moving into an interagency forum. The forum will focus on the development of the "Procedures" which lay out the detailed methodology for conducting implementation studies under the new Principles and Guidelines. The interagency process to develop those procedures was launched in mid-January and will likely take more than a year to complete. Each agency will develop its own "Implementation Guidance" to outline how the new Principles and Guidelines apply to their agency-specific missions to be completed in late 2010.

SACOG continues significant engagement on this issue, and Ms. McKinley has meetings in D.C. with Mr. Breyman on January 27 and 28, 2010 to further define SACOG's potential ongoing role in the next phase of development of the Principles and Guidelines and implementation process.

Pending potential further definition, the following broad topic areas are offered for the Land Use & Housing Committee's

review for inclusion in Public Comment, which SACOG intends to make in advance of the federal government's deadline of March 6, 2010. The revised Principles and Guidelines include a number of important changes that seek to modernize the current approach to water resources development in this country that include the following broad points, upon which SACOG may wish to offer public comment. Following the CEQ's description of their broad objectives, please note suggested points for SACOG comment.

Achieving Co-Equal Goals: The Administration's proposal reiterates that federal water resources planning and development should both protect and restore the environment and improve the economic well-being of the nation for present and future generations. While the 1983 standards emphasized economic development alone, the new approach calls for development of water resources projects based on sound science that maximize net national economic, environmental, and social benefits.

Considering Monetary and Non-Monetary Benefits: The revised Principles and Guidelines shift away from the earlier approach to project selection. Specifically, this revised version will consider both monetary and non-monetary benefits to justify and select a project that has the greatest net benefits – regardless of whether those benefits are monetary or non-monetary. For example, the monetary benefits might capture reduced damages measured in dollars while the non-monetary benefits might capture increased fish and wildlife benefits, or biodiversity.

Avoiding the Unwise Use of Floodplains: The new Principles and Guidelines represent significant progress in the way we manage our floodplain resources. The decision to modify water resources and floodplains will be based on evaluations of the services gained and lost by such an action. Only those actions that provide a net benefit will be further pursued or recommended for construction. For the first time, such evaluations must give full and equal consideration to nonstructural approaches that can solve the flooding problem without adversely impacting floodplain functions.

Increasing Transparency and "Good Government" Results: The revised Principles and Guidelines are intended to significantly increase the transparency of the planning and implementation process for water resource development projects in this country. The proposed changes were made to deliver "good government" results for the American people. It is expected that the use of best science, peer review, and full transparency will ensure that projects undergo a more rigorous study process, which should inform authorization and funding decisions.

Proposed Public Comment Points:

- Definition of SACOG's role in region and history of working to achieve "Co-Equal" goals of smart planning and economic prosperity (Blueprint) with emphasis on base case vs. Blueprint preferred growth alternative.
- Define local and state policy and law already in place in California which mandate or encourage many of the goals within the proposed Principles and Guidelines (SB 375, AB 32). Support CEQ in looking to these as examples for potential inclusion and evidence that California should be guided through implementation of the Principles and Guidelines with these mandates in mind.
- Stress the need for CEQ to look at "Co-Equal" goals of environmental need when defining Principles and Guidelines. (Not ignoring air quality and climate change indicators).
- Define Sacramento Region and its current use of Floodplain and current state of Floodplain Management. Address work underway by SAFCA and the Corps of Engineers (in partnership with SACOG) to develop the Aquatic Resources Inventory. Stress the need to have the scope of current and past work recognized and guidance to the region be mindful of both these achievements and federally funded goals.
- Stress the need for CEQ to maintain a transparent process during all facets of Principles and Guidelines development and to coordinate with all federal agencies which will be affected by this revised guidance, and that coordination between the agencies be seen as one of paramount importance such that redundancy of efforts and development of cross-purposed mandates be avoided to the best extent possible.
- Define SACOG's ability to serve as a pilot agency as the Principles and Guidelines are finalized, implementation guidance is established by all federal agencies covered by the new Principles and Guidelines, and implementation occurs.

Approved by:

Mike McKeever  
Executive Director